

CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES
OF WILD FAUNA AND FLORA

First meeting of the Mahogany Working Group
Santa Cruz de la Sierra (Bolivia), 3-5 October 2001

National reports

PERU

1. Document prepared by the Management Authority of Peru.

THE STATUS OF THE BIGLEAF MAHOGANY (*Swietenia macrophylla*) IN PERU

The bigleaf mahogany (*Swietenia macrophylla* G. King) is the most valuable timber-yielding species in the American Tropics. Most bigleaf mahogany on the international market comes from native forests and is harvested in an unsustainable manner.

Peru has approximately 70 million ha of tropical forests, of which 46 million are used for forest production on an ongoing basis.

Harvestable bigleaf mahogany (*Swietenia macrophylla*) is generally found in densities of one (1) tree per 6 ha, at an approximate volume of 0.2 to 1.25 m³/ha, depending on the harvest area and the type of forest. One study exploring and evaluating species abundance, conducted by the consulting firm Jaakko Pöyry in late 1999, was in the Biabo Cordillera Azul Ongoing Production Forest (BPPBCA), whose harvestable inventory indicates an average volume of 0.083 m³/ha with a maximum of 0.224 m³/ha and a minimum of 0.037 m³/ha. In total, 62,265 m³ of bigleaf mahogany were found.

(1) NATIONAL REGULATIONS FOR CONTROLLING TRADE

Political Constitution of Peru

Article 67 indicates that the State sets national environmental policy and promotes the sustainable use of its natural resources.

Article 68 indicates that the State is obliged to promote the conservation of biological diversity and protected natural areas.

Article 69 indicates that the State promotes the sustainable development of Amazonia by means of appropriate legislation.

Title IX of Legislative Decree No. 613, Code on the Environment and Natural Resources.

Article 39 indicates that the State grants special protection to unique species and to specimens representing the different types of ecosystems, as well as to the germ plasm of the native domestic species. Those species whose survival is threatened or endangered or that are becoming extinct shall be covered by rigorous means of control and protection to ensure that they are conserved.

Article 46 indicates that genetic resources of species inhabiting the national territory are conserved and used for the benefit of current and future generations. It further states that the State prohibits the export of genetic resources in those cases it deems appropriate.

Law No. 27308, Forests and Woodland Fauna Act.

Article 22 indicates a series of measures to ensure the protection of woodland flora and fauna as well as the inventory and assessment of biological diversity.

Article 23 states that the regulations define the categories of species as well as the policies for possessing, harvesting and marketing them, without prejudice to the application of international conventions to which the country is a Party.

Section 31.6 of Article 31 states that forest products and woodland fauna may be marketed domestically and exported by any individual or legal entity pursuant to legal provisions in force and the regulations of the Law. Export in the natural state is prohibited.

Section 32.2 of Article 32 states that the Ministry of Agriculture promotes the voluntary certification of products from forests managed for marketing purposes.

The Fourth Interim Supplementary Provision states that, as of 2005, only products from managed forests shall be marketed domestically and abroad.

The Seventh Interim Supplementary Provision declares a 10-year moratorium from the time that the Act takes effect, on the harvesting of the timber-yielding species of bigleaf mahogany and cigarbox cedar in some Peruvian basins.

The Eighth Interim Supplementary Provision indicates that only processed products, pieces or parts made from the bigleaf mahogany and cigarbox cedar species can be exported.

The Third Final Supplementary Provision states that, as of 2005, only products from managed forests duly accredited by the Ministry of Agriculture shall be allowed to be marketed internally and externally, adding that only forest products with value added may be exported.

Supreme Decree No. 014-2001-AG, Regulations of the Forests and Woodland Fauna Act.

Article 256 states that conservation of forest resources and woodland fauna may include the protection of species and habitats that may require such measures due to their fragility, vulnerability or endangered status, to which end special measures may be established, such as moratoria, bans or regulations, the protection of specific habitats as well as measures of ecological restoration.

Article 261 states that export of lengths of wood and other forest products in their natural state for commercial and industrial use is prohibited, except those from nurseries or forest plantations or those not requiring transformation for final use. Peruvian Customs, in coordination with the *Instituto Nacional de Recursos Naturales* (INRENA, *National Institute for Natural Resources*), establish the measures for control.

Article 265 states that the Ministry of Agriculture promotes the conservation of the genetic resources of wild woodland flora and fauna, dictating the measures to support the conservation of specimens, germ plasm banks, orchards and seed-producing stands of exceptional genetic value, among others.

Article 312 authorizes the export only of finished wood products, pieces or parts made of bigleaf mahogany (*Swietenia macrophylla*) or cigarbox cedar (*Cedrella odorata*), as defined in Article Three of the Regulations of Law 27308.

Article 315 states that the export of woodland fauna and forest products whose trade is regulated by national laws or by international agreements, treaties or conventions to which Peru is a Party must be authorized by INRENA, pursuant to the relevant provisions and the procedures established in the INRENA Sole Text of Administrative Procedures (TUPA).

Article 316 states that INRENA shall grant permits for the export of woodland flora and fauna for commercial, scientific, cultural dissemination and ornamental purposes in accordance with the provisions of the Act, these Regulations and the international conventions and agreements signed by the Peruvian Government on the sustainable use and conservation of biological diversity, CITES and other relevant provisions.

Article 317 indicates that admission into the country of forest products and woodland fauna of foreign origin is subject to compliance with the provisions of forest and agricultural health legislation, Peru's international agreements on biosafety, phytosanitation and zoosanitation and the trade in products from wild flora and fauna as well as applicable tax and Customs provisions.

Article 363 describes a series of forest-related crimes.

Legislative Decree No. 26181. Approves Article 8, paragraphs c, d, f, g, i, k, l and Article 9, paragraph c, of the Convention on Biological Diversity.

Law No. 26821, Implementing Law on the Sustainable Use of Natural Resources.

Supreme Decree No. 013-96-AG.

Article 4 states that the export of raw sawn wood from bigleaf mahogany (*Swietenia macrophylla*) and cigarbox cedar (*Cedrella odorata*) is prohibited and that these woods may only be exported when they have been further processed.

Supreme Decree No. 001-97-AG.

Article 3 specifies the scope of Article 4 of Supreme Decree No. 013-96-AG, indicating that the ban to which it refers is that on sawn cigarbox cedar and bigleaf mahogany and clarifying that the term "further processed" refers to additional processes, such as sizing (with a maximum thickness of 5 inches), moulding, gluing, shaping, turning, carving, laminating, creating joints, veneering, etc., resulting in the manufacture of finished or semi-finished products.

Ministerial Resolution No. 245-2000-AG.

Amends Articles 2 and 3 of Ministerial Resolution No. 0107-2000-AG, which approved new categories of timber-yielding species in the Government forests.

International Conventions

Legislative Decree No. 21080

Approves the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

Legislative Decree No. 22660

Approves the Amazon Cooperation Treaty (ACT).

Legislative Resolution No. 26515

Approves the International Tropical Timber Agreement (ITTA) (ITTO, International Tropical Timber Organization).

(2) VOLUME OF TRADE

Based on statistical information from the last 10 years (Table No. 1), Graphic No. 1 shows that, in the six years between 1990 and 1995, the yield of bigleaf mahogany (*Swietenia macrophylla*) increased, with up to 180,707.00 m³ of round timber and 101,386.00 m³ of sawn timber produced. This can be explained by the selective harvesting to which this species has been subjected. Between 1996 and 2000, a decrease is noted in both round wood

(77,539.00 m³) and sawn wood (68,623.00 m³), as result of the restrictions placed on trade in it, for purposes of conservation.

However, exports recorded between 1996 and 1999 tended to increase, decreasing in 2000 due to provisions arising from the new Forests and Woodland Fauna Act (Law No. 27308). By 2001, with the issue of Supreme Decree No. 014-2001-AG, foreign trade of bigleaf mahogany was restricted to the export of parts and pieces, with nearly 5,768.41 m³ being exported.

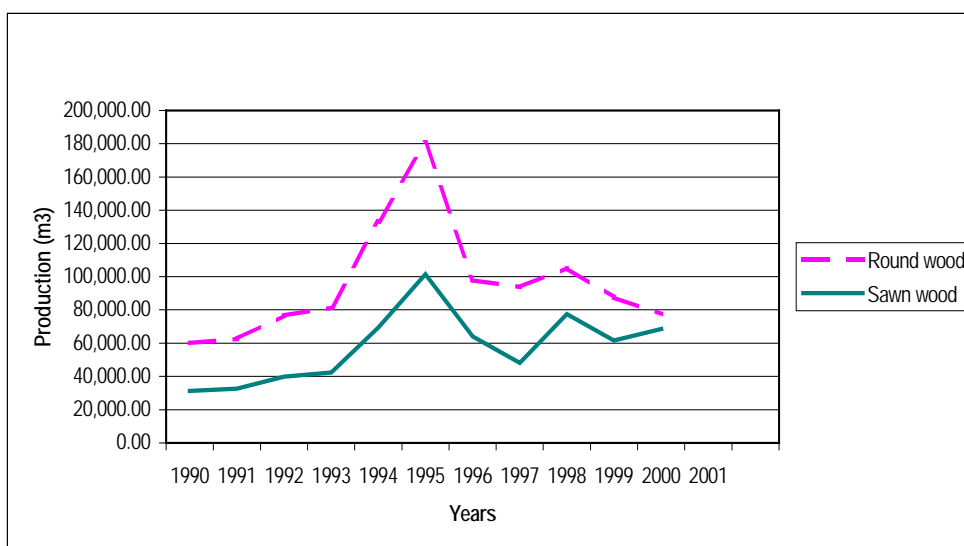
TABLE No. 1
Yield of bigleaf mahogany (*Swietenia macrophylla*)
1990-2000

Year	Production (m ³)		Exports (m ³)
	Round wood	Sawn wood	
1990	60,123.08	31,264.00	nd
1991	62,596.15	32,550.00	nd
1992	76,696.15	39,882.00	nd
1993	81,400.00	42,328.00	nd
1994	133,165.00	69,357.00	nd
1995	180,707.00	101,386.00	nd
1996	97,861.00	64,078.00	12,362.08
1997	93,625.00	48,064.00	26,182.73
1998	105,270.00	77,552.00	40,655.50
1999	87,496.00	61,589.00	51,594.00
2000	77,539.18	68,623.00	51,097.99
2001			

Note: Data for the Year 2000, corresponding to preliminary data

Source: Perú Forestal en Números 1990 a 2000 [Forested Peru in Numbers (1990 - 2000)]. Ministry of Agriculture - INRENA

GRAPHIC No. 1
Production of bigleaf mahogany (*Swietenia macrophylla*)
1990-2000



Source: Perú Forestal en Números 1990 a 2000 [Forested Peru in Numbers (1990 - 2000)]. Ministry of Agriculture - INRENA

(3) PROBLEMS AND SOLUTIONS RELATING TO THE ISSUE OF CONCESSIONS OR CERTIFICATES

To date, pursuant to the aforementioned Forests and Woodland Fauna Act (Executive Order No. 21147), the granting of permits and contracts to harvest wood for areas of up to 1,000 ha has been authorized. Thus, in 2000, INRENA granted 50 permits and 1,431 contracts for an area of 1,419,475 ha and a total volume of 2,938,656 m³ of round timber, covering over 170 timber-yielding forest species. In the specific case of bigleaf mahogany, 18 permits and 766 contracts having a total volume of 107,893 m³ of round timber were granted.

In comparison, volumes of bigleaf mahogany from approximately 32 contracts currently in existence and having surface areas larger than 1000 ha cover an area of 566,774 ha and total 5,086.35 m³ of round timber.

In line with the procedures contained in the foregoing law, an analysis of the last 40 years reveals that we had a negative balance due to disproportionate and highly selective harvesting, which has not only caused ecological problems but may have also endangered highly commercial species, such as bigleaf mahogany and cigarbox cedar. Furthermore, this uncontrolled harvesting has caused problems of soil erosion and loss of land suitable for forests, which are now cultivated land. Failure to replace these forests has caused vast areas to disappear, areas which are now completely abandoned, such as the Upper Forest zone (Chanchamayo, Oxapampa, Pichanaki, Kosñipata, Alto Huallaga, etc.). As for the Lower Forest (nearly all of exploited Amazonia), the failure to implement any management plan at all has resulted in a poor use of forest resources.

Consequently, in accordance with the provisions of Law No. 27308 (Forests and Woodland Fauna Act), new procedures for harvesting timber are now being prepared, in which Plans for Sustainable Management are applied, to solve the

problems listed in the preceding paragraph. These measures will be implemented through forest concessions granted in public auctions for harvest units of 10,000 to 40,000 ha, and through invitations to tender for a contract for harvest units of 5,000 to 10,000 ha for renewable terms of up to 40 years, in keeping with Management Plans.

Within this framework, the first concession process by public auction is planned for the Biabo Cordillera Azul Ongoing Production Forest (BPPBCA), as declared by Supreme Decree No. 050-2000-AG, located in the departments of Ucayali and Loreto and having an approximate area of 984,426 ha. The concession process will be conducted by the *Comisión de Promoción de la Inversión Privada* (COPRI, *Committee for the Promotion of Private Investment*).

(4) ILLEGAL TRADE

The main problem faced is illegal harvesting, primarily as a result of contracts for up to 1000 ha, scattered throughout areas in which timber harvesting is authorized, making control difficult since it is possible for timber to be harvested illegally outside these areas.

Illegal harvesting on the borders with Brazil and Colombia, in basins such as Yavari and Putumayo (particularly fuelled by trafficking in bigleaf mahogany and cigarbox cedar, respectively), the inaccessibility of the zones and the presence of common criminals are problems requiring a multilateral agreement.

Protected Natural Areas, as in the case of the Pacaya–Samiria National Reserve (Loreto), are another source of illegally harvested timber.

Other problems encountered are the forging of documents to transport timber-yielding forest products (Forest Transportation Guides) and the sale of ownership rights, which is prohibited by law.

(5) CONSERVATION AND RESTORATION

The drastic decrease in populations of this species, due to selective harvesting, is more than apparent. One of the few places in the Peruvian forest where it is still possible to find these species is Madre de Dios, which was established as a virgin area a long time ago.

Selective harvesting could be causing the systematic loss of specimens having the best genetic characteristics. However, some conservation units, such as the Manu National Park (Madre de Dios), as well as the Pacaya Samiria National Reserve (Loreto), maintain virgin individuals.

There are currently 45 government-protected Natural Areas covering an area of 10.5 million ha, representing 8.2% of Peru. The policy for these areas is to expand protection until an area of 10% is achieved so as to conserve both flora and fauna.

Furthermore, the new methods for harvesting wood through concessions in which the respective management plans, voluntary certification and other mechanisms described in Supreme Decree No. 014-2001-AG are applied, will ensure the recovery of this species potential in the future.

However, in order better to know the true potential of the forest wood-yielding resources (particularly for bigleaf mahogany and cigarbox cedar), international support is essential to finance programmes aimed at taking a national inventory of resources. Such programmes are not possible with the sources of financing allocated to the INRENA.