

# **IMPLEMENTATION OF MULTILATERAL ENVIRONMENTAL AGREEMENTS IN PERU**

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## **Introduction.**

This paper will provide with an analysis of how *Multilateral Environmental Agreements* (MEAs) are being implemented in Peru. It covers the most important MEAs signed by the country, namely on the *Convention on Biological Diversity* (CBD), the *Convention on International Trade in Endangered Species of Wild Fauna and Flora* (CITES), the *Convention on Wetlands of International Importance Especially as Waterfowl Habitat* (RAMSAR), the *Convention Concerning the Protection of the World Cultural and Natural Heritage* (WHC) and the *Convention on the Conservation of Migratory Species of Wild Animals* (CMS), the *Convention to Combat Desertification* (CCD) and the *Framework Convention on Climate Change* (CCC).

It also mentions briefly two important regional treaties of which Peru is a Member State: the *Andean Community of Nations* (ACN) and the *Amazon Co-operation Treaty* (ACT). Although not strictly MEAs as such, they are important sub-regional treaties which include obligations on environmental issues and biodiversity.

The study also assesses some of the main problems Peru faces to implement effectively these MEAs. On the basis of this analysis, the study will basically seek to highlight the level of implementation of these agreements and evaluate the different indicators (i.e. national regulations derived from these agreements) that show to what extent international obligations are being met by the country and the efforts being made for that purpose.

## **1. Special circumstances affecting implementation of MEAs in Peru.**

Peru, located in the western part of South America, is unanimously regarded as one of the most biologically, environmentally and culturally diverse countries in the world. Peru ranks sixth in the world in terms of mammal biodiversity, second in bird biodiversity, seventh in reptile biodiversity, etc. Its diverse landscapes which include a desert coastal area, an Andean highland area and the high and low tropical Amazon are critical features of the country to sustain a wide variety of ecosystems and a rich species and genetic diversity.

Its ancient cultures, including the Inca Nation have also influenced human composition of the country which, to an important extent, particularly in the Andes and the Amazon, is based on an indigenous, native population which retains its traditional knowledge and technologies, customs and cultures.

But Peru is also an undeveloped and poor country which, over the past few decades, has also had to endure severe economic problems and, more recently, terrorist related violence. From 1990 through 2000 approximately, the country has undergone a structural adjustment process which has led to the adoption of free market policies (reflected in the Constitution of 1993) and rapid liberalisation of the economy. This has in turn led directly (i.e. through foreign investment in mining or oil exploitation) and indirectly (i.e. through urban spread and urban demand for vital resources such as food and water) to more and continued pressure on the natural resource base of the country.

Peru, as probably many other countries in the region does *not* lack a national nor international environmental regulatory framework. In fact, at present, there are abundant signed treaties and laws and regulations formally in force. Recent studies by the *Peruvian Society for Environmental Law* (SPDA) have concluded that environmental regulations have been in place almost since 1900 and include approximately five thousand laws and regulations (including international treaties) directly or indirectly related to environmental protection and natural resource conservation.

Rather than the number of regulations in place and the areas these address, a key problem - not only regarding environmental rules but regulations in general - lies basically on *limited or partial implementation of this regulatory framework*.

Indeed, with regards to the international context, although throughout the years Governments have been supportive of international agreements (MEAs) and processes in

general, implementation of these MEAs has been affected by a series of variables which are also common to how other national laws and regulations are implemented.

These variables can be tentatively classified as:

- a) Structural or underlying variables affecting implementation, including:
- poverty and immediate subsistence needs of an important percentage of the population,
  - lack of basic education and awareness regarding the importance of the environment (at all levels, from schools to Judicial Magistrates to the productive sector),
  - corruption, particularly at the level of the Judiciary,
  - perception among public institutions that biodiversity (as an integrating concept) is “something new”,
  - short term State development policies.

Progress has been made to overcome these problems but they still play an important role in affecting implementation of legislation in general.

- b) Variables with a direct or immediate effect on implementation:
- traditional sectorial management of the environment and natural resources,
  - institutional weakness of environmental agencies (limited political weight, limited human and economic resources),
  - no long term national development strategy which incorporates the environment as a major and critical component,
  - weak deterrance and enforcement mechanisms.

These are general variables and, as mentioned above, it should be acknowledged that over the past ten years some progress has been made to overcome their on implementation efforts.

Through international co-operation, work of NGOs and public campaigns and some financial assistance from agencies (i.e. Inter-american Development Bank) these problems have been addressed and solutions to overcome them, proposed.

## **2. Legislative and policy measures adopted to implement different MEAs and their institutional support.**

One indicator of how Peru has progressed in implementing MEAs can be assessed by reviewing regulatory initiatives and processes and how these have been complemented by strengthening or defining new institutional structures to support them. Some MEAs have certainly had more official support and measures have been much more effective to implement them.

### **2.1 The Convention on Biological Diversity (CBD).**

The CBD was ratified by Peruvian Congress through Legislative Resolution 26181 of May 1993. Since then, the CBD has become one of the MEAs which has received most attention by Government. It has triggered a series of national processes oriented at implementation of different CBD obligations.

#### **The National Biodiversity Commission (CONADIB) (Article 6 of the CBD).**

*A National Commission on Biodiversity (CONADIB) was formally established in 1993 through Supreme Decree 227 - 93 / RE, in order to ensure the adequate implementation of the CBD and develop national official positions to CBD related meetings. CONADIB includes a wide participation of different institutions from the public and private sector (including NGOs), indigenous peoples representative organisations, universities, among others. Originally, the Commission was co-ordinated by the Ministry of Foreign Relations.*

By Supreme Resolution 085 - 96 - RE of March 1996, co-ordination of the CONADIB was transferred to the *National Environmental Council (CONAM)*. CONAM in turn, is the national authority responsible for co-ordinating environmental policies with the relevant sectors. It should be noted that environmental competences in Peru are carried out by sectors and the corresponding Ministry (i.e. mining, fisheries, agriculture, etc.) and, therefore, CONAM's role is to co-ordinate and ensure sectorial policies are in accordance with overall national environmental policies.

CONAM is currently in the process of developing a formal institutional framework for CONADIB. CONAM, through Supreme Decree 038 - 98 / PCM of August, 1998, was

formally recognised as the national competent authority responsible of co-ordinating the effective implementation of the CBD and related regulations.

Although originally conceived as mainly a co-ordinating body, CONADIB over the years has developed into an effective technical assistance entity - responsibilities of CONADIB were extended through Supreme Decree 038 - 98 / PCM - and has already been recognised as an advisory body in a draft proposal regulation on access to genetic resources, in the national regulation on forests (Supreme Decree 014 - 2001 - AG of April, 2001) and in the Biosafety Law (Law 27104 of May, 1999).

CONADIB has become a very useful and effective multi-stakeholder forum which allows for continued and transparent debates and discussions regarding biodiversity issues in general and, especially, on how to best implement the CBD.

### **The Biodiversity Law and implementing regulation (Articles 6 - 10 of the CBD).**

The Biodiversity Law, Law 26839 of July, 1997 is the national legal instrument to complement and further expand on and develop CBD principles. This Law has specifically addressed and focussed on issues regarding biodiversity planning, conservation mechanisms and research and technology.

A process led by CONAM and a special Technical Group (convoked by Presidency of CONAM Resolution 014 - 99 - CONAM / PCD, of February 1999) was initiated in 1999 in order to develop a national regulation to the Biodiversity Law. A participatory and multi-stakeholder process was undertaken and has led to the development of a draft regulation to be approved in the following weeks by Supreme Decree.

### **Access to genetic resources process and protection of indigenous peoples knowledge (Articles 15 and 8(j) of the CBD).**

After the entry into force of *Decision 391 of the Andean Community on a Common Regimen on Access to Genetic Resources* in July 1996, the *Ministry of Agriculture* and the *National Office for Competition Law and Intellectual Property* (INDECOPI) undertook the process of developing two regulations: a national regulation on access to genetic resources (to implement Decision 391) and a national Law to protect indigenous peoples traditional knowledge

Five working groups were created for this purpose and their composition included NGOs, the private sector, indigenous peoples representatives, public entities, the academia, etc. These groups carried out work on assessing benefit sharing mechanisms among communities, developing explanatory guides for indigenous peoples, assessing the legal and social situation of indigenous peoples in the country, developing draft regulations on access to genetic resources and traditional knowledge.

As a result of almost four years of continued work - which formally began in 1996 and included weekly meetings, workshops, consultations - in May, 2000 a *Draft Proposal for the Protection of Collective Knowledge of Indigenous Peoples* was published for comment and dissemination in the official gazette *El Peruano* . This publication also included the draft proposal on access to genetic resources which, in essence, is a regulation to implement Decision 391.

### **Biosafety Law (Article 19 of the CBD).**

Like access to genetic resources, CBD related discussions on the issue of biosafety also triggered a national process to develop a biosafety law.

The Biosafety Law (Law 27104, of May, 1999) was the result of the activities of a national working group convoked by CONAM and led by the *National Institute for Amazonian Research*. The Law establishes the rules for the import, export, transport and handling of genetically modified organisms. CONAM also established a multidisciplinary Technical Working Group to develop an implementing regulation to the Law.

### **The National Biodiversity Strategy and Action Plan (NBSAP) process.**

Work to develop a biodiversity strategy commenced in 1998. Through the CONADIB, initial steps were undertaken to discuss the possible features of a *National Biodiversity Strategy and Action Plan*. A Technical Committee, formed by members of the CONADIB, took on the responsibility of co-ordinating activities.

Over these past years fifteen *regional* strategies and priority documents have been produced, all of which will provide the necessary input to the overall NBSAP. Almost all strategies have focussed on identifying critical conservation areas, the need to add value to natural resources (particularly components of biodiversity), enhance *in situ* and *ex situ* conservation and, in general, find mechanisms to ensure the NBSAP is taken into account during decision making.

At present the final NBSAP document is being produced although it is clear that the NBSAP is an ongoing process rather than final product *per se*. As a process in itself, the *Global Environmental Facility* has been supporting it since its conception. However, the understandable need of the GEF to have a final product (the NBSAP as a document) within a specified period of time, has limited the possibilities of the process to be internalised effectively by all stakeholders, especially public sector agencies. As a slow, time consuming, complex and demanding process, the NBSAP is on the other hand under pressure by donor agencies to be culminated. This is an issue which will probably need to be considered in the light of different national experiences struggling to culminate their NBSAP documents.

## **2.2 The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).**

CITES, one of the earliest MEAs in force in the country, was approved by the Military Government through Law Decree 21080 of January, 1975.

Since then, a series of regulations have regularly updated a national list of protected species according to the following categories (established by the *Regulation for the Conservation of Wild Flora and Fauna*, Supreme Decree 158 - 77 -AG of April, 1977): species in danger of extinction, vulnerable, rare, undetermined and out of danger.

At present, the latest update for fauna species (Supreme Decree 013 - 99 - AG of May, 1999) includes 31 species of mammals, reptiles and birds in danger of extinction, 89 species of mammals, reptiles and birds in a vulnerable situation, 22 species considered as rare and 79 species in an unknown and undetermined situation.

The manual for the operations of the *National Institute of Natural Resources* (INRENA), (Supreme Decree 049 - 2000 - AG of September, 2000), which is, among others, the *CITES*

*Technical Authority for Peru*, includes a set of conditions to export, import and re-export fauna and flora species, including those under CITES coverage.

Enforcement of CITES is carried out by INRENA with the assistance of the Ecological Police and border customs. Recently for example, all national airports and border points have very clear notices on visible boards about limitations to the possession, transport and export of fauna and flora specimens.

### **2.3 The Convention on Wetlands of International Importance Especially as Waterfowl Habitat (RAMSAR).**

The RAMSAR Convention was approved by Congress through Legislative Resolution 25353 of November, 1991.

Since its approval, Peru has seven RAMSAR sites officially designated. These are: *Paracas National Reserve* (Ica), *Pacaya - Samiria National Reserve* (Loreto), *Junin National Reserve*, *Reserved Area Pantanos de Villa* (Lima), *National Sanctuary Mejia Lagoons* (Arequipa), *National Reserve of Titicaca* (Puno) and *National Sanctuary of Tumbes Mangroves* (Tumbes).

There have been important efforts undertaken to conserve and protect these areas and, for that purpose, INRENA, the national focal point for RAMSAR, approved a *National Strategy for the Conservation of Wetlands*, through Resolution 054 - 96 - INRENA of March, 1996. The National Strategy addresses specific actions in the area of law and policy regarding wetlands, research, management, education, awareness, training and international co-operation.

This Strategy was the result of the work of the *National Program for the Conservation and Sustainable Use of Wetlands*, a coalition of governmental and non-governmental institutions which in 1992 began a process of involving local governments, local communities and users and direct beneficiaries of national wetlands in the development of planning documents for these ecosystems.

The Program seeks to balance conservation and use of wetland resources and services. This Program also acts as the *National Technical Committee to the RAMSAR Convention* and



regularly participates in RAMSAR Conference of the Parties and monitors Recommendations and Resolutions passed by RAMSAR.

Finally, the Program has been able to finance specific, participatory and multidisciplinary projects for wetlands conservation and sustainable use include: development of a *Master Plan for the National Reserve of Paracas*, preparation of technical information on potential new RAMSAR sites, strengthening of management activities in the *Sanctuary of Mejia Lagoons* and monitoring of the situation of wetlands of coastal Peru.

#### **2.4 Framework Convention on Climate Change (CCC).**

The CCC was approved by Peru through Legislative Resolution 26185 of May, 1993.

A *National Commission on Climate Change* was created by the Ministry of Foreign Relations in 1993 (Supreme Resolution 359 - RE of November, 1993) and in 1996 its presidency was transferred to CONAM.

Through Decree of the Directive Council of CONAM 007 - 99 - CD/CONAM, the *National Commission on Climate Change* was established as a formal technical group of the *General Framework for Environmental Management* ((Decree of the Directive Council of CONAM 001 -97 / CONAM, of November, 1997) the operating and co-ordination structure of CONAM.

The National Commission is responsible of monitoring and ensuring implementation of the CCC and the *Montreal Protocol on Substances that Deplete the Ozone Layer*.

The CCC has been the other major MEA which has received considerable attention by the Government. In this regard, as part of the national report to be submitted to the CCC, a series of studies have been undertaken. These include:

- a national inventory on greenhouse gases (based on a prior and partial report of 1994), with the leading roles of CONAM, the *Conservation Data Centre* and the *National Agrarian University La Molina*,
- a study to mitigate greenhouse gases effects in the energy, transport and forest sectors, with the participation of CONAM and support of the *Risoe Laboratory* of Denmark,

- studies on vulnerability and adaptation to greenhouse gases effects (in the areas of human health, agriculture, marine ecology, infrastructure and the national economy and especially in relation to the *El Nino* effect ), and
- the national action plan on climate change for the period 1999 - 2004.

The national report is currently under a process of consultation and comment by different national stakeholders and interest groups.

Since 1998, Peruvian experts have been actively participating in work of the *International Panel on Climate Change*, specifically in the preparation of the reports on: assessment of climate change, technology transfer, soil use and forest management and carbon emissions.

CONAM has published four official documents on climate change. *Forests: Basis for a New Policy; Urban Transport and the Environment; Vulnerability of Peru to Climate Change: the El Nino Phenomenon* and *Climate Change and Sustainable Development*.

## **2.5 Convention Concerning the Protection of the World Cultural and Natural Heritage (WHC).**

This convention was approved through Legislative Resolution 233349 in December, 1981.

At present, Peru has ten World Heritage Sites officially recognised. These are:

- Cusco City (Cusco),
- Macchu Picchu National Sanctuary (Cusco),
- Archaeological Site of Chavin (Ancash),
- Huascarán National Park (Huaraz),
- Manu National Park (Madre de Dios),
- Chan Chan Archaeological Zone (Trujillo),
- Rio Abiseo National Park (San Martín),
- Historic Centre of Lima (Lima),
- Nazca Lines (Ica) and,
- Historical Centre of Arequipa City (Arequipa).

In order to implement the *WHC, the Law on the Protection of the Cultural Patrimony of the Nation*, Law 24047, was enacted in January, 1985. This Law establishes general principles to ensure conservation and maintenance of all cultural patrimony of the country.

## **2.6 Convention on the Conservation of Migratory Species of Wild Animals (CMS).**

Supreme Decree 002 - 97 - RE, of January, 1997, approved the CMS. Very limited actions have been carried out by the Government and national institutions to promote effective implementation of the CMS. No official national policy can be identified in the area of migratory species in particular.

## **2.7 Convention to Combat Desertification (CCD).**

The CCD was approved by Peru through in 1995. In 1996, INRENA (the national focal point for the CCD) published a *National Action Plan to Combat Desertification in Peru*. Its main objectives include : irrigation of small potentially arable lands, reforestation and forestation in the Andes and controlling soil erosion.

A national evaluation process of the National Action Plan took place throughout the year 2000 and included three national workshops in the Coastal, Andean and Amazonian regions of Peru, with an overall participation of more than one hundred and fifty representatives of different institutions directly or indirectly involved in the combat of desertification.

The main conclusions of this evaluation process were that although there has been important progress in achieving the main objectives of the National Action Plan (see above), most of the actions of public and private institutions have been carried out independently from the Action Plan and with limited interaction among the different actors involved.

Many activities related to combating desertification are part of broader initiatives of public agencies (i.e. social programs and programs to combat poverty) or of smaller more specific projects by Universities, NGO's, the Catholic Church, etc.

Clearly, participants acknowledged the lack of clearly defined responsibilities for undertaking the actions proposed by the National Action Plan and, most importantly of a very fragile

leadership by INRENA in ensuring co-ordinated actions to promote and enhance the National Action Plan and its content.

Finally, it was suggested by participants that the National Action Plan should be up-dated, that gender is an important new issue to be included, that traditional and new technologies which assist in combating desertification should be assessed and that local governments should play a more active role in promoting measures to comply with proposals in the National Action Plan.

## **2.8 The Andean Community of Nations (ACN) and the Amazon Co-operation Treaty (ACT).**

Peru is a Member State of the ACN since 1969 and of the ACT since 1979 (approved by Law Decree 22660, of August, 1979).

The ACN is an economic, social and political integration treaty (formed by Venezuela, Colombia, Ecuador, Peru and Bolivia). It enacts Decisions which are supra national binding obligations which supersede internal legislation. Although there is no specific Decision addressing environmental issues *per se*, there are a series of Decisions which address biodiversity related issues (i.e Decisions on access to genetic resources, phytosanitary measures). There is also Decision 435 of June 1998, which created an *Andean Environmental Committee* in order to support national environmental authorities in implementing MEAs, complying with international obligations and promoting environmental protection initiatives.

As binding obligations and the existence of an *Andean Judicial Tribunal* which can require Member States to comply and enforce Decisions, the ACN is an effective international instrument to support – given the case – environmental and biodiversity related Decisions.

During official Presidential Meetings, Declarations are made which set out general policies for the ACN and over the past few years, continued, albeit general, references are made to the need to conserve and protect the environment and natural resources.

The ACT on the other hand, was created in order to promote joint actions and activities among Amazonian nations (Suriname, Guyana, Venezuela, Colombia, Ecuador, Peru,

Bolivia, Brasil) regarding the development of the Amazonian Region and the protection of the environment and rational use of natural resources.

ACT does not enact binding regulations but rather, produces recommendations and carries out its activities on the basis of Commissions which work on different issues which in turn produce guidelines and specific recommendations. In 1989 a *Special Commission on the Amazonian Environment* was created. Its main role is to co-ordinate the efforts and projects undertaken with regards to conservation of natural resources in Amazonia

### **3. Problems identified in co-ordinating biodiversity related conventions.**

#### **3.1 Institutional conflicts.**

According to Supreme Decree 038 - 98 / PCM, of August, 1998, CONAM is the co-ordinating agency in matters related to biodiversity conservation and sustainable use, particularly with regards to the CDB and the Biodiversity Law .

Certainly CONAM co-ordinates the CBD and the CCC processes, but it does not lead *all* national efforts to co-ordinate implementation of other biodiversity related conventions. INRENA for example, is responsible for other international agreements such as CITES, RAMSAR and the CCD.

Over the past few years, relations between INRENA and CONAM have not been as fluid as desirable, at the best of times. Very simply, before CONAM was created as a co-ordinating agency and thus, became formally recognised as the national environmental authority, INRENA was recognised as the national authority responsible for managing natural resources and developing environmental policies.

This situation has led to tensions between CONAM, who in practice are a *co-ordinating* agency and must reflect and concile sectorial interests, and INRENA who are specifically competent and have legal jurisdiction on the management of forests and wild fauna and flora resources. Although a careful analysis of their legal structure makes it clear that they both have a very different and distinct nature, reality has often led to institutional conflicts and tensions, a situation which has certainly debilitated possibilities of generating joint efforts to implement international biodiversity related agreements.

### **3.2 Co-ordination aspects.**

As has been mentioned, sectorial management of natural resources and the environment in Peru is based on public agencies with sometimes specific and clear, sometimes very general, sometimes overlapping and even sometimes conflicting competences.

Implementation of MEAs naturally escape the specific competences and roles of each particular agency and, in as much as they address partial aspects and issues of these MEAs, their participation in efforts to ensure compliance with international obligations in an integrated manner (with other agencies), is critical. Each ratified MEA requires the participation and concerted action of various public agencies if coherent implementation is to be achieved.

In terms of international obligations, although efforts have been made by CONAM and INRENA to try and propose logical and feasible ways (i.e. National Commissions or National Technical Committees) to ensure MEAs are implemented with full and informed participation of different government agencies and stakeholders, these institutional structures still require a process of consolidation and full recognition - in practice - as the central spaces where ways to improve MEAs implementation can best be addressed and discussed.

Even though formally, CONAM should co-ordinate *all* biodiversity related aspects which are in turn related to the CBD and the Biodiversity Law, National Commissions and Committees enable sharing responsibilities but with multi-sectorial participation.

It should be noted that the *Ministry of Foreign Relations*, although not formally responsible of ensuring implementation of MEAs, plays a pivotal role in supporting national participation in international MEAs related meetings and in preparing national positions to be presented in these forums. Quite paradoxically, when the Ministry headed the different Commissions on the CBD, CCC and CDC, participation of all sectors was much more regular and committed. To some extent, this could be explained by the more "neutral" nature of the Ministry. In any case, this situation is gradually being reversed by CONAM and INRENA in particular.

### **3.3. Limited resources and personnel.**

Co-ordinating the implementation of MEAs requires financial resources and personnel. Most public agencies, including CONAM and INRENA (who are basically in charge of co-

ordinating implementation of the different MEAs in Peru through Commissions and Committees) have very limited budgets and human resources available to undertake the time consuming and mostly lengthy effort of co-ordinating MEAs implementation.

Co-ordination meetings are often perceived as "a waste of time" not only among public institutions themselves but even among stakeholders directly affected or with a specific interest vested in an MEA. In this regard, raising the profile of MEAs and developing a "marketing" or awareness raising strategy is a means to promote wider and more committed participation of public agencies in particular. This will, in turn, strengthen the role of CONAM and INRENA and raise the profile of MEAs and their importance. This becomes a circular process where the more regular and committed participation of agencies results in the strengthening of CONAM and INRENA as co-ordinating agencies.

### **3.4 Limited information on projects and initiatives.**

Although information technologies are assisting in overcoming the problem of obtaining and systematising data and information, it is very hard to co-ordinate the implementation of MEAs if there are gaps in information regarding who is doing what (i.e. research or field work) in the country in relation (directly or indirectly) to these MEAs.

Timely information (i.e. regarding field projects or specific sectorial activities or policies) is critical to ensure that best options are considered when discussing ways to comply with international obligations and ensuring a uniform implementation process across the country .

## **4 Best practices drawn from national experiences in trying to meet MEAs obligations.**

### **4.1 Participation.**

Participation of public agencies and different stakeholders in the different efforts being undertaken to implement MEAs (i.e. the NBSAP or the *National Commission on Climate Change*) has certainly increased dramatically over the past few years.

In fact, in terms of the development of public policies and opening processes to the participation of civil society and seeking co-ordinated actions among public sector agencies,

the environmental sector has certainly set a standard on how these processes should take place.

With their limitations and difficulties, creating National Commissions and open and widely participatory groups to discuss MEAs and how best to improve their implementation has been extremely useful in promoting citizen and civil society's involvement and ensuring adequate inputs are provided to the decision making process.

Although participation in quantitative terms is certainly not always an indicator of consensus and agreement it certainly favours legitimacy of the overall decision making process. This of course, will depend on the methodology used to ensure *effective* participation and not simple static presence in a process.

In terms of the NBSAP process, the experience has been extremely valuable in that it has been able to convoke a broad and wide variety of stakeholders many of which had never before had this type of participation in a policy, strategic planning process led by the State. Furthermore, the NBSAP process has enabled the process to become effectively decentralised and receive substantial input from different regions in the country.

#### **4.2 Internalisation.**

One of the few ways to promote the effective implementation of MEAs is to ensure that the different concepts and obligations addressed by these international instruments are effectively internalised by those responsible for implementing them and by the different stakeholders who will be affected directly or indirectly by them.

Internalising MEAs obligations is not an easy effort nor short can it be achieved in a short period of time. In Peru, it is a noticeable feature that concepts such as “ biodiversity”, “climate change”, “desertification”, “benefit sharing”, “carbon sinks”, etc. Are becoming increasingly used and understood at all levels of the State and, in particular, in public agencies.

The process of internalisation, supported through training, technical assistance, campaigns, among others, is certainly a continued and ongoing effort which requires perseverance and commitment by those seeking to implement MEAs. It is basically trying to make different



stakeholders and decision makers thinking permanently in terms of the actual commitments in MEAs undertaken by the country.

#### **4. Conclusions and final comments.**

##### **Reaching “non environmental” agencies.**

A pending task and challenge to ensure MEAs are fully implemented is for CONAM, INRENA and different sectorial agencies, to target “non environmental” agencies and, particularly in the case of Peru, the *Ministry of Economy and Finance* which, in practice, acts as a national planning agency and has the power to create incentives to implement MEAs and – as often is the case – rarely takes into consideration MEAs in planning and budget allocation efforts.

##### **Highlighting economic considerations of MEAs.**

Economic aspects and potential benefits of MEAs are critical in order to ensure attention by the *Ministry of Economy and Finance* and stakeholders which are not fully informed about the economics behind conservation and sustainable use, which are key aspects of most MEAs.

Addressing economics (i.e. externalities, incentive mechanisms, funding possibilities for projects, etc.) are a very effective way to draw the attention of a series of key stakeholders.

##### **Non existence of sanctions or effective deterrance mechanisms.**

In International Law in general and, in particular, with regards to MEAs the fact that there are no effective deterrance mechanisms (i.e. sanctions) certainly affects implementation efforts. Likewise, at the national level, other than specific sanctions in the case of CITES violations, it is a difficult to ensure effective implementation.

In this sense, it is important that at the national level, Criminal and Penal Law develop specific sanctions for environmental misconducts, crimes, etc. This mechanism would certainly assist in implementation efforts. It should be noted that sanctions are only effective when there are also adequate incentives to comply with obligations derived from MEAs.

## **Structural changes in public administration.**

“Thinking biodiversity” or “thinking environment” requires important and dramatic structural and institutional changes in public administration. Considering international obligations as priorities in national planning and policy development requires time and, as with the issue of internalisation, considerable efforts.

CONAM’s co-ordinating efforts are in this sense essential to ensure that sectorial interests and initiatives are compatible and in conformity with national interests and other sectorial interests. Ensuring that, for example, the *Ministry of Industry* takes into account the interests of the *Ministry of Agriculture* or the *Ministry of Fisheries* when developing policies or promoting a project or budgeting for its annual activities will require permanent and continued influence from the national co-ordinating agency, thus CONAM.

## **Different actions at different levels.**

Ensuring implementation of MEAs will require different measures, instruments and actions at different levels. Incentives for industries, training of public officials and judges, campaigns to raise awareness, among others can assist this effort. These could be targeted at different stakeholders but, most importantly should initially be directed at public officials and agencies which are, ultimately, responsible for ensuring MEAs are fully implemented in the country.

## **Participation.**

Although not a tradition in the country, the opening of decision making processes and planning initiatives with regards to MEAs has served to involve different stakeholders and raise the profile of the within State structures and among the general public. These processes should be supported and further strengthened and institutionalised.

As a final comment and returning to the initial point in this report, it should be stressed that overcoming the difficulties posed by the variables which have a direct and immediate effect on implementation (point 1(b)) will have a direct effect on overcoming the structural variables which affect MEA implementation. Indeed, it could be argued that it is relatively more *simple* to attack the former and, in time, revert the more structural variables which impose severe limits to effective implementation.

