

## **(1) Myanmar: Situation of Development of Legal Systems for EIA**

Of private investments from overseas including Japan, the procedures for the certification of investments by Myanmar Investment Committee (MIC) are required for [1] strategically important projects for the country, [2] capital-intensive projects (over 100 million US dollars), [3] projects that seriously affect the environment and society, [4] projects that use the lands/buildings owned by the government, and [5] other projects designated by MIC according to the provisions of investment laws and regulations. There are also certifications for investments within the Special Economic Zone (SEZ) based on SEZ Act (2014) and a form of expansion by joint projects with state-owned enterprises based on State-owned Economic Enterprises Law (1989).

Environmental Impact Assessment Procedures (EIAP) that forms the basis of the environmental impact assessment system was enforced in December 2015, and more than 2 years have passed since its operation started. For projects that correspond to the business type/scale requirements specified in EIAP, the implementation of the environmental impact assessment (EIA) or initial environmental examination (IEE), or the formulation of the environmental management plan (EMP) and the issuance of the environmental compliance certificate (ECC) are the conditions for executing the projects.

In Thilawa SEZ, which takes a lead in SEZs, the issuance of construction permission by the screening criteria and the review of the environmental conservation and prevention plan (ECPP) is uniquely established considering that it is an SEZ, although an environmental management system that includes environmental impact assessment in conformity with EIAP is basically developed and operated.

Currently, the country is in the first stage of the environmental impact assessment system. While specific requirements of the system are limited and its legal binding power is ambiguous, there are some cases of effective environmental impact assessment. These cases are being understood/shared widely among relevant parties including Environmental Conservation Department (ECD) of Ministry of Natural Resources and Environmental Conservation (MONREC) and affected citizens. Environmental/social considerations are required in more effective projects in the future, and the project proponent is required to respond to the expectation of these relevant parties. Therefore, obtaining information on precedents in similar sectors in particular is extremely important for the project proponent.