

Environmental Assessment Institutions for Countries in Silk Road

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Introduction

China proposed the *Silk Road Economic Belt* (SREB) strategy in order to promote connectivity and cooperation among countries primarily in Eurasia. Investments in infrastructure were welcomed by most of the governments of these countries, but challenges still existed when specific infrastructure projects were proposed. A significant number of international infrastructure investment projects within the SREB strategy are major projects, which would need to be submitted to environmental assessment (EA) in the receiving countries according to local legal frameworks. One of the main constraints for investment receiving countries was the major infrastructure planning system required, which would be strongly affected by the impact of assessment institutions and legislation. Therefore, exploring the impact of assessment legislation and institutions within the receiving countries would provide significant advice for the investing organizations. This short paper will focus on seven countries in the Silk Road Economic Belt, including, Kazakhstan, Kyrgyzstan, Turkmenistan, Uzbekistan, Tajikistan, Turkey and Mongolia. The scope of the analysis includes the scope of the EA legislation system and its overall procedures. This research will identify the similarity and several of key procedures in seven countries in the Silk Road Economic Belt, and analysis key issues for investment parties, and then provides suggestions.

Methodology

A literature review approach is used to examine the key EA procedures. A cross-national comparative study was used to analyse the environmental institutional systems in selected countries. Given that the countries in Central Asia have similar environmental assessment systems, this research will categorise the countries into three main groups: countries in Central Asia (Kazakhstan, Turkmenistan, Uzbekistan and Tajikistan), Turkey and Mongolia. These three types of countries are able to represent three types of environmental impact assessment systems around SREB.

Countries in Central Asian

Countries in Central Asia have historically been closely tied to historic Silk Road connected Muslim lands with the people of Europe, India, and China; the scope includes Kazakhstan, Kyrgyzstan, Turkmenistan, Uzbekistan and Tajikistan. These five countries belong to the former Soviet Union and they still share similarities in relation to political and social management. These countries have established an environmental legislation system in terms of Environmental Expertise and Environmental Protection. Environmental expertise has two types: state (SEE) and public (PEE). Projects with a negative SEE conclusion would not be approved.

Many laws, codes, regulations and decrees require projects with potential effects should submit to EIA/SEA. The scope includes but is not limited to the following types of projects. Projects should be submitted as follows (United Nations Economic and Social Council, 2007):

- Environment state at the location of the planned activity implementation;
- Alternative options for achievement of the planned activity purposes, including rejection of this activity;
- Perspectives on the socio-economic development of the region;
- Other requirements of the current legislation in the field of environment protection.

Procedures

- Pre-application consultation: Pre-application consultation is not a mandatory EIA procedure unless specific requirements are applied. However, this procedure is implemented as an agreement between the stakeholder communities and the developer to informally discuss a proposal with key stakeholders.
- Screening: The screening phase is also known as the initial environmental examination (IEE) in many countries, which would decide whether an EIA is needed or not.
- Scoping: The scoping phase aims to identify what factors in the development will or may have a significant effect. The scoping statement should cover the receptors that are likely to be affected; what approaches should be applied to measure and assess the core impacts; and areas which may need to be subject to more investigation and information.
- Production of the environmental investigation and impact statement: The EIS document should provide comprehensive information describing the project and what is involved; identifying and assessing potential impacts and receptors to be affected; identifying potential changes in the project since pre-application consultation, screening and EIS preparation; providing baseline conditions and likely modifications of the development and mitigation measures.
- Assessment: An assessment of adequacy and further consultation is to be delivered to seek the opinions of stakeholders in detail and provide their opinions on the project.
- Decision-making: Decision-making would be conducted by considering and evaluating all responses, objections and available data and then coming to a conclusion.
- Monitoring: Monitoring would be conducted after the development has been approved.
- The stakeholders can be categorised into statutory and non-statutory; statutory consultees are organizations that have to be consulted for the development. Non-statutory consultees are organizations who may be consulted based on the circumstances of the development.

Turkey

In order to deal with environmental degradation, Turkey introduced its first environmental legislation, Environment Code No. 28729, in 1983, and the latest revision is dated 25 November 2014. Under the influence of the European Union's EIA Directive; the procedures of the EIA system in Turkey are very similar to those in western European countries. Preparation of an environmental statement is obligatory for projects listed under the European Union's Annexes of the EIA/SEA Directive (Tekayak, 2014).

Procedures

- Initiating the EIA Process and Establishing the Commission: A commission shall be established consisting of stakeholders in the Ministry after the developer submits the relevant applications.
- Public Participation Meeting: a public participation meeting shall be organized by developers and the Ministry at the location of the project to collect their opinions.
- Scoping: The Commission would determine the scope of the assessment after evaluating the information collected.
- Examination of the Environmental Report: the Environmental Report prepared by organizations which have an EIA Proficiency Certificate would be examined for the accuracy and adequacy of the information and documents presented, likely environmental impacts of the project, the mitigation measures and the issues highlighted in the public participation meeting. The Ministry shall give a "Positive" or "Negative" decision on the project.

- Post-decision monitoring: The developer should prepare monitoring reports during the initiation, construction, operation and post-operation phases.

Mongolia

The EIA system in Mongolia was established during 1993-1994 and many amendments were made to the law in 2012. The EIA comprises the Environmental Impact Assessment, Accumulative Impact Assessment, Environmental Case Assessment and Strategic Environment Assessment and 4 separate guidelines are developed and validated by the Minister of the Ministry of Environment, Green Development and Tourism. The law on Environmental Impact Assessment defines two types of EIAs: the general EIA and the detailed EIA. The general EIA should be conducted for projects which make use of natural resources in their construction, renovation or expansion of new or existing industries, services or structures or in other forms.

Procedures

The screening process in the general EIA: The Ministry of Environment, Green Development and Tourism or the local authority review the overall screening to reach one of four conclusions: no detailed EIA is necessary, the project may be completed pursuant to specific conditions, a detailed EIA is necessary, or project cancellation.

The detailed EIA should be conducted by professional consulting companies certified from the Ministry of Environment, Green Development and Tourism, and, where necessary, an independent review can be conducted on the EIA report. The developer should submit environmental reports containing the following elements: environmental baseline data; project alternatives; recommendations for minimizing, mitigating and eliminating impacts; an analysis of the extent and distribution of adverse impacts and their consequences; risk assessment, an environmental protection plan; an environmental monitoring programme; and opinions of residents on whether the project should be implemented.

The environmental protection plan and monitoring programme must be approved by the Ministry of Environment, Green Development and Tourism, and inspected by the with presence of the local ranger, local environmental inspector, public representative Khural, local Governor and MEGDT.

Analysing

Most countries did not establish special environmental planning regulations for a long time, but most of their environmental protections and planning regulations cover environmental impacts assessment. Therefore, their environmental planning regulations are still in an early developing stage, with uncertainty and subjectivity. They have similarity key procedures in screening, scoping, production of the environmental investigation and impact statement, assessment and monitoring. The public participation process is incorporated in above procedures. Public participation in environmental planning procedures is the key issue for infrastructure investment in the above counties around SREB. Even if planning permission is supported by local government; public participation may stop the infrastructure projects. Failure to conduct appropriate public participation would lead to public confrontation, project delays and a significant increase in the difficulty and cost of the project. Public participation in environmental planning is a critical process to consult with interested or affected individuals and organizations before making a decision. It should be noted that this is two-way communication between decision-makers and interested or affected groups, with the aim of preventing, minimising and/or making trade-offs between the potential adverse impacts. The scope of public participation is quite extensive during the overall environmental planning process at more than one stage, including the Ministry in relation to environmental planning, the local environmental agency, EIA experts from government, industry and academia, non-governmental local community, and interested or affected groups. All the above parties should be fully informed and communicated with using a two-way communication approach, particularly the opinions of local communities. The local communities have a tendency to be

affected in many areas and both positive and negative impacts may be expected. Their opposition to infrastructure projects may be expressed not only during various stages of the environmental planning procedures, but also at the construction stage if they are not satisfied. Even if the local government and other interested parties would support the infrastructure project, the vast range of local communities concerns' would also influence political voices from other parties, and may cause substantial delays or cancellation of the project by applying various local regulations.

Conclusion and Recommendation

This research identifies the similarity and several of key procedures in seven countries in the Silk Road Economic Belt. This paper believe the key issues for investing contrives that is how to address local public participation. A check of cultural and legislative issues should be carefully conducted before investment decisions are made. Identifying the scope of stakeholders in the participation process before investment decisions are made, identifying and engaging with the authorities and interested or affected groups of the proposed projects. A partnership with local stakeholders must be established before a formal EIA application is made. Working in local partnership to address participation issues is recommended to ensure all stakeholders are consulted in a humble manner. If the proposed infrastructure investment would lead to negative environmental impacts, the appropriate environmental compensation must be made to interested or affected groups, and it should be ensured that the compensation adequately fulfils all the legislative requirements in the local country.

Appendix

Key legislations in selected countries	
Republic of Kazakhstan	<p>Law on the Protection of the Environment</p> <p>Law on Environmental Expert Review</p> <p>Tentative Instruction on Procedure of OVOS of Planned Activities</p> <p>Instruction on the Procedure of SER for pre-Project and Project Documentation</p> <p>On the Adhesion of the Republic of Kazakhstan to the Convention on Environmental Impact Assessment in a Transboundary Context</p> <p>On Ratification of the Framework Convention for the Protection of the Marine Environment of the Caspian Sea</p> <p>Instruction on Conducting Assessment of Environmental Impact of Planned Economic and Other Activities for Pre-feasibility, Pre-project and Project Documentation</p> <p>Guidelines on the Application in Practice of the Convention on Environmental Impact Assessment in a Transboundary Context</p> <p>Guidelines on Public Participation in Environmental Impact Assessment in a Transboundary Context;</p> <p>Guidelines on the Carrying Out of Environmental Impact Assessment in a Transboundary Context for the Countries of Central Asia</p> <p>Instruction on Conducting EIA of the planned economic and other activities for the pre-feasibility, pre-project and project documentation</p> <p>EIA Rules applied while developing state, sectoral, regional programs of economic development, industrial allocation schemes</p>

The Kyrgyz Republic	Law on Environmental Protection Law on Environmental Expert Review Law on Environmental Protection The Instruction on the Order of Conducting OVOS The Instruction on the Order of Conducting SER On Ratification of the EIA Convention in the Kyrgyz Republic Instruction on Environmental Impact Assessment (EIA) Procedures for Proposed Activities in the Kyrgyz Republic Instruction on Procedures for State Environmental Expert Review of Pre-project, Project and other Materials and Documents in the Kyrgyz Republic Law on Environmental Expertise Regulation on State Control for Environment Protection, Rational Use of Natural Resources and Provision of Environmental Safety
Republic of Tajikistan	Law of the Republic of Tajikistan on the Protection of the Natural Environment Regulation on State Environmental Expert Review (Expertise) No. 156 Law on State Environmental Expert Review Law on Environmental Expertise
Turkmenistan	Law on State Environmental Expert Review Law of Turkmenistan on Nature Protection Regulation on the Order of Conducting the State Environmental Expertise, President's Decree National Standard 579-2001 "EIA of the planned economic and other activities"
Republic of Uzbekistan	Law on Nature Protection Instruction on the Order of Conducting the State Ecological Expertise Instruction on the Order of Carrying out OVOS Law on State Environmental Expert Review
Mongolia	Law on Environmental Protection 1995 Law on Environmental Impact Assessment 1998
Turkey	Environment Code No. 28729 in 1983 By-law on Environmental Impact Assessment was promulgated on the basis of Article 10 of the Environment Code No. 2872.

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