

PRAKAS
ON PUBLIC PARTICIPATION
IN ENVIRONMENTAL IMPACT ASSESSMENT PROCESS
MINISTER OF MINISTRY OF ENVIROMENT

- Having seen the Constitution of the Kingdom of Cambodia;
- Having seen Preah Reach Kret (Royal Decree) No. NS/RKT/0913/903 dated September 24, 2013 on the Appointment of the Royal Government of Kingdom of Cambodia;
- Having seen Preah Reach Kret No. NS/RKT/1213/1393 dated December 21, 2013 on the Reorganization and Addition of the Composition of the Royal Government of Kingdom of Cambodia;
- Having seen Preah Reach Kram No. 02/NS/94 dated July 20, 1994, promulgating the Law on the Organization and Functioning of the Council of Ministers;
- Having seen Preah Reach Kram No. NS/RKT/0196/21 dated January 24, 1996, promulgating the Law on the Establishment of the Ministry of Environment;
- Having seen Sub-decree No. 20 ANKr.BK dated April 30 1996 on the Organization and Functioning of Ministries and Secretariats;
- Having seen Sub-decree No. 114 ANKr.BK dated September 07, 2015 on the Determination of Management Structure and Functions in the Management Structure of Ministries and Institutions at National and Sub-national Levels;
- Having seen Sub-decree No. 55 ANKr.BK dated May 04, 2015 on the Organization and Functioning of Ministry of Environment;
- Having seen Sub-decree No. 72 ANKr.BK dated August 11, 1999 on Environmental Impact Assessment Process;
- Having seen Prakas No. 230 ប្រកាស ចេញថ្ងៃទី ២៩ ខែ កក្កដា ឆ្នាំ ២០០៥ លើការតំណាងអំណាចសម្រេចសម្រាប់គម្រោងវិនិយោគរបស់អគ្គនាយកដ្ឋានព្រៃឈើ និង រុក្ខាប្រមាញ់ របស់ក្រសួងព្រៃឈើ និង រុក្ខាប្រមាញ់ របស់ក្រសួងព្រៃឈើ និង រុក្ខាប្រមាញ់;
- Having seen Prakas No.....dated.....on the Organization and Functioning of Department of Environmental Impact Assessment;
- Having Prakas No. 376 ប្រកាស ចេញថ្ងៃទី ០២ ខែ កញ្ញា ឆ្នាំ ២០០៩ លើការណែនាំសម្រាប់ការរៀបចំការវាយតម្លៃឥទ្ធិពលបរិស្ថានដំបូង និង ការវាយតម្លៃឥទ្ធិពលបរិស្ថានស្របច្បាប់;
- Referring to proposal of General Department for Environmental Protection;

HEREBY DECIDES

ARTICLE 1.-

This prakas is used for implementing the Guideline on Public Participation in Environmental Impact Assessment (EIA) Process as attached in the annex of this prakas.

ARTICLE 2.-

The aim of this prakas is to promote public participation in the EIA process and to provide for access to information in the EIA Process.

ARTICLE 3.-

The key principles are to be applied by this prakas as defined in the Guideline are:

1. The Principle of Access to Information
2. The Principle of Public Participation
3. The Principle of Access to Social Justice and Effective Remedies
4. Principle of Gender Equality in Public Participation
5. The Principle of Promoting Indigenous People in Public Participation

ARTICLE 4.-

The procedure of public participation shall be conducted pursuant to each of the steps below:

1. Project Screening Step:

- Project Proponents shall identify the project area, Project Affected People and other Stakeholders, including other relevant Government Ministries.
- Project Proponents shall provide information about their project to Project Affect People and all stakeholders (such as relevant ministries, institutions, civil society and other authorities).
- After informing the Project Affected People and other Stakeholders, the Project Proponents shall provide the Ministry of Environment (MoE) with documents related to development projects as well as the situation of environment and society for analysis and project screening.
- Time frame (2-3 weeks for MoE officials)

2. Project Scoping Step:

- Project Proponent and EIA Consulting Firms shall inform the Project Affected People and other Stakeholders, including relevant ministries and institutions, relevant provincial and municipal departments, territorial authorities, civil society, community representatives, about the proposed Project.
- Project Proponent will develop the draft Terms of Reference for the Project to be approved by the MoE
- The Project Proponent will prepare a Public Participation Plan that will guide the EIA Consultant during the EIA Investigation and Preparation Stage.
- Time frame: IEIA 2-4 months; Full EIA 4-6 months.

3. Project Investigation Step and Preparation of EIA Report

- Project Proponents and EIA Consulting Firms shall conduct meetings, interviews, and consultations with Project Affected People and other Stakeholders in accordance with the procedure of public participation directed by MoE.
- The EIA Consulting Firm shall investigate the potential impacts of the Project and disclose this to the Project Affected People and other Stakeholders.
- The EIA Consulting Firm will prepare the EIA Report in accordance with the ToR and the comments received from the PAP and other Stakeholders.
- Project Proponents and Consulting Firms shall conduct a final consultation workshop with Project affected People and other Stakeholders before submitted the EIA Report to the MoE.
- Time frame (6 months – 2 years)

4. MoE-Review-and-Assessment Step

A. Department of Environmental Impact Assessment

- will review and assess the Initial EIA and Full EIA in accordance with relevant legal regulations.
- will consult with project affected people, local affected communities, local authorities, skilled departments, and relevant Civil Society Organization (CSOs) before reviewing and assessing Initial EIA.
- will consult with project affected people, local affected communities, local authorities, skilled departments, and relevant Civil Society Organization (CSOs) about Full EIA in order to submit to EIA Coordinating Working Group to review and comment.

B. EIA Coordinating Working Group

- will meet to review and comment on Full EIA, after it has been reviewed by the Department of Environmental Impact Assessment, in order to submit to the Minister of Ministry of Environment to review and to make decision.
- Will invite senior skilled officials of relevant ministries/institutions, capital and provincial authorities, capital and provincial departments of environment, civil society, and relevant experts to participate in reviewing and commenting on Full EIA.
- Time frame: (30 working days) based on the sub-decree subject to revision by Project Proponent and Consulting Firm and re-submission to MoE.

5. MOE Approval Step

- Following the review and Assessment Step, the DEIA will make recommendations to the Minister in accordance with the Prakas on the EIA process.
- If the project is approved, all the relevant information, including the EIA, EMP and the approval documents shall be made publically available in accordance with the legal provisions in force.
- Time frame: (20 working days) based on the sub-decree subject to revision by Project Proponent and Consulting Firm and re-submission to MoE.

6. Project Monitoring and Compliance Step:

- The Project Proponent, and the contractors and sub-contractors shall be responsible to ensure continued public participation during vegetation clearing on the site, and construction of the project.
- The Project Proponent, and the operator of the Project, shall be responsible to ensure continued public participation during the operation of the project until the closure of the project.
- If required by the Ministry, the Project Proponent shall establish a Grievance Redress Mechanism to handle complaints about the construction, operation or closure of the Project.
- Skilled officials shall conduct site monitoring visit on the implementation of the Environmental Management Plan (EMP) of investment projects as stipulated in IEE and EIA reports.
- Skilled officials shall conduct site monitoring visit to measure the implementation of the environmental protection agreements of investment projects which have approved by the MoE.
- Skilled officials shall monitor the payment of annual environmental endowment fund of investment projects and invite the Project Proponents to make payment for the environmental endowment fund.

- The PAP shall participate in the monitoring and compliance of the Project as required by the EMP and in accordance with the provisions of this Prakas.

ARTICLE 5.-

Dispute resolution mechanism shall be determined by a separate guideline.

ARTICLE 6.-

Any provisions that are contrary to this Prakas shall be abrogated.

ARTICLE 7.-

General Secretary of General Secretariat for National Council for Sustainable Development, General Director of General Department for Administration and Finance, General Director of General Department for Environmental Knowledge and Information, General Director of General Department for Environmental Protection, General Director of General Department for Natural Resources Protection and Conservation Administration, General Directorate of Local Communities, Inspector General of General Inspectorate, Department for Internal Audit, Director of the Cabinet of Minister, All Directors In Charge of Subordinating Units of MoE shall implement this Prakas from the date of signature onwards.

Done in Phnom Penh, Date:

MINISTER

RECIPIENT PLACES:

- Office of the Council of Ministers
- Ministry of Economy and Finance
- General Secretary of the Royal Government
- Cabinet of Samdech Akka Moha Sena Padei Techo Prime Minister
- Cabinet of Samdech, Excellency, Lok Chumteav Deputy Prime Minister
- Municipal and Provincial Offices
- As Article 7
- Royal Gazette
- Documentation, Archive