



Territorial planning of Native Forests in Salta

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International and their offices and partners in more than 16 countries. It unites a broad network of international and local NGOs to help local communities manage and use ecosystems in a sustainable way, among others to face climate change. The Ecosystem Alliance seeks to give local communities a voice in the international arena where many decisions relevant to their natural environment are taken. It seeks to support and improve the livelihoods of the poor and to create a green and inclusive economy, through participatory and responsible management of ecosystems. The work of the Alliance is sponsored by the Dutch Ministry of International Affairs. The content of this document reflects the opinion of FARN and not necessarily the one of the Ecosystem Alliance.

➤ Partner Organizations

Greenpeace Argentina (GPA)², Fundación Vida Silvestre Argentina (FVSA)³.

➤ Summary and Key Messages

Argentina is facing a true forest emergency, enhanced in the last 15 years by an uncontrolled expansion of the agricultural frontier. In 2007, the enactment of the Minimum Standards for the Environmental Protection of Native Forests (Ley de Bosques) was an invaluable regulating deterrent to that advance, with remarkable support from the civil society, who backed up the bill with almost one and a half million signatures.

In the last years, Salta has been one of the provinces with the highest deforestation rate, affecting the indigenous and local communities living in the forests.

In December, 2008, the Supreme Court of Justice granted the precautionary measures requested by the indigenous and local communities, and ordered the Provincial Government the provisional suspension of logging and deforestation granted during the final quarter of 2007 in four departments of that province, before the passing of the Native Forests Law. Some months later, Salta passed the territorial planning for their native forests. But, effective implementation of the regulation at the local level faces many difficulties. It is imperative to address situations like the ongoing illegal land-clearing due to lack of effective controls and penalties; forest fires deliberately started; logging and deforestation speculatively

² <http://www.greenpeace.org/argentina/es/>

³ www.vidasilvestre.org.ar/

approved and done during the time before the passing of the Native Forests Law (disobeying the Supreme Court in Argentina) and property recategorizing changing the guidelines established by the territorial planning in Salta. This led to clearings in areas where it was legally forbidden, a complete affront to a regulation in force.

➤ **Background information, geographical/socioeconomic context and problems addressed**

The province of Salta is situated on the northwest of Argentina, and is divided in 23 departments, these divided in 58 townships and 2 municipal delegations. It has an area of 155,488 km² with a population of 1,214,441 people (2010 Census⁴). The indigenous populations living in Salta are: Ava Guaraní, Chorote, Chulupí, Diaguita/Diaguita Calchaquí, Kolla, Wichí, Quechua, Tapiete and Chané⁵.

The last ten years, Salta has become the province with the highest deforestation levels in the country. According to data from the National Secretary of Environment and Sustainable Development (SAyDS, Secretaría de Ambiente y Desarrollo Sustentable de la Nación), between 1998 and 2002, the deforested area in the province was of 194,389 hectares; while between 2002 and 2006, that area doubled, being 414,934 hectares⁶.

⁴ See <http://www.sig.indec.gov.ar/censo2010/>.

⁵ Source: National Institute of Indigenous Affairs (INAI, Instituto Nacional de Asuntos Indígenas), Minister of Social Development (Ministerio de Desarrollo Social de la Nación). “Statistics” <http://www.desarrollosocial.gob.ar/Uploads/i1/Institucional/6.InformacionEstadistica.pdf>

⁶ SAyDS, <http://www.ambiente.gob.ar/?idarticulo=311>



Salta in Argentina (map)

A paper by ASOCIANA⁷, Tepeyac and FUNDAPAZ⁸ in September, 2008, collected data on the location and extension of the traditional land use and occupancy by most of the indigenous communities in Chaco Salteño⁹ and showed the environmental degradation the indigenous territories suffer as a consequence of the loss of woodlands¹⁰. As regards the criollo families living in the same region, the situation was similar; as per the white paper N° 01/2007 “Situación en

⁷ Social Support by the Anglican Church in the Argentinean North (Acompañamiento Social de la Iglesia Anglicana del Norte Argentino).

⁸ Foundation for the Development in Justice and Peace (Fundación para el Desarrollo en Justicia y Paz).

⁹ It refers to the section of the ecoregion Chaco Argentino in the province of Salta. Gran Chaco covers a great area of South America, consisting of the provinces of Formosa, Chaco, Northwest of Salta and Jujuy, Northwest of Tucumán and Santiago del Estero and North of Santa Fe, from the Pilcomayo river up to the Salado river, bordering with the East Mountain Range of Bolivia and on the East with the Paraguay and Paraná rivers. It covers the south area of Bolivia, part of Paraguay and Argentina.

¹⁰ ASOCIANA, Tepeyac and FUNDAPAZ (2008) “Territorios indígenas y bosques nativos en el Chaco Salteño. Delimitación de territorios indígenas a ser considerados en el proceso de Ordenamiento Territorial de la Provincia de Salta” (Indigenous territories and native forests in Chaco Salteño. Limiting of indigenous territories to be considered in the territorial planning of the province of Salta). Salta.

Algarrobal Viejo (Santiago del Estero y Salta)” (Situation in Algarrobal Viejo (Santiago del Estero and Salta) made by the Regional Delegation of NOA (Delegación Regional NOA)¹¹ of the National Parks Administration (APN, Administración de Parques Nacionales)¹².



Deforestation. Source: Greenpeace Argentina

On the other hand, the report from the National Office of the Ombudsman called “Deforestación en la provincia de Salta. Consecuencias biológicas y sociales¹³” (Deforestation in the Province of Salta: Biological and Social Consequences) indicated the complaints filed had in common “the deforestation of important areas of native forests - from 6,000 ha in Pizarro up to 13,000 ha in Algarrobal Viejo – to use the land for monocropping (soy or pastures), and the complaint on

¹¹ Argentinean Northwest.

¹² Administración de Parques Nacionales, Delegación Regional NOA, Informe Técnico nº 01/2007. Situación en Algarrobal Viejo (Santiago del Estero y Salta), 2 de enero de 2007 (National Parks Management, Regional Delegation NOA, white paper Nº 01/2007, Situation in Algarrobal Viejo (Santiago del Estero y Salta), 2 January 2007).

¹³ Defensor del Pueblo de la Nación (2009). Informe Especial: Deforestación en la provincia de Salta. Consecuencias biológicas y sociales. (Ombudsman, 2009. Special report: Deforestation of the province of Salta. Biological and social consequences) <http://www.dpn.gov.ar/areas.php?cl=27&act=list>

the alleged trampling on the rights of the indigenous people (...) regarding the ancestral lands they occupy and the management of the natural resources. In the cases presented, also the criollo families use the forests in traditional and communal ways (...)"

Given this situation, and due to the great media and political impact of the "Pizarro"¹⁴ case, the problem was brought to center stage in the public conversation and showed the need to have a national law to stop the forest emergency. Thus, on 28th November 2007, the National Congress passed after almost two years of debates, Law Nº 26.331¹⁵ of Minimum Standards for the Environmental Protection of Native Forests to enrich, restore, preserve, use and manage native forests in a sustainable way. Native Forests Law has the following goals:

- Promote conservation through the territorial planning of Native Forests (OTBN, Ordenamiento Territorial de los Bosques Nativos)¹⁶ and regulation of the expansion of the agricultural frontier and any other change to the use of the land;

¹⁴ The Provincial Reserve of Pizarro, in the Department of Anta, was created in 1995 in order to preserve environments of the Chaco in Salta. In February, 2004, the then governor Juan Carlos Romero promoted an Act excluding the Reserve in order to divide and sell it to use in different productive activities, especially soy cultivation. The case caused the rejection of the peoples living in the Reserve (criollos and wichís) as well as many institutions, up to the point of legal action. Eventually, the National Parks Administration stepped in and signed an Agreement with the Government of Salta in order to create a new protected national region in General Pizarro (National Reserve).

¹⁵ <http://infoleg.mecon.gov.ar/infolegInternet/anexos/135000-139999/136125/norma.htm>

¹⁶ OTBN must be performed according to the three conservation categories established by the national rule: Category I (RED): Areas with high value of conservation which must not be affected in any manner. It will include areas deemed to remain as native forests perpetually, due to their location regarding reserves, their connecting value, their outstanding biological values, and their basin protecting nature, even if they have indigenous communities and are the focus of scientific research. Category II (YELLOW): medium value of conservation areas, they may be degraded, but according to the jurisdictional authority and through restoring activities, they may have a high value of conservation, and be used for the following: sustainable profit, tourism, scientific research and collecting; and Category III (GREEN): low value of conservation areas which can be partially or totally affected, but within the limits set by the law.

- Implement necessary measures to rule and control the diminishing area of the existing native forests, aiming to obtain a lasting area;
- Improve and maintain ecological and cultural process in native forests benefiting society;
- Enforce the precautionary and prevention principles, preserving native forests whose environmental benefits, or the damages their destruction can cause, cannot be demonstrated with the current technical means.
- Encourage enriching, conservation, restoring, improving and sustainable activities of native forests.

➤ **Key activities/interventions carried out with partners**

FARN has an area of work specifically devoted to affairs related to biodiversity conservation. The goal is to promote sustainability and feasibility of ecosystems and biodiversity, as well as a balanced relationship between society and nature. To achieve it, appropriate models of public and private management, policies, legal and institutional participation and efficiency, and assessment tools for the ecosystem services are used.

FARN, based on our special expertise, closely followed and participated in the parliamentary debate on the bill to protect native forests, was part of a public process to implement the new law (later rejected by the National Executive Power) and, in general, have provided, since the effective implementation of the Law, regular legal and institutional contributions towards conservation of native forests in Argentina.

There are two main actions we took regarding native forests, one before and other after the passing of the Native Forests Law. According to data from SAyDS, between 1998 and 2006 2,295,567 hectares were cleared, which meant more than 250,000 hectares a year, and 1 hectare every 2 minutes. Such a terrible situation prompted the then President of the Natural Resources and Human Environment Commission of the Chamber of Deputies, Miguel Bonasso, to present in June 2006, a bill establishing minimal budgets for the protection of native forests. In March, 2007, the Lower Chamber approved preliminarily the project. Later, the project went through a slow process in the Chamber of Senators, due to the many

obstacles presented by those Senators opposing the implementation of such Law in Argentina. It was at that point that more than 30 civil society organizations, led by Greenpeace Argentina, FVSA and FARN, submitted to the Senate after a campaign, 1,5 million signatures from citizens all over the country claiming the urgent treatment of the Law, showing there was a high social consensus.



One million for the forests Source: Greenpeace Argentina

In December 2008, the Supreme Court of Justice, after verifying "the possibility of imminent or irreparable damages", granted the precautionary measures requested by the indigenous and local communities in Salta, and ordered the suspension of all logging and deforestation speculatively authorized by the authorities in Salta during the last quarter of 2007, via an administrative mechanism lacking strict analysis on the social and environmental impacts of the clearings. That, in view of the country-wide deforestation moratorium.

The Supreme Court ordered a public hearing for the parties to orally present their information and arguments. After the public hearing, the CSJN decided to maintain the halting of logging and deforestation activities pending the completion of a cumulative environmental impact study and a land-use plan for the native forests made by Salta, in compliance with Law 26.331. In relation to the case, FARN, FVSA

and Greenpeace Argentina presented an *amicus curiae* (Friends of the Court¹⁷¹⁸) to the Supreme Court. This offered the Court a qualified opinion assisting in the achievement of a comprehensive and fairer resolution of the case.

➤ **Impacts on biodiversity, socio-economy and policies**

To comply with Law 26.331, during 2008, the Executive Power of Salta, through the Executing Unit of the territorial planning of Native Forests (UE-OTBN) offered workshops and consulting meetings with local actors in the different ecoregions of the province. Thus, the 17 Sectoral Technical Committees, consisting of various production industries, private and state institutions grouped as per their activities. The process undertaken was satisfactory, as it allowed for different interested voices to express their vision, interests and positions. However, the process of OTBN did not offer time enough for the indigenous and local communities to participate more effectively¹⁹.

The participating process produced a zoning proposal establishing about 2 million ha in the Category I; 6,200,000 ha in the Category II and about 1,300,000 ha in the Category III. The zoning map was not added in the law of the OTBN in Salta by the Provincial Legislature, and ordered the Executive Power to create it in 60 days. This provoked different reactions, the agricultural sector demanded 5 million ha to go on logging, and the main environmental organizations demanded the use of the zoning by UE-OTBN as the base²⁰.

¹⁷ It is a legal figure permitting third parties with strong interests in or views on the subject matter of an action, but not a party to the action, to present information that bears on the case. Cited in Nápoli, A. an Vezzulla, J. “*El Amicus Curiae en las Causas Ambientales*” available <http://www.farn.org.ar/arch/El%20Amicus%20Curiae%20en%20las%20Causas%20Ambientales%20final.pdf>

¹⁸ The *amicus curiae* text presented by the three organizations is available in: <http://www.farn.org.ar/wp-content/uploads/2014/01/Amicus-Curiae-Salta.pdf>

¹⁹ Giardini, H. Giardini, H. (2010) “Ambientalistas, campesinos e indígenas avanzando juntos en la defensa de los bosques nativos” (Environmentalists, peasants and indigenous communities together defending the native forests) FARN 2010 environmental report.

²⁰ Giardini, H. (2010) Op. Cit.

After the case “*Salas*”, in July, 2009 the Provincial Law 7543 (approved in December 2008) was implemented²¹, and it includes a map indicating:

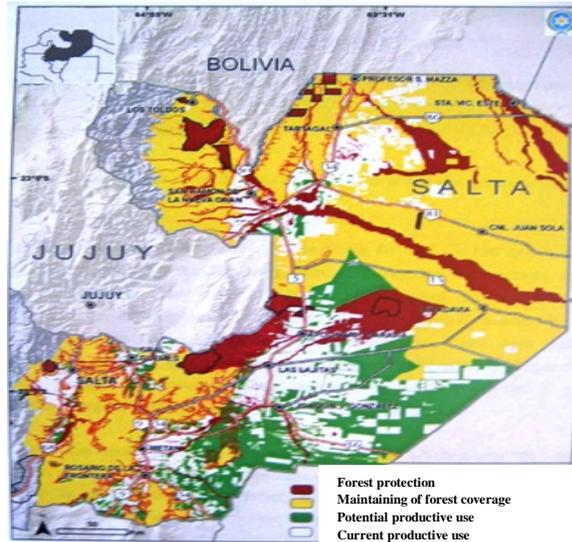
- 1,294,778 ha in Category I - red (protected areas, no logging nor use permitted);
- 5,393,018 ha in Category II – yellow (sustainable use, no logging allowed); and,
- 1,592,366 ha in Category III - green (partial logging allowed)²².

Thus, the future logging authorization in Salta would be limited to the regions in the Category III (green), 19.23% of the forests, with prior approval by an environmental impact study (EIA, Estudio de Impacto Ambiental) and a public hearing. The areas which could be logged were concentrated in regions suffering in later years the advance of the agricultural frontier and out of the area demanded by the indigenous communities²³.

²¹ Provincial Decree 2785/09 by the Provincial Executive Power.

²² <http://www.prograno.org/docs/Decreto%202785%20-%20Reglamenta%20ley%207543.pdf>

²³ Greenpeace Argentina (2013) “*Salta: El festival de desmontes no se detiene*” (The logging festival goes on) available in <http://www.greenpeace.org/argentina/Global/argentina/report/2013/bosques/Informe-Salta-2013-FINAL.pdf>



OTBN of Salta

➤ **Success factors**

- The passing of the National Law 26.331 was an unprecedented advance in environmental issues, and an example of the importance the participation of civil society has, becoming a basic tool to solve the forest emergency Argentina has.
- Use of territorial planning as a tool for zoning the existing native forests areas in each jurisdiction (according to conservation categories and sustainability criteria legally established) and for governing over the expansion of the agricultural frontier and any other change to the land use.
- The intervention of the National Supreme Court of Justice in the *Salas* case. Although in December, 2011, the Court had to remand the case to the Provincial Court of Justice (as it did not fall into the original competence stated in Article 117 of the National Constitution) it is worth mentioning that CSJN called forth its role as guarantee of the Bill of Right and decided to take part in the case.

- The intervention of the CSJN resulted in the creation of several decrees in Salta that determined the approval of the mapping support of the OTBN in Salta²⁴ and the creation of a permanent Board of Advisors for consulting and consensus to progressively assess OTBN²⁵, a Forest-Industrial Agency to promote forestation and mitigate environmental impacts, a Protect Areas Agency and another of Native Forests. This showed political good will on the part of the Provincial Government to overcome the conflict which led to the *Salas* case, and implied a meaningful advance in provincial legislation regarding protection of native forests through the use of different tools of environmental management.

➤ How to solve bottlenecks

➤ **Native Forests Law still lacks funds**

The Native Forests Law created the National Fund for the Enrichment and Conservation of Native Forest (Fund) to compensate jurisdictions preserving native forests for the environmental benefits these provide²⁶. In the successive budgets,

²⁴ Provincial Decree N° 2785/2009.

²⁵ Provincial Decrees N° 4355/2009, N° 1849/2010, N° 3464/2010, respectively.

²⁶ The Fund is made up, among other sources, of the appropriation designated annually not lower than 0.3% of the national budget and 2% of the total exporting taxes of primary and secondary products from agriculture, livestock and forestry, corresponding to the previous year. 70% of the Fund must be allotted to compensate owners of the lands with the native forests, whether they be private or public, as per their conservation category, and 30% to the Application Authority in each jurisdiction, who will use it to develop and support a network of monitoring and information systems for their native forests. It will also be used to implement financial and technical assistance programs, to propose sustainability of activities not supported developed by small producers or indigenous or local communities.

there were not enough funds designated to the Fund, which had been created in a later phase²⁷. Table 1 shows the funds designated from 2010 to 2014.

The insufficient funds show the lack of commitment the governments have to comply with a national law. Every year, when national deputies and senators pass the appropriations bill for a new fiscal year and it designates insufficient funds for the National Fund for the Enrichment and Conservation of Native Forest, they are not complying with a national law²⁸.

YEAR	APPROPRIATION ASSIGNED	MUST BE ²⁹	IT MEANS (approximately)
2010 ³⁰	ARS 300 million	ARS 1,200 million	4 times less
2011 ³¹	ARS 300 million	ARS 1,500 million	5 times less
2012	ARS 267 million	ARS 1,900 million	7 times less

²⁷ Law 26.331 was implemented by National Decree Nº 91/2009 (Official notice: 13/02/2009) more than a year after it went into effect, and only after the media impact of the Tartagal tragedy, a landslide in Salta with casualties and injured people. This landslide was linked to the deforestation in the province.

²⁸ We mean the majority which in later years has voted the appropriations bill, except those who did not vote or made their disagreement with the funds designated for the National Fund for the Enrichment and Conservation of Native Forest clear in the minutes, among other issues.

²⁹ Based only on the 0.3% of the total budget and 2% taxes. Not included the other sources from Article 31 of Law 26.331.

³⁰ On this year, ARS 144 million from that Fund were reassigned on 11th February 2010, through the Administrative Decision 41/2010 (Official notice: 17/02/2010) of the Presidency of the Cabinet of Ministers, to the program "Fútbol para Todos" (Football for Everybody), in charge of organizing, coordinating and articulating the streaming and exploitation of Argentinean football matches for the República Argentina and abroad.

³¹ In 2011, the amount for 2010 was decided, as the National Congress had not approved the Appropriation Bill for 2011.

2013	ARS 230 million	ARS 2,327 million	10 times less
2014	ARS 230 million	ARS 3,400 million	14 times less

Table 1. Our creation, based on the figures from the appropriations 2010, 2012, 2013, 2014

➤ **Acute deficiencies on monitoring and accountability on the part of Salta**

The information collected by the National Ombudsman³² about the rural situation on northeast Salta is deeply disturbing. There, that agency witnessed deforestation on forbidden areas, violence on the communities, non-compliance of the national and provincial legislation, lack of control on the part of the provincial government and the absence of the National Institute of Indigenous Affairs (INAI). According to the report by the Ombudsman, Salta has only one field team to monitor and inspect the situation of the forests in the whole province, and informs that deforestation is allowed, without knowledge of the state of the areas regarding the communities. Penalties have no effect on the people in charge of deforestation, and once the provincial team leaves, the machinery continues logging.

FARN, FVSA and Greenpeace Argentina submitted a formal request of public information, and SAyDS informed it had started proceedings N° 0037868/2013 to track the implementation of Law 26.331 in the province of Salta and requested information to the Local Authority of Application, by written note 50/2013 on 17/06/2013 and repetitive (at the moment of signing the answer of SAyDS). SAyDS requests information of Salta on the following: complaints of logging in red areas submitted by the National Ombudsman, non-compliance with the verdict of the Supreme Court of Justice on pleas and proceedings "*Salas, Dino, and others vs. Salta Province and National State RE Amparo*" (*Salas case*); authorized modifications on land up to the present (including applied procedures, merited variables and hectares modified per category); results of the application of 30% from the National Fund for the Enrichment and Conservation of Native Forest

³² National Ombudsman (2012) "*Vulneración a los derechos de pobladores criollos e indígenas por deslindes y desmontes irregulares*" (Breach of rights of indigenous and criollo inhabitants by irregular logging and refusal of liabilities). <http://www.dpn.gob.ar/areas.php?cl=27&act=list>

corresponding to Salta during 2010-2012; lack of institutional capacity to implement the Native Forests Law; infringements perceived in jurisdiction, and publishing or public access to penalties applied, etc.³³.

Unfortunately, three points must be highlighted. First, according to SAyDS, in Salta, 115,203 ha of native forests were deforested during the moratorium on new deforestation authorizations required by the Native Forests Law. Also, the deforestation was done on areas forbidden by the provincial OTBN: According to official data, since its inception (2009) and up to June 2011, 8,080 ha were deforested in the red category and 31,749 in the yellow category (these categories do not allow deforestation, but sustainable use)³⁴. The majority of the deforestation done in areas protected by the OTBN of Salta took place in three of the four departments³⁵ where logging had been halted by the Supreme Court of Justice (*Salas* case). Red Agroforestal Chaco Argentina estimates that during the deforestation halting required by the CSJN, 53,202 ha were deforested³⁶.

³³ <http://www.farn.org.ar/wp-content/uploads/2014/01/Respuesta-SAyDS-Salta-Septiembre-2013.pdf>

³⁴ Monitoring of the Area of Native Forests in República Argentina. Period 2006-2011. Forest regions: Parque Chaqueño, Selva Misionera y Selva Tucumano Boliviana. Secretaría de Ambiente y Desarrollo Sustentable de la Nación (National Secretariat of Environment and Sustainable Development). July 2012.

³⁵ San Martín, Orán, Rivadavia and Santa Victoria.

³⁶ Native Forest in Salta: Native Forests, deforestation analysis and situation of the Chaco forest in the province. Land Observatory, Natural Resources and Environment. Red Agroforestal Chaco Argentina (REDAF). December 2012.
http://redaf.org.ar/leydebosques/wpcontent/uploads/2012/12/REDAF_informedeforestacion_n1_casoSALT_A.dic2012.pdf

Departament	Loss of native forests (ha) per period			Total (ha)
	2006-Law 26.331	Law 26.331-OTBN	OTBN-2011	
Anta	69,087	52,027	44,429	159,443
Capital	863	370	678	1,911
Cerrillos	0	0	0	178
Chicoana	340	312	123	775
General Güemes	1,282	1,228	2,004	4,514
General San Martín	41,589	37,008	20,400	98,997
Guachipas	357	0	0	357
La Candelaria	460	187	34	681
La Viña	0	28	68	96
Metán	11,091	8,400	22,022	42,371
San Ramón de la Nva. Orán	20,184	13,002	10,476	43,662
Rivadavia	50,474	10,625	3,772	64,871
Rosario de la Frontera	8,970	5,714	8,327	23,011
Rosario de Lerma	0	0	78	78
Total	204,697	115,203	121,043	440,943

Source: SAYDS

Departament	Loss of native forests (ha)-Period OTBN-2011 per Conservation Category of OTBN				Total (ha)
	RED (Cat. I)	YELLOW (Cat. II)	GREEN (Cat. III)	NO CATEGORY	
Anta	5,948	1,178	44,429	472	52,027
Capital	0	671	7	0	678
Cerrillos	0	0	141	35	176
Chicoana	13	99	0	11	123
General Güemes	32	264	1,323	385	2,004
General San Martín	1,180	18,954	26	240	20,400
Guachipas	0	0	0	0	0
La Candelaria	0	0	18	16	34
La Viña	0	8	49	11	68
Metán	259	52	22,022	547	22,880
San Ramón de la Nva. Orán	547	9,468	253	208	10,476
Rivadavia	43	653	3,071	5	3,772
Rosario de la Frontera	58	402	7,251	616	8,327
Rosario de Lerma	0	0	0	78	78
Total	8,080	31,749	78,590	2,624	121,043

Source: SAYDS

➤ **Property recategorizing against the OTBN provincial**

Also, the Province of Salta undertook property recategorizings which modified, as per the land owner, the established zoning in the OTBN³⁷. Thus, logging was authorized in forests classified as Category I (red) and II (yellow).

La Charqueada is an example of recategorizing. This property, with 2,284 ha and in the Department of Anta, was classified by the OTBN of Salta as Category I (red) as it is next to Del Valle river. The owners requested a recategorizing, and almost 70% of the land was changed to Category III (green) and almost 20% to Category II (yellow). The property was logged the first months of 2013³⁸. Another telling case is the property San Francisco, in Department San Martín, categorized by the OTBN of Salta as Category II (yellow – use of land but no logging). But, almost the whole property was changed to green Category, allowing the logging of 6,383 ha for agriculture and livestock³⁹.

All this violated the objectives of conservation perpetually, regulation and control of the native forests areas according to Law 26.331, as they imply a setback in the protection levels previously achieved. Any setback would go against environmental principles stated in the General Environmental Law 26.675⁴⁰, like the precautionary principle, the intergenerational equity principle, progressive principle, and sustainability principle. There is also the “Non-Regression principle”⁴¹ established by resolution by the World Conservation Congress of the International Union for Conservation of Nature (UICN), and Argentina is a State Party. The mechanism

³⁷ Based on Provincial Decrees Nº 2211/10 and 3136/11
www.agronoa.com.ar/bflash/Decreto2211%20Bajada%20Predial.pdf and
<http://aprema.files.wordpress.com/2011/07/dec-3136-modif-dec-2211.pdf>, respectively.

³⁸ Greenpeace Argentina (2013) Op. Cit.

³⁹ Greenpeace Argentina (2013) Op. Cit.

⁴⁰ Available in <http://infoleg.mecon.gov.ar/infolegInternet/anexos/75000-79999/79980/norma.htm>

⁴¹ See Resolution by UICN in: <http://portals.iucn.org/docs/iucnpolicy/2012-resolutions%5Ces/WCC-2012-Res-128-SP%20Necesidad%20de%20la%20no%20regresion%20en%20el%20marco%20del%20derecho%20y%20la%20politica%20ambientales.pdf> (Sp) <https://portals.iucn.org/docs/iucnpolicy/2012-resolutions%5Cen%5CWCC-2012-Res-128-EN%20Need%20for%20non-regression%20in%20environmental%20law%20and%20policy.pdf> (Eng)

implemented by the government of Salta also allows the recategorizing of the OTBN with no public hearing. Thus, and against the participating process established by the Native Forests Law, society is aware of the situation only when the local Executive Power calls a public hearing to approve the logging. Worse yet, the recategorizing mechanism on demand, is a regular activity in other provinces of Argentina, so it is urgent to take measures to revert this situation.

➤ **Silvopastoral systems in areas with yellow category**

Silvopastoral systems⁴² are an additional worry. Since 2011 and by Resolution N° 966/11, the government of Salta has authorized selective logging to develop intensive livestock in forests classified in Category II (yellow), when the national rule states "*may be used for the following: sustainable profit, tourism, scientific research and collecting*".

Law 26.331 defines sustainable management as "*organizing, administering and using native forests in a way, and at a rate, that maintains their biodiversity, productivity, regeneration capacity, vitality and their potential to fulfill, now and in the future, relevant ecological, economic, and social functions, at local and national levels, and that not cause damage to other ecosystems, keeping the Environmental Services provided to society*" (article 4). Logging is defined as "*any anthropogenic activity causing the loss of 'native forests', using the land for other purposes, like: agriculture, livestock, forestry, dam building or urbanizations.*" Also, SAyDS considers deforested areas "*those where the bushes were destroyed, as these areas do not function as an ecosystem of forests since the regeneration of the forest is not taken into account.*"⁴³

⁴² They are considered an option of intensive and forest livestock production, where old trees are kept and pastures are planted for forage, with a comprehensive management system.

⁴³ Monitoring of the Area of Native Forests in República Argentina. Period 2006-2011. Forest regions: Parque Chaqueño, Selva Misionera y Selva Tucumano Boliviana. Secretaría de Ambiente y Desarrollo Sustentable de la Nación (National Secretariat of Environment and Sustainable Development). July 2012.

In a report,⁴⁴ Greenpeace Argentina indicated that so far, no model of silvopastoral management has proved to be sustainable, and that selective logging authorized for intensive livestock under silvopastoral systems in native forests, classified under Category II, defies Native Forests Law. They requested such logging must be authorized in forests in the green category.

➤ Recommendations for policy makers

- ✓ It is necessary to modify those points in the provincial OTBN not complying with the mandate and the sustainability criteria established by the national law.
- ✓ The update of the OTBN of Salta must be done participatively, according to Law 26.331, and the Free, Prior and Informed Consent (FPIC) of indigenous communities living in the forests of Salta must be respected.
- ✓ Property recategorizing done through irregular and fast processes and public hearings and which modify the zoning established by the provincial OTBN allowing logging in forests classified as Categories I (red) and II (yellow)⁴⁵ must be stopped. All this violated the objectives of conservation

⁴⁴ Greenpeace Argentina (2011) "*Ganadería intensiva: nueva amenaza para nuestros últimos bosques nativos*" (Intensive Livestock: New threat to our last forests). <http://www.greenpeace.org/argentina/Global/argentina/report/2011/bosques/informe-ganaderia-silvopastoril-1.pdf>

⁴⁵ The Forest Management Bureau (Dirección de Bosques de la Nación) indicated "Based on a zoning done with a scale of 1:250.000 (used by majority of OTBN) it is acknowledged the possibility, at the property level, of the presence of forests with conservation value different from the assigned in the conservation category reached by interpreting the sustainability criteria at provincial scale. Thus, there may be cases in which the assignment of categories at property scale may be revised". This authority specifies that such a revision must respect the criteria defined in the provincial categories, and justify specifically those cases implying changes of category. Also, it indicates that revision proceedings and possible change of category at property level, must be controlled and standardized by the corresponding provincial authority through specific ruling, and be characterized by: being exceptional (never generally and systematically applied); being based on a new valorization at property level of the same criteria used in the province; being consistent regarding technical

perpetually, regulation and control of the native forests areas according to Law 26.331, as they imply a setback in the protection levels previously achieved, and breaches basic rights of indigenous and local communities living in the forests of Salta.

- ✓ Urgent need to strengthen the provincial agency for native forests (trained and enough human resources trained and proper work material).
- ✓ Through COFEMA, establish communications with limiting provinces to promote actions in order to achieve a common position of the conservation categories in provinces sharing ecoregions.
- ✓ Favor agreement among local authorities as regards the general rules for forest management and use in common forest ecoregions.
- ✓ Present institutional mechanisms aimed to ensure transparency and accountability of the use of money from the Fund created by the Native Forests Law (exclusive bank account, online availability of data, etc.).
- ✓ Fight illegal logging, use wider access tools, like satellite tracking of forest areas and an official, easy to use system for the civil society to submit complaints.

issues with definitions and methodologies used for the provincial OTBN; being consistent with the scale of landscaping; not representing potential situations of environmental risks at local or regional level; and being part of the provincial OTBN during their regular updates and corresponding accreditations, informing the national authority who will analyze changes for their evaluation and assessment or rejection. Forest Management (2012) "Pautas metodológicas para las actualizaciones de los Ordenamientos Territoriales de los Bosques Nativos. Ley N° 26.331 de Presupuestos Mínimos de Protección Ambiental de los Bosques Nativos" (Methodological guidelines for the update of the territorial planning of Native Forests. Law 26.331 Minimum Standards for the Environmental Protection of Native Forests") <http://www.ambiente.gob.ar/archivos/web/OrdTerrBN/file/documentos%20tecnicos/Pautas%20metodol%C3%B3gicas%20para%20las%20actualizaciones%20de%20los%20OTBN.pdf>

Subordinate opposing local policies and lack of assessments of their environmental impact (like agricultural and livestock policy⁴⁶) to the local OTBN

- ✓ Territorial planning of native forests must be accompanied by a macro-process for the environmental ordering of the lands, at national and provincial levels. In Argentina, there is still need of a participative, integral, intersectional and strategic process. Reality makes it imperative to achieve fast advances by choosing collective interests and common good instead of particular interests.

➤ Final thoughts

- a) To work connected with other organizations of the civil society.
- b) To establish a friendly and sustained relation with consultants for deputies and senators, to present these with our contributions regarding a possible environmental legislation.
- c) Dialogue is a means to achieve things, but going to the Courts of Justice when the situation requires it, is also important. However, legal proceedings may be complicated by lack of financial funds to follow them. There are few funders willing to provide funds for legal issues.
- d) Take advantage of the potential offered by massive communication means to get advocates for our actions and claims.
- e) It is necessary to strengthen our contact with local authorities (political, technical and administrative) to analyze deeper the local needs.
- f) It is necessary a greater presence of organizations from civil society, like ours in COFEMA, but the federal agency does not heed our demand for participation.

⁴⁶ The Agri-food and Agri-industrial Strategic Plan 2010-2020 (PEA, Plan Estratégico Agroalimentario y Agroindustrial) calculates by 2020 a crop production of 157,5 million of tons, a rise of 58% vs. 2010. The seeded area would be 42 million ha, a growth of 27%. PEA does not present the socio-environmental impact of those goals. SAYDS clearly indicated that: "the loss of native forests is due, mainly to the advance of the agricultural border. Satellite images show the presence of new crops, many of them are soy." http://www.ambiente.gob.ar/archivos/web/UMSEF/file/LeyBN/monitoreo_bn_2006_2011_ley26331.pdf

- g) The organizations of civil society need to place the issue of native forests in the agendas of decision makers and technical staff (provincial and national) but also the general public and massive media. People understand that forest emergency could be resolved by the passing of the Native Forests Law (supported by more than a 1,5 million signatures) but the national implementation of the law, and in each province of Argentina, is difficult, risking thus the actual achievement of the objectives there presented.