Developing a manual and organizing online workshop to ensure public participation in environmental impact assessment

Activity summary report

2022

Consultancy service of developing a manual and online training to ensure public participation in Environmental Impact Assessments: Consultancy report

At the request of the Minister of Environment and Tourism of Mongolia, "the Project on Promoting Public Participation in Environmental Impact Assessment" is being implemented under the Australia Mongolia Extractives Program (AMEP), an intergovernmental program of Mongolia and Australia.

In line with the project framework, the "Mongolian Council for Sustainable Development and Social Responsibility"(CSS) NGO's consultant team prepared a manual and organized a training for ensuring public participation and improving stakeholder cooperation on environmental impact assessment (EIA).

Subsequently, existing manuals and recommendations on the dissemination of information to local communities and information gathering were studied during the development of EIA to identify the need for improvement, and based on the results of the AMEP Phase 1 reports, manual and online training models have been prepared.

Author of the report: Mongolian Council for Sustainable Development and Social Responsibility (CSS Mongolia) NGO

CSS Mongolia is a non-profit community service NGO established in 2015 at the initiatives of Mongolia's leading mining companies' specialists in charge of sustainable development, environment, community relations, and social responsibility.

June 20, 2022

Receipt of the final report

Submission date	
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The researcher/contractor shall submit the first edition of the report to the Project Manager of AMEP 2, and the following table has to be filled on every copy submitted.

Submission date	2022.06.21
To	O.Oyunbileg
Signature	
From	N.Ariuntuya

Contents

Abbreviations

AMEP	Australia Mongolia Extractives Program
MET	Ministry of Environment and Tourism
DET	Department of Environment and Tourism
EMP	Environment Management Plan
EIA	Environmental Impact Assessment
DA	Detailed Environmental Impact Assessment
LATuTM	Law on Administrative and Territorial Units and Their Management
GO	Governor's Office
CGC	Citizens' General Council
CRC	Citizens' Representative Council
SNG	Synthetic natural gas from coal
GEC	General evaluation conclusion
RF	Russian Federation
SIA	Strategic impact assessment
CSS	Mongolian Council for Sustainable Development and Social Responsibility NGO
SA	Status assessment

List of images

List of graphs

List of tables

Activity summary report

1. Summary of consultancy service

1.1 Project introduction

The need for consultancy service:

To ensure public participation in Detailed Environmental Impact Assessments (DAs), transparency of information, multilateral participation to remove factors obstructing people's rights to know, resolve conflicts between stakeholders, provide information and capacity building to state administrative organizations, professional agencies, specialists, local authorities and citizens.

Consulting services:

To develop a manual and organize an online training to ensure public participation in detailed environmental impact assessments and improve stakeholder cooperation.

Activities implemented under the consulting services:

- Existing guidelines and recommendations on how to provide information to local communities and information collection during DAs were identified, along with the need to improve the previous AMEP reports.
- Developed a manual and e-learning module to provide public information on detailed environmental impact assessments and information needed to improve stakeholder cooperation.
- Based on the content of the manual and the e-learning module, provinces and soums (three provinces, namely Khentii, Sukhbaatar, Uvurkhangai, and soums) were selected for online training in cooperation with the Ministry of Environment and Tourism and the AMEP project team.
- The Environmental Database reviewed and consolidated the information on ongoing and upcoming projects with approved DAs in three pilot provinces, prepared a set of documents to be submitted by the project proponent to the local administration under the Environmental Law and verified with the Environmental Protection Department of respective provinces and soum Governor's Offices.
- The report was prepared with suggestions and recommendations for improving the legal environment and regulations to ensure public participation in the DA.

Stakeholders of the consulting service:

The referenced studies of this report suggest that activities to ensure public participation in DA, transparency of information, and multilateral participation to remove obstructions to people's right to know, should begin in capacity building and dissemination of information to state administration body, professional agency capably of conducting ESIA, specialists, local governments, public officials, and citizens.

The referred studies prioritized the capacity building of stakeholders that actively gave feedback on public participation and people's right to know and criticism on the need to improve knowledge and information provision. This includes

- DETs of provinces and the capital city
- Local government bodies
- Local governments
- Local communities
- Civil societies.

Expected results from the consulting service:

Citizens and local governments will be able to understand the importance of public participation, increase the effectiveness of the CRC, ensure their participation, and exercise their right to know.

1.2 Progress of activities implemented under the project

The consulting service lasted six months from January 2022 to the end of June. The following image shows the progress of activities carried out within the frame.

Image 1. Roadmap of activities implemented under the project
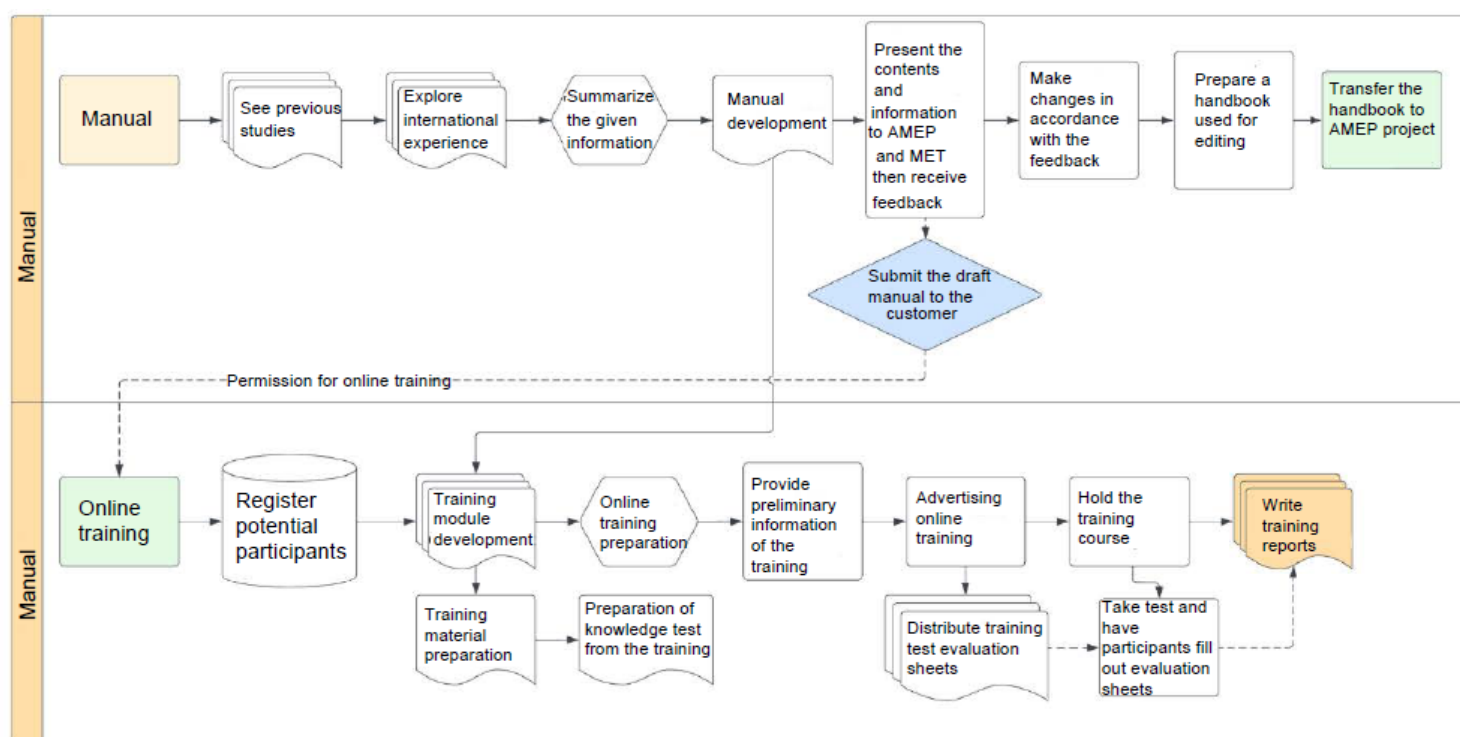
2. "Environmental Impact Assessment and Stakeholder Engagement" Manual

2.1 Content of the manual

The content of the manual is based on the findings of studies conducted under the 2021 Australia Mongolia Extractives Program (AMEP-2) and identified key areas and topics for focus. Accordingly, the following key findings were considered to meet the demand for information.

- It is very rare for the CRC to hold an extraordinary meeting to discuss only the evaluation report. The evaluation report is usually discussed on the agenda of the regular CRC meeting. It is common practice to listen to the presentation of the evaluation report after discussing the internal issues. The regulations do not regulate the delivery of advertisements to citizens, or the time required to disseminate information about the report.

- Due to the lack of clarity in the law and regulations on whether the CRC evaluation should be held in a regular meeting or a special meeting, who will provide preliminary evaluation information to the public, in what form and when, and the responsibilities of local authorities and project implementers, there are challenges in ensuring citizen participation.

- There is a significant need to provide relevant information at all stages of the DA to citizens in a transparent, accessible form, method, and content at all times to ensure transparency and access to information.

- The clarification of project classification for assessment, differentiation of participation requirements, simplification of the form, timing, and responsibilities of public participation activities from the beginning to the end of the evaluation, improved public awareness of DA, and access to information regarding the assessment.

- Implementation of public participation procedures is uneven, especially for small and medium-sized projects.

Based on the above needs, the structure of the manual has been prepared as follows.

2.2 Manual structure

Chapters 1 and 2 of the manual were aimed at providing relevant information on the Environmental Impact Assessment, the stages of the Environmental Impact Assessment, and the legal documents, while Chapter 3 seeks to provide information on the rights and responsibilities of stakeholders and the role of the public in environmental impact assessment. Necessary information was shared based on the issues of participation, laws, and regulations on how to improve it, and research, and manuals developed by international organizations and civil societies. Chapter 4 includes information on laws, regulations, and sources of information regarding the adverse effects and potential impacts of extractive projects' subsoil use on the environment, and on ensuring citizens' constitutional rights to know.

A PDF version of the manual is included in the annex.

Chapter 1.

About environmental impact assessment

- 1.1. Environmental impact assessment system
- 1.2. Stages and phases of environmental impact assessment
  - 1.2.1. General environmental impact assessment
  - 1.2.2. Detailed environmental impact assessment

Chapter 2.

Legal environment for public participation in environmental impact assessment

- 2.1. Procedures for Ensuring Public Participation in Environmental Impact Assessment

Chapter 3.

Ensuring public participation in environmental impact assessment

- 3.1. Rights and responsibilities of the parties to ensure public participation
  - 3.1.1. Good practices of ensuring public participation in Environmental Impact Assessment
  - 3.1.2. Ensure equity and accessibility for stakeholders
  - 3.1.3. Stakeholder mapping
  - 3.1.4. Stakeholder matrix
- 3.2. Steps to ensure public participation
- 3.3. Deciding on a public consultation
  - 3.3.1. Disseminate information about the discussion to the public
- 3.4. Organize a Public Meeting
  - 3.4.1. Make the ESIA report available to the public

Chapter 4.

Environmental Impact Assessment and Right to Know

- 4.1. Law on Environmental Protection
- 4.2. Law on Environmental Impact

Chapter 5.

Annex

- 5.1. Data collection and monitoring methodologies
- 5.2. Checklist: CRC discussion
- 5.3. Checklist: Environmental Impact Assessment discussion

2.3 Issues considered in the manual:

Methodology

- Theoretical information or the implementation of the procedure for ensuring public participation in the EIA has been developed in line with international and national best practices.

- Information on the basic principles of citizen participation and relevant laws is included.

- The importance of citizen participation and activation steps are reflected in tables, graphs, best practices, and stories.

- Recommendations for the effective conduct of the CRC are presented in a simple illustration.

- Shared international experience in the dissemination of information.

1. Mongolia is the only country in the world where the draft DA report is discussed by the CRC or local self-governing body. Researchers point out that this continues to pose challenges, such as the presentation of evaluation reports, the uncertainty of the organization of public opinion polls, and the failure to achieve targets. Step-by-step recommendations on how to improve the methodology of receiving public feedback on DA are provided.

2. In addition, the DA report included detailed real-life cases that ensured public participation. It was suggested that an example of a relatively large project that maintained public participation at each stage should be chosen. The experience can then be applied to small and medium-sized projects that are in different stages, depending on the specifics and circumstances of the area.

Box 1

An example of good practice involving the public in environmental impact assessment

A "Coal to Synthetic Natural Gas (SNG) Plant" project that is aimed at reducing air pollution from raw coal consumption in schools, kindergartens, and hospitals in the outer areas of Ulaanbaatar city was implemented within the frames of "Mining Infrastructure Investment Support" project financed by the World Bank. A detailed environmental and social impact assessment report for the project was developed in 2016-2019 by an advisory team from Greentrend LLC.

Under Mongolia's Regulations on Public Participation in Environmental Impact Assessment and the World Bank's disclosure policy, the draft DA for the SNG plant was discussed transparently and openly among affected parties near the construction area of the SNG plant and the pipeline, as well as receiving their feedback. This DA report provides a real-life example of how public opinion is reflected.

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3. The public participation chapter is simplified with a graph so that stakeholders can see at a glance what laws and regulations are in place and what their rights and responsibilities are.

4. Practical suggestions on identifying and mapping stakeholders to ensure stakeholder equity and accessibility are compared with information on stakeholder matrix development at the international level.

5. The assessment report also included suggestions on how to improve the effectiveness of the evaluation, as there is still a need to improve the procedure, duration, purpose, and objectives of the assessment, and open or closed voting to increase the effectiveness of the evaluation.

6. It also includes recommendations to prevent conflicts that may arise during discussions.

7. The decision-making processes and inactions of the bagh and khoroo-level CRCs, the use of blackmail, the demand for corrupt practices, the failure to convene without justification, illegal meetings, and the risks involved are also considered.

8. Sources of information are indicated. /Provinces, soums, databases, and others/

9. Advice is given on how to be flexible, depending on the nature, capacity, and type of the project, what projects to focus on, where civil rights are affected, and what to know to prevent them.

3. "Environmental Impact Assessment and Stakeholder Engagement" online training report

3.1 Training preparation

An e-training module has been developed based on the content of the manual prepared as part of this consulting service. Three provinces were selected by the Ministry of Environment and Tourism to organize e-training with this module.

Image 3. Information on selected provinces, soums, and baghs
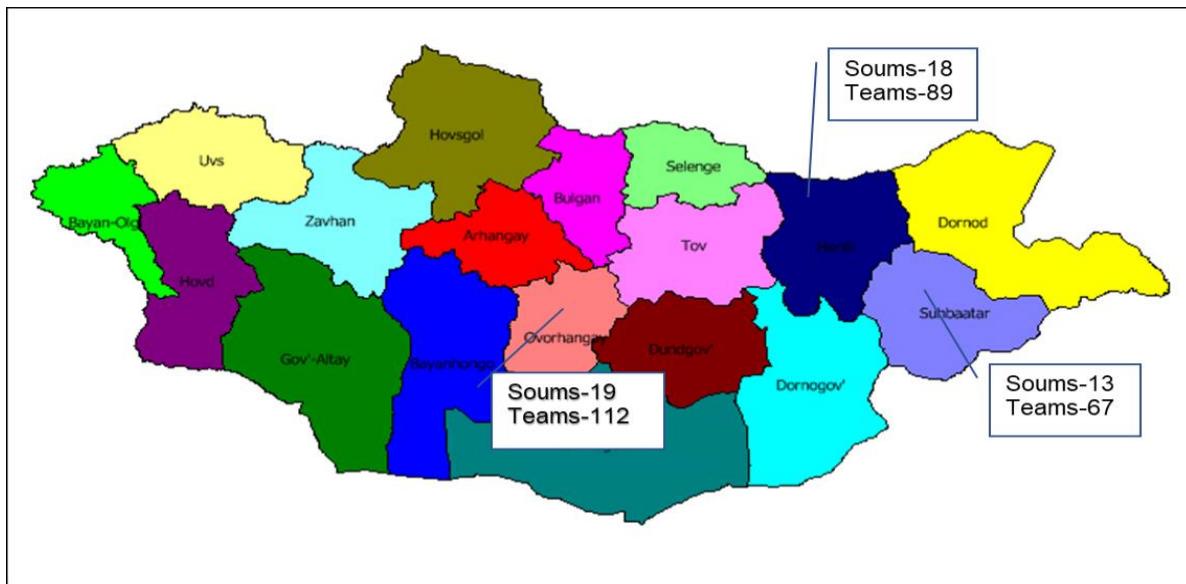
The rationale for selections:

The management of Khentii, Sukhbaatar, and Uvurkhangai province units and relevant experts were consulted and the development planning and location of these provinces, the specifics of mining and other projects, and whether other international projects are being implemented were the basis for selection. For example:

➢ Sukhbaatar province is located at the Mongolian border, where mining, oil, and radioactive minerals are being explored intensively, taking into account the conditions for further strategic development.

➢ Khentii province has several mines that have actively operated for many years, such as Bor-Undur, Berkh, and Chandgana, and several new projects are at the planning stage in the region. The Government of Mongolia strategically aims to develop the area as a historically important tourist center, thus, both mining and non-mining projects need to comply with tourism projects and prevent potential conflicts. These were the basis for considering this province.

➢ Uvurkhangai is a representative province for West-Center region provinces that are set out to be developed as key mining, agriculture, and tourism centers.

3.1.1 Stakeholder identification and advertisement

The preparatory works for the online training began in February 2022. Officials from the DETs of respective provinces, local self-governing bodies, civil societies, citizens, and governors of soums and baghs were identified as participants in the training. A list of identified participants was prepared for the three provinces in advance.

Training information and presentations were sent by e-mail following the list of participants identified on March 1.

Furthermore, a survey form was prepared to identify better ways to disseminate information to improve the effectiveness of the manual and online training methodologies and is attached with the report. Invitation emails were sent to 465 people, of which 26 people representing 8 soums agreed to take part in the training.

The online training schedule was as follows: May 19, 2022, for Khentii province, May 26 for Sukhbaatar province, and May 30 for Uvurkhangai province respectively. By contacting the Governors' Offices and DETs of respective provinces, and soum Governors, the initial schedule set out in February was revised and re-registered participants accordingly.

Within the scope of training announcements and information delivery:

1. Training promotion was carried out after informing the Governor's Office, DETs of the respective province, 50 governors, and heads of administration respectively by phone. The training program, preliminary list of participants, and pre-training tests were sent to participants in advance online and verified once again by phone.

2. Requests were made to each soum governor to assign a person to assist with the training. Updated participants' information in collaboration with the designated staff. The person in charge was instructed on how to provide individual information to each participant. Training announcements, training programs, and other relevant information were submitted electronically, along with an official letter from the MET to the head of the province's DET.

As part of the provision of training equipment:

1. To fully cover the registered people and ensure the uninterrupted and normal operation of the equipment, the soum residents were gathered in the conference hall and civic hall of the soum Governor's Office. As a result, a total of 441 participants from 3 provinces participated in the training using 172 devices.

2. The day before the training, a survey was carried out for equipment necessary for participating in the training along with a preliminary technical test.

To test the participants' knowledge and have them fill out a training evaluation form:

1. Each participant was provided with a pre-training and post-training knowledge test regarding DAs, which was distributed to participants. Pre-training tests were arranged in advance.

2. Prior to the training, information on submitting post-training tests and training assessments was provided in advance, and the relevant forms were sent to each staff member by e-mail and prepared in advance.

3. After the training, a time was set aside for completing the test and an evaluation form was arranged to complete the test and the training.

3.1.2 Training modules and programs

A total of four hours of the training program and training modules were prepared on the following topics:

- ▪ EIA system, stages, and procedures:
- EIA and its system phase
- EIA laws and regulations
- ▪ Ensuring public participation in EIA
- Why are the public needs to partake in EIA?
- EIA stakeholders
- Public participation phase
- Effective public consultations

Training program and modules are included in the annex.

3.1.3 Pre-training knowledge test

To test the knowledge level of participants a test with 19 questions were taken within the framework of the training.

Out of a total of 441 participants, 123 participants or 28 percent completed the pre-training knowledge test. Although this is not a sufficient percentage, it is possible to determine the need for training by compiling the test, as representatives from 3 provinces were selected.

The first four questions of the test (Table 1) show that participants have some information about their careers. However, most participants answered questions 5-19 incorrectly. For example, participants were often incorrect in answering questions about citizen participation in the preparation and discussion of DAs. The open test questions (12, 17-19) were either unanswered or half completed by the majority of participants.

The organizers tried to take the test again after the training using the pre-training knowledge test, but the conclusion of the post-training knowledge test was not made due to insufficient information from 3 provinces.

Table 1. Summary of knowledge tests

№	Questions	Correct	Incorrect
1	How many types of environmental impact assessments are there?	62	61
2	Who will conduct the detailed environmental impact assessment?	89	34
3	What is the purpose of a detailed environmental impact assessment?	92	31
4	Which organization approves a detailed environmental impact assessment?	85	38
5	How many copies of the detailed environmental impact assessment are prepared and submitted to relevant authorities?	24	99
6	At what stage does the detailed environmental impact assessment report take into account the views of citizens?	13	110

| 7	At what stage in the development of a detailed environmental impact assessment report is it discussed and commented on by the bagh community meeting?	22	101
8	What is the importance of citizen participation in the development of a detailed environmental impact assessment report?	24	99
9	According to the Constitution of Mongolia, "Citizens have the right to know about the environmental impact of the use of subsoil resources within the framework of their right to live in a healthy and safe environment." Who is responsible for ensuring the implementation of this provision?	47	76
10	Which of the stakeholders is responsible for making the approved detailed environmental impact assessment report available to the public?	20	103
11	To whom should citizens file complaints and disputes regarding the detailed environmental impact assessment report?	19	104
12	What can be done to ensure public participation in the development of a detailed environmental impact assessment?	47	76
13	In how many working days does the ESA report need to be discussed and voted on by the general meeting of the bagh or khoroo in the area?	30	93
14	How many days must the residents of the bagh or khoroo be notified of the date of the CRC meeting?	13	110
15	What should be included in the procedure for organizing a CRC?	15	108
16	What is the best way to get feedback during the consultation?	18	105
17	What issues need to be addressed in the ESIA report?	11	112
18	During the CRC discussions, there are sometimes disputes between the organizers. What will you do then?	14	109
19	Write down what you want to include in the discussion report.	12	111

Graph 1. Summary of knowledge tests

|	Correct	Incorrect
19.Write down what you want to include in the…	12	111
18.During the CRC discussions, there are sometimes…	14	109
17.What issues need to be addressed in the ESIA…	11	112
16.What is the best way to get feedback during the…	18	105
15.What should be included in the procedure for…	15	108
14.How many days must the residents of the bagh…	13	110
13.In how many working days does the ESA report…	30	93
12.What can be done to ensure public participation…	47	76
11.To whom should citizens file complaints and…	19	104
10.Which of the stakeholders is responsible for…	20	103
9.According to the Constitution of Mongolia,…	47	76
8.What is the importance of citizen participation in…	24	99
7.At what stage in the development of a detailed…	22	101
6.At what stage does the detailed environmental…	13	110
5.How many copies of the detailed environmental…	24	99
4.Which organization approves a detailed…	85	38
3.What is the purpose of a detailed environmental…	92	31
2.Who will conduct the detailed environmental…	89	34
1.How many types of environmental impact…	62	61

3.2 Training process

An online learning course to ensure public participation in environmental impact assessment and improve stakeholder cooperation was successfully organized on May 19th, 26th, and 30th of 2022 as scheduled in the three target provinces. The training was attended by representatives of the MET, AMEP team, consulting team, and relevant experts.

*Graph 2. Information on training participants by province and gender*
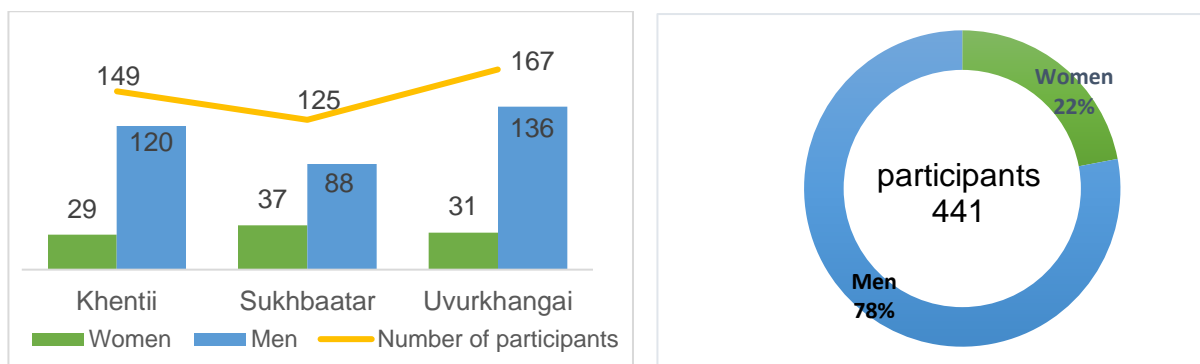
CSS consultants, namely B.Bayarjargal and J.Chantsaldulam, conducted the training for a total of four hours. G.Bathishig, Head of the Environmental Database Division, provided information on the Environmental Impact Assessment Database at the province level.
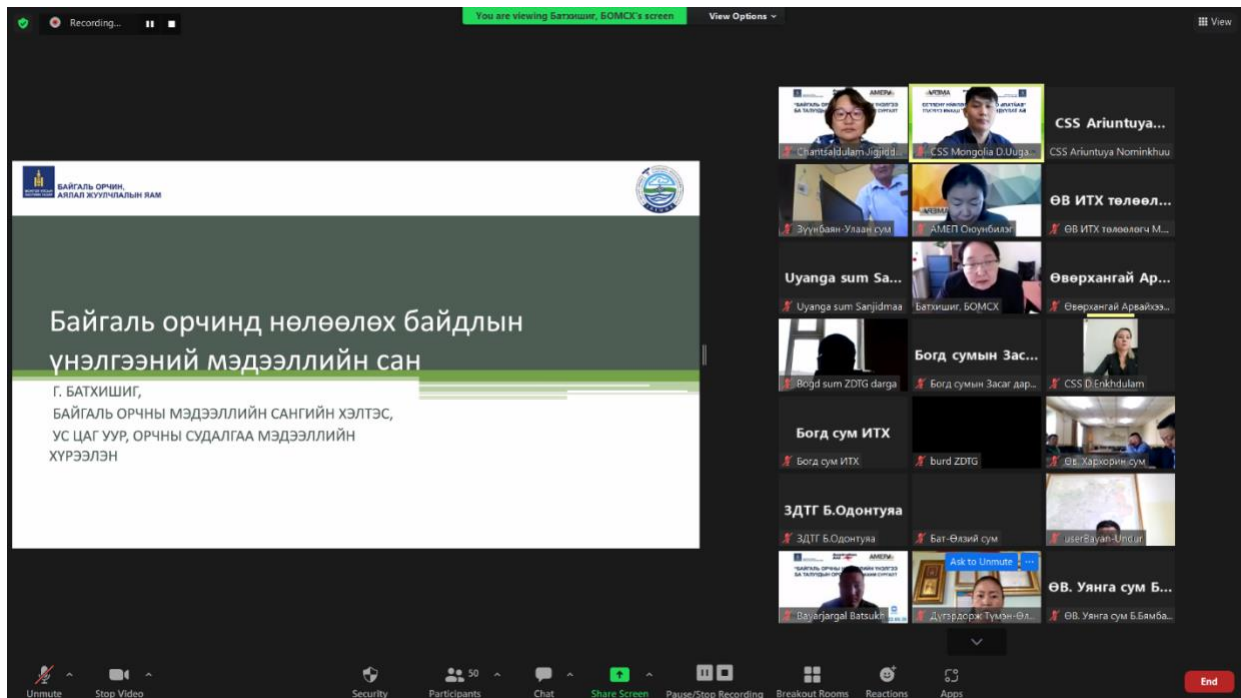
Image 4. Khentii province training
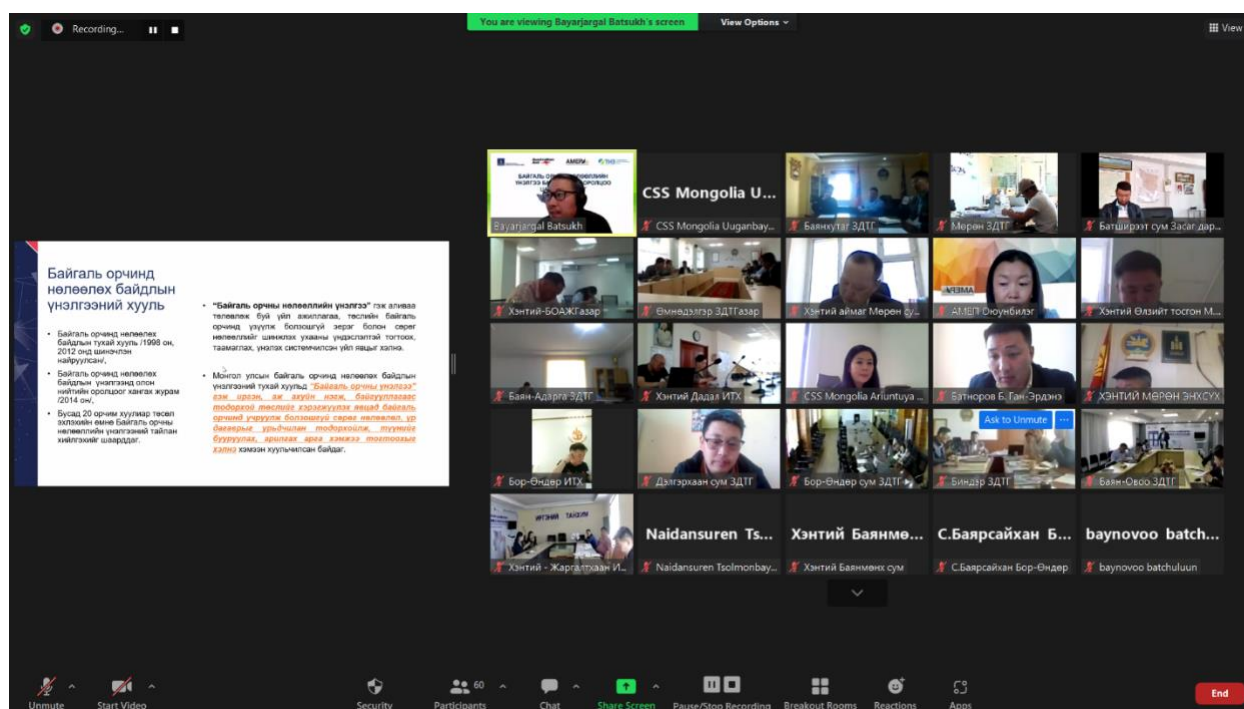
Image 5. Sukhbaatar province training
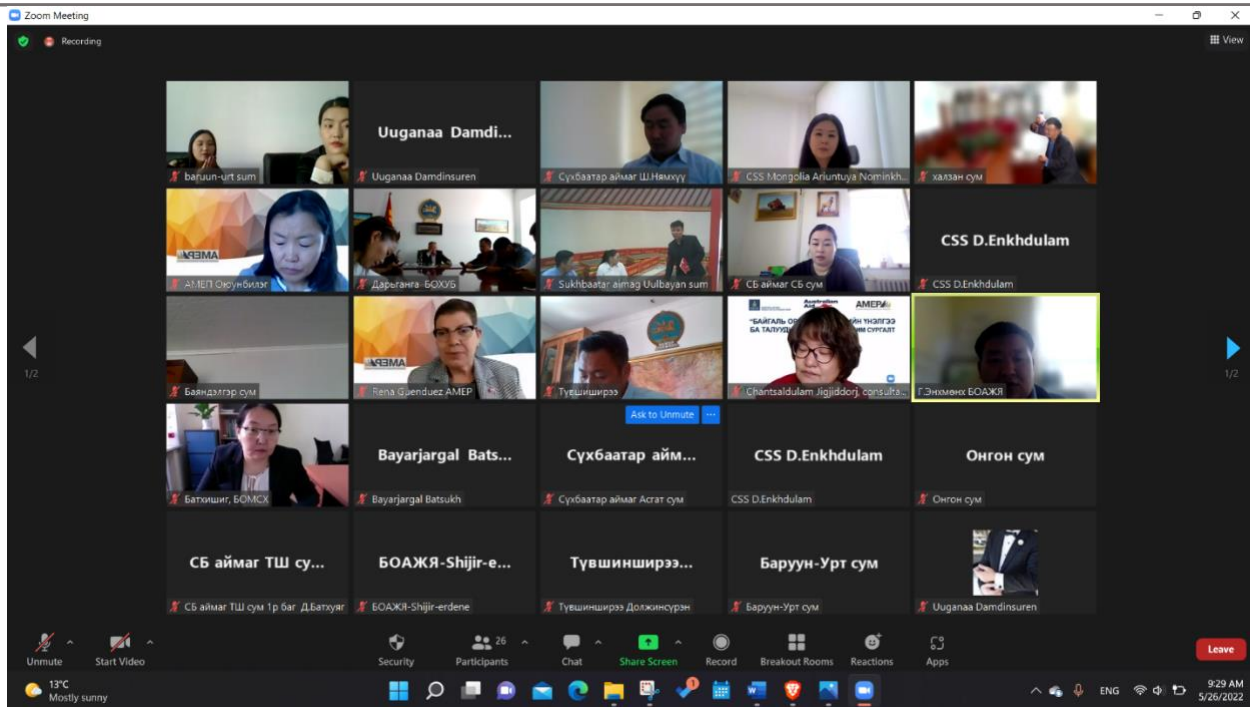
*Image 6. Uvurkhangai province training*

The training materials include legal and regulatory information, stakeholder feedback, and research-based practical recommendations. The training consisted of knowledge testing,

motivational exercises, skills development teamwork, provision of knowledge and information, and knowledge retention.

The training was conducted using good practice, information, analysis, brainstorming, teamwork, game methods, question and answer, video, and visual aids.

The e-learning goal was to involve representatives of all stakeholders in the DA from 268 baghs and villages in 50 soums of Khentii, Sukhbaatar, and Uvurkhangai provinces selected by the project, and a total of 441 participants were trained.

Graph 3. Responsibilities and positions of participants

Khentii   Sukhbaatar   Uvurkhangai
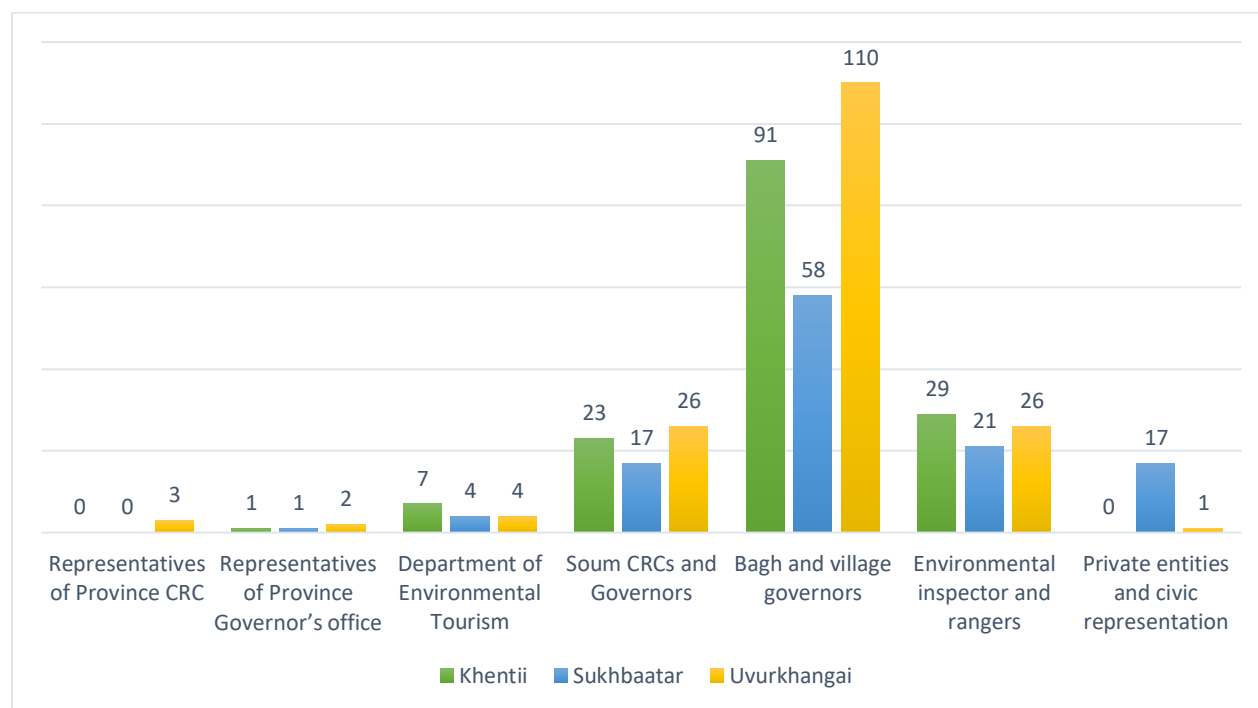
58.7% of the total training participants were bagh and village governors.

Graph 4. The number of devices used for training

The participants took part in the training from a total of 172 devices. There are 69 devices in Khentii, 45 devices in Sukhbaatar, and 58 devices in Uvurkhangai province, and an average of 3 people connected from one device.

Number of participants
Number of devices connected to the training
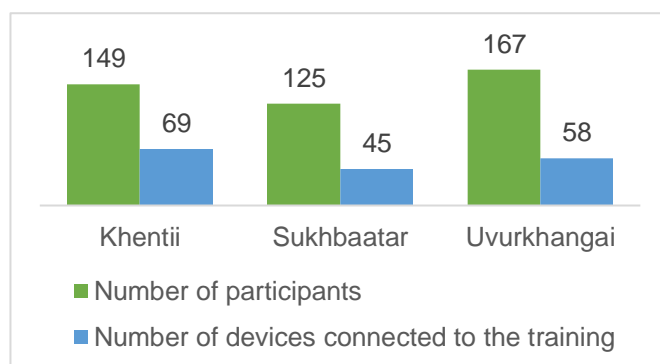
3.3 Common questions asked during online training

- Detailed assessment, approval, and licensing process of mining companies are being carried out without consulting citizens. Where is it monitored and held accountably? Where and to whom to contact about such violations?

- Is there an arrangement regarding online feedback on DA during the COVID-19 pandemic? If so, what decisions were made and by who?

- Can training materials be provided with case studies?

- I would like to attend the training in person.

- Is the database open to the public? Is it accessible to anyone?

- What are the regulations for mining companies that are not registered in the database? Who is in control?

3.4 Training evaluation and feedback

A training evaluation sheet with a total of 12 questions was developed and evaluated by participants. Although a total of 441 people from 50 soums in 3 provinces participated in the training, a total of 51 participants, or 12 percent of the total participants filled out the evaluation form and shared their impressions about the training.

Table 2 provides some assessment questions and answers, as well as comments on some of the questions and answers.

Table 2. Summary of evaluation sheets

№	Questions	Indicator		
		Yes	*Somewhat*	*No*
1	Was the purpose of the training clear?	37	13	1
2	Was the content structure clear and coherent?	38	13	
3	Was there enough time allocated for training?	33	18	
4	Was the training participatory and multi-faceted?	34	17	
5	Did the slides and media materials used in the training make the topic easier to understand?	41	10	
6	Did the training meet your expectations?	32	19	
		Good	*Moderate*	*Bad*
7	Evaluate the teaching skills of the trainers	42	9	
8	How well organized was the training?	34	17	
9	How would you evaluate the training in general?	44	7	

Was the content structure clear and coherent? Did the slides and media materials used in the training make the topic easier to understand?
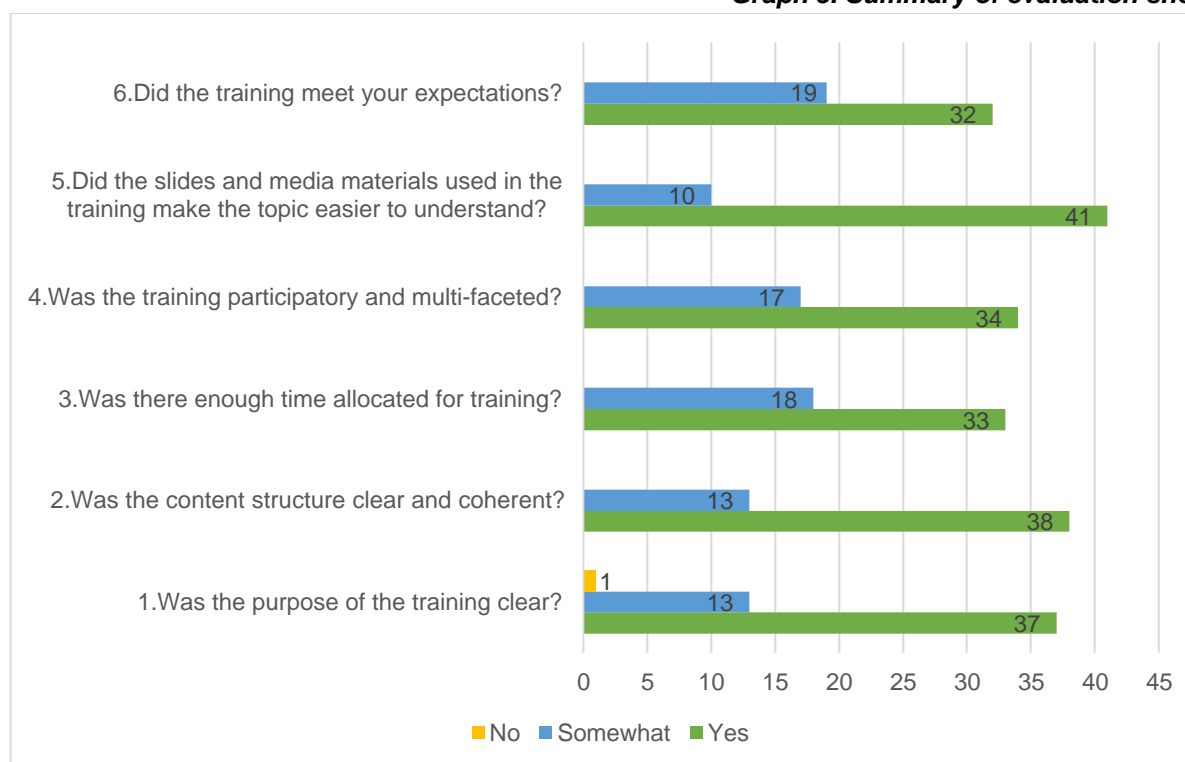
The majority of participants answered "yes" to the questions, and it can be concluded that the training program and content became clear to the participants. For example, S.Baigal, Governor of the 3rd bagh of Bor-Undur soum, Khentii province, said, "Training was needed, and due to the pandemic, we have not held a meeting or discussion on DA for a long time. There was a lack of

information, and we only received information from the soum governor. Now we have our understanding and information. "

How do you feel about the balance of training lectures and other activities (exercises, recovery exercises, etc.)?
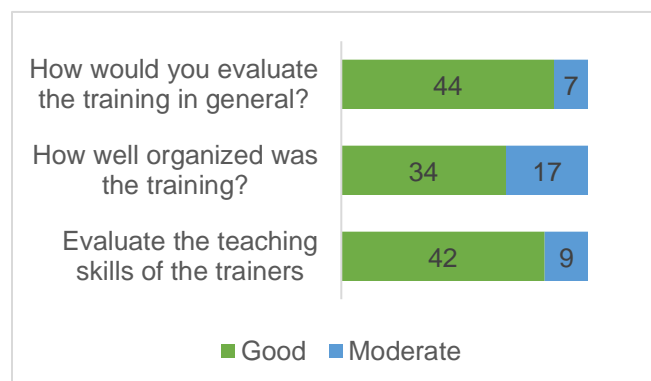
Of the 51 participants, 49 answered that the size of both the lecture and other activities as appropriate.

Graph 6. Evaluation of training results

How relevant was the online training to participants' current work?

31 participants answered "highly dependent" and 17 said "moderately dependent". It can be concluded that those who need to participate in the training were involved.

How can training be improved to make it more effective?

The majority of respondents said that the training should be repeated in an in-person training, 3 participants said there should be more time for conversations and Q&A sessions, 2 participants voiced their opinion to involve more citizens' representatives, and 5 participants answered that they should provide information on

case studies. For example, N. Bolormaa, a ranger in Kharkhorin soum, said, "There are many cases in our soum where licenses are issued without consulting citizens. Citizens are very sensitive to this. Therefore, I would like to receive this training locally. We need to conduct on-site training on real-life examples." This suggests that local organizations and citizens still believe that classroom training is more effective and can involve more people.

Idermunkh, Representative of Baruun-Urt soum, Sukhbaatar province, said, "I liked the online training. Different representatives worked together as a team. Thanks to this training, we were able to discuss our problems in large numbers." This confirms the evaluation report where 34 people answered "yes" to the question "Was the training participatory and multi-faceted?".

Out of a total of 51 people, 44 rated the training as "generally good" and considered "the DA and Stakeholder Participation training" as a necessity for participants.

3.5 Online training challenges and lessons learned

Challenges

1. While providing information regarding the training by telephone and e-mail, several problems occurred due to telephone network outages, phone disconnections, phone number changes, incorrect e-mail addresses, and inaccuracies in the information provided, causing delays and repeated contacts.

2. Due to maintenance and services related to infrastructure and construction activities, some soums and baghs had power outages and restrictions, thus, some participants were unable to fully participate in the online training in 2 soums of Khentii province, 1 soum of Sukhbaatar province and 2 soums of Uvurkhangai province.

3. In addition, remote soums and baghs have poor communication and internet speeds and do not have adequate equipment, making them unable to connect from the spot. This caused some participants to travel to the center of the province or soum. As a result, extra costs were incurred for some participants, such as travel and data purchases.

4. Many participants commented that it was difficult to complete the knowledge test and evaluation form. This was explained by the lack of technical equipment, inexperience in working in an online environment, having never attended such training before, and a lack of understanding of DAs.

5. Registered participants were unable to fully attend the online training due to the overlap of activities organized by other ministries and agencies at the local level (eg. Livestock Census, Spring Planning, Herders' Workshop, Billion Tree Planting Campaign, and regional meetings organized by MET in Sukhbaatar and Arkhangai provinces). Substitution and leaving of training were common.

6. Due to the poor capacity of the participants' equipment, it was not possible to involve all participants with cameras and monitor their participation. This made it difficult to estimate training outcomes.

Lessons learned

1) According to the evaluation of the training evaluation sheet, the majority of participants requested "classroom training" because the training topics required different modes of learning, such as practice, role-playing, and teamwork. For example, the results of the pre-training knowledge test related to the CRC discussion showed that most did not know or did not answer. Therefore, to make this topic better understood by the participants, it is necessary to extend the e-learning hours and include this topic in a wider range in the manual.

2) Government agencies are encouraging e-learning rather than classroom-style training due to the pandemic and budget costs. However, e-learning is still considered ineffective because government officials have adapted to traditional classroom training. To break this stereotype, government officials and training staff need to work with project and program organizations to raise awareness of the importance of e-learning, advance recommendations for effective e-learning, and improve equipment.

3) Although only 12 percent of the participants completed the training evaluation form, the results showed that the online training content was in high demand and participants had high expectations. When asked whether the content structure was clear and coherent and whether the slides and media materials used in the training made the topic easier to understand, most of the participants answered "yes" and concluded that the participants improved their knowledge and information.

4   Database monitoring

The Environmental Database compiled information on ongoing and future DA reports in the three pilot provinces on the following 11 indicators.

- Name of DA implementer organization
- Direction of assessment
- Date of approval of the report
- Report number
- Project name
- Targeted province of the project
- Targeted soum of the project
- Project implementer
- Environmental management plan of the respective year
- EMP implementation report
- Environmental audit report

A total of 181 DA reports of Khentii, 197 of Uvurkhangai, and 196 of Sukhbaatar provinces have been submitted to the Environmental Database. In the last 5 years, DAs of 46 projects in Khentii, 32 in Uvurkhangai, and 31 in Sukhbaatar have been approved and are added to the database. Environmental laws were drafted and verified by the project proponent to be submitted to the local government.

The following results can be seen in the process of drafting and verifying the documents that the project implementer is obliged to submit to the local government under the environmental laws.

EIA, EMP, and EMP reports of a total of 108 companies operating in Khentii, Sukhbaatar, and Uvurkhangai provinces added to the EIA database between 2017 and 2022 were reviewed. The above information was compiled by soum environmental inspectors, rangers, and the MET of selected provinces.

The study covered the data of 98 private entities registered in three provinces (90.7 percent of eligible entities for the survey). Data 10 entities in 4 soums of Khentii province could not submit their data as they participated in a workshop for environmental inspectors and rangers in Umnugdelger soum at the time of the survey.

The survey also includes active projects that are not registered to the database. This involves 7 entities, specifically, 1 in Khentii, 4 in Sukhbaatar, and 2 in Uvurkhangai.

The following indicators can be seen in the EIE, EMP, and EMP reports of 98 companies in total. 34 companies in Khentii province, 32 in Sukhbaatar province, and 32 in Uvurkhangai province, and a total of 98 companies. These include

1. In the questionnaire on whether there are DAs, 35 out of 98 companies had DAs and 63 companies did not. 35.7 percent of the required DA are documented at the soum level.

2. In the questionnaire on whether there is an environmental management plan for the year, 17 or 17.3% out of 98 enterprises answered yes, EMPs of 11 enterprises were incomplete and 70 enterprises or 71.4% did not have an EMP.

3. In the questionnaire on whether there is an EMP implementation report (annual), 17 out of 98 companies answered that they submitted their reports, 8 companies submitted their reports partially, and 73 companies, or 74.4% did not submit their reports.

This shows that there is a common pattern of incomplete DAs, EMPs, and EMP reports at the local level.

Database monitoring and documentation are included in the annex.

5 Suggestions and recommendations for improving the legal environment and regulations

DA and CRC

By Article 8.4.8 and Article 18.4 of the Law on Environmental Impact Assessment, the "Detailed Environmental Impact Assessment Report shall include comments and minutes of the project administration and public meetings of the project affected areas", and Article 18.4 states, "During the preparation of the report, the legal entity conducting the detailed impact assessment of the project shall formally consult with the administration of the project area and the affected communities and residents and organize a discussion."

The activities of the Citizens' Representative Council (CRC) specified in Article 8.4.8 of the above Law are regulated by the Law on Administrative and Territorial Units of Mongolia and its Management. In doing so, it sets out the basic requirements for the implementation of the CRC, or local self-governing body. These include:

- Citizens shall participate in the CRC meeting with the right to vote, elect the agenda and chair of the council, nominate and dismiss the Governor, and discuss the Governor's report,
- To propose to discuss and resolve certain economic and social issues of the respective territory in the CRC;
- Citizens can initiate one-time or normative decisions on soum and district economic and social issues.

The above-listed rights show that the CRC is a participatory organization that is responsible for discussing and **making decisions** on social and economic issues within their respective territory within the framework of certain norms and issues provided by law. However, Articles 8.4.8 and 18.4 of the Law on Environmental Impact Assessment stipulate that citizens and the general public should be only consulted on the DA report, and not on the decision. The fact that the EIA Law was discussed and voted on by the CRC shows that the Law on Administrative and Territorial Units and Their Management of Mongolia and the CRC, or local self-governing body, are not well understood. In addition, the fact that the ESIA report is discussed only in Mongolia through local self-governing bodies or CRCs violates international principles, making it difficult to obtain public feedback on DA reports, improve the quality of the report, and ensure citizens' right to free decision-making.

Therefore, Articles 8.4.8 and 18.4 of the EIA Law need to be revised to bring them in line with international principles, improve procedures for ensuring public participation in the EIA, and redefine when and how citizens can participate. There is also a need for arrangements to ensure that citizen participation in the DA is differentiated based on project capacity, type, and impact. For example, different arrangements can be made depending on the scale of the projects. In the case of small projects, participation should be provided without the need for public meetings and discussions, while medium-sized projects require public consultation, and in the case of large projects, participation should be multi-stage, providing information, seminars, training, and discussions.

Methodology for Ensuring Public Participation

We mentioned in a previous report that there is a lack of implementation of EIA procedures. In this regard, it is necessary to develop a methodology to ensure public participation, introduce it to professional organizations and local officials, and harmonize public participation in EIA at all levels.

Capacity building of staff

A total of 72% of the answers to the knowledge test were incorrect and 28% were correct, indicating that local staff has poor knowledge of DAs. This may be due to a lack of information and training on DA at the local level, a lack of capacity building in the civil service, and a lack of investment in personal development. On the other hand, soum and bagh elected officials and specialists change frequently, which may be another reason. However, there is an urgent need to train new staff on DA and citizen participation, provide up-to-date information, and increase legal knowledge.

MET:

The central government body in charge of the issue needs to promote the legislation to the DA stakeholders in the sector, and provide proper guidance and guidance. There is also a need to organize a series of training, seminars, and capacity building for local staff every two years in cooperation with professional associations, organizations, and international donors.

DET of provinces:

At the local level, there is a need to provide information, advocacy, and training on DA to project implementers, soum governors, and bagh CRCs on a regular basis, and to provide local officials and citizens with objective and accurate information on DA.

Soum Governor's offices:

Provide timely information on DA to soum officials and citizens, conduct legal training on new DA for newly hired and elected representatives, and close gaps in understanding. Work actively to build the capacity of chairpersons and governors of bagh CRCs.

Depending on whether the information on the projects for which the ESIA report has been approved is under the control of the local registry:

- Article 8, Section 8.7 of the EIA Law states, "Business entities that have conducted a detailed environmental impact assessment shall keep the original field survey materials and the results of the assessment of the specialist, and prepare four copies of the report. The state central administrative body in charge, the project implementer, and the soum or district governor's office shall be provided with one copy each and one copy shall be retained and they shall be equally valid." In Khentii, Sukhbaatar, and Uvurkhangai provinces, where the online training was conducted by the Environmental Database, it was commonly observed that a copy of the detailed environmental impact assessment report approved by the local governor's office was not submitted for further review on whether the DA report was approved by the local registry. In other words, agencies that carried out these assessments are violating their obligations under Article 8.7 of the EIA Law, and this needs to be addressed as soon as possible.
- Article 8.8 of the Law states that "Local rangers, state environmental inspectors, governors of all levels, and the state administrative organization in charge of geology and mining

shall monitor the implementation of the impact assessment by citizens and business entities implementing the project. However, the results of the survey show that the responsible government agencies are not enforcing the law.

- To improve the implementation of Article 6.2 of the Constitution, Articles 8.6.9 and 8.6.10 of the Law on Public Information Transparency, and Article 8.7 of the Law on Environmental Impact Assessment, and to ensure the right of citizens to know, the following recommendations are provided:

1. The Ministry of Environment and Tourism will provide guidance to soums and localities on receiving DA reports and annual management plans and implementation reports, and creating a unified database at the local level.
    - Within this frame, the original version of the DA, EMP, and EMP implementation reports will be compiled and available to the public,
    - Keep the above reports electronically and have an electronic record,

2. To give a general direction to the professional organizations authorized to conduct an environmental impact assessment and notify them to implement Article 8.7 of the EIA Law, to demand the submission of the approved DA report to the Governor's Office of the soum where the project is implemented;

3. Notify project implementers who have not submitted their annual EMP and EMP implementation reports to their soums and local communities that they will be provided with copies of the above documents, and warn them to take legal action;

4. Provide training and information on legal regulations to government agencies responsible for Article 8.8 of the EIA Law;

5. Follow-up surveys similar to this one should be conducted in other provinces and soums to ensure compliance with the law.

6. Set out details of the rights, obligations, and accountability mechanisms of the parties in the EIA Law and applicable rules and regulations;

6 Annex

6.1 Manual

6.2 List of stakeholders

6.3 Online training module

6.4 Online training program

6.5 List of online training participants

6.6 Database monitoring