

Preah Reach Kram/NS-RKM-1296/36
Enacted on November 18, 1996

LAW ON ENVIRONMENTAL PROTECTION AND NATURAL RESOURCE MANAGEMENT

CHAPTER I: GENERAL PROVISIONS

ARTICLE 1:

This law has an objective:

- to protect and upgrade the environment quality and public health by means of prevention, reduction and control of pollution.
- to assess the environmental impacts of all proposed projects prior to the issuance of decision by the Royal Government;
- to ensure the rational and sustainable preservation, development, management and the use of the natural resources of the Kingdom of Cambodia.
- to encourage and provide possibility to public to participate in the protection of environment and the management of the natural resources.
- to suppress any acts which may affect to environment.

CHAPTER II: NATIONAL AND REGIONAL ENVIRONMENTAL PLANS

ARTICLE 2:

The National and Regional Environmental Plans shall be decided by the Royal Government and the Ministry of Environment in collaboration with concerned ministries and institutions.

ARTICLE 3:

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

The National Environmental Plan shall:

- determine on main environmental issues and which of the natural resource management that are related to socio- economic development.
- set up measures for ensuring the environmental management.

ARTICLE 4:

Regional Environmental Plans, shall be in conformity with the National Environmental Plan.

The Regional Environmental Plan shall:

- determine on main environmental issues and which of the natural resources management that are related to socio-economic development of each region;
- set up measures for ensuring the environmental management of such region.

ARTICLE 5:

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

CHAPTER III: ENVIRONMENTAL IMPACT ASSESSMENT

ARTICLE 6:

An environmental impacts assessment shall be carried out on every project and activity of either private or public and shall be examined and evaluated by the Ministry of Environment before it is submitted to the Royal Government for decision.

This assessment shall also be applicable for those existing activities and those which are being under process and which their environmental impacts have yet not been assessed.

Procedure for the environmental impact assessment shall be determined by Sub-decree following a proposal of the Ministry of Environment.

Nature and size of the proposed projects as well as the existing activities and activities under process of both private and public which are subject to assessment of their environmental impacts, shall be determined by Sub-decree following a proposal of the Ministry of Environment.

ARTICLE 7:

Every Investment Project Application and proposed project which are submitted by the State, shall enclose with them a preliminary Environmental Impact Assessment or Environmental Impact Assessment as stated the article 6 of this law. The Ministry of Environment shall consider and make recommendations on the preliminary Environmental Impact Assessment or Environmental Impact Assessment to relevant competent bodies within a period as determined in the Law on Investment of the Kingdom of Cambodia.

CHAPTER IV: NATURAL RESOURCES MANAGEMENT

ARTICLE 8:

Natural resources of the Kingdom of Cambodia which primarily consist of land, water, airspace, air, geology, ecological systems, minerals, energy, petroleum and gas, rocks and sand, gems and stones, forests and forest sub-products, wildlife, fish and aquatic resources, shall be preserved, developed and managed to use in a rational and sustainable manner.

Natural resource protected zones consists primarily of National Parks, wildlife sanctuaries, landscape protected areas, multiple use areas, shall be determined by Royal Decree.

ARTICLE 9:

The Ministry of Environment in collaboration with the concerned ministries, shall carry out a study to assess the environmental impacts on natural resources and give recommendations to concerned ministries to ensure that the natural resources as stated in the article 8, are preserved, developed and managed to use in a rational and sustainable manner.

ARTICLE 10:

Before issuing a decision or undertaking activities related to the preservation, development, or management to use of natural resources, the concerned ministries shall have consultation with the Ministry of Environment on the sustenance of natural resources.

ARTICLE 11:

The Ministry of Environment shall immediately inform the concerned ministries, after finding out that natural resources are not preserved, developed and managed to use in a rational and sustainable manner.

CHAPTER V: ENVIRONMENTAL PROTECTION

ARTICLE 12:

The Ministry of Environment shall collaborate with the concerned ministries to establish an inventory list in which will indicate of:

- the sources, types, and quantities of pollutants and wastes which are imported, generated, transported, recycled, treated, stored, disposed, or released into the airspace, water, land or on land surface,
- the sources, types, and quantities of all toxic and hazardous substances which are imported, produced, transported, stored, used, generated, treated, recycled, disposed, or released into airspace, water, land or on land surface,
- the sources, types and extent of disturbances by the noise and vibrations .

ARTICLE 13:

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

CHAPTER VI: MONITORING, RECORD KEEPING, AND INSPECTION

ARTICLE 14:

The Ministry of Environment shall collaborate with the concerned ministries to require the owners or responsible of the factories, pollution sources, industrial zones or those zones which have natural resource development activities to:

- install or use of monitoring equipment,
- provide samples;
- prepare or keep files and submit records and reports for examination.

ARTICLE 15:

In order to carry out its duty and take responsibility on the National Protected Areas, the Ministry of Environment, in collaboration with the concerned ministries, may enter to inspect on site in the areas, premises, buildings, or any means of transportation or place, etc...in case when it is found out by the Ministry of Environment that these sources cause affects to quality of the environment.

Inspectors of the Ministry of Environment and officials of concerned ministries which are collaborating, shall present their identity cards and mission orders, before conducting an inspection.

During the inspection, when found out that there is any criminal offence, the inspectors shall report it immediately to the competent institution to take action according to the law.

CHAPTER VII: PUBLIC PARTICIPATION AND ACCESS TO INFORMATION

ARTICLE 16:

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

ARTICLE 17:

Procedure for participation of the public and access to information pertaining to the environmental protection and management of the natural resources, shall be determined by a Sub-decree following a proposal of the Ministry of Environment.

ARTICLE 18:

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

CHAPTER VIII: ENVIRONMENT ENDOWMENT FUND

ARTICLE 19:

A special account of the Treasury shall be created as an Environment Endowment Fund which will be managed by the Ministry of Environment in accordance with the Finance Law, in the environmental protection projects and preservation of natural resources in the Kingdom of Cambodia.

The Environment Endowment Fund which comes from contributions from the Royal Government, grants from international organizations, donations from charity persons and non-governmental organizations and other lawful incomes, shall be included in the National Budget which will be provided to the above special account.

CHAPTER IX: PENALTIES

ARTICLE 20:

Any person who violates the rule of the Ministry of Environment as stated in the article 14 of this law, this Ministry shall issue a written order requiring such person to:

- correct his/he/its offending activities immediately or within a specified period; or
- stop his/her/its activities, until the offence is corrected; or
- clean up immediately the pollution.

ARTICLE 21:

Any person who refuses to allow access or obstructs the inspection officials from entering to examine or carry out an inspection inside the premise as provided for in the para.1 of the article 15 of this law, shall be subject to an administrative fine in cash from 500,000 (five hundred thousand) to 1,000,000 (one million) riels.

In case of repeated offenses, shall be penalized a fine of 1,000,000 (one million) riels to 5,000,000 (five million) riels or shall be punished to imprisonment from 1 month to 3 months or to both punishments.

Any person who violate the article 20 of this law, shall be subject to administrative fine in cash of 1000,000 (one million) riels to 10,000,000 (ten million) riels. In case of repeated offenses, shall be penalized a fine from 21,00,000 (twenty one million) riels to 30,000,000 (thirty million) riels or shall be subject to punishment to imprisonment from 1 (one) month to 1 (one) year, or to both punishments.

ARTICLE 22:

If the commission of an offence causes harm to physical body or human life, private or public property, environment or natural resources of the State, shall be subject to a fine penalty of 10,000,000 (ten million) to 50,000,000 (fifty million) riels or shall be subject to punishment of 1 (one) year to 5 (five) years in prison or to both punishments.

Any person who commits offence shall additionally be liable for repairing damage or compensation.

ARTICLE 23:

In case of an offence which causes serious dangers to the society, the court may consider on the circumstance of the gravity of the offence to combine with any of the offenses above to pronounce a sentence.

ARTICLE 24:

Any official of the environmental inspection official or agent who is negligent, lack of attention or who disobeys the ministry's regulations or conspires with the offender or facilitate the commission of such offence, shall be subject to administrative sanction or to prosecution before the court.

ARTICLE 25:

The Ministry of Environment shall comply with the provisions of the article 20 above, for any person who violates the Sub-decree and

In case of recalcitrant, the provision of the article 21 of this law, shall be applied.

CHAPTER X: TRANSITIONAL PROVISIONS

ARTICLE 26:

From the time after this law is entering into force until 31 December 2001, those activities which are actually being underway, the Royal Government may postpone the enforcement of the Sub-decree which is stated in the article 13 of this law to later date, following the proposals of the Ministry of Environment.

When making decision on this extension, shall:

- consider making a balance between the nature and the extent of possible danger to human's health, environment and natural resources which may result from such extension,
- Examine on the possibility of the means, technique and finance of the activities which are being underway.

The Khmer version is the official version of this document.

CHAPTER II: FINAL PROVISIONS

ARTICLE 27:

Those provisions which are contrary to this law shall be hereby nullified.