

KINGDOM OF CAMBODIA
NATION RELIGION KING

MINISTRY OF ENVIRONMENT

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LAW

ON

ENVIRONMENTAL IMPACT ASSESSMENT

Draft February 05, 2015

CHAPTER 1

GENERAL PROVISIONS

ARTICLE 1.

This law has the purpose to protect the environment, to conserve ecosystems, ensure appropriate use of natural resources, and promote sustainable development by establishing mechanisms for environmental impact assessments caused by all development projects that may create impacts on the environment, health, society, economy and culture.

ARTICLE 2.

This law has the objectives:

1- to determine that EIA must exist for both public and private development project, before being submitted to competent unit or ministry and the Royal Government to make decision;

2- to promote public participation and the rights of the public to receive information about development project that may cause impacts on environment, health, economy, society, and culture;

3- to ensure that EIA is conducted in an effective, transparent, and equitable manner, and

4- to promote the effectiveness of the establishment and the monitoring of the implementation of the measures for preventing, avoiding, or mitigating negative impacts as well as the measures for repairing, restoring, or compensating for the damages caused by development projects.

ARTICLE 3.

This law applies to both public and private development projects which include proposed projects, existing projects and projects in operation in the territory of the Kingdom of Cambodia.

This law also applies to development projects that have not conducted EIA including the projects that have received or have not received permission letter, licenses, decisions from competent ministries or institutions that approve the projects.

This law also applies to any development projects that may cause trans-boundary impacts on environment, health, economy, society and culture in cases where there is an acceptance through a bilateral or multilateral agreement, or an international treaty on trans-boundary impact assessment (TbEIA) to which the Kingdom of Cambodia is a signatory.

Criteria and the screening of the types of projects that are required to conduct EIA shall be determined by Sub-decree.

ARTICLE 4.

This law does not apply to State's development projects or State activities that have been approved by the government or the National Assembly and that are considered to be necessary or emergency projects relating to national security, territorial integrity, national sovereignty, or disaster management.

ARTICLE 5.

Definition of terminologies used in this law shall be determined in the Glossary of this law.

CHAPTER 2

PRINCIPLES OF ENVIRONMENTAL IMPACT ASSESSMENT

ARTICLE 6.

All development projects must properly assess the impacts on the environment, economy, society, health and culture with prior approval of the MoE before being sent to the government for decision. Licenses, permission letters, or decisions that are in contradiction to the spirit of this provision are considered null and void.

ARTICLE 7.

An Environmental Impact Assessment (EIA) process is not valid unless that EIA process is done in accordance with conditions provided for in this law and always ensures compliance with the following principles:

- Natural persons, public legal entities, private legal entities, the private sector, civil society, and project-affected communities have the right to receive information, and the right to provide comments in the EIA process in accordance with the formalities, procedures, and conditions determined in Chapter 5 of this law.
- The EIA shall always adopt and apply the precautionary principle to prevent the risks that may be caused directly or indirectly by the implementation of the development project,. In cases where the study has found that the environmental situation may face with threats of serious or irreversible environmental damage, then the vagueness and the lack of full scientific certainty shall not be used as a reason for denying the existence of the risks to environmental quality and biodiversity resources. The doubt in this case shall be interpreted for the benefit of forbidding the implementation of the project.
- EIA shall adopt and apply the principle of inter-generational equity by ensuring that the needs of the present do not impact on the needs of future generations.
- All persons, including natural persons, private legal entities, and public legal entities who have caused or will cause environmental pollution – such as pollution by noise, vibration, smell, smoke, draining of liquid waste or emission of all kinds of waste or causing damage to the environment, health, economy or society or culture – shall bear the cost for repairing the damage, preventing, and avoiding and mitigating the damage.

CHAPTER 3

RESPONSIBLE UNIT

ARTICLE 8.

The Ministry of Environment (MoE) is the assisting body of the government that has exclusive competence in managing EIA.

The MoE has the following duties:

- Establishing Expert Review Committee as need be
- Issuing of the EIA Approval Letter and Certificate
- Adopting Guidelines on Screening Criteria
- Determining Criteria of the Scope of Project and Terms of Reference

- Adopting Guidelines on EIA, SEA and/or EMP
- Implementing principles on EIA and/or EMP that have been approved and implemented by the MoE
- Adopting Guidelines for Public Participation in EIA process
- Determining Conditions, Qualifications, formalities and Procedures for the Registration of EIA Consultants
- Establishing and developing the legal framework for the implementation of Trans-boundary Impact Assessment, such as legal instruments, guidelines, and the methodology of TbEIA.

ARTICLE 9.

The EIA Unit is the direct assisting body of the MoE for EIA and SEA.

The EIA Unit has the functioning structure at both national and sub-national levels.

The organization and functioning of the EIA Unit shall be determined in a Sub-decree proposed by MoE.

ARTICLE 10.

The EIA Unit has the authority:

- to check the EIA and issue permits and decisions on EIA related issues in accordance with the law and procedure in force after receiving the decision from the Minister of Environment.
- to monitor, check, inspect, investigate, research, advise, and take actions itself or in cooperation with relevant stakeholders on the implementation of all projects and activities.

ARTICLE 11.

The EIA Unit has the following duties:

- Being in charge of implementing this law under the supervision of the Ministry of Environment.
- Being in charge of screening the proposed projects, determining the scoping of project, the terms of reference, reviewing EIA reports and all related documents, and ensuring that public participation is conducted in accordance with the provision of the Law.
- Investigating and monitoring all project activities as set in the Environmental Management and Monitoring Plan (EMP) after the Project Proponent has received the EIA Approval Certificate, to ensure compliance with this law.

ARTICLE 12.

Officials of the EIA Unit of the Ministry of Environment have the following authorities:

- To inspect and monitor compliance with the laws and regulations in force, guidelines, Environmental Protection Agreement, standards, EMPs and other related environmental requirements. In necessary cases, EIA officials can order the project proponent to provisionally postpone activities or provisionally close the location of the project.
- To check documents and electronic data on environmental management and other records on development projects and project operations
- To listen to and make minutes after listening to the answers of workers, employees, representatives of Project Proponents as well as other relevant persons

- To order the workers, employees, managers, legal representatives, and agents of development projects to provide information, written documents, plans as well as minutes of all kinds that are related to the environmental management of a Project Proponent
- To search the project site and seize evidence where a violation of laws or regulations on EIA or EMP is suspected to have been committed
- To meet with Boards of Directors, legal representatives, workers, and employees of development projects at least once per year in order to assess the implementation of this law and other relevant regulations
- To make minutes of searching and seizing of evidence in order to compile the case file of the commission of the offense against this or any other law in order to take measures in accordance with procedures in force.

ARTICLE 13.

Capital and Provincial Environmental Departments of the MoE shall take part in implementing this law in accordance with the laws and regulations in force as well as the assignment of the MoE.

CHAPTER 4

ENVIRONMENTAL IMPACT ASSESSMENT PROCESS

SECTION 1

ENVIRONMENTAL IMPACT ASSESSMENT FOR PROPOSED PROJECTS

ARTICLE 14.

The MoE shall conduct screening to determine the type of development projects, to require the project proponent to prepare the following documents:

1. an IEE with an attachment of Environmental Protection Agreement;
2. an EIA with an attachment of Environmental Protection Agreement.
3. an Environmental Protection Agreement (EPA)

The projects that are required to prepare IEE or EIA or EPA shall be determined by a sub-decree.

The projects that are required to prepare an EPA shall attach with it technical principles such as Environmental Protection Plan (EPP) in accordance with the requirements of the MoE,

The MoE can determine additional screening of the type of project based on the scale of environmental and social impacts which shall be determined by Prakas of the MoE.

ARTICLE 15.

In cases where there is any transfer or changes to the Project Proponent by any reasons, then the IEE and/or EIA Approval Letter and Certificate as well as contract and all conditions provided for in this paragraph shall be automatically transferred to the new Project Proponent. The Contract of Transfer or the changes of the Project Proponent shall not be valid for implementation unless the transfer or the changes are done after MoE has received notification about the changes.

ARTICLE 16.

IEE report shall be required for:

1. Projects listed in sub-decree.

2. Projects that have prepared Environmental Protection Agreement and decided by MoE that they do IEE.

When the proposed project is required to do an IEE, the Project Proponent shall cooperate with consulting firms in order to prepare the Terms of Reference (ToR) in accordance with the provisions and guidelines of MoE and submit to EIA Unit for final approval.

Project Proponent and consulting firms shall prepare IEE report based on the approved ToR.

ARTICLE 17.

An Environmental Impact Assessment report shall be required for:

1- Projects listed in the Sub-decree or;

2- Projects that have received an IEE and the result of the study demonstrate serious impacts on environment and society and the MoE requires the project to conduct an EIA.

When the proposed project is required to undertake an EIA report, the Project Proponent shall collaborate with consulting firms to draft the Terms of Reference in accordance with any provisions and guidelines of MoE and submit to EIA Unit for final approval.

Project Proponent and consulting firms shall prepare EIA report based on the approved ToR.

ARTICLE 18.

An Environmental Protection Agreement shall be entered to by all projects that are listed in sub-decree or projects with little negative impacts on environment and society.

When the proposed project is required to conduct an EPA, the project proponent shall enter into to the EPA by attaching with it the technical principles such as. Environmental Protection Plan and relevant documents and submit to EIA Unit for final approval.

The form of EPA and EPP shall be determined by MoE.

ARTICLE 19.

All development projects that are required to perform an EIA are required to have technical comments from the Expert Review Committee.

The composition of the Expert Review Committee includes officials from MoE and relevant ministries and institutions, and independent experts with qualifications and appropriate experience in reviewing EIA reports. Members of an Expert Review Committee shall be selected on a project-by-project basis by MoE based on the technical aspects of the EIA report.

The organization and functioning of the Expert Review Committee shall be determined by Prakas of MoE.

The members of the Expert Review Committee shall be reimbursed for their services based on an agreement between MoE and each member in accordance with the Guidelines of Environmental Fees and Charges.

ARTICLE 20.

The IEE or EIA report is only valid if:

1- The report has been prepared by a legal entity to which MoE has granted accreditation as an EIA consulting firm.

2- The report has been prepared in accordance with the procedures, conditions and guidelines determined by Prakas of MoE.

ARTICLE 21.

EIA Consultants, which could either be natural persons or legal entities, shall be under the management of the MoE.

EIA Consulting Firms shall have Khmer nationality with the project team leader who is the consultant accredited by the MoE.

All EIA consultants must be registered with MoE before professionally preparing EIA with an EIA consulting firm.

Registration of certificates of accreditation as an EIA Consultant shall be valid for a maximum period of 5 years and may be renewed.

Qualifications, formalities, conditions and procedures for registration and renewal of registration for accreditation as EIA Consultant shall be defined by Prakas of the MoE.

ARTICLE 22.

The MoE has a period of 30 (thirty) working days to review, comment, approve, reject, or require adjustment or correction to Environmental Protection Agreement and Environmental Protection Plan. The period is counted from the date of the submission of Environmental Protection Agreement, Environmental Protection Plan, and relevant documents.

ARTICLE 23.

MoE shall review and comment on the IEE report within sixty (60) working days counting from the date of receiving the report. The period of sixty (60) days will expire when the Ministry of Environment has provided the comments regardless of whether the comment is in the form of rejection, approval, or an order to make modification or improvement on the reviewed report.

The period of sixty (60) days of working days for the review and comment shall always restart when MoE receives an application asking for review as well as the final EIA report which the Project Proponent has corrected in accordance with the order or instruction that MoE has provided previously.

The Project Proponent shall be liable for any damages caused by their own mistakes for the slowness or failing to make correction in accordance with the above order or instruction.

ARTICLE 24.

MoE shall review and comment on the EIA report within ninety (90) working days counting from the date of receiving the report. The period of the ninety (90) days will expire when the Ministry of Environment has provided the comments regardless of whether the comments are in the form of rejection, approval, or an order to make modification or improvement on the reviewed report.

The period of ninety (90) days of working days for the review and comment shall always restart when MoE receives an application asking for review as well as the final EIA report which the Project Proponent has corrected in accordance with the order or instruction that MoE has provided previously.

The Project Proponent shall be liable for any damages caused by their own mistakes for the slowness or fail to make correction in accordance with the above order or instruction.

ARTICLE 25.

During the period for review and comment determined in Article 23 and 24 of this law, MoE shall review and comment on the IEE or EIA report after:

- Listening to and considering the official presentation and defending of the report which is conducted by the Project Proponent and consulting firm;
- Considering the comments of direct or indirect project-affected people, opinion of the public and civil society;
- Considering the comments from relevant ministries or institutions, and
- Considering the proposed comments of the Expert Review Committee;

MoE is responsible for ensuring a fair public participation process by inviting representatives of relevant ministries or institutions, territorial authority, civil society, and project-affected persons to provide comments on the proposed project.

ARTICLE 26.

The provision of comments in the form of approval or rejection, or the ordering to make adjustments or corrections on IEE or EIA shall be done by taking into consideration the advantages and disadvantages of environment, economy, society, and culture by examining the scope of the project, geographical location, potential impact, other special features of each project, and effectiveness of the implementation of management measures, and/or the protection of environmental quality and social impact mitigation in accordance with the level of the development of technology and science.

In case where MoE approves any IEE or EIA report, MoE shall issue an EIA Approval Letter and Certificate for the project by attaching with it the Environmental Protection Agreement.

In case where the MoE rejects an IEE or EIA report, the MoE shall provide the reasons for the decision.

In case where the MoE provide comments of ordering to make adjustments or corrections of the IEE or EIA report, the MoE shall provide reasons and clearly demonstrate the points that need to be adjusted or corrected.

ARTICLE 27.

Before the decision to grant an EIA Approval Letter and Certificate to development projects which are located in the areas where the indigenous people live, MoE, members of the Expert Review Committee and relevant stakeholders involved in the decision making must take strong heed and special consideration about the project in order to avoid negative impact on the culture, custom, tradition, livelihood, and the property of the indigenous people.

ARTICLE 28.

MoE shall send the decision on the rejection or the order to make adjustment and correction in writing as well as the reasons or condition and/or the points that need to be adjusted or corrected to the Project Proponent and consulting firm in order to prepare the EIA report.

MoE shall send the EIA Approval Letter and Certificate as well as the Environmental Protection Agreement to the Project Proponent and relevant competent ministries and institutions such as Council for Development of Cambodia, relevant competent ministries or institutions, Capital and Provincial Departments of Environment and relevant Commune and Sangkat Councils.

MoE shall disseminate its decision of approval which includes EMP and the above-mentioned relevant conditions to the public by making them publicly accessible through its website and/or publication in the news media in accordance with the circumstances and necessity.

ARTICLE 29.

Project Proponents shall not commence any construction activities or Project operations until after the EIA Approval Letter and Certificate has been issued for the Project. The Ministry of the Environment shall have the power to postpone all construction activities or Project operations that do not have an EIA Approval Letter and Certificate.

All Concession Agreements that are granted by the Royal Government of Cambodia at both national level and Capital and Provincial level shall have an official EIA Approval Letter and Certificate with an attachment of Environmental Protection Agreement (EPA).

ARTICLE 30.

The EIA Approval Letter and Certificate shall be valid for the life cycle of the project. In case where the MoE finds that there are changes to Master Plan or that the IEE or EIA reports are not adequate or effective for the implementation of impact mitigation measures, the MoE has the rights to require the project proponent to re-prepare an EIA report and/or to update the existing EIA report in order to receive a new EIA Approval Letter and Certificate in accordance with conditions determined by MoE.

SECTION 2

EIA FOR EXISISTING PROJECTS AND PROJECTS IN OPERATION

ARTICLE 31.

MoE in consultation with relevant Ministries or institutions shall prepare Guidelines based on project screening for the types of projects that have not conducted the EIA to require the Project Proponent to prepare an IEE or EIA report for existing projects or projects in operation.

The Guidelines shall be published within three (3) months after the MoE has made decision on these guidelines.

Project Proponents shall cooperate with consulting firms to complete their IEE or EIA reports and submit these documents to MoE for review and comments in a period determined by MoE.

MoE shall review, comment, and make a decision on these IEE or EIA reports in accordance with the provisions of Chapter 4 of this law.

SECTION 3

CLIMATE CHANGE IMPACTS ASSESSMENT

ARTICLE 32.

All EIAs must analyze and assess the potential impacts and vulnerabilities of the Project caused by climate change and development activities that are potentially imbalanced by affected environmental conditions, in order to achieve economic development with low greenhouse gas (GHG) emission that is a primary target of Green Growth.

In conducting an EIA, the Project Proponent must include the assessment on the risks and vulnerability of the project to climate change, climate change resilience in order to propose

mitigation measures for the risks of climate change impacts, and include emergency response planning and technology choices to prepare for climate change impacts.

ARTICLE 33.

The EIA must include a calculation of the greenhouse gas (GHG) emission of the project including an analysis on future greenhouse gas (GHG) emissions.

The Project Proponent shall assess both low GHG energy options and the need to mitigate climate induced changes to water supply.

SECTION 4 CUMULATIVE IMPACT ASSESSMENT

ARTICLE 34.

All EIAs must analyze and evaluate the cumulative impact caused by existing and future projects in the surroundings of the Project, which may trigger significant environmental or social impacts.

In the cumulative impacts assessment report, the Project Proponent must evaluate the capacity of physical, biological and social economic resources to accommodate additional effects based on their own time and space parameters and project activities surrounding the project sites.

Project Proponents must consider alternative mitigation measures to offset or avoid potential significant cumulative impacts.

SECTION 5 HEALTH IMPACT ASSESSMENT

ARTICLE 35.

All IEEs and EIAs must include a Health Impact Assessment (HIA) that includes:

- baseline data on health in the project areas and of the affected populations;
- description of potential project impacts due to construction, population influx and changes to the environment;
- the mitigation measures to offset, reduce or even eliminate negative impacts of the project and measures that will be introduced by the Project Proponent to improve health of the local communities; and
- the issues related to monitoring health conditions and managing remaining impacts in the short and long-term for the project.

ARTICLE 36.

In assessing the health impacts, Project Proponents must:

- propose a safety and health management plan as part of the HIA for the working environment, analyzing relevant risks and specific classes of hazards in the proposed project areas, including physical, chemical, biological, and radiological hazards.
- identify and assess the risks to, and potential impacts on, the safety and health of affected communities during the design, construction, operation, and decommissioning of the

project, and establish preventive measures and management plans for the impacts during these stages.

CHAPTER 5

PUBLIC PARTICIPATION PROCESS

ARTICLE 37.

The main objective of public participation is to ensure that project-affected persons and relevant stakeholders:

- are well informed about the project,
- have the opportunity to be involved in the discussion and decision-making process related to the project, and
- have the opportunity to participate in the project monitoring.

Project Proponents that are required to conduct an EIA shall include public involvement and consultation from local administrations, civil society, community representatives, the project-affected persons and other relevant stakeholders in the EIA process during project planning in order to:

- identify areas of significance of environment, economy, society and culture
- collect opinions of stakeholders and integrate such opinions into the decision making process
- review the project proposal and explain impacts on environment, economy, society, and culture.
- consider a wider range of alternatives and mitigation measures.

The public participation process in the stage of studying, consulting and reviewing the EIA report and project monitoring shall be determined by Prakas of MoE.

ARTICLE 38.

The EIA Report shall:

- record the public participation and the Project Proponent shall take this into account during the planning and conduct of EIA.
- focus on the issues raised by women and those most vulnerable potentially impacted by the proposed project.
- include the details of the project impacts on the public and the acceptance or rejection of the requests of the public.
- provide clear reasons why those concerns are rejected.

ARTICLE 39.

The public participation process shall ensure that the consent of the project-affected communities to the proposed mitigation measures is based on the free, prior, and informed consent principle (FPIC).

In the mitigation measures, the Project Proponent shall:

- identify measures to improve the livelihood and to assist project affected persons.
- ensure that project-affected persons are involved in any resettlement planning to minimise the adverse effects of resettlement, to ensure that compensation for lost assets is fair,

suitable and acceptable as equivalent to the market price and that the mitigation measures are appropriate and sustainable.

In cases where the project-affected community disagrees with the mitigation measures proposed by the Project Proponent, the development project still continues; however, the Project Proponent shall seek other appropriate mitigation measures or provide resolution of the impacts to the affected community.

The procedure of resettlement and solution of compensation to the affected community shall be determined by Sub-decree.

The formalities and procedures of payment of compensation to the impacted community shall be determined by an Inter-Ministrial Prakas between MoE and the Ministry of Economy and Finance.

ARTICLE 40.

MoE shall ensure that IEE and EIA reports and related documents, including the EIA Approval Letter and Certificate and EMP, shall be made publically available, and that stakeholders and project-affected communities have access to clear and sufficient information.

At a minimum the Project Proponent shall make available on publically accessible website copies of the IEE or EIA, any EMP for the project, maps and plans of the project and all proposed mitigation measures for the project.

The procedures for public participation and access to information shall be determined by a Prakas of MoE.

CHAPTER 6

ENVIRONMENTAL MANAGEMENT AND MONITORING

ARTICLE 41.

The EIA Unit and Provincial/Capital Department of Environment are the monitoring authorities on Environmental Management Plans and following up on Environmental Management Plan implementation of Project Proponents by cooperation with the Ministry of Environment, relevant institutions, local authorities and stakeholders.

ARTICLE 42.

An Environmental Management Plan (EMP) shall be prepared by the Project Proponent.

The EMP shall include the protection, mitigation, monitoring and management requirements that were identified in the IEE and EIA reports.

The EMP shall be regularly updated to take into account any amendments in Environmental Standards, or changes in sector performance practices or other changing circumstances of the Project.

ARTICLE 43.

All development projects and project operators shall establish and maintain an Environmental Management System (EMS) that shall ensure the self-monitoring procedures and methods as stipulated in their EMP.

In cases where the environmental impacts are greater than those estimated in the EIA report or EMP, then the MoE shall require immediate action to remedy the impact or an adjustment of the EMP.

The adjusted EMP and monitoring program shall be approved by MoE. A time limit to make adjustments or improvements shall be agreed upon in writing by all parties.

The Project Proponent shall prepare the environmental monitoring report every three (3) months and submit to MoE for review and evaluation. The EIA Unit has the right to make site inspections and verify the monitoring data of the Project Proponent.

ARTICLE 44.

Project-affected persons shall have the right to report issues and grievances of environmental and social concerns to the Project Proponent and to petition competent authorities. Such issues will be addressed by a sub-national commission and it can continue to an inter-ministerial commission established as part of the EMS.

Relevant competent authorities shall respond to the grievance or petition and deal with concerned environmental and social issues within an appropriate time limit and inform the concerned persons accordingly.

The formalities and procedures of the grievance or petition shall be determined by Prakas of MoE.

ARTICLE 45.

Those projects identified in the Prakas on the list of projects that are required to have an external environmental audit shall be audited by an external environmental auditor as stipulated in a Prakas on External Environmental Audit.

The external environmental auditor has the following roles and duties:

- assist in maintaining proper environmental records correctly and completely;
- provide a professional audit opinion as to whether the environmental statements present a full and fair view of the environmental management of a concerned project or its operations;
- review the adequacy of internal environmental management and monitoring practices and procedures and make recommendations for remediation;
- inform about any irregularity or deficiency in its internal environmental management.

A copy of the audit report(s) produced by the External Environmental Auditor shall be made available to MoE.

ARTICLE 46.

Each development project shall prepare an Environmental Monitoring Report of the project as follows:

- A Quarterly Report (every three months) covering all environmental management and monitoring results shall be submitted to the EIA Unit;
- Within three (3) months after the financial year the Project Proponent shall prepare and submit an annual environmental report, including the environmental auditor's opinions;
- Provide copies of the Project's annual environmental report to the public on request without charge;
- Provide an electronic copy of the annual environmental report that will be placed on the publicly accessible web-site of MoE and by the Proponent on a publicly accessible web-site.

ARTICLE 47.

Each development project with an EIA Approval Letter and Certificate shall submit a quarterly and semi-annual report to the EIA Unit concerning its environmental management and monitoring;

Project Proponents have the obligation to promptly report a critical environmental problem to relevant and competent authorities and to the public to avoid negative impacts to the environment or society;

Project Proponents shall provide information related to environmental management of the project to MoE in accordance with the request of MoE.

CHAPTER 7

STRATEGIC ENVIRONMENTAL ASSESSMENT AND TRANS-BOUNDARY IMPACT SECTION 1

STRATEGIC ENVIRONMENTAL ASSESSMENT (SEA)

ARTICLE 48.

The Ministry of the Environment is responsible for reviewing and undertaking sectoral Strategic Environmental Assessment (SEA) of policies, programmes and strategic plans of the Royal Government as well as reviewing the comments received from relevant agencies and the public.

The important development sectors that are required to perform SEA shall be determined by a Sub-decree.

MoE shall establish Guidelines for the conduct of Strategic Environmental Assessment.

SECTION 2

TRANS-BOUNDARY IMPACTS ASSESSMENT

ARTICLE 49.

A Project that has potentially significant trans-boundary environmental impacts is required to conduct a trans-boundary Environmental Impact Assessment (TbEIA).

MoE shall establish Guidelines for screening criteria of environmental significance or thresholds for TbEIA, in accordance with current principles of TbEIA.

The formalities and procedure for the implementation of TbEIA shall be determined by a Sub-decree.

CHAPTER 8

SERVICE FEES AND OTHER CHARGES

ARTICLE 50.

The Project Proponent is liable for all expenses incurred in preparation of the Initial Environmental Examination (IEE) report or the Environmental Impact Assessment (EIA) report and for the expenses for project screening, for project scoping, for the public participation process, for the review and comment on the IEE or EIA report by MoE, for reviewing Environmental Monitoring Report, and for the work of the Expert Review Committee.

ARTICLE 51.

The Project Proponent is liable for the expenses of the preparation and implementation of the Environmental Management and Monitoring Plan (EMP) and costs to cover implementation and monitoring of measures on reduction of the impacts on environment and society as delineated in the EMP and SDP.

ARTICLE 52.

A detailed budget of estimated costs for environmental impact mitigation measures that must be included in the EMP shall be borne by the Project Proponent.

The cost of making documents publically available, including web-site access, as stipulated in Article 40 of this law shall be borne by the Project Proponent.

All costs to adjust or improve the mitigation measures and project monitoring program as stipulated in Article 43 of this law shall be borne by the Project Proponents.

All expenses for dispute resolution in both inside and outside of the court system as stipulated in Article 65 of this law are the responsibility of the Project Proponent.

Service fees and other charges shall be determined by an Inter-ministerial Prakas between the MoE and the Ministry of Economy and Finance.

ARTICLE 53.

When the Project Proponents submit application for review and comment on IEE or EIA report, MoE has the duty to collect fees and service charges as provided in an Inter-Ministerial Prakas between MoE and Ministry of Economy and Finance on Service Charges for reviewing EIA report.

ARTICLE 54.

The Project Proponent shall make payment of fees and service charges for reviewing Environmental Monitoring Report to MoE to be used for capacity building of the officials of MoE to enable MoE to carry out its duties to review monitoring reports, respond to requests for investigation of environmental complaints, and to carry out routine compliance monitoring during both construction and operation phases of the project.

ARTICLE 55.

The Project Proponent shall make payment of a minimum of 1% of the project costs to Environmental and Social Fund to the MoE.

An Environmental and Social Fund shall be created by the Ministry of Environment to provide finance for the restoration of environment, conservation of biodiversity and social development in and around the area where the project is located. The Environmental and Social Fund shall be managed by MoE in a manner determined by Sub-decree.

ARTICLE 56.

The Project Proponent shall make payment of Environmental Endowment Fund based on the agreement between MoE and Project Proponent, on an annual basis until the end of business, based on the type and scale of development project.

ARTICLE 57.

The MoE, and Provincial or Municipal Departments of Environment, and responsible environmental agencies and local administrations have the right to make proposals for awards or certificates of encouragement, or other appropriate forms of recognition for the achievement of the EA process in Cambodia to persons, entities, companies or any organization that has made remarkable accomplishments in environmental assessment activities.

CHAPTER 9 JUDICIAL POLICE OFFICERS

ARTICLE 58.

Composition of EIA judicial police officers includes:

- Officials of the EIA Unit
- Officials of the Capital/Provincial Departments of Environment

In order to be accredited as EIA judicial police officers, the EIA judicial police officers of the MoE shall take an oath before the Court of Appeal. The judicial police officer is not required to swear in again when he has a legal accreditation as judicial police officer afterwards.

The formalities and procedures for the accreditation as judicial police officer shall be determined by an Inter-Ministerial Prakas between MoE and the Ministry of Justice. The formula of the oath shall be determined by the Ministry of Justice.

ARTICLE 59.

EIA officials, who have been accredited as EIA judicial police officers, have the competence to receive complaints, examine offenses, investigate, suppress offenses and compile case files related to EIA to submit to a competent court.

Operation of the EIA officials who have been accredited as judicial police officers shall be in accordance with the code of criminal procedure.

ARTICLE 60.

EIA officials who have been accredited as judicial police officers of the EIA Unit have territorial jurisdiction throughout the national territory of the Kingdom of Cambodia.

EIA officials who have been accredited as judicial police officers of Capital/Provincial Department of Environment have jurisdiction within their scope of territorial authority.

In cases of conflict of competence or overlap of territorial jurisdiction, the Minister of the MoE shall make the decision.

This decision is final without recourse.

ARTICLE 61.

All levels of territorial authorities, armed forces, and all relevant authorities shall facilitate and provide assistance and cooperation in researching, examining and suppressing EIA offenses in cases where they have been requested to do so by EIA officials who are accredited as judicial police officers.

ARTICLE 62.

The procedure for compiling cases of the EIA judicial police officers shall be in compliance with the Code of Criminal Procedure. The form and formality of making the record of the EIA

offenses shall be determined by an Inter-ministerial Prakas between the MoE and the Ministry of Justice.

ARTICLE 63.

EIA officials who receive accreditation as judicial police officers shall have clear identification card while fulfilling their mission as judicial police officers.

CHAPTER 10

RESOLUTION FOR ENVIRONMENTAL IMPACT ASSESSMENT DISPUTES

ARTICLE 64.

Every person has the obligation to report on offenses related to EIA to the local authorities of the Commune/Sangkat, District/Khan, and Province/Municipality, or provincial/capital Department of Environment or the EIA Unit of MoE.

Upon receiving the report, all level of authorities must refer the report to the Capital/Provincial Department of Environment, EIA Unit of MoE in a period of five (5) working days at the latest counting from the day the report is received. After receiving the report, the Capital/Provincial Department of Environment and EIA Unit shall investigate and take action on the report of the offenses.

ARTICLE 65.

When a party that is affected by impacts of offenses related to EIA lodges a complaint to the Project Proponent, the Project Proponent shall resolve the dispute completely, at the latest in a period of thirty (30) days counting from the date the complaint is received.

In case where the affected party is not satisfied with the resolution provided by the Project Proponent, the affected party can file an objection to the Capital/Provincial Department of Environment or EIA Unit in a period of thirty (30) days counting from the day the decision of the Project Proponent is received. Capital/Provincial Department of Environment or EIA Unit shall make decision on the objection complaint in a period of 30 (thirty) working days counting from the date the objection complaint is received.

In case where any party is not satisfied with the decision or solution of the Capital/Provincial Department of Environment or EIA Unit, the party can make a further objection complaint to the Minister of Environment in a period of thirty (30) days counting from the day the solution or decision is received.

The Minister of Environment has a period of forty-five (45) working days to solve the objection complaint. In case where any party is not satisfied with the decision of the Minister, the party can file another further objection complaint to a competent court in a period of thirty (30) days counting from the day the solution or decision is received.

The court shall make a decision on the objection complaint in a period of three (3) months counting from the day the objection complaint is received. The party that is not satisfied with decision of the Court of First Instance may lodge objection complaint to the Court of Appeal in a period of 15 (fifteen) working days counting from the date the decision of the Court of First Instance is received. The Court of Appeal is the last court which should make decision in a period of 30 (thirty) working days. This decision is final without recourse.

ARTICLE 66.

The Project Proponent shall maintain a logbook in accordance with the Guideline of the MoE to record public complaints. The MoE or the court can check the complaint logbook any time.

ARTICLE 67.

Disputes related to EIA shall be resolved through a coordinating mechanism of the MoE prior to the resolution through the court system unless the dispute is a criminal offense which is the competence of the court.

The formalities and procedures for the resolution of disputes related to EIA shall be determined by a Prakas of MoE.

ARTICLE 68.

In case where there are any EIA-related disputes with an administrative decision issued by the Capital/Municipal Department of Environment or EIA Unit, the party that is dissatisfied with the administrative decision may file a complaint to the Minister of Environment in a period of thirty (30) working days counting from the day the decision is received.

The Minister of Environment shall make decision on the complaint in a period of forty-five (45) working days after receiving the complaint.

However, in case of not being satisfied with the decision of the Minister, the party may file a further objection complaint to the court in a period of thirty (30) days counting from the day the decision is received.

The court shall make decision on the objection complaint in a period of three (3) months counting from the day the objection complaint is received.

ARTICLE 69.

The EIA Unit and Capital/Provincial Department of Environment have the right to file a complaint or to participate in the process of claiming for compensation for damage done to the environment and society which is caused by EIA-related offenses during court proceedings.

However, in cases where the Capital/Provincial Department of Environment does not have the capacity to calculate the amount of the compensation that should be paid for the damage caused, the Capital/Provincial Department of Environment can request for help from MoE.

The management of monetary compensation through final judgment or verdict in restoring the damage done to the environment and society shall fall within the jurisdiction of the EIA Unit and the Capital/Provincial Department of Environment.

CHAPTER 11

PENALTY PROVISIONS

ARTICLE 70.

Punishments according to this law include administrative sanctions, transitional punishments, and criminal punishment.

Administrative sanctions include warnings, work suspensions, and depriving of roles and functions and termination from official positions.

Transitional punishment is the payment of a monetary fine that MoE has the competence to collect. Transitional fines can be implemented in cases where offenders acknowledge their offenses

and agree to pay the monetary fine. Payment of transitional fines can lead to the termination of criminal actions.

The procedure for determination and payment of transitional fines shall be determined by MoE. The monetary fine shall be paid to the national budget; however, through the request proposed by MoE, the Royal Government may decide to offer monetary rewards as an encouragement to officials who take part in suppressing offenses.

In cases where Project Proponents fail to pay the transitional fine as scheduled, MoE, the EIA Unit or the Capital/Provincial Department of Environment may file a lawsuit to the court to take action in accordance with legal procedures.

Criminal punishments include imprisonment, monetary fines, and additional punishment.

Persons who are subject to the above punishments are not exempt from responsibility for compensation and damages in cases where there is a complaint pertaining to these matters.

ARTICLE 71.

Decisions to impose imprisonment, a monetary fine, and additional punishments, seizure of evidence, compensation, reparation, and restoration of environmental damages are the competence of the courts.

Decisions to impose transitional fines, warnings, remedies, and seizures of evidence of the offense are the competence of the EIA Unit or Capital/Provincial Department of Environment.

Decisions to impose punishments such as reparation, restoration of damages, provisional suspension, revocation of permission letter or EIA Approval Letter and Certificate, termination of contract or payment of transitional fine or postponing of project activities is the competence of MoE.

ARTICLE 72.

The statute of limitation of the offenses related to EIA shall be in accordance with the provisions in the Code of Criminal Procedure in effect.

EIA-related Offenses are continuing offenses for which the statute of limitation is counted from the date the offense is discovered.

ARTICLE 73.

It is punishable by a transitional fine from two million (2,000,000) Riels to five million (5,000,000) Riels for any staff who have the intention of not cooperating or not allowing or avoiding officials of the EIA Unit from entering to implement inspection work in accordance with provision of Article 12 of this law.

In cases where that act causes impact on physical integrity, it is punishable by an imprisonment from one (1) year to five (5) years and a fine from five million (5,000,000) Riels to fifteen million (15,000,000) Riels.

In cases where the act causes any loss of human life or results in permanent disability of the victim, it is punishable by an imprisonment from ten (10) years to fifteen (15) years.

ARTICLE 74.

It is punishable by a transitional fine from five million (5,000,000) Riels to ten million (10,000,000) Riels for project proponents, persons with decision-making power, and persons with powers who force their staff or subordinates to obstruct or bar the officials of the EIA Unit from entering to implement inspection work in accordance with provision of Article 12 of this law.

In cases of recidivism, it is punishable by an imprisonment from six (6) months to one (1) year and a fine from ten million (10,000,000) Riels to twenty million (20,000,000) Riels.

In cases where that act causes impact on physical integrity, it is punishable by an imprisonment from one (1) year to five (5) years and a fine from five million (5,000,000) Riels to fifteen million (15,000,000) Riels.

In cases where the act causes any loss of human life or results in permanent disability of the victim, it is punishable by an imprisonment from ten (10) years to fifteen (15) years.

ARTICLE 75.

It is punishable by a written warning from EIA officials for any Project Proponents who do not comply with requirements as determined in the IEE or EIA report as stipulated in Article 42 of this law. In cases of recidivism, it is punishable by a fine from ten million (10,000,000) Riels to thirty million (30,000,000) Riels or postponing of project activities.

In cases of not complying with the above conditions and where that act causes any loss of human life or results in permanent disability of the victim, it is punishable by imprisonment from one (1) year to three (3) years and a fine from thirty million (30,000,000) Riels to fifty million (50,000,000) Riels.

In cases of not complying with the above conditions and where that act causes impacts on animals' lives, property, environment or society, the Project Proponent shall pay the compensation in proportion to the scale of the damage caused.

Legal entities may be declared as criminally responsible in accordance with the provisions of the Criminal Code and punishable by a fine from fifty million (50,000,000) Riels to one hundred million (100,000,000) Riels.

ARTICLE 76.

It is punishable by administrative sanction for any EIA officials who violate or do not fulfill their roles as provided for in Articles 12 and 59 of this law, without taking account other relevant criminal punishments.

ARTICLE 77.

It is punishable by a transitional fine of from twenty million (20,000,000) Riels to fifty million (50,000,000) Riels and/or imprisonment from one (1) year to three (3) years and reparation and restoration of damages for any Project Proponent who violates the provisions of Articles 28 of this law. The charge for the above criminal offense by prosecution department shall be brought by the complaint of the MoE.

In cases where projects that do not have an EIA Approval Letter and Certificate cause negative impacts on humans, animals, property, environment and society, the Project Proponent may be punished by a fine of from forty million (40,000,000) Riels to one hundred million (100,000,000) Riels as well as payment of compensation, without taking account other relevant criminal punishments.

In addition to the above punishments, Project Proponents may be subject to other punishments such as provisional suspension of the project, revocation of permission letter or certificate, termination of contract, seizure of licenses, and additional punishments as stipulated in the Criminal Code in effect.

ARTICLE 78.

It is punishable by a transitional fine from twenty million (20,000,000) Riels to fifty million (50,000,000) Riels or imprisonment from one (1) year to three (3) years and reparation and restoration of damages for any Project Proponents of existing projects or projects in operation who

violates the provisions of Articles 31 of this law from when it becomes effective. The charge for the above criminal offense by prosecution department shall be brought by the complaint of the MoE.

In cases where projects that do not have an EIA Approval Letter and Certificate cause negative impacts on humans, animals, property, environment and society, the Project Proponent may be punished by a fine of from forty million (40,000,000) Riels to one hundred million (100,000,000) Riels as well as payment of compensation, without taking account other relevant criminal punishments.

In addition to the above punishments, Project Proponents may be subject to other punishments such as provisional suspension of the project, revocation of permission letter or certificate, termination of contract, seizure of licenses, and additional punishments as stipulated in the Criminal Code in effect.

ARTICLE 79.

It is punishable by a transitional fine from twenty million (20,000,000) Riels to fifty million (50,000,000) Riels for Project Proponents that do not implement the obligation of providing information about changes to MoE in accordance with the provision of Article 15 of this law.

ARTICLE 80.

It is punishable by an imprisonment from one (1) year to three (3) years and a fine from thirty million (30,000,000) Riels to sixty million (60,000,000) Riels for Project Proponents that fake data or steal other people's data to prepare IEE and/or EIA reports in order to receive the EIA Approval Letter and Certificate.

ARTICLE 81.

It is punishable by an imprisonment from one (1) year to three (3) years and a fine from thirty million (30,000,000) Riels to sixty million (60,000,000) Riels for EIA consulting Firms, EIA experts who are legally registered and recognized by MoE that fake data or steal other people's data in order to prepare IEE and/or EIA reports.

Additional punishment that may be declared include suspension from the profession for a period of five (5) years, removal from the List of EIA report experts, and publication of the decision of punishment in the national and/or regional newspapers.

ARTICLE 82.

It is punishable by a transitional fine from thirty million (30,000,000) Riels to sixty million (60,000,000) Riels for EIA consulting firms or EIA experts who professionally prepare EIA reports for a fee who lack registration or recognition of MoE.

In cases of recidivism, it is punishable by imprisonment from one (1) year to three (3) years and a fine from sixty million (60,000,000) Riels to one hundred million (100,000,000) Riels.

ARTICLE 83.

It is punishable by imprisonment from one (1) month to one (1) year or a transitional fine from thirty million (30,000,000) Riels to sixty million (60,000,000) Riels for EIA consulting firms or EIA experts whose registration has been suspended by decision of the MoE and continue to professionally prepare EIA reports for a fee. The charge for the above criminal offense by prosecution department shall be brought by the complaint of the MoE.

ARTICLE 84.

It is punishable by a written warning from MoE for acts that are not in compliance with or in violation of an Environmental Protection Agreement as stipulated in Paragraph 2 of Article 18. In cases of recidivism, it is punishable by a transitional fine from twenty million (20,000,000) Riels to fifty million (50,000,000) Riels.

The Project Proponent shall be subject to punishment of imprisonment from one (1) year to three (3) years and a fine from thirty million (30,000,000) Riels to fifty million (50,000,000) Riels for acts of not complying with an Environmental Protection Agreement and where the project implementation causes any loss of human life or results in permanent disability of the victim.

In cases where the above activities or project cause impacts on animals' lives, property, environment and society, the project proponent shall pay compensation in proportion to the scale of the damage caused.

ARTICLE 85.

It is punishable by imprisonment from one (1) year to three (3) years for officials of the EIA Unit, officials of the Capital/Provincial Department of Environment and other relevant competent officials who conspire and facilitate to prepare false documents or EIA reports with the intention of receiving an EIA Approval Letter and Certificate from the leadership of MoE.

ARTICLE 86.

It is punishable by imprisonment from six (6) months to two (2) years and a fine from twenty million (20,000,000) Riels to forty million (40,000,000) Riels for government officials, armed forces, or mandatorily elected officials who abuse their power and authority by committing such acts as facilitating, intervening, concealing, obstructing or conspiring with perpetrators for the purpose of harboring any projects that do not have an EIA Approval Letter and Certificate to operate illegally.

ARTICLE 87.

It is subject to punishment by warning in writing and order by MoE to make payment to the Environmental and Social Fund of MoE for any Project Proponent failing to make payment to the Environmental and Social Funds as determined in Article 55 and for failing to make payment of Environmental Endowment Fund as provided for in Article 56 of this law. In cases where the Project Proponent fails to make payment after receiving this warning, the Project Proponent is subject to punishment such as provisional suspension of project, termination of contract, seizure of licenses as well as a monetary fine of three (3) times of the amount that is supposed to be paid to the Environmental and Social Fund and Environmental Endowment Fund in accordance with Article 55 and 56 of this law.

ARTICLE 88.

It is subject to punishment by warning in writing and order to prepare Environmental Monitoring Report for a project and submit it to MoE for any Project Proponent failing to prepare such reports in accordance with the provisions of Articles 46 and 47 of this law. In cases where a Project Proponent does not prepare and submit the report to MoE after receiving the warning, the Project Proponent is subject to punishment by transitional fine from twenty million (20,000,000) Riels to forty million (40,000,000) Riels or provisional suspension, termination of contract, and seizure of licenses.

ARTICLE 89.

In cases where the Project Proponents do not make all payments for dispute resolution at both inside and outside the court system as determined in Article 52 of this law, the MoE shall have the right to decide to provisionally postpone project activities.

CHAPTER 12
IMPLEMENTATION OF THE COURT DECISION

ARTICLE 90.

The implementation of a court decision in relation to EIA offenses shall be done by competent officials of MoE under the direction or order of the court.

ARTICLE 91.

MoE may request to copy the decision of the court related to EIA offenses.

ARTICLE 92.

Upon the final decision of a court case, the final disposition of evidence seized during the conduct of that court case shall be determined and implemented in accordance with the criminal procedure in effect.

CHARTER 13
TRANSITIONAL PROVISION

ARTICLE 93.

Sub-decree No. 72 dated August 11, 1999 on the Process of EIA and legal regulations related to EIA that are in force are still valid until there are new regulations to replace them in accordance with the spirit of this law.

ARTICLE 94.

Provision of Article 31 that applies to all existing projects and projects in operation shall be implemented until all Project Proponents have fulfilled all of the obligations therein.

Penalty provision as stipulated in Article 78 of this law shall be effective for implementation when the MoE determines the time that requires the Project Proponents to prepare IEE or EIA report as provided for in Article 31 of this law.

CHAPTER 14
FINAL PROVISIONS

ARTICLE 95.

The provisions of Section 3 on Climate Change Impact Assessment of Chapter 4 of this law shall be implemented after a period of 2 years after the coming into force of this law.

The implementation of the provisions of Section 2 on Transboundary Environmental Impact Assessment of Chapter 7 of this law shall be subject to any relevant Bilateral Agreement or International Treaty on TBEIA to which the Kingdom of Cambodia is a signatory.

ARTICLE 96.

1. Any provisions that are contrary to this law shall be abrogated.
2. This law shall be proclaimed as urgent.

This law was enacted by the National Assembly of
the Kingdom of Cambodia on.....in
its Xth Meeting of National Assembly of the 5th Legislature.

Phnom Penh, *Date*.....

PRESIDENT OF NATIONAL ASSEMBLY

Annexure 1: Glossary of Terms

Definition of the Law on EIA

This law spells out the management of environmental impact assessment process in the Kingdom of Cambodia. All activities, movements, and actions of individual persons, of families, of site owners, and of owners—whether natural persons, or private legal entities, or public legal entities, or state units, ministries, and institutions, or states and states who conducted all their activities and caused the change to the original state of the environmental, economy, society, and culture—are obliged to respect this law with regards to their existing activities, activities in operation, or activities about to start.

Cumulative Impacts: Cumulative impacts are those that result from the incremental impact of the project when added to other past, present, and reasonably foreseeable future actions.

Development Approval: An approval or consent granted by the Government of Cambodia for a project or by any other agency including a Concession Agreement.

Directly Affected Stakeholder: Those stakeholders with substantial rights, risks and responsibilities in relation to the issue. These may be inside the project affected area (e.g. project affected communities) or outside the project-affected area (e.g. government regulators, finance institution representatives, or investment partners).

Ethnic Minorities Development Plan: the Ethnic Minorities Development Plan has the meaning given to it by the sub-decree on Compensation and Resettlement of People Affected by Development Projects [to be drafted for consideration].

Environmental Assessment: The process under the Law of Environmental Impact Assessment and related legislation.

Environmental Impact Assessment (EIA): Is a detailed assessment of impact on environment and society. EIA is the process of study and prediction of positive and negative impact on environment and society together with determination of appropriate measures to protect and mitigate the impact on environment and society from projects and different development activities.

EIA Approval Certificate (EIA AC): This is a Certificate issued by the MoE following Environmental Assessment of a project which contains details of the Environmental Management Plan and any other conditions imposed on by the MoE.

Environmental Management Plan (EMP): means a plan stipulated in the EIA report on assessment of impacts on environment and society which defines environmental protection measures and impact mitigation; responsibility and schedule for implementation of environment management plan; monitoring plan and assessment of impacts on the environment from the project that must be done including sufficient budget planning for environmental activities required during the construction period, operating and project termination (closure)

Environmental Management System has the meaning given to it by the ISO 14001 Environmental Management System Standard of 2004.

Environmental Monitoring Report means a report presented to the MoE on the monitoring and evaluation of the development project on the environment as described in the Environment Management Plan. The monitoring program must be implemented in accordance with processes and defined environmental quality criteria as officially approved in the EMP.

Existing projects: Existing projects are projects which are in construction, operation or closure phase of the project cycle prior to the coming into force of the present EIA Law.

Independent Review: Expert review by someone not employed by the project and with no financial interest in profits made by the project.

Free, Prior and Informed Consent: It means that the public participation process shall require that the Project Proponent inform the community of the proposed mitigation measures before the IEE or EIA is submitted to MoE. The Project Proponent shall allow sufficient time for the projected affected communities to consider the proposed mitigation measures. The project affected communities shall approve the proposed mitigation measures without pressure or coercion from any natural person or legal entity.

Initial Environmental Evaluation: Initial assessment of impact on environment and society to predict impact on environment and society from projects and different development activities that are expected to have minor impact subject to any environmental mitigation measures.

Land Rehabilitation: The process of returning the land to some degree of its former state after disturbance or damage associated with project implementation.

Management Plan: A management plan is a tool used as a reference for managing a particular project issue, and establishes the why, what, how, who, how much, and when for that issue.

Management System: The framework of processes and procedures used to ensure that an organisation can fulfill all tasks required to achieve its objectives.

Offset: Measurable conservation outcomes resulting from actions designed to compensate for significant adverse biodiversity impacts arising from project development and persisting after appropriate avoidance, minimization, and restoration measures have been taken. Generally, these are not within the project site.

Project Proponent: Project Proponent is meant to refer to the project owner or project developer and means any person, juridical person or organization that has the permission (approval) to study, explore, design, construct and implement a project. A Project Proponent may come from the private sector, government sector or be an organization responsible for a development project.

Public Participation: Public participation means public consultation and involvement in the EIA process of discussion, exchange and hearing of opinions, access to information on all parties of direct and indirect impact from project development, and settlement of grievance issues beginning from the period of planning formulation, implementation and environment maintenance and restoration prior to project termination.

Refurbishment: The state of being restored to its former good condition.

Resettlement Action Plan: A document or set of documents specifically developed to identify the actions that will be taken to address resettlement [the plan will be defined in the Guideline on Compensation and Resettlement of People Affected by Development Projects [this needs to be drafted]. It would typically include identification of those being resettled; the socio-economic baseline for the resettlers; the measures to be implemented as part of the resettlement process including those relating to resettlement assistance and livelihood support; the legal and compensation frameworks; organisational roles and responsibilities; budget allocation and financial management; the timeframe, objectives and targets; grievance redress mechanisms; monitoring, reporting and review provisions; and understandings around consultation, participation and information exchange.

Screening: Screening means determination of proposed project types on whether it is necessary or not for them to proceed with initial assessment of impact on environment and society (IEE) or detailed assessment of impact on environment and society (EIA).

Social Impact Assessment (SIA): SIA is the process of study and prediction of positive and negative impacts on the socio-economic aspects of society from projects and different development activities together with determination of appropriate measures to protect, mitigate, and compensate project-impacted-persons for the impacts on their lives, livelihoods, welfare, and health.

Strategic Environmental Assessment: SEA refers to a range of analytical and participatory approaches that aim to integrate environmental considerations into policies, plans and programmes and evaluate the inter-linkages with economic and social considerations. The principle is to integrate environment, alongside economic and social concerns, into a holistic sustainability assessment.

Transboundary Agreements: Agreements made amongst riparian states about how shared (water) resources will be utilized by the parties involved, and the processes that will be followed to sustain these understandings.

Development Project: Development Project includes all public sector and private sector development projects, investments projects, business activities and other activities