

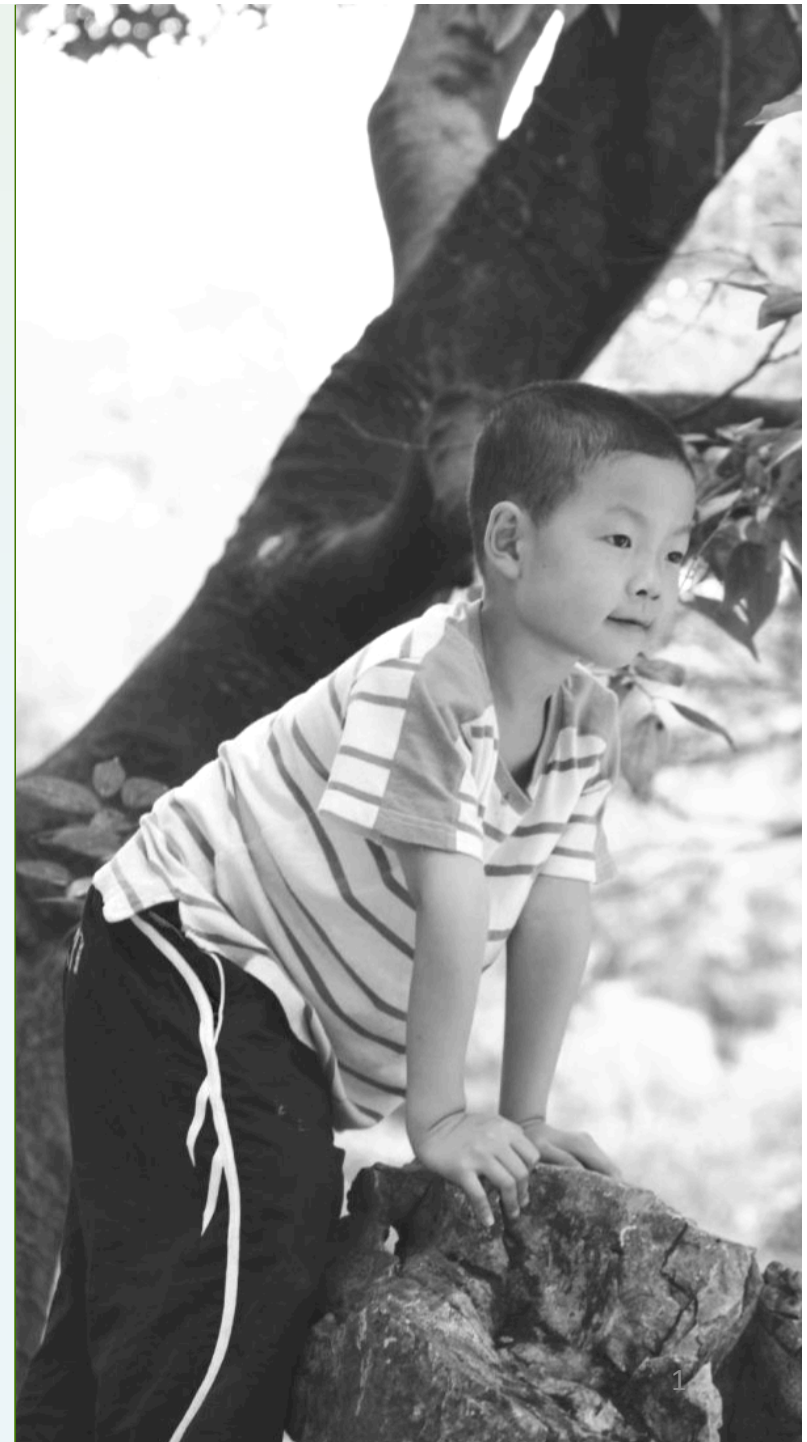


**Participation Guidelines Related to EIA in  
Mekong River Countries  
Dr. Peter King, Senior Policy Advisor, Institute  
for Global Environment Strategies**

**AECEN Secretariat/Mekong Partnership for the Environment**

**Mekong Partnership  
For the Environment**

SHARED SOLUTIONS FOR RESPONSIBLE DEVELOPMENT



## Regional Guidelines on Public Participation in Environmental Impact Assessment

- The Regional Guidelines on Public Participation in Environmental Impact Assessment are being developed by a Regional Technical Working Group on EIA from 5 Mekong countries
- With support from technical advisors and with funding from the US Agency for International Development
- Under the Mekong Partnership for the Environment, a four-year project implemented by Pact and the Institute for Global Environment Strategies.



# Asian Environmental Compliance and Enforcement Network





# Objectives

- Public participation in EIA should ensure that all environmental and social impacts from a proposed project are reflected in the EIA Report, assessed by the EIA consultant, reviewed and considered by the decision maker.
- Public participation should also provide options to resolve any disputes or grievances (including compensation) that may arise during the construction or operation of the project.
- Finally, public participation can be used to ensure that there is effective compliance and enforcement of the EMMP and that all project commitments and promises are fulfilled.



*Mekong Partnership for the Environment Webinar Series Session on  
“Public Participation in EIA process: Scoping to Evaluation”: Q & A  
5 April 2016, hosted by Mr. Matthew Baird and Dr. Peter King*

**2nd MPE Webinar Series**

**QUICKPOLL**

**Do you think the public participation spectrum is relevant to EIA in Asia?**

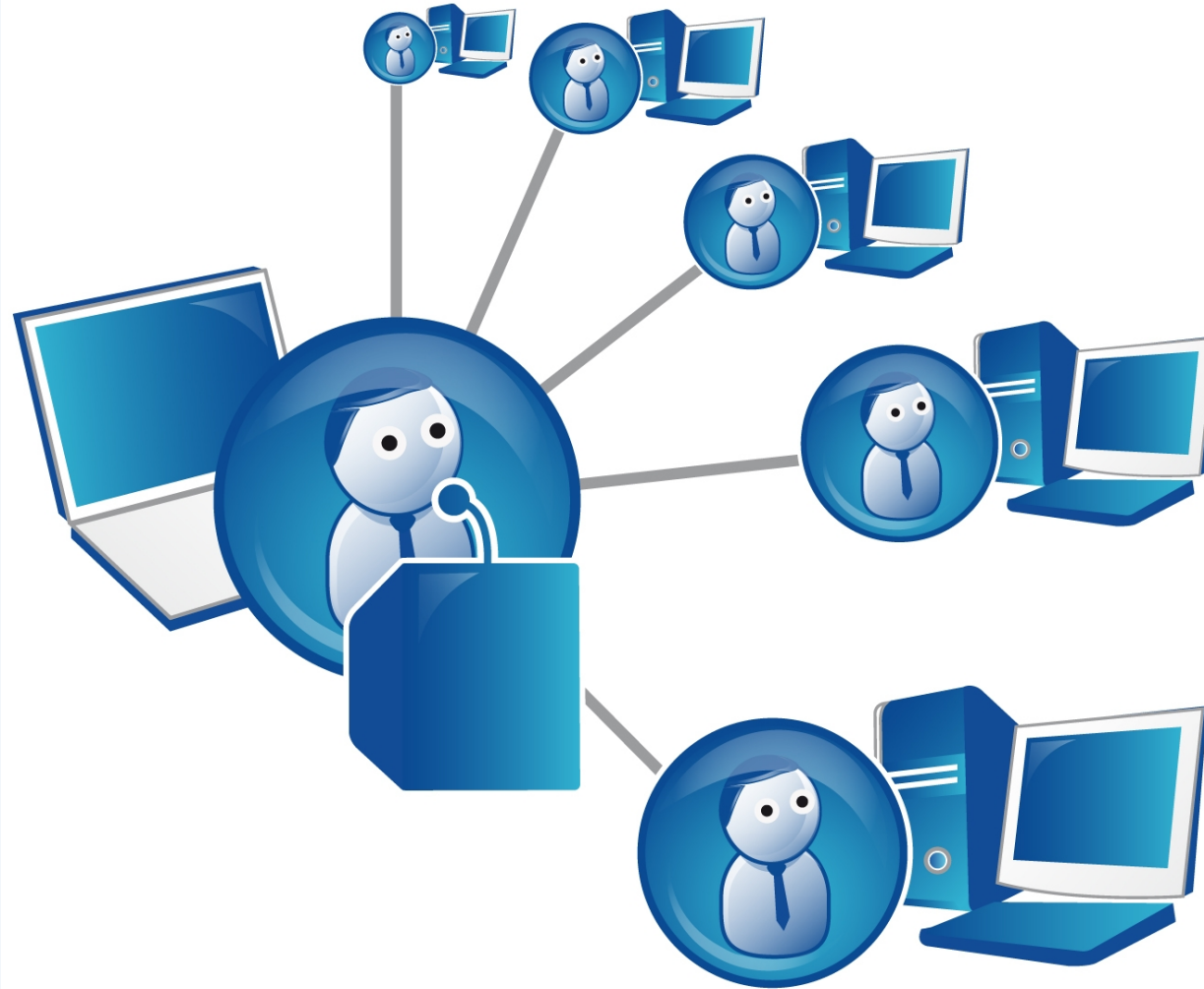
Poll Results (single answer required):



## Process

- 25 NGO and Government members of RTWG, assisted by national and international advisors
- 4 meetings of the RTWG have been held in Thailand, Cambodia, and Viet Nam
- World Café procedures are followed so that all RTWG members can contribute to all sections of the Guidelines
- National consultation meetings on the draft from September to October 2016
- Also webinars on transboundary EIA, win-win solutions, community-based monitoring, and public participation in scoping to evaluation stages

# Capacity Training: Live Chat Portal/Webinar



# Content of Draft Guidelines

- Introduction and Rationale
- Purpose and Scope of the Guidelines
- Objectives and Key Principles of EIA Systems
- General Principles of Meaningful Public Participation
- Public Participation in Key Steps of the EIA Process
- Public Participation in Screening
- Public Participation in Scoping
- Public Participation in the EIA Investigation and Reporting
- Public Participation in Review of the EIA Report and EMMP
- Public Participation in Decision Making
- Public Participation in Project Monitoring, Compliance and Enforcement





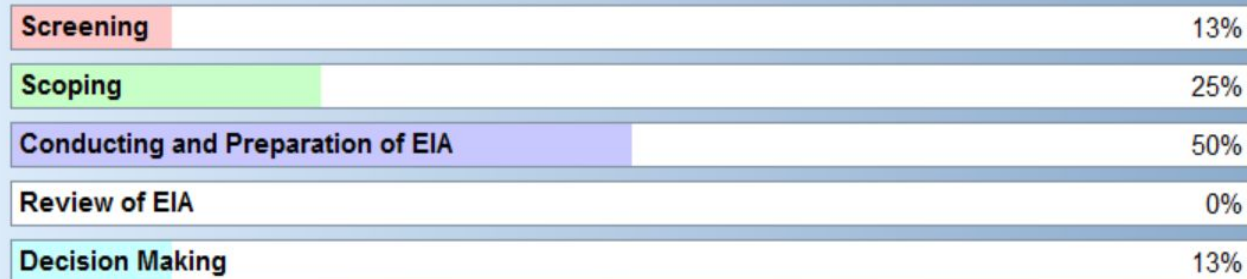
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QUICKPOLL

## Which is the most important stage of public participation?

Poll Results (single answer required):



## Possible Status of the Guidelines

- A national level agreement – each government would use the Regional Guidelines to develop a national guideline consistent with national laws, regulations, and conditions.
- A regional level agreement – the Regional Guidelines would be adopted or endorsed by a regional body such as the Lower Mekong Initiative Summit or GMS Environment Ministers Summit.
- These options are not mutually exclusive and both approaches are possible.

# Using Guidelines for Win-Win Solutions

## To minimize conflict:

- Identify and involve all stakeholders;
- Establish effective communication channels;
- Describe the proposal and its objectives and benefits to the local community;
- Listen to the concerns and interests of affected people, ensuring all voices are heard;
- Treat people fairly and impartially, with respect;
- Be empathetic and flexible;
- Mitigate impacts, provide for contingencies, and compensate for loss and damage; and
- Acknowledge concerns and provide feedback

## Not all Differences can be Resolved

- While win-win solutions or consensus should be the objective of the mediated public participation process, not everyone will be satisfied in every case.
- Majority decisions or government eminent domain decisions may have to prevail if the project is clearly in the public interest.
- In such cases, fair compensation, relocation, or other resettlement options may need to be part of the outcome.



## Measures of Success (USEPA)

- Were all interested parties notified? Proposal? Impacts? Measures? Information in appropriate language?
- Did all interested parties have an opportunity to be heard?
- Were they consulted, and did the response reflect their input? Was a diligent effort made to respond to concerns?
- All communities were engaged? No one was excluded?
- The role of the public was clearly defined?
- The opportunity existed to influence decisions?
- Interests were identified and all feasible attempts were made to address concerns?
- Benefits of the proposal advanced? Costs were reduced? Impacts are acceptable to all?

## Next Steps

- Adoption at the regional level would require national acceptance first.
- Trial by national EIA consultants could sort out any flaws.
- For endorsement at a regional level one of the Mekong countries would need to champion the Guidelines and influence the agenda of appropriate regional meetings.
- An online e-version of the Guidelines could be kept up to date by the RTWG evolving into a more permanent Community of Practice.

## Final Words

- Public participation in EIA is a key to designing and implementing better projects.
- The Regional Guidelines should help the Mekong countries to formulate national public participation guidance based on their own laws and regulations.
- Regionally adopted/endorsed Guidelines is a harder step, but worth pursuing.
- Harmonized transboundary EIA has proved a step too far to date, but the scale of development planned for the region suggests it must be agreed soon.

# Court Cases should be a Last Resort







## EIA clearinghouse

- Provides EIA laws and regulations, useful EIA references, guidelines and manuals, news articles, hot-links to national websites of EIA-related agencies, etc. (<http://www.aecen.org/eia-compendium>).

The screenshot displays the AECEN website's 'Environmental Impact Assessment Compendium in Asia' page. At the top, the AECEN logo and name are visible, along with a search bar. A green navigation bar contains links for HOME, WHO WE ARE, WHAT WE DO, NEWS & EVENTS, RESOURCE LIBRARY, and CONTACT US. The main content area features a map of Asia with several countries highlighted in green. To the right of the map is a list of these countries, each in a red-bordered box: Cambodia, Myanmar, China, Nepal, India, Pakistan, Indonesia, Philippines, Japan, Singapore, Korea, Sri Lanka, Laos, Thailand, Malaysia, Vietnam, and Maldives. Below the map and list, there are two sections: 'EIA News' and 'EIA Documents and Case Studies'. The 'EIA News' section includes two items: 'Appoint professionals to monitor construction of hydel projects: Himachal Pradesh high court' (dated Aug 21 2013 [India]) and 'Fish ecosystem on Yangtze 'on verge of collapse' from hydropower plants'. The 'EIA Documents and Case Studies' section lists three items: '[Indonesia] EIA: Java-Bali 500 kV Power Transmission Crossing Project', '[China] EIA: Xi'an Urban Road Network Improvement Project', and '[China] EIA: Jiangxi Fuzhou Urban Integrated'. On the right side of the page, there is a Google Translate widget with a 'Select Language' dropdown and a 'powered by Google' logo.