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EIA Good Practices in Myanmar

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Outline

- Environmental legislations to improve EIA system
- Myanmar New EIA Process
- Review and Approval Process for EIA

Policy Framework Reform



More Open



More Transparent



More Bottom-up

Environmental legislations to improve EIA system in Myanmar

- ☐ Environmental Conservation Law (2012)
- ☐ Environmental Conservation Rules (2014)
- ☐ EIA Procedure (2015)
- ☐ Myanmar Investment Law (2012)
- ☐ Special Economic Zone Law (2014)

Environmental Conservation Law, 2012

Objectives of the Law

- ✓ to enable to emerge a healthy and clean environment and to enable to conserve natural and cultural heritage for the benefit of present and future generations
- ✓ to reclaim ecosystems as may be possible which are starting to degenerate and disappear
- ✓ to enable to manage and implement for decrease and loss of natural resources and for enabling the sustainable use beneficially⁵

Environmental Conservation Law, 2012

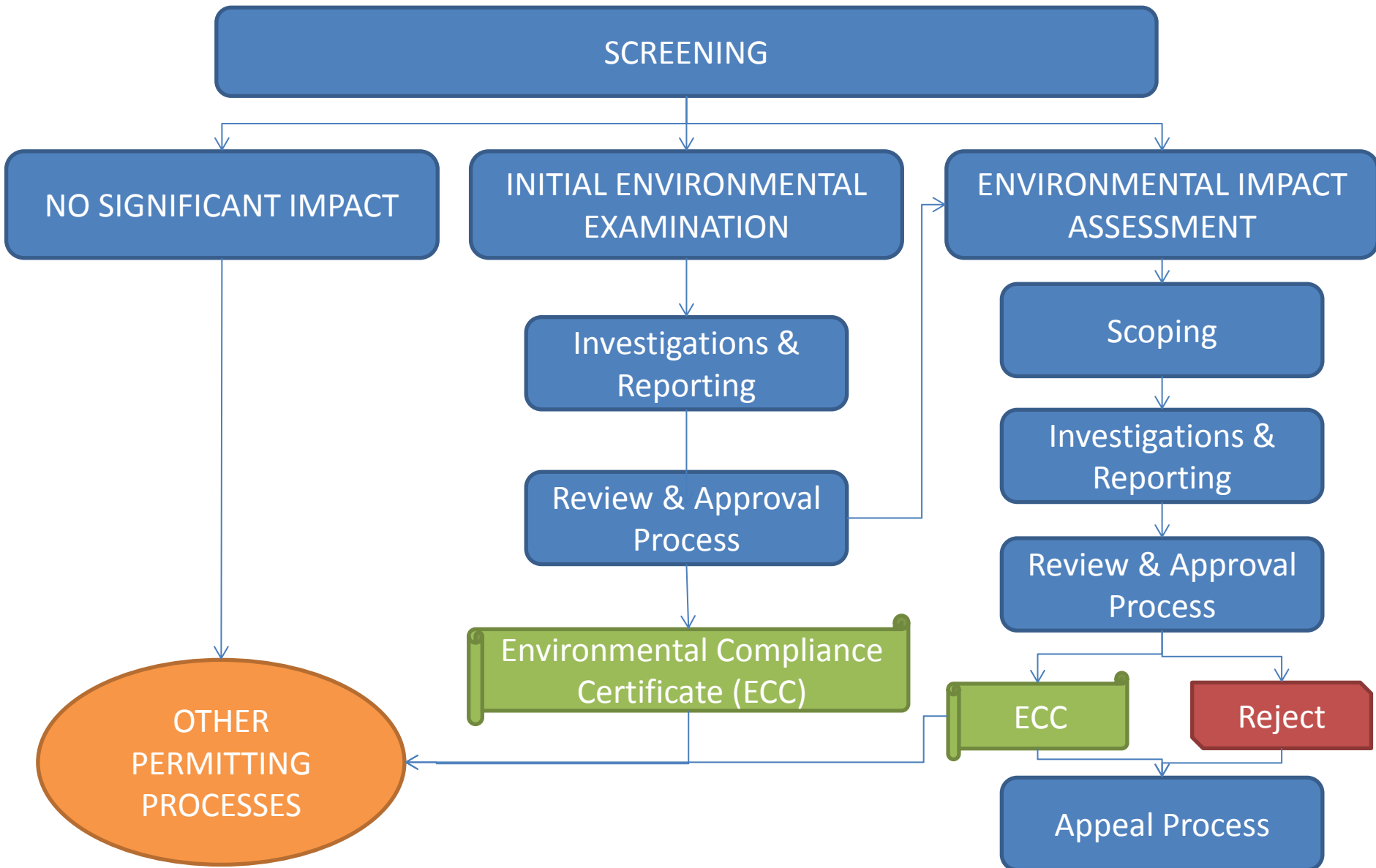
Section 7 (m) of the Law describes:

to lay down and carry out a system of EIA and SIA as to whether or not a project or activity to be undertaken by any Government department, organization or person may cause a significant impact on the environment

Development of EIA Procedure

- ❑ Section 7 of the Law and Articles 52 and 53 of the Rules clearly mentioned that all Projects having the potential significant Adverse Impacts requires IEE or EIA
- ❑ MONREC (formarly MOECAAF) very recently notified EIA procedure (Experts from **ADB** **GMS-EOC** have been providing technical support)

Myanmar's new EIA process



EIA Investigation

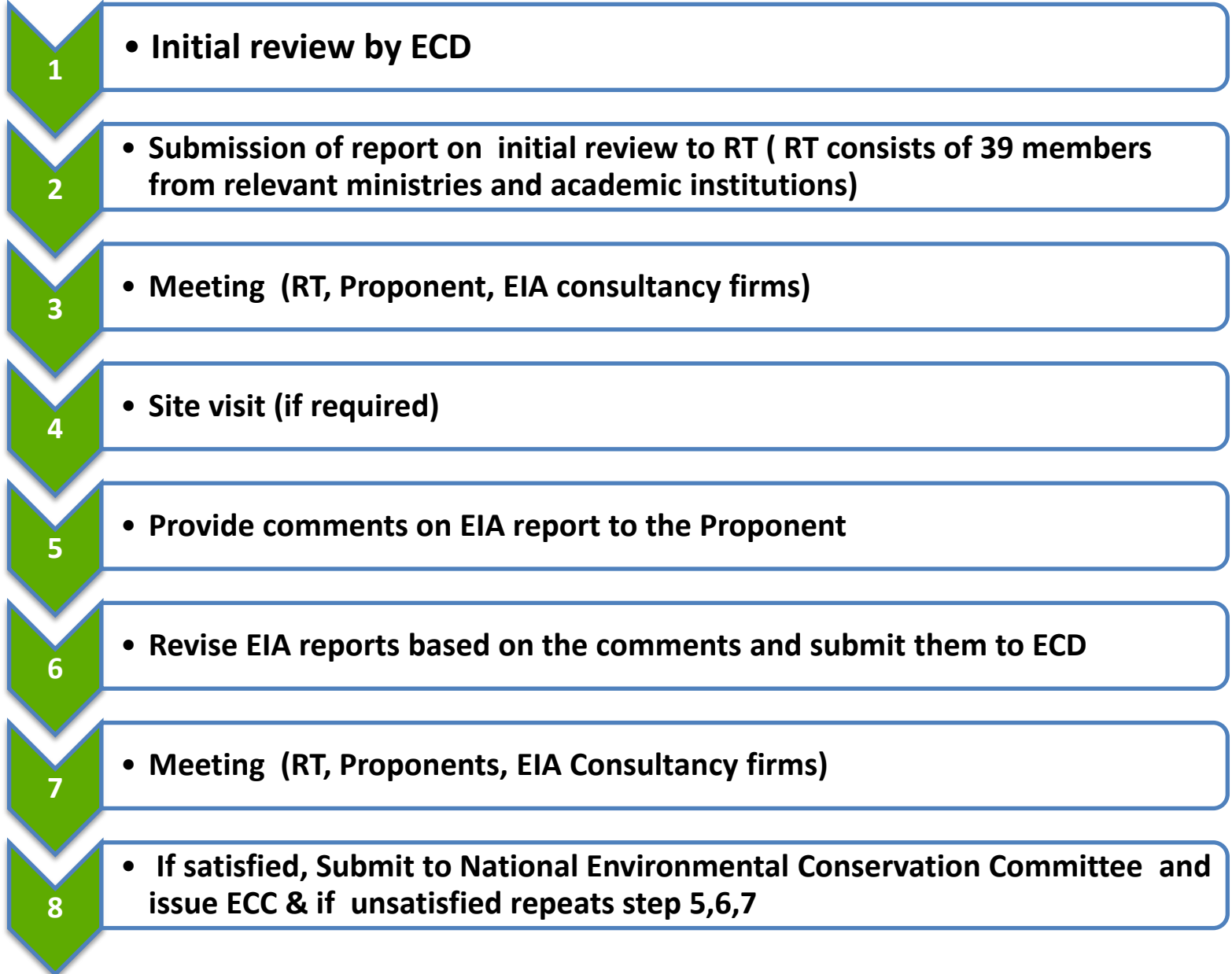


- “timely disclosure of all relevant information”
- Local and national media
- Consultation meetings – national, state, local
- Field visits (ECD and government agencies concerned)

Time frame for EIA Process (according to EIA Procedure)

EIA Process	Duration
Screening Proposal (IEE/EIA)	15 days
IEE Process	
• IEE expert approval (Third party or not)	7 days
• Preparing IEE Report	?
• IEE Report approval	60 days
EIA Process	
• EIA expert approval (Third party or not)	7 days
• Developing Scoping Report and TOR	?
• Scoping report & TOR approval	15 days
• Investigation & Developing EIA Report	?
• EIA report approval	90 days

EIA Review Process



EIA Review Team

1. Cross-sectoral EIA Review Team
2. Mobile Review Team for Thilawa Special Economic Zone

1. Cross-sectoral EIA Review Committee
2. EIA System for Thilawa Special Economic Zone

System Overview

- The EIA Review Team established and assigned by MONREC
- In accordance with the Environmental Conservation Rules 59, the committee is responsible to review and provide comments/ recommendation to EIA reports
- (EIA review team conducts official review and the Environmental Conservation Committee approves EIA reports)
- Out of 39 member, 20 assigned from MONREC and 19 from other ministries, universities, and city development committees (2015)
- Currently the Committee organized to review EIA for the projects under four categories as the priority:
- 1) coal-fired power plant; 2) on-shore and off-shore oil/gas project ; 3) oil refinery; and 4) hydro-power

EIA Review Team

- (4) main groups
 - Energy and Mining Sector
 - Industry Sector
 - Land Use Sector
 - Urban and Infrastructure Development Sector

Lessons Learned & Way Forward

- Comments of the members sometimes deviating from the purpose and requirements of EIA system laid out by MONREC and ECD
- Limited understanding of EIA-related laws, rules and regulations by the Review members
- Difficulties in coordinating and compiling diverse opinions of the Review Team members from different backgrounds/Technical Areas
- Need for accelerated information, sharing and understanding by the Review Team members
- Need for enhanced capacity of MONREC for organizing the Team's review process
- Trainings and Technical guidance on EIA review to be provided by JICA ,NEA and ADB

1. Cross-sectoral EIA Review Team
2. EIA System for Thilawa Special Economic Zone

Thilawa Special Economic Zone (SEZ)

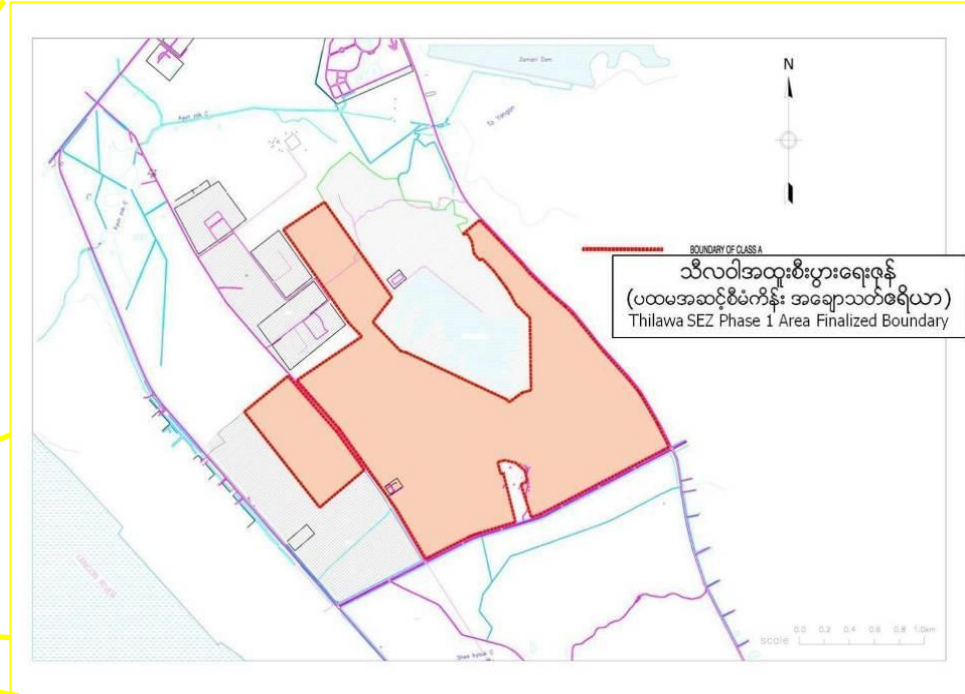
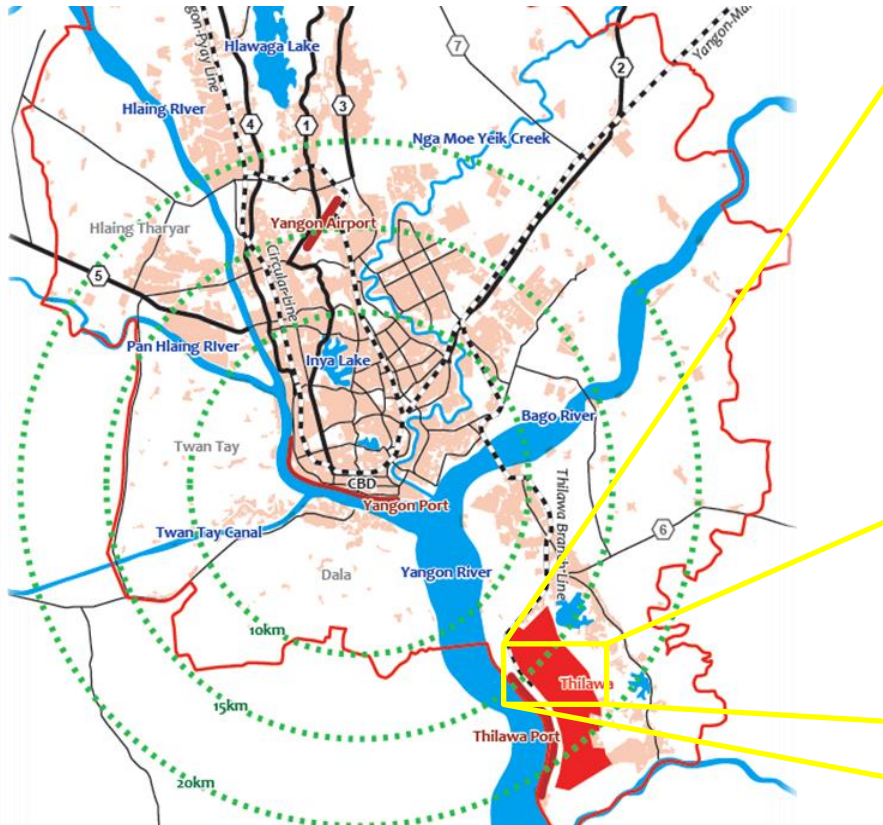
About 20 km southeast of Center of Yangon

Total Area:

2,400 Ha

Zone A Area:

400 Ha



Early 2013: EIA report for 400 Ha Zone A was prepared.

October 2013: Groundbreaking Ceremony of Zone A (Start of SEZ Development)

January 2015: Start of Construction by Investors

September 2015: Opening Ceremony of Zone A (Some investors started operation)

System Overview

- Thilawa SEZ's independent EIA System as a subset of national EIA System based on the national EIA Procedure
- Endowment of EIA/IEE approval to Thilawa SEZ Management Committee (TSMC) in accordance with the SEZ Law
- Waiver of EIA for normal constructions by investors within SEZ, but requirement of investors for the Environmental Conservation and Prevention Plan (ECPP), which is equivalent to the Environmental Management Plan (EMP) determined in the EIA Procedure
- ECPP approval and fulfillment of other requirements as the pre-condition for the commencement of the construction
- Requirements for IEE/EIA of the projects with certain expected impacts in the operation phase

Key Features of Good Practice and its Consequences

- Effective stakeholder engagement and efficient processing of project proposals with appropriate measures for environmental and social considerations
- Provision of enabling environment for the compliance with international-level standards for environmental and social considerations while progressing towards development goals in a timely manner
- Waiver of EIA for normal constructions by investors, allow investors to implement EIA investigation for operation phase and onward concurrently with construction activities

Lessons Learned & Way Forward

- TSMC to approve EIA reports. Unique but, possible deviations from national-level requirements
- Environmental Conservation Department (ECD) staff to One Stop Service Center of SEZ to ensure linkage between national and SEZ's EIA systems
- Further provision to dispatch Mobile Review Team by ECD to evaluate EIA reports for Thilawa SEZ



SEZ Main Gate



SEZ Office



Logistic Terminal inside SEZ



Factory inside SEZ

Background and Issues

- Strong vertically structured administration hindered effective coordination mechanism among ministries and departments
- The above is also one of key constraints for proper environmental impact assessment.

Key Features of Good Practice and its Consequences

- Multifarious opinions presented at the Review Team Meeting from the members including academic and governmental institutions
- The Review Team Meeting are participated by the Team members and ECD officers.
- Project proponents and EIA Consultants are invited to the meetings



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