



SPDA
Sociedad Peruana de Derecho Ambiental



INSTITUTIONAL MEMORY 2009
SOCIEDAD PERUANA DE DERECHO
AMBIENTAL





MEMORY 2009

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DERECHO AMBIENTAL

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1. PROGRAMAS



1.1. INTERNATIONAL AFFAIRS AND BIODIVERSITY

International Regime on Access to Genetic Resources

During 2009, international negotiations to adopt and approve an International Regime on Access to Genetic Resources and Benefit Sharing have intensely resumed, with a view of its adoption at the 10th Conference of Parties to the Convention on Biological Diversity in Nagoya, Japan. The Peruvian Society for Environmental Law (SPDA) has actively participated in the Technical Group convened by MINAM to define Peru's national position on the issue and work towards the adoption of this regime. As part of this effort, SPDA has promoted research that addresses specific aspects of this regime. The document *The Development of an International Regime on Access to Genetic Resources in a Context of New Technological Developments* has been one of these contributions (see the point that refers to the Initiative for the Prevention of Biopiracy, below).

Support to legal and policy processes on genetic resources and traditional knowledge

SPDA designed a training program (funded by FOEN / Switzerland) for competent authorities on access to genetic resources. This involves a discussion and exchange process with officials from the National Institute of Agrarian Research (INIA) and Ministry of the Environment (MINAM), the Deputy of Fisheries, and the Forestry and Wildlife Management of the Ministry of Agriculture (MINAG), who are responsible for the application of DS 003-2009- MINAM (regulation on the access to genetic resources). This regulation, which received continuous contributions from the SPDA, was approved at the beginning of 2009.

SPDA also coordinated and led an Andean sub regional consultation process (within the Andean Community - CAN) with indigenous organizations such as the National Indigenous Organization of Colombia (ONIC), the National Organization of the Amazon Indigenous People of Peru (AIDSESEP), the Confederation of Indigenous people of Bolivia (CIDOB) and the Confederation of Indigenous Nationalities of Ecuador (CONAIE), with the purpose of developing a Proposal of Elements for a Common Regime for the Protection of Traditional Knowledge. SPDA produced the draft and actively participated in its consultation with national authorities by means of video conferences and interviews with different actors.

Advances towards the promotion of agrobiodiversity

In 2009, SPDA published a Spanish and English version of *Agrobiodiversity Zones and the Register of Native Crops: Learning from Ourselves*. This investigation summarizes regulatory

and policy advances that have taken place in the country in the last few years, in relation to zones with a high concentration of agricultural biodiversity. It also analyzes advances regarding the creation of these zones in some areas of the country. The investigation explores the development process for a national registry of native crops, represented in this case by an officially recognized registry of native potato, under management of INIA. The document offers proposals and recommendations on the implementation of these conservation instruments. During 2009, IDRC and SPDA supported the publication by CCTA (Coordinator of Andean Technologies) of *The Sachas: Wild Relatives of Native Cultivated Andean Plants (Peru)*, in hopes of valuing and raising awareness about technologies and the motivation of small farmers to conserve their agricultural biodiversity, mainly their ancestral culture.

Biosafety

Regarding biosafety, the International Affairs and Biodiversity Program of SPDA, continues to actively participate in a Technical Working Group convened by MINAM for the implementation of the Cartagena Protocol on Biosafety. In this regard, MINAM has been supported specifically in relation to the development of a Regime of Liability and Compensation linked to the Cartagena Protocol.

Climate Change

During 2009, the International Affairs and Biodiversity Program of SPDA in association with the IUCN Regional Office for South America, presented AECID (the Spanish Technical International Cooperation Agency) a project on climate change - *Climate Changes, So should you*. This project to be executed during the 2010 – 2014 has the following objectives: a) Compile testimonies and capture images of how climate change is affecting indigenous and local communities in Colombia, Ecuador, Peru and Bolivia, and how these communities are facing these challenges with their own abilities and traditional knowledge; b) Validate this in scientific terms in order to reaffirm the value of indigenous knowledge and practices; c) Initiate advocacy actions at different levels (projects, programs, public policies, diverse actions) to incorporate different strategies of adaptation at the national and local level that can be used to mitigate the effects of climate change.

Others

In early 2009, Senior Researcher Isabel Lapeña, who worked for the International Affairs and Biodiversity Program since 2000, returned to Madrid, Spain. She is currently working as a consultant for Biodiversity International, an associate partner of SPDA in different activities. During 2009, Isabel Lapeña also represented SPDA at international meetings in Spain and Tunisia, among other countries. Lawyer Ilko Rogovich, joined the Program in July 2009 and travelled to Sweden (Svalov) to follow an intensive training course on intellectual property, genetic resources and biodiversity.

The Initiative for the Prevention of Biopiracy

In 2009, SPDA, through the Initiative for the Prevention of Biopiracy, organized an International Workshop on the "Application of disclosure of origin and legal provenance requirements from a perspective of the patent offices: options and alternatives." This event involved the participation

of experts from Switzerland, the United States, Spain, Mexico, Brazil, Colombia, Ecuador, and Peru, as well as representatives of the Section of Genetic Resources, Traditional Knowledge and Biotechnology of the World Intellectual Property Organization (WIPO).

The Initiative also participated in sessions and activities of the National Biopiracy Prevention Commission. The Commission has undertaken throughout its existence (since 2004), research and actions to safeguard the sovereign rights and interests of Peru in relation to genetic resources and traditional knowledge of indigenous communities.

It must be noted that the priorities established by the Commission for the year 2009 included the development of a database of genetic resources and associated traditional knowledge; preventing acts of biopiracy; monitoring patent applications overseas that relate to the use of Peruvian genetic resources or associated traditional knowledge; and finally, promoting sound commercial practices, namely, encouraging companies to comply with the regime on access to genetic resource and Law 27811 for the protection of traditional knowledge.

Cases identified by the Commission, included analysis of various patents on national biodiversity components granted in Japan, United States and Europe, and coordination with companies and institutions that are seeking to “do the right thing” and avoid illegally accessing or using these resources and traditional knowledge.

As a result of this work, the Commission identified and specifically took measures against the following patents:

Patent Jp 2007031371 “AMELIORANT FOR SLEEP DISTURBANCE”

Main Claims:

- Alcoholic extract of Maca (*Lepidium meyeri* – a native plant of Peru) that improves sleep disturbances
- Alcoholic beverage that contains an extract of Maca

The Commission sent the Japanese Patent Office, information related to the use of Maca as a regenerator. The patent was subsequently abandoned

Patent Application Jp 2005306754 “TETOSTERONE INCREASING COMPOSITION”

Main Claims:

- Compound that contains Maca benzyl glucosinolates and benzyl isothiocyanates that increases the levels of testosterone in the blood.

The Commission sent the Japanese Patent Office relevant information regarding traditional uses of Maca in Peru. The application was subsequently rejected and the case closed.

THE GREENTECH CASE

In 2009, the Ministry of Foreign Affairs informed the Commission that Greentech Company (France) were withdrawing their patent related to the Sacha Inchi –a native Peruvian genetic resource. This came after continued technical inputs were provided to French patent authorities.

COLLECTION OF ENDOPHYTIC MICROORGANISMS CARRIED OUT BY DR. SCOTT STROBEL

In 2009, the Commission sent a communication to the Molecular Biophysics and Biochemistry Department at Yale University, requesting information regarding its permits for research and collection of endophytic microorganisms in the region of Puerto Maldonado (in the Amazon). Yale University indicated this research was part of ongoing collaboration with the Vargas Herbarium in Cusco. The case is being closely monitored by the Commission.

THE COGNIS CASE

During 2009, a communication was received by the Commission from the Cognis IP Management GmbH Company communicating the decision to withdraw their European patent application on an extract of a plant belonging to the Genus *Plukentia Volubis* (Sacha Inchi) and its cosmetic use.

THE QUINOA EXPANSCIENCE CASE

The National Commission Against Biopiracy found an application for a patent on Quinoa by Expascience Laboratories, related to the traditional use of quinoa as a cosmetic. The Commission formally expressed concerns regarding novelty and inventiveness of this innovation.

Finally, during 2009, at a press conference in the Ministry of Foreign Affairs, the National Commission launched its web page: www.biopirateria.gob.pe

Thanks to various institutions

Institutions that have supported the work of the International Affairs and Biodiversity Program of SPDA through 2009 include, AECID, FOEN, the MacArthur Foundation, GTZ and IDRC.



1.2. CONSERVATION

The year 2009 has been very important for conservation in Peru in general. Through different initiatives (projects, norms, policies, activities) at the governmental, private, regional, communal and municipal levels, the foundations for natural protected areas have become firmly consolidated. The creation in 2008 of the Ministry of the Environment (MINAM) and the National Service for Natural Protected Areas by the State (SERNANP), has further contributed to this situation.

During 2009, SPDA's Conservation Program focused its work in five areas: the National System of Natural Protected Areas (SINANPE), Regional Conservation Systems (SRC), private and communal conservation initiatives, coastal marine ecosystems, and strategies to consolidate uses of land compatible with conservation and legal security.

Under the project "Supporting private and communal conservation in Peru" supported by the Gordon & Betty Moore Foundation, SPDA has provided assistance to the National Service for Natural Protected Areas by the State (SERNANP), a branch of MINAM, and the General Directorate of Forestry and Wildlife Fauna (DGFFS), which is part of the Ministry of Agriculture (MINAG). The goal of this project has been to build the legal and institutional capacities of these institutions and strengthen private and communal conservation, as well as natural protected areas management.

SPDA has also legally advised public entities in regards to the design of a series of legal norms that focus on consolidating institutional responses to biodiversity conservation and environmental protection issues.

The National System of Natural Protected Areas (SINANPE)

With regards to laws and regulations for Natural Protected Areas (NPAs), SPDA has supported SERNANP by assisting in the preparation of the NPAs' Director Plan, as well as developing proposals for ecotourism and rural tourism activities and the sustainable development of NPAs. SERNANP was also advised on the preparation of regulations for Legislative Decree No. 1079, which established mechanisms to protect the flora and fauna of NPAs as well as sanctions for non-compliance of rules within NPAs.

With the support of the MacArthur Foundation and the Initiative for Conservation in the Andean Amazon (ICCA), funded by USAID, SPDA has worked on consolidating NPAs' tourism frameworks, together with the Peruvian Association of Ecotourism and Adventure Tourism (APTAE), establishing a long-term strategy in relation to sustainable tourism in the National System of Natural Protected Areas (SINANPE). SPDA's Conservation Program also contributed in updating the Pacaya Samiria National Reserve Master Plan in Loreto. SPDA was elected to

the Presidency of the Management Committee. SPDA has also contributed to implementing the Plan of Tourism of the Tambopata National Reserve in Madre de Dios, seeking to develop the possibility of experiential tourism for nut gatherers of the Reserve.

Thanks to the support of The Nature Conservancy, SPDA has contributed to the elaboration of the Supreme Decree that establishes the National Reserve System for Islands, Small Islands and Guano Points, the first network of protected marine areas in Peru. This includes 33 areas along the coastline, as well as the categorization of the San Fernando Reserve Zone. This work demanded a revision and analysis of the legal tools available for marine conservation, and in the case of San Fernando, SPDA is accompanying the process that will lead to its definite recognition.

Another categorization process in which SPDA is involved is the Sierra del Divisor Reserved Zone. This is part of activities led by Pronaturaleza, an institution in charge of executing a project based on the consolidation of a conservation mosaic area in the zone, with funding from the Gordon and Betty Moore Foundation. As part of this effort, SPDA has offered legal advice to Pronaturaleza experts on different matters related to the management and categorization of this area.

With funding from ICAA and the Blue Moon Foundation, training and legal services were provided to the Management Committee and leaders of the Tambopata National Reserve in Madre de Dios. The III Forum of Natural Protected Areas was organized during the month of November in the city of Chiclayo, with support from Blue Moon. This event lasted four days, where a number of conferences, workshops, and special plenary sessions took place in the Gran Hotel of Chiclayo, with the participation of 450 professionals and public in general involved in the sustainable development and conservation of NPAs. It is worth mentioning the support provided by institutions and companies committed to biodiversity conservation in Peru, such as the Ministry of Foreign Trade and Tourism, Scotiabank, the South InterOceanic Initiative (iSur), The Nature Conservancy, Conservation Internacional Peru, Asociacion Ancash-Antamina, the Wildlife Conservation Society (WCS), PROFONANPE, the Frankfurt Zoological Society, Tropical Forest Conservation Agreement (ACBT), Derecho Ambiente y Recursos Naturales (DAR), APECO, among others.

Throughout 2009, courses, workshops and training related to NPAs' legislation were organized, as well as a graduate course for park rangers organized by the Universidad Científica del Sur, and decentralized training modules through nodes, under the Frankfurt Zoological Society. The Directorate of Tourism and Ecology (DIRTURE) of the National Police of Peru, also received training on natural protected area legislation and use of wild fauna, as part of an Environmental Legislation Course coordinated by SPDA. In October 2009, the first "Environmental Video Conference" was organized at the Catholic University of Peru. This activity included videos on cases linked to natural protected areas and conservation strategies.

At the end of the year, SPDA and SERNANP launched a NPAs Legislation Portal (www.legislacionanp.org.per); a website designed to facilitate the search and analysis of current regulations regarding natural protected areas in Peru, as well as to promote a culture of conservation with the support of legal norms.

Regional Conservation Systems, Regional Conservation Areas (RCAs), Municipal Conservation Areas (MCAs)

In 2009, two new Regional Conservation Areas (RCAs) were established: the Tamshiyacu-Tahuayo Regional Conservation Area in Loreto and the Vilacota Maure Regional Conservation Area in Tacna.

SPDA has a special interest in the decentralization process and territorial planning by Regional Governments (GORE). As a result, SPDA supported the Regional Governments of Loreto, Madre de Dios, Amazonas, San Martín and Cusco, with whom it has institutional cooperation agreements that offer technical and legal advice related to environmental legislation, administrative procedures, legal competences, etc. Under the framework of agreements with the Regional Government of Loreto (GOREL) and support from the Gordon and Betty Moore Foundation, SPDA has cooperated with the Program for Conservation, Management, and Sustainable Use of Biological Diversity in the Region of Loreto (PROCREL), a program that supports the creation and management of RCAs. This support consists of legal advice in the creation of RCAs, training officials in issues related to environmental legislative frameworks, and the preparation of products for their dissemination, such as audio-visual communications, photographic samples, and publications. Especially important was the display of photos on the Tamshiyacu-Tahuayo Regional Conservation Area (RCA) in Iquitos and preparing the publication of La Luna Verde on the impacts of climate change in Amazonia and the opportunities for conservation as a mitigation strategy.

With financing from the ICAA and the Blue Moon Foundation, SPDA has been leading the process to design the Regional Conservation System of Madre de Dios as part of its agreement with the Regional Government of Madre de Dios and as part of the Civil Society Workgroup on the impacts of the Inter Oceanic Highway (GTSC). SPDA, together with other institutions and the Regional Government, organized a workshop to discuss the content, competences, and future tasks of this system. For a few years now, SPDA has also been supporting the formal consolidation of Lake Valencia as a NPA. In this case, SPDA provided legal support to the Regional Government for the development of the Lake Valencia technical file, as well as for the process for Lake Valencia's recognition.

SPDA has also signed an addendum to the inter-institutional cooperation agreement with the Regional Government of Amazonas. With this addendum, support to the Regional Government in regard to environmental and conservation matters will continue in the future. SPDA is also part of the Amazonas and San Martín (CAR-Amazonas, CAR-San Martín) Regional Environmental Commissions, where a number of initiatives for the protection and conservation of wild flora and fauna resources, as well as improving the environmental quality of the regions is discussed and developed. Likewise, SPDA is a member of the Municipal Environmental Commission (CAM) for the Chachapoyas Provincial Municipality, where advice is given on the elaboration of norms and policies on conservation of habitats. Throughout 2009, in coordination with different institutions, SPDA has developed training workshops for judges, district attorneys, police, and different regional government officials with the objective of helping them improve their job performance.

The Lambayeque Regional Government created the Regional System for Conservation Areas (SIRACL) in 2008. In this context, in 2009, SPDA contributed with legal advice in the preparation of technical files for two RCAs in the region, by means of a situational analysis of the communal territories and the rural and uncultivated land inside the proposed areas, and joined the Regional Government in meetings with SERNANP to raise observations, as well as for the implementation of suggestions that may arise.

In 2009 and with the support of the MacArthur Foundation and Blue Moon Foundation, SPDA worked closely with the National, Regional and Local Conservation Network (RENACAL), organizing RENACAL II, an event that took place in the city of Chiclayo, where we presented the book *Regional Conservation Areas and Conservation Areas Municipal: Proposals for consolidation*, written by Pedro Solano and Bruno Monteferri. This document, prepared for the Project to Prepare the Program for Natural Protected Areas (PRONANP), and published thanks to the MacArthur Foundation, was oriented towards analyzing the existing legal gaps in the regulation for RPAs and MPAs, as well as contributing legal proposals for their adequate implementation. This publication was distributed to the participants of the RENACAL event.

SPDA also participated in organizing the Macro-regional Workshop for Regional Conservation Areas, an event that took place in Cusco. The objective was to continue the discussions in RENACAL II, including how to establish the foundations and criteria to consolidate regional conservation strategies, in a participatory manner with civil society, local governments and communities, and how to establish the basis of the Regional Conservation System in Cusco. This event was organized under the framework of a cooperation agreement between SPDA and GORE Cusco, thanks to the support of the Gordon and Betty Moore Foundation, the MacArthur Foundation and ICAA.

Finally, SPDA completed a consultancy for the Regional Government of Lima, with the objective of preparing the terms of reference for the technical file to establish the Paraíso de Bandurria RCA.

Coastal and Marine Ecosystems

The year 2009 has allowed SPDA to strengthen the work being undertaken for the conservation of marine ecosystems. Articles have been published in magazines such as the *Gaceta Jurídica* and *Tablista*, as well as the online portal *Viajeros*.

Thanks to the support of The Nature Conservancy (TNC), SPDA prepared a report on Peru's existing legal tools for marine conservation. The report was presented to a group of 30 experts, who made important contributions to the document. SPDA also co-organized a Workshop on Protected Marine Areas during the III Forum for NPAs and, as previously mentioned, supported the process that established a National Reserve System for Islands, Small Islands and Guano Points. To date, SPDA is supporting the categorization process for the San Fernando Reserved Zone.

SPDA has also provided legal advice to different users. This has taken the form of meetings with the Director of Environmental Affairs of the Deputy of Fisheries, to support surfers in promoting the protection of reefs that are available for this sport. More specifically, SPDA supported a campaign to protect the famous waves of Cabo Blanco. SPDA also contributed

in the development of a draft of a regulation that was approved by the District Municipality of Lobitos to protect the dunes, beaches and reefs of this area.

SPDA has also helped a group of landowners in the seaside resort of Punta Sal in the North of Peru with designing a conservation strategy. Furthermore, SPDA participated in a training workshop arranged by the MEDA Organization, who is in charge of the administration contract of the National Sanctuary Manglares de Tumbes. This event was directed to a staff of the Regional Office of Production in Tumbes, local villagers, and those responsible for National Sanctuary Manglares of Tumbes and its resources.

Strategies to consolidate legality over the use of land

A cooperation agreement has been signed with COFOPRI-Madre de Dios as part of work for the South Inter Oceanic Initiative (iSur), specifically on the Action Plan to Consolidate a Buffer Zone in the Tambopata National Reserve (ZA-RNTAMB) in the Madre de Dios region. The main objective of this agreement was to strengthen institutional capacities by hiring a professional that would support and promote the consolidation of proper land use; mainly the Buffer Zone in the Tambopata National Reserve. As a result of this joint effort, property was formalized for approximately 45 families, implying an average of 1350 hectares formalized in the ZA-RNTAMB.

SPDA also worked on the implementation of incentives and legal tools to guarantee the ownership of land to native communities interested in conservation.

Participation in international events

Throughout 2009, SPDA has had an active presence at international events, such as the annual meeting of the Society for Conservation Biology (SCB), where it addressed the categorization process for the Sierra del Divisor Reserved Zone.

Pedro Solano undertook a study for the IUCN, as part of a preparation for the new guidelines of NPA legislation that will be published by IUCN in 2010. As part of this study, he participated in a meeting called by the IUCN Environmental Law Centre in Bonn, Germany.

The Conservation Program participated in the ICAA's third annual meeting in Bogotá. This was an important meeting as it allowed members of this initiative located in Peru, Ecuador, Colombia and Bolivia to share their experiences. The meeting also served to coordinate future joint actions to assess the group's work and the initiative in general. Finally, there were small training events, where Pedro Solano gave a presentation on private and communal conservation in Peru.

SPDA was also present at Wild9, where a comparative analysis was made as part of the publication on Private and Communal Conservation in Amazonian Countries. This analysis has been praised for its complete outline of the reality in Amazonian countries and issues related to private and communal conservation. SPDA also co-organized a workshop on the legal options to regulate wilderness areas.

SPDA also participated in the tri-national event organized by governments of the State of Acre (Brazil), the Department of Pando (Bolivia) and the Department of Madre de Dios (Peru), which

are shared border zones. This annual event seeks to coordinate the efforts of government officials and the civil society, on matters such as health, the promotion of trade, productive and sustainable activities, disaster prevention, as well as conservation strategies.

SPDA closed the year by attending a meeting on marine conservation at the Bren School of Environmental Science & Management in the United States. This meeting has opened up interesting opportunities to work on this matter in Peru.





1.3. DEFENSE OF THE PUBLIC INTEREST

After the legal reforms of early 2009 to the Penal Code and its provisions on the environment, SPDA continued to follow up on the progress of these reforms. SPDA has also undertaken a general analysis and review of environmental legislation and policies.

SPDA has participated in meetings, training programs, and workshops in order to better contribute to public debate. Additionally, SPDA has sought to raise environmental awareness in regards to issues of public interest.

The Program for the Defense of the Public Interest and SPDA's Executive Director have participated in different cases of national relevance, many of which needed an intervention in defense of the public interest. These cases include the following: the case of environmental pollution and its effects on public health in the city of La Oroya due to metallurgical activities; the production of indirect impacts from the Southern Inter Oceanic Highway; the impacts from megaprojects in aquatic ecosystems (with emphasis on the case of the Inambari hydroelectric dam project); the quality standards of zinc and carbon batteries and the case of the garbage dump in Iquitos.

Through coordinated work with SPDA regional office members, SPDA's central office has had a better perspective of situations that generate environmental conflicts. Suitable alternatives that can be adapted to local contexts have been proposed.

The Inter Oceanic South Highway and the Working Group of Civil Society

During 2009, SPDA and other non-governmental organizations, academic institutions and individuals, have continued to participate in this Working Group, helping to gather evidence on the impacts (mainly environmental) that paving the Inter Oceanic South Highway in Peru entails. Subsequent illegal logging and mining among other activities have added to the pre-existing problems in the zone.

As part of these activities, technical-legal recommendations have been made in relation to the sustainability of this project and its overall impacts in the Madre de Dios region. As in other regions of Peru, it is necessary to implement environmental and social protection norms that integrate human rights. In this context, SPDA's Public Interest Defense Program is broadening its engagement as environmental practices are key parts of institutional responsibilities. These include a follow-up of social management and environmental impacts of the highway construction, as well as infrastructure and extractive activities, which affect conservation and sustainability efforts.

This work has been possible thanks to the cooperation of different interested actors, and

especially the support of the Initiative for Conservation in the Andean Amazon (ICAA) in the Manu Madidi Conservation Corridor Project (2006-2011).

The Case of La Oroya

In 2009, SPDA continued to promote and monitor the application of Precautionary Measures ordered by the Inter-American Commission on Human Rights to a group of beneficiaries from the city of La Oroya. Providing medical diagnosis and treatments to counter the negative effects on the health of residents and their quality of life due to the serious contamination of the city has been prioritized.

As a result of different actions during 2009, an agenda was established to organize work meetings, through a team of experts (Expert Group) mainly in charge of revising the medical evaluations carried out by the Ministry of Health (MINSA) and Seguro Social de Salud (EsSalud), with the participation of the beneficiaries' legal representatives.

The Expert Group concluded that the medical evaluations undertaken had been insufficient. Complementary examinations should have taken place, as the information available did not allow a precise diagnosis of the population (among them, the children of Oroya). Nevertheless, the Expert Group formulated individual and collective recommendations to improve the medical and epidemiological situation of the people. Likewise, there was evidence that environmental contamination, mainly produced by heavy metals and metalloids processed in the Metallurgical Complex of La Oroya, had damaged people's organisms in different ways, especially their nervous system, blood tissue, respiratory system, and skin.

Discussions were also held with Peruvian State representatives of the Health and Justice sectors. The purpose was to reach an agreement to improve the conditions for the implementation of cautionary measures and for the Constitutional Tribunal's decisions to be enforced. These decisions were made in 2006 and are still in the process of being implemented. Organizations such as Earthjustice, CEDHA and AIDA, with the legal support of SPDA, formulated a petition to the ICHR in March 2009. This petition claimed that there is still no diagnosis, medical treatment, or the application of a clear strategy by the State in the face of the social and environmental situation in La Oroya. There are also conflicts occurring due to the standstill of metallurgic activities by Doe Run Peru, the company responsible for executing the Environmental Adjustment and Management Plan, a responsibility established by law to mitigate the negative impacts of their activities. Additionally, the State has not given the necessary attention to environmental damages the city has suffered from the decades-long accumulation of lead particles.

In August, the petition submitted to the Inter-American Human Rights System was approved by the ICHR. During its 135^o period of sessions, the ICHR issued a ruling recognizing the right to life, personal integrity, honor and dignity, thought and expression, legal guarantees and legal protection; all of which were being compromised and affected by environmental pollution in La Oroya, as a result of non action by the State.

The lack of attention and State responsibility, evidenced by a new extension granted in favor of the Doe Run Company to comply with the Environmental Remediation and Management Plan (PAMA) in La Oroya, is one of the aspects that was analyzed during 2009 and should continue throughout next year.

At present, a revision of medical information of people of La Oroya is in process. SPDA is monitoring the process as part of its responsibility in defense of the interests and rights of the people affected. SPDA will also be vigilant of the state's audits on Doe Run's compliance with the PAMA.

SPDA has confronted the problems surrounding La Oroya Metallurgical Complex with the financial support of the Interamerican Association for Environmental Defense (AIDA), with whom SPDA has joint interests in seeing improvements in environmental and public health come to fruition in favor of the population in La Oroya.

The case of the Inambari Hydroelectric Project

In mid 2008, Peru and Brazil signed an agreement for energy integration, agreeing on the possible construction of 17 dams in Peruvian territory. Immediately after, EGASUR Brazil was temporarily chosen to carry out studies for the Inambari Hydroelectric Project, to be constructed in the limits of Puno, Cuzco and Madre de Dios.

Given SPDA is well informed about the recommendations of the World Commission on Dams and the violations this type of mega project can cause due to the lack of transparent and participatory environmental impact studies, SPDA has been monitoring actions carried out by the company and the Peruvian State (mainly the Ministry of Energy and Mines and the Ministry of Foreign Affairs).

The Communications Program of SPDA also collaborated in awareness raising efforts in regards to the Inambari mega-project. The work has been included in the Yearly Work Plan of the Madidi Landscape Conservation Area Project and will soon initiate activities with the Wildlife Conservation Society.

The case of the quality of zinc and carbon batteries

The quality of materials in zinc and carbon batteries is a necessary condition to guarantee inoquity during their use and the mitigation of environmental impacts until they are discarded.

Since 2005, Peruvian norms require the metallic wrapping of batteries to efficiently and for a prolonged period isolate contact with the toxic content in these types of batteries. At the end of 2008, one importer began a procedure before the National Institute for the Defense of Competition and Protection of Intellectual Property (INDECOPI) to annul this legal obligation. Together with the National Society of Industries, SPDA is collaborating to defend the right to live in a healthy environment that is adequate for life.

SPDA's intervention has focused on the defense of the right to live in an adequate and well-balanced environment, as part of the procedure followed before INDECOPI. INDECOPI has remained silent and has not issued its decision in this para-tariff case.

SPDA plans to continue monitoring this case and disseminating information on the negative impacts of zinc and carbon batteries without a metallic wrapping, in order for the population and competent authorities to understand health and environmental related implications and take the necessary actions to safeguard citizens health and environmental interests.

The Program for the Defense of the Public Interest hopes to continue working in the following lines of action:

1. Promote the improvement of policy, normative and institutional frameworks linked to the defense of the public interest on the environment. Mainly, seeking to encourage the use of existing legal instruments and support capacity building in entities with environmental supervision and control competences, including the Agency Assessment and Environmental Control (OEFA) and Special Prosecutor for Environmental Crimes; as well as cooperate with regional offices on environmental matters. Likewise, work will be undertaken in relation to these new entities and their operations.
2. Work in the defenses of cases with socio-environmental violations.
3. Influence cases where preventive actions to defend environmental rights may help to avoid or manage possible socio-environmental conflicts.





1.4. FORESTRY

Throughout 2009, SPDA's Forestry Program focused its work on improving the regulatory and institutional framework linked to the forestry heritage and ecosystem services they provide. At the same time, SPDA sought to generate capacities and assist key actors with the objective of improving decentralized and participatory management of forest ecosystems.

The main lines of action for SPDA's Forestry Program have been:

- Support the National Forestry Authority, Environmental Authority and some regional authorities to improve forestry governance in the country, as well as generate a model of development for standing forests.
- Analysis of the regulatory and institutional framework for the promotion and establishment of mechanisms for the Reduction in Emissions from Deforestation and Forest Degradation (REDD) in Peru.
- Analysis of the problems derived from the change in the use of soil in forest ecosystems.
- Analysis on the viability of forestry management units and their connection to the sustainability of conservation corridors in specific parts of the Peruvian Amazon.

Outlined below are some of the most important issues regarding these points:

Encouragement of forest transparency

A central issue in the debate on the suitability of forestry and wild fauna legislation, its application and enforcement, has been transparency with regards to creating and approving new norms, their application, and finally, the management and supervision of their compliance and enforcement mechanisms.

In this regard, the Forestry Program undertook activities in 2009, which included supporting the establishment of an institutional and legal framework to supervise and fight illegal logging, with a decentralized proposal for some Amazon regions such as San Martín or Madre de Dios. In the same way, the Forestry Program sought to provide capacity building for environmental prosecutors in areas where illegal logging is a problem.

Forestry and Wild Fauna Law and National Forest Policy

As part of the Free Trade Agreement with the US, Peru is in the process of designing a new Forestry and Wild Fauna Law and a National Forest Policy. SPDA has upon request of the forestry authority - Forestry and Wild Fauna Office, provided support and advice. The Forestry Program is seeking to develop adequate instruments that generate a path for dialogue with civil society and the principal actors of the forestry sector. The leadership of this process should be taken not only by the national government but also by regional governments.

Finally, the main objective of this process is to build a National Forestry Policy and formulate a project proposal for the Forestry and Wild Fauna Law, in a participative and concerted manner with different actors involved in the use of forest resources at the national level. All this with the consultation of indigenous peoples and other users of forest ecosystems at the national level.

Change of use, deforestation and degradation of forest ecosystems

Deforestation and subsequent changes in the use of forestland to carry out unsustainable activities in surrounding ecosystems has continued to be a concern for SPDA's Forestry Program during 2009.

The main causes of these problems have been analyzed and draft policies, norms and/or regulations proposed to give value to standing forests. SPDA identified typical problems in the forestry sector such as the destruction of forests due to unplanned agriculture or livestock farming, slashing and burning of forest areas, and other causes such as informal mining or activities undertaken without considering the environmental impacts they cause.

The FTA and forestry norms

The Free Trade Agreement (FTA) between Peru and the United States of North America contains a specific annex on forestry management in its chapter on the environment and is significant in regards to conservation and sustainable management of forests.

The obligations in the annex implied that the national institutional and regulatory framework needed to be transformed, and as a consequence, during 2009, the forestry framework has been modified and is being modernized to comply with these obligations and an internal pending agenda. Civil Society and indigenous peoples have been actively involved in this process.

Upon creation of the Forest and Wild Fauna General Office of the Ministry of Agriculture in 2009, SPDA's Forestry Program has contributed to the consolidation of this agency as a technical entity in charge of forestry matters in the country.

Decentralization and forests

As part of SPDA's convictions on the need to reinforce decentralization processes responsibly and in an integrated manner, support to regional governments has been a fundamental exercise and effort during 2009. SPDA established a close relationship with the regional governments of Madre de Dios, San Martin, Loreto and Amazonas, by addressing their specific concerns and requests through consultations, as well as through capacity building in forestry and in assisting in the transfer of functions from the central to regional governments, by conducting different training workshops in Lima and provinces.

SPDA's Forestry Program has continuously accompanied the process to transfer functions related to forestry matters in the case of the San Martin Regional Government. This has included activities such as: the revision and elaboration of proposals on directives to enforce the transfer of forest faculties, support for the preparation of an institutional and normative framework, and attendance of meetings with Central Government representatives (Ministry of Agriculture, National Forestry Authority).

One of the Program's challenges for 2010 is to continue to support the effective transfer of functions in favor of regional governments, as well as responding to support required by the Regional Governments of San Martín and Loreto. The process to formalize the transfer of functions on forestry matters should finalize in November 2009. As a result, the Program's main mission is to accompany these regional governments in properly implementing this transfer of functions.

Consequently, the support given to these regional governments is mainly based on strengthening their management capacities, as well as providing them with expert advice to effectively implement the functions that have been transferred.

Environmental services with an emphasis on REDD

The Forestry Program has been working on the design and implementation of economic and/or financial mechanisms that demonstrate that the conservation of forests is profitable and sustainable. Through this work, SPDA has become a leader regarding the legal issues related to the payment schemes for environmental services.

During 2009, analyses have been completed on the current institutional and normative frameworks of water and forestry resources linked to the establishment of environmental services. Institutional and normative gaps have been identified and legal proposals have been elaborated to overcome these gaps and establish appropriate payment for environmental services schemes. Likewise, during 2009, a REDD legal document was elaborated.

SPDA's Forestry Program also provided Congress and the Executive with legal advice on diverse projects that cover draft proposals presented by different actors. SPDA has actively participated in discussion on environmental services, specifically, on deforestation and forest degradation (REDD) through the Mesa REDD that convenes different actors of civil society. It is important to mention that the Forestry Program has supported different regional and national actors in strengthening their capacities in regards to institutional and normative frameworks and establishing REDD schemes through participatory workshops.

During the past year and a half the Forestry Program has been working for the environmental services schemes to become a reality, and therefore constitute an effective funding tool to undertake conservation activities and/or sustainable forest management. However, there is a need for further activities that promote these types of schemes, and at the same time, continue supporting capacity strengthening in different sectors (public and private) in order for all actors to have clear information.

Projects that have allowed the Forestry Program to undertake these plans are:

- The Project for the Conservation Corridor Los Amigos Tambopata, financed by the Blue Moon Fund, a component of environmental services with an emphasis on preventing deforestation.
- The project for forest transparency funded by the AVINA Foundation.
- Consultancies on the legal frameworks of payment schemes for environmental water services, funded by the IUCN Environmental Law Center.
- A project to support the dissemination of research on the institutional and normative framework for the application of deforestation schemes in Peru, funded by the AVINA Foundation.

Main challenges for 2010 onwards

As mentioned previously, SPDA's Forestry Program will contribute to the formulation of the National Forest Policy process and update the Forestry and Wild Fauna Law, by supporting the forest authority's Forestry and Wild Fauna Office. The Program will work closely with regional forest authorities, mainly in the Amazon, to develop their regulatory frameworks and contribute to the national forestry framework.

SPDA's Forestry Program seeks to contribute to improving the capacities of the Peruvian State and civil society to comply with international commitments related to forestry, such as trade agreements and international conventions, as well as to take advantage of new opportunities, for example, regarding forests and climate change.

Under this line of work, training will be provided on forestry, wild fauna and ecosystem services, mainly for decision-makers, regional governments, and other relevant actors that wish to strengthen their capacities regarding policy and normative frameworks.

Finally, through specific projects linked to conservation and sustainable management of forest ecosystems, conservation and management units, work will be carried out with the users of forests, to improve their capacities in order for them to comply with the law, achieve economic development, and improve their quality of life and consolidate conservation actions. These objectives are to be achieved through incentives such as the compensation for ecosystem services and other benefits linked to the maintenance of forest ecosystems.





1.5. ENVIRONMENTAL POLICY AND MANAGEMENT

Contributions to incorporate the environmental component in the formulation of policy, institutional, and normative frameworks for productive activities

The worldwide energy crisis has led many countries to modify their regulatory frameworks concerning the generation of energy and seek alternatives such as biofuels. In this context, since 2005, the Peruvian government has established a clear policy to promote the production and trade of new energy sources. Thereby, a regulatory framework has been created to promote the development of productive activities, albeit disregarding environmental criteria and sidelining environmental concerns.

In the context of applying policies to promote the production of and trade in biofuels, SPDA was given the opportunity to develop draft norms that include environmental considerations.

SPDA has been working with some institutions, such as the Regional Government of San Martín, to generate specific norms that regulate not only biofuels, but also include environmental safeguards. Other regions such as Loreto have also been included in the work.

The financial crisis suffered around the world, especially in 2009, led many countries, including Peru, to develop strategies oriented towards resisting this crisis. This included promoting policies that streamline new foreign and national investment into infrastructure projects that boost the economy. In this context, the study of the legislation enacted in this context has been one of the concerns and challenges undertaken by SPDA.

The development of this legislation, in the context of promoting economic development, has also had an impact in relation to the behavior of actors and the modification of environmental conditions, which are reflected in the increase in emission of greenhouse gases or in the loss of spaces that constitute natural carbon sinks.

Aware of the need to find a balance between development and reducing greenhouse gases, SPDA has undertaken (together with other civil society organizations in Bolivia, Ecuador, Colombia, Brazil and Venezuela) the challenge of mapping and discussing legislation that affects climate change. Hopefully, viable proposals will be made through discussions and analysis to reduce and manage the emission of greenhouse gases.

During 2009, SPDA has actively participated by making observations on bills promoted by the Peruvian Congress.

In addition, in regards to solid waste management, SPDA and the Peruvian Ombudsman have made an assessment of solid waste management in the Metropolitan Municipality of Lima.

Finally, SPDA has continued to be an active collaborator of different work groups aimed at the development of environmental regulatory frameworks such as the Consulting Committee of the Commission of Andean, Amazonian and Afro-Peruvian Peoples, Environment and Ecology; the Commission for Chemical Substances and Materials; the Commission to Mitigate Climate Change; the workgroup to elaborate Recycling Law No. 29419 that regulates recycling activities, among others.

Contributing to the consolidation of the National System of Environmental Management in the Amazon

The National Environmental Management System integrates principles, norms, technical procedures, and instruments through the Regional Environmental Management Systems in each Department in the country. At the same time, these regional systems are set up through the Local System for Environmental Management of each of the Provincial and District Municipalities. This model allows the generation of well-planned and coordinated policies, norms, decisions and actions related to environmental management and its components, where an improved quality of life is the priority.

During 2009, SPDA supported the Local System for Environmental Management of the Province of Tahuamanu, Department of Madre de Dios. Through this intervention, local environmental management was strengthened considering the conditions and characteristics of this area in the Amazon, incorporating environmental components of the public agenda into the provinces development schemes.

This means that the Province of Tahuamanu can now rely upon a process that is oriented towards administrating, planning, evaluating, and monitoring with greater efficiency their environmental resources, seeking to improve the quality of life of their people within a sustainable development approach.

In this context, the right to citizen participation was promoted, which is fundamental in the consolidation of the dialogue channels and agreement between local representative actors of the public, private, and business sectors and the population in general. This is how, through the Municipal Environmental Commission, a Local Environmental Policy was elaborated and approved, together with other instruments for appropriate environmental management of the province.

Finally, acknowledging the need to incorporate an environmental component in the decisions made by the people to achieve the sustainability of their participation in environmental management, SPDA, through an intense strategy of communication, sensitized citizens by participating in campaigns to raise awareness, distributing among citizens in the Province of Tahuamanu a number of manuals and leaflets, and preparing radio spots for diffusion.

Participation in strengthening and sensitizing authorities in the face of environmental impacts

The impacts on the environment due to human activity and the manner in which they are approached by authorities and the population, are one of SPDA's continued concerns.

A priority for SPDA has been capacity building for authorities and people of the Province of Tahuamanu, with a view of creating awareness in regards to environmental responsibilities. This has been complemented by training the population and local civil society through a communication strategy.

Considering the decisive role of judges and state attorneys in the application of legislation, SPDA has undertaken the challenge of ensuring these actors to address climate change, through training and promoting debate as a means to identify the existing connections between climate change and legal issues. To further this agenda, SPDA, the Judicial Academy, School of Public Prosecutions, Law Institute for a Green Planet, and the National School of Magistracy in Brazil, organized an International Seminar "Law Challenges in facing Climate Change," to present and share experiences in regards to jurisdictional proceedings, directly or indirectly related to climate change mitigation and adaptation.

Analysis and dialogue in regards to public policies on access to and use of natural resources

For Latin America, the globalization process has meant a time of political, social, and cultural change and adjustment. Peru has not escaped from this process. As a country that moves between recognizing economic stability but also acknowledges a situation of exclusion, isolation and limited development in the case of rural sectors, mainly in Andean and Amazonian Communities, complex challenges arise. At the same time, interesting possibilities with a view to future development appear in the horizon.

Access to and use of natural resources has been the most significant source of conflicts in Peru. The Ombudsman Office has recognized that 50% of social conflicts in the country are of socio-environmental nature, and the majority of these derive from the expectations and rights in relation to access to resources such as land, water, forests, and underground resources such as minerals and oil.

In this context, SPDA has initiated a debate regarding legal and policy aspects related to access to and use of natural resources in order to determine possible lines of action to address a problem that if not confronted in an adequate manner, will continue to be the main source of conflict and the violation of citizen's rights in Peru.

Climate change is considered one of the greatest challenges humanity will have to face during the next decades. This will generate significant consequences to the environment, affecting biodiversity, land and the water cycle, and above all, impact mankind and livelihoods. Law has a relevant role to fulfill, in creating appropriate responses (mitigation and adaptation measures).

Peru is among the countries most vulnerable to climate change. Legislation and policy need to be evaluated as they affect the use of land and agriculture, the exploitation of natural resources, among others, as key determinants to encourage or discourage processes of mitigation and adaptation.

In this context, SPDA has undertaken the challenge of creating a methodological tool that determines the effect of public policies and legislation on mitigation, adaptation, and vulnerability of ecosystems in the light of climate change. SPDA seeks to integrate legislation and the analysis of public policies with science and traditional knowledge, so as to respond to the needs and expectations of society in facing the impacts of climate change, and providing citizens with appropriate public policies and legislation.

Access to environmental legislation

Peruvian environmental law has been developing since 1990. Due to this process, environmental legislation has increased considerably. This has made it necessary to develop an accessible and practical tool that interprets environmental laws and regulations and institutional structures in Peru.

SPDA undertook this task, through the elaboration of the Environmental Law Manual, as an input for citizens in general, officials from environmental units in public institutions, and the business sector. Apart from the physical version of this Environmental Law Manual, a digital version will be made available through its institutional website.

Access to information

Principle 10 of the Rio Declaration provides that to develop appropriate governance practices it is necessary to implement the principles of access to information, participation and justice concerning environmental issues. This principle was reaffirmed at the World Summit on Sustainable Development in Johannesburg, where the Partnership for Principle 10 (PP10) was promoted.

This partnership emerges with the aim of implementing in practice the above principle, as well as supporting efforts directed towards achieving transparency in decision-making and making these inclusive in the context of sustainable development.

SPDA has undertaken the challenge of promoting the Partnership for Principle 10 among governmental entities and civil society organizations, with the aim of making compromises for adequate compliance of Principle 10.

On the other hand, aware of the need to strengthen the level of participation in public policy making processes, SPDA promoted dialogue and substantive discussions among regional partners as part of the Access Initiative, aimed towards consolidating a strategy and work plan that strengthens the capacity of advocacy of national coalitions that integrate global efforts at the Latin American level.

Alliances and cooperation

For the different activities carried out during 2009, the Program for Environmental Policy and Management depended on the cooperation and sponsorship of the Embassy of Belgium, the British Embassy, the John D. and Catherine T. MacArthur Foundation, the Law Institute for a Green Planet, the World Resources Institute (WRI), the United States Agency for International Development (USAID), the World Wildlife Foundation INC (WWF-Peru), and CARE International in Bolivia.

Projected work for the year 2010

The successes during 2009 have given SPDA a motive to continue pursuing mid and long-term goals. In this regard, SPDA will work mainly in three lines of action:

1. Strengthening capacities on environmental issues and management by authorities at the national, regional, and local levels.
2. Improving policy, legislative and environmental institutional frameworks.
3. Incorporating dialogue and active citizen participation in environmental issues and policy-making.



2. INITIATIVES



2.1. ACSC INITIATIVE ADVANCING CONSERVATION IN A SOCIAL CONTEXT

Advancing Conservation in a Social Context, ACSC, is a global initiative coordinated by the Global Institute of Sustainability at Arizona State University. Through interdisciplinary research, the ACSC Initiative generates analysis on the complex dynamics that characterize the relations between biodiversity conservation and human well-being. It also promotes potential solutions to overcome the tensions these dynamics often produce. Often, situations emerge that demand trade-offs, while a number of objectives exist that are difficult to reach simultaneously and therefore, priorities need to be determined. Therefore, by focusing research on concrete case studies in different parts of the world, the ACSC Initiative plans to analyze different values, power relationships and institutional factors that determine the need to make difficult choices, which endorse certain aspects and postpone others. The approach focuses on three national case studies: Peru, Vietnam and Tanzania. The Peruvian case is conducted by SPDA. Since 2007, the ACSC Initiative has been promoting reflection on agreements and disagreements through discussion groups, decentralized workshops, research contests for the young students, newsletters, and audio-visual material based on the case studies.

In 2009, activities of the ACSC-Peru Committee were centered on the organization and participation in national and international events, field visits to carry through the case studies, organizing the Second Competition on Research for Conservation and Development for Young Researchers, and drafting and publishing useful documents to enhance the understanding of trade-offs between biodiversity conservation and development. Below is a description of the most important activities.

ACSC-Peru has continued to organize field visits and gather relevant information for pending case studies. Various trips have been taken to San Martín and Madres de Dios.

The visits to San Martín included case studies that promoted bio-fuels at the national level and palm oil monocultures in the Peruvian Amazon, directed by Juan Luis Dammert and Elisa Canziani. Testimonies and documents collected have reported that, as in other cases, the appropriation by a large company of extensions of land being benefitted by other inhabitants generates a socio-environmental conflict. With this and other cases it is argued that in Peru, the conflicts between farmers and companies to benefit from forests and land ownership is generated by the open promotion by the state of private investment, parallel to a generalized mismanagement of territories occupied by colonists.

All these approaches are reflected in the document Bio-fuels in Peru: Elements at Stake, the second part of the series A Question of Perspective. The fact that this newsletter ran out of

copies in such a short time is due to the potential importance of bio-fuels on a national scale and the level of awareness generated through ACSC. The articles that analyze these situations thoroughly are yet to be published.

The trips to Madre de Dios responded to different motives. One of them was a reconnaissance of the Inter-Oceanic Highway South. The journey from Puerto Maldonado to the Brazilian cities of Brasilia and Epitasiolandia included a series of conversations with the inhabitants of communities, villages, and small towns along the highway, as well as with some representatives and officials in order to gather their perspectives on the highway's impacts on existing social processes in the region. Many of them consider this project a gateway to new economic opportunities, but at the same time, think that it will boost deforestation, drug trafficking, and the illegal felling of trees.

Trips to Madre de Dios were also made to begin the investigation *Politics of Translation*, by Nino Bariola and Patricia Dunne. This research attempts to analyze a conservation program and how representations and lectures linked to conservation and development travel through different scales, from those who are responsible for the funding to the beneficiaries, passing through the practitioners. A number of interviews also took place with conservation activists linked to research activities. The promoters of conservation programs in charge of administrating funds and efforts, were interviewed in Lima and New York. All this has shed light on how a conservation program that is successful and well estimated by beneficiaries, by importing development conceptions and conservation models of the North, produces certain dependency and produces ideologies that undermine their potential to generate substantive social changes in the region. To culminate the collection of information, two more trips to Madre de Dios are planned between April and July, and one more visit to New York. This is a collaborative research project with the Center for Integrative Conservation Research (CICR) of the University of Georgia.

Besides these field trips, research on the Inambari Hydroelectric project was initiated, for which Ernesto Ráez was hired as a consultant. Mr. Ráez leads the discussions with Juan Luis Dammert and Nino Bariola. The investigation uses the Integrative Framework, one of the most important projects of the ACSC Initiative, which combines multidisciplinary contributions to provide a framework for research and analysis of processes and practices linked to conservation. The idea of the investigation guided by Mr. Ráez consists of examining the utility and relevance of this tool for a particular case study. This way, the potential and deficiencies in the tool can be identified when examining situations in which trade-offs are needed.

Another aspect to highlight in terms of research is the ethnography of the III National Forum of Natural Protected Areas which took place in Chiclayo. This study will provide systematized information from a perspective never before realized for this type of event in Peru. This may be very useful for the Peruvian Conservation Movement, since it will expose the issues of tension and disagreement between different actors, as well as their strengths, based on experiences and shared points of view. The study will also document aspects of the Forum that would normally not be considered in reports or records of the event. Knowing all these aspects will help conservation efforts and development in the country to be more effective.

Finally, the Second Competition on Research for Conservation and Development for Young Researchers took place as a means to stimulate research at the local and regional levels. If the

last competition gathered 29 research proposals, there is no doubt that this year's competition was a success with 71 candidates, four of whom were winners. This time the competition had two categories: 1) Valuation, process and control in decision making on development and natural resources, and 2) Policies on knowledge, speeches and presentations on nature, biodiversity and development in Peru. Winners of the first competition were Eduardo Romero and Jose Manuel Mamani, and of the second competition, Luis Felipe Torres and Sandro Saettone. The scenarios these young researchers will have to analyze concerns the tensions between initiatives that in principle favor human well-being by generating resources and maintaining natural protected areas of different status. To carry through this research, the winners received funds from the ACSC Initiative and are being advised by Nino Bariola.

All the previous research will be published physically or virtually in the coming months. Beside the bio-fuel newsletter already published, we also have the research book Conservation, extractive industries and indigenous reserves: the categorization process of the Sierra del Divisor Reserved Zone. The article "Conservation and extractive industries trade-offs in Latin America" will be coming out soon.

The first of these, written by Bruno Monteferri, Elisa Canziani, Juan Luis Dammert, and Jose Carlos Silva, analyzes the categorization process of the Sierra del Divisor Reserved Zone, mentioning the actors involved, the interests at stake, and the implications of proposed alternatives. It also discusses decision making in these situations and the degree of need to make trade-offs. Finally, it proposes contributions and advice to improve present categorization mechanisms of NPAs.

The authors of the second publication mentioned are Juan Luis Dammert, Bruno Monteferri and Manuel Pulgar-Vidal. They address tensions that arise in the Latin American context between extractive industries of non-renewable resources and environmental conservation goals, and also discuss the occurrence of some particular cases in Peru. This article will be published shortly, in a book published by William Adams.

ACSC-Peru has contributed substantially to the elaboration of various documents of ACSC at the global level, including "Hard choices: Making trade-offs between biodiversity conservation and human well-being," that summarizes the spirit of the findings in research during these years, and will be published in the academic magazine Biological Conservation and the Integrative Framework Manual.

Many of these contributions have been made under the framework of ACSC global workshops. These workshops have been held in Tanzania (on two occasions), Vietnam, Peru and United States, with the participation of the Peruvian team in all of them. The workshop organized in Peru was convened by ACSC-Peru.

ACSC-Peru has also undertaken various advocacy related activities. These included a discussion panel on natural protected areas in the context of tensions between conservation and development, which caught the attention of all participants.

A visit to Peru was organized for Peter Brosius –an anthropologist, director of CICR and member of the global ACSC- to carry out a number of public activities. A work meeting was organized on political ecology with local academics, and a conference, "Discourse, Power and Environment"

with institutional support from the Social Science Department of the The Pontificate Catholic University of Peru (PUCP), where Brosius highlighted important changes suffered by the global conservation movement in the last decades.

In particular, he reflected on the turn of conservation towards a management perspective in a context of neoliberal discussions. He also stressed that conservation is always a political act, given that actions such as determining what activities can be permitted in a certain area are inherently political practices.

ACSC-Peru also participated in November in the Third Congress on Bio-fuels and Renewable Energy (COBERIII). This annual meeting is dedicated to discussion and exchange of information regarding bio-fuels and renewable energy sources, with the presence of main actors involved in energy matters. Juan Luis Dammert was a panelist for the forum "Private Initiatives in the Use of Bio-fuels: Advances and Barriers," together with Angel Irazola, Martijn Veen, Freddy Flores, Luz Tornique, and Miguel Sánchez.

Furthermore, ACSC-Peru had a series of exchanges with the Technical Table on Bio-fuels, led by the Bio-fuel Program of the San Martin Region (PROBIOSAM). ACSC-Peru participated in work meetings to establish the PROBIOSAM Strategic Plan and made recommendations through discussion groups via the Internet, maintaining a constant link with its members.

Aside from this, ACSC-Peru participated in preparing the National Agroenergy Plan, of the Ministry of Agriculture (MINAG). This document was discussed among a group of experts, who refined and validated the proposal. ACSC's contributions were oriented towards highlighting the need to incorporate environmental and social considerations in bio-fuel production. In the plan's socialization process, MINAG convoked ACSC-Peru to participate in a similar session in Piura, with local actors. The plan is in its final stage of consultations and reviewing comments from regional governments involved in bio-fuel production.

The ACSC Initiative is a good vehicle to express SPDA's interests to a broad set of actors, whilst at the same time benefits from SPDA's own specific programmatic activities. ACSC's ideas are slowly being absorbed by different actors of the conservationist movement and are acquiring relevance in the eyes of some State actors. However, this process still requires continued efforts and, in this regard, 2010 is a crucial year.



2.2. INITIATIVE FOR CONSERVATION IN THE ANDEAN AMAZON (ICAA)

The Initiative for the Conservation in the Andean Amazon (ICAA), sponsored by the United States Agency for International Development (USAID), is a five year program (2006-2011) that brings together the efforts of 21 public and private organizations working in the Amazon regions of Bolivia, Colombia, Ecuador, and Peru, with the goal of building constituencies and agreements which promote the sustainable use and conservation of biodiversity and environmental services of the region.

The initiative is organized through four ICAA Conservation Consortia and a Support Unit, to achieve the integration of member organizations. The ICAA Conservation Consortia are:

1. Conserving the Madidi-Manu Landscape of Bolivia and Peru (MMCC), seeking to improve landscape planning and implementation, develop community-based eco-enterprises, and build environmental governance.
2. Indigenous Landscapes (IL), aimed towards strengthening environmental management of Indigenous lands by building the capacity of indigenous and partner organizations to plan, manage and protect these lands.
3. Strengthening Environmental Management in Madre de Dios, Peru and Pando, Bolivia (M-P), aimed towards reducing the loss of biodiversity and environmental services, and serve as an example of international collaboration on transboundary issues in the Andean Amazon.
4. Sustainable Livelihoods in the Western Amazon, seeking to reduce environmental degradation and improve community livelihoods by increasing the sales volume and revenue of certified sustainable timber, non-timber, agriculture, and tourism products.
5. Support Unit (SU), aimed towards strengthening the Conservation Consortia efforts, promoting the development of alliances and supporting program administration.

SPDA is one of the ICAA member organizations, participating in the Madidi-Manu consortium (see Madidi-Manu) and Support Unit.

The SU is led by four institutions: International Resources Group (IRG), Academy for Educational Development (AED), the Peruvian Society of Environmental Law (SPDA), and Social Impact (SI).

The SU is made up of a group of interdisciplinary professionals and promotes knowledge management, communications, training and performance monitoring efforts, as well as fostering conservation alliances and managing a small grant program. It also coordinates joint

efforts with ICAA on related issues such as infrastructure, climate change, land management and production and sustainable markets.

Training

The training area of the ICAA Support Unit implemented an Exchange Program on Indigenous Experiences for Conservation (CEIC), that took place in the Cofán territory (Province of Sucumbios) in Ecuador, the Takana territory (Rurrenabaque, Department of Beni) in Bolivia and the Shipibo territory (Region of Ucayali) in Peru.

The participants of CEIC were able to learn about indigenous practices that contribute to biodiversity conservation and the protection of their territories. In Ecuador, the Cofanes demonstrated how their control and monitoring system worked, while the Takanas in Bolivia demonstrated how communal ecotourism had developed. The forest management and certification experience of the Shipibos in Peru has been of considerable interest too.

The course on Management Models for Sustainable Development in the Amazon that took place in Ecuador, allowed different modalities for tourism and agroforestry to be analyzed. The Rainforest Alliance experience gave participants an understanding of the relevance of environmental and financial sustainability when undertaking productive economic activities and services.

A course was offered in Lima, on “Economic Tools for Conservation”, in alliance with the Conservation Strategy Fund (CSF) and the Pacific University, to analyze aspects such as environmental valuation, economy of natural resources and statistics applied to environmental conservation.

Finally, during 2009, an online methodology was used to develop long distance training courses that cover two subjects of concern in the Andes Amazon Region. The courses offered were IIRSA Fundamental Notions, for which more than 100 people registered, and Climate Change: What will happen in Copenhagen? with a massive participation of more than 900 people.

The long distance training methodology allowed for an important percentage of indigenous participation, albeit access to technology is quite limited for this important social group in the region.

The following box quantifies training results reached during 2009.

| Persons trained by the ICAA Support Unit during 2009 | | |
|--|------------------------|--------------|
| Classification | Number of Participants | Percentage % |
| Men | 687 | 52 |
| Women | 624 | 48 |
| Total | 1311 | 100 |
| Indigenous Men | 154 | 75 |
| Indigenous Women | 51 | 25 |
| Total | 205 | 100 |
| ICAA | 124 | 9 |
| No-ICCA | 1187 | 91 |
| Total | 1311 | 100 |

Working groups of the Support Unit

During 2009, working groups regarding infrastructure and land management continued supporting capacity building and the generation of dialogue through civil society networks in the Andean Amazon. The ICAA Support Unit provided assistance to the ICAA Consortia in the enforcement of policy advocacy actions in the decision-making processes of both matters.

At the regional level

Recommendations were sent to the Guidelines for the Civil Society Consulting Group – ConSOC of the Inter-American Development Bank (IDB). An important contribution was made to make viable the participation of civil society in bank operations that are related to the adoption of policies and implementation of megaprojects that would significantly impact the environment.

This year, an Interinstitutional Cooperation Agreement was also signed with the Coordinator of Indigenous Organizations of the Amazon Basin (COICA), in order to build capacities on conservation matters in the Andean Amazon. The signees of the Agreement were COICA, Wildlife Conservation Society (WCS), ICAA Support Unit and The Nature Conservancy (TNC).

A Diagnosis on Land Management and Climate Change was elaborated in Bolivia, Ecuador, Colombia, and Peru that contains an assessment on the state of the matter, and highlights the conceptual approaches, regulations on land management, best practices and lessons learned, tendencies, and key issues in the four countries. This document will serve as input for the working group activities.

At the national level

Ecuador: Coca Codo Sinclair Hydroelectric Project

SPDA has followed closely details of this hydroelectric project, participating, along with other civil society organizations, through meetings with the project's promoters and national competent authorities. This has helped to create conditions of transparency in the implementation of the Coca Codo Sinclair project, taking into account that the town of Cofán will be directly affected by this project. The Indigenous Landscapes Consortium was also assisted in preparing comments for the Environmental Impact Study of the Coca Codo Sinclair Hydroelectric Project presented to the Ministry of the Environment for Ecuador.

Peru: Pucallpa-Cruzeiro do Sul Interconnection Highway

In the context of support for the Regional Control Group of Megaprojects in Ucayali, workshops were held together with the Indigenous Landscapes Consortium, on capacity building and planning in native communities of Flor de Ucayali (during the month of March) and Santa Rosa de Tamaya Tipishca (during the month of June). The workshops trained and informed indigenous communities of the possible impacts from projects prioritized by the Pucallpa-Cruzeiro do Sul Interconnection (Brazil). As a central aspect, the workshops analyzed the environmental and social evaluations and discussed how to create an environmental management and impact control system. As a result of both meetings, Local Monitoring Committees of Megaprojects of the Utiquinia and Abujao river basins were organized.

Madre de Dios – Pando Region

Activities for these regions are focused on supporting participation in decision making associated to infrastructure megaprojects planned or implemented in the region: namely the Interoceanic Highway South, Inambari Hydroelectric Project and North Corridor of Bolivia. The working groups seek to ensure respect for social and environmental standards in the implementation of the projects. This policy advocacy takes place both at the national and regional levels, with the support of ICAA and institutions of organized civil society that work in the Madre de Dios-Acre-Pando (MAP) zone.

A technical meeting took place in March on scenery modeling related to the construction of infrastructure projects in Madre de Dios, Acre and Pando. A book was published in June: "Diagnosis of Integrated Impacts of the Inter Oceanic Highway South in the Madre de Dios Region," written by Lourdes Fernandez, an environmental expert. The idea of this publication was to reflect and produce reactions from governmental authorities and civil society to mitigate these impacts.

In August, a discussion document was presented, sponsored by ICAA: Analysis of the Socio-environmental Conflicts from Infrastructure Megaprojects in the Andean Amazon and in Peru. A symposium was also organized: Sustainable Hydroelectric Development in the Amazon and Case of the Madeira River Basin (Bolivia, Brazil, Peru). The meeting offered an integrated view of ecological and political challenges and opportunities that the Amazon region faces, due to the accumulation of infrastructure highway and hydroelectric megaprojects, promoted by the IIRSA Initiative and Brazil's Accelerated Growth Plan. ICAA supported the systematization of information to be diffused among stakeholders.

The Regional Forum on the Inambari Hydroelectric Station took place in Madre de Dios in November 2009. It informed people about the scope of influence (direct and indirect) the Inambari Hydroelectric Project may have, its socio-environmental impacts and mitigation measures. The forum was organized by the SU, Madre de Dios Regional Government, National Amazon University of Madre de Dios, the M-P Consortium and Civil Society Workgroups for the Inter Oceanic South.

Finally, in December the workshop "Challenges for the Future of Artisanal Mining: Environmental Management and Dignified Work" was organized. The workshop's aims were to exchange experiences and proposals that would contribute to adequate environmental management and respect for dignified work in decision making processes related to artisanal mining, mainly regarding the Madre de Dios case.

Small Grants Program

The ICAA Small Grants Program is a component of the SU that funds projects and activities aimed towards building the capacities of indigenous organizations and promoting the conservation and sustainable management of biodiversity conservation and natural resources in the Andean Amazon.

The main activities that the SGP is funding include:

Land management: Land demarcation, geographic information system, mapping, legal registers of their organizations, creating a life plan, leadership, regional seminars, exchange of experiences, etc.

Communication: Developing communication tools, diffusion through radio programs (to more than twenty thousand people) on sustainable management and biodiversity conservation, creating web pages, emission and distribution of virtual newsletters.

Organizational management: Institutional strengthening, creating participative manuals on organization and functions, administrative procedure manuals, project management, acquisition and installation of accounting and tributary software.

Gender: The projects have prioritized and oriented activities towards women and young people. A great number of young people who receive training on communication matters are the beneficiaries of these projects, as well as women who participate actively inside their organizations and who will become future leaders.

Alliances have also been built between diverse actors involved in the conservation and sustainable management of indigenous lands, towards strengthening the roles of indigenous organizations in decision making for the Amazon, and promoting the conservation and sustainable management of the natural resources on their lands.

Communications and Knowledge Management

In the Support Unit of the ICAA, work on communications and management is oriented towards dissemination and promotion, exchange of information among ICAA members, supporting actions towards the application of policies and the generation of knowledge. In order to achieve their objectives, the Support Unit provides assistance to the ICAA Conservation Consortia and USAID in the design and development of communication strategies and tools, where assistance and training activities are included.

In 2009, the ICAA communication strategy was updated with the collaboration of all members in accordance to the ACSC progress. The current strategy seeks a human approach for conservation technical activities. It is in this regard that communication tools were generated.

During the previous year, Five Successful Stories was published, reflecting the work of various beneficiaries and their efforts to conserve biodiversity in the Andean Amazon. Five ICAA newsletters were also published, with the objective to report on ACSC advances.

In addition, news related to the Consortium was disseminated. Somos magazine published a special article on nuts in Madre de Dios. The newspaper El Comercio also published articles in the economy section on the same matter and on tourism, thanks to the Support Units contacts. The ACSC Facebook account was opened and launched this year, to strengthen the contact with our objective public.

In order to build the capacities of journalists when covering environmental matters related to the Andean Amazon, the first discussion group was launched for journalists in Peru, titled "ILO

Convention 169: A global and national view". A select group of thirty journalists with a high level of influence were present, and the idea was to provide information on the way to apply this norm in Peru.

With regard to Knowledge Management, in 2009 the renewed ICAA web page was launched: www.amazonia-andina.org. This web page contains more useful information for users and a new section on climate change, with selected information on this matter. Additionally, a bulletin is distributed twice a month to ICAA members and public in general with specialized selected information.

Finally, ICAA has a database that is constantly updated with information on contacts of interest working in the Amazon, who also distribute the ICAA information generated by Communications and Knowledge Management components.

Alliances for conservation

In May 2009, the SU with the approval of USAID, agreed to offer support to the Consortium Madidi-Manu and WCS-Bolivia to promote conservation alliances. The objective was to strengthen the role of the Association of Municipalities in the North of La Paz, by promoting alliances between public actors and the private sector in eight municipalities, as well as promoting and strengthening production and access to special markets for coffee and wild cacao that is produced in the region.

With the cooperation of the SU, WCS-Bolivia elaborated a baseline and diagnosis of the productive level and the trade capacity of producers. These evaluations were later used as a basis to create draft proposals, business plans, and funding options for possible alliances in the coffee and cacao sectors. These activities are still under development and SPDA is waiting for an analysis of the recommendations, as well as the final report by the first trimester of 2010.

Additionally, during the Third Annual Conference for ICAA Members, the SU suggested that financial sustainability and payment for environmental services were among the matters considered by the Consortium. Various external panelists shared their experiences and suggested a variety of opportunities for ICAA members. This helped to raise the profile and level of awareness on alliances for conservation among members, already reflected in their work plans for 2010.



2.3. INITIATIVE FOR PRIVATE AND COMMUNAL CONSERVATION

The Peruvian Society for Environmental Law's (SPDA) Initiative for the Private and Communal Conservation is SPDA's platform for activities aimed towards promoting the proper use of land, through civil society's voluntary commitments and legal certainty of their ownership rights. At present, four legal instruments have been prioritized: Conservation Easements (CE), Private Conservation Areas (PCA), Concessions for Conservation (CC) and Concessions for Ecotourism (CE). SPDA supports the dissemination, promotion and implementation of these legal instruments in order to broaden the coverage of conservation in Peru and ensure better opportunities for the local population. This work is undertaken mainly with support of the Gordon and Betty Moore Foundation and Blue Moon Foundation, and includes providing expert advice to Conservation International South and SPDA's participation in the ICAA Madidi-Manu Consortium.

In the case of PCAs, SPDA has continued to support the institutional strengthening of the National Service for State-Protected Natural Areas (SERNANP), through permanent legal and technical assistance, as well as offering technical cooperation by hiring two experts to work under the guidance of SERNANP. To support DGFFS in regards to conservation and ecotourism concessions, two additional experts have been hired under the same modality. With this, SPDA hopes to contribute to improving the capacity of both public institutions and advising in processes to grant, recognize and monitor the PCAs, CC and CE.

As part of the support offered to SERNANP and the General Directorate of Forestry and Wildlife Fauna (DGFFS), SPDA had various working meetings in 2009 and an inter-institutional planning meeting, in addition to its contribution to promoting specific conservation policies. SPDA has participated with SERNANP in drafting the new proposal on Complimentary Provisions for PCAs. With DGFFS, SPDA has worked on various legal reports that relate to the implications of approving and enforcing Legislative Decree No.1090, regarding concessions for conservation and ecotourism. This work demanded a number of meetings with the Ministry of the Environment. Competences related to concessions for conservation, transfer of functions to Regional Governments, as well as proposals to adequately undertake a review process were defined. These activities have been accomplished thanks to the Moore Foundation.

With regards to the ACSC Initiative, the III Seed Contest for Private and Communal Conservation Projects was launched in 2009. The objective was to fund, through small donations, projects that implement private and communal conservation legal instruments prioritized by ACSC, namely PCAs, CC and CE or SE. After experiencing great feedback, seven of the best proposals were chosen. The scope of the competition was limited to projects to that were to be developed in the departments of Amazonas, Cusco, Loreto, Madre de Dios and San Martin. The winners were projects that represented the four instruments mentioned and protect more than 36 thousand

hectares of forest. The total amount granted to the winning initiatives was US \$35,000, which came from the SPDA's projects with the Moore Foundation and the Blue Moon Fund.

Under consultancies with the South Interoceanic Initiative (iSur), specifically with the project Action Plan for the Consolidation of the Tambopata National Reserve Buffer Zone in Madre de Dios, SPDA has worked with a total of 16 beneficiaries, 11 initiatives corresponding to the recognition of PCAs, 3 CC initiatives and 2 CE initiatives. This resulted in a total of approximately 5,900 hectares supported by conservation initiatives, including state and private land.

In 2009, SPDA initiated the legal defense of NPAs, specifically in the case of Huiquilla, a PCA that continues to face a number of mining petitions and concessions overlapping its coverage. The Huiquilla PCA and the Great Archaeological Reserve Zone entered the land register as a Restricted Area. In other words, it is the landowner who should authorize the mining activity. SPDA's efforts to legally defend Huiquilla were centered on a report recommending that the National Institute of Culture provide an inventory of the existing cultural heritage, seeking the participation of SERNANP, permanently monitoring the opposition procedure before INGEMMET, and the revision resource executed by the Mining Council, as well as using the media as a means to put pressure on citizens. Documentaries of this case in the television program Cuarto Poder and reports in Aqua magazine were of great relevance.

During 2009, the Conservation Program worked in the valley Los Conchucos (Ancash), supporting the implementation of PCAs in territories of peasant communities in Aquia and Huasta. This initiative included the participation and support of Conservation International and Association Ancash. Its main objectives were the conservation of existing biodiversity in communal territories, as well as supporting the communities of Aquia and Huasta in the reforestation of their land with Quenual (*Polylepis* sp.) trees, and environmental education for the people. These initiatives will consolidate an interesting biological corridor between the Huascarán National Park and Cordillera Huayhuash Reserved Zone.

Questions related to how the management of PCAs and Communal Conservation Areas (CCA) is developed, as well as the problems, threats and obstacles related to this matter and the extent of their progress regarding commitments made by the State, motivated SPDA to work in 2009 on a voluntary monitoring strategy of areas under private and communal conservation instruments. During 2009, a field validation of the assessments, a survey and a work document were undertaken. Field visits were completed this year to new areas located between the departments of Madre de Dios and Cusco, contributing new tools to analyze the information compiled.

A number of workshops took place in 2009, to build the capacity of population's with regards to private and communal conservation, discriminating the potential of these conservation tools, mainly in the Amazon and San Martin regions. Among others things, SPDA organized and participated in workshops to disseminate the III Seed Funding Competition for Private and Communal Conservation Projects in Chachapoyas.; the courses on PCAs for peasant communities in Yambrasbamba (Yambrasbamba Bongará), San Isidro del Maino (Chachapoyas), Copallín (Bagua), Leymebamba (Chachapoyas) and Leymebamba/Palmira (Chachapoyas), in addition to the workshop on the implementation and dissemination of private legal conservation instruments that was organized in the San Marin Region. Around 400 participants were present.

Many publications were elaborated based on work undertaken together with regional governments and private and communal organizations interested in conservation. Illustrative pamphlets, printed flowcharts, research manuals, and technical books, besides a number of audiovisual products have been a key element for the mechanism used by SPDA to gather and streamline information and ideas and for training.



3. COMMUNICATIONS OFFICE



In 2009, SPDA's Communications Office centered its actions on the following:

Press Agency "SPDA Environmental News"

In 2009, the website for environmental information "SPDA Environmental News" www.actualidadambiental.pe was launched, through funding from the World Justice Project and German Development Service (DED).

The Environmental News website is the first Peruvian environmental press agency. Through videos, written reports and editorials, the agency is a portal offering high quality environmental news and material for the media and other interested actors.

At present, the website receives between four and five thousand visits a day from all over the country and various South American, North American and European countries. Alliances have been consolidated with important news portals such as Inforegion (www.inforegion.pe) and Clima de Cambios (www.climadecambios.com), maximizing the scope of information provided by this news source.

Through social networks such as Twitter and Facebook, Environmental News has developed a network of contacts that are continuously up-dated through the information transmitted by this press agency.

Institutional photographic archive

A photographic archive was created in 2009. It is made up of 3000 photographs belonging to the well-known photographer Thomas Mueller, who captures images from a great number of coastal, mountain range and jungle areas in Peru.

This archive is presently being incorporated into a database of SPDA's press agency www.actualidadambiental.pe Through this service, journalists and interested institutions will be able to use a number of images for the development of products related to the promotion of environmental issues.

Work with the media

SPDA's Communications Office has been working for more than two years in a constant and coordinated manner, with different journalists from the most recognized media, offering them advice, input and discussion for them to elaborate their environmental new, documentaries and journalistic pieces. Thanks to this service, in 2009 SPDA has supported more than 200 notes, articles and interviews on cable and open signal television programs.

This has allowed the opinions of SPDA to be present in different debates, and therefore contribute to strengthening environmental management and institutional building issues.

Development of events

In 2009, two important events took place. In September, as part of launching the portal www.actualidadambiental.pe, a discussion panel was held called "Four Perspectives on La Oroya." The event convened 100 people, with the participation of personalities such as Rafael Goto, member of the Interreligious Committee for the Defense of La Oroya; Marco Sifuentes, journalist and director of the blog 'Útero de Marita'; José Luis Capella, Director of the SPDA Program for the Defense of the Public Interest, and Carlos León, Curator and art critic. The event's moderator was the Executive Director of SPDA, Manuel Pulgar-Vidal.

In November 2009, as part of the activities of the Latin American Climate Platform, another discussion took place, "The Peruvian Position and Challenges for COP 15 in Copenhagen," to reflect on the Peruvian position on climate change at the Summit in December in Copenhagen. The event took place at Hotel San Antonio (Miraflores), with the participation of 50 people, and was transmitted and followed on the Internet by 80 people through Environmental News (Actualidad Ambiental).

The event was part of a regional initiative called Latin American Climate Platform, which seeks to inform and contribute to the generation of public opinion in economic, policy, social and environmental decisions in the region. This initiative also seeks to provide with answers from and for Latin America in the face of climate change problems. The results of the discussion were included in a letter presented by the Platform in the COP 15 that took place in Copenhagen.

4. DECENTRALIZED OFFICES



4.1. SPDA OFFICE FOR THE AMAZON / SAN MARTIN PROJECT

The Amazon/San Martin office is supported by SPDA's Conservation Program Projects which encourages the Private and Communal Conservation Initiative, which in turn promotes the implementation of private and communal conservation tools in existing legislation. It is in this context that activities include providing legal advice to different actors in both regions (local governments, public and private institutions and natural persons); granting seed funds to voluntary conservation projects; accompanying local conservation processes; and contributing to preparing technical files and follow up on procedures that need to be undertaken for formal approval for conservation areas, among others.

At present, there is a professional based in SPDA's Chachapoyas office who is responsible for monitoring, disseminating and supporting private and communal conservation initiatives that are undergoing a recognition process, identified in the Amazon and San Martin regions.

During 2009, this decentralized office supported SERNANP in the presentation of three case files that were to be recognized as PCAs, two of which were beneficiaries of the II Seed Funding Contest. As a result of the III Seed Funding Contest, the decentralized office supported three of the chosen proposals. They are elaborating the technical files for them to be recognized as a PCA and to be granted a conservation concession.



4.2. DECENTRALIZED OFFICE SPDA – LORETO

During 2009, the Loreto decentralized office has strengthened its authority in the region through various activities and events that have taken place. One of these has been to provide ongoing expert advice on national NPAs to the Management Committee of the Pacaya Samiria National Reserve. Among the most notable achievements in 2009 was SERNANP's approval of the area's Master Plan, as well as the second management plan for Paiche in the inlet El Dorado, processes in which SPDA – Loreto has actively participated in.

Another activity that responds not only to an institutional commitment but to an important inter-institutional cooperation agreement, is the continued support given to the Loreto Regional Government to implement the Program for Conservation, Management and Sustainable Use of Biological Diversity in the Loreto Region (PROCEL) and regional conservation areas they manage and promote. This also includes collaborative work in regards to environmental management and natural resources administration. The fact that the first regional conservation area in the Tamshiyacu Tlahuayo Region was established in 2009 and that PROCREL now has experts working inside the Regional Government, are important accomplishments that demonstrate SPDA – Loreto's successes to date.

There has also been an emphasis in the promotion and implementation of private conservation initiatives in Loreto, which has permitted SPDA to encourage four important proposals for PCAs in the region. These PCA's have also been the winners of the Initiative for Private and Communal Conservation's seed funding contest.

SPDA Loreto has not disregarded one of its fundamental activities: training. During the year, different public officials, professionals from social institutions and students from different educational institutions in the region have been trained. SPDA's Second Environmental Law Decentralized Workshop for students from two important Law faculties in the region took place.



4.3. DECENTRALIZED OFFICE SPDA – MADRE DE DIOS

The decentralized office of Madre de Dios was consolidated in 2009. It has been a very important component in environmental conservation and public policy generation in the region.

In regards to NPAs, SPDA supported the Tambopata National Reserve (RNTamb.), mainly in regards to the approval of a Management Plan for Brazilian Nuts, the generation of a legal framework for tourism in the Brazilian nut forests, and training for park rangers on interventions and contributions to the community's vigilance plan. All this work influenced the updating of the Master Plan of the RNTamb. In the context of threats that affect the zone (mining and illegal tree felling), support was given to organize the Multisectoral Commission -made up of all state entities that have competences related to this situation- promoted by the Administration and Management Committee of the Reserve, together with the Ombudsman. Intervention operations have been subsequently undertaken against such activities.

SPDA not only participated in the Management Committee of the Tambopata National Reserve (of which we are delegates), but has also been organizing workshops addressing its competences in relation to environmental offenses or appropriation. As a result, Committee members –located in the Buffer Zones (BZ)- are in a better position to defend their agricultural and forestry rights, and with this, the integrity of RNTamb.

On the other hand, in relation to the Interinstitutional Cooperation Agreement with the Madre de Dios Regional Government (GOREMAD), SPDA's actions were centered in: supporting the development of a case file to propose Lake Valencia as a new Regional Conservation Area, and organizing a first meeting to discuss a Regional Conservation System for Madre de Dios.

As representatives of non-governmental organizations in the Regional Environmental Commission (from where intervention operations were also coordinated), SPDA also promoted the institutionalization of the Multisectoral Commission, and through a Presidential Executive Resolution, a Technical Group was created. The Technical Group is formed by entities concerned with the protection of the RNTamb, its BZ and other prioritized conservation areas, with the purpose of determining intervention strategies against illegal activities that affect the Reserve or are a threat.

Emphasis during 2009 was placed on the promotion of private conservation initiatives, allowing SPDA to encourage four important PCA proposals in the region, which are supported technically as files are presented to SERNANP.

SPDA also implemented training workshops on matters related to the custodianship of forest heritage, legal instruments for private conservation, as well as preparations to create the Private Conservation Network of Madre de Dios. The Biophysical Characterization of Madre de Dios, undertaken as part of private initiatives and aimed towards the accurate identification of its potential and conservation of its values is also an important aspect of these efforts.

SPDA would like to acknowledge the support given to other forest sector actors, such as the nut pickers and rubber tappers. In the case of the former, SPDA succeeded with other NGOs, in procuring the first registration of a Brazil nut concession in the Public Registry of Madre de Dios. With regards to the rubber tappers, through SPDA's participation in the Discussion Table for the Consensus Building of Shiringas, the Regional Government of Madre de Dios proposed their official recognition. This derived in the enactment of a Regional Ordinance, generating clearer institutional frameworks for the benefit of these actors, their activities and the forest.



5. ACTIVITIES - CONTRIBUTIONS TO CAPACITY BUILDING



5.1. ENVIRONMENTAL LAW WORKSHOP

Since the Peruvian Society for Environmental Law (SPDA) was founded in 1986, it has been working hard to promote policies and establish an Environmental Legislation. The SPDA is recognized as one of the most important organizations in Latin America specializing in these matters.

During these years, the SPDA has become a law center that is permanently promoting and raising awareness of environmental policies and norms, as well as training experts (members of staff) in different fields of Environmental Law, whose services are constantly solicited at a national and international level, especially as an unavoidable reference point for developing policies and environmental legislation.

On the other hand, based on the SPDA's interest to sensitize and encourage a responsible society to support sustainable development, training courses were offered on Environmental Legislation at the national level for public officials, lawyers and businessmen, as well as local communities and the public in general.

Thereby, between 2001 and 2006, the SPDA has promoted a very interesting and unique experience by organizing and participating in four Environmental Law Workshops for law students. Workshops of this nature had also occasionally taken place from 1991 to 1993, but have been a permanent fixture since 2001. Therefore, the SPDA Environmental Law Workshop has been consolidated as a place for information, discussion, creation, and training.

Taking into account that at present time environmental law is a course given in the majority of law faculties in the country, the SPDA was one of the first institutions to train Law students on this matter and redefined the development plan to be raised at the sixth edition of the workshop that began during the second trimester of 2009.

The strategy of this new proposal is to opt for a more inclusive vision, involving students with an interest in further learning about environmental matters.

The SPDA Environmental Law Workshop seeks to train Law students with regard to the essential aspects of matters related to Environmental Legislation. It also seeks capacity building and generation of leadership, through sensitization, with the objective of promoting the students' future effective participation in national environmental management.

It is important to mention that the main challenge for the SPDA Environmental Law Workshop is for the country's future to be in the hands of younger generations, who are committed to the environment and the protection of surrounding resources.



5.2. PUCP SECOND SPECIALIZATION IN ENVIRONMENTAL AND NATURAL RESOURCES LAW

Description

Since 2004, the Faculty of Law of the Pontificate Catholic University of Peru and the Peruvian Society for Environmental Law (SPDA) have implemented a strategic alliance to disseminate Environmental Law and train lawyers who are interested in this new discipline that is ever-expanding. Four complete courses of the Diploma on Environmental Law Studies were concluded by December 2007.

As a result of demands by students and professionals, the Second Specialization Program in Environmental and Natural Resources Law was successfully launched in 2008. It offers a Specialization Diploma to participants that hold a Bachelors Degree and a Second Specialization in Environmental and Natural Resources Law degree to participants that hold a professional title.

Objectives

The main objective of the Specialization Program is to form highly qualified lawyers that are able to:

- a. Develop preventive measures, in the field of Law, to ensure that environmental rights and responsibilities established in national and international legislation are exercised effectively, by acknowledging the application of different existing legal instruments.
- b. Promote compliance and enforcement of different forms of legal liability as a result of environmental damages, and the utilization of different instruments and mechanisms the law offers.
- c. Encourage the development of Environmental Law, aimed towards consolidating a consistent national doctrine in accordance with Peru's reality.

Study Plan

The Specialization Program proposes four mandatory courses and four selective courses, which can be chosen from a total of six selective courses offered. The structure of the study plan is made up of 24 credits distributed in 2 cycles and a total of 8 courses. The following courses are offered:

| Second Specialization Program in Environmental Law and Natural Resources | | |
|---|--|---|
| Courses | Semester 1 | Semester 2 |
| Mandatory | <ul style="list-style-type: none"> • International Environmental Law. • Environmental quality management. • Natural resources management. | <ul style="list-style-type: none"> • Legal mechanisms and environmental conflict resolutions. |
| Selective | <ul style="list-style-type: none"> • Environmental management and incentives. • Natural protected areas and conservation strategies for sites. | <ul style="list-style-type: none"> • Environment and society. • Environmental management and decentralization process. • Mining, energy and environment. • Forest and water resources: Strategic resources for development. |

Renowned Environmental Law professionals are in charge of all the courses, the majority SPDA staff. Among them are: Ada Alegre, Iván Lanegra, Jessica Hidalgo, José Luis Capella, Lucía Ruiz, Manuel Bernales, Manuel Pulgar-Vidal, Manuel Ruiz, Mariano Castro, Paul Remy, and Rosa Morales.

Accomplishments in 2009

- There was a high demand for the second version of the Specialization Program in 2009. Thirty applicants were admitted, ten students were from PUCP and twenty from other universities.
- Undergraduate students participated in selective courses from the Specialization Program thanks to the Faculty of Law initiative allowing them to accumulate credits and at the same time advance courses in the Specialization Program.
- Twenty-eight students graduated satisfactorily, twenty-three received a Licentiate Degree in Law, specializing in Environmental Law and Natural Resources and five of them, Bachelor of Laws, received a Specialization Diploma.
- In August 2009, the Faculty of Law, with the support of the Peruvian Society for Environmental Law, presented a proposal to create a Masters Degree in Environmental and Natural Resources Law. Hopefully it will be approved in the first semester of 2010.

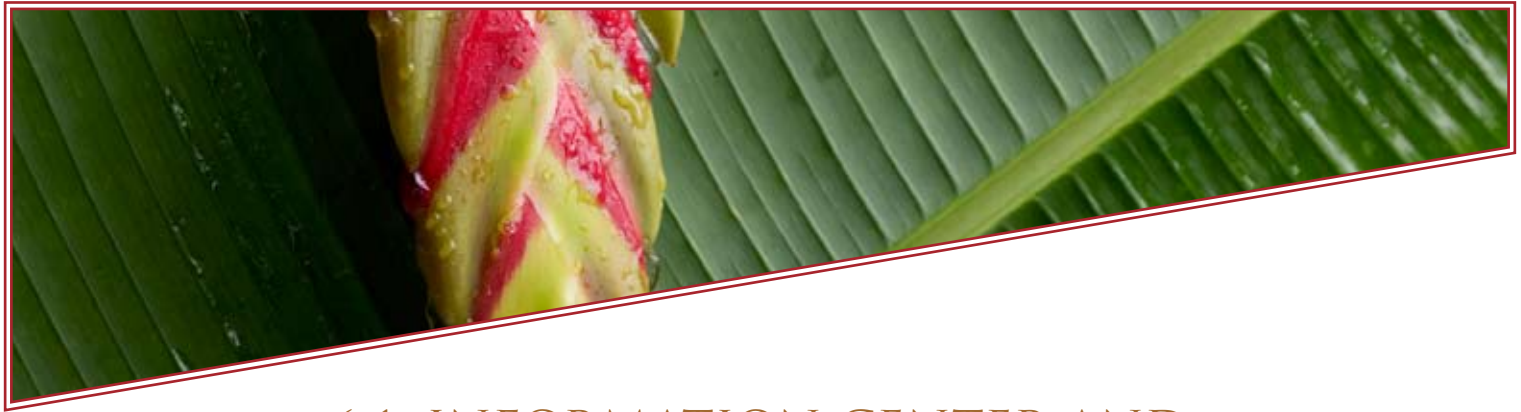
Those responsible for the organization

The organization and coordination of the Specialization Program is a joint venture between the PUCP Faculty of Law and the Peruvian Society for Environmental Law. The work team is made up of:

- PUCP: Guillermo Boza Pró, Study Coordinator and Jackeline Fegale, Administrative Assistant.
- SPDA: Manuel Pulgar-Vidal, Academic Coordinator and Iliana Urtecho, Deputy Coordinator.



6. SERVICES



6.1. INFORMATION CENTER AND PUBLICATIONS

SPDA has an Information and Documentation Center that specializes in Environmental Law, serving researchers, students, national and foreign university teachers, lawyers and professionals in general. It has an automated online bibliographic database on the Institution's web page, containing more than eight thousand bibliographic references. Among them are books, essays, reports and offprints related to environmental law and sustainable development, as well as more than two hundred magazine titles and other periodic publications.

SPDA's Information and Documentation Center has a Legal Database with more than six thousand registries that contain updated information on laws published from 1904 to present. It also has laws and regulations from 1990 and onwards available for users.

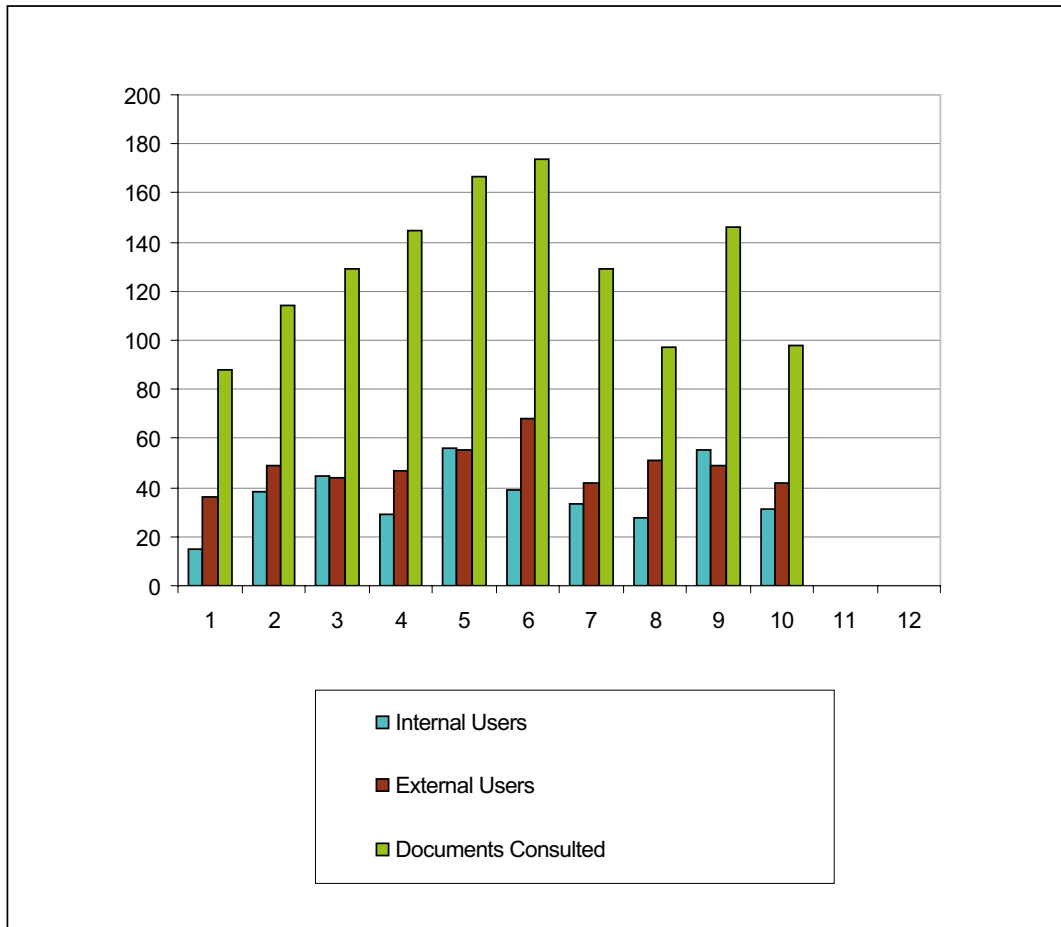
Below are the goals accomplished related to updating and facilitating this service to users:

- Completely transcribing SPDA's first publications from print to digital media, putting them online in the bibliographic catalogue.
- Continuing the Monthly Bibliographic Alert Service, an e-mail alert with the latest publications entered in the Information and Documentation Center.
- The purchase of bibliographic material through exchange agreements with environmental related institutions. More than 250 publications have been acquired for the library.
- The monthly update of the library's online catalogue available on the Web has been continuous and without interruptions.
- Inventory, relocation, cleanup, and elimination of magazines for the Information Center.
- Daily submission of Environmental News to registered users (to date there are have more than 700 subscribers).

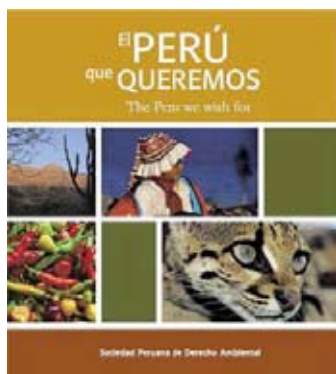
The Information and Documentation Center is also in charge of distributing publications edited by SPDA to different bookstores, for their diffusion and sale, and is responsible for updating and organizing the SPDA's web page.

The attention at the Information and Documentation Center during 2009 has been continuous, with a good response from external users, as shown in the following graphic.

Chart on Reading Statistics

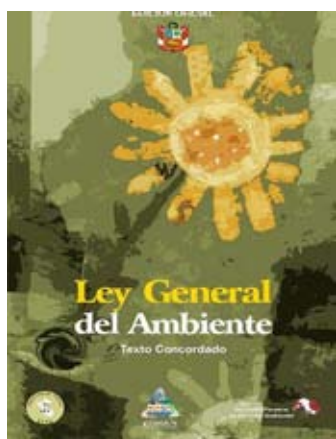


7. PUBLICATIONS



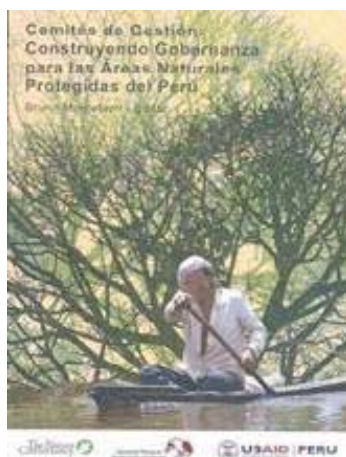
El Perú que queremos / The Peru we wish for

Lima: Sociedad Peruana de Derecho Ambiental, 2006. 164 p.



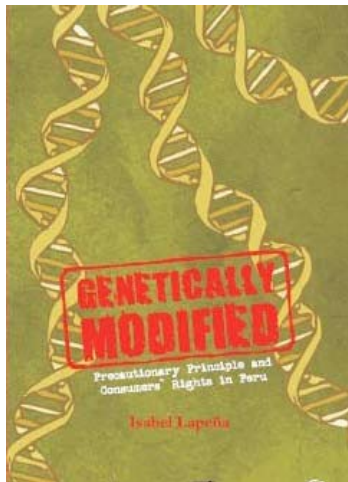
Ley General del Ambiente, Ley N° 28611. Edición Oficial. Texto Concordado.

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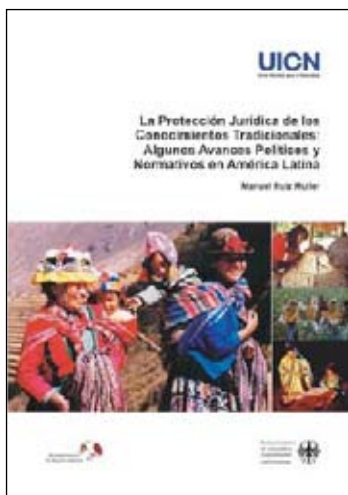
Comités de Gestión: construyendo Gobernanza para las Áreas Naturales Protegidas del Perú

Bruno Monteferri, ed. Comités de Gestión: construyendo Gobernanza para las Áreas Naturales Protegidas del Perú. Lima: SPDA, 2006. 204p.



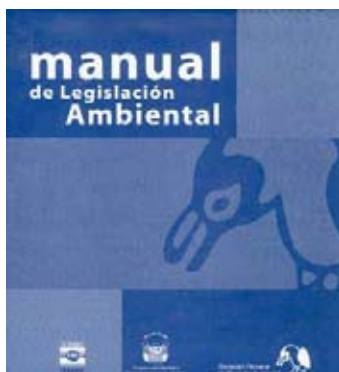
Genetically modified: precautionary principle and consumer's rights in Peru

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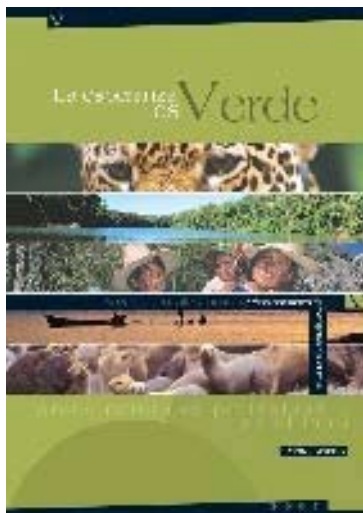
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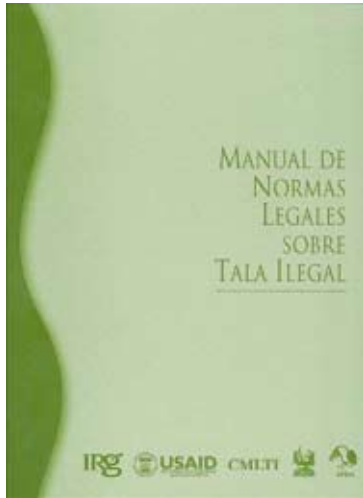
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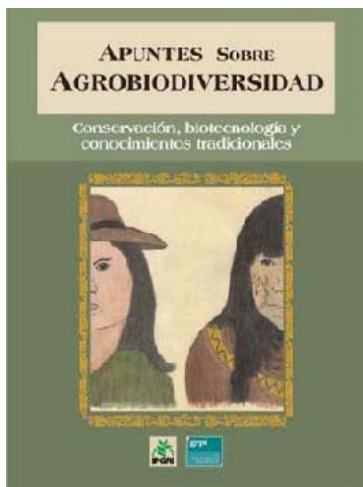
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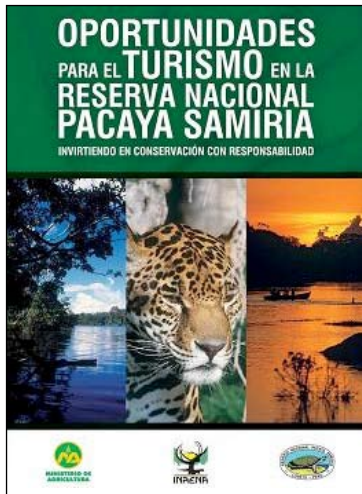
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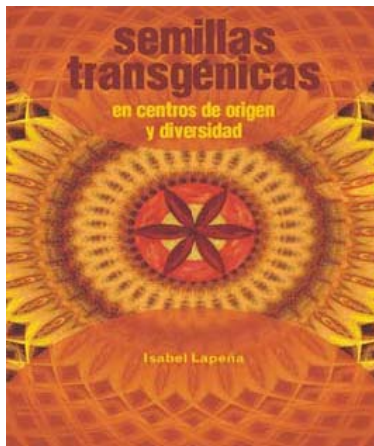
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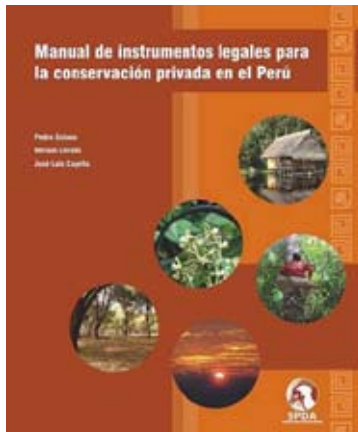
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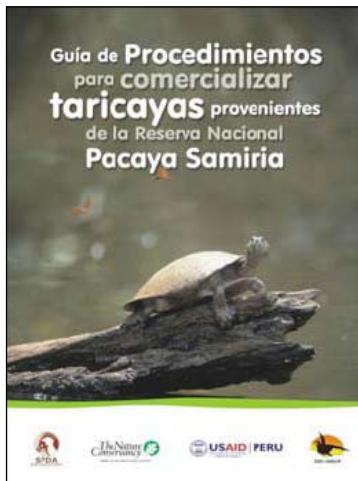
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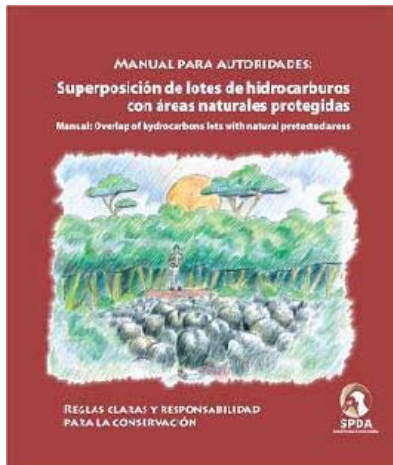
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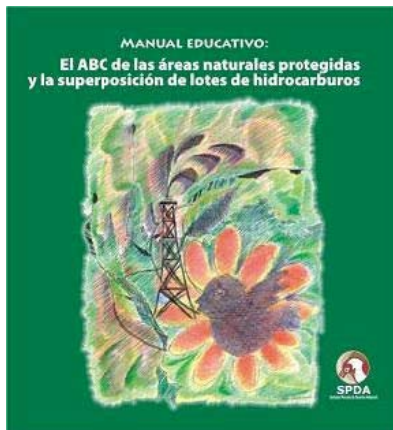
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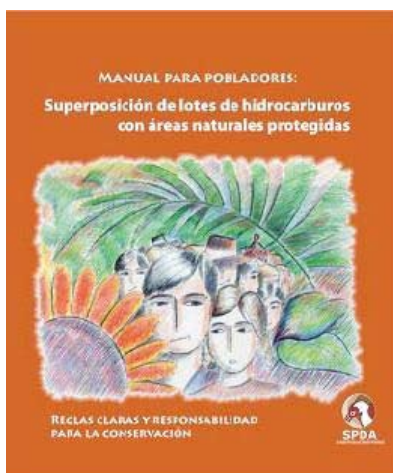
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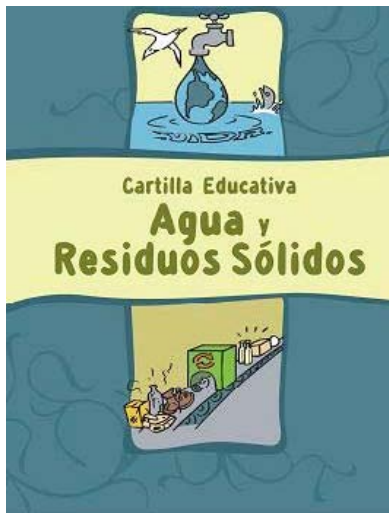
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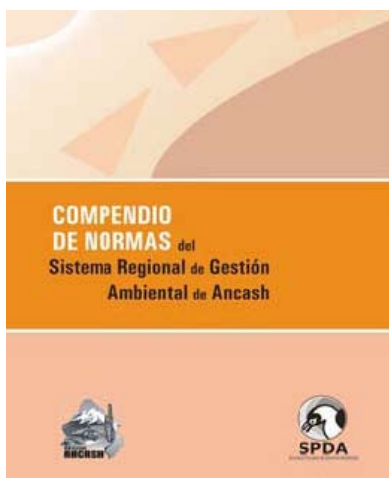
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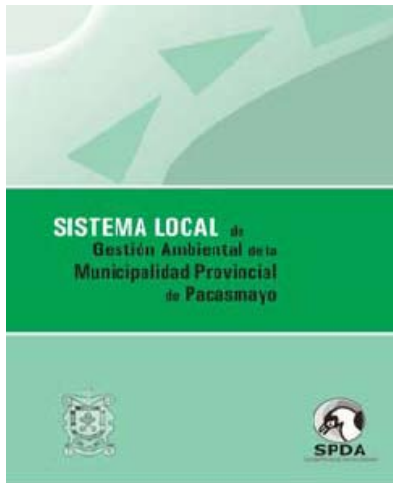
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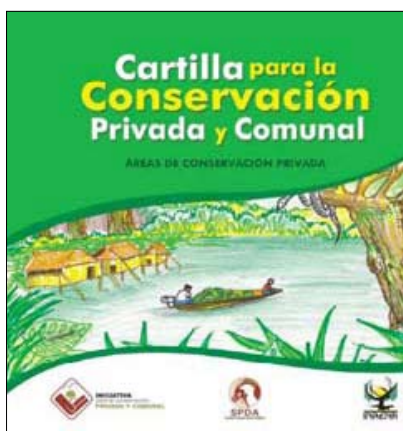
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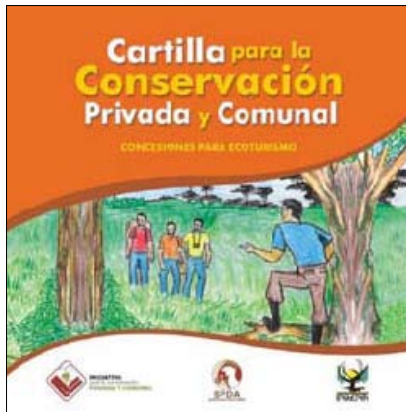
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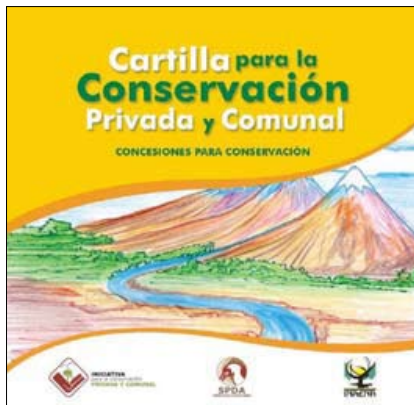
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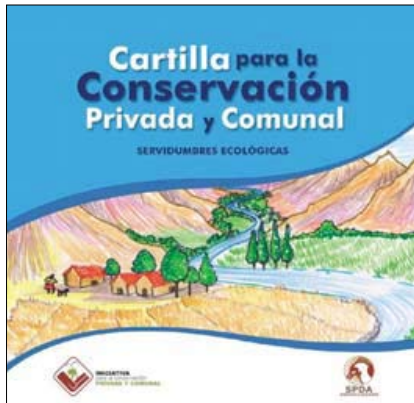
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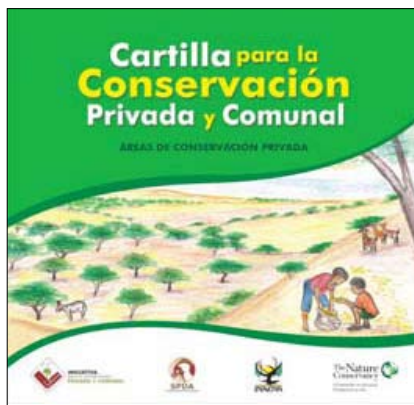
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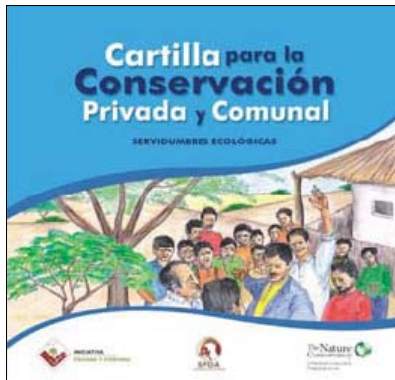
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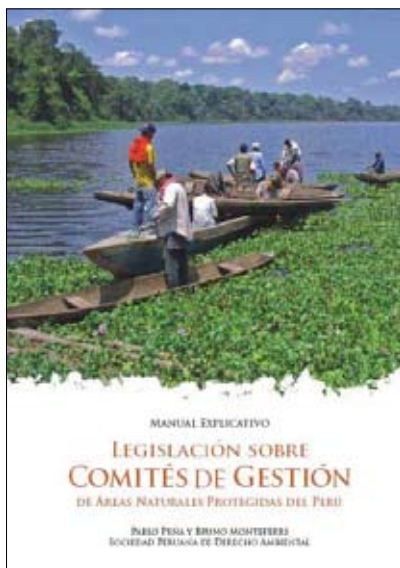
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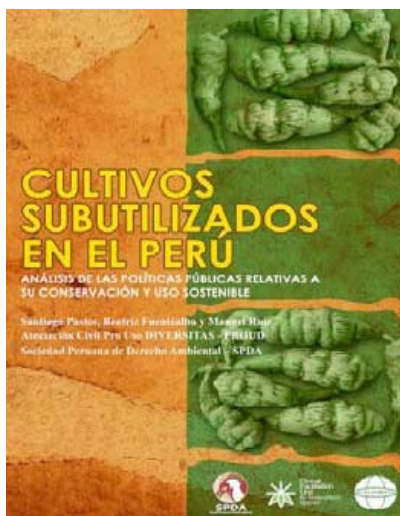
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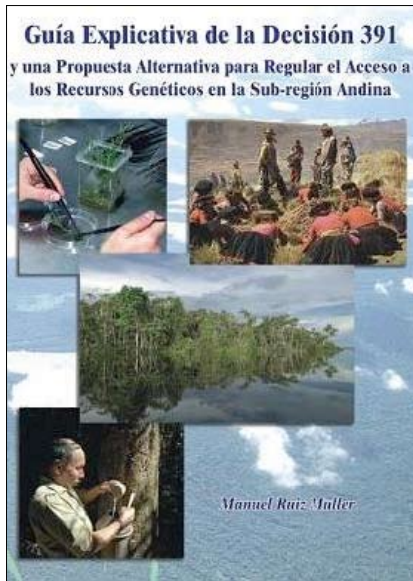
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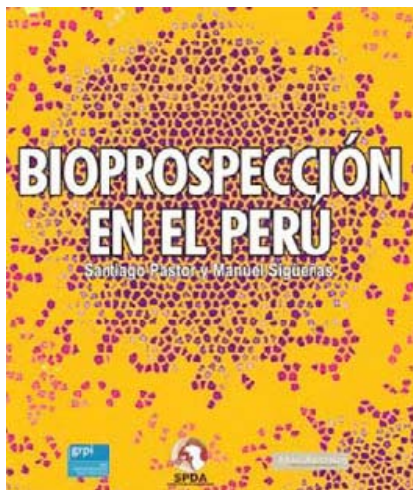
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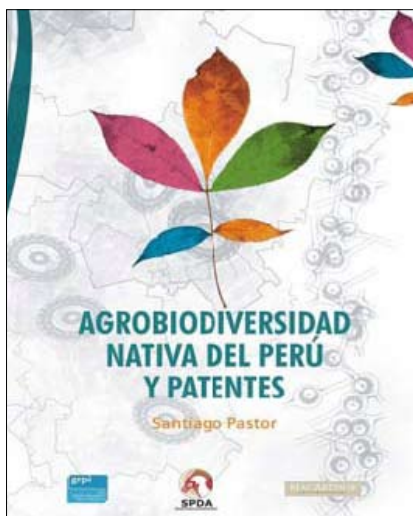
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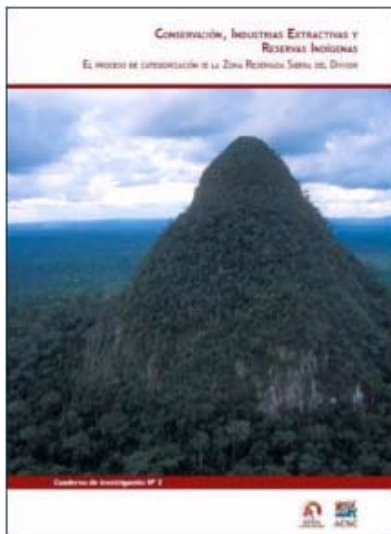
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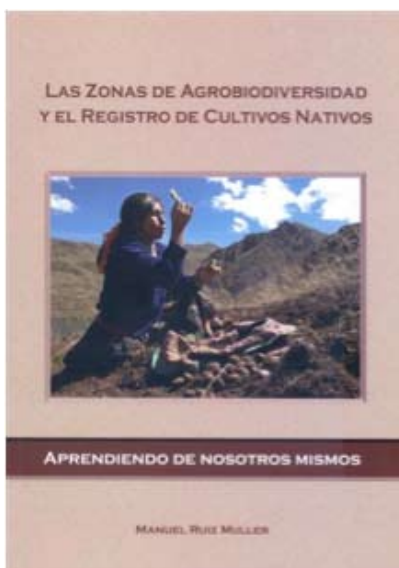
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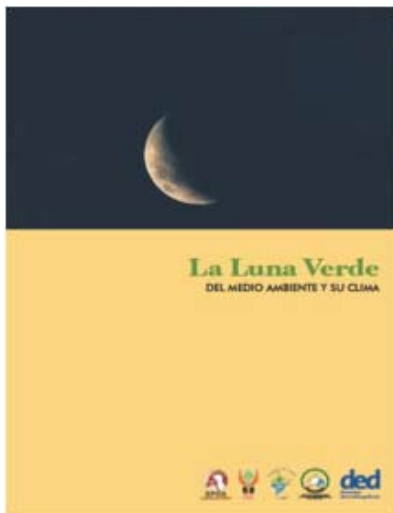
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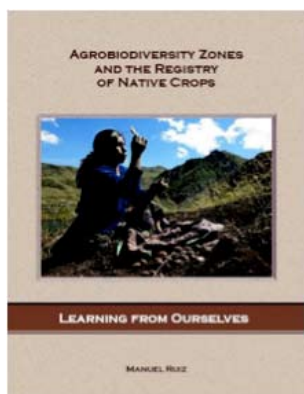
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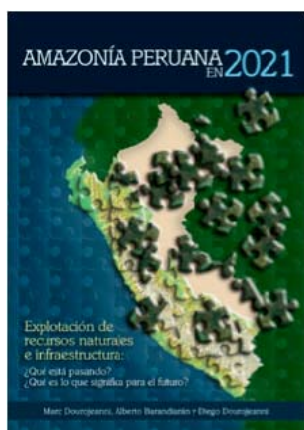
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