

# Legal framework Constitution (1993) Definition of natural resources: "natural heritage" Limitations for PES schemes: who is the owner of the environmental services? General Environmental Law, Natural Protected Areas Law, Forestry Law Include recognition and/or definitions of environmental services

# Legal framework



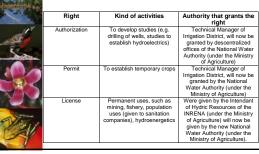
- General Water Law
  - Lacks ecosystemical approach, non water valorization issues.

There is no specific PES Legislation



# Water rights

Water is considered a natural resource: No property over natural resources -water.







# Institutional framework



# Ministry of Agriculture

- Creation of a new water authority: ANA
  Grants water rights, punitive authority, elaboration of policies

- Ministry of the Environment

  No faculties over water resources

  Vice Ministry of Strategic Development of natural resources

  Establishment of PES policies

- OSINFOR

  Organism that supervises the management of forestry resources and wildlife

  Supervision of environmental services for rights given through Foresty Law.

Waiting for regulations





# Water related PES Schemes



There is no found record of any water related PES schemes working, many of them are now under design.





# Where?



-First PES schemes are being designed in Natural Protected Areas and their related areas: regional, local, and private conservation

-Rights granted under Forestry Law:

-Timber concessions, Non timber concessions: conservation concessions, ecoturism concessions and environmental services concessions.

-Permits or authorizations: Peasants and Indigenous communities lands





# Institutions playing important roles



National Institute of Natural Resources: PES implemented in NPA (now Ministry of Environment)

PES institutional group (dissapears?)

- National Superintendance of Sanitary Services
   supervision and regulation of the supply and distribution of potable water
   political will
   Establishment of regulation in order to develop conservation projects in basins
   Need to modify their regulations in order to have conservation duties

Water Sanitation companies





# Institutions playing important roles



Regional and Local Governments

- Raising awareness to the population.
- Compromising with funds.

NGO's, civil society, international cooperation

- Technical and financial assistance
- Training.



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# How?



- Need to clarify that diverse right holders without being owners of the land/natural resources can enter into PES schemes.
- Need to clarify the necesity of an additional payment to the State for the income derived of these schemes





# Moyobamba PES scheme (in design)



- Two local conservation areas supply water to the capital city of San Martin: Moyobamba.
- Poor agricultural methods are harming ecosystem - change to agroforestry practices.
- People living in the upper basin do not have property rights: will these give an incentive to poblate this areas? Will they think they will have property entering this scheme?





# Challenges



- Clarify legal and institutional framework: regulations
- 2.- Land use planning
- 2.- Perverse incentives (agricultural laws)
- 3.- Descentralization process
- 4.- Incentives (taxes)
- 5.- New General Water Law
- 6. Public Registry



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