

## ENVIRONMENTAL CODE OF CAMBODIA

### *Third Draft - DRAFT 3.0 -- 23 June 2016*

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## BOOK 1 — GENERAL PROVISIONS

### TITLE 1 — GENERAL PROVISIONS

#### CHAPTER 1 — OBJECTIVE

Article 1: **Purpose**

The purpose of this Environmental Code is to promote the sustainable development of Cambodia through the protection of the environment and sustainable use of natural resources.

Article 2: **Objective**

The Environmental Code has includes the following objectives:

Commented [N1]: per Anonymous (May 20)

- (a) Conserve Cambodia's biodiversity, ecosystems and ecosystem services;
- (b) Protect the environment from harm and damage, and sustainably manage natural resources, in accordance with Article 59 of the Constitution of Cambodia;
- (c) Preserve and promote national culture, preserve ancient monuments and artifacts, and restore historic sites, in accordance with Article 69 of the Constitution of Cambodia;
- (d) Guarantee the health of the people, in accordance with Article 72 of the Constitution of Cambodia;
- ~~(e)~~ Safeguard the individual and collective rights of indigenous people as postulated in Sub-decree No 83 (No 83 ANK.BK) and So Chor No 653 (653 So Chor No ~~SR~~);
- ~~(e)~~(f) Ensure that environmental protection and sustainable development objectives are fully integrated into national and regional economic planning and into natural resources planning and management;
- ~~(f)~~(g) Implement the National Environmental Strategy and Action Plan;

Commented [BR2]: Per Karina Watkins

Commented [BR3]: Per comment from Sao Sotheary, CI

- ~~(g)~~(h) Promote a co-operative approach to the protection and management of the environment involving government, the community, land-holders, indigenous people and business;
- ~~(h)~~(i) Assist the implementation of Cambodia's international environmental responsibilities;
- ~~(i)~~(j) Implement the key principles of environmental law and policy as described in Chapter 2;

**Article 3: Scope of the Code**

This Code regulates environmental protection activities; policies, measures and resources for protection of the environment; and the rights and obligations of organizations, community, family households and individuals with respect to protection of the environment.

**Applicable entities**

This Code applies to Cambodian State bodies, organizations, family households and individuals; to Cambodians residing overseas and “foreign organizations” and individuals with operations in the territory of [Cambodia](#). Where an international treaty of which [Cambodia](#) is a member contains provisions, which are different from the provisions in this Code, the provisions of such international treaty shall prevail.

**Article 4: Definition/Glossary**

In this Code, the following terms shall be construed as follows:

*(This Article shall contain definitions of key terms used in the Code, such as “sustainable development”, environmental standards”, “best practices”, and so on.)*

*(Definitions will be based on existing definitions in Cambodian legislation where applicable, and relevant international usage of key terms.)*

Nonexhaustive list to be defined:

- [Sustainable development](#)
- [Environmental protection](#)
- [Environmental conservation](#)
- [Environmental standards](#)
- [Best practices](#)
- [Natural resources](#)
- [Environmental disputes](#)
- [Environmental harm](#)

Commented [N4]: (per Dr. Ngoung Pheakdey)

- [Ecosystem services](#)
- [Liability](#)
- [Jurisdictional organization](#)
- [Forest](#)
- [Climate change](#)
- [REDD+](#)
- [Ecotourism](#)

**Coastal Lands** – The normally dry land extending inland 5 km from the shoreline, including the intertidal zone.

**Coastal Waters** – Marine waters extending seaward 5 km from the shoreline, including the associated submerged lands.

**Coastal Watershed** – The river basins in the Kingdom of Cambodia that flow directly to the Gulf of Thailand, taken as a whole.

**Coastal Zone** – The totality of the coastal waters, shoreline, and land area behind the shoreline that interacts hydrologically with the coastal waters.

**Commercial fishing** – Fishing in which the marine fishery resources harvested, either in whole or in part, are intended to enter commerce through sale, barter or trade.

**Exclusive Economic Zone of the Kingdom of Cambodia** – Waters with any detectable degree of salinity extending from the shoreline of the Kingdom of Cambodia to 200 nautical miles offshore, consistent with the 1982 Third United Nations Conference on the Law of the Sea.

**EEZ** – Exclusive Economic Zone (see definition above).

**Environmental Impacts**, means any impact on the environment, including human health, flora, fauna, biodiversity, soil, climate, air, water, landscape, ecosystems, natural sites, material assets, cultural heritage and the interaction among these factors

**Environmental Report as used in Book 2, Title 4, Strategic Environmental Assessment**, means a report that identifies, describes and evaluates the likely significant environmental, including, health, social and ecosystem effects of implementing the plan or programme and its reasonable alternatives, taking into account: (a) Current knowledge and methods of assessment; (b) The contents and the level of detail of the plan or programme and its stage in the decision-making process; (c) The interests of the public; and (d) The information needs of the decision-making body.

**Fisher** – Any person who engages in Fishing as defined below.

**Fishery** – One or more stocks of fish or other forms of marine life, occupying a particular

geographic area or water depth range, which are deliberately harvested for commercial or non-commercial purposes.

**Fishery stock** – An individual species or subspecies of fish or marine life harvested for commercial or non-commercial fishery purposes.

**Fishery stock complex** – A group of species of fish or marine life occupying similar habitat that are harvested in a similar fashion using similar gears, for commercial or non-commercial fishery purposes, and are capable of being treated as a unit for fishery management purposes. Members of a fishery stock complex often share similar ecologies but need not be closely related taxonomically.

**Fishing** – Consistent with Article 4 of the Law on Fisheries, NS/RKM/506/11, within the Marine Fishery Domain of Cambodia refers to:

- (1) The catching, taking, or otherwise obtaining possession of live fish or other living marine resources;
  - (2) The attempted catching, taking or otherwise obtaining possession of live fish or other living marine resources;
  - (3) Any other activity which can reasonably be expected to result in the catching, taking or otherwise obtaining possession of live fish or other living marine resources;
  - (4) Any operations at sea in support of, or preparation for, any activity described in subparagraphs (1) through (3) above.
- This definition does not include any scientific research activity which is conducted by a researcher or research vessel approved by the appropriate ministry.

**Fishing vessel** – Any vessel, boat, ship or other craft used for or equipped for the harvest of marine life in the Marine Fishery Domain of Cambodia, or for aiding or assisting one or more vessels at sea in the performance of any activity related to fishing, including but not limited to preparation, supply, storage, refrigeration, transportation or processing.

**Foreign fishing vessel** – Any fishing vessel not based in and registered by the Kingdom of Cambodia.

**Future Inundation Hazard Area** – Any portion of the current Cambodian coastal lands that is projected to become flooded by a sea level rise of 1 m above the level of the current shoreline.

**Geographic Information System** – A computer system capable of capturing, storing, analyzing, and displaying geographically referenced information.

**Geospatial information** – Data referenced to a specific set of geographic coordinates which can gathered, manipulated, and displayed using a Geographic Information System.

**GIS** – See Geographic Information System.

**Harvest** – See Fishing above

**Individual fishing quota** – A ministerial permit under a limited access system to harvest a quantity of fish or other marine life, expressed by a unit of units representing a percentage of the total allowable catch of a fishery, that may be received or held for exclusive use by an individual person.

**Intertidal zone** – The fluctuating extent of the shoreline between mean higher high tide and mean lower low tide that is on a daily basis submerged to some degree by the coastal waters

**Limited entry system** – A system that limits participation in a fishery to those persons satisfying certain eligibility criteria or requirements.

**Mapping products** – Maps in both electronic or printed formats.

**Metadata** – A set of data that provides additional information about a geospatial data element, including the author, date of creation, etc.

**Marine fishery resources** – Consistent with Article 4 of the current Law on Fisheries, NS/RKM/506/11, marine fishery resources consist of all marine organisms, including but not limited to fish, mollusks, crustaceans, and all other forms of animal and plant life other than marine mammals and birds, and the habitats upon which these species depend, including but not limited to coral reefs, mangroves, estuaries, and seagrass beds.

**Marine Fishery Domain** – Waters with any degree of detectable salinity extending from the shoreline to the outer limit of the Exclusive Economic Zone of the Kingdom of Cambodia.

**Marine waters** - Those waters comprising or connected to the ocean, which possess a detectable degree of salinity and exhibit daily tidal fluctuations.

**Mean higher high tide** – The average height on an annual basis of the highest tide of the day. Equivalent to the term Mean Higher High Water as used in other countries.

**Mean lower low tide** – The average height on an annual basis of the lowest tide of the day. Equivalent to the term Mean Lower Low Water as used in other countries.

**Optimum sustainable yield** – The rate of harvest from a fishery that provides the greatest long-term level of catch and social benefit while retaining the ecological integrity of the fishery stock or stocks involved.

**Overfishing** – A rate or level of harvest in a fishery that exceeds the capacity of the fishery to produce the optimum sustainable yield on a continuing basis.

**SCUBA** – Self-contained underwater breathing apparatus.

**Shoreline** – The boundary between land and water at the average height of the daily higher high tide along the margins of lands bordering waters with any detectable degree of salinity. Equivalent to the term Mean Higher High Water as used in other countries.

**Strategic Environmental Assessment** means the evaluation of the likely environmental impacts, including health and social impacts. The steps of an SEA include the following: determination of the scope of an environmental report and its preparation, the carrying out of public participation and consultations, and the taking into account of the environmental report and the results of the public participation and consultations in a plan or programme.

**Transshipment** – Transportation of fish or other marine life by a foreign vessel or vehicle from a point within the Kingdom of Cambodia or its EEZ to a point outside the Kingdom of Cambodia or its EEZ.

**Waters of a foreign nation** – Any part of the territorial sea or Exclusive Economic Zone (or equivalent) of a foreign nation, to the extent such territorial sea or Exclusive Economic Zone is recognized by the Kingdom of Cambodia.

The Definition of Terminology shall be determined in the glossary section of this code.

## CHAPTER 2 – PRINCIPLES

This Environmental Code is premised on, and should be implemented and interpreted in accordance with, the following fundamental principles of environmental law and policy:

### Article 1: The Principle of Public Participation

The principle of public participation, that those who may be affected by a decision shall be entitled to provide informed, timely and meaningful input prior to the decision being made. They shall also be able influence in a transparent, inclusive and accountable manner the decision-making process. Participatory decision-making enhances the ability of governments to respond to public concerns and demands, to build consensus and to improve acceptance of and compliance with environmental decisions because citizens feel ownership over these decisions.

Article 2: The Principle of Access to Information

The principle of access to information, that individuals, legal entities and civil society shall have appropriate access to information concerning the environment and development that is held by public authorities, including information on hazardous materials and activities in their communities. Information on natural resource management shall be made widely available and publically accessible in a manner that maximizes the opportunity for public participation in decisions affecting the environment and society.

Article 3: The Principle of Access to Effective Remedies

The principle of access to effective remedies, that people, legal organizations and entities shall have access to appropriate avenues, whether administrative or judicial, and to appropriate and effective remedies, to enable the resolution of environmental disputes. Effective and efficient procedures and remedies should exist to enforce procedural rights and to punish those responsible for environmental harm.

Article 4: The Polluter Pays Principle

The polluter pays principle, that all persons, including natural persons, private legal entities and public legal entities who have caused or will cause environmental pollution – such as pollution by noise, vibration, smell, smoke, draining of liquid waste or emission of all kinds of waste or causing damage to the environment, health, economy or society or culture – shall bear the cost for repairing the damage and preventing, avoiding and mitigating the damage.

Article 5: The Precautionary Principle

The precautionary principle, that in situations where the environment may be faced with threats of serious or irreversible damage, the lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation.

Commented [MB5]: Amended to correct the definition of the precautionary principle

Article 6: The Prevention Principle

The prevention principle, that negative impacts to the environment should be stopped before they occur. In applying this principle, action should be taken at an early stage to reduce or prevent



environmental damage rather than wait for potentially irreversible effects to occur. The prevention principle is based on the idea that it is better to prevent harm than employ measures to restore the environment after harm has occurred.

Article 7: The Principle of Intergenerational Equity

The principle of intergenerational equity, that the right to development, including decisions affecting natural resources and ecosystem services, must be fulfilled so as to equitably meet the developmental, social and environmental needs of both present and future generations.

Article 8: The Principle of Environmental Liability

Liability to compensate for environmental harm applies to environmental damage and imminent threat of damage resulting from developmental activities, where it is possible to establish a causal link between the harm and the activity in question. Liability should cover the cost of ecosystem or resource restoration or of replacing the damaged resources, the cost of assessing the damage, and the interim losses pending restoration or replacement. Liability includes personal injury or environmental harm to public natural resources. Liability can be strict-liability without the need for proof of fault and can be joint or several.

Article 9: The Principle of Evidence-Based Decision-Making

Environmental policy and natural resource decision-making should be open and evidence-based, utilizing the best available information. Information can be scientific and technical and can also be gathered from community and indigenous knowledge.

Article 10: Principle of Gender Equality for Natural Resources Decisions

The involvement of women is to be promoted in environmental decision-making at all levels. Impact assessments for development projects and environmentally relevant policies will include mechanisms to effectively assess the impacts on women. Gender concerns and perspectives will be integrated into policies and programmes for sustainable development and into the implementation of this Code.

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**Commented [BR6]:** Note comment from Raphaelé Deau to insert User Pays and FPIC as Principles.

### CHAPTER 3 – GENERAL DUTY TO AVOID ENVIRONMENTAL HARM

Article #:

A person must not carry out any activity that causes, or is likely to cause, environmental harm, ~~unless the person takes all reasonable and practicable measures to prevent or minimize the harm~~ (the general environmental duty).

### CHAPTER 4 – INTERNATIONAL ENVIRONMENTAL AGREEMENTS

Article # - Cambodia recognizes the value of international and regional environmental agreements as a response to environmental problems and the need to adopt or modify its laws accordingly and in a manner consistent with international and regional agreements to which it is party.

~~This Code hereby reflects the commitment of Cambodia to effectively implement in its laws and practices the international and regional agreements to which it is party.~~

Commented [N7]: Per Anonymous (May 20)

- *This Chapter will explain how the Environmental Code implements and is based upon existing international and regional agreements.*
- *It will also address future agreements and treaties and how these shall be integrated into the environmental responsibilities of the relevant Ministries.*

### TITLE 2 – ORGANIZATION OF JURISDICTIONAL INSTITUTIONS/JURISDICTIONAL ISSUES

- *This Title will establish the objective of inter-ministerial cooperation and the requirement for consultation and discussion between relevant line Ministries in order to achieve the objectives of the Code. Jurisdictional organization will examine the roles, duties and means of collaboration for the following ~~institution~~Ministries:*

- *Ministry of Environment*
- *Ministry of Agriculture, Forests and Fisheries*
- *Ministry of Mines and Energy*
- *Ministry of Water Resources and Meteorology*
- *Ministry of Land Management, Urban Planning and Construction*
- *Ministry of Economics and Finance*
- *Ministry of Culture*
- *Council for the Development of Cambodia*

- *This Title will establish a ~~One Map~~ National mapping process to require a single national consolidated environmental geographic information database, with open access and mandatory data sharing between ministries and the general public. This will be used to develop the National Environmental and Natural Resources Plans described in Book 2 Title 1 Book 2 Title 1.*

**Chapter # - Relevant environmental interactions between the Ministry of Environment and the Ministry of Agriculture, Forestry and Fisheries**

**Chapter # - Relevant environmental interactions between the Ministry of Environment and the Ministry of Mines and Energy**

**Chapter # - Relevant environmental interactions between the Ministry of Environment and the Ministry of Water Resources and Meteorology**

**Chapter # - Relevant environmental interactions between the Ministry of Environment and the Ministry of Land Management, Urban Planning and Construction**

**Chapter # - Confirming National Council for Sustainable Development (NCSD) role's and responsibilities**

**Chapter # - Confirming National Programme for Sub-National Democratic Development (NCDD) role's and responsibilities**

**Chapter # - Role of authorities such as Apsara Authority, Preah Vihear Authority, Tonle Sap Authority and Cambodian National Mekong Committee**

**Chapter # - Establish mechanism to promote interdepartmental Committee**

**Chapter # - Establish a National Ecosystem Mapping and Planning Committee**

**Chapter # - Facilitating environmental information-sharing between relevant ministries**

**ARTICLE # - Assigning environmental monitoring and information gathering responsibilities among governmental institutions**

Commented [N8]: per J Fox-Przeworski

## **Chapter # - Central repository of government environmental information**

### **Chapter # - Cambodian Environmental Mapping Center**

#### **Article 1. General Provisions**

Conservation and management measures undertaken by any government institution in relation to the management of biodiversity, natural resources and the environment in the Kingdom of Cambodia shall be based on the best scientific evidence.

Pursuant to this, the appropriate government institution shall have the authority to establish a Cambodian Environmental Mapping Center (CEMC). The purpose of this center shall be to establish standards, compile, analyze, and distribute geospatial information. Information may include but is not limited to biodiversity, natural resources (e.g. lands, water and forests), the environment (e.g. water, soil and air qualities), and climate change, using modern, computerized Geographic Information Systems (GIS).

All geospatial data, mapping products, and metadata held by the CEMC shall be deemed property of the state, and available for public use.

#### **Article 2. Cambodian Environmental Mapping Center Mandates**

Pursuant to this authority, the appropriate government institution shall:

- 1) Require all organizations and institutions that are undertaking natural resource and biodiversity mapping in the Kingdom of Cambodia to provide copies of their geospatial data, information, and the reports that are the products of such projects to the CEMC, so that they may be incorporated into a national base of environmental data and information. Such information and data held by the CEMC shall be shared and made available without restriction to all contributing organizations and institutions, through a clearly defined procedure for data transfer and associated data transfer agreement, to be developed by the government institution.
- 2) Ensure that all data provided to the CEMC are made available for public use, with the exception of those data that the appropriate government institution housing the CEMC deems necessarily withheld for the protection of endangered or rare species. If any data are withheld from the public for the above purposes, a specific written justification and explanation must be provided by the appropriate government institution housing the CEMC.
- 3) Ensure that any decision to withhold data from the public may be appealed for reconsideration directly to the office of the minister in charge of the government institution housing the CEMC.
- 4) Set data standards for the collection of new geospatial information. The standards to be specified by CEMC shall include, but are not limited to:
  - (a) A requirement that all geospatial data provided to the CEMC shall utilize the WGS 84 datum.
  - (b) Coordinate system.

**Commented [N9]:** Presumed to be the NCSD

(c) Assignment and standardized spelling of names for geographic features, such as administrative units, populated places, water bodies, landmarks, hills and mountains, etc.

(d) Metadata content and format.

5) Require that data collected by other institutions be submitted to the CEMC in the technically standardized format specified by the CEMC.

5) Require that geospatial data provided to the CEMC be accompanied by all available and relevant metadata.

6) Ensure that collection of geospatial information and data related to specific subjects or sectors is not duplicated among government institutions, and that there is one specified official government institution source for data related to any given subject or sector.

## **Article 2. Cambodian Environmental Mapping Center Discretionary Authorities**

Pursuant to this authority, the appropriate government institution may at its sole discretion:

1) Obtain the necessary GIS computer software to effectively analyze, manipulate, and output geospatial data.

2) Obtain computer hardware of sufficient technical sophistication and power to run and utilize GIS computer software.

3) Accept geospatial data in the following formats:

(a) point data

(b) line data

(c) shape files in raster format

(d) shape files in vector format.

4) Produce maps and other data visualization products and provide these to other relevant ministries to assist such ministries in effectively carrying out their natural resource management authorities and obligations.

5) Produce maps and other data visualization products for public education and outreach, in order to improve awareness of biodiversity conservation and natural resource management in the Kingdom of Cambodia.

6) Establish quality assurance and quality control (QA/QC) procedures for all maps and data visualization products produced by the CEMC.

7) Provide for ongoing maintenance, curation, updates, and access to spatial databases hosted by the CEMC.

8) Adopt new methods and technologies, as they become available, which enhance the utility of GIS products and activities.

9) Promote, wherever possible, collaborative production, use, and analysis of geospatial datasets across ministries.

## **TITLE 3 – PUBLIC PARTICIPATION ~~AND ACCESS TO~~ ENVIRONMENTAL INFORMATION**

- *This Title will clarify and detail the requirements for public participation. The aim of this Title is to provide a consistent approach across all*

**Commented [BR10]:** Consider two separate books. One on pp; one on access to info per Group 7, 6 April workshop

*ministries and pertaining to the various decisions made under the Environmental Code.*

## **Chapter # - Public consultation a fundamental requirement for environmental decisions**

### **ARTICLE #**

The main objective of public participation is to ensure that project-affected persons and relevant stakeholders:

- are well informed about the project,
- have the opportunity to be involved in the discussion and decision-making process related to the project, and
- have the opportunity to participate in the project monitoring.

Project Proponents that are required to conduct an EIA shall include public involvement and consultation from local administrations, civil society, community representatives, the project-affected persons and other relevant stakeholders in the EIA process during project planning in order to:

- identify areas of significance of environment, economy, society and culture
- collect opinions of stakeholders and integrate such opinions into the decision making process
- review the project proposal and explain impacts on environment, economy, society, and culture.
- consider a wider range of alternatives and mitigation measures.

The public participation process in the stage of studying, consulting and reviewing the EIA report and project monitoring shall be determined by Prakas of MoE.

### **ARTICLE #.**

The EIA Report shall:

- record the public participation and the Project Proponent shall take this into account during the planning and conduct of EIA.
- focus on the issues raised by women and those most vulnerable potentially impacted by the proposed project.
- include the details of the project impacts on the public and the acceptance or rejection of the requests of the public.
- provide clear reasons why those concerns are rejected.

**Commented [BR11]:** The following articles in this Book are from the draft EIA Law and will be modified to broaden their scope beyond EIA, project-specific situations to all situations where public participation and access to information are relevant, consistent with the overall framework of the Code.

**ARTICLE #.**

MoE shall ensure that IEE and EIA reports and related documents, including the EIA Approval Letter and Certificate and EMP, shall be made publically available, and that stakeholders and project-affected communities have access to clear and sufficient information.

At a minimum the Project Proponent shall make available on publically accessible website copies of the IEE or EIA, any EMP for the project, maps and plans of the project and all proposed mitigation measures for the project.

The procedures for public participation and access to information shall be determined by a Prakas of MoE.

**Chapter # - Duty to consult with potential affected persons**

**Chapter # - Duty to consider concerns raised by the community**

**Chapter # - Identification of project affected persons and other stakeholders**

**Chapter # - Minimum time allowed for public consultation in natural resources matters**

**Chapter # - Minimum time allowed for public consultation in EIA matters**

**Chapter # - Minimum time allowed for indigenous people to provide comments**

**Chapter # - Free, prior and informed consent for indigenous people in natural resources and environmental impact assessment matters**

**Commented [BR12]:** Communities??? Per Raphaele Deau comment

**ARTICLE #.**

The public participation process shall ensure that the consent of the project-affected communities to the proposed mitigation measures is based on the free, prior, and informed consent principle (FPIC).

In the mitigation measures, the Project Proponent shall:

- identify measures to improve the livelihood and to assist project affected persons.
- ensure that project-affected persons are involved in any resettlement planning to minimise the adverse effects of resettlement, to ensure that compensation for lost assets is fair, suitable and acceptable as equivalent to the market price and that the mitigation measures are appropriate and sustainable.

In cases where the project-affected community disagrees with the mitigation measures proposed by the Project Proponent, the development project still continues; however, the Project Proponent shall seek other appropriate mitigation measures or provide resolution of the impacts to the affected community.

The procedure of resettlement and solution of compensation to the affected community shall be determined by Sub-decree.

The formalities and procedures of payment of compensation to the impacted community shall be determined by an Inter-Ministerial Prakas between MoE and the Ministry of Economy and Finance.

Chapter # - Responding to public submissions

Chapter # - Taking into account public submissions

**TITLE 4 – ACCESS TO ENVIRONMENTAL INFORMATION**

- *This Title will clarify and detail the requirements for access to environmental information. The aim of this Title is to provide a consistent approach across all ministries and pertaining to the various decisions made under the Environmental Code.*

Chapter # - Information to be made available

Article #, detailing all ecosystems data, all research and field data, all documents created within the EIA process, all project specific documentation and reporting, and other information that is to be made publicly accessible.

ARTICLE # - Environmental information to be made publicly available upon request

ARTICLE # - List of such information

ARTICLE # - Procedures for requesting, receiving and appealing decisions to deny such information

ARTICLE # - Environmental indicators

~~Chapter # - Responding to public submissions~~

~~Chapter # - Publication of submissions on natural resources matters~~



Chapter # - Publicizing Commissions of inquiry into EIA or natural resources decisions

Chapter # - Special provisions for project and activities with very significant impacts or controversial projects and activities

Chapter # - Access to information prior to decision being made

Chapter # - Reasonable time for access to information

~~Chapter # – Information to be made available~~

Chapter # - Protection of whistleblower for provision of information

Chapter # - Protection of journalists who publish information

Chapter # - Environmental monitoring

ARTICLE # - Public participation in environmental monitoring and gathering of information—development of shared or open-source systems.

ARTICLE # - Review and ensuring quality of information

~~Chapter # – Environmental monitoring systems~~

Chapter # - Planning of environmental monitoring system

Chapter # - Environmental monitoring programmes

~~Chapter # – Environmental indicators~~

Chapter # - Provincial level environmental status report

Chapter # - Environmental impact reports by industries and sectors

~~Chapter # – Public accessibility of all environmental reporting~~

~~ARTICLE # – Environmental information to be made publicly available and information available only on request~~

~~ARTICLE # – Procedures for requesting, receiving and appealing decisions to deny such information~~

## Chapter # - National environment reports

### Chapter # - Environmental statistics and achieving gathering of environmental data and information

### Chapter # - ~~Publication and supply of~~ Procedures for publicising and making available environmental ~~information on environment~~

#### ARTICLE # - Online publication

#### ARTICLE # - Use of radio

#### ~~Chapter # - Publication of information and data on environment~~

### Chapter # - Exercise of grassroots rights in protection of environment

## BOOK 2 — ENVIRONMENTAL PLANNING

### TITLE 1 – MAKING OF NATIONAL, SUB-NATIONAL AND LOCAL ENVIRONMENTAL AND NATURAL RESOURCES PLANS

- *This Title will set out the procedures for the adoption of National, Sub-national and Local Environmental and Natural Resources Plans. These Plans will be prepared for environmental and natural resources management, integrating food and water security issues and relevant materials exploitations certifications.*
- *~~This Title will establish a One Map process to require a single national consolidated environmental geographic information database, with open access and mandatory data sharing between ministries and the general public. This will be used to develop the National Environmental and Natural Resources Plans.~~*
- *This Title will provide for a planning framework to set sustainable use limits and protections for Cambodia's commercial and non-commercial natural resources.*
- *This Title will also relate to Book 2, Title 4 Strategic Impact Assessment that may be required prior to the adoption of plans and polices.*

Commented [BR13]: Per Teng Rithiny

Commented [BR14]: Per Andeol Cadin comment

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- *~~#This Title~~ will detail the procedures for the creation of a national land and natural resources plan under which regional and local plans will be made and refer to ~~Book 1Title 3 – Public Participation and Book 1Title 4 – Access to Environmental Information~~. The national plans will provide the clear policy and strategic direction. Sub-national plans will provide for the specific measures to implement these national objectives.*
- *One option is to try to adopt a single method for the making and approval of management plans for protection and management (including exploitation) of heritages areas, marine and terrestrial protected areas and management plans for threatened and endangered species.*

**Chapter # - Preparation of management plans in accordance with national, regional or local environmental and natural resource management plans**

**Chapter # - Conservation and rational utilization of natural resources**

~~**Chapter # – Establishment of the national One Map process; components of the One Map; roles of government and civil society in One Map process**~~

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**Chapter # - Creation of a National Environmental and Natural Resource Management Plan (NEP)**

**Chapter # - Appointment of a commission to prepare the NEP**

**Chapter # - Draft NEP to be prepared with public participation**

**Chapter # - Approval of NEP**

**Chapter # - Preparation and approval of subnational and local NEP**

**Chapter # - Establishment of a National Land and Resources ~~Geographie~~ Information Database**

**Chapter # - Database to be publically available**

**Chapter # - Database to be used to make national, sub-national and local plans**

**Chapter # - Adopting an ecosystems approach to planning including recognition of ecosystem services**

## TITLE 2 – URBAN LAND USE PLANNING

- *This Title will examine land planning for urban areas. It will establish the creation of zoning plans and land classification for urban areas. It will also provide for the approvals process for developments in urban areas, in accordance with appropriate zonings. This may require the review of the Law on Land Management, Urban Planning and Constructions 1994.*
- *Urban areas and the development of towns and cities create significant burdens on the environment and the community. It is suggested that this be dealt with as a separate Title to focus on promoting sustainable urban development.*
- *The Title will establish the procedures for classifying land as urban land and the zone of urban land as housing construction zone, commercial zone and other relevant zones. It will provide the guidance for the sustainable development of cities in accordance with best practice planning principles. This will use the One Map process outlined in Book 2 Title 1.*
- *This Title will also provide the minimum requirements for the management of urban land, including provisions for plans covering water, energy, storm water management, traffic, noise and construction.*
- *The roles of different authorities in land use planning and management will be addressed, referencing [Book 1 Title 2](#).*
- *The Title will address the specific requirements for public participation, referencing [Book 1 Title 3](#).*
- *This Title will address social housing.*

### Chapter # - Establishment of transparent zoning process at city and local level, including periodic timing, scope and stakeholders to be involved and how

#### ARTICLE # - mitigating and compensating for risks of displacing residents or existing businesses through new zoning

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### Chapter # - Classification of urban land

#### ARTICLE # - population threshold at which a zoning plan is required

### Chapter # - Zoning of urban land

**Chapter # - Minimum standards of urban zoning plans**  
**Include specifications for delineation and co-existence of industrial, commercial and residential zones**

Commented [BR16]: Per comment of M. Ramasamy

**Chapter # Buffer zones and prevention of encroachment of non-compatible uses**

**Chapter # - Urban infrastructure requirements**

ARTICLE # - Improving traffic flow (through the use of one way streets, no parking zones/times, bus lanes, stop signs, etc.)

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ARTICLE # - Facilitating public-private infrastructure financing

**Chapter # - Public transportation, bicycle access, recycling, waste management, maintenance of urban green spaces, etc., Including clarity on roles and responsibilities of different levels of authorities**

Commented [BR17]: Comment of R. Deau

ARTICLE # - Incentivizing public transit ridership.

ARTICLE # - Promoting Walkability

**Chapter # - Special building requirements (example: open space set asides, parking space requirements, energy efficiency standards), addressing minimum parking place allocations, open space set aside requirements for urban developments, traffic flow management issues, public transportation, etc.**

Commented [BR18]: Per Raphaele Deau comment

**Chapter # - Other private sector provisions**

**Chapter # - Motor vehicle exhaust standards**

**Chapter # - Potential new tenure systems for social housing projects**

**TITLE 3 – ENVIRONMENTAL QUALITY STANDARDS**

- This Title will establish the procedures for the setting of National and Local Environmental Quality Standards (EQS) and Guidelines. It will provide details on the type and quantity of the emissions. It will also adopt existing standards and levels until it is possible to revise or amend the Environmental Standards and Guidelines.*

Commented [MB19]: From the Group 2 at the Workshop, the EQS should be referred to the international experts to help identify EQS that can be applied to Cambodia.

- *This Title will require that all relevant Ministries will be required to follow the Environmental Quality Standards and Guidelines.*
- *The Environmental Quality Standards and Guidelines in this Title will also extend to food safety principles and objectives.*

## **Chapter # - Setting of environmental Quality Standards (EQS)**

### **Chapter # - Setting of ambient standards**

#### ARTICLE # - Air Quality Standards

#### ARTICLE # - Water Quality Standards

### **Chapter # - Setting of discharge standards for waterborne pollutants**

#### ARTICLE # - Individual pollutant discharge standards to be set in the code

#### ARTICLE # - Individual pollutant discharge standards to be set by the relevant ministry

#### ARTICLE # - Setting of polluting threshold for emission monitoring

#### ARTICLE # - Taking local ecological characteristics into account when setting emissions standards

#### ARTICLE # - Relationship to EIA law

#### ARTICLE # - Incorporating international standards

### **Chapter # - Setting of discharge standards for airborne pollutants**

#### ARTICLE # - Individual stationary source pollutant discharge standards to be set in the code

#### ARTICLE # - Individual stationary source pollutant discharge standards to be set by the relevant ministry

#### ARTICLE # - Motor Vehicle emissions standards

#### ARTICLE # - Setting of polluting threshold for emission monitoring

#### ARTICLE # - Taking local ecological characteristics into account when setting emissions standards

[ARTICLE # - Relationship to EIA law](#)

[ARTICLE # - Incorporating international standards](#)

**Chapter # - Revision of EQS**

**Chapter # - Application of EQS in Cambodia**

**Chapter # - Provisional adoption of international standards**

**Chapter # - Definition of best available techniques**

**Chapter # - Definition of good practices**

**TITLE 4 – STRATEGIC ENVIRONMENTAL ASSESSMENT**

- *This Title will outline the use of Strategic Environmental Assessment (SEA) for the assessment and development of plans and policies in Cambodia. The use of SEA can be for all types of policies and plans, including decisions that may have impacts on natural resources management.*
- *This Title will also provide the link between National Environmental and Natural Resources Plans, SEA and also EIA for specific projects.*

**[Chapter #- Objective](#)**

[To provide a high level of protection to the environment, including health, through the prior assessment of policies, programmes and plans.](#)

**[Chapter # - Aims](#)**

[The key aims of SEA include:](#)

- [Ensuring that environmental impacts, including health and social impacts, are thoroughly taken into account in the development of plans and programmes;](#)
- [Contributing to the consideration of environmental impacts, including health and social impacts, in the preparation of policies and legislation;](#)
- [Establishing clear, transparent and effective procedures for strategic environmental assessment;](#)

- d) Providing for genuine public participation in strategic environmental assessment; and
- e) Integrating by these means environmental concerns, including health and social concerns, into measures and instruments designed to further sustainable development.

#### **Chapter # - Implementation of SEA**

**ARTICLE # - The SEA procedure will include the following steps:**

- 1) Screening
- 2) Scoping
- 3) Preparation of the Environmental Report
- 4) Consultation and Public Participation
- 5) Review and Decision
- 6) Information on Decision
- 7) Monitoring

#### **ARTICLE # - Relevant Government institution**

The relevant government institution shall be the institution with jurisdiction on the sector the subject of the SEA.

The relevant government institution shall coordinate with the MOE to ensure that these procedures are complied with.

[Confirm institutional arrangements, including role of NCSD].

#### **ARTICLE # - Screening**

Any plan or programme that in the opinion of the relevant government institution is likely to have a significant effect on the environment, health or society shall be required to undertake a SEA.

Any plan or programme that is in the following sectors shall be required to undertake a SEA unless the relevant government institution determines that an SEA is not required.

- a) agriculture.
- b) forestry.
- c) fisheries.
- d) energy.
- e) industry.
- f) mining.

**Commented [MB20]:** Or this could be in accordance with the Appendix I. Based on the Vietnam Decree on SEA.



- g) transport,
- h) regional development,
- i) water management,
- j) waste management,
- k) telecommunications,
- l) tourism,
- m) urban and regional planning or land use.

The relevant government institution shall determine if the plan or programme is likely to have a significant impact on the environment or health or society.

The relevant government institution shall ensure that all relevant ministries and government institutions are consulted in the preparation of the screening recommendation.

**Commented [MB21]:** Check the relevant government institution name

The relevant government institution shall provide opportunities for public participation and involvement in determining whether a plan or programme should be the subject of SEA.

In reaching the decision whether to conduct a SEA the relevant government institution shall take into account the following factors:

**Commented [MB22]:** This is modified from the SEA Protocol, Annex III

1. The relevance of the plan or programme to the integration of environmental, including health and social considerations, and in promoting sustainable development.
2. If the plan or programme will provide an overall framework for projects and other activities, including location, nature, size, operations or the allocation of natural resources.
3. Environmental, including health and social problems and impacts relevant to the plan or programme.
4. The nature of the environmental impacts, including health and social impacts such as probability, duration, frequency, reversibility, magnitude and extent (such as geographical area or size of population likely to be affected).
5. The risks to the environment, including to health and society.
6. If the plan or programme will affect valuable or vulnerable areas, protected areas, including areas with a recognised national or international protection status.
7. If the plan or programme will affect indigenous peoples or natural resources allocation to indigenous people.
8. Comments received from the public participation and consultation process.

The relevant government institution will prepare, in collaboration with MOE, a screening analysis and recommendation.

Once the relevant government institution has determined if the plan or programme requires a SEA, the determination will be made public in accordance with the provision of this Code.

#### **ARTICLE # - Scoping**

The relevant government institution shall determine together with MOE and based on the screening process and comments received from other Ministries, the information and scope of the SEA.

The relevant government institution shall ensure that other relevant ministries and institutions are consulted in the preparation of the scoping report and the information to be included in the SEA.

**Commented [MB23]:** Check the relevant government institution name

The relevant government institution shall provide opportunities for public participation and involvement in determining whether a plan or programme requires preparation of an Environmental Report

#### **ARTICLE # - Consultation and Public Participation**

The relevant government institution shall ensure early, timely and effective opportunities for public participation, when all options are available for consideration and amendment, in the SEA of plans and programmes.

The relevant government institution shall provide for consultation and public participation in accordance with the provisions of the Environmental Code.

The relevant government institution shall comply with the provisions of the Environmental Code for access to information.

The relevant government institution shall make the Scoping Report, the Environmental Report, details of submissions received, the SEA Report Assessment and determination of the SEA publicly available in both draft and final forms.

Special consideration shall be given to providing opportunity for participation by vulnerable persons, including women, children, disabled persons, and ethnic minority groups and indigenous peoples.

#### **ARTICLE # - Environmental Report**

The relevant government institution shall prepare an Environment Report for those plans and programmes that are subject to SEA.

The relevant government institution may prepare the Environmental Report itself or may use an appropriately qualified consultant.

The Environmental Report shall, in accordance with the Scoping Report, identify, describe and evaluate the likely significant environmental impacts, including health, social and ecosystem impacts, of implementing the plans or programmes and any reasonable alternatives or modifications.

Special consideration shall be given to protecting the rights of and evaluating the impacts on vulnerable persons, including women, children, disabled persons, and ethnic minority groups and indigenous peoples.

#### **ARTICLE # - Review and Decision**

The assessment of the SEA shall be conducted by a SEA report assessment committee established by the relevant government institution and will include the representatives of the Office of the PM, the CDC, the institution of the Environment, and other concerned Ministries.

The SEA report assessment committee shall comprise a minimum of 9 members.

The SEA Report assessment committee shall consider the content of the Environmental Report and provide opinions and comments.

The relevant government institution shall provide support and guidance on the operations and management of the SEA report assessment committee.

The SEA report assessment committee may:

- (i) Conduct a survey on areas or adjacent areas where the project is carried out;
- (ii) Verify and evaluate information, data, analysis results, evaluation, or forecast in the Environmental Report;
- (iii) Collect opinions of relevant socio-political organizations, social organizations, socio-professional organizations, or experts;
- (iv) Hold thematic meetings between experts.

The SEA report assessment committee must conduct the assessment and send the results to the relevant government institution and MOE within 45 days of the completion of any further surveys or verification or evaluation.

#### **ARTICLE # - Results of assessment of SEA reports**

The SEA report assessment committee shall send the results of the assessment of Environmental Report to the relevant government institution and MOE.

The assessment must contain assessment procedures, outcomes and shortcomings, suggestions of the relevant government institution in order for the SEA report assessment authority to consider approving the plans or programmes.

The relevant government institution must comprehensively and objectively consider opinions or requests of the SEA report assessment authority.

The relevant government institution shall consider approving the plans or programmes according to Environmental Reports.

#### **CHAPTER # - Information on Decision**

Once the relevant government institution has considered and made a decision on the plans or programme, this shall be notified to all the parties who have made submissions or been consulted during the SEA process.

The decision shall also be notified on a web-site of the relevant government institution.

#### **CHAPTER # - Monitoring**

The relevant government institution in collaboration with MOE shall develop a monitoring programme.

The monitoring programme shall monitor the significant environmental impacts, including health and social impacts, of the implementation of the plans and programmes.

If the monitoring programme identifies any adverse impacts on environment, health or society, by the plans and programmes the relevant government institution should revise the plan or programme to undertake appropriate remedial action.

The results of the monitoring shall be made available to all relevant government institutions and to the public in accordance with the provisions of the Environmental Code.

#### **Chapter # – SEA required for policies and plans**

~~ARTICLE #~~

The Ministry of the Environment is responsible for reviewing and assessing Strategic Environmental Assessment (SEA) of policies, programs and strategic plans of the Royal Government as well as reviewing the comments received from relevant agencies and the public.

#### ~~Chapter # - Zoning system~~

#### ~~Chapter # - Formulation of Strategic Environmental Assessment (SEA) reports~~

#### ~~Chapter # - Content of SEA reports~~

#### ARTICLE # - Evaluating effects on ecosystem services.

#### Chapter # - Appraisal of SEA reports

### TITLE 5 - ENVIRONMENTAL IMPACT ASSESSMENT

- This [Title](#) will establish the EIA process in Cambodia. It will replace the Sub-Decree on EIA 72 ANRK.BK 1999. It will incorporate the details and provisions of the Draft EIA Law.

- This [Title](#) will cover new projects as well as existing projects and will provide three levels of assessment:

- Environmental Impact Assessment;
- Initial Environmental Evaluation; and
- Environmental Permit.

- The aim of this [Title](#) on EIA is to require all development projects and activities that will have an impact on the environment or society to undertake some form of environmental assessment. The level of assessment will be determined according to the potential impact on the environment or society.
- An EIA Approval Certificate will be issued and any other permit will be issued in accordance with the EIA Approval Certificate.
- EIA will be required for all projects or activities likely to have a significant impact on the environment or society.

- *IEE will be required for those projects or activities likely to have a minor impact on the environment or society.*
- *An Environmental Permit will be required for those projects or activities that do not require an EIA or IEE. These will be required to have permission to ensure that the project is not likely to cause harm or damage to the environment or society.*

#### **Chapter # - Purpose of EIA**

#### **Chapter # - Scope of EIA in Cambodia**

#### **Chapter # - Objectives of EIA in Cambodia**

#### **Chapter # - Application to public and private development projects**

#### **Chapter # - Responsibility of Ministry of Environment in EIA**

##### **ARTICLE #**

Officials of the EIA Unit of the Ministry of Environment have the following authorities:

1. - To inspect and monitor compliance with the laws and regulations in force, guidelines, Environmental Protection Agreement, standards, EMPs and other related environmental requirements. In necessary cases, EIA officials can order the project proponent to provisionally postpone activities or provisionally close the location of the project.
2. - To check documents and electronic data on environmental management and other records on development projects and project operations.
3. - To listen to and make minutes after listening to the answers of workers, employees, representatives of Project Proponents as well as other relevant persons.
4. - To order the workers, employees, managers, legal representatives, and agents of development projects to provide information, written documents, plans as well as minutes of all kinds that are related to the environmental management of a Project Proponent.
5. - To search the project site and seize evidence where a violation of laws or regulations on EIA or EMP is suspected to have been committed.
6. - To meet with Boards of Directors, legal representatives, workers, and employees of development projects at least once per year in order to assess the implementation of this law and other relevant regulations.

**Commented [BR24]:** Special features of offshore projects needs to be carefully considered and integrated into the EIA book. Per Kris Energy comment

**Commented [BR25]:** Need to consider duration of EIA validity as compared to duration of project per Kris Energy

7. - To make minutes of searching and seizing of evidence in order to compile the case file of the commission of the offense against this or any other law in order to take measures in accordance with procedures in force.

**ARTICLE #**

Capital and Provincial Environmental Departments of the MoE shall take part in implementing this law in accordance with the laws and regulations in force as well as the assignment of the MoE.

**Chapter # - Registration of EIA experts**

**Commented [MB26]:** A number of submissions have been raised to request international experts to be allowed to conduct EIA/IEE in Cambodia.

**ARTICLE 21.**

EIA Consultants, which could either be natural persons or legal entities, shall be under the management of the MoE.

EIA Consulting Firms shall have Khmer nationality with the project team leader who is the consultant accredited by the MoE.

All EIA consultants must be registered with MoE before professionally preparing EIA with an EIA consulting firm.

Registration of certificates of accreditation as an EIA Consultant shall be valid for a maximum period of 5 years and may be renewed.

**Chapter # - Levels of assessment will include EIA, IEE or environmental protection agreement**

**ARTICLE #**

All development projects must properly assess the impacts on the environment, economy, society, health and culture with prior approval of the MoE before being sent to the government for decision.

Issuance of licenses or permission letters to development projects by Approval Ministry-Institution shall be done in accordance with conditions determined in the EIA Approval Letter and Certificate. Licenses, permission letters, or decisions that are in contradiction to the spirit of this provision are considered null and void.

**ARTICLE #**

This law does not apply to State's development projects or State activities that have been approved by the government or the National Assembly and that are considered to be necessary and emergency projects relating to national security, territorial integrity, national sovereignty, or disaster management.

**ARTICLE #**

The MoE shall conduct screening to determine the type of development projects, to require the project proponent to prepare the following documents:

1. an IEE with an attachment of Environmental Protection Agreement;
2. an EIA with an attachment of Environmental Protection Agreement.
3. an Environmental Protection Agreement (EPA)

The projects that are required to prepare an EPA shall attach with it technical principles such as Environmental Protection Plan (EPP) in accordance with the requirements of the MoE,

**ARTICLE #**

The MoE can determine additional screening of the type of project based on the scale of environmental and social impacts that shall be determined by the MoE.

**ARTICLE #**

In cases where there is any transfer or changes to the Project Proponent by any reasons, then the IEE and/or EIA Approval Letter and Certificate as well as contract and all conditions provided for in this paragraph shall be automatically transferred to the new Project Proponent. The Contract of Transfer or the changes of the Project Proponent shall not be valid for implementation unless the transfer or the changes are done after MoE has received notification about the changes.

**ARTICLE 16.**

(2) IEE report shall be required for:

1. Projects listed in sub-decree.

(3)2. Projects that have prepared Environmental Protection Agreement and decided by MoE that they do IEE.

(4) When the proposed project is required to do an IEE, the Project Proponent shall cooperate with consulting firms in order to prepare the Terms of Reference (ToR) in



accordance with the provisions and guidelines of MoE and submit to EIA Unit for final approval.

Project Proponent and consulting firms shall prepare IEE report based on the approved ToR.

**ARTICLE #.**

An Environmental Impact Assessment report shall be required for:

- 1- Projects listed in Annexure 1 or;
- 2- Projects that have received an IEE and the result of the study demonstrate serious impacts on environment and society and the MoE requires the project to conduct an EIA.

When the proposed project is required to undertake an EIA report, the Project Proponent shall collaborate with consulting firms to draft the Terms of Reference in accordance with any provisions and guidelines of MoE and submit to EIA Unit for final approval.

Project Proponent and consulting firms shall prepare EIA report based on the approved ToR.

**ARTICLE #**

An Environmental Protection Agreement shall be entered into by all projects that are listed in sub-decree or projects with little negative impacts on environment and society.

When the proposed project is required to conduct an EPA, the project proponent shall enter into to the EPA by attaching with it the technical principles such as Environmental Protection Plan and relevant documents and submit to EIA Unit for final approval.

The form of EPA and EPP shall be determined by MoE.

**Chapter # - Establishment of EIA Review Committee**

**ARTICLE #**

All development projects that are required to perform an EIA are required to have technical comments from the Expert Review Committee.

The composition of the Expert Review Committee includes officials from MoE and relevant ministries and institutions, and independent experts with qualifications and appropriate experience in reviewing EIA reports. Members of an Expert Review Committee shall be selected on a project-by-project basis by MoE based on the technical aspects of the EIA report.

The organization and functioning of the Expert Review Committee shall be determined by Prakas of MoE.

The members of the Expert Review Committee shall be reimbursed for their services based on an agreement between MoE, each member, and Project Proponent.

## **Chapter # - Role of EIA Review Committee**

### **Chapter # - Timeframes for EIA and IEE procedure**

#### **ARTICLE #**

The MoE may only make a determination in accordance with this procedure after the IEE or EIA has been on public exhibition for at least the time period specified in the Code.

For the Environment Protection Agreement the minimum time period for public exhibition and comment is a 3 weeks.

For the IEE Report the minimum time period for public exhibition and comment is a 6 weeks.

For the EIA Report the minimum time period for public exhibition and comment is a 8 weeks.

#### **ARTICLE #**

The MoE has a period of 30 (thirty) working days to review, comment, approve, reject, or require adjustment or correction to Environmental Protection Agreement and Environmental Protection Plan. The period is counted from the date of the submission of Environmental Protection Agreement, Environmental Protection Plan, and relevant documents.

#### **ARTICLE #**

MoE shall review and comment on the IEE report within sixty (60) working days counting from the date of receiving the report. The period of sixty (60) days will expire when the Ministry of Environment has provided the comments regardless of whether the comment is in the form of rejection, approval, or an order to make modification or improvement on the reviewed report.

The period of sixty (60) days of working days for the review and comment shall always restart when MoE receives an application asking for review as well as the final EIA report which the Project Proponent has corrected in accordance with the order or instruction that MoE has provided previously.

The Project Proponent shall be liable for any damages caused by their own mistakes for the slowness or failing to make correction in accordance with the above order or instruction.

#### **ARTICLE 24.**

MoE shall review and comment on the EIA report within ninety (90) working days counting from the date of receiving the report. The period of the ninety (90) days will expire when the Ministry of Environment has provided the comments regardless of whether the comments are in the form of rejection, approval, or an order to make modification or improvement on the reviewed report.

The period of ninety (90 ) days of working days for the review and comment shall always restart when MoE receives an application asking for review as well as the final EIA report which the Project Proponent has corrected in accordance with the order or instruction that MoE has provided previously.

The Project Proponent shall be liable for any damages caused by their own mistakes for the slowness or fail to make correction in accordance with the above order or instruction

### **Chapter # - Preparation of EIA report**

#### **Chapter # - Preparation of environmental management plan**

#### **ARTICLE #**

An Environmental Management Plan (EMP) shall be prepared by the Project Proponent.

The EMP shall include the protection, mitigation, monitoring and management requirements that were identified in the IEE and EIA reports.

The EMP shall be regularly updated to take into account any amendments in Environmental Standards, or changes in sector performance practices or other changing circumstances of the Project.

#### **ARTICLE #**

All development projects and project operators shall establish and maintain an Environmental Management System (EMS) that shall ensure the self-monitoring procedures and methods as stipulated in their EMP.

In cases where the environmental impacts are greater than those estimated in the EIA report or EMP, then the MoE shall require immediate action to remedy the impact or an adjustment of the EMP.

The adjusted EMP and monitoring [programme](#) shall be approved by MoE. A time limit to make adjustments or improvements shall be agreed upon in writing by all parties.

The Project Proponent shall prepare the environmental monitoring report every three (3) months and submit to EIA Unit for review and evaluation. The EIA Unit has the right to make site inspections and verify the monitoring data of the Project Proponent.

#### **ARTICLE #**

Project-affected persons and all stakeholders shall have the right to report issues and grievances of environmental and social concerns to the Project Proponent and to petition competent authorities. Such issues will be addressed by a sub-national commission and it can continue to an inter-ministerial commission established as part of the EMP.

Relevant competent authorities shall respond to the grievance or petition and deal with concerned environmental and social issues within an appropriate time limit and inform the concerned persons accordingly.

The formalities and procedures of the grievance or petition shall be determined by Prakas of MoE.

### **Chapter # - Submission of EIA report**

#### **Chapter # - Consideration and assessment of EIA report**

#### **ARTICLE 25.**

During the period for review and comment the MoE shall review and comment on the IEE or EIA report after:

- Listening to and considering the official presentation and defending of the report which is conducted by the Project Proponent and consulting firm;
- Considering the comments of direct or indirect project-affected people, opinion of the public and civil society;
- Considering the comments from relevant ministries or institutions, and
- Considering the proposed comments of the Expert Review Committee;

MoE is responsible for ensuring a fair public participation process by inviting representatives of relevant ministries or institutions, territorial authority, civil society, and project-affected persons to provide comments on the proposed project.

## **Chapter # - Revision of EIA report**

### **ARTICLE #**

The provision of comments in the form of approval or rejection, or the ordering to make adjustments or corrections on IEE or EIA shall be done by taking into consideration the advantages and disadvantages of environment, economy, society, and culture by examining the scope of the project, geographical location, potential impact, other special features of each project, and effectiveness of the implementation of management measures, and/or the protection of environmental quality and social impact mitigation in accordance with the level of the development of technology and science.

In case where MoE approves any IEE or EIA report, MoE shall issue an EIA Approval Letter and Certificate for the project by attaching with it the Environmental Protection Agreement.

In case where the MoE rejects an IEE or EIA report, the MoE shall provide the reasons for the decision.

In case where the MoE provide comments of ordering to make adjustments or corrections of the IEE or EIA report, the MoE shall provide reasons and clearly demonstrate the points that need to be adjusted or corrected.

### **ARTICLE #**

Before the decision to grant an EIA Approval Letter and Certificate to development projects which are located in the areas where the indigenous people live, MoE, members of the Expert Review Committee and relevant stakeholders involved in the decision making must take strong heed and special consideration about the project in order to avoid negative impact on the culture, custom, tradition, livelihood, and the property of the indigenous people.

## **Chapter # - Approval or rejection of EIA report**

### **ARTICLE #**

MoE shall send the decision on the rejection or the order to make adjustment and correction in writing as well as the reasons or condition and/or the points that need to be adjusted or corrected to the Project Proponent and consulting firm in order to prepare the EIA report.

MoE shall send the EIA Approval Letter and Certificate as well as the Environmental Protection Agreement to the Project Proponent and relevant competent ministries and institutions such as Approval Ministries or Institutions, Council for Development of Cambodia, Capital and Provincial Departments of Environment and relevant Commune and Sangkat Councils.

### **Chapter # - Granting of EIA approval letter**

### **Chapter # - Prohibition of activities without EIA approval letter**

#### **ARTICLE #**

Project Proponents shall not commence any construction activities or Project operations until after the EIA Approval Letter and Certificate has been issued for the Project. The Ministry of the Environment shall have the power to postpone all construction activities or Project operations that do not have an EIA Approval Letter and Certificate.

All Concession Agreements that are granted by the Royal Government of Cambodia at both national level and Capital and Provincial level shall have an official EIA Approval Letter and Certificate with an attachment of Environmental Protection Agreement (EPA).

#### **ARTICLE #**

The EIA Approval Letter and Certificate shall be valid for the life cycle of the project. In case where the MoE finds that there are changes to Master Plan or that the IEE or EIA reports are not adequate or effective for the implementation of impact mitigation measures, the MoE has the rights to require the project proponent to re-prepare an EIA report and/or to update the existing EIA report in order to receive a new EIA Approval Letter and Certificate in accordance with conditions determined by MoE.

### **Chapter # - Existing projects**

#### **ARTICLE 31.**

MoE in consultation with relevant Ministries or institutions shall prepare Guidelines based on project screening for the types of projects that have not conducted the EIA to

**Commented [MB27]:** Projects that are planned or existing that have completed the EIA process and Government approval processes shall not require further assessment. All existing projects will be required to comply with the Code and be subject to the appropriate penalties if the project causes harm to the environment or society.

**Commented [BR28]:** Potential clarification for existing projects with existing EIAs and operational licenses per Kris Energy.

require the Project Proponent to prepare an IEE or EIA report for existing projects or projects in operation.

The Guidelines shall be published within three (3) months after the MoE has made decision on these guidelines.

Project Proponents shall cooperate with consulting firms to complete their IEE or EIA reports and submit these documents to MoE for review and comments in a period determined by MoE.

MoE shall review, comment, and make a decision on these IEE or EIA reports in accordance with the provisions of the Code.

#### **Chapter # - Matters for consideration**

**ARTICLE # - Protecting the rights of vulnerable persons, including women, children, disabled persons, and ethnic minority groups and indigenous peoples, through the EIA process, including public participation in the EIA process and the implementation measures that are an outcome of EIA approval.**

#### ~~**Chapter # - Cumulative impact assessment**~~

##### ~~**ARTICLE #**~~

~~All EIAs must analyze and evaluate the cumulative impact caused by existing and future projects in the surroundings of the Project, which may trigger significant environmental or social impacts.~~

~~In the cumulative impacts assessment report, the Project Proponent must evaluate the capacity of physical, biological and social economic resources to accommodate additional effects based on their own time and space parameters and project activities surrounding the project sites.~~

~~Project Proponents must consider alternative mitigation measures to offset or avoid potential significant cumulative impacts.~~

#### **Chapter # - Social impact assessment**

*[To be developed in detail]*

#### **Chapter # - Health impact assessment**

## ARTICLE

All IEEs and EIAs must include a Health Impact Assessment (HIA) that includes:

- baseline data on health in the project areas and of the affected populations;
- description of potential project impacts due to construction, population influx and changes to the environment;
- the mitigation measures to offset, reduce or even eliminate negative impacts of the project and measures that will be introduced by the Project Proponent to improve health of the local communities; and
- the issues related to monitoring health conditions and managing remaining impacts in the short and long-term for the project.

## ARTICLE #.

In assessing the health impacts, Project Proponents must:

- propose a safety and health management plan as part of the HIA for the working environment, analyzing relevant risks and specific classes of hazards in the proposed project areas, including physical, chemical, biological, and radiological hazards.
- identify and assess the risks to, and potential impacts on, the safety and health of affected communities during the design, construction, operation, and decommissioning of the project, and establish preventive measures and management plans for the impacts during these stages.

### Chapter # - Transboundary Environmental Impact Assessment

ARTICLE #- A Project that has potentially significant trans-boundary environmental impacts is required to conduct a Trans-boundary Environmental Impact Assessment (TbEIA).

ARTICLE # - Procedures for conducting TbEIA including government institution jurisdictions.

### Chapter # - Cumulative impact assessment

## ARTICLE #

All EIAs must analyze and evaluate the cumulative impact caused by existing and future projects in the surroundings of the Project, which may trigger significant environmental or social impacts.

In the cumulative impacts assessment report, the Project Proponent must evaluate the



capacity of physical, biological and social economic resources to accommodate additional effects based on their own time and space parameters and project activities surrounding the project sites.

Project Proponents must consider alternative mitigation measures to offset or avoid potential significant cumulative impacts

### **Chapter # - Environmental management and monitoring**

#### **ARTICLE #.**

The EIA Unit and Provincial/Capital Department of Environment are the monitoring authorities on Environmental Management Plans and following up on Environmental Management Plan implementation of Project Proponents by cooperation with the Ministry of Environment, relevant institutions, local authorities and stakeholders.

### **Chapter # - Provision of information**

### **Chapter # - Reporting requirements**

#### **ARTICLE #.**

Each development project shall prepare an Environmental Monitoring Report of the project as follows:

- A Quarterly Report (every three months) covering all environmental management and monitoring results shall be submitted to the EIA Unit;
- Within three (3) months after the financial year the Project Proponent shall prepare and submit an annual environmental report, including the environmental auditor's opinions;
- Provide copies of the Project's annual environmental report to the public on request without charge;
- Provide an electronic copy of the quarterly reports and annual environmental report that will be placed on the publicly accessible web-site of MoE and by the Proponent on a publicly accessible web-site.

#### **ARTICLE #.**

Each development project with an EIA Approval Letter and Certificate shall submit a quarterly and semi-annual report to the EIA Unit concerning its environmental management and monitoring;

Project Proponents have the obligation to promptly report a critical environmental problem to relevant and competent authorities and to the public to avoid negative impacts to the environment or society;

Project Proponents shall provide information related to environmental management of the project to MoE in accordance with the request of MoE.

## **Chapter # - Fees and charges**

### **ARTICLE #.**

The Project Proponent is liable for all expenses incurred in preparation of the Initial Environmental Examination (IEE) report or the Environmental Impact Assessment (EIA) report and for the expenses for project screening, for project scoping, for the public participation process, for the review and comment on the IEE or EIA report by MoE, for reviewing Environmental Monitoring Report, and for the work of the Expert Review Committee.

### **ARTICLE #.**

The Project Proponent is liable for the expenses of the preparation and implementation of the Environmental Management and Monitoring Plan (EMP) and costs to cover implementation and monitoring of measures on reduction of the impacts on environment and society as delineated in the EMP and SDP.

The Project Proponent shall have a deposit [reserved] budget or insurance budget for the management of environmental and social risks which shall be determined by the MoE.

### **ARTICLE #.**

A detailed budget of estimated costs for environmental impact mitigation measures that must be included in the EMP shall be borne by the Project Proponent.

The cost of making documents publically available, including web-site access, as stipulated in Article 40 of this law shall be borne by the Project Proponent.

All costs to adjust or improve the mitigation measures and project monitoring [programme](#) as stipulated in Article 43 of this law shall be borne by the Project Proponents.

All expenses for dispute resolution in both inside and outside of the court system as stipulated in Article 65 of this law are the responsibility of the Project Proponent.

Service fees and other charges shall be determined by an Inter-ministerial Prakas between the MoE and the Ministry of Economy and Finance.

**ARTICLE #.**

When the Project Proponents submit application for review and comment on IEE or EIA report, MoE has the duty to collect fees and service charges as provided in an Inter-Ministerial Prakas between MoE and Ministry of Economy and Finance on Service Charges for reviewing EIA report.

**ARTICLE #.**

The Project Proponent shall make payment of fees and service charges for reviewing Environmental Monitoring Report to MoE to enable MoE to carry out its duties to review monitoring reports, respond to requests for investigation of environmental complaints, and to carry out routine compliance monitoring during both construction and operation phases of the project.

**ARTICLE #.**

An Environmental and Social Fund shall be created by the Ministry of Environment to provide finance for the restoration of environment, conservation of biodiversity and social development in and around the area where the project is located.

**ARTICLE #.**

The Project Proponent shall make payment of Environmental Endowment Fund based on the agreement between MoE and Project Proponent, on an annual basis until the end of business, based on the type and scale of development project.

~~Title 5~~ **TITLE 6 – ENVIRONMENTAL AUDITS AND  
ENVIRONMENTAL MANAGEMENT REPORTING**

- *This Title will outline the principles and requirements for environmental audits and for reporting requirements under the relevant provisions of the Environmental Code. An environmental audit will be a key mechanism to ensure that permit holders and those undertaking development projects are complying with the conditions of approval. This will include EIA, IEE and*

*environmental protection agreements as well as any conditions attached to permits or licenses or ELC.*

- *The Title will also establish a PROPER system for self-report of pollution by companies and a color-coded registration for environmental compliance. Companies will be designated from Green and Blue (Beyond Compliance) to Black (Compliance) to Yellow and Red (Below Compliance)*
- *The aim of this Title is not to increase the regulatory burden on the holder of a license or approval but to ensure that environmental and social obligations are carried out in accordance with the approval conditions.*

**Chapter # - Establishment of self reporting for environmental compliance**

**Chapter # - Obligation to report breaches of Environmental Code**

**Chapter # - Establishment of system of environmental compliance**

**Chapter # - Register of approvals, permits, licenses and monitoring reports**

**Chapter # - Unified register to be publically available and easily accessible**

**Chapter # - Environmental audits**

**Chapter # - Appointment and qualifications of environmental auditors**

**Chapter # - Projects and activities requiring environmental audits**

**Chapter # - Projects and activities requiring environmental certification to international standards**

**Chapter # - Monitoring reports to be required for specific project and activities**

**Chapter # - Monitoring reports required under EIA approvals**

**Chapter # - Monitoring reports to be publically available**

**Chapter # - Promoting Corporate Social Responsibility**

**~~Title 6~~ TITLE 7 – CLIMATE CHANGE ADAPTATION AND MITIGATION**

**Commented [N29]:** Consider cross reference to EIA section

**Commented [BR30]:** Potential combine of Books 23 and 24 M Ramasamy

- *This Title will outline how to mainstream Climate Change assessment into the management of natural resources in Cambodia. Adopting existing strategies to adapt to and mitigate the impacts of climate change in Cambodia, this Title will provide the details on how those matters should be taken into consideration during the EIA process and the natural resource management process.*
- *The Title will incorporate international climate change mechanisms such as REDD+ CDM and other climate change mechanisms into Cambodia law.*
- *This Title will outline how to reduce greenhouse gas emissions by Cambodia and the promotion of Green Growth.*
- *This Title will also link to Book 3 Title 8 – SUSTAINABLE ENERGY and [Book 4 Title 1](#) – ENVIRONMENTAL INCENTIVES, FEES AND CHARGES.*
- *It will also address some key issues in relation to other relevant Titles, including building resilience to climate change through planning and construction standards (referencing Book 2 Title 2– Urban Land Use Planning and [Book 3 Title 11](#)– Sustainable Cities)*

#### **Chapter # - Obligation to address climate change**

#### **Chapter # - Incorporating climate change mitigation in all natural resources and environmental decisions**

#### **Chapter # - Incorporation of climate change adaptation in all natural resources and environmental decisions**

### **~~Title 7~~ TITLE 8 – DISASTER RISK REDUCTION AND DISASTER MANAGEMENT**

- *The Title will provide the requirements for reducing disaster risk by proper planning and incorporating risk reduction strategies into natural resource management decisions.*

#### **Chapter # - Disaster management planning**

#### **Chapter # - Incorporation of risk-reduction planning**

#### **Chapter # - Developments to take into account disaster management planning**

**Chapter # - Planning for major pollution incidents**

**Chapter # - Responding to environmental damage**

**Chapter # - Disaster management for protected areas and heritage locations**

**Chapter # - Management of disasters at waste facilities**

**Chapter # - Management of disasters at energy production and storage facilities**

**Chapter # - Management of disasters at chemical facilities**

**Chapter # - Obligation to report potential disasters**

### **BOOK 3 — Environmental Management and Sustainability Mechanisms**

*[Editorial Note: The subsequent three titles require reorganization and restructuring]*

#### **Title 8 TITLE 1 – ESTABLISHMENT OF NATIONAL CONSERVATION CORRIDORS**

- *This Title will establish a system of national conservation corridors. These will be areas with specific legal status and protections. This could include:*

- *National parks*
- *Urban parks and tree corridors*
- *Private land with conservation agreements, including eco-resorts, organic agriculture*

**Commented [BR31]:** Per Andeol Cadin

**Chapter # - Establishment of National Conservation Corridors, including naming, location and boundary/map reference**

**Chapter # - Classification of zones within the National Conservation Corridors**

**Chapter # - Activities prohibited in the National Conservation Corridors**

**Chapter # - Preparation and approval of management plans for the National Conservation Corridors**

**Chapter # - Restoration of damaged habitat or ecosystems in the National Conservation Corridors**

**Chapter # - Procedures for adjustments to the boundaries of the National Conservation Corridors**

**Title 9 TITLE 2 – BIODIVERSITY MANAGEMENT AND  
ENDANGERED SPECIES PROTECTION**

- *This Title will examine the protection, conservation and management of biodiversity, and include different chapters on forests, wetlands, marine ecosystems, endangered species, invasive species and the management of protection areas.*
- *Specific Chapters could address key priority areas including Tonle Sap Lake and the Mekong River.*
- *A submission has been received from some combined NGOs on the policy of Wildlife (or Wild Animal Farming) in Cambodia. The discussion paper raises a number of significant issues and concerns about the possibility of introducing the farming of wild animals in Cambodia. Consideration is being given to the matters raised by the submission.*

**Commented [N32]:** WWF May 20 suggests also enumerate Cardamom Mountains, Deciduous Dipterocarp Forest

**Chapter # - Adopting an ecosystems approach to biodiversity management and endangered species protection**

**Chapter # - Protection of endangered species**

**ARTICLE # - Identification of endangered species**

**ARTICLE # - Creation of endangered species management plans**

**ARTICLE # - Prohibitions on taking of endangered species**

**Chapter # - Protection of wildlife**

**Commented [BR33]:** Relationship between these two chapters to be clarified, or chapter combined

**Chapter # - Protection of plants and plant communities**

**Chapter # - Protection of native plant and wildlife habitat and important ecological communities (including “critical habitat” for endangered plant and animal species)**

**Chapter # - Bioregional planning for biodiversity conservation**

**Chapter # - Prohibition of export or import of specified flora and fauna and products derived from plants and wildlife**

**Chapter # - Prohibition of trade, possession or sale of endangered species**

**Chapter # - Enforcement of CITES and other international agreement obligations**

**Chapter # - Scientific and educational uses**

**Chapter # - Establishing/classifying protected areas for biodiversity conservation**

**Chapter # - Restoration of damaged ecosystems**

**Chapter # - Wetlands classification, management and conservation**

**Chapter # - Endangered species protection and management plans (includes identifying key threatening processes and developing threat abatement plans and recovery plans)**

**Chapter # - Prohibition on damaging or destroying native vegetation and forest protected areas**

**Chapter # - Prohibition of hunting in certain areas**

**Chapter # - Prohibited activities in protected areas**

**Chapter # - Management of invasive species**

**Chapter # - Definition of genetically modified organisms**

**Chapter # - Prohibition of use of genetically modified organisms, including seeds**



**Chapter # - Management and approvals for use of genetically modified organisms**

**Chapter # - Establishment of marine reserves**

**Chapter # - Establishment of freshwater production zones**

**~~Title 10~~ TITLE 3 – COMMUNITY MANAGEMENT**

- *The Title would examine options for community use of natural resources, hunting, community fishing and use of land for sustainable community needs.*
- *To include a revision of current CF and CPA procedures*
- *This Title will be harmonised with ongoing efforts to create a separate legal instrument on co-management.*

**Chapter # - Promotion of Community Forests and Community Protected Areas under a unified management framework**

**Chapter # - Establishment of co-management as a multi-stakeholder conservation tool**

**Chapter # - Tenure, scope and duration in co-management**

**Chapter # - Mechanisms and elements of co-management**

**ARTICLE # Extraction Limits for areas under co-management**

**ARTICLE # Protecting natural and cultural heritage through co-management**

**Chapter # - Procedures to establishment a co-management zone**

**~~Title 11~~ TITLE 4 – CULTURAL AND NATURAL HERITAGE MANAGEMENT**

- *This Title will examine the identification, protection and management of cultural and natural heritage. It will consider the need to protect both tangible and intangible items of cultural heritage.*

**Commented [N34]:** This chapter will modify current tenure duration limits in Community Forests and Community Protected Areas and modify the 2001 Land Law limits on leasing of state public land.

- *This Title will look at the operation of the APSARA Authority and related legislation to ensure a consistent approach to the protection and management of natural, cultural and built heritage, including both tangible and intangible heritage.*
- *Ministry of Culture and Fine Arts and other authorities related to heritage protection and management.*
- *This would examine both World Heritage and Ramsar listed areas, as well as local and national heritage areas.*
- *It will regulate key activities in heritage areas, including tourism, research, archeological digs and any other development activity. Also note new chapter on rescue archaeology and salvage archeological surveys*
- *Other protection mechanisms will include anti-trafficking provisions, protections against intentional or accidental damage or demolition of known or unknown cultural or natural heritage, restoration and repair of damaged heritage, and financial incentives for heritage protection.*

Commented [MB35]: Recommendations from STWG4

Commented [BR36]: Group 4, 6 April workshop

#### Chapter # - National Inventory list of cultural and natural heritage

- Article # The relevant Ministry shall established a National Inventory list of cultural and natural heritage sites
- Article # The National Inventory list shall be updated on a regular basis
- Article # Establishment of local and national heritage zones

Commented [BR37]: Group 4, 6 April workshop

#### Chapter # - Identification and designation of cultural and natural heritage sites

#### Chapter # - Damage and Conservation status classifications

Commented [MB38]: Recommendation from STWG4

#### Chapter # - Special considerations in EIA for cultural and natural heritage sites

#### Chapter # - Protection for cultural and natural heritage sites from activities not covered by EIA

#### Chapter # - Management plans for sites

- Article # The Minister may require for a Heritage Management Plan to be prepared for a cultural and natural heritage site listed on the National Inventory
- Article # The Heritage Management Plan shall be developed in consultation with the local community and interested stakeholders.

Article # The Heritage Management Plan shall also establish protected zones and core zones for heritage management of the site.

Article # Ensuring sustainable use of cultural and natural heritage sites

**Chapter # - Requirements for heritage impact assessment**

**Commented [N39]:** This chapter will cross-reference the Title on EIA

**Chapter # - Rescue Archaeology or Salvage Archaeology of threatened or endangered sites**

**Chapter # - Order to halt construction or clearing if a site is threatened or endangered**

**Chapter # - Impact of protected site on communities**

**Commented [MB40]:** Recommendation from STWG4

**Chapter # - Illegal trafficking of artifacts**

**ARTICLE # - Illegal trafficking defined**

**ARTICLE # - Mechanisms to prevent illegal trafficking**

**Chapter # - Education and public awareness of cultural and natural heritage**

**Chapter # - Incentives for conservation of cultural and natural heritage**

**Chapter # - Funding mechanisms for natural and cultural heritage sites**

**ARTICLE # - Entrance fees**

**ARTICLE # - Public-private partnerships**

~~Title 12~~ **TITLE 5 – WATER MANAGEMENT**

- *This Title will provide details of water management and water planning. Plans for water management should be prepared under the provisions of Book 2 Title 1 dealing with National, Regional and Local Management Plans.*
- *This will need to consider the benefit-sharing arrangements for the use of transboundary watercourses in accordance with international legal obligations.*
- *Waste water and water pollution will be dealt with in Book 3 Title 7 – Solid and Hazardous Substances Control and Contaminated Land.*

Chapter # - Whole-of-catchment concerns (including relationships between upper and lower river reaches and between different users)

Chapter # - Identifying and quantifying (through monitoring and mapping) all surface and ground water sources

Chapter # - Irrigation system and water supply for agricultural purposes

Chapter # - Erosion control (riparian vegetation management)

Chapter # - Man-made waterway

Chapter # - Water reservoirs for public use (referencing urban planning in **Book 2 Title 2**)

**Chapter # - Groundwater Management**

**ARTICLE # - Establishing requirements for monitoring wells, with triggers for conservation measures if such wells fall below a critical level**

Chapter # - Allocation and trade of entitlements to use water

**ARTICLE # - Groundwater**

**ARTICLE # - Rivers, streams and lakes**

Chapter # - Introducing monitoring and reporting systems (in reference to **Book 2 Title 6**)

**ARTICLE # - Mandatory reporting of normal emissions and effluents.**

**ARTICLE # - Mandatory reporting of sudden discharges during maintenance or accidents**

Commented [N41]: per J Fox-Przeworski

**Article 13 TITLE 6 – COASTAL ZONE MANAGEMENT**

- *This Title will provide a planning framework for the use and management of the coastal zone.*
- *It will provide details for the management of tourism and economic development in the coastal zone. It will adopt strong interim controls and safeguards to protect the coastal zone from poor development.*

- *This will include existing areas receiving special treatment and a system for designating new areas for development, including existing and proposed new institutional management.*

**~~Chapter #—Development of a draft Coastal Zone Management Plan (CZMP)~~**

**~~Chapter #—Overall objectives of coastal zone conservation and management~~**

Commented [BR42]: Per R. Deau comment

**~~Chapter #—Special provisions for mangrove conservation~~**

**~~Chapter #—Contents of a draft CZMP~~**

**~~Chapter #—Adoption of a CZMP~~**

**~~Chapter #—Implementation of a CZMP~~**

**~~Chapter #—Coastal zone mapping, including mapping of coral reefs~~**

**~~Chapter #—Amendment of the CZMP~~**

**Chapter 1. General Provisions**

1) The Kingdom of Cambodia finds that there is a national interest in the effective management, beneficial use, protection, and development of the Coastal Zone.

2) The appropriate ministry shall have the authority to manage natural resources of all waters and lands, both emergent and submerged, in the Coastal Zone of the Kingdom of Cambodia, and to oversee and regulate all development or other activities affecting the waters, lands and associated natural resources of the Coastal Zone.

2) Consistent with the National Water Resources Policy for the Kingdom of Cambodia approved by Council of Ministers on 16 January 2004, the appropriate ministry shall:

(a) Take full account of and minimize the potential impacts to Coastal Waters by managing natural resources and human activity in the coastal watershed, consisting of the river basins that flow directly to the Gulf of Thailand.

(b) Manage natural resources and human activity in the Coastal Zone in a fully integrated way, in order to avoid or minimize unintended impacts to Coastal Waters.

(c) Actively and comprehensively manage all land-based and shoreline sources of solid, liquid and airborne environmental contaminants that may enter Coastal Waters.

3) All activity, development, construction, or other type of projects which have an impact on natural resources in the Coastal Zone shall be subject to an EIA.

## **Chapter 2: Coastal Subzones**

1) The Coastal Zone shall be considered to consist of three subzones:

(a) Coastal Waters – Those waters extending seaward 5 km. from the shoreline, including the associated submerged lands.

(b) Coastal Lands – Those emergent lands extending inland from the shoreline for a distance of 5 km, including the intertidal zone.

(c) Coastal Watershed – The entirety of the combined watersheds draining to the marine waters of Cambodia.

2) The appropriate ministry shall develop regulations appropriate to each subzone in order to manage proposed future development and associated natural resources impacts.

## **Chapter 3. Coastal Zone Management Mandates**

Pursuant to this authority, the appropriate ministry shall:

1) Consistent with the responsibilities listed in Article 5 of the Royal Decree on The Establishment of a National Committee on Coastal Zone Management and Development of Cambodia *[The status of this committee needs to be considered.]*, undertake the following roles and responsibilities:

(a) Prepare policies, strategic plans, master plans, action plans, programmes, and various projects pertaining to coastal management and development.

(b) Produce necessary regulation and guidance to ensure the transparent, equitable, and sustainable management of the Coastal Zone.

(c) Review and take any necessary action in regard to any passive activities affecting the environment and natural resources of the Coastal Zone.

(d) Review and evaluate every project proposed for development and implementation in the Coastal Zone to ensure compliance with guidelines for Coastal Zone development issued by the Royal Government.

(e) Participate in checking and providing comments to competent institutions on investment proposals that may impact the Coastal Zone.

(f) Review, monitor, and mediate all activities undertaken, or planned to be undertaken, by ministries, institutions, sub-national administrations, national and international organizations, non-government organizations, civil societies, and private sectors that may have impacts in the Coastal Zone so as to ensure that their activities are coordinated in a smooth, effective, and sustainable fashion.

(g) Provide guidance on laws and regulations governing Coastal Zone development to the sub-national administration, the private sector, and all other relevant stakeholders.

(h) Submit a yearly report on Coastal Zone management activities for submission to the Royal Government.

2) Produce and openly distribute maps of the Coastal Zone and its subzones, so that all parties, both public and private, may clearly understand the areas in which special Coastal Zone regulations apply.

3) Ensure that all proposed developments in the Coastal Waters, Coastal Lands, and Coastal Watershed are consistent with the applicable zoning restrictions applying to these lands and waters. Development projects that are found to be inconsistent with such zoning shall not be allowed.

4) Consistent with the current Law on Fisheries, NS/RKM/506/11, ensure that coral reefs, sea grass and mangroves are designated Coastal Zone aquatic resources of special value, and are accorded protected status, and updated maps of the location and extent of these resources shall be prepared based on the existing maps presented by the National Committee for the Management and Development of the Coastal Area in their Report of Shoreline Assessment in 2014.

5) Ensure that any activity, construction, or other type of project that results in loss of coral reef, sea grass or mangroves shall be prohibited except under special permit from the appropriate ministry. In issuing such a permit, the following criteria must be applied:

(a) It must be demonstrated that there is no practical alternative site for the proposed activity, construction, or type of project that would avoid the loss of coral reef, sea grass or mangroves.

(b) If a certain degree of loss is unavoidable due to the requirements of the activity, construction, or other type of project, then best management practices must be specified in the permit issued by the appropriate ministry that will serve to minimize the total loss of coral reef, sea grass or mangroves. Failure to follow these best management practices shall be considered a permit violation, and the permittee subject to a fine set by the appropriate ministry.

(c) If an unavoidable loss of coral reef, sea grass, or mangroves is permitted, then the permittee must enter into an agreement with the appropriate ministry to ensure that an equivalent area of the same ecosystem type, and of similar quality, be set aside in permanent protected status as a mitigation offset. Such mitigation offsets may be added to existing protected areas in order to satisfy this requirement.

6) Produce updated maps of Future Inundation Hazard Areas for the coastal lands of Cambodia, based on existing maps presented by the National Committee for the Management and Development of the Coastal Area in their Report of Shoreline Assessment in 2014. Such Future Inundation Hazard Areas shall consist of all areas of the Cambodian coastal lands that are projected to become flooded by a sea level rise of 1 m above the level of the current shoreline.

7) Ensure that development of roads, resorts, industrial facilities and other major construction or infrastructure shall not be allowed in Future Inundation Hazard Areas unless it can be

demonstrated to the appropriate ministry that such developments are specifically designed to withstand such future inundation. Construction of homes, landfills, and power plants shall not be allowed in such zones.

9) Regulate the discharge of dredged and fill material into the waters of the coastal watershed through a permitting system. Applicants for such permits must demonstrate that they have taken all reasonable steps to avoid and minimize impacts to streams, wetlands, and marine waters within the Coastal Zone.

10) Evaluate the effects of current and proposed hydropower development projects on the natural resources of the Coastal Zone, and provide recommendations for minimizing or mitigating such impacts.

#### **Chapter 4. Coastal Zone Management Discretionary Authorities**

Pursuant to this authority, the appropriate ministry may at its sole discretion:

1) Develop watershed management plans for each major river basin in the Coastal Watershed, including at a minimum the Kampot, Pongrol, Areng, Tatai, and Koh Pao river basins. Such plans shall contain:

(a) A description and characterization of the watershed.

(b) A strategy to control sedimentation and pollution within the watershed.

(c) Proposed management measures.

(d) Monitoring and evaluation protocols to measure the success of the sedimentation and pollution controls.

2) Assist in education and development of human resources to properly address Coastal Zone management and development.

#### **Chapter # - Planning for climate change in coastal zone management**

##### **Chapter # - Roles and responsibilities of Ministries**

##### **Chapter # - Roles of citizen and communities**

##### **Chapter # - Requirements for public consultation**

##### **Chapter # - Promotion of sustainable development in the coastal zone**

##### **~~Chapter # - Prohibition of activities in the coastal zone that are not in accordance with the CZMP~~**



**Title 14 TITLE 7 – SOLID AND HAZARDOUS SUBSTANCES  
CONTROL AND CONTAMINATED LAND**

- *The Title will reexamine the provisions of the Sub-Decree on Solid Waste Management 36 ANRK.BK 1999. It will update the relevant provisions about solid waste and hazardous waste management. It will also update and incorporate the provisions dealing with the Sub-Decree on Water Pollution 27 ANRK.BK 1999*
- *This Title will include environmental controls on agricultural practices, including fertilizer, pesticide and herbicide use.*
- *Fees and charges will be provided in accordance with Book 4 Title 1.*
- *Reporting and monitoring requirements, including public disclosure, will be dealt with in Book 2 Title 6.*
- *Procedures for investigation on breaches and offences will be dealt with in Book 4 Title 4. The aim is that investigations and proceedings for all waste management and pollution offences will be the same as for other offences and breaches of the Environmental Code.*

Commented [N43]: Moved up

**Chapter # - Promoting waste avoidance and reduction**

**ARTICLE # - Packaging regulations**

**ARTICLE # - Industrial waste reduction through regulations, financial incentives and other mechanisms.**

**ARTICLE # - Reducing the use of plastic bags**

Commented [N44]: To be harmonised with prakas under development.

**Chapter # - Encouraging and facilitating recycling (including regulating recycling businesses)**

**ARTICLE # - Establishing pilot paper and glass recycling programmes.**

**ARTICLE # - Improving capacity for and use of plastic recycling.**

**ARTICLE # - Encouraging public-private partnerships in recycling.**

**Chapter # - Roles and responsibilities of government, private sector and citizens in recycling, waste reduction, and waste management**

Commented [BR45]: Per R. Deau comment

ARTICLE # - Manufacturer responsibility over the lifetime of the product

ARTICLE # - Manufacturer responsibility for industrial waste

ARTICLE # - Ownership and operation of municipal solid waste facilities and landfill

ARTICLE # - Permitting requirements for private waste management facilities.

ARTICLE # - Bidding process for award of municipal solid waste collection contracts.

ARTICLE # - Responsibilities of national, regional and sub-regional governments in waste reduction and management.

ARTICLE # - Setting of rules and conditions of separating solid waste according to classification (e.g. organic, recyclable, non-recyclable, hazardous) at source.

Commented [N46]: Per STWG 2.

#### Chapter # - Labeling of waste

Chapter # - Identification, management and rehabilitation and remediation of contaminated land

Commented [N47]: per M. Desrousseaux Comment

Chapter # - Regulation of waste management facilities, including rubbish dumps

ARTICLE # - Waste management and treatment facilities subject to EIA approval

ARTICLE # - Integrating risk management into the planning and licensing process for waste management facilities

#### Chapter # - Standards for classification of waste

ARTICLE # - International best practices for defining hazardous waste and appropriate subcategories (hazardous chemicals, medical waste, etc.)

Commented [N48]: Defining and treating industrial non-hazardous waste and household waste separately?

#### Chapter # - Management of waste incinerators

Commented [N49]: Note: Definitions possibly go in "definitions" glossary.

ARTICLE # - Capture requirements

ARTICLE # - Obtaining energy from waste incineration

#### Chapter # - Solid Waste management and disposal

ARTICLE # - Identifying and promoting alternatives to landfills

[ARTICLE # - Operation of landfills including monitoring and reporting requirements](#)

[ARTICLE # - Operation of waste incinerators including monitoring and reporting requirements](#)

Commented [N50]: Per STWG2

#### **Chapter # - Hazardous waste management**

[ARTICLE #- Collection of Radiological and biological waste from medical facilities](#)

[ARTICLE # - Treatment and proper storage of medical and biological waste](#)

[ARTICLE # - Requirements for the operation of Electronic waste facilities](#)

[ARTICLE # - Promoting proper disposal of electronic waste.](#)

[ARTICLE # - Immediate reporting requirements for any spills, leaks or discharges.](#)

#### **Chapter # - Transportation of waste**

[ARTICLE # - Collection and transport divided based on waste types](#)

[ARTICLE # - Setting rules and regulations for transport, loading of municipal solid waste, hazardous waste.](#)

Commented [N51]: per STWG 2.

#### **Chapter # - Public drainage system, rain water drainage**

#### **Chapter # - Sewage treatment system**

[ARTICLE # - Improving rural sewage treatment](#)

[ARTICLE # - Improving urban sewage treatment](#)

[ARTICLE # - Improving coastal sewage treatment](#)

[ARTICLE # - Seasonal adaptations in sewage treatment](#)

[ARTICLE # - Separation of storm water drainage and sewage infrastructure](#)

[ARTICLE # - Understanding and supporting the role of wetlands in waste filtration and preserving wetlands](#)

ARTICLE # - Promoting and regulating private septic tanks

ARTICLE # - Mandatory reporting of normal discharge, effluents and sudden discharge.

**Chapter # - Import and export of waste**

ARTICLE # - Restrictions on the import and export of hazardous or e-waste materials

ARTICLE # - Restrictions on the import and export of solid waste

**Chapter # - Application of international conventions on waste**

**Chapter # - Contaminated Land**

**Chapter # - Management of Chemical Substances**

**General Provision**

*Editorial note: The use of the terms “chemical substance,” “chemical product,” and “chemical” in the following articles needs to be analysed and rationalised.*

**Article 1.**

This Law has the following objectives:

1. To promote effective management and safe use of hazardous chemical substances and hazardous chemical products in Cambodia;
  2. To ensure proper registration, classification and labeling of chemical substances and chemical products in order to prevent misuse and to promote safe handling in the work place;
  3. To enhance public awareness and access to information on safety and mitigation of risks throughout chemical life cycle, including production, storage, transportation, use and disposal;
  4. To set up appropriate institutional coordination mechanism and information system for effective management and control of hazardous substances and hazardous chemical products in all stages of chemical life cycle;
  5. To ensure an operational national system to incorporate cleaner production solutions in all manufacturing and service sectors, as well as in households.
- (5)

**Article 2.**

This law has the goal of protecting the social infrastructure, human life, animals and environment from risks and hazards caused by misuse and mishandling of hazardous chemical substances and hazardous chemical products throughout chemical life cycle;

**Commented [MB52]:** New Chapters inserted from Draft.

**Commented [BR53]:** The following text, Articles 1-36, is from a draft law on the management of chemical substances. This text will be carefully reviewed for any possible amendments and overall coherence within the overall framework of the Code, as well as whether agricultural chemicals (pesticides, fertilizers, and PRTR etc.) fall within it.

**Commented [BR54]:** Need to address periodic review of emission standards M Ramasamy

**Article 3.**

This law covers all hazardous chemical substances or hazardous chemical products and applies to all organizations or individuals that produce, transport, purchase, sell, use, store, release or discard these chemical substances and their chemical derivatives at different stages of their life cycles.

Commented [N55]: Per N. Sheridan Comment May 19

This law does not apply to radioactive substances, pharmaceuticals, cosmetics, food additives, food products and household appliances or toys that are governed by separate law and regulations.

**Article 4.**

The definitions of the main technical terms related to hazardous chemicals are provided in ~~the~~ annex 1.

**Chapter 2  
Institutional Responsibility**

**Article 5**

The Ministry of Environment is responsible for administration and implementation of this law in cooperation with relevant ministries and institutions, and in harmonization with existing laws and regulations related to the management of chemicals and chemical wastes in Cambodia.

**Article 6**

The Royal Government of Cambodia shall set up appropriate mechanisms for effective management and control of hazardous chemicals through its life cycle, especially for information sharing, inspection, classification, and hazard communication and risk assessment of registered and new hazardous chemicals circulating in Cambodia.

**Article 7**

The Ministry of Environment shall coordinate implementation of international treaties or conventions relevant to hazardous chemical substances.

**Article 8**

No person shall undertake the following activities:

- (a) The introduction or delivery of any misbranded hazardous substance or banned hazardous substance.
- (b) The alteration, destruction, or removal of the whole or any part of the label of any hazardous substance during shipment or sale (whether or not the first sale).

(c) The receipt of any misbranded hazardous substance or banned hazardous substance and the delivery or proffered delivery thereof for pay or otherwise.

#### **Article 9**

No person can manufacture, use and distribute persistent organic pollutants (POP) totally banned by Stockholm Convention as listed in the annex 2 of this Law. This list shall be updated according to the revised decision of COP under the Stockholm Convention to which the Royal Government of Cambodia is a party.

#### **Article 10**

Any misbranded hazardous [chemical](#) substance or [hazardous chemical product](#) or banned hazardous substance [or hazardous chemical product when introduced into Cambodia](#) shall be subject to confiscation and seizure, ~~but is not applicable for any substance intended for export to other countries.~~

#### **Article 11**

No person shall manufacture, possess, handle, store, transport, import, [export](#), distribute or use a hazardous [chemical](#) substance [or hazardous chemical product](#) that is not registered under Sub-decree dated October 2009 on “Management of Classification and Labeling of Chemicals”.

#### **Article 12**

No person shall store, import, export or distribute a hazardous chemical that is not packaged in accordance with the regulations and the conditions of registration.

#### **Article 13**

No person shall package or advertise a hazardous chemical in a way that is false, misleading or likely to create an erroneous impression regarding its character, value, quantity, composition, safety or registration.

#### **Article 14**

No person is allowed to use chemical substances such as acid, gasoline, or toxic chemicals that can cause corrosion, burn, oxidation, injury and destruction of human organs implicating health and human life.—, [except in accordance with international safety standards. In the case of chemical reactions, burns or oxidation causing damage to human or environmental health, responsible legal entities or natural persons shall pay a fine and compensation for the damages.](#)

### **Chapter 4**

#### **Registration and Information Disclosure**

#### **Article 15**

Organization<sup>s</sup> and individual<sup>s</sup> shall have the duty to hold valid official registration of any hazardous chemical substances and hazardous chemical products intended for manufacture, distribution, sale and use in Cambodia.

Commented [N56]: per N. Sheridan comment May 19

Commented [N57]: per N. Sheridan comment May 19

#### Article 16

An application for registration shall be submitted to the respective agencies with at least a minimum information on the manufacturing company, name of chemicals, hazard classification, amount, purpose of import or use, safety data sheets, hazard statement, potential risks to human health and address of delivery.

#### Article 17

Information on hazardous chemicals shall be reviewed and endorsed by the Ministry of Environment before submission to the respective ministry for approval. The Ministry of Environment in cooperation with respective agencies may conduct additional tests and consultation to verify the correctness of information provided.

#### Article 18

The relevant ministries having the mandate to approve registration shall provide information on all hazardous chemical substances and products to the Ministry of Environment for inventory, monitoring, risk assessment and inspection purposes.

#### Article 19

Following official registration, organization or individual shall prepare appropriate action plan for prevention, emergency response, mitigation, monitoring and risk management for hazardous chemical substances. He or she shall act in good faith<sup>ee</sup> to provide accurate information on hazardous chemical substances to the responsible agencies when requested.

### Chapter 5 Classification and Labeling

#### Article 20

Classification and labeling of hazardous chemical substances shall follow regulations specified by the Sub-decree No 180 dated 20 October 2009 on Management of Classification and Labeling of Chemicals.

#### Article 21

Hazard criteria for physical hazards, health hazards and environmental hazards shall be specified by an inter-ministerial task force with members designated from line agencies and universities following the Globally Harmonized System for Classification and Labeling (GHS). Role and functions of this inter-ministerial task force shall be specified by a sub-decree.

#### Article 22

Organization<sup>s</sup> or individual<sup>s</sup> involved in packaging, distribution, transportation, and sale of hazardous chemical substances or products shall put correct labeling on hazard substances and chemical products following regulations specified in the Sub-decree No 180 dated 20 October 2009 before distribution, transportation or sale.

#### Article 23

Organization<sup>s</sup> or individual<sup>s</sup> shall publish brochures or newsletters on safety data sheet, hazards prevention and mitigation, and health risks for all hazardous substances intended for distribution and sale in Cambodia.

### Chapter 6 Transportation

#### ARTICLE 24

An organization or individual that transports hazardous chemicals shall abide by the provisions on transportation of hazardous chemical substances or products as prescribed in this Law and other relevant laws.

Transport operators and transport owners shall prepare staff health and safety plans and response plans for substance specific hazardous materials incident response plans in order to:

(a) Identify and take necessary measures to minimize potential incidents and remedy consequences if they take place, including training all staff involved in transportation in safety measures and response plans, and

(b) Identify and notify the nearest local authorities and concerned ministries about the incident if an incident occurs en route – either on road, inland waterway, railway, air or sea transport.

Transport operators and transport owners shall ensure that any vehicle used in the transport of hazardous chemical substances or products is suitable for the transport of that substance or product and that the vehicle is visibly marked with the appropriate hazard warning marks and symbols.

Commented [N58]: Per N. Sheridan Comment May 19

Commented [N59]: Per N. Sheridan Comment May 19

#### Article 25

The Ministry of Environment shall coordinate with the Ministry of Public Works and Transport, concerned ministries and competent agencies to formulate additional technical regulations on transportation of hazardous chemical substances or hazardous chemical products.

### Chapter 7



## Use and Disposal

### Article 26

All Cambodian people have the rights to use hazardous chemicals according to regulations stipulated by this law and shall follow technical specifications, labeled description and safety instructions of any hazardous substance.

### Article 27

Organization or individual that uses hazardous substances for manufacturing or production of goods and products shall be responsible for compensation or rehabilitation of the social infrastructure, human health, animal health and the environment damage caused by chemical hazards and accidents for which they have been deemed responsible.

### Article 28

No person can burn and dispose of any part or whole of chemical substances or chemical wastes into the environment, including water, soil and air without the approval of the Ministry of Environment.

Disposal of any part of hazardous chemical and its package shall follow regulations and guidelines specified by the sub-decree No 36 ANRK.BK dated 27 April 1999 on Solid Waste Management and the Sub-decree No 27 ANRK.BK dated 06 April 1999.

Additional guidelines on disposal of hazardous chemical substances and chemical wastes shall be specified by a Prakas of the Ministry of Environment.

### Article 29

Organization or individual using hazardous chemicals for scientific research shall have the following duty:

- Use of hazardous chemical substances following regulations stipulated by this Law;
- Laboratory shall have sufficient equipment for safe storage and handling of hazardous chemical substances and personal protective equipment for workers;
- Hazardous substances shall have correct labeling according to the regulations specified by the Sub-decree dated October 2009;
- The Laboratory shall have an appropriate filing systems and records of hazardous chemical substances being used;
- Disposal of hazardous substance or chemical wastes shall follow regulations specified under Article 25 of this Law.
- Identifying and minimizing any potential hazards which may be caused by the use and ~~dispose~~ disposal of hazardous substance or chemical wastes through setting up effective mechanisms to minimize risk and mitigate effects of any hazard which may occur.

### Article 30

No person shall use hazardous chemical substances in food products, cosmetics, and toys that can cause direct health hazards to human beings.

## Chapter 8 Chemical Industry

### Article 31

Organization or individual engaged in production of chemical substances shall have technical capacity for environmental and social safeguarding as shown below:

- Workshops, storehouse and technological equipment;
- Safety equipment and devices, equipment and devices for prevention and fighting of fire, explosions, lightning, chemical leakages or dispersal and other chemical incidents;
- Labor protection equipment and devices;
- Environmental protection equipment and devices,
- Waste disposal and treatment systems;
- Prevention and response Plan, including posting visible hazard pictogram and hazard communication;

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### Article 32

Organization and individuals engaged in production of chemical substances shall have professional staff with qualifications relevant to the scope, type, and scale of the chemical-related activity along with thorough knowledge about technologies and chemical safety plans and measures.

### Article 33

Organizations or individuals ~~is~~ are encouraged to review manufacturing processes that can produce chemical substances or products involving less green house gases emission, less energy consumption, and minimal hazard and toxicity to the environment and human.

Commented [N60]: deleted "green" per Dian Turnheim

### Article 34

Organization or individuals engaged in production of chemical substances or products shall have proper registration of the substances and manufacturing permits issued by relevant responsible ministry or authority.

### Article 35

In case of production of hazardous chemicals or hazardous chemical products, organization or individual shall provide annual report on manufacturing processes, the amount of hazardous ingredients, intended use, point of delivery, waste disposal and treatment systems, and safety plan and measures to the respective ministries and the Ministry of Environment. The format of reports shall be developed by responsible Ministry in cooperation with the Ministry of Environment.

## Chapter 9 Prevention and Response

#### Article 36

Organizations or individuals shall have the duty to:

- Strictly follow technical specification, labeling and safety instruction defined by each hazardous substance;
- Have prevention and emergency response measures (first aid, evacuation plan, fire elimination equipment) including personal protective equipment for workers at the work place;
- Organize training on safe use and safe handling of hazardous substances, including a safe-drill toward the occurrence of hazard to human health and/or the environment;
- Set up a chemical emergency response.

#### Article #

In case of accidents caused by hazardous chemical substances, organization or individual shall cease immediately the activities in question and immediately inform the relevant authorities and the Ministry of Environment. Adequate action shall be taken according to the prevention and emergency response plan aiming for reducing hazards and damage to human health, environment and the property.

Any organization or individual directly involved in the accident shall immediately inform any local members of the public who may be affected by the accident of the exact risks posed to the public's health and property by the accident and advise the public on measures to mitigate those risks.

Commented [N61]: per N. Sheridan comment May 19

#### Article #

A Hazard Chemical Insurance Mechanism shall be set up by a financing mechanism for prevention, response and compensation of hazards or accidents associated with hazard substances. The regulations and operation of this insurance shall be specified by a Sub-decree.

### Chapter 10 Public Awareness

#### Article #

Organization or individual involved in distribution, sale and use of hazardous chemical substances shall provide all information related to safety data sheets, hazard communication, prevention and mitigation measures to the responsible ministries, the users and the public.

## ~~Title 15~~ TITLE 8 – AIR POLLUTION CONTROL AND MANAGEMENT

- *This chapter will revise and incorporate the Control of Air Pollution and Noise Disturbance 42 ANRK 2000.*

Chapter # - Types of pollution to be covered by this Title: ~~Pollution control~~ issues, including air, ~~water~~, noise, smell, smoke, haze, vibration, light, ozone, ~~radioactivity~~

Chapter # - Polluter Reporting of emissions

ARTICLE #- Increasing compliance with mandatory emitter self-monitoring and reporting of emissions

ARTICLE # - Mandatory reporting for sudden discharges during maintenance or accidents

Chapter # - Regulating emissions from burning agricultural byproducts and promoting alternative uses of organic material

Chapter # - Ensuring Cambodian compliance with the Montreal Protocol on Substances that Deplete the Ozone Layer

**Chapter # - Vehicular emissions/Motor Vehicle**

Article # - Ensuring foreign-manufactured cars meet Cambodian vehicle emissions standards

**Chapter # - Transboundary pollution**

**Chapter # - Haze pollution**

## ~~Title 16~~ **TITLE 9 – ENERGY**

- *This Title will set goals and standards for the development of sustainable energy for Cambodia.*
- *It will detail the mechanism to achieve the rapid development of energy sources in Cambodia such as hydropower, wind energy, solar energy, biogas, geothermal, tidal energy and nuclear energy.*
- *It will also examine the development of oil and gas in a manner that promotes sustainable development and transparency.*

**Chapter # - Sustainable Energy Plan**

ARTICLE # - Procedures for developing a Sustainable Energy Plan

ARTICLE # - Setting targets for percentage of renewable and nonrenewable energy production sources

**Chapter # - Standards and technology for sustainable energy**

ARTICLE # - Standards for approval of proposed hydropower projects

ARTICLE # - Issuing of permits for hydropower projects

ARTICLE # - Standards for management of hydropower projects

ARTICLE # - Standards for approval of proposed wind and solar projects

ARTICLE # - Issuing of permits for wind and solar projects

ARTICLE # - Standards for management of wind and solar projects

ARTICLE # - Promoting the diffusion of sustainable energy technology

Chapter # - Standards and technology for coal-fired power plants

ARTICLE # - Standards for approval of proposed coal-fired power plants

ARTICLE # - Issuing of permits for coal-fired power plants

ARTICLE # - Standards for management of coal-fired power plants

Chapter # - Standards and technology for natural gas-fired power plants

ARTICLE # - Standards for approval of proposed natural gas-fired power plants

ARTICLE # - Issuing of permits for natural gas-fired power plants

ARTICLE # - Standards for management of natural gas-fired power plants

**Chapter # - Provision of clean energy for rural communities**

ARTICLE # - Extending the energy grid

~~Chapter # - Definition of sustainable energy sources~~

~~Chapter # - Promotion of sustainable energy~~

~~Chapter # - Development of micro and mini-grid systems~~

~~Title 17~~ **TITLE 10** – EXTRACTIVE INDUSTRIES

- *This Title will examine the Laws relating to Mining in the provision of sustainable economic benefits to Cambodia.*
- *This will link to the Title on EIA, to promote efficient and effective extractive industry development in Cambodia.*

**Chapter # - Extractive Industries Transparency Initiative (EITI) requirements and standards**

**Chapter # - Adoption of best practice in extractive industry**

**Chapter # - Financial and economic arrangements to ensure proper site management**

**Chapter # - Provisions for closure and remediation and restoration of extractive industry sites**

**Chapter # - Licensing and permitting system following EIA approval**

**Chapter # - Sand mining**

**Chapter # - Rock and aggregate mining**

**Chapter # - Minerals**

**Chapter # - Metal mining**

**Chapter # - Oil and Gas**

**Chapter # - Rehabilitation and closure plans**

Commented [BR62]: Per R. Deau

**Chapter # - Financing remediation and restoration for extractive industry**

**ARTICLE # - Establishment of a Superfund**

**Title 11 – SUSTAINABLE CITIES**

- *This Title will require that land use planning and management for urban areas be conducted to promote sustainable and resilient cities.*
- *It will ensure that planning takes into account long-term impacts on urban areas, including climate change, energy, water, population and economic development.*
- *It will also examine the management of trees along public roads and the development of people and nature friendly cities, including the promotion of renewable energy in urban areas.*
- *Establishment of special institution to promote capacity building and technical education on sustainable cities*

Commented [BR63]: Per Andeol Cadin comment

**Chapter # - Development of sustainable urban centers**

**Chapter # - Making a sustainable city plan**

**ARTICLE # - Measuring progress towards sustainability**

**Chapter # - Establishment of recycling plans for urban areas**

**Chapter # - Promoting energy efficiency**

**Chapter # - Setting of energy efficiency standards**

**Chapter # - Setting of standards for green buildings**

**Chapter # - Interim adoption of international standards**

**Chapter # - Creation of sustainable and better housing**

**ARTICLE # - Identifying and remedying threats to human and environmental health in existing housing stock**

ARTICLE # - implementing an environmentally sound, sustainable and affordable social housing programme

Chapter # - Open space, public parks and green spaces

Chapter # - Ensuring climate resilience in urban areas

~~Title 19~~ **TITLE 12 – SUSTAINABLE TOURISM AND ECO-TOURISM**

- *This Title will create a framework for encouraging appropriate eco-tourism activities in Cambodia.*
- *Eco-tourism activities include small scale, community based tourism opportunities.*
- *This Title will also create a framework to promote sustainable tourism in general, including larger scale tourism with reduced environmental impact.*

**Chapter # - Promotion of ecotourism and sustainable tourism as development priorities**

**Chapter # - Designation of special ecotourism areas**

ARTICLE # - Ecotourism in protected areas or wildlife reserves

ARTICLE # - Zoning for ecotourism

**Chapter # - Financial incentives for ecotourism operations**

**Chapter # - Ecotourism operational standards (community guidelines, community management, community fund, etc.)**

ARTICLE # - Standards for ecotourism benefits to the local economy

ARTICLE # - Protecting cultural heritage

ARTICLE # - Independent Certification of Ecotourism

Commented [N64]: per J Fox-Przeworski

**Chapter # - Marketing and promotion of ecotourism**

ARTICLE # - Regulating false claims in ecotourism



Chapter # - ~~Greening mass~~Sustainable tourism: developing standards, guidelines, and application for the general tourism sector

ARTICLE # - Independent certification for sustainable tourism

Commented [N65]: per J Fox-Przeworski

Chapter # - Code of Conduct for eco-tourism development

~~Title 20~~TITLE 13 – SUSTAINABLE FORESTRY

- *As part of the planning framework, this Title will allow for the designation of areas with specific legal status and protection to allow for sustainable timber management.*

Chapter # - Establishment of a sustainable forestry sector; objectives and limitations of sustainable timber management

Chapter # - Development of sustainable forestry management plans

Chapter # - Prohibition of the cutting, removal, transport, export and use of timber without a permit granted in accordance with the Code

Chapter # - Assessment of applications for permits to harvest timber or export of timber

Chapter # - Prohibition of removal of timber on Economic Land Concessions without ~~a~~the proper permit

Chapter # - Permit to cut or remove timber only to be granted following environmental assessment of the activity

Chapter # - Sustainable harvesting of timber, fuel wood and non-timber forest products in Forest Production Zones; including international certification mechanisms

Commented [BR66]: Per Andeol Cadin

Chapter # - Sustainable harvesting of timber, fuel wood and non-timber forest products from Community Forests, Community ~~Zones~~Co-management Areas and Indigenous Communal Titled Lands

Chapter # - Government and citizen roles in monitoring and oversight of sustainable timber management operations

Chapter # - Restoration of damaged habitat or ecosystems

## ~~Title 24~~ **TITLE 14** – SUSTAINABLE **MARINE** FISHERIES

- *As part of the planning framework, this Title will allow for the designation of areas with specific legal status and protection to allow for sustainable marine fisheries management.*
- *This title will also ~~Consider a relevant certification system~~ establish responsibilities of the relevant ministry to issue licenses, receive data on marine fishery landings, regulate fishing gear and other aspects of marine fishing.*

Commented [BR67]: Per Andeol Cadin

### **Chapter 1 - General Provisions**

The Kingdom of Cambodia claims and will exercise sovereign rights and exclusive fishery management authority over all fish and other marine fishery resources within its Exclusive Economic Zone.

The appropriate ministry shall have the authority to oversee, regulate and enforce laws relating to all types of fishing, both commercial and non-commercial, for marine fishery resources in the Exclusive Economic Zone of the Kingdom of Cambodia, including intertidal zones, also referred to collectively as the Marine Fishery Domain.

The conservation and management measures undertaken by the appropriate ministry shall be based on the best scientific evidence, and shall prevent overfishing while achieving on a continuing basis the optimum yield for any given fishery stock or stock complex. To the extent possible, individual fishery stocks shall be managed as a single unit throughout their entire range in the Marine Fishery Domain of Cambodia, rather than as individual stocks within individual provinces.

### **Chapter 2 - Marine Fisheries Mandates**

Pursuant to this authority, the appropriate ministry shall:

1) Require a license for all fishing activities in the Marine Fishery Domain, consistent with Article 32 of the Law on Fisheries, NS/RKM/506/11. This license shall include an annual fee in order to help support the fishery research and management activities of the appropriate ministry. The amount of the annual fee shall be determined by the appropriate ministry. Fishing without obtaining such a license shall result in a notice of violation and fine.

2) Require that all motorized fishing vessels with motors greater than 5 horsepower, if used in whole or in part for fishing purposes in the Marine Fishery Domain, be registered with the appropriate ministry. This registration shall include an annual fee. The amount of the annual fee shall be determined by the appropriate ministry. Failure to register such a vessel shall result in a notice of violation and fine. For vessels operating in the Marine

Fishery Domain, this provision shall replace the registration requirement in Article 33 of the Law on Fisheries, NS/RKM/506/11.

3) Require that data on marine fishery landings be collected from all entities or individuals who purchase marine fishery resources harvested in the Marine Fishery Domain. This data collection shall take the form of a monthly report to the appropriate ministry detailing the individual types of marine fishery resources purchased (preferably identified to the level of species), the number of pieces of each type purchased, the total pounds of each type purchased, the sources from which the fishery resources were purchased, including those sources' license numbers, and the port or ports of landing for each type of purchase. This report shall be filed on a form provided by the appropriate ministry. Failure to file this report within 30 days of the end of each month shall result in a notice of violation and fine of not less than US\$100. Failure to file such a report for three consecutive months shall result in a notice of violation and fine of not less than US\$500. Failure to file such a report for more than three months shall result in a notice of violation and revocation of the company's or individual's business license. For the Marine Fishery Domain, this provision shall replace the daily logbook requirement in Articles 34 and 45 of the Law on Fisheries, NS/RKM/506/11, with Article 45 being hereby repealed.

4) Issue an updated and revised list of all fishing gear types prohibited for sale, possession, or use in the Marine Fishery Domain, consistent with gears already banned as per Articles 20 and 21 of the Law on Fisheries, NS/RKM/506/11. In addition to the banned gears already listed in Articles 20 and 21, use of trawl gears and take of fish by spear while using SCUBA shall both also be prohibited in the Marine Fishery Domain. Any types of fishing gear not included on the prohibited list produced by the appropriate ministry shall be presumed to be allowed unless specifically designated otherwise.

5) In cooperation with the Ministry of Foreign Affairs, establish a system by which foreign fishing vessels may purchase fishing rights to harvest marine resources in the Exclusive Economic Zone of the Kingdom of Cambodia. The amount of the annual fee for obtaining such fishing rights shall be determined by the appropriate ministry. Continued retention of such fishing rights by any foreign fishing vessel shall be contingent upon the maintenance of a daily logbook detailing the number of daily gear sets, and the weight and type of daily catch, with the logbook open to examination by the appropriate ministry upon request; and the filing of a monthly catch report with the appropriate ministry detailing the individual types of marine fishery resources harvested (preferably identified to the level of species), the number of the total pounds of each type harvested, and the port or ports of landing for the catch. Foreign fishing vessels purchasing fishing rights in the EEZ of the Kingdom of Cambodia must also comply with the following terms and conditions:

(a) The owner and operator of any foreign fishing vessel will abide by all laws of the Kingdom of Cambodia;

(b) Any officer authorized to enforce the laws of the Kingdom of Cambodia shall be permitted to board, search and inspect any foreign fishing vessel at any time, and to make arrests, and seizures whenever such officer has reasonable cause to believe, as a result of such search or inspection, that the vessel or any person upon it has violated the laws of the Kingdom of Cambodia;

(c) The owner or operator of the foreign fishing vessel shall not, in any year, harvest an amount of fish or other marine life which exceeds any limits on harvest that may be set by the appropriate ministry of the Kingdom of Cambodia.

6) Designate and delineate marine zones in which various types of fishing activities are allowed, specially managed, or banned. Such zoning shall include a coastal waters zone extending from the shoreline to 5 km offshore, which shall supersede the definition of a nearshore zone extending from the shoreline to 20 m depth. Community Fishing Areas may be established within this nearshore zone, consistent with the Subdecree on Community Fisheries Management. Such zoning shall also include an exclusion zone in the inshore waters of the Marine Fishery Domain for vessels using large-scale fishing gears as defined in Article 31 of the Law on Fisheries, NS/RKM/506/11, such that gears of this type may not be used in areas lying within 25 km of the shoreline. Such an exclusion zone shall also apply uniformly to foreign fishing vessels of any size which have purchased annual fishing rights in the Exclusive Economic Zone of the Kingdom of Cambodia.

7) In relation to highly migratory fishery stocks, cooperate directly or through appropriate international organizations, such as the South East Asian Fisheries Development Centre, with those nations involved in fisheries harvesting such species with a view to ensuring conservation and to promote the achievement of optimum sustainable yield of such species throughout their ranges, both with and beyond the EEZ of the Kingdom of Cambodia.

8) Issue an updated and revised list of all activities prohibited in the Marine Fishery Domain, consistent with activities already prohibited as per Article 52 of the Law on Fisheries, NS/RKM/506/11. In addition to the prohibited activities already listed in Article 52, the harvest and landing of sharks or shark products (such as shark fins), as well as the harvest and landing of sea turtles or sea turtle products (such as shells or portions thereof) shall be specifically prohibited.

9) Issue an updated and revised list of all activities that may be undertaken in the Marine Fishery Domain under a permit from the appropriate ministry, consistent with those listed in Article 23 of the Law on Fisheries, NS/RKM/506/11.

10) Ensure that fishery management in the Marine Fishery Domain is based upon the best available scientific information, and undertake fishery research that adds to this base of scientific knowledge.

11) Undertake a programme to produce updated maps of the distributions of species harvested and the location and extent of key marine fishery resources in the Marine Fishery Domain, with special reference to coral reefs, seagrass beds, and mangroves.

12) Monitor and issue an annual summary of changes to marine fishery resources, with special reference to coral reefs, seagrass beds, and mangroves, and analysing links to climate change and other driving factors.

13) Regulate aquaculture in the Marine Fishery Domain consistent with the provisions in Articles 53-58 of the Law on Fisheries, NS/RKM/506/11.

14) Regulate the landing, transport, and international trans-shipment of marine fishery resources harvested in the Exclusive Economic Zone of the Kingdom of Cambodia, consistent with the provisions in Articles 64-69 of the Law on Fisheries, NS/RKM/506/11.

15) Regulate the import into Cambodia of marine fishery resources harvested in the waters of a foreign nation, and require importers to certify that such resources have been harvested in accordance with the fishery laws prevailing in their countries of origin.

16) Undertake measures to combat illegal, unreported, and unregulated fishing, including market-based measures to prevent the trade or importation of fish or other marine life caught by vessels identified as having engaged in such unauthorized fishing;

17) Develop a National Fishery Management Plan as per Article 15 of the Law on Fisheries, NS/RKM/506/11. This plan shall be reviewed and amended as necessary every 5 years.

18) Undertake enforcement actions against those entities or individuals who violate fishery laws in the Marine Fishery Domain, as per Articles 72-85 of the Law on Fisheries, NS/RKM/506/11.

19) Assess penalties against those entities or individuals found guilty of violating fishery laws in the Marine Fishery Domain, as per Articles 86-107 of the Law on Fisheries, NS/RKM/506/11.

### **Chapter 3- Marine Fisheries Discretionary Authorities**

Pursuant to this authority, the appropriate ministry may at its sole discretion:

1) Utilize the following conservation and management measures in order to ensure sustainability of marine fishery resources in the Marine Fishery Domain, depending on which method is most appropriate to the species and circumstances involved:

(a) Set daily individual fisher bag limits for any species of marine life, or for the combined catch from any stock complex consisting of multiple species;

(b) Set minimum or maximum size limits for any species of marine life, below or above which harvest is not permitted;

(c) Set a total allowable catch for any given species of fish or marine life, or for any defined fishery stock or stock complex, during the course of a year, or any other period of time;

(d) Create limited entry systems in relation to a harvest of any particular marine fishery resource, stock or stock complex, or in relation to a particular geographic area;

(e) Allocate non-transferable individual fishing quotas over a given period of time for any particular marine fishery resource, stock or stock complex;

(f) Implement seasonal closures for any particular marine fishery resource, stock or stock complex, or in relation to a particular geographic area;

(g) Implement permanent or temporary area closures for the harvest of any particular marine fishery resource, stock or stock complex, or in relation to a particular geographic area;

(h) Implement restrictions on the type, size and amount of gear used to harvest any particular marine fishery resource, or their use in any particular geographic area.

2) Implement spatially-based management by designating various types of Marine Managed Areas in the Marine Fishery Domain, including:

(a) Marine National Park (MNP) – Such areas shall fall under strict protected status, with all entry and activities controlled by a permit from the appropriate ministry. Such areas may be established consistent with the Protected Areas Law, NS/RKM/0208/007, and with Article 19 of the Law on Fisheries, NS/RKM/506/11, such that no fishing of any type shall be allowed, no entry for navigation shall be allowed without a permit except by the appropriate ministry's enforcement agents or within strictly defined transit corridors, and no new settlements shall be allowed within 2 km of the boundaries of such areas. Such MNP areas may have subzones, including those established for non-commercial community subsistence fishing purposes consistent with the Subdecree on Community Fisheries Management.

(b) Marine Life Conservation Area (MLCA) – Such areas may be established consistent with Articles 18, 19 and 26-29 of the Law on Fisheries, NS/RKM/506/11, and shall be used to protect marine resources of particular importance to fishery recruitment, including but not limited to mangrove, seagrass and coral reef. Fishing may be prohibited in such areas, whereas freedom of navigation is allowed. Day entry for non-extractive tourism purposes shall be

allowed under permit from the appropriate ministry. Such MLCA areas shall not contain subzones, except for those established for non-commercial community subsistence fishing purposes consistent with the Subdecree on Community Fisheries Management.

(c) Fishery Management Area (FMA) – Such areas shall be used to implement management measures for designated fishery stocks or stock complexes. Fishing shall be allowed, although there may be harvest restrictions or prohibition of take imposed for certain species in need of special management to ensure long-term sustainability. Freedom of navigation shall be allowed. Day entry for non-extractive tourism purposes shall be allowed under permit from the appropriate ministry. Such MLCA areas shall not contain subzones, except for those established for non-commercial community subsistence fishing purposes consistent with the Subdecree on Community Fisheries Management.

3) Implement community-based sub-zoning, for non-commercial subsistence fishery purposes only, within Marine Reserves or Marine Life Conservation Areas as described above. Such community-based subzones shall have restrictions on the types of fishing gears allowed for use. Such gear restrictions shall be determined by the appropriate ministry, which may restrict allowable gear types to pole-and-line, handline, cast net, and fish traps.

4) Set limits on the number, size and type of vessels that may participate in any given fishery, or that may enter designated marine zones or marine managed areas, so as to adequately control fishing effort and ensure sustainability of harvest for any given stock or stock complex.

5) Based on the best available scientific information, create Fishery Management Plans for individual fisheries. Such plans shall be deemed sufficient to justify any management measures applied within any given fishery, and should contain at a minimum:

(a) A description of the fishery in question, including the number of vessels involved, the type of quantity of fishing gear used, the species of marine life harvested, and the geographic extent of the fishery;

(b) An estimate of optimum sustainable yield from the fishery and its probable future condition, including a summary of the information used in making this determination;

(c) A description of the conservation and management measures that can be best applied to the fishery to prevent overfishing while achieving, on a continuing basis, the estimated optimum yield.

6) Enact measures to limit fishery bycatch of non-target species such as seabirds, marine mammals and sea turtles.

7) Create special licensing, vessel registration and catch reporting provisions for sport charter fishing vessels, with daily limits on catch of individual species, and daily special license fees for fishers. Such fees may be set higher at higher levels for citizens of foreign countries in comparison to those changed to citizens of the Kingdom of Cambodia.

8) Issue permits for marine fisheries research, and for the collection and export of specimens related to such research.

**Chapter # - aquaculture**

**Chapter # - Tenure of fisheries**

**Chapter # - Identification of aquatic organisms**

**Chapter # - Community fisheries**

**Chapter # - Prohibition of export of fish or aquatic organisms without a permit**

**Chapter # - Permit to export fish or aquatic organisms only to be granted if sustainable**

**Chapter # - ~~Government and~~ Citizen roles in monitoring and oversight of sustainable fisheries management operations**

**Chapter # - Restoration of damaged fisheries habitat or aquatic ecosystems**

**~~Chapter # - Management of activities that impact on fisheries and aquatic ecosystems~~**

**~~Chapter # - Establishment of freshwater fisheries reserves~~**

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**TITLE 15 – SUSTAINABLE FRESHWATER FISHERIES AND  
AQUACULTURE**

- As part of the planning framework, this Title will allow for the designation of areas with specific legal status and protection to allow for sustainable freshwater fisheries management.*
- This title will also establish responsibilities of the relevant ministry to issue licenses, receive data on freshwater fishery landings, and regulate all aspects of freshwater fisheries and aquaculture.*



Chapter # - Establishment of a sustainable fisheries industry

Chapter # - Provision for capture fisheries and aquaculture and fisheries protection areas

Chapter # - Protection of fisheries and aquatic ecosystems

Chapter # - Tenure of fisheries and aquaculture operations

Chapter # - Identification of aquatic organisms

Chapter # - Prohibition on commercial fishing that is not sustainable

Chapter # - Assessment of applications for commercial fishing

Chapter # - Community fisheries

Chapter # - Prohibition of export of fish or aquatic organisms without a permit

Chapter # - Permit to export fish or aquatic organisms only to be granted if sustainable

Chapter # - Sustainable management of fisheries and fish breeding areas

Chapter # - Government and citizen roles in monitoring and oversight of sustainable fisheries management operations

Chapter # - Restoration of damaged fisheries habitats or aquatic ecosystems

Chapter # - Management of activities that impact fisheries and aquatic ecosystems

Chapter # - Establishment of freshwater fisheries reserves

Chapter # - Establishing regulations for aquaculture operations including permitting, monitoring and enforcement

Commented [N68]: New

~~Title 22~~ TITLE 16 – LAND MANAGEMENT

- *This Title will review the role and functions of Economic Land Concessions and the implementation of projects using on ELCs.*
- *This title will also include selected revisions of the current Cambodian Land Management Framework.*
- *This title will establish a framework for soil protection and management*

**Chapter # - Procedures for granting, monitoring and terminating ELCs**

**Chapter # - Management of ELCs, including management plans, transparency, and relation to sustainable timber production and biodiversity restoration**

**Chapter # – revisions of the current Cambodian Land Management Framework.**

ARTICLE # - Reviewing land cadastral system and making changes as needed (considering problems of transference of title, mistaken title, etc.).

ARTICLE # - Procedures for expedited land titling.

ARTICLE # - Increasing land security among the poor, including streamlining and clarification of indigenous peoples' communal land rights and possession rights.

ARTICLE # - Consistent land tenure approaches for Community Protected Areas, Community Forests and Co-management areas.

ARTICLE # - formalizing and regulating informal settlements

**Commented [BR69]:** Perhaps include in Land Management Book

**TITLE 17 – SOIL PROTECTION AND MANAGEMENT**

- This Title will set out the procedures for developing a national policy of soil protection and management.
- It will include provisions on the use of fertilizers, pesticides, herbicides and other agricultural chemicals.
- It will also include provisions to create a programme to monitor soil health.

**~~Book 3~~ BOOK 4— Education, Enforcement and Awareness**

## **TITLE 1 – ENVIRONMENTAL INCENTIVES, FEES AND CHARGES**

- *This Title will set out the mechanism by which the responsible Ministries will be able to charge for fees and services.*
- *This Title will include clear provisions to ensure that all fees and charges that are levied and received and all economic instruments that are established such as environmental funds will be managed in accordance with international standards on accountability and transparency.*
- *A submission has been received that highlights that Cambodia does not have a Trust Fund Law that would assist in developing funding arrangements to finance the protection of protected areas and protected forests. Consideration should be giving to enable Trusts to be created.*

**Chapter # - Fees payable for services provided by Ministry**

**Chapter # - Auditing of funds**

**Chapter # - Environmental taxation**

**Chapter # - Economic incentives for green investment**

**Chapter # - Special incentives for public/private partnerships**

**Chapter# - Financial incentives and taxation measures to promote green urban infrastructure**

**Chapter # - Financial incentives and taxation measures to promote eco-tourism and sustainable tourism**

**Chapter # - Financial incentives and taxation measures to reduce deforestation, and promote natural resource conservation and biodiversity**

**Chapter # - Financial incentives and taxation measures to promote community resource management**

**Chapter # - Financial incentives and taxation measures to promote sustainable low carbon energy production**

**Chapter # - Financial incentives and taxation measures to promote sustainable forestry**

**Chapter # - Financial incentives and taxation measures to promote sustainable fisheries**

**Chapter # - Establishment of the Environment, Conservation and Social Development Fund; goals of the Fund**

**Chapter # - Sources of revenue to the Environment, Conservation and Social Development Fund**

**Chapter # - Transparency and governance procedures for the Environment, Conservation and Social Development Fund**

**Chapter # - Criteria for grant-making and disbursement from the Environment, Conservation and Social Development Fund**

**Chapter # - Green financing**

**ARTICLE # - Incentives to switch to more efficient consumer appliances and the phasing out of inefficient devices**

**Chapter # - Eco-labeling**

**ARTICLE # - Financing for eco-labeling**

**ARTICLE # - Independent Certification for eco-labeling of products and services**

Commented [N70]: per J Fox Przeworski

**Chapter # - Environmental liability mechanisms for payments by polluters/environmental damage (e.g. bond, environment and social fund)**

**Chapter # - Community initiative funds**

**Chapter # - Valuation of Ecosystems services**

**ARTICLE # - Scope and procedures for valuation of ecosystem services, including natural capital assessment**

**ARTICLE # - Payment for ecosystem services**

**ARTICLE # - Requiring appropriate compensation for loss of ecosystem services**

## TITLE 2 – ENVIRONMENTAL PUBLIC AWARENESS AND ENVIRONMENTAL EDUCATION

- *This Title will detail plans for the promotion of public awareness on environmental protection and environmental issues using mass communication means, including cinemas, the internet and advertising.*
- *It will establish an Environmental Information Initiative to educate the public and the private sector on environmental obligations and environmental issues.*

### Chapter # - Promotion of environmental awareness in schools

and

### ~~Chapter # - Promotion of environmental awareness in universities~~

### Chapter # - Promotion of investor and developer awareness and understanding of environmental laws and procedures for Environmental Impact Assessment

### Chapter # - Promotion of environmental awareness to the public

### ARTICLE # - Respecting and drawing on indigenous and local environmental knowledge and values.

### ARTICLE # - Requirement to promote environmental awareness in cinemas and mass media

### ARTICLE # - Support for environmental awareness campaigns

### ARTICLE # - Promotion of World Environment Day

### ARTICLE # - Promoting awareness of waste-disposal and recycling programmes

Commented [N71]: per STWG2

### Chapter # - Establishment of Environmental Education Committee

### Chapter # - Development of environmental education materials and training Specialized vocational training programprogrammes?

Commented [BR72]: R. Deau

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### ~~Chapter # - Promotion of environmental awareness to the public~~

### ~~Chapter # - Requirement to promote environmental awareness in cinemas and mass media~~

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~~Chapter # – Support for environmental awareness campaigns~~

~~Chapter # – Promotion of World Environment Day~~

Chapter # - Promotion of special environmental ~~program~~programmes

### **TITLE 3 – ENVIRONMENTAL AND NATURAL RESOURCES STUDY AND RESEARCH**

- *This Title will provide details on the promotion of research on environmental and natural resource management issues.*
- *It will promote research and development for innovative practices to protect and manage the environment and natural resources.*

Chapter # - Establishment of environmental research institutes

Chapter # - Provision of scholarships for environmental studies

Chapter # - Promoting of environmental research at universities

Chapter # - Establishment of Center of Excellence in Natural Resource  
Management and Sustainable Development

Chapter # - Funding of environmental research

Chapter # - Partnerships and exchange programmes with other countries’  
institutions

Commented [N73]: Per J Fox-Przeworski

### **TITLE 4 – INVESTIGATION, ENFORCEMENT AND ACCESS TO REMEDIES**

- *This Title will deal with the powers of the relevant Ministries to investigate the environmental offences outlined in Book 4 Title 5.*
- *It will make provision to allow for citizens and organizations to follow dispute resolutions procedures and bring proceedings to the relevant review body. These provisions will also identify mechanisms for citizens and organizations to bring general complaints and other proceedings.*

- *This Title will also examine the use of relevant dispute resolution procedures and grievance mechanisms, including Environmental Courts and Tribunals (ECTs), to deal with environmental and natural resources development decisions. This Title will examine options for the Ministry of Environment to establish an Environmental Tribunal to reexamine environment and natural resource management decisions made under the Environmental Code.*
- *This Title will also look at other options such as administrative tribunals and an Environmental Commissioner, to review problems and concerns relating to environmental and natural resources decisions. These would be established to be accessible to the community and open and transparent.*
- *For example, one matter would be the use of municipal planning tribunals to resolve conflict between planning and land use decisions in the urban context.*

## **Chapter # - Environmental complaints**

### **Section 1 Parties of Environmental Complaint**

- | Article #: ~~Directed~~ Directly Affected Parties  
Article #: Participation of Relevant NGOs in Environmental Complaint  
Article #: The Governmental authorities in the Environmental Complaint

### **Section 2 Type of Environmental Complaint**

- Article #: Civil Complaints  
Article #: Criminal Complaint  
Article #: Complaint Against Administrative Decision of the Government or Governmental Authorities  
Article #: Relation of Civil and Criminal Complaint

## **Chapter # - Procedures for resolution of environmental complaints**

### **Section 1 General Provision**

- | Article#: Objective  
Article #: Scope of Code Application  
Article #: General Principle  
Article #: Type of Environmental Dispute Resolution

**Article #: Establishing Enforcement Priorities**

Commented [N74]: per J Fox-Przeworski

**Section 2 Out of Court Resolution of Environmental Dispute**

Article #: Objective

Article #: Appointment of Mediator/Arbitrator

Article #: Obligation of Government to Create the Environmental Arbitration Institute

Article #: Appeal to the Decision of Arbitrator to the Court

**Section 3 Resolution of Environmental Dispute through the Court**

Article #: Rights of Affected Parties

Article #: Obligation of Government to Create the Environmental Court Attach to Lower Court and higher Court

Article #: Decision of Court

Article #: Appeal to Decision of Lower Court to Higher Court

**Section 4 Complaint Against to Decision of Administration of Governmental Authorities**

Article #: Right of Affected Natural Person/Legal Entities

Article #: Time Limitation of Issuance of Decision on the Complaint

Article #: Appeal to Decision of Higher Administration Institute

**Chapter # - Judicial police officers**

Article #: Component of Judicial Police Officers

Article #: Role and Obligation of Judicial Police Officers

Article #: Procedure of Qualification of Judicial Police Officers

Article #: Territory of Judicial Police Officers

Article #: Investigation of Environmental Crime of Judicial Police Officers

Article #: Obligation of Relevant Authorities in Co-Operation to Environmental Crime Investigation

Article #: Procedure of Environmental Complaint Compilation

Article #: Uniform Consumption in Environmental Complaint Investigation

**Chapter # Establishment of Royal Academy of Ranger Professionals**

Commented [BR75]: Per comment from Meas Sophal

**Chapter # Establishment of Environmental and Natural Resources Court or Tribunal (ECT)**



**Chapter # - Establishment of Environment Commissioner**

**Chapter # - Role of the Environment Commissioner**

**Chapter # - Monitoring, compliance and enforcement rights of citizens**

**ARTICLE # - Establishment of enforcement rights for citizens and civil society organisations.**

**ARTICLE # - Types of citizen enforcement – for private action and public inaction**

**ARTICLE # - Protections for those taking citizen enforcement action**

**ARTICLE # - Remedies available as an outcome of a citizen enforcement action**

**Chapter # - All Citizens may bring complaints before the ECT for breaches of the Environmental Code**

**Chapter # - Rights of review of environmental and natural resources decisions**

**Chapter # - NGOs may assist citizens and communities to bring matters to the ECT**

**Chapter # - Obligation of ECT to hear and determine matters quickly and fairly**

**TITLE 5 – ENVIRONMENTAL OFFENCES AND REMEDIES**

- *This Title will outline the Environmental Offences that will be subject to possible action under the Civil Code or Criminal Code.*
- *It will provide an outline for determining which breaches of the Code should be subject to criminal prosecution.*
- *The Title will identify specific offences and failures to comply with relevant provisions of the Code.*
- *This will provide relevant information about compensation and restoration orders, if a breach of the Code has led to environmental harm or harm to human health.*

- *It will provide options for penalties from fines to imprisonment and remediation orders. It will be based on the work done on the draft EIA Law.*

**Chapter # - Breach of any provision of the Environmental Code**

**Chapter # - Environmental Impact Assessment offenses**

**Chapter # - Penalty provisions**

**Chapter # - Orders for compensation**

**Chapter # - Restitution and restoration of environmental damage**

**Chapter # - Air pollution offenses**

**Chapter # - Water pollution offense**

**Chapter # - Waste offenses**

**Chapter # - Contamination offenses**

**Chapter # - Application of Criminal Code to environmental offenses**

**Chapter # - Application of civil penalties for environmental offenses**

**Chapter # - Table of penalties for offenses**

**Book 4BOOK 5— Transitional Provisions**

- *This Book will provide details of the transitional provisions required to allow the Code to become effective in the shortest period of time.*
- *It will provide details of how existing protected areas and relevant reserves will be maintained, based on the principles of the Environmental Code, until they have been reviewed and assessed in accordance with the provisions of the Code.*
- *The development of the Environmental Code should not be used to allow continued environmental destruction during the period that new management plans are being developed.*

- *This Book will provide details of the laws and sub-decrees that will be repealed.*
- *This Book will clarify how the Environmental Code will amend the various existing natural resources laws and laws relating to environmental protection and natural resource management.*

## **~~Book 5~~BOOK 6— Final Provisions**