
Legal Highlight
General Principles in Environment and Natural Resources Code

The Environment and Natural Resources Code was promulgated on 29 June 2023 (the "Code"). The Code consists of 12 books, comprising 865 articles. It is inclusive and modern as it has combined many matters including but not limited to biosafety, genetic modification, climate change, environmental trust, into a code. The Code also introduces 11 general principles.

Scope of Application

The Code is applied to all activities that are related to the environment, natural resources, and heritage of Cambodia. It is also applicable to any person who has operations both in and outside Cambodia that impact or affect the environment, natural resources, and heritage of Cambodia.

General Principle

There are 11 general principles in the Code.

Principle of Sustainable Development

All the social and economic developments shall equitably and sustainably fulfill the need for development and the human need for the environment in the present and future, in which environmental protection and natural resources conservation are essential and inseparable from development.

Principle of Avoidance of Environmental and Natural Resources Degradation

Engagement in any act that may cause or cause any degradation to the environment and natural resources is prohibited. In the event that degradation is inevitable, proper measures to protect the environment and natural resources and prevent or reduce the degradation to a minimum shall be taken.

Principle of Public Participation

A person who may be directly or indirectly impacted by a decision concerning the environment and natural resources shall be entitled to comment promptly upon receiving notification before the decision is made through a transparent and accountable stakeholder participation process.

Public Participation refers to dissemination, consultation, cooperation, participation, and decision-making in the process of environmental impact assessment in order to exchange opinions and comments and receive information from all stakeholders who will be directly or indirectly affected. Public participation finds measures to reduce the negative impact of project development in the project pre-execution phase (the project design and building), the project execution phase, and the project closing phase.

Principle of Access to Environment and Natural Resources Information

A person shall be entitled to access to information concerning the environment and natural resources.

All information about environmental protection and management of natural resources shall be widely disseminated to the public in order to provide more opportunities for the public to participate in planning and making decision that impacts the environment and society.

The right to access to information related to the environment and natural resources shall be in compliance with the Code.

Principle of Responsibility of Polluter

Any person who causes environmental degradation shall be responsible for expenses for repair and measures for prevention, avoidance, and reduction of environmental degradation.

Principle of Payment by Consumer

Expenses related to the consumption or impacts arising from the consumption of natural resources shall be borne by any person who consumes natural resources.

Principle of Precaution

The lack of scientific certainty shall not be used to justify the delay in taking measures to prevent environmental degradation if there is a concern over severe environmental degradation that is irreversible or irreparable.

Principle of Reduction or Prevention of Environmental Degradation

Before the occurrence of environmental degradation, measures for prevention or reduction of environmental degradation shall be taken. This measure shall be taken in advance by doing a social and environmental impact assessment, and it is preferable to the restoration or repair of the degradation.

Principle of Evidence-Based Decision

Any available best scientific, technical, and innovative information shall be used as the basis to make a transparent decision concerning the environment and natural resources.

Principle of Public Interest

The public interest shall supersede the interests of individuals or private legal persons in the decision-making process related to the environment and natural resources.

Principle of Environmental Integration

Environmental protection and sustainable development shall be included in the development planning and decision-making process both in the initial stage and in the implementation stage of policy and law.

Effect

The Code shall take effect one year after the entry into force of the Code.

Besides laws that are subject to the abrogation below, other existing legal regulations in the environment and natural resources sectors shall continue to be effective until replaced by new regulations.

Abrogation

From the effective date of the Code, the following laws and regulations shall be abrogated:

1. The Law on Environmental Protection and Management of Natural Resources promulgated on 24 December 1996;
2. The Law on Protected Area promulgated on 15 February 2008; and
3. The Law on Biosafety promulgated on 15 February 2008.

From the effective date of the Code, provisions of any other laws that are in effect at the effective date and contradictory to the Code shall be considered ineffective to the extent they contradict the Code.

Nevertheless, even after the effective date, provisions related to crimes in the laws mentioned above shall continue to be enforceable against crimes committed before the effective date.

Note: This Legal Highlight is only general information of the subject matter and not intended to be a legal advice.