



Lima, June 28, 2013

**Letter N° 039-2013/SPDE**

**Ambassador Michael Froman  
United States Trade Representative  
600 17th Street NW  
Washington, DC 20508  
U.S.A.**

No.Registro : RR805829860PE  
Destinatario : AMBASSADOR MICHAEL FROMAN  
Direccion : 600 17TH STREET NW WASHINGTON.  
Destino : US ESTADOS UNIDOS  
Remitente : SOCIEDAD PERUANA DE ECODesarro  
Direcc.Remit.: CALLE CARLOS ALAYZA Y ROEL 211

CERTIFICADO

Admitido por  
004322 12:26 01/07/2013

***Request: Consideration of possible violation to environmental commitments assumed by the Peruvian State in the framework of Annex 18.3.4 of the Trade Promotion Agreement between the United States and Peru***

Dear Sirs,

Please receive cordial greetings on behalf of the institution ***Sociedad Peruana de Ecodesarrollo-SPDE***, a non-profit civil organization which main aim is to consolidate the foundations of sustainable human development in a participatory and consensus manner with the stakeholders in the country, from the aspects of land management and planning; the conservation and protection of biodiversity, natural resources and environmental management.

We are pleased to address you to express our concern about a possible violation of the national and international legal framework, as a result of policies of agro-energy crops and agricultural expansion in the Peruvian Amazon promoted by the Ministry of Agriculture, which is sponsoring the deforestation of wooded areas and the trafficking of land for agricultural or other activities affecting the vegetation cover, the conservation and sustainable use of forest resources; a scenario contrary to the constitutional obligation that State has for the protection of the Forest and Wildlife Heritage of the Nation and the biological diversity thereof, in its capacity as administrator body responsible for the policies and regulations governing the management of natural resources<sup>1</sup>, which would be leading to a breach of the commitments made by the Peruvian State under Chapter XVIII and Annex 18.3.4 of the Protocol of Amendment to the Trade Promotion Agreement between the United States and Peru<sup>2</sup>, as well as the possible establishment of a source of socio-environmental conflicts in the country.

In this regard, our institution states that despite the Ministry of Agriculture being the governing body for the Forestry and Wildlife sector<sup>3</sup>, and therefore responsible for regulating, controlling and supervising the conservation and sustainable use of forest and wildlife

<sup>1</sup> Article 67 of the Peruvian Constitution states the duty of the State to promote the sustainable use of natural resources. Furthermore, Article 68 provides that the State is obliged to promote the conservation of biological diversity and the Protected Natural Areas.

<sup>2</sup> Chapter XVIII and Annex 18.3.4 of the Protocol amending the United States – Perú Trade Promotion Agreement.

<sup>3</sup> Forest and Wildlife Act, Law No. 27308 and other related standards. INCORPORATE REFERENCE TO THE MINAG ORGANIZATION AND FUNCTIONS REGULATIONS.



resources in the country<sup>4</sup>, it has been promoting a policy of agricultural expansion, which has led to the achievement of a series of policy reforms<sup>5</sup> aimed at establishing mechanisms for opening forest land to the market, mainly in the Amazon region, where these forest lands and forest protection, natural resources that are part of the National forest Heritage as provided in Article 66 of the Constitution of Peru, and Law No. 26821, Organic Law for the Sustainable Use of Natural Resources<sup>6</sup> may also affect Indigenous Land, which has been the cause of many social conflicts<sup>7</sup>.

## INEFFICIENT FRAMEWORK

It should be noted that the agricultural expansion policy aimed at agricultural use of land suitable for forestry in the Amazon, is supported by the existence of numerous loopholes in the Peruvian forestry regulations, which allows for the conversion of land with capability for greater use of forest soil and protected land into agricultural land, as detailed below:

### ❖ Redimensioning of Permanent Production Forests (PPF)

In this regard, Ministerial Resolution No. 0434-2006-AG, establishes the grounds for the redimensioning of the PPF, which include:

- Identification of areas where technical support determines that they do not correspond to primary natural forests with biotic and abiotic characteristics, suitable for the use of forest and wildlife resources.
- Surfaces, which, via environmental, economic and social studies, are determined that they should not to continue to be used as Permanent Production Forest.

Notwithstanding the above, the **Ministry of Agriculture has failed to establish the standards for the presentation and evaluation of the said technical reports**, which should contain the legal and technical basis for concluding that primary forest areas will cease to be qualified as such and become an area for agricultural cultivation.

Likewise, it is verified that with regard to the "environmental, economic and social studies" required to determine that an area is no longer considered a Permanent Production Forest, **there is a lack proper regulation**, that is, a lack of procedures for submitting such requests, as well as an absence of minimum standards, which the officer can enforce to the proper evaluation and subsequent approval of applications for redimensioning of permanent

<sup>4</sup> Article 1 of the Forestry and Wildlife Act, Law No. 27308

<sup>5</sup> Among which there is the Bill No. 930-2011-CR, Bill of the Promotion of Cultivation of Oil Palm in the Peruvian Amazon and other areas suitable for cultivation and Legislative Decrees No. 1015, 1073, 1090, 1064, 1081, among others.

<sup>6</sup> Published on June 26, 1997

<sup>7</sup> In this regard, the journalistic issues include:

"There are palm projects in 60 000 hectares of forest"

At: <http://www.biofuelobservatory.org/noticias/El-Comercio-17-03-2013.pdf>

"Oil palm crops 7000 hectares were deforested"

At: <http://www.biofuelobservatory.org/noticias/El-Comercio-03-03-2013.pdf>

"Irregular trafficking of land for palm plantations will be investigated "

At: <http://www.biofuelobservatory.org/noticias/El-Comercio-12-05-13.pdf>

"Fast expansion of palm plantations in Peru creates new environmental tension"

At: <http://www.oeco.org.br/en/reportagens/27145-expansao-de-plantacoes-de-palma-cria-novo-conflito-ambiental>

"Ucayali: Palm oil will continue to grow"

At: <http://agraria.pe/noticias/ucayali-palma-aceitera-seguiria-expandiendose>

For more information, check out: <http://www.biofuelobservatory.org/#/NOTICIAS-03-00/>



production forests, avoiding discretion by officers in the sector in such decisions affecting forests.

Thus, the absence of tools enabling the public officer to consider with an objective criteria the admissibility of an application for redimensioning, which include the negative impacts resulting from primary forest deforestation, in single crop farming installation, generate mistrust and legal uncertainty with respect to the actions of the administration, by violating the principles of legality<sup>8</sup>, impartiality<sup>9</sup> and predictability<sup>10</sup>, referred to in the General Administrative Procedure Act, Law No. 27444.

#### ❖ Land Reclassification

The Regulations of Land Classification for their Greater Use, approved by Supreme Decree No. 017-2009-AG<sup>11</sup> makes it possible to characterize the potential of soils at the national level, determining their capacity and identifying their limitations, corresponding their application to land users in the **agricultural context**, Ecological Economic Zoning and Land Planning, public and private institutions as well as regional and local governments. As such, these regulations state that, as a dynamic system, allows the reclassification of a unit of land when soil or relief parameter changes, have influenced the change in their capacity of use, due to appropriate technological practices, such as irrigation, rehabilitation of saline conditions and poor drainage, terraces and other practices<sup>12</sup>.

As can be gathered, although the regulations allow soil reclassification, they do not establish a ban on the reclassification of land with capacity for greater forestry use and for greater use for protection, with or without vegetation cover, for use as agricultural land, and **this situation allows for the categorization of areas of land with a capacity for greater forest use or protection for agricultural use, which is contrary to the provisions of the Forest and Wildlife Act, Law No. 29763**<sup>13</sup>. While the Act itself provides that once it goes into force, there must be an adaptation of the Regulations Governing Land Classification for Greater Use to conform with the said legislation, reclassification of land suitable for forest production or protected land as land suitable for cultivation in clean, permanent crops or for pastures, being conducted by the General Directorate of Agricultural Environmental Affairs, which is still plausible, even though in contradiction with the forest policy framework.

In this context, our institution has been warning<sup>14</sup> that large agro industrial companies with domestic and foreign capital, dedicated to the cultivation of *Elaeis guineensis*, have been filing applications with the Regional Governments for soil reclassification, and which in turn,

<sup>8</sup> Principle of Legality. - Administrative authorities should act in accordance with the Constitution, the law and the regulations, within the powers as they have been vested with and in accordance with the purposes for which they were conferred.

<sup>9</sup> Principle of Impartiality. - The administrative authorities act without any kind of discrimination between those they manage, giving equal treatment and protection with regard to the procedure, solving in accordance with the legal system and with the general interest in mind.

<sup>10</sup> Principle of Predictability. - The administrative authority must provide to citizens or their representatives true, complete and reliable information about each process, such that at its inception, the managed party will have a fairly accurate awareness of what the final result will be.

<sup>11</sup> Published on September 2, 2009

<sup>12</sup> Article 5 of Supreme Decree Nº 017-2009-PCM

<sup>13</sup> Article 37 of Law 29763, published on July 22, 2011

<sup>14</sup> Report "Adjudication of land for oil palm threatens the forest in the Peruvian Amazon." At: <http://www.biofuelobservatory.org/novedades/Adjudicacion-de-terrenos-para-palma-aceitera.pdf> and Field Report "Primary Forest Logging in the Nanay River Basin" At: <http://www.biofuelobservatory.org/novedades/informe-de-Campo-Quebrada-Curaca-Rio-Nanay.pdf>



supported by technical reports with little substance, file these applications to the General Directorate of Environmental Affairs of the Ministry of Agriculture to respective approval of the reclassification from land suitable for forest production to land suitable for single crop agriculture, without observing that **this entity has no procedures or specialized environmental and social standards oriented to the reality of the Peruvian Amazon.**

Similarly, our institution reported that the Regulations Governing Land Classification for Greater Use state that although the Ministry of Agriculture, through its competent authority, is responsible for the classification of Land According to its Greater Use nationally, this should be in accordance with the Ministry of the Environment - MINAM, in its capacity as authority responsible for promoting the conservation and sustainable use of renewable natural resources, including soil resources, coordination is not being carried out, a situation, which in addition to violating the regulations, promotes degradation and undermines the very reason for soil resource protection pursued by the Regulations.

#### ❖ Change of Land Use

In relation to the regulations issued for the change of use, Law No. 27308, the Forestry and Wildlife Act and Regulations thereof, state that land suitable for agriculture of the Jungle determined by the former INRENA<sup>15</sup> encourages the use of agroforestry and forestry systems, as a means to protect soil from the erosion and degradation processes, reserving at least 30% of its forest mass and a strip of no less than 50 meters from the river beds, lakes and other similar bodies.

In this line, under the Regulations of the Forestry and Wildlife Act, the change of use must be authorized by the former INRENA (General Directorate of Forestry and Wildlife - DGFFS) based on a technical file to ensure the sustainability of the ecosystem, prepared in accordance with the terms of reference<sup>16</sup>, which should include an environmental impact assessment, which requirements take into consideration the area, soil characteristics, water sources, biodiversity, among other issues.

It should be noted that in the context of the decentralization of duties with regard to farming<sup>17</sup>, and pursuant to Ministerial Resolution No. 0443-2010-AG<sup>18</sup>, the regional governments have been empowered to develop procedures for change of use of land suitable for agriculture, as referred to in Article 26 of Law No. 27308, without the Ministry of Agriculture having established the minimum required standards or guidelines to be observed by the regional governments to safeguard forest land.

In addition, it can be observed that for a proper exercise of such power it is **essential to have the prior approval of an Economic Ecological Zoning and soil studies to determine the usability in the regions**, instruments which are mostly under development or non-existent, a situation that allows indiscriminate granting of authorizations of change of use, which in

<sup>15</sup> Currently, the General Directorate of Agricultural Environmental Affairs is in charge by virtue of Ministerial Resolution No. 0847-2009-AG, which appoints it as a competent body for the implementation of Regulations of Land Classification for their Greater Use.

<sup>16</sup> Approved by Departmental Resolution No. 212-2005-INRENA, published on September 1, 2005.

<sup>17</sup> Pursuant to Law No. 27783, Law of Decentralization Bases published on June 26, 2010.

<sup>18</sup> Published on June 26, 2010



addition to being a breach to the existing legislation, it promotes deforestation and conversion of ecosystems with high conservation value, great loss of biodiversity and ecosystem services.

From the above, since authorizations to grant any change of use are subject to the regulations and technical guidelines issued by the Ministry of Agriculture<sup>19</sup> it is verified that this institution has only issued the Terms of Reference for the Preparation of the Technical File<sup>20</sup> for the "Change of Land Use on Agricultural Proficiency with Forest Cover in the Jungle", stating that the term "Change of Use" refers to the removal of forest cover on land which usability includes clean cultivation, permanent crops and/or pastures, omitting to note the standards and/or appropriate guidelines for the protection of the soils in the forest.

#### NON-EXISTENCE OF SOIL STUDIES TO DETERMINE AREAS SUITABLE FOR PALM OIL FARMING

Notwithstanding the above and despite the lack of a regulatory framework to ensure the protection of forest soils, representatives of the Ministry of Agriculture have been stating to various media that in the Peruvian Jungle there are: "(...) *more than 600,000 hectares identified, evaluated and surveyed with potential for oil palm plantations, and oil palm plantations occur "primarily on deforested areas suitable for forestry but not in primary forests"*<sup>21</sup>.

However, contrary to their statements, the MINAG, through **Technical Report No. 35-2013-AG-DVM-DGAAA-DERN-66728-13**<sup>22</sup> issued by the General Directorate of Agricultural Environmental Affairs states that this sector **"does not have a Land Survey and has not identified deforested land for the plantations of energy crops"**. Additionally, Official Note No. 0777-2013-AG-SEGMA-UGD of the General Directorate of Agricultural Environmental Affairs of the Ministry of Agriculture notes that as indicated by Supreme Decree No. 015-2000-AG, it only has a map of land suitable for oil palm cultivation updated as of 2001, at a scale of 1: 2,000,000; and therefore, it is considered a document **"of a general nature, prepared to provide a rough idea of the location of the land suitable for this type of crop at the national level"**, confirming that the **MINAG does not have detailed soil studies** for the implementation of oil palm in a single crop format, despite which it has been promoting its plantation in forested areas.

Faced with the obvious contradictions displayed by the Ministry of Agriculture, our institution expresses its concern that Supreme Decree No. 015-2000-AG<sup>23</sup>, which states the setting up of oil palm plantations being of national interest, has been the basis for the granting of large tracts of land for single crop farming and agro-energy farming in the Peruvian Amazon, representing a risk of reclassification of permanent production forests and change from forestry land use and primary forests to agricultural uses in the different regions of the Amazon; and especially in Loreto. The said entity by Official Note No. 472-2013-GRL-DRA-L/OPPA-078 has stated that there are twelve (12) applications for land adjudication for

<sup>19</sup> Organic Law of the Executive Branch, approved by Law No. 29158, dated December 20, 2007, which Article 23.3 provides that in the exercise of shared competences, with regard to duties related to decentralization, it is the responsibility of the Ministries to make rules and prepare technical guidelines for the granting and recognition of rights, through authorizations, permits, licenses and concessions.

<sup>20</sup> Approved by Departmental Resolution No. 212-2005-INRENA, dated on September 1, 2005.

<sup>21</sup> "There are 600,000 hectares to cultivate oil palm in the jungle". <http://agraria.pe/noticias/existen-600-mil-has-para-cultivar-palma-aceitera-en-la-selva>

<sup>22</sup> Memorandum No. 467-2013-AG-DVM-DGAAA-DERN-66728-13, annexed to Official Note No. 0776-2013-AG-SEGMA-UGD, dated June 6, 2013.

<sup>23</sup> Article 3 of Supreme Decree No. 015-2000-AG



consideration for a total of 106,212.6 hectares of single crop farming implementation of oil palm on forest land, which administrative proceedings are pending:

APPLICATIONS FOR LAND ADJUDICATION FOR THE INSTALLATION OF AGRO-ENERGY AND/OR AGROINDUSTRIAL CROPS					
N°	Holder	Project	Request	Extension	Location
1	Empresa Agrícola La Carmela S.A.	Tierra Blanca	Adjudication for consideration	10,000 Has	District of Sarayacu, Province of Ucayali, Loreto Region
2	Empresa Desarrollos Agroindustriales Sangamayoc S.A.	Santa Catalina	Adjudication for consideration	10,000 Has	District of Sarayacu, Province of Ucayali, Loreto Region
3	Islandia Energy S.A.	Maniti	Adjudication for consideration	8,850 Has. 2,051 m <sup>2</sup>	District of Indiana, Province of Maynas, Loreto Region.
4	Palmas del Espino S.A. has assigned its claim in this proceeding to Palmas del Amazonas S.A.	Santa Cecilia	Adjudication for consideration	6,676 Has. 1,519 m <sup>2</sup>	District of Indiana, Province of Maynas, Loreto Region.
5	Plantaciones del Maniti SAC	Plantaciones del Maniti SAC	Adjudication for consideration	6,676 Has.	Santa Cecilia Village, District of Indiana, Province of Maynas, Loreto Region.
6	Plantaciones de Tamshiyacu	Plantaciones de Tamshiyacu	Adjudication for consideration	8,850 Has.	Santa Cecilia Village, District of Indiana, Province of Maynas, Loreto Region.
7	Plantaciones del Perú Este SAC	Plantaciones del Perú Este SAC	Adjudication for consideration	10,000 Has.	Tamshiyacu Road, District of Fernando Lores– Indiana, Province of Maynas, Loreto Region.
8	Plantaciones de Loreto Este SAC	Plantaciones de Loreto Este SAC	Adjudication for consideration	10,000 Has.	Tamshiyacu Road, District of Fernando Lores– Indiana, Province of Maynas, Loreto Region.
9	Plantaciones de San Francisco SAC	Plantaciones de San Francisco SAC	Adjudication for consideration	10,000 Has.	Quebrada Tamshiyacu, District of Fernando Lores– Indiana, Province of Maynas, Loreto Region.
10	Plantaciones de Marin SAC	Plantaciones de Marin SAC	Adjudicación a título oneroso	5,771 Has.	Tamshiyacu Road, District of Fernando Lores– Indiana, Province of Maynas, Loreto Region.
11	Plantaciones de Loreto Sur SAC	Plantaciones de Loreto Sur SAC	Adjudicación a título oneroso	9,389 Has.	Quebrada Tamshiyacu, District of Fernando Lores– Indiana, Province of Maynas, Loreto Region.
12	Plantaciones de Loreto Sur SAC	Instalación de cultivos bioenergéticos	Adjudicación a título oneroso	10,000 Has.	Sapuena – Yaquerana Sector, District of Jenaro Herrera, Province of Requena, Loreto Region.

SOURCE: LORETO REGIONAL AGRARIAN DIRECTORATE



This situation coupled with the fact that there is no rural or forest land survey approved in Peru, makes it possible for the expansion of agro-energy crops to be a threat to natural forests since they create incentives that promote mass deforestation processes, burning and occupation of primary forests through the trafficking of land for the establishment of agro-energy single crop farming, as demonstrated in the "List of Judicial Proceedings referred to the involvement of Forests for Oil Palm Cultivation" prepared by the Prosecutor General's Office of the Ministry of the Environment<sup>24</sup>.

Article 18.11 of the Trade Promotion Agreement between the United States and Peru provides that the parties recognize the importance of conservation and sustainable use of biological diversity and its role in achieving sustainable development. Consequently, they remain committed to promote and encourage the conservation and sustainable use of biological diversity and components and levels thereof, including plants, animals and habitats, reiterating the commitments assumed in Article 18.1 of the said agreement.

For such reasons, in accordance with and pursuant to the provisions set forth in subsections 1) and 2) of Article 18.8 of the Trade Promotion Agreement between the United States and Peru<sup>25</sup>, we ask your Office to consider the above-mentioned problems to be in detriment of the integrity and preservation of primary tropical forests in Peru, while the expansion policy of the agricultural frontier, by violating land suitable for forest does not only contravene our constitutional and forestry regulatory framework but also undermines the commitments made by Peru the Trade Promotion Agreement between the United States<sup>26</sup> and Peru, and its Amendment Protocol<sup>27</sup>, effective<sup>28</sup> in our legal system as from February 1, 2009, which in relation to the levels of protection that should be met by each country, states in Article 18.1 as follows:

*"(...) Each Party shall endeavor to ensure that their laws and policies provide for and encourage high levels of environmental protection and shall strive to continue improving their level of environmental protection."*

Additionally, Article 18.14 of the Trade Promotion Agreement between the United States and Peru defines environmental law as:

<sup>24</sup> See the following web link: <http://www.biofuelobservatory.org/novedades/Procesos-Judiciales-relacionados-a-la-afectacion-de-recursos-forestales-para-el-cultivo-de-palma-aceitera.pdf>

<sup>25</sup> Article 18.8: Applications on Enforcement Matters

1. Any person of a Party may file a statement to the effect that a Party is failing to effectively enforce its environmental law. Such requests must be filed with a Ministry or other appropriate body (Secretariat Office) the Parties may agree to.
2. The Ministry may consider a submission under this Article if it finds that the request:
  - (a) is written in English or Spanish;
  - (b) clearly identifies the person making the request;
  - (c) provide sufficient information to allow the Ministry to review the request, including any documentary evidence on which the application is based and identification of environmental laws for which the breach is invoked;
  - (d) appears to be aimed at promoting enforcement rather than harassing industry;
  - (e) states that the matter has been communicated in writing to the relevant institutions of the Party and indicates the Party's response, if any; and
  - (f) it is made by a person of a Party, except as provided in Paragraph 3".

<sup>26</sup> Signed on April 12, 2006 and approved by the Congress of the Republic by Legislative Resolution N° 28766, published on June 29, 2006. Ratified by Supreme Decree No. 030-2006-RE dated June 30, 2006.

<sup>27</sup> Approved by the Congress of the Republic through Legislative Resolution No. 29054, published on June 29, 2007, ratified by Supreme Decree No. 040-2007-RE, dated July 3, 2007.

<sup>28</sup> Approved by Supreme Decree No. 009-2009-MINCETUR, published on January 17, 2009



*"any act or regulation of a Party, or provisions thereof, which primary purpose is the environment protection or the prevention of danger for life or health of humans, animals or plants, by:*

*(...)*

*(c) the protection or conservation of wildlife, including endangered species, their habitat, and especially protected natural areas<sup>29</sup>, or*

*(d) for Peru, forest resources management"*

We argue that the agricultural expansion policy at the expense of primary forests is bringing serious effects on natural forests, biodiversity loss, environmental degradation, trafficking of State land and of Indigenous Peoples; therefore, it could represent a violation of the purposes and commitments of Chapter XVIII and Annex 18.3.4 "About the Forest Sector's Management" of the Trade Promotion Agreement between the United States and Peru, because in this arrangement both parties acknowledge that proper management of the forestry sector is crucial to promoting the economic value and sustainable management of forest resources.

Additionally, we state that such arguments are not designed to contain or harm the industry, trade or investment in our country, but are designed to prevent such activities from generating environmental and social impacts that threaten forest and wildlife resources in Peru; and thus imply a weakening or reduction of the protection of forestry in our legal framework, contrary to Article 18.3 subsection 2 of the Trade Promotion Agreement, which expressly states as follows:

*"The Parties recognize that it is inappropriate to encourage trade or investment by weakening or reducing the protection afforded in their respective environmental laws. Accordingly, a Party shall not waive or otherwise derogate from, or offer to waive or otherwise derogate from, such laws so that weakens or reduces the protection afforded in those laws in a manner affecting trade or investment between the parties".*

Attached hereto (see annexes), copies of letters addressed to the competent authorities in the different branches of the State, pursuant to the provisions set forth in Article 18.8 of the Free Trade Agreement which refers to applications on Enforcement Matters.

Thanking you in advance for your kind attention, we avail ourselves of this opportunity to remain,

Yours truly,



*Lucila Pautrat*

**Lucila Pautrat Oyarzún**  
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<sup>29</sup> The Parties recognize that protection or conservation may include biological diversity protection or conservation.





## ANNEXES

### 1. MINISTRY OF AGRICULTURE

- a) Letter N° 060-2012/SPDE
- b) Letter N° 097-2012/SPDE
- c) Letter N° 003-2013/SPDE
- d) Letter N° 013-2013/SPDE  
Response: Report N° 07-2013-AG-DVM-DGAAA-DER-14154-13.
- e) Letter N° 041-2013/SPDE  
Response: Official Note N° 777-2013-AG-SEGMA-UGD.
- f) Letter N° 049-2013/SPDE  
Response: Official Note N° 707-2013-AG-SEGMA-UGD.
- g) Letter N° 058-2013/SPDE  
Response: Official Note N° 658-2013-AG-SEGMA-UGD.
- h) Letter N° 063-2013/SPDE  
Response: Official Note N° 776-2013-AG-SEGMA-UGD.

### 2. MINISTRY OF THE ENVIRONMENT

- a) Letter N° 007-2013-SPDE
- b) Letter N° 009-2013-SPDE
- c) Letter N° 023-2013-SPDE
- d) Letter N° 047-2013-SPDE
- e) Letter N° 050-2013-SPDE
- f) Letter N° 052-2013-SPDE
- g) Letter N° 065-2013-SPDE
- h) Letter N° 055-2013-SPDE  
Response: List of Judicial Proceedings related to involvement of forests for oil palm cultivation.
- i) Official Note N° 592-2013-PP-MINAM  
Response: Official Note N° 596-2013-FEMA-AA-Y- Prosecutors' Office Specializing on Environmental Crimes of the Ministry of the Environment.

### 3. ATTORNEY GENERAL'S OFFICE

- a) Letter N° 086-2012-SPDE- Section to Support the Attorney General's Office – Peruvian National Police.
- b) Letter N° 084-2012-SPDE- Prosecutors' Office Specializing on Environmental Matters of Loreto.
- c) Letter N° 038-2013-SPDE-Provincial Prosecutors' Office Specializing on Environmental Matters of Loreto.
- d) Letter N° 045-2013-SPDE- Senior Prosecutors' Office for Coordination of Prosecutors' Offices Specializing on Environmental Matters.
- e) Criminal Complaint N° 136-2012 and Judicial Statement dated August 13, 2012.

### 4. OMBUDSMAN'S OFFICE

- a) Letter N° 014-2013/SPDE
- b) Letter N° 057-2013-SPDE
- c) Letter N° 093-2012/SPDE



#### 5. LORETO REGIONAL GOVERNMENT

- a) Letter N° 029-2013-SPDE- Information Transparency and Access-Loreto Regional Government  
Response: Letter N° 046-2013-GRL-OTAIP and Official Note N° 472-2013-GRL-DRA-L/OPPA-078

#### 6. GENERAL COMPTROLLER'S OFFICE OF THE REPUBLIC

- a) Letter N° 008-2013-SPDE
- b) Letter N° 010-2013-SPDE
- c) Letter N° 040-2013-SPDE
- d) Letter N° 056-2013-SPDE

#### 7. CONGRESO DE LA REPÚBLICA

- a) Letter N° 037-2013-SPDE addressed to Congressman Eduardo Nayap Kinín- Congress of the Republic.

#### 8. ALLPAHUAYO MISHANA NATIONAL RESERVE

- a) Official Note N° 062-2013-SERNANP-RNAM-J  
Response: Letter N° 064-2013-SPDE

#### 9. JOURNALISTIC NOTES

- a) LUNA, Nelly. "Oil palm crops deforested 7000 hectares". Destruction of forests in Loreto and San Martín. *El Comercio*. Lima, March 3, 2013, page A19.
- b) LUNA, Nelly. "There are palm projects in 60 000 hectares of forests". Crops threaten biodiversity areas. *El Comercio*. Lima, March 17, 2013, page A22.
- c) FRASER, Bárbara. "The palm plantation expansion creates new environmental conflict". *Eco Reportagen*. Lima, May, 2013.  
(<http://www.oeco.org.br/es/reportagens/27145-expansao-de-plantacoes-de-palma-cria-novo-conflito-ambiental>)
- d) LUNA, Nelly. "Investigate irregular trafficking of land for oil palm crops". Loreto. Conflict in Yurimaguas. *El Comercio*. Lima, May 12, 2013, page A20

#### 10. NOTICE OF PUBLIC HEARINGS FOR ENVIRONMENTAL IMPACT ASSESSMENT

- a) Notice of Public Hearing for the Environmental Impact Assessment of the "Maniti" Oil Palm Agro Industrial Project. Newspaper La Región, April 8, 2013.
- b) Notice of Public Hearing for the Detailed Environmental Impact Assessment of the "Tierra Blanca" Oil Palm Agro Industrial Project. Newspaper La Región, May 17, 2013.
- c) Notice of Public Hearing for the Detailed Environmental Impact Assessment of the "Santa Cecilia" Oil Palm Agro Industrial Project. Newspaper La Región, June 7, 2013.