

# Is ESIA effective?

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# National Environmental Policy (1994)

“..... The wealth of the nation is its people, its cultural heritage, its environment and its natural resources. The objective of Myanmar’s environmental policy is aimed at achieving **harmony and balance** between these through the integration of **environmental considerations** into the development process to enhance the quality of the life of all its citizens. Every nation has the sovereign right to utilize its natural resources in accordance with its environmental policies; but great care must be taken not to exceed its jurisdiction or infringe upon the interests of other nations. It is the responsibility of the State and every citizen to preserve its natural resources in the interests of present and future generations. **Environmental protection should always be the primary objective in seeking development.**”

# Environmental Safeguard Framework

- Environmental Conservation Law
- Rule and regulation of Environmental Conservation Law ?
- EIA Procedure
- Environmental Guideline

# Look at Kyauk Phyu SEZ

- Limited accessibility and transportation
- Catchment depletion affecting adjacent farmland
- Wage-Labor Competition (Outside Labor)
- Damage of agriculture product
- Fishing ground loss
- Lack of economic opportunity

# Others???

## Lessons

- **Myit Sone Dam** – LNGO vs Chinese Consulting Firm, lack of people participation/stakeholder consultation, Manipulation?, Endemic/SPP Status? Hydrology baseline?
- **Pipeline** – compensation dilemma
- **Letpandaung Copper Mine** – unlawful land eviction, Land Acquisition Act??? FREE, Prior, Inform, Consent?, Implementing ECC or Controversial Construction Permit? So called public hearing, lack of people participation??? In EMP/monitoring
- **Sulfuric Acid Factory** – ISO 9000/14000 - 14001? While vomiting villagers, Sulphate standard? No Grievance Procedure? HIA?
- **Than Lhin Industrial Estate** - Is Public hearing effective?
- **Clean Coal Power Plant** – Regional parliament block the project in Irrawaddy and Mon. Short EIA study? Baseline? GLC for air pollutant?
- **Agriculture and irrigation development project (WB)** - Political blockade to form Water User Group, Failure for improving Democratic Governance & village administration, Reluctant for law enforcement of illegal pesticide, illegal mining, catchment conservation

# Summing up the challenge.....

1. Understanding local context and socio-political dynamic – still lack of good governance at local level & Poor Civic-State Relationship? Trust?
2. Qualified, competent & credible local resource persons and multi-disciplinary team for EIA
3. Patron-client relationship Service provider vs Project Owner: Exercising intellectual freedom is tied up by business: No Option is never a case!
4. Lack of baseline, reliable data (temporal and spatial coverage are limited)
5. People participation in planning/designing, implementation, monitoring and evaluation is always limited and constrained (including EIA/EMP)
6. Superficial public hearing (time, frequency, place, people attended, dialect, facilitation, etc.)
7. Environmental law/EIA not clear??? On
  1. Access to information
  2. Polluter Pay Principle – how environmental damage & loss are valued and compensation and recovery are to be made
  3. How much public hearing is instrumental?
  4. Penalties unrealistic?
  5. Environmental dispute handling mechanism/ Grievance procedure and handling/Green Tribunal
  6. Environmental standard inadequate? SEA??
8. Government institution – limited resources, staff, facilities, lack of skill and attitude to deal with public – Corruption notorious????
9. Peer review team? Competency? Conflict of Interest?
10. Environmental Laboratory? Standardized?
11. Poor performance to improve local livelihood

# Conclusion

(While institution and law are weak though attempt to improve)

- Due diligence require for
  - Training of project staff (PR, Social Mobilization, Political Economy, Law)
  - Investing in participatory development
  - Consulting with existing CSO networks
  - Well design, time preparation and deliver of Public Hearing
  - Effective complaint handling and grievance procedures
  - Resource pool for impartiality of EIA/Environmental Safeguarding by real third party involvement
  - Effective communication strategy
  - Serious investment and performance to restore social justice and improve local livelihood
  - Respect and Commit the Free, Prior, Inform, Consent Principle