

X The First Draft of the Environmental Code (Atty. Matthew Baird, Expert to Vishnu Law Group)

Atty. Matthew Baird presents the First Draft of Environmental Code.

XI Presentation and open discussion

- Question:
 - Book 14: should we use term Forestry or Timber?
 - Most points highlight actions rather than key issues
 - Book 4: mentions a lot about actions
 - There should be the balance of chapter, section in each book.
 - The purpose is not stronger. How can we measure?
 - Objective: please mind hierarchic priorities and cohesion of objective
 - Objective: Point d, e, f, h state actions rather than long term objective
 - Objective: Point f: why not others or national strategy
- Question:
 - **Sotheary:** what is different between animal and endangered species which are put in different place? Trafficking and trade?
- Question:
 - Water Section should be put in separate chapter.
 - Who has and doesn't have access to water?
- Question and suggestion:
 - There are many books, 34 books. There should be the balance of chapters in each book. The investors may find it difficult to access to this environmental code with there are so many reference to other legal instruments kept apart from the code. The suggestion: there should be soft copy uploaded into internet.
 - Change from Environmental code of Cambodia to Cambodian Environmental Code.
 - There should be check list chart of words explained in English. People can explain and understand differently from the same point.
 - There should be provision in the annex so that this can avoid overall amendment of the code.
- Question:
 - Principle 9 doesn't state clearly, Please make adjustments.
- Question:
 - We mention timber. What is about branch of the tree? Please review
- Question:
 - One book states some relevant ministries, but I don't see the Ministry of Culture and Fine Arts. This ministry is also relevant to the book
- Question:
 - In Objective, point (a) should add ecosystem. To develop road, please mind forest. This is how the development affects. Please make code to prevent.
- Question:
 - Conservation Trust Fund we need to consider.
- Answer:
 - **H.E. Sum Sokhamphou:**
 - will review word use

Commented [MB1]: Amended to refer to forestry rather than timber

Commented [MB2]: This is a matter for further drafting and response following drafting.

Commented [MB3]: This is a matter to be addressed. Trafficking is an illegal activity but trade is in accordance with the law.

Commented [MB4]: This is noted. The Code is to include many topics. This requires many books.

Commented [MB5]: A dictionary and definitions is being prepared

Commented [MB6]: Noted.

Commented [MB7]: This is supported.

- Prepare glossary
- Create annex to note and be for changes
- The balanced division of books, chapters. This cannot be done as the Minister is in progress to add, delete, and adjust on general principles. More principles will cover more comments. Now it is just a draft...we brainstorm more.
- How can we include everything in the code like France system because we don't really rely on that system at all. We focus only on the existing problems.
- We need an applicable code to change people's mindset. The code is the reference for the readers and implementers.
- The inclusion of the Ministry of Culture and Fine Arts, Economy, and Education is the must.
- The mechanism of sharing information to all Ministries before joining international forum or world. This will ensure right and joint information to the outside world.
- Answer:
 - **Atty. Matthew Baird:**
 - The use of words: animal and endangered. This needs more references to make it clear for the audience and clarification.
 - When we capture the comment, we will response. Khmer version is original, so there may be the problem with translation.

XII Lunch Break

XIII Sub-Technical Working Groups identify issues to be addressed in the next phase, assign responsibilities among the STWG members, and create internal timelines (*Small Group Discussion, led by the **Head or Deputy Head of each of the Sub-Technical Working Groups***)

XV Coffee break

XVI STWGs present the results of their work Wrap Up, Next Steps and Closing of the Meeting (*Representative(s) assigned from each STWG*)

Group 1

Sustainable city and Green Economy

- Suggest the working group participation from technical official from the Ministry of Mine and Energy, the Ministry of Land Management, Urban Planning and Construction
- Methodology: how to include comment from different experts on the same sector into the code?
- How to apply green development strategy in the code
- Book 23 should focus on climate change
- What is one eco mapping process?
- Should combine book 6 and book 11
- This draft code doesn't have Bio-mass
- How is the process of meeting each STWG?
- For timeframe, this group will try to implement

Commented [MB8]: Under consideration.

Commented [MB9]: This is a type of energy source that would be included for consideration by the SWTG

- o Ecosystem should be provided in Book 26. If not, this should incorporate into Book 23

Group 2

Book 17: Waste Management and Pollution Control

This book should be divided in to two different books. The books include as following:

Commented [MB10]: This is a matter for consideration. To be addressed following the re-ordering of the Code.

❖ Book 17(1): Waste and Hazardous Substances Management

- o Chapter 1: Urban/Household Waste Management
- o Chapter 2: Solid Waste Management
- o Chapter 3: Hazardous Waste Management
- o Chapter 4: Hazardous Substances Management
- o Chapter 5: Sewage System and Sewage Treatment System Management
- o Chapter 6: Database of Pollutant Release Transfer and Register (PRTR)

❖ Book 17(2): Environmental Pollution Control

- o Chapter 1: Water Pollution
- o Chapter 2: Air Pollution
- o Chapter 3: Noise and Vibration
- o Chapter 4: Ozone Layer Protection
- o Chapter 5: Transboundary Pollution
- o Chapter 6: Inspection
- o Chapter 7: Marine Pollution

Book 6: Chapter #: Motor Vehicle Exhaust Standards

Commented [MB11]: This is already included.

- It should be placed in book 17(2) mentioned above.

Book 10: Environmental Quality Standards and Environmental Protection Guidelines

- There are two suggestions from the group such as followings:
 - o For this book, the group needs help from international experts to establish the procedure of the setting of National and Local Environmental Quality Standards (EQS) and Guidelines as it is new to Cambodia.
 - o Anyway, this book seems to talk about the setting of EQS including ambient standards and discharge standards, which contrast to the title of the book itself. It is recommended that it be placed in book 17 instead.

Commented [MB12]: This matter needs to be referred to the international experts to help identify EQS that can be applied to Cambodia.

Commented [MB13]: There are already standards in Cambodia. This Book is to update the EQS and to provide for environmental protection guidelines

Commented [MB14]: The response is that the setting of EQS and specific protection guidelines should be separate from the Books dealing with the application of the EQS. EQS will also be applied in the Book on EIA as well.

Group 3

✓ Led by Mr. Meas Sophal

1. Identify issues to be addressed on the next step/phase:

- Trying to find the main point; sustainability as an example, in article 1 and 2b (water, land, air and light), implying that if the purpose started with sustainability, then the following articles should explain it; if it started with protection, then the next books or chapters should have gone with that, which will be easier to create policies or even the penalties-like being

interacted with one another or being arranged orderly based on the purposes of article1

- One person thought that the form is somehow not a law, but more like a guideline-meaning that there's no enforcement mechanism to actually follow it (repeated somewhat-still confusing and mixed)
- Book 5, 7, 8, 12, 13, 14, 15, 16, 18, 21, 25, 26, 28, 30, and 31 are related, as following:
 - Book 7: the title should be changed to natural resource determination (raised by one member) according to his implication when he read it; others thought that the title shouldn't use regional, but sub national instead-like in each zone should do what?; later, it seems to be more like The Correct Policy Organization (ការរៀបចំគោលនយោបាយបានត្រូវ); they were not clear what the title wants or means, and the chapters that have the word "reserves" should be changed to "protected areas"; they believed that book 7 and 8 should be integrated as book 7 is like a policy while book 8 is more like an implementation, so they should stay under one title like conservation; Book 5 and 7 are very similar in terms of name; hence, the title should be Protected Area System; on one hand, they felt that the terminology was not really a matter, but we need to study IUCN categories in order to understand more; besides, the title of Book 7 will be changed from Natural Resources Planning and Management to PA systems Planning and Management, and the last 2 chapters of Book 7 should be put elsewhere so that we can delete Book 7 since Book 8 covers Book 7 already;
 - Book 8: should include one chapter on Prohibition of Wildlife Farming on Endangered Species because people start to catch wildlife and take it as their own which turn out to be legal once the authority catches them, and it is in line with CBD, IUCN, and CITES, so we better check it;

Commented [MB15]: This is under consideration by the STWG

- Book 12: should be **marine and coastal areas** planning and management; should arrange briefly or classify things clearer as it will be easy for us to do the mapping and satellite;
- Book 13: change to National and Sub national conservation corridors (trans-boundary cooperation) and should be put under Book 7 rather than separate it alone;
- Book 14, 15, and 18: were proposed to integrate the “Conservation Trust Fund” supported by Trust Law.

Commented [MB16]: This is a matter for review following the reordering of the Code.

2. Divide the responsibilities (haven't touched upon this)
3. Create the internal timeline (haven't started yet)

Books:

1. General provisions
2. Organization of jurisdictional and institutional issues
3. Public participation and access to Environmental Information
4. Environmental Impact Assessment
5. Making of national, regional and local environmental and natural resources plan
6. Urban land use planning and management
7. Natural resources planning and management
8. Biodiversity conservation and management
9. Strategic environmental assessment
10. Environmental quality standards and environmental protection guidelines
11. Sustainable cities
12. Coastal zone planning
13. Establishment of national conservation corridors
14. Sustainable Timber management
15. Sustainable Fishery Management
16. Community management
17. Waste management and pollution control
18. Water management
19. Cultural and natural heritage protection and management
20. Extractive industries and sustainable economic benefits
21. Sustainable tourism and eco-tourism
22. Sustainable energy
23. Climate change
24. Reduction of greenhouse gas and promotion of green growth
25. Disaster risk reduction and disaster management
26. Environmental economic measure, fees and charges

Below is the suggestion made by the group III regarding the book of the draft code. Participants of group 3 had rearranged the content of the code as agreed by the group's members.

Correction (Developed by group 3):

Commented [MB17]: To be reviewed following re-ordering of the Code.

1. General provisions
2. Organization of jurisdictional and institutional issues
3. Public participation and access to Environmental Information

4. Environmental Impact Assessment
5. Strategic environmental assessment
6. Environmental quality standards and environmental protection guidelines

7. Urban land use planning and management
8. Sustainable cities
9. Waste management and pollution control

Natural Resource Management Establishment of PA systems and conservation corridors, the group has provide some inputs under the book 7 through 13. Below is the outcome of the discussion:

(From Book 7 and 13) Development of environmental and natural resource plan/zoning

- a. Establishment of PAs and conservation corridors for biodiversity conservation
 - i. Forests

- b. Establishment of PAs. coastal, marine and freshwater
 - i. Marine and coastal
 - ii. Fresh water fisheries
 - iii. Mangrove conservation

10. Management of PAs and corridors
 - a. Cross cutting PA management issues (includes most chapters from Book 8)
 - b. Sustainable Forest management specific issues
 - i. Conservation –biodiversity, wildlife
 - ii. Production—timber, NTFPs
 - c. Sustainable Fishery Management specific issues
 - i. Conservation –biodiversity, aquatic species, coral reefs etc
 - ii. Production—commercial fishery, aquaculture

d. Sustainable Water management specific issues

- i. Conservation –biodiversity,
- ii. Production— water for irrigation

11. Community based NRM (This is a suggestion to be put under the Chapter of Community based Natural Resource Management)

Where to put ELCs? The group has raised a question of where the ELCs can be placed under the content.

12. Cultural and natural heritage protection and management
13. Extractive industries and sustainable economic benefits
14. Sustainable tourism and eco-tourism
15. Sustainable energy
16. Climate change
 - a. Reduction of greenhouse gas and promotion of green growth
 - b. Disaster risk reduction and disaster management
17. Environmental economic measure, fees and charges

Group 4

Group 4 was participated by only three people because some people were busy in the afternoon session of the workshop; they had to leave early and thus was not able to attend the discussion. The three members of this group were: one member was an official from the Ministry of Environment; one person was from an INGO, and another person was from Vishnu Law Group. This group was assigned to discuss on Book 19 “Cultural and Natural Heritage Protection and Management”. The draft of this book consist of 5 Chapters including (1) Identification and designation of cultural and natural heritage sites; (2) Special Protection Status Classifications; (3) Special Considerations in EIA for Cultural and Natural Heritage Sites; (4) Management Plans for Sites; (5) Requirements for Heritage Impact Assessment.

After discussing, Group 4 decided to provide some comments on the description of the chapter as follows:

- Point 2 of the description box should include the Ministry of Culture and Fine Arts and all authorities related to heritage management.
- Point 4 should include “Rescue Archeology or Salvage Archeological Survey and Excavation” for any sites, locations or zones that are subject to development.

Commented [MB18]: Included

Commented [MB19]: Agree

In addition to the comments on the description box of the chapter, this group commented on some of the chapters of the book as follows:

- Chapter 1: should include national inventory list of both the cultural and natural heritage throughout the country and this should be updated on a regular basis.

Commented [MB20]: These amendments have been made to the Code.

This chapter should also establish heritage zones at the national, provincial or even the communal levels.

- Chapter 2 should be “Damage and Conservation Status Classification” instead of “Special Protection Status Classifications”.
- Chapter 4 “Management Plans for Heritage Sites” should also establish protected zones and core zones for heritage management.
- Chapter 5 must include the “Rescue Archeology or Salvage Archeological Survey and Excavation” for any sites, locations or zones that are subject to development as already mentioned above.
- This book should add a new chapter on “impacts on the People” because there are a lot of people who have been affected by the development and conservation of the cultural and natural heritage.

Group 6

Mr. Long Rithyrak (Chair of STWG. 6)

- Firstly, he wants to mention that in Zero Draft of Environment Code has some problems with translation from Khmer to English and from English to Khmer key words because some meaning of BOOKs or Chapters of the Code are not full meaning. For example, in the BOOK-20 should be input about Industry Benefit Sector. In addition, on BOOK-23, 24 did not input about oil and gas, so he wants expert to checking this point again.
- Another point, he said that after group discussion, our members raise about EIA that involve with mine. In this point we want to separate about Environmental Impact Assessment 4 parts:
 - Preliminary EIA
 - Full process all EIA
 - Emergency Case
 - Military Case
- The Emergency Case and Military Case should not be do Environmental Impact Assessment because these case are very importance to save the people and society. Finally, the Chair of Group 6 (Mr. Long Rithyrak passes presentation to Mrs. Serena from CCC to present detail about mine on BOOK-20 EXTRACTIVE INDUSTRIES AND SUSTAINABLE ECONOMIC BENEFITS.

Book 20- extractive industries and sustainable economic benefits

Mrs. Serena from (CCC) Co-operation Community Cambodia.

- ***These are statements of Mrs. Serena instead of STWG.6:***
- The idea of “Best Practice” must be clearly defined. The example was provided of how Brazil has recently suffered from vague or inadequate terminology related to tailings management, which resulted in a dam breach and chemicals used in the mining process being spilled into a nearby river.

- Resettlement of communities needs to be explicitly documented with clear requirements to ensure that those moved at the expense of development projects are not made worse off or more vulnerable.
- The human rights case in environmental degradation scenarios should have a clear connection within the Code. Everyone should have the right to a clean environment that does not detract from ones livelihood.
- The question was raised of whether or not the Extractive Industries Transparency Initiative (EITI) should be part of the Environmental Code because EITI is mainly related to the transparent disclosure of financial documents. EITI does not have a component or requirement for EIA.
- Site management extends to environment and society.
- It is crucial that licenses approving development projects are not granted until after an EIA has been completed and approved.
 - There should also be various EIAs completed for the different stages of a project: exploration, implementation, continued management, etc.
- There should be an additional chapter related to the infrastructure installations that are part of development projects. For example, many projects have access roads to a project site that may affect a community's access to forest areas or provide access for outsiders to conduct illegal logging activities.

Book-22 sustainable energy, **book-23** climate change, **book-24** reduction of greenhouse gas and promotion of green growth

Representative: Ms. Raphaele Deau

- **Book 20:** Add oil and gas in the list of types of extractives or the book will be restricted to mining only (oil and gas are also part of the extractives).
- **Book 22:** This book is very important as the energy sector is now representing a major emitter of GHG, while in the last national GHG inventory (dated back to 2000), the energy sector only accounted for 6% of the national GHG emissions. Today, with growth in manufacturing, construction (residential and industrial), energy needs are skyrocketing, and new carbon intensive activities are emerging (coal, cement...).
- Suggestion:
- Replace title to 'Energy' (not 'sustainable energy') and organize book in 2 categories:
 - 1. Renewable energy (RE): solar, bio-energy, sustainable hydropower. Chapters: encourage investment in RE / Define the RE options / Refer to a 'renewable energy policy' (this needs to be discussed with MME, NCSD and MoE).
 - 2. Non renewable energy (coal, oil-gas, large hydro): Chapter: Avoid, Reduce, Offset or user paying principle (include possibility of PES, especially for large hydro, or bridge with book on water management) / Make links with book 23-24 on carbon reporting...

Commented [MB21]: These comments are under consideration.

- **Book 23-24:** Difficult to feedback on such general and cross-cutting topics. But one thing that is of general interest, and has been suggested to NCSD ('Study on private sector response to climate change', co-authored Raphael Deau - Jacquelin Ligot) is voluntary/compliant reporting of private companies on their carbon/sustainability footprint. There is currently no compliant mechanism, but while we're waiting for compliance, we can suggest voluntary reporting as a way to manage operations in a more strategic manner and participate to the green economy in Cambodia.

Representative: Mr. Ramasamy

- For energy projects there needs to be clear requirements for noise, emissions, waste water discharge, chemical byproduct treatment, etc.
- Zoning is also a crucial issue that often affects power generation facilities because of transmission stations; therefore regulations will need to be clearly outlined.
 - An example was provided of how a coal power plant had a 2-kilometer radius between its generation facility and the nearest community, however, over time workers moved closer to the power plant and then later complained about the noise, dust, particulate matter, etc.
- Gaseous waste may eventually be covered in a separate book on emissions (23-Climate Change or 24-Green House Gases), but a section should be developed on emissions from energy generation activities.
 - Similarly, what is the monitoring and regulation mechanism that will be used to enforce emission related laws and provide information to the public.
- There is potential for books 23 and 24 to be merged because they both have a focus on gaseous emissions.
- There is a lack of discussion on radio signals continued development and potential impact on birds and other animals. Further studies related to this should be completed.

Commented [MB22]: Zoning needs to be addressed in the planning process, including buffer zones for industrial or

Group 7

For group 7, there are 7 people join the discussion. All the members choose four topics to discuss which are: Book that group 7 chooses to work on, Comment on the draft, divide the responsibility among the member and decide the schedule for the meeting.

1. Topic one: Group 7 chooses to work on book 3, book 5, book 26, book27 and book 28.
2. Topic two:
 - **Dr Vannak** who is one of the members in the group suggest to add a book which talk about effective environmental governing. In that book, it should include the following chapter:
 - Chapter 1: Allocation and utilization of technical and financial resources for environmental sustainability
 - Chapter 2: The sustainable management of natural resource.
 - Chapter 3: Institutional arrangement for environmental governance.
 - Chapter 4: Capacity building for environmental governance.

Commented [MB23]: The important issue about the role of the Code. The aim of the Code is to promote environmental governance.

- Chapter 5: Monitoring system of natural resource and ecology
 - **Dr Vannak:** suggests separating of book 3 into 2 books differently. One book will talk about public consultation and another book will talk about accessing to information.
 - All the members suggest that all books shall have a very clear guideline so that they can have consistency. Civil code and Criminal code are a good modal.
 - The arrangement of the book is not yet good. It shall reconstruct again.
 - In book 26: It shall have a chapter which talks about the fiscal policy for the balanced development and environmental protection and another chapter which talk about monitoring policy for the balanced development and environmental protection.
 - In book 25 on page 26 which mention about disaster, it shall have the member from for example disaster committee in the drafting process. Moreover, this book shall include the chapter on disaster preparedness, emergency response, post disaster response.
 - If it is possible, we could merge book 4 and 9 into one book.
3. Responsibility of the members:
- **Mr. Kry Kiryath** : will be responsible for book 3&5 on GIS
 - **Dr. Chhun Vannak** and **Sor Sontheary**: will be responsible book on research and governance.
 - The other people will take the responsibility later.
4. The date of meeting: The next meeting will be held on at 2:PM Monday 18 April 2016 at MoE.
5. Others:
- There are fewer members in this group. The group members suggest to invite other members (From ECOSOCC, Supreme National Economic Council, Royal Economy of Cambodia)

Commented [MB24]: Access to information is an integral part of the public participation process.

Commented [MB25]: This is agreed.

Commented [MB26]: SEA and EIA are separate systems. SEA relates primarily for policies and plans. These need to be

XVII Reply to the concerns of each group

- **H.E. Sum Sokhamphou:**
 - Group 1
 - the facilitators will coordinate STWGs to find proper meeting time, Skype call time, needs, documents, sharing. When you all are in need we will coordinate for you all. The coordination will focus strongly on two points: one is objective of the meeting and information sharing and another one is document to be share.
 - Environmental code is not to ensure the application of national strategy.
 - For one eco-mapping, due to time constrain, this will be in the future.. in the final provision
 - Group 3
 - We will consider the hierarchic order of general principles
 - Group 4
 - Saving earth digging is already mentioned, but we have technical problem stating that.
 - Group 6

- Your questions are good. We will consider more. Gaseous, oil, EITI Licensing these will be talked and discussed in detail as it is also in EIA
- To write the detailed or leave some is separate legal instruments, this is technical. Please comment.
- If it is too detailed, it cannot be quickly flexible on time. What is regularly amended should not be included in the code.
- For Effective environmental governance, we have EIA, Standard... We will consider these viewpoints to include in...we will find ways.
- Public participation and Access to information: these don't focus on server management. These refer to sharing environmental information to the public. The Ministry of Information should have method to share the same information to all the relevant before the info is used in the public. We will consider about this.

XVIII Conclusion

- **H.E. E Vuthy:**
 - Please use official submission form when you want to give comment on anything and send that to Ms. Lin.
 - Please follow work plan.
 - In June or July, there will be a workshop. There shall be technical meeting in the morning with technique of making small groups of one or two STWG groups to discuss on subject matter and then rotate in-turn-ly.

Closing Remark

Submission Form

Recommendations from the STWGs to the Secretariat of the Project to Develop the Environmental Code of Cambodia

Date of Submission: 6 April 2016

Submitted by (provide individual and STWG contact information): Raphaelae Deau, STWG 6
(but also following 1-3-5).

1. Issue:

- A lot of chapters' description are cross books. There are missing links between books, probably due to the draft format. It is strongly encouraged to create more bridged/links between books and chapters.
 - Book 1, chapter 2: 'User pay' and 'FPIC' not in principles. I think they should be shown here to show the forward thinking spirit of the code. 'User pay' is especially an important principle to rely on for PES as described and suggested in other books.
 - Book 2: add Ministry of Economy and Finance (for all sustainable finance on conservation) + minister of culture (for all Heritage and cultural sites).
 - Book 3: Add 'communities' for FPIC. With rural exit and migration, local communities and migrations are now blending with indigenous people, so it's important to recognize the rights for communities as well to be involved in acceptance of development projects.
 - Book 4, chapter on registration of EIA experts: Need to acknowledge international experts on EIA accredited list of consultants. What's happening so far for international companies is that, because they're subject to certain EIA quality criteria by international auditors, they have to recruit international firms to back up the work of Cambodian companies => this doubles the work and the cost. So, the list of accredited entities needs to be open to international consultants.
- Book 4, chapter on fees and charge. For transparency and fairness concern, fees and charges of EIA experts should be standardized and transparent to avoid abusive fees that in the past enabled fast track of the procedure.
- Book 6: Urbanism should require a minimum space for parking slots and green spaces per Sangkiat, managed by Sankiat/Khan to avoid traffic congestion and allow space for leisure and green city (ref: Sub-decree on Waste management, July 2015, No. 113 NKR.PR)
 - Book 6: Recycling and waste management shall be under responsibility of Sangkiat/Khan, and fines should be enforced and/or license shall be hold when the waste management company is not doing the job as per its master plan. Waste and unclean streets is increasingly affecting the tourism industry and reducing expected related income.
 - Book 8: Need to require biodiversity corridors in-between Protected Areas and ELCs, so that ELCs are also participating to forest and biodiversity conservation. This land use separation is a main factor of deforestation and biodiversity depletion. Corridors will force companies to respect their master plan and EIA commitments.

This could be encouraged through a landscape approach and sustainable plantations (check with WWF experts on this, I can provide contacts if needed).

- Book 9: Should come right after EIA, not later in the code, or we feel the 2 are disconnected while they are actually completing each other.
- Book 10: Quality standards and audit systems are great but there is a lack of skills in the country to address those needs. Need to bridge it with Ministry of Education and Training. Also, need to require an effective MRV system to be put in place (Monitoring, Reporting, Verification).
- Book 12: I would add 'conservation' to the phrase 'Overall objectives of coastal zone management' so that we can capture marine conservation projects (1-2 existing in Kampot-Kep-Koh Rong).
- Book 14: why using timber here while all laws are using forests?
- Book 17: 'encouraging and facilitating' is not strong enough. Need to 'require' Sangkiat and Khan to install recycling service and take responsibility to avoid, sort and recycle waste. To be added to Sub-decree on Waste management (July 2015, No. 113 NKR.PR)
- Book 20: Add oil and gas in the list of types of extractives or the book will be restricted to mining only (oil and gas are also part of the extractives).
- Book 22: This book is very important as the energy sector is now representing a major emitter of GHG, while in the last national GHG inventory (dated back to 2000), the energy sector only accounted for 6% of the national GHG emissions. Today, with growth in manufacturing, construction (residential and industrial), energy needs are skyrocketing, and new carbon intensive activities are emerging (coal, cement...).

Suggestion:

Replace title to 'Energy' (not 'sustainable energy') and organize book in 2 categories:

1. Renewable energy (RE): solar, bio-energy, sustainable hydropower. Chapters: encourage investment in RE / Define the RE options / Refer to a 'renewable energy policy' (this needs to be discussed with MME, NCSD and MoE).
 2. Non renewable energy (coal, oil-gas, large hydro): Chapter: Avoid, Reduce, Offset or user paying principle (include possibility of PES, especially for large hydro, or bridge with book on water management) / Make links with book 23-24 on carbon reporting,..
- Book 23-24: Difficult to feedback on such general and cross-cutting topics. But one thing that is of general interest, and has been suggested to NCSD ('Study on private sector response to climate change', co-authored Raphael Deau - Jacquelin Ligot) is voluntary/compliant reporting of private companies on their carbon/sustainability footprint. There is currently no compliant mechanism, but while we're waiting for compliance, we can suggest voluntary reporting as a way to manage operations in a more strategic manner and participate to the green economy in Cambodia.
 - Book 26: add Trust Fund or possibility for communities to aggregate their interest into Trustees organization. Shall we add PES and CDM/carbon finance here? I think they should be added as options for sustainable financing of environmental and conservation activities.

- Book 27: Need to address/encourage not only long term academic education but also and foremost vocational training that is capable to cater for immediate needed skills in Energy (Energy Efficiency, Renewable Energy, Climate Smart Agriculture, Energy audits...).

- Book 29: Importance to identify who is auditing? Who has the capacity and legitimacy to audit? Currently, only a few consulting agencies are operational, but face difficulties to recruit skilled staff (TUV, Bureau Veritas...).

2. Reference to Code Book and Chapter (if applicable):

3. Comparative Experience (including Cambodian and international examples and experience):

4. Recommendation:

5. Proposed Language to be Inserted into the Draft Code (optional) (Note: when proposing modifications to existing draft Code text, please extract the relevant text and insert here, in track changes if possible):

6. Cambodian Laws to be Abrogated or Modified (include specific articles and clauses):

7. Drafting Team Analysis/Response (to be included in public database):

Submission Form

Recommendations from the STWGs to the Secretariat of the Project to Develop the Environmental Code of Cambodia

Date of Submission: 7th April 2016

Submitted by (provide individual and STWG contact information):

1. Issue:

The representation of the Precautionary Principle, which as written in the Environmental Code says that a "lack of full scientific certainty will not postpone cost-effective measures to prevent environmental degradation".

This is good but it seems that this is only part of the full meaning of the principle, which internationally also suggests that there is a social responsibility to protect the public from harm where a risk has been found, and that the protection will be relaxed (i.e. the proposed action can go ahead) only when scientific evidence suggests that there will be no harm. Furthermore, the burden of proof should fall on those who want to undertake the action (not the government).

Under the Environmental Code definition it sounds like the proposed action can go ahead as long as there are cost-effective measures that can prevent environmental harm, but what if the measures are not cost-effective, what happens then? Does it go ahead anyway or is the action prevented? Example of commercial wildlife farming, there will be significant harm to biodiversity if a lot of expensive measures - for government and private sector - are not applied, thus, the precautionary principle under its international definition would suggest that wildlife farming should not go ahead until those conditions are met.

These definitions will be pretty important?

2. Reference to Code Book and Chapter (if applicable):

There have to add another objective to article 2: objectives

- (j) Safeguard the individual and collective rights of indigenous people as postulated in Sub-decree No 83 (No 83 ANK.BK) and So Chor No 653 (653 So Chor No SR).

Some questions on book 8:

- How does chapter 2 (protection of animals) differ from the one above? Does it mean wild animals that are not endangered, or other?

- The chapter "prohibition of trafficking, possession or sale of endangered species" needs to be re-phrased a bit, seeing as "trafficking" by definition is an illegal activity. It perhaps makes more sense to call it "prohibition of trade, possession or sale of endangered species" - trade can refer to both domestic and international trade.
- I assume this book is also where control and regulation of wildlife farms would fit, but I don't see a book on this here at the moment.
- **There needs to be a Chapter added to Book 14: SUSTAINABLE TIMBER MANAGEMENT to cover something like:**

Chapter # - Sustainable harvesting of timber, fuel wood and non-timber forest products from Community Forests, Community Zones and Indigenous Communal Titles

3. Comparative Experience (including Cambodian and international examples and experience):

4. Recommendation:

5. Proposed Language to be Inserted into the Draft Code (optional) (Note: when proposing modifications to existing draft Code text, please extract the relevant text and insert here, in track changes if possible):

6. Cambodian Laws to be Abrogated or Modified (include specific articles and clauses):

7. Drafting Team Analysis/Response (to be included in public database):

Submission Form

Recommendations from the STWGs to the Secretariat of the Project to Develop the Environmental Code of Cambodia

Email to: LimNalin at Vishnu Law Group: limn@vishnulawgroup.com

- *[I hope this will be helpful for the global already impressive work provided by everyone. Sorry in advance for any inconvenience if some of my comments are already taken in account in the document, or considered as non appropriate](#)*

Date of Submission: 20 April 2016

Submitted by (provide individual and STWG contact information):

Andeol Cadin - STWG-01 - andeolcadin@gmail.com - 012 210 151

1. Issue: [see track change below](#)

2. Reference to Code Book and Chapter (if applicable): [see track change below](#)

3. Comparative Experience (including Cambodian and international examples and experience): [European professional experience urban planning and architecture of 10 years](#), [Cambodian professional experience urban planning and architecture of 7 years](#).

4. Recommendation: [see track change below](#)

5. Proposed Language to be Inserted into the Draft Code (optional) (Note: when proposing modifications to existing draft Code text, please extract the relevant text and insert here, in track changes if possible):

6. Cambodian Laws to be Abrogated or Modified (include specific articles and clauses):

[Do we have full access to all texts of law related to the issues / gaps / overlaps, already identified by all the STWG ?](#)

7. Drafting Team Analysis/Response (to be included in public database):

ENVIRONMENTAL CODE OF CAMBODIA

First Draft - DRAFT 1 -- 29 March 2016

BOOK 1 – GENERAL PROVISIONS

Through which entity/entities will the environmental code of cambodia be implemented and enforced ? Currently not so clear.

CHAPTER 1 – OBJECTIVE

CHAPTER 2 – PRINCIPLES

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).

To be defined a lot more precisely with a specialist, otherwise the only below notice will be too easily manipulate by anyone to promote his interests first and only with no real consideration about the environment.

CHAPTER 4 – INTERNATIONAL ENVIRONMENTAL AGREEMENTS

BOOK 2 – ORGANIZATION 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*
- *Why there is not the Cambodian Development Council ? (as this institution is closely linked with a lot of big scale developments having some consequences on the Cambodian environment)*

Key point is to elaborate the good mechanism to promote inter departmental / ministerial Committees, to effectively and accurately having discussions / decisions / implementation , clear and efficient processes
Who will have the main power, to take action / decide at the end, referring to who ?

BOOK 3 – PUBLIC PARTICIPATION AND ACCESS TO ENVIRONMENTAL INFORMATION

- *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.*

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:*

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.*
- *May have to integrate the notion of water and food security?*

- [Possibility to start this management following models from sustainable materials exploitations certifications \(like for wood in europe, ...\)](#)

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.*
- [Who will be in charge with the appropriate skills, to establish the creation of zoning plans and land classification in general, and for \(sub\)urban areas, thus responsible to ensure coherent coordination/ regulations accordingly for projects development. All institutions will act together ? who will validate the setup/layout and process?](#)
- [Who will control the following of the planning principles best practices ?](#)

- what should be considered in environmental code and what should be considered in building codes ?
- Management of urban land have to include management plans regarding water & energy & food security, health & safety measures to define
- Crosscutting Book 5 water & food security
- social housing project have to be integrated in the zoning urban plans

BOOK 7 – NATURAL RESOURCES PLANNING AND MANAGEMENT

BOOK 8 – BIODIVERSITY CONSERVATION AND MANAGEMENT

- eco tourism infrastructure which could be found in these special areas to promote the bio diversity and the local people, must follow some specific regulations and codes according the conservation and protection of these areas (special construction, special energy and water supply and treatment,)
- a non GMO policy should be strictly implemented in order to ensure realistic biodiversity conservation, as well as long term food and economy growth for Cambodia avoiding irremediable damages for the future

BOOK 9 – STRATEGIC ENVIRONMENTAL ASSESSMENT

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 and water and energy safety principles and objectives.*
- *Whowill make the coherent setup of these standards, Cambodian skilled institutions, private companies, ?*
- *Implementation of standards processes ?*

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.*
- *Are institutions skilled enough to reach this level of setup management and implementation for land use planning ? should they be supported by some technical experts ?*
- *Setups, regulations and recommandations will be setup, but as well, will it be enough skilled people to ensure correct follow up and implementation ?*

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.*
- *same remarks according skills needed in Book 11, same recommendation as well to setup as for eco tourism in consevation areas, special regulations regarding land usage, construction, traffic waste management,...*

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, should be eco resort, organic agriculture, or, clear regulation to define*

BOOK 14 – SUSTAINABLE TIMBER 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 timber management.*
- *follow best sustainable international certified practices, a lot of examples are available*

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.*
- *Find appropriate label/certification to follow as a base, then elaborate coherent regulation update with local specificities*

- [What about rivers that are boundaries between Cambodia and another country, which rule to follow, agreement process to setup ...](#)

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.*
- [Starting with best practices examples from asean and developing countries](#)

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~~Book 26.*
- *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.*
- [Regulations on process and construction of collections infrastructures !](#)
- [For storage/burning as well, according which kind of waste, categories to setup.Special treatment of the residual water and solid material](#)
- [Controlling the surrounding areas especially water quality, air quality, ...](#)
- [Which organization will implement and enforce pollution control ?](#)

BOOK 18 – WATER MANAGEMENT

BOOK 19 – CULTURAL AND NATURAL HERITAGE PROTECTION AND MANAGEMENT

BOOK 20 – EXTRACTIVE INDUSTRIES AND SUSTAINABLE ECONOMIC BENEFITS

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.*
- [*regulations and special construction, infrastructure as previous remarks Book 8*](#)

BOOK 22 – SUSTAINABLE ENERGY

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~~–~~URBAN LAND USE PLANNING AND MANAGEMENT~~ and Book 11 – ~~SUSTAINABLE CITIES~~–~~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 ~~ENERGY CITIES~~ and Book 26 – ~~ENVIRONMENTAL ECONOMIC MEASURES, FEES AND CHARGES~~–~~ENVIRONMENTAL ECONOMIC MEASURES, FEES AND CHARGES~~.*

Chapter # - Obligation to address climate change [in all resources and environmental exploitation, land zoning, urban planning ...](#)

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.*
- *[Special Book for urban areas and their surroundings ?](#)*

BOOK 26 – ENVIRONMENTAL ECONOMIC MEASURES, FEES AND CHARGES

BOOK 27 - ENVIRONMENTAL PUBLIC AWARENESS AND ENVIRONMENTAL EDUCATION

**BOOK 28 – ENVIRONMENTAL AND NATURAL
RESOURCES STUDY AND RESEARCH**

**BOOK 29 – ENVIRONMENTAL AUDITS AND
ENVIRONMENTAL MANAGEMENT
REPORTING**

**BOOK 30 – INVESTIGATION, ENFORCEMENT AND
ACCESS TO REMEDIES**

BOOK 31 – ENVIRONMENTAL OFFENCES

BOOK 32 – LEGAL HARMONIZATIONS

BOOK 33 – TRANSITIONAL PROVISIONS

BOOK 34 – FINAL PROVISIONS

Submission Form

Recommendations from the STWGs to the Secretariat of the Project to Develop the Environmental Code of Cambodia

Email to: Lim Nalin at Vishnu Law Group: limn@vishnulawgroup.com

- *For comments on the draft Code, please copy and paste selected text into this form and use Track Changes.*
- *If needed, please submit large documents as an attachment.*
- *Please submit all comments in Khmer and English when possible.*

Date of Submission: 20th April 2016

Submitted by (provide individual and STWG contact information):

Sarah Brook, WCS, sbrook@wcs.org

On behalf of, WCS, CI, WWF, BirdLife, FFI and Wildlife Alliance

1. Issue:

Wildlife farming is not currently included within the first draft of the environmental code (and not currently permitted by existing laws) but we understand that MOE wants to develop wildlife farming in Cambodia. We have developed a policy paper to highlight some of the risks of wildlife farming and we make recommendations on how wildlife farming needs to be regulated and monitored to ensure it does not threaten biodiversity and human health.

We would like to discuss this policy paper with the relevant STWGs and assist with drafting the relevant legislation for the Environmental Code, drawing on experiences and studies from Cambodia and other countries.

2. Reference to Code Book and Chapter (if applicable):

This issue is most appropriate to include within Book 8 - Biodiversity Conservation and Management. There are no chapters currently covering this issue.

3. Comparative Experience (including Cambodian and international examples and experience):

Please see the policy paper. We draw on experiences from Vietnam and China in particular, where the regulatory environment and enabling conditions are similar.

4. Recommendation:

To ensure this issue is discussed within the STWG 3 and to draft appropriate legislation for the Environmental Code.

5. Proposed Language to be Inserted into the Draft Code (optional) (Note: when proposing modifications to existing draft Code text, please extract the relevant text and insert here, in track changes if possible):

To be developed with the STWG3.

6. Cambodian Laws to be Abrogated or Modified (include specific articles and clauses):

7. Drafting Team Analysis/Response (to be included in public database):

Wildlife Farming in Cambodia: A Policy Paper

**Prepared by the following organizations:
WCS, WWF, CI, FFI, BirdLife, Wildlife Alliance**

Executive summary

Wildlife farms, where wildlife is bred and raised in captivity for commercial profit, have increased in number across Asia. Cambodia is considering developing a commercial wildlife farming industry; at the same time the Ministry of Environment (MOE) is also piloting a community-based wildlife farming approach. This policy paper examines some of the risks associated with wildlife farming.

The balance of evidence currently suggests the risks posed by wildlife farming, from either the commercial or community-based approach; far outweigh the potential economic benefits. There are no examples of conservation benefits from wildlife farming in Southeast Asia. This is because wildlife farming does not reduce hunting pressure but creates demand for illegally captured wild animals for initial stocking and ongoing farming, meaning some farmers become involved in illegal trade. Farmed animals are not a direct substitute for wild animals, and rather than satisfying current demand for wildlife, increase demand. Farmed animals reduce the incentive to conserve wild animals and their habitats and have driven local extinctions and endangerment. Monitoring and control of wildlife farms in the region is weak, ineffectual and under-resourced. Wildlife farming is not a feasible source of income for the rural poor, nor does it reduce poverty or increase food security, but rather provides luxury products for urban consumers and profits for middlemen and traders. Wildlife farms are not a source of animals for reintroduction/conservation breeding, which is better served by zoological or conservation breeding programs. Wildlife farms typically lack good management practices and result in loss of genetic integrity of species and high disease risks to humans, livestock and wildlife. The existing draft law on wildlife and biodiversity by the Forestry Administration does not currently adequately address the risks of wildlife farming detailed above.

Consequently, a series of recommendations are made covering the general principles of wildlife farming, legal aspects, ministry aspects, and education and enforcement aspects. Most important among these is the recommendation that the Royal Government of Cambodia allows should allow the farming of "common" species, only under a strict regulatory regime, and bans the farming of all species listed as globally threatened, and as Endangered or Rare in Cambodia.

Introduction

Many species in Southeast Asia, particularly terrestrial vertebrates, are facing extinction due to illegal hunting and trading (Duckworth *et al.* 2012). Commercial wildlife farms, where wildlife is bred and raised in captivity with the purpose of harvesting the animal or a product for commercial profit, have increased in number across Asia. Opinion is often divided on whether wildlife farming will support conservation efforts or put increasing pressure on wild populations.

Cambodia is keen to develop a commercial wildlife farming industry and at the same time has begun trialing community-based wildlife farming within Community Protected Areas inside Boeng Per Wildlife Sanctuary. Below we present the predominant arguments and assumptions behind the development of wildlife farming, and present evidence that suggests the risks of wildlife farming, which are largely the same between the commercial and the community-based approach, far outweigh the potential economic benefits.

Wildlife farming does not reduce hunting pressure.

The assumption that wildlife farming reduces hunting pressure, by offering a legitimate, lower-cost substitute for hunted wildlife, thereby reducing pressure on wild populations is not supported by studies.

Wildlife farms create demand for illegally captured wild animals for initial stocking. A study of 78 wildlife farms in Vietnam with 22 taxa demonstrated that 50% of these farms reported that their original founder stock were from the wild, or a combination of wild and farm stock (WCS 2008). Fifty-eight percent of porcupine farms in Vietnam report that their original founder stock was of wild origin (Brooks *et al.* 2010).

Once established wildlife farms continue to use illegally captured wildlife. There are confirmed cases of illegally-caught wild animals being taken to wildlife farms and then passed off as being bred there (Natusch and Lyons 2014, Brooks *et al.* 2010). Studies have shown 45% of wildlife farms in Vietnam regularly brought in animals from the wild (WCS, 2008). For porcupine farmers in Vietnam, 31% reported they continued to buy wild stock (Brooks *et al.* 2010). Several farm owners volunteered that porcupine meat was supplied exclusively from wild animals (Brooks *et al.* 2010).

Wildlife farming in Southeast Asia has driven local extinctions and several species to the point of extinction. Most porcupine farm owners in Vietnam were very aware that their trade was resulting in the decline of wild populations, reporting that porcupines have been largely or entirely wiped out of Son La Province due to hunting and the farming industry (Brooks *et al.* 2010). Siamese crocodile *Crocodylus siamensis*, a formerly common and widespread species, is on the edge of extinction largely as a result of collection for crocodile farms (Bezuijen *et al.* 2012). Farming and illegal trafficking is the greatest threat to the Long-tailed Macaque *Macaca fascicularis* in Indochina, the species has largely disappeared from many protected areas in the region (Eudey 2008). The establishment of commercial bear farms in China in the 1980s has not demonstrably reduced the killing (poaching) of wild bears, and the

number of wild caught bears in Vietnam has increased by an estimated order of magnitude, despite there being many thousands of bears in farms (Garshelis and Steinmetz 2008).

Farmed animals are not a direct substitute for wild animals and rather than satisfying current demand for wildlife, farmed wild meat can increase demand and increase poaching. Many consumers prefer wild caught animals (or plants) and are willing to pay more for them, despite high quality farmed specimens being available (Brooks et al. 2010, Drury 2009, Kirkpatrick and Emerton 2009, Shairp et al. 2016). Consequently, illegal wild specimens remained common in trade (Phelps et al. 2013) and people will pay a premium for wild caught animals (Drury 2009, Dutton et al. 2011).

Wild meat is perceived to be more natural or of a higher quality than farmed meat and rarity adds to value; so farmed meat can be viewed as "ordinary" (Drury 2009, Shairp et al. 2016). Farmed meat is therefore an additional, inferior product serving a new, larger and growing market for whom wild meat is too expensive (Drury 2009). Availability of legal farmed meat or other wildlife products (e.g. bear bile) can increase demand for wild caught products by making it more accessible (Drury 2012, Shairp et al. 2016, Dutton et al. 2011). Poachers will therefore have a strong incentive to infiltrate legal markets (Kirkpatrick and Emerton 2009).

Farmed animals can be more expensive for consumers than wild animals due to husbandry, operating and infrastructure costs, resulting in farmed products not being able to replace wild products, as poachers typically have relatively low costs (Kirkpatrick and Emerton 2009, Brooks et al. 2010).

Farmers are involved in illegal trade. Farms have reported illegal sales of wildlife, illegally buying stock from commercial hunters, bribing enforcement agencies, illegally transporting their products and illegally possessing other species of wildlife (WCS, 2008, Brooks et al. 2010).

Farmed animals reduce the incentive to conserve wild animals and their habitats. Wildlife farms may undermine rural livelihoods and conservation because they do not provide an incentive to protect wild species and their habitats and thus, conservation more broadly (Natusch and Lyons 2014).

Monitoring and control of wildlife farms in the region is weak, ineffectual and under-resourced. Many farms are established with wild founder stock and then registered with the authorities, whilst others bring in wild stock and register them as captive-bred (Brooks et al. 2010, WCS 2008). Furthermore, it is difficult, at times impossible, to determine wild from farmed stock, making law enforcement extremely difficult (WCS 2008). Given the history of inadequate enforcement of wildlife laws in Cambodia and thus the lack of effective regulation, wildlife farming is considered a very high risk for Cambodia, both in terms of biodiversity conservation and in terms of the disease risk to humans and livestock.

Wildlife farming poses a high risk of disease transmission to wild populations, humans and livestock.

Escaped farmed animals pose a risk in terms of disease transmission to wild populations. In one study, 20% of the 78 wildlife farms surveyed in Vietnam reported escaped animals, including those that pose a threat to humans and those that are outside of their native range (WCS, 2008). There is significant potential for disease transmission from captive animals to both humans, domestic animals and wild species as a result of wildlife farming.

Farms that frequently bring in wild animals may amplify the circulation of pathogens and result in the emergence or re-emergence of pathogens in wildlife, livestock and humans. Mixed species farms are of particular concern for the emergence of new pathogens. Often poor sanitary conditions, little control and no monitoring, makes the detection of any health threats (to wildlife, livestock or humans) very challenging. Improper control of farms, including poor sanitation, and supply chains that don't apply food safety measures increase the risk of foodborne diseases.

Wildlife farming is not a feasible source of income for the rural poor, nor does it reduce poverty and increase food security.

Wildlife farms provide luxury products for urban consumers and do not improve rural poverty or food security. It is undeniable that commercial wildlife farming can be a profitable venture, but there is no evidence to show that there is a link to poverty alleviation (WCS 2008, Natusch and Lyons 2014). There is little or no consumption of farmed wildlife by rural communities so there are few food security benefits associated with wildlife farming. Wildlife farming products are typically sold to urban markets (WCS 2008, Natusch and Lyons 2014). Limited knowledge of animal husbandry and veterinary care, lack of start-up funding, weak institutional support and highly variable market price fluctuations makes wildlife farming an unsuitable tool for improving livelihoods of rural poor in comparison to other available rural livelihood strategies (Nguyen et al. 2007, WCS 2008). Most of the economic benefits are conferred to middlemen/traders rather than the farmers (Nguyen et al. 2007). Rural communities are typically excluded from gaining any economic benefits from wildlife farming.

Reducing poverty does not reduce wildlife trade.

A study of the household living standards of hunters and wildlife traders in Vietnam found that **wealthier households sold a greater value of wildlife than poor households** and that very few households were actually dependent on wildlife as a source of income (WCS, 2009). The study concluded that probably the main financial disincentives to commercially hunt wildlife relate to the risk of detection, prosecution and fines by law enforcement agencies, which are usually considered to be low and the potential profit high (WCS 2009). Furthermore, households of wholesale wildlife traders are mainly wealthy with high food security and relatively well educated, whether they are in rural or urban areas (WCS 2009).

Wildlife farms are not a suitable source of animals for reintroduction/conservation breeding.

Wildlife farms typically lack good management practices, resulting in loss of genetic integrity and diversity of the species they keep. Inbreeding is commonplace and hybridisation between species also occurs (e.g. Siamese and Saltwater crocodiles in Indochina). Poor veterinary practices result in high disease risks to humans and wildlife (WCS 2008).

Zoological institutions and conservation breeding centers are the best option for supporting reintroductions of wildlife. There is only one example from all of Vietnam where a wildlife farm has made a positive impact on conservation of wild populations, and that was through the provision of stock for a reintroduction programme for Siamese crocodiles (WCS 2008). The opposite case for this species exists in Cambodia, with nearly 1000 crocodile farms (many of which have hybrids), and yet less than 300 animals remaining in the wild. Zoological institutions and conservation breeding centres that maintain research, education and high quality veterinary care, population management and husbandry protocols, remain a more viable option for supporting conservation breeding programmes and reintroductions than wildlife farms.

The existing draft Law on Wildlife and Biodiversity by the Forestry Administration does not currently adequately address the risks of wildlife farming detailed above.

Below are some of the main concerns:

- The draft law does not appear to prohibit collecting wildlife to stock farms from protected forests/protected areas, which will be extremely difficult to manage if it is permitted, and many species populations could not withstand the harvest
- None of the terms applied to wildlife farming (e.g. family raising, captive breeding, population extension, customary use) are defined within the draft law, making law enforcement extremely difficult
- No limits have been placed on the number, size and required conditions of wildlife farms; experience with Siamese crocodiles has shown that a large number of farms is impossible to regulate and monitor
- Wildlife farming will be permitted if it can be shown it will not severely affect wildlife and biodiversity, but it is not stated how that will need to be demonstrated (and capacity of farms and government agencies on this issue is lacking)
- Many Prakas are referred to in the law, to define the rules/regulations, but if these Prakas are not developed at the same time as the law (as happened in some cases with the Law on Forestry) the trade will effectively be unregulated
- No details are included in the law as to how wildlife farms will be monitored and regulated

RECOMMENDATIONS

We strongly recommend that the Royal Government of Cambodia (RGC) recognises that wildlife farms do not address the development needs of rural poor and pose serious threats to the conservation of wild populations. Furthermore, we strongly recommend that RGC recognises that with current enforcement capacity, the co-existence of wildlife farms for globally threatened species and healthy wild populations of those species is not, at present, an achievable reality.

In line with the Environmental Code's adherence to the Precautionary Principle, the Prevention Principle and Evidence-based Decision-Making, we specifically recommend that the RGC:

General principles

- Allows commercial farming of "common" species (as defined by the Law on Forestry) only under a strict regulatory regime, which includes biosecurity requirements for disease control and food production;
- Bans farming of all species listed as globally threatened on the IUCN Red List (Critically Endangered, Endangered, Vulnerable) and species listed as Endangered or Rare by the Cambodian Law on Forestry (2002) and on Appendix I of CITES ;
- Prevents the establishment of wildlife farms within a certain distance (TBD) of protected areas, or in human population centres, or near livestock production facilities, to prevent disease transmission and intermixing of wild and captive stock through escapes;
- Prevents the collection of wildlife to stock farms from protected areas (i.e. protected forests, national parks, wildlife sanctuaries, etc.);
- Places the burden of proof on farms to provide evidence of the sourcing of animals, not the enforcement agencies;
- Does not allow farming of wildlife non-native to Cambodia

Legal Aspects

- Stipulates strict penalties to farm owners who breach wildlife/forestry laws and records such breaches in the public domain;
- Ensures strict procedures are in place for registering wildlife farms and permission can be revoked for failure to comply with regulations (e.g. for illegally laundering wild caught animals as captive bred);
- Ensures regulations are in place to prevent escapes of farmed animals to the wild and ensure farms uphold suitable standards of veterinary care, hygiene and husbandry to limit disease risk.

Ministry aspects

- Establishes an independent, well trained and equipped monitoring and enforcement unit, with power to conduct regular (including unplanned) farm inspections, including auditing of farm records. This unit could be funded by levies imposed on wildlife farms;

- Develops monitoring techniques, including reliable and cost-effective methods for individual identification marking and chain of custody protocols developed to prevent laundering of wild animals through farms;
- Works with relevant ministries/institutions to establish clear regulations for health monitoring of wildlife farms, including the food safety for the species destined for human consumption;
- All farm owners should be provided with training in CITES and national legislation/procedures.

Education and enforcement aspects

- Urban-based wildlife traders should be targeted for law enforcement action to help reduce illegal trade;
- Demand reduction campaigns should be implemented by the government to reduce consumption of globally threatened species.

References

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Submission Form

Recommendations from the STWGs to the Secretariat of the Project to Develop the Environmental Code of Cambodia

Email to: Lim Nalin at Vishnu Law Group: limn@vishnulawgroup.com

- *For comments on the draft Code, please copy and paste selected text into this form and use Track Changes.*
- *If needed, please submit large documents as an attachment.*
- *Please submit all comments in Khmer and English when possible.*

Date of Submission:

Submitted by (provide individual and STWG contact information):

Sarah Brook, sbrook@wcs.org

1. Issue:

The definition of the Precautionary Principle could be modified slightly. At present it seems a bit incomplete.

2. Reference to Code Book and Chapter (if applicable):

Book 1, Chapter 2 - Principles

3. Comparative Experience (including Cambodian and international examples and experience):

4. Recommendation:

To include a slightly fuller definition of the principle, incorporating the following components:

- That preventative action will be taken in the face of uncertainty where proposed actions could cause serious or irreversible damage (the current definition just suggests that risks won't be denied)
- That the "burden of proof" will be put on the proponents of an activity, rather than on the government.

5. Proposed Language to be Inserted into the Draft Code (optional) (Note: when proposing modifications to existing draft Code text, please extract the relevant text and insert here, in track changes if possible):

6. Cambodian Laws to be Abrogated or Modified (include specific articles and clauses):

7. Drafting Team Analysis/Response (to be included in public database):

Submission Form

Recommendations from the STWGs to the Secretariat of the Project to Develop the Environmental Code of Cambodia

Email to: Lim Nalin at Vishnu Law Group: limn@vishnulawgroup.com

- *For comments on the draft Code, please copy and paste selected text into this form and use Track Changes.*
- *If needed, please submit large documents as an attachment.*
- *Please submit all comments in Khmer and English when possible.*

Date of Submission: April 20, 2016

Submitted by (provide individual and STWG contact information): Vibol Neth from STWG 3
(Botanical Parks, Wildlife and Biodiversity Conservation)

- Mobile: 012 713 774
- Email: neth@wildlifealliance.org

1. Issue:

Conservation Trust Fund/Trust Law

2. Reference to Code Book and Chapter (if applicable):

3. Comparative Experience (including Cambodian and international examples and experience):

Conservation International has been working with the Forestry Administration to establish Trust Fund for the Central Cardamom Protected Forest. However, because Cambodia does not have Trust Law, the Fund was made in Singapore.

4. Recommendation:

Cambodia should have Trust Law to support initiative of Conservation Trust Fund for Protected Forest.

5. Proposed Language to be Inserted into the Draft Code (optional) (Note: when proposing modifications to existing draft Code text, please extract the relevant text and insert here, in track changes if possible):

6. Cambodian Laws to be Abrogated or Modified (include specific articles and clauses):

7. Drafting Team Analysis/Response (to be included in public database):

Submission Form

Recommendations from the STWGs to the Secretariat of the Project to Develop the Environmental Code of Cambodia

Email to: Lim Nalin at Vishnu Law Group: limn@vishnulawgroup.com

- *For comments on the draft Code, please copy and paste selected text into this form and use Track Changes.*
- *If needed, please submit large documents as an attachment.*
- *Please submit all comments in Khmer and English when possible.*

Date of Submission: 20 April 2016

Submitted by (provide individual and STWG contact information):

Teng Rithiny

1. Issue:

- The word “regional” in book 5 makes the confusing. It should change to “sub-national”.
- The chapter “Establishment of the national One Map process” seems overlap with chapter “establishment of a National Land and Resources Geographic Information Database. Geographic information should be the article in establishment of map.
- The chapter “Draft NEP to be prepared with public participation” should mention in Book 3. The Book Public participation should deal with all the actions from planning to implementation.
- Book 26 should change to Environmental Incentive, Fees and Charges. This chapter mostly focus on fund and fees but not focus on charges.

2. Reference to Code Book and Chapter (if applicable):

3. Comparative Experience (including Cambodian and international examples and experience):

4. Recommendation:

5. Proposed Language to be Inserted into the Draft Code (optional) (Note: when proposing modifications to existing draft Code text, please extract the relevant text and insert here, in track changes if possible):

6. Cambodian Laws to be Abrogated or Modified (include specific articles and clauses):

7. Drafting Team Analysis/Response (to be included in public database):

Summary

KrisEnergy Limited as part of STWG6 , submit their input to the draft Environmental Code of Cambodia.

Comments to each book of the draft Environmental Code can be found on the following pages of this document.

Draft Environmental Code -Book1.....	Page 1
Draft Environmental Code –Book2.....	Page 3
Draft Environmental Code –Book4.....	Page 5
Draft Environmental Code -Book10.....	Page 8
Draft Environmental Code –Book20.....	Page 10
Draft Environmental Code –Book25.....	Page 13
Draft Environmental Code –Book26.....	Page 15
Draft Environmental Code –Book30.....	Page 18
Draft Environmental Code –Book31 & 32.....	Page 20

Submission Form

Recommendations from the STWGs to the Secretariat of the Project to Develop the Environmental Code of Cambodia

Date of Submission: 20 April 2016

Submitted by (Sally Teng, KrisEnergy, STWG6): draft Environmental Code Book 1

1. Issue:

Scope: The scope of this draft Environmental code is wide. The Environmental Code appears to cover all nature of businesses from mining, forestry etc. For the extractive industry, Ministry of Environment (MoE) should consider the difference in how it treats onshore and offshore activities as these have different environmental impact and context. For offshore activities, the environmental impact of activities is very minimal (given the remoteness) and more emphasis is placed on safety and decommissioning. This is contrasted against onshore projects where even small scale onshore projects will have a larger environmental footprint than an offshore Development (such as Block A development).

The Environmental Code drafted and the advisors engaged by MoE appear to have experience and context for onshore activities but no consideration has been made for offshore activities. This is of particular concern to Block A Development which is Cambodia's first offshore oil development project that is around 160km southwest of Sihanoukville.

2. Reference to Code Book and Chapter (if applicable):

Book 1 – General Provisions

Chapter 1 - Objective

3. Comparative Experience (including Cambodian and international examples and experience):

4. Recommendation:

Given the lack of differentiation between onshore and offshore projects, we recommend that offshore project Development (for example Block A Development) be exempted from this proposed Environmental Code. Our recommendation for exemption is not due to disregard for the laws of Cambodia but rather that we will be in compliance with Cambodian environmental protection policies through our Decommissioning Plan and Decommissioning Fund. Our Decommissioning Plan and Decommissioning Fund already addresses all concerns in the proposed Environmental Code (eg: site restoration, etc) and are regulated by both Ministry of Mines & Energy (“**MME**”) and Ministry of Economy &

Finance (“MEF”). Our Decommissioning Plan and Decommissioning Fund are already in advance stages with MME and MEF as complex issues like work obligations, cost-recovery and tax treatment have to be addressed in detail, especially given the high costs involved. The Draft Environmental Code in its current form does not address these extremely important issues.

5. Proposed Language to be Inserted into the Draft Code (optional) (Note: when proposing modifications to existing draft Code text, please extract the relevant text and insert here, in track changes if possible):

6. Cambodian Laws to be Abrogated or Modified (include specific articles and clauses):

7. Drafting Team Analysis/Response (to be included in public database):

Submission Form

Recommendations from the STWGs to the Secretariat of the Project to Develop the Environmental Code of Cambodia

Date of Submission: 20 April 2016

Submitted by (KrisEnergy STWG6): draft Environmental Code Book 2

1. Issue:

Overlapping jurisdiction between Ministry of Mines and Energy (“MME”) and Ministry of Environment (“MOE”) including:

- a. Site Restoration vs Decommissioning;
- b. Endowment fund vs Decommissioning fund;
- c. Both the Petroleum Agreement and the Environmental Law include obligations regarding protection of the environment and health and safety standards.

Overall, it is difficult for an investor such as ourselves to comply with conflicting laws/policies and to know what approvals we must obtain for our projects. Also, requiring investors to contribute to two funds for similar purposes could hurt the economics of a project.

Decommissioning / Site Restoration. The draft Petroleum Agreement between MME and KrisEnergy currently provides for KrisEnergy as operator of Block A, to submit a Decommissioning Plan for the Facilities to the MME for approval. This Plan would be very specific to the facilities. We suggest that as offshore production facilities for upstream oil and gas are much specialised, decommissioning and related approvals are the responsibility of MME.

2. Reference to Code Book and Chapter (if applicable):

Book 2 – Organisation of Jurisdictional institutions/jurisdictional issues

3. Comparative Experience (including Cambodian and international examples and experience):

4. Recommendation:

We suggest that the process be streamlined. For example, MOE handle environmental impact assessments and how our project impacts the environment and MME handles

project execution and decommissioning as this requires more technical knowledge of the upstream oil and gas sector.

5. Proposed Language to be Inserted into the Draft Code (optional) (Note: when proposing modifications to existing draft Code text, please extract the relevant text and insert here, in track changes if possible):

6. Cambodian Laws to be Abrogated or Modified (include specific articles and clauses):

7. Drafting Team Analysis/Response (to be included in public database):

Submission Form

Recommendations from the STWGs to the Secretariat of the Project to Develop the Environmental Code of Cambodia

Date of Submission: 20 April 2016

Submitted by (KrisEnergy STWG6): draft Environmental Code Book 4

1. Issue:

Application of Code: Sub-decrees and all relevant Prakas should be published together with the enactment of the Environmental Code. The Code has wide ranging implications and its details (eg: fees, treatment for cost recovery, tax treatment, etc) should be made clear at the outset, especially given the cost and disruptions that will result from lack of clarity.

Ministry of Environment (“**MoE**”) should make clear what stage of activity require Environmental Impact Assessment (“**EIA**”). For example, for the extractive industries, is EIA required for exploration work or is EIA limited to development work? If EIA is required for exploration work, we assume that it is limited to drilling and not seismic acquisition.

Prospective (NOT retrospective) application: The proposed Environmental Code should only apply to new projects that will be approved after the proposed Environmental law is enacted. It is unreasonable for a law to have retrospective effect. For example, several EIA approvals were granted in the past (including EIA approval for Block A Development). What will be the status of these EIA approvals that were granted in the past?

Redundant: MoE needs to provide more clarity on when an IEE is required and when an EIA is required. Given the lack of guidance from MoE , we understand that more often than not, after an IEE has been submitted for a project, the MoE usually require that a full EIA be undertaken, thus not only prolonging the time for approval but also significantly escalating approval costs.

In this respect, Book 4 of the draft Environmental Code should omit all references to an IEE and just have an EIA as a requirement. This would also bring the EIA law more into line with what is the norm in developed nations, which generally require a full EIA being undertaken.

EIA Consultants/Experts: MoE needs to provide a public register of accredited EIA consultants. This is to enable investors to know which EIA consultants are accredited and eligible. What are the criteria for such accreditation? Accreditation should not be limited to local companies. EIA expertise requires much experience and resources and this may not be available to local companies at this stage. Until local companies have increased their expertise/resource levels, limiting EIA consultants to local companies would erode

the very objective of the Environmental Law (ie: environmental protection). MoE needs to decide whether it seeks to uphold high standards of EIA or fulfil local content requirements.

For international investors, insurance and financing for projects are already subject to strict levels of EIA compliance in accordance with international standards. To that end, internationally accredited EIA consultants (eg: ERM, etc) will have to be commissioned. If MoE insists on requirement to use only local EIA consultants and such local EIA consultants do not meet the criteria set by international standards adopted by our insurers/financiers, investors will have to use two EIA consultants for the same piece of work. This will only increase costs and make it less attractive for investment into the Cambodian extractive industry

EIA approval process is slow. KrisEnergy's EIA for the Block A Phase A development took about 3 years to approve from the start of our engagement with the MoE until the time we received EIA approval (although it was about 14 months from the date we submitted the formal report.) In other countries, this is considerably shorter.

EIA must have the same validity period as the Production Permit (or other relevant permit). EIAs should match the life of the project. Currently, petroleum licences and production permits are for 20-30 years. The approved KrisEnergy EIA was for the full duration of the phase we applied for. However, we are concerned that the draft Environmental Code guidelines suggest that the EIA should only be valid for 5 years. For petroleum projects, 5 year validity is not feasible.

The Environmental Code should provide clear guidelines as to who must be consulted during a public consultation process. Our project is about 160km offshore and is not in a fishing area. The public are therefore not directly affected by the project.

2. Reference to Code Book and Chapter (if applicable):

Book 4 – Environmental impact assessment

Chapter # - Application to public and private development projects

Chapter # - Application of law to existing projects

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

Chapter # - Registration of EIA experts

Chapter # - Timeframes for EIA and IEE procedure

Chapter # - Public participation in the EIA process

3. Comparative Experience (including Cambodian and international examples and experience):

Duration of EIA Approval: Petroleum licences, production permits, etc are for 20-30 years with extensions for up to 20 years. It is unreasonable for an EIA permit to expire when there has been no change to the development plan of the project. EIA permit duration should be tied

to the duration of the production permit (plus extensions thereto) or expire only when the project ceases.

4. Recommendation:

It is our submission that existing EIA approvals remain valid and continue to be valid and not be affected by the new Environmental law for the reason that a new law can only have prospective effect (affect matters that arise after the new law is enacted) and not retrospective effect

To clarify the status of EIA approvals granted in the past and to clarify that monitoring reports will be bound to existing agreement.

We suggest:

- a. The Environmental Code should provide for a regular meeting of the EIA Board, Environmental Review Board and the Expert Review Committee (e.g. twice a month).
- b. Clear guidelines as to the timelines for review of EIAs
- c. Clear guidelines as to the content and format of the EIAs
- d. We recommend the use of international EIA consultants to advise the various committees approving EIAs

5. Proposed Language to be Inserted into the Draft Code (optional) (Note: when proposing modifications to existing draft Code text, please extract the relevant text and insert here, in track changes if possible):

6. Cambodian Laws to be Abrogated or Modified (include specific articles and clauses):

7. Drafting Team Analysis/Response (to be included in public database):

Submission Form

Recommendations from the STWGs to the Secretariat of the Project to Develop the Environmental Code of Cambodia

Date of Submission: 20 April 2016

Submitted by (KrisEnergy STWG6): - draft Environmental Code Book 10

1. Issue:

Ill defined: What are “Environmental Protection Guidelines”? If a Contractor is already obliged to abide by the Environmental Code, why is there a need for EPG? Does an EPG enhance or alleviate a Contractor’s obligations under the Environmental Code? If an EPG has the ability to enhance or alleviate a Contractor’s obligations under the Environmental Law, what is the basis of the MoE’s power to contractually alter obligations found in written law?

There are no specific chapters on EPG.

2. Reference to Code Book and Chapter (if applicable):

Book 10 – Environmental Quality Standards and Environmental Protection Guidelines

Chapter # - Setting of EQS

Chapter # - Application of EQS in Cambodia

3. Comparative Experience (including Cambodian and international examples and experience):

4. Recommendation:

If an “Environmental Protection Guideline” is crucial to set out clearly the obligations of a party, should not the template of the EPG be prescribed in the law, sub-decree or Prakas? It would be inconsistently applied if such a relevant EPG was to be drafted differently each time a new project arose and subject to the discretion of the MoE.

5. Proposed Language to be Inserted into the Draft Code (optional) (Note: when proposing modifications to existing draft Code text, please extract the relevant text and insert here, in track changes if possible):

6. Cambodian Laws to be Abrogated or Modified (include specific articles and clauses):

7. Drafting Team Analysis/Response (to be included in public database):

Submission Form

Recommendations from the STWGs to the Secretariat of the Project to Develop the Environmental Code of Cambodia

Date of Submission: 20 April 2016

Submitted by (KrisEnergy STWG6): draft Environmental Code Book 20

1. Issue:

Overlap with other Ministries and existing obligations: This objective

Art 2(4): "...to promote the effectiveness of the establishment and the monitoring of the implementation of the measures for preventing, avoiding, or mitigating negative impacts as well as the measures for repairing, restoring, or compensating for the damages caused by development projects..." Art 8: "...The Ministry of Environment ("MoE") is the assisting body of the government that has exclusive competence in managing EIA..."

overlaps with the abandonment and decommissioning (which includes site restoration, etc) work obligations and reserve fund which KE is already required to have in place by Ministry of Mining and Energy ("MME") and Ministry of Economic and Finance ("MEF"). This decommissioning work and decommissioning fund are already in advance stage with MME and MEF as complex issues like work, cost-recovery and tax treatment have to be addressed in detail, especially given the high costs involved. The Draft Environmental Code is inadequate and does not address these extremely important issues.

Oil Spill Response is also another aspect of EIA which is already within the jurisdiction of the Ministry of Transport. Through ASEAN, Ministry of Transport has signed up to MOU on Regional Oil Spill Response Management (see ASEAN joint statement on Nov/Dec 2014). If specific environmental problems like oil spills are already addressed by Ministry of Transport, how will the overlapping jurisdiction of the MoE being addressed? It makes no sense for the same activity to be regulated by more than one body. Importantly, have other Ministries with overlapping jurisdictions such as MME or MEF been consulted about this draft Environmental Code? As far as we are aware, they have not been invited to address these important questions during the Final National Consultation Workshop of Draft Environmental Law on March 17-18, 2015 neither during the same Forum on December 5th, 2014. As the proposed Environmental Law will affect highly regulated industries (like oil and gas which is already regulated by MME and MEF), it is crucial that the Government (not just MoE) is fully aligned and has all salient inputs from all other Ministries on this law.

Scope: There is a lack of differentiation between onshore and offshore projects. We strenuously recommend that offshore project Development (for example Block A Development) be exempted from this proposed Environmental Code. Our recommendation for exemption is not due to disregard for the laws of Cambodia but rather that we will be in compliance with Cambodian environmental protection policies through our Decommissioning Plan and Decommissioning Fund. Our Decommissioning

Plan and Decommissioning Fund already addresses all concerns in the proposed Environmental Code (eg: site restoration, etc) and are regulated by both Ministry of Mines & Energy (“**MME**”) and Ministry of Economy & Finance (“**MEF**”). Our Decommissioning Plan and Decommissioning Fund are already in advance stages with MME and MEF as complex issues like work obligations, cost-recovery and tax treatment have to be addressed in detail, especially given the high costs involved. The Draft Environmental Code in its current form does not address these extremely important issues.

2. Reference to Code Book and Chapter (if applicable):

Book 20 – Extractive industries and sustainable economic benefits

Chapter # Financing remediation and restoration for extractive industry

3. Comparative Experience (including Cambodian and international examples and experience):

4. Recommendation:

We strenuously recommend that offshore project Development (for example Block A Development) be exempted from this proposed Environmental Code. Our recommendation for exemption is not due to disregard for the laws of Cambodia but rather that we will be in compliance with Cambodian environmental protection policies through our Decommissioning Plan and Decommissioning Fund. Our Decommissioning Plan and Decommissioning Fund already addresses all concerns in the proposed Environmental law (eg: site restoration, etc) and are regulated by both Ministry of Mines & Energy (“**MME**”) and Ministry of Economy & Finance (“**MEF**”). Our Decommissioning Plan and Decommissioning Fund are already in advance stages with MME and MEF as complex issues like work obligations, cost-recovery and tax treatment have to be addressed in detail, especially given the high costs involved. The Draft Environmental Code in its current form does not address these extremely important issues.

5. Proposed Language to be Inserted into the Draft Code (optional) (Note: when proposing modifications to existing draft Code text, please extract the relevant text and insert here, in track changes if possible):

6. Cambodian Laws to be Abrogated or Modified (include specific articles and clauses):

7. Drafting Team Analysis/Response (to be included in public database):

Submission Form

Recommendations from the STWGs to the Secretariat of the Project to Develop the Environmental Code of Cambodia

Date of Submission: 20 April 2016

Submitted by (KrisEnergy STWG6): draft Environmental Code Book 25

1. Issue:

Overlap with other Ministries and existing obligations: Oil Spill Response (“OSR”) is also another aspect of Environmental Impact Assessment which is already within the jurisdiction of the Ministry of Transport. Through ASEAN, Ministry of Transport has signed up to MOU on Regional Oil Spill Response Management (see ASEAN joint statement on Nov/Dec 2014). If specific environmental problems like oil spills are already addressed by Ministry of Transport, how will the overlapping jurisdiction of the Ministry of Environment (“MoE”) being addressed? It makes no sense for the same activity to be regulated by more than one body.

Oil Spill Response (“OSR”). OSR is currently administered by a number of ministries including, the Disaster Authority, Transport Ministry, MME and MOE. In addition, there are inter-governmental treaties as well as company policies. We suggest clear guidelines are provided. In the upstream oil and gas sector, companies generally have very developed OSR policies. Once those OSR policies are approved by MME, this should be sufficient.

2. Reference to Code Book and Chapter (if applicable):

Book 25 – Disaster risk reduction and disaster management

Chapter # - Planning for major pollution incidents

3. Comparative Experience (including Cambodian and international examples and experience):

4. Recommendation:

5. Proposed Language to be Inserted into the Draft Code (optional) (Note: when proposing modifications to existing draft Code text, please extract the relevant text and insert here, in track changes if possible):

6. Cambodian Laws to be Abrogated or Modified (include specific articles and clauses):

7. Drafting Team Analysis/Response (to be included in public database):

Submission Form

Recommendations from the STWGs to the Secretariat of the Project to Develop the Environmental Code of Cambodia

Date of Submission: 20 April 2016

Submitted by (KrisEnergy STWG6): draft Environmental Code Book 26

1. Issue:

Fees: All fees should be clearly set out in writing together with the enactment of the Environmental Code. Otherwise, the fee reimbursement mechanism will be prone to abuse.

Environmental & Social Fund: What is the frequency of payment to such a fund? One-time? Recurring? If recurring, how often? Is the fund an escrow account wherein funds are released to remedy environmental problems that occur? If not, what is the purpose of such a fund? Who administers the fund? What are the governance and check-and balance of such a potentially large fund? Serious overlap with the abandonment and decommissioning (which includes site restoration, etc) work obligations and reserve fund which KE is already required to have in place by Ministry of Mining and Energy (“**MME**”) and Ministry of Economics and Finance (“**MEF**”). This decommissioning work and decommissioning fund are already in advance stage with MME and MEF as complex issues like work, cost-recovery and tax treatment have to be addressed in detail, especially given the high costs involved. As such, the provisions of Art 55 (Draft Environmental Law February 2015) should NOT APPLY to projects that have a decommissioning plan/fund in place that is both approved and administered by the MME/MEF (which will be the case for Block A Development). The rationale for such a fund does not make sense for offshore projects. For onshore projects, the very act of activity already affects the surface environment and so a fund may be reasonable in limited circumstances. For offshore activities, the environmental impact of activities is very minimal (given the remoteness) and more emphasis is placed on safety and decommissioning. As such, Art 55 should not apply to offshore projects.

Environmental Endowment Fund: What is the purpose of such a fund if the Environmental & Social Fund is to be created? What is quantum of contribution to this fund? What is the frequency of such payment? One-time? Recurring? If recurring, how often? Is the fund an escrow account wherein funds are released to remedy environmental problems that occur? If not, what is the purpose of such a fund? Who administers the fund? What is the governance and check-and balance of such a potentially large fund? Serious overlap with the abandonment and decommissioning (which includes site restoration, etc) work obligations and reserve fund which KE is already required to have in place by MME and MEF. This decommissioning work and decommissioning fund are already in advance stage with MME and MEF as complex issues like work, cost-recovery and tax treatment have to be addressed in detail, especially given the high costs involved. As such, the provisions of Art 56 (Draft

Environmental Law Nov 2015) should NOT APPLY to projects that have a decommissioning plan/fund in place that is both approved and administered by the MME/MEF (which will be the case for Block A Development). The rationale for such a fund does not make sense for offshore projects. For onshore projects, the very act of activity already affects the surface environment and so a fund may be reasonable in limited circumstances. For offshore activities, the environmental impact of activities is very minimal (given the remoteness) and more emphasis is placed on safety and decommissioning. As such, Art 56 should not apply to offshore projects

Endowment Fund / Decommissioning Fund. The draft Petroleum Agreement between MME and KrisEnergy currently provides for KrisEnergy as operator of Block A to contribute to a Decommissioning Fund. Monies in this account would be used for the decommissioning. This decommissioning fund overlaps with the Endowment Fund. In addition, the Endowment Fund brings up a number of serious concerns, including:

- a. How contributions are calculated. If on a percentage basis, this can make an offshore project such as ours uneconomic;
- b. How often contributions are made;
- c. Will such contributions be cost recoverable and tax deductible?
- d. How are funds released?
- e. Who administers the fund?
- f. What the fund is using for?

2. Reference to Code Book and Chapter (if applicable):

Book 26 – Environment economic measures, fees and charges

Chapter # - Fees payable for services provided by Ministry

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

3. Comparative Experience (including Cambodian and international examples and experience):

4. Recommendation:

5. Proposed Language to be Inserted into the Draft Code (optional) (Note: when proposing modifications to existing draft Code text, please extract the relevant text and insert here, in track changes if possible):

6. Cambodian Laws to be Abrogated or Modified (include specific articles and clauses):

7. Drafting Team Analysis/Response (to be included in public database):

Submission Form

Recommendations from the STWGs to the Secretariat of the Project to Develop the Environmental Code of Cambodia

Date of Submission: 20 April 2016

Submitted by (KrisEnergy STWG6): draft Environmental Code Book 30

1. Issue:

Judicial Police Officers: Making environmental officers who do not possess the training (ie: criminal procedure code, etc) of police officers may give rise to uncertainty and ineffectual enforcement, and possibly prone to abuse.

2. Reference to Code Book and Chapter (if applicable):

Book 30 – Investigation, enforcement and access to remedies

Chapter # - Judicial police officers

3. Comparative Experience (including Cambodian and international examples and experience):

4. Recommendation:

5. Proposed Language to be Inserted into the Draft Code (optional) (Note: when proposing modifications to existing draft Code text, please extract the relevant text and insert here, in track changes if possible):

6. Cambodian Laws to be Abrogated or Modified (include specific articles and clauses):

7. Drafting Team Analysis/Response (to be included in public database):

Submission Form

Recommendations from the STWGs to the Secretariat of the Project to Develop the Environmental Code of Cambodia

Date of Submission: 20 April 2016

Submitted by (KrisEnergy STWG6): draft Environmental Code Book 31 & Book 32

1. Issue:

Lack of clarity: Sub-decrees and all relevant Prakas should be published together with the enactment of the Environmental Code. The law has wide ranging implications and its details (eg: fees, treatment for cost recovery, tax treatment, etc) should be made clear at the outset, especially given the cost and disruptions that will result from lack of clarity.

Investors will need sight of the sub-decrees and Prakas to understand the impact of the ambiguously drafted provisions.

The Environmental Code and accompanying Prakhas should be issued at the same time for clarity.

2. Reference to Code Book and Chapter (if applicable):

Book31 – Environmental offences

Book 32 – Legal Harmonisations

3. Comparative Experience (including Cambodian and international examples and experience):

4. Recommendation:

5. Proposed Language to be Inserted into the Draft Code (optional) (Note: when proposing modifications to existing draft Code text, please extract the relevant text and insert here, in track changes if possible):

6. Cambodian Laws to be Abrogated or Modified (include specific articles and clauses):

7. Drafting Team Analysis/Response (to be included in public database):

Submission Form

Recommendations from the STWGs to the Secretariat of the Project to Develop the Environmental Code of Cambodia

Email to: Lim Nalin at Vishnu Law Group: limn@vishnulawgroup.com

- *For comments on the draft Code, please copy and paste selected text into this form and use Track Changes.*
- *If needed, please submit large documents as an attachment.*
- *Please submit all comments in Khmer and English when possible.*

Date of Submission:

Submitted by (provide individual and STWG contact information):

1. Issue:

For time being, how we can include the trans-boundary collaboration among neighboring countries on water resources management and suppression and illegal logging in the environmental code. So far the environmental officers or rangers are not the border integrated officers (police, police-military, custom and excise etc)

In order to make incentive for ranger, in environmental code should integrate the rangers of Protected Areas in Cambodia into international ranger association. It is learning from Thailand. In fact, ranger from Virachey National Park of Ratanakiri Province always joint a meeting on international ranger association.

Sustainable financing of protected areas is in the problem. In order to get stronger and stronger, financial flow from private sector and users of natural resources by all extended project could be firmly committed to make the payment eco-system not only into Government but also to Community also. Benefit sharing from the payment eco-system should be fair and equitable sharing.

2. Reference to Code Book and Chapter (if applicable):

3. Comparative Experience (including Cambodian and international examples and experience):

How to build green development and sustainability with aesthetic scene and maintained natural resources value by the construction of houses in the Protected Areas in Cambodia ? . In Cambodia should have clear standards of houses, fences and family garden, road constructions, trail, hour driving area, slop design for stair, airport for small plane (Cesna) and helicopter wood, stone, avoiding erosion and land slide during flood, drought and wind etc, ex Bali, Indonesia, South Africa and)

Beside of 5 year management plan of respective Protected Area in the Law on Protected Areas, the development eco-tourism strategy and development Protection Strategy of respective Protected Area should be developed. It should specify in the Environmental Code.

The ranger capacity it is not only from the local rangers of their geographic areas, there should have at BS/Master decree. These should well perform as the develop countries with science data collection.

Well-equipped should be procured by Government to Protected Areas (vehicles, helicopters

Furthermore, the collaboration between MoE and NGOs and Civil Society Organization should develop a guideline. So far we do not have clear.

How to improve living standard of minority and poor people there ?, we should be all sectors (rural roads, water storing, irrigations and agricultural technique, micro finance, hydro-electricity) for integration approaches in community development areas. So they can respond not only climate change but also improvement living standards also. They will not go to migrate to work outside countries.

In needs to specify that the investors who are invested in Cambodia should be fully equipped for emergency's respond impacting on natural resources and environment (oil spill in USA)

Access to information, on how to make network among the Protected Areas in Cambodia and neighboring countries on trans boundary collaboration?. It should include in environmental code.

4. Recommendation:

In order to maintain the areas of the Protected Areas in Cambodia, in environmental code could be provisioned to build fence at least small areas according to South Africa. It will face endless with population growth and other demands.

It needs to specify for the interested firm or Company who can invest in the conserve and protect natural resources in protected areas, Government should be provided for their incentives.

Kindly clarification how far from costal areas into marine water for solid waste management and other uses (ex. Ream national park and Botom Sakakor National Park.....) do the Protected Area Authority protect and conserve according to the environmental code?

5. Proposed Language to be Inserted into the Draft Code (optional) (Note: when proposing modifications to existing draft Code text, please extract the relevant text and insert here, in track changes if possible):

Russia, English, France and Khmer

6. Cambodian Laws to be Abrogated or Modified (include specific articles and clauses):

N/A

7. Drafting Team Analysis/Response (to be included in public database):

N/A

Submission Form

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Date of Submission: 21st April 2016

Submitted by (provide individual and STWG contact information): M.Ramasamy, Group 6

1. Issue:

kindly refer to section 4 below:

2. Reference to Code Book and Chapter (if applicable):

kindly refer to section 4 below:

3. Comparative Experience (including Cambodian and international examples and experience):

kindly refer to section 4 below:

4. Recommendation:

Book 4: Environmental Impact Assessment

At present, only the consultants approved by MOE are allowed to conduct the EIA and prepare the report the Investors.

Recommended to permit the International consultants also to be allowed for EIA study and submit the report for the investors.

Book6:

At present, the Construction permit is issued by the Ministry of Land Management for the power plants and the factories. After the factories are built and in operation, the public houses and buildings are constructed nearby. lateron, the public will complain about the noise from the factories.

Recommended to specify the minimum distance to be maintained between the Factories and the Public residences/ building.

Book 17- Waste Management and Pollution control

According to Anukret 42 issued in the year 2000, the Emission levels are to be reviewed and revised every 5 years. But there is no revision after 2000.

Book 22: Sustainable Energy

The title to be revised to ENERGY and all the Renewable and Non Renewable Energy to be included including Coal, Natural gas etc.,

Cambodian Environmental Code (CEC) requirements shall be made common for all the factories, Industries, power plants etc.,

Book no.23 & Book 24 are to be combined.

Carbon Credit and CDM are to be discussed.

Book 26:

At present, MOE is collecting the annual Endowment fees from the Power plants, which is to be discussed in this section. what will happen? whether to continue or abolished?

Book29.

At present, the Environmental reports are submitted by the power plants for every 3 months. Recommended, MOE inspectors to verify the report and facilities made available. Laboratory facilities to be made by MOE to verify the samples from the power plants.

RADIO ACTIVE EMISSION

The Radio Active Emission is not discussed anywhere according to the present CEC code index.

The life of the small birds, doves etc., are badly affected by the Radioactive emissions from the Telecom towers.

It also affects the human life, indirectly.

Details to be discussed about the limits to be maintained from the Radioactive Emission.

Opinions from the International experts may be obtained for clarifications.

5. Proposed Language to be Inserted into the Draft Code (optional) (Note: when proposing modifications to existing draft Code text, please extract the relevant text and insert here, in track changes if possible):

6. Cambodian Laws to be Abrogated or Modified (include specific articles and clauses):

Anukret 42 issued in 2000 to be reviewed and revised every 5 years.

7. Drafting Team Analysis/Response (to be included in public database):

Submission Form

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- If needed, please submit large documents as an attachment.
- Please submit all comments in Khmer and English when possible.

Date of Submission:

Submitted by (provide individual and STWG contact information):

WWF-Cambodia

1. Issue:

- i) Recommend to include the text in red in Article 2a): Conserve Cambodia's biodiversity, **ecosystems and ecosystem services**;
- ii) Recommend to make the following changes in Article 3 (remove the words in red and place quotation marks around the phrase 'foreign organizations'):

Applicable entities

This Code applies to Cambodian State bodies, organizations, family households and individuals; ~~and to~~ Cambodians residing overseas, "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.

- iii) Recommend considering the following comment in Article 6

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.

Commented [1]: should this be broader & also some data should remain sensitive

- iv) Recommend consider adding the word in red in Article 7 and consider the comment

The principle of access to effective remedies, that people, legal organizations and entities shall have access to appropriate **avenues**, 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.

Commented [2]: this should also have transparency

v) Recommend including the words in red in Article 8

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 **and destruction** – 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.

vi) Recommend adding the words in red in Book 2

Chapter # - Confirming National Council for Sustainable Development (NCSD) **and the National Secretariat for Sustainable Development's (NSSD)** roles and responsibilities

vii) recommend considering adding the following chapter (after the chapter entitled 'preparation of environmental management plan' in Book 4

Chapter # - Alignment of EIA legislation with PA/EN species legislation.

Commented [U3]: How do EIA deal with presence of IUCN threatened species? What are mitigation options/costs etc. What are no go areas.

viii) recommend considering the following comments to Book 5:

- *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.*

Commented [4]: Natural capital and ecosystem services in Cambodia should be included in this map

Commented [5]: Sensitive information e.g. endangered species data, should not be included on this public database

Chapter # - Establishment of the national One Map process

Commented [6]: Please also include in this chapter that this will be "in collaboration with civil society representatives"

ix) recommend considering the following comment under Book 7:

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

Chapter # - Establishment of forestry reserves

Commented [7]: I assume PA and PA corridor but I would also add here or another chapter on landscape approach ? A conceptual framework whereby stakeholders in a landscape aim to reconcile competing social, economic and environmental objectives - Also a way of managing the landscape that involves collaboration among multiple stakeholders, with the purpose of achieving sustainable landscapes

Chapter # - Management of ELCs, including management plans, transparency, and relation to sustainable timber **and NTFPs** production and biodiversity restoration

Commented [U8]: Should be establishment and sustainable management of the forestry reserves - Following proper forest production management plan (ITTO, FAO)

x) Recommend considering adding words in red and consider comments for book 8

Book 8– BIODIVERSITY CONSERVATION AND MANAGEMENT

*Specific Chapters could address key priority areas including Tonle Sap Lake and the Mekong River. **Decidious dipterocarp forest, Cardomom Mountain range***

Chapter # - Protection of endangered species

Chapter # - Protection of animals

Chapter # - Protection of plants and plant communities.

Chapter # - Bioregional planning for biodiversity conservation

Chapter # - Enforcement of CITES and other international agreement obligations

Chapter # - Scientific and educational uses

xi) consider adding a new chapter in Book 8 after the chapter entitled 'prohibition on damaging or destroying native vegetation and forest protected areas'

Chapter - Active species management (reintroductions & assisted colonisation).

xii) Recommend considering adding the following words in red in Book 8

Chapter # - Prohibition of use of genetically modified organisms, **including seeds**

xiii) Recommend including a new Book entitled Protected Areas after Book 8

Book x – PROTECTED AREAS

Protected areas are critical to biodiversity conservation and government commitments under CBD/Aichi targets [particularly target 11]. They are the cornerstone of biodiversity and particularly threatened species protection. Currently PAs are not given suitable prominence in the Environmental Code and a specific Book on PAs is recommended.

Chapter x: PA coverage and desired coverage as per Aichi Target 11

Chapter x: Types of PAs (community PAs, National Parks, Wildlife Sanctuaries) and different objectives of each e.g. Thai model – National Parks = conservation & recreation; WS = strict biodiversity conservation; community PAs – securing local resource tenure and non exploitive NTFP etc. collection].

Chapter x: Legislation for zonation of PAs and enforcement inside PAs [covering what can happen in certain zones, clear penalties for infringements, aligning forestry, PA, species laws]

Chapter x: PAs and EIAs

Commented [9]: Lot of chapters - perhaps some can be merged so to avoid duplication

Commented [U10]: [as per IUCN listing? Obviously Cambodian species law needs up-grading. Would recommend use IUCN listing and all NT++ species covered under this law. Law needs to cover all use [killing, transportation, keeping, consuming, displaying, intent to hunt etc. etc.] any products from these species. With clear penalties involving jail time. This is where I would also put at least some of the wildlife farming issue - i.e. species here can not be farmed. This would be the over-arching critical chapter for effective legislation for protecting species

Commented [11]: Agree with point mentioned at the conference that we should replace 'animals' with 'wildlife'

Commented [U12]: Non IUCN listed ones?

Commented [U13]: Why not include IUCN listed plant species e.g. *Dalbergia* under the EN species chapter. Will need to include the management part of these plants and need to be precise on what is including under plant communities

Commented [U14]: I think this chapter could also go under proposed PA book.

Commented [U15]: Including trade, consumption, possession of CITES listed (IUCN threatened) NON NATIVE SPECIES - this is important.

Commented [U16]: Add commercial. Put here the clear regulations on managing commercial farming of non-threatened species and use this chapter to regulate zoos.

Commented [U17]: Important for specific chapter on active species management including reintroductions. Obviously tiger but other possibilities- hog deer etc etc Also assisted colonisation in face of climate change impacts. Including wild capture for stocking captive breeding under certain circumstances and management of zoo stock i.e. ensuring no inbreeding, studbooks kept etc. etc.

Chapter x: [some links to Book 5] PA management plans and planning process

Chapter x: PA staffing and budgets [including sustainable funding sources for PA management]

Chapter x: PA network and climate change adaptation: Role of PAs as CC adaptation; how PA network can be flexible to species movements etc. and possible change following CC.

xiv) Recommend considering the following comments on Book 13:

Useful to highlight what the vision for these corridors are. What are they there for? Large mammals? Bees? Climate change adaptation?

xv) Recommend considering comment on Book 16

Book 16—COMMUNITY MANAGEMENT

xvi) Recommend including two chapters in Book 27: one on 'allocation of funds for environmental awareness raising activities'; and the other called 'behaviour change and demand reduction'

xvii) Recommend considering adding two new chapters in Book 21:

Include a chapter on '**Ecotourism within protected areas and zonation**' (located after the chapter entitled 'ecotourism operational standards')

Include chapter called '**Benefit sharing from ecotourism for communities**' (after the chapter called 'code of conduct for ecotourism development')

xviii) Recommend consideration of the following comment:

"...one critical area is missing throughout the environmental code - Human Migration. Human rural-rural migration is amongst the biggest impact on sustainable resource management in Cambodia. This is not currently addressed and think we should be highlighting this."

Commented [U18]: Pls review current situation in which obtaining a licence to manage forests is extremely time consuming and costly for communities. Please consider simplifying and shortening the process and making it more cost-effective.

Commented [U19]: Social Behaviour Change Communication (SBCC) best-practices for environmental issues. Particularly wild-meat & timber.

2. Reference to Code Book and Chapter (if applicable):

(already referenced above)

3. Comparative Experience (including Cambodian and international examples and experience):

not known

4. Recommendation:

(abovementioned)

5. Proposed Language to be Inserted into the Draft Code (optional) (Note: when proposing modifications to existing draft Code text, please extract the relevant text and insert here, in track changes if possible):

6. Cambodian Laws to be Abrogated or Modified (include specific articles and clauses):

7. Drafting Team Analysis/Response (to be included in public database):