

## **Record of proceedings**

### **Asia Environmental Impact Assessment Conference 2016**

#### **Aichi-Nagoya, Japan, 10 May 2016**

1. Government officials from 15 Asian countries (Cambodia, China, Indonesia, Japan, Korea, Lao PDR, Malaysia, Maldives, Mongolia, Myanmar, Nepal, the Philippines, Sri Lanka, Thailand, and Viet Nam) met at the Asia Environmental Impact Assessment (EIA) Conference 2016 on 10 May 2016 in Aichi-Nagoya, Japan, with the goal of enhancing and improving the EIA system and its implementation in Asia. The conference was organized by the Ministry of the Environment Japan (MOEJ), in collaboration with the Asian Development Bank (ADB), and in cooperation with the United States Environmental Protection Agency (USEPA). About one hundred participants attended, including representatives from international organizations—International Finance Corporation (IFC), Japan Bank for International Cooperation (JBIC), Japan International Cooperation Agency (JICA), Australia's Department of Foreign Affairs and Trade (DFAT), World Bank and others—the private sector, academic institutions, and NGOs. The conference was co-chaired by Herath Gunatilake (ADB) and Hideyuki Mori (Institute for Global Environmental Strategies, IGES).
2. With the overarching theme of *“Enhancing EIA as a sustainable development planning tool in Asia,”* the conference aimed at strengthening mutual learning in order to address key challenges in Asia, by promoting exchange of lessons, matchmaking and good practices with other countries and/or development agencies through the network of participants, which was one of the recommendations of an earlier workshop held in February 2015 in Japan.

#### **Opening remarks and keynote speeches**

3. The opening remarks by the Vice-Minister for Global Environment, Masaaki Kobayashi, MOEJ reminded participants of the critical role of EIA in achieving sustainable development in the context of the United Nations Sustainable Development Summit’s adoption of *“Transforming our World: the 2030 Agenda for Sustainable Development”* in September 2015. EIA aims to provide an arena for concerned persons to air their opinions, listen to others, and reach a consensus. Finding a solution among Asian countries would contribute to carrying out high quality and meaningful EIA, in addition to developing regional consensus towards sustainable development. The discussion at this workshop will pave the

way for collaboration regarding EIA across Asia. He expressed his wish that this workshop make some contribution to reducing the environmental burden for Asia in the future.

4. Herath Gunatilake, ADB, highlighted how multilateral environmental agreements made in 2015, particularly the Paris Agreement and the adoption of the Sustainable Development Goals (SDGs), would change the development landscape in Asia and the Pacific. He stated that ADB is committed to strengthening safeguards systems in Asian countries. Sharing experience of good practices is very important; thus, this conference is valuable for all of us. He stated that EIA remains essential to the region for ensuring that major developments are sustainable, and that strategic environmental assessment (SEA) and cumulative impact assessment (CIA) can be important tools for countries adapting to the challenges posed by climate change and increasing urbanization.
5. Prof. Sachihiko Harashina stressed the importance of collaboration of various organizations for international cooperation in Asian countries and regions through the International Association for Impact Assessment (IAIA) for sustainable development. He stated that the theme of IAIA 16 is “Resilience and Sustainability,” both of which are also very important issues for this conference. He mentioned that IAIA promotes wise and fair decision making for addressing these through good practices of impact assessment. As the Chair of the Japan Committee for IAIA16, he also stated that IAIA 16 would start the next day, May 11, 2016, at the Nagoya Congress Center, which is the first conference held in Japan and all participants of this conference were welcomed to attend the IAIA16.
6. Ms. Naoko Genjida from IGES, the secretariat of the conference, presented the outline of the conference. She mentioned that the overarching theme is enhancing EIA as a sustainable development planning tool in Asia. She introduced the aims of the conference as follows: 1) strengthen mutual learning of good practices, 2) adopt or scale them up in Asian countries, 3) link needs and good practices with other countries and/or development agencies through this network/community, and 4) adopt the chair’s summary. She also introduced the agenda of the conference.
7. The keynote speech by Dr. Stephen Lintner enlightened the participants on the great potential of EIA, and presented a vision of the contribution EIA can make to sustainable development. He stated that the conference provides a great opportunity to exchange participants’ personal experience and views regarding EIA, and for governments, international institutions and experts to cooperate in strengthening EIA preparation and implementation. His presentation consisted of three sections: 1) a rapidly changing

development landscape and major development agenda items; 2) environmental and social assessment, and Asian voices; and 3) enhancing sustainable development, and future vision.

8. He identified adoption and realization of the SDGs by national and sub-national governments and the private sector as a major development agenda item that will drive the use of EIA. He noted the importance of the SDGs, in which each country decides how to achieve these goals, and the major influence this will have on strategies adopted by governments in Asia. The implementation of nationally determined contributions to address climate change under the Paris Agreement on climate change will equally have a major impact on national strategies and priorities in Asia and will be linked to improved resilience in development. The continued rapid expansion of infrastructure will remain a leading force for economic development in Asia; Japan, South Korea and China have all adopted what could be called an “East Asian Development Model”, which is infrastructure driven. Along the lines of this development model, two new multilateral development banks were established in Asia in 2015, the Asian Infrastructure Investment Bank (AIIB), based in Beijing, and the New Development Bank (NDB), based in Shanghai.
9. Dr. Lintner discussed messages being heard from “Asian voices” in a wide range of meetings and consultations that have been held over the last five years in the region. He stated that, based on these discussions, EIA is a topic of sustained interest in Asia. He also mentioned that the challenges for EIA systems in Asia include implementation of laws, procedures, and good practices; quality and timeliness of environmental and social assessments; information disclosure and public participation; implementation of environmental and social management and monitoring plans; and use of SEA and CIA. He expressed the view that greater emphasis needed to be given to how EIA systems can be used to enhance sustainable development and the planning and management of investments programs and projects.
10. In reviewing experience from EIA practice in Asia, he stated that both environmental and social risks and impacts need to be addressed in an integrated manner in development at the plan, program, and project levels. He also said that there is a need for clearer laws, policies, and procedures that are better harmonized and easier to implement. He noted that that basic “processes” used for environmental and social assessment have been broadly accepted by governments in Asia. Diverse views remain concerning the use of SEA and CIA, with some parties asking who should be responsible and others noting that use of these approaches are too complex and costly. That said, sustained desire exists across Asia

for institutional strengthening and capacity building activities in both the public and private sector. He also stressed that there is continued interest by governments and the private sector in moving toward the expanded use of country and corporate systems by multilateral development banks and bilateral development organizations.

11. Environmental and social assessment processes and instruments need to support innovation in approaches and investments, he stated. For example, in China, SEA has been used for mega development programs; in India, CIA has been done at the river basin level for hydropower development; in Kazakhstan, infrastructure on the Lower Syr Darya River was developed to restore delta and riverine wetland ecosystems in the Northern Aral Sea; and in Singapore comprehensive water resources mobilization and management was developed. He expressed that ESIA needs to be viewed by all parties as a tool for supporting sustainable development.
12. He observed that in most countries in Asia today, environmental and social assessment often provides an established process for analysis of risks and impacts. The challenge is to move from analysis to effective action to address and manage risks and impacts at the operational level. Regional knowledge sharing is critical to achieve this goal and it is recommended to establish an institutional community of practice among the countries of Asia. This would complement and benefit from the experience of the already established community of practice among multilateral development banks and bilateral development organizations working in the region. He also emphasized the need to enhance the coverage of social aspects in EIA and noted the importance of improved interagency coordination in all phases of EIA processes.
13. Dr. Lintner closed the presentation by highlighting a series of major recommended shifts in the practice of environmental and social assessment in Asia: 1) moving from “impact assessment” to “assessment of risks and impacts;” 2) shifting from “environmental assessment” to “environmental and social assessment;” 3) changing from a “project preparation focus” to “complete project cycle focus;” and 4) evolving from a “planning tool” to a “planning and management tool.” He also emphasized the need for EIA to shift from an approach that “added costs” to one that “added value.”
14. The keynote speech by Mr. Davis Jones (USEPA) underlined the importance of EIA as a tool for ensuring social and environmental safeguards in Asian countries with expanding infrastructure and industrial development. In this context, he introduced USEPA’s recent efforts in the Lower-Mekong Initiative (LMI) to strengthen EIA in the Lower Mekong

Sub-region. LMI envisages promotion of a bottom-up approach to technical capacity building and regional networking for enhancing the implementation of environmental and social impact assessment (ESIA) in infrastructure development, through regional collaboration projects, regional technical working group meetings and the provision of training programs. He reflected upon the achievements of the Lower-Mekong EIA Directors meeting under LMI that was held the day before (9 May 2016), which included the sharing of good practices from across the region, such as highway construction in Thailand and Lao PDR, a new environmental code in Cambodia, and SEA in Viet Nam. He also introduced USEPA's similar program in Latin America that developed 20 recommendations to move forward that appear to be highly relevant in Asia, too.

15. He then expressed points regarding the four major elements of EIA provided for this conference, i.e., quality of EIA; information disclosure and participation; implementation of environmental management and monitoring plan (EMMP); and upstream EIA and SEA. First, to improve the quality of EIA, efficiency and effectiveness need to be enhanced. Decentralization can improve efficiency but requires capacity development. A graduated system can be helpful to enhance effectiveness, with which efforts can be optimized in accordance with the significance of impacts. Second, the key for effective information disclosure and public participation includes automation of GIS and internet access aids, transparency, independent validation, as well as monitoring and enforcement. Third, implementation of EMMP can be strengthened by establishing a seamless linkage of the procedures for pre- and post-construction phases. Fourth, upstream EIA or SEA can be accelerated by focusing on their positive environmental impacts, as well as by high-level agreements harnessing inter-sectoral collaboration.
16. He closed his speech by reiterating the utility of networks for enhancing actions, and expressing his expectation for the establishment of a regional community of practice that encourage bottom-up actions.
17. Participants welcomed the research findings from the seven-country study conducted by IGES. The presentation of results shed light on common and unique challenges and good practices to overcome such challenges across the seven countries, as well as the opportunities to move forward. The results were summarized in four areas: systems to improve the quality of EIA; information disclosure and public participation; implementation of EMMP; and SEA and upstream EIA. In addition, a synthesis of the study provided recommendations based on these results in three tiers: EIA as a project planning and

management tool; EIA as a tool for participatory decision-making process; and implications for policy planning beyond project-level decisions.

### **Thematic group discussion**

18. Thematic group discussions were conducted in four areas: A) systems to improve the quality of EIA, B) information disclosure and public participation, C) implementation of EMMP, and D) SEA and upstream EIA. In the group discussions, selected country representatives shared good practices and participants discussed root causes of existing challenges of EIA implementation, good practices, and recommendations.
19. Regarding Group A, quality of EIA, root causes of challenges identified for sustainable finance policy in Indonesia are as follows: command and control doesn't work well; there is a lack of extended liability, as well as lack of awareness by project proponents of international practices (reputational risk); projects are downsized or split for time and cost saving; and there is a disconnect with accountability and decision making. The root causes of challenges that the expert committee in Myanmar identified were as follows: limited capacity of human resources and technical skill in the EIA unit; and acceleration of the development process as well as the EIA process causing compromised quality of EIA.
20. Good practices of the sustainable finance policy in Indonesia include: having an integrated approach to review EIA as a part of loan approval; the sustainable finance system supported by law; and results of EIA compliance team reflected in loan conditions. Good practices for EIA review by the Myanmar committee include: focus on critically high risk areas and sectors; invitation of experts depending on different sectors; holding of in-house expert groups; prioritizing critical issues to discuss in the committee, with only environmentally critical projects going to the expert committee; and securing accountability of the committee's decision.
21. Recommendations for policy makers regarding sustainable finance include: commercial banks need to follow international standards in the future; incentives, such as lower interest rates, need to be provided for private sector to implement environmental and social considerations; commercial banks need to review EIA in the future, not only check approval of EIA; and EIA should be done at the same time as the financial feasibility review. Recommendations regarding the expert committee include: further consideration of the number of members and membership balance based on knowledge and experience; focus on critical issues, such as high risk areas; efficient review by using scoping and technical guidelines for EIA review; good discussion for convergence of views among members; need

to engage with local government; accreditation system for EIA consultants to ensure quality of EIAs; consideration of local governments, NGOs and local communities as members of the experts committee; and accountability of reviewers for their decision.

22. Regarding Group B, information disclosure and public participation, the group found that full disclosure of EIA documents is still a challenge for many countries. It is also a challenge to disclose information that is not too technical to facilitate effective and active stakeholder engagement in the decision making process. An opportunity for equal participation among a diversity of stakeholders is not always secured. Public consultation and participation in the seven studied countries are still limited and measures need to be taken to ensure the quality, comprehensiveness and effectiveness of the EIA. Public participation in the process to establish or amend the EIA law would be also needed. As good practice examples, introduction of transparent and participatory processes to develop the new draft EIA law in Cambodia and Smart EIA in Thailand were noted. Other challenges that participants identified were: how early public participation should be undertaken, how much and what (private, technical, intellectual property) information should be disclosed, and at what point in time. Identification of stakeholders remains an issue as do methods for participation in consultations and information disclosure to stakeholders. The need for capacity development and avoiding consultation fatigue were also highlighted.
23. Best practices/recommendations regarding information disclosure and public participation concerned: 1) common understanding that public participation starts with information disclosure, 2) EIA as a process for supporting decision making as well as information gathering (not just information disclosure), 3) scoping of stakeholders and best methods of information disclosure/participation; how to scope public participation in a participatory way, 4) not only formal but informal consultation from early stage, 5) project website for information disclosure set up by project proponent/consultant, 6) government modeling good behavior, for example, Cambodia's public involvement in the EIA legislative process and Thailand's information disclosure via Smart EIA.
24. Group C discussed the challenges, good practices and possible way forward in strengthening the implementation of EMMP. First, the group identified the root causes of the challenges in EMMP implementation such as: unclear legal prescriptions, inappropriate monitoring items and lack of specific planning; regulatory agencies giving approvals to the project owner but with no control over the contractor; approvals occurring early in the project cycle; limited manpower to conduct inspections; and limited budget.

25. Second, the group presented examples of good practices and discussed their implications for recommendations on the way forward. Good practice from Viet Nam included a method to optimize monitoring efforts under budget constraints, such as prioritization of monitoring items in which EIA predicted significant impacts, and the identification of a surrogate indicator for multiple environmental variables. Good practice from Lao PDR suggested a legal framework to oblige project owners to implement EMMP under the Standard Environmental and Social Obligation (SESO). SESO supplements EIA Instructions and Environmental Compliance Certificate (ECC) by clarifying the responsibilities, funding arrangement and institutional setting for implementing EMMP, strengthens penalties for non-compliance; prescribes specific technical plans such as a watershed management plan and biodiversity offset plan; and requiring monthly, quarterly and annual reporting. In addition, self-reporting approaches using technology with stringent penalties, as well as a tiered approach to reviewing monitoring data, were provided by participants from the US and Hong Kong.
26. Following these discussions, the group identified recommendations in four areas: 1) effective utilization of approvals, licenses and permits; 2) requiring the project owner to include provisions for environmental management in tender and contract documents; 3) stringent penalties; and 4) clear roles and responsibilities. It also suggested the possible utility of a self-regulating mechanism based on on-line technologies.
27. Group D on SEA and upstream EIA started with presentations on two good practices, followed by an open discussion where all participants were given the opportunity to contribute. The group identified the challenges in SEA and upstream EIA, including no use of SEA at the policy level, insufficient SEA legislation and guidelines, shifting interest to using SEA as a planning tool, difficulties of coordination and consultation between departments, limited financial resources, as well as limited baseline data and data harmonization. Good practices to address some of these challenges were presented, such as the use of SEA to select an optimal landfill site in Korea and an upstream EIA process to identify wind power sites in Japan.
28. The group further discussed when SEA or upstream measures work, highlighting the importance of public information on the project and plan being made available at the earliest possible stage; the generation of baseline information and technological assessment (e.g., GIS); and treating the SEA as a living document. The need for flexible application of SEA in a policy mix was also pointed out, inspired by examples such as the integration of land use planning in SEA where a 'no go' zone is defined, and the use of CIA



that allowed the expansion of industry within an industrial estate based on the carrying capacity of the estate, which led to the introduction of a cap and trade scheme.

29. Recommendations from Group D included the need for embedding SEA in basic environmental law for policies, plans and programs; engagement of all stakeholders; baseline data collection, and use of SEA at the earliest possible stage. It also suggested the importance of studying the relationship between EIA and SEA in each country's context.
30. All participants welcomed the comments from international and regional agencies including ADB, IFC, JICA, DFAT, and the World Bank on strengthening environmental and social safeguard systems. Dr. Stephen Lintner welcomed the IGES paper as extensive background information contributing to the discussion. With regard to Group A – quality of EIA, he stated that lack of funding for studies, and limited staff time and skills, were identified as challenges. He also mentioned that it is difficult to collect all the information desired; thus, it is critical to use limited resources for the assessment of key issues, and this requires use of professional best judgment in many cases. Regarding Group B, he stressed that public consultations are valuable. However, he said it is difficult to decide what is appropriate and how much consultation is necessary. For example, in Lao PDR, there were consultations for 10 years on a proposed project and that led to consultation fatigue in the local communities. From previous experience, he stated that a high amount of consultation time did not always resolve a problem. Consultation needs to start as early as possible, particularly among local governments, and helps to identify legitimate concerns. In regards to Group C, he expressed that EMMP should be custom tailored, on a case by case basis, and should focus on key issues related to effective mitigation, monitoring, and access to project level grievance mechanisms. He stressed that implementation is the weakest point and how to improve it remains a big question. About Group D, he noted that SEA is an emerging instrument and should be used, along with Regional Environmental Assessment and Sectoral Environmental Assessment, to provide for a higher level review of potential environmental and social risks and impacts and their management and monitoring.
31. Prof. Kenichiro Yanagi mentioned that in order to address existing challenges, there are many lessons to be learned from Japanese experiences. Local governments established EIA systems before the national government, and local governments have stronger information on local environmental conditions and communities than the national government. Initiation of EIA by local government also helps with budget and human resource limitations. Finally, he noted that it would be good to have a data base to share relevant EIA systems and good practices among Asian countries.

32. Mr. Peter Leonard, World Bank, stated that the Asian region has changed rapidly and EIA is applicable to almost all projects. He stressed there is a lot of focus on EIA in the project preparation stages, but not so much on implementation and later operation stages. Many international organizations are involved in capacity development of EIA in Asia and they have learned that implementation of EMMPs and other agreements are the weakest part of the process. He said this was particularly the case with line ministries and consultants. Thus, he mentioned that the World Bank needs to enhance the quality of implementation, not only approval of projects. Enforcement of EMMP is another weak part of the EIA process and there is more room for improvement. About public participation, he expressed that it is a process that applies throughout the project cycle and in many cases, an informal consultation is more important than a formal one. Regarding SEA, the World Bank finds that some of its counterparts are challenged in implementing SEA, and is providing technical assistance to conduct regional impact assessment and SEA. He also stated that the World Bank conducted a week long training regarding CIA in Viet Nam.
33. Mr. Mark Kunzer, ADB, stated that the quality of EIA is improving in Asia. However, international institutions always demand EIA consultants for quick and cheap EIAs. For project managers in ADB, an independent compliance officer is one of the tools to ensure the quality of EIA. ADB supports Asian countries to strengthen their capacity to use their country systems.
34. Mr. Alex Indorf, IFC, echoed the comments made by the World Bank and highlighted the increasing importance of the quality of EIA from the private sector, which still has challenges due to gaps in consultations and regulatory frameworks. He also put forward the keys to strengthen SEA, including looking at cumulative impacts and not only those of a single project. He noted the limited qualified expertise to prepare and implement SEA. The promotion of voluntary standards has been important for filling the gaps in private sector projects.
35. Mr. Noriaki Murase, JICA, reiterated the importance of ensuring the implementation stage. JICA implements projects based on the Guidelines for Environmental and Social Considerations that conform to international standards, whereas the awareness of the importance of monitoring by its development partners is still insufficient. He also mentioned past and ongoing JICA capacity building projects and went further to express JICA's intention to extend cooperation in order to strengthen safeguard systems in Asian countries in collaboration with the development partners.

36. Dr. Michael Quinn, Department of Foreign Affairs and Trade (DFAT), Australia, explained that it has sought to align the environmental protection policy of its aid program with those of its bilateral and multilateral partners. He also mentioned the World Bank–Australia Safeguards Partnership which supports the enabling environment for economic infrastructure through safeguard coordination and technical capacity development. DFAT also has been working with partners, including JICA, in safeguard development in the Pacific region. Such international coordination of EIA can reduce duplication and increase effectiveness for donors, partner countries and the private sector.

### **Panel discussion**

37. A co-chair, Mr. Mori from IGES, introduced all the panelists, including representatives from Cambodia, Indonesia, Japan, Korea, Lao PDR, Myanmar, Thailand and Viet Nam. Following the presentation of outcomes of the group discussion and exchange with development agencies, a panel discussion was conducted with government officials from each of these eight Asian countries to see how EIA and related policies can play an enhanced role in a broader perspective according to three sub-themes: 1) EIA as a project planning tool for embedding environmental consideration into infrastructure and industrial development; 2) EIA as a participatory and consultative decision-making process; and 3) SEA as a policy planning tool for sustainable development.

#### ***(i) EIA as a project planning tool for embedding environmental consideration into infrastructure and industrial development***

38. The first question is: “How can we reflect the EIA results in project implementation”? Mr. Thaone Vongphosy from Lao PDR spoke about involvement of local stakeholders in EIA. For hydropower projects larger than 100MW, government requires preparation of an EIA, including public consultation with local government and stakeholders, and consultation with other ministries. Mr. Tetsuya Nagashima from MOEJ introduced the practices in Japan. In Japan, EIA law works more effectively by collaborating with other ministries to reflect its opinions in permitting.

39. The second question is: “What kind of policies are required to improve the effectiveness of EMMP”? Lao PDR has developed a monitoring database to strengthen monitoring. The status of the projects, EIA and EMMP are included in the database and subject to monitoring. Lao PDR has also developed the SESO, and the Ministry of Natural Resource and Environment needs to negotiate with project proponents to incorporate environmental and social conditions into concession agreements. Mr. Danh Serey from

Cambodia introduced experiences from development of the draft environmental law, which includes a stringent penalty system. The penalty system includes 1) administrative sanctions such as warning, suspension and termination, 2) transitional punishment such as payment of fine for consultants, and 3) criminal punishment such as when EIA consultants fail to provide appropriate data or project proponents did not conduct EIAs. The EIA department expects to resolve issues that are created by avoiding preparation of EIAs. Mr. Ary Sudijanto from Indonesia introduced legislation on the use of a penalty to the project proponent in order to ensure implementation of EIA. They also developed guidance for project proponents to report to the government. Indonesia established a special inspection unit to enforce EIA law. This compliance inspection system includes training for inspectors. With this system, local communities are also able to report to the government.

***(ii) EIA as participatory and consultative decision making process***

40. The first question is: “How can we ensure the involvement of stakeholders”? In Indonesia, public participation starts from the scoping stage of the project. Representatives from communities and NGOs are also invited to the EIA review process as members of the EIA review commission. Public participation regulations were developed; however, local communities are not always informed about the EIA process. EIA is sometimes the only way for community members to engage in the decision making process of the project. Thus, some kind of capacity development for local communities such as training for facilitators to encourage local community engagement would be helpful.
  
41. The second question is: “How can we reflect the various opinions in the review of the EIA reports and implementation of the project”? Dr. Raweewan Bhuridej from Thailand expressed Thailand’s understanding of the question as twofold: how to incorporate opinions from public consultations into the EIA process, and how to enhance the capacity of public participation in consultations. Participation plays a key role in Thailand in EIA and needs further elaboration to enable the reflection of various opinions in EIA reports throughout the various stages of EIA development. There are two major categories of EIA in Thailand, namely Initial Environmental Examination (IEE) and Environment and Health Impact Assessment (EHIA). EHIA requires four public consultation meetings, starting from the scoping stage and ending at the permission by the line ministries. The first stage is the public consultation in formulating EIA, and the second is the EIA review phase where stakeholders can participate in an independent expert review committee. Last is the post-EIA phase, where twice-a-year monitoring reports are disclosed and the general public has opportunities to send comments. The proponent is required to amend the EIA

reflecting the comments it received. The feedback platform is very important. Thailand also has been making efforts to improve communications with local communities by preparing information materials in an easier language so that people can understand them.

42. Mr. Sein Htoon Linn from Myanmar then explained the changes in their EIA policies along with their rapid democratization in which they have been intensifying efforts to organize better settings for public participation. Myanmar currently has an external review committee composed of various stakeholders relating to EIA, including government officials, experts, the public and others. Reflecting the increasing need for incorporating diverse views in delivering EIA, the government is now considering the amendment of the EIA Procedures to further promote participation of diverse stakeholders, including NGOs. Along with this, focus on local communities is really important as they usually have limited understanding of the impact of projects. Thus, it is important to establish a system to encourage participation of the public, especially NGOs.
43. The third question was, “How can we further promote meaningful public participation”? Myanmar responded to this question by stating that the promotion of meaningful participation is vital to obtain consensus on the proposed projects from local communities.
44. Thailand stated that, even after 40 years of experience in public participation and the development of guidelines, they are still facing challenges in conducting meaningful public participation. The speaker from Thailand identified four critical factors that come into play in order to strengthen meaningfulness. First, laws and regulations should be in place. To reinforce these, the government is now drafting a new public participation act. Second, adequate time is important to allow stakeholders to digest the contents of EIA, for which the EIA process in Thailand provides for disclosure of EIA reports 30 days in advance of community consultations. Third, transparency is important, backed by two-way communications, incorporating the academy and NGOs. Fourth is a suitable feedback mechanism during the project implementation phase, including mitigation measures.

***(iii) SEA as a policy planning tool for sustainable development***

45. The first question was: “What kind of scheme can be considered to embed EIA into plan”? Mr. Sangjin Lee from Korea clarified that SEA can be put into two categories, i.e., SEA for policy and SEA for planning. Regarding the policy SEA, for example, the master plan prior to preparation of the EIA should assess the appropriateness of the plan using scientific considerations such as environmental carrying capacity. Korea also expressed the limitations in SEA in planning: limited availability of information at a stage when policy and

plan are so rough. To address such a challenge, various information has to be gathered, including carrying capacity. Another limitation: policy plan is important for SEA, but relevant ministries are often reluctant to take part in SEA. Power supply or national water supply policy plan needs to take part in the SEA process.

46. Dr. Mai The Toan from Viet Nam added a few important points, reflecting upon their experiences in formulating and implementing SEA. SEA was enacted in Viet Nam under an overarching environmental law, environmental impact assessment decree and circular. Technical guidelines for SEA in a number of sectors have been developed. However, they are facing difficulties in effectively implementing these instruments. Currently, efforts are made to incorporate SEA into the strategies and master plans. Further, responsibilities in conducting and reviewing SEA were clarified – line ministries take responsibility in conducting SEA, and the Ministry of Natural Resources and the Environment takes responsibility for reviewing SEA reports. To date, approximately 70 SEA reports have been prepared, and some of them, including those for the hydropower sector, have been successfully implemented. They identified challenges in securing financial resources, and limited technical capacity and experience. To overcome these challenges, they critically need to conduct a training of trainers program for SEA. Baseline data is also critical. Participation in the SEA process should also be enhanced.
47. Regarding the relationship between SEA and EIA, Viet Nam clarified that SEA should specify key orientations for solutions for environmental protection, and EIA has to consider these key issues in project planning.
48. Japan shared its experiences in the recent revision of EIA law that prescribes the requirements for primary impact considerations, in which project proponents should prepare alternative options. Zoning in an early stage is an important element for more effective EIA. Use of zoning for projects is particularly applicable for wind power siting, which was triggered by the criticism of the difficulties in passing EIA for wind power projects. This spring the Ministry established an expert group to consider the zoning system.
49. The second question was: “What kind of scheme would be required to include EIA in policy”? Korea addressed this point earlier and did not have any additional points.
50. Viet Nam expressed the view that SEA should be applied for strategies and master plans, and not applied for policies as is the current situation in Viet Nam.

51. Cambodia explained what it called a “Rectangular Strategy” – a national strategic plan for green growth 2013-2030 that takes into account projections of climate change implications, in which the application of SEA in policy program and plans is implied. Under its new draft EIA law, a new sub-decree regarding roles and responsibilities of institutions in SEA will be developed. Sector guidelines will be followed, e.g., nine sector SEA guidelines will be developed, including on coal mining, ecotourism, and thermal power plants.

### ***Questions from the floor***

52. Korea shared the views of Japan regarding the applicability of SEA for the wind power sector, in a country where wind power development is often associated with significant impacts on the natural environment. Previously EIAs on wind power plans were reviewed by the Ministry of Environment (MOE), but with difficulties for the developers in formulating EIA, the industrial association requested the Ministry of Industry (MOI) to formulate the guidelines for wind power development. This task was finally taken by MOE. With a good understanding by the line ministry (MOI) fostered through the process, SEA on wind power sector is effectively being used.

53. Japan asked how the requirements to address SDGs and Paris Agreement in SEA can be considered.

54. Korea observed the existence of conflict within the environmental sector: renewable energy supply and ecosystem damage. To address the conflict, the bigger picture should be kept in mind, and should start from consideration of the national power supply plan.

55. The Chair closed the panel session by highlighting the need for considering trade-offs even within the environmental sector.

### **The way forward**

56. The Chairs’ Summary for the Asia EIA Conference 2016 was adopted after reflecting the comments from the participants. Major points from the participants included the insertion of “to increase capacity through exploring the use of new technologies to increase their level of supervision and” in Para 7 proposed by Mr. Mark Kunzer, ADB, as well as the insertion of a sentence, “It was recommended that consideration should be given to the development of an institutional community of practice for EIA in Asia,” proposed by Dr. Stephen Lintner.

57. In closing, one of the co-chairs, Mr. Hideyuki Mori, emphasized the need for continuous and collective learning on EIA, taking into account that the requirements for EIA are always changing, in accordance with the changes in the context in which EIA is operating.