Report:

The Third National Conference on Participatory Environmental Monitoring and Surveillance Committees in Mining (CMVAPs)

Report prepared by: Alexandra Carlier, Aldo Leon, and Andre Xavier, Canadian International Resources Development Institute (CIRDI)
“Active, committed and organized citizens acting with transparency and honesty are required. The minimum conditions are to have the human and material resources for continuous and permanent monitoring.”

**Renee Menard**, author of the *Guide to Implementing Environmental Participatory Monitoring and Surveillance Committees – Percan*

“We need mining companies to work transparently and to provide us with the results of environmental monitoring, for the committee to make its evaluation.”

**Aida Borja**, leader of the Mallay Committee, Oyon, Lima
**Executive Summary**

The sustainable development goals (SDGs) are 17 global goals spearheaded by the United Nations and the global civil community. These SDGs reinforce the rationale behind the Participatory Environmental Monitoring and Surveillance Committees in Mining (*Comités De Monitoreo Y Vigilancia Ambiental Participativos* – CMVAPs). They pose challenges that can be tackled by the committees at a local level in order to move towards global goals.

The extractive industry in Peru is a very important economic sector, generating about 60% of total exports. The challenge is to maintain the economic viability of mining, while reducing conflicts with local populations. Many of the social conflicts are related to water resources. To address conflicts, the CMVAPs were created. In response to legal requirements, most mining companies in their operational stage have promoted the formation of a CMVAP. These committees have made some contributions towards resolving disputes among the stakeholders (community, mining company, and state). They provide a mechanism for citizen participation in assessing environmental studies in mining, thus contributing to transparency and trust. The CMVAPs conduct surveillance of mining activities as well as environmental monitoring.

The Third National Conference of CMVAPs in Mining was held on the 25 and 26 October 2016 in Lima. It brought together representatives from different committees, organizations of the Peruvian government, mining companies, civil society, and other institutions. There were about 200 delegates, 33% of whom were women. The main goal of the conference was to create an opportunity to meet and discuss the role, strengths, achievements, weaknesses, and results of CMVAPs; and moving forward, to identify opportunities and next steps for strengthening CVMAPs in the mining sector.

A survey was taken at the conference to create a preliminary characterization of CMVAPs in mining contexts. The findings constitute valuable data that is included in this Report.

The conference was structured in three main blocks, and included presentations by experts on topics related to the CMVAPs, panels with key stakeholders, and workshops. Three themes were discussed in each of the three blocks, along with the cross-cutting issues of gender, climate change, and interculturalism.

Four panels took place during the conference. Each of the panels brought together representatives from the public and private sector, civil society, and CMVAPs. These were the four panels:

- Advancements, lessons learned, and the challenges of participatory environmental monitoring as seen by the government
• Multi-stakeholder dialogue and experiences in participatory environmental monitoring
• Technical aspects of participatory environmental monitoring and surveillance
• Discussion around the prevention and management of water conflicts and mining

Four Thematic Roundtables were held, as follows:
• Environmental governance in participatory monitoring and its sustainability
• Technical capacities for environmental monitoring
• Challenges of CMVAPs
• New trends

At the end of the second day, a plenary was held to share the main ideas captured during the conference. Recommendations reflect the main ideas and suggestions resulting from the two-day conference, as well as an analysis of the current context of CMVAPs in the mining industry. CMVAPs are the focus of debate and controversy, suggesting they are still in the process of becoming established as mechanisms of environmental governance, with social legitimacy accorded by the communities. The recommendations were focused on three main areas: authorities, committees, and industry. Recommendations pertained to legal, participatory, funding, training, institutionalization, and partnership aspects, and are all included in this Report.

This Report includes a foundational guide for steps to establishing sustainable CMVAPS. These guidelines may be elaborated over time to develop a comprehensive guide for the creation of CMVAPs.

A survey was conducted to evaluate the conference, and the results were predominantly favourable. The Report concludes that the conference was successful as it brought together a fairly representative group of CMVAPs from mining environments, government institutions, the civil society, and industry representatives involved in the work of committees, thus creating an opportunity for multi-stakeholder dialogue on the role, challenges, and opportunities of the committees.

It was agreed that the next steps should focus on strengthening and institutionalizing the role of CMVAPs. Once the CMVAPs have consolidated their institutionalization, the next step could be to try to make them a part of national policies on social conflict prevention, especially those policies that have an environmental component.
1: Introduction

The sustainable development goals (SDGs) are seventeen global goals with 169 targets, spearheaded by the United Nations and the global civil community, and ratified by 193 member countries, with the ultimate goal of preserving our planet. These SDGs reinforce the rationale behind the Participatory Environmental Monitoring and Surveillance Committees in Mining (Comités De Monitoreo Y Vigilancia Ambiental Participativos – CMVAPs). They also pose challenges that can be tackled by the committees in order to achieve the global goals and targets at a local level.

Of the seventeen SDGs, six are related to the direction and work of the CMVAPs. This evaluation is based on an analysis of the targets of each of the goals, and on consideration of the concerns that the committees seek to address.

Figure 1: The Seventeen Sustainable Development Goals (Objetivos de Desarrollo Sostenible)

The third goal – to ensure a healthy life and promote well-being for all of all ages – has the following target: to reduce, by year 2030, the number of deaths and diseases caused by hazardous chemicals and by air, water, and soil pollution. In this regard, it is important to point out that intrinsically, the work of the committees on environmental monitoring has a health purpose. Thus, it is

1 See http://www.un.org/sustainabledevelopment/es/health/
necessary to understand that the state of ecosystems and natural resources is relevant to a commitment to human health.

On the other hand, the fourth goal – to ensure an inclusive, equitable, quality education and to promote learning opportunities throughout life for all – establishes a target that reasserts the importance of environmental education. Moreover, it suggests non-formal educational tasks for the committees, aimed at ensuring the acquisition of the necessary knowledge and skills to promote sustainable development and to adopt sustainable lifestyles\(^2\). Thus, an important aspect of the sustainability of the committees is the transmission of knowledge to the population.

The fifth development goal – to ensure gender equality and empower all women and girls – is also applicable to the work of the CMVAPs. One of the targets of this goal is to ensure the full and effective participation of women and equal opportunities for leadership at all levels of decision-making in political, economic, and public life\(^3\). Therefore, the committees need to promote environmental governance with a gender perspective, which will contribute to reducing inequalities and gender gaps in the decision-making processes.

The sixth development goal – to ensure availability and sustainable management of water and sanitation for all – establishes two targets that are part of the raison d'être of the committees:

1. to protect water-related ecosystems, including forests, mountains, wetlands, rivers, aquifers, and lakes, and to improve water quality by reducing pollution, eliminating dumping, and minimizing discharges of dangerous materials and chemicals; and
2. to reduce (by half) the percentage of untreated sewage, by substantially increasing recycling and reusing practices\(^4\).

It follows from this development goal that the role of the committees should go beyond environmental monitoring of the impacts of mining, and focus on monitoring the impact of pollution generated by the communities themselves.

Finally, the sixteenth goal – to promote peaceful and inclusive societies for sustainable development, to provide access to justice for all, and to build effective, accountable, and inclusive institutions at all levels – emphasizes creating effective, transparent, and accountable institutions at all levels, and ensuring that inclusive, participatory, and representative decisions are made to meet the needs at all levels\(^5\). This reinforces the definition of committees as organizations based on principles of transparency, participation, and representation.

\(^2\) See http://www.un.org/sustainabledevelopment/es/education/
\(^3\) See http://www.un.org/sustainabledevelopment/es/gender-equality/
The SDGs constitute a global platform, with goals and targets to be achieved by 2030. Within this framework, the CMVAPs are local organizations that can play a central role by initiating and encouraging actions that will contribute to meeting the goals and targets of the SDGs. In this regard, the CMVAPs have a central role in sustainable development in the local, national, regional, and global spheres. This is even more salient if you consider that the seventeenth SDG – strengthen the means of implementation and revitalize the global partnership for sustainable development – is a goal that the CMVAPs can contribute to, because this goal proposes that effective sustainability requires partnerships between governments, the private sector, and civil society. In short, the committees should be perceived as local actors that can help to drive some of the SDGs forward.

Under the Integrated Water Resources Management Project, CIRDI has taken up the challenge of contributing to building strategic and governance alliances, by increasing the visibility of, and strengthening, the CMVAPs. Indeed, in their role as citizen participation platforms for the care of the environment, the CMVAPs are organizations in which communities can play a leading role in the processes of environmental oversight and decision-making. Knowing them and promoting their strength is a central task for CIRDI’s project sustainability. This is why one of the 2017 targets will be to develop an accreditation that will facilitate the recognition of the CMVAPs by the government, the private sector, and civil society. We hope, therefore, that the efforts made and the systematization that we present will promote environmental governance of water in mining contexts.

1.1: The importance of mining in Peru

The extractive industry in Peru is an important economic sector. The mining industry generates about 60% of total exports and its contribution to the GDP is estimated at 14.5%, while its contribution to tax revenue amounts to 15% of total annual taxes. It is estimated that the mining industry contributed US$ 205 million to the development of social projects in 2014.

The mining fee (Canon Minero) and mining royalties make an important economic contribution at a regional and local level. According to the Ministry of Energy and Mines (MEM), this amounted to approximately US$ 880 million.

By November 2016, the estimated portfolio of investment in mining projects amounted to US$ 46,411 million. However, this included projects like Conga in Cajamarca and Tia Maria in Arequipa, which still face social opposition due to concerns about the quality and quantity of water. Despite the importance of mining in the country, this social opposition is a challenge for environmental and social

---

7 S. 2 995 million Peruvian soles
8 As reported by the MINEM, and comprising 45 main projects, including expansion projects for mining units, projects in an advanced exploration stage, and also projects that EIA has approved or is currently assessing.
management. The challenge is to maintain the viability of investment in mining, while at the same time seeking to prevent conflicts with local populations. The CMVAPs could play an important role in the prevention of such conflicts.

1.2: The context of conflict in the mining sector and its connection with water use or quality

Many social conflicts in Peru are related to access, availability, quality, and use of water resources. The Ombudsman’s Office reported 153 social conflicts related to water resources for the period January 2011 to December 2014. Of these, 75% were reported in rural areas, with rural communities being the main plaintiffs. In most cases, the complaint was related to the protection of water resources and their
remediation. Additionally, the representative of the Ombudsman’s Office\(^9\) stated that in 38% of cases of such conflicts there was at least one act of violence. In total, 15 people were killed and 490 were injured, of whom 279 were civilians and 211 were police officers. The representative stated that Ancash, Lima, Cajamarca, Cusco, and Puno were the regions with the highest number of conflicts related to water resources.

In October 2016, the Ombudsman’s Office reported 149 active social conflicts in Peru, 97 of which involved communities and mining companies, and many of which were directly or indirectly related to issues of water quality or quantity. Roundtable discussions were set up to address several conflicts related to issues of quality or quantity of water. It was decided that one of the measures to resolve such conflicts would be to create Participatory Environmental and Social Monitoring and Surveillance Committees. These monitoring committees have contributed in some cases to resolving disputes among the stakeholders (community, mining company, and state).

These environmental monitoring committees provide a mechanism for citizen participation in assessing environmental studies in the mining sector. Hence, they contribute to transparency and trust. However, in many cases the committees’ functions have been limited to occasional monitoring; thus, the benefits they generate have not been visible.

The need to strengthen transparency and access to information regarding mining activities arises from the concerns and interests of the population. The local population request Participatory Environmental and Social Monitoring and Surveillance Committees so that they can learn about the status of ecosystems, as well as have a space for intercultural and inclusive dialogue that aims to generate sufficient trust to prevent or at least mitigate socio-environmental conflicts.

The CMVAPs provide a space for building trust with the local population, since they contribute to intensive capacity building for the community, the government, and mining companies to work jointly.

**1.3: Monitoring committees and legal regulations**

Since 2008, the CMVAPs have been included in the Peruvian environmental legal framework as a mechanism for citizen participation in the evaluation and approval of Environmental Impact Assessments (EIA) of the mining sector in Peru. However, the first reference to the CMVAPs in the Peruvian legal framework was in the year 2004, in Supreme Decree No. 046-2004-EM, which regulated the Environmental Compliance and Management Programs (“PAMA”) in the mining sector. Subsequently, Law No. 28611, “General Environmental Law” (2005) prescribed the active participation of citizens through citizen oversight and monitoring in the framework of environmental auditing and control actions.

---

\(^9\) Porfirio Barnechea, Deputy Head of the Unit for the Prevention of Social Conflicts and Governance.
Finally, the Regulation of Citizen Participation in the Mining Subsector (Supreme Decree No. 028-2008-EM and Ministerial Resolution No. 304-2008-EM/DM) includes Participatory Environmental Monitoring and Surveillance as one of the thirteen citizen participation mechanisms. It defines Participatory Environmental Monitoring and Surveillance as follows: “consists of promoting, in an organized manner, the participation of the population involved, for the access to and production of information related to environmental aspects of mining activities once the EIA or EIAsd (Semi-detailed EIA) has been approved, through monitoring and enforcement of the obligations of the mining company.” It also states that “in order to promote the organized participation of the community in the participatory environmental monitoring mechanism, a committee may be created including representatives of interested local communities and authorities in the area of influence of the mining project, and also the license holder. The competent authority needs to be notified about this. [The committee] may also comprise civil society organizations at the request of the community. The Committee shall develop and adopt a regulation applicable to (all) its activities, contemplating, among other actions, the committee’s structure, budget, ongoing training of its members, conducting visits to the project, implementation of monitoring, commitments or obligations subject to monitoring, frequency of actions, dissemination of the monitoring and surveillance results, of awareness raising, etc.”

In response to this legal requirement, most mining companies in their operational stage have promoted the formation of CMVAPs around their mining units.

On the other hand, it is important to note that according to the definitions included in the legislation, it can be understood that the CMVAPs may involve two main actions, surveillance and environmental monitoring itself. In her presentation during the conference, Renee Menard gave the following definitions to promote a better understanding of each of these scopes:

Citizen surveillance “is both a process and a mechanism for tracking the commitments agreed either by the state, in the public sphere, or in the case of the private sphere, by holders of project and/or concession (licenses).”

Participatory environmental monitoring “consists of the systematic collection, processing and analysis of data over time, done by technical specialists and in collaboration with local individuals and organizations, in order to identify changes in some aspects or elements of the project’s environment. (Changes can be positive or negative.)”

1.4: Description of the two previous conferences (2008 and 2012)

Although the legal framework incorporated the CMVAPs in 2004, participatory committees in the mining sector existed since before the turn of the century. In some cases, these committees were established by
agreement between mining companies and communities as a result of some conflict and subsequent negotiation, or on the initiative of the government, communities, or mining companies (Lopez, 2009\textsuperscript{10}).

In October 2008, in response to these participatory monitoring initiatives, and with the participation of some civil society organizations, the MEM, and some mining companies, the First National Conference on CMVAPs — entitled El Agua nos Reúne (Water brings us together) — was held. Its participants included leaders representing communities from fourteen regions of Peru, public sector representatives, NGOs, mining companies, and universities. A second meeting, entitled the National Workshop on Participatory Environmental Monitoring and Surveillance Committees, was held in November 2012 at the initiative of some monitoring committees from Cajamarca, with the support of NGOs and international cooperation agencies. There were about one hundred participants, representing monitoring committees, government bodies (ANA\textsuperscript{11}, OEFA\textsuperscript{12}, MINAM\textsuperscript{13}), and mining companies.

At both events, the participants shared the experiences, achievements, and challenges of various CMVAPs, and produced recommendations aimed at strengthening the role of these committees, in order to improve the process of citizen participation in the mining sector, improve the management of natural resources, and ultimately establish a national network and umbrella organization for the CMVAPs.

\textsuperscript{11} Autoridad Nacional del Agua – National Water Authority.
\textsuperscript{12} Organismo de Evaluación y Fiscalización Ambiental - Environmental Evaluation and Enforcement Agency.
\textsuperscript{13} Ministry of Environment.
2: The Third National Conference on CMVAPs, 2016

The Third National Conference on CMVAPs in Mining was held on the 25 and 26 October 2016 in the city of Lima, Peru. This conference brought together representatives from different committees, organizations of the Peruvian government, mining companies, civil society, and other institutions.

2.1: Objectives of the conference

The main goal of the conference was to create an opportunity to meet and discuss the role, strengths, achievements, weaknesses, and results of CMVAPs; and to identify opportunities for continuing and strengthening the CVMAP in the mining sector.
UNDP Project Coordinator, Luis Francisco Thais, welcomes participants at the Third National Conference on CMVAPs

2.2: The promoters

This conference was made possible by the initiative and joint efforts of the Canadian International Resources and Development Institute (CIRDI), the United Nations Development Programme (UNDP), ANA, and the organization Grupo de Diálogo Minería y Desarrollo Sostenible (GDMDS). There was also the support and participation of other civil society, industry, and government organizations, including Tinkuy, Futuro Sostenible, and FCM\textsuperscript{14}/CISAL\textsuperscript{15}, among others.

2.3: The attendees

The conference brought together about two hundred people, including representatives of twenty-two monitoring committees (from seven Regions of Peru), representatives of government institutions (MINEM\textsuperscript{16}, OEFA, Ombudsman, ONDS,\textsuperscript{17} PCM\textsuperscript{18}), educational institutions, mining companies, and others.

Figure 2 shows the percentage of participation by place of origin, and Figure 3 shows the percentage of participants by gender.

\textsuperscript{14} Federation of Canadian Municipalities.
\textsuperscript{15} Inclusive and Sustainable Communities for Latin America.
\textsuperscript{16} Peruvian Ministry of Energy and Mines.
\textsuperscript{17} National Office for Dialogue and Sustainability of Peru.
\textsuperscript{18} Presidency of Council of Ministers of Peru.
2.4: Preliminary analysis of the CMVAPs

At the conference a survey was taken to create a preliminary characterization of CMVAPs in mining contexts. The survey was developed by *Futuro Sostenible* with contributions from CIRDI, and aimed to gather information about the organization, role, and management of the committees. It included questions grouped into the following four topics:

- Organization and creation of the committee
- Institutional strength
- Community environmental monitoring and surveillance
- Socio-environmental conflicts
The main findings of the survey are summarized below:

- 55% of the committees were formed at the initiative of communities, 30% at the initiative of mining companies, and about 15% were the result of a joint initiative. Also, 95% of the committees were consulted and agreed upon with members of the community.
- The committee members were primarily men. Only an average 34% were women. Mining companies funded almost 70% of the committees. Only two respondents reported having an NGO and the community itself as a source of funding.
- Most committee members were volunteers, with only about 15% being paid members. However, 83% of respondents responded that they did not receive incentives from the authorities.
- Most respondents (68%) indicated that the results of the monitoring carried out by the CMVAPs are recognized by the authorities. However, only 44% said that the results are forwarded to the OEFA. On the other hand, 32% said that the monitoring results are compared against the results of the EIA.
- Approximately 40% of the committees had a training plan.
- Nearly 90% of respondents said the CMVAPs functioned as a mechanism for conflict prevention; while 56% believed that participatory monitoring had contributed to conflict resolution.

While it is true that the results of this survey provide relevant data about the CMVAPs that should be taken into account, these results also generate more questions; therefore, more detailed research will be necessary to confirm these results.

It is interesting to see that the mining sector is taking the lead in supporting the establishment of these committees, either to comply with regulations or as a way to create opportunities for community engagement.

2.5: Organization of the conference

The conference was structured in three main blocks, and included presentations by experts on topics related to the CMVAPs, panels with key stakeholders, and workshops where contributions from participants were gathered. The conference dealt with three themes that were discussed in each of the three blocks, and with the cross-cutting issues of gender, climate change, and interculturalism. Table 1 summarizes the topics presented, discussed in panels, and developed in workshops.

The panels were composed of at least three key stakeholders, who had two opportunities to speak, for five minutes each time. At the end of each turn, attendees could ask questions of the panellists.
The workshops addressed two issues at the same time, for which the participants were divided into two groups. Each group was composed of representatives with different places of origin, in order to be able to bring various points of view to the discussions.

At the end of the second day, a plenary was held to share the main ideas captured during the conference.

2.6: Evaluation of the conference

The evaluation of the conference included conducting a survey among the participants. The questions were related to the topics discussed, the organization, and the benefits they obtained by taking part in the conference. A summary of the main results shows that:

- Nearly 60% agreed or strongly agreed that the concepts and approaches of the Peruvian experiences in participatory monitoring provided them with information that could be applied in their committees.
- 40% agreed or strongly agreed that the topics covered during the conference responded to the information needs that were announced in the agenda.

### Table 1: Topics and Panellists at the Conference

<table>
<thead>
<tr>
<th>Topic</th>
<th>Speaker/Panellist</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conference: Status of the CMVAPs in Peru</td>
<td>Renée Menard (International Consultant)</td>
</tr>
<tr>
<td><strong>Panel 1:</strong> Progress, challenges, and lessons learned. Participative environmental monitoring as seen by the government</td>
<td>ANA: Lorenzo Cubas (Coordinator DGCRH – ANA)</td>
</tr>
<tr>
<td></td>
<td>MINEM: Angel Chavez/Regulatory Manager/General Directorate of Mining Environmental Affairs</td>
</tr>
<tr>
<td>Moderator: Pavel Aquino – UNDP</td>
<td></td>
</tr>
<tr>
<td><strong>Panel 2:</strong> Multi-stakeholder dialogue and experiences in participatory environmental monitoring</td>
<td>Community: Felix Vicuña / Leader of the Tacna Monitoring Committee</td>
</tr>
<tr>
<td></td>
<td>Company: Omar Vasquez – Mina Condestable OEFA:</td>
</tr>
<tr>
<td></td>
<td>Carmen Conopuna/Mining Coordination / Supervision Department</td>
</tr>
<tr>
<td></td>
<td>Pavel del Solar (Environmental Monitoring Coordinator OEFA)</td>
</tr>
<tr>
<td></td>
<td>NGO: Ana Leiva – CooperAcción</td>
</tr>
<tr>
<td>Moderator</td>
<td>Jose Luis Lopez</td>
</tr>
<tr>
<td></td>
<td>Grupo de Diálogo, Minería y Desarrollo Sostenible</td>
</tr>
<tr>
<td><strong>Conference:</strong> Gender and inter-culturalism in participatory environmental monitoring and surveillance</td>
<td>UNDP: Alison Hospina (Gender / Interculturalism Expert)</td>
</tr>
<tr>
<td><strong>Conference:</strong> Participatory Environmental Monitoring and Surveillance in the context of Climate Change</td>
<td>UNDP:</td>
</tr>
<tr>
<td><strong>Conference:</strong> Health as part of environmental impact assessment and monitoring: prospects for the future.</td>
<td>CENSOPAS: Dr. John M. Astete Cornejo</td>
</tr>
<tr>
<td>Thematic Roundtable 1: Environmental governance in participatory monitoring and its sustainability</td>
<td></td>
</tr>
<tr>
<td>Thematic Roundtable 2: Technical capacities for environmental monitoring</td>
<td></td>
</tr>
<tr>
<td>Topic</td>
<td>Speaker/Panellist</td>
</tr>
<tr>
<td>-------------------------------------------</td>
<td>----------------------------------------------------------------------------------</td>
</tr>
<tr>
<td><strong>Panel 3</strong>: Technical aspects of participatory environmental monitoring and surveillance</td>
<td>ANA: Lorenzo Cubas / Coordinator / Bureau of Water Resources Quality Management Mining Company: Angel Espinar / Compañía de Minas Buenaventura Community: Aida Borja (Committee from the town/site of Mallay) OEFA: Carmen Conopuna Laboratory: Dani Rojas (Yakutek)</td>
</tr>
<tr>
<td>Moderator</td>
<td>Jorge Béjar Apaza Labor</td>
</tr>
<tr>
<td><strong>Panel 4</strong>: Discussion about the prevention and management of water conflicts and mining</td>
<td>ANA: Joseph Perez (Conflict Prevention Unit) Ombudsman’s Office: Porfirio Barnechea CISAL: Carlos Grey ONDS: David Montoya</td>
</tr>
<tr>
<td>Moderator</td>
<td>Nancy Quinteros Bahamonte Grupo de Diálogo, Minería y Desarrollo Sostenible</td>
</tr>
<tr>
<td><strong>Thematic Roundtable 3</strong>: Challenges of CMVAPs</td>
<td></td>
</tr>
<tr>
<td><strong>Thematic Roundtable 4</strong>: New trends in the monitoring cycle</td>
<td></td>
</tr>
</tbody>
</table>

- **Note**: The original program included the presentation of a video about the experience of Mongolia in the implementation of Local Multi-Stakeholder Councils (LMCs) and the importance of establishing participatory environmental monitoring and surveillance committees as part of these Councils, and their contribution in the quest to create a local sustainable development program. Unfortunately, it was not possible to screen the video due to technical problems. However, it is available on CIRDI’s website as a resource for the participants and the general public.

- 60% agreed or strongly agreed that the working materials provided during the conference provided sufficient information.
- Nearly 70% agreed or strongly agreed that the venue was suitable for the conference.
- 50% agreed or strongly agreed with the methodology used for the conference.

In addition, the survey included a comment section. Some of the comments are listed below:

- “The experiences shared lead us to become stronger, to become upstanding men (citizens) in society and in our communities.”
- “The presentations made by panellists and participants were very good, but we need constant training for the committees in the process of creation and those already existing, with a permanent presence of the government.”
- “My comments are that the presentations of the speakers were very nice, clear and precise, they helped me to inform my committee. I hope there is another workshop or meeting to teach us how to deal with the monitoring topics, as there is no support from any government authority.”
3: Results of the Third National Conference on CMVAPs

Here is a summary of the issues discussed and the main results achieved during the panels and thematic roundtables of the conference.

3.1: Panels

Four panels took place during the conference. Each of the panels brought together representatives from the public and private sector, civil society, and CMVAPs. During these talks and presentations, ideas and experiences were exchanged with the audience.

3.1.1: Panel 1: Advancements, lessons learned, and the challenges of participatory environmental monitoring as seen by the government

Panellists: Lorenzo Cubas (ANA), Angel Chavez (MEM)

Three central themes were discussed in this panel: the creation of CMVAPs as a result of the approval of environmental impact studies for mining projects, public distrust of the CMVAPs, and participatory monitoring and return of results.

Regarding the emergence of CMVAPs, it was stated that although communities began requesting the creation of participatory monitoring committees following the granting of mining concessions, they were seldom created. In this regard, according to the representative of the MEM, approvals of EIAs did not significantly lead to the emergence of committees. He further stressed that at least until 2013, a little less than 50% of the EIAs approved included a participatory monitoring program.

The second highlight of the panel with government representatives, was their perceptions that the CMVAPs are not well trusted by community members, who tend to see these committees as aligned with the mining sector, or even with the government, when the results do not show any negative impacts. On that point, the MINEM pointed out that there are committees that stop functioning when the population discovers that the results of participatory monitoring are similar to those of the companies or the government, especially the OEFA. This leads to a need to consider the power relation in mining contexts between the perception of pollution or disturbance, and the results based on technical and scientific procedures.

Regarding participatory monitoring and return of results, on the one hand the ANA and MINEM argued that these results should be disseminated regularly to inform the community. Some participants suggested that the CMVAPs should function as mechanisms to disseminate information to build trust between the private and public sectors. The need to transmit results and key messages using simple
language was emphasized. It was clarified that at present, both soil and water are monitored, as environmental quality standards for soil are already in place.

In addition to these three points, the panellists emphasized the need to promote financial and logistical sustainability, to enable the CMVAPs to continue to play a role in environmental management. Finally, it was stated that communities are also considered to contribute to pollution, because they generate and dispose of untreated wastewater.

Based on the presentations, the audience encouraged a debate based on questions and interventions focused on two points: inter-sectoral coordination and CMVAP monitoring, and technical capacity building.
Regarding inter-sectoral coordination and monitoring, it was said that the MINEM and ANA should coordinate closely to guide the CMVAPs. The panellists said that both institutions establish a close relationship during the process of approval of the EIA. However, there is no coordination aimed at monitoring the creation and operation of CMVAPs, while the OEFA would be in charge of monitoring. Despite this, it was specified that no specific regulatory framework is in place to guide the committees’ monitoring or surveillance.

In addition to the issue of government inter-sectoral coordination, the committee members stated that they intend to promote a platform to bring together the committees. However, it was suggested that the institutional strengthening of the CMVAPs requires improved coordination between various public sector institutions.

Strengthening was a topic of concern among participants, who claimed that having the mining companies as a source of funding for the CMVAPs does not contribute to building trust. Alternatively, representatives from civil society suggested the possibility of engaging local governments through participatory budgeting. The panellists pointed out that the state cannot transfer funds to private organizations such as the CMVAPs. However, they also noted that a percentage of the mining fee (Canon Minero) of the regional governments may indeed be destined for a fund used by CMVAPs in a given region.

Another point related to the strengthening of committees is the transfer of knowledge. It was noted that the committees require constant training before the start of and during their activities. Members of various committees and panellists agreed that training should be the responsibility of the MINEM, OEFA, and ANA. As an example, they mentioned the pasantías mineras program conducted by the MINEM. The involvement of committees in the audit processes of OEFA was also considered relevant.

Summarizing the conclusions of the first panel: on the one hand, it is important to note that environmental governance requires an integrated and inter-sectoral approach by the government and its institutional structures. On the other hand, there is a need to develop a financial mechanism and a training and education plan for the committees, so they can sustain themselves and improve their performance.
3.1.2: Panel 2: Multi-stakeholder dialogue and experiences in participatory environmental monitoring

**Panellists:** Felix Vicuna (Palca Committee – Tacna), Pavel del Solar (OEFA), Omar Vasquez (*Minera Condestable*), Ana Leiva (*CooperAcción*)

The conference featured multi-stakeholder panel discussions with representation from communities, industry and government

Three themes were introduced during the second panel: the reactive emergence of CMVAPs, innovations in monitoring processes, and the formalization and strengthening of the committees.

Regarding the emergence of the committees, it was pointed out that in some cases these arise as a reaction to protests and social conflicts. The scenario of mistrust in which they are born must be managed so that the committees can ultimately enjoy social legitimacy in the eyes of the public. On the one hand, the representative of *CooperAcción* expressed that in order for this to happen, it would be necessary for the CMVAPs to be formed by the communities in the area of direct and indirect influence. On the other
hand, it was considered appropriate to conceive participatory monitoring as part of an environmental early warning system (so that the government can intervene in time), rather than as a response to popular unrest. Finally, the representative of Minera Condestable suggested that to foster the peoples’ trust in the committees, they need to be formalized and registered before being introduced to the local authorities.

Drawing on the experience of the Pucamarca-Palca Committee, emphasis was placed on training processes prior to the creation of the committees. They highlighted that before the creation of this committee, the social leaders received some training. This was promoted by an NGO called Labor. This initiative was followed by a period of training under an agreement with a regional university, which provided knowledge to the leaders and organizations that later created the committee. Through this process, they developed a work plan.

However, it should be noted that there are committees that do not arise as a reaction. The community’s distrust always constitutes a risk for dialogue and peace. This distrust is often based on the fact that it is the mining companies that finance the activities of the committees. Thus, although the committees decide which laboratory they will work with, the population distrusts the source of the funding. In addition, when local authorities change, this can work against the committees, because the interests of the new directives may not be aligned with the directives of the previous authorities.

Against the backdrop of mistrust and conflict in which the CMVAPs arise or operate, the innovations in the monitoring process are presented as a way to foster dialogue and contribute to generating a climate of peace and dialogue at the local level. In this regard, all panellists agreed that participatory monitoring must respond to the population’s concerns.

Overall, there was consensus regarding the importance of quality when monitoring. However, participants also said that it is necessary to consider both quality and quantity. The representative of OEFA stated that monitoring efforts started in 2012, but it was not until 2014 that a regulation governing all participatory monitoring processes was passed. Since then, the OEFA have learned that the monitoring of sediment seems to be better received by the population because it provides complementary water quality analysis and provides information on the behaviour of particles in water. In this sense, the monitoring efforts should expand their scope of analysis.

Through sediment monitoring and the evaluation of hydro-biological components, the OEFA has promoted initiatives to respond to the requests of the communities, as they have been requesting specialized studies.

Despite the importance of monitoring efforts, these are insufficient on their own. Throughout the panel discussion, there was emphasis on the need to disseminate the results in a clear manner. It was emphasized that this information should serve the purposes of community management. Therefore, it must be accessible and reliable. However, it was suggested that, as a challenge, it is necessary to think of
ways to transmit information and to build trust, with the purpose of obtaining the support of the population. However, the difficulties in building trust in the results of the monitoring efforts were highlighted, and it was noted that these will persist if the companies continue to be the source of funding of the committees. Regarding this last point, the OEFA pointed out that they have a project to implement their own reference laboratory.

Finally, regarding the formalization and strengthening of the committees, three issues were raised. The first was that this requires that the public sector, NGOs, and universities provide counselling or advice, so that the committees are equipped with the core knowledge necessary for the implementation of their activities. Secondly, it was stated that the high turnover of members of the CMVAPs is a problem that must be dealt with in order for the committees to be sustainable. One option proposed was to encourage coordination between community organizations (community boards, committees, commissions or irrigation-water users’ associations, etc.) and the monitoring committees, to bolster participation. The third issue was raised by the audience: funding for the CMVAPs must be borne by the government, since the private sector is not obliged to carry out this role.

The conclusion of this panel was that while participatory monitoring is transparent and empowers citizens and managers, there are aspects such as governance, dialogue, trust, and peace which are still underway. The results and how these are disseminated are two central issues. Thus, the point is to know how to communicate effectively. Therefore, it is relevant to consider the lessons learned from the communication strategies used to announce the creation of the committees and the monitoring results.

In addition to the challenges related to communication, there is a need to promote the formalization of CMVAPs. This would involve training sessions prior to their formation, in order to foster their emergence and incorporation in a paradigm where social protests or unrest have not yet arisen. In this sense, we must highlight the relevance of creating committees with a vision of prevention and reduction of social risk, and try to avoid their reactive emergence in contexts of conflict.

3.1.3: Panel 3: Technical aspects of participatory environmental monitoring and surveillance

**Panellists:** Lorenzo Cubas (ANA), Angel Espinar (Buenaventura), Carmen Conopuna (OEFA), Aida Borja (Mallay Committee) and Dani Rojas (Yakutec)

While the participants argued that the technical procedures must be followed fully in order for the participatory environmental monitoring and surveillance to be effective, during the panel this theme was not addressed. However, three related topics were raised: the purpose of the monitoring efforts; the relevance of having a methodological guide for the creation and operation of the committees; and the participation of women.
There was consensus that participatory environmental monitoring efforts aim to collect information about the quality of resources — particularly water resources — to guide the citizens and the government on the actions to take, among which may be decisions to conduct audits. In this sense, the representative of ANA said that the objective of water sampling is to determine the quality of water in order to obtain an analysis and to define water management priorities. The OEFA, on the other hand, placed emphasis on its oversight role.

It was suggested that in order to fulfill the objectives of monitoring, it is essential to have technical procedures in place, and for the stakeholders to receive training to correctly implement each of the procedures. In this regard, the audience and the panellists agreed that there should be a training system for the committees. This responsibility could be assigned to the universities. It was also said that the site visits (pasantías) organized by mining companies at their mining sites is a strategy currently used to educate and inform members of the committees. However, these tend to have a limited scope, because sometimes there is no feedback from committee members. This is due, in part, to the fact that there is often distrust of the information produced by the business sector, and also the committees struggle to fit within the structures of the community.

Despite the need for a methodological guide, the panel discussion showed that we need guidance on the committees’ implementation process, their role, their social interaction, and their relationship with the government. In this regard, it was said that the ANA is socializing the National Water Quality Monitoring Protocol. The ANA has also trained a committee from Moquegua on the use of the protocol. It should be noted that with respect to monitoring protocols, it is important to keep in mind a number of technical considerations. For example, it was argued that there is a difference between measuring the organic load in the field and doing so in a laboratory. On this point, the OEFA stressed that they have an initiative oriented to implementing their own laboratory, in order to obtain and deliver the results with greater certitude, and to decrease the public distrust towards laboratories.

One issue that was associated with the purpose of monitoring efforts and the need for a protocol, was the diversity of stakeholders using the water. As there are several water users within a watershed basin, sub-basin or micro-basin — including the mining companies — it is necessary to strengthen the environmental institutionality and governance of water. It will be essential to transform distrust of the mining sector and fragmentation in governance, into a citizens’ trust and inter-sectoral approach.

Finally, the panel stressed that the participation of women within CMVAPs is minimal. Participatory monitoring in an effort to build environmental governance has merely replicated gender inequality. It follows that it is necessary to include a gender approach to promote equal participation of women.
The third panel concluded that it is important to emphasize two issues that seem to be missing from the agenda of participatory environmental monitoring. One is the perceived lack of guidelines or procedures. The other is the focus on environmental governance. On the first point, the following questions stand out:

1. To what extent do the committees know the protocols and act according to them?
2. How have the committees understood and adapted the protocols?

Regarding the second issue, two challenges arise:

1. How to promote environmental and water governance with a gender perspective?
2. How to strengthen environmental and water institutionality based on the good functioning of the CMVAP?

3.1.4: Panel 4: Discussion around the prevention and management of water conflicts and mining

Panellists: Joseph Perez (Conflict Prevention Unit, ANA), Porfirio Barnechea (Deputy of the Unit for the Prevention of Social Conflicts and Governance of the Ombudsman’s Office), David Montoya (ONDS), Carlos Grey (CISAL)

Throughout the panel the discussions painted a quantitatively and qualitatively complex picture. With respect to quantity, the Ombudsman’s office pointed out that their investigations have determined that 70% of social claims for environmental issues are directly related to water issues. The other 30% of cases are determined by other components also related to water concerns. In addition, 38% of water-related conflicts involved violent clashes that led to people being wounded or killed.

The context for these figures is a scenario that, from the perspective of the panellists and participants, is characterized by: i) lack of knowledge about the CMVAP; ii) local governments not fulfilling their duties; iii) distrust of the private sector and government; and iv) cultural and linguistic diversity.

Regarding the lack of knowledge about the CMVAP, it was said that it is not known how many committees there are, so it is necessary to conduct an inventory to begin a process of information monitoring and management. The representative of the ANA stressed that analyzing the committees will help the government initiatives to improve their performance. In this regard, it is important to know what percentage of the committees was created as a result of a conflict and what percentage was formed as a result of the EIA. It is also important to know in which contexts a CMVAP is divisive within a community.

With regard to the fulfillment of duties by local governments, it was suggested that they have implemented mechanisms for citizen participation (such as participatory budgeting). However, they have
not achieved an adequate level of engagement of the population. In addition, levels of efficiency in public administration are low, as the goals have not been met and land management is inefficient. This has created discontent among the residents, as they perceive that proper management is not being achieved. The example cited was the case of the Province of La Convencion in Cusco, which received 1,500 million soles from the mining fee (Canon Minero), while the San Martin region did not receive anything. However, the latter has higher levels of competitiveness, as shown by a greater spending capacity with its budget, in the context of fulfilling management goals.

The third point is the distrust of the private and public sectors. Companies are perceived as agents that alter ecosystems, while the government tends to be seen as not fulfilling its duties and favouring the interests of the private sector over the welfare of the citizens. Hence, the representative of the ONDS said one of the biggest challenges is the design and implementation of mechanisms to rebuild public trust. This requires having people trust the results of the monitoring conducted by the ANA and OEFA. It is also important not to carry out changes in the EIA without informing the population or without including them in participatory processes.

Finally, it was suggested that the prevention and resolution of social conflicts should take into account the cultural and linguistic diversity of communities, to avoid misunderstandings. It was considered appropriate to use indigenous languages in dialogues. This would improve the level of communication between the stakeholders in the conflict.

3.2: Thematic Roundtables

3.2.1: Thematic Roundtable 1: Environmental governance in participatory monitoring and its sustainability

Table 1 worked on five themes. The themes were established in advance so that the discussion revolved around specific points: initiatives for the creation of CMVAPs, transparency in the processes of CMVAPs, financing, difficulties in the development of CMVAPs, and approaches to gender, multiculturalism, health, and climate change.

On initiatives for the creation of CMVAPs, the participants noted that these are created or emerge for four different reasons: as a reaction to social conflicts; as an initiative of the communities in areas impacted by mining companies; on the initiative of the local governments to meet citizen participation goals; or as a result of efforts driven by the private sector. In all cases, the committees come with pre-existing concerns about the future of ecosystems and natural resources, since they consider that any alterations may pose risks that could increase social vulnerability.

The creation of a committee usually includes representatives of mining companies, community and government authorities, irrigator organizations, and NGOs, among other stakeholders. It is a mechanism
that should promote environmental governance. However, its emergence does not imply that the committees will ever formalize their registration or fulfill their functions. Given that not all the committees have any monitoring or environmental action plans in place, and that the positions within them constantly rotate, these organizations are born with internal instability and only undertake their activities when the companies take the initiative. This means that the committees’ functions of overseeing compliance with environmental commitments, collecting the population’s concerns, overseeing compliance with environmental quality standards, etc., are not necessarily completely fulfilled.

Besides not being formally recognized, they do not enjoy consistent social legitimacy. The committees are mistrusted because their funding comes from companies and therefore their results lack credibility. Therefore, there is only a limited possibility of playing a significant role in preventing and resolving social conflicts.

On the issue of transparency in the processes of CMVAPs, it was noted that the measure or the mechanism for transparency is the dissemination of results. But these results are seldom accepted by the population. It was considered necessary to promote true transparency, due to public mistrust of the private and public sectors. The credibility of transparency of the CMVAPs depends on the population’s trust in the private sector and in the government. One of the causes of doubt among communities is the source of the committees’ funding.

Beyond these considerations, the participants in the roundtable noted that improving language is important in order to strengthen transparency. Several participants felt that clear messages should be conveyed in plain language, so that the communities can better understand the technical explanations and monitoring results. This implies promoting processes aimed at improving communication.

Regarding the funding of committees, at the beginning they worked with contributions from rural communities. The mining sector gradually began to assume part of the costs of the committees, giving rise to community mistrust.

Funding is important both for the monitoring efforts and for the training of committee members. The issues relevant to training are sample collection and resource management. In addition, the funds should be used for monitoring on a quarterly basis.

It was suggested that companies subsidize the cost to improve the financing of the committees. But it was also considered necessary that local governments take on this task, as it has to do with sustainable land management. Ultimately, it was argued that the CMVAPs can draw on funds from international cooperation agencies.

Difficulties for the development of the CMVAPs lie in the lack of clear procedures for the formalization of committees, the lack of a governing institution that recognizes and accredits the committees, the lack of clarity regarding their scope of action, underfunding, institutional weakness of
local governments, fragility of the government-business-community relationship, and lack of equipment and tools for the monitoring tasks.

Finally, regarding the gender, intercultural, health, and climate change approach, efforts to promote the participation of women are limited. To counter this, the proposal was to close the gender gap through an internal statute promoting gender equality, encouraging a participation quota for women.

Regarding environmental health, it was noted that there should be studies of the status before, during, and after mining activities. It was also considered appropriate to involve the health sector institutions in the monitoring efforts. It should be noted that no mention was made about environmental health, which includes a process of sampling and analysis of sources of water for human consumption.

Finally, it is important to note that the CMVAPs do not seem to be operating under optimum conditions. As a governance mechanism its operation make us wonder: to what extent the way they work contributes to the population becoming increasingly annoyed with participatory measures that ultimately fail to obtain social legitimacy.

3.2.2: Thematic Roundtable 2: Technical capacities for environmental monitoring

The second thematic roundtable revolved around the issues of the five stages of participatory monitoring that are driven by the ANA (Figure 4). Suggestions were made based on the above.

**Figure 4: Stages for Participatory Water Monitoring according to ANA**

The first stage is organizing workshops to provide training and to raise awareness among the population. This aims to earn the population’s acceptance and encourage interest in participatory monitoring. In general, at this stage communities:

- consider that mining companies are not transparent;
- perceive the government and the private sector as lacking interest in their problems;
- believe that the population do not get involved in participatory processes; and
- claim that they lack technical support to carry out participatory environmental monitoring.
Against this backdrop, the participants noted that to improve trust in the private and public sector, companies must “come clean” with the population. This would mean, in the words of the participants, drawing strategic outlines to generate a new social pact, based on trust.

Furthermore, it was agreed that given the perceived lack of interest of the private and public sectors in the welfare of communities, it is necessary to involve NGOs, universities, and cooperation agencies to promote synergies and contribute to the population’s welfare. These opinions appear to suggest the need for new liaisons that can engage the government, companies, and the public.

Finally, the participants recommended promoting a system of incentives to technical experts who can train people, to improve the technical support.

The second stage refers to the formation of participatory committees for water quality monitoring. Through this, we seek to encourage the commitment and engagement of the entire community. The participants mentioned four problems that usually arise at this stage:

- reactive creation of committees;
- lack of legitimacy and social and political representation;
- lack of funds (financing); and
- absence of a specific regulatory framework for the CMPAV.

This set of problems suggests that the priority should be to create the committees before conflicts arise. It also suggests the importance of creating strategies to involve the communities in the creation of committees, in order to promote their social legitimacy. Finally, from the point of view of various committee members, a legal framework that recognizes and regulates the CMPAVs is necessary.

The third step is to propose, agree upon, and approve the Work Plan for Participatory Water Quality Monitoring, to create a context in which planning and community acceptance are the priorities. Despite this effort, the committee members present pointed out that the planning of sampling stages is not optimal. Therefore, they considered that the ANA should formulate a plan to socialize it with the community. In addition, the debate also noted that the choice of sampling points is inadequate, so the suggestion was to reinforce the use of protocols. The final comments about this step were that it presents a problem of lack of public awareness about participatory monitoring plans. To some extent, this is due to lack of funding to implement training and awareness campaigns.
The fourth point is the implementation of participatory monitoring efforts. The participants in the roundtable stated that there is usually a lack of trained personnel with expertise in environmental matters to support or guide the community during the monitoring activities. In addition, there is a risk that the process will be interrupted by criticism and social tensions. Finally, it was suggested that due to problems related to lack of staff and budget, the monitoring campaigns do not happen frequently. Therefore, there was consensus that the committees need to have more budget or financial strategies to be sustainable over time. In addition, it was argued that involving universities through agreements or Memorandum of Understanding (MOU) to collect information that creates research opportunities, could be a way of exchanging data for technical support during the monitoring efforts. They also highlighted the need to train environmental delegates, who are knowledgeable about the monitoring standards and procedures.

Finally, regarding the fifth step (dissemination of results), the participants noted that they face the following problems:

- low budget to expand the radius of dissemination of results;
- failure to deliver results to the community; and
- failure to explain the results to the citizens.
A way to improve this situation would be to request the support of regional, local governments, businesses, and NGOs, including support for designing the materials for distribution. They also suggested the possibility of disseminating the results as digital files. However, considering the digital limitations in Peru’s rural areas, this alternative does not guarantee access to information. Finally, addressing environmental issues, several participants emphasized the need to promote environmental education starting with schools.

As a reflection on the thematic content of the roundtable, it is pertinent to note that the problems that participatory monitoring faces nowadays are technical/regulatory and also socio-political. The technical/regulatory difficulties seem to lie in the language used, as it is not easy to understand. With regard to the socio-political difficulties, the communities are discontented with the public and private sectors, which affects the performance of monitoring efforts. These considerations suggest that solving the problems of financing and communicative language without managing social concerns, does not guarantee the legitimacy and social sustainability of CMVAPs.

3.2.3: Thematic Roundtable 3: Challenges of CMVAPs

This discussion dealt with issues that had already been discussed during the panels and other thematic roundtables. The participants argued that CMVAPs face a challenge of sustainability in terms of funding and management capacity. The private/business sector, in its funding capacity, and universities, in their capacity as institutions where knowledge is created and distributed, were considered as key players for the committees. Universities were considered important as places where training can be done. Moreover, it was stressed that universities represent impartiality.

A second challenge is to have effective forms of communication to convey the monitoring results as clearly as possible. In addition, there has to be a way to identify and explain the most appropriate actions to strengthen the monitoring efforts and to make suggestions that contribute to the environmental performance of the private sector. It should be noted that the communication challenge must address the distrust that communities have about laboratories and the analysis processes that they follow. However, according to the socio-political scenarios, it is also desirable that the tests should not be conducted in laboratories recommended by the mining companies.

Finally, the third challenge addressed by this roundtable was how to conduct an advocacy process that allows for the recognition of CMVAPs by the government. This was a recurring theme for most of the participants, who noted that, to begin with, you need to have an official list of the committees that exist at a national level, specifying which type of monitoring they carry out.
3.2.4: Thematic Roundtable 4: New trends

The development of the fourth thematic roundtable revolved around four themes: promoting research in the processes of environmental monitoring, relevance of a Network of Environmental Monitoring Committees with a territorial approach, the government’s role in strengthening the capacities of the CMVAPs, and new technologies in environmental monitoring.

The participants said that the promotion of research in the framework of environmental monitoring is still emerging. With the exception of experiences in Tacna and Ancash, where public universities became involved in participatory processes, there has not been much interaction between academia and the monitoring committees. This is perceived as a missed opportunity for both spheres, since the academic researchers could have access to relevant data for research projects and could encourage scientific production on topics such as water, soil, flora, fauna, and social processes; while the committees and communities can benefit from workshops or training events. In this sense the role of researchers has a dual function. On the one hand, contributing to capacity building, and on the other hand promoting reflection and academic production. It is necessary to promote cooperation agreements and to create a single database for the data obtained through monitoring. It should be noted that from the point of view of the participants, an approach to the communities made by universities could foster peace, transparency, trust, order, and a better understanding of environmental issues.

The network of committees is seen as providing an opportunity to boost an exchange of information and experiences among all committees. It would promote a change in the way committees work at the local level – which so far has been isolated work that very few people know about. In addition to this, participants noted that the platform will facilitate the committees’ recognition by the government, and promote trust and transparency in the eyes of communities. They therefore agreed that the joint work will strengthen them. They also expressed that creating a network of committees and new committees will promote institutionality based on principles such as transparency, citizen participation, coordinated work of organizations, and sustainability. It is noteworthy that during the roundtable, it was stated that the development of the network and committees should be based on the dialogue between the ANA, the OEFA, regional governments, local governments, communities, and companies. This suggests that the representatives of the committees are demanding processes that generate governance and institutionality.

Within this scenario, the role of the government in strengthening the capacities of CMVAPs is not limited to funding and training through workshops and visits such as those championed by the MINEM. The participants said that the government’s role should also include promoting a standard that recognizes the committees, clearly defining their roles and establishing mechanisms for access to funding and training. With this in place, it would be possible to carry out monitoring efforts more frequently and with higher procedural rigor, and to improve the feedback of information.
Finally, regarding the technologies for strengthening monitoring efforts, it was considered appropriate to carry out real-time flow rate measurements, to conduct microbiological and macroinvertebrate monitoring, and soil analyses. This will require better equipment, and stationary and simple multi-parameter technologies.

In conclusion, it is important to note that it seems the communities are calling on the university and academic sector to get involved with solving environmental problems and the problems of the committees. It is worth noting that academia is conspicuously absent from this process. Therefore, involving academia could contribute to the generation of new scenarios, which should aim at being optimal for the committees and the exercise of their functions.

### 3.3: Summary of results

CMVAPs constitute a sphere of interaction between citizens, businesses, civil society, and the three levels of government. Be it through their creation or the development of their activities, they are the focus of debate and controversy in a context characterized by:

1. The population’s distrust of government and business institutions, on issues of environmental control, mining practices, and participation.
2. Difficulties in fostering steady inter-sectoral coordination between regional and local levels of government.
3. Limited action of CMVAPs due to lack of budget, lack of clarity in roles, irregularity or infrequency of monitoring, and lack of technical-procedural knowledge.
4. Citizens criticize the process of the creation of the CMVAPs, impacting their social legitimacy.
5. The need to set a deadline for the creation of a CMVAP, once the EIA is approved, as well as to broaden the scope of analysis of the monitoring efforts, and to design a regulatory framework for the committees.
6. Citizens have little regard for the fact that their own practices also cause pollution and environmental disturbance, compared to how critical they are of the impacts of mining.
7. Intensifying social conflict due to environmental issues, with an emphasis on water.
8. The lack of engagement of academia and universities, in their role as scientists, educators and with the ability to build relationships of trust.
9. Gender inequality within the dynamics of operation of the committees.
10. Suggestions by some committee members to promote the use of a percentage of funds from the mining fee (*Canon Minero*) as a source of funding.
This set of considerations suggests that CMVAPs are still in the process of becoming established as mechanisms of environmental governance, with social legitimacy given by the communities. In this regard, while committees are seen by the government and private sector as legitimate entities that play an important role in building trust based on participation and transparency, communities tend to be sceptical or critical of the role they play, even though they see the monitoring efforts as opportunities to learn how mining companies operate, within a framework of environmental monitoring. This situation is explained both by the population’s distrust of the private sector and government institutions, and by the multiple difficulties that CMVAPs face: poor training processes, lack of budget, environmental monitoring events too far apart in time, and negative perceptions of the laboratory analyses.
4: Recommendations

Conference participants reporting back on results and recommendations from the breakout sessions

The recommendations in this section include the main ideas and suggestions resulting from the two-day meeting, as well as from an analysis of the current context of CMVAPs in the mining industry.

4.1: Authorities

- Update the legal framework for Citizen Participation in the Mining Sector in order to incorporate the CMVAPs as participation mechanisms in the early stages of mining, for example from the exploration stage, or from when baseline studies are conducted to support the Environmental Impact Studies.
- Establish legal or procedural mechanisms to institutionalize, or grant legal recognition to, the role of, and the results produced by, the CMVAPs, so that these can be incorporated into the
Environmental Management System, helping to create an institutional link between the committees and the SENACE, the OEFA, and ANA.

- Establish mechanisms for promotion and economic support for the CMVAPs to ensure their sustainability and independence. Some formulas may include the transfer of part of the funds raised by environmental fines or sanctions, use of resources from the mining fee (Canon Minero) (a minimum percentage of resources that have not been used by regional governments), and others.
- Establish management mechanisms to help CMVAPs become a primary point of contact with local communities, to share information about the state of the environment, and in turn strengthen their role as a tool to prevent social conflicts related to environmental issues.
- Establish training programs, and programs to strengthen the technical capabilities of CMVAPs through ANA and OEFA.
- Participate in the activities of CMVAPs at the different organizational levels, national, regional, or local, as appropriate.
- Conduct a national inventory of CMVAPs in the mining sector and promote the creation of a national network of committees. The results of this inventory would facilitate the establishment of a register of active or existing committees, whose permanence or validity may be updated or renewed periodically.
- Support the creation of an accreditation or certification program for the CMVAPs to ensure minimum standards of organization, procedures, and operation of the committees.
- Develop an ad hoc guide to establish working guidelines for the committees.

4.2: Committees

- Ensure the voluntary participation of its members, through incentives to attract the participation of young people who could benefit from training and capacity building programs. There is potential opportunity for the engagement of universities, which could provide the necessary technical support.
- Ensure equal participation of women within the CMVAPs.
- Expand the scope of their monitoring activities with a focus on the watershed, and not just based on the mining activity.
- Build partnerships with universities and local/regional/international institutions to promote the participation of students and researchers, and seek funding by means of research proposals.
- Find or implement mechanisms for accreditation of their organization and roles. The accreditation mechanism model proposed by Futuro Sostenible could be applicable.
• Formalize the organization of the committees and create annual work plans to seek funding for their activities.

• Have a protocol for emergencies or environmental incidents. The local presence of the committees can be valuable during the first response to environmental incidents, as they can record information on changes in environmental conditions that could be useful either to trigger local alerts or to establish subsequent mitigation actions. However, a protocol for the committees’ participation should be carefully established, and the scope must be agreed upon with environmental authorities. On the other hand, a watershed- or region-wide single protocol could be produced, if there is more than one committee in said watershed or region.

• Regarding the interpretation of environmental monitoring results, there is an urgent need to establish a communication strategy in order for the results to be accepted, and also to build trust. For this it is necessary to develop a communication strategy with the participation and training of local leaders of the committees. As a reference, we mention the “Communication Strategy for Environmental Monitoring Participatory Committees,” developed by the Instituto de Dialogo.

4.3: Industry

• Maintain or continue supporting the creation and activities of the CMVAPs, as these are mechanisms for citizen participation that are embedded in legislation.

• When possible, provide financial support for the activities of the CMVAPs. Mechanisms such as trusts could be used to maintain the independence of the committees and avoid negative perceptions regarding financial support.

• Harness the role of CMVAPs as a means of sharing environmental information with local communities, or use the monitoring results of CMVAPs to build trust among the local population.

• Share information on the environmental monitoring of their operations with local communities through the CMVAPs.

• Participate in activities conducted by CMVAPs and provide assistance for monitoring efforts. Participate in training programs. Strengthen the technical capabilities of those in charge of monitoring and promoting site visits or pasantías to the mining units, so that members of the CMVAPs have a clear understanding of the mining activity and of water management and conservation in the mining industry.

• Support the creation of an accreditation or certification program for the CMVAPs, to ensure minimum standards of procedures and operation of the committees.
**5: Steps to Establishing Sustainable CMVAPs**

Figure 5 shows a proposed flow chart for the establishment of sustainable CMVAPs. The guidelines reflect some good practices or recommendations for creating sustainable committees. These guidelines may be elaborated over time to develop a guide for the creation of CMVAPs.

![Flow Chart: Steps to Establishing Sustainable CMVAPs](image)

**Source:** Prepared by Aldo León

1. **Decision to Create a Committee** – The decision to create the committee should, if possible, be an initiative of members of the community, preferably with the participation of women and youth. Participation must be voluntary.

2. **Institutionalization** – The institutionalization of committees could be defined as the committees achieving formal or legal recognition in the internal and external environment. To achieve this, CMVAPs need to establish a set of internal rules and regulations for the organization and its functions, and register the committee in the Public Records. In some cases, the committee's functions could adhere to existing functions established within the community's organization; for example, if the community has an environmental delegate, they could engage this person, or expand his or her duties to include participation in the committee.

3. **Establishment of a Work Plan and 4. Operation of the Committee** – To ensure the proper functioning of the committee, it will be necessary to have an annual work plan that clearly identifies its objectives, activities, and resources. This will help with estimating the necessary financial resources, and serve as a justification for their applications for support or funding to financial institutions. It will also enhance the committee’s ability to manage training programs. However, the engagement and commitment of committee members are even more important factors to ensure that the committee functions properly.
4. **Dissemination of results** – Dissemination of the results obtained should in principle be geared towards addressing the concerns and interests of the community or local population. However, if the monitoring process has followed the guidelines and protocols established in the applicable legal framework, the results can also serve as a source of information for oversight processes or audits by the authorities.
6: Conclusions

The findings in this section are based on the results obtained during the meeting and on the opinions gathered from some members of the Steering Group on the role of CMVAPs.

The meeting can be considered successful as it brought together a fairly representative group of CMVAPs from mining environments, government institutions, the civil society, and industry representatives involved in the work of committees, thus creating an opportunity for multi-stakeholder dialogue on the role, challenges, and opportunities of the committees.

The key element in achieving sustainable CMVAPs lies in the voluntary involvement of community members, who must be supported by the relevant government, civil society, and industry institutions. In the end, everyone wins.

In recent years the participation of communities around mining projects has increased. In many cases this participation has been through demonstrations marked by conflict and demands, but also driven by an interest in giving an opinion, in knowing, monitoring, and being vigilant about the activities of mining projects. The latter has happened by means of the CMVAPs. That is why it is important to provide various forms of support and funding to help committees to maintain their independence, otherwise their concerns may become irreconcilable demands.

The value of CMVAPs in Integrated Water Resources Management (IWRM), is that IWRM requires the active participation of all stakeholders. Moreover, in a context such as Peru, the success of IWRM requires strengthening the relationship between the community, government, and companies, and within this relationship the CMVAP can be a coordinating mechanism. Committees can help to objectively oversee the actions carried out in each watershed, representing the roles of the different stakeholders.

CMVAPs provide an opportunity to strengthen the presence of the government in places and territories where there may be disagreements or controversy over environmental issues. This means that the committees could act as an extension of the government, since they could be a first point of contact to share primary and privileged information about the environmental situation. Also, because CMVAPs have a local presence, they can become strategic partners of the government, and may also be part of the SNGA (National Environmental Management System). This is especially important due to the increasing need of the government to have allies at a local level.

The establishment of CMVAPs can also contribute to raising awareness at a local level and empowering local populations to establish environmental management systems. The communities are an essential part of the use, development, monitoring and care of natural resources at a local level. In addition, an option could be to encourage the committees to take part in CAR (Comisiones Ambientales
Regionales) or CAM (Comisiones Ambientales Municipales), and from these platforms contribute to local environmental management.

The next steps should focus on strengthening and institutionalizing the role of CMVAPs. There certainly is a long way to go, because it not only depends on the actual engagement of communities, but also on the recognition and inclusion of the committees within the SNGA. This process can be advanced by producing manuals or guidelines, sharing lessons learned, and outlining the activities of the committees. However, this also needs to be complemented by increased support from the government. Finally, once the CMVAPs have consolidated their institutionalization, the next step could be to try to make them a part of national policies on social conflict prevention, especially those policies that have an environmental component.
Appendix 1: List of Acronyms

ANA: Autoridad Nacional del Agua – National Water Authority
CAM: Comisiones Ambientales Municipales – Municipal Environmental Commission
CAR: Comisiones Ambientales Regionales – Regional Environmental Commission
CIRDI: Canadian International Resources Development Institute
CISAL: Inclusive and Sustainable Communities for Latin America
CMVAP: Comités De Monitoreo Y Vigilancia Ambiental Participativos – Participatory Environmental Monitoring and Surveillance Committees
EIA: Environmental Impact Assessments
FCM: Federation of Canadian Municipalities
IWRM: Integrated Water Resources Management
MINEM: (Peruvian) Ministry of Energy and Mines
OEFA: Organismo de Evaluación y Fiscalización Ambiental – Environmental Evaluation and Enforcement Agency
ONDS: National Office for Dialogue and Sustainability of Peru
PCM: Presidency of Council of Ministers of Peru
SDGs: Sustainable Development Goals (Objetivos de Desarrollo Sostenible)
SNGA: (Peruvian) National Environmental Management System
UNDP: United Nations Development Programme
Appendix 2: Map Showing Location of the Committees

Note: the number of committees and its location need to be confirmed by an inventory or further research.