

“Continuous Improvement” in Illegal Practices in the Peruvian Forest Sector



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EXECUTIVE SUMMARY

Over the past several years, private and public national and international institutions have carried out research on illegal timber exports from the Peruvian Amazon. The success of the International Operations Amazonas 2014 and 2015 has enabled identification of the different actors in the supply chain and how they use official documents (Forest Transport Permits - GTFs) to accompany wood harvested from unauthorized areas, to endow the appearance of legality. The laundering of illegal timber is associated with a series of negative collateral impacts and activities, including corruption, unjust treatment of indigenous communities, trafficking in persons, and degradation of forests, among others.

This research is based on Peruvian timber exports that occurred in 2015, accompanied by GTFs that allowed us to trace the supply chain to the point of origin: the forest. The following findings are based on the reports obtained from the Information Management System (SIGO_{SFC}), of the Forest Resources and Wildlife Monitoring Agency (OSINFOR). SIGO_{SFC} is a transparent online portal for information related to the supervision and control of the Forest Management Plans (FMPs) carried out by OSINFOR.

We identified 67 exporting companies and 186 importers, who traded and sold wood from Peru on five continents. Six companies exported timber with more than 50% of the GTFs used for worldwide exports. In descending order these companies are: Maderera Bozovich SAC, Inversiones La Oroza SAC, Peruvian Flooring SAC, Inversiones Técnicas Maderables SAC, Consorcio Maderero SAC, and Maderera Rio Acre SAC.

Furthermore, we found evidence that a large percentage of GTFs with FMPs supervised and reported in SIGO_{SFC} are at high risk of facilitating the sale of illegal timber, because they are included in the “red list.” The countries that received exports of timber with FMPs on the “red list” include: Mexico (75%), China (71%), Australia (67%), Dominican Republic (32%), United States (28%), and France (9%). We observed that exporting companies may have identified markets who have laws prohibiting illegal timber imports and requiring companies to undertake due diligence or exercise due care, as the percentage of exports from the “red list” to these countries is generally lower. Exporters may be using the available tools, such as SIGO_{SFC}, to trade and sell timber using GTFs with FMPs on the “green list” to the United States and countries in the European Union.

We also determined that a number of different companies exported concerning percentages of GTFs with FMPs on the “red list,” as in the cases of Maderera Bozovich SAC: Mexico (65%), China (50%), Dominican Republic (31%), and the United States (29%); Inversiones La Oroza SRL: China (100%), Mexico (97%), and the Dominican Republic (45%); Industria Forestal Iquitos SRL: Dominican Republic (100%); and Corporación Industria Forestal SAC United States (100%). A significant number of other companies had exported timber using GTFs with FMPs on the “red list” as well.

Based on this analysis, CIEL was able to identify under what conditions the high-risk or “red list” timber is being exported from the Peruvian Amazon to different countries, according to the results in OSINFOR’s SIGO_{SFC}. We also present a case study of the “continuous improvement” efforts to avoid transparency and continue trade in high-risk timber. In this case study, we identify patterns in the GTFs used by Maderera Bozovich and other companies in the export of wood: (i) Use of documentation of areas with timber harvest authorization not subject to OSINFOR supervision, (ii) Use of forest permits on private land, whose approval documentation was not submitted to OSINFOR by the granting forest authority, (iii) Unsupervised FMPs from a high-risk title, (iv) Use of a GTF that does not include the FMP harvest season or other relevant information, and (v) Export of timber with FMPs reported in SIGO_{SFC} on the “red list.”

In addition, we identified a significant decrease in timber coming from Forest Concessions, and an increase in timber accompanied by GTFs from Forest Permits in Native Communities and Local Forests.

In this process of tracking the documents from the export to the forest, we identified the actors who participated in the supply chain. Based on the results of the analysis, more than half of the supervised GTFs are on the “red list,” and two thirds of the GTFs used were not supervised or did not indicate the harvest year of the FMP from where the timber was harvested, making it impossible to determine the legal status of the timber. Therefore, the Ministry of Agriculture and Irrigation, through SERFOR, and in a timely and effective fulfillment of its functions, should guarantee legal timber trade inside and outside Peru. They should generate high-risk alerts during visual inspections of shipments prior to export, as provided for in forest and wildlife legislation and international trade agreements.

1. INTRODUCTION

As part of the third largest crime in the world,¹ illegal logging in Peru and its associated international trade has been resistant to change. The problem of illegal logging in Peru has been well known for many years and there have been multiple attempts to reform the forest sector over the years. However, this report shows that the sector continues to have systemic problems associated with trade in illegal timber.²

Conversely, transparency and open data³ related to the results of monitoring of the Forest Management Plans (FMPs) carried out by OSINFOR, the national authority responsible for the monitoring and control of forest resources in Peru, have increased in recent years. In addition, the recent confiscation and destruction of illegal Peruvian timber imported by the US during 2015⁴ and improved overall implementation and enforcement of the European Union Timber Regulation (EUTR),⁵ have sent strong signals that illegal Peruvian timber will no longer be accepted in major markets. In spite of these shifts towards legality, it seems that the private sector and the Peruvian State have not yet been able to reduce the rates of illegal logging and associated trade. On the contrary, the apparent response has been to reduce transparency,⁶ claim that traceability is not possible, or to assert that wood is legal simply because it is accompanied by official documents.⁷ On the last point, the Peruvian Ministry of Exterior Relations and Tourism claimed that the Forest Transport Permit (GTF),⁸ issued by the relevant forest authority, was the only legally required documentation, although OSINFOR in many cases

has determined international Operations Amazonas 2014 and 2015 the timber accompanied by official documents is of illegal origin. The field verification work carried out by OSINFOR has been made possible by the autonomy and functional independence of the institution, which allows it to act across and above various sectors and levels of government.

The context outlined above provided us with a compelling case to undertake this research, in which we analyzed 865 Visual Inspection Certificates (Certificates) from the Port of Callao, Lima, which is the principal port in Peru, and issued by the National Forestry and Wildlife Service (SERFOR) in 2015. The Certificates are issued before export, after a visual inspection of the timber shipment at the port of embarkation, and contain information on the exporter, importer, species, tariff classification, destination, GTF number, Customs Declaration (DAM) number, as well as other relevant details. As a result of the review of these Certificates, we were able to identify and further investigate the information contained in the 2364 GTFs attached to the Certificates, finding patterns similar to those found and highlighted in “Operation Amazonas 2014 and 2015.” We also identified new ways companies may be evading controls, demonstrating that illegal logging and associated trade are constantly developing new practices and illegal technologies to adapt to new controls and to be able to continue selling illegal timber both nationally and internationally.

Notes

- 1 Channing May, Global Financial Integrity, Transnational Crime and the Developing World (Mar. 2017), http://www.gfintegrity.org/wp-content/uploads/2017/03/Transnational_Crime-final.pdf.
- 2 David Brown, et al., *Madera legal: Verificación y gobernanza en el sector forestal* (2010), http://www.ccmss.org.mx/wp-content/uploads/2014/10/Madera_legal_verificacion_y_gobernanza_en_el_sector_forestal.pdf. The question to be answered is how, in a globalized world, local, national and international actors can better interact to safeguard the management of natural resources fundamental to local well-being and highly sought after at the international level.
- 3 Título Preliminar, Artículo II Principios generales de la Ley Forestal y de Fauna Silvestre, aprobada por Ley 29763. (13). Transparencia y rendición de cuentas: El Estado tiene el deber de poner a disposición toda información de carácter público relacionada a la gestión forestal y de fauna silvestre, respetando el derecho de toda persona de acceder adecuada y oportunamente a dicha información sin necesidad de invocar justificación o interés que motive tal requerimiento. El Estado rinde cuentas de su gestión con arreglo a las normas sobre la materia e investiga toda actividad ilegal, publicando sus resultados, salvo las excepciones que establece la ley de la materia.
- 4 US Department of Justice, Justice Department Reaches Agreement to Ensure Destruction of Timber Believed to Have Been Harvested in Violation of Peruvian Law; Action is First for Foreign Timber Seized Under the Lacey Act (Jan. 18, 2017), <https://www.justice.gov/opa/pr/justice-department-reaches-agreement-ensure-destruction-timber-believed-have-been-harvested>.
- 5 UNEP-WCMC, Briefing Note for the Competent Authorities Implementing the EU Timber Regulation April 2017 - May 2017 https://www.unep-wcmc.org/system/comfy/cms/files/files/000/001/054/original/Briefing_note_April_2017-May_2017.pdf.
- 6 SERFOR, Referencia: Solicitud de acceso a la información pública N° 149-2016, Memorandum N° 403-216-SERFOR/DGGSPFFS-DCGPFFS (13 Oct. 2016).
- 7 Carta Que Envío el Mincetur al Gobierno de EEUU Para Defender Ingreso de Madera Ilegal a Houston, Proética (April 19, 2017), <http://www.proetica.org.pe/?q=content/lea-la-carta-que-envi%C3%B3-el-mincetur-al-gobierno-de-EEUU-para-defender-ingreso-de-madera>.
- 8 La Ley Forestal y de Fauna Silvestre (Ley N°27308) y su reglamento el Decreto Supremo N° 014-2011-AG regularon hasta octubre del año 2015. Artículo 306:- Exigencia de Guía de Transporte Forestal. “Las personas naturales o jurídicas a la transformación y/o comercialización de productos forestales y de fauna silvestre están en la obligación de recabar de los proveedores las Guías de Transporte Forestal que amparen la movilización de los productos. El incumplimiento de esta norma da lugar al comiso de los productos, sin perjuicio de la imposición de las demás sanciones a que hubiera lugar.”
- 9 OSINFOR, Resultados de las Supervisiones y Fiscalizaciones Efectuadas por el OSINFOR en el Marco del Operativo Internacional “Operación Amazonas 2014” (Oct. 2015), <http://www.osinfor.gob.pe/wp-content/uploads/2015/10/Operaci%C3%B3n-Amazonas-19-octubre.pdf>; OSINFOR, Resultados de las Supervisiones y Fiscalizaciones Efectuadas por el OSINFOR en el Marco del Operativo Internacional “Operación Amazonas 2015” (Jun. 2016), <http://www.osinfor.gob.pe/wp-content/uploads/2016/07/Operaci%C3%B3n-Amazonas-2015-6-ok.pdf>.

The profits received by the companies involved in illegal logging and its associated trade are so important that they continue to find ways to evade the mechanisms and controls that guarantee the legal origin of the timber.¹⁰ It is possible that these actors are using government transparency tools to benefit their own interests, in order to continue to sell illegally logged timber, rather than taking advantage of these tools and opportunities to promote real and profound reforms in the forestry sector.

In short, the losers of this illegal activity are the Amazonian forests, State of Peru, and indigenous people and communities exploited by the logging mafias.

1.1 National Legal Context

Peru is a unitary and decentralized state, with management concentrated at the federal level and certain functions granted to different national, regional, and local government bodies, including the promotion, administration, supervision, and control of forestry and wildlife. The national forest authority, SERFOR (part of the Ministry of Agriculture and Irrigation (MINAGRI)), or the Regional Forestry and Wildlife Authority (ARFFS), approves the FMPs submitted by the interested party and authorizes the harvest and sale of timber. The national supervisory authority, OSINFOR, supervises and enforces the contractual obligations approved in FMP, including through sanctions for non-compliance with the forestry legislation. The national tax and customs authority, SUNAT, monitors the sale and reviews the trade of all goods, including forest products. In addition, the new legislative framework for forests also requires “accreditation of the legal origin of forest products and byproducts,” both by private and public actors involved in the supply chain in internal and external trade.¹¹

1.1.1 Forestry and Wildlife Service (SERFOR)¹²

SERFOR is a specialized public technical agency within

MINAGRI. SERFOR is responsible for developing the national forestry and wildlife policy; directing the sustainable management of the nation’s forest and wildlife heritage; and developing standards related to the management, administration, and sustainable use of forest and wildlife resources. SERFOR authorizes timber extraction in regions that have not yet received the transfer of power from the central government for forestry and wildlife.

1.1.2 Regional Forestry and Wildlife Authority (ARFFS)¹³

ARFFS are institutions of Regional Governments. The ARFFS of the Regional Governments that have received the transfer of forest functions from the federal level are in charge of granting logging titles and the approval of FMPs in their region. Among the regions that have received the transfer of forest authority are the main timber producing regions in Peru, including Loreto, Ucayali, Madre de Dios, San Martín, and Amazonas.

1.1.3 Organization for the Supervision of Forest and Wildlife Resources (OSINFOR)

OSINFOR was created under the 2000 Forestry Law,¹⁴ but it only gained independence in 2008 as a result of the reforms associated with the commitments made in the Free Trade Agreement between Peru and the United States.¹⁵ OSINFOR is in charge of supervising and enforcing FMPs granted to natural or legal persons. In Peru, it is known as “título habilitante,” a title endowing the legal authorization to harvest and sell timber.¹⁶ The titles can be: Concessions that are granted to the private sector for 40 years in Permanent Production Forests and are renewable;¹⁷ Permits or Forest Authorizations granted in the territory of indigenous and campesino communities; Private Property; and Contracts of Administration in Local Forests that are granted for land in the public domain

10 Frank Bajak, AP Investigation Shows Peru Backsliding on Illegal Logging, AP News (Apr. 19, 2017), <https://www.apnews.com/8f4d73bdc605446c9c64bc2aedf7aa31>.

11 Decreto Supremo 018-2015-MINAGRI Reglamento de Gestión Forestal, Artículo 168: Acreditación del origen legal de productos y subproductos forestales.

12 Artículo 14 del Reglamento para la Gestión Forestal, aprobado por Decreto Supremo N° 018-2015-MINAGRI

13 La Ley Forestal y de Fauna Silvestre, Ley 29763. El Artículo 19. Competencia regional forestal y de fauna silvestre.

14 República del Perú. Ley que Crea el Organismo de Supervisión de los Recursos Naturales y de Fauna Silvestre. Decreto Legis. No. 1085 (2008).

15 Protocolo de Enmienda al Acuerdo de Promoción Comercial Perú – Estados Unidos. Anexo 18.3.4, Anexo sobre el manejo del sector forestal.

16 Ley Forestal y Fauna Silvestre (Ley 29763) aprobada el año 2011 y puesta en vigencia en octubre del año 2015, con la aprobación del Decreto Supremo 018-2015-MINAGRI Reglamento de Gestión Forestal, Artículo 39: Títulos habilitantes.

17 Reglamento del la Ley 29763, Ley Forestal y de Fauna Silvestre, Artículo 83: Modalidades de Concesiones Forestales con fines maderables. Concesiones Forestales incluyen Maderables y No maderables.

18 Id. Artículo 125, De los permisos y Autorizaciones para el Aprovechamiento Forestal. Permisos Forestales incluyen Comunidades Nativas y Campesinas, Predios Privados. Autorizaciones incluyen Bosques Secos y Administración de contratos “Bosques Locales.” It is important to note that under the prior forest law (Ley 27308), there was ambiguity as to whether OSINFOR could supervise Local Forests. OSINFOR undertook supervisions when requested to do so by SUNAT or the Specialized Prosecutor in Environmental Matters (FEMA). Although the new law identifies Contracts of Administration in Local Forests as qualifying titles, and thus OSINFOR has the right to inspect and supervise them, it depends on the proper granting of exploitation rights by the Committee, which may not be occurring at present. See SERFOR, Resolución de Dirección Ejecutiva N° 0116-2016-SERFOR/DE, Lineamientos para el establecimiento de Bosques Locales y condiciones para su administración, <http://www.serfor.gob.pe/wp-content/uploads/2016/07/RESOLUCI%C3%93N-DE-DIRECCI%C3%93N-EJECUTIVA-N%C2%BA-116-2016-SERFOR-DE.pdf>.

and Permanent Production Forests.¹⁸ In essence, the work of OSINFOR is to undertake field supervisions of the implementation of the FMPs,¹⁹ and to determine whether the trees declared in the forest inventory, and the timber reported in the extraction balance and sold with the related GTFs, was harvested from the area authorized by the granting forest authority.

In May 2015, OSINFOR launched SIGO_{SFC},²⁰ providing the public access to a tool to increase transparency and facilitate due diligence for both Peruvian companies and their partners in importing countries. SIGO_{SFC} is a periodically updated online platform that reports on the results and legal status of all of OSINFOR's supervisions of FMPs in timber and non-timber forest concessions, indigenous and campesino communities, private land, as well as other authorizations for timber harvesting.²⁰ SIGO_{SFC} uses a simple color coding system (red for cases with serious problems and green for cases with no problems or minor problems) to classify the titleholders whose FMPs have been supervised.²¹ This platform contains results and includes summarized reports with data on the type and severity of infractions found in the field at the time of supervision.

SIGO_{SFC} allows potential buyers to conduct a risk assessment more easily, helping them to avoid purchasing timber from sources with a clear history of illicit activity. These sources are identifiable by the presence of one or multiple FMPs on the "red list," which means that they have been fined for serious breaches of forest law, and that they have canceled titles or are in ongoing legal proceedings.²²

In addition, "SIGO_{SFC} improves the ability of authorities involved in controlling the activities of the forest sector (SUNAT, Comptroller General of the Republic, Specialized Prosecutors in Environmental Matters, SERFOR, Regional Governments, others), to manage information and to

ensure compliance with forestry and wildlife legislation."²³

1.1.4 National Superintendent of Customs and Tax Administration (SUNAT)

SUNAT is a specialized technical agency and the national authority for customs and taxes, situated within the Ministry of Economy and Finance.²⁴ Its main functions include monitoring and controlling products, taxpayers, and natural and legal persons to counter tax evasion and trafficking in contraband at the national and international levels.

1.2 International Commitments

In addition to national standards and reforms, the Peruvian government has made international commitments to address deforestation, as well as illegal logging and associated trade. The Free Trade Agreement between the US and Peru contains a Forest Annex that is unique among FTAs, which includes commitments to combat illegality and verification mechanisms.²⁵ The US has spent more than \$90 million to support implementation of the Forest Sector Annex and related programs in Peru.²⁶ In addition, Peru receives funding to address climate change from the Forest Investment Program (FIP)²⁷ and the Forest Carbon Partnership Facility (FCPF),²⁸ including on issues related to Amazon forest conservation and forest governance. Norway and Germany have pledged substantial funds if Peru reduces its rate of deforestation and fulfills other forest management obligations.²⁹ Finland, through an FAO project, has financed a forest inventory project in Peru.³⁰ However, these international commitments and cooperation funds will not be able to meet the objectives of reducing deforestation rates and guaranteeing trade in timber of legal origin, if the problem of illegal logging and associated trade is not addressed.

19 La Ley Forestal y de Fauna Silvestre (Ley N°27308) was approved in 2000 and entered into force in 2001, Article 15.1 of the Ley Forestal y de Fauna Silvestre (Ley N°27308) and Articles 58.1-.3 of its regulation, Decreto Supremo N° 014-2011-AG, were in force until October of 2015, and determined the characteristics and conditions related to the Forest Management Plan (FMP). In this report we refer to the Forest Management Plans as FMP.

20 OSINFOR – SIGO, Observatorio OSINFOR, <http://observatorio.osinfor.gob.pe:91/Home/Menu>.

21 OSINFOR, Recomendaciones para el uso del OBSERVATORIO OSINFOR, <http://observatorio.osinfor.gob.pe:91/>.

22 OSINFOR, Supervisión, Fiscalización y Capacitación, Sistema de Información Gerencial del OSINFOR – SIGO_{SFC}, (Jun. 2016), <http://www.osinfor.gob.pe/wp-content/uploads/2016/07/Sigo-2016-copia.pdf>. "The risk level of a management plan for legal timber trade is established through the combination of four variables related to illegal logging: nonexistence of [declared] trees, percentage of forest species that have unjustified volume, percentage of unjustified volume in relation to the total harvested, and the seriousness of the damage caused to the environment by unauthorized harvest." [authors' translation].

23 Id. [authors' translation].

24 Ley de Creación N° 24829, Ley General aprobada por Decreto Legislativo N° 501. Ley 29816 de Fortalecimiento de la SUNAT.

25 Trade Promotion Agreement US – Peru, Chapter 18, Annex 18.3.4, Annex on Forest Sector Governance, https://ustr.gov/sites/default/files/uploads/agreements/fta/peru/asset_upload_file953_9541.pdf.

26 USTR, Combatting Illegal Timber Trade in Peru: Views from Ucayali (May 2016), <https://ustr.gov/about-us/policy-offices/press-office/blog/2016/may/combating-illegal-timber-trade-views-from-ucayali-peru>.

27 Peru – FIP Programming, Climate Investment Funds, <https://www.climateinvestmentfunds.org/country/peru/peru-fip-programming>.

28 Peru, Forest Carbon Partnership, <https://www.forestcarbonpartnership.org/peru>.

29 Joint Declaration of Intent between the Government of the Republic of Peru, the Government of the Kingdom of Norway and the Government of the Federal Republic of Germany on "Cooperation on reducing greenhouse gas emissions from deforestation and forest degradation (REDD+) and promote sustainable development in Peru," Regjeringen.no, <https://www.regjeringen.no/contentassets/b324ccc0cf88419fab88f2f4c7101f20/declarationofintentperu.pdf>.

30 National Forest Assessments – country projects overview – Perú, Food and Agriculture Organization of the United Nations, <http://www.fao.org/forestry/17847/en/per/>.

1.3 High Levels of Illegality and Pending Reforms

While the exact percentage of timber illegally harvested in Peru remains unknown, studies from the past ten years have estimated that around 70-90% of the total volume of harvested timber is illegal.³¹ Likewise, the results of the supervisions carried out by OSINFOR between 2009 and 2016 show that more than 80% had irregularities.³² This means that the FMP contains false information, or that legal documents were used to sell illegally harvested wood from non-authorized areas (indigenous territories, campesino communities, protected natural areas, unclassified forests, etc.), which resulted in penalties for non-compliance with forest legislation and/or cancellation of forest harvesting rights.³³

The results of “Operation Amazon 2014 and 2015”³⁴ show that in more than 90% of the inspections carried out by OSINFOR there was a breach of forest laws and regulations.³⁵ Operation Amazonas 2015³⁶ focused on timber exported in three shipments of the Yaku Kallpa³⁷ from Iquitos, Loreto, Peru to the Dominican Republic, Mexico, and the United States.

The results of the inspections carried out by OSINFOR of the first shipment on the Yacu Kallpa, determined that 67.4% of the wood accompanied by official documents was not of legal origin. It is worth mentioning that, as of the date of publication, inspections of 42% of titles were pending, and as a result, the total percentage of illegality would likely increase after the completion of all supervisions.

In the second Yacu Kallpa shipment, 82.51% of the timber was accompanied by official documents, but these documents did

not provide any evidence of legal harvest. As in the previous case, at present 11% of the titles are pending supervision, which would likely increase the overall percentage of illegality once complete.

However, in the third shipment, 100% of the titles involved were supervised and 96.3% of the wood was illegally harvested. The GTF, which was approved by the granting forest authority, allowed illegal timber to be laundered and sold as if it were a legal product.³⁸

Similarly, in February of 2016, under paragraph 7 of the Forest Sector Annex of the FTA, the US government requested the Peruvian government verify a shipment of timber exported by Inversiones La Oroza SRL in January 2015.³⁹ The results of the verification determined that more than 90% of the timber exported in that specific shipment by Inversiones La Oroza SRL, and accompanied by official documents authorized by the granting forest authority, was of illegal origin.⁴⁰

Based on the findings outlined above, there is an urgent need to ensure that traceability can identify the legal or illegal origin of the wood harvested and sold in and from Peru. Unfortunately, to date, Peru has not been able to incorporate the information contained in the GTF in the Customs Declaration (DAM), including the logging title and the resolution approving the FMP. The Peruvian customs authority would then have information on the declared origin of the timber being exported and its probable legal status and could use it to prevent the export of illegal timber. In November 2016, under the US-Peru FTA, the Peruvian Government announced unilateral actions related to the control of timber product exports and strengthening the forest sector. One notable commitment is the modification of documentation requirements for exports, which would enable supply chain

31 The World Bank, *Análisis Preliminar Sobre Gobernabilidad y Cumplimiento de la Legislación del Sector Forestal en el Perú* (Oct. 2006), <http://documents.worldbank.org/curated/pt/965731468099279830/pdf/805050WPOSPANIOBox0379805B00PUBLICO.pdf>. Ver también, Environmental Investigation Agency, *La Máquina Lavadora* (2012), p. 8, https://launderingmachine.files.wordpress.com/2012/04/spanish_report_eia_final2.pdf.

32 Francesca García Delgado, OSINFOR: 80% de inspecciones contra tala ilegal irregulares, El Comercio (Sep. 15, 2016), <http://elcomercio.pe/peru/osinfor-80-inspecciones-tala-ilegal-irregulares-259137>.

33 Reportes estadísticos SIGO – OSINFOR. <http://observatorio.osinfor.gob.pe:96/Home/Reportes/4>.

34 OSINFOR, *Resultados de las Supervisiones y Fiscalizaciones Efectuadas por el OSINFOR en el Marco del Operativo Internacional “Operación Amazonas 2014”* (Oct. 2015), <http://www.osinfor.gob.pe/wp-content/uploads/2015/10/Operaci%C3%B3n-Amazonas-19-octubre.pdf>. The National Superintendent of Customs and Tax Administration (SUNAT) led an international operation called “Operación Amazonas 2014,” with the support of the World Customs Organization (WCO), which became its main ally in the organization of this operation. SUNAT was thereby able to involve other organizations, such as INTERPOL, the customs agencies of other countries (United States, Mexico, Brazil) and the Organization for the Supervision of Forest and Wildlife Resources (OSINFOR). In the development of the “Operación Amazonas 2014,” SUNAT carried out extraordinary control actions for high-risk exporters, compiling the GTFs of the timber products to be exported. OSINFOR carried out supervisions in the areas of the logging titles included in the GTFs. The organizations were able to identify a series of irregularities in the use of the forest resources of Peru, with the

most serious being the illegal harvest of trees from unauthorized areas that, in turn, were exported by different companies.

35 Id.

36 Operaciones de INTERPOL Contra el Comercio de Madera Ilegal en África y América. Incautada Madera de Procedente de la Tala Ilegal Valorada en Mas de 262 Millones de dólares, International Criminal Police Organization-INTERPOL (Nov. 26 2015), <https://www.interpol.int/es/Centro-de-prensa/Noticias/2015/N2015-206/>.

37 Nelly Luna Amancio, *Operación Amazonas: La Historia de la Mayor Incautación de Madera de Origen Ilegal*, La República (Dic. 3, 2015), <http://larepublica.pe/imprensa/politica/723051-operacion-amazonas-la-historia-de-la-mayor-incautacion-de-madera-de-origen-ilegal>.

38 Oficio N° 105-2016-OSINFOR/01.2 Información final de los resultados de las supervisiones realizadas al total de los títulos habilitantes y planes de manejo comprendidos e el caso de la embarcación Yacu Kallpa del 24 de noviembre del 2015.

39 OFICIO MÚLTIPLE N° 2 – 2016 MINCETUR/DM. Solicitud de verificación por parte del Gobierno de los EEUU en el marco del Anexo sobre Manejo del Sector Forestal del APC Perú – EEUU.

40 Morgan Erickson-Davis, *Timber from Peru 90 Percent Illegal, Finds Report Issued by U.S. Gov’t*, Mongabay (Aug. 18, 2016), <https://news.mongabay.com/2016/08/timber-from-peru-90-percent-illegal-finds-report-issued-by-u-s-govt/>.

traceability for timber products to be exported, before the end of the first quarter of 2017.⁴¹ If these reforms were successfully implemented, they could help address and reduce the high rate of illegal exports of timber. However, as of the date of publication in mid-November 2017, it remains to be seen whether the commitments will be implemented.

Some institutions of the Peruvian State, such as the Specialized Public Prosecutor's Office in Environmental Matters (FEMA), the Judicial Branch, the Public Prosecutor's Office specialized in Corruption Offenses, the Public Prosecutor's Office specialized in Money Laundering Offenses and Loss of Financial Research (FIU),

the Public Prosecutor's Office specialized in Environmental Crimes, OSINFOR, and the Directorate of Tourism and Environmental Protection of the Peruvian National Police have increased their efforts to deal with the scourge of illegal logging.⁴² A number of legislative decrees have also been approved to strengthen measures to combat illegal logging,⁴³ environmental crime,⁴⁴ organized crime,⁴⁵ and money laundering.⁴⁶ However, there is a significant weakness in the implementation of these legislative decrees, due in part to the fact that the competent authorities do not have an adequate budget for their timely and full implementation and enforcement.

2. METHODOLOGY

In undertaking this research we reviewed 865 Visual Inspection Certificates (Certificates) of timber shipments for export, issued by SERFOR's Technical Forestry and Wildlife Administration (ATFFS) in the port of Callao, Lima, Peru, from 2015.

It should be noted that the total number of Certificates issued during 2015 is unknown, since Peru does not have an information system that allows real-time access to data on logging titles. However, we used the value of the exports included in the Certificates we analyzed from the port of Callao to identify the approximate percentage it represents of the total exports in 2015. Using the export data of the National Superintendent of Customs and Tax Administration (SUNAT), updated up through August 1, 2017, the total FOB ("free on board") value of exports classified under tariff code HS44, which corresponds to lumber and other timber products, was \$176,312,733.92⁴⁷ for 2015. UN Comtrade data for exports from Peru for the same year for tariff code HS44 is \$144,586,718.⁴⁸ It is likely that the reason for which the value of UN Comtrade is lower than that reported by SUNAT is due to the fact that the values reported by companies to SUNAT can be updated after shipment, so the export figures increase with the passage of time. The value of declared exports in the Certificates we analyzed was \$39,954,139.92, or about 23% of the total of the HS44 tariff classification exports from

Peru for 2015, based on the total value of exports reported by SUNAT.

From an initial review of the 865 Certificates, a decision was taken to exclude 10 Certificates corresponding to Convention on International Trade for Endangered Species (CITES) export permits that were not accompanied by Forest Transport Permits (GTFs), leaving a total of 855 Certificates.

We then analyzed the 2364 GTFs linked to the 855 Certificates. The GTFs were issued by the different Regional Forestry and Wildlife Authorities and SERFOR's Forest and Wildlife Technical Administrations throughout Peru. The subsequent steps involved cross referencing the information between the logging titles and the Forest Management Plans (FMP) identified in the GTFs, with the information available in SIGO⁴⁹.

The revision and analysis of the Certificates and GTFs allowed us to systematize the information and create a database containing, among other fields, information on destination countries, importers, exporters, logging title numbers, species, volume, timber owners, warehouse centers, names of the officials who participated in the granting of the GTF, and names of the officials who participated in the visual inspections at the port of export, and other data. The database contains information on all the actors who participated along the supply chain.

41 Lima, Declaración Conjunta de las Reuniones Perú – Estados Unidos Consejo de Asuntos Ambientales, Comisión de Cooperación Ambiental y Sub-Comité sobre el Manejo del Sector Forestal (Nov. 4, 2016), http://www.acuerdoscomerciales.gob.pe/images/stories/eeuu/docs/Comunicado_Conjunto_VersionFinal.pdf.

42 Redacción LR, Ex Premier Juan Jiménez Destaca Combate a la Tala Ilegal en el Perú. La República (Dic. 3, 2015), <http://larepublica.pe/impres/politica/723057-ex-premier-juan-jimenez-destaca-combate-la-tala-ilegal-en-el-peru>.

43 Decreto Legislativo N° 1220 establece medidas para la lucha contra la Tala Ilegal, <http://extwprlegs1.fao.org/docs/pdf/per148177.pdf>.

44 Decreto Legislativo N° 1237 Modifica e Código Penal aprobado por el Decreto Legislativo N° 635

45 Decreto Legislativo N° 1244 fortalece la Lucha Contra el Crimen Organizado y la Tenencia

ilegal de Armas. Artículo 3, numeral 15 Delitos ambientales, en las modalidades delictivas tipificadas en los artículos 307-A, 307-B, 307-C, 307-D y 307-E, 310-A, 310-B y 310-C del Código Penal.

46 Decreto Legislativo N° 1249, que dicta medidas para fortalecer la prevención, detección y sanción del lavado de activos y el terrorismo. Artículo 3.4. Están obligadas a proporcionar información, de acuerdo a lo requerido por la UIF-Perú: numeral 19. El Organismo de Supervisión de los Recursos Forestales y de Fauna Silvestre-OSINFOR.

47 Estadísticas y Estudios, SUNAT – Aduanas, <http://www.sunat.gob.pe/estadisticasestudios/index.html>.

48 UN Comtrade Database, <https://comtrade.un.org/data/>.

49 Sistema de Información Gerencial del OSINFOR – SIGO^{SFC}, Junio 2016. OSINFOR, <http://www.osinfor.gob.pe/wp-content/uploads/2016/07/Sigo-2016-copia.pdf>.

Overview of steps in the organization of information and creation of the database

Sources of Information

1. Certificates of Visual Inspection

[illegible]

2. Forest Transport Permit

[illegible]

3. Organization of Information

GTF_01_2015
 GTF_01_2016
 GTF_02_2015
 GTF_03_2015
 GTF_04_2015
 GTF_05_2015
 GTF_06_2015
 GTF_07_2015
 GTF_08_2015
 GTF_09_2015
 GTF_10_2015
 GTF_11_2015
 GTF_12_2014
 GTF_12_2015

Consortium Industrial Forestal SAC
 Corporacion Industrial Forestal SAC
 Corporacion Maderera Loreto SAC
 Grupo Vargas Ne...s Amazonicos SAC
 Hermanos Forestal SAC
 Industria Forestal Huayruro SAC
 Inversiones La Orosa SRL
 Inversiones Tecn...s Maderables SAC
 JR Muye Investment SAC
 Logistica Maderera Selva SCRL
 Lumat Maderas SAC
 Maderera Bozovich SAC
 663 Acta de in...19-2015-TP.pdf
 664 Acta de in...20-2015-TP.pdf
 665 Acta de in...21-2015-TP.pdf
 666 Acta de in...44-2015-TP.pdf
 667 Acta de in...47-2015-TP.pdf
 668 Acta de in...94-2015-TP.pdf
 669 Acta de in...95-2015-TP.pdf
 Maderera Cinco Estrellas SAC
 Maderera Pacifico International SRL
 Maderera Rio Acre SAC
 Negocios Maderera Travi Satipo SAC
 Peruvian Forests SAC
 Peruvian Woods Company EIRL
 Podium Forestal SAC
 GTF_09_2015
 GTF_10_2015

6. Verification in OSINFOR's SIGO SEC

cusevatorio.osinfor.gob.pe:93/SIGO/Reporte...

SISTEMA DE INFORMACIÓN GERENCIAL DEL ECUADOR

SIGO

SFC

Supervisión, Fiscalización y Capacitación

Seleccione opción:

Título	Número	Título Habilitante
		D4VTH

Ingrese Imagen

Buscar

Usemos responsablemente

5. Consultation in SUNAT: DNI, RUC, legal representative, etc.

The screenshot shows a web browser window with the address bar displaying <http://e-consultaruc.sunat.gob.pe/dl-ti-itmrconruc/jcrS00Alías>. The page title is "CRITERIOS DE BÚSQUEDA:". Below the title, there is a section titled "Número de RUC" with a radio button selected. Underneath, there are three radio buttons for "Tipo y Número de Documento de": "Identidad" (selected), "Documento Nacional de Identidad", and "Nombre & Razón Social". To the right of these options, there is a text input field and a "Buscar" button. Below the input field, there is a message: "Ingrese el código que se muestra en la imagen:" followed by a "Refrescar código" link. The background of the page is green with a white diagonal stripe. The URL in the address bar is highlighted with a blue box.

4. Information Analysis

The screenshot shows a Microsoft Excel spreadsheet titled "reporte_posg.xlsx". The spreadsheet is divided into three tabs: "Reporte 1", "Reporte 2", and "Reporte 3". The "Reporte 1" tab is active, showing a list of names and their corresponding "RUC" (Tax ID) numbers. The "Reporte 2" tab is also visible, showing a list of names and their corresponding "RUC" numbers. The "Reporte 3" tab is partially visible at the bottom. The spreadsheet is open on a Windows 7 desktop, with various application icons visible in the taskbar and background.

Reporte 1	Reporte 2	Reporte 3
1 Titulo	1	1
2 17-TAMC-PYA-067-04	2	2
3 17-TAMC-PYA-067-04	3	3
4 17-TAMC-PYA-067-04	4	4
5 17-TAMC-PYA-067-04	5	5
6 17-TAMC-PYA-067-04	6	6
7 17-TAMC-PYA-067-04	7	7
8 17-TAMC-PYA-067-04	8	8
9 17-TAMC-PYA-067-04	9	9
10 17-TAMC-PYA-067-04	10	10
11 17-TAMC-PYA-067-04	11	11
12 17-TAMC-PYA-067-04	12	12
13 17-TAMC-PYA-067-04	13	13
14 17-TAMC-PYA-067-04	14	14
15 17-TAMC-PYA-067-04	15	15
16 17-TAMC-PYA-067-04	16	16
17 17-TAMC-PYA-067-04	17	17
18 17-TAMC-PYA-067-04	18	18
19 17-TAMC-PYA-067-04	19	19
20 17-TAMC-PYA-067-04	20	20
21 17-TAMC-PYA-067-04	21	21
22 17-TAMC-PYA-067-04	22	22
23 17-TAMC-PYA-067-04	23	23
24 17-TAMC-PYA-067-04	24	24
25 17-TAMC-PYA-067-04	25	25
26 17-TAMC-PYA-067-04	26	26
27 17-TAMC-PYA-067-04	27	27
28 17-TAMC-PYA-067-04	28	28
29 17-TAMC-PYA-067-04	29	29
30 17-TAMC-PYA-067-04	30	30
31 17-TAMC-PYA-067-04	31	31
32 17-TAMC-PYA-067-04	32	32
33 17-TAMC-PYA-067-04	33	33
34 17-TAMC-PYA-067-04	34	34
35 17-TAMC-PYA-067-04	35	35
36 17-TAMC-PYA-067-04	36	36
37 17-TAMC-PYA-067-04	37	37
38 17-TAMC-PYA-067-04	38	38
39 17-TAMC-PYA-067-04	39	39
40 17-TAMC-PYA-067-04	40	40
41 17-TAMC-PYA-067-04	41	41
42 17-TAMC-PYA-067-04	42	42
43 17-TAMC-PYA-067-04	43	43
44 17-TAMC-PYA-067-04	44	44
45 17-TAMC-PYA-067-04	45	45
46 17-TAMC-PYA-067-04	46	46
47 17-TAMC-PYA-067-04	47	47
48 17-TAMC-PYA-067-04	48	48
49 17-TAMC-PYA-067-04	49	49
50 17-TAMC-PYA-067-04	50	50
51 17-TAMC-PYA-067-04	51	51
52 17-TAMC-PYA-067-04	52	52
53 17-TAMC-PYA-067-04	53	53
54 17-TAMC-PYA-067-04	54	54
55 17-TAMC-PYA-067-04	55	55
56 17-TAMC-PYA-067-04	56	56
57 17-TAMC-PYA-067-04	57	57
58 17-TAMC-PYA-067-04	58	58
59 17-TAMC-PYA-067-04	59	59
60 17-TAMC-PYA-067-04	60	60
61 17-TAMC-PYA-067-04	61	61
62 17-TAMC-PYA-067-04	62	62
63 17-TAMC-PYA-067-04	63	63
64 17-TAMC-PYA-067-04	64	64
65 17-TAMC-PYA-067-04	65	65
66 17-TAMC-PYA-067-04	66	66
67 17-TAMC-PYA-067-04	67	67
68 17-TAMC-PYA-067-04	68	68
69 17-TAMC-PYA-067-04	69	69
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71 17-TAMC-PYA-067-04	71	71
72 17-TAMC-PYA-067-04	72	72
73 17-TAMC-PYA-067-04	73	73
74 17-TAMC-PYA-067-04	74	74
75 17-TAMC-PYA-067-04	75	75
76 17-TAMC-PYA-067-04	76	76
77 17-TAMC-PYA-067-04	77	77
78 17-TAMC-PYA-067-04	78	78
79 17-TAMC-PYA-067-04	79	79
80 17-TAMC-PYA-067-04	80	80
81 17-TAMC-PYA-067-04	81	81
82 17-TAMC-PYA-067-04	82	82
83 17-TAMC-PYA-067-04	83	

3. RESULTS

From the analysis of the 855 Visual Inspection Certificates (Certificates) and their associated 2364 Forest Transport Permits (GTFs), we identified that these correspond to 347 logging titles from a range of different types of harvest modalities (Forest Permits in Indigenous Communities, Forest Concessions for Timber, Local Forests, Forest Permits in Private Lands, Complementary Plans in Chestnut Concessions, and Forestation and Reforestation Concessions). There are 67 exporters from Peru and 186 importers associated with the timber exports in a range of countries.

The results presented below are organized into two sections of the report:

3.1 Report and analysis based on the 855 Certificates and the 2364 GTFs, including analysis of the destinations by continent, country, supervised Forest Management Plans (FMPs), unsupervised FMPs, FMPs that do not indicate the harvest year, and illegible GTFs.

3.2 Report and analysis of supervised GTFs and their level of risk, based on the reports in SIGO_{SFC}.

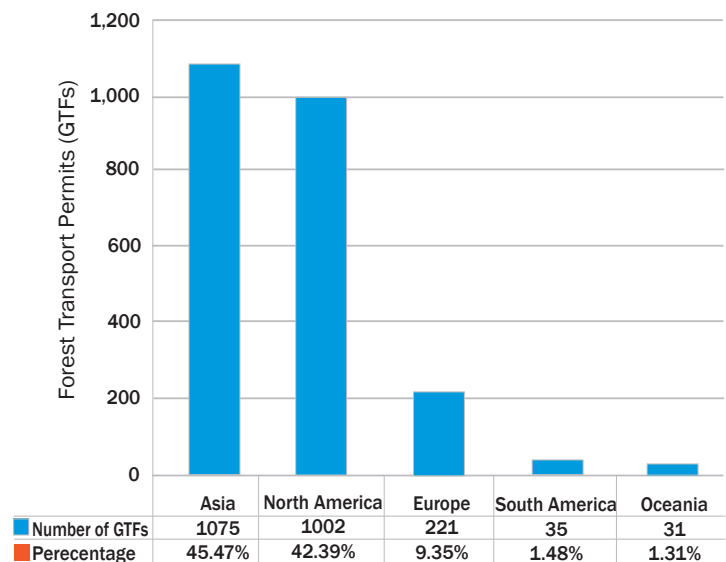
All percentages presented are based on the numbers of GTFs used in each category.

3.1 ANALYSIS OF THE FOREST MANAGEMENT PLANS INCLUDED IN FOREST TRANSPORT PERMITS

3.1.1 Export Destinations by Continent

According to the Certificates and associated GTFs, exports went to five continents. Asia was the primary recipient, with 45.47% of the total GTFs, followed by North America with 42.39%, then Europe with 9.35%, South America with 1.48%, and Oceania with 1.31%. Asia and North America represent 87.86% of total imports in the dataset.

Graph N° 01: Destination of Timber Exports by Continent



3.1.2 Exporting Companies and Importing Countries

Based on the review of Certificates, we identified 67 Peruvian exporters that sold wood worldwide. Six exporters sold 50.17% of all the GTFs analyzed in the present investigation. In descending order, the companies are: Maderera Bozovich with 17.55%, Inversiones La Oroza SAC with 11%, Peruvian Flooring SAC with 9.09%, Inversiones Técnicas Maderables SAC with 4.74%, Consorcio Maderero SAC with 4.06%, and Maderera Rio Acre SAC with 3.72%.

Table N° 01: Exporting Companies by Destination Continent

Exporters	Number of GTFs	Asia	North America	Europe	South America	Oceania
Maderera Bozovich SAC	415	8%	87%	0%	4%	0%
Inversiones La Oroza SRL	260	2%	88%	11%	0%	0%
Peruvian Flooring SAC	215	99%	0%	1%	0%	0%
Inversiones Técnicas Maderables SAC	112	0%	100%	0%	0%	0%
Consorcio Maderero SAC	96	93%	7%	0%	0%	0%
Maderera Rio Acre SAC	88	33%	0%	67%	0%	0%
Negociación Maderera Travi Satipo SRL	71	41%	59%	0%	0%	0%
Maderera Pacífico International SRL	68	100%	0%	0%	0%	0%
Maderera Cinco Estrellas SAC	66	100%	0%	0%	0%	0%
Maderera Diaisi EIRL	64	100%	0%	0%	0%	0%
JR Muye Investment SAC	60	100%	0%	0%	0%	0%
Industria Forestal Huayruru SAC	49	22%	6%	71%	0%	0%
E & J Matthei Maderas del Peru S.A	45	0%	0%	36%	0%	64%
Logística Maderera Selva SCRL	44	100%	0%	0%	0%	0%
Lumat Maderas SAC	40	0%	93%	0%	8%	0%
Hermanos Forestal SAC	39	100%	0%	0%	0%	0%
Industrias Madex EIRL	39	0%	100%	0%	0%	0%
Maderap SAC	38	89%	0%	0%	11%	0%
Aserradero Espinoza SA	37	3%	32%	65%	0%	0%
Arbe Lumber SAC	35	100%	0%	0%	0%	0%
SUTAY Company SRL	35	100%	0%	0%	0%	0%
Peruvian Woods Company EIRL	27	0%	96%	0%	4%	0%
Corporación Maderera Loreto SAC	26	0%	100%	0%	0%	0%
Grupo Vargas Negocios Amazónicos SAC	26	69%	12%	19%	0%	0%
Corporación Industrial Forestal SAC	25	0%	100%	0%	0%	0%
Olinda Shuña Perez	23	100%	0%	0%	0%	0%
Corporación Forestal Claudita SAC	21	48%	14%	38%	0%	0%
IMK Maderas SAC	20	60%	20%	20%	%	0%
Inversiones WCA EIRL	20	0%	60%	0%	40%	0%
Maderera Vulcano SAC	20	30%	20%	45%	5%	0%
KMU Perú SAC	19	100%	0%	0%	0%	0%
Casa Ideal Constructores SAC	17	100%	0%	0%	0%	0%
Industrial Ucayali SAC	16	100%	0%	0%	0%	0%
Tender SAC	16	0%	100%	0%	0%	0%
King Forest SAC	14	0%	14%	86%	0%	0%
Aserradero Denis SAC	12	100%	0%	0%	0%	0%
Peruvian International Trading Co., Ltd.	11	100%	0%	0%	0%	0%
Industria Forestal Iquitos SRL	9	0%	100%	0%	0%	0%
Podium Forestal SAC	9	100%	0%	0%	0%	0%

Table N° 01: Exporting Companies by Destination Continent

Exporters	Number of GTFs	Asia	North America	Europe	South America	Oceania
Super Pisos SA	9	0%	11%	89%	0%	0%
Weiman SAC	9	100%	0%	0%	0%	0%
Global Wood SAC	8	50%	0%	50%	0%	0%
International General Trade SAC	8	0%	100%	0%	0%	0%
Santa Angela Group SAC	8	38%	63%	0%	0%	0%
Aserradero Victoria SAC	7	100%	0%	0%	0%	0%
LH Timber Company SAC	7	100%	0%	0%	0%	0%
Comercial Maderera del Cuadro SAC	6	50%	0%	50%	0%	0%
Comercio Internacional Amazónico EIRL	5	100%	0%	0%	0%	0%
Hongxing SAC	5	60%	40%	0%	0%	0%
NCS American Forestal SAC	5	100%	0%	0%	0%	0%
Enterprise Forestal e Inmobiliaria SAC	4	50%	50%	0%	0%	0%
Grupo WAYUAN SAC	4	100%	0%	0%	0%	0%
International Santa Fe SRL	4	100%	0%	0%	0%	0%
Inversiones de la Selva Peruana Nathaly SAC	4	100%	0%	0%	0%	0%
Maderera DGP SAC	4	0%	100%	0%	0%	0%
Pacific Wood SAC	4	100%	0%	0%	0%	0%
Corporación Tori SAC	2	0%	0%	100%	0%	0%
DMEXP SAC	2	100%	0%	0%	0%	0%
Global Wood Company SAC	2	0%	100%	0%	0%	0%
Green Gold Forestry Peru SAC	2	0%	0%	100%	0%	0%
Inversiones Generales Ximjolo SAC	2	0%	100%	0%	0%	0%
CKD Trading SAC	1	0%	100%	0%	0%	0%
Ego Wood SAC	1	0%	100%	0%	0%	0%
King Lumber Company SAC	1	100%	0%	0%	0%	0%
LOEB & Ximena EIRL	1	0%	100%	0%	0%	0%
Metals Precious SAC	1	0%	100%	0%	0%	0%
Triplay Iquitos SAC	1	0%	0%	0%	100%	0%
Total	2364	45.47%	42.39%	9.35%	1.48%	1.31%

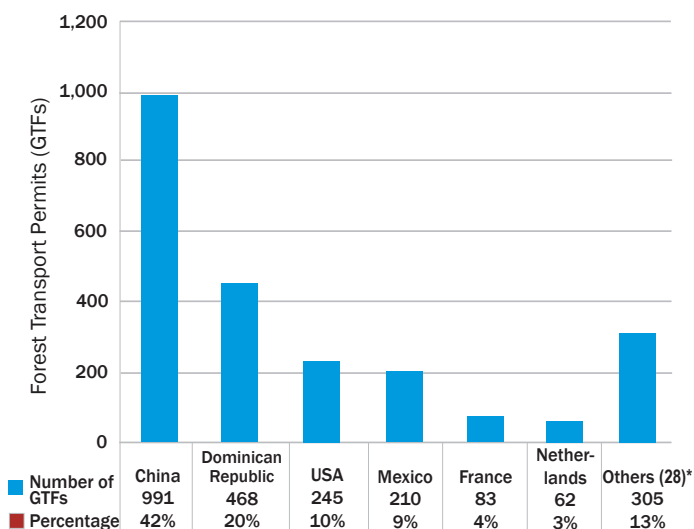
Note: Due to rounding, some of the percentages do not equal 100%.

Between 90% and 100% of the GTFs from the top five exporters went to Asia and North America. The total exports are highly concentrated in Asia and North America as well.

3.1.3 Main Importing Countries

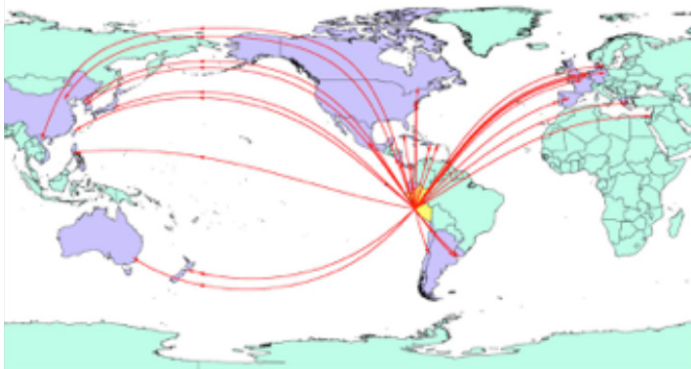
From the analysis of the 855 Certificates and associated 2364 GTFs, 34 importing destinations were identified. In descending order they are: China with 42% of the total GTFs, the Dominican Republic with 20%, the United States with 10%, Mexico with 9%, France with 4%, and the Netherlands with 3%. The remaining 13% are made up of a number of countries whose individual percentage values are in the range of 0.04 - 1.65%.

Graph N° 02: Primary countries importing timber from the Port of Callao, Lima, Peru



(*) Argentina, Australia, Belgium, Canada, Chile, Costa Rica, Cuba, Denmark, Ecuador, Spain, Greece, Hong Kong, Israel, Japan, South Korea, Nicaragua, New Zealand, Panama, Polynesia, Portugal, Puerto Rico, United Kingdom, Taiwan, Uruguay, Vietnam.

Map 01: Countries importing timber from the port of Callao, Lima, Peru

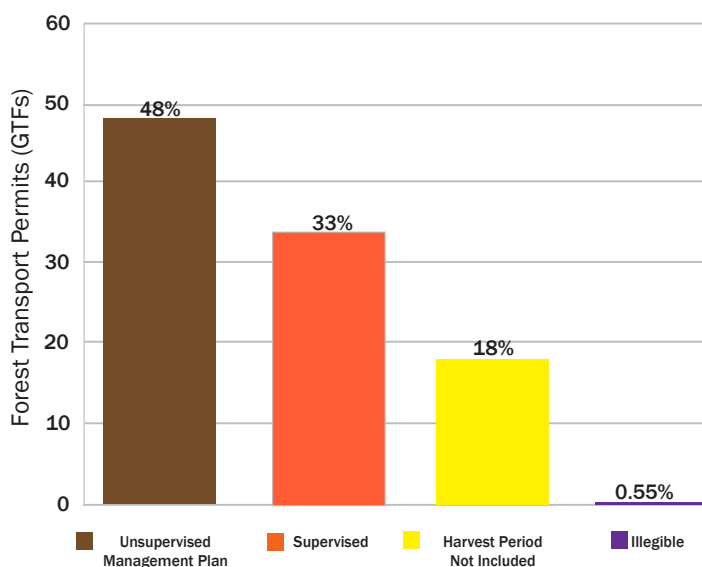


The results shown in Graph N° 02 are similar to that found by the Association of Exporters of Peru (ADEX) in 2008, when they noted that China was the largest purchaser of Peruvian timber, followed by Mexico, and then the US.⁵⁰ They also noted that the Dominican Republic was an important destination.⁵¹

3.1.4 Forest Management Plans in Forest Transport Permits

Based on the identification of destination continents and countries, information contained, in SIGO_{SFC}⁵² and the analysis of the 2364 GTFs, we found that only 33% of the FMPs used for exported timber were supervised. Of the 2364 GTFs, 48% of the FMPs were not supervised, 18% did not indicate the FMP harvest year, and 0.55% of GTFs were illegible.

Graph N° 03: Status of FMPs in the 2364 GTFs



As seen in Graph N° 03, 48% of the FMPs from the 2364 GTFs were not supervised by OSINFOR, making it impossible to determine whether the exported timber was legally or illegally harvested. In addition, the FMPs harvest year is not included in 18% of the GTFs, which is needed to be able to identify the area authorized for harvest. It is important to note that some of these FMP come from logging titles with Forest Management Certification

50 China es el Mayor Exportador de Madera, Gestión, <http://gestion.pe/noticia/353139/china-principal-comprador-madera-peruana>.

51 Id.

52 OSINFOR, Supervisión, Fiscalización y Capacitación, Sistema de Información Gerencial del OSINFOR – SIGO_{SFC} (Jun. 2016), <http://www.osinfor.gob.pe/wp-content/uploads/2016/07/Sigo-2016-copia.pdf>. [OSINFOR, supra note 21]



from the Forest Stewardship Council (FSC). With such a certification, documentation should provide transparent information related to the source of the exported product, including harvest area.

It is important to note that in “Operation Amazonas 2014,” of the total number of GTFs sent by SUNAT to OSINFOR, 76.5% of the logging titles did not exist in OSINFOR’s records because the granting forest authority had not notified OSINFOR of the approval of the FMPs⁵³—in breach of their obligation to share such information within 15 days of approval.⁵⁴ This omission prevents the timely supervision by OSINFOR, thereby creating a risk that timber of illegal origin has been sold in the local market, as well as in regional, national, and international markets.⁵⁵

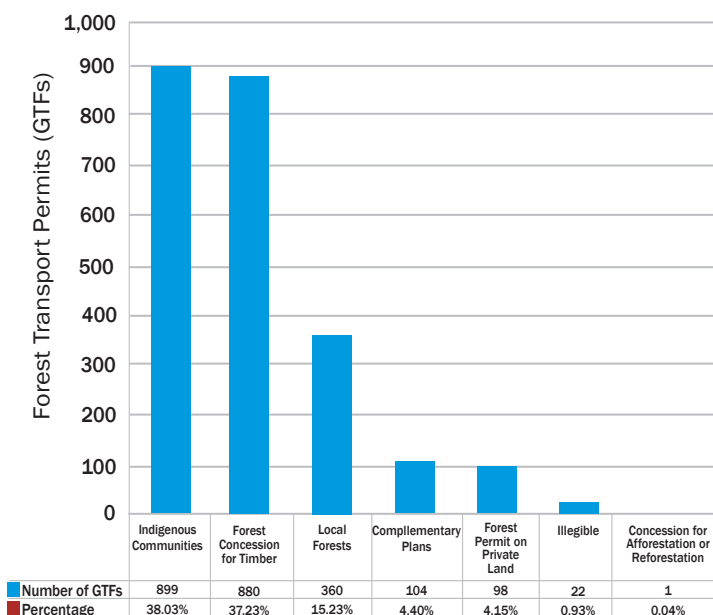
In 2014, OSINFOR contacted the different actors in the forestry sector regarding the possibility of collaborating to guarantee origin and/or legality for timber purchases made by both legal and natural persons. In a letter sent to the main actors in the sector, OSINFOR invited them to consult SIGO_{SFC} to verify the status of the logging title before purchasing timber. In addition, OSINFOR offered interested parties the option of requesting that OSINFOR undertake a supervision of a particular FMP in cases where SIGO_{SFC} did not have a report on it already.⁵⁶ However, as of the beginning of 2016 no exporter had ever requested this type of supervision.

Of the 48% of the non-supervised FMPs, as indicated in Chart N° 03 and based on the consultation in SIGO_{SFC}, there are different harvest modalities whose FMPs were not supervised. The following were unsupervised: 54% of Forest Permits in Indigenous Communities, 85% of Forest Concessions for Timber, 47% of Local Forests, 38% of Private Forestry Permits, and 76% in Complementary Plans. In order to determine the condition of the timber exported under the 2364 GTFs we reviewed, OSINFOR would need to undertake supervisions of the non-supervised FMPs.

3.1.5 Forest Harvest Modalities Included in the Forest Transport Permits

Based on the analysis of the 2364 GTFs used to export timber from Callo in 2015, we found that they are linked to 347 logging titles. We also identified that the greatest number of GTFs correspond to Forest Permits in Indigenous Communities, with 38.03% of the total GTFs, followed by Forest Concessions with 37.23%, Local Forests with 15.23%, Management Plans for Chestnut Concessions with 4.40%, Forest Permits in Private Land with 4.15%, and Forestry and Reforestation Concessions with 0.04%. In addition, 0.93% of GTFs are illegible, preventing identification of the corresponding logging title and FMP.

Graph N° 04: Forest Harvest Modalities Included in the GTFs



53 Operación Amazonas 2014. OSINFOR. <http://www.osinfor.gob.pe/wp-content/uploads/2015/10/Operaci%C3%B3n-Amazonas-19-octubre.pdf>

54 Reglamento de Decreto Legislativo 1085, Disposiciones complementarias Finales, Segunda.- Remisión de información para el cumplimiento de las funciones de OSINFOR.

55 Operación Amazonas 2014. OSINFOR. <http://www.osinfor.gob.pe/wp-content/uploads/2015/10/Operaci%C3%B3n-Amazonas-19-octubre.pdf> [OSINFOR, supra nota 32]

56 OFICIO N° 046-2014-OSINFOR/011. Información sobre comprobación de origen de manejo responsable de productos provenientes del bosque.

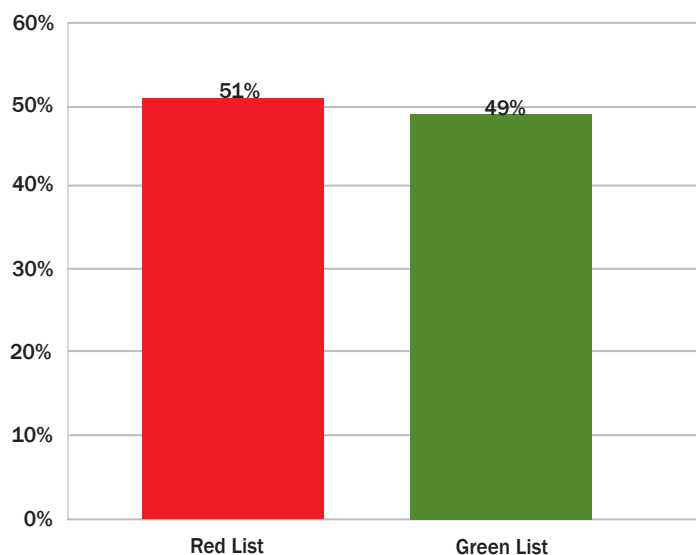
When analyzing the 767 GTFs sent by SUNAT to OSINFOR in “Operation Amazonas 2015,” a total of 186 logging titles were identified. At that time, 41% were from Forest Timber Concessions, followed by 31% from Local Forests, 26% from Forest Permits in Indigenous Communities, and 2% from Forest Permits on Private Land.⁵⁷

3.2 Analysis of the Forest Management Plans Included in the Supervised Forest Transport Permits

This section includes analysis of only the FMPs supervised by OSINFOR. This sample is limited to 791 GTFs—out of the total of 2364—and allows us to assess, based on the results in the SIGO_{SFC} reports, whether they are at risk for illegal timber trade (“red list”) or have tolerable or no risk for illegal timber trade (“green list”).

According to the analysis of the 791 GTFs containing FMPs supervised by OSINFOR, we identified that 51% of the GTFs include high-risk FMPs (“red list”) and 49% include FMPs with a negligible or nonexistent risk for illegal timber trade (“green list”). It is important to note that sample trees supervised by OSINFOR do not necessarily include all species within each FMP. However, even if the species exported is not the same as the supervised species, the fact that the FMP is on the “red list” means that there is a high risk of illegality for all species, since timber harvest (or lack thereof) in the harvest area violated forestry laws or regulations, or damaged forest resources.

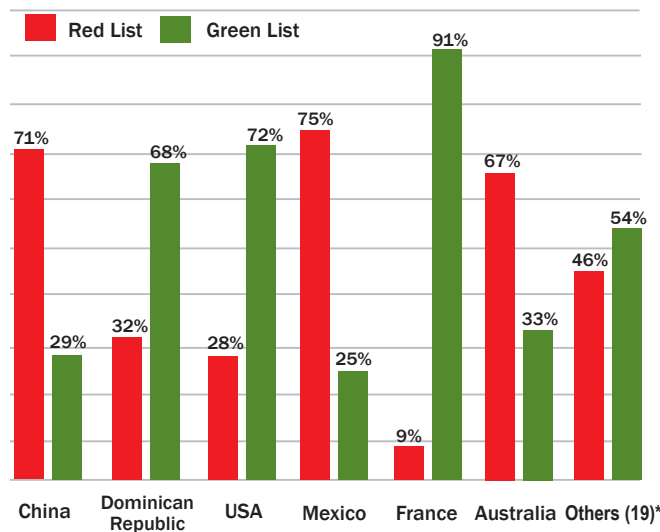
Graph N° 05: FMPs Supervised by OSINFOR included in the GTFs



3.2.1 Supervised Forest Management Plans by Country of Import

By comparing the FMPs of the logging titles that were included in the 2015 data for GTFs supervised by OSINFOR, we were able to obtain the status by country of import as presented in the following graph:

Graph N° 06: Condition of Supervised FMPs by Country of Import



Consumer countries without laws prohibiting the entry of illegal timber and requiring due diligence by importers allow unscrupulous exporters to exploit this weakness and export timber with GTFs that are on the “red list.” Conversely, countries whose legislation is more demanding, such as in the United States and Europe, make the entry of high-risk wood more difficult. Graph N° 6 illustrates this trend. For example, the percentage of GTFs on the “red list” for exports to the US and France is lower, while China and Mexico have higher percentages. These results show the possibility that exporters may use the SIGO_{SFC} to select the FMPs that are on the “green list” based on the regulations in the consumer country destination.

3.2.1.1 Mexico

Mexico’s forestry law does not currently prohibit imports of illegal timber. There were two recent cases in which the weaknesses of the Mexican system have allowed the transit of two shipments containing illegally sourced timber on the Yacu Kallpa. In September 2015, a shipment left the Port of Iquitos carrying timber that was discharged, detained,

57 OSINFOR, Resultados de las Supervisiones y Fiscalizaciones Efectuadas por el OSINFOR en el Marco del Operativo Internacional “Operación Amazonas 2015” (Jun. 2016), <http://www.osinfor.gob.pe/wp-content/uploads/2016/07/Operaci%C3%B3n-Amaz%C3%B3n-2015-6-ok.pdf>.

and then released in Mexico. Although it had official documentation, the documentation from Peru was found to contain false information, which confirmed the timber was of illegal origin.⁵⁸ In addition, in February 2016, another shipment was unloaded and seized in Mexico by order of the Peruvian government, including timber destined for Mexico and the United States.⁵⁹ As the export data from Callao demonstrates, three quarters of the supervised timber exported to Mexico is on the “red list,” which is even greater than the percentage of high-risk supervised exports to China.

3.2.1.2 China

Although China is the world’s largest importer of timber,⁶⁰ China still lacks legislation to prevent illegal timber imports. As the world’s largest plywood producer,⁶¹ China also lacks effective systems for identifying species and verifying the legality of the wood. The UK Competent Authority—the government office responsible for implementing and monitoring the European Union Timber Regulation—stated “studying the supply chains as a whole, unreliability of paperwork was ubiquitous, indicating that this is a clear area for concern in due diligence procedures.”⁶² The fact that China does not prohibit imports of illegal timber is reflected in the export data from Callao, which has a much higher percentage of the supervised timber from the “red list” going to China (71%), as compared with the “green list.” This is a high percentage, given the fact that 42% of timber exports from Callao in the dataset were destined for China.

3.2.1.3 United States

In 2008, the Lacey Act was amended to extend its protections to imports of plants and their products, thereby creating a powerful new tool in the US to address trade in illegal timber products.⁶³ Under the Lacey Act, trade in illegally harvested wood is a violation of the law, and

importers of timber products are required to provide customs with information about species, including scientific name, country of harvest, and volumes of each timber shipment.⁶⁴ In recent years, high-profile cases of Lacey Act violations have led to increased awareness and reduced imports of illegal timber.⁶⁵

Of the six cases brought for violations of the 2008 Lacey Act Plant Amendments, three of them were for wood from Peru—two for exports in 2015. Two shipments of wood exported from Iquitos, Peru and seized under Lacey Act investigations led to the largest destruction of illegal timber ever under the law.⁶⁶ In addition, the US importers agreed to pay for all costs related to storage, transport, and destruction of the timber.⁶⁷

As the US has increased scrutiny of Peruvian timber exports, where the risk of sourcing illegal timber is extremely high,⁶⁸ Peruvian companies have sought to export timber with documents from the “red list” to other markets, including China and Mexico. However, the ultimate destination of this Peruvian timber merits further investigation, as it is likely that at least some of it is processed, or simply transits through another country, before ending up the United States or Europe.

It is notable that a much higher percentage of the exports from Callao to the United States in 2015 were from the “green list” (72%) rather than the “red list,” even before the full effects of the two Lacey Act cases based on exports from Iquitos were experienced. However, it is worrying that even 28% of Peruvian timber exports to the United States had documentation included in the “red list.” Furthermore, the percentage would likely be higher if information from non-supervised FMPs were also included. The high percentages of illegal Peruvian timber continue, despite a decade of legal commitments, investment, and international cooperation under the US-Peru FTA⁶⁹ and the Lacey Act Plant Amendments.

58 90 % de madera exportada por Perú a EEUU tendría origen ilegal, Servindi (Aug. 18, 2016), <https://www.servindi.org/actualidad-noticias/18/08/2016/90-por-ciento-de-madera-exportada-por-el-peru-eeuu-tiene-origen>.

59 Jacqueline Fowks, EE UU sospecha de cargamentos peruanos con madera ilegal, El País (Feb. 28, 2016), https://elpais.com/internacional/2016/02/29/america/1456713416_915153.html.

60 China: Highlighting the Need for China to Require its Importers to Source Legal Wood Products by Tracking Illegally Logged Timber Through China to Final Consumer Markets, Environmental Investigation Agency US (2016), <https://eia-global.org/subinitiatives/china-forest>.

61 Food and Agriculture Organization of the United Nations. (2015). FAO Stat, <http://www.fao.org/faostat/en/?#search/plywood>

62 Nicolas Pillet & Michael Sawyer, Enforcement Authority National Measurement Office, EUTR: Plywood Imported from China 13 (Feb. 2015), https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/402325/Chinese_Plywood_Research_Report.pdf.

63 Lacey Act of 1900, 16 U.S.C. §§ 3371–3378 (2012).

64 Id.

65 Union of Concerned Scientists, The Lacey Act’s Effectiveness in Reducing Illegal Wood Imports (2015), <http://www.ucsusa.org/sites/default/files/attach/2015/10/ucs-lacey-report-2015.pdf>.

66 US Department of Justice: Office of Public Affairs, Justice Department Reaches Agreement to Ensure Destruction of Timber Believed to Have Been Harvested in Violation of Peruvian Law (Jan. 19, 2017), <https://www.justice.gov/opa/pr/justice-department-reaches-agreement-ensure-destruction-timber-believed-have-been-harvested>. Lise Olsen, Illegally Harvested Amazon Wood Destroyed in Unusual U.S. Settlement, Houston Chronicle (Feb. 3, 2017), <http://www.houstonchronicle.com/news/houston-texas/houston/article/Stolen-Amazon-wood-destroyed-in-unusual-U-S-10870538.php>.

67 Id.

68 OSINFOR. (2015). Resultados de las supervisiones y fiscalizaciones efectuadas por el OSINFOR en el marco del Operativo Internacional “Operación Amazonas 2015”, <http://www.osinfor.gob.pe/wp-content/uploads/2016/07/Operaci%C3%B3n-Amazonas-2015-6-ok.pdf>, p. 11.

69 Peru’s commitments in the FTA were to improve forest management and address the problem of illegal logging, and the United States committed to help in these efforts. US-Peru Trade Promotion Agreement, Ch. 18 Environment, Annex 18.3.4, Annex on Forest Sector Governance, Annex 18.3.4 Annex on Forest Sector Governance, https://ustr.gov/sites/default/files/uploads/agreements/fta/peru/asset_upload_file953_9541.pdf.

3.2.1.4 France/Europe

The European Union Timber Regulation (EUTR) entered into force in 2013.⁷⁰ It prohibits the placing of illegal timber on the EU market and requires companies to undertake due diligence, with the objective of reducing the risk of importing illegally harvested timber.⁷¹ Although the total percentage of exports of Peruvian timber to Europe is low, exports provide very interesting information and patterns when compared with exports to other countries. The percentage of exports with documents found on the “green list” of SIGO_{SFC} is higher, as is the percentage of unsupervised FMPs, while the percentage of FMPs on the SIGO_{SFC} “red list” is minimal.

While timber shipments to Europe may seem insignificant, our data only include an estimated quarter of exports from Callao for 2015. It is important to note that exporters know of and review SIGO_{SFC}.⁷² For exports to Europe, it is possible that exporters are able to select and obtain FMP documentation from logging titles included on the “green list” to accompany timber to Europe, where controls to ensure the legality of imported wood are much greater than in many other countries.

3.2.1.5 Australia

Australia’s law, the Illegal Logging Prohibition Act (ILPA), entered into force in 2012 and contains similar provisions to the EUTR, which prohibit the sale of illegal wood and wood products and require due diligence. However, the “soft start” period for enforcement of the due diligence provisions⁷³ was extended beyond its initial expiry date in May 2016.⁷⁴ The inability of the Australian government to fully enforce the law, including through fines and prosecutions, has led to delays in implementation and in improved sourcing practices by Australian importers.

In November 2016 a number of changes to ILPA were proposed, which would have had the effect of weakening the law.⁷⁵ The Australian government accepted comments on the proposals through December 2016. In October 2017

the government published the Final Regulatory Impact Statement⁷⁶ and made regulatory changes to allow certified products to be “deemed to comply” with the due diligence obligation.⁷⁷ This change would lead to a weakening of the Act, but another change would require that importers’ due diligence efforts be reasonable. The changes could be blocked by the Australian Senate, but this remains an open question at the time of this report’s publication. At the beginning of 2018, the government will begin full enforcement, including fines to companies and individuals for violations of due diligence measures.⁷⁸

While the number of exports to Australia in 2015 included in the data we analyzed were small relative to other countries, a large percentage were on the “red list” (67%), demonstrating that while a law on illegal timber imports is important, implementation and enforcement are essential to changing behavior and reducing imports of illegal timber into Australia.

3.2.2 Status of Exporters and Their Supervised Forest Management Plans by Country of Import

In this section, the FMPs of the supervised logging titles were analyzed, in accordance with the Certificates and GTFs. Then, each of the FMPs were reviewed in the SIGO_{SFC} observatory to obtain the status by country of import. 24 companies with high percentages of exports on the red list were identified and included in the following table.

Table N° 02 shows many exporters who used GTFs with high percentages of FMPs on the “red list.”⁷⁹

3.2.3 Status of Different Types of Supervised Harvest Modalities

We analyzed the supervised FMPs of the logging titles included in the GTFs, based on the different types of harvest modalities. The results of this analysis are as follows: 54.24% of the GTFs came from Forest Permits in Native Communities, 23.26% from Forest Concessions for Timber, 15.80% from Local Forests, 6.45% from Forest Permits on Private Land, and 0.25% from Complementary Plans.

70 Reglamento (UE) No 995/2010 del Parlamento Europeo y del Consejo de 20 de octubre de 2010 por el que se establecen las obligaciones de los agentes que comercializan madera y productos de la madera.

71 Id.

72 OSINFOR, Contribución del SIGO_{SFC} al comercio legal de madera, 21 Jul. 2017, <https://www.youtube.com/watch?v=-8wYwb2tJGc&feature=youtu.be>

73 Due diligence required by the ILPA Regulation, means that importers must reduce the likelihood that the wood was illegally harvested and the timber products contain illegal timber, by creating a system to minimize the risks. Illegal Logging Prohibition Regulation 2012, <https://www.legislation.gov.au/Details/F2017C00115>.

74 Australian Department of Agriculture and Water Resources, 1/16 - Extension of the illegal logging ‘soft-start’ compliance period (30 May 2016).

75 Australian Department of Agriculture and Water Resources, Consultation Regulation Impact Statement (30 Nov. 2016), <http://www.agriculture.gov.au/SiteCollectionDocuments/forestry/illegal-logging-consult-ris.pdf>

76 Australian Department of Agriculture and Water Resources, Regulation Impact Statement (Sept. 2017), <http://www.agriculture.gov.au/SiteCollectionDocuments/forestry/ris-final.pdf>.

77 Australian Department of Agriculture and Water Resources, Consultation and Engagement, <http://www.agriculture.gov.au/forestry/policies/illegal-logging/consultation-engagement>.

78 Id.

79 Inforegión. Lima 29 de Octubre. Osinfor presentará resultados de Operación Amazonas 2014. 3,423 m3 de madera exportada no tendría el sustento legal. OFICIO N° 046-2014-OSINFOR/01.1. Información sobre comprobación de origen de manejo responsable de productos provenientes del bosque. OFICIO MÚLTIPLE N° 002-2015-OSINFOR/01.1. Información sobre títulos habilitantes supervisados por el OSINFOR <http://www.inforegion.pe/191502/osinfor-presentara-resultados-de-la-operacion-amazonas-2014/> Evento de Contribución del OSINFOR al Comercio Legal de Madera “Operación Amazonas 2014”. Octubre del 2014, <http://www.osinfor.gob.pe/publicaciones/evento-contribucion-del-osinfor-al-comercio-legal-de-madera-operacion-amazonas-2014/>.

Table N° 02. High-Risk Exporters and their Supervised FMPs on the Red List by Country of Import

Nº	Exporters	China	Dominican Republic	USA	Mexico
1.	Maderera Bozovich SAC	50%	31%	29%	65%
2.	Inversiones La Oroza SRL	100%	45%	0%	97%
3.	Industria Forestal Iquitos SRL	0%	100%	0%	0%
4.	Inversiones WCA EIRL	0%	0%	0%	100%
5.	Consorcio Maderero SAC	89%	0%	0%	50%
6.	Corporacion Industrial Forestal SAC	0%	0%	100%	0%
7.	Corporacion Maderera Loreto SAC	0%	100%	63%	0%
8.	JR Muye Investment SAC	91%	0%	0%	0%
9.	Hermanos Forestal SAC	100%	0%	0%	0%
10.	Logistica Maderera Selva SCRL	88%	0%	0%	0%
11.	Lumat Maderas SAC	0%	0%	33%	14%
12.	Maderap SAC	57%	0%	0%	0%
13.	Maderera Cinco Estrellas SAC	94%	0%	0%	0%
14.	Maderera DGP SAC	0%	0%	100%	0%
15.	Maderera Diaisi EIRL	100%	0%	0%	0%
16.	Maderera Pacifico International SRL	69%	0%	0%	0%
17.	NCS American Forestal SAC	100%	0%	0%	0%
18.	Olinda Shuña Perez	69%	0%	0%	0%
19.	Podium Forestal SAC	75%	0%	0%	0%
20.	SUTAY Company SRL	80%	0%	0%	0%
21.	Maderera Vulcano SAC	100%	0%	0%	0%
22.	Weiman SAC	100%	0%	0%	0%
23.	Aserradero Denis SAC	100%	0%	0%	0%
24.	LH Timber Company SAC	100%	0%	0%	0%

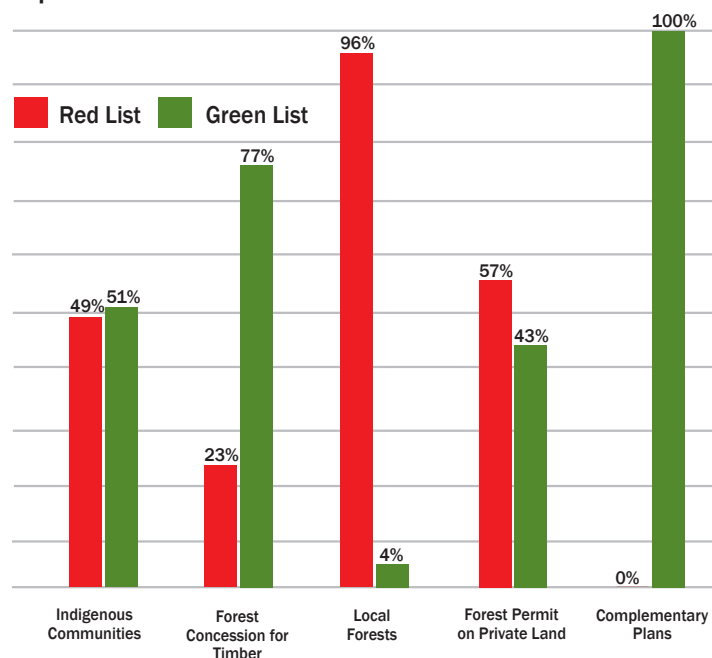
The final results of “Operation Amazon 2014” indicate that “42% of the GTFs were from Forest Logging Concessions, 37% from Forest Permits in Indigenous Communities, and 21% from Forest Permits on Private Land. As a result of the audit process, 6.3% of the inspections resulted in a preliminary finding of compliance, and in 93.8%, irregularities were found that led to the initiation of the Single Administrative Procedure (PAU) to determine whether the holder of the logging title was responsible for damage to forest resources

or violation of forestry laws.”⁸⁰ Of the PAUs initiated, 100% were concluded with the following results: “2.2% were closed without finding responsibility (3 cases) and 97.8% were sanctioned and/or canceled (132 cases), as serious violations of forest legislation were found. In 47 of these 132 cases, which is 35.6%, the right to harvest was cancelled,⁸¹ based on serious damage to forest resources”⁸² and/or non-compliance with forestry laws and regulations.

80 OSINFOR, Resultados de las Supervisiones y Fiscalizaciones Efectuadas por el OSINFOR en el Marco del Operativo Internacional “Operación Amazonas 2015” (Jun. 2016), <http://www.osinfor.gob.pe/wp-content/uploads/2016/07/Operaci%C3%B3n-Amaz%C3%B3n-2015-6-ok.pdf> (authors’ translation).

81 The cancellation of the right to harvest is established by the State to safeguard the State’s assets by way of the immediate suspension of the right to harvest timber from the forest.

82 Id. (authors’ translation).

Graph N° 07: Status of Different Modalities of Supervised Harvest Authorizations

Graph N° 07 shows the distribution of harvest modality from most to least supervised GTFs attributed to each harvest type. There were 429 GTFs from Indigenous Communities, 184 from Forest Timber Concessions, 125 from Local Forests, 51 from Forest Permits on Private Land, and 2 from Complementary Plans—meaning that more than half of the supervised GTFs came from Indigenous Communities. Likewise, we can identify the level of risk (by being on the “red list”) by harvest type: 49% of Forest Permits in Indigenous Communities, 23% in Forest Concessions for Timber, 96% in Local Forests, and 57% from Forest Permits on Private Land.

3.2.3.1 Forest Permits in Indigenous Communities

In the past, indigenous communities often sold standing trees and timber as the result of unfair trade, driven by companies and their intermediaries. Communities received goods by way of payment in advance from the

company or the intermediary. The communities were then indebted for overpriced goods, whether machetes, axes, mosquito nets, etc.⁸³ Similar unjust practices continue to occur with current holders of forest logging titles in indigenous forest communities. Communities are often held responsible for poor management by third parties who have not respected the guidelines of a FMP or who used the GTFs from Forest Permits in Indigenous Communities to harvest and sell timber extracted from unauthorized areas. In these cases, when OSINFOR undertakes field supervisions and verifies the infractions committed, fines or cancellation of the logging title follow.⁸⁴ In addition, communities are fined by SUNAT, through administrative and criminal proceedings for non-compliance with forest legislation. This indebtedness of indigenous communities for illegal activities of third parties is the reason OSINFOR initiated a participatory consultation process in 2013 to enable forgiveness of these debts in exchange for forest conservation by communities.⁸⁵

3.2.3.2 Forest Concessions for Timber

Graph N° 07 shows that 23% of the FMPs from Forest Concessions for Timber, are on the “red list.” However, the results of the GTF analysis shows that 54% of the FMPs of the logging titles of Forest Concessions for Timber were not supervised. Therefore, it is likely that the percentage on the “red list” would increase if the unsupervised FMPs were supervised. When a higher percentage of a sample were supervised, as in “Operation Amazon 2015,” 99% of the supervised FMPs of the Forest Concessions for Timber were found to have illegally harvested timber.

3.2.3.3 Local Forests⁸⁶

Local Forests are one of the harvest modalities that have been used fraudulently since 2001, when Law 27308, the prior Forestry and Wildlife Law, entered into force. The incorrect use of this harvest type has allowed for the sale of illegal timber harvested from unauthorized areas, accompanied by the GTF issued by the granting forest authority for the Local Forest. Since 2012, OSINFOR has issued several reports and shared them with relevant

83 Pedro García Hierro et al., *Liberación y Derechos Territoriales en Ucayali – Perú* (1998).

84 OSINFOR, *Supervisión y fiscalización del OSINFOR en permisos forestales otorgados a Comunidades Nativas*, OSINFOR (2013), http://osinfor.gob.pe/portal/data/destacado/adjunto/libro_supervision_fiscalizacion_ccnn.pdf.

85 Directiva N° 005-2016-OSINFOR/05.2 denominada, “Directiva para la aplicación de la conservación de bosques húmedos como mecanismo de compensación del pago de multas impuestas por el OSINFOR, a comunidades nativas y campesinas”, aprobada mediante Resolución Presidencial N° 027-2016-OSINFOR. Directiva para la Compensación del pago de multas mediante el mecanismo de conservación de bosques húmedos en Comunidades nativas y campesinas, aprobada mediante Resolución Presidencial N° 026-2017-OSINFOR. <http://osinfor.gob.pe/wp-content/uploads/2017/03/RESOLUCION-PRESIDENCIAL-00026-2017-OSINFOR-011.pdf>. Indigenous communities often do not have the economic resources to pay fines, which are the result of a breach of contractual obligations in the harvesting contract. For this reason OSINFOR created innovative

payment mechanisms, such as the prompt payment discount of a 30% reduction of the fine if paid within 20 days; or payment in installments with interest, over a maximum of 36 months. OSINFOR also created a new payment mechanism, with a first phase to grant fine reductions in exchange for forest conservation.

86 Operación Amazonas 2015. OSINFOR <http://www.osinfor.gob.pe/wp-content/uploads/2016/07/Operaci%C3%B3n-Amazonas-2015-6-ok.pdf>. In Operación Amazonas 2015, OSINFOR determined that in thirty-seven (37) cases in Local Forest Management Contracts the timber harvesting had been taking place directly through the Contract and not through the permits or authorizations as required by the provisions in Resolution Jefatural N° 042-2003-INRENA. Such an action constitutes failure to comply with the requirement included in the Local Forest Administration Contract for rural populations or population centers (numeral 10.2 of clause ten), which indicates that the forest use of the local forest will be carried out only by the beneficiaries, after granting the respective permit or authorization (which would constitute the logging titles or “títulos habilitantes”), a function that falls to the Autonomous Committee.

government authorities,⁸⁷ highlighting significant concerns related to the approval of the establishment of Local Forest and authorizations to timber harvest based on false information. In several cases, populated areas, which received approval for Local Forest harvesting, did not exist and had false FMPs. In 96% of the supervised FMP from Local Forests in the data from 2015 exports from Callao, there were legal violations that placed them on the “red list.” The volume of wood per hectare of authorized harvest is greater, in many cases, than that permitted for the Local Forest Management Contract harvest modality, which is intended to be for small-scale harvesting.

3.2.3.4 Complementary Plans in Chestnut Concessions

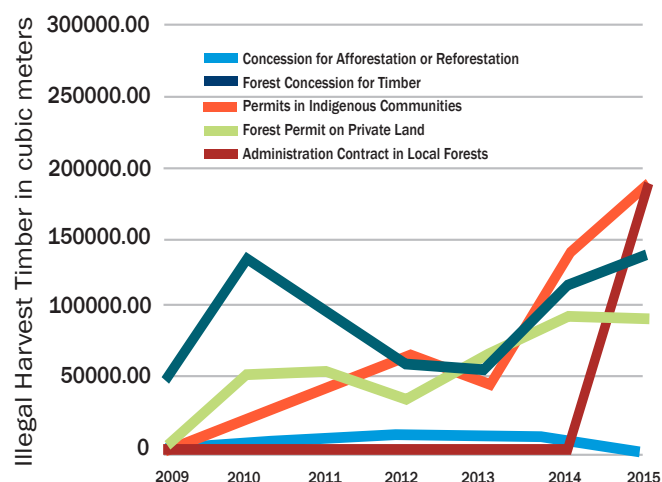
Timber harvest in Chestnut Forest Concessions under complementary plans is another concerning harvest modality, considering that more than 73% of the FMPs used in the documents analyzed for the present study were not supervised. In 2011, the Center for International Forestry Research (CIFOR) found that the volumes of wood harvested from some of Complementary Plans in Chestnut Forest Concessions are comparable to, and in some years even higher than, those extracted from logging concessions, in the sample areas in Madre de Dios.⁸⁸ “The vast majority of the contracts analyzed in chestnut concessions reported volumes close to the theoretical limit of 5 m³/ha, while for Forest Concessions for Timber, the vast majority of the contracts analyzed reported much lower harvested volumes.”⁸⁹ In a number of cases, the regional forest authority approved complementary management plans in Chestnut Forest Concessions with volumes greater than those permitted by law.

3.2.4 Changes Over Time in the Use of Different Harvest Modalities (2009-2015)

The results presented above were based on our database and analysis, including information from GTFs, Visual Inspection Certificates, and the status of documents used to export timber from the Port of Callao to different countries. We then further analyzed the shifting patterns in the use of different harvest types from 2009 to 2015, which could

be the result of efforts to circumvent OSINFOR inspections and identification of forest law violations in order to be able to sell illegally harvested timber. Based on the statistics resulting from supervisions in SIGO_{SEC} on the volume of timber harvested and sold using GTFs on the “red list,” we were able to construct the following graph:

Graph N° 08: Changes Over Time in Different Harvest Types’ GTFs Used to Sell Illegally Harvest Timber (2009-2015)⁹⁰



Graph N° 08 clearly shows the dynamics of displacement of the use of each one of the harvest modalities, which is similar to the results of this research, in that most GTFs used for export came from Forest Permits from Indigenous Communities. However, it should be noted that the greatest increase in timber from FMPs on the “red list” was from Local Forests. The work undertaken by SUNAT and OSINFOR was instrumental in the identification of high-risk harvest modalities, which is reflected in the changing use by exporters of the different harvest modalities’ GTFs to sell illegal timber.

87 Oficio N° 003-2013-OSINFOR/01.1. Para Jorge Portocarrero Velásquez Comunica resultados de evaluación a los Bosques Locales en Ucayali Oficio N° 005-2013-OSINFOR/01.1 Para Yvan Enrique Vásquez Valera Comunica resultados de evaluación a los Bosques Locales en Loreto Oficio N° 004-2013-OSINFOR/01.1. Para la DGFFS Blga. Rosario Acero Villanes Comunica resultados de evaluación a los Bosques Locales en Loreto y Ucayali Informe N°018-2013-OSINFRO/06.2.1 Información sobre derechos otorgados bajo modalidades de Arrastre por Ríos, Bosques Locales y Cambio de Uso.

88 Rosa E. Cossío-Solano et al., Center For International Forestry Research, El Aprovechamiento de Madera en las Concesiones Castañeras (*Bertholletia excelsa*) en Madre de Dios, Perú (2011), http://www.cifor.org/publications/pdf_files/WPapers/WP56Guariguata.pdf.

89 Id. [authors’ translation].

90 OSINFOR, Reportes Estadísticas, Volumen movilizado proveniente de extracción ilegal por región y modalidad de aprovechamiento, <http://observatorio.osinfor.gob.pe:96/Home/Reportes/9>.



"5 de junio: día de los Mártires en Defensa de la Vida y la Amazonia del Perú"

"Año de la Diversificación Productiva y del Fortalecimiento de la Economía Agraria Familiar"

Sumilla: Denuncia Administrativa



SEÑOR DIRECTOR DELA DIRECCION DE LINEA DE ORGANISMO DE SUPERVISION DE LOS RECURSOS FORESTALES Y DE FAUNA SILVESTRE (OSINFOR).

Marcial Mudarra Taki, identificado con DNI N° 05626030 en representación de la Coordinadora Regional de Pueblos Indígenas (CORPI – SL), con domicilio en la calle Zamora N°1210 de la ciudad de Yurimaguas, ante usted respetuosamente me presento y expongo:

Conforme el artículo 105 de la Ley de Procedimiento Administrativo General, Ley N° 27444, interpongo una denuncia administrativa en calidad de representante de los pueblos indígenas de las provincias de Alto Amazonas y Datem del Marañón, a los cuales tengo el honor de representar a través de la Coordinadora Regional de los Pueblos Indígenas de San Lorenzo (CORPI – SL), contra el Establecimiento del Bosque Local del Centro Poblado "Limón Cocha", aprobado mediante Resolución Sub Directoral N° 030-2015-GRL-GGR-PRMRFFS-DER-SDPAA, supuestamente ubicado en el distrito de Pastaza, provincia de Datem del Marañón de la región Loreto.

La presente denuncia se fundamenta en los resultados que se arrojan en el Acta de Ocurrencias registrado por el OSINFOR en la oportunidad que realizó una actividad de supervisión en la parcela de Corta Anual N° 1 correspondiente al Plan Operativo Anual N° 1 de la zafra 2015-2016 a través de su funcionario el Ing. Raúl Cesar Vásquez Alegría, el mismo que se llevó a cabo el 06 de diciembre del año 2015, encontrándose con la sorpresa que el supuesto Centro Poblado Rural "Limón Cocha" de donde origina el establecimiento del bosque local, el Plan Operativo Anual de aprovechamiento forestal y la parcela de Corta Anual N° 1, en realidad no existe.

La comitiva de supervisión fue acompañado por el Vice – Presidente de CORPI-SL, Señor Arpi Masho Tirko, entendido en el idioma Kandozi, quien por su parte también constató al igual que el representante de OSINFOR que las coordenadas UTM del PGMF del Bosque Local "Limón Cocha" que se establecen en la Resolución Sub Directoral N° 030-2015-GRL-GGR-PRMRFFS-DER-SDPAA en realidad está dentro del territorio comunal de la Comunidad Nativa Huambracocha¹, en las inmediaciones de la Comunidad Nativa anexa Nueva Unión, por lo que se deduce a todas luces que la Señora Diana Muñoz Fernández que funge de Presidente del Comité Autónomo del Centro Poblado Rural "Limón Cocha" sorprendió a la autoridad, proporcionando una información falsa, incurriendo de esta manera en infracción de normas civiles y penales.

¹ CCNN de la lengua Kandozi ubicado en el distrito de Pastaza por el río Chapuli. Esta Comunidad Nativa es reconocida con Resolución N° RD. 141-89-AG-UNA-XXII-L y titulada con RM. 0587-91-AG-DGRA-AR, con Número de Título de Propiedad CN-021-92.

OFICINA PRINCIPAL: JR. MARAÑON N°1240 - San Lorenzo - Teléfono: 065632981
OFICINA DE COORDINACION: CALLE ZAMORA 1210- Yurimaguas-Teléfono: 065639161
CORREO ELECTRONICO CENTRAL: corpi.sl@gmail.com.
Yurimaguas – Alto Amazonas – Loreto – Perú

4. CASE STUDY: “CONTINUOUS IMPROVEMENT” TO AVOID TRANSPARENCY

Analysis of the GTF data accompanying exports from the Port of Callao in 2015 demonstrates that it is likely that some exporters are using SIGO_{SFC} to make responsible purchasing decisions. However, it is a well-known secret that the system is also being used to identify Forest Management Plans (FMPs) and species from logging titles that have not been supervised by OSINFOR.⁹¹ Another example of how SIGO_{SFC} may be used to sell timber of dubious legal origin is with GTFs from the “red list” to countries without laws prohibiting import and sale of illegal timber, including China and Mexico.

Patterns in the GTFs used in exports by one of Peru’s largest exporters, Maderera Bozovich, show the array of possibilities. Companies may be discriminating among documentation characteristics based on the country importing the timber. The various options available to companies are detailed below.

4.1. Use of Documents from Harvest Modalities Not Subject to OSINFOR Oversight

OSINFOR’s jurisdiction as defined by Legislative Decree 1085 is limited to logging titles (títulos habilitantes), which include Timber and Non-Timber Forest Concessions, Forest Permits in Indigenous Communities, and Forest Permits on Private Land. Local forests, agroforestry systems, land use change, infrastructure development areas, plantations, and a number of other activities are outside the agency’s remit, based on Forestry and Wildlife Law 27308.⁹² Timber from local forests was therefore not inspected unless SUNAT or the FEMA specifically requested an inspection, as SUNAT did during “Operation Amazonas 2015.”⁹³ Numerous irregularities have resulted from timber harvest authorizations from Local Forests, including certain supervisions that are not included the “red list” or the “green list,” but rather as “archivo preliminar,” which would seem to indicate that the investigation has been

closed.⁹⁴ Similarly, in May of 2015, OSINFOR submitted a complementary analysis of harvest authorizations in Local Forests in the province of Ucayali (Contamana), in the Loreto Region, in which OSINFOR identified practices violating the forest laws and demonstrated that the government had failed to take administrative actions that could have stopped the transport and sale of illegally harvested timber.⁹⁵

Example: On March 11, 2015, at 11:25 am, during inspection of an export shipment to Importadora Dominicana de Maderas, Maderera Bozovich SAC provided a GTF from the Empresa Asociación Autónoma de Administración, with timber from Bosque Local del Poblado Rural Puerto Auxilio - Río Marañon, for timber theoretically transported in 2012 from FMP 2. In SIGO_{SFC}, the FMP 1 from this local forest was already included on the “red list.”

4.2 Use of Documents from Forest Permits on Private Land, Which Were Not Submitted to OSINFOR by the Responsible Government Forestry Authority

The Regulation of Legislative Decree 1085 states that competent authorities, which include regional governments, must report pertinent information on FMPs they approve to OSINFOR within 15 days, so that OSINFOR may carry out its functions of supervision and enforcement.⁹⁶

During “Operation Amazonas 2014,” OSINFOR found that 76.5% of the logging titles did not exist in OSINFOR’s database “because the forest management documents had not been submitted by the relevant Forest and Wildlife Authority, in violation of the legal requirement to do so in the Regulation of Legislative Decree 1085. The logging titles were subsequently supervised based on a request by SUNAT.”⁹⁷

91 Decreto Supremo 018-2015-MINAGRI. Reglamento para la Gestión Forestal. Artículo 40 Actos Administrativos que no constituyen títulos habilitantes: Autorización de desbosque. Autorización de cambio de uso actual de las tierras a fines agropecuarios en predios privados. Autorización de cambio de uso actual de las tierras a fines agropecuarios en tierras de dominio público. Autorización para actividades de pastoreo. <http://www.minagri.gob.pe/portal/download/pdf/marcolegal/normaslegales/decretosupremos/2015/ds18-2015-minagri.pdf>

92 Id.

93 Operación Amazonas 2015. OSINFOR <http://www.osinfor.gob.pe/wp-content/uploads/2016/07/Operaci%C3%B3n-Amazonas-2015-6-ok.pdf> Under the modality of Management Contracts in Local Forests, significant volumes of timber from different species were approved, and subsequently harvested. According to the results of the supervisions carried out by OSINFOR, irregularities were found in 100% of the cases, through which 163,319,878 m3 of timber that was harvested from unauthorized areas has been sold (approximately 36,092 trees).

94 It is not clear what “archivo preliminar” means in SIGO, because after a supervision the result should indicate the status, red or green. A Management Contract in a Local Forest is in “archivo preliminar” although the Regional Government of Loreto (GOREL) annulled the right to harvest based on the supervision of OSINFOR, and should result in inclusion on the “red list.” CENTRO POBLADO CHUINDAR, 16-YUR/L-MAD-SD-024-14, <http://observatorio.osinfor.gob.pe:93>.

95 Carta N°008-2015-OSINFOR/01.1, Carta N° 009-2015-OSINFOR/01.1.

96 Reglamento de DL 1085. Segunda Disposición Complementaria de las Disposiciones Complementarias Finales – Remisión de información para el cumplimiento de las funciones de OSINFOR.

97 Operación Amazonas 2014. OSINFOR. <http://www.osinfor.gob.pe/wp-content/uploads/2015/10/Operaci%C3%B3n-Amazonas-19-octubre.pdf> (authors’ translation).

Ministerio de Agricultura y Riego | Servicio Nacional Forestal y de Fauna Silvestre | Administración Técnica Forestal y de Fauna Silvestre - Lima

ACTA DE INSPECCIÓN OCULAR DE EMBARQUE N° 430-2015-TP

En APM - 30118 el 28 de enero del 2015, a las 11:30 horas, se procedió a la inspección ocular de un embarque de MADERA ASACADA

☒ Exportación ☐ Importación ☐ Re-exportación

I. DATOS GENERALES

Exportador: MADERERA BOZOVICH SAC P. A. N° 4003-100-0000
 Importador: INDUSTRIAL COMUNITARIA DE MADERA País: República Dominicana
 PERMISO N° 17TAH/P-A-MAD-A-167-11 ESTAMPILLA N° 17TAH/P-A-MAD-A-167-11 Fecha Exp. 30-01-2015
 ESPECIES DE FIENA Silvestre incluidas en los Apéndice CITES: ☐ sí ☒ no

II. RESULTADOS

Se constató que el embarque inspeccionado corresponde a la(s) siguiente(s) especie(s):

1) Cordia alliodora Volumen 25.000 m³ Peso 25.000 t Cantidad 25.000 FOB 62.25
 2) Alseodaphne Volumen 25.000 m³ Peso 25.000 t Cantidad 25.000 FOB 62.25
 3) ... Volumen ... m³ Peso ... t Cantidad ... FOB ...

III. OBSERVACIONES D.O. 019061

IV. DATOS DEL INSPECTOR

Inspector SERFOR-ATFFS-Lima/S. Callao/T. P.: Liliana Bravo
 Siendo las ... horas, se da por concluida la inspección y se señala de conformidad firmamos a continuación:

USUARIO [Firma]
 Firma de usuario y/o Representante
 Nombre y Apellidos [Firma]
 DNI N° 9051547
 Agencia Callao
 Puerto de Exportación Callao

GOBIERNO REGIONAL DE MADRE DE DIOS | "Dirección Regional Forestal y de Fauna Silvestre"

GUIA DE TRANSPORTE FORESTAL

Agencia: 3006081 Fecha de Embarque: 28-01-2015 Fecha de Vencimiento: 02-02-2015

Administración Técnica Forestal y de Fauna Silvestre - TAHUAMANU

Camión N° ... Permisos 17TAH/P-A-MAD-A-167-11 y ... Tipo de Lote de Troncos ...
 Departamento: MADRE DE DIOS Provincia: Tahuamanu Distrito: Atalaya
 Titular del Contrato y/o Permiso: Maderera Bozovich SAC Dirección: BARRIO AUTO PARRA
 RUC / RUC N° 1900054535 LEONARDO N° ...

Propietario del Producto: EP. MADERAS SAC Director: Calle Ena L. Benerio 492, Urb. Tahumani
 RUC/RUC N° 2051674055 Dirección: ...

Destinatario: Maderera Bozovich SAC Dirección: Calle F. S. M. Urb. Santa Genoveva
 RUC/RUC N° 2000311741 Dirección: ...

Departamento: Atalaya Pipeline: Lima Distrito: Lima

Pagos Efectuados por el Extractor: ... Monto SI: 18.50
 Privilegio al Estado Natural / Permiso N° 17TAH/P-A-MAD-A-167-11 Monto SI: ...
 Cargos de Reforestación / Relevo N° ... Monto SI: ...

Tipo de Transporte: TERRESTRE Vehículo Placa: HUJL-782
 Conductor: JUAN MORE Licencia N° H-40037919

Origen	Nombre Comercial	Forma de Embarque del Producto	Cantidad	Unidad de Medida	Peso
D	Shikurukto AS	no material	1,414	m³	10.51
			1,564	m³	6.064

Observaciones: ...

Plazo de Vigencia: ... Autorizado por: [Firma]
 Dependiente de: JUAN MORE Dependiente de: ...
 Fecha de Embarque: 28-01-2015 Fecha de Vencimiento: 02-02-2015

Example: On January 28, 2015, at 10:30 am, during inspection of a shipment to Tesoro en Maderas II in the Dominican Republic, Maderera Bozovich SAC presented a 2013 GTF from a logging title (17-TAH/P-A-MAD-A-167-11) in Tahuamanu, Madre de Dios that does not appear in SIGO_{SFC}. Furthermore, the GTF does not contain the harvest season of the FMP, which makes it impossible to determine the area of harvest.

4.3 Unsupervised Forest Management Plans from a High-Risk Logging Title

Since 2009, OSINFOR has undertaken thousands of supervisions of different harvest types throughout Peru. As a result there are hundreds of logging titles whose FMPs make multiple appearances in the SIGO_{SFC} “red list.” In other words, year after year, OSINFOR inspectors have returned to find that illegal logging continues. A source like this should be considered very high risk based on the illegalities found in the initial authorization. Yet a common pattern in the 2015 GTF export data is the presence of GTFs associated with one of the only FMPs that OSINFOR did not visit in a particular logging title. 51% of the GTFs used by Maderera Bozovich SAC in the 2015 export documents we analyzed were from unsupervised FMPs.

Example: On February 2, 2015, at 11:25 am, during inspection of an export shipment bound for Bozovich S de RL de CV, a sister company in Mexico, Maderera Bozovich presented a GTF from the indigenous community of Unini in Atalaya, Ucayali. The GTF is from FMP 3, which had

not been supervised; however, the subsequent FMPs 4 and 5 were already on the “red list” in SIGO_{SFC}. Similarly, three weeks later, in a shipment bound for Madera SRL in the Dominican Republic, Maderera Bozovich presented a 2012 GTF from unsupervised FMP 2 of the Indigenous Community of Apinihua, also in Atalaya, whose FMPs 1, 3, and 4 were already on the “red list.”

4.4 Forest Transport Permit that Does Not Include the Harvest Season or Other Basic Data Points

Some GTFs have critical information gaps that do not allow for traceability. A common exclusion is the “zafra,” or harvest season. Without this piece of data, it is impossible to connect a timber shipment with the status of its harvest season in SIGO_{SFC}. However, the logging title can still be identified as high risk if multiple FMPs appear on the “red list.” Of Maderera Bozovich SAC’s exports, 12% did not include the zafrá of the FMP, making it impossible to determine whether it had been supervised or not.

Example, on March 2, 2015, at 2:25 pm, during inspection of a shipment bound for Tesoro en Maderas II, INC. in Puerto Rico, Maderera Bozovich presented a 2013 GTF from Guillermo Kurt Tuesta Cordova (17-TAH/P-MAD-A-144-12), which does not indicate the zafrá. However, the supervision of FMP 1 resulted in its inclusion on the “red list,” which would have been available for review at the time of the 2015 inspection at the Port of Callao.

4.5 The Forest Management Plan may be Included on the “Red List” in SIGO_{SFC} but the Timber is Exported Nonetheless

Finally, in some cases, it appears that exporters do not consult SIGO_{SFC}; see no supervision of the FMP in SIGO_{SFC}, but export anyway; or may not care that the FMP is on the “red list.” 44% of the supervised exports from Maderera Bozovitch were on the “red list,” and 65% of the timber Maderera Bozovitch exported to Mexico from supervised concessions was on the “red list.” While it is possible that in some cases exports occur before the results of the supervision are publicly available, in others the export occurs when the logging title’s FMP is already on SIGO_{SFC}’s red list. Whatever the case may be, exporters should follow the recommendation that OSINFOR has made since 2014—to refuse to buy timber without reviewing SIGO_{SFC}, and in the event that the FMP is not included in SIGO_{SFC}, request that OSINFOR do a supervision of the harvest area in question before purchasing timber that could end up being illegal.

Example: On May 22, 2015, at 11:32 am, during the inspection of cargo destined for Bozovich S de RL de CV, a sister company in Mexico, Maderera Bozovich SAC

presented a GTF with FMP 7 that was issued in May 2014 by the Comunidad Nativa San Antonio de Lancha Poza in Loreto, from forest permit N° 16-IQU/P-MAD-A-033-04, supervised in 2014. OSINFOR had also supervised the harvest areas for FMP 4, 6, and 8, of the Comunidad Nativa San Antonio de Lancha Poza in Loreto. OSINFOR found that in FMPs 4, 6, and 7, there were no indications of trees whose UTM coordinates were declared in the FMP. In addition, there was no evidence of any timber harvesting in any of the areas. This community was sanctioned and had to pay for infractions of the forest law in the amount of 221.82 (UIT), approximately US \$276,506.92. The granting forest authority should clarify how the extraction of trees that did not exist in the forest was authorized, in addition to having approved FMPs subsequently on the same basis, allowing the harvest of wood from unauthorized areas with GTFs from the forest permit granted to the community. In July 2015, an Al Jazeera documentary revealed that illegal timber was exported from the Port of Iquitos to the US using GTFs from the Comunidad Nativa San Antonio de Lancha Poza in Loreto,⁹⁸ and the permit was cancelled in 2015.⁹⁹





INFORMACIÓN BÁSICA DEL TÍTULO HABILITANTE

Número	16-IQU/P-MAD-A-033-04
Modalidad	Permisos Forestales - Comunidad Nativa
Ubicación	LORETO - MAYNAS - NAPO - Sin sector
Titular	COMUNIDAD NATIVA NUEVO SAN ANTONIO DE LANCHA POZA
Dirección	comunidad Nativa San Antonio de Lancha Poza
Representante Legal	SANDA DAHUA ROBINSON
Estado actual del Título Habilitante	Caducado

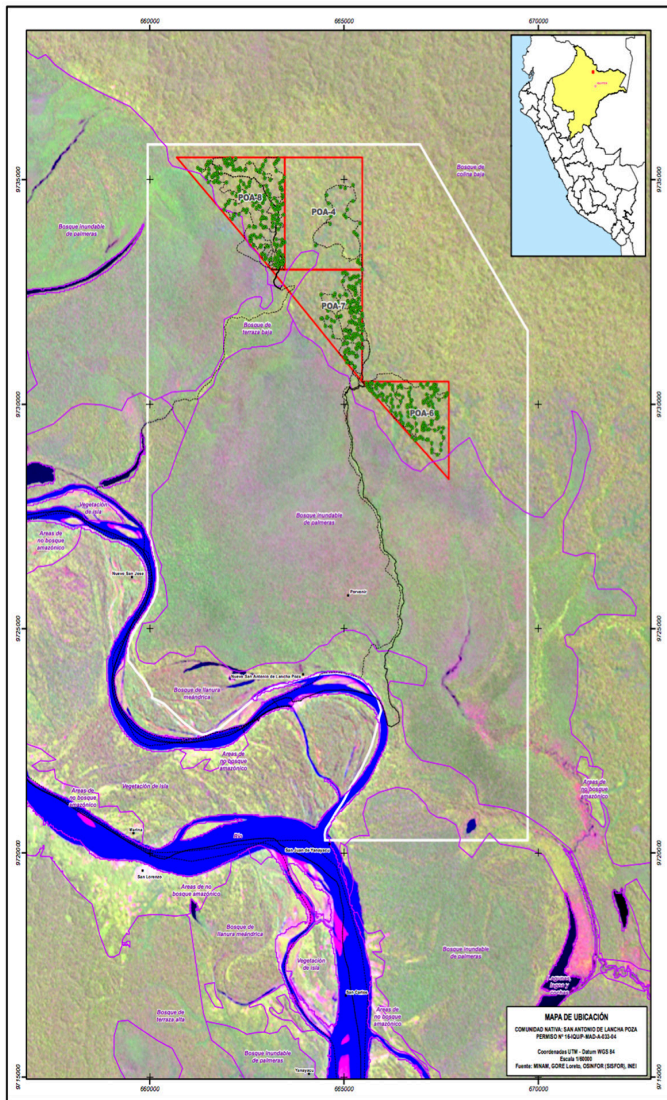
Estado actual del Título Habilitante									
Caducado									
POA APROBADOS									
Documento	Resolución aprobación del POA	N° Especies Aprobadas	Volumen Aprobado (m³)	Consultor que elaboró el POA	Supervisión	Año de Supervisión	Resoluciones	Estado del Proceso	Observatorio
POA 4	394-2010-GRL-QGR-PRM/RFFS-DER-SOPM	12	8889.1550	TORRES CASIMIRO RENE	SI - OSINFOR	2011	352-2013-OSINFOR-DSPAFFS - 106-2014-OSINFOR-DSPAFFS	PAU Concluido - Firme Acto Administrativo	Rojo
POA 5	450-2011-GRL-QGR-PRM/RFFS-DER-SOPM	0	0.0000	TORRES CASIMIRO RENE	No		-		
POA 6	004-2013-GRL-QGR-PRM/RFFS-DER-SOPM	6	5351.5560	TORRES CASIMIRO RENE	SI - OSINFOR	2014	781-2014-OSINFOR-DSPAFFS - 375-2015-OSINFOR-DSPAFFS	PAU Concluido - Firme Acto Administrativo	Rojo
POA 7	651-2013-GRL-QGR-PRM/RFFS-DER-SOPM	7	4991.9150	TORRES CASIMIRO RENE	SI - OSINFOR	2014	781-2014-OSINFOR-DSPAFFS - 375-2015-OSINFOR-DSPAFFS	PAU Concluido - Firme Acto Administrativo	Rojo
POA 8	331-2014-GRL-QGR-PRM/RFFS-DER-SOPM	7	6883.2840	CHANG VILLACORTA MARIO ENRIQUE	SI - OSINFOR	2015	335-2015-OSINFOR-DSPAFFS - 592-2015-OSINFOR-DSPAFFS	PAU Concluido - Firme Acto Administrativo	Rojo

Mostrando 1 al 5 de 5 Registros

98 Bob Abeshouse & Luis Del Valle, Peru's Rotten Wood, Al Jazeera (Aug. 15, 2015), <http://www.aljazeera.com/programmes/peopleandpower/2015/08/peru-rotten-wood-150812105020949.html>.

99 Resolución Directoral N° 592-2015-OSINFOR-DSPAFFS.

Map N° 02: Location of the FMPs of the Comunidad Nativa San Antonio de Lancha Poza in Loreto



To be very clear: the patterns described here are not unique to the GTFs used by Maderera Bozovich, rather they are found almost across the board. Ivo Bozovich Noriega, General Manager of Maderera Bozovich, states “SIGO, is one of the most important pillars to streamline our responsible purchasing policies.” In addition, “doing a verification in SIGO of the documents and requirements of the law [is] a double check. That we are

PERU Presidencia del Consejo de Ministros Organismo de Supervisión de los Recursos Forestales y de Fauna Silvestre - OSINFOR Presidencia Ejecutiva

“Decenio de las Personas con Discapacidad en el Perú”
“Año de la Diversificación Productiva y del Fortalecimiento de la Educación”

Magdalena del Mar, 13 de mayo de 2015

CARGO

OFICIO MÚLTIPLE N° 002-2015-OSINFOR/01.1

Señor (a):
MADERERA BOZOVICH S.A.C.
Calle F Santa Genoveva S/N Lurin Lima

Asunto: Información sobre títulos habilitantes supervisados por el OSINFOR

De mi consideración:

Me dirijo a usted para saludarlo cordialmente y a la vez, manifestarle que de acuerdo al Decreto Legislativo N° 1085, el Organismo de Supervisión de los Recursos Forestales y de Fauna Silvestre (OSINFOR), es la Entidad encargada a nivel nacional de supervisar y fiscalizar el aprovechamiento sostenible y la conservación de los recursos forestales y de fauna silvestre, así como los servicios ambientales provenientes del bosque, otorgados por el Estado a través de títulos habilitantes (concesiones, permisos y autorizaciones).


Es así, que en el marco de sus funciones, viene efectuando desde el año 2009, supervisiones a nivel nacional a los títulos habilitantes forestales y de fauna silvestre autorizados por la Autoridad concedente, evidenciando diversas irregularidades como la extracción y movilización de recursos forestales de áreas no autorizadas, los cuales, podrían estar poniendo en riesgo el comercio legal de dichos productos.


Preocupados por esta problemática y con el objetivo de disminuir el riesgo de nuestro país en la comercialización y exportación de los recursos forestales que tendrían origen ilegal, ponemos a su disposición información sobre los títulos habilitantes supervisados por el OSINFOR en <http://www.osinfor.gob.pe/portal/documentos.php?idcat=129&iduso=129>.

Asimismo, en caso de que el título habilitante buscado no haya sido supervisado por el OSINFOR, nuestra Institución se compromete a realizar todos los esfuerzos para realizar la diligencia y de esta manera garantizar el comercio legal de nuestros recursos forestales.

Sin otro particular, aprovecho la ocasión para expresarle las muestras de mi especial consideración y estima personal.

Atentamente,


Fernando Navarro Gómez
Presidente Ejecutivo (e)
Organismo de Supervisión de los Recursos Forestales y de Fauna Silvestre - OSINFOR



RECEPCION VIGILANCIA
MADERERA BOZOVICH S.A.C.
20 MAY 2015
14:27
RECEPCION SIGNIFICA ACEPTACION DEL CONTENIDO DEL DOCUMENTO

Av. Javier Prado Oeste 692
Magdalena del Mar, Lima 17
Perú (511) 615-7373 www.osinfor.gob.pe

going to export wood that has arrived with this type of characteristics gives us more power commercially, gives more security to the client, it educates the producer who wants to work with a company like us. It adds to and reinforces the solidity and transparency in our commercial operations.”¹⁰⁰ The question is: how exactly are they using SIGO_{SC}? As a tool to increase transparency or as a new way to evade it?

100 OSINFOR, Contribución del SIGO al comercio legal de madera, 21 Jul. 2017, <https://www.youtube.com/watch?v=8wYwb2tJGc&feature=youtu.be>

5. CONCLUSIONS

Based on the analysis of the Forest Transport Permits (GTFs) used for exports, it is possible to follow the timber from the forest to the importing country and company. The results of this investigation show that a large percentage of exports have a high risk of containing illegally harvested timber, either because they are on the “red list” in OSINFOR’s SIGO_{SFC} or because the legal status is unknown. Less than 20% of timber shipments were accompanied by GTFs with FMPs on the “green list” in SIGO_{SFC}. 66% of the GTFs used for the exports were not supervised or did not indicate the harvest period of the Forest Management Plan (FMP) from which the timber was harvested, making it impossible to determine its legal status. It is important to note that without the autonomy and independence of OSINFOR, greater transparency and knowledge about the results of monitoring and control of logging titles would not have been possible.

Markets that demand legality and due diligence receive a higher percentage of timber accompanied by documents on the “green list,” in contrast to countries that do not have laws related to imports of illegal timber. Countries that receive the highest percentage of timber with GTFs with FMPs included in SIGO_{SFC} “red list” are Mexico (75%) and China (71%), and on the “green list,” USA (72%) and France (91%). Based on these results, it is possible to conclude that exporters are using the tools at their disposal, such as SIGO_{SFC}, to target selected GTFs whose FMPs are on the “green list” to the European and US markets.

From the data analysis and the case study with examples of “continuous improvement” in practices to avoid transparency, we identified timber exports using: (i) documents from areas where harvest types are not subject to OSINFOR supervision, (ii) documents from forests on private lands whose approval documents were not submitted to OSINFOR by the granting forest authority, which is a violation of the Peruvian law by the granting authority (iii) non-supervised FMP’s of high-risk logging titles, (iv) GTFs that do not include the FMP’s harvest number or other relevant information, which means it is impossible to verify the legal origin, and (v) GTFs corresponding to FMPs that are on the “red list” of SIGO_{SFC}.

The review of export data from recent years shows that since the increased enforcement of the Lacey Act and the implementation of the Peru-US FTA, the United States has declined as one of the main destinations for exports of Peruvian timber. At the same time, the exports have increased to countries close to the

US without laws regarding the legal origin of timber. Therefore, it is entirely possible that much of the timber entering third countries may end up in the US market, either directly from the third country without processing or subsequent to secondary transformation. The same is true of China, where more of the high-risk or “red list” timber exports from Peru go than any other country.

We identified 67 exporting companies and 186 importers, who traded and sold wood from Peru on five continents. Six companies exported more than 50% of the GTFs used for worldwide exports. In descending order these companies are: Maderera Bozovich SAC, Inversiones La Oroza SAC, Peruvian Flooring SAC, Inversiones Técnicas Maderables SAC, Consorcio Maderero SAC, and Maderera Rio Acre SAC. We also determined that a number of different companies exported concerning percentages of GTFs with FMPs on the “red list,” as in the cases of Maderera Bozovich SAC: Mexico (65%), China (50%), Dominican Republic (31%), and the United States (29%); Inversiones La Oroza SRL: China (100%), Mexico (97%), and the Dominican Republic (45%); Industria Forestal Iquitos SRL: Dominican Republic (100%); and Corporación Industria Forestal SAC: United States (100%). A significant number of other companies included in the report had high percentages of exports on the “red list” as well.

Since 2013 there has been a significant increase in the use of GTFs from two types of harvest modalities: Forest Permits in Indigenous Communities and Local Forests. Furthermore, both modalities present greater risks, since a significant percentage of their FMPs have not been supervised, and in cases where they have been supervised, 49% and 96% respectively were found to have major violations, resulting in their inclusion on the “red list.” Of the GTFs that we analyzed, the modality with the most GTFs was Forest Permits in Indigenous Communities, with 38.03% of all of the GTFs, followed by Forest Timber Concessions with 37.23% and Local Forests with 15.23%. Indigenous communities continue to be those most negatively impacted by the laundering of illegal timber using the GTFs from their Forest Permits. All too often the companies or individuals responsible for the violations of the forestry laws with these GTFs eventually disappear, leaving the community with sanctions and fines that are impossible for them to pay, and creating impunity for the responsible third parties.

Based on the analysis of the database information, we conclude that the efforts by the Peruvian government in recent years have not stopped the illegal harvest of timber from the Peruvian Amazon, nor its sale on

international markets. Unfortunately, there continues to be a revolving door of civil servants in the public administration who allow the harvest and sale of timber from unauthorized areas, accompanied by legal documentation (GTFs), which allows the illegal timber to be laundered and eventually exported with official documents.

On the basis of our analysis, and results showing the ways in which documents can be used to reduce

transparency for timber exports and to continue the well-documented practice of laundering illegal timber with official documents, it is imperative that OSINFOR remains independent and capable of conducting supervisions of high-risk logging titles. In addition, the implicit or explicit support of the various levels of government in facilitating internal trade and the export of illegal timber must stop. We provide additional recommendations below on the detailed steps that can be taken to reduce illegal logging and associated trade, as well as the negative impacts on

6. RECOMMENDATIONS

The Government of Peru should:

- Undertake audits of companies identified as high-risk. Reliable results of the legal origin of wood have existed since 2009, the year in which OSINFOR became an independent and autonomous body. The audits are needed to guarantee companies are fulfilling the requirements that allow them to benefit from the Restitution of Tariff Rights regime, also known as “Drawback,” as well as the requirements of international trade agreements. Audits would address the problem perpetuated for many years by some companies who have taken advantage of the tax benefit for illegal timber. SUNAT must be in charge of this process because they have export data, as well as relevant accounting, tax, and other information.
- Institutionalize joint actions to ensure that products, and not just the documents, to be sold at local, regional, national, and international level are of legal origin.

Governmental agencies should, as follows:

- SERFOR, as the authority responsible for the control of timber exports, should assess and cross-check information related to the granting, supervision, and inspection of logging titles, in order to guarantee the legal origin of the wood. In addition, SERFOR should share all this information—which is by law public—on an online platform, with interoperability for the electronic exchange of documents with legal importance.
- SERFOR, within the framework of Article 200 of the Regulations for Forest Management of the Forest and Wildlife Law,¹⁰¹ should create and enforce the requirement that all timber exports are of verified legal origin. To this end, SERFOR should develop strict compliance guidelines for visual inspections prior to

export, through the Visual Inspection Certificates and verification of legal origin by cross-checking information with OSINFOR’s SIGO_{SFC}.

- Implement control mechanisms for timber traceability from harvest to export, as established by the Forestry and Wildlife laws and regulations in force in Peru. Cross-check data included in SERFOR’s Visual Inspection Certificates for the export of timber with the information in SIGO_{SFC} for timber traceability from the point of harvest in the forest to export. If a Forest Management Plan (FMP) contained in the Forest Transport Permit (GTF) is not included in SIGO_{SFC}, the forestry authority should request OSINFOR undertake an immediate field inspection prior to export.
- Government officials involved in the forestry sector are aware of the critical points in the timber trade, and they should take simple and straightforward actions to guarantee the legality of timber harvested, marketed, and sold with legal documents issued by relevant government authorities. The GTF must be standardized and the following must be required:
 - A single format at the national level.
 - Electronic real time system.
 - Data and information in an easy-to-read format.
 - Tax Identification Number (RUC) of the Contract Holder
 - Number of the Resolution approving: the FMP, re-entry to the harvest plot after the end of the initial harvest period, harvest of timber previously authorized but not cut, or other authorization to harvest timber.

101 Decreto Supremo 018-2015-MINAGRI, Aprueba para la reglamento de Gestión Forestal de la Ley N° 29763, Ley Forestal y Fauna Silvestre.

PERU Ministerio de Agricultura y Riego Servicio Nacional Forestal y de Fauna Silvestre Administración Técnica Forestal y de Fauna Silvestre Lima

"Año de la Diversificación Productiva y del Fortalecimiento de la Educación"

ACTA DE INSPECCIÓN OCULAR DE EMBARQUE N° 513-2015-TP

En Tpp del 2015, a las 12:20 Horas, se procedió a la inspección ocular de un embarque de Huana Estoque

☒ Exportación ☐ Importación ☐ Re-exportación

I. DATOS GENERAL

Exportador: Hermanos Forestal S.A.S. P.A.N. 4407-9900-00
 Importador: Triumph International Trading Co. Ltd País: China
 PERMISO N° ESTAMPILLA N° Fecha Exp.
 ESPECIES DE flora Silvestre incluidas en los Apéndices CITES: ☐ sí ☒ no

II. RESULTADOS

Se constató que el embarque inspeccionado corresponde a la(s) siguiente(s) especie(s):

1) Myrciophora tomentosa Volumen 62.869 m³ Peso 3.6 kg FOB \$ 6,679.46
 2) Volumen Peso Cantidad FOB
 3) Volumen Peso Cantidad FOB

CONTENEDOR N° TCLU 202373-9, FCIU 542173-2
CBHU 952118-0
 GTF: 013-167942 013-167948 013-167947
DUA N° 022458

III. OBSERVACIONES

IV. DATOS DEL INSPECTOR

Inspector SERFOR-ATFFS-Lima/P.C. Callao/T. P.: Ing. Don Del Castillo Coral
 Siendo las 12:45 horas, se da por concluida la inspección y en señal de conformidad firmamos a continuación:

POR SERFOR-ATFFS-Lima/P.C. Callao/T. P.
MAORI-SERFOR-ATFFS-LIMA
 INSTRUCTOR Ing. Don Del Castillo Coral
 D.N.I. N° Callao
 Puerto de Exportación

USUARIO OSINFOR
 Firma del usuario o Representante
 Nombres y Apellidos
 D.N.I. N° Telf.
 Agencia

GOBIERNO REGIONAL DE UCAYALI
 Autoridad Regional Ambiental de Ucayali
 Gerencia Regional de Recursos Naturales y Gestión del Medio Ambiente
 Dirección de Gestión Forestal y de Fauna Silvestre
 DGFFS - PUCALLPA

SERFOR
 GUÍA DE TRANSPORTE FORESTAL
 013 - N° 0193483

Ucayali
 (Región Productiva)

Autoridad Regional Forestal y de Fauna Silvestre
 Fecha de Expedición: 13/11/2015
 Origen del recurso: Concesión ☐ Permiso ☐ Autorización ☐ Fecha de Vencimiento: 20/11/2015
 Desboscado ☐ Cambio de uso ☐ Plantación ☐ Bosque local ☒
 Otros: ☐ Plan de manejo consolidado ☐

N° 16-JUIL-MAD-SD-003-14
 Nombre completo del titular: Asoc. Bosque Local CPR De Yarina Representante legal:
 N° de Resolución: Plan Operativo Anual
 Plan de Manejo (Tipo): Loreto Provincia: Maynas Distrito: Mazan
 PROPIETARIO DEL PRODUCTO: Inversiones La Cruz S. R. L. DNI N°
 RUC N° 20403324242 Dirección: Av. Abelardo Quiñonez N° 2837 Loreto Maynas-San Juan B.
 Departamento: Loreto Dirección: Av. Coronel Nestor Gamboa DNI N°
 Tipo de comprobante de compra o venta: Maynas Distrito: San Juan Bautista
 DESTINATARIO: Ransa Comercial S.A. N° de comprobante:
 RUC N° 20100039207 Dirección: Av. Coronel Nestor Gamboa Km 3.800 DNI N°
 Departamento: Callao Dirección: Callao Distrito: Callao
 TRANSPORTISTA:
 N° de Guía de Remisión: Terrestre ☒
 Tipo de Transporte: Camión
 Tipo de Vehículo: Camión Placa(s) N° F2M-047/ 86T-998
 Conductor: Juan Flores Alarido D.N.I. N° 04350713
 Licencia de Conducir N°: T-04350713
 DETALLE DEL PRODUCTO:
 Lista(s) de trozas N°: 020021708
 N° GTF de origen: 020021708

Nombre Científico	Nombre Común o comercial	Tipo de Producto	Forma de empaque o presentación del producto	Cantidad	Unidad de medida	Total
Volvo 10	Cumala	Madera Comercial	Piezas	2250	m³	43.620
Volvo 10	Cumala	Madera L Argentea	Piezas	368	m³	4.031

Observaciones: Van 13 Paquetes

Se invalida la G.T.F.S. cuando contiene enmendaduras y/o alteraciones.
 La presente G.T.F.S. tiene carácter de declaración jurada y está sujeta a acciones penales contempladas en el numeral 32.3 del artículo 22 de la Ley 27463 (Ley del Procedimiento Administrativo General).

Nombre y Apellido(s) Don Del Castillo Coral
 Firma

- Attach the log list, this would enable the connection between the tree, the plot where the timber was harvested, and the actual origin of wood.
- Scientific name of the species declared, identified by a specialized and accredited institution in the field, prior to the approval of the FMP.
- Attach the supporting documents to all the information contained in the GTF.
- Include in the Customs Declaration (Declaración Aduanera de Mercancías) relevant information on logging titles, including the number of the resolution approving the FMP and scientific names of the timber species declared in the log list, as well as the GTFs that state the origin of the wood to be exported, so that SUNAT can carry out controls through cross-checking information in SIGO_{SFC} to avoid the export of illegal wood.
- Relevant government authorities should make a scientific and technical determination of the period of viable timber storage prior to commercial sale and prohibit sale of timber with GTFs whose dates fall outside the period of validity.
- Implement a registry of timber stored or stockpiled in the forest or sawmills in order to secure the forest reserves and harvested timber; and to avoid commercialization with older or previously used GTFs, as reported in this investigation.
- Empower OSINFOR, with authority and an adequate budget, to monitor and review compliance of those administrative acts¹⁰² often resulting in timber harvest that are not considered logging titles in accordance with the current Forestry and Wildlife Act, regardless of the body that grants the right of exploitation.
- Empower OSINFOR, with authority and an adequate budget, to obtain the necessary information from the sawmills through physical and documentary verification. This would allow OSINFOR to determine the legal origin of the timber harvested under logging titles contained in GTFs.
- OSINFOR should continue to prioritize FMP monitoring of high-risk harvest modalities and in regions with the highest rates of false information and breach of contractual obligations.

¹⁰² Decreto Supremo 018-2015-MINAGRI. Reglamento para la Gestión Forestal. Artículo 40°: Actos Administrativos que no constituyen títulos habilitantes:

- Autorización de desboscado.
- Autorización de cambio de uso actual de las tierras a fines agropecuarios en predios privados.

- Autorización de cambio de uso actual de las tierras a fines agropecuarios en tierras de dominio público.
- Autorización para actividades de pastoreo
<http://www.minagri.gob.pe/portal/download/pdf/marcolegal/normaslegales/decretossupremos/2015/ds18-2015-minagri.pdf>.

The Peruvian government and international aid agencies should:

- Explore the possibility of promoting credits for responsible forest management for small, and medium-sized forest producers, who could use the anticipated proceeds from the future sale of timber as a guarantee. Credit disbursements should be made upon verification of the accuracy of field information, in addition to compliance with other obligations. This certification of compliance would become the guarantee for the credit entity to disburse funds for exploratory forest inventories, commercial censuses, construction of primary and secondary roads, storage yards, transport, etc.

Exporters and Importing Companies and Countries should, as follows:

- Timber purchasers should review SIGO_{SFC}, in order to determine legal risks for the timber to be exported. If the FMP is not listed in SIGO_{SFC}, a field supervision

should be requested from OSINFOR. From when the timber leaves the forest until it reaches the point of export, there is generally enough time and opportunity to be able to undertake an inspection and act preventively, before the commercialization at the national level or export.

- The Governments of China, Mexico, the Dominican Republic, and other wood consuming and processing countries should promote regulatory mechanisms to guarantee the legal origin of timber entering their countries.
- Mexico, which is currently considering forest law reforms, should include provisions related to the import and sale of illegal timber from other countries in order to take a significant first step towards tackling illegal timber imports.
- The US Government should modify the format of the Lacey Act Declaration, in order to incorporate an affirmative declaration that the timber is of legal origin.



MINISTERIO DE AGRICULTURA
Dirección General Forestal y de Fauna Silvestre

GUIA DE TRANSPORTE FORESTAL
25 N° 276996

Sede ATFFS: PUCALLPA
Fecha de Expedición: 08/10/2009

Contrato N°: 18-10N7C-0-091-09
Departamento: Loreto
Titular del Contrato y/o Permiso: RAYMUNDO RIVERA TORRES FELIX
RUC/RUS N°: 18058015778

Propietario del Producto: Green Forest S.A.
RUC/RUS N°: 20392115405

Destinatario: RAYMUNDO RIVERA TORRES FELIX
RUC/RUS N°: 20100371741

Pagos Efectuados por el Extractor:
Producto al Estado Natural / Recibo N°: 104-004204167.17.75
Canon de Reforestación / Recibo N°: 104-004204167.17.75

Tipo de Transporte: terrestre
Conductor: JAMES PABLO ESPINOSA

Código	Nombre Comercial	Descripción del Producto	Cantidad	Unidad de Medida	Total
104-004204167.17.75	Rusera Comercial/Esmeralda	Paquetes	1	m³	9.952

Observaciones:
Peso de la Carga: 9.952
Despachado por: Percy Navarro Gomez
Autorizado por: Gustavo Suarez Gomez

2009 Forest Transport Permit used for 2015 exports

GOBIERNO REGIONAL DE UCAYALI
Dirección Ejecutiva Forestal y de Fauna Silvestre
DEFFS

GUIA DE TRANSPORTE FORESTAL
013 - N° 1466

Sede DEFFS: PUCALLPA
Fecha de Expedición: 08/10/2009

Contrato N°: 18-10N7C-0-091-09
Departamento: Loreto
Titular del Contrato y/o Permiso: RAYMUNDO RIVERA TORRES FELIX
RUC/RUS N°: 18058015778

Propietario del Producto: Green Forest S.A.
RUC/RUS N°: 20392115405

Destinatario: RAYMUNDO RIVERA TORRES FELIX
RUC/RUS N°: 20100371741

Pagos Efectuados por el Extractor:
Producto al Estado Natural / Recibo N°: 104-004204167.17.75
Canon de Reforestación / Recibo N°: 104-004204167.17.75

Tipo de Transporte: terrestre
Conductor: JAMES PABLO ESPINOSA

Código	Nombre Comercial	Descripción del Producto	Cantidad	Unidad de Medida	Total
104-004204167.17.75	Rusera Comercial/Esmeralda	Paquetes	1	m³	9.952

Observaciones:
Peso de la Carga: 9.952
Despachado por: Percy Navarro Gomez
Autorizado por: Gustavo Suarez Gomez

Illegible Forest Transport Permit



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ENVIRONMENTAL LAW

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