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### **The Ministry of Agriculture Approves Guidelines for the Implementation of Citizen Participation Mechanisms in Evaluations of Environmental Studies**

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On July 31st, 2020, the Ministry of Agriculture published Ministerial Resolution N° 168-2020-MINAGRI (the "[Guidelines](#)"), approving the citizen participation guidelines applicable while the sanitary measures dictated by the Peruvian government due the COVID-19 public health emergency remain in force. These guidelines must be followed by any natural or legal person during the evaluation of an environmental study for the development of any project or activity.

The Guidelines do not apply to project holders who conducted a citizen participation procedure prior to March 15th, 2020, as long as they can undoubtedly prove that such procedure was carried out using the mechanism approved by the regulation in force at the time such mechanisms were developed.

According to the Guidelines, citizen participation mechanisms approved by the Citizen Participation Regulation for the evaluation, approval and control of environment studies for the agricultural and irrigation sector, must be adapted to communication technology, virtual electronic methods and other means of communication that allow for the compliance of the mandatory social distancing measures, taking into account the following considerations:

#### **a) During the Drafting of the Environmental Study:**

Two (2) citizen participation mechanisms must be carried out from the following options: (i) publication of a notice in the most widely circulated local newspaper, (ii) broadcasting an announcement through the local radio or television stations or channels on three (3) consecutive occasions, (iii) publishing posters in visible locations, (iv) publication of notices on social media and/or institutional web pages of the local and regional authorities of the project area, (v) virtual meetings with stakeholders' and authorities' representatives, through software or computer applications, web platforms, and social media, among others.

**b) During the Evaluation of the Environmental Study:**

Public hearings must be held, if considered convenient by authorities, for Semi-Detailed Environmental Studies, Environmental Compliance and Management Programs, and Closure Plans. Otherwise, a participatory workshop must take place.

The Guidelines require the following conditions:

- The facilities need to be previously disinfected and must allow for the compliance of social distancing measures.
- The facilities can be filled up to a maximum of 50% capacity, complying with a minimum distance of 1.5 meters between each person.
- Face masks and sanitizers, among others, must be provided.
- Prior to entering the facility, each person's temperature must be taken, hand sanitizer must be applied and shoes need to be disinfected and cleaned.

In addition, the Guidelines require the implementation of two (2) other mechanisms, from the following list: (i) publication of a notice in the most widely circulated local newspaper, (ii) broadcasting an announcement through the local radio or television stations or channels, at least twice a day, for a minimum of three (3) days, (iii) publishing posters in visible and high-traffic locations, (iv) publication of notices on social media and/or institutional web pages of the local and/or regional government authorities of the project area, as well as on the project holder's web page or social media (v) virtual meetings with stakeholders' and authorities' representatives, through software or computer applications, web platforms, and social media, among others. Channels must be provided to address observations, comments and/or suggestions from the public, which will then be gathered and presented to the Ministry of Agriculture as part of the Citizen Participation Plan.

**c) During the Implementation of the Environmental Study:**

For this stage, the following mechanisms must be performed, in accordance with the characteristics of the project:

- i. The project holder must give notice of the implementation and development of the project and the activities set forth for each stage through the social media and/or institutional web pages of the regional and/or local government authorities, as well as through its own web page or social media. This is so citizens have access to that information and are able to make suggestions or inquiries.
- ii. Broadcasting announcements through the local radio or television stations or channels, at least twice a day for a minimum of three (3) days, reporting the status of the project and informing the channels available to send suggestions and inquiries.
- iii. Virtual meetings with stakeholders' and authorities' representatives through software or computer applications, web platforms, and social media, among others.

**Note:** This article is intended to be a general summary of the Guidelines. However, it does not constitute legal advice. You should consult with counsel to determine applicable legal requirements in a specific situation.

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