

Kingdom of Cambodia

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Ministry of Environment

Environmental Impact
Assessment Department



វេទិកាសម្រាប់ការងាររបស់សង្គមស៊ីវិល កម្ពុជា
The NGO Forum on Cambodia

ធ្វើការរួមគ្នាដើម្បីការវិវឌ្ឍសំបូរស្រស់
Working Together for Positive Change

GUIDEBOOK

on

Environmental Impact Assessment in the Kingdom of Cambodia

Produced in 2012

Guidebook on Environmental Impact Assessment in the Kingdom of Cambodia

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PREFACE

This Guidebook on Environmental Impact Assessment in the Kingdom of Cambodia is a result of cooperation between the Environmental Impact Assessment Department of the Ministry of Environment, the NGO Forum on Cambodia, and the Rivers Coalition in Cambodia (RCC).

This Guidebook intends to inform stakeholders about available legal and technical instruments for conducting environmental impact assessment (EIA) in Cambodia. These instruments show different steps in the process including project screening, project scoping, impacts analysis, mitigation measures, report writing, report review and decision, monitoring on environmental management plan, and public participation in the process of EIA.

Some data in this Guidebook is taken from the documents by the United Nations Environment Programme, Sub-decree on Environmental Impact Assessment Process (1999), Prakas on General Guideline for Preparing Initial Environmental Impact Assessment and Full- Environmental Impact Assessment Report (2009) and other legal instruments related to EIA in Cambodia issued by the Ministry of Environment.

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Thanks to officials who organized the work, official of the Environmental Impact Assessment Department and Rivers Coalition in Cambodia (RCC) members for your contribution in reviewing and sharing your comments in all stages during the development of this Guidebook on Environmental Impact Assessment.

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1. INTRODUCTION

After the Paris Peace Agreement in 1991 and the general election organized by the United Nations in 1993, Cambodia started to consider on how to use its rich natural resources in a sustainable manner. In 1993 the Royal Government of Cambodia (RGC) made active efforts to establish a secretariat for environmental management which was a leading body to conserve and manage environment. After that, in 1996, the Secretariat was transformed into Ministry of Environment. Environmental Impact Assessment Department was established and officially recognized by Sub-decree 57 ANKr.BK dated 25 September 1997. The requirement for EIA on development projects was established by Sub-decree 72 ANKr.BK dated 11 August 1999.

This EIA requires participation from all stakeholders in order to document an EIA report which will go through review and comment by Ministry of Environment (MoE) and other line ministries prior to its submission for approval from RGC.

In order to contribute to awareness raising and participation in the activities of EIA effectively and transparently, a working group from the Rivers Coalition in Cambodia (RC) and MoE have cooperated to develop this Guidebook on Environmental Impact Assessment, with financial support from the NGO Forum on Cambodia.

This Guidebook demonstrates the process of EIA including project screening, project scoping, impact assessment, mitigation measures, report review and monitoring on environmental management plan with an intention to strengthen participation and consultation by relevant institutions.

This Guidebook is very important for all stakeholders including decision makers, government institutions, investors, development partners, civil

society, public, and impacted communities to understand and participate actively in each step of EIA.

2. Provisions related to environmental impact assessment

In order to ensure an accurate EIA that meets technical requirement and legal principles, MoE stands on the following legal instruments:

1. Law on Environmental Protection and Natural Resource Management (1996)
2. Law on Nature Protection Area (2008)
3. Sub- Decree on Environmental Impact Assessment Process (1999)
4. Sub-Decree on Water Pollution Control (1999)
5. Sub-Decree on Solid Waste Management (1999)
6. Sub-Decree on the Control of Air Pollution and Noise Disturbance (2000)
7. Joint Prakas between MoE and Ministry of Economy and Finance on the Establishment of Service fee for Reviewing report of EIA and Monitoring the Project implementation (2000)
8. Prakas on Delegation of Power to Municipal/Provincial Department of Environment to Decide on Project Development (2005)
9. Prakas on General Guideline for Preparing Initial Environmental Impact Assessment and Full Environmental Impact Assessment Report (2009)

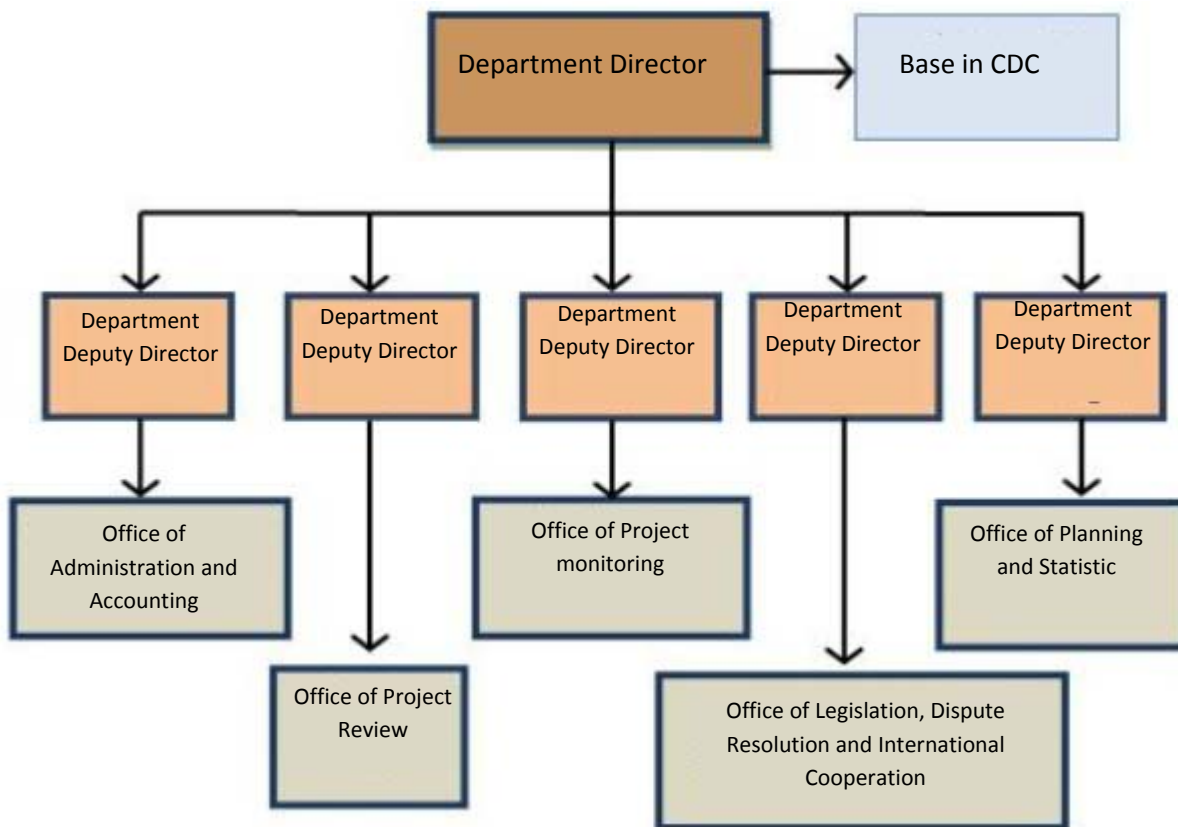
3. Process of environmental impact assessment

3.1. Responsible institutions

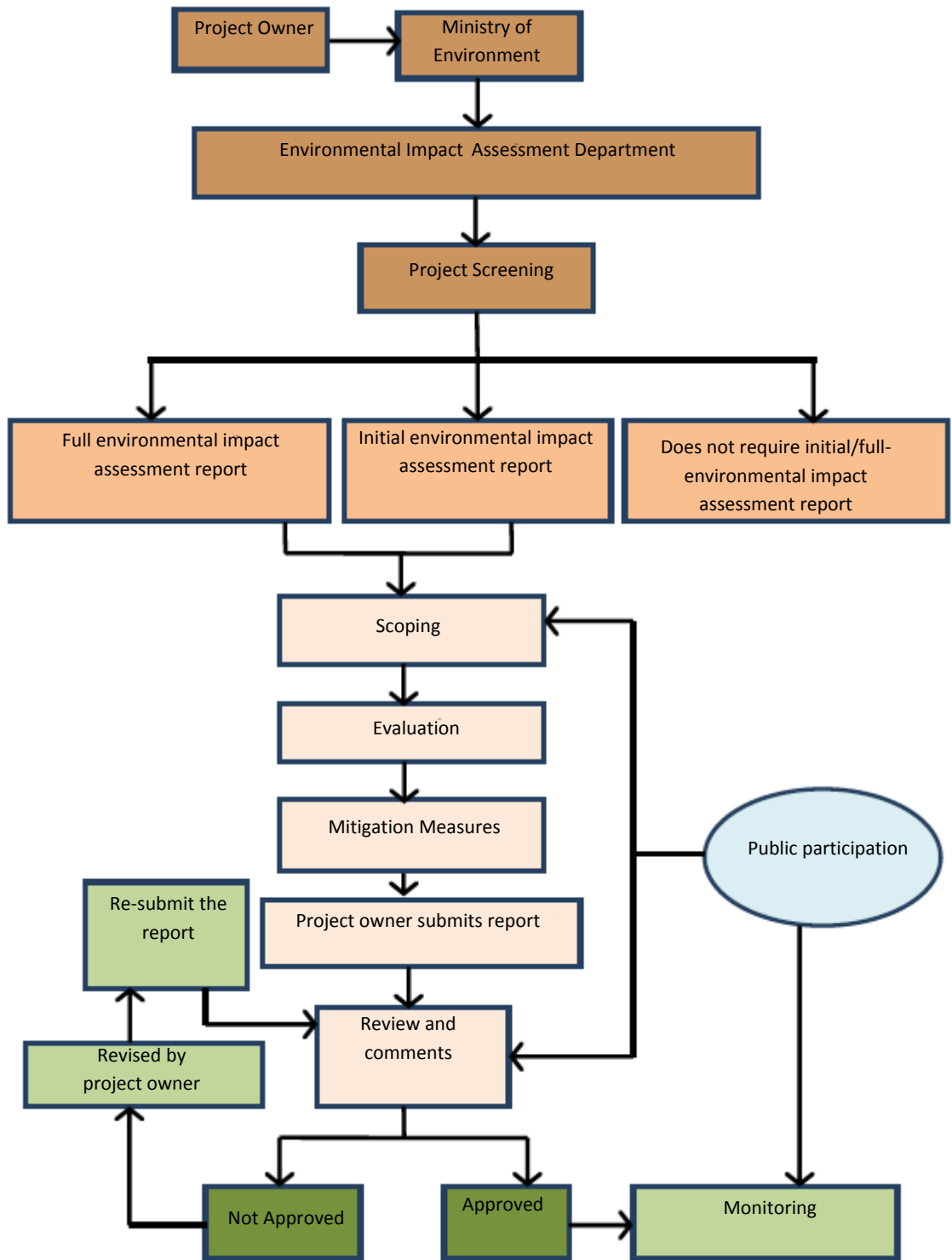
Environmental Impact Assessment Department which stays under the umbrella of Ministry of Environment's structure since 1994 is the responsible institution for the EIA. Prakas on Organization and Functioning

of the Department, however, was officially promulgated in December 2005. This Department reports to the Minister through the General Department of Technique. Its main roles and responsibilities are to review EIA report, the monitoring and implementation of procedures for public and private development projects. Its tasks are based mainly on the Law on Environmental Protection and Natural Resource Management (1996) and Sub- Decree on Environment Impact Assessment Process (1999). Based on Prakas on Organization and Functioning of the Department of Monitoring and Environmental Impact Assessment (2005), up to now the Department has 45 officials; the Department consists of 05 Offices as shown in the chart below:

Organizational Structure of the Department of Monitoring and Environmental Impact Assessment



3.2 Principles and stages of environmental impact assessment



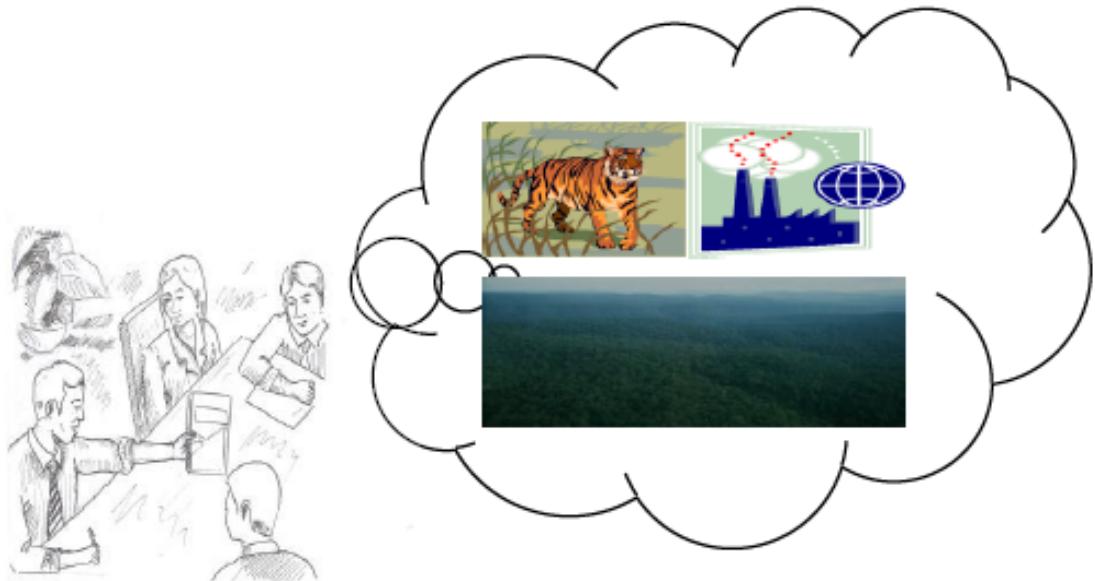
a. Project proposal

During the initial stage, project owner/investment company should bring its investment project for discussion with MoE or Municipal/Provincial Department of Environment (for project less than two million US dollars), attached with documents regarding the project site and other relevant documents.

At this stage, project owner wish to know to what legal obligations the investment project proposed by the company to the Ministry/Department of Environment need to be fulfilled.

Therefore, MoE (Environmental Impact Assessment Department) or Provincial Department of Environment have to screen and select projects based on conditions as mentioned in point (b) bellow.

b. Project Screening



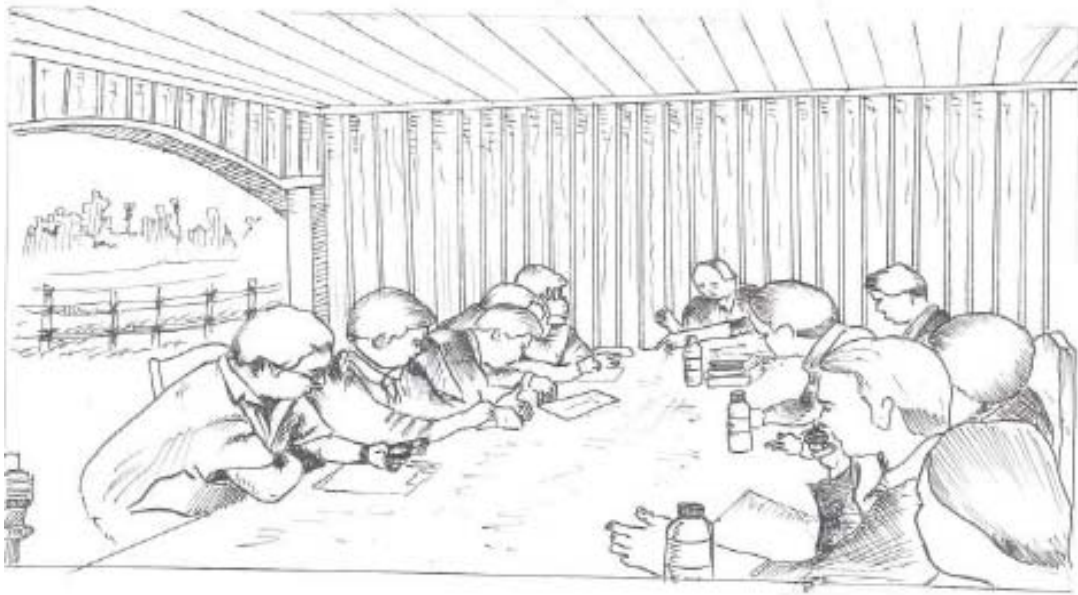
Project screening based on legal instruments with consideration on impact notions

Generally, project screening is determined by MoE based on laws or sub-decrees regarding project types and size that will require initial or full environmental impact assessment report.

In case an investment project is not mentioned in the annex list of the legal instruments, MoE can use an alternative list to determine impact size. This list shows whether a project is required to conduct an EIA or not as described in details below:

- ❖ For project with serious environmental impact, project owner is required to prepare a full EIA report; or
- ❖ For project with medium environmental impact, project owner is required to prepare an initial EIA report; or
- ❖ Project owner is not required to prepare an EIA report. There are three types of such project:
 1. Project determined by the government as special and urgently needed;
 2. Required Environmental Management Plan (EMP);
 3. Required environmental protection contract for projects not stipulated in the annex of sub-decree but the project has minor environmental impacts such as garment factory, etc.

c. Project Scoping



Discussion about Term of Reference

Project scoping is the first stage to be conducted in an EIA after the conclusion of project screening. This stage is very essential in an initial or full EIA to determine some components as follows:

- ❖ Determine parameters to be studied in the environmental impacts assessment;
- ❖ Determine stakeholders and disseminate information to them;
- ❖ Determine scope of study;
- ❖ Agree on methods for public participation and study methods;
- ❖ Determine impact notions to be studied;
- ❖ Establish Term of Reference.

Who are stakeholders in this project scoping stage?

Stakeholders in the project scoping stage of an environmental impacts assessment are:

- ❖ Environmental Impact Assessment Department, Ministry of Environment;
- ❖ Project owner;
- ❖ Environmental impact assessment consultant and other experts;
- ❖ Other responsible agencies;
- ❖ Project Affected communities/public;
- ❖ Community/Public beneficiaries.

d. Environmental Impact Assessment



Mining activities that cause impacts

To analyze environmental impact in the initial or full EIA, analysis needs to be made on three things: (1). Type of impact, (2). Prediction of possible scale and scope of impact, and (3). Determine impact notions.

Environmental impact can change the existing form of environment and it could be direct, indirect or cumulative impact. These changes can be seen in different ecological system (types of ecological system) and social levels (from individual to community) which may vary beyond limitation or time of the study and include both negative and positive impacts.

Direct impacts include changes in environmental components caused by direct interaction between the environment and project activities. Indirect impacts are caused by indirect interaction between the environment and its indirect causes. Cumulative impacts include combination of environmental changes caused by human activities (Ex. past, present and requested activities including the project under current EIA). Environmental damages can cause extreme changes to relevant existing

resources and place more burden on human and animal health as well as create disaster for now and future.

e. Environmental impacts Mitigation Measurement

What are the Environmental impacts Mitigation Measurement?

Environmental impacts Mitigation Measurement are activities or measures to avoid or reduce negative environmental impacts caused by project activities. Mitigation measurement refers to ecological system, economy, society and culture. Planning and implementation of a project may include many methods or options as its measure as follows:

- ❖ Make plan about project site or duration of activities to avoid impact on a specific resource or an easily impacted area;
- ❖ Include negative environmental impact mitigation measurement in the project design or project planning stage in order to reduce impacts in advance;
- ❖ Ensure a mitigation program to reduce negative environmental impact that may happen as the project operates;
- ❖ Ensure a mitigation program after the activities to restore resources or area impacted, or to replace the lost or damaged resource within the impacted area or other relevant area. For example, an issue of depletion of fresh-water fish can be mitigated by provision of fish seedlings or by restoring rivers which are shelters to the fish.

When to identify the Environmental impacts Mitigation Measurement?

Environmental impacts Mitigation Measurement can be identified prior to project operation (project design and development stages), during

project operation, and at the ending stage of the project by considering important factors as follows:

- Results of public consultation or previous experiences provide mitigation measures to be identified as early as in the project design stage and evaluation of project proposal;
- Mitigation measure could be established as a response to a specific impacts identified in the EIA and project implementation stages;
- Measures can be established to reduce negative impacts until the project ends.

Why should we consider environmental impact mitigation in the process of environmental impact assessment?

A careful planning and implementation of a project in accordance with environmental management plan allows us to reduce or avoid negative environmental impacts to a maximum level. This plan can be implemented if the established mitigation is included into the process of EIA.

Public participation in the process of EIA can help reduce negative impacts and provide suggestions for a decision. Description of source and size of potential environmental impacts in the EIA will become a basis for the design of specific measures to mitigate those bad impacts.

Finally, environmental impacts mitigation measure is included in the EIA process in order to effectively monitor the project.

Who are responsible for mitigating environmental impact?

Generally, the party who proposes the project and establishes project activities is always responsible for mitigating environmental impacts in cooperation and participation from stakeholders.

Finally, project owner or consulting company compiles negative environmental impacts mitigation measure and include it in the EIA report. This report should include what it had found and studied in accordance with Ministry of Environment's guidelines. After that, project owners should submit the EIA report to MoE for review and comments.

f. Preparing environmental impact assessment report

Sub-decree on Environmental Impact Assessment Process divides EIA report into two: initial and full EIA report.

Project owner can prepare EIA report themselves or hire an independent consulting company to do this in accordance with Ministry of Environment's guideline. In order for a project owner to be able to prepare the report, they need to possess skill in conducting EIA and recognized by MoE or EIA Department for project at municipal/provincial level.

Consulting company must have sufficient skill and recognized by MoE on their qualification or quality to prepare the report.

To prepare initial EIA report, the project owner or consulting company needs to spend at least 03 months to study and collect secondary data on physical and biological resources as well as to consult with local authorities, national communities, impacted population and other stakeholders. For full EIA report, project owner or consulting company should spend 06 months or more to study and collect primary data on physical and biological resources as well as to consult with project stakeholders including local authorities, relevant institutions, local community, impacted population and other stakeholders.

Sample [outline] of an initial and full EIA report:

- Summary
- Introduction

- Legal framework
- Project description
- Description of existing environmental resources
- Public participation
- Environmental impact assessment and mitigation measures
- Environment management plan
- Analysis on environmental damage and economic gains (for full EIA report only)
- Conclusion and recommendations.

g. Review and decision on the report

According to legal principles, it's Ministry of Environment's role to review EIA report and provide its approval or disapproval to such report.

Review on EIA report takes 30 working days from the date MoE receives the initial or full EIA report and project prerequisites/feasibility study report.

Procedure to review and comment on initial or full EIA report at the MoE is as follows:

- ❖ Meeting of skilled officials from Environmental Impact Assessment Department and their field visit, 10 days;
- ❖ Inter-departmental meeting within MoE, 05 days;
- ❖ Meeting among leaders of MoE, 05 days;
- ❖ Inter-ministerial meeting chaired by H.E Minister of MoE and participated by ministries/ institutions, local authorities, NGOs, and people involved with the investment project, 05 days;
- ❖ Preparing comments letter: within the last 05 days, officials of the Environmental Impact Assessment Department review on EIA, prepare comments letter by incorporating comments obtained

from the 04 meetings above in order to advise project owner and consulting company to revise the EIA report.

With permission from H.E Minister of MoE, the Environmental Impact Assessment Department establish a working group composed of at least 04 skilled officials from the Department to review the report, conduct field visit and manage other works related to the investment project.

Next, the Department organizes an inter-departmental meeting within MoE. This meeting should be presided over and chaired by H.E Secretary of State in charge of EIA Department and participated by H.E Under-Secretary of States in charge of EIA Department, General Department of Technique, General Department of Nature Protection and Conservation, EIA Department, Department of Environment Pollution Control, Department of Planning and Legislation, Department of Education and Information, Department of Natural Resources Evaluation and Data, investment companies and consulting company. Comments and opinion of the meeting chairperson and its members should be recorded in a minutes.

EIA Department then organizes a meeting of leaders in MoE presided over and chaired by H.E Minister of MoE and participated by all H.E Secretary of state, H.E Under Secretary of States in charge of EIA Department, H.E general director of technique, EIA Department, Investment Company and consulting company. Comments and opinion provided by the ministerial leaders should be recorded in a minutes.

After that, EIA Department should organize an inter-ministerial meeting participated by relevant ministries/institutions including Ministry of Agriculture, Forestry and Fisheries; Ministry of Economy and Finance; Ministry of Water Resource and Meteorology; Ministry of Land Management, Urban Planning and Construction; Ministry of Industry, Mines

and Energy, Ministry of Public Works and Transport; Ministry of Tourism; Council for the Development of Cambodia; Council for Agricultural and Rural Development; Municipal/Provincial office; Municipal/Provincial Department of Environment; NGO representatives; representatives of impacted population; investment company; consulting company and other people involved with the development project. This inter-ministerial meeting shall be presided over and chaired by H.E Minister of MoE.

After all the procedures to provide comments are completed, MoE compile comments from all meetings to send to the company to revise on its EIA report.

In case the company does not make proper correction according to the comments from MoE, the Ministry will not issue a letter to approve the initial/full EIA report.

When the company makes proper correction according to the comments provided by the Ministry, MoE will issue an approval letter on the initial/full-scale EIA report and require the company to make an environmental protection contract with MoE to stipulate other conditions which have not been mentioned in the EIA report.



Approval on EIA report

After receiving a final approval letter on EIA report, project owner can precede its business activities according to the environmental management plan and environmental impact mitigation plan as set out in the EIA report.

h. Project monitoring

Project owner needs to implement its activities in accordance with the environmental management plan as set out in the EIA report within 6 months after MoE approved on the report. According to Sub-decree on Environmental Impact Assessment Process, project approval institution should advise project owner to implement the environmental management plan as set out in the EIA report which was approved by MoE.

Project monitoring should look into impacts, verify the predictions and responses to mitigation measures as set out in the EIA report.

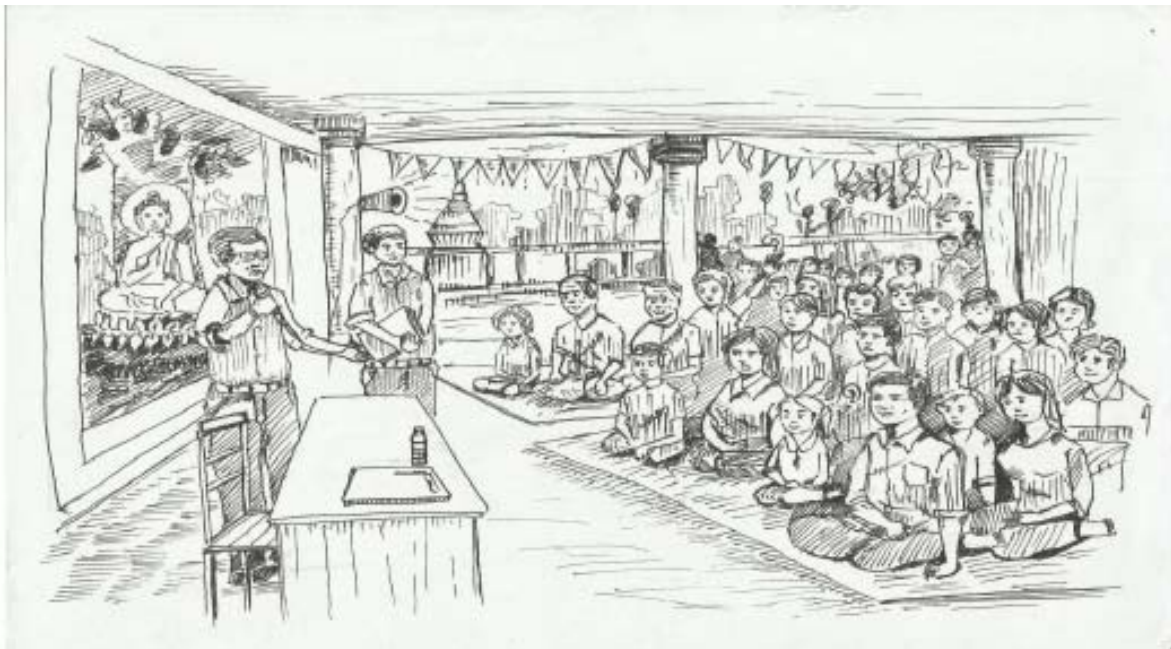
MoE is responsible to monitor and take measures to ensure that project owner is implementing the environmental management plan as set

out in the approved EIA report during its project establishment, implementation, and conclusion stages.

Meanwhile, project owner must submit the environment monitoring report every 03 or 06 months to the Department of Monitoring and Environmental Impact Assessment of the MoE as set out in the environmental management plan for review and comments.

In case a project owner fails to implement the environmental management plan, MoE will cooperate with relevant ministry/institution to terminate the operating or existing activities of the project owner in accordance with the Law on Environmental Protection and Natural Resource Management.

i. Public participation



Consulting with people impacted by the project

EIA ensures effective public participation and uniqueness of diverse cultural, economic and social factors as well as other remote factors which are considered in the planning and implementation of public consultation.

As stipulated in Article 16 of the Law on Environmental Protection and Natural Resource Management (1996), MoE needs to provide, upon request from the public, any information about the activities and encourage public participation for environmental protection and natural resource management.

In the process of EIA on a development project, public participation should be made in three main stages:

- ❖ Project scoping stage;
- ❖ EIA report review stage;
- ❖ Project monitoring stage.

Public participation or consultation also can be conducted in other stages outside of the above mentioned 03 stages as required by stakeholders.

Stakeholders in the public participation for an EIA process include:

- ❖ Relevant ministries/institutions at the national and sub-national levels administration;
- ❖ Project owner and project beneficiaries;
- ❖ NGOs;
- ❖ Donors and private sector;
- ❖ Impacted population.

For detail information about public participation, the Environmental Impact Assessment Department will develop a separate technical standard document or law.

4. Conclusion

EIA is based on the existing legal instruments and it is a requirement that all development projects, both public and private, conduct EIA prior to the construction or operation of its business activities.

Development [projects] that have gone through EIA can reduce negative impacts on environmental, social and economic resources and contribute to alleviating poverty and ensuring sustainable development.

Moreover, EIA provides a good opportunity for public participation from all levels including relevant ministries/institutions, local authorities at all levels, NGOs, communities, impacted population, project owner and other stakeholders.

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- UNEP's Environmental Impact Assessment, Training Resource Manual-Second Edition, May 2002.

ANNEX

Definition of Terms

Initial Environmental Impact Assessment (IEIA): Initial study on physical environmental resources, biological environment and socio-economic resources which base generally on secondary data available within and around project area to determine, predict and analyze possible environmental and social impacts caused by project activities in order to take measures to minimize negative impacts and maximize positive impacts.

Full Environmental Impact Assessment (FEIA): Detailed study on physical environmental resources, biological environment and socio-economic resources which base generally on primary data available within and around project area to determine, predict and analyze potentials and combined environmental and social impacts caused by project activities in order to take measures to minimize negative impacts and maximize positive impacts and to analyze environmental damage and economic gains of a development project.

Environment Protection Contract (EPC): Agreement established between project owner and MoE to protect environment and manage natural resources.

Letter of Approval on EIA Report (LAEIAR): Permission letter issued by MoE to recognize initial or full EIA report.

Environment Management Plan (EMP): Environment monitoring program as set out in the initial or full EIA report prepared by project owner and approved by MoE.

Environmental Monitoring (EM): Monitoring and evaluation on the implementation of environmental monitoring process in order to determine criteria of environmental quality as officially agreed in the environment management plan.

Public Participation (PP): Participation by stakeholders in the consultation regarding a development project. The stakeholders include: relevant ministries/institutions, local authorities, relevant government departments, company owner, consulting firm, representatives of impacted population, and representative of involved NGOs in the project area.

Public Dissemination of Information (PDI): Providing information to the public about presence of a development project, agreement, claims, management plan, or report of impact notions conducted or completed that can be accessed publicly and voluntarily.

Project Owner (PO): Holder of ownership, or project developer, or physical or legal person, or organization permitted to conduct a study, exploration, design, construct and implement a project. Project owner is a private or governmental sector or an organization responsible for a development project.

EIA Department: Environmental Impact Assessment Department.