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### THE CHALLENGES 2020 LEAVES US

#### Dear friends

Not only 2020 has been a complex year: it has been one of the most devastating years in the history of our country. What we experienced during this year will define our future. But it is only at times like this that the need to build a sustainable country, with solid institutions and a fully established rule of law becomes evident.

2020 left us with several lessons. It showed us the need to collaborate and strengthen our institutional framework in a context where challenges are diverse, immense and global. It also evidenced the urgency of having sustainable cities, designed by and for citizens and the need to continue fighting for environmental justice, underlining the value of our environmental defenders, democracy and the fight against corruption.

At SPDA, we believe that these challenges can be transformed into actions. We work hand in hand with foundations, civil organizations and researchers in the development of improved public policies and concrete actions, to ensure that the Peru we need, beginning 2021, gradually becomes a reality.

Among other activities, in 2021 we will promote several projects related to the management of sustainable cities, as well as projects in natural infrastructure and responsible production. We will also continue to promote sustainable management of our ecosystems and natural resources, for the benefit of our biodiversity and the Peruvian population, particularly the most vulnerable.

In 2021 it will be thirty-five years since a group of young law students decided to take the adventure and create an organization that promotes improved environmental laws. I cannot think of a better time to confirm our institution's commitment to both our country and our planet.

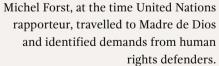
Isabel Calle Executive Director SPDA

# OUR MILESTONES

JANUARY

As of January 2nd 2020, Isabel Calle took over the Executive Management of the Peruvian Society for Environmental Law (SPDA, in Spanish).

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he Government of Norway signed a working agreement with Global Green Growth Institute (GGGI), in partnership with SPDA and the International Centre for Research in Agroforestry (ICRAF), to support the implementation of concession contracts for the use of agroforestry systems.

Restaurant representatives publicly supported the Pact for Responsible Fishing, an SPDA initiative that seeks to engage restaurants and customers in more responsible practices regarding the sea, its ecosystems and resources.

>> LINK

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sea, its ecosystems and resources.

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For eight consecutive years we organized a volunteer based campaign called Do it for your Beach (Hazla por tu Playa), for the simultaneous clean-up of beaches, rivers, lagoons and wetlands.

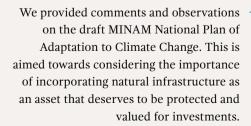


SPDA, the Municipality of Lima and the Ministry of Environment (MINAM) trained municipalities in environmental governance areas.

>> LINK



We conducted a presentation before the Congressional Indigenous Peoples' Commission on the draft law seeking the intangibility of IPIACI territories.









We introduced the first live broadcast of Actualidad Ambiental, an interview program transmitted over the Internet, which in its first edition included the participation of Congress members Rocío Silva Santisteban (Frente Amplio) and Daniel Olivares (Partido Morado).

>> LINK

We submitted to the Congress Foreign Relations Committee our position on the draft legislative resolution that approves ratification of the Escazú Agreement.





The SPDA approved several internal policies, which include: dealing with complaints; prevention and intervention in sexual harassment cases; anti-bribery, anti-corruption; human resources; and the selection and hiring of consultants and consulting firms.

A report was published in response to the situation following the destitution of Luis Alberto Gonzáles-Zúñiga from the position of executive director of the National Forestry and Wildlife Service (SERFOR), within the framework for institutional strengthening in the forestry and wildlife sector.

SPDA presented a new report on Law 30230 "(Environmental Package)". This, after the Constitutional Court (TC, in Spanish) ruling on the claim of unconstitutionality filed against such law.

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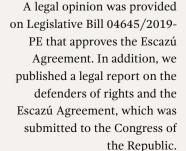


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We published a legal report on the legal status of concession and environmental rights for the Chadín 2 and Veracruz hydroelectric power plant projects, a technical-legal analysis of hydroelectric projects on the Marañón River.

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We drafted a bill for the management and promotion of sustainable cities. It was a multisectoral proposal that proposed a more appropriate alternative to implement major changes in urban management.

>> PDF LINK

### JUNE

The Environmental Democracy Now (Democracia Ambiental Ahora) event was conducted, which involved Michel Forst, former United Nations Rapporteur; Fabiola Muñoz, then Minister of Environment; Congressman Alberto de Belaúnde; and Carlos de Miguel, Head of the Policies for Sustainable Development Unit of the Economic Commission for Latin America and the Caribbean (ECLAC).

CARLOS DE MIGUEL

OTIVIDADA I SE PROPERTO DE SERVICIO DE SERVICIO

>> LINK

We launched the digital newsletter Weekly Journal on Environmental Law (Semanario de Legislación Ambiental), which aims to contribute to the dissemination of environmental legal information for experts, students, professionals and authorities.

>> SUBSCRIBE HERE



We launched the cycle of Peru Natural debates, a space for learning and exchanging ideas and experiences on issues linked to biodiversity protection.

>> LINK

We presented a report focused on strengthening SERFOR and the Instituto del Mar del Perú (IMARPE). In this document, we emphasized that the Head of SERFOR did not qualify for the position of trust and that the Head of IMARPE might also be dismissed for this reason.

>> LINK



SPDA presented a legal report that outlines key aspects on the procedure for environmental certification of the General San Martin Port Terminal and its impact on the Paracas National Reserve.





We presented the enforcement of the Agreed Forest and Wildlife Law 29763, to facilitate authorities and citizens the access to forest and wildlife regulations in force.

>> LINK

A communications campaign was launched aimed to make visible the importance of resolving criminal proceedings against Tamshi S. A. C. in the second judicial instance.

>> SEE MULTIMEDIA SPECIAL

We elaborated the report Environmental Conditions for the design and construction of highways in the Amazon, a reference guide on the essential requirements any road infrastructure project must comply with. The document was submitted to the Loreto Regional Government.

>> LINK



SPDA created the repository "Democracy and Environmental Justice in Peru: for an inclusive and sustainable society".



We published a legal guide for the defense of ecosystems and species in Peruvian sea waters.

>> LINK

We launched the XIX Virtual Edition of the Environmental Law Workshop. Eighty people benefitted to specialize and approach environmental issues.  We initiated the training course on Fisheries Law, with fortyone participants and thirteen professors.

# SEPTEMBER



Together with the University of Chile and the Chilean law firm Elías Abogados, we held the webinar: "Towards specialized environmental justice in Peru and Chile: a dialogue to build fairer and more equitable societies."

>> LINK

In alliance with the Gustavo
Mohme Foundation and Faculty of
Communication Sciences and Arts
of PUCP, we launched the training
program for journalists: in search of
sustainability for water security, an
initiative of the Natural Infrastructure
for Water Security Project.

>> LINK





We produced picture postcards in augmented reality with information, photos and maps of three regional conservation areas. The postcards can be scanned with the SPDA Realidad Aumentada APP.

>> ANDRIOD / IPHONE



ESCANEAR MÁS INFO In partnership with the Academy of the Judiciary (AMAG) we undertook the second edition of the Specialization Program for Judges and Prosecutors in the Amazon.

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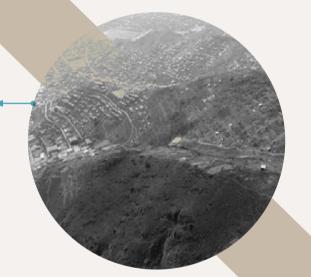
## OCTOBER

SPDA officially presented the web and mobile application https://apps.apple.com/pe/app/spda-realidad-aumentada/id1497447260 LFFS Concordia through the Mobile and Web Application event: forest and wildlife regulations in your hands.

>> LINK

We published an analysis of the legislative projects that propose the declaration of interest for the intangibility, inalienability and imprescriptibility of green areas.

>> LINK



Áreas de Conservación Regional del Perú Protegiendo lo mejor de las regiones We supported the design of Draft Bill 6431/2020 (Productive Platforms Bill), presented by Congressman Daniel Olivares.

>> LINK

On the Day of Natural Protected Areas, our website Actualidad Ambiental presented a multimedia special focused on regional conservation areas (RCAs).

>> SEE MULTIMEDIA SPECIAL



We initiated the Postgraduate Diploma Program in environmental management for the transportation and electricity sectors, in alliance with Universidad Nacional de la Amazonía Peruana (UNAP) and support of the Loreto Regional Government.

>> LINK

# NOVENBER

The Municipality of San Isidro approved the Ordinance for the Prevention and Control of Environmental Quality, which regulates different types of pollution. This Ordinance implements SPDA recommendations to regulate lighting pollution.



### DECEMBER



We launched the Indigenous Data Platform, the first in Peru that centralizes information from 36 native communities of Madre de Dios and provides the progression of COVID-19 cases in Loreto's indigenous communities.

>> LINK

We introduced The Natural Route (La Ruta Natural) a travel guide as a result from travelling throughout Peru for more than ten years in search of initiatives and stories of people who dedicate their lives to nature protection.

>> LINK



SPDA concluded the first online course on environmental matters for leaders in Loreto.

>> LINK



Do it for your Wave (HAZla por tu Ola) won the Antonio Brack Egg 2020 National Environmental Award, in the category of Environmental Knowledge, with a mention on Environmental Communication Strategies.







### PROPOSALS IN EMBLEMATIC CASES

One of SPDA's missions is to change an old paradigm: the historic dichotomy between economic development and environmental sustainability. Thereby, during 2020, there were important environmental decision-making processes to which we contributed by sharing opinions and contributions. One of these cases was the project to modify the General San Martín Port Terminal.

In this case, we provided contributions to the administrative procedure for environmental certification

of the project, located in the Paracas National Reserve buffer zone (Ica). Thus, we conducted a detailed legal analysis of aspects under discussion regarding the project's environmental impact assessment (EIA) and the possible impact it would cause by expanding activities in the mentioned protected area.

Another key process was related to the issue of an unconstitutionality ruling filed against several articles of controversial Law 30230 (known as "Paquetazo Ambiental" or "Environmental Package)". This case, already addressed by SPDA in 2014, limited for three years the punitive power of the Environmental Assessment and Control Agency (OEFA), weakening

considerably the country's environmental institutions. We analyzed the ruling of the Constitutional Tribunal and formulated several observations on the approach and arguments used by the Constitutions highest interpreter.

The year was also marked by a historical process of political unrest and social crisis. In this context, two congressmen presented initiatives that were extremely dangerous for both public order and protection of environmental rights, all under the excuse of reactivating the economy in the pandemic aftermath.

Proposals were presented through Draft Law 6639/2020-CR, that modified the Law of the National System of Environmental Impact Assessment to authorize regulating of informal, and even illegal activities executed without environmental certification. SPDA issued a warning on the dangers of these projects. A few days later, both congressmen withdrew their proposals.



We participated in more than 20 events and training activities for over 40 district municipalities in Lima with regard to the Escazú Agreement

### IN DEFENSE OF DEMOCRACY, TRANSPARENCY AND HUMAN RIGHTS

ne of the greatest challenges we faced this year was promoting an informed and responsible public debate in the context of the counter-campaign that emerged around the Escazú Agreement. This debate became polarized when it reached the Congress of the Republic, due to dissemination of false information messages on the content of this international agreement.

Although Peru was not one of the eleven countries to ratify the agreement (which is now in force), SPDA promoted a campaign in favor of providing information for citizens. The unfolding, at a technical and political level, was significant: we elaborated six legal reports addressed to Congress, promoted audiovisual statements and content and participated in more than twenty public events and over forty training sessions for District Municipalities of Metropolitan Lima.

SPDA has been working on advocacy on this issue since 2012. This struggle will continue in the next 2021 legislature. Our goal remains the same: enabling Peru to adopt this essential agreement for democracy, transparency and human rights for all Peruvians.



Carol Mora
Director of the Environmental Policy
and Governance Program

2020 prompted us to face legislative initiatives aimed at disrupting environmental institutions by eliminating key environmental requirements for the defense of environmental rights and natural heritage. In addition, we lost the opportunity to be one of the pioneer countries to ratify the Escazú Agreement, essential for democracy and environmental justice. Therefore, it is time to move towards a new paradigm where the environment is essential for economic development and not an impediment to reactivation. SPDA will remain committed to continue to generate new and improved environmental policies and defend the environmental human rights of citizens.

### CONTRIBUTIONS TO THE COUNTRY'S REGULATORY AND INSTITUTIONAL FRAMEWORK

During 2020 we worked together with the Ministry of Environment (MINAM) and the National Wetlands Committee, on a proposal for a supreme decree for wetlands management and protection, in order to support their defense, protection and conservation, as they are strategic fragile ecosystems for national water security.

We contributed with the drafting of a legal initiative for the management and promotion of sustainable cities. This project is a balanced and multisectoral proposal that provides a more suitable alternative for the implementation of major changes in urban management.

We also collaborated with the elaboration of a law proposal to promote investments in the maintenance and restoration of pre-hispanic terraces that contribute substantially to goals for water security in cities and food security. We designed a draft law to **protect** nearly **16 million** hectares covered by **wetlands** in Peru.



### FOR A SUSTAINABLE INFRASTRUCTURE IN THE AMAZON

Connectivity has been one of the most important challenges for regional administration of the Peruvian Amazon. Therefore, in the search to ensure compliance of environmental requirements in road infrastructure projects in this area of the country, we initiated several actions under a multi-stakeholder working approach.

We therefore carried out field work in various districts of Loreto and subsequently, analyzed highway and road projects already executed in some stretches, in order to determine their actual completion state. Thanks to this information, we initiated

public interest actions linked to the execution of these roads, promoting and ensuring supervisions by entities such as the Ministry of Transport and Communications and SERFOR. These actions can lead to administrative claims in order to reestablish the rule of law.

As a result of lessons learned in this process, we released the document Minimum Environmental Conditions for the design and construction of highways in the Amazon: analysis of the Yurimaguas - Jeberos Highway, Loreto. Additionally, we aimed to complement research work with field studies and communication strategies to prevent the spread of illegal activities that cause so much damage to the Amazon Basin.

### **#MarañónLibre CAMPAIGN**

The Marañón Libre Dry Forest was included by SERFOR on the list of fragile Peruvian ecosystems. This accomplishment is part of support provided through work with Marañón Waterkeeper and Waterkeeper Alliance, who both facilitated SERFOR staff with visits to the area.

In the middle of 2020, a legal report was published and disseminated, in Spanish and English, on the legal status of concession and environmental rights in the Chadín 2 and Veracruz hydroelectric power plant projects.





### **SUPPORTING INDIGENOUS PEO- PLES IN THE MIDST OF COVID-19**

Despite being a complicated year, 2020 allowed us to reassert and strengthen our work for the wellbeing of indigenous peoples in the Amazon.

After three years of implementation, the project Titling Indigenous Territories in Peru, financed by the Tenure Facility was successfully completed. Thanks to our strategy, the legal certainty over more than three and a half million hectares of indigenous territories nationwide was strengthened, emphasizing Loreto and Madre de Dios. In addition, more than five thousand families and over sixteen thousand people have been benefited.

We obtained legal certainty for 3591 204 hectares of indigenous territories.

The advancement of COVID-19 led to the reorganization of projects and priorities in coordination with our funders. Thus, we provided support to more than one hundred and fifty families in Loreto and Madre de Dios and supported the Loreto Regional Government with essential biosecurity equipment for the implementation of the indigenous security protocol.

Also, during 2020, we promoted and conducted research on different issues such as intercultural health, the rights of peoples in isolation and initial contact, the right to indigenous people's land and territories and gender. This was evidenced in the work document Intercultural Health and Demands of Indigenous Peoples in the Covid-19 Context; the brief SPDAmbiental summary: Participation of indigenous women in the processes of ensuring legal land rights; Legal Opinion: Draft Bill 4044/2018-CR that modifies Law 28736 (PIACI Law).

In addition, together with the Ministry of Culture, we published a research study The Right to Land and Territory of Original or Indigenous Peoples.



Notes from a Constitutional Perspective, designed by the constitutionalist and former president of the Constitutional Court, César Landa, and promoted by SPDA.

Finally, we closed the year with two new projects: one with The Tenure Facility, with funding of more than US\$1.2 million, which will be completed in 2022; and a three-year project with funding by the Silicon Valley Fund for US\$2.4 million.



### Silvana Baldovino

Director of the Biodiversity and Indigenous Peoples Program

The right to land is another major pending issue that has been recognized by the Government. In Loreto, at least 461 native communities have yet to be titled. This work requires a budget, coordination between national and regional governments with indigenous organizations, and political decision. The titling of indigenous territories will be highly relevant for the recovery process, as it will facilitate issues such as access to project funding, public services, the fight against illegal activities and others.

#### **NATURAL HERITAGE**

During 2020, political unrest hindered the process to establish new conservation areas. However, we implemented a number of actions to provide information on the importance of natural protected areas, including an important publication on the financial sustainability of regional conservation areas. Along these lines, we launched a multimedia feature on regional conservation areas, as well as a number of virtual reality postcards.

The good news was that after four years of work in coordination with the Loreto Regional Government and several organizations, the first forest zoning module for Loreto was approved. This was a great step forward for conservation management in this department, as it defines the ecological protection and conservation zones (areas that cover around 43% of its territory) and also allows the identification of alternatives for forest and wildlife.

In this regard, re-dimensioning of the Loreto Permanent Production Forest was approved, excluding those areas overlapping with the Ecological Protection and Conservation Zones identified in Module 1

Loreto's new forest
zoning plan **COVETS 15 million 988 thousand hectares**(42.57% of the department's territory).

of the Loreto Forestry Zoning. This process, which received our technical and legal support, contributed to the process of forest and land management in the region and strengthened procedures to establish regional conservation areas (RCAs) proposed by SERNANP.

Finally, after work promoted by SPDA, the Environmental Compliance Secretariat of the FTA Peru-USA published a factual report on Law 30723, which declares the construction of highways in the Ucayali border zone to be of interest, endangering six protected natural areas.



### Andrea Tello

Director of the SPDA Office in Loreto

The challenge was to coordinate and promote an early response by the Ministry of Culture and Ministry of Health, hand in hand with indigenous organizations, as cases began to appear in native communities during the first months of the pandemic. This is how we were able to activate the first Indigenous COVID Command in April and May. Among various agendas and leaderships, we were able to support communities and identify their needs in order to provide air, land and river assistance in coordination with the Ministry of Development and Social Inclusion and Armed Forces.



### SUPPORT FOR ENVIRONMENTAL **DEFENDERS**

After a major fundraising campaign for the Tambopata National Reserve Management Committee, more than two hundred thousand soles was raised for their surveillance and monitoring work, including a fund from the Patagonia Foundation.

Likewise, SPDA's analysis and proposals were considered in the elaboration of a draft law presented by Alberto de Belaúnde, that seeks the protection of environmental defenders. The assassination of Roberto Pacheco, son of our friend and Vice President of the Tambopata Management Committee, reaffirms the urgency to continue promoting the improvement and implementation of a regulatory framework to protect environmental defenders.



### **FOR THE MANAGEMENT**OF OUR FORESTS



#### ADVANCING TOWARDS SUSTAINA-BLE FOREST MANAGEMENT

In 2020, progress was made on the first component of the AgroFor project (in partnership with Global Green Growth Institute (GGGI) and World Agroforestry Centre (ICRAF), focused on the creation of institutional, legal and technological conditions for the implementation of Concession Contracts in Use for Agroforestry Systems (CUSAF).

A technical-legal proposal was designed to reduce gaps identified in the issuance and registration of CUSAFs, based on a work methodology that promoted dialogue between the Forest Resources and Wildlife Supervision Agency (OSINFOR), the National Forest and Wildlife Service (SERFOR) and the Regional Government of San Martin (as the only regional authority that has issued CUSAFs to date). The goal for 2021 to design a pilot program that would grant and register CUSAFs, with a focus on San Martin.

On the other hand, we prepared documents and base studies for the implementation of the Forestry and Wildlife Management Unit (UGFFS), the Forestry and Wildlife Management Committee (CGFFS), and the Permanent Production Forest Management Master Plan (PMG-BPP). Likewise, the knowledge acquired to date was shared with authorities from OSINFOR, SERFOR and the Loreto and Ucayali Regional Governments, through dissemination workshops under the leadership of the Regional Forestry and Wildlife Management of GORE Madre de Dios, to continue the implementation process of the local management model.

These two projects will contribute to influence the necessary regulatory changes, promoting, in turn, sustainable development in regions and adequate management of forest and wildlife resources.



### José Luis Capella

Director of the Forestry and Ecosystem Services Program

With the Tahuamanu Protected Forest Master Plan, the Madre de Dios Regional Government will have a tool to define, plan and contribute to the effective management of a key natural forest area in the country. The challenge is to enhance work already being undertaken by forest concessionaires and provide them support through actions that the State should have implemented, such as promoting public and private investment, improving procedures for more efficiency, or reducing the threat of illegal activities in the protected forest.

### SUPPORT FOR THE FORESTRY AND WILDLIFE AUTHORITY

On the other hand, in October 2020, SERFOR formally presented the web and mobile application "LFFS Concordada" by means of a public event. This tool was designed by SPDA, an implementing partner of USAID Forest Program and U.S.A Forest Service, in order to provide the public with the sectors existing regulations in a dynamic, accessible and systematic manner. The application allows advances in the dissemination, implementation and adequate compliance of regulations, in addition to working hand in hand with the public management modernization process in the transition to a digital government.

This year, we also signed inter-institutional cooperation agreements with SERFOR and OSINFOR, the two most important national agencies concerning forest management and ecosystem services.

Joint work with both institutions will allow positioning and coordination of key issues for the sector's growth, such as strengthening interinstitutional coordination, the implementation of a local management model, the promotion of agroforestry systems, the fight against wildlife trafficking and capacity building.







### WE REFOREST BY NATURE AND MORE ACTIONS

The adoption campaign for native trees, We Reforest by Nature, reached in 2020, the highest number of adoptions during its five years of existence. More than 1,200 trees were adopted in seven conservation initiatives in Amazonas and Pasco. This represented more than 30,000 soles that will be used to implement conservation projects during 2021.

In addition, more than 3,900 new trees were coded through an alliance with Network of Conservation Area Initiatives in Oxapampa (RIACO). Over 1,700 trees were replanted in accordance with our commitment to reforest at least the same number of trees per year as adopted, and three projects were implemented with a fund of over 21,000 soles for private conservation areas (PCAs): Cavernas de Leo, Milpuj La Heredad and Los Chilchos.

This year, through the initiative Conserve for Nature, we reforested, as a result of different projects, more than two thousand six hundred trees. Between

As a result of We Reforest by Nature, 1209

trees were adopted in 7

conservation initiatives.

November and December, with the support of Help Peru, one thousand native trees were reforested at the Gocta Waterfall headwaters, inside the San Pablo de Valera Communal PCA, generating local fauna and creating a positive environmental impact in the area.

### CONTRIBUTIONS TO ENVIRONMENTAL JUSTICE



### BETWEEN MONOCULTURES AND DEFORESTATION

The historic conflict between development and extractive industries, many times evident in courtrooms throughout the country, continued this year. We had emblematic cases such as Tamshiyacu: a town in the department of Loreto that fought against Tamshi S.A.C. in court. Years earlier, the company lost a trial in first instance and was sentenced for illegal timber trafficking.

In 2020 Tamshiyacu appealed the case. SPDA followed the case closely, considered the most important environmental criminal case linked to monocultures and forests in Peru. Our work enabled us to schedule the appeal (October to December 2020).

Although the Appeals Chamber decided to acquit those accused, the Ministry of Environment has announced that it will challenge the decision before the Supreme Court.

All information on the case was systematized in the multimedia special Justice for Tamshiyacu.

In addition, we implemented several actions that allowed us to reflect on the problems of monocultures and their impacts on our ecosystems. Such is the case of SPDA Sessions "Large-scale crops in the Amazon," an innovative discussion format, broadcast over the Internet, where researchers, government representatives and citizens of impacted areas were summoned to talk directly on opportunities and opportunities for change.



### Jean Pierre Araujo

Director of the Environmental Justice Initiative

SPDA in terms of environmental justice, has the firm commitment to continue providing our services in a manner that respects biosafety protocols and procedures in benefit of the access to environmental justice. To this effect, it is important to maintain continuous contact with our partners, the digitalization of their files, among others. We shall continue to promote capacity-building processes for justice system leaders and operators, in alliance with State agencies. We shall contribute with research to encourage the review of conditions for access to environmental justice, as well as promote the defense of widespread interests related to environmental and natural resource conservation.

### e PROTECTING OUR SEA



### DEFENDING MARINE ECOSYSTEMS

We developed a "Legal Guide for the Defense of Peruvian Marine Ecosystems" and species, a publication that presents an overview of the current situation of marine governance and relevant cases that affect the marine environment and citizen participation in this sector. It also identifies institutions responsible for managing and protecting the Peruvian Sea as well as major cases impacting the marine environment and how citizens can contribute to protecting the sea.

As a result of the alliance between SPDA and Instituto de Ciencias de la Naturaleza, Territorio y Energías Renovables (INTE-PUCP), the Fisheries Law Training Course was successfully completed. This third edition, first in alliance and with the certification of Pontificia Universidad Católica del Perú, involved the participation of forty-one Law, Engineering and Biology professionals from around the country, and thirteen expert professors on the subject. In addition, several scholarships were

granted. The best essays written in this workshop will be published on the Actualidad Ambiental platform and Wikipesca portal.

Another important contribution was the creation of a Fisheries Regulatory Agenda 2020 - 2021. This document brings together prioritized regulatory reforms to improve fisheries management in Peru, in order to promote them in the legal agenda for the 2020-2021 period.

This document and its proposals was elaborated in coordination with Walton Foundation partners: Oceana, WWF, TNC, Environmental Defense Fund (EDF), Marine Stewardship Council (MSC), Future of Fish, Sustainable Fisheries Partnership (SFP), Prodelphinus, Redes - Sostenibilidad Pesquera, and SPDA.

One of our challenges for this year is the development of a legal diagnostic on problems regarding the formalization of fisheries in the country. In order to achieve this goal, we are working with the Ministry of Production and Vice-Ministry of Fisheries and Aquaculture.



### Bruno Monteferri

Director of the Marine Governance Initiative

The main challenge was linked to field work restrictions: actions taken to protect the health of our partners and team members. In the face of these challenges, we were able to repair an ambulance for Caleta El Ñuro and send security equipment to health centers in more than fifteen fishing villages and health centers in Amazonas. In the case of Do it for your Beach, we designed a challenge that instead of doing beach cleanups, there would be more households implementing sorting systems and participating in recycling programs.

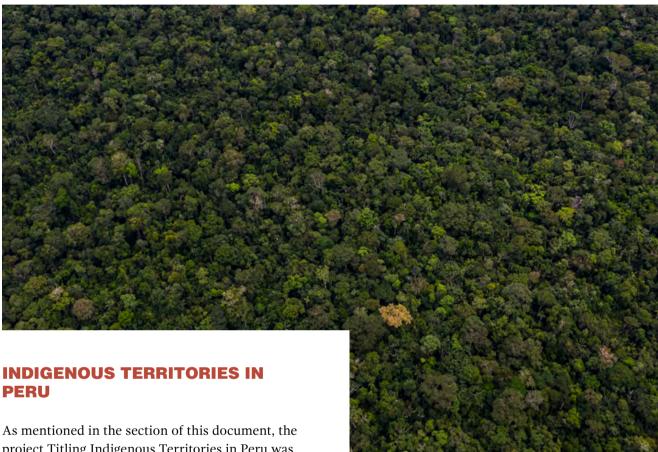


The citizen campaign Do it for your Wave (HAZla por tu Ola) promoted by SPDA to legally protect waves in Peru, won the seventh edition of the Latin America Green Awards in the category Oceans.

This campaign was one of more than two thousand five hundred projects submitted by twen-

ty-five countries, seeking to recognize efforts of environmental projects throughout the region. To date, through collaborative work with the National Surfing Federation (FENTA) and various surfing groups, thirty-three waves have been legally protected all along the Peruvian coast.

### CONSOLIDATED WORK IN LORETO AND MADRE DE DIOS



As mentioned in the section of this document, the project Titling Indigenous Territories in Peru was successfully completed this year. Among some accomplishments, we must also mention the updating by 60% of the graphic database to facilitate titling processes in the department of Loreto.

In addition, as a result of our support for legal analysis regarding the titling process of eight native communities overlapping the Permanent Production Forest, the Regional Organization of Indigenous Peoples of the East (ORPIO), the main indigenous organization in Loreto, reached significant agreements with the Regional Management of Forestry and Wildlife Development (GERFOR) and SERFOR.

A process to exclude forestry concessions and re-dimension permanent production forests overlapping with indigenous peoples' territories will be undertaken starting in 2021.

### FOR A ROBUST REGIONAL CON-SERVATION SYSTEM

SPDA was incorporated as a member of the Extended Team that updates the Concerted Regional Development Plan of Loreto to 2030. The document is important as it guides territorial development, considering national and sectorial policies. It also prioritizes key issues to improve the population's quality of life and strengthens governance among different stakeholders. It serves as a foundation for carrying out multi-annual investment programming; and identifies strategic projects for regional development.



### Luisa Ríos Director of the SPDA Office in Madre de Dios

Our indigenous peoples have been encountering several problems during the pandemic, many of them related to the lack of food security and access to health services, technologies and communications. These needs already existed, but COVID-19 made them more visible and severe. Fortunately, we were able to focus on some of these needs and facilitate access to a telephone service and the internet in five communities, through an initiative of indigenous reporters. In addition, we were able to provide internet access and humanitarian aid. We found opportunities both in the indigenous organizations (who deployed their coordination capacities with the communities to the fullest) and international support (willing to collaborate over and beyond what was established in the projects approved).

### ADVANCES IN FORESTRY AND WILDLIFE MANAGEMENT

During 2020, the Regional Government of Madre de Dios, through its Forestry and Wildlife Management Department, approved by means of a management resolution, the formalizing of a Forestry and Wildlife Management Unit in the province of Tahuamanu, as well as a Master Plan for the Management of the Permanent Production Forest (Tahuamanu sector).

To accomplish this, the above-mentioned management created a technical driving team made up of regional government employees, in a clear example of the Regional Forestry and Wildlife Authority's commitment to implement a Local Management Model that places forests at the center of economic development and social well-being.

The province of
Tahuamanu has the greatest
number of certified forests,
547,399 ha. This
represents 51.8% of
all certified forests in
Peru.

### COMMUNICATION O PROMOTE CHANGES



### CHANGE

With the presence of COVID-19 increasing in indigenous communities, SPDA designed and implemented measures aimed at identifying what was really happening in the Amazon. Thus, we developed media products designed to highlight the challenges that indigenous communities face during this state of emergency.

The goal was to have timely and quality information that could be used both by decision-makers and indigenous organizations themselves to defend their rights. We achieved the following:

>> More than 100 information notes, opinion columns for La Región and Radio Programas del Perú, and declarations for the international media such as Mongabay Latam and The Real News Network.

- >> We created the Minisite Aislados that gathers all available information and legal norms concerning indigenous or native peoples in a situation of isolation and initial contact (PIACI).
- >> In coordination with the Native Federation of the Madre de Dios River and Tributaries (FENAMAD), an Indigenous Reporters program was launched, which trained young indigenous peoples in the preparation of five journalistic reports on the situation in their communities. In doing so, we contributed to ensure that it is the native communities themselves who generate information from a journalistic proposal with an impact.



### Jimmy Carrillo Director of the Communications Unit

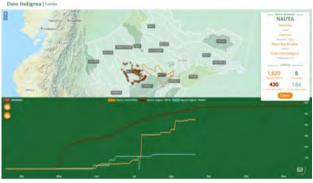
The advancement of COVID-19 was a historical moment for the country, as it showed that the access to information and health was not equal for everyone. Therefore, throughout 2020 we implemented campaigns and communication strategies, promoted actions with indigenous organizations, created journalistic content, videos, infographics, websites and more. We worked on this with the conviction that communications are not only used to show achievements, but are also a powerful means of highlighting challenges, creating ties and promoting change. Our commitment is to continue with these actions during 2021.



### MORE DATA FOR DECISION-MA-KING

Along this line, and in coordination with Loreto and Madre de Dios indigenous organizations, we released Dato Indígena (www.datoindigena.pe) in 2020, the first platform in the country that gathers up-todate information on COVID-19 cases in Loreto and includes information on 36 Madre de Dios native communities.

Dato Indígena is the first platform that concentrates information in an indigenous language; year of recognition, population, location, accessibility, connectivity, means of transportation, if they have health centers, educational levels, organization, conformation of their leaders, main economic activities and the titling status of their territories.





The Indigenous Data Platform (Dato Indígena) gathers data on the progress of COVID-19 in Loreto's native communities, comparing official information with data provided by the communities themselves. It also provides key information on seven indigenous communities in Madre de Dios.

### THE CHALLENGES OF LEARNING AND KNOWLEDGE MANAGEMENT

We understood that the pandemic could not restrict learning and that using digital tools and environments, knowledge could be decentralized: in 2020 we committed to continue training professionals with dedication and determination, thereby contributing to the sustainable future of our country.

Therefore, we led the consolidating and capacity building process of judicial officers such as judges and prosecutors, regional government representatives, leaders on environmental issues, and new talents on environment and natural resources.

In 2020 we successfully started the following entirely virtual spaces:

- Postgraduate Diploma on Environmental Management in the transportation and energy sectors. Directed to representatives of the Loreto Regional Government in alliance with Universidad Nacional de la Amazonía Peruana.
- Specialization Program on environmental litigation for Amazon justice operators, in alliance with the Academy of the Judiciary.
- Specialization course for leaders in infrastructure and environmental issues, aimed to strengthening capacities in the exercise and defense of environmental rights.
- > 19th Edition of the Environmental Law Workshop (TDA). With more than 700 applications from all over the country and 90 beneficiaries representing new talents and the environmental future of the country.

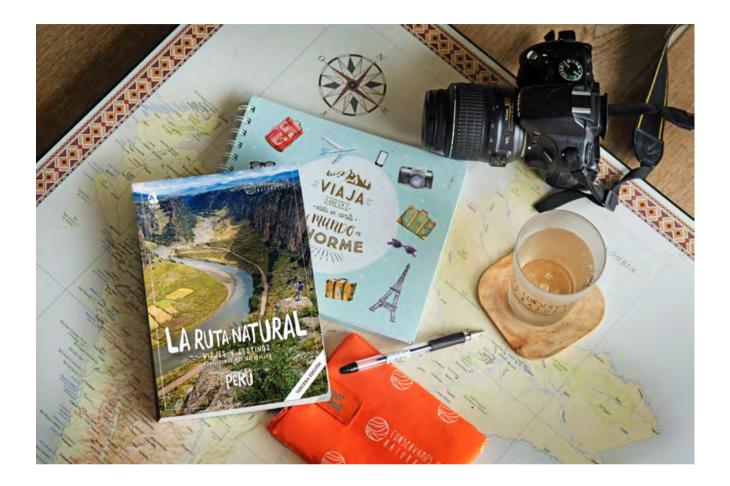


#### CAMPAIGN IN FAVOR OF ENVIRON-MENTAL DEFENDERS

TamboPatas are a group of citizens whose goal is to protect and maintain the Tambopata National Reserve (especially its buffer zone) in the face of threats posed by the spread of illegal mining. During 2020, SPDA helped a fundraising campaign to raise awareness on the group's efforts, as well as promote integration of new strategic partners.

As a result, more than one hundred and twenty thousand Soles was raised by November 2020. This will allow the Tambopata National Reserve Management Committee to continue its control and surveillance work, as well as financing monitoring and supervision work, mobilization, advocacy and legal support for people affected by the activities.





#### **NEW EDITION OF RUTA NATURAL**

Conserve for Nature Initiative (Conservamos por Naturaleza) published its third edition of The Natural Route (La Ruta Natural), which is more than just a travel guide, and rather an invitation to discover the stories behind the people who conserve and help us reconnect with nature.

The Natural Route contains over four hundred pages of information, photos and maps; special sections for river adventure sports, climbing, hiking and surfing; travel tips and a number of recommendations that to enhance your experience on the road. And for those with small children, the guide includes tips from the mothers on our team for traveling in Peru with babies.

# OUR PRODUCTION

### **a PUBLICATIONS**



1 Uniendo fuerzas: titling indigenous territories in Peru
Author: Sociedad Peruana de Derecho Ambiental
This publication summarizes major accomplishments and results of
the project Titling Indigenous Territories in Peru", financed by the
Tenure Facility.

#### ■ DESCARGAR:

Spanish version | English version



Evaluación anual de la comercialización de peces bajo la talla mínima legal en terminales pesqueros y puntos de desembarque, 2018-2019

Authors: Ximena Velez-Zuazo; Joanna Alfaro-Shigueto; Fabio Castagnino y Francisco Cordova

The principal objective of this study was to assess the level of compliance with regulations on Minimum Catch Sizes (MCS) in two stages of the production chain of hydrobiological products in Peru, at the Villa María del Triunfo Fishing Terminal (VMT) in Lima and at the landing site of Caleta San José (SJO), in Chiclayo.

■ DOWNLOAD LINK



### 3 Hazla por tu playa, 2013-2020

Author: Sociedad Peruana de Derecho Ambiental *HAZla por tu Playa is a citizens' initiative that was founded with the goal of raising public awareness on plastic contamination and to empower agents of change, through cleanups of beaches, aquatic ecosystems and wetlands. This publication contains a summary of activities undertaken from 2013 to 2020.* 

■ DOWNLOAD LINK



### Áreas de conservación regional en la Amazonía: consideraciones para proponer una iniciativa de sostenibilidad financiera

Author: Samín Vargas

The difficult economic and social situation the country is facing as a result of COVID-19 requires new strategies to address financing challenges of the Amazon's natural heritage. Based on an assessment (which includes data and information at the national and regional levels and key measures for the Peruvian economic stimulus plan to address the pandemic), the document provides a range of ideas to implement concrete actions to finance the protection of regional conservation areas, considering the emergence of greater demands in the Amazon environment as a result an unexpected event on a global scale.

**☑** DOWNLOAD LINK



### Cambio climático y salud pública: la convergencia inevitable, a propósito del coronavirus

Author: Manuel Ruiz

In this Newsletter, the author provides some related ideas on the complex relationship between climate change, human actions and public health, regarding the health situation that has rocked the world in recent times.

■ DOWNLOAD LINK



### Salud intercultural y demandas de los pueblos indígenas en el contexto COVID-19

Author: Ileana Rojas

The Peruvian State has a task both pending and titanic with the country's indigenous peoples, particularly at this time, in the midst of the COVID-19 pandemic. SPDA analyzed whether intercultural health has managed to overcome its normative condition in order to become a reality.

☑ DOWNLOAD LINK



### Guía legal para la defensa de los ecosistemas y especies del mar peruano

Authors: Bruno Monteferri; Milagros Mitma; Percy Grandez; Karina Zarbe: Ricardo Bandín and Zamir Narro.

The book explains the rules and procedures to file complaints against events that involve the impact on marine ecosystems, the illegal exploitation of hydrobiological resources, among others. It also provides an outlook on the current situation of marine governance, major cases impacting the marine environment and citizen participation in this sector, providing recommendations both to improve institutional processes and the exercise of citizen rights. It includes a document of "Annexes" with reference models of data that should be included in both administrative and criminal complaints.

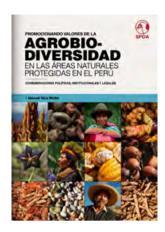
■ DOWNLOAD LINK



### Preparando el camino a la sostenibilidad: una nueva economía post COVID-19 para América Latina y el Caribe

Author: Manuel Ruiz

The document proposes a review of COVID-19 consequences in order to recognize possibilities and options for sustainable development, particularly based on the new ways of understanding and applying economic sciences, by robustly integrating social and environmental aspects. It also provides a brief review of the green, circular, blue, etc. economy and how their narratives can contribute to the process of social, environmental and economic reactivation in the aftermath of COVID-19.



### Promocionando valores de la agrobiodiversidad en las áreas naturales protegidas en el Perú: consideraciones políticas, institucionales y legales

Author: Manuel Ruiz

The goal of this investigation is to identify how and where the relationship between natural protected areas (NPAs) and agrobiodiversity is reflected in Peru, and how to promote a more indepth process of valuing agrobiodiversity based on institutionalism, legislation and management of natural protected areas. This involves determining how the National System of Natural Protected Areas (SINANPE, in Spanish) and the National Service for Natural Protected Areas (SERNANP, in Spanish) play a key role to visibilize and promote agrobiodiversity as a relevant value for NPAs.

#### ■ DOWNLOAD LINK



### Balance de la moratoria a los organismos vivos modificados en el Perú

Author: Dino Delgado

This investigation analyzes the first nine years of moratorium on the release of living modified organisms (LMOs) into the environment. The balance has been carried out with information publicly available on digital platforms of the competent authorities, monitoring reports, documentation published by experts, as well as through access requests to public information.

#### ■ DOWNLOAD LINK



### Análisis de la situación jurídica ambiental de los proyectos de centrales hidroeléctricas Veracruz y Chadín 2 en el río Marañón

Authors: Percy Grandez; Carol Mora; Pámela Ramirez; Lucía Palao and Bruno Monteferri

The report analyzes the environmental legal status of the Veracruz and Chadín 2 Hydroelectric Power Plant projects and provides the State its recommendations.

#### ☑ DOWNLOAD LINK

Opinión legal
Proyecto de Ley N° 4044/2018-CR que
modifica la Ley 28736 "Ley para la
Protección de Pueblos indigenas u
Originarios en Situación de Alalamiento y
en Situación de Contacto Inicial, y
establece Salvaguardas para Garantizar su
Vida e Integridad frente al Covid-19
Myo. 200



Opinión legal: Proyecto de Ley 4044/2018-CR que modifica la Ley 28736, Ley para la Protección de Pueblos Indígenas u Originarios en Situación de Aislamiento y en Situación de Contacto Inicial, y establece Salvaguardas para Garantizar su Vida

Author: Programa de Biodiversidad y Pueblos Indígenas This legal opinion to Draft Law 4044/2018-CR, which amends Law 28736, Law for the Protection of Indigenous or Native Peoples in Isolation and Initial Contact, and establishes Safeguards to Guarantee their Life and Integrity in the event of COVID-19, is aimed at providing these contributions to the regulatory review and evaluation process carried out by the Congress of the Republic.

■ DOWNLOAD LINK

Cinco aspectos clave sobre el procedimiento para la certificación ambiental del Terminal Portuario General San Martín y su impacto en la Reserva Nacional de Paracas

Julio 2020



3 Cinco aspectos clave sobre el procedimiento para la certificación ambiental del Terminal Portuario General San Martín y su impacto en la Reserva Nacional de Paracas

Author: Sociedad Peruana de Derecho Ambiental Through a legal report, Sociedad Peruana de Derecho Ambiental (SPDA) highlighted key aspects on the procedure for the environmental certification of Terminal Portuario General San Martín and its impact on the Paracas National Reserve.

■ DOWNLOAD LINK

#### Opinión legal: El Acuerdo de Escazú

Proyecto de Resolución Legislativa 046:65/2019-PE que aprueba el Acuerdo Regional sobre el Acceso a la Información, la Participación Pública y el Acceso a la Justicia en Asuntos Ambientales en América Latina y el Caribe



# Opinión legal: el Acuerdo de Escazú

Authors: Silvana Baldovino, Carol Mora, Fátima Contreras and Katherine Sánchez

This document provides the analysis and legal contributions implemented by SPDA in an attempt to contribute with the prompt ratification of the Escazu Agreement, considering the active and leading role of our country in the agreement's dissemination process, which should conclude positively as this instrument constitutes an unprecedented tool where common challenges and improvements are involved for the benefit of all Peruvians.

Análisis de la Sociedad.
Peruana de Derecho Ambiental.
(SPDA) sobre la sentencia
del Tribunal Constitucional.
que resuelve la demanda de
inconstitucionalidad interpuesta
contra varios artículos de la Ley.
30230, que establece medidas.
tributarias, simplificación de
procedimientos y permisos para
la promoción y dinamización de
la inversión en el país



Análisis de la Sociedad Peruana de Derecho Ambiental (SPDA) sobre la sentencia del Tribunal Constitucional que resuelve la demanda de inconstitucionalidad interpuesta contra varios artículos de la Ley 30230, que establece medidas tributarias, simplificación de procedimientos y permisos para la promoción y dinamización de la inversión en el país

Authors: Isabel Calle; Carol Mora, Silvana Baldovino; Jean Pierre Araujo and José Luis Capella

In order to clarify key points of the ruling, opening the debate based on legal reflection, to ensure that similar measures are not repeated, particularly in these times of emergency, SPDA conducted an analysis of the TC ruling, specifically covering environmental issues that were called into question: environmental oversight, land use planning, the establishment of protected areas and legal certainty of indigenous territories.

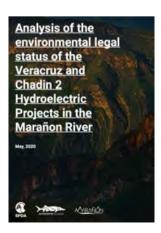
#### ■ DOWNLOAD LINK



Opinión jurídica: Cese del ex director ejecutivo de Serfor y sus implicancias para otros organismos técnicos especializados como el Imarpe

Authors: Patricia Torres; Percy Grandez; Jean Pierre Araujo; Jose Luis Capella; José Bringas and Bruno Monteferri
The report includes five concrete proposals aimed at strengthening
the National Forest and Wildlife Service (SERFOR, in Spanish) and
Instituto del Mar del Perú (IMARPE), national authorities with
competence in the field of renewable natural resources.

■ DOWNLOAD LINK



4 Analysis of the environmental legal status of the Veracruz and Chadin 2 Hydroelectric Projects in the Marañon River

Authors: Percy Grandez; Carol Mora; Pámela Ramírez; Lucía Palao and Bruno Monteferri

In this report, SPDA analyzed the environmental legal status of the Veracruz and Chadin 2 hydroelectric power plant projects and provided recommendations for the Peruvian government.

☑ DOWNLOAD LINK



Informe: Propuestas para reducir conflictos e impactos a los ecosistemas dentro de la "Zona reservada para la pesca artesanal", a partir del análisis de los artes y métodos de pesca empleados en el Perú por la flota artesanal y de menor escala

Authors: Carlos Martín Salazar, Ricardo Bandín, Fabio Castagnino and Bruno Monteferri

This report is focused on small-scale fisheries in Peru and has among its main objectives: analyzing the technical characteristics of vessels and the fishing gear and methods used, as well as the intensity and distribution of their use all along the coast and recommending regulatory measures.

☑ DOWNLOAD LINK

Análisis de Inversión Pública de la función ambiental en los gobiernos regionales de Loreto, Amazonas, San Martín, Ucayali, Madre de Dios y Cusco en el periodo

Diciembre 200



Análisis de inversión pública de la función ambiental en los gobiernos regionales de Loreto, Amazonas, San Martín, Ucayali, Madre de Dios y Cusco en el periodo 2015-2020

Author: Samín Vargas

This document provides a summary of the main results and recommendations of the investigation "Análisis de inversión pública de la función ambiental en los Gobiernos Regionales de Loreto, Amazonas, San Martín, Ucayali, Madre de Dios y Cusco en el periodo 2015-2020," elaborated in 2020 by Sociedad Peruana de Derecho Ambiental (SPDA). The publication was made possible in the framework of the project "Peruvian protected areas: building a more favorable environment for securing Peru's biodiversity."

■ DOWNLOAD LINK



Biodiversidad y Patrimonio Natural

Author: Sociedad Peruana de Derecho Ambiental (SPDA) Informative brochure prepared by SPDA on its work in natural protected areas and agrobiodiversity.

■ DOWNLOAD LINK



# 21 Hacia la democracia y justicia ambiental en el Perú: por una sociedad inclusiva y sostenible

Author: SPDA Environmental Policy and Governance Program SPDA actively participates in the dissemination, promotion and implementation of rights to access information, public participation and justice regarding environmental issues, as stipulated in the Rio Declaration and outlined in the Escazú Agreement. This digital document contains a systemization of work and contributions to the dialogue process carried out.

☑ DOWNLOAD LINK



# Participación de las mujeres indígenas en los procesos de saneamiento jurídico de la tierra

Author: ONAMIAP; SPDA

The document summarizes key results of the investigation "Participación de las mujeres indígenas en los procesos de saneamiento jurídico de la tierra," prepared by the Organización Nacional de Mujeres Indígenas, Andinas y Amazónicas del Perú (ONAMIAP). It also provides a brief analysis on the situation in three Madre de Dios native communities, which was part of the pilot project "Legal security for the indigenous territories of Madre de Dios and Cusco, Peru," executed by Sociedad Peruana de Derecho Ambiental (SPDA) with the Support of the Tenure Facility.

☑ DOWNLOAD LINK



23 10 mitos y verdades sobre el Acuerdo de Escazú

Author: SPDA

In this booklet, SPDA clarifies several myths and highlights some certainties regarding the content of the Escazú Agreement. This is intended to add to the debate and provide responsible information.

■ DOWNLOAD LINK

# **b** MULTIMEDIA



Web platform /

## Indigenous data

We launched the Dato Indígena platform, the first platform in the country that contains up-to-date information on COVID-19 cases in Loreto and integrates information of 36 Madre de Dios native communities.

http://www.datoindigena.pe/



Multimedia special /

### Justicia para Tamshiyacu

Website that became a part of a communication campaign focused on disclosing the historic case of the Tamshi S. A. C. Company that, in July 2019, lost a lawsuit against the people of Tamshiyacu (Loreto). At the time, the company was fined for the deforestation of about five hundred hectares of forest.

https://actualidadambiental.pe/tamshiyacu/



Multimedia special /

# Áreas de Conservación Regional del Perú: Protegiendo lo mejor de las regiones

In this feature you can find basic concepts, relevant data and the location of all RCAs in Peru. It also includes features on the Carpish (Huanuco) and Ausangate (Cusco) RCAs, and the proposed Chuyapi Urusayhua (Cusco) RCA.

https://actualidadambiental.pe/acr/



Multimedia special /

# Aislados. Pueblos Indígenas u Originarios en Situación de Aislamiento y en Situación de Contacto Inicial (PIACI)

This minisite explains various concepts regarding indigenous peoples in isolation and initial contact (PIACI, in Spanish). It also details the people to which each identified group belongs, explains what indigenous and territorial reserves are, and presents a list of national and international norms elaborated to protect them.

https://www.actualidadambiental.pe/piaci/



Live interview /

#### Actualidad Ambiental en vivo

A number of interviews were broadcast on Actualidad Ambiental's Facebook focused on discussing major issues on the country's environmental agenda. This program included members of the Peruvian Congress, former ministers and researchers from Peru and abroad.

https://www.youtube.com/ watch?v=Vq6lIzLldZU&list=PLxpcZU\_ VtianzxerAdsq1o96t\_df8tbUl



Special events /

# Sesiones SPDA capítulo 2: Impacto de monocultivos en la Amazonía

Actualidad Ambiental broadcasted live the second edition of SPDA Sessions. This edition addressed a central issue of debate for the development of the country: the development and impact of monocultures. In other words, large-scale agricultural projects based on the farming of a single species.

https://www.youtube.com/ watch?v=BZreGLO7oMc&list=PLxpcZU\_ Vtiak5S35NuDwSxzQSqpga6ike&index=2

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- Oxfam América
- Patagonia y Tides
- Profonanpe
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- > The International Land and Forest Tenure Facility
- US Forest Service
- Walton Family Foundation

# D ALLIED STATE ORGANIZATIONS

- ▶ Gobierno Regional de Amazonas
- Gobierno Regional de Loreto
- ▶ Gobierno Regional de Madre de Dios
- Gobierno Regional de Piura
- Gobierno Regional de Ucayali
- Ministerio de Cultura
- Ministerio de Desarrollo Agrario y Riego
- Ministerio de Justicia y Derechos Humanos
- Ministerio del Ambiente
- Ministerio Público Fiscalía de la Nación
- Organismo de Supervisión de los Recursos Forestales y de Fauna Silvestre (Osinfor)
- Poder Judicial del Perú
- Servicio Nacional de Certificación Ambiental para las Inversiones Sostenibles (Senace)
- Servicio Nacional Forestal y de Fauna Silvestre (Serfor)

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- Coordinadora de las Organizaciones Indígenas de la Cuenca Amazónica (COICA)
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