



# **Centralized National Risk Assessment for Argentina**

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## Risk assessments that have been finalized for Argentina

Controlled Wood categories		Risk assessment completed?
1	Illegally harvested wood	YES
2	Wood harvested in violation of traditional and human rights	YES
3	Wood from forests where high conservation values are threatened by management activities	YES
4	Wood from forests being converted to plantations or non-forest use	YES
5	Wood from forests in which genetically modified trees are planted	YES

## Risk designations in finalized risk assessments for Argentina

Indicator	Risk designation (including functional scale when relevant)
Controlled wood category 1: Illegally harvested wood	
1.1	Specified risk
1.2	N/A
1.3	Specified risk for natural forests Low risk for forest plantations included in the Law 25.080 N/A for forest plantations not included in the Law 25.080
1.4	Specified risk for natural forests Low risk for forest plantations included in the Law 25.080 N/A for forest plantations not included in the Law 25.080
1.5	Specified risk for natural forests Low risk for forest plantations in the province of Misiones N/A for the rest of forest plantations
1.6	Specified risk
1.7	Specified risk
1.8	Specified risk for natural forests Low risk for forest plantations
1.9	Specified risk
1.10	Specified risk
1.11	Specified risk
1.12	Specified risk
1.13	Specified risk
1.14	N/A
1.15	Specified risk
1.16	Specified risk for natural forests Low risk for forest plantations
1.17	Specified risk for natural forests Low risk for forest plantations
1.18	Specified risk
1.19	Specified risk for natural forests Low risk for forest plantations
1.20	Specified risk for natural forests N/A for forest plantations
1.21	N/A
Controlled wood category 2: Wood harvested in violation of traditional and human rights	
2.1	Low risk
2.2	Specified risk for rights to freedom of association and collective bargaining, child labour, forced labour and on gender wage discrimination. Low risk for discrimination
2.3	Specified risk

Controlled wood category 3: Wood from forests where high conservation values are threatened by management activities	
3.0	Specified risk for HCV 5 and HCV 6 Low risk for HCVs 1, 2, 3 and 4
3.1	<p>Specified risk for:</p> <ul style="list-style-type: none"> <li>• Native Forest Category I (not legal) and Category II.</li> <li>• Areas (Plantation and native Forests) located inside or neighbouring: <ul style="list-style-type: none"> <li>- SIFAP Areas (C 30)</li> <li>- IBAs areas (C 8)</li> <li>- Priority Areas identified by WWF Global 200 (C 25), Conservation International Hotspots (C 45), and other Biodiversity NGOs in the following Forest Regions: Selva Paranaense (C: 7,42,43); Selva Tucumana Boliviana-Yungas (C: 20, 25, 41, 44), Bosque Andino Patagónico (C: 5, 6,21, 26, 40), Gran Chaco (C: 23, 41)</li> </ul> </li> <li>• Native forests containing Protected Timber tree species (specified per region):</li> </ul> <p>Parque Chaqueño forest region</p> <ul style="list-style-type: none"> <li>- <i>Argentine lignum vitae</i> or vera or Palo Santo (<i>Bulnesia sarmientoi</i>)</li> </ul> <p>Selva Paranaense forest region (province of Misiones):</p> <ul style="list-style-type: none"> <li>- <i>Black lapacho</i> (<i>Handroanthus heptaphyllus</i>),</li> <li>- Rosewood (<i>Aspidosperma polyneuron</i>),</li> <li>- Parana Pine (<i>Araucaria angustifolia</i>)</li> </ul> <p>Bosque Andino Patagónico forest region:</p> <ul style="list-style-type: none"> <li>- Patagonian cypress o alerce (<i>Fitzroya cupressoides</i>),</li> <li>- Monkey-puzzle (<i>Araucaria araucana</i>),</li> <li>- Guaytecas cypress (<i>Pilgerodendrum uviferum</i>)</li> </ul> <p>Selva Tucumana Boliviana forest region (IUCN Red List)</p> <ul style="list-style-type: none"> <li>- Cedro kolla (<i>Cedrela lilloi</i>),</li> <li>- Roble criollo or roble del país (<i>Amburana cearensis</i>).</li> </ul> <p>Low risk for the rest of the country</p>
3.2	<p>Specified risk for:</p> <ul style="list-style-type: none"> <li>• Large, landscape-level blocks (&gt;50,000 ha) of Native Forest Categories I (not legal) and II</li> <li>• Forest plantation and Native Forest Category III enclosed on those large, landscape-level blocks (&gt;50,000 ha) of Native Forest Categories I (not legal) and II</li> <li>• Forest Plantations and Native Forest overlapping or neighbouring <ul style="list-style-type: none"> <li>- IFL areas,</li> <li>- SIFAP Areas, &gt;50,000 ha</li> <li>- Hotspots</li> <li>- WWF Global 200</li> <li>- Priority biodiversity conservation and corridors identified per Forest Region</li> </ul> </li> </ul> <p>Low risk for the rest of the country</p>

3.3	<p style="text-align: center;">Specified risk for:</p> <ul style="list-style-type: none"> <li>• Native Forest Categories I (not legal) and II</li> <li>• Areas (Plantation and native Forests) located inside or neighbouring: <ul style="list-style-type: none"> <li>- SIFAP Areas</li> <li>- IBAs Areas</li> <li>- Priority areas according to studies mentioned in the occurrence assessment (G: 4,5,7,8,9,10,13,14,15,16,17,18,20,21)</li> </ul> </li> <li>• Forest Plantations located inside Valuable Grassland Areas</li> </ul> <p style="text-align: center;">Low risk for the rest of the country</p>
3.4	<p style="text-align: center;">Specified Risk for:</p> <ul style="list-style-type: none"> <li>• Native Forest in Categories I (not legal) and II</li> <li>• Protected Areas in SIFAP</li> <li>• Protective Forests</li> </ul> <p style="text-align: center;">Low Risk for:</p> <ul style="list-style-type: none"> <li>• Native Forests in Category III not located inside or neighbouring <ul style="list-style-type: none"> <li>- SIFAP Areas</li> <li>- Protective Forests</li> </ul> </li> <li>• Forest Plantations not located inside or neighbouring <ul style="list-style-type: none"> <li>- SIFAP Areas</li> <li>- Protective Forests</li> </ul> </li> </ul>
3.5	Specified risk
3.6	Specified risk
Controlled wood category 4: Wood from forests being converted to plantations or non-forest use	
4.1	Specified risk
Controlled wood category 5: Wood from forests in which genetically modified trees are planted	
5.1	Low risk

# Risk assessments

## Controlled wood category 1: Illegally harvested wood

### Overview

The Republic of Argentina has a continental area of 2,791,810 km<sup>2</sup>, between 22° and 55° south Latitude. Argentina has 23 provinces and its capital, the Autonomous City of Buenos Aires (CABA). According to its National Constitution, the country adopted a representative, federal, republican system. Regarding natural resources, all provinces and the CABA have their own constitutions, laws and institutions regulating these aspects as well as others; for instance, concerning tax laws (except VAT, which is a federal tax), rates and the forest waybill system. With regards to labour, safety and health, land tenure and usufruct areas there are national laws, although in some cases there can be provincial or sectorial adaptations (e. g. work agreements by productive sectors) that are mandatory.

In the Transparency International ranking 2018 (<http://www.transparency.org/country/ARG>), Argentina occupies the 85th place out of 180 evaluated countries, with a score of 40/100; category corresponding to a country with a high degree of corruption. In the ranking of bribery payments, the country occupies rank 23/28, with a score of 7.3 over 10 possible points (Bribe Payers Index (2011), <http://www.transparency.org/bpi2011/interactive>).

According to data from the Secretariat of the Environment and Sustainable Development (Secretaría de Ambiente y Desarrollo Sustentable) and from the 2013 updates, the country has 26,59 million of hectares of natural forest land, representing 9,52% of the total extension of the country (<http://forestindustria.magyp.gob.ar/archivos/biblioteca-forestal/segundo-reporte-de-argentina-al-proceso-de-montreal.pdf>). Also, according to the National Division of Forest Production (Dirección de Producción Forestal de la Nación) and data from SIG Area at the Ministry of Agriculture, Livestock and Fisheries (Ministerio de Agricultura, Ganadería y Pesca), currently known as Ministry of Agro-Industries (Ministerio de Agroindustrias), the land used for plantations is around 1,120,411 hectares. In the last three years the rate of growth of this area has practically been stopped.

According to Cabrera's phyto-geographic classification (1976), there are different types of forests in different regions of the country: Provincia Paranaense (NE Argentina); Provincia Chaqueña (NE and centre north); Provincia de las Yungas (NWA); Provincia del Monte (Cuyo and centre); Provincia Altoandina (Andes, centre and south); Provincia Pampeana (centre and east); and Provincia del Espinal (centre and litoral of Argentina). Another classification used in the country is the one proposed by the National Parks Administration (Administración de Parques Nacionales, APN) in 1998, categorizing eco-regions and differing from the first classification in being wider and including other eco-systems: Argentine Northwest Monte and Thistle of the Prepuna (Monte de Sierras and Bolsones), Selva Tucumano-Boliviana or Yungas, Chaco Seco, Chaco Húmedo, Selva Misionera or Paranaense, Delta and Islas del Paraná, Espina, Pampa, Argentine Low Monte (Monte de Llanuras y Mesetas), and Patagonic or Andean-Patagonic forests (see map of forest regions in Annex A) .

Natural forests are dispersed in the Northern area of Argentina, in the islands around the water complex of the rivers Paraná and Uruguay, in the North zone of Patagonia Andina, and isolated and being lower forests, in the centre area of the country. Nevertheless, forest plantations are located mainly in the coastline of Argentina, in the centre, NWA and Cuyo.

Natural forests are classified according to the National Law for the Defence of Forest Wealth (Ley Nacional de Defensa de la Riqueza Forestal), Nº 13.273 in protective, permanent, experimental, special mountains, and for production; these last two being subject to forest harvesting under legal authorization.

Land tenure is private in almost 90% of the national territory. Natural forests can be found in private and public lands, while plantations are mainly in private properties, except for the Provincia de Neuquén where there is a state corporation managing public plantations.

Regarding National Forest Institutions with competence in the whole country it has been stated that the natural forests are under the Ministry of the Environment and Sustainable Development (Ministerio de Ambiente y Desarrollo Sustentable) through the Forest Division (Dirección de Bosques), while forest plantations are promoted by the Ministry of Agro-Industries (Ministerio de Agroindustrias), through the Division of Forest Production (Dirección de Producción Forestal). At a provincial level, for example, the Ministry of Ecology of Misiones has interference in the ordering and use of the native forest, as well as in its conservation. The Ministry of Production of Missions is in charge of the promotion of forest plantations. These provincial authorities through their entities (names varying according to provinces, divisions, secretariats, sub-secretariats, ministries, etc.) are the ones in charge of approving management plans for natural forests (or equivalent name, as it also varies according to the province), forest plans (plantations), supervising forests and in some cases, dictating, establishing and controlling provincial laws. Although there are different administrative realities in each province, in general terms, authorities check documents, undertake inspections before issuing permits, supervise closing or endings of operative plans, issue reports (approvals, denials, provide requested complementary information, etc.).

The use of wood from natural forests is regulated at national level through Law N 13.273 on the Defence of Forest Wealth (Defensa de la Riqueza Forestal). Also, each province has its own legislation regulating use, promotion and research. In order to gain usufructuary rights of natural forests for any activity (forest, recreational, etc.) owners need to obtain permits from provincial authorities. In all cases, these permits are requested through provincial delegations representing the interests of those authorities. In general terms, the documents to submit are as follows: owner's title, leasing contract (if applicable), Management Plans, and Environmental Impact Assessments (if applicable), in addition to the payment of applicable fees. The greatest volumes of natural forest species used include: *Prosopis alba*, *P. nigra*, *P. flexuosa*, *P. kuntzei*, *Aspidosperma quebracho-blanco*, *Schinopsis balansae*, *Astronium balansae*, *Apuleia leiocarpa*, *Cedrella fissilis*, *Junglans regia*, *Parapiptadenia rigida*, *Tabebuia heptaphyla*, *T. impetiginosa*, *T. serratifolia*, *Nothofagus pumilio*.

In its report "Forest Emergency", Greenpeace adds: in 1880, the tannin industry was established in Argentina producing a strong landscape degradation due to indiscriminate felling of species like quebracho colorado (*Schinopsis lorentzii*, family Anacardiaceae) (...) Since 1900, another destructive processes started, when the agricultural and livestock country, situated mainly in the humid pampa is expanded to the interior aided by the railroad extension, with new borders which means more clearing in ecologically unstable areas due to scarce water supply (...). Year after year, the agricultural and livestock border and the extensive cattle breeding keep expanding in a progressive way, becoming the main drivers of ecosystems degradation.

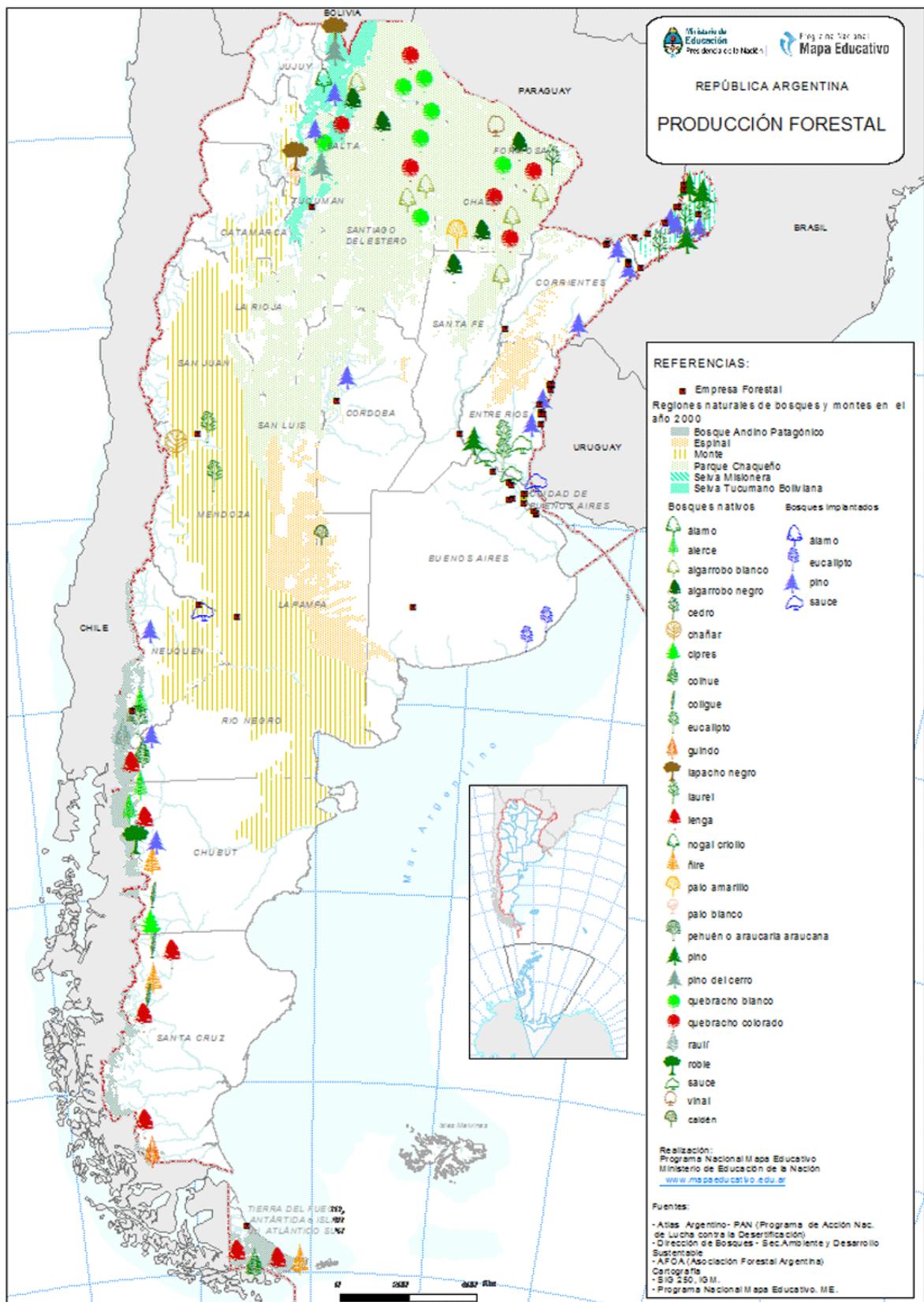
Regarding forest plantations, there are other administrative requirements for planting, harvesting and transportation of forest products, including: registration in the Registry of Forest or Forest-Industrial Undertakings (Registro de Emprendimientos Forestales o Forestoindustriales), Annual Operating Plans (AOP), and Environmental Impact Assessment. In both cases, economic administrative requirements (fees, taxes, etc.) vary according to the province in which the resources are located. The most common cultivated species are: *Eucalyptus* (*E. grandis*, *E. dunnii*, *E. camaldulensis*, *E. saligna*, *E. citriodora*, among others); *Pinus* (*P. elliotii*, *P. taeda*, *P. pinaster*, *P. patula*, among others, and also some hybrids), *Salix*, *Grevillea robusta*, *Melia azedarach*.

National law N° 25080 (01/1999) “Investment for forest plantation” (Extended and reformed by the law N° 26432 – 12/2008), provides incentive for the establishment and management of forest plantations until harvesting. The program grants the holder of the approved forest plan with economic and tributary benefits. This National law has been ratified by all the provinces under the scope of this NRA (province of Misiones – Law N° 3585; province of Corrientes - Law N° 5890; province of Entre Ríos – Law N° 9953; province of Buenos Aires Law N° 14227; province of Santa Fe – Law N° 13320). The Law states that forest plantations to be benefited by these incentives should not be established on land covered by arboreal native masses or permanent or protective forests. The forest plantation must be managed according to the approved management plan by the authority. Among other requirements, the Law demands the accomplishment of an environmental impact evaluation that must be approved by the Ecology Department from each province.

According to the National Constitution, the management of natural resources is a responsibility of the provinces, following the minimum standards of protection defined at the national level. Aiming to protect native forest from deforestation, National Law No. 26.331 (16) “Minimum Budget for Forest Protection” was enacted in 2007. This law obliges every province to develop its Native Forests Land Plan (Ordenamiento Territorial del Bosque Nativo, OTBN) according to three main categories to classify all native forests with further delination according to ten conservation criteria: Category I (red): sectors with very high conservation values that should not be transformed; Category II (yellow): sectors with medium conservation values that, although they may be degraded, could have high conservation values with the implementation of restoration activities. The following uses are allowed: sustainable harvesting, tourism, and scientific collection and research. The final classification is Category III (green): sectors with low conservation values that can be partially or totally transformed even under the criteria given in this law. The law also created the Conservation and Enrichment of Native Forests National Fund to support private owners of forests in Categories I and II, as well as provincial authorities. Except for the province of Buenos Aires, all other jurisdictions have defined a category for their forests, resulting in a total of 19% falling within Category I (red), 60% within Category II (yellow), and 21% within Category III (green).

The evaluation has been carried out for the whole country, however, in the description of the laws, given the idiosyncrasy of the territorial organization, the general laws applicable for all territory have been included, and in terms of province laws, the most pertinent and representative provinces have been selected for this type of evaluation. The provinces selected (Misiones, Chaco, Salta) represent different geographies basically: East, Central, West and all with some economic and forestry importance.

**Figure 1.** Map of plantation and natural forest (Source: Forestry production- National educational map program. Ministry of Education of the Nation).



The list of sources provided in FSC-PRO-60-002a, section 3.3.3 has been reviewed for relevance with regards to the national legality risk assessment of Argentina. The following sources have been used:

- a. Government reports and assessments of compliance with related laws and regulations
- b. Independent reports and assessments of compliance with related laws and regulations, e.g. the Royal Institute of International Affairs (<http://www.illegallogging.org>)
- c. Justice tribunal records
- d. Public summaries of FSC forest management certification reports published at [info.fsc.org](http://info.fsc.org) (information on legal areas where non-compliances have been identified during the certification process that are likely to be common for non-certified operations)
- e. Stakeholder and expert consultation outcomes from NRA development processes
- f. Transparency International Corruption Perceptions Index ([http://www.transparency.org/policy\\_research/surveys\\_indices/cpi](http://www.transparency.org/policy_research/surveys_indices/cpi);g). In cases where other sources of information are not available, consultations with experts within the area shall be conducted
- g. Map of forest regions Argentina (Cabrera, 1976), [https://cyt-ar.com.ar/cyt-ar/index.php/Regiones\\_forestales\\_de\\_Argentina](https://cyt-ar.com.ar/cyt-ar/index.php/Regiones_forestales_de_Argentina))
- h. Map of plantation and natural forest (Forestry Production- National Educational Map Program. Ministry of Education of the Nation, [www.mapaeducativo.edu.ar](http://www.mapaeducativo.edu.ar))

Where relevant, they have been specifically referenced under “sources of Information” for each applicable indicator.

The remaining sources were found not to be relevant for the legality risk assessment for Argentina:

- a. Chatham House: <http://www.illegal-logging.info/>
- b. ELDIS regional and country profiles: <http://www.eldis.org>
- c. Environmental Investigation Agency: <http://www.eia-international.org>
- d. EU FLEGT process: [http://ec.europa.eu/comm/development/body/theme/forest/initiative/index\\_en.htm](http://ec.europa.eu/comm/development/body/theme/forest/initiative/index_en.htm)
- e. Forest Legality Alliance: <http://www.forestlegality.org/>
- f. Interpol: <http://www.interpol.int/Crime-areas/Environmental-crime/Projects/Project-LEAF>
- g. Public summaries of other 3<sup>rd</sup> party forest legality certification/verification systems
- h. World Bank Worldwide Governance Indicators: <http://data.worldbank.org/datacatalog/worldwide-governance-indicators>

## Sources of legal timber in Argentina

Forest Classification Type	Permit/ License Type	Main License Requirements (Forest Management Plan, Harvest Plan or Similar?)	Clarification
Natural forest	Forest use permit	Forest harvesting plan (general and according to jurisdiction, including Environmental Impact Assessment, corresponding authority monitoring report (informe de fiscalización), ownership title, corporation act, etc.); And Forest transportation waybill	Legal entities interested in timber harvesting (cutting) in natural forests need to obtain a license from the authority. This license is issued mainly if the specific forest is located in a “green (low conservation value forests. If other provincial requirements are fulfilled, management of these forests and clearance are allowed) or yellow zone (medium conservation value forests. Through an analysis by competent provincial authorities, forest management with logging activities is allowed)”, according to the OTBN/ Native Forest Land Plan (Ordenamiento Territorial de Bosques Nativos) from the province where the permit has been requested. Then the applicant must present the annual plan as part of the harvesting plan, among other requirements. Once the license has been obtained and the trees cut, it is necessary to request the forest products transportation waybill. This document is valid for timber transportation and its name varies according to the province and its laws, as well as if the product has a higher value added (for instance: boards, parts of furniture, furniture, etc.). Inspection authorities carry out field audits prior to harvesting and usually also afterwards in order to assess the work done (location, forms in which the rest of the forest has been affected, etc.).
Natural forest	Land use conversion permit	Land use conversion plan (in general and according to jurisdiction, including Environmental Impact Assessment, corresponding authority monitoring report, ownership title, corporation act, etc.); And Forest transportation waybill	In land use conversion, if the specific forest is in the green zone (low conservation value forests. If other provincial requirements are fulfilled, management of these forests and clearance are allowed), according to the OTBN (Ordenamiento Territorial de los Bosques Nativos) it is possible to obtain wood legally from natural forests although it will clearly be a one-time situation. The prominent difference regarding other permits for using resources and those in this category is that the applicant (requesting the permit) presents his project in public hearing which results will impact approval or not of the mentioned permit. Although these public hearings are new in the national scope, several have been done and the applicant as well as the authority openly invite the civil society to participate in the consultation.
Forest plantations	Forest plan	Forest plan approved (including Environmental Impact Assessment, corresponding authority monitoring report, ownership title, corporation act, etc.); And Transportation documents for forest raw material (its name, requirements, amounts and type of taxes varies in each province).	Forest plantations operated under National Law N°25.080 (extended and amended by National Law N° 26432/08) (Ley Nacional N°25.080 (extendida y reformada por la Ley Nacional N° 26432/08)) do not need any kind of permit or license for harvesting. In order to receive the benefits of this law, it is only required to have an approved forest plan; nevertheless, if this approval does not happen for any reason or the procedure is discontinued, the stakeholder can harvest the wood with no other requirements, although the benefits of the stated law will not be granted. Plantations done outside this promotion law are scarce and although they do not need a harvesting permit either, both cases do need transportation documents, varying according to province and accompanying invariably the forest load. Transportation documents have expiration dates in all cases.

## Risk assessment

Indicator	Applicable Laws and Regulations, Legal Authority, and Legally Required Documents or Records	Sources of Information	Risk Designation and Determination
<b>Legal Rights to Harvest</b>			
1.1 Land Tenure and Management Rights	<p><b>Applicable laws and regulations</b></p> <ul style="list-style-type: none"> <li>National Constitution: National Law N° 24.430 (approved in 1853 with reforms in years: 1860, 1866, 1898, 1957 and 1994. Approved in December 15<sup>th</sup>, 1994. Enacted: January 3<sup>rd</sup>, 1995. Articles 121 and 124. [Constitución Nacional: Ley N° 24.430 (sancionada en 1853 con las reformas de los años 1860, 1866, 1898, 1957 y 1994). Sancionada: Diciembre 15 de 1994. Promulgada: Enero 3 de 1995]. Available at: <a href="http://servicios.infoleg.gob.ar/infolegInteernet/anexos/0-4999/804/norma.htm">http://servicios.infoleg.gob.ar/infolegInteernet/anexos/0-4999/804/norma.htm</a></li> <li>National Law N° 26.737, Protection Provisions of the National Domain on Property, Ownership, and Rural Land Tenure (approved: December 22<sup>nd</sup>, 2011, enacted: December 22<sup>nd</sup>, 2011). Chapters III, IV- Articles 14 and 15, and Chapter V [Ley Nacional N° 26.737, Régimen de Protección al Dominio Nacional sobre la Propiedad, Posesión o Tenencia de las Tierras Rurales. (Sancionada: Diciembre 22 de 2011, Promulgada: Diciembre 27 de 2011)]. Available at: <a href="http://www.mininterior.gov.ar/fronteras/pdf/ley-26737.pdf">http://www.mininterior.gov.ar/fronteras/pdf/ley-26737.pdf</a></li> <li>National Law N° 13.273, Law for the Defence of Argentina Forest Wealth (November, 1995). Chapters III (Art. 12,</li> </ul>	<p><b>Government sources</b></p> <ul style="list-style-type: none"> <li>Ministry of Agro-Industries, the Nation's Presidency (2000). <i>Decommoditization of primary goods [Ministerio de Agroindustrias, Presidencia de la Nación (2000). Descomoditización de bienes primarios]</i>. [online]. Available at: <a href="http://www.ucar.gob.ar/index.php/biblioteca-multimedia/buscar-publicaciones/24-documentos/261-argentina-situaciones-problematicas-de-tenencia-de-la-tierra">http://www.ucar.gob.ar/index.php/biblioteca-multimedia/buscar-publicaciones/24-documentos/261-argentina-situaciones-problematicas-de-tenencia-de-la-tierra</a></li> <li>Ministry of Agro-Industries, the Nation's Presidency, International Fund for Agricultural Development (2016). <i>The Problems of the Earth in Argentina</i>. [Ministerio de Agroindustrias, Presidencia de la Nación, Fondo Internacional de Desarrollo Agrícola (2016). La Problemática de la Tierra en Argentina]. [online]. Available at: <a href="http://www.ucar.gob.ar/index.php/biblioteca-multimedia/buscar-publicaciones/23-libros/287-la-problematica-de-la-tierra-en-argentina">http://www.ucar.gob.ar/index.php/biblioteca-multimedia/buscar-publicaciones/23-libros/287-la-problematica-de-la-tierra-en-argentina</a></li> </ul> <p><b>Non-government sources</b></p> <ul style="list-style-type: none"> <li>Transparency International (2018). Corruption Perception Index 2018, <i>Argentina</i>. [online]. Available at: <a href="https://www.transparency.org/country/#ARG">https://www.transparency.org/country/#ARG</a></li> </ul>	<p><b>Overview of Legal Requirements</b></p> <p>The laws of the country refer to land tenure and use in several legal documents, such as: the National Constitution (Constitución Nacional): the right to use and dispose of property, Article 14; Law N 26.737 (Ley N 26.737): to determine ownership and regulate land tenure, Article 2 (Art. 2), regulates land tenure for foreigners; Chapter III, creates the National Registry of Rural Land, Article 14; Law N 13.273 (Ley N 13.273): requires land owners begin using the resources according to previous agreements with authorities, article 12; establishes conditions for legal logging, articles 22 to 33; Law N 26.331 (Ley N 26.331): establishes the categories of forests connected to a country order and corresponding activities approved in each one of them, Article 9 (Art.9).</p> <p>Land tenure is demonstrated through legal documents proving ownership or the legal use land rights in the long term, while rights to forest management are demonstrated by Real Rights to Land (Derecho Real de Superficie) which applies only in plantation cases through a forest concession license (the name varies according to province), being it a harvesting permit (selective or non-selective cutting), land use conversion clearance) permit, or forest plan (for plantation, forest, industrial or cattle breeding purposes).</p> <p><b>Description of risk</b></p> <p>Land tenure continues to be a weak aspect of legal control in the country, particularly in rural areas. All types of problems can be seen: communal land may be sold in fractions to legal entities or private companies (expert consultation), non-registered titles (very old papers), cadastral deviations, among others. This becomes illegal when there is no consent from the whole community such as what happened in Isla de Cañas</p>

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	<p>13 and 14) and V (Art. 25 and 26) [Ley Nacional N°13.273, Ley de la Defensa de la Riqueza Forestal Argentina (Noviembre de 1995)]. Available at: <a href="http://www.ambienteforestalnoa.org.ar/serfiles/legislacion/pdf/Ley13273yreglamento.pdf">http://www.ambienteforestalnoa.org.ar/serfiles/legislacion/pdf/Ley13273yreglamento.pdf</a></p> <ul style="list-style-type: none"> <li>National Law N°25509/01. Real Rights of Forest Area (approved on November 14<sup>th</sup>, 2001): Articles N 2, 3, 5 and 7 [Ley Nacional N°25509/01. Derecho Real de Superficie Forestal]. Available at: <a href="http://www.infoleg.gob.ar/infolegInternet/verNorma.do?id=70786">http://www.infoleg.gob.ar/infolegInternet/verNorma.do?id=70786</a></li> <li>National Law N 26.331 Minimum Budget for Environmental Protection of Natural Forests (approved on November 28<sup>th</sup>, 2007), Chapter II, Article 9 [Ley Nacional N 26.331. Presupuestos mínimos de protección ambiental de los bosques nativos]. Available at: <a href="http://servicios.infoleg.gob.ar/infolegInternet/anexos/135000-139999/136125/norma.htm">http://servicios.infoleg.gob.ar/infolegInternet/anexos/135000-139999/136125/norma.htm</a></li> </ul> <p>Provincial Legislation:</p> <ul style="list-style-type: none"> <li>Each province manages its own resources, dictates its own laws, regulations, decrees and procedures. Legal framework diversity and its dynamics are very wide.</li> <li>As there are at least 12 provinces with natural forests and plantations in the country from which commercial goods are obtained, the more representative,</li> </ul>	<ul style="list-style-type: none"> <li>Chaco Argentina Agro-Forest Network (2012). <i>Report conflicts over land tenure and environmental in the Chaqueña region of Argentina</i>. Red Agroforestal Chaco Argentina (2012). [Informe conflictos sobre la tenencia de la tierra y ambientales en la region Chaqueña Argentina]. [online]. Available at: <a href="http://redaf.org.ar/3-informe-conflictos-sobre-la-tenencia-de-la-tierra-y-ambientales-en-la-region-chaquena-argentina/">http://redaf.org.ar/3-informe-conflictos-sobre-la-tenencia-de-la-tierra-y-ambientales-en-la-region-chaquena-argentina/</a></li> <li>Red Agroforestal Chaco Argentina (2013). <i>Conflict of land tenure and environmental in the region of Chaco</i> [Conflictos sobre tenencia de tierra y ambientales en la Región del Chaco Argentino]. [online]. Available at: <a href="http://redaf.org.ar/wp-content/uploads/2013/07/3informeconflitos_observatorioredaf.pdf">http://redaf.org.ar/wp-content/uploads/2013/07/3informeconflitos_observatorioredaf.pdf</a></li> </ul> <p><b>Interviews with experts</b></p> <p>Conversations with different experts: held during the months of February and March 2016. They helped the authors of this report to better understand the applicable legislation and the risks associated to each legislation category. Regarding this indicator several representatives of different organizations were interviewed, such as: Democratic Change Foundation [Fundación Cambio Democrático], Greenpeace Argentina, Pro-Yungas Foundation [Fundación ProYungas], and independent consultants.</p>	<p>(Salta province); Las Lajitas (Santiago del Estero), Interfluvio (Chaco), and others (expert consultation 2016). Normally, problems related to land tenure appear when landholders request credits, subsidies or try to sell the land.</p> <p>The Third Report of Conflicts on Land Tenure and the Environment in the Argentina Chaco Region (Tercer Informe de Conflictos de Tenencia de la Tierra y Ambientales en La Región del Chaco Argentino (REDAF, 2012)), describes 386 cases of conflict of land tenure and the environment identified in the region; 248 were solved in eight provinces from the Chaco Region: Catamarca, Chaco, Córdoba, Corrientes, Formosa, Salta, Santa Fe, and Santiago del Estero. From these 248 solved cases, 214 were about land tenure, 24 for environmental problems, and 10 for both problems simultaneously. According to this report 127,886 persons have been affected by land tenure conflicts and 1,499,952 by environmental conflicts.</p> <p>In the Transparency International ranking (CPI), the country occupies the 85<sup>th</sup> place of 180 evaluated countries, with a score of 40/100. In the ranking of bribery payments, the country occupies rank 23/28, with a score of 7.3 over 10 possible points (Bribe Payers Index 2011, from the Transparency International Corruption Perception Index 2015). This shows a high level of corruption as many of these actions are related to natural resources, in terms of ownership or tenure, and with regards to usufructuary rights (logging); especially in relation to natural forests and the ecosystems they shelter, being this more frequent in the north of Argentina.</p> <p>Several non-government sources file public complaints on cases of irregularity related to land tenure and rights to request permits, among them: Mandela Centre DD.HH. (Centro Mandela DD.HH.) (<a href="http://www.centromandela.com">www.centromandela.com</a>); Greenpeace Argentina (<a href="http://www.greenpeace.org/argentina/es/">www.greenpeace.org/argentina/es/</a>); MOCASE Vía Campesina (<a href="http://www.mocase.org.ar">www.mocase.org.ar</a>); FARN (<a href="http://www.farn.org.ar">www.farn.org.ar</a>); ENDEPA (<a href="http://www.endepa.org.ar">www.endepa.org.ar</a>); Agro-</p>

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	<p>in terms of traded and planted volumes, and diversity of species and populations related to forests, among other factors are given as examples. These provinces are: Misiones, Chaco and Salta.</p> <ul style="list-style-type: none"> <li>• Misiones Law XVI – ° 36 Regulation of the Participation of the Provincial State in the Process of Regulation of Tenure and Domain of the Land, of Spontaneous Occupancy of Private Domain Lands. (approved on October 21<sup>st</sup>, 1994). Available at: <a href="http://digestomisiones.gob.ar/uploads/documentos/leyes/LEY%20XVI%20-%20N%2036.pdf">http://digestomisiones.gob.ar/uploads/documentos/leyes/LEY%20XVI%20-%20N%2036.pdf</a></li> <li>• Chaco Law 2913: of the fiscal lands and colonization [De las tierras fiscales y de la colonización] (approved on January 10<sup>th</sup>, 1984). Available at: <a href="ftp://ftp.justiciachaco.gov.ar/biblioteca/COLONIZACION/Ley%202913%20VERIFICADA%2006-09-2011.pdf">ftp://ftp.justiciachaco.gov.ar/biblioteca/COLONIZACION/Ley%202913%20VERIFICADA%2006-09-2011.pdf</a></li> <li>• Salta Law 26,737. Regime of protection to the national domain on the property, possession or tenure of the rural lands. Province of Salta (approved on September 6<sup>th</sup>, 2016). Available at: <a href="http://boletinoficialsalta.gob.ar/NewDetalleDecreto.php?nro_decreto=1377/16">http://boletinoficialsalta.gob.ar/NewDetalleDecreto.php?nro_decreto=1377/16</a></li> </ul>		<p>Forest Network (Red Agroforestal) (<a href="http://www.redaf.org.ar">www.redaf.org.ar</a>), among others. Several of the mentioned webpages include complaints regarding natural resources management, among which are some against rights to felling. It is worth mentioning that links to these complaints are not on Internet and in order to do a follow-up of the legal system in Argentina, it is necessary to follow a formal legal process with legal advice.</p> <p><b>Risk conclusion</b></p> <p>This indicator has been evaluated as specified risk. Threshold (2) is met: identified laws are not upheld consistently by all entities and/or are often ignored, and/ or are not enforced by competent authorities.</p>

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	<p><b>Legal authority</b></p> <ul style="list-style-type: none"> <li>• The executive branch and the judiciary branch (both with responsibilities in implementing the National Constitution).</li> <li>• Forest division from the National Ministry of the Environment and Sustainable Development [Dirección de Bosques del Ministerio de Ambiente y Desarrollo Sustentable de la Nación].</li> <li>• Division of Afforestation from the Ministry of Agro-Industries [Dirección de Forestación del Ministerio de Agroindustrias] (for cases of forest plans).</li> </ul> <p><b>Legally required documents or records</b></p> <ul style="list-style-type: none"> <li>• Documents approving land tenure: <ul style="list-style-type: none"> <li>• Title (Individual, Community, Companies, Legal entities, etc.);</li> <li>• Title Deed;</li> <li>• Ownership Certificate;</li> <li>• Usufructuary Rights;</li> <li>• Similar others (like Usucapion or adverse possession).</li> </ul> </li> <li>• Documents proving the right to start a process to obtain a permit: <ul style="list-style-type: none"> <li>• Approved forest plan, in the case of plantations;</li> <li>• Leasing or usufruct contracts;</li> </ul> </li> </ul>		

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	<ul style="list-style-type: none"> <li>Conservation plan, Sustainable Management Plan, or Land Use Conversion Plan, in the case of natural forests.</li> </ul>		
1.2 Concession Licenses	<p><b>Applicable laws and regulations</b></p> <p>Not applicable.</p> <p><b>Legal Authority</b></p> <p>Not applicable.</p> <p><b>Legally required documents or records</b></p> <p>Not applicable.</p>	<p><b>Government sources</b></p> <p>Not applicable.</p> <p><b>Non-government sources</b></p> <p>Not applicable.</p>	<p><b>Overview of Legal Requirements</b></p> <p>No forest concessions have been issued in the country in the past decades. Furthermore, none of historically registered concessions granted are valid in forest lands or natural forests. Legislation regarding concession existed in the past, but it is not applicable any more. Even when the Law of Defense of the Forest Richness (Ley de Defensa de la Riqueza Forestal) (that speaks about concessions) is still applicable, there are many other modern regulations that “regulate” this old law. So, this law is used as a frame, but specific requirements are pointed out in new laws, procedures, decrees, etc.</p> <p><b>Description of risk</b></p> <p>Not applicable.</p>
1.3 Management and Harvesting Planning	<p><b>Applicable laws and regulations</b></p> <ul style="list-style-type: none"> <li>National Law N°26.331: Minimum Budget for Environmental Protection of Natural Forests (approved on November 28<sup>th</sup>, 2007), Chapters V, Articles 13, 14, 16, 17 and 19 [Ley Nacional N°26.331: Ley de Presupuestos Mínimos de Protección Ambiental de los Bosques Nativos]. Available at: <a href="http://servicios.infoleg.gob.ar/infolegInte rnet/anexos/135000-139999/136125/norma.htm">http://servicios.infoleg.gob.ar/infolegInte rnet/anexos/135000-139999/136125/norma.htm</a></li> </ul>	<p><b>Government sources</b></p> <ul style="list-style-type: none"> <li>Registry of Offenders from the Environmental Police. [Registro de Infractores de la Policía Ambiental]. [online]. Available at: <a href="http://www.cba.gov.ar/policia-ambiental/registro-infractores-policia-ambiental/">http://www.cba.gov.ar/policia-ambiental/registro-infractores-policia-ambiental/</a></li> <li>And the example of infraction registry for the region of Córdoba. [online]. Available at: <a href="http://www.cba.gov.ar/policia-ambiental/registro-infractores-policia-ambiental/">http://www.cba.gov.ar/policia-ambiental/registro-infractores-policia-ambiental/</a></li> </ul>	<p><b>Overview of legal requirements</b></p> <p>There are differences between natural forests and forest plantations requirements. However, national laws are in place as a general framework for management and harvesting planning requirements. The National Environmental Law forms the basis for the legal framework at the national level and covers sustainable resources management, preservation and protection of biodiversity and sustainable development implementation. It establishes a general normative framework for environmental issues. Subsequently, complementary laws to this general law were issued going as far as promoting free access to public environmental information, territorial legislation and a directory of environmental offenders.</p>

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	<ul style="list-style-type: none"> <li>National Law N°13.273 for the Defence of Argentina Forest Wealth (approved on November, 1995). Chapters III, Articles 12 and 15 [Ley Nacional N°13.273, Ley de la Defensa de la Riqueza Forestal Argentina (Noviembre de 1995)]. Available at: <a href="http://www.ambienteforestalnoa.org.ar/serfiles/legislacion/pdf/Ley13273yreglamento.pdf">http://www.ambienteforestalnoa.org.ar/serfiles/legislacion/pdf/Ley13273yreglamento.pdf</a></li> <li>National Law N° 25.675, General Law for the Environment (approved on November 2002), articles 2, 8, 10 [Ley Nacional N 25.675, Ley General del Ambiente (2002)]. Available at: <a href="http://www.icaa.gov.ar/Documentos/Ges_Ambiental/LEY-25675-GENERAL-AMBIENTE.pdf">http://www.icaa.gov.ar/Documentos/Ges_Ambiental/LEY-25675-GENERAL-AMBIENTE.pdf</a></li> <li>National Law N 25.080 and N 26.432 (extends the previous one), Investment for cultivated forests, Articles 5 and 31 [Ley Nacional N 25.080 y N 26.432 (Prorroga la anterior), Inversiones para bosques cultivados] (approved on December 1998). Available at: <a href="http://www.infoleg.gob.ar/infolegInternet/anexos/55000-59999/55596/texact.htm">http://www.infoleg.gob.ar/infolegInternet/anexos/55000-59999/55596/texact.htm</a></li> <li>National registry of Offenders - Resolution 514/09 (approved on June 2009) (Article 2 of law 26331) [Registro Nacional de Infractores]. Available at: <a href="http://argentinambiental.com/legislacion/">http://argentinambiental.com/legislacion/</a></li> </ul>	<p><b>Non-government sources</b></p> <ul style="list-style-type: none"> <li>FARN (Environment and Natural Resources Foundation) [Fundación Ambiente y Recursos Naturales]. [online]. Available at: <a href="http://www.farn.org.ar/wp-content/uploads/2014/07/POLICY-Bosques-Salta-ESP.pdf">http://www.farn.org.ar/wp-content/uploads/2014/07/POLICY-Bosques-Salta-ESP.pdf</a></li> <li>Transparency International (2018). <i>Corruption Perception Index 2018, Argentina</i>. [online]. Available at: <a href="http://www.transparency.org/country/#ARG">http://www.transparency.org/country/#ARG</a></li> <li>Greenpeace (2008). <i>Argentina</i>. [online]. Available at: <a href="http://www.greenpeace.org/argentina/Globa/argentina/report/2008/3/emergencia-forestal.pdf">http://www.greenpeace.org/argentina/Globa/argentina/report/2008/3/emergencia-forestal.pdf</a></li> <li>Press-North Daily (2014). [Prensa-Diario Norte (2014)]. [online]. Available at: <a href="http://www.diarionorte.com/article/115418/la-tala-indiscriminada-se-llevo-218034-hectareas-de-bosques-en-el-chaco">http://www.diarionorte.com/article/115418/la-tala-indiscriminada-se-llevo-218034-hectareas-de-bosques-en-el-chaco</a></li> <li>FSC report of FM/COC in Argentina: <a href="https://info.fsc.org">https://info.fsc.org</a> Some examples listed below: <ul style="list-style-type: none"> <li>FSC Certificate. [online]. Available at: <a href="https://info.fsc.org/details.php?id=a0240000005sRUeAAM&amp;type=certificate">https://info.fsc.org/details.php?id=a0240000005sRUeAAM&amp;type=certificate</a></li> <li>FSC Certificate. [online]. Available at: <a href="https://info.fsc.org/details.php?id=a0240000005sWJOAA2&amp;type=certificate">https://info.fsc.org/details.php?id=a0240000005sWJOAA2&amp;type=certificate</a></li> </ul> </li> </ul>	<p>Natural forests: Each province establishes specific requirements for the whole process of the use of resources in natural forests (from enrichment, harvesting, as well as land use conversion), according to Articles 121 and 124 of the National Constitution, amended in 1994. These requirements include planning and filing of the required documents, payment of audit fees, leases and transportation of timber. Planning and legal use rights are approved when the respective plan is approved. In general terms, this is the procedure to follow:</p> <ul style="list-style-type: none"> <li>Prove land tenure;</li> <li>Classify the land according to the Law of Minimum Budgets (there are areas where harvesting or plantations can be done, and areas where all productive activities are forbidden- for reference on classification see Overview section);</li> <li>Submit and obtain approval of Management Plan or Conservation Plan (including several components such as species inventory; environmental values, such as rivers, streams, etc.; resource management proposal, etc.);</li> <li>Submit and obtain approval of Environmental Impact Assessment;</li> <li>Submit an AOP (Annual Operating Plan) detailing annual activities to be carried out;</li> <li>In case of a Plan with Land Use Conversion (PCUS, in Spanish), it is mandatory to go through the process of consultation and public hearings, in addition to the submission of an Environmental Impact Assessment.</li> </ul> <p>Eventually, and with variations according to jurisdiction, even in the same province, once the forest harvesting or land use conversion starts (clearance), appropriate authority representatives will inspect the plot. Planning documents undergo desk audits by authorities, but they will only be validated during the field visit. There are some exceptions like</p>

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	<p>nacional/resolucion-51409-bosques-registro-nacional-infraactores/</p> <p>Provincial Legislation:</p> <ul style="list-style-type: none"> <li>Each province manages its own resources, dictates its own laws, regulations, decrees and procedures. Legal framework diversity and its dynamics are very wide</li> <li>As there are at least 12 provinces with natural forests and plantations in the country from which commercial goods are obtained, the more representative, in terms of traded and planted volumes, and diversity of species and populations related to forests, among other factors are given as examples. These provinces are: Misiones, Chaco and Salta.</li> </ul> <p>Misiones</p> <ul style="list-style-type: none"> <li>Law XVI – N°105 (approved on September 2010): Act on Territorial Planning and Land Use of Natural Forests [Ley XVI – N°105 del 02/09/2010: Ordenamiento Territorial de los Bosques Nativos]. Available at: <a href="http://digestomisiones.gob.ar/uploads/documentos/leyes/LEY%20XVI%20-%20N%20105.pdf">http://digestomisiones.gob.ar/uploads/documentos/leyes/LEY%20XVI%20-%20N%20105.pdf</a></li> </ul> <p>2 main aspects included on the previous law related with this section: Creation of the Provincial Program for Protection</p>	<ul style="list-style-type: none"> <li>FSC Certificate. [online]. Available at: <a href="https://info.fsc.org/details.php?id=a0240000005sWP7AAM&amp;type=certificate">https://info.fsc.org/details.php?id=a0240000005sWP7AAM&amp;type=certificate</a></li> </ul> <p><b>Interviews with experts</b></p> <p>Conversations with different experts carried out during the months of February and March 2016 – helped authors to understand better the applicable legislation and the associated risks in the field implementation. Referring to this indicator, representatives of different organizations were interviewed, such as: Forests Bank [Banco de Bosques], Greenpeace Argentina, ProYungas Foundation [Fundación ProYungas], Wild Life Foundation [Fundación Vida Silvestre], Forest Division from the Ministry of Agro-Industries [Dirección Forestal del Ministerio de Agroindustrias], CITES Authority [Autoridad CITES), CECOAL (Northeast Centre for Ecology) [Centro de Ecología del Nordeste].</p>	<p>the one in the Provincia de Tierra del Fuego, where authority inspection is done before harvesting activities begin.</p> <p>Plantations: Projects or forest plans under forest promotion regulations have three components:</p> <ul style="list-style-type: none"> <li>Technical: submitting an application or annexes with detail of the activities intended to be performed, together with graphic land documentation (mapping);</li> <li>Legal: referring to legal land documentation or incorporation act of legal entities;</li> <li>Environmental: Environmental Impact Assessment (only for planting projects).</li> </ul> <p>In the case of forest plantations under these promotional regulations (National Law 25.080 that support plantation activities in several regions), the provincial authority supervises these activities. Once the plantation finalises its growing stage, that authority provides data to the National Government in order to make the appropriate payments or implement the awaited tax relief.</p> <p>If the forest plantation is not included under promotional regulations, the national and provincial authorities do not fiscalize activities (plantation, harvesting, commerce, etc). Clearly, the ownership of this plantation does not receive benefits in relation to the promotional scheme.</p> <p><b>Description of risk</b></p> <p>According to information provided by some organizations, such as Environment and Natural Resources Foundation (Fundación Ambiente y Recursos Naturales, FARN) which refers to the “12th Report on the Nation’s General Audit (AGN): In May, 2014 AGN made public a report in which it points out that Ministerio de Ambiente y Desarrollo Sustentable (currently the Ministry of Environment) has not</p>

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	<p>and Sustainable Management of Natural Forests [Programa Provincial de Protección y Manejo Sostenible de los Bosques Nativos].</p> <p>Creation of Provincial Fund for Compensating and Promoting Natural Forests [Creación de los Fondos Provinciales de Compensación y de Promoción de los Bosques Nativos]. Available at: <a href="http://www.ecologia.misiones.gov.ar/eco_web/index.php/normativa-vigente">http://www.ecologia.misiones.gov.ar/eco_web/index.php/normativa-vigente</a> (need to enter on “biodiversidad” folder).</p> <ul style="list-style-type: none"> <li>• Law XVI-7 (formerly, Law N 854); Law of Forests (approved on September 1977) (Article 10, 18, 19). [Ley XVI-7 (Antes Ley N 854): Ley de Bosques (Art. 10, 18, 19)]. Available at: <a href="http://digestomisiones.gob.ar/uploads/documentos/leyes/LEY%20XVI%20-%20N%207.pdf">http://digestomisiones.gob.ar/uploads/documentos/leyes/LEY%20XVI%20-%20N%207.pdf</a></li> <li>• Law VIII-37 (formerly, Law N°3585): Adhesion to National Law N° 25.080. Investment for Cultivated Forests (approved on July 1999). Article 5. [Ley VIII-37 (Antes Ley N°3585): Adhesión a la Ley Nacional N° 25.080. Inversiones para Bosques Cultivados]. Available at: <a href="http://digestomisiones.gob.ar/uploads/documentos/leyes/LEY%20VIII%20-%20N%2037.pdf">http://digestomisiones.gob.ar/uploads/documentos/leyes/LEY%20VIII%20-%20N%2037.pdf</a></li> </ul>		<p>enough institutional power to accomplish an integral, efficient and effective management of public policies as established in the Forest Legislation. It points out that natural forest policies have not yet been harmonized with those regarding agricultural production, and this represents a potential threat for the conservation of natural forests. It also points out the Ministerio de Ambiente y Desarrollo Sustentable has little capabilities to undertake field control. No improvements were found with regards to the implementation of a monitoring system for conservation, management and harvesting plans in land use conversion, nor performance indicators. Neither is there enough information about non-compliances and penalties applied by provinces, nor a database centralizing information on the various provincial management instruments.</p> <p>Adding to data collected through interviews to national experts and available data in public summaries of evaluation and audit processes of forests management, according to FSC, it can be concluded that with respect to natural forest planning and management, there are several risks situations, including:</p> <ul style="list-style-type: none"> <li>• Inspections are not carried out or are delayed several years, which makes it impossible to verify the initial condition of the project;</li> <li>• The concept of sites with High Conservation Value Attributes (Atributos de alto valor de conservación - AAVC) is not widespread, nor understood or implemented by economic stakeholders, natural communities or public administrations (as/ where required by law), for example in Provinces of Corrientes (Esteros del Iberá), Misiones (Guaraní tribes ancestral land – not the official but the ancestral ones), and Chaco-Salta-Formosa-Sgo (natural and indigenous people interests). Authorities could be approving harvesting or planting plans in sites where forestry activities have possibilities of causing impacts on these high conservation value attributes;</li> </ul>

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	<p>Chaco</p> <ul style="list-style-type: none"> <li>• Law N°2386: Forest Law (approved on September 1980), Article 19 [Ley N°2386: Ley de Bosques]. Available at: <a href="http://www2.medioambiente.gov.ar/sian/chaco/normativa/ley2386.htm">http://www2.medioambiente.gov.ar/sian/chaco/normativa/ley2386.htm</a></li> <li>• Law N 6409: Act on Territorial Planning and Land Use of Natural Forests (approved on December 2009), Articles 4, 8 and 9 [Ley N 6409 (2009): Ordenamiento Territorial de los Bosques Nativos]. Available at: <a href="ftp://www.justiciachaco.gov.ar/Biblioteca/BOSQUES/LEGISLACION/LEY%206409%20BOSQUES%20NATIVOS%20B.O.%208998%2004-12-2009.pdf">ftp://www.justiciachaco.gov.ar/Biblioteca/BOSQUES/LEGISLACION/LEY%206409%20BOSQUES%20NATIVOS%20B.O.%208998%2004-12-2009.pdf</a></li> </ul> <p>Salta</p> <ul style="list-style-type: none"> <li>• Law N 7070: Environment Protection (approved on December 1999), Sections I, II, III and IV, Chapter IV [Ley N 7070: Protección del Medio Ambiente]. Available at: <a href="http://argentinambiental.com/legislacion/salta/ley-7070-proteccion-del-medio-ambiente/">http://argentinambiental.com/legislacion/salta/ley-7070-proteccion-del-medio-ambiente/</a></li> <li>• Law N° 7543: Establishes the rules set forth in the Act on Territorial Planning and Land Use for the Provincia de Salta, in compliance with provision in Article 6 of National Law N° 26.331: Minimum Budget for Environmental Protection of Natural Forests (approved</li> </ul>		<ul style="list-style-type: none"> <li>• The forest inventory submitted to get approval is not always compared in the field in a professional and reliable way. There are risks of changing name species, position in stratum and slopes, diameters, etc.</li> <li>• There are even cases recorded by the CITES Authority in the Country where direct harvesting has been carried out in neighbouring lands next to those considered on the planning management documents.</li> </ul> <p>Based on expert consultation during 2016, regarding planning and forest plantation management, risks are considerably reduced if different facts are taken into account: formal procedures publicly available and easy to understand; simplicity of the project in botanical terms (one species is planted normally; sometimes two and rare cases of three to more); simplicity in technical terms (soil preparation, control of undergrowth and plagues, species are planted, pruned, thinned out and the stand is harvested). On the Registry of Offenders from the Environmental Police (see source), no specific infractions have been registered related with Management and Harvesting Planning for plantation. Furthermore, based on expert consultation made in 2016 (including governmental responsables), it was mentioned that provincial authorities do field inspections before defining the money contribution (being this a promotional regulation) or imposed tax relief, while national authorities perform the project follow-up through satellite development (or contraction) images. During these inspections, the authority performs legal and formal verification, if deviations are detected, the owner is asked to implement actions to comply the requirements and/ or a penalty fee is issued. The enforcement of the laws related of management and harvesting for plantation is acceptable and the existing risk of non-compliance has been detected as low.</p>

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	<p>on December 2008), Articles: 5, 11, 12,14, 15 and 17 [Ley N°7543: Establece las Normas de Ordenamiento Territorial de los Bosques Nativos de la Provincia de Salta, en cumplimiento de lo previsto en el artículo 6° de la Ley Nacional N° 26.331 de Presupuestos Mínimos de Protección Ambiental de los Bosques Nativos]. Available at: <a href="http://digesto.diputadosalta.gob.ar/leyes/7543.pdf">http://digesto.diputadosalta.gob.ar/leyes/7543.pdf</a></p> <p><b>Legal Authority</b></p> <p>National:</p> <ul style="list-style-type: none"> <li>• Natural Forests: Ministry of the Environment and Sustainable Development [Ministerio de Ambiente y Desarrollo Sustentable]. Available at: <a href="http://www.ambiente.gov.ar">www.ambiente.gov.ar</a></li> <li>• Forest Plantations: Division of Forest Production from the Ministry of Agro-Industries from the Nation's Presidency [Dirección de Producción Forestal del Ministerio de Agroindustria de la Presidencia de la Nación]. Available at: <a href="http://www.agroindustria.gob.ar/new/0-0/forestacion/index.php#">http://www.agroindustria.gob.ar/new/0-0/forestacion/index.php#</a></li> </ul> <p>Provincial Authorities:</p> <ul style="list-style-type: none"> <li>• There are competent authorities in the 12 provinces. The more representative, in terms of traded and planted volumes, diversity of species and populations</li> </ul>		<p><b>Risk conclusion</b></p> <p>Forest plantations: This indicator has been evaluated as N/A for forest plantations not included on the Law 25.080, and low risk for plantations included on the Law 25.080.</p> <p>Threshold (1) is met: relevant laws are generally upheld. Cases where law/ regulations are violated are efficiently followed up via preventive actions taken by the authorities and/ or by the relevant entities.</p> <p>Natural Forests: This indicator has been evaluated as specified risk.</p> <p>Threshold (2) is met: Identified laws are not upheld consistently by all entities and/or are often ignored, and/ or are not enforced by relevant authorities.</p>

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	<p>related to the forests, among other factors, were taken as examples:</p> <ul style="list-style-type: none"> <li>• Misiones: Ministry of Ecology [Ministerio de Ecología]. Available at: <a href="http://www.ecologia.misiones.gov.ar/eco_web/index.php">http://www.ecologia.misiones.gov.ar/eco_web/index.php</a></li> <li>• Chaco: Sub secretariat of Natural Resources and the Environment [Subsecretaría de Recursos Naturales y Medioambiente]. Available at: <a href="http://rnaturaleschaco.gob.ar/">http://rnaturaleschaco.gob.ar/</a></li> <li>• Salta: Ministry of Environment and Sustainable Production [Ministerio de Ambiente y Producción Sustentable]. Available at: <a href="http://www.salta.gov.ar/organismos/ministerio-de-ambiente-y-desarrollo-sustentable/10">http://www.salta.gov.ar/organismos/ministerio-de-ambiente-y-desarrollo-sustentable/10</a>.</li> </ul> <p><b>Legally required documents or records</b></p> <ul style="list-style-type: none"> <li>• Sustainable Management Plan of Natural Forest (includes forest harvesting permit) [Plan de Manejo Sostenible de Bosque Nativo (el mismo incluye el permiso de aprovechamiento Forestal)].</li> <li>• Presenting Forest Projects, Implanted Forests (Forest Plans – only plantations) [Presentación de Proyectos Forestales, Bosques Implantados</li> </ul>		

Indicator	Applicable Laws and Regulations, Legal Authority, and Legally Required Documents or Records	Sources of Information	Risk Designation and Determination
	<p>(Planes Forestales – solo Plantaciones)].</p> <ul style="list-style-type: none"> <li>Harvesting Plan for Land Use Conversion (conversion of natural forests to other land uses) [Plan de Aprovechamiento de Cambio de Uso de suelo (a partir de bosques naturales conversiones para otros usos de suelo)].</li> </ul>		
1.4 Harvesting Permits	<p><b>Applicable laws and regulations</b></p> <p>National Legislation:</p> <ul style="list-style-type: none"> <li>National Law N°26.331: Law for Minimum Budgets of Environmental Protection in Natural Forests (approved on November 2007), Chapter V; Articles 16, 17, 18, and 22 [Ley Nacional N°26.331: Ley de Presupuestos Mínimos de Protección Ambiental de los Bosques Nativos]. Available at: <a href="http://servicios.infoleg.gob.ar/infolegInternet/anexos/135000-139999/136125/norma.htm">http://servicios.infoleg.gob.ar/infolegInternet/anexos/135000-139999/136125/norma.htm</a></li> <li>National Law N°13.273: Law for the Defence of Argentina Forest Wealth (approved on November 1995) Articles 12 and 26 [Ley Nacional N°13.273: Ley de la Defensa de la Riqueza Forestal Argentina]. Available at: <a href="http://www.ambienteforestalnoa.org.ar/serfiles/legislacion/pdf/Ley13273yreglamento.pdf">http://www.ambienteforestalnoa.org.ar/serfiles/legislacion/pdf/Ley13273yreglamento.pdf</a></li> <li>National Law N 25.675: General Law for the Environment (approved on November 2002), Sections: Order,</li> </ul>	<p><b>Governmental sources</b></p> <ul style="list-style-type: none"> <li>Registry of Offenders from the Environmental Police [Registro de Infractores de la Policía Ambiental]. [online]. Available at: <a href="http://www.cba.gov.ar/policia-ambiental/registro-infractores-policia-ambiental/">http://www.cba.gov.ar/policia-ambiental/registro-infractores-policia-ambiental/</a></li> <li>Second Report from Argentina to the Montreal Process. [online]. Available at: <a href="http://forestindustria.magyp.gob.ar/archivos/biblioteca-forestal/segundo-reporte-de-argentina-al-proceso-de-montreal.pdf">http://forestindustria.magyp.gob.ar/archivos/biblioteca-forestal/segundo-reporte-de-argentina-al-proceso-de-montreal.pdf</a></li> <li>Example of infraction registry for the region of Córdoba. [online]. Available at: <a href="http://www.cba.gov.ar/policia-ambiental/registro-infractores-policia-ambiental">http://www.cba.gov.ar/policia-ambiental/registro-infractores-policia-ambiental</a></li> </ul> <p><b>Non-government sources</b></p> <ul style="list-style-type: none"> <li>FARN (Environment and Natural Resources Foundation) [Fundación Medio Ambiente y Recursos Naturales]. [online]. Available at: <a href="http://www.farn.org.ar/wp-">http://www.farn.org.ar/wp-</a></li> </ul>	<p><b>Overview of legal requirements</b></p> <p>A distinction should be made between requirements for forest harvesting in natural forests and those for forest plantations. Always taking into consideration that there are national laws which give the general framework for requirements related to issuing, maintenance and cancelling of harvesting permits, such as the General Environmental Law.</p> <p>Natural Forests: Once the management plan has been approved, it is required to request a harvesting permit and the forest waybill. Once forest harvesting or land use conversion (clearance) has begun, the competent authority, through its representatives is required by law to inspect the plot.</p> <p>Regarding harvesting permits covering indigenous or territorial lands, and according to the requirements set forth in ILO 169 Convention, a mechanism towards communities shall be implemented seeking free, prior and informed consent of these communities for implementing forest work in the vicinity, even if it is not exactly on the lands occupied by these communities, understanding that they use resources beyond the limits of the territory they inhabit.</p>

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	<p>Environmental Impact Assessment, and Environmental Damage. Articles 11, 12, and 13 [Ley Nacional N 25.675, Ley General del Ambiente (2002), Secciones de Ordenamiento, Evaluación de Impacto Ambiental, y Daño Ambiental]. Available at: <a href="http://www.icaa.gov.ar/Documentos/Ges_Ambiental/LEY-25675-GENERAL-AMBIENTE.pdf">http://www.icaa.gov.ar/Documentos/Ges_Ambiental/LEY-25675-GENERAL-AMBIENTE.pdf</a></p> <ul style="list-style-type: none"> <li>National Law N 24071 (approved on March 1992): Approval of ILO 169 Indigenous and Tribal Peoples Convention. Articles 4, 7, 14, 15, and 16 [Ley Nacional N 24071 (1992): Aprobación del Convenio 169 de OIT sobre pueblos indígenas]. Available at: <a href="http://servicios.infoleg.gob.ar/infolegInte rnet/anexos/0-4999/470/norma.htm">http://servicios.infoleg.gob.ar/infolegInte rnet/anexos/0-4999/470/norma.htm</a></li> <li>National Registry of Offenders - Resolution 514/09 (approved on June 2009) (Article 2 of 26331 Law [Registro Nacional de Infractores) (Art. 2/ de la Ley 26331]. Available at: <a href="http://argentinambiental.com/legislacion/nacional/resolucion-51409-bosques-registro-nacional-infractores/">http://argentinambiental.com/legislacion/nacional/resolucion-51409-bosques-registro-nacional-infractores/</a></li> </ul> <p>Provincial Legislation:</p> <p>Notes:</p> <p>1. As each province manages its own resources, it dictates its own laws, regulations, decrees and procedures. Diversity of legal framework and its dynamics vary widely;</p>	<p><a href="http://www.icaa.gov.ar/Documentos/Ges_Ambiental/LEY-25675-GENERAL-AMBIENTE.pdf">content/uploads/2014/07/POLICY-Bosques-Salta-ESP.pdf</a></p> <ul style="list-style-type: none"> <li>Transparency International (2018). <i>Corruption Perception Index 2018, Argentina</i>. [online]. Available at: <a href="http://www.transparency.org/country/#ARG">http://www.transparency.org/country/#ARG</a></li> <li>Greenpeace (2008). <i>Argentina</i>. [online]. Available at: <a href="http://www.greenpeace.org/argentina/Global/argentina/report/2008/3/emergencia-forestal.pdf">http://www.greenpeace.org/argentina/Global/argentina/report/2008/3/emergencia-forestal.pdf</a> and <a href="http://www.greenpeace.org/argentina/Global/argentina/report/2013/bosques/Informe-Salta-2013-FINAL.pdf">http://www.greenpeace.org/argentina/Global/argentina/report/2013/bosques/Informe-Salta-2013-FINAL.pdf</a></li> <li>Diario Norte Press. [online]. The indiscriminate felling took 218,034 hectares of forests in the Chaco [<i>La tala indiscriminada se llevó 218.034 hectáreas de bosques en el Chaco</i>] Available at: <a href="http://www.diarionorte.com/article/115418/la-tala-indiscriminada-se-llevo-218034-hectareas-de-bosques-en-el-chaco">http://www.diarionorte.com/article/115418/la-tala-indiscriminada-se-llevo-218034-hectareas-de-bosques-en-el-chaco</a></li> <li>Gomiz and Salgado (2010). <i>ILO Convention 169 on Indigenous Peoples, its application in Argentine Domestic Law [Convenio 169 de la OIT sobre Pueblos Indigenas, su aplicacion en el Derecho interno argentino]</i>. [online]. Available at: <a href="http://www.iwgia.org/iwgia_files_publications_files/ILO_argentina_text.pdf">http://www.iwgia.org/iwgia_files_publications_files/ILO_argentina_text.pdf</a></li> </ul>	<p>Forest plantations: A forest plan, for the initial plantation establishment includes several technical elements, among them, species to plant, soil preparation tasks, weed control, etc. Approved forest plans for plantations include the logging permit. No other separate permit is needed for logging, collecting or harvesting.</p> <p>The forest plan details a logging rotation cycle in the plantation, although, as the cycles are long, it is subject to change. In case there are changes in this logging rotation cycle, after formally submitting the modification, in most cases the authority authorizes the change. The main difference in the follow up from the authorities with regards to the permits for harvesting natural forests and plantations is that in the case of plantations, the National Forest Division (Dirección Forestal Nacional) does a follow up with satellite images of the implementation or progress of the forest plans. Even though this plays a controlling role as these plans are included in the promotion programme (National Law 25.080) (with stable taxes or no refundable contributions) in technical and administrative terms, it makes it possible to give an identity to each project and do a follow up on each of them. There is no mandatory legal follow up in the case of the plantations that are not included in the promotional programme (National Law 25.080). However, most of the plantations created since 1994 to now, is under the promotional scheme.</p> <p>Projects or forest plans under forest promotion regulations have three components:</p> <p>Technical: submitting an application or annexes with detail of the activities intended to be performed, together with graphic land documentation (mapping);</p> <p>Legal: referring to legal land documentation or incorporation act of legal entities;</p> <p>Environmental: Environmental Impact Assessment (only for planting projects).</p>

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	<p>2. As there are at least 12 provinces with natural forests and plantations in the country from which commercial goods are obtained, the more representative, in terms of traded and planted volumes, diversity of species and populations related to forests, among others, are given as examples. These provinces are: Misiones, Chaco and Salta.</p> <p>Misiones:</p> <ul style="list-style-type: none"> <li>• Law XVI – N°105 (approved on September 2010): Act on Territorial Planning and Land Use of Natural Forests. Creation of Provincial Programme for the Protection and Sustainable Management of Natural Forests. Creation of Provincial Funds for Compensation and Promotion of Natural Forests, Art 11. [Ley XVI – N°105 del 02/09/2010: Ordenamiento Territorial de los Bosques Nativos. Creación del Programa Provincial de Protección y Manejo Sostenible de los Bosques Nativos. Creación de los Fondos Provinciales de Compensación y de Promoción de los Bosques Nativos]. Available at: <a href="http://www.ecologia.misiones.gov.ar/eco/web/index.php/normativa-vigente">http://www.ecologia.misiones.gov.ar/eco/web/index.php/normativa-vigente</a> (need to enter on “biodiversidad” folder)</li> <li>• Law XVI-7 (formerly, Law N 854): Law of forests (approved on September 1977); Article 10 [Ley XVI-7 (Antes Ley N 854): Ley de Bosques]. Available at: <a href="http://digestomisiones.gob.ar/uploads/d">http://digestomisiones.gob.ar/uploads/d</a></li> </ul>	<p><b>Interviews with experts</b></p> <p>Discussions with different experts carried out during the months of February and March 2016, helped the authors of this report to better understand the applicable legislation and associated risks when carrying out field implementation, among them aspects related to harvesting permits. Regarding this indicator, several representatives of different organizations were interviewed, such as the Forests Bank [Banco de Bosques], Greenpeace Argentina, Pro-Yungas Foundation [Fundación ProYungas], Wild Life Foundation [Fundación Vida Silvestre] Forest Division of the Ministry of Agro-Industries [Dirección Forestal del Ministerio de Agroindustrias], CITES Authority [Autoridad CITES], CECOAL (Northeast Centre for Ecology) [Centro de Ecología del Nordeste], Delegate from Indigenous Peoples of Zicosur [Delegado de Pueblos Indígenas de Zicosur].</p>	<p>In the case of forest plantations under these promotional regulations (national law that support plantation activities in several regions), the provincial authority supervises these activities. Once the plantation finalises its growing stage, that authority provides data to the National Government in order to make the appropriate payments or implement the awaited tax relief.</p> <p>If the forest plantation is not included under promotional regulations, the national and provincial authorities do not fiscalize activities (plantation, harvesting, commerce, etc). Clearly, the ownership of this plantation does not receive benefits in relation to the promotional scheme</p> <p><b>Description of risk</b></p> <p>With regards to harvesting permits in natural forests, approval of some of them is questioned in the northern provinces (like Chaco, Formosa, Santiago del Estero, Salta, and Misiones) due to the existence of corruption cases (mainly bribery to field inspecting representatives, while corruption is not a problem for some provinces but for the country). Based on expert consultation in 2016, it has been noted that corruption is something very cultural, however, we should consider an important difference between natural forests to plantations due the general frame (natural forests products involve thousands of farmers, communities and individuals based in very remote areas, what makes the framework more difficult to control; while plantations involve a small numbers of producers that manufacture the lumber mostly in very accessible town or cities). The main risk detected are lack of transparency in the processes, weak surveillance, mistakes in the cadastre which can admit logging in neighbouring lands, overlaps with indigenous lands without free, prior and informed consent from the communities, use of outdated technology for project evaluation, and lack of follow up after harvesting, at the individual level and from the authorities. Ariel Araujo, Executive Secretary of the Parliament of the</p>

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	<p>ocumentos/leyes/LEY%20XVI%20-%20N%207.pdf</p> <ul style="list-style-type: none"> <li>• Law XVI-53 (Previously, Law N 3426): Declaration and Regulations of Protective Forests and Ecological Belts (approved on July 1997), Article 5 [Ley XVI-53 (Antes Ley N 3426): Declaración y Reglamentación de Bosques Protectores y Fajas Ecológicas]. Available at: <a href="http://digestomisiones.gob.ar/uploads/documentos/leyes/LEY%20XVI%20-%20N%2053.pdf">http://digestomisiones.gob.ar/uploads/documentos/leyes/LEY%20XVI%20-%20N%2053.pdf</a></li> </ul> <p>Chaco:</p> <ul style="list-style-type: none"> <li>• Law N°2386: Forests Law (approved on September 1980), Article 19 and 19a [Ley N°2386: Ley de Bosques]. Available at: <a href="http://www2.medioambiente.gov.ar/sian/chaco/normativa/ley2386.htm">http://www2.medioambiente.gov.ar/sian/chaco/normativa/ley2386.htm</a></li> <li>• Provision 037/10 (approved on June 2010), Chapter V: gives details of forestry plan; Chapter IV: gives details of contents and sequences of harvesting plan; article 6, 7, 10 and 11 [Disposición 037/10, Capítulo V detalla plan silvícola Capítulo IV: detalla los contenidos y secuencias del plan de aprovechamiento]. Available at: <a href="https://drive.google.com/file/d/0BySd3Q6MLiNia0dGdGpYQm5aZmM/view?pref=2&amp;pli=1">https://drive.google.com/file/d/0BySd3Q6MLiNia0dGdGpYQm5aZmM/view?pref=2&amp;pli=1</a></li> </ul>		<p>Indigenous Peoples of Chaco Americano and Zicosur (Parlamento de los Pueblos Indígenas del Chaco Americano y Zicosur) (Personal communication) stated: "(...) even if there have been a few attempts to convene hearings with indigenous communities according to the requirements established in ILO 169 Convention, the results have been very poor (...) the rights of natural communities are not taken into account when issuing permits for forest harvesting". This complements the collected information from national experts during interviews.</p> <p>In the Transparency International ranking (CPI), the country occupies the 85<sup>th</sup> place of 180 evaluated countries, with a score of 40/100 (Transparency International, 2018).</p> <p>In 2007, in parliamentary discussions about the Forest Law, and avoiding the moratorium established by the rule, Salta government authorized, in a clearly speculative attitude, clearing of more than 400.000 hectares, quadrupling the permits given the previous year (Greenpeace Salta Report, 2013).</p> <p>In personal interviews which the authors of this report held with national and some provincial authorities (from Chaco) and with some former authorities (from Misiones), cases were mentioned where harvesting permits were granted to some specific plots although the work was done in neighbouring lands (with greater occurrence of commercial species), as well as cases where several successive permits to different entities were granted on the same plot in consecutive years, thus allowing over-exploitation of the timber resource and infringing legal requirements such as the General Environmental Law.</p> <p>Regarding forest plantations, no situations as those described above were reported with harvesting activities and permits granted being under control (as was mentioned earlier, they are not exactly permits but approved general plans, which include harvesting).</p>

Indicator	Applicable Laws and Regulations, Legal Authority, and Legally Required Documents or Records	Sources of Information	Risk Designation and Determination
	<p>Salta:</p> <ul style="list-style-type: none"> <li>• Law N 7070: Environmental Protection (approved on December 1999), Article 54 [Ley N 7070: Protección del Medio Ambiente]. Available at: <a href="http://argentinambiental.com/legislacion/salta/ley-7070-proteccion-del-medio-ambiente/">http://argentinambiental.com/legislacion/salta/ley-7070-proteccion-del-medio-ambiente/</a></li> <li>• Law N°7543: Establishes the rules set forth in the Act on Territorial Planning and Land Use of Natural Forests for the Provincia de Salta, fulfilling the provision in article 6 from National Law N° 26.331 of Minimum Budget for Environmental Protection in Natural Forests (approved on December 2008); Article 23 [Ley N° 26.331 de Presupuestos Mínimos de Protección Ambiental de los Bosques Nativos; Art. 23; N°7543: Establece las normas de Ordenamiento Territorial de los Bosques Nativos de la Provincia de Salta, en cumplimiento de lo previsto en el artículo 6° de la Ley Nacional N° 26.331 de Presupuestos Mínimos de Protección Ambiental de los Bosques Nativos]. Available at: <a href="http://digesto.diputadosalta.gob.ar/leyes/7543.pdf">http://digesto.diputadosalta.gob.ar/leyes/7543.pdf</a></li> </ul> <p><b>Legal Authority</b></p> <p>National Authorities:</p> <ul style="list-style-type: none"> <li>• Natural Forest: Ministry of the Environment and Sustainable Development [Ministerio de Ambiente y</li> </ul>		<p><b>Risk conclusion</b></p> <p>Forest plantations: this indicator has been evaluated as N/A for forest plantations not included on the Law 25.080, and low risk for forest plantations included on the Law 25.080. Threshold (1) is met: identified laws are upheld. Cases where law/ regulations are violated are efficiently followed up via preventive actions taken by the authorities and/ or by the relevant entities.</p> <p>Natural Forests: this indicator has been evaluated as specified risk. Threshold (2) is met: Identified laws are not upheld consistently by all entities and/or are often ignored, and/or are not enforced by relevant authorities.</p>

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	<p>Desarrollo Sustentable]. Available at: <a href="http://www.ambiente.gov.ar">www.ambiente.gov.ar</a></p> <ul style="list-style-type: none"> <li>• Forest Plantations: Forest Production Division of the Ministry of Agro-Industry from the Nation's Presidency [Plantaciones forestales: Dirección de Producción Forestal del Ministerio de Agroindustria de la Presidencia de la Nación]. Available at: <a href="http://www.agroindustria.gob.ar/new/0-0/forestacion/index.php#">http://www.agroindustria.gob.ar/new/0-0/forestacion/index.php#</a></li> </ul> <p>Provincial Authorities:</p> <ul style="list-style-type: none"> <li>• Specific authorities in the 12 provinces. The more representative provinces, in terms of traded and planted volumes, diversity of species and populations related to the forests, among other factors, are given as examples:</li> <li>• Misiones: Ministry of Ecology [Ministerio de Ecología]. Available at: <a href="http://www.ecologia.misiones.gov.ar/eco_web/index.php">http://www.ecologia.misiones.gov.ar/eco_web/index.php</a></li> <li>• Chaco: Sub secretariat of Natural Resources and the Environment [Subsecretaría de Recursos Naturales y Medioambiente]. Available at: <a href="http://rnaturaleschaco.gob.ar/">http://rnaturaleschaco.gob.ar/</a></li> <li>• Salta: Ministry of Environment and Sustainable Production [Ministerio de Ambiente y Producción Sustentable]. Available at: <a href="http://www.salta.gov.ar/organismos/mini">http://www.salta.gov.ar/organismos/mini</a></li> </ul>		

Indicator	Applicable Laws and Regulations, Legal Authority, and Legally Required Documents or Records	Sources of Information	Risk Designation and Determination
	<p>sterio-de-ambiente-y-desarrollo-sustentable/10.</p> <p><b>Legally required documents or records</b></p> <ul style="list-style-type: none"> <li>• Felling Permit (permit for harvesting natural species included in the Sustainable Management Plan for Natural Forests).</li> <li>• Submission of Forest Projects, Plantation Forests (Forest Plans - Plantations only).</li> <li>• Permit for implementing Harvesting Plan for Land Use Conversion (conversion from natural forests to other types of land use).</li> </ul>		
<b>Taxes and fees</b>			
1.5 Payment of Royalties and Harvesting Fees	<p><b>Applicable laws and regulations</b></p> <p>National Legislation</p> <ul style="list-style-type: none"> <li>• National Law N 24857 (approved on August 1997): Tax Stability for Forest Activity [Ley Nacional N 24857 (1997): Estabilidad Fiscal para la actividad forestal]. Available at: <a href="http://servicios.infoleg.gob.ar/infolegInte rnet/anexos/45000-49999/45669/norma.htm">http://servicios.infoleg.gob.ar/infolegInte rnet/anexos/45000-49999/45669/norma.htm</a></li> </ul> <p>There are no other requirements for payments of royalties or harvesting fees, for planted forests (plantations) or natural forests at national level, although provinces determine these rules for forest activity. Provincial Legislation</p>	<p><b>Governmental sources</b></p> <ul style="list-style-type: none"> <li>• Registry of Offenders from the Environmental Police [Registro de Infractores de la Policía Ambiental]. [online]. Available at: <a href="http://www.cba.gov.ar/policia-ambiental/registro-infractores-policia-ambiental/">http://www.cba.gov.ar/policia-ambiental/registro-infractores-policia-ambiental/</a></li> </ul> <p><b>Non-government sources</b></p> <ul style="list-style-type: none"> <li>• Ríos, G (2012). Taxes on Forestry Activity, Report N 24. Argentine Federation of Professional Councils of Economic Sciences. [Los Impuestos en la Actividad Forestal. Informe N 24. Federacion Argentina de Consejos Profesionales de Ciencias Economicas]. [online]. Available at:</li> </ul>	<p><b>Overview of Legal Requirements</b></p> <p>Legal entities (individuals, corporations, etc.) with forest harvesting permits in natural forests, or permits for conversion of land, shall pay harvesting fees and inspection fees. Payment shall be made prior to the issue of harvesting permits. The name of the document generated by this payment varies from province to province. This information is stated on the legislation listed for each province.</p> <p>For forest plantations there are no royalties or harvesting fees asked by regulation, except for the Province of Misiones (Decreto 19/2006). This regulation defines a fee of 1 to 2% of the total amount depending on the size of the plantation (less of 50 ha and up to 50 ha).</p> <p><b>Description of risk</b></p> <p>In Argentina, it is not possible to obtain a harvesting or conversion permit if the fee payment has not been made</p>

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	<p>Notes:</p> <ul style="list-style-type: none"> <li>As each province manages its own resources, it dictates its own laws, regulations, decrees and procedures. Diversity in the legal framework and its dynamics is very wide.</li> <li>As there are at least 12 provinces with natural forests and plantations in the country from which commercial goods are obtained, the more representative, in terms of traded and planted volumes, diversity of species and populations related to forests, among other factors are given as examples. These provinces are: Misiones, Chaco and Salta.</li> </ul> <p>Misiones</p> <ul style="list-style-type: none"> <li>General Resolution N 10/2015 (approved on April 2015) y N 23/2006 (approved on May 2016) [Resolución General N 10/2015 y N 23/2006]. Available at: <a href="https://www.dgr.misiones.gov.ar/portal/index.php?option=com_content&amp;view=article&amp;catid=271:2015&amp;id=1208:r-g-10-2015-procedimiento-para-la-inscripcion-de-los-sujetos-obligados-al-pago-de-la-tasa-forestal-y-de-los-agentes-de-retencion-y-o-percepcion">https://www.dgr.misiones.gov.ar/portal/index.php?option=com_content&amp;view=article&amp;catid=271:2015&amp;id=1208:r-g-10-2015-procedimiento-para-la-inscripcion-de-los-sujetos-obligados-al-pago-de-la-tasa-forestal-y-de-los-agentes-de-retencion-y-o-percepcion</a>, <a href="https://www.dgr.misiones.gov.ar/portal/index.php?option=com_content&amp;view=article&amp;catid=116:2067&amp;id=644:rg23-modificase-el-articulo-1d-de-la-rg-nd-0406-dgr">https://www.dgr.misiones.gov.ar/portal/index.php?option=com_content&amp;view=article&amp;catid=116:2067&amp;id=644:rg23-modificase-el-articulo-1d-de-la-rg-nd-0406-dgr</a></li> </ul>	<p><a href="http://www.facpce.org.ar/pdf/cecyt/tributaria-24.pdf">http://www.facpce.org.ar/pdf/cecyt/tributaria-24.pdf</a></p> <ul style="list-style-type: none"> <li>Info bae (2016). Economía February. [online]. Available at: <a href="http://www.infobae.com/2016/02/01/1787014-la-recaudacion-tributaria-subio-385-el-primer-mes-gestion-mauricio-macri">http://www.infobae.com/2016/02/01/1787014-la-recaudacion-tributaria-subio-385-el-primer-mes-gestion-mauricio-macri</a></li> </ul>	<p>previously, and therefore, taking into consideration this factor alone, it is impossible for Licenses or Waybills legally supporting a forest harvesting to exist without prior payment.</p> <p>Media reports (example Info Bae-Economía February 2016) from the first half of 2016 and expert interviews point out that official national and provincial statistics show an increase in imposed payments and fees collection from the primary activity of the previous years.</p> <p>Waybills issued include a fee payment and are based on the correct classification of quantities, qualities and species. Incorrect classification of forest products is a well-known issue among the natural forest harvesting activities and is often combined with bribery of officials in charge of controlling the classification. Based on the Registry of Offenders from the Environmental Police (see source) we identify that is a common infraction the incorrect classification on official documents (transport documents without the correct data, fraudulents, omission of data). Based on expert consultation in 2016, it was noted that normally, the authority issues the waybills but varies very much from one province to the other, the official control that is made to assure matches between the waybill and the cargo.</p> <p>Nevertheless, several experts consulted during this process expressed that is usual to find cases of forest harvesting,</p> <p><b>Risk conclusion</b></p> <p>Forest plantations: This indicator is N/A for forest plantations except for the province of Misiones that has been evaluated as low risk.</p> <p>Threshold (1) is met: Identified laws are upheld. Cases where law/regulations are violated are efficiently followed up via preventive actions taken by the authorities and/or by the relevant entities.</p>

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	<ul style="list-style-type: none"> <li>• Law N 4248: Technical Services provided by the Ministry of Ecology (approved on December 2005), Articles 3 and 4 [Ley N 4248: Servicios Técnicos prestados por el Ministerio de Ecología]. Available at: <a href="http://digestomisiones.gob.ar/uploads/documentos/leyes/LEY%20XVI%20-%20N%2087.pdf">http://digestomisiones.gob.ar/uploads/documentos/leyes/LEY%20XVI%20-%20N%2087.pdf</a></li> </ul> <p>Chaco</p> <ul style="list-style-type: none"> <li>• Service Fee for Monitoring Plans (Resolution N°243/2010 from Provincia del Chaco) (approved on June 2010) [Tasa por Servicio de Monitoreo de Planes (Resolución N°243/2010 de la Provincia del Chaco)]. Available at: <a href="http://www.chaco.gov.ar/uploads/boletin/boletin_9074.pdf">http://www.chaco.gov.ar/uploads/boletin/boletin_9074.pdf</a></li> </ul> <p>Salta</p> <ul style="list-style-type: none"> <li>• General Resolution N 25/2013 from the Provincia de Salta (approved September 2013), Articles 1 and 2 [Resolución General N 25/2013 from Provincia de Salta]. Available at: <a href="http://www.dgrsalta.gov.ar/rentassalta/jsp/informacionFisc/resultNormativas.jsp?anio=2013">http://www.dgrsalta.gov.ar/rentassalta/jsp/informacionFisc/resultNormativas.jsp?anio=2013</a> (when you enter on the link, please look for the Resolution number 25 and click on the bottom on the right “ir”).</li> </ul>		<p>Natural forests: This indicator has been evaluated as specified risk.</p> <p>Threshold (2) is met: Identified laws are not upheld consistently by all entities and/or are often ignored, and/or are not enforced by relevant authorities.</p>

Indicator	Applicable Laws and Regulations, Legal Authority, and Legally Required Documents or Records	Sources of Information	Risk Designation and Determination
	<p><b>Legal Authority</b></p> <p>At the national level: AFIP (Federal Administration of Public Revenue) [Administración Federal de Ingresos Públicos];</p> <p>Provincial:</p> <p>Misiones: Department of Revenue [Dirección General de Rentas];</p> <p>Chaco: Provincial Tributary Administration [Administración Tributaria Provincial];</p> <p>Salta: Department of Revenue [Dirección General de Rentas].</p> <p><b>Legally required documents or records</b></p> <ul style="list-style-type: none"> <li>• Salta: Income Payment Form F938 NM (for natural forest products) [Formulario de Pago de Rentas F938 NM (para productos del bosque nativo)].</li> <li>• Chaco: Inspection Service Payment Fee (for natural forest products) [Pago de Tasa de Servicio de Inspección (para productos del bosque nativo)].</li> <li>• Misiones: Income Payment (for forest products in general) [Pago de Rentas (de productos forestales en general)].</li> </ul>		
1.6 Value Added Taxes and Other Sales Taxes	<p><b>Applicable laws and regulations</b></p> <p>National legislation</p> <ul style="list-style-type: none"> <li>• Regulation 280/97. Law text substituted by Law Nº23.349 and its amendments. Published on March 26<sup>th</sup>, 1997. [Decreto 280/97. Texto de Ley</li> </ul>	<p><b>Non-government sources</b></p> <ul style="list-style-type: none"> <li>• FSC CW Risk Assessment (2015). <i>Forest Stewardship Council Controlled Wood Risk Assessment. Argentina</i> [Consejo de Manejo responsable de los Bosques y Espacios Forestales. 2015.</li> </ul>	<p><b>Overview of Legal Requirements</b></p> <p>Decree 280/97 is the legal norm approving the Added Value Law. This norm describes the activities liable for this tax, the competent authorities, exemptions, fiscal credit and debit and import and export regulations, among other things. The Regulation for issuing receipts, operations and information</p>

Indicator	Applicable Laws and Regulations, Legal Authority, and Legally Required Documents or Records	Sources of Information	Risk Designation and Determination
	<p>sustituido por la Ley N°23.349 y sus modificaciones. Publicada el 26 de marzo de 1997]. Available at: <a href="http://servicios.infoleg.gob.ar/infolegInternet/anexos/40000-44999/42701/norma.htm">http://servicios.infoleg.gob.ar/infolegInternet/anexos/40000-44999/42701/norma.htm</a></p> <ul style="list-style-type: none"> <li>Resolution 1415- Regulation for Issuing Receipts. Filing of Operations and Information (approved on January 2003). AFIP. Title II, Chapter A and F. [Régimen de Emisión de Comprobantes, Registración de Operaciones e Información (2003). AFIP]. Available at: <a href="http://servicios.infoleg.gob.ar/infolegInternet/anexos/80000-84999/81316/texact.htm">http://servicios.infoleg.gob.ar/infolegInternet/anexos/80000-84999/81316/texact.htm</a></li> </ul> <p>Provincial Legislation</p> <p>Notes:</p> <ul style="list-style-type: none"> <li>As each province manages its own resources, it dictates its own laws, regulations, decrees and procedures. Diversity in the legal framework and its dynamics is very wide;</li> <li>As there are at least 12 provinces with natural forests and plantations in the country from which commercial goods are obtained, the more representative, in terms of traded and planted volumes, diversity of species and populations related to forests, among other factors are given as examples.</li> </ul>	<p>Argentina]. [online]. Available at: <a href="https://ic.fsc.org/es/our-impact/program-areas/controlled-wood-01/controlled-wood-risk-assessments/national-risk-assessments">https://ic.fsc.org/es/our-impact/program-areas/controlled-wood-01/controlled-wood-risk-assessments/national-risk-assessments</a>].</p> <ul style="list-style-type: none"> <li>Rios, G (2012). <i>Taxes on Forestry Activity. Report N 24. Argentine Federation of Professional Councils of Economic Sciences</i> [Los Impuestos en la Actividad Forestal. Informe N 24. Federación Argentina de Consejos Profesionales de Ciencias Económicas]. [online]. Available at: <a href="http://www.facpce.org.ar/pdf/cecyt/tributaria-24.pdf">http://www.facpce.org.ar/pdf/cecyt/tributaria-24.pdf</a></li> <li>Nikliitschek, M. E (2012). <i>Argentine Forestry Sector, Challenges and Opportunities</i>. [Sector Forestal Argentino, Desafíos y Oportunidades].</li> <li>Professional Council of Economic Sciences of Salta. <i>The Crime of Tax Evasion</i>. Professional Council of Economic Sciences of Salta [El Delito de la Evasión Tributaria. Consejo Profesional de Ciencias Económicas de Salta [online]. Available at .: <a href="http://www.consejosalta.org.ar/wp-content/uploads/EL-DELITO-DE-EVASION-TRIBUTARIA-Espeche.pdf">http://www.consejosalta.org.ar/wp-content/uploads/EL-DELITO-DE-EVASION-TRIBUTARIA-Espeche.pdf</a></li> <li>IEFER. <i>The Fiscal Evasion</i> [La Evasión Fiscal]. Lic. Aquino. [online]. Available at: <a href="http://www.iefer.org.ar/trabajos/evasionfiscal.htm">http://www.iefer.org.ar/trabajos/evasionfiscal.htm</a></li> </ul>	<p>registry AFIP, establishes the elements that each type of invoice shall have.</p> <p>At the point of sale (i.e. logs from plantations or natural forests) the legal entity is required to contribute the corresponding value added tax (VAT). If wood has not been processed (logs), VAT would be in the amount of 10.5% from the selling value; if it has been processed, 21%. At the same time, and as the common custom in the country dictates, harvesting or transportation service providers, and others, shall pay this same type of tax at the time they issue their invoices for these services.</p> <p><b>Description of risk</b></p> <p>In the selling of wood from natural forests and plantations, there is the risk of sales not being recorded that is without generating the legal sales document, i.e. sales invoice. If the sale is not legally recorded, the tax for added value is not paid, nor the royalties or other taxes. According to consulted national experts, and although some improvement has been perceived, tax controls are infrequent on roads and highways (wood transportation) but higher in cities and towns (industries). Even though, people from the industry can support part of their purchases with purchase invoices, in general, an important percentage of these purchases is not supported by such invoices (and its corresponding tax payment). All this also according to consulted experts.</p> <p>“Tax withholdings and taxes to the gross value of exports have also been a source of concern for the forest private sector (Forest Development Journal 2009 and 2011, Desarrollo Forestal 2009 y 2011). Besides withholdings at the national level, the government of the province of Misiones has tried to raise contributions from the exports sector to finance the provincial administration, through imposed rates of 6% of the gross value of lumber, pulp and paper. [Braier 2010, quoted by Mario Nikliitschek in Forest Sector of Argentina, Challenges</p>

Indicator	Applicable Laws and Regulations, Legal Authority, and Legally Required Documents or Records	Sources of Information	Risk Designation and Determination
	<p>These provinces are: Misiones, Chaco and Salta.</p> <p>Misiones: Law XXII - 35 (Previously, Law N 4366) Tax Code [Ley XXII - 35 (Previamente Ley N 4366) Código Fiscal (approved on July 2007)]. Available at: <a href="http://digestomisiones.gob.ar/uploads/documentos/leyes/LEY%20XXII%20-%20N%2035.pdf">http://digestomisiones.gob.ar/uploads/documentos/leyes/LEY%20XXII%20-%20N%2035.pdf</a></p> <p>Chaco: Law Decree N° 2444/62- Provincial Tax Code [Decreto Ley N° 2444/62- Código Tributario Provincial] (approved in 2013). Available at: <a href="http://atp.chaco.gob.ar/formularios/CODIGO%20TRIBUTARIO%20(2).pdf">http://atp.chaco.gob.ar/formularios/CODIGO%20TRIBUTARIO%20(2).pdf</a></p> <p>Salta: Law Decree N° 9/75 and its amendments. Tax Code [Decreto Ley N° 9/75 y sus modificatorias. Código Fiscal (approved on September 2010)]. Available at: <a href="http://www.dgrsalta.gov.ar/rentassalta/jsp/informacionFisc/leyes/CODFISCACT_0910.pdf">http://www.dgrsalta.gov.ar/rentassalta/jsp/informacionFisc/leyes/CODFISCACT_0910.pdf</a></p> <p><b>Legal Authority</b></p> <p>National: Ministry of Economy and Public Finance [Ministerio de Economía y Finanzas</p>		<p>and Opportunities (Sector Forestal Argentino, Desafíos y Oportunidades)].</p> <p>“In the Republic of Argentina, tax evasion is one of the more evident symptoms of the global crisis that affects the nation”. Lic. Miguel Aquino-IEFER (Fundación de Investigación y Estudios Fiscales y Económicos Regionales- Foundation for Research and Regional Fiscal and Economic Studies).</p> <p>In general, these irregularities are more frequent in the trade of timber from natural forests than in that of exotic timber from plantations, although the issues exist for both source types.</p> <p><b>Risk conclusion</b></p> <p>The indicator has been evaluated as specified risk, for natural forests as well as for plantations.</p> <p>Threshold (2) is met: Identified laws are not upheld consistently by all entities and/or are often ignored, and/or are not enforced by relevant authorities.</p>

Indicator	Applicable Laws and Regulations, Legal Authority, and Legally Required Documents or Records	Sources of Information	Risk Designation and Determination
	<p>Públicas]. Available at:  <a href="http://www.minfinanzas.gob.ar/">http://www.minfinanzas.gob.ar/</a></p> <p>Provincial Authorities:</p> <p>Specific Authorities in the 12 provinces. The more representative, in terms of traded and planted volumes, diversity of species, as well as peoples related to forests, among other factors are given as examples:</p> <p>Provincia de Misiones: Department of Revenue [Dirección General de Rentas];</p> <p>Provincia de Chaco: Provincial Tributary Administration [Administración Tributaria Provincial];</p> <p>Provincia de Salta: Department of Revenue [Dirección General de Rentas].</p> <p><b>Legally required documents or records</b></p> <ul style="list-style-type: none"> <li>• Sales Invoice (for services, goods – timber, standing, loaded in truck or transported) [Factura de Venta (Factura de Venta (por servicios, por bienes – madera, tanto en pie como puesta sobre camión o transportada))];</li> <li>• Receipt of VAT statement and payment (Value Added Tax) [Comprobante de declaración y pago de IVA (Impuesto al Valor Agregado)].</li> </ul>		

Indicator	Applicable Laws and Regulations, Legal Authority, and Legally Required Documents or Records	Sources of Information	Risk Designation and Determination
1.7 Income and Profit Taxes	<p><b>Applicable laws and regulations</b></p> <p>National Legislation</p> <ul style="list-style-type: none"> <li>Decree N 649/97: The Law on Profit Taxes (approved on July 1997) [Decreto N 649/97: sobre Ley de Impuesto a las Ganancias]. Available at: <a href="http://www.infoleg.gob.ar/infolegInternet/anexos/40000-44999/44911/norma.htm">http://www.infoleg.gob.ar/infolegInternet/anexos/40000-44999/44911/norma.htm</a></li> <li>Law N 26.893 (amends The Law on Profit Taxes). Issued on September, 2013 [Ley N 26.893 (modificatoria de la Ley del Impuesto a las Ganancias). Publicada en septiembre de 2013]. Available at: <a href="http://www.infoleg.gob.ar/infolegInternet/anexos/220000-224999/220131/norma.htm">http://www.infoleg.gob.ar/infolegInternet/anexos/220000-224999/220131/norma.htm</a></li> <li>Resolution 1415- Regulations for Issuing Receipts. Operations and Information Recording (approved on January 2003). AFIP. Title II, Chapter A and F [Régimen de Emisión de Comprobantes, Registración de Operaciones e Información (2003). AFIP. Título II, Capítulo A y F.]. Available at: <a href="http://servicios.infoleg.gob.ar/infolegInternet/anexos/80000-84999/81316/texact.htm">http://servicios.infoleg.gob.ar/infolegInternet/anexos/80000-84999/81316/texact.htm</a></li> <li>Law N 25063: Minimum Alleged Profit (approved on July 2016) [Ley N 25063: Ganancia Mínima Presunta]. Available at: <a href="http://servicios.infoleg.gob.ar/infolegInternet/anexos/220000-224999/220131/norma.htm">http://servicios.infoleg.gob.ar/infolegInternet/anexos/220000-224999/220131/norma.htm</a></li> </ul>	<p><b>Government sources</b></p> <ul style="list-style-type: none"> <li>AFIP (Federal Administration of Public Revenue) [Administración federal de Ingresos Públicos]. [online]. Available at: <a href="http://www.afip.gov.ar/institucional/estudios/">http://www.afip.gov.ar/institucional/estudios/</a></li> <li>Registry of Offenders from the Environmental Police [Registro de Infractores de la Policía Ambiental]. [online]. Available at: <a href="http://www.cba.gov.ar/policia-ambiental/registro-infractores-policia-ambiental/">http://www.cba.gov.ar/policia-ambiental/registro-infractores-policia-ambiental/</a></li> </ul> <p><b>Non-government sources</b></p> <ul style="list-style-type: none"> <li>FSC CW Risk Assessment. Forest Stewardship Council Controlled Wood Risk Assessment (2015). <i>Argentina 2015</i> [Consejo de Manejo Responsable de los Bosques y Espacios Forestales. 2015. Argentina]. [online]. Available at: <a href="https://ic.fsc.org/es/our-impact/program-areas/controlled-wood-01/controlled-wood-risk-assessments/national-risk-assessments">https://ic.fsc.org/es/our-impact/program-areas/controlled-wood-01/controlled-wood-risk-assessments/national-risk-assessments</a> Rios, G (2012). Taxes on Forestry Activity. Report N 24. Argentine Federation of Professional Councils of Economic Sciences [Los Impuestos en la Actividad Forestal. Informe N 24. Federación Argentina de Consejos Profesionales de Ciencias Económicas]. [online]. Available at: <a href="http://www.facpce.org.ar/pdf/cecyt/tributaria-24.pdf">http://www.facpce.org.ar/pdf/cecyt/tributaria-24.pdf</a></li> <li>Niklitschek, M. E (2012). <i>Argentine Forestry Sector, Challenges and</i></li> </ul>	<p><b>Overview of Legal Requirements</b></p> <p>In the national corporate framework, natural persons and others must pay taxes for revenues or income obtained in the country, or abroad. The Law on Profit Taxes falls on net profits considering annual turnover minus direct costs of the activity. Even though there are standard variations based on the turnover and the type of legal entity, for companies the value is 35%, and the payment is done annually. Discussions regarding amendments to this law took place during the first quarter of 2016.</p> <p>The Law for Minimum Alleged Profit has to do with assets, valued according to guidelines in the text of this same law.</p> <p>In the AIFP webpage, there is a Catalogue for Economic Activities (Nomenclador de Actividades Económicas), where companies can get information on the applicable portions. Forestry activity is listed along with agricultural, livestock and hunting activities.</p> <p>At the provincial level there is a Gross Income Tax, which is a direct tax on sales. Depending on the activity, this tax may not be applicable to all parts. Provincial administrations have webpages where companies (and other entities) may obtain information on the taxes applicable to them.</p> <p><b>Description of risk</b></p> <p>Risk exists and is the same for timber from plantations and from natural forests, and it has to do with potential tax evasion due to deceitful statements or failure to file income statements, which situates the contributor out of reach of the tax framework where he/she belongs, according to their different levels of turnover (The Fiscal Evasion. Lic. Aquino. IEFER). Based on the Registry of Offenders from the Environmental Police (see source) we identify that is a common infraction the incorrect classification on official documents (transport</p>

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	<p>rnet/anexos/55000-59999/55190/texact25063tituloV.htm</p> <p>Provincial Legislation</p> <p>Notes:</p> <ol style="list-style-type: none"> <li>As there are at least 12 provinces with natural forests and plantations in the country from which commercial goods are obtained, the more representative, in terms of commercialized and planted volumes, diversity of species, as well as peoples related to forests are: Misiones, Chaco and Salta.</li> <li>As each province manages its own resources, it dictates its own laws, regulations, decrees and procedures. Diversity in the legal framework and its dynamics is very wide;</li> </ol> <p>Misiones:</p> <ul style="list-style-type: none"> <li>Law XXII - 35 (Previously Law N 4366) Tax Code. [Ley XXII - 35 (Previamente Ley N 4366) Código Fiscal (approved on July 2007)]. Available at: <a href="http://digestomisiones.gob.ar/uploads/documentos/leyes/LEY%20XXII%20-%20N%2035.pdf">http://digestomisiones.gob.ar/uploads/documentos/leyes/LEY%20XXII%20-%20N%2035.pdf</a></li> <li>Law N 4366, Law on Gross Income (approved on August 2007) [Ley N 4366 de Ingresos Brutos]. Available at: <a href="http://ingresosbrutos.blogspot.com.ar/2009/10/ingresos-brutos-codigo-fiscal-misiones.html">http://ingresosbrutos.blogspot.com.ar/2009/10/ingresos-brutos-codigo-fiscal-misiones.html</a></li> </ul>	<p><i>Opportunities [Sector Forestal Argentino, Desafíos y Oportunidades]</i>. [online]. Available at: <a href="https://www.scribd.com/document/230077123/Sector-Forestal-Argentino-Desafios-y-Oportunidades">https://www.scribd.com/document/230077123/Sector-Forestal-Argentino-Desafios-y-Oportunidades</a></p> <ul style="list-style-type: none"> <li>Professional Council of Economic Sciences of Salta. <i>The Crime of Tax Evasion</i> [Consejo Profesional de Ciencias Económicas de Salta. El Delito de la Evasión Tributaria]. [online]. Available at: <a href="http://www.consejosalta.org.ar/wp-content/uploads/EL-DELITO-DE-EVASION-TRIBUTARIA-Espeche.pdf">http://www.consejosalta.org.ar/wp-content/uploads/EL-DELITO-DE-EVASION-TRIBUTARIA-Espeche.pdf</a></li> <li>IEFER. <i>The Fiscal Evasion</i> [La Evasión Fiscal]. <i>Lic. Aquino</i>. [online]. Available at: <a href="http://www.iefer.org.ar/trabajos/evasionifiscal.htmC">http://www.iefer.org.ar/trabajos/evasionifiscal.htmC</a></li> <li>Chelala, S. and Giarrizzo, V. (2014). <i>Tax evasion in Argentina: an analysis experimental efficiency of rewards and punishments to the taxpayer</i>. [online]. Available at: <a href="http://www.scielo.org.co/pdf/fype/v6n2/v6n2a03.pdf">http://www.scielo.org.co/pdf/fype/v6n2/v6n2a03.pdf</a></li> <li>BBC (2015). <i>Latin America Fiscal Evasion</i>. [online] Evasión Fiscal América Latina]. Available at: <a href="http://www.bbc.com/mundo/noticias/2015/04/150406_economia_evasion_fiscal_america_latina_mj">http://www.bbc.com/mundo/noticias/2015/04/150406_economia_evasion_fiscal_america_latina_mj</a></li> </ul>	<p>documents without the correct data, fraudulents, omission of data) that will affect the amount in terms of volumes/money to be included on invoices.</p> <p>To illustrate, the Tax Code from Chaco, Article 7º mentions: According to what has been established in the Tax Code, Article 143, the proportional general rate regarding Gross Income Tax will be 3.5%. As Lic. Miguel Aquino-IEFE states: In the Republic of Argentina, tax evasion is one of the most evident symptoms of the global crisis that affects the Nation.</p> <p>Although it is a fact, as mentioned by Chelala and Giarrizzo (2014) that the level of taxes perceived by the National State and provinces increases, the percentage of evasion is also very important (around 40%). This has been stated by several external experts consulted during the development of this document as well as media information. It should be noted that to refer only to the forestry sector, it is not always the easiest for the absence of this type of information, uncomfortable for the government, so using the precautionary approach, we conclude specified risk for both categories (natural forest as plantations).</p> <p><b>Risk conclusion</b></p> <p>The Indicator is evaluated as specified risk, for natural forests as well as for plantations. Threshold (2) is met: Identified laws are not upheld consistently by all entities and/or are often ignored, and/or are not enforced by relevant authorities.</p>

Indicator	Applicable Laws and Regulations, Legal Authority, and Legally Required Documents or Records	Sources of Information	Risk Designation and Determination
	<p>Chaco:</p> <ul style="list-style-type: none"> <li>• Law Decree N° 2444/62- Provincial Tax Code [Decreto Ley N° 2444/62- Código Tributario Provincial (approved in 2013)]. Available at: <a href="http://atp.chaco.gob.ar/formularios/CODIGO%20TRIBUTARIO%20(2).pdf">http://atp.chaco.gob.ar/formularios/CODIGO%20TRIBUTARIO%20(2).pdf</a></li> <li>• Provincial Tax Rating Law, Law Decree N 2071- year 2013 [Ley Tarifaria Provincial, Decreto Ley N 2071- año 2013]. Available at: <a href="http://atp.chaco.gob.ar/legislacion/ley_tarifaria_provincial.pdf">http://atp.chaco.gob.ar/legislacion/ley_tarifaria_provincial.pdf</a></li> </ul> <p>Salta:</p> <p>Law Decree N° 9/75 and its amendments. Tax Code (approved on September 2010) [Decreto Ley N° 9/75 y sus modificatorias. Código Fiscal]. Available at: <a href="http://www.dgrsalta.gov.ar/rentassalta/jsp/informacionFisc/leyes/CODFISCACT_0910.pdf">http://www.dgrsalta.gov.ar/rentassalta/jsp/informacionFisc/leyes/CODFISCACT_0910.pdf</a></p> <p><b>Legal Authority</b></p> <p>National:</p> <p>Federal Administration of Public Revenue [AFIP/ Administración Federal de Ingresos Públicos];</p> <p>Provincial Authorities:</p> <p>Specific Authorities in the 12 provinces. The more representative, in terms of traded and planted volumes, diversity of</p>		

Indicator	Applicable Laws and Regulations, Legal Authority, and Legally Required Documents or Records	Sources of Information	Risk Designation and Determination
	<p>species, as well as peoples related to forests, among other factors are given as examples:</p> <p>Provincia de Misiones: Department of Revenue [Dirección General de Rentas];</p> <p>Provincia de Chaco: Provincial Tax Administration [Administración Tributaria Provincial];</p> <p>Provincia de Salta: Department of Revenue [Dirección General de Rentas].</p> <p><b>Legally required documents or records</b></p> <ul style="list-style-type: none"> <li>• Payment Receipt for Gross Income Tax (paid at the provincial level) [Comprobante de pago de Impuesto a los Ingresos Brutos (pagados a nivel provincial)];</li> <li>• AFIP Form 711 and payment receipt (ticket) of the amount calculated and filed in Form 711 (national level) [Formulario 711 de AFIP y comprobante de pago (ticket) del importe calculado y presentado en dicho formulario (a nivel nacional)].</li> </ul>		
<b>Timber harvesting activities</b>			
1.8 Timber Harvesting Regulations	<p><b>Applicable laws and regulations</b></p> <p>National Legislation:</p> <ul style="list-style-type: none"> <li>• National Law N°26331: Minimum Budget for Environmental Protection of Natural Forests (approved on</li> </ul>	<p><b>Government sources</b></p> <ul style="list-style-type: none"> <li>• Registry of Offenders from the Environmental Police. [Registro de Infractores de la Policía Ambiental]. [online]. Available at: <a href="http://www.cba.gov.ar/policia-">http://www.cba.gov.ar/policia-</a></li> </ul>	<p><b>Overview of Legal Requirements</b></p> <p><i>Natural forests</i></p> <p>Provincial legislation (requirements) vary although in essence two main documents are required: Forest Management Plan (including selective cutting and/or harvesting for products like firewood, poles, etc. or management for enrichment or</p>

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	<p>November 28<sup>th</sup>, 2007), Articles 15, 16, 17, 18, 22, and 24b (National Law N°26331) [Ley de Presupuestos Mínimos de Protección Ambiental de los Bosques Nativos]. Available at: <a href="http://servicios.infoleg.gob.ar/infolegInternet/anexos/135000-139999/136125/norma.htm">http://servicios.infoleg.gob.ar/infolegInternet/anexos/135000-139999/136125/norma.htm</a></p> <ul style="list-style-type: none"> <li>National Law N 24.688: Forest conservation Andino-patagónicos (approved on August 1996) [Ley Nacional N 24.688: Conservación del bosque (Andino-patagónicos)]. Available at: <a href="http://servicios.infoleg.gob.ar/infolegInternet/verNorma.do;jsessionId=2D6AEB57BEF53D4A2DADB897B2F16CE7?id=39281">http://servicios.infoleg.gob.ar/infolegInternet/verNorma.do;jsessionId=2D6AEB57BEF53D4A2DADB897B2F16CE7?id=39281</a></li> <li>National Law N 25.675, General Environmental Law (2002), Articles 2, 8, 10 [Ley Nacional N 25.675, Ley General del Ambiente (2002)]. Available at: <a href="http://www.icaa.gov.ar/Documentos/Ges_Ambiental/LEY-25675-GENERAL-AMBIENTE.pdf">http://www.icaa.gov.ar/Documentos/Ges_Ambiental/LEY-25675-GENERAL-AMBIENTE.pdf</a></li> <li>National Laws N 25.080 and N 26.432 (extends the previous one), Investments for cultivated forests, Articles 5 and 31 [Ley Nacional N 25.080 y N 26.432 (Prorroga la anterior), Inversiones para bosques cultivado (approved on December 1998)]. Available at: <a href="http://www.infoleg.gob.ar/infolegInternet/anexos/55000-59999/55596/texact.htm">http://www.infoleg.gob.ar/infolegInternet/anexos/55000-59999/55596/texact.htm</a></li> </ul>	<p><a href="#">ambiental/registro-infractores-policia-ambiental/</a></p> <ul style="list-style-type: none"> <li>Ministry of Environment (2008). <i>Loss of native forest in northern Argentina</i> [Pérdida de bosque nativo en el norte de Argentina]. [Ministerio de Ambiente (2008).]. [online]. Available at: <a href="http://www.centromandela.com/documentos/deforestacion07-08_ley26331.pdf">http://www.centromandela.com/documentos/deforestacion07-08_ley26331.pdf</a></li> </ul> <p><b>Non-government sources</b></p> <ul style="list-style-type: none"> <li>FARN (2014). <i>The native forests of Salta are not in order</i> [Los bosques nativos de Salta no están en orden]. [online]. Available at: <a href="http://www.farn.org.ar/wp-content/uploads/2014/07/POLICY-Bosques-Salta-ESP.pdf">http://www.farn.org.ar/wp-content/uploads/2014/07/POLICY-Bosques-Salta-ESP.pdf</a></li> <li>Greenpeace Argentina (2008). Report on Forest Emergency [Emergencia Forestal]. [online]. Available at: <a href="http://www.greenpeace.org/argentina/global/argentina/report/2008/3/emergencia-forestal.pdf">http://www.greenpeace.org/argentina/global/argentina/report/2008/3/emergencia-forestal.pdf</a></li> <li>RB Yungas (2007). Project Alto Bermejo - Analysis of environmental legislation applicable to the Yungas Biosphere Reserve [Proyecto Alto Bermejo - Análisis de legislación ambiental aplicable a la Reserva de Biosfera de las Yungas]. [online]. Available at: <a href="http://www.rbyungas.org.ar/archivos/ANALISIS%20LEGAL%20RBYUNGAS.pdf">http://www.rbyungas.org.ar/archivos/ANALISIS%20LEGAL%20RBYUNGAS.pdf</a></li> </ul>	<p>conservation) and the Waybill (for selling and transportation of specific goods). Provincial authorities approve these plans and send their report to the National Government (Ministry of Environment) who send funds to the provinces for cases contemplated in Law N 26331. Eventually, and with variations according to jurisdiction, even in the same province, once the forest harvesting or land use conversion starts (clearance), appropriate authority representatives will inspect the plot. This inspection may result in the need of making adjustments to forest plans, as well as penalties for diversions, or even putting a halt to it. These inspections by the authority verify the various aspects of the plan, including areas, location, environmental safeguards, species, diameters and other results from the forest inventory.</p> <p><i>Plantations</i> Regarding forest plantations, no harvesting plans are required as this activity is included in the forest plan previously approved by the authority. Requirements of these plans have three components: technical, legal and environmental, and included in the environmental component is the need for approval of EIA, in the case of plantations. Approval is carried out by the National Authority, although all the information is submitted to provincial authorities functioning as a liaison with the National authorities and are also the ones that perform inspections. These inspections are made at different intervals; after plantation, pruning and thinning, as these activities are promoted and undertaken to obtain financial benefits. After each provincial inspection, the National Government could do a joint inspection (generally for large areas of land) or decide to assign payments or tax benefits according to previous agreements with the interested party. At the same time, the National Authority (occasionally with the help of provincial governments) monitors plantation lands and harvesting (forest harvesting) with the intent of carrying out updates to the forest inventory and using control tools regarding benefits for tax or monetary incentives that the State provides for this sector.</p>

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	<p>Provincial Legislation</p> <p>Notes:</p> <ol style="list-style-type: none"> <li>1. As each province manages its own resources, it dictates its own laws, regulations, decrees and procedures. Diversity in the legal framework and its dynamics is very wide;</li> <li>2. As there are at least 12 provinces with natural forests and plantations in the country from which commercial goods are obtained there are also forests in other provinces although in those there are not harvesting projects, but areas are dedicated to conservation and tourism), the more representative, in terms of traded and planted volumes, diversity of species and populations related to forests, among other factors are given as examples. These provinces are: Misiones, Chaco and Salta.</li> <li>3. Legal requirements related to natural forest are different from those of forest plantations;</li> <li>4. In most provinces, natural forests and plantations are monitored by different governmental hierarchic structures. Therefore, individuals and companies interested in providing information and obtaining licenses (for harvesting activities, among others), must visit the</li> </ol>	<p><b>Interview with experts</b></p> <p>During the drafting of this work several persons, representing environmental organizations, authorities related to forests and plantations, scholars and independent consultants were interviewed. During the course of these talks the authors were able to verify that there are different ways of looking at forest harvesting, legal requirements, rate of illegal felling, rural communities' empowerment, among other issues.</p> <p>With regards to this indicator, interviews were carried out with representatives from different organizations, including: Forests Bank [Banco de Bosques], Greenpeace Argentina, ProYungas Foundation [Fundación ProYungas], Wild Life Foundation [Fundación Vida Silvestre], Forest Division of the Ministry of Agro-Industries [Dirección Forestal del Ministerio de Agroindustrias], Ministry of the Environment [Ministerio de Ambiente], CITES Authority [Autoridad CITES], CEOAL (Northeast Centre for the Ecology) [Centro de Ecología del Nordeste], Delegate from Indigenous Peoples of Zicosur, Tierra del fuego Government, Chaco Division of Forests [Dirección de Bosques de Chaco].</p>	<p><b>Description of risk</b></p> <p>Regarding natural forest harvesting, although harvesting regulations are in place they are not enforced at a general level.</p> <p>Based on expert consultation during 2016, regarding timber harvesting in natural forest, it was mentioned that, risks in harvesting management are related with legal aspects like tree cuts outside authorized areas, tree cuts below the minimum cutting diameter, harvesting other commercial species instead of the ones included on the harvesting plan; and with environmental aspects like soil erosion, impact of water streams, fauna and associated flora), , among others. It was also mentioned that the inspections done by the authority happen just before the permit is granted and is no usual to have controls during or after the harvesting activity.</p> <p>During the present study, several sources from civil society were interviewed and the above statement was confirmed. Although still developing, Law 26331 established a registry of environmental offenders in the provinces and in the Ministry of Environment. Each province enacts these requirements in its own way, but some of the people interviewed point out that this is not always available to the public as required by the Law of Access to Environmental Information (Ley de Acceso a la Información Ambiental).</p> <p>Regarding forest plantations, legal requirements for harvesting, including selective cutting when applicable, clear felling, transport of timber from the felling site, are enforced. According to consulted experts in 2016, the risks are considerably reduced for timber harvesting in plantations if different facts are taken into account: simplicity in technical terms (soil preparation, control of undergrowth and plagues, species are planted, pruned, thinned out and the stand is harvested). On the Registry of Offenders from the Environmental Police (see source), no specific infraction has been registered related with harvesting activity in plantation.</p>

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	<p>different stratum of the provincial states;</p> <p>5. The size of the companies (or undertakings, as in many cases they are activities carried out by families) is an important factor to consider regarding the monitoring capability of the State over these properties, as well as in relation to the impacts of forest management on forests, mainly natural forests:</p> <p>a. Company size varies if the activities are being carried out in natural forests or in plantations. In the case of natural forests, thousands of families and small companies make use of this resource. Actually, only in Provincia de Salta there are areas of natural forests larger than 20 thousand hectares carrying out commercial timber harvesting.</p> <p>b. In the case of forest plantations, there are fewer companies dedicated to these activities, although some of them cover some large extensions (in excess of 40 thousand and even 200 thousand hectares). The Division of Forest Production from the Ministry of Agro-Industries considers large producers all those with plantations larger than 100 hectares, medium sized producers, those between 10 and</p>		<p>Based on expert consultation in 2016, the enforcement of all laws related of harvesting activities on plantation is acceptable and the existing risk of non-compliance has been detected as low.</p> <p>Another crucial difference between harvesting activities in natural forests and plantations that impacts forest harvesting activities, is the number of stakeholders involved, and the size of areas. In the case of natural forests, hundreds of different stakeholders are involved in each province (companies, families, natural communities, municipalities, contractors buying rights of harvesting, etc.), within small to medium size extensions of land (only in the Provincia de Salta there are harvesting lands larger than 20 thousand hectares.) In the case of plantations, only a few stakeholders are involved in each province, with forest plans referred to non-changing extensions of land (contrary to the activities in natural forests where every year migrations might happen), in medium to large size areas.</p> <p><b>Risk conclusion</b></p> <p>For forest plantations: This indicator has been evaluated as low risk. Threshold (1) is met: Identified laws are upheld. Cases where law/ regulations are violated are efficiently followed up via preventive actions taken by the authorities and/or by the relevant entities.</p> <p>For natural forests: This indicator has been evaluated as specified risk. Threshold (2) is met: Identified laws are not upheld consistently by all entities and/ or are often ignored, and/or are not enforced by relevant authorities.</p>

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	<p>100 hectares, and small producers, those under 10 hectares.</p> <p>Misiones</p> <ul style="list-style-type: none"> <li>• Law XVI - Nº105 dated 02/09/2010: Act on Territorial Planning and Land Use of Natural Forests (approved on September 2010) [Ley XVI - Nº105 del 02/09/2010: Ordenamiento Territorial de los Bosques Nativos]. Creation of a Provincial Program for Protection and Sustainable Management of Natural Forests [Programa Provincial de Protección y Manejo Sostenible de los Bosques Nativos]. Creation of Provincial Funds for Compensation and Promotion of Natural Forests. Articles 18 and 20. [Fondos Provinciales de Compensación y de Promoción de los Bosques Nativos. Art. 18 y 20]. Available at: <a href="http://digestomisiones.gob.ar/uploads/documentos/leyes/LEY%20XVI%20-%20N%20105.pdf">http://digestomisiones.gob.ar/uploads/documentos/leyes/LEY%20XVI%20-%20N%20105.pdf</a></li> <li>• Law XVI-7 (Previously, Law N 854): Forest Law, Articles 12 and 19 (approved on September 1977) [Ley XVI-7 (Antes Ley N 854): Ley de Bosques]. Available at: <a href="http://digestomisiones.gob.ar/uploads/documentos/leyes/LEY%20XVI%20-%20N%207.pdf">http://digestomisiones.gob.ar/uploads/documentos/leyes/LEY%20XVI%20-%20N%207.pdf</a></li> <li>• Law XVI-53 (previously, Law N 3426): Declaration and Regulations of Protective Forests and Ecological Belts</li> </ul>		

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	<p>(approved on July 1997) [Ley XVI-53 (Antes Ley N 3426): Declaración y Reglamentación de Bosques Protectores y Fajas Ecológicas]. Available at: <a href="http://digestomisiones.gob.ar/uploads/documentos/leyes/LEY%20XVI%20-%20N%2053.pdf">http://digestomisiones.gob.ar/uploads/documentos/leyes/LEY%20XVI%20-%20N%2053.pdf</a></p> <p>Chaco:</p> <ul style="list-style-type: none"> <li>• Law N° 2386: Forests Law. Article 19 and 19bis (approved on September 1980) [Ley N°2386: Ley de Bosques]. Available at: <a href="http://www2.medioambiente.gov.ar/sian/chaco/normativa/ley2386.htm">http://www2.medioambiente.gov.ar/sian/chaco/normativa/ley2386.htm</a></li> </ul> <p>Salta:</p> <ul style="list-style-type: none"> <li>• Law N 7070: Environmental Protection (approved on December 1999), Articles 38, 43 and 44. [Ley N 7070: Protección del Medio Ambiente]. Available at: <a href="http://argentinambiental.com/legislacion/salta/ley-7070-proteccion-del-medio-ambiente/">http://argentinambiental.com/legislacion/salta/ley-7070-proteccion-del-medio-ambiente/</a></li> <li>• Resolution 558/13 Minimum Contents of Management Plans – Forest Harvesting Modality (approved on August 2013) [Resolución 558/13 Contenidos mínimos de los planes de Manejo modalidad aprovechamiento forestal]. Available at: <a href="http://boletinoficialsalta.gob.ar/NewDet">http://boletinoficialsalta.gob.ar/NewDet</a></li> </ul>		

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	<p><a href="#">alleResolucion.php?nro_resolucion=558/13</a></p> <p><b>Legal Authority</b></p> <p>National authorities:</p> <p>Natural forests: Ministry of the Environment and Sustainable Development [Ministerio de Ambiente y Desarrollo Sustentable]:</p> <p>Forest Plantations:</p> <p>Sub secretariat of Forest-industrial Development, from the Ministry of Agro-Industry of the Nation's Presidency [Subsecretaría de Desarrollo Forestoindustrial, dependiente del Ministerio de Agroindustria de la Presidencia de la Nación].</p> <p>Provincial Authorities:</p> <p>The framework of Law N 26331 establishes that each province shall have its competent Local Authority [ALA, Autoridad Local de Aplicación)]. In this case, there are: Forest Divisions [Direcciones de Bosques], Sub secretariats of Natural Resources [Subsecretarías de Recursos Naturales], Afforestation Divisions [Direcciones de Forestación], etc.</p> <p>Specific authorities can be found in the following list:</p>		

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	<p>Misiones: Ministry of Ecology [Ministerio de Ecología]. Available at: <a href="http://www.ecologia.misiones.gov.ar/ecoweb/index.php">http://www.ecologia.misiones.gov.ar/ecoweb/index.php</a>;</p> <p>Chaco: Subsecretariat of Natural Resources and the Environment [Subsecretaría de Recursos Naturales y Medioambiente]. Available at: <a href="http://rnaturaleschaco.gob.ar/">http://rnaturaleschaco.gob.ar/</a>;</p> <p>Salta: Ministry of Environment and Sustainable Production [Ministerio de Ambiente y Producción Sustentable]. Available at: <a href="http://www.salta.gov.ar/organismos/ministerio-de-ambiente-y-desarrollo-sustentable/10">http://www.salta.gov.ar/organismos/ministerio-de-ambiente-y-desarrollo-sustentable/10</a>.</p> <p><b>Legally required documents or records</b></p> <p>Regarding documents, the authority requires different ones, according to:</p> <p>a. Size of company: For plantation companies with more than 100 hectares, requirements are higher than for those with smaller land surface; for instance, the EIA (Environmental Impact Assessment) [Estudio de Impacto Ambiental] that shall be submitted by medium and small companies could be made using Form 200 from the Ministry of Agro-Industries [Ministerio de Agrindustrias], where in a few pages, the subscribed professional in charge</p>		

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	<p>of the plan is to fill in spaces and matrixes. Large companies must provide EIAs much more elaborated with technical supplementary surveys (flora, fauna, etc.), and monitoring plans with complex structures regarding requirements.</p> <p>b. Natural forest: The person in charge of the project submits a Management Plan [Plan de Manejo] with all its characteristics, preventive and corrective measures of forestry treatments which could potentially affect the remaining forest. The authority could approve the plan, or it could request from the person in charge the submission of an EIA. An AOP (Annual Operating Plan) with a description of the work to be carried out must be submitted annually;</p> <p>c. Harvesting Plan for land use conversion: To have a PCUS (Plan with Land Use Conversion) approved, an Environmental Impact Assessment is mandatory, according to specifications in the General Law of the Environment [Ley General del Ambiente] (N 25.675), in Law N 26.331 [Ley N 26.331] and the provincial regulations complementing it. These processes promote civil participation through consultations and public hearings;</p> <p>d. Forest plantations: Forest Plan (with its technical, legal and environmental</p>		

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	components), accompanied by an EIA differing in terms of requirements according to b) in this section.		
1.9 Protected Sites and Species	<p><b>Applicable laws and regulations</b></p> <p>National Legislation:</p> <ul style="list-style-type: none"> <li>▪ National Law N°22.351: Creation of National Parks, Natural Monuments, and National Reserves (approved on November 1980) [Ley Nacional N°22.351: Creación de Parques Nacionales, Monumentos Naturales y Reservas Nacionales]. Available at: <a href="http://www.infoleg.gob.ar/infolegInternet/anexos/15000-19999/16299/texact.htm">http://www.infoleg.gob.ar/infolegInternet/anexos/15000-19999/16299/texact.htm</a></li> <li>▪ Law N 21836 approving the Convention Concerning the Protection of the World Cultural and Natural Heritage (approved on July 1978) [Ley N 21836 de aprobación de la Convención sobre la Protección del Patrimonio Mundial, Cultural y Natural. de los Recursos Naturales]. Available at: <a href="https://leyesargentinas.com/norma/215908/ley-21836-tratados-internacionales-convencion-sobre-la-proteccion-del-patrimonio-mundial-cultural-y-natural-aprobacion">https://leyesargentinas.com/norma/215908/ley-21836-tratados-internacionales-convencion-sobre-la-proteccion-del-patrimonio-mundial-cultural-y-natural-aprobacion</a></li> <li>▪ Law N 22344 approving Convention on International Trade in Endangered Species (approved in 1982) [Ley N</li> </ul>	<p><b>Government sources</b></p> <p>None found.</p> <p><b>Non-government sources</b></p> <ul style="list-style-type: none"> <li>▪ Giardini, H (2012). <i>Greenpeace-Noticias sobre Biodiversidad</i>. [online]. Available at: <a href="http://www.greenpeace.org.ar/blog/cazadores-matan-a-un-yaguarete-en-misiones/6785/">http://www.greenpeace.org.ar/blog/cazadores-matan-a-un-yaguarete-en-misiones/6785/</a></li> <li>▪ Greenpeace (2017). <i>Annual report 2016, Deforestation in the North of Argentina</i>. [Deforestación en el Norte de Argentina]. [online]. Available at: <a href="http://www.greenpeace.org/argentina/Globa/argentina/2017/1/Deforestacion-norte-Argentina-Anual-2016.pdf">http://www.greenpeace.org/argentina/Globa/argentina/2017/1/Deforestacion-norte-Argentina-Anual-2016.pdf</a></li> </ul> <p><b>Interviews with experts</b></p> <p>During the drafting of this work, several experts representing different organizations were interviewed, such as Greenpeace Argentina, Wild Life Argentina Foundation [Fundación Vida Silvestre Argentina], Pro-Yungas Foundation [Fundación ProYungas]; representatives from national authorities, such as: the National Parks Administration [Administración de Parques Nacionales], Ministry of the Environment [Ministerio de</p>	<p><b>Overview of Legal Requirements</b></p> <p>Regarding protected species, the legal framework is controlled by different organisations within the national government, such as the Ministry of the Environment (Ministerio de Ambiente) (for species) and the National Parks Administration (Administración de Parques Nacionales) (for areas). At the same time, provinces have their own legal frameworks defining natural monuments, protected species, etc. In the bibliographic review, it was noted that many wildlife species that have been declared national or provincial monuments, including the yaguareté (<i>Panthera onca</i> or jaguar) that fall into this category at the national level, also inhabit forests and other intimately related areas, such as wetlands and pastures. Therefore, in several regions in the north of Argentina and the Patagonia Andina, protected species and forests areas coexist.</p> <p>Regulations for economic activities in protected areas are clearly specified, while protected species are not subject to harvesting for economical purposes, although there is one endangered species subject to forest harvesting, the so-called Palo Santo (<i>Bulnesia sarmientoi</i>). In provinces like Misiones (Yabotí Biospher Reserve, Reserva de la Biósfera Yabotí) and Corrientes (Iberá Provincial Reserve, Reserva Provincial Iberá), conservation and productive activities coexist.</p> <p>The General Environmental Law (La Ley General del Ambiente) establishes the minimum budgets for achieving a sustainable and adequate administration, preservation and protection of biological diversity and the implementation of sustainable development.</p>

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	<p>22344 de aprobación de la Convención sobre el Comercio Internacional de Especies Amenazadas]. Available at: <a href="http://www.loa.org.ar/legNormaDetalle.aspx?id=14992">http://www.loa.org.ar/legNormaDetalle.aspx?id=14992</a></p> <ul style="list-style-type: none"> <li>▪ Law N 23919 Convention related on Wetlands of International Importance especially as Waterfowl Habitat, signed in Ramsar (approved on March 1991) [Ley N 23919 de aprobación de la Convención Relativa a los Humedales de Importancia Internacional especialmente como Hábitat de Aves Acuáticas, firmada en Ramsar]. Available at: <a href="http://www.infoleg.gov.ar/infolegInterneto/anexos/0-4999/319/norma.htm">http://www.infoleg.gov.ar/infolegInterneto/anexos/0-4999/319/norma.htm</a></li> <li>▪ Law N 24375 on the approval of the Convention on Biological Diversity Agreement (approved on September 1994) [Ley N 24375 de aprobación del Convenio de Diversidad Biológica]. Available at: <a href="http://www.infoleg.gov.ar/infolegInterneto/verNorma.do?id=29276">http://www.infoleg.gov.ar/infolegInterneto/verNorma.do?id=29276</a></li> <li>▪ Law N 13273 for the Forest Defence, Improvement and Extension (approved on September 1948) [Ley N 13273 de Defensa, Mejoramiento y Ampliación de los bosques]. Available at: <a href="http://servicios.infoleg.gob.ar/infolegInternet/anexos/30000-34999/30713/norma.htm">http://servicios.infoleg.gob.ar/infolegInternet/anexos/30000-34999/30713/norma.htm</a></li> </ul>	<p>Ambiente], Ministry of Agro-Industries [Ministerio de Agroindustrias]; and provincial authorities, such as: IIFA (Forests Division [Dirección de Bosques] from Chaco. Also, several independent professionals working in this field were interviewed. These people gave some data to help understand the complexity of forest management in internal areas or neighbouring protected sites or areas.</p>	<p>Law N 22344, which refers to approval of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (Ley N 22344 de aprobación de la Convención sobre el Comercio Internacional de Especies Amenazadas of Wild Flora and Fauna), includes appendixes for all endangered species, species whose situation is critic and controlled species in order to restrict their trade. The parties to the Convention will prohibit trading of these specimens, except in accordance with the terms of the Convention. Limitations established by said Convention regarding flora can be found in Appendix I, including any part or easily identified derivative product. Appendix II and III refer to fauna, including any part or easily identified derivative product.</p> <p>Law N 24702 (Ley N 24702) refers to several mammal species that fall into the category of protected species. Even though they are found in the Patagonia Region, several of them inhabit forest areas.</p> <p>Law N 26331 (Ley N 26331) establishes the Territorial Planning Act which provinces shall follow in their territories. This territorial act states one of three possible categories, namely, total conservation (although it is not strict, which means that some activities, like obtaining NTFPs by rural communities is possible).</p> <p>Article N 8 of the National Law for the Defence of Forest Wealth (Ley de Defensa de la Riqueza Forestal) (13273) defines the different types of protective forests included in the common forest regulations, the promotion of afforestation, and the enrichment of these areas, among other aspects.</p> <p>Law N 22351, Creation of National Parks, Natural Monuments, and National Reserves, states: the law can declare a national park, natural monument or national reserve any of those territories from the republic that due to its extraordinary beauty or richness in natural flora or fauna, or</p>

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	<ul style="list-style-type: none"> <li>▪ Law N 26331 Minimum Budget for Forest Protection (approved on November 28<sup>th</sup>, 2007) [Ley N 26331 de Presupuestos Mínimos de Protección de los Bosques]. Available at: <a href="http://servicios.infoleg.gob.ar/infolegInternet/anexos/135000-139999/136125/norma.htm">http://servicios.infoleg.gob.ar/infolegInternet/anexos/135000-139999/136125/norma.htm</a></li> <li>▪ Law N 24702 of Natural Monuments (approved on September 1996) [Ley N 24702 de Monumentos Naturales]. Available at: <a href="http://www.infoleg.gov.ar/infolegInternet/anexos/35000-39999/39913/norma.htm">http://www.infoleg.gov.ar/infolegInternet/anexos/35000-39999/39913/norma.htm</a></li> <li>▪ Law N 22421 on Wildlife Protection (approved in 1981) [Ley N 22421 de Protección de la Fauna]. Available at: <a href="http://www0.unsl.edu.ar/~atissera/Leyes%20Nacionales/LEY%20Nac%2022421%20Fauna.pdf">http://www0.unsl.edu.ar/~atissera/Leyes%20Nacionales/LEY%20Nac%2022421%20Fauna.pdf</a></li> <li>▪ Law N 25675 Environment General Law (approved on November 2002) [Ley N 25675 General del Ambiente]. Available at: <a href="http://www.opds.gba.gov.ar/sites/default/files/LEY%2025675.pdf">http://www.opds.gba.gov.ar/sites/default/files/LEY%2025675.pdf</a></li> <li>▪ Law N 22344 approving Convention on International Trade in Endangered Species (approved in 1982) [Ley N 22344 de aprobación de la Convención sobre el Comercio Internacional de Especies Amenazadas]. Available at:</li> </ul>		<p>scientific interest should be protected and preserved, and such declaration shall be required by law. At the same time, items, animals or plants with aesthetic interest, historical or scientific value, or those whose absolute protection has been assigned to, can be declared natural monuments. The establishment of new national parks, natural monuments or national reserves in a provincial territory will only be allowed after this territory has been transferred to the National State. In these areas there are restrictions regarding the activities that can be carried out. In national parks, all economic exploitation, except that pertaining to tourism is forbidden, while in reserves, sports, and commercial and industrial activities complying with regulations and authorizations from competent authority can be carried out.</p> <p>Law N 22421, Law of Protection and Conservation of Wildlife (Ley de Protección y Conservación de la Fauna Silvestre) covers public interest wildlife inhabiting the territory of the Republic, as well as its conservation, propagation and use. It establishes the duty of the nation's inhabitants to protect the wildlife in accordance with existing regulations issued by competent authorities for its conservation and management.</p> <p>Decree 666/97 regulates protection and conservation of wildlife, as well as import, export and interprovincial trade of live animals and products and by-products derived from them. It also approves hunting regulations.</p> <p>Regarding provincial laws, those cited in Provincia de Misiones declare some species as protected, and it states: The following specimens of natural species are declared Natural Provincial Monuments of public interest and not for trade: "<i>Araucaria Angustifolia</i>" (Pino Paraná) and "<i>Aspidosperma Polyneurum</i>" (Palo Rosa), found in provincial-owned lands, in self-sufficient entities, decentralized, municipal and/or from private properties, in order to accomplish preservation, conservation and reproduction of</p>

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	<p><a href="http://www.loa.org.ar/legNormaDetalle.aspx?id=14992">http://www.loa.org.ar/legNormaDetalle.aspx?id=14992</a></p> <ul style="list-style-type: none"> <li>▪ Law N° 25.463 on the National Natural Yaguareté Monument (approved on September 2001) [Ley N° 25.463: Yaguareté Monumento Nacional Natural]. Available at: <a href="http://www.redyaguarete.org.ar/legislacion/ley-25463/">http://www.redyaguarete.org.ar/legislacion/ley-25463/</a></li> <li>▪ Decree 666/97 [Decreto 666/97]: Protection and conservation of wildlife (approved on July 1997). Available at: <a href="http://www2.medioambiente.gov.ar/mlegal/fauna_flora/dec666_97.htm">http://www2.medioambiente.gov.ar/mlegal/fauna_flora/dec666_97.htm</a></li> </ul> <p>Provincial legislation:</p> <p>Misiones:</p> <ul style="list-style-type: none"> <li>▪ Law XVI-29 (Previously, Law N 2932): System of Protected Areas (approved on June 1992) [Ley XVI-29 (antes Ley N 2932): Sistema de Áreas Protegidas]. Available at: <a href="http://digestomisiones.gob.ar/uploads/documentos/leyes/LEY%20XVI%20-%20N%2029.pdf">http://digestomisiones.gob.ar/uploads/documentos/leyes/LEY%20XVI%20-%20N%2029.pdf</a></li> <li>▪ Law XVI-19 (Law N° 2.380): Natural Monuments: Pino, Paraná and Palo Rosa located on government-owned lands and Creation of the Provincial Registry for the Protection of Said Species (approved on October 1986) [Ley XVI-19 (Ley N° 2.380):</li> </ul>		<p>these species, and avoid their extinction. A similar declaration is made for Lapacho Negro (<i>Tabebuia heptaphyla</i>).</p> <p><b>Description of risk</b></p> <p>The risk of timber being harvested from protected areas, or protected species being cut, is potentially real, especially in the north part of the country. Greenpeace has documented evidences showing these risks: In a report, Greenpeace states that during 2016, 1/3 of the converted area in the North of Argentina, happened in protected areas. This represents 41.595 hectares and the causes for conversion are mainly agriculture and pasture activities. (see source: Greenpeace 2017).</p> <p>In interviews with the mentioned experts for this case, it was confirmed that the risk derives from the rural communities' culture of using natural forests – legally protected or unprotected, as a source for their supplies, and who do not necessarily follow the laws protecting them, as well as the lack of strict control of land boundaries in national and provincial jurisdictions. It is worth mentioning that these types of situations are frequent in the country, especially in the northern provinces. In some of these protected areas in the north of the country, neighbours or neighbouring rural communities use these areas as firewood, NTFPs and protein (hunting of mammals and birds) sources, and sometimes sourcing larger diameter wood (timber) for house construction or even for selling in small quantities (a type of commerce locally called “al menudeo”). These types of incidents can also be found in protected areas of the Patagonia Andina, although at a smaller scale.</p> <p>Regarding individual protected species, the scenario is more complex, as was verified in interviews with the experts consulted for this work. Instances of cutting of protected species reported in the province of Misiones, the province with</p>

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	<p>Monumentos Naturales: Pino Paraná y Palo Rosa ubicados en Tierras Fiscales y Crea Registro Provincial de Protección de las citadas especies]. Available at: <a href="http://digestomisiones.gob.ar/uploads/documentos/leyes/LEY%20XVI%20-%20N%2019.pdf">http://digestomisiones.gob.ar/uploads/documentos/leyes/LEY%20XVI%20-%20N%2019.pdf</a></p> <ul style="list-style-type: none"> <li>▪ Law XVI-91 (Law N° 4.318): Lapacho Negro, Official Flower and Natural Monument [Ley XVI-91 (approved on August 2006) (Ley N° 4.318)]: Lapacho Negro, flor oficial y Monumento Natural]. Available at: <a href="http://digestomisiones.gob.ar/uploads/documentos/leyes/LEY%20XVI%20-%20N%2091.pdf">http://digestomisiones.gob.ar/uploads/documentos/leyes/LEY%20XVI%20-%20N%2091.pdf</a></li> <li>▪ LEY XVI - 40 (Law N 3257): Declaration of Grapia (<i>Apuleia leioicarpa</i>) as a Protected Species (approved on November 1995) [Ley N 3257: Declaración de la Grapia como especie protegida]. Available at: <a href="http://digestomisiones.gob.ar/uploads/documentos/leyes/LEY%20XVI%20-%20N%2040.pdf">http://digestomisiones.gob.ar/uploads/documentos/leyes/LEY%20XVI%20-%20N%2040.pdf</a></li> </ul> <p>Chaco:</p> <ul style="list-style-type: none"> <li>▪ Law N 4306: Natural Monuments from Provincia de Chaco (approved on April 2010) [Ley N 4306: Monumentos Naturales de la Provincia de Chaco]. Available at: <a href="http://direcciondefauna.blogspot.com.a">http://direcciondefauna.blogspot.com.a</a></li> </ul>		<p>the greatest biodiversity in the country and containing several protected species. Regarding one of these protected species - <i>Handroanthus heptaphyllus</i> (Lapacho Negro), the difficulty has increased due to the fact that in neighbouring provinces this species is not protected and cutting could be justified in this way, although with probabilities that there might be wrong versions or incorrect declarations regarding origin, species, diameter, etc. Similar conditions exist for <i>Bursera graveolens</i> (Palo Santo) (CITES II) in Chaco, Salta and Formosa.</p> <p>In relation to forest plantations, cultivated species are mainly exotic and because they come from plantations, they are no longer considered protected species. In provinces like Misiones, Corrientes and Entre Ríos, these plantations compete (for the space) in a way with areas that have protected species, fauna mainly. These are birds like saffron-cowled blackbird (<i>Xanthopsar flavus</i>, tordo amarillo), strange-tailed tyrant (<i>Alectrurus risora</i>, yetapá de collar), yellow cardinal (<i>Gubernatrix cristata</i>, cardenal amarillo), etc., and mammals like pampas deer (<i>Ozotoceros bezoarticus</i>, venado de las pampas), marsh deer (<i>Blastocerus dichotomus</i>, ciervo de los pantanos), among others. These potential impacts on forestation are continually pointed out by organizations such as the Conservation Lund Trust, Wild Life Argentina (Fundación Vida Silvestre Argentina), and others. The regulation frame (legislation described in the second column) includes precautionary measures to protect these values either on natural forest or plantation (for example see article 4 from the law N° 25463: <i>The Enforcement Authority shall guarantee the planning and execution of preventive measures in cases in which a specimen becomes circumstantially harmful to man and / or his productive activities</i>). Besides, environmental NGOs, based on consultations in 2016, believe there is a long way still to go through. Due to the information mentioned above, and taking into consideration the lack of evidences regarding the implementation of preventive measures for protected species in natural forests and forest</p>

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	<p><a href="http://www2.medioambiente.gov.ar/sia/n/chaco/normativa/ley2386.htm">r/2010/04/ley-de-monumentos-naturales.html</a></p> <ul style="list-style-type: none"> <li>▪ Law N° 2386: Forests Law (approved on September 1980) [Ley N°2386: Ley de Bosques]. Available at: <a href="http://www2.medioambiente.gov.ar/sia/n/chaco/normativa/ley2386.htm">http://www2.medioambiente.gov.ar/sia/n/chaco/normativa/ley2386.htm</a></li> </ul> <p>Salta:</p> <ul style="list-style-type: none"> <li>▪ Law N 7070/00: Law on Environmental Protection (Title IV, and Chapters I and VII) (approved on December 1999) [Ley N 7070/00: de Protección del Medio Ambiente (Título IV Capítulo I, y Capítulo VII)]. Available at: <a href="http://test.e-legis-ar.msal.gov.ar/leisref/public/showAct.php?id=13612">http://test.e-legis-ar.msal.gov.ar/leisref/public/showAct.php?id=13612</a></li> <li>▪ Decree 1660: on the Protection of Yaguareté (approved on September 2001) [Decreto 1660: de protección del Yaguareté]. Available at: <a href="http://www.redyaguarete.org.ar/legislacion/decreto-1660/">http://www.redyaguarete.org.ar/legislacion/decreto-1660/</a></li> </ul> <p><b>Legal authority</b></p> <p>National Authorities:</p> <p>National Ministry of the Environment and Sustainable Development (in this institution and according to the case, the competent authority can be the Forest Division and/ or the CITES Authority</p>		<p>plantations, the precautionary approach has been applied, thus this indicator is considered as specified risk.</p> <p><b>Risk conclusion</b></p> <p>Following the precautionary approach, this indicator has been evaluated as specified risk.</p> <p>Threshold (2) is met: identified laws are not upheld consistently by all entities and/or are often ignored, and/or are not enforced by relevant authorities.</p>

Indicator	Applicable Laws and Regulations, Legal Authority, and Legally Required Documents or Records	Sources of Information	Risk Designation and Determination
	<p>working in its field) [Ministerio de Ambiente y Desarrollo Sustentable de la Nación (dentro de esta institución y según el caso, puede ser autoridad de aplicación la Dirección de Bosques y/o la Autoridad CITES que trabaja dentro de su órbita)]. Available at: <a href="http://www.ambiente.gob.ar">www.ambiente.gob.ar</a>;</p> <p>National Parks Administration [Administración de Parques Nacionales]. Available at: <a href="http://www.apn.gob.ar">www.apn.gob.ar</a></p> <p>Provincial Authorities:</p> <p>There are specific authorities in all the 12 provinces. The most relevant, in terms of traded and planted volumes, diversity of species, and peoples related to forests, are detailed for:</p> <p>Misiones: Ministry of Ecology [Ministerio de Ecología]. Available at: <a href="http://www.ecologia.misiones.gov.ar/ecoweb/index.php">http://www.ecologia.misiones.gov.ar/ecoweb/index.php</a></p> <p>Chaco: Sub secretariat of Natural Resources and the Environment [Subsecretaría de Recursos Naturales y Medioambiente]. Available at: <a href="http://rnaturaleschaco.gob.ar/">http://rnaturaleschaco.gob.ar/</a></p> <p>Salta: Ministry of Environment and Sustainable Production [Ministerio de Ambiente y Producción Sustentable]. Available at: <a href="http://www.salta.gov.ar/organismos/minist">http://www.salta.gov.ar/organismos/minist</a></p>		

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	<p><a href="#">erio-de-ambiente-y-desarrollo-sustentable/10</a></p> <p><b>Legally required documents or records</b></p> <p>Natural Forests: Management Plan or Land Conversion Plan (with its complementary documents: EIA, POA, etc.) [Plan de Manejo o Plan de Aprovechamiento de Cambio de Uso de Suelo (con sus documentos complementarios: EIA, POA, etc.)].</p> <p>Forest Plantations: Forest Plan with its complementary document (EIA, fauna and flora assessment, for large companies, etc.) [Plantaciones forestales: Plan Forestal con sus documentos complementarios (EIA, relevamientos de fauna y flora para grandes empresas, etc.)].</p>		
1.10 Environmental Requirements	<p><b>Applicable laws and regulations</b></p> <p>National Legislation</p> <p>National Constitution (approved on December 1994): articles 41, 43 and 124 [Constitución Nacional]. Available at: <a href="http://servicios.infoleg.gob.ar/infolegInterne/t/anexos/0-4999/804/norma.htm">http://servicios.infoleg.gob.ar/infolegInterne/t/anexos/0-4999/804/norma.htm</a></p> <p>Resolutions:</p> <ul style="list-style-type: none"> <li>95/02 - S.A.y D.S.- (approved on April 2002). Amends Annex II of Resolution 501/95, Registry of Consultants on</li> </ul>	<p><b>Government sources</b></p> <ul style="list-style-type: none"> <li>National Ministry of the Environment [Ministerio de Ambiente de la Nación]: section on fires in the Provincia de Santa Cruz Major Book [Gran Libro de la Provincia de Santa Cruz], [Editorial Centro Alfa Literario. Milenio Ediciones]. Statistical data provided by the Department of Forest Fires of the Provincial Livestock Council. [online]. Available at: <a href="http://www2.medioambiente.gov.ar/sian/s/cruz/flora/incendio.htm">http://www2.medioambiente.gov.ar/sian/s/cruz/flora/incendio.htm</a></li> </ul>	<p><b>Overview of Legal Requirements</b></p> <p>The constitutional reform of 1994, at Article 41, introduced an acknowledgement of the right of all inhabitants to a healthy environment and the responsibility of preserving it. In the same line, it imposes to anyone causing an environmental damage the obligation of correcting it.</p> <p>Article 43 establishes that any person can seek legal protection against any action or omission from public authorities or private persons, who in real or imminent form injures, restricts, affects or threatens, with arbitrariness or manifest illegality, the rights and privileges acknowledged by the National Constitution, adding that action could be filed with regards to the protection of the environmental rights by the</p>

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	<p>Environmental Impact Studies; Instrumentation and Regulations [Modifica el Anexo II de la Resolución 501/95, Instrumentación y Reglamentación del Registro de Consultores en Estudios de Impacto Ambiental]. Available at: <a href="http://www.minagri.gob.ar/sitio/areas/d_gestion_ambiental/legislacion/nacional/_archivos/025675-LEY%2025675%20(Ley%20General%20del%20Ambiente)/000998-RESOLUCION%2095-02%20consultores%20EIA%20(Registro%20de%20Consultores%20en%20Estudios%20de%20Impacto%20Ambiental).pdf">http://www.minagri.gob.ar/sitio/areas/d_gestion_ambiental/legislacion/nacional/_archivos/025675-LEY%2025675%20(Ley%20General%20del%20Ambiente)/000998-RESOLUCION%2095-02%20consultores%20EIA%20(Registro%20de%20Consultores%20en%20Estudios%20de%20Impacto%20Ambiental).pdf</a></p> <ul style="list-style-type: none"> <li>693/98 -S.R.N.and D.S.- (approved on August 1998). The Secretariat of Natural Resources and Sustainable Development requires that all those performing EIA must be registered in the Registry of Consultants on Environmental Impact Studies [Exigencia de estar inscriptos en el Registro de Consultores en Estudios de Impacto Ambiental a quienes realicen EIA exigidos por la Secretaría de Recursos Naturales y Desarrollo Sustentable]. Available at: <a href="http://www.cofema.gob.ar/?aplicacion=normativa&amp;IdNorma=407&amp;IdSeccion=0">http://www.cofema.gob.ar/?aplicacion=normativa&amp;IdNorma=407&amp;IdSeccion=0</a></li> <li>60/96 -S.R.N.and A.H.- (approved on February 1996). Complements regulation of Registry of Consultants on</li> </ul>	<ul style="list-style-type: none"> <li>COFEMA (an organization created by the National Government for working on environmental issues). <i>Objectives of the Federal Council for the Environment</i>. [online]. [Consejo Federal del Medio Ambiente]. Available at: <a href="http://www.cofema.gob.ar/">http://www.cofema.gob.ar/</a></li> <li>Ministry of Agroindustries [Ministerio de Agroindustrias]. <i>Report: Argentina, Forest plantations and sustainable management</i> [Informe: Argentina, plantaciones forestales y gestión sostenible]. [online]. Available at: <a href="http://forestoindustria.magyp.gob.ar/archivos/gestion-forestal-sostenible/publi_ambiental.pdf">http://forestoindustria.magyp.gob.ar/archivos/gestion-forestal-sostenible/publi_ambiental.pdf</a></li> </ul> <p><b>Non-government sources</b></p> <ul style="list-style-type: none"> <li>News Portal (October 2013). [Portal de noticias- Infobae-Sociedad]. [online]. Available at: <a href="http://www.infobae.com/2013/10/21/1517756-argentina-mal-uso-los-agroquimicos-provoca-problemas-salud">http://www.infobae.com/2013/10/21/1517756-argentina-mal-uso-los-agroquimicos-provoca-problemas-salud</a></li> <li>News Portal (2016). [La Nación, Portal de noticias- La Nación]. [online]. Available at: <a href="http://www.lanacion.com.ar/1888353-martin-prieto-argentina-se-encuentra-entre-los-10-paises-que-mas-destruyen-sus-bosques-nativos">http://www.lanacion.com.ar/1888353-martin-prieto-argentina-se-encuentra-entre-los-10-paises-que-mas-destruyen-sus-bosques-nativos</a></li> <li>Fire Management Consortium. Forest Association of Corrientes. <i>Seasonal</i></li> </ul>	<p>offended, the people's defence counsel or any association trying to defend these rights (non-government associations, NGOs).</p> <p>Article 124 establishes that provinces have the original domain of natural resources available in their territory.</p> <p>There is a very wide legal framework in the country referring to environmental requirements. Laws have been issued for the past two decades (some have been updated, others have not) regarding care to natural forests, wetlands, emblematic and protected species when their conservation is considered endangered, with respect to soils, wetlands, the atmosphere and especially the ozone layer. On the other hand, the country constantly ratifies international treaties and conventions regarding environmental concerns.</p> <p>Environmental requirements regarding natural forests are basically explained in National Law N 26331, although there are other supporting laws.</p> <p>While forest plantations have environmental requirements in order to control dispersion of the exotic species that are planted, for soil conservation, the use of agrochemicals and management of their residues, to avoid conversion of natural forests, (although the possibility is not totally banned as OTBN admits conversion of natural forests and pasturelands) to preserve natural forests, and control forest fires, among other aspects.</p> <p>When submitting plans for forest plantations or natural forest management with the aim of obtaining the benefits granted by the National Government, applicants should provide EIAs (Environmental Impact Assessments) describing environmental characteristics of the land and the project, practices to be implemented and environmental safeguards. Depending on the project's land surface, wider and more</p>

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	<p>Environmental Impact Studies; Right to be registered and others [Complemento de la reglamentación del Registro de Consultores en Estudios de Impacto Ambiental. Derecho de inscripción y otros]. Available at: <a href="http://datos.ambiente.gob.ar/dataset/registro-de-consultores-en-estudios-de-impacto-ambiental">http://datos.ambiente.gob.ar/dataset/registro-de-consultores-en-estudios-de-impacto-ambiental</a></p> <ul style="list-style-type: none"> <li>• 501/95 -S.R.N.and A.H.- (approved on December 1995). Implementation and Regulation of the Registry of Consultants on Environmental Impact Studies. Approval of the General Environmental Guide [Instrumentación y Reglamentación del Registro de Consultores en Estudios de Impacto Ambiental. Aprobación de la Guía Ambiental General]. Available at: <a href="http://www.ecofield.net/Legales/Pol_ambiental/res501-95_SRNyDS.html">http://www.ecofield.net/Legales/Pol_ambiental/res501-95_SRNyDS.html</a></li> <li>• 897/02 – On Hazardous residues (approved on August 2002) [Sobre Residuos Peligrosos]. Available at: <a href="http://www.ecofield.net/Legales/Residuos_pel/res897-02_SAYDS.htm">http://www.ecofield.net/Legales/Residuos_pel/res897-02_SAYDS.htm</a></li> <li>• Protective Forests: National Law N°13273 on Forest Wealth (approved in 1948) [Ley Nacional N°13273, de Riqueza Forestal]. Available at: <a href="http://www.ambienteforestalnoa.org.ar/serfiles/legislacion/pdf/Ley13273yreglamento.pdf">http://www.ambienteforestalnoa.org.ar/serfiles/legislacion/pdf/Ley13273yreglamento.pdf</a></li> </ul>	<p><i>Report</i> [Consortio manejo del Fuego. Asociación Forestal de Corrientes. Informe de temporada]. [online]. Available at: <a href="http://www.cmf.org.ar/index.php?s=3&amp;t=3">http://www.cmf.org.ar/index.php?s=3&amp;t=3</a></p> <ul style="list-style-type: none"> <li>• Greenpeace (2012). [Noticia]. [online]. Available at: <a href="http://www.greenpeace.org/argentina/es/noticias/Greenpeace-denuncia-que-Chaco-viola-la-Ley-de-Bosques/">http://www.greenpeace.org/argentina/es/noticias/Greenpeace-denuncia-que-Chaco-viola-la-Ley-de-Bosques/</a></li> <li>• ECO-SITIO (Environment and Ecology Portal) news (2016) [ECO-SITIO (Portal de Medio Ambiente y Ecología)]. [online]. Available at: <a href="http://noticias-ambientales-argentina.blogspot.com.ar/2016/02/forestal-de-papel-prensa-contamina-con.html">http://noticias-ambientales-argentina.blogspot.com.ar/2016/02/forestal-de-papel-prensa-contamina-con.html</a></li> <li>• El Federal (2018). <i>Use agrotoxics to convert native forest in Cordoba [Usan agrotóxicos para desmontar bosque nativo cordobés]</i>. [online]. Available at: <a href="https://www.elfederal.com.ar/usan-agrotoxicos-para-desmontar-bosque-nativo-cordobes/">https://www.elfederal.com.ar/usan-agrotoxicos-para-desmontar-bosque-nativo-cordobes/</a></li> <li>• ACUDE (Environment, Culture and Development Foundation) (N.Y.). <i>Almost every time rural fires are originated by human factors, direct or indirectly</i>. [online] [Casi cada vez que los incendios rurales son originados por factores humanos, directa o indirectamente]. Available at:</li> </ul>	<p>specific requirements will be requested, starting at 100 hectares and over. Some of these specific requirements are: increase the area under protection, detailed forestry inventories, fauna and flora identification and monitoring plan, among others. Agrochemicals (biocides) use for soil and weed management is part of these EIAs.</p> <p>Regarding soils, the legislation promotes their conservation by encouraging practices that avoid their destruction and ensure their use through time. In relation to the documents or formalities that a primary producer must undertake, although there is not a specific document granting use of this resource (soil), the purpose for requesting a license, the practices to be used and the project justification will determine the type of license that the authority will grant, and the restrictions that should be observed.</p> <p>Regarding protected forests, harvesting is banned by national and provincial laws recognizing that their importance for the environment is acknowledged in the Law for the Defence of Argentina Forest Wealth issued in 1970.</p> <p>Regarding pesticides, in different provinces specific agronomic formulas made by professionals indicating their use, the authorization of the company that will apply them, treatment given to residues like containers, etc. are contemplated. Connected to these products and other related products are hazardous residues, Law N 24051 regulates generating, handling, transportation, treatment and final disposal of hazardous residues. In principle, it only applies to residues generated or located in places under national jurisdiction and those located in provinces abiding by it. It could also be applied to hazardous residues located in a provincial territory if one of the premises stated by Article 1 of the Law is fulfilled (interprovincial transportation, possibility of</p>

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	<ul style="list-style-type: none"> <li>• Law N 22.428 Legal Regulations for Promoting Private and Public Action to Preserve and Recover the Productive Capacity of Soils (approved on March 1981) [Ley N 22.428: Régimen legal para el fomento de la acción privada y pública tendiente a la conservación y recuperación de la capacidad productiva de los suelos]. Available at: <a href="http://servicios.infoleg.gob.ar/infolegInternet/anexos/40000-44999/40021/norma.htm">http://servicios.infoleg.gob.ar/infolegInternet/anexos/40000-44999/40021/norma.htm</a></li> <li>• Biocides: Each province where biocides (agrochemicals to present effects) are used has its own laws and regulations.</li> <li>• Wetlands: Bill for Protecting Wetlands (not yet passed and therefore with no reference number) (2015) [Proyecto Ley de Protección de Humedales]. Available at: <a href="http://www.senado.gov.ar/upload/19157.pdf">http://www.senado.gov.ar/upload/19157.pdf</a></li> <li>• Provinces like Corrientes, Chaco, Formosa, and Santa Fe have their own legal framework to protect sites of special interests.</li> <li>• Law N 24051 of Hazardous residues (approved on December 1991) [Ley N 24051 de Residuos Peligrosos]. Available at: <a href="http://servicios.infoleg.gob.ar/infolegInternet/anexos/0-4999/450/textact.htm">http://servicios.infoleg.gob.ar/infolegInternet/anexos/0-4999/450/textact.htm</a></li> </ul>	<p><a href="http://www.fundacionacude.org/UserFiles/File/IncendiosRurales.pdf">http://www.fundacionacude.org/UserFiles/File/IncendiosRurales.pdf</a></p> <ul style="list-style-type: none"> <li>• Chequeado (2017). <i>70% of fires in the Province occur due to unknown causes [El 70% de los incendios en la provincial ocurren por causas desconocidas]</i>. [online]. Available at: <a href="https://chequeado.com/el-explicador/el-70-de-los-incendios-en-la-provincia-ocurren-por-causas-desconocidas/">https://chequeado.com/el-explicador/el-70-de-los-incendios-en-la-provincia-ocurren-por-causas-desconocidas/</a></li> </ul> <p><b>Interviews with experts</b></p> <p>Several NGOs work in the country under this indicator. Some of them are: Greenpeace Argentina, Wild Life Foundation Argentina [Fundación Vida Silvestre Argentina], Foundation Habitat and Development [Fundación Hábitat y Desarrollo], FARN, Pro-Yungas Foundation [Fundación Pro Yungas], ENDEPA, Aboriginal Pastoral [Pastoral Aborigen], Conservation Land Trust, Proteger Foundation [Fundación Proteger], CEIBAS, among many others. During the present work representatives from some of these organizations were interviewed in order to have a better understanding of the regulatory framework and the reality of the countryside in the various regions.</p>	<p>impacting the environment or people beyond the limits of the province).</p> <p>Notwithstanding the above, provisions regarding civil and criminal responsibility of this Law apply to the whole country. Regulation Decree 897/02 (Decreto Regulatorio 897/02) includes Annex I (Anexo I) from Law 24.051 (Ley 24.051) and its Regulatory Decree 831/93 (Decreto Regulatorio 831/93) from the Category Subjected to Y48 Control (Categoría Sometida a Control Y48) regarding all materials and/or different elements contaminated with one or more hazardous residues identified in Annex I (Anexo I) or presenting one or more dangerous characteristics listed in Annex II (Anexo II) of the Law on Hazardous residues (Ley de Residuos Peligrosos).</p> <p>Regarding wetlands, their use in forestry terms (floodable forests) and use land conversion are controlled by national and provincial laws.</p> <p>Finally, the country has been working for a couple of decades on a National Service for Fire Management (Servicio Nacional de Manejo del Fuego) coordinated by the Ministry of the Environment. The environmental impact of a forest fire is widely understood as of alarming magnitude. The National Service for Fire Management, in addition to the above-mentioned national organization, has Consortiums for Fire Management (Consortios de Manejo del Fuego). These consortiums are civil organizations comprised mainly of plantation companies working in coordination with firemen, civil defence centres, neighbours (mainly stockbreeders), the police, National Highway Administration (Vialidad Nacional), and also provincial highways administrations, among other actors. These consortiums, besides keeping statistics and informing their members daily on climate conditions and risks</p>

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	<ul style="list-style-type: none"> <li>Regulatory Decree N 831/93 dangerous residues (approved in 1993) [Decreto Reglamentario N 831/93 residuos peligrosos]. Available at: <a href="https://www.sertox.com.ar/img/item_full/D831.pdf">https://www.sertox.com.ar/img/item_full/D831.pdf</a></li> <li>Law N 26815 Fire Management (approved on November 2012) [Ley N 26815 de Manejo del Fuego]. Available at: <a href="http://www.incendiosforestales.catamarca.gob.ar/assets/ley-nro-26815.pdf">http://www.incendiosforestales.catamarca.gob.ar/assets/ley-nro-26815.pdf</a></li> </ul> <p>Misiones:</p> <ul style="list-style-type: none"> <li>Law N 3079, Responsibilities and criteria for Use and Implementation of Evaluations of Environmental Impact (approved on November 1993) [Ley N 3079, de Responsabilidades y Criterios para el uso e implementación de la evaluación de impacto ambiental]. Available at: <a href="https://www.agroindustria.gob.ar/sitio/areas/d_gestion_ambiental/legislacion/provincial/_archivos/000005-Legislacion%20Ambiental%20General/000014-Misiones/003079-ley%203079%20ambiente%20y%20EIA.pdf">https://www.agroindustria.gob.ar/sitio/areas/d_gestion_ambiental/legislacion/provincial/_archivos/000005-Legislacion%20Ambiental%20General/000014-Misiones/003079-ley%203079%20ambiente%20y%20EIA.pdf</a></li> <li>Resolution 228/00: Creates the Registry of Consultants Authorized to Perform EIA (approved on September 2000) [Resolución 228/00: Crea el Registro de consultores habilitados para realizar</li> </ul>		<p>keep an alert system for smoke (early detection) so the companies can start tasks for stopping fires and be alert.</p> <p><b>Description of risk</b></p> <p>There are several risks related to environmental impacts, even though the legal framework for preserving environmental values is wide and includes not only forests but also other areas, species and values, the level of compliance and supervision is weak, as was verified in the interviews to external experts.</p> <p>Several sources identify risks, such as the ones mentioned by:</p> <p>ECO-SITIO described on February 2016: The Supreme Court of Buenos Aires issued the order for the forest plantation (...) in Alberti to cease all activities. According to the court's decision, agrotoxic substances are being used to fumigate without an environmental plan and without informing about the final destination of empty containers.</p> <p>Based on expert consultation, it was confirmed that the use of agrotoxic substances are less common in natural forest. However, it was noted that the agrotoxic could be used to convert the natural forest in other uses (see source El Federal (2018))</p> <p>Also, when detecting deviations, the sanction system is very weak and, depending on the jurisdiction in each province, it will or will not be applied, according to what stakeholders confirmed in interviews. On the other hand, violations and penalties are not being made public nowadays, in spite of having a double legal requirement: from the Law of Minimum Budget for Environmental Protection of Natural Forests, and the Law of Public Access to Environmental Information. Thus, the implemented system itself is weak.</p>

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	<p>EIA]. Available at:  <a href="http://www.pjn.gov.ar/Publicaciones/00021/00006350.Pdf">http://www.pjn.gov.ar/Publicaciones/00021/00006350.Pdf</a></p> <p>Chaco:</p> <ul style="list-style-type: none"> <li>• Law N 3964, On the Environment (approved on December 1993) [Ley N 3964, de Medioambiente]. Available at: <a href="https://www.agroindustria.gob.ar/sitio/areas/d_gestion_ambiental/legislacion/provincial/_archivos/000005-Legislaci%C3%B3n%20Ambiental%20General/000004-Chaco/003964-ley%203964%20medio%20ambiente%20eia.pdf">https://www.agroindustria.gob.ar/sitio/areas/d_gestion_ambiental/legislacion/provincial/_archivos/000005-Legislaci%C3%B3n%20Ambiental%20General/000004-Chaco/003964-ley%203964%20medio%20ambiente%20eia.pdf</a></li> <li>• Biocides: Law No. 7032 (approved on July 2012). Available at: <a href="http://www.minagri.gob.ar/sitio/areas/d_gestion_ambiental/legislacion/provincial/_archivos//000001-Agroquimicos/000004-Chaco/000001-Ley%20Biocidas%20N-7032-12.pdf">http://www.minagri.gob.ar/sitio/areas/d_gestion_ambiental/legislacion/provincial/_archivos//000001-Agroquimicos/000004-Chaco/000001-Ley%20Biocidas%20N-7032-12.pdf</a></li> </ul> <p>Salta:</p> <ul style="list-style-type: none"> <li>• Law N 7070 on Environmental Protection (approved on December 1999) [Ley N 7070, de Protección del Medioambiente]. Available at: <a href="http://argentiniambiental.com/legislacion/salta/ley-7070-proteccion-del-medio-ambiente/">http://argentiniambiental.com/legislacion/salta/ley-7070-proteccion-del-medio-ambiente/</a></li> </ul>		<p>In the season of forest fires there are campaigns to raise awareness of the civil population and the primary producers. In spite of all efforts made, huge forest fires continue to happen affecting immense regions in the north part of the country and the Andean region. Based on the news in the Chequeado (2017), it's described that the province with major number of fires is Buenos Aires (since 1993 to 2016 a number of more than 70000 focus of forest fires) and the causes of fires on the Buenos Aires Province between 1993 to 2016 was: 68% unknown, 19% negligence, 7% natural and 6% intentional. Following is fact describing the magnitude of the problem of rural fires in critical season: in the NE region of Corrientes/ south of Misiones in only one day, in the year 2012, 200 seats of fire were reported in an area of approximately 0.25MM hectares. Following the examples and many other ones, these forest –rural- fires affect protective and environmentally high valuable areas.</p> <p>According to ACUDE (Environment, Culture and Development Foundation (N.Y.) almost every time rural fires are originated by human factors, direct or indirectly.</p> <p>Another environmental high impact risk is the management of hazardous residues (lubricants, agrochemicals containers, contaminated soil, etc.). To give an example of the magnitude of this case, three interviews with stakeholders in the main forest province of the country, Misiones, only two forest companies manage their hazardous residues as required by law, in a forest industrial complex of more than 700 companies.</p> <p>Based on stakeholder consultation comments, although the degree of compliance at the provincial level is low, it's important to mention that the companies have made efforts to achieve registration of some companies providing forestry services in the national registry of waste generators dangerous. One of the problems that exists in the province of Misiones, for example, is that it delegates to the national</p>

Indicator	Applicable Laws and Regulations, Legal Authority, and Legally Required Documents or Records	Sources of Information	Risk Designation and Determination
	<p><b>Legal authorities</b></p> <p>National authorities:</p> <ul style="list-style-type: none"> <li>Ministry of the Environment and Sustainable Development [Ministerio de Ambiente y Desarrollo Sustentable]. Available at: <a href="http://www.ambiente.gob.ar">www.ambiente.gob.ar</a></li> </ul> <p>Provincial authorities:</p> <ul style="list-style-type: none"> <li>Misiones: Ministry of Ecology [Ministerio de Ecología]. Available at: <a href="http://www.ecologia.misiones.gov.ar/eco_web/index.php">http://www.ecologia.misiones.gov.ar/eco_web/index.php</a></li> <li>Chaco: Sub secretariat of Natural Resources and the Environment [Subsecretaría de Recursos Naturales y Medioambiente]. Available at: <a href="http://rnaturaleschaco.gob.ar/">http://rnaturaleschaco.gob.ar/</a></li> <li>Salta: Ministry of Environment and Sustainable Production [Ministerio de Ambiente y Producción Sustentable]. Available at: <a href="http://www.salta.gov.ar/organismos/ministerio-de-ambiente-y-desarrollo-sustentable/10">http://www.salta.gov.ar/organismos/ministerio-de-ambiente-y-desarrollo-sustentable/10</a></li> </ul> <p><b>Legally required documents or records</b></p> <ul style="list-style-type: none"> <li>Environmental Impact Assessment [Estudio de Impacto Ambiental] approved by competent authority.</li> </ul>		<p>authority the registry of waste generators, having to set a special address in the autonomous city of Buenos Aires anyone who wants to comply with the law. On the other hand, although the province adheres to the regulations, after 26 years of the enactment of the law, it does not have the necessary infrastructure and operators to achieve local treatment, generating high costs to achieve adequate management</p> <p>Based on lack of more evidence supporting the elements of the threshold for low risk, and due to the high level of corruption reported for the country (CPI less than 50), the precautionary approach has been applied, thus this indicator is considered as specified risk.</p> <p><b>Risk conclusion</b></p> <p>Following the precautionary approach, this indicator has been evaluated as specified risk.</p> <p>Threshold (2) is met: Identified laws are not upheld consistently by all entities and/or are often ignored, and/ or are not enforced by relevant authorities.</p>

Indicator	Applicable Laws and Regulations, Legal Authority, and Legally Required Documents or Records	Sources of Information	Risk Designation and Determination
	<ul style="list-style-type: none"> <li>In general terms, forest harvesting, enrichment and land-use conversion plans, or plantation forest plans, include the requirements to safeguard environmental values in a specific plot; once these documents have been approved, the automatic approval of environmental measures requested by authorities is achieved.</li> </ul>		
1.11 Health and Safety	<p><b>Applicable laws and regulations</b></p> <p>National level</p> <ul style="list-style-type: none"> <li>Law (Decree Law) N°19.587 (approved on April 1972) Health and Safety at Work [Ley (Decreto Ley) N°19.587/1972 de Higiene y Seguridad en el Trabajo] (B.O. 28/04/1972). Available at: <a href="http://www.infoleg.gob.ar/infolegInternet/anexos/15000-19999/17612/norma.htm">http://www.infoleg.gob.ar/infolegInternet/anexos/15000-19999/17612/norma.htm</a></li> <li>Law 24.557 Risks at Work [Ley 24.557 de Riesgos del Trabajo] (B.O. 13/09/1995). Available at: <a href="http://infoleg.mecon.gov.ar/infolegInternet/verNorma.do?id=27971">http://infoleg.mecon.gov.ar/infolegInternet/verNorma.do?id=27971</a></li> <li>Law N 11726 9 Conventions 1 to 6 from the First International Labour Conference (approved on October 1933) [Ley N 11726 Convenciones 1 a 6 de la Primera Conferencia Internacional del Trabajo]. Available at: <a href="http://www.saij.gob.ar/11726-nacional-aprobacion-convenciones-internacionales-laborales-Int0002507-">http://www.saij.gob.ar/11726-nacional-aprobacion-convenciones-internacionales-laborales-Int0002507-</a></li> </ul>	<p><b>Government sources</b></p> <ul style="list-style-type: none"> <li>ILO (1998). Safety and health in Forestry Work (1998) [Seguridad y Salud en el Trabajo Forestal]. [online]. Available at: <a href="http://www.ilo.org/wcmsp5/groups/public/@ed_protect/@protrav/@safework/documents/normativeinstrument/wcms_112615.pdf">http://www.ilo.org/wcmsp5/groups/public/@ed_protect/@protrav/@safework/documents/normativeinstrument/wcms_112615.pdf</a></li> </ul> <p><b>Non-government sources</b></p> <ul style="list-style-type: none"> <li>Peirano, C (2012). <i>Social sustainability in forestry work. The case of Argentina</i>. [La sostenibilidad social en el trabajo forestal. El caso de Argentina].</li> <li>FSC report of FM/COC in Argentina. [online]. Available at: <a href="https://info.fsc.org">https://info.fsc.org</a> Some examples listed below: <ul style="list-style-type: none"> <li>FSC. Certificate. [online]. Available at: <a href="https://info.fsc.org/details.php?id=a0240000005sRUeAAM&amp;type=certificate">https://info.fsc.org/details.php?id=a0240000005sRUeAAM&amp;type=certificate</a></li> </ul> </li> </ul>	<p><b>Overview of Legal Requirements</b></p> <p>Argentina is a country that has ratified most of ILO International Conventions related to labour, among them: Law 11.726 (Ley 11.726), Article 26 of Law 24.013 (B.O. 17-12-1991), Decree Law 11.594 (Decreto de Ley 11.594), Law 14.932 (Ley 14.932), Resolution 415/02 from SRT (Resolución 415/02 de SRT), Current Legal Norms on Health and Safety at work. Superintendent's Office of Labour Risks (2014),</p> <p>Legal requirements for safety at work are related to a significant number and diversity of topics, among others: workers' age; health conditions, before, during and after being hired; training; elements of personal protection; transportation from their place of residence; lodging; food and drink in the field; access to medical services, breaks and vacations, working hours, among others.</p> <p><b>Description of risk</b></p> <p>In 2012, in a published work by Claudia Peirano (Forest Association Argentina, Asociación Forestal Argentina) she states: "Although technically speaking, forest work can be defined as a green job, labour conditions, safety at work, and social benefits for forest workers are critical issues in order to project forest and forest-industrial activities as generators of decent jobs and as a development tool for achieving a</p>

Indicator	Applicable Laws and Regulations, Legal Authority, and Legally Required Documents or Records	Sources of Information	Risk Designation and Determination
	<p>1933-09-26/123456789-0abc-defg-g70-52000tcanyel?&amp;o=20&amp;f=Total%7CTipo%20de%20Documento%7CFecha%7CTema/Derecho%20laboral/contrato%20de%20trabajo/trabajo%20de%20mujeres/protecci%F3n%20de%20la%20madre%20trabajadora%7COrganismo/categor%7CAutor%7CEstado%20de%20Vigencia/Vigente%2C%20de%20alcan ce%20general%7CJurisdicci%F3n%5B5%2C1%5D%7CTribunal%5B5%2C1%5D%7CPublicaci%F3n%7CColecci%F3n%20tem%E1tica%5B5%2C1%5D&amp;t=2</p> <ul style="list-style-type: none"> <li>Decree Law N 11594: Ratification of Various International Agreements (approved in 1956) [Decreto Ley N 11594: Ratificación de diversos Convenios internacionales]. Available at: <a href="https://www.argentina.gob.ar/normativa/nacional/decreto_ley-11594-1956-201442">https://www.argentina.gob.ar/normativa/nacional/decreto_ley-11594-1956-201442</a></li> <li>Law N 14932: Approval of various international agreements (approved on December 1959) [Ley N 14932: Aprobación de diversos convenios internacionales]. Available at: <a href="http://www.infoleg.gov.ar/infolegInternet/verNorma.do;jsessionid=0113B50BC9E0B73B2B9AAB9203C2DD37?id=203613">http://www.infoleg.gov.ar/infolegInternet/verNorma.do;jsessionid=0113B50BC9E0B73B2B9AAB9203C2DD37?id=203613</a></li> <li>Law 26727: Approval of Regulations of Agricultural Work. Title VII: About Safety</li> </ul>	<ul style="list-style-type: none"> <li>FSC. Certificate. [online]. Available at: <a href="https://info.fsc.org/details.php?id=a0240000005sWJOAA2&amp;type=certificate">https://info.fsc.org/details.php?id=a0240000005sWJOAA2&amp;type=certificate</a></li> <li>FSC. Certificate. [online]. Available at: <a href="https://info.fsc.org/details.php?id=a0240000005sWP7AAM&amp;type=certificate">https://info.fsc.org/details.php?id=a0240000005sWP7AAM&amp;type=certificate</a></li> </ul>	<p>sustainable future” (...) “Besides it’s informality, the sector has the characteristic of being highly dangerous. According to a SRT study (SRT, 2007) the forest activity showed the greatest rate of labour accidents for the period 2002-2004. As one of the figures illustrates in this this article, there are 195 accidents per every 1000 workers; as such this sector appears then as the most dangerous in the country.”</p> <p>This note from the academic Claudia Peirano, working in Forest Association. – Argentina (Asociación Forestal Argentina) is clearly related to activities in forest plantations. In the same line, and after implementing a program of labour qualifications for a few years, the same report states: “Regarding reported accidents, the forest sector was able to achieve a 49% reduction between 2003 and 2010 (see figure): from 198 accidents for every 1000 workers in 2003 to 101 accidents for every 1000 workers.”</p> <p>In the natural forest sector there are no official statistics, nor are there organizations working on the safety and health of workers. It is worth noting that even though the legal framework, the knowledge, and the entities and organizations of this kind do exist and are available, they are practically never used.</p> <p>Due to cultural and historical reasons, and failure to comply with the law, work in safe conditions can only be expected in registered work.</p> <p>As a result of Interviews with experts and the review of public reports of FSC certification processes, where full data is publicly available, recurring non-compliances with the law are the following, both in plantations (attenuated in intensity and frequency) and in natural forests:</p> <ol style="list-style-type: none"> <li>Lack of personal safety equipment (EPIs);</li> <li>When this equipment is provided to employees, there is a lack of use of all its components;</li> <li>When all components are used, there is a lack of control with regards to the state the equipment is in;</li> </ol>

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	<p>and Work Risks [Ley 26727: Apruébase el Régimen de Trabajo Agrario. Título VII: De la seguridad y los riesgos en el trabajo] (B.O. 28/11/2011). Available at: <a href="http://infoleg.mecon.gov.ar/infolegIntern et/anexos/190000-194999/192152/norma.htm">http://infoleg.mecon.gov.ar/infolegIntern et/anexos/190000-194999/192152/norma.htm</a></p> <ul style="list-style-type: none"> <li>Decree 617/1997: Regulation of Health and Safety for Agricultural Work [Decreto 617/1997: Reglamento de Higiene y Seguridad para la Actividad Agraria]. (B.O. 11/07/1997). Available at: <a href="http://servicios.infoleg.gob.ar/infolegIntern et/anexos/40000-44999/44408/texact.htm">http://servicios.infoleg.gob.ar/infolegIntern et/anexos/40000-44999/44408/texact.htm</a></li> <li>Decree 351/79 SRT: Technical Standards and Health Measures (approved on February 1979) [Decreto 351/79 SRT: Normas Técnicas y Medidas Sanitarias]. Available at: <a href="https://www.ilo.org/dyn/natlex/docs/MO NOGRAPH/35031/57892/F1470222346 /Dec_351_79.pdf">https://www.ilo.org/dyn/natlex/docs/MO NOGRAPH/35031/57892/F1470222346 /Dec_351_79.pdf</a></li> <li>Resolution N° 11/2011 from the National Commission of Agricultural Work (CNTA): General Conditions of Work for Temporary, Cyclic and Seasonal Agricultural Workers [Resolución N° 11/2011 de la Comisión Nacional de Trabajo Agrario (CNTA)]: Condiciones Generales de Trabajo para trabajadores agrarios temporarios, cíclicos y estacionales] (B.O.</li> </ul>		<p>4. Lack of training on the use of EPIs, as well as on the safe way to execute an activity;</p> <p>5. Lack of control on food and drinking water for unskilled workers (which affects performance and increases the number of accidents).</p> <p>This information listed above is useful because, based on law requirements, even certified forest has non-conformances to implement health and safety requirements, so a risk for non certified area is relevant to be considered.</p> <p>Based on lack of more evidence supporting the elements of the threshold for low risk, and due to the high level of corruption reported for the country (CPI less than 50), the precautionary approach is applied, thus this indicator is considered as specified risk.</p> <p><b>Risk conclusion</b></p> <p>Following the precautionary approach, this indicator has been evaluated as specified risk. Threshold (2) is met: Identified laws are not upheld consistently by all entities and/or are often ignored, and/or are not enforced by relevant authorities. In the sector of forest plantations, there are fewer risks, but they are significant and have been described in the above-mentioned reports.</p>

Indicator	Applicable Laws and Regulations, Legal Authority, and Legally Required Documents or Records	Sources of Information	Risk Designation and Determination
	<p>11/04/2011). Available at: <a href="http://www.redcame.org.ar/adjuntos/resolucion1409.pdf">http://www.redcame.org.ar/adjuntos/resolucion1409.pdf</a></p> <ul style="list-style-type: none"> <li>Resolution 415/02. Registration of substances and carcinogens. (approved on October 2002) [registro de sustancias y agentes cancerigenos (Resolución 415/02)]. Available at: <a href="http://www.sertox.com.ar/img/item_full/Res415-02.pdf">http://www.sertox.com.ar/img/item_full/Res415-02.pdf</a></li> </ul> <p><b>Legal Authority</b></p> <ul style="list-style-type: none"> <li>Superintendence of Labour Risks [Superintendencia de Riesgos del Trabajo];</li> <li>Ministry of Labour, Employment and Social Security [Ministerio de Trabajo, Empleo y Seguridad Social].</li> </ul> <p><b>Legally required documents or records</b></p> <ul style="list-style-type: none"> <li>ART (Work Risks Insurance Company) Coverage [Cobertura de ART (Aseguradora de Riesgo de Trabajo)];</li> <li>Payment of fees for this insurance coverage;</li> <li>Training according to the risks that employees face;</li> <li>Record of accidents;</li> </ul>		

Indicator	Applicable Laws and Regulations, Legal Authority, and Legally Required Documents or Records	Sources of Information	Risk Designation and Determination
	<ul style="list-style-type: none"> <li>Report of accidents to ART;</li> <li>Pre-occupational Medical exam;</li> <li>Periodical Medical periodic exam.</li> </ul>		
1.12 Legal Employment	<p><b>Applicable laws and regulations</b></p> <p>National level</p> <ul style="list-style-type: none"> <li>Law N°22.248: Agricultural Labour Act (approved on July 1980) [Ley N°22.248: Ley de Trabajo Agrario]. Available at: <a href="http://infoleg.mecon.gov.ar/infolegIntern/et/verNorma.do?id=29273">http://infoleg.mecon.gov.ar/infolegIntern/et/verNorma.do?id=29273</a></li> <li>Law 26.940: Promotion of Registered Work and Prevention of Labour Fraud [Ley 26.940: Promoción del Trabajo Registrado y Prevención del Fraude Laboral) (B.O. 02/06/2014)]. Available at: <a href="http://www.infoleg.gob.ar/infolegInternet/anexos/230000-234999/230592/norma.htm">http://www.infoleg.gob.ar/infolegInternet/anexos/230000-234999/230592/norma.htm</a></li> <li>International Labor Organization Conventions ratified by the country [Convenios de la OIT (Organización Internacional del Trabajo) ratificados por el país]. Available at: <a href="http://www.ilo.org/dyn/normlex/es/f?p=ORMLEXPUB:11200:0::NO::P11200_COUNTRY_ID:102536">http://www.ilo.org/dyn/normlex/es/f?p=ORMLEXPUB:11200:0::NO::P11200_COUNTRY_ID:102536</a></li> <li>Law N° 20.744 Law employment contract (approved on May 1976) [Ley de contrato de trabajo]. Available at:</li> </ul>	<p><b>Government sources</b></p> <ul style="list-style-type: none"> <li>Nation's Presidency, Ministry of Labour, Employment and Social Security: official abbreviated description of the labor framework in the country [Presidencia de la Nación, Ministerio de Trabajo, Empleo y Seguridad Social: Descripción abreviada oficial del marco laboral en el país]. [online]. Available at: <a href="https://www.argentina.gob.ar/trabajo/buscastrabajo/marcolegal">https://www.argentina.gob.ar/trabajo/buscastrabajo/marcolegal</a></li> <li>Nation's Presidency, Ministry of Labour, Employment and Social Security: Obligations of the Employer [Presidencia de la Nación, Ministerio de Trabajo, Empleo y Seguridad Social: Obligaciones del Empleador[online]. Available at: <a href="https://www.argentina.gob.ar/trabajo/conocetusderechos">https://www.argentina.gob.ar/trabajo/conocetusderechos</a></li> </ul> <p><b>Non-government sources</b></p> <ul style="list-style-type: none"> <li>Télam-News Agencies (2015). [Télam-Agencias de Noticias]. [online]. Available at: <a href="http://www.telam.com.ar/notas/201506/108969-indice-empleo-no-registrado-indec-primer-trimestre-2015.html">http://www.telam.com.ar/notas/201506/108969-indice-empleo-no-registrado-indec-primer-trimestre-2015.html</a></li> </ul>	<p><b>Overview of Legal Requirements</b></p> <p>Argentina has ratified 80 ILO Conventions and one Protocol. Employment laws are based on labour codes of European countries. The National Government has Ministries, Administrations, Public Prosecutors Offices and other administrative entities for monitoring and supervising legal employment. Additionally, provincial governments have Ministries, Regional Offices from the Central Government, Prosecutors Offices and other structures for similar purposes.</p> <p>Requirements for the legal registration of an employee are the same irrespective of company size and start with Early Admission at AFIP (tax entity), continues with pre-occupational exams that must be carried out under the scope of an insurance company for labour risks, then the person shall receive personal protection equipment, job and safety training, and legal working conditions, as applicable (housing, food and transportation, etc.).</p> <p>Early Admission is an AFIP requirement to register employees and is one of the most dynamic requirements to find out if an employee has been registered or not. If an employee is not in the payroll of contributions, it means he/ she is not registered.</p> <p>Simplified Framework of Labour Relations:</p> <ul style="list-style-type: none"> <li>Employment Contract - Requirements to enter into an employment contract: <ul style="list-style-type: none"> <li><input type="checkbox"/> At least eighteen years old;</li> </ul> </li> </ul>

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	<p><a href="http://servicios.infoleg.gob.ar/infolegInte rnet/anexos/25000-29999/25552/texact.htm">http://servicios.infoleg.gob.ar/infolegInte rnet/anexos/25000-29999/25552/texact.htm</a></p> <p><b>Legal Authority</b></p> <p>At the national level:</p> <ul style="list-style-type: none"> <li>Ministry of Labour, Employment and Social Security [Ministerio de Trabajo, Empleo y Seguridad Social];</li> <li>AFIP – Federal Administration of Public Revenue [Administración Federal de Ingresos Públicos];</li> <li>ANSES – National Administration of Social Security [Administración Nacional de la Seguridad Social].</li> </ul> <p>At the provincial level (only the three provinces used as examples in this work are mentioned):</p> <p>Misiones:</p> <ul style="list-style-type: none"> <li>AFIP - Federal Administration of Public Revenue [Administración Federal de Ingresos Públicos] (different Regional Offices, depending on the city, e. g.: AFIP Misiones Regional Posadas, Regional Oberá, etc.);</li> <li>ANSES (National Administration of Social Security) [Administración Nacional de la Seguridad Social] (different offices depending on the city,</li> </ul>	<ul style="list-style-type: none"> <li>Peirano, C (2012). <i>Social sustainability in forestry work</i>. The case of Argentina [La sostenibilidad social en el trabajo forestal. El caso de Argentina]. Available at: <a href="file:///C:/Users/NEPCON%20SAIN/Downloads/expo-C_PEIRANO%20(2).pdf">file:///C:/Users/NEPCON%20SAIN/Downloads/expo-C_PEIRANO%20(2).pdf</a></li> <li>Working Situation of Foreigners in Argentina [Situación laboral de los extranjeros en Argentina. Federación Argentina de Consejos Profesionales de Ciencias Económicas]. [online]. Available at: <a href="http://www.facpce.org.ar:8080/iponline/situacion-laboral-de-los-extranjeros-en-argentina/">http://www.facpce.org.ar:8080/iponline/situacion-laboral-de-los-extranjeros-en-argentina/</a></li> <li>Schiavoni, G. and Alberti, A (2013). <i>Work and society</i>. Autonomy and Migration: the forestry workers of the northeast of Misiones (Argentina) [Autonomía y Migración: los obreros forestales del nordeste de Misiones (Argentina)]. [online]. Available at: <a href="http://www.unse.edu.ar/trabajosociedad/23%20SCHIAVONI-%20ALBERTI%20Obreros%20forestales%20en%20Misiones.pdf">http://www.unse.edu.ar/trabajosociedad/23%20SCHIAVONI-%20ALBERTI%20Obreros%20forestales%20en%20Misiones.pdf</a></li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> At least 14 years old and under 18 living independently from their parents but who are informed of the minor’s occupation;</li> <li><input type="checkbox"/> If older than 14 and under 18 and performing activities in a dependency relation, it is assumed that they have authorization to be employed;</li> <li><input type="checkbox"/> Younger emancipated by marriage.</li> <li>Dismissal <ul style="list-style-type: none"> <li><input type="checkbox"/> Employer shall inform employee of the dismissal decision one month in advance. Otherwise, worker is entitled to receive a compensation for lack of notice, equivalent to the salary of one month.</li> <li><input type="checkbox"/> To claim a compensation there must be a labour relation, which is deemed to exist even if no contract signed by the parties exists.</li> <li><input type="checkbox"/> The worker shall be considered in a relation of dependency when: <ul style="list-style-type: none"> <li>performing tasks under the direction of another person or company;</li> <li>receives payment for the task;</li> <li>tasks are performed for a determined period of time.</li> </ul> </li> <li><input type="checkbox"/> The worker has two years to initiate a dismissal claim in order to receive compensation.</li> </ul> </li> <li>Wages - Decrees 388/2003 and 392/2003 establish the minimum, vital and mobile wage for workers paid on a daily or monthly basis if they fulfil legal hours of full-time work. Employer and employee can freely agree on a salary, as long as it is not under the minimum wage established by law, by collective sector agreements or conciliatory agreements.</li> <li>Leaves - Existing leaves, besides the ordinary ones (for vacation) are as follows: <ul style="list-style-type: none"> <li><input type="checkbox"/> Birth of a child: 2 full days</li> <li><input type="checkbox"/> Marriage: 10 full days</li> <li><input type="checkbox"/> Death of partner, child o parents: 3 full days</li> <li><input type="checkbox"/> Death of brother or sister: 1 day</li> </ul> </li> </ul>

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	<p>e. g.: ANSES Misiones Oficina Posadas, Oficina Oberá, etc.);</p> <ul style="list-style-type: none"> <li>Ministry of Labour and Employment of Misiones Province [Ministerio de Trabajo y Empleo de la Provincia de Misiones].</li> </ul> <p>Chaco:</p> <ul style="list-style-type: none"> <li>AFIP - Federal Administration of Public Revenue [Administración Federal de Ingresos Públicos] (different Regional Offices, depending on the cities, e. g.: AFIP Chaco Regional Resistencia, Regional P. R. Sáenz Peña, etc.);</li> <li>ANSES – National Administration of Social Security [Administración Nacional de Seguridad Social] (different offices depending on the cities, e. g.: Anses Chaco Oficina Resistencia, Oficina P. R. S. Peña, etc.);</li> <li>Ministry of Government, Justice and Labour of Provincia del Chaco [Ministerio de Gobierno, Justicia y Trabajo de la Provincia del Chaco].</li> </ul> <p>Salta:</p> <ul style="list-style-type: none"> <li>AFIP - Federal Administration of Public Revenue [Administración Federal de Ingresos Públicos] (different Regional Offices depending on the cities, e. g.:</li> </ul>		<ul style="list-style-type: none"> <li><input type="checkbox"/> Present an exam: 2 full days, 10 days maximum in a year</li> <li>• Social security <ul style="list-style-type: none"> <li><input type="checkbox"/> Employee and employer shall each pay their contributions resulting in retirement pensions, social works, etc. Percentages are calculated on the employee's gross salary. The employer is responsible for withholding and paying the compulsory contribution the employee must pay.</li> <li><input type="checkbox"/> The employee shall receive the following allowances: for a child, for a child with disability, prenatal, for schooling, basic and polymodal education, for maternity, for birth, for adoption, for marriage. These allowances will be paid according to income parameters and type of assignment established by the State.</li> </ul> </li> </ul> <p><b>Description of risk</b></p> <p>Work locally denominated “en negro” (Spanish for “in black”), is non-registered work, where the employee arranges a monthly or daily pay with the employer and as this arrangement is not registered, no contributions are paid (taxes, contributions, social security, burial security, union, etc.), and the worker has more money at hand than if the arrangement had been registered. The advantage for the employer is that he does not pay social charges and it is easier for him to deny responsibility in case of labour lawsuit.</p> <p>Quote from in the article Trabajo y Sociedad, Segmentación Ocupacional, by Gabriela Schiavoni and Alfonsina Alberti, “This factor explains also the preference for work ‘en negro’.</p> <p>This refers to a situation in which he worked with social security, a worker explains: ‘I had all the rights we should have, but less money than if I worked en negro because there are a lot of meetings to attend. And, how are we going to work, if we lose a day is a bad thing for us. If we have to do everything they want, our work does not bear fruit” (Mario, 31 years).</p>

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	<p>AFIP Salta Regional Ciudad de Salta, Regional Orán, etc.);</p> <ul style="list-style-type: none"> <li>• ANSES - National Administration of Social Security [Administración Nacional de la Seguridad Social] (different offices depending on the cities, e. g.: ANSES Salta Oficina Salta, Oficina Tartagal, etc.);</li> <li>• Ministry of Labour of Salta [Ministerio de Trabajo de Salta].</li> </ul> <p><b>Legally required documents or records</b></p> <ul style="list-style-type: none"> <li>• Early admission (AFIP Form): this form has a character of monthly affidavit and is used to pay to the authority the employees' taxes and contributions;</li> <li>• ART coverage;</li> <li>• Social Security Affiliation;</li> <li>• Payment of fees that correspond to these coverages (ART and ANSES);</li> <li>• Labour training;</li> <li>• OIT Conventions: compliance with minimum age, right to collective bargaining, right to dismissal with compensation, right to not be dismissed for being pregnant, right to overtime payment, etc.</li> </ul>		<p>Another worker talks about his experience: "I started working at 13 in thinning. I don't go to Entre Ríos anymore because seven years ago I got hurt, I hurt my back, I fell sitting down on a trunk; a trunk kicked me, and I fell sitting on another one" (Abelino, 38 years).</p> <p>In spite of the country having ratified international agreements, and having a wide regulatory framework on the subject, the risk of finding non-registered workers in forest activity is high, a little bit higher in activities carried out in natural forests than in plantations. This risk only diminishes with companies whose management is certified by independent organizations or with large transnational plantation operators. Medium sized companies with national capital usually have an important number of registered employees in their activities, although in critical moments where demand for labour increases (pruning, thinning, sourcing logs from natural forests) temporary employees are hired who are not registered in the national accounting system.</p> <p>In Chapter 6.3.a of the Second Report from Argentina to the Montreal Process, 31.014 jobs generated by the forest system in 2013 are mentioned, stating also that this figure corresponds only to the registered paid work in the Integrated Provisional System of Argentina (SIPA/ Sistema Integrado Previsional Argentino) and other State employees (also registered).</p> <p>As a result of interviews with national experts, it was possible to learn that when the authorities are doing a supervision, it normally follows a procedure that can be evaded by the supervised party, in the sense that the visit is notified and the supervised party usually dismisses (momentarily) workers with low performance, or quickly fixes weaknesses that could generate higher fines, although this improvement is not maintained for long periods of time. An opposite case is when a complaint is being investigated, and even more if the complaint is made public. In this case, the visit is</p>

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			<p>unannounced and the offending party, and its employees are interviewed; evidences of all kinds are taken and made public. The normal process is totally different, since the visit is previously notified in writing and very few employees are interviewed.</p> <p>The most common deficiencies are related to non-registered employees (the employer saves more than 50% in the contracting costs for that person); working conditions which according to the law are strictly of forced labour, poor transportation, food and lodging conditions. Sometimes under age workers, women with their children, infants in many cases, persons with physical problems, with no safety equipment, among other aspects can be found especially in the forests in the northern part of the country. To clarify even more this situation, it is necessary to mention that many of these persons operate chain saws, forest machinery, coal ovens, etc.</p> <p>Quote from Employment status of foreigners in Argentina (Situación laboral de los extranjeros en Argentina):  “The purpose of this work (...) is to set out the labour problem of foreigners in Argentina as it is a source of concerns and doubts for companies. Currently, one of the most important difficulties that employers have to face is the lawsuits for non-registered labour filed by illegal immigrants.”  Misiones and Salta are the main provinces having foreign migrant labour, in some cases whole families, children included. In general, it is more frequent to find these situations in natural forests, but not exclusively.</p> <p>Official statistics show that more than 30% of work in the country is irregular. It is assumed that in the agricultural sector (forest sector included) the rate exceeds 40%, and very likely, in natural forests in the northern part of the country, it exceeds 70% (as quoted from Periano’s work: “(...) two out of three forest jobs are informal (...) Informality, low provision of educational facilities and a risky activity practiced in isolation</p>

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			<p>constitute an important challenge to improve labour safety and quality, and provide opportunities for workers.”) With this information, and the findings of interviews to national experts, and the review of several FSC Certification forest audit reports, it is clear that there are weaknesses in the supervising efficiency of the quality of agricultural work.</p> <p><b>Risk conclusion</b></p> <p>This indicator has been evaluated as specified risk. Threshold (2) is met: Identified laws are not upheld consistently by all entities and/or are often ignored, and/or are not enforced by relevant authorities.</p>
<b>Third parties' rights</b>			
<p>1.13 Customary Rights</p>	<p><b>Applicable laws and regulations</b></p> <ul style="list-style-type: none"> <li>• Constitution of the Republic of Argentina. Section 1º, Chapter 1, Article 41; and Chapter 4º, Article 75, Paragraphs 17 and 22 (approved on December 1994) [Constitución de la República Argentina]. Available at: <a href="http://servicios.infoleg.gob.ar/infolegIntenet/anexos/0-4999/804/norma.htm">http://servicios.infoleg.gob.ar/infolegIntenet/anexos/0-4999/804/norma.htm</a></li> <li>• Law N 24071: Approving United Nations Declaration on the Rights of Indigenous Peoples, Article 26 (specific to Land, Territories and Resources – Rights of indigenous peoples to lands, territories and resources (approved on March 1992) [Ley N 24071: Aprueba la Declaración de las Naciones Unidas sobre los Derechos de los Pueblos Indígenas. Artículo 26 (es el específico a Tierras, Territorios y Recursos -</li> </ul>	<p><b>Government sources</b></p> <p>None were found.</p> <p><b>Non-government sources</b></p> <ul style="list-style-type: none"> <li>• Report of the Democratic Change Foundation [Informe de la Fundación Cambio Democrático]: Available during interview with the organisation</li> <li>• Parliament of Original Peoples from Mercosur and Zicosur [Parlamento de los Pueblos Originarios del Mercosur y Zicosur]. Press release, June 25<sup>th</sup>, 2016. [online]. Available at: <a href="http://argentina.indymedia.org/news/2016/06/893547.php">http://argentina.indymedia.org/news/2016/06/893547.php</a></li> <li>• Report from Amnesty International [Informe de Amnistía Internacional]. [online]. Available at: <a 431="" 621="" 865"="" 957="" href="http://www.amnistia.org.ar/actua/firma-&lt;/a&gt;&lt;/li&gt; &lt;/ul&gt; &lt;/td&gt; &lt;td data-bbox="> <p><b>Overview of Legal Requirements</b></p> <p>The National Constitution, at Article 41, First Section establishes: All inhabitants enjoy the right to a healthy, balanced, appropriate environment for human development and which enables productive activities to meet the present needs without compromising those of future generations; inhabitants also have the responsibility of preserving it. Environmental damage will primarily generate the obligation of repair as required by law.</p> <p>While Article 17 in Chapter Four stipulates: To acknowledge the ethnic and cultural pre-existence of indigenous peoples from Argentina, Article 22 establishes the approval of international treaties.</p> <ul style="list-style-type: none"> <li>• The Law of the Aboriginal Chaqueño [Ley del Aborigen Chaqueño], issued on May 14, 1986 addresses land allocation in Chapter II: Article 8: Allocation of property to the existing indigenous communities in the Province, who have complied with Article 6 of the present law, of appropriate and sufficient</li> </ul> </a></li></ul>	

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	<p>Derechos de los pueblos indígenas a las tierras, los territorios y los recursos)]. Available at: <a href="http://servicios.infoleg.gob.ar/infolegInteNet/anexos/0-4999/470/norma.htm">http://servicios.infoleg.gob.ar/infolegInteNet/anexos/0-4999/470/norma.htm</a></p> <ul style="list-style-type: none"> <li>International Labour Organization Agreement 169 on indigenous and tribal peoples in independent countries. Articles 13 to 19 (approved in 1989) [Convenio 169 de la Organización Internacional del Trabajo sobre pueblos indígenas y tribales en países independientes]. Available at: <a href="https://www.ilo.org/wcmsp5/groups/public/---americas/---ro-lima/documents/publication/wcms_345065.pdf">https://www.ilo.org/wcmsp5/groups/public/---americas/---ro-lima/documents/publication/wcms_345065.pdf</a></li> </ul> <p>Provincial Legislation:</p> <p>Chaco</p> <p>Law Nº 3258 of the aboriginal chaqueño (approved on May 2013) [Ley Nº3258, del aborigen chaqueño]. Available at: <a href="http://institutodelaborigendelchaco.blogspot.com/2013/05/ley-3258-de-las-comunidades-indigenas.html">http://institutodelaborigendelchaco.blogspot.com/2013/05/ley-3258-de-las-comunidades-indigenas.html</a></p> <p>Salta</p> <p>Constitution of Provincia de Salta, Articles 13 and 14, among others (approved in 1929) [Constitución de la Provincia de Salta, Artículos 13 y 14 entre otros]. Available at:</p>	<p>acciones/argentina-defensa-de-los-derechos-de-los-ind%C3%ADgenas-de-la-comunidad-el-descanso</p> <ul style="list-style-type: none"> <li>Press release from Universal News [Noticia Universo]. [online]. Available at: <a href="http://www.eluniverso.com/noticias/2014/08/09/nota/3355696/amnistia-denuncia-abusos-contra-pueblos-indigenas-latinoamerica">http://www.eluniverso.com/noticias/2014/08/09/nota/3355696/amnistia-denuncia-abusos-contra-pueblos-indigenas-latinoamerica</a></li> <li>Report from Friends of the Land [Amigos de la Tierra]. [online]. Available at: <a href="http://www.somosamigosdelatierra.org/05_ecosistemas/forestacion/forestacion02.htm">http://www.somosamigosdelatierra.org/05_ecosistemas/forestacion/forestacion02.htm</a></li> </ul> <p><b>Interviews with experts</b></p> <p>During the present work several experts on human and community rights, as well as the Coordinator of the FSC Argentina Working Group, and provincial government officials were interviewed in order to collect the elements necessary to analyse the affectation of third-party rights caused by the forest activities, subject matter of this work.</p>	<p>lands for agricultural, farming, forest, mining, industrial or handcrafting activities, according to appropriate modalities of each community.</p> <p>Article 10: Allocated lands shall be dedicated to agricultural, forest, mining, industrial or handcrafting activities, in any of their specialities, notwithstanding the existence of other simultaneous activities.</p> <ul style="list-style-type: none"> <li>Article 11: Lands allocated in accordance to this law cannot be seized, alienated, leased to third parties, and used as collateral, either by "inter vivos" or "mortis causa" acts, for a term of 20 years as of the date of allocation of the title, under penalty of nullity. The Constitution of Provincia de Salta, in its first section establishes the rights of the inhabitants. Articles 13 and 14, among others are mentioned: <ul style="list-style-type: none"> <li>Article 13: All inhabitants of the Province are by nature free and independent and have the perfect right to defend themselves, and to receive protection for their lives, freedom, reputation, safety and prosperity. No one can be deprived from these enjoyments except by a verdict from a competent judge based on a previous law with respect to the event relevant to the process.</li> <li>Article 14: No one is obliged to do what the law does not dictate, nor would a person be denied doing what the law does not prohibit.</li> </ul> </li> </ul> <p>The Constitution of Provincia de Misiones in its Second Title, Single Chapter, on Individual Rights and Safety, states in Article 7: The inhabitants of this Province enjoy full rights and privileges acknowledged by the National Constitution, under the laws that regulate their exercise.</p> <p>It should be mentioned that the country only acknowledges customary law for indigenous populations. Regarding forest harvesting by indigenous or natural communities, the licenses issued by provincial authorities establish the same</p>

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	<p><a href="http://www.unsa.edu.ar/histocat/proesa/docs/b_constitucion_1929.htm">http://www.unsa.edu.ar/histocat/proesa/docs/b_constitucion_1929.htm</a></p> <p>Misiones</p> <p>Constitution of Provincia de Misiones (approved on December 1988) [Constitución de la Provincia de Misiones]. Available at: <a href="http://municipios.unq.edu.ar/modules/mislibros/archivos/misiones.pdf">http://municipios.unq.edu.ar/modules/mislibros/archivos/misiones.pdf</a></p> <p><b>Legal Authority</b></p> <p>Nacionales:</p> <ul style="list-style-type: none"> <li>• The Executive Branch (Regarding the enforcement of the National Constitution) [Poder Ejecutivo (en relación al cumplimiento de la Constitución Nacional)];</li> <li>• INAI - National Institute of Indigenous Affairs [Instituto Nacional de Asuntos Indígenas], as a decentralized organization it depends on the Ministry of Social Development [Ministerio de Desarrollo Social];</li> <li>• Legal agencies (Courts) all over the country.</li> </ul>		<p>requirements as those for non-indigenous legal entities or leaseholders. In general, these communities receive technical help from the Social Pastoral [Pastoral Social], provincial government programmes, international foundations, among others, for carrying out this previous work related to forest inventory, a logging plan, maps, georeferentiation, work plan, and EIA (this being a new requirement following the guidelines of the Forest Law (N 26331). Also, in some cases natural communities sell the forest logging right to third parties or companies, these being the ones in charge of developing the technical project and acting as the representatives of these communities before the authorities as they are the ones interested y obtaining licenses for cutting wood. This transfer of responsibilities is generally reflected on an agreement or legal contract, although provincial authorities are interested not so much on the relationship between private actors, as on having the names and legal information of both entities inscribed in the licenses, as this will have an impact on the forest waybills and eventual penalties.</p> <p><b>Description of risk</b></p> <p>Considering that there are several indigenous communities in the various provinces, in the north and central part of the country and the Argentinian Andes, and as a result of interviews with social and anthropology experts, mention was made about some creole populations with a strong imprint that makes them extremely homogeneous groups, such as those from the Interfluvio del Chaco, Embalsados, and Esteros del Iberá, among others. However, as experts expressed with regards to the rights of these groups, they are highly vulnerable and hardly taken care of in their full dimension in the various jurisdictions.</p> <p>In the different projects by Amnesty International (2008), it is specified that: “whole communities are denied access to their ancestral lands while others are victims of violent repression and abuses for pacifically demonstrating in demand of their</p>

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	<p>Provincial:</p> <p>Chaco:</p> <p>The Executive Branch at the Provincial level [Poder Ejecutivo Provincial];</p> <p>Institute of the Aboriginal Chaqueño [Instituto del Aborigen Chaqueño].</p> <p>Salta:</p> <p>The Executive Branch [Poder Ejecutivo].</p> <p>Misiones:</p> <p>The Executive Branch [Poder Ejecutivo];</p> <p>Division of Guaraní Affairs [Dirección de Asuntos Guaraníes].</p> <p><b>Legally required documents or records</b></p> <p>As proof of legality, with regards exclusively to the current relation between the right of third parties and forest management and harvesting, these documents are required:</p> <ul style="list-style-type: none"> <li>• Indigenous Land Titles (they exist in Chaco, Formosa, Misiones, Santiago del Estero, Río Negro, Chubut and Salta provinces that have indigenous communities living in forest lands);</li> <li>• Land Titles of the legal person responsible for forest management and harvesting;</li> </ul>		<p>human rights.” And, “For more than eight years the State of Argentina has refused to establish a constructive dialogue on matters of concern to the community and has also denied the existence of any negative impact of the work on the exercise of the rights of indigenous people and mainly the right to free, prior and informed consent and the right to lands, territories and natural resources”.</p> <p>In Interviews with experts, carried out during this work we were able to learn that according to them, and in relation to natural resources, the greatest risk is the irrational exploitation of natural forests that shows in general terms the following deviations:</p> <ul style="list-style-type: none"> <li>• Forest over-exploitation selling volumes higher than those allowed by the inventory results (effect: diminishing NTFPs that traditional communities use for subsistence);</li> <li>• Felling of trees in forest areas protecting watersheds or steep slopes (effect: impacts on watercourses indispensable for rural survival, and reduction of specific NTFPs in this area);</li> <li>• Felling of minimal diameters under what is legally admitted (effect: diminishing volumes and wood species traditionally used by rural communities).</li> </ul> <p>Regarding third party rights in forest plantations, the views of Friends of the Earth [Amigos de la Tierra] and experts said, in provinces like Misiones and Corrientes (whose planted areas are the largest in the country) were considered. According to these sources, the main affect on third parties relate to quality of employment, scarcity of water, change of landscapes, scarcity of land for traditional activities and urbanisation.</p>

Indicator	Applicable Laws and Regulations, Legal Authority, and Legally Required Documents or Records	Sources of Information	Risk Designation and Determination
	<ul style="list-style-type: none"> <li>• Forest harvesting permit based on a Management Plan according to OT requirements in each province. Requirements for this permit do not vary for indigenous communities in terms of the kind of operator. The permit is established over a specific area, with a wood quota by species, for the landholder (that could be a community or a company, or even an individual) and invariably refers to natural forests as in these territories there are no forest plantations.</li> <li>• In the case of forest plans in forest plantations where the rights of proponents to carry out the mentioned plan are first reviewed and recorded (land, prohibitions, etc.), the documents that guarantee respect for the rights of third parties are the same as those in the approval of said plans.</li> </ul>		<p>According to interviews with non-government experts, indigenous peoples' rights in general, and customary rights as protected and recognised by several international, national and even provincial laws are at risk. In the country there are a number of indigenous communities in several provinces, in the north, the centre and the Argentinian Andes. However, as experts expressed these rights are highly vulnerable and rarely respected in full in these jurisdictions.</p> <p>*Quote form Friends of the Land (Argentina): "Larger industrial plantations benefit the pulp and paper international industry and make it possible for large economic groups that plant them to periodically obtain very high profits. Nevertheless, these projects are not designed for benefiting our countries, the people and the environment. In general, they destroy more jobs than those they generate, and depend on subsidies extracted from ample sectors of the population to generate their profit. They do not help to preserve the lands, forests, pastures, or water resources, but exploit relentlessly the local natural advantages".</p> <p>Based on lack of more evidence supporting the elements of the threshold for low risk, and due to the high level of corruption reported for the country (CPI less than 50), the precautionary approach has been applied, thus this indicator is considered as specified risk.</p> <p><b>Risk conclusion</b></p> <p>Following the precautionary approach, this indicator has been evaluated as specified risk.</p> <p>Threshold (2) is met: Identified laws are not upheld consistently by all entities and/or are often ignored, and/or are not enforced by relevant authorities.</p>

Indicator	Applicable Laws and Regulations, Legal Authority, and Legally Required Documents or Records	Sources of Information	Risk Designation and Determination
1.14 Free Prior and Informed Consent	<p><b>Applicable laws and regulations</b></p> <p>As there are no regulations for free, prior and informed consent as a defence mechanism for the rights of individuals, there are currently no legal/ documental requirements to carry out this informative process in order to obtain consent.</p> <p>The interviewed persons indicated that the free, prior and informed consultation process so far has been used experimentally in the country; that is, it is not a practice required by law nor ruled by specific procedures in the provinces.</p> <p>Some laws mentioning it:</p> <ul style="list-style-type: none"> <li>• Constitution of the Republic of Argentina. Article 75 paragraph 17 (approved on August 1994) [Constitución de la República Argentina]. Available at: <a href="http://pdba.georgetown.edu/Parties/Argentina/Leyes/constitucion.pdf">http://pdba.georgetown.edu/Parties/Argentina/Leyes/constitucion.pdf</a></li> <li>• National Law N°24071, approval of United Nations Declaration on the Rights of Indigenous Peoples. Articles 10, 11, 16, 19, 28, 29 and 32 (approved in 2015) [Ley Nacional N°24071, aprobación de la Declaración de las Naciones Unidas sobre los Derechos de los Pueblos Indígenas]. Available at: <a href="https://www.hcdn.gob.ar/proyectos/texto">https://www.hcdn.gob.ar/proyectos/texto</a></li> </ul>	<p><b>Non-government sources</b></p> <ul style="list-style-type: none"> <li>• Democratic Change Foundation [Fundación Cambio Democrático – Pueblos Indígenas y el Derecho a la Consulta Previa]. (brochure given during the interview).</li> <li>• Parliament of Original Peoples from Mercosur and Zicosur [Parlamento de los Pueblos Originarios del Mercosur y Zicosur]. [online]. Available at: <a href="http://www.ambiente.gov.ar/archivos/web/CompBosNatBio/file/04%20-%20COMUNICADO%20DE%20PRENSA%20San%20Pedro.pdf">http://www.ambiente.gov.ar/archivos/web/CompBosNatBio/file/04%20-%20COMUNICADO%20DE%20PRENSA%20San%20Pedro.pdf</a></li> <li>• Radio Nativa (2015). [online]. Available at: <a href="https://somosradionativa.wordpress.com/2015/11/03/grave-situacion-ambiental-por-contaminacion-del-rio-jachal/">https://somosradionativa.wordpress.com/2015/11/03/grave-situacion-ambiental-por-contaminacion-del-rio-jachal/</a></li> <li>• Diario Norte (2016). [online]. Available at: <a href="http://www.diarionorte.com/article/136579/la-mayor-propiedad-comunitaria-de-la-argentina">http://www.diarionorte.com/article/136579/la-mayor-propiedad-comunitaria-de-la-argentina</a></li> <li>• UNHCR (United Nations High Commissioner for Refugees). [online]. Available at: <a href="http://www.acnur.org/nuevaspaginas/tablas/tabla6.htm">http://www.acnur.org/nuevaspaginas/tablas/tabla6.htm</a></li> <li>• United Nations Declaration on the Right to Development: “Everyone has the right to development. Sustainability of development is linked to the capacity of people to control their developmental goals. Involvement of the community in the projects that affect it shall be</li> </ul>	<p><b>Overview of Legal Requirements</b></p> <p>The legal requirements were developed based on consultation in an atmosphere of dialogue and respect to obtain consent of indigenous peoples regarding several issues, among them, Indigenous Peoples lands, territories and resources (Declaration on the Rights of Indigenous Peoples, ratified by National Law N°24071, Declaración de los Derechos de los Pueblos Indígenas).</p> <p>It should be noted that these requirements are not executed in practice as there are no formal requirements for FPIC in Argentina.</p> <p><b>Description of risk</b></p> <p>Quoted from Ana Cabria Mellace, author of the piece written for the Democratic Change Foundation [Fundación Cambio Democrático]:</p> <p>“In general terms, the rights of indigenous peoples and individuals acknowledged by international regulations are part of the legislation in Argentina. Nevertheless, up to this day those rights have not been translated into an effective implementation. On the contrary, failure to comply with the law has created various conflicts documented in the last 10 years and basically associated to territories and exploitation of natural resources. Currently, out of the total number of land-related conflicts, 30% (278 conflicts) involve indigenous peoples. The North western part of Argentina (NOA) concentrates the majority of them (28.2 %), followed by Patagonia (21, 1%), Northeast Argentina (19, 8%), Centre (19, 1%) and Cuyo (11, 7%).”</p> <p>Quote from in Diario Norte, Chaco, April 2016: (... ) there is a formal flaw in the law that is of extreme gravity. It is precisely an “indigenous law” that did not respect the rights of the communities themselves. ILO 169 convention ratified and incorporated into our National Constitution by Law 24071 (ley 24071) establishes that all norms issued by the</p>

Indicator	Applicable Laws and Regulations, Legal Authority, and Legally Required Documents or Records	Sources of Information	Risk Designation and Determination
	<p>Completo.jsp?exp=0810-D-2015&amp;tipo=LEY</p> <ul style="list-style-type: none"> <li>United Nations Declaration of the Right to Development. Available at: <a href="https://www.unicef.org/spanish/adolescence/files/UNDRip-ProductV9a-Web-SP2-Reader.pdf">https://www.unicef.org/spanish/adolescence/files/UNDRip-ProductV9a-Web-SP2-Reader.pdf</a></li> </ul> <p><b>Legal Authority</b></p> <ul style="list-style-type: none"> <li>The Executive Branch [Poder Ejecutivo] in relation to enforcement of what is dictated in the Constitution</li> <li>National Institute of Indigenous Affairs [INAI - Instituto Nacional de Asuntos Indígenas], decentralized entity under the Ministry of Social Development of the Nation [Ministerio de Desarrollo Social de la Nación]</li> <li>Legal entities (Courts) all over the country</li> </ul> <p><b>Legally required documents or records</b></p> <p>As there are no regulations for free, prior and informed consent as a defence mechanism for the rights of individuals, there are currently no legal requirements to carry out this informative process in order to obtain consent.</p>	<p>consistent with its underlying principles of FPIC.”</p> <p><b>Interviews with experts</b></p> <p>During the process of consultation, several experts on work with rural communities, both natural and creole were interviewed. They confirmed that the process of free, prior and informed consultation has been used so far as an experiment in the country; that is, it is not a practice required by law nor ruled by specific procedures in the provinces.</p>	<p>authority must include a participative process of the affected communities. This did not occur with Law 7775, which has a serious legal problem because if ratified and implemented it could make the province incur in an international liability for not complying with international treaties. On the other hand, this situation would force the communities to bring the relevant claim before the judicial authorities.</p> <p>In interviews with experts from non-government organizations working in various areas of the country it was verified that, even though there is some background of attempts to get free, prior and informed consent, the experiences have not been fruitful in the country. The high diversity of actors, inexperience in these processes, logistic and economic difficulties, and the highly contrasting interests of different players in some cases (e.g. silver mining or clearances by third parties-companies in indigenous lands) make the process difficult.</p> <p>The main risk, corroborated in interviews with experts, is that this free and prior consultation is not carried out, or that the process does exist as such but fails to fulfil the requirements stated in international treaties, with one of the interested parties seeking to take advantage of the agreements. Both scenarios are frequent in the country, according to experts. In those scenarios, problems due to productive activities of third parties being allowed in indigenous territories occur and have been huge (see quote above on the work from the Fundación Cambio Democrático), as after these poorly conducted processes, natural peoples would resume the claims for rights they consider fair, turning the issue into a long dispute and leaving a legacy of over exploitation of wood resources (in addition to gold, and affectation to water resources, etc.) in several provinces. Sites of historical and spiritual interest or sites related to the survival of those communities are also being affected.</p> <p>Specialists confirmed that the process of free, prior and informed consultation has been used so far as an experiment in the country; that is, it is not a practice required by law nor is</p>

Indicator	Applicable Laws and Regulations, Legal Authority, and Legally Required Documents or Records	Sources of Information	Risk Designation and Determination
			<p>it regulated by specific procedures in the provinces. They also confirmed other information related to lawsuits due to affectations to resources and rights of natural and creole (traditional) communities. It is worth mentioning that it is hard to obtain this information on-line as the legal system does not require that these cases get published, thus, information is not public unless a long administrative process is followed in order to access part of it</p> <p><b>Risk conclusion</b></p> <p>This indicator has been evaluated as N/A.</p>
1.15 Indigenous Peoples Rights	<p><b>Applicable laws and regulations</b></p> <p>National Legislation:</p> <ul style="list-style-type: none"> <li>• Constitution of the Republic of Argentina. Article 75 paragraph 17 (approved on August 1994) [Constitución de la República Argentina]. Available at: <a href="http://pdba.georgetown.edu/Parties/Argentina/Leyes/constitucion.pdf">http://pdba.georgetown.edu/Parties/Argentina/Leyes/constitucion.pdf</a></li> <li>• National Law N°24071, approval of the United Nations Declaration on the Rights of Indigenous Peoples, Articles 10, 11, 19, 29 and 32 (approved in 2015) [Ley Nacional N°24071, aprobación de la Declaración de las Naciones Unidas sobre los Derechos de los Pueblos Indígenas]. Available at: <a href="https://www.hcdn.gob.ar/proyectos/textoCompleto.jsp?exp=0810-D-2015&amp;tipo=LEY">https://www.hcdn.gob.ar/proyectos/textoCompleto.jsp?exp=0810-D-2015&amp;tipo=LEY</a></li> </ul>	<p><b>Government sources</b></p> <ul style="list-style-type: none"> <li>• Secretariat of Rural Development and Family Agriculture (2013). <i>Surveys and systematization of land problems of family agriculture in Argentina</i> [Secretaría de Desarrollo Rural y Agricultura Familiar. Relevamiento y Sistematización de problemas de tierra de los agricultores familiares en la Argentina]. [online]. Available at: <a href="http://www.unsam.edu.ar/institutos/idaes/docs/DocIS_25_Bidaseca.pdf">http://www.unsam.edu.ar/institutos/idaes/docs/DocIS_25_Bidaseca.pdf</a></li> </ul> <p><b>Non-government sources</b></p> <ul style="list-style-type: none"> <li>• Democratic Change Foundation [Fundación Cambio Democrático Pueblos Indígenas y el Derecho a la Consulta Previa]. Brochure given during the interview.</li> <li>• Parliament of Original Peoples from Mercosur and Zicosur (25 June 2016). Press Release [Parlamento de los</li> </ul>	<p><b>Overview of Legal Requirements</b></p> <p>Article 75 Paragraph 17 from the National Constitution states: To acknowledge the ethnic and cultural pre-existence of Argentinian indigenous peoples. To guarantee the respect of their identity and right to a bilingual and intercultural education; to acknowledge the legal status of their communities, and communal ownership and possession of lands that they have traditionally occupied; and to regulate the delivery of other lands appropriately and sufficiently for human development; none of these lands shall be assignable, transmissible or susceptible of encumbrance or seizure. To guarantee the involvement of these indigenous people in managing their natural resources and other interests affecting them. Provinces may exercise these attributions concurrently.</p> <p>Article 26 United Nations Declaration on Indigenous Peoples (ratified by Argentina):</p> <ol style="list-style-type: none"> <li>1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.</li> <li>2. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional</li> </ol>

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	<ul style="list-style-type: none"> <li>United Nations Declaration on the Rights of Indigenous Peoples, Article 26 (approved on September 2007) (Rights of indigenous peoples on Land, Territories and Resources). Available at: <a href="http://www.un.org/esa/socdev/unpfi/documents/DRIPS_es.pdf">http://www.un.org/esa/socdev/unpfi/documents/DRIPS_es.pdf</a></li> <li>United Nations Declaration on the Right to Development. Available at: <a href="https://www.unicef.org/spanish/adolescence/files/UNDRip-ProductV9a-Web-SP2-Reader.pdf">https://www.unicef.org/spanish/adolescence/files/UNDRip-ProductV9a-Web-SP2-Reader.pdf</a></li> <li>Law N°26160, on the emergence of land ownership (prohibits eviction of indigenous communities) (approved on November 2006) [Ley N°26160, sobre la emergencia en la posesión de tierras (prohibición de desalojo de comunidades indígenas)]. Available at: <a href="https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/91642/106384/F1001688167/ARG91642.pdf">https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/91642/106384/F1001688167/ARG91642.pdf</a> Note: This law was extended twice (has an applicable period of four years each time), according to laws N°26554/09 and 26894/13.</li> <li>Note from Infoleg: for article 1 of Law N 26894 B.O. 21/10/2013 [art. 1 de la Ley N 26894 B.O. 21/10/2013] is extended until November 23<sup>rd</sup>, according to the period established in this article, 2017. Last extension: Law N 26554 B.O.</li> </ul>	<p>Pueblos Originarios del Mercosur y Zicosur]. [online]. Available at: <a href="http://argentina.indymedia.org/news/2016/06/893547.php">http://argentina.indymedia.org/news/2016/06/893547.php</a></p> <ul style="list-style-type: none"> <li>Radio Nativa (November 2015). [online]. Available at: <a href="https://somosradionativa.wordpress.com/2015/11/03/grave-situacion-ambiental-por-contaminacion-del-rio-jachal/">https://somosradionativa.wordpress.com/2015/11/03/grave-situacion-ambiental-por-contaminacion-del-rio-jachal/</a></li> <li>Report from Conservation Land Trust. [online]. Available at: <a href="http://www.proyectoibera.org/informacion_amenazas.htm">http://www.proyectoibera.org/informacion_amenazas.htm</a></li> <li>UNHCR (United Nations High Commissioner for Refugees). [online]. Available at: <a href="http://www.acnur.org/nuevaspaginas/tablas/tabla6.htm">http://www.acnur.org/nuevaspaginas/tablas/tabla6.htm</a></li> <li>United Nations Declaration on the Right to Development: "Everyone has the right to development. Sustainability of development is linked to the capacity of people to control their developmental goals. Involvement of the community in the projects that affect it shall be consistent with its underlying principles of FPIC.". [online]. Available at: <a href="http://www.un.org/es/events/righttodevelopment/declaration.shtml">http://www.un.org/es/events/righttodevelopment/declaration.shtml</a></li> <li>FSC report of FM/COC in Argentina.[online]. Available at: <a href="https://info.fsc.org">https://info.fsc.org</a>. Some examples listed below:</li> </ul>	<p>ownership or other traditional occupation or use, as well as those which they have otherwise acquired.</p> <p>3. States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.</p> <p>Law N°26160, on the emergence of land ownership (prohibits eviction of indigenous communities) [Ley N°26160, sobre la emergencia en la posesión de tierras (prohibición de desalojo de comunidades indígenas)] Declares the emergence in regard to land ownership and property that these indigenous and natural communities have traditionally occupied in the country, and whose legal status has been registered in the National Registry of Indigenous Communities or competent provincial entities or any other pre-existing registries, for the term of 4 (FOUR) years. Customary rights and indigenous rights are analysed in the same way by the appropriate authorities. Law treats these people similarly, independently of the social or ethnic group they belong to.</p> <p>In general terms, indigenous peoples' rights are protected by several international, national and provincial laws. With regards to forest harvesting by indigenous or natural communities, licenses granted by provincial authorities have the same requirements than licenses granted to other non-indigenous legal entities or leaseholders. In some cases, communities sell the forest logging right to third parties or companies through a legal contract; these being the ones in charge of developing the technical project and acting as the representatives of the communities before the authorities as they are the ones interested y obtaining licenses for cutting wood.</p>

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	<p>11/12/2009 (Ley N 26554 B.O. 11/12/2009).</p> <p>Provincial Legislation:</p> <p>Chaco</p> <ul style="list-style-type: none"> <li>• Law 3258 of the Aboriginal Chaqueño (approved on May 2013) [Ley 3258 del Aborigen Chaqueño]. Available at: <a href="http://institutodelaborigendelchaco.blogspot.com/2013/05/ley-3258-de-las-comunidades-indigenas.html">http://institutodelaborigendelchaco.blogspot.com/2013/05/ley-3258-de-las-comunidades-indigenas.html</a></li> </ul> <p>For the other two provinces, Salta and Misiones, references to specific laws for original peoples living there were not found.</p> <p><b>Legal Authority</b></p> <ul style="list-style-type: none"> <li>• The Executive Branch [Poder Ejecutivo] with regards to compliance with Constitution;</li> <li>• Ministry of Justice, Secretariat of Human Rights [Ministerio de Justicia, Secretaría de Derechos Humanos];</li> <li>• National Institute of Indigenous Affairs [Instituto Nacional de Asuntos Indígenas (INAI)], decentralized entity under the Ministry of Social Development of the Nation [Ministerio de Desarrollo Social de la Nación];</li> </ul>	<ul style="list-style-type: none"> <li>• FSC. Certificate. [online]. Available at: <a href="https://info.fsc.org/details.php?id=a0240000005sRUeAAM&amp;type=certificate">https://info.fsc.org/details.php?id=a0240000005sRUeAAM&amp;type=certificate</a></li> <li>• FSC. Certificate. [online]. Available at: <a href="https://info.fsc.org/details.php?id=a0240000005sWJOAA2&amp;type=certificate">https://info.fsc.org/details.php?id=a0240000005sWJOAA2&amp;type=certificate</a></li> <li>• FSC. Certificate. [online]. Available at: <a href="https://info.fsc.org/details.php?id=a0240000005sWP7AAM&amp;type=certificate">https://info.fsc.org/details.php?id=a0240000005sWP7AAM&amp;type=certificate</a></li> </ul> <p><b>Interviews with experts</b></p> <p>Conversations with different experts carried out during the months of February and March 2016 – helped authors to understand better the applicable legislation and the associated risks in the field implementation. Referring to this indicator, representatives of different organizations were interviewed, such as: Forests Bank [Banco de Bosques], Greenpeace Argentina, ProYungas Foundation [Fundación ProYungas], Wild Life Foundation [Fundación Vida Silvestre], Forest Division from the Ministry of Agro-Industries [Dirección Forestal del Ministerio de Agroindustrias], experts specialized in work with rural communities, Democratic Change Foundation (Fundación Cambio Democrático)</p>	<p><b>Description of risk</b></p> <p>Quoted from Ana Cabria Mellace, author of the piece written for the Democratic Change Foundation (Fundación Cambio Democrático):</p> <p>“(…) Currently, out of the total number of land-related conflicts related, 30% (278 conflicts) involve indigenous peoples. The North Western part of Argentina (NOA) concentrates the majority of them (28.2 %), followed by Patagonia (21,1%), Northeast Argentina (19, 8%), Centre (19, 1%) and Cuyo (11, 7%).” This data is clearly associated with the considerable increase of investment for exploiting natural resources in indigenous territories.”</p> <p>Quoted from the website of Conservation Land Trust:</p> <p>“(…) In planted (forestry) areas, natural vegetation coverage and fauna are completely wiped-out and the close bodies of water dry-up due to the abundant consumption of water needed to cultivate pines and eucalyptus”. This affects in some cases, indigenous and rural people rights, since the access to water is threatened by large-scale activities. This kind of conflict is potentially present in Corrientes, Chaco, Salta, Santiago del Estero and Formosa provinces.</p> <p>As a result of interviews with regional experts and by verifying public reports on FSC certification processes in these regions, it can be established that some risks of forest plantations are different from those of natural forests. In both cases, indigenous and traditional communities perceive threats to land tenure (loss of natural territories sold by provincial states to owners of private projects), access to sites of special traditional, spiritual or historical significance, and access to resources such as water (consumption and fishing), among other factors. And in the case of forest plantations, the greater consumption of water by the crop should be added as a threat, as well as the decrease in the fauna associated with the ecosystem, both in frequency and in abundance.</p>

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	<ul style="list-style-type: none"> <li>• Institute of the Aboriginal Chaqueño [Instituto del Aborigen Chaqueño (Chaco)];</li> <li>• Legal entities (Courts) all over the country.</li> </ul> <p><b>Legally required documents or records</b></p> <ul style="list-style-type: none"> <li>• Regarding management and forest harvesting: Indigenous Land Titles [Títulos de tierras indígenas] (Can be found in Chaco, Formosa, Misiones, and Salta).</li> <li>• Management Plan and AOP, whose approval is the result of forest harvesting licenses (the name of this document varies according to the applicable province). This license establishes timber quotas and always refers to natural forests as there are no forest plantations in these territories.</li> </ul> <p>Regarding the rights of indigenous peoples:</p> <ul style="list-style-type: none"> <li>• Documents generated through free, prior and informed consultation;</li> <li>• Presence/ absence of legal lawsuits over resources and affectation to the rights of these individuals.</li> </ul>		<p>Another common aspect in relation with indigenous and traditional people, although not linked to legal but traditional rights, is that many communities have bovine, ovine, equine and/or caprine herds, freely grazing in open spaces and forests. When communities are close to national or provincial parks (e.g., Provincial Park Loro Hablador, National Park Copo, Provincial Park Calilegua, Provincial Park Laguna Pintascayo, etc.), there could be an overlap of grazing areas and the boundaries of these protected sites and their rights can be affected; the same happens when these activities are conducted besides productive areas like forest plantations and native forests under commercial harvesting.</p> <p><b>Risk conclusion</b></p> <p>This indicator has been evaluated as specified risk. Threshold (2) is met: Identified laws are not upheld consistently by all entities and/or are often ignored, and/or are not enforced by relevant authorities.</p>

Indicator	Applicable Laws and Regulations, Legal Authority, and Legally Required Documents or Records	Sources of Information	Risk Designation and Determination
<b>Trade and transport</b>			
<p>1.16 Classification of Species, Quantities, Qualities</p>	<p><b>Applicable laws and regulations</b></p> <p>National Legislation:</p> <ul style="list-style-type: none"> <li>National Law N° 13.273, Forest Promotion (approved on September 1948) [Ley Nacional N° 13.273 de Promoción Forestal]. Available at: <a href="http://servicios.infoleg.gob.ar/infolegInteRnet/anexos/30000-34999/30713/norma.htm">http://servicios.infoleg.gob.ar/infolegInteRnet/anexos/30000-34999/30713/norma.htm</a></li> <li>National Law N 26.432 (Extension and amendment of National Law N25.080 on Promotion of Investments for Cultivated Forests) (approved on July 1989) [Ley Nacional N 26.432 (Prórroga y modificatoria de la Ley Nacional N25.080 de Promoción de Inversiones para Bosques Cultivados)]. Available at: <a href="http://www.infoleg.gov.ar/infolegInternet/verNorma.do?id=14875">http://www.infoleg.gov.ar/infolegInternet/verNorma.do?id=14875</a></li> <li>National Law N°26.331 of Minimal Budgets (approved on November 2007) [Ley Nacional N°26.331 de Presupuestos Mínimos. Available at: <a href="http://servicios.infoleg.gob.ar/infolegInteRnet/anexos/135000-139999/136125/norma.htm">http://servicios.infoleg.gob.ar/infolegInteRnet/anexos/135000-139999/136125/norma.htm</a></li> </ul>	<p><b>Government sources</b></p> <ul style="list-style-type: none"> <li>Ministry of Environment and Sustainable Development of the Nation. Forest Statistics Series 2004- 2010 [Ministerio de Ambiente y Desarrollo Sustentable de la Nación. Serie de Estadísticas forestales 2004-2010]. [online]. Available at: <a href="https://agroindustria.gob.ar/sitio/areas/ss_desarrollo_foresto_industrial/estadisticas/">https://agroindustria.gob.ar/sitio/areas/ss_desarrollo_foresto_industrial/estadisticas/</a></li> </ul> <p>Timber from plantations:</p> <ul style="list-style-type: none"> <li>Ministry of Agroindustries of the Nation. Forest statistics [Ministerio de Agroindustrias de la Nación. Estadísticas forestales 2013]. [online]. Available at: <a href="http://www.minagri.gob.ar/new/0-0/forestacion/_archivos/_econo/sector%20forestal%202013.pdf">http://www.minagri.gob.ar/new/0-0/forestacion/_archivos/_econo/sector%20forestal%202013.pdf</a></li> <li>Ministry of Agro-Industries of the Nation. Forest Statistics 2013 [Ministerio de Agroindustrias de la Nación. Estadísticas forestales 2013]: <a href="http://www.minagri.gob.ar/new/0-0/forestacion/_archivos/_econo/sector%20forestal%202013.pdf">http://www.minagri.gob.ar/new/0-0/forestacion/_archivos/_econo/sector%20forestal%202013.pdf</a></li> </ul> <p><b>Non-government sources</b></p> <ul style="list-style-type: none"> <li>World Resources Institute (2014). [En la Búsqueda de Madera producida Legalmente]. [online]. Available at:</li> </ul>	<p><b>Overview of Legal Requirements</b></p> <p>Regarding timber from natural forests, different provincial legislations requires that all companies or legal entities performing forest harvesting submit – as part of their forest inventories to have harvesting plans approved – details of species, dimensions, volumes, and the logging plan included in the AOP (Annual Operative Plan). This logging plan is valid for two to five years, according to jurisdiction. With this information the provincial authority decides if a technical visit is necessary and then decides if the company is authorized to market specific volumes of timber of each specie, according to diameters and depending on the Annual Allowable Cut (Corta Anual Permissible, CAP) submitted in previous technical studies. Waybills are given in accordance to these inventories and are subtracted from the total volumes as they are harvested in the forest. Data from approved forest inventories, timber waybills, sales invoices and tax returns, has to match volumes and species in order to confirm that data has not been forged.</p> <p>In forest plantations, species are determined in the forest plan. Diameters and volumes are important for provincial governments in terms of taxation, but not strictly for matters related to forest management. For example, in Provinces like Misiones, there is a lease rental for material transported from the forest to the industry, but diameters and species are not supervised (as long as they come from forest plantations). Timber leaves plantations and travels to industries, with a packing slip which is a document describing species, harvested stand, carrier, data from the vehicle, contact details of the seller and buyer, date, lengths and diameters.</p> <p><b>Description of risk</b></p> <p>According to the work carried out by the World Resources Institute, 2014 report (p. 5), around 20 to 30% of timber</p>

Indicator	Applicable Laws and Regulations, Legal Authority, and Legally Required Documents or Records	Sources of Information	Risk Designation and Determination
	<p>Provincial legislation:</p> <p>Chaco:</p> <ul style="list-style-type: none"> <li>Article 44, Constitution of Provincia del Chaco (approved on October 1994) [Artículo 44 de la Constitución de la Provincia del Chaco]. Available at: <a href="http://americo.usal.es/oir/legislalata/leye_sesados/argentina/Cons_Chaco.pdf">http://americo.usal.es/oir/legislalata/leye_sesados/argentina/Cons_Chaco.pdf</a></li> <li>Law N°6409 (Act on Territorial Planning and Land Use, sanctioned in addition to Law N 26.331) (approved on September 2009) [Ley N°6409 (Ordenamiento Territorial, sancionada en adhesión a la Ley N 26.331)]. Available at: <a href="http://argentinambiental.com/legislacion/chaco/ley-6409-ordenamiento-territorial-los-bosques-nativos/">http://argentinambiental.com/legislacion/chaco/ley-6409-ordenamiento-territorial-los-bosques-nativos/</a></li> </ul> <p>Misiones:</p> <ul style="list-style-type: none"> <li>Forest Law (N°XVI – 7) (approved on September 1977) [Ley de Bosques (N°XVI - 7)]. Available at: <a href="http://digestomisiones.gob.ar/uploads/documentos/leyes/LEY%20XVI%20-%20N%207.pdf">http://digestomisiones.gob.ar/uploads/documentos/leyes/LEY%20XVI%20-%20N%207.pdf</a></li> </ul> <p>Salta:</p> <ul style="list-style-type: none"> <li>Law N°7543 Act on Territorial Planning and Land Use of Natural Forests (approved on December 2008) [Ley N°7543. Normas de Ordenamiento Territorial de los Bosques Nativos]. Available at:</li> </ul>	<p><a href="https://www.wri.org/sites/default/files/fla_1_equality_guide_spanish.pdf">https://www.wri.org/sites/default/files/fla_1_equality_guide_spanish.pdf</a></p> <p><b>Interviews with experts</b></p> <p>Conversations with different experts carried out during the months of February and March 2016 – helped authors to understand better the applicable legislation and the associated risks in the field implementation. Referring to this indicator, representatives of different organizations were interviewed, such as: Forests Bank [Banco de Bosques], Greenpeace Argentina, ProYungas Foundation [Fundación ProYungas], Wild Life Foundation [Fundación Vida Silvestre], Forest Division from the Ministry of Agro-Industries [Dirección Forestal del Ministerio de Agroindustrias], Gerencia Socio Ambiental, CITES Authority.</p>	<p>marketed in South America comes from illegal sources. No available sources were found on the Internet with official statistics for the specific case of the country; nevertheless, interviewed experts involved in this work considered that this percentage is a slightly higher in Argentina with regards to wood from natural forests and a lot smaller when talking about timber from plantations. That is, some of the experts consulted during the process consider that the percentage of illegal timber (understood as timber traded outside market requirements, outside stated measurements, with false information in order to evade taxes, inaccuracy in declared species, generally for natural forest timber) exceeds 40% of the total of traded material in the country.</p> <p>According to the data reviewed (see sources of information) and interviewed experts, risks associated to this indicator belong mainly to two kinds:</p> <ul style="list-style-type: none"> <li>Incorrect classification of species: in all provinces with natural forests there are protected species, although they are also of commercial interest (see WRI 2014). There are also minimal diameters for cutting that vary per species. Consulted experts from Gerencia Socio Ambiental, Fundación ProYungas, Greenpeace, and other freelancers pointed out that in different cases when authorities supervise a project, they find inaccurate classifications (although convenient for the operator as this means less taxes, or because he can introduce species to the market that were not stated in the forest plan). So much so, that for some protected species the authority has designed identifiers of appearance that are provided to supervisors in the control routes (as indicated by the country's CITES authority);</li> <li>Erroneous cubing: in order to evade taxes or at least to pay less to the various provincial fiscal divisions. Consulted experts also stated this.</li> </ul>

Indicator	Applicable Laws and Regulations, Legal Authority, and Legally Required Documents or Records	Sources of Information	Risk Designation and Determination
	<p><a href="http://digesto.diputadosalta.gob.ar/leyes/7543.pdf">http://digesto.diputadosalta.gob.ar/leyes/7543.pdf</a></p> <p><b>Legal Authority</b></p> <p>National Authorities:</p> <ul style="list-style-type: none"> <li>• Natural Forests: Forest Division of the Ministry of the Environment and Sustainable Development [Dirección de Bosques del Ministerio de Ambiente y Desarrollo Sustentable]. Available at: <a href="http://www.ambiente.gov.ar">www.ambiente.gov.ar</a></li> <li>• Forest Plantations: Division of Forest Production of the Ministry of Agro-Industries, the Nation's Presidency [Dirección de Producción Forestal del Ministerio de Agroindustria de la Presidencia de la Nación]. Available at: <a href="http://www.agroindustria.gob.ar/new/0-0/forestacion/index.php#">http://www.agroindustria.gob.ar/new/0-0/forestacion/index.php#</a></li> </ul> <p>Provincial Authorities:</p> <ul style="list-style-type: none"> <li>• Specific Authorities in the 12 provinces. The more representative, in terms of traded and planted volumes, and diversity of species and populations related to forests, among other factors are given as examples.</li> <li>• Misiones: Ministry of Ecology [Ministerio de Ecología]. Available at: <a href="http://www.ecologia.misiones.gov.ar/eco web/index.php">http://www.ecologia.misiones.gov.ar/eco web/index.php</a>;</li> </ul>		<p>Generally, in the case of forest cultivation species there are no risks, or they are low in terms of classification of species, measures and quantities. Governmental authorities, representatives of forest plantation companies, as well as external advisers to private companies and some NGO that operate in the northeast of Argentina, stated this and during stakeholder consultation, no concerns were raised in relation to this.</p> <p><b>Risk conclusion</b></p> <p>For plantations: the indicator was evaluated as low risk. Threshold (1) is met: Relevant laws are generally upheld. Cases where law/regulations are violated are efficiently followed up via preventive actions taken by the authorities and/or by the relevant entities;</p> <p>For natural forest: the indicator was evaluated a specified risk. Threshold (2) is met: Identified laws are not upheld consistently by all entities and/or are often ignored, and/or are not enforced by relevant authorities.</p>

Indicator	Applicable Laws and Regulations, Legal Authority, and Legally Required Documents or Records	Sources of Information	Risk Designation and Determination
	<ul style="list-style-type: none"> <li>• Chaco: Sub secretariat of Natural Resources and Environment [Subsecretaría de Recursos Naturales y Medioambiente]. Available at: <a href="http://rnaturaleschaco.gob.ar/">http://rnaturaleschaco.gob.ar/</a>;</li> <li>• Salta: Ministry of the Environment and Sustainable Production [Ministerio de Ambiente y Producción Sustentable]. Available at: <a href="http://www.salta.gov.ar/organismos/ministerio-de-ambiente-y-desarrollo-sustentable/10">http://www.salta.gov.ar/organismos/ministerio-de-ambiente-y-desarrollo-sustentable/10</a>.</li> </ul> <p><b>Legally required documents or records</b></p> <ul style="list-style-type: none"> <li>• Sustainable Management Plan, variation Forest Harvesting (for natural forests) [Plan de Manejo Sostenible variante Aprovechamiento Forestal (para bosques nativos)];</li> <li>• Forest Plans (for plantations) [Planes forestales (para plantaciones)];</li> <li>• Packing slip (for forest plantations) [Remitos de madera (para plantaciones forestales)];</li> <li>• Timber Waybill (for natural forests) [Guías de Transporte de maderas (para bosque nativo)];</li> <li>• Invoice (for the domestic market- A, B, or C, and for the international one – E)</li> </ul>		

Indicator	Applicable Laws and Regulations, Legal Authority, and Legally Required Documents or Records	Sources of Information	Risk Designation and Determination
	<p>[Facturas (para el mercado nacional -A, B, o C; como para el internacional - E)];</p> <ul style="list-style-type: none"> <li>Exported shipment declaration (packing list and its link to bill of lading) [Declaración de carga exportada (packing list y su vinculación con el bill of lading)]. These last two documents are required for timber from plantations or natural forests.</li> </ul>		
1.17 Trade and Transport	<p><b>Applicable laws and regulations</b></p> <p>National Legislation:</p> <ul style="list-style-type: none"> <li>Law N°24653, Motor vehicle transportation of loadings (approved on June 1996) [Ley N°24653, del Transporte Automotor de Cargas]. Available at: <a href="http://www.acopiadorescba.com/FCKfiles/Ley%2024653%20RUTA.pdf">http://www.acopiadorescba.com/FCKfiles/Ley%2024653%20RUTA.pdf</a></li> <li>Decree N°1035/02: Regulates Loadings Law (approved on June 2002) [Decreto N°1035/02: Reglamenta la Ley sobre transporte de cargas]. Available at: <a href="http://servicios.infoleg.gob.ar/infolegInteRnet/anexos/75000-79999/75178/norma.htm">http://servicios.infoleg.gob.ar/infolegInteRnet/anexos/75000-79999/75178/norma.htm</a></li> <li>National Law N° 13.273 for Forest Promotion (approved on September 1948) [Ley Nacional N° 13.273 de Promoción Forestal]. Available at: <a href="http://servicios.infoleg.gob.ar/infolegInte">http://servicios.infoleg.gob.ar/infolegInte</a></li> </ul>	<p><b>Government sources</b></p> <p>Timber from natural forests:</p> <ul style="list-style-type: none"> <li>Ministry of the Environment and Sustainable Development of the Nation. Forest Statistics 2004-2010 [Ministerio de Ambiente y Desarrollo Sustentable de la Nación. Serie de Estadísticas forestales 2004-2010]. [online]. Available at: <a href="https://agroindustria.gob.ar/sitio/areas/ss_desarrollo_foresto_industrial/estadisticas/">https://agroindustria.gob.ar/sitio/areas/ss_desarrollo_foresto_industrial/estadisticas/</a></li> <li>Timber from plantations: Ministry of Agro-Industries of the Nation (2013). Forest Statistics 2013 [Ministerio de Agroindustrias de la Nación. Estadísticas forestales 2013]. [online]. Available at: <a href="http://www.minagri.gob.ar/new/0-0/forestacion/_archivos/_econo/sector%20forestal%202013.pdf">http://www.minagri.gob.ar/new/0-0/forestacion/_archivos/_econo/sector%20forestal%202013.pdf</a></li> </ul> <p><b>Non-government sources</b></p> <ul style="list-style-type: none"> <li>World Resources Institute. In Search of legally produced timber (2014). [online].</li> </ul>	<p><b>Overview of Legal Requirements</b></p> <p>Timber transportation from natural forests is regulated by the issuance and carrying of waybills or removal waybills (for processed products). These bills are issued by many offices of provincial entities in specific geographic locations of Argentina. They are numbered, which in theory would avoid duplications. Carrier must present this document to the authority in case it is required to do so. The document states the forest plan number related to the timber (that should be valid and authorized), information on species, dimensions, origin and destiny, and dates. It also has information from the carrier and in some cases from the addressee.</p> <p>Regarding timber from plantations, it is mandatory to have the transportation document known as packing slip (remito). This document is consecutively numbered and controlled by the Public Income Federal Administration (Administración Federal de Ingresos Públicos, AFIP). Knowing the tax code, CUIT (contributors' code, código del contribuyente), the type of provided service or product sold. With all this it is possible to have access to the AFIP's electronic site to learn about the company status regarding regularization of its operations, that is to know if it is selling timber legally or not.</p> <p>In addition, trade is regulated by the emission of sale invoices. According to seller records in the national tax administration,</p>

Indicator	Applicable Laws and Regulations, Legal Authority, and Legally Required Documents or Records	Sources of Information	Risk Designation and Determination
	<p>rnet/anexos/30000-34999/30713/norma.htm</p> <ul style="list-style-type: none"> <li>National Law N 26.432 (Extension and amendment of National Law N25.080 on Promotion of Investments for Cultivated Forests) (approved on November 2008) [Ley Nacional N 26.432 (Prórroga y modificatoria de la Ley Nacional N25.080 de Promoción de Inversiones para Bosques Cultivados)]. Available at: <a href="http://www.infoleg.gov.ar/infolegInternet/verNorma.do?id=148753">http://www.infoleg.gov.ar/infolegInternet/verNorma.do?id=148753</a></li> </ul> <p>Provincial legislation:</p> <p>Chaco:</p> <ul style="list-style-type: none"> <li>Article 44, Constitution of Provincia del Chaco (approved on October 1994) [Artículo 44 de la Constitución de la Provincia del Chaco]. Available at: <a href="http://americo.usal.es/oir/legislalata/leye_sesados/argentina/Cons_Chaco.pdf">http://americo.usal.es/oir/legislalata/leye_sesados/argentina/Cons_Chaco.pdf</a></li> <li>Law N°6409 (Act on Territorial Planning and Land Use, sanctioned in addition to Law N 26.331) (approved on September 2009) [Ley N°6409 (Ordenamiento Territorial, sancionada en adhesión a la Ley N 26.331)]. Available at: <a href="http://argentinambiental.com/legislacion/chaco/ley-6409-ordenamiento-territorial-los-bosques-nativos/">http://argentinambiental.com/legislacion/chaco/ley-6409-ordenamiento-territorial-los-bosques-nativos/</a></li> </ul>	<p>Available at: <a href="https://www.wri.org/sites/default/files/fla_1_equality_guide_spanish.pdf">https://www.wri.org/sites/default/files/fla_1_equality_guide_spanish.pdf</a></p> <p><b>Interviews with experts</b></p> <p>Conversations with different experts carried out during the months of February and March 2016 – helped authors to understand better the applicable legislation and the associated risks in the field implementation. Referring to this indicator, representatives of different organizations were interviewed, such as: Forests Bank [Banco de Bosques], Greenpeace Argentina, ProYungas Foundation [Fundación ProYungas], Wild Life Foundation [Fundación Vida Silvestre], Forest Division from the Ministry of Agro-Industries [Dirección Forestal del Ministerio de Agroindustrias], Gerencia Socio Ambiental, CITES Authority</p>	<p>the type of invoice he/she issues varies (categories are: A, B, or C), although if it is for exporting goods, it will always be “E”. In export sales, in addition to the above-mentioned documents, he/she must have customs documents such as the Bill of Lading and the export operation can only be done through a customs agent recorded in the respective legal registry.</p> <p>Law N°26631 (Ley N°26631) requires provinces to have a public Registry of Offenders (Registro de Infractores) to this law.</p> <p><b>Description of risk</b></p> <p>This is one of the weakest points of responsible forest management in Argentina. According to consulted experts, during this report preparation, it is estimated that only half of the timber from natural forests transported has the legal, reliable, and necessary documents. The most frequent deviations have to do with forged waybills or packing slips, duplicating or cloning of these documents, obtaining them by bribery or volumes higher than that those estimated by the Annual Allowable Cut (CAP).</p> <p>In consultation with experts in several provinces and with national and provincial government officials, it was verified that the Registry of Offenders, which each province must possess has not been implemented up to this day, least made public.</p> <p>Regarding timber from plantations, the risk is low or even null as per consults made with local experts, and the level of compliance can vary depending on the province. Legal controls are very frequent on primary and secondary roads and at the industry gate, what represents a double check of documentation (waybills and sales invoices). In addition to this, the number of companies involved with timber production and industry is very small comparing with the same type of</p>

Indicator	Applicable Laws and Regulations, Legal Authority, and Legally Required Documents or Records	Sources of Information	Risk Designation and Determination
	<p>Misiones:</p> <p>Forest Law (N°XVI – 7) (approved on September 1977) [Ley de Bosques (N°XVI - 7)]. Available at:  <a href="http://digestomisiones.gob.ar/uploads/documentos/leyes/LEY%20XVI%20-%20N%207.pdf">http://digestomisiones.gob.ar/uploads/documentos/leyes/LEY%20XVI%20-%20N%207.pdf</a></p> <p>Salta:</p> <ul style="list-style-type: none"> <li>• Law N°7543. Norms for Act on Territorial Planning and Land Use of Natural forests (approved on December 2008) [Ley N°7543. Normas de Ordenamiento Territorial de los Bosques Nativos]. Available at:  <a href="http://digesto.diputadosalta.gob.ar/leyes/7543.pdf">http://digesto.diputadosalta.gob.ar/leyes/7543.pdf</a></li> <li>• Decree N° 2785. Regulating Law N° 7543 (approved on June 2009) [Decreto N° 2785. Reglamentario Ley N° 7543]. Available at:  <a href="http://www.prograno.org/docs/Decreto%202785%20-%20Reglamenta%20ley%207543.pdf">http://www.prograno.org/docs/Decreto%202785%20-%20Reglamenta%20ley%207543.pdf</a></li> </ul> <p><b>Legal Authority</b></p> <p>National authorities:</p> <ul style="list-style-type: none"> <li>• Ministry of Transport, Argentina [Ministerio de Transporte de Argentina];</li> <li>• Forest Division under the Ministry of the Environment and Sustainable</li> </ul>		<p>business but from natural forests. Moreover, majority of industries and plantations are located close to towns or cities what makes law enforcement easier. Finally, there are no known cases of penalties or complaints of cases of transportation cases or trade of illegal timber from plantations, and this has been confirmed by the interested interviewed parties and public information available at internet.</p> <p><b>Risk conclusion</b></p> <p>For plantations: This indicator has been evaluated as low risk.</p> <p>Threshold (1) is met: Relevant laws are generally upheld. Cases where law/regulations are violated are efficiently followed up via preventive actions taken by the authorities and/or by the relevant entities.</p> <p>For natural forests: This indicator has been evaluated as specified risk.</p> <p>Threshold (2) is met: Identified laws are not upheld consistently by all entities and/or are often ignored, and/or are not enforced by relevant authorities.</p>

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	<p>Development of the Nation [Dirección de Bosques del Ministerio de Ambiente y Desarrollo Sustentable de la Nación];</p> <ul style="list-style-type: none"> <li>Forest Division under the Sub secretariat of Forest-Industrial Development under the Ministry of Agro-Industries [Dirección de Forestación de la Subsecretaría de Desarrollo Foresto-industrial, dependiente del Ministerio de Agroindustrias];</li> </ul> <p>Provincial authorities:</p> <p>Chaco: Forest Division, under the Sub secretariat of Natural Resources [Dirección de Bosques, dependiente de la Subsecretaría de Recursos Naturales];</p> <p>Misiones: Ministry of Ecology and Renewable Natural Resources [Ministerio de Ecología y Recursos Naturales Renovables];</p> <p>Salta: Ministry of Environment and Sustainable Production [Ministerio de Ambiente y Producción Sustentable].</p> <p><b>Legally required documents or records</b></p> <ul style="list-style-type: none"> <li>Natural forest: Approval of Sustainable Management Plan, variation Forest Harvesting Plan or Land Use Conversion Plan [Aprobación del Plan de Manejo Sostenible variante Aprovechamiento Forestal, o de</li> </ul>		

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	<p>Aprovechamiento de cambio de uso de suelo];</p> <ul style="list-style-type: none"> <li>• Plantations: Approved Forest Plans;</li> <li>• Plantations: Packing slip for transportation of timber [Remito de transporte de madera];</li> <li>• Natural forest: Timber waybill [Guías de transporte de maderas];</li> <li>• Sales invoices [Facturas de Ventas] (and exportation when applicable, being two different documents);</li> <li>• Shipment documents [Documentos de embarque] for exports (they come attached to the export invoice, or are issued simultaneously, or could be sent separately.</li> </ul>		
1.18 Offshore Trading and Transfer Pricing	<p><b>Applicable laws and regulations</b></p> <p>National legislation:</p> <ul style="list-style-type: none"> <li>• Law N°19550 of Trade Associations Article 124 (approved on March 1984) [Ley N°19550, de las Sociedades Comerciales. Artículo 124]. Available at: <a href="http://servicios.infoleg.gob.ar/infolegInteRnet/anexos/25000-29999/25553/texact.htm">http://servicios.infoleg.gob.ar/infolegInteRnet/anexos/25000-29999/25553/texact.htm</a></li> <li>• Law N° 20.628 Income Tax (approved on December 1973) (Impuesto a las ganancias). Available at:</li> </ul>	<p><b>Government sources</b></p> <p>None found.</p> <p><b>Non-Government sources</b></p> <ul style="list-style-type: none"> <li>• FSC (N.Y.). FSC Controlled Wood Risk Assessment for Argentina, in accordance to FSC-PRO-60-002. [online]. Available at: <a href="https://ic.fsc.org/en/our-impact/program-areas/controlled-wood-01/controlled-wood-risk-assessments/national-risk-assessments">https://ic.fsc.org/en/our-impact/program-areas/controlled-wood-01/controlled-wood-risk-assessments/national-risk-assessments</a>,</li> </ul>	<p><b>Overview of Legal Requirements</b></p> <p>The transfer pricing in Argentina is regulated mainly by the Income Tax Law ("LIG") and its respective reforms, being supplemented and regulated by subsequent Decrees and General Resolutions, among which Decree 1344 / 98, as well as General Resolution No. 1122, General Resolution 3132/2011 and General Resolution 3476/2013.</p> <p>In the LIG, the matter of transfer prices is related to the determination of prices at the full value of international transactions entered into between the taxpayers and those subject to them, when the latter are incorporated, domiciled or located outside the national territory.</p>

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	<p><a href="https://www.grupoconsultorefe.com/assets/files/recursos/files/Argentina:%20Le y%20%2020.628%20Impuesto%20a%20Olas%20Ganancias_3288.pdf">https://www.grupoconsultorefe.com/assets/files/recursos/files/Argentina:%20Le y%20%2020.628%20Impuesto%20a%20Olas%20Ganancias_3288.pdf</a></p> <ul style="list-style-type: none"> <li>• Law N° 25.795 Tax procedures (approved on October 2003) (porcedimientos fiscales). Available at: <a href="http://servicios.infoleg.gob.ar/infolegInte rnet/anexos/90000-94999/90251/norma.htm">http://servicios.infoleg.gob.ar/infolegInte rnet/anexos/90000-94999/90251/norma.htm</a></li> <li>• Decree 1344/98 (approved on November 1998). Regulation of the Income Tax Law (Reglamentación de la Ley de impuesto a las Ganancias). Available at: <a href="https://www.grupoconsultorefe.com/assets/files/recursos/files/0065_7867.pdf">https://www.grupoconsultorefe.com/assets/files/recursos/files/0065_7867.pdf</a></li> <li>• Resolution N° 1122 (approved on October 2001) tax on profits (impuesto a las ganancias). Available at: <a href="https://www.grupoconsultorefe.com/assets/files/recursos/files/0067_4932.pdf">https://www.grupoconsultorefe.com/assets/files/recursos/files/0067_4932.pdf</a></li> <li>• Resolution N° 3132/2011 (approved on June 2011) tax on profits, jurisdiction declaration, price of transfer, applicable programs, duty of conservation of the documentation (impuesto a las ganancias, declaración jurada determinative, precios de transferencia, programas aplicativos, deber de conservación de la documentación). Available at: <a href="https://www.grupoconsultorefe.com/ass">https://www.grupoconsultorefe.com/ass</a></li> </ul>	<ul style="list-style-type: none"> <li>• [Medio Digital Salvadoreño (A2016). Global scandal of offshore companies explodes [Estalla escándalo global de empresas “offshore”] [online]. Available at: <a href="https://www.elsalvador.com/noticias/nacional/186443/estalla-escandalo-global-de-empresas-offshore/">https://www.elsalvador.com/noticias/nacional/186443/estalla-escandalo-global-de-empresas-offshore/</a></li> <li>• Medio digital Iprofesional (2016). The largest leak of documents on money laundering in history, stripped a list of Argentines linked to offshore companies [La mayor filtración de documentos sobre lavado de dinero de la historia, desnudó una lista de argentinos vinculados con sociedades offshore]. [online]. Available at: <a href="https://www.iprofesional.com/actualidad/230180-macri-messi-argentinos-Los-nombres-tras-el-escandalo-que-argentinos-figuran-en-la-lista-de-los-Panama-Papers?gclid=CjwKCAjw54fdBRBbEiwAW28S9o_8vYE7Em4iXPAQWpweVeKzbxea8gXtuA-xSC9CjICE4uM3iBD_lhoCMNgQAvD_BwE">https://www.iprofesional.com/actualidad/230180-macri-messi-argentinos-Los-nombres-tras-el-escandalo-que-argentinos-figuran-en-la-lista-de-los-Panama-Papers?gclid=CjwKCAjw54fdBRBbEiwAW28S9o_8vYE7Em4iXPAQWpweVeKzbxea8gXtuA-xSC9CjICE4uM3iBD_lhoCMNgQAvD_BwE</a></li> </ul>	<p>According to the Article 15 of the LIG, the relationship between a company, trust (escrow), establishment or entity domiciled within the Argentine territory and persons or other entities or establishments, domiciled, incorporated or located outside the Argentine territory, are directly or indirectly subject to the direction or control of the same natural or legal persons or they have decision-making power to guide or define the activities of the aforementioned companies, establishments or other entities, either by their participation in the capital, its degree of credits, its functional influences or of any other kind, contractual or not.</p> <p>Additionally, an alleged link is established between domiciled and foreign entities, when the latter are established in countries or territories with low or no taxation.</p> <p>The Federal Administration of Public Revenues (“AFIP”), through the General Tax Directorate (“DGI”), has developed a specialized group in charge of reviewing the documentation referring to transfer prices. This staff is part of the Large Taxpayers Division.</p> <p>Specific penalties apply in case the transfer pricing documentation is not presented, for not presenting correctly with the formal procedures and for the omission of the payment of taxes.</p> <p>In accordance with Article 39 of Law 25.795, natural or legal persons will be sanctioned with fines of one hundred and fifty pesos (\$ 150) to two thousand five hundred pesos (\$ 2,500). Additionally, Article 18 of the same law establishes the power of the AFIP to determine the tax obligations of taxpayers when they do not present the respective informative affidavits (a written statement confirmed by oath or affirmation, for use as evidence in court) (declaración jurada) or do not submit the transfer pricing report. The substantive sanctions imply that in case the authority does not agree with the prices or considerations agreed to by the taxpayer with its related</p>

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	<p><a href="https://www.grupoconsultorefe.com/assets/files/recursos/files/Argentina:%20Resoluci%C3%B3n%20General%2031322366.pdf">ets/files/recursos/files/Argentina:%20Resoluci%C3%B3n%20General%2031322366.pdf</a></p> <ul style="list-style-type: none"> <li>Resolution N° 3476/2013 (approved on April 2013) Tax on profits, transfer prices (impuesto a las ganancias, precios de transferencia). Available at: <a href="https://www.grupoconsultorefe.com/assets/files/recursos/files/Argentina:%20Resoluci%C3%B3n%20General%2034764172.pdf">https://www.grupoconsultorefe.com/assets/files/recursos/files/Argentina:%20Resoluci%C3%B3n%20General%2034764172.pdf</a></li> </ul> <p><b>Legal Authority</b></p> <p>Division of Trade Associations of the Ministry of Justice of the Nation [Dirección de Sociedades Comerciales del Ministerio de Justicia de la Nación].</p> <p>Federal Administration of Public Revenues ("AFIP"), through the General Tax Directorate ("DGI").</p> <p><b>Legally required documents or records</b></p> <p>Transfer pricing:</p> <ul style="list-style-type: none"> <li>Semiannual Sworn Statement, for the first semester of each fiscal year (F742).</li> <li>Annual Informative Affidavit, for the entire fiscal year (F969).</li> <li>Annual Complementary Affidavit (F743).</li> <li>Affidavit F4501.</li> </ul>		<p>companies, any difference must be added to the taxable income with updating, interest and a fine that can go from 1 to 4 times the tax omitted.</p> <p>Likewise, fines of \$ 10,000 Argentine pesos up to \$ 20,000 Argentine pesos will be sanctioned by those taxpayers who fail to file the affidavits F742, F969, F743 and / or F4501. Those that fail to attach the transfer pricing report to the sworn statements and those that fail to present the financial statements.</p> <p>The resistance to the enforcement act, irregularities in tax domiciles, the omission of reporting on international operations or the lack of information supporting the prices agreed with related companies range from \$ 150 to \$ 45,000 Argentine pesos. These last sanctions are added to those mentioned in the previous paragraph.</p> <p>In accordance with the provisions of Article 6 of General Resolution No. 1122, added by the provisions of Article 1 of General Resolution 3476, taxpayers who conduct transactions with related companies and are subject to the preparation of the price report of transfer will be required to submit the following statements:</p> <ul style="list-style-type: none"> <li>Semiannual Sworn Statement, for the first semester of each fiscal year (F742).</li> <li>Annual Informative Affidavit, for the entire fiscal year (F969).</li> <li>Annual Complementary Affidavit (F743).</li> <li>Affidavit F4501.</li> </ul> <p>The F742 statement, corresponding to the first semester of the fiscal year, must be submitted at the latest in the fifth month immediately following that in which the aforementioned semester ends, the day will depend on the termination of the taxpayer's CUIT.</p>

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	<p>Record of the associations on the web [Registro de inscripción de las sociedades en la web]. Available at: <a href="http://www.jus.gob.ar/igj/tramites/guia-de-tramites/inscripcion-en-el-registro-publico-de-comercio.aspx">http://www.jus.gob.ar/igj/tramites/guia-de-tramites/inscripcion-en-el-registro-publico-de-comercio.aspx</a></p>		<p>The F969 corresponding to the annual commercial exercise or calendar, shall be presented no more than the fifteenth day immediately following the general due date for the presentation of the affidavit determining the income tax.</p> <p>The F743, the transfer pricing report, the financial statements and the F4501 corresponding to the annual business year or calendar year, until the eighth month immediately following the close of the reporting period, the day will depend on the termination of the taxpayer's CUIT.</p> <p>In the income tax, the matter of Transfer Pricing is related to the determination of the prices at the full value of the international transactions entered into between the taxpayers and those subject to them, when the latter are constituted, domiciled or located outside the National Territory.</p> <p>Law 20,628 in Articles 8, 14, 15 and 15, as well as in Articles 10, 11, 20 and 21 of Decree 1344/98 and General Resolution No. 1122, added by General Resolution No. 3132/2011 and General Resolution 3476/2013, establish the characteristics of the sworn statements to be submitted, and the obligation to submit a report that will accompany the annual sworn statement of transfer prices. In addition, it defines who are the taxpayers reached, the documentation requirements, and provides clarifications regarding the way of choosing the most appropriate method of comparison, as well as the mechanics for the application of adjustments to comparable prices.</p> <p>In accordance with Article 6 and Annex II of General Resolution No. 1122, the Transfer Pricing report must contain the activities, functions, risks, assets, transactions analyzed, method used, identification of comparables, identification of the sources of information, detail of the discarded comparables, details and methodology of adjustments, determination of the median and interquartile range, transcription of the income and description of the business activity of the comparable companies and the conclusions</p>

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			<p>reached. The report must be signed by the taxpayer, as well as by an Independent Public Accountant whose signature is authenticated by the professional council.</p> <p>In accordance with Article 5 of General Resolution No. 1122, those taxpayers who are:</p> <ul style="list-style-type: none"> <li>a) Carry out transactions with persons or related entities incorporated, domiciled, located or located abroad and included in Article 69 of the Income Tax Law ("LIG") or in subsection b) or subsection added to continuation of clause d) of Art. 49 of the LIG.</li> <li>b) Carry out transactions with individuals or legal entities domiciled, incorporated or located in countries with low or no taxation, whether or not there is a link.</li> <li>c) They are residents in the country that carry out operations with stable establishment (permanent) installed abroad, of their ownership.</li> <li>d) Residents in the country are holders of stable (permanent) establishments installed abroad, for the operations that the latter carry out with persons or other types of related entities domiciled, incorporated or located abroad, under the terms provided in the Articles. 129 and 130 of the LIG.</li> <li>e) Carry out import or export operations of goods with independent companies domiciled, incorporated or located abroad, when the penultimate paragraph of Art. 8 of the LIG is applicable.</li> </ul> <p>The documentation and supporting information regarding transfer prices must be kept by the taxpayer for a term of five (5) years after the prescription of the fiscal period to which it refers. This term is established in Article 48 of Decree No. 1397/79.</p> <p><b>Description of risk</b> In recent years, the tax authority of Argentina has taken an active stance with respect to audits in terms of transfer pricing, which has resulted in several judgments in the tax court.</p>

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			<p>During 2013, the tax authorities modified the regulations regarding the presentation of transfer pricing documentation, so that taxpayers are currently required to send the transfer pricing study to the authority electronically (based on consultation with local accounting in 2016).</p> <p>As of fiscal year 2014, the tax authority introduced a "List of Related Parties" for taxpayers and / or responsible persons who have related parties resident in Argentina or abroad. Additionally, a monthly reporting scheme has been established for all those who must register within the "Relationship of Related Parties", in which they will report the transactions carried out with related parties in the domestic market.</p> <p>On the other hand, the AFIP has intensified the transfer pricing audits in Argentina, with special attention to international transactions of import and export of commodities, where at the discretion of the authority, it is possible to identify transactions between independent third parties to determine the price or market consideration applicable to these operations, recent cases of jurisprudence have resulted in rejection of the claims of the AFIP by the courts.</p> <p>Additionally, even though there have been no changes in the transfer pricing guidelines contained in the local legislation, the Argentine authorities have pronounced themselves in favor of the OECD BEPS (Base erosion and profit shifting) Action Plan and have shown commitment to implement it. Among the actions carried out so far by the Argentine authorities, is participation in a multilateral treaty for the exchange of information between competent authorities. The foregoing makes clear the interest on the part of the authorities of the country in overseeing this type of operations, as well as any other international operation between related companies (as per expert consultation's results, 2016).</p>

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			<p>Through recent news (Medio digital Iprofesional, 2016), it has been detected the largest leak of documents on money laundering in history, including a list of Argentines linked to offshore (and not declared) companies. Due to the difficulty of tracking offshore companies (related with forest sector), as well as the wide possibilities existing to register associations of this type in countries in America, lack of more evidence supporting the elements of the threshold for low risk, and due to the high level of corruption reported for the country (CPI less than 50), the precautionary approach is applied, thus this indicator is considered as specified risk.</p> <p><b>Risk conclusion</b></p> <p>Following the precautionary approach, this indicator has been evaluated as specified risk. Threshold (2) is met: Identified laws are not upheld consistently by all entities and/or are often ignored, and/or are not enforced by relevant authorities.</p>
1.19 Custom Regulations	<p><b>Applicable laws and regulations</b></p> <ul style="list-style-type: none"> <li>• Customs Regulations (Approval of National Law N°22.415) (approved on March 1981) [Código Aduanero (Sanción de la Ley Nacional N°22.415)]. Available at: <a href="http://www.infoleg.gov.ar/infolegInternet/anexos/15000-19999/16536/Ley22415_Titulo_preliminar.htm">http://www.infoleg.gov.ar/infolegInternet/anexos/15000-19999/16536/Ley22415_Titulo_preliminar.htm</a></li> <li>• Imports: Section III; Article 130 to 216 (arrival of goods), and 217 and 320 (destinations of imports) [Importación: Sección III; Artículos 130 a 216 (arribo de mercadería), y 217 a 320]</li> </ul>	<p><b>Government sources</b></p> <ul style="list-style-type: none"> <li>• Ministry of Agriculture, Livestock and Fisheries (2014). <i>Report: Foreign Trade - Argentine trade in forest products 2014</i> [Comercio Exterior- Intercambio comercial argentino de productos forestales 2014]. Ministry of Agriculture, Livestock and Fisheries. [online]. Available at: <a href="http://www.agroindustria.gob.ar/new/0-0/forestacion/_archivos/_econo/comercio2014.pdf">http://www.agroindustria.gob.ar/new/0-0/forestacion/_archivos/_econo/comercio2014.pdf</a> Ministerio de Producción y Trabajo (2017 to now): Procedures to export (Procedimientos para exportar are explained here:</li> </ul>	<p><b>Overview of Legal Requirements</b></p> <p>The Customs System is regulated at the national level. Forest goods generally leave the country by land transportation to neighbouring countries and by maritime transportation to the rest of the world. In several ports there are transit zones where goods are stored while awaiting to get loaded in the ship. Exports procedures end when the means of transportation passes the last customs post with a foreign destination. The customs document supporting exports for consumption is the Loading Permit (Permiso de Embarque). First of all, the exporter needs be registered as such in the customs service (Exporters Registry) and must request the services of a customs agent. The customs agent classifies, values and states in a sworn statement the goods to be exported. The Loading Permit is complete when the goods to be exported get into the Primary Customs' Zone to be submitted to controls</p>

Indicator	Applicable Laws and Regulations, Legal Authority, and Legally Required Documents or Records	Sources of Information	Risk Designation and Determination
	<p>(destinaciones de importación)]; Resolución Conjunta SC y SI y S N°71/2017</p> <ul style="list-style-type: none"> <li>Exports: Section IV; Articles 321 and 396 (destinations of exports), and 397 to 409 (departure of goods) [Exportación: Sección IV; Artículos 321 a 396 (destinaciones de exportación), y 397 a 409 (salida de mercadería)].</li> <li>AFIP General Resolution N°2964/10, Chapter 44 (approved on November 2010) [Resolución General de AFIP N°2964/10, Capítulo 44]. Available at: <a href="http://biblioteca.afip.gob.ar/dcp/REAG01002964_2010_11_10">http://biblioteca.afip.gob.ar/dcp/REAG01002964_2010_11_10</a></li> </ul> <p><b>Legal Authority</b></p> <ul style="list-style-type: none"> <li>Customs of Argentina [Aduana Argentina]. Available at: <a href="http://www.aduanaargentina.com">www.aduanaargentina.com</a></li> <li>AFIP (Federal Administration of Public Revenue) [Administración Federal de Ingresos Públicos]. Available at: <a href="http://www.afip.gov.ar">www.afip.gov.ar</a></li> <li>SENASA (National Service of Health and Agri-Food Quality) [Servicio Nacional de Sanidad y Calidad Agroalimentaria]. Available at: <a href="http://www.senasa.gov.ar">www.senasa.gov.ar</a></li> </ul>	<p><a href="https://www.argentina.gob.ar/produccion/exportar">https://www.argentina.gob.ar/produccion/exportar</a></p> <p>and procedures to import are described here: <a href="https://www.argentina.gob.ar/produccion/importar">https://www.argentina.gob.ar/produccion/importar</a></p> <p><b>Non-government sources</b></p> <ul style="list-style-type: none"> <li>Niklitschek, M (2012). <i>Argentine Forestry Sector, Challenges and Opportunities [Sector Forestal Argentino, desafíos y oportunidades]</i>. Inter-American Development Bank.</li> <li>Diario La Nación (2015). <i>Drug trafficking section [Diario La Nación - sección narcotráfico]</i>. [online]. Available at: <a href="http://www.lanacion.com.ar/1828971-fuertes-condenas-en-el-caso-carbon-blanco">http://www.lanacion.com.ar/1828971-fuertes-condenas-en-el-caso-carbon-blanco</a></li> <li>SudAmerican Export (2016). <i>Guide on how import/ export in Argentina</i>. [online]. Available at : <a href="https://www.sudamericanexport.com/des-pachantes-de-aduana/cuales-son-los-requisitos-para-importar-y-exportar-en-argentina/">https://www.sudamericanexport.com/des-pachantes-de-aduana/cuales-son-los-requisitos-para-importar-y-exportar-en-argentina/</a></li> <li>FAO. <i>International Standards for Phytosanitary Measures</i>. [online]. Available at: <a href="http://www.fao.org/docrep/009/a0450e/a0450e00.htm">http://www.fao.org/docrep/009/a0450e/a0450e00.htm</a></li> </ul>	<p>of customs and other entities (SENSA, AFIP, etc.) prior to their exportation. Depending on the type of product and the buyer's requirements, there are some destinations that require a Phytosanitary Certification, according to FAO standardization (<a href="http://www.fao.org/docrep/009/a0450e/a0450e00.htm">http://www.fao.org/docrep/009/a0450e/a0450e00.htm</a>). In that case, SENASA is the authority supervising the shipment, regardless of whether other authorities like AFIP participate in the inspection and liberation of the shipment for exportation.</p> <p>Regarding export charges, a rate of 5% of the FOB price of the goods is determined to be paid by the exporter.</p> <p>Exportation almost concludes when the goods are authorized for exportation and are loaded in the means of transportation; then administrative customs procedures are entered into the informatics system (named María) and in the Loading Permit (PE, Permiso de Embarque) that covers the exports shipment (shipment confirmation). PEs can be fulfilled totally or partially, according to the actual embarked merchandise. A copy of the commercial invoice (type "E") and a copy of the packing list accompanies the PE. For the goods verifying process, the verifier agent from customs and the custom agent representing the exporter are present. This guarantees that the timber or other forest products to be exported are in accordance with what was declared by the exporter. The merchandise schedule system has the following elements: a list of goods that is called the Schedule (Nomenclador), a system of legal notes positioning the location of the goods in this schedule, six general rules related to the characteristics of the goods, and as a complement, a compendium with the generic description of the goods, which is called Explanatory Notes (Notas explicativas); this manual is a compilation of technical information; lastly, a publication called index of classification criteria. Clearly, all the information in the export documents shall match the dispatched shipment and be truthful in relation to it.</p>

Indicator	Applicable Laws and Regulations, Legal Authority, and Legally Required Documents or Records	Sources of Information	Risk Designation and Determination
	<p><b>Legally required documents or records</b></p> <ul style="list-style-type: none"> <li>• Registration in the Customs Registry [Inscripción en el Registro Aduanero];</li> <li>• Loading permit [Permiso de Embarque];</li> <li>• Exports Invoice [Factura de Exportación];</li> <li>• Packing list;</li> <li>• Certificate of Origin [Certificado de origen];</li> <li>• Phytosanitary Certificate [Certificado fitosanitario].</li> </ul>	<ul style="list-style-type: none"> <li>• Organización Mundial del Comercio (2014). Panel report - Argentina - measures affecting the import of goods [Informe del grupo especial- Argentina – medidas que afectan a la importación de mercancías]. [online]. Available at: <a href="https://www.wto.org/spanish/tratop_s/dispu_s/438_444_445r_apdf">https://www.wto.org/spanish/tratop_s/dispu_s/438_444_445r_apdf</a></li> </ul> <p><b>Interviews with experts</b></p> <p>Conversations with different experts carried out during the months of February and March 2016 – helped authors to understand better the applicable legislation and the associated risks in the field implementation. Referring to this indicator, representatives of different organizations were interviewed, such as: Forests Bank [Banco de Bosques], Greenpeace Argentina, ProYungas Foundation [Fundación ProYungas], Wild Life Foundation [Fundación Vida Silvestre], Ministry of Environment and Forest Division from the Ministry of Agro-Industries [Dirección Forestal del Ministerio de Agroindustrias], Gerencia Socio Ambiental, CITES Authority</p>	<p>Based on an interview to a Manager of an Importing-Exporting Company, we describe here the importing process: The first requirement is to get an inscription as Importer, and an inscription at the AFIP (Federal Administration of Public Revenue, Administración Federal de Ingresos Públicos) (<a href="http://www.afip.gov.ar">www.afip.gov.ar</a>) as well as in Customs of Argentina (Aduana Argentina) (<a href="http://www.aduanaargentina.com">www.aduanaargentina.com</a>).</p> <p>The requirements for getting an inscription are:</p> <ul style="list-style-type: none"> <li>-Register the biometric data of the directors, partners and / or proxies: scanning the DNI, digital signature and footprint registration, and photo (in the AFIP unit closest to your home) the person responsible then entering the service with the tax code must carry out the "Acceptance of biometric data".</li> <li>- Perform Criminal Record in National Registry of Recidivism.</li> <li>- Proof of economic solvency to act as importer / exporter or to provide security / surety bond.</li> </ul> <p>At the same time, the importer must have a CUIT (fiscal code for every company/person legally registred), and a commercial habilitation to fill the documentation required by Customs at the beginning of the process as well as in every transaction.</p> <p><b>Description of risk</b></p> <p>Argentina is a net exporter of wood pulp and solid wood and the manufactures derived from them, and a net importer of paper and cardboard.</p> <p>In interviews with officials from the Ministry of Environment and the Ministry of Agro-Industries, we were able to find out that between 90 and 95% of wood exports correspond to those coming from forest plantations and the rest from natural</p>

Indicator	Applicable Laws and Regulations, Legal Authority, and Legally Required Documents or Records	Sources of Information	Risk Designation and Determination
			<p>forests. It should be pointed out that one of the CITES species in the country (<i>Bulnesia sarmientoi</i>) is object of exportation. Due to different irregularities (fraud of documentation) revealed by Scientific Authorities from CITES Argentina, these exports are currently interrupted.</p> <p>Regarding timber from forest plantations, based on expert consultations made in 2016, there are different factors that put the risk on a lower position: One is that the exporters are much less (but big volumes), products are value added in some cases (pulp, cardboard, boards, flat-jam and other components, etc), industries are located in cities (fiscalization is conducted frequently), so the exporters are also involved in a more transparent market with fewer middlemen there are fewer risks. Furthermore, no press records were found, nor findings through interviews, of cases where export rules were violated in the case of timber from implanted sources.</p> <p><b>Risk conclusion</b></p> <p>For forest plantations: This indicator has been evaluated as low risk. Threshold (1) is met: Identified laws are upheld. Cases where law/regulations are violated are efficiently followed up via preventive actions taken by the authorities and/or by the relevant entities.</p> <p>For natural forest: This indicator has been evaluated as specified risk. Threshold (2) is met: Identified laws are not upheld consistently by all entities and/or are often ignored, and/or are not enforced by relevant authorities.</p>
1.20 CITES	<p><b>Applicable laws and regulations</b></p> <p>National Legislation:</p> <ul style="list-style-type: none"> <li>• Law N 22344 approving Convention on International Trade in Endangered</li> </ul>	<p><b>Government sources</b></p> <ul style="list-style-type: none"> <li>• Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) (2010). <i>Fifteenth meeting of the Conference of the Parties in Doha (Qatar), March 13-25, 2010</i>. Document</li> </ul>	<p><b>Overview of Legal Requirements</b></p> <p>Decree 522/97 (Decreto 522/97) is the implementing legislation for the CITES treaty in Argentina. In signatory countries like Argentina, CITES regulates the international trade of wild species of flora and fauna with some degree of threat or in critical danger. That is, exports, re-exports and</p>

Indicator	Applicable Laws and Regulations, Legal Authority, and Legally Required Documents or Records	Sources of Information	Risk Designation and Determination
	<p>Species (approved in 1982) [Ley N 22344 de aprobación de la Convención sobre el Comercio Internacional de Especies Amenazadas]. Available at: <a href="http://www.loa.org.ar/legNormaDetalle.aspx?id=14992">http://www.loa.org.ar/legNormaDetalle.aspx?id=14992</a></p> <ul style="list-style-type: none"> <li>Decree N°522/1997: Regulates Law N°22344 (approved on June 1997) [Decreto N°522/1997: Reglamenta la Ley N°22344]. Available at: <a href="http://servicios.infoleg.gob.ar/infolegInte rnet/anexos/40000-44999/43852/norma.htm">http://servicios.infoleg.gob.ar/infolegInte rnet/anexos/40000-44999/43852/norma.htm</a></li> <li>Law N°26631: Minimal Budgets for Environmental Protection of Natural Forests (approved on November 2007) [Ley N°26631: Presupuestos mínimos de protección ambiental de los bosques nativos]. Available at: <a href="https://www.agroindustria.gob.ar/sitio/areas/d_gestion_ambiental/legislacion/nacional/_archivos//026331-LEY%2026331%20(Ley%20de%20pres upuestos%20m%C3%ADnimos%20de %20protecci%C3%B3n%20ambiental% 20de%20los%20bosques%20nativos)/00001-LEY%2026331.pdf">https://www.agroindustria.gob.ar/sitio/areas/d_gestion_ambiental/legislacion/nacional/_archivos//026331-LEY%2026331%20(Ley%20de%20pres upuestos%20m%C3%ADnimos%20de %20protecci%C3%B3n%20ambiental% 20de%20los%20bosques%20nativos)/00001-LEY%2026331.pdf</a></li> <li>Decree N 91/2009: Regulates Law N°26631 (approved on February 2009) [Decreto N 91/2009: Reglamenta la Ley N°26631]. Available at: <a href="http://servicios.infoleg.gob.ar/infolegInte">http://servicios.infoleg.gob.ar/infolegInte</a></li> </ul>	<p>presented by Argentina. [online]. Available at: <a href="https://cites.org/esp/cop/15/prop/S-15%20Prop-42.pdf">https://cites.org/esp/cop/15/prop/S-15%20Prop-42.pdf</a></p> <ul style="list-style-type: none"> <li>National Directorate of National Planning and Conservation of Biodiversity.- CITES Argentina administrative authority. [-Sub-secretary of Planning and Environmental Policy [El Palo Santo in Argentina] Dirección Nacional de Ordenamiento Nacional y Conservación de la Biodiversidad. Autoridad administrativa CITES Argentina. Subsecretaría de Planificación y Política Ambiental [El Palo Santo en la Argentina]. [online]. Available at: <a href="http://archivo.seam.gov.py/sites/default/files/users/comunicacion/1%20El%20palo%20santo%20en%20Argentina.pdf">http://archivo.seam.gov.py/sites/default/files/users/comunicacion/1%20El%20palo%20santo%20en%20Argentina.pdf</a></li> </ul> <p><b>Non-Government sources</b></p> <p>None found.</p> <p><b>Interviews with experts</b></p> <p>Conversations with different experts carried out during the months of February and March 2016 – helped authors to understand better the applicable legislation and the associated risks in the field implementation. Referring to this indicator, representatives of different organizations were interviewed, such as: Forests Bank [Banco de Bosques], Greenpeace Argentina, ProYungas Foundation [Fundación ProYungas], Wild Life Foundation [Fundación Vida Silvestre],</p>	<p>imports of animals and plants, alive or death, and parts or derivatives of these are regulated through a system of permits (licenses) and certificates issued if certain requirements are met. These documents shall be submitted to obtain authorization of entrance or exit of shipments of specimens of certain species to a specific country. Species regulated by CITES are included in the listings named Annexes, according to their degree of threat.</p> <p>There are over a hundred species of flora protected by CITES in Argentina, in different categories (I and II). In this context, Palo Santo (<i>Bulnesia sarmientoi</i>), a species in CITES Appendix II is the only wooden forest species that is usually exported. For the CITES Scientific Authority to issue an export license, the timber should be sourced from a forest harvesting operation with a Sustainable Forest Management Plan. This plan should be supervised by the province in which the cutting happens (Formosa, Chaco, or Salta). Once the plan has been approved by the province, the Forest Division of the Nation through the CITES Authority carries out a field inspection to verify the veracity of the reports (this is done at the level of the management plan, and not for each timber shipment). If the CITES Authority ratifies the provincial approval, the export license is issued to the holder of the sustainable management harvesting plan. Customs personnel have information on how to identify the species <i>Bulnesia Sarmientoi</i> (Palo Santo) (guide provided during interview with CITES authority in Argentina in 2016). This guide information has been provided to them in order to reduce the probability of approving an export shipment with an inaccurate determination of the species.</p> <p>On the other hand, none of the forest cultivated species (in plantations), that are mainly exotic, are protected by CITES. Therefore, there are no export restrictions for any of them.</p>

Indicator	Applicable Laws and Regulations, Legal Authority, and Legally Required Documents or Records	Sources of Information	Risk Designation and Determination
	<p>rnet/anexos/150000-154999/150399/norma.htm</p> <p>Resolutions:</p> <ul style="list-style-type: none"> <li>• 393/2013: Approval of the Quarterly Report to be submitted by provinces inhabited by Palo Santo (approved on April 2013) [393/2013: Aprobación del Informe Trimestral que deben presentar las provincias donde habita el Palo Santo]. Available at: <a href="http://ar.vlex.com/vid/resolucion-n-431850522">http://ar.vlex.com/vid/resolucion-n-431850522</a>;</li> </ul> <p>Relevant Provincial Legislation from the three Argentinian provinces inhabited by Palo Santo:</p> <p>Salta:</p> <ul style="list-style-type: none"> <li>• Law N 7070: Protection of the Environment (approved on December 1999) [Ley N 7070 de Protección del Medio Ambiente]. Available at: <a href="http://www.manualfitosanitario.com/Legislacion/Salta/Ley-7070.pdf">http://www.manualfitosanitario.com/Legislacion/Salta/Ley-7070.pdf</a></li> <li>• Decree 6982 from Provincia de Salta: Bans felling of <i>B. sarmientoi</i> in public lands, allowing felling, sale and trade in private properties [Decreto 6982 de la Provincia de Salta: Prohíbe el apeo de <i>B. sarmientoi</i> en tierras fiscales permitiendo el apeo, venta y</li> </ul>	<p>Ministry of Environment and Forest Division from the Ministry of Agro-Industries [Dirección Forestal del Ministerio de Agroindustrias], Gerencia Socio Ambiental, CITES Authority</p>	<p><b>Description of risk</b></p> <p>Quotes from a report presented by Argentina in the Fifteenth meeting of the Conference of the Parties in Doha (Qatar), March 13-25, 2010:</p> <p>“(…) Since the effective inclusion of <i>B. sarmientoi</i> in CITES Appendix II, irregularities have been detected, such as alterations in documents or inaccurate declarations which have required the following procedures □ February 2008 – Seventeen tons of lumber were detained when they were about to leave the country, bound for the United States of America. These goods lacked the necessary documentation to be approved for exportation. □ March 2008 – 1.85 tons of roundwood (20) were detained as they were about to leave the country bound for Germany. This timber was inaccurately declared (a non-protected CITES species was declared) in the export certificate application. □ April 2008 - 199.6 m2 of floor boards were detected close to leaving the country bound for Sri Lanka. This wood was inaccurately declared (a non-protected CITES species was declared) in the export certificate application. □ August 2008 - 401 pieces of roundwood were detained when they were about to leave the country bound for China. These goods did not have the necessary documentation to be approved for exportation. □ August 2008 - 329 pieces of roundwood were detained when they were about to leave the country bound for China. These goods did not have the necessary documentation to be approved for exportation. □ June 2009 – 200 pieces of roundwood were detained when they were about to leave the country bound for China. These goods did not have the necessary documentation to be approved for exportation.”</p> <p>In interviews with CITES Technical Authority, it was verified that there are disagreements with the provinces regarding approval of these forest plans and currently exportations have been interrupted. Nevertheless, the authority admits (admission stated in documents presented in international</p>

Indicator	Applicable Laws and Regulations, Legal Authority, and Legally Required Documents or Records	Sources of Information	Risk Designation and Determination
	<p>comercialización en propiedades privadas].</p> <ul style="list-style-type: none"> <li>Resolution N° 006/2001 from the Secretariat of the Environment and Sustainable Development of Provincia de Salta: Creates a New System of Waybills [Resolución N° 006/2001 de la Secretaría de Medio Ambiente y Desarrollo Sustentable de la Provincia de Salta: Crea un nuevo sistema de guías forestales].</li> </ul> <p>Formosa:</p> <ul style="list-style-type: none"> <li>Law N° 488 on Forest Defence on the Provincia de Formosa (approved on November 1984) [Ley N° 488 de la Defensa Forestal de la Provincia de Formosa]. Available at: <a href="https://archivos.formosa.gob.ar/media/uploads/documentos/documento_55.pdf">https://archivos.formosa.gob.ar/media/uploads/documentos/documento_55.pdf</a></li> <li>Law 1496 Conditions removal from the province of round wood, logs, bark stripped turned cylinders of any diameter, laminated boards, beams, full-edged beams or any other denomination previous to manufacturing [Ley 1496: Condiciona la salida de la provincia de las maderas en rollos, rollizos, cilindros torneados descortezados, cualesquiera fueren sus diámetros, sándwich, vigas y canteados u otra denominación, a su previa industrialización].</li> </ul>		<p>forums, like the one in Doha, in 2010) that timber from this species is being exported anyway although in much smaller quantities. This shows a permeable and prone to corruption system for exportations. Risks are associated to the veracity of the Export Permits; the approval of forest plans by the provinces and the Nation; the sustainable management of the resource in order to preserve it, and other economic and social risks, such as: cutting on indigenous lands with no authorization from the community, non-registered or very low payments for cut timber, among others.</p> <p><b>Risk conclusion</b></p> <p>For natural forest this indicator has been evaluated as specified risk. Threshold (2) is met: Identified laws are not upheld consistently by all entities and/or are often ignored, and/or are not enforced by relevant authorities.</p> <p>For plantations this indicator has been evaluated as N/A.</p>

Indicator	Applicable Laws and Regulations, Legal Authority, and Legally Required Documents or Records	Sources of Information	Risk Designation and Determination
	<ul style="list-style-type: none"> <li>• Provision 355/1989: Authorizes cutting <i>B. sarmientoi</i> under strict control, establishing minimal diameters of felling to ensure continuity of the species in 0.35 meters [Disposición 355/1989: Autoriza la corta de <i>B. sarmientoi</i> bajo estricto control. Se establece el diámetro mínimo de corta para asegurar la perpetuidad de la especie en 0.35 mts].</li> <li>• Provision 79/2006: Specifies special norms for using the Palo Santo species [Disposición 79/2006: Fija normas especiales para el aprovechamiento de la especie palo santo].</li> </ul> <p>Chaco:</p> <ul style="list-style-type: none"> <li>• Resolution N 0314/2002: From the Ministry of Production, on selective forest harvesting of species <i>Bulnesia sarmientoi</i> [Resolución N 0314/2002: Del Ministerio de la Producción, a los efectos de realizar un aprovechamiento forestal selectivo de la especie <i>Bulnesia sarmientoi</i>].</li> </ul> <p><b>Legal Authority</b></p> <p>In the Ministry of the Environment and Sustainable Development [Ministerio de Ambiente y Desarrollo Sustentable] there are two areas related to CITES, a technical area and an administrative area.</p>		

Indicator	Applicable Laws and Regulations, Legal Authority, and Legally Required Documents or Records	Sources of Information	Risk Designation and Determination
	<p>The Secretariat of Environmental Policies, Climate Change and Sustainable Development [Secretaría de Política Ambiental, Cambio Climático y Desarrollo Sustentable] is part of the structure of the Ministry; the Sub secretariat of Territorial Environmental Planning and Management [Subsecretaría de Planificación y Ordenamiento Ambiental del Territorio] is part of the Secretariat.</p> <p>This Sub secretariat houses the Forest Division [Dirección de Bosques], under which operates the CITES Scientific Authority and Forest Endangered Species [Autoridad Científica CITES y Especies Forestales Amenazadas].</p> <p>Information on species included in the CITES listings and the administrative contacts. Available at:  <a href="http://checklist.cites.org/#/es/search/output_layout=alphabetical&amp;level_of_listing=0&amp;show_synonyms=1&amp;show_author=1&amp;show_english=1&amp;show_spanish=1&amp;show_french=1&amp;scientific_name=cauquen+&amp;page=1&amp;per_page=20">http://checklist.cites.org/#/es/search/output_layout=alphabetical&amp;level_of_listing=0&amp;show_synonyms=1&amp;show_author=1&amp;show_english=1&amp;show_spanish=1&amp;show_french=1&amp;scientific_name=cauquen+&amp;page=1&amp;per_page=20</a></p> <p><b>Legally required documents or records</b></p> <p>Please note that National Authorities are the ones in charge of issuing these documents; not the provinces.</p> <p>CITES Licence (Permit) for export (or import) issued by the Forest Division of the Ministry of the Environment and</p>		

Indicator	Applicable Laws and Regulations, Legal Authority, and Legally Required Documents or Records	Sources of Information	Risk Designation and Determination
	Sustainable Development [Licencia Permiso CITES, Dirección de Bosques, Ministerio de Ambiente y Desarrollo Sustentable]		
<b>Diligence/due care procedures</b>			
1.21 Legislation Requiring Due Diligence/ Due Care Procedures	<p><b>Applicable laws and regulations</b></p> <p>Not applicable in the country.</p> <p><b>Legal Authority</b></p> <p>Not applicable in the country.</p> <p><b>Legally required documents or records</b></p> <p>Not applicable in the country.</p>	Not applicable in the country.	Not applicable in the country since there are no regulations in relation to due diligence or due care procedures.

### Recommended control measures

The recommended control measures here are only indicative in nature and are not mandatory. Recommended control measures might not have been provided for all the risks that have been identified in this risk assessment. Organizations shall evaluate and devise appropriate control measures to mitigate the risks identified in this risk assessment as applicable.

Indicator	Recommended control measures
1.1 Land tenure and management rights	<p><b>Generic</b></p> <ul style="list-style-type: none"> <li>• Land registry shall confirm ownership and validity of property deed.</li> <li>• Tax authorities shall confirm valid tax registration.</li> <li>• The business register shall confirm valid business licenses to operate within the jurisdiction.</li> <li>• In areas with land ownership conflicts, consultation with neighbours, local communities and others shall confirm that land tenure rights are clear.</li> <li>• Stakeholder consultation shall confirm that registration of FME has been granted following legally prescribed processes</li> <li>• Stakeholder consultation shall confirm that legal status of the operation or rights for conducting the established activities are not subject to court orders or other legally established decisions to cease operations.</li> <li>• The management contract or other agreements with the owner shall indicate clear management rights.</li> <li>• Valid business registration documents shall exist.</li> <li>• The issuance of legal rights and registration shall be subject to public disclosure prior to commencement of any activities within FMUs.</li> <li>• Inspections of harvesting site shall confirm that harvesting takes place within property limits (including felling, transport and log landings).</li> </ul> <p><b>Country Specific</b></p> <ul style="list-style-type: none"> <li>• Original document or Notary Certified Copy of Property Titles or similar;</li> </ul>

Indicator	Recommended control measures
	<ul style="list-style-type: none"> <li>• Original document and number of procedures for Harvesting License;</li> <li>• Original and number of Forest Plan (for forest plantations);</li> <li>• Legal agreements with notary intervention for usufructuary rights, Real Rights of Land, third party harvesting contracts and similar.</li> <li>• In case of corporation, incorporation papers;</li> <li>• Inspections of the appropriate province authority (these inspections can stop the project's harvesting, picking or planting activities, cancelling it).</li> </ul>
1.2 Concession licenses	Not applicable
1.3 Management and harvesting planning	<p><b>Generic</b></p> <ul style="list-style-type: none"> <li>• Harvesting inventories shall be conducted according to legal requirements.</li> <li>• Field verifications shall indicate that the contents of the harvesting plans are adhered to in the field.</li> <li>• Stakeholder consultation shall indicate that the forest management plan has been approved according to legally prescribed process.</li> </ul> <p><b>Country Specific</b></p> <ul style="list-style-type: none"> <li>• Maps showing harvesting, protection, and communal areas, forest roads, intermediate collecting yards (according to the forest or harvesting plan);</li> <li>• Document review: approved harvesting, conservation, and land-use conversion plans, or forest plan;</li> <li>• Field visits: administrative verification of submitted data, regarding contractors as well as the Timber Harvesting Contract, when applicable;</li> <li>• Harvesting and forest plans shall include all information and procedures required by law. In the case of natural forests, these requirements vary considerably from one province to another;</li> <li>• Annual operating plans (AOP) or annual harvesting plans, should have been approved by legally competent authorities.</li> <li>• Operating or harvesting annual plans shall have information and procedures according to legal requirements;</li> <li>• Contents of operating or harvesting plans shall be consistent with the approved forest management plans.</li> <li>• Plans to carry out harvesting operations must be subject to the public disclosure and submission of challenges prior to initiating activities, if this is required by law (as in the case of natural forests included in the Law of Minimum Budgets located in areas with restrictions);</li> <li>• Restrictions for harvesting shall be identified in the management plan and in maps, if required by law.</li> </ul>
1.4 Harvesting permits	<p><b>Country Specific</b></p> <ul style="list-style-type: none"> <li>• Field visits to verify maps are according to reality;</li> <li>• The organization doing the work should have a harvesting permit (authorized or other legal documents ruling forest harvesting and the names of which vary according to province);</li> <li>• Harvesting thresholds shall be clearly defined, based on maps, number of standing trees, geographical references, among other elements;</li> <li>• Authorities shall confirm the validity of harvesting permits;</li> <li>• Consultation with stakeholders shall confirm that competent authorities have issued harvesting permits according to the appropriate laws and regulations (only for forests included in yellow or red category, according to the Act on Territorial Planning and Land Use of Natural Forests required by the Law of Minimum Budget);</li> <li>• Field inspections shall confirm that harvesting was performed within the thresholds indicated in the permits;</li> <li>• Field inspections shall indicate that data regarding area, species and volumes, as well as the rest of information included in the harvesting permit are correct and activities are performed within the provisions established in the law;</li> <li>• Due to technical requirements of best practices and according to the spirit of the different national laws, evaluation results after harvesting should be required in order to verify the condition of the remaining forest.</li> </ul>
1.5 Payment of royalties and harvesting fees	<p><b>Generic</b></p> <ul style="list-style-type: none"> <li>• Volumes, species and qualities given in sales and transport documents shall match the paid fees.</li> </ul>

Indicator	Recommended control measures
	<p><b>Country Specific</b></p> <ul style="list-style-type: none"> <li>• Payment receipts for taxes and harvesting fees, as well as other payments applying in the jurisdiction where the wood was sourced shall be available.</li> <li>• These payments must include the different timber volumes for which the verification is being done (in case of processors of natural forest timber, there usually is a great diversity of species and stocks with many years of age that can be mixed).</li> </ul>
1.6 Value added taxes and other sales taxes	<p><b>Country Specific</b></p> <ul style="list-style-type: none"> <li>• Sale documents shall include the VAT;</li> <li>• VAT filing and payment receipts must be available;</li> <li>• Volumes, species and/or amounts indicated in the sales and transportation documents shall match the paid rates;</li> <li>• Sale prices shall correspond to market prices;</li> <li>• Declared species, volumes, amounts (when applicable) and quality shall match those in the sale documents;</li> <li>• Competent authorities shall confirm that the seller is up to date with respect to its applicable sales tax payments;</li> <li>• Fiscal and income competent authorities of the province where the goods originated shall be consulted to verify that all taxes on revenues and profits have been paid.</li> </ul>
1.7 Income and profit taxes	<p><b>Country Specific</b></p> <ul style="list-style-type: none"> <li>• Receipt for payment of profits payment together with AFIP Form 711;</li> <li>• Receipt for payment of Minimum Alleged Profit;</li> <li>• Receipt for payment of Gross Income in each province;</li> <li>• Competent authorities shall confirm that the operation is up to date in its tax payments on applicable sales (those mentioned in this category).</li> <li>• Consultation with competent tax authority to verify that all income and profit taxes have been paid.</li> </ul>
1.8 Timber harvesting regulations	<p><b>Country Specific</b></p> <ul style="list-style-type: none"> <li>• Harvesting is carried out within the limits of the holding as approved by the authorities;</li> <li>• Harvesting cannot happen in areas where law prohibitions or specific provisions from sector authorities exist;</li> <li>• Selected tree species within the FMU (Forest Management Unit, Unidad de Gestión Forestal) for which logging is prohibited shall be protected from cutting and permanent damage;</li> <li>• Harvesting restrictions established by national or provincial laws should be enforced on sites;</li> <li>• Forests should be protected from illegal logging and forest fires;</li> <li>• Consultation with provincial forests authorities from where the wood was sourced confirm harvesting regularity. Providers shall be required to have an approved forest plan or an approved management plan, an EIA, public consultation (if applicable), etc.</li> </ul>
1.9 Protected sites and species	<p><b>Country Specific</b></p> <ul style="list-style-type: none"> <li>• In this forest management unit, procedures for identifying and protecting species at risk or endangered should be followed;</li> <li>• Regulations for nature's protection, like protected areas, reserved areas, protected species and hunting should be upheld;</li> <li>• Approved harvesting plans shall be for the appropriate sector and shall not affect environmental safety regulations of protected areas;</li> <li>• Waybill documents shall specify the origin of timber.</li> </ul>
1.10 Environmental requirements	<p><b>Country Specific</b></p> <ul style="list-style-type: none"> <li>• Evaluations of environmental and social impact should be presented, carried out and should be approved by the competent authorities; if required.</li> <li>• Requirements for environmental supervision from competent authorities shall be fulfilled;</li> <li>• On site environmental restrictions shall be fulfilled, such as the requirements related to soil damages, buffer zones, seed trees, seasonal limitations in the rainy season, etc.;</li> <li>• Forest companies either of natural forests or plantations must implement a hazardous residues management plan when applicable;</li> <li>• Competent authorities should be interviewed to find out if the project has any pending environmental disqualifications or penalties.</li> </ul>

Indicator	Recommended control measures
	<ul style="list-style-type: none"> <li>All requirements regarding the prevention of air and water pollution shall be fulfilled and verified through surveillance reports on pollution (when applicable).</li> </ul>
1.11 Health and safety	<p><b>Country Specific</b></p> <ul style="list-style-type: none"> <li>All safety and health regulations shall be implemented and all necessary safety equipment for a specific activity shall be used;</li> <li>All personnel involved in planting, pruning, thinning, forest harvesting or gathering shall comply with the legal requirements of health and safety at work;</li> <li>All personnel shall be trained for their activity, made aware of labour risks and of health and safety measures at work;</li> <li>Interviews with personnel and contractors shall confirm that the organization provides and requires the use of safety equipment required by law, as well as training courses on health and safety at work;</li> <li>All requirements regarding the prevention of air and water pollution shall be fulfilled and verified through surveillance reports on pollution (when applicable).</li> </ul>
1.12 Legal employment	<p><b>Country Specific</b></p> <ul style="list-style-type: none"> <li>All people involved in forest activities shall be hired according to regulations and under a formal contract (field verification: wage stub, where information about the worker and the contributions on his behalf are stated);</li> <li>All people involved in forest activities shall have coverage on mandatory insurances;</li> <li>All people involved in forest activities shall have certification of skills for the work they do and shall undergo periodic exams performed by ART professionals as required by law;</li> <li>All people involved in forest activities shall receive at least, the minimum wage stated in the Collective Agreement, or vital or mobile;</li> <li>The employer shall officially pay and declare all wages according to requirements for personnel involved in forest activities;</li> <li>All people involved in forest activities shall be hired according to the minimum working age;</li> <li>All personnel involved in dangerous work shall respect the minimum age for this kind of work, shall receive formal training as required and be provided with personal safety equipment;</li> <li>Lodging, transportation, food conditions, among others, shall comply with all legal requirements;</li> <li>Interviews with workers shall confirm that they are not being forced to sign papers declaring unreal labour conditions nor shall their freedom to collectively bargain with the employer be denied;</li> <li>Stakeholders shall confirm that forced or mandatory labour is not related to forest activities.</li> </ul>
1.13 Customary rights	<p><b>Generic</b></p> <ul style="list-style-type: none"> <li>Stakeholder consultation shall confirm that customary rights are observed during harvesting activities.</li> </ul> <p><b>Country Specific</b></p> <ul style="list-style-type: none"> <li>Validity of Forest Management Plans and Annual Operating Plans (Planes Operativos Anuales);</li> <li>Approval and validity of the Forest Plan (Plan forestal) (plantations) (applicable depending on the legislation per region/provincia);</li> <li>Consultation with the appropriate entity in the natural community (could have different names depending of the Peoples -Qom, Kolla, Mapuche, etc. - and their political organization. It could be the Community Center, the Aboriginal Council, Elders Council, Chief (Cacique), etc.);</li> <li>Consultation with external organizations working with these communities;</li> <li>Consultation with the Ombudsman's Office (Defensor del Pueblo);</li> <li>Consultation to third parties interested in the rural area where the forest project being undertaken.</li> </ul>
1.14 Free prior and informed consent	Not applicable
1.15 Indigenous peoples' rights	<p><b>Generic</b></p> <ul style="list-style-type: none"> <li>Stakeholder consultation shall confirm that indigenous peoples' established rights are not being violated</li> </ul>

Indicator	Recommended control measures
	<p><b>Country Specific</b></p> <ul style="list-style-type: none"> <li>• Validity of Forest Management Plans and Annual Operating Plans;</li> <li>• Records of FPIC (previous consultation);</li> <li>• Reports on evictions of natural communities;</li> <li>• Consultation with the appropriate entity in the natural community (could have different names depending of the Peoples - Qom, Kolla, Mapuche, etc- and their political organization. It could be the Community Center, the Aboriginal Council, Elders Council, Chief (Cacique), etc.);</li> <li>• Consultation with external organizations working with these communities;</li> <li>• Consultation with the Ombudsman's Office (Defensor del Pueblo);</li> </ul>
1.16 Classification of species, quantities, qualities	<p><b>Generic</b></p> <ul style="list-style-type: none"> <li>• Products shall be correctly classified (species, quantities, qualities etc.) on sales documents, custom declarations and other legally required documents</li> <li>• Evidence shall be provided upon request (photographs of labelling)</li> <li>• Physical control where it should be verified that the present material equals what has been invoices and marked</li> </ul> <p><b>Country Specific</b></p> <ul style="list-style-type: none"> <li>• Accurate forest inventories and approved by the authorities;</li> <li>• Sustainable Forest Management Plans for natural forests, or Harvesting Plan of land use Conversion, approved by the authorities (natural forests);</li> <li>• Forest plan approved by competent authorities (plantations) (applicable depending on the legislation per region/provincial);</li> <li>• Legal and correctly designed waybills (natural forest);</li> <li>• Correctly designed packing slip (plantations);</li> <li>• Legal and correctly designed sales invoices;</li> <li>• Consultation to the competent provincial authority or provincial delegation where forest plan of sourced timber corresponds in order to verify validity of permit.</li> </ul>
1.17 Trade and transport	<p><b>Generic</b></p> <ul style="list-style-type: none"> <li>• Requirements related to transport means (e.g. trucks) shall always be followed.</li> <li>• Species and product types shall be traded legally.</li> <li>• Required trade permits shall exist and be documented.</li> <li>• All required transport documents shall exist and be documented.</li> <li>• Volume, species and qualities shall be classified according to legal requirements. Documents related to transportation, trade or export shall be clearly linked to the specific material in question.</li> </ul> <p><b>Country Specific</b></p> <ul style="list-style-type: none"> <li>• Natural forest: Waybill (Guía Forestal) with complete information and signed by the issuer and carrier;</li> <li>• Plantations: Timber packing slip (Remito de madera);</li> <li>• Sales invoice (Factura de venta) with information linking it to the waybill(s) or packing slips, as applicable;</li> <li>• In the case of sales for exports, besides the mentioned documents, the shipping permit (permiso de embarque) and lading bill (listado de empaque) shall be verified since they have to match the previous documents.</li> </ul>
1.18 Offshore trading and transfer pricing	<p><b>Generic</b></p> <ul style="list-style-type: none"> <li>• If illegal in the country of the supplier or sub-supplier, the products shall not have been traded through countries known as "tax havens".</li> <li>• There shall be no illegal manipulation in relation to the transfer pricing.</li> </ul>

Indicator	Recommended control measures
	<p><b>Country Specific</b></p> <ul style="list-style-type: none"> <li>• The consultations with the institutions that regulate transfer prices corroborate that forest companies that have transactions with related parties meet the legal requirements.</li> <li>• Check the most updated list of forest product prices- INTA</li> <li>• The prices recorded in invoices correspond to market prices</li> <li>• Verify the legal status of the forest supplier organization in the framework of trade regulations and establishment of associations.</li> <li>• Shipping and sales documents should meet the requirements of national laws and international agreements. This should be verified during field inspections.</li> <li>• All export documents are in place, including: Certificate of Origin, Phytosanitary Certificate, CITES Certificate, BL (bill of lading), packing lists.</li> </ul>
1.19 Custom regulations	<p><b>Country Specific</b></p> <p>Products shall be correctly classified (type, custom code, species, quantities, qualities, etc.).</p> <p>All required import and exports permits shall be in place:</p> <ul style="list-style-type: none"> <li>• Loading permit (Permiso de Embarque);</li> <li>• Phytosanitary Certificate (Certificado fitosanitario)</li> <li>• Certificate of Origin (Certificado de origen);</li> <li>• Correct shipment classification (Clasificación correcta de las cargas);</li> <li>• Packing List (Listado de Carga de Embarque);</li> <li>• Export invoice linking the shipment with the statement in the Packing List (Factura de Exportación que vincule la carga con la declaración del Packing List);</li> </ul>
1.20 CITES	<p><b>Generic</b></p> <ul style="list-style-type: none"> <li>• All cross border-trade of CITES-listed species shall be documented and accompanied by required export, import and re-export certificates issued by competent authorities (CITES Management Authorities).</li> </ul> <p><b>Country Specific</b></p> <ul style="list-style-type: none"> <li>• Requesting an export permit [done in CATICE, Centre for Technical Assistance and Inspection of Foreign Trade (Centro de Asistencia Técnica e Inspección del Comercio Exterior);</li> <li>• Export Licence of CITES species [Licencia de Exportación de especies CITES] (it is granted once the sustainable management plan for the species has been approved. This plan is done in relation to the land, not for the shipment to be exported).</li> <li>• NOTE: The Forest Division is in the process of evaluating other tracking systems for trade of CITES species using seals.</li> </ul>
1.21 Legislation requiring due diligence/ due care procedures	Not applicable

## Controlled wood category 2: Wood harvested in violation of traditional and human rights

### Risk assessment

Indicator	Sources of Information	Functional scale	Risk designation and determination
2.1. The forest sector is not associated with violent armed conflict, including that which threatens national or regional security and/or linked to military control.	See detailed analysis below.	Country	Low risk Justification: Low risk thresholds (1), (2), (3), (4), and (5) apply.
2.2. Labour rights are respected including rights as specified in ILO Fundamental Principles and Rights at work.	See detailed analysis below.	Country	Specified risk for rights to freedom of association and collective bargaining, child labour, forced labour and on gender wage discrimination. Justification: Specified risk thresholds (14) and (15) apply.  Low risk for discrimination. Justification: Low risk thresholds (10) and (12) apply.
2.3. The rights of Indigenous and Traditional Peoples are upheld.	See detailed analysis below.	Country	Specified risk  Justification: Specified risk thresholds (23), (24) and (26) apply.  Note: Further assessment is needed to identify (i) which territories are claimed by IPs and (ii) in which communities IP rights to land and resources are fully respected

### Recommended control measures

The recommended control measures here are only indicative in nature and are not mandatory. Recommended control measures might not have been provided for all the risks that have been identified in this risk assessment. Organizations shall evaluate and devise appropriate control measures to mitigate the risks identified in this risk assessment as applicable.

Indicator	Recommended control measures
2.1	Not applicable
2.2	CM should be based on clear evidence that the Organization has policies in place that guarantee core labour rights, especially rights to freedom of association and collective bargaining and on equal payment of women.
2.3	Clear evidence that a forest operation is not taking place in traditional territories of indigenous peoples or territories claimed by indigenous peoples Or, Clear evidence that the FMU is managed by the governance structures of indigenous peoples, Or, Clear evidence that the involved indigenous peoples have freely ceded their territorial and/or use rights in an agreement or settlement with the government, Or an (FPIC) agreement with the involved indigenous peoples with customary forest rights in the forest management unit, after a fair, transparent, cultural appropriate and inclusive procedure.

## Detailed analysis

Sources of information	Evidence	Scale of risk assessment	Risk indication <sup>1</sup>
<b>Context</b> (the following are indicators that help to contextualize the information from other sources) <ul style="list-style-type: none"> <li>Searching for data on: level of corruption, governance, lawlessness, fragility of the State, freedom of journalism, freedom of speech, peace, human rights, armed or violent conflicts by or in the country, etc.</li> </ul>			
World Bank: Worldwide Governance Indicators - the WGI report aggregate and individual governance indicators for 215 countries, for six dimensions of governance: Voice and Accountability; Political Stability and Absence of Violence; Government Effectiveness; Regulatory Quality; Rule of Law; Control of Corruption <a href="http://info.worldbank.org/governance/wgi/index.aspx#home">http://info.worldbank.org/governance/wgi/index.aspx#home</a>	<a href="http://info.worldbank.org/governance/wgi/index.aspx#reports">http://info.worldbank.org/governance/wgi/index.aspx#reports</a> (click on table view tab and select Country) In 2017 (latest available year) Argentina scores between 41.35 (for Regulatory Quality) and 65.52 (Voice and Accountability) on the percentile rank among all countries for the six dimensions (the scores range from 0 (lowest rank) to 100 (highest rank) with higher values corresponding to better outcomes).	Country	
World Bank Harmonized List of Fragile Situations	<a href="http://siteresources.worldbank.org/EXTLICUS/Resources/511777-1269623894864/FY15FragileSituationList.pdf">http://siteresources.worldbank.org/EXTLICUS/Resources/511777-1269623894864/FY15FragileSituationList.pdf</a> Argentina does not feature in this list.	Country	
Committee to Protect Journalists: Impunity Index CPJ's Impunity Index calculates the number of unsolved journalist murders as a percentage of each country's population. For this index, CPJ examined journalist murders that occurred between January 1, 2004, and December 31, 2013, and that remain unsolved. Only those nations with five or more unsolved cases are included on this index.	<a href="http://cpi.org/reports/2014/04/impunity-index-getting-away-with-murder.php">http://cpi.org/reports/2014/04/impunity-index-getting-away-with-murder.php</a> Argentina does not feature in this list.	Country	
Carleton University: Country Indicators for Foreign Policy: the Failed and Fragile States project of Carleton University examines state fragility using a combination of structural data and current event monitoring <a href="https://carleton.ca/cifp/failed-fragile-states/">https://carleton.ca/cifp/failed-fragile-states/</a> (Select Country Ranking Table)	<a href="https://carleton.ca/cifp/wp-content/uploads/CIFP-2017-Fragility-Report.pdf">https://carleton.ca/cifp/wp-content/uploads/CIFP-2017-Fragility-Report.pdf</a> Argentina is categorized as a 'moderately functional state' on the 2017 Country Indicators for Foreign Policy Report.	Country	
Human Rights Watch: <a href="http://www.hrw.org">http://www.hrw.org</a>	<a href="https://www.hrw.org/world-report/2016">https://www.hrw.org/world-report/2016</a> World Report 2016 Chapter on Argentina (pages 71-77) "Argentina Argentina enjoys robust public debate, but existing and proposed laws threaten free expression, and harassment of judges threatens judicial independence. Prison conditions are poor, police at times use excessive force against demonstrators, violence against women is endemic, access to reproductive services	Country	

<sup>1</sup> A risk indication is provided for each source analyzed, except in the first part that addresses the general country context as that is not a risk indicator. A cumulative risk assessment for each risk indicator is provided in the row with the conclusion on each risk indicator, based on all the sources analyzed and evidence found.

is imperiled, and indigenous peoples do not enjoy the rights afforded to them by law.”

*Judicial Independence*

Government officials and supporters have harassed judges, threatening judicial independence.

In February, former President Fernández castigated the judges and prosecutors who were pressing for a rigorous investigation of Nisman’s death, accusing them of being part of a “judicial party” seeking to “destabilize” the government.

A three-member panel of federal judges was expected to rule on the constitutionality of the MOU with Iran by the end of June. However, on June 25, government supporters in the Council of the Judiciary removed from office one of the three judges, Luis María Cabral, who had been expected to rule against the MOU.”

*Freedom of Expression*

“The absence of transparent criteria for using federal funds, and in some provinces state funds, to purchase media advertisements creates a risk of discrimination against media that criticize government officials or policies. The Supreme Court has repeatedly ruled that while media companies have no inherent right to receive public advertising contracts, government officials may not apply discriminatory criteria when deciding where to place advertisements. Argentina lacks a national law ensuring public access to information held by government bodies at all levels. A presidential decree ensuring access to information issued in 2003 applies only to the federal executive branch, though some provincial and local governments have adopted regulations for their jurisdictions. The public’s access to information about the function of local, provincial, and national government remains piecemeal and haphazard. In 2009, Congress approved a law that included provisions to increase plurality in the media, and four years later the Supreme Court established parameters regarding how the law should be implemented to protect free expression, including that a diverse range of perspectives should be heard in state-run media programming. So far, the federal agency in charge of implementing the law has not successfully addressed the overwhelmingly pro-government editorial line of state-run media. In 2014, the agency unilaterally tried to limit the number of broadcasting outlets owned by the Clarin Group, the biggest private media group in Argentina. The Clarin Group challenged the government’s proposal, and the case remains pending before the courts.”

*Police Abuse*

“Police abuse remains a serious problem. Security forces occasionally employ excessive force against protesters, despite a 2011 commitment by authorities in at least 19 of Argentina’s 23 provinces to ensure that force would be used proportionately. In August 2015, dozens of protesters were injured when local

	<p>police dispersed a largely peaceful demonstration in the province of Tucumán by firing rubber bullets and beating protesters with batons.</p> <p>In May, a policeman in Buenos Aires province was convicted of torturing Luciano Arruga, a teenager who was arbitrarily detained in 2008 and whose whereabouts remained unknown until 2014, when his body was found buried in a cemetery in Buenos Aires.”</p> <p><i>Indigenous peoples</i>  “Indigenous people in Argentina face obstacles in accessing justice, land, education, healthcare, and basic services. Argentina lacks a law to protect indigenous peoples’ right to free, prior, and informed consent when the government adopts decisions that may affect their rights.  A 2006 law that requires the government to survey land occupied by indigenous communities is being implemented slowly. Communities are reportedly being evicted from their lands even though the law, as amended, suspends evictions until 2017.”</p>		
US AID: <a href="http://www.usaid.gov">www.usaid.gov</a> Search on website for [country] + ‘human rights’	No relevant information found.	Country	
Global Witness: <a href="http://www.globalwitness.org">www.globalwitness.org</a> Search on website for [country] + ‘human rights’	No relevant information found.	Country	
<a href="http://wwf.panda.org/about_our_earth/about_forests/deforestation/forest_illegal_logging/">http://wwf.panda.org/about_our_earth/about_forests/deforestation/forest_illegal_logging/</a>	<p><a href="http://wwf.panda.org/who_we_are/wwf_offices/argentina/environmental_problems_argentina/">http://wwf.panda.org/who_we_are/wwf_offices/argentina/environmental_problems_argentina/</a>  <i>Environmental problems in Argentina</i>  “More than 16 million ha of forest cover lost between 1980 and 2000  Deforestation and pollution are the main threats to Argentina's biodiversity and landscapes.  A census in 1914 revealed that Argentina had approximately 105 million ha of forest. Today, studies estimate a remaining 28 to 45 million ha. According to the UN Food and Agriculture Organization (FAO), some 16,288,000 ha of Argentina’s forest cover have been lost between 1980 and 2000.</p> <p>Beans taking over forests  Research in Argentina has shown that deforestation due to agricultural expansion of soybean is threatening the Yungas ‘cloud forest’, and the Chaco ecoregion, one of the largest forested biomes (a major regional group of distinctive plant and animal communities) in South America.</p> <p>In Argentina, while most recent expansion in soybean agriculture has relied on available agricultural land, there are aggressive targets to expand the agricultural area to increase soybean production for export.”</p>	Country	
Chatham House Illegal Logging Indicators Country Report Card <a href="http://www.illegal-logging.info">http://www.illegal-logging.info</a>	No relevant information found.	Country	

Transparency International Corruption Perceptions Index	<a href="https://www.transparency.org/country/ARG">https://www.transparency.org/country/ARG</a> Argentina scores <b>40 points</b> on the Corruption Perceptions Index 2018 on a scale from 0 (highly corrupt) to 100 (very clean). <b>Argentina ranks 85 out of 180</b> with rank no. 1 being the most clean country.	Country	
Amnesty International Annual Report: The state of the world's human rights -information on key human rights issues, including: freedom of expression; international justice; corporate accountability; the death penalty; and reproductive rights	<a href="https://www.amnesty.org/en/latest/research/2016/02/annual-report-201516/">https://www.amnesty.org/en/latest/research/2016/02/annual-report-201516/</a> <i>State of the Human Rights Report 2015/16</i> <i>Chapter on Argentina (pages 70-71)</i> "Indigenous Peoples' Rights <b>Although the Constitution recognizes the rights of Indigenous Peoples to their ancestral lands and to participate in the management of natural resources, these rights were rarely respected.</b> Félix Díaz, leader of La Primavera community (Potae Napocna Navogoh) in Formosa Province, continued to face criminal proceedings in three separate cases on charges dating from 2010 of illegal occupation of land, resistance to authority and theft. He denied the allegations. In June the defence called for the decision to try him for allegedly seizing land to be overturned. However, by the end of the year the decision was still pending. In October, Relmu Ñamku, leader of the Mapuche community of Winkul Newen in Neuquén Province, was tried on disproportionate charges for resisting unlawful eviction from her ancestral territory. She was acquitted of the charge of attempting to murder a police officer. <b>It was the first criminal trial in the region to include an intercultural jury and a simultaneous interpretation into Mapuzungun, the native language of the Mapuche.</b> "	Country  Fomosa province  Neuquén province	
Freedom House <a href="http://www.freedomhouse.org/">http://www.freedomhouse.org/</a>	<a href="https://freedomhouse.org/report/freedom-world/freedom-world-2018">https://freedomhouse.org/report/freedom-world/freedom-world-2018</a> The status of Argentina on the <b>Freedom in the World</b> index 2018 is 'free'. <a href="https://freedomhouse.org/report/freedom-net/freedom-net-2017">https://freedomhouse.org/report/freedom-net/freedom-net-2017</a> The status of Argentina on the <b>Freedom on the Net 2017</b> is 'free'. <a href="https://freedomhouse.org/report/freedom-press/freedom-press-2017">https://freedomhouse.org/report/freedom-press/freedom-press-2017</a> The status of Argentina on the <b>Freedom of the Press 2017</b> is 'partly free'.	Country	
Reporters without Borders: Press Freedom Index <a href="https://rsf.org/ranking">https://rsf.org/ranking</a>	<a href="https://rsf.org/ranking">https://rsf.org/ranking</a> <i>2018 World Press Freedom Index</i> In 2018, Argentina <b>ranked 52 out of 180 countries</b> on World Press Freedom Index. Being no. 1 the most free country.	Country	
Fund for Peace - Fragile States Index - the Fund for Peace is a US-based non-profit research and educational organization that works to prevent violent conflict and promote security. The Fragile States Index is an annual ranking, first published in 2005 with the name Failed States Index, of 177 nations based on their levels of stability and capacity <a href="http://fsi.fundforpeace.org/">http://fsi.fundforpeace.org/</a>	<i>Fragile States Index 2018</i> <a href="http://fsi.fundforpeace.org/">http://fsi.fundforpeace.org/</a> <b>Argentina is ranked 141 out of 178 countries</b> on the Fragile States Index 2018. (No. 1 being the most failed state). <b>This ranks Argentina in the category 'Stable'.</b>	Country	
The Global Peace Index. Published by the Institute for Economics & Peace, This index is the world's leading measure of national peacefulness. It ranks 162 nations according to their absence of violence. It's made up of 23 indicators, ranging from a nation's level of military expenditure	<a href="http://visionofhumanity.org/app/uploads/2018/06/Global-Peace-Index-2018-2.pdf">http://visionofhumanity.org/app/uploads/2018/06/Global-Peace-Index-2018-2.pdf</a> <i>2018 Global Peace Index</i> <b>The state of peace in Argentina is labeled 'high'</b> with Argentina ranking number 66 out of 163 countries (no. 1 being the most peaceful country).	Country	

<p>to its relations with neighbouring countries and the level of respect for human rights. Source: The Guardian: <a href="http://economicsandpeace.org/research/iep-indices-data/global-peace-index">http://economicsandpeace.org/research/iep-indices-data/global-peace-index</a></p>			
<b>Additional sources of information</b> (These sources were partly found by Googling the terms '[country]', 'timber', or 'conflict', 'illegal logging')	<b>Evidence</b>	<b>Scale of risk assessment</b>	<b>Risk indication</b>
<p>United States Department of State</p>	<p><a href="http://www.state.gov/documents/organization/220626.pdf">http://www.state.gov/documents/organization/220626.pdf</a> ARGENTINA 2013 HUMAN RIGHTS REPORT EXECUTIVE SUMMARY “Argentina is a federal constitutional republic. Cristina Fernandez de Kirchner won re-election to the presidency in October 2011 in multi-party elections the media and various nongovernmental organizations (NGOs) described as generally free and fair. The country also held legislative midterm elections on October 27. <b>Security forces reported to civilian authorities but occasionally acted at lower levels independently of civilian control and committed human rights abuses. The principal human rights problems included reports of torture by provincial police, harsh prison conditions, and gender violence. Other human rights problems included use of excessive force by police; occasional arbitrary arrest and detention; prolonged pretrial detention; actions that risked impairing freedom of the press; continued concerns about judicial inefficiency; official corruption; child abuse; continuing discrimination against and infringements on the rights of indigenous people; sex trafficking; forced labor, primarily within the country; and child labor.</b> Judicial authorities prosecuted a number of officials who committed abuses during the year; however, some officials engaged in corruption or other abuses with impunity.”</p> <p>“Section 1. Respect for the Integrity of the Person, Including Freedom from: a. <b>Arbitrary or Unlawful Deprivation of Life</b> <b>There were reports of deaths as a result of the police’s use of unwarranted or excessive force. Federal security forces have the authority to conduct internal investigations into alleged abuses and to fire individuals who have allegedly committed a human rights violation.</b> b. Disappearance There were no reports of politically motivated disappearances. Or began during the year. c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment <b>The law prohibits torture and other cruel, inhuman, or degrading treatment or punishment and provides penalties for torture similar to those for homicide.</b> Nevertheless, international organizations, CELS, the Office of the National Public Prosecutor, and the Buenos Aires Provincial Memory Commission’s Committee Against Torture (an autonomous office established by the provincial</p>	<p>Country</p>	

	<p>government) reported complaints of torture perpetrated by provincial and federal prison officials.</p> <p>d. Arbitrary Arrest or Detention The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions; however, police reportedly arrested and detained citizens arbitrarily on occasion.</p> <p>e. Denial of Fair Public Trial The law provides for the right to a fair trial, and the independent judiciary generally enforced this right. Judicial scholars continued to report inefficiencies and delays in the judicial system, and Chief Justice Lorenzetti asked criminal judges to speed up proceedings. According to some local NGOs, judges in some federal criminal and ordinary courts were subject occasionally to political manipulation. Delays, procedural logjams, long gaps in the appointment of judges, inadequate administrative support, and general inefficiency hampered the judicial system. NGOs also criticized all three branches of the government for inefficiencies in the process for selecting judges. Judges' broad discretion on whether and how to pursue investigations contributed to a public perception that many decisions were arbitrary.</p> <p>f. Arbitrary Interference with Privacy, Family, Home, or Correspondence The constitution prohibits such actions, and the government generally respected these prohibitions.”</p> <p>“Section 2. Respect for Civil Liberties, Including:</p> <p>a. Freedom of Speech and Press The constitution provides for freedom of speech and press; the government generally respected these rights. Independent newspapers, radio and television outlets, and internet sites were numerous and active, expressing a wide variety of views. Private media outlets were independent from the national and provincial governments.</p> <p>Violence and Harassment: The Argentine Journalism Forum, an NGO promoting freedom of expression, reported 152 attacks on freedom of expression between January and September, up 32 percent from the same period in 2012.</p> <p>Internet Freedom There were no generalized restrictions on access to the internet or credible reports that the government monitored e-mail or internet chat rooms without appropriate legal authority. Individuals and groups could engage in the expression of views via the internet, including by e-mail and social networks. The International Telecommunication Union reported that 56 percent of individuals in the country used the internet during the year.</p> <p>Academic Freedom and Cultural Events There were no government restrictions on academic freedom or cultural events.</p>		
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	<p>b. Freedom of Peaceful Assembly and Association The constitution provides for freedom of assembly and association, and the government generally respected these rights.</p> <p>c. Freedom of Religion See the Department of State’s International Religious Freedom Report at <a href="http://www.state.gov/j/drl/irf/rpt">www.state.gov/j/drl/irf/rpt</a>.</p> <p>d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons The constitution provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, and other persons of concern. According to the UNHCR, as of January there were 3,488 refugees and 1,921 asylum seekers residing in the country.</p> <p>Protection of Refugees Access to Asylum: Laws provide for the granting of refugee status, and the government has established a system for providing protection to refugees. Statistics were not available on the number of individuals to whom the National Committee for Refugees granted refugee status, the number of asylum cases pending, or the total number of petitions filed during the year. Decisions on asylum petitions may take up to two years to adjudicate.”</p> <p>“Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government. The constitution provides citizens the right to change their government peacefully, and citizens exercised this right through periodic, free, and fair elections based on universal suffrage.”</p> <p>“Section 4. Corruption and Lack of Transparency in Government The law provides criminal penalties for corruption by officials; however, multiple reports alleged that executive, legislative, and judicial officials engaged in corrupt practices with impunity, suggesting a failure to implement the law effectively. Weak institutions and an often ineffective and politicized judicial system undermined systematic attempts to curb corruption.</p> <p>Corruption: Cases of corruption occurred in some security forces. The most frequent abuses included extortion of, and protection for, those involved in drug trafficking and prostitution.</p> <p>Public Access to Information: While the country does not have a law that provides for public access to government information, a presidential decree provides for access to public documents and information that fall within the jurisdiction of the executive. “</p>		
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	<p>“Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights</p> <p>A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials usually were cooperative and generally responsive to their views.</p> <p>“Section 6. Discrimination, Societal Abuses, and Trafficking in Persons The law prohibits discrimination based on race, gender, sexual orientation, disability, language, or social status, and the government generally enforced these prohibitions.</p> <p>Rape and Domestic Violence: Rape, including spousal rape, is a crime, but evidentiary requirements, either in the form of clear physical injury or the testimony of a witness, often presented difficulties in prosecuting such crimes. The penalties for rape range from six months’ to 20 years’ imprisonment. There were no reports of police or judicial reluctance to act on rape cases; <b>however, women’s rights advocates claimed that attitudes of police, hospitals, and courts toward survivors of sexual violence sometimes revictimized the individual.</b></p> <p>Birth Registration: The country provided universal birth registration, and citizenship was derived both by birth within the country’s territory and from one’s parents. Parents have 40 days to register births, and the state has an additional 20 days to do so. The Ministry of Interior may issue birth certificates to children under age 12 whose births were not previously registered.</p> <p>Child Abuse: <b>Child abuse was common; for example, the Office of Domestic Violence reported that 30 percent of the cases it received per month involved children.</b></p> <p>Indigenous People The constitution recognizes the ethnic and cultural identities of indigenous people and states that congress shall protect their right to bilingual education, recognize their communities and the communal ownership of their ancestral lands, and allow for their participation in the management of their natural resources. Indigenous people did not fully participate in the management of their lands or natural resources, in part because responsibility for implementing the law is delegated to <b>the 23 provinces, only 11 of which have constitutions recognizing indigenous rights.”</b></p>		
USDA Foreign Agricultural Service	<p><a href="http://gain.fas.usda.gov/Recent%20GAIN%20Publications/Wood%20Production%20-%20Argentina%202013_Buenos%20Aires_Argentina_7-2-2013.pdf">http://gain.fas.usda.gov/Recent%20GAIN%20Publications/Wood%20Production%20-%20Argentina%202013_Buenos%20Aires_Argentina_7-2-2013.pdf</a> <i>Wood Production - Argentina 2013</i></p> <p><b>“According to the Secretariat of Environment and Sustainable Development, over the past two years Argentina’s northern area has lost more than one million hectares of native forest, in spite of the numerous valid laws that</b></p>	Chaco, Misiones, and Tucuman	

	<p><b>protect them.</b> Since the implementation of law number 26.331 (described below under “Policy- Forestry Laws”), deforestation rate has been reduced only fifty percent. <b>This means there is still a high percentage of illegal logging taking place in the country,</b> damaging the native forest and reducing its surface. The most affected provinces are Chaco, Misiones, and Tucuman”</p>		
<p>From national CW RA: FSC Controlled Wood risk assessment FSC-CW-RA-021-ARG V1-0 SPECIFIC REQUIREMENTS INTERPRETATION OF ANNEX 2B OF THE STANDARD FOR COMPANY EVALUATION OF FSC CONTROLLED WOOD FOR ARGENTINA (FSC-STD-40-005 V-2.1) Approval date: 20 July 2015 Effective date: 20 July 2015</p>	<p><b>INDICATOR 1.1. Evidence of enforcement of logging related laws in the district.</b></p> <p>Argentina has approximately 1.394 million hectares of forest plantations with exotic species – principally Pinus spp., Eucalyptus spp., Salix spp., and Populus spp. – with a rate of increase in the planted area of 2.9% per year, taking as a reference the period 1990-2010 (FAO, 2010). <a href="http://www.fao.org/forestry/fra/fra2010/en/">http://www.fao.org/forestry/fra/fra2010/en/</a> Annex 2 of Standard FSC-STD-40-005 does not provide any information that is specific to Argentina, nor is any found on the web site <a href="http://www.globalforestryregistry.org/">http://www.globalforestryregistry.org/</a>, so information from the provincial and national governments was used.</p> <p>The Districts of the scope of enforcement of the related applicable legislation. A list is given in Annex 2 of the Laws, Standards, Regulations and International Treaties ratified by Argentina that are applicable to forest plantations at the national and provincial levels.</p> <p>To transport and commercialize harvested wood from a forest plantation, specific documentation is required (<a href="http://www.afip.gov.ar">www.afip.gov.ar</a>). Transportation documents must always go together with the shipment and it is requested by local and/or national government authorities to confirm the legal origin of the wood (<a href="http://www.eldis.org/go/country-profiles&amp;country=1010#.UQv_cx2TySo">http://www.eldis.org/go/country-profiles&amp;country=1010#.UQv_cx2TySo</a>). Controls of the transport of wood are realized by national authorities such as the National Gendarmerie (<a href="http://www.gendarmeria.gov.ar/prensa/prensa-14/com-163.html">http://www.gendarmeria.gov.ar/prensa/prensa-14/com-163.html</a>). Legality for each supplier can be verified in:</p> <ul style="list-style-type: none"> <li>• <a href="http://trade.nosis.com">http://trade.nosis.com</a></li> <li>• <a href="http://www.cuitonline.com">http://www.cuitonline.com</a></li> <li>• <a href="https://seti.afip.gob.ar/padron-puc-constancia-internet/ConsultaConstanciaAction.do">https://seti.afip.gob.ar/padron-puc-constancia-internet/ConsultaConstanciaAction.do</a></li> </ul> <p>Additionally, it can be mentioned that National law N° 25080 (01/1999) “Investment for forest plantation” (Extended and reformed by the law N° 26432 – 12/2008), which provides incentive for the establishment and management of forest plantations until harvesting. The Program grants the holder of the approved forest plan with economic and tributary benefits (<a href="http://www.minagri.gob.ar/forestacion/">http://www.minagri.gob.ar/forestacion/</a>). This National law has been ratified by all the provinces under the scope of this NRA (province of Misiones – Law N° 3585; province of Corrientes - Law N° 5890; province of Entre Ríos – Law N° 9953; province of Buenos Aires Law N° 14227; province of Santa Fe – Law N° 13320). The Law states that forest plantations to be benefited by these incentives should not be established on land covered by arboreal native masses or permanent or protective forests. The forest plantation must be managed according to the approved management plan by the authority. Among other requirements, the Law demands the accomplishment of an</p>		

	<p>environmental impact evaluation that must be approved by the Ecology Department from each province. Land or forest holders that want to obtain the benefits of the Law, must present legal documentation, e.g.: property rights, graphic information, and bank details (<a href="http://64.76.123.202/new/0-0/forestacion/promocion_(ley_25.080)/04_Formularios/index.php">http://64.76.123.202/new/0-0/forestacion/promocion_(ley_25.080)/04_Formularios/index.php</a>).</p> <p>The government agencies in charge of ensuring enforcement of forest legislation are the National Directorate of Forest Production of the Department of Agriculture, Cattle and Fishing of the Nation, and the provincial Forestry Directorates.</p> <p>From ten, and up to sixteen months after having established the plantation, the holder must present to the provincial authority the request for inspection and certificate of work, accompanied by the legal graphical documentation of the land. From then, the provincial authority will be able to make the field inspection. Afterwards, the provincial authority informs the national authority about the result of the field inspection. The national authority updates the information regarding progress on its web page, and is able to grant the corresponding benefits to the holder in the following link (<a href="http://aire.forestal.magyp.gob.ar/">http://aire.forestal.magyp.gob.ar/</a>).</p> <p>A special case occurs with <i>Araucaria angustifolia</i>, a native species of Misiones. Its harvest from native forest is forbidden in Misiones (Law N°2380). There is a risk that wood of this species from native forest could be mixed with wood from plantations during transport. Though no evidence of illegal logging of <i>Araucaria angustifolia</i> has been detected and the transport of illegal logs of this species has not been detected by the National Gendarmerie, the precautionary principle is applied for this case in the District of Misiones.</p> <p>The relevant applicable legislation in Annex II (No 25080 / 26432 and the provincial laws that ratify the national laws, among other regulations), is effectively enforced by the Provincial Forestry Directorates and National Directorate of Forest Production, as well as by the National Gendarmerie. This is based on the information in the letter from the National Directorate of Forest Production (2014/09/16), which was discussed by the chamber balanced NRA-WG, and stakeholder consultation feedback, confirming the enforcement of legislation mentioned in Annex II.</p> <p><b>Conclusion-Level of Risk</b></p> <p>Based on the existence of a system of regulations, designated governmental authorities, an independent Justice body and lack of, or little news (press release in authorities webpage, forest sector newsletters, media,) on the topic, written explanations from the National Authority, and the feedback comments of the public consultation, <b>the conclusion of the Working Group is that Corrientes, Entre Ríos, Santa Fe and Buenos Aires are LOW RISK for this indicator.</b> While it has not been demonstrated that <i>Araucaria angustifolia</i> is harvested or transported illegally, given that this protected species in Misiones, the precautionary principle is applied for this case and <b>the District of Misiones is Unspecified Risk for <i>Araucaria angustifolia</i>. Misiones is LOW RISK for all other species.</b></p>	<p>Corrientes, Entre Ríos, Santa Fe, Buenos Aires</p> <p>Misiones</p>	<p>Low risk</p>
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	<p><b>INDICATOR 1.2. There is evidence in the district demonstrating the legality of harvests and wood purchases that includes robust and effective systems for granting licenses and harvesting permits.</b></p> <p>Annex 2 of the Standard FSC-STD-40-005 does not provide any information specific to Argentina, nor is any found on the web site <a href="http://www.globalforestryregistry.org/">http://www.globalforestryregistry.org/</a>, so information from the provincial and national governments was used.</p> <p>The harvest of forest plantation does not require licenses or harvesting permits. As mentioned in indicator 1.1, the control system in relation to wood from forest plantations is in the transportation and commercialization stages. With regard to trade in wood from forest plantations, in all of the Districts, in order to remove the product from the FMU to the gathering center or industry, a fiscal transportation document (forest dispatch) is required accompanying the shipment. With the forest shipping tickets, the invoice for the marketed products is prepared, which is the document that establishes the amount for applying payment of national taxes (Value Added Tax, Tax on Profits) and provincial taxes (Gross Income). The purchasing companies are the agent for withholding the Tax on Profits, and for the VAT each case must be consulted on the web site: <a href="http://www.afip.gob.ar/genericos/tramites/rg18.asp">http://www.afip.gob.ar/genericos/tramites/rg18.asp</a>. The validity of sales invoices can be consulted on the web site: <a href="http://www.afip.gov.ar/genericos/imprentas/facturas.asp">http://www.afip.gov.ar/genericos/imprentas/facturas.asp</a>. On the contrary, harvesting of native forests does require a license from the authority.</p> <p><b>Conclusion-Level of Risk</b></p> <p>According to the information from the National Authority, Federal Administration of Public Income (AFIP, initials in Spanish) the conclusion is that <b>the five Districts for which the assessment for this indicator was made are LOW RISK.</b></p> <p><b>INDICATOR 1.3. There is little or no evidence or reporting of illegal harvesting in the district of origin.</b></p> <p>Annex 2 of standard FSC-STD-40-005 does not provide any information specific to Argentina, nor is any found on the web site <a href="http://www.globalforestryregistry.org/">http://www.globalforestryregistry.org/</a>, so information from the provincial and national governments was used.</p> <p>Legal harvesting and transport can be verified with the title and documents that prove property rights, cartography of the property, etc., and transportation documents (“remito” in Spanish), trade documents (“facture”) and other documents related to tax controls. The National Directorate of Forest Production of the Department of Agriculture, Cattle and Fishing of the Nation, has not had to sanction holders for illegal harvesting of wood. Other sources of information have been consulted and no evidence of illegal harvest in forest plantations have been found (E.g.: <a href="http://www.illegal-logging.info/">http://www.illegal-logging.info/</a>; <a href="http://www.dgrcorrientes.gov.ar">http://www.dgrcorrientes.gov.ar</a>; <a href="http://www.dgrmisiones.gov.ar">http://www.dgrmisiones.gov.ar</a>). As recognized before, timber from native forests have a different reality.</p>	<p>All five districts</p>	<p>Specified risk for Araucaria Angustifolia. Low risk for all other species</p> <p>Low risk</p>
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	<p><b>Conclusion-Level of Risk</b> Based on all the sources of information consulted, there is no evidence or reports of illegal harvesting from forest plantations. <b>The conclusion is that the five Districts are LOW RISK for this indicator.</b></p> <p><b>INDICATOR 1.4. There is a low perception of corruption related to the granting or issuing of harvesting permits and other areas of law enforcement related to harvesting and wood trade.</b> According to Transparency International, Argentina's corruption perception index (CPI-2013) is less than 50, with a score of 34 (<a href="http://www.transparency.org/cpi2013/results">http://www.transparency.org/cpi2013/results</a>), while Worldwide Governance's indicators report that the country has a low Corruption Control (2012), in the 25-50th percentile (<a href="http://info.worldbank.org/governance/wgi/index.aspx?fileName=c9.pdf#country">http://info.worldbank.org/governance/wgi/index.aspx?fileName=c9.pdf#country</a> Reports).</p> <p><b>Conclusion-Level of Risk</b> According to the CPI, the five Districts for which the assessment for this indicator was made are <b>UNSPECIFIED RISK.</b></p>	Country	Low risk for illegal harvesting from plantations
<p><b>Conclusion on country context:</b> Argentina scores medium to low on almost all indices assessed in this country context analysis. The rule of law is under great pressure and important human and civil rights are not well protected, for example the rights of protesters in general. Deforestation is a major issue in Argentina. Based on the available data, illegal logging seems to be a serious problem.</p>	Country	Specified risk	
<p><b>Indicator 2.1. The forest sector is not associated with violent armed conflict, including that which threatens national or regional security and/or linked to military control.</b></p>			
<p><b>Guidance</b></p> <ul style="list-style-type: none"> <li>• Is the country covered by a UN security ban on exporting timber?</li> <li>• Is the country covered by any other international ban on timber export?</li> <li>• Are there individuals or entities involved in the forest sector that are facing UN sanctions?</li> </ul>			
<p>Compendium of United Nations Security Council Sanctions Lists: <a href="http://www.un.org">www.un.org</a></p>	<p><a href="https://www.un.org/sc/suborg/sites/www.un.org.sc.suborg/files/consolidated.pdf">https://www.un.org/sc/suborg/sites/www.un.org.sc.suborg/files/consolidated.pdf</a> There is <b>no UN Security Council ban</b> on timber exports from Argentina.</p>	Country	Low risk
<p>US AID: <a href="http://www.usaid.gov">www.usaid.gov</a></p>	<p>Argentina is <b>not covered by any other international ban on timber export.</b></p>		
<p>Global Witness: <a href="http://www.globalwitness.org">www.globalwitness.org</a></p>	<p>There are <b>no individuals or entities involved in the forest sector in Argentina that are facing UN sanctions.</b></p>		
<p>From national CW RA: FSC Controlled Wood risk assessment FSC-CW-RA-021-ARG V1-0 SPECIFIC REQUIREMENTS</p>	<p><b>INDICATOR 2.1. There is no UN Security Council ban on timber exports from the country concerned.</b> With regard to the international sources of information suggested in FSC-STD-40-005, Annex 2B, the United Nations Security Council, as the governing organism for international security, has not established any bans on wood from forest plantations in Argentina. (<a href="http://unfccc.int/2860.php">http://unfccc.int/2860.php</a>)</p>	Five districts	Low risk

<p>INTERPRETATION OF ANNEX 2B OF THE STANDARD FOR COMPANY EVALUATION OF FSC CONTROLLED WOOD FOR ARGENTINA (FSC-STD-40-005 V-2.1) Approval date: 20 July 2015 Effective date: 20 July 2015</p>	<p><b>Conclusion-Level of Risk</b> All of the five Districts for which the assessment for this indicator was made are <b>LOW RISK</b>.</p>		
<p><b>Guidance</b></p> <ul style="list-style-type: none"> <li>Is the country a source of conflict timber? If so, is it at the country level or only an issue in specific regions? If so – which regions?</li> <li>Is the conflict timber related to specific entities? If so, which entities or types of entities?</li> </ul>			
<p><a href="http://www.usaid.gov">www.usaid.gov</a></p> <p>Conflict Timber is defined by US AID as: - conflict financed or sustained through the harvest and sale of timber (Type 1), - conflict emerging as a result of competition over timber or other forest resources (Type 2) Also check overlap with indicator 2.3</p>	<p>No information on conflict timber in Argentina found.</p>	<p>Country</p>	<p>Low risk</p>
<p><a href="http://www.globalwitness.org/campaigns/environment/forests">www.globalwitness.org/campaigns/environment/forests</a></p>	<p>No information on conflict timber in Argentina found.</p>	<p>Country</p>	<p>Low risk</p>
<p>Human Rights Watch: <a href="http://www.hrw.org/">http://www.hrw.org/</a></p>	<p>No information on conflict timber in Argentina found.</p> <p><a href="https://www.hrw.org/world-report/2016">https://www.hrw.org/world-report/2016</a></p> <p>No information found on conflict timber in Argentina in the World Report 2016.</p>	<p>Country</p>	<p>Low risk</p>
<p>World Resources Institute: Governance of Forests Initiative Indicator Framework (Version 1) <a href="http://pdf.wri.org/working_papers/gfi_tenure_indicators_sep09.pdf">http://pdf.wri.org/working_papers/gfi_tenure_indicators_sep09.pdf</a> Now: PROFOR <a href="http://www.profor.info/node/1998">http://www.profor.info/node/1998</a></p>	<p>No information found on conflict timber in Argentina.</p>	<p>Country</p>	<p>Low risk</p>
<p>Amnesty International Annual Report: The state of the world's human rights -information on key human rights issues, including: freedom of expression; international justice; corporate accountability; the death penalty; and reproductive rights <a href="http://www.amnesty.org">http://www.amnesty.org</a></p>	<p>No information in the Amnesty International Report 2015-16 on conflict timber in Argentina found.</p>	<p>Country</p>	<p>Low risk</p>
<p>World Bank: Worldwide Governance Indicators - the WGI report aggregate and individual governance indicators for 213 economies (most recently for 1996–2014), for six dimensions of governance: Voice and Accountability; Political Stability and Absence of Violence; Government Effectiveness; Regulatory Quality; Rule of Law; Control of Corruption <a href="http://info.worldbank.org/governance/wqi/index.aspx#home">http://info.worldbank.org/governance/wqi/index.aspx#home</a></p>	<p><a href="http://info.worldbank.org/governance/wqi/index.aspx#reports">http://info.worldbank.org/governance/wqi/index.aspx#reports</a> In 2014 (latest available year) <b>Argentina scores</b> on the indicator <b>Political Stability and Absence of Violence/Terrorism 49.03</b> on the percentile rank among all countries (ranges from 0 (lowest) to <b>100 (highest rank)</b> with higher values corresponding to better outcomes. No evidence found that this rank has a relationship with conflict timber.</p>	<p>Country</p>	<p>Low risk</p>

Use indicator 'Political stability and Absence of violence' specific for indicator 2.1			
Greenpeace: <a href="http://www.greenpeace.org">www.greenpeace.org</a> Search for 'conflict timber [country]'	No information on conflict timber or illegal logging in Argentina found.	Country	Low risk
CIFOR: <a href="http://www.cifor.org/">http://www.cifor.org/</a> <a href="http://www.cifor.org/publications/Corporate/FactSheet/forests_conflict.htm">http://www.cifor.org/publications/Corporate/FactSheet/forests_conflict.htm</a>	No information on conflict timber or illegal logging in Argentina found.	Country	Low risk
Google the terms '[country]' and one of following terms or in combination 'conflict timber', 'illegal logging'	No additional information found.	Country	Low risk
From national CW RA: FSC Controlled Wood risk assessment FSC-CW-RA-021-ARG V1-0 SPECIFIC REQUIREMENTS INTERPRETATION OF ANNEX 2B OF THE STANDARD FOR COMPANY EVALUATION OF FSC CONTROLLED WOOD FOR ARGENTINA (FSC-STD-40-005 V-2.1) Approval date: 20 July 2015 Effective date: 20 July 2015	<b>INDICATOR 2.2. The country or district is not designated a source of conflict timber (e.g. USAID Type 1 conflict timber).</b> Argentina does not appear on the list of countries designated as sources of conflict timber. The final report of the panel of experts on illegal harvesting of natural resources and other forms of wealth in the Democratic Republic of the Congo, 2002, Annexes I and III (S/2002/1146) <a href="http://naturalresources.org/minerals/CD/docs/other/N0262179.pdf">http://naturalresources.org/minerals/CD/docs/other/N0262179.pdf</a> , Conflict Timber; Dimensions of the Problem in Asia and Africa. Volume I. Summarized report. June 2003, available at: <a href="http://www.usaid.gov/hum_response/oti/pubs/vol1synth.pdf">www.usaid.gov/hum_response/oti/pubs/vol1synth.pdf</a> . 1. No reference is made to illegal exportation of natural resources from Argentina. <a href="http://www.naturalresources.org/minerals/index.htm">http://www.naturalresources.org/minerals/index.htm</a> , 2. Argentina is not classified among the countries with Conflict Timber Type I and Type II. <b>Conclusion-Level of Risk</b> The five Districts for which the assessment for this indicator was made are <b>LOW RISK.</b>	Five districts	Low risk
<b>Conclusion on indicator 2.1:</b> No information was found on Argentina as a source of conflict timber and the forest sector is not associated with any violent armed conflict. There is no UN security ban, other ban or UN sanction.  <b>The following low risk thresholds apply:</b> (1) The area under assessment is not a source of conflict timber <sup>2</sup> ; AND (2) The country is not covered by a UN security ban on exporting timber; AND (3) The country is not covered by any other international ban on timber export; AND (4) Operators in the area under assessment are not involved in conflict timber supply/trade; AND (5) Other available evidence does not challenge 'low risk' designation.		Country	Low risk

<sup>2</sup> "Conflict timber" limited to include "timber that has been traded at some point in the chain of custody by armed groups, be they rebel factions or regular soldiers, or by a civilian administration involved in armed conflict or its representatives, either to perpetuate conflict or take advantage of conflict situations for personal gain - conflict timber is not necessarily illegal. Please refer to FSC-PRO-60-002a V1-0.





	<p>trafficking is duly prosecuted and severely punished (A/HRC/17/35/Add.4). The Committee <b>regrets</b> that the Government has not provided any information on this subject. It recalls that victims of trafficking are generally in a situation of vulnerability which prevents them from asserting their rights, and that it is therefore the responsibility of the public authorities to take action for their identification, protection and recognition as victims. <b>The Committee emphasizes that any efforts made by the Government to combat trafficking in persons may be weakened if practices of corruption and complicity are present within the public authorities. The Committee urges the Government to ensure that investigations are duly conducted in cases of corruption and complicity of law enforcement officials, and that appropriate and dissuasive penalties are imposed.</b></p> <p><b>Action by the labour inspectorate.</b> The Committee previously requested the Government to indicate the measures adopted to ensure that the labour inspectorate has sufficient human and material capacity to carry out its work effectively throughout the territory. It notes the Government's reference to the purchase of two utility vehicles by mobile inspection teams which can carry three inspectors and are equipped with work stations and a satellite aerial. The mobile teams carry out inspections and awareness-raising activities in remote areas of the country that are difficult to access and where the State's presence is limited or absent. All inspectors are now provided with tablets through which they can check in real time whether workers are registered with the social insurance system and cross reference these data with the tax administration. The Government adds that violations identified during inspections, which could also involve crimes of trafficking or labour exploitation, are automatically reported to the competent federal jurisdiction. It adds that inspections in the textile sector have been reinforced and that between 2010 and 2014 inspections were carried out in 3,338 workplaces where, of the 24,352 workers present, 28.7 per cent were not registered. The Committee notes the emphasis placed by the CGT RA on the structural deficit of the labour inspection system. Although the situation has improved at the national level, particularly in the agricultural sector, with the recruitment of new officials, problems persist of coordination with the provinces due to the lack of a centralized and coordinated policy. <b>Recalling that labour inspection is an essential element in combating trafficking in persons for the exploitation of their labour, the Committee encourages the Government to continue taking measures to reinforce the capacity of the labour inspection services for action, particularly in sectors where the incidence of forced labour is well known (agriculture, textiles, domestic work and sex work) and in the corresponding geographical areas.</b>" (..)</p> <p><a href="http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3255678:NO">http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3255678:NO</a>  <i>Observation (CEACR) - adopted 2015, published 105th ILC session (2016)  Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) - Argentina</i></p>	Country	labour (corruption and complicity within public authorities)  Specified risk on forced labour
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“Articles 2, 3 and 6 of the Convention. **Autonomy of trade unions and the principle of non-interference of the State.** The Committee recalls that for many years its comments have referred to the following provisions of Act No. 23551 of 1988 on trade union associations (LAS) and of the corresponding implementing Decree No. 467/88, which are not in conformity with the Convention:

-*Trade union status*: (i) section 28 of the LAS, under which, in order to challenge an association’s trade union status, the petitioning association must have a “considerably larger” membership; and section 21 of implementing Decree No. 467/88, which qualifies the term “considerably larger” by providing that the association claiming trade union status must have at least 10 per cent more dues-paying members than the organization that currently has the status; (ii) section 29 of the LAS, under which an enterprise trade union may be granted trade union status only when no other organization with trade union status exists in the geographical area, occupation or category; and (iii) section 30 of the LAS, under which, in order to be eligible for trade union status, unions representing a trade, occupation or category have to show that they have different interests from the existing trade union, and that the latter’s status must not cover the workers concerned.

-*Benefits deriving from trade union status*: (i) section 38 of the LAS, under which the check-off of trade union dues is allowed only for associations with trade union status, and not for those that are merely registered; and (ii) sections 48 and 52 of the LAS, which give special protection (trade union immunity) only to representatives of organizations that have trade union status.

In its previous comments, after noting the decisions of the Supreme Court of Justice and of other national and provincial courts which have found unconstitutional various sections of the above legislation, particularly with regard to trade union status and protection, the Committee urged the Government to draw all the consequences of these judicial decisions, with the aim of bringing the legislation into conformity with the Convention.

The Committee notes the information provided by the Government in its report on a number of legislative initiatives to reform the LAS, which cover provisions referred to in the comment. Reaffirming its willingness to use the necessary institutional channels to seek greater conformity between national legislation and the provisions of international labour Conventions, the Government considers that these legislative initiatives show the emergence of a broad new situation regarding the need to adapt the LAS, reflect the favourable institutional environment created by the Government and constitute a positive step towards building the necessary consensus for the reform. However, emphasizing the need for the consensus to include all actors in the industrial relations system, the Government indicates that progress still needs to be made in some trade union and enterprise sectors in order to achieve a consensus-based reform.

The Committee also notes CTA Autonomous’ indication that the social partners were not invited to attend a tripartite meeting to prepare draft amendments to







	<p>No reports or comments on this convention.</p> <p><a href="http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3081821:NO">http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3081821:NO</a>  <i>Direct Request (CEACR) - adopted 2012, published 102nd ILC session (2013)</i>  <i>Discrimination (Employment and Occupation) Convention, 1958 (No. 111) - Argentina</i>  <b>“Gender equality.</b> The Committee again asks the Government to send information on the passage through Parliament of the Bill on discrimination and effective equality for men and women in corporate decision-making, which provides that members of one sex may constitute no more than 60 per cent of the administrative, representative and supervisory bodies of companies.  <b>Migrant workers.</b> The Committee notes the information from the Government that legal residence is required in order to apply for unemployment insurance and that various measures were adopted which have enabled 500,384 persons to legalize their status since 2004. Observing that the Government sends no information on the categories and sectors of employment from which migrant workers are excluded or on the manner in which it is ensured in practice that such exclusion does not involve or lead to discrimination based on race, colour or national extraction, the Committee requests the Government to send its observations on this matter.  <b>Promoting equality in the private sector.</b> The Committee notes the Model Programme for Gender Equality in Argentina (MEGA) and notes that it has been introduced in ten enterprises. Furthermore, an advisory council has been set up to monitor progress in the policies implemented, guidance is being provided to enterprises, and performance indicators and progress monitors are being developed. The Government states that in reality this Programme has been replaced by the Programme “Network of Non-governmental Entities”. The Committee requests the Government to continue to report on the impact of the Programme “Network of Non-governmental Entities” in terms of promoting gender equality and to provide information on the process for certifying enterprises that observe gender equality and on the implementation of gender equality under the “Argentina Trabaja” cooperatives programme.” (..)</p> <p><a href="http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3081814:NO">http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3081814:NO</a>  <i>Observation (CEACR) - adopted 2012, published 102nd ILC session (2013)</i>  <i>Discrimination (Employment and Occupation) Convention, 1958 (No. 111) - Argentina</i>  <b>“Equality between men and women.</b> The Committee notes that in its observations, the CTA refers to delay in the adoption of specific legislation to address discrimination in access to employment. The Committee notes that, according to the Government, the National Institute Against Discrimination, Xenophobia and Racism (INADI) is implementing the programme “State consensus against gender discrimination” in various provinces and</p>	Country	Low risk on forced labour
		Country	Low risk on discrimination
		Country	Low risk on gender discrimination

	<p>municipalities, and as part of the programme participatory assemblies are held and a pilot action plan is to be developed for the coordination of local policies in order to eliminate discrimination against women in a number of fields, including at work, in four provinces. The Government also refers to activities conducted by the Tripartite Committee on Equality of Opportunities and Treatment (CTIO) and the Coordinator of Gender Equity and Equal Opportunities at Work (CEGIOT), whose activities include training for women in non-traditional jobs within the framework of the “Programme on New Skills for Women”, promoting the participation of women in negotiating bodies and the balancing of family responsibilities and work. The CTIO also participates in the Internal Commission of the Minister of Labour and Social Security to discuss the labour contracts law and the amendments concerning the issue of reconciling work and family responsibilities. The Government also states that a CTIO scheme is to be established in provinces and municipalities. The Government attaches an INADI report giving an account of the activities and programmes under way, such as the Programme for Parity at Work, the Enterprise Network Programme and the Programme on Good Practices in Public Employment. <i>Pointing out that access to information on the practical effects of the measures taken by the Government at national, provincial and municipal level is important because such data allow an evaluation of the extent to which the measures contribute to equality between men and women in access to work and career development, the Committee requests the Government to send statistical information on the participation of men and of women in the labour market by sector of activity and level of remuneration. It also asks the Government to continue to provide information on the Ministry of Labour and Social Security’s Coordinator of Gender Equity and Equal Opportunities at Work (CEGIOT), the Committee for Work with Equal Opportunities (CTIO) and the National Institute against Discrimination, Xenophobia and Racism (INADI), and in particular the programme “State consensus against gender discrimination”.</i> (..”</p> <p>This report contains no information that indicates a ‘specified risk’ on other types of discrimination.</p> <p><a href="http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3179386:NO">http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3179386:NO</a></p> <p><i>Observation (CEACR) - adopted 2014, published 104th ILC session (2015)</i> <i>Minimum Age Convention, 1973 (No. 138) - Argentina</i> “Article 2(2) and (5) of the Convention. <b>Raising the minimum age for admission to employment or work.</b> In its previous comments, the Committee noted the Government’s declaration to the Director-General officially raising the minimum age for admission to employment or work from 15 to 16 years. The Committee notes with <b>satisfaction</b> that, under Act No. 26.390 on the prohibition of child labour and the protection of adolescent workers, the national minimum age has been raised to 16 years. Moreover, the Committee notes that the 16 year minimum age has also been incorporated into Act No. 26.727 on the</p>	Country	Low risk on discrimination
	<p>“Article 2(2) and (5) of the Convention. <b>Raising the minimum age for admission to employment or work.</b> In its previous comments, the Committee noted the Government’s declaration to the Director-General officially raising the minimum age for admission to employment or work from 15 to 16 years. The Committee notes with <b>satisfaction</b> that, under Act No. 26.390 on the prohibition of child labour and the protection of adolescent workers, the national minimum age has been raised to 16 years. Moreover, the Committee notes that the 16 year minimum age has also been incorporated into Act No. 26.727 on the</p>	Country	Low risk on child labour

	<p>regimen of agricultural work as well as Act No. 26.844 on the regimen of special contracts for workers in special cases, such as domestic work.”</p> <p><a href="http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3183514:NO">http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3183514:NO</a></p> <p><i>Direct Request (CEACR) - adopted 2014, published 104th ILC session (2015)</i>  <i>Minimum Age Convention, 1973 (No. 138) - Argentina</i></p> <p>“Article 1. <b>National policy and application in practice.</b> The Committee recalls its previous comments which had noted the <b>results of statistical studies conducted in 2006, according to which 8.4 per cent of children between 5 and 13 years of age and 29.7 per cent of children between 14 and 17 years of age are engaged in economic activity.</b> The Committee also noted the various measures taken by the Government as part of the 2006–10 National Plan for the Prevention and Elimination of Child Labour. The Committee further noted, however, the absence of effective coordination mechanisms, as well as insufficient structures for enforcement at the provincial level.</p> <p>The Committee notes the observations of the CTA, which highlight the <b>recent legislative reforms in the country – increasing both the minimum age as well as the penal sanctions for infractions with respect to minimum age legislation – and indicate that the Government will need to strengthen its inspection system, particularly in the country’s interior, to ensure the effective application of that legislation. The Committee also notes the recent observations of the CGT, according to which the child labour legislation is not implemented by employers in practice, principally in the agricultural and textile sectors.</b> The CGT states that a major awareness-raising and inspection campaign has been launched to target the offending employers and businesses.</p> <p>The Committee further notes the Government’s reference to the <b>2011–15 National Plan for the Prevention and Elimination of Child Labour</b>, which includes detailed information concerning its objectives, among others, to develop a national system of collecting statistical data on child labour and promote the inclusion of such information in governmental measures, as well as promote technical cooperation between the National Committee for the Eradication of Child Labour (CONAETI) and the Provincial Commissions for the Prevention and Eradication of Child Labour (COPRETIs) concerning the formation and integration of objectives on the local level. The Committee notes the Government’s reference, in this respect, to the Protocol between CONAETI and the COPRETIs on an integrated approach on child labour situations. The Government further refers to the “Local Projects for the Prevention and Eradication of Child Labour and the Promotion of Social Dialogue” (hereafter, Local Projects) in which CONAETI provides provincial and municipal assistance. The Government states that, thus far, the Local Projects have been implemented in the municipalities of Machagai (Chaco), Tupungato (Mendoza), Bahia Blanca and General Pueyrredon (Buenos Aires).</p> <p>The Committee further notes the Government’s information concerning a Permanent Household Study, which reflects the results of the Child and Adolescent Labour Observatory, which was carried out in 2012 (published in</p>	<p>Country</p> <p>Country</p> <p>Country</p> <p>Country</p>	<p>Specified risk on child labour</p> <p>Low risk on child labour</p> <p>Specified risk on child labour</p> <p>Specified risk on child labour</p>
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	<p>2013). The Committee notes the additional detailed information of this study annexed to the Government's report. According to this information, between 2004 and 2012, the incidence of labour carried out by children between 5 and 13 years decreased from 7.8 per cent to 3.4 per cent, and labour carried out by children between 14 and 15 years decreased from 14.2 per cent to 8.7 per cent. The Government indicates that incidences of child labour is highest in the informal sector (47.77 per cent) and the agricultural sector (15.90 per cent). Finally, the Committee notes the detailed information annexed to the report concerning the number of labour inspection findings, infractions and penal sanctions, disaggregated by region, economic activity, age and gender for the period 2010–14. <i>The Committee requests the Government to continue to strengthen its efforts to ensure the effective implementation of the 2011–15 National Programme, particularly in the textile and agricultural sectors. The Committee also requests the Government to continue to transmit statistical data on the nature, extent and trends of the labour of children and young persons working below the minimum age specified by the Government.</i></p> <p><a href="http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3186207:NO">http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3186207:NO</a>  <i>Direct Request (CEACR) - adopted 2014, published 104th ILC session (2015) Worst Forms of Child Labour Convention, 1999 (No. 182) – Argentina</i>  “Article 4(1). <b>Establishment of the list of hazardous types of work.</b> Further to its previous comment, the Committee notes the Government's indication that the draft Decree regulating the types of work that are hazardous to children remains before the President to be signed. <i>Recalling that the Government has been reporting on the process of finalizing this Decree for several years, the Committee urges the Government to adopt the list of hazardous work without further delay.</i>”</p> <p>This report contains no other information that indicates a specified risk.</p>	Country  Country  Country  Country	Low risk on child labour  Specified risk on child labour in agricultural sector (unclear whether that includes forestry)  Specified risk on child labour  Low risk on child labour
ILO Declaration on Fundamental Principles and Rights at Work. Country reports. <a href="http://www.ilo.org/declaration/lang--en/index.htm">http://www.ilo.org/declaration/lang--en/index.htm</a> Source of several reports. Search for 'racial discrimination', 'child labour', 'forced labour', 'gender equality', 'freedom of association'	<a href="http://www.ilo.org/wcmsp5/groups/public/---americas/---ro-lima/---ilo-buenos_aires/documents/publication/wcms_224517.pdf">http://www.ilo.org/wcmsp5/groups/public/---americas/---ro-lima/---ilo-buenos_aires/documents/publication/wcms_224517.pdf</a> ILO Briefing Notes <i>Decent work in Argentina; To prevent and eradicate Child Labour in Argentina. December 2011</i> “ <i>In Argentina, all forms of child labour are banned by law and, although employers' and workers' organizations as well as the Government at the national, provincial and local levels make great efforts to progressively eradicate it, its incidence is still believed to be high.</i> ” <b>“II. Child labour in Argentina: regulatory progress and important data</b> As regards regulations, progress must be placed into the context of legislative advances related to the comprehensive protection of children achieved in the last three decades. Evidence thereof is the ratification of the Convention on the Rights of the Child in 1990, and its subsequent incorporation into the National Constitution of	Country  Country  Country	Low risk on child labour Specified risk on child labour  Low risk on child labour

	<p>1994. On the other hand, Argentina ratified Convention No.138 on the minimum age for admission to employment<sup>5</sup>, adopted by Law No. 24.650, in 1996; and Convention No. 182 on the worst forms of child labour,<sup>6</sup> adopted by Law No. 25.255, in 2001, <b>although the country has not yet approved the list of hazardous work as foreseen in the latter Convention.</b></p> <p>“When consulting available quantitative information, according to the Survey on the Activities of Girls, Boys and Adolescents (EANNA) carried out in 2004, it can be noted that 6.5% of children from 5 to 13 worked in market-oriented activities during the week under study. With regard to other activities, 4.1% carried out self-consumption actions and 6.1% did domestic work for 10 weekly hours or more. Among adolescents between the ages of 14-17, 20.1% worked during the week of reference in market-oriented activities, while 6.6% in production for selfconsumption and 11.4% in intensive domestic work (15 hours or more).</p> <p><b>In all cases, a greater percentage of child labour is found in the rural environment.</b> Furthermore, the prevailing kind of labour among girls, boys and adolescents is the assistance they render to their parents or other family members in their work, which accounts for six out of ten children and four out of ten adolescents.”</p>	Country	Specified risk on child labour
<p>ILO Child Labour Country Dashboard: <a href="http://www.ilo.org/ipecc/Regionsandcountries/lang-en/index.htm">http://www.ilo.org/ipecc/Regionsandcountries/lang-en/index.htm</a></p>	<p><b>No information found on child labour in Argentina.</b></p>	Country	Low risk on child labour
<p>Global March Against Child Labour: <a href="http://www.globalmarch.org/">http://www.globalmarch.org/</a></p>	<p><b>No information found on child labour in Argentina.</b></p>	Country	Low risk on child labour
<p>Office of the United Nations High Commissioner for Human Rights (OHCHR), Committee on Rights of the Child: <a href="http://www.ohchr.org/EN/HRBodies/CRC/Pages/CRCIndex.aspx">http://www.ohchr.org/EN/HRBodies/CRC/Pages/CRCIndex.aspx</a></p>	<p><a href="http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fARG%2fCO%2f3-4&amp;Lang=en">http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fARG%2fCO%2f3-4&amp;Lang=en</a> <i>UN Convention on the Rights of the Child Committee on the Rights of the Child Concluding observations: Argentina. 21 June 2010</i> <b>C. Main areas of concern and recommendations</b></p> <p><b>“Child rights and the business sector</b> 29. The Committee is concerned at the lack of clear guidelines and regulations for business corporations, both national and international, on the protection of and respect for children’s rights. It has taken note of the study carried out by the National Ombudsperson (2009) on the adverse effects on children’s health and the environment of agro-toxics and other harmful substances used in agriculture, industry and the home. It further notes with concern reports that the production of tobacco, mate herbs and soya may have harmful effects on children.”</p> <p><b>“Economic exploitation, including child labour</b> 73. <b>While welcoming the National Plan for the Prevention and Eradication of Child Labour and the Network of Companies against Child Labour, the Committee notes with concern the absence of effective coordination</b></p>	Country	Specified risk on child labour,

	mechanisms, as well as insufficient structures for enforcement at the provincial level. The Committee further remains concerned at the high percentage of adolescents who are the object of economic exploitation, in particular in rural areas, which is also associated with schooling problems such as high repetition rates, frequent absences and late arrivals.”		especially in rural areas
Committee on the Elimination of Discrimination against Women http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx (Use the link to ‘Key documents’ on the left hand side. Go to “observations” and search for country.) (Refer to CW Cat. 1) Or: Right top select country click on CEDAW treaty, click on latest reporting period and select concluding observations	<a href="http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fARG%2fCO%2f6&amp;Lang=en">http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fARG%2fCO%2f6&amp;Lang=en</a> <i>UN Convention on the Elimination of all Forms of Discrimination Against Women</i> <i>Committee on the Elimination of Discrimination against Women</i> <i>Concluding observations: Argentina. 16 August 2010</i> <b>C. Principal areas of concern and recommendations</b> <b>“Employment</b> 35. The Committee welcomes the measures aimed at reducing the unemployment rate of women, as well as the role of the Tripartite Commission on Equal Treatment and Opportunity in the Workplace. <b>The Committee expresses its concern at the unequal working conditions of women in both the formal and informal sectors of the economy, the persistence of occupational segregation and the concentration of women in low-paying jobs, wage disparities between women and men in both the public and private sectors, the lack of childcare services and the absence of legislation to address sexual harassment in the workplace.</b> Despite some measures having been taken to protect domestic workers, the Committee expresses concern at their continuing precarious situation. 36. <b>The Committee urges the State party</b> to take all the necessary steps to ensure better implementation of its labour legislation, <b>to address pay gaps</b> , to encourage women to take up employment in non-traditional fields, to enact legislation on sexual harassment in the public and private workplace, including effective sanctions, and to provide comprehensive protection to domestic workers. The Committee also encourages the State party to take measures in order to provide affordable and accessible childcare services to enable women to balance their work and family responsibilities.”	Country	Specified risk on discrimination of women, gender wage discrimination, sexual harassment in the workplace
Human Rights Watch: <a href="http://www.hrw.org/">http://www.hrw.org/</a>	<b>No evidence found on this website indicating specified risks in Argentina.</b>	Country	Low risk
Child Labour Index 2014 produced by Maplecroft. <a href="http://maplecroft.com/portfolio/new-analysis/2013/10/15/child-labour-risks-increase-china-and-russia-most-progress-shown-south-america-maplecroft-index/">http://maplecroft.com/portfolio/new-analysis/2013/10/15/child-labour-risks-increase-china-and-russia-most-progress-shown-south-america-maplecroft-index/</a>	On this map, <b>Argentina is categorized as a “high risk” country</b> regarding the child labour issue.	Country	Specified risk on child labour
<a href="http://www.verite.org/Commodities/Timber">http://www.verite.org/Commodities/Timber</a>  (useful, specific on timber)	<b>Argentina does not feature on this site.</b>	Country	Low risk on forced labour
The ITUC Global Rights Index ranks 139 countries against 97 internationally recognised indicators to assess where workers’ rights are best protected, in law and in practice. The Survey provides information on violations of the rights to freedom of	<b>Argentina is classified in category 3: “Regular violation of rights”.</b>  “Category 3: Regular violation of rights	Country	Specified risk for freedom of association,

<p>association, collective bargaining and strike as defined by ILO Conventions, in particular ILO Convention Nos. 87 and 98 as well as jurisprudence developed by the ILO supervisory mechanisms. There are 5 ratings with 1 being the best rating and 5 being the worst rating a country could get.  <a href="http://www.ituc-csi.org/new-ituc-global-rights-index-the?lang=en">http://www.ituc-csi.org/new-ituc-global-rights-index-the?lang=en</a></p>	<p>Governments and/or companies are regularly interfering in collective labour rights or are failing to fully guarantee important aspects of these rights. There are deficiencies in laws and/or certain practices which make frequent violations possible.”</p> <p><a href="http://survey.ituc-csi.org/argentina.html?lang=en#tabs-2">http://survey.ituc-csi.org/argentina.html?lang=en#tabs-2</a>  <b>Freedom of association / Right to organise</b>  “ANTI-UNION DISCRIMINATION  The law prohibits anti-union discrimination.</p>	Country	collective bargaining and strike
	<p>RESTRICTIONS ON WORKERS' RIGHT TO FORM AND JOIN ORGANISATIONS OF THEIR OWN CHOOSING  The Trade Union Associations Act grants certain benefits solely to trade unions with official status (personería gremial), including the right to check off union fees (Law 23551 on Trade Union Associations, Art.28 and 38; Regulatory Decree 467/88).”</p>	Country	Low risk for freedom of association and right to organise
	<p><b>Right to collective bargaining</b>  “BARRIERS TO THE RECOGNITION OF COLLECTIVE BARGAINING AGENTS  The Trade Union Associations Act establishes that in order to obtain official trade union status ('personería gremial') the association should have at least 10 per cent more dues-paying members than the organisation currently holding the status (Law 23551 on Trade Union Associations, Art. 28 and 38; Regulatory Decree 467/88).”</p>	Country	Specified risk for freedom of association and right to organise
	<p><b>In practice</b>  <i>Union registration delayed and denied 01-12-2015</i>  “In the course of 2015 the Government of Argentina continued its practice of not respecting established deadlines for the administrative procedures necessary for the registration of a trade union or the granting of legal personality to a union, delaying its decisions as a way of denying registration to the applicant union. By so doing it can make the administrative steps last years, depriving the trade unions of the right to recognition as legal entity. One such case is the Argentina Workers Centre (CTA) which applied for legal personality in 2004. By 2015 the government had still not completed the procedures, despite countless requests by the ILO supervisory bodies to reach a decision.  Other requests for registration that were still pending in 2015 included the Energy Workers' Federation of the Republic of Argentina (FETERA), which applied in 2000; the Catamarca Health Professionals Association, which began proceedings for union registration in 2007; the Neuquén Union of Public Health Professionals, whose proceedings began in 2008; the La Rioja Health Professionals Association and the Health Union, whose began their application in 2009; the Tucumán Self-organised health workers' union and the Telecommunications Employees and Technicians Union, who applied to register their union in 2010; the Misiones Union of Piece-Rate, Temporary and</p>	Country	Specified risk for right to collective bargaining

	<p>Unemployed Workers, the Pedagogical Liberation Movement and the Misiones Province Education Workers union who began their registration proceedings in 2011 and the Catamarca United Teachers' Association and the Misiones Central Market Workers and Labourers Union, who applied in 2012. In August 2015 the VIII Chamber of the National Labour Appeals Court ordered the Ministry of Labour, Employment and Social Security to register the Villa Maria Commercial and Services Workers' Union (UTRACOS-CTA A) within ten days. It had applied for registration in 2005 and the Ministry of Labour had refused to grant it despite rulings in favour by the relevant administrative bodies."</p> <p><i>"Authorities' interference in trade union elections. 01-12-2015</i> The Autonomous Argentina Workers' Centre (Central de Trabajadores de la Argentina – Autonomía CTA-A) <b>reported repeated interference in trade union elections by the administrative authorities.</b> On 26 May 2014 the National Leadership of the Trade Union Associations of the Ministry of Labour, Employment and Social Security issued a ruling in which it rejected the validity of the CTA-A's election announcement. During 2015 the election of trade union representatives at the workplace under the umbrella of the National Social Security Administration (ANSES), and organised by the State Employees' Association (ATE) was dismissed by the Ministry of Labour, under whose authority the ANSES falls, on the grounds of legal ineffectiveness."</p> <p><i>"Right to strike violated in Salta. 07-05-2014</i> The Salta region health professionals' union Asociación de Profesionales de la Salud de Salta (APSADES), affiliated to the Federación Sindical de Profesionales de la Salud de la República Argentina (FESPROSA), was ordered to pay a fine of 186,000 pesos by the provincial Labour Secretariat for failing to respect mandatory arbitration requirements. The fine was imposed when a 24-hour work stoppage was called for 25 April 2014, during which only emergency services were to be covered, according to the union's general secretary, Dr. Graciela Aquere Riggieri. In Riggieri's view, the fine is aimed at undermining the union, to stifle its legitimate demands, which have been the same for years, and rather than trying to reach an agreement has achieved nothing but to sow doubt regarding the will to settle the provincial dispute, which is not merely limited to the education sector but includes other sectors in increasing numbers."</p> <p><i>"Arrested and tortured after a union activity. 30-11-2013</i> In the province of Misiones, Diego Armando Silveira, a young union leader of the Sindicato de Trabajadores del Mercado Central (Central Market Workers' Union) was detained in November 2013 together with two fellow unionists. This took place during a conflict in which the workers were protesting against employers not complying with working conditions established in the agreements made with the union.</p>	Country	Specified risk for freedom of association and right to organise
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	<p>In order to repress this demonstration organized by the union, the workers were arrested and brutally beaten by the police of Regional Unit X. A police report was filed thereafter, accusing the police officer of brutality, but the case never moved forward. Silveira was "accused" of attempted murder, based upon the suspicious assertion of a person who described his alleged aggressor with physical features similar to Silveira. The worker was arrested and taken to the local precinct, where he was placed in detention and subject to illegal maltreatment and brutality."</p> <p>This website reports a large number of other incidents of violations against the freedom of association, to organize, collective bargaining or strike between 2009 and 2016.</p>		
<p>Gender wage gap (in OECD countries)  <a href="http://www.oecd.org/gender/data/genderwagegap.htm">http://www.oecd.org/gender/data/genderwagegap.htm</a></p>	Not applicable	-	-
<p>World Economic Forum: Global Gender Gap Index 2014  <a href="http://reports.weforum.org/global-gender-gap-report-2014/rankings/">http://reports.weforum.org/global-gender-gap-report-2014/rankings/</a>          Search for country rankings for the adjusted and the unadjusted pay gap</p>	<p><a href="http://reports.weforum.org/global-gender-gap-report-2014/economies/#economy=ARG">http://reports.weforum.org/global-gender-gap-report-2014/economies/#economy=ARG</a>          Argentina ranks no. 31 out of 142 countries for the overall Gender Gap Index with a score of 0.732.          Argentina ranks no. 96 for the more specific sub-index on <b>Economic participation and opportunity</b> out of the 142 countries that were included. Within that index, the most specific and most relevant indicator is the <b>Wage equality for similar work</b>. Here, Argentina ranks no. 112 out of 142 countries with a score of 0.55.</p>	Country	Specified risk on gender wage discrimination
<p>use, if applicable:  <a href="http://www.ilo.org/global/publications/books/WCMS_324678/lang-en/index.htm">http://www.ilo.org/global/publications/books/WCMS_324678/lang-en/index.htm</a>  <i>Global Wage Report 2014/15</i>          "The Global Wage Report 2014/15 analyses the evolution of real wages around the world, giving a unique picture of wage trends and relative purchasing power globally and by region."</p>	<p>The actual gender wage gap minus the explained gender wage gap (taking into account i.e. education, experience, economic activity, location, work intensity and occupation) for Argentina is about 15% (27.5% minus 12.5%). This percentage represents the unexplained gender wage gap which may capture discriminatory practices. The average unexplained gender wage gap for Europe, for example, is 20%. (Figure 37, p. 49)</p>	Country	Specified risk on gender wage discrimination
<p>Google the terms [country] and one of following terms 'violation of labour rights', 'child labour', 'forced labour', 'slave labour', 'discrimination', 'gender pay/wage gap, 'violation of labour union rights' 'violation of freedom of association and collective bargaining'</p>	<p><a href="https://www.loc.gov/law/help/child-rights/argentina.php#Child_Labor_and_Exploitation">https://www.loc.gov/law/help/child-rights/argentina.php#Child_Labor_and_Exploitation</a>  <i>Library of Congress</i>  <i>Children's Rights: Argentina</i>  <b>Child Labor and Exploitation</b>          "Argentina has ratified all the international instruments related to child labor and exploitation, such as the International Labour Organization Convention No. 182 on the Worst Forms of Child Labour (ILO Convention 182)[32] and the Inter-American Convention on International Trafficking of Minors."          "Although Argentina has made considerable advances in its legislation, child labor has increased, in large part due to the economic situation. Child labor is defined as work performed by children outside their homes if the children are aged five to fourteen years. It includes both rural and urban area occupations</p>	Country	Specified risk on child labour

and does not exclude tasks done for tips or done customarily as assistance to relatives or neighbors.  
 In 1995, 225,000 children worked, compared with the 482,803 children who worked in 2000, an increase of over ninety-one percent. Using a definition of child labor that considers as work “to do the housework when adults are outside,” the number of working children aged five to fourteen increases almost three fold to about 1,503,925.”

<http://www.wageindicator.org/documents/publicationslist/publications-2011/The-Gender-Gap-WageIndicator-Report-01-2011.pdf>

*The Gender Gap – Quarterly Wage Indicator Report – March 2011*  
 Table 1 – Gender gaps based on 2006-2010 average wages by country

Ranking	Country	Male respondents	Male's hourly average wage (in local currency)	Female respondents	Female's hourly average wage (in local currency)	Female's wage as % of male's
1	Denmark	2,382	143.83	1,292	131.13	91.17%
2	United Kingdom	21,062	13.65	21,345	11.76	86.10%
3	Belgium	14,858	15.32	11,634	13.10	85.52%
4	Netherlands	89,200	15.96	61,310	13.40	83.92%
5	Hungary	5,429	907.75	6,793	751.62	82.80%
6	Finland	13,104	16.91	14,008	13.58	80.31%
7	Germany	76,320	16.77	46,348	13.14	78.35%
8	Spain	12,371	11.03	10,387	8.57	77.70%
9	Argentina	24,847	16.01	14,734	11.33	70.77%
10	Brazil	28,210	9.25	22,067	6.01	64.97%
11	India	9,935	207.20	1,956	132.38	63.89%

<http://www.ituc-csi.org/frozen-in-time-gender-pay-gap,10763>

*INTERNATIONAL TRADE UNION CONFEDERATION*  
 Frozen in time: Gender pay gap remains unchanged for 10 years.  
 7 March 2012

“The highest ‘unexplained gender pay gaps’ attributed to discriminatory practices are found in Chile, South Africa and Argentina.”

<https://business-humanrights.org/sites/default/files/media/documents/forced-labour-01-02-2012-maria-sjodin.pdf>

*Forced labour in the agricultural sector in Argentina*  
 Maria Sjodin. February 2012

This report contains evidence of cases of forced labour in the agriculture sector in Argentina, especially in remote areas but no mention is made of cases of forced labour in the forest sector.

<http://www.argentinaindependent.com/currentaffairs/child-labour-argentina-saving-children-today-tomorrow/>

*The Argentina Independent*  
 Child Labour in Argentina: Saving the Children of Today, Not Tomorrow. 23 October 2013

Country

Specified risk on gender wage discrimination

Country

Specified risk on gender wage discrimination

Country

Specified risk on forced labour in agriculture but low risk in forestry

	<p>“Whilst the situation in Argentina is more positive than in many other Latin American countries, much still needs to be done to solve the pressing issue of child labour.</p> <p><b>Working Children in Argentina</b> According to the ILO, 60% of the world’s child labourers between the ages of 5 and 17 work in agriculture, 25.6% in services, 7% in industry, and the remaining 7.4% are undefined.</p> <p>Child labour is often cited as one of the most complex problems of today’s world. At the turn of the millennium there were a third more people involved in child labour than today, with a drop from 215m to 168m illustrating both the progress made but also signalling the huge amount of work that needs to be done.</p> <p>Argentina, a country ‘very high on human development’ according to the UN Human Development Index (HDI), however ranks as ‘high risk’ on the Child Labour Index published by Maplecroft (Global Risk Analytics) last year, which evaluates the frequency and severity of child labour.</p> <p>Historically, child labour in Argentina has been based in the agricultural sector and involves the working of land for crops. This work often fits criteria that makes it one of the worst forms of child labour, placing children at risk from hazards such as pesticides and dangerous machinery. Many of those working in urban areas are in domestic service, leaving them vulnerable to abuse and in informal street work leaving them exposed to crime and traffic accidents, as well as abuse. Sexual trafficking and the forced work therewith also exist, predominantly in Buenos Aires and in the tri-border area between Paraguay, Brazil, and Argentina.</p> <p>The US Department of Labour’s most recent annual ‘Findings on the Worst Forms of Child Labour’ was published in 2012 and details the state of the situation in Argentina.</p> <p>According to this report, the trafficking of children for sexual exploitation and forced labour remains a problem. It states bleakly: “The government of Argentina does not fully comply with the minimum standards for the elimination of trafficking.” Furthermore, and what could be considered most damning, is the following sentence of the report: “Despite the government’s multiple efforts to combat child labour, current social programs do not really reach many children working in agriculture and urban informal sectors.””</p> <p>“In contrast to this, however, articles are regularly published in national papers reporting cases of child labour.”</p>	Country	Specified risk on child labour
<p><b>Additional general sources</b></p>	<p><b>Additional specific sources</b></p>		
<p>US Department of State</p>	<p><a href="http://www.state.gov/documents/organization/220626.pdf">http://www.state.gov/documents/organization/220626.pdf</a> ARGENTINA 2013 HUMAN RIGHTS REPORT EXECUTIVE SUMMARY “a. <b>Freedom of Association and the Right to Collective Bargaining</b> With some restrictions, the law provides for the right of all workers to form and join “free and democratic labor unions, recognized by inscription in a special</p>	Country	Low risk for freedom of association

	<p>register,” conduct legal strikes, and bargain collectively. The law prohibits military and law enforcement personnel from forming and joining unions. The law prohibits discrimination against unions and protects workers from dismissal, suspension, and changes in labor conditions. The law provides for reinstatement for workers fired for union activity. The law allows unions to register without prior authorization, and registered trade union organizations may engage in certain activities to represent their members, including petitioning the government and employers. The law grants official trade union status to only one union deemed the “most representative” per industrial sector within a specific geographical region. Only unions with such official recognition receive trade union immunity for their officials, are permitted to deduct union dues directly, and may bargain collectively with recourse to conciliation and arbitration. The most representative union bargains on behalf of all workers, and collective agreements cover both union members and nonmembers in the sector. The law requires the Ministry of Labor, Employment, and Social Security to ratify collective bargaining agreements. The Argentine Workers Central (CTA) and other labor groups not affiliated with the General Confederation of Labor continued to contend that the legal recognition of only one union per sector conflicted with international standards and prevented these unions from obtaining full legal standing. In June the Supreme Court decided a case reaffirming the need for more than one official union per sector and for amendments to the legislation. Congress had not modified labor legislation, however, and the executive branch had not granted such recognition to the CTA by the end of November.</p> <p>Civil servants and workers in essential services may strike only after a compulsory 15-day conciliation process, and they are subject to the condition that unspecified “minimum services” be rendered. Once the conciliation term expires, civil servants and workers in essential services must give five days’ notice to the administrative authority and the public agency that they intend to strike. If “minimum services” were not previously defined in a collective bargaining agreement, all parties then negotiate which minimum services will continue to be Country Reports on Human Rights Practices for 2013 United States Department of State • Bureau of Democracy, Human Rights and Labor provided and a schedule for their provision. The public agency, in turn, must provide clients two days’ notice of the impending strike.</p> <p>The government effectively enforced these laws. Under the law complaints for unfair labor practices can be brought before the judiciary. They may result in a fine being imposed on the employer, or the relevant employers’ association where appropriate. There were few cases of significant delays or appeals in the collective bargaining process.</p> <p>Workers exercised freedom of association and employers respected the right to collectively bargain and to strike. Labor organizations operated independently of government and political parties.</p> <p><b>b. Prohibition of Forced or Compulsory Labor</b> The law prohibits all forms of forced or compulsory labor, and the government</p>	<p>Country</p> <p>Country</p> <p>Country</p> <p>Country</p>	<p>and the right to collective bargaining Specified risk for freedom of association and the right to collective bargaining</p> <p>Specified risk for freedom of association and the right to collective bargaining</p> <p>Low risk for freedom of association and the right to collective bargaining Low risk for freedom of association and the right to collective bargaining</p>
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	<p>generally enforced such laws. Penalties for violations range from four to 15 years in prison and are comparable to other serious offenses. The Ministry of Security and the National Program of Rescue and Accompaniment of Victims under the Ministry of Justice and Human Rights reported rescuing 284 potential victims of forced labor from January through June. The labor ministry carried out several inspections during the year and found various irregularities and potential cases of forced labor. Holding perpetrators accountable and providing victims with services continued to be a problem.</p> <p><b>Forced labor occurred.</b> Employers subjected a significant number of Bolivians, Paraguayans, and Peruvians, as well as Argentine citizens from poorer northern provinces, to forced labor in sweatshops, agriculture, and domestic work. Men, women, and children (see section 7.c.) were all victims of forced labor, although victims' gender and age varied by employment sector. In June the Airport Security Police detained a Colombian citizen on charges of leading an international forced-labor network. The police identified more than 202 Colombians recruited through misleading job offers who were potential victims of forced labor.</p> <p>In September police agents arrested 10 individuals allegedly participating in an international labor-trafficking network. The network offered attractive jobs in Argentina to Chinese citizens, who travelled to Buenos Aires via Paraguay. Traffickers sold the victims to Chinese supermarkets, where they worked more than 12 hours a day in deplorable conditions.</p> <p><b>c. Prohibition of Child Labor and Minimum Age for Employment</b>  The minimum age for employment is 16. In rare cases labor authorities may authorize a younger child to work as part of a family unit. Children between the ages of 16 and 18 may work in a limited number of job categories and for limited hours if they have completed compulsory schooling, which normally ends at age 18. Children under 18 cannot be hired to perform perilous, arduous, or unhealthy jobs. The law requires employers to provide adequate care for workers' children during work hours to discourage child labor. Provincial governments and the city government of Buenos Aires are responsible for labor law enforcement. Legal penalties for employing underage workers range from 1,000 to 5,000 pesos (\$200 to \$1,000) for each child employed. Subsequent violations may lead the labor authority to close the company for up to 10 days, and the company is then prevented from becoming a vendor to the government for a year. On March 20, the Senate unanimously passed a law punishing child labor with penalties ranging from one to four years' imprisonment, unless the crime falls under a more serious category. The law excludes parents. These penalties are sufficient to deter violations. While the government enforced applicable laws, observers noted that inspectors often were well connected to the subjects of inspection and that corruption remained an obstacle to compliance, especially in the provinces. Child labor occurred. According to a 2004 government survey, an estimated</p>	Country	Low risk on forced labour Specified risk on forced labour
		Country	Specified risk on forced labour in agriculture (unclear whether this includes forestry)
		Country	Low risk on child labour
		Country	Specified risk on child labour

	<p>450,000 children worked, amounting to 7 percent of children between the ages of five and 13 and 20 percent of children over the age of 14. Employing preliminary data from the corresponding 2012 survey, the Ministry of Labor reported a 66 percent decline in child labor rates between 2004 and 2012. In rural areas children worked on family and third-party farms producing such goods as blueberries, cotton, garlic, grapes, olives, strawberries, tobacco, tomatoes, and yerba mate. Children working in the agriculture sector often handled pesticides without proper protection. In urban areas some children engaged in domestic service and worked on the street selling goods, shining shoes, and recycling trash. According to government sources, some children worked in the manufacturing sector producing such goods as bricks, matches, fireworks, and garments. Children also worked in the mining, fishing, and construction sectors. Officials noted reports of children forced to work as street vendors and beggars in the capital. Commercial sexual exploitation of children occurred as well (see section 6, Children).”</p> <p><a href="http://www.state.gov/j/tip/rls/tiprpt/countries/2015/243384.htm">http://www.state.gov/j/tip/rls/tiprpt/countries/2015/243384.htm</a> Office to monitor and combat trafficking in persons Argentina 2015 Trafficking in Persons Report Report</p> <p>“Argentina is a source, transit, and destination country for men, women, and children subjected to sex trafficking and forced labor. Argentine women and children are subjected to sex trafficking within the country, as are women and children from other Latin American countries. To a more limited extent, Argentine men, women, and children are subjected to sex and labor trafficking in other countries. Transgender Argentines are exploited in sex trafficking within the country and in Western Europe. Men, women, and children from Argentina, Bolivia, Paraguay, Peru, and other countries are subjected to forced labor in a variety of sectors, including sweatshops, agriculture, street vending, charcoal and brick production, domestic work, and small businesses. Chinese citizens working in supermarkets are vulnerable to debt bondage. Argentine officials report isolated cases of foreign victims recruited in Argentina and subjected to trafficking in third countries. Some officials, mainly at the provincial level, including police officers and mayors, protect brothels where trafficking occurred. NGOs and officials report that judges receive bribes from traffickers or do not adequately investigate signs of official complicity. A government entity has reported police were complicit in 40 percent of sex trafficking cases either as purchasers of commercial sex or as personal contacts of brothel owners; this serves as a disincentive for victims to report exploitation.</p> <p>The Government of Argentina does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Authorities identified a significant number of potential trafficking victims, launched a national awareness campaign, and convicted an increased number of traffickers, including three government officials complicit</p>	<p>Country and rural areas</p> <p>Country</p> <p>Country</p> <p>Country</p>	<p>Low risk on child labour in forestry</p> <p>Specified risk on child labour</p> <p>Specified risk on child labour</p> <p>Specified risk on child labour</p>
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	<p>in sex trafficking. Nevertheless, government funding for victim services was insufficient to assist the large number of potential victims identified during the year. Authorities did not report how many victims received specialized services or shelter in 2014, raising concerns that many trafficking victims—particularly in forced labor—might not have access to services beyond emergency assistance. Trafficking-related corruption, mainly amongst government officials at the provincial level, remained a serious concern.”</p>		
<p>US Department of Labor Bureau Of International Labor Affairs</p>	<p><a href="https://www.dol.gov/agencies/ilab/resources/reports/child-labor/argentina">https://www.dol.gov/agencies/ilab/resources/reports/child-labor/argentina</a> <i>Child Labor and Forced Labor Reports</i> <i>Argentina</i> <b>2014 Findings on the Worst Forms of Child Labor:</b> <b>(Score: Moderate Advancement)</b> “In 2014, Argentina made a moderate advancement in efforts to eliminate the worst forms of child labor. The Government ratified ILO Convention 189 Concerning Decent Work for Domestic Workers in its effort to ensure compulsory schooling and minimum age protections for young domestic workers. The Government’s Provincial Commissions for the Prevention and Eradication of Child Labor (COPRETI) provided key trainings to labor inspectors on child labor issues, and the Executive Council to Fight Human Trafficking provided additional training to officials on human trafficking issues. The National Registry of Agricultural Workers and Employers (RENATEA) also launched a program to lengthen the school day and create child care centers for children of agricultural laborers to reduce their vulnerability to child labor. However, children in Argentina are engaged in child labor, including in agriculture, and in the worst forms of child labor, including in commercial sexual exploitation sometimes as a result of human trafficking. Argentina has not adopted a list of hazardous occupations that are prohibited for children, and the country appears to lack programs that target working children in several key sectors.”</p> <p><b>“Table 2. Overview of Children’s Work by Sector and Activity</b> <i>Agriculture</i> Harvesting bell peppers,* blueberries, carrots,* corn,* cotton, garlic, grapes, olives, onions,* potatoes,* strawberries, and tomatoes (9, 15-30), Harvesting yerba mate (3, 5, 26, 31-33), Harvesting tobacco (1, 6, 19) <i>Industry</i> Production of garments (34, 35), Production of bricks (17, 36, 37), Manufacturing aluminum pots* (38), Construction, activities unknown (17, 19, 39), Mining* (19) <i>Services</i> Street begging and performing, windshield-washing, automobile caretaking (12, 17, 40, 41), Refuse collection, recycling, and garbage scavenging (11, 17, 40-42), Domestic service (19, 40, 41, 43, 44), Transporting goods* (22) <i>Categorical Worst Forms of Child Labor</i></p>	<p>Country</p> <p>Country</p>	<p>Specified risk on child labour</p> <p>Specified risk on child labour in agriculture but low risk in forestry</p>

	Commercial sexual exploitation sometimes as a result of human trafficking (2, 19, 40, 45), Forced labor in the production of garments (46-48), Used in the production of pornography* (7)”		
<b>Additional information from international consultation Jan/Feb 2018</b>	<b>Additional specific sources</b>		
Paula Montenegro, Argentina	<p>“Regarding collective bargaining, it is also legislated in Argentina and annually, from April to June, the sectoral roundtable (union, employer and government) meets.</p> <p>The members of the negotiating table are publicly known and published in <a href="https://www.argentina.gob.ar/trabajo/agrario/representantes">https://www.argentina.gob.ar/trabajo/agrario/representantes</a>.”</p> <p>“The agreed value of the salary is established by region of the country, by activity, by job and for the period of one year, the salary scale is published by the national state in (<a href="https://www.argentina.gob.ar/trabajo/agrario">https://www.argentina.gob.ar/trabajo/agrario</a>) and on the union's webpage /<a href="http://www.uatre.org.ar/resoluciones.aspx">http://www.uatre.org.ar/resoluciones.aspx</a>) and at the union's local offices.”</p>	Country	Low risk for right to collective bargaining
		Country	Low risk for right to collective bargaining
Mirta Noemí Báez - Forestadora Tapebicué S.A., Argentina	<p>“According to this document, this indicator is of Specified Risk in terms of Unionization and collective bargaining.</p> <p>Syndicalization: There is NO possibility that forest workers are not unionized (while they are in registered work) since unionization is mandatory by law and monthly payment in the form of automatic discount this fee. Another situation occurs with unregistered workers. If that were the risk, it is reached by indicator 1.12.</p> <p>Collective bargaining: Collective bargaining is legislated, Annually, from April to June the sectoral table meets (union, employer and government). The representatives of each party which are part of the negotiation table are public knowledge and is published in <a href="https://www.argentina.gob.ar/trabajo/agrario/representantes">https://www.argentina.gob.ar/trabajo/agrario/representantes</a>.</p> <p>Another situation occurs with unregistered workers who obviously are not unionized. If that were the risk, this risk is reached by indicator 1.12.”</p>	Country	Low risk for right to freedom of association
		Country	Low risk for right to collective bargaining
From national CW RA: FSC Controlled Wood risk assessment FSC-CW-RA-021-ARG V1-0 SPECIFIC REQUIREMENTS INTERPRETATION OF ANNEX 2B OF THE STANDARD FOR COMPANY EVALUATION OF FSC CONTROLLED WOOD FOR ARGENTINA (FSC-STD-40-005 V-2.1) Approval date: 20 July 2015 Effective date: 20 July 2015	<p><b>INDICATOR 2.3. There is no evidence of child labor or violation of ILO Fundamental Principles and Rights at work taking place in the forest areas in the districts concerned.</b></p> <p><u>Child Labor</u></p> <p>With regard to the sources suggested in Annex 2, B of FSC-STD-40-005, in the case of indicator 2.3, <b>we can say that Argentina is committed to the eradication of child labor, with a principal emphasis on what are referred to as the worst forms of child labor.</b> Argentina has ratified several ILO conventions, including Convention No. 138 on the minimum age, raising the minimum age for employment to 16 years, and Convention No. 182 about the worst forms of child labor.</p> <p><a href="http://www.ilo.org/ipeinfo/product/viewProduct.do?productId=2299">http://www.ilo.org/ipeinfo/product/viewProduct.do?productId=2299</a> <a href="http://www.ilo.org/global/Themes/Child_Labour/lang--es/index.htm">http://www.ilo.org/global/Themes/Child_Labour/lang--es/index.htm</a></p> <p>As a country that participates in the International Program for the eradication of Child Labor (IPEC), in 2000 Argentina created the National Commission for the Eradication of Child Labor (CONAETI, initials in Spanish) under the National</p>	Districts of Misiones, Corrientes and Entre Ríos Districts of Santa Fé and Buenos Aires	Unclear assessment, sources and conclusions

Ministry of Labor, Employment and Social Security, for the purpose of coordinating, evaluating and providing follow-up on the efforts to detect and eradicate child labor (<http://www.trabajo.gov.ar/erradicaciontrabajoinfantil/>). CONAETI designed the National Plan for the Prevention and Eradication of Child Labor included in the commitments and responsibilities assumed by the Argentine Government. <http://www.trabajo.gov.ar/cooditia/normativas.asp> <http://www.trabajo.gov.ar/left/estadisticas/bel/index.asp>. Argentina has an Observatory of Child and Teenager Work (OTIA), the main objective of which is the production, compilation, analysis and diffusion of quantitative and qualitative information on the dimensions and characteristics of work by children and teenagers in Argentina, to provide input to the formulation and evaluation of policies and programs tending to the prevention and eradication of the child and teenager work. The Survey of Activities of Children, Girls and Teenagers (EANNA 2004) and the Module of Activities of Girls, Children and Teenagers (MANNyA 2012) demonstrates a substantial decrease in the child work in Argentina. Likewise, the monitoring existence of Child work is realized by the DIF, from the Department of Work of the Nation.

In relation to labor rights in Argentina:

Indigenous Affairs National Institute (INAI, in Spanish) is in charge of reporting non-enforcement of the law. If there aren't reports about violations of ILO Convention 169, we assume it has not been violated.

Freedom of association and trade union freedom and the right to collective bargaining.

All workers have the right to belong to a labor union, according to National Law No. 23.551/88 <http://www.infoleg.gov.ar/infolegInternet/anexos/20000-24999/20993/texact.htm>. Working conditions for rural workers are established through the National Agrarian Work Commission, an agency within the National Ministry of Labor, Employment and Social Security that is made up of representatives of the workers, representatives of the business sector and the government. This commission establishes wage scales and other working conditions (<http://www.trabajo.gov.ar/agrario/>).

Elimination of forced or compulsory labor

Argentina ratified ILO Convention No. 29 on forced labor (1930) on 03/14/1950; and ILO Convention No. 105 on the abolition of forced labor (1957) on 01/18/1960 ([http://www.ilo.org/dyn/normlex/es/f?p=NORMLEXPUB:11200:0::NO::P11200\\_COUNTRY\\_ID:102536](http://www.ilo.org/dyn/normlex/es/f?p=NORMLEXPUB:11200:0::NO::P11200_COUNTRY_ID:102536)). National Law No. 26.727/11 – Agrarian Labor Regime and its Regulatory Decree No. 301/13, establish a clear legal framework for rural workers (including forest workers) with regard to contracting, housing, food and transportation, compensation, work hours and weekly rest days, vacations, training, and social security regime (<http://www.trabajo.gov.ar/agrario/normativa.asp>). National Law No. 25.191/99 created the National Registry of Agrarian Workers and Employers (RENATEA,

initials in Spanish), and established Unemployment Benefits and Burial Services Insurance (<http://www.infoleg.gob.ar/infolegInternet/anexos/60000-64999/61181/texact.htm>). All rural workers (including forest workers) must be registered in the social security system. This can be verified on a specific web site by entering the worker's labor identification (CUIL, initials in Spanish) (<http://tramites.renatea.gob.ar/consulta/>). The work recorded ensures the worker of access to health services, retirement contributions, unemployment benefits, burial service insurance and labor union membership.

Elimination of discrimination in employment and occupational matters.

Argentina ratified ILO Convention 111 concerning discrimination (employment and occupation), 1958, in 1968, through National Law No. 17.677 ([http://www.ilo.org/dyn/normlex/es/f?p=NORMLEXPUB:11200:0::NO::P11200\\_COUNTRY\\_ID:102536](http://www.ilo.org/dyn/normlex/es/f?p=NORMLEXPUB:11200:0::NO::P11200_COUNTRY_ID:102536)). This country has an agency dedicated to the development and control of anti-discrimination policies, which is the National Institute against Discrimination, Xenophobia and Racism (INADI, initials in Spanish). (<http://inadi.gob.ar/promocion-y-desarrollo/publicaciones/documentos-tematicos/derecho-altrabajo/legislacion-en-materia-laboral/>) Forest workers have the possibility of receiving training and certification of their labor competencies through a Sectorial Certifying Body recognized by the Ministry of Labor, made up of representative associations from the business sector, the Argentine Forestry Association (AFOA, initials in Spanish) and the labor sector, and the Argentine Union of Rural Workers and Stevedores (UATRE, initials in Spanish) – Registration Code MTEySS 02-1881. This sectarian body is responsible for the records of workers who are evaluated and certified in occupational roles linked to the forest sector.

([http://www.uatre.org.ar/download/certificador\\_trabajadores\\_forestales.pdf](http://www.uatre.org.ar/download/certificador_trabajadores_forestales.pdf)) The Department of Employment of the Nation, through the Direction of Federal Inspection (DIF), in coordination and collaboration with the organisms and provincial services with competence for inspection of the work, inspects the whole country and records findings regarding the Freedom of association, and trade union freedom and the right to collective bargaining, of forced or compulsory labor, and of discrimination in employment and occupational matters. Cases of child and unregistered work in forest plantations were found in three of the five Districts (Provinces of Misiones, Entre Ríos and Corrientes) in the last three years. (<http://www.trabajo.gov.ar/inspeccion/operativos/?cat=ir>; <http://www.infojusnoticias.gov.ar/>).

**Conclusion-Level of Risk**

Due to the information from the authority (DIF), the Districts of Misiones, Corrientes and Entre Ríos are considered as UNSPECIFIED RISK and Districts of Santa Fé and Buenos Aires are considered as LOW RISK.

<p><b>Conclusion on Indicator 2.2:</b></p> <ul style="list-style-type: none"> <li>• Argentina is signatory to all eight fundamental ILO Conventions and the social rights are largely covered by the relevant legislation with the exception of a few aspects related to union rights and (worst forms of) child labour.</li> <li>• The rights to freedom of association and collective bargaining are not fully upheld. The ILO has observed a number of shortcomings, legal as well as regarding the implementation and enforcement of laws and policies. The ITUC categorizes Argentina in the medium category 3 with “regular violation of rights”. Its explanation is that “governments and/or companies are regularly interfering in collective labour rights or are failing to fully guarantee important aspects of these rights. There are deficiencies in laws and/or certain practices which make frequent violations possible.” A number of other sources present cases of violations and/or draw the same conclusion. It is concluded that these violations of labour rights are structural as no evidence could be found that limits these violations to certain sectors or certain areas of the country. This aspect is therefore assessed as a specified risk for the whole country including the forestry sector.</li> <li>• There is evidence for child labour in Argentina but no evidence that this occurs in the forest sector. There is also evidence for compulsory and/or forced labour in Argentina but no evidence that this occurs in the forest sector. Nevertheless, the assessment of indicator 1.12 Legal employment shows that interviewed experts recognized that one of the most common deficiencies found in forest supervisions is the existence of forced labour, and sometimes also child labour, together with other aspects such as non-registered workers, no use of safety equipment, among other poor working conditions. These aspects are found especially in forests in the northern part of the country. Based on this information, the precautionary approach is applied, thus this indicator is considered as specified risk for child and forced labour.</li> <li>• The gender pay gap in Argentina is relatively large and there is evidence indicating that gender wage discrimination is a strong factor in this.</li> <li>• There is no evidence for other discrimination at the workplace, structural in Argentina in general or in the forestry sector specifically.</li> </ul> <p><b>The following ‘specified risk’ thresholds apply for rights to freedom of association and collective bargaining, child labour, forced labour and gender wage discrimination:</b></p> <p>(14) The applicable legislation for the area under assessment contradicts indicator requirement(s); AND (15) There is substantial evidence of widespread violation of key provisions of the ILO Fundamental Principles and Rights at work.</p> <p><b>The following ‘low risk’ threshold applies for discrimination:</b></p> <p>(10) Applicable legislation for the area under assessment covers all ILO Fundamental Principles and Rights at Work, AND the risk assessment for relevant indicators of Category 1 confirms enforcement of applicable legislation ('low risk'); AND (12) Other available evidence do not challenge a ‘low risk’ designation.</p>	<p>Country</p>	<p>Specified risk for rights to freedom of association and collective bargaining, child labour, forced labour and on gender wage discrimination</p> <p>Low risk for discrimination</p>
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	<p>737/2014, adopted by the National Institute of Indigenous Affairs (INAI) on 5 August 2014. The Committee notes with interest that, pursuant to the amendment, the CPI is recognized as a body for consulting the communities of the various indigenous peoples that live in Argentina. With regard to the concern expressed by the CTA Autonomous, on the representativeness of CPI, the Committee notes that, according to the Government, between July 2013 and June 2015 the INAI called on 635 communities to elect representatives to the CPI, and as a result it is composed of 134 representatives belonging to 33 peoples. The Government indicates that the National Coordinating Committee of the CPI has set up six working committees which discuss, among other matters, issues related to indigenous policy and legislation, the land survey, legal status and “well-being” (health, education, housing), cooperatives and living conditions. <i>The Committee requests the Government to continue to provide information on the manner in which the consultation and participation of indigenous peoples is ensured in the framework of the CPI.</i></p> <p><b>Article 14. Lands.</b> With regard to the inclusion of indigenous community ownership in the national legislation, the Committee notes with interest that section 9 of Act No. 26994, published on 8 October 2014, approving the Civil and Commercial Code of the Nation, provided that “the rights of indigenous peoples, particularly community ownership over the lands they traditionally occupy and such other lands as are suitable and adequate for human development, shall be the subject of a special law”. Furthermore, section 18 of the Civil and Commercial Code of the Nation establishes that “Recognized indigenous communities have the right to community ownership and possession over the lands they traditionally occupy and such other lands as are suitable and adequate for human development as established in the law, in accordance with the provisions of article 75(17) of the National Constitution”. The Government reports that following an analysis and discussion that took place between February and July 2015 in a process that included working sessions with provincial governments, the representatives of indigenous communities, the Coordination Council, the Meeting of Indigenous Peoples’ Territorial Organizations and the Union of the Diaguita people of Tucumán, a draft bill was prepared for the implementation of indigenous ownership. The draft bill was sent to the national plenary of the CPI in July 2015 and is to be submitted to parliament. <i>The Committee requests the Government to provide information on any impact the Civil and Commercial Code of the Nation has had in terms of promoting the rights of indigenous peoples, and on developments regarding the special bill on indigenous ownership.</i></p> <p><b>Survey and regularization of land.</b> The Government indicates that the National Programme for the Cadastral Survey of Indigenous Communities is being carried out by means of agreements and arrangements for joint implementation in the provinces of Buenos Aires, Chaco, Chabut, Formosa, Misiones, Neuquén and Río Negro. In provinces where there is no agreement and in communities requesting priority treatment, implementation of the</p>	Country	-
	<p><b>Survey and regularization of land.</b> The Government indicates that the National Programme for the Cadastral Survey of Indigenous Communities is being carried out by means of agreements and arrangements for joint implementation in the provinces of Buenos Aires, Chaco, Chabut, Formosa, Misiones, Neuquén and Río Negro. In provinces where there is no agreement and in communities requesting priority treatment, implementation of the</p>	Country	-



	<p><i>protected by the measures for its implementation. Please indicate how the Government ensures that indigenous communities that have not formed civic organizations are afforded the protection of the Convention.</i></p> <p>Articles 2 and 33. <b>Coordinated and systematic action.</b> The Government indicates in its report that the National Institute of Indigenous Affairs (INAI) has concluded agreements with national and provincial bodies with a view to encouraging the formulation of strategies for indigenous peoples, with the involvement of the National Council for Indigenous Participation (CPI). The CTA Autónoma indicates that the need for harmonization, by the provincial governments, of the minimum standards of the rights laid down in the Convention. The Committee notes that the ruling of 10 December 2013 (C.1324.XLVII) handed down by the Supreme Court of Justice of the Nation held that both the nation and the provinces have sufficient regulatory authority over the rights of indigenous peoples, in so far as this does not imply, on the part of provincial states, any contradiction with or lowering of the standards laid down in federal laws or regulations. <i>The Committee requests the Government to continue to send information on the measures taken to promote coordinated and systematic action between the nation and the provinces regarding the subjects covered by the Convention.</i></p> <p>Articles 8–12. <b>Customary law. Legal proceedings.</b> <i>The CTA Autónoma indicates that there are no laws or regulations to ensure that indigenous peoples may use their own methods of dispute settlement or that their customary law is recognized by state bodies. The Committee requests the Government to provide examples of judicial decisions that have taken account of the customs or customary laws of indigenous peoples.</i></p> <p>Article 14. <b>Lands. Suspension of evictions.</b> <i>In its observation of 2013, the Committee noted that Act No. 26894, published on 21 October 2013, granted an extension until 23 November 2017 of the suspension of evictions pending completion of the land survey of indigenous communities provided for in Act No. 26160, published on 29 November 2006. The Government indicates that legal services have been put in place to bolster the process to organize and defend the communities faced with attempts to evict them. The INAI lends support to provincial programmes that seek to regularize indigenous ownership in public lands. The CTA Autónoma indicates that orders for the eviction of indigenous peoples continue to be issued, in breach of Act No. 26160. The Committee requests the Government to provide up-to-date information on the suspension of evictions provided for in Act No. 26160 and Act No. 26894, as well as on the measures taken to ensure their implementation.</i></p> <p><b>Province of Mendoza. Huarpe Milcallac people. Land regularization.</b> <i>The Government indicates that in January 2015, pursuant to Provincial Act No. 6920 of the province of Mendoza, the plan for the mensuration of areas liable to expropriation with a view to regularizing the lands of the Huarpe Milcallac</i></p>	<p>Country</p> <p>Country</p> <p>Country</p> <p>Mendoza province</p>	<p>Specified risk for IP rights (FPIC includes the right to use own method of dispute settlement)</p> <p>Low risk for land rights</p> <p>Specified risk for land rights</p> <p>Low risk for right to land of the Huarpe</p>
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	<p>people was entered in the provincial land register of Mendoza. <i>The Committee requests the Government to continue to provide information enabling it to ascertain the manner in which the provisions of the Convention are applied in Mendoza, indicating in particular the progress made in the land regularization process.</i></p> <p><b>Province of Neuquén. Paichil Antriao Mapuche community. Protection of social, cultural, religious and spiritual values and practices. Lands.</b> <i>The Government indicates that national Act No. 26160 is applied in the province of Neuquén through the implementation of the programme for the survey of lands occupied by the Mapuche communities of the province of Neuquén. To that end, an implementing committee has been set up comprising representatives of the provincial government and the INAI. One of its functions is to coordinate the land survey activities with the Neuquén Mapuche representatives on the CPI and the area lonkos (chiefs). The Committee notes that these activities have covered 27 communities in the province, on the proposal of the indigenous representatives on the implementing committee. With regard to the Lof Paichil Antriao community, the INAI took part in the Tawun (assembly) for the confirmation of the community authorities that took place in July 2015 in the locality of Villa la Angostura. However, the lands of that community have still not been regularized. The Committee requests the Government to continue to provide up-to-date information on progress made in the process to identify and regularize indigenous community lands in Neuquén. It also asks the Government to report on developments in the situation of the disputed piece of land in Villa la Angostura and the measures taken to overcome the difficulties encountered in recognizing and protecting the social, cultural, religious and spiritual values and practices of the Mapuche community.</i></p> <p><b>Province of Río Negro. Consultation and participation. Traditional activities.</b> <i>The Committee notes that progress has been made in the land survey of 63 indigenous communities in Río Negro. The Government indicates that the provincial government has taken steps to facilitate the survey for communities that have not yet been covered. In its 2011 observation, the Committee took note of observations made in July 2008 by the Education Workers' Union of Río Negro, reporting that the provincial authorities had granted permits for exploration in river basin areas, authorizing the establishment of protected natural areas without prior consultation of the Mapuche peoples inhabiting the area and without recognizing the rights of the Quintupuray and Lof Mariano Epufel Mapuche communities over the lands they traditionally occupy. The Committee requests the Government to continue to provide information on progress made in regularizing indigenous community ownership in the province of Río Negro and on the manner in which the consultation and participation procedures laid down in the Convention are conducted at provincial level. The Committee also requests the Government to indicate the measures taken to protect the rights of the Quintupuray and Lof</i></p>	<p>Neuquén province</p> <p>Neuquén province</p> <p>Río Negro province</p>	<p>Milcallac people</p> <p>Low risk for rights to land of the Paichil Antriao Mapuche community</p> <p>Specified risk for rights to land of the Paichil Antriao Mapuche community</p> <p>Specified risk for right to land</p>
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	<p><i>Mariano Epufel Mapuche communities. Please also report on the issuing of marks and signs certificates to indigenous stockbreeders in Río Negro.</i></p> <p><b>Province of Tucumán. Protection of fundamental rights. Chuschagasta community.</b> With regard to the investigations into the death of an indigenous leader and the injuries of two members of the Chuschagasta community which occurred in October 2009, the Government indicates that, with a view to carrying out criminal proceedings relating to these crimes, the National Institute for Indigenous Affairs (INAI) carried out visits to observe the day-to-day living conditions of the community. <i>The Committee requests the Government to continue to provide information on the proceedings against the perpetrators of the criminal offences committed in October 2009 against members of the Chuschagasta community, including on the eventual imposition of sanctions.</i></p> <p><b>Quilmes indigenous community. Evictions.</b> The Government recalls that by a decision of 3 September 2009 the Supreme Court of Justice of Tucumán suspended the eviction order affecting the Quilmes indigenous community and ordered mediation between the parties. Evictions have been suspended since 2009 and the 40 families belonging to the community hold the ownership of the four hectares in dispute. The Committee notes that the land survey of the Quilmes indigenous community was conducted in the framework of a specific agreement concluded by the INAI, the provincial Human Rights Secretariat and the People's Ombudsperson of Tucumán. The report resulting from the survey was delivered to the community in August 2014. <i>The Committee requests the Government to continue to send up-to-date information on the dispute over the lands possessed by the Quilmes indigenous community, and on progress made in the process to survey and regularize indigenous community lands in Tucumán.</i></p> <p><b>Article 20. Recruitment and conditions of employment.</b> The CTA Autónoma indicates that indigenous workers account for the majority of informal jobs in textiles and rural activities (fruit growing and horticulture), that <b>the inspection services are inadequate in areas with high indigenous employment and that there is no relay of information on the rights of indigenous workers.</b> The Committee notes that, at national level, the Ministry of Labour, Employment and Social Security has posited the inclusion of the indigenous population in the employment and training insurance schemes and in the More and Better Work for Youth Programme, offering varied training to facilitate job seeking as well as funding for undertakings. Furthermore, the INAI signed an agreement with the National Agricultural Technology Institute to promote development of indigenous rural communities that is based on intercultural dialogue and participation. <i>The Committee requests the Government to report on the measures taken to ensure adequate labour inspection in areas and sectors employing men and women workers belonging to indigenous peoples.</i></p>	<p>Tucumán province, territory of Quilmes indigenous community</p> <p>Country</p>	<p>Low risk for right to land and access to justice and conflict solutions</p> <p>Specified risk for IP rights</p>
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	Article 24. <b>Social security.</b> The Government indicates in its report that the indigenous peoples are covered by policies and programmes on social inclusion, labour market integration and social security that aim to achieve universal coverage. The Committee notes that the INAI plans to conduct a survey of 1,000 indigenous families to ascertain their living conditions. <i>The Committee requests the Government to report on the results of the surveys on the living conditions of indigenous families, and on the impact of the measures taken to include indigenous peoples in social inclusion programmes and social security schemes.</i>		
Survival International: <a href="http://www.survivalinternational.org/">http://www.survivalinternational.org/</a>	<a href="http://www.survivalinternational.org/news/6990">http://www.survivalinternational.org/news/6990</a> <i>Six indigenous children die of malnutrition in Argentina. 10 February 2011</i> “An eighteen-month-old Wichí boy was one of six indigenous children in the past week to die of malnutrition in Argentina’s northern province of Salta. Julián Darío Pérez was re-admitted to hospital having been discharged the previous week and was pronounced dead on Wednesday after suffering from ‘septic shock caused by malnutrition.’ According to Argentinean newspaper ‘La Voz,’ dozens of children are currently being treated for dehydration and malnutrition in the area. The Association of Health Care Professionals in Salta has hit back at government accusations that point the blame at hospital staff. ‘They (government authorities) have attempted to free themselves from their political responsibility for chronic hunger and lack of drinking water which are the true causes behind these and many other avoidable infant deaths.’ <b>The Wichí are the native inhabitants of the Pilcomayo river basin in northern Argentina. Their once fertile land has been steadily taken over by cattle ranchers, farmers and colonists leaving the Wichí almost landless and desperately poor.</b> ”	Salta province	Specified risk for Wichí IPs rights
Human Rights Watch: <a href="http://www.hrw.org/">http://www.hrw.org/</a>	<a href="https://www.hrw.org/world-report/2016">https://www.hrw.org/world-report/2016</a> <i>World Report 2016</i> <i>Chapter on Argentina (pages 71-77)</i> <b>Indigenous Rights</b> “ <b>Indigenous people in Argentina face obstacles in accessing justice, land, education, healthcare, and basic services. Argentina lacks a law to protect indigenous peoples’ right to free, prior, and informed consent when the government adopts decisions that may affect their rights.</b> <b>A 2006 law that requires the government to survey land occupied by indigenous communities is being implemented slowly. Communities are reportedly being evicted from their lands even though the law, as amended, suspends evictions until 2017.</b> ”	Country	Specified risk for access to justice, right to FPIC, and land
Amnesty International <a href="http://amnesty.org">http://amnesty.org</a>	<a href="https://www.amnesty.org/en/latest/research/2016/02/annual-report-201516/">https://www.amnesty.org/en/latest/research/2016/02/annual-report-201516/</a> <i>State of the Human Rights Report 2015/16</i> <i>Chapter on Argentina (pages 70-71)</i> “Indigenous Peoples’ Rights <b>Although the Constitution recognizes the rights of Indigenous Peoples to their ancestral lands and to participate in the management of natural resources, these rights were rarely respected.</b> ”	Country	Specified risk for right

	<p>Félix Díaz, leader of La Primavera community (Potae Napocna Navogoh) in <b>Formosa Province</b>, continued to face criminal proceedings in three separate cases on charges dating from 2010 of illegal occupation of land, resistance to authority and theft. He denied the allegations. In June the defence called for the decision to try him for allegedly seizing land to be overturned. However, by the end of the year the decision was still pending.</p> <p>In October, Relmu Ñamku, leader of the Mapuche community of Winkul Newen in <b>Neuquén Province</b>, was tried on disproportionate charges for resisting unlawful eviction from her ancestral territory. She was acquitted of the charge of attempting to murder a police officer. <b>It was the first criminal trial in the region to include an intercultural jury and a simultaneous interpretation into Mapuzungun, the native language of the Mapuche.</b></p> <p><a href="https://www.amnesty.org/en/documents/amr13/006/2010/en/">https://www.amnesty.org/en/documents/amr13/006/2010/en/</a>  <b>ARGENTINA: INDIGENOUS PEOPLE SHOT AT AND HOUSES BURNED</b>  <i>By Amnesty International, 26 November 2010</i></p> <p>„On 23 November 2010, <b>police violently dispersed a roadblock by members of the Toba Qom indigenous community of La Primavera, in Northern-East Argentina, leaving two people dead and several injured. Police also burned temporary housing built by the community.</b>“</p> <p>“Around 100 members of the Toba Qom indigenous community have been blocking national highway (Ruta Nacional) 86 for 4 months claiming for their land and. in protest against construction of the National University Institute by the Government of Formosa Province on land the community claim as part of their ancestral territory. According to the community, between 400 and 500 heavily armed police officers demanded that they move out of the road, without showing an eviction order (orden de desalojo). The community refused to leave and were forcibly evicted by police.</p> <p>During the eviction, at least one community member and one police officer were shot dead and at least five community members are in a serious condition in hospital. All temporary houses built by the communities alongside the highway were burned by the police. Around 30 community members were detained, including children. They have all been released except for Eugenio Fernandez, a young community member, who remains in detention. Felix Diaz, the leader of the community, was personally threatened by officers and called an “agitator”.</p> <p>Earlier on the same day, <b>five members of a non-indigenous (criollo) family who claim property on the same piece of land arrived on horses, carrying arms. They were accompanied by around 18 police officers.</b> When Felix Diaz approached them, they shot at him twice, missing both times. Coming to his aid, other members of the community threw stones at the horses to make them bolt. The family left, firing shots in the air. Terrified community members confronted the police who did nothing to protect them. According to members of the community, police officers told them “you deserve it; you have been looking for trouble” (“se lo tenian merecodp, ustedes se lo buscaron”).“</p>	<p>Community of La Primavera</p>	<p>to land and resources</p> <p>Specified risk for IP rights (right to land, access to justice)</p>
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	<p><a href="https://www.amnesty.org/en/documents/amr13/006/2011/en/">https://www.amnesty.org/en/documents/amr13/006/2011/en/</a>  <b>ARGENTINA: INDIGENOUS LEADER KILLED IN ARGENTINA</b>  <i>By Amnesty International, 22 November 2011</i></p> <p>“Indigenous leader Cristian Ferreyra has been killed by two security guards working for a landowner. He was a member of Lule Vilela indigenous community. The community has been receiving threats and intimidation because of their fight to defend their ancestral lands, which is under threat from deforestation.</p> <p>On 16 November, Cristian Ferreyra and his brother in law, Darío Godoy, confronted a man who was fencing off part of the land claimed by their community as part of their traditional territory. Later on they went to Cristian Ferreyra’s house in the community of San Antonio, in the province of Santiago del Estero. Two armed men approached the house and called for them to go out into the courtyard. As they did so, one of the armed men shot Cristian Ferreyra, who died on his way to hospital. Darío Godoy was also shot in the legs and remains in hospital.</p> <p>Members of the Lule Vilela community state that the two armed men worked for a landowner in neighbouring Santa Fe province who wants to expand soybean plantations onto their land. The community claims the land as their ancestral land, vital to their survival. They also state it has important water reserves for their animals.</p> <p>Four people have been arrested, including the person identified by an eyewitness as the one who shot Cristian Ferreyra and Darío Godoy. The judge has also ordered the immediate arrest of the landowner.</p> <p>Cristian Ferreyra and Darío Godoy are members of the Mocase Vila Campesina, a peasant movement in Santiago del Estero. The organisation has been at the forefront of the fight against the impact of deforestation on lands owned by indigenous and peasant communities by agro-business farmers. Cristian Ferreyra and Darío Godoy were due to meet other members of the organisation to discuss legal actions against deforestation on the day that they were shot.”</p>	Province of Santiago del Estero	Specified risk for IP rights
The Indigenous World <a href="http://www.iwgia.org/regions">http://www.iwgia.org/regions</a>	<p><i>THE INDIGENOUS WORLD 2015</i>  <i>Chapter on Argentina (pages 194-203)</i></p> <p>“Argentina is a federal state comprising 23 provinces with a total population of over 40 million. The results of the Additional Survey on Indigenous Populations (2004-5), published by the National Institute for Statistics and Census, gives a total of 600,329 people who recognise themselves as descending from or belonging to an indigenous people,1 while the latest national census from 2010 include a total of 955,032 persons self-identifying as descending from or belonging to an indigenous people.2 There are today 35 distinct indigenous peoples officially recognized.</p> <p>Legally, the indigenous peoples have specific constitutional rights at federal level and also in a number of provincial states. ILO Convention 169 and other universal human rights instruments such as the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights are also in force, with constitutional status. Argentina voted in</p>	Country	IP presence

favour of the adoption of the UN Declaration of the Rights of Indigenous Peoples in 2007.”

“At the end of 2014, the serious health situation being suffered by indigenous peoples in the north of the country has come to the fore once more. Tuberculosis and Chagas disease are the main endemic diseases affecting these people. Because of these illnesses, deaths due to malnutrition have risen among children and adults alike. A seven-year-old boy recently died in Chaco province after being admitted to hospital for TB treatment but then discharged with no-one to provide follow-up or ensure continuity of his treatment. The head of the Nelson Mandela Studies Centre (Centro de Estudios Nelson Mandela), a local NGO, considers that the health system in Chaco province “operates very poorly due to political patronage, abuse, and even open and clear discrimination of indigenous communities”, and is revealing how “completely dehumanised and disorganised” it is.” (..)



“The situation is the same in other provinces of northern Argentina. On hearing of nine deaths due to malnutrition, the Governor of Salta admitted to the press that there were 135,000 extremely vulnerable children in his province<sup>4</sup> but emphasised indigenous peoples’ misinformation and nomadic ways as the reasons why it was difficult to address their health situation. The indigenous organisations, in contrast, maintained that this situation was due to forced

Northern Argentina

Specified risk for IP rights

Northern Argentina

Specified risk for IP rights (forced displacement)

	<p>displacements caused by increasing deforestation and the advancing agricultural and livestock frontier.”</p> <p><b>“Forest clearing in the north of argentina</b> According to the Argentine Chaco Agro-forestry Network (Red Agroforestal Chaco Argentina / REDAF), the Chaco National Park incorporates around 70% of all of Argentina’s native forest. It is also the most heavily deforested area. It is estimated that some 34% of the native forest of the Chaco National Park, Misionero Forest and Tucuman-Bolivian forest has now been cleared. In 2008, an alliance of non-governmental organisations and indigenous and Creole communities requested that the Supreme Court of Justice put in place precautionary measures prohibiting the “deforestation and felling of native forest in the Chaco Salteño region”. Since the enactment of the Forests Law five years ago, more than 330,000 hectares have been cleared in the province, 98,894 hectares of these in areas prohibited by the Land Management Plan (Law 7543/2009). In addition, between 2008 and 2011, 53,202 hectares have been cleared in violation of the resolution passed by the Supreme Court of Justice.<sup>6</sup> Despite this, felling continues in prohibited areas, and has resulted in numerous complaints from local inhabitants and organisations. Furthermore, the ambiguity of the law has enabled the Provincial Ministry of the Environment to authorise a change in forest category in order to permit the clearing. One emblematic case is that of the Wichi community of San José de Cuchuy. In clear defiance of Provincial Decree 2789 prohibiting the clearing of areas inhabited by communities in which the survey established by Law 26160 had not yet been conducted, authorisation was given to clear 10,000 hectares around Cuchuy. Deceived and pressurised, the community members signed an agreement accepting 300 hectares and 10 houses, thereby losing 9,700 hectares of their land.<sup>7</sup></p> <p><b>Lack of guarantees protecting territorial rights</b> On 28 July 2014, various members of the Wichi community of El Colorado in Formosa province were beaten up by local police who entered their settlement with numerous officials to implement a court order. The community members were accused of removing a fence that a non-indigenous family had erected on community lands. They were prosecuted and imprisoned in the local municipality for defending their territory.<sup>8</sup> Also in Formosa province, violence is continuing against the Qom leader, Félix Díaz, from Potae Napocna Navogoh-La Primavera community. A physical attack has been reported against his son, along with shots heard during the night in the area. Also, on 3 January 2015 a 17-year-old Qom, Esteban Medina, was found dead at the side of Route 86. Medina was found near where his aunt, Norma Artaza, was found dead on 12 December. The woman had received blows to the head and Díaz believes the police were responsible, “Qom deaths are always due to a heart attack or road traffic accident, they never allow informed community members give evidence during the autopsies”. According to the journalist, Darío Aranda, “all these events are</p>	<p>Chaco</p> <p>Wichi community of San José de Cuchuy</p> <p>Wichi community of El Colorado in Formosa province Potae Napocna Navogoh-La Primavera community of Formosa province</p>	<p>nts, deforestation, agriculture)</p> <p>Specified risk for IP rights and land rights</p> <p>Specified risk for IP rights</p> <p>Specified risk for IP rights</p> <p>Specified risk for IP rights, ...</p>
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	<p>taking place in an unfavourable context because the provincial government has just suffered a serious setback in relation to the Inter-American Commission on Human Rights (IACHR), the main human rights body for the Americas; [...] this Commission has just ratified precautionary measures requiring the state to protect members of the Qom community. The provincial government requested this measure be removed but this was refused on 29 December [...]”.<sup>9</sup> Violence erupted in the area when the territorial demands led to clashes between the community, its leader and the provincial government. On 22 December, a community assembly declared a state of alert and mobilisation due to the lack of response received from the authorities with regard to the illegal occupation of their lands by a non-indigenous settler. In order to face up to these violent attacks, denounce the violations of their rights and keep up their struggle for lands, the Nivaclé, Pilagá, Qom and Wichí communities of Formosa province have formed an association of 33 members, chosen by self-convened community assemblies. In December, they signed a petition asking UN Special Rapporteur Victoria Tauli-Corpuz to visit the area to see for herself what was going on. They will hold their 5th meeting in early 2015, where they will consider, among other issues, two new orders for the evictions of the communities of Campo del Veinte and Santo Domingo.<sup>10</sup></p> <p><b>Territorial struggles in tucumán</b></p> <p>In Tucumán province, Diaguita communities grouped together in the Union of Peoples of the Diaguita Nation of Tucumán (Unión de los Pueblos de la Nación Diaguita de Tucumán / UPNDT) have completed the surveys of the indigenous communities and submitted technical files for 14 communities covering an area of 450,000 hectares, 5% of which are state lands. Provincial-level prospects for getting land legalised on behalf of indigenous communities, however, are not good. Although a draft bill of law (proposed by different actors involved in the surveying) is making progress, this would not directly transfer ownership to the indigenous peoples but would instead create a State Land Commission involving indigenous peoples, state bodies and civil society representatives to conduct tasks aimed primarily at achieving the transfer of these state lands to the indigenous communities. This lack of any formal demarcation and titling procedure that would truly take the community’s rights and interests into account is threatening to paralyse the slow process commenced with the approval of Law 26160 in 2006. This legal vacuum, which amounts to a failure on the part of the state to fulfil its obligations, leaves the titling process in an uncertain situation, all the more so given that 2015 will be an election year. This clear lack of policy and failure to implement the rules is directly linked to indigenous peoples’ lack of consultation and participation in government decisions. One illustration of this is UNESCO’s granting of World Heritage status to the Inca road system (Qhapaq Ñan) in June 2014. This declaration affected the archaeological site of “La Ciudadcita”,<sup>11</sup> located within the territory of the indigenous community of Solco Yampa (Diaguita people) and yet their rights to consultation and participation were not respected in this regard. The provincial government merely limited itself to quoting the indigenous</p>	<p>Tucumán province</p> <p>Tucumán province</p> <p>Country</p>	<p>...especially right to land</p> <p>Specified risk for right to land</p> <p>Specified risk for right to land</p> <p>Specified risk for right to consultation and FPIC</p>
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	<p>community's representative at the working meetings, without instigating a process of genuine participation, as stipulated in international legislation. This was despite the community, supported by UPNDT, having demanded it be involved in any decisions involving the territorial management of their community.12"</p> <p>(..)</p> <p>In addition, a violent conflict involving attempted land grabbing by criollos in El Nogalito community of the Lule people continues unresolved. Given the serious human rights violations suffered by this community, the Inter-American Commission on Human Rights issued a court order protecting the community in 2012, calling on the state to adopt effective measures to safeguard the life and integrity of the community and its members.15 In March 2014, the IACHR convened a working meeting of the community, its legal advisors16 and the Argentine state to assess the progress made in this regard. The assessment made at the meeting was not a positive one as it highlighted the state's failure to effectively protect the rights of community members. This failure has resulted in a situation of violent conflict on the community's territory along with regular threats and harassment of community members. The persistence of this situation not only represents a constant violation of their human rights but also deters members from participating in their community. The precautionary measure granted by the IACHR offers, at least in theory, a permanent platform for dialogue and negotiation with the state, albeit not without complications, delays and negotiations on the part of the authorities. Despite the Argentine state's commitment to organise a round table in order to discuss the conditions (safety, territorial and social) that gave rise to this precautionary measure, this did not take place during 2014 and the community remains in the same dangerous situation as before.</p> <p>On 28 and 29 March, the 4th Indigenous summit (Parlamento) of the Calchaquí Valley was held in the indigenous community of Amaicha del Valle, Tucumán province, to commemorate the 40th anniversary of the first indigenous summit "Juan Calchaquí"17", with the participation of peoples from the northern provinces of Argentina. The issues discussed at this event included the delays in the territorial surveying (established by Law 26160), particularly for Catamarca, Salta and Jujuy provinces, and one of the greatest problems affecting their territories: mineral exploitation and soya plantations. In addition, a proposal was made to exercise territorial control by occupying the land and managing its natural resources, supportive actions were agreed between settlements and it was decided to seek solidarity with other social organisations in order to face up to the conflicts on their territories.</p> <p><b>Resistance and struggle: some legal outcomes</b>  Campo Maripe community (Mapuche people) – Neuquén province  "[The oil company] YPF does not wish to admit that it is responsible for applying a law that we indigenous peoples have, namely the right to be consulted on any project the company may want to commence on indigenous territory...", stated one of the community leaders of Campo Maripe as they</p>	<p>The Lule people in El Nogalito community</p> <p>Campo Maripe community in Neuquén province</p>	<p>Specified risk for right to land and other IP rights</p> <p>Specified risk for right to FPIC and right to land</p>
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	<p>In its judgment, the CSJN set clear parameters to the scope of Law 26160, protecting the indigenous communities from being evicted from their ancestral territories and ordering a legal/technical/cadastral survey of the communities' territories.</p> <p><b>In addition, the judgment established that the territorial survey already concluded in some of the country's provinces was proof of indigenous traditional occupation.</b> In the resolution, the court emphasised that Law 26160 was aimed at preventing further evictions in order to respect and guarantee the constitutional rights of indigenous peoples and at complying with the international human rights commitments taken by the state. The resolution also took account of the jurisprudence of the Inter-American Court of Human Rights: until the demarcation and titling of indigenous lands has taken place, states must refrain from acts that could cause agents of the state, or third parties acting with their knowledge or agreement, to affect the existence, value, use or enjoyment of the assets located within the geographic area in which the indigenous community members live and carry out their activities. In addition, on the basis of ILO Convention No. 169, it stated that the native peoples "must not be moved from the lands they occupy". It further indicated that, regardless of whether the community's use of the territory to which it has traditionally had access was prior or subsequent to the law's approval, "the state is obliged to respect" that law. This was because the provincial courts had submitted that Law 26160 was not applicable to the case since the occupation was subsequent to its approval."</p> <p><b>"Lack of state response to the demands of the Qom7</b></p> <p>The Qom people, living in Formosa province, have been the victim of violations of their constitutional rights for more than a decade. This was why, in 2011, the InterAmerican Commission on Human Rights granted precautionary measures in favour of La Primavera community. The international body called on the Argentine state to take the necessary action to guarantee the lives and physical integrity of the members of this community, which is fighting for its lands. And yet, despite the agreements signed, there has still been no change in the conditions these agreements were intended to improve.<sup>8</sup></p> <p>In February 2015, members of the Qom community set up camp in the centre of Buenos Aires to demand the return of their ancestral territories. They were calling for enforcement of their human and constitutional rights as native peoples, respect for their cultural identity, access to rights not guaranteed them, such as health and education, and also justice for Roberto López, who was murdered during the repression of November 2010.</p> <p>A few days later, more than 30 Qom communities from Formosa joined them and unsuccessfully asked to be seen by the president at that time, Cristina Kirchner. They also led two marches to the Supreme Court, the Congress of the Republic and the Presidential Palace and met on a number of occasions with Martín Fresneda, then Human Rights Minister, obtaining promises that he subsequently failed to fulfil.<sup>9</sup>"</p>	also country-wide	Low risk for right to land
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	<p><b>“A chink in the criminalisation of the indigenous struggle: peoples’ participation in the justice system<sup>14</sup></b>  The Winkul Newen community has been resisting the advance of oil companies onto their ancestral territory for more than a decade. Because of the different actions of resistance they have undertaken, the community has suffered numerous evictions, illegal night-time inspections, and the constant militarisation of their cultural and pastoral spaces. The courts have been just one more way of teaching, threatening and intimidating members and leaders of the indigenous communities. There are currently 11 cases outstanding against the community, demonstrating the persecution and criminalisation suffered by its inhabitants.” (..)</p> <p><b>“Failure to comply with the right to free, prior and informed consultation</b>  The indigenous communities of the Guayatayoc and Salinas Grandes basin, in Jujuy province, have been demanding respect for their territorial rights and the right to free prior and informed consultation with regard to <b>the Dakar Rally</b>. This competition has been held in Argentina for the past five years now, running through indigenous territories. With a further event in 2015, the provincial government again found a way of avoiding prior consultation. The event was made known by representatives of the Ministry of Sport, Tourism and Rights only days before it was due to be held in Casabindo, and even then with the sole aim of informing people that it would pass over ancestral territories, i.e., without implementing any of the requirements for prior consultation.<sup>17</sup></p> <p>In the responses to its requests for reports during 2015, the National Ombudsman observed that none of these referred to the possible impact of the race on the life and/or rights of the indigenous communities living along its path, and nor did they mention anything about indigenous prior consultation.<sup>18</sup> Because of this lack of specific answers, and given its involvement in organising the event, the Federal Environmental Council (COFEMA) was subsequently urged to include compliance with the right to free, prior and informed consultation as an essential requirement when establishing the route for the 2016 and any subsequent races.”</p> <p><b>“Natural resources at risk from mineral exploration on community territory</b>  <b>The Minera Aguilar company from Jujuy province has submitted exploration applications for the territory of the indigenous communities of the Guayatayoc and Salinas Grandes basin, on the western side of the El Aguilar mountains. This mining company has been extracting lead, silver, zinc and cadmium in Jujuy for more than 80 years. It was in this context that the indigenous organisation requested a precautionary measure from the provincial justice system at the end of 2014, given the depletion and drying up of the Grande, Abraite, Santa Ana and Agua de Castilla rivers, which rise in the mountain peaks. This territory was previously a fertile valley but it is now beleaguered by</b></p>	<p>Guayatayoc and Salinas Grandes basin</p>	<p>Specified risk for IP rights</p>
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	<p>the rights contained in that article, even in the absence of specific national or provincial legislation.</p> <p>13. At the legislative and administrative levels, Act No. 23302 of 1985 on the protection of indigenous communities established INAI, which is responsible for designing and implementing policies to benefit indigenous peoples. The Act and its implementing regulations recognize the legal status of indigenous communities and stipulate that this status is acquired by means of registration in the National Registry of Indigenous Communities. INAI is responsible for maintaining this registry and for coordinating with provinces that maintain their own registries of indigenous communities. In 2004, INAI established the Indigenous Participation Council as a means of involving indigenous peoples in the development and implementation of its programmes and policies, including those on land surveys and social services.</p> <p>14. In 2006, in the light of repeated land conflicts between the supposed owners of private property and indigenous communities in various parts of the country, Congress enacted Act No. 26160. The Act suspended evictions of indigenous communities for four years, and charged INAI with the task of conducting a “technical-legal cadastral survey of the situation regarding ownership of the land occupied by indigenous communities” (art. 3). Act No. 26554 of 2009 extended the time limit set out in Act No. 26160 for another four years, until 2013.”</p> <p><b>B. Provincial laws</b></p> <p>“18. Within the federal structure established by article 75, paragraph 17, of the Constitution, Congress has the authority to pass the laws necessary for the minimum protection of the rights of indigenous peoples, while the provinces can enact supplementary norms offering greater protection in this regard. Because the constitutional reforms concerning indigenous peoples are relatively recent, many aspects of the division of powers between the federal and provincial governments are still being worked out.</p> <p>19. The following provinces with significant indigenous populations have also established constitutional norms on indigenous matters: Buenos Aires, Chaco, Chubut, Entre Ríos, Formosa, Jujuy, La Pampa, Neuquén, Salta, Río Negro and Tucumán. Several provinces also have specific laws on various indigenous issues. Some of these laws are of a general nature, covering a number of issues related to indigenous peoples, while others focus on a specific topic such as land allocation or the establishment of registries or institutions for indigenous communities.”</p> <p><b>IV. The Special Rapporteur’s main concerns</b></p> <p>“20. There are many national and provincial laws and programmes on indigenous matters. There are a number of problems, however, with regard to implementing and guaranteeing the rights of indigenous peoples, particularly in relation to their lands and natural resources and their access to justice, education, health care and other basic services. Generally speaking, the</p>	<p>Buenos Aires, Chaco, Chubut, Entre Ríos, Formosa, Jujuy, La Pampa, Neuquén, Salta, Río Negro and Tucumán</p> <p>Country</p>	<p>Low risk for IP rights</p> <p>Specified risk for IP rights, particularly right land</p>
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	<p>Special Rapporteur noted that there is no suitable policy to prioritize and emphasize the design and implementation of public policies that give effect to the rights of indigenous peoples as recognized in national law and in the international instruments to which Argentina is a party.”</p> <p><b>A. Land tenure and natural resources</b></p> <p>“21. The situation of indigenous peoples in the country with regard to land tenure is a result of the fact that historically they have been dispossessed of large tracts of their land by ranchers and by the operations of farming, oil and mining companies on lands claimed by indigenous communities. The majority of indigenous communities in the country have not received legal recognition of their lands in line with their traditional ways of using and occupying those lands.”</p> <p><b>“1. Identification and legalization of indigenous lands</b></p> <p><i>(a) Federal cadastral survey programme</i></p> <p>(..)</p> <p><i>(b) Award of land titles by provinces</i></p> <p>25. Some initiatives have been taken at the provincial level to regulate indigenous peoples’ possession of their lands. As a result, some indigenous communities hold the title to their traditional lands, or at least to part of their lands.</p> <p>26. In 1997 the provincial government of <b>Jujuy</b>, under an agreement with the Federal Government, began a programme to regularize and allocate land for the aboriginal population of the province. Under the programme, more than 1,200,000 hectares of land were to be regularized for the benefit of indigenous families or communities. In 2006 and 2007, a total of 33 community titles were issued to indigenous communities under this programme. However, the award of land titles to other communities, under both this programme and Act No. 26160, is still pending.</p> <p>27. In 1991 the provincial government of <b>Salta</b> agreed to grant a community title to the Lhaka Honhat Communities Association, which comprises about 60 communities of different indigenous peoples. The resulting cadastral survey was conducted prior to the adoption of Act No. 26160 and even served as a model for the INAI cadastral survey programme. However, the delay in granting title for these lands, and the construction of a bridge and other building projects within the territory, remain subjects of controversy and dispute within the inter-American human rights system.</p> <p>28. The provincial authorities of <b>Formosa</b> reported that 99.8 per cent of indigenous communities have had their lands surveyed and titled. However, it is clear that the vast majority of these titles do not cover all the territory that the communities have traditionally occupied and used. For example, the title obtained by the Potae Napocna Navogoh (Spring) community in 1985 excludes the community’s traditional lands that were incorporated into the Pilcomayo National Park or granted to private interests. The community is currently</p>	<p>Country</p> <p>Jujuy..</p> <p>..33 communities Other communities</p> <p>Salta</p> <p>Formosa</p>	<p>and resources</p> <p>Specified risk for right to land</p> <p>Low risk for right to land</p> <p>Specified risk for right to land</p> <p>Specified risk for right to land</p> <p>Specified risk for right to land</p>
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	<p>“42. The extraction of natural resources throughout the country has also, in many cases, diminished the territories on which indigenous peoples depend.” (..)</p> <p><i>(b) Consultation and consent in connection with these projects</i></p> <p>“45. The right of indigenous peoples to be consulted, with the aim of obtaining their consent, is guaranteed by ILO Convention No. 169, which is part of the Argentine legal order, and by the United Nations Declaration on the Rights of Indigenous Peoples, which the Argentine Government supported. However, there is no law or policy at either the federal or the provincial level to regulate a consultation procedure with indigenous peoples. The country’s sector-specific laws, such as the Hydrocarbons Act and the Mining Code,<sup>4</sup> also make no reference to consultation with indigenous peoples, although the latter requires the permission of the land “owners” to explore for minerals.<sup>5</sup> Similarly, the General Environment Act refers only in general terms to the right of “all persons” to be consulted, while at the same time stating that “the participants’ opinion or objection shall not be binding”.<sup>6</sup></p> <p>46. Due in part to these legal and administrative gaps regarding extraction projects, there is an absence of consultation processes with indigenous peoples that meet international standards. Many cases of reported lack of consultation have been brought to the attention of the Special Rapporteur. At the same time, it is claimed that the consultation processes that have been conducted have been plagued by irregularities.</p> <p>47. Generally speaking, indigenous peoples do not directly share in the economic benefits of these projects. In some cases, however, the affected communities have managed to negotiate with the companies involved to obtain benefits such as jobs, a drinking water supply, and the building of schools or roads. In any case, the Special Rapporteur points out that it is the responsibility of the State to provide these types of benefits.</p> <p>48. The Special Rapporteur also received information about cases in which the companies involved and the provincial authorities have encouraged the practice of forming fictitious indigenous “communities” and granting them legal status, so that all arrangements and negotiations can be conducted through them while the traditional authorities go unrecognized. Sometimes, the territories of these “communities” overlap with those of other, legitimate communities, which in some cases are still waiting to be granted legal status and have their lands recognized.”</p> <p><b>B. Access to justice, evictions and social protest</b></p> <p>“51. Several communities have turned to the justice system in an attempt to obtain protection or legal recognition of their lands, with mixed results. Indigenous peoples seeking justice generally face a number of barriers, including linguistic, cultural and economic barriers and the distance to the courts. In particular, it has been reported that most provincial courts are unaware of, or fail to take due consideration of, national and international law concerning indigenous peoples, mainly with regard to their rights to land</p>	<p>Country</p> <p>Country</p> <p>Country</p> <p>Country</p> <p>Country</p>	<p>Specified risk for right to FPIC</p> <p>Specified risk for right to FPIC</p> <p>Specified risk for right to FPIC</p> <p>Specified risk for IP rights</p> <p>Specified risk for IP rights and access to justice</p>
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	<p>and natural resources.</p> <p>52. Throughout the country, the courts have tended to favour the private property rights of individuals or corporations over collective forms of indigenous ownership. Few court rulings have protected the rights of indigenous peoples. One positive judgement was issued in February 2011 in the case involving the Wenctru Trawel Leufú community of Neuquén province. This judgement recognized the obligation of the Piedra del Águila company to consult with the affected community before proceeding with extractive activities. It has been appealed, however, by the company and the provincial State prosecutor.</p> <p>53. The grave situation of legal uncertainty over indigenous lands is reflected in the high number of indigenous communities that have been evicted. The majority of these evictions have resulted from orders issued by provincial courts in which members of indigenous peoples have been accused of seizing private land. In some cases, the affected communities were not notified beforehand, and the communities had no opportunity to defend themselves during the eviction proceedings. In some cases, the homes and property of members of indigenous peoples, including their livestock and crops, were destroyed during the eviction operation.”</p> <p>Remark by consultant: This report from the Special Rapporteur does make no reference to the forestry or timber sector.</p>		
<p>UN Human Rights Council Universal Periodic Review  <a href="http://www.ohchr.org/EN/HRBodies/UPR/Pages/Documentation.aspx">http://www.ohchr.org/EN/HRBodies/UPR/Pages/Documentation.aspx</a></p>	<p><a href="https://documents-dds-ny.un.org/doc/UNDOC/GEN/G12/186/90/PDF/G1218690.pdf?OpenElement">https://documents-dds-ny.un.org/doc/UNDOC/GEN/G12/186/90/PDF/G1218690.pdf?OpenElement</a>  UN Human Rights Council. 12 December 2012  Report of the Working Group on the Universal Periodic Review: Argentina</p> <p>“20. With regard to indigenous peoples, legislation had been adopted, including Act 26,637, which called for indigenous participation in the drafting of a bill on community property, established the Office of Indigenous Rights, and which granted powers to the State to order the return of human remains to their communities. With regard to indigenous lands, while continuing to expand the application of law 26,160, an emergency Law on the Ownership of Land was adopted in December 2011. This legislation establishes that land was not a commercial good but a strategic and non-renewable resource which should be preserved. Likewise, there was an initiative to incorporate a new title in the chapter of property rights of the draft unified Civil and Commercial Code recognizing the indigenous community as the sole subject having right to communal indigenous property.”</p> <p>“26. The Plurinational State of Bolivia recognized achievements to combat discrimination through its National Institute against Discrimination, Xenophobia and Racism (INADI) which designs and promotes policies and measures. Bolivia appreciated the recognition of indigenous persons’ rights through legislation and legal services addressing discrimination which is exacerbated by structural weaknesses and institutional deficiencies in the justice system, including racist perceptions by justice officials. Bolivia made recommendations.”</p>	<p>Country</p>	<p>Low risk</p>

	<p>“31. China welcomed Argentina’s great efforts at promoting employment and improving health and education. It noted that Argentina attached great importance to promoting gender equality and that women’s status in political and economic life had greatly improved. China expressed appreciation for Argentina’s active protection of the rights of vulnerable groups such as children, disabled and indigenous peoples. China made a recommendation.”</p> <p>“33. Belarus welcomed that Argentina had acceded to new human rights instruments and had voluntarily provided an interim report on UPR recommendations. It noted chronic human rights problems, including: discrimination against indigenous peoples, migrant workers and stateless persons; poor detention conditions; many cases of disappearances; torture and the low number of investigations into such crimes. Belarus made recommendations.”</p> <p>“38. Greece commended Argentina for the Gender Identity Act and the amendment of the Civil Code which promote significantly the rights of lesbian, gay, bisexual and transsexual (LGBT) people and asked about other intended measures to combat discrimination against LGBT people in practice. Greece also welcomed measures taken to address violence against women and positive efforts regarding the rights of indigenous peoples. Greece made Recommendations.”</p> <p>“58. The delegation stated that the current administration had enacted laws that implemented ILO Convention No. 169 on indigenous and tribal peoples in independent countries (1989), and mentioned as examples the norm on intercultural bilingual education and the demarcation of indigenous land. On this last point, more than three and a half million hectares had been assessed and 14,000 evictions were prevented. Similarly, within the general policy of implementing the right to housing, there were specific programmes for indigenous communities.”</p> <p>“59. The delegation pointed out that the draft Civil Code incorporated the right to identity and name in indigenous languages and a close follow-up of the births of children belonging to indigenous peoples.”</p> <p>“76. South Africa recognized progress made in establishing institutional mechanisms, enacting laws to protect the rights of indigenous peoples and children and strengthening protection in the area of violence against women. It referred to the Committee on the Elimination of Racial Discrimination’s concern pertaining to persistent discrimination against people of African descent. Persistent challenges remained in ensuring effective consultation of indigenous peoples. Argentina was encouraged to strengthen efforts in combatting the trafficking of women and children and in implementing mechanisms on ensuring the right to adequate housing, including for migrant workers. It made</p>	Country	Low risk for right to land
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	No information found on Argentina in this report.	Country	Low risk
Forest Peoples Programme: <a href="http://www.forestpeoples.org">www.forestpeoples.org</a> FPP's focus is on Africa, Asia/Pacific and South and Central America.	No entries on Argentina in the last 5 years	-	-
Society for Threatened Peoples: <a href="http://www.gfbv.de/index.php?change_lang=english">http://www.gfbv.de/index.php?change_lang=english</a>	<a href="https://www.gfbv.de/en/news/millions-of-native-people-are-being-deprived-of-their-land-5618/">https://www.gfbv.de/en/news/millions-of-native-people-are-being-deprived-of-their-land-5618/</a> <i>Millions of native people are being deprived of their land International Day of the World's Indigenous Peoples (9 August 2012)</i> "But <b>land grabbing</b> in Russia (Siberia), Burma, Ethiopia, the Sudan, South Sudan, Guatemala, Colombia and <b>Argentina means the indigenous populations of these countries also fear for their survival.</b> "	Country	Specified risk for right to land
Regional human rights courts and commissions: - Inter-American Court of Human Rights <a href="http://www.corteidh.or.cr/index.php/en">http://www.corteidh.or.cr/index.php/en</a> - Inter-American Commission on Human Rights <a href="http://www.oas.org/en/iachr/">http://www.oas.org/en/iachr/</a> <a href="http://www.oas.org/en/iachr/indigenous/">http://www.oas.org/en/iachr/indigenous/</a> - African Commission on Human and Peoples' Rights - African Court on Human and Peoples' Rights - European Court of Human Rights	<a href="http://www.corteidh.or.cr/cf/Jurisprudencia2/index.cfm?lang=en">http://www.corteidh.or.cr/cf/Jurisprudencia2/index.cfm?lang=en</a> No results found after searching "indigenous peoples argentina"  <a href="http://www.oas.org/en/iachr/indigenous/activities/countries.asp">http://www.oas.org/en/iachr/indigenous/activities/countries.asp</a> <i>Argentina - Lhaka Honhat - May 9-13, 2013</i> "A delegation of the Executive Secretariat of the IACHR made a visit to Argentina from May 9 to13, 2013. The goal was to prepare a diagnostic on the compliance with the recommendations that the IACHR included in Merits Report 2/12 on <b>the case of the Indigenous Communities members of the Association Lhaka Honhat of Argentina</b> , approved on January 26, 2012. The delegation held meetings in the city of Salta with representatives of the Government of the Salta Province. It also visited the municipality of Santa Victoria del Este, to meet with indigenous leaders of the Lhaka Honhat Association, and to visit the indigenous territory. It also held meetings in Buenos Aires with authorities of the National Government. The parties expressed that the visit enabled an opportunity to open a dialogue and incentivate the compliance of the recommendation by the Argentine State."  <a href="http://www.oas.org/en/iachr/decisions/merits.asp">http://www.oas.org/en/iachr/decisions/merits.asp</a> <i>Merits Reports</i> <b>This document contains no information that indicates a 'specified risk'.</b>	Country	Low risk
Data provided by National Indigenous Peoples', Traditional Peoples organizations;	<a href="http://lanic.utexas.edu/la/argentina/#indigenous">http://lanic.utexas.edu/la/argentina/#indigenous</a> <i>LANIC, Latin American Network Information Center</i> <b>No specified risk information found in English when searching in the country directory for Argentina and "indigenous peoples" and then reviewing the following organisations/weblinks:</b> Aborígen Argentina Argentina Indígena Arte y Esperanza Arte Indígena y Criollo Asociación Guadalupe Asociación de Investigadores en Lengua Quechua Derecho de los Pueblos Indígenas El Maitén - Chubut Equipo Nacional de Pastoral Aborígen ENDEPA	-	-

	<p>Puel Mapu We Dúngvn: Portal del pueblo mapuche Red de Comunicación Indígena Sixto Vazquez Zuleta, "ToQo" Desde la Quebrada de Humahuaca</p> <p><b>No specified risk information found in English</b></p>	-	-
Data provided by Governmental institutions in charge of Indigenous Peoples affairs;	<p><a href="http://www.inai.org.ar/en/default.asp">http://www.inai.org.ar/en/default.asp</a> <i>Indigenous Affairs National Institute (INAI)</i> <b>No information found on this website when searching for "indigenous" or "people".</b></p> <p><a href="http://www.dpn.gob.ar/">http://www.dpn.gob.ar/</a> <i>Ombudsman</i> <b>No information available in English.</b></p> <p><b>No other information found in English.</b></p>	-	-
Data provided by National NGOs; NGO documentation of cases of IP and TP conflicts (historic or ongoing);	<p><a href="http://www.cels.org.ar">www.cels.org.ar</a> <i>The Center for Legal and Social Studies (CELS)</i> <b>No information found on this website that indicates a 'specified risk'.</b></p>	-	-
National land bureau tenure records, maps, titles and registration (Google)	<p><a href="http://www.inai.org.ar/en/default.asp">http://www.inai.org.ar/en/default.asp</a> <i>Indigenous Affairs National Institute (INAI)</i> <b>No information in English found on this website.</b></p>	-	-
Relevant census data	<p><a href="https://www.indec.gov.ar/micro_sitios/webcenso/ECPI/index_ecpi.asp">https://www.indec.gov.ar/micro_sitios/webcenso/ECPI/index_ecpi.asp</a> National Institute for Statistics and Census (INDEC) <i>Additional Survey on Indigenous Populations (2004-5)</i></p> <p><a href="https://www.indec.gob.ar/ftp/cuadros/poblacion/censo2010_tomo1.pdf">https://www.indec.gob.ar/ftp/cuadros/poblacion/censo2010_tomo1.pdf</a> <i>Censo Nacional de Población, Hogares y Viviendas 2010. Censo del Bicentenario. Resultados definitivos. Serie B Nº 2. Tomo 1</i></p> <p><b>Both surveys from 2004-5 and 2010 are only available in Spanish.</b></p> <p><a href="https://documents-dds-ny.un.org/doc/UNDOC/GEN/G12/149/47/PDF/G1214947.pdf?OpenElement">https://documents-dds-ny.un.org/doc/UNDOC/GEN/G12/149/47/PDF/G1214947.pdf?OpenElement</a> <i>Report of the Special Rapporteur on the rights of indigenous peoples, James Anaya</i> <i>Addendum. 4 July 2012</i> <i>The situation of indigenous peoples in Argentina</i> "6. Until 2001, the national census did not gather specific data on indigenous peoples as such. It was only recently, in June 2006, that the National Statistics and Census Institute published the first figures from its Supplementary Survey of Indigenous Peoples, which was conducted in 2004 and 2005. <b>According to these figures, there were 600,329 indigenous persons in the country, or approximately 1.7 per cent of the total population. In some provinces such as</b></p>	-	-
		Country	IP presence

**Jujuy, the indigenous population exceeds 10 per cent of the population.** Although the majority of indigenous persons in Argentina live in rural areas, a large percentage of the indigenous population has migrated to the cities. 7. Looking beyond the most recent national censuses, there are substantial differences in the various other census estimates of the number of indigenous persons living in the country. The methodology used in the Supplementary Survey of Indigenous Peoples has been criticized for, inter alia, failing to include a question on indigenous self-identification in cities with more than 25,000 inhabitants. **As a result, alternative sources estimate that there are up to 2 million indigenous persons in the country.”**

[https://en.wikipedia.org/wiki/Indigenous\\_peoples\\_in\\_Argentina](https://en.wikipedia.org/wiki/Indigenous_peoples_in_Argentina)

Wikipedia

**Indigenous peoples in Argentina**

“According to the 2010 census there are the following indigenous groups:<sup>1</sup>

Indigenous group	Total population
Mapuche	205,009
Toba	126,967
Guaraní	105,907
Diaguita	67,410
Kolla	65,066
Quechua	55,493
Wichí	50,419
Comechingón	34,546
Huarpe	34,279
Tehuelche	27,813
Mocoví	22,439
Pampa	22,020
Aymara	20,822
Avá Guaraní	17,899
Rankulche	14,860
Charrúa	14,649
Atacama	13,936
Mbya-Guaraní	7,379
Omaguaca	6,873
Pilagá	5,137
Tonocote	4,853

Country

IP presence

Lulé	3,721
Tupí Guaraní	3,715
Querandí	3,658
Chané	3,034
Sanavirón	2,871
Ona	2,761
Chorote	2,270
Maimará	1,899
Chulupi	1,100
Vilela	519
Tapiete	407
Others	5,301
<b>Total</b>	<b>955,032</b>

1) Censo Nacional de Población, Hogares y Viviendas 2010: Pueblos Originarios: Región Noroeste Argentino: Serie D No 1" (PDF) (in Spanish).

“Argentina has 35 indigenous groups or Argentine Amerindians or Native Argentines, according to the Complementary Survey of the Indigenous Peoples of 2004, in the first attempt by the government in more than 100 years to recognize and classify the population according to ethnicity. In the survey, based on self-identification or self-ascription, around 600,000 Argentines declared to be Amerindian or first-generation descendants of Amerindians, that is, 1.49% of the population. The most populous of these were the Aonikenk, Kolla, Qom, Wichí, Diaguita, Mocoví, Huarpe peoples, Mapuche and Guaraní. In the 2010 census [INDEC], 955,032 Argentines declared to be Amerindian or first-generation descendants of Amerindians, that is, 2.38% of the population.”

“Jujuy Province, in the Argentine Northwest, is home to the highest percentage of households (15%) with at least one indigenous person or a direct descendant of an indigenous people; Chubut and Neuquén Provinces, in Patagonia, have upwards of 12%.” (Source: *Indec. Porcentaje de hogares por provincia que se reconoce descendiente de un pueblo indígena (Spanish)*)

Indigenous groups by region

**Northeast**

This region includes the provinces of Chaco, Corrientes, Entre Ríos, Formosa, Misiones, Santa Fe, and parts of Santiago del Estero Province.

- Charrúa
- Lule
- Mbya-Guaraní
- Mocoví

- Pilagá
- Qom
- Tonocoté
- Vilela
- Wichi

**Northwest**

This region includes the provinces of Catamarca, Jujuy, La Rioja, Salta, San Juan, parts of Santiago del Estero Province, and Tucumán.

- Atacama
- Avá-Guaraní
- Chané
- Chorote
- Chulupí
- Diaguita-Calchaquí
- Chicoana
- Kolla
- Ocloya
- Omaguaca
- Tapiete
- Qom
- Wichi
- Quechua

**Central**

This region includes the Autonomous City of Buenos Aires and the provinces of Buenos Aires, Córdoba, La Pampa, Mendoza, and San Luis.

- Atacama
- Avá Guaraní
- Comechingon
- Diaguita-Calchaquí
- Huarpe
- Kolla
- Mapuche
- Het
- Rankulche

**South**

This region includes the provinces of Chubut, Neuquén, Río Negro, Santa Cruz, and Tierra del Fuego.

- Alacaluf
- Haush people
- Mapuche
- Selknam
- Puelche
- Aonikenk

	<ul style="list-style-type: none"> <li>Yaghan”</li> </ul> <p><a href="http://minorityrights.org/country/argentina/">http://minorityrights.org/country/argentina/</a></p> <p><b>Argentina</b> Peoples “Approximately 400,000 people declare themselves to belong to or be a descendant of one of the country’s nineteen indigenous peoples. These peoples include the Guaraní/Mbyá (4,000), Quechua and Aymara, Mapuche (105,000), Toba (60,000), Wichi/Mataco (36,000) and Chiriguano. They now live mainly on the country’s northern and western fringes. (data: unless otherwise stated, Instituto Nacional de Estadística, 2004-5)”</p> <p><b>Minorities</b> <i>Mapuche</i>; Updated May 2008 “Profile There are just over 100,000 Mapuche in Argentina (Instituto Nacional de Estadística, 2004-5). <i>Toba</i> The majority of 60,000 (Instituto Nacional de Estadística, 2004-5) Toba in Argentina (they also live in Paraguay) are based in the provinces of Chaco, Formosa, Salta, Santa Fe and Buenos Aires. <i>Wichi</i> Most Argentine of the 36,000 Wichi live in the provinces of Salta, Chaco and Formosa (Instituto Nacional de Estadística, 2004-5).</p>	Country	IP presence
- Evidence of participation in decision making; (See info on implementing ILO 169 and protests against new laws) - Evidence of IPs refusing to participate (e.g. on the basis of an unfair process, etc.); (See info on implementing ILO 169 and protests against new laws)	See above and below		
National/regional records of claims on lands, negotiations in progress or concluded etc.	See above and below		
Cases of IP and TP conflicts (historic or ongoing). Data about land use conflicts, and disputes (historical / outstanding grievances and legal disputes)	See above and below		
Social Responsibility Contracts ( <i>Cahier des Charges</i> ) established according to FPIC (Free Prior Informed Consent) principles where available	Not applicable	-	-
Google the terms '[country]' and one of following terms 'indigenous peoples organizations', 'traditional peoples organizations', 'land registration office', 'land office', 'indigenous peoples', 'traditional peoples', '[name of IPs]', 'indigenous peoples+conflict', 'indigenous peoples+land rights'	<p><a href="https://www.theguardian.com/world/2015/jul/05/argentina-fight-reclaim-ancestral-land-indigenous-leader">https://www.theguardian.com/world/2015/jul/05/argentina-fight-reclaim-ancestral-land-indigenous-leader</a></p> <p><i>The Guardian, 5 July 2015</i> “Argentina indigenous chieftain leads fight to reclaim ancestral land Being ignored by the president will not stop Qom activist Félix Díaz from camping out in Buenos Aires with demands for government officials” “Félix Díaz stands before a line of colourful plastic tents on one of the broad strips of land running down the centre of the Avenida 9 de Julio – one of the busiest thoroughfares in the Argentinian capital.</p>		

	<p>“We have many gods,” he says. “The god of nature, the god of water, the god of air, but we no longer have the land we shared with them. They’ve taken our gods and now they’re taking what little is left of our land.”</p> <p>Díaz, the chieftain of the Qom indigenous tribe, is leading the fight for the return of his people’s ancestral lands in the distant northern province of Formosa. Together with representatives of the Pilagá, Wichi and Nivacé indigenous communities, the Qom activists have for the past five months camped out in central Buenos Aires to demand the return of their traditional territories.”</p> <p>“Far from responding to their demands, however, Argentina’s government has responded by sending in the police. Riot police in armoured vehicles launched a 3am raid in a failed attempt to evict the protest camp. The attempted eviction was halted after the news went viral on social media. “We’re not murderers, we’re not delinquents, we’re not corrupt,” said Díaz. “We just want our human rights respected and to be received by President Cristina Fernández de Kirchner.”</p> <p>Fernández has cast herself as a defender of human rights, throwing her political weight behind the trials against military officials of the dictatorship era, but her government has consistently disregarded the rights claimed by indigenous leaders such as Díaz.”</p> <p>“Part of the problem is that Fernández refuses to recognize the results of a government-sponsored 2011 vote in which the 50,000-strong Qom community elected Díaz as its representative to negotiate the land question.”</p> <p>“Díaz counters: “In 2007 the government took away 2042 hectares [about 5,000 acres] of our ancestral lands,” counters Díaz. “Since then, it has ignored all our demands.</p> <p>“Losing land for us is like losing a body organ,” he says. “It means death to us if we don’t have our land for physical and spiritual nourishment, for our ancestral medicine.””</p> <p>“Since the 1990s their situation has only deteriorated further. Industrial-style soy cultivation has accelerated deforestation. Communities have lost their lands to agribusiness and suffer health problems from fertilizers, pesticides and water poisoning.”</p> <p><a href="http://news.trust.org/item/20160525172742-p5f9c/">http://news.trust.org/item/20160525172742-p5f9c/</a>  <b>Thompson Reuters Foundation.</b> 25 May 2016  <i>Argentina’s indigenous people face “appalling” plight - U.N.</i>  <i>Unclear land tenure is a source of conflict between indigenous groups and state and private companies</i></p>	Country	Specified risk for right to land
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	<p>Francis at the Vatican where he explained to the pontiff the demands made by his community, composed of 450 families.</p> <p>The meeting was just one example of the prominence being achieved by native people in this country, where they have traditionally been the object of discrimination. In the past, governments have at best met their demands with paternalism or a handout mentality, but things are changing.</p> <p>Díaz first came to public notice as a result of a protest carried out by his community in Formosa in 2010. A police clampdown on the protest left one person dead.</p> <p>Now the demands have a place on the agenda of the national state and the provinces. The Supreme Court receives indigenous leaders to settle land conflicts and the media provide coverage on their historical issues and current problems.”</p> <p>“In recent years, conflicts have increased in number and visibility. Pushed off their land by the expansion of soy monoculture, mining, fossil fuel exploitation and deforestation, indigenous peoples have raised their voices in protest.”</p> <p>“This conspires against conflict resolution, said INAI president Daniel Fernández. However the institute says more progress is being made than ever before on surveying and demarcating indigenous territories.</p> <p>According to INAI estimates, out of the 12 million hectares claimed as indigenous lands, equivalent to approximately 10 percent of the national territory, 4.5 million hectares have already been recognised and titled.</p> <p>Conflicts flare up when valuable natural resources are at stake, or when the lands claimed by indigenous groups are in private hands. An estimated 60 percent of the land claimed by native communities is owned by the state and 40 percent by the private sector.”</p> <p>““Any assessment of the indigenous scenario today has to be heterogeneous. No province has rigorously fulfilled the law on land surveys, but some have made progress with a good level of participation, for example Jujuy and Salta,” in the northwest of the country, she said.”</p> <p>“She said the idiosyncrasies of indigenous demands have to be understood. On the land question, the logic followed by native peoples is not that of private property but of community ownership. But to have that right, the law requires them to register as an association, which is contrary to their customs.”</p> <p><a href="http://www.un.org/apps/news/story.asp?NewsID=54031#.V98ArPCLRHY">http://www.un.org/apps/news/story.asp?NewsID=54031#.V98ArPCLRHY</a>  <b>UN News Centre</b>  <i>Argentina: UN rights expert urges immediate action to address exclusion of indigenous peoples, 24 May 2016</i></p> <p>“The United Nations human rights expert on racism today urged the Government of Argentina to take urgent measures to sustainably address the</p>	<p>4.5 million hectares of recognized and titled indigenous lands</p> <p>Jujuy and Salta province</p> <p>Country</p>	<p>Low risk for right to land</p> <p>-</p> <p>Specified risk for IP rights</p>
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	<p>invisibility, marginalization and systematic exclusion of indigenous peoples in the country.” (..)</p> <p>“Argentina has developed a comprehensive legal framework for the elimination of racial discrimination and the equal enjoyment of rights for all inhabitants, whether Argentine or foreign,” the expert noted.” (..)</p> <p>“Mr. Ruteere welcomed existing laws to protect specific vulnerable groups such as the indigenous peoples, as well as efforts made to acknowledge the existence of Afro-Argentines through a series of symbolic measures.” (..)</p> <p>“The human rights expert also underscored that, despite the existing comprehensive legal and institutional framework, effective implementation is lacking and significant challenges persist.</p> <p>“The situation of indigenous peoples in certain areas of the country is appalling, as they live in extreme poverty, socio-cultural isolation and without access to basic services such as adequate health, descent housing or even drinkable water,” Mr. Ruteere said, calling on the Argentine authorities to develop a comprehensive multi-sectoral national strategy to address the rights of indigenous peoples and other groups subjected to discrimination.</p> <p>“Most alarming are the reported trends of repression, in several parts of the country, against the mobilization by indigenous groups to claim their rights; and the reprisals against minority rights defenders and leaders as well as members of their families,” the independent expert said.” (..)</p> <p>“The expert also stressed that access to justice for vulnerable groups, starting with indigenous peoples but also including migrants and Afro-descendants, remains a significant challenge.”</p> <p><a href="http://hrbrief.org/hearings/the-human-rights-situation-of-the-indigenous-peoples-in-argentina/">http://hrbrief.org/hearings/the-human-rights-situation-of-the-indigenous-peoples-in-argentina/</a></p> <p><b>Human Rights Brief</b>  <i>The Human Rights Situation of the Indigenous Peoples in Argentina.</i>  26 MARCH 2012</p> <p>“On Friday March 23, 2012, during its 144th session, the Inter-American Commission on Human Rights (IACHR) held a thematic hearing regarding the human rights situation of the indigenous peoples in Argentina, focusing on their access to communal property rights.</p> <p>One of the petitioners, Silvina Simmerman, spoke of behalf of the hundreds of indigenous persons that have been subjected to human rights violations in the northern part of Argentina. She mentioned that several recommendations have been made to the State of Argentina to reverse the established pattern of not allowing indigenous people to access title to property or to enjoy property, as well as the custom of prohibiting indigenous peoples’ access to natural resources and not consulting them when their lands are to be affected by government projects.</p> <p>Further, she claimed that when indigenous communities respond to these situations, they are criminalized and in the worst cases, they are victims of violence.</p>	Country	Specified risk for access to justice
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She recalled that while Argentina has ratified numerous international treaties and covenants related to rights of indigenous peoples and their access to property, it has failed to fulfill these international obligations. The petitioners alleged that in spite of the existence of several legal instruments that supposedly regulate the communal tenancy of the land, and even an important amendment to the Constitution recognizing the right of the indigenous peoples to communal property, these rights are far from actually being realized. The petitioners emphasized three main points that need to be addressed by the Argentinian government. First, they claimed that the State needs to regulate consultation mechanisms in order to take into consideration the special needs of the indigenous communities. Second, the civil and criminal codes have to be amended to include the indigenous perspective. Third, a normative instrument that regulates the right of the indigenous communities to implement and apply their customary law must be created. The petitioners also called the Commissioners attention to the absence of the representative from the "Instituto Nacional de Asuntos Indígenas," which is the organ in charge of the indigenous matters." (..)

"Commissioners questioned the State about the implementation of Convention No. 169, and whether there is any regulation regarding the right to previous consultation. They also asked why, if the State has enacted and amended its legislation, the petitioners continue claiming serious violations of human rights. The Commission further demanded more information about the access to justice for indigenous peoples."

<http://www.thebubble.com/information-lack-indigenous-peoples-argentina/>

**The Bubble**

*There's A Huge Lack Of Statistical Information On Argentina's Indigenous Peoples. It's A Problem*

*The World Bank released a report on Indigenous Peoples in Latin America on Monday. Argentina barely featured.*

*19 Feb 2016*

"The World Bank released a report this week entitled "Indigenous Latin America in the Twenty-First Century," which outlines indigenous peoples' gains and losses over the first decade of the 2000s. The report is 120 pages long and will absolutely devour your day if you allow it. The good news is that if you Ctrl+F Argentina, you can hop through the whole document in 10 minutes. That's also the bad news.

As Executive Director of Amnesty International Argentina, Mariela Belski, told the Bubble:

"In order to finalize the design and planning of appropriate public policies... it is essential to have a system based on documented data and information... in addition, access to information is also a key tool for people to engage in the public sphere."

Basically, the dearth of information on Argentina's indigenous communities is concerning, especially because it's difficult for the State to act in a way that benefits those communities when it knows so little about them."







	<p>“Most Argentine of the 36,000 Wichi live in the provinces of Salta, Chaco and Formosa (Instituto Nacional de Estadística, 2004-5). There are also many Wichi in Bolivia and Paraguay. Traditionally Wichi people are hunter-gatherers, planting gardens and gathering honey as well as fishing. Colonization of traditional lands by settlers has created a vicious circle in which the settlers have forced Wichi into the same situation of urban poverty that the settlers hope to escape.”</p> <p><i>Current issues</i> “In August 2006, after several Wichi, Toba and Mocovi people had led a hunger strike of 31 days outside the provincial government buildings, it was agreed (by the provincial government of el Chaco and the Instituto Aborigen Chaqueño) to <b>grant more land titles to local indigenous communities</b>. Authorities also agreed to revise recent sales of fiscal lands to private interests. It remains to be seen whether such agreements are adhered to.”</p>	Salta, Chaco, Formosa	Presence of Wichi people
<p>From national CW RA: FSC Controlled Wood risk assessment FSC-CW-RA-021-ARG V1-0 SPECIFIC REQUIREMENTS INTERPRETATION OF ANNEX 2B OF THE STANDARD FOR COMPANY EVALUATION OF FSC CONTROLLED WOOD FOR ARGENTINA (FSC-STD-40-005 V-2.1) Approval date: 20 July 2015 Effective date: 20 July 2015</p>	<p><b>INDICATOR 2.4. There are recognized and equitable processes in place to resolve conflicts of substantial magnitude pertaining to traditional rights including use rights, cultural interests or traditional cultural identity in the district concerned.</b></p> <p>Argentina has laws and organizations oriented towards resolving any such conflicts or issues concerning indigenous peoples (<a href="http://www.argentina.gob.ar/pais/poblacion/47-pueblos-origenarios.php">http://www.argentina.gob.ar/pais/poblacion/47-pueblos-origenarios.php</a>); (<a href="http://www.desarrollosocial.gov.ar/ipueblosoriginarios/1048">http://www.desarrollosocial.gov.ar/ipueblosoriginarios/1048</a>).</p> <p>It was found that such laws are enforced by courts in Argentina to respect ILO in and outside the Districts within the scope of this NRA, e.g.: <a href="http://www.ilo.org/indigenous/Resources/Publications/WCMS_116075/lang-es/index.htm">http://www.ilo.org/indigenous/Resources/Publications/WCMS_116075/lang-es/index.htm</a>; <a href="http://misionesonline.net/2014/10/28/historico-acuerdo-restituye-cuatro-mil-hectareas-a-la-comunidadguarani/">http://misionesonline.net/2014/10/28/historico-acuerdo-restituye-cuatro-mil-hectareas-a-la-comunidadguarani/</a>. Compare category 1 assessment.</p> <p>The National Constitution (1994) incorporated Article 75 according to which it is the role of the Congress “To recognize the ethnic and cultural preexistence of the Argentine Indigenous Peoples” (<a href="http://infoleg.mecon.gov.ar/infolegInternet/anexos/0-4999/804/norma.htm">http://infoleg.mecon.gov.ar/infolegInternet/anexos/0-4999/804/norma.htm</a>).</p> <p>Between 1984 and 1993, the national government enforced the application of an equitable process to resolve conflicts in relation to use rights, cultural interests or traditional cultural identity by the National Law No. 23302/85, regulated by Decree No.155/89, that order to create the National Institute of Indigenous Affairs (INAI, initials in Spanish) (<a href="http://www.desarrollosocial.gov.ar/leyes/152">http://www.desarrollosocial.gov.ar/leyes/152</a>; <a href="http://www.desarrollosocial.gov.ar/inai/104">http://www.desarrollosocial.gov.ar/inai/104</a>). <b>The INAI has the infrastructure and procedures for dealing with any complaints or actions that attack or violate the rights of the indigenous peoples</b> (<a href="http://www.desarrollosocial.gov.ar/Uploads/i1/Institucional/1.OrganosDeConsultaParticipacion.pdf">http://www.desarrollosocial.gov.ar/Uploads/i1/Institucional/1.OrganosDeConsultaParticipacion.pdf</a>). <b>Each province creates and develops a Council of Indigenous Participation, formed by representatives of the indigenous people and provincial authorities to implement instances of dialog if any conflict arises</b></p>	Five provinces: Misiones, Corrientes, Entre Ríos, Santa Fe and Buenos Aires	Low risk on violation of IP rights and on conflicts

between the indigenous people and private owners of the land. There are no demonstrated conflicts of considerable magnitude in relation to traditional rights of use, included cultural interests or cultural traditional identity in areas of forest plantations for the Districts of the scope as can be verified in :

<http://www.desarrollosocial.gov.ar/INAI/site/default.asp>;

<http://asguaraniesmisiones.org>;

[http://www.santafe.gov.ar/index.php/web/content/view/full/118530/\(subte ma\)](http://www.santafe.gov.ar/index.php/web/content/view/full/118530/(subte%20ma));

<http://www.sdh.gba.gov.ar/programas/cpaindigenas.php>

National Law No. 24.544/95, approved the creation of the Fund for Development of Indigenous Peoples of Latin America and the Caribbean (UN). National Law No. 24.874/97, adopted the International Decade of the World's Indigenous People (UN).

Laws were passed at the provincial level supporting recognition of the First Peoples:

Province of Misiones

Law No. 2.727/89

General Directorate of Guarani Affairs, Provincial Ministry of Human Rights.

(<http://asguaraniesmisiones.org/>)

Province of Entre Ríos

Provincial Constitution, Art.33, recognizes the First Peoples, their ethnicities and culture. Law No. 9.653/05. Accedes to National Law No. 23.302

Province of Santa Fe

Law No. 11.078/93 Provincial Institute of Santa Fe Aboriginal Affairs, Ministry of Social Development.

[http://www.santafe.gov.ar/index.php/web/content/view/full/118530/\(subtema\)](http://www.santafe.gov.ar/index.php/web/content/view/full/118530/(subtema))

Province of Buenos Aires

Decree No. 3631/07 Provincial Council of Indigenous Affairs.

<http://www.sdh.gba.gov.ar/programas/cpaindigenas.php>

In agreement with the National Institute of Indigenous Affairs (INAI), and all sources consulted above, there is no evidence of unresolved conflicts of considerable magnitude in relation to traditional rights of use, included cultural interests or cultural traditional identity in areas of forest plantations kinds for the Districts of the scope.”

#### **Conclusion-Level of Risk**

The information obtained indicates that Argentina has processes for resolving disputes regarding traditional rights and institutions in order to monitor compliance with the sectarian legislation in effect, And that do not demonstrate conflicts of considerable magnitude in relation to traditional rights of use, included cultural interests or cultural traditional identity in areas of forest plantations for the Districts of the scope.

<http://www.desarrollosocial.gov.ar/INAI/site/default.asp>

	<p>All of the Districts for which the assessment for this indicator was made are LOW RISK.</p> <p><b>INDICATOR 2.5. There is no evidence of violation of ILO Convention 169 on Indigenous and Tribal Peoples in the forest areas in the district concerned.</b></p> <p>Argentina ratified Convention 169 on Indigenous Peoples on July 3, 2000. (<a href="http://www.ilo.org/dyn/normlex/es/f?p=NORMLEXPUB:11200:0::NO::P11200_COUNTRY_ID:102536">http://www.ilo.org/dyn/normlex/es/f?p=NORMLEXPUB:11200:0::NO::P11200_COUNTRY_ID:102536</a>) Through Law No. 23.302/85, the national government created the National Institute of Indigenous Affairs (INAI, initials in Spanish) for the purpose of promoting, coordinating and executing the government's actions on behalf of integral development of indigenous peoples and communities, regulated by Decree No. 155/89 (<a href="http://www.desarrollosocial.gob.ar/leyes/152">http://www.desarrollosocial.gob.ar/leyes/152</a>). INAI is a decentralized agency whose purpose is to ensure full enjoyment of citizenship for the members of the indigenous peoples, guaranteeing compliance with the rights consecrated in the Constitution (<a href="http://www.desarrollosocial.gob.ar/inai/104">http://www.desarrollosocial.gob.ar/inai/104</a>).</p> <p>In agreement to the Indigenous Affairs National Institute and to information issued by ILO, there is no evidence of violation of ILO Convention 169 in areas of forest plantations for the Districts of the scope.</p> <p><a href="http://www.desarrollosocial.gob.ar/INAI/site/default.asp">http://www.desarrollosocial.gob.ar/INAI/site/default.asp</a>,  <a href="http://www.oit.org.ar/portal/index.php?option=com_content&amp;view=frontpage&amp;Itemid=1">http://www.oit.org.ar/portal/index.php?option=com_content&amp;view=frontpage&amp;Itemid=1</a></p> <p>Resolution No. 328/2010 created the National Registry of Organizations of Indigenous Peoples (<a href="http://www.infoleg.gob.ar/infolegInternet/verNorma.do?id=174780">http://www.infoleg.gob.ar/infolegInternet/verNorma.do?id=174780</a>). INAI made a territorial survey of indigenous peoples and produced a map with their geographic location. (<a href="http://www.desarrollosocial.gob.ar/Uploads/i1/Institucional/Relevamiento_Territorial_Comunidades_Indigenas.PDF">http://www.desarrollosocial.gob.ar/Uploads/i1/Institucional/Relevamiento_Territorial_Comunidades_Indigenas.PDF</a>).</p> <p>The National Office of the ILO has no information about any violations of Convention 169 in this country. (<a href="http://www.oit.org.ar/">http://www.oit.org.ar/</a>).</p> <p><b>Conclusion-Level of Risk</b></p> <p>According to the information gathered from provincial agencies, there has been no evidence of violation of Convention 169.</p> <p>The five Districts for which the assessment for this indicator was made are LOW RISK.</p>		
<p><b>Conclusion on Indicator 2.3:</b></p> <ul style="list-style-type: none"> <li>There is a great diversity of indigenous peoples in Argentina, including the following: Atacama, Ava Guaraní, Aymara, Chané, Charrúa, Chorote, Chulupi, Comechingón, Diaguita/Diaguita Calchaquí, Guaraní, Huarpe, Kolla, Lule, Mapuche, Mbyá Guaraní, Mocoví, Omaguaca, Ona, Pampa, Pilagá, Quechua, Querandi, Rankulche, Sanavirón, Tapiete, Tehuelche, Toba, Tonocote, Tupí Guaraní, and Wichí. According to the <i>Indigenous World</i>, there are today 35 distinct indigenous peoples officially recognized. Indigenous Peoples live in all parts of the country. In the period from 2004 to 2005, a total of 600,329 inhabitants recognized themselves as members or descendants of indigenous peoples. In 2010, according to the self-recognition criterion, the indigenous population comprised 955,032</li> </ul>		Country	Specified risk

inhabitants. Arcent World Bank report showed that there is a huge lack of statistical information on Argentina's Indigenous Peoples. Proper statistics on recognized IPs and registered IP-land could not be found, nor of IPs' claims to territory.

- Argentina has taken important steps to recognize the rights of indigenous peoples. These include reforms to the Constitution of 1994 relating to indigenous peoples, the adoption of Act No. 26160 establishing a process to help regularize indigenous lands in the country, the ratification of the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169), and the vote in support UNDRIP. According to the UN Special Rapporteur, however, "the legacy of the colonial period still remains, and the historical exclusion of indigenous peoples is still very apparent. This is manifested in various ways, such as the inadequate protection of their rights to their traditional lands." There is substantial evidence that a huge gap exists between the existing regulatory framework and its actual implementation. All independent assessments conclude that the human rights of indigenous peoples at both the federal and provincial levels are not sufficiently protected. In other words, IP rights are rarely respected.
  - Under the Argentine federal system, the country's 23 provinces enjoy a high degree of autonomy and have the power to establish their own constitutions, laws and policies on specific issues, including indigenous issues. Several constitutional provisions, including those relating to indigenous peoples, are implemented concurrently by the federal and provincial governments. Different provinces have developed different norms on indigenous matters but no province seems to have rigorously fulfilled the law on land surveys, although some have made more progress than others.
- There is significant evidence of violations of legal and customary rights of IPs. The analysis above reports many examples of conflict about land and resources and of forced evictions. These examples show that Argentina does not do enough to ensure indigenous groups can defend their land rights and claim title deeds. It is concluded that the unclear land tenure is a source of conflict between indigenous groups and state and private companies.
- It is therefore also concluded that there are conflicts of substantial magnitude<sup>3</sup> pertaining to the rights of Indigenous Peoples. In addition, U.N. special rapporteur on racism and related intolerance, Mutuma Ruteere, says that "most alarming are the reported trends of repression, in several parts of the country, against the mobilisation by indigenous groups to claim their rights; and the reprisals against indigenous civil rights defenders and leaders as well as members of their families."
- There are no recognized laws and/or regulations and/or processes in place to resolve conflicts of substantial magnitude pertaining to IP rights. There is also no law or policy at either the federal or the provincial level to regulate a consultation procedure with indigenous peoples and Argentina lacks a law to protect indigenous peoples' right to free, prior, and informed consent when the government adopts decisions that may affect their rights.

<sup>3</sup> For the purpose of the Indicator 2.3, a conflict of substantial magnitude is a conflict which involves one or more of the following:

- a) Gross violation of the legal or customary rights of indigenous or traditional peoples;
- b) Significant negative impact that is irreversible or that cannot be mitigated;
- c) A significant number of instances of physical violence against indigenous or traditional peoples;
- d) A significant number of instances of destruction of property;
- e) Presence of military bodies;
- f) Systematic acts of intimidation against indigenous or traditional peoples.

Guidance:

In the identification of conflicts of substantial magnitude one must also be aware of possible parallel activities of other sectors than the forest sector that also impact the rights of indigenous/traditional peoples and that there can be a cumulative impact. This cumulative impact can lead to a 'gross violation of indigenous peoples' rights' or 'irreversible consequences' but the extent of the contribution of forest management operations needs to be assessed. The substance and magnitude of conflicts shall be determined through NRA development process according to national/regional conditions. NRA shall provide definition of such conflicts.

<p><b>The following 'specified risk' thresholds apply, based on the evidence:</b></p> <p>(23) The presence of IP and/or TP is confirmed or likely within the area. The applicable legislation for the area under assessment contradicts indicator requirement(s) (refer to 2.2.6); AND</p> <p>(24) Substantial evidence of widespread violation of IP/TP rights exists; AND</p> <p>(26) There is evidence of conflict(s) of substantial magnitude pertaining to the rights of IP and/or TP. Laws and regulations and/or other legally established processes do not exist that serve to resolve conflicts in the area concerned, or, such processes exist but are not recognized by affected stakeholders as being fair and equitable. Note under threshold No 20 applies.</p>		
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## Controlled wood category 3: Wood from forests in which high conservation values are threatened by management activities

### Overview

Natural Forests are currently found in most of the north and centre of Argentina, as well as in the south-west. Although natural forests originally covered an area of approximately 100 million hectares (ha) (10), it is estimated that currently only 27.1 million ha remain (3), which represents approximately 9.5% of the national continental area (12). Native forest protection and logging activities occur on both public and private land. Indigenous and local communities carry out most NTFP collection. Plantation forests are mainly established on private land by producers that range from large forest companies to small-medium size companies, and to family-scale farms.

Seven different types of forest regions exist in Argentina, i.e. “Parque Chaqueño” (centre north), “Selva Misionera o Paranaense” (north east), “Selva Tucumana Boliviana or Yungas” (north west), “Bosque Andino Patagónico” (south west), “Monte” (centre west, ending in the coastline bordering Patagonia), “Espinal” (centre and coastline, surrounding the Pampas), and “Delta e Islas del Paraná” (a narrow strip around the Paraná river, including its Delta). A map of the Forest Ecoregions is in Annex A. All of these types of forest have been considered for this Risk Assessment.

Natural forests are found on both public and private land. Public native forests are typically managed for conservation purposes, and for community and for the use of indigenous populations. Private native forests are mainly used for timber logging, NTFP collecting and cattle grazing. Regardless, the ownership, for both timber and NTFP management, is regulated by the Government, and permits are always required. The main uses of native timber include firewood, charcoal production, wood for furniture, food products and building materials. The main types of forest owners and management methods found in natural forests include: state and private management of natural forests in national and provincial reserves, communal natural forest management, concession natural forest management, private natural forest management, and indigenous community natural forest management.

Plantation forest is the main industrial wood source in Argentina, covering 1.2 million hectares in the northeast part of the country. About 80% of the plantations are located in the provinces of Misiones, Corrientes and Entre Ríos. The other 20% of the plantations are in the provinces of Buenos Aires, Mendoza, Neuquén, Río Negro, Chubut, Jujuy, Salta, Tucumán, Córdoba, La Pampa, Santa Fe, Formosa, and Chaco y Santiago del Estero. Exotic species are mainly planted, and *Pinus spp.* are the most used species (65%), followed by *Eucalyptus* (22%) (7). The average production of industrial wood was about 10 million m<sup>3</sup>/yr between 2001 and 2013 (12). Plantations in Argentina are mainly on private property, except in Neuquén Province where there is a state corporation managing public plantations. Currently, FSC chain of custody certificates are sourced from plantation forests only (no native forests are FSC certified). On the one hand, industrial plantations in Argentina, according to the information published in the Global Forestry Registry (5), do not qualify as high conservation value forest areas, and wood sourced from these areas can be classified as low risk in relation to Controlled Wood Category 3. On the other hand, the risk of exotic species dissemination, e.g. pine trees, may affect HCVs in wetlands, grasslands, and on the Patagonian Steppe.

Argentina is a pioneering country in the creation of protected areas, seeing its first national park established in 1903. Currently there exist 437 protected areas covering 33.2 million hectares, which represents 11.9% of the national territory. These protected areas include 53 under the jurisdiction of the National Authority, and the following with international recognition: 15 Biosphere Reserves, 22 RAMSAR Sites, and 4 UNESCO World Heritage Sites (11).

Argentina is a signatory to several international Conventions, e.g. Conventions on International Trade in Endangered Species of Wild Fauna and Flora – CITES – (15), the RAMSAR Convention for Wetlands of International Importance (16), and the Convention for Biological Diversity –CBD (17). In relation to the CBD, a

National Action Plan for 2014–2020 and a National Strategy on Biodiversity have been developed to achieve the Aichi goals; the report presented last year account for the steps taken, although there has so far been only a moderate level of progress towards the Aichi goals (10).

According to the National Constitution (14), the management of natural resources is a responsibility of the provinces, following the minimum standards of protection defined at the national level. Aiming to protect native forest from deforestation, National Law No. 26.331 (16) “Minimum Budget for Forest Protection” was enacted in 2007. This law obliges every province to develop its Native Forests Land Plan (Ordenamiento Territorial del Bosque Nativo, OTBN) according to three main categories to classify all native forests with further delination according to ten conservation criteria: Category I (red): sectors with very high conservation values that should not be transformed; Category II (yellow): sectors with medium conservation values that, although they may be degraded, could have high conservation values with the implementation of restoration activities. The following uses are allowed: sustainable harvesting, tourism, and scientific collection and research. The final classification is Category III (green): sectors with low conservation values that can be partially or totally transformed even under the criteria given in this law. The law also created the Conservation and Enrichment of Native Forests National Fund to support private owners of forests in Categories I and II, as well as provincial authorities. Except for the province of Buenos Aires, all other jurisdictions have defined a category for their forests, resulting in a total of 19% falling within Category I (red), 60% within Category II (yellow), and 21% within Category III (green) (12) (20).

In summary, a functional scale (Legal classification, ownership, management regime) timber sources in Argentina can be classified as follows for the purpose of this Risk Assessment (See table A below)

- **Natural Forest-category I** (National/provintial parks, other private and public forests). **Areas where Timber and NTFP sourcing is prohibited**
- **Natural Forest-cat II and III in National and provintial Reserves.** Under either private or public ownership-management, timber/NTFP harvesting is allowed within a management plan
- Natural Forest-cat II and III - **Communal:** Public natural forests where local communities harvest timber and NTFP mainly for subsistence
- Natural Forest-cat II and III - **Concession:** Public natural forests are assigned to private forest companies decided on the basis of a bidding process. Management plans are required by law for timber/NTFP harvesting
- Natural Forest-cat II and III – **Private Natural Forests:** Management plans are required by law for timber/NTFP harvesting
- Natural Forest-cat II and III - **Indigenous Natural Forest:** Under communal property and management, indigenous communities harvest timber and NTFP mainly for subsistence
- **Plantation forests:** Established for timber production, either by private or public investments. A few plantations are for soil conservation.

**Table A-** Summary of types of timber sources (geographical and functional scale) identified for the propose of this Risk assessment in Argentina.

AuA Factors		Material Source Characteristics				Description of Material Source Type (based on an evaluation of the different attributes evaluated assign a suitable name for different types of timber/NTFP material sources with similar risks)		
Area under Assessment	Forest type	Legal Land Classification (the classification of the land such as permanent forest reserve, farm land, protected area classes etc.)	Ownership (e.g. public, private, corporate, indigenous, individual, farmer, community forests etc.) & scale of operations - (i.e., small, medium & large management operations).	Management regime (indication of different types of forest or tree management rights such as, private, communal, state, provincial government etc.)	Other (e.g., commercial tree species)			
Ecoregion of: <ul style="list-style-type: none"> <li>• <b>Selva Paranaense</b> (Provinces: Misiones y NE of Corrientes)</li> <li>• <b>Selva Tucumano-Boliviana:</b> (North and Center of Salta, East Jujuy and West Tucumán)</li> <li>• <b>Parque Chaqueño:</b> (Provinces: Chaco, Formosa, E of Salta, Santiago del Estero, N and C Santa Fe, N and W of Corrientes, N and NW Córdoba, E of Tucumán, S of Catamarca, SE La Rioja and N San Luis)</li> <li>• <b>Monte</b> (Province: San Juan, Mendoza, C La Rioja, W La Pampa, S Buenos Aires, E Neuquén, N and E of Río Negro and NE de Chubut)</li> <li>• <b>Espinal</b> (S of Corrientes, N of Entre Ríos, C of Santa Fe, C and SW of Córdoba, C and S of San Luis, E of La Pampa y S of Buenos Aires)</li> <li>• <b>Bosque Andino-Patagónico</b> (W of Neuquén, W of Río Negro, W of Chubut, W of Santa Cruz and C and S of Tierra del Fuego)</li> <li>• <b>Paraná River Delta and Islands</b></li> </ul>	Natural Forests	Natural Forests-Category I	National / Provincial Parks -Public-	State		Timber/NTFP Sourcing prohibited- Illegal Timber		
			Public	State				
			Private	Private				
				Natural Forests-Category II and Category III	National / Provincial Reserves	State		Natural Forest in Reserves
						Private		
					Public land	Communal		Communal Natural Forests
Concessions						Concession Natural Forest		
Private lands	Private		Private Natural Forest					
			Private / Indigenous	Private		Indigenous Natural Forest		
Plantation forests in the Provinces of Misiones, Corrientes, Entre Ríos, Buenos Aires, Mendoza, Neuquén, Río Negro, Chubut, Jujuy, Salta, Tucumán, Córdoba, La Pampa, Santa Fe, Formosa, Chaco y Santiago del Estero.	Plantations	Productive plantations	Public /Private lands	State / Private		State / Private Plantations		

## **HCV presence in Argentina**

Although HCVs in Argentina have not yet been systematically studied according to the HCV Framework, many HCV areas are within the Federal Protected Areas System (11), which includes national and provincial parks in which logging is totally forbidden. The representation and conservation of different forest ecosystems is variable, ranging from 32% of the Selva Tucumano-Boliviana area to less than 7% of the Parque Chaqueño area (10). Some RAMSAR Sites and parts of the Biosphere Reserves are declared as Protected Areas. All of these Protected Areas and other areas containing HCV (on public and private land, are classified as Category I (red - strict conservation) or II (yellow - conservation and harvesting with a management plan) in the Native Forests Land Plan (OTBN) under National Law No. 26.331 (18) of Minimum Budget for Forest Protection because of their conservation values. It is unlikely that HCV areas are present in Category III of the Native Forests Land Plan (OTBN).

Additionally, an important number of HCV areas, mainly for Categories 1 to 3, have been identified by national and international NGOs and researchers from Universities, and/or by CONICET (National Council for Scientific and Technical Research). These areas are not necessarily protected in the aforementioned schemes.

Overall there is less information available on HCV 5 and 6 values in Argentina. However, it is important to consider that about one million people in Argentina recognise themselves as indigenous peoples, and half of them still live in rural areas, maintaining their main cultural attributes. Some are settled inside protected areas using native forests, and others have communal land title, which was granted by the government in recognition of their traditional possession, but there are still several communities without this recognition (6). In 2007, the National Institute of Indigenous Affairs started the Program of Territorial Reporting of Indigenous Communities with the purpose of gathering data and recording the territories traditionally occupied by indigenous communities to recognise their communal possession and ownership of lands (21) (13).

## **Law efficiency/Safeguards and Threats**

The country has a solid legal system for the protection of high conservation values. This is supported by the Constitution, the important International Conventions the country has ratified, by classification of native forest according to its conservation value, and by the Federal Protected Areas System. However, law enforcement and implementation is sometimes weak. The last two reports (2010 and 2015) of the World Bank's "Worldwide Governance Indicators" show Argentina's overall score, combining six indicators, at close to 40 (on a scale of 0 to 100 with 100 being the highest possible value), well below the threshold of 75 that the World Bank establishes as an indicator of a high level of compliance with the law in a country (22). Nevertheless, best practice management guides and manuals have been developed for different regions of the country, and these represent an important reference to ensure the minimal impact of forest operations.

In general terms, the main threat to HCVs, in the centre and north of the country, is deforestation for agriculture and cattle grazing (also see Category 4). Deforestation monitoring activities by the Environment and Sustainable Development Ministry, the national authority, for the years 2013 to 2014 detected particularly high rates of deforestation for the Forest Ecoregions of Parque Chaqueño, Selva Tucumana Boliviana, Selva Paranaense and Espinal. Although forest conversion is forbidden in Categories I and II in the Minimum Budget for Forest Protection Law, 40% of the deforestation during this period took place in areas classified under these two Categories (9). There are also a number of other threats to HCVs, including raising cattle inside forest areas through sylvopastoral systems that are widely implemented in the country. Tree poaching is observed throughout Argentina and is sometimes practised by forest workers. Exotic species used in forest plantations are in some cases a threat to HCV in non-forest areas through encroachment, such as in grasslands, wetlands and on the steppe. Fires are a particularly serious threat to Andean Patagonia Forests and its HCV. As a consequence, the National government established 20 years ago the Fire Management National Plan, with resources in different parts of the country and collaboration with other public forces to combat the fire threat.

The lack of a comprehensive identification of HCVs at the national level represents a potential threat to the HCVs because of the risk of forest management unknowingly impacting them through activities such as habitat removal or degradation. This is particularly salient for HCV 5 and 6, as there is an important survey of indigenous territories underway. However, this survey is not yet finished, and the preliminary results are not publicly available. Regarding local communities, a similar risk applies as a result of not having an official survey publicly available of the areas under use.

Forest degradation due to timber harvesting is relevant in most native forests of Argentina. Permits from the provincial authorities, based on forest management plans, are required, however the quality of the information used (e.g. inventories) for the development of the management plan is sometimes limited. Even with a proper and detailed management plan, poor implementation because of limited training, combined with a low level of control by the authorities, generates conditions for forest degradation by forest management activities. Finally, there is evidence that illegal harvesting is also occurring in forest regions (see Category 1 for more details).

Limited resources for the implementation and conservation of Protected Areas also diminish the safeguards for conservation values formally protected as parks and reserves.

Plantation forests may cause a variety of impacts on HCVs, including habitat transformation (in grasslands or wetlands), soil and water degradation related to road construction and maintenance, invasion of exotic species, and environmental pollution because of the use of agrochemicals.

In summary:

Category I in the Native Forests Land Plan (OTBN) of the Minimum Budget for Forest Protection Law, which includes National and Provincial Parks and other Public and Private land: HCVs exist, but sourcing of timber/NTFP is illegal.

Categories II and III in the Native Forests Land Plan (OTBN) of the Minimum Budget for Forest Protection Law (on both public and private land): HCVs may exist. There are some HCV safeguards in place, but HCVs might be threatened.

Plantations (public and private): Overall there are low, or no HCVs present within plantations, but plantations may have negative effects on adjacent HCV areas.

## Experts consulted

No	Name	Organisation	Area of expertise (category/sub-category)
1	Pablo Lumerman	Consultant of Estudio Valle Medio. ICCA (Territories and Areas Conserved by Indigenous Peoples and Local Communities) Participant	Native and Indigenous people's rights, HCV 5 and HCV 6
2	Daniel Blanco	Wetlands International (Fundación Humedales)	Wetlands, HCV 3, HCV 1 and HCV 2
3	Paula Cichero	National Parks Administration (Administración de Parques Nacionales)	Federal Protected Areas System, all HCVs (especially HCV 1 to 4)
4	Ricardo Ortíz	National Parks Administration (Administración de Parques Nacionales)	Protected Areas, Community Forest Harvesting, HCV 5 and HCV 6
5	Manuel Jaramillo	Vida Silvestre Argentina Foundation (Fundación Vida Silvestre Argentina)	Environmental Impact, Conversion, Protected species, all HCVs
6	Javier Van Houtte	Forestoindustria Director (MAGPyA)	Forest Plantations, all HCVs
7	Alejandro Brown	ProYungas Foundation (Fundación Proyungas)	HCV 1 to HCV 4
8	Norma Esper	Forest Direction, Ministry of Environment and Sustainable Development	Native Forests Land Plan (OTBN), HCV 1 to HCV 3
9	Gabriela Parmuchi	Forest Direction, Ministry of Environment and Sustainable Development	GIS, deforestation monitoring, HCV 2 and HCV 3
10	Daniel Ramadori	CITES, Ministry of Environment and Sustainable Development	CITES, HCV 1
11	Emiliano Reynoso	National Institute of Indigenous Affairs	Indigenous Populations, HCV 1
12	Ana Di Pangraccio	Natural Resources and Environment Foundation (Fundación Ambiente y Recursos Naturales (FARN))	Environmental Law, all HCVs
13	Francisco Carabelli	San Juan Bosco University	Andean Patagonian native forests and plantations, HCV 1 to HCV 3
14	Gustavo Aparicio	Habitats and development Foundation (Fundación Hábitat y Desarrollo)	Biodiversity conservation, HCV 1 to HCV 3
15	Pablo Peri	National Institute of Agricultural Technology (see note)	Native forest and Silvopastoral systems, HCV 4

Note: Pablo Peri is also an Independent Researcher for CONICET. Director of the Masters in Natural Resources Management of the Universidad Nacional de la Patagonia Austral.

## Risk assessment

Indicator	Sources of Information	HCV occurrence and threat assessment	Geographic/Functional scale	Risk designation and determination
3.0	A, B	<p><b>Data Assessment to determinate HCV Occurrence</b></p> <p>There are no reports or maps specifically identifying or assessing HCVs in Argentina according to the FSC’s definitions, nor has a national HCV definition been developed that can be used as guidance for identifying HCVs in Argentina. However, an important number of HCV areas have been identified by the Government and NGOs through proxy data sources. Many of the HCV areas are covered by the Federal Protected Areas System (13), and/or are classified as Category I or II of National Law No. 26.331 on Minimum Budget for Forest Protection. The data available varies for each HCV attribute, and it is presented as follows:</p> <p>HCV1: Argentina is a high biodiversity country. Since there is limited official information about HCV 1, the assessment of occurrence can be conducted through indirect official information (like declaration of protected areas because of their biodiversity richness, threats, endemism, etc.), or through local and international NGO’s reports related to HCV 1. Relevant data for HCV 1 identification includes:</p> <ul style="list-style-type: none"> <li>• The officially recognised Protected Areas in the country, including monuments, parks and reserves, as well as UNESCO World Heritage sites, RAMSAR sites, and Biosphere Reserves (33). Many of these areas aim to conserve one or more endangered species. This information is available in the Federal Protected Areas System (13).</li> <li>• Areas Categorised as I (red) and II (yellow) in the Minimum Budget for Forest Protection Law have great potential for containing areas of HCV Category 1, since this is one of the criteria within the categories’ definitions. The location of and data on the forest areas covered in each category is available online (15) (31).</li> <li>• The lists of fauna species and their conservation status published by the national environmental authority are for mammals, birds, amphibians and reptiles (28) (29) (30). These lists are based on work done by experts of national public and private organisations: for birds (12), mammals (20), amphibians and reptiles (1) (9) (24) (25) (36).</li> <li>• There is a national Red List for Endemic Flora species available online for consultation (27). The IUCN Red List of Threatened Species (34) identifies some flora species. For the northeast provinces of Misiones, Corrientes and Entre Ríos a recent study compiled available data and interviewed several experts, developing a good list of species for this region (2).</li> <li>• The species included in the CITES Appendices (5)</li> <li>• Conservation International (CI) Hotspots, which identify areas of great biodiversity and high levels of endemism that are threatened by human activities (Myers 2000). The CI definition states that a Hotspot hosts at least 1,500 endemic vascular plants, and that more than 70 %</li> </ul>	<p><u>Geographic scale:</u> Country</p>	<p>Specified risk for HCVs 5 and 6. The following risk thresholds are met: (3) Data available are not sufficient for determining HCV presence within the area under assessment; AND (4) Data available are not sufficient for assessment of the threats to HCVs caused by forest management activities.</p> <p>Low risk for HCVs 1 to 4. The following risk thresholds are met: (1) Data available are sufficient for determining HCV presence within the area under assessment; AND (2) Data available are sufficient for assessing threats to HCVs caused by forest management activities.</p>

		<p>of the original area has been lost. The Selva Paranaense and the Yungas are identified as CI Hotspots.</p> <ul style="list-style-type: none"> <li>• Birdlife International and its local partner Aves Argentina identified 274 Important Areas for Bird Conservation (AICAs – Áreas Importantes para la Conservación de las Aves) in Argentina. Some of these areas are located in the Areas Under Assessment (3).</li> <li>• The identification of Valuable Grasslands Areas (Áreas Valiosas de Pastizal) in the Pampas and Campos of South America (Argentina, Brasil and Uruguay) is relevant to assessing the impacts of Plantation Forest. These Grassland Areas were selected by 140 specialists, considering the biodiversity of plants, mammals and birds, endemism, threats, and opportunities for conservation. The identification was coordinated by Fundación Vida Silvestre Argentina, the local WWF partner. At least half of the 49 Valuable Grassland Areas identified in Argentina are located on private land (4).</li> <li>• The Gran Chaco Americano Ecoregional Assessment (32) is based on biodiversity information collected and analyzed in workshops with local and international experts of important NGOs at the local and international levels. Maps and a database were developed, as well as priority actions (7).</li> <li>• The Fundación para la Conservación y Estudio de la Biodiversidad (CEBio) published a technical report identifying 29 important areas for the conservation of threatened species in the provinces of Jujuy and Salta for the Yungas Ecoregion (26). The identification of areas is based on seven threatened species that were selected because they are also: endemic species (Mirlo de agua, Loro pinero), key species (Jaguar), ecosystem engineer species (Tapir and Pecarí labiado), flag species (Guacamayo verde, Loro pinero, Jaguar, Tapir) or species with a special value (Roble criollo, Pecarí labiado). Mapped information is available on the Proyungas website (7).</li> </ul> <p>HCV 2:</p> <ul style="list-style-type: none"> <li>• Argentina has large areas covered by native forests (over 50,000 ha) that grow from subantarctic to tropical areas. Some of these forests are under a conservation strategy and are identified by the Federal System of Protected Areas, including UNESCO World Heritage sites, RAMSAR sites, or Biosphere Reserves (e.g. Iguazú National Park, which is also a UNESCO World Heritage site, or the Biosphere Reserves of Yabotí, the Yungas, and the Andean North-Patagonic). Some National Parks protecting forest landscapes are: Baritú, Lanin and Nahuel Huapi.</li> <li>• Continuous large areas categorised as I (red) and/or II (yellow) in the Minimum Budget for Forest Protection Law are very likely to contain HCV 2.</li> <li>• In the Selva Paranaense Forest Region was defined an area of approximately 1 million ha named the “Green Corridor” in the Province of Misiones by Provincial Law XVI-60 – previously numbered 3.631. The Green Corridor includes formally public and private protected areas, as well as private land under different uses and management types. Although forest conversion is allowed inside the corridor, it requires special approval by the provincial government.</li> </ul>		
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		<p>Other sources of information for identification HCV 2 include:</p> <ul style="list-style-type: none"> <li>• The Intact Forest Landscapes (IFL) Mapping Team consists of non-governmental organisations like Greenpeace, the World Resource Institute and Transparent World, which developed the IFL concept. The concept is defined as an unbroken expanse of natural ecosystems within the extents of existing forest, showing no signs of significant human activity, and large enough that all native biodiversity, including viable populations of wide-ranging species, could be maintained (23). In Argentina, IFL areas have been identified in the Bosque Andino Patagónico Ecoregion, the Yungas and the Iberá.</li> <li>• The WWF has identified a total of 867 terrestrial ecosystems globally. The top priority ecoregions were named as the Global 200 and include 142 terrestrial ecoregions besides other marine and fresh water ecoregions (21) (22). The critical ecoregions in Argentina are the Selva Paranaense, the Bosques Andino-Patagónicos and the Yungas (37). These forest ecoregions are also identified as International Conservation Hotspots (18).</li> <li>• The Gran Chaco Americano Ecoregional Assessment (32) is based in biodiversity information, collected and analyzed in workshops with local and international experts of important NGOs at the local and international levels. Maps and a database have been developed, as well as priority actions.</li> </ul> <p>HCV 3:</p> <ul style="list-style-type: none"> <li>• A wide variety of ecosystems are present in the country. The IUCN Argentinean Committee announced the beginning of the development of the National Red List of Ecosystem in October 2015 (35).</li> <li>• The Federal System of Protected Areas already protects many ecosystems, for example: El Palmar National Park (Yatay palm trees ecosystem), the Biosphere Reserve, and the Parana River Delta (floating marshes ecosystem). Besides this, there are 22 RAMSAR Sites designated for Argentina, which protect wetlands of international importance, and many of these are within the forest regions.</li> </ul> <p>Other criteria or sources of information to be considered for the identification of HCV 3 include:</p> <ul style="list-style-type: none"> <li>• Areas categorised as I (red) and II (yellow) in the Minimum Budget for Forest Protection Law have great potential for containing HCV Attribute 3, since this is one of the criteria for inclusion in the category.</li> <li>• Birdlife International and its local partner Aves Argentina have identified 274 Important Areas for Bird Conservation (AICAs – Áreas Importantes para la Conservación de las Aves) in Argentina. Some of these areas are located in the areas under assessment (3).</li> <li>• Remnant grasslands areas in the Pampas region can also be considered as HCV 3, according to the Identification of Valuable Grasslands Areas (4).</li> <li>• There are other studies available developed for the forest regions of Parque Chaqueño, Selva Tucumana Boliviana, Monte, Bosque Andino Patagónico, and for the Paraná River Delta and Islands.</li> </ul>		
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		<p>HCV 4:</p> <ul style="list-style-type: none"> <li>• Forest that protects river margins and erodible soils have been defined and legally protected by National Law 13.273 in 1948 (19). Many protected areas have been created following this definition.</li> </ul> <p>Examples of areas identified by the Federal System as Protected Areas which have met the HCV 4 criteria are the three provincial reserves of “Pampa de Achala”, “Los Gigantes”, and “La Quebrada”, as well as the Quebrada del Condorito National Park, located in the Parque Chaqueño Region, all of which protect the headwater basin that supplies most of the fresh water for the population of Córdoba Province.</p> <p>Different provinces have adopted the initiative of National Law 13.273 and have defined provincial regulations for the protection of forests, for example in the Provinces of: Misiones, Chaco, Salta Tucuman and Córdoba.</p> <ul style="list-style-type: none"> <li>• Areas categorised as I (red) and II (yellow) in the National Forest Lan Plan (OTBN) are very likely to contain HCV 4. Within the ten sustainability criteria for the native forest categorization in the Native Forest Land Plan it is included criterion 9- which refers to the conservation value of the native forests in relation to its strategic location for watersheds conservation and to ensure water supply in needed quality and quantity (see indicator 3.4. HCV 4 – Occurrence for further details).</li> </ul> <p>HCV 5 and 6:</p> <ul style="list-style-type: none"> <li>• In the Federal System of Protected Areas, the category of national and provincial reserves allows the presence and development of human activities under certain regulations. An example is the Lanin National Reserve that has a Mapuche indigenous population. The Yabotí Biosphere Reserve is another example of a protection area that provides subsistence for a Guaraní indigenous community.</li> </ul> <p>Areas containing HCV 5 and 6 are poorly identified. Thus, indigenous communities are used as a proxy for HCV 5 and 6, as these communities are the most likely to have or rely on HCV 5 and 6 values in Argentina. Nearly 1 million people identify themselves as indigenous people belonging to one of the 32 ethnic groups, and about half of them still live in rural areas and are integrated in organised communities maintaining their fundamental cultural features (11). Most of them have a connection with the native forest. In most cases these communities are settled on public land, but only one-third has a communal land title. The National Government through the National Institute of Indigenous Affairs is running the Program of Territorial Report of Indigenous Communities with the purpose of gathering data and recording the territories traditionally occupied by indigenous communities to recognise the communal possession and ownership of lands (21) (13). However, this work is not yet finished, and preliminary results are not yet publicly available. The indigenous communities mapped to date in Argentina can be accessed on the web page of the Ministry of Education</p>		
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and Sports (Ministerio de Educación y Deportes) (17). The government has put incentives in place for the registration of indigenous communities in the National Registry of Indigenous Communities, and for local communities to be included in the National Registry of Familial Agriculture. This is important information because the government assesses each case on its merits prior to its inclusion. Additionally, each family or community has an approximate location, though this is not publicly available unfortunately.

- Additionally, a useful source of information for the identification of HCV 6 is provided by the National Ministry of Culture in the National Cultural Information System. This system provides statistical information on the indigenous communities' households, as well as on cultural heritage monuments and other sites (16).

#### **Data assessment to identify threats to HCVs from forest management activities**

Deforestation is seriously affecting tropical natural forests in Argentina (Forest regions of: Yungas, Parque Chaqueño and Selva Paranaense), which is mainly caused by the development of agriculture (2). Deforestation of areas in Categories I and II of the National Law for the Protection of Native Forest has been detected, although conversion is forbidden in both categories (3). Land use change is monitored by the Environment and Sustainable Development national authority. In addition, with the support of satellite images, many NGOs are providing updated data about ongoing deforestation.

Some areas reported and/or mapped as HCVs by NGOs are not covered by any kind of legal or formal protection. Moreover, the effectiveness of management of protected areas is variable, being weak in some cases because of a lack of a management plan, a secure budget, or even basic equipment. "Protected Planet" is an online platform on protected areas managed by the United Nations Environment Programme's World Conservation Monitoring Centre (4) with support from IUCN and its World Commission on Protected Areas (WCPA). According to the Protected Area Management Effectiveness (PAME) methodology (2), the protected areas of Argentina obtained a score just below 50% for protected area management effectiveness.

For HCV 1 and 3, there is weakness in the identification and assessment of species and ecosystems, since most of the data available is based on information gathered on public land and is very limited from private land. Since the identification of HCVs is limited, the potential risk of them being threatened is larger. Certified forest operations of Argentina are progressively including consideration of HCV areas and the potential impacts of forest operations into their management plans as a result of the interaction of different factors: increasing availability of knowledge, better trained FSC auditors, and forest managers and communities becoming more aware about the HCV concept and the importance of their protection (5) (6).

There is very limited data related to HCV 5 and 6, increasing the risk potential of these HCVs even being considered, let alone registered and/or reported by government authorities or NGOs, and in forest management plans.

	<p>In relation to Plantation Forest, there is a risk of mixing <i>Araucaria angustifolia</i> harvested from native forests with logs from planted forests. <i>Araucaria angustifolia</i> is classified as critically endangered by IUCN and is protected under the Provincial Monument Law of Misiones 2.380. Its harvesting is totally prohibited; however, it is also grown within plantations. Thus, it is important to ensure that the natural species is not mixed with the plantation grown <i>Araucaria angustifolia</i>.</p> <p>Public investment in science and technology related to biodiversity and HCV is increasing. In 2007, the National Ministry of Science and Technology was established, and the number of biological sciences-related researchers grew from less than 50 in 2003 to more than 200 in 2013. A National Observatory of Biodiversity has also been recently created (2), and thus the overall amount of scientific information has increased, too, e.g. monitoring the impacts of the forestry activities in the environment and the society.</p> <p>In conclusion, reports and information is available that confirms that there are possible threats and damages to areas of high conservation values related to forest operations. However, this information has limitations, because it is not always available or systematically updated. The identification of HCV is still evolving, especially for HCV 5 and 6, and as a consequence, the assessment of threats to these HCVs is a task that will need to be undertaken in the future. Consultation with experts from government agencies, research institutions and NGOs will be needed.</p> <p><b>Risk specification</b></p> <p>In terms of information availability for assessing HCV 1, 2, 3 and 4, there is a reasonably good level of coverage complemented by government and NGO reports. On this basis, the risk is considered Low for HCV 1, 2, 3 &amp; 4 data assessment on occurrence and threats posed by forest management activities.</p> <p>Low risk for HCVs 1 to 4. The following risk thresholds are met: (1) Data available are sufficient for determining HCV presence within the area under assessment; AND (2) Data available are sufficient for assessing threats to HCVs caused by forest management activities.</p> <p>However, HCV 5 and 6 have limited data for a national HCV identification. Data about threats to HCVs from forest management activities is not always available, especially for HCV 5 and HCV 6, and threat identification will need to be done locally through expert consultation. Based on the information provided above, this indicator is considered specified risk for HCV 5 and 6 data assessment on occurrence and threats.</p> <p>Specified risk for HCVs 5 and 6. The following risk thresholds are met:</p>		
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		<p>(3) Data available are not sufficient for determining HCV presence within the area under assessment; AND</p> <p>(4) Data available are not sufficient for assessment of the threats to HCVs caused by forest management activities.</p>		
3.1 HCV 1	C & D	<p><b>HCV Occurrence</b></p> <p>HCV 1 occurs in most parts of the country, and it includes areas that contain high concentrations of biological diversity, including endemic, rare, threatened and endangered species that are significant at regional and national levels. There is no map showing the distribution of these species, either at the regional or at the national level. However, the assessment of HCV 1 occurrence at the national and regional levels can be conducted through proxy data, such as the official lists of endangered species, and other sources of information like the official maps of priority forests for conservation and of natural forests already under protection.</p> <p>To determine the occurrence of HCV 1 at the national/regional level, we can consider the following:</p> <p><u>Native Forests Land Plan (OTBN)</u>  Areas categorised as I (red) and II (yellow) in the Native Forests Land Plan (OTBN) under the Minimum Budget for Forest Protection National Law are very likely to contain HCV 1. Category III (green) Land Plan and Plantation forests have a limited probability of containing HCV 1. As mentioned in the Overview, the National Law establishes ten sustainability criteria for native forest categorisation. In particular, criterion four refers to outstanding biological value due to rareness.</p> <p>The Federal System of Protected Areas (Sistema Federal de Áreas Protegidas – SIFAP) (30) includes Natural Monuments, Parks, Reserves and Forest Reserves, all of which can be declared and administered at the provincial or national level. The SIFAP also includes international categories such as UNESCO World Heritage sites (32) and Biosphere Reserves (31). Many of these areas aim to conserve one or more endangered or endemic species of flora and fauna.</p> <p>Logging activities are forbidden in parks, either national or provincial. In other kind of protected areas, like the Reserves, RAMSAR Sites and parts of the Biosphere Reserves, the objectives and management plan of the area in question may or may not allow wood harvesting operations. Among the Biosphere Reserves declared in Argentina, “Yungas”, “Yabotí”, “Delta del Paraná”, “Iberá”, “Andino Norpatagónica” and “Teuquito” in particular are in forest regions in which timber harvesting activities and plantation forest development occur (31).</p> <p>Under the conservation category of Natural Monuments are habitats of endangered species such as the jaguar (<i>Panthera onca</i>) and the south-andean deer (<i>Hippocamelus bisulcus</i>), which may be affected by forest management activities. The presence of jaguar has been confirmed in Selva Paranaense and in Selva Tucumana Boliviana (2,15,27,28,40); in Parque Chaqueño there is ongoing</p>	<p><u>Geographical scale:</u>  Forest regions</p> <p><u>Functional scale:</u>  Protection scheme:  - Protected Areas  - Non-protected areas</p> <p>Type of forest area:  -Natural forests  - Forest Plantations</p>	<p>Specified risk for:</p> <ul style="list-style-type: none"> <li>• Native Forest Category I (Not legal) and Category II.</li> <li>• Areas (Plantation and Native Forests Category III) located inside: <ul style="list-style-type: none"> <li>- SIFAP Areas (C.30)</li> <li>- IBAs areas (C.8)</li> <li>- Priority Areas identified by WWF Global 200 (C-25), Conservation International Hotspots (C.45), and other Biodiversity NGOs in the following Forest Regions: Selva Paranaense (C.7,42,43); Selva Tucumana Boliviana-Yungas (C.20, 25, 41, 44), Bosque Andino Patagónico (C 5, 6,21, 26, 40), Gran Chaco (C.23, 41)</li> </ul> </li> <li>• Native forests containing Protected Timber tree species (specified per Forest region):</li> </ul>

	<p>research to confirm the jaguar's presence, but with limited results. The south-andean deer is present in the Bosque Andino Patagónico (2).</p> <p>At the provincial level there are also Natural Monuments that have in most cases been created to respond to the endangered conservation status of certain species, and restrictions usually prohibit the use or development of these areas. Examples of species in the Selva Paranaense of natural monuments of which harvesting and/or commercialisation are prohibited include: Lapacho negro (<i>Handroanthus heptaphyllus</i>), the Rosewood (<i>Aspidosperma polyneuron</i>) and the Parana Pine (<i>Araucaria angustifolia</i>). In the Bosque Andino Patagónico, the protected species are: Patagonian cypress or alerce (<i>Fitzroya cupressoides</i>), monkey-puzzle (<i>Araucaria araucana</i>) and Guaytecas cypress (<i>Pilgerodendrum uviferum</i>).</p> <p>The National Environmental and Sustainable Development Ministry has published the following lists:</p> <ul style="list-style-type: none"> <li>• in 2004 a list of mammals, categorised according to how threatened they are (Resolution SAyDS 1030/04) (33)</li> <li>• in 2010 a similar list for birds, including the subcategory of "Critically Endangered" (Resolution SAyDS 348/10) (34); based on the previous joint analyses by the NGO Aves Argentina/AOP and the Environmental and Sustainable Development Secretariat</li> <li>• in 2010 the Preliminary Red List of Endemic Species of Argentina (PlanEAR) became official, and there is a database available online for consultation (35); this list was approved by Resolution 84/2010 (35)</li> <li>• in 2013 a revision of the existing list of amphibian and reptiles, native and endemic, of Argentina (Resolution SAyDS 1055/13) (36).</li> </ul> <p>The distribution of the species included in these lists has not been systematically captured on maps. Some species included in these lists are present in the Areas under Assessment (Forests regions), but not all.</p> <p>Argentina is a signatory to the Convention on International Trade in Endangered Species of Wild Fauna and Flora – CITES. Tree species of Argentina included in the CITES lists are: Appendix I (list of species that are most endangered among CITES-listed animals and plants, of which trade is prohibited without exceptional circumstances): Monkey-puzzle (<i>Araucaria araucana</i>), Patagonian cypress (<i>Fitzroya cupressoides</i>), Mountain pine (<i>Podocarpus parlatorei</i>) and Guaytecas cypress (<i>Pilgerodendrum uviferum</i>), as well as some cacti (<i>Cactaceae spp</i>) and orchids (<i>Orchidaceae spp</i>).</p> <p>Appendix II (species that are not necessarily now threatened with extinction but that may become so unless trade is closely controlled): Argentine lignum vitae or vera or palo santo (<i>Bulnesia sarmientoi</i>), as well as some tree ferns (<i>Cyathea spp</i>), cacti (<i>Cactaceae spp</i>) and orchids (<i>Orchidaceae spp</i>).</p> <p>The complete list of species in the CITES Appendices is available on the Convention website (37), as well as its list for consultation (46). Among the fauna species, it is relevant to identify that the jaguar (<i>Panthera onca</i>) is in Appendix I.</p>		<p><u>Parque Chaqueño forest region.</u></p> <ul style="list-style-type: none"> <li>- Argentine lignum vitae or vera or Palo Santo (<i>Bulnesia sarmientoi</i>)</li> </ul> <p><u>Selva Paranaense forest region</u> (province of Misiones):</p> <ul style="list-style-type: none"> <li>- Black lapacho (<i>Handroanthus heptaphyllus</i>),</li> <li>- Rosewood (<i>Aspidosperma polyneuron</i>),</li> <li>- Parana Pine (<i>Araucaria angustifolia</i>)</li> </ul> <ul style="list-style-type: none"> <li>• <u>Bosque Andino Patagónico forest region:</u> <ul style="list-style-type: none"> <li>- Patagonian cypress o alerce (<i>Fitzroya cupressoides</i>), Monkey-puzzle (<i>Araucaria araucana</i>)</li> <li>- Guaytecas cypress (<i>Pilgerodendrum uviferum</i>)</li> </ul> </li> <li>• <u>Selva Tucumana Boliviana forest region</u> (IUCN Red List) <ul style="list-style-type: none"> <li>- Cedro kolla (Cedrela lilloi)</li> <li>- roble criollo or roble del país (Amburana cearensis).</li> </ul> </li> </ul>
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	<p>The lists of some groups of fauna species and their conservation status are well developed by national organisations and experts for birds (12), mammals (15), amphibians and reptiles (1; 10; 18; 19; 24). All areas under assessment contain RTE species on these lists, for example, the jaguar (<i>Panthera onca</i>), pampas deer (<i>Ozotoceros bezoarticus</i>), marsh deer (<i>Blastocerus dichotomus</i>), south-andean deer (<i>Hippocamelus bisulcus</i>), or a number of crested eagles. Unfortunately, the distribution of species has not been mapped.</p> <p>The jaguar (<i>Panthera onca</i>) has been included in CITES Appendix I. It was declared a Natural National Monument by Law N° 25.463 in 2001 and was also declared a Natural Monument in the provinces of Misiones, Chaco and Salta. Conservation plans for the jaguar exist for the Yungas – Selva Tucumana-Boliviana region (27) – and Selva Paranaense (28), which defines high conservation areas based on the survival of the jaguar as well as of its prey species.</p> <p>The Tapir (<i>Tapirus terrestris</i>) is critically endangered at the national level (15), and an action plan for its conservation was created in 2009 by the IUCN-Tapir Specialist Group, “Proyecto Conservación Tapir de Yungas”, the World Conservation Society and the Environment and Sustainable Development Secretariat (29).</p> <p><u>Important Birds and Biodiversity Areas</u> – IBAs (AICAS- Áreas Importantes para la Conservación de las Aves): Another example of identification of priority biodiversity areas, in this case for birds, was developed by Birdlife International and its local partner Aves Argentina. They identified 274 IBAs in Argentina, based on the presence of globally threatened (99% of IBAs) and endemic (70% of IBAs) species, among other criteria. The location of IBAs in the Areas under assessment is available via the Aves Argentina on-line map (8).</p> <p>There is no comprehensive national list of flora species. The IUCN Red List of Threatened Species (38) identifies some flora species. For the northeastern provinces of Argentina, Misiones, Corrientes and Entre Ríos, a recent study compiled available data and interviewed a number of experts to develop a good list and map of species for this region (3).</p> <p>The Biodiversity Information System (SIB) of the National Parks Administration (APN) has not identified HCV species, but may be useful since it is an updated and rich database of the flora and fauna species of Argentina (30,000 species included). It includes their scientific and common names, a description of the species, records of presence in national protected areas, and pictures (2). Additionally, the National System of Biological Data, developed by the Science, Technology and Productive Innovation National Ministry, is a growing database with nearly one million records of georeferenced biodiversity information. It is available online (39). This database may be useful to identify the location of species, but it is important to clarify that all kinds of species are included in it and not just HCV 1 species.</p>	<p>Risk threshold (8) is met: HCV 1 is identified, and/or its occurrence is likely in the area under assessment and it is threatened by management activities.</p> <p>Low risk for the rest of the country.</p> <p>Risk threshold (5) is met: There is no HCV 1 identified in the area under assessment and its occurrence is unlikely.</p>
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	<p><u>Global priorities Ecoregions:</u> International and local NGOs have identified the Selva Paranaense, Selva Tucumana Boliviana and the Bosque Andino Patagónico as global priority ecoregions. The international recognition of these areas does not mean any level of protection in the field, but it is important in raising concern about their significance. These areas may be under any of the three categories of the Native Forests Land Plan (OTBN), and productive activities, either in native or planted forests, are currently being developed.</p> <p>The WWF has identified a total of 867 terrestrial ecosystems globally. The top priority ecoregions, based on biodiversity, were named the <u>Global 200</u>, (25) and include 142 terrestrial ecoregions as well as marine and freshwater ecoregions (16) (17). The WWF identified the Valdivian forests, which includes part of the Bosque Andino Patagónico forest region of Argentina, as being the only temperate rainforest in South America, and for containing a large number of endemic species (about 50% of flora is endemic). Besides this, the region has old-growth forests and extremely long-living organisms like the Patagonian cypress (<i>Fitzroya cupressoides</i>), some of which are more than 3.000 years old. These forests are the habitat of endangered species like the southern pudu (<i>Pudu puda</i>) – the world’s smallest deer – the magellanic woodpecker (<i>Campephilus magellanicus</i>), and the colocolo opossum (<i>Dromiciops gliroides</i>) (26). Other critical ecoregions identified in the WWF Global 200 in Argentina are the Selva Paranaense (42) and the Yungas (25).</p> <p><u>Conservation International Hotspots</u> identify areas of great biodiversity and high levels of endemism threatened by human activities (14). The CI definition states that a Hotspot must host at least 1,500 endemic vascular plants, and that more than 70% of the original area has been lost. The Selva Paranaense (as Atlantic Forest) (43), the Selva Tucumana Boliviana or Yungas (as Tropical Andes) (44) and the Bosque Andino Patagónico (Chilean winter Rainfall-Valdivian Forests) (6) are identified as Hotspots. Updated and mapped data can be found through the Critical Ecosystem Partnership Fund (CEPF) (45), a joint initiative of l'Agence Française de Développement, Conservation International, the European Union, the Global Environment Facility, the Government of Japan, the MacArthur Foundation and the World Bank. This body provides funds and support for conservation programs in Hotspots.</p> <p>Additionally, it is also necessary to consider the following to determine HCV1 occurrence for some specific forest regions (see Annex A for further information regarding Eco regions-Forest types):</p> <p>In Selva Paranaense, the WWF has supported the development of an interdisciplinary study titled the Upper Parana Atlantic Forest Biodiversity Vision (7), which was part of a trinational initiative with Paraguay and Brazil. This Biodiversity Vision aimed to conserve the rich biodiversity of the region and ecosystem services, proposing a number of actions to conserve forest remnants, to restore landscape quality, and to promote the sustainable use of natural resources. The Vision’s map is available in the Interactive Biodiversity Map developed by Fundación Vida Silvestre Argentina (40).</p>		
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	<p>The Gran Chaco Americano Ecoregional Assessment (23) is based on biodiversity information collected and analysed in workshops with local and international experts of important NGOs at the local and international levels. Maps and a database have been developed, as well as priority actions. Maps are available through the Fundación Proyungas, Environmental Geographical Information System (41).</p> <p>Regarding the Selva Tucumano Boliviana, the Fundación para la Conservación y Estudio de la Biodiversidad (CEBio) published a technical report identifying 29 areas for the conservation of threatened species in the provinces of Jujuy and Salta for the Yungas Ecoregion (20). The identification of areas is based on seven threatened species that were selected because they are also: endemic species, such as the rufous-throated dipper (<i>Cinclus schulzi</i>) and alder Amazon (<i>Amazona tucumana</i>); key species, such as the jaguar (<i>Panthera onca</i>); ecosystem engineer species, such as the tapir (<i>Tapirus terrestris</i>) and white-lipped peccary (<i>Tayassu pecari</i>); flag species, like the military macaw (<i>Ara militaris</i>), jaguar, and tapir; or species with a special value, such as the Roble criollo (<i>Amburana cearensis</i>) and white-lipped peccary. The Fundación Proyungas has published the maps of this study in its Environment Geographical Information System (41).</p> <p>For the Bosques Andino Patagónicos and the transitional areas to the Steppe, HCV areas were identified based on the WWF Global 200 Valdivian Ecoregion Vision of Biodiversity, priority areas identified for the conservation of the Patagonian Steppe and the Monte (5). This information, and the distribution of endemic, rare and threatened species, was used for the identification of high conservation values in North Patagonia (21).</p> <p>Pampas, Espinal, Campos, and Malezales The identification of Valuable Grasslands Area (Áreas Valiosas de Pastizal) in the Pampas and Campos of South America (Argentina, Brazil and Uruguay) is relevant to assessing the impacts of plantation forest. These Grassland Areas were selected by 140 specialists considering the biodiversity of plants, mammals and birds, as well as endemism, threats and opportunities for conservation. The identification was coordinated by Fundación Vida Silvestre Argentina, the local WWF partner. At least half of the 49 Valuable Grassland Areas identified for Argentina are located on private land (4). The location of the Valuable Grassland Areas can be observed in the Interactive Biodiversity Map developed by Fundación Vida Silvestre Argentina (40).</p> <p>Recently, three Strategic Environmental Assessments (Evaluación Ambiental Estratégica) have been completed in different regions of the country but they have not been published yet. The regions assessed were the Selva Tucumana Boliviana, Patagonia and the Mesopotamia and Delta, where most of the plantation forests are established. The Assessments were developed in a joint effort involving universities and NGOs and using public funds. These regional assessments identified priority conservation areas.</p> <p>Maps of locally protected species are not produced by government agencies. Since there is not a local identification of HCV 1, published reports from researchers and NGOs can be used. Particularly</p>		
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useful are the maps and georeferenced information systems of Fundación Proyungas (41) and Fundación Vida Silvestre Argentina (40). A biological survey is required at the forest management unit (FMU) level to determine the presence of HCV 1.

#### Summary

For native forest in all regions in Argentina:

Native forests in Category I and II in the Native Forests Land Plan (OTBN) are very likely to contain HCV 1. Harvesting in Category I is forbidden. The existence of HCV 1 in Category II forests needs to be verified using the sources of information mentioned above and a biological survey at the FMU level to assess the presence of species included in the official lists of threatened species, the IUCN Red List, the CITES Appendices, etc.

Native forests classified as Category III in the Native Forests Land Plan (OTBN), and Plantation Forests are less likely to contain HCV 1. However, the probability of the occurrence of HCV 1 increases if the Category III forest or Plantation Forests are located in any of the following identified areas, and HCV1 occurrence needs to be verified at the FMU level:

- Federal Protected Areas System-SIFAP (RAMSAR Sites, Biosphere Reserves, Natural Reserves or other areas) (30)
- Important Bird and Biodiversity Area (IBAs) (8)
- Priority Areas identified by WWF Global 200 (25), Conservation International Hotspots (45), and other NGOs in the following Forest Regions:
  - Selva Paranense (7,42,43);
  - Selva Tucumana Boliviana-Yungas (20, 25, 41, 44),
  - Bosque Andino Patagónico (5, 6,21, 26, 40),
  - Gran Chaco (23, 41)

#### **Threats & Safeguards identification and evaluation**

Argentina is a signatory to the Convention for Biological Diversity (National Law 24.375 in 1994), and has developed the National Action Plan 2014-2020 (49) and National Strategy on Biodiversity for achieving the Aichi Targets under the CBD. Advances regarding biodiversity conservation have been achieved, for example a National Program of Flora Management is in place to evaluate the current level of knowledge, and risk groups, and to identify and list endemism for a future National Flora Law. There is a database currently available online for consultation on endemic flora in Argentina (58- PlanEAR). An achievement in 2010 was the inclusion of Argentine lignum vitae or vera or Palo Santo (*Bulnesia sarmientoi*) in CITES Appendix II. However, according to the Fifth National Report (19) presented in the Conference of the Parties (CDB) (50), in July 2015, at that time, a medium level of progress towards the Aichi Targets had been achieved.

	<p>The Native Forests Land Plan (OTBN) provides legal protection to the forests according to their conservation value, and no activities can be developed without written permission issued by the authorities. In Category I (red), of maximum value, only Conservation Plans can be approved, and harvesting is completely prohibited. In Category II (yellow), besides the Conservation Plans, a Sustainable Management Plan can also be obtained, under which sustainable harvesting operations are allowed. Land use change (native forest clearance) is only allowed in native forests in Category III (green). The classification of the native forests of Argentina will be reviewed periodically; the current classification is available on the Fundación Vida Silvestre website (51), and on the Fundación Proyungas website (52).</p> <p>Argentina has an extensive Federal System of Protected Areas as described in the Overview. However, the implementation of the planning and management of these areas is weak, resulting in a low level of conservation effectiveness in some cases. Studies available on the effectiveness of protected area management in Argentina (34, 55, 56, 57) point out important deficiencies in the management of protected areas, which make it difficult to comply with conservation objectives. The experts consulted support this conclusion, indicating that one of the greatest deficiencies is the lack of unifying planning criteria and adequate coordination mechanisms between different sectors involved in the management of these areas. To which is added a lack of human resources and budget and the difficulty of managing such vast territories. as it was confirmed by experts consulted.</p> <p>Harvesting protected and endangered tree species:</p> <p>Some endangered species are formally protected and their harvesting and commercialisation is forbidden. In the Selva Paranaense these are: Black lapacho (<i>Handroanthus heptaphyllus</i>), Rosewood (<i>Aspidosperma polyneuron</i>) and Parana Pine (<i>Araucaria angustifolia</i>). Regardless of this restriction, there is a risk of illegal logging (see more under Category 1). In particular, the Paraná pine or Candelabra Tree or just Araucaria (<i>Araucaria Angustifolia</i>) is present in the east of Misiones Province (Selva Paranaense forest region), is classified as critically endangered by IUCN, and is protected under the Provincial Monument Law of Misiones 2.380; its harvesting is totally prohibited. It is fundamental to clarify the source of wood material, because this species is also cultivated in forest plantations, where it is legal to harvest, transport and transform it. There is a risk of mixing native with planted Araucaria that needs to be controlled. It is important to ensure that <i>Araucaria angustifolia</i> from natural forests is not sold mixed with plantation grown <i>Araucaria angustifolia</i> timber.</p> <p>Other examples of provincial protected species directly affected by selective logging follow:</p> <ul style="list-style-type: none"> <li>- In the Bosque Andino Patagónico: Patagonian cypress or alerce (<i>Fitzroya cupressoides</i>), monkey-puzzle (<i>Araucaria araucana</i>) and Guaytecas cypress (<i>Pilgerodendrum uviferum</i>).</li> <li>- In the Selva Tucumana-Boliviana: cedro kolla (<i>Cedrela lilloi</i>) and roble criollo or roble del país (<i>Amburana cearensis</i>), which are endangered according to IUCN Red List (18) (27) (48).</li> </ul>		
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	<p>International trade of specimens of Appendix II CITES species may be authorised by the granting of an export permit if the authority determines that its use will not be detrimental to the survival of the species in the wild, i.e. a 'non-detriment finding' dictate (Dictamen de Extracción No Perjudicial) by the National Environment and Sustainable Development Ministry. In the case of Argentina, for vera (<i>lignum vitae</i>) or Palo Santo (<i>Bulnesia sarmientoi</i>) species on CITES list II that are harvested in the Parque Chaqueño forest region, the corresponding Sustainable Forest Management Plan approved by the Provincial authority (either Formosa, Chaco or Salta) will also be required (in addition to the export permit).</p> <p>There are over a hundred species of flora protected by CITES in Argentina, in different categories (I or II), but Palo Santo is the only forest species usually exported.</p> <p>Sourcing forest materials always requires permission from the provincial authorities, regardless of whether it is from private or public land (see more under Category 1). However, for all timber harvesting permissions, there are threats related to this safeguard to do with the accuracy of the management plans (poor forest inventories) presented by the producer, limited public resources for effective control of the approved plans, and illegal logging (17) (6) (18) (46).</p> <p>Sourcing forest materials has always had a potential impact on the forest, and may have an impact on HCV 1, both in native or forest plantations through habitat fragmentation, degradation, removal and/or exotic species encroachment. This can be observed in the management plan of the HCV for FSC certified forests, where the operations are identified as a potential threat that needs to be monitored and avoided (11) (54). In the FSC annual auditing reports, it can also be observed that there are non-conformities related to HCV (53). Some examples: a lack of identification and information on the location of the HCV, stakeholder consultation being not included in the evaluation process so that potential threats are not properly identified, and High Conservation Value Forest (HCVF) monitoring plans not being in place.</p> <p>Best practice management should be applied to minimise impacts on HCV. The National Ministry of Agriculture, Cattle and Fisheries promoted the analysis of biodiversity conservation in productive systems in Patagonia, identifying good practices applicable to the establishment and harvesting of plantation forests, as well as the importance of designing biodiversity corridors (35). Similarly, the Agricultural Technology National Institute (INTA) and the Argentinean Forestry Association (AFoA) developed for the province of Corrientes a good practice guide (36). The National Ministry of Agroindustries (previously the National Ministry of Agriculture, Cattle and Fisheries) has recently financed the development of the Good Forestry Practices Manual for plantations in the provinces of Misiones, Corrientes and Entre Ríos (the forest region of Selva Paranaense and the Espinal, and the grassland region of Campos and Malezales), which is not yet published.</p> <p>Deforestation is one of the main threats to biodiversity, especially considering that more than 70% of native forests in Argentina have been cleared. Between 2010 and 2015, about 1,145,000 ha of forest were cleared in the tropics, mainly for the development of agriculture (19) (33) (22). Weak law enforcement diminishes the effectiveness of the protection that the Provincial Native Forests Land Plan (OTBN) may have. Deforestation has been detected in native forests classified as Categories I</p>		
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(red) and II (yellow) of the Native Forests Land Plan, although conversion is totally forbidden in both cases. Land use change is monitored by the Environment and Sustainable Development national authority, and their report for the years 2013 and 2014 in the tropical forests of Argentina (Selva Tucumana-Boliviana, Parque Chaqueño and Selva Paranaense) identifies that 40% of the native forests converted to other uses were in Categories I and II (47) (see category 4). Accordingly, a 2016 Greenpeace report identifies cases of high rates of deforestation in northern and southern provinces as well (Greenpeace, 15).

Impact of harvesting operations on RTE animals:

Deforestation, fragmentation and forest degradation negatively affect the habitats of RTE mammal species, including: the ocelot (*Leopardus pardalis*), margay (*Leopardus wiedii*), Kodkod (*Leopardus guigna*), Agouti (*Dasyprocta punctata*) and tapir (*Tapirus terrestris*), among others (24); and of bird species like: the American Harpy Eagle (*Harpia harpyja*), Crested Eagle (*Morphnus guianensis*), Black-and-chestnut Eagle (*Spizaetus isidori*), Ornate Hawk-Eagle (*Spizaetus ornatus*), Black Hawk-Eagle (*Spizaetus tyrannus*), Solitary Tinamou (*Tinamus solitaries*), Black-fronted Piping-Guan (*Pipile jacutinga*), Military Macaw (*Ara militaris*), Vinaceous-breasted Amazon (*Amazona vinacea*), Alder Amazon (*Amazona tucumana*), Turquoise-fronted Amazon (*Amazona aestiva*), Spot-billed Toucanet (*Selenidera maculirostris*), Saffron Toucanet (*Pteroglossus bailloni*), Helmeted Woodpecker (*Dryocopus galeatus*), forest owls and yellow cardinal (*Gubernatrix cristata*), among others (16).

As a consequence of timber harvesting, some bird species that nest in tree cavities are particularly affected, like the military macaw (*Ara militaris*), which has been recently rediscovered in Argentina and is critically endangered (32).

Poaching has a direct impact on HCV 1, and its occurrence is sometimes observed in relation to forest operations, either by forest workers hunting, or by providing access through forest roads to the local community. Throughout Argentina, hunting activities have been practiced historically, although in some provinces hunting is illegal. Populations of medium-sized and large mammals, some threatened with extinction, have been seriously reduced by hunting activities, e.g. the jaguar (*Panthera onca*), tapir (*Tapirus terrestris*), red brocket deer (*Mazama americana*), marsh deer (*Blastocerus dichotomus*), white-lipped Peccary (*Tayassu pecari*), Chacoan Peccary (*Catagonus wagneri*), giant armadillo (*Priodontes maximus*), three-banded armadillo (*Tolypeutes matacus*) (44) (3) (24) (31). Birds affected by hunting activities are: Darwin's Rhea (*Rhea pennata*), Black-fronted Piping-Guan (*Pipile jacutinga*), Solitary Tinamou (*Tinamus solitaries*) and Turquoise-fronted Amazon (*Amazona aestiva*), among others (16).

**Risk specification**

Specified risk:

The native forests of Argentina contain HCV 1, in particular those forests classified as Category I and II in the Native Forests Land Plan (OTBN), and there is evidence of a lack of effective protection

	<p>from threats from management activities. Sourcing forest materials from Category I is forbidden, but there are cases of illegal logging in these areas.</p> <p>Forest Categories I (not legal) and II are evaluated as being under specified risk. Risk threshold (8) is met: HCV 1 is identified, and/or its occurrence is likely in the area under assessment and it is threatened by management activities.</p> <p>Native forests classified as Category III in the Native Forests Land Plan (OTBN), and Plantation Forests are less likely to contain HCV 1. However, the probability of the occurrence of HCV 1 increases if the Category III Forest or Plantation are located in any of the following:</p> <ul style="list-style-type: none"> <li>• Federal Protected Areas System-SIFAP (RAMSAR Sites, Biosphere Reserves, Natural Reserves or other areas) (C.30)</li> <li>• Important Bird and Biodiversity Area (IBAs) (8)</li> <li>• Priority Areas identified by WWF Global 200 (C-25), Conservation International Hotspots (C.45), and other NGOs in the following Forest Regions: <ul style="list-style-type: none"> <li>- Selva Paranense (C.7,42,43);</li> <li>- Selva Tucumana Boliviana-Yungas (C.20, 25, 41, 44),</li> <li>- Bosque Andino Patagónico (C 5, 6,21, 26, 40),</li> <li>- Gran Chaco (C.23, 41)</li> </ul> </li> </ul> <p>Considering that there is evidence of threats from management activities to HCV1 values, timber sources from Native Forests Category III and Plantation forests located in the mentioned before are evaluated as being under specified risk. Risk threshold (8) is met: HCV 1 is identified, and/or its occurrence is likely in the area under assessment and it is threatened by management activities.</p> <p>Apart from the areas classified above as being at specified risk, it is important that attention be paid to specific protected timber tree species when commercialising or operating in native forests in following Forests regions:</p> <p><u>Parque Chaqueño forest region</u> - Argentine lignum vitae or vera or Palo Santo (<i>Bulnesia sarmientoi</i>), included in the CITES Appendices;</p> <p><u>Native stands from the Selva Paranaense forest region (province of Misiones)</u> - Black lapacho (<i>Handroanthus heptaphyllus</i>), - Rosewood (<i>Aspidosperma polyneuron</i>), - Parana Pine (<i>Araucaria angustifolia</i>) -Risk of mixing timber from plantation with timber from natural forests (Included in the national official lists of flora and fauna species)</p>		
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		<p><u>Native forest from Andino Patagónico forest region</u></p> <ul style="list-style-type: none"> <li>- Patagonian cypress o alerce (<i>Fitzroya cupressoides</i>),</li> <li>- monkey-puzzle (<i>Araucaria araucana</i>)</li> <li>- Guaytecas cypress (<i>Pilgerodendrum uviferum</i>)</li> </ul> <p><u>Selva Tucumana Boliviana forest region</u></p> <ul style="list-style-type: none"> <li>- Cedro kolla (<i>Cedrela lilloi</i>)</li> <li>- Roble criollo or roble del país (<i>Amburana cearensis</i>), included in the IUCN Red List as endangered or critically endangered</li> </ul> <p>Low risk for the rest of the country.</p> <p>Risk threshold (5) is met: There is no HCV 1 identified in the area under assessment and its occurrence is unlikely.</p>		
3.2 HCV 2	E & F	<p><b>Occurrence</b></p> <p>For identification of potential HCV2 areas in Argentina (including all its sub-categories) it has been taken into account the data obtained from international studies that identified Intact forest landscapes (IFL)(5) and large landscape-level ecosystems, ecosystem mosaics, and biodiversity corridors that are significant at global, regional or national levels- (RAMSAR sites (6), UNESCO sites (9,10), CEPF biodiversity ecosystems(6), WWF Global 200 (11)and others identified in the text bellow-. This information is presented by region (see Annex A for further information regarding Eco regions-Forest types):</p> <ul style="list-style-type: none"> <li>• <u>In the Selva Paranaense Forest Region (Selva Misiones)</u>, an area of approximately 1 million ha was defined and named a “Green Corridor” in the Province of Misiones by Provincial Law XVI-60 – previously numbered 3.631 – in 1999. The Green Corridor includes the main formally protected public and private areas, as well as private land under different uses and management of the central and northern part of the Misiones Province. The Green Corridor forests are either Category I (red) or II (yellow) in the Native Forests Land Plan (OTBN). Additionally, the WWF has identified, among the global priority ecoregions, the Selva Paranaense, and has designated it as among the “Global 200” (11). In 2003, the WWF supported the development of an interdisciplinary study titled the Upper Parana Atlantic Forest Biodiversity Vision (12), which was part of a trinational initiative with Paraguay and Brazil. This Biodiversity Vision identified priority areas and corridors for the conservation of the ecoregion. The Vision’s map is available in the Interactive Biodiversity Map developed by Fundación Vida Silvestre Argentina (13).</li> <li>• An ecoregional evaluation of the <u>Parque Chaqueño</u> has been elaborated by environmental organisations, and this has defined a “Conservation Portfolio of Priority Areas for Biodiversity” (8) that was complemented with a study of corridors between the main areas identified (7). This can be visualised in the Fundación Vida Silvestre biodiversity interactive map (13), and alternatively in the Fundación Proyungas SIGA Maps (14). Some specific areas are: the “La Estrella” wetland of 400,000</li> </ul>	<p><u>Geographical scale:</u></p> <p>Forest regions</p> <p><u>Functional scale:</u></p> <p>Protection scheme:</p> <ul style="list-style-type: none"> <li>- Protected Areas</li> <li>- Non-protected areas</li> </ul> <p>Type of forest area:</p> <ul style="list-style-type: none"> <li>-Natural forests</li> <li>- Forest Plantations</li> </ul>	<p>Specified risk for:</p> <ul style="list-style-type: none"> <li>• Large, landscape-level blocks (&gt;50,000 ha) of Native Forest Categories I and II</li> <li>• Forest plantation and Native Forest Category III enclosed on those large, landscape-level blocks (&gt;50,000 ha) of Native Forest Categories I and II</li> <li>• Forest Plantations and Native Forest overlapping or neighbouring <ul style="list-style-type: none"> <li>- IFL areas (5)</li> <li>- SIFAP Areas, &gt;50,000 ha</li> <li>- Provincial protected areas&gt;50.000ha</li> <li>- Hotspots (CEPF)</li> <li>- WWF Global 200</li> <li>- Priority biodiversity conservation and</li> </ul> </li> </ul>

	<p>ha, one of the largest in Latin America (15), which has provincial protection; and the Bajos Submeridionales, a lowland area of 3,000,000 ha with a weak level of protection and recognised as a priority area by different studies (4).</p> <ul style="list-style-type: none"> <li>• <u>The Selva Tucumana Boliviana or Yungas</u> has important HCV 2 forest areas according to different studies, and these areas in some cases overlap with formally protected areas and/or with the Native Forests Land Plan (OTBN). A study published in 2002 identified the Bermejo River Head Catchment (Alta Cuenca del Río Bermejo) as a priority area because it represents the largest continuous mountain forest area at 1.5 million ha. In Argentina, this region is also connected with a large block of natural ecosystems in Bolivia. In addition, this is perhaps the single area in the Yungas that can guarantee the long-term viability of all of the affected biodiversity, including the big mammals like jaguar (<i>Panthera onca</i>), tapir (<i>Tapirus terrestres</i>), <i>Tayassu albirostris</i>, and the White-lipped Peccary (<i>Tayassu pecari</i>) (2). Another area identified is the Aconquija Mountain Range (<i>Sierra del Aconquija</i>) of 500,000 ha, with a large number of vascular plants, many of them endemic (2).</li> </ul> <p>The Intact Forest Landscapes (IFL) Mapping Team identified the Yungas Ecoregion, and the WWF identified, among the global priority ecoregions, the Yungas or Selva Tucumana Boliviana, designating it as among the “Global 200”. This area is part of the “Tropical Andes” Hotspot area according to Conservation International (5).</p> <ul style="list-style-type: none"> <li>• At a global level, <u>the Bosques Andino Patagónicos</u> constitutes one of the last temperate forest remnants of good conservation status. It has a high level of biogeographic uniqueness as recognised by the World Resources Institute, and the WWF has identified it as among the Global 200 global priority ecoregions (11). Further, the area is also considered a Hotspot by Conservation International (20), and as globally important for the conservation of endemic species by BirdLife International and by the Intact Forest Landscapes (IFL) Mapping Team (17) (5).</li> </ul> <p>Large conservation landscapes of this forest region are in the northwest part (Neuquén, Río Negro and north of Chubut), and in the southern part of the forest region, i.e. Tierra del Fuego Province, where forests, peatlands and marshlands are found.</p> <ul style="list-style-type: none"> <li>• The Andino Norpatagónica Biosphere is part of a binational conservation initiative with Chile, connecting a mosaic of forest types and transition areas where exist viable populations of monkey-puzzle (<i>Araucaria araucana</i>), Patagonian cypress (<i>Fitzroya cupressoides</i>), Kodkod (<i>Leopardus guigna</i>), southern pudu (<i>Pudu puda</i>), south-andean deer (<i>Hippocamelus bisulcus</i>), andean condor (<i>Vultur gryphus</i>), southern river otter (<i>Lontra provocax</i>) and colocolo opossum (<i>Dromiciops gliroides</i>). The forests and transitional areas to the Patagonian Steppe contain high conservation value areas identified as belonging to the WWF Global 200 Valdivian Ecoregion Vision of Biodiversity. The irreplaceable and priority areas, based on rareness, threat, or endemism of species and ecosystems, have been identified in the Patagonian Steppe and the Monte (18), and the distribution of endemic, rare and threatened species have been used to identify high conservation values in North Patagonia (1) (17).</li> </ul>		<p>corridors identified per Forest Region</p> <p>Risk threshold (12) is met: HCV 2 is identified, and/or its occurrence is likely in the area under assessment, and it is threatened by management activities.</p> <p>Low risk for the rest of the country.</p> <p>Risk threshold (9) is met: There is no HCV 2 identified and its occurrence is unlikely in the area under assessment.</p>
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	<ul style="list-style-type: none"> <li>The Iberá Wetland is protected by the Iberá Natural Reserve, which covers 1,300,000 ha, including the Iberá Provincial Park of 482,000 ha in the province of <u>Corrientes</u>. The Intact Forest Landscapes (IFL) Mapping Team has classified the Ibera Wetland Ecoregion. An area of 24,550 ha of this wetland has been declared a RAMSAR Site, and there is an ongoing project to create a National Park (5).</li> </ul> <p>Apart from all these HCV2 areas identified per region in the paragraphs above, Argentina has large native forest blocks (over 50,000 ha) that grow from subantarctic to tropical areas, Two Protection Legal schemes (SIFAP and the Native Forests Land Plan-OTB), can also considered to identify those large forest blocks with potential HCV 2 areas:</p> <p>The Federal Protected Areas System (19) includes Parks and Reserves throughout the country, as well as international categories like UNESCO World Heritage sites (10), RAMSAR Sites (6) and Biosphere Reserves (9). Although 50,000 ha threshold reference under the HCV Framework (3) requires a discussion at the national level, according to this threshold there is an important number of protected areas with native forests that can be considered as HCV 2. Those protected areas that can be considered to be HCV 2, are the following (9) (19 – mapped) (21 – details):</p> <ul style="list-style-type: none"> <li>- <u>In Selva Paranaense</u>: Iguazú National Park (56,000 ha), Yabotí Biosphere Reserve (236,000 ha)</li> <li>- <u>In Parana River Delta and Islands</u>: Jaaukanigas RAMSAR Site (492,000 ha.), Delta del Paraná RAMSAR Site (243,000 ha.), Delta del Paraná Biosphere Reserve (88,000 ha)</li> <li>- <u>In Parque Chaqueño</u>: El Impenetrable National Park (128,000 ha), Copo National Park (106,000 ha), Bañados del Ríos Dulce y Laguna Mar Chiquita RAMSAR Site (996,000 ha), Humedales Chaco RAMSAR Site (508,000 ha), Río Pilcomayo RAMSAR Site (52,000 ha), Riacho Teuquito Biosphere Reserve (81,000 ha)</li> <li>- <u>In Selva Tucumana Boliviana</u>: Calilegua National Park (76,000 ha), Baritú National Park (68,000 ha), Yungas Biosphere Reserve (1,328,000 ha)</li> <li>- <u>In Bosque Andino Patagónico</u>: Nahuel Huapi National Park (487,000 ha), Lanín National Park (327,000 ha), Los Glaciares National Park (190,000 ha), Los Alerces National Park (167,000 ha), Perito Moreno National Park (51,000 ha), Andino Norpatagónica Biosphere Reserve (2,267,000 ha)</li> </ul> <p>Some of these areas overlap, for example the National Parks Calilegua and Baritú are part of the Yungas Biosphere Reserve. A similar situation is observed in the Andino Norpatagónica Biosphere Reserve.</p> <p>As mentioned previously, logging activities are forbidden in Provincial and National Parks, so timber from these areas is illegal, thus these types of protected areas are not considered as a possible CW material source. In other kind of protected areas, like Reserves, RAMSAR Sites and parts of Biosphere Reserves, logging may be allowed in accordance with the objectives and management plan of the protected area in question. Among the Biosphere Reserves declared in Argentina, timber</p>		
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	<p>harvesting and/or plantation forests can be found in: “Yungas”, “Yabotí”, “Delta del Paraná”, “Andino Norpatagónica” and “Teuquito” (9).</p> <p>Besides the mentioned above, the identification of provincial protected areas that meet the attributes of HCV 2 must be undertaken in each province in which the forest management unit is wholly or partially located. To identify if the forest management is located within an area containing HCV2 attributes, (protected areas over the 50,000 ha threshold) consultation with the local Forest authorities will be required.</p> <p>(see APM interactive map in source 21 where provincial protected areas are indicated).</p> <p>As mentioned in the overview, the National Native Forest Land Plan (OTBN) establishes ten sustainability criteria for native forest categorisation, among them, criteria 2, 3, 5 and 6 are the most relevant to HCV 2. In all Forest Regions, Large Landscape unit forest areas categorised as I (red) and II (yellow) in the Native Forests Land Plan (OTBN) are very likely to contain HCV 2. These include buffer zones of protected areas, and forests that represent corridors connecting forests with protected areas and/or with other natural communities to maintain a complete ecological gradient.</p> <p>Category III (green) in the Native Forest Plan and plantation forests have a limited chance to contain HCV 2.</p> <p><b>Threats &amp; Safeguards identification and evaluation</b></p> <p>Various areas defined as HCV 2 are protected under the Federal System of Protected Areas, under different conservation categories like National and Provincial Parks, where forest logging is forbidden, or National and Provincial Reserves and Forest Reserves, where forest operations may be allowed, depending on the conservation objectives for the protected area. Apart from that, the HCV 2 areas are mainly classified as Category I (red) and II (yellow) in the Native Forests Land Plan (OTBN), which provides legal protection to forests according to their conservation value, and establishes which activities can be developed. Accordingly, forests in Category I (red) are of maximum conservation value, and only Conservation Plans can be approved. Forests in Category II (yellow), besides the Conservation Plans, can also obtain approval for a Sustainable Management Plan, which may include logging operations but not clear cuts. About 80% of the native forests of the country are in these two categories. Land use change (native forest clearance) is only allowed in native forests in Category III (green).</p> <p>The classification of the native forests of Argentina will be reviewed periodically; the current classification is available online from Fundación Vida Silvestre Argentina (6) and Fundación Proyungas (19). In this periodic revision, new available information and other conditions may cause variation in forest classification. This may be the case for the Selva Tucumana Boliviana, where around 70% of the prioritised areas in recent studies (12) have been classified as Category II (yellow) in the Native Forests Land Plan (OTBN).</p>		
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	<p>Regardless of this protection system, it cannot be guaranteed that these HCV 2 areas are properly protected and without risk of being affected by poorly implemented forest management activities, deforestation for legal and illegal natural forest conversions (see category 4), fires, and overgrazing.</p> <p>Deforestation is one of the main threats to biodiversity, especially considering that more than 70% of native forests in Argentina have been cleared. Between 2010 and 2015 about 1,145,000 ha of forests have been cleared in the tropics, mainly for the development of agriculture (16) (13) (10). Weak law enforcement diminishes the protection that the Provincial Native Forests Land Plan(OTBN) may provide. Accordingly, a Greenpeace report identifies cases of high rates of deforestation in northern and southern provinces as well (7) (8). (See category 4 for more details regarding risk due to conversion.)</p> <p>Ecosystem fragmentation is one of the main threats. There is evidence of illegal deforestation and forest degradation due to poor management practice implementation and lack of control by competent authorities. In 2013-14, about 60,000 ha of the total forest conversion (150,000 ha) in forest regions of Parque Chaqueño, Selva Paranense, Selva Tucumana Boliviana, and three the Espinal regions, took place illegally in forests of Category I or II due to a lack of control politics and resources (15). The Parque Chaqueño is a region under greater pressure of habitat removal and fragmentation (13), because of the expansion of agriculture, unsustainable cattle grazing, and over-exploitation of the native forests by forest management (10) (11) (19) (21). About 70% of the national production of roundwood from native species is from this forest region, and the Chaco province alone supplies 50% of the total roundwood of the country, 75% of the firewood, and over 90% of the forest material for charcoal (20).</p> <p>The Selva Tucumano Boliviana remnants are being over-exploited by timber harvesting, degrading the forest structure, reducing its conservation value and increasing the fire risk (22).</p> <p>Silvopastoral systems and over-grazing: A criticised method for the installation of silvopastoral systems, but approved by the authorities, includes the mechanical clearance of parts of the forest for the cultivation of pastures for cattle ranching, which represents a new threat for the region (2) (11), compounding the threat to HCV 2 posed by forest management.</p> <p>The discussions around these practices have resulted in a non-precedent agreement between the National Minister of Agriculture, Cattle and Fisheries and the National Minister of Environment and Sustainable Development about these kinds of integrated systems. Signed in 2015, the agreement is called “Forest Management with Cattle Integrated” (Manejo de Bosques con Ganadería Integrada) (1) and establishes minimum conservation criteria that triggered the development of indicators that are already adopted by the Provincial authorities in the Parque Chaqueño Region.</p>		
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	<p>Silvopastoral systems are also widely implemented in Bosque Andino Patagonico, with 70 % of the forest affected by this kind of production. As in Parque Chaqueño, the Agreement signed by the National Ministers on Forest Management with Cattle Integrated needs to be recognised and applied by the provincial authorities that have, in their jurisdictions, most of the forests of their provinces (except for forests in national parks, for example, which are under national jurisdiction). By the end of 2016, the indicators for the Patagonia region had been developed, and the corresponding provinces were prompt in signing an adoption agreement.</p> <p>Road expansion: Related to the agriculture expansion in the region, the road infrastructure it is being improved and expanded in the last years. From a conservation perspective this increments the landscape fragmentation for fauna populations (3). However, as mentioned before, this road expansion is more related to agriculture activities, and not with forest management activities.</p> <p>Fire threats: Another important disturbance is fire, because it causes forest degradation. Fire consumed about 100,000 ha of Argentina's forests in 2013, and up to 200,000 ha in 2005. The causes in many cases (40%) cannot be defined, and it is not possible to identify if they were related to forest management activities. However, the accidents or negligence in the use of fire and the deficient management or bad intention in the application of the fire determine the majority of the fres is caused by activities related to human being (i.e., intentionally, were 30% of the cases and a consequence of negligence in nearly 20% of the cases). Forest fires are often related to negligences in the use of the fire linked to burning of waste, forest waste and stubble, cleaning of land and garbage, preparation of sites for afforestation, grassland management, agriculture, livestock. There are very large affected areas in the Espinal region, about 45% of the total area burnt in Argentina in 2003, the Parque Chaqueño, with approximately 30% of the total burnt area, and the Selva Tucumana Boliviana, with 20% of the total burnt area (9). Although the area affected by fire in Bosque Andino Patagónico is not as large as the other mentioned forest regions, it is considered the most relevant disturbance to native forests, because it affected endangered species and large areas in Patagonia (18).</p> <p>In relation to forest plantations, they may also affect HCV 2 forests when these are located close to those forests. For example, plantations neighbouring the Iberá Wetland, considered to be IFL (HCV 2). Although there are no native forest operations in the IFL area, impacts from the invasion of exotic species, water consumption and other impacts related to the development of plantations in the area may affect the Wetland's HCV (24, 25).</p> <p><b>Risk Specification</b></p> <p>Specified risk:</p> <p>Large Landscape-level native forest units (larger than 50,000 ha, unless nationally designated as of a different value) classified as Category I or II in the Native Forests Land Plan (OTBN) may be</p>		
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		<p>considered as HCV 2. Further, considering that deforestation, illegal logging and over-exploitation of native forests by forest management is occurring, timber sources located in these areas are evaluated as specified risk.</p> <p>The probability of HCV 2 being threatened by forest management activities increases where forest plantations and native forests classified as Category III, or a part of those Large Landscape-level native forest units is overlapping or neighbouring the Federal System of Protected areas (&gt;50.000ha) , Provincial protected areas (&gt;50.000ha) or IFL areas, or other Priority areas mentioned in the Occurrence section (IBAs, Hotspots, WWF Global 200, or other priority biodiversity conservation and corridors per forest region). Considering that there is evidence of a lack of effective protection from threats from management activities, these areas are classified as specified risk.</p> <p>Risk threshold (12) is met: HCV 2 is identified, and/or its occurrence is likely in the area under assessment, and it is threatened by management activities.</p> <p>Low risk the rest of the country.</p> <p>Risk threshold (9) is met: There is no HCV 2 identified and its occurrence is unlikely in the area under assessment.</p>		
3.3 HCV 3	G & H	<p><b>Occurrence</b></p> <p>There is no national list or identification of HCV 3 ecosystems for Argentina.</p> <p>Available relevant sources of information to be considered for the identification of HCV 3 occurrence that are applicable at country level for Argentina include:</p> <p>Areas Categorised as I (red) and II (yellow) in the Native Forests Land Plan (OTBN) are very likely to contain HCV 3 since among the criteria considered for their classification were “the minimum habitat areas that ensure the survival of vegetable and animal communities, being particularly important for big carnivores and herbivores” (criterion 1) and “its grade of conservation” (criterion 6). The presence of HCV 3 needs to be surveyed at the forest management unit scale, but the Native Forests Land Plan (OTBN) categories are still a source of relevant information.</p> <p>The Federal System of Protected Areas (SIFAP) protects threatened, rare and endangered ecosystems. SIFAP represents a useful proxy to identify the occurrence of HCV 3. Examples of protected ecosystems in different forest regions of the country are: Yatay palm tree ecosystem in El Palmar National Park in the Espinal Forest Region, floating marsh ecosystem in the Parana River Delta Biosphere Reserve in the Islands and Delta of the Parana River Region, old-growth forests of alerces (<i>Fitzroya cupressoides</i>) in Los Alerces National Parks in the Bosque Andino Patagónico Forest Region, and old growth rainforest in the Yabotí Biosphere Reserve in the Selva Paranaense</p>	<p><u>Geographical scale:</u> Forest regions</p> <p><u>Functional scale:</u> Protection scheme: - Protected Areas - Non-protected areas</p> <p>Type of forest area: - Natural forests - Forest Plantations</p>	<p>Specified risk for:</p> <ul style="list-style-type: none"> <li>• Native Forest Categories I and II</li> <li>• Areas (Plantation and native Forests) located inside or neighbouring: <ul style="list-style-type: none"> <li>- SIFAP Areas</li> <li>- Priority areas according to studies mentioned in the occurrence assessment (G: 4,5,7,8, 9,10,13,14, 15, 16, 17,18,20,21, 22,23,24)</li> </ul> </li> <li>• Forest Plantations located inside Valuable Grassland Areas</li> </ul>

	<p>Forest Region. The location of all the protected areas of the SIFAP in Argentina can be visualised on the websites of Administración de Parques Nacionales (1), Fundación Proyungas (13) and Fundación Vida Silvestre Argentina (14).</p> <p>In October 2015, the IUCN Argentinean Committee announced the development of the National Red List of Ecosystems (19). Fundación Humedales (local partner of Wetlands International) is currently developing the “High Biodiversity and Ecosystem Services Value Wetlands´ Zones Map” (Mapa de Zonas de Humedales de Alto Valor de Biodiversidad y Servicios Ecosistémicos) for Argentina. The study is based on the IUCN Key Biodiversity Areas and should be finished by the beginning of 2017 (25). Updated information can be found through Fundación Humedales (12). Once published, this map will be useful for the identification of HCV 3 wetlands.</p> <p>Apart of the sources mentioned above that can be used to identify HCV3 areas at country level, there are other available sources with relevant information per ecoregion, that can be considered for the identification of HCV 3 areas in each different forest regions region (see Annex A for further information regarding Eco regions-Forest types). These sources are applicable for each of the forest regions as follows:</p> <p><u>Selva Paranaense</u> The WWF has identified this forest region because of its species richness and its critical conservation status (22). Native forests of Parana Pine (<i>Araucaria angustifolia</i>), of Rosewood (<i>Aspidosperma polyneuron</i>) and in rocky soils, as well as the areas with heart of palm (<i>Euterpe edulis</i>), and the marginal forest of the Iguazú River were classified as HCV 3 ecosystems. Other rare and fragile environments in the Selva Paranaense are the tree ferns (<i>Alsophila setosa Kaulf</i>, <i>Dicksonia sellowiana Hook</i>), wetlands in high altitudes, and nesting areas of crested eagles like the American Harpy Eagle (<i>Harpia harpyja</i>), all of which also qualify as HCV 3 (21).</p> <p><u>Parque Chaqueño</u> Priority ecosystems in the Parque Chaqueño region are the wetlands of the Semi-Arid Chaco: La Estrella, de Figueroa and del Quirquincho Wetlands; Derrames del río Itiyuro, Dulce river Delta and the Mar Chiquita lagoon, among others; the grasslands of Pampa de Achala and Quebrada del Condorito, and the forest remnants of Tres Quebrachos are in good conservation status. In the Humid Chaco can be found the Palms of Copernicia, the Bajos Submeridionales (related to the population of the pampas deer (<i>Ozotoceros bezoarticus</i>), the wetlands of the Río Pilcomayo, and the Iberá Wetland (4) (17) (18). Forest operations may affect these priority ecosystems. Mapped information of these potential HCV 3 that are priority conservation ecosystems within Parque Chaqueño is available through Fundación Proyungas (13) and Fundación Vida Silvestre Argentina (14).</p> <p><u>Selva Tucumana Boliviana (Yungas)</u> Remnant natural forest vegetation of Selva Pedemontana constitutes one of the most threatened forest ecosystems at the national level (6). This forest area is present in the eastern distribution of</p>	<p>Risk threshold (17) is met: HCV 3 is identified, and/or its occurrence is likely in the area under assessment and it is threatened by forest management activities</p> <p>Low risk for the rest of the country.</p> <p>Risk threshold (13) is met: There is no HCV 3 identified and its occurrence is unlikely in the area under assessment.</p>
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the Selva Tucumana Boliviana, in the transition to the Parque Chaqueño. A large part of these forests has been cleared for agriculture (sugar cane, oleaginous seeds and citrus), and is currently one of the most threatened and poorly protected at the regional level (5) (7) (15). The Selva Pedemontana is an HCV 3 ecosystem.

#### Bosques Andino Patagónicos (BAP)

A recent study (16) has identified priority areas based on the presence of endemic, rare and threatened species of fauna and flora- Those areas are areas of important genes or genetically distinct populations, considered HCV 3.

This study identified small mammals of restricted distribution (e.g. social tuco – *Ctenomys sociabilis* – and porter´s rock rat – *Aconaemys porteri*), and endemic populations of amphibians (e.g. *Alsodes australis*), isolated and genetically different populations (Guaytecas cypress (*Pilgerodendron uviferum*), Patagonian cypress (*Fitzroya cupressoides*) and monkey puzzle (*Araucaria araucana*). The habitat of typical Valdivian Rainforest species that occur restrictively and marginally in Argentina are: Chilean hazel (*Guevina avellana*), lingue (*Persea lingue*), olivillo (*Aextoxicon punctatum*) and ulmo (*Eucryphia cordifolia*), and relicts of Nothofagus and Austrocedrus in the north of the BAP – north of Neuquén Province (16). In the transition from the BAP to the Monte Region and the Patagonian Steppe have been identified as irreplaceable and priority areas based on species and ecosystems that are rare, threatened or endemic.

A study conducted with the support of Administración de Parques Nacionales, World Conservation Society and the Nature Conservancy has maps locating these areas (8). In the south of the BAP, the marshlands and peatlands in good conservation status are considered HCV 3 (9).

#### Campos and Malezales and Grasslands

In the north east of the country, in particular south of Misiones Province, northeast and east of Corrientes Province, and in the northeast of Entre Ríos, are found the Campos and Malezales regions. Areas identified as HCV3, because they contain unique floristic communities are: Urunday Blanco (*Acosmium subelegans*), Bonpland palm (*Butia Noblickii*), Yatay palm (*Butia yatay*), the marginal jungle between Puerto Valle and San Ignacio, and relicts of Selva de Montiel (21). The identification of Valuable Grasslands Areas (Áreas Valiosas de Pastizal) in the Pampas and Campos of South America (Argentina, Brazil and Uruguay) has been completed with the participation of 140 specialists considering the biodiversity of plants, mammals and birds, as well as endemism, threats and opportunities for conservation. At least half of the 49 Valuable Grassland Areas identified for Argentina are located on private land (4). In Argentina´s Grasslands, the WWF has identified savannas with palm trees and gallery forests of this ecoregion, as well as the presence of the endemic palm “palmera yatay” (*Butia yatay*) in a small section of the Province of Entre Rios (23). Those Valuable Grassland Areas located in the Pampa are almost depleted, and are poorly represented at a Regional region, so they are considered HCV 3.

#### Parana River Delta and Islands

Floating marshes, Monte blanco (rich riparian forests containing subtropical species, in their most southern distribution) and Ceibales (large areas covered by *Erythrina crista-galli*) are the rarest and

	<p>most endangered ecosystems of the Delta. This large wetland provides habitat for a great variety of bird species, and for the endangered marsh deer (<i>Blastocerus dichotomus</i>) (10) (20) (24). RAMSAR Sites and Biosphere Reserves have been declared in environment, which is threatened by urbanisation, cattle grazing and other activities.</p> <p><b>Identification and evaluation of threats and safeguards</b></p> <p>The evaluation of threats and safeguards is first assessed at the national level and then for each forest region.</p> <p>National Level: As mentioned for HCV 1 and HCV 2, the “<i>Native Forests Land Plan</i>” (OTBN) represents an important safeguard applicable to all forests in the country, and with mapped information available with the location of forests in each conservation value Category: I – red, II – yellow, and III – green. However, monitoring of forest cover by the National Ministry of Environment and Sustainable Development found that there is evidence of non-compliance with laws (see category 1-indicator 1.9) and illegal logging, and high rates of deforestation (9), (7), mainly related to agricultural and farming land extension. (See Category 4.)</p> <p>The Native Forests Land Plan (OTBN) and the Federal System of Protected Areas (SIFAP) provide an official identification of priority ecosystems, and these areas have legal protection. Harvesting is not allowed in Provincial or National Parks. The rest of the protected area categories (RAMSAR Sites, Biosphere Reserves, Provincial and National Reserves, and Forest Reserves) may allow timber harvesting.</p> <p>Provincial and municipal protected areas are sometimes poorly resourced, and there is a risk that illegal logging or weak control over approved forest management plans in these areas may impact on HCV 3 ecosystems (see indicator 1.9).</p> <p>The core area of Biosphere Reserves (23), in general, is a Provincial or National Park; surrounding the core area of the Biosphere Reserves, there is a buffer area where sustainable resource use is allowed. In these buffer areas, the provincial regulations apply, and timber harvesting may be allowed. The provincial authorities have the responsibility of law enforcement, and sometimes there are limited resources available for controlling the fulfilment of the prescriptions of the approved forest management plans, and for preventing illegal logging. In these cases, due to a lack of effective resources to ensure protection, there is a risk of habitat removal, and degradation of HCV 3 ecosystems.</p> <p>Similarly, HCV 3 existing in public and private native forests not recognised as protected areas is at a high risk of degradation if there is no previous HCV 3 identification and, especially, if harvesting operations do not follow the legal regulations.</p>		
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For the different regions of the country, the following particular threats and safeguards have been found:

Selva Paranaense

For harvesting native forests in this region, a forest management plan is required by the provincial authorities. But, as mentioned for other forest regions, this mechanism does not ensure the protection of the HCVs. The identification of HCV 3 ecosystems in the management plan, and the level of detail of the planned activities, may not be deep enough, and sometimes the planned activities are simply not sustainable i.e. big clear cuts, and harvesting that leads to habitat removal. The mechanisms to control these operations and to ensure effective law enforcement often fails due to lack of resources. Informal evidence suggests that a significant part of the wood materials commercialised is illegal (6).

Selva Tucumana Boliviana

The Selva Pedemontana has been logged for a long time. The current volume of timber extraction is very limited compared to 30 years ago. However, forest operations are still allowed to harvest in the region. The main causes of forest degradation have been illegal logging, poor inventories and data for the development of appropriate management plans that ensure forest sustainability, poor implementation of the plans, and weak control by the authorities (3) (10). The most used forest species are: Cedro salteño o Cedro orán (*Cedrela balansae*), Lapacho rosado (*Tabebuia impetiginosa*), Roble salteño (*Amburana cearensis*), Quina colorada (*Myroxylon peruiferum*), Afata (*Cordia trichotoma*), Cebil colorado (*Anadenanthera colubrina*), Cedro kolla (*Cedrela lilloi*), Lanza blanca (*Patagonula americana*), Nogal (*Juglans australis*), Palo amarillo (*Phyllostylon rhamnoides*), Palo blanco (*Calicophyllum multiflorum*) and Urundel (*Astronium urundeuva*).

Andino Patagónicos Forests:

Logging is allowed in areas not included in National Protected Areas. The most used species are Llenga (*Nothofagus pumilio*), Ñire (*N. antarctica*) and Cordilleran Cypress (*Austrocedrus chilensis*), and Noihue (*N. dombeyi*). Extractions of Pehuén (*Araucaria araucana*) and Olivillo (*Aextoxicon punctatum*) are registered in the Annual Native Forest Statistics, but with marginal values. In general, the current volume of timber extraction is very limited compared to past decades (16). The most relevant impacts related to harvesting are selective logging of mature trees (impoverishing the forest structure), and large clear cuts. Hunting is also relevant, and may be practiced by forest workers directly, or by other people taking advantage of the forest roads. Dogs and oxen used for log extraction may have an impact on fauna. Finally, forest road construction and use affect soil, and may harm water courses through increased siltation and reduced water quality. Sustainable forest development practices are identified, and may be applied, including conservation of mature trees, maintenance of understory vegetation, leaving fallen trunks on the soil for degradation, and opening small patches in the forest to avoid water deficit and protect riparian zones (12).

	<p><u>Forest Plantations</u></p> <p>In the development of plantations, different factors may affect HCV, e.g. habitat transformation, exotic species invasion, irresponsible agrochemical use, road construction and maintenance, providing access to hunters, and increasing the fire risk.</p> <p>In the Parana River Delta and Islands, and lowlands in the north of Corrientes, special techniques are required to establish a plantation. Embankments and lock-gates are commonly used techniques for the establishment of plantations, but at the same time these produce changes in the hydrologic dynamics and can harm biodiversity (2) (8) (13) (15). However, forest plantations may provide refuge for marsh deer during extreme climatic events like floods (15). The impact of these environmental changes can be diminished by the application of the protocol for biodiversity conservation in forest plantations with willows (<i>Salix</i> spp.) in the Parana Delta, which has recommendations about set aside areas, water management criteria, and other good forest management practices. This protocol was developed by the National Institute of Agricultural Research in collaboration with universities, conservation NGOs and forest companies (17).</p> <p>Grasslands and other open areas, for example in the Pampas or the Patagonian Steppe regions, suffered a heavy transformation because of the development of agricultural crops, exotic species pastures for cattle grazing, and establishment of forest plantations. These activities seriously modified the structure and biodiversity of grasslands (1). Some invasive species, e.g. pine, have expanded into open areas, degrading habitat value and increasing fire risk (4). Plantation forests in grasslands, Estepa Patagónica, and Delta del Paraná generate impacts, transforming the habitat and increasing the risk of invasion by exotic species (pines and <i>Melia azedarach</i>).</p> <p>National incentives for the establishment of forest plantations (up to 80% of the costs) are widely leveraged by producers (National Law 26.432, previously 25.080). To qualify for the incentives, a producer must demonstrate how their project will properly adjust to the Native Forests Land Plan, this being an important safeguard against habitat transformation of high value forests. It is important to point out that non-forest ecosystems are not affected by this condition, e.g. Campos and Malezales (east of Corrientes and north east of Entre Ríos).</p> <p>The transition from the Patagonian Steppe to native forest is an area used for the development of forest plantations. This area is the most affected by agriculture and cattle grazing activities. In this sense, properly developed forest plantations may have a positive affect on highly degraded HCV 3 (12).</p> <p>Since 2003 a wetlands conservation law project has been discussed at the national level (Presupuestos Mínimos para la Conservación, Protección y Uso Racional y Sostenible de los Humedales). Recently (September 2016) the Senate has approved the project law, and now it is the turn of the Deputies (11). Once the law is passed, an additional safeguard for the conservation of wetlands will be in place.</p>		
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	<p>Furthermore, Argentina is a signatory to the Convention for Biological Diversity (National Law 24.375 in 1994). To achieve the Aichi Targets under the CBD, Argentina has enacted both the National Action Plan 2014-2020 (18) and the National Strategy on Biodiversity. Advances in biodiversity conservation have been achieved, for example the National Program of Flora Management is in place to evaluate the current level of knowledge, and risk groups, and to identify and list endemism for a future National Flora Law. There is currently available online a database for consultation on endemic flora of Argentina (PlanEAR). An achievement in 2010 was the inclusion of Argentine lignum vitae or vera or Palo Santo (<i>Bulnesia sarmientoi</i>) on the CITES Appendix II. However, according to the Fifth National Report (19) presented at the Conference of the Parties (CDB) (19) in July 2015, at that time there had been a moderate amount of progress towards the Aichi Targets.</p> <p><b>Risk specification</b></p> <p>Specified risk:</p> <ul style="list-style-type: none"> <li>• Native Forests of Argentina contain HCV 3, in particular those forests classified as Categories I or II in the Native Forests Land Plan (OTBN), and there is evidence of a lack of effective protection from threats from forest management activities, resulting in habitat loss and removal. As a consequence, forest areas of Category I (Not legal) and II are classified as specified risk.</li> <li>• Plantations as well as Native Forests classified as Category III in the Native Forests Land Plan (OTBN) are less likely to contain HCV 3. However, if the origin of forest material is a Category III forest that is included in the Federal Protected Areas System (RAMSAR Sites, Biosphere Reserves, Natural Reserves, or other areas), or is inside a priority area according to the mentioned studies, the probability of the occurrence of HCV 3 increases.</li> </ul> <p>Considering that the probability of the occurrence of HCV 3 increases, and that there is evidence of a lack of effective protection from threats from management activities, the risk is classified as Specified for forest plantations and Native Forests of Category III (OTBN) included in:</p> <ul style="list-style-type: none"> <li>-The Federal Protected Areas System (RAMSAR Sites, Biosphere Reserves, Natural Reserves or other areas)</li> <li>- Valuable Grassland Areas, or</li> <li>- Other priority area according to the studies mentioned in the Occurrence section (G: 4, 5, 7,8, 9, 10, 13, 14, 15, 16, 17,18, 20, 21, 22,23,24).</li> </ul> <p>Risk threshold (17) is met: HCV 3 is identified, and/or its occurrence is likely in the area under assessment and it is threatened by forest management activities.</p> <p>Low risk the rest of the country.</p> <p>Risk threshold (13) is met: There is no HCV 3 identified and its occurrence is unlikely in the area under assessment.</p>		
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3.4 HCV 4	I & J	<p><b>Occurrence</b></p> <p>Argentina is affected by natural disasters such as flooding and landslides. It is important to mention that Argentina is affected by the El Niño Southern Oscillation (ENSO) phenomenon, with significant seasonal climate fluctuations increasing the risk of catastrophic events.</p> <p>An official and complete identification of forest areas containing HCV 4 is not available for Argentina. However, forests located in those vulnerable areas where catastrophic events occur frequently are considered critical for preventing catastrophic events, so they will be deemed to be HCV 4. In the same way, those forest areas located on the main watersheds are likely to be HCV 4.</p> <p>National and provincial regulations protecting critical ecosystem services have been established since 1948, when National Law 13.273 on Defense of Forest Richness (Defensa de la Riqueza Forestal) was adopted. This law defines as Protective Forests those forests that protect the soil to prevent erosion, the water regime, and communities from the action of floods, wind, landslides, etc. All provinces have developed similar regulations, so apart of Protective Forests defined at national level, there are also other potential Protective Forest defined at local level, and it is necessary to check if sourcing forests are under these local requirements when sourcing forest materials. Examples of provincial regulations for the protection of forests can be found in all forest regions: in Misiones, under Provincial Law XVI-53 (12), in Chaco Provincial Law 2,386 (13), in Salta Provincial Law 7,543 (14) and Decree 2,211/10 (15), in Tucuman Provincial Decree 2,169/76 (16), Law 6,292 (17) and 7,731 (18), in Córdoba Provincial Law 8,066 (19) and in Río Negro Provincial Law 757 (20) and Law 4,552 (21). Although there are no maps available locating the protective forests, these regulations provide definitions of Protective Forests like those that cover head water catchments, riparian zones, slopes over a defined gradient percentage, fragile soils of certain types, etc.</p> <p>The Native Forests Land Plan (OTBN) also classifies native forest with consideration for its watershed conservation function. As mentioned in the overview section, the Forest Protection National Law establishes ten sustainability criteria for the categorisation of native forests in the Native Forests Land Plan (OTBN). Criterion 9, watershed conservation, is particularly relevant to HCV 4. This criterion refers to the conservation value of native forests in relation to their strategic location for watershed conservation, and to ensure water supply at the needed quality and quantity. Of particular value are: the watershed head waters, riparian zones of permanent and transitory water bodies, areas of cloud forest, groundwater recharge, RAMSAR Sites, and large areas with slopes greater than 5%. Therefore, forest areas classified as categories I (red) and II (yellow) in the Native Forests Land Plan (OTBN) are very likely to contain HCV 4. Although it is not possible to ensure that these forest categories always contain HCV 4, its occurrence is highly likely.</p> <p>The Federal System of Protected Areas (SIFAP) protects areas providing ecosystem services, as well as fragile environments, like RAMSAR Sites, representing a useful set of criteria to identify the occurrence of HCV 4. The presence of Protected Areas requires attention to verify if there are relevant conservation objectives related to critical ecosystem services. Examples of areas which</p>	<p><u>Geographical scale:</u> Forest regions</p> <p><u>Functional scale:</u> Protection scheme: - Protected Areas - Non-protected areas</p> <p>Type of forest area: -Natural forests - Forest Plantations</p>	<p>Specified Risk for:</p> <ul style="list-style-type: none"> <li>• Native Forest in Categories I (Not legal) and II</li> <li>• Protected Areas in SIFAP</li> <li>• Protective Forests</li> </ul> <p>Risk threshold (22) is met: HCV 4 is identified, and/or its occurrence is likely in the area under assessment and it is threatened by management activities.</p> <p>Low Risk for:</p> <ul style="list-style-type: none"> <li>• Native Forests in Category III not located inside or neighbouring <ul style="list-style-type: none"> <li>- SIFAP Areas</li> <li>- Protective Forests</li> </ul> </li> <li>• Forest Plantations not located inside or neighbouring <ul style="list-style-type: none"> <li>- SIFAP Areas</li> <li>- Protective Forests</li> </ul> </li> </ul> <p>Risk threshold (19) is met: There is no HCV 4 identified and its occurrence is unlikely in the area under assessment.</p>
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	<p>meet the HCV 4 criterion identified by the Federal System of Protected Areas are mentioned in the next paragraphs according to the corresponding Forest Region. The location of all of the protected areas of the SIFAP in Argentina can be visualised on the websites of Administración de Parques Nacionales (1), Fundación Proyungas (8), and Fundación Vida Silvestre Argentina (9).</p> <p>Further, wetland areas are considered critical by virtue of their water regulation functions. In Argentina, for parts of the internationally recognised RAMSAR Sites, Fundación Humedales, local partner of Wetlands International, is planning to finish the identification of High Biodiversity and Ecosystem Services Value Wetlands' Zones Map (Mapa de Zonas de Humedales de Alto Valor de Biodiversidad y Servicios Ecosistémicos) (3) for the beginning of 2017. This study, based on the IUCN Key Biodiversity Areas, will be a relevant source of information.</p> <p>Additionally, to the HCV 4 identified at the national level, the following information can be used to identify areas containing HCV 4 in each specific forest region (see Annex A for further information regarding Eco regions - Forest types):</p> <p><u>Selva Paranaense</u> Priority areas for the conservation of ecosystem services in the Misiones Province, which includes the whole forest region, were identified, considering soil protection and water supply (10).</p> <p><u>Parque Chaqueño</u> In relation to the Federal Protected Areas System, specific examples of areas containing HCV 4 were found for this forest region:</p> <p>Quebrada del Condorito National Park (35,000 ha), the Pampa de Achala Provincial Hydrological Reserve (146,000 ha), Los Gigantes Provincial Hydrological Reserve (100,000 ha), Los Quebrachitos Natural Recreational and Hydrological Reserve (4,300 ha), La Quebrada Natural Hydrological Reserve Park (4,200 ha), and the Reserva Hídrica Natural Municipal Los Manantiales Municipal Natural Hydrological Reserve (1,000 ha), all located in the Parque Chaqueño Region, protecting the headwater basin that supplies most of the fresh water for the population of Cordoba Province.</p> <p><u>Selva Tucumana Boliviana</u> Calilegua National Park (76,300 ha) in the province of Jujuy provides protection for a regionally relevant productive system of sugar cane. In the Province of Salta, Finca Las Costas Intangible and Permanent Provincial Reserve (10,200 ha) protects the water supply of 40% of the population of the provincial capital.</p> <p>The Aconquija System (500,000 ha) in the provinces of Tucumán and Santiago del Estero represents a hydrological resource for water consumption, irrigation and industries through the Río Dulce watershed, reaching 2 million people. The area suffers torrential rains that are associated with</p>		
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	<p>unstable hill slopes which cause landslides (2). The upper Río Bermejo catchment is also identified as a priority area for the irrigation of 200,000 ha in the Pedemonte (4) (5) (6) (7).</p> <p><b>Identification and evaluation of threats and safeguards</b></p> <p>This HCV category is probably the best identified, surveyed and included under protection criteria in the country. However, these protection regimes are not always well implemented, as described below.</p> <p>Argentina has specific regulations for the protection of forests that provide critical ecosystem services, which are defined as Protective Forests. The first law of this kind has been operating for around 60 years, and many complementary regulations have been implemented at both the national and provincial levels. Provincial authorities have the responsibility of enforcing the law, and sometimes there are limited resources available for controlling the fulfilment of the prescriptions of the approved forest management plans, and for preventing illegal logging (5) (6). For HCV 4, the consequences of damaging areas that provide critical ecosystem services can directly affect local communities. Catastrophic events that have occurred in the past, such as landslides, floods, reduction of water quality, etc., have brought community attention to this issue and have created a reasonable level of public awareness about the importance of forest conservation in critical areas.</p> <p>As mentioned for other HCVs, the Native Forests Land Plan (OTBN) represents an important safeguard applicable to all forests in the country, which has mapped information available showing the location of forests in each conservation value Category (I - red, II - yellow and III - green). However, protection is not always well implemented, and deforestation and illegal logging has been taking place in the three categories, although it has been forbidden in Categories I and II of this Land Plan since the law was passed (2) (3) (4). If deforestation is compared in the subtropical forest regions of the country (Selva Paranaense, Parque Chaqueño, Selva Tucumana Boliviana and Espinal), deforestation has mainly been happening in the Parque Chaqueño over the last 10 years (4), between 80 % and 90 % of the total area cleared in these four regions is located in Parque Chaqueño (4). The consequence of deforestation has been devastating for soil erosion, water, carbon cycles, etc.</p> <p>The Federal System of Protected Areas (SIFAP) (1) provides an official identification of priority ecosystems, and these areas have legal protection. There are several specific conservation categories related to hydrological reserves. In these reserves and the rest of the protected area categories, timber harvesting, but not clear cuts, may be allowed, except in Provincial or National Parks, where it is forbidden. Unfortunately, provincial and municipal protected areas are sometimes poorly resourced, and there is a risk that illegal logging, or weak control over approved forest management plans in these areas, may affect HCV 4 (2,6,7), which can lead to the reduction of critical ecosystem services, such as soil stability, water quantity and quality, , etc.</p>		
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	<p><u>Forest Plantations</u>  In the development of plantations, different factors may affect HCV 4, e.g. irresponsible agrochemical use polluting soil and/or water resources, road construction and maintenance that may alter water quality and quantity, riparian vegetation degradation, reduction in water availability, etc. (9, 10) since 2003 a wetlands conservation law project has been discussed at the national level (Presupuestos Mínimos para la Conservación, Protección y Uso Racional y Sostenible de los Humedales). Recently (September 2016) the Senate approved the project, and now it is the turn of the Deputies to approve the law (7). Once the law is passed, an additional safeguard for the conservation of wetlands will be in place. Apart from this, Fundación Humedales is currently working to complete a priority conservation wetlands map.</p> <p><b>Risk specification</b></p> <p>Specified risk:</p> <p>Native Forests of Argentina classified as Category I (not legal) or II in the Native Forests Land Plan (OTBN), and/or protected areas in the Federal System of Protected Areas, and/or Protective Forests as defined by national and provincial regulations, may contain HCV 4. There is evidence of a lack of effective protection from threats from forest management activities. Forest Categories I and II in the Native Forests Land Plan (OTBN), and/or protected areas in the Federal System of Protected Areas, and/or Protective Forests are evaluated as being at specified risk.</p> <p>Forest plantations located in, or with impacts on, Federal Protected Areas, or areas defined as protective forests by national and provincial regulations, considering that there is evidence of a lack of effective protection from threats posed by forest management activities, these areas are classified as at Specified risk.</p> <p>Risk threshold (22) applies: HCV 4 is identified, and/or its occurrence is likely in the area under assessment and it is threatened by management activities</p> <p>Low risk for:</p> <p>Timber sources located in native Forests of Argentina classified as Category III in the Native Forests Land Plan (OTBN) that are not part of the Federal System of Protected Areas, and which are not defined as Protective Forests by national and provincial regulations, may not contain HCV 4, and are in consequence classified as at low risk.</p> <p>Forest plantations located outside the Federal Protected Areas System, and which are not defined as Protective Forests by national and provincial regulations, may not contain HCV 4, and are in consequence classified as at low risk.</p> <p>Risk threshold (19) applies: There is no HCV 4 identified and its occurrence is unlikely in the area under assessment.</p>		
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3.5 HCV 5	K & L	<p><b>Occurrence</b></p> <p>Areas containing HCV 5 have not been systematically identified in Argentina. About 5% of the population lives in rural areas, including indigenous people, (12). The 2010 Census found that nearly 1 million people (2.4% of the population) recognised themselves as indigenous people belonging to one of Argentina's 32 ethnic groups. About half of them still live in rural areas and are integrated in organised communities maintaining their fundamental cultural features (15). In the National Registry of Indigenous Communities (19), organised by the National Institute of Indigenous Affairs, there are nearly 1,400 communities of 32 ethnic groups registered. Although each registered community has an approximate location, the information is not publicly available, and the territories/forests used by each community have still not been mapped. Some other communities are included in provincial registries, others have created a civil association and are not registered, and there are cases of communities that have been neither registered nor associated. There is also a National Registry of Agricultural Families maintained by the National Ministry of Agriculture, Cattle and Fisheries that may be useful to identify local communities' dependent on forests, Unfortunately, this information is not yet publicly available.</p> <p>Proper statistics on recognised IPs and registered IP land, or of IPs' claims to territory are not available, and thus the occurrence of indigenous communities needs to be surveyed at the forest management unit level.</p> <p>The indigenous peoples (IPs) with the largest populations in Argentina are the Mapuche (Patagonia), the Kolla (Jujuy and Salta), the Toba (Chaco, Formosa and Santa Fe) and the Wichí (Chaco, Formosa and Salta), however indigenous people are distributed all around the country, and different indigenous groups are relevant per each specific forests regions identified in Annex A (5,6, 9, 14, 15,16):</p> <ul style="list-style-type: none"> <li>-<u>Selva Paranaense</u>: Guaraníes;</li> <li>-<u>Parque Chaqueño</u>: Wichi, Tonocote, Pilagá, Mocovi, Comechingones, Sanavirones and Toba;</li> <li>-<u>Monte Region</u>: Ranquel, Huarpe, Mapuche, Guaraníes and aymaras/quechua.</li> <li>-<u>The Espinal region</u>: Charrúas;</li> <li>-<u>Selva Tucumana Boliviana</u>: Kolla, Wichi, Ava Guaraní, Chotote, Chulupí, Tapieté, Chané and Toba;</li> <li>-<u>Forest Andino Patagónico</u>: Mapuche and Ona;</li> <li>- <u>Paraná River Delta and Islands</u>: Mocoví and Toba.</li> </ul> <p>Indigenous communities living in rural areas have, in general, a subsistence economy, based on forest resources, farming and, in some cases, hunting and gathering (14). There is a close relationship between most of the indigenous communities in the country and the native forests they inhabit or live close to (4). Actually, communities (creoles and immigrants settled in rural areas) throughout Argentina, also have a close relationship with native forests (5) (6) (9) (18). Non-timber forest uses are more important for these communities than timber harvested for commercial purposes. Forest resource use is explained further in the following paragraphs.</p>	<p><u>Geographic scale:</u> Country</p>	<p>Specified risk for the whole country. Risk threshold (26) is met: HCV 5 is identified, and/or its occurrence is likely in the area under assessment and it is threatened by management activities.</p>
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	<p>Forest resources are vital for indigenous communities and local communities; both timber uses, like firewood, building materials and furniture, and non-timber uses. Food supply is very important, considering the gathering of fruits and wild honey, complemented with proteins from hunting and fishing. Extensive cattle growth in forest-covered areas is common and important for indigenous and local communities. Although forest resources used in the past were diverse, much traditional knowledge is now lost, and nowadays people only know how to use a sub-set of the resources that were once harvested. These known species are now suffering a greater pressure than they suffered in the past as a consequence of a reduction of the diversity of species being used. The most relevant NTFPs per forest region used by indigenous and rural communities are specified in the National Programme of NTFP (13):</p> <p>Among them we can find several plants and trees used for medicinal purposes. Seeds, fruits, edible fungi and plants are consumed as a nutritive food complement to the daily diet. Other plants and trees are used for textile elaboration from natural fibres, basketry, utensils, and housing construction, among others.</p> <p>In some cases, NTFPs are used to elaborate handmade crafts that are then commercialised. Charcoal is also produced at a small scale and then locally commercialised, being an important resource for local communities. For example, in Parque Chaqueño, the algarrobo or carob tree (<i>Prosopis spp</i>) is significantly named “the tree” because of its relevance in daily life (1) (13).</p> <p>In general terms, forests protect fresh water supplies that run from springs and head water catchments which are used by local and indigenous communities (8).</p> <p>In the Parana River Delta and Islands region, fishing is a main resource for local and indigenous communities, as is the hunting of carpincho or capybara (<i>Hydrochoerus hydrochaeris</i>), coipo or coypu or nutria (<i>Myocastor coypus</i>), and various caiman species (yacaré overo – <i>Caiman latirostris</i> – and yacaré negro – <i>C. yacare</i>) (2) (3).</p> <p>There are indigenous communities settled inside parts of the Federal System of Protected Areas, especially in national and provincial reserves. In the Selva Paranaense there are Guarani communities in the Yabotí Biosphere Reserve. In the Selva Tucumana Boliviana there are communities using the forests inside the Calilegua and Baritú National Park. Examples to be found in the Bosque Andino Patagínico are in the Lanin National Reserve such as the Curruhuinca and Cayún communities of the Mapuche ethnic group, which have obtained wood harvesting permissions and have sourced raulí beech or Lophozonia alpina (<i>Nothofagus alpina</i>), coihue, coigue or Dombey’s beech (<i>N. dombeyi</i>), and roble pellin (<i>N. obliqua</i>) to local sawmills. Other Mapuche communities in the park oversee tourism-related concessions like camping facilities (1). In the Nahuel Huapi National Park, in Patagonia, there are also established Mapuche communities.</p> <p>The Native Forests Land Plan (OTBN) defines the conservation value considering, among other criteria, the importance that these forests have for the indigenous communities’ survival and for the</p>		
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	<p>maintenance of their cultures. Accordingly, native forests of Category I – Red and II – Yellow have a greater chance of being used by indigenous communities.</p> <p>In summary, numerous native communities are located in all the forested regions in Argentina and depend in a different degree on the resources of the forests on their lands for their survival. Forests lands meet their needs, and the well-being of some communities could be affected by the reduction in the availability of some of the resources provided by the forests on which they depend. The indigenous people territories survey, once it is finished, will be a valuable tool if it is made publicly available, to identify which forested areas may have an impact on areas used by communities. Further, it may assist in deciding with which communities to develop a consultation process to assess the presence of HCV 5.</p> <p>Native community's lands and adjoin forests should be considered as HCV5, however, to determinate if those forests can really be considered as HCV5, it is needed to go through a participative consultation among surrounding communities to Identify the use of priority goods and / or services for them that are determinant or not, for their existence over time and whether or not they come from the forested area.</p> <p><b>Identification and evaluation of safeguards and threats</b></p> <p>The Government of Argentina has taken important steps to recognise the rights of indigenous peoples in the country, especially from a normative perspective. These include reforms to the Constitution of 1994 relating to indigenous peoples, the adoption of Act No. 26160 establishing a process to help regularize indigenous lands in the country, the ratification of the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169), and the vote in support UNDRIP. However, significant gap remains between the established regulatory framework on indigenous issues and its actual implementation (19). (See indicator 1.15 and indicator 2.3 for further information.).</p> <p>In 1994, the National Constitution (11) was reformed in relation to indigenous peoples' rights. Article 75 recognises the ethnic and cultural pre-existence of indigenous peoples in Argentina; ensures respect for their identity and their right to bilingual and intercultural education; and recognises the legal status of their communities, and the communal possession and ownership of the lands they traditionally occupied. The reform also regulated the provision of other suitable lands sufficient for human development, which shall not be alienable, transferable or subject to taxes or embargoes; and ensured the participation of indigenous peoples in the management of their natural resources and other interests.</p> <p>Another important normative step for the country was to ratify, in 2000, International Labour Organization (ILO) Convention N° 169 on Indigenous and Tribal Peoples in Independent Countries (12), which is the most advanced treaty for the promotion of indigenous communities' rights. For example, it establishes rights to participation and consultation. More recently, in 2007, the Argentine General Assymbly voted in support of the United Nations Declaration on the Rights of Indigenous</p>		
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	<p>Peoples. In 2014, the Civil and Commercial Code of the Nation – Law 26994 – (19) was modified, and now includes indigenous community ownership. However, for this particular right and others established, there are no adequate legislative measures in the country to ensure observance. In conclusion the Constitutional recognition of rights to ancestral lands and to participate in the management of natural resources is rarely respected (1). Another challenge in the implementation of these policies is that the management of natural resources and lands is controlled by the provincial authorities, whilst the laws pertaining to indigenous people have been adopted at the national level (9).</p> <p>In 2006, the National Law N° 26160 (13) declared the emergence in regard to the existence of land ownership and property that these indigenous and native communities have traditionally occupied in the country, and whose legal status has been registered in the National Registry of Indigenous Communities or competent provincial entities or any other pre-existing registries. However, the progress is estimated to be still closer to 50%, considering that there are currently are nearly 1,400 communities registered (4). the determination of communities' location in the Registry is only approximate, and the identification of the territories actually used is not publicly available; as a consequence, the valuable information gathered in this survey cannot be used to prevent impacts on HCV 5. Additionally, most communities do not have ownership by land title, increasing their vulnerability to exploitation by industries like forestry.</p> <p>There is evidence of conflicts related to land tenure rights with IPs. (see indicator 2.3 for more information) The National Ministry of Agriculture, Cattle and Fisheries surveyed land-related problems with agricultural families, which included indigenous communities' land. Out of 250,000 productive units, about 63,000 have land-related problems, covering about 9 million hectares, on both public and private land, and nearly 90 % of cases involve land holders, even though in 64% of cases they have held the land for more than 20 years (9). Moreover, an online map by Amnesty International identifies over 200 conflict cases related to IPs in Argentina (21). (See indicator 2.3 for more details about the rights of Indigenous and Traditional Peoples, which states that a further assessment is needed to identify (i) which territories are claimed by IPs, and (ii) in which communities IP rights to land and resources are fully respected.)</p> <p>Forest management and timber harvesting have potential impacts on HCV 5, e.g. limiting the availability of traditionally used tree species and/or NTFP availability, degrading habitats of hunting species, and conducting harvesting operations in protective forests of watersheds or steep slopes. In particular:</p> <ul style="list-style-type: none"> <li>- The Parque Chaqueño has been in a deforestation process for the development of intensive agriculture and cattle ranching, but also related to over-exploitation of timber, which in some cases occurred in areas protected by the Native Forests Land Plan (OTBN), and/or has affected indigenous communities (5) (6) (10) (17).</li> <li>- In the Selva Tucumana Boliviana, the forest conversion rate has diminished in recent years, however, in 2002 it was pointed out that forest remnants were being over-exploited by timber harvesting, degrading the forest structure and impoverishing the natural resources' quality, harming</li> </ul>		
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		<p>local and indigenous communities already affected by limited access to markets and by social marginalisation (20).</p> <p>The conservation value categories of the Native Forests Land Plan (OTBN) consider the importance that forests have for the indigenous communities' survival and the maintenance of their cultures. However, the opinion of the experts consulted was that this criterion was only partially taken into account when defining the conservation categories, among other reasons, because the Territorial Report has not been completed.</p> <p>Regarding forest harvesting by indigenous communities in those natural forest lands owned by indigeneus people or communities, licences granted by provincial authorities have the same requirements as licences granted to other non-indigenous legal entities or leaseholders. In some cases, communities sell forest logging rights to third parties or companies, which may be through a legal contract or informally. If the forest harvesting rights are sold, the buyer is in charge of developing the technical project – management plan – and submitting it to the authorities, as the buyer is the person interested in obtaining licences for cutting wood.</p> <p>In summary, although there are a number of legal provisions to recognise indigenous communities' land territories, their implementation is still weak (see indicator 1.15 and 2.3)., and there is no enough information to determinate HCV5 occurrence and assess the risk at country level. Risks assessment for HCV5 needs to be analysed at FMU level, through a participative consultation process with neighbouring communities</p> <p><b>Risk specification</b></p> <p>Specified risk for the whole country. Risk threshold (26) applies: HCV 5 is identified, and/or its occurrence is likely in the area under assessment and it is threatened by management activities</p> <p>Due to the extended presence of local and indigenous communities in the country, HCV 5 occurrence is likely in all Forested regions in Argentina, and due to limited knowledge available, following a precautionary approach, the risk is classified as specified at country level.</p>		
3.6 HCV 6	M & N	<p><b>Occurrence</b></p> <p>The assessment of the occurrence of HCV 6 is related and complementary to the identification of HCV 5. Considering the large number of local and indigenous communities present in the country, and following a precautionary approach, all forested regions in Argentina potentially may contain HCV 6.</p> <p>There are some information resources at country level that can help to identify areas with more probability to contains HCV6:</p>	<p><u>Geographic al scale:</u> Country</p>	<p>Specified risk for the whole country. Risk threshold (30) is met: HCV 6 is identified, and/or its occurrence is likely in the area under assessment and it is threatened by management activities.</p>

	<p>- In Argentina there are 6 cultural sites inscribed on the World Heritage List declared by UNESCO (5).</p> <p>-The Federal Protected Areas System (2) provides protection not only for environmental values but also for cultural ones, including archeological, historical and paleontological sites like Los Alisos National Park in the Selva Tucumana Boliviana (the Bosques Petrificados Natural Monument and the Talampaya National Park, for example, are away from forest regions and plantation forests).</p> <p>-The National Ministry of Culture, responsible for Argentine cultural heritage, has available the Cultural Information System of Argentina (3), an online map with the locations and descriptions of Cultural World Heritage sites declared by UNESCO (4) (5), monuments, historical sites, museums, public libraries, etc. The information published is checked by the provincial authority dealing with cultural affairs.</p> <p>However, the knowledge about cultural values, sites, resources, habitats and landscapes of cultural, archaeological or historical significance is still low considering that there are cultural sites of the native population still ignored or not officially acknowledged. HCV 6 in Argentina needs to be identified through a local assessment process that includes consultation with indigenous communities/people and local stakeholders.</p> <p>According to the aforementioned, there is not enough information to determine occurrence of HCV6, firstly because the indigenous people territories survey at country level is not finished yet (see HCV5-occurrence section), and secondly because there is low knowledge available regarding spiritual practices, traditional ceremonies, and other cultural aspects that depends on forests.</p> <p>The considerable number of ethnic groups living in forested or adjoining areas indicates the very likely occurrence of HCV6 at regional level, however a more detailed socio-economic assessment needs to be done at unit forest level in order to asses if the timber source areas are important for maintaining the cultural identity, ancestral practices and/or traditions of communities nearby the management unit. or in other words, the presence of HCV6. It also applies for Forest plantations establishment.</p> <p><b>Identification and evaluation of threats and safeguards</b></p> <p>As mentioned for HCV 5, Argentina has an important normative structure that recognises local and indigenous communities' rights and their territories. However, significant gap remains between the established regulatory framework on indigenous issues and its actual implementation (2). (See indicator 1.15 and indicator 2.3 for further information).</p> <p>National Law 25473 for the Protection of Archaeological and Paleontological Heritage (1) is an additional safeguard for the registration, assessment and protection of these values. This law regulates that every archaeological and paleontological material is in the public domain – either</p>		
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	<p>national, provincial or municipal – and makes it compulsory to report to the authorities any discovery of such materials. The corresponding authority has an Official Registry, and also regulates the export and import of these materials.</p> <p>However, the same threats mentioned for HCV 5 also apply in this case, e.g. a weak implementation of the normative structure, by both executive and judicial provincial authorities.</p> <p>The absence of complete and publicly available information on indigenous communities' lands, territories and important cultural practices, increases the risk of damaging unidentified sites and elements related to religious, historical, or spiritual values.</p> <p><b>Risk specification</b> Specified risk for the whole country. Risk threshold (30) applies: HCV 6 is identified, and/or its occurrence is likely in the area under assessment and it is threatened by management activities.</p> <p>Due to the extensive presence of local and indigenous communities in the country, HCV 6 occurrence is likely in all Ecoregions, in Argentina. Due to limited knowledge available related to traditional, religious or other cultural values related to forested areas, as well as poor law implementation, and following a precautionary approach, the risk is classified as specified at country level.</p>		
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### Recommended control measures

The recommended control measures here are only indicative in nature and are not mandatory. Recommended control measures might not have been provided for all the risks that have been identified in this risk assessment. Organizations shall evaluate and devise appropriate control measures to mitigate the risks identified in this risk assessment as applicable.

Indicator		Recommended control measures
3.0	-	
3.1 HCV 1	<ul style="list-style-type: none"> <li>• Verify that the commercial native forest product is not a species nationally or provincially protected by law (1).</li> <li>• Verify that the origin of the commercial native forest product is not illegal: Native Forest Category I or a National or Provincial Park (<a href="#">Biodiversity Interactive Map:OTBN (MAyDS 2016, National and provincial protected areas)</a>).</li> <li>• If the native forest product is for export, and the relevant species are listed in the CITES Appendices, an export license from the national CITES authority, as well as an officially approved management plan by the provincial authority is needed. (Mainly relevant for vera (<i>lignum vitae</i>) or Palo Santo (<i>Bulnesia sarmientoi</i>) in the Parque Chaqueño region) (see control measures for indicator 1.20).</li> <li>• If sourcing Parana Pine (<i>Araucaria Angustifolia</i>), ensure that the forest material's origin is from a forest plantation. Suppliers need to provide evidence that proves the legal origin of the material. (Waybill documents shall specify the origin of timber, including data about volume and the complete name of the species.) (See control measures for indicator 1.9).</li> <li>• Forest management and harvesting operational plans exist and include: <ul style="list-style-type: none"> <li>○ Professional inventory of threatened, rare and endemic species, along with relevant management measures that ensure that the risk posed by management activities to species' survival is reduced (e.g. set aside areas have been identified). Identification and localisation of HCV 1 must be done at the FMU level with the participation of and/or consultation with experts (from research institutes, universities, local/provincial/national authorities or NGOs).</li> <li>○ Localisation of mapping of those areas with potentially high concentrations of TER species are likely to occur, and these must be excluded from harvesting operations.</li> </ul> </li> <li>• HCVs are recognised in the field and protected during management activities.</li> </ul>	

	<ul style="list-style-type: none"> <li>Verify that the forest management plan is implemented in the field, and that HCVs are recognised in the field and protected during operational activities. (Verifiers: field sampling of logging areas).</li> </ul> <p>-----</p> <p>(1) Prohibited trade tree species (*):  --CITES: Apéndice I (trade prohibited): monkey-puzzle (<i>Araucaria araucana</i>), patagonian cypress (<i>Fitzroya cupressoides</i>), mountain pine (<i>Podocarpus parlatorei</i>), Guaytecas cypress (<i>Pilgerodendrum uviferum</i>).  --Provincial protected tree species (trade prohibited):  - Selva Paranaense forest region (province of Misiones): Black lapacho (<i>Handroanthus heptaphyllus</i>), Rosewood (<i>Aspidosperma polyneuron</i>), Parana Pine (<i>Araucaria angustifolia</i>)  - Bosque Andino Patagónico forest region: Patagonian cypress o alerce (<i>Fitzroya cupressoides</i>), Monkey-puzzle (<i>Araucaria araucana</i>), Guaytecas cypress (<i>Pilgerodendrum uviferum</i>)  - Selva Tucumana Boliviana forest region: Cedro kolla (<i>Cedrela lilloi</i>) and roble criollo or roble del país (<i>Amburana cearensis</i>) (included in IUCN Red List).</p> <p>References:  1. CITES Appendices. Available in: <a href="https://cites.org/esp/app/appendices.php">https://cites.org/esp/app/appendices.php</a>  2. IUCN Red List of Threatened Species. Available in: <a href="http://www.uicn.org.ar/">http://www.uicn.org.ar/</a>  3. MinCyT. Sistema Nacional de Datos Biológicos. Available in: <a href="http://datos.sndb.mincyt.gob.ar/#">http://datos.sndb.mincyt.gob.ar/#</a></p>
3.2 HCV 2	<ul style="list-style-type: none"> <li>Material does not originate from Intact Forest Landscapes: <a href="http://www.globalforestwatch.org/">http://www.globalforestwatch.org/</a>.</li> <li>Verify that the origin of the native forest product commercialised is not a Native Forest of Category I, nor a National or Provincial Park. (Illegal logging) (<a href="#">Biodiversity Interactive Map:OTBN(MAyDS 2016 , National and provincial protected areas)</a>).</li> <li>There is evidence that management activities in HCV 2 areas (*) do not contribute to/increase forest fragmentation by seeking evidence, such as: <ul style="list-style-type: none"> <li>satellite images of an absence of road infrastructure in HVC 2 areas</li> <li>buffer forest management zones adjacent to HCV 2 and IFL core areas are using low impact forestry (reduced impact logging) to minimise forest cover loss and fragmentation</li> <li>Management plans do not include development of industrial logging</li> </ul> </li> <li>If sourcing from forest plantations inside or with impacts that may reach HCV 2 areas (for example the Iberá Wetland), the forest management plan should include an environmental impact assessment (EIA) addressing, among other variables, exotic species (e.g. pine) invasion, water consumption, consequences of water drainage or channels, agrochemical use, and road construction and maintenance. This assessment must include consultation with interested parties. A monitoring system must be in place to verify if the EIA's conclusions are appropriate. The management plan includes the results of the EIA, the control measures to avoid, reduce, mitigate or compensate for the negative impacts, and the monitoring parameters related to the control measures, to ensure the correct implementation of the management plan.</li> <li>Sourcing native forest materials from silvicultural systems in provinces that have adopted the conservation criteria stated in the plan for Forest Management with Cattle Integrated (Manejo de Bosques con Ganadería Integrada) should be applied.</li> </ul>
3.3 HCV 3	<ul style="list-style-type: none"> <li>Verify that the origin of the native forest product commercialised is not a Native Forest of Category I, nor a National or Provincial Park (illegal sources) (<a href="#">Biodiversity Interactive Map:OTBN(MAyDS 2016 , National and provincial protected areas)</a>).</li> <li>Forest management and harvesting operational plans exist and include: a professional review of endangered ecosystems, along with relevant management measures to ensure that forest management activities do not threaten species survival (e.g. set aside areas have been identified, adaptive management such as selective harvesting has been planned).</li> <li>HCVs are recognised in the field and protected during management activities.</li> <li>Verify that the forest management plan is implemented in the field, and that HCVs are recognised in the field and protected during operational activities. (Verifiers: field sampling of logging areas).</li> <li>If sourcing from forest plantations that may have an impact on HCV 3, the forest management plan should include an environmental impact assessment (EIA) that includes, among other variables, the evaluation of exotic species (e.g. pine, china berry (<i>Melia azedarach</i>) invasion, water consumption, consequences of water drainage or channels, agrochemical use, fire risk, and road construction and maintenance). This assessment must include consultation with interested parties. A monitor system must be in place to</li> </ul>

	<p>verify if the EIA's conclusions are appropriate. The management plan includes the results of the EIA and defines sufficient control measures ensuring ecosystem/habitat survival, and parameters for monitoring the effectiveness of the control measures.</p> <ul style="list-style-type: none"> <li>• If sourcing from plantation forests from Campos and Malezales, set-aside conservation areas for HCV 3 floristic communities have been defined. Also, seek evidence that the "Good Management Practices in Forest Plantations of the Province of Corrientes" was referenced and applied.</li> <li>• If sourcing from forest plantations from Paraná River Delta and Islands, the "Protocol for the Biodiversity Conservation in Forest Plantations with Salix in Parana Delta" developed by the National Institute of Agricultural Research in collaboration with universities, conservation NGOs and forest companies is implemented (Fracassi 2013).</li> <li>• If sourcing from forest plantations from North Andino Patagónico forests, seek evidence that the recommendations of the "Conservation of biodiversity in Productive Systems. Fundamentals and Practices is applied to forest plantations in the Patagonia" (Rusch et al 2016) are implemented, and in particular that there is no damage to irreplaceable and priority areas of the Monte and Patagonian Steppe.</li> </ul>
3.4 HCV 4	<ul style="list-style-type: none"> <li>• Analysis of the applicability of the Protective Forests (Bosques Protectores) regulations.</li> <li>• HCV 4 areas (critical ecosystem services to be protected) need to be identified and located at the FMU level.</li> <li>• Forest operations with potential impacts on critical ecosystem services have been identified in the forest management plan.</li> <li>• Techniques used in forestry operations prevent damage to/impoverishment of resources. (Establishment of buffer zones, exclusion of harvesting zones, equipment exclusion areas, avoidance of clearcuts, river and stream crossing protection, selective felling system is used, etc.) <sup>(*)</sup></li> <li>• If sourcing from forest plantations that may have an impact on HCV 4, the forest management plan should include an environmental impact assessment (EIA) that includes, among other variables, evaluation of agrochemical use, road construction and maintenance, riparian vegetation degradation, and/or the reduction in water availability. This assessment must include the consultation to interested parties. <sup>(*)</sup></li> <li>• Verify that the forest management plan is implemented in the field, and that HCVs are recognised in the field and protected during operational activities. (Verifiers: field sampling of logging areas.)</li> </ul> <p>Note <sup>(*)</sup>: It is recommended to follow the indications and guides of manuals of good forestry practices recognized by the sector (e.g: see information source J- 8)</p>
3.5 HCV 5	<ul style="list-style-type: none"> <li>• Consult forest operators, neighbours, local authorities (municipality-, province- relevant organisms), the National Registry of Agricultural Families, the National Registry of Indigenous Communities, and/or experts (from research institutes, universities or NGOs) to determine if there are local or indigenous communities present inside or up to 5 km away from the forest management unit (FMU). Particularly gather information about disputed evictions of traditional communities in the area.</li> <li>• In the case that there are communities inside, or up to 5 km away from, the FMU, assess, with the participation of the corresponding local/indigenous community authorities, if the forest operations may affect fundamental resources to satisfy the community needs (HCV 5).</li> <li>• Verify that the forest management plan contains detailed information about the HCV 5 (species, resources, services, etc.), and the plans ensure that HCV 5 values are not threatened as agreed with the affected community(s). Ensure that free, prior and informed consent was obtained from the community before the forest management activities commenced.</li> <li>• Verify that the forest management plan is implemented in the field, and that HCVs are recognised in the field and protected during operational activities. (Verifiers: field sampling of logging areas.)</li> </ul>
3.6 HCV 6	<ul style="list-style-type: none"> <li>• Consult forest operator, neighbours, local authorities (municipality, provincial relevant organisms), the National Registry of Agricultural Families, the National Registry of Indigenous Communities and/or experts, such as an archaeologist or anthropologist (from research institutes, universities or NGOs), to determine if there are local or indigenous communities present inside, or up to 5 km away from, the forest management unit (FMU). Particularly gather information about disputed evictions of traditional communities in the area, and about the presence of cultural sites or communities' settlements in the forest management unit in the past.</li> <li>• In cases in which there are communities inside, or up to 5 km away from, the FMU, assess, with the participation of the corresponding local/indigenous community authorities, if the forest operations may affect critical or significant cultural sites, or values, e.g. historical, social, spiritual, archaeological, etc. Verify that the forest management plan contains detailed information about HCV 6, i.e., that cultural, archaeological, historic, economic and social critically important sites are not threatened, as agreed by the affected community(s). Ensure that free, prior and informed consent was obtained from the community before the forest management activities commenced.</li> <li>• Verify that the forest management plan is implemented in the field, and that HCVs are recognised in the field and protected during operational activities. (Verifiers: field sampling of logging areas.)</li> </ul>

## Information sources

No	Source of information	Relevant HCV category and indicator
0	<ol style="list-style-type: none"> <li>1. Critical Ecosystem Partnership Fund. (2015). <i>Resumen técnico del perfil del ecosistema hotspot de biodiversidad de los andes tropicales</i>. [Technical summary of the ecosystem profile biodiversity hotspot of the tropical Andes] Available in: <a href="http://www.cepf.net/SiteCollectionDocuments/tropical_andes/TropicalAndes_TechSummary_SP.pdf">http://www.cepf.net/SiteCollectionDocuments/tropical_andes/TropicalAndes_TechSummary_SP.pdf</a></li> <li>2. FAO. (2014). Evaluación de los recursos forestales mundiales 2015. Informe nacional Argentina. Roma, Italia. Available in: <a href="http://www.fao.org/3/a-az153s.pdf">http://www.fao.org/3/a-az153s.pdf</a></li> <li>3. FAO. (2015). Global Forest resources assessment. Roma, Italia. Available in: <a href="http://www.fao.org/3/a-i4808e.pdf">http://www.fao.org/3/a-i4808e.pdf</a></li> <li>4. FSC Argentina. (2015). FSC Controlled Wood Risk Assessment. FSC-CW-RA-021-ARG V1-0. Argentina</li> <li>5. Global Forestry Registry. (2016). Available in: <a href="http://www.globalforestregistry.org/map">http://www.globalforestregistry.org/map</a></li> <li>6. Ministerio de Desarrollo Social. Instituto Nacional de Asuntos Indígenas (INAI). 2015. Resultados de la Encuesta Condiciones de Vida de Familias, Grupos Convivientes y Comunidades Indígenas en la Argentina. Available in: <a href="https://www.desarrollosocial.gob.ar/wp-content/uploads/2015/12/53-Documento-Encuesta-Comunitaria-INAI.pdf">https://www.desarrollosocial.gob.ar/wp-content/uploads/2015/12/53-Documento-Encuesta-Comunitaria-INAI.pdf</a></li> <li>7. Ministerio de Agricultura, Ganadería y Pesca. Argentina: Plantaciones Forestales y Gestión Sostenible. UCAR</li> <li>8. Ministerio de Ambiente y Desarrollo Sustentable. 2003. Atlas de los Bosques Nativos Argentinos, Proyecto Bosques Nativos y Áreas Protegidas BIRF 4085-AR, Dirección de Bosques, MAyDS. Buenos Aires</li> <li>9. Ministerio de Ambiente y Desarrollo Sustentable. 2015. Monitoreo de la Superficie de Bosque Nativo de la República Argentina. Período 2013-2014. Regiones Forestales Parque Chaqueño, Yungas, Selva Paranaense y Espinal. Buenos Aires</li> <li>10. Ministerio de Ambiente y Desarrollo Sustentable. 2015. Quinto Informe Nacional para la Conferencia de las Partes del Convenio sobre la Diversidad Biológica (CDB). Available in: <a href="https://www.cbd.int/doc/world/ar/ar-nr-05-es.pdf">https://www.cbd.int/doc/world/ar/ar-nr-05-es.pdf</a></li> <li>11. Ministerio de Ambiente y Desarrollo Sustentable. 2015. Observatorio Nacional de Biodiversidad. (OBIO). Sistema Federal de Áreas Protegidas (SIFAP). Available in: en <a href="https://www.argentina.gob.ar/ambiente/tierra/protegida/sifap">https://www.argentina.gob.ar/ambiente/tierra/protegida/sifap</a> ; <a href="http://mapas.ambiente.gob.ar/?idarticulo=13137">http://mapas.ambiente.gob.ar/?idarticulo=13137</a></li> <li>12. Ministerio de Ambiente y Desarrollo Sustentable. 2016. Sistema de Estadística Ambiental. Available in: <a href="http://estadisticas.ambiente.gob.ar/?idarticulo=13809#bosquesxcat">http://estadisticas.ambiente.gob.ar/?idarticulo=13809#bosquesxcat</a></li> <li>13. Ministerio de Desarrollo Social. 2016. Programa Nacional Relevamiento Territorial de Comunidades Indígenas. Available in: <a href="http://www.desarrollosocial.gob.ar/biblioteca/relevamiento-territorial-de-comunidades-indigenas/">http://www.desarrollosocial.gob.ar/biblioteca/relevamiento-territorial-de-comunidades-indigenas/</a></li> <li>14. National Constitution. 1994. Available in: <a href="http://servicios.infoleg.gob.ar/infolegInternet/anexos/0-4999/804/norma.htm">http://servicios.infoleg.gob.ar/infolegInternet/anexos/0-4999/804/norma.htm</a></li> <li>15. National Law 22.344. CITES Convention Ratification of 1982. 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## Controlled wood category 4: Wood from forests being converted to plantations or non-forest use

### Risk assessment

Indicator	Source of Information	Functional Scale	Risk Designation and Determination
4.1	<ul style="list-style-type: none"> <li>• Law N°26.331: Law of Minimal Budgets for Environmental Protection of Forests (December 19<sup>th</sup>, 2007) [Ley Nacional N°26.331: Ley de Presupuestos Mínimos de Protección Ambiental de los Bosques]. [online]. Available at: <a href="http://servicios.infoleg.gob.ar/infolegInternet/anexos/135000-139999/136125/norma.htm">http://servicios.infoleg.gob.ar/infolegInternet/anexos/135000-139999/136125/norma.htm</a></li> <li>• National Law N°25675 (November 27<sup>th</sup>, 2002): General Law of the Environment [Ley Nacional N°25675: Ley General del Ambiente]. [online]. Available at: <a href="http://www.icaa.gov.ar/Documentos/Ges_Ambiental/LEY-25675-GENERAL-AMBIENTE.pdf">http://www.icaa.gov.ar/Documentos/Ges_Ambiental/LEY-25675-GENERAL-AMBIENTE.pdf</a></li> <li>• National Law N°13273 (September 16<sup>th</sup>, 1948): Protection of Forest Wealth [Ley Nacional N°13273: Protección de la Riqueza Forestal]. [online]. Available at: <a href="http://www.ambienteforestalnoa.org.ar/userfiles/legislacion/pdf/Ley13273yreglamento.pdf">http://www.ambienteforestalnoa.org.ar/userfiles/legislacion/pdf/Ley13273yreglamento.pdf</a></li> <li>• COFEMA Resolution (Federal Council of the Environment) (September 29<sup>th</sup>, 2011). N°219/11 [Resolución COFEMA (Consejo Federal de Medio Ambiente N°219/11)]. [online]. Available at: <a href="http://www.cofema.gob.ar/?aplicacion=normativa&amp;IdNorma=1328&amp;IdSeccion=32">http://www.cofema.gob.ar/?aplicacion=normativa&amp;IdNorma=1328&amp;IdSeccion=32</a></li> <li>• Provincial Laws refer to to National Laws N°26331 [Ley Nacional N°26331]: Law N° 7543 territorial organization of native forests of the province of Salta [ordenamiento territorial de bosques nativos de la provincial de Salta]. (December 2018). Available at: <a href="http://boletinoficialsalta.gob.ar/VersionImprimibleLeyes.php?nro_ley2=7543">http://boletinoficialsalta.gob.ar/VersionImprimibleLeyes.php?nro_ley2=7543</a>); Law XVI- N° 105 (September 2010) Land Management of Native Forests. Creation of the Provincial Program for the Protection and Sustainable Management of Native</li> </ul>	Country	<p><b><u>Assessment based on legality</u></b></p> <p><b>Content of law</b></p> <p>National Law N°13273 states in its Article 14: <i>Owners, leaseholders, usufructuaries, or holders of any forest title cannot initiate harvesting work on the land without the consent of the competent forest authority; that consent shall be requested accompanied by a forest plan. There is no need to request this consent if clearance or deforestation works are being performed within the maximum threshold of land area and in areas determined by regulations, as long as they are not done in protective, permanent or experimental forests, nor if there is any danger of producing or favouring erosion when these works are necessary: a) to extend a cultivated area if the land where the forest is located is at risk and/or is apt for other agricultural, more profitable use, or for creating forests of other types; and b) to build housing or make improvements.</i> It must be understood the context for this Law that was published in 1948; and even when it is valid and taken as a reference by many political actors currently, there are a lot of new regulations that are applicable for subjects pointed out in this law. Based on the text of the law, (wide interpretation) it's mentioned that is not required an authorization to convert forest to other uses (within a specific limit established at a provincial or local level). Some exceptions are listed above: protective forests (mening they protect slopes and other specific attributes in the landscape), permanent or experimental forests, and protected forest (National Parks, National or Private Reserves, Rare ecosystems, etc).</p> <p>National Law N°26.331 was issued in December 2007 after long and wide pressure sustained by environmental organizations, mainly Greenpeace and FARN, who led a coalition of organizations. Even though, this Law considers other pre-existing laws, it is the main reference for forest conversions processes in the country.</p> <p>The purposes of this Law as established in Article 3 are: a) to promote conservation through the Act on Territorial Planning and Land Use of Natural Forests (Ordenamiento Territorial de los Bosques Nativos) and the regulation for expanding agricultural frontiers and any other change in land use; b) to implement the necessary measures for regulating and controlling any reductions of existing natural forest areas, aiming at achieving an area that lasts throughout time; c) to improve and maintain ecological and cultural processes in natural forests for the benefit of society; d) to succeed in having precautionary and preventive principles prevail, keeping natural forests whose environmental benefits or the</p>

<p>Forests. Creation of Provincial Compensation and Promotion of Native Forests Funds Misiones [Manejo de tierras de bosques nativos. Creación del Programa Provincial de Protección y Manejo Sostenible de Bosques Nativos. Creación de Indemnizaciones Provinciales y Promoción de Fondos de Bosques Nativos]. [online]. Available at:  <a href="http://extwprlegs1.fao.org/docs/pdf/arg144284.pdf">http://extwprlegs1.fao.org/docs/pdf/arg144284.pdf</a>;  Law N° 6409 Land Management of Native Forests Chaco (September 2009) [Ordenamiento Territorial de los Bosques Nativos]. [online]. Available at:  <a href="http://argentinambiental.com/legislacion/chaco/ley-6409-ordenamiento-territorial-los-bosques-nativos/">http://argentinambiental.com/legislacion/chaco/ley-6409-ordenamiento-territorial-los-bosques-nativos/</a></p> <ul style="list-style-type: none"> <li>• Greenpeace (2015). Press article (PA) N°1: Salta: a brake on illegal conversion [Salta: un freno al desmonte ilegal] [online]. Available at: <a href="https://www.greenpeace.org/argentina/involucrate/salta-un-freno-al-desmonte-ilegal/">https://www.greenpeace.org/argentina/involucrate/salta-un-freno-al-desmonte-ilegal/</a></li> <li>• Clarin (2014). Press article (PA) N° 2: Forest Law was almost not applied and clearing continues unchecked [La ley de bosques casi no se aplicó y los desmontes siguen sin freno. [online]. Available at: <a href="http://www.clarin.com/sociedad/bosques-aplico-desmontes-siguen-freno_0_1139286157.html">http://www.clarin.com/sociedad/bosques-aplico-desmontes-siguen-freno_0_1139286157.html</a></li> <li>• Clarin (2015). Press article (PA) N°3: A key resource that is in danger. Argentina is among the ten countries that most destroy their forest wealth [Un recurso clave que está en peligro, Argentina está entre los diez países que más destruyen su riqueza forestal]. [online]. Available at: <a href="http://www.clarin.com/sociedad/deforestacion-bosques-medio-ambiente-peligro-argentina-mundo-onu-informe_0_1427257272.html">http://www.clarin.com/sociedad/deforestacion-bosques-medio-ambiente-peligro-argentina-mundo-onu-informe_0_1427257272.html</a></li> <li>• Greenpeace (2014). Press article (PA) N° 4: Organizations warn that Argentina must deepen its efforts to face climate change [Organizaciones advierten que Argentina debe profundizar sus esfuerzos para enfrentar el cambio climático].</li> </ul>		<p>environmental damages that their absence generate, cannot be currently demonstrated with the available techniques; e) to promote enrichment, conservation, restoration and improvement activities and a sustainable management of forests.</p> <p>Article 2 of this Law clearly states that forest harvesting plans in lands of less than 10 hectares and owned by small producers or indigenous communities are not subject to this Law but regulated by other provincial level regulations.</p> <p>In the case of the Province of Salta, it is mentioned on the Law 7543 (article 15) the conditions and requirements to convert forest area in other uses. The main aspect is that the conversion is only done in areas of Category III (less value of conservation). The area to be converted will depend on the % of slope and the quality of the soil.</p> <p>In the case of the Province of Misiones, Law XVI-N° 105 (article 11), it is mentioned that all sustainable use or conversion requires the authorization of corresponding Authority, and for its approval must submit a Forest Sustainable Management Plan or a Land Use Plan, which must be signed by a Forest Engineer or Agronomist qualified as Technical Director.</p> <p>In the case of the Province of Chaco, Law 6409 (article 5) mention that on the Category III (Green): The activities that can be developed will be all those that correspond to those of category I and II, and / or those that could be executed according to the approval of a Plan of Use of the Change of Land Use, which may contemplate the realization of conversion to agricultural and / or forestry purposes, for the realization of public or private infrastructure, water, dams, roads, urbanizations and property systematizations. Conversion for agricultural purposes may be authorized in accordance with the conditioning criteria that result, in addition to other established, the characteristics of soils, climate, and relief. Conversion for agricultural purposes will not be authorized in areas adjacent to the areas and zones created and to be created belonging to Category I (Red), as well as on the margins of the rivers.</p> <p>Article 9 of the Law N°26331 establishes the categories for conservation of natural forests, which are:</p> <p>Category I (red): high conservation value forests. No clearance (land-use conversion, as established by this Law).</p> <p>Category II (yellow): medium conservation value forests. Through an analysis by competent provincial authorities, forest management with logging activities is allowed.</p> <p>Category III (green): low conservation value forests. If other provincial requirements are fulfilled, management of these forests and clearance are allowed.</p> <p>In addition to technical submissions including an Environmental Impact Assessment, the company or organization shall go through a binding public hearing. Regarding EIA, Articles</p>
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<p>[online]. Available at:  <a href="http://www.greenpeace.org/argentina/es/noticias/Organizaciones-advierten-que-Argentina-debe-profundizar-sus-esfuerzos-para-enfrentar-el-cambio-climatico/">http://www.greenpeace.org/argentina/es/noticias/Organizaciones-advierten-que-Argentina-debe-profundizar-sus-esfuerzos-para-enfrentar-el-cambio-climatico/</a></p> <ul style="list-style-type: none"> <li>• FARN [Fundación Ambiente y Recursos Naturales] (2014). Press article (PA) N°5: Report June 2014 [online]. Available at:  <a href="http://www.farn.org.ar/wp-content/uploads/2014/07/POLICY-Bosques-Salta-ESP.pdf">http://www.farn.org.ar/wp-content/uploads/2014/07/POLICY-Bosques-Salta-ESP.pdf</a></li> <li>• REDAF (Red Agroforestal Chaco Argentina) (2012) Report Native Forest in Salta: Law of Forests, analysis of deforestation and situation of the Chaco forest in the province [Bosque Nativo en Salta: Ley de Bosques, análisis de deforestación y situación del Bosque chaqueño en la provincia]. [online]. Available at:  <a href="http://redaf.org.ar/a-5-anos-de-la-ley-de-bosques-salta-registra-mas-de-330-mil-hectareas-deforestadas-98-894-en-zonas-prohibidas-por-su-otbn-y-53-202-violando-la-restriccion-dictada-por-la-corte-suprema-de-justicia/">http://redaf.org.ar/a-5-anos-de-la-ley-de-bosques-salta-registra-mas-de-330-mil-hectareas-deforestadas-98-894-en-zonas-prohibidas-por-su-otbn-y-53-202-violando-la-restriccion-dictada-por-la-corte-suprema-de-justicia/</a></li> <li>• Greenpeace (2017). Deforestation in northern Argentina [Deforestación en el norte de Argentina] (enero-junio 2017). [online]. Available at:  <a href="https://www.greenpeace.org/archive-argentina/Global/argentina/2017/07/Deforestacion-C3%B3n%20en%20el%20norte%20de%20Argentina.%20Enero%20-%20Junio%202017.pdf">https://www.greenpeace.org/archive-argentina/Global/argentina/2017/07/Deforestacion-C3%B3n%20en%20el%20norte%20de%20Argentina.%20Enero%20-%20Junio%202017.pdf</a></li> <li>• Ministry of the Environment [Ministerio del Ambiente] (2015). System of socio-environmental indicators in Argentina, published in 2015 with data up to 2014. [online]. Available at:  <a href="http://estadisticas.ambiente.gob.ar/archivos/web/Indicadores/file/multisitio/publicaciones/Indicadores_2015_internet.pdf">http://estadisticas.ambiente.gob.ar/archivos/web/Indicadores/file/multisitio/publicaciones/Indicadores_2015_internet.pdf</a></li> <li>• Todo Noticias (2015). Deforestation: Argentina among the countries that lose more native forests per year [Deforestación: La Argentina entre los países que más bosques nativos pierde por año].</li> </ul>		<p>22 to 25 (from Law N° 26331) detail how the process operates, and it provides minimal guidelines for the studies and names of the authorities in charge.</p> <p>Chapter V, Articles 13 and 14 also mention with regards to clearance (desmante is the name that is normally given in the country to conversions of natural forests). There are no legal requirements in relation to compensation measures for forest conversion:</p> <p>Article 13. — All clearance or sustainable management of natural forests needs authorization from the Competent Authority of the correspondent jurisdiction.</p> <p>Article 14. — Clearance of natural forests classified in categories I (red) and II (yellow) will be not authorized.</p> <p>In subsequent articles the Law mentions:</p> <p>Article 18. — Sustainable Managements Plans for Natural Forests and Harvesting Plans for Land-Use Conversion shall be developed in accordance with the regulation established by the component authority in the corresponding jurisdiction for each region and zone, defining the general management and harvesting rules.</p> <p>These plans will require evaluation and approval from the Competent Authority in the jurisdiction prior to implementation and shall be subscribed by the persons in charge of the activity, and endorsed by a qualified professional, and will be registered for implementation in the form and under the scope that the Competent Authority establishes.</p> <p>Article 19. — Every clearance or sustainable management project of natural forests shall acknowledge and respect the rights of indigenous natural communities of the country that have traditionally inhabited those lands.</p> <p>Article 26 mentions:</p> <p>For clearance projects of natural forests, the competent authority in each jurisdiction shall guarantee strict abidance of Articles 19, 20 and 21 (about Citizen participation) of Law 25.675—General Law of the Environment (Ley General del Ambiente)— prior to issuing any authorization for undertaking those activities. In this sense, Article 19 of that Law mentions that everyone has the right to be consulted and to have an opinion on administrative procedures related to the preservation and protection of the environment, which are of general or particular incidence, and of general scope.</p> <p>Article 20 mentions that the authorities must institutionalize consultation procedures or public hearings as mandatory instances for the authorization of those activities that may generate negative and significant effects on the environment. The opinion or objection of the participants will not be binding for the convening authorities; but in the event that they present an opinion contrary to the results obtained in the public hearing or consultation, they must base it and make it public; and Article 21 mentions that citizen participation must be ensured, mainly, in the environmental impact assessment procedures and in the environmental planning plans and programs of the territory, in particular, in the stages of planning and evaluation of results.</p> <p>In all cases there should be compliance with what has been stated in Articles 16, 17 and 18 of Law 25.675—General Law of the Environment [Ley General del Ambiente]— and, in particular, to adopt the necessary measures in order to guarantee information access to</p>
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<p>[online]. Available at:  <a href="http://tn.com.ar/sociedad/deforestacion-la-argentina-entre-los-paises-que-mas-bosques-nativos-pierde-por-ano_617196">http://tn.com.ar/sociedad/deforestacion-la-argentina-entre-los-paises-que-mas-bosques-nativos-pierde-por-ano_617196</a></p> <ul style="list-style-type: none"> <li>• FAO (2015). Global Forest Resources Assessment 2015. [online]. Available at: <a href="http://www.fao.org/3/a-i4808e.pdf">http://www.fao.org/3/a-i4808e.pdf</a></li> <li>• NEPCon Sourcing Hub. Available at: <a href="https://www.nepcon.org/sourcinghub">https://www.nepcon.org/sourcinghub</a></li> </ul>	<p>indigenous peoples, natural peoples, peasant communities and others with regards to the authorizations granted for clearance under the framework of Law 25.831 —Regulations on Free access to Public Environmental Information (Régimen de Libre Acceso a la Información Pública Ambiental).</p> <p>Finally, in regard to guidelines of Article 20 of the same Law N°26331, which establish the potential environmental damage and the responsibilities that it entails, COFEMA announced Resolution No. 219/2011 in order to create an Ad Hoc Commission to incorporate unauthorized logging or clearing in the National Penal Code.</p> <p>Sanctions on the Law N° 26331 is included on:</p> <p>Article 29. - The sanctions for the breach of this law and the regulations that are issued as a consequence, without prejudice to the other responsibilities that may correspond, will be those that are established in each of the jurisdictions according to the police power that corresponds to them, which can not be inferior to those established here.</p> <p>Jurisdictions that do not have a sanctions regime will apply the following sanctions that correspond to the national jurisdiction:</p> <ol style="list-style-type: none"> <li>a) Warning;</li> <li>b) Fine between THREE HUNDRED (300) and TEN THOUSAND (10,000) basic salaries of the initial category of the national public administration. The proceeds of these fines will be affected to the corresponding environmental protection area;</li> <li>c) Suspension or revocation of authorizations.</li> </ol> <p>These sanctions will be applicable prior to a substantiated summary in the jurisdiction where the infraction was made and will be governed by the rules of administrative procedure that apply, ensuring due process of law, and will be graduated according to the nature of the infraction.</p> <p>Analysis of the legal framework:  In the country it has always been possible to legally perform clearance or forest logging; this has remained unchanged.</p> <p>The new element is the regulation established in the Law of Minimal Budgets for Environmental Protection of Natural Forests (Ley de Presupuestos Mínimos de Protección Ambiental de Bosques Nativos). On site, what has been modified is that provinces should have had performed at the time the so-called OT (Territorial Planning and Land Use, ordenamiento territorial). This concept is quoted in several sections of the Law and consists in defining priority conservation areas and areas where several kinds of productive activities could be carried out; including clearance which is a land-use conversion (or change of land use) in order to carry out other activities different to the former.</p> <p>The name of that Law obeys the need of the provinces in Argentina to receive funds from the Nation after having structured their Territorial Planning and Land Use. Even though it is finalized, this planning process is still questioned by different sectors (economic, conservative, social, etc.) in the provinces. The process lasted from two to three years,</p>
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depending on the province, and included technical documents, planning proposals, public consultation, among others. While the Law was being discussed and until the provinces issued laws to adhere to this National Law and they finalized their planning and performed complementary activities, clearance of natural forests was not authorized. This took place between 2006 and 2009. The measure led to a drastic decrease of the rate of deforestation in the country, although there were evidently still cases of illegal felling in the north of Argentina.

Moratorium

There was a period where a moratorium was imposed on all provincial governments. This (national) moratorium basically stopped any authorization to convert forests to other uses. After the Law N 26.331 was regulated, this moratorium ended.

In December 2008, the Supreme Court of Justice of the Nation (CSJN) had an outstanding intervention ordering the Government of Salta to temporarily cease the execution of conversion and logging permits granted in the last quarter of 2007 - without serious evaluation of their socio-environmental impacts - shortly before the entry into force of the moratorium on deforestation provided by the Forest Law. Months later, Salta sanctioned the Native Forest Land Plan (OTBN) and the moratorium ended.

**Is the law enforced?**

The law is partially enforced; that is, the rate of clearance has diminished compared to that registered in 2007, but it is still high and most of the converted area was done illegally. This can be seen in a publication of the Ministry of the Environment (Ministerio del Ambiente) on socio-environmental indicators (page 15), published in 2015 with data up to 2014.

Note: There are 2 ways to convert a natural forest to agriculture: 1. Legally (long process with public audience and following each requirement at a local/provincial level, etc); 2. Illegally. The last one is the biggest unfortunately (source: Greenpeace produces reports periodically about this).

On the other hand, in provinces like Chaco, Formosa, and Salta, among others, illegal clearances are still being carried out. As background information, in 2002 and 2006, a total of 300 thousand hectares of natural forests were lost per year; that is, an annual rate of deforestation 1% higher than the world's average (source: Todo Noticias, 2015).

The regulations on clearance came into force when the Law of Minimal Budgets was implemented. However, deforestation of natural forests continued in several provinces where this kind of forests exist. For example, according to Greenpeace, in Provincia de Córdoba, from 2007 to 2013, 44 823 hectares of forests were lost, of which more than 10 thousand were part of the protective scheme established by the Law of Minimal Budgets. In another report from Greenpeace (PA N°1, see the column 'Sources of information' to the left) it is mentioned that in the Province of Salta: "(...) It is of great concern that, with no

provincial authority taking note of the fact, during the first months of 2013 the illegal clearance of a farm of 16 600 hectares (almost the size of the City of Buenos Aires) took place”.

In another report related to Provincia de Salta (PA N°5, see the column ‘Sources of information’ to the left), where deforestation rates have been high – a fact mentioned in many national news – FARN points out: “According to Ministerio de Ambiente y Desarrollo Sustentable, in Salta 115 203 hectares of natural forests were deforested during the moratorium placed on new clearance permits established by the National Law. Also, clearances happened in areas banned by the provincial OTBN. According to official data, since it was issued in 2009 and until June of 2011, a total of 8 080 hectares were deforested in the Red Category and 31 749 in the Yellow Category (where clearance is not allowed, but only sustainable management). Also, the majority of clearances performed in areas protected by OTBN in Salta took place in three of the four departments for which the Supreme Court of the Nation (CSJN) had ordered a suspension on the execution (the Salas Case). The Chaco Argentina Agroforest Network [Red Agroforestal de Chaco Argentina] (see source REDAF 2012) estimates that during the suspension of clearances ordered by the CSJN, 53.202 hectares were deforested”.

A joint analysis undertaken by the National General Auditing Office [Auditoría General de la Nación] and the then Sub secretariat of the Environment [Subsecretaría del Medio Ambiente] (PA N°2, see the column ‘Sources of information’ to the left) establishes that: This Office (National General Auditing Office) undertook an investigation on what had happened with the implementation of Law 26.331 from 2007 up to June 2013. The entities corroborated that most of the articles had not been regulated and that in all those years each province had interpreted the law at will. This is not only serious, but it is also the key for understanding the reason why, according to data from Secretariat of the Environment of the Nation [Secretaría del Medio Ambiente de la Nación], between 2007 and 2011, two million hectares that should have been protected were lost.”

As additional data, according to IPCC (Intergovernmental Panel on Climate Change) (in PA N°4, see the column ‘Sources of information’ to the left), 4.3% of global deforestation is attributed to Argentina. Also, according to data from the United Nations through FAO (PA N°3, see the column ‘Sources of information’ to the left), the country lost 1.5 million hectares of natural forests between 2010 and 2015.

Based on the report from Greenpeace (2017), the area converted during 2016 in the four northern provinces was 112,252 hectares (50% less than the annual average prior to the enactment of the Forest Law).

However, more than a third of the deforestation occurred in forests protected by the regulations (classified in Categories I - Red and II - Yellow), reaching 41,595 hectares. Also, for 2017, Greenpeace presented a new report on deforestation that was carried out during 2017 in the north of the country, by means of the comparison of satellite images of

the four provinces where 80% of the deforestation of the entire national territory is concentrated: Santiago del Estero, Chaco, Formosa and Salta. Almost half of the clearings were made where it was prohibited, reaching 59,541 hectares. In Santiago del Estero 42,827 hectares were converted, of which 28,987 were protected forests. In Chaco, 41,734 hectares were converted, of which 26,020 were prohibited. While in Formosa 23,736 hectares were converted, of which 663 were protected forests. Finally, in Salta 19,920 hectares were deforested, of which 3,871 hectares were areas where it was not allowed.

"Ten years after the sanction of the Forest Law, even large landowners are advancing on our last native forests with the complicity of the provincial governments, which apply ludicrous fines or even authorize them to dismantle where it is not allowed. That is why we urgently need both illegal clearing and arson to be considered a criminal offense," Giardini added (quoted from the Greenpeace report 2017).

Economic drivers for conversion of natural forests to plantation or non-forest use are very strong (NEPCon Sourcing Hub), including:

- a. Argentina is one of the biggest global producers of soy, corn, wheat, sunflower and other commodities (peanuts, etc). New areas are always in demand (see: <https://www.nepcon.org/sourcinghub/soy/soy-argentina>);
- b. Same situation in relation to cattle (see: <https://www.nepcon.org/sourcinghub/beef/beef-argentina>);
- c. There is a very important range of economic and fiscal incentives to produce those commodities and cattle.

**Is it possible to conclude that the spatial threshold can be met by assessing the enforcement of legislation?**

I.e. Does the law prohibit conversion to the outcomes in the indicator?

No, the law does not prohibit conversion to the outcomes of the indicator.

**Assessment based on spatial data**

**Is it possible to conclude that the spatial threshold (0.02% or 5000 ha) is met?**

Please see the spatial information presented in the previous section together with the law enforcement. Additionally, based on the information from FAO Global Forest Resources Assessment 2015, the forest area in Argentina has decreased by 1,499,000 ha between the years 2010 and 2015 (from 27,409,000 ha to 25,910,000 ha), with an annual change rate of 299,800 ha/year. There is no clear data available about how much natural forest was converted to plantations or non-forest uses, but the naturally regenerated forest area decreased between 2010 and 2015 (1,499,000 ha), and the primary forest remained unchanged. Data about planted forest doesn't differentiate between reforestation and afforestation, which was 1,187,000 ha in 2010 and 1,202,000 ha in 2015 (of which

			<p>1,163,000 ha and 1,178,000 ha correspond to commercial plantations with exotic species respectively).</p> <p>According to the spatial data provided above, conversion of natural forests to plantations or non-forest use in the area under assessment is above the threshold of average net annual loss.</p> <p><b><u>Risk designation</u></b></p> <p>Specified risk. The following 'specified risk' thresholds are met: Threshold (4) There is more than 5000 ha net average annual loss or there is more than 0.02% net average annual loss of natural forest in the assessment area in the past 5 years; AND (7) There are significant economic drivers for conversion. Data yield evidence that conversion is occurring on a widespread or systematic basis.</p>
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### Recommended control measures

The recommended control measures here are only indicative in nature and are not mandatory. Recommended control measures might not have been provided for all the risks that have been identified in this risk assessment. Organizations shall evaluate and devise appropriate control measures to mitigate the risks identified in this risk assessment as applicable:

Review transport documentation and check the data included with other documents (for example invoice, certificate of origin, harvesting planning) to know the exact origin of the wood cutting.

## Controlled wood category 5: Wood from forests in which genetically modified trees are planted

### Risk assessment

Indicator	Sources of Information	Functional Scale	Risk Designation and Determination
5.1	<ul style="list-style-type: none"> <li>• Greenpeace Argentina.(N.Y.). [Transgenicos]. [online]. Available at: <a href="http://www.greenpeace.org/argentina/es/campanas/bosques/transgenicos/">http://www.greenpeace.org/argentina/es/campanas/bosques/transgenicos/</a></li> <li>• Eco-Sitio (N.Y.). [Environment and Ecology Web - Portal de Medio Ambiente y Ecología]. [online]. Available at: <a href="http://www.eco-sitio.com.ar/node/80">http://www.eco-sitio.com.ar/node/80</a></li> <li>• IndyMedia Argentina (N.Y.). [online]. Available at: <a href="http://argentina.indymedia.org/news/2005/09/328441.php">http://argentina.indymedia.org/news/2005/09/328441.php</a>.</li> <li>• ArgenBio - Argentinean Council for Information and Biotechnology Development. [Consejo Argentino para la Información y el Desarrollo de la Biotecnología]:</li> <li>• ArgenBio (2013). Genetically modified Eucalyptus to obtain more timber [Eucaliptos genéticamente modificados para obtener más madera]. [online]. Available at: <a href="http://www.argenbio.org/index.php?action=notas&amp;note=6368">http://www.argenbio.org/index.php?action=notas&amp;note=6368</a> ArgenBio (updated every year).</li> <li>• ArgenBio (2007). <i>List of approved GMOs in Argentina</i>. [Lista de eventos aprobados]. [online]. Available at: <a href="http://www.argenbio.org/index.php?action=novedades&amp;note=712">http://www.argenbio.org/index.php?action=novedades&amp;note=712</a></li> <li>• Isis, A (2012). Genetically Engineered Trees: An Overview of Latin America. Global Forest Coalition. [online]. Available at: <a href="http://globalforestcoalition.org/wp-content/uploads/2012/06/Genetically-Engineered-Trees-LA-Cupula.pdf">http://globalforestcoalition.org/wp-content/uploads/2012/06/Genetically-Engineered-Trees-LA-Cupula.pdf</a></li> <li>• Secretariat of the Convention on Biological Diversity [Secretaría del Convenio sobre la Diversidad Biológica World Trade Centre] (N.Y.). Available at: <a href="http://www.agroparlamento.com/agroparlamento/desarrollada.asp?id=151">http://www.agroparlamento.com/agroparlamento/desarrollada.asp?id=151</a></li> <li>• Interviews with experts: Conversations with different experts carried out during the months of February and March 2016 – helped authors to understand better the applicable legislation and the associated risks in the field implementation. Referring to this indicator, representatives of different organizations were interviewed, such as: Forests Bank [Banco de Bosques], Greenpeace Argentina, ProYungas Foundation [Fundación ProYungas], Wild Life Foundation [Fundación Vida Silvestre], Forest Division from the Ministry of Agro-Industries [Dirección Forestal del Ministerio de Agroindustrias], experts specialized in work with rural communities, Democratic Change Foundation (Fundación Cambio Democrático)</li> </ul>	Country	<p>Low risk. The following risk thresholds are met: (2) There is no commercial use of GMO (tree) species in the area under assessment; AND (3) Other available evidence does not challenge a ‘low risk’ designation.</p> <p>The national threshold is determined by the fact that there is no information of companies developing GMO trees; as neither authorization issued for genetically modified organisms (GMO) in the activities related to cultivating trees and okshrub.</p>

No	GMO Context Question	Answer	Sources of Information (list sources if different types of information, such as reports, laws, regulations, articles, web pages news articles etc.).
1	Is there any legislation covering GMO (trees)?	No, Argentina didn't ratify the Cartagena Protocol on Biosafety. On the Article 23 from Cartagena Protocol on Biosafety to the Convention on Biological Diversity, establishes that: The parties shall: a) Promote and facilitate public awareness, education and participation concerning the safe transfer, handling and use of living modified organisms in relation to the conservation and sustainable use of biological diversity, taking also into account risks to human health. In doing so, the Parties shall cooperate, as appropriate, with other States and international bodies; b) Endeavour to ensure that public awareness and education encompass access to information on living modified organisms identified in accordance with this Protocol that may be imported.	<ul style="list-style-type: none"> <li>Secretariat of the Convention on Biological Diversity [Secretaría del Convenio sobre la Diversidad Biológica, World Trade Centre]. [online]. Available at: <a href="http://www.agroparlamento.com/agroparlamento/desarrollada.asp?id=151">http://www.agroparlamento.com/agroparlamento/desarrollada.asp?id=151</a></li> </ul>
2	Does applicable legislation for the area under assessment include a ban for commercial use of GMO (trees)?	N/A	
3	Is there evidence of unauthorized use of GM trees?	No, after consulting with experts and making an extensive search in the internet, no information was found about unauthorized use of GM trees in the country.	<ul style="list-style-type: none"> <li>Greenpeace Argentina. [online]. Available at: <a href="http://www.greenpeace.org/argentina/es/campanas/bosques/transgenicos/">http://www.greenpeace.org/argentina/es/campanas/bosques/transgenicos/</a> (Greenpeace mention transgenics as a big problem in the agriculture sector, but no mention to trees or the forestry industry).</li> <li>IndyMedia Argentina. [online]. Available at: <a href="http://argentina.indymedia.org/news/2005/09/328441.php">http://argentina.indymedia.org/news/2005/09/328441.php</a>. (The portal has general information about the threats on GMOs trees, but no mention about Argentina but about Brazil and Chile).</li> <li>Interviews with experts in 2016. Conversations with different experts carried out during the months of February and March 2016 – helped authors to understand better the applicable legislation and the associated risks in the field implementation. Referring to this indicator, representatives of different organizations were interviewed, such as:</li> </ul>

			Forests Bank [Banco de Bosques], Greenpeace Argentina, ProYungas Foundation [Fundación ProYungas], Wild Life Foundation [Fundación Vida Silvestre], Forest Division from the Ministry of Agro-Industries [Dirección Forestal del Ministerio de Agroindustrias], experts specialized in work with rural communities, Democratic Change Foundation (Fundación Cambio Democrático)
4	Is there any commercial use of GM trees in the country or region?	No, after consulting with experts and making an extensive search in the internet, no information was found about commercial use of GM trees in the country.	<ul style="list-style-type: none"> <li>• IndyMedia Argentina: <a href="http://argentina.indymedia.org/news/2005/09/328441.php">http://argentina.indymedia.org/news/2005/09/328441.php</a>. (The portal has general information about the threats on GMOs trees, but no mention about Argentina but about Brazil and Chile).</li> <li>• ArgenBio. [Consejo Argentino para la Información y el Desarrollo de la Biotecnología]. [online]. Available at: <a href="http://www.argenbio.org/index.php?action=notas&amp;note=6368">http://www.argenbio.org/index.php?action=notas&amp;note=6368</a>, <a href="http://www.argenbio.org/index.php?action=novedades&amp;note=712">http://www.argenbio.org/index.php?action=novedades&amp;note=712</a> (This portal belongs to the Council that promotes the use of GMOs. However, there is no mention on Argentina and production or research about GMO trees. Moreover, there is a list available with no mentions to trees either).</li> <li>• Interviews with experts in 2016. Conversations with different experts carried out during the months of February and March 2016 – helped authors to understand better the applicable legislation and the associated risks in the field implementation. Referring to this indicator, representatives of different organizations were interviewed, such as: Forests Bank [Banco de Bosques], Greenpeace Argentina, ProYungas Foundation [Fundación ProYungas], Wild Life Foundation [Fundación Vida Silvestre], Forest Division from the Ministry of Agro-Industries [Dirección Forestal del Ministerio de Agroindustrias], experts specialized in work with rural communities, Democratic Change Foundation [Fundación Cambio Democrático].</li> </ul>
5	Are there any trials of GM trees in the country or region?	No, after an extensive search, no sources have been found that mention the existence of trials of GM trees in the country. However, only one article was found (Global Forest Coalition (2012) Alvarez Isis) but only focuses on the potential in the country, not on trials that already exists.	<ul style="list-style-type: none"> <li>• Eco-Sitio. [Portal de Medio Ambiente y Ecología]. [online]. Available at: <a href="http://www.eco-sitio.com.ar/node/80">http://www.eco-sitio.com.ar/node/80</a> (This portal mentions countries where experiments on GMOs were conducted, but even when the list is important, Argentina is not listed there).</li> <li>• ArgenBio. [Consejo Argentino para la Información y el Desarrollo de la Biotecnología]. [online]. Available at: <a href="http://www.argenbio.org/index.php?action=notas&amp;note=6368">http://www.argenbio.org/index.php?action=notas&amp;note=6368</a>, <a href="http://www.argenbio.org/index.php?action=novedades&amp;note=712">http://www.argenbio.org/index.php?action=novedades&amp;note=712</a> (This portal belongs to the Council that promotes the use of GMOs. However, there is no mention on Argentina and production or research about GMO trees. Moreover, there is a list available with no mentions to trees either).</li> <li>• Isis, A (2012). Alvarez Isis: Genetically Engineered Trees: An Overview of Latin America. Global Forest Coalition. [online]. Available at: <a href="http://globalforestcoalition.org/wp-content/uploads/2012/06/Genetically-Engineered-Trees-LA-Cupula.pdf">http://globalforestcoalition.org/wp-content/uploads/2012/06/Genetically-Engineered-Trees-LA-Cupula.pdf</a> (In this article Argentina is identified as a country with potential for developing GMOs, although there is no information regarding this. The last part of the report mentions that: Note: Although Uruguay and Argentina have been mentioned as major countries with an important role on GE tree experimentation, they have not been included due to time restrictions. A full report is intended to be disseminated at the CBDACOP10 in Hyderabad, India in October).</li> </ul>

			<ul style="list-style-type: none"> <li>Interviews with experts in 2016. Conversations with different experts carried out during the months of February and March 2016 – helped authors to understand better the applicable legislation and the associated risks in the field implementation. Referring to this indicator, representatives of different organizations were interviewed, such as: Forests Bank [Banco de Bosques], Greenpeace Argentina, ProYungas Foundation [Fundación ProYungas], Wild Life Foundation [Fundación Vida Silvestre], Forest Division from the Ministry of Agro-Industries [Dirección Forestal del Ministerio de Agroindustrias], experts specialized in work with rural communities, Democratic Change Foundation (Fundación Cambio Democrático)</li> </ul>
6	Are licenses required for commercial use of GM trees?	No, Argentina didn't ratify the Cartagena Protocol on Biosafety. As far as the extensive research on internet and interview with experts, no licences are required.	<ul style="list-style-type: none"> <li>Secretariat of the Convention on Biological Diversity [Secretaría del Convenio sobre la Diversidad Biológica World Trade Centre]. [online]. Available at: <a href="http://www.agroparlamento.com/agroparlamento/desarrollada.asp?id=151">http://www.agroparlamento.com/agroparlamento/desarrollada.asp?id=151</a></li> <li>Interviews with experts in 2016. Conversations with different experts carried out during the months of February and March 2016 – helped authors to understand better the applicable legislation and the associated risks in the field implementation. Referring to this indicator, representatives of different organizations were interviewed, such as: Forests Bank [Banco de Bosques], Greenpeace Argentina, ProYungas Foundation [Fundación ProYungas], Wild Life Foundation [Fundación Vida Silvestre], Forest Division from the Ministry of Agro-Industries [Dirección Forestal del Ministerio de Agroindustrias], experts specialized in work with rural communities, Democratic Change Foundation (Fundación Cambio Democrático)</li> </ul>
7	Are there any licenses issued for GM trees relevant for the area under assessment? (If so, in what regions, for what species and to which entities?)	No, after consulting with experts and making an extensive search in the internet, no information was found about the existence of licenses for GM trees.	<ul style="list-style-type: none"> <li>ArgenBio. [Consejo Argentino para la Información y el Desarrollo de la Biotecnología]. [online]. Available at: <a href="http://www.argenbio.org/index.php?action=notas&amp;note=6368">http://www.argenbio.org/index.php?action=notas&amp;note=6368</a>, <a href="http://www.argenbio.org/index.php?action=novedades&amp;note=712">http://www.argenbio.org/index.php?action=novedades&amp;note=712</a> (This portal belongs to the Council that promotes the use of GMOs. However, there is no mention on Argentina and production or research about GMO trees. Moreover, there is a list available with no mentions to trees either).</li> <li>Interviews with experts in 2016. Conversations with different experts carried out during the months of February and March 2016 – helped authors to understand better the applicable legislation and the associated risks in the field implementation. Referring to this indicator, representatives of different organizations were interviewed, such as: Forests Bank [Banco de Bosques], Greenpeace Argentina, ProYungas Foundation [Fundación ProYungas], Wild Life Foundation [Fundación Vida Silvestre], Forest Division from the Ministry of Agro-Industries [Dirección Forestal del Ministerio de Agroindustrias], experts specialized in work with rural communities, Democratic Change Foundation (Fundación Cambio Democrático)</li> </ul>
8	What GM 'species' are used?	N/A	
9	Can it be clearly	N/A	

determined in which MUs the GM trees are used?		
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**Recommended control measures**

N/A

# Annex A – Forest Regions Map

Source: Dirección de bosques 2002. Unidad del Manejo del Sistema de Evaluación Forestal (UMSEF). -



## Mapa de las Regiones Forestales de la República Argentina



Confeccionado:  

 Unidad de Manejo del Sistema de Evaluación Forestal (UMSEF)  
 Dirección de Bosques de la Nación.  
 Secretaría de Ambiente y Desarrollo Sustentable de la Nación.  
 Jefatura de Gabinete de Ministros.  
 Edición Mayo de 2014.

Fuente:  
 - SIG 250. Instituto Geográfico Nacional de la República Argentina.  
 - Unidad de Manejo del Sistema de Evaluación Forestal (UMSEF).  
 Dirección de Bosques de la Nación. SAyDS.