

LAW No. 29293

THE PRESIDENT OF THE CONGRESS OF THE REPUBLIC

WHEREFORE:

THE CONGRESS OF THE REPUBLIC;

Has issued the following Law:

A LAW THAT DECLARES OF PUBLIC NECESSITY AND NATIONAL INTEREST THE IMPLEMENTATION OF MEASURES TO ACHIEVE THE SUSTAINABLE SYSTEMATIC URBAN DEVELOPMENT AND THE RELOCATION OF THE CITY OF CERRO DE PASCO:

Article 1°.- Objective

Be declared of public necessity and national interest the implementation of measures to achieve the sustainable systematic urban development and the relocation of the city of Cerro de Pasco.

Article 2°.- Interinstitutional Commission

1. Be constituted an Interinstitutional Commission with the purpose of implementing measures to reduce the environmental impact and to protect the public's health, as well as to define the process of relocation of the city of Cerro de Pasco and to attain its sustainable urban development. This Commission will have as functions:
 - a) To evaluate the viability of mining expansion in relation to the geological and urban environmental diagnosis of the area where the city of Cerro de Pasco is located.
 - b) To draw up and approve the regulations, the strategies and the relocation plan.
 - c) To draw up and approve the Plans for the Control of Pollution Sources, for the Restoration of the Environment and for the Public's Health Care. The environmental restoration of areas affected by environmental liabilities must consider access restrictions to areas that contain said liabilities.
 - d) To establish the regulations and criteria for the draw up and approval of the Plan for the Sustainable Urban and Rural Development of Cerro de Pasco, which has as its central aim the city's relocation.
 - e) To draw up and approve the Contingency Plan for each of the plans.
 - f) To establish the procedure for the valuation of the affected land parcels and the reparatory and compensatory system that applies.
 - g) To design and approve the budget for the plans mentioned above, as well as the applicable financing framework.
2. The Interinstitutional Commission will be formed by a representative from the following institutions:
 - a) The President's Office of the Council of Ministers, who will chair it;
 - b) The Ministry of Economy and Finance;

- c) The Ministry of Environment;
- d) The Regional Government of Pasco;
- e) The Provincial Municipality of Pasco;
- f) The Regional Health Office of Pasco;
- g) The Regional Mining Office of Pasco; and
- h) Two representatives from grassroots urban and rural social organizations, one each.

Article 3°.- Relocation Plan

The Relocation Plan goes through the following phases:

- a) Conduct a study to establish the political, economic, environmental and social conditions for the relocation, giving priority to the move of the most affected population and towns.
- b) Update the cadaster of the city of Cerro de Pasco.
- c) Conduct a pre-feasibility study to evaluate alternatives.
- d) Hold citizen round talks to choose the best option.
- e) Conduct a feasibility study for the approved option.
- f) Design and approval of the relocation financing strategy.
- g) Progressive development and execution of relocation.
- h) Monitor and oversee.

Article 4°.-Plan for the Control of Pollution Sources

The Plan for the Control of Pollution Sources should:

- a) Reduce emissions, vibrations and leaks to established environmental standard quality levels and maximum allowed limits.
- b) Modernize installations and equipment.
- c) Waterproof stock piles and mounds of mine tailings.
- d) Reduce the impact from runoff of toxic pollutants into underground aquifers.

Article 5°.- Health Care Plan

The Health Care Plan must be comprehensive and guarantee:

- a) The diagnosis, treatment, and advising of the population on the effects of pollution on health.
- b) The testing and monitoring of heavy metal levels in the population.
- c) The implementation of environmental education and public health programs to inform the public about the effects of pollution on the environment and health.
- d) The setting in motion of nutritional support and sanitary and hygiene programs for children suffering with heavy metal and metalloid poisoning.
- e) The identification of causes and sources of poisoning from heavy metals or other contaminants, to be able to determine responsibilities and the absorption of health care costs.

Article 6°.- Plan for Sustainable Urban and Rural Development

The Provincial Council of Pasco, based on the regulations and criteria of the Plan for Sustainable and Rural Development referred to on letter d) of numeral 1 of article 2 of the present Law, draws up and approves the Plan for Sustainable Urban and Rural Development of the City of Cerro de Pasco.

Article 7°.- Assessment of Resources

The Interinstitutional Commission assesses the needed resources required by the indispensable actions aimed at reducing environmental impact, protecting the public's health and implementing decisions for the relocation of the city of Cerro de Pasco, proposing viable financing options for said needs agreed to by State entities and the mining company that operates the production unit that manages the pit and the mine in the domain of the city of Cerro de Pasco.

Article 8°.- Urban Environmental Control Board

Be constituted an Urban Environmental Control Board, chaired by the Mayor of the Province of Pasco and formed by a representative of the Public's Advocacy Office [*Defensoría del Pueblo*] and two representatives of the civil organizations of Cerro de Pasco, to supervise and audit the execution of the Plans for the Control of Pollution Sources, Environmental Restoration, Health Care and Relocation.

Article 9°.- Deadlines

The Interinstitutional Commission:

- a) Shall be inaugurated within thirty (30) calendar days of this present Law coming into effect.
- b) Within a period no greater than eight (8) months counting from this present Law coming into effect, it shall submit to the President's Office of the Council of Ministers, to the Regional Government of Pasco and to the Provincial Municipality of Pasco the regulations and plans referred to in this present Law.
- c) Every sixty (60) calendar days, counting from its inauguration date, it must give a progress report to the Republic's Congress Commissions responsible for Health, Environment, Housing and Mining affairs.

Temporary Provision

Sole. The Executive Branch, within a period no greater than ninety (90) calendar days counting from the submittal by the Interinstitutional Commission of the regulations and plans referred to on letter b) of article 9 of the present Law, puts forward before the Congress of the Republic the proposed legislation which includes the mechanisms that will allow for its financing in accordance to revenue possibilities, with the purpose of guaranteeing the execution of the investment commitments related to the plans established in the present Law. The actions developed within the framework of this present Law will be subject to the institutional budgets of the related folios.

Final Provision

Sole. The Executive Branch, within a period no greater than sixty (60) calendar days, counting from the present Law coming into effect, approves through a supreme decree, with the vote of approval of the Council of Ministers, the regulation of this present Law.

THEREFORE:

The Congress of the Republic having reconsidered the Law, insisting on the text approved during plenary session that took place on the eight day of May of the year two thousand and eight, in accordance to article 108 of the Political Constitution of Peru, I order that it be issued and fulfilled.

In Lima, on the twelfth day of the month of December of the year two thousand and eight.

JAVIER VELÁSUEZ QUESQUÉN

President of the Congress of the Republic

ÁLVARO GUTIÉRREZ CUEVA

Second Vice-President of the Congress of the Republic

290511-2