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**GOOD PRACTICES: INFORMATION
DISCLOSURE AND PUBLIC PARTICIPATION
PUBLIC PARTICIPATION STARTING
FROM SCREENING STAGE IN
CAMBODIA**

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ENVIRONMENTAL LEGAL FRAMEWORKS

A- Laws and Regulations

- ❖ Constitution Law 1993
- ❖ Law on Environmental Protection and Natural Resources Management, 1996
- ❖ Law on Protected Area Management, 2008
- ❖ Law on Biosafety, 2008
- ❖ Sub-decree on EIA Process, 1999
- ❖ Cambodia ratified the UNFCCC , 1995 and the Kyoto Protocol , 2002
- ❖ Global Green Growth Institute Agreement, 2012
- ❖ Mekong Agreement, 1995

B- Policies

- ❖ Rectangular Strategy Phase III, 2013-2018
- ❖ National Strategy Development Plan 2014-2018
- ❖ National Policy on Green Growth, 2013
- ❖ National Strategy Plan on Green Growth 2013-2030

INFORMATION DISCLOSURE & PUBLIC PARTICIPATION IN LEGISLATION

Sub-decree on Environmental Assessment Process (1999)

- The Article 1: The main objective of the Sub-decree is *“to encourage public participation in the implementation of the EIA process and take into account their input and suggestions in the process of project approval”*.

Declaration on General Guidelines for Developing Initial and Full Environmental Impact Assessment Reports (2009)

- The public participation section of IEIAs/EIAs should include feedback from related ministries, comments from NGOs, public consultation with affected communities and others.

ORAL GUIDANCE FOR THREE STAGES OF PUBLIC PARTICIPATION

- MOE provides *oral guidance* at three stages of public participation:
 - **Screening stage** to inform about project and listening to local concerns,
 - **Assessment stage** to conduct interviews and obtain opinions from local stakeholders, and
 - **After finishing assessment** to inform local stakeholders about results of assessment, proposed mitigation measures, and obtain community feedback.



PUBLIC CONSULTATION AT THE SCREENING STAGE (1)

- Introduces the project proponent to line ministries/institutions, and representatives of local authorities that are expected to be impacted by the proposed project.
- Copies of the project description are distributed in Khmer language to all invitees.
- Comments are recorded and written comments are requested from all interested stakeholders.



Public consultation at the screening stage for Special Economic Zone of Kerry World bridge Logistic Limited

PUBLIC CONSULTATION AT THE SCREENING STAGE (2)

Site visit and face-to-face encounter with local stakeholders brings out:

- Valued environmental concerns of the communities,
- Other development plans under consideration by local agencies,
- Land use and land concession agreements already committed by government agencies to other developers in the same area,
- Location (distances) to cultural, historic, conservation and protected areas.
- For DEIA to clearly determine whether the proposed project requires an IEIA or a full EIA report

OTHER METHODS OF INFORMATION DISCLOSURE AND PUBLIC PARTICIPATION

Invitation of NGOs to an inter-ministerial EIA review committee

- NGOs are invited to review EIA at the inter-ministerial review meeting of MOE. NGOs comments on EIAs should be part of MOE combined joint letter to project proponents.

Ministry website to post Executive Summary of IEIA/EIA

- MoE is building a Ministry website where Executive Summary of IEIA/EIA will be posted after projects approved.

OPPORTUNITIES TO IMPROVE INFORMATION DISCLOSURE AND PUBLIC PARTICIPATION

- Clear **guidance of public participation and information disclosure** for all interested stakeholders.
- **Establishing a user-friendly website** including list of project information, available documents and a system for updating project EIA review progress.

PROCESS TO DEVELOP A NEW EIA LAW

- Six Public consultations including one specifically designed for the Private Sector.
- All drafts are in the Khmer language and distributed in advance to workshop participants.
- After each workshop, comments are reviewed by DEIA officials and the Vishnu Law Group, a civil law firm in Cambodia, then a draft are revised and used for the next public consultation.
- This reiterative process allows affected communities, NGOs and CSOs to participate in both policy development and help decision making.
- A final draft EIA Law will be presented to the Council of Ministers for approval in mid-2015 led by the Minister of the Ministry of Environment.

EIA PUBLIC CONSULTATION WORKSHOPS



DRAFT NEW EIA LAW

- Requirements for SEA, health impact assessment (HIA), climate change risk assessment, cumulative impact assessment (CIA), and transboundary impact assessment.
- Stringent penalties and compulsory fines for project proponents who do not implement their EMP
- Projects can be temporarily closed by MOE until the committed EMP is satisfactorily implemented.