

The Peruvian Environmental Law Society gives Peru's new forest law a qualified thumbs-up and calls for increased efforts in capacity-building

A RECENTLY released ITTO-funded report says that Peru's new forestry law (Act No 27308; see article page 10) is an important step towards reducing illegal logging, but strong additional measures are needed for it to be implemented effectively.

The report, which was prepared on behalf of ITTO by Carlos Chirinos and Manuel Ruiz of the Peruvian Environmental Law Society, a non-governmental organisation, analyses the illegal logging and marketing of timber species in Peru and the strengths and limitations of the new forestry law, which was passed by Congress in 2000.

The report suggests that after the promulgation in 1992 of Supreme Decree No 051, which discontinued the granting of forest harvesting contracts, the existing forest management process gave way "to a new, erratic stage of national policies for the harvesting of natural forests".

One consequence was a significant increase in the bureaucratic process for securing logging rights, says the report. When combined with a high level of poverty and unemployment in the Amazon and a lack of other income-generating opportunities, logging has increasingly been carried out without legal authorisation.

The difficulties involved in obtaining logging rights on a large scale also led to a proliferation of small-scale loggers, operating with contracts covering less than a thousand hectares of forest. The "informal approach" of many such loggers, the difficulty in policing them, and their aggressiveness (in some cases) have all contributed to "the chaos which is now affecting forest activities".

The report condemns what it calls "corruption and the unethical behaviour of officers of agricultural sector institutions", which "contributed to the legalisation of the illegal logging and marketing of timber by approving contracts in unauthorised areas". It also criticises a "lack of ethics" among certain professionals "who have provided consultancy services for small-scale loggers to overcome the formalities of administrative requirements".

Nevertheless, says the report, the underlying cause of the problem is poverty. For example, in Ucayali, an Amazonian department, a large majority of the rapidly growing population is desperately poor; even in Pucallpa, the departmental capital, only 30% of houses have access to electricity or sanitary services. For many families, illegal logging is one of the few ways of generating the income they need to survive.

Under the new forestry law, the Peruvian forestry sector is moving from a system skewed towards short-term, small-scale forest logging contracts to one involving forest concessions of 5000 hectares or greater granted for renewable periods of 40 years.

According to the report, the new law "contains necessary changes to the country's forest regime", including the adoption of concessions as the main forest harvesting system, requirements for management plans, and the public tendering of concessions.

However, similar changes are also required in institutional structures to enable adequate management, monitoring and control. Inattention to such changes, says the report, "threatens the implementation and efficient operation of the forest regime".

"The first concessions granted in the Madre de Dios region are already facing a serious problem that is threatening their operational success", says the report. "There are still several illegal groups of loggers—very well organised in some cases—who, even through the use of force or prohibited or clearly illegal means, continue working in distant and difficult-access areas to harvest the last stands of high-value species such as mahogany."

The report also suggests that new ways are needed to give small-scale loggers access to production forests, since many lack the necessary resources to bid for the larger concessions. It recommends, among other things:

- more training for forest loggers on issues related to forest legislation, forest management, and participation, monitoring and control mechanisms for forest law enforcement;
- realistic options for granting access to production forests to small-scale loggers;
- regional decentralisation of the decision-making process for the approval of forest harvesting permits, as well as the strengthening of these positions with trained personnel;
- the establishment of a body responsible for the supervision of forest concessions, which must be independent of the institution responsible for the granting of concessions and approval of management plans;
- strengthening the implementation of punitive measures for violations of the forest law; and
- strengthening concession management practices to promote community participation in the use of technologies that facilitate waste utilisation, charcoal processing and industrialisation and other actions geared to generating employment in concession management.

The report 'Case study on the development and implementation of guidelines for the control of illegal logging with a view to sustainable forest management in Peru' is the first in a series planned by ITTO under a decision by the International Tropical Timber Council to assist its producer countries, upon request, to devise ways to enhance forest law enforcement. Funding was provided by the governments of Japan and the USA, and through the Bali Partnership Fund. An executive summary in Spanish and English is available at: www.itto.or.jp/ittcdd_ses/thirty_fourth_sessions.html

The full report 'Desarrollo e Implementación de Lineamientos de Control del la Extracción Ilegal para un Manejo Forestal Sostenible en el Peru' can be obtained from: Collins Ahadome, ITTO Information Officer, itto@itto.or.jp