



# **Environmental Governance in Myanmar**

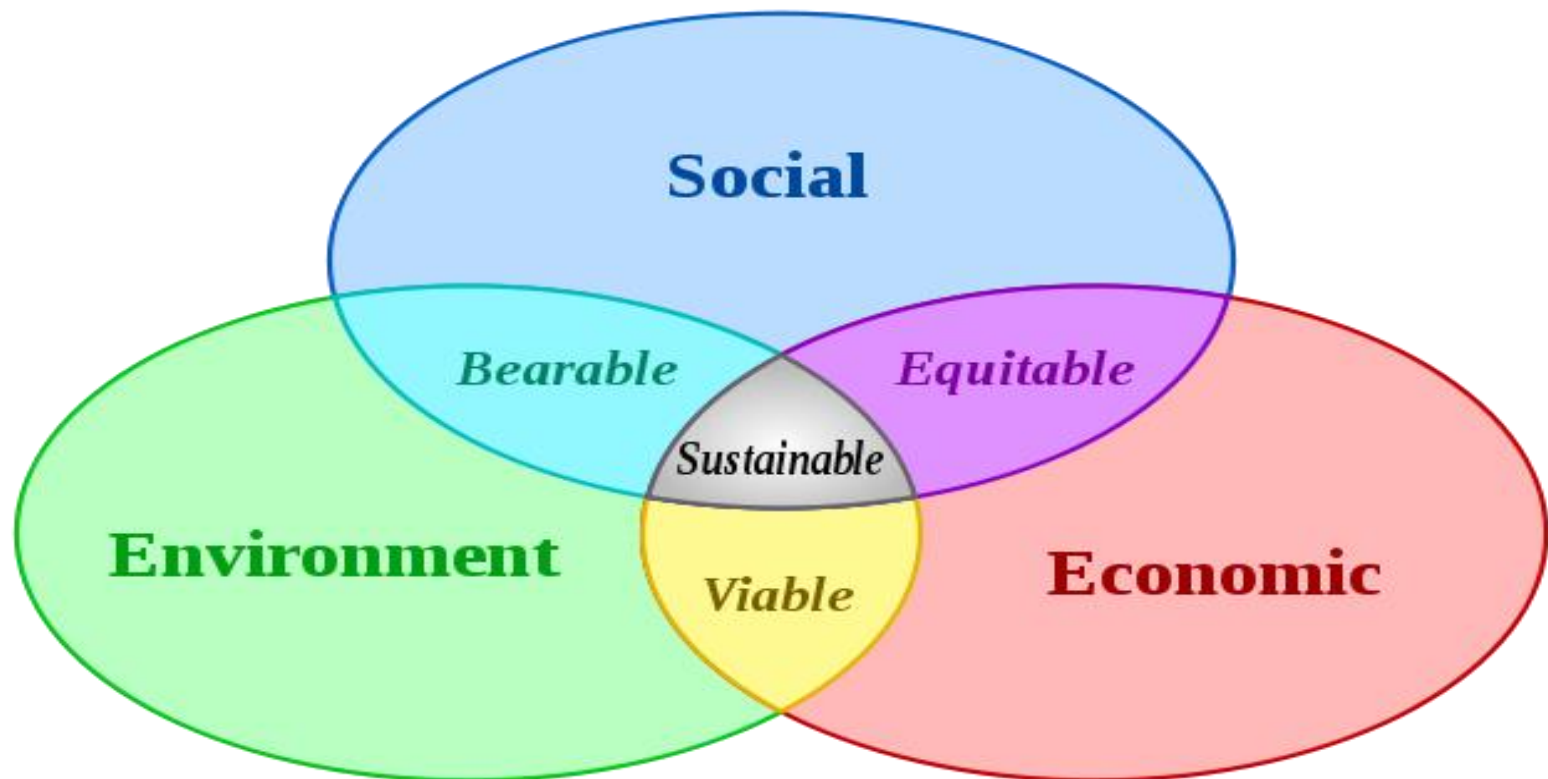
**U Than Aye**

**Director**

**Environmental Conservation Department**

# Strategy for Environmental Safeguards

To work for **Economic Development in Parallel with Environmental Conservation**



# State Constitution



Constitution of the Republic of the  
Union of Myanmar  
(2008)

ပြည်ထောင်စုသမ္မတမြန်မာနိုင်ငံတော်  
ဖွဲ့စည်းပုံအခြေခံဥပဒေ  
(၂၀၀၈ ခုနှစ်)

## Article 45

- The Union Shall protect and conserve natural environment.

## Article 390

- Every citizen has the duty to assist the Union in carrying out the following matters:
  - (a) preservation and safeguarding of culture heritage
  - (b) environmental conservation**
  - (c) striving for development of human resources
  - (d) protection and preservation of public property.

# Policy and Strategies Developed

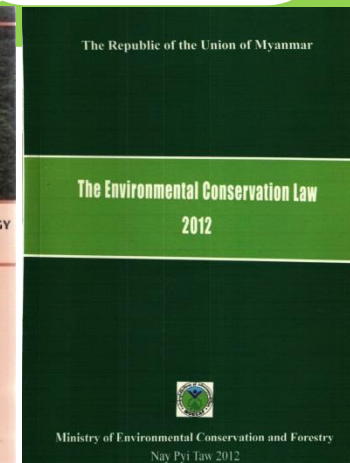
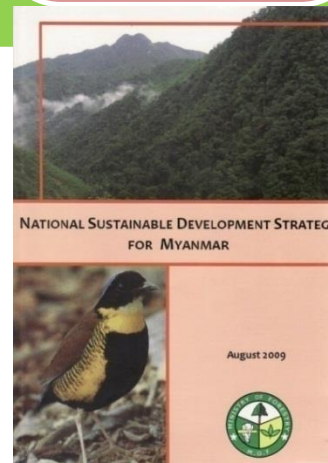
**Environmental Policy**  
1994

**Myanmar Agenda-21**  
1997

**NSDS**  
2009

**Environmental Conservation Law**  
2012

**Environmental Conservation Rules**  
2014



# Potential issues/ Impacts

- Damage to aquatic animal and marine ecosystem, mangrove ecosystem
- Soil and forest deterioration by deep seaport
- Pollution by oil containers
- Water pollution by Oil spilling
- Water quality declination
- Damage to coral ecosystem
- Air pollution
- Pollution by Waste (Municipal waste, Chemical waste, hazardous waste, Agricultural waste)
- Public health
- Social and cultural

# Challenges :

## Over-use of Natural Resources

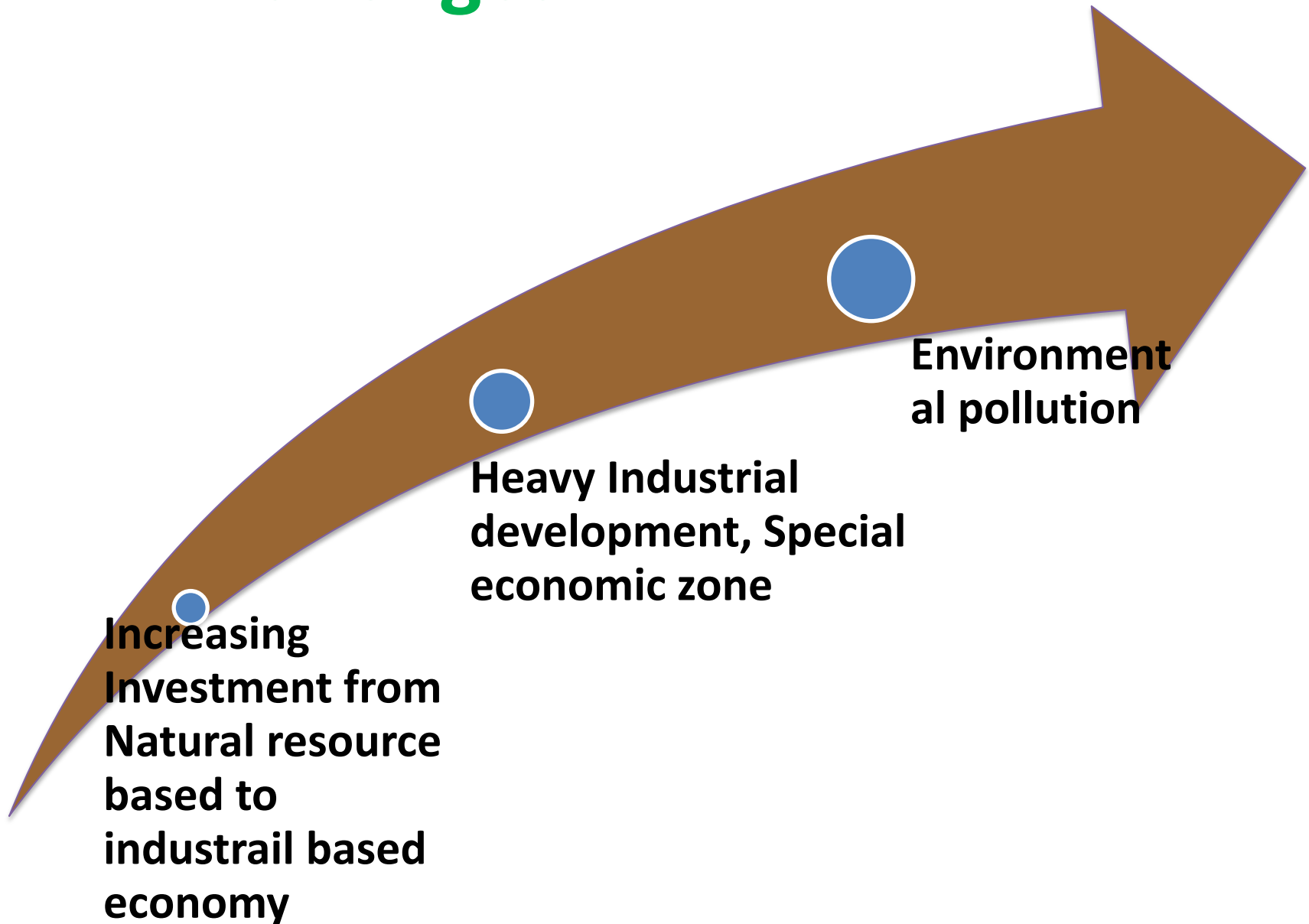


Highly rely on exploitation of Natural resources

Infrastructure Development: Dam, Highways, Urbanization, Unsystemative land use change ,

Ecosystem and environmental resources degradation, lost of habitat and biodiversity

# Challenges: Industrialization



# Initiating to set EIA systems in Myanmar

## Legal Frameworks

- **Environmental Conservation Law, 2012**
- **Environmental Conservation Rules, 2014**
- **EIA Procedures (6<sup>th</sup> draft\_2014)**
- **In connection with Foreign Investment Law and Rules which is main entrance of proposal for Large scale project or business or activity**



# **Environmental Conservation Law, 2012**

## **Objectives**

### **Section 3**

- (c) to enable to emerge a healthy and clean environment and to enable to conserve natural and cultural heritage for the benefit of present and future generations;**
- (d) to reclaim ecosystems as may be possible which are starting to degenerate and disappear;**
- (e) to enable to manage and implement for decrease and loss of natural resources and for enabling the sustainable use beneficially;**

## Environmental Conservation Law (Continued)

The following provisions of **Duties and Powers** relating to the Env Conv. of the Ministry are stipulated in EC Law

### Section 7

- (m) To lay down and carry out a system of EIA and SIA as to whether or not a project or activity to be undertaken by **any Government department, organization or person** may cause a significant impact on the environment;
- (o) To manage to cause the **polluter to compensate** for environmental impact, cause to contribute fund by the organizations which obtain benefit from the natural **environmental service system**, cause to contribute a part of the benefit from the businesses which explore, **trade and use the natural resources in environmental conservation works**;

### Monitoring

#### Section 13.

The Ministry shall, under the guidance of the Committee, maintain a comprehensive monitoring system and implement by itself or in co-ordination with relevant Government departments and organizations in the following matters:

- (a) the use of agro-chemicals which cause to impact on the environment significantly;
- (b) transport, storage, use, treatment and disposal of pollutants and hazardous substances in industries;
- (c) **disposal of wastes which come out from exploration, production and treatment of minerals, industrial mineral raw materials and gems;**
- (d) carrying out waste disposal and sanitation works;
- (e) carrying out development and constructions;
- (f) carrying out other necessary matters relating to environmental pollution.

## **Environmental Conservation Law (Continued)**

**Responsibilities of project proponent/ business owner for reducing environmental impact**

**Section 14. A person causing of pollution shall treat, emit, discharge and deposit the substances which cause pollution in accord with environmental quality standards.**

**Section 15. The owner of any business which causes of pollution shall install or use an on-site facility or controlling equipment in order to monitor, control, manage, reduce or eliminate env. pollution. If it is impracticable, it shall be arranged to dispose the wastes in accord with environmentally sound methods.**

## Environmental Conservation Rules (2014)

54. The business, department, organization or person who would carry out categories of plan, business or activity stipulated under rule 52:
- (a) submit the environmental impact assessment report to the Ministry.

# Requirements concerning organizations or persons undertaking EIA and IEE

•Any organization or person who wishes to prepare an EIA or IEE **shall apply to register (work permit) with the Ministry.**

•Such application shall include:

name and contact address/

profile of the organization or individual/ *as the case may be,*

*profiles of its key personnel if the applicant is an organization,*

*relevant experience of the organization and each of its key personnel in the field of environmental assessment/ academic credentials/*

relevant certificates or accreditations/ references from clients for whom the organization has performed environmental assessment work previously/ and evidence of professional or other liability insurance covering the work and services to be performed by such organization or person.

*The applicant for registration shall be required to make payment of any fees and charges that may be required by the Ministry in connection with the application submission. The registration shall be valid for a period of 3 years and the applicant shall renewal prior 3 months to the end of validation.*

# IEE / EIA Process

**1-Screening IEE / EIA or No EIA/IEE**

**2-IEE Process**

**IEE preparation and Review**

**IEE Approval**

**3-EIA Process**

**Scoping for EIA**

**EIA preparation and Review**

**EIA Approval**

**4-Appeal**

## Content of Scoping Report:

- Executive Summary
- Context of the Project
- Overview of the Policy, Legal and Institutional Framework
- Project Description and Alternatives
- Description of the Environment together with maps in proper scale indicating all relevant features
- Key Potential Environmental Impacts and Mitigation Measures
- Public Consultation and Disclosure
- Conclusions and Recommendations



## **Content of EIA Report:**

### **Executive Summary**

- **Introduction**
- **Policy, Legal and Institutional Framework**
- **Project Description and Alternative Selection**
- **Description of the Surrounding Environment**
- **Impact and Risk Assessment and Mitigation Measures**
- **Cumulative Impact Assessment**
- **Environmental Management Plan**
- **Public Consultation and Disclosure**

•The conditions of an **Environmental Compliance Certificate**. Such conditions may encompass any or all of:

- **General management:** (
- **Emissions**
- **Use of energy and natural resources:**
- **Pollution Prevention:** Effectiveness of production or construction methods or waste storage and treatment
- **Nature conservation and management:**
- **Hazardous or toxic materials including waste:**
- **Waste management:**
- **Transport and access:**
- **Decommissioning, rehabilitation, clean-up and closure**
- **Control measures:**
- **Monitoring:**
- **Documentation and reporting:**
- **Financial guarantee**
- **Funding of inspection by the Ministry:**

# Policy guidelines : Guidelines of Investment by MIC



## Foreign Investment Rules:

34. In submitting the proposal for the capital intensive investment projects which need to assess the environmental impact by the MOECAAF, **the EIA and SIA reports shall be attached together with the investment proposal.**

# Time frame (EIA Process and MIC permission process)

| <b>EIA Process</b>                         | <b>Duration</b> | <b>MIC Permission</b>     | <b>duration</b> |
|--|-----------------|---------------------------|-----------------|
| <b>1-Screening Procposal (IEE/EIA/NON)</b> | <b>15 days</b>  | <b>Screening Proposal</b> | <b>15 days</b>  |
|  |                 | <b>MIC Permission</b>     | <b>90 days</b>  |
| <b>2-IEE Process</b>                       |                 |                           |                 |
| • IEE expert approval (Third party or not) | 7 days          |                           |                 |
| • Preparing IEE Report                     | ?               |                           |                 |
| • IEE Report approval                      | 60 days         |                           |                 |
| <b>3-EIA Process</b>                       |                 |                           |                 |
| • EIA expert approval (Third party or not) | 7 days          |                           |                 |
| • Developing Scoping Report and TOR        | ?               |                           |                 |
| • Scoping report & TOR approval            | 15 days         |                           |                 |
| • Investigation & Developing EIA Report    | ?               |                           |                 |
| • EIA report approval                      | 90 days         |                           |                 |

| No  | Type of investment projects   | Criteria for IEE Type Economic Activities  | Criteria for EIA Type Economic Activities                                       |
|---|---|--|---|
| <b>I. Energy Sector Development Project</b> |   |  |   |
| 10  | Oil and gas Transmission or Distribution Systems  | < 10 km  | ≥ 10 km   |
| 11  | Petroleum refineries or Natural Gas Refineries (include manufacturing of liquefied petroleum gas (LPG), | —  | All sizes   |
| 12  | Oil or Natural Gas Terminals  | —  | All sizes   |
| 13  | Filling Stations (including LPG and CNG)  | > 10 m <sup>3</sup> fuel storage capacity except for those where a full EIA is required (subject to screening determination) | All activities where the Screening process yields a recommendation to do an EIA |
| 14  | Petroleum Depot or Liquid Gas Depot   | Storage capacity<br>Petroleum < 10,000 t<br>Liquid gas < 2500 t  | Storage capacity<br>Petroleum ≥ 10,000 t<br>Liquid gas ≥ 2500 t                 |
| 18  | Petroleum or Gas exploration by means of geophysical drill  | All sizes  | All activities where the IEE process yields a recommendation to do an EIA       |
| 19  | Petroleum-based Organic Chemicals Manufacturing   | —  | All sizes   |
| 20  | Natural Gas Processing Plants   | —  | All sizes   |
| 21  | Natural Gas Liquefaction Plants   | —  | All sizes   |

| No  | Type of investment projects   | Criteria for IEE Type Economic Activities | Criteria for EIA Type Economic Activities |
|---|---|---|---|
| <b>I. Energy Sector Development Project (Cont.)</b> |   |   |   |
| 22  | <b>Onshore Oil and Gas Development</b><br>(Seismic exploration, exploration and production drilling, development and production activities, transportation activities including pipelines, other facilities including pump stations, metering stations, pigging stations, compressor stations and storage facilities, ancillary and support operations and decommissioning) |   | All sizes                                 |
| 23  | <b>Offshore Oil and Gas Development</b><br>(Seismic exploration, exploration and production drilling, development and production activities, offshore pipeline operations , offshore transportation, tanker loading and unloading, ancillary and support operations and decommissioning)  |   | All sizes                                 |

**For More Information:**

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***Thank you  
For your attention***