Session 2: Environmental Governance in Cambodia and Overview of Main Environmental Laws in Cambodia

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Costal Tourism Area

Environment of Cambodia

Tonle Sap Lake

Cultural Tourism Area

Cultural Tourism Area

Cultural Tourism Area

Phnom Penh City

Eco-tourism Area

Dolphin Habitat

Cultural Tourism Area

Cultural Tourism Area

Costal Tourism Area

Cultural Tourism Area
Environmental Law in Cambodia

- Energy
- AIR
- LAND
- Forests
- Animals
- WATER
- Indigenous People
- Coastal Zone
- Economic Land Concessions
- Mining
- EIA and Project Assessment
- Fisheries
- Culture and Heritage
- Minerals
Sustainable Development

Legal framework for environmental governance

1. Constitution 1993
2. International Law and Treaties
3. Law on Environmental Protection & NRM, Protected Area Law, Forest Law, Fishery Law, Land Law, Water Law, Mining Law, Economic Land Concessions
4. Sub-decrees (Anukret) on EIA Process, Water Pollution Control, Solid Waste Management, Air Pollution, Mineral Resources etc.
6. Order or decision of provincial authorities.
• Cambodia has a number of international treaties e.g. UNFCCC, 1996, Biodiversity Convention; Kyoto Protocol, 2002, Mekong River Agreement, 1995

• Constitution of Cambodia 1993;
• Law on Environmental Protection and Natural Resources Management, 1996
• Law on Protection of Cultural Heritage, 1996
• Law on Land Management, Urban Planning and Construction 1994
• Law on Protected Area Management, 2008; Law on Biosafety, 2008

• Sub-decree (No: 27) on Water Pollution Control, 1999
• Sub-decree (No: 36) on Solid Waste Management, 1999
• Sub-decree (No: 42) on Air Pollution and Noise Disturbance, 2000
• Sub-decree (No: 72) on EIA Process, 1999;
• Sub-decree (No:146) on Economic Land Concessions, 2005
To protect and promote environmental quality and public health through the prevention, reduction, and control of pollution.

To assess the environmental impacts of all proposed projects prior to the issuance of the decision by the Royal Government.

To ensure the rational and sustainable conservation, development, management, and use of the natural resources of the Kingdom of Cambodia.

To encourage and enable the public to participate in environmental protection and natural resources management.

To suppress any acts that cause harm to the environment.
An environmental impact assessment shall be conducted on every private or public activity and project, and shall be approved by the Ministry of Environment before being submitted to the Royal Government for decision.

This assessment shall also be conducted for existing activities that have not yet been assessed for environmental impacts.

The procedures of the process for environmental impact assessment shall be defined by sub-decree following a proposal of the Ministry of Environment.

The nature and size of both private and public projects and/or activities (proposed and existing), that shall be subject an environmental impact assessment which shall be defined by sub-decree following a proposal of the Ministry of Environment.
To determine an EIA upon every private & public project or activities and must be reviewed by MoE, prior for the submission for a decision from the Royal Government.

To determine the type & size of the proposed projects & activities, including existing & ongoing activities in both private and public prior to undertaking the process of EIA.

Encourage public participation in the implementation of EIA process & taking into account of their conceptual and suggestion for re-consideration prior to the implementation of any project.
Environmental Legal Framework

Sub-decree (No: 72) on EIA Process, 1999 (Article 2)

- This sub-decree has an expanded implementation on the proposed projects and the existing activities, under operation of the private companies, joint-venture or state owned companies, Ministry-State Institutions, which are sub-decree, except some of particular and urgent the needed projects that are decided by the Royal Government.
The MoE has responsibilities for follow up, monitor and take appropriate measures to ensure a Project Owner will follow the Environmental Management Plan (EMP) while project construction is taking place and accede to their EIA report's approval.
Environmental Legal Framework

Sub-decree (No: 72) on EIA Process, 1999 (Article 23)

• Project Owner/Responsible Person must carry out the EMP as stated in the EIA within 6 months, commencing from the date of the MoE confirmation of their EIA report duly fulfilled the criteria of this sub-decree.
The purpose of this sub-decree is to regulate the water pollution water in order to prevent and reduce the water of the public water areas, so that the protection of human health and the conservation of bio-diversity should be ensured (Article 1, Chapter 1: General Provision).

Contents 8 Chapters:
- Chapter 2: Provision on Waste Hazardous discharge;
- Chapter 3: Effluent discharge Permit;
- Chapter 4: Monitoring of the Pollution Sources
- Chapter 5: Water pollution Monitoring in public water areas;
- Chapter 6: Inspection Procedure;
- Chapter 7: Penalty;
- Chapter 8: Final Provision.
The purpose of the Sub-Decree is to regulate the solid waste management with proper technical manner and safe way in order to ensure the protection of human and conservation of bio-diversity, (Article 1).

Contents 6 Chapters:
- Chapter 2: Household Waste Management;
- Chapter 3: Hazardous Waste Management (HWM);
- Chapter 4: Monitoring and Inspection of HWM;
- Chapter 5: Penalty;
- Chapter 6: Final Provision
Environmental Legal Framework

Sub-decree (No: 42) on Air Pollution and Noise Disturbance, 2000

- This sub-decree has a purpose to protect the environment quality and public health from air pollution and noise pollution and noise pollution through monitoring curb and monitoring activities (Article 1, Chapter 1: General Provisions).
- Contents 8 Chapters:
  - Chapter 2: Provision on Emission of air and noise pollution;
  - Chapter 3: Asking for permission;
  - Chapter 4: Pollution Sources Monitoring
  - Chapter 5: Air pollution Monitoring;
  - Chapter 6: Inspection Procedure;
  - Chapter 7: Penalty;
  - Chapter 8: Final Provision.
• Provides for a system of protection for Cambodia’s cultural heritage.
• Separate legislation creates the Supreme Council on National Culture and the APSARA Authority and Preah Vinhear Authority.
• Ministry of Culture and Fine Arts is the responsible authority.
• Provision for inscription and protection of property on the inventory.
Environmental Legal Framework

Law on Protection of Cultural Heritage, 1996

- Art. 23 – no cultural property proposed for classification may be moved, destroyed, altered or subjected to repair or restoration work without approval.
- Art. 31 – controls the trade in antiquities and dealers.
- Art. 37 – “Chance discoveries” requires work to stop pending assessment by MoCFA.
- Art. 63 – penalties for breaches of the Law.
Environmental Legal Framework

Forestry Law, 2002

• Controls and manages forestry to ensure “sustainable management” of the forests including “conservation of biological diversity and cultural heritage” Article 1
• MAFF to establish system of forest harvesting.
• Chapters 14 and 15 provide for extensive penalties for breach of the Forestry Law
• Chapter 10 provides for conservation of wildlife and endangered species
Environmental Legal Framework

Law on Nature Protected Areas 2008

• Provides for establishment and management of Cambodia’s protected areas (PA).
• Provides for zoning of PA to allow for certain uses and to prohibit other uses.
• Chapter VI provides for the rights of local communities and ethnic minorities.
• Chapter VII, Article 44, requires ESIA to be conducted prior to activities within or adjacent to a PA boundary.
• Chapter X outlines offences and penalties.
Establishes the system of Concessions for development projects.

Article 32 – Activities must comply with all environmental, health and safety requirements and prevent pollution.

Sub-decree Article 4 ESIA must be completed prior to grant of ELC

Article 41 – all review reports and assessment reports documents are public documents
Environmental Legal Framework


- Establishes the system of approvals for mining exploration and exploitation permits issued by Ministry of Mines and Energy
- Article 5 requires a license prior to mineral exploration or exploitation.
- Article 8 provides protection for designated national cultural, historical and heritage sites
- Chapter V, Article 21 requires compliance with Law of EPNRM including EIA requirements
Environmental Legal Framework


- Chapter VIII, prescribes penalties for breaches. *Sub-Decree on the Management of Mineral Resources Exploration and Exploitation Licences 2015*
- Confirms the requirements that applications for licences must submit EIA documentation and Environmental Management Plans (EMP) (Art 26, Art 53)
- It is a requirement to comply with EMP and avoid pollution (Art 37, Art 58, Art 69, Art 81)
Environmental Legal Framework

Law on Land Management, Urban Planning and Constructions, 1994

• Establishes a planning and zoning system for cities and an approval system for construction activities under the Ministry of LMUP.
• Art. 11 – obligation to report “chance finds”
• Art. 14 – all constructions, modifications and renovations require construction permission
• Art. 17 – must be in compliance with Master Plan and Land Use Plan and Construction.
• Art. 21 – any irregularities require the construction to be halted.
Environmental Legal Framework

Law on Water Resources Management 2007

- Establishes the system of the management of water resources under Minister of Water Resources and Meteorology (MOWRAM)
- Art. 1 – “effective and sustainable management of water resources”
- MOWRAM may issues license for water use, well-drilling and plan for flood protection
- Art. 22 – the discharge of polluting substances into water requires authorization
Environmental Legal Framework

Law on Fisheries 2006

• Establishes the system of the management of fisheries under Minister of Agriculture Fisheries and Forests. Permits are required.
• Article 7 – principle of public participation
• Article 14 – focus on sustainable fisheries management. National Fisheries Management Plan
• Chapter 5 – Protection and conservation of fish
• Chapter 6 – Protection of mangroves
Environmental Legal Framework

Law on Fisheries 2006

• Chapter 14 – Offences
• Art. 77 – cases carried out in accordance with Code on Criminal Procedure.
• Art 82 – offence of providing means or orders shall be considered an accomplice.
• Art 83 – legal persons subject to the Law.
• Art 87 – matters to be considered for transitional fines
• Art 90 – payment to restore the ecosystem
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