

**REPORT OF THE
ASEAN INTERGOVERNMENTAL COMMISSION
ON HUMAN RIGHTS**

**WORKSHOP ON RIGHTS-BASED APPROACH TO REGIONAL
MANAGEMENT STRATEGY FOR AN EFFECTIVE ENVIRONMENTAL
IMPACT ASSESSMENT**

**29-30 October 2017
Yangon, Myanmar**

Abbreviations

ACWC	ASEAN Commission on the Promotion and Protection of the Rights of Women and Children
AEC	ASEAN Economic Community
AHRD	ASEAN Human Rights Declaration
AICHR	ASEAN Intergovernmental Commission on Human Rights
AMS	ASEAN Member State
APSC	ASEAN Political Security Community
ASCC	ASEAN Socio-Cultural Community
ASEAN	Association of Southeast Asian Nations
ASEC	ASEAN Secretariat
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CFC	Chlorofluorocarbon
COP	Conference of the Parties (to the UNFCCC)
CRC	Convention on the Rights of the Child
CSR	Corporate Social Responsibility
EIA	Environmental Impact Assessment
HIA	Health Impact Assessment
KPI	Key Performance Index
MRC	Mekong River Commission
NHRI	National Human Rights Institution
PNPCA	Procedures for Notification, Prior Consultation and Agreement
SDGs	Sustainable Development Goals
SEA	Strategic Environmental Assessment
SIA	Social Impact Assessment
TBEIA	Transboundary Environmental Impact Assessment
UDHR	Universal Declaration on Human Rights
UNEP	United Nations Environment Programme
UNFCCC	United Nations Framework Convention on Climate Change

**Report
of the Workshop on Rights-based Approach to Regional Management Strategy
for an Effective Environmental Impact Assessment organised by the ASEAN
Intergovernmental Commission on Human Rights (AICHR)**

Rapporteur: Dr. Seree Nonthasoot
The Representative of Thailand to the AICHR

I. INTRODUCTION

1. The AICHR Workshop on Rights-based Approach to Regional Management Strategy for an Effective Environmental Impact Assessment was organised by the Representative of Myanmar and the Representative of Thailand to the AICHR with the support of the Republic of Korea through the ASEAN-ROK Cooperation Fund from 29 to 30 October 2017 in Yangon, Myanmar. The Workshop was attended by approximately 60 participants from amongst the AICHR representatives, government officials from the ASEAN Member States, experts from other regions, representatives from the Civil Society Organisations, representatives from ASEAN sectoral bodies and the ASEAN Secretariat. The list of participants and the programme of activities appear in Annexes 1 and 2 of this report, respectively.
2. The Workshop is designed to serve a number of purposes. Generally, it seeks to further increase the awareness of ASEAN and stakeholders on the relationship between human rights, environment and sustainable development and create a platform for relevant stakeholders to exchange views and experiences of current good practices employed by ASEAN Member States in conducting environmental impact assessment of a proposed investment project, which is a key tool to foster sustainability. More specifically, the multi-stakeholder platform it creates is intended to generate ways and means for relevant ASEAN bodies and organs to discuss possibility and benefits of a regional strategy on environmental impact assessment that will help advance the sustainable development aspiration of the ASEAN Community as espoused in the ASEAN Charter and the right of the peoples of ASEAN to safe, clean and sustainable development enshrined in the ASEAN Human Rights Declaration.
3. The Yangon Workshop is the third occasion in which the AICHR, since its inception in 2009, has addressed the issue of environment and human rights and, in particular, the strategy for an effective regional impact assessment. The first workshop was organized in 2014 in Yangon, and the second in 2015 in Mandalay. The 2017 Workshop illustrates and confirms the endeavour by the AICHR to organise a programme of activities related to the Sustainable Development Goals (SDGs), especially the goals on climate action, sustainable cities and communities and life on land and below water.
4. The Representative of Thailand to the AICHR continues to serve as the rapporteur for the human rights and environment workshops. The Workshop Report presents the main points of discussion. Its contents will not identify attribution of relevant speakers. It should be noted that owing to the vast scope and increasing dynamics of the issues on human rights, environment and climate change and the limited duration of the Workshop, the substantive coverage of the Workshop may not be comprehensive and the AICHR will be deliberating on follow-up activities that will supplement its contents to allow for the further discussion of the development of a regional approach on the linkages of the three issues.



Group photo of the organisers and resource persons. H.E. Ambassador U Hla Myint, the Representative of Myanmar to the AICHR (5th from the left on the front row)

II. THE CONTRIBUTION OF ENVIRONMENTAL IMPACT ASSESSMENT TO HUMAN RIGHTS AND SUSTAINABLE DEVELOPMENT

5. ASEAN is a region that has enjoyed continuous economic growth that is contributed by direct foreign investment and intraregional consumption spurred by regional economic integration. This rapid development has corollary consequences that are not entirely positive. As its economy grows, so too has ASEAN experienced unprecedented widening income disparity and transition to ageing population. The region is also facing a variety of environmental challenges that include deforestation, soil degradation, land grabbing, rising demand of and competition for water resources, and vulnerability to disasters caused by changing climate patterns. The high level of consumption has contributed to a global change of the environment. Development and sustainability seem to be in conflict and stand on opposite spectrums.
6. The concept of sustainable development has shown dynamic evolution. In the late 1980s, the World Commission on Economic and Development placed the emphasis of sustainability on balancing development that met the demands of the present generation without compromising the ability of future generations to achieve progress. The notion of intergenerational equity was implicit in the early debates on sustainable development which now encompasses three competing elements: economic development, environmental protection, and equity promotion.
7. As it interrelates with sustainable development, environmental protection also represents a multidimensional concept. While they care for the environment, people in developing countries place focus on environmental issues that impact their livelihood, such as air quality and pollution. This is in contrast to those in developed countries, who view the concept as primarily pertaining to wildlife and plant conservation.
8. Environmental impact assessment (EIA) denotes the process of identifying, predicting and evaluating the likely impacts of a proposed project or development and defining mitigation actions as well as reducing identified negative impacts. As a policy tool, EIA provides a variety of benefits, from mitigation measures, confidence of data in predicting consequences of development proposals to alternatives to decision makers. EIA allows and ensures that environmental considerations are addressed and incorporated into the development decision-making process. It helps anticipate, avoid, minimise or offset adverse significant biophysical,

social and other relevant effects of development proposals and simultaneously protects productivity and capacity of natural systems and ecological processes.

9. Despite the title, EIA as a process considers impacts beyond environmental types and pays due regard to those pertaining to economic, social and cultural as well. While not compulsory, the EIA process in many jurisdictions has included a specific Social Impact Assessment (SIA). The increasing usage of SIA stems from requirements by international organisations on projects that they are sponsoring. Underpinning EIA are opportunities to participate and meaningful involvement, especially of stakeholders who are likely to be affected by the proposed project. Public participation enhances the quality of the EIA report, thanks to accurate information provided by local communities and thus, simultaneously contributes to sustainability of the project.
10. At the international level, there is as yet no standard set of legally binding instrument on environmental assessment. Following the adoption of the Rio Declaration on Environment and Development in 1992, steps have been taken to enhance environmental governance through the Principle 10 of the Rio Declaration¹ that establishes three ‘environmental rights’: access to information, access to participation and access to justice. In 2010, the ‘Guidelines for the Development of National Legislation on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters’ (Bali Guidelines) were adopted by the Global Ministerial Environment Forum. The Bali Guidelines aim at implementing the Principle 10 by elaborating the three access rights and encouraging states to incorporate them in their constitution and legislation. The momentum has been positive. There is an increasing recognition of the right-based approach to environmental protection and more than 100 constitutions now have enshrined environmental rights. However, implementation gap is still a fundamental challenge.

III. REGIONAL MANAGEMENT STRATEGY FOR AN EFFECTIVE ENVIRONMENTAL IMPACT ASSESSMENT

11. In ASEAN, crossborder environmental impacts from projects or actions initiated in a Member State have already been recognised. However, regional responses have been taken only sectorally or thematically.² The Agreement on Transboundary Haze Pollution signed by ASEAN Leaders in 2002 following the severe land and forest fires in 1997-1998 is to date the most relevant example that calls for concerted national, regional and international efforts to prevent, monitor and mitigate land and forest fires with a view to controlling transboundary haze pollution. The ASEAN Agreement on Disaster Management and Emergency Response signed in 2005 is another example, though more remotely related, that addresses regional responses to and preparedness for disaster risks which include natural or human-induced hazards and vulnerable conditions.

¹ Rio Declaration Principle 10: “Environmental issues are best handled with the participation of all concerned citizens, at the relevant level. At the national level, each individual shall have appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities, and the opportunity to participate in decision-making processes. States shall facilitate and encourage public awareness and participation by making information widely available. Effective access to judicial and administrative proceedings, including redress and remedy, shall be provided.”

² However, as noted in the Rapporteur Report of the 2015 AICHR Workshop in Mandalay, in 1985 when there were six Member States—Brunei joined the five founding members in 1984—ASEAN adopted the Agreement on the Conservation of Natural Resources that makes reference to the ‘transfrontier environmental effects’ of activities of Member States and calls for their assessment. However, since then the Agreement has not received the required number of ratifications (six Member States) and remains ineffective legally and factually.

12. Transboundary environmental impact assessment (TBEIA) is a nascent concept, but one that has gained currency among groups of ASEAN Member States. In 1995, the riparian states of the Mekong River basin (Greater Mekong Subregion), including Cambodia, Lao PDR, Thailand and Vietnam, signed the Agreement on Cooperation for Sustainable Development of the Mekong River Basin (the Mekong Agreement), setting up the Mekong River Commission (MRC). As an intergovernmental organisation, the MRC focuses on sustainable development and management of the Lower Mekong Basin through dialogue and cooperation. The MRC member states cooperate under a set of five water-related procedures for exchanging and sharing data and information, monitoring water use, notifying and consulting with other members about diversions and uses of Mekong waters. Most pertinently, the MRC in 2003 established procedures for notification, prior consultation and agreement (PNPCA) that is a prerequisite and precursor of a TBEIA. The MRC then embarked on developing guidelines on TBEIA for Mekong River basin that was going to be finalised in 2018.³ The Guidelines are premised on four key principles. The first is state sovereignty which requires that a project to be subjected to TBEIA is approved by relevant authority of the state where the project will be based and the TBEIA will follow EIA legislation of that state. The second principle is polluter pays, implying that the project developer or proponent is responsible for all negative environmental and social impacts that may ensue. Good faith and good neighbourliness are the third principle that ensures prevention and minimisation of damage to neighbouring countries. The fourth principle is reciprocity which governs effective and mutually beneficial transboundary consultations. While it creates a positive precedent, the TBEIA developed by the MRC has some notable limitations. Firstly, the key objective of the MRC is the effective water resource management of the Mekong and is not intended to cover all aspects of subregional environmental issues. Secondly, the application of the MRC TBEIA focuses on projects on the mainstream body of the Mekong and not its tributaries, which do not require prior consultation and agreement. The TBEIA guidelines will be tested, but already the PNPCA that forms its constituent component has shown a robust track record. As of May 2017, there were 70 projects submitted to the MRC for the PNPCA process, a few famous examples are the hydropower dams in Xayaburi, Don Sahong and Pakbeng. Through PNPCA, mitigation measures were introduced in these projects to, inter alia, set up a joint environmental monitoring programme, maintain fish migration channels and redesign the project itself. The PNPCA also encourages scientific assessments and facilitates negotiation among relevant parties. The model of intraregional resource management of the Mekong can serve as a prototype of a larger regional context of ASEAN, bearing in mind the divergence of water management and environmental framework that may result if policy makers do not recognise the interrelatedness and complementarity of the two areas.

13. Besides its own experiences in the GMS, ASEAN can also learn from other regions on TBEIA. The Convention on Environmental Impact Assessment in the Transboundary Context was developed by the United Nations Economic Commission for Europe (UNECE) in 1991 and became known by the name of the city in which it was signed as the Espoo Convention. In its Appendix I, the Convention lists 17 activities that require their country of origin to notify affected parties and conduct TBEIA. Some of these activities are crude oil refinery, large diameter oil and gas pipelines, construction of motorways or airports, large dams and reservoirs, and deforestation of large areas.

IV. POLICIES AND PRACTICES OF ASEAN MEMBER STATES PERTAINING TO ENVIRONMENTAL IMPACT ASSESSMENT

³ In September 2018, the MRC produced the final version of the Guidelines for Transboundary Environmental Impact Assessment in the Lower Mekong Basin.

14. While ASEAN has not fully embraced TBEIA, its Member States are familiar with the EIA process, having incorporated EIA in their legislation or mandated a process for EIA on specified projects. A few good practices and key challenges on EIA were discussed at the Yangon Workshop. For Malaysia, a reference was made to three complementing national plans, namely the national physical plan which is reviewed every five years according to the town and planning legislation, the national policy on environment with emphasis on sustainable development, and the national policy on biodiversity and forestry. The Malaysian EIA process is institutionalised under the Environmental Quality Act 1974 which empowers the Minister to prescribe activities that may cause significant environmental impacts, subjecting them to EIA process. The list of prescribed activities has now exceeded 200 items. The EIA report may not be approved if it is inconsistent with the national physical plan and the Director General may require additional reports to be submitted in addition to the EIA. At the State level where jurisdiction is preserved on air and land issues, environmental legislation has also been introduced, for example, the 2002 Environmental Protection Enactment of Sabah and the 1993 Natural Resources and Environment Ordinance of Sarawak. For Myanmar, while legal instruments are under development, there is a clear direction at the national level to enact legislation with a view to assessing and evaluating risks of environmental harms from domestic and international investments. For Lao PDR, the 2016 Decree on Compensation and Resettlement has provided a useful framework to provide compensation in the form of land, materials, money and agricultural products to affected or relocated communities who are required to register within the prescribed period. EIA implementation has posed some challenges. For example, the EIA report of a reservoir project does not indicate the occurrence of a flood which happens during construction. It is also difficult to obtain acceptance of compensation and resettlement from people in the affected area, owing in part to linguistic and communication barriers. Moreover, there is no common unit price of compensation which has to be determined by each relevant local authority.
15. A more recent practice among Member States of ASEAN is the adoption of the Strategic Environmental Assessment (SEA) either through policy framework or legislation. The SEA is an approach to support more effective, efficient and sustainable decision making for development. Since it is conducted before a corresponding EIA is undertaken, the SEA helps cascade information on the environmental impact of a plan through the tiers of decision making to be used in an EIA at a later stage. This should reduce the amount of work that needs to be undertaken. In Greater Mekong Subregion, SEA has been used in various sectors including energy and tourism. While the combination of SEA and EIA leads to enhanced decision-making process, there remain challenges to their comprehensive application. For example, there remains general perception or misconception that this process is time-consuming, costly and a hurdle to development.



V. RECOMMENDATIONS

16. The following represents a list of salient recommendations from the two-day workshop.

- 1) Climate change has become a priority risk factor for the ASEAN Community, manifesting itself in various calamitous forms including increasingly regular natural disasters and rising sea levels. Marginalised groups such as women, people living in poverty or in rural areas and persons with disabilities are put disproportionately more at risk and suffer more from the consequences of changes in climate pattern. Identified as one of the 17 goals of the global agenda for sustainable development, climate change calls for a clear and holistic regional action that combines sustainable development with the drive toward a carbon-less or carbon-free society and mobilisation of new technologies that introduce a clean production cycle. To reach this decarbonised goal and become a truly people-centred community that improves the total quality of life for both the present and future generations, ASEAN must adopt a paradigm that identifies, mitigates and prevents adverse impacts from both public and private activities. The TBEIA or a regional EIA is an indispensable component in this process.
- 2) Parallel to the development of a regional programme or instrument on TBEIA, national policies on environmental protection should be enhanced. Introduction and embedment of SEA at the national level necessitate a robust legislative framework as well as implementation strategies. As a tool that contributes to environmentally sound and sustainable policy outcomes, SEA should be integrated into every step of the decision-making process. An environmental development plan should also be deployed with a view to ensuring identification and participation of stakeholders as well as to mitigating and minimising any adverse outcomes or impacts.
- 3) Having adopted a programmatic approach on environment and human rights, the AICHR as an overarching human rights body of ASEAN is strategically positioned to initiate and

coordinate a process to develop a regional EIA or TBEIA with other relevant stakeholders both at the regional, national and international levels. At the outset, basic elements of a regional EIA or TBEIA include: i) guidelines on environmental quality, ii) screening of projects that have regional environmental implications, iii) disclosure of and access to information on proposed activities, iv) meaningful participation of affected communities, especially indigenous groups, v) mitigation or prevention measures of potential negative impacts, and vi) SEA. Corollary measures such as a regional training facility, resettlement strategies and a regional environmental data collection system should also be explored.

- 4) As environmental concerns have become a regional issue and the TBEIA is a viable response strategy, ASEAN can already learn or take inspiration from existing frameworks both within and outside the region. The work of the Mekong River Commission provides a sub-regional example on management of shared resources. This has served as a precedent on enhanced benefits from crossborder cooperation. Lessons from other regions can also be used as a useful model. The Espoo Convention in particular illustrates a direct case study of a legally binding instrument on TBEIA.
-

ANNEX 1 LIST OF PARTICIPANTS

No	Name and Designation	Country
1.	Mr. Gabriel Yong, Lecturer, Geographical and Environmental Studies Programme, Faculty of Arts and Social Sciences (FASS), University of Brunei Darussalam	Brunei
2.	Dr. Do Nara, Professor from University of Cambodia	Cambodia
3.	Mrs. Prum Kalyane, Assistant to the Cambodian Representative to the AICHR, Office of the Council of Ministers	
4.	Ms. Elin Wrzancki, Danish Institute for Human Rights	Denmark
5.	Dr. Dinna Wisnu, Indonesia's Representative to AICHR, AICHR Indonesia	Indonesia
6.	Mr. Gatot Ristanto, Head of Research, Development of Innovation, Ministry of Environment and Forestry of Republic Indonesia	
7.	Mrs. Ratna Kusuma Sari, Deputy Director of Implementation on International Convention, Directorate of Biodiversity Conservation	
8.	Ms. Gita Agnestasia, Technical Officer of Human Rights Division, ASEAN Secretariat	
9.	Ms. Rikianarsyi Arrassyidinta Naramanik, Diplomatic Staff, Ministry of Foreign Affairs/AICHR	
10.	Helena Olsson Director, Jakarta Office, Raoul Wallenberg Institute of Human Rights and Humanitarian Law	
11.	Ms. Soukphaphone Phanit, ACWC Representative for Women's Rights, Deputy Director General of Planning and International Cooperation Department, Lao Women's Union	Lao PDR
12.	Dr. Truong Hong Tien, Director of Environmental Management Division, Mekong River Commission	
13.	Dr. Naruepon Sukumasavin, Director of Administration Division, Mekong River Commission	
14.	Dr. Inthavy Akkharath, Secretary General, Lao National Mekong Committee Secretariat, Ministry of Natural Resources and Environment	
15.	Mr. Phoukhong Sisoulath, Lao PDR's Representative to the AICHR, Ministry of Foreign Affairs	
16.	Mr. Phetvanxay Khousakoun Junior Assistant to the Lao PDR's Representative to the AICHR, Ministry of Foreign Affairs	
17.	Mr. Somvang Bouttavong, Director, Ministry of Natural Resources and Environment	
18.	Ms. Sysouphanh Xayavong,	

	Lecturer, Faculty of Environmental Sciences, National University of Laos	
19.	H.E. Mr. Edmund Bon Tai Soon, Representative of AICHR to Malaysia, Ministry of Foreign Affairs	Malaysia
20.	Datuk Godfery Gregory Joitol, Commissioner, Human Rights Commission of Malaysia	
21.	Mr. Lo Yee Fan, Principle Assistant Secretary, Ministry of Natural Resource and Environment	
22.	Mrs. Rohimah Ayub, Senior Principle Assistant Director, Department of Environment	
23.	Mr. Nasiri Bin Sabiah, Area Based Coordinator, Partners Of Community Organisation in Sabah (PACOS Trust)	
24.	Ms. Seint Sann Zaw, Project Manager, Forest Resource Environment Development and Conservation Association	Myanmar
25.	Ms. Hnin Wut Yee, Research and Outreach Manager, Myanmar Centre for Responsible Business, MCRB	
26.	Mr. Sit Myaing, Vice- Chairman, Myanmar National Human Rights Commission (MNHRC)	
27.	Dr. San Oo, Director, Ministry of Natural Resources and Environmental Conservation	
28.	Mr.Htun Paw Oo, Chairman, Myanmar Forest Association	
29.	Ms. Depar Tun, Staff Officer, Department of Social Welfare	
30.	Mr. Myo Set Aung, Deputy Director General, Department of Social Welfare	
31.	Ms. Yin Yin Pyone, Deputy Director, Department of Social Welfare	
32.	H.E Hla Myint, Representative of Myanmar to the AICHR, Myanmar-AICHR	
33.	Mr. Aung Myo Myint, Deputy Director General, ASEAN Affairs Department, MoFA	
34.	Mr. Tin Aye, Myanmar Forest Association	
35.	Mr. Aung Lwin Thant, Assistant General manager, Investment Facilitation, Kaung Myanmar Aung Group of Companies	
36.	Mr. Yu Lwin Aung, Myanmar National Human Rights Commission	
37.	Mr. Roberto Eugenio T. Cadiz, Commissioner, Commission on Human Rights of the Philippines	Philippines

38.	Ms. Crisanta Marlene Paje Rodriguez, Regional Director-DENRV, Department of Environment and Natural Resources	
39.	Mr. Leo M. Herrera-Lim, Representative of Philippines to the AICHR and Chair of AICHR, Department of Foreign Affairs	
40.	Mr. Charles Andrei P. Macaspac, Assistant Director, Office of Foreign Affairs, Department of Foreign Affairs	
41.	Dr. Sang Bum Lee, Research Fellow, Korea Environment Institute	Republic of Korea
42.	Dr. Lee Sang Yun, Korea Environment Institute	
43.	Ms. Jung A Han, Researcher, Korea Environment Institute	
44.	Dr. Shashi Jayakumar, Alternate Representative of Singapore to the AICHR, AICHR-Singapore	Singapore
45.	Ms. Michelle Lim, Desk Officer, Ministry of Foreign Affairs	
46.	Ms. Isabella Loh Wai Kiew, Chairman, Singapore Environment Council	
47.	Ms. Jen Teo Pui Heng, Executive Director, Singapore Environment Council	
48.	Ms. Thida Pongcharoenchai, Social Development Worker (Professional Level), Department of Women's Affairs and Family Development	Thailand
49.	Ms. Krissadee Boonsuaykwan, Social Development Worker (Professional Level), Department of Women's Affairs and Family Development	
50.	Ms. Pornsom Paopramot, Deputy Director-General, Department of Women's Affairs and Family Development	
51.	Mr. What Tingsamitr, Chairman, National Human Rights Commission of Thailand (NHRCT)	
52.	Dr. Seree Nonthasoot, Representative of Thailand to the AICHR, Institute of Research and Development for Public Enterprises	
53.	Mr. Apichai Sunchindah, Development Specialist, Independent Experts	
54.	Dr. Carl Middleton, Assistant Professor, Faculty of Political Science, Chulalongkorn University	
55.	Mr. Matthew Hamilton Baird, Environmental Counsel, Asia Research Institute for Environmental Law, Thailand/Australia	
56.	Mr. Andrew Raine, Regional Coordinator- Environmental Law, UN Environment	
57.	Mrs. Mary Christine Owen, Chief of Party, USAID Green Invest Asia, Country Director, Pact Thailand, Pact	
58.	Ms. Sor.Rattanamanee Polkla, Executive Coordinator,	

	Community Resource Centre Foundation	
59.	Mr. Iain Watson, Environmental Safeguards and Monitoring Specialist, Asian Development Bank, Greater Mekong Subregion Environment Operations Center	
60.	Mr. Pornchai Noibanngong, Human Rights Officer, National Human Rights Commission of Thailand (NHRCT)	
61.	Prof. Dr. Nay Htun, Hon Patron & Founder, GECC/Research Professor, Stony Brook University, State University of New York	USA
62.	Mrs. Nguyen Thi Nha, Representative of Vietnam to the AICHR, Ministry of Foreign Affairs	Viet Nam
63.	Mr. Vu Ngoc Anh, Deputy Head of Division, Vietnam Environment Administration	
64.	Mr. Jiri Dusik, Technical Specialist: Green Growth and Sustainable Development, UNDP	
65.	Mr. LE VAN HOP, Director of Legislation Department, Ministry of Natural Resources and Environment	

ANNEX 2 PROGRAMME OF ACTIVITIES



AICHR Workshop on Rights-based Approach to Regional Management Strategy for an Effective Environmental Impact Assessment



Supported by ASEAN-ROK Cooperation Fund
Yangon, Myanmar, 29-30 October 2017

Background

ASEAN has committed itself to “ensure sustainable development for the benefits of present and future generations and to place the well-being, livelihood and welfare of the peoples at the centre of the ASEAN community building process” (Preamble of the ASEAN Charter). The ASEAN Human Rights Declaration (AHRD) specifically prescribes the right to a safe, clean and sustainable development. In this regard, Environmental Impact Assessment (EIA) serves as an essential tool for implementing the principles of sustainable development. Adopting a rights-based approach (RBA) to environmental protection would enhance the efforts toward sustainable development.

Considering the above, this workshop aims to map out the current practices on EIA that has been employed by ASEAN Member States (AMS) in their countries, and provide a platform for the sharing of good practices and challenges. It seeks common features from AMS EIA procedures and how these procedures help ensure sustainable development from a regional perspective. This workshop will be the first among a series of follow-up activities aiming for the development of a regional guideline/framework on a rights-based approach to regional management strategy for an effective environmental assessment.

Workshop Objectives

- To map out the current practices on EIA that has been employed by AMS in their countries, sharing of good practices and challenges.
- To seek common features from AMS EIA procedures and how these procedures help ensure sustainable development from a regional perspective.
- To discuss how to strengthen environmental protection policies/practices in order to achieve sustainable development by: a) considering other types of assessment, i.e. Strategic Impact Assessment, and b) adapting a rights-based approach to environmental protection.
- To consider the feasibility of having regional guidelines for environmental assessment that could address environmental, social, economic and human rights issues as part of ASEAN’s management of environmental impacts.

Rapporteur: Dr. Seree Nonthasoot, the Representative of Thailand to the AICHR

Proposed Programme

DAY – 1 29 October	Opening Session
08:00-08:45 AM	Registration of Participants
08:45-09:05 AM	Opening Statement by U Sein Tun Lin, Deputy Director-General, the Ministry of Natural Resources and Environmental Conservation (TBC)
09:05-09:20 AM	Welcome Remarks by H.E. Mr. Hla Myint, Representative of Myanmar to the AICHR
09:20-09:35 AM	Remarks by H.E. Leo M Herrera-Lim, Chair of the AICHR
09:35-09:45 AM	Congratulatory Remarks (Mr. Jung-han Kim, Charge d’ Affaires of the Embassy of the Republic Korean in Myanmar)
09:45-10:10 AM	Keynote Address by H.E. Mr. John Knox, United Nations Special Rapporteur on Human Rights & the Environment Venue: Inya Ball Room, Level 1, Melia Yangon Hotel
10:10-10:45 AM	TEA BREAK & PHOTO

10:45-12:30	<u>Session 1</u> Human Rights and Sustainable Development – The contribution of Environmental Impact Assessment <u>Objectives</u> • To provide a general overview on sustainable development and its challenges, in general and in ASEAN in particular (including ASEAN initiatives in promoting sustainable development and environmental sustainability); • To provide better understanding on the linkages between human rights, climate change and sustainable development, including on the social consequences of climate change: impacts on development, employment, health and gender; • To provide a comprehensive overview on Environmental Impact Assessment (EIA) and the existing international framework governing EIA • Outcomes for follow-up Working Groups ➢ Strategies and practices for utilizing EIA process for integration sustainable social economic development and rights. ➢ Overcoming constraints for applying EIA. <u>Speakers</u> • Dr. Lee Sang Yun, Korea Environment Institute • Dr. Tien Truong Hong, Director of Environmental Management Division, Mekong River Commission Secretariat • Mr. Carl Middleton, Lecturer, Chulalongkorn University, Thailand <u>Moderator</u> • H.E. Ambassador Ngu Yen Thi Nha, Vietnamese Representative to the AICHR Questions & Answers
	LUNCH
02:00-03:45 PM	<u>Session 2</u> Sharing of Good Environmental Practices/Policies <u>Objectives</u> • Sharing of good practices from other regions with regards to environmental policies, including: - The implementation of Espoo Convention - Mekong River Commission - Sharing of good environmental practices and policies of Chuncheon Water Forum (ROK) • Outcomes for follow-up Working Groups ➢ Use of IT and social media ➢ Use of traditional media <u>Speakers</u> [as this session will focus on sharing good practices, it would be recommended to have practitioners <u>as speakers</u>] • Mr. Jiri Dusik, UNDP (to share an overview on Espoo Convention) • Mr. Naruepon Sukumasavin, Director, Administration Division, Mekong River Commission Secretariat, Vientiane, Lao PDR • Dr. Lee Sang Bum, Research Fellow, Korea Environment Institute <u>Discussant</u> • Mr. Somvang Bouttavong, Director, Ministry of Natural Resources and Environment Lao PDR <u>Moderator</u> • Dr. Shashi Jayakumar, Alternate Representative of Singapore to the AICHR Questions & Answers Venue: Inya Ball Room, Level 1, Melia Yangon Hotel
03:45-04:00 PM	TEA BREAK

04:00-05:30 PM	Session 3 Sharing of Good Environmental Practices/Policies Objectives • To provide a comprehensive overview on Strategic Environment Assessment (SEA); • To provide a better understanding of a Rights-based Approach (RBA) to Environmental Protection; • Synthesis of core common good environmental practices/ policies in AMS. • Examples of multilateral development banks guidelines pertaining to environmental impact assessment (e.g. Asia Development Bank, World Bank) • Outcomes for follow-up Working Groups ➢ Compendium of environmental practices and Policies. ➢ Training Modules for good environmental practices and policies. Speakers • Mr. Iain M. Watson, Safeguards and Monitoring Specialist, Asian Development Bank Greater Mekong Subregion Environment Operations Center (GMS-EOC) • Mr. Andrew Raine, Regional Coordinator – Environmental Law Asia and Pacific Office, Law Division, UN Environment Discussant • Mr. Apichai Sunchindah, Independent Consultant Moderator • H.E. Mr. Edmund Bon Tai Soon, Malaysia Representative to the AICHR. Questions & Answers
7:30-9:00 PM	Welcome Dinner Venue: Grand Ball Room Section 2, Level 2, Melia Yangon Hotel
END OF DAY 1	
DAY – 2 09:00-10:30 AM	Session 4 Regional Management Strategy for an Effective Environmental Impact Assessment – Seeking commonalities Objectives • To identify the existing national EIA procedures in AMS, the challenges and gaps in implementation; • To discuss regional commonalities of EIA procedures; • Outcomes for follow-up Working Groups ➢ Compendium of existing national EIA procedures and commonalities in AMS ➢ Harmonizing national EIA procedures Speakers • Ms. Rohimah binti Ayub, Senior Principle Assistant Director, Department of Environment • Dr. San Oo, Director, Ministry of Natural Resources and Environmental Conservation (TBC) • Mr. Mathew Baird, Environmental Consultant. Discussant • Dr. Nay Htun, Former United Nations Assistant Secretary General and UNEP Deputy Executive Director (USA). Moderator • H.E. Mrs. Dinna Wisnu. Ph.D, Indonesian Representative to the AICHR. Questions & Answers
10:30-10:45 AM	TEA BREAK

10:45-12:30	<u>Session 5</u> Regional Management Strategy for an Effective Environmental Impact Assessment – Way forward <u>Objectives</u> • To exchange views on the feasibility of developing regional guidelines for EIA in ASEAN which address the social, economic and human rights impacts of climate change; and • To exchange views on steps forward. • Outcomes for follow-up Working Groups ➢ Core/ common factors for regional guidelines ➢ Major driving forces for climate change that have impacts on social, economic and human rights. <u>Speakers</u> • Ms. Maria Helena, Raoul Wallenberg Institute • Ms. Sor.Rattanamanee Polkla, Coordinator, Community Resource Centre Foundation (CRC) <u>Discussant</u> • Ms. Christy Owen, Country Director / Chief of Party, Mekong Partnership for the environment, Bangkok. <u>Moderator</u> • Mr. Phoukhong Sisoulath, Lao PDR's Representative to the AICHR Questions & Answers
12:30-02:00 PM	LUNCH
02:00-03:30 PM	<u>Session 6</u> Break-out Groups <u>Group - 1</u> <u>Facilitator</u> • H.E. Mr. Edmund Bon Tai Soon, Malaysian Representative to the AICHR <u>Group – 2</u> <u>Facilitator</u> • H.E. Mrs. Dinna Wisnu. Ph.D, Indonesian Representative to the AICHR <u>Group – 3</u> <u>Facilitator</u> • Ms. Christy Owen, Country Director / Chief of Party, Mekong Partnership for the environment, Bangkok. • In small groups, participants will discuss and present their views/experiences on the topics covered on Day1 and Day 2
03:30-03:45 PM	TEA BREAK
03:45-05:00 PM	<u>Final Session (Plenary)</u> • Submission and Discussion of the Reports of the three Break-out Groups • Rapporteur's Summary of Recommendations from the six Sessions Dr. SereeNonthasoot, the Representative of Thailand to the AICHR Venue: Function Room 5, Level 1, Melia Yangon Hotel <u>Moderator</u> • H.E. Amb. U Hla Myint, Myanmar Representative to the AICHR
05:00-05:15 PM	Closing Remarks by the Representative of Myanmar to the AICHR