

# AUTHORIZED TO STEAL

ORGANIZED CRIME NETWORKS  
LAUNDER ILLEGAL TIMBER FROM  
THE PERUVIAN AMAZON



CENTER for INTERNATIONAL  
ENVIRONMENTAL LAW

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## CORRIGENDUM

On page 27, the first paragraph of the first column was corrected to remove a reference to Francisco Da Silva Chosna. The corrected sentence reads: The 2015 Callao Data identified Víctor Javier Vidalón Ríos as one of the professionals who participated in granting GTFs that allowed the transport and sale of illegally harvested wood, as reported in 2017 in CIEL's Continuous Improvement.

On page 29, the reference to "Forest Transport Permit N° 13-0247127" in the first paragraph of the third column was revised to read "Forest Transport Permit N° 13-0250437" to ensure consistency with the accompanying figure on the same page.

On page 31, Figure 21 has been updated to include the correct sample documents for GTF No. 13-0252736 and GTF No. 13-0247127.

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## ORGANIZED CRIME NETWORKS LAUNDER ILLEGAL TIMBER FROM THE PERUVIAN AMAZON

JULY 2019



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## Acronyms and Abbreviations

<b>ANP</b>	National Protected Area
<b>ARFFS</b>	Regional Forestry and Wildlife Authority
<b>ATFFS</b>	Technical Forestry and Wildlife Administration
<b>CIEL</b>	Center for International Environmental Law
<b>CIP</b>	Peru's Registry of Engineers
<b>CITES</b>	Convention on International Trade in Endangered Species of Wild Fauna and Flora
<b>DAM</b>	Customs Merchandise Declaration
<b>DGFFS</b>	Forestry and Wildlife Administration Office
<b>FEMA</b>	Specialized Prosecuting Units in Environmental Matters
<b>GORES</b>	Regional Governments
<b>GTF</b>	Forest Transport Permits
<b>MEF</b>	Ministry of Economy and Finance
<b>MINAGRI</b>	Ministry of Agriculture and Irrigation
<b>MINJUS</b>	Ministry of Justice
<b>OSCE</b>	Supervisory Body of State Contacts
<b>OSINFOR</b>	Resources and Wildlife Monitoring Agency

<b>PAS</b>	Administrative Sanctions Procedure
<b>PAU</b>	Uniform Administrative Procedure
<b>PCM</b>	Presidential Council of Ministers
<b>PMF</b>	Forest Management Plan
<b>POA</b>	Annual Operative Plan
<b>RUC</b>	Taxpayer Registry Number
<b>SERFOR</b>	National Forestry and Wildlife Service
<b>SERNANP</b>	National Service for Natural Areas Protected by the State
<b>SIGO</b>	Information Management System (See also: SIGO <sub>(SFC)</sub> )
<b>SIGO<sub>(SFC)</sub></b>	Information Management System (See also: SIGO)
<b>SISFOR</b>	National Superintendent of Customs and Tax Administration
<b>SNIFFS</b>	National Forestry and Wildlife Information System
<b>SUNAT</b>	Geographic Information System for Forest and Wildlife Supervisions
<b>UIF</b>	Financial Investigation Unit
<b>WCO</b>	World Customs Organization





# Executive Summary

Illegal logging and its related international trade are currently considered the third largest crime in the world.<sup>1</sup> In Peru, illegal logging and timber commerce have a long history. In "*Continuous Improvement*" in *Illegal Practices in the Peruvian Forest Sector*, the Center for International Environmental Law (CIEL) identified timber exports at high risk of being illegal in 2015 and the practices used by exporters to avoid transparency and continue their trade in high-risk timber. With a new Forestry and Wildlife Law having taken effect in October 2015, CIEL has continued its investigation into Peru's illegal logging and timber exports to evaluate whether the new legislation has led to a significant decrease in rates of high-risk wood harvests and sales.

This document analyzes domestic trade as well as the export sector, based on information contained in 1,024 Forest Transport Permits (GTFs) issued in June, July, and August of 2017. It examines results and files prepared by the Forest Resources and Wildlife Monitoring Agency (OSINFOR), the entity in charge of supervising and auditing logging areas. The findings reveal that illegal logging continues at an alarmingly high rate. Moreover, high-risk authorizations continue to be concentrated in local forests, private lands, and indigenous communities.

In contrast to *Continuous Improvement*, which examined the private sector's actions, this document focuses on the public sector's role in the proliferation of illegal logging and its related trade in Peru. This analysis assumes that human error does not account for cases in which over 40 percent of the trees approved for harvest never existed in the authorized areas. The individuals involved in these cases are therefore identified by name for their role in facilitating the trade of illegal timber in Peru. These people are the specific forestry regents who wrote and filed the Forest Management Plans, the professionals who conducted on-site visual inspections in order to verify the accuracy of the Forest Management Plans, the professionals who wrote favorable reports and recommended that the plans be approved, and public officials who signed approval resolution forms and forestry contracts that authorized particular volumes and species of wood to be harvested and transported.

In Peru, a series of laws regulate forest resources and wildlife management, and they stipulate administrative and criminal sanctions for those involved in trafficking and selling illegally felled wood. Nevertheless, so few cases and sanctions have been applied that there is little disincentive for Forestry and Wildlife Authorities to grant and verify official documents that are used to launder timber illegally extracted from the Peruvian Amazon.

The report concludes with a series of concrete recommendations for Peruvian State entities, forestry companies, and financial institutions, that aim to generate meaningful changes that reduce illegal logging and promote legally extracted wood in Peru.

## Key Findings

- 91% of the examined Forest Transport Permits include Forest Management Plans approved by the Forestry and Wildlife Authorities in the regions of Loreto and Ucayali.
- 44% of the Forest Transport Permits are backed by Forest Management Plans supervised by OSINFOR.
- 58% of the Forest Transport Permits with Forest Management Plans supervised by OSINFOR appear on the "red list" of OSINFOR's Information Management System (SIGO<sub>(SFC)</sub>, or SIGO) because they are at high risk of involving the illegal timber trade.
- 75% of the permits with supervised Forest Management Plans from the Loreto region are on SIGO's red list.
- 26% of the permits with supervised Forest Management Plans from the Ucayali region are on SIGO's red list.
- 98% of contracts in local forests, 94% of permits on private lands, and 76% of permits in indigenous communities appear on the SIGO red list.
- 62% of the timber transported to Lima is on the red list, and 68% transported to the Port of Callao is on the green list, which suggests that products selected for export (and subject to higher scrutiny) have a lower risk level than those sold in the domestic market.



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## Chapter 1

# Introduction

**E**nvironmental crimes in Peru are a serious and rapidly growing problem. Illegal logging, for instance, causes deforestation, illegal collection and sales of wild fauna and flora, and loss of biodiversity; it leads to the eradication of indigenous populations, violence, crime, and corruption. Illegal logging in Peru also has a serious impact on climate change.

In 2017, 155,914 hectares of forest in Peru were deforested,<sup>2</sup> with one third occurring in the regions of Loreto and Ucayali, some of the most biodiverse forests on the planet. That year, 66 percent of domestic roundwood and 49 percent of domestic sawn wood reportedly originated from those two regions.<sup>3</sup> Meanwhile, OSINFOR reports that 67 percent of wood felled in 2017 was logged illegally, because their supervisions could not identify the legal sources of the timber.<sup>4</sup>

Some of the violations related to deforestation and illegal logging are committed by organized crime networks comprised of forestry regents, public officials, and private businesspeople who collude to extract and sell illegally sourced wood. These networks have operated a massive fraud for many years with impunity, their crimes generating environmental, social, and economic instability for people affected by their illegal activities.

This research analyzes information in Forest Transport Permits issued in June, July, and August of 2017 in the regions with the highest logging rates in Peru: Loreto and Ucayali. It reveals, identifies, and analyzes activities by forestry regents and officials who were involved in each stage of that timber supply chain. The research details the route of the wood from the forest (by following the creation, filing, and approval of Forest Management Plans) to its final destination (through the

timber exports as declared in Forest Transport Permits). The legality of the forest products was determined using the administrative files developed by OSINFOR's supervision of Forest Management Plans.

Peru has an extensive set of regulations to address environmental crimes and their sanctions. However, the relevant administrative and criminal procedures are weak and slow; thus, the application of penalties does not accurately reflect the magnitude of the crimes' impact on ecosystems, biodiversity, and the environment as a whole. Sufficient regulatory tools exist to administratively and criminally sanction the people who commit the crimes stipulated in the Forestry and Wildlife Law as established in Legislative Decrees Nos. 1319, 1237, 1244, and 1249. However, to date the responsible institutions have neither established nor broadly enforced the appropriate penalties. For the criminal

networks that commit environmental violations, the profits generated seem to outweigh possible sanctions.

## Forestry Officials Who Oversee Legal Sourcing<sup>5</sup> for Forest Products and Wildlife in Peru

What follows is a description of the forestry institutions in Peru responsible for guaranteeing that forest products and wildlife have been legally sourced throughout the supply chain (harvest, transportation, processing, sale, and exportation).

### National Forestry and Wildlife Service (SERFOR)<sup>6</sup>

SERFOR is the governing body in charge of determining policies and promoting regulatory initiatives in the forest sector. It is charged with guaranteeing that forest products and wildlife have been legally sourced for both national and international sales. Moreover, it approves and issues forestry contracts and Forest Management Plans within the jurisdiction of the Technical Forestry and Wildlife Administration (ATFFS) prior to the products' transfer.<sup>7</sup> This agency verifies species' existence at the source site, issues export authorizations, and monitors species according to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

### Regional Forestry and Wildlife Authority (ARFFS)<sup>8</sup>

ARFFS's main tasks are issuing forestry contracts and Forest Management Plans in forests with continuous production<sup>9</sup> (timber and non-timber forest concessions), in indigenous and campesino communities' territories, and on private land (forestry permits and authorizations). ARFFS is also responsible for guaranteeing that wood has been legally sourced by conducting inspection checks, monitoring, and issuing GTFs,<sup>10</sup> and implementing an operations book in every wood

processing center, sawmill, and stockyard. Due to the decentralization process underway in Peru since 2007, some regional governments have started to transfer agrarian duties and responsibilities to their own territorial jurisdiction. To date, nine regional governments have taken on duties and responsibilities related to forestry.<sup>11</sup>

### Forest Resources and Wildlife Monitoring Agency (OSINFOR)<sup>12</sup>

OSINFOR is the nationwide entity that supervises and monitors forestry and wildlife contracts and Forest Management Plans that are issued by forestry and wildlife officials (ARFFS and SERFOR) according to different forest harvest modalities (timber and non-timber forest concessions, permits, and forestry authorizations). OSINFOR is in charge of guaranteeing the provenance of forest products and wildlife through on-site visual verifi-

*"For the criminal networks that commit environmental violations, the profits generated seem to outweigh possible sanctions."*

cation. These are intended to enable implementation and compliance with obligations vested in forestry contracts and forest administration tools.<sup>13</sup>

OSINFOR administers SIGO. This online transparency platform designates forest products as belonging to the "green list" (with tolerable or no risk of illegality) or the "red list" (at high risk of being illegal).

## Other Institutions with Support Roles

### Office of Public Prosecution

The Public Prosecutor's Office participates in preventative interventions and in cases of crimes committed nationwide through intermediary Specialized Prosecuting Units in Environmental Matters (FEMA). It participates through its own initiative as

required, in response to claims filed by citizens, or by request of Forestry and Wildlife Administration officials.

### National Police Force of Peru

Peru's National Police Force collaborates in preventative interventions and in cases of crimes committed nationwide through its Specialized Division. It participates by request of FEMA, in response to citizen complaints, or by the request of Forestry and Wildlife Administration officials.

### National Superintendent of Customs and Tax Administration (SUNAT)

SUNAT audits exports linked to forest resources and wildlife through the customs system and infrastructure. It participates on its own initiative as required or by request of Forestry and Wildlife Administration officials.

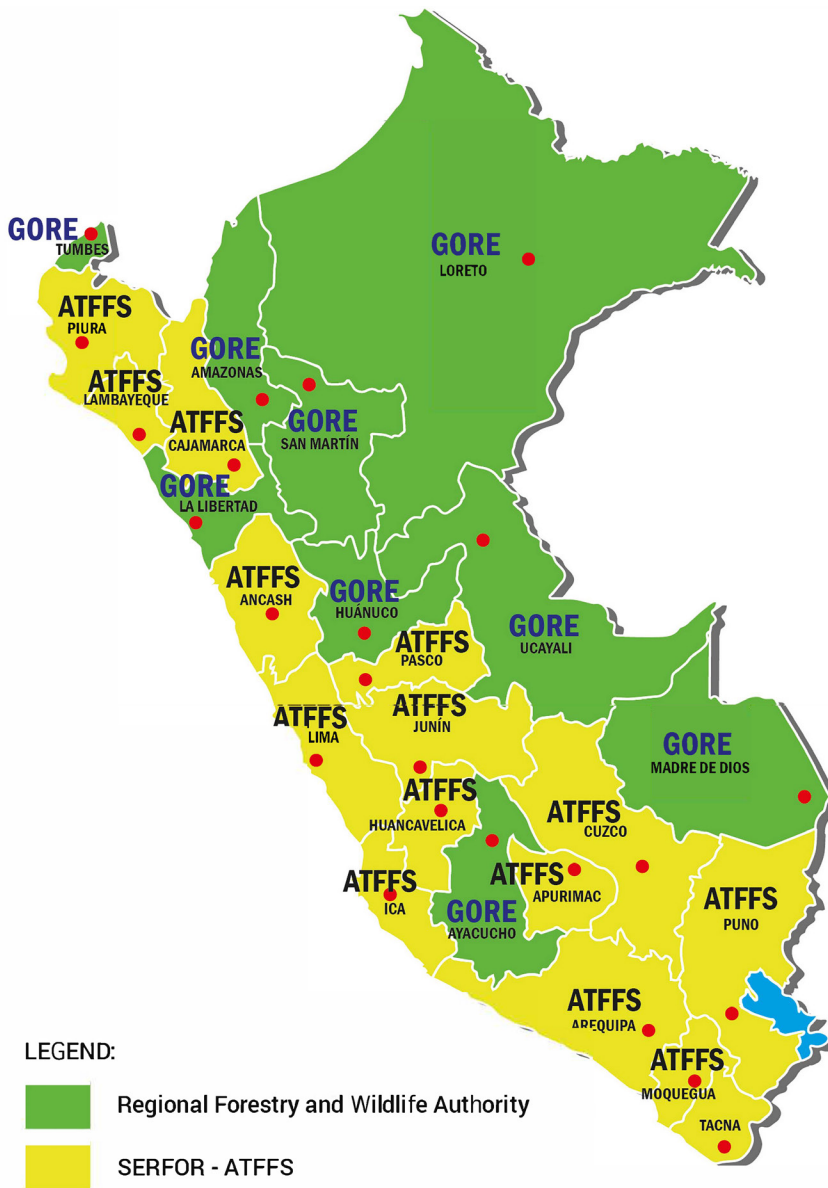
Figure 1 illustrates that nine regional governments currently manage agrarian issues in their territories (San Martín, Ucayali, Madre de Dios, Loreto, Amazonas, La Libertad, Ayacucho, Tumbes, and Huánuco),<sup>14</sup> and thirteen ATFFS still depend on SERFOR, including its forest checkpoints strategically located<sup>15</sup> in zones with high rates of timber transport.

## Accreditation of the Legal Origin of Forest Products and Wildlife

The process of accrediting legal origin entails on-site visual inspections to determine the source of forest products and wildlife. It also involves verifying appropriate documentation throughout the supply chain. To reliably ensure that forestry products and wildlife are legally sourced, the process must comply with the conditions stipulated in the applicable legislation. These include the backing of a GTF; authorizations for scientific purposes, waivers, and/or import or re-export documents that coincide with the incomplete National Forestry and Wildlife Information System (SNIFFS); and other management or marketing documents.<sup>16</sup>

**FIGURE 1**

Geographic Range of Forestry and Wildlife Administration Officials with Management and Monitoring Responsibilities in Peruvian Territory



On-site verification for harvesting forest resources is conducted in two stages:<sup>17</sup>

**1. Prior to the harvest of forest products**

In this stage, according to the current legislation, the Regional Forestry and Wildlife Administration Authorities or the Forestry and Wildlife Administration is in charge. Approval of a harvest under a Forest Management Plan (PMF) can be granted under two conditions:

- a. Visual on-site inspection prior to approval of the Forest Management Plan

Prior to approving the plan, forestry and wildlife officials must verify the existence of specific individual species included in CITES that have been declared in the PMF statement.

- b. Monitoring following approval of the Forest Management Plan

Forestry officials are allowed to conduct a verification process after the Forest Management Plan has been approved.

**2. During and following the harvest of forest products**

OSINFOR has the authority to verify the origin of forest products through supervising the Forest Management Plan and verifying alignment between the Forest Management Plan, the Forest Transport Permit, the harvest balance, the operations book, and the activities completion report. The Regional Forestry and Wildlife Authority or the Forestry and Wildlife Administration approves the documents and is also responsible for forwarding to OSINFOR notarized copies of the logging titles bestowing harvesting rights and the respective management plans within 15 days of issuing the relevant authorization or approval.<sup>18</sup>



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## Chapter 2

# The Illegal Timber Trade: How to Launder Illegally Logged Wood

Illegally sourced timber is sold in a variety of continually updated, modernized, and increasingly sophisticated ways to avoid being detected by national and foreign institutions. As described in this report, Forest Management Plans and Forest Transport Permits are used to bestow the appearance of legality to illegally harvested forest products. In this way, illegally sourced wood is transported and marketed with official documentation issued by officials in the Regional Forestry and Wildlife Authorities in Loreto and Ucayali.

This report analyzes 1,024 Forest Transport Permits issued by different forestry and wildlife officials in June, July, and August 2017. The information in these documents, which represent a portion of all such permits, is referred to throughout this report as the “2017 Database.”

## Forestry Contracts Used Most Frequently to Transport Timber

Of the Forest Transport Permits, there were 250 forestry contracts (forestry permits in indigenous communities, forest timber concessions, local forests, forestry permits on private lands, and forest plantations) and 196 Forest Management Plans that authorized the transport

and sale of declared forest products.

For years, institutions like OSINFOR and SUNAT,<sup>19</sup> as well as media outlets and civil society organizations, have conducted journalistic investigations and reports<sup>20</sup> that reveal how Peruvian timber transported and sold on domestic and international markets is facilitated by documents primarily from Forest Management Plans in indigenous communities and forest timber concessions; this study confirms that finding.

## The Status of Forestry Contracts

As Figure 2 indicates, the most commonly used forestry contracts are forest permits in indigenous communities and forest timber concessions. Figure 3 illustrates that between 35 percent and percent of Forest Management Plans from these contracts were not supervised by OSINFOR and that a large percentage of the Forest Transport Permits did not declare the number of the resolution approving the relevant Forest Management Plans. More-

**TABLE 1**  
Data in Forest Transport Permits from June, July, and August 2017

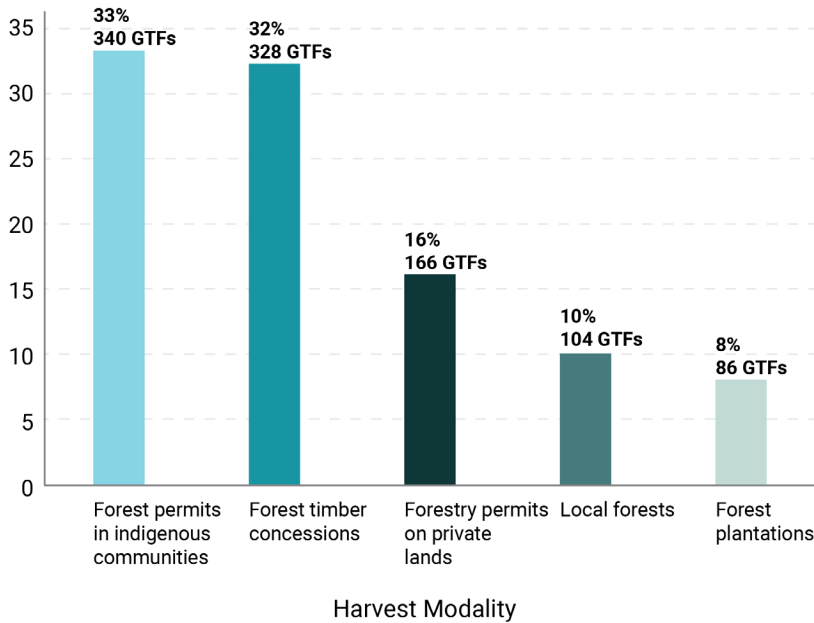
Harvest Modality	Number of GTFs	Forestry Contracts	Forest Management Plans
Forest permits in indigenous communities	340	57	56*
Forest timber concessions	328	41	58
Forest permits on private lands	166	47	47
Local forests	104	19	23
Forest plantations**	84	86	12
<b>TOTAL</b>	<b>1024</b>	<b>250</b>	<b>196</b>

Source: Prepared by the authors based on the 1,024 Forest Transport Permits analyzed

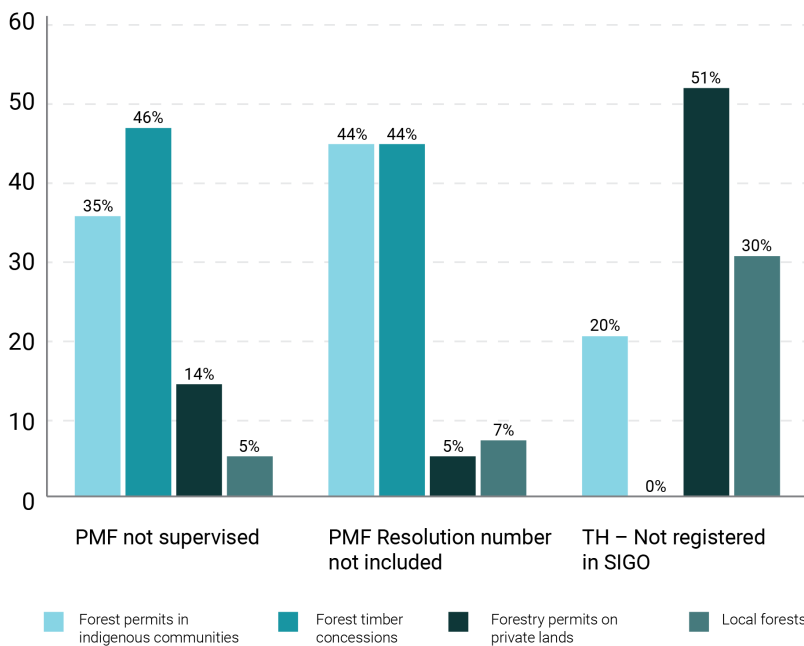
\* There are fewer plans than forestry contracts because some Forest Transport Permits do not indicate the number of the related resolution approving the Forest Management Plan.

\*\* The present analysis discovered that these are used to transport significant volumes of wood.

**FIGURE 2**  
Status of Forestry Contracts Reported in the Forest Transport Permits



**FIGURE 3**  
Status of Forestry Contracts Reported in the Forest Transport Permits



over, 51 percent of Forest Management Plans on private lands and percent of those on local forests were not reported to OSINFOR.

Importantly, Peru’s regulatory framework requires forestry and wildlife officials who issue harvesting rights for forest products to send the approved contracts and Forest Management Plans to OSINFOR. In 2017, Legislative Decree 1319<sup>21</sup> passed, bestowing legal status on the previously enacted Supreme Decrees regulating such forestry matters since 2010.

Meanwhile, Executive Directive Resolution N° 122-2015-SERFOR-DE, dated October 6, 2015, provides instructions on correctly filling out the GTF forms.<sup>22</sup> However, many of the GTFs evaluated in this study disregarded these instructions. In the 2017 *Continuous Improvement* report, CIEL observed that 18 percent of Forest Management Plans reported in the Forest Transport Permits do not indicate the section or area to be harvested according to the Forest Management Plan.<sup>23</sup>

### Logging Locations According to Forest Transport Permit Declarations

All of the timber examined in this investigation was purportedly harvested at a geographic location within the Peruvian Amazon. According to this analysis, 91 percent of the timber transported and sold with the backing of the evaluated GTFs was concentrated in Loreto and Ucayali. Prior research into logging locations in Peru determined that 68.5 percent and 30.9 percent of timber was felled in Loreto and Ucayali, respectively.<sup>23</sup>

Therefore, these two regions serve as a focal point for identifying how organized crime rings launder illegally sourced timber. Subsequently, this document will more specifically pinpoint logging locations relative to the legal status of forest products.

GTF that omits the resolution number for the Forest Management Plan

GTF that reports an incorrect contract number

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

**GUÍA DE TRANSPORTE FORESTAL**  
 014 - Nº 0052639

Autoridad Regional Forestal y de Fauna Silvestre: Padre Abad  
 Fecha de Expedición: 19/08/2017  
 Fecha de Vencimiento: 23/08/2017

Origen del recurso:  Concesión  Permiso  Autorización  Bosque local  
 Desboscado  Cambio de uso  Plantación  Plan de manejo consolidado

Nº de Resolución: [Redacted]

Plan de Manejo (Tipo): [Redacted]

PROPIETARIO DEL PRODUCTO: COMERCIALIZADORA DE PRODUCTOS MADERAS SELVA S.A.S.  
 RUC Nº: 2093957205

DESTINATARIO: COMERCIALIZADORA DE PRODUCTOS MADERABLES SELVA S.A.S.  
 RUC Nº: 2093957205

DETALLE DEL PRODUCTO: 00100002 001000187 001000188 001000212 001000142 001000142

Nombre Científico	Nombre Común o comercial	Tipo de Producto	Forma de empaque o presentación del producto	Cantidad	Total
Schizobolium sp.	PASHAGO	MADERA COMERCIA	PIEZAS	73 m³	8.591
Schizobolium sp.	PASHAGO	MADERA CUARTON	PIEZAS	1 m³	0.177
Schizobolium sp.	PASHAGO	TABLAS	PIEZAS	1 m³	0.020

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

**GUÍA DE TRANSPORTE FORESTAL**  
 013 - Nº 0250439

Autoridad Regional Forestal y de Fauna Silvestre: Coronel Portillo  
 Fecha de Expedición: 28/07/2017  
 Fecha de Vencimiento: 02/08/2017

Origen del recurso:  Concesión  Permiso  Autorización  Bosque local  
 Desboscado  Cambio de uso  Plantación  Plan de manejo consolidado

Nº de Resolución: [Redacted]

Plan de Manejo (Tipo): PO-Plan Operativo

PROPIETARIO DEL PRODUCTO: INVERSIONES WICA E.I.R.L.  
 RUC Nº: 2049328274

DESTINATARIO: TERMINALES PORTUARIOS PERUANOS S.A.C.  
 RUC Nº: 2050784605

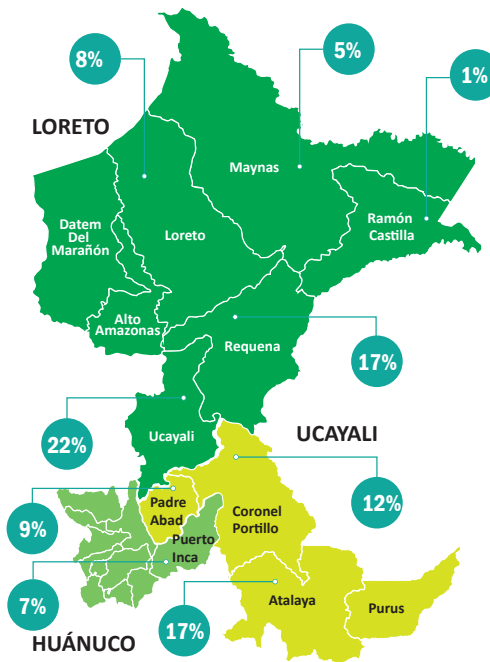
DETALLE DEL PRODUCTO: 016002422 016002422

Nombre Científico	Nombre Común o comercial	Tipo de Producto	Forma de empaque o presentación del producto	Cantidad	Unidad de medida	Total
Virula sp	CUMALA	MADERA COMERCIA	PIEZAS	174	m³	44.70
Virula sp	CUMALA	MADERA LARGA	PIEZAS	88	m³	1.54

### The Legal Status of Forest Management Plans

A forest product’s legal status is guaranteed only if it has been supervised by OSINFOR. Of the GTFs analyzed, only 44 percent of those backed by Forest Management Plans had been supervised. In fact, the legality of 48 percent of the GTFs backed by Forest Management Plans cannot be ascertained primarily because: 1) the forest management tool<sup>25</sup> was not reported to OSINFOR;<sup>26</sup> 2) the GTF did not include the number of the resolution approving the Forest Management Plan, making it impossible to determine whether the Forest Management Plan had been supervised;<sup>27</sup> and 3) the Forest Management Plan was not supervised. Moreover, 8 percent of the GTFs referenced forest plantations, which OSINFOR does not have the jurisdiction to supervise and monitor.

**FIGURE 4**  
 Geographic Distribution of Forest Management Plans Identified in the GTFs



## Disregard for Implementing Regulatory Measures

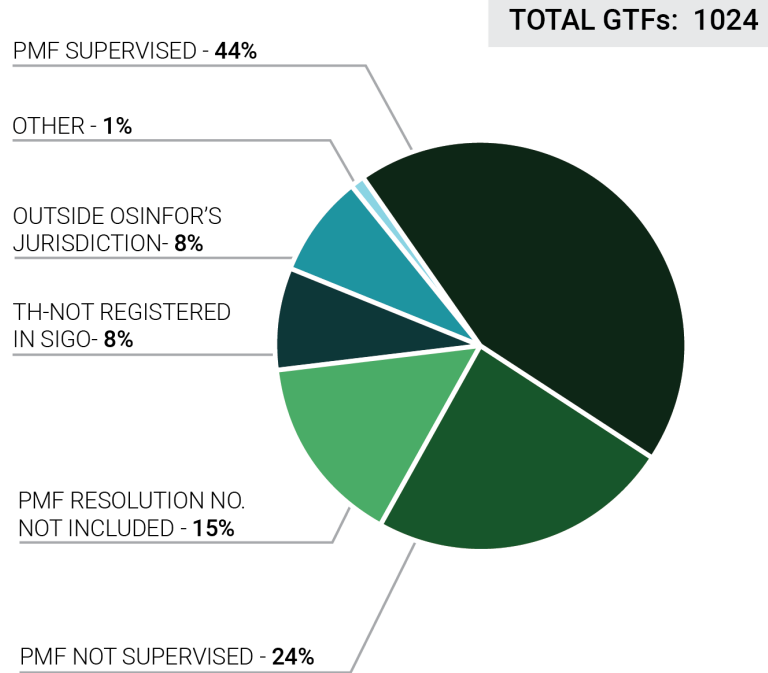
Since 2010, regulations require forestry and wildlife officials to forward Forest Management Plans to OSINFOR within 15 days of issuing and approving them.<sup>28</sup> Nevertheless, this investigation demonstrates an ongoing failure to comply with this timeframe.

The information reported by the SIGO<sup>29</sup> platform for 2017 and 2018 reveals whether the Regional Forestry and Wildlife Authorities sent the Forest Management Plans to OSINFOR in a timely manner. While Loreto and Ucayali account for 91 percent of logging sites in this study, the two regions met the deadline established for 2017 and 2018 for sending their Forest Management Plans to OSINFOR in less than 10 percent of cases, as evidenced in Figure 6.

## Statistics Speak

According to the 2017 Database, 44 percent of the GTFs that include Forest

**FIGURE 5**  
Status of the Forest Management Plans Reported in the Forest Transport Permits



**FIGURE 6**  
Percentage of Forest Management Plans Forwarded to OSINFOR by the Regional Forestry and Wildlife Authorities by the Deadline

### OSINFOR - SIGO

[Volver al Inicio](#)

Oportunidad de envío de planes de manejo forestal por las Autoridades Regionales al OSINFOR

**¿Qué contiene este reporte?**

Muestra el cumplimiento o no del plazo de remisión del plan de manejo al OSINFOR por parte de las ARFFS (GORE y ATFFS) de acuerdo a la normativa. El tiempo de entrega se mide entre la fecha de aprobación del plan y la fecha en que el OSINFOR recibe dicho documento de gestión.

**N° de Planes de manejo forestal maderable remitidos al OSINFOR por la Autoridad Regional Forestal y de Fauna Silvestre.**

GORE/SERFOR-ATFFS	Periodo: Ene-Dic 2017				Periodo: Ene-Dic 2018			
	Dentro del plazo (*)	Fuera del plazo	Total de planes entregados	% Dentro del plazo	Dentro del plazo (*)	Fuera del plazo	Total de planes entregados	% Dentro del plazo
GORE San Martín	5	2	7	71%	2	23	25	8%
GORE Madre de Dios	109	50	159	69%	17	134	151	11%
GORE Ucayali	7	83	90	8%	13	137	150	9%
GORE Loreto	13	195	208	6%	18	203	221	8%
GORE Huánuco	1	25	26	4%	9	32	41	22%
GORE Amazonas	0	20	20	0%	2	26	28	7%
GORE Tumbes	0	2	2	0%	3	7	10	30%
ATFFS Cusco	0	12	12	0%	0	0	0	0%
ATFFS Sierra Central	0	5	5	0%	0	1	1	0%
ATFFS Piura	0	3	3	0%	1	16	17	6%
ATFFS Lambayeque	1	3	4	25%	2	2	4	50%
ATFFS Selva Central	5	32	37	14%	40	15	55	73%
ATFFS Cajamarca	0	0	0	0%	0	4	4	0%
<b>Total</b>	<b>141</b>	<b>432</b>	<b>573</b>	<b>25%</b>	<b>107</b>	<b>600</b>	<b>707</b>	<b>15%</b>

Nota: (\*) Según la normativa vigente, las Autoridades Regionales Forestales y de Fauna Silvestre, deben remitir al OSINFOR los títulos habilitantes y planes de manejo hasta 15 días hábiles posteriores a su otorgamiento o aprobación, entre ellas:

- Artículo 4° del Decreto Legislativo N° 1085 (Ley de creación del OSINFOR)
- La Segunda Disposición Complementaria Final del Decreto Supremo N° 024-2010-PCM (Reglamento del Decreto Legislativo N° 1085)
- Artículo 54° del Decreto Supremo 018-2015-MINAGRI (Reglamento para la Gestión Forestal)
- Artículo 37° del Decreto Supremo 020-2015-MINAGRI (Reglamento para la Gestión de las Plantaciones Forestales y los Sistemas Agroforestales)
- Artículo 44° del Decreto Supremo 021-2015-MINAGRI (Reglamento para la Gestión Forestal y de Fauna Silvestre en Comunidades nativas y Comunidades Campesinas)
- Artículo 17° del Anexo del Decreto Supremo N° 011-2016-MINAGRI (Decreto supremo que aprueba disposiciones para promover la formalización y adecuación de las actividades del sector forestal y de fauna silvestre)
- Artículo 4° del Decreto Legislativo N° 1319 (Decreto Legislativo que establece medidas para promover el comercio de productos forestales y de fauna silvestre de origen legal)

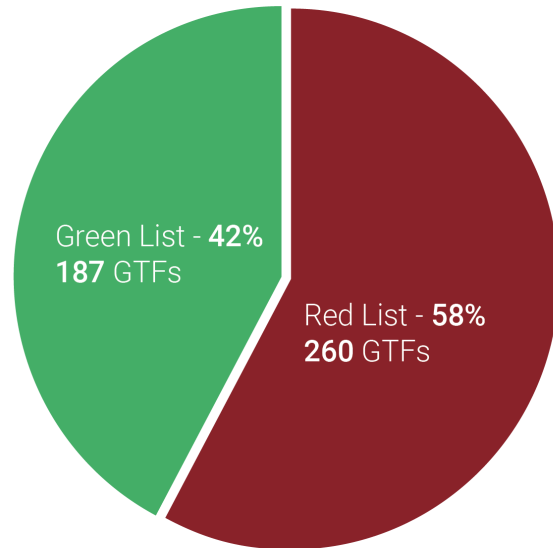


Management Plans were supervised by OSINFOR. Of those, 58 percent are included on the “red list” reported by SIGO. Their inclusion on the red list means that during the on-site visual inspection serious irregularities were detected, including falsified information and logging in unauthorized areas. These Forest Management Plans were presumably used to launder illegal timber. Plans on the “green list” are considered to have tolerable or no risk of illegality.

As reported in CIEL’s 2017 *Continuous Improvement*,<sup>30</sup> 51 percent of Forest Management Plans in the Callao Data in 2015 appeared on the red list because they committed infractions of the Forestry and Wildlife Law and/or environmental crimes. The present investigation found that 58 percent of the supervised Forest Management Plans are on the red list, which represents a 7 percent increase from the 2015 data, despite the new Forestry and Wildlife law and its respective regulations having been in effect for two years.

In September 2018, Peru’s daily newspaper *El Comercio* published that “illegally sourced and transported timber across the country accounts for 67 percent [of total logged timber], equivalent to 374,018 cubic meters, according to a report by OSINFOR, the sole institution responsible for verifying in the field whether Peru-

**FIGURE 7**  
Status of Forest Management Plans Reported in GTFs and Supervised by OSINFOR



vian timber is being harvested from authorized zones.”<sup>31</sup>

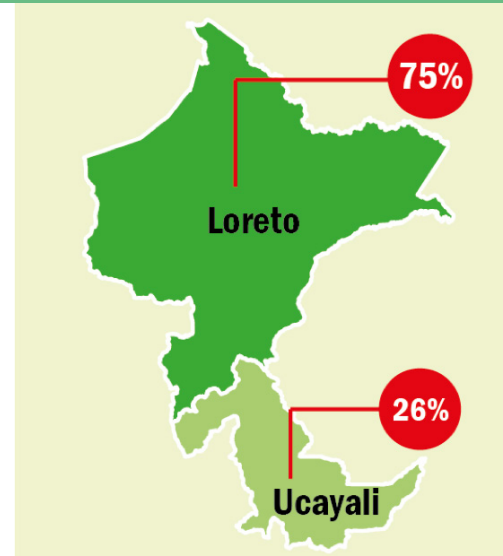
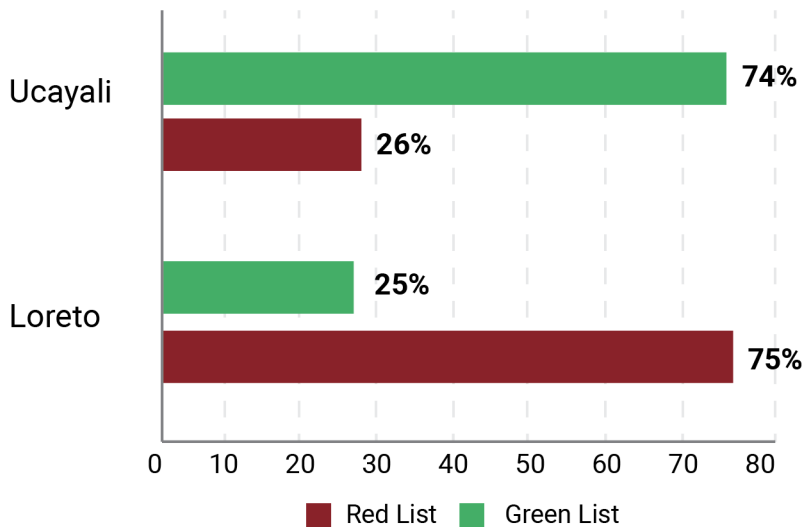
### High Risk Zones of Harboring Illegal Timber Transported and Sold with Official Documents

Based on the GTF statements in the 2017 Database, 75 percent of timber from the

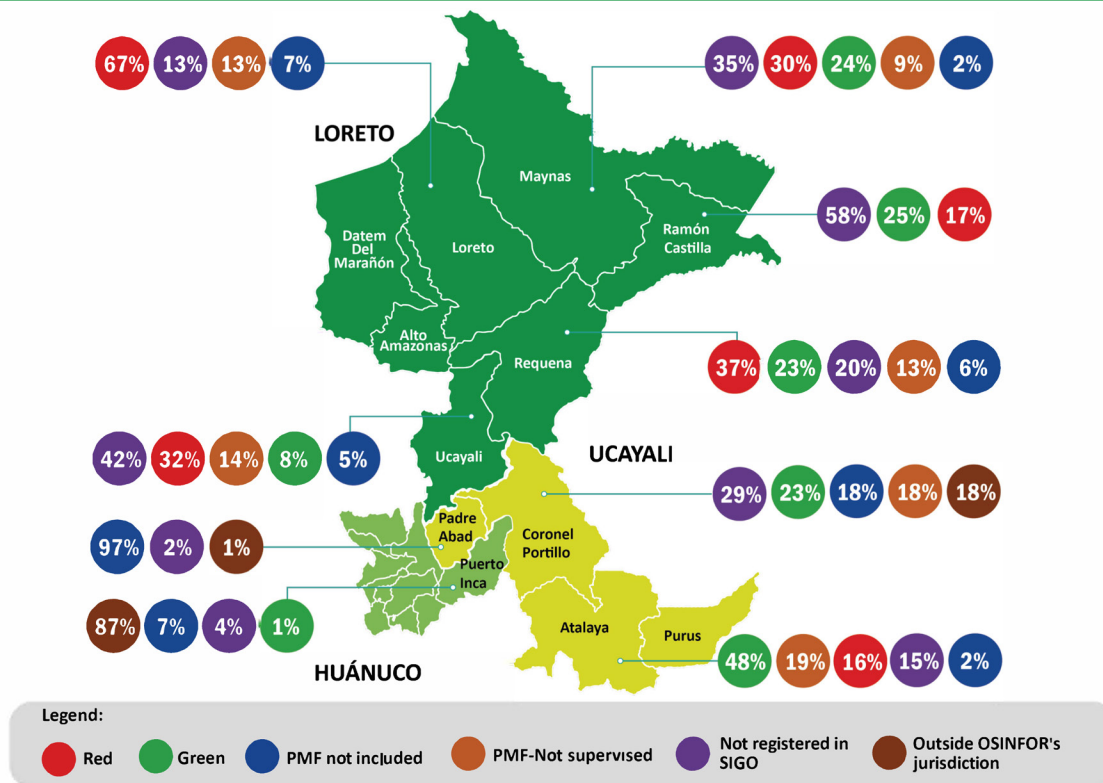
Loreto region and 26 percent from Ucayali are on the high-risk red list. Though Ucayali exhibits a lower red-list rate than Loreto, reports from recent years note that forest loss in Ucayali is accelerating due to changes in land use.<sup>32</sup>

Considering these numbers, illegally sourced timber from these areas is presumably being laundered primarily

**FIGURE 8**  
Timber Status by Region



**FIGURE 9**  
Status of Forest Management Plans Declared in GTFs



through contracts and Forest Management Plans from the Loreto region. This theory gains added traction when considering the GTF transfers discussed later in the report.

The results of the international initiative “Operation Amazon 2015” demonstrated that the trees declared in the Forest Management Plans supervised by OSINFOR in the departments of Loreto and Ucayali were proven not to exist<sup>33</sup> at rates of 90 percent and 10 percent, respectively.<sup>34</sup>

The statistics show a clear connection between timber’s logging location and likelihood of illegality. A review of the statistics from the Loreto province in the Loreto department shows that the status of 33 percent of its Forest Management Plans is impossible to determine. Of the 67 percent that were supervised by OSINFOR, 100 percent are on the high-risk red list; none are on the green list.<sup>35</sup>

Meanwhile, the forest products from “forest plantations” earmarked in the GTFs

were identified as originating in the provinces of Puerto Inca (87 percent) in the Huánuco department and Coronel Portillo (18 percent) in the Ucayali department. This forest harvest modality is not included within OSINFOR’s supervisory and monitoring jurisdiction. Since 2012, OSINFOR has proposed different policy initiatives in order to broaden its scope and enable it to supervise additional administrative matters such as forest plantations, authorizations of changes in land use, the harvest of timber swept by rivers, and others.<sup>36</sup> As of the printing of this publication, none of these legislative initiatives have been passed by the Peruvian State.

### Official Forest Contracts Used to Launder Illegal Timber

This investigation found that the forestry contracts with the highest risk level—that were declared in the GTFs and appeared most frequently on OSINFOR’s SIGO

red list—are forestry permits in local forests (98 percent of which are on the red list), on private lands (94 percent red-listed), and in indigenous communities (76 percent red-listed).

When OSINFOR (within the Ministers’ Council Presidency) began to supervise and monitor different forestry contracts ten years ago, it discovered that forestry concessions and permits on private lands constituted the most at-risk documents. Since then, this has shifted to other types of forestry contracts. Forestry permits in indigenous communities began to be used most intensely, and most recently, local forests have been incorporated as a supply source for illegal timber laundering documents.

In November 2015, OSINFOR reported that the greatest portion of timber intercepted on the Yacu Kallpa vessel in the Iquitos port originated from local forests. Local forests were supervised by OSINFOR to the greatest extent from 2015-2017.<sup>38</sup>

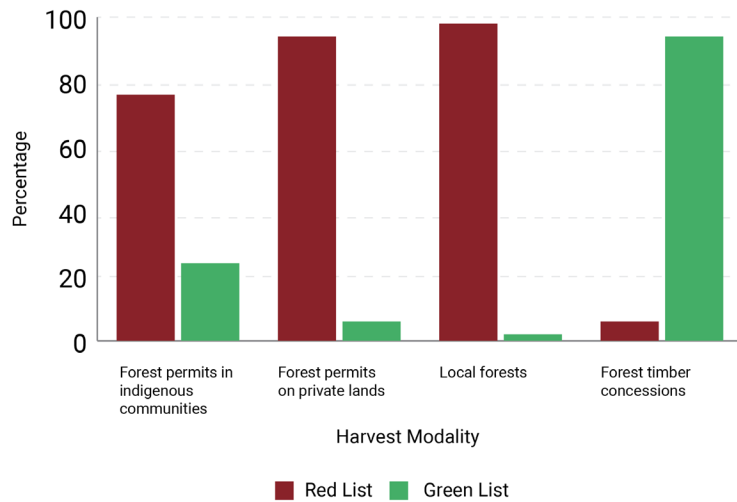
Before Congress in July 2015, and in the presence of Congressperson Mesías Guevara and SERFOR officials in charge of creating the Forestry and Wildlife Regulations, OSINFOR used statistical analysis to show the results of its supervisions of local forests and demonstrate how the use of this forest harvest modality facilitated the laundering of illegal timber for domestic and international trade.<sup>39</sup>

The present investigation identified 80 forest species reported on the GTFs in the forestry contracts that are on SIGO's red list. Of these, 24 forest species account for 86 percent of the total number of species that were harvested from unauthorized zones and that were supported by official documentation (Forest Transport Permits) granted by the Regional Forestry and Wildlife Authorities.

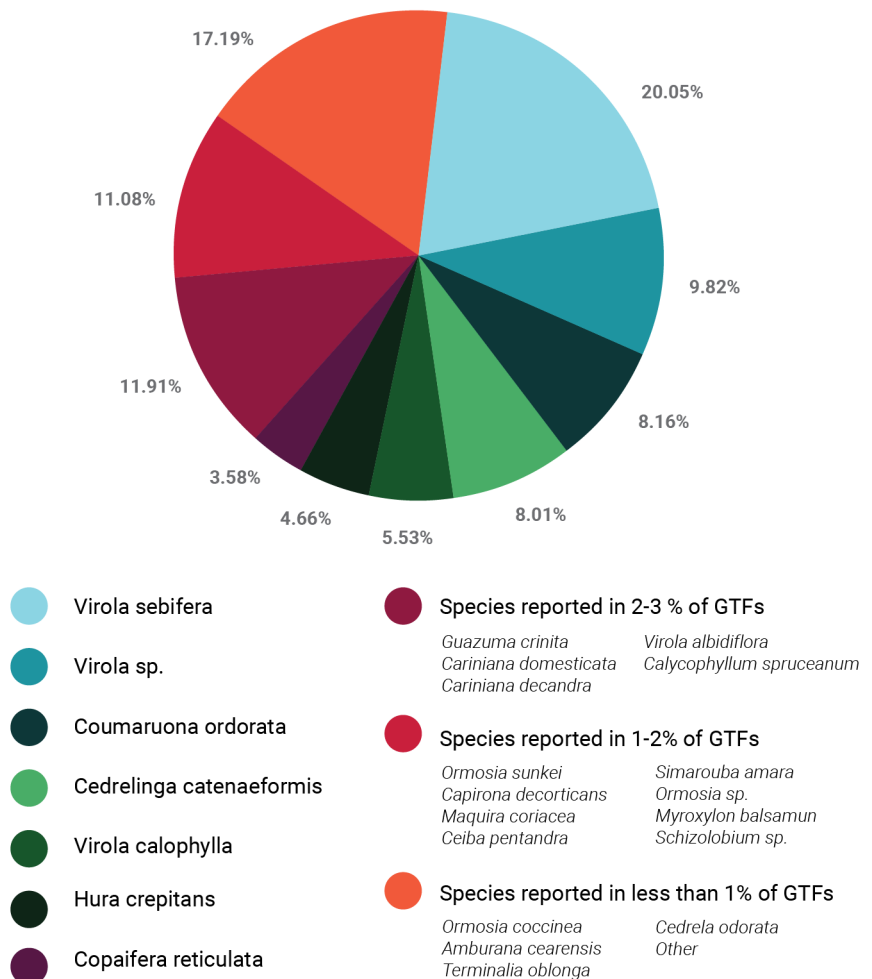
As noted in Figure 11, seven forest species account for 60 percent of the species declared in GTFs and backed by Forest Management Plans supervised by OSINFOR. Four of these species belong to the *Virola* genus, known as "cumalas": *Virola sebifera* (20.05 percent), *Virola sp.* (9.82 percent), *Virola calophylla* (5.53 percent), and *Virola albidiflora* (2.28 percent). It is worth noting that these species have acquired enhanced importance in recent years according to OSINFOR's statistical reports in SIGO; this may be directly related to domestic and international market demand for these species.

A detailed review based on Figure 11 and SIGO<sub>(SCF)</sub><sup>40</sup> statistical reports from 2009 through November 2018 revealed that the genus *Virola*, including *Virola sp.* and *Virola sebifera*, accounted for the greatest percentage, 22 percent, of logged forest species. Similarly, the international Operation Amazon 2015 determined that 25 percent of the wood volume transported belonged to forest species of the *Virola* "cumala" genus.<sup>41</sup>

**FIGURE 10**  
Status of Supervised Forestry Contracts Reported by SIGO<sub>(SCF)</sub>



**FIGURE 11**  
Forest Species Reported in the GTFs that Correspond to Supervised Forest Management Plans



## Chapter 3

# Administrative, Criminal, and Civil Responsibilities for Illegal Logging and its Related Trade

In October 2015, Forestry and Wildlife Law No. 29763 took effect in Peru. At that time a number of high-level public officials within the Peruvian government issued statements indicating that the new regulations and their implementation would ensure greater control over the illegal trade in forestry products and forest-based wildlife.

The conclusion of a joint four-year process to create, design, and promote this law by the Peruvian State, international donors, indigenous organizations, civil society, the timber industry, and other forest users raised high expectations for the proper management of the forest sector. This law, which included contributions from different sectors at different levels, was made possible by a common understanding of the problems in the timber sector due to exposés by journalistic investigations, and criticism from SUNAT, OSINFOR, FEMA, civil society organizations, and others, as well as reports on the results of international operatives headed by the World Customs Organization (WCO) and Interpol.

Professionals who write and file falsified forest inventories and/or approve management plans with false information face administrative, criminal, and civil liabilities, according to

relevant legislation. The following examination and analysis of the various acts, activities, and transactions that incur legal ramifications within the Peruvian legal context highlights both the widespread and specific responsibility for illegal logging and its associated trade.

## Administrative Liability

**Forestry and Wildlife Law Number 29763** stipulates that any natural or legal person who administers or has in their possession products from the Nation's forest heritage has the burden of proving that such products have been legally harvested (Article II.10).

The Forestry and Wildlife Law also stipulates the criteria to be considered in determining whether a given action constitutes an infraction to forestry regulations. Such criteria aims to discourage conduct that allows or facilitates the harvest, processing, and sale of forest resources and wildlife. It considers the level of severity of the conduct; whether the action entails depredation or endangers and exposes forest resources and wildlife to risk, even if done with a logging title; and finally, whether the conduct hinders, inhibits, or obstructs the tasks of management, administration, monitoring, supervision, and

auditing of forest resources and wildlife (Article 146).

Infractions to this Law and its regulations generate provisional and corrective measures as well as sanctions. The administrative sanctions, applied according to the severity of the infraction, involve: warnings, fines, temporary or permanent confiscation, moratorium and closure, and temporary or permanent disqualification (Articles 151 and 152). Administrative sanctions are applied without prejudice to the validity of use rights or any civil and criminal actions that might result.

In fact, the primary reasons for invalidating a logging title are observed to directly relate to the obligations and tasks entrusted to professionals. The rights and logging titles to harvest forest resources and wildlife are rendered null and void (a) when falsified information is presented in the management plans for the logging title or (b) when unauthorized forest resources and/or wildlife are removed or transported (Article 153 clauses (a) and (b)).

**The Forestry Administration Regulations (Supreme Decree 018-2015-MINAGRI)** define and list the natural and legal persons to be held liable for infractions and administrative sanctions, including:

- Logging title holders
- Holders of authorizations, contracts, and licenses
- Regents and specialists
- Third parties in joint and several liability with title holders
- Persons who are not in any of the above categories but who conduct illegal forestry activities outside of campesino or indigenous communities' lands (Article 206)

Infractions to the administration of national patrimony that are considered severe accord-



ing to the Forestry Administration Regulations include the failure to comply with the obligations or conditions stipulated in logging titles, management plans, or other administrative documents that are separate from the causes of invalidation (Article 207.2 clause (g)).

The list of infractions that are considered very severe entails a series of actions directly related to officials' activities and transactions:

- Fell, extract, and/or harvest forest resources without authorization, except for those used for subsistence.
- Acquire, process, market, export, and/or possess forest resources and/or products that were harvested without authorization.
- Create, underwrite, file, present, or forward adulterated, falsified, or incomplete information in printed or digital documents.
- Use or present falsified or adulterated documents during supervision, monitoring, or auditing processes.
- Use documentation issued or approved by the relevant forestry officials to shield the harvest, transport, processing, storage, or sale of forest resources or products that have been harvested without authorization.
- Facilitate to a third party the use of documentation issued or approved by the relevant forestry officials to shield the harvest, transport, processing, storage, or sale of forest resources or products that have been harvested without authorization.
- Participate in, lead, or support, as a regent, activities or conduct that generate damages in the regent's area of coverage and the resources within it.
- Create management plans, implementation reports, and other technical documents within the regent's or specialist's responsibility using false information (Article 207.3, clauses e, g, j, k, l, m, v, w).

The Regulations also stipulate that the issuance of fines or warnings does not impede other intended sanctions or correctional measures in relevant cases. Administrative sanc-

tions are to be levied independently of any civil or criminal liabilities. ARFFS, OSINFOR, and the National Service for Natural Areas Protected by the State (SERNANP), because they have the power to impose sanctions, should maintain records of offenders in their given jurisdictional areas and should continuously forward this information to SERFOR to be consolidated in the National Offenders' Registry and to be published on its institutional webpage (Article 215).

Meanwhile, Articles 210.5 and 201.6 of the Supreme Decree N° 018-2015- MINAGRI stipulate the temporary or permanent disqualification of any official who repeatedly

*"Professionals who write and file falsified forest inventories and/or approve management plans with false information face administrative, criminal, and civil liabilities."*

commits severe infractions<sup>42</sup> or who files Forest Management Plans that record nonexistent trees more than once.

## Criminal Liability

Officials entrusted with adequately managing and administering Peru's forest sector can incur criminal liabilities stipulated in the Criminal Code—Legislative Decree N° 635 and its related modifications in Legislative Decree N° 1237. Anyone who, lacking the proper permission, license, authorization, or concession issued by the proper authorities, destroys, burns, damages, or fells in whole or in part woods or forest formations, whether natural or planted, will be penalized with imprisonment for no less than four years and no more than six years (Article 310).

Illegal trafficking in timber forest products is penalized thus: anyone who acquires, collects, stores, processes, transports, conceals, guards, markets, loads, unloads, imports, exports, or re-exports timber forest products or specimens that are known or suspected to have been illegally sourced will be penalized by

imprisonment for no less than four years and no more than seven years and by a 100- to 600-day fine (Article 310-A).

In addition, the crime of procedural obstruction is committed by anyone who obstructs, hinders, or blocks an investigation, verification, supervision, or auditing related to the harvest, transport, processing, sale, export, re-export, or import of flora and/or fauna wildlife; it bears a prison sentence of no less than four years and no more than seven years.

The sentence is lengthened (to no less than five years and no more than eight years) if intimidation or violence is committed against a public official or against a person who provides assistance in the course of their duties (Article 310-B).

Illegal trafficking of timber forest products and procedural obstruction (Article 310-C) are categorized separately when committed by public officials. These and other aggravated offenses against forests are penalized by prison sentences of no less than eight years and no more than ten years. A crime is considered aggravated when:

- The crime is committed within lands that are owned or held by Native communities, campesino communities, indigenous peoples, or indigenous reserves; on territorial reserves or indigenous reserves set aside for indigenous peoples at initial contact or in voluntary isolation; or in protected nature areas, off-limits zones, forestry concessions, or private conservation areas duly recognized by the appropriate authorities.
- The conduct consequently affects watersheds that provide water to populated areas or irrigation systems or it erodes the soil, endangering economic activity in the area.
- The perpetrator or participant is a public or elected official.
- The crime involves specimens that have been selected for research or reserved as seedbeds.
- The crime is committed with weapons, explosives, or the like.

- The crime is committed with the assistance of two or more people.
- The crime is committed by holders of forestry concessions.
- The crime entails timber forest species protected in national legislation.

The crimes that are classified as most severe are to be penalized with imprisonment of no less than ten years and no more than twelve years. Such crimes are committed when:

- The agent acts as a member of a criminal organization.
- The perpetrator causes serious injuries or death while committing the crime or as a consequence of the act.
- The criminal offense is done in order to commit tax or customs crimes or asset laundering.
- The offender finances or facilitates the commission of these crimes.

Additionally, Chapter II of the Criminal Code regarding functional responsibility and false information contains a specialized classification of crimes within the framework of public officials' liability for the illegal issuance of rights (Article 314).

First, a public official who disregards laws, regulations, and existing environmental standards; who seriously fails their functional obligations; and who authorizes the issuance, renewal, or cancellation of an authorization, license, concession, permit, or other enabling right in support of a project or activity referred to in the abovementioned chapter will be penalized by imprisonment (for no less than four years and no more than eight years) and disqualification (for one to seven years).

Second, a public worker who disregards laws, regulations, and existing environmental standards and expresses support for reports or other administrative documents regarding the issuance, renewal, or cancellation of an autho-

rization, license, concession, permit, or other enabling right in support of a project or activity referred to in the abovementioned chapter will be penalized by imprisonment (for no less than four years and no more than eight years) and disqualification (for one to seven years). In order to combat such crimes, the same penalty will be applied to the relevant public official who, out of inexcusable negligence or by seriously failing in their functional obligations, facilitates the commission of these crimes. The chapter even assigns liability to the legal representative of a legal entity if the crimes stipulated therein are committed during the course of the entity's activities.

*"The Criminal Code stipulates that anyone who knows or could assume a contained falsehood or inaccuracy and writes it in forest administration documents will be penalized by imprisonment and disqualification."*

The Criminal Code concretely designates liability for falsified information in documents (Article 314-B). The Criminal Code stipulates that anyone who knows or could assume a contained falsehood or inaccuracy and writes, files, inserts, or causes to insert into an administrative proceeding, studies, evaluations, environmental audits, Forest Management Plans, requests, or other forest administration documents required by law in which false or inaccurate information is included or endorsed, will be penalized by imprisonment (no less than four years and no more than six years) and disqualification (for one to six years). The same penalty will apply to anyone who uses a false or falsified private document or a document that contains false information as if it were legiti-

mate in order to evade oversight and monitoring procedures for forestry and wildlife matters, including tax and customs inspections.

## Civil Liability

Civil liability is principally understood as independent from administrative liability. However, it directly relates to environmental damage and therefore to liability for environmental damage.

Delving first into environmental matters, Peruvian legislation defines environmental damage as any detriment occurring to the environment and/or any of its components that generates actual or potential negative effects, whether or not it is caused by infringing legal provisions (Article 142 of the General Environmental Law—Law No 28611). Moreover, anyone who damages the environment, people's quality of life, human health, or the nation's heritage through using or harvesting goods or carrying out activities is deemed liable for environmental damages and is even required to assume the costs involved in preventative measures and harm mitigation. An analysis of the activities involving illegal logging and its related trade clearly demonstrates that they are directly related to elements that legally constitute environmental damage.

Finally, civil liability for environmental damage arises from damage caused to the environment due to willful intent or fault, and the person who causes the damage is required to provide compensation (Article 1969 of Civil Code Legislative Decree 295). The Civil Code also stipulates liability for harm caused by a subordinate while exercising their position or fulfilling a respective service: the person in charge must answer for the damages caused. Such a case results in the joint and several liability of both the direct and indirect perpetrators. When damage is caused by several people, the Civil Code stipulates that all are jointly liable (Article 1983).

## Chapter 4

## Identifying Responsible Actors throughout the Supply Chain of Illegal Timber

### Scenario 1: The Creation, Filing, and Implementation of Forest Management Plans

The first step in obtaining a forestry contract is a forestry regent conducting a forest inventory of the trees in the area to be logged. This information is used to create the Forest Management Plan, which is then filed and presented to the Regional Forestry and Wildlife Authority to be evaluated and subsequently approved if the application is deemed warranted.

Forestry and Wildlife Law N° 29763, in effect since October 2015, states, “Forestry regents who develop and file Forest Management Plans are responsible for guaranteeing forest resources’ sustainability. They are also

jointly responsible for the accuracy of the Forest Management Plan’s content and its implementation as well as the correct issuance of GTFs.”

Title VIII of the Forest Administration Regulations clearly explains regents’ scope of activities and their obligations within the forest management sphere.

#### Regency (Article 47)

Regency is a license issued by SERFOR to professionals who write, file, and implement management plans for logging titles to guarantee resource management sustainability.

All logging titles are required to have a regent, except for holdings implemented through Management Declarations.

The regent is personally and jointly responsible together with the logging title holder

for the accuracy of the content of the management plan and the actions for implementing it.

When a regent is hired through a legal entity, both parties are responsible for correctly conducting their duties, and both incur administrative, civil, and criminal liability. The legal entity is the third party civilly liable for any damages and injuries that are caused.

SERFOR approves the guidelines for implementing the National Registry of Forestry and Wildlife Regents, the issuance of the corresponding licenses, and other matters related to the regency’s development.

#### Regents’ duties and responsibilities (Article 52)

The regents’ duties and responsibilities are as follows:



- a. Develop, file, and implement management plans, performance reports, and transport permits according to the stipulations in the Regulations.
- b. Jointly with the holder, attest to the accuracy of the technical data and missing information in the filed documents.
- c. Maintain and update the National Registry of Regency Acts and supporting documentation, which should be shared with the logging title holder for the duration of the regency and retained for a minimum of four years after the regency period has ended.
- d. Inform SERFOR and ARFFS when regency activities are terminated, indicating the activities conducted and the reason for the termination.
- e. Participate in the inspection, monitoring, supervision, and audits of areas within the regency, as notified by relevant authorities.
- f. Safeguard the equipment and materials issued by SERFOR during the training sessions that they attend.
- g. Ensure steadfast compliance with the ethical, technical, and administrative guidelines related to administering the regency.
- h. Promote efficiency and best practices in forest resource and wildlife management.
- i. Contribute to conducting inventory under the auspices of forestry and wildlife officials and to implementing SNIFFS.

Since 2012, when these professionals were still known as forestry consultants,<sup>44</sup> a series of documents, journalistic investigations, and communications have revealed the use of false information in the creation and filing of Forest Management Plans, which has enabled the laundering of illegal timber. The findings from these reports were conveyed to different officials in the forest sector so that they would take action based on their sphere of influence. To this day, however, many of the implicated professionals continue to be registered as forestry regents with SERFOR under the new legal framework that took effect in 2015.

The previous Forestry and Wildlife Law and its regulations, Law 27308,<sup>45</sup> precisely de-

scribes the actions and omissions that are considered crimes and that signify infractions and elicit sanctions for forestry consultants (now forestry regents). Each Regional Forestry and Wildlife Authority was required to develop an Administrative Sanctions Procedure (PAS) within the framework of Law 27444;<sup>46</sup> however, this obligation was not fulfilled in its entirety. In order to remedy this problem, in 2017, the Peruvian State promoted the enactment of Legislative Decree No 1319, granting SERFOR the power to sanction forestry consultants and regents who filed Forest Management Plans with false information on the basis of Law 27308. According to information accessed by the present investigation, in the course of implementing Legislative Decree 1319 in 2017, OSINFOR sent SERFOR all of the results of supervisions carried out since 2009.<sup>47</sup> A review of the registry of consultants on the SERFOR webpage found eight suspended licenses of a total 163 registered forestry regents.<sup>48</sup>

A review of administrative files generated by OSINFOR<sup>49</sup> throughout the course of this investigation identified 13 forestry regents

who wrote and filed Forest Management Plans with false information—specifically, with rates of nonexistent trees surpassing 40 percent.<sup>50</sup> This report does not consider 40 percent an inadvertent mistake or caused by human error.<sup>51</sup> Forest Management Plans in which over 40 percent of the trees do not exist facilitate the issuance of Forest Transport Permits for the purpose of laundering illegal timber.

Despite the fact that Forestry and Wildlife Law 29763 categorically stipulates the forestry regent's liability in such cases,<sup>52</sup> there is no evidence that there is systematic monitoring these professionals. In addition, the sections from the Criminal Code on crimes against forests or forest formations (modified by Legislative Decree No 1237) include illegal trafficking in forest timber products and procedural obstruction.<sup>53</sup> The results and files from OSINFOR's sanctioning administrative processes provide evidence of acts and conduct in building a liability case for environmental crimes.

Email correspondence was sent to each of the implicated regents in order to solicit their



“Año del Buen Servicio al Ciudadano”

## CON RIESGO: LISTA ROJA

Datos Generales	
Titular(es):	COMUNIDAD NATIVA SAN GABRIEL
Título Habilitante:	16-LOR/L-MAD-SD-002-13
Modalidad de Aprovechamiento:	Contratos de Administración de Bosques Locales
Ubicación:	LORETO / LORETO / URARINAS
Plan de Manejo Forestal:	POA 2
Res. de Aprobación del Plan:	020-2016-GRL-GGR-DEFFS-ARA-OD-L-N
Inicio Vigencia del Plan:	27/10/2016
Zafra:	2016-2017
Volumen del Plan(m3):	8038.61
Consultor/Regente:	PAJAMA RIOS HUGO

Estado actual del título habilitante	
Caducado:	No
Medidas Cautelares:	No

Supervisión y Fiscalización del OSINFOR	
Fecha de Supervisión Inicio:	16/04/2018, Término: 18/04/2018

Estado Actual del Proceso	
Informe de Supervisión Archivado (Evidencia de irregularidades cuya sanción no es competencia de OSINFOR)	

Detalle del Volumen Injustificado:						
N°	Especie	Nombre Común	Volumen aprobado (m3)	Volumen movido (m3)	Volumen movido sin autorización (m3)	% del volumen movido sin autorización con relación al total del volumen movido
1	Cephaelis catenaeformis	Tomillo	1507.817	1507.811	1507.811	100.0%
2	Cleome arbores	Cajamarú	1939.831	1939.137	1939.137	100.0%
3	Coumoussara obtusa	Chimúchaco	1001.894	894.767	894.767	100.0%
4	Miconia guianensis	L. con miconia	825.514	825.104	825.104	100.0%
5	Schinus molle sp.	Passato	1007.190	1005.304	1005.304	100.0%
6	Viretia sebifera	Cumeta Causari	1011.864	1011.415	1011.415	100.0%
7	Viretia sp.	Cumeta	1507.815	1506.101	1506.101	100.0%

Fuente: Informe de Supervisión  
\*Balance de extracción de fecha: 12/03/2018

Detalle sobre la inexistencia de árboles			
N°	Especie	Nro árboles supervisados	Nro de árboles inexistentes
1	Coumoussara obtusa   Chimúchaco	15	15
2	Cephaelis catenaeformis   Tomillo	22	22

Reporte Actualizado al: 27/11/2018



**FIGURE 12**  
Forestry Regents Who Created and Filed Forest Management Plans Reported in GTFs and Supervised by OSINFOR with Rates of Nonexistent Trees over 40% Identified by Name and Enrollment Number in Peru's Registry of Engineers



Official report in 2014 from OSINFOR to SERFOR "regarding forestry consultants who signed Forest Management Plans containing false information"

Official report in 2017 from OSINFOR to SERFOR "regarding forestry consultants who signed Forest Management Plans containing false information"

Presidencia del Consejo de Ministros  
Organismo de Supervisión de los Recursos Forestales y de Fauna Silvestre

Lima, 19 de setiembre de 2014  
**OFICIO N° 2684 2014-OSINFOR/06.1**

Señora  
**FABIOLA MUÑOZ DODERO**  
Directora Ejecutiva (e) del Servicio Nacional Forestal y de Fauna Silvestre SERFOR  
Calle 17 Urb. El Palomar San Isidro.

De mi consideración:

Previo un atento saludo, me dirijo a usted con relación a la situación en la cual se encuentran los consultores forestales que producto de las acciones de supervisión y fiscalización del OSINFOR han sido considerados como firmantes de instrumentos de gestión que contienen información falsa y que a la fecha se encuentran sin sanción debido a la falta de un reglamento que haga posible la implementación de los procedimientos administrativos respectivos.

Como es de su conocimiento, durante el año 2013 la ex Dirección General Forestal y de Fauna Silvestre y el OSINFOR elaboraron un proyecto de reglamento el cual no fue aprobado por existir un proceso de validación pendiente al interior de la DGFFS del que no se tiene conocimiento de su realización por lo que, hasta donde se nos ha informado, el reglamento correspondiente no habría sido aprobado lo cual trae consigo que los consultores que debían haber sido sancionados y retirados del registro denominado "RELACION DE PERSONAS NATURALES Y JURIDICAS QUE PRESTAN SERVICIOS ESPECIALIZADOS FORESTALES" aparezcan como hábiles y continúen firmando instrumentos de gestión con información falsa, primer eslabón en la cadena del tráfico de madera ilegal.

En ese sentido, por medio de la presente debo hacer recuerdo de la necesidad de que el citado instrumento procesal pueda ser aprobado para de esa manera poder disminuir la incidencia de incumplimientos antes que estos se presenten haciendo posible que los instrumentos de gestión presentados por los titulares de derechos de aprovechamiento sean idóneos y veraces. Adjunto la relación actualizada de consultores que han firmado instrumentos de gestión falsos de acuerdo con la información proporcionada por la Base de Datos de la Dirección a mi cargo (05 fs).

Es propicia la oportunidad para expresarle los sentimientos de mi consideración y estima personal.

**Enrique Alvarez Romero**  
Director de Supervisión de Concesiones Forestales y de Fauna Silvestre OSINFOR

C.c. PE OSINFOR

Av. Javier Prado Oeste 692 - 694  
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SERVICIO NACIONAL FORESTAL Y DE FAUNA SILVESTRE  
SERFOR - OSUTD  
TRAMITE DOCUMENTARIO  
22 SET. 2014  
RECIBIDO

20142811

PERÚ Presidencia del Consejo de Ministros Organismo de Supervisión de los Recursos Forestales y de Fauna Silvestre OSINFOR

Magdalena del Mar, 03 de febrero de 2017  
**OFICIO N° 022-2017-OSINFOR/01.1**

Señor  
**JOHN JAMES LEIGH VETTER**  
Director Ejecutivo (e)  
Servicio Nacional Forestal y de Fauna Silvestre - SERFOR  
Avenida Siete N° 227-229, Urbanización Rinconada Baja, distrito La Molina - Lima.

Asunto : Información sobre personas naturales o jurídicas que prestaron servicios para elaborar planes de manejo con indicios de falsedad

Referencia : a) Decreto Legislativo N° 1319  
b) Oficio N° 027-2017-SERFOR/DGSPFFS

Es grato dirigirme a usted, en atención a la Primera Disposición Complementaria Transitoria del Decreto Legislativo N° 1319, que establece, entre otros, que el OSINFOR, en un plazo máximo de treinta (30) días calendario, contado a partir del día hábil siguiente de su fecha de publicación en el Diario Oficial El Peruano, está obligado a comunicar al SERFOR la relación de personas naturales y jurídicas que prestaron servicios para elaborar planes de manejo presuntamente falsos a propósito de las supervisiones que ha realizado, así como la fecha y número de documento por el cual dicha información ha sido puesta de conocimiento a la Autoridad Regional Forestal y de Fauna Silvestre.

Al respecto, conforme a lo dispuesto en el referido Decreto Legislativo N° 1319 y de acuerdo a la precisión indicada en el documento de la referencia b), se remite adjunta la información de casos de planes de manejo forestal con indicios de falsedad por contener a partir de 10 árboles inexistentes, identificados por los 02 Direcciones de Línea del OSINFOR sobre la base de las supervisiones de campo realizadas desde el año 2009 en adelante.

Cabe indicar que cada caso fue comunicado a las autoridades forestales correspondientes en su debida oportunidad. Asimismo, en la medida que se identifiquen otros casos, serán remitidos de manera similar para su conocimiento y fines respectivos.

Sin otro particular, es propicia la oportunidad para expresarle mi especial consideración.

Atentamente,

**Maximo Salazar Rojas**  
Presidente Ejecutivo (e)  
Organismo de Supervisión de los Recursos Forestales y de Fauna Silvestre - OSINFOR

Adj: \* Relación de personas naturales y jurídicas que elaboraron planes de manejo con indicios de información falsa, en el ámbito de la Dirección de Supervisión de Concesiones Forestales y de Fauna Silvestre (10 folios).  
\* Relación de personas naturales y jurídicas que elaboraron planes de manejo con indicios de información falsa, en el ámbito de la Dirección de Supervisión de Permisos y Autorizaciones Forestales y de Fauna Silvestre (16 folios).  
\* 01 CD con la versión digital (excel) de ambas relaciones.

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## National Pact for Legal Wood



Tienen el agrado de invitarlo al evento:

**PRESENTACIÓN DE AVANCES DEL PACTO NACIONAL POR LA MADERA LEGAL**

a realizarse el día 12 de mayo de 2016 a las 5:30 pm  
en el Country Club Lima Hotel  
Calle Los Eucaliptos 590, San Isidro

Agradecemos confirmar su gentil asistencia a:  
pactoportalimamadera@gmail.com

### Acuerdos

Se llegó a los siguientes acuerdos y compromisos:

1. Aprobación del Protocolo de Adhesión
  2. Se acordó la revisión de la propuesta de ampliación de conformación de los Comités Directivo y Técnico
  3. Se aprobó la realización del evento de difusión en medios de comunicación (Evento de los 12 Apóstoles) para la fecha planteada 05 de mayo.
  4. Se aprobó la realización del Evento para la presentación del Avance e Implementación del Pacto
    - La fecha del evento se trasladó al 12 de mayo.
    - SERFOR (Fabiola Muñoz) se comprometió a gestionar el envío de las invitaciones por el Ministro de Agricultura y Riego a los demás ministros y a los dos embajadores.
    - Se acordó incorporar en la lista de invitados a Perú Compras y al MINCETUR.
  5. Se acordó programar una reunión con las delegaciones de WWF Bolivia, WWF Colombia y WWF Ecuador entre el día lunes y miércoles de la próxima semana, debiendo proponerse fecha al momento de envío por e-mail de la presente acta.
- Asimismo, se acordó que el Comité Técnico gestionará la invitación de alguna región a esta reunión.

### SE ADJUNTA:

1. Anexo 1 Protocolo de Adhesión
2. Power Point de la reunión
3. Lista de asistencia

**Use of the Pact logo when  
100% of the wood has a  
verification of legal origin  
from OSINFOR**

*“Usamos responsablemente nuestros bosques”*

comments and perceptions regarding this investigation's findings, giving them the opportunity to respond.<sup>54</sup> They were asked about the issuance of GTFs and the implementation of Forest Management Plans, and a list was attached matching each regent's Forest Management Plans with those red-listed by SIGO.<sup>55</sup> As of the time of publishing, more than six months after initial requests were sent in December 2018, none of the forestry regents had responded.

Information was simultaneously requested through SERFOR's transparency website regarding rulings issued to forestry regents by the Instructive Authority under the auspices of the PAS.

Only eight forestry regents have been suspended in the entire country. Using the 2017 Database, this investigation found that forestry regent Hugo Paima Ríos filed some of the most Forest Management Plans that appear on the red list and face administrative sanctions by SERFOR. It is important to clarify that PAS issued by SERFOR only affect the management plan subject to sanctions, not

the other plans developed by the same forestry regent. That is, if a forestry regent prepared 100 Forest Management Plans and all of them generated OSINFOR inspections and were red-listed due to the declared trees' non-existence, SERFOR would have to initiate 100 PAS.

The following is a timeline of one of the suspension orders issued against forestry regent Paima Ríos:

- October 14, 2014: The Forestry and Wildlife Regional Authority from Loreto approves the Forest Management Plan.<sup>56</sup>
- May 19, 2015: OSINFOR conducts a supervision of the Forest Management Plan and issues the related report to the Supervisory Authority,<sup>57</sup> which conveys that the PMF written by Engineer Hugo Paima Ríos “lacks veracity and thus undermines development in the region and the State.”
- May 29, 2015:<sup>58</sup> OSINFOR resolves to initiate the Uniform Administrative Pro-

cedure (PAU) against the holder of the forest harvest contract, in accordance with the findings of the supervision of the Forest Management Plan, “due to the nonexistence of 148 usable trees (25 of the *Cedrela odorata* species and 123 of *Virola* sp.) and 4 *Cedrela odorata* seed trees.”

- August 27, 2015:<sup>59</sup> OSINFOR sanctions the forest contract holder and declares the management plan null and void, which means that the contract holder does not have permission to fell trees in the entire area due to severe violations of the forestry law. OSINFOR also notifies all relevant authorities.
- May 28, 2018: Through Resolution N° 002-2018-MINAGRI-SERFOR-DGGSPFFS-AI, SERFOR'S PAS Instructive Authority rules to launch administrative proceedings against forestry regent Hugo Paima Ríos for presumed infractions to forest legislation and as a protective measure orders that his license be suspended.

“The site visit made by OSINFOR to the Annual Operative Plan (POA) Number VIII annual logging plot clearly found reasonable evidence to assume that the information contained in the foregoing document is not true, and therefore liability is presumed on behalf of the forestry consultant who participated in writing and filing the POA VIII. Relevant actions must be initiated to determine the extent of his participation and, if warranted, to impose administrative sanctions as stipulated in the legislation.”<sup>60</sup>

The timeline indicates that it took three years for SERFOR to initiate sanction proceedings against the forestry regent. It also reveals:

- A three-year lapse between the time that OSINFOR raised the alert—through the supervision report and the resolutions that were forwarded to different officials in the forest and environmental sector—and the ordering of protective measures does not effectively safeguard the public good and the nation’s heritage.
- In accordance with their duties and jurisdiction, SERFOR and the other forestry and environmental officials who were notified in a timely manner could have conducted further investigations into the Forest Management Plan, which was later approved in the indigenous community Nuevo San Antonio de Lancha Poza. This PMF approved the felling of *Cedrela odorata*, a forest species included in CITES and the seed tree whose protection provided justification for the PAU sanctions. CIEL also included the San Antonio de Lancha Poza example in the case studies denounced in the 2017 report *Continuous Improvement*.<sup>61</sup>
- Finally, since the Instructive Authority for SERFOR’s Administrative Sanctions Procedures has been ruling on these cases, it would be logical and fitting to promote and establish protective measures for all of the Forest Management Plans written and filed by forestry regents presumed to be involved in illicit activities, until OSINFOR supervises and monitors the relevant forestry contracts and PMFs. Legal basis for this measure is developed in the regulatory provisions for Legislative Decrees

1220,62, 1237,63 and 1319,64 and the National Pact for Legal Wood.<sup>65</sup> Currently, protective measures are only being levied on Forest Management Plans linked to PAS investigations

## Scenario 2: Fabricating Trees’ Existence to Obtain Forest Management Approval

### Site Visits: Turning a Blind Eye

In order to guarantee forest products’ legal sourcing, trees must be verified on-site and cross-checked with the statements made by the contract holder and the forestry regent. The Forestry and Wildlife Authority is required to carry out visual inspections,<sup>66,67</sup> of the proposed logging area prior to approval, present a report, and recommend approval if warranted. This point in the supply chain is crucial, since it is the moment that determines the existence of the trees declared in the Forest Management Plans that are presented to the Regional Forestry and Wildlife Authority.<sup>68</sup> Verifying the existence of the declared trees in the forest would contribute to a significant decrease in the rate of illegal timber laundering in Peru.

This investigation reviewed the files from administrative sanctions proceedings spearheaded by OSINFOR based on supervisions that appear in the 2017 Database. In particular, it examines Forest Management Plans in which over 40 percent of the listed trees

did not exist in the field and finds eight professionals were responsible for issuing reports about conducting on-site inspections of forest inventories prior to the approval of Forest Management Plans. That is, the eight professionals who participated at this stage presented reports indicating that they went into the forest and visually inspected the PMF sites to verify forest inventories. However, results from the OSINFOR supervisions and audits reveal that over 40 percent of the trees declared in these PMFs did not exist.

In demonstrating the trees’ nonexistence, OSINFOR provided evidence that the Regional Forestry and Wildlife Authorities approved management plans for nonexistent trees, which facilitated the future laundering of illegal timber in unauthorized zones. Given OSINFOR’s findings and subsequent alerts in the administrative proceedings, these eight individuals presumably bear liability for environmental crimes—in particular, liability for false information, in the form of public officials’ liability for the illegal issuance of rights, an offense against the State.

Of note, not all of the individuals in charge of cross-checking information presented in the Forest Management Plans written and filed by forestry regents are members of Peru’s Registry of Engineers: only four of the eight abovementioned professionals in the 2017 Database are enrolled. Logically, forestry regents<sup>69</sup> should fulfill a minimal set of criteria regarding education, training, and

**FIGURE 13**

Regional Forest Authority Professionals Who Visually Inspected Sites Prior to Official Approval of Forest Management Plans with Nonexistence Rates of Over 40% for Declared Trees



Carlos Eduardo Shapiamade Castillo  
CIP - 167188



Julio Fachin Navarro  
CIP - 78578



Jorge Luis Galindo Vela  
CIP - 188667



Felipe Ramiro Diaz Collantes  
CIP - 213095

Professionals not registered in Peru’s Registry of Engineers

Llon Max Armas Vela

Juan Arirama Ijuma

Percy Paull Ruiz Manuyama

Luis Gustavo Garcia Tina

**FIGURE 14**

Regional Forest Authority Professionals Who Recommended Approving Forest Management Plans with Rates of Nonexistent Trees over 40%



Marcos Patricio Soares Torres  
CIP - 174323



Carlos Roni Saldaña Shapiama  
CIP - 141327



Alberto Edison Arevalo Lopez  
CIP - 89198



Rosula Corina Torres Vargas  
CIP - 207499



Manuel Angel Fasabi Paima  
CIP - 162813



Jorge Del Aguila Bocanegra  
CIP - 154321



Nicky Sandoval Macedo  
CIP - 169557

Professional not registered in Peru's Registry of Engineers

Erika Rossana Arce Nuñez

**FIGURE 15**

Regional Forest Authority Officials Who Approved Forest Management Plans with Rates of Nonexistent Trees over 40%



JHON LAO CHUNG AMASIFUEN  
CIP - 199631



KATHIA JANETH GARCIA AYACHI  
CIP - 199631



WINDER LOJA YHUARAQUI  
CIP - 138764



ERIK MANUEL RAMIREZ RODRIGUEZ  
CIP - 156239



RICARDO SEGUNDO MAYHUASQUE HERNANDEZ  
CIP - 114291



ERNESTO GONZALES DAVILA  
CIP - 75680



ROBERT NOLORBE TENAZOA  
CIP - 110418



DENILSON MARCELL DEL CASTILLO MOZOMBITE  
CIP - 172011



CARLOS AUGUSTO ROMAN VELA  
CIP - 176714



MAURICIO MANUEL PEREIRA FACHIN  
CIP - 179244

professional experience as stipulated by the relevant legislation. A minimal requirement for personnel who conduct visual inspections should be enrollment in the Registry of Engineers of Peru.<sup>70</sup>

It is crucial to strengthen the leadership role that Regional Forestry and Wildlife Authorities fill in conducting visual inspections and in issuing reports on their findings. As decentralization and transfer of duties shifts responsibilities to regional governments, these governments must request proper conditions and implement budgets effectively in order to bolster their technical capacities to carry out these inspections. It is not the role of OSINFOR; if OSINFOR were to provide accompaniment prior to the approval of PMFs, over time this would hinder the Regional Forestry and Wildlife Authorities from developing confidence in their own abilities in forestry matters as bestowed on them by the transfer of responsibilities and jurisdiction. Moreover, considering its limited budget to supervise and audit Forest Management Plans, OSINFOR would have to divert funds from its supervision of high-risk situations such as those included in this study to expand its capacity elsewhere.

### Favorable Reports for Approving Forest Management Plans

The government's main link in the wood supply chain is a two-step process involving first the visual inspection at the site visit, discussed above, and second, the official approval of the management plan. These two steps are key in guaranteeing timber's legal origin.

Prior to approving Forest Management Plans, several professionals with the Forestry and Wildlife Authority visit the field site to inventory the logging area and verify the existence of the trees declared in the documents filed by the holder and the forestry regent. The 2017 Database revealed a separate group of eight professionals who recommended approving Forest Management Plans in which over 40 percent of the listed trees did not exist. Seven of these eight professionals are enrolled in Peru's Registry of Engineers according to the Registry platform.

Professionals have various tools at their disposal to ensure accurate information at site visits, including checking GPS coordinates

during the forestry inventory evaluation, measuring trees' diameter and height to verify that the linear data correlates, perusing bibliographic information regarding the presence of forest species in the region, and viewing satellite images.

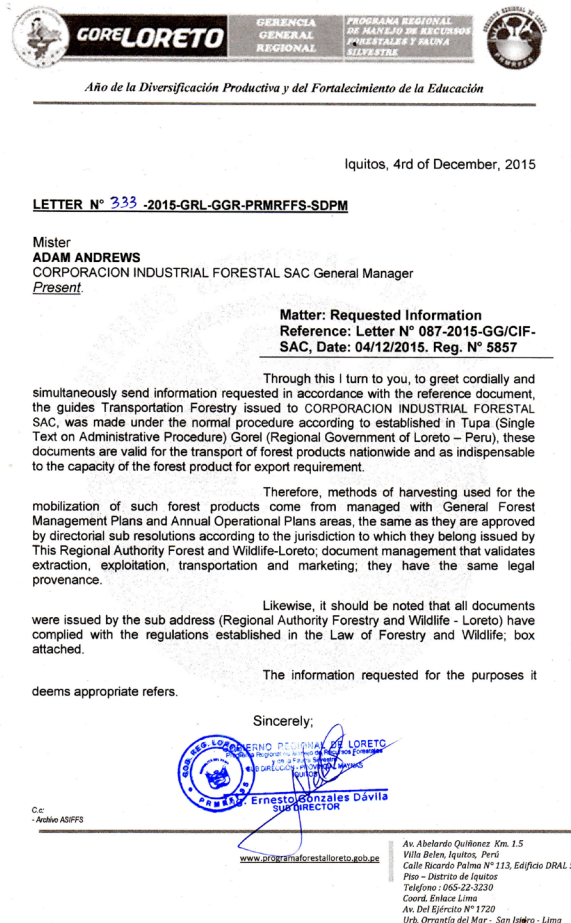
The approved Forest Management Plans enabled timber from nonauthorized zones to be transported and sold. If the professionals who reviewed the plans in the course of their work had flagged the trees' nonexistence and recommended that the plans not be approved, the rate of illegal timber sales would potentially have declined.

### Scenario 3: Approval of Forest Management Plans with Nonexistent Trees

The 2017 Database results and administrative files generated by OSINFOR reveal that ten officials from different Regional Forestry

Authority sections promoted the execution and approval of contracts and Forest Management Plans with inventories in which over 40 percent of the trees did not exist.<sup>71</sup>

Two years after the enactment of Forestry and Wildlife Law 29763, Forest Management Plans with nonexistent trees were being approved for different harvest modalities (forest timber concessions and forest permits in indigenous communities, on private lands, and in local forests). Contracts and Forest Management Plans, generated and signed by professionals, evidence the transport and sale of illegally sourced wood that was primarily logged in unauthorized areas (territories of National Protected Areas (ANPs), indigenous and campesino communities, and others). A large amount of the timber possibly originated in areas of the Loreto and Ucayali regions that have lost forest cover in recent years due to deforestation.<sup>72</sup>



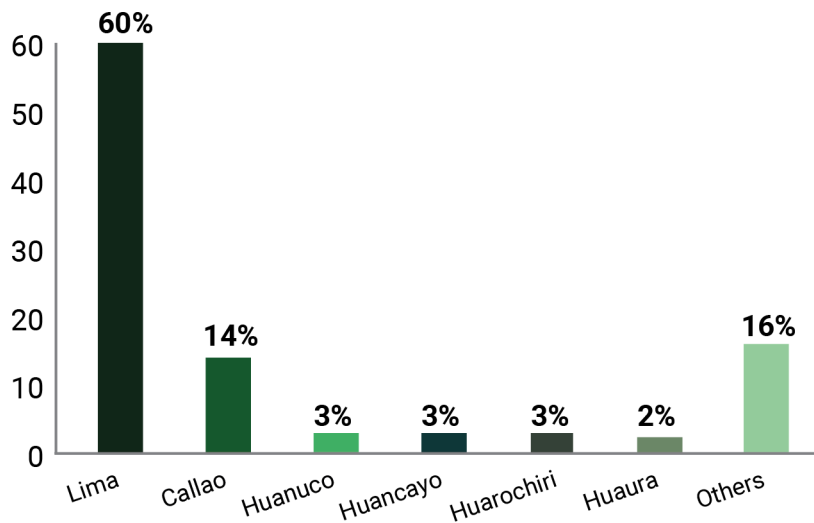
These facts were communicated to different institutions in the forestry and environmental sector through official documents forwarded by OSINFOR since 2013.<sup>73</sup> This can be corroborated by each Directorial Resolution issued through management lines. Furthermore, the international “Operation Amazon” initiatives in 2014 and 2015 note the involvement of professionals and officials who participated in approving Forest Management Plans that presented false information and claimed nonexistent trees.<sup>74</sup>

In another example from the 2017 Database, official Ernesto Gonzales Dávila was found to have signed the resolution to approve three forest plans in which 63, 72, and 100 percent of the claimed trees did not exist in the inventories. OSINFOR supervision results revealed that the statements in these Forest Management Plan were false.

Gonzales Dávila, a key official within the Regional Forestry and Wildlife Authority of Loreto, also played a role in the 2015 case in which a load of timber on the Yacu Kallpa vessel was seized at the Port of Houston, Texas, in the United States. In addition to approving Forest Management Plans containing false information, Gonzales Dávila issued an official document in support of the manager of the forestry company Corporación Indus-

FIGURE 16

Timber Distribution According to Destinations Reported in Forest Transport Permits



trial Forestal SAC. The timber importer used this document in its defense in an attempt to recover the impounded wood.

All three abovementioned scenarios involve reliable and compelling evidence of facts verified by OSINFOR in supervising the Forest Management Plans. Public officials should have full knowledge of their functional re-

sponsibility when writing reports during their time in office. Peru’s Criminal Code specifically stipulates the administrative, civil, and criminal liability incurred for supplying false information during the forest management process, as follows:

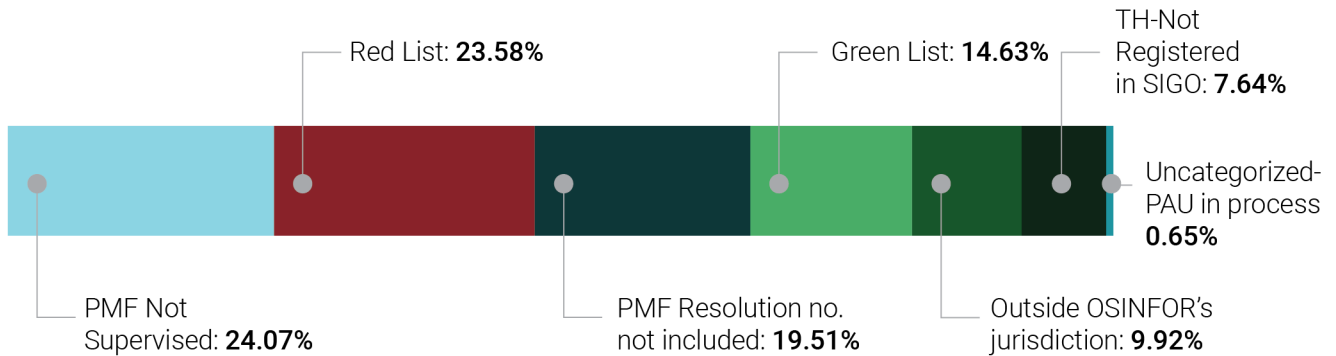
*“Anyone who, knowing of or able to assume falsehood or inaccuracy, files, writes, inserts, or registers into administrative proceedings, studies, evaluations, environmental audits, Forest Management Plans, requests, or other forest management documents required by law that include or endorse false or inaccurate information will be penalized with imprisonment of no less than four years nor more than six years and disqualification for one to six years”* (Legislative Decree N° 1237).<sup>75</sup>

Therefore, it can be assumed that sufficient evidence exists regarding the administrative, civil, and criminal liabilities of public officials for illegally granting rights and for including false information in reports. The Forestry and Wildlife Law and its Regulations in the Criminal and Civil Codes specify the liability of public officials for illegally granting resource use rights or incorporating or endorsing false information, among other acts.<sup>76,77</sup>

TABLE 2  
Timber Owners Reported in the GTFs, Listed by Number of Supervised Forest Management Plans

No.	TIMBER OWNER	No.	TIMBER OWNER
1	MADERERA LORENESH E.I.R.L.	21	NEGOCIACIONES C.C.H.A.P. S.R.L.
2	CARMEN ISABEL LAZO MERA	22	ASERRADERO VALERA E.I.R.L.**
3	INVERSIONES WCA E.I.R.L.	23	INDUSTRIA MADERERA ACUÑA S.A.C.
4	SEGURIDAD Y SERVICIOS GENERALES SRL TDA	24	INVERSIONES TALICAMRE E.I.R.L.
5	INVERSIONES RAEN E.I.R.L.	25	MADERAS IN E.I.R.L.
6	SERVICIOS MULTIPLES OMAT E.I.R.L.	26	SABY TAMANY VARAS
7	JULIO SEGUNDO SOTO ORTIZ	27	SHALLY ROXANA MARAVI GONZALES
8	BANDERLINDEN LANCHI SANCHEZ	28	BILLY JHON MAGNE ROBALINO
9	CHEN FORESTAL SELVA S.A.C.	29	INDUSTRIAL BELLAVISTA E.I.R.L.
10	INVERSIONES GENERALES BREIZHCIN E.I.R.L.	30	SERVICIOS GENERALES ALFARO E.I.R.L.
11	INVERSIONES SPIRIT L D E.I.R.L.	31	ABIMAEEL HERNANDEZ GUEVARA **
12	MADERERA SAGITARIO E.I.R.L.	32	FORESTAL COLCAMPINO S.A.C.
13	CONSORCIO OCHABAYO E.I.R.L.	33	HUMBERTO QUIÑONEZ ALVARADO
14	LISBETH & DIEGO FORESTALES E.I.R.L.	34	INVERSIONES MADERABLES MADES E.I.R.L.
15	PAUL ANGEL MARTIN CERQUERA ROBALINO	35	JIMMY VIDELA MOZOMBITE
16	REPRESENTACIONES JAFRE S.A.C.	36	JOSE DAVID CERQUERA ROBALIONO
17	AMAZON FANN E.I.R.L.	37	JOSE JUAN VERA BEGAZO
18	GEYBI CESAR ROJAS RENGIFO	38	LIDIA CONSUELO GARCIA SALAS DE DADIC
19	INVERSIONES MADALAYF S.A.C.	39	FOX & DAVID E.I.R.L.
20	MADERAS VALERA E.I.R.L.	40	JHONATAN VASQUES FUNES

**FIGURE 17**  
Status of Timber Reported in GTFs Transported to Lima



**Timber Owners Reported in Forest Transport Permits**

Out of the 447 Forest Transport Permits in this study whose Forest Management Plans were supervised by OSINFOR, 117 timber owners were identified, 80 of whom have PMFs on the SIGO report's red list. Meanwhile, 40 of the timber owners were found to have used 86 percent of the GTFs to transport timber harvested in unauthorized zones according to the SIGO red list. Table 2 lists the owners in descending order based on how many GTFs they used to transport timber.

Most of the timber appearing in the 2017 Database and analyzed in this investigation was transported for domestic sale. Some of the timber owners noted in the GTFs were reported in other investigations as high-risk companies (Inversiones WCA, Chen Forestal Selva SAC, etc.).

**Exporters Identified in the Forest Transport Permits**

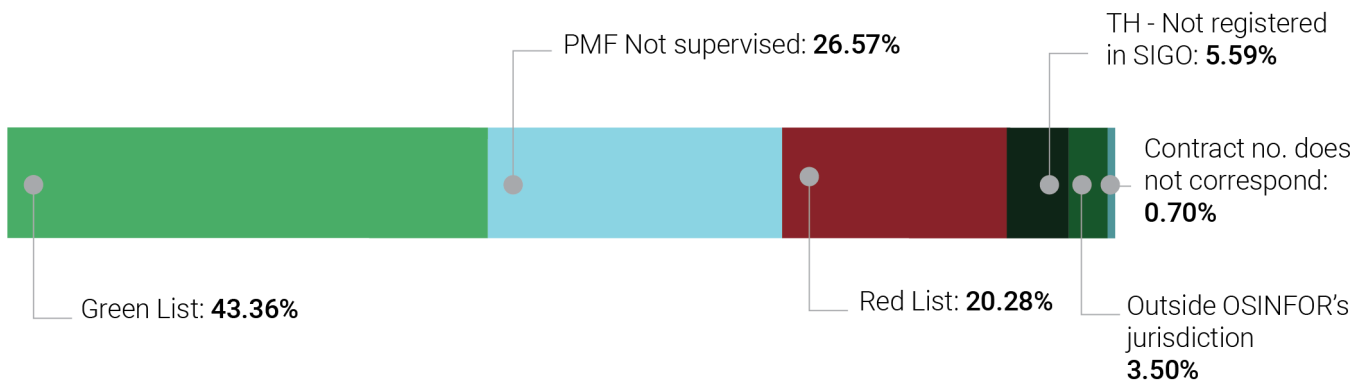
Eighty-four percent of the forest products in the 2017 Database were transported to Lima, Callao, Huánuco, Huancayo, Huarochirí, and Huaura. Sixty percent of the timber transported and marketed with the backing

of GTFs arrived in Lima, and 14 percent arrived at the Port of Callao. The 86 percent of total forest products transported domestically was probably sold in the domestic market, although some of it might have been processed and subsequently exported.

**Status of Timber Transported to Lima (60%)**

According to the 2017 Database, 24 percent of the GTFs with timber transported to Lima are on the SIGO red list because they are considered at high risk of being illegal. The legality of 61 percent of the Lima-bound forest products is impossible to ascertain, in

**FIGURE 18**  
Status of Timber Reported in GTFs Transported to the Port of Callao



**TABLE 3**

List of exporters identified at the Port of Callao

INVERSIONES WCA E.I.R.L.
CHEN FORESTAL SELVA S.A.C.
INDUSTRIA FORESTAL HUAYRURO S.A.C.
JR MUYE INVESTMENT S.A.C.
ASERRADERO ESTRELLA DEL ORIENTE S.A.C.
GREEN GOLD FORESTRY PERU S.A.C.
INDUSTRIA MADERERA ACUÑA S.A.C.
SUTAY COMPANY S.R.L.

most cases because the relevant Forest Management Plan was not supervised or was not forwarded to OSINFOR, its approval number was not included in the GTF, or it was not within OSINFOR's jurisdiction.<sup>79</sup>

Of the Forest Management Plans with Lima-bound wood reported in the GTFs and supervised by OSINFOR, 62 percent are on the red list.<sup>80</sup> Significantly, before arriving in Lima, forest products must cross forest checkpoints managed by SERFOR in Oroya, Corcona, and other sites.

### Status of Timber Transported to Callao (14%)

Interestingly, according to the 2017 Database, 43.36 percent of Forest Transport Permits bound for the Port of Callao are on the green list. However, it is impossible to determine the legality of 36 percent of the forest products transported to Callao because the relevant Forest Management Plan was not supervised or was not forwarded to OSINFOR, its approval number was not included in the GTF, or it was outside OSINFOR's jurisdiction.

A comparison of Lima and Callao's figures, considering that Callao is an export port, suggests that timber exporters were more careful than domestic buyers in selecting forest products. The 2017 Database indicates that 68 percent of the GTFs that noted Forest Management Plans supervised by OSINFOR for Callao-bound timber were

on the green list.<sup>81</sup> Tellingly, these results are similar to those identified in CIEL's 2017 report,<sup>82</sup> which suggests a practice of choosing green-listed documentation for exports.<sup>83</sup>

### Same Exporters, Same Practices


An analysis of the 2017 Database and consultations on the SERFOR platform<sup>84</sup> identified eight forest companies linked to timber exports. A list of potential exporters was developed based on information from a collection center that is used as a dispatch station at the Port of Callao. Meanwhile, the 2017 Database reports indicated the legal status of forest products transported with GTFs from the Amazon to export ports.

An analysis of the GTFs indicates that 82 percent of forest products bound for Callao are concentrated in four forestry companies;

the top two are Inversiones WCA E.I.R.L. (54 percent) and Chen Forestal Selva S.A.C. (25 percent). The four companies found to be transporting high-risk forest products to Callao, with the first two also detected exporting high-risk timber in 2015,<sup>85</sup> are Inversiones WCA E.I.R.L. (with 60 percent of its exports appearing on the red list), Sutay Company S.R.L. (100 percent red-listed), Chen Forestal Selva S.A.C. (70 percent red-listed), and Aserradero Estrella Del Oriente S.A.C. (100 percent red-listed)

### Inversiones WCA

The company Inversiones WCA appears in the 2017 Database and was previously identified as one of the main exporters of illegally sourced wood.<sup>86</sup> Global Witness discovered certain practices in its undercover investigations into exporters in Iquitos. For example, William Castro of Inversiones WCA affirmed

	Ministerio de Agricultura y Riego	Servicio Nacional Forestal y de Fauna Silvestre - SERFOR	Administración Técnica Forestal y de Fauna Silvestre Lima
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"DECENIO DE LAS PERSONAS CON DISCAPACIDAD EN EL PERÚ"  
"AÑO DE LA DIVERSIFICACIÓN PRODUCTIVA Y DEL FORTALECIMIENTO DE LA EDUCACIÓN"

Lima,

**OFICIO N° 286 -2015-SERFOR-ATFFS Lima**

Señor:  
**Jorge Freddy Gallo Alvarado**  
Jefe de la División de Exportaciones IAMC  
**ADUANAS - SUNAT**  
Presente.

**ASUNTO** : Coordinación para el retiro de producto intervenido  
**REF.** : Acta de Intervención N° 001-2015-MINAGRI-SERFOR-ATFFS LIMA

Me dirijo a usted, para saludarlo cordialmente y en relación al asunto para coordinar el retiro del producto intervenido con el Acta de Intervención N° 001-2015-MINAGRI-SERFOR-ATFFS LIMA de fecha 09 de abril del 2015; inmovilizándose dichos productos de propiedad de la empresa INVERSIONES WCA EIRL que iban a ser exportados al país de Chile.

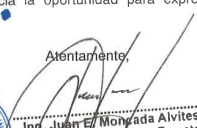
La madera aserrada comercial de la especie Cumala *Virola sebifera* 13 paquetes – 45.901 m3, fue intervenida en razón de existir medidas cautelares vigentes dictadas por OSINFOR, impidiendo su transporte y/o comercialización; por lo que, en concordancia con lo dispuesto mediante el Decreto Supremo N° 016-2014-MINAGRI, que señala entre otras la función de "Ejercer el control del aprovechamiento, transformación, comercialización, transporte y comercio de los recursos forestales y de fauna silvestre, hasta su transformación primaria (...); se inmovilizó dichos productos.


En tal sentido, procederemos a efectuar el retiro de la madera incautada ubicada en el Almacén General APM TERMINALS INLAND SERVICES SA – ALCONSA Ventanilla; por lo que, solicitamos se designe a la persona responsable con tales fines y poder coordinar el retiro del producto intervenido; precisándole que la madera incautada será depositada en el Almacén ubicado en la calle Los Eucaliptos Mz. E, Lote 12, urbanización Huertos de Santa Genoveva (Km. 40 de la antigua Panamericana Sur – Lurín, Lima); designándose como depositario al propietario de la madera intervenida, siendo de su responsabilidad en caso de pérdida, deterioro o destrucción de la madera.

De igual modo, se está coordinando con el propietario de la madera incautada a fin que pueda transportarla y se deposite en el almacén señalado anteriormente, como medida provisoria hasta que culmine el procedimiento administrativo respectivo.

Sin otro particular, hago propicia la oportunidad para expresar los sentimientos de mi consideración y estima personal.

Atentamente,

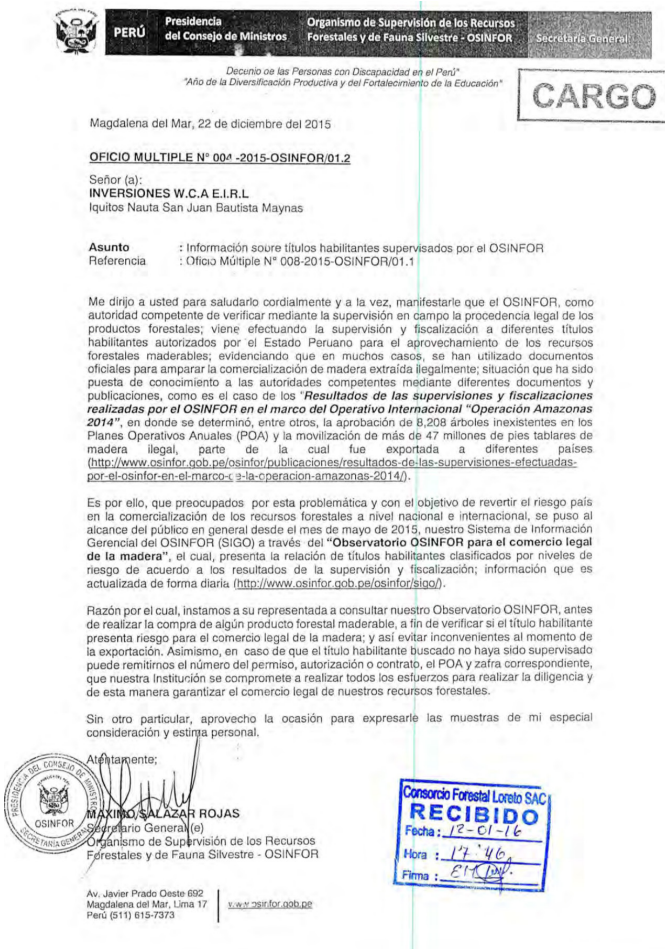
  
**Ing. Juan José Moya Alvites**  
Administración Técnica Forestal y de Fauna Silvestre - Lima  
Servicio Nacional Forestal y de Fauna Silvestre - SERFOR



ATFFS LIMA  
Jr Huasmachuco N° 1833  
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SERFOR CENTRAL  
Calle Dieciséiete N° 355, Urb El Palomar  
San Isidro, Lima - Perú  
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serfor@minagri.gob.pe www.serfor.gob.pe





legally since it was harvested from unauthorized trees, and official documents were used to legalize its transport and sale.<sup>90</sup>

In December 2015, OSINFOR urged Inversiones WCA, SUTAY Company S.R.L., and other companies to review the SIGO reports before purchasing timber to determine risk levels for legal trade and to avoid difficulties with the export process. OSINFOR also told the companies that if a given forestry contract were found to be unsupervised, the agency would commit to the effort of conducting the supervision in order to guarantee the forestry products' legal sale.<sup>91</sup>

Nevertheless, as evidenced in this investigation, Inversiones WCA continues to market and export wood that is highly likely to be illegal.

In January 2019, Global Witness's publication *The Forest Avengers* declared that Inversiones WCA continues to export timber from forestry contracts on the OSINFOR's red list. According to Global Witness's analysis, "SERFOR reportedly inspected timber exports by Inversiones WCA of cumala and marupa at the port of Callao in Lima in April and May 2017 that was reported to have come from three indigenous communities and was destined for Mexico and Puerto Rico. OSINFOR later discov-

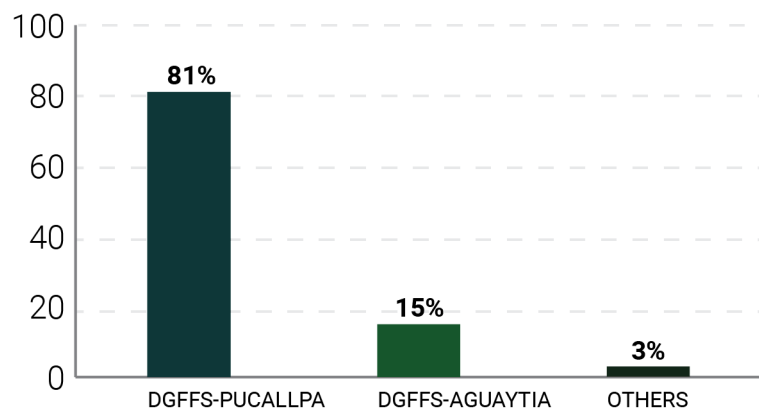
that regional governments often establish a type of harvest site within local forests to launder illegal timber, especially the cumala species. According to the Global Witness investigation, the majority of Castro's exports on the Yacu Kallpa in November 2015 were cumala and came from local forests as recorded on Forest Transport Permits.<sup>87</sup>

On April 9, 2015, at the Port of Callao, SUNAT intercepted a load of sawn lumber from the *Virola sebifera* (cumala) species belonging to the Inversiones WCA company and due to be exported to Chile. The wood was intercepted because it was backed by a Forest Transport Permit for a forestry contract that faced a protective measure by OSINFOR due to illegal logging.<sup>88</sup>

During the international "Operation Amazon 2015," the company was once again found to be involved in exporting illegal

timber. Peruvian authorities proved that 80 percent of the wood by volume exported on the Yacu Kallpa ship<sup>89</sup> was not sourced

**FIGURE 19**  
Transfer Sites of Original Forest Transport Permits



Note: Figures do not add to 100 percent due to rounding.

2
IMPETU.pe
LOCAL
Pucallpa, lunes  
29 de enero de 2018

### 70% DE LOS ASERRADEROS FUERON CERRADOS

## Tala ilegal se redujo al 4% en Ucayali

El gobernador regional de Ucayali, Manuel Gambini Rupay, indicó que en la región Ucayali la informalidad de la actividad maderable, se redujo del 80 al 4%, según la información oficial del Servicio Nacional Forestal y de Fauna Silvestre (SERFOR), a la que tuvo acceso.

Esta información fue dada, luego de la visita a los aserraderos, junto al embajador de Estados Unidos, Krishna R. Urs, para verificar el proceso de transformación de la actividad maderable en nuestra región. Y la corroboró durante la campaña de reforestación de la Mancomunidad PACA.

Gambini, refirió que debido a la aplicación de las leyes contra la tala ilegal, y al respectivo control, se redujo al 4% en la región, en comparación a otras regiones amazónicas que aun se mantienen en el 80% de informalidad. Hoy podemos decir que la informalidad o la tala ilegal bajó en Ucayali”.

Acotó que Ucayali, es la única región que se formalizó con éxito en materia forestal, y por este motivo, “con justa razón reclamamos más la presencia del Estado en la parte forestal”; así como el acompañamiento especial. Recalcó de esto se debe a que el 70% de aserraderos fueron cerrados.

“El Estado, la cooperación Internacional tiene que interactuar con nosotros nuevamente, para que nuevamente recuperemos la confianza que habíamos perdido, porque nos decían que éramos informales y tadores ilegales”, dijo.

ALIRODRIGUEZ



ered that the timber could not have come from those communities and therefore was illegal.”<sup>92</sup> In fact, the timber identified in the GTFs corresponds to red-listed Forest Management Plans according to OSINFOR’s supervision results.<sup>93</sup>

### Transfer Sites of Original Forest Transport Permits

Of utmost relevance is the fact that the majority of the GTFs originated in the region of Loreto and were transferred in the supply chain at different offices of the Regional Forestry and Wildlife Authority in the Ucayali region, as detailed below.<sup>94</sup>

Analysis of the 2017 Database shows that 96 percent of the GTFs were transferred and issued by the Regional Forestry and Wildlife Authorities of the Ucayali region. Of those, 81 percent were transferred by the Forestry and Wildlife Administration Office (DGFFS) of Pucallpa and 15 percent by the DGFFS of Aguaytia.

Importantly, considering that 58 percent of the Forest Management Plans supervised by OSINFOR and analyzed in the 2017 Database are on the SIGO red list and that 96 percent of the GTFs were transferred via Ucayali, it can be asserted that most of the forestry products backed by GTFs and transferred in the Ucayali region were illegally sourced. If the professionals who participated in GTF transfers had screened the permits prior to granting the transfers, they could have prevented the transport and sale of high-

risk, red-listed forest products. The procedure used in this investigation, which is thoroughly described in the methodology section, provides an example of an effective screening process.

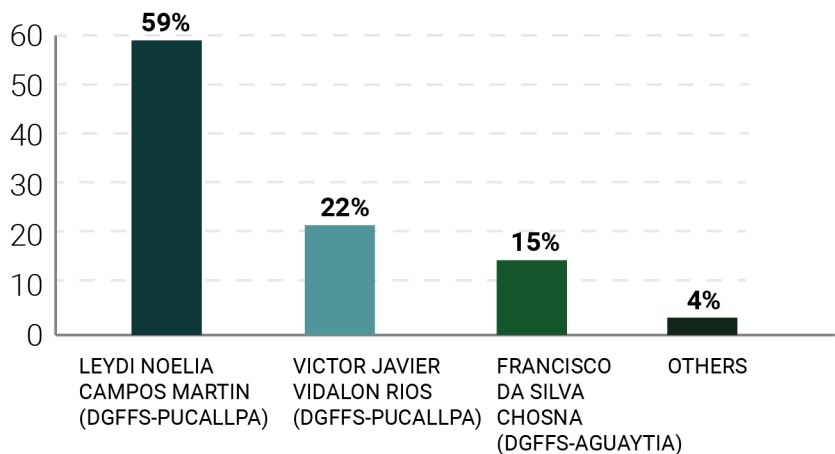
This data regarding transfers contradicts statements made in January 2018 by then-governor of the Ucayali region Manuel Gambini. Gambini claimed that the enactment and enforcement of laws against illegal logging had reduced the illegal logging rate to 4 percent in Ucayali, compared to other Amazonian regions where the rate remained as high as 80 percent.<sup>95</sup> Coinciding with Gambini, in July 2018, then-Minister of the Environment Fabiola Muñoz Doderó, currently

the Minister of Agriculture and Irrigation, reiterated the same statistics for Ucayali during an interview on the news program Radio Programas del Perú.

### Professionals who Participated in Granting Forest Transport Permits

A review of the 1,024 GTFs identified the names of professionals who transferred and signed Forest Transport Permits and their assigned offices. The professional who signed and issued the greatest number of GTFs was Leydi Noelia Campos Martín with 59 percent, followed by Víctor Javier Vidalón Ríos with 22 percent, and Francisco Da Silva Chosna with 15 percent.

**FIGURE 20**  
Professionals who Transferred and Signed GTFs, by Percentage of Permits



The 2015 Callao Data identified Víctor Javier Vidalón Ríos as one of the professionals who participated in granting GTFs that allowed the transport and sale of illegally harvested wood, as reported in 2017 in CIEL's *Continuous Improvement*.

The three abovementioned professionals granted 96 percent of the 1,024 reviewed GTFs dating in June, July, and August 2017, almost three years after the high-impact media coverage of Operation Amazon 2014.<sup>97</sup> These professionals had the capacity to issue alerts about GTF requests, thus preventing timber from red-listed forest contracts and Forest Management Plans from being transported. It is not difficult to consult the SIGO<sub>(SFC)</sub> digital platform; even if the information about a particular Forest Management Plan is not found, the professional can alert the relevant authorities.

### Seeking Responses from Forestry and Wildlife Officials

The findings in this report reveal the ease of transporting illegal timber from the Amazon to the Peruvian coast. As a national authority and governing entity for the forest sector, SERFOR is responsible for strategically distributing forest checkpoints along Peru's economic routes in order to implement an efficient surveillance and monitoring system that prevents illegally sourced timber arriving at destination sites and major collection centers. Forest checkpoints from Oroya to Lima are under SERFOR management.

With OSINFOR's research results and analysis, letters were sent to the Regional Forestry and Wildlife Authorities from the regional governments of Loreto and Ucayali and to SERFOR asking for their perspectives and comments.<sup>98</sup> Forestry and Wildlife Law N° 29763 states that these officials play a monitoring and sur-

veillance role in guaranteeing that timber sold in the domestic and international market has been legally harvested.

As of the publication of this report, none of the forestry and wildlife officials had responded.

### The Undermining Effective Monitoring Agencies

Over the past ten years, OSINFOR has made great progress in improving transparency and providing openly accessible information. These achievements are a direct result of the agency's supervision and monitoring of forest contracts and management plans, which have allowed it to identify actors who participate in the timber supply chain. However, numerous motions have attempted to undermine the agency by eliminating its independence and autonomy. This process culminated on December 14, 2018 with the publication of Supreme Decree N° 122-2018-PCM<sup>99</sup> ordering OSINFOR to be incorporated into the Ministry of the Environment.

However, the Peruvian government reversed this decision through Supreme Decree N° 066-2019-PCM in April 2019, undoing the merger with the Ministry of the Environment and returning OSINFOR to the Presidential Council of Ministers (PCM). The Peruvian government made this decision in response to major public and political pressure, stemming from numerous statements by environmental organizations<sup>100</sup> and by the United States government indicating that it considered the December 2018 action to be a breach of the Peru Trade Promotion Agreement.<sup>101</sup> The Agreement annex related to the forest sector specifically stipulates that OSINFOR should be an independent agency in order to guarantee legal timber sales domestically and internationally.

In recent years, OSINFOR has been key in verifying forestry products' legal origins. In fact, one of the reasons that it was granted independence from other sectors of the Executive branch is because of its role in supervising and auditing PMFs issued by forestry and wildlife officials.

Attempts to undermine government agencies through deregulation and debilitation occur around the world. The effectiveness, independence, and power of monitoring agencies make them targets of multiple actors who operate through and benefit from corruption.

As of 2015, when Operation Amazon exposed the extent of illegal logging, certain elements within the public and private sectors began pressuring OSINFOR and SUNAT and undermining their efforts to curb illegal timber sales. This 2015 exposé, in turn, resulted from a joint effort begun in August 2012 with the aim of identifying the organized networks and actors involved in illegal timber sales throughout the supply chain.

Testimonies from industry leaders in the forest sector itself offer proof of OSINFOR's efficacy. In its January 2019 report *The Forest Avengers* Global Witness obtained undercover testimonies from several representatives of forestry companies.<sup>102</sup> The business leaders emphasize that the fact that OSINFOR is part of the Presidential Council of Ministers grants it support and status in its supervisory and auditing actions. Forestry businessman Roberto Cabrera stated that he had to adjust his practices to avoid problems with OSINFOR. A Forestal Merced company representative attested that with SERFOR it is possible to "make something legal that is illegal," but with OSINFOR that is not possible.<sup>103</sup>

## Chapter 5 Key Findings

Key findings come from specific case studies within the 2017 Database and OSINFOR’s administrative files on Forest Management Plan supervision.

### Forestry and Wildlife Officials Continue to Approve High-Risk Forest Management Plans

The present analysis suggests that prior to approving a Forest Management Plan, Regional Forestry and Wildlife Authorities do not conduct background checks to consider whether forestry contract holders and regents are implicated in prior irregularities. The officials could consult SIGO (SFC) online to ascertain the legality of the Forest Management Plan, and consequently the forest product, prior to registering and granting a GTF.

In fact, in several cases analyzed, the opposite appeared to occur. For example, on June 22, 2017, GTF N° 13-0248009 was granted through authorization by the professional Leydi Noelia Campos Martín in the office of the Pucallpa Bureau of Forestry and Wildlife Management.<sup>104</sup> The GTF cited the indigenous community Sheyamasha.<sup>105</sup> SIGO (SFC) shows that OSINFOR finished supervising the relevant Forest Management Plan on April 29, 2017, and the information appeared on SIGO’s red list as of May 31, 2017. Moreover, since 2013, OSINFOR had supervised PMFs numbered 05, 06, 07 located on the same piece of land in Sheyamasha; all were on the red list.<sup>106</sup> Therefore, by the time GTF N°13-0248009 was issued, there was sufficient public information to assume that the timber mentioned in the GTF was illegally harvested.

The procedure for verifying the status of an operational plan in the SIGO system is so simple that it should take less than five minutes to determine a forest product’s legal status. Not only forest monitoring agents, but also buyers, exporters, importers, and others can readily access the data.

### By Coincidence or Design: Organized Networks and Forest Management Tool Approval

The analysis evidences what amounts to something of an “open secret:” the possible synchronized work of an organized network for approving forestry paperwork. The 2017 Database uncovered four forestry contracts and Forest Management Plans that were processed at different times but that were

PMF	Fecha de Emisión	Ubicación	Estado
PMF 05	18/07/2013	UCAYALI - ATALAYA - RAYMONDI	ROJO
PMF 06	18/07/2013	UCAYALI - ATALAYA - RAYMONDI	ROJO
PMF 07	18/07/2013	UCAYALI - ATALAYA - RAYMONDI	ROJO

Especies	Volumen autorizado (m3)	Volumen movilizado (m3)	Volumen movilizado con autorización con registro de origen (m3)	% del volumen movilizado de autorización con registro de origen	% del volumen movilizado sin autorización con registro de origen
1. Cedrela odorata L. Cochino	1282.200	1282.203	833.117	64.9%	61.5%
2. Dalbergia ecastriyana Lamour.	98.800	93.885	98.885	100.0%	100.0%
3. Pisonia grandis L. Guano	8.000	8.000	8.000	100.0%	100.0%

all filed and approved by the same three individuals. The contracts and plans in question are detailed as follows:

- Autonomous Association for Local Forest Administration in the rural community of Tangarana-Marañón River (16-LOR/L-MAD-SD-003-10)
- Betania Indigenous Community (16-LOR-LOR/PER-FMC-2017-001)
- Local Forest in the San Gabriel Indigenous Community (16-LOR/L-MAD-SD-002-13)
- Santa Carmela Indigenous Community (16-LOR/P-MAD-SD-004-15)

The forestry regent who prepared and filed the Forest Management Plans was Engineer Hugo Paima Ríos. By 2016, he had signed dozens of Forest Management Plans with false information, as reported in various investigations and evidenced in the results of OSINFOR's supervision and audits. Nevertheless, SERFOR, as the national institution in charge of the forestry regents' registry, allowed this professional to continue to work in the forest sector.<sup>107</sup>

In all four cases, the sole professional who carried out the visual inspection and recommended that the Forest Management Plans be approved was Carlos Eduardo Shapiama del Castillo.<sup>108</sup> The official who signed the approval motion for each Forest Management Plan was Kathia Janeth García Ayachi.<sup>109</sup>

Of note, the GTFs for some of these forestry contracts were used on the Yacu Kallpa ship in 2015. To date, it is known that 96 percent of the timber on the vessel's third shipment was illegally harvested, laundered, and whitewashed by official GTF documents granted by the Regional Forestry and Wildlife Authority. The Callao Data 2017, a source in the 2017 publication *Continuous Improvement*, notes that SERFOR visually inspected the Yacu Kallpa vessel at the export port. Both of the forestry and wildlife agencies<sup>110</sup> had been alerted to these scenarios since 2014 due to the

outcomes of international operatives promoted by INTERPOL together with the World Customs Organization, SUNAT, OSINFOR, and FEMA.

Many timber owners clearly know the risks of transporting and selling illegally logged timber. In May 2017, Inversiones WCA possessed full knowledge of the matter and the risks involved in continuing to sell illegal timber.<sup>111</sup> However, this investigation discovered that the company was still exporting illegal timber at the Callao port, with involvement by the Forestry and Wildlife Administration in Lima, a dependency of SERFOR. As reported on SERFOR's transparency webpage,<sup>112</sup> the timber bound for export was inspected at port; the agency had the power to generate an alert based on the timber's potential illegal status when it inspected the illegal cargo.

135

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

**GUÍA DE TRANSPORTE FORESTAL**  
013 - Nº 0250437  
013250437

Autoridad Regional Forestal y de Fauna Silvestre Coronal Portillo

Fecha de Expedición: 26/07/2017 Fecha de Vencimiento: 02/08/2017

Origen del recurso: Concesión  Permiso  Autorización  Bosque local   
Desboscado  Cambio de uso  Plantación  Plan de manejo consolidado   
Otros:

Nº de Resolución: R.I-012-2016-GRL-GGR Representante legal: ANTONIO INUMA MACUSI

Plan de Manejo (Tipo): PO-Plan Operativo

Departamento: UCA YALI Provincia: URETO Distrito: URARINAS  
PROPIETARIO DEL PRODUCTO: INVERSIONES WCA E.I.R.L. DNI Nº: 9325274

RUC Nº: 2009325274 Provincia: MAYNAS Distrito: SAN JUAN BAUTISTA  
Departamento: UCA YALI Dirección: Carretera Iquitos Nauta km.2.5

Tipo de comprobante: Factura Nº de comprobante: G.REM.001-001981

DESTINATARIO: TERMINALES PORTUARIOS PERUANOS S.A.C. DNI Nº: NESTOR GAMBETA SIN PARC.3 F

RUC Nº: 20097646091 Provincia: CALLAO Distrito: CALLAO

TRANSPORTISTA: CALLAO

Nº de Guía de Remisión: 001-00088

Tipo de Transporte: TERRESTRE Placa(s) Nº: ATW-888 / F1Q-981

Tipo de Vehículo: CAMIÓN/CARRETA D.N.I. Nº: 04061960

Conductor: EFRAIN SINICHE CALLAO

Licencia de Conducir: EFRAIN SINICHE CALLAO

DETALLE DEL PRODUCTO: N-04061960

Lista(s) de trozas Nº: N° GTFs de origen: 016002415

Nombre Científico	Nombre Común o Comercial	Tipo de Producto	Forma de empaque o presentación del producto		Cantidad	Total
			Descripción	Cantidad		
		MADERA COMERCIAL	PIEZAS	208	m <sup>3</sup>	4.184

Observaciones: Van 01 paquete

Se invalida la G.T.F.S. cuando contiene enmendaduras y/o alteraciones.  
La presente GTFs tiene carácter de declaración jurada y está sujeta a acciones penales contempladas en el numeral 22.3 del artículo N° 32 de la Ley 27444 (Ley del Procedimiento Administrativo General)

## Tracking Timber from Forest to Port

The 2017 Database traces timber's route from its harvest site (identified as authorized) in the forest to the Callao port. On July 26, 2017, in the Pucallpa Bureau of the Forestry and Wildlife Management Office, the professional Leydi Noelia Campos Martín issued Forest Transport Permit N° 13-0250437 in expedited fashion. On August 25, 2017, in the same forestry office, Forestry Transport Permit N° 13-0252736 was issued, this time by professional Víctor Javier Vidalón Ríos, for the same forestry contract holder from the indigenous community of Santa Carmela. The forestry contract is N° 16LOR/P-MAD-SD-004-15 and relates to the Forest Management Plan approved by Resolución N° RJ N° 012-2016-GRL-GGR-DEFFS-ARA-OD-L-N, one of the four

documents described previously that were all processed by the same group of three individuals, according to the following details:

Forestry Regent who wrote and filed the Forest Management Plan:

- Hugo Paima Ríos

Professional who conducted the on-site visual inspection and recommended approving the Forest Management Plan:

- Carlos Eduardo Shapiama del Castillo
  - » Report N° 005-2016-GRL-GGR-ARADEFFS-OD-N/CESDC

Official who signed the resolution approving the Forest Management Plan:

- Kathia Janeth García Ayachi
  - » Resolution N° 012-2016-GRL-GGR-DEFFS-ARA-OD-L-N

By reviewing the administrative files for sanction procedures generated by OSINFOR and accessed through its public transparency webpage, the present investigation found that the supervision results warn that 100 percent of the timber backed by the abovementioned Forest Management Plan is illegal. It is noteworthy that the resulting sanctions proceedings ordered a fine equivalent to over 1.3 million dollars.

ARFFS could have applied the same investigative methodology used in this study before issuing or transferring the original GTF, in order to be able to make an informed decision about the need to generate an alert to all the players in the sector regarding the forest products' status. The methodology used to construct this investigation is detailed in Annex 1.

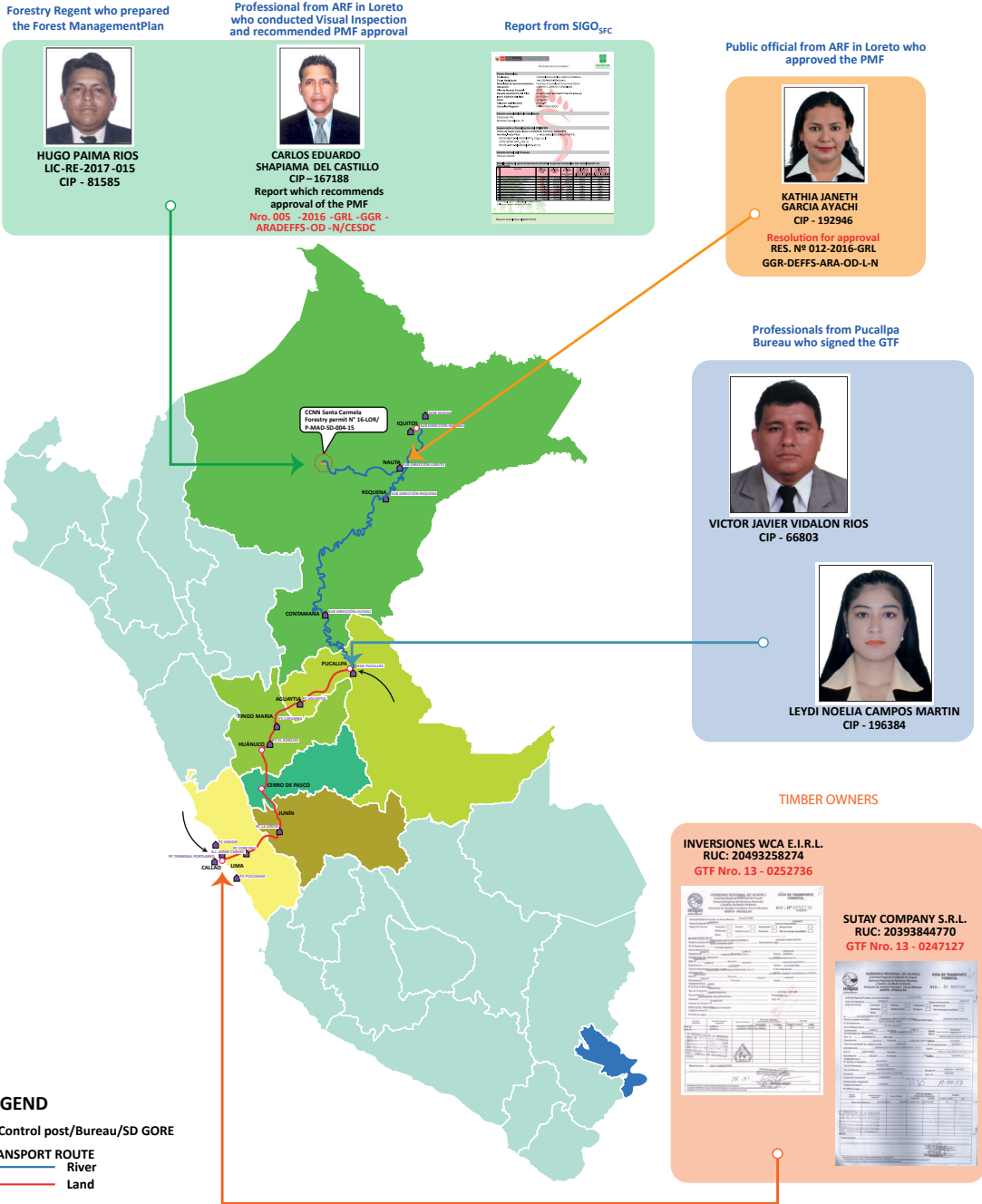


**FIGURE 21**  
Tracing Timber's Route from Harvest Site to Export Port

# SUSPECTED TIMBER ROUTE FROM SANTA CARMELA NATIVE COMMUNITY TO PORT OF CALLAO – PERU

ACCORDING TO SIGO<sub>SFC</sub> REPORT (RED LIST)

TRANSPORTED AND MOVED FROM PUCALLPA TO CALLAO IN JUNE AND AUGUST 2017



## Chapter 6

## Conclusions

It is widely known that illegal logging and its related trade continue at high rates in Peru, with deforestation being of the most devastating direct impacts. In 2017, 155,914 hectares were deforested,<sup>113</sup> one third of which occurred in the provinces of Loreto and Ucayali.

An in-depth and detailed analysis of the documentation and procedures entailed in guaranteeing the legal origin of forest products in Peru reveals that forestry officials have numerous opportunities to transform and improve this situation. Various stages in the supply chain involve verifying the accuracy and validity of Forest Management Plans to ensure that forest products are legally sourced. Nevertheless, all too frequently, these steps are used to legitimize illegal forest products rather than halt an illegal laundering process already underway.

In recent years, the legal and regulatory framework for the adequate management of the forest sector in Peru has been bolstered. Sufficient regulatory tools, such as Legislative Decrees 1319, 1237, 1244, and 1249, administratively and criminally sanction people who commit crimes stipulated in the Forestry and Wildlife Law.

Nevertheless, these laws are not adequately enforced. As procedures, registries, transactions, and practices evolve, the administrative and criminal processes to sanction illegal acts have not intensified accordingly. Environmental crimes and their sanctions are—on paper—extensively regulated in Peru. However, the administrative and criminal procedures are weak and slow, and the application of penalties has not meaningfully impacted the magnitude of the crime.

Apparently, therefore, the plans and programs to improve forest sector management in Peru have not managed to shift the practice of the public and private players involved in commercializing timber. This results from a lack of an effective program to monitor and prosecute perpetrators criminally responsible for illegal commerce.

Importers, exporters, traders, international donors, and the public<sup>114</sup> and private sectors bear enormous responsibility for safeguarding the legal management of Peru's forest sector. A series of operations and procedures exist to ensure that acquired forest products and wildlife do not originate in areas that have been destroyed by undue exploitation. Illegal logging and its related trade, abuses, displacement of populations, and even deaths could be avoided through a consciousness shift in which a generalized understanding of the irreversible damages to people and the environment fed into a culture of accountability.

The Peruvian State and the international community should reconsider actions and decisions that undermine public institutions that have demonstrated significant results over the past ten years in the on-the-ground fight against illegal timber laundering, organized crime, tax fraud, and other crimes. With institutional commitment, willingness, and support, substantial changes can be generated that promote legally sourced timber.

One example involves the work and commitment of a small group of prosecutors in Peru who investigated the massive bribery case known as Lava Jato or "Operation Car Wash." Their results inspire further investigations into suspected corruption and organized

crime embedded in the forestry and environmental sector, with the aim of eliminating impunity in all of links of the timber supply chain. The President of the Republic of Peru, Engineer Martín Vizcarra, appearing before Congress the day of his swearing-in, stated that he would fight against the corruption and impunity that cause such harm to society and the State, a discourse that he sustains to this day.<sup>115</sup> However, numerous national and international commitments to forestry and environmental issues have yet to be fulfilled.<sup>116</sup>

The Peruvian government's decision to return OSINFOR to the Council of Ministers is an encouraging and positive step that empowers the agency to fulfill its essential task of combatting illegal logging in Peru. However, the work done by OSINFOR and other key forestry and environmental agencies, such as SUNAT, specialized environmental prosecutors, and the Regional Forestry and Wildlife Authorities, must be supported and strengthened. Moreover, national and regional governments in Peru should take substantive measures to address the underlying causes of illegal logging and illegal timber commerce in the country.





## Chapter 7

## Recommendations

**B**ased on the findings of this report and in in-depth review, study, and analysis of the different processes and stages in the timber trade, this report offers a series of recommendations for each of the Peruvian governmental agencies in forest sector management, as well as for forestry companies and financial institutions.

### Recommendations for State Agencies:

#### Forest Resources and Wildlife Monitoring Agency (OSINFOR)

Include the following data in SIGO:

- The taxpayer registry number (RUC) of the harvest contract holder.
- The name and registration number in Peru's Registry of Engineers (CIP) of the professional who supervised the Forest Management Plan.
- The date on which the alert or report was entered into SIGO.
- The dates on which forest sector officials and administrators received notifications about the PAU reports and resolutions (start and finish).

Promote and bolster the following capacities:

1. Supervise and audit not only logging titles (concessions, permits, and forestry and wildlife authorizations) but also other administrative deeds for different harvest modalities of forest resources and forest-based wildlife that are not covered in Forest Management Plans.
2. Supervise, audit, and appropriately sanction the natural and legal persons who participated in the unlawful issu-

ance of local forest permits according to Forestry and Wildlife Law N° 27308.

3. Use available resources to identify illegal activity. Access and enter all collection centers, lumber yards, and processing plants in order to conduct inventories of logs and processed timber and match them to descriptions in Forest Transport Permits; review lists of roundwood and operations books; and identify legal volumes of transported wood and volumes originating from illicit activities in order to pinpoint high-risk centers and prioritize supervision actions.
4. Sanction forestry and wildlife regents as jointly liable<sup>117</sup> for implementing Forest Management Plans.
5. Implement and maintain an updated list of all of the forestry regents, professionals, and officials with the Forestry and Wildlife Authority who have participated in illicit activities designated in forestry and wildlife legislation and identified during supervision and auditing.
6. Use supervision reports as pre-established evidence in order to speed up administrative and criminal procedures pursued by different actors in the sector.

#### National Forestry and Wildlife Service (SERFOR) and Regional Forestry Authorities (ARFFS)

In practice, two of the forest sector agencies that require profound change are the National Forestry and Wildlife Service and the Regional Forestry and Wildlife Authorities. What follows is a list of actions that would significantly improve their work:

- Adjust the GTF format, including the tax identification number of the forest harvest contract holder and the signature and license number of the forestry regent who endorses the activities in the Forest Management Plan.
- Train, educate, and supervise professionals in charge of granting GTFs to ensure that the forms are correctly issued and registered.
- Implement on-line consult procedures on the OSINFOR and SUNAT platforms in order to generate alerts and prevent the issuance of GTFs for Forest Management Plans that have been sanctioned.
- Disseminate a roster of officials, professionals, forestry regents, and administrators who commit infractions to the Forestry and Wildlife Law, highlighting the cause for each incurred infraction.
- Register the scientific names of the forest species approved in Forest Management Plans.
- Submit the relevant documentation for incorporating the number of the resolution for the Forest Management Plan and the scientific names of marketed forest species into customs forms, including the Customs Merchandise Declaration (DAM).
- Implement online access to GTFs and export shipping requests filed with SUNAT.
- Promote the implementation of a National Forestry Information and Monitoring System, allowing access and interoperability for agencies that need it, in order to facilitate timely and efficient interventions.

- Adapt the relevant regulations such that a Forest Management Plan takes effect on the day that OSINFOR has been notified of it.
- Considering that SERFOR was created with an exceedingly broad and slow-paced organizational structure, promote an agency with a lighter and more agile structure that would allow it to act quickly, thus determining and guaranteeing the legal source of forest products and wildlife from the Peruvian forest in an efficient, effective, and transparent way. To this end, SERFOR's duties should be reviewed in detail and modified substantially to match the actual situation; the warnings and concerns expressed by experts, academics, and civil society organizations that have studied the National Forestry and Wildlife Service can serve as an initial guide.
- Increase Regional Forestry Authorities' budgetary allotment so that they can stop being the petty cash recipients of regional governments. This would considerably help the process of approving Forest Management Plans, since prior to approval the officials should check that the trees listed in the PMF actually exist at the site. Sufficient funding for field visits would ensure that Forest Management Plans are processed appropriately, with no justification for skipping the on-site visit backed by Law N° 27444.118 Moreover, incentive programs should be implemented for professionals who improve their performance. Simplified administrative procedures should be developed to enable administrative and criminal sanctions to be determined quickly for anyone suspected of involvement in illicit activities.

### **Ministry of Economy and Finance (MEF)**

- Through the Supervisory Body of State Contracts (OSCE), require that wood used in State contracts be legally

sourced, with prior field verification by OSINFOR.119

- Promote preferential rates for legal products.
- Secure a forest credit fund for small- and medium-scale forestry producers, granted upon receiving a favorable report of Forest Management Plan implementation.
- Provide suitable budgetary appropriations for supervisory and auditing agencies (OSINFOR and FEMA).
- Grant budgetary allocations for the Regional Forestry Authorities to conduct visual inspections before approving Forest Management Plans.

### **National Superintendent of Customs and Tax Administration (SUNAT)**

- Promote the monitoring of domestic and international trade in forest products, jointly with different actors in the forest sector.
- Request from forestry officials the GTFs of forest products that are marketed and declared to SUNAT.
- Consult with SERFOR, ARFFS, and OSINFOR regarding the status of Forest Management Plans that generate marketed forest products.
- Include and declare in the DAM and the Transport Documents the number of the resolution approving the forest harvest and wildlife collection activities (concessions, permits, forest authorizations, and administrative deeds) and the scientific names of the included forest species.

### **Financial Investigation Unit (UIF)**

- Intensify investigations into criminal networks linked to illicit environmental activities, especially illegal logging and its related trade.

### **Specialized Prosecuting Units in Environmental Matters (FEMA)**

- Promote the implementation of a second entity with resolution capacity.
- Promote spaces for exchanging and standardizing criteria among different actors in the forestry and environmental sectors.
- Request from Regional Governments (GORES) and SERFOR improved and straightforward access to information documented in Forest Management Plans.
- Promote follow-through on pending landmark cases, such as the Yacu Kallpa cargo case and the increase in illegal forest roads that allow for illegal logging and the sale of timber from Natural Protected Areas, including the buffer zone of the Sierra del Divisor National Park in the Ucayali province and other areas of the Peruvian Amazon.
- Train staff in the usage of environmental and forest terminology in order to determine with greater accuracy the extent of environmental damage in a given case and request the applicable penalty based on the environmental impact's true magnitude.

### **Ministry of Justice (MINJUS)**

- Ensure the correct implementation of the new unit related to environmental crimes.
- Modify the legislation to reclassify environmental crimes, raising them to serious offenses, since by affecting the environment, they impact people and the quantity of flora and fauna species.
- Ensure that penalties for conduct constituting a crime be proportional to the deed committed and sufficiently dissuasive to prevent others from committing the same crime.

- Determine the level of penalty based on an assessment of the ecological and economic impact caused by the accused.

### Ministry of Culture

- Guarantee that indigenous communities have sufficient knowledge to appropriately administer their forestry contracts with the State and with private companies.
- Support the forestry administration in monitoring and solving crimes that potentially impact or affect indigenous communities.

### Natural Protected Areas (ANPs)

- Publish a list of forestry-related infractions committed within Natural Protected Areas and the offenders.
- In coordination with FEMA, contribute to monitoring the existence and

construction of illegal forest roads that enable illegal logging and sales of wood from Natural Protected Areas.

### Recommendations for Forestry Companies

- Promote and foster successful initiatives for forest management and chain of custody, and replicate them with providers.
- Create incentives for products that originate in responsibly managed forests.
- Promote the use of Volumetric Tables for different forest species among businesses that work with Certified Forests.
- Develop effective control mechanisms for monitoring the timber that enters processing plants with unauthorized administrative documents and sourc-

es directly related to illegal logging and deforestation.

### Recommendations for Financial Institutions

- Meticulously evaluate companies and businesses that request financing for marketing forest products; restrict or reject those with a record of selling illegal timber.
- Take special care in financing high-risk activities related to the sale of forest products, considering the impacts on health and the environment.
- When considering financing forestry commerce operations, heed the policies and regulatory framework for compliance with national obligations to mitigate climate change.





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## Annex 1

# Methodology

This investigation is based on official documentation obtained by a series of public information access requests directed to different institutions in the forest sector.

Stages in this investigation:

### Request for Public Information

Information was requested from various ARFFS and from OSINFOR, as allowed by Article 142 of Forestry and Wildlife Law No 29763.<sup>120</sup>

### Organization of Information Contained in Forest Transport Permits

Information requests from ARFFS yielded access to data contained in 1,024 GTFs issued by different ARFFS in the Peruvian Amazon and dating to the months of June, July, and August 2017. The information supplied in the GTFs was then organized by date to facilitate the process of digitizing the data.

### Taxpayer Registry Number Inquiries on SUNAT

With the aim of corroborating and complementing the information contained in the GTFs, online inquiries

were made on the SUNAT platform.<sup>121</sup> Forestry contract holders' names were used to obtain the RUC number, tax address, and full names of the legal representatives, the owner, the recipient of the timber, and the driver of the vehicle that transported the forest product. These inquiries continued throughout the investigation during all of its phases. It is important to note that in October 2015, a new GTF format was approved which omits the forestry contract holder's RUC number.<sup>122</sup>

### Inquiries and Reports on the Information Management System (SIGO<sub>(SFC)</sub>)

OSINFOR's online platform SIGO<sub>(SFC)</sub><sup>123</sup> was one of the main sources of information for this investigation. Once the number of the forestry contract included in a GTF had been identified, this online consultation platform was accessed to learn the status of the forest harvest contract holder's Forest Management Plan. Reports were thereby obtained regarding the "red list" (timber highly likely to be illegal) and the "green list" (timber not likely to be illegal). Each report helped identify the status of forest products backed by official documents (GTFs) issued by the Regional Forestry Authorities.

### Generation of the Database

At this stage, the information from the 1,024 GTFs was digitized. Information was also incorporated gradually based on the abovementioned reports, since the need for information grew in line with the findings uncovered in the administrative files and as some initiatives were identified, for example: the names of the forestry regents and the professionals who conducted the visual inspections prior to the approval of Forest Management Plans, etc.

### Consults on the SISFOR Platform

The online Geographic Information System for Forest and Wildlife Supervisions (SISFOR)<sup>124</sup> allows access to the route taken by a supervisor in the forest before and during the supervision of a Forest Management Plan. It also displays the distribution and spread of supervised individuals, etc. Importantly, this open data transparency platform provides access to information to guide decision-making for different actors, for example: customs agents, workers who control and monitor legal timber sales, regional forestry officials, specialized prosecutors in environmental matters, exporters, importers, and different State institutions that consume large amounts of timber in the programs and projects that they administer.<sup>125</sup>

## Organization of Information about Forestry Contract Holders

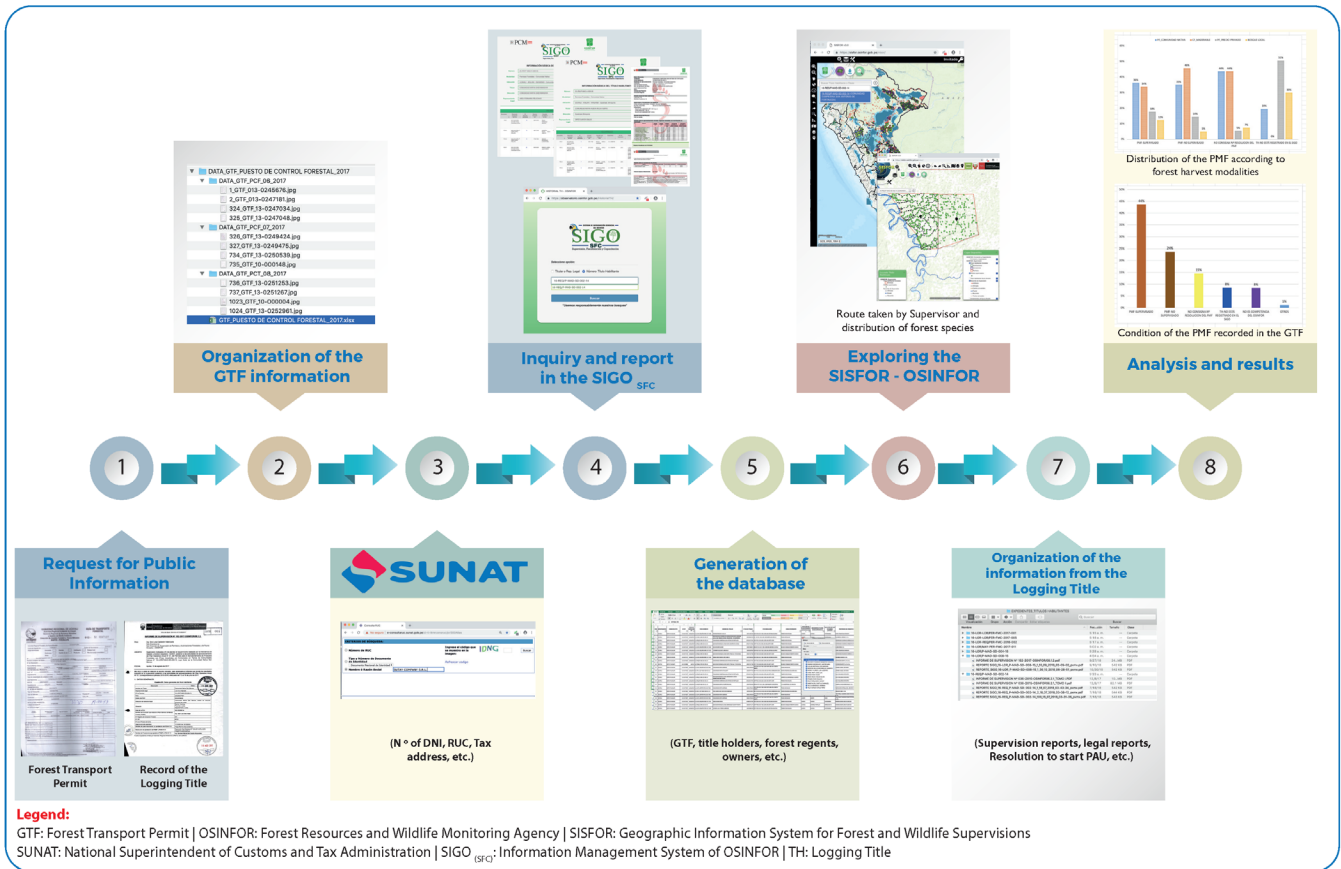
Based on OSINFOR’s publicly accessible information released in 2017 and 2018, files were organized by group according to forest harvest modality (local forests, forest permits in indigenous communities, private lands, and forest timber concessions), followed by the number of the forestry contract. The resulting folders

incorporate supervision reports, legal reports, resolutions for the start and finish of PAU, etc.

## Analysis and Results

Finally, the digitized information in the created database was analyzed, and charts and figures were generated that clearly illustrate the scenario in 2017, two years after Forestry and Wildlife Law N° 29763 took effect.

### PHASES OF THE INVESTIGATION



## Endnotes

1. López Tarabochia, Milton (2018). Latin America Press. Illegal Logging: An Organized Crime That Is Destroying Latin American Forests. <https://www.eurasiareview.com/21052018-illegal-logging-an-organized-crime-that-is-destroying-latin-american-forests/>
2. Ministerio del Ambiente - MINAM (2017). GEOBOSQUES. Bosque y Pérdida de Bosque. <http://geobosques.minam.gob.pe/geobosque/view/perdida.php>
3. MINCETUR (June 2018). Reporte Comercial de Productos Madera. [https://www.mincetur.gob.pe/wp-content/uploads/documentos/comercio\\_exterior/estadisticas\\_y\\_publicaciones/estadisticas/exportaciones/Reporte\\_Comercial\\_Productos\\_Forestales.pdf](https://www.mincetur.gob.pe/wp-content/uploads/documentos/comercio_exterior/estadisticas_y_publicaciones/estadisticas/exportaciones/Reporte_Comercial_Productos_Forestales.pdf)
4. García Delgado, F (September 16, 2018). El Comercio. Más del 60% de la madera movilizada en el Perú en el 2017 tuvo origen ilegal. <https://elcomercio.pe/peru/60-madera-movilizada-peru-2017-tuvo-origen-ilegal-noticia-558040>
5. Ley Forestal y de Fauna Silvestre Nro. 29763. Título Preliminar. Artículo II.- Principios generales. 10. Origen legal.- Es deber de las personas naturales o jurídicas que tengan en su poder o administren bienes, servicios, productos y subproductos del patrimonio forestal y de fauna silvestre de la Nación demostrar el origen legal de estos. <https://www.serfor.gob.pe/wp-content/uploads/2016/03/LFFS-Y-SUS-REGLAMENTOS.pdf>
6. Ley Forestal y de Fauna Silvestre N° 29763. Artículo 13.- Autoridad Nacional Forestal y de Fauna Silvestre. Artículo 14.- Funciones del Servicio Nacional Forestal y de Fauna Silvestre (SERFOR). <https://www.serfor.gob.pe/wp-content/uploads/2016/03/LFFS-Y-SUS-REGLAMENTOS.pdf>
7. SERFOR. Autoridades forestales y de fauna silvestre, aún no transferidas las funciones y competencias, denominadas Administración Técnica Forestal y de Fauna Silvestre (ATFFS) (Áncash, Apurímac, Arequipa, Cajamarca, Cusco, Ica, Lambayeque, Lima, Moquegua — Tacna, Piura, Puno, Selva Central, Sierra Central). <https://www.serfor.gob.pe/administraciones-tecnica-forestales-y-de-fauna-silvestre-atffs>
8. Ley Forestal y de Fauna Silvestre Nro. 29763. Artículo 19.- Competencia regional forestal y de fauna silvestre. De acuerdo a las funciones transferidas en materia agraria en el marco del proceso de descentralización. <https://www.serfor.gob.pe/wp-content/uploads/2016/03/LFFS-Y-SUS-REGLAMENTOS.pdf>
9. Ley Forestal y de Fauna Silvestre Nro. 29763. Artículo 29. Bosques de producción permanente.- Los bosques de producción permanente se establecen por resolución ministerial del Ministerio del Ambiente, a propuesta del SERFOR, en bosques de las categorías I y II, con fines de producción permanente de madera y otros productos forestales diferentes a la madera, así como de fauna silvestre y la provisión de servicios de los ecosistemas. <https://www.serfor.gob.pe/wp-content/uploads/2016/03/LFFS-Y-SUS-REGLAMENTOS.pdf>
10. SERFOR. Aplicación para Emisión y Registro de Guías de Transporte Forestal (ER-GTF Autoridad Regional). [https://www.serfor.gob.pe/wp-content/uploads/2018/10/Manual\\_Aplicativo\\_ER-GTF\\_AUT.v2.45-1.pdf](https://www.serfor.gob.pe/wp-content/uploads/2018/10/Manual_Aplicativo_ER-GTF_AUT.v2.45-1.pdf)
11. SERFOR. Organización, Directorio, Organigrama, y SINAFOR. Currently nine regional governments now have duties and jurisdiction over forest matters (Amazonas, Ayacucho, Huánuco, La Libertad, Loreto, Madre de Dios, San Martín, Tumbes, and Ucayali). <https://www.serfor.gob.pe/somos-serfor/organizacion-directorio-organigrama-y-sinafor>
12. Ley Forestal y de Fauna Silvestre N° 29763. Artículo 18.- Organismo de Supervisión de los Recursos Forestales y de Fauna Silvestre (OSINFOR). Tiene la facultad de supervisar los títulos habilitantes a nivel nacional. <https://www.serfor.gob.pe/wp-content/uploads/2016/03/LFFS-Y-SUS-REGLAMENTOS.pdf>
13. Ley Forestal y de Fauna Silvestre N° 29763. Decreto Supremo N° 018-2015-MINAGRI, Reglamento para la Gestión Forestal. Artículo 54.- Plan de manejo forestal.- El plan de manejo forestal es el instrumento de gestión forestal que constituye la herramienta dinámica y flexible para la implementación, seguimiento y control de las actividades de manejo forestal, orientado a lograr la sostenibilidad del ecosistema. Tiene carácter de declaración jurada, y su veracidad es responsabilidad del titular y el regente, según corresponda. <https://www.serfor.gob.pe/wp-content/uploads/2016/03/LFFS-Y-SUS-REGLAMENTOS.pdf>
14. According to Ministerial Resolution N° 0793-2009-AG, the process of transferring responsibility, as stipulated in article 51 of the Ley Orgánica de Gobiernos Regionales N° 27867 published on November 18, 2002, is considered finalized.
15. Ministerio de Agricultura y Riego (MINAGRI) (October 29, 2018). Nota de Prensa. En el marco de la lucha contra la tala ilegal se inaugurarán 4 puestos de control. <https://www.gob.pe/institucion/minagri/noticias/21781-en-el-marco-de-la-lucha-contra-la-tala-ilegal-se-inauguraran-4-puestos-de-control>
16. Decreto Supremo 018-2015-MINAGRI, artículo 168 establece que toda persona natural o jurídica, incluyendo entidades estatales de conformidad al principio 10 de la Ley, que adquiera, transporte, transforme, almacene o comercialice especímenes, productos o subproductos forestales en estado natural o con transformación primaria, está obligada a sustentar la procedencia legal de los mismos, según corresponda, a través de:
  - a. Guías de transporte forestal
  - b. Autorizaciones con fines científicos
  - c. Guías de remisión
  - d. Documentación de importación o de reexportación

Se acredita el origen legal con la verificación de estos documentos y la información contenida en el SNIFFS, los registros relacionados a las actividades forestales, identificación y codificación de especies, el libro de operación y el informe de ejecución forestal, así como los resultados de las inspecciones en campo, centros de transformación primaria, lugares de acopio, depósitos y centros de comercialización.
17. SERFOR (August 26, 2016). Resolución de Dirección Ejecutiva N° 190-2016-SERFOR-DE. Aprueba los “Lineamientos técnicos para la ejecución de inspecciones oculares previas a la aprobación de planes de manejo forestal para el aprovechamiento con fines maderables”. Lineamientos (6.1, 6.2, 6.3) <https://www.serfor.gob.pe/wp-content/uploads/2017/10/RDE%20N%20190-2016-SERFOR-DE>
18. La Segunda Disposición Complementaria Final del Decreto Supremo N° 024-2010-PCM, que aprueba el Reglamento Decreto Legislativo N°1085, Bajo los mismos términos se encuentra desarrollado el artículo 4 del Decreto Legislativo 1319.
19. OSINFOR (June 2016). Resultados de las Supervisiones y Fiscalizaciones Efectuadas por el OSINFOR en el Marco del Operativo Internacional “Operación Amazonas 2015.” <https://www.osinfor.gob.pe/wp-content/uploads/2016/07/Operación-Amazonas-2015-6-ok.pdf>
20. Center for International Environmental Law - CIEL (November 2017). Page 12. “Continuous Improvement” in Illegal Practices in the Peruvian Forest Sector. <https://www.ciel.org/wp-content/uploads/2017/11/EnglishVersionFinal.pdf>

21. Of note, there were several Supreme Decrees prior to approving Legislative Decree 1319:
- Artículo 4° del Decreto Legislativo N°1085 (Ley de creación del OSINFOR)
  - La Segunda Disposición Complementaria Final del Decreto Supremo N° 024-2010-PCM (Reglamento del Decreto Legislativo N° 1085)
  - Artículo 54° del Decreto Supremo 018-2015-MINAGRI (Reglamento para la Gestión Forestal)
  - Artículo 37° del Decreto Supremo 020-2015-MINAGRI (Reglamento para la Gestión de las Plantaciones Forestales y los Sistemas Agroforestales)
  - Artículo 44° del Decreto Supremo 021-2015-MINAGRI (Reglamento para la Gestión Forestal y de Fauna Silvestre en Comunidades Nativas y Comunidades Campesinas)
  - Artículo 17° del Anexo del Decreto Supremo N° 011-2016-MINAGRI (Decreto supremo que aprueba disposiciones para promover la formalización y adecuación de las actividades del sector forestal y de fauna silvestre)
  - Artículo 4° del Decreto Legislativo N° 1319 (Decreto Legislativo que establece medidas para promover el comercio de productos forestales y de fauna silvestre de origen legal)
22. SERFOR (October 6, 2015). Aprobar el formato de “Guía de Transporte Forestal” y el formato de “Guía de Transporte Fauna Silvestre”, que como anexos I y II forman parte integrante de la presente resolución. <https://www.serfor.gob.pe/wp-content/uploads/2016/01/RESOLUCIÓN-DE-DIRECCIÓN-EJECUTIVA-Nº-122-2015-SERFOR-DE.pdf>
23. Center for International Environmental Law - CIEL (November 2017). Page 11. “Continuous Improvement” in Illegal Practices in the Peruvian Forest Sector. <https://www.ciel.org/wp-content/uploads/2017/11/EnglishVersionFinal.pdf>
24. OSINFOR (June 2016). Page 27. Resultados de las Supervisiones y Fiscalizaciones Efectuadas por el OSINFOR en el Marco del Operativo Internacional “Operación Amazonas 2015”. <https://www.osinfor.gob.pe/wp-content/uploads/2016/07/Operación-Amazonas-2015-6-ok.pdf>
25. In this document, the term “forest management tools” refers to Forest Management Plans and forestry contracts.
26. OSINFOR. SIGO<sub>(SFC)</sub>. Research consults for reports on forest contract holders and Forest Management Plans throughout this investigation. <https://observatorio.osinfor.gob.pe/HistorialTH/>
27. Since October 2015 when the new GTF format was approved, the number of the resolution approving the Forest Management Plan must be declared. SERFOR (October 6, 2015). “Aprueban formato de Guía de Transporte Forestal,” Executive Directive Resolution N 122-2015-SERFOR-DE. <https://www.serfor.gob.pe/wp-content/uploads/2016/01/RESOLUCI%C3%93N-DE-DIRECCI%C3%93N-EJECUTIVA-N%C2%BA-122-2015-SERFOR-DE.pdf>
28. Legal elements that regulate the forwarding of Forest Management Plans to OSINFOR upon approval:
- Artículo 4° del Decreto Legislativo N° 1085 (Ley de creación del OSINFOR)
  - La Segunda Disposición Complementaria Final del Decreto Supremo N° 024-2010-PCM (Reglamento del Decreto Legislativo N° 1085)
  - Artículo 54° del Decreto Supremo 018-2015-MINAGRI (Reglamento para la Gestión Forestal)
  - Artículo 37° del Decreto Supremo 020-2015-MINAGRI (Reglamento para la Gestión de las Plantaciones Forestales y los Sistemas Agroforestales)
  - Artículo 44° del Decreto Supremo 021-2015-MINAGRI (Reglamento para la Gestión Forestal y de Fauna Silvestre en Comunidades Nativas y Comunidades Campesinas)
  - Artículo 17° del Anexo del Decreto Supremo N° 011-2016-MINAGRI (Decreto supremo que aprueba disposiciones para promover la formalización y adecuación de las actividades del sector forestal y de fauna silvestre)
  - Artículo 4° del Decreto Legislativo N° 1319 (Decreto Legislativo que establece medidas para promover el comercio de productos forestales y de fauna silvestre de origen legal)
29. Reporte SIGO<sub>(SFC)</sub> (January 12, 2019). Oportunidad de envío de planes de manejo forestal por las Autoridades Regionales Forestales al OSINFOR. <https://observatorio.osinfor.gob.pe/Estadisticas/Home/Reportes/11>
30. Center for International Environmental Law - CIEL (November 2017). Page 13. “Continuous Improvement” in Illegal Practices in the Peruvian Forest Sector. <https://www.ciel.org/wp-content/uploads/2017/11/EnglishVersionFinal.pdf>
31. García Delgado, F (September 16, 2018). El Comercio. Más del 60% de la madera movilizada en el Perú en el 2017 tuvo origen ilegal. <https://elcomercio.pe/peru/60-madera-movilizada-peru-2017-tuvo-origen-ilegal-noticia-558040>
32. Finer M, Mamani N, García R, Novoa S (2018). Deforestation Hotspots in the Peruvian Amazon, 2017. MAAP: 78. <https://maaproject.org/2018/hotspots-peru2017/>
33. The term “nonexistent tree” is used when OSINFOR supervised the Forest Management Plan approved by the Regional Forestry Authority and did not find the tree at the geodesic coordinates indicated in the Plan nor in the 50-meter radius around such point.
34. OSINFOR (June 2016). Page 40. Resultados de las Supervisiones y Fiscalizaciones Efectuadas por el OSINFOR en el Marco del Operativo Internacional “Operación Amazonas 2015”. <https://www.osinfor.gob.pe/wp-content/uploads/2016/07/Operación-Amazonas-2015-6-ok.pdf>
35. That is, the 67% colored in red in the Loreto province in the Loreto department refers to the percentage of the timber that was supervised. According to the supervision results of the Forest Management Plans reported in Forest Transport Permits, 100% of the supervised timber in this province is at high risk of being illegal and 0% of the supervised timber is on the green list.
36. Oficio N° 122-2012-OSINFOR-PE (May 17, 2012). Asunto: Remisión de Proyecto de Decreto Supremo. Oficio N° 113-2018-OSINFOR/01.2 (July 11, 2018). Asunto: Propuesta de Decreto Legislativo para el fortalecimiento de OSINFOR.
37. OSINFOR. Observatorio.osinfor.gob.pe. <https://observatorio.osinfor.gob.pe/Estadisticas/Home/Reportes/9OSINFOR> (November 2, 2018). SIGO<sub>(SFC)</sub>. Reportes estadísticos. <https://observatorio.osinfor.gob.pe/Estadisticas/Home/Reportes/9>
38. OSINFOR (November 2, 2018). SIGO<sub>(SFC)</sub>. Reportes estadísticos. <https://observatorio.osinfor.gob.pe/Estadisticas/Home/Reportes/9>
39. Congreso de la República del Perú (July 1, 2015). Mesa de trabajo organizado por el Congresista Mesías Guevara Amasifuen. “Evaluación de la Política Forestal implementada por el Estado”. <https://www.youtube.com/watch?v=r7n7NZAU7u4>
40. OSINFOR (November 11, 2018). SIGO<sub>(SFC)</sub>. Reportes estadísticos. <https://observatorio.osinfor.gob.pe/Estadisticas/Home/Reportes/8>
41. OSINFOR (June 2016). Page 39. Resultados de las Supervisiones y Fiscalizaciones Efectuadas por el OSINFOR en el Marco del Operativo Internacional “Operación Amazonas 2015.” <https://www.osinfor.gob.pe/wp-content/uploads/2016/07/Operación-Amazonas-2015-6-ok.pdf>
42. Ley Forestal y de Fauna Silvestre Nro. 29763. Decreto Supremo Nro. 018-2015-MINAGRI. Artículo 210.5 La inhabilitación temporal por un período de uno a cinco años por la comisión de infracciones muy graves. Asimismo, dicha sanción procede por la reincidencia o reiteración de infracciones graves. Para el caso del regente, la sanción de inhabilitación temporal será de tres años cuando elabore un plan de manejo conteniendo información falsa y dicha información sea utilizada para movilizar productos forestales que no existen en el área que corresponde a dicho plan. 210.6 La inhabilitación definitiva por la reincidencia de infracciones sancionadas con inhabilitación temporal.
43. Reglamento para la Gestión Forestal, Decreto Supremo 018-2015-MINAGRI.
44. OSINFOR (October 2015). Pages 43-45. Resultados de las Supervisiones y Fiscalizaciones Efectuadas por el OSINFOR en el Marco del Operativo Internacional “Operación Amazonas 2014”. <https://www.osinfor.gob.pe/wp-content/uploads/2015/10/Operación-Amazonas-19-octubre.pdf>
- OSINFOR (June 2016). Page 43. Resultados de las Supervisiones y Fiscalizaciones Efectuadas por el OSINFOR en el Marco del Operativo Internacional “Operación Amazonas 2015”. <https://www.osinfor.gob.pe/wp-content/uploads/2016/07/Operación-Amazonas-2015-6-ok.pdf>

45. This refers to Forestry and Wildlife Law 27308 that was in effect from July 16, 2000 until September 31, 2015, during which time several consultants were denounced and currently are forestry regents. UTERO (December 12, 2014). Exclusivo. Paso a paso: Así se blanquea madera ilegal con el Aval del Estado. <http://utero.pe/2014/12/12/exclusivo-paso-a-paso-asi-se-blanquea-la-madera-ilegal-con-el-aval-del-estado/>
46. Ley N° 27444, Ley del Procedimiento Administrativo General. [http://spij.minjus.gob.pe/content/publicaciones\\_oficiales/img/27444.pdf](http://spij.minjus.gob.pe/content/publicaciones_oficiales/img/27444.pdf)
47. OSINFOR. The official documents listed below are among those sent to different forest sector officials over several years related to the signature, creation, and approval of Forest Management Plans. (July 23, 2013). Oficio No. 124-2013-OSINFOR/01.1. Remite información solicitada sobre consultores forestales y funcionarios vinculados a la emisión de información inconsistente en instrumentos de gestión forestal. (July 24, 2013). Oficio No. 125-2013-OSINFOR/01.1. Remisión de información complementaria. (September 19, 2014). Oficio No. 2684-2014-OSINFOR/06.1. Situación en la cual se encuentran los consultores forestales (February 10, 2015). Oficio No. 032-2015-OSINFOR/01.1. Remite información y comunica respecto a la información falsa presentada en los documentos de gestión de forestal. (February 10, 2015). Oficio No. 368-2015-OSINFOR/06.1. Remite información y comunica respecto a la presunta información falsa presentada en los documentos de gestión de forestal. (February 10, 2015). Oficio No. 406-2015-OSINFOR/06.2. Remite información y comunica respecto a la presunta información falsa presentada en los documentos de gestión de forestal. (April 15, 2015). Oficio No. 097-2015-OSINFOR/01.1. Acciones sobre información falsa. (February 3, 2017). Oficio No. 022-2017-OSINFOR/01.1. Información sobre personas naturales o jurídicas que prestaron servicios para elaborar planes de manejo con indicios de falsedad. (February 17, 2017). Oficio No. 061-2017-OSINFOR/01.2. Información complementaria sobre personas naturales o jurídicas que presentaron servicios para elaborar planes de manejo con indicios de falsedad. (September 15, 2017). Oficio No. 265-2017-OSINFOR/01.2. Regentes que anteriormente prestaron servicios para elaborar planes de manejo con indicios de falsedad. (October 26, 2017). Oficio No. 303-2017-OSINFOR/01.2. Remite Información. Consultor o Regente Forestal que elaboró el respectivo plan de manejo vinculados a los tres embarques del Yacu Kallpa, incluyendo los resultados obtenidos (número de árboles inexistente).
48. SERFOR (February 27, 2019). Registros de Regentes Forestales y de Fauna Silvestre. <http://dir.serfor.gob.pe/index.php/regentes/>
49. OSINFOR's administrative files are understood as: the collection of all the documents generated before, during, and after the supervision and monitoring of the forestry contract and the Forest Management Plan (Supervision Report, Legal Report, Resolution at Start and Finish of PAU, Visual Inspection Report, Resolution to Approve Management Plan, Harvest Balance, GTF, etc.).
50. According to the 2015 Operation Amazon publication, OSINFOR's reports include forestry consultants and public forestry officials with over 20 nonexistent trees recorded at the supervision. OSINFOR (June 2016). Page 43. Resultados de las Supervisiones y Fiscalizaciones Efectuadas por el OSINFOR en el Marco del Operativo Internacional "Operación Amazonas 2015" <https://www.osinfor.gob.pe/wp-content/uploads/2016/07/Operación-Amazonas-2015-6-ok.pdf>
51. Nonexistence rates starting at 40% were considered, using a wide margin based on the precedents developed by SERFOR: 1.- Que la Resolución de Dirección Ejecutiva Nro. 190-2016-SERFOR-DE. Aprueba los "Lineamientos técnicos para la ejecución de inspecciones oculares previas a la aprobación de planes de manejo forestal para el aprovechamiento con fines maderables". (...) V. Disposiciones Generales. 5.1. Definiciones. (...) g. Árbol inexistente.- Árbol no ubicado en campo, bajo los parámetros de la inspección ocular o la información brindada en el plan de manejo forestal y libretas de campo. (...) VI. Lineamientos 6.1 Indicadores de la inspección ocular (...) Ubicación e identificación.- Se verifica la ubicación e identificación de los árboles en campo de acuerdo a lo declarado en el plan de manejo forestal. (...) 6.3 Fase de Campo (...) 6.3.3 Evaluación de Campo (...) 6.3.3.7 De la verificación de árboles semilleros y aprovechables 6.3.3.7.1 Ubicación e identificación de los árboles La ubicación de los árboles seleccionados se realiza con la ayuda del GPS. En caso no se encuentre dichos árboles en las coordenadas UTM consignadas en el plan de manejo forestal, se procederá a realizar un recorrido en un radio de hasta 50 metros respecto a la ubicación consignada en el plan. (...) De no existir el árbol dentro de los 50 metros de radio con respecto a la coordenada UTM declarada en el plan de manejo forestal o en la información contenida en la libreta de campo, se considera como "árbol inexistente" (...) 6.4 fase posterior a la inspección ocular 6.4.3 Elaboración de informe técnico (...) Con observaciones subsanables: Recomendado se notifique efectos que se reajuste o reformule el plan de manejo forestal en un plazo no mayor de 30 días calendario, debiendo ser justificado. El
- reajuste o reformulación procederá en los siguientes casos:  
a.- Cuando se evidencia la inexistencia de hasta el 10% de los árboles seleccionados para la inspección. (...) Desfavorable: Recomendando se expida la resolución de denegación, cuando se evidencia la inexistencia de más de 10% de los árboles seleccionados para la inspección. <https://www.serfor.gob.pe/wp-content/uploads/2017/10/RDE%20N%20190-2016-SERFOR-DE>
52. Ley Forestal y de Fauna Silvestre No. 29763. Artículo 23. Regente forestal y de fauna silvestre El regente forestal y de fauna silvestre es la persona natural con formación y experiencia profesional en el área que requiere ser regentada e inscrita en el Registro Nacional de Regentes Forestales y de Fauna Silvestre, que formula y suscribe los planes de manejo forestal o de fauna silvestre. Es responsable de dirigir las actividades en aplicación del plan de manejo aprobado, para garantizar la sostenibilidad del recurso forestal. Es responsable solidario con el titular o poseedor del título habilitante de la veracidad del contenido del plan de manejo y de su implementación, así como de la correcta emisión de las guías de transporte forestal.
53. Artículo 310-C.- Formas agravadas En los casos previstos en los artículos. 310 [DELITOS CONTRA LOS BOSQUES O FORMACIONES BOSCOSAS], 310-A [TRÁFICO ILEGAL DE PRODUCTOS FORESTALES MADERABLES] y 310-B [OBSTRUCCIÓN DE PROCEDIMIENTO, la pena privativa de libertad será no menor de ocho años ni mayor de diez años, bajo cualquiera de los siguientes supuestos:  
1. Si se comete el delito al interior de tierras en propiedad o posesión de Comunidades Nativas, Comunidades Campesinas, pueblos indígenas, reservas indígenas; o en reservas territoriales o reservas indígenas a favor de pueblos indígenas en contacto inicial o aislamiento voluntario, áreas naturales protegidas, zonas vedadas, concesiones forestales o áreas de conservación privadas debidamente reconocidas por la autoridad competente.  
(...) 4. Si el delito se comete respecto de especímenes que han sido marcados para realizar estudios o han sido reservados como semilleros.  
(...) 6. Si el delito se comete con el concurso de dos o más personas.  
8. Si se trata de productos o especímenes forestales maderables protegidos por la legislación nacional. La pena privativa de libertad será no menor de diez años ni mayor de doce años cuando:  
1. El agente actúa como integrante de una organización criminal.  
Artículo 314-B.- Responsabilidad por información falsa contenida en informes El que, conociendo o pudiendo presumir la falsedad o la inexactitud, suscriba, realice, inserte o hace insertar al procedimiento administrativo, estudios, evaluaciones, auditorías ambientales, planes de manejo

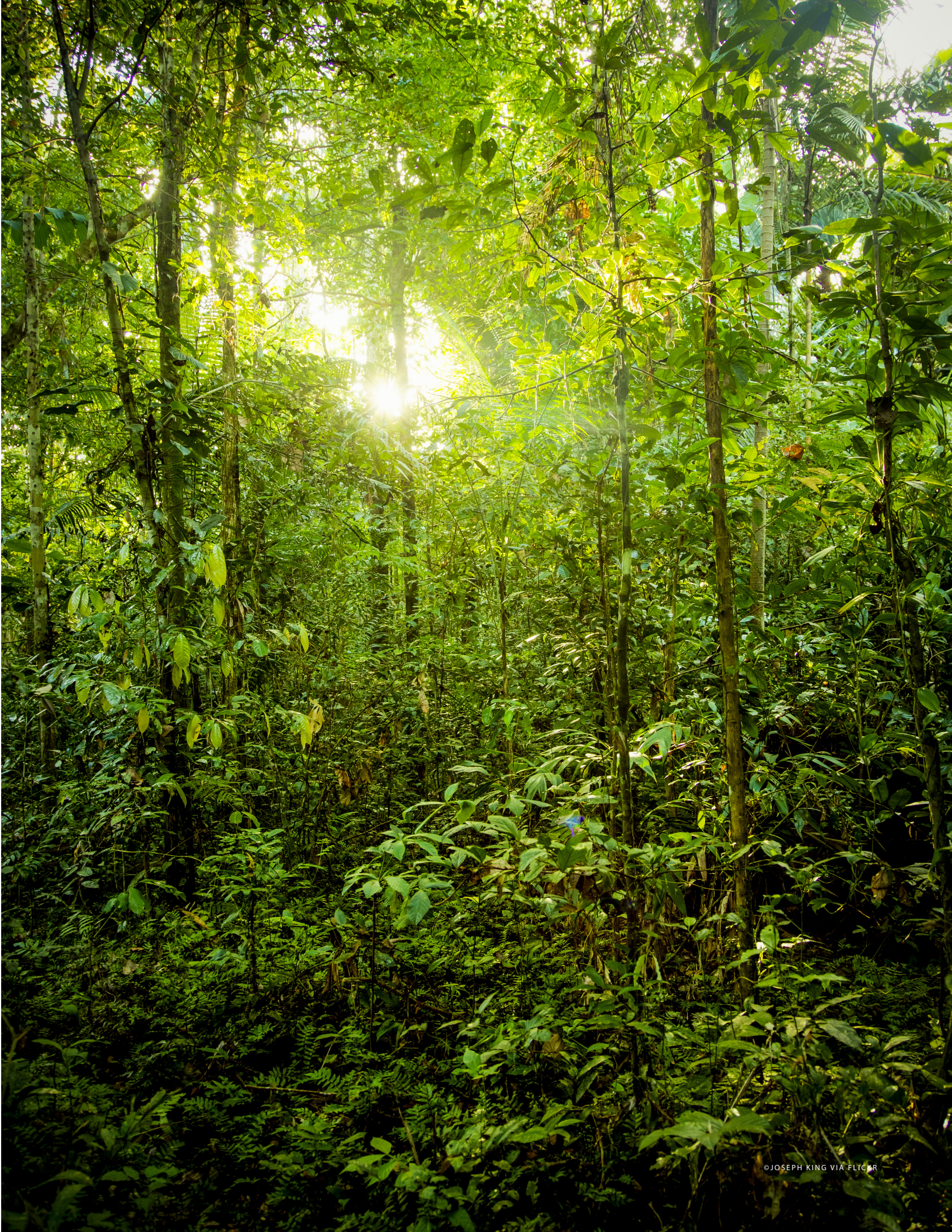


- forestal, solicitudes u otro documento de gestión forestal, exigido conforme a ley, en los que se incorpore o avale información falsa o inexacta, será reprimido con pena privativa de libertad no menor de cuatro años ni mayor de seis años, e inhabilitación de uno a seis años, conforme al inciso 2 y 4 del artículo 36.  
Será reprimido con la misma pena todo aquel que, hace uso de un documento privado falso o falsificado o conteniendo información falsa como si fuese legítimo, con fines de evadir los procedimientos de control y fiscalización en materia forestal y de fauna silvestre relativos al presente Título, incluyendo los controles tributarios, aduaneros y otros.
54. Information declared on the forestry regents' registry on the SERFOR website (December 2018). Registro Nacional de Regentes Forestales y de Fauna Silvestre. <http://dir.serfor.gob.pe/index.php/regentes/>
55. Letters Nos. 001, 002, 003, 004, 005, 006, 007, 008, 009, 010, 001-2018-CIEL-CGZ. Date sent (December 4, 2018). Lists of Forest Management Plans that were signed by each forestry regent and SIGO<sub>(SFC)</sub> "red list" reports were attached to the email messages.
56. Aprobación del Plan Operativo Anual 8 (POA 8) de la Comunidad Nativa Nuevo San Antonio Lancha Poza (16-IQU/P-MAD-A-033-04), mediante Resolución Directoral N° 331-2014-GRL-PRMRFFS-DER-SDPM.
57. Informe de Supervisión N° 029-2015-OSINFOR/06.2.1
58. Resolución Directoral N° 335-2015-OSINFOR-DSAPFFS: OSINFOR issues the Resolution to Initiate PAU. At this time all of the Forestry and Wildlife Authorities are notified about the risk status of the wood originating from the forestry contract's Forest Management Plan.
59. Resolución Directoral N° 592-2015-OSINFOR-DSAPFFS: OSINFOR executes the Resolution to Sanction the Holder of the forest harvest contract dated August 27, 2015. In the resolution section, it rules to forward copies of the Directorial Resolution to the ARFFS of the Regional Government of Loreto, to the Specialized Prosecuting Unit in Environmental Matters of Maynas, to the Agency for Environmental Assessment and Enforcement (OEFA), to the Ethics Tribunal of the Loreto Departmental Council of Peru's Registry of Engineers, to the National Superintendent of Customs and Tax Administration (SUNAT), to the Institutional Oversight Body of the Loreto Regional Government, and to SERFOR. It was also published in the official daily newspaper, El Peruano, on November 23, 2015, "relación de permisos caducados." <https://observatorio.osinfor.gob.pe/SancionCaducidad/>, [https://www.osinfor.gob.pe/portal/data/recurso/archivos/rd2015/versionperuano\\_3t.pdf](https://www.osinfor.gob.pe/portal/data/recurso/archivos/rd2015/versionperuano_3t.pdf)
60. Resolución N° 002-2018-MINAGRI-SERFOR-DGGSPFFS-AI, issued in Lima on May 28, 2018.
61. Center for International Environmental Law - CIEL (November 2017). Page 22. "Continuous Improvement" in Illegal Practices in the Peruvian Forest Sector. <https://www.ciel.org/wp-content/uploads/2017/11/EnglishVersionFinal.pdf>
62. Decreto Legislativo N° 1220. Disposiciones complementarias finales.  
Quinta.- Sobre la confirmación de información  
Cuando la Autoridad Forestal y de Fauna Silvestre competente, dentro de sus acciones de control presuma información falsa en los documentos que acrediten la procedencia de los productos forestales, debe correr traslado al Ministerio Público para que inicie las investigaciones correspondientes, sin perjuicio de solicitar a OSINFOR la realización de la supervisión al área del título habilitante que ampara el producto, siempre que no cuente con el informe de supervisión correspondiente. Asimismo se realiza el mismo procedimiento en aquellos casos que se presenten documentos posteriores a las acciones de control. <http://www.minam.gob.pe/wp-content/uploads/2017/04/Decreto-Legislativo-N-1220.pdf>
63. Decreto Legislativo que modifica el Código Penal. Decreto Legislativo Nro. 1237.  
Artículo 314-B.- Responsabilidad por información falsa contenida en informes  
El que, conociendo o pudiendo presumir la falsedad o la inexactitud, suscriba, realice, inserte o hace insertar al procedimiento administrativo, estudios, evaluaciones, auditorías ambientales, planes de manejo forestal, solicitudes u otro documento de gestión forestal, exigido conforme a ley, en los que se incorpore o avale información falsa o inexacta, será reprimido con pena privativa de libertad no menor de cuatro años ni mayor de seis años, e inhabilitación de uno a seis años, conforme al inciso 2 y 4 del artículo 36.  
Será reprimido con la misma pena todo aquel que, hace uso de un documento privado falso o falsificado o conteniendo información falsa como si fuese legítimo, con fines de evadir los procedimientos de control y fiscalización en materia forestal y de fauna silvestre relativos al presente Título, incluyendo los controles tributarios, aduaneros y otros. [https://www.mef.gob.pe/contenidos/servicios\\_web/conectamef/pdf/normas\\_legales\\_2012/NL20150926.pdf](https://www.mef.gob.pe/contenidos/servicios_web/conectamef/pdf/normas_legales_2012/NL20150926.pdf)
64. Decreto Legislativo N° 1319 Disposiciones Complementarias Transitorias  
Primera.- Planes de manejo con información falsa  
Facúltase al SERFOR a imponer la sanción administrativa que corresponda a las personas naturales y jurídicas que prestaron servicios para elaborar planes de manejo cuando hayan incurrido en alguna de las infracciones tipificadas en el Reglamento de la Ley Forestal y de Fauna Silvestre, aprobado por Decreto Supremo N° 014-2001-AG, antes de la entrada en vigor del Decreto Supremo N° 010-2015-MINAGRI. <http://www.minam.gob.pe/wp-content/uploads/2017/06/DLeg-1319.pdf>
65. Pacto Nacional por la Madera Legal (Abril 26, 2016). Acta de reunión de Comité Directivo Ampliado.
66. Ley 29763, Ley Forestal y de Fauna Silvestre. Mediante el Decreto Supremo N° 018-2015-MINAGRI aprobó el Reglamento para la Gestión Forestal y el artículo 65, Decreto Supremo N° 020-2015 aprobó el Reglamento para la Gestión de las Plantaciones Forestales y los Sistemas Agroforestales y el artículo 45 y Decreto Supremo N° 021-2015-MINAGRI que aprobó el Reglamento para la Gestión Forestal y de Fauna Silvestre en Comunidades Nativas y Campesinas y el artículo 34, "establecen que las inspecciones oculares de los planes de manejo forestal se desarrollando conforme a los lineamientos que aprueba el SERFOR, que son elaborados con la participación de la ARFFS o la Autoridad Científica CITES, en los casos que corresponda, y otros actores relacionados con el tema."
67. SERFOR (August 26, 2016). Resolución de Dirección Ejecutiva N° 190-2016-SERFOR-DE. Aprueba los "Lineamientos técnicos para la ejecución de inspecciones oculares previas a la aprobación de planes de manejo forestal para el aprovechamiento con fines maderables". Lineamientos (6.1, 6.2, 6.3) <https://www.serfor.gob.pe/wp-content/uploads/2017/10/RDE%20N%20190-2016-SERFOR-DE>
68. Ley 29763, Ley Forestal y de Fauna Silvestre y sus reglamentos, aprobados por Decretos Supremo N° 018-2015-MINAGRI (Reglamento para la Gestión Forestal) y el artículo 54, Decreto Supremo N° 020-2015 (Reglamento para IBA Gestión de las Plantaciones Forestales y los Sistemas Agroforestales), artículo 37 y Decreto Supremo N° 021-2015-MINAGRI (Reglamento para la Gestión Forestal y de Fauna Silvestre en Comunidades Nativas y Campesinas) y el artículo 44, "establecen que el plan de manejo forestal es un instrumento de gestión forestal que constituye la herramienta dinámica y flexible para la implementación, seguimiento y control de las actividades de manejo forestal, orientado a lograr la sostenibilidad del ecosistema. Tiene carácter de declaración jurada, su veracidad es responsabilidad del titular del contrato y el regente forestal, según corresponda. (...) Para el inicio de operaciones de cualquier tipo de contrato forestal es indispensable contar con el plan de manejo forestal aprobado por la Autoridad Regional Forestal y de Fauna Silvestre (...).
69. Ley Forestal y de Fauna Silvestre Nro. 29763. Título III, Regencia Forestal y de Fauna Silvestre.  
Artículo 23. Regente forestal y de fauna silvestre  
El regente forestal y de fauna silvestre es la persona natural con formación y experiencia profesional en el área que requiere ser regentada e inscrita en el Registro Nacional de Regentes Forestales y de Fauna Silvestre, que formula y suscribe los planes de manejo forestal o de fauna silvestre. Es responsable de dirigir las actividades en aplicación del plan de manejo aprobado, para garantizar la sostenibilidad del recurso forestal. Es responsable solidario con el titular o

- poseedor del título habilitante de la veracidad del contenido del plan de manejo y de su implementación, así como de la correcta emisión de las guías de transporte forestal.
70. Broadly developed in Criminal Code Legislative Decree 635 and its modifications regarding issues of environmental crimes.
71. Idem.
72. Finer M, Villa L (2018). New Deforestation Threats in the Peruvian Amazon (Part 2: Agriculture Expansion). MAAP: 92. <https://maaproject.org/2018/newthreats-2>
73. OSINFOR. The official documents cited below are among those forwarded to different forest sector officials in recent years regarding the signature, creation, and approval of Forest Management Plans. (July 23, 2013). Oficio No. 124-2013-OSINFOR/01.1. Remite información solicitada sobre consultores forestales y funcionarios vinculados a la emisión de información inconsistente en instrumentos de gestión forestal. (July 24, 2013). Oficio No. 125-2013-OSINFOR/01.1. Remisión de información complementaria. (September 19, 2014). Oficio No. 2684-2014-OSINFOR/06.1. Situación en la cual se encuentran los consultores forestales
74. OSINFOR (June 2016). Pages 43-45. Resultados de las Supervisiones y Fiscalizaciones Efectuadas por el OSINFOR en el Marco del Operativo Internacional “Operación Amazonas 2015” <https://www.osinfor.gob.pe/wp-content/uploads/2016/07/Operación-Amazonas-2015-6-ok.pdf>
75. Artículo 314-B del Código Penal tras la modificación a partir del Decreto Legislativo Nro. 1237.
76. Decreto Legislativo que modifica el Código Penal. Decreto Legislativo Nro. 1237. [https://www.mef.gob.pe/contenidos/servicios\\_web/conectamef/pdf/normas\\_legales\\_2012/NL20150926.pdf](https://www.mef.gob.pe/contenidos/servicios_web/conectamef/pdf/normas_legales_2012/NL20150926.pdf)
- Artículo 314.- Responsabilidad de funcionario público por otorgamiento ilegal de derechos
- El funcionario público que sin observar leyes, reglamentos, estándares ambientales vigentes, por haber faltado gravemente a sus obligaciones funcionales, autoriza el otorgamiento, renovación o cancelación de autorización, licencia, concesión, permiso u otro derecho habilitante en favor de la obra o actividad a que se refiere el presente Título, será reprimido con pena privativa de libertad no menor de cuatro años ni mayor de siete años, e inhabilitación de un año a siete años conforme al artículo 36 incisos 1, 2 y 4.
- El servidor público que sin observar leyes, reglamentos, estándares ambientales vigentes se pronuncia favorablemente en informes u otro documento de gestión sobre el otorgamiento, renovación o cancelación de autorización, licencia, concesión, permiso u otro derecho habilitante en favor de la obra o actividad a que se refiere el presente Título, será reprimido con pena privativa de libertad no menor de cuatro años ni mayor de siete años, e inhabilitación de un año a siete años conforme al artículo 36 incisos 1, 2 y 4.
- La misma pena será para el funcionario público competente para combatir las conductas descritas en el presente Título y que, por negligencia inexcusable o por haber faltado gravemente a sus obligaciones funcionales, facilite la comisión de los delitos previstos en el presente Título.
- Artículo 314-B.- Responsabilidad por información falsa contenida en informes
- El que, conociendo o pudiendo presumir la falsedad o la inexactitud, suscriba, realice, inserte o hace insertar al procedimiento administrativo, estudios, evaluaciones, auditorías ambientales, planes de manejo forestal, solicitudes u otro documento de gestión forestal, exigido conforme a ley, en los que se incorpore o avale información falsa o inexacta, será reprimido con pena privativa de libertad no menor de cuatro años ni mayor de seis años, e inhabilitación de uno a seis años, conforme al inciso 2 y 4 del artículo 36.
- Será reprimido con la misma pena todo aquel que, hace uso de un documento privado falso o falsificado o conteniendo información falsa como si fuese legítimo, con fines de evadir los procedimientos de control y fiscalización en materia forestal y de fauna silvestre relativos al presente Título, incluyendo los controles tributarios, aduaneros y otros.
77. Decreto Legislativo que fortalece la lucha contra el Crimen Organizado y la tenencia ilegal de armas. Decreto Legislativo Nro. 1244
- Artículo 4.- Modificanse los artículos 3 y 24 de la Ley Nro. 30077, Ley contra el Crimen Organizado, los cuales quedan redactados de la siguiente manera: Artículo 3.- Delitos comprendidos. La presente Ley es aplicable a los siguientes delitos:
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. <https://elperuano.pe/NormasElperuano/2016/10/29/1447951-1.html>
78. FAO and Centre for Technological Wood Innovation — CITEMadera (2018). La Industria de la Madera en el Perú. Page XVII. “Ello muestra que el mercado interno representa aproximadamente el 90% de las ventas en este sector.” <http://www.fao.org/3/i8335es/I8335ES.pdf>
79. OSINFOR does not have the jurisdiction to supervise and monitor forest plantations.
80. This percentage of the Forest Management Plans that were supervised and reported in the Forest Transport Guides was equated as follows: (red list + green list = X); (23.58 + 14.63) = 38.21; this result becomes the 100%. Then (red list/X) = (23.58 /38.21) = 62%.
81. This percentage of the Forest Management Plans that were supervised and reported in the Forest Transport Guides was equated as follows: (green list + red list = X); (43.36 + 20.28 = 63.64; this result is the 100%. Then (green list/X) = (43.36/63.64) = 68%.
82. Center for International Environmental Law - CIEL (November 2017). Page 24. “Continuous Improvement” in Illegal Practices in the Peruvian Forest Sector. <https://www.ciel.org/wp-content/uploads/2017/11/EnglishVersionFinal.pdf>
83. The links below provide coverage of the “Mega-Operative” that arrested members of an organized crime network involved in illegal timber trafficking, “Los Patrones de Ucayali” (April 2017):
- Peru21. “Detienen a 19 personas dedicadas al tráfico ilegal de madera.” <https://peru21.pe/lima/ucayali-detienen-19-personas-dedicadas-traffic-ilegal-madera-video-216139>
- Cronicaviva. <http://www.cronicaviva.com.pe/ucayali-18-meses-de-prision-para-banda-de-traffic-de-madera-integrada-por-policias/>
- El Comercio. <https://elcomercio.pe/peru/ucayali/policia-busca-cabecilla-patrones-ucayali-193128>
84. SERFOR (April 2019). Dirección de Información y Registro. Exportación de Productos Maderables 2017. <http://dir.serfor.gob.pe/>
85. Center for International Environmental Law - CIEL (November 2017). Page 16. “Continuous Improvement” in Illegal Practices in the Peruvian Forest Sector. <https://www.ciel.org/wp-content/uploads/2017/11/EnglishVersionFinal.pdf>
86. SUNAT (August 26, 2014). Oficio N° 399-2014-SUNAT/3Y0000. Resultados de Operación Amazonas 2014. Informe N° 043-2014-SUNAT-3Y2200 del 18 de agosto 2014.
87. Global Witness (November 2017). “Buyers in Good Faith”: How Timber Exporters are Complicit in Plundering Peru’s Amazon. [www.globalwitness.org/en/campaigns/forests/buyers-good-faith](http://www.globalwitness.org/en/campaigns/forests/buyers-good-faith)
88. MINAGRI, SERFOR, ATFFS — Lima (April 22, 2015). Oficio N° 286-2015-SERFOR-ATFFS Lima. Coordinación para el retiro de producto intervenido. Referencia: Acta de Intervención Nro. 001-2015-MINAGRI-SERFOR-ATFFS Lima.
89. OSINFOR (June 2016). Pages 43-45. Resultados de las Supervisiones y Fiscalizaciones Efectuadas por el OSINFOR en el Marco del Operativo Internacional “Operación Amazonas 2015” <https://www.osinfor.gob.pe/wp-content/uploads/2016/07/Operación-Amazonas-2015-6-ok.pdf>
90. OSINFOR (May 6, 2016). Informa a la Coordinadora de la Fiscalía Especializada en Materia Ambiental los resultados finales de las supervisiones de los planes de manejo forestal y Contratos Forestales comprendidos en el caso de la embarcación Yacu Kallpa del 24 de noviembre del 2015.
91. OSINFOR (December 22, 2015). Oficio Múltiple Nro. 004-2015-OSINFOR/01.2. Dirigido a diferentes exportadores respecto a información sobre títulos habilitantes supervisados por el OSINFOR. Referencia Oficio Múltiple Nro. 004-2015-OSINFOR/01.1
92. Global Witness (January 2019). The Forest Avengers. Why Peru’s pioneering forest inspection agency OSINFOR should have its independence restored and its powers extended. <https://www.globalwitness.org/en/campaigns/forests/forest-avengers/>

93. SERFOR (Period from January to May, 2017). Madera de Exportación Controlada en el Puerto del Callao. <https://www.serfor.gob.pe/wp-content/uploads/2017/06/Madera-de-Exportacion-Controlada-en-el-Puerto-Callao-Período-Enero-Mayo-2017.pdf>
94. The GTFs that were initially issued in the Loreto region were transferred in the Ucayali region due to two possible factors: 1. The timeframe for transporting forest products (re-transport); 2. Product processing (forestry industry sawmill in the Ucayali region).
95. IMPETU (January 29, 2018). Diario Regional de Ucayali. Reporte periodístico. Tala ilegal se redujo al 4% en Ucayali. [https://issuu.com/impetu/docs/impetu\\_29\\_de\\_enero\\_del\\_2018](https://issuu.com/impetu/docs/impetu_29_de_enero_del_2018)
96. RPP (July 2018). Entrevista de la Ministra del Ministerio del Ambiente Fabiola Muñoz Doderó. Manifiesta que la tala ilegal en la región de Ucayali se redujo al 4%. <https://www.youtube.com/watch?v=Huxk4rpc5Qo>
97. INFOREGION (October 29, 2014). Agencia de Prensa Ambiental. Osinfor presentará resultados de Operación Amazonas 2014. <http://www.inforegion.pe/191502/osinfor-presentara-resultados-de-la-operacion-amazonas-2014/>
98. Letters Nos. 011, 012, 013-2018-CIEL-CGZ. Date sent (December 4, 2018). Letters were sent with attached lists of the relevant Forest Management Plans according to SIGO<sub>(SFC)</sub> “red list” reports that this investigation identified via GTFs.
99. Presidencia del Consejo de Ministros (December 14, 2018). Aprueban la adscripción del Organismo de Supervisión de los Recursos Forestales y de Fauna Silvestre (OSINFOR) al Ministerio del Ambiente. <https://busquedas.elperuano.pe/download/url/aprueban-la-adscripcion-del-organismo-de-supervision-de-los-decreto-supremo-n-122-2018-pcm-1723342-1>
100. Center for International Environmental Law - CIEL (December 17, 2018). Alert: The Peruvian Government backs down in the fight against illegal logging. <https://www.ciel.org/news/alert-peru-government-backs-down-fight-against-illegal-logging/>
101. Office of the United States Trade Representative - USTR (January 4, 2019). USTR Requests First-Ever Environment Consultations Under the U.S.-Peru Trade Promotion Agreement (PTPA). <https://ustr.gov/about-us/policy-offices/press-office/press-releases/2019/january/ustr-requests-first-ever>; Office of the United States Trade Representative - USTR (April 9, 2019). USTR Successfully Resolves Concerns Raised in First-Ever Environment Consultations Under the U.S.-Peru Trade Promotion Agreement (PTPA). <https://ustr.gov/about-us/policy-offices/press-office/press-releases/2018/april/ustr-successfully-resolves-concerns>
102. Global Witness (January 2019). The Forest Avengers. Why Peru’s pioneering forest inspection agency OSINFOR should have its independence restored and its powers extended. <https://www.globalwitness.org/en/campaigns/forests/forest-avengers/>
103. Global Witness (January 2019). The Forest Avengers. Why Peru’s pioneering forest inspection agency OSINFOR should have its independence restored and its powers extended. <https://www.globalwitness.org/en/campaigns/forests/forest-avengers/>
104. Additional details:  
Forestry regent who wrote and filed the Forest Management Plan:  
• Andrés Tello Mendiola  
Professional who performed the visual inspection:  
• Miguel Cachique Pérez  
» Informe Nro. 009-2016-GRU-GE-GGR-ARAU-GRRNGMA-SODA/MCP/I.O  
Professional who recommended approving the Forest Management Plan:  
• Miguel Cachique Pérez  
» Informe Nro. 031-2016-GRU-GR-GGR-ARAU-GRRNGMA-SODA/APF/MCP  
Official who signed the resolution approving the Forest Management Plan:  
• Roberto Nolorbe Tenaza  
» Res. Nro. 047-2016-GRU-GR-GGR-ARAU-GRRNGMA-SODA
105. Contrato Nro. 25-ATA/P-MAD-A-008-05 y Resolución de Aprobación del plan de manejo forestal 047-2016-GRU-GR-GGR-ARAU-GRRNGMA-SODA
106. SIGO, <https://observatorio.osinfor.gob.pe/Observatorio/Home/listaRoja?SearchString=Sheyamashya>
107. OSINFOR. The official documents cited below are among those forwarded to different forest sector officials in recent years regarding the signature, creation, and approval of Forest Management Plans. (July 23, 2013). Oficio No. 124-2013-OSINFOR/01.1. Remite información solicitada sobre consultores forestales y funcionarios vinculados a la emisión de información inconsistente en instrumentos de gestión forestal. (July 24, 2013). Oficio No. 125-2013-OSINFOR/01.1. Remisión de información complementaria. (September 19, 2014). Oficio No. 2684-2014-OSINFOR/06.1. Situación en la cual se encuentran los consultores forestales
108. Informe Nro. 008-2016-GRL-GGR-ARA-DEFFS-OD-N/CESDC  
Informe Nro. 015-2016-GRL-GGR-ARA-DEFFS-OD-N/C.E.SD.DC  
Informe Nro. 006-2016-GRL-GGR-ARA-DEFFS-OD-N/CESDC  
Informe Nro. 005-2016-GRL-GGR-ARA-DEFFS-OD-N/CESDC
109. Res. Nro. 021-2016-GRL-GGR-DEFFS-ARA-OD/L-N  
Res. Nro. 001-2017-GRL-GGR-DEFFS-ARA-OD-LORETO-NAUTA  
Res. Nro. 020-2016-GRL-GGR-DEFFS-ARA-OD-L-N  
Res. Nro. 012-2016-GRL-GGR-DEFFS-ARA-OD-L-N
110. The Regional Forestry and Wildlife Authorities and SERFOR were notified of the resolutions of the administrative processes established and promoted by OSINFOR since 2014.
111. SERFOR (Period from January to May 2017). Madera de Exportación Controlada en el Puerto del Callao. <https://www.serfor.gob.pe/wp-content/uploads/2017/06/Madera-de-Exportacion-Controlada-en-el-Puerto-Callao-Período-Enero-Mayo-2017.pdf>
112. SERFOR (Period from January to May 2017). Madera de Exportación Controlada en el Puerto del Callao. <https://www.serfor.gob.pe/wp-content/uploads/2017/06/Madera-de-Exportacion-Controlada-en-el-Puerto-Callao-Período-Enero-Mayo-2017.pdf>
113. Ministerio del Ambiente - MINAM (2017). GEOBOSQUES. Bosque y Pérdida de Bosque. <http://geobosques.minam.gob.pe/geobosque/view/perdida.php>
114. FAO and Centre for Technological Wood Innovation — CITEmadera (2018). La Industria de la Madera en el Perú. Page XXII. “Un actor económico tractor importante es el propio Estado quien a través de sus diversos procesos de compras demanda importantes cantidades de productos maderables y desde el cual puede fomentar, en reciprocidad a sus normas, el origen legal de la madera. Como es el caso de Programa Compras MYPerú en Carpetas ejecutado por FONCODES, que entre el 2014 y 2015, habría fomentado el uso de madera con certificación FSC, por un volumen cercano a los 9,264 m<sup>3</sup> de madera rolliza para la producción de carpetas a través de más de 900 MYPES. Otro ejemplo lo presenta el MINEDU, quien orientado a reducir la brecha de infraestructura educativa, a través de la demanda también de mobiliario escolar, programa un presupuesto de 77 millones de soles (aprox. USD 24,1387) que es recurrente en el tiempo. Evaluaciones al programa indican que es posible realizar esquemas de trazabilidad del uso de madera legal.” <http://www.fao.org/3/I8335ES/i8335es.pdf>
115. Perú21 (January 9, 2019). Declaran el 2019 como “Año de la Lucha contra la Corrupción y la Impunidad.” <https://peru21.pe/politica/declaran-2019-ano-lucha-corrupcion-impunidad-nndc-452029>  
Trome (January 2, 2019). Martín Vizcarra: ¿Quién dijo que la lucha contra la corrupción iba ser fácil? <https://trome.pe/actualidad/politica/martin-vizcarra-dijo-lucha-corrupcion-facil-nndc-rt-108557>  
El Comercio (September 8, 2017). “Pedimos competencia a constructoras y amenazaron con no presentarse.” <https://elcomercio.pe/politica/vizcarra-club-construccion-pedimos-competencia-amenazaron-presentarse-noticia-456395>
116. Diario Gestión (April 24, 2019). Perú incumplió compromiso con EE.UU. que buscaba detectar origen ilegal de la madera. <https://gestion.pe/economia/peru-incumplio-compromiso-ee-uu-buscaba-detectar-origen-ilegal-madera-264826>
117. Ley Nro. 29763, Ley Forestal y de Fauna Silvestre. Decreto Supremo Nro. 018-2015-MINAGRI, aprueba el Reglamento para la Gestión Forestal. Señala en su artículo 52.- Deberes y responsabilidad del regente (...)  
b. Responder solidariamente con el titular por la veracidad de los datos técnicos consignados e información omitida, en los documentos que

- suscriba. (...)
118. Ley N° 27444. Ley del Procedimiento Administrativo General. Artículo 32.- Fiscalización Posterior. <https://www.indecopi.gob.pe/documents/20795/225805/07.+Ley+del+Procedimiento+Administrativo+General+--+Ley+27444.pdf/725a60ce-7f01-4542-9e1f-82ac40dd5810>
119. Decreto Legislativo N° 1220. Disposiciones complementarias finales.  
Quinta.- Sobre la confirmación de información  
Cuando la Autoridad Forestal y de Fauna Silvestre competente, dentro de sus acciones de control presume información falsa en los documentos que acrediten la procedencia de los productos forestales, debe correr traslado al Ministerio Público para que inicie las investigaciones correspondientes, sin perjuicio de solicitar a OSINFOR la realización de la supervisión al área del título habilitante que ampara el producto, siempre que no cuente con el informe de supervisión correspondiente. Asimismo, se realiza el mismo procedimiento en aquellos casos que se presenten documentos posteriores a las acciones de control. <http://www.minam.gob.pe/wp-content/uploads/2017/04/Decreto-Legislativo-N-1220.pdf>
120. Ley Forestal y de Fauna Silvestre N° 29763. TÍTULO PRELIMINAR. Artículo II. Principios generales. 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. TÍTULO IV. Transparencia en la gestión forestal y de fauna silvestre. Artículo 142.- Acceso a la información Todas las entidades que forman parte del Sinafor ponen a disposición pública los planes de manejo operativos y planes generales de manejo forestales que hayan sido aprobados antes de la presente Ley y en el marco de esta, así como los informes de supervisión y verificación cuyos procedimientos administrativos hayan concluido. No se clasifica como confidencial la información sobre la relación de especies forestales sujetas a aprovechamiento, balance de extracción, deudas respecto a títulos habilitantes, impactos ambientales ocasionados por el desarrollo de la actividad y medidas silviculturales.
121. Superintendencia Nacional de Aduanas y Administración Tributaria - SUNAT. Online platform consulted throughout the course of the investigation to obtain information on the taxpayers identified in the GTFs. <http://e-consultaruc.sunat.gob.pe/cl-ti-itmrconsruc/jcrS00Alias>
122. Agencia de Investigación Ambiental — EIA (2018). El Momento de la Verdad. Oportunidad o amenaza para la amazonia peruana en la lucha contra el comercio de la madera ilegal. Example of the GTF format prior to October 2015, page. 9. <https://eia-global.org/reports/elmomentodelaverdad>
123. OSINFOR. Sistema de Información Gerencial del OSINFOR-SIGO<sub>(SFC)</sub>. Online transparency platform consulted throughout 2018 in order to obtain information regarding the status (red list or green list) of the Forest Management Plans declared in the GTFs, the number of the resolution related to the supervised Forest Management Plan, the name of the forestry regent who signed the Forest Management Plan, etc. <https://www.osinfor.gob.pe/sigo/>
124. OSINFOR. Sistema de Información Geográfica de Supervisiones Forestales y de Fauna Silvestre (SISFOR), a technological platform that administers georeferenced information for supervised logging titles, providing information about their potential and the special distribution of the trees supervised by OSINFOR. <https://sisfor.osinfor.gob.pe/visor/>
125. Ley Forestal y de Fauna Silvestre Nro. 29763. Artículo 121. Transporte, transformación y comercialización de productos forestales y de fauna silvestre. Solo procede el transporte, transformación y comercialización de productos forestales y de fauna silvestre por cualquier persona, natural o jurídica, que provengan de cualquiera de las modalidades de aprovechamiento reguladas por la presente Ley y obtenidos en cumplimiento de los documentos de gestión forestal y de fauna silvestre previamente aprobados, así como los productos importados que acrediten su origen legal a través de las disposiciones que establece el reglamento de la presente Ley. En los procesos de adquisiciones del Estado, se toman las medidas necesarias para garantizar el origen legal de los productos forestales y de fauna silvestre, de acuerdo con lo establecido en la presente Ley y su reglamento, bajo responsabilidad.



# AUTHORIZED TO STEAL

## ORGANIZED CRIME NETWORKS LAUNDER ILLEGAL TIMBER FROM THE PERUVIAN AMAZON

Authorized to Steal: Organized Crime Networks Launder Illegal Timber from the Peruvian Amazon reveals the extent to which public officials systematically enable criminal networks to illegally harvest timber in Peru. It identifies by name 34 Peruvian government officials who have been complicit in laundering timber from harvest to sale. In addition, it elaborates the administrative, civil, and criminal penalties officials could face for their role in enabling illegal logging and explores how the failure to enforce these penalties allows the continued proliferation of illegal practices in Peru's logging sector.



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