

(6) Myanmar: Comparison with International EIA Procedures

The environmental impact assessment system in Myanmar is mainly aimed at prevention/reduction of environmental burdens by projects under the Environmental Protection Act and is a mechanism that place more importance on the environmental aspect while considering both environmental and social aspects at present. The International Finance Corporation performance standards (IFC/PS) (IFC, 2012) that are internationally considered as the best practice for private investment covering both environmental and social aspects, EIAP and Administrative Instruction of EIA Procedure (AIEIAP) that forms a foundation of the environmental impact assessment system in Myanmar, and relevant laws/systems in Myanmar were compared in the following table.

First, PS1 about the mechanism itself of the environmental impact assessment system is generally specified in EIAP and draft Environmental Impact Assessment General Technical Guidelines (EIAGTG), and basic elements of the internationally required mechanism of environmental impact assessment are included.

Second, PS3. Resource efficiency and pollution control, PS4. Health and safety of local residents and PS6. Conservation of biodiversity and sustainable natural resources management that are regarded as the environmental items among PS2 to PS8 on the assessment items, the system has relatively been developed by EIAP, draft GEIAG and relevant laws/systems.

Comparison of IFC/PS and the national system in Myanmar

IFC/PS		EIA laws/systems	Relevant laws/systems in Myanmar
PS1. Assessment and management of environmental/social risks/impacts	Environmental/social assessment/management system	EIAP Draft AIEIAP	Foreign Investment Law (2012), Foreign Investment Law Rules (2013); Environmental Conservation Law (2012), Environmental Conservation Rules (2014); other acts by sector
	System	EIAP	Foreign Investment Law (2012) and Rules (2013); Environmental Conservation Law (2012), Environmental Conservation Rules (2014); other acts by sector
	Identification of risks/impacts	EIAP Draft AIEIAP	
	Management plan	EIAP Draft AIEIAP	Environmental Conservation Law (2012), Environmental Conservation Rules (2014)
	Organizational structure/ability	EIAP	Environmental Conservation Law (2012), Environmental Conservation Rules (2014)

IFC/PS		EIA laws/systems	Relevant laws/systems in Myanmar
	Preparation and response to emergencies	EIAP Draft AIEIAP	
	Monitoring and review	EIAP Draft EIAGTG	Environmental Conservation Law (2012), Environmental Conservation Rules (2014)
	Participation of relevant parties	EIAP Draft AIEIAP	
	Information sharing with outside/opposition	Draft AIEIAP	
	Information disclosure to affected citizens	Draft AIEIAP	
PS2. Employment and work environment			Occupational Safety Plan (Standing Order No. 1 and No.2 /1995) Employment and Skill Development Law (2013); Social Security Law (2012); Minimum Wage Act (2013);
PS3. Resource efficiency and pollution control		EIAP Draft AIEIAP	Environmental Quality Guidelines (draft); Water and Air Pollution Control Plan (MOI Standing Order No.3, 1995); Prevention of Hazards from Chemical and Related Substances Law (2013) and Rules (2016); pollution control law of other local governments
PS4. Health and safety of local residents		EIAP Draft AIEIAP	
PS5. Land expropriation and involuntary relocation		EIAP Draft AIEIAP	Land Acquisition Act (1894); Farm Land Law/Rules
PS6. Conservation of biodiversity and sustainable natural resources management		EIAP Draft AIEIAP	The Forest Law (1992); The Protection of Wildlife and Conservation of Natural Areas Law (1994) and Rules (2002)
PS7. Indigenous people		EIAP Draft AIEIAP	
PS8. Cultural heritage		EIAP Draft AIEIAP	Protection and Preservation of Cultural Heritage Regions Law (2011rev)

Meanwhile, only the needs for consideration of PS2. Employment and work environment, PS5. Land expropriation and involuntary relocation and PS7. Indigenous people that are regarded as the social items are mentioned even though these items are included in EIAP or draft AIEIAP. In EIAP, it is stated that “if a project may require relocation or affect indigenous people, the procedures/orders specified by the competent authority related to citizen relocation and indigenous people should be followed until MONREC separately specifies the procedures/orders related to citizen relocation and

indigenous people. If such procedures/orders do not exist in Myanmar, the project should refer to international standards and international good practice related to citizen relocation and indigenous people, such as World Bank and ADB (Article 7).” However, the system is undeveloped especially for indigenous people, and as of February 2018, old laws in the 1890’s are referenced for land expropriation and involuntary relocation. Moreover, PS2. Employment and work environment is not mentioned in the EIA-related acts, but specific provisions exist in another national law, and responses based on them are required.

As above, social items tend not to be included sufficiently in the environmental impact assessment system, but the interests of citizens and relevant parties are relatively strong because problems often arise in social items such as land expropriation and there are cases that provide careful responses to social items in projects executed in overseas development organizations in environmental impact assessment, and responses to social items that are strongly related to the project by international standards are recommended.