

(1) Cambodia: Situation of the Development of Legal Systems for EIA

In Cambodia, environmental and social considerations are required of any development project under the Law on Environmental Protection and Natural Resources Management of 1996. Article 6 of this law provides that “environmental impact assessment shall be done on every project and activity, private or public, and shall be reviewed and evaluated by the Ministry of Environment before being submitted to the Royal Government for decision.” Article 7 provides that “all Investment Project Applications and all projects proposed by the State shall have an initial Environmental Impact Assessment or an Environmental Impact Assessment as specified in article 6 of this law. The Ministry of Environment shall review and provide recommendations on the initial Environmental Impact Assessment or the Environmental Impact Assessment to the competent organization within the period determined in the Law on Investment of the Kingdom of Cambodia.” EIA procedures are provided for in the Sub-decree on Environmental Impact Assessment Process (No. 72: ANRK.BK of 1999).

The Declaration on Power Delegation of Decision Making Instead of Ministry of Environment for Investment Projects to the Municipal-Provincial Department of Environment of 2006 subjects investment projects worth less than 2 million US dollars to IEIA/EIA examination and comments by provincial governments. The Sub-Decree on the Establishment of the Sub-Committee on Investment of the Provinces-Municipalities (No. 17: ANK/BK of 2005) provides that investment projects worth 2 million US dollars or more shall be subject to approval by the Council for the Development of Cambodia (CDC) while those worth less than 2 million US dollars shall be subject to the provincial sub-committee on investment. The Declaration on General Guidelines for Developing Initial and Full Environmental Impact Assessment Reports (No. 376 BRK.BST of 2009) lays down the procedures for the preparation of IEIA/EIA and specifies the items to be included in IEIA/EIA. One analysis points out that Cambodia has only a short history of EIA legislation, which is not widely applied (Li 2008: 6).

Since 2012, Cambodia has been working to amend EIA legislation with the participation of the public; many public consultations have been held in the country. The bill to amend such legislation calls for transboundary impact assessment as well as strategic impact assessment, health impact assessment, and cumulative impact assessment, depending on the project. The bill also contains provisions that impose severe penalties and fines on any project proponent who has failed to implement the environmental management plan and authorize the Ministry of Environment to suspend such a project until the environmental management plan is implemented appropriately. The finalized EIA bill is submitted to the lower house in the middle of 2015. In August of that year, the Minister of Environment announced the plan to formulate a more comprehensive environmental code based on the finalized bill. Currently, work is underway to formulate such a code, with a committee of experts discussing it. As of July 2017, the proposed environmental code was in the ninth draft, with support

coming from the United Nations Development Programme and other international organizations. Cambodia aims to complete the code by the end of 2018.