

Inventory

Implementation of Articles III.4 and III.5 of the Convention

| Peru | | | |
|---|---|--|--|
| Party since 1 June 1997 | | | |
| National Reports submitted: COP11 (2014), COP9 (2008) | | | |
| Relevant Legislation | | | |
| | <ul style="list-style-type: none"> • Organic Law for the Sustainable Exploitation of Natural Resources (Law number 26821). • Regulation of the Law about Conservation and Sustainable Exploitation of Biological Diversity (Supreme Decree Number 068-2001.PCM). • Law about Conservation and Sustainable Exploitation of Biological Diversity (Law Number 26839). • Law on Natural Protected Areas (Supreme Decree Number 038-2001-AG). • Forest and Wildlife Law (Law Number 27308). • Regulation to the Forest and Wildlife Law (Supreme Decree Number 014-2001-AG). • Law that forbids the capture of all the species of marine turtles in the Peruvian sea (Ministerial Resolution Number 103-95-PE). • Supreme Decree Number 026-2001 that forbids the hunting of different whale species and the taking of all species of marine turtles. • Law that declares the species of dolphins and other marine mammals as legally protected (law number 26585) • Regulation of Law Number 26585 (Supreme Decree Number 002-96-PE). • General Environmental Law (Law Number 28611). • Legislative Decree Number 1013 that approves the creation, organization, and functions of the Ministry of Environment. • Ministerial Resolution Number 031-2008-AG that approves the Regulation of Organization and Functions of the Ministry of Agriculture. • Supreme Decree Number 004-2014-MINAGRI that approves the update of the list of classification and categorization of the legally protected threatened wildlife species. • Law that approves the categorization of threatened species in Peru (Supreme Decree Number 034-2004-AG). | | |
| Article III.5 | | | |
| | Laws that Implement the Take Prohibition | | |
| | Aquatic Mammals | Yes but only laws regarding cetaceans are identified <ul style="list-style-type: none"> • Law Number 26585 prohibits its extraction, processing, and commerce. • Supreme Decree Number 002-96-PE regulates and orients activities related to small cetaceans of the marine domain of the country. Harassing, permanently injuring, or mutilating with intent any small | |

| | | | |
|--|--|--|---|
| | | | cetacean is forbidden. |
| | | Terrestrial Mammals | Taking of all Appendix I terrestrial mammals is prohibited, but relevant law is not identified. |
| | | Birds | Taking of all Appendix I birds is prohibited, but relevant law is not identified. |
| | | Reptiles | Taking of all Appendix I reptiles is prohibited, but relevant law is not identified. |
| | | Fish | Taking of all Appendix I fish is not prohibited. |
| Exceptions to the Take Prohibition | | | |
| | | Aquatic Mammals | None granted, but no law is identified to determine the scope of permissible exceptions. |
| | | Terrestrial Mammals | None granted, but no law is identified to determine the scope of permissible exceptions. |
| | | Birds | Supreme Decree Number 004-2014 MINAGRI Taking for scientific purposes is authorized when the research contributes to the scientific knowledge and conservation of the species. For the case of threatened species, taking is allowed when the requested specimens are not available in the collections of natural history museums or other scientific institutions accredited by the Ministry of Agriculture and Irrigation. |
| | | Reptiles | None granted, but no law is identified to determine the scope of permissible exceptions. |
| | | Fish | None granted but take is not prohibited. |
| Article III.4 | | | |
| Laws to conserve and, where feasible and appropriate, restore habitats of CMS Appendix I species | | | |
| | | Creation of protected areas. <ul style="list-style-type: none"> • Humboldt Penguin colonies are protected in the Paracas National Reserve, in the National Reserve of the System of islands, islets, and Punta Guaneras. • Peru informs that it has protected the buff-breasted sandpiper and its habitat through the creation of the National Reserve Allpahuayo Mishana. • Evaluation of the population of Peruvian tern in the Piura Municipal Conservation Area. • Creation of protected area El Ñuro. Populations of migratory turtles live in this area. | |
| Laws that prevent, remove, compensate for or minimize, as appropriate, the adverse effects of activities or obstacles that seriously impede or prevent the migration of the species | | | |
| | | Windmills (birds and bats) | Unknown |
| | | Cell towers (birds and | Unknown |

| | | |
|--|--|---|
| | bats) | |
| | Dams (fish) | Unknown |
| | Road construction (mammals) | Unknown |
| | Train tracks (mammals) | Unknown |
| | Fishing gear/bycatch (marine mammals, sea turtles, fish, birds) | <p>Supreme Decree Number 019-2011 approves the Regulation of Inspection and Sanctioning Procedure of the Infractions on Fishing and Aquaculture Activities (RISPAC). This regulation includes 5 infractions related to tuna fishing: 1) Tuna fishing trips without the dolphin safety panel nets properly aligned and other mechanisms to protect dolphins in accordance with Agreement on the International Dolphin Conservation Program (AIDCP); 2) To damage or intentionally kill dolphins in tuna fishing operations; 3) Sacking up or brailing live dolphins; 4) Not making continuous efforts to free live dolphins that are caught in the net; and 5) Fishing tuna over populations of live dolphins.</p> <p>Programs to monitor bycatch of all marine turtles. However, insufficient information provided as to whether the programs include mandatory duties.</p> <p>Studies about the interaction between leatherback sea turtles and fixed fishing nets, as well as mitigation measures. However, insufficient information provided as to whether the studies include mandatory duties.</p> <p>Regulation on bycatch.</p> <p>Project “Conservation of marine turtles along the Peruvian coast”. It evaluates impact of fishing on marine turtles. However, insufficient information provided as to whether the project includes mandatory duties.</p> |
| | Shipping (marine mammals) | Unknown |
| | Laws that prevent, reduce or control factors that are endangering or are likely to further endanger the species, including strictly controlling the introduction of or controlling or eliminating, already introduced species. | |
| | <p>The conservation status of the Humboldt penguin has been updated to “Endangered”; and the hunt, capture, possession, commerce, or transportation have been forbidden. Now law has been identified.</p> <p>Conservation status of species has been updated nationally Supreme Decree number 004-2014-MINAGRI</p> | |

| | |
|--|---|
| | <p>(However, insufficient information provided to understand the legal significance of these classifications):</p> <ul style="list-style-type: none"> • The pink-footed shearwater and the Peruvian diving-petrel have been classified as vulnerable in the list of threatened species of Peru. • The James's flamingo has been categorized as vulnerable, and the hunt, capture, possession, commerce, or transportation have been forbidden. • Grey-cheeked parakeet has been classified as endangered. • Marine otter has been classified as endangered. • Loggerhead sea turtle has been classified as endangered. • Hawksbill sea turtle has been classified as critically endangered. • Olive ridley sea turtle has been classified as vulnerable. • Leatherback sea turtle has been classified as endangered. <p>Protection of the Andean Flamingo. However, insufficient information provided to understand the legal status, and insufficient information provided to understand the legal significance of these classifications.</p> <p>Peruvian tern is legally protected according to Supreme Decree Number 004-2014 MINAGRI. However, insufficient information provided to understand the legal status and insufficient information provided to understand the legal significance of these classifications.</p> <p>Operations with the Police, the Ministry of production, and the Ministry of Agriculture and Irrigation in markets and local restaurants to take reptile specimens captured in fishing activities or for sale. However, insufficient information provided as to whether the plans and policies include mandatory duties.</p> <p>Monitoring of illegal captures of marine turtles in Pisco. The project aims to learn about the magnitude of illegal captures and about the demand for turtle meat that drives illegal commerce of this product. However, insufficient information provided as to whether the plans and policies include mandatory duties.</p> <p>Census in El Ñuro area to learn about marine turtle's demography, growth and survival rate, and mitigate threats to the species in feeding areas. However, insufficient information provided as to whether the plans and policies include mandatory duties.</p> <p>Promotion of the release of marine turtles captured as by-catch. However, insufficient information provided as to whether the plans and policies include mandatory duties.</p> |
|--|---|

| | | |
|--|-------------------|---|
| | | <p>Research to update information on threats to marine turtles, with special emphasis on leatherback sea turtles. However, insufficient information provided as to whether the research includes mandatory duties.</p> <p>Implementation of CITES directives to control shark fin commerce. However, insufficient information provided as to whether the directives include mandatory duties.</p> <p>Strengthening control of commerce of basking shark and great white shark. However, insufficient information provided as to whether the plans and policies include mandatory duties.</p> <p>Ministerial Resolution Number 295-2013-PRODUCE published the project National Action Plan for the conservation and ordering of sharks, rays and other similar species. However, insufficient information provided as to whether the resolution includes mandatory duties.</p> <p>Control and management of pollution through General Environmental Law number 26821. However, insufficient information provided to understand content of measure.</p> <p>Monitoring of different Peruvian ports and markets to determine critical places for capture and commerce of dolphins. However, insufficient information provided as to whether the plans and policies include mandatory duties</p> <p>Control of illegal hunting of marine mammals. However, insufficient information provided to understand content of measure.</p> |
| Reservations, territorial inclusions, and territorial exclusions | | |
| | Reservations | None. |
| | Territorial Scope | “Nacional, Continental e Insular”. Thus, the Convention is presumed to apply to all territory, including any overseas territories and semi-autonomous zones. |