

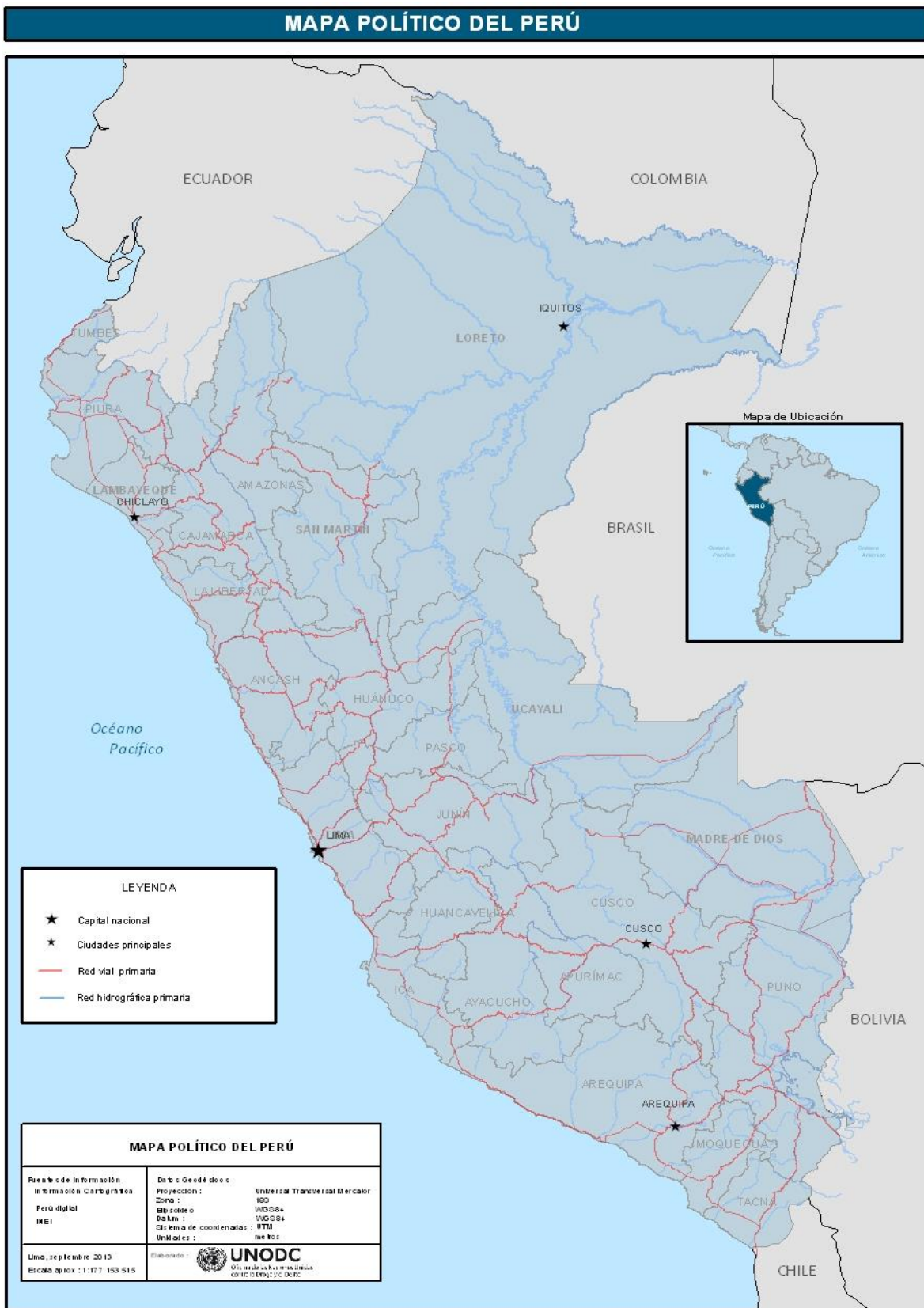
Analysis of law enforcement efforts to combat wildlife and forest crime in Peru



White-winged Parakeets (*Brotogeris versicolurus*) confiscated by authorities in the region of San Martín. The 1,500 birds were kept in unsanitary conditions and were being taken to Lima to be sold illegally.

Photograph: Daniela Muñoz, Carlos Perales

Map 1
Political map of Peru



Source: United Nations Office on Drugs and Crime.

Acknowledgements

We would like to thank the authorities of the General Directorate for Forestry and Wildlife (DGFFS) of the Ministry of Agriculture and Irrigation (MINAGRI), for their close collaboration and support with regard to the logistics of the field missions and gathering secondary data. We would also like to thank the compliance bodies of the secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora and the regional governments of Loreto, San Martín, Ucayali and Madre de Dios, as well as the Technical Administration for Forestry and Wildlife (ATFFS) of Lambayeque, and all the state and civil institutions that, by taking part in the regional meetings, have provided us with comments and valuable contributions for the present study.

We would also like to thank the World Bank, which has contributed to the revision of this document.

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Abbreviations and acronyms

ACCA	Association for the Conservation of the Amazon Basin
ACTO	Amazon Cooperation Treaty Organization
AIDER	Association for Research and Integrated Development
AMPA	Amazonians for Amazonia
ANP	Protected Natural Area
APCI	Peruvian International Cooperation Agency
APEC	Asia-Pacific Economic Cooperation
ATFFS	Technical Administration for Forestry and Wildlife
CI	Conservation International
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
CONABI	National Commission of Confiscated Goods
DEVIDA	National Commission for Development and Life without Drugs
DGFFS	General Directorate for Forestry and Wildlife
DICAPI	Directorate General of Captaincies and Coastguard of Peru
DIRTUPRAMB	National Directorate of Tourism and Environmental Protection
EIA	Environmental Investigation Agency
FAO	Food and Agriculture Organization of the United Nations
FEMA	Public Prosecution Service Specialised in the Environment
ICCWC	International Consortium on Combating Wildlife Crime
INEI	National Institute of Statistics and Information Technology
INIA	National Institute of Agrarian Innovation
INTERPOL	International Criminal Police Organization
IUCN	International Union for Conservation of Nature
MEF	Ministry of Economy and Finance
MINAGRI	Ministry of Agriculture and Irrigation
MINAM	Ministry of the Environment
MINDEF	Ministry of Defence
MININTER	Ministry of the Interior
OAS	Organization of American States
OEFA	Environmental Evaluation and Control Board
OSINFOR	Supervisory Body for Forestry Resources and Wildlife
PRODUCE	Ministry of Production and Foreign Trade
PRONATURALEZA	Peruvian Foundation for Nature Conservation
SERFOR	National Forest and Wildlife Service
SERNANP	National Service of State-Protected Natural Areas
SINANPE	National System of State-Protected Natural Areas
SPDA	Peruvian Environmental Law Firm
SPDE	Peruvian Eco-Development Firm

SUNAT	National Tax Administration Supervisory Authority
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNODC	United Nations Office on Drugs and Crime
WCO	World Customs Organization
WWF	World Wildlife Fund

At the meetings held in the regions visited, all agents, irrespective of their position or institution, stated that the two main problems were limited financial resources and bureaucracy, and that those factors prevented good institutional and inter-institutional performance. According to the majority of agents, problems relating to human resources, logistics and training stemmed from those two factors.

The agents agreed that plenty of legislation existed, and that it was gradually being adapted to the current situation; the main problem was that limited resources prevented such legislation being effectively enforced. However, legislation for the fishing industry, which comes under PRODUCE, still requires updating and research is needed into species that, given their current state, must be considered as candidates for protection under CITES.

It was noted that crimes resulting from the misuse of natural resources were still not considered to be serious offences and were not included in the category of transnational organized crime.

Adequate laws and rules exist that must be applied by those agencies responsible for the environment and forests that are also responsible for handling and combating wildlife crime through their specific functions, as well as by other public or private bodies that might support the design of strategies, either by providing relevant information or by taking part and directly helping in the strategic process. In some cases, cooperation agreements have been made to allow for joint activities, but budgets depend on the availability of funds under the annual operational plans, which, in general, do not provide for that kind of expenditure or investment, making it very difficult to implement concrete actions.

There is a lack of adequate human resources in all public institutions, from the national police force to the specialized prosecutors' offices and ministries. In Ucayali, DIRTUPRAMB has only 15 police officers to deal with an area of more than 100,000 km², and in many cases there are no more than two specialized prosecutors per jurisdiction. It is clear, looking at the disparity between professional salaries in different institutions and that between the salaries received by lawyers working in similar fields in the private sector, that the State is neither competitive nor effective.

Similarly, the skills of the staff at the various institutions are not sufficient and those staff are dispersed and cannot keep up with the rate of organized crime; this is aggravated by the lack of inter-institutional relations. In the case of enhancing and reinforcing skills, activities are often carried out unilaterally — the public prosecution service trains its lawyers, the police force trains its officers, the customs authorities train their officials etc. This prevents feedback and the exchange of ideas and also hinders the unification and standardization of policy. It also seems that professionals from different bodies do not follow similar procedures with regard to training, which should not limit the enforcement of law but rather an opportunity to enhance strategies to combat the crimes in question.

The above would suggest that the problems relating to wildlife and forest crime should be reflected in concrete State policies, which should form a basis for defining strategies to combat such crime. Most wildlife and forest crime is committed in inaccessible, sparsely populated and underdeveloped areas where the presence of the authorities is minimal, making the chain of actions very difficult to detect. Collecting information on crime in these areas could help to inform better strategies to allow for more efficient activities, thereby improving the return on public investment.

In spite of the limitations mentioned above, the authorities have carried out sporadic joint operations in the area of wildlife and forest crime to try and stem the supply of wildlife to the illegal market. Such operations have been carried out in urban zones but also in rural areas where conditions make it difficult for the authorities to carry out their functions. Between January and July 2013, the Office of the Prosecutor General, through the prosecutors' offices specializing in environmental affairs, reported 744 investigations at the national level for trafficking in protected wild flora and fauna and trafficking in timber-yielding products¹ (437 and 307 cases, respectively). There were also 60 investigations into the illegal extraction of aquatic species and destruction of protected wild flora and fauna² (39 and 21 cases, respectively).

¹ Criminalized in the Criminal Code, Legislative Decree No. 635 of 3 April 1991, Title XIII, ch. II, arts. 308 and 310-A.

² Criminalized in the Criminal Code, Legislative Decree No. 635 of 3 April 1991, Title XIII, ch. II, arts. 308-B and 308-C.

The power to investigate crimes is held jointly by the specialized prosecutors' offices and the national police force, together with the Harbour and Coastguard Service of Peru, if applicable; these bodies have jurisdiction at the national level.

The CITES management authorities, MINAGRI (through DGFFS) and PRODUCE, have the power to apply penalties for an infraction that merits an administrative sanction or to withdraw permits allowing the exploitation of natural resources. MINAGRI is also in charge of carrying out inspections of zoos, breeding centres and rescue centres.³

The judiciary is completely autonomous, but it coordinates closely with the legislative and executive powers in order to carry out coordinated enforcement activities. There is a lack of specialization in environmental issues within those bodies. The Office of the Prosecutor General does have some professionals trained in such areas, but it has a lack of staff, in particular trained staff.

The impunity with which crimes are committed, particularly trade in species of flora and fauna, is evident. Markets operate in full view of the authorities, which rarely seize or confiscate goods. Although a budget is required for such work, it is a duty to fund investigations and intelligence to obtain relevant information for the State to operate more efficiently, not only in prosecution but also in prevention.

One fundamental issue is regional planning. In Peru, activities in Amazonia, whether lawful or unlawful, have not taken place in an organized fashion. The destruction of forests as a result of human intervention is evident, aggravated by the presence of illegal activities such as coca-growing and mining. There is inadequate State control over that situation, which encourages organized criminal groups to operate with impunity.

However, the country has been implementing mechanisms to exercise some control over the country's wooded areas through licences for a range of purposes (timber production, tourism, conservation etc.), certification systems and a national system of protected natural areas that attempts to ensure that biodiversity survives.

The data and information generated in the country are insufficient and what does exist requires more thorough analysis. A study carried out in 2008 on trafficking in wild flora and fauna⁴ identified the main illegal markets as being in the north-east of the country. It is not known whether this study has been consulted or taken into account in defining the State's strategy to combat those crimes.

The main findings of that study are reproduced below.

- Wildlife and forest crime are associated with other offences, for example organized criminal activities such as drug trafficking and illegal mining, which are not considered to be serious crimes by the people involved.
- The relationship between these offences and others related to organized crime is more than evident as they use the same routes and occasionally even the same logistics and the same distribution channels. For example, drugs may be hidden in shipments of wood from the Amazon and child labour may form part of illegal mining operations.
- The compliance group's operations are dispersed; there is no systematic link between agents and there is no evidence of any planning of joint activities for prevention, control and/or prosecution. The same is true when it comes to enhancing skills.
- Both MINAGRI and PRODUCE are CITES management authorities; however, PRODUCE has contributed very little information, demonstrating the need for support in defining a new strategy that helps to combat crimes against hydrobiological resources.

³ Information on inspections carried out in 2013 is available at <http://dgffs.minag.gob.pe/pdf/supervisiones/supervisiones2013.pdf>.

⁴ Luis Ríos Arévalo, Fabiola Riva Melofiro and Lyana Canaquire Osorio, *Reporte situacional del tráfico ilegal de fauna y flora silvestre en la región nor-oriental del Perú: Explorando la ruta del tráfico ilegal de fauna silvestre en el Perú* (Lima, PRONATURALEZA, 2008). Available at <http://es.scribd.com/doc/18787131/Informe-Trafico-Fauna-Silvestre-122008-Elaborado-por-ONG-Pronaturaleza>.

- Some resistance to requesting collaboration with other public or civil bodies outside the compliance group was noted, which prevents information from being used and prevents the creation of synergies and cooperation. This has been particularly striking in the case of MINAM, which is the governing body in the area of the environment and also has jurisdiction for ANPs; however, it was not invited to meetings related to the study that were held in Lima.
- Although the regional governments show commitment and take part in the compliance group, in some cases they require improved skills, while in others the relevant skills need to be created. To a certain extent they have yet to strictly define the functions they must carry out. There are also a lot of differences in the structure of environmental authorities and subregional natural resources, preventing the coordination of inter-regional work. A lack of capacity has resulted in inefficiencies in regional public spending.
- The regional governments also have some structural weaknesses, resulting from an incomplete transfer of capacities and responsibilities by the central Government.
- In addition to shortfalls in terms of budget, logistics and skills, management within and outside Peru is also very poor. Initiatives within the compliance group are sporadic and there is little collaboration with other bodies; when collaboration does happen, it tends to be piecemeal.
- Another major problem is the lack of information and the low quality of existing data. In general terms, each institution generates and administers statistics under its own parameters; for example, the information handled by the Office of the Prosecutor General differs from that handled by the national police force through DIRTUPRAMB or DGFFS. Similarly, all data is raw, without analysis to support the planning of strategies.

The recommendations provided in this report are for the short, medium and long term as, given the characteristics and situation of the country, it could be said that all the proposed activities should be given priority.

The initiatives implemented by the State must involve a wide range of agents and must be supported by specialist cooperation, particularly in terms of reinforcing capabilities through the proposed training programme.

The present document is aimed at raising awareness of the ecological, social and economic damage caused to the country by wildlife and forest crime, as well as compiling relevant information accompanied by viable recommendations to support the national authorities involved in combating such crime.

I. Introduction

Humans have always used natural resources to meet their basic needs. Over time, gathering, hunting and fishing have gradually given way to other methods which, in some cases, have harmed and still harm the equilibrium of habitats and ecosystems, from the simplest to the most complex, due to the excessive use and/or destruction of wild species and large areas of primary and secondary forest.

Many international and national initiatives have been created to prevent, control, mitigate and enforce laws with regard to wildlife and forest crime, but the nature of the crime creates constant challenges that are increasingly difficult for the authorities and civil society to tackle, as circumstances, owing to the existence of direct and indirect and internal and external factors, prevent them from acting efficiently and quickly against such offences. Wildlife and forest crime is generally interrelated with other offences, such as human trafficking and drug trafficking, hence its direct relation with organized crime.

In 2010, the secretariat of CITES, together with INTERPOL, UNODC, WCO and the World Bank, created ICCWC in order to provide support and expert assistance to public institutions and to the managers and policymakers of national strategies in different States in enforcing wildlife legislation.

UNODC, together with its partners in ICCWC, produced the *Wildlife and Forest Crime Analytic Toolkit*, which was presented to member countries on 24 June 2012 at an event parallel to the 62nd meeting of the CITES standing committee, held in Geneva from 23 to 27 July 2012. It comprises five components: legislation, enforcement, judiciary and prosecution, drivers and prevention, and data and analysis. Its intention is to serve as an initial entry point for national Governments, international actors, practitioners and scholars to better understand the complexity of wildlife and forest crime and to serve as a framework around which a prevention and response strategy can be developed. Its application involves the implementation of pilot studies in countries that are signatories to CITES.

Peru was chosen to carry out one of the initial pilot studies, which was produced in close collaboration with UNODC and the Government of Peru, through DGFFS (which comes under MINAGRI) and PRODUCE, which are the CITES national management authorities. Other participants in the process were the compliance bodies of the Convention,⁵ namely the Office of the Prosecutor General, the national police force, SUNAT, OSINFOR, the armed forces of Peru and regional governments.

The national bodies was responsible for deciding, by consensus, which part of the *Toolkit* to study; it was decided to prioritize work under part II (enforcement), a component that has been analysed by gathering primary data from field missions and using secondary data provided by national authorities through official channels.

The present study aims to offer support to Peru by creating a baseline for work that will allow for the provision of coherent and viable recommendations in the short and medium term to improve enforcement strategies to combat wildlife and forest crime. This includes: (a) improvements in the inter-institutional coordination of public bodies, at the executive and technical-operational levels, by creating permanent networks and/or work groups at the regional and national levels; (b) reinforcing capacities by unifying criteria, consolidating technical, administrative and legal definitions and generating and standardizing relevant information; and (c) meeting with and ensuring the participation of other State and civil society bodies that, although not compliance bodies, carry out, under their mandates, direct and indirect actions in the field in question. That could be achieved if the State allocates the necessary logistics and resources, with international technical and financial support.

The problems described in the study concern political decision-making (defining strategies) and the assignment of the corresponding resources (funds, logistics, capacities etc.). From the perspective of wildlife crime, poor implementation by the public institutions responsible for law enforcement means that activities related to intelligence, prevention, control and, if applicable, sanctions are unlikely to be carried out appropriately and with the necessary management tools, human resources, budget, equipment and maintenance, training etc.

⁵ As per Supreme Decree No. 001-2008-MINAM (available at www.minam.gob.pe/index.php?option=com_docman&task=doc_download&gid=1363&Itemid=39), the compliance bodies must support the administrative authorities in monitoring and ensuring compliance with CITES.

II. Security and political context (economy, society and environment)

Peru has an estimated population of more than 30 million inhabitants⁶ and enjoys a stable economy. It has trade agreements with several countries, including China, Mexico and the United States of America, as well as with APEC and the European Union.

To a certain extent, the country's economic success is overshadowed by problems of internal security, especially in the main cities where the figures for kidnappings, armed bank and shop robberies, carjacking and even contract murders have risen considerably, a situation the Government is attempting to reverse, but with little success to date.

In spite of this, it should be noted that Peru has eliminated the terrorist groups that had devastated the country between 1980 and 1993. Some small remaining elements of these groups are still being disbanded by the national authorities.

In the 1980s, terrorist groups colluded with criminal organizations in drug trafficking and, although those groups have been almost completely eliminated, as has already been mentioned, drug trafficking is still a big problem for the country. As it is a producer of coca leaves (the main ingredient of *pasta base* and cocaine hydrochloride), Peru is facing a huge challenge regarding the area dedicated to growing this plant: according to UNODC,⁷ coca crops covered 60,400 ha in Peru in 2012. However, the State, through work carried out as part of the national strategy to combat drugs,⁸ has been making an effort to eradicate this crop in the main coca-growing areas.⁹ It should be noted that coca growing is closely related to migratory agriculture and therefore deforestation, which leads to the loss of species of flora and fauna, the loss of biological diversity and the production of large amounts of greenhouse gas emissions.

There is also evidence of opium poppy cultivation, which is difficult to detect owing to the nature of the areas in which it is carried out (high-altitude regions that are steep and therefore difficult to access and almost always shrouded in cloud). However, the authorities are carrying out regular operations to avoid the proliferation of this cultivation, under an initiative by the Government of Peru and through international cooperation to determine a strategy to monitor cultivation and work towards its elimination. It is hoped that this will be accompanied by a comprehensive development programme to generate lawful and sustainable economies for the populations in question.

In environmental terms, the country has serious problems resulting from its geography and lack of regional planning. Regional planning is quite a complex issue in Peru owing to activities carried out by the authorities in the past to colonize and develop Amazonia. That colonization lacked management and order and the characteristics of the territory to be occupied, which differed substantially from those found in the coastal and Andean regions, were not taken into account. It should also be remembered that the country does not have a regional planning act, which means that such planning is not agreed at the national level.

One of the indicators showing some of the deficiencies in the State apparatus at the regional level is the state density index, indicating the public services provided to the population. The table below presents the ranking of the regions visited during the pilot study.

⁶ National Institute of Statistics and Information Technology (www.inei.gob.pe).

⁷ United Nations Office on Drugs and Crime, *Perú: Monitoreo de Cultivos de Coca 2012* (September 2013). Available at www.unodc.org.

⁸ Peru, Office of the President of the Council of Ministers and DEVIDA, *Estrategia Nacional de Lucha contra las Drogas 2012-2016* (Lima, February 2012). Available at www.peru.gob.pe/docs/PLANES/11793/PLAN_11793_Estrategia_Nacional_de_Lucha_contra_las_Drogas_2012-2016_2012.pdf.

⁹ In 2012, 14,234.5 ha were eradicated, according to UNODC (*Monitoreo de Cultivos de Coca 2012*).

Table 1
State density index, Peru, 2007

<i>Region</i>	<i>Index</i>	<i>Ranking</i>	<i>Population</i>
Lambayeque	0.7103	6	1 112 868
Lima	0.7118	1	8 445 211
Loreto	0.5329	20	891 732
Madre de Dios	0.6899	8	109 555
San Martín	0.5794	18	728 808
Ucayali	0.5738	19	432 159
Peru	0.7118		27 412 157

Sources: REtrieval of DATA for small Areas by Microcomputer (REDATAM) database; national census 2007; INEI and UNDP data.

Lima, the capital city, is the first in the ranking, the ratio of public services to population being much higher than those in other cities. Lambayeque and Madre de Dios are in a relatively favourable position while San Martín, Ucayali and Loreto are much lower down; services in these regions are scarce, and these are the regions where the most crimes against natural resources take place.

Although the state density index is an estimate, it provides a general idea of the situation of public implementation. Low rankings are also a measure of state bodies that do not have enough resources to carry out their functions, this being the scenario in which unlawful activities may flourish.

Peru is a signatory to the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Corruption, which cover crimes that are associated with those that harm the environment and natural resources. It is known that criminal organizations involved in illegal timbering, illegal mining and drug trafficking also carry out crimes such as human trafficking, child labour, forced labour and prostitution and that these organizations tend to intimidate public officials to ensure they can carry out their unlawful activities, obviously encouraging corruption.

Statistics from the Multi-sector Permanent Group against Human Trafficking, presided over by MININTER, show that, as at June 2013, 26 judgements had been passed, most of which were convictions, in 101 trials brought by the national judiciary since June 2011. During this two-year period, more than 2,000 trafficking victims were rescued, of which 840 (42 per cent) were minors.

According to the statistics of the Registration and Statistics System on Human Trafficking and Associated Crimes, during this period most victims were taken from the region of Cusco (28 per cent), followed by Loreto (20 per cent), Lima (16 per cent) and Huánuco (8 per cent).

In addition, in 69 per cent of cases, the victims were trafficked for the purpose of sexual exploitation and 25 per cent for labour exploitation.

A total of 547 cases were recorded nationally, concerning 1,737 victims. Of that number, 95 per cent were women and about 25 per cent (331 cases) involved minors.

“Organized crime is a global phenomenon; although some countries may be very efficient in controlling it, weaknesses in other countries means that it continues to grow. What happens with this problem is similar to what happens with ecological deterioration in the world: it’s not enough for some countries to have strict rules to avoid harming the environment. The existence of uncontrolled areas in the world ends up contaminating the whole planet.”

Jorge Chabat, “El Estado y el crimen organizado transnacional: amenaza global, respuestas nacionales”, *Revista de Historia Internacional*, vol. 42 (2010) pp. 3-14.

III. Wildlife and forest crime

General considerations

Peru has the third largest biodiversity in the world and possesses around 10 per cent of the vascular plants registered (more than 25,000 species), in addition to 1,850 bird species, 508 mammals, 408 registered amphibians and more than 4,000 species of butterfly. In spite of this, the country's wildlife situation is critical, taking into account the fact that species of flora and fauna are affected directly and indirectly by human activity.

Species can be exploited by various means: (a) deforestation, either by wholesale cutting down of trees caused by migratory agriculture, extensive stockbreeding or illegal mining, or informal deforestation or selective, illegal cutting carried out by unscrupulous timber merchants; (b) illegal hunting (for meat, skin or for sale on the black market); and/ (c) the collection of threatened species of flora. The burning of a wooded area forces fauna species to migrate, although not all survive, and species of flora cannot escape.

It is important to highlight the relationship that native communities have with nature. Their use of natural resources has always been and continues to be sustainable and friendly towards the environment, as they only extract what is required to survive, thereby allowing populations of species to recover. This is accompanied by an extensive knowledge of how to handle ecosystems. It is understood, however, that the current needs of the population require a more intensive use but that this must be planned, controlled and overseen by the State.

One of the mechanisms created to alleviate pressure on wildlife is SINANPE, the aim of which is to contribute to the sustainable development of Peru by conserving representative examples of biological diversity (national parks, national refuges, national reserves, protected forests etc.) which, in many cases, are threatened by activities that are not in line with the aims defined in the master plans for each of these areas. This system is administered by SERNANP which, in turn, reports to MINAM.

Although part of this system covers large areas of forest (a little over 30 per cent of natural woodland), most of the forest is administered by DGFFS, which reports to MINAGRI. The natural forest in Peru covers almost 70 million ha. Most (94.1 per cent) of this wooded area is in the jungle, with 4.6 per cent by the coast and 1.3 per cent in the mountains.

DGFFS, which will soon become SERFOR, is responsible for the public management of wildlife and forest resources, except ANPs. Its work is based on the national wildlife and forest policy, which uses management principles in forestry management, an inter-sector perspective, sustainability in the use of the nation's forests and wildlife and an ecosystem approach, among others.

Environmental damage

For the most part, migratory agriculture, a consequence of poor planning, is considered to be the biggest cause of environmental damage and also the least discussed by the authorities, as a significant part of the population survives by undertaking this type of agriculture, which also involves deforestation, unofficial and illegal mining, unlawful crops, illegal trade in wildlife, common offences and others, of which evidence can be found on a daily basis. Eradicating these customs is a long, tedious process, but it must be carried out in order to improve quality of life and to generate economic activities with a defined market that use natural resources responsibly.

In addition to tropical forest, there are other ecosystems that are being exploited, such as the dry forest of northern Peru where there is considerable and increasing demand for charcoal, in particular that produced from kiawe wood (*Prosopis pallida*). This species and the ecosystem that contains it are very fragile; the State needs to ensure their rational use as the areas where the tree grows are increasingly scarce. It should be noted that this species is not covered by CITES.

During visits to the Amazon regions it was detected that the environmental consequences of migratory agriculture (including coca leaf cultivation and extensive stockbreeding) are not perceived as crimes; in general, farmers change how they use the land in order to survive. The question is whether the State should support this process and regulate it so that subsistence becomes a benefit, through sustainable activities that

generate resources. The answer is “yes”, as this is one way of reducing the pressure on forests and their resources. One of the initiatives in this regard is alternative development programmes; however, this has been limited to an attempt to solve merely one part of the problem (that of coca leaf cultivation) and the situation must be tackled comprehensively.

National legislative initiatives exist that attempt to reverse, alleviate or eliminate environmental damage but these are not cohesive, and they do not form part of a programme with a solid base agreed by the State and its strategic partners to tackle these problems from a comprehensive development perspective.

PRODUCE has been creating new strategies to reduce pressure on vulnerable species and is also regulating the quotas of species in rivers and lakes to improve the regulation of the fishing industry, which has led to disputes with the National Fishing Society. The Society has presented formal complaints to the Permanent Constitutional and Social Sector of the Supreme Court of Peru, which has declared Supreme Decree 005-2012-PRODUCE partly unconstitutional. PRODUCE has, however, been effective in banning the unregulated fishing of shrimp (*Litopenaeus*) and black ark clams (*Anadara tuberculosa*), leading to the sustainable, rational consumption of these species, as the bans aim to allow populations to recover so that they may survive. In the last season of the ban (December 2013-March 2014), more than 2 metric tonnes of shrimp and 300 kilos of black ark clams were seized, all of which were donated to social centres and populations with few resources.

The new ministerial management has also been working on supervising fishing along the coastline. In March 2014, 18,894 kilos of flathead mullet (*Mugil cephalus*) not meeting the minimum required length of 27 centimetres (as per Ministerial Resolution No. 209-2001-PE) were confiscated by PRODUCE inspectors between La Libertad, Lambayeque, Piura, Lima and El Callao.

The Office of the Prosecutor General also reported 744 investigations at the national level for trafficking in protected wild flora and fauna species and trafficking in timber-producing forestry products (437 and 307 cases, respectively); and 60 investigations were taking place into the illegal extraction of aquatic species and damage to protected wild flora and fauna (39 and 21 cases, respectively). Most of those investigations are closed or result in administrative sanctions, the fines related to which cannot be collected as, in many cases, the authorities do not have the legal or administrative tools required to enforce them.

EIA, in its report *The Laundering Machine: how Fraud and Corruption in Peru's Concession System are Destroying the Future of its Forests*,¹⁰ analysed and explained how fraud and corruption in relation to forestry licences in Peru is harming the future of the country's forests. It also mentions that there is ample evidence that forestry companies are linked with criminal organizations that are involved in money-laundering and associated crimes.

Informal and/or illegal mining, for its part, has been affecting large areas of the region and although the State has implemented an official registration process, there are fears that this is merely a palliative measure that does not tackle the problem as a whole, since such limited control over the region could lead to a balloon effect, with controls in one region allowing the problem to expand in another.

Given the seriousness of the mining problem, the Office of the President of the Council of Ministers has appointed a High Commissioner to coordinate and supervise actions against illegal mining through Legislative Decrees Nos. 1099¹¹ and 1100,¹² which declare public need and national interest the priorities in the implementation of environmental prohibition and remediation related to illegal mining, so as to guarantee the population's health and safety, conservation of heritage and fragile ecosystems, tax revenue and the development of sustainable activities.

According to MINAM, over the past few years, 50,000 ha of forest have been destroyed in Madre de Dios alone. It considers mining to be a latent threat to the population's health, owing to irresponsible mercury use. The Ministry has called for a social agreement against illegal mining, aiming for consensus and the involvement of society.

¹⁰ Washington, D.C., 2012. Available at <http://eia-international.org/wp-content/uploads/The-Laundering-Machine.pdf>.

¹¹ Available at <http://sinia.minam.gob.pe/public/docs/2794.pdf>.

¹² Available at www.ramosdavila.pe/media/D.-L.-Nº-1100.pdf.

Institutions have been identified within and outside the State (including SERNANP, ANA, OEFA, WWF, SPDE, SPDA and private consultancies) that, although they have no enforcement powers, have the capacity to investigate, produce and analyse data and can provide statistical and analytical information. However, as they do not form part of the CITES compliance bodies, at present they are not being involved or consulted.

Recommendation: *Identify the institutions involved in issues related to wildlife and forests and the environment in general and involve them as necessary. There are institutions within and outside Peru that handle data on environmental crimes and also generate specialist research that, although they do not form part of the compliance bodies, could collaborate, providing certain information and ideas that could reinforce the institutional framework of the teams working in law enforcement and other areas.*

Recommendation: *Considering that the problems resulting from these crimes affect many different sectors, in the short term a wide range of bodies should be called to an initial meeting that also includes the compliance bodies and other State bodies and civil society institutions. The aim should be to focus on identifying the macro problems and, based on this, create working groups to define agreed future strategies by area, ultimately helping to draw up a national strategy to combat wildlife crime.*

IV. Convention on International Trade in Endangered Species of Wild Fauna and Flora

Peru has signed CITES, ratifying it in June 1975. It entered into force in Peru in September the same year.

MINAM was appointed as the CITES scientific authority by means of Supreme Decree No. 030-2005-AG,¹³ amended by Supreme Decree No. 001-2008-MINAM.¹⁴ The Ministry is responsible for coordinating with the CITES management authorities, the compliance bodies and other bodies and representatives of civil society on issues concerning the Convention.

The CITES management authorities are DGFFS (under the overall supervision of MINAGRI) (for wildlife that reproduces on land, including all types of amphibians) and PRODUCE (for the increasing numbers of aquatic flora and marine and continental hydrobiological species included in appendices I, II and III of the Convention).

The compliance bodies responsible for complying with and enforcing legislation, jointly and in a coordinated fashion, are: the Office of the Prosecutor General, the national police force, SUNAT, OSINFOR, the armed forces and the regional governments.

In visits to the different public institutions in Lima, Lambayeque, Loreto, Madre de Dios, San Martín and Ucayali, knowledge of the Convention, as well as its provisions and the obligations Peru has undertaken on signing it, was observed, except in the fishing industry, which has taken very little part in the process; the industry has a lack of regulation and does not have a sector strategy that would allow discussion regarding the possibility of including more hydrobiological species within CITES.

With regard to the relationship between Peru and other countries in relation to wildlife, forests and CITES, in addition to trade agreements, at the regional level the country is an active member of ACTO, which supports its member countries in different ways: politically, diplomatically, strategically and technically.

ACTO aims at strengthening cooperation at the South-South level, reinforcing the development of synergies between countries and with other agents, national and multilateral bodies, the scientific community, industry and civil society. It also coordinates pilot studies on economic potentialities for generating income and opportunities for the Amazon region. Another of its functions as a regional body is to coordinate and work together with other initiatives in the region.

In general terms, most of the country's problems lie in the areas of enforcement, prosecution, control and punishment, both criminal and administrative, in the lack of certain skills and in the lack of organization of national agents, given that the necessary resources and appropriate logistics are not available and there are no ongoing joint cooperation projects in enforcement related to wildlife and forest crime, apart from the efforts made by authorities to reduce such offences. With regard to such crime, the opinions on action by the State, in particular the compliance bodies, held by representatives of institutions not linked directly to compliance, such as WWF and SPDE, are along the same lines.

¹³ Available at <http://sania.comunidadandina.org/Upload/Contenido/15/78/DS-030-2005-AG.pdf>.

¹⁴ Available at www.minam.gob.pe/wp-content/uploads/2013/09/ds_001-2008-minam.pdf.

Recommendation: *Within the group of compliance bodies, an area needs to be created to support and provide the necessary assistance for PRODUCE to generate a strategy for the fishing industry, involving relevant bodies in the sector. As a CITES management authority, PRODUCE must be more involved in compliance.*

Recommendation: *Advantage must be taken of ACTO to generate cooperation and linkages between authorities from other member countries, especially neighbouring countries, in order to exchange experiences and capabilities, as well as to replicate and adapt effective strategies and activities and good practices.*

In the long term, a regional strategy could be produced to combat wildlife crime that prevents transnational crime.

V. Legislation

Considerations

Peruvian legislation has been constantly amended and updated, particularly since the country signed a free trade treaty with the United States. The treaty includes a very well-defined environmental component, but arguably the necessary modifications have not been carried out fast enough.

A few years ago, environmental crimes, specifically those harming wildlife, were not well understood; however, a large part of the world's population is now aware of the risks for the future entailed by the unsustainable and unscrupulous handling of natural resources. International regulations are very clear in this respect and, in some countries such as Peru, efforts have been made to establish environmental legislation that is appropriate for the current situation, with more drastic administrative and criminal penalties than in the past, but this is not enough because such punishments are still not entirely dissuasive.

Given the current situation, all the evidence suggests that there is still a lot to be done, starting with educating and instructing people, especially children, in good environmental practices and respect for nature, as well as in activities that are environmentally friendly but also viable and developed with competitive markets to help improve the quality of life of the populations. The impetus for such activities should be at the State level. In this respect, regional planning is the platform on which the guidelines for development should be based. For this reason, responsibility for this aspect in particular lies with the different sectors.

Unfortunately, the country does not currently have land-use planning legislation. Planning-related regulations are not grouped together and deal more with sector-related issues than general ones. Until recently, each sector planned its own strategy in accordance with its own interests, due to the lack of a body responsible for organizing the different areas (agriculture, mining, production, industry, trade and tourism, environment, culture etc.). The National Strategic Planning Centre (*Centro Nacional de Planeamiento Estratégico*) has now been created and decisions concerning land-use planning are expected to become more coordinated.

Recommendation: *In the long term, the CITES authorities and the compliance group must play an active role in processes and initiatives related to land-use planning and tools.*

International regulations

Matters related to the global environment are of ongoing concern. The growing need to protect nature is reflected in the long list of conventions, laws and standards that establish new ways of doing so. Although countries have established their own legislation, crimes against the environment do not respect borders: they are a global problem. The international community has been forced to establish valid, concrete legal frameworks for all countries. Below is an overview of the international framework regarding environmental crime.

- United Nations Framework Convention on Climate Change¹⁵
- Convention on International Trade in Endangered Species of Wild Fauna and Flora¹⁶
- Convention on Biological Diversity¹⁷
- Convention on Wetlands of International Importance especially as Waterfowl Habitat¹⁸
- United Nations Convention against Transnational Organized Crime¹⁹
- United Nations Convention against Corruption²⁰
- Convention on Nature Protection and Wild Life Preservation in the Western Hemisphere²¹

¹⁵ United Nations, *Treaty Series*, vol. 1771, No. 30822.

¹⁶ United Nations, *Treaty Series*, vol. 993, No. 14537.

¹⁷ United Nations, *Treaty Series*, vol. 1760, No. 30619.

¹⁸ United Nations, *Treaty Series*, vol. 996, No. 14583.

¹⁹ United Nations, *Treaty Series*, vol. 2225, No. 39574.

²⁰ United Nations, *Treaty Series*, vol. 2349, No. 42146.

- Convention for the Protection of the World Cultural and Natural Heritage²²
- Treaty for Amazonian Cooperation²³
- Convention for the Conservation and Management of the Vicuna²⁴
- United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa²⁵
- Convention on the Conservation of Migratory Species of Wild Animals²⁶
- Kyoto Protocol to the United Nations Framework Convention on Climate Change²⁷
- Cooperation agreement for the conservation and sustainable use of the wild flora and fauna of the Amazonian regions of the Republic of Peru and the Federal Republic of Brazil²⁸
- Memorandum of Understanding between the Government of the Republic of Peru and the Government of the Federal Republic of Brazil on Cooperation in the area of Vigilance and Protection of Amazonia²⁹
- International Tropical Timber Agreement³⁰
- United Nations Millennium Declaration and the Millennium Development Goals³¹

The Convention on Biological Diversity was one of two international legally binding instruments open to the international community to sign at the United Nations Conference on Environment and Development on 5 June 1992. Peru is a signatory to the Convention, which was ratified by Legislative Resolution No. 261181 of 30 April 1993.

Peru is also a party to the Convention for the Protection of the World Cultural and Natural Heritage. It is one of the 21 members of the UNESCO World Heritage Committee. It was nominated in recognition of the Ministry of Culture's national policy, as well as the country's foreign policy with regard to UNESCO. The site of Machu Picchu is considered to be of exceptional universal value, not only because of its value in historical and tourism terms but because it is home to an impressive range of species of flora and fauna whose conservation is of vital importance.

The country has also signed the United Nations Convention against Corruption, which was ratified by Supreme Decree No. 075-2004-RE,³² which entered into force on 14 December 2005. In December 2012, Law No. 29976³³ was passed, creating the High-Level Anti-Corruption Commission. However, there is no record of this Commission being associated with the compliance bodies.

²¹ Available at www.oas.org/juridico/spanish/tratados/c-8.html.

²² United Nations, *Treaty Series*, vol. 1037, No. 15511.

²³ http://otca.info/portal/admin/_upload/tratado/The_Amazon_Cooperation_Treaty.pdf.

²⁴ Available at www.ecolex.org.

²⁵ United Nations, *Treaty Series*, vol. 1954, No. 33480.

²⁶ United Nations, *Treaty Series*, vol. 1651, No. 28395.

²⁷ United Nations, *Treaty Series*, vol. 2303, No. 30822.

²⁸ Acuerdo de cooperación para la conservación y uso sostenible de la flora y fauna silvestre de los territorios amazónicos de la República del Perú y de la República Federativa del Brasil (available at <https://apps.rree.gob.pe/>).

²⁹ Memorandum de Entendimiento entre el Gobierno de la República del Perú y el Gobierno de la República Federativa del Brasil sobre Cooperación en materia de Vigilancia y Protección de la Amazonia (available at www.mindef.gob.pe).

³⁰ United Nations, *Treaty Series*, vol. 1955, No. 33484.

³¹ General Assembly resolution 55/2 and A/56/326, annex.

³² Available at <http://dgffs.minag.gob.pe/pasf/documentos/marconormativo/DECRETOSUPREMON075-2004-RE.pdf>.

³³ Available at www.educacionenred.com/Noticia/?portada=31646.

Recommendation: Attention must be paid to crimes associated with those committed against wildlife and forests. The group of compliance bodies must arrange a meeting to create an opportunity for dialogue with other governmental bodies and national and international institutions in order to share information on crimes such as human trafficking, money-laundering and corruption.

National regulations

Peru has also created legislation in line with the current global and national situation. These regulations support the actions and activities carried out by public institutions to prevent, monitor, alleviate, reverse and penalize crimes against the environment and the natural resources it contains. The following are the most relevant regulations:

- Political Constitution of Peru, 1993³⁴
- State Policy No. 19, on sustainable development and environmental management³⁵
- Law creating the commission to revise the Environment and Natural Resources Code, Law No. 27980³⁶
- National Environment Policy³⁷
- General Environment Law, Law No. 28611³⁸
- Law on the National System to Evaluate Environmental Impact and its Regulation, Law No. 27446³⁹
- Law No. 29263, amending title XIII of the Criminal Code⁴⁰
- National Plan of Environmental Action, 2011-2021⁴¹
- National Forest and Wildlife Policy⁴²
- Forest and Wildlife Act, Law No. 29763⁴³
- Regulations on the Organization and Functions of SERFOR⁴⁴
- Law establishing measures to promote aquaculture⁴⁵

The Forest and Wildlife Act, Law No. 29763, regulates the use and conservation of species of wild flora and fauna, as well as the handling of wooded areas and the ecosystems within them.

Law No. 29263, which amends title XIII of the Criminal Code, applies tougher penalties for crimes related to wildlife and forests, but these are still not an effective deterrent (between three and five years in prison, on average). It could be said that these penalties are much less of a deterrent than those for drug trafficking (between 15 and 25 years in prison).

³⁴ Available in English at www.congreso.gob.pe/_ingles/CONSTITUTION_29_08_08.pdf.

³⁵ Available at http://acuerdonacional.pe/sites/default/files/ConsejoNacionaldelAmbiente-Politica19_0.pdf.

³⁶ Available at www.congreso.gob.pe/ntley/Imagenes/Leyes/27980.pdf.

³⁷ Available at www2.oefa.gob.pe/documentos/politica_nacional_del_ambiente1.pdf.

³⁸ Available at www.congreso.gob.pe/ntley/Imagenes/Leyes/28611.pdf.

³⁹ Available at <http://sinia.minam.gob.pe/index.php?accion=verElemento&idElementoInformacion=39&idformula=>.

⁴⁰ Available at www.congreso.gob.pe/comisiones/1997/ambiente/2997.htm.

⁴¹ Available at www.minam.gob.pe/wp-content/uploads/2013/08/plana_2011_al_2021.pdf.

⁴² Available at <http://dgffs.MINAGRI.gob.pe/rffs/pdf/pffs2013-01.pdf>.

⁴³ Available at www.congreso.gob.pe/ntley/Imagenes/Leyes/29763.pdf.

⁴⁴ Available at www.peru.gob.pe/normas/docs/DS_007_2013_MINAGRI.pdf.

⁴⁵ Available at <http://rnia.produce.gob.pe/images/stories/archivos/pdf/leyes/ley-29644.pdf>.

Depending on their seriousness, crimes may be penalized administratively and/or criminally but, in general, administrative penalties are difficult to collect and criminal penalties are almost never effective: in short, they do not manage to deter people from engaging in criminal activities.

Recommendation: *Extend the range of penalties for these crimes to levels similar to those for drug trafficking, thereby increasing their potential to deter people from engaging in criminal activities and the possibility for compensating for the damage caused.*

Recommendation: *Plan regular reviews of legislation and regulations in order to adapt them to current conditions. At present, a need is observed to revise articles 308 to 314 of the Criminal Code to assess the possibility of making amendments to allow enforcement bodies to carry out actions even when the crimes have been committed against species not listed in Supreme Decree DS-034-2004-AG, Supreme Decree DS 043-2006-AG or other similar regulations.*

Regional regulations

Under the Decentralization Framework Act (Law No. 27783),⁴⁶ one of the objectives of decentralization is the sustainable management of natural resources and the improvement of environmental quality. In Forestry and Wildlife Act No. 29763, whose regulations are currently being drawn up, the regional government is the authority in this area. It also states that regional governments have a series of responsibilities in the area of forests and wildlife, in line with the national forest and wildlife policy and the national guidelines approved by SERFOR, which include the following: (a) planning, promoting, administering, monitoring and controlling the sustainable use, conservation and protection of wild flora and fauna; (b) designing, carrying out, supervising and evaluating regional forest and wildlife plans and policies; (c) promoting and establishing permanent mechanisms to involve citizens in the management of forests and wildlife at the regional level, in coordination with local governments; (d) promoting competitiveness of forestry products in terms of associations, production, access to financing, transformation and marketing; (e) promoting and coordinating the development of skills among agents in the forestry sector within their jurisdiction to raise the levels of competitiveness for national production and the sustainable use of the nation's forestry and wildlife resources; and (f) designing and implementing a technical and advisory assistance plan for small producers and native and rural communities within their jurisdictions.

The Regulations on the Organization and Functions of MINAGRI, approved by Supreme Decree No. 031-2008-AG⁴⁷ also establish the functions of DGFFS as the national forestry authority and the transfer of functions with regard to agricultural matters to the regions of Madre de Dios (Ministerial Resolution 0301-2010-AG),⁴⁸ San Martín (Ministerial Resolution 0792-2009-AG),⁴⁹ Amazonas (Ministerial Resolution 696-2010-AG),⁵⁰ Ucayali (Ministerial Resolution 019-2010-AG),⁵¹ Loreto (Ministerial Resolution 0793-2009-AG),⁵² Ayacucho (Ministerial Resolution 0291-2012-AG),⁵³ La Libertad (Ministerial Resolution 0303-2011-AG)⁵⁴ and Tumbes (Ministerial Resolution 0170-2012-AG).⁵⁵

⁴⁶ Available at www.congreso.gob.pe/ntley/Imagenes/Leyes/27783.pdf.

⁴⁷ Available at www.peru.gob.pe/docs/PLANES/136/PLAN_136_Decreto_Supremo_N%C2%BA031-2008-AG_Aprueban_Organigramas_del_MINAG_2012.pdf.

⁴⁸ Available at [http://dgffs.minag.gob.pe/pdf/normatividad/2010/resolmin/RM%20N%C2%B020301-2010-AG\(Declaran%20concluido%20proceso%20transferencia%20de%20funciones%20al%20Gob.%20Reg.%20MDD\).pdf](http://dgffs.minag.gob.pe/pdf/normatividad/2010/resolmin/RM%20N%C2%B020301-2010-AG(Declaran%20concluido%20proceso%20transferencia%20de%20funciones%20al%20Gob.%20Reg.%20MDD).pdf).

⁴⁹ Available at www.gacetajuridica.com.pe/servicios/normaspdf_2009/Noviembre/12-11-2009.pdf.

⁵⁰ Available at [http://dgffs.minag.gob.pe/pdf/normatividad/2010/resolmin/RM%20N%C2%B020552-2010-AG-\(Lineamientos%20sobre%20sistematizaci%C3%B3n%20y%20administraci%C3%B3n%20de%20Informaci%C3%B3n%20Forestal\).PDF](http://dgffs.minag.gob.pe/pdf/normatividad/2010/resolmin/RM%20N%C2%B020552-2010-AG-(Lineamientos%20sobre%20sistematizaci%C3%B3n%20y%20administraci%C3%B3n%20de%20Informaci%C3%B3n%20Forestal).PDF).

⁵¹ Available at [http://dgffs.minag.gob.pe/pdf/normatividad/2010/resolmin/RM%20N%C2%B020019-2010-AG\(Declaran%20concluido%20proceso%20de%20transferencia%20al%20Gob.%20Reg.%20Ucayali\).pdf](http://dgffs.minag.gob.pe/pdf/normatividad/2010/resolmin/RM%20N%C2%B020019-2010-AG(Declaran%20concluido%20proceso%20de%20transferencia%20al%20Gob.%20Reg.%20Ucayali).pdf).

⁵² Available at www.gacetajuridica.com.pe/servicios/normaspdf_2009/Noviembre/12-11-2009.pdf.

⁵³ Available at www.minag.gob.pe/portal/download/pdf/marcolegal/normaslegales/resolucionesministeriales/2012/agosto/rm_291-2012-ag.pdf.

⁵⁴ Available at <http://dgffs.minag.gob.pe/pdf/normatividad/2011/resmin/RM.0303-2011-AG.pdf>.

⁵⁵ Available at www.gestionpublica.org.pe/plantilla/gpdiario/adjnl/nl_20120516_3507.pdf.

SERFOR is to take over the functions of DGFFS; this process is currently in transition and is covered by Supreme Decree 007-2013-MINAGRI,⁵⁶ in which the regulations on the organization and functions are approved and the transition mechanism and its final supplementary provisions are established.

In those regions where the powers and functions related to the management and control of forests and wildlife have not yet been transferred from the central government to the regional government, DGFFS has a presence at the local level through branches known as ATFFS, which act as a first level in the management of forest and wildlife resources.

Recommendation: *It is vitally important for the process of transferring responsibilities to the regions by the different national sectors to include capacity-building and monitoring. This will enable efficient decision-making regarding the prevention, prosecution and penalization of wildlife and forest crime. Joint actions should be organized and coordinated with other authorities and regions and public spending should be optimized.*

The central Government needs to define certain parameters for institutional support for and implementation of activities, in both regional governments and ATFFS, to help standardize processes and promote interregional work: in San Martín, the Regional Environmental Authority is in charge of environmental issues, while in Loreto this is the responsibility of the Regional Programme for the Management of Forestry and Wildlife Resources. It is not only the name that is different, but also the powers of each of these subregional bodies.

Other considerations

In addition to the species included in the CITES appendices, others are also expected to be included in the near future. For example, the Yellow-Footed Tortoise (*Geochelone denticulada*) is considered by IUCN to be a vulnerable species. There is demand for this species as a food source and it can be found on the menus of some restaurants in the main Amazonian towns and even in Lima. People realize that protected species cannot be hunted, but this does not prevent crime against fauna and flora.

All forms of wildlife and forest crime, aggravated forms of such crime and the responsibilities of legal entities and their representatives are contained in title XIII of the Criminal Code, but its enforcement is not entirely efficient. In August 2013, MINAM reported that the profits from environmental crime in the country amounted to 7.3 billion dollars, a sum equivalent to 14 per cent of suspicious financial operations. This raises the question of what the use is of having comprehensive, updated legislation if it is not enforced more efficiently. In that respect, the strategy to be defined regarding environmental crime must be an organized multi-sector process that is arrived at by consensus.

There are strict rules with regard to species of fauna but, for example, quotas are established for hunting, for sport or other purposes. Hunting permits are issued by the forestry and wildlife technical administration of each region. In the case of Lima, sports hunting permits are issued for a period of two years. The regions have been informed of this procedure.

Not much information has been provided by PRODUCE on hydrobiological resources. However, it is known that the regulations are out of date and a new strategy needs to be created to administer these resources.

⁵⁶ Available at www.minag.gob.pe/portal/download/pdf/marcolegal/normaslegales/decretosupremos/2013/ds007-2013-minagri.pdf.

Recommendation: *Legislation and rules in the fishing industry need to be revised and updated immediately, with the direct support of the compliance bodies and backed by the CITES scientific authority, and other institutions should be invited to take part.*

Recommendation: *The fishing industry also needs to redefine its resource administration strategy, analysing the state of certain species which might be included under CITES in the near future.*

In both cases, the group of compliance bodies is the ideal platform to promote the respective initiatives.

VI. Enforcement

Structure of legislation

The compliance bodies are responsible for enforcing the law directly. These institutions are OSINFOR, the armed forces, the national police force, regional governments, SUNAT and the Office of the Prosecutor General, which are supported by the management authorities of DGFFS (MINAGRI) and PRODUCE and also by the scientific authority, MINAM.

In general, DIRTUPRAMB, as part of the national police force, acts as the specialized body for systemic, technical-regulatory and executive matters on behalf of MININTER. It plans, directs, executes, supervises and controls police activities related to environmental protection and supports investigations into environmental crime, which are carried out by specialized prosecutors. The Office of the Prosecutor General and the national police force require a close working relationship that also involves other bodies for specialist support. Synergies at the inter-institutional level are of vital importance for the efficient enforcement of legislation in the country.

Compliance bodies sporadically carry out joint operations from Lima but no official information has been received to this effect. Regional governments also carry out supervisory and prosecution work that is often impaired by a lack of human and other resources.

Other institutions, such as OEFA and SERNANP, which both report to MINAM, carry out important work. OEFA acts as a supervisor and prosecutor in environmental matters; SERNANP acts as the body responsible for safeguarding the natural heritage of ANPs. Although they are not compliance bodies, both provide important information for designing strategies.

Organizations such as SPDA, SPDE, CI, AMPA, EIA, WWF and others from civil society produce reliable information related to environmental and/or associated crimes and also provide specialist support for initiatives at the local and regional levels for comprehensive actions, in some cases reaching the national and international levels. Similarly, the UNODC field office in Lima, as part of its mandate, collaborates with the Peruvian State in its strategy to combat organized crime and provides specialist support by drawing up analytical and statistical studies related to the environment, specifically on deforestation, alternative development and organized crime.

Some compliance bodies are independent, while others come under the ministries directly involved in enforcement, which are MINAM (a CITES scientific authority), DGFFS (MINAGRI) and PRODUCE (CITES management authorities), MININTER and MINDEF, through the national police force and the armed forces, respectively; and indirectly under the Office of the President of the Council of Ministers, the Ministry of Foreign Relations and the Ministry of Foreign Trade and Tourism, although these last two are more at the managerial level, as part of the CITES inter-institutional working group for Peru.

For their part, the Office of the Prosecutor General and DICAPI carry out investigations directly, being able to call upon, if required, the CITES authorities or other compliance bodies, such as OSINFOR and SUNAT.

The Office of the Prosecutor General and DIRTUPRAMB have national jurisdiction; however, they have logistical and resource-related limitations. As a result of limited resources, there are serious problems relating to coordination and logistics, particularly in remote areas and regions that, because of their geographical characteristics, are beyond the capabilities of the law's representatives.

The main functions of the Office of the Prosecutor General are to conduct, from the start, investigations into crimes; to enforce penalties, given by itself or at another party's request; to issue decisions prior to judicial rulings in those cases where this is possible by law; to exercise initiative in formulating laws; and to report to Congress or to the President of the Republic on any gaps or defects in legislation. FEMA is involved in criminal procedures, including the bringing of proceedings and, when authorized by law or in accordance with local practice, in the investigation of crimes, monitoring the legality of investigations and the enforcement of court orders. It also has other functions, such as representing the public interest.

The functions of specialized public prosecutors depend on current codes and regulations. The fundamental principles of their actions are legality, autonomy, objectivity, impartiality and unity.

In spite of reforms of the Criminal Procedural Code, the Office of the Prosecutor General has maintained the functional and hierarchical line of command between public prosecutors, which could be counterproductive to them carrying out their work.

It should be noted that the implementation of the new Criminal Procedural Code has led to an organizational change in the Office of the Prosecutor General, as well as a change in how public prosecutors carry out their functions. The new system requires the old procedural practices to be put to one side and new forms of decision-making to be adopted.

The bodies that closely assist FEMA in carrying out its functions are DIRTUPRAMB and DICAPI. DIRTUPRAMB is responsible for preventing and investigating crimes, offences and administrative infractions related to tourism and environmental protection. It fulfils the requirements set out by the judicial authorities and the Office of the Prosecutor General, in accordance with its powers. DICAPI investigates events and incidents occurring at sea to determine causes and responsibilities and safeguards human safety and the environment.

SUNAT oversees and controls the traffic of goods at the national level, whatever their origin or nature. It inspects, oversees and monitors customs agencies, official dispatchers, authorized storage facilities, bonded warehouses, storage terminals, consignments and transport used in the international traffic of people, goods and other things, and it prevents, investigates and brings action against contraband goods, customs duty fraud, tax fraud and the illicit traffic of goods, and also applies measures to safeguard fiscal interest.

Not all these bodies form part of the same ministry or sector. The Office of the Prosecutor General is independent, while the national police force reports directly to MININTER and DICAPI to MINDEF. Similarly, DGFFS reports to MINAGRI. This should be reconsidered, as there is no standardized ministerial procedure. Consequently, the degree of organization within the State is not optimal.

Recommendation: *Given that the role of the compliance bodies in the area of wildlife and forests is already defined, the annual planning of their joint activities is a task that must be made more concrete in order to improve the channels of communication, increase the exchange of information and generate greater synergies between institutions, as well as promote research. This requires regular, bi-monthly work meetings where responsibilities, assignments and the steps to follow can be defined.*

For these State offices to be able to fulfil their functions, they must have the appropriate funds. The central Government, through MEF, is responsible for financing annual budgets according to each sector's requirements. The funds allocated to meet their targets may be reduced in emergencies that the State must tackle, which is why international cooperation may provide funds to support national, regional and/or local initiatives. However, it is difficult to understand why, at times of economic prosperity such as the present, the State institutions do not receive budgets in line with their functions.

The current economic situation of Peru allows us to view the country's future with optimism; however, those interviewed for this study, without exception, state that only limited budgets are allocated to carry out control, supervision and other functions and that the mechanisms in place to request or apply for additional funds for specific actions are very arduous. It was also mentioned that those two conditions impede the enhancement of skills and technological improvements in line with present requirements. This warrants further study, not only of the amounts allocated but also their distribution and use.

Recommendation: *The conditions under which the prosecution service, police, customs, specialist administrations etc. carry out their everyday work should be re-evaluated. The provision of equipment and land vehicles, marine vehicles (including for rivers and lakes) and/or air vehicles with the respective budgets for their maintenance and other purposes is essential for work in the field, particularly in Amazonia. It is vital that this is planned and budgeted for, through consensus and with the requisite funding.*

The right to administrate involves the duty to be accountable; the Comptroller-General of the Republic⁵⁷ is the highest-ranking body in the national oversight system that supervises the legality of how the State budget is spent, as well as public debt operations and acts by institutions subject to that control. All institutions and the civil servants working in them come under the supervision of this body.

There is a lot of pressure on State offices owing to the fact that the Comptroller's Office does not appear to be perceived as a body that helps State spending to be more efficient but rather as a repressive body that stops institutions from performing efficiently. According to those interviewed, it is increasingly common to come across civil servants being investigated by this institution or at least with a complaint against them.

The specialist bodies do not have multidisciplinary personnel. FEMA is made up of public prosecutors and there is no advisory team for specialist issues to support their work; DIRTUPRAMB has a specialized police force, although in many cases, turnover within the national police force means that this specialization is diluted or cut short. This perhaps creates an opportunity to form a team of scientific and technical consultants with the right combination of experts from different disciplines that, under a defined strategy, could improve the State's efficiency in this area.

Regarding the responsibilities of each of the public offices, FEMA is a specialized body that is only responsible for environment-related crimes; however, environmental issues cover a wide range of topics, ranging from water, soil and air pollution to conservation of ANPs. It is therefore important to assign it a larger number of qualified personnel. DIRTUPRAMB operates in the area of tourism crimes; the functions of SUNAT are not limited exclusively to this area as, at present, it is also responsible for controlling the chemical goods that can be used to make drugs, but its main function is to collect tax revenue. DICAPI also operates in the case of marine accidents and can search vessels for illegal substances.

There is a disciplinary procedure that is followed within MINAGRI, in accordance with Ministerial Resolution No. 322-2006-AG, establishing the functions of civil servants, Law No. 27815⁵⁸ on the code of ethics for civil servants and its amendments through Law No. 28496,⁵⁹ and Ministerial Resolution 629-2007-AG.⁶⁰

Recommendation: *Coordinate with the Comptroller, through a specially created mechanism, regarding the activities defined by the compliance group in accordance with its strategy, in order to determine reporting procedures, especially in terms of intelligence activities. This is also a way of avoiding corruption.*

⁵⁷ More information on the Comptroller-General is available at www.contraloria.gob.pe.

⁵⁸ Available at www.minedu.gob.pe/transparencia/2008/PDFs/ley_codigo_etica_funcion_publica.pdf.

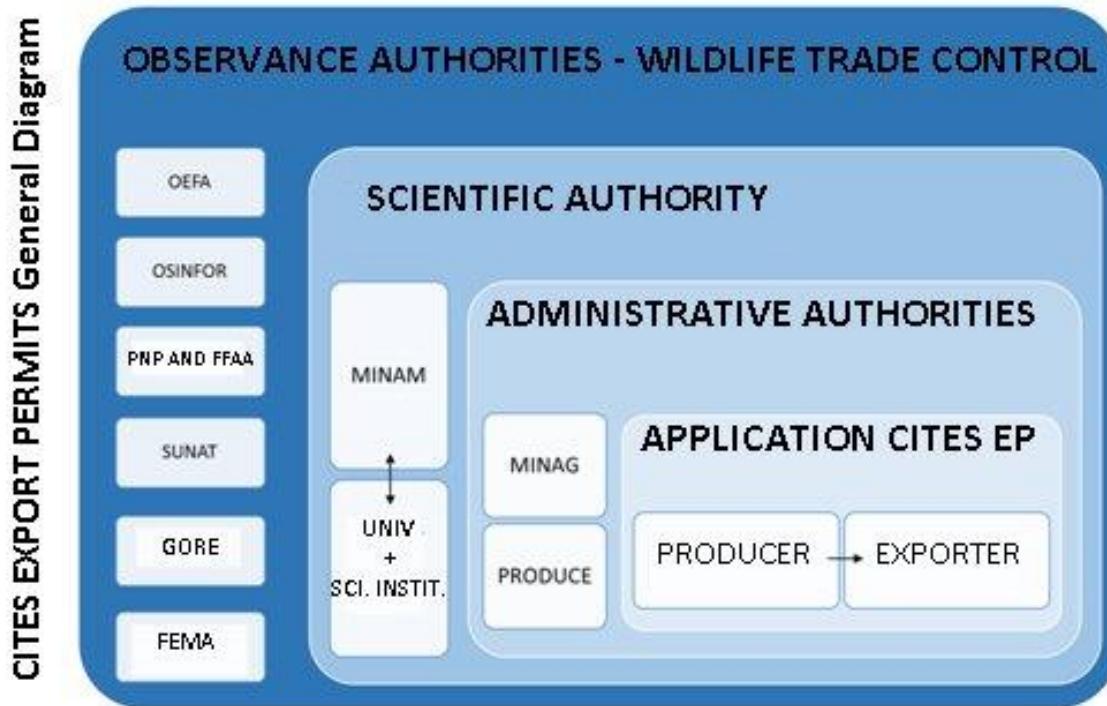
⁵⁹ Available at www.ccffaa.mil.pe/links_interes/ce_LEY_28496CodEtica.pdf.

⁶⁰ Available at

http://peah.minag.gob.pe/download/pdf/conocenos/transparencia/normas_legales/tupas/RESOLUCIONMINISTERIALN6292007AG.pdf.

CITES authorities

Figure 1
CITES export permits



Source: MINAM.

Article 159 of the Constitution, on the functions of the Office of the Prosecutor General, indicates that a representative of this Office must conduct the investigation into a crime from the initial stage.

The national police force must comply with the mandates given by this Office in the area of its function; in other words, it must permanently coordinate with public prosecutors specialized in the environment or with those specialized in the prevention of the crime, whichever is applicable, to carry out investigations into environmental crimes.

As mentioned Peru signed CITES and it entered into force in the country in September 1975.

In accordance with Supreme Decree No. 030-2005-AG and its amending regulation Supreme Decree No. 001-2008-MINAM, MINAM was appointed as a CITES scientific authority and DGFFS (under MINAGRI) and PRODUCE as management authorities, DGFFS for specimens of the species of wild flora and fauna included in appendices I, II and III of the Convention that reproduce on land, including all kinds of amphibians and emerging aquatic flora, and PRODUCE for specimens of hydrobiological marine and continental species contained in appendices I, II and III of the Convention.

As per their functions, the CITES management authorities in Peru are directly involved in administrative penalties when an infraction has been committed; based on this, if the case warrants criminal proceedings, the Office of the Prosecutor General, DIRTUPRAMB and DICAPI, as explained above, are responsible for taking

action, and they are able to request support from the management authorities, scientific authorities and compliance bodies.

Although DGFFS is the governing body in this case, OSINFOR is in charge of forestry licences and SERNANP for ANPs; they are bodies with powers to apply penalties. OEFA is also involved, as one of its functions is to determine whether administrative infractions have been committed following non-compliance with obligations under environmental management regulations.

Clearly, MINAGRI, MINAM and the compliance bodies must work closely together to coordinate and establish strategies in order to avoid overlapping work and to be able to share, in some cases, expenditure on enforcement, logistics and capacity-building.

Functions of CITES management authorities

- *Establish conservation policies for species contained in CITES*
- *Establish supervisory and monitoring systems for trade in species listed in CITES*
- *Implement recommendations contained in resolutions, decisions and notifications adopted in the framework of CITES*
- *Maintain permanent contact with the scientific and management authorities of other countries, with the CITES secretariat and the IUCN groups of experts*
- *Maintain permanent contact with the institutions that support the control of the trafficking in wild fauna and flora species*
- *If necessary, delegate supervision and control functions to other bodies, while maintaining responsibility for such functions*
- *Prepare and present annual and biennial reports*
- *Draw up the “Directory of National Specialists” for the taxonomic groups of the species contained in CITES*
- *Ban and penalize trade in specimens that contravenes the provisions of the Convention, as well as confiscate the specimens being traded or held illegally, in accordance with the specific legislation for the area and in accordance with the law of general administrative procedures*
- *Promote the establishment of rescue centres to hold live specimens that are captured or seized, in consultation with the scientific authority*
- *Approve complementary measures to comply with the Convention*
- *Maintain permanent contact with the institutions that support the control of trafficking in wild flora and fauna species: the Office of the Prosecutor General, the national police force, the Technical Customs Office of SUNAT, the armed forces of Peru, OSINFOR and the regional governments.*

DGFFS is responsible for convening other authorities and bodies to hold coordination meetings; this has been observed to some extent during the carrying out of this study.

However, cooperation is closer between the customs authorities and MINAGRI because of the operations they carry out. Both bodies help to improve efficiency in the fulfilment of their inter-institutional objectives by exchanging information, carrying out joint operations and training. One example is Agreement No. 047-2012-AG-DVM,⁶¹ between MINAGRI and SUNAT.

APCI is the governing body for international technical cooperation and is responsible for conducting, programming, organizing and supervising the use of international grants, as per the national development policy and within the legal framework that governs international technical cooperation. Its functions are based on efficiency, transparency and agreement between public agents and civil society. There are four strategic areas for the use of international development grants: human safety, institutional framework, human development and sustainable competitiveness.

Recommendation: *The group of compliance bodies is responsible for the following:*

- *Drawing up quarterly and annual reports on the progress and results of implementing the actions established in the strategy, demonstrating results in order to receive larger budgets*
- *Recommending adjustments and improvements to the national strategy for the prohibition of machinery, tools, modes of transport and other goods involved in the crimes of money-laundering and trafficking in wild flora and fauna*
- *Establishing a multisectoral and multidisciplinary group of experts comprising State civil servants and representatives from the private sector and civil society to permanently advise on compliance activities*
- *Drawing up proposals for development and remediation in deforested and degraded zones to place them at the disposal of the State*
- *Developing social programmes to eradicate child labour, prostitution and other activities associated with the extraction of natural resources*
- *Proposing the production of a manual for investigation into wildlife and forest crime that includes protocols and models of documents and guides for intervention, taking into account the powers of State agents*
- *Providing technical support to establish the national strategy to combat money-laundering linked to natural resources*
- *Undertaking other functions, as determined by the group of compliance bodies or depending on the situation*

Monitoring and oversight, criminal investigation, prohibition and sanction etc. should be carried out based on the above, for example, in terms of the markets for the illegal trading of fauna, illegal logging etc.

Techniques for investigating organized crime

The institution responsible for directing investigations into all crimes against the environment and natural resources covered by the Criminal Code is the public prosecution service, through FEMA.

Although these prosecutors are responsible for directing investigations, DIRTUPRAMB directly supports investigations. However, several factors reduce the effectiveness of this process. The limited financial and logistical resources given to the public prosecution service and the police, in addition to the lack of personnel, mean they can rarely go to the area where the crime has occurred to start the investigation, resulting in a possible loss of evidence or the delegation of responsibility to prosecutors who do not have the skills to investigate such matters.

⁶¹ Available at http://dgffs.minag.gob.pe/pdf/convenios/convenio_sunat_minag.pdf.

All the border controls are manned by personnel from the national police force (not necessarily from DIRTUPRAMB), DICAPI (at ports) and SUNAT/Customs, although their degree of coordination is not optimal. SUNAT, like DGFFS in the case of CITES, can be asked by the environmental prosecution services to help make decisions, from a technical or procedural point of view, on issues in a specific case that may affect an investigation.

The results and final decisions of an investigation are only shared when other compliance bodies have been involved; otherwise, all the information remains in the hands of FEMA and DIRTUPRAMB.

Recommendation: *The results of investigations must always be made available to the compliance bodies for their analysis and to clarify doubts, particularly those of a technical nature. Hence the need for joint work at all levels.*

Little information is available, and the information that does exist is not systematized, standardized or organized. Intelligence activities require special budgets as they are very delicate in terms of safety and security: in many cases, the money spent cannot be accounted for or justified in a conventional way. Intelligence activities are important in order to obtain relevant information on modi operandi and habits and species most in demand, among other things, which helps to define, modify and/or adapt strategies and action plans.

Investigation techniques come under Law No. 30077,⁶² on organized crime, article 3 of which includes, in paragraph 16, environmental crimes, namely those classified under articles 310-A, 310-B and 310-C of the Criminal Code. This Law considers and defines special investigation techniques that range from intercepting post and communications to the use of covert agents and surveillance. It came into force at the end of 2013 and covers all offences related to organized crime. Therefore, prior to its implementation, the public prosecution services and other agents should receive training in it to improve future investigations.

The method of controlled delivery also comes under title IV of the Criminal Procedural Code,⁶³ as a special investigative technique, but nothing is stated in that title that specifically relates to wildlife or forest crime, or environmental crimes in general. DIRTUPRAMB investigators have the authority to operate using such techniques.

Border control is the responsibility of DIRTUPRAMB, SUNAT and DICAPI but, in general, border posts are where the greatest deficiencies in terms of personnel, financial and logistical resources are observed. Patrols and the checking of vehicles and people crossing international borders are infrequent and inefficient.

OSINFOR is responsible for regularly supervising the activities of companies with concessions. In ANPs, this responsibility falls to SERNANP, although the work is the direct responsibility of the park guards, whose resources are also limited. Operations concerning agricultural areas and agro-industry come under MINAGRI as the promoting body and OEFA as the regulator.

Recommendation: *As so many institutions are involved in the monitoring and oversight of natural resources, consideration should be given to how they are organized. Procedures should be standardized to enable information exchange, analysis of the best methods and the generation of joint strategies.*

Legislation exists that gives authority to the Office of the Prosecutor General with regard to criminal proceedings, and general laws and specific regulations also exist, but they need updating and their effectiveness must be improved as there is an increasing number of cases to be investigated. The latest update was carried out about seven years ago.

⁶² Available at <http://spij.minjus.gob.pe/Normas/textos/200813T.pdf>.

⁶³ Available at http://historico.pj.gob.pe/CorteSuprema/ncpp/documentos/nuevo_codigo_procesal_penal.pdf.

The activities of civil or public servants are monitored by the Comptroller-General of the Republic, whose function is to assess, oversee and penalize when irregularities are found in the procedures carried out by institutions. Certain problems have been detected in this respect: public servants very often cease undertaking their work to avoid subsequent investigation by this institution.

The seizure of forestry products and wild fauna is regulated under article 366 of the Forestry and Wild Fauna Regulations Act, approved by Supreme Decree No. 014-2001-AG.⁶⁴ The administrative aspects are governed by Law No. 27444,⁶⁵ the Act on General Administrative Proceedings, in line with the regulations of each sector, as well as by the Code of Criminal Proceedings and the current Criminal Procedural Code. ATFFS has powers in this area, by virtue of Supreme Decree No. 010-2009-AG.⁶⁶

Enforcement and coercive measures come under DIRTUPRAMB, but they require authorization from FEMA, as investigations come under its jurisdiction. A judge must provide the authorization requested by a specialized public prosecutor. After investigations, if required, official proceedings must be brought by the public prosecutor, who must provide the necessary information and evidence, before any authority with responsibility for the area. After that, action may be taken ex officio or at the request of the Office of the Prosecutor General.

There are specific procedures for complaints. These are first handled by the Office of the Prosecutor General which, through the specialist public prosecutor, decides on the investigation strategy. As a part of this, there may be seizures of equipment or tools and the confiscation of species of wild flora and/or fauna or their subproducts. Complaints are registered by the Office of the Prosecutor General by means of a standard form that does not contain any reference to environmental crimes, as it is generic.

In terms of administrative matters, reports are drafted by civil servants from the relevant ATFFS or from the regional governments, as applicable. Regardless of the evidence that may be brought, there is no reward for information. The administrative framework is governed by Directive No. 009-2002-INRENA-DGFFS,⁶⁷ which regulates the administrative disciplinary procedure for infractions related to forestry and wild fauna legislation.

Regarding the obtaining of information and evidence, DIRTUPRAMB and the Office of the Prosecutor General have authority to oversee the chain of custody, but those responsible for administrative sanctions need to improve their skills so that, when they are called upon to assist in an investigation, the best possible results are achieved. This would also help to reduce the time required for investigation.

The Office of the Prosecutor General is the only body that must be involved in the whole investigation process; its records exist in hard copy and digitally and updated daily, and it oversees the whole investigation. This work is clear, but there is no specific manual for the investigation of wildlife or forestry crimes that would support authorities with jurisdiction in these areas. This is provided by articles 189 to 191 of the Criminal Procedural Code.

Interviews are conducted in line with the protocols used both by the Office of the Prosecutor General and by the national police force for all types of crimes. Those protocols are not governed by any rules or directives as they depend on the circumstances, and they do not cover recordings. By law, anyone interviewed, even as a suspect, has the right to have their lawyer present and, at the end of the interview, can ask to read their statement.

In remote places there is also the risk of incorrect procedures being followed, as well as abuse of authority or corruption. Interviews or interrogations conducted in such places must be coordinated previously with the Public Prosecution Office, even when they are linked to unannounced operations.

There are also protocols to protect witnesses. Witness protection is covered in article 247 of the Criminal Procedural Code, and articles 248 and 249 also cover protection and other special measures.

⁶⁴ Available at www.osinfor.gob.pe/portal/data/articulo/Reglamento-de-la-Ley-N-27308.pdf.

⁶⁵ Available at www.pcm.gob.pe/InformacionGral/sgp/2005/Ley_27444_Procedimiento_Administrativo.pdf.

⁶⁶ Available at <http://dgffs.minag.gob.pe/pdf/tupas/DS.N%C2%B0010-2009-AG.PDF>.

⁶⁷ Available at <http://dgffs.MINAG.gob.pe/index.php/component/content/article?id=88>.

Unless jurisdictional authorization is required, the Provincial Prosecutor will be in charge of the protection of victims and witnesses. When necessary, and when required in the interests of justice, national authorities involved in international cooperation operations must keep the details confidential. Proceedings will be deemed particularly confidential when they may affect the physical or mental safety or integrity of the investigators, victims, possible witnesses or their relatives.

In the case of a person or persons being caught in the act of committing a crime, the Office of the Prosecutor General is responsible for launching criminal action and must attend, with DIRTUPRAMB, the scene of the crime, together with the competent ministry from the relevant sector (MINAGRI, PRODUCE, MINAM etc.). The public prosecution service has a pool of environmental experts, but unfortunately they are based in Lima.

The procedure and/or protocol established for this kind of investigation must be used by all environmental prosecutors, together with DIRTUPRAMB, but specialist personnel are only based in some regions. There are no laboratories or trained staff in the area of forest and wildlife administration in the regions. Services such as microscopic work, ballistics, the definition of isotropic profiles, morphology, pathology and toxicology are only available in Lima.

We have not had access to forensic information, but the procedure at the crime scene entails the taking of photographs to be used subsequently in the investigation. We have not been able to verify whether there are records on and/or databases of this kind of crime.

Recommendation: *In the context of the joint work carried out within the compliance group, analysis should be carried out of the protocols followed by each institution and also of their organizational structure, so that investigation processes can be made more efficient and overlaps in functions or errors that may disrupt such investigations can be avoided.*

Regarding international conventions, it should be noted that, in addition to CITES, Peru has signed the United Nations Convention against Transnational Organized Crime, approved by Legislative Resolution No. 27527⁶⁸ and ratified by Supreme Decree No. 088-2001-RE.⁶⁹ It has also signed the United Nations Convention against Corruption, ratified by Supreme Decree No. 075-2004-RE, and the Convention on Biological Diversity, which was ratified by Legislative Resolution No. 261181. Peru also has close relations with the International Criminal Court and collaborates in arrest and surrender, provisional arrest and the forms of cooperation covered under article 93 of the Rome Statute of the International Criminal Court.⁷⁰

The Financial Intelligence Unit, created through Law No. 27693⁷¹ amended by Law No. 28009⁷² and Law No. 28306⁷³ and regulated under Supreme Decree No. 163-2002-EF,⁷⁴ amended by Supreme Decree No. 018-2006-JUS,⁷⁵ became a specialized unit of the Supervisory Authority for Banking and Insurance via Law No. 29038 of June 2007 and is functionally and technically independent. The Unit's mission is to protect the public interest by defending the stability, solvency and transparency of the regulatory systems, encouraging greater financial inclusion and contributing to the system for the prevention and detection of money-laundering and the financing of terrorism. Investigations in this area are highly specialized.

⁶⁸ Available at [http://spij.minjus.gob.pe/clp/contenidos.dll/temas/coleccion00000.htm/tomo00689.htm/libro00690.htm/sumilla00692.htm?f=templates\\$fn=document-frame.htm\\$3.0#JD_RLEG27527](http://spij.minjus.gob.pe/clp/contenidos.dll/temas/coleccion00000.htm/tomo00689.htm/libro00690.htm/sumilla00692.htm?f=templates$fn=document-frame.htm$3.0#JD_RLEG27527).

⁶⁹ Available at [http://spij.minjus.gob.pe/clp/contenidos.dll/temas/coleccion00000.htm/tomo00689.htm/libro00690.htm/sumilla00693.htm?f=templates\\$fn=document-frame.htm\\$3.0#JD_modifica29207](http://spij.minjus.gob.pe/clp/contenidos.dll/temas/coleccion00000.htm/tomo00689.htm/libro00690.htm/sumilla00693.htm?f=templates$fn=document-frame.htm$3.0#JD_modifica29207).

⁷⁰ United Nations, *Treaty Series*, vol. 2187, No. 38544.

⁷¹ Available at www.cicad.oas.org/fortalecimiento_institucional/legislations/PDF/PE/ley_27693.pdf.

⁷² Available at www.congreso.gob.pe/ntley/Imagenes/Leyes/28009.pdf.

⁷³ Available at www.gafisud.info/documentos/eng/base/Peru/006-Ley%2028306%20-%20Modificaci%F3n%20de%20la%20Ley%20que%20crea%20la%20UIF.pdf

⁷⁴ Available at www.sunat.gob.pe/legislacion/comprob/ds178_02ef.htm.

⁷⁵ Available at www.sbs.gob.pe/RepositorioAPS/0/2/jer/NAC1_SEGUNNORMASNACDECRETOS/ReglamentoLey27693.pdf.

Recommendation: *The Financial Intelligence Unit must be regularly consulted as, under its institutional mandate, it provides information and any other form of cooperation required to combat money-laundering, corruption and similar offences.*

Through its national police force, Peru is a member of INTERPOL. Thus, DIRTUPRAMB operates directly with that organization and is currently taking part in a series of projects and operations focusing particularly on crimes affecting climate change, trafficking in electronic waste, illegal hunting and trafficking in wildlife, as well as corruption. The efforts being made in Peru need to be improved; nevertheless, work is being carried out to produce an international database that will be used in combating the above-mentioned crimes.

The limited resources available to the compliance bodies make it difficult for investigations to be carried out efficiently. Problems include the difficulty of reaching a scene because of a lack of access or mobility, which leads to the contamination of evidence and the impairment of any legal grounds for prosecution.

No official information has been reported as to the use of the INTERPOL Ecomessage system, nor has any information on it been made available on the Peruvian INTERPOL website. The implementation of the system is a good practice as it allows the informing country to ask questions or present requests and thereby improves international cooperation between law enforcement agencies. APCI could be made the governing body for international specialist cooperation.

The management authority coordinates closely with other countries in South America, particularly with the members of ACTO, which has close ties with CITES.

One event worthy of note is the signing of a free trade agreement with the Government of the United States. This agreement includes a chapter on the environment, which is an opportunity for Peru to improve its domestic regulations related to the environment. The main considerations of this agreement include promoting the optimum use of resources, strengthening environmental cooperation, ensuring that policies and laws encourage high degrees of environmental protection and enforcing such legislation appropriately.

International specialist assistance has also been established under Law No. 30077, on organized crime, and carried out by the prosecution service for organized crime and not the prosecution service for the environment. Such assistance is covered in that law in its title III International cooperation (legal assistance), article 26 (Obligation of the State to collaborate), paragraphs 1 and 2, which read as follows:

The Peruvian State, through the bodies of the penal system, provides reciprocal international cooperation and legal assistance, including to the International Criminal Court, in investigations, prosecutions and fiscal and judicial proceedings related to the crimes covered by the Law. The competent authorities may request cooperation or assistance from other States and international bodies, in accordance with the multilateral or bilateral agreements ratified by the State in the area of legal-criminal cooperation and assistance.

If an agreement on international cooperation or legal assistance applicable to the crimes established in article 3 of the above-mentioned Law exists, its rules govern the international cooperation process. Legal assistance can only be requested when the prison sentence for the offence being investigated or tried is not less than one year and when it is not a crime covered exclusively by military legislation. For any circumstances not covered by the Law, the established provisions on international legal cooperation regulated by the Criminal Procedural Code are applied.

Article 27 of the Law covers legal cooperation and the principle of dual criminality. It is not necessary for the act in question to be considered a crime under national legislation except in the situations established in article 511, paragraph 1(h), of the Criminal Procedural Code. Article 28 contains international cooperation and assistance actions.

Corruption and bribery are very sensitive issues in general. Peruvian society does not tend to trust its institutions, owing to political conditions in the past that do not come under the remit of this study. However, it

is evident that, for some years, governments have attempted to improve their strategies to prevent civil servants from committing offences, by means of mechanisms and, in particular, oversight. At present, technology (both high- and low-cost) is very useful, as it is very simple to take photographs and videos or even make audio recordings to prove inappropriate behaviour.

The Comptroller-General of the Republic of Peru is the independent constitutional body in charge of controlling the country's public goods and resources; it is also the highest body for the National Control System, which safeguards the efficient, effective and economical use of the resources of Peru, the correct management of public debt and also the legality of how the public sector budget is spent and the acts carried out by institutions that come under its control. Its mission is to direct and oversee governmental control, efficiently and effectively. One example of its work can be seen in the legal actions brought against civil servants in the regional government of Loreto for alleged irregularities detected in management during the period 2010-2011.⁷⁶

It also has functions in the area of administrative sanctions, under Law No. 29622,⁷⁷ which gives it powers to determine functional administrative liability and impose the respective penalty. This constitutes an important change in the mechanisms established by national legislation to determine functional administrative liability and the imposition of the corresponding penalty, as established by Supreme Decree No. 023-2011-PCM,⁷⁸ approving the regulations of Law No. 29622. Those regulations establish the provisions for the prosecution and punishment of functional administrative liability and describe and specify conduct that constitutes an infraction.

The regulations also govern the disciplinary procedure applicable for serious and very serious violations reported by bodies of the National Control System, including non-compliance with administrative laws and the bodies' internal regulations of, as well as with any obligations resulting from the exercise of a position. The legal authority to impose penalties may be applied to civil and public servants of the State.

Prosecutions and penalties are independent and are applied for the civil or criminal liability that may be established or determined in each case. The effects of penalties for functional administrative liability can only be suspended, modified or eliminated by express court order.

Recommendation: *In general terms, it is important for compliance bodies to function as a cohesive group in investigations and for their activities to be carried out based on agreed strategies and with mutual support. To this end, an interconnected environmental information system should be designed at the national level, so that a greater quantity and quality of information can be handled. The equipment currently used is out of date or in bad condition. In general, Internet services in the provinces are also insufficient. Compliance bodies should work together to improve the processes of oversight and control but also investigation and sanction. Such actions should include agencies outside the compliance group, such as the Financial Intelligence Unit.*

Logistics, training and budget

This part of the analysis is very important, as most of the problems in the area under study are caused by logistical, training and budget factors.

Community policing exists as a strategy but has yet to be implemented. However, a pilot project has been carried out in the city of Trujillo, in the region of La Libertad, in 2003. In this respect, the national police force

⁷⁶ *La República*, "Contraloría demandó a funcionarios regionales de Loreto por más de S/. 1'400,000", 12 December 2013. Available at www.larepublica.pe/12-12-2013/contraloria-demando-a-funcionarios-regionales-de-loreto-por-mas-de-soles-1-400000.

⁷⁷ Available at http://doc.contraloria.gob.pe/normativa/Ley_29622_v1.pdf.

⁷⁸ Available at www.contraloria.gob.pe/wps/wcm/connect/534ab81c-a44c-4d45-8830-e1a4cffd2e4d/Reglamento_de_la_Ley_de_facultad_sancionadora.pdf?MOD=AJPERES.

is represented through the Citizen Safety Plan 2013-2018,⁷⁹ but the Plan mostly focuses on the urban and not the rural sphere.

Recommendation: *The compliance group could study the possibility, according to circumstances, of implementing certain types of support to combat wildlife and forest crime, e.g. community policing.*

There are not many initiatives for enforcement-related agencies to associate with each other. However, Inter-Institutional Cooperation Agreement No. 047-2011-AG-DVM,⁸⁰ between MINAGRI and SUNAT, aims to establish cooperation mechanisms between DGFFS and Customs so that both agencies can help to improve efficiency in fulfilling their institutional purpose and objectives by exchanging information, thereby supporting the implementation of joint operations and training.

The Office of the Prosecutor General and MINAM have also signed a framework cooperation agreement,⁸¹ the aim of which is to establish collaboration mechanisms that help to coordinate and carry out actions to ensure compliance with legislation and to prevent environmental crime, as well as the development of institutional powers through training and specialist legal and administrative assistance, to improve the fulfilment of powers and functions. The resources required to implement these agreements are shared by the parties and, as far as we understand, will not lead to additional resources to those stipulated in the respective documents. What is not clear is whether their budgets are included in the annual operational programmes.

There are also agreements outside the compliance group that are quite interesting: SPDA has a cooperation agreement with MINAM, MINAGRI and some regional governments (Madre de Dios, Loreto and San Martín) to provide support for enforcement in issues related to improvements in legislation and training, among others. Inter-institutional cooperation and functioning should be considered in more depth as they are necessary at both the public and private levels.

Another rather unfavourable condition regarding law enforcement lies in the number of personnel designated for activities concerning each State institution. It is known that the professional staff allocated for enforcement varies according to the sphere, but the perception is that their number is quite limited.

At the national level, the number of police officers in DIRTUPRAMB is 311. However, an adequate system of police control for the whole country would require at least 2,000 specialized police officers, who should be rotated after a certain period and assigned to other areas involving the same tasks. This would avoid loss of experience and provide motivation for the police force.

FEMA also suffers from a shortage of personnel. In the regions, a maximum of two prosecutors that are environment specialists have been identified. This number is far from sufficient as, in Madre de Dios, for example, there is an average of 2,000 cases to be checked. There is also a lack of material and technological equipment to help properly systemize data. The specialists are trained in direct law enforcement areas but not in technical aspects. It takes about four years to train a specialist prosecutor in the area of the environment and these prosecutors receive an average salary of S/.4,500 (nuevos soles), although according to official sources some may exceed this figure. That salary could undoubtedly encourage some of the more qualified prosecutors to look for better paid alternatives in the private sector and does not help to limit the risk of civil servant corruption.

Administrative control powers have already been transferred in 6 of the 25 regional governments. Administrative control bodies are responsible for control and supervision. In Lambayeque, a region that still has an ATFFS, the personnel are also limited.

⁷⁹ Available at www.mininter.gob.pe/pdfs/Plan.Nacional.Seguridad.Ciudadana.2013-2018.pdf.

⁸⁰ Available at http://dgffs.minag.gob.pe/pdf/convenios/convenio_sunat_minag.pdf.

⁸¹ Available at www.mpfm.gob.pe/descargas/convenios/04072013155043_MINAM%2004%2007%200013.pdf.

OSINFOR had a start-up budget in 2013 of close to S/.20 million. Simply overseeing the licensing procedure costs more than S/.4 million, and the budget also included an item of expenditure to improve training that totalled almost S/.230,000. SERNANP has personnel permanently assigned to ANPs but there is not an adequate balance between their number and the size of the area that needs to be controlled by the park guards; deficiencies in terms of budget and logistics also exist.

Recommendation: *Given that the budgets allocated to combat wildlife and forest crime differ between institutions, activities related to prevention and oversight and even investigation must be planned and responsibilities and co-responsibilities, if applicable, must be defined.*

Recommendation: *As there are shortcomings regarding the allocation of resources by the State, it would be advisable for all proposals produced by compliance bodies to be designed in a modular way; in this respect, if MEF allocates a budget that is smaller than that required, certain activities could be carried out as modules, without compromising the whole strategy.*

At MINAGRI, administrative recruitment is governed by the approved regulations. Professionals can be hired under a private regime, as well as the regime established by the Law on Administrative Career Regulations.

Differences in salaries come from differences in the incentives for each regime. For example, the Administration Committee of the Assistance and Stimulus Fund, which administers deductions for work-related errors and absences, all workers are given a monthly productivity bonus that is non-remunerative and non-pensionable. However, while a professional from MEF adds S/.5,000 to his/her salary for this bonus, a civil professional from the armed forces or national universities receives just S/.100. While a deputy prosecutor (*fiscal titular adjunto*) earns S/.6,000 (basic salary plus allowances for tax, petrol and food), an assistant prosecutor (*asistente en función fiscal*) earns a gross salary of S/.1,992.

Regarding top-level civil servants, at the head offices of OSINFOR the average salary is S/.10,000, in a regional government it is S/.5,000, and a civil servant in the regions receives on average S/.2,000 for forestry control. MINAGRI salaries have been rated on the same scale.⁸²

The vast majority of State workers have had their salaries frozen for the last 20 years. While an F-2 civil servant from a public university under the employment regime of Legislative Decree No. 2761 receives S/.1,554, a professional at the same level at MINAGRI receives S/.10,450 under the regime of Legislative Decree No. 7281. A civil assistant in the armed forces earns S/.980, while an employee carrying out the same function at the Office of the President of the Council of Ministers earns S/.3,000 and one at the Ministry of Labour earns S/.1,800.

Between 2007 and 2008, civil servants from various ATFFS went unpaid for an average of three consecutive months for reasons that have not been clarified to date.

Recruitment is subject to open competition through the Administrative Recruitment Services.⁸³ For operational posts in particular, the qualifications required are determined by the salary and the level of responsibility of the position.

⁸² In February 2014, there was a dispute regarding the increase in the sums to be provided by way of economic compensation to civil servants as per Law No. 30057 (Civil Service Act). No precise figures or information on which civil servants outside ministries and vice-ministries will receive the rise is available as yet.

⁸³ More information about the Services is available at www.pcm.gob.pe/InformacionGral/sgp/preguntas-cas.htm.

The specified qualifications are in accordance with current requirements. However, low salaries mean that these jobs are not very attractive to or competitive for high-level professionals. In the case of the police, salaries are already established, but at a very low level.

The requirements for employment with MINAGRI were approved under Supreme Decree No. 031-2008-AG. The administrative recruitment of services in the Ministry is governed by the rules approved in recruitment document No. 274-2012-AG-OA.⁸⁴ Some professionals are hired under a private regime established by Legislative Decree No. 728⁸⁵ and the regime established under the Law on Administrative Career Regulations (Legislative Decree No. 276). There is no single procedure for candidates applying for jobs in other sectors; there is only one career path in the civil service, but very few professionals apply for it. Once they have joined, these candidates do not have a trial period as their contract only lasts three months and then it is renewed for a further three months. This has been and continues to be a strategy to avoid giving workers profit-related payments.

The training process for the compliance bodies is not continual or planned; it has been observed that training initiatives and skills enhancement are almost always carried out in an isolated manner. There is little comprehensive training on forming inter-institutional operational networks to improve enforcement activities. In this respect, it is vital to plan a reinforcement programme to advance and improve the implementation of State actions as part of its strategy to combat wildlife and forest crime.

As a result of staff turnover, the training given to date is not necessarily reflected in the activities of the authorities, especially at the level of DIRTUPRAMB. Normally, each institution coordinates, organizes and implements its own training instead of generating comprehensive training initiatives that have wide coverage.

There is also no follow-up strategy to measure the implementation of knowledge acquired after training, and no assessment of either trainees and the trainers. In general, when it is carried out, training covers the national and international standards and administrative procedures regarding wildlife and forest crime but not specific, technical or practical issues. It should be noted that training is included under the agreements between MINAGRI and SUNAT and between the Office of the Prosecutor General and MINAM; however, it is subject to the necessary funds being available.

It has been possible to verify that OSINFOR carries out continued training with the regional governments on issues of shared interest. However, available logistics are not adequate, especially in the regions where there are limitations, both at the level of DIRTUPRAMB and with regard to public prosecutors. The institution that operates without such difficulties is OSINFOR, but it has a large enough budget to allow it to carry out its programmed activities.

Recommendation: A regular inter-institutional and multidisciplinary training programme should be created that includes monitoring and follow-up to measure authorities' implementation individually and jointly. This process must not be limited to the compliance group.

The infrastructure within which some of the authorities operate could also be improved. In particular, working conditions are not optimal in terms of premises; perhaps the national police force is the most affected in this respect.

In some cases, the infrastructure of rescue centres, zoos and breeding centres is not appropriate for housing the specimens acquired and no specific, secure location exists for the storage of seized goods. The regional authorities are authorized to define the destination of any fauna seized, although the most appropriate places do not always have any space available.

DIRTUPRAMB has its own equipment but it is insufficient. The modes of transport used by these offices are very limited. For example, there are no speedboats or automobiles available for its officials to carry out their

⁸⁴ Available at www.peru.gob.pe/docs/PLANES/136/PLAN_136_Convocatoria_N%C2%BA274-2012-AG_2012.pdf.

⁸⁵ Available at www.oas.org/juridico/PDFs/mesicic4_per_dl728.pdf.

work and, when such equipment is available, the necessary budget to maintain and repair them or to purchase fuel does not exist.

Although some institutions have access to them, the State has no maintenance, replacement or updating plans in the short or medium term for equipment used in monitoring or supervision (global positioning systems (GPS), compasses, laptops etc.). This results in higher public spending and lower efficiency, which is particularly noticeable nowadays as technology is constantly evolving.

Recommendation: *It is essential to provide the required infrastructure, specialist equipment and land and water vehicles (including for rivers and lakes) and/or air vehicles with the respective budgetary provisions for their maintenance and other requirements for fieldwork, especially in the Amazonia region. It is vital that this is planned and budgeted for, through consensus and with adequate funding.*

In relation to the WCO Customs Enforcement Network, in 2007 the European Union and the Andean Community prepared a document entitled *Control Aduanero* (Customs Control),⁸⁶ which states that one of the main goals of the SAFE Framework of Standards to Secure and Facilitate Global Trade adopted by WCO in 2005 was to establish mechanisms relative to the customs network in order to promote the free circulation of goods through secure international logistic channels involving the timely and precise exchange of information. Although the SAFE Framework concerns goods in general, goods derived from wildlife and forests are equally to be considered as such goods. It seems that there might be better control of commercial transactions related to import and export, although the customs information made available for the present study did not permit such an analysis.

⁸⁶ Available at www.comunidadandina.org/Upload/201165195749libro_atrc_control.pdf.

VII. Judiciary and prosecution

Functions

Judicial powers are governed by the Organic Law created by Supreme Decree No. 017-93-JUS,⁸⁷ which establishes their structure and functions.

The requirements for being appointed a judge⁸⁸ by the National Council of Magistracy and the Academy of Magistracy include a series of skills that ensure that judges will respond suitably to the demands of justice: solid legal training, the ability to interpret and reason, and the ability to identify conflicts and handle judicial judgements, among others.

In 2010 in Madre de Dios, the Board of Supreme Prosecutors created FEMA, through Resolution No. 027-2010-MP-FN-JFS. It was established as a permanent service because of the large amount of criminal activities resulting from unofficial mining associated with other offences such as child labour, prostitution and tax evasion, among others. This specialized office is responsible for preventing and investigating the perpetration of environmental crimes and its fundamental mission is to defend the law and human rights. Being one of the compliance bodies, it must also work in cooperation with the other bodies to define strategies and activities to combat crime.

Requirements for the fulfilment of mandates

Although environmental prosecutors are located in the different jurisdictions, a lack of sufficient staffing, logistics and financial resources means that, for example, investigation activities carried out together with the police are not satisfactory. This was repeatedly mentioned in the interviews held with the different regional authorities. In Loreto there is just one environmental prosecutor, who has jurisdiction for the whole region (368,852 km²); as the office's transport budget is very limited and logistics are minimal, especially in the area of security, it is impossible for wildlife and forest crime to be controlled and/or reduced.

Recommendation: *Although specialist environmental prosecutors are not numerous, they should be provided with the necessary funds and logistics, as well as assistants (as part of the training process) to improve investigations. This would require a higher budget but would also lead to greater efficiency in the country's prosecuting function.*

Such problems mean that cases must usually be delegated to other jurisdictions, in part due to distance and in part because environmental crimes take place in areas where prosecutors do not have the relevant training, which leads to the possibility of them committing serious errors.

Infrastructure

The best conditions for prosecutors are found in Lima, as the head offices of both the Office of the Prosecutor General and the Judicial Authority are located there. The conditions for specialist environmental prosecutors in the other cities visited are not ideal; in general their offices are inadequate and security is not strict enough, taking into account the delicate nature of the cases being investigated and the possibility of theft or other threats. Documentation is also not stored in accordance with any special procedures.

⁸⁷ Available at http://historico.pj.gob.pe/transparencia/documentos/TRANS_LEY_ORGANICA_PJ_240507.pdf.

⁸⁸ Established in Law No. 29277, available at www.oas.org/juridico/PDFs/mesicic4_per_ley29277.pdf.

Recommendation: Draw up security protocols for specialist environmental prosecutors to improve procedures for, among others, checking in and out both people and documents and for filing and creating back-up copies of documents, as well as protocols on the procedures to be followed in the case of natural disasters, deliberate fires, short circuits etc. to ensure the safety of workers and data. Video-controlled systems are important for improving security, as is having an adequate number of trained security personnel.

Investigations

Some investigations have been carried out into illegal mining, illegal logging, illegal extraction of aquatic species and trafficking in flora and fauna. To date there have only been two sentences:⁸⁹ one for illegal mining⁹⁰ and the other for trafficking in aquatic species of flora and fauna.⁹¹

Between January and July 2013, the Office of the Prosecutor General, through the prosecutors' offices specializing in environmental affairs, reported 744 investigations at the national level for the crimes of trafficking in protected wildlife and illegal trafficking in timber-yielding products (437 and 307 cases, respectively). There were also 60 investigations into the illegal extraction of aquatic species and destruction of protected wildlife (39 and 21 cases, respectively).

Training

Training is an issue that FEMA has been addressing. However, in almost all cases, training been limited to prosecution and has not covered training in specialist areas related to wildlife and forests that could avoid doubts when crimes are detected, especially in rural areas. The programmes on updating and enhancement and on candidate training are aimed at achieving permanent, decentralized training and specialization, but perhaps an environmental component should also be included.

Cooperation

Peru forms part of the OAS Hemispheric Information Exchange Network for Mutual Assistance in Criminal Matters and Extradition. International legal cooperation and extradition are provided for in book seven, articles 508 and 566, of the Criminal Procedural Code. The Code also provides that relations between the Peruvian authorities and foreign authorities and the International Criminal Court in the area of international legal cooperation are governed by international treaties taken out by Peru, or otherwise by the principle of reciprocity within the framework of respect for human rights.

Peru is also a member of the Ibero-American Legal Assistance Network (IberRed), which was set up in 2004 and comprises central authorities and key bodies from ministries of justice, offices of prosecutor generals and judicial powers in the 22 member countries. Its work is aimed at optimizing the instruments of civil and criminal judicial assistance and strengthening relations and cooperation between member countries. It is also a cooperation tool in the fields of criminal and civil law, benefiting more than 500 million citizens.

Peru has extradition agreements with the following countries in South America: Argentina, Brazil, Chile, Colombia, Ecuador, Paraguay, Plurinational State of Bolivia and Uruguay. To a certain extent, these agreements constitute an opportunity for cooperation on environmental crime, initially with those countries that border Peru.

Recommendation: Although no references and/or statistics were available on the processes of information exchange or extradition between Peru and other countries in the area of wildlife and forest crime, networks and other mechanisms, such as ACTO and CITES, are means of gathering information to prevent, to a certain extent, transnational crime related to the environment. This is also why coordination, efficient organization and the creation of inter-institutional networks are important.

⁸⁹ The prosecution log is available at www.mpfm.gob.pe/fema/home.php.

⁹⁰ Information available at www.mpfm.gob.pe/fema/files/Pub/2013011817482613585493068426119.pdf.

⁹¹ Information available at www.mpfm.gob.pe/fema/files/Pub/2012092615050713486899078426324.pdf.

The legal situation regarding the confiscation of goods is not entirely clear. When it is related to wood in general, confiscation is the responsibility of the public prosecution service during the investigation, and then confiscated goods can be handed over to ATFFS or the natural resources departments of the regional governments; but the situation is somewhat more complex regarding wildlife and particularly fauna, as specimens cannot always be re-introduced into their habitat and, even if this were possible, they must remain in custody while the investigation is being carried out. This requires funds and logistics that are rarely available. Similarly, rescue centres, which are supervised by MINAGRI, often do not have the capacity to house specimens or have the infrastructure for certain species. This is obviously dangerous for the confiscated animals, as they could die without adequate care.

Recommendation: *The procedures for seizing and holding wildlife species must be standardized and disseminated and the public bodies responsible for such seizure and holding must be defined. Support must also be given to creating specialized private rescue centres if, in the case of species of fauna, they cannot be introduced back into their natural habitat. These centres may be independently managed and funded through activities such as tourism, although part of their costs must be covered by the State to ensure their survival.*

Penalties

Both administrative and criminal penalties exist. In general, administrative penalties involve fines for regulatory violations but, as has been explained, in many cases payment is very unlikely as the authorities do not have the necessary resources to pursue it. Moreover, most of the people involved in crimes, especially those related to the illegal trade of fauna or their sub-products, are not traceable by SUNAT-Customs, which is the agency that has the power to freeze bank accounts in case of refusal to pay. In addition, in many cases, the people involved do not have bank accounts. However, penalties may be enforced efficiently in the timber industry. However, no information indicating that such enforcement is a common practice within the compliance group has been obtained.

Recommendation: *Greater organization and coordination should be generated with SUNAT-Customs in order to define the mechanisms and procedures for freezing bank accounts in the case of refusal to pay an administrative fine given by MINAGRI, PRODUCE or another body. A strategy should be designed to monitor unofficial activities so that assets resulting from wildlife and forest crime can also be confiscated.*

Criminal penalties come under chapter XII of the Criminal Code. In addition to prison sentences, there is the system of daily fines, which consist of the payment of an amount expressed in days, taken from a percentage of the convicted person's financial assets. The problem arises when the latter does not have any fixed monthly income, in which case the daily fine is determined according to the minimum wage (S/.750.00), resulting in an extremely low sum.

VIII. Driving factors and prevention

Considerations

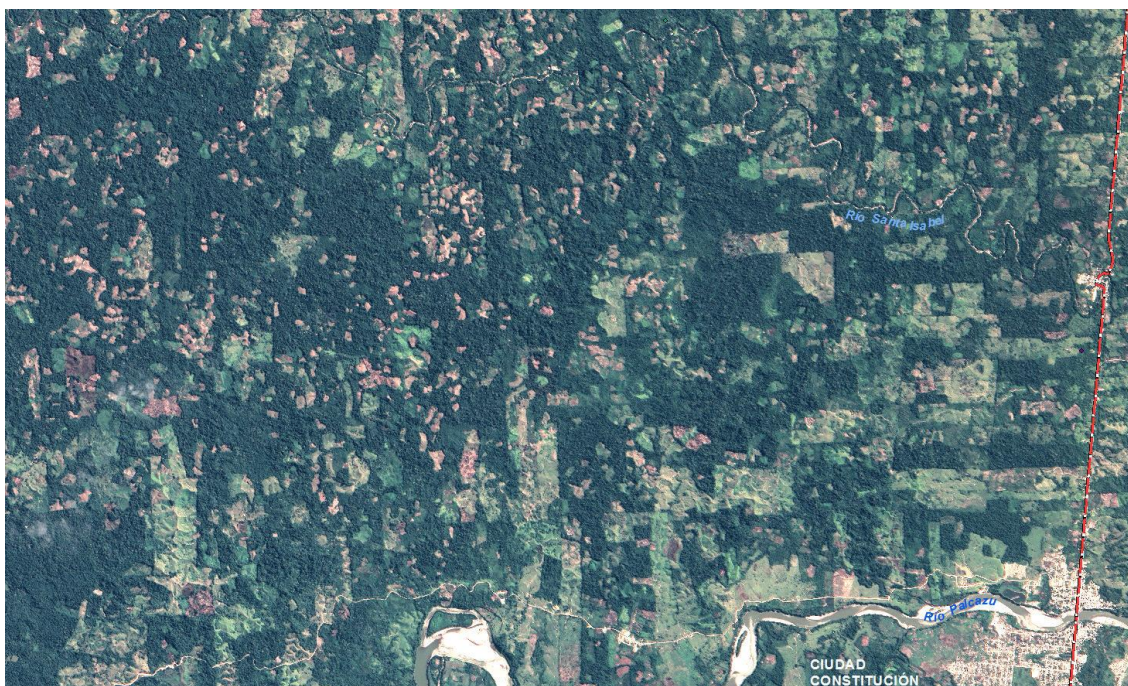
Conditions in Peru allow wildlife and forest crime to occur with impunity. The efforts of the authorities have barely any effect, owing mainly to limited resources and logistics. Law enforcement agencies do not have the necessary resources to carry out their prevention, supervision and penalization functions.

The colonization of Amazonia lacked planning and has therefore given rise to activities that lead to deforestation. The division of the region is evidence of migratory agriculture which typically involves the burning of forest to plant basic and, in some cases, illegal crops.

Poor land-use planning is one of the biggest factors hindering the control of environmental crime. In the middle of the last century Peru encouraged the colonization of Amazonia in order to promote development in this part of the country which, at that time, had just under 70 million ha of natural forest. The rate of deforestation during the period 1990-2000 was 150,000 ha per year, and the cultivation of coca leaves in 2012 was estimated to cover 60,400 ha.⁹² This situation constitutes a serious problem that needs to be resolved as, in Amazonia, 150,000 ha a year of land will have changed its use, with the consequent generation of 57 million tonnes of CO₂ equivalent.

Figure 2

Environmental destruction and land division in the Amazonian area of Pichis Palcazú, Pasco region



Source. UNODC.

⁹² United Nations Office on Drugs and Crime, *Perú: Monitoreo de Cultivos de Coca 2012* (September 2013).

Figure 3

Environmental destruction and land division in the Amazonian area of San Gabán, Puno Region



Source: UNODC.

Actors and users

There is a lot of unofficial activity in the country, which makes it difficult for the authorities to perform their oversight functions. One problem is migratory agriculture, which leads to deforestation. This crime does not involve any commercial transactions but leads to the extermination of the vegetation in the area. In most cases, farmers use the land to grow subsistence crops or for extensive stockbreeding. Some are also involved in illegal activities such as the cultivation of coca, an activity closely related to drug trafficking.

Another problem is that the State, through forestry licences, authorizes legally incorporated companies to exploit areas of forest, and many of these operations are even certified. In spite of this, some firms carry out parallel illegal extraction operations, as mentioned in *The Laundering Machine*, in which it is stated that exporters in Peru and importers in the United States are involved in a systematic flow of illegal timber. The researchers reconstructed the route followed by the timber from Amazonia to the warehouses of the importers in the United States using information obtained under legislation on transparency and access to public information.

*The links in this chain are wilfully obscured to perpetuate confusion about the origins of almost all timber traded in Peru. EIA was able to reconstruct the chain of custody for trade in cedar (*Cedrela odorata*) and bigleaf mahogany (*Swietenia macrophylla*) only because both species are protected under CITES and thus require specific export permit documents. The same illegal modus operandi is being applied to other species, but the available information on non-CITES species trade is even more limited, making it virtually impossible to connect the concession of origin with the shipments being exported.*

Source: EIA, *The Laundering Machine*.

It should be remembered that illegal logging is a highly lucrative business, as extraction costs are quite low. Although transport is a considerable cost, those involved in this illegal business are not worried about paying salaries in line with national legislation, or taxes, and do not invest in implementing environmentally friendly practices. The difficulties encountered by illegal operators are highway controls, the need for false transport guides (which are obtained on the black market), and sometimes the need to bribe authorities or, in some cases, using intimidation.

Recommendation: Control measures should be enforced using an interconnected information system that prevents the use of false guides, as well as improving the skills and employment conditions of public officials at road and port controls and providing them with the necessary support in threatening circumstances.

The compliance group needs to design a joint strategy to be implemented at road and port controls. This should involve, at the very least, civil servants from MINAGRI, PRODUCE, the national police, DICAPI and SUNAT-Customs. They should work together in a coordinated manner. Some of the controls need to be based in one area and others need to be mobile, depending on the circumstances.

Unfortunately, not much information exists on the commercial users of wildlife (flora and fauna), although it is clear that there is a demand for wildlife. This can be observed in the markets that sell wildlife specimens and in some restaurants that offer dishes containing wild species. Some of these comply with legislation and only sell what is permitted. We did not have access to statistics allowing us to sufficiently analyse the supply, demand or other market factors, as few investigations into wildlife and forest crime are carried out in Peru.

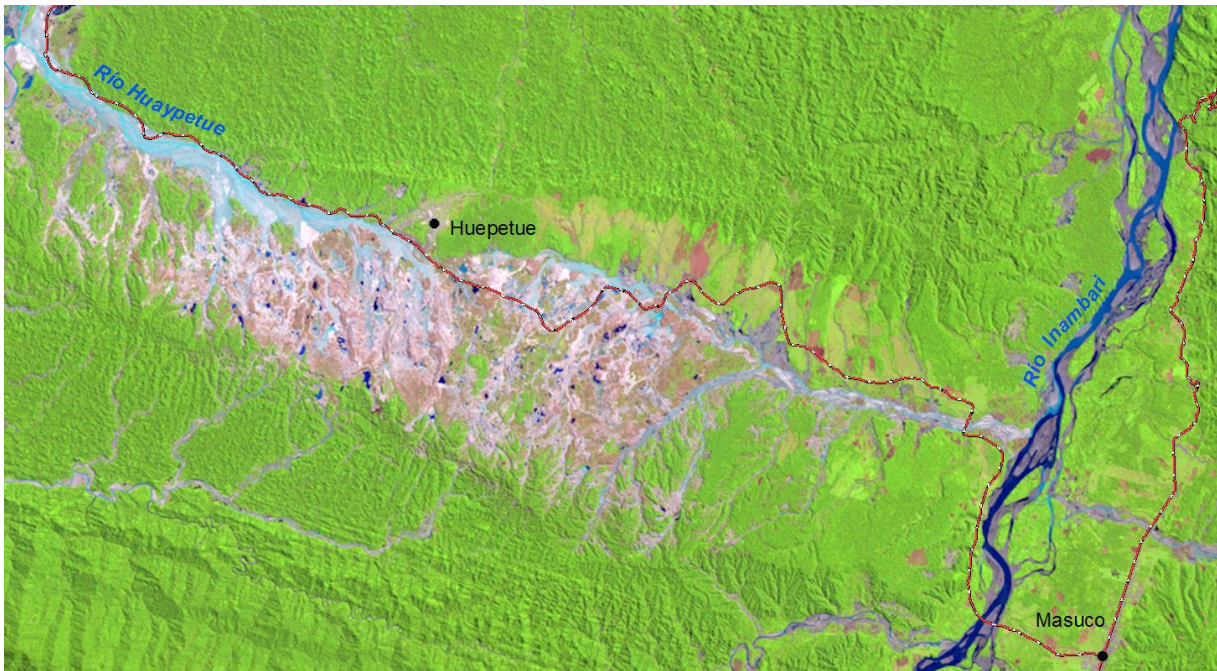
One of the functions of SERNANP, which comes under MINAM, is to reduce environmental crime. It is responsible for directing and establishing the technical and administrative criteria for the conservation of ANPs and for safeguarding the maintenance of biological diversity.

In general, coca leaf cultivation starts with intervention in an area of woodland or an area previously used for low-yield subsistence crops; sometimes the woodland is burned, eliminating a countless number of species of flora and fauna. In the best of cases, the fauna may migrate towards other areas of forest, but food will be in short supply in those areas owing to the higher demand. The fauna may then also become easy prey for hunters or unscrupulous merchants.

Indigenous and native communities

It is important to point out the difference between how the forest has been treated since ancient times by native communities, who use natural resources without destroying them, and the destruction caused by migrants, either from the coast or the Andes, who have largely harmed biodiversity with the backing of the authorities. This, and other more aggressive activities such as illegal mining, mean that degradation is total in many areas, resulting in desertification that is so extreme that the areas resemble moonscapes; this means the disappearance of a large amount of biomass, greater pressure applied by the fauna on the remaining forest for food, and increased greenhouse gas emissions.

Figure 4
Illegal gold extraction zone in the district of Huepetuhe, Madre de Dios region



Source: United States of America, Department of the Interior.

The Peruvian Amazon region covers approximately 62 per cent of the country's territory. The agricultural, hunting and fishing resources of the indigenous peoples living there have been affected as a result of the advance of colonization by migrants. The autonomy of the rural native communities is recognized in article 89 of the Political Constitution of Peru, under which they are also recognized as legal entities.

There are certain problems resulting from ownership: the legalization of territory involves administrative difficulties in particular, such as the slow speed at which native communities are entered into official registers, the granting of certificates for the possession of indigenous lands to the wrong people and the lack of clear technical criteria to determine the area that should be assigned to the communities, among others. There are also economic problems, such as the occupation of territories by vast numbers of migrants, leading to trade in land and parallel economies of coca leaf cultivation on communal lands, as well as political issues such as the low governmental presence in Amazonia, which is clearly shown by the state density index.

As mentioned above, land is used for subsistence farming, especially by native communities and migrants who have had to adapt to the difficult conditions in Amazonia. The farming by the natives is sustainable and, while that of the migrants may be excessive, in many cases it is done purely in order to survive.

Another problem is the case of dry forest, where the demand for wood means that cutting logs from the kiawe tree is a profitable business. Arguably, those involved do not consider the illegality of their actions, as there are no other economic activities that they can undertake in order to survive. Again, State control is minimal. Although Lambayeque's ranking on the state density index is around the mid-point, rural zones are below average; consequently, it is going to be very difficult to conserve the kiawe unless new economic opportunities are created for the population.

Recreation and tourism

Recreational and functional hunting come under the supervision and control of the authorities. Under management plans approved by the competent authorities, it is possible to hunt some species of fauna, such as the Paiche (*Arapaima gigas*), within annual quotas or during particular seasons.

One additional consequence of the country's economic improvement and social stability is that tourism has increased. According to statistics from the Ministry of Foreign Trade and Tourism,⁹³ between 2002 and 2013, international tourist arrivals rose by more than 1 million, reaching over 3 million. Revenue from foreign currencies also increased, from 837 million dollars to 3.925 million dollars. To a certain extent, tourism has contributed to the conservation of wildlife and forests. For example, although poor management in Madre de Dios has led to deforestation and illegal gold mining, private initiatives, which involve native communities, are slowing the advance of activities that damage the environment. However, the substantial increase in such initiatives is still not sufficient as authorities do not have the necessary tools to eliminate illegal activities or to reverse the harm caused by them.

Recommendation: *In the medium term, tourism, especially eco-tourism, should be included as part of the strategy to combat wildlife and forest crime as it could be an important ally in reducing such crime. However, it should be remembered that the tourism industry is very sensitive, as it aims at providing quality services for a very particular group. Involving the tourism industry would require a very well-designed and sufficiently supported strategy that is based on successful practice.*

Inventory of natural resources

Peru comprises coast, Andes, jungle and sea (the Peruvian sea covers 200 nautical miles). The diversity of its countryside and varied climates mean that the country is rich in natural resources.

ANPs constitute a fundamental part of the country's natural heritage, hold representative examples of its biological diversity and are hugely important because of the environmental services they provide. The categories of ANP are varied and include national parks, national and historical sanctuaries, national reserves, wildlife refuges, protected forests, hunting reserves and communal reserves.

Table 2 shows the distribution of ANPs at the national level.

Table 2

Distribution of protected natural areas at the national level, 2013

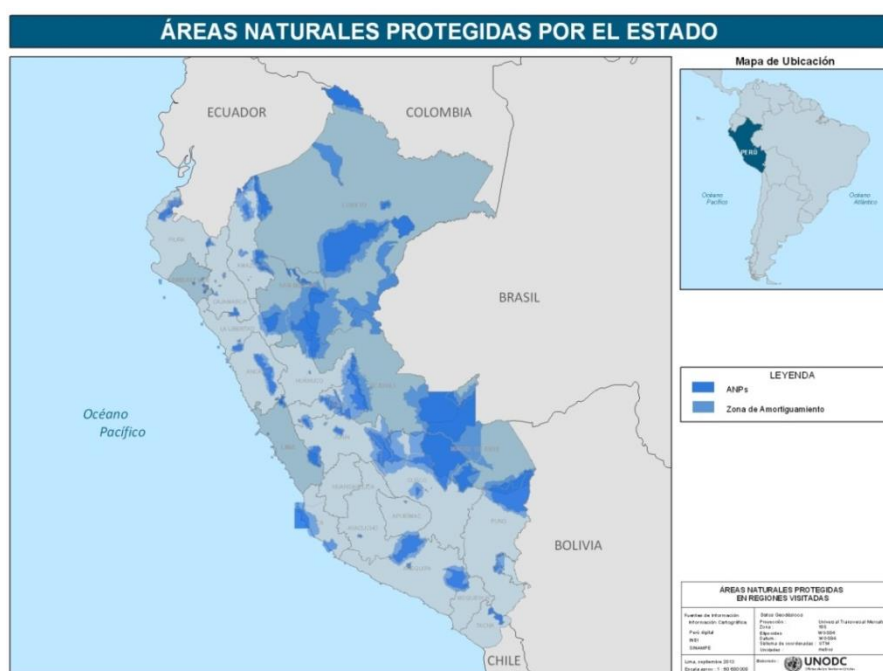
Protected natural areas	Thousands of hectares
National (77)	19 520 604.83
Regional conservation areas (15)	2 405 558.82
Private conservation areas (65)	259 333.51
Total	22 185 497.16
Per cent of the surface area of Peru	16.93

Source: SINANPE.

⁹³ Available at www.mincetur.gob.pe/newweb/Default.aspx?tabid=3459.

Map 3

State-protected natural areas



Source: SINANPE.

In addition to ANPs, organizing the land in order to manage it appropriately involves the State having control over various areas and defining specific zones for different activities. Land ownership and the lack of a rural land register has increased the dividing up of the countryside but the State, through the body to formalize informal property (*Organismo de la Formalización de la Propiedad Informal*), has established and developed the national land registry, which contains important information that may inform the country’s administrative processes.

Certification and licences

As part of its protection of the environment, both cooperation and private initiatives are promoted by the State. Different types of certification and licences are examples of this. To some extent, certification systems have reduced environmental crime. According to MINAM data, of 628,360 ha of certified woodland in 2010, 246,732 ha were communally managed forests.

In theory, the licensing system helps conservation, in the sense of ensuring the rational use of natural resources. According to OSINFOR, a total of 1,981 licences have been given at the national level.

Table 3

Licences at the national level

Types of licences	No. of licences
Timber-producing	628
Fauna	2
Conservation	19
Ecotourism	30
Reforestation	294
Non-timber	1 008
Total	1 981

Source: DGFFS MINAGRI. Available at www.osinfor.gov.pe/portal/documentos.php?idcat=5&idaso=5.

Alternative Development Programmes implemented by the Government with assistance from international cooperation partners as part of the strategy to combat drugs, have also contributed partly to reducing deforestation, particularly by reclaiming large areas of land that had been exploited and damaged by illegal and/or subsistence crops through the implementation of agro-forestry systems and high-yield crops to be sold on national and international markets.⁹⁴ However, licences, certification and other similar procedures are merely palliative mechanisms insofar as they operate only in specific zones and are independent of each other.

Recommendation: *The consolidation of the different development programmes and their tools and mechanisms of application should be promoted through the CITES export permits and the compliance authorities in order to avoid duplicating efforts and budgets and to create vital, sustainable joint initiatives aimed at improving the quality of life of rural populations and promoting the rational use of natural resources.*

⁹⁴ DEVIDA and UNODC, *Desempeño Comercial de las Empresas Promovidas por el Desarrollo Alternativo — Perú 2012* (June 2013). Available at www.unodc.org/peruandecuador.

IX. Data and analysis

One of the inadequacies encountered during the research for the present study is related to the systematization, standardization, updating and dissemination of data and information. Although statistics do exist, especially in the forestry sector, they are insufficient to allow for an analysis of the situation of species that are legally or illegally traded.

Statistics

Statistics on crime are compiled and systematized by the public prosecution service and the national police. Because they use differing criteria, the two institutions systematize the information differently; consequently in some cases the results are different. It was not possible to look at the statistics as all or most of them were in the process of being collected.

Customs

Information from SUNAT-Customs shows that data on legal imports and exports of wildlife and timber and its derivative products do exist.

CITES reports

The CITES management authorities, DGFFS (MINAGRI) and PRODUCE, are responsible for sending annual and biennial reports to the CITES secretariat that include information on imports, exports, re-exports, permits and certificates issued, in addition to other relevant information such as on investigations undertaken in criminal matters, including specialist investigations (which must be endorsed by the national scientific authority (MINAM)), trials, sanctions and penalties.

Evaluation of resources

The country lacks primary data and existing data on forest inventories and those on changes in land cover are not up to date. Maps on current land use, drawn up by the State, have not been updated since the 1980s. However, there is now a State initiative, supported by the Ministry of Foreign Affairs of Finland and FAO, entitled National Forestry Inventory and Sustainable Forestry Management to Combat Climate Change (*Inventario Nacional Forestal y Manejo Forestal Sostenible del Perú ante el Cambio Climático*),⁹⁵ the objective of which is to improve the ecological, social, and economic sustainability of forests and their natural resources, to increase their benefits for rural livelihoods and to strengthen their role in the alleviation of and adaptation to climate change in Peru.

Updated and reliable information on the state of the forests and their resources will be available from the national inventory. The resulting information will be used in national and international reports and to develop policies and practices for the improved management of the forestry sector in Peru. It will include information on the system used to measure, report and verify data under the Reducing Emissions from Deforestation and Forest Degradation (REDD+) mechanism and the greenhouse gas inventory.

Economic data

This national forestry inventory will also provide important information for an analysis of the situation of the forests and their resources. The lack of such information is one of the reasons why so few analytical studies exist.

Recommendation: *The data collected through the forestry inventory should be used to undertake deeper analyses (on economic issues, land cover, distribution of species etc.) so that more reliable tools to define strategies to tackle wildlife and forest crime can be created. Both MINAGRI and MINAM should promote, lead and implement this process, as well as defining the corresponding budgets.*

For now, the data available at the State level are estimates of the economic loss caused by illegal activities, and other macro-level estimates. Those estimates, however, have not been corroborated as no evidence was available to support the claims made by the State bodies.

⁹⁵ Information available at www.inf.gob.pe.

Academic research

One of the few research projects that has been carried out in Peru was a report on trafficking in wildlife that was undertaken in December 2008.⁹⁶ Its objective was to evaluate the situation of wildlife trafficking in the north-eastern region of Peru, with emphasis on the corridor of Loreto, San Martín, Ucayali, Lambayeque and Lima, to help define guidelines to minimize illicit activity.

The study discovered that the following endangered species were available for sale in all the areas visited: the Yellow-Footed Tortoise (*Geochelone denticulata*), the White-Winged Parakeet (*Brotogeris versicolorus*), the Pacific Parrotlet (*Forpus coelestis*), the Orange-Winged Amazon (*Amazona amazonica*) and the Tui Parakeet (*Brotogeris sanctithomae*).

None of those species are found in the CITES appendices, although there are established quotas for their hunting. The situation is serious and worrying considering that, according to Peruvian law, all species of flora and fauna are protected. Of all of the species identified, hunting is only permitted for 15 of them (25.9 per cent) in the commercial hunting guide; it is not permitted to hunt the other 74.1 per cent (43 species).

The information gathered in this study points to the need to draw up a joint strategy to reduce the pressure on these species through research and intelligence activities, prevention, education and law enforcement (with regard to both prohibition and penalties).

It was determined that, for trafficking in wild fauna, no species is impossible to obtain, if the necessary time and money are available, a situation that indicates what little control the State has over these crimes. In the seven visits to the main market in Lima, 1,617 specimens of wild fauna from different species were found on display. Based on the data obtained, the hunting quotas for the White-Winged Parakeet (*Brotogeris versicolorus*) and the Pacific Parrotlet (*Forpus coelestis*) were exceeded.

Trafficking in wild fauna is an illegal business and, as such, its volume is hard to determine because of the way in which traffickers operate. Therefore, to be able to determine the real volume of wild fauna trafficked, it would be necessary to infiltrate the world of traffickers by posing as a supposed buyer.

Ríos, Riva and Canaquire, *Reporte situacional del tráfico ilegal de fauna y flora silvestre en la región nor-oriental del Perú.*

In 2012, EIA, for its study *The Laundering Machine*, retraced the route followed by cedar wood (*Cedrela odorata*) and mahogany (*Swietenia macrophylla*) from the Amazon to warehouses in the United States. It found that links in the chain were intentionally concealed, generating confusion as to where the wood had originally come from.

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Both species are protected under CITES, which is why they require special and specific documentation. It is also stated in *The Laundering Machine* that, according to the World Bank, illegal logging in 2006 generated between 44.5 million and 72 million dollars, while the legal profits from timber sales for the same year barely reached 32 million dollars. In 2002, losses to the economy overall were estimated at about 70 million dollars from tax evasion, unpaid duties and the devaluation of standing timber. In 2011, the Loreto regional government estimated that illegal logging was causing losses of more than 250 million dollars per year, which is 1.5 times the total value of timber exports. It is worth pointing out that Loreto is the largest region in Peru (368,852 km²).

⁹⁶ Ríos, Riva and Canaquire, *Reporte situacional del tráfico ilegal de fauna y flora silvestre en la región nor-oriental del Perú.*

Recommendation: *Studies such as The Laundering Machine should encourage reflection and, rather than encouraging responses to justify State action, research is needed on the origin of the impunity with which some individuals operate and carry out activities that damage the environment and its resources. In this sense, we recommend the organization of a high-level, specialist, political meeting to determine the need to increase the depth of such studies by the State itself, with the help of academic institutions. The compliance group would be a good platform for this purpose.*

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In recent years, the Peruvian forestry sector has been reorganized a number of times. Between 2006 and 2007, the central Government's powers regarding environmental management were transferred to regional entities as part of a larger national decentralization process. This process, rather than improving forest management by empowering authorities closer to the forests, has generated confusion regarding responsibilities and resources and has even opened new spaces for corruption, at least in the short term.

In 2007, the United States and Peru signed a free trade agreement that included a ground-breaking annex on forest governance. As part of the annex, if there is evidence of illegal timber entering the United States from Peru, the United States Government has the right to ask for audits or verifications and to impose a variety of sanctions, including the delay or denial of shipments. Needless to say, almost two years after the deadline required of Peru to implement its obligations, little has been done to enforce the agreement.

Source: EIA, *The Laundering Machine*.

The general problems involved in the trade of wild flora and fauna at international level, on which legislation such as the Lacey Act⁹⁷ is focused, are also discussed in *The Laundering Machine*.

⁹⁷ Available at www.fws.gov/le/pdffiles/lacey.pdf.

Beyond the Peruvian specifics, even beyond the forest sector, this report speaks to a problem applicable to the entire international trade in plants and wildlife: a “stamp” on an official document is not sufficient guarantee of something’s actual legality in many countries. This is a key issue in the context of laws like the Lacey Act, where the buyer is legally responsible for their products’ possible illegalities, even if he or she did not set out intentionally to buy illegal goods.

This means that importers, to achieve real compliance, need to go beyond asking for an official document in order to feel confident about the legal origin of the products they want to purchase. For Peru this could have tough consequences since, if importers conclude that they cannot rely on the oversight of national authorities, it is possible they will opt for suppliers in other countries where the system of control offers better guarantees of legal origin.

Source: EIA, The Laundering Machine.

Another interesting study was produced by MINAM in 2011,⁹⁸ for which data sheets were drawn up for 36 species. The aim was to contribute to knowledge on Peruvian primates by compiling the information available on their natural history, biology, ecology, distribution, threats and conservation strategies to help improve existing regulations on trade and to supply information that could serve as a basis for implementing an appropriate management system that would guarantee sustainable use and trade.

We should also note that there is a protocol for the control of goods, with regard to both importing and exporting wild flora and fauna. Once the procedure is carried out, all the information is shared with CITES by means of official channels. The table below shows the type of documentation and the goods controlled and shows that DGFFS is the body that centralizes the information that is subsequently disseminated to the relevant bodies. Customs corroborates the documents submitted and crosschecks the information with that released by DGFFS, for both imports and exports.

Table 4

List of customs entity codes and control documents

Entity	Type of authorization document	Goods
DGFFS	DGFFS import permit	Wild flora and fauna (including every animal or plant, alive or dead, and every easily identifiable part or derivative of them). Required for species in appendix I of CITES.
	CITES export permit (country of origin)	Wild flora and fauna (including every animal or plant, alive or dead, and every easily identifiable part or derivative of them). Required for species in appendices I, II and III of CITES.
	Certificate of origin (country of origin)	Wild flora and fauna (including every animal or plant, alive or dead, and every easily identifiable part or derivative of them). Required when the import comes from a State that has included species in appendix III of CITES.
	DGFFS export permit	Wild flora and fauna (including every animal or plant, alive or dead, and every easily identifiable part or derivative of them). Required for all of the species in the CITES appendices, including parts and derivatives.

Source: www.aduanet.gob.pe/aduanas/infoaduanas/clasifica/clasificacionarancelaria/entidad/relacioncodigos.htm.

Dissemination

⁹⁸ *Estudio de especies CITES de primates peruanos (A Study of CITES Peruvian Primate Species)*. Available at <http://sinia.minam.gob.pe/public/docs/3599.pdf>.

Unfortunately, the dissemination and disclosure of information from the State on wildlife and forest crime is quite limited. Certain initiatives are implemented, supposedly with the support of government bodies, but these are either in response to specific situations, such as the current issue of illegal and unofficial mining, or they are very simple, presenting particular information that is not always accurate, using media with a limited audience. This is partly a consequence of the lack of importance given to forest and wildlife crime.

X. Action to tackle threats

A. Land-use planning

The vastness of the territory of Peruvian and its difficult geography, added to the population's need for basic services and certain inadequacies in the State institutions, create an environment in which all types of illegal activity can flourish. Action currently taken against wildlife and forest crime, as in other areas, are insufficient.

Recommendation: *For the management undertaken by the compliance bodies to be optimal, budgets need to be assigned to allow follow-up and monitoring of legal and illegal activities related to wildlife and forests to be efficiently carried out. Such oversight should be exercised over the income of criminal organizations and their financial capacity to corrupt State bodies.*

Without these components it is unlikely that activities related to intelligence, prevention, control and, if applicable, penalties (both administrative and criminal) will be carried out efficiently and with the necessary tools (in terms of management, staffing levels, budgets for the acquisition of equipment and their maintenance, training in multidisciplinary groups etc.).

Territorial administration is also a complex issue in Peru owing to the past promotion, by the State itself, of the colonization and development of the Amazon region. The colonization lacked planning and did not take into account the fact that the characteristics of the territory to be occupied differed substantially from those found on the coast or in the Andes. The Peruvian Amazon comprises many harmonious complex and dynamic systems in which sustained advantage can be taken of valuable national resources. These factors make it highly vulnerable in view of the lack of administration and control coming from the State.

Parts of these ecosystems have been modified or destroyed in the process of encouraging development among the Amazonian populations; however, for different reasons, that development has not been successful. One reason for the lack of success is that the State has not been able to fully promote and execute a clear land-use planning process that, on the basis of specific tools, would allow it to define the potential and the limitations of the territory, with the aim of locating areas suitable for different activities, ranging from those related to demographic growth (which require infrastructure) to agricultural stockbreeding and agro-industrial activities and the conservation and sustainable use of the forest and its biodiversity. Another problem has been the lack of implementation of basic services for the most remote populations. This has encouraged, and still encourages, the existence of illicit activities such as illegal logging, illegal mining, illegal wildlife trade and coca leaf cultivation, which contaminate the land and water through an excessive use of chemicals, as well as forced child labour, human trafficking, bribery, corruption and petty crime, among others. Initiatives that try to reverse this process do exist, but they are very scattered and do not form part of an agreed and sustained programme with solid foundations provided by the State and its strategic partners.

Recommendation: *There is an urgent need to develop land-use planning legislation, given that, so far, there is only a series of scattered regulations that generate confusion. This development should be led by MINAGRI and MINAM, with the support of the regional governments and other institutions involved in the sustainable management of natural resources.*

Recommendation: *As the dry forest in which the kiawe tree is found is a very different area to Amazonia, but of equally great importance due to its characteristics, specific management, control and supervision criteria should be defined for it. Both MINAGRI and MINAM are the bodies that should lead this process, accompanied by the regional governments and ministries such as the Ministry of Culture and the Ministry of Trade and Tourism, given that these forests are very closely linked to the pre-Inca Moche culture, which is currently part of the north-western tourist route.*

B. Reorganization of the fishing sector

PRODUCE has been generating new strategies to reduce pressure on vulnerable species in the Peruvian sea and also regulates species quotas in rivers and lakes to help organize the fishing industry. This has caused disputes with industrial operations that fish for Peruvian *anchoveta*. Formal complaints were made by representatives of the sector to the Permanent Constitutional and Social Sector of the Supreme Court, which declared the partial unconstitutionality of the Supreme Decree in question.⁹⁹ PRODUCE remains firm in its efforts to reorganize the sector.¹⁰⁰

On 25 August 2012, Supreme Decree 005-2012-PRODUCE was published, establishing reserved areas for the fishing of Peruvian *anchoveta* for direct human consumption; it was supported by traditional fishermen and defined the three fishing zones described below.

0-5 miles: Traditional boats of up to 10 m³ will be able to fish within five miles of the coast, but their catch may only be used for direct human consumption.

5-10 miles: Boats of between 10 and 32.6 m³ will be able to fish in an exclusive zone. Industrial boats cannot enter this zone and can only fish from beyond the 10-mile limit. It is also foreseen that the industrial boats will have a satellite system for monitoring and control.

10-200 miles: This will be the zone for industrial vessels of more than 32.6 m³, which will be required to have a satellite system for monitoring and control.

Recommendation: *It has been observed that the fishing industry does not take action to tackle crimes against wildlife. The information used to analyse this sector has been minimal; the sector's activities need to be redefined, to include prevention and oversight mechanisms and appropriate regulations. These issues do seem to have been taken up again since the beginning of 2014. The group of compliance bodies is a good platform for generating a strategy for the fishing industry.*

“...From the point of view of the construction of a democratic State, decentralization is generating an important change in how the people perceive and participate in politics. They are learning to govern themselves, to manage budgets in a participative way, to regulate the people who govern, and to reclaim their rights; within all the limits of a learning process and, of course, with all the risks, such as the decentralization of corruption.”

Efraín Gonzales de Olarte, “La descentralización pasmada” (“Paralysed decentralization”), 2 September 2013. Available at <http://blog.pucp.edu.pe/blog/descentralizacion>.

⁹⁹ El Comercio, “Corte Suprema declara inconstitucional el Decreto Supremo 005 del Produce”, 21 November 2013. Available at <http://elcomercio.pe/economia/1662364/noticia-corte-suprema-declara-inconstitucional-decreto-supremo-005-produce>.

¹⁰⁰ El Comercio, “Produce: ‘Ordenamiento pesquero seguirá, debemos velar por el recurso’”, 22 November 2013. Available at <http://elcomercio.pe/economia/1662833/noticia-produce-ordenamiento-pesquero-seguira-pues-debemos-velar-recursos>.

C. Consolidating the transfer of powers to regional governments

The decentralization of the agricultural and environmental sectors has taken place by transferring responsibilities and functions in forestry and wildlife matters to the regional governments since 2009. To date, the national Government has transferred functions to 6 of the 25 regions (San Martín, Ucayali, Loreto, Madre de Dios, Amazonas and La Libertad); 19 regions are still managed centrally. The six regions to which powers have already been transferred manage and control 86 per cent of the Amazonian forest in Peru.

Certain shortcomings have been identified in the adaptation to a new state administration system: the assignment of budgets in due time; follow-up by the central Government with regard to coordination, supervision and capacity-building; and the establishment of inter-institutional networks that, together, would allow for a more efficient state apparatus. We found these issues in four of the five regions visited: Madre de Dios, Ucayali, San Martín and Loreto.

In Lambayeque, a region where the transfer of powers in environmental and forestry matters has still not taken place, the body in charge of managing natural resources is ATFFS, working under DGFFS. Though the ecosystems in Lambayeque are different (dry forest), the institutional problems are very similar to those identified in the other regions, although management by ATFFS provides a greater degree of inter-institutional contact and coordination.

Recommendation: *The transfer of functions to the regions cannot and should not be an isolated event but rather a continuous process that involves mutual cooperation between the central Government and the regions, the exchange of information and feedback to ensure the control of the authorities, and optimum decision-making. The process should involve the central Government directly. The strategy for transferring responsibilities should therefore be redefined in every sector (MINAM, MINAGRI, MEF etc.).*

D. Initiating a capacity-building programme

During the undertaking of the present study, the message that has repeatedly come from the State institutions is that the technical and specialized skills of its civil servants need to be strengthened. The experience and knowledge found within the different institutions are generally good, although quite dispersed. The lack of inter-institutional cooperation derives, in part, from the unilateralist way in which training is undertaken.

Recommendation: *Technical training should be reinforced and updated, but based on an agreed programme that involves the broad participation of sectors in a multidisciplinary manner and the inclusion of national and international academic bodies to ensure optimum results. Technical assistance would be needed to implement and execute such a programme.*

Research on wildlife and forest crime is lacking in Peru. The information found through this study has basically been statistical, with no analytical content. In general it has been information generated independently by each compliance body within the group. In many cases it is not shared with, analysed by or discussed in the group. The few research projects to which we had access were undertaken by civil society or MINAM, which is not part of the compliance group.

This indicates that there is no cohesion within the compliance group and that any coordination exists at a basic level and is only to carry out one-off activities. Moreover, it indicates the absence of a joint strategy for consensus-based work.

Recommendation: MINAGRI and PRODUCE should call on the compliance group, together with the CITES scientific authority, to bring together academic institutions, researchers and technical assistance providers with the aim of facilitating research that would incorporate specific protocols and standards for mapping, systematizing and analysing information collected by different institutions at the national and international levels in relation to wildlife and forests. From this, a joint working strategy should be generated to avoid and reduce the crimes in question.

XI. Conclusions

Certain critical aspects have been identified during the undertaking of this study. These aspects are found at all levels of management and are listed below.

From a regulatory point of view:

- It has been determined that the sentences contained in articles 308 to 313 of chapter II (Crimes against natural resources) of title XIII of the Criminal Code, referring to environmental crimes, specify that only those committed against protected species (those contained in SD-034-2004-AG and SD-043-2006-AG) are subject to penalties.
- Those sentences are not entirely dissuasive, as their effectiveness is limited. Maximum sentences of between two and seven years do not necessarily include time in prison; in general they only entail a court appearance, which does nothing to deter people from committing the crimes. However, conviction for aggravated cases can lead to 10 years' imprisonment.
- In the fishing industry, limitations in legislation result partly from the need to update the list of endangered, vulnerable and threatened species. A clear line has not been determined regarding the exploitation of hydrobiological resources, namely the difference between traditional and/or customary use from industrial use. The information found has been very limited in this respect. However, PRODUCE has been carrying out operations with promising results, especially on the Peruvian coastline, against unscrupulous people extracting resources out of season.
- The fishing regulations do not have an appropriate regulatory framework to ensure the following: fishing quotas, closed seasons (to protect spawning and to protect juvenile species), restricted fishing zones, minimum sizes for capture and the regulation of net sizes.
- The environmental crimes covered in the Criminal Code do not include the relationship between those crimes and associated offences, such as organized criminal activities and money-laundering. In article 310-C, on aggravated forms, criminal organizations are mentioned, but only briefly and not very clearly.
- No relationship has been detected between the compliance bodies and offices such as the Financial Intelligence Unit, which handles information on money-laundering and organized crime, or CONABI, which handles seized goods.
- In the regions visited, the process of transferring powers with regard to the environment still needs to be strengthened. It seems that capacity-building with regard to the responsibilities transferred does not go beyond administrative issues. Not all regions have gone through this process, as is the case of Lambayeque.
- The new Criminal Procedural Code requires the old procedural practices to be completely disregarded and promotes the adoption of new forms of decision-making and prosecution actions. This perhaps requires a coordinator to be placed within the public prosecution service to deal with environment-related issues.

From an institutional and inter-institutional point of view:

- The institutions of the compliance bodies form a management platform on which a national strategy can be designed and implemented to reduce wildlife and forest crime.
- Inter-institutional cooperation is not satisfactory. In general, entities carry out activities independently and joint work is limited to what is stipulated in the regulations or, very sporadically, takes place as a result of cooperation agreements or conventions.

- Two inter-institutional agreements have been identified that do not involve all the compliance bodies, although no information was available for analysis regarding their implementation and execution, which are apparently subject to budgets being made available. However, the existence of the agreements demonstrate the authorities' intention to improve their ways of working and to cooperate with one another.
- It seems that the activities carried out within the framework of the group of compliance bodies do not involve the participation and/or support of other bodies (State or civil society) that are not compliance bodies but that generate relevant information. This prevents access to a greater quantity, and possibly quality, of information.
- There are no quarterly or annual reports on the progress made by the compliance group that would allow the implementation and execution of joint or individual activities to be assessed. There is also no evidence of work on the production of manuals to guide the work of institutions and/or inter-institutional or multidisciplinary groups.
- The weaknesses in this area are related to the fact that the State itself avoids allocating the necessary resources for this type of activity. It is very rare to find the necessary budgets included in the annual plans for the different sectors. It has even been observed that, in the inter-institutional conventions that have been signed, the implementation of activities depends on the budget of each institution. So what happens if that component is not included in the budget of the annual operational plan of the institutions in question? How would plans be implemented without resources?
- Budget is a critical issue for all institutions, but it should be noted that OSINFOR does have the corresponding budget to carry out its monitoring activities in the areas of licensed woodland, including a training programme for local and regional authorities.
- The regulations for SERFOR were approved in Supreme Decree No. 007-2013-MINAGRI. With its new institutional framework, SERFOR will become the national forest authority with powers and functions at the national, regional and local levels. Its activities will be in accordance with national policies, plans and objectives. A specialist regulatory authority will be set up within the governing body of the National System of Forest and Wildlife Management, which is responsible for setting out the regulations and establishing the procedures related to forestry.
- The regional prosecution services for the environment do not have the budget or the logistics to go and work in the remote places where crimes occur, or enough specialist staff or resources. This is also the case with DIRTUPRAMB and DGFFS, as well as the specialist bodies consulted during investigations.
- DIRTUPRAMB has an average of 15 staff in each region, 5 of whom are responsible for carrying out monitoring and oversight in three quarters of the national territory (60 per cent of Amazonia).
- In the area of criminal proceedings, the excessive duration of preliminary investigations into crimes is caused partly by delays by public institutions, particularly FEMA and the national police force, and in some cases the private sector, in responding to requests for information. This highlights inter-institutional problems that need to be overcome in the near future and also highlights the need to create mechanisms to oversee private firms through interconnected information systems.
- Not all regions in the country have specialist environmental courts; until recently, there were no specialist courts. However, in August 2013, under administrative resolution No. 155-2013-CE-PJ, a special environmental unit was created for the first time within the judicial authorities. It has also been given a supra-provincial character to guarantee impartial investigations.
- Provincial prosecution services for crime prevention are responsible for investigating and prosecuting crime. They have three offices: (a) early decision; (b) investigation; and (c) settlement and adaptation. However, none of them

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have any specialized knowledge of environmental issues, despite occasionally being assigned cases in this field, which makes thorough investigation difficult.

- Shortcomings have also been observed in terms of information. For example, representatives from PRODUCE have noted that amendments to the regulations are needed and that the list of hydrobiological species that are recommended for inclusion in one of the CITES appendices should be updated.
- Outside initiatives by the authorities to control trade, it is impossible to control the illegal markets for the sale of wild species. Although it was not possible to access the results of operations carried out or information on their frequency, it is clear that such operations are merely palliative and do not provide concrete results or reduce the pressure on the different species sold on the illegal market.
- The limitations of State bodies to combat environmental crimes are partly a natural consequence of inadequate land-use planning, of the division of the land and of the aggressiveness with which migratory agriculture (including illegal crops) has intervened in woodland without the State acting to counter such problems. On the north coast, the problems that exist in the dry forest are also of concern, especially because of the pressure coming from the high demand for charcoal.

Regarding improvements in skills and research:

- Training is not agreed upon or given in an integrated manner. There is no training record within an inter-institutional workplan.
- Specialist knowledge within the country is not lacking, but it is scattered and also requires updating. Moreover, each compliance body operates, in most cases, based on its own criteria and protocols.
- The call for training and improvement of specialist, administrative and legal skills and abilities was repeated in all the regions and institutions visited. Those who receive training first and foremost must be the professionals who can directly apply their knowledge in the field; however, this does not mean that area heads, directors or other high-ranking civil servants should be excluded from training.
- Research and innovation are lacking throughout the country. Barely any studies on law enforcement and related issues exist, and those that do exist require updating. Only one study on trafficking in wild fauna in the north-eastern region of Peru exists, and that dates from 2008. This demonstrates the need to implement and carry out substantial multidisciplinary studies.
- Some institutions, such as SPDA, have provided capacity-building to DIRTUPRAMB and other compliance bodies. The critical issue, especially in the national police force, is that staff rotation to other offices makes it difficult to follow up these activities and, in practice, eliminates opportunities to gauge the degree of implementation.

Wildlife and Forest Crime Analytic Toolkit:

- The *Wildlife and Forest Crime Analytic Toolkit* produced by the ICCWC is wide-ranging and applicable to any country, whether it is a member of CITES or not. As this is a dynamic document, it adapts to the situational reality of the area of study. This has been observed while producing this analysis for Peru.

Certain difficulties were encountered in carrying out the study owing to the fact that the situations in the different regions visited are very specific and require independent analyses, as Peru is a highly diverse country. This study, however, has attempted to bring together all the common issues and to summarize general findings.

XII. Summary of recommendations

Budgets are a critical issue for all State institutions, and the efficiency of the implementation of activities aimed at reducing wildlife and forest crime depends on their availability and diligent use. However, it is also true that many other activities related to combating these crimes require agreed policy decisions and strategic alliances. Some recommendations that have been described throughout the document and that should be considered by the national authorities to define their future strategy regarding such crimes are summarized below.

From a regulatory point of view:

- Regular revisions of the legislation and regulations in force should be planned in order to keep them relevant.
- The penalties for environmental crimes (up to 10 years in aggravated cases) should be increased, thereby making them more dissuasive.
- Legislation and regulations for the fishing industry need to be revised and updated immediately, with the direct support of the compliance bodies and the backing of the CITES scientific authority and any institutions that come under it.
- Attention also needs to be paid to crimes associated with offences against wildlife and forests. The group of compliance bodies should set up dialogue with other governmental and international bodies to share information on crimes such as human trafficking and money-laundering.

From an institutional, inter-institutional and management point of view:

- As the status of the compliance bodies in the area of wildlife and forests is already defined, the annual planning of their joint activities is a task that must be specified in the short term, with regular, bi-monthly work meetings at which the responsibilities, duties and steps to follow are defined.
- Given the institutional nature of the compliance group, the future strategy for combating environmental crime should be defined and, based on that strategy, the respective joint annual plans should be drawn up. Each institution must have not only a high level of technical ability but also the capacity to take decisions and thereby facilitate inter-institutional work. Each sector should be committed to contributing personnel, logistics and, if necessary, financial resources.
- The institutions involved in issues related to wildlife and forests and environmental issues in general should be identified so that they may be called upon whenever necessary. There are institutions outside and within Peru that handle data on environmental crime that, although they are not part of the compliance bodies, could collaborate from time to time, providing information and ideas that would strengthen the institutional framework of the work groups.
- Information is also a critical issue. Although each institution generates data, no connection or complementary relationship has been noted between these sets of statistics. It is therefore proposed that, as part of the joint planning work of the compliance bodies, the following are carried out:
 - Definition of needs with the aim of obtaining information that is not merely statistical but also useful for analysis and research and that will provide subsequent support for the redefinition of joint strategies;
 - Revision of the joint budget for the carrying out of prevention, training, supervision, investigation, penalization, monitoring, oversight and other activities;
 - Starting the process of systemizing and standardizing information using suitable formats;

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- Ensuring that future activities will be more dynamic and efficient;
- Other activities as necessary.
- Coordinate with the Comptroller's Office regarding the activities defined by the compliance group, in accordance with its strategy to determine procedures regarding reporting, particularly with regard to intelligence activities. This is also a way to avoid corruption.
- The results of criminal investigations must always be made available to the compliance bodies for their analysis and for the clarification of any doubts of a technical nature. Hence the need for joint work at all levels.
- Advantage must be taken of ACTO in order to generate cooperation with authorities from other member countries to exchange experiences and skills, as well as to replicate and adapt strategies, activities and good practices.
- The group of compliance bodies must also be responsible for the following:
 - Drawing up quarterly and annual reports on the progress made and the results of implementing the actions established in their strategy so that results can be demonstrated in order to receive larger budgets;
 - Recommending adjustments and improvements to the national strategy for the prohibition of machinery, tools, modes of transport and other goods involved in the crimes of money-laundering and trafficking in wild flora and fauna;
 - Establishing a multisectoral and multi-disciplinary group of experts comprising civil servants and representatives from the private sector and civil society to permanently advise on compliance activities;
 - Drawing up proposals for development and remediation in deforested and degraded zones to make them available to the State;
 - Developing social programmes to eradicate child labour, prostitution and crimes associated with the processes of extracting natural resources;
 - Proposing the creation of a manual for investigation into wildlife and forest crime that includes protocols and models of documents and guides for intervention, taking into account the powers of State agents;
 - Providing specialist support to establish the national strategy to combat money-laundering linked to natural resources;
 - Undertaking other activities, as determined by the group of compliance bodies or according to the circumstances.

Apart from this, other activities that should be carried out are those of monitoring and oversight, criminal investigation, embargos and sanctions etc., in relation to, for example, the markets for the illegal trade in species of fauna, illegal logging etc.

- The field visits carried out have revealed that the logistics of the relevant institutions are minimal. A re-evaluation of the conditions under which the public prosecution service, police, customs and specialist administrations carry out their everyday work is required. The provision of equipment and land vehicles, marine vehicles (including for rivers and lakes) and/or air vehicles, with the necessary funds for their maintenance and other purposes, is essential for fieldwork, particularly in the Amazonia region. It is vital that this is planned and budgeted for, through consensus and with the requisite funding.
- Given that there are some problems regarding the allocation of resources by the State, it is advisable for all the proposals defined by the compliance bodies to be designed as modules. In this way, if the budget is less than the amount required, certain activities could still be carried out without hampering the implementation of the whole strategy.
- One specific issue regarding investigation is related to the Financial Intelligence Unit; this body should be regularly consulted because, as part of its institutional mission, it provides information and other forms of cooperation to help combat money-laundering, corruption and similar crimes.

- Coordination should be carried out with CONABI to ensure that the objects, instruments, belongings and gains from environmental and associated crimes that have been confiscated or embargoed by means of the Law on Asset Forfeiture¹⁰¹ are used to prevent and combat such crimes, to carry out studies and research and to strengthen the competent authorities and their joint activities.
- The central Government needs to define certain parameters for the institutional framework and to implement activities, both in regional governments and in ATFFS, to standardize processes and promote interregional work. In San Martín, the Regional Environment Authority governs environmental issues while in Loreto it is governed by the Regional Programme for the Management of Forest and Wildlife Resources. It is not only the name that is different, but also the powers of each of these subregional bodies.
- Security protocols should be drawn up for the specialist environmental prosecution services to improve procedures when checking in and out people and documentation, filing documents and creating back-up copies, among others, as well as protocols on the procedures to be followed in the case of natural disasters, deliberate fires, short circuits etc.
- Although no references and/or statistics were available on the processes for exchanging information or for extradition between Peru and other countries in the area of wildlife and forest crime, both networks and other mechanisms such as ACTO and CITES are excellent ways of gathering information that prevent, to some extent, transnational environmental crime. This is also why efficient coordination and organization, as well as the creation of inter-institutional networks, are important.
- In the medium term, the tourism industry, in particular in the area of ecotourism, should be included as part of the strategy to combat wildlife and forest crime as it could be an important ally in the fight against such crime.
- The CITES and compliance authorities should promote the consolidation of the different development programmes and their instruments and mechanisms to avoid duplication of effort and of budgets in order to generate viable joint and sustainable initiatives aimed at improving the quality of life of rural populations and promoting the rational use of natural resources.
- Problems such as those related to mining are not limited to extending the periods of time given to officially register informal operations but include actions that must be taken by the authorities in order to stop the advance of deforestation and desertification and the consequent loss of biodiversity. Regulations alone do not provide the solution; the joint participation of various sectors must form the core around which strategies to combat crimes against natural resources are defined and around which legislation may be modified before being submitted to higher-ranking bodies for approval.

Regarding the enhancement of skills and investigation:

- Training has been given unilaterally in most cases. A regular programme of training covering various aspects should therefore be created that can be used by each compliance body. Such a programme could include:
 - Workshops to update the knowledge and skills of professionals from each institution;
 - Induction workshops on subjects relevant to each institution, allowing for the exchange of functions;
 - Practical multidisciplinary workshops (both office- and field-based);
 - Discussion groups on case studies;
 - Workshops simulating processes, risk management, speedy diagnosis etc.;
 - High-level technical-administrative workshops to speed up consensus-based decision-making.
 - Such training should contain four assessment components:

¹⁰¹ Available at www.cicad.oas.org/fortalecimiento_institucional/legislations/PDF/PE/ley_29212.pdf.

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- Initial assessment to determine the points on which training should focus;
 - Final assessment to measure what has been learned and to plan the next stages;
 - Trainer assessment by the trainees (surveys) to determine whether the methodology should be modified;
 - Follow-up of the trainees to gauge implementation.
- The design of the training programme and its strategy and budget should be discussed beyond the compliance bodies; a wide range of agents should be involved.
 - Research is another important factor in achieving good results in the medium term, but this obviously requires considerable investment. It is difficult for the State to assume such costs on its own. The compliance bodies, along with the scientific authority and investigators, should therefore prepare specific proposals that, with enough supports, could be presented to and considered by the State and international bodies.
 - Such proposals should include the undertaking of studies on the identification and control of the routes used for trade in wildlife, taking into account variables such as the frequency, intensity and particular characteristics of their use. In some cases, the routes will coincide with those used by other types of criminal organizations, such as those involved in drug trafficking.
 - As part of the research into and application of new systems, traceability technologies should also be considered,¹⁰² for example to follow or track pieces of wood and products made from wood. Although they require considerable investment, such technologies are becoming more important because of the results that can be achieved with their use.
 - Traceability methods range from physical identification (barcodes and radio frequency identification), in addition to established methods such as marking with paint and using plastic labels, to chemical identification and DNA and isotope sampling.
 - Although radio frequency identification is quite reliable, it is very costly and requires a good Internet or mobile phone connection to be able to operate. Owing to the lack of telecommunications services in remote areas of Peru, this method would not be the most viable in the country.
 - Methods using DNA and isotope sampling, although requiring considerable investment, are more effective, do not require physical marking and are almost impossible to falsify as they involve the use of genetic information and isotopic profiles to verify the origins of a piece of wood, planks or furniture.
 - In addition to investment, the implementation of some of these systems also requires fully trained civil servants, appropriate control mechanisms, adequate infrastructure and relevant inter-institutional planning to ensure that the necessary logistics and financial resources are provided.
 - In the medium term, it is vital to plan the creation of an interconnected environmental information system at the national level to help manage a greater quantity and quality of information. The equipment currently being used is out of date or in poor condition and, in the provinces, Internet services are not available. Here the compliance bodies must come together to enhance supervision and control processes and also investigation and sanction. Bodies outside the compliance group, such as the Financial Intelligence Unit, should also be involved.

¹⁰² For more information, see International Tropical Timber Organization, *Tracking Sustainability: Review of Electronic and Semi-Electronic Timber Tracking Technologies*, Technical Series, No. 40 (Yokohama, Japan, 2012). Available at www.itto.int/es/outputs/id=3145.

Wildlife and Forest Crime Analytic Toolkit:

- It should be noted that the *Toolkit* produced by ICCWC is wide-ranging and applicable to any member country of CITES. However, it is a dynamic document; therefore, the authorities, supported by international partners, should produce a new version that should be modified and updated every four or five years.
- Such modification and updating could also be carried out in the regions, with the authorities adapting the national version to their respective situations. Here it should be noted that Peru is an extremely diverse country, not only in terms of resources but also in terms of its landscape and physical geography. Instruments to combat environmental crimes therefore need to be implemented differently in different places.
- Some of the questions included in the *Toolkit* were not relevant to the situation in Peru, but the possibility of implementing some of the measures contained in the *Toolkit* must be weighed up, for example those regarding community policing and Ecomessage, among others.

It has also been established that international cooperation, especially financial assistance, has been minimal in the area of environmental crime, perhaps due to resources being concentrated in African and Asian countries, with the primary aim of protecting mammals. However, attention should be paid to the situation in countries like Peru, where species of bird, mammals, fish and others are hunted and/or traded through organized crime networks with impunity.

XIII. References

XIV. Meetings with national counterparts

16 November 2012, Lima

DGFFS	Karina Ramirez
UNODC	Jorge Ríos, Sarah Koch, Lorenzo Vallejos

15 May 2013, Lima

DGFFS	Rosario Acero, Silvia Velásquez, Karina Ramírez, Rosa Vento
PRODUCE	Rosa Zavala
Public prosecution service	Manuel Castro, Pedro Farfán
National police force	Fernando Cubas
OSINFOR	Mari-Carmen Loyola, Vivian Chumbiauca
UNODC	Flavio Mirella, Jorge Ríos, Ignacio De Lucas, Walter Hoflich, James Shaw, Lorenzo Vallejos

31 May 2013, Lima

DGFFS	Karina Ramirez, Camilo Gutierrez
Public prosecution service	Pedro Farfán
UNODC	Lorenzo Vallejos

13 June 2013, Lima

DGFFS	Karina Ramírez, Camilo Gutierrez
PRODUCE	Ivan Canturín, Jorge Cánepa
Public prosecution service	Rosa Matayoshi, Julio Arriaran
OSINFOR	Carmen Castillo
National police force	Johnny Cruz, Karla Cheng
UNODC	Walter Hoflich, Lorenzo Vallejos

17 and 18 June 2013, Puerto Maldonado, Madre de Dios

DGFFS	Irma Romero
Regional government	Homer Tuesta
Customs	Erick Del Castillo, Jorge Frisancho
National police force	Luis Quispe
WWF	Karina Salas
ACCA	Laura Samaniego
SPDA	José Vargas
UNODC	Walter Hoflich

8 to 10 July 2013, Pucallpa, Ucayali

Regional government	Luis Castañeda, Carlos Costa, Javier Mirano, Roger Toullier, Gerardo Caveró, Carlos Sulca, Miluska Linares
Public prosecution service	Francisco Berrospi, Jorge Budiel
OSINFOR	Frank Rivero
National police force	Manuel Otero
UNODC	Lorenzo Vallejos

14 to 17 July 2013, Moyobamba-Tarapoto, San Martín

DGFFS	Camilo Gutiérrez
Regional government	Franklin Cueva, John Romero, Cesar Muñoz, Tania Salazar, Alfredo Valdivia, Oswaldo Juep
Public prosecution service	Virginia Vildoso, Oscar Gutiérrez
OSINFOR	Roberto Meza
National police force	Odón Valverde, Ketty Trigos, Cesar Díaz
AMPA	Karina Pinasco, Miguel Tang, Cristina Del Águila
Urku-Estudios Amazónicos	Carlos Veco
UNODC	Walter Hoflich, Lorenzo Vallejos

24 to 16 July 2013, Iquitos, Loreto

DGFFS	Irma Romero
Regional government	Jesus Muñoz, María Del Pilar Aspajo, Carmen Ruiz, Cussi Alegria, César Rengifo
PRODUCE	Rosa Feijoo
Public prosecution service	Sarita Castromonte
OSINFOR	Gustavo Torres
OEFA	Guillermo Chota
National police force	Henry Marca
Lanc Forest SAC	Walter Cardenas
UNODC	Lorenzo Vallejos

11 to 13 August 2013, Chiclayo, Lambayeque

ATFFS Lambayeque	Hernán Gutiérrez, Juana Collantes, Santiago Ávila
OSINFOR	Roberto Valle, Raúl Lora
SERNANP	William Martinez
INIA	Romelio Díaz
Regional government, Lambayeque	Gino Chanamé
AIDER	Patricia Medina, Michell Becerra
National police force	Daniel Sánchez
Civil society	Juan Alarcón
UNODC	Walter Hoflich, Lorenzo Vallejos

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