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# **Workshop on Environmental Impact Assessment in a Transboundary Context in Eastern Asia**

ORGANIZED BY

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UNECE Espoo Convention

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# EXECUTIVE SUMMARY

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## Overview

The workshop on Environmental Impact Assessment in a Transboundary Context in Eastern Asia was held June 13-15, 2012, in Seoul, Korea. It was organized by Korea Environment Institute, Ministry of Environment and UNECE Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention). It aimed at drawing attention to the opportunities of Transboundary environmental impact assessment (TEIA), and providing a basis for future cooperation between States/ authorities in Eastern Asia.

Participants from Europe and Asia addressed transboundary environment issues and current situation in Eastern Asia and explored the key challenges to introduce TEIA in Northeast (NE) Asia throughout the event. They shared knowledge and information with respect to bilateral and multilateral cooperation in the field of impact assessment, as well as experiences of existing national systems for TEIA in Europe and Central Asia.

This report provides summary of the workshop and the research recommendations generated by participants. It is followed by presentations and panel discussion and suggests opportunities for further study and cooperation among the countries.

## Presentation

The presentations are roughly divided into “the introduction of the TEIA system”, “Preceding countries’ share of experience”, “Discussion about the introduction of TEIA into Northeast Asia”, and “Contents of the international cooperation plan”, etc. At this workshop, a total of 12 participants gave an in-depth lecture and presentation on each subject, and all participants spared their time concretely discussing the matter on each country’s sharing of the findings, the further plan to be promoted and continuous cooperative measures. The contents of each presentation can be summarized as follows:

- An overview of legislation and approaches of TEIA. Provisions and their practical implementation under the Espoo Convention, its Protocol on Strategic Environmental Assessment (SEA), and the Aarhus Convention (Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters).
- Key elements to introduce TEIA and importance of pilot projects and public involvement
- Introduction of EIA/TEIA systems from each participating country. Experiences from Europe and Central Asia and pilot projects of TEIA in East Asia
- The methods to strengthen partnerships between the governmental authorities and academic circles. Importance of the bilateral/ multilateral agreements
- Environmental issues and efforts for the introduction of TEIA in NE Asia.
- The effectiveness and progress to introduce TEIA in the region.

## **Penal Discussion**

Panelists described some of the key issues to increase cooperation and to introduce TEIA system in NE Asia. Many participating experts strongly agreed on the need to find out specific and practical methods to introduce legally binding TEIA system in the region. The key contents that emerged through discussions are summarized below. The panel:

- Suggested that NE Asian countries participate as “observers” in a pilot project on TEIA implemented under the Espoo Convention, for example between two Central Asian Republics, Kazakhstan and Kyrgyzstan. This would allow them to observe the practical application of TEIA procedures; and how they may help countries solve transboundary environmental problems. Pilot projects can enhance governments’ awareness of the positive effects of introducing TEIA in the region.
- Encouraged NE Asian countries to accede to the Protocol on Strategic Environmental Assessment and later to the Espoo Convention (once it is open for non-ECE countries). In parallel, the countries should improve their cooperation through the development of bilateral/ multilateral regional agreements on TEIA.
- Suggested extending the boundary of TEIA region into East Asia. The introduction of the TEIA in the region could be promoted by lead countries their efforts would prompt more lively discussion.
- Proposed encouraging international organizations, Asian Development Bank (ADB) and World Bank (WB) to take part in the process, and serve as focal points. WB and ADB have supported Asia countries in EIA and TEIA systems. The NE countries can promote cooperation by proposing collaboration with international organizations and announce their effort and achievement.
- In the meantime, other opinions were provided; establishing secretariat of TEIA, Emphasizing introduction of legally binding guidelines and regulations, attracting attention of China and North Korea that to date have showed passive attitude, planning strategies to improve cooperation among the countries through the bilateral and multilateral agreement.
- Proposed a Double-track strategy to strengthen international cooperation at both the government and the academy level. In this respect, the expansion of pilot projects and incentive measures of interest to governments would be needed. The most important thing for introducing TEIA is each country’s active cooperation. Building networks is also essential.

## **Conclusion**

The workshop provided expert opinions on introducing TEIA and prompted useful discussions by participating experts from 10 countries in Europe and Asia and international organizations. We recognized importance of cooperation to get achievements among the governments and discussed strategies to improve it.

Suggestions to introduce TEIA into NE Asia region were as follows: developing regulations which suit NE Asia’s reality, establishing secretariat can push forward TEIA, expanding the bilateral and multilateral agreement, enhancing the interest of governments through Pilot

Projects, encouraging international organizations to participate in introducing TEIA in NE Asia, introducing TEIA into all parts of Asia, with the nations that actively apply TEIA leading the discussions.

The workshop became a momentum to publicize Korea's continuous efforts to introduce the TEIA system into the regions in NE Asia, and Korea Environment Institute. Participants showed trust and respect to Korean Ministry of Environment and Korea Environment Institute and consented to promote discussion introducing TEIA through cooperation with government department in their country.

This workshop served as a momentum to provide political direction and academic proposals prior to the working-level discussion at the government level to be discussed later on, and also served as a stepping-stone for the continuous exchange through the formation of the TEIA expert network covering Europe and Asia. Particularly, the workshop was very useful in that not only experts of NE Asia but also those from Europe and other Asian countries participated to produce much broader and in-depth presentation and discussions.

# SUMMARY BY EACH PARTICIPANT

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## **1. Overview of legislation and practice for transboundary environmental impact assessment in the pan-European region, by *Jerzy Jendroška***

The key note speech in its first part reminded the concept origins and development of environmental assessment which is a main tool for preventive environmental policy. It covers both individual projects in form of environmental impact assessment (EIA) and plans, programs and other strategic documents in form of strategic environmental assessment (SEA). Environmental assessment originated in the United States but soon became widely employed in the entire world. The need for environmental impact assessment is envisaged in a number of international treaties and is considered now a customary rule of international law. There is no however any global treaty which would provide a minimum standard for national environmental assessment frameworks and a detailed procedure for transboundary assessment. Only in Europe the frameworks for assessment are partially harmonized due to the EIA Directive and SEA Directive of the European Union while Espoo Convention and its SEA Protocol. provide quite detailed internationally accepted procedures for conducting transboundary assessment.

The UN ECE Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention) was negotiated and eventually signed at Espoo on 25 February 1991 by 26 countries and European Community. The countries involved in the negotiations included representatives of all sub-regions of UNECE: USA and Canada, the EC and its Member states, Nordic countries, countries of Central Europe and South-East Europe and the Soviet Union. They represented various legal cultures and political regimes, and differed in the stage of their socio-economic development. This obviously had a bearing on their domestic EIA systems: some had well developed EIA legislation and practices (like USA and Canada), some had just recently developed EIA legislation (like EC and its Member States) and some were just in the process of developing their domestic EIA systems.

The Convention entered into force 10 September 1997 and has now 45 Parties (including European Union). In order to monitor compliance with its obligations a special compliance mechanism was created, central part of which plays so called Implementation Committee.

The practice shows that the fact that most of the Parties to the Convention have now quite elaborated and different frameworks for EIA creates significant problems with practical application of the transboundary procedure. Only in the light of practical experience it turned out that the Espoo Convention was based on the system of environmental impact assessment prevalent in Western Europe, and was less compatible with the systems of environmental assessment and State ecological review inherited by many countries of the former Soviet Union (OVOS/expertiza systems). The procedure for the assessment of environmental impact of a proposed activity in OVOS/expertiza systems is carried out mostly by the proponent and not by the authorities competent to authorize the activity. The procedure involves the authorities only late in the process, once any public participation has taken place. Secondly, the subsequent State ecological review by the authorities is essentially limited to a review of the legality of the proposed activity. These and some other particular features of OVOS/expertiza systems make a systemic inconsistency with the Convention. But systemic inconsistency, although it is the most acute one, is not the only problem with applying the

Convention. It turns out that even within the European Union, there are some differences between the seemingly similar systems and these differences provide some problems with applying transboundary procedures. These differences include various approaches to screening and scoping and to public participation. Finally, some practical problems result from some ambiguity and lack of details in the transboundary procedure regulated by the Convention. These details are meant to be covered by bilateral agreements, which increasingly are being concluded between the Parties.

## **2. Introduction to the Espoo Convention and its Protocol on SEA, by Tea Aulavuo**

The Espoo Convention (adopted in Espoo, Finland in 1991, in force since 1997) has 45 Parties in the ECE region (as of July 2012). Parties have adopted an amendment to allow also any UN member State to accede to the Convention, but the amendment is yet to enter into force.

The Convention requires that an environmental impact assessment be carried out for certain types of activity planned by a Party, (e.g. related to power plants, cross-border infrastructure, water, waste management, mining), which are likely to have significant environmental impact within an area under the jurisdiction of another Party. It specifies what has to be considered at an early stage of planning and it lays down the obligation of countries to notify and consult each other and the public. It requires that all comments received, as well as the findings of the assessment are taken into account when deciding on the planned activity.

The Convention offers clear benefits, as also indicated by the increase in its application from 10 cases a year a decade ago to over 100/year: it grants legal rights vis-à-vis other Parties to be notified and consulted, while retaining sovereignty of the Parties (as the decision-making power remains in the country where the development is planned); and respecting confidentiality (i.e. is not prejudicial to industrial and commercial secrecy or national security); Provides a framework for discussing planned developments with neighbouring States; Enhances international cooperation, helps minimizing misunderstanding and avoiding possible conflicts; Promotes better development through improvements to project design and identification of better and less costly alternatives; Improves environmental protection, climate change mitigation, allowing avoidance or reduction of impacts; Increases awareness of importance of the environment and consequences of the project implementation; Enables better-informed and more objective decision-making; Enhances governance – transparency, participation and ownership.

The costs of transboundary EIA, mostly borne by the developer, are in general less than 0,5% of the overall capital costs.

The Protocol on SEA (adopted in 2003, in force since 2010) has 24 Parties (as of June 2012) in ECE region but is open also to all United Nations Member States. It was negotiated under the Espoo Convention but it is nationally a legally distinct instrument (i.e. non-Parties to the Convention can accede to the Protocol).

The Protocol requires that strategic environmental assessment is carried out for certain plans, programmes and possibly also to policies and legislation that are likely to have significant environmental, including health effects. It also provides for extensive public participation in the governmental decision-making. The Protocol is a unique and important instrument for

furthering sustainable development, climate change mitigation and greening the economy, as it provides a mechanism for the integration of environmental and health considerations and the related public concerns at the earliest stages of strategic decision-making. It is also instrumental for improving planning and programming, preventing costly mistakes, identifying new development opportunities, improving decision-making and strengthening governance. The Protocol applies to national development planning irrespective of whether it is likely to affect the territory of another States. However, as the Protocol also provides for transboundary consultations, it can provide an important arena for regional cooperation to address difficult issues, such as shared national resources and transboundary pollution.

The Meeting of the Parties to the Convention and the Meeting of the Parties to the Protocol meet every 3 to 4 years to review and further develop the implementation of the two instruments. A workplan adopted for each intersessional period contains activities, including capacity building and legislative advice, to further compliance with and implementation of the instruments, subregional cooperation and exchange of good practices. The Meetings of the Parties are supported by the Working Group on EIA and SEA, a Bureau and the Implementation Committee, which reviews compliance by Parties with their obligations under the two instruments with a view to assisting them to fully meet their commitments. The intergovernmental work under the two instruments is supported by the secretariat, of UNECE, based in Geneva.

### **3. Cooperation of the Caspian littoral countries in preparation of the EIA Protocol to the Tehran Convention, by *Serik Akhmetov***

Caspian Sea is the largest closed water body in the world. It plays a significant role in the economic and social development of all Caspian countries. It is famous for its huge stocks of mineral and hydrocarbon resources. At the same time it has a unique biodiversity, including sturgeons, Caspian seals and etc.

Because of a number of reasons mostly connected with the impact of human activities, at present there are a lot of environmental problems in Caspian Sea region, including its marine environment.

Each Caspian littoral country takes a lot of messages in order to improve the situation, but because the Sea is a trans-boundary one it is impossible to get significant success without joining of efforts of all littoral countries.

Therefore in 1994 during the meeting in Almaty (former Capital of Kazakhstan) the high level representatives from all the Caspian countries decided to develop Caspian Environmental Program and applied to the international community for the assist.

In response to this request the Global Environment Facility (GEF) initiated the implementation of the Caspian Environmental Program (CEP) in 1998. There were three phases of the CEP from 1998 to 2012. A lot of work has been done. In particular, a Trans-Boundary Diagnostic Analysis (TDA) developed by the international and national consultants. The significant of TDA was very important because in it all five littoral countries recognized existing the several trans-boundary environmental problems in the Sea, including an overall decline in environmental quality, introduction of invasive species, decline commercial fish stocks and Caspian seals, degradation of coastal landscapes and damage to coastal habitats and contamination from offshore oil and gas activities.



TDA was updated in 2007. In addition to the above mentioned issues, one more trans-boundary problem was recognized. It was an impact of climate change on the environment conditions of the Caspian Sea.

Taking into account the significant of the trans-boundary problems, Caspian littoral countries also developed the Guidelines on Environmental Impact Assessment.

Thereby two main documents concerning the EIA procedure had been developed before the countries agreed to design the legal treaty in relation to the protection of the environment of the Caspian Sea. It was the Framework Convention on the Protection of the Marine Environment of the Caspian Sea signed by all littoral countries in November 2003 in Tehran (Iran). The Tehran Convention was come into a force in 12 August 2006.

In order to specify the obligations of the countries in terms of the environment protection, the Convention envisages the development of protocols to it. Last year one of the Protocols to the Tehran Convention regarding the response to oil spills pollution was signed in Aktau city in Kazakhstan (Aktau Protocol). It is expected that three more Protocols will be signed this year in Moscow (Russia) during the Fourth session of the Conference of Parties of Tehran Convention. One of them is the Protocol on Environment Impact Assessment in a Trans-Boundary Context.

The objective of this Protocol is to implement effective and transparent EIA procedures in a transboundary context to any proposed activity which is likely to cause significant transboundary impact on the marine environment.

Protocol shall be applied to the marine environment of the Caspian Sea taking into account its water level fluctuations and pollution from land-based sources.

In according to the text of the Protocol each Contracting Party shall:

- adopt necessary legal, administrative or other measures to implement the provisions of the Protocol;
- ensure the application of EIA procedure to the appropriate activities;
- inform the Contracting Parties and the Secretariat of its Point of Contact for Notification;
- ensure effective public participation in the EIA procedure;
- ensure an equivalent opportunity to the public of the Party of Origin and the public of the Affected Party to participate in the EIA procedures.

The structure of the Protocol is almost the same with the Espoo Convention. But there are some differences mostly connected with list of activities which envisage to be applied for EIA procedures. Also there are some differences in the list of criteria to assist in determining significant trans-boundary impact and etc.

The significant of this Protocol is very important. It will help the countries to improve the marine environment of the Caspian Sea and what is not less important it will increase the trust between littoral countries and helps them to join their efforts in order to keep the unique biological resources of the Caspian Sea for future generations.

#### **4. Implementation of the Espoo Convention in the Republic of Croatia with Neighbouring Countries, by *Nenad Mikulić***

The Republic of Croatia started preparing environmental impact assessments as an integral part of investment and technical documents in the late 1970s, which was followed by adoption of the first legal regulation making the Environmental Impact Assessment procedure mandatory for individual projects in 1984. The legal framework for conducting the procedure is currently regulated by the Environmental Protection Act, which along with the Physical Development and Construction Act, Nature Protection Act and the General Administrative Procedure Act comprises the approval granting system for interventions into environment and nature. All the relevant conventions and protocols from the field of nature and environmental protection have been transposed into Croatian legislation, the Espoo Convention among others was ratified in 1996, and the SEA Protocol in 2009.

Within the Environmental Impact Assessment procedure, the competent minister nominates a committee which, in conformity with the Aarhus Convention, with the participation of the public assesses whether the Study (EIA Report) is integral and expertly grounded. At the end of the procedure, the committee issues an opinion on the basis of which the Ministry for Environmental Protection adopts a decision.

Should the project be subject to procedure as per the Espoo Convention, the Minister shall not issue a decision until the procedure has been completed.

All the Croatia's neighbouring countries are signatories of the Espoo Convention: Italy, Slovenia, Hungary, Serbia, Montenegro and Bosnia and Herzegovina. Over 12 EIA (Environmental Impact Assessment) procedures have been conducted in the said countries pursuant to the Espoo Convention, as well as 2 SEA (Strategic Impact Assessment) procedures.

I shall present three examples as follows:

- 1) Espoo Case Croatia - Italy Gas: Field Ivana A in the Northern Adriatic Joint Venture INA (Croatia) & Agip (Italy) (1997/1998)

The first procedure was pursuant to the Espoo Convention for the Republic of Croatia. Since the project location was in the northern Adriatic, at each side of the bordering line both countries were Country of Origin and Affected Country at the same time. The formed Joint Body ran the procedure and solved all the issues. Transboundary consultations were published, public discussion was held, environment protection measures were adopted, as well as the joint monitoring program. Finally, both countries adopted the Decision approving the project with the implementation of transboundary environmental protection measures and the monitoring programme.

- 2) Espoo Case Croatia – Hungary: Multi-Purpose Hydro Power Plant “Novo Virje” County of Origin - Croatia (2001 – 2003)

The Republic of Croatia planned the construction of the “Novo Virje” Multi-Purpose Hydro Power Plant on the Croatian territory of the Drava River, bordering with the Republic of Hungary. Before 1991, when Croatia was still a part of the SFR Yugoslavia system, many hydro-power plants and other facilities were erected in Croatia, Slovenia and Austria upstream of the Novo virje location, and SFR Yugoslavia and Hungary planned for the construction of several more HPPs downstream. After the Republic of

Croatia gained its independence, Hungary withdrew from joint projects and proclaimed a part of the Drava River to be a National Park. However, upstream plants caused negative trends in the Drava River (erosion, drawn sediment deficit, fall in river level), and Croatia decided to construct the Novo virje HPP as a multi-purpose plant, which apart from electricity production would also mitigate the negative impacts of upstream plants. The project also had a transboundary impact on a 500m stretch of the river on the Hungarian territory, as it decreased the water quantity. The procedure was run through the Focal Point of both countries. Transboundary consultations were held with participation of the public. The Republic of Hungary assessed the transboundary impact to be significant and expressed its disagreement with the implementation of the project. Based on the Rep. of Hungary standpoint of the Affected Country, Croatia (Ministry of Environment) finally decided to dismiss the project.

3) Espoo case Croatia – Slovenia: Chain of Hydro Power Plants on the Sava River (2005-2011)

The Sava River is divided between the Republic of Slovenia in its up-and the Republic of Croatia in its downstream. Slovenia already has several hydro-power plants (Vrhovo HPP, Boštanj HPP, Blanca HPP etc. and plans to construct three more facilities downstream towards the Croatian border, namely Krško HPP, Brežice HPP and Mokrice HPP). On the other side, in the area from the border to the City of Zagreb, Croatia plans to erect four hydro-power plants: Podsused HPP, Prečko HPP, Zagreb HPP and Drenje HPP. The procedure was conducted pursuant to the Espoo Convention for Krško HPP, as well as the Strategic Impact Assessment procedure for the Brežice HPP. For the Podsused and Drenje HPP projects, the procedures were initiated in conformity with the requirements of the national legislation. During the procedures, it was assessed that the environmental protection issues in transboundary context cannot be solved by assessing individual projects only. The Croatian sides raised the problem to the level of both governments, and finally they agreed to consider and solve the problem as a chain of all the planned hydro-power plants passing through both countries. Each side appointed a commission with representatives of competent bodies, power companies, water management, physical planners and acknowledged experts. The results of their joint work are as follows:

- All projects shall form a chain of power plants and must be harmonized.
- The joint expert body of both countries shall prepare technical conditions for harmonization.
- The Conclusions shall be implemented in the Espoo procedures.

## **5. Practical experience with transboundary impact assessment: challenges and lessons learnt, by *Jerzy Jendroška***

The presentation supplemented the key note speech which showed reasons for some practical problems with implementing the Convention in practice, with showing concrete examples of most problematic issues.

The most acute problems relate to the initiation of the transboundary procedure. The provisions of the Convention are not sufficiently clear in particular in relations to situation

where there is no notification and the procedure is initiated by the affected country. Also the format and means of notification require detailed rules.

Different approaches to the content of EIA documentation provide some problems in practice. Also various rules regarding confidentiality of EIA documentation create sometimes problems in transboundary procedure.

The Convention does not specify the issue of language or languages in relations to various procedural steps (notification, EIA documentation, public participation). There are different approaches in this respect in practice but if the issue is not solved in advance there are significant problems during the procedure.

Different approaches to procedural steps in national frameworks provide problems with smooth running of transboundary procedures. This in particular relates to situations where some countries involve in given transboundary procedure has mandatory scoping procedure and some other do not have it.

The major problem with public participation is that the Convention puts this as an obligation of both Parties concerned. Here again if the division of tasks between Parties concerned is not clearly set in advance (either in bilateral agreement or at the beginning of each procedure) there are significant problems in practice.

National frameworks in some countries do not clearly fix which of the multitude of decision regarding projects should be treated as „Final decision” for the purpose of transboundary procedure.

## **6. Indonesia EIA System in Transboundary context, by *Ary Sudijanto***

EIA had been applied in Indonesia since early 1980's. At the first time it was carried out on the voluntarily basis at some projects to assist the decision makers on the information of feasibility of one project in the environmental aspect. Since 1986, by promulgation of Government Regulation Number 29 Year 1986, EIA become a mandatory environmental management instrument in Indonesia and have to be applied for every project that has potentially significant impact. Since then, there were 3 times amendment of Government Regulation regarding EIA and the current is Government Regulation Number 27 Year 2012.

EIA in Indonesia named as AMDAL, and it is one of three documents considered as environmental document. AMDAL is required for proposed project that have potentially significant impact to the environment, while for proposes project that considered have no potential significant impact shall apply an EMMP (environmental management and monitoring plan) called UKL-UPL. The other one is for no significant impact activity and considered as micro and small project, just to be equipped by a kind of commitment letter called SPPL. Screening procedure to define which proposed project required to have an AMDAL is defined by a prescribe list issued by the Minister of Environment.

AMDAL is reviewed by a commission established by Minister of Environment for Central Review Commission, by governor for Provincial Review Commission and by Regent or Mayor for Regent or Municipality Review Commission. A Minister of Environment Decree determines the arrangement of Review Commission authority.

By the authority arrangement mentioned before, the transboundary project could be Central, Provincial or Regent/ Municipality authority to review its EIA. By type of the project,

transboundary EIA can be divided into two categories:

- 1) Type 1 project that area situated more than 1 country or cross state border;
- 2) Type 2 projects that area situated in 1 country and have potential transboundary significant impact.

There are some examples for type 1 project, the submarine electric cable 500 kv from Sarawak Malaysia in Kalimantan Island to Malaysia Peninsula crossing Natuna Sea which is Indonesia territory and electric cable own by PT PLN (Indonesia government own electric company) which crossing Indonesia – Malaysia border.

Example for type 2 project are, development of oil and gas field in Natuna Sea adjacent to the Indonesia – Malaysia border and development of Abadi Gas field in Arafura Sea near the Indonesia and Australia border.

Indonesia and its neighbor countries have not yet have transboundary EIA mechanism. For type 1 project, Indonesia and the other party country made 2 separately EIA documents and no communication and synchronization between two document or between two review commissions. While for type 2 project, Indonesia has not consulted or communicates to other country who will receive impact from the proposed project. Also from the neighbor country that have similar project at their side, they never communicate or make consultation to Indonesian authority.

It is important to have transboundary EIA since environmental impact has no administrative border and can be transboundary among countries. Furthermore, we need platform and mechanism arrangement to:

- 1) Communicate, sharing information, notification mechanism for both types on transboundary EIA;
- 2) Coordinate, to sharing input, make consultation and synchronization between review commission;
- 3) Joint review for type 1 project.

ASEAN cooperation can be an initial platform to achieve transboundary EIA in this region.

It is important to continue this effort especially for workshop and some pilot project regarding transboundary EIA since some countries still have limited capacity in this mechanism. Cooperation with Espoo convention who has implemented transboundary EIA is also one strategic approach.

## **7. SEA & EIA system in Viet Nam and its transboundary concerns in a regional context, by *Hoai Nam le***

EIA was first introduced into the Law on Environmental Protection (LEP) 1993 in Vietnam and was then amended in the LEP 2005. EIA legislation requires carrying out consultation during EIA preparation and EIA review.

Consultation with commune authorities is obligatory in EIA, while consultation with affected people should be carried out where necessary. The outcomes of public consultation

should be well reflected in the EIA report. Consultation with neighbouring countries is not legally required. During EIA review, EIA review authority should carry out public consultation and consultation with NGOs and social organizations on specific issues of the proposed projects where necessary.

SEA was first introduced into the LEP 2005. According to legal requirements, SEA report should include a chapter on stakeholder consultation, referring to SEA steps where stakeholder consultation is carried out, purposes of stakeholder consultation, targeted stakeholders, methods of consultation, issues being consulted, outcomes of stakeholder consultation and actual influence of stakeholder consultation on SEA process. SEA review authorities may carry out consultation with relevant stakeholders during SEA review where necessary. Consultation with neighbouring countries is not legally required.

As far as transboundary impact concerns, Vietnam is exposed to considerable transboundary impacts by developments in neighbouring countries, and vice versa. Regarding water issues, Vietnam is on the downstream of major rivers, e.g. Mekong River in South Vietnam and Red River in North Vietnam. Dam and hydropower developments in Mekong upstream in neighbouring countries have significant impacts on Vietnam's Mekong delta (water resource, agriculture, fisheries, etc.), while dam, hydropower and industrial developments in China have significant impacts on Vietnam's Hong river, especially water resource and quality.

Vietnam shares forest and biodiversity connection with Laos, Cambodia and China. Forest cut and conversion of forest land to other uses in Vietnam and neighbouring countries may have cumulative impacts on the integrity and quality of environment in involved countries.

There is increasing development of Nuclear Power Plants (NPP) in the region. China is installing a NPP in Fangchenggang, Guangxi province with capacity of 2000 MW (1st stage) and 6000 MW (full capacity), located 45 km from the China – Vietnam border. Vietnam has planned to establish radioactive monitoring stations in several northern border provinces. Vietnam has also planned to develop a series of NPPs in the coming years. The 1st NPP is not close to the border line, but other NPPs' location is to be decided.

Regarding regional mechanism on transboundary EIA, the Mekong River Commission mainly focuses on water issues and is difficult to reach consensus on mandatory agreement. There is no bilateral agreement on transboundary EIA/SEA between Vietnam and neighbouring countries. Bilateral negotiation with China and even with Laos PDR becomes more difficult.

SEA Protocol as part of the Espoo Convention on Tb-EIA is open to non-ENECE states. Accession to the SEA Protocol would be an option to promote regional cooperation in Tb-SEA in North East and South East Asia. However, it would be more meaningful if several neighbouring countries join the SEA together. In this case, Korea and Vietnam may consider accessing the SEA Protocol and promote other countries to join.

Regional level agreement, e.g. at ASEAN level, might be considered as an option. In the mean time, bilateral negotiation and agreement should still be used in specific situation.

## **8. Development of Framework for Transboundary Environment Impact Assessment (TbEIA) in the Lower Mekong Basin, by *Van Duyen Nguyen***

Under the provisions of 1995 Mekong River Agreement for sustainable development signed by Laos, Vietnam, Thailand and Cambodia, the Mekong River Commission (MRC) Secretariat was set up to support the MRC. The MRC TbEIA Guidelines started in 2004. These consist of three main elements namely (i) the Framework, (ii) the Guidance, and (iii) the Institutional Support. Framework sets out the scope and area of cooperation in order to support the management of transboundary issues and aims to enhance the cooperation between MRC Member Countries on discussion and management of transboundary impacts while observing the national regulations on EIA. The Guidance will provide processes, methods and techniques on transboundary impacts assessment of development projects. The Institutional Support will detail the requirements of capacity building activities, financial support and other requirements for the implementation of the TbEIA Guidelines.

The process of formulation of TbEIA guideline has gone through several rounds of national/regional consultations, capacity building and case studies and reviewing of national EIA to draft the Framework.

This presentation looks at transboundary EIA (TbEIA) as a tool to facilitate such trade-off negotiations and mitigation activities in order to achieve a proper balance between development and environment protection and conservation.

Each of the MRC member states has its own national regulations on EIA and different level of experience in implementing its regulations. However, these regulations typically do not require transboundary impacts to be considered in the assessment process. Therefore, the MRC facilitates a process, launched in 2004 and still in progress, to establish a framework for conducting TbEIA. The TbEIA framework builds on and supplements the MRC Procedure for Notification, Prior Consultation and Agreement and other MRC procedures, as well as the existing national EIA legislations. This presentation will highlight the steps and progress of the TbEIA framework development process and its key provisions.

It will also look at some of the obstacles experienced during the development process and explain the current approach whereby development of technical guidelines is the first priority whereas at the politically charged framework discussion is second priority. It is concluded that TbEIA is an indispensable tool for promoting cooperation among the LMB in a balanced way – but also one that requires significant time, capacity building, and mutual trust among member states to develop.

## **9. Potential activities of application of EIA in a transboundary context: Mongolian case, by *Munkhtsetseg Zorigt***

Transboundary impact assessment system is assuming a key tool for the environmental impacts of developing activities transcend political boundaries in North Eastern Asia. The interest of environmental impact assessment in transboundary context has grown in importance over the years become one of the priorities in the region.

Mongolia has been participating in the workshop on TEIA in North Eastern Asia since 2004, organized by Korea Environment Institute. One of the main objectives of the workshop is to improve effectiveness of TEIA in building transboundary EIA system. In this context, several

activities have completed such as short training courses for Mongolian EIA experts and joint studies in Mongolia.

Mongolian EIA system has started when Asian Development Bank sponsored a Technical Assistance Project- EIA capacity building project and commenced EIA system in Mongolia during 1993-1994. In 1998, the first Law on EIA approved by the Parliament of Mongolia. In 2002, new amendments approved to the EIA Law and improved legal system of EIA. There are two types of EIAs defined in Mongolian EIA system including General EIA and Detailed EIA. To initiate a General EIA, the project proponent submits a brief description of the project to Ministry of Nature, Environment and Tourism (MNET). The General EIA shall make one of the following conclusions: (1) no Detailed EIA is necessary; (2) to approve the project with specific conditions; (3) a Detailed EIA is necessary; or (4) to reject the project. The Detailed EIA report is conducted by licensed consultant company which is approved by the MNET. Based on the conclusion of the EIA expert, the MNET makes a decision about approval or disapproval of the project.

When considering a transboundary issues in Mongolia there are number of issues could be addressed including land degradation, deforestation relating transboundary fire, water pollution of transboundary rivers, yellow sand storms, cumulative impacts of mining and other industries locating in the border zones, transboundary transport of mineral production and migration of species. Mongolia, however, does not yet have a coherent system to implement EIA in transboundary context some joint projects have been focused on the transboundary environmental issues. Future Mongolian EIA system may involve TEIA aspects under the developing projects as well as mining sector.

Finally, an important concern for application of EIA in a transboundary context in Mongolia may include experiment, innovate and learn within the between different EIA system and cultures. In other words an important survey regarding the other countries status of politics, public participation and EIA system should be completed to draw attention of decision makers in national level. Based on the results of the good practice and successful experiences the decision makers may support TEIA system.

## **10. Japan and Environmental Impact Assessment in a Transboundary Context, by *Mari Koyano***

Recently EIA has been identified as an important tool in managing transboundary environmental risk in the international community. There are an increasing number of treaties formulating a duty to undertake a TEIA, together with notification and/or consultation, concerning transboundary hazardous activities. The procedures here constitute as a combined-process for managing transboundary environmental risk from the viewpoint of procedural regulation. It may reasonably be said that customary duties to undertake TEIA, prior notification and consultation are in the process of formation, while there exists a customary duty of emergency notification.

However, the scarcity of state practice on TEIA, both treaty provision and actual cases, is remarkable in North-East Asia. This also applies to state practice on notification and consultation. Only a few non-regional treaties formulate such duties that may apply to countries in the region. Many of them formulate the duties in a rather general way without any practical guidance.



As one of the North-East Asian states, Japan has not always been keen on active operation of the co-operative procedures required by non-regional treaties. It means that Japan has adopted the minimum degree of effort necessary to comply with such obligations where treaty provisions formulate them in a general manner, as seen on the UNCLOS, the Convention on Nuclear Safety, the Convention on Early Notification of Nuclear Accident, etc. Enforcement regulations and ordinances of a particular law could be a legal basis of a requirement of EIA/TEIA in a particular case, while the law as such does not refer to the procedure at all. There is a lack of sufficiently coordinated national measures to implement a duty to undertake notification or consultation.

On the other hand, Japan has fully incorporated a duty to undertake the procedures into the domestic legal system where a treaty formulates it in a specific manner, as seen on the London Convention on sea dumping and its 1996 Protocol and the Protocol on Environmental Protection to the Antarctic Treaty. There may be several internal or external factors lying behind such Japanese attitudes. However, Japan may have some good reasons for promoting procedural co-operation in North-East Asia as an affected/affecting state, actually or potentially.

In North-East Asia we certainly need greater procedural co-operation by TEIA, notification and consultation. Considering the current situation in the region, however, it is quite unrealistic to expect that we can establish an operative legal framework on TEIA in the short term. This is in marked contrast with the situation in Europe where there is the Espoo Convention. However, there must be some ways that the situation can be improved. First, we need to analyze the negative factors or disincentives for the states concerned from various points of view. Some of them are regional. For example, they include: the lack of a common view shared on the necessity of managing transboundary environmental risk; the lack of scientific knowledge on the risk shared; the relatively low priority of the environmental protection in diplomacy of the states; political competition between the states; no regional institutions except for a very “soft” framework on specific issues or discussion forums. Some other factors are internal to the states concerned. These include: the lack of resources necessary for utilizing the procedures, financial, technological, or human; and the inflexibility of national legal or administrative systems. Other factors may include: the difficulty in identifying potential or existing sources of transboundary environmental risk in the region by various reasons; and the reciprocal character of the procedures. Second, we need to set clear goals and targets. They include: the option of “hard law” or “soft law”; the scope of geographical coverage; short-term, medium-term and long-term targets being set for achieving the final goals. Then, a realistic approach acceptable for both governments and other stakeholders should be taken. A combination of two approaches, i.e. a multi-layered and inter-linked approach and a step-by-step approach might be useful. At this stage, it seems more realistic to start from establishing bilateral or regional arrangements of notification rather than those of TEIA in this region. Such arrangements may be specification of existing non-regional treaties applying to North-East Asian states. The process may also be supported by simultaneously on-going processes at the practical and non-governmental levels. Finally, we need to adopt effective strategies on various matters, such as costs coverage, appropriate roles of various actors, etc.

## **11. Which stepping stone should be needed for implementation of TEIA in NE Asia?, by Nankyoun Moon**

Northeast Asian countries share borders or adjoin across a bay or strait, appearing geographical dispersion of Siberia, China, Manchuria, the Korean Peninsula, and the Japanese Archipelago. Recently Northeast Asian countries are not only facing serious domestic environmental problems with their rapid economic growth, but also, as pollutants travel across borders causing environmental pollution problems in neighboring countries, confronting conflicts between countries which are erupted from these transboundary environmental problems.

Unfortunately, there is no solid environmental management system between Northeast Asian countries to deal with transboundary environmental problems and other environmental issues caused by climate change.

TEIA (Transboundary Environmental Impact Assessment) is one of the systematic measures in which environmental problems between countries can be negotiated and mediated. TEIA is a system that aims to eliminate or mitigate environmentally negative impacts of a project by pre-assessing its environmental impacts through the agreement between countries. It is not a blockage of development projects which may bring about transboundary environmental problems. By implementing TEIA, plans that prevent collisions and conflicts between countries can be prepared.

However, it would be necessary to discuss on the necessity of implementation of TEIA system and, if it is needed, how to approach and realize it since each Northeast Asian country has different environmental impact assessment systems and divergent socioeconomic circumstances. It can not be decided in a short time of one-off meeting, but should be discussed and considered from various aspects with enough time.

There have been lots of efforts to introduce Transboundary EIA/SEA system in Northeast Asia. TumenNET SAP (2002) emphasized the initiation of a TEIA mechanism to protect biological and water resources in five member countries of the TumenNET (border areas). Based upon MOU on "Environmental Principles Governing the Tumen River Economic Development Area and NE Asia" (1995). It was necessary for us to formulate environmental mitigation and management plan for the region, especially for border areas. However, there was very slow progress so far.

Then what kinds of processes will be needed for implementation of TEIA in Northeast Asia? The most important thing for implementation of TEIA in Northeast Asia is none other than strong wills of the countries in the region. Once the whole region agrees on establishment of TEIA, details of implementation processes of TEIA can be discussed.

To implement TEIA mechanism in Northeast Asia, it is necessary to organize a consultative committee such as so called Northeast Asia TEIA promotion committee, which is composed of working groups. This consultative committee can promote mutual understanding and cooperation between Northeast Asian countries for developing TEIA system and take an intermediate role in case of disputes and confrontations.

There are two options for organizing this consultative committee: one is to create a new multilateral organization for only TEIA and the other is to use already-existing environmental cooperation frameworks in the region. It might be appropriate to create a new international organization for establishing TEIA system in Northeast Asia. However, considering budget procurement and time cost for a new organization, it can be also desirable to utilize already-

existing multilateral cooperation organizations. In this case, secretariats of already-existing environmental cooperation frameworks can expand their functions for TEIA and also can operate working groups for main issues related to TEIA.

In case of creating a new multilateral organization for TEIA in Northeast Asia, there are both advantages and disadvantages. As a specialized organization for TEIA, it can provide professional preparations for implementing TEIA system in Northeast Asia. However, different positions of related countries may hinder the establishment of new organization for TEIA. Moreover, budget procurement and allocation can be other big obstacles.

If already-existing organizations are used as consultative committee for TEIA, it would be favorable to connect TEIA with other regional environmental issues. Also, it would be simpler to get a consensus of related countries on this issue than creating a new multilateral organization. However, in this case, TEIA issue may not become a major agenda in the committee.

When using already-existing environmental cooperation frameworks in order to set up a committee for TEIA, there are four candidates in Northeast Asian region such as Tripartite Environment Ministers Meeting (TEMM), United Nations Economic and Social Commission for Asia and the Pacific (ESCAP), Secretariat of the Espoo Convention, The Great Tumen Initiative (GTI). All four alternatives can be positively reviewed and considered as possible environmental cooperation frameworks where consultative committee of TEIA for Northeast Asia can be established. Since each alternative has different strong and weak points, however, it would be appropriate to carefully consider both internal and external factors of these alternatives as a consultative committee for TEIA in Northeast Asia.

In order to introduce TEIA in NE Asia, we need to work on both governmental cooperation (at least ministerial level) and academic partnership (institutional network). By the government level, we should establish an official cooperative committee for related countries to initiate necessary activities and then to support continuous research development including information exchange and pilot study, etc. for introducing transboundary EIA. By institutional network, we need to develop a practical TEIA guideline and to conduct R&D in order to standardize EIA contents (items, language, public participation, other process, etc.)

## **12. Getting strategic: Uptake of SEA in transitional countries of East and South East Asia, by *Jiri Dusik***

Transitional countries of East and South East Asia (hereafter defined as region) have since 2003 witnessed a significant development of SEA in the region.

Development of SEA systems in the region can be divided into three main categories:

- Countries that have established and implemented SEA systems, notably China (2003), Vietnam (2005) and Indonesia (2009), which have legal frameworks, specific guidance and increasing practice;
- Countries that have begun to elaborate SEA frameworks, comprising Malaysia, which drafted a paper on undertaking SEA, and Thailand and Philippines, both of which have developed basic proposals for SEA frameworks that await formal adoption; and

- Countries that are experimenting with SEA with the support of donors, namely Lao PDR, Cambodia and Fiji, which have undertaken pilot projects to road test and demonstrate the benefits of SEA for decision-making. All other low-income or transitional countries in the Region lack significant nationally driven or donor supported SEA initiatives.

World Bank study of SEA systems and case studies in Asia and Pacific (Dusik & Xie, 2009) came with the following key recommendations for further developing and strengthening SEA processes in this region:

- 1) Promote SEA as a set of core assessment activities that can be flexibly integrated into planning and decision-making.

SEA should be instituted as a set of core assessment activities that are integrated into all phases of the planning process from the earliest stage, rather than applied as a separate procedure. This flexible and integrated assessment approach should evolve gradually, initially through simple technical assessments and moving towards more sophisticated, open processes as planners gain familiarity with SEA use.

- 2) Use SEA to address environmental as well as social and economic concerns of decision-makers and relevant stakeholders.

SEA frameworks in the region should provide for an integrated approach for analyzing environmental, social and economic implications of proposed PPPs. The scope and focus of SEA should be determined on a case-by-case basis through consultation with decision-makers, environmental authorities and other relevant stakeholders.

- 3) Use robust assessment approaches that can operate in the face of significant data gaps.

SEA practice in the region is constrained by limited access to data and a tradition of impact-focused, quantitative prediction. Simple assessment techniques that can cope with information gaps and use stakeholder inputs may provide a more feasible means of analysis. Pilot projects that test and demonstrate such approaches should be supported, backed by regulatory reforms to guarantee public access to information and promote inter-agency data sharing.

- 4) Use SEA to address and evaluate institutional capacities and arrangements for environmental management and integration.

SEAs conducted in the region either implicitly or explicitly address institutional systems for managing impacts of development. This aspect of SEA should be strengthened progressively to require analysis of the quality of institutional arrangements and capacities for environmental management and policy integration.

- 5) Strengthen inter-institutional consultations and gradually improve transparency of sea processes for the public.

SEA processes should require inter-agency consultation and input at the stages of scoping and review of SEA findings, and public access and comment on SEA reports. Currently, it may not be realistic to expect the provision of major opportunities for public participation in SEA processes in the region. However, greater openness and transparency of SEA systems can and should be emphasized and pursued, especially with regard to unrestricted public accessibility of SEA reports.

- 6) Promote the use of SEA by planning and implementing agencies through appropriate capacity building activities.

SEA will become widely and systematically applied only when the benefits from the use of this process are recognized by planning authorities. Particular value is added when SEA is used proactively to help formulate a PPP; yet this is where current capacity is weak and needs to be strengthened through training and awareness raising.

- 7) Strengthen and support regional cooperation on SEA matters.

To date, donor support has been instrumental in the development of SEA systems in the region. In all countries, however, institutional arrangements and capacities reportedly are still inadequate and constrain the wide application of SEA. Regional cooperation mechanisms should be established to exchange experience on SEA procedure and practice so that countries still experimenting with SEA can learn from neighbors that have advanced further.

Several capacity development interventions that supported SEA system development in Vietnam, Indonesia and China have extensively utilized training messages contained in the UNECE Resource Manual to Support Application of the Protocol on SEA (UNECE 2012). This resource material was found very useful and it could be effectively used for trainings on transboundary SEA in East and Southeast Asia.

### **13. Tools for improving transboundary impact assessment and cross-border cooperation, by *Tea Aulavuo***

A more effective application of EIA (and SEA) in a transboundary context is facilitated by mutual understanding of national legal and administrative EIA systems and procedures of the concerned countries; common interpretation of the Espoo Convention (and the SEA Protocol) obligations, good working relations between governments; and more or less comparable environmental standards.

In the past 20 years, a wide range of good practices have been identified and solutions found under the Convention for overcoming difficulties for the effective implementation of transboundary EIA.

As encouraged by the Convention (article 8 and appendix VI), many Parties have concluded multilateral and bilateral agreements that provide for local conditions and specify in advance and in detail the financial, procedural and administrative aspects involved (e.g. in relation to the content of notification, language, cost-sharing and other financial matters timeframes, interpretation of various terms, public participation arrangements, possible requirements for post-project analysis). To date, the Convention has served as a model for multilateral cooperation on two occasions that involve also countries from outside the ECE region and non-Parties to the Convention: the negotiation of a draft Protocol on EIA in a Transboundary Context under the Teheran Convention for the countries around the Caspian Sea, and the draft Recommendations on Transboundary EIA for the Black Sea countries, both of them are yet to be adopted.

Parties may also establish institutional arrangements where appropriate or within bi/multilateral agreements to facilitate the cooperation and to ensure greater efficiency of on-

going or upcoming implementation of transboundary EIAs. These can be either ad hoc bodies or permanent working groups that hold periodic meetings to discuss practical matters and assist countries in the conduct of the EIA processes.

Based on feedback from countries, training and capacity-building activities are most efficient if combined with pilot EIA or SEA projects that allow conducting a full procedure of transboundary EIA/SEA. Pilot projects have generally led to efficient implementation EIA and SEA. They promote transboundary EIA/SEA through (a) illustrating their benefits by concrete examples; (b) Establishing cross-border dialogue; (c) Raising awareness; (d) Improving cooperation; (e) Involving authorities and the public in the planning and execution of projects with possible transboundary impacts; (f) Building capacity, by developing national implementation mechanisms and implementing knowledge acquired through training. Pilots can also lead to legislative improvements following identification of possible gaps and deficiencies. Selection of a suitable, non-controversial, project, plan or programme and active involvement of relevant authorities are important preconditions for successful application of pilot projects. Examples of successful pilots include that implemented by Belarus and Lithuania in 2009-2010 regarding a planned hydroelectric power plant on Neman River in Belarus, near the border with Lithuania. This project led to: better mutual understanding of legislation and procedures in Belarus and Lithuania; better understanding of the requirements of the Convention; development of guidelines, possibly also legislative amendments in Belarus; as well as initiation of negotiation of bilateral agreements with several neighbouring Parties. In 2006, a pilot project was also successfully carried out regarding the planned development of (Andash) copper and gold mining operation in Kyrgyzstan 2.5 km from the border of Kazakhstan, with potential adverse transboundary impacts in Kazakhstan (pollution of Karakol River). The project ensured good cooperation and interaction between the authorities of the two countries; tested and further developed procedures for conducting transboundary EIA and applying Espoo Convention; provided basis for development of national legislation; built capacity and skills; raised public awareness and addressed community concerns, increasing acceptance of the project; and improved information sharing between the countries. The pilot project demonstrated how Espoo procedures can promote cooperation among Parties through establishment of contacts, joint discussion of problems and finding ways to pre-empt and resolve possibly conflicting views.

## **14. The Key Role of the Public in Environmental Assessment Procedures,** *by Csaba Kiss*

Principle 10 of the Rio Declaration 1992 is a frequently cited manifestation of participatory rights in an international legal document. It calls the best environmental decisions those made with the participation by all concerned citizens and calls the states to ensure participation by different means. Access rights in environmental matters are the right to information, the right to participation in decision-making and the right to redress and remedy. The single most complete piece of international legislation to date, encompassing these participatory rights is the UNECE Aarhus Convention 1998. It guarantees access to environmental information without an interest having to be stated by applicants, and states that grounds for refusal shall be interpreted in a restrictive way, with special regard to information on emissions that shall be disclosed in any case. It includes a list of activities in an annex which may have a significant effect on the environment and in the permitting procedures of which appropriate,

early, adequate, timely and effective participation has to be ensured, guaranteeing that any comments, information, analyses or opinions in the public participation phase are taken due account of in the decision-making.

Finally, it ensures access to a review procedure before a court of law or another independent and impartial body in cases of refusal of access to information, against administrative decisions or against the breaches of environmental law, prescribing that the remedies have to be adequate and effective, including injunctive relief as appropriate, and be fair, equitable, timely and not prohibitively expensive. The Aarhus Convention has a unique compliance mechanism that can be triggered also by communications from the public. Other UNECE conventions also apply extensive public participation provisions, most notably the Espoo Convention 1991. It requires an indirect notification of the affected public via the affected Party and the provision of an equivalent opportunity to participate in decision-making to that provided to the public of the Party of origin. Other, non-UNECE international legal instruments in this matter are only soft-law documents, including the UNEP Guidelines for the Development of National Legislation on Access to Information, Public Participation and Access to Justice in Environmental Matters 2010. Although the requirement of preparing an appropriate Environmental Impact Assessment in a transboundary context is part of customary international law (also based on the ICJ's judgment in the Uruguay Pulp Mill Case 2010), guaranteeing adequate public participation therein has not yet reached the level of *opinio iuris*. Nevertheless, the impacts of public participation contrary to the popular myths are not negative for developments as such, and proper public participation improves relations between peoples and countries, and prevents (transboundary) environmental conflicts on the long run.

Consequently, when thinking about the future of international regulation of access rights and transboundary environmental impact assessment, also factoring in the outcome of the Rio+20 Summit which is weaker in encouraging the adoption of a binding legal framework for access rights as expected by the civil society, we think that the best option is to pursue regional or sub regional conventions specifically covering the aforementioned issues, having been prepared with the participation of the civil society of the respective region and guaranteeing extensive access rights for the affected public.

# APPENDICES

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## Appendix 1. Workshop program

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Day 1 [Wednesday 13<sup>th</sup> June]

*state room*

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**09:00-10:00**

**Registration**

**10:00-10:30**

**Opening Remarks & Welcoming Address**

- *Opening Address, by Dr. Byung Wook Lee (President, Korea Environment Institute, ROK)*
  - *Welcoming Address, by Mr. Jong SooYoon (Vice-minister, Ministry of Environment, ROK)*
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*Moderator: Dr. Kwang Kyu Kang (Director General, Korea Environment Institute, ROK)*

**10:30-12:00**

**Introduction to Existing System of Transboundary Environment Impact Assessment and Related Approaches**

- *Key Note Speech: An Overview of Legislation and Practice for Trans-boundary Environment Impact Assessment in the Pan-European Region, by Dr. Jerzy Jendroska (Professor, Opole University, Poland) (40min)*
  - *Lecture: Transboundary Environmental Impact Assessment in Law and Practice: Introduction to the Espoo Convention and its Protocol on SEA, by Ms. Tea Aulavuo (Secretary, Espoo Convention) (40min)*
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**12:00-14:00**

**Luncheon**

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*Moderator: Ms. Tea Aulavuo (Secretary, Espoo Convention)*

**14:00-15:30**

**International Experiences of Transboundary Environment Impact Assessment (30min each)**

- *Cooperation of the Caspian Littoral Countries in Preparation of the EIA Protocol to the Tehran Convention, by Mr. Serik Akhmetov (Senior Scientist, Eurasian Center of Water under the Ministry of Environment Protection, Kazakhstan)*
- *Implementation of the Espoo Convention in the Republic of Croatia with Neighbouring Countries, by Dr. Nenad Mikulic (Procurator, EKO INVEST, Ltd., Croatia)*



- *Practical Experience with Transboundary Impact Assessment; Challenges and Lessons Learnt, by Dr. Jerzy Jendroska (Professor, Opole University, Poland)*

-----Coffee Break (30min) -----

**16:00-17:30**

- *Indonesia EIA System in Transboundary Context, by Mr. Ary Sudijanto (Director, Ministry of Environment, Indonesia)*
- *SEA and EIA System in Vietnam and its Transboundary Concerns in a Regional Context, by Mr. Hoai Nam Le (Deputy Director, Department of EIA and Appraisal, Vietnam Environment Administration, Vietnam)*
- *Development of Framework for Transboundary Environment Impact Assessment (TbEIA) in the Lower Mekong Basin, by Mr. Van Duyen Nguyen (Environmental Policy and Management Specialist, Mekong River Commission Secretariat)*

**18:00–20:00**

**Welcoming Reception (Hosted by MOE)**

Day 2 [Thursday 14<sup>th</sup> June]

state room

*Moderator: Dr. Jerzy Jendroska (Professor, Opole University, Poland)*

**09:30-11:00**

**An Introduction of TEIA Mechanism in North East Asia (30min each)**

- *Potential Activities of Application of the EIA in a Transboundary Context : Mongolian Case, by Dr. Munkhtsetseg Zorigt (Professor, National University of Mongolia, Mongolia)*
- *Japan and Environmental Impact Assessment in a Transboundary Context, by Dr. Mari Koyano (Professor, Hokkaido University, Japan)*
- *Which Stepping Stone should be Needed for Implementation of TEIA in NE Asia?, by Dr. Nankyong Moon (Senior Research Fellow, Korea Environment Institute, ROK)*

-----Coffee Break (30min) -----

**11:30-12:30**

**Getting Strategic: Environmental Assessment of Plans and Policies in a Transboundary Impact Assessment**

- *Key Presentation: Strategic Environmental Assessment Practice in Europe and Asia, by Mr. Jiri Dusik (Managing Partner, Integra Consulting Ltd., Czech Republic) (60min)*

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12:30-14:00

**Luncheon**

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*Moderator: Dr. Nenad Mikulic (Procurator, EKO INVEST, Ltd., Croatia)*

14:00-15:30

**Frameworks for Cooperation in Transboundary Impact Assessment**  
(30min each)

- *Pilot Projects as Tools for Improving Transboundary Impact Assessment and Cross-border Cooperation, by Ms. Tea Aulavuo (Secretary, Espoo Convention)*
- *The Key Role of the Public in Environmental Assessment Procedures, by Mr. Csaba Kiss (Director, EMLA, Hungary)*
- *Discussion*

-----Coffee Break (30min) -----

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*Moderator: Dr. Taeho Ro (Senior Research Fellow, Korea Environment Institute, ROK)*

16:00-17:30

**Panel Discussion: Discussion on Possibilities for Future Cooperation, Including a Pilot Project in Eastern Asia**

Invited Panelists:

- *Dr. Munkhtsetseg Zorigt (Professor, National University of Mongolia, Mongolia)*
  - *Dr. Mari Koyano (Professor, Hokkaido University, Japan)*
  - *Mr. Van Duyen Nguyen (Environmental Policy and Management Specialist, Mekong River Commission Secretariat)*
  - *Dr. Jerzy Jendroska (Professor, Opole University, Poland)*
  - *Ms. Tea Aulavuo (Secretary, Espoo Convention)*
  - *Dr. Jong Gwan Jung (Senior Research Fellow, Chungnam Development Institute, ROK)*
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Day 3 [Friday 15<sup>th</sup> June]

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10:00-17:00

**Field Trip**

- *Tea time discussion will be prepared*
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17:30-20:00

**Closing & Dinner (Hosted by KEI)**

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## Appendix 2. List of participants



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