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Dysfunctionality of state actors in effective environmental protection of the Peruvian Amazon

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Executive summary

Not only has the sustainable development of the Peruvian Amazon been present in political discourse in the country, but since the 1990s the Peruvian state has been active in the design and promulgation of a broad regulatory and legal framework, the implementation of an institutional structure that encompasses all levels of national, regional and local government, and the increasing allocation of budgetary resources.

However, the results of three decades of state action have unfortunately not achieved the long-awaited sustainable development of the Amazonian territory. Rather, the risks to environmental security persist due to permanent environmental deterioration, socioeconomic backwardness and greater insecurity of the Amazonian populations, and the growth of illicit economies.

This document analyses the evolution of the main legal and illegal economic activities in the Amazon and their impacts on environmental security. It shows how the failure of not having achieved a sustainable development has, on the contrary, worsened environmental degradation.

It also reviews the institutional structure in terms of its action in the Amazonian territory and, in light of the meagre results, identifies the main dysfunctions that limit its actions, recognising that institutional weakness is a structural problem in Peru that is also reflected in other areas of public policy.

Finally, a set of recommendations to reverse this negative trend are proposed. Assuming that the structural problem will not be reversed in the short term, political action is required at the highest level to achieve the results proposed in national policies and their respective strategic plans.

Dysfunctionality of state actors in effective environmental protection of the Peruvian Amazon

Jaime A. García Díaz¹

Introduction

Ever since states recognised the importance of environmental issues and later assumed international commitments, new norms, codes, and regulations, as well as specialised organisations for environmental protection have been introduced in their respective regulatory frameworks and institutional structures (Executive, Legislative and Judicial).

The Peruvian case has been no exception, with greater emphasis since the early 1990s, with structural reforms and advances in economic stability and control of the terrorist advance, a set of regulations and specialised entities in environmental issues have been designed, with the aim of complying with international commitments as well as attempts to develop a sustainable economy.

From the 1990s to date, there has been a constant updating of regulations, as well as a redefinition of the responsibilities of

the agencies, directorates, departments, authorities and, in general, specialised bodies. It is important to highlight that during these last decades, efforts to decentralise the state have also implied the transfer of environmental responsibilities to 25 regional governments, 196 provincial governments, and 1,874 districts.

Although the state's efforts to protect the environment must be recognised, no significant progress has been made until now. The recognised institutional weakness of the Peruvian state, which affects its capacities to provide citizens with adequate services of education, health, security, and justice, as well as the conditions for economic and social growth, is also reflected in its limited capacity to achieve sustainable socioeconomic development with less impact on the environment.

In particular, this frustration has been greater in the case of the Peruvian

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Amazon. In recent decades, the importance of Peru as a megadiverse country has been recognised and greater attention has been paid to our Amazon. However, the dysfunctionality of the Peruvian state is replicated even more within this territory, not only in terms of achieving a model of sustainable development but also in the protection of the Amazon.

This document analyses the anthropogenic activities in the Peruvian Amazon, grouped as follows: productive activities, urban activities, native communities, protected natural areas, and illegal activities. Then, there is an account of their impacts on the environment and on native communities, and the capacity, or incapacity, of the state to achieve a sustainable development and to protect the Amazon is reviewed.

Evidently, the state is not the only actor involved: native populations and their organisations, as well as social, academic and business organisations are also important and there is a shared responsibility between public and private actors, and the population itself. However, this document focuses mainly on the role of the Peruvian state in the sustainable development and protection of the Amazon.

Current Situation

The Peruvian Amazon represents 57% of the national territory, with more than 72

million hectares, according to the National Institute of Statistics and Information (INEI ²), it has more than 4 million inhabitants and is the region that has grown the most in terms of inhabitants in the last 50 years when compared to the coast and the mountains. According to the INEI (2018b) there are 2,703 registered communities that declare they belong to 44 indigenous or native peoples, speak 40 native languages, and register a population of more than 400,000 inhabitants.

Legal economies

The main productive activities are agriculture, cattle ranching, forestry, oil, industry, tourism and services. Economic development is incipient and there has even been a decrease in the important sectors of oil and forestry. The environmental impacts of these activities have not been mitigated, on the contrary, the contamination of water sources and soils has affected the environment and caused conflicts with native indigenous communities.

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The COVID-19 pandemic has also strongly affected the Amazon due to its own

² All acronyms follow the original names in Spanish

precariousness in the health system and the effects on the economy, especially in sectors that had previously had an important dynamism, like tourism.

The chaotic and disorderly growth of the main urban centres in the Amazon also generates problems of contamination due to the lack of treatment of solid waste and sewage, as well as emissions from industry, electricity generation, and transport.

The state has not managed to design and promote the sustainable development of agriculture in the Amazon, and it has not even achieved an acceptable territorial ordering promoted by the ecological economic zones (ZEE).

On the other hand, there are the growing illicit activities of drug trafficking, which involve deforestation for coca crops, the illegal logging of timber species, and illegal gold mining. All of these activities have strong environmental and social impacts that have been impossible to contain.

In a recent article, García (2021) details the main economic indicators and describes the environmental impacts of the mentioned legal and illegal activities in the Peruvian Amazon.

Agriculture has had a disorderly growth and is the main cause of the deforestation of around 2.5 million hectares in the Amazon in only the last 20 years, according to the national forestry service, SERFOR (2020). This activity has

very low yields, with soils of low fertility, which in turn influences the low income of rural families mired in poverty. The rapid loss of nutrients from Amazonian soils causes permanent migrations to new areas, perpetuating an environmentally damaging cycle. The state has not managed to design and promote the sustainable development of agriculture in the Amazon, and it has not even achieved an acceptable territorial ordering promoted by the ecological economic zones (ZEE).

Extensive cattle ranching in the Peruvian rainforest has higher growth rates than in the rest of the country. This form of livestock production implies, just like agriculture, the deforestation of large areas of forests and the subsequent degradation of soils, and productivity levels are low, implying the need to take advantage of the cheapest resource, which is the land. In addition, soil degradation occurs, as indicated by Mora, Ríos, Ríos and Almarío (2017).

Forestry in the Amazon, which has great potential for sustainable development, has failed in Peru. Today it is languishing, and the state has failed to design, implement, monitor and protect a sustainable activity. Despite there being more than 8 million hectares of forests for permanent production by timber concessions, and another 8.3 million in reserve, the forestry sector is in permanent crisis. The overexploitation of highly valuable

species like mahogany and cedar in the past, high levels of informality, the lack of compliance with enacted regulatory frameworks, and corruption, have together negatively impacted the sector. The majority of timber production from the rainforest (66%) is illegal, and the production and export levels of timber products have decreased year on year.

Oil activity is another story of failure. Oil production has fallen from its historical highs of 85,000 barrels per day three decades ago to an average of 20,000 barrels per day in recent years. Today, the outlook is critical due to the environmental liability of more than 50 years of oil activity in the rainforest, which have caused innumerable spills and the contamination of soils and water sources, thus affecting the surrounding native communities, as described by León and Zúñiga (2020). The state has not managed to remedy these environmental disasters and the populations have lost trust due to the recurrent breaches. In recent years, there has been a permanent social conflict between the native communities, the oil companies and the state, not only due to the environmental impacts but also due to the failure to comply with promises of remediation and greater resources to improve the socioeconomic situation of these populations. The truth is that a sustainable development model has not been implemented, despite the real hydrocarbon potential of the Amazon.

Industrial manufacturing activity is very small in the Amazon. Of the 150,000 manufacturing companies nationwide, around 5,000 are in the rainforest. These generally relate to the processing of timber and agricultural products, and to a lesser extent, metalworking and clothing. They are mainly micro and small companies, with 99.5% of the businesses falling into these categories, with low productivity, high levels of informality. Most generate environmental pollution problems with solid waste, liquid effluents, gas emissions and noise. If only 3,500 companies at the national level have approved environmental management instruments, it is likely that very few of these are located in the Amazon.

Population growth and migrations, as well as the permanently expanding agricultural frontier into the rainforest, also influence the disorderly growth of urban centres in the Amazon. Due to a lack of capacity and resources, local governments have not been able to mitigate the effects of urban growth, there is no adequate disposal of solid waste, and domestic and industrial wastewater is discharged without proper treatment into Amazonian rivers and lakes, polluting water sources and affecting the health of the populations.

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Illicit Economies

Drug trafficking is probably the illicit activity that has most affected the environment in the Amazon. For more than 50 years, illicit coca leaf crops have deforested more than 1,000,000 hectares and, in that period, criminal organisations have adapted the coca plant to different ecological levels. From being a plant that was cultivated at altitudes between 800 and 2,000 metres above sea level, mainly in the inter-Andean valleys

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in the eastern Andes, it is currently cultivated in areas only 40 metres above sea level, implying that the potential areas of coca production have today been expanded to most of the Peruvian Amazon, from north to south. Currently, there are around 88,000 hectares of coca crops, with a potential annual production of 800 tonnes of cocaine and sustained growth in the last five years. More than 60,000 tonnes of chemical precursors are used annually which, after making the drug, are discharged into the soils and water sources of the Amazon, a practice that has been ongoing for more than 50 years. In addition, these activities destroy forests in protected natural areas and their buffer zones, invade the territories of native communities and

displace them, and affect the security situation of those territories, according to UNODC (2018).

Illegal gold mining is another of the illicit economies of great impact. In the last 15 years, the price of gold has more than quadrupled, from US\$455 per ounce in 2005 to US\$1,940 in 2020, and around \$1,800 in 2021. This has fuelled illegal gold mining in the Amazon basins throughout the Peruvian rainforest. Romo (2018) reported that, in the Madre de Dios department alone, more than 165,000 hectares of tropical forests have been deforested and, according to Ipena and Valencia (2014) more than 3,000 tonnes of mercury have been dumped, affecting the Amazon basins and causing irreparable losses to the environment and human health. Native communities have also been affected and insecurity in these territories has increased.

Illegal logging has been occurring in the rainforest for decades and was the basis for industrial activities, sawmills and even the export of wood. The national, regional, and local authorities have failed in their attempts to control this illegal activity. Despite the fact that norms and regulations have been implemented, as well as criminal sanctions for offenders, it has not been possible to effectively confront this activity. Beyond the environmental effects of the selective deforestation of timber species and

the destruction of flora and fauna due to the construction of access roads for logging, according to Mujica (2015) there are also cases of labour exploitation and clashes with the native communities affected by the invasion of their territories. Illegal logging has dragged down formal forestry activities, which have today reduced their economic activity to a minimum.

These illicit activities not only affect the environment of the rainforest, they also cause problems of exploitation, including of children, generate insecurity, and promote other criminal activities like human trafficking.

In summary, a sustainable development model has not been implemented in the Peruvian Amazon. The main legal economic activities like oil and forestry are in crisis and have caused serious impacts for the environment and native communities. These activities have also been decreasing, and thus affecting the economy and employment in the Amazon. The other legal economic activities, for the most part, have developed in a disorderly manner and have not been able to incorporate environmentally sustainable approaches. Urban growth is also chaotic and contributes to increasing environmental pollution. In the Peruvian Amazon, it has not been possible to prevent, control, or eradicate the illicit activities described. On the contrary, illegal economies have expanded

in all Amazonian departments without exception, except for targeted and specific cases of successful state intervention.

Regulatory and Institutional Framework

Regulatory Framework

The regulatory framework is extensive and profuse, and considers -for the Amazon and the rest of the country-, the (declarative) promotion of sustainable economic activities, the mitigation of environmental impacts, environmental protection, the recognition of the rights of native communities, and the fight against the illicit economies described.

Annex 1 includes the main milestones of environmental policy and its associated institutions, elaborated by ECLAC and the OECD (2016), which show that the Peruvian state has made faster progress in publishing standards than in complying with them, on issues such as preventing, mitigating or punishing environmental impacts, as well as promoting the sustainable development of the country and the Amazon.

There are the management instruments, especially planning through the

environmental policy and other related sectoral policies that should be aligned, as well as the strategies or strategic plans of public entities at all levels (national, regional, and local). **Annex 2** presents the strategic objectives of the current National Environmental Policy and related state policies.

cases the allocation of responsibilities for more effective action is not very clear.

At the national level, the most visible institutional structure is that of the Executive branch through its ministries, agencies and national supervisory authorities, as well as the Office of the Comptroller General of the Republic. In the last 30 years, specialised institutions have been created, from the National Environmental Council (CONAM) in 1994 and then its conversion to the Ministry of the Environment (MINAM) in 2008, along with new organisations such as the Agency for the Supervision of Forest Resources and Wildlife (OSINFOR) and the Environmental Evaluation and Enforcement Agency (OEFA), also founded in 2008, the National Environmental Certification Service (SENACE) in 2012, and the National Service of Natural Areas Protected by the State (SERNANP) and the National Forest and Wildlife Service (SERFOR) in 2014. Since 1992, with structural reforms, Environmental Directorates have been incorporated into the Ministries linked to economic and productive activities.

The Legislative branch, with its dual role of law-making and political control of the Executive branch, includes oversight. In the Congress of the Republic there is an Ordinary Commission of Andean, Amazonian and Afro-Peruvian Peoples, Environment and Ecology that has, in the field of political control, monitored the public and sectoral policies undertaken by the different levels of government in environmental and ecological

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Institutional Framework

The transversality of environmental issues implies the participation of various agencies of the Peruvian

state at the national, regional, and local levels. This situation makes the achievement of results much more complex, to the extent that responsibilities and functions overlap and duplicate, and in other



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matters, as well as for native communities, and developed inspection and control activities. To do this, they are organised in specialised working groups for different topics.

The Justice System, including important institutions in environmental protection like the Judiciary, the Public Ministry and the Ombudsman's Office which must seek full compliance with laws, crime prevention, and effective and timely sanctions. The Judicial branch is a key actor for achieving the sustainable development of our country by imparting justice. To achieve this objective, in January 2016, the Judicial branch approved the formation of the National Commission for Environmental Management, in order to establish, plan, and execute the National Environmental Policy

and to improve access to, and the specialised and efficient application of, justice in the 33 Superior Courts of the country. The Public Ministry has Specialised Prosecutors for Environmental Matters (FEMA) made up of 54 Provincial Prosecutors across the national territory, including 19 in the Amazon. With national competence, the FEMA were created to prevent and investigate environmental crimes, and their main purpose is the defence of the environment and natural resources, considering that a healthy environment is a basic right. The Ombudsman's Office has an Office for the Environment, Public Services, and Indigenous Peoples and, among other functions, protects the rights of citizens to enjoy a balanced and adequate environment in which to develop their lives, by

supervising compliance with the duties of the state administration.

As indicated by Araujo (2021), in 2020 there were 7,125 environmental complaints registered by the Public Ministry, but only 317 convictions could be issued. He also indicates that the efforts to improve the tools and legal framework to face environmental crimes fail to generate the necessary impacts for the protection and conservation of the environment.

At the sub-national level, the creation of regional governments in 2002 also incorporated into their institutional structures the Regional Natural Resources and Environmental Management Offices, assigning them functions to promote and regulate environmental activities including protected areas, and to verify compliance with environmental regulations. Local governments (provincial and district) also incorporated environmental management structures (Environmental Protection, Environmental Control, Waste Control, etc.) which are also empowered, since 2003, to emit general technical regulations on the protection and conservation of the environment, and to regulate, control and oversee emissions of smoke, gases, noise, and other pollutants of the atmosphere and the environment.

In relation to the illicit economies in the Amazon, **Annex 3** includes the current institutional order established to face these illegal activities, although as was previously mentioned, with few results.

All these state agencies and institutions are present in the Peruvian Amazon, with lesser or greater importance according to their functions and priorities. Despite this, as explained at the beginning of this document, the impact of legal and illegal economic activities have increasingly affected the environment without the state having been able to stop or mitigate environmental deterioration.

It is also necessary to highlight the work of the Comptroller General of the Republic, the governing body of the National Control System and a constitutionally autonomous organisation which is in charge of the control services for the governmental management of the environment and natural resources. Through its annual audits, it accounts for the deficiencies and risks they find related to: regulatory deficiencies, planning deficiencies, deficiencies in execution and operation, and deficiencies in supervision and control.

The National Environmental Action Plan (PLANAA) 2011-2021 and the National Environmental Plan (NPA) to 2030

The PLANAA 2011-2021 is the long-term national planning instrument based on the National Environmental Plan (2009)³, formulated from an environmental situ-

³ Supreme Decree 012-2009-MINAM approved the National Environmental Plan

ational diagnosis and the management of natural resources, as well as the country's potential for the sustainable use and exploitation of said resources. It was developed with a participatory methodology that incorporated actors with environmental competencies and responsibilities at the national, regional, and local levels. It is mandatory for the members of the National Environmental Management System, that is, public entities at the national, regional, and local levels.

This plan, drawn up in 2011, is a clear example of non-compliance with all the strategic goals that were set for the year 2021. The main ones related to the Amazon are:

- 100% of urban domestic wastewater is treated and 50% is reused.
- 100% of solid waste from the municipal area is managed, reused, and disposed of properly.
- 100% of the prioritised cities implement their action plans to improve air quality and comply with the Environmental Quality Standards for Air.
- 30% of rural wastewater is treated and reused.
- 100% of provincial capitals implement plans for the prevention and control of urban noise and comply with the Environmental Quality Standards for Noise.
- 100% reduction in the average annual rate of deforestation for the period 2000-2021.
- 100% incorporation of forests identified as uncategorised to the framework of the current forest ordinance.
- 100% reduction of GHG emissions compared to the year 2000, generated by land use, land use change, and forestry (USCUSS).
- 100% afforestation and reforestation of prioritised zones.
- 100% of regional governments develop and implement strategies for adaptation and mitigation to climate change.
- 100% implementation of the legal regulations and technical documents related to the environmental management of small and artisanal mining.
- 100% of individuals and legal entities that began their formalisation process in 2017 implement and/or have an approved study for their environmental adaptation.
- 100% of the prioritised environmental liabilities have Decontamination Plans prepared and approved.

In July 2021, the National Environmental Policy (NPA) to 2030 was published. Methodologically, it incorporates new global trends and its design was participatory, “developing interactions based on various bilateral meetings and virtual workshops with representatives of the agencies of the Ministry of the Environment, associated public organisations, sectors, regional governments, international cooperation and civil society, including social-based organisations, native communities, campesino communities, and representatives of indigenous or native peoples, who made contributions for the development of the contents...”⁴

The recent PNA 2030 has been better prepared than its predecessor from 2009. However, with a more exhaustive diagnosis, it suffers in terms of why almost all the goals of the PLANAA 2011-2021 were not met, there is only one mention of the ECLAC-OECD 2016 report, and one World Bank document (2007). Although the problems of non-compliance with environmental objectives tend to be structural, the opportunity for a more detailed identification of the institutional dysfunction of the state was lost. The poor results of the PNA are found throughout the public management circuit, from planning, the design of programmes and projects, the allocation of budgetary resources, the execution and implementation of activities and projects, and evaluation and monitoring.

⁴ Supreme Decree 023-2021-MINAM approved the National Environmental Plan to 2030

In the specific case of the Amazon, as shown in the brief diagnosis presented, the limitations and shortcomings of public institutions are greater and, of course, the challenge of achieving sustainable development in this important territory of the country remains.

Public Financing of the Environmental Function

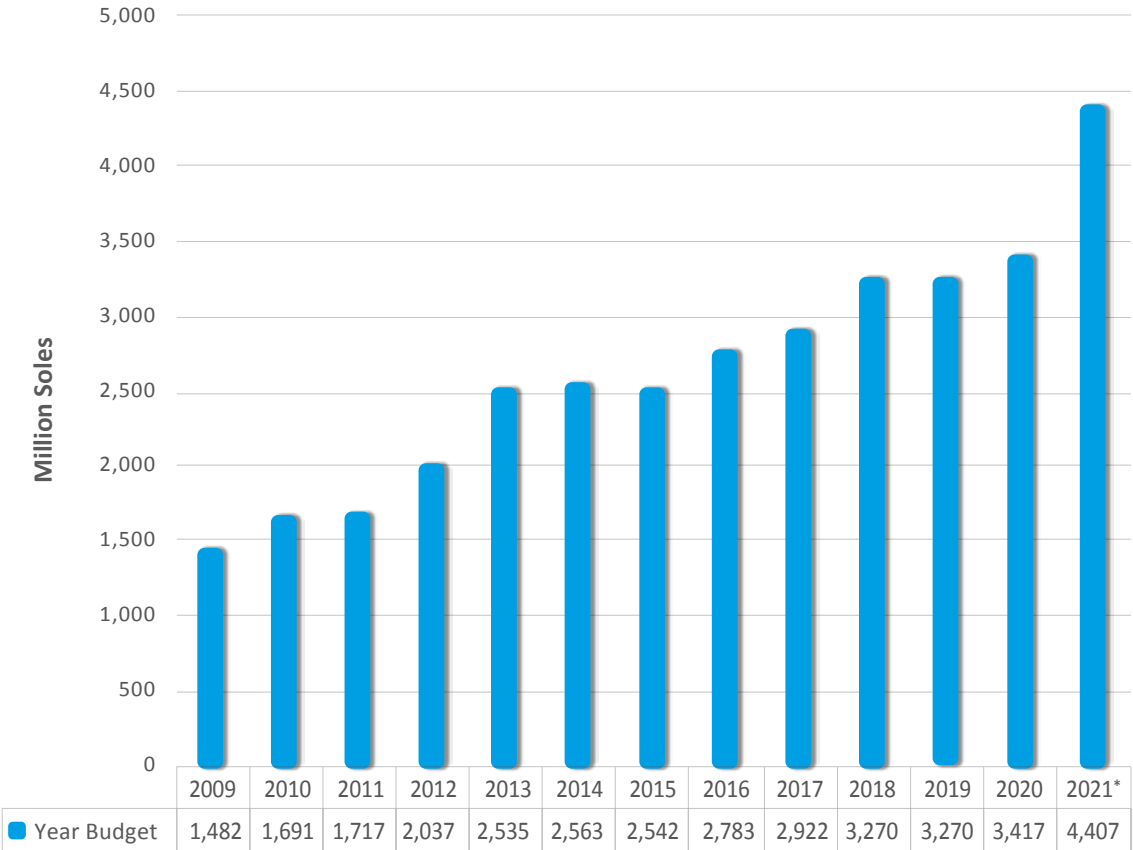
The financing of state policies is an expression of the interest and commitment of governments to supporting their implementation.

Function 17: Environment, of the Programmatic Functional Classifier reveals the allocation and execution of the National Budget of the Republic. In this case, it corresponds to the maximum level of aggregation of the actions carried out to achieve the government’s objectives for the strategic development, conservation and sustainable use of natural heritage, as well as the comprehensive management of environmental quality, within the framework of the National Environmental Policy⁵.

As can be seen in Graph 1, in the last decade there has been a growing public financing of environmental issues, with a doubling of the resources received.

⁵ General Directive of the National Public Investment System Directorial Resolution 003-2011-EF/68.01 Annex SNIP 01

Graph 1: Budget Execution of the Environmental Function of the Public Budget 2009-2021



Source: Ministry of Economy and Finance
 *Institutional budget modified in 2021.

Institutional Dysfunctionality

As has been seen, there are public environmental policies and extensive legislation related to environmental issues in general, and the Amazon in particular, and there is also an institutional structure that covers all powers of the state, including the national and sub-national levels, as well as increasing budgetary resources. But the real and objective situation is that

the sustainable development of the Peruvian Amazon has not been achieved with economic activities that ensure modes of production that reduce environmental pollution and benefit its populations, and even less to control the illicit activities that affect the environment and harm native communities.

A first group of dysfunctionality occurs in the various phases of the elaboration and implementation of public policies, in this case environmental.

But the real and objective situation is that the sustainable development of the Peruvian Amazon has not been achieved with economic activities that ensure modes of production that reduce environmental pollution and benefit its populations, and even less to control the illicit activities that affect the environment and harm native communities.

There are inconsistencies, duplications and gaps in planning, design, budgeting and financing, implementation and evaluation. The different strategic planning instruments of the public institutions that have responsibility in the Amazonian territory are not properly elaborated or aligned, reducing the effectiveness of the interaction of the state organisational structure.

A second group of dysfunctions relates to the comprehensive regulatory framework, as this shows contradictions due to conflicting interests between the different groups that interact in a territory, confronting those who support environmental conservation with those who prefer to promote economic or productive activities. This situation leads to social, environmental, and economic conflicts.

A third group of dysfunctions, which are not independent of the above but incorporate other factors, is the structure of institutional heterogeneity that has been reviewed. Within this intervene a series of factors internal to the institutions themselves, like the lack of financial resources (precariousness) to carry out their functions

adequately, the lack of human resources with the necessary competencies and capacities to act, but also the duplication of functions that creates chaos during interventions and, even worse, the regulatory and institutional gaps implied by non-intervention in the face of environmental, social, and economic conflicts. These institutional dysfunctions are aggravated by the many problems of corruption that paralyse their actions and favour systematic and permanent environmental, social, and economic damage.

Although, as indicated by the World Bank (2007), the efforts of the Peruvian state to have an organisational (institutional) structure to respond to institutional challenges are recognised, limitations persist in terms of: “(a) lack of an integrated system of environmental planning, (b) lack of sufficient management capacity, and (c) little responsibility, monitoring and capacity to apply standards.” This report is still valid 14 years later as the state has not made significant progress.

Recommendations

The dysfunctionality of the Peruvian state in achieving the sustainable development of the Amazon is structural and similar to other areas of public management and other state policies. However, for many years the Amazonian territory did not have the attention of the state, hence its relatively lower development.

The institutional weakness of the Peruvian state is a pending issue that will take many years to strengthen. In the case of the Amazon, the critical situation in which it finds itself requires comprehensive and extraordinary government action. Thus, a set of proposals are put forward to achieve the necessary changes in the shortest term possible:

1. The transversality of the problems of the Amazon, as well as the existing institutional weakness, requires that it receives leadership and political priority at the highest level, that is, from the Presidency of the Republic itself. It must be a presidential priority because, without this, the goals for 2030 will not be met, as was the case with the goals for 2021. In current circumstances, it is not clear if there is truly a political interest in this issue.
2. As explained, a comprehensive intervention is required, including the participation of all the branches of the state and the three levels of national, regional and local government. There is an informal body, the State Council, in which the heads of the Executive, Legislative and Judicial branches and representatives of the autonomous bodies meet. This body could meet, summoned by the President of the Republic, to deal with the problem of the sustainable development of the Amazon. This measure would allow the issue to be put on the institutional agenda of all the branches of power as the highest priority, ensuring greater political attention.
3. Various initiatives seek to draw up a sustainable development plan for the Amazon. In July 2019, Law 30977 for the Promotion of the Sustainable Amazon was enacted, proposing that the Executive branch elaborate a Multisectoral Plan for the Promotion of the Sustainable Amazon. Through Ministerial Resolution 363-2019-PCM of October 2019, the respective working group was created in accordance with Law 30977, made up of the Presidency of the Council of Ministers (PCM), the National Centre for Strategic Planning (CEPLAN), and the Interregional Amazonian Council (CIAM). However, in parallel, the Final Report of the Multisectoral and Intergovernmental Commission for the Establishment of Priority Public Actions for the Promotion of the Sustainable Development of the Amazonian Territories (2019) was prepared. There are clearly plenty of inputs to immediately have a public management instrument that allows the aligning of the various state policies (see Annex 2).
4. Planning is another central aspect of the public management circuit. Having defined the PNA 2030 and considered the related sectoral state policies, it is necessary to update the corresponding plans: the Multiannual Sectoral Strategic Plan (PESEM), the Multisectoral Strategic Plan (PEM), Concerted Regional

Development Plans (PRDC), Concerted Local Development Plans (PDLC), as well as the respective Institutional Strategic Plans (PEI) and Institutional Operational Plans (POI). Above all, at all levels of regional and local government in the Amazon, technical assistance is needed for the effective development of these management instruments. This task must be carried out with the support of CEPLAN to ensure the concordance and alignment of all public management instruments.

5. State action becomes effective through budgetary allocations. For this reason, it is essential that public institutions participate in the budget cycle with their management instruments updated and in order, duly aligned to achieving the provision of financial resources for the corresponding investment activities and projects. Likewise, this should be done through a participatory budgeting process in which the government and civil society jointly intervene. Technical assistance from the Ministry of Economy and Finance is essential, through its User Service Centre (CONNECTAMEF) which provides consultation, training

and assistance to all regional and local governments.

6. Budget execution is another challenge for regional and local governments in the Amazon. Lack of resources often limits the ability to hire suitable professionals to carry out budgeted activities and projects. It is also true that corruption affects the suitable and transparent contracting of the goods and services required, affecting the achievement of institutional goals.
7. Citizen oversight of budget execution must be organised in all regional and local governments, for example, through public accountability hearings that allow social control of public authorities and their performance. Nowadays, there is up-to-date information on budget processes available online, as well as on the government procurement processes for contracting goods and services, that can be audited by the public. These surveillance mechanisms must be promoted through citizen participation programmes that contribute to making public management transparent.

Annex 1

Important milestones of environmental policy and its institutions

Year	Milestone
1920	Creation of the Geophysical Institute of Peru (IGP).
1969	Creation of the National Meteorology and Hydrology Service (SENAMHI).
1981	Creation of the Research Institute of the Peruvian Amazon (IIAP).
1990	Promotion of the Environment and Natural Resources Code.
1992	Signing of the United Nations Framework Convention on Climate Change (CMNUCC).
1993	Creation of the National Commission on Climate Change.
1994	Ratification of the Convention on Indigenous and Tribal Peoples in Independent Countries (No. 169), of the International Labour Organisation (ILO). Legislative Resolutions No. 26253.
	Creation of the National Council for the Environment (CONAM).
1996	Approval of the first National Environmental Agenda (1997-1999).
2000	Approval of the General Law on Solid Waste.
	Approval of the Law creating the National Environmental Impact Assessment System.
2001	Presentation of the first national communication on climate change.
	Approval of the first regulation on National Environmental Quality Standards for Air.
	Creation of the National Commission for Environmental Territorial Planning.
	Approval of the Regulation of the Law on Conservation and Sustainable Use of Biological Diversity.
	Approval of the first National Strategy for Biological Diversity.
2002	Approval of the state policy on Environmental Management of the National Agreement.
	Promotion of the Organic Law on Regional Governments.
	Ratification of the Kyoto Protocol.
2003	Approval of the first National Climate Change Strategy.
	Approval of the Regulation on Ecological and Economic Zoning (ZEE).

Year	Milestone
2003	Approval of the Environmental Quality Standards for Noise.
2004	Promotion of the Law creating the National Environmental Management System. Law no. 28245.
	Approval of the National Strategy on Food Security 2004-2015.
2005	Promotion of the General Environment Act. Law no. 28611.
	Approval of the Environmental Quality Standards for Non-Ionising Radiation.
2007	Promotion of the Law on Energy Efficiency.
2008	Creation of the Ministry of the Environment (MINAM). Legislative Decree no. 1013.
	Creation of the Environmental Assessment and Enforcement Agency (OEFA).
	Creation of the National Service of Natural Areas Protected by the State (SERNANP).
	Approval of the Environmental Quality Standards for Water.
2009	Approval of the scientific research agenda on climate change.
	Approval of the National Environmental Policy.
	Approval of the Master Plan for Protected Natural Areas (ANP).
	Law of the National System of Environmental Evaluation and Enforcement. Law no. 29325.
2010	Approval of the Action Plan for Adaptation and Mitigation against Climate Change (PAAMCC).
	Presentation of the second national communication on climate change.
2011	National Environmental Action Plan, 2011-2021 (PLANAA).
	Promotion of the Forestry and Wildlife Law. Law no. 29763.
	Creation of the National Disaster Risk Management System (SINAGERD). Law no. 29664.
2012	Approval of the Strategic Axes of Environmental Management by the Council of Ministers.
	Creation of the National Environmental Certification Service for Sustainable Investments (SENACE).
	Approval of the National Policy on Environmental Education.
2013	Approval of the Multiannual Sectoral Strategic Plan (PESEM) 2013-2016 of the environmental sector.
	Approval of regulations for the formalisation and interdiction of illegal mining.
	Approval of the Regulation of the Moratorium Law on the Entry and Production of Living Modified Organisms to the National Territory for a Period of 10 Years.

Year	Milestone
2013	Approval of the Regulation of the Management and Handling of Electrical and Electronic Equipment Waste.
	Approval of the National Agenda for Environmental Action 2013-2014.
	Approval of the first Environmental Quality Standards for Soil.
	Promotion of the Law on Remuneration Mechanisms for Ecosystem Services. Law no. 30215.
2014	Creation of the National Institute for Research on Glaciers and Mountain Ecosystems (INAIGEM).
	Approval of the National Agenda for Environmental Action 2015-2016.
	Approval of the second National Strategy for Biological Diversity.
	Holding of COP 20 of the CMNUCC in Lima.
	Approval of the Law on Water User Organisations.
2015	Approval of the Regulation for Forestry Management.
	Approval of the Regulation for Wildlife Management.
	Approval of the Regulation for the Management of Plantations and Agroforestry Systems.
	Approval of the Regulation for Forestry and Wildlife Management in Campesino Communities and Native Communities.

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Annex 2

Objectives of the National Environmental Policy 2030 and related state policies

Priority objective 1: Improve the conservation of species and genetic diversity
National Maritime Policy.
National Culture Policy.
National Agrarian Policy.
National Forestry and Wildlife Policy.
National Policy against Property Crimes.
National Decent Employment Policy.

Priority objective 2: Reduce levels of deforestation and the degradation of ecosystems

National Maritime Policy.

National Agrarian Policy.

National Forestry and Wildlife Policy.

Priority objective 3: Reduce air, water and soil pollution

National Policy and Strategy on Water Resources.

National Policy on Competitiveness and Productivity.

National Sanitation Policy.

National Energy Policy of Peru 2010-2040.

National Multisectoral Health Policy by 2034.

Priority objective 4: Increase the proper disposal of solid waste

National Policy and Strategy on Water Resources.

National Energy Policy of Peru 2010-2040.

Priority objective 5: Increase adaptation to the effects of climate change in the country

National Policy on Disaster Risk Management.

National Sanitation Policy.

National Policy on Border Development and Integration.

Priority objective 6: Strengthen environmental governance with a territorial approach in public and private entities

National Policy on the Promotion of Private Investment in Public-Private Partnerships and Projects in Assets.

National Maritime Policy.

National Policy on Educational Attention for the Population of Rural Areas.

National Policy on Competitiveness and Productivity.

National Sanitation Policy.

National Culture Policy.

National Agrarian Policy.

National Policy on Border Development and Integration

National Policy on the Development of Science, Technology and Innovation.

National Quality Policy.
National Decent Employment Policy.
Priority objective 7: Improve the environmental performance of the production and consumption chains of goods and services, applying the circular economy
National Policy on Urban Transport.
National Policy on Competitiveness and Productivity
National Energy Policy of Peru 2010-2040.
National Quality Policy.
National Decent Employment Policy.
Priority objective 8: Reduce the country’s greenhouse gas emissions
National Policy on Competitiveness and Productivity.
National Maritime Policy.
National Policy on Urban Transport.
National Energy Policy of Peru 2010-2040.
Priority objective 9: Improve the environmental behaviour of citizens
National Maritime Policy.
National Policy on Environmental Education.
National Sanitation Policy.
National Quality Policy.
National Energy Policy of Peru 2010-2040.
National Decent Employment Policy.

Annex 3

Institutional framework to face illegal activities in the Amazon

	Drug trafficking	Informal and Illegal Mining	Illegal Logging	Human trafficking
Institutional Arrangement	National Commission for Development and Life without Drugs, created in 1996	Permanent Multisectoral Commission against Illegal Mining and Development of the Formalisation Process, created in 2012	Permanent Multisectoral Commission to Combat Illegal Logging, created in 2002	Permanent Multisectoral Commission against Trafficking in Persons and Smuggling of Migrants, created in 2016
Members	Presidency of the Council of Ministers, Ministry of Agriculture and Irrigation, Ministry of Economy and Finance, Ministry of Education, Ministry of Defence, Ministry of the Interior, Ministry of Justice and Human Rights, Ministry of Foreign Affairs, Ministry of Health, and Ministry of Transport and Communications	Ministry of Energy and Mines, Ministry of the Environment, Ministry of Culture, Ministry of the Interior, Ministry of Defence, SUNAT and the National Association of Regional Governments	Ministry of Agriculture, OSINFOR, SERFOR, SERNANP, SUNAT and Ministry of Culture	Ministry of the Interior, Ministry of Women and Vulnerable Populations, Ministry of Justice and Human Rights, Ministry of Education, Ministry of Labour, Ministry of Foreign Affairs, Ministry of Foreign Trade and Tourism, Ministry of Transport and Communications, National Statistics Institute, Public Ministry, Judiciary, and Ombudsman's Office

	Drug trafficking	Informal and Illegal Mining	Illegal Logging	Human trafficking
Proposal	National Strategy to Combat Drugs 2017-2021	National Strategy for the Interdiction of Illegal Mining	National Multisectoral Strategy against Illegal Logging	National Action Plan against Trafficking in Persons in Peru

Source: elaborated by the author.

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POLICY PAPER

December
2021



Environmental Security in Latin America and the Caribbean: Evolution and Challenges for the 21st Century

Num. 1



Glyphosate and Environmental Security in Latin America and the Caribbean

Num. 2



Artemisa and its management of environmental crimes in the Colombian Amazon

Num. 3



Dysfunctionality of state actors in effective environmental protection of the Peruvian Amazon

Num. 4

Explanation of the network:

The Latin American Environmental Security Network aims to produce knowledge in the academic field and opinion pieces on the threats, risks and challenges facing environmental security in Latin America and the Caribbean through various case studies. To achieve the above, it has created spaces for dialogue with civil society organizations, academia, economic actors and decision makers from the public sector, to dialogue, raise awareness and seek consensus on the need to give relevance and priority to the threats it presents. the region in environmental matters. Thus, through the preparation of papers (policy and working) and books, it is proposed to collect the study work of the network on specific cases to make the main problems visible and propose recommendations to provide inputs to decision makers in both the public and private sectors. to respond and mitigate the threats that endanger environmental security in its different dimensions in Latin America and the Caribbean.

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