

Legal Document

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UNOFFICIAL TRANSLATION

LAW ON ENVIRONMENTAL PROTECTION AND NATURAL RESOURCE MANAGEMENT

CHAPTER I: GENERAL PROVISIONS

ARTICLE 1:

The purposes of this law are:

- to protect [and] promote environmental quality and public health through the prevention, reduction, and control of pollution
- to assess the environmental impact of all proposed projects prior to the issuance of a 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 resource management
- to suppress any acts that cause harm to the environment.

CHAPTER 2: NATIONAL AND REGIONAL ENVIRONMENTAL PLANS

ARTICLE 2:

A National Environmental Plan [and] Regional Environmental Plans shall be decided by the Royal Government following a proposal of the Ministry of Environment in collaboration with concerned ministries.

ARTICLE 3:

The National Environmental Plan is a plan for environmental protection and sustainable natural resource management for implementation throughout the Kingdom of Cambodia.

The National Environmental Plan shall:

- identify important environmental issues and important natural resource management issues that are related to socio-economic development
- set forth measures for ensuring environmental management.

ARTICLE 4:

Regional Environmental Plans shall be consistent with the National Environmental Plan.

Regional Environmental Plans shall:

- identify important environmental issues and important natural resource management issues that are related to socio-economic development of the respective regions
- set forth measures for ensuring environmental management in the said region.

ARTICLE 5:

The National and Regional Environmental Plans shall be reviewed and revised at least once every five years.

CHAPTER 3: ENVIRONMENTAL IMPACT ASSESSMENT

ARTICLE 6:

An environmental impact assessment shall be done on every project and activity, private or public, and shall be reviewed and evaluated by the Ministry of Environment before being submitted to the Royal Government for decision.

This assessment shall also be done for existing and in-process activities that have not yet been assessed for environmental impact.

The procedures of the environmental impact assessment process shall be determined by Sub-decree following a proposal of the Ministry of Environment.

The nature and size of the proposed projects and activities and existing and in-process activities, both private and public, that shall be subject to that environmental impact assessment shall be determined by Sub-decree following a proposal of the Ministry of Environment.

ARTICLE 7:

All Investment Project Applications and all projects proposed by the State shall have an initial Environmental Impact Assessment or an Environmental Impact Assessment as specified in article 6 of this law. The Ministry of Environment shall review and provide recommendations on the initial Environmental Impact Assessment or the Environmental Impact Assessment to the competent organization within the period determined in the Law on Investment of the Kingdom of Cambodia.

CHAPTER 4: NATURAL RESOURCE MANAGEMENT

ARTICLE 8:

The natural resources of the Kingdom of Cambodia, which include land, water, airspace, air, geology, ecological systems, mines, energy, petroleum and gas, rocks and sand, precious stones, forests and forest products, wildlife, fish, [and] aquatic resources, shall be conserved, developed, and managed [and] used in a rational and sustainable manner.

Natural resource protected areas, which include national parks, wildlife sanctuaries, protected landscape areas, [and] multiple use areas, shall be determined by Royal Decree.

ARTICLE 9:

The Ministry of Environment, in collaboration with concerned ministries, shall conduct research, assess the environmental impacts on natural resources, and provide the concerned ministries with recommendations to ensure that the natural resources as specified in article 8 are conserved, developed, and managed [and] used in a rational and sustainable manner.

ARTICLE 10:

Before issuing any decisions or undertaking activities related to the conservation, development, or management [or] use of natural resources, the concerned ministries shall consult with the Ministry of Environment on the sustainability of natural resources.

ARTICLE 11:

The Ministry of Environment shall immediately inform concerned ministries whenever the Ministry of Environment finds that natural resources are not being conserved, developed, or managed [or] used in a rational and sustainable manner.

CHAPTER 5: ENVIRONMENTAL PROTECTION

ARTICLE 12:

The Ministry of Environment shall collaborate with concerned ministries to develop an inventory that indicates:

- the sources, types, and quantities of pollutants and wastes being imported, generated, transported, recycled, treated, stored, disposed, or released into the airspace, water, land, or on land
- the sources, types, and quantities of toxic substances and hazardous substances being imported, manufactured, transported, stored, used, generated, treated, recycled, disposed, or released into the airspace, water, or into land or on land
- the sources, types, and extent of noise and vibration disturbances.

ARTICLE 13:

The prevention, reduction, and control of airspace, water [and] land pollution, noise and vibration disturbances, as well as waste, toxic substances, and hazardous substances, shall be determined by Sub-decree following a proposal of the Ministry of Environment.

CHAPTER 6: MONITORING, RECORD-KEEPING, AND INSPECTIONS

ARTICLE 14:

The Ministry of Environment shall collaborate with concerned ministries to require the owners or responsible persons of factories, pollution sources, industrial sites, or sites of natural resource development activity:

- to install or use monitoring equipment
- to provide samples
- to prepare or maintain and submit [for] review records and reports.

ARTICLE 15:

In order to carry out its responsibilities and in its responsibilities on Natural Protected Areas, the Ministry of Environment, in collaboration with concerned ministries, may enter [and] conduct an inspection in an area, premises, building, on or in a means of transportation or any place, etc., in cases when the Ministry of Environment finds that the source is causing harm to environmental quality.

The Ministry of Environment inspector and official of the concerned ministry that is collaborating shall present their identity cards and mission authorization letters before conducting the inspection.

During the inspection, whenever they find that there has been a criminal violation, the inspectors shall immediately report to the competent institution so that action can be taken under the law.

Procedures for the performance of inspections shall be determined by Sub-decree following a proposal of the Ministry of Environment.

CHAPTER 7: PUBLIC PARTICIPATION AND ACCESS TO INFORMATION

ARTICLE 16:

The Ministry of Environment, following a request from the public, shall provide information on its activities, and shall encourage public participation in environmental protection and natural resource management.

ARTICLE 17:

The procedures for public participation and access to information on environmental protection and natural resource management shall be determined by Sub-decree following a proposal of the Ministry of Environment.

ARTICLE 18:

Information related to environmental protection or natural resource management shall be mutually disseminated between the Ministry of Environment and different ministries.

CHAPTER 8: ENVIRONMENT ENDOWMENT FUND

ARTICLE 19:

A special Treasury account, the Environment Endowment Fund, shall be created, and administered by the Ministry of Environment for environmental protection and natural resource conservation in the Kingdom of Cambodia in accordance with the Finance Law.

The Environment Endowment Fund, which comes from contributions from the Royal Government, grants from international organizations, donations from charitable individuals, donations from non-governmental organizations, and other lawful sums, shall be included in the National Budget in order to provide the above special account.

CHAPTER 9: PENALTIES

ARTICLE 20:

For any person who commits a violation of the Ministry of Environment's requirements as specified in article 14 of this law, the Ministry of Environment shall issue a written order requiring:

- correction of the violating activities immediately or within a specified time period; or
- cessation of his/her/its activities until the violation has been corrected; or
- clean-up of the pollution immediately.

ARTICLE 21:

Any person who does not permit or refuses to allow an inspector to enter [and] conduct an examination or inspection on the premises as stated in paragraph 1, article 15 of this law shall be fined administratively from five hundred thousand Riel (500,000 Riel) to one million Riel (1,000,000 Riel).

In case of a repeat offense, shall be fined from one million Riel (1,000,000 Riel) to five million Riel (5,000,000 Riel) or imprisoned from 1 month to 3 months, or both.

Any person who commits a violation of article 20 of this law shall be fined administratively from one million Riel (1,000,000 Riel) to ten million Riel (10,000,000 Riel). In case of a repeat offense, shall be fined from twenty one million Riel (21,000,000 Riel) to thirty million Riel (30,000,000 Riel) or imprisoned from 1 month to 1 year, or both.

ARTICLE 22:

If the violation causes danger to human bodies or lives, to private property, to public property, to the environment, [or] to natural resources, shall be fined from ten million Riel (10 million Riel) to fifty million Riel (50 million Riel) or imprisoned from 1 year to 5 years, or both.

A person who commits a violation shall also be responsible for repairing damage and for compensation.

ARTICLE 23:

In case of a violation that causes serious disaster to society, the court may consider the gravity of the circumstances of the offense connected with any other offenses above in order to pronounce the punishment.

ARTICLE 24:

Any environmental inspection official or agent who is negligent, fails to pay attention to, or fails to comply with the Ministry's regulations, or conspires with a violator or facilitates the commission of a violation, shall be subject to administrative sanctions or face prosecution before the court.

ARTICLE 25:

The Ministry of Environment shall apply the provisions of article 20 above for any person who commits a violation of a Sub-decree and other regulations related to the provisions of this law.

In case of recalcitrance, shall apply the provisions stated in article 21 of this law.

CHAPTER 10: INTERIM PROVISIONS**ARTICLE 26:**

After this law takes effect and until 31 December 2001, the Royal Government may extend, for activities presently in process, the period to comply with a Sub-decree specified in article 13 of this law following a proposal of the Ministry of Environment.

In deciding on this extension, [the Royal Government] shall:

- take into account the nature and extent of the danger to human health, to the environment, and to natural resources that may result from this extension
- review the possibility, means, technicality, and finance of this existing activity.

CHAPTER 11: FINAL PROVISIONS**ARTICLE 27:**

Any provisions that are contrary to this law shall be considered null.

Done in Phnom Penh, 24 December
1996.

Norodom Sihanouk

Submitted to the First and Second Submitted for the King's signature

Prime Ministers

Minister of Environment
Mok Mareth

First Prime Minister
Norodom Ranariddh

Second Prime Minister
Hun Sen

No. 1

Copied and distributed

Phnom Penh, 9 January 1997

Deputy Secretary-General of the Royal Government

Sin Serey

List Measures/Standards

Name	Description	Status	Measures/Standards	Measure Class
<u>Requirement for environmental impact assessment for import of waste, toxic substances and hazardous substances related to environmental protection and natural resource management projects</u>	MOH develops the inventory which include imported waste, imported toxic and hazardous substances which are subject to environmental impact assessment	Active	Measure	Goods