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# **Regional Overview of EIA in Asean**

**Nagoya, Japan**

**13 May 2016**

# Future infrastructure spending

- ADB has estimated that Asia “needs to invest “about \$8 trillion in national infrastructure and \$290 billion in regional infrastructure between 2010 and 2020 to sustain its growth trajectory”.
- ADB – approx 80% of loans on infrastructure
- \$110 billion over next 5 years.
- AIIB - \$40 billion planned start-up
- To achieve ASEAN vision of sustainable development, EIA can be used to promote social inclusion, environmental protection and economic growth.

# Map of ASEAN Member States



# ASEAN Charter – December 2008

- The ASEAN Charter included one of its purposes:
  - To promote **sustainable development** so as to ensure the protection of the region's environment the **sustainability of its natural resources**, the presentation of its cultural heritage and the high quality of life of its people. (Emphasis added.)

## ASEAN Charter Article 1(9)

- To achieve ASEAN vision of sustainable development, EIA can be used to promote social inclusion, environmental protection and economic growth.







## Statement on Building a Sustainable Future for the Mekong 5 August 2015



- Foreign Ministers from Cambodia, Lao PDR, Myanmar, Thailand, Viet Nam and the United States at the Friends of the Lower Mekong Initiative supported the use of EIA to increase protection and sustainability.
- This included regional cooperation and integration and increasing public participation.



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fengniao.com



# Lower Mekong Countries

Common Issues and Common Needs

PACT 2015 Report – highlights the similarities with the EIA procedures in the Lower Mekong. Also identifies some key areas of difference.

ASEAN Economic Community requires regional integration and common approaches.



Mekong Partnership for the Environment

MEKONG EIA BRIEFING :

**Environmental Impact Assessment  
Comparative Analysis  
In Lower Mekong Countries**



**USAID**  
FROM THE AMERICAN PEOPLE

**Mekong Partnership  
For the Environment**

Shared solutions for responsible development



building  
local  
promise.

## Comparative Analysis of EIA in the Lower Mekong Region

[http://www.pactworld.org/sites/default/files/local-updates-files/MPE\\_Mekong\\_EIA\\_Briefing\\_Final.pdf](http://www.pactworld.org/sites/default/files/local-updates-files/MPE_Mekong_EIA_Briefing_Final.pdf)

Regional Technical Working Group  
on EIA – Developing Guidelines on  
Public Participation and Access to  
Information

- Recent IGES Report “Strengthening EIA in Asia.”
- This also included a number of Asean member countries, Cambodia, Indonesia, Lao PDR, Myanmar, Thailand and Vietnam.
- Identification of common challenges and key recommendations to strengthen EIA.

[www.iges.jp/or](http://www.iges.jp/or)

[http://pub.iges.or.jp/modules/envirolib/upload/6624/attach/Strengthening\\_EIA\\_in\\_Asia\\_2016\\_IGES.pdf](http://pub.iges.or.jp/modules/envirolib/upload/6624/attach/Strengthening_EIA_in_Asia_2016_IGES.pdf)

# Kingdom of Cambodia



Less than 5% of projects fully comply with EIA Sub-decree 1999.

Updated EIA Law will be consistent with ADB Safeguards and international best practice

- New Environmental Code including EIA Law.
- EIA drafting process with Vishnu Law Group and MOE since 2013. Seven public workshops held.
- Working on Public Participation Guidelines.
- 2014 Prakhas on Registration of Experts.
- 2014 Prakhas on Establishment of Technical Working Group for Reviewing and Commenting on EIA Report.

# Kingdom of Thailand



Thai Supreme Administrative Court has recently ruled that public participation rights are part of the natural law of Thailand.

National Council for Peace and Order has passed decrees to subvert the EIA and town planning process.

- Environment Protection Law, EIA Notification 2009
- Constitutional provisions basis for access to information and right to participate. These have been abrogated from 22 May 2014 coup. (Art 67).
- Currently draft Review of Thai EIA Law.

# Union of Myanmar



Environmental Protection Law 2012

Foreign Investment Law 2012 and  
Rules require EIA

- Environmental Protection Rules 2014, in force 5 June 2014.
- Chapter VII – Environmental Quality Standards
- Chapter XI – EIA
- Environmental Impact Assessment Procedure – December 2015
- National Environmental Quality Standards 2015.



# Viet Nam



Criminal Code 2015 increase penalties for environmental crimes and failure to comply with EIA approvals.

- EIA first introduced in Law on Environment Protection 1993 and in the Law of Environmental Protection 2005
- Consultation with commune level communities is compulsory in EIA.
- 2014 Major amendments to Environmental Protection Law and EIA and SEA. Increasing focus on environmental compliance and enforcement.

# Lao PDR



Ministerial Instructions on EIA and IEE has been promulgated in 2013. Many changes to the EIA laws since 2010. EIA Guidelines now being updated to reflect new Instructions.

- Under the Constitution, Article 37, all Lao citizens have equal right to engage in politics, economics, and social-cultural family development.
- The Environmental Law, Article 8 (5) requires "participation from villagers likely to be effected by the development projects or operations."
- EIA Decree 2010 - repealed
- EIA Guideline 2012

# Indonesia



Expansion of the requirements for Green Banking and requirement for EIA in lending.

Certification and accreditation of Regional EIA Bodies and EIA Consultants

- Under Art 5, the Constitution, “a proper and healthy environment constitutes a human right of every Indonesian”.
- The Environmental Protection and Management Law 2009.
- AMDAL (EIA) well developed in Indonesia.
- Environmental Permit 2012.
- Community Involvement Guideline 2012

# EIA Needs and Opportunities



## **Strengthening EIA in ASEAN**

- Role of scoping and screening
- Public Participation
- Access to Information
- Enforcement and compliance
- Capacity of EIA Departments
- Regional Cooperation

# EIA Needs and Opportunities



## Areas of need

- Capacity of EIA Experts and EIA Consulting Firms
- Environmental Assessment of Mega-Projects
- Standards and Guidelines on Best Available Technology
- Role of Sub-national EIA Units
- Compliance and Enforcement

# ASEAN EIA Practices



- EIA is becoming recognised in the Mekong for bringing better development.
- Lessons can be learned from other countries, especially Indonesia, Japan, Korea, China and the USA, adapted to local experience.



# Is it time for a ASEAN Framework Convention on EIA?



- A Framework Convention on EIA
- Covering the following areas:
  - Regional EIA Capacity Building
    - Standards and Guidelines for Environmental Quality
    - ASEAN EIA Training Facility
  - Access to Information and Public Participation
  - Registration and Training of EIA Consultants
  - Transboundary EIA Assessment
  - Strategic Environmental Assessment
  - Screening Lists for Projects



Thank You

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