

GCF FP ARG ANNEX 2

Environmental and Social Assessment (ESA) for Argentina – Period 2014-2016

Document linked to the funding proposal for results-based payments for REDD+ in Argentina, 2014-2016, within the framework of the GCF Pilot Programme on Results-based Payments for REDD+

27 September 2020

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Acronyms

AGN	<i>Auditoría General de la Nación</i> / Office of the National Auditor-General
ALA	Local Enforcement Authority
APS-DB	<i>Área de Participación Social, Dirección de Bosques</i> / Social Participation Unit, Forest Directorate
COFEMA	Consejo Federal de Medio Ambiente / Federal Environmental Council
CONADIBIO	<i>Comisión Nacional Asesora para la Conservación y Utilización de la Diversidad Biológica</i> / National Advisory Committee on the Use and Conservation of Biological Diversity
COP	UNFCCC Conference of the Parties
CP	Conservation Plan
DNB	<i>Dirección Nacional de Bosques</i> / National Directorate of Forests
DNCC	<i>Dirección Nacional de Cambio Climático</i> / National of Climate Change Directorate
ENOTPO	Space grouping-up 45 indigenous peoples' territorial organizations
SSP	Strategic Structural Pillar
ESA	Environmental and Social Assessment
ESM	FAO Environmental and Social Management Guidelines
ESS	FAO Environmental and Social Standards
FAO	Food and Agriculture Organization of the United Nations
FCPF	Forest Carbon Partnership Facility
FNECBN	<i>Fondo Nacional para el Enriquecimiento y la Conservación de los Bosques Nativos</i> / National Fund for the Enrichment and Conservation of Native Forests
FREL	Forest Reference Emission Levels
GCF	Green Climate Fund
GHG	Greenhouse Gas
GNCC	<i>Gabinete Nacional de Cambio Climático</i> / National Climate Change Cabinet
IFC	International Finance Corporation
INAI	<i>Instituto Nacional de Asuntos Indígenas</i> / National Indigenous Affairs Institute
INGEI	Inventario Nacional de Emisiones de Gases de Efecto Invernadero
INTI	<i>Instituto Nacional de Tecnología Industrial</i> / National Institute of Industrial Technology
IPC	Indigenous Participation Council
IPCC	Intergovernmental Panel on Climate Change
MAYDS	Ministry for the Environment and Sustainable Development
MP	Management Plan
NDC	Nationally Determined Contribution
NP	National Programme
OTBN	<i>Ordenamiento Territorial de los Bosques Nativos</i> / Territorial Planning of Native Forests
PANByCC	<i>Plan de Acción Nacional de Bosques y Cambio Climático</i> / National Action Plan on Forests and Climate Change
PF	Project Formulation
PIC	Integral Community Plan
PS	IFC Performance Standards
REDD+	Reducing Emissions from Deforestation and Forest Degradation, and the role of conservation, sustainable management of forests and enhancement of forest carbon stocks in developing countries

SAyDS	Government Secretariat for the Environment and Sustainable Development (now MArDS)
SIS-AR	Argentine Safeguard Information System for REDD+
SOP	Strategic Operational Pillar
UNEP	United Nations Environment Programme
UNFCCC	United Nations Framework Convention on Climate Change
UN-REDD	United Nations Collaborative Programme on Reducing Emissions from Deforestation and Forest Degradation in Developing Countries
WG	Working Group

EXECUTIVE SUMMARY

INTRODUCTION TO THIS REPORT

The Green Climate Fund (GCF) issued a request for proposals for the **Pilot Programme for REDD+ results-based payments** (decision B.18/07). Within this context, the Argentine Government, through the Food and Agriculture Organization of the United Nations (FAO), as an accredited entity to the GCF, is submitting a proposal for funding for emissions reductions achieved through REDD+ actions carried out during the Results Period 2014-2016 (hereinafter “Results Period”).

Among the requirements established by the GCF to submit a funding proposal to the *Pilot Programme for REDD+ results-based payments*, the accredited entity must submit an Environmental and Social Assessment (ESA) report that retroactively reviews the Results Period for which results-based payments are being requested. The ESA also provides information to demonstrate that actions undertaken were consistent with the applicable United Nations Framework Convention on Climate Change (UNFCCC) environmental and social safeguards, as well as with those established by GCF and those of the accredited entity.

This document is the ESA Report prepared by FAO in its capacity of accredited entity, with the Government of Argentina, and in collaboration with United Nations Environment Programme (UNEP), as partner in this effort. The activities leading to reduced emissions as reported for the 2014-2016 period were retroactively reviewed for their alignment with *FAO’s Environmental and Social Management Guidelines*, the UNFCCC REDD+ safeguards and other GCF requirements in this area. This assessment includes information on how environmental and social risks and impacts were evaluated and managed; how relevant stakeholders were engaged; and how the grievance redress mechanism to receive and resolve complaints was implemented.

CONTEXT OF THE PROPOSAL

The country’s forest policy is based on the implementation of the Law No. 26,331 on the Minimum Standards for the Environmental Protection of Native Forests, (Forest Law) sanctioned in December 2007. The Law and its regulations are the guiding framework for REDD+ in the country, and its implementation has significantly influenced the results in emissions reductions during the Results Period through avoided deforestation. Argentina prepared its REDD+ strategy (the **National Action Plan on Forests and Climate Change, PANByCC**), in the context of the Forest Law and as a specific public policy instrument.

The process for developing the PANByCC was led by the Argentine Climate Change Cabinet with the support of Argentina’s UN-REDD National Programme, based on a participatory process from 2014 to 2019 and involved relevant stakeholders linked to native forest management within national and sub-national governments, academia, the private sector, civil society organizations, small farmers and indigenous peoples.

MAIN CONCLUSIONS AND RECOMMENDATIONS FROM THE ASSESSMENT

During the Results Period for the Funding Proposal, the Argentine Republic had a robust legal and institutional framework which, together with a number of mechanisms, initiatives (projects and programmes), and other technical inputs, enabled the country to prevent or mitigate potential negative impacts that could affect people or the environment, through direct or indirect actions

resulting from the implementation of the Forest Law. In fact, in that period, the Forest Law **contributed to the sustainable development of forest producers¹, with a special safeguard for the most vulnerable sectors.** The analysis in this document clearly shows that the actions that led to emissions reductions for which the country is seeking REDD+ results-based payments were supported by the effective implementation of the legal framework in the country. Together with associated policies, initiatives and measures, these actions have allowed a reduction in the deforestation of native forests, within an efficient and transparent national forest policy framework, supporting the safeguarding the rights of indigenous peoples and local communities, promoting gender equality and citizen participation, in line with the Cancun Safeguards and the Environmental and Social Management Guidelines of FAO, as accredited entity.

Other key conclusions and recommendations include:

- **Argentina's approach to REDD+** entails **building on and leveraging the framework and positive results of the Forest Law:** the analysis of the REDD+ process, initiatives and PANByCC demonstrates this;
- **Rights of indigenous peoples and local communities:** The country has made extensive progress in gathering information and helping to secure the legal and tenure status of these groups, work which has also been supported by the Forest Law. However, it was also noted that there are additional opportunities to further engage with indigenous peoples and local communities, for example incorporating simplified or more culturally appropriate processes in schemes to access funding through the Forest Law.;
- **Risks and benefits:** from the start of its work on REDD+, MAYDS has conducted a number of participative, multi-stakeholder assessments to identify risks and benefits of the activities included in Funding Proposal. These assessments include consideration of both social and environmental impacts of the implementation of different actions, as well as cross-cutting analysis of the possible risks of reversals, or non-permanence, of the effects of the actions. These assessments have helped to identify key aspects to implement the PANByCC in a way that avoids or mitigates risks, while promoting benefits, and have also identified achievements and improvement opportunities in the effective implementation of the Forest Law;
- **Gender approach:** the country has made significant progress in its public policy on gender, through the development and/or strengthened implementation of targeted policies, measures or guidance. However, a gender gap remains, particularly related to income levels and working conditions. Further details and considerations are included in the Gender annex of the Funding Proposal.

These conclusions and recommendations from the ESA Report, as well as the aspects further developed in the safeguards sections of the Funding Proposal, have been key inputs that informed the social and environmental management framework (ESMF, available as a separate annex) for the proposal.

¹ **Forest producers:** These are forest land owners, holders with rights or users who carry forest harvesting permits issued by the ALA, to make use of timber and non-timber products for sale. It involves members of local communities, indigenous communities, smallholders, and occupants with legal or consensual arrangements with landowners.

1 Introduction

The Green Climate Fund (GCF) issued a request for proposals for the **Pilot Programme for REDD+ results-based payments** (decision B.18/07). Within this context, the Argentine Government, through the Food and Agriculture Organization of the United Nations (FAO), as an accredited entity to the GCF, is submitting a proposal for funding regarding emissions reductions achieved through REDD+ actions focused on avoided deforestation carried out during the Results Period 2014-2016 (hereinafter “Results Period”).

FAO hereby wishes to thank the Argentine Ministry for the Environment and Sustainable Development (MAyDS for its acronym in Spanish) as the main counterpart in Government, and the United Nations Environment Programme (UNEP), for their cooperation in preparing this report and other parts of the funding proposal package as FAO partners. Despite the complex national and international circumstances due to the COVID-19 outbreak, they have shown commitment, cooperation and praiseworthy dedication.

The country’s forest policy is based on Law No. 26331 on the minimum standards for the environmental protection of native forests (O.G. of 26 December 2007) (hereinafter the “Forest Law”), passed in December 2007.

The Forest Law and its regulations are the guiding framework for REDD+ in the country, **and its implementation has significantly influenced the results in emissions reductions achieved in 2014-2016 based on avoided deforestation. In addition to the Forest Law, the decline in forest loss (and related ER results) also resulted from several concurrent variables, including other complementary regulations** related to forest conservation and sustainable management (regulatory decrees, provincial laws and Federal Council of the Environment (COFEMA) resolutions), fluctuations in the price of key commodities in the international market, land value, and social mobilization, among others. In the same period, dynamics promoted by the REDD+ process and other national efforts contributed to enhanced forest governance, increased participatory processes and the promotion of actions to reduce deforestation. These are described in more detail in Section 3. Since 2014, the Argentine Republic has worked intensively to develop the key REDD+ elements under the “[Warsaw Framework for REDD+](#)”, meeting all of the Framework’s requirements. With respect to the requirements on safeguards in particular, the country prepared its [Safeguard Information System \(SIS-AR\)](#), and has [submitted](#) its first safeguards summary of information [to the UNFCCC](#).

About this Environmental and Social Assessment (ESA) Report

Among the requirements established by the GCF to submit a funding proposal to the *Pilot Programme for REDD+ results-based payments* is that the accredited entity must submit an Environmental and Social Assessment (ESA) report that retroactively reviews the Results Period for which results-based payments are being requested, checking that the activities undertaken were consistent with the applicable UNFCCC environmental and social safeguard standards, as well as with those established by GCF and those of the accredited entity.

This document is the ESA Report, prepared by FAO in its capacity as accredited entity, in collaboration with UNEP, as its partner, and the Government of Argentina. For this purpose, the activities leading to reduced emissions as reported for the 2014-2016 period were retroactively reviewed for their alignment with *FAO’s Environmental and Social Management Guidelines*, the UNFCCC REDD+ safeguards and other GCF requirements in this area. This assessment includes information on the identification of environmental and social risks and impacts, as well as how

issues and risks were managed; how relevant stakeholders were engaged; and how grievance redress mechanisms to receive and resolve complaints were implemented. This assessment demonstrates that risks were appropriately identified, and risk management measures were implemented, in line with the Argentine legal framework.

2 Scope and methodology

In fulfillment of the GCF requirements for the Pilot Programme for REDD+ results-based payments², the ESA Report should include the following three sections:

- 1) **Due diligence** (social and environmental framework applicable to the ESA): describe the extent to which the measures undertaken to identify, assess and manage environmental and social risks and impacts, in the context of the REDD+ proposal, were consistent with the requirements of the applicable GCF ESS standards. This, along with the country's own assessment of how the Cancun Safeguards were addressed and respected during the REDD+ activities, will provide the basis for the Secretariat recommending the proposal to the Board for approval. In turn, this ESA Report evaluated compliance with the GCF Gender Policy and its Interim Policy on Prohibited Practices.
- 2) **Stakeholder engagement**: describe how the stakeholders were identified, informed and consulted, and how they participated in the activities, together with summaries of consultations highlighting the concerns and issues that were put forward by the stakeholders, and how these were responded to.
- 3) **Grievance redress**: describe the grievance redress mechanisms or analogous system, whether established as part of the REDD+ activities or as integral to the system of the country, including how the mechanisms were accessed, the complaints that were received and how they were resolved.

This Environmental and Social Assessment (ESA) includes the sections above. The scope of the report covers the Results Period of the Funding Proposal (2014-2016). In some cases, the processes undertaken during this period began before the results period or ended later, and reference is therefore made to these processes to enrich the contents of this report.

For this analysis, FAO's Environmental and Social Management Guidelines – which are consistent with GCF safeguards standards - and Argentina's Country Approach to REDD+ Safeguards, as a country strategy to meet the UNFCCC safeguards requirements, were taken into consideration. This information was compiled and reviewed, seeking to evaluate risk management. Retroactive analysis was undertaken for the REDD+ activities for which results-based payments are being sought in the period 2014-2016 related to the application of both the aforementioned safeguards frameworks (FAO and UNFCCC), as well as complementary safeguards policies. Potential opportunities for improvement in application were identified.

Inputs came from reviewing the following key sources of information:

² GCF. 2017. [Terms of reference for the pilot programme for REDD+ results-based payments](#) (B.18/07).

- 1) Legal framework in force in the country during the Results Period, analyzed with regard to addressing and respecting the applicable safeguards frameworks;
- 2) Activities and results of the analysis of potential risks and benefits, including measures taken to identify, evaluate and manage environmental and social risks and impacts;
- 3) Stakeholder engagement, including concerns and problems set forth and how they were resolved, as well as measures implemented to mainstream gender; and
- 4) Addressing and responding to complaints, including available mechanisms, how these were accessed, complaints received and how they were solved.

3 Activities that contributed to the emissions reductions through avoided deforestation during the results period 2014-2016

3.1 Background information on the Argentine federal government system

The Argentine Republic has adopted a republican, representative and federal form of government (cf. Article 1, National Constitution-NC), with a decentralized political structure. It comprises 23 provinces and the Autonomous City of Buenos Aires. Within this structure, the provinces are autonomous, and existed before the Nation was established as such, and maintain those powers not explicitly devolved to the national government. The provinces are the original owners of the natural resources within their territory (cf. Article 124, NC), inter alia, the native forests. Therefore, the Federal Government can only legislate on “minimum standards”³ (NC, article 41) in matters concerning the environment and natural resources -including native forests. Thus, the national regulatory framework for native forest governance detailed herein is supplemented by the pertinent provincial legislation.

3.2 Implementation of the Forest Law

Prior to the enactment and regulation of the Forest Law, Argentina lacked territorial planning for native forests related to their conservation, restoration, sustainable use and management. At the same time challenges related to different jurisdictional remits between levels of government and different government agencies, weak systems of inter-institutional coordination, and the pressures of expanding agricultural activities and real estates generated negative impacts on the forest ecosystems and the populations who live in and depend on them.

[The Law No 26331 on Minimum Environmental Protection Standards for Native Forests \(Forest Law\)](#) was developed in response to and in the context of these challenging circumstances, seeking to provide a harmonized institutional, technical and financial system to guarantee the conservation and sustainable use of native forests.

³ Minimum standard as set forth in article 41 of the National Constitution is any regulation providing for a standard or common environmental protection across the country, with a view to imposing the necessary conditions to ensure such environmental protection. The contents thereof should envisage the above conditions to ensure the dynamics of the ecological system, keep its ecological carrying capacity and, overall, ensure environmental preservation and sustainable development (article 6, Law No. 25675, General Law on the Environment).

The implementation of the Forest Law, which was enacted in 2007, corresponds both to the Nation and the provinces in Argentina. The national enforcement authority (ANA) is the Ministry for the Environment and Sustainable Development (MAyDS in its Spanish acronym), while the local enforcement authorities (ALA) are the bodies that the provinces determine to act within the scope of each jurisdiction. The ANA and the ALA work together in the Native Forests Commission of the Federal Council for the Environment (COFEMA in its Spanish acronym), within the institutional context of which guidelines for the implementation of the Forest Law are discussed and defined.

In compliance with the Forest Law, and the minimum standards set forth therein, it is mandatory that each province must develop its own Territorial Planning of Native Forests (OTBN in its Spanish acronym), following a participatory approach and consistent with the framework of the national legislation (Article 6 of the Forest Law). In addition, COFEMA, through approving specific framework resolutions on various instruments related to the implementation of the Forest Law, has also contributed to the legal consistency between national and provincial law.

The Forest Law includes the following points:

- establishes the obligation to carry out OTBNs through a participatory process at the provincial level;
- suspends the possibility of authorizing clearings until such planning is carried out;
- establishes the obligation to carry out environmental impact studies and public hearings for the authorization of land-use change plans; and
- creates the National Programme for the Protection of Native Forests (PNPBN).

This Law governs Argentina's native forest policy and is the most effective regulation that the country has in order to legislate and control deforestation and forest degradation. The Forest Law has provided the legal framework and promoted policies on native forests in the country, setting up the PNPBN. Moreover, minimum standards have been established on environmental protection for the enrichment, restoration, conservation and sustainable use and management of native forests and the ecosystem services these provide to society.

The implementation of the Forest Law – and particularly related to the implementation of OTBNs and the National Fund for the Enrichment and Conservation of Native Forests (FNECBN), both of which are described in more detail in the following sub-sections – has significantly influenced the results in emission reductions from avoided deforestation that Argentina achieved during the results period for this proposal, from 2014-2016. The combination of the implementation of the Forest Law and the effect of other concurrent variables such as provincial regulations, the decline of commodity prices of crops and livestock products, increase in land value and social mobilization, among others, helped to reduce the annual deforestation in Argentina from 485,000 ha in 2007 to less than 156,000 ha in 2016. The decline in the rate of native forest loss started in 2008, which coincides with the enactment of the Law in late 2007, and continued until 2014, although it later stabilized at close to 0.50% per annum (see figure below) (SAyDS, 2019). This demonstrates an effective implementation of the Forest Law as a regulatory instrument that, together with other variables, lowered the deforestation rate.

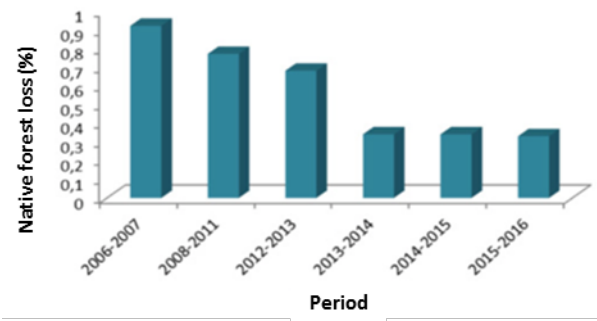


Figure 1. Annual loss of native forests (%), 2006-2016. Based on UMSEF data (2016). Source: MAyDS (2017), p. 30

During the latter part of this results period, Argentina also began to develop and implement a series of complementary tools and initiatives within the framework of the Forest Law, which have helped the country to achieve the results reported and have helped to achieve new emissions reductions in 2017-2018 and beyond.

The components of the Forest Law that were implemented during the results period, and the complementary initiatives, are detailed as follows:

3.2.1 Territorial Planning of Native Forests

The main management instrument of the Forest Law is the obligation for each jurisdiction/province to outline a plan and enact a law on the Territorial Planning of Native Forests (OTBN, from its acronym in Spanish) and to classify forests according to their conservation value.

The OTBN is developed by applying ten environmental sustainability criteria, described later in this section (Table 3), classifying forests as:

- Category I (red): areas of high conservation value that cannot undergo any modifications;
- Category II (yellow): areas of medium conservation value, forests that may be subject to different forms of sustainable use but for which land-use change plans cannot be carried out; and
- Category III (green): areas of low conservation value that can be partially or wholly modified, after conducting an Environmental Impact Assessment (EIA).

As of 2016, 80% of national forests were covered by the highest levels of protection (19% Category I or red, with forests with very high conservation value, and 61% Category II or yellow, which have a medium conservation value (**Error! Reference source not found.** and Figure 2).

Table 1. Categorization of native forests according to Forest Law

Category	Conservation Value	Native forests (OTBN) as of 2016	
		(ha)	(%)
Category I (red)	Forests with very high conservation value that should not be transformed in perpetuity.	10,470,276	19
Category II (yellow)	Forests of medium conservation value that may be degraded but if restored may have a high conservation value. No clearing is allowed. Only their sustainable use, tourism, gathering and scientific research are permitted.	32,645,930	61
Category III (green)	Forests of low conservation value that may be partially or totally transformed but only after an environmental impact assessment and with a Land Use Change Plan approval.	10,538,339	20
Total forest surface area		53,654,545	100

Source: Table prepared for the present document,
based on Implementation Status Report of the Forest Law, 2010-2016.

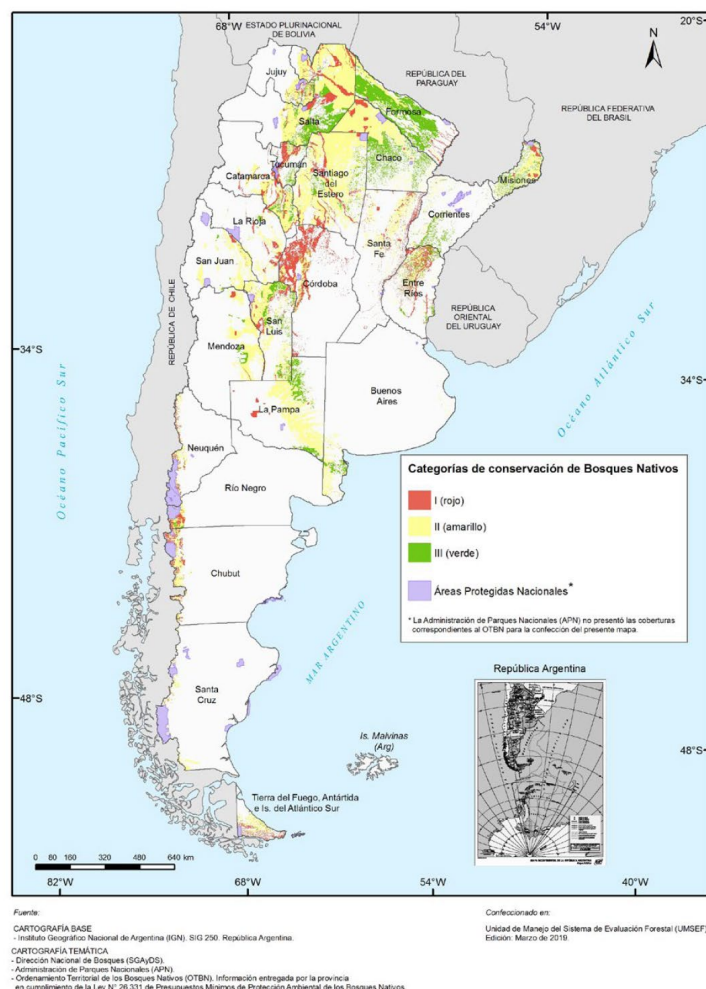


Figure 2: Territorial Planning Categories of Native Forests of Argentina

Source: UMSEF, MAYDS (2019)

The regulations for the approval of the OTBN of all the provinces are detailed below in Table 2. **Error! Reference source not found..**

Table 2. Regulations for the approval of the OTBN of each province .

Province	Law	Date of approval
Buenos Aires	Provincial Law No. 14888	21 December 2016
Catamarca	Provincial Law No. 5311	9 September 2010
Chaco	Provincial Law No. 6409	24 September 2009
Chubut	Provincial Law No. XVII-92	17 June 2010
Córdoba	Provincial Law No. 9814	5 August 2010

Corrientes	Provincial Law No. 5974	26 May 2010
Entre Ríos	Provincial Law No. 10284	28 March 2014
Formosa	Provincial Law No. 1552	9 June 2010
Jujuy	Provincial Law No. 5676	14 April 2011
La Pampa	Provincial Law No. 2624	16 June 2011
La Rioja	Provincial Law No. 9711	1 September 2015
Mendoza	Provincial Law No. 8195	14 July 2010
Misiones	Provincial Law XVI - No. 105	2 September 2010
Neuquén	Provincial Law No. 2780	9 November 2011
Río Negro	Provincial Law No. 4,552	8 July 2010
Salta	Provincial Law No. 7543	16 December 2008
San Juan	Provincial Law No. 8174	11 November 2010
San Luis	Provincial Law No. IX-0697	16 December 2009
Santa Cruz	Provincial Law No. 3142	17 August 2010
Santa Fe	Provincial Law No. 13372	11 December 2013
Santiago del Estero	Provincial Law No. 6942	17 March 2009
Tierra del Fuego	Provincial Law No. 869	25 April 2012
Tucumán	Provincial Law No. 8304	24 June 2010

Process of development and accreditation of OTBN

The territorial planning of native forests is a continuous process and involves a series of actions that are jointly developed between the local authority (ALA) and the national enforcement authority (ANA), as explained in the following paragraphs.

The development and implementation of OTBN is under the jurisdiction of the ALA; each OTBN must be accredited by the ANA. These two entities (ALA and ANA) maintain a continuous dialogue and exchange throughout the OTBN development (or update), to then reach the accreditation from the ANA prior to the implementation of the OTBN.

The ALA carries out OTBN applying the criteria of environmental sustainability⁴, described in Table 3. They must also promote coherence between conservation categories among jurisdictions that share forest regions.

⁴ The zoning criteria are not independent of each other, so a weighted analysis of them allow an estimate of the conservation value of a given sector to be obtained.

Table 3: Environmental sustainability criteria

	Criterion	Description
1	Surface area	The minimum size of habitat available to ensure the survival of plant and animal communities. This is especially important for large carnivore and herbivore species.
2	Link with other natural communities	Determination of the link between a forest patch and other natural communities in order to preserve complete ecological gradients. This criterion is important since many species of birds and mammals use different ecosystems at different times of the year in search of adequate food resources.
3	Link with existing protected areas and regional integration	The location of patches of forests near or linked to protected areas of national or provincial jurisdiction as well as to Natural Monuments, increases their conservation value, whether they are within the provincial territory or in its vicinity. Additionally, an important factor is the complementarity of the landscape units and the regional integration considered in relation to the environment present in the existing protected areas and the maintenance of important ecological corridors that link the protected areas to each other.
4	Existence of outstanding biological values	These are elements of natural systems characterized by being rare or infrequent, giving the site a high conservation value.
5	Connectivity between ecoregions	Forested and riparian corridors ensure connectivity between ecoregions, allowing the movement of certain species.
6	State of conservation	The determination of the conservation status of a patch of forest implies an analysis of the use to which it was subjected in the past and the consequences of that use for the communities that inhabit it. In this way, forestry activities, the transformation of the forest for agriculture or livestock activities, hunting and disturbances such as fire, as well as the intensity of these activities, influence the conservation value of a sector, affecting the diversity of the animal and plant communities in question. Diversity refers to the number of species in a community and the relative abundance of these. The state of conservation of a unit should be evaluated in the context of the conservation value of the system in which it is immersed.
7	Forest potential	This is the current availability of forest resources or their future productive capacity, which in turn is related to interventions in the past. This variable is determined through the structure of the forest (height of the canopy, basal area), the presence of new trees of valuable species and the presence of individual trees of high commercial timber value. At this point, the information provided by key informants from the provincial forestry sector, who are

		accustomed to generating management and sustainable use plans, which includes the provision of timber and non-timber forest products and environmental impact studies in the province, is also relevant.
8	Potential for agricultural sustainability	This consists of making a careful analysis of the context of each sector to offer long-term sustainability of agricultural activity. The evaluation of this variable is important, since the particular characteristics of certain sectors mean that once the clearing has been carried out, the implementation of economically sustainable agricultural activities in the long term is not feasible.
9	Watershed conservation potential	This consists of determining the stocks of areas that have a strategic position for the conservation of water basins and to ensure the provision of water in the necessary quantity and quality. In this sense, the areas of protection of springs, edges of permanent and transitory waterways, and the strip of "cloud forests", the areas of recharge of aquifers, wetland or Ramsar sites, large areas with higher slopes are of special value.
10	Value that Indigenous and Peasant Communities give to forested areas or their adjoining areas and the use they can make of their natural resources for the purpose of their survival and the maintenance of their culture	<p>In the case of Indigenous Communities and within the framework of Law 26160 (Land Emergency Act), action must be taken in accordance with the provisions of Law 24071, ratifying Convention 169 of the International Labour Organization (ILO).</p> <p>This identifies cultural aspects; evaluates use of land and land tenure; and establishes projections of future use to help determine the relevance of the continuity of certain forest sectors and generate a plan of strategic actions that allow solving or at least mitigating problems that could be detected in the medium term.</p>

Source: Annex of Law No 26331 on Minimum environmental protection standards for native forests.

Within the framework of article 33 of the Forest Law, provinces (ALA) send the ANA documentation for review and accreditation of OTBNs and their updates, and the ANA makes technical-legal observations (steps illustrated in Figure 3). The OTBN review procedure is intended to comprehensively verify adherence to the objectives of Forest Law, and the application of the environmental sustainability criteria. It also provides for the progressive adjustment of provincial OTBNs.

The accreditation of the OTBN from the ANA is carried out through a process of technical analysis and an exchange with the provinces to make the necessary adjustments. Such analyses focus on the methodology used by the ALAs for the **application and full use of the conservation criteria**; the **replicability of OTBNs through the documentation provided**; and an **analysis of the participatory processes**.

The Forest Law mandates that every five years **each province must carry out an update of its OTBN**, using a participatory approach (and following the overall procedures indicated in COFEMA resolution 236/12). Such updates are linked to technical improvements and/or greater availability

of information; **they should not entail significant variations that affect the conservation levels.** In the case of native forests that have been affected by fires or by any other natural or anthropic events that have resulted in degradation, it is up to the enforcement authority of each jurisdiction to carry out recovery and restoration tasks, maintaining the classification category defined in the original OTBN. For forests in Category III (green), the maximum level of land-use change authorized will depend on the provincial regulations that each jurisdiction has established.

OTBN updates should respect criteria of “progresividad” (*continuous improvements*), in that the updated OTBN should be enhanced in terms of coverage adjustments, analysis, etc. and “no regresividad” (*non-regression*), in that forest conservation levels should be maintained as they were in the original OTBN, or increased. Updated OTBNs should not include re-categorizations that decrease the level of conservation, unless this is due to an improvement in the classification technology and the original classification was in error, or due to other reasons that must be justified. The updates should also include an analysis carried out on the incorporation of the observations made by the ANA into the previous OTBN.

Steps for the updates of the OTBN are reported in Figure 3 , and a full description of the process is available in Annex 5.

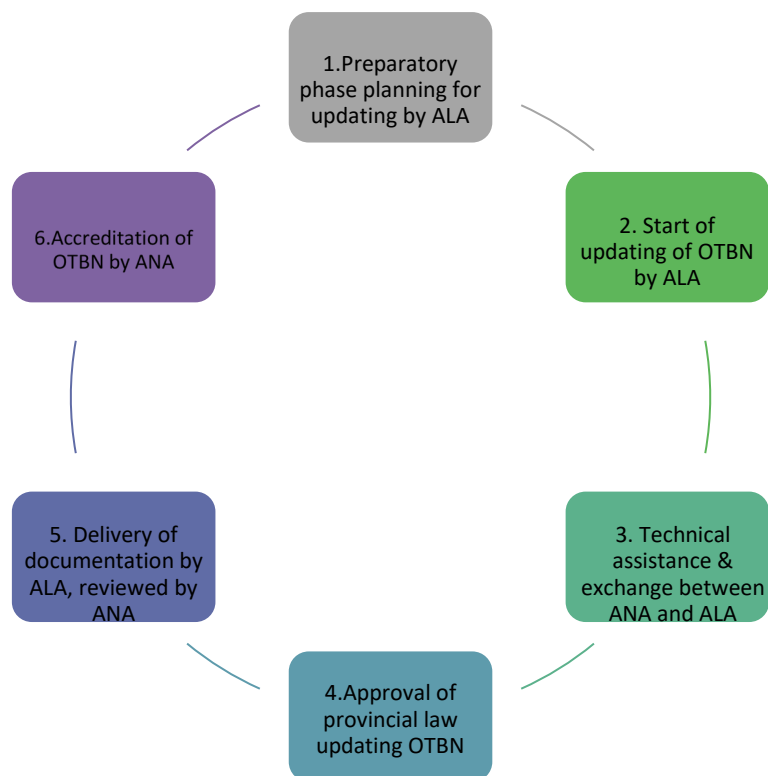


Figure 3: Stages for the development and updating of the OTBN. Source: Resolution 236/12 of COFEMA

Forest Law plans

Within the framework of the established OTBN, every intervention in native forest has to be authorized through Conservation Plans (CP), Sustainable Management Plans (MP) or Land-use Change Plans (LUCP). Such Forest Law plans are developed by forest users/owners/holders within the framework established by provincial OTBN, are signed off by relevant professionals and are presented for authorization to the ALA. Interventions which do not follow this process – particularly related to logging and deforestation – are considered illegal.

The PMs and PCs can be financed by the National Fund for the Enrichment and Conservation of Native Forests (FNECBN), created by the Forest Law through Article 30. The design of a MP or CP can also be carried out through this financing in the form of Formulation Projects (FP), in order to promote and facilitate their elaboration. This Fund does not finance LUCP (see next section for more information).

The table below shows which type of plan can be implemented in each conservation category, and includes a brief description of the type of activities that can be carried out.

Table 4: Intervention Plans and activities allowed by type of conservation category within the framework of the Forest Law

Type of plan	Description	Category I	Category II	Category III
Conservation Plans (CP)	Plans related to forest conservation and recovery. Only protection, restoration, recreation, subsistence and research activities can be carried out.			
Management Plans (MP)	In addition to conservation, forest management activities related to the commercial extractions of timber and non-timber products can be carried out, including the implementation of silvopastoral systems. The ALA can decide, on the basis of the review of the activities included in the MP, if to request an environmental impact assessment.			
Land-use Change Plans (LUCP)	These plans allow deforestation activities with multiple purposes. The development of environmental impact assessment is mandatory (Chapter 6 of the Forest Law), as well public hearings prior to their approval (Chapter 7 of the Forest Law). These plans have to submit the results of environmental studies as well as of public hearings to support their approval.			

Source: National Directorate of Forests, MAYDS. Table prepared for the present document on the basis of the text of the Forest Law.

Management and conservation plans, both of which **contributed to the achievement of the reduction of emissions in the reporting period**, are described in more detail below:

Conservation Plans (CP): for forests in any of the three conservation categories, provided the proposed objectives and activities uphold or increase conservation attributes;

A CP synthesizes the organization, means and resources of the specific measures to maintain or increase the conservation attributes of a native forest or group of native forests and/or the sustainable use of its non-timber resources and services. This should include a description of the ecological, legal, social and economic aspects of the native forests, as well as a forest inventory or and/or non-timber forest resources inventory or detailed survey. In the presence of herbivory, it must be demonstrated that the load does not decrease the conservation values or, if not, provide measures so that this does not happen. CPs can be submitted by beneficiaries for forests classified in any conservation category and can include the following modalities:

- **CP Conservation modality (CON):** conservation plan with the objective of maintaining the forest conservation potential;
- **CP Recovery modality (REC):** conservation plan with the objective of recovering forest conservation potential through the enrichment, restoration or other practices, and that may not contain a direct income from its implementation; and
- **CP Use of non-timber products and forest services modality (PNMyS, in its Spanish acronym):** conservation plan with the objective of producing of non-timber goods and forest services.

The objectives and activities proposed in the CPs must ensure:

- that it is not carried out for the main purpose of commercial timber extraction
- that any activity carried out, whether for commercial purposes or otherwise, maintains or increases the conservation attributes.

Management Plans (MP): for forests under conservation categories II (yellow) or III (green). Its objectives and activities must ensure that forests are not replaced and that interventions uphold the minimum conservation attributes for their categories. In such cases where interventions could intensively affect the conservation attributes, system recovery shall be ensured (either naturally or artificially).

An MP describes the organization, means and resources of the sustainable use of timber and non-timber forest resources and services, in a native forest or group of native forests. This should include a description of the ecological, legal, social and economic aspects of the native forests and mitigation measures to reduce the risk of potential negative impacts, as well as a forest inventory or and/or non-timber forest resources inventory or detailed survey. The MP can only be presented for forests classified under conservation categories II (yellow) or III (green) and can have the following modalities:

- **MP Forest exploitation modality (AF):** management plan with the objective of producing mainly timber products and/or firewood.
- **MP Silvopastoral modality (SP):** management plan with the objective of livestock and timber production use, or only livestock use, but taking into account the maintenance of

forest cover. The interventions allowed are moderate enough to ensure that forest under category II (yellow) maintain their conservation values or recover them through the plan implementation;

- **MP Recovery modality (REC):** with the objectives of recovering forest conservation potential through the enrichment, restoration or other practices;
- **MP Use of non-timber products and forest services modality (PNMyS, in its Spanish acronym):** management plan with the objectives of producing of non-timber goods and forest services.

The objectives and activities proposed in the MP should ensure:

- that the forest is not replaced;
- that the interventions are moderate enough so that the forest continues to maintain, at a minimum, the conservation attributes of the category under which it has been classified; and
- in the case of interventions that affect conservation attributes in an intense way, that the system can recover (either naturally or artificially) and that such recovery is technically based on the MP.

Every MP proposal has to recognize and respect the rights of the indigenous peoples living in the area (Article 19 of the Forest Law).

During the MP proposal review, and on the basis of the activities included, the ALA decides whether or not to request that an Environmental Impact Assessment is developed. Such EIA is mandatory when the plan has the potential to create significant environmental impacts (see section on Environmental Impact Assessment).

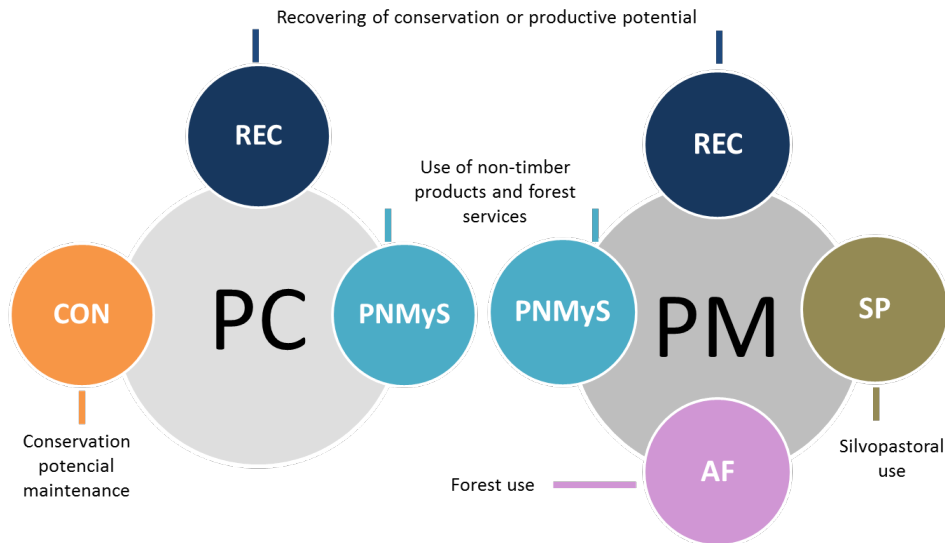


Figure 4. Main implementation modalities of the Forest Law Plans that contributed to the achievement of reduction of emissions in the reporting period
(PC/CP: Conservation Plan; PM/MP: Management Plan)

Source: Implementation status report 2010-2018. National Forest Directorate, MAYDS.

The minimum contents of MP and CP (including any of the modalities indicated above) are established in Annex I to COFEMA Resolution 277/14. This resolution indicates that **the objectives and proposals included in the MPs should ensure the following:**

- that the forest is not replaced;
- that the interventions are moderate enough so the forest continues to maintain the minimum conservation attributes of the category under which it has been classified; and,
- in the case of interventions intensely affecting conservation attributes, that the system can recover (either naturally or artificially) and that said recovery is technically based on MPs.

Article 22 of the COFEMA Resolution establishes that the local enforcement authority (ALA) must make sure the plans include admissible activities for the indicated modality, excluding those activities that do not contribute to the plan's objectives or **that have an unfavorable or significant impact on the native ecosystem**. Likewise, following the precautionary principle set forth in the Law, activities should be promoted only if the acceptable thresholds of disturbance have been defined for the category in which they are carried out.

Article 23 of the above resolution establishes that the plan's approval procedures must at minimum include the obligations imposed by the Law and its Decree concerning the environmental impact of the proposed activities.

The management and conservation plans implemented with FNECBN funding are uploaded into Integrated Forest Information System (SIIF)⁵ annually by each ALA, thus ensuring the ANA has information on types of plans in each conservation category, amounts allocated, holders and responsible technicians. The ALA's own technical teams in each jurisdiction are mainly in charge of outlining the monitoring plans. The ANA also carries out field monitoring through the territory-based teams of the National Directorate of Forests (DNB, of the MAYDS) in the different provinces. In the SIIF, the provinces also communicate the Land Use Change Plans that have been authorized (only within Category III of the OTBN) after the submission of the results public hearing and EIA (provincial regulation establishes details such as minimum area of plans which requires public consultation). LUCPs are then checked against monitoring results, during which MAYDS analyzes whether the LUCPs approved in the green category are registered. MAYDS notifies the provinces when this is not the case, or if there is evidence of deforestation in other categories, in order to implement the necessary measures, ensuring monitoring, evaluation and regulation of LUCPs.

For the **2014-2016 period**, the **area under management and conservation plans was 2,203,128 ha (5)**, which together with the OTBN and the strengthening of ALA control and oversight capabilities, **contributed to maintain native forest cover and reduce deforestation rate.**

Table 5. Surface with CP and MP in the period 2014-2016

Type of plan	Surface under CP, SMP and FP (ha)			Total
	2014	2015	2016	
Conservations Plans (CP)	226,236	130,103	479,440	835,779
Sustainable Management Plan (MP)	322,254	573,902	471,193	1,367,349
CP and MP Total	548,490	704,005	950,633	2,203,128

Source: Implementation Status Report 2010-2016, DNB (MAYDS)

⁵ **Integrated Forest Information System** (SIIF, in its Spanish acronym): this is a digital platform that aims at gathering information on native forests in a single site. This system contains a series of modules, among which is the module of the National Registry of Plans. This Registry shows information on the management and conservation plans, the formulation projects that originate them and on other interventions in native forests framed under the Forest Law.

Table 6: Number of Conservation and of Management Plans approved per year

Year	Formulation Projects (FP)	Conservations Plans (CP)	Sustainable Management Plan (MP)	General Total	Resources allocated to MP, CP and FP (Argentine pesos)
2014	649	119	208	976	161,576,508
2015	203	134	137	474	152,325,656
2016	197	554	185	936	164 900 773
Total	1,049	807	530	2,386	478,802,937

Source: Implementation Status Report 2010-2016, DNB (MAyDS)

Table 7 shows the plans distribution by type of beneficiary, where for the period 2014-2016 more than 90% of the beneficiaries belonged to the private sector (individuals 83.45% and companies 8.26%), while 1.22% corresponded to indigenous/peasant communities.

Table 7: Number of plans approved per year and type of beneficiary

Type of beneficiary	Number of plans approved per year			Total (n°)	Total (%)
	2014	2015	2016		
Indigenous/peasant community	7	11	11	29	1.22%
Government Entity/national-provincial-Municipal	45	45	16	106	4.44%
Other institution - NGO	10	11	14	35	1.47%
Other institution - Other	6	6	5	17	0.71%
Other institution - University / Institute	4	2	5	11	0.46%
Private - Company	68	57	72	197	8.26%
Private - Individuals	836	342	813	1,991	83.45%
Total	976	474	936	2,386	100%

Source: Implementation Status Report 2010-2016, DNB (MAyDS)

Environmental Impact Assessments

During the MP proposal review, and on the basis of the activities included, the ALA decides whether or not to request that an Environmental Impact Assessment is developed⁶. Such EIA will be mandatory when the plan would have the potential to create significant environmental impacts, defining those that could generate or include at least one of the following effects, characteristics or circumstances (Article 22 of the Forest Law):

- a) Significant adverse effects on the quantity and quality of renewable natural resources, including soil, water and air;
- b) Resettlement of communities, or significant alterations to the systems of life and customs of groups of people;
- c) Location close to population, resources and protected areas likely to be affected, as well as the environmental value of the territory in which the activity is intended to be carried out;
- d) Significant alteration, in terms of magnitude or duration, of the landscape or tourist value of an area;
- e) Alteration of monuments, sites with anthropological, archaeological, historical value and, in general, those belonging to the cultural heritage

The project proponent must present a preliminary report that allows the enforcement authority of the jurisdiction to determine if the project is likely to generate any of the situations contemplated in paragraphs a) to e) of the Article 22 of the Law (above). If so, the owner of the project must submit an Environmental Impact Study prior to the authorization of the plan.

According to Argentina's federal system, **the EIA is a matter of subnational jurisdiction**. Considering this, the Federal Government with the **EIA requirements through the General Environmental Law No. 25675 (O.G. 28/11/2002)** (art. 8) as a national environmental law of minimum standards that provides the legal basis, principles and requirements, to be complemented at the provincial level. Additionally, at the national level, the EIA general procedure is complemented by a number of specific requirements in sectoral laws, such as the Forest Law, Law No. 24585 on Environmental Protection for Mining Activity, and Law No. 26639 on the Preservation of Glaciers, among others.

According to the General Environmental Law, any work or activity that may generate a negative impact on the environment, or any of its components, or that could affect the population's quality of life in a significant way, will be subject to an EIA prior to its execution (art. 11). As mentioned previously, this would include any modifications in Category III (green) areas in the Forest Law (which require an EIA by Law before they can be partially or wholly modified), or MP in the cases the ALA would request such EIA (see paragraphs above).

By the period 2014-2016, all the 23 provinces had EIA regulations in place (see figure below), addressing the minimum requirements stated in the national General Environmental Law No. 25675. Some provinces included regulations in a general environmental law, and others through specific EIA laws (for further information related to EIA regulations at the provincial level, see the

⁶ The EIA is mandatory in the case of land-use change plans.

ESMF document of this Proposal, section 6.2. Argentina Environmental and Social Assessment which Subprojects/Activities are subject to).

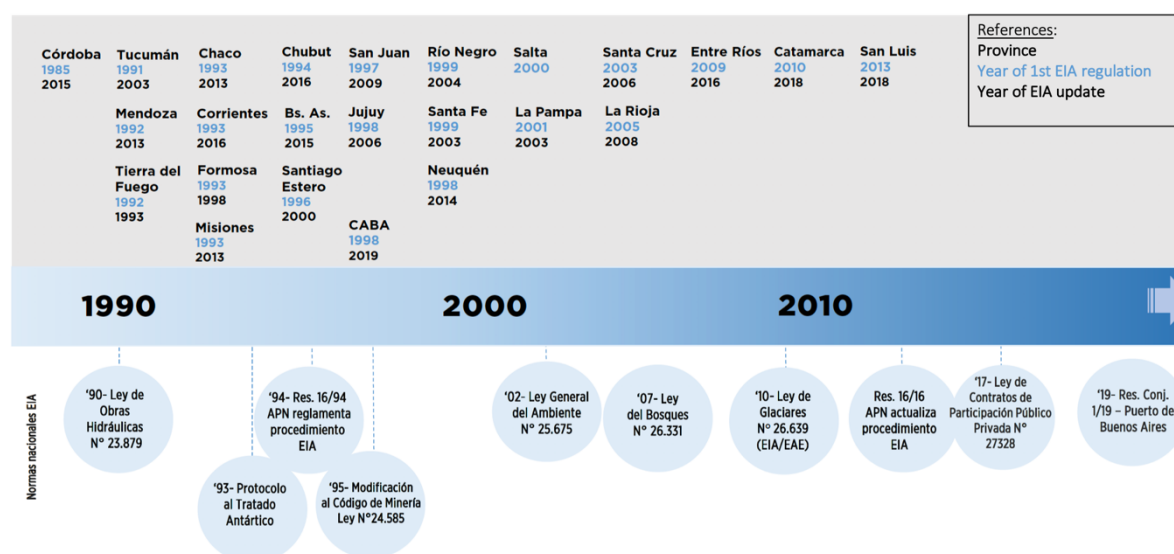


Figure 5. Diagnostic of Environment Assessment current situation

Source: MAYDS. 2019. [Diagnóstico del estado de situación de la Evaluación Ambiental](#)

See [Annex 4](#) for further information regarding to the minimum content of EIA in the Forest Law.

3.2.2 National Fund for Enrichment and Conservation of Native Forests (FNECBN)

The Forest Law also defines an incentives regime and distribution criteria for the National Fund for Enrichment and Conservation of Native Forests (FNECBN), that allocates 30% of the funds to institutional strengthening of local enforcement authorities, and 70% to compensate the owners of native forests submitting Management Plans (MP), Conservation Plans (CP) and/or Project Formulations (PF), described above and in more detail below.

FNECBN funds are distributed annually among those provinces that have their OTBN approved by provincial law and accredited by the National Application Authority (ANA) of the Law. The Federal Environment Council (COFEMA) - the body within which environmental policies are agreed and whose members include the Federal Government, the provinces and the Autonomous City of Buenos Aires - has established a methodology for the distribution of funds, in accordance with Article 32 of the Forest Law. This methodology considers the area of native forest in each province; the ratio of the total area of the provincial territory to its native forests area; and the conservation categories defined by OTBN.

Institutional strengthening of ALAs

During the results period, activities took place to strengthen enforcement agencies, set up by the National Application Authority (ANA) of the Law – that is, the National Directorate of Forests (DNB in its Spanish acronym) within the Ministry for the Environment and Sustainable Development (MAyDS in its Spanish acronym) – and the Local Enforcement Authority (ALA in its Spanish acronym) in each province.

Between 2014 and 2016, ARS 202,350,681 were allocated to the provinces to develop and maintain a monitoring network and native forest information systems at the sub-national level, through the generation of new technical capabilities in remote sensing and forest monitoring, as well as the improvement of their technical and operational inspection and control capabilities. This helped to strengthen the mechanisms to avoid deforestation, and/or reduce the risk of reversals.

Table 8. Resources allocated by FNECBN for strengthening Local Enforcement Authorities in the Results Period

Year	Resources allocated to FNECBN
2014	\$ 222,000,000
2015	\$ 228,450,000
2016	\$ 224,052,271
Total	\$ 674,502,271
30%	\$ 202,350,681

Source: MAyDS (2017), p. 16

Compensation for Conservation and Management Forest Plans

The Fund allows for compensation for the users/owners/holders of forests for the implementation of sustainable forest management measures, that help to ensure the continuity and enhancement of the forest cover in accordance with the permitted activities in each conservation category (see section on Forest Law plans for further details). The FNECBN can finance CP and MP, including the Formulation Projects (FP); LUCP cannot be financed through this Fund.

3.2.3 Summary of Forest Law and results achieved

Forest Law has been the fundamental management instrument used to achieve the emissions reduction results from avoided deforestation in the 2014-2016 period, through the implementation of the following elements:

1. The development of OTBNs at the provincial level that allowed forest areas to be categorized according to their conservation value, thus limited the change of use. These

were legal instruments that the provinces had to abide by in order to issue legal approvals for land-use change during the results period.

2. Through the 30% of the FNECBN that was granted to provinces, the Local Application Authorities were strengthened, providing them with capacities and equipment to improve and increase the control and monitoring of forests in their territories, contributing to the reduction of illegal deforestation.
3. Through the 70% of the FNECBN funds destined for producers and local communities that developed Management Plans and Conservation Plans.

3.3 Tools and initiatives that contributed to effective implementation and monitoring of the Forest Law

It is worth mentioning that during the results period, Argentina also began to develop and implement a series of complementary tools and initiatives within the framework of the Forest Law, which have helped the country to achieve the results reported and have helped to achieve new emissions reductions in 2017-2018 and beyond.

To help strengthen **forest governance**, COFEMA implemented the National Native Forest Research and Development Programme (Res. 263/13) that is of federal environmental interest. In response, MAYDS issued a National Call for Projects on Scientific and Technological Research in Sustainable Management of Native Forests in 2014 and, as a result, 16 research projects on the following topics were financed:

- 1) Economic and social aspects of the use, transformation and marketing of native forest-derived resources;
- 2) Land use planning and management of native forests;
- 3) Monitoring of native forest resources.⁷

Amongst other variables, the notable performance of the Forest Law contributed to reduce emissions during the Results Period, in part as a result of the progressive strengthening of institutions such as MAYDS, COFEMA and competent subnational agencies as well as the development of new tools and methodological guidelines to implement the different aspects of the Law. As noted in the 2017 Management Report of the Office of the National General Auditor (AGN): “progress was made with the institutional organization compared to what was reported in AGN 38/2014 (the report audited the period 2007-2013). The internal structure of the National Forest Directorate within the Ministry for the Environment and Sustainable Development is appropriate for the functions foreseen to implement Law 26331. A specific office to oversee the provinces (Cooperation and Control Unit) was established.” (AGN, 2017, p. 36)

Argentina had (and continues to have) a set of **tools** that enabled an effective implementation of the Forest Law and facilitated access to information and monitoring of the implementation of the Law and REDD+ actions by civil society during the Results Period. Some of the most relevant are included below:

⁷ Information available at: [//">http://www.agencia.mincyt.gob.ar/frontend/agencia/convocatoria/323 //](http://www.agencia.mincyt.gob.ar/frontend/agencia/convocatoria/323)
Source: (AGN, 2017, p. 10)

National Forest Monitoring System of Argentina (NFMS): The NFMS – which was already in place in the results period – provides updated information on native forest resources in the country and a follow-up of the implementation of the Forest Law. The NFMS is also useful to comply with international conventions on climate change to which Argentina is a Party, including monitoring and reporting of REDD+ results, as well as to communicate to society the importance of native forests. Environmental policies are agreed upon by the COFEMA whose members represent the federal government and the provinces. The Committee on Native Forests within COFEMA discusses and agrees on strategies and actions for forest resources. Within this context, the results of the NFMS are made available to the provinces before they are published, so as to ensure their participation and include the technical information that the different local bodies provide.

More specifically: DNB, within MAYDS, has been monitoring the surface area of native forests since 1998 and continuously strengthens and improves the system with national resources and international cooperation. Currently, the NFMS has four components: a Satellite Monitoring System that generates information on the surface area and distribution of native forests including an annual follow-up of changes; a National Native Forest Inventory that characterizes the conservation status, composition, structure and functioning of native forests; an Early Warning System for Deforestation that detects loss of native forests on a continuous basis; and a Forest Statistics System with data on industrial forest products and forest fires.

These components enable Argentina to assess changes in native forests, particularly in forest regions where the anthropic impact has been higher in the past twenty years, and which are: *Parque Chaqueño*, *Yungas (Tucumano boliviana) forest*, *Paranaense (Misionera) Rainforest* and *Argentine Espinal*. These four forest regions account for close to 90% of the national territory with native forests. Since 2018, the NFMS extended the monitoring of loss of native forests to include the region of the *Bosque Andino Patagónico* (Andean-Patagonian forest region) and *Monte*. Furthermore, efforts are being made to improve satellite monitoring methodologies and their scope, generate new field information through the Second National Native Forest Inventory and improve the availability of the information that is generated. The frequency of NFMS reports varies by region and annual deforestation reports have been issued since 2013. The NFMS has a [web portal](#) where all the generated information is available and accessible.

Among other functions, the system enables assessment and measurement of the potential risk of emissions displacement or reversals related to the reduction of deforestation that has a direct impact on GHG accounting in the AFOLU sector. The information generated by the NFMS is also used by MAYDS to determine the [Forest Reference Emission Level](#) and by the National Climate Change Directorate (DNCC of the MAYDS) to calculate, compile and report the National Greenhouse Gas Inventory (NGHGI) including the [Technical Annex on REDD+ results](#) to the UNFCCC. DNCC is responsible for the [Argentine Greenhouse Gas Inventory System \(SNI-GEI-AR\)](#), a tool that serves to follow-up on compliance with the NDC and includes process documentation, calculation methodologies and emission calculations to ensure the consistency of the reports that are submitted to the UNFCCC.

Furthermore, during the results' period the country started the implementation of various **projects/programmes and instruments** enhancing and demonstrating respect for social and environmental safeguards. The most relevant are listed below:

Forests and Communities Programme: started in 2015 with the aim to improve the quality of life of indigenous peoples and local communities that live in native forests, particularly those in the provinces of Salta, Santiago del Estero, Chaco, Jujuy and Misiones. This programme, which included the development of integrated community plans (PICs), generated important inputs for MAFyS and subnational agencies, and clear synergies and complementarity with the Forest Law and the PANByCC. This was particularly the case in terms of aspects such as decentralization of the Project Implementation Unit and establishment of the local executing unit, engagement of local organizations as part of the project's participatory process, the high number of PICs implemented and the families involved, only to mention a few examples of relevant inputs. The first call for interest for the preparation of PICs started in 2016, and 15 technical assistance contracts were developed to support 375 families, and a total of 45,000 ha of forests. Currently the 80 PIC generated cover approximately 2,500 beneficiary families and more than 400,000 hectares of Native Forests. More information available in the Section on [Participation in the Forests and Community Project](#)

UN-REDD technical assistance and National Programme⁸: the [UN-REDD](#) Programme is a cooperation initiative that was launched in 2008 to support national REDD+ processes by promoting active, informed and full involvement of all relevant stakeholders, including indigenous peoples and other forest-dependent communities, in the implementation of REDD+. Argentina requested UN-REDD Programme support in 2013; the “targeted support” for safeguards, forest monitoring and data access was provided that same year. Argentina's *UN-REDD National Program (NP)* started in April 2015, with a fund allocation of USD 3.8 million and was scheduled to end in December 2019 and concluded in early 2020. The specific goal of this NP was to “Contribute to the readiness phase of the four REDD+ requirements in Argentina” in a participatory manner and mainstreaming gender, in line with UN-REDD operational guidelines. Throughout its implementation, the NP has strengthened the technical and strategic capabilities in the country, supported the development of key studies, such as on the identification of deforestation drivers and on the assessment of benefits and risks of implementing REDD+. The NP supported the efforts of the country to move forward and [complete all the elements of the Warsaw Framework](#) with a high level of participation of national, provincial and local stakeholders. With the support of UN-REDD, Argentina published the [National Action Plan on Forests and Climate Change \(PANByCC\)](#) – the country's national REDD+ strategy, described in more detail below, based on the Forest Law and its strategic guidelines; strengthen the [NFMS](#); and develop and submit to the UNFCCC the [Forest Reference Emission Level](#) and the [First Summary of Information on Safeguards](#). With these efforts and achievements of the country in reducing carbon emissions [Argentina is now positioned](#) among the first countries that can move to the third phase of REDD+.

The **PANByCC** was developed in the context of the Forest Law and as a specific public policy instrument, elaborated in the framework of the National Climate Change Cabinet. It was prepared and developed by MAFyS, through the joint efforts of the National Directorate of Climate Change (DNCC, for its acronym in Spanish) and of the National Directorate of Forests (DNB) and with the support of the Argentina UN-REDD National Programme. It was developed based on a participatory process from 2014 to 2019 and involved relevant stakeholders linked to native forest management within national and sub-national governments, academia, the private sector, civil

⁸ More information is available on the web page Argentina del Programa ONU-REDD.

society organizations, small farmers and indigenous peoples. The process was essential to consolidate, coordinate and update already ongoing activities to reduce deforestation, as well as to identify new strategic structural and operational pillars. To prepare the PANByCC, drivers of deforestation and forest degradation were analyzed, as well as strategic guidelines to implement the Forest Law, and measures foreseen in the Nationally Determined Contribution (NDC). The PANByCC was submitted to the United Nations Framework Convention on Climate Change (UNFCCC) on the [REDD+ Web Platform](#) in January 2019. The PANByCC defines strategic actions, classified into structural and operational pillars (see the following Figure). The structural pillars aim at overcoming barriers and meeting structural needs for the Plan's implementation. The operational pillars define specific actions and are linked to a concrete mitigation measure (see Figure 7). The PANByCC represent the backbone of the Argentina RBP proposal and related use of proceeds and is therefore also further described in the Funding proposal and in the ESMF.

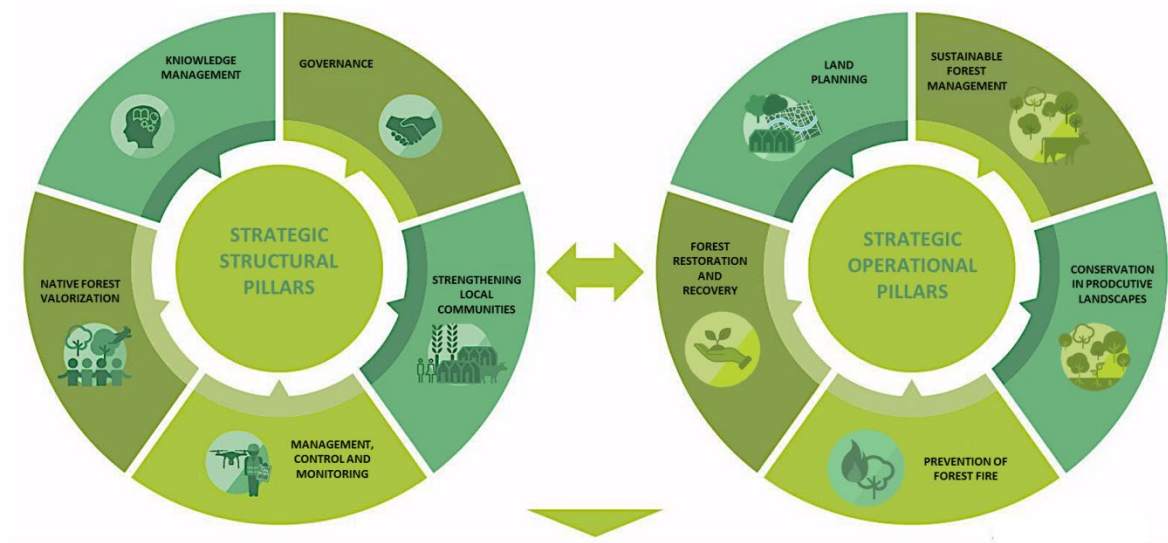


Figure 6: Strategic pillars of the Forest and Climate Change National Action Plan. (source: REDD+ strategy official English leaflet – Pre COP 25)

Forest Carbon Partnership Facility (FCPF) in Argentina: FCPF is a World Bank initiative that was launched in 2008 to help developing countries prepare their REDD+ strategies through strengthening of their national capabilities. Argentina first requested FCPF support in 2009 and completed the [Readiness Preparation Plan \(R-PP\)](#) in 2014. The purpose of implementing the FCPF programme in Argentina was to support the development of REDD+ within the framework of the Forest Law, supplementing and strengthening the necessary aspects to implement the PANByCC.⁹ In January 2015, the World Bank approved USD 3.8 million in funding for Argentina's FCPF.

⁹ MArDS. [Emission Reduction Programme Idea Note \(ER-PIN\)](#), [Carbon Fund](#), [FCPF](#). Date of submission: 15 September 2015

It is worth noting that during the preparation stage there were exchanges between the FCPF Programme and UN-REDD NP to coordinate actions and supplement support to the country. During the implementation of the national programmes, MAYDS technicians used inputs from both programmes, particularly those related to participation and social and environmental safeguards.

[“Support to the implementation of the National Native Forest Protection Programme”](#): The Argentine Government seeks to strengthen the capabilities of the National Forest Law Enforcement Authority so that it may fulfil its assigned missions and functions. UNDP supports MAYDS by managing and transferring the funds assigned annually by the Forest Law. Project period: October 2012 – June 2020.

4 Environmental and social framework applicable to the assessment

The basis for this ESA analysis was, firstly, the FAO safeguard framework and its policies on access to information, gender and indigenous peoples, which are aligned with the GCF environmental and social standards and other relevant policies. In addition, Argentina’s Country Approach to Safeguards was taken into consideration, particularly its components on National Interpretation of Safeguards and the First Summary of Information on Safeguards.

4.1 FAO Environmental and Social Management Guidelines

FAO works to be at the forefront of sustainable agriculture by promoting the protection and sustainable use of natural resources, while meeting the growing needs of society for decent and resilient livelihoods. For this purpose, the FAO [Environmental and Social Management Guidelines](#) (ESM), published in 2015, includes the vision, strategic objectives, fundamental principles for sustainability, and FAO environmental and social standards. The purpose of these Guidelines is to identify, evaluate and manage a project’s environmental and social risks, adopt a mitigation scheme and promote sustainable farming and food systems, and to exclude projects that are not aligned with the above vision and/or sustainability principles.

FAO’s ESM includes nine environmental and social standards (ESS) that address different aspects. At programme level, these ESS have been designed to help manage and improve FAO’s environmental and social performance, through a risk- and results-based approach.

Table9. FAO’s Environmental and Social Standards

FAO - Environmental and Social Standards	Objectives
ESS 1: <i>Natural Resource Management</i>	<ul style="list-style-type: none"> - Promote direct action to enhance resource use efficiency; - Focus on ways to ensure the transition to sustainable practices
ESS 2: <i>Biodiversity, Ecosystems and Critical Habitats</i>	<ul style="list-style-type: none"> - Avoid agricultural, livestock, fisheries, aquaculture and forestry practices that could have adverse impacts on biodiversity, ecosystems, ecosystem services or critical habitats; - Sustainably manage ecosystems in order to maintain the services and benefits they provide - Ensure that exchange of genetic resources conforms to access

	and benefit sharing measures in force in the country(ies) involved.
ESS 3: <i>Plant Genetic Resources for Food and Agriculture (PGRFA)</i>	<ul style="list-style-type: none"> - Prevent actions resulting in loss of PGRFA diversity by promoting their effective conservation (<i>in situ</i> and <i>ex situ</i>); - Safeguard against actions resulting in unintended environmental and social consequences; - Promote sustainable crop improvements and production and enhanced productivity; - Ensure that the transfer of PGRFA conforms with the measures relating to access and benefit sharing, intellectual property rights (IPR) and farmers' rights which are in force in the country(ies) involved.
ESS 4: <i>Animal - Livestock and Aquatic - Genetic Resources for Food and Agriculture</i>	<ul style="list-style-type: none"> - Promote sustainable management of animal and aquatic genetic resources; - Prevent loss of valuable livestock and aquatic genetic diversity; - Safeguard against actions resulting in unintended environmental and social consequences.
ESS 5: <i>Pest and Pesticide Management</i>	<ul style="list-style-type: none"> - Promote Integrated Pest Management (IPM), reduce reliance on pesticides and avoid adverse impacts from pesticide use on the health and safety of farming communities, consumers and the environment.
ESS 6: <i>Involuntary displacement and resettlement</i>	<ul style="list-style-type: none"> - Prohibit forced eviction; - Avoid, and when avoidance is not possible, minimize adverse social and economic impacts from restrictions on land or resource use or from land and resource acquisition; - Improve or at least restore living conditions of persons who are physically or economically displaced, through improving and restoring their productive assets and security of tenure.
ESS 7: <i>Decent work</i>	<ul style="list-style-type: none"> - Promote direct action to foster decent rural employment; - Promote fair treatment, non-discrimination and equal opportunity for all workers; - Protect and support workers, particularly disadvantaged and vulnerable categories of workers - Promote the application of international labour standards in the rural economy, including the prevention and elimination of child labour in agriculture.
ESS 8: <i>Gender equality</i>	<ul style="list-style-type: none"> - Provide equal access to and control over productive resources, services and markets; - Strengthen women's and men's participation in decision-making in rural institutions and policy processes; - Ensure that all stakeholders benefit equally from development interventions and that inequality is not reinforced or perpetuated.
ESS 9: <i>Indigenous Peoples and Cultural Heritage</i>	<ul style="list-style-type: none"> - Ensure that the UN Declaration on the Rights of Indigenous Peoples is respected in all FAO's projects and programmes; - Promote the right to self-determination and development with identity of indigenous peoples (right to decide the kind of

development that takes place among their people and on their lands and territories, in accordance with their own priorities and conceptions of well-being);

- Guarantee the application of the principle of Free, Prior and Informed Consent (FPIC) of indigenous peoples affected by the project;
- Recognize, respect and preserve the rights, lands, natural resources, territories, livelihoods, knowledge, social fabric, traditions, governance systems of Indigenous Peoples;
- Protect cultural heritage and avoid its alteration, damage or removal.

Source: (FAO, 2015)

These standards facilitate early and systematic identification and assessment of environmental and social risks, and the inclusion of risk management in the project cycle (design and implementation). The ESS address fulfillment of FAO's ESM, while also facilitating the project's outcome and the organization's broader strategic aspirations.

Furthermore, FAO makes available to programme beneficiaries a **Grievance Review Mechanism**, so that they have access to an efficient, timely mechanism to address their concerns on non-compliance of the ESM. In this regard, FAO has Guidelines for Compliance Reviews Following Complaints Related to the Organization's Environmental and Social Standards, which spell out criteria for compliance reviews following concerns or complaints submitted, and that are applicable to all FAO programmes and projects.

For additional information on FAO environmental and social safeguards policy see: <http://www.fao.org/environmental-social-standards/en/>

Argentina's Funding Proposal for results-based payments has been evaluated in light of these FAO guidelines, concluding that the activities carried out during the 2014-2016 period to achieve the emissions results, meet the provisions established by the accredited entity's ESM. For more information on the above, see section 8.2.1 Policies and measures implemented for risk management and the application of FAO safeguards, reinforced by the following methodologies:

- **Annex 1. Project Environmental and Social (E&S) Screening Checklist**
- **Annex 2. Assessment of Alignment with the Project Environmental and Social (E&S) Screening Checklist**

4.1.1 Alignment of FAO and GCF safeguards

GCF adopted the International Finance Corporation (IFC) [Performance Standards on Environmental and Social Sustainability](#) (Performance Standards) as its provisional safeguards standards. Further, it adopted gender-related requirements. Therefore, the institutions seeking GCF accreditation must demonstrate that they can implement the Performance Standards or meet the standards and the GCF Gender Policy.

The purpose of the IFC Performance Standards (PS) is to offer guidance on how to identify risks and impacts with a view to helping prevent, mitigate and manage risks and impacts as a way to do

sustainable business, including the obligation to engage stakeholders and disseminate the project's activities, among others.

The IFC PS are broadly recognized by the international community as safeguards good practice. FAO is a GCF-accredited entity, as an executing agency of mid-sized projects (USD 50-250 million), with a medium environmental and social risk level. For this purpose, FAO underwent a process of evaluation and confirmation that its own environmental and social standards (the Environmental and Social Management Guidelines) meet the requirements of the IFC Performance Standards. Thus, if FAO's ESM are met, IFC and GCF standards are also fulfilled (IFC, 2012) (MAYDS, 2017) (AGN, 2017) (MAYDS, 2015) (AGN, 2017).

The Table below compares IFC and FAO standards where, *prima facie*, one can see that both standards address the same topics.

Table10. Comparison of IFC and FAO environmental and social standards

IFC - Performance Standards	FAO - Environmental and Social Management Guidelines
PS 1: Assessment and management of environmental and social risks and impacts	ESS 1: <i>Natural resource management</i> ; ESS 2: <i>Biodiversity, ecosystems and critical habitats</i> ; ESS 8: <i>Gender equality</i>
PS 2: Labour and working conditions	ESS 7: <i>Decent work</i>
PS 3: Resource efficiency and pollution prevention	ESS 5: <i>Pest and Pesticide Management</i>
PS 4: Community health, safety, and security	ESS 7: <i>Decent work</i>
PS 5: Land acquisition and involuntary resettlement	ESS 6: <i>Involuntary Resettlement and Displacement</i>
PS 6: Biodiversity conservation and sustainable management of living natural resources	ESS 1: <i>Natural resource management</i> ; ESS 2: <i>Biodiversity, ecosystems and critical habitats</i> ; ESS 3: <i>Plant genetic resources for food and agriculture</i> ; ESS 4: <i>Animal - livestock and aquatic - genetic resources for food and agriculture</i>
PS 7: Indigenous Peoples PS 8: Cultural heritage	ESS 9: <i>Indigenous Peoples and Cultural Heritage</i>

For additional information on IFC performance standards see International Finance Corporation "[Performance Standards](#)".

Other GCF safeguards policies, such as its [Indigenous Peoples Policy](#), [Gender Policy](#) (see Gender Evaluation and Gender Action Plan Annex), and [Policy on Prohibited Practices](#) (see ESMF Annex), have been considered separately, in addition to the safeguards standards mentioned above.

4.2 UNFCCC REDD+ safeguards within the Argentine context

REDD+ actions have the potential to bring about additional social and environmental benefits, although the planning and implementation thereof can entail certain risks. In this regard, and to minimize these potential risks, whilst promoting the many REDD+ benefits, the Parties to the UNFCCC at COP16 in 2010 adopted the Cancun Safeguards, a set of seven safeguards that must be promoted and supported in countries implementing REDD+.

Taking into consideration UNFCCC guidance and agreements, Argentina began developing its [National Safeguards Approach from 2014 onwards](#), working on the conceptual framework and coordinated processes to meet the UNFCCC safeguards requirements. The approach was developed through a broad, multi-stakeholder participatory process headed by the Ministry for the Environment and Sustainable Development (MAYDS), through its National Climate Change Directorate (DNCC), together with its National Forest Directorate (DNB) and the support of Argentina's UN-REDD National Programme.

Argentina's Country Approach to Safeguards includes the following elements¹⁰:

- **National Interpretation of Safeguards:** legal and institutional framework in support of addressing and respecting REDD+ safeguards in the design and implementation of REDD+ initiatives, according to the country context;
- **Safeguard Information System (SIS-AR):** system which makes use of existing information systems and sources to report on how the country is addressing and respecting REDD+ safeguards in the design and implementation of REDD+ initiatives;
- **Summary of Information on Safeguards:** summary report sent to the UNFCCC to report on how the REDD+ safeguards are being addressed and respected, within the framework of REDD+ initiatives (available [on line](#));
- **Tools for implementing Safeguards on the ground:** set of documents and guidance to facilitate fulfillment of the safeguards during the implementation of REDD+ initiatives. Tools covering the following aspects are in the final phase of preparation and publication:
 - The right of indigenous peoples to free, prior and informed consultation;
 - Stakeholder engagement;
 - Mainstreaming of the gender approach;
 - Analysis of native forests' social and environmental benefits.

These aspects of the Country Approach to Safeguards allow the country to contribute to national goals related to social and environmental aspects of the implementation of REDD+ in the framework of the Forest Law (for instance, evaluating the social and environmental performance of its native forest policy), whilst meeting international requirements on the UNFCCC REDD+ safeguards, or others relevant to promoting the effective implementation of forest governance in Argentina.

The following analyses were carried out during the process of developing the Country Approach to Safeguards:

- The potential risks and benefits of measures for reducing emissions and increasing GHG sequestration, by forest region;
- Relevant regulatory and institutional framework for addressing and respecting the safeguards; and
- The main sources and providers of information to feed into the SIS-AR on respecting the UNFCCC REDD+ safeguards within the framework of the REDD+ initiatives.

¹⁰ First "Summary of Information on REDD+ safeguards" of Argentina, as [submitted to the UNFCCC](#).

4.2.1 National interpretation of safeguards

The UNFCCC REDD+ safeguards constitute an overall framework, and countries are expected to “interpret” the meaning of the Cancun safeguards within their national context. The Argentine Republic’s interpretation of the seven safeguards according to the country context comprised several elements:

- i) Identification of the relevant legal and institutional framework for addressing and respecting the Cancun safeguards;
- ii) Pinpointing actions and objectives in the framework of REDD+ initiatives (including the Forest Law) that are aligned with and contribute to respecting the safeguards;
- iii) Identification of enforcement gaps and needs for applying the existing legal framework;
- iv) Review and inclusion of inputs from the consultation workshops with stakeholders and technical working sessions.

The following table includes the different “interpretations” of each of the seven Cancun safeguards, according to the country’s legal and cultural context. These interpretations were disaggregated into components according to the different dimensions, for a better understanding and analysis of the legal and institutional framework and the national context.

The table makes reference to REDD+ initiatives – but it is considered valid also for activities implemented during the results period 2014-2016, referring to the Forest Law, as well as other tools and initiatives which were implemented within the context of the Forest Law, as described in the section 3.

Table11. Argentina’s Interpretation of the Cancun Safeguards (including during the results’ period)

Safeguard A – Consistency with national and international forest policies

National interpretation: REDD+ initiatives contribute to the national policy on native forests and climate change, respecting the national regulatory and institutional framework as well as international conventions and agreements on these matters ratified by Argentina.

Safeguard Components:

A.1. *Compatibility and complementarity with the goals of the national policy on native forests and climate change and the regulatory and institutional framework on this matter.*

A.2. *Compatibility and complementarity with the goals laid down in international conventions and agreements ratified by Argentina and that are relevant for native forests.*

Safeguard B – Transparent and effective forest governance

National interpretation: The regulatory and institutional framework of the country promotes transparency and effectiveness in native forest governance through the implementation of REDD+ initiatives.

Safeguard Components:

B.1. *REDD+ initiatives are implemented within a framework of national governance of native forests that promotes transparency and access to information.*

B.2. *REDD+ initiatives are implemented within the framework of an effective national governance of native forests that includes dispute resolution mechanisms and adequate access to justice.*

B.3. REDD+ initiatives are implemented with a gender approach.

Safeguard C – Knowledge and rights of indigenous peoples and local communities

National interpretation: REDD+ initiatives are implemented with the participation of indigenous peoples and forest-dwelling and forest-dependent communities, respecting their knowledge and rights, in accordance with national circumstances and the relevant national and international regulatory framework (further information in section 5.1.1).

Safeguard Components:

C.1. REDD+ initiatives are implemented respecting the right to free, prior and informed consultation of indigenous peoples when a measure or action may impact their rights.

C.2. REDD+ initiatives recognize, respect and promote traditional and ancestral knowledge of indigenous peoples and forest-dependent communities.

C.3. REDD+ initiatives promote respect for the rights of indigenous peoples and forest-dwelling and forest-dependent communities to access and own land.

Safeguard D – Full and effective participation of all stakeholders

National interpretation: The implementation of REDD+ initiatives promote full and effective participation of key stakeholders, in particular of indigenous peoples and forest-dependent communities, using a gender perspective.

Safeguard Components:

D.1. REDD+ initiatives promote full and effective participation of key stakeholders and, in particular, of indigenous peoples and forest-dependent communities, using a gender perspective.

D.2. REDD+ initiatives promote the distribution of benefits, with a participatory approach and a gender perspective, tailored to the specificities of indigenous peoples and local communities.

Safeguard E –Protection and conservation of native forests (or other natural ecosystems) and biological diversity

National interpretation: REDD+ initiatives (and activities that led to reduced deforestation in 2014-2016), consistent with the Forest Law (No. 26331), promote the protection and conservation of native forests (and other natural ecosystems) and biological diversity, and seek to protect and promote ecosystem services related to native forests.

Safeguard Components:

E.1. REDD+ initiatives are consistent with the conservation of native forests and biological diversity, avoiding the conversion of forests (or other natural ecosystems) and contributing to the protection and conservation of ecosystem services.

E.2. REDD+ initiatives are intended to incentivize the protection, conservation and sustainable management of native forests and their ecosystem services, and to enhance other social, environmental and economic benefits.

Safeguard F – Risks of reversals of emissions

National interpretation: The country has measures in place to tackle the risks of reversals of emissions reduced through REDD+ initiatives.

Safeguard G – Risk of displacement

National interpretation: The country has measures in place to reduce the risk of displacement of emissions during implementation of REDD+ initiatives.

Source: (SAyDS, 2019)

5 Multi-stakeholder participation

The country has a series of regulations to promote citizen participation and, in turn, facilitate access to information. Such regulations were binding and in force during the Results Period.

From the standpoint of the environmental policy overall, since 2002 the country has been enforcing the General Law on the Environment No. 25675 (O.G. of 28 November 2002) that specifies the principle and objectives of the country's environmental policy. Within this context, article 19 states that "every person has the right to be consulted and express his/her opinion on the administrative procedures related to conservation and protection of the environment, having a general or particular impact, and general in scope" (article 19). It is worth highlighting that access to information is needed for multi-stakeholder engagement to be feasible. In this regard, Law No. 25831 on *Minimum Standards for Free Access to Public Environmental Information* (O.G. of 7 January 2004), in force since 2004, enshrines the right of access to environmental public information held by government agencies, at the different levels of decentralization, also including autarchic entities and utilities, whether publicly or privately-owned, or of mixed ownership. This access must be free and at no charge for all legal and natural persons, with no need to justify reasons therefor or any particular interest (article 3). Furthermore, this framework is supplemented by Law 27275 on the *Right to Access Public Information* (O.G. of 29 September 2016), with a view to ensuring the effective enjoyment of the right to access public information, promoting citizen participation and transparency in public management.

Considering the above-mentioned legal framework, Safeguard D on "the full and effective participation of all stakeholders" (Cancun Agreement) has been interpreted in Argentina as follows: "REDD+ initiatives shall promote the full and effective participation of key stakeholders, using a gender approach, and particularly of indigenous peoples and forest-dependent communities. This national interpretation shows that any REDD+ related initiative, as well as the activities included in the Funding Proposal, shall respect the legal framework in force on participation, which is binding for the different state agencies.

Early stage of socialization of the UNFCCC REDD+ concept and process

During the early REDD+ readiness stage, from 2012 to 2015, Argentina started an important process of socialization on the topics of native forests and REDD+, through six regional workshops covering all the country's ecoregions, and two national workshops. This process (FCPF Argentina, 2015, pág. 51) was implemented according to several environmental and social standards, including the *UN-REDD Social and Environmental Principles and Criteria* to operationalize the Cancun Safeguards, the World Bank Operational Policy on the Indigenous Peoples (OP 4.10), and the Protocol on Indigenous Peoples' Consultations of the *Encuentro nacional de organizaciones territoriales de pueblos originarios* (ENOTPO for its acronym in Spanish - a space grouping-up 45 indigenous peoples' territorial organizations). Consultation protocols used in other countries during that same period were also taken into consideration as, for instance, the "Protocol for

consultations with and consent of the indigenous peoples in Paraguay”, prepared by the Federation for the Self-Determination of the Indigenous Peoples (FAPI). This readiness stage was also useful for the country to prepare and agree on two support and accompaniment initiatives with regard to the country’s REDD+ readiness: the national FCPF project and Argentina’s REDD+ National Programme (UN-REDD NP), described previously, and in more detail in the following sections.

In August 2015, 40 workshops were held, attended by approximately 1000 participants from different sectors: government (national, provincial, local, federal councils), the private sector (landowners, farmers, the timber industry, agribusinesses) and over 100 organizations representing civil society (trade unions, environmental NGOs, social and youth organizations, universities and the academic sector), as well as indigenous peoples and local communities (family farmers, indigenous peoples, peasants) (FCPF, 2015).

Another series of workshops were held in the Provinces of Chaco and Misiones (FCPF target areas), convening stakeholders according to the drivers of deforestation, and potential mitigation actions. In total, 150 people were consulted (FCPF Argentina, 2015), including technical groups, potentially affected people/beneficiaries of REDD+ (indigenous peoples, local communities and small farmers, and private sector representatives linked to deforestation – timber companies, big farmers and project developers). Discussions emphasized the broad range of factors involved in deforestation and forest degradation in Argentina, and their links to social factors. The need was emphasized to improve communication mechanisms and tools to facilitate multi-cultural community dialogue that, as can be seen in the following sections, was undertaken in participatory processes during the results period (and thereafter).

Most relevant participatory processes during the Results Period

During the Results Period itself (2014-2016), the country has experienced noteworthy multi-stakeholder participation in the forest policy, regarding the enforcement of the Forest Law – although with specifically adjusted tools, objectives and dynamics. Participation in the following can be underscored:

- (i) The Forest Law itself;
- (ii) The Forests and Community Project;
- (iii) Definition of the Strategic Guidelines of the National Forest Directorate;
- (iv) Preliminary design of the PANByCC, with the support of Argentina’s UN-REDD National Programme and FCPF.

Below is a summary of the salient elements of these processes.

i. Participation within the framework of the Forest Law

The Forest Law itself foresees a series of provisions, duties and mechanisms to promote multi-stakeholder participation throughout different key stages of implementation of its scheme and, therefore, of REDD+ activities which are a part of the Funding Proposal. For instance, article 6 states that the Territorial Planning of Native Forests (OTBN)¹¹ should be done in a participatory

¹¹ **OTBN** is an essential tool of the Forest Law outline since the provinces were thus able to identify the forests protected by said law within each one’s jurisdiction, classifying them according to their conservation value, that is to say, high (red), medium (yellow), or low (green).

manner, and article 19 establishes that “any clearing or sustainable management of native forests” must respect the rights of the indigenous peoples. Furthermore, it states that public participation is mandatory and must be ensured by the provinces for the following: (a) preparing and updating the OTBN (article 6); (b) before authorizing forest clearing projects (article 26), following the provisions of articles 16 to 21, Law 25675 (General Law on the Environment).

The implementation of the Forest Law has been a fundamental factor to strengthen the environmental/forestry agencies of the provinces, since this Law gave them a clear and relevant role, along with an important source of financing. At institutional level, in the early years of the Forest Law and with the financial support of the FNECBN, it was possible to prioritize and strengthen the provincial authorities,, as, provincial directorates of forests or environmental entities.

The OTBN for forest protection were completely new tool for the government at the different scale. Considering this, with a view to building capacities at the provincial level to ensure social participation in the preparation of the OTBN, in 2012, within DNB -Secretariat for the Environment and Sustainable Development - SAYDS (currently MAYDS) - the **Social Participation Unit, at the National Forest Directorate** (APS-DNB) was created to do the following:

- Analyze participatory processes of the different jurisdictions for the Territorial Planning of Native Forests (OTBN);
- Provide technical assistance to the Local Authorities for enforcing the Forest Law in matters concerning the participatory process;
- Prepare participatory designs and moderate meetings held by the different DNB areas (SAYDS, 2017); and
- Address claims filed to DNB by the different social stakeholders linked to the OTBN (for additional information, see [Section 6. Mechanism for addressing claims and complaints](#) with regard to native forests in Argentina).

One of the first actions undertaken in this area was the preparation of guidelines for participatory processes for OTBN, which were adopted by the Federal Environment Council (COFEMA)¹² in Resolution No. 236/2012: “Methodological Guidelines for updating the Territorial Planning of Native Forests”, Forest Law [Annex 1](#) “Guide for civil society participation”. These guidelines were targeted to updating the OTBNs since, by then, most of the provinces had already carried out their first planning exercise.

Based on the analysis of participatory processes in the first OTBNs, the request for technical assistance from some local enforcement authorities and the experience gained from the “Workshop on Territorial Planning of Native Forests in Chaco Province” (July 2014), **four sets of**

¹² **COFEMA** is the basis for the Federal Environment System, and was set up to coordinate participation and synergy among the different government areas at all three levels of administrative decentralization; its Executive Secretariat comprises representatives from the different regions and a representative from the Argentine government and the specialized Committees, among them, the Committee on Native Forests and Climate Change, that plays an important role in the design of the PANByCC and in participation, particularly in the provinces.

methodological guidelines were prepared to enrich, enhance and provide guidance on participatory processes in the provinces. These guidelines were published in September 2014:

- [Guidelines on Analyzing Social Stakeholders for OTBN Participatory Processes;](#)
- [Guidelines for Disseminating OTBN Participatory Processes;](#)
- [Guidelines on Methodologies for OTBN Participatory Processes;](#)
- [Guidelines for Documenting the OTBN Participatory Process;](#)

Resolution No. 398/2015 issued by SArDS (currently MArDS) adopted the contents for the *Guidelines on OTBN Participatory Processes* and recommended that the provinces implement them in their OTBN participatory processes. Furthermore, with a view to promoting the latter in the different jurisdictions, and within the framework of the Forest Law, training was undertaken to present the above-mentioned guidelines, particularly in the provinces that need basic guidelines for social participation when updating OTBNs.

Along the same lines of building capacities for participation in the review of OTBN, in 2014 a “Training Workshop on Participatory Processes in the Territorial Planning of Native Forests” was held in the provinces of Chaco, Jujuy, La Rioja and San Juan; and workshops to update the OTBN in the Province of Santiago del Estero. In 2015, this workshop was replicated in the provinces of Chubut, Río Negro, Neuquén, Córdoba and Catamarca. Finally, in 2016, the Social Participation Unit at DNB (MArDS) provided technical assistance in citizen participation to the provinces of Tucumán, Tierra del Fuego and Mendoza.

All these workshops were targeted to the technicians within local enforcement authorities for the Forest Law, with a view to identifying the different stages of OTBN participatory processes: Analysis of Social Stakeholders, Methodology, Dissemination and Documentation. They were also an enabling environment to reflect on the experience of the first OTBN, retrieve success stories and transform any limitations that could have cropped up (SArDS, 2017).

Likewise, among the recommendations issued by the APS-DNB to the provinces, the suggestion of the creation of an Executing Unit for the Territorial Management of Native Forests and the Participatory Process stands out. For this, the provinces adopted different instruments to promote participation:

- Formation of executing units/advisory councils: these institutional arrangements played a very important role in several provinces, such as in Río Negro, where there was substantial participation from very heterogeneous institutions. Other provinces such as Formosa, Jujuy and La Pampa, also created advisory councils.
- Agreements with other institutions: the limitations of organization and resources to carry out participatory processes in many provinces, were overcome through agreements with INTA, provincial universities, or NGOs. Such is the case of the province of Tucumán, where the FUNDEFMA Foundation was in charge of developing the participatory process.

ii. Participation in the Forests and Community Project

In 2014, DNB, within the current MArDS, prepared a project to promote the embeddedness of forest communities (indigenous peoples and local communities), that was submitted to the World Bank under the name of Forests and Community Project. A detailed description of the project is provided, considering its importance in stakeholder engagement in the country and its objectives

of improving the quality of life of the communities, both Creole and indigenous peoples, that live in or depend upon the native forests in Argentina; and in forest management and conservation in the country. Furthermore, the project has the purpose of proposing innovative approaches for community territory-based management, and promoting social inclusion of the indigenous peoples and local communities in the implementation of the Forest Law.

Before approval of the loan, public consultations were carried out in the provinces covered by the project: Chaco, Jujuy, Misiones, Salta and Santiago del Estero. The following documents were included in the consultation Comprehensive Community Framework (MIC in its Spanish acronym) and Environmental Management Framework (MGA) of the proposed project. The MIC included a Project profile and its geographic coverage, besides the Indigenous People and Creole Community Planning Framework (MPPI&CC in its Spanish acronym).

Consultations were carried out in the months of January and February 2015, starting with a single regional workshop, addressed to local communities from the different provinces in which the project could be implemented. This workshop was held in the capital city of Santiago del Estero province on 9 January, and was attended by representatives from the different sectors, as well as government agencies, both national and provincial, and Non-Governmental Organizations. Public consultations with the indigenous peoples were then undertaken in each of the territories included in the intervention, as follows:

- Province of Chaco (General Güemes Dept.): Juan José Castelli, 17 January 2015;
- Province of Jujuy (Ledesma Dept.): Libertador Gral. San Martín, 23 January 2015;
- Province of Salta (Rivadavia Dept.): Morillo, 27 January 2015;
- Province of Salta (San Martín Dept.): Tartagal, 31 January 2015;
- Province of Santiago del Estero (Copo, Alberdi & Pellegrini Depts.): Quimilí, 5 February 2015;
- Province of Misiones (Gral. Belgrano & San Pedro): San Pedro, 18 & 19 February 2015.

The methodological aspects of the consultations and the rapporteurs' reports were then included in the Comprehensive Community Framework that can be downloaded from the World Bank's [Web site](#).

The [Forests and Community Project](#) was approved in November 2015 (end date foreseen is November 2020), and is being implemented particularly in the provinces of Salta, Santiago del Estero, Chaco, Jujuy and Misiones. The project aims at improving the livelihoods of local communities that inhabit the native forests of these provinces, through the promotion of the conservation, restoration and responsible use of their services and products. This is achieved through the participatory preparation of the Comprehensive Community Plans (PIC) to ensure that each intervention project is developed on the basis of broad consensus and prevent them from negatively affecting indigenous peoples and communities.. This long-term project has provided MAYDS and sub-national agencies with important inputs and capacities in participatory processes with forest-dependent communities.

The Forests and Community Project started its activities in 2016, after approval of the operational documents in the provinces of Chaco, Salta and Santiago del Estero. Outreach workshops were held in these three provinces, attended by beneficiaries, technical assistance agencies, municipalities and local and national institutions. At these meetings, the project's start-up was informed and the communities were called upon to express their interest through a PIC Ideas form, and the Technical Assistance Agencies were asked to submit their proposals and the teams interested in providing technical support to the applicant communities.

A National Advisory Council (CCN) was set up to ensure participation, and also a Local Advisory Council (CCL) in each province covered by the intervention. CCLs are the most important for the project since they are made up of local institutions dealing with forests, land and production, and by representatives of indigenous peoples and local communities in the areas of application. The CCN is an inter-institutional working group to bring about synergies for the project's implementation. Thus, for instance, Cooperation Framework Agreements were signed with the National Institute for Agricultural Technology (INTA), based on which specific work plans were then drafted for training and technical support, for the beneficiary communities to prepare their PICs.

CCLs include Provincial Forest Directorates, Land Institutes, Emergency Committees, Registries of Landowners having Native Forests on their Property, Technical Assistance Agencies and Indigenous Participation Counsellors (CPIs, in its Spanish acronym) from the selected departments, and also representatives from peasant movements. At these Councils, the Project is accountable for its progress, and applications are submitted by the communities that are interested in participating in the project to prepare PICs. CCLs provide an initial territorial validation to the requesting community, certifying that it is peacefully occupied, from the institutional and organizational standpoints. Once participants support the proposal, technical assistance is granted for the formulation stage.

When preparing PICs, mechanisms are established in an agreement to promote -through community meetings- participatory processes, using a gender approach, to achieve the intended territorial management model, and an investment plan is agreed upon with the community. All this participation process is documented in a Special Minutes Book, in which the communities document their meetings and decision-making. **PICs are the first public policy on Community Forest Management**, framed within the Forest Law promoted by MArDS. Since these are forest management plans, they must be submitted to the Law's Local Enforcement Authorities (ALAs in its Spanish acronym) for their approval.

The PICs help evaluate and provide measures to increase project benefits and to avoid or mitigate potential negative impacts. In areas with indigenous peoples, within the Forests and Community Project the PIC must comply with the World Bank's [Operational Policy \(OP\) 4.10](#), for Indigenous Peoples Plans. Project experts and MArDS lead the design and implementation of PICs, with the full participation and engagement of the peoples and communities affected or involved. PICs are a tool to promote free, prior and informed consultation, according to the methodology detailed in the World Bank's [OP 4.10 \(Operational Policy on Indigenous Peoples\)](#) (SAyDS, 2015). The PICs and their implementation level are periodically updated to the World Bank through the Implementation Support Missions. The PICs are prepared to ensure that:

- i) indigenous peoples and communities involved in the project receive culturally appropriate social and economic benefits; in this sense, the preparation of PICs takes into account the concept of "Good living" (*Buen vivir*) which will be discussed during the planned participatory activities, identifying the actions that express it. and
- ii) if potential adverse effects on indigenous peoples and local communities are identified, efforts will be made to ensure that these are avoided, reduced, mitigated or compensated.

Within the content of the PICs, the following elements are included:

- A summary of the results of free, prior and informed consultations with affected indigenous peoples that have taken place;
- Procedures that ensure free, prior and informed consultations during the PIC implementation;
- An action plan to ensure that indigenous peoples and communities receive culturally appropriate benefits;
- An action plan with measures to avoid, reduce, mitigate or offset possible adverse effects;
- Appropriate complaints procedures for indigenous peoples and communities.

So far, the Forests and Community Project has a portfolio of 80 PICs, reaching out to over 2,500 families and an area of 400,000 Ha.

iii. Participation in designing PANByCC

Although PANByCC was published in 2017, it is the result of a broader participatory and technical process headed by MAYDS that started before the results period and continued throughout the results period. The process to develop the PANByCC was essential to consolidate, coordinate and update already ongoing activities to reduce deforestation conducted under the Forest Law framework, as well as to identify new strategic structural and operational pillars.

The PANByCC was designed through a broad participatory process undertaken by MAYDS, with the support of [Argentina's UN-REDD NP](#) – a collaborative programme that began in 2014 to support the country with multi-stakeholder engagement processes to move forward in preparing REDD+ and in [fulfilling the Warsaw Framework](#). Since 2012, Argentina also received funding from the [Forest Carbon Partnership Facility \(FCPF\)](#). Both initiatives -headed by MAYDS, together with UN agencies or the World Bank - particularly highlighted the importance of full and effective participation.

Identification of social and environmental benefits, analysis of the pertinent safeguards, and other elements gathered during the processes of early socialization process and preparation of the two national projects/programmes, were an initial information stage towards the consolidation of the PANByCC.

Participation and consultation turned more specifically towards building and consolidating the PANByCC from 2015 onward. The Plan was prepared within the framework of the National Climate Change Cabinet (GNCC for its acronym in Spanish), which has been formalized through the Law 27520 on Minimum Standards for Global Climate Change Adaptation and Mitigation approved at the end of 2019 (originally formed in 2016 through Decree 891/2016). The GNCC works in the endeavor of the Chief of Cabinet of Ministers and it is technically coordinated by the Secretariat of Climate Change, sustainable development and innovation. The main function of the GNCC is to articulate with the different government areas the implementation of the National Plan on climate change mitigation and adaptation, and of all the public policies related to the implementation of established standards in the Law, such as foster the emission reduction strategies and reduce the human and ecosystem vulnerability to climate change. The work of the Cabinet is based on different government levels and on participatory bodies where the annual work plan is discussed and priorities are established.

The PANByCC was prepared taking into consideration the outcomes of the above-mentioned initial participation and based on several technical inputs such as: analysis of spatial distribution and

native forest cover; identification of the drivers of deforestation and forest degradation; and the participatory process with relevant stakeholders, connected with native forest management, in national and sub-national governments, the technical-academic and private sectors, civil society organizations, small farmers and indigenous peoples.

In order to ensure inclusion of all relevant stakeholders, Argentina consolidated a **Stakeholder Participation Plan**. This Plan was designed to promote “the creation of dialogue forums with the purpose of including in the document the perception, interest and willingness of the different stakeholder groups linked to forests”.

The Stakeholder Participation Plan gave rise to different coordination platforms that were implemented during the results period, such as:

- Training in forest and climate change: workshops were held on REDD+ capacity-building, attended by representatives of COFEMA, NGOs, government, the private sector and the academia;
- Planning for regional and multi-sectoral dialogue workshops in the country's six main forests regions;
- Setting up of five technical Working Groups addressing the following topics; i) environmental and social benefits and safeguards; ii) forest reference levels and monitoring systems; iii) REDD+ financial and funding structure; 4) drivers of deforestation and forest degradation; v) indigenous peoples. Eighty-one relevant stakeholders (57 women and 24 men) participated in the working groups. They came from government, the public sector, technical-academic sector, environmental NGOs and indigenous peoples' groups (PN ONU-REDD, 2016, pág. 10);
- Agreements with local partners: to promote the organization and performance of participation forums, cooperation agreements were signed with the following local institutions that are experienced and knowledgeable in social and environmental aspects of the different forest regions.

In 2016, the National Indigenous Peoples Directorate (DNPO, in its Spanish acronym) of the MAYDS, supported by the UN-REDD NP, reinforced **inter-cultural dialogue**, with a view to implementing a process of reflection on the Consultation Protocols, as well as working on the indigenous peoples and gender perspective. The Argentine Ombudsperson's Working Group on the Right of the Indigenous Peoples to Participation and Consultation provided technical cooperation to the process. This WG is made up of several civil society organizations, the Public Ministry for the Defense and the Ombudsperson's Office. Within the framework of the above goal, an “Inter-cultural dialogue workshop on forests and climate change” was held on 11, 25 and 26 October 2016. On 1 December, another working meeting took place to present the report prepared by the Ombudsperson's Office Indigenous Peoples' consultation and participation group. The participants included technicians from the biodiversity and fauna units, DNB, National Indigenous Peoples Directorate of MAYDS, as well as representatives from the National Indigenous Affairs Institute (INAI).

It must be noted that the participation process also included **awareness-raising and capacity-building** spaces in several aspects of native forests and REDD+. This process started in 2013 and addressed matters regarding REDD+ safeguards and forest monitoring through “*specific UN-REDD support*”, with actions that followed throughout 2014, engaging stakeholders from MAYDS' provincial forest nodes, universities, Ministry of Agriculture, Livestock and Fisheries (MAGyP) and

indigenous peoples' representatives. During the inception workshop for the *UN-REDD National Programme* -in July 2015- MAYDS and UN representatives shared information on the UNFCCC requirements for preparing the REDD+ strategy, and on other Warsaw Framework elements. It was attended by 106 participants, including representatives from civil society organizations, the academic sector, local communities and indigenous peoples, government ministries and institutions, supported by United Nations agencies, to discuss and gear the main lines of the strategy (PANByCC). Amongst the most relevant decisions, it is worth highlighting the general agreement for PANByCC to be closely related to the implementation of the Forest Law.¹³ It is also worth underscoring the specialization **course** on forests, climate change and REDD+ experiences in Latin America (PN ONU-REDD, 2015, pág. 4), and those delivered in 2016 (66 participants in the city of Parana, Entre Rios), and in 2017 (61 participants in Buenos Aires City)¹⁴.

5.1.1 Participation of indigenous peoples and communities

Relevant regulatory framework in place during the Results Period

In Argentina, UNFCCC Safeguard "C" on "respecting the knowledge and rights of indigenous peoples" has been nationally interpreted as follows: "the PANByCC and other REDD+ initiatives are implemented with the participation of indigenous peoples and forest-dependent communities, respecting their knowledge and rights, in accordance with national circumstances and the relevant national and international regulatory framework" (SAyDS, 2019).

With regard to the **legal framework for indigenous peoples' rights**, it is important to mention that Argentina is signatory to the ILO Convention 169 on Indigenous and Tribal Peoples in Independent Countries of 1989 (Law No. 24071; O.G of 07 April 1992), which recognizes the right of indigenous peoples to "maintain, control, protect and develop their cultural heritage" and "their traditional knowledge (...)" (article 31). It recognizes a number consultation rights for indigenous' people, and the governments duty to "consult the peoples concerned, through appropriate procedures and in particular through their representative institutions, whenever consideration is being given to legislative or administrative measures which may affect them directly"(art. 6). Additionally, it establishes the peoples' right to free and informed consent in situations related to relocation from the lands which they occupy (art. 16).

The Argentine Republic's National Constitution recognizes the ethnic and cultural pre-existence of indigenous peoples (article 75, paragraph 17) and, along these same lines, Law 23302 on *Indigenous Policy and Support to Aboriginal Communities* (O.G. 8 November 1985) defines the indigenous peoples as "groups of families that recognize themselves as such because they are descendants of peoples that inhabited the national territory at the time of the conquest or colonization; and defines natives or indians as the members of said community" (article 2). In view thereof, the [2010 Census](#) of Indigenous Peoples identified the persons who recognized themselves as members or descendants of indigenous peoples and the name of their community. According to the census, at the time there were 955,032 persons and 31 indigenous peoples, accounting for

¹³ [Reporte Taller de Inicio Programa ONU-REDD Argentina \(2015\)](#). (Argentina UN-REDD Programme Inception Workshop Report)

¹⁴ [Sonia González. Un curso en Argentina para preservar los bosques y mejorar el medioambiente \(2/11/2017\)](#), UN-REDD Programme website.

2.38% of the country's total population. Moreover, National Law No. 26160 addresses the land survey of indigenous communities (Extensions 26554 / 26894 / 27400).

[National Law 26160](#) was passed at the end of 2006 for a four-year term, **to address the situation of territorial emergency of Indigenous Communities in the country, consistent with Article 75, paragraph 17, of the National Constitution**, and to partly fulfill Article 14, para. c, of ILO Convention 169.

This law was extended three times: in 2009, Law 26554 was passed; in 2013, Law 26894, and in 2017 Law 27400 were enacted, extending validity through to November 2021. This is an emergency and public order law and its objectives are as follows:

- Declare the territorial emergency of indigenous peoples' communities in the country;
- Stay judgment enforcement, court or administrative proceedings aimed at eviction or vacation of the lands they live on;
- Order a technical, legal and cadastral survey of the Indigenous Communities and, if necessary, of the currently, traditionally and publicly occupied lands.

Furthermore, there is a map with geo-referenced information on the location of indigenous communities which is [publicly available](#), and was prepared with information from the National Register of Indigenous Communities (Re.Na.C.I., in its Spanish acronym) and from the Programme for Territorial Survey of the Indigenous Communities (Re.Te.C.I., in its Spanish acronym). The latter is a Programme set up by INAI in 2007, with the participation of the CPI – Council of Indigenous Peoples- (made up of two representatives from every indigenous peoples' community, in each of the provinces) and approved by the National State in 2007. Re.Te.C.I. surveys the country's indigenous communities and, if necessary, their currently, traditionally and publicly occupied land. Implementation of this programme in Communities accrediting occupation, in line with the characteristics established by Law No. 26160, is a first step with regard to the Federal State's recognition of the indigenous peoples' currently, traditionally and publicly occupied land.

This survey is of utmost importance when considering any action concerning native forests, bearing in mind that 66% of the country's indigenous communities live in native forests.

On the other hand, and particularly concerning forests, the *Forest Law* (O.G. of 26 December 2007) includes several provisions to promote participation and safeguard the rights and livelihoods of indigenous peoples and local communities, among them:

- It exempts the law from being enforced on all those uses on areas under 10 hectares, owned by the indigenous communities or small farmers (article 2);
- It recognizes indigenous communities as forest-dependent populations and forest inhabitants and, thus, establishes that MAYDS must consider them in designing measures for the sustainable use of native forests, within the National Programme on Native Forest Protection (article 12);
- It indicates that 30% of the resources collected by the Forest Law Fund must be allocated to developing and operating a monitoring network, together with "the implementation of financial and technical assistance programmes aiming at the sustainability of unsustainable activities carried out by small farmers and/or indigenous peoples and/or local communities" (article 35);
- Specifically regarding **participation**, article 19 states that "all native forest clearing or sustainable management projects shall recognize and respect the rights of the original indigenous communities that have traditionally occupied these lands"; moreover, to

implement this safeguard, article 26 mandates the law's sub-national enforcement authorities to ensure that the provisions enshrined in the above article are fulfilled before authorizing any clearing of native forests, when allowed by the law.

Institutional Framework for participation of indigenous peoples

In Argentina there is no single forum or organization representing all communities or indigenous peoples across the country, although there are several grassroots and other civil society organizations that support them. Some of the more recognized organizations are described below:

- The [Santiago del Estero Peasant Movement](#) (MOCASE, in its Spanish acronym) is one of the most important organizations at country for representing *campesino* communities' interests and rights in Santiago del Estero province.
- [Chaco Agro-forestry Network](#) (REDAF), is a network of NGOs and other institutions that works with different organizations linked to supporting indigenous and local communities that inhabit the *Parque Chaqueño* Region.
-
- National Meeting of Territorial Organizations of Indigenous Peoples (ENOTPO for its spanish acronym), created in 2009, with 45 organizations bringing together 27 pre-existent peoples and over 1,500 communities, in 20 provinces. It is a forum for putting forward proposals and coordinating indigenous territorial policies at the national level, with a view to advocating for indigenous peoples' national policies.
- Indigenous Peasant Assembly of the North of Argentina (ACINA): is an assembly of peasant and indigenous organizations from the north of the country, constituted in 2006 in which participate more than 50 organizations from the provinces of Santiago del Estero, Chaco, Formosa, Córdoba, Corrientes, Santa Fe, Catamarca and Salta.

The **Organization of Indigenous Nations and People (ONPIA)**, founded in 2003 is one of the first organizations to represent several communities. It aims to politically and technically strengthen indigenous peoples, communities and organizations in Argentina, according to their worldview (*cosmovision*), for the formulation, negotiation, execution and evaluation of development policies, programmes, projects, and the management of financing with the national and provincial states, governments, international cooperation and private companies. By the time of the results period for this proposal, ONPIA included 20 indigenous peoples' organizations from 15 provinces in Argentina. The country has institutions made up -fully or partly- of indigenous peoples and forest-dependent communities, to facilitate their participation. The following are worth highlighting:

- [National Indigenous Affairs Institute](#) (INAI), created in 1985, INAI is the enforcement authority for Law No. 23302 on Indigenous Policy and Support to Indigenous Communities and is a key public institution related to indigenous and communities' rights in the country. INAI's staff includes representatives of indigenous peoples, together with those from different ministries and secretariats of the adhering provinces. INAI's overall objectives are related to tenure rights, education and health plans for the benefit of indigenous peoples (art. 6), and supports a number of activities particularly relevant for respecting indigenous' people and communities' rights.

It is also worth mentioning that the INAI is also working with a gender approach. In this regard, in 2016, INAI implemented the project Awareness-raising and Promotion of Gender Issues in Indigenous Communities;

- **Indigenous Participation Council (IPC)**, created in 2004 in the remit of INAI, is a part of the Indigenous Participation System in force at the national level, and includes representatives of indigenous peoples by provinces, being the main authorized voice to communicate with the State on behalf of the indigenous peoples. IPC was created to address “the urgent need for participation of the indigenous peoples’ representatives” (INAI Resolution 152/2004), especially “for indigenous consultation and participation in public policy matters in the field, particularly land surveying” (Sterpin, 2017). In 2005, assemblies by communities and by peoples were organized at the provincial level, from where Council members were elected. Furthermore, in 2006, an IPC National Coordination Group was set up with a few Council members, so as to meet more frequently and follow up on the matters addressed. To increase IPC representation and efficiency, in the Results Period, the number of IPC members was increased (from 80 to 129) and the Coordination Group (from 12 to 25), through INAI Resolution No. 737/2014. As from then, two full members are elected, who must split the tasks “so that all communities are visited and served” (Sterpin, 2017). The IPC must be convened when necessary to consult the indigenous peoples on the implementation of measures that may affect them directly or indirectly. Table 13 summarizes IPC meetings in the period 2010-2015.

Table 12. Meetings of the Indigenous Participation Council in 2010-2015

IPC Meetings	2010	2011	2012	2013	2014	2015	Total
National	1	0	1	1	1	1	5
Regional	3	0	4	0	1	0	8
Provincial	0	3	3	5	2	1	14
National WG	4	3	2	5	8	7	29

Source: AGN (2017), p. 14

[The National Auditor-General’s Report](#) (AGN, 2017) highlights that in the period 2010-2015 there “has been significant progress made” regarding the rights of indigenous peoples. Three INAI programmes managed by INAI are worth pointing out:

- Territorial Survey Programme (Re.Te.C.I.), which surveyed 702 communities;
- The creation of the Indigenous Participation Council (IPC), with broad representation and participation;
- The Indigenous Remains Restitution Programme, that was able to restitute six remains, despite the difficulties in managing this issue (AGN, 2017, pág. 37).

The country has enough tools and institutions to facilitate the participatory process and meet the specific needs of the indigenous peoples and forest-dependent communities in the participatory processes. The Forest Law, as well as relevant projects for forest governance and REDD+ mentioned in previous sections, have shown the attention paid to specific safeguards concerning participation, engagement and consultation of the indigenous peoples. In this regard, article 26 of the above Law states that before any authorization for “clearing native forests is granted, the enforcement authority in each jurisdiction must ensure strict fulfillment of (...)” “recognize and respect the rights of the country’s original indigenous communities that traditionally occupied the

land” (article 19) and, moreover, ensure citizen participation as acknowledged by article 21 of the General Law on the Environment (O.G. of 28 November 2011).

According to the different Forest Law regulations, as well as initiatives and actions in force during the Results Period, the local enforcement authorities must facilitate effective participation of all stakeholders, holding specific meetings with / for the indigenous peoples, on the one hand, and with other social stakeholders, on the other hand. During the Results Period, there were also tools such as the [Protocol on the Free, Prior and Informed Consultation of Indigenous Peoples](#) of ENOTPO (AGN, 2017), outlined jointly with 45 territory-based organizations, supported by technicians and officials from the different ministries.

In 2015, ENOTPO presented¹⁵ the protocol to relevant stakeholders in native forests and REDD+, which was used as a basis for protocols followed by the National REDD+ process, through the UN-REDD NP and FCPF (FCPF Argentina, 2015, pág. 35). The Protocol can also be used as an input for construction or implementation of a future law on participation and free, prior and informed consultation.

Other relevant tools are:

- **“Community and Bio-cultural Protocols”:** instruments of the Convention on Biological Diversity, 1992 (CBD) (Law No. 24375, O.G. of 3 October 1994) and the Nagoya Protocol recognized by the National Ombudsperson as suitable consultation mechanisms (Resolution of 12 May 2016, recognizing the first Protocol in Argentina “*kachi Yupi* – for the indigenous communities of the Salinas Grandes Basin and *Guayatayoq* Lake”).¹⁶
- **Guidelines on the Process of Free, Prior and Informed Consultation of Indigenous Peoples:** the document compiles the experience gained by MArDS with the support of the UN-REDD National Programme, throughout the participatory process within the PANByCC, resulting in a manual spelling out the nature, characteristics and subjects of the rights of free, prior and informed consultation; the legal framework, stages and phases that a consultation process should have to be legally valid and provide practical tools to the process fostering an agreement or consent. The document is currently in its last stages of editing and, once finalized, it will be available on Argentina’s Country Approach to Safeguards website, in the section “[Herramientas para la implementación de las Salvaguardas en el terreno¹⁷](#)” (Tools for implementing Safeguards in the field), [which is available on the Argentine government’s climate change website.](#);
- Web dissemination platform of the [National Native Forest Monitoring System](#) (SNMBN) since, among the many layers of its geo-referenced information system, one of them allows the location of communities and indigenous peoples across the territory.

¹⁵ [Presentación protocolo de consulta](#) (Power Point).

¹⁶ [Resolución del Defensor del Pueblo de la Nación 25/16](#) (National Ombudsperson’s Office Resolution of 12 May 2016).

¹⁷ [Direct link](#) to safeguards issues: <https://www.argentina.gob.ar/ambiente/sustentabilidad/planes-sectoriales/bosques/redd/herramientas-implementacion-salvaguardas>; Climate change general link <https://www.argentina.gob.ar/ambiente/cambio-climatico>;

IP participation on the activities that generated the ERs during the results period

Within the framework of the participatory processes for outlining the first versions of the provincial OTBNs around 2012-2013, DNB's Social Participation Unit warned that the participation of indigenous peoples was one of the weaknesses of the process. Therefore, it included in the **Guidelines for OTBN Participatory Processes**, a **dialogue structure recommended for consultation with the Indigenous Peoples**, as illustrated in the Figure below.

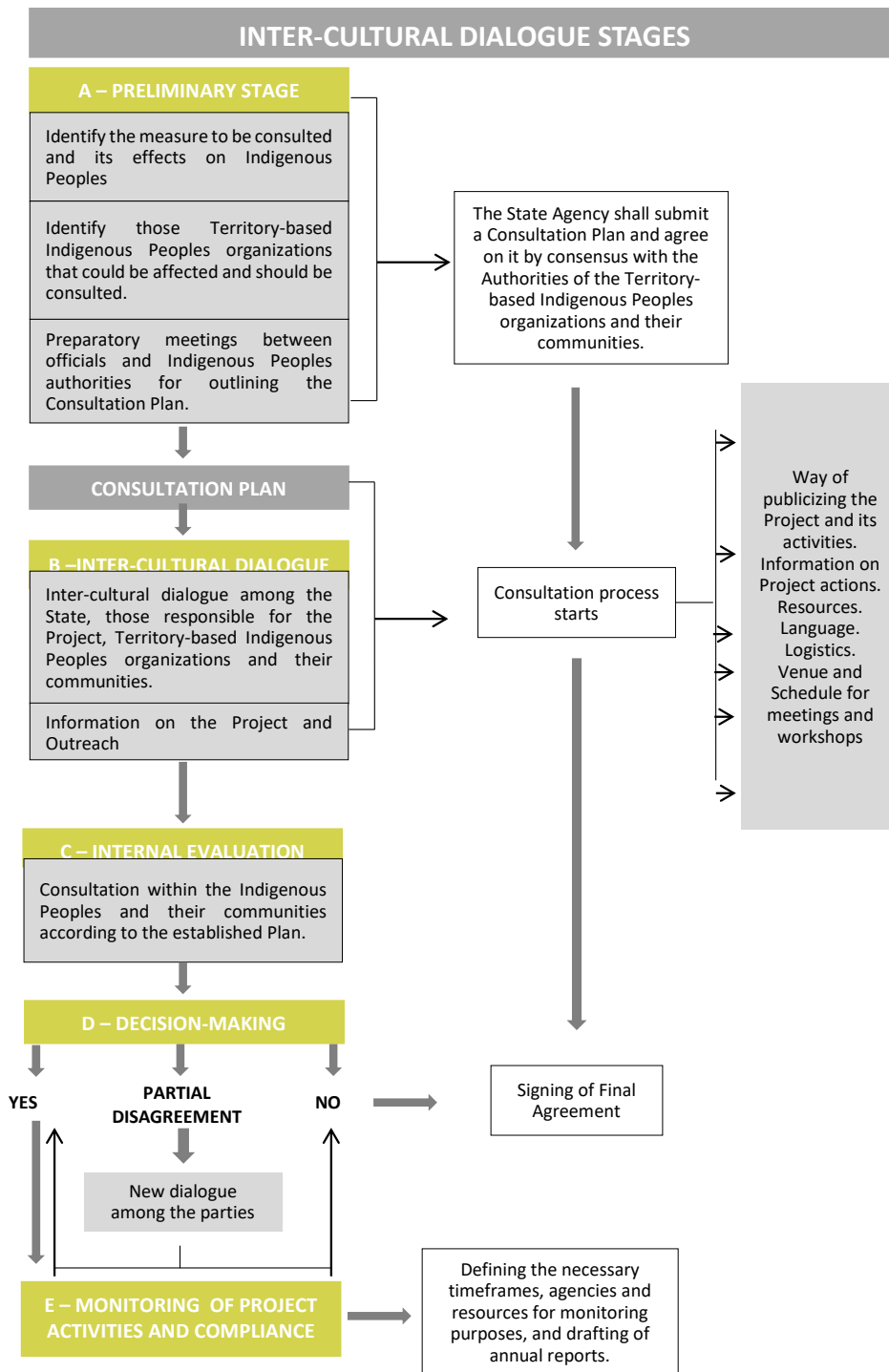


Figure 7. Outline of inter-cultural dialogue stages within the OTBN Participatory Processes.

Source: National Forest Directorate, MAyDS.

Furthermore, since 2014, DNB (MAyDS) started holding meetings with representatives from the original indigenous peoples, with a view to identifying the difficulties when it comes to

participating in the OTBN preparation processes, and in the Forest Law management, use and conservation plans. Meetings were held with:

- Seven *Wichi* communities in Nueva Pompeya, Province of Chaco, at the Nueva Pompeya Community Association;
- Ancestral Committee of the Lago Rosario Community, *Mapuche* peoples, in Lago Rosario, Chubut;
- Territorial Organization of Indigenous Peoples in Cordoba (OTEPOC, in its Spanish acronym);
- Vera and Colipan communities, *Mapuche* peoples, in Neuquén;
- Chieftain of the Valle de Santa María Community, *Diaguita* peoples, in Catamarca. (SAyDS, 2017).

On the other hand, the country paid special attention to the engagement of indigenous peoples and to safeguards overall, with the support of the UN-REDD NP, throughout the whole of the REDD+ process and during the Results Period.

In 2015, a **Working Group on Safeguards** was set up, comprising different stakeholders that could contribute their knowledge and experiences to help the country address and respect the Cancun safeguards. In this regard, that same year, representatives of the Indigenous Peoples at the “Parliament of the Indigenous Peoples of the American Chaco and ZICOSUR (South American Center-West Integration Zone)” said the following: “we deem attractive the proposal of setting up thematic working groups since in that way we can generate specific participation forums, focusing on each of the different topics, to thus hold more in-depth discussions”. In turn, this Parliament welcomed “the work undertaken in this first stage to extend the mapping of the communities living in Chaco and Formosa provinces” (PN ONU-REDD, 2015, págs. 6-7).

In response to the above suggestions of the Indigenous Peoples’ Parliament, in 2016, MAYDS started working with the National Native Peoples Directorate, and other MAYDS technical units, NGOs, INAI, the Ombudsperson’s Office – supported by the UN-REDD NP, to support dialogue and reflection on the participation of indigenous peoples within the REDD+ process, which resulted in the creation of the Working Group (WG) on Indigenous Peoples. The objective of this WG was the strengthening of the institutional articulation between those areas that work with indigenous peoples at local level, technical exchange of lessons learned regarding the implementation of consultation protocols and working on the design of the “technical manual for the consultation with indigenous peoples on matters related to native forest management and climate change - guidance on free, prior and informed consultation of indigenous peoples”, in full accordance with ILO Convention 169 on Indigenous and Tribal Peoples in Independent Countries of which Argentina is signatory. The technical manual is meant for technicians who will be implementing REDD+ projects, with a view to strengthening their capacities to ensure effective participation, respecting inter-cultural dialogue and establishing the rights of the international and national frameworks on the matter (FCPF Argentina, 2019, pág. 23). This process was technically supported by the Working Group on the Rights of Indigenous Peoples to Participation and Consultation, within the National Ombudsperson’s Office, comprising several civil society organizations, the Public Ministry for the Defense, and the Ombudsperson’s Office. The preparation of these guidelines called for significant participatory and technical work that started in 2016 with initial work on “Guidelines for the Free, Prior and Informed consultation of Indigenous Peoples” which is in review process prior to future publication. .

The WG on Indigenous Peoples and WG on Safeguards worked actively to develop the Country Approach to Safeguards, promoting the engagement of indigenous peoples, and building capacities especially in the field of FPIC REDD+.

5.1.2 Gender approach

The Government of the Argentine Republic has been working for some time on mainstreaming gender in the different public policies. In this regard, it is worth underscoring the following institutional and regulatory frameworks:

- Law No. 26485, on the *Full Protection for Prevention, Punishment and Eradication of Violence against Women in their Interpersonal Relationships* (O.G. 14 April 2009): its objectives are, *inter alia*, to ensure the rights recognized by international conventions ratified by the country in this field, to “eliminate discrimination between women and men in all the walks of life”.
- Law 27118, on *Family Agriculture* (O.G. 28 January 2015): its objectives are, *inter alia*, to contribute to eliminating the gender gaps and stereotypes, ensuring equal access to men and women to the rights and benefits enshrined in this law, tailoring actions and implementing specific policies for women; and, furthermore, to reinforce upward social mobility within family, peasant and indigenous agriculture, with special attention to women’s conditions and needs (article 4.c).
- Law 27499, on *Mandatory Training in Gender Issues for all National Officials working in the Three Branches of the State* (O.G. 10 January 2019): it creates the National Ongoing Programme for Institutional Training in Gender and Violence against Women, with a view to “training and raising awareness” of all public officials at different State levels.

Echoing these efforts, in 2015, **MAYDS focused on mainstreaming gender in REDD+**, with the support of UN-REDD NP throughout the process. Firstly, a roadmap for mainstreaming gender in PANByCC was developed (PN ONU-REDD, 2015, pág. 4), and in September that year the first workshop was held on the gender approach in forest and climate change policies. For two days, the main gender regulations within the national and international frameworks were reviewed regarding their link with forest and climate change policies; power relations and the importance of women’s empowerment as an initiative for their development were also analyzed. Approximately 25 participants from government and civil society attended the meeting.¹⁸ These efforts for “mainstreaming” the gender approach in REDD+ in Argentina continued in the following years. In 2017 and 2018, the PANByCC participatory approach was managed using a gender approach, incentivizing the participation of women from different sectors, and breaking down participation by gender and sector, as shown in [Error! Reference source not found.](#)

INAI has also implemented a gender approach in its operation, aimed at empowering indigenous women. In 2016, the institution had in place a programme for indigenous communities called “Intercultural Facilitators”, which included indigenous women representing 54% of the 247 existing facilitators. Likewise, in 2016, in coordination with the National Program of University Scholarships and the Bicentennial financed by the Ministry of Education and Sports of the Nation,

¹⁸ UN-REDD website: [Argentina: taller de enfoque de género en políticas de bosques y cambio climático](#) (29 September 2015)

INAI assigned a total of 167 scholarships to students from indigenous communities, from which women represented 61%.¹⁹

6 Mechanism for addressing claims and complaints with regard to native forests in Argentina

To prevent conflicts and make it easier to address claims and complaints within the native forest policy – Forest Law (in which PANByCC is framed)-, the following citizen participation instruments have been operational since 2007 (and therefore during the entire results period):

- Mandatory participatory process for preparing OTBNs;
- Mandatory Public Consultation for adopting Plans for Changing Land Use (PCUS, in its Spanish acronym) in low conservation value forests (III – green), prior authorization of the Forest Law local enforcement authority;
- COFEMA, as a political-technical discussion forum at the federal level (and specifically, its Native Forest Committee), for general procedures to implement the Forest Law;
- [Buzón Verde](#) (Green Mailbox): MAYDS has enabled this on-line public consultation mechanism that receives queries, complaints and allegations. This site lists the different communication channels and also includes the contact details of each directorate within the MAYDS, in case of more specific queries. Front Desk of the MAYDS: when a query is received at the front desk, a file is opened through the Electronic Document Management System (GDE, as its acronym in Spanish) and it is redirected to the corresponding area according to the mechanism below Figure 8.

In 2014, the National Forests Directorate (DNB) of MAYDS created the **DNB Social Participation Unit (APS-DNB)**²⁰ to support participatory methodologies, and to **address claims and complaints, as well as requests for information**. The graphic below illustrates the procedure developed within the DNB:

¹⁹ [Argentina Response](#) at the United Nations Permanent Forum on Indigenous Issues (UNPFII), 2017

²⁰ The Unit was set up at DNB (MAYDS) in 2012, based on the need to analyze participatory processes for outlining OTBNs. The Unit (APS) performs the following functions:

1. Analyzes participation processes in the provinces' OTBNs.
2. Provides technical assistance to local enforcement authorities on the participatory process, according to the Forest Law.
3. Outlines participatory methodologies, and acts as moderator at meetings for different DNB and MAYDS units.
4. Manages claims filed with the National Forest Directorate by different stakeholders with regard to OTBNs.

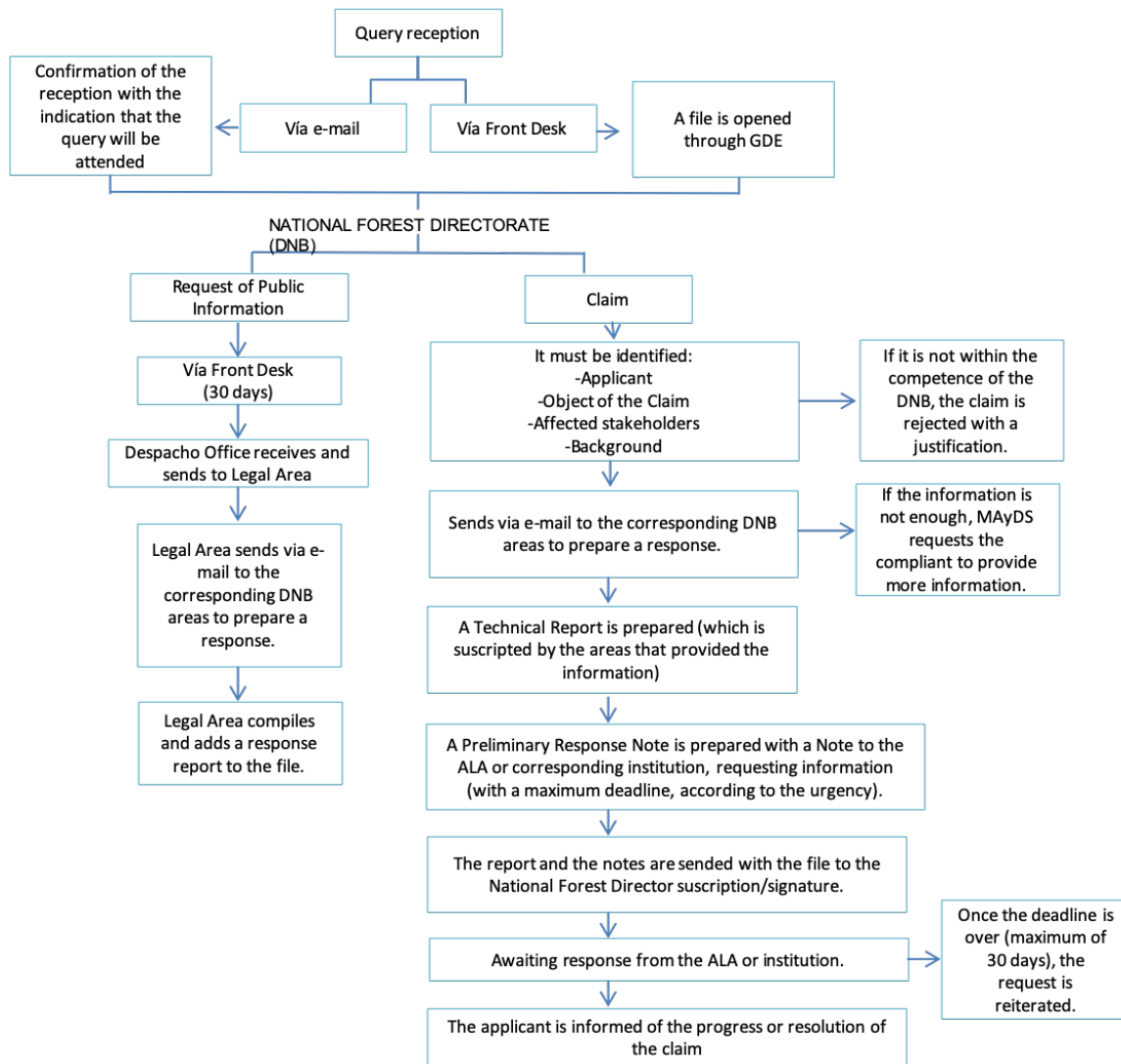


Figure 8. Mechanism of the DNB for addressing claims and complaints

The information request or claim is entered through the MAYDs Front Desk, in person or by email through the Green Mailbox, as referred above. In the first case, a file is created; in the case of e-mail, a confirmation is sent. Afterwards the case is sent to the DNB.

Within the DNB, the mechanism conceives two different procedures depending on whether it is a request for public information or a claim. Information requests are sent to the DNB Legal Area, responsible for producing the corresponding information.

When a claim is received, it is first decided whether or not it falls within the competence of the DNB; if not, the case is rejected with justification. If so, the case is sent via e-mail to the relevant DNB area, so that they can prepare the response.

The correspondent DNB area prepares a Technical Report and the "Draft Response Note", and both are sent to the local enforcement authority and/or other entity as appropriate, indicating the question and the time frame for responding (according to the urgency of the case). Then, the file is

sent with the Technical Report and the “Draft Response Note” to the DNB Director, for their consideration and signature.

Once the response from the local enforcement authority or other body is received, the applicant is informed of the progress or resolution of the case.

In the case of non-reply from the local enforcement authority or other entity, after 30 days the request to them is re-sent.

During 2011-2015, this APS-DNB had a database for systematizing received complaints (see table below), aimed at improving stakeholder participation in the OTBN updates.

Table 13 Claims received between 2011 and 2015

Year	Claims for deforestation	Claims for participation	Land tenure	Total claims
2011	8	31	0	39
2012	2	0	1	3
2013	0	0	0	0
2014	0	1	0	1
2015	0	1	0	1
TOTAL	10	33	1	44

Source: (AGN, 2017)

From the total claims registered by the APS-DNB, 80% were addressed to different instances of provincial governments and 16% to private companies. In 2011 there was a considerable number of claims (comparatively), which decreased in number over the years, which could be partially attributed to the new tools provided by the MAYDS, together with the experience acquired by MAYDS and local authorities in the application of the Forest Law scheme.

It is worth mentioning that the latter registry is partial, and it does not include all of the information related to complaints and claims, because some information is still in hard-copy paper form at different units of the DNB. Owing to the current COVID-19 pandemic, such information could not be processed and systematized at this time. In addition, according to Argentina’s federal system, most of the procedures related to claims are addressed at the subnational level, therefore, not all of the claims related to the Forest Law are channeled through MAYDS. Component D of the RBP Proposal will help to develop a digital and updated GRM registry, to avoid the present gap.

The five-year study (2010-2014) carried out by the NGO *Fundación Ambiente y Recursos Naturales* (FARN), called [“Indicadores de Acceso a la Información Pública Ambiental” \(2015\)](#) (Indicators on Access to Public Environmental Information), used a system of indicators to measure progress and/or setbacks in access to public environmental information, and states that “SAyDS²¹ (...) has shown a high response capacity throughout all these years”.

GRM of the Forests and Community Project

²¹ Secretariat for the Environment and Sustainable Development, currently (2020) Ministry for the Environment and Sustainable Development

Within the structure of the Forest Law, there are a series of projects that coordinate with one another and create synergies to achieve the goals of the law and of the pertinent initiatives. Among them, it the **Forests and Community Project** has been mentioned already in this document, and it is also relevant for the GRM.

The project set up its GRM since 2016 and it is still operational. It has a claims and complaints mechanism called “Mechanism for Managing Claims and Suggestions”, that includes a system for addressing claims at an early stage, giving citizens the possibility of sending queries, making suggestions, filing claims and/or requesting information on the project. The following are some of the main components of this mechanism:

Stage 1: Receipt of claims or suggestions

It provides the public at large with different options to file claims or make suggestions. People should be informed about this option (e.g. through brochures, posters), and such options should be available for any of the stakeholders wishing to express a concern, without any formality besides mentioning the main purpose thereof and contact data.

Available channels:

- i) Telephone;
- ii) E-mail;
- iii) MAyDS’ [Buzón Verde](#) (Green Mailbox) or section for suggestions or claims on the [Project’s website](#);
- iv) Via a Request for Information, pursuant to Law No. 25831 on Access to Public Environmental Information, and Law No. 27275 on the Right to Access Public Information;
- v) Via the National or Provincial Ombudspersons’ Offices; and
- vi) Complaint or Suggestion Boxes at the Provincial Executing Units in three provinces (Chaco, Santiago del Estero and Salta).

Once the claim has been received, the Executing Units shall analyze the appropriateness and timeliness of the claim, and if it is directly related to the Project. If so, then comes Stage 2 (term: 30 working days, pursuant to Law No. 25831).

The Figure below illustrates the procedure of the Mechanism for Managing Claims and Suggestions:

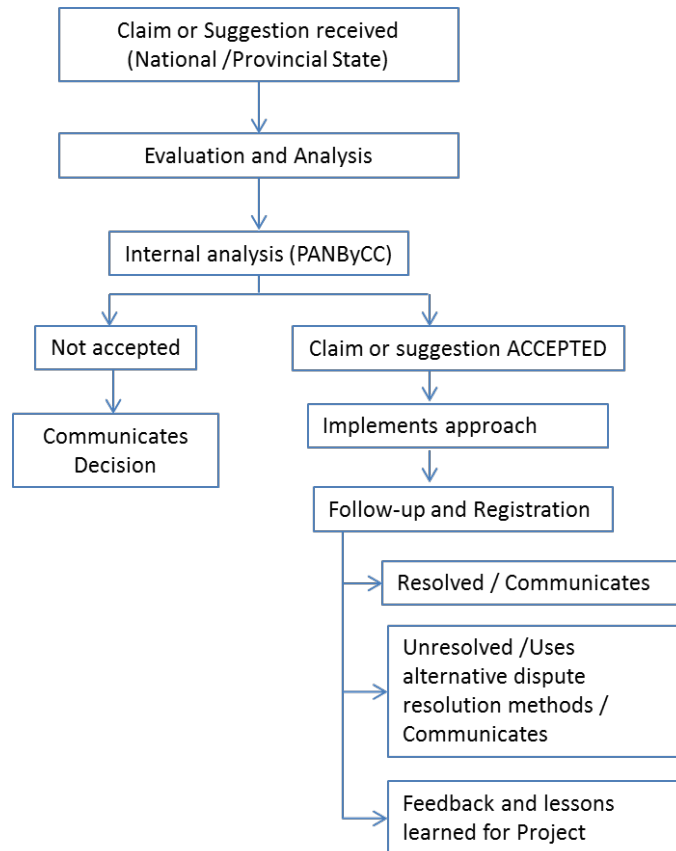


Figure 9. Claims and Complaints Mechanism – Forests and Community Project

Source: (SAyDS, 2019)

Stage 2: Evaluation and internal analysis

If appropriate, the query or request for information will be considered and answered. If it is a claim on a project component, its appropriateness will be assessed taking into consideration the following:

- i) If it is indeed related to the project
- ii) If it is deemed pertinent

Once a decision has been made, it shall be sent in writing to the requesting party within the term established under 1). If rejected, the claimant shall be informed of the decision and the reasons therefor (according to the social and cultural characteristics of the claimant), and asked to sign a document stating he/she has been informed, which will be filed together with the query.

Stage 3: Answer to concerns






If a claim or complaint is deemed pertinent, the Executing Units shall contact the claimant within a given time frame, depending on how urgent the matter is:

- *Urgent query*: claimant will be immediately contacted and a solution shall be provided in line with how urgent the matter is;

- *Ordinary query*: the claimant will be contacted within a term of 15 working days to seek a solution and, if it were difficult to find a solution, such term can be extended for an additional 15 days.

In order to determine the relevance and priority of the claim, the Mechanism for Managing Claims and Suggestions has a System to Classify the Claim by Risk Levels, as stated in Table14.


Table14. Claim Categorization System

				
Low Risk	Moderate Risk	Moderate/High Risk	High Risk	Claim Solved

Source: (SAyDS, 2019)

Each claim shall be recorded in an Official Register Book to record, follow up on and assess claim-related risks.

Table15. Official Register Book

Nº	UEL/ UEN	Reclamante / Presentante	Motivo/Tema	Clasific.	Fecha Reclamo	Fecha de respuesta / acciones	Resumen de las acciones que implican la respuesta	Document. respaldatoria	Resolución/Acciones/ Observaciones
1	Provincia de Ejemplo	Ejemplo	Ejemplo		Ejemplo	Ej.	Ej.	Ej.	Ej.

Source: (SAyDS, 2019)

Stage 4: Alternative Dispute Resolution Methods

Vis-a-vis a lack of an effective solution for a claimant (either because the claim was dismissed or because no agreement was reached), the next step is Mediation with the participation of the Executing Unit, participating third parties (e.g. INTA, INTI, etc.) and community members, to reconcile and help bridge the gap between the parties.

Stage 5: Follow-up and Monitoring

The Project's National Executing Unit (Project's Coordinator of Social and Environmental Safeguards and Monitoring and Evaluation Coordinator) will have an Official Register Book at the

national headquarters, to record all concerns, suggestions, queries, claims and/or requests for information, in chronological order (SAyDS, 2019).

7 Results of the analysis

The **main findings of the Environmental and Social Assessment of this report** are included in this Section. The actions taken and the results of the risk identification are described in Section 7.1; the key actions and progress in managing the risks and addressing the safeguards policies, highlighting the role of enforcing the legal framework and other relevant tools to respect and address the safeguards, are included in [section 7.2](#).

7.1 Identification of risks and benefits of the REDD+ activities

The Government of Argentina carried out numerous exercises to identify the risks associated with the activities carried out in the context of the Forest Law, which led to the emissions results achieved. These detailed evaluations helped to ensure that social and environmental safeguards were being appropriately applied to the design and implementation of the activities – helping to avoid or mitigate potential social and environmental risks, and enhance the benefits. The activities mainly included:

- (i) Multi-stakeholder workshops to identify the benefits and risks of implementing different activities in the context of the Forest Law, as part of discussions to develop Argentina's REDD+ strategy;
- (ii) Specific technical assistance, joint learning and work with experts, within the framework of the Forest Law, as well as the UN-REDD NP, and the FCPF Argentina project;

The risk and benefit evaluations that were developed since 2012 have been key to identify achievements and areas for improvement to effectively implement the Forest Law. The Table below includes a summary of the analyses that were carried out, with information by type of activity implemented through the Forest Law as well as relevant forest region:

Table16 Summary of key social and environmental benefits and risks applicable to Forest Law plans and other activities to reduce deforestation

1. LAND-USE PLANNING (OTBN)							
SOCIAL AND ENVIRONMENTAL BENEFITS	Relevant safeguard	Misiones Rainforest	Yungas	Parque Chaqueño	Andean forest	Espinal	Monte
1.1. Avoid zoning of different components that may result in conflicting land use allocations.	B, E						
1.2. Strengthen comprehensive environmental management at the basin level	B, E						
1.3. Production and conservation policies that are aligned and in synergy	B						
1.4. Improve the practical enforcement of Law 26331	A, B, E						
SOCIAL AND ENVIRONMENTAL RISKS	Relevant safeguard	Misiones rainforest	Yungas	Parque Chaqueño forest	Andean forest	Espinal	Monte

1.5. Institutional decoupling between provinces and municipalities, and between different institutions responsible for territorial development policies in the same jurisdiction	B						
1.6. Conflicting infrastructure development plans in territories where ownership is not defined or in disputed areas	B, C						
1.7. Reduction of the budget for the Forest Law	B						
1.8. Inter-provincial displacement of drivers of deforestation due to the implementation of the Forest Law	G						
2. SUSTAINABLE MANAGEMENT OF NATIVE FORESTS							
SOCIAL AND ENVIRONMENTAL BENEFITS	Relevant safeguard	Misiones rainforest	Yungas	Parque Chaqueño forest	Andean forest	Espinal	Monte
2.1. Support for the livelihood of indigenous peoples	C, E						
2.2. Potential to reduce poverty	C, D						
2.3. Potential for soil conservation	E						
2.4. Potential resource for ecotourism and adventure tourism	E						
2.5. Strengthen comprehensive environmental management at the basin level	B, E						
2.6. Promote the market for sustainable regional products	B, E						
2.7. Strengthen citizen participation spaces for environmental management	D						
SOCIAL AND ENVIRONMENTAL RISKS	Relevant safeguard	Misiones rainforest	Yungas	Parque Chaqueño forest	Andean forest	Espinal	Monte
2.8. Risk of forest overexploitation due to misapplication of incentives for non-sustainable activities	B, E, F						
2.9. High agricultural prices and profitability of <i>commodities</i> (mainly soybeans)	E						
2.10. Poor oversight of illegal logging and timber movements	E						
2.11. Conversion of natural ecosystems to obtain benefits from the law	E						
3. CONSERVATION IN PRODUCTIVE LANDSCAPES							
SOCIAL AND ENVIRONMENTAL BENEFITS	Relevant safeguard	Misiones rainforest	Yungas	Parque Chaqueño forest	Andean forest	Espinal	Monte
3.1. Integrate different worldviews in forest management schemes, including with a gender perspective	C						
3.2. Strengthen the National System of Protected Areas (SNAP)	E						
3.3. Promote the creation of biological corridors	E						
3.4. Improve the flow of species between different protected areas	E						
3.5. Generate economic incentives for conservation	B						
SOCIAL AND ENVIRONMENTAL RISKS	Relevant safeguard	Misiones rainforest	Yungas	Parque Chaqueño forest	Andean forest	Espinal	Monte
3.6. Not finding production alternatives that create employment in the forest, or that may lead to claims from communities, or migration, or unequal effects for women	C, E						
3.7. Reluctance of decision-makers, native forest owners, farmers, etc., to adopt new production or sustainable forest management models	B						
3.8. Impacts on indigenous peoples' livelihoods due to	C						

restrictions of the Forest Law							
4. RESTORATION AND RECLAMATION							
SOCIAL AND ENVIRONMENTAL BENEFITS	Relevant safeguard	Misiones rainforest	Yungas	Parque Chaqueño forest	Andean forest	Espinal	Monte
4.1. Restoration of areas affected by forest fires	E						
4.2. Reduce the vulnerability of forest-dependent communities to climate change	C, E						
4.3. Recover productive capacity and forest ecosystem services	E						
4.4. Develop sustainable forest management capabilities	B, F, G						
4.5. Integrate local communities into forest restoration plans and programmes	C, E						
4.6. Strengthen compliance with Law 26331	B						
SOCIAL AND ENVIRONMENTAL RISKS	Relevant safeguard	Misiones rainforest	Yungas	Parque Chaqueño forest	Andean forest	Espinal	Monte
4.7. Scarce human resources and lack of permanence or stability of trained technicians in management bodies	B						
4.8. No studies on measures for restoration and reclamation of native forests	B, E						
5. PREVENTION OF FOREST FIRES							
SOCIAL AND ENVIRONMENTAL BENEFITS	Relevant safeguard	Misiones rainforest	Yungas	Parque Chaqueño forest	Andean forest	Espinal	Monte
5.1. Protect the social, environmental and cultural heritage	B, E						
5.2. Improve sustainable forest management	E						
5.3. Integrate indigenous and local communities into fire reduction planning	C, D, E, F						
SOCIAL AND ENVIRONMENTAL RISKS	Relevant safeguard	Misiones rainforest	Yungas	Parque Chaqueño forest	Andean forest	Espinal	Monte
5.4. Uncontrolled use of fire as a management tool	F						
5.5. Fires caused by burning garbage or other waste in peri-urban areas or near houses	F						
5.6. Fires from natural causes (e.g. storms) worsened by the effects of climate change	F						

Another exercise for identifying social and environmental benefits and risks of the Forest Law implementation, was developed in 2015 within the FCPF Argentina project. In this case, MAYDS worked on identifying risks only related to non-permanence of emissions (also known as “reversal”) and a few mitigation strategies – some of which will be addressed during the implementation of the PANByCC and in this proposal for results-based payments:

Table17. Risks of reversal and potential mitigation measures

Type of Risk	Description	Mitigation strategies
Natural (extreme climate events)	Fires are a threat. Droughts and floods are also likely to happen, but less frequently.	<ul style="list-style-type: none"> - Strengthen the Fire Management and Control Plans of the jurisdictions; - Implement climate change adaptation strategies together with REDD+ interventions;

		- Strengthen the capacity to respond to extreme climate events
Governance	<p>The main risks include:</p> <ol style="list-style-type: none"> 1. Unforeseen impacts of policy interventions; 2. Policy changes that impact sustainable long-term financing of activities; 3. Weak government and social institutions to face new economic and social scenarios. 	<ul style="list-style-type: none"> - Detailed analysis and planning of regulatory instruments, anticipating behaviours in transition periods and attitudes towards speculative risks; - Strengthen financial and management structures; - Strengthen social participation and support for new policies; - Include policy commitments in legislation and State policy.
International demand and prices of commodities	<p>Increases in commodity prices or exchange rate fluctuations may lead to annulling decisions concerning protected areas. This risk is higher in the Province of Chaco, where deforestation prevails due to expansion of the soybean growing area.</p>	<ul style="list-style-type: none"> - Impacting international commodity prices through the actions of the Programme is difficult. However, good land use planning, sustainable land management, zoning and existing land use regulations, may be used to ensure production of commodities and reduce deforestation; - Efforts will be made to establish partnerships with organizations that promote sustainable production of commodities.

Source: FCPF Argentina. ER-PIN, version 2015, p. 49

As mentioned, the table above was prepared in 2015, during the results' period. The considerations therein also informed the preparation of the Funding Proposal Annex 5 on the analysis of risk of reversals and buffer estimation. The information and especially the mitigation measures identified therein, also informed the identification of activities to be implemented through the use of proceeds of the GCF RBP FP, for example on enhanced response to fire, strengthened participation processes, enhancing opportunities for local communities, strengthened governance and technical capacities at different levels, etc.

Below are some **conclusions** that can be drawn from the analysis of the different above-mentioned matrices:

- In general, the benefits and risks that were identified apply equally to all forest regions;
- More benefits and risks were identified activities related to OTBN, or territorial or land-use planning that seeks to avoid deforestation of native forests in risk areas that do not have plans funded by the Forest Law or other sources.

7.2 Risk management and implementation of policies to address and respect the safeguards

The Argentina government has developed and implemented extensive technical and participatory efforts to identify the measures needed, in order to address the risks and increase the benefits of implementing different elements of the Forest Law plans as well, in line with different safeguards frameworks. These efforts have also contributed to the development of the country's [Country Approach to REDD+ Safeguards and its Safeguard Information System](#) (preliminary version).

At the workshop to present Argentina's UN-REDD National Programme that was held in July 2015, proposals to specifically assess the risks and benefits of addressing and respecting the safeguards were developed. This participatory process to identify the risks and benefits continued over the following years with the Working Group on Safeguards and Social and Environmental Benefits, while the PANByCC was being designed and disseminated and, especially, while Argentina's **Country Approach to REDD+ Safeguards** was being developed, as indicated above in [Section 7.1](#). The result of the process is explained below.

7.2.1 Policies and measures adopted to manage risks and implement FAO safeguards

The Table below shows the legal framework to implement FAO's Environmental and Social Management Guidelines. The *Environmental and Social Screening Checklist Project* (E&S), and the indicators to assess compliance with environmental and social standards (ESS) are included in [Annex 1](#) and [Annex 2](#). This alignment review was conducted against the analysis of the risks and impacts of the different elements of the Forest Law that contributed to achieving the emissions reductions results during period 2014-2016.

Table 18. Assessment Matrix of FAO Environmental and Social Management Guidelines

Indicators	Alignment Review
ESS 1: <i>Natural resource management</i>	
Key objectives:	
<ul style="list-style-type: none"> - Promote direct action to enhance resource use efficiency; - Focus on ways to ensure the transition to sustainable practices. 	
<ul style="list-style-type: none"> ■ Management of soil and land resources. ■ Management of water resources and small dams (not applicable to this assessment) 	<p>Argentina has a robust legal framework for nature conservation and sustainable use of natural resources, in line with its federal system of government. The supreme law of the country is the Argentine National Constitution that recognizes the "right to a healthy environment" of all inhabitants and establishes the duty of the authorities to preserve the "natural and cultural heritage and biological diversity" (article 41).</p> <p>In Argentina's federal system of government, the provinces pre-exist the Nation and therefore they have ownership of the natural resources in their territory (cf. article 124, NC), amongst them, native forests. However, the federal government has authority to rule on "minimum environmental protection standards" (article 41, NC) that are set forth in standard legislation that is binding for the entire territory and establishes minimum levels of environmental protection that shall then be supplemented by applicable provincial laws. The minimum environmental protection standards establish the necessary conditions to guarantee the dynamics of ecological systems, maintain their carrying capacity and, in general, ensure environmental preservation and sustainable development" (article 6, Law No. 25675, National Environmental Policy). They help to establish mandatory tools, legal principles, objectives, etc., to ensure a minimum standard and homogeneity in key aspects of the country's environmental policy.</p> <p>For this federal system to be effective in environmental matters, spaces for dialogue, mainstreaming and interjurisdictional and intersectoral coordination are necessary. To this end, institutions such as those listed below were created:</p> <ul style="list-style-type: none"> - <i>Federal Council of the Environment (COFEMA)</i>: that is the foundation of the Federal Environmental System and was created to coordinate regional and national environmental strategies and management programmes; - <i>National Advisory Committee on the Use and Conservation of Biological Diversity (CONADIBIO)</i>: this Committee is chaired by the head of MAYDS and the National Biodiversity Directorate; its members

represent government agencies (among them 3 ministries), COFEMA, with one representative per region, as well as scientists, technicians, universities, indigenous peoples, NGOs and researchers. CONADIBIO is a space where multiple stakeholders who are directly or indirectly involved in biodiversity conservation, use and/or access, discuss and agree on policies;

- *Argentine Climate Change Cabinet* (GNCC) (Executive Order No. 891/2016, later formalized in Law 27520 O.B. 12/20/2019): a space to coordinate public policies on climate change that includes 17 ministries; the GNCC is chaired by the Chief of Cabinet Minister and the technical coordination is the responsibility of the Ministry of the Environment and Sustainable Development (MAyDS).

One of the most relevant laws on environmental protection in force during the Results Period is Law No. 25675/02 on *Minimum protection standards for sustainable and adequate environmental management, preservation and protection of biological diversity and implementation of sustainable development* (hereinafter “**General Law on the Environment**”) (O.G. of 28 November 2002) that establishes minimum standards for sustainable and appropriate management of the environment, preservation and protection of biological diversity and implementation of sustainable development. To this end, the Law establishes the basic principles of the national environmental policy that: upholds the precautionary and preventive principles; “the polluter pays” principle; recognizes the Ombudsperson, environmental NGOs and national, provincial or municipal governments as legitimate beneficiaries of compensation for damages to the environment; grants the right to public environmental information, citizen participation and public hearings; establishes the foundation for the Environmental Impact Assessment system for all public or private activities that may pose a risk to the environment; as well as other relevant principles and tools.

Another fundamental piece of environmental legislation is Law No. 26331 on *Minimum environmental protection standards for native forests* (“**Forest Law**”) that establishes minimum protection standards for the enrichment, restoration, conservation, use and sustainable management of native forests and the environmental services they provide to society. The main management instrument included in the Law is the obligation of jurisdictions to approve, by passing a Provincial law, the Territorial Planning of Native Forests (OTBN) in their territories and categorize the forests according to their conservation value in one of the following categories: Category I (red), very high conservation value that should not be transformed in perpetuity; Category II (yellow), medium value that may be degraded but that if restored may have a high conservation value; and Category III (green), low conservation value that may be partially or totally transformed but only after an environmental impact assessment. The conservation value of native forests in provincial OTBN is determined based on Environmental Sustainability Criteria (ESC), such as basin conservation potential and connectivity between forest regions, as well as others that denote the more general environmental protection goal of the law, which is not limited only to forests (see figure below).

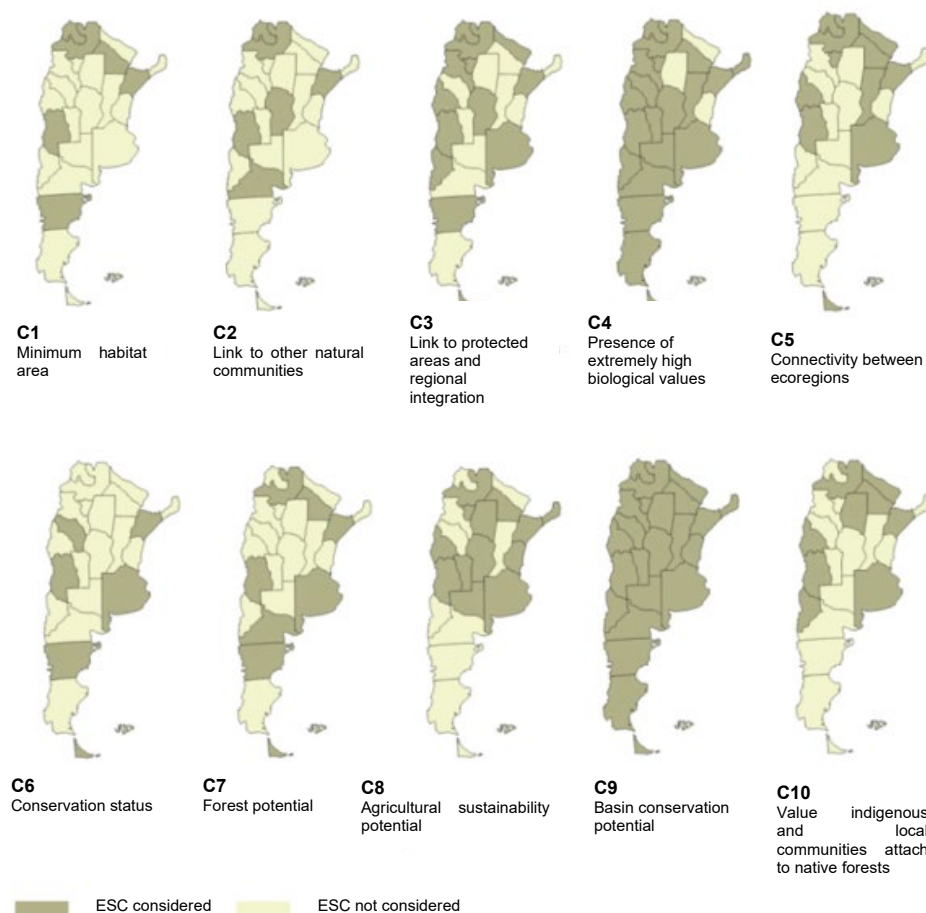


Figure 10. Analysis of Environmental Sustainability Criteria (ESC) included in the Annex to the Forest Law for the first OTBN in each jurisdiction.

Source: MAdS. 2017. Law No. 26331 on Minimum Environmental Protection Standards for Native Forests: Implementation status report 2010-2016, p. 12

The Forest Law also includes general environmental policy goals such as “to improve and maintain ecological processes occurring in forests” and “to give prevalence to the precautionary and preventive principles” (article 3). The following are some of the native forests’ environmental services that the Law seeks to preserve and strengthen: water regulation, biodiversity conservation, soil and water quality, GHG fixation, contribution to diversification and the beauty of landscapes, and defense of cultural identity (article 5).

The Forest Law was a milestone in the country’s environmental policy, and was one of the main factors that has significantly influenced the results in emissions reductions achieved. By the results period, all OTBN were approved, which means that for the first time all of the forests in each jurisdiction were mapped and assigned a legal category for protection, according to the legal procedures established, ensuring the protection of forests’ conservation values and the compatibility of the different provincial categorization. Before the Forest Law and the OTBN, there were no laws regulating forest ecosystems. In addition, by 2016 the DNB (MAdS) had received documents for 12 OTBNs updates (from Catamarca, Chubut, Cordoba, Jujuy, La Pampa, Mendoza, Neuquén, Río Negro, Salta, San Juan, Santa Cruz and Santiago del Estero). OTBN processes are dynamic and their updates constitute an opportunity to carry out a comprehensive review of the corresponding regulations, adjust the native forest zoning at the provincial level and review the valuation and weighing of the ten Forest Law environmental and social criteria, and

	<p>mapping.</p> <p>As mentioned previously, as compliance with the Forest Law, and the minimum standards contained therein is mandatory, and there is a specific article (article 6 of the Forest Law) related to the adaptation of provincial regulations to the national Law, OTBN and other provincial regulations are developed in consistency with the national legislation. In addition, COFEMA, through approving specific framework resolutions on various instruments related to the implementation of the Forest Law, has also contributed to the legal consistency between the national and provincial law.</p> <p style="text-align: center;">-----</p> <p>The tools, instruments and activities in place to achieve ER in the result period had the objective of enhancing natural resources management. However potential risks of inadvertent negative impacts on natural resources were:</p> <p>(R.1.5) Institutional decoupling between provinces and municipalities, and between different institutions responsible for territorial development policies in the same jurisdiction; (R.1.6) Conflicting infrastructure development plans in territories where ownership is not defined or in disputed areas: As described in the paragraphs above, the country had instruments in place to mitigate these risk, especially through COFEMA and other interjurisdictional and intersectoral decision making and coordination platforms. The important participatory approach of the Forest Law also contributed to the mitigation of these risks.</p> <p>(R.1.8) Inter-provincial displacement of drivers of deforestation due to the implementation of the Forest Law: The main cause for loss of native forest coverage in the regions included in the FREL (and in the period of results) is the advancement of the agricultural frontier. However, the same modality and commodity occurring in one forest region usually does not occur in other forest regions, because of their different climate conditions and agricultural potential. Additionally, each province developed and approved the specific OTBN, under the same ten criteria of the Forest Law that apply to all the provinces, reducing the risk of “importing” deforestation from a different forest region. Lastly the NFMS includes all forest regions in the country and preliminary data for 2018 indicates that only 1.7% of native forest coverage loss occurred in the forest regions of the Andean-Patagonian Forest and Argentine Monte (not included in the FREL).</p> <p>(R.4.7) Scarce human resources and lack of permanence or stability of trained technicians in management bodies: the process and Fund of the Forest Law also entailed (and carry on entailing) strengthening capacities of ALAs, among others.</p>
ESS 2: Biodiversity, ecosystems and natural habitats	
<p><u>Key objectives:</u></p> <ul style="list-style-type: none"> - Avoid agricultural, livestock, fisheries, aquaculture and forestry practices that could have adverse impacts on biodiversity, ecosystems, ecosystem habitats or critical habitats; - Sustainably manage the ecosystems in order to maintain the services and benefits they provide; - Ensure that exchange of genetic resources conforms to access and benefit-sharing measures in force in the country(ies) involved. 	
<ul style="list-style-type: none"> ▪ Protected areas, buffer zones or natural habitats. ▪ Biodiversity 	<p>The regulatory framework for protected areas and biodiversity mainly includes Law No. 22351 on National Parks (O.G. of 12 December 1980), Law No. 25675 on Minimum protection standards for sustainable and adequate environmental management, preservation and protection of biological diversity and implementation of sustainable development (O.G. of 28 November 2002), MAYDS Resolution No. 91/2003: National Biodiversity Strategy (O.G. of 24 February 2003), and international instruments ratified by Argentina, such as the Convention on Biological Diversity (CBD), of 1992 (Law No. 24375, O.G. of 03 October</p>

conservation

- Use of alien species or non-native species (not applicable)
- Access to and benefit-sharing from genetic resources (not applicable)
- Living natural resources (not applicable)

1994) and the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from the Utilization of Genetic Resources of the Convention on Biological Diversity, of 2010 (Law No. 27246, O.G. of 06 January 2017).

In Argentina, the creation of **protected natural areas** is the most commonly used conservation strategy. The Federal System of Protected Areas (SiFAP), that is managed by MArDS, the National Parks Administration (APN) and provincial environment authorities (through COFEMA), keeps a register of protected natural areas in the country. In 2016 there was a total of 437 protected natural areas of which, at the time, the National Parks Administration managed 47 that were under national jurisdiction and totaled 4,500,000 Ha. Of these, 35% were biosphere reserves extending over of 115,937 km² (see Table below). Since the 1990's, protected natural areas for which the APN is responsible have increased consistently both in number and protected surface area (MArDS, 2016).

Table19. Protected natural areas

IUCN Conservation Categories		Number of protected natural areas
I	Strict nature reserve	42
II	National/provincial park	84
III	Natural monument	22
IV	Habitat/species management area	37
V	Protected landscape	15
VI	Managed resource area	209
Mixed area		17
No information available		11

Source: MArDS, 2016

One of the main goals of protected natural areas is to preserve national biodiversity and provide an adequate environment for scientific research and a recreational area for visitors. In 2016, close to 12,000 species were identified in protected natural areas for which APN is responsible.

The following tools are available:

- [Environmental Spatial Data Infrastructure](#) (Environmental SDI) (MArDS): georeferenced information generated by different MArDS departments. Maps of protected areas and forests in different eco-regions, among others, are publicly available;
- [Biodiversity Information System](#) (BIS): collects, organizes and disseminates information on biodiversity in protected areas in its jurisdiction, with the desire to extend it and include the rest of the country.

The **Forest Law** also contributes in different ways to preserve and improve biodiversity, as well as strengthen the national system of protected areas. The Environmental Sustainability Criteria (ESC) to determine the value of conservation interest of native forests in provincial OTBN include indicators such as: C3. *Connection with protected natural areas and regional integration* and C4. *Presence of outstanding biological value* (see 10).

	<p>As mentioned in the RBP proposal, the Forest Law, together with other contributing factors as per section 3, was able to reduce the annual deforestation area from 485 000ha in 2007 to less than 156 000 ha in 2016. Additionally, native forest area reported by the jurisdictions currently totals 53 589 728 ha, and these plans and projects received a compensation of ARS 1,371,597,990.</p> <p>It must be noted that Forest Law, as well as General Law on the Environment, state minimum standards for environmental protection that must be supplemented by the provinces, according to Article 124 of National Constitution, which states that the provinces hold the original ownership of natural resources in their territories.</p> <p>As mentioned previously, plans within the OTBN are established within each provincial regulation. In the Registry of Plans, the provinces communicate the authorized Land Use Change Plans following certain processes which include public hearings and EIA (provincial regulation establishes details such as minimum area of plans which requires public hearings). LUCPs are then checked against monitoring results, during which MAYDS analyses whether the LUCPs approved in green category are registered and notifies the provinces if this is not the case, or if there is evidence of deforestation in other categories, in order to implement the necessary measures and ensure the monitoring, evaluation and regulation of LUCPs.</p> <p>Once the OTBN are established, the lack of respect of such land-use planning would lead to sanctions established by the provinces. By 2017, six provinces (Catamarca, Chubut, Córdoba, La Pampa, Neuquén and Salta) uploaded information to the National Registry of Offenders of Law 26,331. During the 2014-2016 period, the province of Córdoba had the most registered infractions (161 fines in 2014, 43 in 2015 and 14 in 2016). The fines values ranged from AR \$ 900 to 179,595 (AGN, 2017). Efforts are being made to improve its loading, systematization and standardization of data at the national level through the SIIF.</p> <p>It is worth mentioning, that the emissions reductions from avoided deforestation related to the RBPs proposal covers four forest regions: <i>Parque Chaqueño</i>, Tucuman-Bolivian Rainforest (<i>Yungas</i>), Misiones Rainforest (<i>Paranaense</i> Rainforest) and <i>Espinal</i>. These forest regions represent the majority of the Argentine territory covered by native forests in the country²². Also, they represent the area where the greatest historical forest cover loss has occurred, and therefore where most of national initiatives for the management and conservation of native forest are focused. With regard to the regions that are not included, there is currently new information on the Andean-Patagonian Forest and Argentine Monte forest regions, and work is ongoing to improve information for the Parana Delta and Islands forest region. However, it is worth mentioning that Native forest loss in 2018 in Argentine Monte region represented 1,6% of total deforestation in the country, and native forest loss in Andean Patagonian Forest region represented 0,1% of the total.</p> <p>The tools, instruments and activities in place to achieve ER in the result period had the objective of enhancing ecosystem services and protecting biodiversity. However potential risks of inadvertent negative impacts are presented in the following list – with related mitigation measures :</p> <ul style="list-style-type: none"> - (R.2.11) Conversion of natural ecosystems to obtain benefits from the law: Art. 2 of the Forest Law clearly states that it refers to native forest (primary and secondary), being those formed without human interventions. Also, the law does not entail any compensation, nor it allows for, conversion of other natural ecosystems into forests. <p>(R.2.8) Risk of forest overexploitation due to misapplication of incentives for non-sustainable activities: the forest law set in place environmental standards mitigate the risk of overexploitation (Section 3 and Annex 4 of this document for further information. Management and conservation plans must ensure that native forest are not replaced, that the interventions are moderate enough that the forest continues to maintain</p>
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²² <https://www.argentina.gob.ar/ambiente/tierra/bosques-suelos/primer-inventario-nacional-bosques-nativos>

	<p>the conservation attributes. Thus, the ALA approved CP/MP only in those cases they meet all the requirements and the minimum contents described in Annex 4 of this document.</p> <ul style="list-style-type: none"> - (R.2.10) Poor oversight of illegal logging and timber movements: the implementation of the Forest Law during the Results Period ARS202,350,681.00 were allocated to the provinces to develop and maintain a monitoring network and native forest information system at a sub-national level, thus strengthening the monitoring mechanisms to prevent and sanction illegal activities against forest (AGN, 2019) (See Table 22 for further information about the funds allocated to provinces). - (R.5.4) Uncontrolled use of fire as a management tool; (R.2.10) Fires caused by burning garbage or other waste in peri-urban areas or near houses; and (R.2.10) Fires from natural causes (e.g. storms) worsened by the effects of climate change: funds allocated by the Forest Law Fund during the Results Period also contributed to strengthen the monitoring mechanisms to prevent forest-fires. For further information on this regards see Safeguard F in section 8.2.2. Policies to address and respect the Cancun Guidelines in the period 2014-2016.
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ESS 3: Plant genetic resources for food and agriculture (PGRFA)

Key objectives:

- Prevent actions resulting in the loss of PGRFA diversity by promoting their effective conservation (*in situ* and *ex situ*);
- Safeguard actions against resulting in unintended environmental and social consequences;
- Promote sustainable crop improvements and enhanced productivity;
- Ensure that the transfer of PGRFA conforms with the measures relating to access and benefit sharing, intellectual property rights and farmers' rights which are in force in the country(ies) involved.

<ul style="list-style-type: none"> ▪ Introduction of new crops and varieties (not applicable) ▪ Provision of seeds and planting materials (not applicable) ▪ Modern biotechnologies and the deployment of their products in crop production ▪ Planted forests 	<p>As indicated in section 3.3. the efforts to reduce emissions, which led to ERs in the 2014 -2016 period, did not entail change in land use or expansion of forests; the results presented are for ERs not for increases in carbon stock).</p> <p>Furthermore, Forest Law plans must include the following:</p> <ul style="list-style-type: none"> • Sworn declaration by the person responsible for the environmental impacts foreseen in the plan to facilitate the analysis by the ALA, who will determine the need to carry out, or not, an environmental impact study (EIA). In the event that environmental risks do not warrant an EIA, preventive and corrective measures for any actions that risk altering the ecosystem will be included in the management plan. • Prescription of environmental protection techniques and measures necessary to preserve the natural resources involved. • The provincial regulations stipulate which areas require EIA, i.e., this varies between each province. <p>Therefore, this environmental and social standard (ESS 3) does not to apply to the social and environmental assessment for the period 2014-2016</p>
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ESS 4: Animal, livestock and aquatic genetic resources for food and agriculture

Key objectives:

- Promote sustainable management of animal and aquatic genetic resources;
- Prevent loss of valuable livestock and aquatic genetic diversity;
- Safeguard against actions resulting in unintended environmental and social consequences.

Relevant risks and impacts related to the implementation of the Forest Law during the results period:

- Not applicable

<ul style="list-style-type: none"> ▪ Introduction of breeds into new production environments. 	<p>The Forest Law does not include forestation or reforestation actions with new species, only native forest management. The implementation of the Forest Law, including integrated livestock and forest management (MBGI, in its Spanish acronym) in line with environmental safeguards criteria, respects the diversity of genetic resources in the country and does not promote the introduction of new animal or plant species.</p>
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<ul style="list-style-type: none"> ▪ Change in the production system of locally adapted breeds ▪ Introduction of new species. ▪ Collection of wild genetic resources for farming systems. ▪ Modification of habitat. 	<p>In addition, within the Forest Law, risks related to this standard are considered at the time of carrying out the analysis of the social and environmental sustainability criteria for the development of the OTBN itself, and at the time of the presentation of the management/conservation plan, where the ALA evaluates the proposed activities and defines whether or not an EIA is necessary.</p> <p>For further information please see Annex 3.</p>
ESS 5: Pests and pesticides management	
<p><u>Key objectives:</u></p> <ul style="list-style-type: none"> - Promote Integrated Pest Management (IPM), reduce reliance on pesticides and avoid adverse impacts from pesticide use on health and safety of farming communities, consumers and the environment. 	
<p>Relevant risks and impacts related to the implementation of the Forest Law during the results period:</p> <ul style="list-style-type: none"> • Not applicable 	
<ul style="list-style-type: none"> ▪ Pest management plan ▪ Selection of pesticides ▪ Supply of pesticides by FAO ▪ Disposal responsibility 	<p>This standard is not relevant for activities carried out during the results period which helped lead to the ERs. With regard to this standard, it is important to note the following:</p> <ul style="list-style-type: none"> ○ The Forest Law is aimed at protecting native forest and identifies forest areas with conservation value within the corresponding OTBNs. In this way, the Forest Law does not encourage alteration of natural ecosystems, and do not promote reforestation activities (i.e. forest plantations); ○ The Forest Law promotes economic incentives for conservation and sustainable management of forests through Management plans (MP) and Conservation plans (CP). COFEMA, in order to promote the Forest Law objectives and maintain its environmental integrity, established a number of management guidelines to regulate the minimum contents of such MP and CP (COFEMA Resolution 277/14). This resolution indicates that the objectives and proposals included in the MPs should ensure the following: that the forest is not replaced; that the interventions are moderate enough so the forest continues to maintain at least the minimum conservation attributes of the category under which it has been classified; and, in the case of interventions intensely affecting conservation attributes, that the system can recover (either naturally or artificially) and that said recovery is technically based on MPs. Additionally, local enforcement authorities must make sure the plans include admissible activities for the indicated modality, excluding those activities that do not contribute to the plan's objectives or that have an unfavorable or significant impact on the native ecosystem (art. 22). Further, such resolution establishes that the plan's approval procedures must at least envisage the obligations imposed by the Law and its Decree concerning the environmental impact of the proposed activities; ○ In addition to the point above, with regard to the activities to be carried out under the MBGI modality, COFEMA Resolution No. 277/14 establishes that such plans must be developed in accordance with three sustainability principles: a) The productive capacity of the ecosystem must be maintained or improved; b) The integrity of the ecosystem and its ecosystem services must be maintained or improved; c) The well-being of the communities associated with its use must be maintained or improved; ○ In line with the environmental safeguards criteria, the implementation of the Forest Law, including integrated livestock and forest management (MBGI), does not promote the use of pesticides. <p>At the provincial level, there are controls regarding health and safety aspects in management plans, where,</p>

	<p>for example, the availability of fuels and agrochemicals is checked, although these controls are highly variable by province.</p> <p>Furthermore, OTBN plans must include the following:</p> <ul style="list-style-type: none"> • Sworn declaration by the person responsible for the environmental impacts foreseen in the plan to facilitate the analysis by the ALA, who will determine the need to carry out an environmental impact assessment (EIA). In the event that environmental risks do not warrant an EIA, preventive and corrective measures for any actions that risk altering the ecosystem will be included in the management plan. • Prescription of environmental protection techniques and measures necessary to preserve the natural resources involved. <p>The provincial regulations stipulate which areas require EIA, i.e., this varies between each province.</p> <p>For further information please refer to Annex 3.</p>
ESS 6: Involuntary displacement and resettlement	
<p><u>Key objectives:</u></p> <ul style="list-style-type: none"> - Prohibit forced eviction; - Avoid, and where avoidance is not possible, minimize adverse social and economic impact of restrictions on land or resource use, or acquisition of land and resources; - Enhance, or at least restore, the livelihood of all physically or economically displaced persons, improving and restoring their production assets and land tenure certainty; 	
<ul style="list-style-type: none"> ▪ Prohibit forced eviction. ▪ Avoid and minimize physical and economic displacement. ▪ Develop plans for physical or economic displacement. 	<p>Law No. 26160 on land survey of indigenous communities, which initially expired in 2010 and was extended until November 2021, declares a housing emergency for indigenous communities throughout the country and regulates the stay of execution of judgments and procedural or administrative acts involving eviction or vacation of lands traditionally occupied by indigenous communities (see further information of analysis of ESS 9 below).</p> <p>The Forest Law, just like all tools and initiatives mentioned in section 3.3. that contributed to achieving results, does not include any measure or objective which could result in forced displacement of persons, settlements or land use change; on the contrary – there are specific safeguards to promote sustainable rural development and the well-being of forest-dependent communities and indigenous peoples, through enhanced forest management and conservation. This instrument, as well as the proposed use of proceeds from the RBP proposal, actually seek to strengthen the “<i>arraigo</i>” of the communities, decreasing forced-migration of communities and of indigenous peoples towards areas of the country for income. Clearing is only permitted in forests of low conservation interest (green) although even in these cases a prior Environmental Impact Assessment is required to assess and avoid damage to the environment or society. The Law also establishes that the OTBN shall be a participatory process and that “all native forest clearing or sustainable management project involving native forests” shall respect the rights of the indigenous peoples (article 19).</p> <p>In addition to the positive impacts foreseen by the Forest Law on communities referred in the paragraph above, it is important to note the safeguard stated in article 2 of the Forest Law. This includes an exception of the application of the Law in indigenous peoples’ or small producers’ plots smaller than ten (10) hectares. Additionally, as explained under section 5 (iii), OTBNs (one of the main instruments of the Forest Law) are elaborated and updated following participatory processes, with special consideration and tools for the inclusion of indigenous peoples within the decision-making process. Such provisions related to participation are among the main tools for avoiding conflicts related to displacement due to implementation of the Forest Law.</p> <p>Article 8 of Annex I of COFEMA Resolution 277/2014 establishes that the beneficiaries of the FNECBN Budget Allocation will be the holders and those natural or legal persons that the province guarantees are in possession of the land and in a position to execute a management or conservation plan on the native forest. They need to present and have approved by means of an administrative act of the ALA, a management plan</p>

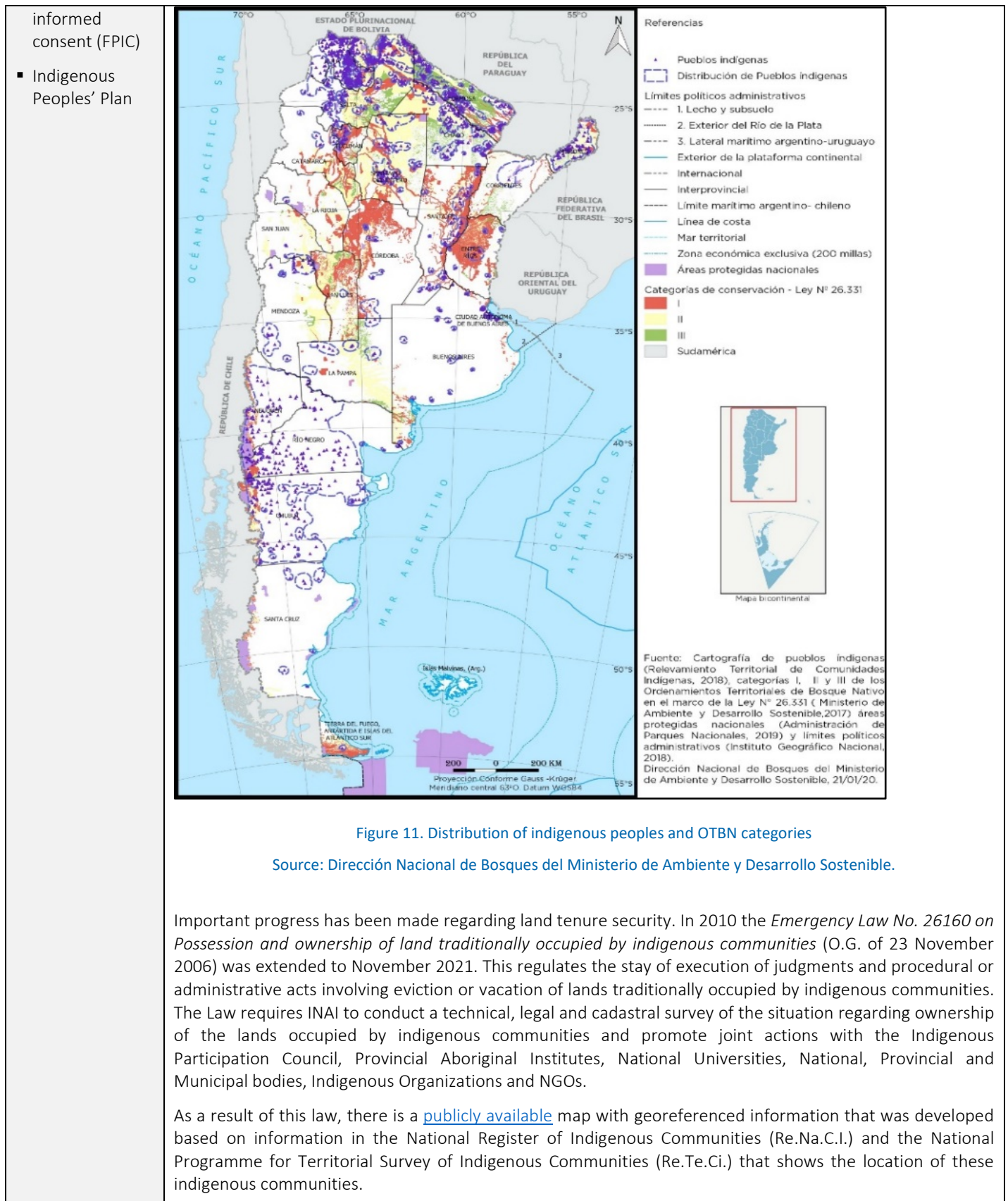
	<p>or conservation plan. The plans may be presented in the form of "Grouped Beneficiaries", intended for small producers, peasant and indigenous communities who, due to scale issues, the small area of intervention, not having the necessary financial or administrative capacities or having an unclear title makes it difficult for them to present plans in the traditional way. In the event that the beneficiary is the province, approval will also be made through an administrative act of the ALA.</p> <p>In line with the social inclusion objectives set out in the Forest Law, it is understood that the term "holders" can refer to:</p> <ul style="list-style-type: none"> - Holders of rights of use, enjoyment or disposal. -Communities of Peasants, Indigenous peoples, Small Producers and all other owners of the lands. -Holders of the land with the express consent of the owner -Indigenous communities that reliably certify current, traditional and public possession of the land. <p>A risk was identified as (R.3.8) Impacts on indigenous peoples' livelihood due to restrictions of the Forest Law. This risk is addressed by the above mentioned considerations and by the art. 2 of the Forest Law.</p>
ESS 7: Decent work	
<p><u>Key objectives:</u></p> <ul style="list-style-type: none"> - Promote direct actions to foster decent rural employment; - Promote fair treatment, non-discrimination and equal opportunity for all workers; - Protect and support workers, particularly disadvantaged and/or vulnerable categories of workers; - Promote the application of international labour standards in the rural economy; - Promote the application of international labour standards in the rural economy, including the prevention and elimination of child labour in agriculture. 	
	<p>It should be noted that Argentina has a robust legal framework for labour law, including the National Constitution that recognizes decent and fair working conditions; a maximum number of working hours; rest and paid leave; fair pay and sliding scale minimum wages, among others (article 14 bis). Argentina also has specific legislation applicable to rural areas, such as Law No. 26727 that establishes a Rural Work Scheme with special conditions for rural workers. This legal framework applies to all areas of work in Argentina, including in the implementation of the Forest Law plans and in the other</p> <p>On the other hand, the intervention measures and actions that contributed to the achievement of the ER may contribute indirectly to meeting the requirements of this safeguard, including:</p> <ul style="list-style-type: none"> - A2.4. Create employment opportunities to discourage migration to urban areas; - A7.2. Promote territorial development and application of comprehensive productive models including forestry, agriculture, livestock, tourism activities and other many uses of forests, whilst maintaining the ecological functions and ecosystem services in a sustainable manner. <p>And to mitigate the risk (R.3.6) Not finding production alternatives that create employment in the forest, or that may lead to claims from communities, or migration, or unequal effects for women.</p> <p>The activities described which generated ERs during the results period relate to the implementation of national and provincial public policy, as described above in relation to the Forest Law. Within this context, adequate labour laws were in place during this period at national and provincial levels; however, it was outside of the scope of the Forest Law to monitor compliance with the country's labour laws.</p> <p>Furthermore, as mentioned in section 1 of this document and in section B.2.2 (viii) of FP, the total volume of ER achieved derives from several concurrent variables besides Forest Law, such as other complementary regulations (regulatory decrees, provincial laws and COFEMA resolutions), fluctuation in the price of commodities in the international market, land value and social mobilization, among others. For those reasons it is no possible to make a direct correlation between the implementation of a single Forest Law plan (forest management plan or conservation plan) and the achievement of the ER result.</p>

ESS 8: Gender equality	
<p>Key objectives:</p> <ul style="list-style-type: none"> - Provide equal access to, and control over productive resources, services and markets; - Strengthen the participation of women and men in decision-making in rural institutions and policy processes; - Ensure that all stakeholders benefit equally from development interventions and that inequality is not reinforced or perpetuated. 	
<ul style="list-style-type: none"> ■ Combating discriminatory practices. ■ Equal opportunities for men and women to participate and benefit. 	<p>As a result of significant social mobilization in the country, public policies are including an increasing number of mechanisms to promote gender equality. Among them, it is worth highlighting the following:</p> <ul style="list-style-type: none"> ○ Law No. 26485 on the <i>Full protection to prevent, punish and eradicate violence against women in their interpersonal relationships</i> (O.G. of 14 April 2009): one of its goals is to “eliminate discrimination between women and men in all walks of life” so as to ensure the rights recognized in international conventions on this matter ratified by Argentina; ○ Law No. 27118 on <i>Family Agriculture</i> (O.G. of 28 January 2015): one of its goals is to contribute to eliminating divides and gender stereotypes, ensure equal access for men and women to the rights and benefits provided for in this law, tailoring actions and implementing specific public policies that favour women and strengthen upward social mobility in family, peasant and indigenous agriculture, with special attention to the conditions and needs of women (article 4.c) ○ Law No. 27499 on <i>Compulsory Training in Gender Issues for all National Officials working in the Three Branches of the State</i> (O.G. of 10 January 2019): it establishes the Permanent National Programme for Institutional Training in Gender Issues and Violence against Women, with the goal of “educating and creating awareness” among all public officials working at all State levels. ○ Creation of the Ministry for Women’s Affairs, Genders and Diversity of Argentina (O.G. of 10 December 2019) <p>In addition to the Laws mentioned above, MAYDS has carried out gender integration efforts specifically for REDD+ since 2015 (UN-REDD NP, 2015, p.4) including strengthening of capabilities, creating awareness among key stakeholders and strengthening human resources. With the support of UN-REDD NP, progress has been made in developing the <i>Methodological Guidelines to Mainstream the Gender Perspective in Forest Management and Climate Change</i>. In this regard, Chapter 5, “Next steps”, of the PANByCC includes working on the gender approach as a priority for the next review of the Plan. See Section 4.1.2. Gender approach. For more information see the gender assessment and related Plan of Action.</p> <p>It is worth mentioning that in 2016, INAI was supporting the empowerment of indigenous women through the project Awareness-raising and Promotion of Gender Issues in Indigenous Communities. The following are the provinces in which actions related to this theme were implemented:</p> <ul style="list-style-type: none"> - Chubut Province: Holding the Roundtable for Gender Equity in Rural Development. 150 attendees, October 15, 2016. - Province of Buenos Aires: Meeting of Women from three communities of the Buenos Aires suburbs (La Plata, Derqui, Berisso), in coordination with the Provincial Council of Women and the Secretariat of Human Rights of the Province of Buenos Aires, 12 and 19 November 2016. - Province of San Juan: Meeting of Indigenous Women in three communities. 150 attendees, October 30, 2016. - Province of Santa Fe: Meeting with 24 indigenous women from four communities. Rosario, November 8, 2016. - Province of Tucumán: The role of Women in the productive processes of the Indigenous Community. El Mollar: November 30, 2016. <p>Moreover, INAI has promoted projects related to indigenous peoples’ access to education. The program for indigenous communities “Intercultural Facilitators”, showed a predominant presence of indigenous women, representing 54% of the 247 facilitators. Likewise, in 2016, in coordination with the National Programme of</p>

	<p>University Scholarships and the Bicentennial financed by the Ministry of Education and Sports of the Nation, INAI assigned a total of 167 scholarships to students from indigenous communities, from which women represented 61%.²³</p> <p>The implementation of the Forest law plans and activities that supported the achievement of the ER contributed to the mitigation of the following risk (R.3.6) Not finding production alternatives that create employment in the forest, or that may lead to claims from communities, or migration, or unequal effects for women.</p>
ESS 9: Indigenous peoples and cultural heritage	
<p>Key objectives:</p> <ul style="list-style-type: none"> - Ensure that the UN Declaration on the Rights of Indigenous Peoples is respected in all FAO projects and programmes; - Promote the right to self-determination and development with identity of indigenous peoples (right to decide the type of development that takes place among their people and on their lands and territories, in accordance with their priorities and conceptions of well-being); - Guarantee the application of the principle of free, prior and informed consent (FPIC) of indigenous people affected by the project; - Recognize, respect and preserve the rights, lands, natural resources, territories, livelihoods, knowledge, social fabric, traditions, governance systems of indigenous peoples; - Protect the cultural heritage and avoid its alteration, damage or removal. 	
<p>Relevant risks and impacts related to the implementation of the Forest Law during the results period:</p> <ul style="list-style-type: none"> • (R.3.6) Not finding production alternatives that create employment in the forest, or that may lead to claims from communities, or migration, or unequal effects for women. • (R.3.7) Reluctance of decision-makers, native forest owners, farmers, etc., to adopt new production or sustainable forest management models. 	
<ul style="list-style-type: none"> ▪ Identification of the rights of indigenous peoples over land, territories and natural resources. ▪ Prior assessment of the impact on indigenous peoples Free, prior and 	<p>According to the 2010 Census of Indigenous Peoples, at the time there were 955,032 persons (2.38% of the total population) that recognized themselves as belonging to, or being descendants of one of the 31 indigenous peoples of the country²⁴. Of this indigenous population, the Mapuche in Patagonia; the Kolla in Jujuy and Salta and the Wichí people in Chaco, Formosa and Salta have the largest populations, accounting for 53% of the total population of indigenous peoples in Argentina. The map below indicates the distributions of indigenous peoples along the country, and their link with the Territorial Planning of Native Forests (OTBN) categories.</p>

²³ [Argentina Response](#) at the United Nations Permanent Forum on Indigenous Issues (UNPFII), 2017

²⁴ The indigenous peoples registered in the 2010 Census include: Atacama, Ava Guaraní, Aymara, Chané, Charrúa, Chorote, Chulupi, Comechingón, Diaguita-Calchaquí, Guaraní, Huarpe, Kolla, Lule, Maimará, Mapuche, Mbyá Guaraní, Mocoví, Omaguaca, Ona, Pampa, Pilagá, Quechua, Rankulche, Sanavirón, Tapiete, Tehuelche, Toba (Qom), Tonocote, Tupí Guaraní, Vilela, Wichí, among others (AGN. 2017. Implementation of ILO Convention 169 on Indigenous and Tribal Peoples in Independent Countries. Period audited: 2010 – 2015)



	<p>The relevant regulatory framework on the rights of indigenous peoples in the country during the Results Period is listed below:</p> <p><i>International law</i></p> <ul style="list-style-type: none"> ○ ILO Convention 169 on Indigenous and Tribal Peoples in Independent Countries of 1989 (Law No. 24071; O.G of 07 April 1992): recognizes the right of indigenous peoples to “maintain, control, protect and develop their cultural heritage” and “their traditional knowledge (...)” (article 31). It recognizes a number consultation rights for indigenous’ people, and the governments duty to “consult the peoples concerned, through appropriate procedures and in particular through their representative institutions, whenever consideration is being given to legislative or administrative measures which may affect them directly”(art. 6). Additionally, it establishes the peoples’ right to free and informed consent in situations related to relocation from the lands which they occupy (art. 16). ○ Convention on Biological Diversity of 1992 (CBD) (Law No. 24375, O.G. of 03 October 1994): Argentina commits to respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant to the conservation and sustainable use of biological diversity; ○ United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) 2007. Argentina voted in favor of the UNDRIP in 2007. The UNDRIP delineates and defines the individual and collective rights of indigenous peoples, including their property rights to cultural and ceremonial expression, identity, language, employment, health, education, and other subjects. The objective of the declaration is to encourage countries to work alongside indigenous peoples to solve global issues, such as development, multicultural democracy and decentralization. ○ 2030 Agenda of 2015: SDG 2 “Zero Hunger”, SDG 10 “Reduced Inequalities”, SDG 4 “Quality Education” and SDG 16 “Peace and Justice for All” are goals that are closely related to improving the conditions of the most vulnerable sectors, among which are the indigenous peoples. <p><i>Domestic law</i></p> <ul style="list-style-type: none"> ○ Argentine National Constitution: recognizes the ethnic and cultural pre-existence of indigenous peoples: ○ Law No. 23302 on Indigenous Policy and Support to Aboriginal Communities (O.G. of 08 November 1985): defines indigenous peoples as “groups of families that recognize themselves as such because they are descendants of peoples that inhabited the national territory at the time of the conquest or colonization; and defines natives or indians as the members of said community” (article 2); the Law also creates INAI (article 5); ○ Executive Order No. 91/2009 on the implementation of the Forest Law (O.G. of 16 February 2009): defines “peasant communities” as “communities that have their own cultural identity, that are settled in a native forest or its surrounding area, that till the land, keep animals, and have a diversified production system for family consumption or subsistence trade”. Additionally, for purposes of the Forest Law, their legal status is similar to that of indigenous communities (article 2.e); ○ Law No. 27118 on Family Agriculture (O.G. of 28 January 2015): seeks to ensure preservation, development and dissemination of practices and technologies that are typical of family, peasant and indigenous agriculture to strengthen cultural identity, transfer of knowledge and restore good farming practices (article 24). <p>It should be noted that the Argentine legal framework does not define “local communities” with the scope of the UNFCCC Cancun Agreements (COP 16) though it does include other related notions such as “peasant</p>
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communities”, “native communities” and “family farmers”, among others, which may be applied by analogy. Furthermore, Executive Order No. 91/2009 regulating the Forest Law (O.G. of 16 February 2009) defines “peasant communities” as “communities that have their own cultural identity, are settled in a native forest or its surrounding area, till the land, keep animals, and have a diversified production system for family consumption or subsistence trade”. The cultural identity of peasants is linked to the community’s traditional use of the land and means of production” and it should be noted that, for purposes of the Forest Law, the legal status of peasant communities is similar to that of indigenous communities (article 2.e). Thus, and for purposes of this report, all these different types of “communities” shall be jointly and without distinction referred to as communities that live in a forest and/or are forest-dependent.

Argentina is also a Party to ILO Convention 169 on Indigenous and Tribal Peoples in Independent Countries (Law No. 24071) that states: “indigenous peoples have the right to participate in the adoption of decisions on matters that affect their rights” (article 18) and governments shall consult them using appropriate procedures when legislative or administrative measures may affect them (article 6).

Significant progress has been made in this matter, including the establishment of institutions in which indigenous peoples participate, such as the National Indigenous Affairs Institute (INAI) and the Council on Indigenous Participation (CPI).

The role of the following institutions in the recognition and respect of the rights of indigenous peoples should be noted:

- The [National Indigenous Affairs Institute](#) (INAI), created in 1985, is the enforcement authority for Law No. 23302 on Indigenous Policy and Support to Indigenous Communities. It is important to point out that INAI’s staff includes representatives of indigenous peoples. INAI’s overall objectives are related to tenure rights, education and health plans for the benefit of indigenous communities (art. 6), therefore it is in charge of a number of activities particularly relevant for respecting indigenous peoples and communities’ rights. The **Council on Indigenous Participation** (CPI) that was created in 2004 is a part of the existing National Indigenous Participation System, and its members represent indigenous peoples that live in the provinces. The CPI is within the remit of INAI and is the authorized body that speaks to the State in representation of indigenous peoples. The CPI was established to address “the imperative need for participation of representatives of indigenous peoples” (INAI Resolution No. 152/2004), especially “for consultation and participation of indigenous peoples in matters of public policies that affect them, particularly the land survey” (Sterpin, 2017). In 2005, the representatives that participated in the first Council were elected at several meetings that were organized with communities and villages in the provinces. Additionally, some members of the Council established a Coordination Group in 2006 in order to meet more frequently and follow-up on the matters addressed;
- National Registry of Indigenous Communities (Re.Na.CI): With National Law No. 23,302, on Indigenous Policy and Support for Aboriginal Communities, and its Regulatory Decree No. 155/89, the National Institute of Indigenous Affairs is created, in which operates the National Registry of Indigenous Communities (RE.NA.CI). The objectives of this Registry are: To promote the registration of Indigenous Communities and assist them in carrying out the procedures; keep the list of registered and unregistered Indigenous Communities updated; coordinate their actions with the indigenous affairs institutes existing in the provincial and municipal jurisdictions.

The requirements for registration are:

- a) Name and geographic location of the Community.
- b) Review that proves their ethnic-cultural and historical origin, with presentation of the available documentation.
- c) Description of its organization guidelines and the means of designation and removal of its authorities.

d) List of members with degree of kinship.

e) Mechanisms for the integration and exclusion of its members.

National Program for Territorial Survey of Indigenous Communities (Re.Te.CI): It is the Program created by the National Institute of Indigenous Affairs in 2007, with the participation of representatives of the Indigenous Participation Council (formed by two representatives of each indigenous people of each one of the provinces) and approved by the National Government in 2007, through which the indigenous communities of the country are surveyed and, if applicable, the lands occupied by them in a current, traditional and public way. The execution of the program, in the communities that prove an occupation with the characteristics determined by Law 26,160, means a first step in the recognition of the Federal State on the occupation of lands that the Indigenous Communities carry out in a current, traditional and public way.

Additionally, the **Forest Law** includes several provisions to protect the rights of indigenous peoples, such as article 19 that states “native forest clearing or sustainable management projects involving native forests” shall respect the rights of indigenous peoples that have traditionally occupied that land (article 19). The Environmental Sustainability Criteria (ESC) to declare the value of conservation interest of native forests in provincial OTBN include indicator C10, which takes into account the value of the native forest for indigenous and peasant communities (see **Error! Reference source not found.**).

Argentina has sufficient tools and institutions to facilitate participatory processes, and address the particular needs of indigenous peoples and forest-dependent communities in these processes, ensuring their right to free, prior and informed consultation and consent, within the extent of the ILO Convention 169. With the consultation protocols and other tools that were developed, the country has progressed towards the realization of this important right, with the objective of achieving consent of the peoples or communities potentially affected by legislative or administrative measures which may affect them directly. As provided for in the Forest Law, and in line with initiatives and efforts during the Results Period, local enforcement authorities shall facilitate effective participation of all parties and hold specific meetings with/for indigenous peoples and separate meetings with other social players. During the Results Period there were other tools available, such as the Integral Community Plans (PICs) of the Forest and Community Project, aimed at obtaining the free, prior and informed consent of the indigenous people and communities involved in the project interventions. Further information of this tool is included in section 4 (ii) Participation in the Forests and Community Project

Additionally, in 2014 the *Encuentro nacional de organizaciones territoriales de pueblos originarios* ([ENOTPO](#) for its acronym in Spanish - a space grouping-up 45 indigenous peoples' territorial organizations) accompanied by technicians and officials from different ministries, prepared and agreed upon a [Protocol for Free and Informed Prior Consultation of Native Peoples](#). The protocol was also discussed and considered in specific REDD+ participatory meetings (for example at REDD+ meeting in 2015, access the [presentation](#)), and was intended to serve as input for potential future preparation of a specific law.

Despite further efforts are undergoing to improve their share in the total Management Plans (MP) of the Forest Law scheme, the number of MPs of indigenous peoples was stable, with a growing trend in 2016 (7 MP in 2012; 11 in 2015 and 11 in 2016). For more information of MP approved see [section 3.2. Implementation of the Forest Law](#).

More information on the active involvement and participation of indigenous peoples during the Results Period is included in [Section 4.1.1. Participation of indigenous peoples and communities](#) of this Report.

7.2.2 Policies to address and respect the Cancun Guidelines in the period 2014-2016

The Table below summarizes the analysis of how Cancun safeguards were addressed and respected in the components of the national interpretation of safeguards. The information presented in the table is based on the [first summary of information on REDD+ safeguards](#), and complement it, with additional material elaborated on purpose for this ESA report.

Table20. Analysis Matrix of the Cancun Safeguards

REDD+ Safeguards (components of safeguard interpretation within the Argentine context)	Legal framework elements applied	Supplementary measures and actions implemented
<i>Safeguard A: Actions are consistent with the objectives of national forest programmes and relevant international conventions and agreements</i>		
A.1. Compatibility and complementarity with the goals of the national policy on native forests and climate change and the regulatory and institutional framework on this matter.	<ul style="list-style-type: none"> - <i>National Constitution: Article 41 establishes the legal base for the country's environmental policy;</i> - <i>Law No. 25675 on Minimum protection standards for sustainable and adequate environmental management, preservation and protection of biological diversity and implementation of sustainable development (hereinafter "General Law on the Environment") (O.G. of 28 November 2002):</i> establishes minimum standards for sustainable and adequate management of the environment, preservation and protection of biological diversity and implementation of sustainable development. The Law specifies the basic principles of the national environmental policy; - <i>Law No. 26331 on Minimum environmental protection standards for native forests (O.G. of 26 December 2007) ("Forest Law"):</i> establishes the legal basis for governance of all native forests in the country and, therefore, is the framework law for the PANByCC and other REDD+ initiatives; 	<p>The national forest policy and REDD+ is mainly governed by the Forest Law, which later informed the National REDD+ Strategy called PANByCC as a result of significant participatory work which began in 2014 with the support of UN-REDD NP. As indicated in section 3 of this document the activities, tools and initiatives that contributed to achieve ER in the period of results were fully consistent with regulatory framework, being themselves part of the implementation of the Forest Law.</p> <p>Actions to achieve ER during the Results Period were under the remit of MAYDS and were based, coordinated and agreed upon with other sectors and ministries through the Argentine Climate Change Cabinet (GNCC) and the Federal Environment Council (COFEMA), to ensure they supplemented and were compatible with other sectoral policies and programmes in the country.</p>

	<ul style="list-style-type: none"> - <i>Law No. 22351 on National Parks</i> (O.G. of 12 December 1980), <i>Executive Order No. 453/1994: on Nature Reserves</i> (O.G. of 29 March 1994) and <i>Executive Order No. 2148/1990: on Strict Nature Reserves</i> (O.G. of 18 October 1990): establish protection based on natural values; - <i>Law No. 26815 on Minimum Environmental Protection Standards for Forest and Rural Fires</i> (O.G. of 16 January 2013): on prevention and fighting forest and rural fires in native and planted forests, protected natural areas, agricultural areas, grasslands and others. - <i>Resolution No. 91/2003: National Biodiversity Strategy</i> (O.G. of 28 March 2017); - National Executive Order No. 453/94: <i>Nature Reserves</i> (O.G. of 29 March 1994); - National Executive Order No. 2148/90: <i>Strict Nature Reserves</i> (O.G. of 18 October 1990); - <i>Law No. 26815 on Minimum Environmental Protection Standards for Forest and Rural Fires</i> (O.G. of 16 January 2013). 	
A.2. Compatibility and complementarity with the goals laid down in international conventions and agreements ratified by Argentina and that are relevant for	<p>Relevant international law in force during the Results Period:</p> <ul style="list-style-type: none"> - UNFCCC (Law No. 24295, O.G. of 11 January 1994) and the Kyoto Protocol to the UNFCCC, of 1997 (Law No. 25438, O.G. of 19 July 2001): Argentina designed and implemented REDD+ actions in accordance with the reference framework agreed upon with the UNFCCC, with special support from the UN-REDD Programme; - Paris Agreement, of 2015 (Law No. 27270, O.G. of 19 September 2016): the PANByCC is a sectoral plan of action to achieve the NDC mitigation goals established by the Government of 	<p>The activities and initiatives that led to ER in the period of results and REDD+ process overall, were compatible with the relevant international law, as per column on the left and under the legal basis of Law 26331. The efforts made and the ER achieved are being accounted by Argentina to fulfil the country's obligations within the framework of the Nationally Determined Contributions (NDC) of the Paris Agreement²⁵. It should be noted that Article 72, paragraph 22 of the National Constitution grants international treaties precedence over laws, and even constitutional rank to some international human rights instruments, so national forest</p>

²⁵ Later systematized under the PANByCC, as a mitigation sectoral plan, along with plans of the energy, transport, agriculture, industry, infrastructure and territory sectors. More information on these plans is available at: <https://www.argentina.gob.ar/ambiente/sustentabilidad/planes-sectoriales>

<i>native forests.</i>	<p>Argentina;</p> <ul style="list-style-type: none"> - Convention on Biological Diversity, of 1992 (CBD) (Law No. 24375; O.G. of 03 October 1994): the REDD+ actions that were implemented sought to generate benefits beyond those of carbon, as stated in safeguard (E). - American Convention on Human Rights, of 1969 ("Pact of San Jose, Costa Rica") (Law No. 23054, O.G. of 27 March 1984); - Convention on International Trade in Endangered Species of Wild Fauna and Flora, of 1973 (Law No. 22344, O.G. of 01 October 1982); - International Covenant on Civil and Political Rights, of 1966 (Law No. 23313; O.G. of 06 May 1986); - International Covenant on Economic, Social and Cultural Rights, of 1966 (ICESCR) (Law No. 23313, O.G. of 13 May 1986); - Additional Protocol to the American Convention on Human Rights in the area of Economic, Social and Cultural Rights ("Protocol of San Salvador"), of 1988 (Law No. 24658; O.G. of 17 July 1996); - 2030 Agenda for Sustainable Development, of 2015: relevant Sustainable Development Goals for REDD+ are SDG (1) No Poverty; (2) Zero Hunger; (5) Gender Equality; (10) Reduced Inequalities; (11) Sustainable Cities and Communities; (12) Responsible Production and Consumption; (13) Climate Action; and (15) Life on land. 	management and/or climate change instruments cannot be contrary to the provisions of international instruments.
<i>Safeguard B: Transparent and effective national forest governance structures, taking into account national legislation and sovereignty</i>		
B.1. REDD+ initiatives are implemented within a framework of national governance of native forests that	<p>Argentina has a regulatory and institutional framework that promotes transparent governance of native forests and publicly accessible environmental information. The country has ratified international conventions against corruption and has specific regulations on access to public information.</p> <p><u>International law</u></p>	<p>During the Results Period, Argentina had several specific institutions that were responsible for transparency and access to information as well as special mechanisms to monitor the performance of the Forest Law:</p> <ul style="list-style-type: none"> - MAyDS and the Federal Environment Council (COFEMA) are the two government bodies that have more experience in the generation, systematization and provision of public environmental information;

<p><i>promotes transparency and access to information.</i></p>	<ul style="list-style-type: none"> - <i>UN Convention against Corruption</i>, of 2014 (UNCAC) (Law No. 26097; O.G. of 06 June 2006): the country commits to develop and apply anti-corruption policies that foster participation and strive for the rule of law; due management of the resources, transparency and accountability; - <i>Inter-American Convention against Corruption, of 1996 (IACAC)</i> (Law No. 24759; O.G. of 13 January 1997): fosters preventive anti-corruption measures. <p><u>Domestic Law</u></p> <ul style="list-style-type: none"> - <i>National Constitution</i>: Article 41 states that authorities shall provide environmental information; - <i>Law No. 25831 on Free Access to Public Environmental Information</i> (O.G. of 07 January 2004): establishes minimum environmental protection standards to guarantee the right to access environmental information held by the State, be it at a national, provincial, municipal or Buenos Aires City level, or independent bodies and utilities whether public, private or of mixed ownership; - <i>Law No. 27275 on the Right to Access Public Information</i> (O.G. of 29 September 2016): guarantees the effective right to access public information and promotes citizen participation, as well as transparency in public administration; - <i>Law No. 25675 General Law on the Environment</i> (O.G. of 28 November 2002): its goals include organizing and integrating environmental information and guaranteeing free access to said information. The Law also requires individuals and both public and private legal entities to provide environmental information on the activities they perform (article 16, 17 and 18); - <i>Law No. 26331 on Native Forests</i> (O.G. of 26 December 2007): requires the Office of the National Auditor-General (AGN) and the Office of the Comptroller-General (SIGEN) to oversee and audit the National Fund for Enrichment and Conservation of Native Forests (article 36); 	<ul style="list-style-type: none"> - The Office of the National Auditor-General (AGN) is an oversight body of the National Public Sector, which issues publicly available reports on the Forest Law, including information on transparency and management of funds, access to information, and other issues required by the Law. The audit report for the period July 2013 – December 2016 on the functioning of the Forest Law issued by the AGN indicated institutional and technical progress during the Results Period; - The Office of the Comptroller-General (SIGEN) is an oversight body of the National Public Sector and is also responsible for auditing the functioning of the Forest Law. SIGEN audits provincial agencies and MAYDS to review the allocation of the financial resources provided for in said Law and the audit reports are publicly available; - The Anti-corruption Office of the Ministry of Justice and Human Rights develops and coordinates anti-corruption programmes. The Office has a web site to report allegations on line. <p>As provided for in MAYDS Resolution No. 826/14, since 2013 there has been a system to submit sworn statements on issues related to the plans approved within the framework of the Forest Law. This system helps verify that the beneficiaries of the resources allocated by the National Fund for Enrichment and Conservation of Native Forests (FNECBN) maintain or increase the environmental services provided by their native forests, and that are thus entitled to compensation, which is awarded based on a works completion certificate.</p> <p>Additionally, the following transparency and social monitoring tools provided for in Law 26331 were available during the Results Period:</p> <ul style="list-style-type: none"> - National Forest Monitoring System (NFMS) (for more information refer to section 3.3); - National Register of Offenders: a publicly available register with information on offenders, date and type of violation, place and internal identification code of the violation and
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B.2. REDD+ initiatives are implemented within the framework of	<p>The country has a regulatory and institutional framework as well as mechanisms to promote appropriate decision-making at the federal, provincial, municipal and local level both for the design stage and the</p>	<p>The Forest Law, together with other concurrent variables, reduced the annual deforestation rate from over 485,000 Ha. in 2007 to less than 156,000 Ha. in 2016. The decline in the pace of native forest loss started in 2008, which coincides with the</p>

<p><i>effective national governance of native forests that includes dispute resolution mechanisms and adequate access to justice.</i></p>	<p>implementation of the PANByCC and other REDD+ initiatives.</p> <p>As regards access to justice and the implementation of the PANByCC and other REDD+ actions, the country has dispute resolution tools for universal access to justice and dispute resolution mechanisms.</p> <p><u>International law</u></p> <ul style="list-style-type: none"> - <i>American Convention on Human Rights, of 1969 and International Covenant on Civil and Political Rights, of 1966 (or Law No. 23313; O.G. of 06 May 1986):</i> granting the right to simple and prompt recourse, or any other effective recourse, to a competent court or tribunal for protection against acts that violate fundamental rights recognized by the constitution or laws of the state concerned, or by the Convention, even though such violation may have been committed by persons acting in the course of their official duties. <p><u>Domestic Law</u></p> <ul style="list-style-type: none"> - <i>National Constitution:</i> Article 41 grants all inhabitants the right to a healthy environment and Article 43 establishes the “environmental amparo” which shall serve as a tool to defend such right whenever there is no other more appropriate legal mechanism. The claim may be submitted by the interested party, the Ombudsperson or any duly registered environmental organization; - <i>Law No. 25675: General Law on the Environment</i> (O.G. of 28 November 2002): enshrines “the polluter pays” principle and recognizes the Ombudsperson, environmental NGOs and national, provincial or municipal governments as legitimate beneficiaries of compensation for damages to the environment; - Forest Law (No. 26331/07). 	<p>enactment of Law No. 26331 on Native Forests in late 2007, and continued until 2014, although later the rate stabilized at close to 0.38% per annum (see Error! Reference source not found.) (SAyDS, 2019). More information on this matter is included in the Section on the</p> <p>Below are some conclusions that can be drawn from the analysis of the different above-mentioned matrices:</p> <ul style="list-style-type: none"> - In general, the benefits and risks that were identified apply equally to all forest regions; - More benefits and risks were identified activities related to OTBN, or territorial or land-use planning that seeks to avoid deforestation of native forests in risk areas that do not have plans funded by the Forest Law or other sources. <p>7.3 Risk management and implementation of policies to address and respect the safeguards</p> <p>The Argentina government has developed and implemented extensive technical and participatory efforts to identify the measures needed, in order to address the risks and increase the benefits of implementing different elements of the Forest Law plans as well, in line with different safeguards frameworks. These efforts have also contributed to the development of the country’s Country Approach to REDD+ Safeguards and its Safeguard Information System (preliminary version).</p> <p>At the workshop to present Argentina’s UN-REDD National Programme that was held in July 2015, proposals to specifically assess the risks and benefits of addressing and</p>
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		<p>respecting the safeguards were developed. This participatory process to identify the risks and benefits continued over the following years with the Working Group on Safeguards and Social and Environmental Benefits, while the PANByCC was being designed and disseminated and, especially, while Argentina's Country Approach to REDD+ Safeguards was being developed, as indicated above in Section 7.1. The result of the process is explained below.</p> <p>To avoid disputes and facilitate the response to claims and complaints within the framework of the native forest policy, the Forest Law has put in place the following citizen participation instruments since 2007:</p> <ul style="list-style-type: none">- Mandatory participatory process for preparing OTBNs;- Public consultation to approve Plans on Land Use Change (PCUS) in forests of low conservation interest - III (green) - with prior authorization from the local enforcement authority of the Forest Law;- COFEMA, a body at the federal level where policy and technical issues on general procedures to implement the Forest Law are discussed (specifically within the Committee on Native Forests)- Buzón Verde (<i>Green mailbox</i>): a public consultation mechanism enabled by MAYDS to receive queries, complaints and allegations. <p>Additionally, the Forest Directorate under MAYDS established a Social Participation Unit (APS-DB)²⁶ to receive claims related to</p>
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²⁶ This Unit within DNB (MAYDS) was created in 2012 in response to the need to analyze the participatory processes to carry out the OTBN. The APS is responsible for:

		the implementation of the Forest Law. More information on the analysis of the safeguard is included in Section 7 Mechanism for addressing claims and complaints with regard to native forests in Argentina .
B.3. REDD+ initiatives are implemented using a gender approach.	<p>Argentina has a regulatory framework that is progressively including and mainstreaming the gender perspective in public policies. The following legislation should be noted:</p> <p><u>International law</u></p> <ul style="list-style-type: none"> - <i>Convention on the Elimination of all forms of Discrimination against Women</i>, of 1979 (Law 23179, O.G. of 03 June 1985); - <i>Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women</i>, of 1994 (Law 24632, O.G. of 9 April 1996); - <i>Convention on Biological Diversity</i>, of 1992: as regards the General Recommendations (2016), No. 34 is particularly important for rural women and most significant for possible REDD+ actions; - <i>UNFCCC</i>, of 1992: although the Convention does not include gender-related matters, it has progressively integrated them into its work. In this regard, COP 16 requested developing countries that are a Party to the Convention, “when developing and implementing their national strategies or actions plans, to address (...) gender considerations” (Paragraph 72 of decision 1/CP.16). Likewise, an Action Plan on Gender Mainstreaming in Climate 	<p>Despite incipient, during the Results Period there were some tools and initiatives aimed to strengthen the gender approach in forest governance:</p> <ul style="list-style-type: none"> - <i>Argentine Climate Change Cabinet</i>: The Cabinet is working on initiatives to mainstream the gender perspective in transparency promotion mechanisms; - <i>Agribusiness Secretariat</i>: enforcement authority of the Law on Family Agriculture of 2015; - <i>National Ombudsperson’s Office</i>: It has a Unit for Vulnerable Groups that addresses gender issues; - <i>National Institute for Women’s Affairs</i>: develops policies, programmes and initiatives to empower women and promote gender equality and the eradication of violence. <p>More information about this component of the safeguard is available in section 6.1.2. Gender approach</p>

1. Analyzing OTBN participatory processes in the provinces.
2. Providing technical assistance to ALAs concerning the participatory process provided for in Law 26331.
3. Developing participatory methodologies and moderating meetings for the Units under the Forest Directorate and MAYDS.
4. Managing claims concerning the OTBN submitted to the Forest Directorate by different stakeholders.

	<p>Change was agreed at COP 23 in 2017 to advance women's full, equal and meaningful participation, promote gender-responsive climate policies, and mainstream a gender perspective in the implementation of the Convention and work among the Parties;</p> <ul style="list-style-type: none"> - <i>2030 Agenda 2030</i>, of 2015 (SDGs): Goal (5), on Gender Equality, includes 38 targets referring to gender-related matters to better comply with the 2030 Agenda. <p><u>Domestic Law</u></p> <ul style="list-style-type: none"> - <i>Law No. 26485 on Full protection for prevention, punishment and eradication of violence against women in their interpersonal relationships</i> (O.G. of 14 April 2009): its goals include ensuring the rights recognized in relevant international conventions on this matter, that were ratified by the country, "to eliminate discrimination between women and men in all walks of life"; - <i>Law No. 27118 on Family agriculture</i> (O.G of 28 January 2015): it includes as some of its goals to contribute to eliminate divides and gender stereotypes, ensure equal access for men and women to the rights and benefits provided for in this Law, tailor actions and implement specific public policies that favour women, and strengthen upward social mobility in family, peasant and indigenous agriculture, with special attention to the conditions and needs of women (article 4.c) 	
<p>Safeguard C: <i>Respect for the knowledge and rights of indigenous peoples and members of local communities by taking into account relevant international obligations, national circumstances and laws, and noting that the United Nations General Assembly has adopted the United Nations Declaration on the Rights of Indigenous Peoples.</i></p>		
<p>C.1. REDD+ initiatives are implemented respecting the right to free, prior and informed consultation of indigenous peoples</p>	<p>The country has a national and international framework that recognizes the right of indigenous peoples to free, prior and informed consultation on matters that impact their rights, and also institutions to effectively implement this right within the framework of the national native forest management policy. The National Institute for Indigenous Affairs (INAI for its acronym in Spanish) is currently working at the preparation of a Law to define Directives for the free, prior and informed consultation of indigenous peoples, in</p>	<p>Actions and initiatives that led to ER in the results period were carried out with the participation and respect for the knowledge and rights of indigenous peoples and forest-dependent communities taking into account national circumstances and the relevant national and international framework, as indicated below.</p> <p>More information on how the safeguard was respected is</p>

<p>when a measure or action may impact their rights on the ground.</p>	<p>full accordance with the ILO Convention 169 on Indigenous and Tribal Peoples, to which Argentina is signatory.</p> <p><u>International law</u></p> <ul style="list-style-type: none"> - <i>ILO Convention on Indigenous and Tribal Peoples in Independent Countries</i>, of 1989 (Law No. 24071; O.G. of 07 April 1992): It states “indigenous peoples have the right to participate in the adoption of decisions on matters that affect their rights” (article 18) and State Parties shall adopt special measures “to safeguard” their people, institutions, property, labour, “cultures and environment” (article 4). Additionally, in applying the provisions of this Convention, “(...) governments shall: a) consult the peoples concerned, through appropriate procedures and in particular through their representative institutions, whenever consideration is being given to legislative or administrative measures which may affect them directly (article 6). Also, the Convention recognizes the indigenous’ people free and informed consent in matters related to relocation from the lands which they occupy (art. 16). - 2030 Agenda, of 2015: SDG 2 “Zero Hunger”, SDG 10 “Reduced Inequalities”, SDG 4 “Quality Education” and SDG 16 “Peace and Justice for All”, are goals that are closely related to improving the conditions of the most vulnerable sectors, among which are the indigenous peoples. <p><u>Domestic Law</u></p> <ul style="list-style-type: none"> - <i>National Constitution</i>: recognizes the ethnic and cultural pre-existence of indigenous peoples; guarantees respect for their identity, the right to bilingual and intercultural education and recognizes the legal status of their communities (Article 75, par. 17); - <i>Law No. 23302 on Indigenous Policy and Support to Aboriginal Communities</i> (O.G. of 08 November 1985): It defines indigenous peoples as groups of families that recognize themselves as such because they are descendants of peoples that inhabited the national territory at the time of the conquest or colonization; and 	<p>included in Section 6.1.1. Participation of indigenous peoples and communities</p>
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	defines natives or indians as the members of said community" (article 2); and establishes INAI (article 5) as the enforcement authority of this Law. Additionally, the law proposes the implementation of plans to foster agriculture, forestry, mining, industries and crafts of indigenous peoples, preserving their cultural beliefs in education plans and protecting the health of community members.	
C.2. REDD+ initiatives are implemented with recognition, respect for and promotion of traditional and ancestral knowledge of indigenous peoples and forest-dependent communities.	<p>Recognition, respect for and promotion of traditional knowledge are addressed in several instruments, in particular:</p> <p><u>International law</u></p> <ul style="list-style-type: none"> - ILO Convention 169 on Indigenous and Tribal Peoples in Independent Countries, of 1989 (Law No. 24071; O.G. of 07 April 1992): It recognizes the right of indigenous peoples to "maintain, control, protect and develop their cultural heritage" and "traditional knowledge (...)" (article 31); - Convention on Biological Diversity, of 1992 (CBD) (Law No. 24375, O.G. of 03 October 1994): Argentina commits to respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity; <p><u>Domestic law</u></p> <ul style="list-style-type: none"> - Law 27118 on Family agriculture (O.G. of 28 January 2015): It seeks to guarantee the preservation, development and dissemination of practices and technologies that are typical of family, peasant and indigenous agriculture to strengthen cultural identity and transfer of knowledge, and restore good farming practices (article 24). 	<p>Regarding the practical implementation of regulations on recognition, respect for and promotion of traditional knowledge, it is worth highlighting the following agencies:</p> <ul style="list-style-type: none"> - <i>MAyDS</i>: the enforcement authority of the CBD and the Forest Law; - Ministry of Agriculture, Livestock and Fisheries (MAGyP): the enforcement authority of the Law on Family Agriculture; - National Indigenous Affairs Institute (INAI): a key institution for the national policy on indigenous peoples.
C.3. REDD+ initiatives promote respect for the rights of indigenous peoples and forest-	The Argentine regulatory framework provides a favourable environment that respects the rights of indigenous peoples and forest-dependent communities to access and own land. The National Constitution and the Civil and Commercial Code (Law 26994) recognize community possession and ownership of the land	More than half of Argentina's forests are inhabited by indigenous and <i>campesino</i> (small farmer) communities. Among Argentina's indigenous communities, 57% live in departments with native forests and 80% of the indigenous rural population lives within forests. In general, the land tenure situation in Argentina is more precarious in regions with native forests. The 2018 National

<p><i>dependent communities to access and own land.</i></p>	<p>traditionally occupied by indigenous peoples.</p> <ul style="list-style-type: none"> - <i>National Constitution</i>: it recognizes community possession and ownership of the land traditionally occupied by indigenous peoples and regulates the granting of other lands adequate and sufficient for human development, stating that none of them shall be sold, transmitted or subject to liens or attachments (Article 75, paragraph 17); - <i>Law No. 26994: Argentine Civil Code</i> (O.G. of 8 October 2014): recognizes community possession and ownership of the land traditionally occupied by indigenous peoples and other lands adequate and sufficient for human development (article 18); - <i>Law No. 23302 on Indigenous Policy and support for Aboriginal Communities</i> (O.G. of 08 November 1985): it commissions INAI to develop and implement plans for indigenous peoples to access ownership of their land; - <i>Emergency Law No. 26160 on Possession and ownership of land traditionally occupied by indigenous communities</i> (O.G. of 23 November 2006): stay the execution of judgments and procedural or administrative acts involving eviction or vacation of lands traditionally occupied by indigenous communities. The Law requires INAI to conduct a technical, legal and cadastral survey of the situation regarding ownership of the lands occupied by indigenous communities and promote joint actions with the Indigenous Participation Council, Provincial Aboriginal Institutes, National Universities, National, Provincial and Municipal bodies, Indigenous Organizations and NGOs. This Law has been extended until 2021; - <i>Law No. 27118 on Family Agriculture</i> (O.G. of 28 January 2015): it establishes that the Agribusiness Secretariat shall “coordinate with competent bodies of the National Executive Branch and the provinces, access land for family, peasant and indigenous agriculture, considering the land as a social good” (article 17). 	<p>Census of Agriculture noted that more than 40% of the native forest cover is found in areas without clearly defined tenancy. These can include community pastures, indigenous communities and other areas that generally coincide with precarious forms of land tenure.</p> <p>Since 2006 the government of Argentina has been working to improve legal security in land tenure. In this year, Emergency Law No. 26160 on possession and ownership of lands traditionally occupied by indigenous communities (OG of 23 November 2006) was enacted: it suspends the execution of judgments and procedural or administrative acts involving eviction from, or removal of lands traditionally occupied by indigenous communities, and requires National Institute of Indigenous Affairs (INAI) to conduct a technical, legal and cadastral survey of the situation regarding the ownership of the lands occupied by indigenous communities. This law has been extended until 2021.</p> <p>As provided for in <i>Law No. 23302 on Indigenous Policy and Support for Aboriginal Communities</i>, INAI Resolution No. 587/07 implemented the National Programme for the Territorial Survey of Indigenous Communities (Re.Te.Ci.) and required the Directorate for Land and National Register of Indigenous Communities, under the INAI, to carry out a legal, technical and cadastral survey of the ownership status of the land traditionally, currently and publicly occupied by aboriginal communities. By September 2016, the Directorate had surveyed “702 communities that represent 74% of the goals set at the beginning of the programme (950 communities), and 46% of the communities that are currently identified (1532 communities). This means that approximately 7,829,750.5 Hectares, of the 9,000,000 Hectares initially identified, have been surveyed (86.99%)” (AGN, 2017, p. 10)</p> <p>Another milestone for the recognition of the lands of indigenous peoples was the amendment to the Argentine Civil Code (Law No. 26994/2014) that, unlike the previous Civil Code, it recognizes</p>
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		<p>community possession and ownership of the land traditionally occupied by indigenous peoples and other lands adequate and sufficient for human development (article 18). However, a Law on Community Ownership establishing minimum guidelines for a more effective implementation of these rights is necessary.</p> <p>This process is very important for this safeguard, since it is a tool that protects the rights of indigenous communities as, during the above process, all evictions of communities that do not have legal title to the land are suspended and official documents that recognize current, traditional and public occupation may be issued. The process also provides documentary evidence for communities to access recognition of their ownership and gives them evidence to defend themselves if an eviction claim is filed. Additionally, this tool provides information on the legal status of the communities' ownership of the land so that, on this basis, the necessary tools may be sought to give them legal certainty regarding the ownership of their property, in line with the provisions of the national and international framework on the rights of indigenous peoples. The Table below summarizes some of the main achievements and constraints of the National Programme for the Territorial Survey of Indigenous Communities (Re.Te.Ci.).</p> <table><tr><th>ACHIEVEMENTS</th><th>CONSTRAINTS</th></tr><tr><td><p>Territories were defined and identified jointly with the communities and technical survey teams of indigenous professionals suggested by IPC representatives;</p><ul style="list-style-type: none">- Progress in having the national, provincial and municipal governments recognize the existence and territorial rights of indigenous peoples;- Decentralization in the</td><td><p>EXTERNAL</p><ul style="list-style-type: none">- Exploitation of natural resources;- Historical disputes of indigenous peoples;- Policy differences between indigenous organizations;- Institutional conflicts with the communities;- External climate factors;- Identification of communities that must be surveyed;</td></tr></table>	ACHIEVEMENTS	CONSTRAINTS	<p>Territories were defined and identified jointly with the communities and technical survey teams of indigenous professionals suggested by IPC representatives;</p> <ul style="list-style-type: none">- Progress in having the national, provincial and municipal governments recognize the existence and territorial rights of indigenous peoples;- Decentralization in the	<p>EXTERNAL</p> <ul style="list-style-type: none">- Exploitation of natural resources;- Historical disputes of indigenous peoples;- Policy differences between indigenous organizations;- Institutional conflicts with the communities;- External climate factors;- Identification of communities that must be surveyed;
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		<p>territory of technical INAI teams to carry out the survey;</p> <ul style="list-style-type: none">- Progress with provincial constitutions and legislation on the rights of indigenous communities;- Strengthening of indigenous communities and organizations as more communities registered with Re.Na.C.I.; access to the legal services and institutional support provided by INAI;- Progress in some provinces with issuance of title deeds to the land after INAI completed the territorial survey and the technical dossier.	<ul style="list-style-type: none">- Coordination issues with the provinces;- Difficulties to access cadaster and land ownership information. <p>INTERNAL:</p> <ul style="list-style-type: none">- Conditions of the facilities;- Outsourcing of staff and purchase of equipment;- Complexity of the technical team;- Limited institutional presence in the provinces;- No institutional computerized system;- Problems with processing case files.					
<p>Table21. Achievements and constraints of Re.Na.C.I. Source: (AGN, 2017)</p>								
<p>Safeguard D: <i>Full and effective participation of all relevant stakeholders, in particular, indigenous peoples and local communities, in the actions referred to in paragraphs 70 and 72 of UNFCCC decision 1/CP.16.</i></p>								
<p>D.1. Promotion of full and effective participation of relevant stakeholders, using a gender approach, in particular, of indigenous peoples and forest-dependent communities.</p>	<p>Argentina has a regulatory framework that promotes direct and indirect participation of all relevant stakeholders in native forest management. Law 25675, <i>General Law on the Environment</i>, establishes that “all persons concerned shall have the right to be consulted and express their opinion on administrative procedures involving overall preservation and protection of the environment, whether general or specific in nature” (article 19). In particular regarding forests, Law No. 26331 on <i>Native Forests</i> establishes that land use planning of native forests shall be performed through a participatory process and “any project involving clearing or sustainable management of native forests” shall respect the rights of indigenous peoples (article 19).</p>	<p>In addition to the regulatory framework indicated in the column on the left and applied during the period of results, in 2014, the National Forests Directorate (DNB) of MAYDS created the DNB Social Participation Unit (APS-DNB) to support participatory methodologies, and to address claims and complaints, as well as requests for information. During 2011-2015, its database systematized complaints received (see table below), which were principally aimed at improving stakeholder participation in OTBN updates.</p> <table><tr><th>Year</th><th>Claims for deforestation</th><th>Claims for participation</th><th>Land tenure</th><th>Total claims</th></tr></table>		Year	Claims for deforestation	Claims for participation	Land tenure	Total claims
Year	Claims for deforestation	Claims for participation	Land tenure	Total claims				

		<table><tr><td>2011</td><td>8</td><td>31</td><td>0</td><td>39</td></tr><tr><td>2012</td><td>2</td><td>0</td><td>1</td><td>3</td></tr><tr><td>2013</td><td>0</td><td>0</td><td>0</td><td>0</td></tr><tr><td>2014</td><td>0</td><td>1</td><td>0</td><td>1</td></tr><tr><td>2015</td><td>0</td><td>1</td><td>0</td><td>1</td></tr><tr><td>TOTAL</td><td>10</td><td>33</td><td>1</td><td>44</td></tr></table> <p>Source: (AGN, 2017)</p> <p>It is worth mentioning that the latter registry is partial, and it does not include all of the relevant information related to complaints and claims, because some information is still in hard copy paper form at different units of the DNB (MAYDS). Owing to the current COVID-19 pandemic, such information could not be processed and systematized at the current time. Component D of the present RBP Proposal will help develop a digital and updated GRM registry, to avoid the present gap.</p> <p>For further information, consult Section 6. Mechanism for addressing claims and complaints with regard to native forests in Argentina.</p>	2011	8	31	0	39	2012	2	0	1	3	2013	0	0	0	0	2014	0	1	0	1	2015	0	1	0	1	TOTAL	10	33	1	44
2011	8	31	0	39																												
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2013	0	0	0	0																												
2014	0	1	0	1																												
2015	0	1	0	1																												
TOTAL	10	33	1	44																												
D.2. A benefit distribution mechanism with a participatory and gender approach, adapted to the characteristics of indigenous peoples and local communities shall be developed.	<p>The Forest Law, through the National Fund for Conservation of Native Forests, establishes fund allocation criteria as indicated below:</p> <ul style="list-style-type: none">○ 70% to owners of land on which native forests are preserved; and○ 30% to the enforcement authority of each jurisdiction. <p>During the Results Period, of significance in the relevant regulatory framework are:</p> <p><i>International Law</i></p> <ul style="list-style-type: none">- Convention on Biological Diversity, of 1992 (Law No. 24375; O.G.	<p>During the Results Period, and for the formulation and implementation of Forest Law plans, Argentina followed the distribution mechanism indicated in the column on the left. The National Fund for Conservation of Native Forests, that allocates 70% of the funds to owners that preserve the native forest on the surface of the land, awarded ARS1,371,597,990 as compensation for plans and projects.</p>																														

	<p>of 03 October 1994): it recognizes the right of indigenous peoples and local communities to access benefits and an equitable distribution thereof, especially those derived from traditional knowledge and innovation;</p> <ul style="list-style-type: none"> - ILO Convention 169 on Indigenous and Tribal Peoples (Law No. 24071; O.G. of 07 April 1992): it recognizes the right of indigenous peoples to determine and define the priorities for the use of their lands and resources. <p><i>Domestic law</i></p> <ul style="list-style-type: none"> - Law No. 26331 on Native Forests (O.G. of 26 December 2007). 	
<p>Safeguard E: <i>The actions are consistent with the conservation of natural forests and biological diversity, ensuring that the actions referred to in paragraph 70 of this decision are not used for the conversion of natural forests, but are instead used to incentivize the protection and conservation of natural forests and their ecosystem services, and to enhance other social and environmental benefits.</i></p>		
<p>E.1. REDD+ initiatives are consistent with the conservation of native forests and biodiversity, avoiding the conversion of forests (or other natural ecosystems), and contributing to incentivize the protection and maintenance of ecosystem services.</p>	<p>The Argentine National Constitution establishes that the authorities shall preserve the “natural and cultural heritage and biological diversity” (Article 41), and the main goal of the Convention on Biological Diversity ratified by the country (Law No. 24375) is to “conserve biological diversity”. Similarly, Law No. 26331 on Native Forests seeks to preserve natural forests and categorizes them by conservation value as high (red), medium (yellow) and low (green). Clearing is allowed in low conservation forests with prior authorization and approval of the relevant Plan on Land Use Change, and an environmental impact assessment. The Law also defines some key concepts:</p> <ul style="list-style-type: none"> - “Native Forest” (or natural): during the Results Period Argentina had 2 definitions for forests: <ul style="list-style-type: none"> (i) <i>Operational definition</i>: adopted pursuant to the FAO classification proposed in the report (FAO, 2000); differentiates between forest lands, other forest lands and other lands based on the forest cover. This definition is used by the National Forest Monitoring System (NFMS) of the country; (ii) <i>Legal definition</i> (Law 26331): “a natural forest is an ecosystem 	<p>The Forest Law was designed to support and be compatible with the country’s regulatory framework on protection and non-conversion of native forests in areas of high (red) and medium (yellow) conservation value, maintaining and improving their biodiversity and other related social and environmental services.</p> <p>For further information on this, see the explanation of Forest Law alignment with FAO’s ESS 2: Biodiversity, ecosystems and natural habitats.</p>

	<p>that predominantly includes mature native tree species and diverse associated flora and fauna species and the surrounding environment –soil, subsoil, atmosphere, climate, water resources- that constitute an interdependent network with its own characteristics and multiple functions. Under natural conditions, these elements make the system dynamically balanced and provide different environmental services to society, including diverse natural resources with potential for economic exploitation. This definition includes primary native forests – where no human intervention has occurred -, secondary forests which grow after clearing, and forests that result from voluntary reclamation or restoration” (article 2, Law 26331). Based on these definitions, the Law categorizes forests according to their conservation interest as:</p> <ul style="list-style-type: none"> a. <i>Category I (red)</i>: forests with very high conservation value that should not be transformed in perpetuity; b. <i>Category II (yellow)</i>: forests of medium value that may be degraded but that, if restored, may have a high conservation value. No clearing is allowed. Only their sustainable use, tourism, gathering and scientific research are permitted. c. <i>Category III (green)</i>: low conservation value that may be partially or totally transformed but only after an environmental impact assessment. 	
<p>E.2. REDD+ initiatives promote protection, conservation and sustainable management of native forests and their ecosystem services enhancing</p>	<p>Law No. 26331 on Native Forests defines environmental services of natural forests as “tangible and intangible benefits generated by native forest ecosystems (...)”, and includes among these benefits water regulation, conservation of biodiversity, fixation of greenhouses gases and others (article 5). As the list is not complete, this article could serve as a legal basis to recognize the benefits of REDD+, beyond those of carbon.</p> <p>Additionally, Law No. 27118 on Family Agriculture states that the Ministry of Agriculture “shall design and implement programmes that</p>	<p>In line with the analysis carried out by MAgDS in early 2017, between 2010 and 2016, the Environmental Sustainability Criteria (ESC) most frequently used by the provinces to assess the importance of native forests for their OTBN were C9, <i>Basin conservation potential</i>; and C4, <i>“Presence of outstanding biological values (23/23 and 20/23, respectively) (see Error! Reference source not found. (MAgDS, 2017, p. 11). This shows that biodiversity, in the protection framework laid out in the Forest Law and, therefore, in REDD+ actions carried out in the</i></p>

<p><i>other environmental benefits.</i></p>	<p>incentivize the environmental services provided by family, peasant and indigenous agriculture with sustainable productive systems in their territories.”</p>	<p>Results Period, is a fundamental value to protect the forests and promote the co-benefits of REDD+. Additionally, to strengthen biodiversity conservation in the framework of the Forest Law, in 2014 MAYDS published “Ecological Corridors for the Argentine Chaco Region. Definitions and Methodological Guidelines for Implementation”, which served -similar to the one on Forests- as a basis to promote ecological corridor planning in the framework of updating the OTBNs (MAYDS, 2017, p. 14).</p> <p>Furthermore, since 2014, MAYDS, with the support of UN-REDD NP, has carried out exercises and technical studies to identify the potential risks and benefits of implementing the Forest Law and the PANByCC. These documents were collected and territorially located with GIS technology in the National Forest Monitoring System, which is publicly available. These maps are useful to identify intervention areas that could strengthen the benefits of implementing the PANByCC and other REDD+ initiatives by focusing on areas with a greater convergence of benefits.</p>
<p>Safeguard F: Actions to address the risk of reversal.</p>		
<p><i>Argentina has measures to address the risk of reversal of reduced emissions, based on REDD+ initiatives.</i></p>	<p>One of the main risks of reversion is forest fires, understood as a fire that, whether produced by natural or human causes, spreads without control or planning in a forest landscape and that affects the soil and biodiversity of the area. In response to this problem, the country generated a relevant regulatory framework from various perspectives of public policy:</p> <ul style="list-style-type: none"> - Law No. 26815 created the Federal Fire Management System (SFMF) to “prevent, suppress and fight forest and rural fires (...) in native forests and other non-urban ecosystems”, which are one of the main reversal risks. - Penal Code of the Argentine Nation (Law No. 11179): causing fires in forests, plantations, trees or bushes, among others, is a criminal offense with a prison term of three to ten years (art. 186). - Forest Law 26331 states that native forests degraded by fire or others natural or anthropic events must be recovered 	<p>One of the goals of the Forest Law is to conserve, regulate and control the reduction of native forest surface areas in the country. Argentina has institutions and tools to minimize or avoid the risk of emission reversal. For this purpose, the National Government allocates 30% of the resources of the National Fund for Conservation of Native Forests to develop and maintain the monitoring network and native forest information system (article 35). According to this, between 2014 and 2016, AR\$202,350,681.00 were allocated to the provinces to develop and maintain a monitoring network and native forest information system at a sub-national level, thus strengthening the mechanisms to avoid and/or reduce the risk of reversal (see Table below). For example, some of the measure observed to combat forest fires by local authorities included the installation of water tanks (AGN, 2019) and firebreaks maintenance in key locations, together with establishing and reinforcing firefighting brigades,</p>

and restored through local authorities, having to maintain the forest category defined in the OTBN (art. 40), as a measure to avoid speculation or intentional forest fires to enable land use changes,

- Law No. 26562 (O.B. 12/16/2009) on Minimum Environmental Protection Standards to Control Burning Activities, aimed at preventing fires, environmental damage and risks to public health and safety. In accordance with this, burning activities without specific authorization by local competent authorities are prohibited throughout the national territory (art. 3). Penalty of fines are established. Regulation of this Law is still pending.

Based on the Federal Fire Management System, the relevant institutional framework to respect this safeguard mainly includes:

- **DNB (MAyDS):** the enforcement authority of the Forest Law is responsible for managing the NFMS. Within the framework of the SFMF, DNB is responsible for fire prevention, monitoring of environmentally hazardous conditions and recovery of burnt areas;
- **DNCC (MAyDS):** The National Climate Change Directorate is responsible for the National Greenhouse Gas Inventory System (SNI-GEI-AR) and calculating, compiling and reporting the INGEI to the UNFCCC, as well as implementing the PANByCC and monitoring the mitigation measures of the Plan;
- **National Parks Administration:** within the framework of the SFMF, it is responsible for prevention in the areas under its jurisdiction.

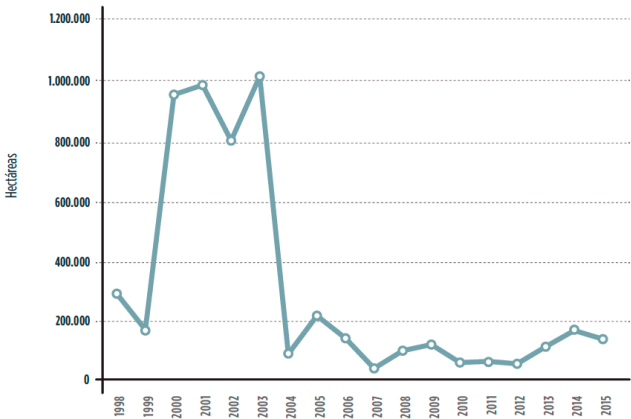
among others (MAyDS, 2016).

Year	Resources allocated to FNECBN
2014	\$ 222,000,000
2015	\$ 228,450,000
2016	\$ 224,052,271
Total	\$ 674,502,271
30%	\$ 202,350,681.00

Table22. Resources allocated to FNECBN in the Results Period (in Argentine pesos)

Source: MAyDS (2017), p. 16

According to MAyDS records (see graph below), since 2004 the surface area of native forests affected by forest fires has been reduced (92% respect to 2003), with a slight rise in 2012, which was then reduced in the Results Period.



Source: (MAyDS, 2016)

By the Results Period, the country also had a number of tools to strengthen respect for this safeguard, such as:

- **OTBN:** forest maps at a provincial level, within the

		<p>framework of the Forest Law, indicating the forest areas that must be monitored and their conservation categories (red, yellow and green);</p> <ul style="list-style-type: none"> o NFMS (described in previous sections) and its Early Warning System for Deforestation. This component of the NFMS issues warnings of native forest deforestation and has plans to systematize the movements and trade of timber to strengthen oversight and discourage illegal trafficking; o SFMF: has three operational levels: <ul style="list-style-type: none"> (i) Jurisdictional: the province is responsible for the “initial fire attack”, as well as for warning and informing the Regional Coordination Office of the resources assigned by the province to control the situation. If extra jurisdictional assistance is necessary, the next stage is activated; (ii) Regional: support from the National Organizational Fire Management Unit, through the relevant Regional Coordination Office, including personnel, materials and equipment of other jurisdictions in the region; (iii) Extra-regional: operational phase for disasters that exceed the response capacity of the resources used in previous stages, with the prior agreement of the authorities of the affected jurisdiction. <p>The SFMF also includes a Forest and Rural Fire Early Warning and a Hazard Assessment Program, which was in place during the Results Period.</p>
Safeguard G: Actions to reduce displacement of emissions.		
Argentina has	One of the goals of the Forest Law is to conserve, regulate and	Mitigating the risk of displacement requires knowing exactly the

<p><i>measures to reduce the risk of displacement of emissions when implementation of REDD+ initiatives.</i></p>	<p>control the reduction in native forest surface area in the entire country. During the Results Period, Argentina’s legal framework included mechanisms that reduced the risk of displacement of emissions with the implementation of REDD+ actions, which is the purpose of this proposal, such as a monitoring and deforestation early warning system that identifies and monitors these risks. Additionally, the Forest Law addresses this safeguard since it applies to the whole of the country, and includes pre-established criteria to avoid displacement of deforestation to other forests in any of the conservation categories (red, yellow and green) included in the Law, regardless of the jurisdiction in which they are located.</p>	<p>drivers of deforestation that could move from one jurisdiction to another. To this end, technical studies to analyze these drivers and regional participatory workshops were carried out to help identify the main deforestation drivers, including:</p> <ul style="list-style-type: none"> ○ Expansion of the use of land for farming purposes; ○ Displacement of husbandry from the Pampas region to forest areas; ○ Demographic growth and urban expansion; ○ Lack of social and environmental valorization of forest services; ○ Forest fires; ○ Legal uncertainty regarding land ownership, weakness of control and oversight policies, and lack of policy and institutional coordination. <p>The main cause for loss of native forest coverage in the regions included in the FREL (and in the period of results) is the advancement of the agricultural frontier. However, the same modality and commodity occurring in one forest region usually does not occur in other forest regions, because of their different climate conditions and agricultural potential. Additionally, each province developed and approved the specific OTBN, under the same ten criteria of the Forest Law that apply to all the provinces, reducing the risk of “importing” deforestation from a different forest region.</p> <p>Lastly the NFMS includes all forest regions in the country and preliminary data for 2018 indicates that only 1.7% of native forest coverage loss occurred in the forest regions of the Andean-Patagonian Forest and Argentine <i>Monte</i> (not included in the FREL).</p>
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8 Conclusions and Recommendations

Based on the analysis conducted in this **Environmental and Social Assessment (ESA) Report** it may be concluded that during the ER Results Period (2014-2016), the Argentine Republic had a robust legal and institutional framework which, together with a number of mechanisms, initiatives (projects and programmes), and other technical inputs, enabled the country to afford extensive protection to rights in order to mitigate or prevent potential negative impacts that could be brought about on society and on the environment by the direct or indirect actions resulting from the implementation of the Forest Law and related achievements of the emission reductions.

In fact, in that period the Forest Law **contributed to the sustainable development of forest holders, with a special safeguard for the most vulnerable sectors**. The study in this document clearly shows that the actions that led to reduced emissions for which the country is requesting REDD+ results-based payments stemmed from the effective implementation of the legal framework previously existing in the country. Together with associated policies, initiatives and measures, and along with several other contributory variables, these actions have allowed a reduction in deforestation of native forests within an efficient and transparent national forest policy framework, safeguarding the rights of indigenous peoples, promoting gender equality and citizen participation, in line with the Cancun Safeguards and the Environmental and Social Management Guidelines of FAO, as an accredited entity.

It is worth noting that the analysis of the REDD+ process in Argentina unequivocally shows that **Argentina's approach to REDD+** entails **building on and leveraging the framework and positive results of the Forest Law**. In this sense, from the examination of various sources of information, it may be rightly argued that as from the implementation of such law in 2007, deforestation of native forests has dramatically decreased and that, in subsequent years, the Government of Argentina has refined the effective implementation of the law through a number of supporting instruments. These instruments were intended to unify criteria so as to identify forests of conservation interest in the provincial OTBNs, reinforce citizen participation in the framework provided for by such law, safeguard the rights of indigenous peoples, contribute to the transparency of the resources allocated through the Forest Law Fund, measure stocks and emissions of GHG in forests, among other mechanisms mentioned in the study.

Regarding the **rights of indigenous peoples and forest-dependent communities**, the work carried out by the country to learn about and normalize the legal-cadastral status of such groups is commendable. It is also worth highlighting the extent to which the Forest Law has contributed to that end. However, it was also noted that there is a window of opportunity to further engage these peoples and communities in the payment for environmental services scheme provided for in the Forest Law. This could be done by simplifying processes, moderating requirements, and capacity-building, so that the Fund created by such law may contribute to improving the living conditions of those more underprivileged sectors. Additionally, although the role of the National Indigenous Affairs Institute (INAI), together with its multi-stakeholder composition, is key to advance in that direction, a relevant area to be included in future programmatic actions in the country would be the completion of the cadastral survey of all indigenous lands in the entire territory, with a view to improving the legal status of community land tenure. These aspects are being considered in the FP and related use of proceeds, and will therefore be examined in the related documents (FP and ESMF).

From the very beginning of its work with REDD+, MArDS —mainly through the National Forest Directorate and the National Climate Change Directorate— has conducted a number of exercises to **identify risks and benefits** of the actions targeted by the Funding Proposal, that later were key to feed into the PANByCC and to identify achievements and improvement opportunities in the effective implementation of the

Forest Law. Likewise, another important aspect of the REDD+-related actions carried out during the Results Period is the wide multi-stakeholder participatory process conducted during the design of OTBN of the Forest Law, as well as throughout the REDD+ readiness. This consultation process led by MAYDS and supported by Argentina's UN-REDD NP, and on many occasions also by the FCPF, was an unprecedented experience in the country's environmental policy, and resulted in an outstanding capacity-building opportunity for each one of the public agencies involved. This experience was later included and systematized in the following documents: *Lineamientos sobre el Proceso de Consulta Previa, Libre e Informada a Pueblos Originarios* (Guidelines on Free, Prior and Informed consultation Process for Indigenous Peoples) and *Guía de Participación de Actores Relevantes en la Implementación del PANByCC* (Guidelines for Participation of Relevant Stakeholders in the Implementation of the PANByCC), which will soon be posted on Argentina's [Country Approach to REDD+ Safeguards](#) web site, available on the Argentine government's [climate change website](#).

The efforts made by the country to improve its **inter-institutional and inter-jurisdictional coordination started with the very beginning of the Forest Law implementation**, particularly through COFEMA and the Argentine Climate Change Cabinet, are recognized. The latter is responsible for the preparation of the sectoral plans to implement the Paris Agreement NDCs, including the REDD+ strategy (PANByCC, which preparation started during the results' period and which has been examined in more depth in the FP and ESMF related document considering it represents the backbone of the identification of the activities for the use of proceeds of the FP). Yet, it is still necessary to reinforce this aspect, particularly to eliminate or mitigate other sectors' conflicting economic incentives, like the agricultural and livestock sector. These aspects are being considered in the FP and related use of proceeds, and will therefore be examined in the related documents (FP and ESMF).

Argentina has progressed in its public policy to bridge the existing **gender gap** through policies ensuring that public servants receive training in that area and, other measures which evidence the Government's agile response to one of the most prominent demands of society. This did not go unnoticed by MAYDS which, with the support of Argentina's UN-REDD NP, has been working relentlessly since 2014 in the organization of workshops, methodological guidelines and other tools for **gender mainstreaming** across climate and forest policy in Argentina. As a result, the *Guía Metodológica para la Integración de la Perspectiva de Género en la Gestión de Bosques y Cambio Climático* (Methodological Guide for Gender Mainstreaming in Forest and Climate Change Management) will be published shortly on Argentina's [Country to REDD+ Safeguards](#) web site.

All these recommendations, together with the inputs compiled in this ESA Report, as well as all aspects further developed in the safeguards section of the Funding Proposal, will contribute to the contents of the social and environmental management framework that is related to the future use of REDD+ results-based payments resources.

9 Bibliography and National Regulatory Framework

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National Regulatory Framework

Type	Number	Name	Official Gazette Date
		Argentine Constitution	
National Executive Order	2148/1990	Strict Nature Reserves	18 October 1990
National Executive Order	453/1994	Nature Reserves	29 March 1994
National Executive Order	891/2016	Argentine Climate Change Cabinet. Creation.	26 July 2016
Law	21836	UNESCO Convention on the Protection of the World Cultural and Natural Heritage	14 July 1978
Law	22344	Convention on International Trade in Endangered Species of Wild Fauna and Flora	01 November 1982
Law	22351	National Parks	12 December 1980
Law	23054	American Convention on Human Rights, 1969	27 March 1984
Law	23302	Indigenous Policy and Support to Indigenous Communities	08 November 1985
Law	23313	The International Covenant on Civil and Political Rights, 1966; International Covenant on Economic, Social and Cultural Rights, 1966 (ICESCR)	06 May 1986
Law	23919	Convention on Wetlands of International Importance especially as Waterfowl Habitat	24 April 1991
Law	24071	ILO Convention No. 169 on Indigenous and Tribal Peoples in Independent Countries	07 April 1992

Law	24295	United Nations Framework Convention on Climate Change, 1992 (CMNUCC)	11 January 1994
Law	24375	Convention on Biological Diversity (CBD)	03 October 1994
Law	24658	Additional Protocol to the American Convention on Human Rights in the area of Economic, Social and Cultural Rights (Protocol of San Salvador, 1988 ("Protocol of San Salvador"))	17 July 1996
Law	24701	United Nations Convention to Combat Desertification, 1994 (UNCCD)	22 October 1996
Law	24759	Inter-American Convention Against Corruption (IACAC)	13 January 1997
Law	25188	Ethics in the Performance of Duties as Public Servants	26 October 1999
Law	25233	National Anticorruption Office	14 December 1999
Law	25438	Kyoto Protocol to the UNFCCC, 1997	19 July 2001
Law	25675	General Law on the Environment	28 November 2002
Law	26097	United Nations Convention against Corruption (UNCAC)	06 June 2006
Law	26160	Emergency Regarding the Possession and Ownership of Land Traditionally Held by the Country's Indigenous Peoples	23 November 2006
Law	26331	Law on Minimum Environmental Protection Standards for the Enrichment, Restoration, Conservation, Sustainable Use and Management of Native Forests	26 December 2007
Law	26815	Law on Minimum Environmental Protection Standards for Forest and Rural Wildfires	16 January 2013
Law	26994	Approval of the Argentine Civil and Commercial Code	08 October 2014
Law	27118	Family Agriculture	28 January

			2015
Law	27246	Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity, 2010	06 January 2017
Law	27270	Paris Agreement	19 September 2016
Law	27275	Right of Access to Public Information	29 September 2016
Law	27431	National Administration Budget for 2018	02 January 2018
Law	27520	Law for the minimum standards on climate change	2019
MAYDS Resolution	514/2009	Environmental Infringements	26 June 2009
MAYDS Resolution	91/2003	National Biodiversity Strategy	28 March 2017
MAYDS Resolution	267/2019	National Native Forest Restoration Plan	29 July 2019

10 ANNEXES

Annex 1. Project Environmental and Social (E&S) Screening Checklist²⁷

Would the project, if implemented?	Not Applicable	No	Yes	Unknown
I. FAO VISION/STRATEGIC OBJECTIVES				
Be in line with FAO's vision?			X	
Be supportive of FAO's strategic objectives?			X	
II. FAO KEY PRINCIPLES FOR SUSTAINABILITY IN FOOD AND AGRICULTURE				
Improve efficiency in the use of resources?			X	
Conserve, protect and enhance natural resources?			X	
Protect and improve rural livelihoods and social well-being?			X	
Enhance resilience of people, communities and ecosystems?			X	
Include responsible and effective governance mechanisms?			X	
ESS: 1 NATURAL RESOURCES MANAGEMENT				
❖ Management of water resources and small dams				
Include an irrigation scheme for over 20 hectares or withdraws more than 1000 m3/day of water?	X			
Include an irrigation scheme for over 100 hectares or withdraws more than 5000 m3/day of water?	X			

²⁷ The checklist is the result of an ex-post analysis of the results period activities, considering the results were achieved by the government in 2014 – 2016 through the implementation of the Forest Law and other initiatives as indicated in section 3 of this document

Include an existing irrigation scheme?	X	
Include an area known or expected to have water quality problems?	X	
Include usage of non-conventional sources of water (i.e. wastewater)?	X	
Include a dam that is more than 5 m. high?	X	
Include a dam that is more than 15 m. high?	X	
Include measures that build resilience to climate change?		X

❖ Tenure

Negatively affect the legitimate tenure rights of individuals, communities or others? ²⁸		X
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ESS 2: BIODIVERSITY, ECOSYSTEMS AND NATURAL HABITATS

Make reasonable and feasible efforts to avoid practices that could have a negative impact on biodiversity, including agricultural biodiversity and genetic resources?		X
Have biosafety provisions in place?	X	
Respect access and benefit-sharing measures in force?		X
Safeguard the relationships between biological and cultural diversity?		X

❖ Protected areas, buffer zones and natural habitats

Be located in such a site that it poses no risk or impact to protected areas, critical habitats and ecosystem functions?		X
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ESS 3: PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE

❖ Planted forests

²⁸ In accordance with the [Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security](#) (VGGT).

Have a credible forest certification scheme, national forest programmes or equivalent or use the Voluntary Guidelines on Planted Forests (or an equivalent for indigenous forests)? **X**

ESS 4: ANIMAL –LIVESTOCK AND AQUATIC– GENETIC RESOURCES FOR FOOD AND AGRICULTURE

Involve the procurement or provision of pesticides? **X**

❖ Aquatic genetic resources

Adhere to (be Aligned with) the FAO Code of Conduct for Responsible Fisheries (CCRF) and its related negotiated instruments? **X**

Be aligned, where applicable, with FAO's strategic policies established in the FAO Technical Guidelines for Responsible Fisheries (including aquaculture)? **X**

❖ Livestock genetic resources

Be aligned with the Livestock Sector Strategy including the animal disease, public health and land degradation provisions? **X**

ESS 5: PEST AND PESTICIDES MANAGEMENT

Involve the procurement or provision of pesticides? **X**

Result in increased use of pesticides through expansion or intensification of production systems? **X**

Require the disposal of pesticides or pesticide contaminated materials? **X**

ESS 6: INVOLUNTARY RESETTLEMENT AND DISPLACEMENT

Avoid the physical and economic displacement of people? **X**

ESS 7: DECENT WORK

Adhere to FAO's guidance on decent rural employment, promoting more and better employment opportunities and working conditions in rural areas and avoiding practices that could increase workers' vulnerability? **X**

Respect the fundamental principles and rights at work, and support the effective implementation of other international labour standards, in particular those that are relevant to the agri-food sector?	X
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ESS 8: GENDER EQUALITY

Have the needs, priorities and constraints of both women and men taken into consideration?	X
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Promote women's and men's equitable access to and control over productive resources and services?	X
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Foster their equal participation in institutions and decision-making processes?	X
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ESS 9: INDIGENOUS PEOPLES AND CULTURAL HERITAGE

Are there any indigenous communities in the project area?	X
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Are project activities likely to have adverse effects on indigenous peoples' rights, lands, natural resources, territories, livelihoods, knowledge, social fabric, traditions, governance systems, and culture? or heritage (tangible and intangible)?	X
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Are indigenous communities outside the project area likely to be affected by the project?	X
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Designed to be sensitive to cultural heritage issues?	X
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Source: <http://www.fao.org/3/a-i4413e.pdf>

Annex 2. Assessment of Alignment with the Project Environmental and Social (E&S) Screening Checklist

The implementation of the Forest Law, which outlines the actions that resulted in the emissions reductions included in Argentina's Funding Proposal, was developed according to the entire national and international laws related to forest, environment, indigenous peoples' rights and others, which are also aligned with and respect FAO's nine Environmental and Social Standards under the [Environmental and Social Management Guidelines](#) (ESM), as analyzed in the tables below.

ESS 1. NATURAL RESOURCES MANAGEMENT

Question	Management of soil and land resources	Alignment review	Assessment/Recommendations
1.1.	<i>There are no activities that may lead to soil degradation (biological or physical).</i>	The activities carried out do not pose a risk of ecosystem degradation.	There is evidence of good levels of alignment. There are no reported contradictions with related laws and regulations, and there is no relevant information about incompatibilities in practice. Additional information relating to claims is available in section 6 (mechanism for addressing claims and complaints).
	<i>Ensure sustainable land management practices.</i>	The Forest Law establishes a regime for the conservation of ecosystem services provided by forests. For red and yellow category forests, the limited activities permitted, require a management plan based on technical criteria and predetermined requirements. In the case of forests of lower conservation interest (green), an environmental impact assessment is necessary to conduct deforestation actions. The activities that resulted in the reduced emissions during the applicable Results Period were developed in the framework of Law No. 26331 and other related domestic and international laws. There is no evidence of adverse effects on the environment from implementation of the Forest Law.	
	Management of water resources and small dams		

1.3.	Would this project develop an irrigation scheme that is more than 20 hectares or withdraws more than 1000 m3/day of water?	Not applicable	This ESS is not applicable to the project.
1.4.	Would this project develop an irrigation scheme that is more than 100 hectares or withdraws more than 5000 m3/day of water?	Not applicable	This ESS is not applicable to the project.
1.5.	Would this project aim at improving an irrigation scheme (without expansion)?	Not applicable	This ESS is not applicable to the project.
1.6.	Would this project affect the quality of water either by the release of pollutants or by its use, thus affecting its characteristics (such as temperature, pH, DO, TSS or any other)?	Not applicable	This ESS is not applicable to the project.
1.7.	Would this project include the usage of wastewater?	Not applicable	This ESS is not applicable to the project.
1.8.	Would this project involve the construction or financing of a dam that is more than 15 m. in height?	Not applicable	This ESS is not applicable to the project.

1.9.	Would this project involve the construction or financing of a dam that is more than 5 m. in height?	Not applicable	This ESS is not applicable to the project.
	Tenure		
1.10.	<p><i>Could the project deny or limit, permanently or temporarily, access to natural resources by those who have access or utilization rights?</i></p> <p><i>Could the project lead to changes in existing (formal and informal²⁹) tenure rights³⁰ of individuals, communities or others over land, fisheries and other forest resources?</i></p>	<p>The analysis of how Safeguard C is addressed and respected in this Report shows that Law No. 26331 contains certain measures to safeguard the rights of indigenous peoples and forest-dependent communities, such as mandatory participation to categorize the forests in the respective OTBNs, and this, in turn, relies on the legal heritage of indigenous peoples' rights. Moreover, the Forest Law is intended to enhance the conditions of these communities and peoples, as evidenced by one of the Environmental Sustainability Criteria (ESC) to be considered for the protection of the forests which weights the "value that indigenous peoples and local communities give to the native forest."</p> <p>There is no evidence of displacements, deprivation of rights or other adverse effects on these communities or peoples due to the implementation of Law No. 26331. On the contrary, this policy has not only provided an opportunity to improve the living conditions of these peoples, but it has also driven -given the apparent synergies- progress in the</p>	<p>There is adequate alignment.</p> <p>Although it is recognized that there is still work to be done in the normalization of indigenous property throughout the country, during the Results Period and in the subsequent years of the Forest Law, there has been an evident commitment by the Government to advance this issue, the Forest Law being a means to such end.</p>

²⁹ Socially or traditionally recognized tenure rights, although not defined in the law, may still be considered to be "legitimate tenure rights."

³⁰ Tenure rights are rights to own or use, or to benefit from, natural resources, such as land, water bodies or forests.

		National Programme for Territorial Survey of Indigenous Communities (Re.Te.C.I.), under Law No. 23302 on Indigenous Policy and Support to Indigenous Communities (Official Gazette of 8 November 1985). Safeguard C is addressed and respected.	
	Climate		
1.11.	<i>The activities lead to a reduction in the adaptive capacity to climate change for any stakeholder in the results area.</i>	Law No. 26331 seeks “the enrichment, restoration, conservation, sustainable use and management of native forests and of the environmental services that they provide to society” (article 1). There is proven evidence that one of the environmental services provided by forests to society is that of acting as a barrier against extreme events such as storms, landslides or rockfalls, and that they also mitigate land erosion and contribute to water regulation, thus resulting in greater community resilience.	There is evidence of good levels of alignment.
1.13.	<i>The activities led to a net increase in GHG emissions beyond the expected level as a result of the increase in production.</i>	There is no evidence of increased exposure to risks in the communities deriving from the implementation of Law No. 26331. The project pursues the recognition of the emissions reduced through its National REDD+ Strategy during the 2014-2016 Results Period, on the basis of the regime set forth by the Forest Law. REDD+ is a public policy instrument and operational management tool designed generally to reduce emissions and increase greenhouse gas (GHG) sequestration of the sector by strengthening the sustainable management of native forests. During the results period, Argentina (through the activities,	There is no evidence to the contrary.

		initiatives and policies indicated in section 3 of this document) achieved a total reduction of GHG emissions amounting to 165 million tCO ₂ .	
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ESS 2. BIODIVERSITY, ECOSYSTEMS AND CRITICAL HABITATS

Question	Protected areas, buffer zones or natural habitats	Alignment review	Assessment/Recommendations
2.1.	<i>Is the project implemented within a designated legally protected area or its buffer zone?</i>	The activities of the project contribute to preserve forests in buffer zones and forests of conservation interest as identified by Law No. 26331, and further reinforce the implementation of the native forest protection scheme outlined by such law.	There is evidence of good levels of alignment. There is no evidence to the contrary.
	Biodiversity conservation		
2.3.	<i>Could the project turn a natural ecosystem into an agricultural/aquatic/forest production unit with reduced diversity of flora and fauna?</i>	The activities carried out for the implementation of the Forest Law (and which have therefore contributed to the reduction in forest emissions), do not contemplate land use changes adversely affecting the national forest cover, at least, in cases where the plans have buffered wider deforestation by means of, for instance, strategies of integrated livestock and forest management. Nonetheless, these plans should have undergone and passed an environmental impact assessment. The Forest Law, and the plans implemented under this law, promote the sustainable use of forests to reduce deforestation in the country and to preserve native forests previously identified in provincial land use plans. The implementation of the Law has led to improvements in providing environmental services by the native forests. For further information see Annex 3.	There is evidence of good levels of alignment. There is no evidence to the contrary.

	Use of alien or non-native species		
2.4		The Forest Law activities that conducted to the emissions reductions during the Results Period did not involve reforestation actions, land use changes or use of any alien or non-native species. For further information see Annex 3.	No concerns have been identified in this respect, considering the existing environmental criteria in the Forest Law and the Cancun Safeguards.
	Access and benefit-sharing for genetic resources		

Would this project involve access to genetic resources for their utilization and/or access to traditional knowledge associated with genetic resources that is held by indigenous, local communities and/or farmers?

	The project's activities are not related to the use of genetic resources.	This guideline is not applicable to the project.
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ESS 3. PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE

Question	Introduction of new crops and varieties	Alignment review	Assessment/Recommendations
3.1.	Would this project Introduce crops and varieties previously not grown?	The Forest Law activities that led to ER results in 2014-2016 did not provide for actions related to planted forests or land use changes.	This ESS is not applicable to the project.
	Provision of seeds and planting materials		
3.2.	Would this project provide	Not applicable	This ESS is not applicable to the

	seeds/planting material for cultivation?		project.
	Modern biotechnologies and the deployment of their products in crop production		
3.3.	Would this project supply or use modern plant biotechnologies and their products?	Not applicable	This ESS is not applicable to the project.
	Planted forests		
3.4.	Would this project establish or manage planted forests?	Not applicable	This ESS is not applicable to the project.

ESS 4. ANIMAL –LIVESTOCK AND AQUATIC– GENETIC RESOURCES FOR FOOD AND AGRICULTURE

Question	Introduction of new species/breeds and change the production system of locally adapted breeds	Alignment review	Assessment/Recommendations
		The Forest Law activities that led to ER results in 2014-2016 did not provide for the introduction of new animal species/breeds. For further information see Annex 3.	No concerns have been identified in this respect, considering existing environmental criteria in the Forest Law and under ILFM.

ESS 5. PEST AND PESTICIDES MANAGEMENT

Question	Supply of pesticides	Alignment review	Assessment/Recommendations
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	Not applicable	The Forest Law activities that led to ER results in 2014-2016 did not provide for pest management or pesticides use.	This ESS is not applicable to the project.
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ESS 6. INVOLUNTARY RESETTLEMENT AND DISPLACEMENT

Question	Prohibit forced evictions	Alignment review	Assessment/Recommendations
6.1.	<i>Would this elimination * be voluntary? * temporary or permanent transfer of people away from their homes or means of production / livelihoods or restrict access to their means of livelihoods</i>	The Forest Law, just like all tools and initiatives mentioned in section 3. that contributed to achieving results, did not and does not include any measure or objective which could result in forced displacement of persons, settlements or land use change; on the contrary – there are specific safeguards to promote sustainable rural development and the well-being of forest-dependent communities and indigenous peoples, through enhanced forest management and conservation. Those instruments (as per section 3) actually seek to strengthen the “arraigo” of the communities, decreasing forced-migration of communities and of indigenous peoples towards areas of the country for income The Forest Law provides for participatory mechanisms, with an intercultural focus, for the preparation of OTBNs. It is also designed to enhance the living conditions of indigenous peoples and local communities, and have served as a driver for national policy to regularize the status of the lands managed by these peoples and communities, as indicated in the analysis of Cancun Safeguard C in of this Report.	There is evidence of good levels of alignment. There is no evidence to the contrary.
	Avoid and mitigate physical and economic displacement Develop plans for physical or		

	economic displacement		
		<p>The Forest Law pursues the generation of new opportunities for rural development and the opportunities, always maintaining their ecological functions and environmental services.</p> <p>There is no evidence of any kind of economic displacement of individuals or communities due to implementation of the project's activities. Additionally, it is worth considering that art. 2 of the Forest Law excepts the implementation of such law in indigenous people's plots smaller than 10 hectares.</p>	<p>There is evidence of good levels of alignment.</p> <p>There is no evidence to the contrary.</p>

ESS 7: DECENT WORK

Question	Promote direct action to foster decent rural employment	Alignment review	Assessment/Recommendations
		<p>It is worth noting that Argentina already during the results' period has a robust labour law framework, starting with the Argentine Constitution which ensures decent and equitable working conditions to all workers; limited working hours; paid rest time and holiday leave; fair remuneration; sliding scale minimum wages, among others (article 14 bis). Furthermore, there are specific laws applicable to the rural sector, such as Law No. 26727 on Agricultural Work, which provides special conditions for agricultural workers.</p>	<p>No concerns have been identified in this respect. Moreover, the implementation of the Forest Law and the plans under this law foster sustainable rural development and enhanced livelihood.</p>

ESS 8: GENDER EQUALITY

Question		Alignment review	Assessment/Recommendations
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	<p><i>Combating discriminatory practices.</i></p> <p><i>Equal opportunities for men and women to participate in and benefit from.</i></p>	<p>Despite the fact that Law No. 26331 do not contain specific gender provisions, there are mechanisms and projects underway in the country that have served to foster gender equality in REDD+ implementation throughout the Results Period.</p> <p>There is evidence showing there are initiatives and plans to reinforce a gender perspective in future reviews of the PANByCC.</p> <p>Section 6.1.2 analyzes the gender approach in detail.</p>	<p>Sufficiently in line with FAO guidelines.</p>
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ESS 9: INDIGENOUS PEOPLES AND CULTURAL HERITAGE

Question		Alignment review	Assessment/Recommendations
	<p><i>Identification of indigenous peoples' rights over land, territories and natural resources.</i></p> <p><i>Prior assessment of the impact on indigenous peoples; Free, Prior and Informed Consent (FPIC).</i></p> <p><i>Indigenous peoples' plan.</i></p>	<p>The project's actions were carried out within the framework of the national policy on native forests, which has several tools and legal provisions to promote the rights of the indigenous peoples, with an emphasis on securing multi-stakeholder participation.</p> <p>While a specific law on FPIC is still pending, the country has supplementary regulations and tools available that ensure the right to consultation of indigenous' peoples and forest-dependent communities, in full compliance with the ILO Convention 169. As signatory of such Convention, the country recognizes and promotes FPIC in situations that might lead to impacts on potential displacements/relocation of indigenous' peoples from the lands which they occupy.</p> <p>MAYDS made significant and constant progress on these aspects through the Native Forests and community project as well as through the UN-REDD National Programme, by means of</p>	<p>There is evidence of good levels of alignment.</p> <p>There is no evidence to the contrary.</p>

		<p>workshops, capacity-strengthening strategies and practical tools, with efforts during the results period and continuing in the subsequent years.</p> <p>Finally, upon an analysis of compliance with the Cancun and FAO Safeguards, it is worth noting an unprecedented participatory process carried out in the country for the preparation of the PANByCC, which, even if published in 2017, was developed throughout a longer process during the results period with the support of FCPF Project and Argentina's UN-REDD NP.</p> <p>Section 7.2.2 of this Report describes in detail the alignment of the project's actions with this ESS 9.</p>	
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Annex 3. Forest Law and MGBI environmental standards

The activities foreseen in this proposal will be carried out in accordance with the land use planning spelt out in the provincial OTBNs, that is to say, the conservation categories defined in each case will be taken into account and the management guidelines outlined in the current regulations will be respected (specifically the minimum contents of management plans (MP) and conservation plans (CP) established in [Annex I to COFEMA Resolution 277/2014](#)). This resolution indicates that the objectives and proposals included in the MPs should ensure the following: that the forest is not replaced; that the interventions are moderate enough so the forest continues to maintain at least the minimum conservation attributes of the category under which it has been classified; and, in the case of interventions intensely affecting conservation attributes, that the system can recover (either naturally or artificially) and that said recovery is technically based on MPs.

Furthermore, article 22 of the aforementioned resolution establishes that the local enforcement authority must make sure the plans include admissible activities for the indicated modality, excluding those activities that do not contribute to the plan's objectives or **that have an unfavorable or significant impact on the native ecosystem**. Likewise, following the precautionary principle set forth in the Law, activities should be promoted only if the acceptable thresholds of disturbance have been defined for the category in which they are carried out.

On the other hand, article 23 of the above resolution establishes that the plan's approval procedures must at least envisage the obligations imposed by the Law and its Decree concerning the environmental impact of the proposed activities.

With regard to the activities to be carried out under the **MBGI modality**, the technical proposal is based on adaptive management, and will be implemented following the National Principles and Guidelines for MBGI, defined within the framework of the Forest Law, and in accordance with the general procedures and minimum requirements for the submission of the above-mentioned management and conservation plans, approved under COFEMA Resolution No. 277/14. MBGI plans must be developed in accordance with three sustainability principles: a) The productive capacity of the ecosystem must be maintained or improved; b) The integrity of the ecosystem and its ecosystem services must be maintained or improved; c) The well-being of the communities associated with its use must be maintained or improved. The following is worth highlighting within the general guidelines for the implementation of MBGI:

- The plans must comply with the minimum requirements for Sustainable Native Forest Management Plans;
- They must ensure an exclusive area for biodiversity conservation, maintenance of connectivity, the preservation of the genetic wealth of species that live on the property, and the protection of associated fauna.
- The importance attached to all strata that are a part of a forest's vertical structure as vital elements in the functioning of the ecosystem and productive system. In this regard, it is worth underscoring the functionality of the shrub layer in the nutrient cycle, in the way of forage supply, soil and biodiversity protection, the water cycle; and as a source of non-timber products and food, as well as for wildlife protection.
- Any method for seeding non-invasive forage species may be used, but only in the specific intervention areas.
- The organization of activities includes a forest management plan that allows the forest structure to be geared, and its status to be periodically monitored.

- Livestock management specified in the comprehensive management plan must be adapted to the actual possibilities of the system, in a time horizon that takes into account the interannual variability of environmental conditions.
- It is of utmost importance for MBGI plans to have a system for prevention and control of fires affecting forests and associated grasslands, and of prolonged droughts, including a specific early attack action, as a means to prevent or control the impact of the above on the system.
- The recommendation is for MBGI plans to appropriately design waterpoints so as to achieve efficient productive use, without affecting the functioning of the forest. The water management plan is integrated into the MBGI and pursues the following objectives: reduce the impact of livestock on the forest and its regeneration (grazing, trampling, etc.), ensure a better use of forage stocks, support the increase in the carrying capacity and meat production, improve animal well-being, ensure a better use of water, avoiding the contamination and erosion of water courses.

Additional information on the technical guidelines, case studies and a guide to recommended forage species are available at: <https://www.argentina.gob.ar/ambiente/tierra/bosques-suelos/manejo-sustentable-bosques/ganaderia-integrada>

Annex 4. Environmental Impact Assessment characteristic within the Forest Law

The Environmental Impact Study (EIA), as mentioned in section 3.2.1, will be mandatory to Land Use Change Plans approval and when management plans would have the potential to create significant environmental impacts. The EIA will contain, as a minimum and without prejudice to the complementary requirements established by each jurisdiction, the following data and information:

- a) Individualization of the Holders responsible for the project and the Environmental Impact Study;
- b) Description of the proposed project to be carried out with special mention of: objectives, location, components, technology, raw materials and inputs, energy source and consumption, waste, products, stages, job creation, economic benefits (discriminating private, public and groups beneficiaries), numbers of direct and indirect beneficiaries;
- c) Plan for the sustainable management of native forests, including proposals to prevent and mitigate adverse environmental impacts and optimize positive impacts, environmental restoration actions and compensation mechanisms, monitoring measures, follow-up of detected environmental impacts and response to emergencies;
- d) In the case of clearing operations, the spatial relationship between clearing areas and areas corresponding to surrounding forest stands should be analyzed, in order to ensure consistency with the arrangement provided for in Article 6;
- e) Description of the environment in which the project will be carried out: definition of the area of influence, status of the natural and anthropic environment, with special reference to the updated situation of indigenous, native or peasant communities that inhabit the area, the physical and biological components, social, economic and cultural; its dynamics and interactions; environmental problems and heritage values. Legal and institutional framework;
- f) Prognosis of how the physical, economic and social environment will evolve if the proposed project is not carried out;
- g) Analysis of alternatives: description and comparative evaluation of alternative location, technology and operation projects, and their respective environmental and social effects. Description and detailed evaluation of the selected alternative;
- h) Significant environmental impacts: identification, characterization and evaluation of the foreseeable, positive and negative, direct and indirect, singular and cumulative effects, in the short, medium and long term, stating the uncertainties associated with the forecasts and considering all stages of the cycle of the project;
- i) Synthesis document, written in easily understandable terms, that summarily contains the findings and recommended actions.

The application authority of each jurisdiction, once the Environmental Impact Study and the results of the public hearings or consultations have been analyzed, must issue an Environmental Impact Statement through which it must:

- a) Approve or deny the environmental impact study of the project;
- b) Inform the National Application Authority.

Minimum Management Plans content:

- Objectives
- Legal and administrative aspects related to the nature and extent of the beneficiary's rights.
- Description of the history of use of the establishment and of the socioeconomic conditions of the region.

-
- Description of the resources that will be managed, their natural environment and the existing environmental limitations, integrated at a landscape scale.
 - Description of the initial state of the system and / or of the subsequent states after interventions through a forest inventory designed according to management objectives, an inventory of non-wood forest products and / or a survey of the state of the services provided by forests.
 - Description and justification of the management system (silvicultural, livestock or the one that corresponds according to the resource used), designed based on the possibility calculated based on the ecology of the forest and the information obtained from inventories and / or surveys. One must identify and propose conservation measures for management areas that contain special conservation values.
 - Detailed description of the economic and financial organization, of the intended production levels in quantity and quality depending on the possibility and the spatial-temporal organization of the establishment.
 - Description and justification of the harvesting techniques and the equipment used.
 - Description of the expected evolution of the components of the system that will ensure its sustainability (moments, sites, distribution, densities, evolution of regeneration, growth, etc.).
 - Description of the relevant social aspects prior to the project and the expected social impact.
 - A sworn declaration by the holder of the environmental impacts foreseen in the plan to facilitate the analysis by the ALA, who will determine the need to carry out an environmental impact study (EIA). In the event that environmental risks do not warrant an EIA, preventive and corrective measures for treatments that alter the ecosystem will be included in the management plan.
 - Prescription of techniques and environmental protection measures necessary to preserve the natural resources involved in the venture.
 - Measures for monitoring the state of the forest and the environmental impacts caused.
 - Measures to mitigate the environmental impacts caused.
 - Description of the waste treatment generated by the plan activities.
 - Cartography that identifies the location, the access roads to the property, the relevant natural aspects and the zoning of the activities to be carried out.

The stated contents are common to all modalities although they may have variations according to each one of them. Minimum content specific to each modality must be defined locally, taking into account the particularities inherent in each one.

The objectives and activities proposed in the MP should ensure:

- that the forest is not replaced;
- that the interventions are moderate enough that the forest continues to maintain, at a minimum, the conservation attributes of the category under which it has been classified;
- in the case of interventions that affect conservation attributes in an intense way, that the system can recover (either naturally or artificially) and that such recovery is technically based on the PM.

Minimum Conservation Plans content

Conservation Plans (CP) synthesize the organization, means and resources of the specific measures to maintain or increase the conservation attributes of a native forest or group of native forests and/or the sustainable use of its non-timber resources and services, for which it must include a detailed description of the forest land in its ecological, legal, social and economic aspects and, in particular, a forest inventory and/or the non-timber resource object of exploitation with a level of detail such that it allows decision-making regarding forestry or a set of usage guidelines to be applied in each of the native forest units. In the presence of herbivory, it must be proved that the load does not decrease the conservation values or,

if not, provide measures so that this does not happen. The PCs can be submitted by beneficiaries for forests classified in any conservation category and can include the following modalities: Recovery of conservation and productive potential, use of non-wood forest products and environmental services, maintenance of conservation potential.

The objectives and activities proposed in the CPs must ensure:

- that it is not carried out to commercially take advantage of the timber (although the timber extracted could be commercialized for other purposes).
- that any activity carried out, whether for commercial purposes or without them, maintains or increases the conservation attributes.

The Management Plan is the document that synthesizes the organization, means and resources, in time and space, of the sustainable use of timber and non-timber forest resources and services, in a native forest or group of native forests, for the which must include a detailed description of the establishment in its ecological, legal, social and economic aspects and, as well as a forest inventory or the non-timber resource to be exploited or some other type of survey with a level of detail such that it allows the taking of decisions regarding forestry to be applied or the measures to be implemented according to the modality in question. The PM can be presented by the beneficiaries only for forests classified under conservation categories II (Yellow) or III (Green) and can have the following modalities: forest exploitation (AF); use of non-wood products and services (PNMyS); silvopastoral (SP); recovery of productive potential, either enrichment or restoration (REC). The same plan can have more than one modality.

Minimum Conservation Plans contents:

- Objectives
- Legal and administrative aspects related to the nature and extent of the beneficiary's rights.
- Description of related antecedents of the establishment and of the socioeconomic conditions of the region.
- Description of the resources that will be managed for their conservation, their natural environment and the existing environmental limitations, integrated at a landscape scale.
- Description of the initial state of the system and / or of the subsequent states after interventions through a forest inventory designed according to management objectives, an inventory of non-wood forest products and / or a survey of the state of the services provided by forests.
- Description and justification of the management system for its conservation (silvicultural or the one that corresponds according to the resource to be conserved), designed based on the ecology of the forest and the information obtained from inventories and / or surveys. You must identify and propose particular management measures to preserve the quality of high-value environments or those with special characteristics.
- Description and justification of the techniques to be implemented and the equipment used.
- Description of the expected evolution of the components of the system that will ensure its sustainability (moments, sites, distribution, densities, evolution of regeneration, growth, etc.).
- Description of the relevant socio-economic aspects prior to the project and the expected social impact.
- Affidavit by the owner of the environmental impacts foreseen in the plan to facilitate the analysis by the ALA, who will determine the need to carry out an environmental impact study (EIA). In the event that environmental risks do not warrant an EIA, preventive and corrective measures for treatments that alter the ecosystem will be included in the plan.
- Prescription of techniques and environmental protection measures necessary to preserve the natural resources involved in the venture.

- Measures for monitoring conservation status indicators and the environmental impacts caused.
- Measures of prevention and mitigation of environmental impacts caused.
- Description of the waste treatment generated by the plan activities.
- Cartography that identifies the location, the access roads to the property, the relevant natural aspects and the zoning of the activities to be carried out.

Annex 5. Guidelines for carrying out updates to territorial planning under the Forest Law

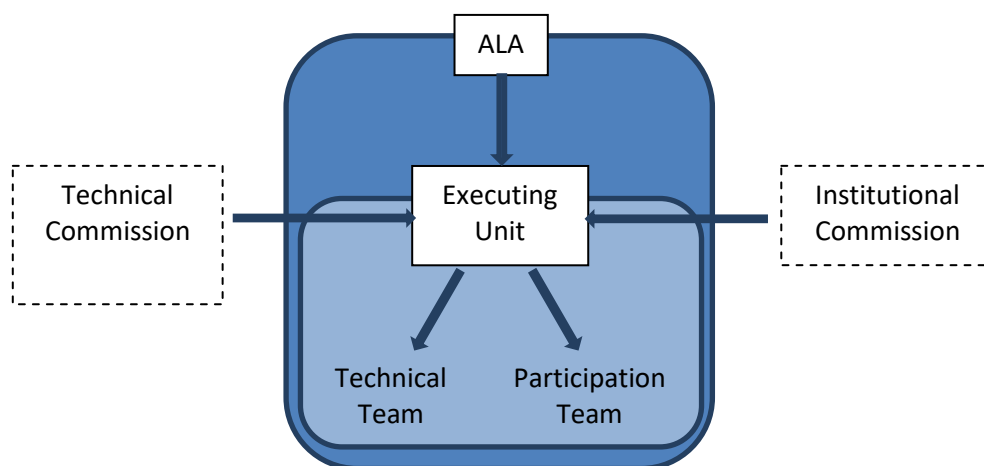
The Guidelines for carrying out OTBN updates, as established in the framework of COFEMA Resolution 236/12, are detailed below:

1) Formation of the Executing Unit

The Executing Unit (EU) is the entity or body in charge of proposing, developing and coordinating the necessary tasks for the OTBN and must be created or appointed by the ALA.

The Executing Unit may be composed of a technical area that establishes a technical-methodological proposal and formulates the OTBN in a geographic information system, and an area responsible for the participatory process, so that local actors take part in the analysis of the information. The complexity and diversity of aspects to be taken into account require the formation of multidisciplinary and inter-institutional working groups.

The EU will be in charge of the creation of procedures for the establishment of two advisory fora, or commissions. One of the two is technical, in which different scientific, technical and technological organizations, entities and bodies that deal with issues related to forest ecosystems within the jurisdiction may participate. The other is an institutional fora, made up of government agencies in the jurisdiction with sectoral competencies in conservation, management of native forests and in other land uses.



2) Design of the Process of Land Planning for Native Forests

This involves making conceptual decisions about the methodological and operational framework, establishing the guidelines for the OTBN process, and choosing a replicable methodology that records both the steps for the preparation of the OTBN map and the participatory process, which contains the phases of consultation and of validation. The result of this stage is an execution strategy with the corresponding schedule developed by the Executing Unit in consultation with the aforementioned commissions.

The execution strategy should contemplate the design of the information dissemination and public consultation strategy, which consists of planning the scope, content and methods by which participation will be conducted, to the public as a whole and especially to the actors linked in some way to the forests. The dissemination strategy must contain public dissemination activities in line with the purpose

and objectives of the Forest Law and of the specific scope derived from the territorial planning of native forests in the jurisdiction. It should be able to capture the value that indigenous and peasant communities give to forested areas, information necessary for the consideration of the respective sustainability criteria.

Finally, during this stage all the documentation necessary for the development of the participatory process will be prepared.

3) Formulation of the Territorial Planning of Native Forests

This consists of the development of the information, formulation, consultation and validation processes of the OTBN map.

Consultation and participation

During this stage, the call to relevant actors will be made, and access to information must be guaranteed³¹ to all citizens in relevant forums with means in accordance with the characteristics of the audience.

It is recommended to carry out two consultation phases: the first of consultation itself and receipt of proposals, and the second of validation. In the first, a preliminary OTBN proposal will be reported and discussed, collecting comments and observations from the participants. The second phase consists of the validation of the resulting proposal, incorporating what was collected in the first consultation phase.

The way to carry out the consultations should preferably be in person, in workshops, forums and public hearings in places of easy accessibility for the participants. Comments and observations, indicating full and partial agreements and aspects with opposing positions, must be documented. In both phases, a detailed report should be prepared about the contributions received, their analysis and the way in which they are integrated into the results.

Map validation

The geographic information system (GIS) to be used must be able to geographically identify native forests, show the value given to each criterion for each unit of analysis and integrate the results of the consultations, to finally generate the map with the final zoning.

To guarantee coherence between the different conservation categories established by the jurisdictions that share the same eco-region, an inter-jurisdictional forum should be promoted at which the corresponding agreements are made.

Finally, it is recommended to identify the areas and communities that could be affected in any way by the new OTBN to establish plans and / or programs for their compensation or transformation.

³¹ Law 25675: article 19. Every person has the right to have an opinion in administrative procedures that are related to the preservation and protection of the environment, whether of general or particular incidence, and of general scope.

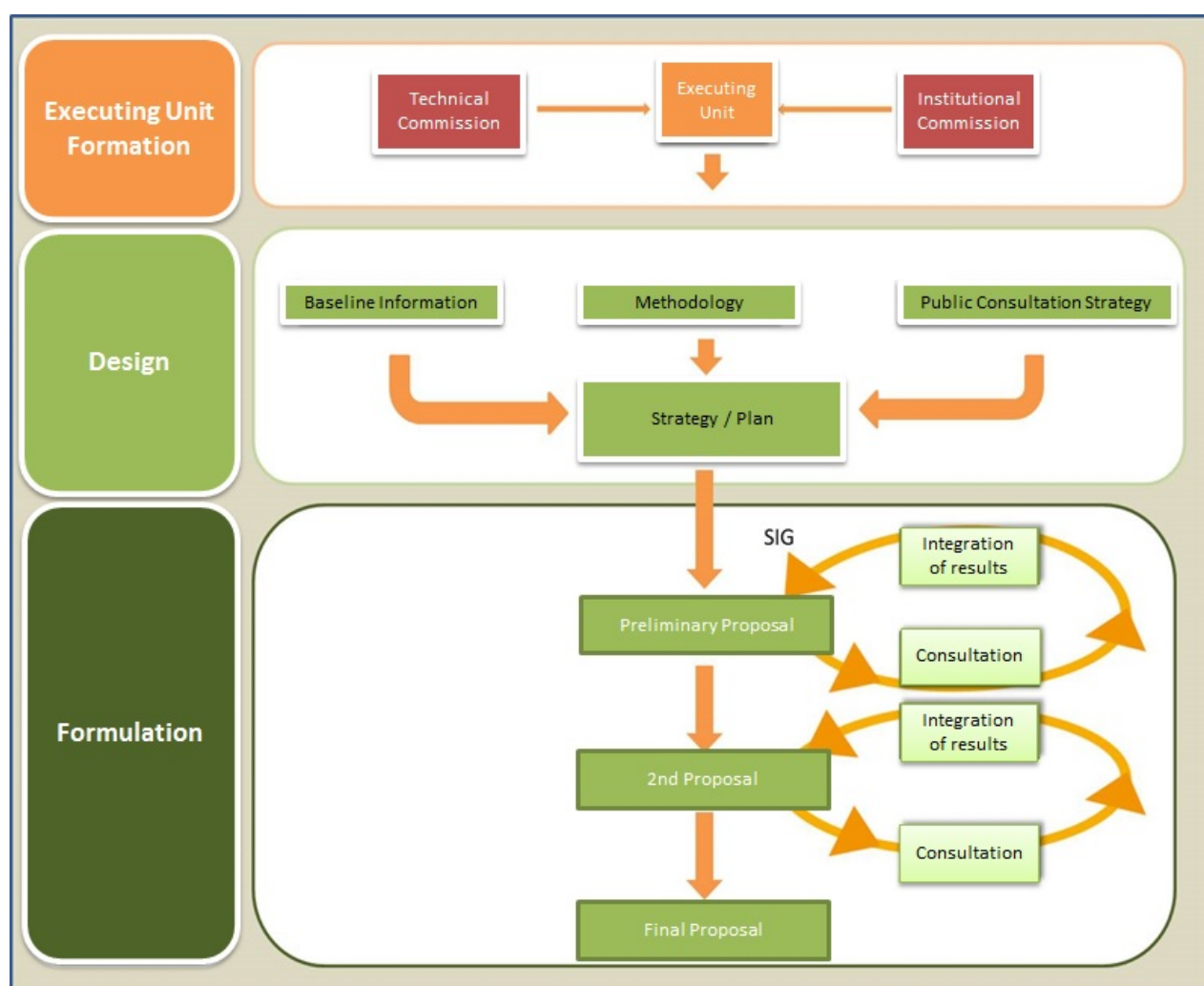


Figure 12. Stages for OTBN development and updating.

Source: COFEMA Resolution No 236/2012.

4) Carrying out the territorial planning of native forests

Collection of baseline information

The basic information for the construction of a first working document will recognize two fundamental aspects. One is necessary for the preparation of a map of native forests and other information that makes up the territorial framework, and will serve to contextualize the OTBN. The other is information necessary to consider and evaluate the application of the criteria that, according to the Law, must be used in the zoning process, including criteria to respect environmental and social standards.

It will be oriented toward the identification, compilation and systematization of the information and on which a zoning proposal should be built based on the criteria established by the Law.

Preparation of coverage and maps of native forests

Having accurate and reliable digital coverage and maps of native forests is not only the necessary basis for zoning, but is also essential for permitting management and for monitoring interventions and the state and area of the forest. Although each province generally has local information for certain criteria, a compilation of information has been carried out that may be useful in the absence of data (see Annex IV, Base information table for sustainability criteria).

Guidelines for submitting OTBNs

For the accreditation of each OTBN, the provincial enforcement authorities must present the following supporting information on which the ANA (DNB of the MAYDS) will carry out the corresponding evaluation before accrediting each OTBN:

- **OTBN thematic provincial map**
- **Digital coverage** used for the creation of the OTBN Geographic Information System **that allows for analysis of each of the criteria established in the delimitation of the conservation categories of the native forests** of the province, including the digital coverage and the definitive digital coverage of native forest with the assigned conservation categories of the Law,
- **Final report** detailing the methodology used in both the technical and participatory stages and the results analyzed to obtain the final OTBN. Thus, said document must include:
 - definition of the types of vegetation that were included in the OTBN according to the definition of native forests existing in the Law,
 - methodology for evaluating the criteria established in the Forest Law annex for assigning the categories, indicating the information consulted and prepared for the evaluation of each of them,
 - summary table with the surface area assigned to each category,
 - documentation showing the coherence of forest conservation categories with neighbouring provinces,
 - Minutes of workshops or the results of meetings in which it is evident how the participation of the actors involved in the issue of native forests is guaranteed for the realization of the OTBN and,
 - Other content relevant to the development of the final OTBN.

It is worth mentioning that the ANA, with the idea of standardizing the presentation of supporting documentation for processes of updating the provincial OTBN to the ANA, in December 2017 adopted COFEMA Resolution 350/17 establishing the “Procedures for the Accreditation of Updates of the Territorial Regulations of Native Forests (OTBN)”.

Said procedures include a series of steps prior to the approval of OTBN updates that involve instances of discussion and technical exchange between the ALAs and the ANA in a preliminary manner to the final approval of the OTBNs. In this way, it is sought that these achieve technical compliance before being approved by the corresponding administrative act.

Systematization of documentation

Art. 33 of the Forest Law and its regulations establishes the obligation to have an accredited OTBN, as a requirement for access to the National Fund for the Enrichment and Conservation of Native Forests (FNECBN). In this context, the provinces send the corresponding documentation for accreditation of OTBNs to the National Law Enforcement Authority (MAYDS). This documentation is analyzed by the National Forest Directorate, which makes technical-legal observations.

Each stage and documentation of the accreditation and OTBN updating process has been registered in a specific file (*expediente*) by MAYDS. Each file contains information on the formal exchange between the ALA and the ANA during the process, as well as technically-relevant topics.

The dates of approval of the OTBN and the registration of the files is detailed in the table below:

Jurisdiction	Administrative Act	Date of approval	N.° of record
Buenos Aires	Ley n.° 14888	21/12/2016	EX2017-01562008-APN-DGAYF#MAD
Catamarca	Ley n.° 5311	09/09/2010	CUDAP: EXP-JGM:0061918/2010
Chaco	Ley n.° 6409	24/09/2009	CUDAP: EXP-JGM:0006531/2010
Chubut	Ley n.° XVII-92	17/06/2010	CUDAP: EXP-JGM N° 0008654/2010
Córdoba	Ley n.° 9814	5/8/2010	CUDAP: EXP-JGM:0056449/2010
Corrientes	Ley n.° 5974	26/05/2010	CUDAP: EXP-JGM:0008652/2010
Entre Ríos	Ley n.° 10284	28/03/2014	CUDAP: EXP-JGM:0055716/2014
Formosa	1 ^{er} OT Ley n.° 1552 2 ^{do} OT Ley n.° 1660	09/06/2010 09/02/2018	CUDAP: EXP-JGM:0008650/2010
Jujuy	1 ^{er} OT Ley n.° 5676 2 ^{do} OT Ley n.° 6097	14/04/2011 23/11/2018	CUDAP: EXP-JGM:0019694/2011
La Pampa	Ley n.° 2624	16/06/2011	CUDAP: EXP-JGM:0024871/2011
La Rioja	Ley n.° 9111	01/09/2015	CUDAP: EXP-JGM:0055831/2015
Mendoza	Ley n.° 8195	14/07/2010	CUDAP: EXP-JGM:0048818/2010
Misiones	1 ^{er} OT Ley XVI - n.° 105 2 ^{do} OT Res. Min. de Ecol n.° 265	02/09/2010 07/08/2017	CUDAP: EXP-JGM:0059785/2010
Neuquén	Ley n.° 2780	09/11/2011	CUDAP: EXP-JGM0009536/2012
Río Negro	Ley n.° 4552	08/07/2010	CUDAP:EXP-JGM:0046744/2010
Salta	Ley n.° 7543	16/12/2008	CUDAP: EXP-JGM:0014178/2010
San Juan	1 ^{er} OT Ley n.°	11/11/2010	CUDAP: EXP-JGM:0078577/2010

	8174 2 ^{do} OT Ley n.º 1439-L	01/07/2016	
San Luis	Ley n.º IX-0697	16/12/2009	CUDAP: EXP-JGM:0007767/2010
Santa Cruz	Ley n.º 3142	17/08/2010	CUDAP: EXP-JGM:0011004/2011
Santa Fe	Ley n.º 13372	11/12/2013	CUDAP: EXP-JGM:0014195/2014
Santiago del Estero	1 ^{er} OT Ley n.º 6942 2 ^{do} OT Decreto n.º 3133	17/03/2009 23/12/2015	CUDAP: EXP-JGM:0001792/2010
Tierra del Fuego	Ley n.º 869	25/04/2012	CUDAP: EXP-JGM:0016457/2012
Tucumán	Ley n.º 8304	24/06/2010	CUDAP: EXP-JGM:0009192/2010