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# MAINSTREAMING BIODIVERSITY CONSERVATION into COUNTRY SAFEGUARD SYSTEM

*Country Safeguard Systems*

*South and Southeast Asia Sub-regional Workshop*

**23-25 August 2016, Ho Chi Minh city, Vietnam**

**PHAM ANH CUONG, MONRE, Vietnam**

# OUTLINE

1. Introduction to ADB's TA 7566 and VIE subproject
2. Biodiversity Impact Assessment Guidelines (BIA) preparation and training
3. Mainstreaming Biodiversity into legal documents
4. Biodiversity Offsets Implementation Road Map
5. Recommendations.

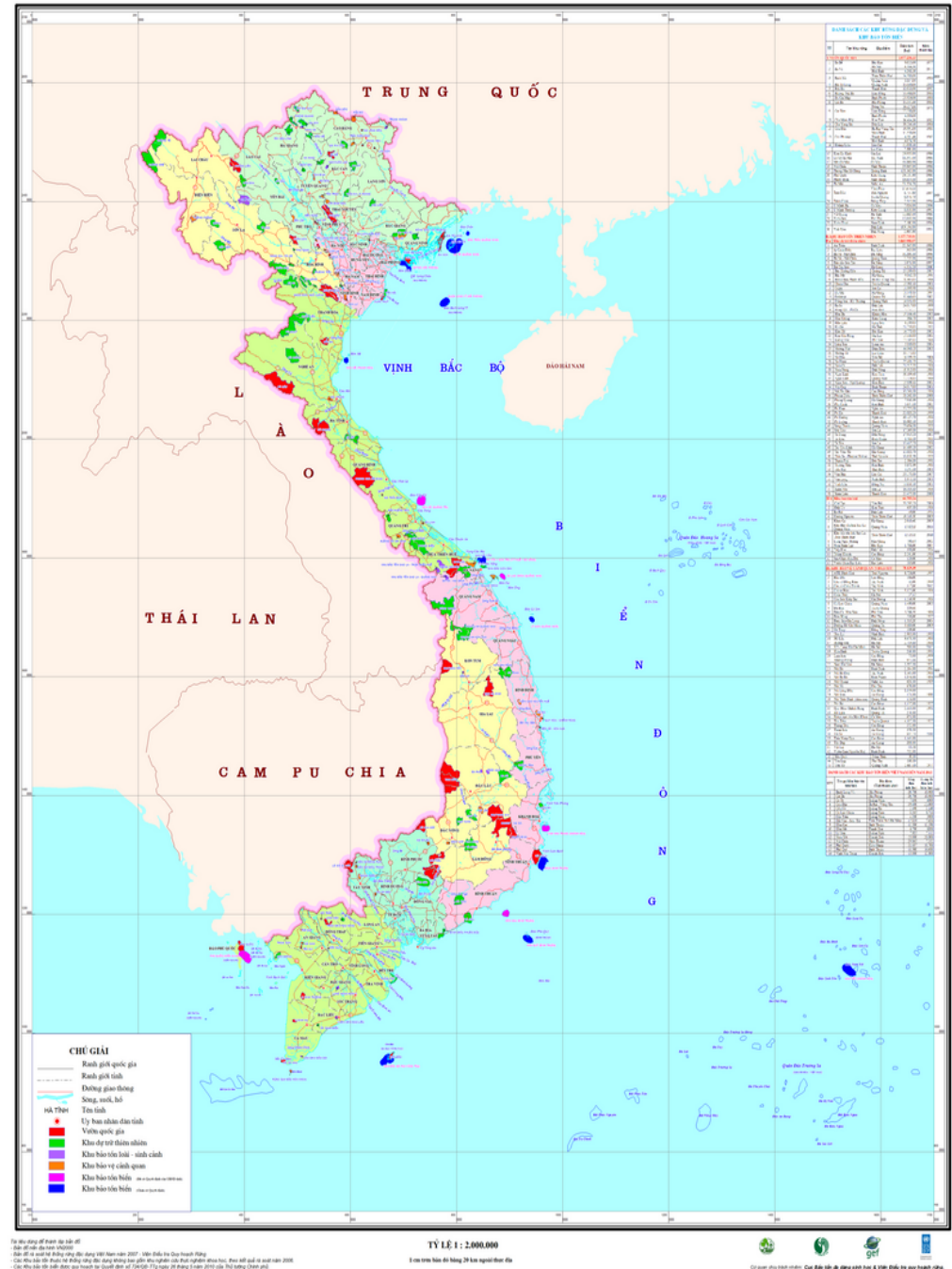


# I. INTRODUCTION (I)

## Vietnam Biodiversity

- Rated as one of 10 centers rich biodiversity in the world (with a great range of terrestrial, freshwater wetland and marine and coastal ecosystems, and a surprising variety of species, ...)
- However, loosing rapidly during socio-economic development for last 30 years (infrastructure and industrial development, rapid changes in land use, and population growth, ...)

MAP OF NATURE RESERVES IN VIETNAM 2013



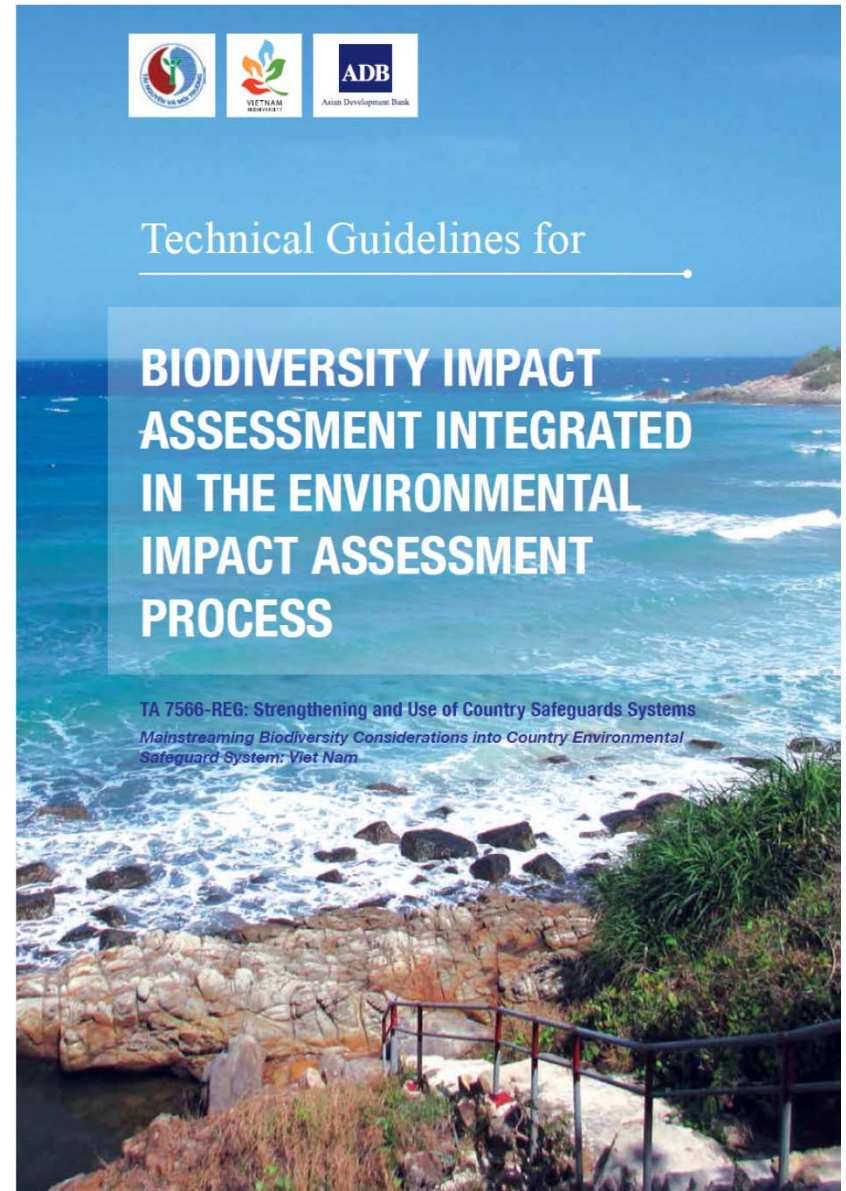
# I. INTRODUCTION (2)

- ❑ **TA 7566 - VIE Subproject:** Mainstreaming Biodiversity Conservation into Country Safeguard System was implemented in 2014-2015: \$ 250.000
- ❑ **Vietnam Partner:**  
the Ministry of Natural Resources and Environment (MONRE): Biodiversity Conservation Agency (BCA), Environment Impact Assessment and Appraisal (EIAA)
- ❑ **ADB Officer:** Mr. Pham Quang Phuc and others
- ❑ **ADB Consultants:**  
01 International (Dr. Peter John Meynell) and 04 national consultants



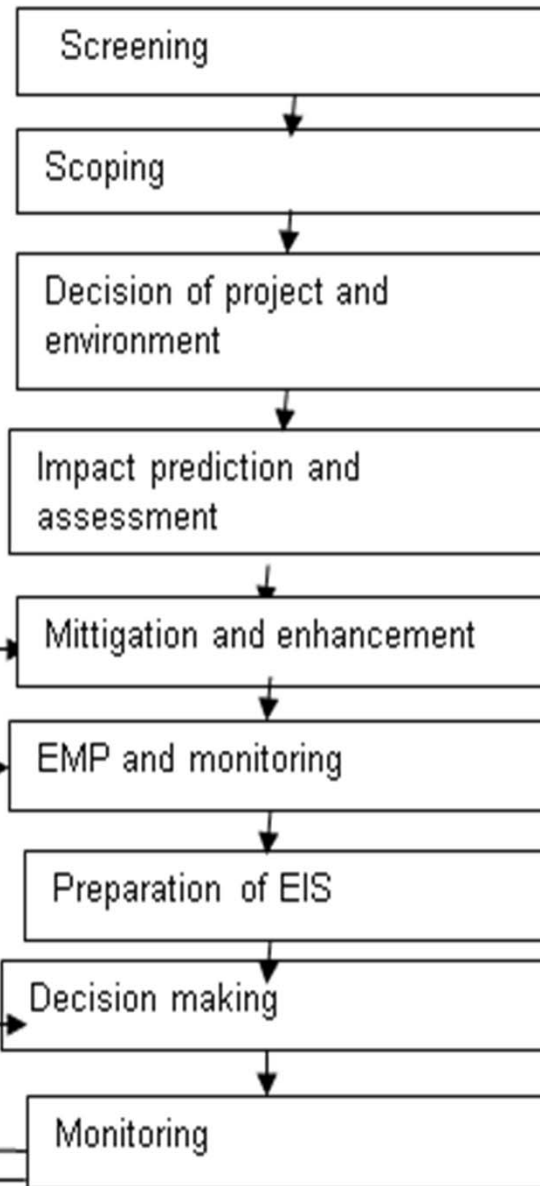
## II. Biodiversity Impact Assessment Guidelines (BIA) preparation and training (I)

- Apply International best practices on BIA in the framework of SEA/EIA (follows CBD guidelines)
- Identify deficiencies and recommendations to revision of EIA requirements for BIA and strengthening measures to conserve biodiversity
- BIA is integrated in the EIA process and format of EIA report described in legal framework (Circular 27/2015/TT-BTNMT)

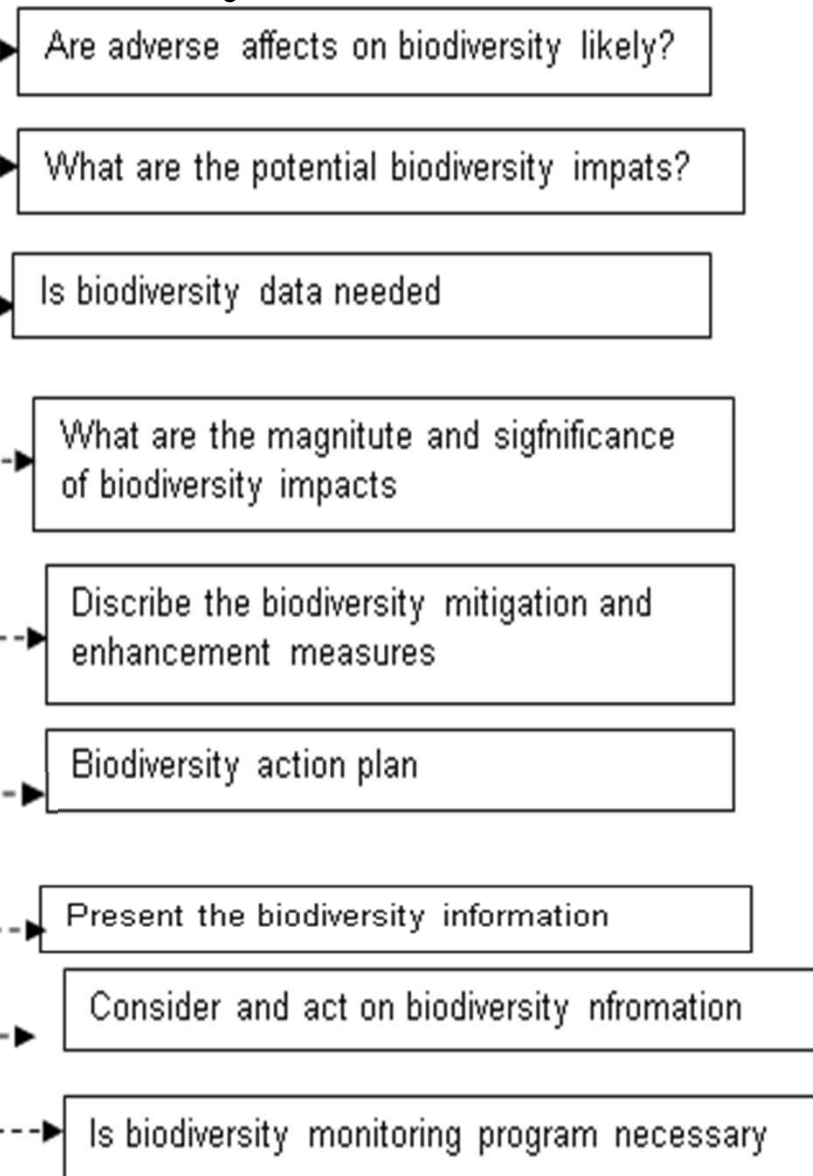


## II. Biodiversity Impact Assessment (BIA) Guidelines preparation and training (2)

### EIA Process



### Biodiversity consideration



## II. BIA Training Programme (3)

- Research, survey and assess on the training needs and the current capacity;
- Preparation of report on the Training Needs Assessment;
- A program to strengthen the capacity of BIA was developed.
- A number of two-and one-day training courses were organised to strengthen the capacity of staff from central (MONRE and Line Ministries) and local agencies (DONRE and other) and EIA practitioners (research institutions, NGO, ...)



### III. Mainstreaming Biodiversity Considerations into Legal Documents (I)

- **Identify the gaps:**

- Reviewed existing legal documents (Environment Protection Law, Biodiversity Law, SEA& EIA Decree/ Circular)
- Reviewed some typical approved EIA reports:

*Example 1: SEA for hydropower master plan on rivers systems Vu Gia - Thu Bon in 2007 made by the ADB Group of Experts and MONRE.*

*Example 2: Construction Project Long Son petrochemical complex in Ba Ria - Vung Tau province with an area of 464 hectares spread over locations including marshes, mangroves, salt fields, hills and residential housing.*

- **Identify orientation for legal improvement**

- Reviewed international best practice
- Organized consultation with relevant agencies, organizations, consultants, ..

- **Identify the important points need to be improved**

- Worked with SEA&EIA Decree and SEA&EIA Circular drafting team to mainstreaming
- Official letter from Biodiversity Conservation Agency with supports from project sent to Vietnam Environment Administration (VEA) and SEA&EIA Decree and and SEA&EIA Circular drafting team

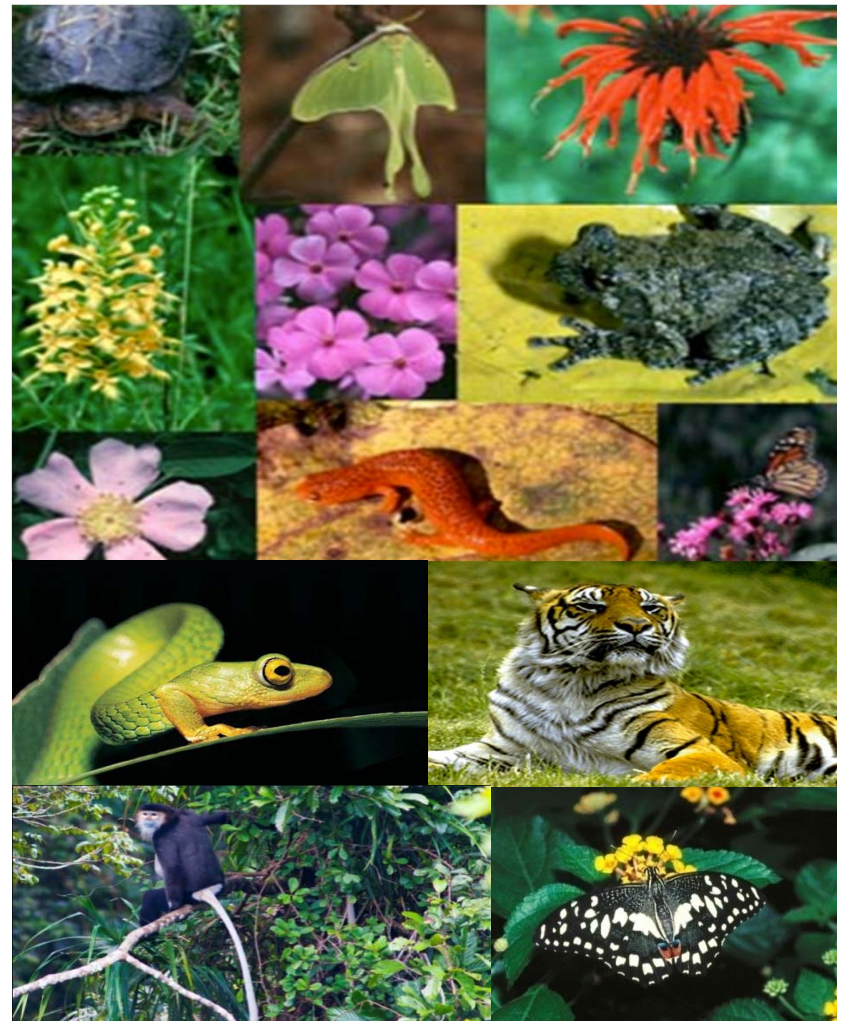


### III. Mainstreaming Biodiversity Considerations into Legal Documents (2)

The results of the sub-project has been integrated into the LEP and under-LEP legal documents, as follows:

**A. In LEP:** Paragraph 1, Article 35 on Protection of the environment in the investigation, evaluation, planning, use of natural resources and biodiversity states about **biodiversity offsets**:

*"The natural resources and biodiversity must be investigated, assessed the status, the possibility of regeneration, economic value as a basis for planning the rational use; determine the allowable limit exploring resource taxes, environmental protection fees, escrow environmental restoration, **biodiversity offsets** and compensation for environmental damage, other measures to protect resources and environment.*



### III. Mainstreaming Biodiversity Considerations into Legal Documents (3)

#### B. In Under-LEP documents – Decree No. 18/2015/ ND-CP of the GOV.

**(1) Screening:** development projects with potential negative impacts to biodiversity has been:

- Including in the list of projects **required to carry out EIA** in Annex II of Decree No. 18/2015/ ND-CP dated 14 May 2015 02 of the Government:

Project name	Scale
<i>The project will occupy land of any national parks, nature reserve, world heritage parks, biosphere reserves; the historical - cultural or scenic area with ranking for national level</i>	<i>All</i>
<i>Project will cause the lost of forest, conversion of forest land use purpose</i>	<i>From 5 hectares or more for protection forests and special-use forest; From 10 hectares or more for natural forests; 50 hectares or more for other types of forests</i>

- And “The project will use land of national parks, nature reserve; projects that use 1 hectare or more of the historic area - national culture; 5 hectares of world heritage parks or scenic areas have been ranked nationally; from 10 hectares or more of the biosphere reserve “must submitted to the Central Government (**MONRE**) for EIA report reviewing and approval”

### III. Mainstreaming Biodiversity Considerations into Legal Documents (4)

#### C. In Circular No. 27/2015/TT-BTNMT May 29, 2015 by MONRE – Structure and Content of EIA report

**Baseline conditions in EIA report:** “2.1.5. Current status of biological resources: Biodiversity status quo of the project area and the area affected by the project, including:

- Data and information on terrestrial biodiversity could be affected by the project, including: habitat, sensitive ecological areas (inland wetlands, nature reserve, reserve biosphere, the world natural heritage in and around the project area); distance from the project to ecologically sensitive areas closest; area of forest types (if any); portfolio and the current state of the plants, wildlife, including endangered species, rare and prioritized protection of endemic species in the area may be affected by the project;
- Data and information on marine biodiversity and coastal wetlands can be impacted by the project, including the characteristics of marine ecosystems and coastal wetlands, the list and status of species plankton, benthic, fish and aquatic resources, marine products (if any)”

#### **Impact prediction and assessment in EIA report:**

- "- It is necessary to clarify the source of impacts not related to waste (... deforestation, vegetation, wildlife, impacts on sensitive ecosystems, degradation of biological and physical environmental components; change of biodiversity ...
- The most negative and positive impacts on environment should be evaluated and forecast include: ... impact on biodiversity; ... "



## **IV. Biodiversity Offsets Road Map (I)**

- Best international practices on frameworks and mechanisms which would be applicable to Viet Nam
- The Vision of biodiversity offset system in Vietnam by 2025 and fully operational by 2030:
  - An enhanced understanding of the concepts and current good practice
  - The use of biodiversity offsetting as a policy and consenting tool to be endorsed when the Biodiversity Law (2008) revised
  - Development of a practicable system for biodiversity offsetting
  - Building capacity

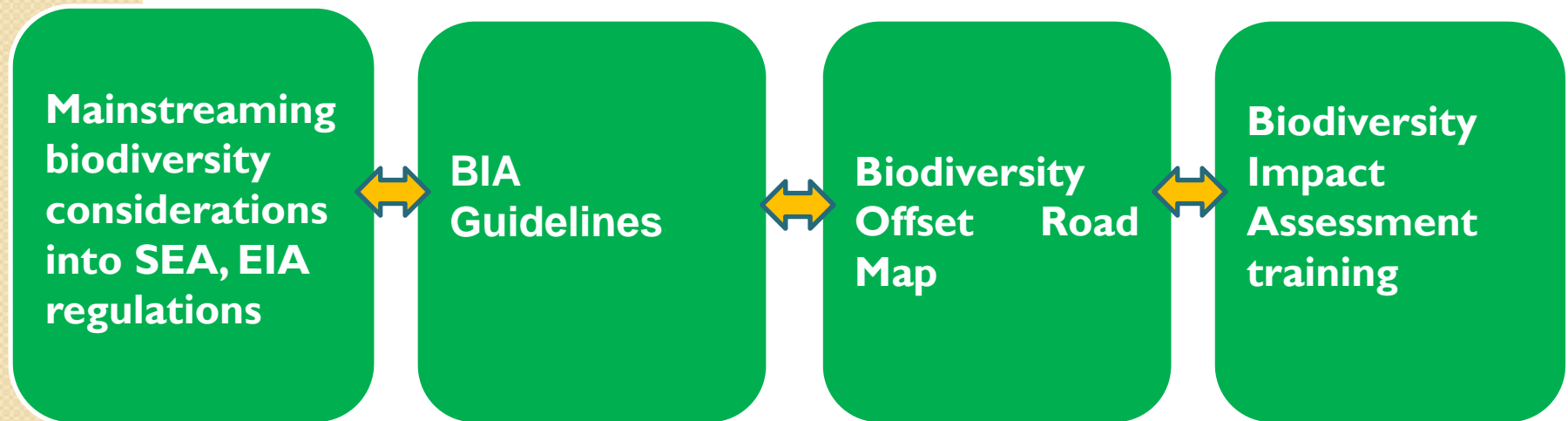
## IV. Biodiversity Offsets Road Map (2)

- Recommendation for implementation arrangement:
  - A Task Force within MONRE be set up
  - A project be developed for funding from donors for the system to be piloted.
- Technical recommendations
  - Adopt a policy for No Net Loss (NNL) of biodiversity,
  - Adopt Like-for-like or Better Metrics.
  - Build Capacity
  - Create an effective institutional framework
  - Develop the systems

# V. Recommendation (I)

## MAINSTREAMING BIODIVERSITY CONSIDERATION INTO VIET NAM ENVIRONMENT COUNTRY SAFEGUARD

Going Forward with different detail activities of 4 outputs



# V. Recommendation (2)

## A - Mainstreaming biodiversity considerations into SEA, EIA regulations

- Additional measures need to be included to further strengthen biodiversity considerations in future revisions of the decree and circular on SEA and EIA to guide the LEP 2014.
- When the Law on Biodiversity is revised, regulations for BIA and biodiversity offsets should be included in the Law, decrees and circulars.
- As a principle, biodiversity impacts should be given a similar priority in impact assessment as impacts on water, land and air quality

## B. BIA Guidelines

- MONRE approve and issue BIA guidelines for implementation
- For more effective BIA, additional biodiversity and habitat data is required: identifying critical habitats and ecosystems in Vietnam; criteria for biodiversity as standards and suggested indicator species
- Technical Guidelines for including biodiversity in SEA should be developed.

# V. Recommendation (3)

## C. Biodiversity Offset Road Map

- MONRE should work with development partners (eg ADB, World Bank Group and JICA) and private sector: to trial offset methods and mechanisms and piloting of biodiversity offset schemes for development projects with adverse impacts upon natural and critical habitats with high biodiversity.
- Costs of implementing Biodiversity Offset schemes for such projects to be built into the development and operating costs.
- MONRE should amend and supplement the Law on Biodiversity and related legal documents to establish legal basis for biodiversity offset schemes in Vietnam.

## D. BIA training

- MONRE should continue to organize training courses on BIA guidelines for involved officials and experts.
- A book of such good practice case studies can be prepared to illustrate BIA.
- MONRE should develop and approve the program of improving awareness on biodiversity in Vietnam for the period 2016-2020 outlined in the Report on the Training Needs Assessment for BIA.



A scenic view of a lush green forest with a prominent tree with reddish-orange foliage in the center. The text "THANK YOU" is overlaid in yellow.

THANK YOU