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Introduction: Why do we need Environmental Code?

- Cambodia has a body of environmental laws, other related laws and regulations including sub-decrees, and many other government decisions. the laws and regulations cover wide range of issues, such as protected areas, various forms of pollution, and environmental impacts assessment (EIA), natural resource preservation...
- Most of the existing legislations were developed in the 1990s and do not reflect Cambodia's development over the past 20 years.
- In addition, various pieces of legislation are fragmented and also contain significant gaps in terms of modern concepts related to environmental governance and source of conflict of jurisdictions among government agencies;
- Furthermore, existing legislations have been developed in a piecemeal manner by a number of different ministries, without reliable and well coordinated framework for effective implementation to promote the sustainable development and Green Growth Strategies adopted by the Royal Government of Cambodia.

- That is WHY Environmental Code initiative has been launched by Excellency Minister **since October 2013 & formally endorsed by** the Royal Government of Cambodia **in March 2015**, allowing the Ministry of Environment to draft an Environmental Code with technical and financial supports by Vishnu Law Group, United Nations Development Programs (UNDP) and other development partners.
- A Technical Working Group (TWG), consisting of representatives from relevant departments within the Ministry was established and supported by 7 Sub Technical Working Groups (STWG), focusing on 7 different areas covering the whole aspect of the Environmental Code.

1. Promotion through the collect of inputs from publics : as guidance for drafting & securing law enforcement efficiency

“Environmental Code : from everyone & for everyone ”

“From EIA to General Policy and Legislative Framework”

1. Public contribute their inputs- such as opinion, concerns, hope and expectation and suggestions- for drafting the code (it identify subject matters and scope of the code):
2. Publics become members of WG (CSOs, IO, UN org. private sector, academic institution, law firms..)
3. Public such as CSOs and their stakeholders is authorized to collect further inputs within their network.



2. Promotion through introduction of a series of Decision support tools

- More than 10 general principle of environmental law have been incorporated to guide drafting and to secure unified interpretation, detail implementing regulations and implementation of the code in the future;
- The Concept of Supremacy of environmental regulations over others has been introduced to shape policy and decision making at local government level
- SEA will be incorporated for the first time in the history to secure the rationalization and balance between development and environmental protection and biodiversity conservation.

- EIA will be developed in greater detail to address all gaps and lesson learn in the past by introducing for example following major aspects:
 - A broader and compulsory public participation : from screening to monitoring
 - Access to information and publication including online publishing
 - Environmental Management Plan: additional supporting tool for stakeholders to mitigate and monitor the impacts;
 - Reinforce the practice of “Social and Environmental Funds”;
- Environmental planning , Eco Mapping and Land Use : Integrated Map will be introduced to build bio-corridor and provide clear indication on where to develop and where to preserve (water reservoirs and cultural heritage included).

3. Promotion through introduction of additional law enforcement mechanism developed upon the past

1. Co-Management services (including community based management approach to promote environmental planning, action plan development, implementation and monitoring;
2. Legalize role, responsibilities and duties of CSOs in the promotion environmental safeguard;
3. Decentralization of powers to regulate and address environmental issues such as waste management, land use planning, investment planning for sub-national level, mobilize forces and materials to address environmental offenses.

4. Promotion through introduction of additional law enforcement mechanism developed upon the past (Cont.)

4. Promoting self compliance using:

- Among Kids and General Public through Public awareness, access to environmental information, formal and informal education (from Kindergarten to Professional School)
- Among businessmen/investors “using interest oriented based approach”: tax policy review, economic incentive and other related tools to favor eco-friendly behavior;

5. Introduction of “fear based approach”/ “penalty based approach :

- A series of criminal and administrative sanctions and civil liability will be introduced to promote behavioral change and adjust day to day attitude;
- A specific administrative and judicial proceeding will be introduced to reflect the special feature of environmental case

4. Regulating producer's behavior, a key to improve environmental safeguard to promote sustainable use of natural resource and sustainable development

- Climate change adaptation and mitigation general duty for all

Eg.

- Sustainable consumption and production: Entrepreneurs and investors shall, for example, adopt eco-friendly behavior and promote eco-friendly network (corporate structure and at distribution channel)
 - Sustainable energy
 - Sustainable extractive industries
 - Sustainable tourism
- Regulating waste management and pollution by imposing 3 R duty in the production and/or distribution process.



Thanks
For
YOUR KIND ATTENTION!

Contact detail: **SUM Sokhamphou** (Mr)

Chair of Permanent Secretariat to Technical Working Group
for Environmental Codification

Email: sokhamphou@gmail.com

Mobile: (+855) 92 42 88 68

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