

Status of SEA in Lao PDR

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Ministry of Natural Resources and Environment

Topic/content will be presentation

- I. History of SEA in Lao PDR.
- II. Law and Regulation concern with SEA.
- III. Progress of the SEA in Laos.
- IV. The Implementation of SEA at MONRE.
- V. The Key Challenges in Implementation SEA in Lao PDR.
- VI. The Actions needed to be taken in DEQP, MONRE.
- VII. The Ownership of SEA in Lao PDR.
- VIII. The way forward SEA in Lao PDR.

I. History of SEA in Lao PDR

- SEA in Lao PDR was used in a pilot project at the first project at the Nam Theun 2 Hydropower Project, by focusing on the cumulative impact assessment on social environment. The second project was implemented in the Nam Ngum River Basin, with influence on the water supply, agriculture, irrigation, forestry and fisheries (2008). The DEQP has been implementation the SEA in Oudomxay province, focusing on the fields of agriculture and tourism.
- By the end of 2012, Article 19 of the Environmental Protection law has set out the SEA as an important task, and subsequently, the Minister of Natural Resources and Environment of the Ministry of Natural Resources and Environment issued the Decision on Strategic Environmental Assessment No. 0483/PM dated February 06, 2017.

II. Law and Regulation concern with SEA

- 1) Environmental Protection Law No:29/NA Date 18 December 2012, Article 19 (Revised version)
- 2) Decision on SEA approved by Minister of MONRE, No 0483/MONRE, Date 06 February 2017;
- 3) Guideline on Strategic Environmental Assessment approved by Minister of MONRE No. 6616/MONRE, date 31 December 2018

**1).Environmental
Protection Law
No:29/NA Date 18
December 2012,
Article 19 (Revised
version)**



ສາທາລະນະລັດ ປະຊາທິປະໄຕ ປະຊາຊົນລາວ
ສັນຕິພາບ ເອກະລາດ ປະຊາທິປະໄຕ ເອກະພາບ ວັດທະນາຖາວອນ

**ກົດໝາຍ
ວ່າດ້ວຍ ການປົກປັກຮັກສາສິ່ງແວດລ້ອມ
ສະບັບປັບປຸງ**

**Environmental Protection Law
(Revised Version)**

ຈັດພິມໂດຍ: ກົມສິ່ງເສີມຄຸນນະພາບສິ່ງແວດລ້ອມ, ກະຊວງ
ຊັບພະຍາກອນທຳມະຊາດ ແລະ ສິ່ງແວດລ້ອມ
ສົມທົບກັບ ກົມໂຄສະນາອົບຮົມກົດໝາຍ,
ກະຊວງ ຍຸຕິທຳ.

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Law, Ministry of Justice.

2013
(ສະຫງວນລິຂະສິດ)

ມາດຕາ 19 (ໃໝ່) ການປະເມີນສິ່ງແວດລ້ອມ ແບບຍຸດທະສາດ

ການປະເມີນສິ່ງແວດລ້ອມແບບຍຸດທະສາດ ແມ່ນຂະບວນ ການຄາດຄະເນຜົນກະທົບທີ່ອາດຈະເກີດຂຶ້ນ ຕໍ່ ສິ່ງແວດລ້ອມ ໃນເວລາວາງນະໂຍບາຍ, ຍຸດທະສາດ ແລະ ແຜນງານຕ່າງໆ ຊຶ່ງລວມເອົາການພິຈາລະນາບັນຫາທີ່ ພົວພັນກັບຜົນກະທົບຂອງການປ່ຽນແປງດິນຟ້າອາກາດ. ການປະເມີນຜົນກະທົບດັ່ງກ່າວ ຕ້ອງຊີ້ໃຫ້ເຫັນວິທີການ ມາດຕະການ ຫຼື ກວດເຮັດ ຫຼື ຫຼຸດຜ່ອນຜົນກະທົບທີ່ຈະເກີດຂຶ້ນ ຕໍ່ສິ່ງແວດລ້ອມ ແນໃສ່ບັນລຸເປົ້າໝາຍການພັດທະນາແບບ ຍືນຍົງ.

ໃນການສ້າງນະໂຍບາຍ, ຍຸດທະສາດ ແລະ ແຜນງານຕ່າງໆ ເປັນຕົ້ນໃນຂະແໜງການພະລັງງານ ແລະ ບໍ່ແຮ່, ກະສິກໍາ ແລະ ປ່າໄມ້, ອຸດສາຫະກໍາ ແລະ ການຄ້າ, ໂຍທາທຶກ ແລະ ຂົນສົ່ງ, ໄປສະນີໂທລະຄົມມະນາຄົມ ແລະ ການສື່ສານ, ຖະແຫຼງຂ່າວ, ວັດທະນະທໍາ ແລະ ທ່ອງທ່ຽວ ຕ້ອງດໍາເນີນ ການປະເມີນສິ່ງແວດລ້ອມແບບຍຸດທະສາດ ຍົກເວັ້ນແຜນ ການ ກ່ຽວກັບການນໍາໃຊ້ເນື້ອທີ່ຂະໜາດນ້ອຍທີ່ໄດ້ກໍານົດ ໄວ້ໃນແຜນຄຸ້ມຄອງສິ່ງແວດລ້ອມແບບຮອບດ້ານ.

ໃນການປະເມີນສິ່ງແວດລ້ອມແບບຍຸດທະສາດ ຕ້ອງມີການ ເຂົ້າຮ່ວມຂອງການຈັດຕັ້ງ, ອົງການບໍ່ກອກທ້ອງຖິ່ນທີ່ ກ່ຽວຂ້ອງ ແລະ ປະຊາຊົນ ທີ່ຈະໄດ້ຮັບຜົນກະທົບໂດຍກົງ ຫຼື ທາງອ້ອມ ຈາກນະໂຍບາຍ, ແຜນຍຸດທະສາດ ແລະ ແຜນການຕ່າງໆ ຂອງຂະແໜງການທີ່ກ່ຽວຂ້ອງ.

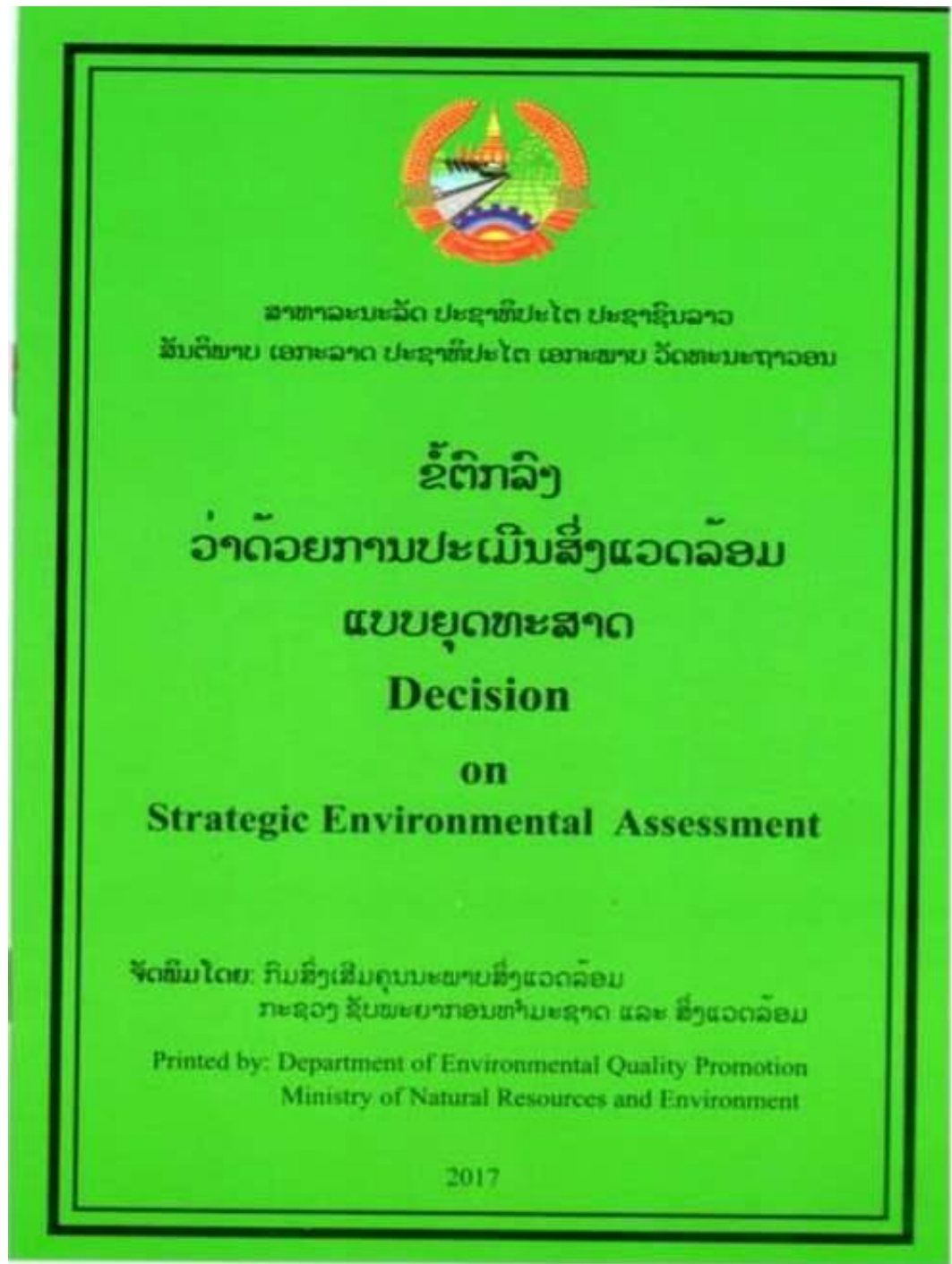
Article 19: Strategic Environmental Assessment(new)

A strategic environmental assessment is a method of anticipating potential impacts on the social or natural environment including climate change issues and impacts from policies, strategies and programs. This impact assessment shall determine methods and measures to avoid or mitigate impacts on social and natural environment in order to accomplish sustainable development goals.

Strategic environmental assessment shall be undertaken during the development of policies, strategies, and programs, particularly of energy and mining, agriculture and forestry, industry and commerce, public works and transportation, post-telecommunication and communication, information-culture and tourism sectors, except for land use plans of small-scale areas that have been determined in an Integrated Spatial Plan.

The strategic environmental assessment process shall include participation of organizations, local concerned authorities and people, who are directly or indirectly affected by the concerned sector policies, strategies or programs.

**2). Decision on SEA
approved by
Mister of
MONRE, No
0483/MONRE,
Date 06 February
2017.**



**3). Guideline on
SEA approved by
Mister of
MONRE No.
6616/MONRE,
date 31 December
2018**



ສາທາລະນະລັດ ປະຊາທິປະໄຕ ປະຊາຊົນລາວ
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ຄູ່ມືແນະນຳ
ວ່າດ້ວຍ ການປະເມີນສິ່ງແວດລ້ອມແບບຍຸດທະສາດ
ໃນ ສປປ ລາວ

Guidelines on
Strategic Environmental Assessment
Lao PDR

ຈັດພິມໂດຍ: ກົມສິ່ງເສີມຄຸນນະພາບສິ່ງແວດລ້ອມ
ກະຊວງຊັບພະຍາກອນທຳມະຊາດ ແລະ ສິ່ງແວດລ້ອມ

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Ministry of Natural Resources and Environment

2018

III. Progress of SEA in Lao PDR

- Improved EIA Decree, EIA technical guidelines (2018) and have been included and linked to SEA objective;
- MONRE have Developed CIA Guideline, Supporting fund by IFC but it is still in the draft;
- MONRE have plan to increase SEA awareness raising at central and local level base on the action plan 2018-2020;
- In the future have plan to continued development of specific SEA guidelines for each sector, and checklist for SEA.
- MONRE, have development Environmental Policy, now still under development process;

IV. The Implementation of SEA in MONRE

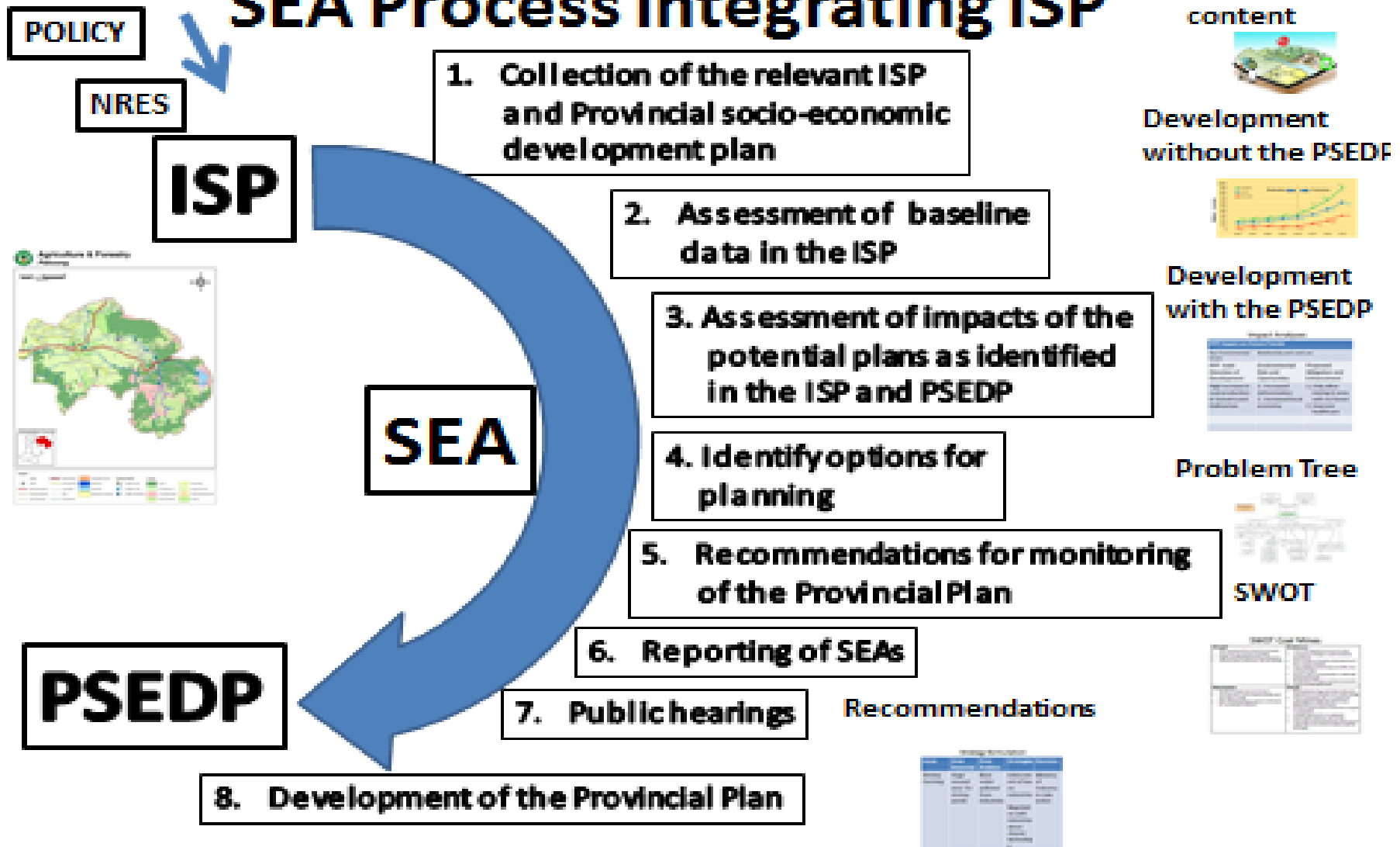
- MONRE have plan to implementation of SEA such as SEA awareness, Training, Capacity building for the government official at the central and local level in year 2019;
- SEAP and an organization work plan is important for the Social and economic development plan of the country.
- If Lao PDR has a qualified SEA and can use SEA in the development process especially for the cumulative impact Assessment (CIA) it will be useful for the implementation of SEA in the decision making process for all projects development planning in Laos.

The Implementation of SEA at MONRE

- Laos still lacks information of SEA. Basic knowledge about SEA is missing as we never used SEA in the past for development and in the decision making process. In Laos this is especially the case for the decision making of hydropower development.
- Lack of stakeholders who are responsible for the SEA, lack of capacity of staff among the line ministry, weak law enforcement, and a SEA guidelines just have approval. For next step will be Implementation. **Strategic Planning Program (SPPs) doesn't link with SEA.**
- MONRE is very busy with regular work, lack of budget to do this. The stakeholder (local district, Provincial level and central level also lack knowledge of SEA);

The process Implementation SEA

SEA Process integrating ISP



Linkage between SEA and ISP

ISP

SEA

1. Screening

2. Scoping

3. Data Collection

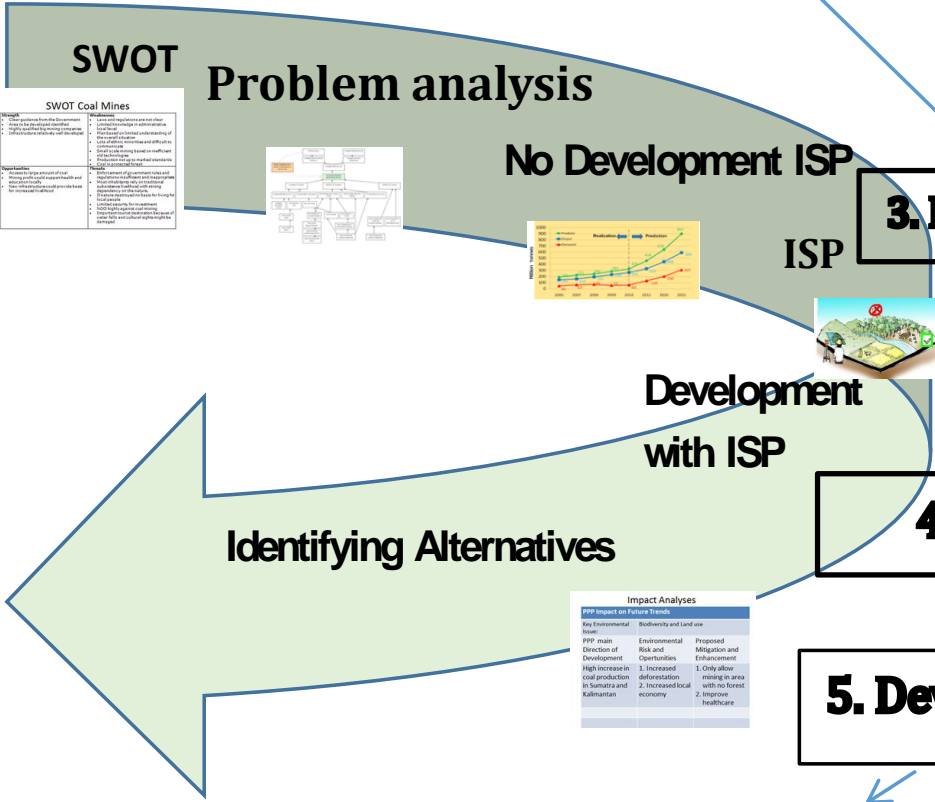
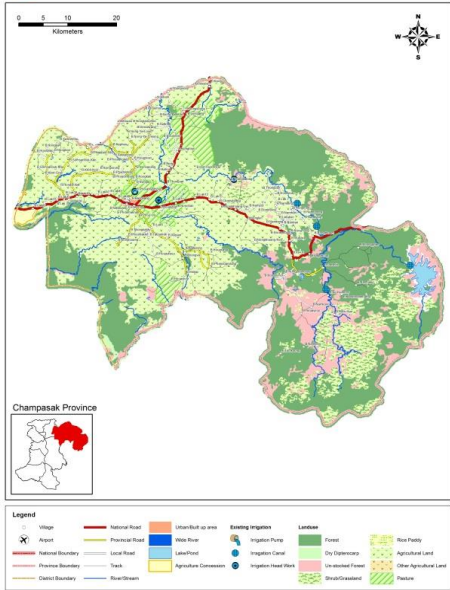
4. Alternatives

5. Developing SEA

6. Consultation

7. Certifying SEA report

Agriculture & Forestry
Pakxong



PPP Impact on Future Trends	Key Environmental Issue	Environment and Land use	Proposed Mitigation and Enhancement
<ul style="list-style-type: none"> High increase in coal production in Sumatra and Kalimantan 	<ul style="list-style-type: none"> Deforestation Increased carbon emissions 	<ul style="list-style-type: none"> Increased mining in area with no forest Increased carbon emissions 	<ul style="list-style-type: none"> 1. Only allow mining in area with no forest 2. Improve healthcare

V. The Key Challenges in Implementation SEA at MONRE

- Because of Lao PDR lacks a Master plan for the country and lacks a Master Plan for Province and District, and lack of Land use Planning makes the SEA Implementation plan difficult
- MONRE have difficulties with funding for the implementation of SEAP. Lack of supporting funds is a result of that Laos lack of Knowledge of SEA.
- Lack of budget to support the SEA Implementation Plan

The Key Challenges in Implementation SEA at MONRE

- The decree is supporting technical regulations is adequate. But they are not yet well disseminated, applied or enforced, especially at province, district and village levels. The decision about land use are often taken with only a cursory appraisal of the potential Social and Environmental Impacts without SEA.
- In case of Laos we still lack land use planning, lack strategic planning in development projects and activities, and lack a Master Plan for Projects Planning.

VI. The Action need to be taken in DEQP, MONRE

- The most important steps of actions that help progress with SEA Project is Increasing SEA awareness among the technical staff and leaders who have high rank in the line sector and ministries concern at central and local level;
- The step/action of an Increasing SEA awareness is very important because Lao still lack SEA knowledge.
- Increasing the capacity building of government by capacity building technical and leader levels, policy reviews, planning and programs especially in National Development Plan including Social and Economic Development.

The Action need to be taken in DEQP, MONRE

- The current status of DEQP, Ministry of Natural Resources and Environment (MONRE) organization is now that, DEQP, MONRE will take responsibility to continue Implementing of SEA for to central and local level.
- This must be coordinated with stakeholders and line agencies. To set up consultation workshops or training, capacity building for to improve knowledge about SEA.

The Action needed to be taken in DEQP, MONRE

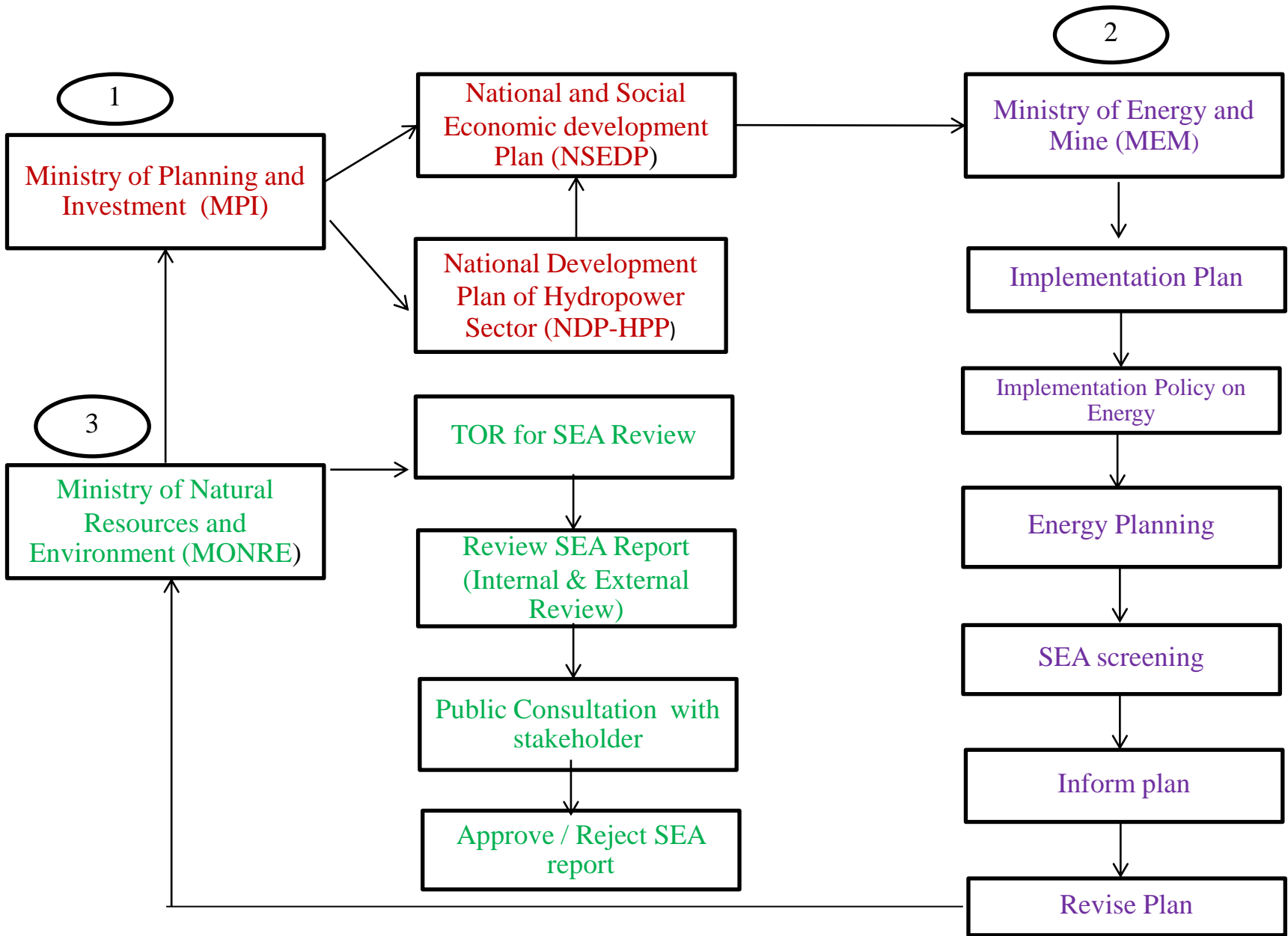
- DEQP, MONRE have a Environment Protection Law, Decision on SEA and a SEA guideline to support the management and to provide some activities for SEAP.
- For the support of public involvement and participant in SEAP, DEQP, MONRE is the one organization which has prepared the implementing SEA guideline.
- In the past this is DEQP which has received support from SEM II project during the last 5 years.
- Until now the SEA guidelines is already approval and endorsement by Minister of MONRE .
- Now DEQP, MONRE will have ability to integrate SEAP and have more ability to increase SEA awareness between line agencies at central and local level.

VII. The Ownership of SEA in Lao PDR

- The main ownership also is within the MONRE, and concerns with relevance to stakeholder such as
 - Ministry of Planning and Investment (MPI) (who make and review the National Development Plan and Social Economic development plan in the country)
 - Others Ministry concern (who review and improve the policy, strategy plan for each sector development),
 - DEQP, MONRE (who responsible for development of SEA Guidelines, Checklist, Review, Approve SEA report, etc.,)
 - Other key stakeholder government are agencies in charge of Projects planning. In the beginning, this was addressed by linking policy SEA to proposed interventions.

VIII. The way forward of SEA in Lao PDR

- The steps or actions needed to complete the implementation of SEAP is to Prepare and endorse the National Development Plan and Social Economic Development Plan, relevant to national authorities.
- Institutional capacity building increasing SEA awareness at central and local levels, Acquire knowledge to address uncertainty and risks of project development.
- Increasing SEA raising awareness,
- Develop the road map of the country especially the road map for important development sector,
- and the road map of the Social and economic development plan.



**Thank you very much
for your attention !**