“Addressing Domestic and Transboundary Environmental Issues”
At the 5th ASEAN Chief Justices Roundtable
05 December 2015, Siem Reap, Cambodia

My respect to:
- Excellency Chief Justices of ASEAN Member States
- Excellency Vice-Presidents, Justices and high representatives of Supreme Courts of ASEAN Member States
- Mr. Christopher Stevens, General Counsel of the Asia Development Bank and colleagues
- Excellencies, Lok-Chum Teav, Ladies and Gentlemen!

Today, I have the great pleasure and honor to attend the ASEAN Chief Justices’ Roundtable with a view to sharing with you experiences in addressing domestic and transboundary environmental issues in Cambodia’s judiciary.

I would like to highlight that the Kingdom of Cambodia has been confronting some environmental issues. The domestic environment challenges include climate change, timber trafficking, loss of biodiversity, illegal trafficking of wildlife, illegal fishing, maritime and fresh water contamination, air pollution, and illegal mining. The transboundary environment aspect are, inter alia, transportation of timbers, logging, transnational timber trade, wildlife trafficking, and illegal transnational mining.

In its effort to address these common challenges, the Kingdom of Cambodia has passed many pieces of legislation, as mentioned yesterday by Justice Kong Darachhat and Justice Khiev Sokha. Those laws constituted legal instruments for the judiciary to deal with criminal offenses and disputes
in environmental cases. Cambodian judiciary is now waiting for two new legal instruments, Environmental code and Law on Environmental Impact Assessment, to improve the effectiveness in tackling national and transnational environmental issues.

Cambodia’s judiciary has actively worked and overcome many difficulties to address these challenges in many aspects as follows:

1. Promote capacity building, quality and judicial ethics to respond to the task in their respective jurisdictions.

2. Collaborate to strengthen the performance of judicial police officers based on their specialization through collective meetings or dissemination workshops with regard to challenges as well as roles, duties and procedures of prevention, suppression and submission of the case to courts. Since most of the environmental cases deal with the procedure of flagrant offenses, judicial police officers must possess high qualification and good cooperation with prosecutors in order for the courts to fulfill their duty effectively. Without expertise and good cooperation, the courts cannot solve these problems.

3. Article 128 (new) of the Constitution entitles the judiciary to consider all legal cases including administrative ones. Therefore, environmental cases, whether criminal, civil or administrative, shall be heard in one single tribunal only. But in civil and administrative matters, the case will be handled outside the court beforehand. Since the court’s proceeding is lengthier, a complaint will be filed with the court only if the victim is not satisfied with the result of extra-judicial dispute resolution. Reports have shown that Cambodian judiciary has received 4,397 environmental cases from January 2014 to September 2015. 1,646 of them were already handled and 2,751 cases are being handled. Those environmental cases encompass illegal loggings, illegal trafficking of timbers, illegal trafficking of wildlife, illegal fishing, illegal timber transportation and trade, and illegal trafficking of endangered wildlife species. On 13 February 2013, the Cambodia’s Supreme Court decided an important environmental case involving offenses taking place in an environmental preservation zone located in Ratanakiri Province of Cambodia from 2003 to 2004. The Supreme Court upheld the conviction to imprisonment and fines and maintained lower court’s decision to order compensation of 15 million US Dollars. These crimes were committed by 15 offenders including provincial
governor, provincial police commissioner, provincial military commander, environment rangers and their respective subordinates. The compensation of 15 million US Dollars was ordered, based on the evaluation made by 10 experts assigned by investigating judge. However, this amount is not sufficient to cover all damages and restoration due to limited capacity of our experts. Cambodia’s judiciary has also handled cases of ivory, transported from Angola, trafficking through Siem Reap International Airport, Phnom Penh International Airport and Preah Sihanouk Port.

4. Prevent, suppress and punish transnational crimes, which involve loggings in the bordering countries as well as illegal timber trade. In order to tackle this problem, Cambodia’s Supreme Court endorsed Joint Statements of Court Conferences between Border Provinces of Cambodia, Laos and Vietnam on cooperation in fighting against criminal offenses and exchange trial experiences, which were held in Nha Trang (2010), in Siem Reap (2012) and in Vientiane (2014) respectively. Furthermore, the Kingdom of Cambodia has signed extradition treaties with the Kingdom of Thailand, Socialist Republic of Vietnam, and People’s Democratic Republic of Laos.

5. Although there have been suppression, prosecution and punishment in many cases, we still cannot eliminate all environmental offenses because some judicial police officers have not been working properly. The court has, in several occasions, collaborated with anti-corruption unit to investigate, prosecute and sentence those officers, resulting in the decreased number of crimes.

I would like to take this opportunity to request the assistance of Chief Justices of ASEAN member states to continue further enhancing and expanding cooperation in addressing this common challenge through experience-sharing, provision of technical assistance, and trainings of judges and prosecutors in the fields of environment and transnational crimes suppression.

I thank for your kind attention!