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Monroe 2142 - 1° B - (C1428BLH) Buenos Aires - Argentina
Tel/Fax: (54-11) 4783-7032 / 4787-3820/5919 / 4788-4266
www.farn.org.ar - info@farn.org.ar

FARN's Staff

Founder *Guillermo J. Cano (†)*

Former Presidents

José María Maciel

Germán J. Bidart Campos (†)

Administrative Council

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Vocal: *Albina Lara*

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Director: *Roberto Jiménez*

Assistant : *Joselyn Díaz Ruiz*

Recepcionist : *María Sol Colombo*

Office Assistant: *María Victoria Villanueva*

Professionals related to specific projects

Luis Castellí

Carlos Galperín

María del Carmen García

Soledad Moreno

Carina Quispe Merovich

Eduardo Ortiz

Research and Training Area

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Academic Secretary: *Débora Bialostozky*

Environmental Policy and Pollution Assistant:
Dolores María Duverges

Environmental Policy and Conservation Assistant:
Natalia Machain

Public Participation Area

Director: *Andrés M. Nápoli*

Citizen Control Program Coordinator:
Daniel Perpiñal

Legal Advisor: *Juan Martín Vezzulla*

Trade and Sustainable Development Area

Director: *María Fabiana Oliver*

Assistant: *Cristian Gonzalo Ruiz*

Information and Publications Area

Coordinator: *Patricia Aizersztejn*

Librarian : *Julia Otamendi*

Webmaster: *Popi Kleinman*

USA Representative

Daniel E. Ryan

Created in 1985, the Fundación Ambiente y Recursos Naturales (Environment and Natural Resources Foundation) is a non-governmental organization, whose main objective is *to promote sustainable development through policy, law and institutional organization*. Most of the work done by FARN seeks to benefit public and private decision-makers.

To aim its objectives, FARN works in the following areas:

Research and Training, promoting the study of the legal and institutional aspects of sustainable development, governance and environmental policy, conservation and the problem of pollution.

Public Participation, disseminating and promoting new legal tools to obtain the active participation of citizens in the defense of their environmental rights.

Trade and Sustainable Development, promoting initiatives that contribute to fostering the relationship between trade, investment and environment in an attempt to achieve sustainable development.

Information and Publications, through FARN's Environmental Law Information Center, and the publication of the results of different projects.

FARN's activities are funded thanks to donations from the private sector (individuals, businesses, foreign and national foundations), as well as from national and international public organizations.

Table of contents

| | |
|---|----|
| Annual Management Report - July 2004 – June 2005 | 5 |
| Research and Training Area | 5 |
| Governance and Environmental Policy | 5 |
| Biodiversity and Nature Conservation | 6 |
| Environmental Pollution | 7 |
| Training Activities | 7 |
| Public Participation Area | 8 |
| Citizen Control for a Healthy Environment Program | 8 |
| Consolidation and Implementation of a Management Plan in the Patagonian Coastal Zone for the Conservation of Biodiversity. Component of Public Participation | 10 |
| Access Initiative and Citizen Participation | 10 |
| On-Line Discussion Forum - “Summit of the Americas” | 11 |
| Trade and Sustainable Development Area | 11 |
| Trade, Integration and Investment | 11 |
| Clean Production and Sustainable Consumption | 13 |
| Corporate Social Responsibility | 13 |
| Information and Publications Area | 14 |
| Environmental Law Information Center | 14 |
| Web Development | 14 |
| Publications | 14 |
| Financing Report - July 2004 – June 2005 | 16 |
| Funding Sources | 16 |
| Expenses by Area | 17 |
| Institutions that support FARN | 18 |

Governance and Environmental Policy

► Program of Environmental Compliance and Enforcement in Latin America

Set up in 2002, this Program seeks to accumulate knowledge and highlight experiences in order to cast the reality of the issue in the region in a positive light. It began with a Latin American Conference (2002) and continued with a Regional Symposium of Judges and Prosecutors (2003). The following activities are currently taking place:

Project on Environmental Compliance and Enforcement Indicators for Argentina – Air and Water

This Project seeks to identify and analyze the use and design of environmental compliance and enforcement indicators as instruments of assessment and management through the use of pilot schemes. The issues of water and air in the Municipality of Morón were considered first of all, with an analysis of the municipal, provincial and national jurisdictional levels.

The initiative is developed by FARN with support and finance provided by the World Bank Institute. Regionally, the Right to a Green Planet Institute (Brazil), CEIBA (Mexico), ECLAC and INECE are also active in this research project, which will culminate with the publication of the results obtained.

A Regional Workshop of case studies from Argentina, Brazil and Mexico was organized within the framework of the project (Santiago de Chile, December 2004), and the progress made was presented at an event parallel to the 10th Session of the Conference of Parties (COP 10) on Climate Change (Buenos Aires, December 2005). Similarly, there were also presentations and activities at the 3rd IUCN World Conservation Congress (Bangkok, November 2004) and at the 7th INECE Conference (Marrakesh, April 2005).

Project on Access Initiative to Justice on Environmental Matters

Coordinated by FARN, with the cooperation of the Asociación Marplatense de Estudios Ambientales Integrales (AMEAI, Association for Integral Environmental Studies of Mar del Plata) and the British Embassy, this project was launched at the end of September 2004. It seeks to strengthen institutional frameworks and access to justice on environmental matters and sustainable development. More specifically, its purpose is to identify and study the situation status and the implementation of the right of access to justice in cases of environmental conflict, and the iden-

tification of indicators that will allow enforcement to be analyzed, as well as formulating a series of recommendations. To realize this objective, different areas of justice were identified in which to carry out pilot experiments for the specific analysis of each one of the aspects related to the issue. Among the aspects that can be mentioned are: the analysis of enforceable regulations, the organization of justice and its structure, standing, evidence, the intervention of organizations in the process, fees and costs of the proceedings, the ruling and its effects.

On 8 June 2005, a workshop to review the first draft of the research survey took place with the judges involved and experts from academic and civil sectors. The results of the research project will be published in due course.

► Recommendations for the Enforcement of Environmental Regulations

Other line of work within the area includes the preparation of recommendations for the government sector to strengthen the enforcement of environmental regulations. Two projects promoted by the foundation can be mentioned here:

Minimum Standards for Environmental Protection

Since 2003, FARN has been running a series of workshops with experts on *Minimum Standards for Environmental Protection*, together with the IUCN Environmental Law Centre, within its Environmental Law Programme, with the collaboration of the Argentine Council of International Relations (CARI) and the endorsement of the National Secretariat of Environment and Sustainable Development (SAyDS). The intention of the workshops is to devise concrete proposals for regulating laws on minimum standards of environmental protection. Once reviewed by participants at the workshops, recommendations are sent to the national environmental authority, the president of the Commission of Environment and Sustainable Development of the Senate, the president of the Commission on Natural Resources and Conservation of the Human Environment in the Chamber of Deputies, environmental authorities in the City of Buenos Aires and the provinces, and COFEMA.

During this period, the following workshops took place:

- “Law of Access to Public Environmental Information” (September 2004).
- “Law No. 25,916 on Household Waste Management” (November 2004).
- “Problems in Enforcing Minimum Standards for Environmental Protection Laws” (June 2005).

- “Legislative priorities to be discussed at the National Congress on the issue of Minimum Standards for Environmental Protection” (June 2005).

As in previous years, the conclusions reached in the workshops are to be published.

Enforcement of and Compliance with Environmental Regulations – Province of Tucumán

This ten-month study began in February 2005 with the support of the Federal Investment Council. Its aim is to carry out research activities designed to analyze the current situation of environmental competences in the province of Tucumán. The distribution of environmental competences in our Constitution, within a federal state, presents aspects that must be considered when analyzing the role of the provincial administration. So, the recent enactment of the General Environmental Law and a series of regulations on minimum standards of environmental protection pose serious challenges for the various jurisdictional levels in Argentina. The province of Tucumán has its own regulations on the matter involving a compulsory control function by its authorities. So, aspects related to the coordination of efforts with other jurisdictions, as well as the internal organization of the administration to allow regulations on the environment and natural resources to be enforced, are particularly relevant. The aim of the project is to become a framework of reference for the adaptation and design of the exercise of environmental powers by the Executive Branch of the province of Tucumán. Research is carried out with a technical analysis of the regulations, interviews with public officials and the diverse social actors involved (civil society, private and academic sectors).

► **Adriana Schiffrin Essay Prize – 2004**

For the third year running, FARN awarded the Adriana Schiffrin Essay Prize as a way of encouraging research and the acquisition of in-depth knowledge on issues of environment and sustainable development. The subject of the monographs this year was Minimum Standards for Environmental Protection, and the jury was composed of Dr. Andrea Brusco, Dr. María Cristina Garros Martínez and Dr. Leonardo de Benedectis.

The prize-giving ceremony took place on 16 December 2004 during the COP 10 on Climate Change, at a side-event organized by FARN and the SAyDS.

In June 2005, the fourth official competition was announced, this time on the issue of Justice and Environment.

Biodiversity and Nature Conservation

► **Project for the Protection of Landscapes and Places of Special Natural or Cultural Value – Political tools for community development and democracy in Argentina**

FARN continues to participate in this project with the aim of developing legal, economic and social tools for a better under-

standing and analysis of the consequences of decisions that affect the country’s natural and cultural patrimony, and their long-term impact on the natural and cultural resources of small communities. It will allow a model decision-making procedure with citizen participation to be designed, and then to be applied to the assessment of infrastructure projects in areas of particular scenic, natural or cultural value. The project is coordinated by Fundación Naturaleza para el Futuro (Nature for the Future Foundation). Fundación para el Cambio Democrático (Foundation for Democratic Change) is also active in the project.

Work on the second stage of the study of the regulations and institutional framework on aspects concerning access to information and public participation in environmental management in general, and the protection of natural spaces in particular, went ahead in all provincial and national jurisdictions. To that end, interviews and requests for information on the basis of a previously established survey methodology were made.

This systematization of regulations has allowed the most important and useful elements of the tools and mechanisms of access to information and public participation to be recognized and analyzed. The results of this analysis gave rise to a *Manual of Access to Information and Public Participation*, a model which can be applied to the evaluation of any undertaking or activity that could affect the Project’s areas of interest.

► **Sea and Sky Project**

The Sea and Sky Project is a formal framework between the Wildlife Conservation Society (WCS) and the Consejo Nacional de Investigaciones Científicas y Técnicas (CONICET - National Council of Scientific and Technical Research). FARN has entered the project to work on the technical, legal and institutional aspects.

As its main objective, the Sea and Sky Project promotes management strategies in the South Western Atlantic (“target area”), one of most productive temperate marine ecosystems on the planet, on which numerous species of birds and mammals of the Patagonian coast depend. With the experience acquired, FARN is concentrating on examining the institutional bases for the sustainable management of the area in greater depth, offering strategic tools for its implementation.

FARN has prepared a research and analysis report of the current political and legal framework applicable to the mentioned area, identifying possible strategies for the creation of an area of sustainable ecosystemic management based on in-force legislation, and particularly on the principles of prevention and precaution. In accordance with the interactive and synergetic mechanisms of work in the Project team, the Foundation participated in numerous interdisciplinary meetings which strengthened common understanding of the problem and contributed to the preparation of the analysis and its conclusions.

The organization and realization of diverse spaces of joint work, training and preparation of concrete strategies for the implementation of a system of sustainable management in the target area, are the new challenges that the Foundation has adopted in relation to the Sea and Sky Project.

► **Precautionary principle**

Since 2004 the Foundation has been investigating the application of the precautionary principle in administrative and judicial decisions in Argentina. FARN presented its project to the Precautionary Principle Project and was selected to carry out this case study. The project is organized by IUCN Species Program, Environmental Law Centre, Regional Office for Southern Africa, TRAFFIC, Fauna & Flora International and Resource Africa.

FARN participated in and presented the conclusions of its research work in the Regional Workshop on “The Precautionary Principle in the conservation and management of biodiversity and natural resources” (Quito, March 2005). It also contributed to the electronic dialogue of June this year as a form of continuing with the preparation of the Practical Guide for the application of the principle in question.

The Argentine case was also chosen for publication together with several other case studies, fulfilling one of the objectives of the project, which is to promote debate and research on issues related to the application of the precautionary principle at an international level.

Environmental Pollution

► **Project on urban solid waste – Provinces of Tucumán and Chubut**

The objective of the project is to recommend basic guidelines for concluding intermunicipal agreements and to build provincial regulatory frameworks on the issue of urban solid waste. Two pilot cases were analyzed in the provinces of Tucumán and Chubut, beginning with a study of the regulations applicable in the main problem areas and the stakeholders, and continuing with meetings and interviews in Buenos Aires, Tucumán and Chubut. FARN developed this four-month research since mid-February with the support of funds from the Swedish Government assigned through the World Bank. The results of the project will be available after the process of revision of the final document.

► **Project on Urban Solid Waste in the Municipality of Morón**

FARN has committed itself to analyzing, following up and observing the preparation process for the Specifications of the National and International Public Bidding Process for the Contracting of the Household Waste Collection Service, manual and mechanical roadsweeping, cleaning of pavements and thoroughfares, emptying of skips, a plan for the rationalization and use of urban waste and removal of refuse collected in the streets in the Municipality of Morón. The Foundation will also call for and hold the appropriate public hearing. To conclude this process, the Foundation will prepare a final report subsequent to the audience, which will include an environmental institutional and legal analysis.

► **Project on the Legal Framework Applicable to the Comprehensive Management of Pesticides**

The project aims to analyze and present the legal framework applicable to the Comprehensive Management of Pesticides in Argentina, both nationally and for the provinces of Buenos Aires, Chaco, Mendoza and Tucumán. To achieve this goal, research is being carried out on the main aspects of the regulations applicable to the issue by addressing the institutional and juridical systems involved in the problem from the perspective of both the contaminated area and the conservation area.

The research has focused on aspects related to the effects of pesticides in the contamination of receiving bodies and food, as well as on the use of pesticides from the viewpoint of conserving biodiversity.

The project, which began at the end of May, ends on July 30 and receives the support of the World Bank.

Training Activities

FARN's teachers have participated in diverse training activities, subjects offered on graduate courses at various prestigious private and state universities, and at conferences. Graduate courses have been given in the following universities: Law Faculty of the Universidad Austral; Technological Institute of Buenos Aires; Graduate Course on Urban Economy of Universidad Torcuato Di Tella; Law Faculty of Universidad Nacional de Mar del Plata; Graduate Course on Metropolitan Environmental Management of the Faculty of Architecture, Design and Urbanism, Universidad de Buenos Aires.

They have also either lectured or made presentations on diverse academic activities, such as:

- First and Second Interdisciplinary Conference: “Sustainable Environment 2004-2005”, *organized by the College of Lawyers of the City of Mercedes (Province of Buenos Aires)*;
- Congress on “Environmental Damage in the Reformed Constitution – Paths for Protection”, *organized by the Faculty of Law and Social Sciences of the Universidad Nacional de Tucumán*;
- Module on “Access to Information and Public Participation”, *organized by the SAyDS*;
- Refresher Seminar on Constitutional Law, *organized by the Law School and the Argentine Council of Magistrates*;
- Conference on Company Social Responsibility, *organized by the Estudio Argentino*.
- Seminar-Workshop “Implementation of the Principle of Access to Information, Citizenship Participation and Justice for Sustainable Development in Latin America and the Caribbean”, *organized by ECLAC in Paraguay*;
- Workshop “Enforcement of Environmental Regulations for Judges”, *organized by IDEA in Paraguay*;
- Regional Workshop on Environmental Law, *organized by ECLAC in El Salvador*.

Citizen Control for a Healthy Environment Program

This program aims to promote and activate the institutional tools that allow citizens to verify and exercise control over government activities on issues connected with the environment and quality of life. It also encourages other initiatives that might affect those issues.

It places particular emphasis on defending the right to a healthy environment in all instances, and specifically on access to justice for the protection of negatively affected rights. It provides legal advice and free legal protection and carries out research and promotion activities. To achieve its objective, the program relies on a system for the reception of enquiries from private individuals and NGOs, and a team of specialist lawyers in environmental issues. The program only undertakes legal actions in cases of collective incidence that:

- refer to a serious, or at least a novel, environmental problem;
- affect a large number of people (especially those who have reduced access to justice for the defence of their rights); and
- may result in an exemplifying or innovating precedent that might impinge on public policies.

► Legal Cases

During this period, over 150 claims and consultations were received both from individuals and private and public organizations. Several resulted in administrative and legal actions in the Federal Courts of the Autonomous City of Buenos Aires, (CABA), of the Province of Buenos Aires and of other provinces. In these cases, the Program either effected the mentioned actions or gave integral advice in that regard.

It is important to mention that results were obtained in certain judicial actions before a ruling was issued, as in the case of “Noises in the Underground”, where Metrovías S.A., facing a summary proceeding, has now installed sound-proofing on the walls of the tunnels of those stations that were denounced after sound levels harmful to the health of clients and workers alike were detected. In this case, the possibility of a punishment becoming public knowledge forced the company to act.

Something similar happened in the case of the “Polluting Cold Storage Plant”, in which there was clear lack of compliance with the environmental impact assessment procedure by the company responsible for the industrial establishment. Before the ruling, and with the opinion of the fiscal agent (who observed that as no certificate of environmental aptness existed, the company must suspend all activities until it obtains one), the company contacted the program to request extra time to obtain the certificate, undertaking to carry out complementary work that would improve the quality of life of the neighbours.

In other cases, judicial orders have been meant progress in the protection of the right to a healthy environment, as in the “Sound Pollution on the 25 de Mayo Highway” and the “Proliferation of Antennas of Cellular Phones in Banned Areas of the City of Buenos Aires” actions. In the first, after favourable rulings in all instances the company responsible for the highway and the Government of the City of Buenos Aires (GCBA) were forced to adapt its functioning and reduce the impact on the neighbours, within the proceeding itself and with judicial control. In the second, the Chamber has confirmed that the placing of antennas without the corresponding permit in areas not allowed by the Urban Planning Code must be debated in court, thus avoiding the discretionary and unplanned form in which GCBA has been dealing with the topic in an administrative office.

A special judgement was obtained in the case of COPUA “Council for an Environmental Urban Plan”, which was filed over the lack of participation in drawing up an Environmental Urban Plan for the City of Buenos Aires. Both instances confirmed the precautionary measure to notify the legislature of the existence of specific doubts regarding the Plan, subject to consideration by the legislative body. This was due to the lack of participation of the Permanent Honorary Advisory Council in preparing the plan, despite the express legal mandate.

It is also worth mentioning the case of “Loss of Status of General Pizarro Provincial Reserve” (Province of Salta), in which, together with Greenpeace and the Wild Life Foundation, the sale of a natural reserve for the realization of public works has been questioned. This is especially understandable when the sale was made without the corresponding environmental impact assessment, any planning or citizen participation. The case was taken before the Argentine Supreme Court of Justice, where its resolution is pending, while support is received from national and international associations (some included in the proceeding, such as the Association for Civil Rights –ADC– and others to be incorporated into the lawsuit, as *amicus curiae* [“friends of the Court”], presented by the International Court of Environmental Conciliation and Arbitration and the Aves Argentinas Association).

Moreover, several presentations have been made, as *amicus curiae*, on subjects of environmental public interest, such as:

- non-compliance with the Procedure of Environmental Impact Assessment due to the lack of citizen participation in the question of mining in Esquel, in the Province of Chubut (mining has been suspended until the environmental impact assessment is carried out);
- protection of the right to a healthy environment and to the health of the population of Libertador San Martín, in the Province of Jujuy, as a result of the contamination produced by a sugar industry (a case in which infringements on the right to health of the neighbours of the establishments were established);
- the defence of water as a resource and the right to access to drinking water, faced with the contamination of the Cuchi

Corral stream in the Province of San Luis due to the faulty functioning of a sewage treatment plant (after the presentation of the *amicus* by FARN a precautionary measure was passed which suspended work in the new closed neighbourhood until such time as the plant can comply with the new demands);

Likewise, requests for information were made on certain subjects, such as:

- the lack of information on the Environmental Impact Assessment in the installation of a pathogenic waste treatment plant in the Port of Buenos Aires;
- the lack of information on the status and the effects of the continued existence of the CEAMSE sanitary dump in González Catán, Province of Buenos Aires; and
- the lack of information on the impact of a tourist undertaking in Paraje Puerto Canoas in Lanín National Park in the Province of Neuquén.

Lastly, access is made available to all information that may be of use in the event of possible legal actions, or to open to public debate a subject on which there is a lack of in-depth knowledge. The *amicus* make a significant contribution in clarifying certain issues, allowing third parties who have relevant facts for the cause to offer their vision for a more favourable solution, thus generating significant participation in cases of public interest while attempting to consolidate relevant precedents on environmental matters.

► Network of Pro Bono Lawyers

In recognition of the fact that FARN has become a reference for the ever growing social demands for environmental protection, that there is an absence of public policies designed to respond to this kind of claims, and that there is a clear need for other social actors capable of containing, channelling and opening up the bases of access to justice, we have created a Network of Pro Bono Lawyers who specialise in environmental matters. The network currently has three lawyers, who have presented the first cases: one on the problem of noise and vibrations produced by trains on the ex-Sarmiento railway line (to which many neighbours who are suffering the effects in their homes have adhered in the hope of obtaining a solution in the case) and another on the existence of unauthorized coastal landfills in the area of San Isidro (in defence of the quality of the San Isidro coast, not just for recreational use by the neighbours but due to the impact on the environment produced by these clandestine landfills).

► Advice and training

In order to contribute to the growth of the public sector, we offer cooperation, technical assistance and training to numerous organisations.

Among its work of technical assistance, it is important to mention the preparation of various opinions on subjects such as deforestation and forestry emergency, as well as access to public information and the proliferation of cellular phone antennas in urban areas.

Likewise, advice continued to be given to the investigation being carried out by the Argentine Ombudsman's Office on the contamination of the Matanza-Riachuelo river basin, with a view to preparing a new document on the impact of the recommendations of the previous Special Report in the competent bodies involved in the study area.

► Matanza-Riachuelo basin

Continuing with the work carried out with the Ombudsman, activities have been undertaken to promote strategies of incidence with a view to including the problem of the Matanza-Riachuelo basin on the public political agenda and encouraging the formulation of public policies to change the situation. On the other hand, after having formed a working group with the Fundación Ciudad and other professionals who specialize in the subject, we have reached consensus on a first document which contains an analysis of the situation of the basin and a first definition of the proposals that will act as a base for the formulation of public policies for the basin area. That is why, having concluded the report that was presented together with the working group of the Ombudsman's Office, which will soon issue its decision, both initiatives will be promoted jointly, for a complete comprehensive incidence strategy on the implementation of the recommended policies.

► Reforms in the justice system. A Court for Democracy

Since 2001, FARN has been working together with CELS, Poder Ciudadano, ADC, INECIP and the Unión de Usuarios y Consumidores, to promote and hasten progress in boosting the credibility and legitimacy of the justice system. These six organisations have produced *A Court for Democracy (I, II & III)*, documents containing a series of proposals on the functioning of the highest tribunal, and which highlight the method used for the selection of future members.

Numerous results were obtained as a result of the presentation of these documents, notably: the passing of decree 222/03, by which the President limits the special powers that the National Constitution grants him to appoint judges to the Supreme Court of Justice; the passing of decree 588/03, by which this same procedure also applies to the appointment of the Nation's Attorney General and the Ombudsman, as well as judges in the lower federal chambers; the document *Prosecutors and Defence Attorneys in the Democratic Agenda: Proposals for the Strengthening of the Public Ministry*, which aims to identify the main problems found at the Fiscal Public Ministry and makes a series of proposals that could begin to solve them; the regulation of the figure of the *amicus curiae* before the Argentine Supreme Court of Justice; the reduction in causes pending proceedings before the Supreme Court to allow for a better treatment of causes of public interest, among others.

During the period this work was continued, especially in relation to:

- the appointment of Ministers to the Argentine Supreme Court of Justice,

- reduction in the number of members of the Court (to reasonably limit the faculty of the Executive Branch to appoint judges to the Supreme Court so that the independence of the Judicial Branch is guaranteed, contributing to strengthening society's belief in such independence);
- the strengthening of the figure of the *amicus curiae*;
- judicial independence in the provinces, especially in the cases of Neuquén (at the request for impeachment proceedings against prosecutor Ricardo Mendaña, one of the promoters of the accusations against the governor of the province, Mr. Sobisch) and San Luis (conditionings of high-ranking public officials of the provincial Executive Branch in the appointment of judges, which could form a systemic strategy to coactively steamroller the independence of other public officials in the provincial Judiciary);
- demand for a Law of Access to Public Information;
- Declaratory Action of Unconstitutionality due to the limitation of the faculties of the minors counsellor (FARN filed a claim) together with CELS and the Fundación Poder Ciudadano on the declaratory action of unconstitutionality against the administrative resolutions issued by the General Advisor on Guardianship of the City of Buenos Aires who limited the faculties of the General Advisor on Guardianship of Minors.

► Argentine Network of Lawyers for the Defence of the Environment

As a means of creating a useful tool to improve access to justice at national and provincial levels, promoting formal and informal tools of public participation and strengthening the work of each one of the organisations and persons in their respective areas, an Argentine Network of Lawyers for the Defence of the Environment (RADA, Red Argentina de Abogados para la Defensa del Ambiente) has been created. This network, of which FARN was a founding member, is made up of lawyers and organisations from all over the country that perform actions of public interest on environmental issues.

Thus far the Network has provided a link for all its members, supplying them with material of great intellectual and informative value, solving specific requests and also providing novel and constructive elements for the various legal presentations. Likewise, a series of thematic sub-groups made up of different members of the network were created and this has allowed for debates to take place on different environmental problems in diverse parts of the country and for strategies to be outlined to address the defence of affected rights.

On the other hand, it generated the possibility of discussing themes of environmental interest which, within the controversy aroused by each one of them, allowed for the exchange of opinions and material which were grounds for the different doctrinal positions on the subject. Some examples are: repudiation over the lack of action by the College of Lawyers of Salta at the arrest of one of the lawyers in the "Sale of a Protected Natural Area"; support for the initiative of a group of civil society organizations designed to avoid the enactment in the Province of Buenos Aires of a draft law to reduce the scope of

the precautionary measures that could be issued in cases to which the State is party; support for demands by the Pillán Mahuiza Mapuche community in defence of the Carrenleufú River to prevent the flooding of their lands as a result of the construction of a hydroelectric megacomplex.

Consolidation and Implementation of a Management Plan in the Patagonian Coastal Zone for the Conservation of Biodiversity. Component of Public Participation

Since the beginning of 2003, FARN has been cooperating with Fundación Patagonia Natural in the development of a public participation component in this project. Within the framework of the plan, which seeks to sensitize and cause the different social actors to reflect on the conformation of inter-jurisdictional spaces for the management of the Patagonian coastal zone, and make proposals and recommendations on the criteria applicable for its organization and proper functioning, workshops are still being held with the aim of training them in the use of tools of citizen participation, and of implementing the Management Plan at a municipal level through participative decision-making processes.

In this period, in the interests of institutionalizing the tools of citizen participation, among the positive impacts of the numerous workshops held in the Patagonian coastal municipalities in the four provinces involved, it is important to mention a public hearing held in San Antonio Oeste in the Province of Rio Negro, where there was discussion on the impact that the start of operations of an industrial plant could have on the environment, on the enforcement of control mechanisms by the municipal government and on the importance of the jobs offered by the company, among other subjects. Likewise, a project was drawn up to implement pilot experiences on a "participative budget". Lastly, at the passing of a statute creating a Municipal Protected Area, the municipal executive requested technical assistance to prepare a Participative Management Plan.

Access Initiative and Citizen Participation

Aiming to improve the quality of the decisions and policies related to the environment and human life, by establishing effective mechanisms that will allow individuals to exercise their right of access to information, to citizen participation and to justice (as stated in Principle 10 of the Rio Declaration and in chapters 23 and 40 of Agenda 21), research into the indicators for the implementation of these mechanisms and the proposals for their development has been carried out.

To that end, FARN heads a consortium of civil society organisations, including the Centre for Human Rights and the Environment (CEDHA) and the Asociación Marplatense de Estudios Ambientales Integrales (AMEAI). The outcome of this research will be published in the near future.

On-Line Discussion Forum - “Summit of the Americas”

During the months of April and May, FARN moderated the On-Line Discussion Forum (*e-dialog*) in preparation for the next Summit of the Americas (Mar del Plata, November 2005), with the support of the United States Agency for International Development (USAID).

Civil society took part in the dialogue, at the invitation of a group of organizations made up of Partners of the Americas, the Canadian Foundation for the Americas (FOCAL), the Inter-American Democracy Network (IADN) and the PARTICIPA corporation, preparing proposals on the environmental situation of the continent. After consensus was reached, the

proposals were put to the consideration of the Office for the Summit Process in the OAS and the Summit Implementation Review Group (SIRG).

Prior to the summit, members of the Foundation took part in diverse activities, such as the “Seminar on the Methodology of Dialogue” (Buenos Aires, March 2005) and the “Democracy Seminar and the IV Summit of the Americas” (Buenos Aires, March 2005), organized by the Secretariat of the Summit of the Americas of the OAS. They also participated in the civil society meeting to discuss and offer recommendations to the SIRG regarding the Summit’s motto “Creating work to tackle poverty and strengthen democratic governance” (Buenos Aires, March 2005).

Trade and Sustainable Development Area

www.farn.org.ar/comercio/en_index.html

Towards the middle of 2003, FARN decided to intensify its research and work in a new field of action: the relationship between trade, environment, investment and development. For this first stage of activities its objectives were basically geared to defining areas of work and taking the first steps in this direction, and to positioning the Area as a point of reference in matters of trade and sustainable development in governmental, non-governmental, private and academic sectors, nationally, regionally and internationally.

Two years later, and recognizing the value of the careful selection of actions and activities in the matters proposed, the correct path towards achieving the goals proposed for this first stage is clear to see. The activities carried out during the July 2004 – June 2005 management period in each one of the areas of work that make up the strategy of the Commerce and Sustainable Development Area of FARN may be seen below.

Trade, Integration and Investment

In the interests of contributing tools and other elements to promote sustainable trade policies and negotiations, seeking not merely economic growth but also true sustainable development, the following research, promotion and positioning activities have been carried out:

► Environmental Assessment and Capacity-building for the FTAA

Convinced of the need to promote tools such as sustainability assessments with a view to improving the decision-making process in public policies, since 2001 FARN and a series of non-governmental organizations from different Latin American and Central American countries have been participating in the “*Environmental Assessment and Capacity-building*

for the FTAA” initiative, promoted mainly by the Organization of American States (OAS). Within the program the following activities were undertaken:

- **Two Workshops on “The Environmental Impact Assessment and the Institutional Capacity of the Central American Region in the face of trade liberalization: Case Study on Costa Rica and Guatemala” (Costa Rica and Guatemala, July 2004)**

Organized by the Centre for Environmental Law and Natural Resources (CEDARENA), the purpose of both workshops was to review the work of this institution in addressing environmental and social impacts, as well as the capacity of Central American countries for institutional response in the face of agreements on trade liberalization. FARN was especially invited to contribute its experience in reviewing such studies.

- **Public presentation of the study “Environmental Sustainability in Trade: Assessment of the Potential Impacts of the FTAA. The Argentine Case” (Washington DC, May 2005)**

FARN made an additional public presentation of the study it prepared in 2003. This study includes an economic analysis of the modifications in Argentina’s trade flows depending on the potential scenarios of hemispheric trade integration, an assessment of potential environmental impacts of these scenarios, and an analysis of the country’s institutional strengths and weaknesses in facing the challenges and opportunities that hemispheric trade liberalization poses for environmental protection and sustainable development. On this occasion the presentation was made at OAS headquarters and in the presence of representatives of government, private, academic sector and civil society organizations.

► “Sustainable Development and Regional Trade Agreements” Regional Workshop

The European Commission’s invitation to FARN (as a local institution) to form part of the Organizing Committee of the “*Sustainable Development and Regional Trade Agreements*” regional workshop (Buenos Aires, April 2005) provided an interesting opportunity to examine in detail the relationships between regional trade agreements and sustainability. Organized by the European Commission with the participation of the Office for Sustainable Development and Environment of the OAS, the principal aim of this workshop was to examine the way in which the new generation of regional trade agreements in the Americas can promote sustainable development, on one hand, and on the other, the way in which sustainable development can affect these regional trade agreements. The workshop was well attended by high government representatives and policy makers as well as representatives of the private sector, academic institutions and organizations of civil society. FARN took part as a panelist in session 6 “Analyzing the Effects of Trade Liberalization”, and the exposition concerned “*Argentina’s experiences in assessing the environmental effects of trade*”.

► The environmental variable in designing Argentine foreign policy

In June, with a view to generating information that would reveal whether environmental impact assessment tools are being used to improve the process of formulating public policies regarding trade and investment, FARN undertook a study to identify the potentialities and limitations of this instrument for public decision-makers. The research was carried out within the framework of the cooperation activities between our organization and institutions of international prestige; on this occasion with the *Sciences Po Rennes*, France.

► Promotion of sustainable development in national and regional spaces of participation

FARN’s strategy has been to favour the inclusion and consideration of the environmental variable in the debate within different national and regional scenarios created to encourage the involvement of civil society. Below are the various spaces in which FARN’s active participation has resulted in interesting and relevant work:

- **Civil Society Consultative Council (CSCC) – Ministry of Foreign Affairs, International Trade and Worship of the Argentine Republic**

Together with approximately 730 civil society organizations, FARN forms part of a group designed to maintain permanent participation in the structure of this Council, whose aim is to achieve a fluid exchange of information between those representing civil society and public officials of the Ministry. The creation of the *Commission for the Environment and Sustainable Development* has been a particularly auspicious step in providing a scenario in which to examine in depth the links between trade, environment and investment. Given its involvement in the Civil Society

Consultative Council, as well as its experience in the topic, FARN has been invited to become part of the Promotion Group of this Commission, together with other organizations.

- **Consultative Economic Social Forum of the MERCOSUR (FCES)**

FARN has maintained a constant presence as an observing member in the regular meetings at which economic and social sectors are represented and has participated in new working subcommissions. Among them is the subcommission to study the problem of the Guaraní Acuífero, as well as the one on International Negotiations. Likewise, an exchange with FCES Coordination began in the interests of analyzing the viability of awareness-raising, dissemination and/or training channels on specific matters, such as environmental goods and services. Lastly, in this scenario FARN performs a kind of liaison role between the Commission for the Environment of the CSCC and the FCES.

- **Environmental Working Sub-group No. 6 MERCOSUR**

FARN participates and contributes with its vision in the meetings called by the Argentine Section for Coordination at the Secretariat for the Argentine Environment and Sustainable Development. In this respect, at the March 2005 meeting with the private, labour and NGO sectors to consider the Implementation Plan for the Framework Agreement on the Environment in the Mercosur, it was suggested that under the thematic area of “sustainable management of natural resources”, opportunities and threats to the environment and resources should be detected not only in the intra/extra bloc exporting pattern but also in potential investments, such as the project named *Integration of South American Regional Infrastructure (IIRSA)*.

- **Zapallar Group (ZG)**

An *ad hoc* meeting that took place in Buenos Aires, Argentina, at the end of April 2005 encouraged members to renew their commitment and promote the ZG as a permanent space for reflection and debate in which to generate a proactive South American agenda on trade and the environment in the context of the processes of trade integration.

► Follow-up of international negotiations

A way of strengthening FARN’s positioning in this new area of work has been through the Area of periodical follow-up of the different scenarios of international negotiation, as well as active participation in different spaces of discussion on the relationships between trade, investment and the environment.

In the interests of maintaining these objectives we have participated, either as presenters or as participants, in various forums, seminars, meetings and working conferences at national, regional and international level. Details of the events can be found at www.farn.org.ar/comercio/eventos.html

Clean Production and Sustainable Consumption

Work here was basically focused on promoting initiatives to interrelate productive and commercial activities with environmental aspects in a framework of sustainable development. The following are the areas of work:

► Sustainable Agricultural Development

• *Forum for an Agricultural Forestry Sustainable Development (FODAFO)*

During the first semester of 2005, FARN promoted articulation between the different environmental NGOs which make up the Advisory Council of what was called the Forum for 100 Millions of Tons of Sustainable Grain, with a view to favouring change at the heart of the Forum to reflect the interests of the different participating sectors. Work was done on a proposed new name for the Forum (FODAFO), on refining some of the objectives and on the specification of institutional and communicational mechanisms within the Forum.

• *Regional Impact Assessment of Sustainability of the Productive Chain of Soya*

Together with the Institute of Environmental Law and Economy (IDEA, from Paraguay) and the Fundación ECOS (from Uruguay), FARN has formulated a regional initiative whose objective is the Regional Impact Assessment of Sustainability of the Productive Chain of Soya. This proposal, presented to the OAS by the Paraguayan Mission for funding in December 2004, was approved in June, with activities estimated to begin during the second half of 2005.

• *Seminar on Agrobusiness, Food and New Technology*

IAMA Argentine Chapter (Argentine Association of Agrobusiness and Food) invited FARN to form part of the panel at the “*Seminar on Agrobusiness, Food and New Technology*” (Buenos Aires, October 2004). A concise legal and institutional analysis that encompasses the phenomenon of expansion of agricultural frontiers was presented.

► Clean Production and Sustainable Consumption

FARN has actively participated in the Advisory Council of the Unit of Cleaner Production and Sustainable Consumption (UPLYCS) created within the National Secretariat of the Environment and Natural Resources as a space for generating information and recommendations on the management of the Unit. In addition to this participation mention must be made of the Area's commitment and dedication to work in two groups: (i) Group for the Formulation of Public Policies; and (ii) Group for Sustainable Consumption.

Motivated by the need to promote actions tending to modify the present patterns of production and consumption, which pose a serious threat for the environment and quality of life,

the Area drew up a proposal that promotes the construction and definition of a strategy of responsible consumption in our country to accompany a national strategy on cleaner production. This proposal was presented for funding as part of a pool of projects to the members of the Advisory Council of the UPLYCS (March 2005).

► IRAM Environmental Management Committee

FARN's participation in the monthly meetings of this Committee is a further valid channel for promoting links between productive activities and the environmental variable. Considering our institution's involvement and experience, FARN was invited to form part of the Argentine Delegation that participated in the 12th Plenary of the ISO/TC 207, the annual meeting of the Technical Committee of Environmental Management (ISO/TC 207), which was held for the first time in Buenos Aires, from 28 August till 5 September 2004 and in which 330 delegates from 48 countries and 12 liaison organizations took part.

Corporate Social Responsibility

In order to encourage enterprises to commit themselves to integrating economic, environmental and social dimensions in their vision and management, FARN defined Corporate Social Responsibility (CSR) as an area of work requiring attention, and undertook the following activities of positioning, research and promotion:

► Follow-up of national, regional and international initiatives

The work begun in the first year to position FARN as a reference in this subject continued, with periodical follow-up of the different national, regional and international initiatives and active participation in diverse meetings, such as seminars, conferences and workshops. FARN was invited as a panelist to several of them, while taking part in the process of debate and reflection in others.

► Work in national and international networks

Nationally FARN participates in: (i) *Plataforma RSE (CSR Platform)*, a coalition of civil society organizations involved in developing a vision of CSR, promoting the commitment of different social actors with development in a context of social inclusion and environmental protection; (ii) *Observatorio de Vigilancia Social de las Empresas Transnacionales*, a grouping of organizations which observes and oversees the impact of transnational companies on society, economy, culture and the environment. Internationally, FARN is a member of the *OECD Watch*, defined as an international network whose primary objective is the dissemination of OECD Guidelines for Multinational Companies and the exchange of information. We thus responded to the questionnaire that *OECD Watch* sent its members as a form of evaluating the Guidelines in these five years since the last review (2000).

► Research and Promotion

• *OECD Guidelines for Multinational Enterprises (MNEs)*

FARN worked in conjunction with the SES Foundation on an initiative funded by the Red Puentes, whose objective is to disseminate and raise awareness on the OECD Guidelines for MNEs in our country. In its first phase (second half 2004 – first half 2005) we were able to meet these objectives. Research using basic information was carried out and the results were published in “*OECD Guidelines for MNEs: Basic Information*” which was presented and distributed at the “*Dissemination of the OECD Guidelines for MNEs*” Conference, promoted along with the National Contact Point on these Guidelines (Buenos Aires, November 2004). This conference was held at the Ministry of Foreign Affairs, International Trade and Worship (Buenos Aires, 12 November 2004) and was very successful with the attendance of over 70 participants representing government, private, academic, labour and civil society sectors. The activities that took place after the Conference basically dealt with the promotion of a working meeting in which public and private actors could articulate their action programs regarding the OECD Guidelines; a meeting that became a reality in mid-April 2005. The second phase of this initiative, which will examine the dissemination of these Guidelines in depth as well as the generation of basic strategic information, will begin during the second half of 2005 and will be funded by the Red Puentes and OECD *Watch*.

• *Financial System*

Within the framework of the Financial Initiative of the United Nations Environment Program, (UNEP FI), FARN co-organized with ABN-AMRO a training workshop for

the financial sector in Argentina on the assessment of environmental and social risks on investment and lending projects (Buenos Aires, May 2005), and a working breakfast in which the results were presented to a broader public (public, private, academic, press, NGO sectors) and with which the working agenda drawn up in the workshop was complemented. The results were more than encouraging, not only because of good attendance at both activities, but also due to the consensus generated by the debate. This consensus defined the next steps to be taken in the working agenda in the interests of deepening the awareness-raising and training process.

• *Textile and Clothing Chain*

As the first steps towards involving the sector in new areas such as corporate social responsibility, FARN, together with the Textile Centre of the National Institute of Industrial Technology (INTI) and the Argentine Industrial Chamber of Clothing, organized a working breakfast in order to begin the task of awareness-raising (Buenos Aires, June 2005). The sector showed considerable interest and expressed its commitment to future activities oriented towards intensifying those elements that will allow for the growth of a process of strategic definition of CSR in the sector.

• *ISO 26000 Guideline on Social Responsibility*

FARN has been involved from an early stage in the process of formulating the ISO Guideline on Social Responsibility (ISO 26000). At the end of 2004 a process of normalization got underway in our country and in June 2005, our Institution was awarded “expert” status in the NGO group, which implies responsibility for bringing together the vision of the sector and working on it within the group created at IRAM as a mirror image of that existing in ISO.

Information and Publications Area

www.farn.org.ar/informacion/en_index.html

Environmental Law Information Center

The Environmental Law Information Center (IC) compiles, organises and disseminates information on the thematic areas of FARN's work. The IC is an open space for the community that provides logistic support to the Foundation's different programs. This centre is of special interest to legislators, lawyers, companies, universities, non-governmental organizations and officers from public departments.

The IC library has specialised material in law and environmental policies, such as:

- environmental legislation, doctrine and jurisprudence;

- books, magazines, newsletters and conference materials;
- catalogues and directories related to the environment and sustainable development;
- a collection of CD-ROMs and diskettes with environment-related contents.

Some of our most important collections are:

- Argentine Official Gazette (as of 1994)
- Argentine Environmental Legislation Digest, available on print and CD-ROM (published by the IAPG)
- International Environmental Law: Multilateral Treaties (published by ICEL)

Most IC material is organised in three databases:

LEGAR, a normative database with over **4,600 entries**, including foreign and Argentinean environmental legislation,

BIB, a bibliographic database with over **8,200 entries**, including books, journals and working papers, among others.

JURIS, a jurisprudence database with over **260 entries**, including foreign and Argentinean verdicts on environmental matters.

The LEGAR database is freely available at www.farn.org.ar/bd/ecolegis/en_index.html. This service, called *Ecolegis*, is the result of a joint effort between FARN and the Regional Environmental Centre for Central and Eastern Europe (REC) from Hungary. It has a search mechanism which, in addition to the data on environmental legislation, allows over 90 rules in full text to be consulted through Ecolegis. It also provides access to other data bases on environmental legislation from different parts of the world.

Web Development

FARN's website was created in 1996 –when most of Argentina's non-governmental organizations had minimal presence on the Internet– as the result of a joint project led by the International Institute for Sustainable Development (IISD) from Canada. The project led to the creation of the Sustainable Development Communications Network (SDCN), which worked hard –particularly during its first five years– exploring the different uses of the new information and communication technologies as applied to sustainable development.

From that moment on, our webpage is constantly being updated and has already been redesigned four times, to keep pace with the permanent changes in this technology, and the most recent update was in December 2003. Besides offering essential institutional information, the site provides access to most of the material produced by the Foundation, from our environmental legislation database to more than 70 documents and publications in full text. It also has a registration system to the different distribution lists and two navigation search engines.

Publications

► **Suplemento de Derecho Ambiental (Environmental Law Supplement)**

Since 1994, FARN has directed the Environmental Law Supplement, a quarterly publication published by the Editorial La Ley that addresses environmental law and policy matters and gives priority to current subjects and news. During this period, the issues *Year XI N° 2, 3 and 4*; and *Year XII N° 1* were published.

► **Documents and publications**

All FARN documents and publications are freely available in full text on the Internet at www.farn.org.ar/docs/en_libros.html

Books published by FARN

- Líneas Directrices OCDE para Empresas Multinacionales: Información básica. (*OECD Guidelines for Multinational Companies: Basic Information*). Oliver, M.F. FARN / Fundación SES, City of Buenos Aires: 2004.
- Presupuestos Mínimos de Protección Ambiental. Recomendaciones para su Reglamentación (*Minimum Standards for Environmental Protection. Recommendations for implementation*). Di Paola, M.E. (ed.). FARN, City of Buenos Aires: 2004.
- Gobernabilidad para el Desarrollo Sustentable (*Governance for Sustainable Development*). “Adriana Schiffrin” Essay Prize – 2003. FARN, City of Buenos Aires: 2003.
- Simposio de Jueces y Fiscales de América Latina. Aplicación y Cumplimiento de la Normativa Ambiental (*Symposium of Judges and Prosecutors of Latin America. Environmental Compliance and Enforcement*). Di Paola, M.E. (ed.). FARN, City of Buenos Aires: 2003.

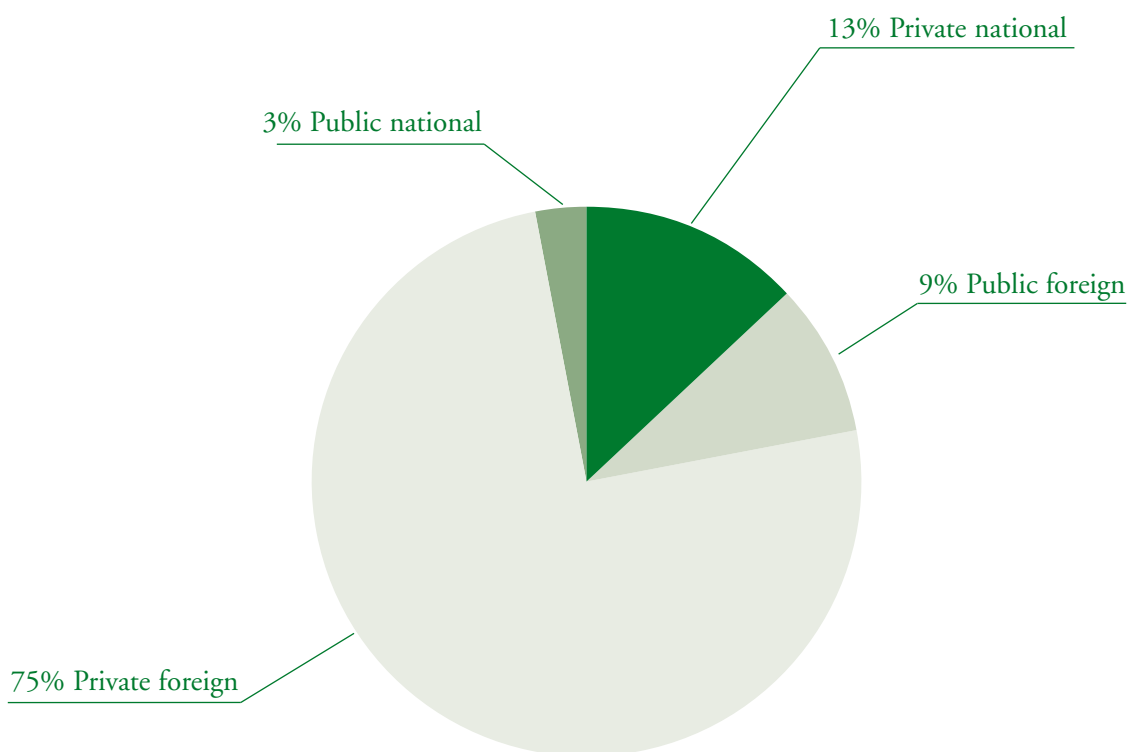
► **Articles prepared jointly with other institutions**

- Propuestas para Mejorar el Trabajo de Fiscales y Defensores (*Proposals to Improve the Work of Prosecutors and Defence Counsels*). ADC, CELS, Poder Ciudadano, FARN, INECIP and Unión de Usuarios y Consumidores. (2004)
- Una Radiodifusión Pública para la Democracia. Principios básicos sobre el funcionamiento de la Radio y la Televisión Públicas (*Public Broadcasting for Democracy. Basic Principles on the Functioning of Public Radio and Television*). ADC Project in collaboration with CIPPEC, Poder Ciudadano, FARN, CELS, Asociación de Periodistas and FOPEA. (2004)
- Evaluación del Impacto de Sostenibilidad sobre los aspectos comerciales del Acuerdo de Asociación UE MERCOSUR. Comentarios y Recomendaciones sobre el Proceso de Información y Consulta Pública. Informes de Argentina, Brasil, Paraguay y Uruguay. (*Sustainability Impact Assessment on the commercial aspects of the Association Agreement EU MERCOSUR. Comments and Recommendations on the Process of Information and Public Consultation. Reports from Argentina, Brazil, Paraguay and Uruguay*). CLAES, FARN, IDEA and WWF. (2003)
- Informe Especial sobre la Cuenca Matanza-Riachuelo (*Special Report on the Matanza-Riachuelo Basin*). Ombudsman of the Nation; Asociación Vecinal La Boca; CELS; Deputy Office of the Ombudsman of the City of Buenos Aires; FARN; Fundación Ciudad; Poder Ciudadano; UTN - Facultad Regional Buenos Aires. (2003)
- Sostenibilidad Ambiental en el Comercio: Evaluación de los Impactos Potenciales del ALCA. El caso de Argentina (*Environmental Sustainability in Trade: Assessment of the Potential Impacts of FTAA. The Argentine Case*). Walsh, J.R.; Ortiz, E.; Galperín, C. North-South Center and OAS, Washington DC: 2003.
- Una Corte para la Democracia III (*A Court for Democracy III*). ADC, CELS, Poder Ciudadano, FARN, INECIP and Unión de Usuarios y Consumidores. (2003)

Financing Report

July 2004 – June 2005

Funding Sources

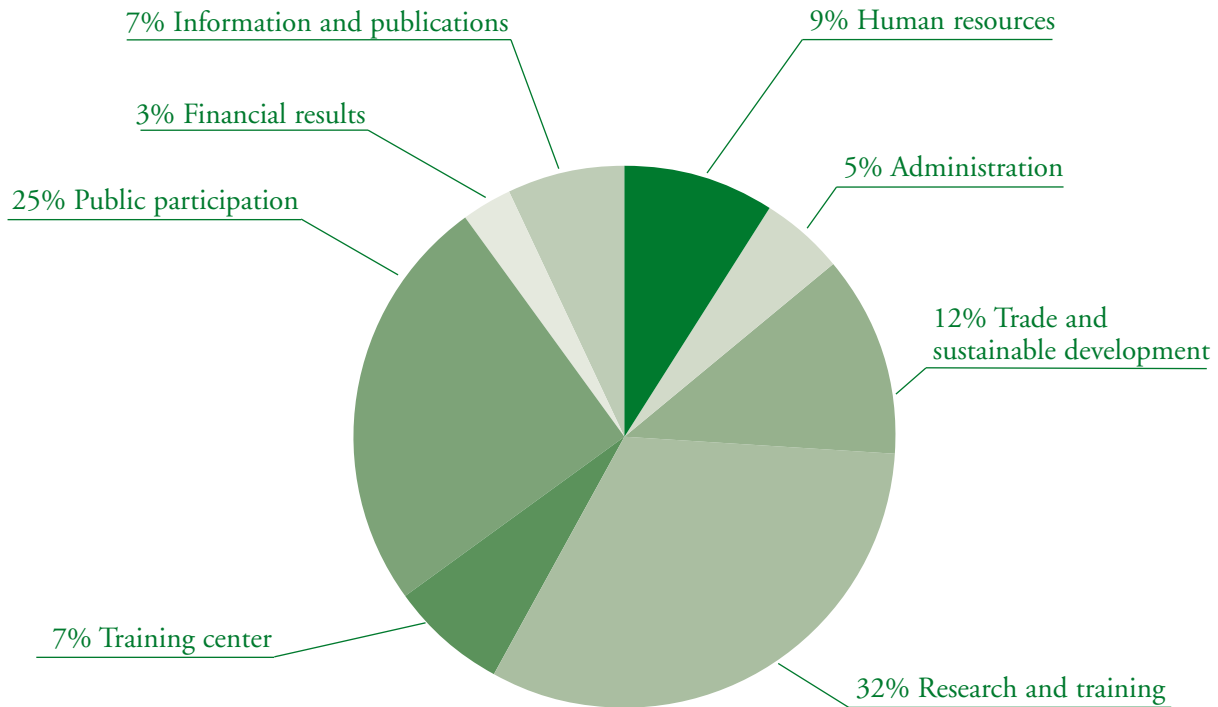


Funding Sources (in pesos)

| | |
|------------------|-------------------|
| Private national | 64,651.00 |
| Public national | 13,838.00 |
| Private foreign | 384,023.00 |
| Public foreign | 44,666.00 |
| Total | 507,178.00 |

The detailed financial report of this period is available at http://www.farn.org.ar/farn/en_financiamiento.html

Expenses by Area



Expenses by area (in pesos)

–It includes staff, activities and events during this period of time–

| | |
|-----------------------------------|-------------------|
| Administration | 33.899,00 |
| Human resources | 61.084,00 |
| Trade and sustainable development | 82.310,00 |
| Research and training | 224.050,00 |
| Training center | 51.621,00 |
| Public participation | 174.573,00 |
| Financial results | 22.215,00 |
| Information and publications | 48.238,00 |
| Total | 697.990,00 |

Funding Sources

Public and private institutions whose support makes the realization of FARN's programs and projects possible:

- ▶ Consejo Federal de Inversiones (CFI)
- ▶ Ford Foundation
- ▶ Partners of the Americas
- ▶ Resource Africa
- ▶ Swedish Government Fund / World Bank
- ▶ The World Conservation Union (IUCN)
- ▶ UK Governments Global Opportunities Funds (GOF-British Embassy)
- ▶ United Nations Environment Programme Finance Initiative (UNEP FI)
- ▶ Wildlife Conservation Society (WCS)
- ▶ World Bank Institute (WBI)

Private organizations and public entities that have developed activities together with FARN:

- ▶ Fundación Naturaleza para el Futuro (FuNaFu)
- ▶ Fundación Patagonia Natural (FPN)
- ▶ Fundación SES
- ▶ Municipality of Morón (Province of Buenos Aires)

Friends of FARN Information Center Program:

- ▶ Jorge Schiffrin
- ▶ Massuh S.A.
- ▶ Papel Prensa S.A.
- ▶ Total Austral S.A.