

Multidisciplinary assessment and effective public participation in the EIA evaluation process

Senace experience in Peru

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Abstract

Peruvian social context induces high levels of social conflict around public and private investment projects, particularly in the mining, oil and gas sectors. Because of the important economic contribution from these projects to the national economy, the environmental licensing process has the challenge to address the decision making in a more balanced way. This paper describes the Peruvian experience developed by Senace, environmental authority, through two main strategies: the multidisciplinary assessment and the effectiveness in the public participation process among the EIA evaluation process.

National context

Peru has an important biological and cultural diversity and also is significant economically dependent on its natural resource's extraction. Even after an important economic growth period, the country could not reduce the social inequality³. Most of the population works on the informal sector⁴, and the education and health services are precarious in the rural area⁵. At the same time, several discrimination practices against indigenous peoples still remain⁶.

Public and private investment projects promote the economic development through the employment creation and other social benefits. However, there is an ongoing tension related to projects in the mining, oil and gas sectors; in that way that the country has registered 96 active social conflict cases in the 'social-environmental' category to February, 2021⁷. There are also relevant cases about mining project's rejection by local people and its authorities⁸.

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³ According to OXFAM (2015), inequality in income distribution is way above the averages in developing countries.

⁴ According to the National Institute of Statistics and Informatics (INEI in Spanish), in 2017, 72.5% of workers of the occupied Economically Active Population had an informal employment. INEI, Informal Production and Employment in Peru 2007-2017.

⁵ Webb Richard, Bonfiglio Giovanni, Santillana Miguel and Torres Nelson, "Políticas de desarrollo rural"; CIES and USMP, Lima, 2011

⁶ According to the National Ombudsman (2021), discrimination practices against Indigenous People limit the exercise of rights and duties, as well of participation in the decision-making about projects or programs, which could affect their development.

⁷ National Ombudsman (2021) reports 66,7% of active social conflict cases are related to mining projects and 21,9% to oil and gas projects.

⁸ Håvard, H. (2008) mentions cases, where population stopped projects by means of demonstrations (Tía María and Conga) and referéndum (Tambogrande).

Some factors have contributed to this situation. For instance, there are several environmental liabilities along the country generated by important projects and poorly managed by the Government⁹. Relevant cases had affected Indigenous People and their territories¹⁰. In addition, local populations often expresses that they do not get enough benefits from the projects, despite they are directly affected by their operations¹¹.

Until 2015, the decision making about investment projects was a responsibility for each sectorial authority. Since that year, the national government opted for ensuring the decision-making about important project through a technical and legal approach by an autonomous institution. That is why Senace started functions¹², as part of the Ministry of the Environment, being the national government agency in charge of the environmental licensing for the most important projects in the mining, oil, gas, energy, agriculture and transportation sectors.

Addressing balanced decision-making in the EIA evaluation process

In order to ensure balanced decisions, Senace carries out the EIA evaluation process by means of promoting two strategies: (i) the effectiveness of the public participation process, and (ii) the consolidation of the multidisciplinary assessment at all levels.

With regards to the public participation processes, it is important to note that the Peruvian national regulation requires to project proponents to implement participative mechanisms during all the stages in the environmental licensing proceeding. However, the citizen participation does not determine the decision making, because does not have a determining consultation nature. In this sense, Senace is committed to ensure a process which can embody the citizen contribution into the evaluation process, in order to understand and handle all the concerns, expectations and comments expressed by the potential affected people, their authorities, and other interested parties during the EIA evaluation process.

For that reason, Senace requires to the project proponents to apply the effectiveness approach among the public participation mechanisms implementation, in such way as to ensure an appropriate information disclosure and accessible channels for presenting comments, concerns and questions. At the same time, Senace has published many tools and guidelines oriented to support project proponents developing better citizen participation processes, considering gender and cultural approaches.

On the other hand, in order to make technical supported decisions, Senace develops the EIA project evaluation through the multidisciplinary assessment, which implicate to designate a specialized team for each project, according to its specific key issues. In this way, each evaluation team has to participate in many formal and informal spaces, destined to share concepts and review the relevant interdisciplinary topics, mainly in respect of issues involving the social and the environmental dimensions. The most important space is called ‘multi-stepped evaluation’,

⁹ Chappuis, M. (2019) estimates 8 794 mining environmental liabilities currently registered.

¹⁰ A Multisectorial Commission in 2013 identified pollution and degradation which affected Shuar and Kichwa groups because OXY operations since the 70's in 1AB hydrocarbon block (Ministerio del Ambiente 2014).

¹¹ National Ombudsman reports show that conflicts consist of demands and requirements from affected people about project benefits, environmental pollution perceptions, legal obligations compliance or community relationship processes.

¹² Senace means National Services for Environmental Certification and Sustainable Investments. Was created by Law 29968 in 2012 and started functioning in 2015.

which consists of developing specialized meetings where each specialist presents her or his key findings for study's section and all the team can discuss about them.

That is possible because Senace has a matrix organizational structure was implemented since 2018, which allows to conform specific teams and, at once, to create Specialized Technical Groups in EIA related areas, such as Geography, Physics, Social Sciences and Biology.

There is an important step along the process, which combines both strategies: after the project proponent have responded each citizen comment expressed in the participative mechanisms, the multidisciplinary team has to review and evaluate all the responses sent by the proponent. This input has also incorporated in the evaluation process.

Emblematic cases

North Amazonian Oil Project

In this case, there were different attitudes towards the oil project between the Ashuar and Shuar indigenous communities. The first ones, where the company had aimed to drill exploratory wells, had expressed acceptance of the project, even if they did not know entirely company plans. On the other hand, Shuar communities, considered Indirect Influence Area because of oil transport from company camp to the State place of delivery using the Morona river, had been expressly concerned about project impact on their livelihood, as long as their nutritional diet depends on fishery. In accordance with these different positions, there were indigenous organizations in favor and against the project, while international NGOs maintained a critical view of hydrocarbon activities.

The main issue regarding the EIA was the lack of accurate information about river transport frequency. In fact, workshop in the Shuar community "Caballito" was tense and plenty of indigenous declarations against pollution. Although Senace emphasized the need to have management plans that minimize impacts on the river and the indigenous diet, this lack of information did not allow to clarify the scale of these plans.

South Andean Mining Expansion Project

Consisted of a MEIA, which means Environmental Impact Assessment Modification, because the mining operations already existed and the proponent requested the environmental licensing for the expansion components only.

In this case, the main stakeholders here were indigenous people from Quechua groups and their local authorities. Many concerns were expressed, particularly related to pollution and a potential physical displacement; diverse expectations for project benefits were identified, such as local employment and social investment.

Here the public participation input consisted in more than two hundred formal comments, all of them incorporated in the assessment and evaluated by the multidisciplinary team designated for this project.

Some achievements (2015- 2021)

According to 'Tablero de Control', during this period, Senace has approved 54 EIA and MEIA, adding up more than 21 billion American dollars investment to the national economy. Here it is important to highlight that none of the evaluated projects has been involved in active social conflict situation during their evaluation processes.

Thanks to the effectiveness in the public participation process, Senace has implemented successfully 684 formal citizen participation mechanisms, including remote workshops, such as radio, internet and television meetings and public audiences during the emergency because of COVID-19 pandemic. All of these spaces contributed to identify and address the main citizen's concerns, expectations and comments related to the ongoing EIA and MEIA evaluation processes.

With regards to the multidisciplinary assessment, Senace has consolidated several formal and informal assessment spaces, oriented to ensure the specialists dialogue and feedback, being the most important the multi-stepped assessment meetings. At the same time, Senace has developed criteria alignment related to key environmental and social topics, such as water, natural resources, use of land and indigenous people.

In balance, and foremost, Senace is positioned as a trusted and technical government agency, ensuring a balanced decision-making process and contributing with the investment sustainability through stronger EIA and MEIA evaluation process.

Main challenges

Summarizing some challenges about the strategies, it is noted that there are many citizens concerns, requirements and expectations which requests widely exceed the environmental licensing scope. In that sense, there are relevant communications needs about the government role by each agency. In addition, during the COVID-19 pandemic, the remote participative mechanisms could not be implemented in rural communities with low connectivity, limiting the citizen participation.

Moreover, even when Senace specialist have prepared criteria alignment related to interdisciplinary social and environmental key issues, it is not possible to apply the same to all cases, due to the high cultural diversity. It induces to complete a permanent task, oriented to be aware of each social and cultural particularity among the affected population involved with the project.

Lessons learned

After nearly 5 years of Senace EIA evaluation, the effectiveness of the multidisciplinary approach has increased as long as we have passed to an interdisciplinary path, which means unified comments of EIA proposal, gathering social, biological and physics aspects. By this time, due to the inherent link between rural population and the natural resources on which they base their livelihood, the interaction between social and biological fields has been the more successful.

On the other hand, citizen participation is the best channel to promote people expression of their interests and concerns. Unlike points of view gather during baseline elaboration, formal citizen participatory mechanisms create spaces of dialogue among State, potentially affected people and private investment proponents.

In order to improve the citizen participatory process, the key issues are the access of people to the participatory mechanisms and the clarity of the message according to people cultural background.

The access has to do not only with distance between for example workshops and places where people live, and people time availability; but also with levels of literacy and now, in Covid-19 times, the availability of technological resources to make possible the use of radio, TV or internet messages.

Taking into consideration cultural background means that words, concepts as well as facts and process described in the EIA are intelligible for populations of the project's influence area.

Next steps

As next steps, Senace has to improve spaces of interactions among specialists of different fields in order to get an interdisciplinary evaluation. At the same time, we should reinforce evaluation criteria regarding the access to people of participatory mechanisms and the quality of project disclosure with cultural relevance.

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