

KINGDOM OF CAMBODIA
NATION RELIGION KING

MINISTRY OF ENVIRONMENT
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ENVIRONMENTAL IMPACT ASSESSMENT

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CHAPTER 1

GENERAL PROVISIONS

ARTICLE 1._

This law has the purpose to protect the environment, to conserve biodiversity, ensure appropriate use of natural resources, and promote sustainable development in accordance with Articles 32 and 59 of the Constitution of the Kingdom of Cambodia by establishing mechanisms for environmental assessments of all investment projects, development projects or business activities and other activities that create impacts on and harmful consequences to the environment, society, economy and culture.

ARTICLE 2._

This law has the objectives:

1. to determine that EIA must exist for public and private investment project before being submitted to the Royal Government to make decision;
2. to promote public participation and access to information; and
3. to ensure that EIA is conducted in an effective, transparent, and equitable manner.

ARTICLE 3._

- This law completely and fully applies to development projects, business activities, and investment activities of natural persons or legal entities which have begun their operations, are in operation, or are about to start their operations that have caused or may cause impacts on environment and society.

- Types of development projects, business activities, and investment activities that cause average and/or serious environmental impacts and/or that are determined by the annex of the Sub-decree on EIA process shall conduct environmental assessment.

- This law governs all development projects, business activities, and investment activities of natural persons or legal entities which have licenses, certificates, and decisions from various ministries and institutions that have failed to comply with the environmental assessment.

ARTICLE 4._

This law does not apply to state projects and State's activities which have been decided by the government or approved by the National Assembly and which are considered to be the emergency projects related to national security, national protection, and disaster management.

ARTICLE 5._

Definition and glossary are stipulated in the annex.

CHAPTER 2

PRINCIPLES OF ENVIROMENTAL IMPACT ASSESSMENT

ARTICLE 6._

All development projects, business activities, and investment activities of natural persons or legal entities must properly assess the impacts on the environment, economy, society, health and

culture before being sent to the government for approval. The type of development projects, and investment activities required to have EIA shall be stipulated in the Sub-Decree.

All development projects, business activities, and investment activities of natural persons or legal entities stipulated in annex of sub-decree must not start their construction activities or operation without the EIA Approval Certificate issued by the MoE.

Relevant ministries and institutions, private sectors, civil society, and affected people are entitled to provide comments to the EIA documents during the process of evaluation.

ARTICLE 7._

Environmental Impact Assessment (EIA) process shall apply the following principles:

- Natural persons, legal entities, civil society, and project-affected people have the right to receive information and to participate in EIA process.
- EIA process shall adopt and apply the precautionary principle, namely that where there are threats of serious or irreversible environmental damage, lack of full scientific certainty shall not be used as a reason for postponing measures to prevent the degradation of environment and biodiversity resources.
- EIA process shall adopt and apply the ‘polluter pays’ principle that a natural person or legal entity who generate pollution and waste or cause harm to the environment in any other forms should bear the cost of damage, containment, avoidance, or abatement.
- EIA process shall adopt and apply the principle of inter-generational equity that the needs of the present without the compromising the needs of future generations to meet their own needs.
- EIA process shall encourage the protection of the environment in the EIA process so that a natural person or a legal entity must not carry out any activity or project that causes, or might cause environmental harm unless the person takes all reasonable and practicable measures to prevent and reduce that harm.

CHAPTER 3 RESPONSIBLE UNIT

ARTICLE 8._

- The Ministry of Environment is the only institution solely in charge of all EIA.
- The EIA Unit has the authority to check the EIA and issue permits on EIA related issues after the decision from the Ministry of Environment.
- The EIA Unit has the authority to monitor, check, inspect, investigate, research, advise, and take actions itself or in cooperation with relevant stakeholders on all projects and activities. For activities or projects with prior approval from the government or with licenses, decisions, and *Deyka Samrach* issued by state institutions, ministries, and units, and capital and provincial authorities, the Project Proponents are still obliged to follow the EIA process with the Ministry of Environment in accordance with this law.

ARTICLE 9._

- The EIA Unit is a direct assisting body of the Ministry of Environment.
- The EIA Unit has the functioning structure at both national and sub-national levels.
- The organization and functioning of the EIA Unit will be stipulated in the sub-decree proposed by the Ministry of Environment.

- The EIA Unit shall be established after the coming into force of this law.

ARTICLE 10._

The EIA Unit has the following roles:

- Being in charge of implementing this law under the supervision of the Ministry of Environment.
- Being in charge of screening the proposed projects, reviewing the scoping of project, the terms of reference, review EIA reports and all related documents, and ensure that public participation is conducted in accordance with the provision of the Law.
- Investigating and monitoring all project activities as set in the Environmental Management and Monitoring Plan (EMP) after the issuing of EIA Approval Certificate to ensure compliance with this law.

ARTICLE 11._

The Ministry of Environment is the assisting body of the government and has the following roles:

- Establishing the Expert Review Committee
- Appointing Members of the Expert Review Committee
- Issuing of the EIA approval letter and certificate
- Adopting Guidelines on Screening criteria
- Adopting Guidelines on EIA and/or EMP
- Issuing Guidelines on Standards to be applied in EIA
- Adopting Guidelines for Public Participation in EIA process
- Issuing Prakas on Qualification and Registration of EIA Consultants
- Adopting trans-boundary EIA Framework for its Guidelines on how to carry out a trans-boundary impact assessment.

ARTICLE 12._

Inspectors of the EIA Unit of the Ministry of Environment have the following roles:

- To inspect the implementation of regulations pertaining to environmental requirements, relevant laws and regulations;
- To inspect compliance with environmental requirements as defined in the laws and regulations, contracts, or applicable environmental standards and requirements;
- To examine environmental management records, documents, electronic data, and other records of development projects and operations;
- To require administrators, employees and agents of development projects and operations to provide all information and/or records related to the environmental management of the Project Proponent.
- To enter any premises for any purpose of exercising inspection powers and duty where a violation of laws or regulations there under is suspected to have been committed and seize documents or other property connected with the suspected violation, including taking samples for environmental examination;
- To meet with Boards of Directors and administrators of the development projects and operations at least once per year in order to assess the implementation of environmental law and other relevant regulations.

ARTICLE 13._

Capital and Provincial Environmental Departments of the MoE shall exercise rights and perform duties as assigned by the MoE .

CHAPTER 4

ENVIRONMENTAL IMPACT ASSESSMENT PROCESS

SECTION 1

ENVIRONMENTAL IMPACT ASSESSMENT FOR PROPOSED PROJECTS

ARTICLE 14._

All investment or development projects shall prepare IEE and/or EIA report or Environmental Management Plan (EMP) or enter into Environmental Protection Agreement (EPA) in accordance with the conditions set out by this law.

The screening of each project to see whether it requires IEE or EIA shall be conducted based on the following aspects:

- The types of projects that will be determined in sub-decree, and/or
- The scale of the environmental and social impact of the projects

For the projects that need to prepare Environmental Management Plan or Environmental Protection Agreement, it shall be done in accordance with the scale of environmental and social impacts of the project.

The decision made by the MoE under this Article shall be that:

1. The project requires an EIA with an attachment of Environmental Protection Agreement;
2. The project requires an IEE with an attachment of Environmental Protection Agreement.
3. The project requires an Environmental Management Plan with an attachment of environmental protection agreement;
4. The project requires an Environmental Protection Agreement.

ARTICLE 15._

IEE shall be required for:

1. Projects listed in the Screening in the annex of sub-decree².
2. Projects with Environmental Protection Agreement or EMP and decided by MoE that they do IEE.

When the proposed project is required to do IEE, the Project Proponent shall prepare the Terms of Reference in accordance with provisions and Prakas of MoE on EIA as well as the requirements for public participation.

The MoE is responsible for approving the final Terms of Reference for the IEE in accordance with guidelines issued by the Ministry of Environment.

The form and content of the IEE report is contained in Prakas issued by the MoE.

ARTICLE 16._

The reviewing and commenting on the IEE report shall be done in a period of 60 (sixty) days of working day counting from the day the report is received.

If the IEE report is modified or amended by the Project Proponent at the request of the MoE, the MoE will review and provide comments on the IEE report in a period of 60 days of working days after resubmission.

ARTICLE 17._

The MoE has the primary duty to review and consider the IEE report based on comments by relevant ministries/institutions, opinion of the public, and the IEE.

The MoE is responsible to ensure a fair hearing process to enable public involvement and shall invite relevant ministries/institutions, civil society and impacted persons to attend such hearings and to provide comments to the proposed project.

The MoE shall be the lead agency and coordinate with the concerned sector ministries or agencies, including all parties that have the potential to be directly or indirectly affected by the project to attend the scheduled hearings.

Based on the IEE report, formal presentation by the Project Proponent, comments from public participation meetings and concerned ministries or agencies, and submissions received, the MoE shall consider the IEE report within 60 working days and consider criteria, size and sites of development project and determine one of the following actions:

1. Issue an EIA Approval Certificate for the IEE; or
2. Require the Project Proponent to prepare an EMP prior to approval of the IEE Report;
3. Reject the IEE report.

Where the Minister of Environment issues an EIA Approval Certificate, the Minister of Environment may attach conditions to the EIA Approval Certificate.

Where the MoE rejects the IEE report, the MoE shall state the reasons for the decision.

The MoE shall send the decision including any conditions or reasons as the case may be to the Project Proponent, the relevant ministries or agencies. The MoE shall also make a copy of its decision available to the public both on its website and by publication in a regional or national newspaper.

ARTICLE 18._

An Environmental Impact Assessment shall be required for:

1. Projects listed in the annex of the sub-decree;
2. Projects that have prepared an IEE and for which the decision of the MoE is that an EIA is required.

When the proposed project is required to undertake EIA, the Project Proponent shall draft the Terms of Reference in accordance with any provisions and Prakas on EIA issued by the MoE.

The MoE is responsible for the approval of the final Terms of Reference for the EIA in accordance with the Guidelines issued by the MoE.

Content and general and section format for preparing EIA report is issued by the Prakas of the MoE .

ARTICLE 19._

All natural persons and legal entities must be registered with the MoE before professionally preparing EIA for a fee. Registration certificate shall be valid for a maximum period of 5 years and

may be renewed. Qualifications, the procedure for registration and renewal of registration and criteria of natural persons or legal entities that are eligible for Registration to prepare EIA report shall be defined by Prakas of the MoE.

ARTICLE 20._

Following the finalization of the Terms of Reference the project proponent shall prepare an EIA Report in accordance with the Prakas of MoE.

The EIA report shall also include a detailed Environmental Management and Monitoring Plan (EMP) based on the environmental and social impacts and mitigation measures of the project.

ARTICLE 21._

The MoE shall be responsible for the establishment of an Expert Review Committee in accordance with the timetable and the processes set out in the Prakhas.

All development projects requiring an EIA must have an Expert Review Committee including officers of the Ministry of Environment and other relevant Ministries and independent experts, with appropriate qualifications and experience, to review the EIA report.

The MoE shall select and invite local and/or international experts to serve as members of an Expert Review Committee established especially to review the technical aspects of the EIA reports.

Members of an Expert Review Committee shall be selected on a project-by-project basis. The members shall be reimbursed for their services based on an agreement between the MoE and the member in accordance with the Guidelines of Environmental Fees and Charges. Such costs will be part of the fee charged to the Project Proponents for assessing the EIA report.

ARTICLE 22._

The MoE has the primary duty to review and consider the EIA report based on comments by relevant ministries/institutions, opinion of the public, and the Expert Review Committee.

The MoE must take into account the report of the Expert Review Committee prior to issuing an EIA Approval Certificate.

The MoE is responsible to ensure a fair hearing process to enable public involvement and shall invite relevant ministries/institutions, civil society and impacted persons to attend such hearings and to provide comments to the proposed project.

The MoE shall be the lead agency and coordinate with the concerned sector ministries or agencies, including all parties that have the potential to be directly or indirectly affected by the project to attend the scheduled hearings.

Based on the EIA report, formal presentation by the Project Proponent, written comments from the Expert Review Committee, comments from public participation meetings and concerned ministries or agencies, and submissions received, the MoE shall consider the EIA report within 90 days and consider criteria, size and sites of development project and determine one of the following actions:

1. Issue an EIA Approval Certificate for the EIA report including the EMP; or
2. Reject the EIA report.

Where the Minister of Environment issues an EIA Approval Certificate, the Minister of Environment may attach conditions to the EIA Approval Certificate.

Where the MoE rejects the EIA report, the MoE shall state the reasons for the decision.

The MoE shall send the decision including any conditions or reasons as the case may be to the Project Proponent, the relevant ministries or agencies. The MoE shall also make a copy of its decision available to the public both on its website and by publication in a regional or national newspaper.

ARTICLE 23.

Project Proponents who are required to conduct an Initial Environmental Examination or an Environmental Impact Assessment procedure shall obtain an EIA Approval Certificate prior to any pre-construction or construction works.

Any Project that does not have a valid EIA Approval Certificate shall be required to halt all operations until the EIA Approval Certificate has been issued by the MoE.

The MoE shall issue an official EIA Approval Certificate after review and approval of the appropriate Environmental Assessment documents on every project requiring a Concession Agreement from the Cambodia government (including central and provincial offices). The official EIA Approval Certificate shall be attached to the Environmental Protection Agreement (EPA) as evidence of government project approval and shall be legally binding for both parties;

The MoE shall not issue an EIA Approval Certificate before receiving written comments from all members of the Expert Review Committee. Comments and conditions set by the Expert Review Committee Members shall be included as Conditions in the EIA Approval Certificate issued by the MoE.

The EIA Approval Certificate shall be valid for a period of no more than five (5) years but may be renewed.

The Environmental Protection Agreement for the project shall be attached to the EIA Approval Certificate and shall be legally binding for both parties.

The MoE shall send the EIA Approval Certificate to the Project Proponent and send a copy to the Council for the Development of Cambodia and to the concerned ministries or agencies that approve the project.

The Project Proponent must pay all fees and charges set by the MoE prior to the coming into effect of the EIA Approval Certificate.

The Ministry will notify the project Proponent in writing of its decision. A copy of the decision will be placed on the website of the MoE and a copy of the EIA Approval Certificate will also be placed on the MoE website together with the EMP.

ARTICLE 24.

Before the decision of granting a permit or EIA Approval Certificate to development projects which are located in the areas where the ethnic minority groups live, the MoE, members of the Expert Review Committee, and relevant stakeholders involved in the decision making, must take strong heed and special considerations about the project in order to avoid negative impact on the custom, tradition, culture, livelihood, and the property of the ethnic minority groups.

SECTION 2

EIA FOR PROJECTS IN OPERATION

ARTICLE 25._

The MoE in consultation with relevant Ministries or institutions shall prepare Guidelines for the types of Projects that have not conducted the EIA process to be required the project proponent to prepare IEE or EIA report or an EMP.

The Guidelines shall be published within three (3) months of the entry into force of the EIA Law.

The Guidelines shall be based on the Screening Guidelines for Projects.

Project Proponents shall be given a period of six (6) months to comply with the requirement to prepare IEE or EIA report and to complete an EMP and submit the document to the MoE for review, comments, and approval.

The required EMP must specify all environmental impact mitigation measures proposed for minimizing environmental and social impacts, to ensure quality of environment and that environmental standards are met.

A detailed budget of estimated costs to be committed by the Project Proponents must be included in the EMP.

SECTION 3

CLIMATE CHANGE IMPACTS ASSESSMENT

ARTICLE 26._

All EIA must analyze and assess the potential impacts and vulnerability of the Project, caused by climate change and development activities that are potentially imbalanced by affected environmental conditions. The project proponent shall be responsible to find measures to mitigate the potential risks associated with climate change impacts and in order to achieve low-carbon economic development which is a primary target of Green Growth.

All EIAs must include the assessment on the risks and vulnerability of climate change (using at least two scenarios of weather extremes). Project Proponents must propose and analyze mitigation measures in the EIA study which reduce climate change risks and include emergency response planning and technology choices to prepare for climate change impacts.

ARTICLE 27._

The EIA or IEE must include a calculation of the carbon footprint of the project including an analysis on future greenhouse gas (GHG) emissions. The Project Proponent shall investigate low GHG energy options and the need to mitigate climate induced changes to water supply.

SECTION 4 CUMULATIVE IMPACT ASSESSMENT

ARTICLE 28._

Environmental Impact Assessment must analyze and evaluate the cumulative impact caused by existing and future projects in the surroundings of the Project, which may triggers significant environmental or social impacts.

In the cumulative impacts assessment report, the Project Proponent must evaluate the capacity of physical, biological and social economic resources to accommodate additional effects based on its own time and space parameters and project activities surrounding the project sites.

The Project Proponents must consider alternative mitigation measures to offset or avoid potential significant cumulative impacts.

SECTION 5 HEALTH IMPACT ASSESSMENT

ARTICLE 29._

The IEE and EIA must include a Health Impact Assessment (HIA) which includes:

- baseline data on health in the project areas and of the affected population;
- description of potential project impacts due to construction, population influx and changes to the environment;
- the mitigation measures to offset, reduce or even eliminate negative impacts of the project and measures that will be introduced by the Project Proponent to improve health of the local communities; and
- the issues related to monitoring health conditions and managing remaining impacts in the short and long-term for the project.

The Project Proponent must propose a safety and health management plan as part of the HIA for the working environment, analyzing relevant risks and specific classes of hazards in the proposed project areas, including physical, noise, chemical, biological, and radiological hazards.

The Project Proponent has to identify and assess the risks to, and potential impacts on, the safety and health of affected communities during the design, construction, operation, and decommissioning of the project, and will establish preventive measures and management plans of the impact of these stages.

CHAPTER 5 PUBLIC PARTICIPATION PROCESS

ARTICLE 30._

The main objective of the public participation process (public involvement) is to ensure that project-affected persons and concerned stakeholders are well informed about the project, and have the opportunity to be involved in discussion and the decision-making process related to the project, including the opportunity to participate in the project monitoring. The description of the planned consultation process , shall be included in the ToR of the IEE or EIA.

The EIA Project Proponents are required to include public involvement and consultation in the EIA process at project planning in order to:

- identify areas of cultural and social significance
- collect opinions of stakeholders and integrate such opinions into the decisions making process
- review the project proposal and explain social and environmental impacts.
- consider a wider range of alternatives and mitigation measure.

Project Proponents shall ensure that all project affects persons, local administrations, civil society and other interested persons have received information about the project in Khmer and be given the opportunity to fully participate in public consultation meetings

Meetings shall be arranged by the Project Proponent, in consultation with the MoE and relevant ministries, institutions, local authority, civil society, community representative and project affected people in the EIA process.

The public participation process in stage of studying, reviewing, examining the EIA report and project monitoring will be stipulated by Prakas of the Ministry of Environment.

ARTICLE 31._

The EIA Report shall record the public participation and the Project Proponent shall take this into account during the preparing plan stage and implementation of EIA.

The EIA Report shall also focus on the issues raised by women and those most vulnerable potentially impacted by the proposed project.

The EIA Report shall include the details of the public impact and whether those concerns are accepted or rejected. If the public concerns are rejected, the Project Proponent must provide the clear reasons why those concerns are rejected in the EIA report.

ARTICLE 32._

The public participation process shall ensure that the consent of the project-affected communities to the proposed mitigation measures is based on the free, prior, and informed consent principle (FPIC).

The Project Proponent shall identify measures to improve the livelihood and to assist project affected persons.

The Project Proponent shall ensure that project affected persons are involved in any resettlement planning to minimise the adverse effects of resettlement, to ensure that compensation for lost assets is fair, suitable and acceptable as equivalent to the market price and that the mitigation measures are appropriate and sustainable.

The procedure of resettlement and solution of compensation to the affected/impacted community must be determined by a sub-decree.

The format and procedure of the payment for the damage to the impacted community must be determined by a joint Prakas of the MoE and the Ministry of Economy and Finance.

ARTICLE 33._

The MoE shall ensure that IEE and EIA report and related documents, including the EIA Approval Certificate and EMP, shall be made publically available, and that stakeholders and project-affected communities have access to clear and sufficient information.

The cost of making documents publically available, including web-site access, shall be borne by the Project Proponent.

The MoE shall make further Guidelines for procedures for public participation and access to information.

CHAPTER 6

ENVIRONMENTAL MANAGEMENT AND MONITORING

ARTICLE 34._

The EIA Unit and Provincial/Capital Department of Environment is the monitoring authority on Environmental Management Plan and following up Environmental Management Plan implementation of Project Proponent by cooperation with the Ministry of Environment, relevant institutions, local authorities and stakeholders.

ARTICLE 35._

An Environmental Management Plan (EMP) shall be prepared by the Project Proponent.

The EMP shall include the protection, mitigation, monitoring and management requirements that were identified in the EIA.

Any Development Project that obtains an EIA Approval Certificate must comply with the terms and contents of the EMP and the conditions stated in the EIA Approval Certificate.

ARTICLE 36._

All development projects and project operators shall establish and maintain an Environmental Management System (EMS) that shall ensure self-monitoring procedures and methods as stipulated in their EMP.

In cases where the environmental impacts are greater than limited standard in the EIA report or EMP, then the MoE shall require immediate action to remedy the impact or an adjustment of the EMP.

The adjusted EMP and monitoring program shall be approved by the MoE and a time limit will be reset to make the necessary adjustments or improvements and agreed upon in writing by all parties.

All costs to adjust or improve the mitigation measures and project monitoring program will be borne by the Project Proponents.

Project Proponent shall prepare the environmental monitoring report in every 3 months and submitted to MoE for review and comments. The EIA Unit has the right to make site inspections and verify monitoring data of Project Proponent.

ARTICLE 37._

The project-affected persons shall have the rights to be informed about negative impacts on their lives, properties, their access to natural resources, and their livelihoods, and shall be informed about environmental conditions of the project and requirements under legislation, regulations, contract, and the EIA Approval Certificate.

Project-affected persons shall have the right to report issues and grievances of environmental and social concerns to the Project Proponent and to petition competent authorities and such issues will be addressed by a sub-national committee and it can continue to an inter-ministerial commission established as part of the EMS.

Concerned competent authorities shall respond to the grievance or petition and deal with concerned environmental and social issues in an appropriate time limit and inform the concerned persons accordingly.

ARTICLE 38._

Those projects identified in the Prakas that have significant environmental or social impact shall be audited by an external environmental auditor as stipulated in Prakas. The environmental auditor shall:

- assist in maintaining proper environmental records correctly and completely;
- provide a professional audit opinion as to whether the environmental statements present a full and fair view of the environmental management of concerned project or its operations;
- review the adequacy of internal environmental management and monitoring practices and procedures and make recommendations for remediation;
- inform about any irregularity or deficiency in its internal environmental management.

A copy of the audit report(s) produced by the External Environmental Auditor shall be made available to the MoE.

ARTICLE 39._

Each Development Project shall prepare an Environmental Monitoring Report of the project's environmental conditions and situation as follows:

- A Quarterly Report (every three months) will be submitted to the EIA Unit covering all environmental management and monitoring results;
- Within three months after the financial year the Project Proponent shall prepare and submit an annual environmental report, including the environmental auditor's opinions;
- Provide copies of the Project's annual environmental report to the public on request without charge;
- Provide an electronic copy of the annual environmental report that will be placed on the publically accessible web-site of the MoE and by the Proponent on a publically accessible web-site.

ARTICLE 40._

Each Development Project with an EIA Approval Certificate shall prepare monthly reports and submit a quarterly and semi-annual report to the EIA Unit concerning its environmental management and monitoring;

Project Proponents have the obligation to promptly report a critical environmental problem to relevant and responsible authorities and to the public to avoid negative impacts to the environment or the society;

Project Proponents shall provide information to the MoE as the MoE may reasonably request concerning the Project's environmental management.

CHAPTER 7
STRATEGIC ENVIRONMENTAL ASSESSMENT AND TRANS-BOUNDARY IMPACT
SECTION 1
STRATEGIC ENVIRONMENTAL ASSESSMENT (SEA)

ARTICLE 41.

The Ministry of the Environment and National Council on Green Growth shall undertake sectoral Strategic Environmental Assessment of policies, programmes and strategic plans of the Royal Government.

Strategic Environmental Assessment focuses on important development sectors such as energy, transport, extraction industries (mining, water resources, forestry), tourism, agriculture, infrastructure, agro-industry, commerce, city development plan, land sector, forest investment plan and other relevant sectors.

The MoE and National Council on Green Growth shall be responsible for the review of the Strategic Environmental Assessment comments received from relevant agencies and public consultation meetings.

The MoE shall establish Guidelines for Strategic Environmental Assessment in accordance with current principles of SEA.

SECTION 2
TRANS-BOUNDARY IMPACTS

ARTICLE 42.

A Project that has potentially significant trans-boundary environmental impacts is required to conduct a transboundary Environmental Impact Assessment (TbEIA).

The MoE shall establish Guidelines for screening criteria of environmental significance or thresholds for TbEIA, in accordance with current principles of TbEIA.

ARTICLE 43.

Once a Project triggers the TbEIA provisions, the MoE shall forward to the potentially affected countries the Screening report informing them of the proposed development project. The MoE and other concerned sector Ministries shall also enter into discussions with those countries on procedures and timetable for comments on the proposed project.

Cambodia shall provide opportunities to stakeholders and the public to participate in relevant TbEIA procedures regarding proposed activities and shall ensure that the opportunities provided to the public of the potentially affected country(ies) are equivalent to those provided to the public of Cambodia (the country of origin).

Where the MoE receives a Screening Report for a project originating in Cambodia which may have significant environmental impacts on another country(ies), the MoE shall notify the designated authority of the potentially affected country(ies) to solicit and collate responses from its relevant authorities/agencies, and within 90 days of receipt of the Announcement to submit an Official Response to the announcement to the MoE of Cambodia (the country of origin). If no Official Response is received within this time frame, Cambodia may presume that the potentially affected country(ies) does not wish to be further involved in the TbEIA process.

Where the MoE receives a Screening Report (or equivalent EIA Report) from another country for a project that may have significant environmental impacts on Cambodia, it shall immediately enter into discussions with that country on procedures and timetable for comments on the proposed project.

The designated authority of the country of origin will permit Cambodia to solicit and collate responses from its relevant authorities/ agencies/ stakeholders/impacted parties, and within 60 days of receipt of Announcement, will submit an Official Response to the Announcement to the designated authority of the country of origin. If no Official Response is received from Cambodia within this time frame, the country of origin may presume that Cambodia does not wish to be further involved in the TbEIA process.

Any comments received from another country on the Screening Report of the EIA Report shall be taken into consideration by the MoE. Representatives of the other countries potentially affected by the Project shall have the right to be present at the official presentation and public hearing of the Project in Cambodia and will be given the opportunity to present their views before the general public.

Costs incurred by the Government of Cambodia for trans-boundary considerations will be borne by the Project Proponent.

ARTICLE 44.

The Project Proponent shall present proposed mitigation measures to eliminate, diminish or offset the predicted project impacts.

These measures shall be reviewed and commented on by the public in Cambodia potentially affected according to the agreed procedures and time.

The Project Proponent shall take into account the received comments from all potentially affected parties and develop an appropriate EMP to manage the predicted transboundary impacts.

In case of harm or damages to transboundary impacted persons, the Project Proponent will be responsible to pay the damages, both of the Cambodian people and the project-affected persons of neighboring countries. Cost of harm and damages are the responsibility of the Project Proponent.

ARTICLE 45.

Involved countries shall mutually determine how best to conduct monitoring of any potentially significant transboundary environmental impacts during preparatory groundwork, construction, operation and decommissioning, as relevant to the proposed Project and its agreed upon EMP.

Monitoring reports shall be submitted annually by the Project Proponent of the country of origin and audited by the MoE. A copy of the monitoring reports to the designated authority of the potentially affected country(ies) by the MoE.

The results of monitoring shall be aimed at ensuring compliance with any conditions set out in the authorization or approval of the project and its EMP, as well as the effectiveness of mitigation measures in Cambodia and in the potentially affected country(ies) .

CHAPTER 8

SERVICE FEES AND OTHER CHARGES

ARTICLE 46._

The Project Proponent is liable for all expenses incurred in preparation the Initial Environmental Examination (IEE) report or the Environmental Impact Assessment (EIA) report and for the expenses for project screening, for project scoping, for the Public Participation Process, and for the review and comment on the IEE or EIA report by the MoE, including the Expert Review Committee.

The Project Proponent is liable for the expenses of the preparation and implementation of the Environmental Management and Monitoring Plan (EMP) and costs to cover implementation and monitoring of measures on reduction of the impacts on environment and society as delineated in the EMP and SDP.

Service fees and other charges shall be determined by a joint Prakas between the MoE and the Ministry of Economy and Finance.

ARTICLE 47._

The MoE, when issuing the EIA Approval Certificate, has the duty to collect fees and services charges, as provided in joint Prakas between the MoE and Ministry of Economic and Finance on Service Charges.

The Project Proponent will contribute fees and service charges to the MoE on annual basis to be used for capacity building, for Provincial and District Offices of the MoE, to enable MoE to carry out its duties to review monitoring reports, respond to requests for investigation of environmental complaints, and to carry out routine compliance monitoring during both construction and operation phases of the project.

ARTICLE 48._

The project proponent shall make payment for environmental and social fund and environmental endowment fund.

An Environment and Social Development Fund shall be created by the Ministry of Environment to provide finance for the restoration of environment, conservation of biodiversity and social development in and around the area where the project is located in. Environmental and social fund shall be managed by the MoE which will be determined by a sub-decree.

The Project Proponent shall be required to contribute a minimum of 1% of the Project costs, equivalent to the scale of damage. Half (50%) of the contribution shall be paid to the Environment Endowment Fund, established under Article 19 of the Law on Environmental Protection and Natural Resource Management, and half (50%) to the Environmental and Social Fund of the Ministry of Environment prior to the commencement of the Project.

The Project Proponents shall be required to contribute to these funds in accordance with MoE Guidelines.

ARTICLE 49._

The MoE, and provincial, or municipal department of environment, and responsible environmental agencies and local administrations have the right to make proposals for awards or award certificates, or other appropriate forms of recognition for the achievement of the EA process

in Cambodia to persons, entities, companies or any organization, that have made remarkable accomplishments in environmental assessment activities.

CHAPTER 9

COMPLAINT PROCEDURE

ARTICLE 50._

Every person has the obligation to report on EIA offenses to the local authorities of Commune/Sangkat, District/Khan, and Province/Municipality, or provincial/capital Department of Environment or Unit of Environmental Impact Assessment of the MoE.

Upon receiving the report, all level of authorities must refer the report to the Capital/Provincial Department of Environment, Unit of Environmental Impact Assessment of the MoE in a period of 5 (five) days of working days at the latest counting from the day the report is received. After receiving the report, Capital/Provincial Department of Environment, Unit of Environmental Impact Assessment shall investigate and take action on the report of the offenses.

ARTICLE 51._

When a party which is affected by minor impacts of EIA offenses lodges a complaint to the company, the company shall resolve the dispute completely, at the latest, in a period of 30 (thirty) days counting from the date the complaint is received.

In case where the affected party is not satisfied with the resolution provided by the company, the affected party can file an objection to the Capital/Provincial Department of Environment or EIA Unit in a period of 30 (thirty) days.

In case where any party is not satisfied with the decision or solution of the Capital/Provincial Department of Environment or EIA Unit, the party can make an objection complaint to the Minister of the MoE in a period of 30 (thirty) days counting from the day the solution or decision is received.

The Minister of the MoE has a period of 45 (forty five) days of working days to solve the dispute. In case where any party is not satisfied with the decision of the Minister of the MoE, the party can file a further complaint to a competent court in a period of 30 (thirty) days counting from the day the solution or decision is received.

The Project Proponent shall maintain a logbook, which is recognized by the MoE, to record public complaints. The MoE or the court can check the complaint logbook any time.

All expenses for dispute resolution in both inside and outside of the court system are the responsibility of the Project Proponent.

ARTICLE 52._

EIA dispute shall be resolved by the MoE prior to the resolution through the court system unless the offense is a serious criminal offense.

The format and procedure for EIA dispute resolution shall be determined by Prakas of the MoE.

ARTICLE 53._

Any party that is dissatisfied with the administrative decision of the Capital/Municipal Department of Environment or EIA Unit may complain to the Minister of the Ministry of

Environment in a period of 30 (thirty) days of working days counting from the day the decision is received.

The Minister of the MoE shall make decision on the complaint in a period of 45 (forty five) days of working days after receiving the complaint.

However, in case of not being satisfied with the decision of the Minister of the MoE, the party may file further complaint to the court in a period of 30 (thirty) days counting from the day the decision is received.

ARTICLE 54.

The decision to impose imprisonment, monetary fine, seizure of evidence, compensation, reparation, restoration of damage is the competence of the court.

The decision to impose transitional fine, warning, remedies, confiscation of evidence of offenses and payment of transitional fine is the competence of the EIA Unit or Capital/Provincial Department of Environment.

As for the punishment to make reparation, restoration of damage, provisional suspension, revocation of permission letter or EIA Approval Certificate, contract annulment, or payment of fine is the competence of the MoE.

Public officials that commit EIA offenses shall be punished with administrative punishment in addition to the punishment determined in this law.

ARTICLE 55.

The EIA Unit and Capital/Provincial Department of Environment have the right to participate in the process of demanding for compensation for the damage caused by EIA offenses in the phase of the court.

However, in cases where the Capital/Provincial Department of Environment does not have the capacity to calculate the amount of the compensation that should be paid for the damage caused, the Capital/Provincial Department of Environment can request for help from the MoE.

The management of monetary compensation through final judgment or verdict shall fall within the jurisdiction of the EIA Unit and the Capital/Provincial Department of Environment.

ARTICLE 56.

The statute of limitations of the offense is as follows:

- One year for administrative offense
- Five years for misdemeanor
- Fifteen years for felony

The duration of the statute of limitations commences at the date on which the complaint is lodged to competent authority. The statute of limitations is interrupted by an act of prosecution or investigation. The end of any such act of prosecution or investigation restarts a new period of the statute of limitations.

CHAPTER 10

JUDICIAL POLICE OFFICERS

ARTICLE 57._

Composition of EIA judicial police officers include:

- Officials of the EIA Unit
- Capital/Provincial Department of Environment

ARTICLE 58._

In order to be accredited as EIA judicial police officers, the EIA judicial police officers of the MoE shall make an oath before the Court of Appeal. The judicial police officer is not required to swear in again when he has a legal accreditation as judicial police officer afterwards.

The format and procedure for the accreditation shall be determined by a joint Prakas between the MoE and the Ministry of Justice. The formula of the oath shall be determined by the Ministry of Justice.

ARTICLE 59._

EIA officials who have been accredited as EIA Judicial police officers have the mission of receiving complaint, examine offenses, investigating and compiling case file to submit to a competent court.

The investigation, examination, prevention, and suppression of EIA offenses are the jurisdiction of EIA officials who receives accreditation as judicial police officers.

The procedure of primary investigation or investigation on flagrant offenses of the EIA officials who have been accredited as judicial police officers shall be in accordance with the code of criminal procedure.

EIA officials who have been accredited as judicial police officers shall sign on the minutes of offenses in their jurisdiction.

ARTICLE 60._

EIA officials who have been accredited as judicial police officers of the EIA Unit have territorial jurisdiction throughout the national territory of the Kingdom of Cambodia.

EIA officials who have been accredited as judicial police officers of capital/ provincial Department of Environment have jurisdiction within their scope of territorial authority.

In cases of conflict of competence or overlap of territorial jurisdiction, the Minister of the MoE shall make the decision. This decision is final without recourse.

ARTICLE 61._

All levels of territorial authorities, armed forces, and all relevant authorities shall facilitate and provide assistance and cooperation in researching, examining and suppressing EIA offenses in cases where they have been requested to do so by EIA officials who receive accreditation as judicial police officers.

ARTICLE 62._

In the trial, the EIA judicial police officers who are involved in the case file have the right and obligation to participate and to explain to the court the result of the investigation on the EIA offenses.

ARTICLE 63._

The procedure for compiling cases of the EIA judicial police officers shall be in compliance with the Code of Criminal Procedure. The form and formality of making the record of the EIA offenses shall be determined by a joint Prakas of the MoE and the Ministry of Justice.

ARTICLE 64._

EIA officials who receive accreditation as judicial police officers shall be wearing uniform, holding identification card and rank while fulfilling their mission.

CHAPTER 11

ENVIRONMENTAL IMPACT ASSESSMENT OFFENSES

ARTICLE 65._

Any persons who commit EIA offenses as stipulated in this law and other relevant laws shall be responsible for their own activities.

An instigator or an accomplice of an offense shall bear the same responsibility as the perpetrator who commits the offense directly. The definition of instigator and accomplice is in accordance with the Criminal Code.

ARTICLE 66._

All acts that do not cooperate nor allow or have the intention of avoiding inspectors of the EIA Unit to enter and to implement inspection work or to meet with the Board of Directors and administrators in order to evaluate the implementation.

ARTICLE 67._

Any acts that have the intention to avoid, unwilling to collaborate with, orders or using of power to force staff or one's subordinates to not allow or to obstruct the EIA inspectors from entering into the premises of the project site in order to do the inspection work.

ARTICLE 68._

Any acts that violate the conditions as determined in IEE or EIA report or Environmental Management Plan (EMP).

ARTICLE 69._

Any acts committed by the EIA officials who receive accreditation as EIA judicial police officers such as violation, rejection or having an intention to avoid or to not fulfill their duties as stipulated in Article 59 and 62 of this law.

ARTICLE 70._

Activities of proposed projects that have commenced construction or operation without EIA Approval Certificate as stipulated in Article 23 of this law.

ARTICLE 71._

Any acts committed by the Project Proponents, operators, and shareholders that can lead to technical errors in the phase of project operation.

ARTICLE 72._

Any acts that deceive, fake data or steal other people's data committed by EIA consulting firm or any EIA expert who are legally registered and recognized by the MoE.

ARTICLE 73._

Violations or non-compliance with Environmental Protection Agreement committed by companies or Project Proponents.

ARTICLE 74._

Any professional acts of preparing EIA of EIA consulting firm or EIA expert that are not legally recognized as provided for in Article 19 of this law.

ARTICLE 75._

Any acts that do not follow the principle of EIA, violation of the law, commission in construction sites, general buildings, commercial buildings, business, investment, whether or not the projects have letter of permission from the EIA Unit, that causes severe destruction to human, animals, properties, environment and society.

ARTICLE 76._

Any acts of granting EIA Approval Certificate without taking into consideration the recommendation of the Expert Review Committee or without having sufficient necessary document.

ARTICLE 77._

Any acts of abuse of power such as easing, intervening, concealing, obstructing, or conspiring with the perpetrators to commit any forms of offenses by government officials, armed forces, or mandatorily elected officials.

CHAPTER 12

PENALTY POVISIONS

ARTICLE 78._

Any persons who commit against this law shall be subject to punishment such as administrative punishment, transitional punishment, and criminal punishment.

Administrative punishments are work suspension, and revocation of role and function and termination from official position.

Transitional punishments include warning, reparation, restoration of damages, and suspension of letter of permission, contract annulment, seizure of license, payment of fine. In case when the company or Project Proponent is not willing to pay the fine of transitional punishment, the MoE, EIA Unit, or Capital/Provincial Department of Environment can file a complaint to the court.

Criminal punishments include imprisonment, and fine.

The determination of the above punishments does not preclude the responsibility for compensation and compensation of damages.

ARTICLE 79._

Transitional fine on EIA offenses can be implemented unless the offender acknowledges the mistake and agrees to pay the monetary fine in accordance with the penalty provisions of this law.

For the payment of transitional fine, it shall be done in a period of two weeks counting from the day the decision on the fine is received.

The format and the right to make decision on transitional fine shall be determined in Prakas of the MoE.

The income received from transitional fine and from the selling of confiscated item shall be paid to the MoE.

ARTICLE 80._

The determination of the amount of transitional fine shall be considered as follow:

- The scale of the environmental damage caused
- The frequency of commission of offenses
- The intention of commission of offenses
- Recidivism of the offenses
- The scale of economic benefit of the project

ARTICLE 81._

Natural person or legal entity that commits an EIA offence that cause impact or damage to the environment shall bear the cost for restoration or reparation of the damage to its original condition. It case where it is not possible to be restored or repaired to its original state, the restoration or reparation must be conducted in an appropriate manner that is acceptable to the MoE.

ARTICLE 82._

Any persons who commit against Article 66 of this law shall be punished with a fine of transitional punishment from 2,000,000 (two million) Riels to 5,000,000 (five million) Riels.

In cases where that act causes impact on physical integrity, the Project Proponent shall be punished with a prison sentence from 1 (one) year to 5 (five) years as well as a fine from 5,000,000 (five million) Riels to 15,000,000 (fifteen million) Riels. If that act causes serious impact on human lives, it shall be punished with imprisonment from over 5 years to 10 years and a monetary fine from 5,000,000 (five million) Riels to 15,000,000 (fifteen million) Riels.

ARTICLE 83._

Any persons who commit against Article 67 of this law shall be punished with a fine of transitional punishment from 5,000,000 (five million) Riels to 10,000,000 (ten million) Riels.

In case of recidivism, they shall be punished with imprisonment from 6 (six) months to 1 (one) year as well as a fine from 5,000,000 (five million) Riels to 10,000,000 (ten million) Riels.

ARTICLE 84._

Any persons who commit against Article 68 of this law shall be punished with warning in writing by EIA officials.

In case of recidivism, they shall be punished with a transitional-punishment fine from 5,000,000 (five million) Riels to 15,000,000 (fifteen million) Riels.

However, if the projects or illegal activities still continue to have serious impact on human lives, the Project Proponent or company owner shall be punished with imprisonment from over 5 years to 10 years and a monetary fine from 30,000,000 (five million) Riels to 50,000,000 (fifteen million) Riels.

In case the activities or illegal activities still continue to have serious impact on animal's lives, property, or society, the Project Proponent or company owner shall pay compensation in proportion to the scale of the damage.

The evidence confiscated from the offense shall be kept as State property.

ARTICLE 85._

Any EIA judicial police officers that commit against Article 69 of this law shall be punished with warning, work suspension, or termination from official position in serious cases.

The above administrative punishment does not preclude criminal punishment from the court.

ARTICLE 86._

Any persons that commit against Article 70 of this law shall be shall be punished with a fine of transitional punishment from 20,000,000 (twenty million) Riels to 50,000,000 (fifty million) Riels or shall repair and restore damages that were caused.

In case where the project or construction site have operated and caused negative impacts on human, animals, properties, environment and society, the Project Proponent shall be punished with punishment such as compensation for damage, provisional suspension of project, annulment of letter of permission or certificate, contract annulment and seizure of license.

The above punishment does not preclude criminal responsibility of the offender if the offense violates this law and relevant laws.

ARTICLE 87._

Any persons who commit against Article 71 of this law shall be punished with punishment such as warning in writing and make correction.

The remedial measure shall be determined in the guideline of the MoE.

ARTICLE 88._

Any persons who commit against Article 72 of this law shall be punished with a fine of transitional punishment from 20,000,000 (twenty million) Riels to 50,000,000 (fifty million) Riels.

In cases of recidivism, the profession shall be suspended for five years.

However, in case the acts of deceiving or faking or stealing of information causes serious impact on the environment and society, the EIA consulting firm shall be removed from the list of EIA report expert or it can be forever forbidden from this profession.

ARTICLE 89._

Any persons who commit against Article 73 of this law shall be punished with warning in writing from the EIA officials.

In case of recidivism, they shall be punished with a transitional-punishment fine from 5,000,000 (five million) Riels to 15,000,000 (fifteen million) Riels.

However, if the projects or illegal activities still continue to have serious impact on human lives, the Project Proponent or company owner shall be punished with imprisonment from over 5 years to 10 years and a monetary fine from 30,000,000 (five million) Riels to 50,000,000 (fifteen million) Riels.

In case the activities or illegal activities still continue to have serious impact on animal's lives, property, or society, the Project Proponent or company owner shall pay compensation in proportion to the scale of the damage.

ARTICLE 90._

Any persons who commit against Article 74 of this law shall be punished with a fine of transitional punishment from 20,000,000 (twenty million) Riels to 50,000,000 (fifty million) Riels.

In case of recidivism, they shall be punished with imprisonment from 1 (one) year to 3 (three) years as well as a fine from 20,000,000 (twenty million) Riels to 50,000,000 (fifty million) Riels.

ARTICLE 91._

Any persons who commit against Article 75 of this law shall be punished with a prison sentence from 1 (one) year to 3 (three) years as well as a fine from 20,000,000 (twenty million) Riels to 50,000,000 (fifty million) Riels.

In cases where the offense causes any loss of human lives, permanent physical and mental disabilities, the offender shall be punished with imprisonment from over 5 years to 10 years and a monetary fine from 30,000,000 (thirty million) Riels to 50,000,000 (fifty million) Riels.

However, if the projects or illegal activities still continue to have serious impact on human lives, the Project Proponent or company owner shall be punished with imprisonment from over 5 years to 10 years and a monetary fine from 30,000,000 (five million) Riels to 50,000,000 (fifteen million) Riels.

In case the activities or illegal activities still continue to have serious impact on animal's lives, property, or society, the Project Proponent or company owner shall pay compensation in proportion to the scale of the damage.

ARTICLE 92._

The person with the right to make decision of the MoE who commit against Article 76 of this law shall be punished with administrative punishment.

ARTICLE 93._

Any persons who commit against Article 77 of this law shall be punished with a prison sentence from 6 (six) months to 2 (two) years as well as a fine from 20,000,000 (twenty million) Riels to 40,000,000 (forty million) Riels.

In addition, for the offense against the Article 77, the perpetrator shall pay for the compensation in proportion to the size of the damage caused.

CHAPTER 13

IMPLEMENTATION OF THE COURT DECISION

ARTICLE 94._

Competent officials of the MoE have the duties to implement the decision of the court under the order of the court.

ARTICLE 95._

All forms of decision of the court related to EIA offenses are required to be copied for the MoE.

ARTICLE 96._

After the decision of the court finally comes into effect, the confiscated evidence shall be managed in accordance with the procedures of the MoE.

CHARTER 14

TRANSITIONAL PROVISION

ARTICLE 97._

Sub-decree No. 72 dated August 11, 1999 on the Process of EIA and legal regulations related EIA which are in force are still valid until there are new regulations to replace them in accordance with the spirit of this law.

ARTICLE 98._

All development projects, business activities, and investment activities of natural persons or legal entities are obliged to effectively comply with this law. The legal forms, implementation procedures and other technical standards which are not stipulated in this law are stipulated in Sub-decrees, Prakas, Circulars, and Directives to be issued by the government or the Ministry of Environment.

CHAPTER 15

FINAL PROVISIONS

ARTICLE 99._

1. Any provisions contrary to the said law shall be abrogated.
2. The entry into effect of this law shall be applied in accordance with the official dissemination.

This law was enacted by the National Assembly of
the Kingdom of Cambodia on.....in
its Xth Meeting of National Assembly of the 5th Legislature.

Phnom Penh, *Date*.....

PRESIDENT OF NATIONAL ASSEMBLY

Annexure 1: Vocabulary

Definition of the Law on EIA

This law spells out the management of environmental impact assessment process in the Kingdom of Cambodia. All activities, movements, and actions of individual persons, of families, of site owners, and of owners—whether natural persons, or private legal entities, or public legal entities, or state units, ministries, and institutions, or states and states who conducted all their activities and caused the change to the original state of the environmental, economy, society, and culture—are obliged to respect this law with regards to their existing activities, activities in operation, or activities about to start.

Cumulative Impacts: Cumulative impacts are those that result from the incremental impact of the project when added to other past, present, and reasonably foreseeable future actions.

Development Approval: An approval or consent granted by the Government of Cambodia for a project or by any other agency including a Concession Agreement.

Directly Affected Stakeholder: Those stakeholders with substantial rights, risks and responsibilities in relation to the issue. These may be inside the project affected area (e.g. project affected communities) or outside the project-affected area (e.g. government regulators, finance institution representatives, or investment partners).

Ethnic Minorities Development Plan: the Ethnic Minorities Development Plan has the meaning given to it by the sub-decree on Compensation and Resettlement of People Affected by Development Projects [to be drafted for consideration].

Environmental Assessment: The process under the Law of Environmental Impact Assessment and related legislation.

Environmental Impact Assessment (EIA): Is a detailed assessment of impact on environment and society. EIA is the process of study and prediction of positive and negative impact on environment and society together with determination of appropriate measures to protect and mitigate the impact on environment and society from projects and different development activities.

EIA Approval Certificate (EIA AC): This is a Certificate issued by the MoE following Environmental Assessment of a project which contains details of the Environmental Management Plan and any other conditions imposed on by the MoE.

Environmental Management Plan (EMP): means a plan stipulated in the EIA report on assessment of impacts on environment and society which defines environmental protection measures and impact mitigation; responsibility and schedule for implementation of environment management plan; monitoring plan and assessment of impacts on the environment from the project that must be done including sufficient budget planning for environmental activities required during the construction period, operating and project termination (closure)

Environmental Management System has the meaning given to it by the ISO 14001 Environmental Management System Standard of 2004.

Environmental Monitoring Report means a report presented to the MoE on the monitoring and evaluation of the development project on the environment as described in the Environment Management Plan. The monitoring program must be implemented in accordance with processes and defined environmental quality criteria as officially approved in the EMP.

Existing projects: Existing projects are projects which are in construction, operation or closure phase of the project cycle prior to the coming into force of the present EIA Law.

Independent Review: Expert review by someone not employed by the project and with no financial interest in profits made by the project.

Free, Prior and Informed Consent: It means that the public participation process shall require that the Project Proponent inform the community of the proposed mitigation measures before the IEE or EIA is submitted to MoE. The Project Proponent shall allow sufficient time for the projected affected communities to consider the proposed mitigation measures. The project affected communities shall approve the proposed mitigation measures without pressure or coercion from any natural person or legal entity.

Initial Environmental Evaluation: Initial assessment of impact on environment and society to predict impact on environment and society from projects and different development activities that are expected to have minor impact subject to any environmental mitigation measures.

Land Rehabilitation: The process of returning the land to some degree of its former state after disturbance or damage associated with project implementation.

Management Plan: A management plan is a tool used as a reference for managing a particular project issue, and establishes the why, what, how, who, how much, and when for that issue.

Management System: The framework of processes and procedures used to ensure that an organisation can fulfill all tasks required to achieve its objectives.

Offset: Measurable conservation outcomes resulting from actions designed to compensate for significant adverse biodiversity impacts arising from project development and persisting after appropriate avoidance, minimization, and restoration measures have been taken. Generally, these are not within the project site.

Project Proponent: Project Proponent is meant to infer the project owner or project developer and means any person, juridical person or organization that has the permission (approval) to study, explore, design, construct and implement a project. A Project Proponent may come from the private sector, government sector or be an organization responsible for a development project.

Public Participation: Public participation means public consultation and involvement in the EIA process of discussion, exchange and hearing of opinions, access to information on all parties of direct and indirect impact from project development, and settlement of grievance issues beginning from the period of planning formulation, implementation and environment maintenance and restoration prior to project termination.

Refurbishment: The state of being restored to its former good condition.

Resettlement Action Plan: A document or set of documents specifically developed to identify the actions that will be taken to address resettlement [the plan will be defined in the Guideline on Compensation and Resettlement of People Affected by Development Projects[this needs to be drafted].It would typically include identification of those being resettled; the socio-economic baseline for the resettlers; the measures to be implemented as part of the resettlement process including those relating to resettlement assistance and livelihood support; the legal and compensation frameworks; organisational roles and responsibilities; budget allocation and financial management; the timeframe, objectives and targets; grievance redress mechanisms; monitoring, reporting and review provisions; and understandings around consultation, participation and information exchange.

Screening: Screening means determination of proposed project types on whether it is necessary or not for them to proceed with initial assessment of impact on environment and society (IEE) or detailed assessment of impact on environment and society (EIA).

Social Impact Assessment (SIA): SIA is the process of study and prediction of positive and negative impacts on the socio-economic aspects of society from projects and different development activities together with determination of appropriate measures to protect, mitigate, and compensate project-impacted-persons for the impacts on their lives, livelihoods, welfare, and health.

Strategic Environmental Assessment: SEA refers to a range of analytical and participatory approaches that aim to integrate environmental considerations into policies, plans and programmes and evaluate the inter-linkages with economic and social considerations. The principle is to integrate environment, alongside economic and social concerns, into a holistic sustainability assessment.

Transboundary Agreements: Agreements made amongst tripartian states about how shared (water) resources will be utilized by the parties involved, and the processes that will be followed to sustain these understandings.