

(1) LaoPDR: Situation of the Development of Legal Systems for EIA

The constitution in 2003 includes the provision for environmental protection stating that “all organizations and citizens have an obligation to protect the environment and natural resources” (Article 19). Water and Water Resource Act (1996), Land Act (1997), Mining Act (1997) and Electricity Act (1997) were promulgated under this constitution, and Environmental protection Act and amended Forest Act were promulgated in 1999 and 2007, respectively. In the new constitution amended in 2015, a statement “lands, natural resources, minerals, water, air, forests, non-wood forest products, water creatures, wildlife and other natural resources are owned by the national community represented by the government, and the preservation, management and use (of natural resources) all over the country are to be controlled collectively according to the laws” (Article 17) was added, and the authority of the country over natural resources is explicitly reinforced.

In 2011, Ministry of Water Resources and Environment, National Land Management Authority, Department of Geology in Ministry of Energy and Mine and part of Department of Forestry in Ministry of Agriculture and Forestry merged to establish Ministry of Environment and Natural Resources (MONRE). The environmental impact assessment (EIA) was under the jurisdiction of Department of Environmental and Social Impact Assessment (DESIA) of MONRE, but the operations of DESIA was transferred to the restructured Department of Natural Resources Policies (DNRP), Department of Environmental Quality Promotion (DEQP) and Natural Resources Environmental Review Division in August 2017.

In 2000, Regulation on Environmental Assessment was enacted, and the procedures for EIA were specified. Subsequently, in 2010, Decree on Environmental Impact Assessment was promulgated, and Environmental Impact Assessment Guidelines (2012) (hereinafter referred to as “EIA guidelines”) were prepared based on it. In 2013, Instructions on the Process of Initial Environmental Examination of Investment Projects and Activities (8029) (hereinafter referred to as Instructions on IEE) and Instructions on Environmental and Social Impact Assessment Process of Investment Projects and Activities (8030) (hereinafter referred to as Instructions on ESIA) were promulgated. As of December 2017, these instructions are legal provisions for IEE/EIA. In addition, Prime Minister Directive on the Compensation of Development Projects and Relocation Management (84) was issued in April 2016. Currently, the preparation of a new guidance is underway according to these instructions. The development of a legal system on Strategic Environmental Impact Assessment (SEIA) is also being prepared.