



environmental
investigation
agency

CARVING UP THE AMAZON

How questionable companies bought and cleared vast tracts of the Peruvian Amazon with government complicity

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ABOUT EIA

We investigate and campaign against environmental crime and abuse. Our undercover investigations expose transnational wildlife crime, with a focus on elephants and tigers, and forest crimes such as illegal logging and deforestation for cash crops like palm oil. We work to safeguard global marine ecosystems by addressing the threats posed by plastic pollution, bycatch and commercial exploitation of whales, dolphins and porpoises. Finally, we reduce the impact of climate change by campaigning to eliminate powerful refrigerant greenhouse gases, exposing related illicit trade and improving energy efficiency in the cooling sector.

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Unless otherwise noted, the sources for the report are EIA's internal investigative notes, photos, audio and video evidence collected during the investigation.



INTRODUCTION

The Peruvian Amazon, home to more than fifty different Indigenous peoples¹ and source of invaluable ecosystem and climate services for the planet, is under threat.

On average 138,728 hectares² of its forests are destroyed each year, equivalent to more than 166,473 soccer fields,³ reaching a record high of 203,272 hectares cleared in 2020.⁴ Between 2001 and 2021 a massive 2,774,563 hectares of Peru's forests were felled,⁵ an area roughly the size of Haiti.⁶

Although the Peruvian government points to small-scale agriculture as the main driver of this clearance,⁷ deforestation for industrial-scale agribusiness, particularly palm oil and cocoa, is a growing problem. This investigation focuses on the impacts on forests from the operations of ten companies that either intended to or produced those commodities in the most densely forested regions of the Peruvian Amazon: Loreto and Ucayali.⁸ These include Cacao del Perú Norte, Plantaciones de Loreto, Plantaciones de Marín, Plantaciones del Perú Este, Plantaciones de Loreto Este, Plantaciones de Inahuaya, Plantaciones de Lima, Cacao de la Amazonía, Plantaciones de Ucayali and Plantaciones de Pucallpa (some have since been superseded by other companies).

The report shows how seven of those firms purchased land that official data claims saw over 13,000 hectares of deforestation. It exposes how in six cases the acquired properties resulted from illegal land titling procedures; how in three, deforestation was either carried out

UPDATE

Any potential illegalities described in this report are based on the forest law in force in Peru prior to January 11th 2024. That day Peru's Congress **published** a new law legalizing the unlawful deforestation by some of the companies named in this exposé, just as it was to be released. The law - which legal analysts **claim** was rushed through Congress un-procedurally - forgives historic illegal deforestation committed on rural properties or areas cleared for agriculture. It thus prevents Peruvian commodity firms from being held accountable for past unlawful forest clearance. It also circumvents part of a new EU law - the European Union Deforestation Regulation (EUDR) - that prohibits entry into its market of commodities resulting from illegal deforestation. The Peru law was supported by trade federations that **cited** the EUDR as a justification for approving it, given the risks it posed for Peru's EU commodity exports. Peruvian civil society organizations, including Indigenous Peoples and NGOs, **protested** against the law, which is being challenged in the courts for violating the constitution.

without permission or where fines went unpaid; and how in two cases, the violation of the rights of indigenous peoples and local communities occurred.

The investigation exposes serious governance failures by the Peruvian state in these instances. They include problematic land titling and acquisition processes that put forests at risk, inspection failures of the companies' operations, contradicting arguments between state departments on the legality of the firms' activities and inconsistencies in official documents of the location of the companies' lands, leading to legal confusion and social conflict. These chaotic failures allowed opportunistic businesses to buy vast tracts of the Amazon, and for some, to clear them illegally and without accountability. Many of them are linked⁹ to a controversial commercial enterprise the media often referred to as the "Melka Group", which EIA first exposed in its 2015 report, "Deforestation by definition".¹⁰

The investigation also shows how these industries attract small-scale agriculture to the areas where they operate, increasing pressures on forests and on the regional governments that govern them.¹¹ EIA found that between 2012 and 2018, nearly 100 percent of all deforestation in Loreto and Ucayali did not have legal permits, according to official data obtained through freedom of information requests.

The report takes a deep dive into the role of irregular land titling processes that lead to deforestation, showing how an antiquated and contradictory regulatory regime allows intact rainforests to be classified as "best used" for crops or pasture based on simple soil studies, often paid for by agribusiness companies that want to clear and use the land. It shows how these studies are also routinely ignored, or done poorly, with negative consequences for the forests. The investigation also looks at how new laws, either recently approved or proposed, may exacerbate these problems by providing amnesty for companies that repeatedly committed illegalities, changing land titling procedures at the expense of forests and enabling agribusiness operations in areas of Indigenous people in voluntary isolation.

Some of the palm oil from these companies is entering the supply chains of multinationals like [Kellogg's](#), [Nestle](#) and [Colgate](#) and of [Vandemoortele](#) in Belgium and [Lipsa](#) in Spain that produce goods for the EU market, just as it brings into force a new law – the European Union Deforestation Regulation (EUDR). This law prohibits EU imports of commodities from any illegal deforestation, as well as those from legal deforestation post-December 2020.

Yet Peru's Congress just [approved](#) law 31973 legalizing unlawful deforestation by some of the companies described in this report, with trade federations [citing](#) the EUDR as a justification for it. Thus, trading tainted commodities to European and Peruvian consumers can continue, setting a dangerous precedent, risking further illegal forest destruction.



Figure 1
Fundo Tamshiyacu, deforested in 2013.

As the European Union collaborates with tropical forested countries to enforce its law prohibiting deforestation-linked and illegally produced commodity imports, and as the US considers its equivalent, Peru's problematic forest governance tied to its cocoa and palm oil exports will face greater scrutiny. EIA recommends the following measures be taken by the Peruvian Government, with support from the private sector and the international community, to prevent further deforestation and human rights violations:

- Prosecute and adequately penalize illegal and corrupt behavior of private actors and public officials.
- Congress and the Ministry of Agriculture must stop proposing laws that would drastically weaken Peru's forest governance and irreversibly harm the human rights of Indigenous peoples in voluntary isolation and initial contact (PIACI).
- Establish and implement legal, legitimate and transparent titling and land management processes.
- Amend the legal and regulatory frameworks to align titling and land use legislation with Peru's forestry and climate change legislation.
- Make cadastral data transparent and publicly accessible and establish effective coordination between the relevant state institutions at the regional and national level.
- Stop market incentives for illegality and corruption by cleaning up national and international supply chains and prohibit the trade of unlawfully produced agricultural products.
- Repeal Law No 31973, ensuring small scale agricultural producers are not negatively affected by the EUDR while holding large commodity producers to account for committing past illegalities.¹²



The city of Iquitos surrounded by forests in the department of Loreto

Source: Wikicommons, NASA

KEY FINDINGS

EIA's new investigation outlines six categories of findings involving ten companies involved in commodities that drive deforestation in Peru. It begins with state land titling failures that put forests at risk and that permit unscrupulous firms to dubiously acquire extensive tracts of the Amazon. It follows this by revealing the chaotic role a variety of Peru's state agencies play in governing its forests and the companies that operate in them, unearthing evidence of illegal deforestation that breached laws in force at the time, as well as violations of the rights of local communities. *(See the Annex for our research methodology)*

1.1 Titling processes in violation of the law

Land titling in Peru is a crucial process affecting its forests. By law, before land can be titled to someone who wants it for agriculture, they must prove they peacefully occupied and used it and then carry out soil studies to show it is suitable for farming. If these studies, which determine an area's "Best Land Use Capacity" (BLUC), categorize the land as apt for agriculture and livestock, titling can proceed. However, if it is classified for "forestry" or "under protection", it becomes a natural heritage site under Peruvian law and any agricultural or livestock activity becomes illegal. EIA found six privately owned companies intent on planting crops in the Amazon regions of Loreto and Ucayali bought 571 plots of land with little proof the original titled owners peacefully occupied and used it and where soil studies were not produced. The firms include Cacao del Perú Norte (today known as Tamshi), Plantaciones de Loreto, Plantaciones de Inahuaya, Plantaciones de Lima, Cacao de la Amazonía and Plantaciones de Pucallpa (superseded by Ocho Sur P). Over 7,600 hectares of

forests were subsequently cleared by these companies, which may have been conserved had the original titling claims been assessed properly and the soil studies done. Worse, EIA discovered the titling was done in an office on paper, without being corroborated on the ground.

EIA also found these problems are systemic across Ucayali just as legal land use changes began promoting forest conservation in the process of land titling. In 2015, the use and protection of forests, as opposed to only land for agricultural use, was included as an option in land titling processes begun by would-be property owners, offering a lifeline for conserving them. Freedom of information requests filed by EIA show that between 2015 and 2018, 6,140 land titles were granted in Ucayali, yet in only 711 cases were soil studies claimed to have been done, comprising a mere 11.5% of the total.¹³

There are over 13 million hectares of forest the state has not yet assigned a right to use that could face these problematic land titling procedures.¹⁴ Without proper titling assessments and soil studies, deforestation in properties acquired by companies or by farmers across Peru could continue even if those forests should have been protected by law.

1.2 Inconsistencies between the location of plots on paper vs. the field

EIA can also reveal that chaotic land titling processes in Loreto and Ucayali have led to errors in official data sets on the location of properties owned by companies that pose threats to forests and communities. In Loreto, EIA found the actual location of properties purchased by Cacao del Perú Norte and Plantaciones de Loreto do not

correspond to their location in official documents. Depending on which official data set is chosen, EIA found the same properties were located in three or four different parts of the country, with some of them hundreds of kilometers away from what evidence suggests is their actual location.

Additionally, in the Nueva Requena district of the region of Ucayali, official documents show plots of land owned by Plantaciones de Pucallpa (now owned by Ocho Sur P SAC), overlapped land claimed by members of a local community called Santa Clara de Uchunya to be part of their ancestral territory. This confusion was followed by the firm clearing forests in 2012, resulting in an official complaint by the community. To further compound matters, official documents claim the community area overlaps that of another in the district of Nueva Requena, which EIA verified is actually located 20 km away in the district of Yarinacocha. These failures exemplify the chaos of the Peruvian state's land and forest governance, adding to legal confusions, environmental repercussions and social conflicts.

1.3 Lack of transparency violates civil rights

EIA also found how regional authorities obstruct local communities and small land holders from their legal right to access information about their land while pressuring them to sell it.

The investigation reveals two case studies showing how Peru's land titling process privileged large, well-funded companies - Cacao del Perú Norte (now known as Tamshi) and Plantaciones de Pucallpa (replaced by Ocho Sur P) both of which have a history of lawbreaking - at the expense of the rights of Indigenous peoples and local communities, whose land titling efforts, by comparison, can take decades.

1.4 Questionable acquisition processes

EIA unearthed instances of dubious land acquisitions by companies intent on planting commercial crops. In one case, prices paid to farmers for land by the firms Cacao del Perú Norte and Plantaciones de Loreto were found to be ten times lower than the value of similar properties in the area, according to a Government assessment EIA accessed. Once villagers understood the real value of their land, they felt cheated and refused to sell any more. (See the Panguana II case study below). In another example investigated by EIA, the company Plantaciones de Ucayali (since substituted by Ocho Sur U) bought plots of land grouped into the Zanja Seca Estate from the government in a process fraught with irregularities, even though the land was close to being granted to small farmers. The problems included departments of regional governments acting beyond their mandate to enable the sale of the properties and failures to secure a legally

required technical opinion by the Superintendencia Nacional de Bienes Estatales (Peru's State Property Office - SBN) on the properties' sale price.

It raises questions about how similar negotiation processes may be carried out in the future between small scale landowners, the government and wealthier individuals or companies, and what implications this has for Peru's forests.

1.5 Deforestation without permission and sanctions ignored

EIA can further reveal the companies Cacao del Perú Norte (today Tamshi), Plantaciones de Ucayali and Plantaciones de Pucallpa (both superseded by Ocho Sur P and U) illegally cleared at least 13,000 hectares of forests in land they bought in Ucayali and Loreto, based on forest law in force at the time. The failures included not having the legally required soil studies, authorizations for land use change or other environmental permits. The firms also violated the law by not conserving at least 30% of forests in these lands. Fines imposed by the Ministry of Agriculture Development and Irrigation (hereafter Ministry of Agriculture) and by the Regional Forest and Wildlife Authority of Ucayali were appealed or simply ignored by the companies, and in some instances, not paid either way.¹⁵ Worse, efforts were made to legalize these crimes by obtaining some of the permits after the deforestation, but this failed to secure a crucial one known as an environmental certificate, yet operations continued.¹⁶

1.6 Violation of Indigenous peoples' rights

In the district of Nueva Requena in Ucayali, the company Plantaciones de Pucallpa cleared more than 5000 hectares of forest. Some of this area is claimed by a local community called Santa Clara de Uchunya to be part of their ancestral territory. EIA found the firm did this clearing with no legal authorization and without the prior consent of the community. The company Ocho Sur P, that took over ownership of Plantaciones de Pucallpa's land, has since been involved in various controversies with community members, who have also suffered infighting.¹⁷

After his visit to Peru in January 2020, Michel Forst, the United Nations Special Rapporteur on the situation of Human Rights Defenders, noted this case was not an isolated one, but is emblematic of wider problems across the country about how local communities' rights are breached and how mechanisms of redress in country are not being accessed by them.¹⁸

Without major reforms addressing all the problems listed above, Peru's forests remain open to opportunistic companies intent on profiting from clearing them, rather than conserving them.



Source: Wikicommons, oneVillage Initiative, 2008

CASE STUDIES

Context of commodity production

While the volume of palm oil production in Peru is still comparatively small on a global scale,¹⁹ the government has declared the crop to be of "national interest"²⁰ and related production and deforestation have increased.

The last up-to-date official figures claimed palm oil production was 1,216,150 tons for 2021.²¹ Although Peru is currently not among the main palm oil exporting countries in the region,²² it aspires to become one.²³

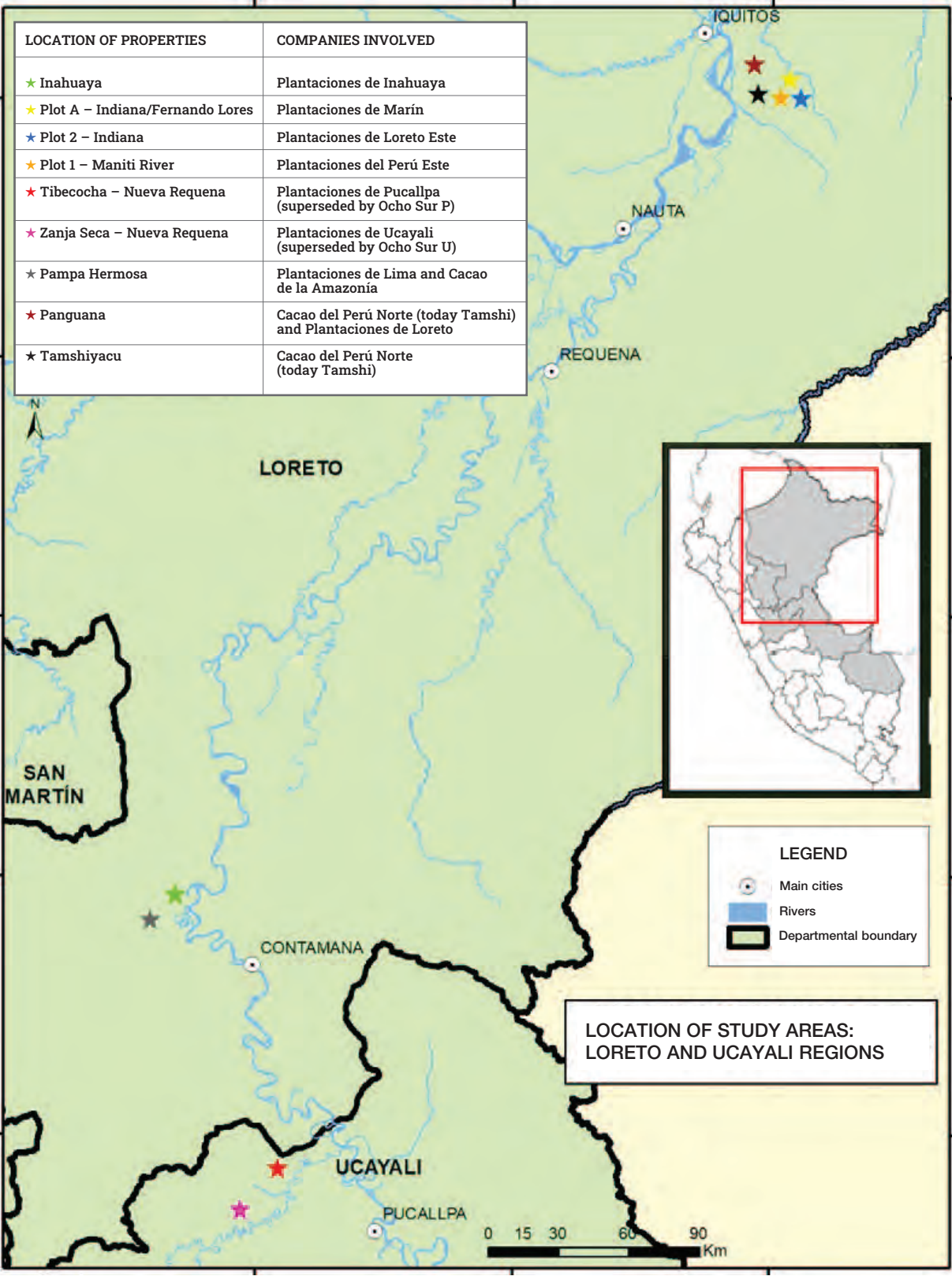
The investigative journalist outlet Ojo Público reported that from 2013 to mid-2020, exports increased by 94%,²⁴ further increasing by 27,500 tons in the first quarter of 2021 and to 31,200 tons over the same period in 2022.²⁵ According to Peru's Ministry of Agriculture, there were 108,000²⁶ hectares of land covered by palm oil crops as of 2021,²⁷ a large percentage of which are in the hands of a few commercial groups.²⁸ The largest are reportedly Grupo Palmas, part of Grupo Romero, and Grupo Ocho Sur, the latter with historic ties to a controversial set of companies commonly referred to as the "Melka Group".²⁹

This report analyzes the land acquisition activities of companies with links to this group, which derived its name from its main character at the beginning of their operations in Peru, Czech-American citizen Dennis Melka.³⁰ EIA has documented that, through dozens of obscurely interconnected small companies, all with ties to the "Melka Group,"³¹ the latter continued to request and acquire plots in the Amazon regions of Loreto and Ucayali, adding up to approximately 52,000 hectares of land, the majority covered with forests.³²

This occurred despite companies with ties to this group having been accused of illegal deforestation³³ as part of large-scale palm oil and cocoa agribusiness projects.³⁴ The group has also been publicly questioned on the methods it used to acquire land, which, according to local sources, included threats and attacks on communities who opposed their activities.³⁵

This report explains in detail the mechanisms through which companies with ties to the "Melka Group" have been requesting, acquiring and accumulating land, and in some cases, illegally clearing forests. It also describes how these abuses threaten surrounding protected areas and violate the rights of local and Indigenous communities.

The journalist outlet Ojo-Público reported that no major companies in the palm oil sector in Peru can guarantee their supply chains are sustainable.³⁶ In fact, companies declared as much to the Roundtable on Sustainable Palm Oil (RSPO)³⁷ – a not-for-profit composed of industry and civil society that set out standards for sustainable palm oil production. Some Peruvian companies openly stated to the RSPO they would not be able to guarantee their products were compliant with the standard until 2025, with others aiming for 2030.³⁸ That such a problem can carry on without accountability is exemplified by the operations of commodity companies bent on clearing forests in Peru's Amazon that EIA has looked into over a multi-year long investigation.



Source: Data Infrastructure of Peru (IDEP). Elaboration: EIA

Map 1
Location of the areas EIA investigated.



Source: Convoca

Figure 2
Deforested area in the Fundo Tamshiyacu with evidence of sawn wood

CASE No 1: The company, the commodity and the alleged crimes

Tamshiyacu is a small rural village located over one hour away by boat from Iquitos, the capital of the densely forested region of Loreto. In 1997, a department of the regional government of Loreto (DRAL) and the State Land Titling Project (PETT) had titled 2,985 ha in favor of local settlers grouped together into the “Los Bufaleros” Association.³⁹ EIA analysis of satellite imagery estimates the forests there remained almost intact up to 2013.⁴⁰ The company Cacao del Perú Norte (now known as Tamshi) then bought 60 plots of land from the farmers, covering almost 2700 hectares.⁴¹ Only a few months into 2013, after the majority of farmers sold their plots, the firm had deforested 1504 ha.⁴² In mid-2013, local residents saw the rapid clearance of forests near their village, done by the company, and contacted EIA and other non-governmental organizations to try and stop it.⁴³

The firm and the regional government reacted to their concerns with promises of economic development and wellbeing. By April 2014, the deforestation had increased to almost 2,000 ha.⁴⁴ Years later, a visit by EIA to the area saw that none of those promises had materialized.⁴⁵ Some community members instead claimed they were deprived⁴⁶ of their land,⁴⁷ amid a plethora of other complaints against the project’s alleged violations of environmental law.⁴⁸

EIA also found the deforestation lacked permits from either the Ministry of Agriculture or the regional government, corroborated in situ by our investigators



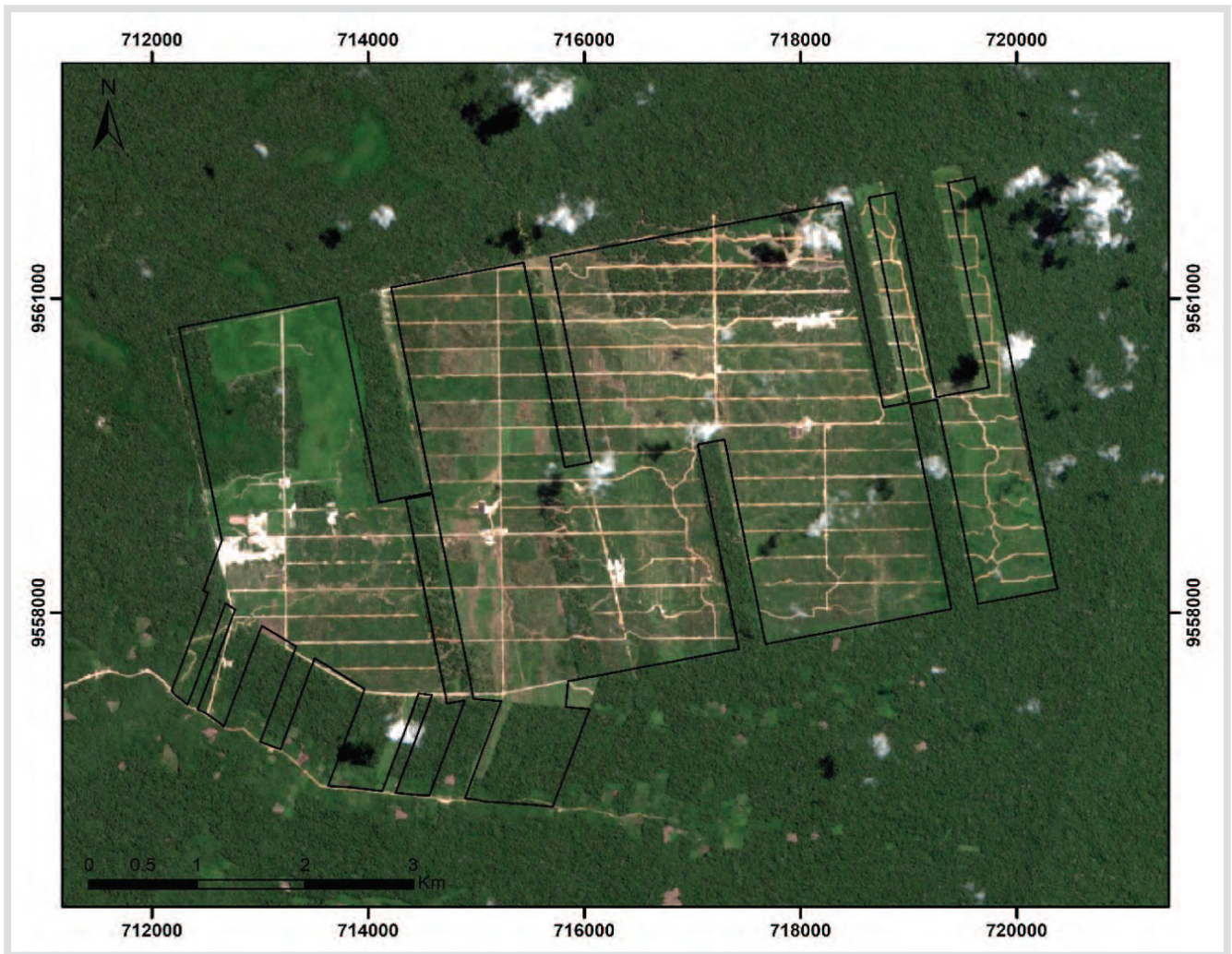
Source: Luis Iparraguirre

Figure 3
Former President Ollanta Humala, at a speech given in Tamshiyacu where he supported Cacao del Perú Norte (2015)

and other NGOs in 2013, and later reported on by the regional press.⁴⁹

An environmental prosecutor tried to inspect the area in September 2013 but was unlawfully barred access to it by a head of operations and two workers from the company.⁵⁰ When he and other officials returned later,⁵¹ they found, among other issues, piles of sawn wood from illegally felled trees. They also found the company had no permission to transform, move, collect or store timber products and had illegally used chainsaws.⁵² As a result, the prosecutor opened a preliminary investigation into the case.⁵³

In December 2014, a department of the Ministry of Agriculture ordered the company to stop its operations until a legally required land classification study (BLUC)



Map 2
Sentinel 2 satellite image showing deforestation in the Tamshiyacu plantation, 2016



Figure 4
Prosecutor and Police trying to access Fundo Tamshiyacu to verify deforestation

BEST LAND USE CAPACITY

The Land Classification According to Best Land Use Capacity (BLUC) Regulations, approved by Supreme Decree No. 017-2009-AG, in force at the time the companies began their operations – since replaced by Supreme Decree No 005-2022-MIDAGRI in April 2022 – established a classification system that included groups, classes and subclasses of land based on a combination of attributes. These included climate (life zones), topography and soil (edaphic variables), while ignoring current land cover. According to these rules, it was therefore not relevant if the land in question was covered by primary forest or if it had been irretrievably deforested. The methodology for classifying land according to a “best land use capacity” criteria was implemented in conjunction with the rules applicable to soil surveys, approved by Supreme Decree No. 013-2010-AG.

Based on the data produced by the “Soil Survey Study”, Best Land Use Capacity was then classified as follows:

- **Classification (A):** Land suitable for cultivation
- **Classification (C):** Land suitable for permanent crops
- **Classification (P):** Land suitable for pasture
- **Classification (F):** Land suitable for forest production
- **Classification (X):** Land suitable for protection

If the soil survey study determined that the land falls under categories A, C, or P, it can be legally transferred for agricultural use. However, even with a title in hand, the removal of forest cover is not automatically allowed, but is still subject to an evaluation by the national or regional forest authority as part of the land use change authorization process.

The previous and the current Forest Law ensure land classified as F and X is considered a National Heritage and cannot be transferred or leased for agricultural projects.⁶³



Figure 5
Flow of steps for the development of agricultural activities.

was submitted⁵⁴ – an important process in determining what the land could be used for. Only after the company was found to be at fault and its operations stopped by the authorities⁵⁵ did it submit this study. However, it was rejected due to a multitude of errors and problems.⁵⁶ Shortly thereafter, the official that refused the study was – without being notified, she claimed to EIA – forced to resign and replaced by another,⁵⁷ who three months later approved a second version of the study,⁵⁸ resulting in the stoppage order being lifted.⁵⁹ The new study – funded by the company – claims 74% of the area is suitable for crops,⁶⁰ almost tripling the figure of a previous one carried out by the state research institute “Instituto de Investigaciones de la Amazonía Peruana” – IIAP⁶¹ – under a different legal framework.⁶²

Cacao del Perú Norte did not have nor applied for the legally required environmental certification before beginning its operations.⁶⁴ Only after clearing the forest, the launch of an official investigation and the publication of complaints by civil society and journalists, did it try to legalize its situation through a process known as an “Environmental Management and Adaptation Program” (PAMA).⁶⁵ This is where companies evaluate environmental impacts as they operate, rather than before they begin a project.

However, according to the law in place at the time, the deforestation done by the company would not qualify for a PAMA, since this only applied to activities carried out before November 14, 2012, when the regulations entered into force.⁶⁶ Yet, as previously highlighted, most of the deforestation occurred after that date. As a result, the law required the company to seek approval of an Environmental Impact Assessment of its project before beginning it, which it did not do.⁶⁷ Despite this, the



Map 3
Satellite imagery of deforestation in the Tamshiyacu Estate at the top, and below the area covered by crops in light yellow



Figure 6
Prosecutor on the road built by Cacao del Perú Norte with the cleared area in the background



Figure 7
Court proceedings against Cacao del Perú Norte S.A.C.

Ministry of Agriculture allowed the PAMA request to proceed, yet did eventually reject it due to multiple violations of agricultural, forestry and environmental laws by the firm.⁶⁸

Civil society organizations also took legal action. In 2015, campaigner Lucila Pautrat filed a complaint before the 9th Constitutional Court of Lima against the Ministry of Agriculture and the regional government of Loreto, requesting they refrain from approving any environmental certification, BLUC classification, or land use change allowing any agro-industrial operations in the Tamshiyacu Estate.⁶⁹ In response, the Court ordered the company's activities be suspended,⁷⁰ which it never complied with.⁷¹ In 2018, the firm changed its name to Tamshi.⁷²

Then, on the 25th of July 2019, a court in Maynas, Loreto, finally sentenced the two staff that blocked the prosecutor's inspection in 2013 to four years imprisonment and issued them a fine. The supervisor was sentenced to eight years in prison and also fined.⁷³ Cacao del Perú Norte (superseded by Tamshi) and their staff were fined an equivalent of 4.76 million U.S. dollars

payable to the Peruvian State.⁷⁴ The company and its staff contested the ruling, and in December 2020, an appeals court in Loreto annulled the sentence. The decision was criticized by civil society and the attorney of the Ministry of Environment immediately appealed against it.⁷⁵ EIA understands the case is ongoing.

This was not the only legal case brought against the firm. According to internal company documents seen by EIA, up to 2017, Cacao del Perú Norte (now Tamshi) had several other criminal, civil and even constitutional proceedings initiated against it by the Peruvian State, by former workers and by citizens.⁷⁶ Some of the cases were later archived.⁷⁷

In conclusion, the endless legal proceedings, which aim at justice, have not redressed the environmental damage linked to the company. The state is complicit in the problem, because it allowed the clearance of forests in the first place, in open violation of Peruvian law, while the judicial process fails to resolve these issues in a timely manner. The case exemplifies many problems plaguing Peru's forest governance.

JUDGMENT FOR THE TAMSHIYACU CASE SETS A PRECEDENT

In July 2019, the Peruvian judiciary issued⁷⁸ what was then called by experts a “landmark ruling” against the company Cacao del Perú Norte (from 2018 known as Tamshi) and three of its officials for “illegal trafficking of timber forest products” and aggravated “procedural obstruction” after clearing close to 2,000 hectares of Amazon forests in the Tamshiyacu district, Maynas province, Loreto region.⁷⁹

The judge ordered the defendants to pay civil compensation equivalent to roughly 5 million dollars after reportedly determining the environmental damage exceeded around US\$ 47 million in lost ecosystem services.⁸⁰ One of the defendants was sentenced to 8 years in prison and the other two to 4 years.⁸¹

The judgment became known as the “Cacao I” ruling, as the case was complex and parsed into three sub-cases.⁸² The investigations into these cases included chief officers of the company, Dennis Melka himself,⁸³ as well as former congressman and Loreto regional governor Fernando Meléndez.⁸⁴

The prosecutor in charge, Alberto Yusen Caraza, was the victim of multiple attacks and threats, including efforts to remove him from the case.⁸⁵ The last known attempt came in July 2020 in the shape of a memo sent to the prosecutor by the company’s law firm Payet, Rey, Cauvi, & Pérez, asking Mr Caraza to “recuse himself from this criminal proceeding” while accusing him of “arbitrary conduct”, “abuse of authority and procedural fraud” and “administrative offenses,” committed “with the sole malicious purpose of discrediting and damaging Tamshi’s good image and reputation.”⁸⁶ The State Attorney representing the Ministry of the Environment of Peru, Julio Guzmán, noted that “there is pressure being placed on the prosecution and I am surprised that a document showing an intention to disturb the investigation would be sent.”⁸⁷

A couple of weeks after the memo was sent, the government appointed a new Minister of Labor, Martín Ruggiero, who was widely questioned in the media for his lack of experience in the public sector and whose employment record included almost 10 years at the same Payet, Rey, Cauvi, & Perez law firm.⁸⁸ Ruggiero lasted only 19 days in office.⁸⁹

In December 2020 a judge ruled in favor of the appeal presented by the company and its staff.⁹⁰ That same day, the Ministry of Environment announced on their Twitter account that they would be taking the case to the Supreme Court.⁹¹ At the time of writing, EIA understands the case is still to be concluded.



Source: Ministerio Publico del Peru

Figure 8
On the right, former prosecutor, Alberto Yusen Caraza



Figure 9
Small-scale land owners

CASE No 2: The properties, the papers and the pandemonium

A few kilometers north of Tamshiyacu in Loreto, the parceling projects "Asociación Agroforestal Panguana II Zona" and "Panguana III Zona Centro Industrial" were awarded to groups of farmers through laws aimed at benefiting people displaced by terrorists after returning home from Peru's internal armed conflict.⁹²

Of the land titles obtained by EIA from Peru's public land registry (SUNARP), we found none mentioned a BLUC classification study⁹³ as required by law – an important process that may have determined any forests on the land be conserved, rather than cleared. Worse, the land titles were seemingly done to meet quotas, relying only on desk work and without field corroboration. A vegetation cover analysis of the lands by experts, seen by EIA, as well as visits by our investigators and interviews with the former titled owners, showed the area was not in use by anyone – an important prerequisite that justifies titling unowned land to someone. Additionally, various official coordinates placed the projects in areas that not only do not match the location of the land the company bought, which EIA also verified on a field visit, but in some cases refer to sites hundreds of kilometers away. The wrong coordinates place the plots as overlapping with areas owned and under the possession of two other communities: Libertad Aucayo and Unión – Quebrada Aucayo.⁹⁴

Between 2013 and 2014, around half of the Panguana II plots – most almost completely covered by forest – were later bought en bloc by Cacao del Perú Norte and Plantaciones de Loreto at very low prices. EIA interviewed farmers that sold their plots and learned they were being paid about a tenth of the value estimated by a Government assessment for similar land, leading them to feel cheated and refusing to sell any more to the company.⁹⁵

Satellite image analysis by EIA indicates small paths within these properties have been cleared, but massive deforestation has not yet been detected.⁹⁶ Nonetheless, that firms were able to acquire land that should not have been titled or sold, that may never have been determined as best used for agriculture had the law been observed, and at a tenth of the price it is normally sold for, demonstrates severe governance failures by the state and the threats this poses for Peru's forests and for those that live in it.

CASE No 3: The soil, the permits and the forests

The plots of land A, 1 and 2 are located near the Tamshiyacu Estate and the Panguana II and III properties in Loreto, and are forested areas belonging to the state, but entered a fraught process of being leased to the companies Plantaciones de Marín and Plantaciones del Perú Este.⁹⁷ There are as yet no signs of deforestation, but legal problems abound and the future of these forests remains at risk.

The company Plantaciones de Marín, for example, requested a lease from the state on the fully forested

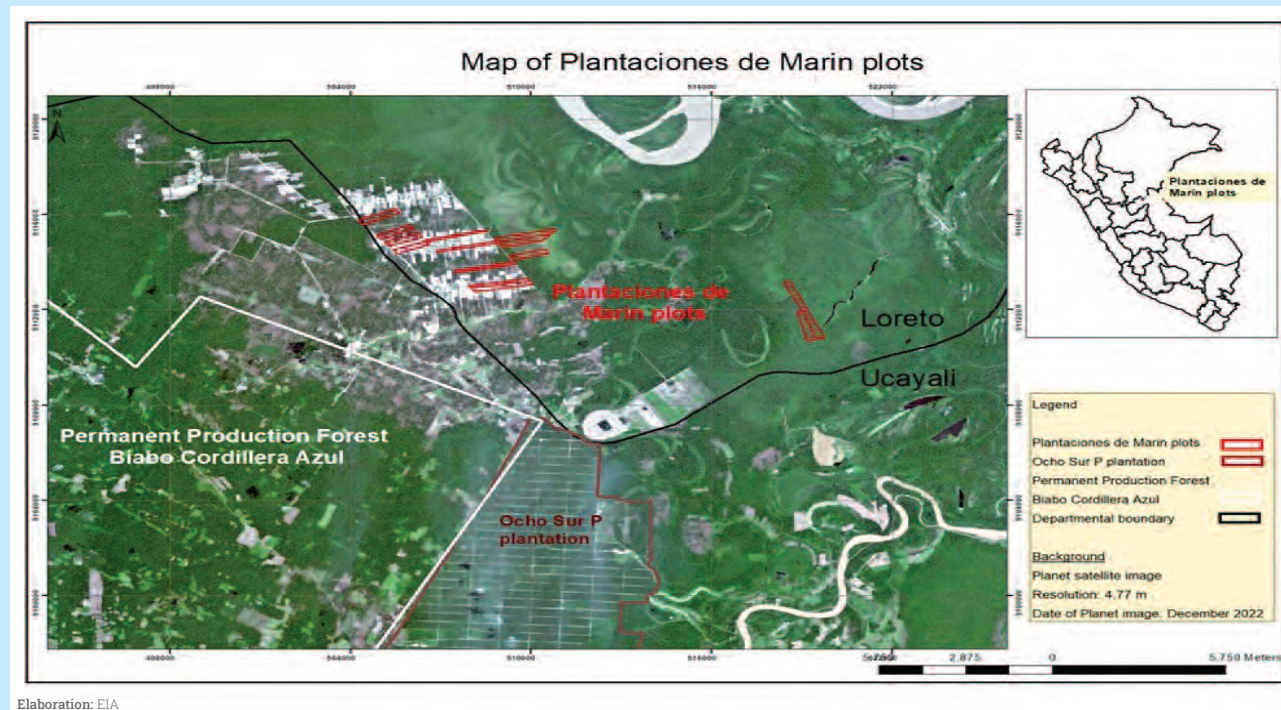
Plot A⁹⁸ reportedly without knowing if the land was apt for agriculture, because the legally required soil study had not been done.⁹⁹ The Peruvian NGO DAR claims that before requesting a lease, one must first carry out a soil study and apply for a land use change permit.¹⁰⁰ Loreto's regional government took steps to permit leasing the area to the firm¹⁰¹ and in the process produced land boundaries at odds with other maps it had done. In theory these should have come from the same data set, raising questions about how different maps could emerge. The case exemplifies how chaotic the process of leasing state land is and of the subsequent incompetencies that happen when making maps of those areas.¹⁰² At the time of writing, EIA understands the leasing has not yet happened.¹⁰³

BOX 3.

PLANTACIONES DE MARIN AND THEIR LINKS TO MENNONITE DEFORESTATION

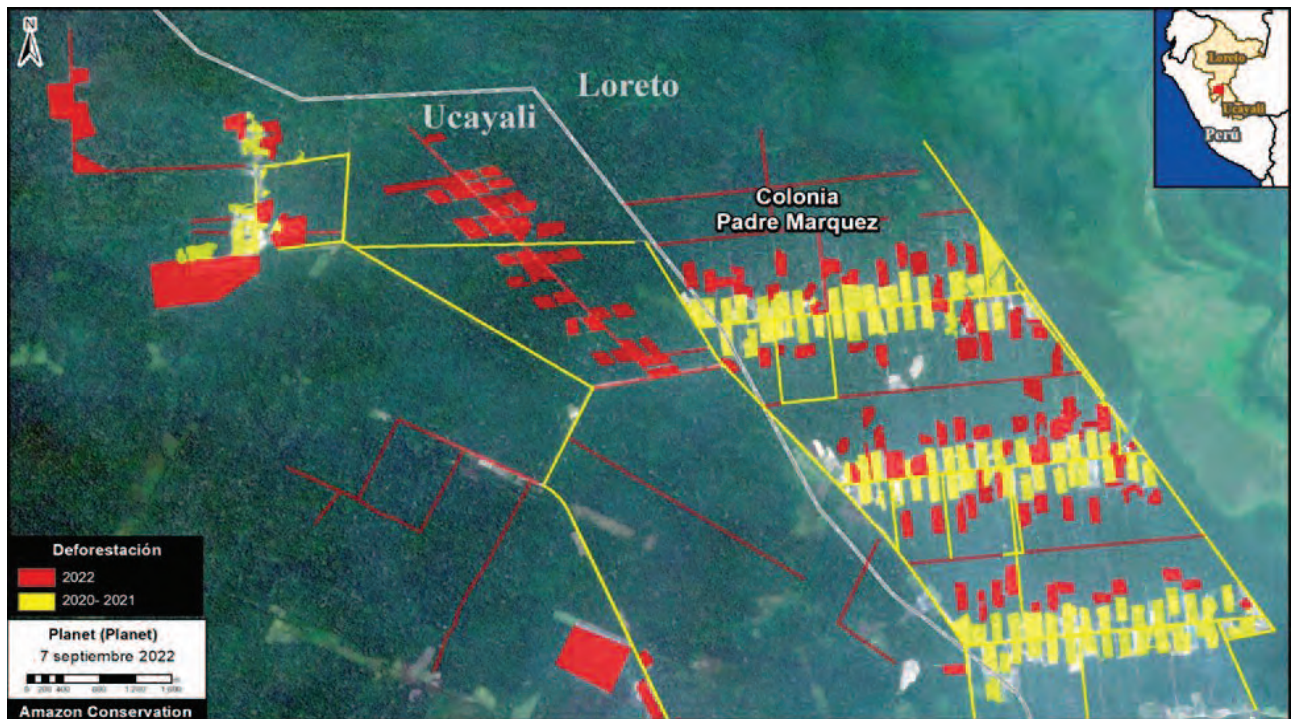
The private company Plantaciones de Marín was founded in 2012¹¹³ and between 2017 and 2018 purchased fifteen rural properties, totaling 391.81 hectares, in the Alto Bimboya sector in Loreto, according to Peru's public land registry (SUNARP).¹¹⁴

EIA was able to identify that nine of the properties overlap an area claimed by the NGO Amazon Conservation to have been illegally deforested by a Mennonite community called Padre Marquez Colony, amounting to 976 hectares.¹¹⁵ It is possible that Plantaciones de Marín sold the properties without registering the sale to the public registry SUNARP. This case illustrates the failure of the government to once again stop illegal deforestation, irrespective of the owner, in addition to the uncertainty and lack of transparency of official information on land ownership – important knowledge for conserving Peru's forests.



Elaboration: EIA

Map 4
Map of Plantaciones de Marín plots



Source: Environmental Investigation Agency (figure above)/ Amazon Conservation. Monitoring of the Andean Amazon Project (figure below)

Map 5 Comparison of the location of the Plantaciones de Marín properties and the accumulated deforestation of the Padre Marquez colony.

Then there is the remarkable story of Plantaciones del Perú Este when it requested Plot 1.¹⁰⁴ The company presented a soil study of the area but failed to get approval from the Ministry of Agriculture.¹⁰⁵ It then appealed to the Ministry,¹⁰⁶ citing as "evidence" an alleged report from a department official stating all the Ministry's observations¹⁰⁷ had been addressed by the firm and that its study should be approved.¹⁰⁸ Upon further investigation by the Ministry, the "report" was not found in its archives, had been sent from a generic Gmail address rather than from an official one and did not constitute "evidence" of any kind.¹⁰⁹ In February 2017, the company went into liquidation.¹¹⁰ EIA understands the land is still in the hands of the State.¹¹¹

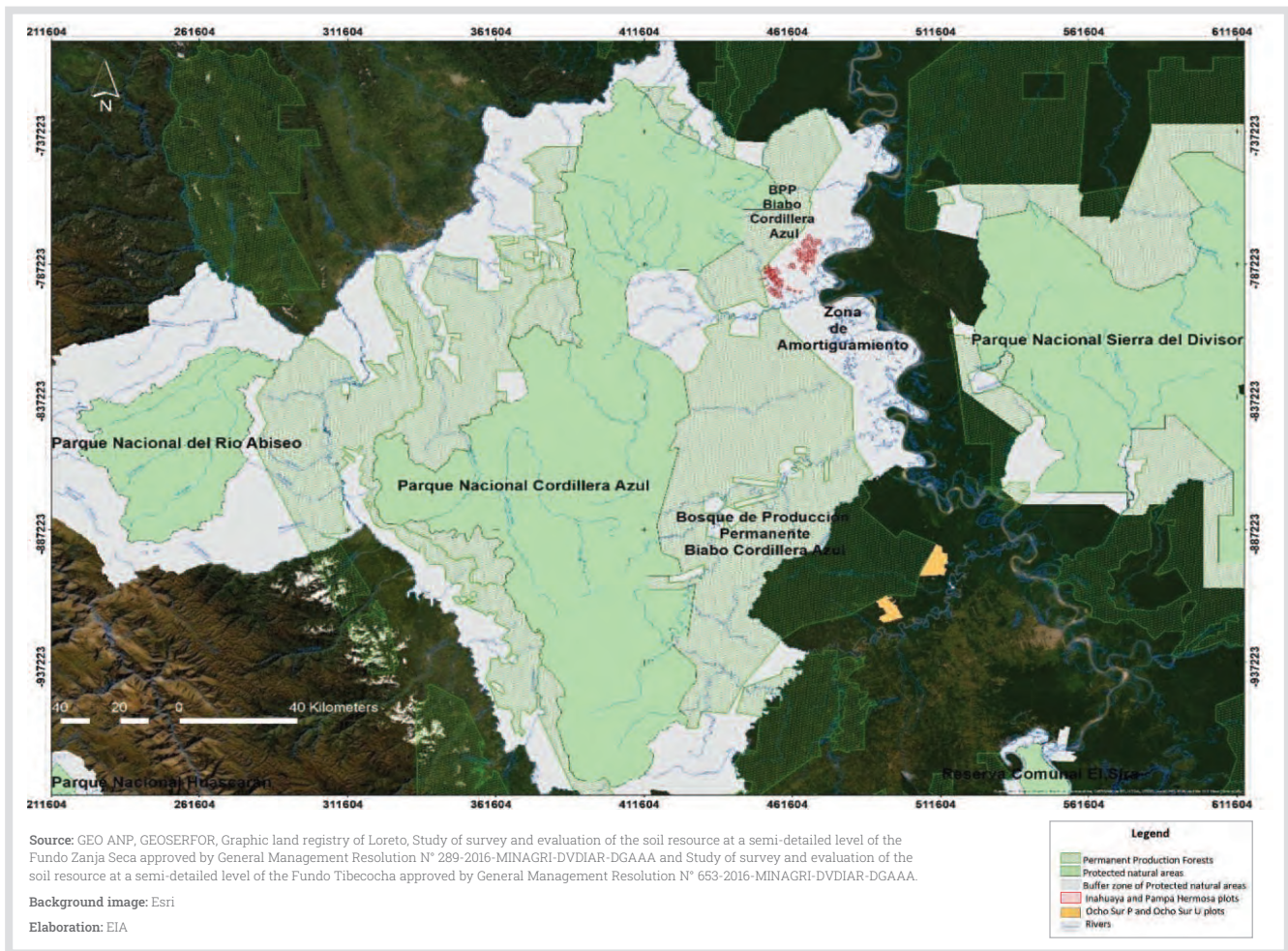
The company Plantaciones de Loreto Este is allegedly requesting a lease for Plot 2, which shares its borders with Plot A to the North and Plot 1 to the West.¹¹² EIA was unable to obtain official information on the leasing process.

Once again, problematic soil studies and state failures, intentional or not, threaten Peru's forests, opening them up to opportunistic companies that fail to be held accountable.

CASE No 4: The protected area, the properties and the plantations

The Cordillera Azul National Park is a 1.35-million-hectare Amazon area that includes part of the country's largest jungle mountain range and habitat for endangered species.¹¹⁶ Peruvian law has created buffer zones to protect it, but private property can exist within these and crops can be planted if they do not harm its conservation.¹¹⁷

Between 2014 and 2016 the companies Plantaciones de Inahuaya, Cacao de la Amazonía and Plantaciones de Lima, all linked to the "Melka Group," bought over 200 rural properties extending over 8000 ha in the Park's buffer zones.¹¹⁸ Most of these were covered in forest and had been titled to landowners in 2005 by a process involving the then regional office in Loreto of the Ministry of Agriculture, Peru's official land titling project (PETT) and SUNARP. EIA accessed official documents claiming these areas were verified as being used for economic activity by the owners before they were granted the titles – seemingly fulfilling a legal



Map 6
Cordillera Azul National Park's buffer zone, location of the agro-industrial projects linked to companies associated with the "Melka Group", and location of the Biabo Cordillera Azul BPP

prerequisite for those wanting to get land titles. However, satellite images accessed by EIA indicate that at the time of titling more than 99% of the area still consisted of primary forest, contradicting claims by the state institutions the area was being used for economic purposes.¹¹⁹ This indicates several government agencies endorsed an illegal land titling process. Worse, EIA found no evidence in these documents to show a land classification study (BLUC) was conducted during the titling process, implying that land with forests was made available to private parties that should have remained public and where agricultural activities should not have been done.¹²⁰

Official responses to freedom of information requests by EIA found that the three companies did not have any environmental certifications or a "Prior Favorable Technical Opinion" from the Protected Areas National Office.¹²¹ Both of these are essential to obtain a land use change authorization for agro-industrial projects before clearing any forests.

EIA also found glaring inconsistencies between the properties' location according to official records and Loreto's regional government's cadastral database, each assigning different areas to the properties, depending on the source. In the case of Plantaciones de Inahuaya, for example, the difference between the two data sets was more than 200 ha.¹²²

CASE No 5: The community, the companies and the alleged crimes

The next case studies show how companies with ties to the "Melka Group" have been accused of committing illegal acts while disregarding local communities' rights. They shed light on the role that regional politicians and officials play in large-scale transfers of forest to private investors through selectively

interpreting Peru's titling statutes, promoting new ordinances to encourage occupation of public lands, or even collaborating with organized land-grabbing networks. In 2018, for example, the former directors of two Ucayali regional government offices responsible for titling processes were involved in a scandal and sent to prison to prevent them running away during the investigation. Due to the COVID pandemic, one was released subject to probation and the other transferred to house arrest, both awaiting trial.¹²³

In the district of Nueva Requena, in the province of Coronel Portillo in the region of Ucayali, two companies linked to the "Melka Group", Plantaciones de Ucayali and Plantaciones de Pucallpa, acquired and illegally deforested more than 11,000 hectares in what are known as the "Fundo Zanja Seca" and the "Fundo Tibecocha" areas, respectively. While the illegal clearing continued, the properties were transferred to two other companies, Ocho Sur U and Ocho Sur P, both with alleged ties to the "Melka Group" via investors linked to the previous companies.¹²⁴

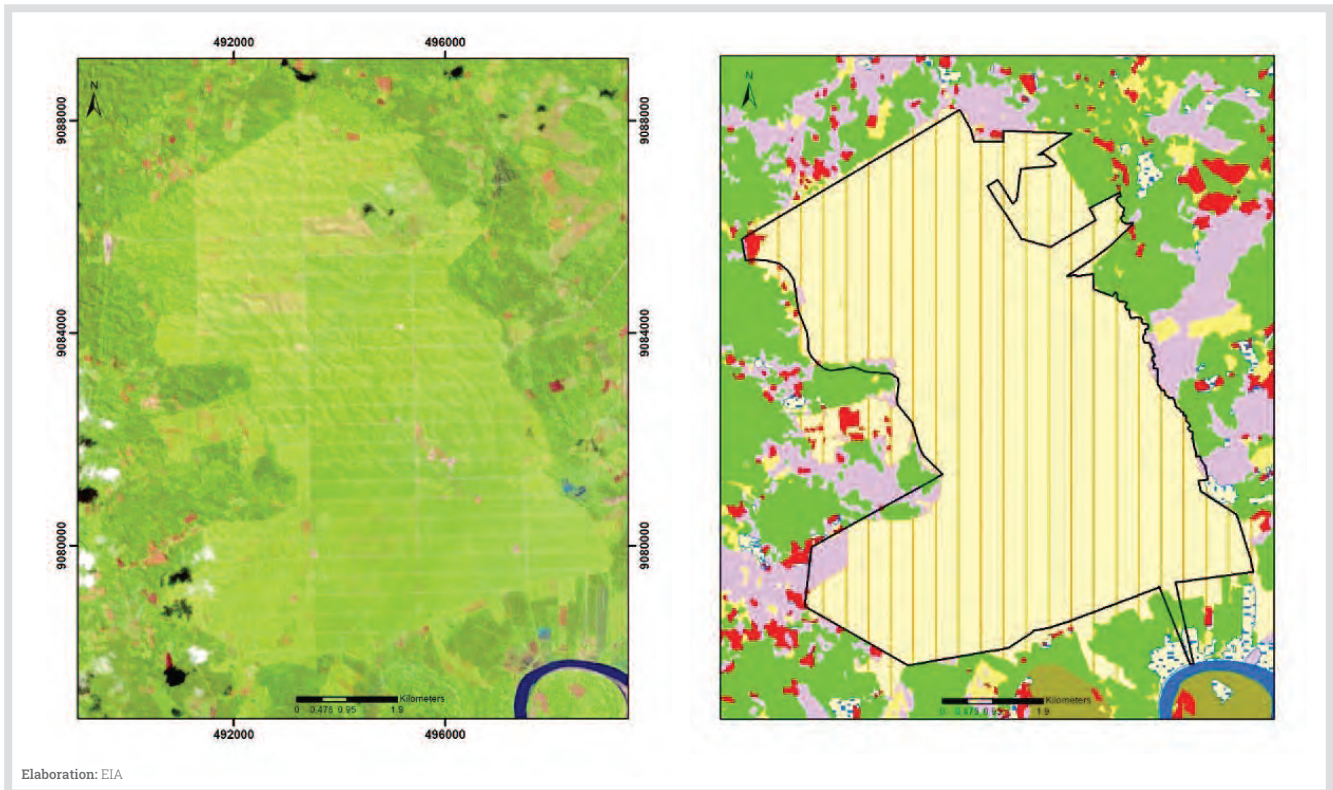
The sale of Fundo Zanja Seca to Plantaciones de Ucayali, now belonging to Ocho Sur U, was riddled with irregularities. In 2012, Ucayali's regional government awarded the area to the firm then involved, Plantaciones de Ucayali, despite small scale cocoa farmers having previously begun acquiring the same lands.¹²⁵ A legal analysis of the project by Peru's State Property Office (SBN), seen by EIA, claims the sale was done contrary to Peru's General Law on State Property and without the required technical opinion on its price by the SBN.¹²⁶ Additionally, an analysis by Peru's Public Ombudsman's Office found that the soil study, the basis for the sale and approval of the agro-industrial project,¹²⁷ was not approved by the Ministry of Agriculture as mandated, but instead by Ucayali's regional government.¹²⁸



Figure 10
The former Regional Government Director of Agriculture, Isaac Huamán, arrested after a raid.



Figure 11
Sign saying "Welcome to Nueva Requena, agroindustrial district".



Map 7
2018 Sentinel satellite imagery of deforestation in the Zanja Seca Estate on the left, and on the right the area covered in palm crops

By mid-2013, Plantaciones de Ucayali had cleared over half the forest at Fundo Zanja Seca without a proper soil study, environmental certification, or land use change authorization. Almost the entire area was deforested within a year.¹²⁹ Local prosecutors launched an investigation into the regional government and the company's directors.¹³⁰ Bizarrely, the regional government's forest department fined the company \$246,071 for its unauthorized clearance, which had been facilitated by the regional government in the first place - showing how dysfunctional it is.¹³¹ In 2015, the company was also sanctioned by the Ministry of Agriculture for failing to comply with an order to stop its activities.¹³²

The firm did not pay the penalties and kept clearing, though its successor, Ocho Sur U, did eventually pay two of the fines issued by the Ministry of Agriculture in late 2022.¹³³ EIA also found the company failed to conserve 30% of the forest as required by law, given clearances which reduced these to cover only 3% of the area.¹³⁴ Nevertheless, in 2016 the Ministry of Agriculture approved the company's soil study after those incidents,¹³⁵ but then denied its Environmental Adaptation and Management Program (PAMA) request in 2019,¹³⁶ - an essential legal requirement to carry out environmentally

sound operations in Peru.¹³⁷ Despite lacking this permit, the firm that took over the properties - Ocho Sur U - publicly claimed it continued to carry out its activities.¹³⁸

Plantaciones de Pucallpa meanwhile, acquired at least 232 properties (now belonging to Ocho Sur P), all titled under different laws over many years, including some under previous legislation, grouping them together into an area now referred to as the Fundo Tibecocha.¹³⁹ The titled lands were also alleged to have partly overlapped an area the local community of Santa Clara de Uchunya claims as its ancestral territory.¹⁴⁰

In 2013, the Ministry of Agriculture claimed the company began removing forest in Fundo Tibecocha without the required permits.¹⁴¹ Indigenous communities along with representatives of the Santa Clara de Uchunya community alerted the authorities and publicly denounced it.¹⁴²

In 2015, the regional Prosecutor's Office opened an investigation against Dennis Melka,¹⁴³ the company's general manager and other company officials. The Ministry of Agriculture also began an investigation,¹⁴⁴ imposing cease and desist actions against the firm.¹⁴⁵



Figure 12
Deforestation in Fundo Tibecocha



Figure 13
Traditional housing of the Santa Clara de Uchunya Community.

By then, Ministry of Agriculture data claims the firm had illegally cleared almost the entire area.¹⁴⁶

In December 2015, the community filed an official complaint against the company to the Roundtable on Sustainable Palm Oil (RSPO),¹⁴⁷ for having cleared primary forests in their ancestral territory without their free prior and informed consent. Following the complaint,¹⁴⁸ the company blocked official inspections.¹⁴⁹ It was then sanctioned for several infractions,¹⁵⁰ and had a stoppage order issued against it.¹⁵¹

Despite this, Plantaciones de Pucallpa tried to “legalize” its situation. In 2016, after the resignation of a Ministry of Agriculture official that had rejected soil studies and imposed fines on other companies linked to the Melka Group,¹⁵² new staff approved a soil study submitted by the firm, stating 93% of the area was suitable for agriculture¹⁵³ and lifting its stoppage order.¹⁵⁴ In 2019, but this time under Ocho Sur P, the company’s fines were dramatically reduced.¹⁵⁵ Then, in January 2020, the Ministry of Agriculture rejected its PAMA,¹⁵⁶ which

To date Ocho Sur P has not obtained the necessary environmental certification.

means to date Ocho Sur P has not obtained the necessary environmental certification¹⁵⁷ and yet claims it is still operating.¹⁵⁸ Meanwhile, the company generated divisions in the community, with some publicly supporting its activities while others rejected it.¹⁵⁹

These cases show how local communities are put into conflict with one another, due to opportunistic companies that play on state failures and incompetence, at the expense of Peru’s forests, with no accountability in sight.

CONSEQUENCES FOR FORESTS AND SOCIETY

3.1 The fruit of forest crime has entered the supply chains

For almost a decade, companies with ties to the “Melka Group” have been violating Peruvian laws and illegally deforesting while being accused by Indigenous and local communities of infringing their rights. Despite years of investigations, sanctions and stoppage orders, the authorities have been unable or unwilling to stop them and some continue operating with impunity,¹⁶⁰ reportedly using opaque offshore vehicles.¹⁶¹ Yet the palm oil produced from this litany of abuse is being traded,¹⁶² tainting consumer items¹⁶³ like food, cosmetics, cleaning products and fuel.

None of the Peruvian companies exporting palm oil and registered with the RSPO are able to demonstrate that all of their supply chains are free of illegal deforestation.¹⁶⁴ In 2019, the Santa Clara de Uchunya community filed a new complaint with the RSPO, this time against the Alicorp company - belonging to the Peruvian giant Grupo Romero¹⁶⁵ - for buying palm oil from three extractor plants that process the fruit for Ocho Sur P.¹⁶⁶ The RSPO rejected the complaint, because its standard permits mixing of non-certified and certified palm oil, which means tainted products from Ocho Sur P are finding their way to unwitting consumers. This is a company that owns dubiously titled land where forests were cleared without permission from the state or from the Indigenous community involved, and that continues to operate in spite of not having the mandated environmental certification.¹⁶⁷

International investors are also complicit. The NGO Forest Peoples Program reported that the Norwegian Pension Fund (managed by Norges Bank Investment Management – NBIM) divested 12.3 million U.S. dollars from Alicorp, citing its connection to plantations established on illegally deforested lands within Indigenous territories.¹⁶⁸ It was hoped investors such as the Swedish bank Handelsbanken Fonder AB, Goldman Sachs, LGM Investments Ltd, Grandeur Peak Global Advisors LLC and Brown Advisory Ltd¹⁶⁹ would follow suit. Unfortunately, since 2021, NBIM has again re-invested in Alicorp,¹⁷⁰ claiming it was liaising with the company on how it managed the risks associated with deforestation and human rights abuses.¹⁷¹

Additionally, some stock exchanges have acted against listed companies linked to problematic palm oil supply chains in Peru. United Cacao, linked to Dennis Melka, was admitted for trading by the London AIM Stock Exchange in 2014,¹⁷² presenting documents riddled with outright lies and inaccuracies about its operations in

Peru. In May 2016, more than 60 Peruvian and international Indigenous and civil society organizations presented a letter and an EIA investigative report on the company to AIM, documenting violations of laws. It included misrepresenting information and failing to mention the pending legal cases in Peru on the illegal deforestation of the Tamshiyacu Estate.¹⁷³ Months later, United Cacao was then suspended from trading after a series of scandals and resignations.¹⁷⁴ Shortly after, Peru's stock exchange announced it delisted United Cacao.¹⁷⁵

In April 2019, the Ministry of Production (PRODUCE) approved an environmental impact assessment for a palm oil extracting plant for the private company Servicios Agrarios de Pucallpa,¹⁷⁶ that rented land from Ocho Sur P in the district of Nueva Requena,¹⁷⁷ where its palm plantation is located. EIA found that Servicios Agrarios de Pucallpa (SAP) and Ocho Sur P have the same legal representative, implying they are controlled by the same people.¹⁷⁸ Ocho Sur also claims SAP is an affiliated company on its website.¹⁷⁹ The Ministry's own evaluation identifies Ocho Sur P and Ocho Sur U as SAP's main palm fruit suppliers,¹⁸⁰ despite neither having the required environmental certification from the Ministry of Agriculture, which would make their operations illegal. By early 2020, the certification requests of both companies were denied – though they can submit new requests if their illegalities are resolved. This is a bizarre situation, with one Ministry facilitating product entry to the market of a firm's operations that another has not approved.¹⁸¹

Palm oil from these lands may also be finding its way into international markets. In December 2022, Peruvian indigenous organizations AIDSESP and FECONAU and allied NGOs (the Center for Climate Crime Analysis, Forest Peoples Program, EIA and Kené) filed a joint complaint in the Netherlands against the commodity trader Louis Dreyfus for breaching the Organisation of Economic Cooperation and Development's (OECD) Guidelines for Multinational Enterprises – a voluntary instrument promoting responsible business conduct. The company had disclosed it sourced palm oil from Servicios Agrarios de Pucallpa in 2020 and the complaint alleged in so doing it failed to meet the guidelines' “due diligence to identify, prevent and mitigate adverse impacts in its business operations,” among other breaches.¹⁸² Louis Dreyfus has since claimed Ocho Sur is no longer linked to its supply chain, but the complaint is ongoing.¹⁸³

In September 2023, the Netherlands National Contact Point for the implementation of the OECD Guidelines for Multinational Enterprises in the country, determined that the complaint “merits further consideration” and has



Figure 14
Santa Clara de Uchunya Indigenous Community - Defending our territory, our biodiversity and the life of humanity



Figure 15
Big brands disclose the mill of origin of some of their palm oil as coming from Ocho Sur's Servicios Agrarios de Pucallpa

The EU will soon implement its law prohibiting imports of commodities resulting from legal and illegal deforestation

invited the parties to engage in a mediation process, noting that "the processing of this notification may contribute to the achievement of the objectives of the Guidelines and improve their effectiveness, in the sense that it can help to clarify, under the OECD Guidelines, the responsibilities of commodity traders sourcing palm oil in Peru for alleged negative impacts of their supply chain, directly or indirectly, on human rights and the environment."¹⁸⁴

In 2021 the commodity trader Bunge logged a grievance against Ocho Sur due to it being an indirect supplier in its supply chain. The process resulted in it being blocked, with Bunge claiming it found "recent land clearing / deforestation [had] occurred inside and around concessions," adding that the "company in question and its associates will remain blocked in Bunge's supply chain until a credible and robust Recovery Plan is developed."¹⁸⁵ Ocho Sur has publicly denied the allegations against it¹⁸⁶ and Bunge is updating its grievance process as new information comes in.¹⁸⁷ Yet palm oil from Ocho Sur's mill entered the supply chains of multinationals like [Kelloggs](#), [Nestle](#) and [Colgate](#). [Vandemoortele](#) of Belgium and [Lipsa](#) of Spain, selling foodstuffs in Europe, also disclosed Ocho Sur's mill in their public palm oil origin lists, just as the EU brings into force a new law – the European Union Deforestation Regulation (EUDR) – part of which prohibits the import of commodities linked to illegal deforestation.¹⁸⁸

All the aforementioned cases set dangerous precedents for forest governance in the Peruvian Amazon. They promote perverse incentives by enabling companies to operate with impunity while simultaneously rewarding them. The state should oblige the firms to leave the

unlawfully deforested land and pay for the regeneration of forests and any damage caused to local communities. As the United Nations Special Rapporteur on Human Rights Defenders stated at the end of his visit to Peru in January 2020, "there is a systemic deficiency in the reaction by authorities against big economic interests, particularly at regional and local levels."¹⁸⁹

3.2 Land trafficking, social conflicts and more deforestation

Studies have explained how land trafficking in the Peruvian Amazon is a complex process involving the convergence of economic interests, pressure exerted by settlers, and a lack of effective governance as well as misguided land titling campaigns, resulting in unintended consequences.¹⁹⁰ This complexity is exemplified by the cases analyzed in this report.

The infamous Cochanía case in Ucayali, where prosecutors claim 128 rural properties were irregularly titled, serves as an example of illegal land usurpation by a criminal organization with the alleged complicity of high-level officials and local actors.¹⁹¹ The then-head of Ucayali's agriculture department of the regional government, Isaac Huamán Pérez, was accused of being involved.¹⁹² Violent land grabbing has also been reported, such as the "Motelillo Massacre"¹⁹³ – again in Ucayali – where apparent land traffickers¹⁹⁴ killed six settlers.¹⁹⁵ The common denominator across these cases is fraudulent and incompetent land titling, fueled by pervasive corruption.

Analysis of the cases involving companies with ties to the "Melka Group" has shown that the cartographic databases of rural properties upon which the Regional

Agrarian Directorates rely do not always contain accurate information, which can cause or aggravate social conflicts and generate violence. This information gap seems to favor titling campaigns not truly aimed at turning real land users into owners, but rather placing areas with intact forest on the market, attracting land traffickers and opportunistic investors.

Some companies are also expanding their palm oil production by implementing "small-holder" schemes,¹⁹⁶ creating incentives that attract settlers to the forest frontier, which studies have claimed can lead to disputes over land with local communities.¹⁹⁷ Other studies claim that the growing populace in these districts, largely the result of an expanding agricultural sector, has led to increasing land speculation and infrastructure development, placing forests under pressure due to the incompetence and corruption of state institutions that fail to ensure urban planning is done legally.¹⁹⁸

3.3 Almost 100% of deforestation in Loreto and Ucayali appears to have been illegal

EIA has found that according to official documents, almost 100% of all forest clearance in Loreto and Ucayali from 2012 to 2018, amounting to 422,953 ha¹⁹⁹ – an area almost twice the size of Tokyo – was not authorized and therefore illegal, based on the forest law in force at the time.

EIA requested copies of all authorizations of land use change for agriculture impacting forests between 2012 and 2018 from the regional governments of Ucayali and Loreto.



Figure 16
Soil eroded and compacted by the use of machinery in Fundo Tibecocho.



Source: WikiCommons, Coordenação-Geral de Observação da Terra/INPE, 2019

Figure 17
The Ucayali River

Ucayali's regional government provided four of these,²⁰⁰ covering 75.13 hectares. According to the Ministry of Environment, Ucayali lost 209,409 hectares of forest between 2012 and 2018.²⁰¹ This implies a massive 209,333 hectares would have been illegally deforested over the period, given the lack of permits.

Loreto's regional government sent copies of only four authorizations²⁰² for two companies linked to Grupo Palmas,²⁰³ which belongs to Grupo Romero, one of the largest corporate groups in Peru. The firm, however, has published a no-deforestation policy,²⁰⁴ implying it will not clear any of those forests.²⁰⁵ Yet, according to the Ministry of Environment, forest loss in Loreto during the period 2012 to 2018 amounted to 213,544 hectares. This suggests all that deforestation was illegal, given the absence of authorization.

3.4 Weakening of regulations facilitates more land trafficking and deforestation

EIA has found that recent legal changes may exacerbate the problems of deforestation in Peru. In 2008, procedures for formalizing and titling land in the Amazon were regulated by Legislative Decree No. 1089 (DL 1089),²⁰⁶ which was replaced at the end of March 2021 by Law No. 31145.²⁰⁷ The new law contains some positives for forest conservation. It excludes areas declared as 'productive forests' - for example, used for logging approved by regional governments - and

protected areas from rural land titling of private properties.²⁰⁸ It also promotes the updating of the rural property registry.²⁰⁹ In relation to solving the problem of poor property map management by the state, it prioritizes the registered location of properties over outdated information in other entities²¹⁰ and promotes better coordination of official data between state institutions.

However, the law also introduces new threats to forests. It promotes the cost-free land titling of larger areas, while imposing costs for smaller land users seeking to obtain property,²¹¹ making it easier for firms like those tied to the Melka Group to acquire land and clear it. It fails to prohibit land titling in areas occupied by Indigenous people in voluntary isolation.²¹² It does not consider forest maintenance as evidence of an economic activity as part of the land titling process, promoting deforestation for agriculture instead.²¹³ It obliges new land owners to carry out agricultural activities on the land for five years, at risk of losing property rights if they fail, encouraging more forest clearance.²¹⁴ Finally, Peru's Congress recently [approved](#) law no 31973 that legalizes much of the unlawful deforestation by some of the companies in this report. It was supported by Peruvian trade federations that [cited](#) the EUDR as a justification for approving it. In the next section, EIA reveals how additional governance failures and weakened regulations are promoting agribusiness, with yet more unnecessary threats to Peru's forests.

3.5 Delayed land use change regulations linked to poor forest governance

Peru's 2011 Forest Law and its subsequent regulations, in force since 2015, redefine how land subject to titling should be classified according to its best land use capacity - an important process in conserving forests covering the land or not. In comparison to previous laws, it incorporates new factors to be taken into consideration about those forests, such as their intrinsic value, their edaphic ecological characteristics and the goods and services they provide. Upon the forest law's entry into force, the Ministries of Agriculture and of the Environment had 60 days to

amend the respective regulations involved in land classification and titling, so these could comply with the forest laws' requirements.²¹⁵ Yet it took the Ministry of Agriculture seven years to approve the new regulation to classify land use in titling efforts through Supreme Decree N° 0005-2022-MIDAGRI. This is an illustration of incompetent forest governance by successive governments.

3.6 New laws and bills that endanger forests and indigenous rights

EIA has also identified various law proposals and regulations that, if approved, could have disastrous effects on Peru's Amazon forests, the human rights of the

Table: Recently proposed and approved laws that weaken forest governance in Peru

Proposal	Description	Potential impact	Authority	Situation as of Sept. 2023 (except where * is placed, which refers to January 2024) ¹⁹
Congressional Bill 649, 894 & 2315 ²¹⁶	Bill to modify the Forest Law	Legalized unlawful deforestation for agriculture & weakened forest protections, risking encouraging more illegal forest clearance	Congress	Bills 649/894/2315 were recently approved by Congress and then published on January the 11th this year and numbered as Law No 31973.* Legal analysts consulted by EIA claim this was done contrary to congressional procedures .
Law proposal presented to the Executive Board for the Development of the Forestry Sector ²¹⁷	Proposal to modify Peru's forest law	Would legalize unlawful deforestation & weaken forest protections	Executive Board for the Development of the Forestry Sector (includes the Executive and private actors)	Peru's forest authority SERFOR has said the proposal would "establish a strategy to detain deforestation" ²¹⁸
Congressional Bill 3518/2022-CR	Bill to modify the PIACI law	Threatens Indigenous peoples in voluntary Isolation (PIACI)	Congress	Rejected in a congressional vote, but some congressmen announced they will present a new similar proposal.
Ministerial Resolution 0141-2022-MIDAGRI ²¹⁹	Environmental Management Regulations for the Agriculture and Irrigation Sector (REGASAR)	This would legalize unlawful deforestation & weaken forest protections	Ministry of Agriculture	
Congressional Bill 2172, 2519, 3621, 5171 ²²⁰	Extension of a deadline for illegal miners to formalize their operations (REINFO)	Extend the REINFO deadline beyond 2024, promoting impunity for illegal mining.	Congress	It is on the congressional agenda
Proposal prepared by Perupetro and submitted by MINEM ²²¹	Proposal to modify the National Protected Areas Law	Would allow for fossil fuels and other resources exploration and exploitation inside National Protected Areas	Ministry of Energy and Mining	

EIA has found that according to official documents, almost 100% of all forest clearance in Loreto and Ucayali from 2012 to 2018, amounting to 422,953 ha – an area almost twice the size of Tokyo – was not authorized and therefore illegal.

peoples that live in them, and on the country's efforts to combat climate change.

As mentioned, a law passed by Congress that modified the forest law forgave historic illegal deforestation for agriculture,²²² and a Bill pushed by the Executive,²²³ would make it easier to clear Amazon forests for agribusiness plantations.²²⁴ Ministerial Resolution N° 0141-2022-MIDAGRI, for example, would allow illegal activities, like those done by the companies described above, to get a free pass for their crimes and infractions by extending the time period they have to legalize their unlawful operations.²²⁵ EIA concludes these proposed laws and regulations would violate the US – Peru trade agreement, in particular its article 18.3.2, which states that the “Parties recognize that it is inappropriate to encourage trade or investment by weakening or reducing the protections afforded in their respective environmental laws.”²²⁶

Peru's Comptroller General's Office recently concluded that under current laws, the plantations linked to the Melka Group – regardless of who claims to own them now – cannot obtain a legally required environmental certificate.²²⁷ The only way to legalize these operations would be to change existing laws, which is what Congress did when it approved Law no 31973 shortly before the publication of this report.

A number of companies linked to the Melka Group have been acquiring forested land but have not started clearing them yet.²²⁸ Legalizing the unauthorized deforestation of those firms, could incentivize others to follow suit, with all the irreversible social and environmental costs this could bring. This could not



Map 8
Accumulated tree loss in Peru in pink between 2001 and 2022

only affect Peru's forests and its peoples, but could add to the global climate crisis by increasing greenhouse gas emissions linked to land use clearance.

Congress is also considering a bill to modify the law that protects Indigenous Peoples in Voluntary Isolation or under Initial Contact (PIACI – according to its Spanish acronym). It would hand over control on legally defining what a PIACI is and creating their reserved areas from the national government to regional governments.²²⁹ Many of the environmental and human rights abuses highlighted in this report stem from problematic and corrupt regional governments.²³⁰

Despite the abundance of evidence for the existence of PIACI's in official records, in recent years, politicians, businessmen and affiliated lobbyists with interests in the Amazon regions of Peru have questioned their existence and complained about the limitations PIACI reserved areas have for resource extraction there.²³¹ These critics publicly argue that these areas are an obstacle to development and are an invention of those who oppose progress, which they would eliminate if given power.²³² The Ministry of Culture²³³ and the national Indigenous organization AIDSESP,²³⁴ as well as several national and international civil society organizations,²³⁵ have publicly expressed their opposition to this bill and argue it would threaten the PIACI's very existence.²³⁶

Another Congressional bill would extend for the fifth time the deadline to render lawful the activities of illegal miners,²³⁷ despite illicit gold mining being a leading cause of deforestation.²³⁸ In January 2002 Law No. 27651 for the Formalization and Promotion of Small-scale and Artisanal Mining was passed.²³⁹ Ten years later, a



Figure 18
View of the area deforested by Plantaciones de Pucallpa

temporary registry was created to legalize the operations of illicit miners with deadlines attached.²⁴⁰ Since then, successive regulations kept extending it, with the current one being the 31st of December 2024.²⁴¹ The new proposal would extend it yet again.

Peru's Ombudsman's Office has questioned these delays,²⁴² stating they fail to incentivize miners to complete the process and protect those that register in a cloak of impunity, as they "cannot be investigated or sanctioned for activities linked to illegal mining."²⁴³ The Ombudsman also stated that as of December 2021 over 88,000 miners have registered, yet the investigative journalist outlet Ojo Público claims only 1,600 miners have formalized their activities.²⁴⁴

Additionally, in June 2023 the press reported on an amendment made to the interdiction law of illegal mining. It prohibited the destruction of seized machinery used to extract gold illegally, despite objections by the Ministries of the Interior, Defense and Justice. Those who did agree with the rule were the regional governors.²⁴⁵

Meanwhile, the Peruvian judiciary, the Attorney General's Office, multiple civil society organizations and former high-ranking Peruvian state officials have also spoken out against a bill that would benefit more than 40,000 people prosecuted for corruption in the country. The proposal seeks to modify the "extinction of ownership", a legal concept that enables the state to recover illegally obtained assets, such as houses, vehicles or machinery. The bill would only grant this power after a final conviction, tying the hands of those trying to investigate and stop crime.²⁴⁶



Figure 19
View of the remaining tropical forests and deforestation in the area near Fundo Tibecocha

CONCLUSIONS

Many of the issues presented in this report stem from a sector of the Peruvian State that continues to regard the Amazon through a 19th century mindset: as an empty territory to be colonized and its riches extracted, while often punishing the populations that oppose this process.

Historically, the state has promoted a disorderly occupation of the Amazon. Since the 1990s, it has been carrying out massive titling programs for rural properties without considering who is actually in possession of or using the land to meet arbitrary titling targets, thus needlessly threatening forests. As the cases presented here show, it often does so in disregard of its own laws, enabling thousands of hectares of forest to be acquired by companies that seek to profit from this chaos. This underscores the urgent need to put a halt to the ongoing land-grabbing and to save the remaining areas from deforestation. But the threat goes beyond the cases mentioned here. The pressure on forests and the peoples that live in them is further exacerbated by plans for large infrastructure projects. These include the Cruzeiro do Sul project, involving a coast-to-coast train running across the continent and passing through Ucayali's forests,²⁴⁷ and several secondary highways, such as the Moyobamba – Balsapuerto project, cutting into forest areas in Loreto and Ucayali.²⁴⁸ Who would trust that such projects could be done responsibly by a state incapable of applying its own laws or holding wrongdoing to account?

Government corruption and incompetence are key drivers of the problem, which companies routinely exploit at the expense of Peru's forests and the communities that depend on them. Recent legal changes make the threat worse while existing laws that evaluate the soil under forests are either ignored, not implemented properly, and in any case, do not promote forest conservation, even if done correctly. Worse, bills currently under consideration will only increase the threats and may result in even more deforestation. As stated before, some authorities' main interest appears to be to promote the disorderly expansion of agro-industrial sectors at any cost, even in blatant disregard of the law.

The old paradigm demanding agricultural development in the Amazon, driven by Andean and coastal rural migrants, by the Peruvian State, by international cooperation agencies, and more recently by business groups, does not promote a sustainable, socially fair and climate friendly development approach. As part of its Nationally Determined Contributions (NDC), Peru has pledged before the United Nations Framework Convention on Climate Change (UNFCCC) to unconditionally reduce its greenhouse gas emissions projected for the year 2030 by 30% compared to the business as usual scenarios used in 2015 and by 40% for the conditional target.²⁴⁹ Over 53% of Peru's emissions stem from "Land Use, Land Use Change and Forestry" (LULUCF), while those of agriculture represent 12.62%.²⁵⁰

Instead of favoring companies operating illegally or with a history of destroying the nation's resources, Peru's government should incentivize creative forest conservation, including local communities that rely on them. Key reforms of land titling processes, state institutions, and a culture of effective enforcement of the law are needed if Peru's climate critical forests are to remain standing. Peruvian Government officials must also apply and make use of the Precautionary Principle enshrined in Peru's General Environmental Law,²⁵¹ which is also enshrined in the Convention on Biological Diversity²⁵² ratified by Peru.²⁵³ This principle states that in case of "danger of serious or irreversible damage, a lack of absolute certainty should not be used as a reason to postpone the adoption of effective and efficient measures that prevent degradation of the environment."²⁵⁴

While it is extremely important to understand the impacts that stem from the destruction of the Amazon, as well the impacts this will have on climate change, it is critical we also pay attention to the social conflict this feeds and to the loss of human lives it could cost.

RECOMMENDATIONS

EIA believes the following measures should be taken to restore the rule of law in Peru's forests and prevent further deforestation and human rights violations:

1. Ensure accountability for illegal and corrupt behavior by private and public officials.

- The State should stop operations that continue to illegally deforest and efficiently sanction those responsible
- International cooperation and international programs helping Peru with land titling must ensure they comply with all national laws and promote forest conservation.
- The State should implement the recommendations produced by the Comptroller General's Office on the illegalities they unearthed on specific cases and exemplary sanctions should be imposed.
- The government should desist passing laws that would grant amnesty for illegal deforestation or that would weaken forest conservation or land use change standards.

2. Establish legal, legitimate and transparent titling and land management processes.

- The titling programs aimed at rural properties, often funded through international donors and loan schemes, should focus on legalizing the status of people actually in possession of the land, and only in zones where forest, environmental and agrarian laws allow it.
- Land use planning by regional governments needs to become a participatory, transparent process with better coordination between regions and the national government, and inspected by independent bodies such the Comptroller General's Office and the Ombudsman's Office, as well as by Indigenous organizations and civil society.
- Create a national entity with the means to control, supervise and sanction wrong doing in land titling efforts, with the inclusion of public sector officials, civil society and Indigenous groups. The Demarcation and Territorial Management Office, currently under the Council of Ministers, could become this entity.

3. Amend the regulatory framework to align land titling legislation with the objectives of forest and climate change legislation.

- The Peruvian Government should ensure that the new BLUC Classification Regulation includes forest cover and ecosystem services as relevant factors when classifying Amazonian lands. The definition of forest lands and their protection should be aligned with those of the Forestry and Wildlife Law, to be used as a legal tool against increasing rates of deforestation.
- The Ministry of Agriculture must amend its rules to align them with national forest laws, particularly to acknowledge the management of standing forests as a form of economic exploitation. Land must be classified according to its BLUC before any certificate is granted.
- SERFOR and other regional forest and wildlife authorities should inform and train regional government officials involved in land titling processes on forest law and other relevant topics.

- The Ministry of Agriculture must immediately define a deadline for the submission and approval of PAMAs. Agriculture is the only national sector that has not defined a deadline yet and this has become a perverse incentive for companies to create a loophole and not comply with the laws.

4. Make cadastral data transparent and publicly accessible, and establish effective cross-sectoral regional and national coordination.

- The Peruvian Government must guarantee that case files related to land titling, BLUC studies and land use change authorizations are publicly accessible, as established by law. Corrupt authorities who try to keep them secret must be held accountable.
- Peru should establish a unified and publicly accessible national cadastre system that contains information from each region and each productive activity accurately and consistently. This single cadastre should then be verified and corrected as needed by a cross-sectoral state entity, based on real possession of the land.

5. Stop perverse market incentives for illegality and corruption by cleaning up national and international supply chains and prohibit the trade of unlawfully produced agricultural goods.

- Peruvian and international laws must prohibit trading of palm oil and other agricultural goods produced unlawfully. All companies participating in the supply chain must actively remove those tainted commodities from their supply chain.
- The Peruvian State should not grant environmental management certificates nor permits to process products purchased from companies that operate illegally. Products obtained from illegally deforested areas should be considered illegal.
- International investment funds should divest from companies and economic groups directly or indirectly linked to illegalities, corruption, forest destruction and human rights violations.
- The EU should work with the Peruvian government to ensure it does not weaken forest conservation efforts aimed at enabling easy access to Europe's market of commodities like cocoa and palm oil.
- Repeal law no 31973, ensuring small scale agricultural producers are not negatively affected by the EUDR while holding large commodity producers to account for committing past illegalities

6. Effectively protect human rights and forest defenders.

- The State and the formal business sector must adopt the recommendations offered in the "End of Mission Statement" of the United Nations Special Rapporteur on the situation of Human Rights Defenders after his visit to Peru (January 21 - February 3, 2020)²⁵⁵
- Peru should ratify the Escazú Agreement immediately.
- Congress should not approve Bill 3518/2022-CR that would weaken the rights of Indigenous peoples in voluntary isolation and initial contact (PIACI)

METHODOLOGY

This investigation examines cases involving sets of properties requested and acquired by companies with ties to the “Melka Group” in the forest regions of Loreto and Ucayali. The in-depth investigation included various requests for access to information from national and regional authorities, for which it was necessary to make 15 trips to the regions. It included data from Peru’s public land registry (SUNARP), official maps from several local and national authorities obtained through official and unofficial sources, and interviews with local people affected by the operations, state officials and national experts. This was complemented by a review of academic and media publications, as well as a compilation and analysis of all relevant legal instruments.

EIA also conducted five field visits to conflict areas and surrounding communities to collect more precise georeferenced data regarding their geographic location and to record first-hand the concerns of the local population. Members of different affected communities who declare being pressured by the companies with ties to the “Melka Group” explained to EIA they have been asking the regional authorities for copies of the

documents and maps of their own lands for years, yet they have never been able to obtain them. Regional authorities’ refusal to provide this documentation to landowners is a legal violation.

Despite the extensive efforts made by EIA to collect and analyze information, certain documents could not be obtained through official channels, in spite of their public record nature. This is mainly due to a lack of transparency in both the public and private sectors, as well as poor implementation of official procedures in disregard of legal requirements.

Inefficiency and high costs associated with access to public information create a discriminatory system, since citizens of affected communities hardly have the time and resources to collect the information they are entitled to by law. When communities do not have adequate documentation about their own lands, they are more vulnerable to pressure and threats from corrupt authorities and land grabbers. Many documents obtained by EIA are also physical, as these have not been digitized by Peruvian state entities. Please request these from EIA if needed.



Source: Diario El Peruano
Figure 20
Indigenous Peoples in Voluntary Isolation and Initial Contact of the Peruvian Amazon

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54. by General Management Resolution N° 462-2014-MINAGRI-DVDIAR-DGAAA, page 8 (December 9, 2014)

55. General Management Resolution N° 462-2014-MINAGRI-DVDIAR-DGAA, page 8 (December 9, 2014)

56. Study rejected, based on Technical Report N° 0024-2016-MINAGRI-DVDIAR-DGAAA-DGAA and General Management Resolution N° 0322-2016-MINAGRI-DVDIAR-DGAAA.

57. Official Newspaper El Peruano, Accepts the resignation of the Director General of the Offices of Environmental and Agrarian Affairs of the Ministry, <https://busquedas.elperuano.pe/normaslegales/aceptan-renuncia-y-designan-director-general-de-la-direccion-resolucion-ministerial-no-0442-2016-minagri-1417287-2/>

58. The first study was rejected in June 2016, the officer that rejected the study resigned (by force she told EIA) in August 2016, and the second soil study was then approved in November 2016 by her successor. The following sources, in order, are used to show the sequence.1.<https://busquedas.elperuano.pe/normaslegales/aceptan-renuncia-y-designan-director-general-de-la-direccion-resolucion-ministerial-no-0442-2016-minagri-1417287-2/>; 2.<https://www.midagri.gob.pe/portal/download/pdf/marcolegal/normaslegales/resol-direccion-general/2016/junio/rdg322-2016-minagri-dvdiar-dgaaa.pdf>; 3.<https://webcache.googleusercontent.com/search?q=cache:q9HPFwGLpmEJ:https://www.midagri.gob.pe/portal/download/pdf/>

[marcolegal/normaslegales/resol-direccion-general/2016/noviembre/rdg617-2016-minagri-dvdiar-dgaaa.pdf&cd=1&hl=en&ct=clnk&gl=uk](https://www.midagri.gob.pe/portal/download/pdf/marcolegal/normaslegales/resol-direccion-general/2016/noviembre/rdg617-2016-minagri-dvdiar-dgaaa.pdf&cd=1&hl=en&ct=clnk&gl=uk)

59. Ministry of Agriculture, General Management Resolution, N° 178-2017-MINAGRI-DVDIAR-DGAAA, https://webcache.googleusercontent.com/search?q=cache:cEIPqJgO_JcJ:https://www.midagri.gob.pe/portal/download/pdf/marcolegal/normaslegales/resol-direccion-general/2017/mayo/rdg178-2017-minagri-dvdiar-dgaaa.pdf&cd=1&hl=en&ct=clnk&gl=uk

60. Ministry of Agriculture, General Management Resolution, N° 617-2016-MINAGRI-DVDIAR-DGAAA, <https://webcache.googleusercontent.com/search?q=cache:q9HPFwGLpmEJ:https://www.midagri.gob.pe/portal/download/pdf/marcolegal/normaslegales/resol-direccion-general/2016/noviembre/rdg617-2016-minagri-dvdiar-dgaaa.pdf&cd=1&hl=en&ct=clnk&gl=uk>

61. IIAP. 1994. Detailed Soils Study regarding the Fernando Lores Zone – Tamshiyacu. Technical Document N° 05. March, 1994. Iquitos - Perú, page 29-30, <https://docplayer.es/75574463-Estudios-detallado-de-suelos-de-la-zona-fernando-lores-tamshiyacu-region-loreto.html>

62. The old study was done under DS N°0062/75-AG according to IIAP. 1994. Detailed Soils Study regarding the Fernando Lores Zone – Tamshiyacu. Technical Document N° 05. March, 1994. Iquitos - Perú, page 13, <https://docplayer.es/75574463-Estudios-detallado-de-suelos-de-la-zona-fernando-lores-tamshiyacu-region-loreto.html> and the methodology for the one the company did was based on: Supreme Decree No 017-2009-AG and Supreme Decree N° 013-2010-AG

63. For the current Forest Law 29763 we refer to article 38, <https://www.minam.gob.pe/wp-content/uploads/2017/04/Ley-N%C2%B0-29763.pdf> and for the previous Forest Law we refer to article 26, <https://sinia.minam.gob.pe/normas/ley-forestal-fauna-silvestre-0>

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94. Please request from EIA maps of the location of the land the company bought, the location of the maps we obtained from the Regional Government of Loreto and the coordinates of the original titled plots, which EIA obtained through SUNARP. Please also request from EIA the evidence from the cited expert.
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0904-7dd9-31a4-a851-d2155fb2b619 (please note the amount in hectares was summed using the actual geo coordinates of the properties that EIA obtained, rather than the amounts in hectares mentioned in the cited report, because the coordinates are more accurate)

115. Amazon Conservancy (October 18, 2022). MAAP #166: Mennonites have already deforested 4,800 hectares in the Peruvian Amazon. <https://maaproject.org/2022/menonitas-peru-4800/> and SUNARP, <https://acrobat.adobe.com/link/review?uri=urn:aaid:scds:US:dfd40904-7dd9-31a4-a851-d2155fb2b619> (please note the amount in hectares was summed using the actual geo coordinates of the properties that EIA obtained, rather than the amounts in hectares mentioned in the cited report, because the coordinates are more accurate)

116. Cordillera Azul National Park Master Plan 2017-2021 approved by Presidential Resolution No. 032-2017-SERNANP (January 31, 2017), <https://sis.sernanp.gob.pe/biblioteca/descargarPublicacionAdjunto.action?strIdInterno=13775305152610928085331572936966784073>

117. Article 25, Law N° 26834, Law on Protected Natural Areas, <https://sinia.minam.gob.pe/normas/ley-areas-naturales-protegidas>

118. Please ask EIA for the coordinates of the properties and for a commissioned study by a specialist of the map referenced above.

119. EIA obtained all 200 land titles from Peru's public land registry SUNARP in Loreto and reviewed everyone to justify the cited paragraph. Please request any of these from EIA if needed.

120. EIA obtained all 200 land titles from Peru's public land registry SUNARP in Loreto and reviewed everyone to justify the cited sentence that no BLUC (Capacidad de Uso Mayor in spanish - CUM) is mentioned. Please request any of these from EIA if needed. For the legal requirements in place at the time that stipulated the requirement to mention the CUM in the land titles, please refer to the Ley No 27303 article 26, which refers to land use change permits in land apt for agriculture, implying the need for a CUM),

<https://www.dar.org.pe/archivos/normasLegales/Ley-N-27308.pdf> and Article 21 of the Decreto Supremo N° 026-2003-AG, which mentions the need for a CUM in relation to the properties EIA verified,

<https://faolex.fao.org/docs/texts/per64123.doc>. It should be mentioned that despite repeated requests by EIA to the relevant agencies in the regional government of Loreto, we were unable to obtain the full documentation surrounding the mentioned land titles, rather what was then archived by Peru's land registry. BPP is the acronym for the Spanish term Bosques de Producción Permanente, a category in the Peruvian forest regulations that only allow for economic activities compatible with keeping the forest standing. See Also: National Environmental Information System (August 20, 2020). Permanent Production Forests Map 2010.

<https://sinia.minam.gob.pe/mapas/mapa-bosques-produccion-permanente-2010>

121. Memorandum No. 879-2022-MIDAGRI-DVDAFIR-DGAAA (28 November 2022), <https://acrobat.adobe.com/link/review?uri=urn:aaid:scds:US:4c029c40-834e-362a-afab-73b92b30b206>; and SERNANP, Carta N° 369 - 2022-SERNANP-AIP,

<https://acrobat.adobe.com/link/review?uri=urn:aaid:scds:US:b86eb92c-47b6-3487-9b83-604287a7c242>

122. A consultant commissioned by EIA compared the coordinates for the mentioned properties in soil studies commissioned by the companies and maps of the same produced by the regional government of Loreto, and found the mentioned discrepancies. Please request from EIA the source material.

123. The former official requested his detention be changed to house arrest, to avoid contracting COVID19. A judge from Pucallpa granted the motion. Ojo Publico (January, 2021)

Complicit authorities: more than 40 officials investigated for deforestation in the Amazon. <https://ojo-publico.com/2436/autoridades-y-complices-42-investigados-por-deforestacion> and Mongabay, <https://es.mongabay.com/2018/12/trafico-tierras-ucayali-bosques-desaparecen/> and El Peruano, https://elperuano.pe/GespoBoletinFiles/2022/10/05/2111951_4.pdf

124. Convoca, The Financiers Behind the Oil Palm Business in Amazonian Deforested Areas, <https://www.convoca.pe/en/node/1907>. For the deforestation found in the mentioned properties please access the reports produced by Peru's Contraloria Geral de la Republica; https://s3.amazonaws.com/spic-informes-publicados/informes/2023/01/2022CPOL33200130_ADJUNTO.pdf; https://s3.amazonaws.com/spic-informes-publicados/informes/2023/01/2022CPOL33200132_ADJUNTO.pdf; https://s3.amazonaws.com/spic-informes-publicados/informes/2023/01/2022CPOL33200131_ADJUNTO.pdf; or if not found there please access these links:

<https://acrobat.adobe.com/id/urn:aaid:sc:EU:8ddb4fca-b5b3-43a5-858e-c0a524b4b218>;
<https://acrobat.adobe.com/id/urn:aaid:sc:EU:7be32fe2-0e8d-4048-9f1e-0c17d1a30d48>;
<https://acrobat.adobe.com/id/urn:aaid:sc:EU:681f9a30-0006-448d-a876-b7047dal6615>

125. President of Association of Palm Growers of the La Perla de Zanja Seca village 's Letter (August 6, 2018)/ Certificate issued by the then Ucayali Agriculture Sectorial Directorate (September 2, 2011)/ Report N° 035-2010-GRU-2010-P-DRSAU/AACP-AGCP-EHA (November 23, 2010)

<https://issuu.com/sandykath/docs/denuncia>

126. This is established in Article 9, section F, Regulations to Law N° 29151, General Law on National Property, approved by Supreme Decree N° 007-2008-VIVIENDA, as amended by Supreme Decree N° 013-2012 -VIVIENDA. See also: Official Communication N° 281-2013/SBN-DGPE-SDDI (March 8, 2013), Report N° 004-2014/SBN-SDNC (January 21, 2014)

127. Through Sectorial Regional Directorial Resolution N° 132-2012-GRU-P-DRSAU (May, 2012)

128. Technical Report N° 22-2014-MINAGRI-VMPA-DGAAA-DERN-100752-2013 (April 9, 2014)/ Ombudsman's Office. 2017. Report N° 001-2017-DP/AMASPP/MA. Deforestation caused by agro-industrial crops, oil palm and cocoa: Between illegality and the State's ineffectiveness; <https://www.defensoria.gob.pe/wp-content/uploads/2018/05/Informe-de-Adjuntia-001-2017-DP-AMASPP/MA-1.pdf> Environment, Public Services and Indigenous Peoples Office. Lima, Peru.

<https://cdn.www.gob.pe/uploads/document/file/1191912/Informe-de-Adjuntia-001-2017-DP-AMASPP/MA-120200803-1197146-orgsvd.pdf>

129. Report N° 1207-2014-MINAGRI-DVDIAR-DGAAA-DGAA/REA-95350-13 (December 5, 2014), <https://acrobat.adobe.com/link/review?uri=urn:aaid:scds:US:9e610da3-6366-3eef-956c-adb77a56c0d6>

130. Kene, Institute of Forestry and Environmental Studies. (July 1, 2016). Press Release N° 003-2016. Deforestation companies seek to evade criminal responsibility by auctioning land and shares in Lima. <https://keneamazon.net/nota-de-prensa-003-2016-kene/> and

<https://acrobat.adobe.com/link/track?uri=urn:aaid:scds:US:ac26c9d3-259b-3c5a-aa47-ee15a0f4b66a>

131. Resolucion Directoral Ejecutiva No 290-2014-GRU-P-GGR-GRDE-DEFFS-U, <https://acrobat.adobe.com/link/track?uri=urn:aaid:scds:US:11c62ea0-5baf-3fc8-8d1b-03339eaf19ad>

- 132.** General Management Resolution N° 412-2015- MINAGRI-DVDIAR-DGAA (November 26, 2015), <https://webcache.googleusercontent.com/search?q=cache:o4a4WHWn3nUJ:https://www.midagri.gob.pe/portal/download/pdf/marcolegal/normaslegales/resol-direccion-general/2015/noviembre/rdg412-2015-minagri-dvdiar-dgaaa.pdf&cd=1&hl=en&ct=clnk&gl=uk>
- 133.** See FOI request by EIA to OEFA and its response in CARTA N° 03034-2022-OEFA/RAI (link here: <https://acrobat.adobe.com/link/review?uri=urn:aaid:scds:US:1d2e4a4d-590b-3240-a6f3-91e355770110>) and Excel Sheet Column L showing the length of time it took to eventually pay some of the fines: <https://1drv.ms/x/s!AuSRli6OyCbpoHaSYBBAZJhc4f2J?e=UmdkL>. A. And for the proof that deforestation continued after the issuance of the fines (in November 2015), amounting to 20 hectares in 2016, please see the Comptroller General's Report assessing the role of the state in managing Ocho Sur U's compliance with the law, where the report discloses a timeline of deforestation in pages 69: https://s3.amazonaws.com/spic-informes-publicados/informes/2023/01/2022CPOL33200130_ADJUNTO.pdf and here if not available on previous link: <https://acrobat.adobe.com/id/urn:aaid:sc:EU:7be32fe2-0e8d-4048-9f1e-0c17d1a30d48>; See also: Informe N° 01-2018-GRU-ARAU-DGFFS-OPA-EJMF (May 11, 2018)
- 134.** Environmental Investigation Agency. Land cover analysis of Fundo Zanja Seca - Year 2018. [Map] 1:80,000. August, 2018
- 135.** General Management Resolution N° 289-2016-MINAGRI-DVDIAR-DGAA (June 7, 2016), <https://www.midagri.gob.pe/portal/download/pdf/marcolegal/normaslegales/resol-direccion-general/2016/junio/rdg289-2016-minagri-dvdiar-dgaaa.pdf> See Also: Directorial Resolution No. 397-2016-GRU-ARAU-GRRNGMA-DGFFS (November 14, 2016)
- 136.** General Management Resolution 398-2019-MINAGRI-DVDIAR-DGAAA October 15, 2019, <https://webcache.googleusercontent.com/search?q=cache:t0q-yM6UdrEJ:https://www.midagri.gob.pe/portal/resoluciones-direccion-general/rdg-2019/25057-resolucion-de-direccion-general-n-398-2019-minagri-dvdiar-dgaaa&cd=1&hl=en&ct=clnk&gl=uk> or if not on that link then here: <https://web.archive.org/web/20230324133803/https://webcache.googleusercontent.com/search?q=cache:t0q-yM6UdrEJ:https://www.midagri.gob.pe/portal/resoluciones-direccion-general/rdg-2019/25057-resolucion-de-direccion-general-n-398-2019-minagri-dvdiar-dgaaa&cd=1&hl=en&ct=clnk&gl=uk>
- 137.** Articles 2 and 3, Law N° 27446, Law on a National System for Environmental Impact Assessments (SEIA), <https://www.minam.gob.pe/wp-content/uploads/2017/04/Ley-N%C2%B0-27446.pdf> and also here: <https://www.gob.pe/757-solicitar-una-certificacion-ambiental-programa-de-adequacion-de-manejo-ambiental-pama>
- 138.** Ocho Sur, <https://www.ochosur.com/nosotros>, and for its links to the previous companies involved see: Convoca, The Financiers Behind the Oil Palm Business in Amazonian Deforested Areas, <https://www.convoca.pe/en/node/1907>. For the fact that it had denied its PAMA (though with the option of presenting a new one) and for the lack of a crucial legal document called the environmental certification please refer to Peru's Comptroller General's report page 13: <https://acrobat.adobe.com/id/urn:aaid:sc:EU:241ffdea-1ad3-43e8-be76-0f83c3c334bd>
- 139.** Please ask EIA for the documents proving the land titles and the sales to the company. These include land titles covering the period 1998 onwards. A summary can be found here: GM_combined_property_database_2016_7_13 update 16_08_30 23_09_2016 (1).xlsx For the legislation governing the period these lands were titled, see for 2008 onwards DS N° 032-2008-VIVIENDA and prior to that see, Decreto Legislativo 838 (in Spanish: De esos 232 predios, un conjunto de diez predios fue titulado el año 1997 al amparo del Decreto Legislativo N° 838, un segundo grupo de doscientos fueron titulados los años 2008 y 2009 al amparo del Decreto Legislativo N° 667, y un tercer grupo conformado por veintitrés predios fueron titulados el año 2014 al amparo del Decreto Legislativo N° 1089.
- 140.** Land Rights Now, <https://www.landrightsnow.org/es/este-territorio-es-nuestro-titulos-de-tierra-para-la-comunidad-indigena-santa-clara-de-uchunya/>
- 141.** General Management Resolution N° 270-2015-MINAGRI-DVDIAR-DGAAA, page 4; Also Deforestation by definition (EIA, 2015). Cf. Satellite images analysis on page 27. Available at: <https://eia-global.org/reports/deforestation-by-definition>
- 142.** General Management Resolution N° 270-2015-MINAGRI-DVDIAR-DGAAA, <https://acrobat.adobe.com/link/track?uri=urn:aaid:scds:US:edb50d68-ec71-3d24-9264-a694c04d22b7>
- 143.** Procuradaria Publica del Ministerio de Ambiente, page 5 point 9, <https://acrobat.adobe.com/link/track?uri=urn:aaid:scds:US:0374ca05-c6cc-3a79-ba6b-fdc74fbf0c6e>
- 144.** General Management Resolution N° 270-2015-MINAGRI-DVDIAR-DGAAA, <https://acrobat.adobe.com/link/track?uri=urn:aaid:scds:US:edb50d68-ec71-3d24-9264-a694c04d22b7>
- 145.** General Management Resolution N° 270-2015-MINAGRI-DVDIAR-DGAAA, <https://acrobat.adobe.com/link/track?uri=urn:aaid:scds:US:edb50d68-ec71-3d24-9264-a694c04d22b7>
- 146.** General Management Resolution N° 270-2015-MINAGRI-DVDIAR-DGAAA, <https://acrobat.adobe.com/link/track?uri=urn:aaid:scds:US:edb50d68-ec71-3d24-9264-a694c04d22b7>
- 147.** RSPO. www.rspo.org. The company had joined this organization in 2013. All the documents about the complaint are in <https://askrspo.force.com/Complaint/s/case/50090000028EsILAAS/detail>
- 148.** General Management Resolution N° 361-2016-MINAGRI-DVDIAR-DGAAA (July 25, 2016)/ Resolution N° 1, File N° 00286-2017-1-5001-JR-PE-04 of the Fourth National Preparatory Investigation Court (December 15, 2017)/ Kené, Institute of Forestry and Environmental Studies. 2018. Press Release No. 001-2018: Precautionary Measure immediately suspends deforestation and logging activities of the company Plantaciones Pucallpa S.A.C.
- 149.** Report N° 1090-2015-MINAGRI-DVDIAR-DGAAA-DGAA/ General Management Resolution N° 361-2016-MINAGRI-DVDIAR-DGAAA (July 25, 2016), <https://acrobat.adobe.com/link/track?uri=urn:aaid:scds:US:b7118d32-fe8c-343d-a1a7-2012904e8ab8>
- 150.** General Management Resolution N° 287-2019-MINAGRI-DVDIAR-DGAAA (August 22, 2019) <https://webcache.googleusercontent.com/search?q=cache:WEODSIFiHMoJ:https://www.midagri.gob.pe/portal/resoluciones-direccion-general/rdg-2019/24665-resolucion-de-direccion-general-n-287-2019-minagri-dvdiar-dgaaa&hl=en&gl=uk&strip=1&vwsr=0>
- 151.** General Management Resolution N° 287-2019-MINAGRI-DVDIAR-DGAAA (August 22, 2019) <https://webcache.googleusercontent.com/search?q=cache:WEODSIFiHMoJ:https://www.midagri.gob.pe/portal/resoluciones-direccion-general/rdg-2019/24665-resolucion-de-direccion-general-n-287-2019-minagri-dvdiar-dgaaa&hl=en&gl=uk&strip=1&vwsr=0>, and Letter No. 1177-2022-MIDAGRI-SG/OACID-TRANSP (November 28, 2022),

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- 152.** Ministerial Resolution N° 0442-2016-MINAGRI. While a formal document was published accepting her resignation, she claimed that she never resigned and that the resolution in question was a surprise for her.
- 153.** General Management Resolution N° 653-2016-MINAGRI-DVDIAR-DGAAA (December 15, 2016), <https://acrobat.adobe.com/link/track?uri=urn:aaid:scds:US:e2467497-776e-38a0-a413-7abe0c47636f>
- 154.** Resolucion Directorial No 180-2017-MINAGRI-DVDIAR-DGAAA <https://acrobat.adobe.com/link/track?uri=urn:aaid:scds:US:c0b4e981-b129-3168-b1c3-0752d4cdbc32>
- 155.** General Management Resolution N° 287-2019-MINAGRI-DVDIAR-DGAAA (August 22, 2019), <https://webcache.googleusercontent.com/search?q=cache:WEODSIFiHMoJ:https://www.midagri.gob.pe/portal/resoluciones-direccion-general/rdg-2019/24665-resolucion-de-direccion-general-n-287-2019-minagri-dvdiar-dgaaa&hl=en&gl=uk&strip=1&vwsr=0>
- 156.** General Management Resolution N° 0057-2020-MINAGRI-DVDIAR-DGAAA (January 23, 2020), <https://webcache.googleusercontent.com/search?q=cache:sYmlQkm0xsAJ:https://www.gob.pe/institucion/midagri/normas-legales/1074592-rdg-n-057-2020-minagri-dvdiar-dgaaa&cd=1&hl=en&ct=clnk&gl=uk>
- 157.** Articles 2 and 3, Law No. 27446, Law on a National System for Environmental Impact Assessments
- 158.** Ocho Sur, <https://www.ochosur.com/nosotros>
- 159.** Instituto de Defensa Legal, <https://www.idl.org.pe/comunidad-nativa-santa-clara-de-uchunya-rechaza-la-presencia-de-empresa-ocho-sur-en-su-territorio/>; and <https://www.ochosur.com/blog/comunidad-nativa-santa-clara-de-uchunya-otorgo-distincion-a-ocho-sur>
- 160.** Fiscal Folder N° 2506015200-2013-234-0 (September 13, 2013)/Official Communication N° 281-2013/SBN-DGPE-SDDI (March 8, 2013)/Report N° 004-2014/SBN-SDNC (January 21, 2014)/Sectorial Regional Directorial Resolution N° 132-2012-GRU-P-DRSAU (May, 2012)/ Ombudsman's Office. 2017. Report N° 001-2017-DP/AMASPPIMA. Deforestation caused by agro-industrial crops, oil palm and cocoa: Between illegality and the State's ineffectiveness. Environment, Public Services and Indigenous Peoples Office. Lima, Peru. <https://cdn.www.gob.pe/uploads/document/file/1191912/Informe-de-Adjuntia-001-2017-DP-AMASPPIMA-120200803-1197146-orgsvd.pdf>/ Comptroller General's Office. 2019. Report N° 691-2019-CG/AGR-AC. Compliance audit "Classification of land by its capacity for major use and environmental certification of oil palm and cocoa cultivation projects in the Peruvian Amazon". https://s3.amazonaws.com/spic-informes-publicados/informes/2019/12/2019CPOL33200044_ADJUNTO.pdf, Vice-Ministerial Resolution N° 019-2019-MINAGRI-DVDIAR (August 12, 2019)/ Directorial Resolution No. 01248-2020-OEFA-DFAI, Directorial Resolution N° 2011-2021-OEFA/DFAI (August 19, 2021), Resolution N° 469-2021-OEFA/TFA-SE (December 30, 2021)/ Resolution N° 023-2022-OEFA/TFA-SE (January 18, 2022)/OEFA. (June 3, 2021) OEFA's Environmental Oversight Tribunal suspends the Administrative Sanctioning Proceeding initiated against Tamshi S.A.C. until the Judiciary issues a ruling. <https://www.oefa.gob.pe/tfa-oefa-suspende-tramitacion-de-pas-iniciado-contrata-tamshi-s-a-c-hasta-que-poder-judicial-emita-pronunciamiento/webmaster/>
- 161.** Convoca, <https://www.convoca.pe/en/node/1907>, and EIA, Deforestation by Definition, <https://us.eia.org/report/deforestation-by-definition/>, Section 3
- 162.** General Management Resolution 398-2019-MINAGRI-DVDIAR-DGAAA (October 15, 2019), General Management Resolution N° 0057-2020-MINAGRI-DVDIAR-DGAAA (January 23, 2020), Legal Technical Report N° 01137-2019-PRODUCE-DVMYPE-I/DGAAMI-DEAM (March 29, 2019)
- 163.** Under the Law of the National Environmental Impact Assessment System (Ley N° 27446)
- 164.** Ojo Público, (June 8, 2020). Palm oil exports cannot guarantee deforestation free inputs. <https://ojo-publico.com/1858/mercado-de-palma-no-garantiza-productos-sin-deforestacion> and for the standard see: <https://rspo.org/as-an-organisation/our-standards/>
- 165.** RSPo. www.rspo.org. The company had joined this organization in 2013. All the documents about the complaint are in <https://askrspo.force.com/Complaint/s/case/50090000028EsILAAS/detail> and for more information on the company, go on the Grupo Romero's website, to the section focused on Alicorp: <http://www.gruporomero.com.pe/es-PE/empresas/alicorp/>
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- 167.** Forest Peoples Program. (August 20, 2020). Media Release: RSPo unwilling to stop human rights abuses and deforestation in Alicorp's supply chain in the Peruvian Amazon. <https://www.forestpeoples.org/en/node/50419>. For the lack of environmental certification see Peru's Comptroller General's report page 13, which you can access here: <https://acrobat.adobe.com/id/urn:aaid:sc:EU:241ffdea-1ad3-43e8-be76-0f83c3c334bd>
- 168.** Forest Peoples Program. (August 20, 2020). Press release: World's largest sovereign wealth fund divests from Peruvian consumer goods giant over human rights violations and deforestation in palm oil supply chain; <https://www.forestpeoples.org/en/lands-forests-territories-palm-oil-rspo/press-release/2020/press-release-worlds-largest-sovereign>
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- 170.** Norges Bank Investment Management. 2022. Alicorp SAA. <https://www.nbim.no/en/the-fund/investments/#/2021/investments/equities/4829/Alicorp%20SAA,Alicorp>. (June, 2022). Alicorp at glance. [Power Point Slide] https://www.alicorp.com.pe/media/investor_banners/Fact_Sheet_2T22.pdf
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- 172.** United Cacao, <https://www.unitedcacao.com/index.php/en/news-media-en/press-releases/72-london-stock-exchange-welcomes-united-cacao-limited-to-aim/>
- 173.** Environmental Investigation Agency. (May 4, 2016). United Cacao breaks AIM rules. <https://eia-global.org/press-releases/united-cacao-breaks-aim-rules>
- 174.** Investegate, <https://www.investigate.co.uk/aim/rns/suspension---united-cacao-limited-secz/201701041610033662T/> and <https://www.forestpeoples.org/en/news-article/2017/melka-resigns-united-cacao-company-faces-financial-crisis-and-delisting-londonand>
- 175.** SDPA, Bolsa de Valores de Lima excluye acciones de United Cacao, empresa acusada de deforestar ilegalmente en la Amazonía, feb 2017,

- <https://www.actualidadambiental.pe/excluyen-acciones-de-united-cacao-empresa-acusada-de-deforestar-ilegalmente-en-la-amazonia/> AND here:
<https://www.scribd.com/document/339250231/Bolsa-de-Valores-de-Lima-excluyo-acciones-de-United-Cacao#>
- 176.** Directorial Resolution N° 310-2019-PRODUCE / DGPCHDI, April 1, 2019
- 177.** Legal technical report 489-2018-PRODUCE/DVMYPE-I/DGAAMI-DEAM, 19 June 2018.
- 178.** The Belgian citizen Serge Georges Verhaert appears as a legal representative for Ocho Sur P SAC and as legal representative for Servicios Agrarios de Pucallpa SAC, with power to represent both companies "upon single signature and without limitations"; IDL. (June 9, 2020). Complaint filed against Ocho Sur P. for forced labor and exposing indigenous peoples to COVID-19. <https://www.idl.org.pe/denuncian-a-empresa-ocho-sur-p-por-trabajos-forzados-y-expone-a-pueblos-indigenas-a-la-covid-19/> and see <https://docs.google.com/document/d/1CbVrSJa41QcVxZJ0aGmUryxna8BMzkWUQ-5XplPoR-I/edit> for proof of him being a representative of the other firm. SUNARP. Public Registry File No. 11135457. Page 19/19. Legal Representatives September 27, 2019
- 179.** Ocho Sur, Sostenibilidad y buenas prácticas - Grupo Ocho Sur <https://www.ochosur.com/pages/sostenibilidad>
- 180.** Legal Technical Report N° 01137-2019-PRODUCE-DVMYPE-I/DGAAMI-DEAM (March 29, 2019)
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