



National Workshop On

Promoting Country System in Cambodia

May 24-25, 2011, Apsara Angkor Hotel, Siem Reap

EIA System and Challeng of EIA Application in Cambodia

Prepared by: Mr. DANH Serey,
Deputy Director of EIA Department
Ministry of Environment


E-mail : danhserrey@yahoo.com

HP: 855-16 821 353

I. THE EIA SYSTEM AND BENEFITS




1. EIA law and Regulations

- **Constitution Law 1993 (article 58)**
 - **Law on Environmental protection and natural resources management, 1996**
 - **Law on Protected Area Management, 2008**
 - **Sub-decree on EIA Process, 1999**
 - **Declaration on General Guideline for conducting IEIA/EIA Reports, 2009**
 - **Joint Declaration between MoE and MEF on Determination of Service Fee for EIA reviewing and Monitoring, 2000**
 - **Declaration on the Power of the Delegation to the decision making on Project development for Environmental Provincial Department, 2005**
 - **Joint Declaration between MoE and Ministry of Justice on Nominate MoE Officials as Police of Justice, 2008.**
- 

2-PROJECTS REQUIRING EIA

► Industry

- Foods, Drinks, Tobacco
 - Leather tanning, Garment and Textile
 - Wooden production
 - Paper
 - Plastic, Rubber and Chemical
 - Mining production other than metal
 - Metal industries
 - Metal Processing Industrials
 - Other Industries
- 

2-PROJECTS REQUIRING EIA [Cont.]

▶ Agriculture

- Concession forest (Prohibited)
- Logging
- Land covered by forest
- Agriculture and agro-industrial land
- Flooded and coastal forests
- Irrigation systems
- Fishing ports.

▶ Tourism

- Tourism areas
- Golf field

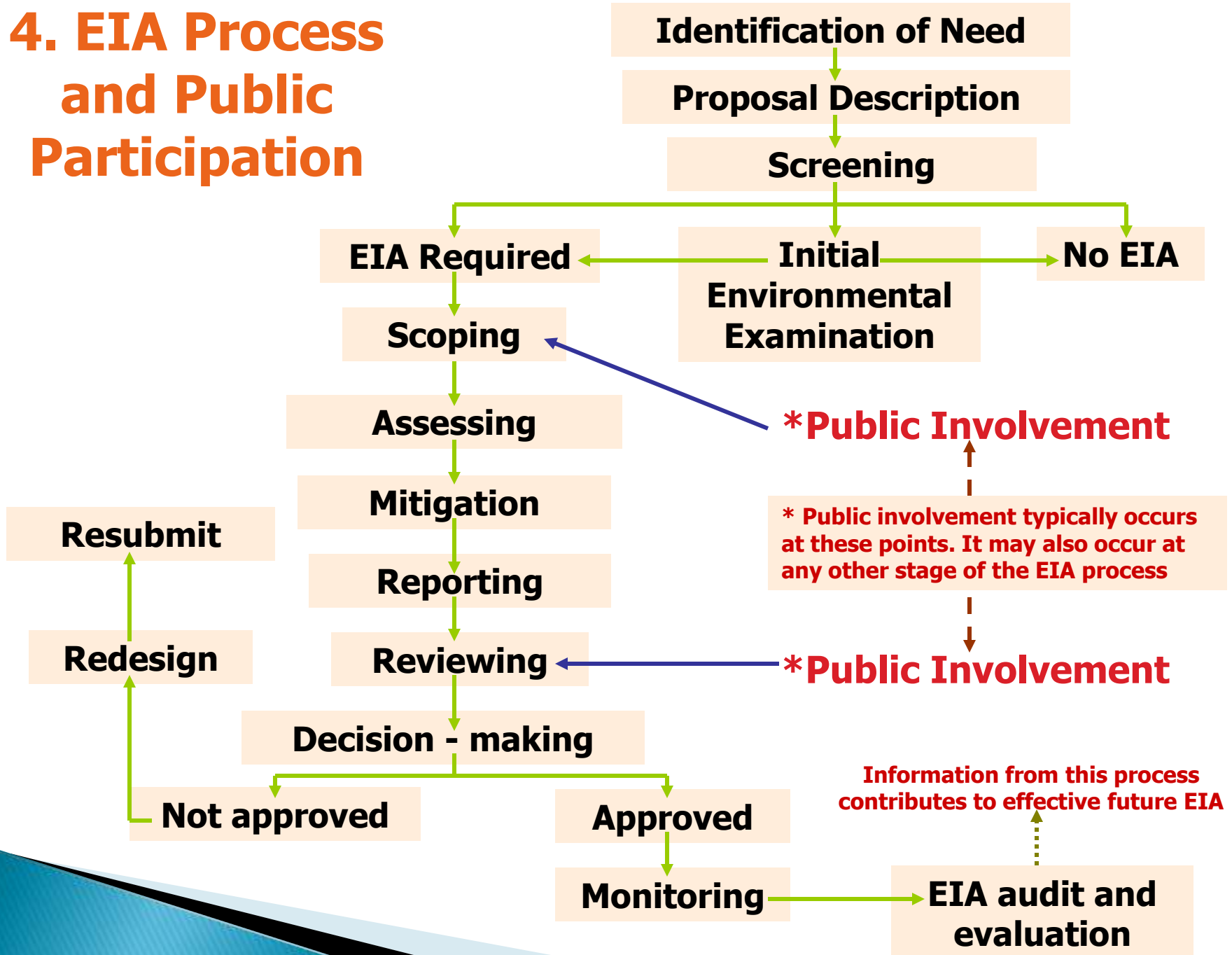
▶ Infrastructure

- Urbanization development
- Bridge, national road, railway and port construction
- Restaurant and hotel
- Airport construction
- Dumping site.

3. EIA Preparation / Guideline

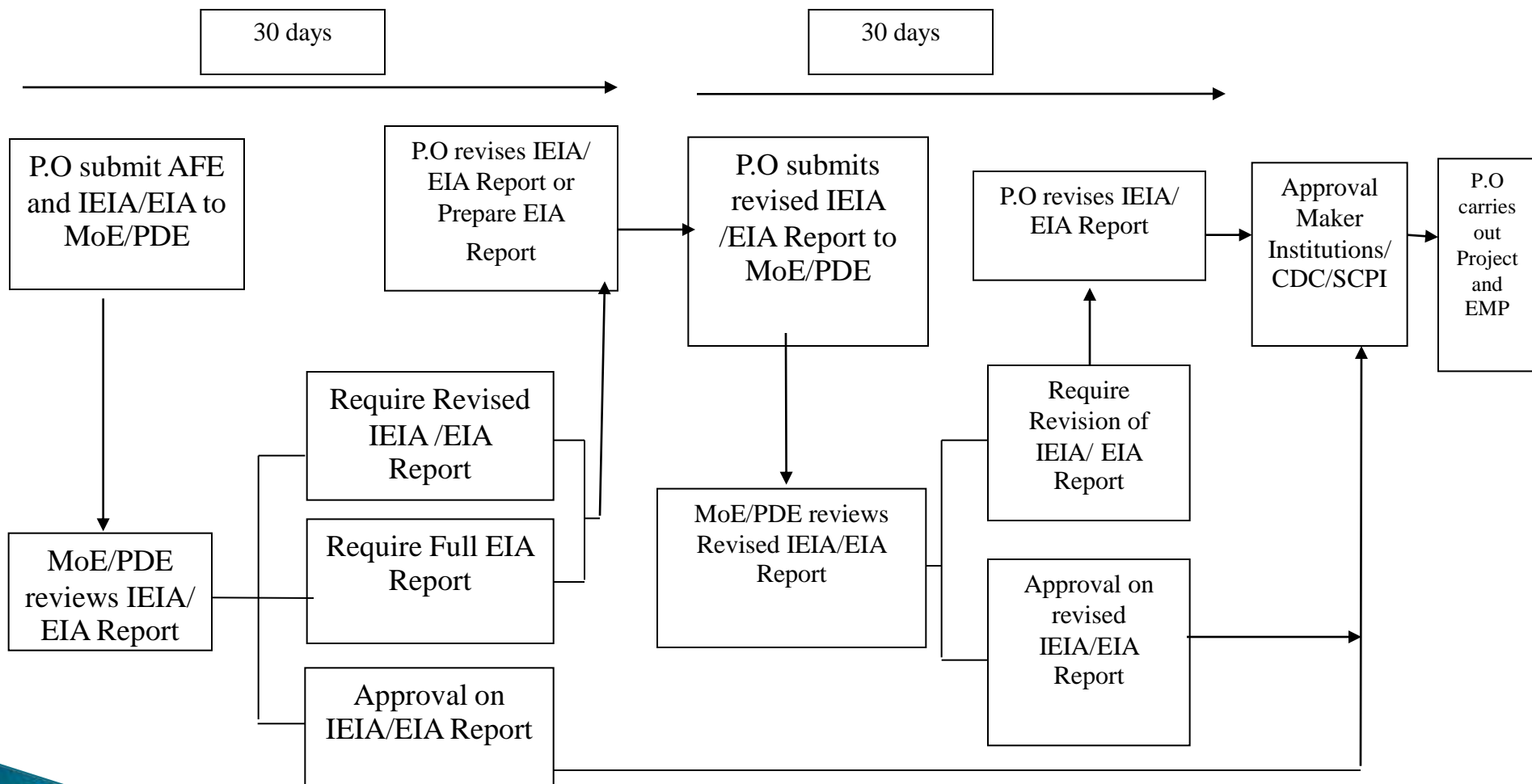
- Introduction
 - Legal Framework
 - Project Description
 - Existing Environment Description
 - Public Participation
 - Environmental Impact Assessment and Mitigation Measures
 - Environmental Management Plan
 - Cost-Benefit Analysis
 - Conclusion and recommendation
- 

4. EIA Process and Public Participation



EIA Process for Proposal Project that decided by Approval Maker

Institutions/CDC or Sub Committee of Royal Municipality-Provincial Investment (SCPI)



NOTE: IEIA: Initial Environmental Impact Assessment
 EIA: Full Environmental Impact Assessment
 CDC: Council for Development of Cambodia
 EMP: Environmental Management Plan

MoE: Ministry of Environment **P.O:** Project Owner
SCPI: Sub-Committee of Royal Municipality-Provincial Investment
PDE: Royal Municipality-Provincial Department of Environment
AFE: Application Form of Environment

5. Monitoring

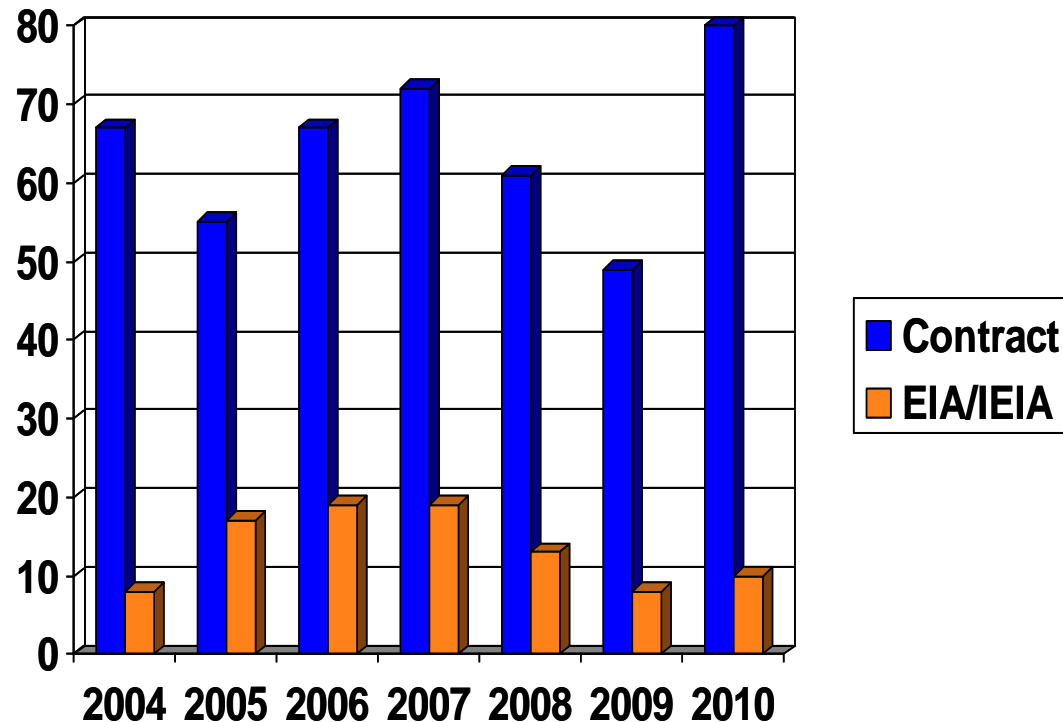
- ▶ Sub-Decree No. 72 on Environmental Impact Assessment Process
 - **Article 3:** The MoE has responsibilities as follows: follow up, monitor and take appropriate measures to ensure a Project Owner follow the Environmental Management Plan (EMP) while project construction, operation and closure is taking place and accede to their EIA report approved.
 - **Article 23:** Project Owner/Responsible Person must carry out the EMP as stated in the EIA within 6 months, commencing from the date of the MoE confirmation of their EIA report duly fulfilled the criteria of this sub-decree

II. EXPERIENCE IN EIA TO DATE



1 - Achievements : MoE Approvals of Contracts and IEIA/EIA Reports from 2004 to 2010


Year	Type of Approval Letter	
	Contract	IEIA/EIA
2004	67	8
2005	55	17
2006	67	19
2007	72	19
2008	61	13
2009	49	8
2010	80	10
Total	451	94



2– Challenges of EIA Sub-decree

- ▶ **Article 2:** “except a special case, where a project will be approved by the Royal Government”
 - “special case” has not been clearly defined
- ▶ **Article 4:** Institutions and ministries who are responsible for proposed project shall have the right to examine the EIA report that MoE approved. Then, the institutions make decide approval
 - In practice Institutions/Ministries decide on approval of projects first then they submit the EIA report to MoE
- ▶ **Article 28:** The MoE must to halt all existing/ongoing activities of Project Owner/Responsible Person, which failed to accomplish the EMP.
 - The MoE (EIA Department) has never halted a project activity which failed to submit an EMP

2– Challenges of EIA Sub-decree [Cont] Industry

- ▶ All sizes of Wine Manufacturing enterprises are required to conduct EIA report
 - MoE cannot handle applications from small family type enterprises
 - ▶ Garment factories are required to provide EIA reports
 - In practice MoE requires these projects to make an Environmental Protection Contract instead of an EIA report
- 

2– Challenges of EIA Sub-decree [Cont]

Agriculture, Forests, Fisheries

- ▶ Agro-industry land concession in excess of 10.000 hectares, is required to conduct an EIA and report
 - In the Land Law, the land concession provided is under/equal 10.000 hectares.
- ▶ Forest concession: Annex of the EIA sub-decree requires forest land concessions (more than 10.000 hectares) to conduct EIA and report
 - But the Forest Law prohibits this
- ▶ All sizes of port have to conduct EIA and report
 - This is impossible to apply to all fishing and small ports

2– Challenges of EIA Sub-decree [Cont] Infrastructure

- ▶ Hotel and restaurant constructions are in the infrastructure section but it is more related to Tourism
 - Therefore we need to move it into the Tourism section
- If a Hotel larger than 40 rooms is near a coastal area, it is required to conduct EIA and report
 - If the hotel is adjacent to river side, the sub decree does not mention
- ▶ Road construction in excess of 100 Km is required to conduct an EIA and report.
 - But road construction under 100 Km, where there may be large scale negative impacts to the physical and social environment should also do EIA and report

3– Project types not included in the annex of the EIA Sub-decree

➤ Agriculture:

- Aquaculture (fish, shrimp and crab framings, algae farming;
- Animal zoo;
- Animal farming such as monkey farming, etc.

➤ Tourism

- Tourism port;
- Navigation;
- Tourism zone are less than 50 hectares but it is a large scale of negative impact to natural resources. For example Koh Dek Kaul. etc.

➤ Infrastructure

- Road rehabilitation and maintenance;
- Rural road construction;
- Rural road construction in the protected areas.

➤ Other sections:

- Transmission line;
- Optique Cable Network etc.

4– Problems in alignment with system


➤ Development partners

- Tend to submit EIAs for approval after preparing project
- Use their own systems, parameters and formats for EIAs

➤ Private developments

- Work through CDC without reference to MoE
- Often fail to submit EIAs [only about 10 per cent do so]

5– Other challenges

- Lack of law enforcement
 - Lack of laws and regulations related to EIA
 - Lack of human resources and equipment to support EIA applications
 - Lack of financial and technical support
- 

3. PROPOSALS AND RECOMMENDATIONS



MoE (EIA Department) proposals for support

► **1st Priority:**

- Develop the EIA law (MoE would like to change the EIA sub-decree to a law because the sub-decree is not complete and it has no power for penalty or fine)
- Strengthen and increase close cooperation with CDC and line ministries on environmental law enforcement
- Develop sector guidelines
- Develop a Sub-decree on Social and Environmental Fund
- Capacity Building on EIAs

► **2nd Priority:**

- Develop an Environmental Monitoring Law
- Develop a Strategic Environmental Assessment Law (SEA Law)

Thank you

