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TRANSPARENT AND PARTICIPATORY PROCESS TO DEVELOP NEW DRAFT EIA LAW IN CAMBODIA

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I. ENVIRONMENTAL LEGAL FRAMEWORKS

- ❖ Law on Environmental Protection and Natural Resources 1996
- ❖ Law on Protected Area Management, 2008
- ❖ Sub-decree on EIA Process, 1999
- ❖ Sub-decree on Organization and Functioning of MoE, 2015
- ❖ Prokas on EIA General Guideline, 2009
- ❖ Decision on Establishment of EIA Working Group of MoE and ministries, 2014
- ❖ Prokas on Power Delegation to DoE of Provinces on EIA, 2005
- ❖ Prokas on the Registration of EIA Consultancy Firm, 2014
- ❖ Inter-Prokas on Working Service Fee for EIA reviewing and MEF, 2014
- ❖ Inter-Prokas on Project Screening of EIA Process for Mining between MoE and MME, 2016
- ❖ Strategy on EIA 2016-2018, DoEIA-MoE



II-EIA

ACHIEVEMENTS

Year	Type of Approval Letter	
	Contract	IEIA/EIA Report
1998	31	0
1999	58	0
2000	51	0
2001	44	1
2002	28	1
2003	51	2
2004	66	0
2005	49	13
2006	57	19
2007	73	18
2008	58	14
2009	58	8
2010	79	7
2011	117	18
2012	157	19
2013	135	30
2014	104	41
2015	129	25
Total	1345	216

III- CHALLENGES

- Law enforcement is limited
- Lack of Strategy of EIA
- Lack of EIA Legal Frameworks
- Lack of SEA tool
- Lack of sectoral EIA guidelines
- Lack of human resources on EIA



IV- DEVELOP NEW EIA LEGAL FRAMEWORKS

(i) . EIA On-going

- Drafted EIA Law, 2011-2015
- Drafted Prokas on Mining and Oil & Gas EIA Guidelines
- Drafted Prokas on Principle and Criteria of EIA
- Drafted Prokas on Environmental and Social Fund
- Drafted Guideline on Public Participation in EIA Process
- Drafted Join Prokas on EIA of Tourism Project, MoT & MoE
- Amendment of Join Prokas on EIA Service Fee between MoE and MEF, 2014

(ii). Next Step

- SEA on Sand Extraction Mining Project along Mekong River
- SEA on Bauxite Mining Project at Monduliri province
- SEA on Coal Mining Project at Udornchaney and Kg Speu provinces
- SEA on Washing Factories at Phnom Penh
- SEA on ELC at Monduliri province
- Develop Guideline on Monitoring System
- Develop Guideline on EIA of Economic Land Concession
- Develop Guideline on EMP of Garment Factory Project
- Develop Guideline on EIA of Urban Development Project
- Develop Guideline on EIA of Eco-Tourism Development Project
- Develop Guideline EIA of Hydro Power Dam Project
- Develop Guideline on EIA of Road Construction Project



V. PROCESS TO DEVELOP A NEW EIA LAW

Seven Public consultation workshops including:

(i)- National Workshops

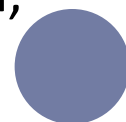
- 1st National Consultation Workshop, Phnom Penh, Nov, 2012
- 2nd National Consultation Workshop, March, 2015

(ii).- Regional Workshop

- 1st Regional Consultation Workshop, Siem Reap, Dec, 2013
- 2nd Regional Consultation Workshop, Sihanoukvill, May, 2014
- 3rd Regional Consultation Workshop, Mondulkiri, July, 2014
- 4th Regional Consultation Workshop, Battambang, Oct, 2014

(iii).- Special Workshop

- Private Sector Workshop, Phnom Penh, Dec, 2014
- Workshop on Experience Sharing on Environmental Challenges and Guidelines: Focus on Penalties of New EIA Law , Phnom Penh, Sep, 2015. (Judges and Prosecutors invited)



V. PROCESS TO DEVELOP A NEW EIA LAW

- All drafts are in the Khmer language and distributed in advance to workshop participants.
- After each workshop, comments are reviewed by DEIA officials and the Vishnu Law Group, a civil law firm in Cambodia, then a draft are revised and used for the next public consultation.
- This reiterative process allows affected communities, NGOs and CSOs to participate in both policy development and help decision making.
- A final draft EIA Law will be finished. But it will be included an environmental code.



VI. DRAFT NEW EIA LAW

- Requirements for Public Participation, SEA, health impact assessment (HIA), climate change risk assessment, cumulative impact assessment (CIA), and transboundary impact assessment.
- Stringent penalties and compulsory fines for project proponents who do not implement their EMP
- Projects can be temporarily closed by MOE until the committed EMP is satisfactorily implemented.



CONTENT OF NEW EIA LAW

- Chapter 1: GENERAL PROVISIONS (5 articles)
- Chapter 2: Principles of Environmental Impact Assessment (2 articles)
- Chapter 3: Responsible UNIT (6 articles)
- Chapter 4: Environmental IMPACT Assessment Process
 - Section 1: Environmental IMPACT Assessment for Proposed Projects (17 articles)
 - SECTION 2: EIA FOR EXISISTING projects AND projects In Operation (1 article)
 - Section 3: CLIMATE CHANGE IMPACTS Assessment (2 articles)
 - Section 4: CUMULATIVE IMPACT ASSESSMENT (1 articles)
 - Section 5: HEALTH IMPACT ASSESSMENT (2 articles)
- Chapter 5: Public Participation Process (4 articles)



CONTENT OF NEW EIA LAW

- Chapter 6: Environmental management And monitoring (7 articles)
- CHAPTER 7: Strategic Environmental Assessment and TRANS-BOUNDARY IMPACT
 - SECTION 1: Strategic Environmental Assessment (SEA) (1 article)
 - Section 2: TRANS-BOUNDARY IMPACTS ASSESSMENT (1 article)
- Chapter 8: Service Fees and Other Charges (8 articles)
- Chapter 9: Judicial police officers (6 articles)
- Chapter 10: Resolution for Environmental Impact Assessment Disputes (6 articles)
- Chapter 11: PENALTY PROVISIONS (20 articles)
- CHAPTER 12: IMPLEMENTATION OF THE COURT DECISION (3 articles)
- Charter 13: Transitional provision (2 articles)
- Chapter 14: Final Provisions (1 article)



DRAFT NEW EIA LAW

- Requirements for Public Participation, SEA, health impact assessment (HIA), climate change risk assessment, cumulative impact assessment (CIA), and transboundary impact assessment.
- Stringent penalties and compulsory fines for project proponents who do not implement their EMP
- Projects can be temporarily closed by MOE until the committed EMP is satisfactorily implemented.

