
PUBLIC PARTICIPATION AND ENVIRONMENTAL COMPLIANCE AND ENFORCEMENT IN CAMBODIA

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1 MISSION

As we know, Principle 6 of the UN Conference on the Environment Stockholm 1972 stipulated that “the discharge of toxic substances, or of other substances and the release of heat in such quantities, or concentrations as to exceed the capacity of the environment to render them harmless, must be halted in order to ensure that serious or irreversible damage is not inflicted on ecosystems.”

The Royal Government of Cambodia considers prevention of pollution the principle means of protecting the environment and will seek to gain an improvement in the environmental performance of all waste producers. Its role is to prevent and protect the environment from damage and irreversible harm caused by the release or escape of all waste substances from all sources to the environment whether harmful or not.

It is the responsibilities of the Solid Waste and Toxic Substances Management Office to assess the risk of damage or harm occurring to the environment from substances released into the environment.

The office resulting from risk analysis, is to define standards beyond which discharge cannot be made and to issue appropriate licenses and monitor the source to achieve that result.

2 THE MANAGEMENT POLICY

The management policy of the Pollution Control Department and its specified offices is to:

- identify and monitor all sources of waste;
- advise on waste minimization;
- promote reuse and recycling;
- set standards for the release of waste;
- issue regulatory control mechanism;
- promote environmental management systems (ISO 14000); and
- enforce the law.

The Pollution Control Department and Solid Waste and Toxic Substances Management office has identified and taken guidance from International Standards and Policy matters included in Agenda 21 of the UN Conference on Environment and Development in Rio de Janeiro 1992. The priority policy of Solid Waste and Toxic Substances Management office for 1998/1999 is:

- To increase the knowledge, skill and ability of the staff of the Pollution Control Department to undertake the key tasks of the department.

- To undertake the key tasks work of the Pollution Control Department and meet target schedule:
 - The identification and registration of all waste problems within Cambodia.
 - System collaboration with other ministries and authorities.
 - Prevention of pollution through promoting Environmental Management Systems (ISO 14000).
 - Setting of standards for the release of substances.
 - Issuing regulatory controls.
- To achieve financial self sufficiency within a period of 5 years.

For good and sound reasons solid waste in Cambodia has historically not been a matter of concern to the public at large and consequently there has been no demand for the control of waste. The result has been to constrain Professional Practice and the development of skills through the provision of environmentally sound services and facilities.

The implementation of the regulatory function is itself therefore constrained by the lack of trained and competent resources.

The emphasis of the department at this inaugural stage of development of a procedural and regulatory activity is therefore to seek, in the first instance, an improved Environmental Performance by the waste producer, Transport Undertaking, processor or Waste Management organization, leading to the reduction of waste, without prejudice to the regulatory duty of the ministry.

3 THE POLICY ON ENVIRONMENTAL LAW

Policies state that the overriding goals are to:

- Establish a clear preference in regulation and monitoring for self regulation in advance of prescriptive regulation i.e. create law and regulations such that all acts of deliberate contravention are to be instantly prosecuted, but that recorded improved environmental management is recognized and encouraged.
- Minimize the regulatory administration and regulatory fiscal burden on investors. Licensing, certification, monitoring and inspection to be exercised by one multi-disciplinary authority to clearly defined terms and procedures.
- Be immediately reactive to proven deliberate acts of pollution against the regulation and public interest.
- Identify and collate all law and regulation in existence in Cambodia and all applicable international regulation conventions and resolutions; relating to Environmental Law.
- Establish clear definitions and conventions regarding all elements of waste generation, transfer and disposal.

For historical reasons the laws relating to the environment in Cambodia is spread among many ministries. The Solid Management Office is a technology-based office primarily seeking to develop its risk assessment skills to establish and monitor standards. It is not skilled nor does it seek to be skilled in drafting and promoting law as is therefore to seek the professional assistance from external sources and/or of other department.

The law requires that the Ministry of Environment collaborates with other ministries consequently the complexity of the law and diversity of enforcement authorities requires that an independent body be established to interpret and correlate that which exists and to develop new law.

The law as drafted cannot reasonably be implemented for the lack of compliant facilities and services. There is a need therefore to establish an organization and to investigate the provision and management of assets and their management and to implement the results.

4 COLLABORATION

The Ministry of Environment is required to collaborate with all ministries, Governors of all provinces, all departments of ministries including municipalities, districts and Ministry of Interior, all relevant IOs and NGOs, as required by the law and those who may have some contribution to make the key tasks of the Solid Waste and Toxic Substances Management office.

Historically the exercise of environmental management and regulation was practiced by a number of ministries. Those ministries still have the duty to create and enforce environmental law appropriate to their operational policies and strategies.

More indefinite is the role of the Ministry of Environment Provincial Offices where the directors appear to report to both the Ministry and the Governor (Municipality). This is identified in an agreement to the monitoring of different industries by either the Ministry or the Municipality.

The relationship between the Ministry of Environment and the Provinces is vital to the operational strategy of the Office of Solid Waste and Toxic Substances Management. The current relationship is one of collaboration, but with centralization it is expected that will change soon.

5 PUBLIC PARTICIPATION AND PROBLEM RESOLUTION

The construction of housing, industries, the development of tourism resorts in sensitive areas, the allocation of timber harvesting rights to a large private company, are developments permitted legitimately by government institution in many countries around the world. Each decision or permission has to be agreed upon based on sound technology analyses of the environmental impacts of the proposed development, particularly and of the social economic as a whole. Public interest is a major part in decision-making. They generally do not have enough right to join in what the government has decided even though they know what the impacts are going to be. Consequently some groups benefit, while others are being adversely affected.

In response to controversial development decision non-government organizations may form to lobby the government to influence the decision. As we know for more countries around the world, the public has the authority to destabilize or overturn government decision that they do not agree or support, leading to a succession of decision that are unstable. Unfortunately, Cambodians are not allowed to evaluate the situation that has been undertaken by the government, though the law of Environmental protection and Natural Resources Management prescribed, and in some cases they have information or ideas that can contribute significantly to the quality of the decision. Therefore the government or the decision-maker must weigh the prospective benefits against the cost of various levels of participation.

