



*Commitment to Excellence*

**ADB Regional Capacity Development Technical Assistance  
Strengthening Capacity for Environmental Law in the Asia-Pacific:  
Developing Environmental Law Champions  
Train-the-Trainers Program  
November 27- December 1, 2017  
Siem Reap, Cambodia**

**Hypothetical Case Study for Small Group Discussion (Sessions 4 – 7)**

1. Milky Way Limited is a private limited company legally registered in your respective country [Cambodia or Lao PDR]. The company has for many years produced furniture and has a good reputation in the country.
2. Milky Way Limited wishes to expand its business into the tourism sector. It plans to develop a hotel and tourist resort within a Protected Area in your country. The company submits an investment proposal to your government to lease an area of 2000 hectares within the Protected Area for a period of 50 years.
3. The Protected Area was established by the government fifteen years ago and is more than 650000 hectares in size. Within the protected area, there are indigenous people who have lived there for generations and who rely on access to its natural resources. There are no sealed roads, formal potable water supplies or electricity currently available within the Protected Area. Nevertheless some local and foreign tourists visit the protected area to enjoy nature and learn about indigenous culture and life.
4. According to the company's investment proposal, it will clear a 2000 hectare section of the Protected Area to construct a resort that can serve both local and foreign tourists. There are several sites of cultural significance for indigenous people situated in this area including a spirit forest. The development area contains several breeding pairs of an endangered langur species and contains the habitat of an endemic plant species. The development of the resort will consist of the following:
  - A hotel able to accommodate 1000 people.
  - A golf course and series of water features and ponds.
  - Several restaurants.
  - A groundwater extraction plant.
  - A new road to enable guests to visit the resort.
  - A powerline to bring electricity to the resort.
  - A sewage treatment facility.
5. The company promises to comply with the relevant laws and regulations of the country, respect local culture and traditions, create jobs and promote the local economy. The investment proposal claims that it is also in line with the government's National Policies and Strategies on the promotion of tourism.

6. Already, some opposition has been expressed to the proposal. Several environmental NGOs have issued a joint statement expressing their concern that the hotel and resort will have some significant environmental impacts within the protected area – including with respect to destruction of habitat, possible increased risks of illegal taking of wildlife, disposal of waste water, excessive use of groundwater and the destruction of sites of cultural significance. In addition, the indigenous communities living within the protected area have complained that they may experience serious social impacts as a result of the project, including a substantial disruption of their traditional lifestyle and reduced access to the natural resources on which they depend.
7. Assume you are a government legal officer working in the Ministry to which the company's investment proposal has been referred at first instance by the government. You have been asked to work with an inter-ministerial working group that must advise the government whether it should approve the business proposal. Your specific responsibility is to inform the inter-ministerial working group of the legal requirements arising from the environmental laws that are applicable to this project.

**Questions:**

1. Session 4 only: What are the most significant environmental and social impacts that might arise from this project?
2. Sessions 4 – 7: What are the laws and regulations related to the topic of this Session that are applicable to project proposal?
3. Sessions 4–7: Which government ministries/institutions are responsible for the implementation of the relevant laws and regulations?
4. Session 7 only: What advice would you provide to the inter-ministerial working group concerning whether the proposal should be approved by your government?