

Compliance and Enforcement of EIA and EMMPs in Asia



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Outline

1

Introduction

2

**Compliance and Enforcement of Environmental
Pollution Control Practices**

3

**Compliance and Enforcement in Environmental
Impact Assessment**

4

Conclusions

About AECEN

AECEN is a regional network of environment agencies dedicated to promoting improved compliance with environmental legal requirements in Asia through regional exchange of innovative policies and practices.

Members: 20 environmental agencies from 18 countries.



AECEN Principal Activities

- Facilitating and replicating twinning partnerships that strengthen implementation and enforcement of environmental policies, laws, regulations, etc.
- Building capacity through specialized training and skills development;
- Knowledge management including website, publications and applied research; and
- Networking building, regional cooperation, and communities of practice via AECEN.

AECEN Programming Approach

- AECEN has a step by step basic programming approach:
 - (i) Periodically assess priorities of AECEN members;
 - (ii) Conduct studies/surveys to update the status of priority issues;
 - (iii) Validation workshop on priority topic and selection of twinning partners;
 - (iv) Establish “twinning” partnerships – preferably south-south cooperation;
 - (v) Dissemination of results/background information; and
 - (vi) Replication and scale-up.

Compliance and Enforcement of Environmental Pollution Control Practices

- The primary focus of AECEN is compliance and enforcement of environmental pollution control.
- The preferred operational modality is:
 - South-South cooperation
 - Twinning more developed government agencies with developing countries



Twinning partnership between MoNRE, Vietnam and KMOE, Korea

Objective:

Strengthened policies and practices on soil contamination monitoring in Da Nang and other hotspots.

Activities:

Technical exchanged and targeted training.

Outcome:

Technical guidelines on soil contamination monitoring and enhanced technical capacity.



Twinning partnership between DONRE of Ho Chi Min City, Vietnam and DECCW of New South Wales, Australia

Objective:

Improved industrial pollution management of DONRE, Ho Chi Minh City, Vietnam.

Activities:

DECCW of New South Wales, Australia shared good practices.

Outcome:

Improved standardized self-reporting form and guideline for wastewater discharge for use by priority industries in HCMC.



Twinning partnership between Indonesian Ministry of Environment (MOE), and Singapore National Environment Agency (NEA)

Objective:

Strengthen domestic inspection capacity

Activities:

Gap analysis, policy formulation and technical training on inspection and investigation

Outcome:

New inspection procedures and requirements based on Singaporean practice into amendment to the Environmental Management Act of 2009



- Establishing **Environmental Compliance Assistance Centers** in Thailand, Philippines, and India with assistance provided by Hong Kong, and replicating early success in the Philippines.
- Helping to establish the **Asian Justices Forum on Environment** and “green benches” in several countries with assistance from Australia and ADB.
- Conducting **regional forums on compliance and enforcement issues** to promote knowledge management and dissemination.
- Providing **Award for Outstanding Service and Commitment by woman**, which recognizes women who have demonstrated leadership, commitment and service in the field of compliance and enforcement.

Compliance and Enforcement in Environmental Impact Assessment

Challenge:

A network dealing with compliance and enforcement of environmental pollution control may not seem a likely candidate for strengthening EIA implementation in Asia.

Best practices:

Ensuring that pollution never happen, or minimizing pollution discharge through improved project and facility design

The time to achieve this outcome is at the project feasibility and EIA stage and to ensure that appropriate mitigation measures are built into EMMPs

ACEN's rapid assessment of EIA practice in Asia and Europe

- Capacity building program is needed to strengthening EIA with priority given to more effective implementation of the EMMPs.
- Covers: (i) formulation of cost-effective EMMPs; (ii) review and approval of EMMPs; (iii) incorporation of EMMs into contractual obligations; (iv) routine supervision of EMMPs; (v) periodic inspection of EMMP progress; (vi) post-project EIA/EMMP completion reports; (vii) lessons learned from completed EMMPs; and (viii) incorporation of lessons learned into subsequent EIAs.

Regional Workshop on Environmental Impact Assessment (EIA)

- **Objective:** (i) take stock of advances and status of EIA practices in Asia; (ii) provide an update on recent advances in EIA applications and initiatives for strengthening of country safeguards systems by the MDBs; and (iii) identify key challenges for capacity development to achieve application and compliance of EIA in the region.
- **Outcome:** AECEN, with support from USAID, launched a new multi-year initiative to strengthen capabilities in implementing EIA across Asia and the Pacific.



South-South cooperation

- **Bilateral twinning:** Sri Lanka and Lao PDR and Japan
- **Objective:** strengthening the implementing capacity of EIA of Sri Lanka and Lao PDR with Japan as a mentoring country.
- **Outcomes:**
 - (i) increased capacity of EIA implementation in priority sectors in terms of government officials' capability to instruct project proponents to prepare appropriate EIA preparation documents (TOR etc.) and to evaluate EIA reports prepared by the project proponents.
 - (ii) increased exposure to, and understanding of, the newer technologies that Sri Lanka and Lao PDR will need for their future industrial development.

Clearinghouse on regional EIA information

- A centralized place to access regional EIA resources to facilitate project formulation with development partners and South-South twinning partnerships for institutional strengthening through sharing best practices in EIA implementation.
- Community resistance to projects is one of the most reported problems associated with EIAs and EMMPs
 - (1) Controversy between a Thai-backed cement factory and villagers in Mon State, Myanmar.
 - (2) Protesting of Bukit Antarabangsa Task Force 850 over a large development project.
 - (3) Movement of Laos residents effected by Xayaburi Dam on the Mekong River against five Thai government agencies to complete EHIA and arrange proper public hearing before purchasing and power from the dam.
 - (4) Protesting of Kaohsiung, Taipei residents and environmentalists over a proposed freeway project ahead of its environmental review.
 - (5) Government of Myanmar accused of lacking of transparency in the tender selection process for the Kyaukphyu special economic zone and demanded more consideration for the welfare of local people.

Conclusions

- Implementation of EIA procedures in the Asian region is a significant problem. There is minimal compliance and enforcement and inadequate accountability. AECEN believes that stronger compliance and enforcement of the original intent of the EIA process needs to be adopted throughout Asia.
- Stronger compliance and enforcement can be achieved through
 - (i) increased public participation;
 - (ii) locally effected people empowerment;
 - (iii) increased independence and transparency;
 - (iv) mandatory inclusion of the relevant provisions of EMMPs in construction contracts and operational permits;
 - (v) publicized post-project implementation report;
 - (vi) adequate financial provision

Conclusions

- A project bond equivalent to the anticipated “worst case” environmental outcome of the project should be lodged with a local bank.
- Compliance and enforcement of all environmental laws and regulations must be the equally weighted counterparts of the preparatory actions provided by EIAs and EMMPs.
- AECEN remains ready to continue strengthening the capacity of developing countries in compliance and enforcement at all stages of project planning, construction, implementation, and decommissioning.
- A dedicated Asian network on EIA, possibly as an Asian chapter of IAIA, may make more sense, however, than AECEN continuing this work.
- The usual challenge of maintaining such a network is a lack of core funding for the secretariat and project funding for the South-South twinning, but additional resources to make such a campaign successful should be available.

Thank you for your attention.

