"Findings of the Country Case Study"

NATIONAL POLICY CO-ORDINATION IN CAMBODIA

FOR IMPLEMENTING AND FURTHER DEVELOPING THE BASEL CONVENTION, CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES, CONVENTION ON BIOLOGICAL DIVERSITY, AND MONTREAL PROTOCOL

By CHUON Chanrithy

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ACRONYMS AND ABBREVIATIONS

BC	Basel Convention
CBD	Convention on Biological Diversity
CFCs	Chlorofluorocarbons
CI	Conservation International
CITES	Convention on International Trade in Endangered Species of Wild Fauna & Flora
DANIDA	Danish International Development Agency
DoF	Department of Fisheries
DoI	Department of Interior
FA	Forestry Administration
FFI	Fauna and Flora International
GEF	Global Environmental Facility
GIS	Geographic Information System
HZW	Hazardous Waste
ILMC	International Lead Management Center
IUCN	International Union for the Conservation of Nature
KoC	Kingdom of Cambodia
LAB	Lead Acid Batteries
MAFF	Ministry of Agriculture, Forestry and Fisheries
MEAs	Multilateral Environmental Agreements
MEYS	Ministry of Education, Youth and Sport
MLMUPC	Ministry of Land Management, Urbanization, Planning and Construction
MoE	Ministry of Environment
MoP	Ministry of Planning
MoWRAM	Ministry of Water Resources and Meteorology
MRCS	Mekong River Commission Secretariat
MRD	Ministry of Rural Development
NBSAP	National Biodiversity Strategy and Action Plan
NMA	National Management Authority
NGOs	Non-Government Organizations
ODS	Ozone Depleting Substances
PCU	Project Coordinating Unit
RGC	Royal Government of Cambodia
SBC	Secretariat of Basel Convention
TRAFFIC	TRAFFIC Southeast Asia - Indochina
ULAB	Used Lead Acid Batteries
UN	United Nations
UNCED	United Nations Conference on Environment and Development
UNDP	United Nations Development Programme
UNEP	United Nations Environment Programme
WCS	World Conservation Society
WRI	World Resources Institute
WWF	World Wildlife Fund

1. BACKGROUND AND INTRODUCTION

The Royal Government of Cambodia (RGC) has expressed its commitment to implementing reform programs in all sectors in order to reduce poverty and achieve sustainable development. While noting that reform is a question of "life and death" for Cambodia[1], a political platform called the *Rectangular Strategy* was developed. It was based on agreements among the coalition partners to develop a common national vision, and serves as a tool to implement political reform and attain poverty reduction, development, progress, prosperity, and national harmony. It captures key elements of the Millennium Development Goals, the Cambodia Socio-economic Development Program 2001-2005, the Cambodia National Poverty Reduction Strategy 2003-2005, and other various policies and reform programs.

The Ministry of Environment (MoE) addresses the major environmental issues emerging from sectoral development to ensure environmental protection and sustainable development. In this connection, the RGC has given priority to developing environmental policies, strategies and plans to deal with those issues. It also ensures the sustainable use of the country's rich and diverse natural resources.

Besides the internal efforts in environmental policy formulation and implementation, the RGC, as a signatory, is committed to implementing a number of international conventions, treaties and regional agreements related to sustainable development, including environmental protection, human resource development and regional cooperation promotion. These international conventions and agreements provide clear guidance for actions within the framework of environmental policies, development strategies, and implementation.

2. NATIONAL POLICY CO-ORDINATION IN IMPLEMENTING THE MEAs

2.1 Implementation of Basel Convention

2.1.1 Introduction

The Basel Convention (BC), which is a global environmental treaty, aims at regulating and controlling the trans-boundary movements of hazardous wastes (HZW) and other wastes, and their disposal. The convention represents the intention of the international community to solve this global environmental problem in a collective manner. A regulatory system for the monitoring and control of HZW forms part of the BC, and includes the requirement of notification and consent prior to trans-boundary movement of HZW and other wastes; the prohibition of export to a country, which is not a contracting party to the convention; the legal provisions for duty to re-import; and the responsibility of states involved in the trans-boundary movements. One of the objectives of the BC is to promote capacity building in management of HZW and other wastes, particularly in developing countries. Understanding the common targets and obligations of the countries, the Kingdom of Cambodia (KoC) signed the BC on 2 March 2001, but has not ratified it yet.

2.1.2 Capacity Building

[1] Samdech HUN SEN, Prime Minister of the Royal Government of Cambodia, "Rectangular Strategy", 16 July 2004.

Since Cambodia faces limited capacity in implementing the BC, a technical assistance project on "Environmentally Sound Management of Used Lead Acid Batteries (ULAB) in Cambodia" was proposed and approved in 2003 with the support of UNEP/SBC. Launched in December 2003, project implementation is now at the final stage of national action plan preparation. The purpose of the project is to: (i) identify the consumption flow of lead acid batteries, the management, recycling and related residues disposal issues for ULAB, and its effects on the environment and human health; (ii) identify the gaps for ULAB management and recycling; (iii) prepare a national action plan for ULAB management and recycling; (iv) improve public knowledge and awareness for ULAB management and recycling, and trans-boundary movement of HZW and other wastes; and (v) promote stakeholder participation.

The implementation of the project is based on two major activities:

(1) Desktop Study - Collecting the information/data related to ULAB management, related policies and strategies to identify the gaps; and
(2) Field Survey - Identifying the related ULAB information/data gaps, environmental and human health impacts, and management improvement based on environmentally sound management at the designated places (province/city).

2.1.3 Institutional Arrangement

The Project Coordinating Unit (PCU) located in the MoE is drafting the National Action Plan (NAP) on Environmentally Sound Management of ULAB under the technical assistance of experts from the International Lead Management Center (ILMC)[2] – the main project outcome based on a survey relating to the harmful ULAB threat to environment and human health called for urgent action and management. It also takes into account the recommendations made at the National Workshop on "The Inventory of ULAB in Cambodia, 13-14 May 2004". In this regard, the following objectives of the action plan include:

- To develop guidelines relating to LAB and ULAB management for mitigating and eliminating environmental and human health impacts, based on the BC guidelines;
- To raise public awareness/knowledge of environmental and human health impacts resulting from LAB and ULAB through education, publication and media;
- To build the national capacity and promote collaboration among the public and private sectors, NGOs, and educational institutions to achieve the objectives; and
- To establish internal and external networking for information exchange and technology transfer for effective ULAB management and recycling.

[2] Experts are appointed by the Secretariat of the Basel Convention.

2.2 Implementation of Convention on International Trade in Endangered Species (CITES)

2.2.1 Introduction

The 'Washington' Convention on International Trade in Endangered Species of Wild Fauna and Flora, more commonly known as CITES, aims to protect certain plants and animals by regulating and monitoring their international trade to prevent the trade from reaching unsustainable levels. This International Convention entered into force in 1975. The KoC signed it in 1973, then ratified and became a Party in October 1997. Currently there are 167 Parties.

Since Cambodia is facing problems with illegal trade[3] in wild plants and animals to meet local and international demands, the Royal Government is committed to strongly supporting CITES as an essential instrument for helping to safeguard those threatened species, whether they are traded as live specimens, fur coats, dried herbs, etc.

Illegal trade has long existed in Cambodia. On the one hand, people have hunted and harvested wild animals and plants not only to consume them but also to sell in the local markets to supplement their family incomes. On the other hand, there is a national demand for wildlife for food or medicine. Additionally, the international market is driven by wealthier consumers in other countries who are offering higher prices to poachers and smugglers with total disregard to the sustainability of endangered species. As a consequence, Cambodian resources like wild fauna and flora are facing a higher risk of depletion and extinction.

2.2.2 Capacity Building and Institutional Arrangement

The Ministry of Agriculture, Forestry and Fisheries (MAFF) is designated as the *National Management Authority* (NMA) for CITES. As such, it is in charge of issuing permits under the Convention guidelines and cooperating with the CITES secretariat and Parties. As the *Scientific Authority*, the Department of Fisheries (DoF/MAFF) is responsible for aquatic fauna management, while the Forestry Administration (FA/MAFF) is in charge of terrestrial fauna and flora management. The responsibilities of these two Scientific Authorities are to: (i) provide comments to the NMA on proposals for exporting any species mentioned in Appendices I & II; (ii) monitor permits for exporting any species mentioned in Appendix II and also provide the appropriate/specific mechanism to the NMA before issuing the permits; and (iii) provide suitable options to the NMA for protecting any species withdrawn from the violators.

With regard to the protection and conservation of wild species, the administrative authority for Cambodia's commitment to the MEAs, which is the MoE, also plays a vital role, since its mandate is to manage the national parks and protected areas. Through an institutional arrangement, the RGC establishes mechanisms to implement CITES, particularly with respect to facilitating international cooperation on the regulation of wild fauna and flora trade.

Cambodia still has abundant wildlife. However, this rich resource is being rapidly depleted because of illegal trade to neighboring countries[4] or through them to China, Europe, America, etc.. Since it accession to CITES in 1997, Cambodia has faced serious capacity constraints, i.e. infrastructure and manpower, and capacity to implement and enforce the

[3] Cambodia's Biodiversity Status Report – 2001, page 216 of Trade and Hunting.
[4] Implementation of CITES essential for curtailing illegal international wildlife trade, TRAFFIC, 2004.

Convention. In response, Cambodia signed a 2002 Memorandum of Understanding with TRAFFIC to work together towards strengthening the implementation and enforcement of CITES. Through this collaboration, the Cambodian CITES Management Authority is developing legislation to implement CITES. CITES documents have been translated into the local language (Khmer). So far, training courses have been jointly conducted for Cambodian government officers to both implement and enforce CITES.

Decisive and urgent action for the protection of Cambodia's remaining wildlife in the long-term through tough enforcement measures alone may not be feasible. As a matter of fact, commercial dealers and professional hunters are often responsible for encouraging poor villagers to poach. Despite the enforced law, it remains difficult to stop villagers from hunting for subsistence. Therefore, assistance with economic alternatives must be developed for villagers, and a combination of law enforcement and community participation shall be considered to discourage the opportunistic poaching. This combination is strongly required. Additionally, in collaboration with the U.S. Department of the Interior (DoI), Conservation International (CI) and WildAid, the Cambodian CITES Management Authority provides assistance to: (i) train the Government of Cambodia officials in the implementation of CITES, including appropriate permitting procedures to authorize the international trade in CITES-listed species; and (ii) provide assistance in finalizing Government of Cambodia draft legislation for the implementation of CITES (June 2004). Through this assistance, the DoI made a contract with WWF/TRAFFIC to procure needed equipment for the Cambodian CITES Management Secretariat.

Figure 1 shows the number of threatened species, i.e. the higher plants, mammals, birds, fishes, reptiles, and amphibians in Cambodia, 2002-03. The data[5] are calculated based on the analyses performed by the World Resources Institute (WRI) using the WDPA GIS point file containing all nationally-designated protected areas.

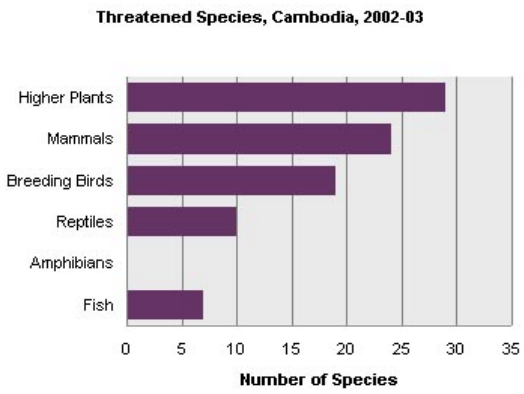

Figure 1*: Threatened Species in Cambodia, 2002-2003*

The RGC has made strides to implement CITES and made progress in identifying the wild species/areas to be included in the protected list, drafting the sub-decree on Wildlife Trade aimed at strengthening CITES implementation, although it faces difficulties with lack of means and capacity.

[5] *Biodiversity and Protected Areas - Cambodia* by World Resources Institute (WRI), 2004.

2.3 Implementation of Convention on Biological Diversity (CBD)

2.3.1 Introduction

Under UNEP auspices, the Convention on Biological Diversity (CBD) was opened for signature at the June 1992 UN Conference on Environment and Development (UNCED) and entered into force on 29 December 1993. More than 170 countries are Parties to the Convention.

Cambodia is rich in natural resources and is home to a number of aquatic and terrestrial species. Since the Convention is the only tool/instrument that could safeguard its abundant biological diversity, the KoC signed it in 1992, and became a Party on 9 February 1995.

The Tonle Sap Great Lake covers an area of about 250,000 hectares in the dry season and is the largest freshwater lake in Southeast Asia. Almost 200 plant species have been recorded in the Tonle Sap region. Invertebrates identified so far include 2 prawn species, 4 crab species, 17 gastropods, and 10 bivalves. More than 500 fish species inhabit the inland waters of Cambodia, of which 215 are from Tonle Sap Great Lake[6]. In addition, some 46 mammal species are likely to exist in the Tonle Sap region. A number of big mammal species such as the Asiatic elephant and tiger used to migrate from upland areas to the Tonle Sap floodplain through natural corridors. At least 15 mammal and 225 bird species for the lake and its floodplain have been recorded recently.

The Cardamom Mountain range is recognized as a biodiversity hotspot by the RGC and the international community. Located in the southwestern part of Cambodia, they extend over one million hectares, comprising the Mount Samkos massif, the Central Cardamom Mountains, the Mount Aural massif and the land between them.

Although the total number of species in the Cardamom Mountains is not yet known, current estimates strongly suggest that this range has greater biodiversity and endemism than any other forest biome in Cambodia, and is therefore of immense biological significance to the country as a whole.

A survey of the Cardamom Mountain range's biodiversity in 2000 revealed that there were 67 species of mammal, 213 bird species, 65 reptiles, 40 amphibians and nearly 300 snout moths, as well as numerous other species of insects, fish and plants. Many of the identified species had not previously been recorded in Cambodia, and in some cases not even Indochina, such as the Argus Rheinardia ocellata and impressed tortoise manouria impressa.

Since it became a Party, the RGC has focused on capacity building and institutional strengthening and has made strides to implement the Convention in collaboration with international organizations[7]. So far, the Government has made good progress resulting in remarkable achievements.

[6] Cambodia's Biodiversity Status Report – 2001, MoE & GEF/UNDP/FAO, 2001.
[7] IUCN, WWF, WCS, WI, CI, FFI, UNEP, UNDP, DANIDA, etc..

2.3.2 Capacity Building and Institutional Arrangement

Biodiversity conservation relies upon the government's efforts to protect, safeguard and/or minimize the human impacts on all living things. An integral component of biodiversity management, often described as being *in-situ* or *ex-situ*, depends on the location of the conservation effort.

Article 58 of the 1996 Constitution lays the foundation for elaborating subsequent laws related to natural resources and environmental management. Similarly, Article 59 states that "The State shall protect the environment and maintain the balance of abundant natural resources and establish a precise plan for the management of land, water, air, geology, ecological system, mines, energy, petrol and gas, rock and sand, gems, forest and forestry products, wildlife, fish and aquatic resources". As a result, the MoE was established after the 1993 general election to deal with major environmental issues, promote natural resources and environmental protection and conservation, and implement laws, sub-decrees, etc. to contribute to improving environmental quality, public welfare, national culture and sustainable socio-economic development.

The RGC is, therefore, committed to the CBD by taking steps to implement the Convention through its conservation programs. Thus, the MoE was designated as a key agency in conjunction with other governmental agencies[8], including cross-agency national committees, to develop a National Biodiversity Strategy and Action Plan (NBSAP) to meet the requirements of the Convention and to promote co-ordination and collaboration of national and international efforts for the biodiversity conservation and sustainable use of biological resources. As a result, the National Biodiversity Steering Committee was established for implementing the CBD. A multi-sectoral NBSAP has now been finalized, the goal of which is "to use, protect and manage biodiversity for sustainable development in Cambodia". The related legislation for biological diversity conservation is also under government consideration.

Due to limited capacity for implementing the CBD, a number of technical assistance projects for capacity building and institutional strengthening were provided to the RGC (see *Annex 1*). A joint-programme[9] between UNDP, IUCN, MRC, and GEF is being implemented through a project entitled "Mekong River Basin Wetlands Biodiversity Conservation and Sustainable Use Programme" to assist Cambodia in implementing the CBD. The MoE and IUCN established the National Programme Office located at the MoE.

Direct challenges to the country's biodiversity include:

- Wetlands and biodiversity continue to be lost;
- Habitat destruction and degradation;
- Loss of ecosystem integrity; and
- Depletion of species abundance and diversity.

Root causes found include:

[8] MAFF, MLMUPC, MRD, MoWRAM, MoP, MEYS, etc.
[9] Programme Support Document, July 2004, UNDP, IUCN, MRC & GEF: *Mekong River Basin Wetlands. Biodiversity Conservation and Sustainable Use Programme for Four Member Countries*.

- Limitedly coordinated sectoral approaches to national planning;
- Weak policy frameworks and unsupportive economic environments for wetland biodiversity conservation and sustainable use;
- Inadequate information base for planning and management decisions;
- Inadequate human and technical resources;
- Lack of options over use of natural resources by local communities;
- Low public/community awareness and little participation; and
- Limited regional/global cooperation, including the commitment of international agreements.

Integrated approach/development program integration

An integrated planning process should be enhanced at the national level by encouraging a multi-sectoral approach, through building capacity, and increasing public involvement. The information base needed to support sound policy, planning and management decision-making should also be strengthened.

2.4 Implementation of Montreal Protocol

2.4.1 Introduction

Global cooperation for the protection of the stratospheric ozone layer began with the negotiation of the Vienna Convention for the Protection of the Ozone Layer in 1985, which outlines states' responsibilities for protecting human health and the environment against the adverse effects of ozone depletion.

The Montreal Protocol on Substances That Deplete the Ozone Layer, known as the Montreal Protocol, is a landmark international agreement designed to protect the stratospheric ozone layer. The treaty, which was originally signed in 1987 and became effective in 1989, stipulates that the production and consumption of compounds that deplete ozone in the stratosphere--chlorofluorocarbons (CFCs), halons, carbon tetrachloride, and methyl chloroform – are to be phased out. Once these compounds are emitted to the atmosphere, they can significantly deplete the stratospheric ozone layer that shields the planet from damaging UV-B radiation. The KoC signed the Protocol in 1988, and ratified in 1992.

2.4.2 Capacity Building and Institutional Arrangements

As stated in the Cambodia Millennium Development Goals Report, 2003, the RGC works to ensure environmental sustainability pursuant to Goal 7, aimed at integrating the principles of sustainable development into country policies and programmes and reversing the loss of environmental resources, maintaining the forest coverage, promoting the access to safe drinking water and securing the land tenure.

To implement and meet the objectives of the Protocol, the RGC focuses on how to ensure environmental protection and sustainability. Since Cambodia ratified the Protocol in 1992, the MoE has been designated to develop the strategy and plan to ensure human health and

environmental protection against the adverse effects of ozone depletion through developing an initial study on production and consumption of those compounds/substances.

With UNEP technical assistance, the MoE is implementing the capacity building and institutional strengthening project in collaboration with concerned governmental institutions, the private sector and other stakeholders. There are a number of implementing projects described in *Annex 2*, including the programs taken and tasks each project assigned.

Under the supervision of the Department of Environmental Pollution Control of the MoE, the National Ozone Unit was established and has taken action since January 2003 to prepare the country program and refrigerants management plan by conducting the survey of using and importing the ozone depleting substances (ODS) throughout Cambodia. Through consultative meetings and workshops/seminars, the unit is in the process of drafting the Sub-decree on the Ozone Depleting Substances Management with UNEP assistance. To promote public awareness on ozone maintenance and protection, the MoE recently organized an Ozone Day in Phnom Penh City with the participation of Government institutions, the private sector, NGOs, international organizations, educational institutions and others.

3. CONCLUSION

While Cambodia is committed to the four environmental conventions discussed above, it is still confronted with many constraints:

- Lack of human resources and facilities to implement requirements of the conventions.
- A national strategy and action plan for integrating management of concerned sectors seems to be inadequate and/or does not exist. Moreover, reliable data/information for preparing a national strategy or action plan is not available.
- Legal tools for implementing existing legislation are limited, as is their dissemination.
- Limited cooperation and facilitation of tasks at local, national and international levels.
- High demand for support from international communities in terms of financial and technical sectors.
- Decision-making focused on a top-down approach, and some decisions made without adequate consideration.
- Inadequate understanding of the four Conventions throughout the country, and reasonably, less public participation.
- Lack of networking among Government institutions, NGOs, international organizations as well as among countries in the region/globe.

To achieve the objectives set out in the four environmental conventions, the constraints noted above should be taken into account and addressed at both the national and regional levels, in cooperation with the international communities.

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