

ENVIRONMENTAL CODE OF CAMBODIA

First Draft - DRAFT 1 -- 28 March 2016

BOOK 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 the following objectives:

- (a) Conserve Cambodia's biodiversity;
- (b) Protect the environment from harm and damage, and sustainably manage natural resources, in accordance with Article 59 of the Constitution of the Kingdom 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 the Kingdom of Cambodia;
- (d) Guarantee the health of the people, in accordance with Article 72 of the Constitution of the Kingdom of Cambodia;
- (e) 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) Implement the National Environmental Strategy and Action Plan;
- (g) Promote a co-operative approach to the protection and management of the environment involving government, the community, land-holders, indigenous people and business;

- (h) Assist the implementation of Cambodia’s international environmental responsibilities;
- (i) 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; and to Cambodians residing overseas and foreign organizations and individuals with operations in the territory of the Kingdom of Cambodia. Where an international treaty of which the Kingdom of 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.)

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 5: 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 6: 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 7: 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 venues, 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 8: 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 9: The Precautionary Principle

The precautionary principle, that in situations where the environment may be faced with threats of serious or irreversible damage, the vagueness and the lack of full scientific certainty shall not be used as a reason for denying the existence of the risks to environmental quality and biodiversity resources

Article 10: 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 10: 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 11: 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 12: 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.

Article13: 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 programs for sustainable development and into the implementation of this Code.

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

- *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.*

BOOK 2 – ORGANIZATON OF JURISDICTIONAL INSTITUTIONS/JURISDICTIONAL ISSUES

- *This Book 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 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*

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 Program 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

BOOK 3 – PUBLIC PARTICIPATION AND ACCESS TO ENVIRONMENTAL INFORMATION

- | |
|---|
| <ul style="list-style-type: none"><i>This Book will clarify and detail the requirements for public participation and access to environmental information. The aim of this Book is to provide a consistent approach across all ministries and pertaining to the various decisions made under the Environmental Code.</i> |
|---|

Chapter # - Public consultation a fundamental requirement for environmental decisions

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

Chapter # - Responding to public submissions

Chapter # - Taking into account public submissions

Chapter # - Publication of submissions on natural resources matters

Chapter # - 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

Chapter # - Environmental monitoring systems

Chapter # - Planning of environmental monitoring system

Chapter # - Environmental monitoring programs

Chapter # - Environmental indicators

Chapter # - Provincial level environmental status report

Chapter # - Environmental impact reports by industries and sectors

Chapter # - Public accessibility of all environmental reporting

Chapter # - National environment reports

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

Chapter # - Publication and supply of information on environment

Chapter # - Publication of information and data on environment

Chapter # - Exercise of grassroots rights in protection of environment

BOOK 4 – ENVIRONMENTAL IMPACT ASSESSMENT

- *This Book 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 Book 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 Book 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 # - Application of law to existing projects

Chapter # - Public participation in the EIA process

Chapter # - Responsibility of Ministry of Environment in EIA

Chapter # - Registration of EIA experts

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

Chapter # - Establishment of EIA Review Committee

Chapter # - Role of EIA Review Committee

Chapter # - Timeframes for EIA and IEE procedure

Chapter # - Screening of development projects

Chapter # - Scoping of development projects

Chapter # - Approval of terms of reference

Chapter # - Preparation of EIA report

Chapter # - Preparation of environmental management plan

Chapter # - Submission of EIA report

Chapter # - Consideration and assessment of EIA report

Chapter # - Revision of EIA report

Chapter # - Approval or rejection of EIA report

Chapter # - Granting of EIA approval letter

Chapter # - Prohibition of activities without EIA approval letter

Chapter # - Existing projects

Chapter # - Matters for consideration

Chapter # - Cumulative impact assessment

Chapter # - Health impact assessment

Chapter # - Environmental management and monitoring

Chapter # - Provision of information

Chapter # - Reporting requirements

Chapter # - Fees and charges

**BOOK 5 – MAKING OF NATIONAL, REGIONAL AND
LOCAL ENVIRONMENTAL AND NATURAL
RESOURCES PLANS**

- *This Book will set out the procedures for the adoption of National, Regional and Local Environmental and Natural Resources Plans. These Plans will be prepared for environmental and natural resources management.*
- *This Book 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.*
- *It 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 3 Public Participation and Access to Environmental Informaiton. 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 # - Establishment of the national One Map process

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 regional and local NEP

Chapter # - Establishment of a National Land and Resources Geographic Information Database

Chapter # - Database to be publically available

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

BOOK 6 – URBAN LAND USE PLANNING AND MANAGEMENT

- *This Book 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 Book to focus on promoting sustainable urban development.*
- *The Book 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 5.*
- *This Book 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 local authorities in land use planning and management will be addressed, referencing Book 2.*
- *The Book will address the specific requirements for public participation, referencing Book 3.*

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

Chapter # - Classification of urban land

Chapter # - Zoning of urban land

Chapter # - Minimum standards of urban zoning plans

Chapter # - Urban infrastructure requirements

Chapter # - Public transportation, bicycle access, recycling, waste management, maintenance of urban green spaces, etc.

Chapter # - Special building requirements (example: open space set asides, parking space requirements, energy efficiency standards)

Chapter # - Other private sector provisions

Chapter # - Motor vehicle exhaust standards

Chapter # - Potential new tenure systems for social housing projects

BOOK 7 – NATURAL RESOURCES PLANNING AND MANAGEMENT

- *This Book will provide for a planning framework to set sustainable use limits and protections for Cambodia's commercial and non-commercial natural resources.*
- *The Book will also relate to Book 9 Strategic Impact Assessment that may be required prior to the adoption of plans and policies.*
- *This Book will review the role and functions of Economic Land Concessions and the implementation of projects using ELC.*
- *It will include provisions to require environmental protection considerations in the commercial and subsistence exploitation of natural resources and in any activities that may impact natural resources. This will include environmental controls on agricultural practices, including fertilizer, pesticide and herbicide use.*

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

Chapter # - Establishment of forestry reserves

Chapter # - Establishment of marine reserves

Chapter # - Establishment of freshwater fisheries reserves

Chapter # - Establishment of freshwater production zones

Chapter # - Conservation and rational utilization of natural resources

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

BOOK 8 – BIODIVERSITY CONSERVATION AND MANAGEMENT

- *This Book 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.*

Chapter # - Protection of endangered species

Chapter # - Protection of animals

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 trafficking, 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 # - 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

BOOK 9 – STRATEGIC ENVIRONMENTAL ASSESSMENT

- This Book 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 Book will also provide the link between National Environmental and Natural Resources Plans, SEA and also EIA for specific projects.*

Chapter # - SEA required for policies and plans

Chapter # - Zoning system

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

Chapter # - Content of SEA reports

Chapter # - Appraisal of SEA reports

**BOOK 10 – ENVIRONMENTAL QUALITY STANDARDS
AND ENVIRONMENTAL PROTECTION
GUIDELINES**

- *This Book 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.*
- *This Book 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 Book will also extend to food safety principles and objectives.*

Chapter # - Setting of environmental Quality Standards (EQS)

Chapter # - Setting of ambient standards

Chapter # - Setting of discharge 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

BOOK 11 – SUSTAINABLE CITIES

- *This Book 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.*

Chapter # - Development of sustainable urban centers

Chapter # - Making a sustainable city plan

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

BOOK 12 – COASTAL ZONE PLANNING

- *This Book 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 management

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 # - 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

BOOK 13 – ESTABLISHMENT OF NATIONAL CONSERVATION CORRIDORS

- *This Book 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*

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

BOOK 14 – SUSTAINABLE TIMBER MANAGEMENT

- | |
|---|
| <ul style="list-style-type: none">• <i>As part of the planning framework, this Book will allow for the designation of areas with specific legal status and protection to allow for sustainable timber management.</i> |
|---|

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

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

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

Chapter # - Prohibition of removal of timber on Economic Land Concessions without a 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

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

Chapter # - Restoration of damaged habitat or ecosystems

BOOK 15 – SUSTAINABLE FISHERIES MANAGEMENT

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

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 habitat or aquatic ecosystems

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

BOOK 16 – COMMUNITY MANAGEMENT

- *The Book would examine options for community use of natural resources, hunting, community fishing and use of land for sustainable community needs.*

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 # - Mechanisms and elements of co-management

Chapter # - Procedures to establishment a co-management zone

BOOK 17 – WASTE MANAGEMENT AND POLLUTION CONTROL

- *The Book 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 and the Control of Air Pollution and Noise Disturbance 42 ANRK 2000.*
- *Fees and charges will be provided in accordance with Book 25.*
- *Reporting and monitoring requirements, including public disclosure, will be dealt with in a Book 29*
- *Procedures for investigation on breaches and offences will be dealt with in Book 30. 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.*

Chapter # - Promoting waste avoidance and reduction

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

Chapter # - Labeling of waste

Chapter # - Identification, management and clean up of contaminated land

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

Chapter # - Standards for classification of waste

Chapter # - Management of waste incinerators

Chapter # - Solid Waste management and disposal

Chapter # - Hazardous waste management

Chapter # - Transportation of waste

Chapter # - Public drainage system, rain water drainage

Chapter # - Sewage treatment system

Chapter # - Import and export of waste

Chapter # - Application of international conventions on waste

Chapter # - Pollution control issues, including air, water, noise, smell, smoke, haze, vibration, light, ozone, radioactivity and contaminated land

Chapter # - Vehicular emissions

Chapter # - Transboundary pollution

Chapter # - Haze pollution

BOOK 18 – WATER MANAGEMENT

- *This Book will provide details of water management and water planning. Plans for water management should be prepared under the provisions of Book 5 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 17 Waste Management and Pollution Control.*

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 6)

Chapter # - Allocation and trade of entitlements to use water

Chapter # - Introducing monitoring and reporting systems (in reference to Book 29)

BOOK 19 – CULTURAL AND NATURAL HERITAGE PROTECTION AND MANAGEMENT

- *This Book 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.*
- *This Book 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.*
- *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.*

- *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.*

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

Chapter # - Special protection status classifications

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

Chapter # - Management plans for sites

Chapter # - Requirements for heritage impact assessment

BOOK 20 – EXTRACTIVE INDUSTRIES AND SUSTAINABLE ECONOMIC BENEFITS

- *This Book will examine the Laws relating to Mining in the provision of sustainable economic benefits to the Kingdom of Cambodia.*
- *This will link to the Book 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 # - Rehabilitation and closure plans

Chapter # - Financing remediation and restoration for extractive industry

BOOK 21 – SUSTAINABLE TOURISM AND ECO-TOURISM

- *This Book will create a framework for encouraging appropriate eco-tourism activities in Cambodia.*
- *Eco-tourism activities include small scale, community based tourism opportunities.*
- *This Book 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

Chapter # - Financial incentives for ecotourism operations

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

Chapter # - Marketing and promotion of ecotourism

Chapter # - Greening mass tourism: standards, guidelines, and application

Chapter # - Code of Conduct for eco-tourism development

BOOK 22 – SUSTAINABLE ENERGY

- *This Book 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

Chapter # - Standards and technology for sustainable energy

Chapter # - Provision of clean energy for rural communities

Chapter # - Definition of sustainable energy sources

Chapter # - Promotion of sustainable energy

Chapter # - Development of micro and mini-grid systems

BOOK 23 – CLIMATE CHANGE

- *This Book 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 Book will provide the details on how those matters should be taken into consideration during the EIA process and the natural resource management process.*
- *The Book will incorporate international climate change mechanisms such as REDD+ and other climate change mechanisms into Cambodia law.*
- *It will also address some key issues in relation to other relevant Books, including building resilience to climate change through planning and construction standards (referencing Book 6 – URBAN LAND USE PLANNING AND MANAGEMENT and Book 11 – SUSTAINABLE CITIES)*

BOOK 24 - REDUCTION OF GREENHOUSE GAS EMISSIONS AND PROMOTION OF GREEN GROWTH

- *This Book will outline how to reduce greenhouse gas emissions by Cambodia and the promotion of Green Growth.*
- *This Book will also link to Book 22 – SUSTAINABLE CITIES and Book 26 – ENVIRONMENTAL ECONOMIC MEASURES, FEES AND CHARGES.*

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

BOOK 25 – DISASTER RISK REDUCTION AND DISASTER MANAGEMENT

- *The Book 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 26 – ENVIRONMENTAL ECONOMIC MEASURES,
FEES AND CHARGES**

- *This Book will set out the mechanism by which the responsible Ministries will be able to charge for fees and services.*
- *This Book 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.*

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 promote 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 # - 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

Chapter # - Financing for eco labeling

Chapter # - Environmental liability mechanisms for payments by polluters/environmental damage (e.g. bond, environment and social fund)

Chapter # - Community initiative funds

BOOK 27 - ENVIRONMENTAL PUBLIC AWARENESS AND ENVIRONMENTAL EDUCATION

- This Book 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

Chapter # - Promotion of environmental awareness in universities

Chapter # - Establishment of Environmental Education Committee

Chapter # - Development of environmental education materials and training

Chapter # - Promotion of environmental awareness to the public

**Chapter # - Requirement to promote environmental awareness in cinemas
and mass media**

Chapter # - Support for environmental awareness campaigns

Chapter # - Promotion of World Environment Day

Chapter # - Promotion of special environmental programs

BOOK 28 – ENVIRONMENTAL AND NATURAL RESOURCES STUDY AND RESEARCH

- *This Book 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

BOOK 29 – ENVIRONMENTAL AUDITS AND ENVIRONMENTAL MANAGEMENT REPORTING

- *This Book 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 Book 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 Book 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

BOOK 30 – INVESTIGATION, ENFORCEMENT AND ACCESS TO REMEDIES

- *This Book will deal with the powers of the relevant Ministries to investigate the environmental offences outlined in Book 31.*
- *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 Book 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 Book 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 Book 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 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

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 Effected 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 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

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

BOOK 31 – ENVIRONMENTAL OFFENCES

- *This Book 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 Book 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 of 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 32 – LEGAL HARMONIZATIONS

- *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 33 – 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.*

BOOK 34 – FINAL PROVISIONS