

Instruction on the Implementation of Roles and Duties of the Permanent Secretariat of the Permanent Secretariat to the Technical Working Group and the Seven Sub-Technical Working Groups to Create the Environmental Code

Terms of Reference for the Permanent Secretariat to the Technical Working Group for Preparation of the Draft Environmental Code

In accordance with the Decision No. 14 of H.E. Minister Say Samal, Minister of the Environment, dated 13 July, 2015, the Permanent Secretariat of the Technical Working Group (PSTWG) for the Preparation of the Environmental Code assists and supports the Technical Working Group.

The PSTWG also supports the functioning and outputs of the Sub-Technical Working Groups (STWGs), arranging expert inputs to the STWGs, providing guidance and information to ensure their smooth function, and ensuring the STWGs properly receive and consider inputs from all STWG members.

The PSTWG also takes the initiative to provide substantive proposals on selected topics for inclusion in the Code. In such cases, the PSTWG provides information to the STWGs and discusses with the STWGs as necessary, then requests comments and feedback from the STWGs on these proposals in the course of the STWGs' ongoing work.

The PSTWG has the responsibility to take the initiative to develop and disseminate initial draft proposals on the following topics during the course of the development of the draft Code:

- Overarching Principles of environmental protection and natural resources management to guide the implementation of existing laws and regulations and also to govern and direct all legislative provisions to be developed under the Code's framework
- General enforcement and compliance matters
- Rights and obligations in access to information, information collection, storage, and dissemination, and information management
- Public participation rights
- Citizen enforcement tools and grievance mechanisms
- Other administrative issues or other matters required to ensure the smooth implementation of the Code.

The focus of the PSTWG on the above matters is not meant to exclude the involvement of the STWGs on these issues, but rather to complement any efforts that the STWGs may determine is necessary to take on these points in the course of their work.

Terms of Reference for the Sub-Technical Working Group for Sustainable City and Green Economy

The Sub-Technical Working Group for Sustainable City and Green Economy shall have jurisdiction and responsibility for the following substantive issues related to the Environmental Code:

- Establishment and Development of Sustainable Cities and Urban Environments
- Urban Land Use, Urban planning and zoning
- Better housing, traffic and public order
- Tax policy and other financial mechanisms for achieving green economy
- Urban energy efficiency and sustainable building policies
- Traffic management and Transportation issues
- Strategic Environmental Assessment, Transboundary EIA, EIA
- Financial policies and incentives to promote and support Green Economy
- Commercial exploitation of forestry, aquatic resources, herbal plants, minerals and other natural resources.
- Land tenure systems review
- Economic Land concessions and other concessions systems and practice
- Integrated national land use cadastre

In the course of its work, the Working Group for Sustainable City and Green Economy has the following duties and responsibilities:

- Developing a specific workplan of its activities
- Developing TORs for its members to perform their tasks
- Ensuring smooth participation of all its members, including from MoE, other government institutions, private sector and CSOs
- Planning and conducting regular meetings (at least twice per month) according to a regularly prepared agenda
- Notifying in advance its members, invited guests, and other interested parties of the schedule of its meetings
- Taking detailed minutes of its meetings and all other relevant communications, and maintaining such information in an organized record
- Researching, studying, and analyzing current situation, management and enforcement; national and international law; practice and experience regarding general principles; jurisdictions and best practices regarding the above substantive issues
- Making proposals for reform and innovation in a timely manner consistent with the timeline of the overall development of the Environmental Code
- Managing national and international experts in the conduct of its work
- Collaborating and sharing information with other STWGs, other institutions, parties and stakeholders as needed
- Raising issues and ideas to the Technical Working Group at any appropriate time
- Requesting assistance from Permanent Secretariat of TWG, from local experts, international experts within frame work of TWG, other STWGs, MoE, other government institutions, private sector and CSOs.
- Conducting its activities in a transparent and accountable manner, including regular public dissemination of its proceedings and provision of its materials, information and proposals to any requesting party
- Reporting the progress of its activities on a twice monthly basis to the Technical Working Group

Terms of Reference for the Sub-Technical Working Group for Waste and Pollution Control

The Sub-Technical Working Group for Waste and Pollution Control shall have jurisdiction and responsibility for the following substantive issues related to the Environmental Code:

- All aspects of air, water, soil, hazardous and solid wastes, including point and non-point source, ranging from generation, discharge, storage, transportation, handling, disposal, etc.
- Solid and liquid waste management
- Hazardous waste management
- Urban pollution, including noise and vehicle emissions
- Development of Environmental Quality Standards for emissions (land, air and water)
- Agricultural issues, including chemical usage, organic promotion, etc.
- Food safety
- Ozone depleting substances
- Innovative monitoring, compliance and enforcement techniques for pollution control (PRTR, TRI, PROPER, etc.), including self-regulation and self-reporting, to increase the effectiveness of waste management and pollution control
- Contaminated Land and Remediation of Contaminated Land
- Promotion of recycling initiatives and building of recycling businesses.

In the course of its work, the Working Group for Waste and Pollution Control has the following duties and responsibilities:

- Developing a specific workplan of its activities
- Developing TORs for its members to perform their tasks
- Ensuring smooth participation of all its members, including from MoE, other government institutions, private sector and CSOs
- Planning and conducting regular meetings (at least twice per month) according to a regularly prepared agenda
- Notifying in advance its members, invited guests, and other interested parties of the schedule of its meetings
- Taking detailed minutes of its meetings and all other relevant communications, and maintaining such information in an organized record
- Researching, studying, and analyzing current situation, management and enforcement; national and international law; practice and experience regarding general principles; jurisdictions and best practices regarding the above substantive issues
- Making proposals for reform and innovation in a timely manner consistent with the timeline of the overall development of the Environmental Code
- Managing national and international experts in the conduct of its work
- Collaborating and sharing information with other STWGs, other institutions, parties and stakeholders as needed
- Raising issues and ideas to the Technical Working Group at any appropriate time
- Requesting assistance from Permanent Secretariat of TWG, from local experts, international experts within frame work of TWG, other STWGs, MoE, other government institutions, private sector and CSOs.
- Conducting its activities in a transparent and accountable manner, including regular public dissemination of its proceedings and provision of its materials, information and proposals to any requesting party

- Reporting the progress of its activities on a twice monthly basis to the Technical Working Group

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Terms of Reference for the Sub-Technical Working Group for (Botanical) Parks, Wildlife and Biodiversity Conservation

The Sub-Technical Working Group for Plant Park, Wildlife and Biodiversity Conservation shall have jurisdiction and responsibility for the following substantive issues related to the Environmental Code:

- Delineation, classification, mapping and management systems for (botanical) parks and all critical biodiversity areas in dry land areas, including but not limited to areas currently receiving special designation under law.
- Consideration of valuation of ecosystem services, including payment for ecosystem services, and other financial incentives for environmental protection
- Integration of management systems with the national goals of decentralization and deconcentration
- Eco-tourism, community living arrangements and promotion of intergenerational equity and sustainable management regimes
- Clear Guidelines for activities permissible and prohibited in the above areas
- Wildlife management and endangered species protection, including species management and enhancement plans
- Effective wildlife anti-trafficking and illegal timber harvesting provisions and enforcement
- Sustainable harvesting of timber, fuelwood and non-timber forest products, including restoration of damaged habitats and ecosystems
- Concessions, land tenure systems and land use issues as they relate to critical biodiversity areas
- Promoting local community land tenure and sustainable access and use rights

In the course of its work, the Sub-Technical Working Group for (botanical) Parks, Wildlife and Biodiversity Conservation has the following duties and responsibilities:

- Developing a specific workplan of its activities
- Developing TORs for its members to perform their tasks
- Ensuring smooth participation of all its members, including from MoE, other government institutions, private sector and CSOs
- Planning and conducting regular meetings (at least twice per month) according to a regularly prepared agenda
- Notifying in advance its members, invited guests, and other interested parties of the schedule of its meetings
- Taking detailed minutes of its meetings and all other relevant communications, and maintaining such information in an organized record
- Researching, studying, and analyzing current situation, management and enforcement; national and international law; practice and experience regarding general principles; jurisdictions and best practices regarding the above substantive issues
- Making proposals for reform and innovation in a timely manner consistent with the timeline of the overall development of the Environmental Code
- Managing national and international experts in the conduct of its work
- Collaborating and sharing information with other STWGs, other institutions, parties and stakeholders as needed
- Raising issues and ideas to the Technical Working Group at any appropriate time

- Requesting assistance from Permanent Secretariat of TWG, from local experts, international experts within frame work of TWG, other STWGs, MoE, other government institutions, private sector and CSOs.
- Conducting its activities in a transparent and accountable manner, including regular public dissemination of its proceedings and provision of its materials, information and proposals to any requesting party
- Reporting the progress of its activities on a twice monthly basis to the Technical Working Group

4 Terms of Reference for the Sub-Technical Working Group for Cultural and Natural Heritage Park Conservation

The Sub-Technical Working Group for Cultural and Natural Heritage Park Conservation shall have jurisdiction and responsibility for the following substantive issues related to the Environmental Code:

- Protection, management and sustainable use of ancient sites, historical heritage, tangible and intangible heritage
- Mechanism to promote these items, including eco-tourism management, films, education and any other innovative practices.
- Creation and enforcement of anti-trafficking laws for protecting items of moveable heritage
- Creation and enforcement of mechanisms for protecting natural and cultural heritage from demolition or destruction, though direct or negligent action or be neglect
- Consideration of mechanism for economic and other financial incentives to promote heritage protection
- Economic land concessions and the impact of natural park conservation
- Promoting local community land tenure and sustainable access and use rights

In the course of its work, the Sub-Technical Working Group for Heritage and Natural Park Conservation has the following duties and responsibilities:

- Developing a specific workplan of its activities
- Developing TORs for its members to perform their tasks
- Ensuring smooth participation of all its members, including from MoE, other government institutions, private sector and CSOs
- Planning and conducting regular meetings (at least twice per month) according to a regularly prepared agenda
- Notifying in advance its members, invited guests, and other interested parties of the schedule of its meetings
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- Researching, studying, and analyzing current situation, management and enforcement; national and international law; practice and experience regarding general principles; jurisdictions and best practices regarding the above substantive issues
- Making proposals for reform and innovation in a timely manner consistent with the timeline of the overall development of the Environmental Code
- Managing national and international experts in the conduct of its work
- Collaborating and sharing information with other STWGs, other institutions, parties and stakeholders as needed
- Raising issues and ideas to the Technical Working Group at any appropriate time
- Requesting assistance from Permanent Secretariat of TWG, from local experts, international experts within frame work of TWG, other STWGs, MoE, other government institutions, private sector and CSOs.

- Conducting its activities in a transparent and accountable manner, including regular public dissemination of its proceedings and provision of its materials, information and proposals to any requesting party
- Reporting the progress of its activities on a twice monthly basis to the Technical Working Group
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5 **Terms of Reference for the Sub-Technical Working Group for Wetland Area Management and Freshwater and Marine Biodiversity Conservation**

The Sub-Technical Working Group for Wetland Area Management and Freshwater and Marine Biodiversity Conservation shall have jurisdiction and responsibility for the following substantive issues related to the Environmental Code:

- Effective management system for wetland, coastal and marine areas, including but not limited to areas currently receiving special designation under law.
- Consideration of valuation of ecosystem services, including payment for ecosystem services, and other financial incentives for environmental protection
- Integration of this management system with the national goals of decentralization and deconcentration
- Eco-tourism, community living arrangements and promotion of intergenerational equity and sustainable management regimes
- Management and sustainable use of freshwater resources, including Mekong and its tributaries and the Tonle Sap basin
- Wetlands management
- Sustainable fisheries management
- Coastal and Marine resources protection and management
- Clear Guidelines for activities permissible and prohibited in the above areas
- Wildlife management and endangered species protection, including species management and enhancement plans
- Effective anti-trafficking provisions and enforcement for aquatic protected species
- Promoting local community land tenure and sustainable access and use rights for marine and aquatic resources

In the course of its work, the Sub-Technical Working Group for Wetland Area Management and freshwater and Marine Biodiversity Conservation has the following duties and responsibilities:

- Developing a specific workplan of its activities
- Developing TORs for its members to perform their tasks
- Ensuring smooth participation of all its members, including from MoE, other government institutions, private sector and CSOs
- Planning and conducting regular meetings (at least twice per month) according to a regularly prepared agenda
- Notifying in advance its members, invited guests, and other interested parties of the schedule of its meetings
- Taking detailed minutes of its meetings and all other relevant communications, and maintaining such information in an organized record
- Researching, studying, and analyzing current situation, management and enforcement; national and international law; practice and experience regarding general principles; jurisdictions and best practices regarding the above substantive issues

- Making proposals for reform and innovation in a timely manner consistent with the timeline of the overall development of the Environmental Code
- Managing national and international experts in the conduct of its work
- Collaborating and sharing information with other STWGs, other institutions, parties and stakeholders as needed
- Raising issues and ideas to the Technical Working Group at any appropriate time
- Requesting assistance from Permanent Secretariat of TWG, from local experts, international experts within frame work of TWG, other STWGs, MoE, other government institutions, private sector and CSOs.
- Conducting its activities in a transparent and accountable manner, including regular public dissemination of its proceedings and provision of its materials, information and proposals to any requesting party
- Reporting the progress of its activities on a twice monthly basis to the Technical Working Group

6 Terms of Reference for the Sub-Technical Working Group for Exploration and Mineral Exploitation Management

The Sub-Technical Working Group for Exploration and Mineral Exploitation shall have jurisdiction and responsibility for the following substantive issues related to the Environmental Code:

- Mines and extractive industries management to promote sustainable development of these natural resources
- Governance issues, including the applicability of the Extractive Industry Transparency Initiative
- Integration of this management system with the national goals of decentralization and deconcentration
- Promotion of management systems to promote biodiversity
Development of financial and economic arrangement to ensure proper site management, including provisions for closure and rehabilitation of extractive industry site
- National sustainable energy production and consumption
- Promoting local community land tenure and sustainable access and use rights

In the course of its work, the Sub-Technical Working Group for Exploration and Mineral Exploitation has the following duties and responsibilities:

- Developing a specific workplan of its activities
- Developing TORs for its members to perform their tasks
- Ensuring smooth participation of all its members, including from MoE, other government institutions, private sector and CSOs
- Planning and conducting regular meetings (at least twice per month) according to a regularly prepared agenda
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- Making proposals for reform and innovation in a timely manner consistent with the timeline of the overall development of the Environmental Code

- Managing national and international experts in the conduct of its work
- Collaborating and sharing information with other STWGs, other institutions, parties and stakeholders as needed
- Raising issues and ideas to the Technical Working Group at any appropriate time
- Requesting assistance from Permanent Secretariat of TWG, from local experts, international experts within frame work of TWG, other STWGs, MoE, other government institutions, private sector and CSOs.
- Conducting its activities in a transparent and accountable manner, including regular public dissemination of its proceedings and provision of its materials, information and proposals to any requesting party
- Reporting the progress of its activities on a twice monthly basis to the Technical Working Group

7 **Terms of Reference for the Sub-Technical Working Group for Research Development and Environmental Information Dissemination**

The Sub-Technical Working Group for Research Development and Environmental Information Management shall have jurisdiction and responsibility for the following substantive issues related to the Environmental Code:

- The education of general public including students, national and international investors, on the values and benefits of Green Economy and environmental protection
- Promoting and developing mechanisms for development of innovation and promotion of technological and scientific discoveries
- Developing mechanisms to encourage all state institutions to promote and implement the principles of the Environmental Code
- Information dissemination and management to all levels of government, the private sector, CSOs and the general community
- Access to information and public participation, including the development of appropriate, effective and efficient mechanisms to ensure communities, especially indigenous communities, are giving the best opportunities to participate in decisions that will impact their livelihood and the environment.

In the course of its work, the Sub-Technical Working Group for Research Development and Environmental Information Management has the following duties and responsibilities:

- Developing a specific workplan of its activities
- Developing TORs for its members to perform their tasks
- Ensuring smooth participation of all its members, including from MoE, other government institutions, private sector and CSOs
- Planning and conducting regular meetings (at least twice per month) according to a regularly prepared agenda
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- Making proposals for reform and innovation in a timely manner consistent with the timeline of the overall development of the Environmental Code

- Managing national and international experts in the conduct of its work
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- Conducting its activities in a transparent and accountable manner, including regular public dissemination of its proceedings and provision of its materials, information and proposals to any requesting party
- Reporting the progress of its activities on a twice monthly basis to the Technical Working Group