

Kingdom of Cambodia

Nation Religion King

Royal Government of Cambodia

No. 98 ank/bk

Sub-Decree On River Basin Management

The Royal Government

Pursuant to:

- The Constitution of Kingdom of Cambodia;
- Royal Decree No. ns/rkt/0913/903, dated 24 September, 2013, on the appointment of Royal Government of the Kingdom of Cambodia;
- Royal Code No. 02/ns/94, dated July 20, 1994, promulgating the Law on Organization and Functioning of the Council of Ministers;
- Royal Code No. ns/rkm/0699/08, dated June 23, 1999, promulgating the Law on the Establishment of the Ministry of Water Resources and Meteorology;
- Royal Code No. ns/rkm/0607/016, dated June 29, 2007, promulgating the Law on the Management of Water Resources in the Kingdom of Cambodia;
- Sub-Decree No. 58 ank/bk dated June 30, 1999, on the Organization and Functioning of the Ministry of Water Resources and Meteorology;
- Approval by the Council of Ministers during its plenary meeting session held on 10 July, 2015;

IT IS HEREBY DECIDED

Chapter 1 General Provisions

Article 1:

The objective of this Sub-Decree is to regulate the management, conservation and development of the river basins in an effective and sustainable manner as stated in the Law on Water Resources Management in the Kingdom of Cambodia.

Article 2:

The goal of this Sub-Decree is to set out the procedures for the establishment and implementation of the plans for the management, conservation and development of the river basin, sub-river basin, watershed, ground water and aquifer.

Article 3:

This Sub-Decree shall cover all river basins in the Kingdom of Cambodia.

Article 4:

The definitions of key terms used in this sub-decree have the following meaning:

- **River Basin:** is an a geographical area within a catchment where the surface and ground water sources naturally run into a river and flow out at a common point or into the area;
- **Sub-river basin:** is a part of a river basin;
- **Groundwater:** means the underground water flowing through soil particles and cracks in rocks undergrounds;
- **Aquifer:** means any geological formation containing storing or conducting groundwater from which the water can be extracted;
- **Sea:** is the salty water source which receives water flows from rivers, streams, canals, groundwater and from upper catchments;
- **River:** is a natural waterway whose sources are from stream, canals, torrents, groundwater and upper catchments which flow to the sea;
- **Stream:** is a natural waterway whose sources are from torrents, canals and groundwater and upper catchments which flow to lakes and sea;
- **Small stream:** is a natural or artificial waterway which convey waters in or out from the river or stream and upper catchment;
- **Valley:** is water natural stream or fall created by natural phenomena due to erosion by water from the higher slopes;
- **Lake:** is a considerable inland water body or an expanded part of a river formed by slopes or natural deep that may or may not have water depending on the season, and whose sources are from catchment, rivers, stream or small stream;
- **Reservoir:** is natural or artificial water body from which water can be used;
- **Sea, River and Stream Shore:** is the land or sand slope areas which be occasionally flooded;
- **Bank of river, stream, canal, lake and reservoir:** portion land which normally flooded in the river, stream, canal and reservoir, excluding land, rock and other elements which are located far from the bank and occasionally flooded;
- **Shore line:** is the line which limited the highest height of water in wet season, except in the abnormal flood event;
- **Sea shore:** is the highest water line of the shore;
- **Estuary:** is the area where the last part of the river, stream, or small stream flows into the sea;

- **Minimum Flow:** is a necessary flow regime that needs to be maintained in the river, stream, canal, for the sustainability of the ecology and other advantages;
- **Risky zone:** is river basins, sub-river basins, groundwater, aquifers which have been considered as affected or damaged by development and other uses;
- **International river:** is the river which geographically flows through two or more countries;

Chapter 2

Principles of river basin management

Article 5:

For the management of river basins in the Kingdom of Cambodia in a balance, sustainable and effective manner, the overall principles have been determined as follows:

- To manage water sources to serve the use, conservation and development of water resources in the river basin;
- To manage, conserve and develop water resources based on integrated water resources management (IWRM) concepts and approaches in accordance with the Law on Water Resources Management, and enhanced resilience to climate change;
- To manage water resources in the river basin in a unified manner across administrative boundaries, recognizing upstream and downstream linkages, and based on equity and harmony.
- To ensure minimum flows on watercourses to support water related ecological systems and ensure community values;
- To manage water resources in international river basin, based on international agreements, ensuring territorial sovereignty and national mutual interest;
- To develop and use water resources in harmony with other natural resources available in the basin;
- To allocate the use of water in an effective and equitable manner;
- To promote people's livelihood ensuring their access to water, both quantity and quality;
- To encourage the conservation and development of water resources in the river basin and
- To cooperate with neighboring countries in the of water for all fields.

Chapter 3

River Basin Zoning and delineation of riparian land

Article 6:

Based on geographical and hydrological conditions in the Kingdom of Cambodia, there are 39 (thirty nine) river basins which are grouped into 07 (seven) hydrological zones.

A map showing the river basins within the Kingdom of Cambodia is attached as Annex I of this Sub-Decree.

A list of river basins and catchment areas is attached hereto as Annex II.

Article 7:

The Ministry of Water Resources and Meteorology shall, with the participation of the Ministries, institutions, and local government, prepare inventories of the river basins including estuaries, rivers, streams, lakes, reservoirs and aquifers. in the Kingdom of Cambodia. This inventory shall include the names, locations, demarcation, boundary, quantity and quality of those resources.

The river basin inventory shall be set out by a Prakas of the Ministry of Water Resources and Meteorology.

Article 8:

The distance of riparian and coastal strips along key natural water features and water works in rural areas of river basins is defined below:

- Coastal strip and estuary 100 (one hundred) meters from the coastal bank and estuary bank
- River 50 (fifty) meters from its bank
- Stream 30 (thirty) meters from its bank
- Creek 20 (twenty) meters from its bank
- Small stream 10 (ten) meters from its bank
- Main channel 10 (ten) meters from the terrace of channel embankment
- Distribution channel 05 (five) meters from the terrace of channel embankment
- Irrigation channel 03 (three) meters from the terrace of channel embankment
- Basin area 100 (one hundred) meters from the maximum water level from the basin water surface
- Lakes 50(fifty) meters from the maximum water level allocated in the reservoir
- Basin embankment 20 (twenty) meters from the terrace beneath the basin embankment of less than 04 (four); 100 (one hundred) meters from the terrace between 4 to 8 meters high. In case the embankment height exceeds 08 (eight) meters high, it shall be determined by separate sub-decree.

The distances of riparian and coastal strips along key natural water features within cities or towns of the provinces or populous areas and development areas shall be set out by a separate sub-decree and legal documents.

The riparian land as above stated is the state’s public asset.

The delineation of riparian land has no retroactivity on existing land with ownership titles issued before this sub-decree is in force.

Article 9:

The current status of and risks to water resources in the river basin are classified into three categories as follows:

- Level 1: water resources which has been affected by risks, causing no significant harm to the lives of people, animals, plants and physical infrastructures;
- Level 2: water resources, which has been affected by risks and eventually cause damage, destruction and threat to the lives of people, animals and plants in the foreseeable future;
- Level 3: water resources, which have been affected by risks and severely cause immediate and long term damage and impacts to the lives of people, animals, plants and physical infrastructures.

The three categories of risks to water sources shall be defined in detail by a Prakas by MOWRAM.

Chapter 4

Jurisdiction, Mechanism and Committee for River Basin Management

Article 10:

The Ministry of Water Resources and Meteorology is responsible in leading, monitoring and coordinating and consulting with concerned institutions for the management, conservation, and development of all river basins in the Kingdom of Cambodia.

Article 11:

To manage, conserve and develop river basins in the Kingdom of Cambodia in an effective and sustainable manner two mechanisms shall be established as following:

- 1- The River Basin Management Committee at national level;
- 2- The Municipal/provincial River Basin Management Committee.

Article 12:

The composition of the River Basin Management Committee (RBMC) at national level is as following:

- | | |
|--|------------------------|
| 1. Minister of MOWRAM | Chairperson |
| 2. Secretary of State of MoI (1pers) | Deputy Chair |
| 3. Secretary of State of MPWT (1pers) | Deputy Chair |
| 4. Secretary of State of MOWRAM (1pers) | Permanent Deputy Chair |
| 5. Secretary of State of the Council of Ministers' Office(1pers) | Member |
| 6. Secretary of State of MEF (1pers) | Member |
| 7. Secretary of State of MOE (1pers) | Member |
| 8. Secretary of State of MAFF (1pers) | Member |
| 9. Secretary of State of MIH (1pers) | Member |
| 10. Secretary of State of MME (1pers) | Member |

11. Secretary of State of MRD (1pers)	Member
12. Secretary of State of MoT (1pers)	Member
13. Secretary of State of MLUPC (1pers)	Member
14. Secretary of State of MoP (1pers)	Member
15. Secretary of State of Culture and Fine Arts(1pers)	Member
16. Secretary of State of MoH (1pers)	Member
17. Representative of the CNMC(1pers)	Member

The exact composition of the RBMC at national level shall be defined by the decision of the Royal Government of Cambodia.

Article 13:

The RBMC at national level shall have the following roles and tasks:

- Prepare guidelines for sub-national level to prepare master plan, strategic development plan and action plan for the management, conservation and development of the river basin in accordance with national policy, national strategic development plan in the field of water resources and adopt those plans;
- Monitor, control and assess the implementation of the master plan, strategic development plan and action plan for the management, conservation and development of the river basin;
- Coordinate in the consultation with related stakeholders who rely on water resources in the river basin in the preparation of the master plan, strategic development plan and action plan for the management, conservation and development of the river basin;
- Timely inform local people on all activities related to water;
- Coordinate and settle all disputes relating to the management, conservation and development of the river basin;
- Custodian all documents and information related to issues and water resources activities in the river basin;
- Coordinate with ministries, institutions and development partners to conduct studies, research relating to the preparation of master plan, strategic development plan and action plan for the management, conservation and development of the river basin;
- Prepare annual report for the government; and
- Implement other tasks delegated by the government.

Article 14:

The RBMC at national level shall meet at least once per year following the invitation of the Chairperson. In case when the Chairperson is absent, the Chairperson shall delegate his/her full power to Deputy Chairperson to conduct the meeting.

In case of need, the Chairperson may invite representatives from other ministries, institutions, experts, technicians, or private sectors to participate in the consultative meeting or research on issues and activities related to the management of the river basin.

Article 15:

The RBMC at national level shall have a secretariat located in the MOWRAM for its smooth functionality.

The RBMC at national level have the rights to use the stamp of the MOWRAM.

The Secretariat of the RBMC at national level shall be led by a Chairperson of the Secretariat and accompanied by a number of Deputy Chairpersons as needed.

The organizing and functioning of the RMBC Secretariat shall be defined by the Prakas of the Minister of Water Resources and Meteorology.

Article 16:

The composition of a Municipal/Provincial River Basin Management Committee is as follows:

- | | |
|--|------------------|
| - Governor of the Municipal/Provincial Governing Committee | President |
| - Vice-Governor of the Municipality/province | Vice-President |
| - Director of the PDWRM | Permanent Member |
| - Director of the Municipal/Provincial Department of Economy & Finance | Member |
| - Director of the Municipal/Provincial Department of Agriculture | Member |
| - Director of the Municipal/Provincial Department of Environment | Member |
| - Director of the Provincial Department of Public Works and Transport | Member |
| - Director of the Provincial Department of Industry and Handicrafts | Member |
| - Director of the Provincial Department of Mines and Energy | Member |
| - Director of the Provincial Department of Rural Development | Member |
| - Director of the Provincial Department of Tourism | Member |
| - Director of the Municipal/PDLMUPC | Member |
| - Director of Department of Planning | Member |
| - Director of the Forestry Compartment | Member |
| - Director of the from Fishery Compartment | Member |
| - Governor(s) of the concerned town(s), district(s), communes/sankats | Member |

In case of need, the president of the Committee may invite experts or representative from other Communities that are benefited from the basin to attend the meeting of the Committee as observers.

The exact composition of the Municipal/Provincial River Basin Management Committee shall be nominated by a decision of the President of the Municipal/Provincial RBM Committee.

Article 17:

The River Basin Management Committee at Municipal/Provincial level shall set up a secretariat for its effective functioning and shall have its own stamp. This secretariat shall locate in the provincial/municipal department of Water Resources and Meteorology, where the Governor of that municipal/provincial Governing Committee is the Chair of this RBM Committee. The Director of that municipal/provincial DWRAM shall be the Secretary of that RBMC.

The River Basin Management Committee at municipal/Provincial level shall convene its meeting at least twice a year. It may also call for extraordinary meetings if necessary.

The Chairperson of the River Basin Management Committee at Municipal/Provincial level shall make the report on its meeting outcomes and annual report on its working activities to the Chairperson of the River Basin Committee at national level.

Article 18:

A River Basin Management Committee at municipal/provincial level shall have the following tasks:

- Develop internal regulations, plans for the management, conservation, allocation, rehabilitation and development of river basins in line with the national policies in the field of water resources;
- Submit the plans to the RBMC at national level for review and approval;
- Monitor and coordinate the activities of ministries and institutions related to the implementation of plans for the management, conservation and development of the River Basin; Continue providing guidance on measures for water environment protection, water resources exploitation, use and development of water resources, and measures for the prevention and mitigation of risks caused by water in the river basin;
- Continue providing guidance on measures to specialized agencies in response to activities causing contamination to water environment;
- Timely communicate to local residents in the event of water-related catastrophes;
- Provide coordination and resolve conflicts within its competence;
- Implement other tasks as delegated by the RBMC at national level.

Article 19:

The duties of the Secretariat of the River Basin Management Committee at municipal/provincial level are as follows:

- 1- To provide support in administrative managements and financial arrangements to the River Basin Management Committee at municipal/provincial level in the development of plans for the management, conservation and development of the river basins;
- 2- To coordinate all activities concerning information collection, data management, and preparing reports for the River Basin Management Committee at municipal/provincial level;
- 3- To monitor and review the implementation of decisions taken by the River Basin Management Committee at municipal/provincial level; and
- 4- To undertake other tasks specifically delegated by the RBM Committee at municipal/provincial level to it.

Article 20:

The RBMC at national and at municipal/provincial levels shall have financial support for their smooth administrative functionality. These financial supports shall be within the package of the annual budget of MOWRAM and from other development partners.

Chapter 5

River Basin Management Planning

Article 21:

The RBMC at national level shall prepare master plan, strategic development plan and action plan for the management, conservation and development of the river basin for the management, conservation and development of the river basin in line with the National Strategic Development Plan and Public Investment Program of the Royal Government of Cambodia.

To prepare the master plan, strategic development plan and action plan for management, conservation and development of the river basin, the RBMC at national level shall ensure a wide consultation with ministries, institutions, RBMC at sub-national level, development partners and other concerned stakeholders and shall approve the master plan, strategic plan and action plan for their publication and dissemination to all stakeholders.

Article 22:

The development of the master plan, strategic plans and action plan for the management, conservation and development of the river basins should be considered based on the principles as states in Article 5 of this Sub-Decree.

Article 23:

The term of a master plan shall be between 10 and 15 years from the date of its approval by the RBMC at national level.

The term of the strategic plan shall be between 3 and 5 years from the date of its approval by the RBMC at national level.

The term of the action plan shall be between 1 and 3 years from the date of its approval by the RBMC at national level.

The RBMC shall lead, coordinate, monitor, follow up and assess the implementation of the river basin plan every semester in each year.

In case that the implementation of the any river basin plan was carried out positively, the RBMC at national level may extend the river basin plan, but not by more than 5 years from the end of the approved term of the plan. Any master plan, strategic plan and action plan for the management, conservation and development of the river basin, which was considered that it cannot be further implemented, the RBMC at national level shall instruct to amend the river basin plan accordingly.

The Procedures for the preparation of the master plan, strategic plan and development for the management, conservation and development of the river basin shall be defined in the Prakas of the Ministry of Water Resources and Meteorology.

Chapter 6

River Basin Management Measures

Article 24:

The main measures for river basin management are: the management of water quantity and quality; the protection of water sources; and the prevention and mitigation of risks caused by water.

The RBMC at national level shall develop a detail management manual, including guidelines and measures for of the river basin management.

Article 25:

The RBMC at national and at municipal/provincial levels shall implement, monitor and assess water resources, ground water and water related resources.

The activities for the monitoring and assessment of water and related resources in the river basin include:

- Survey and inventory of water resources, for quantity and quality of surface water and groundwater in each river basin;
- Survey on the water related environment in the river basin, including monitoring projected climate change impacts derived from regional climate models;
- Preparation for compiling of data and information products, including maps of river basin features, water related conservation areas, maps of aquifers, including recharge areas;
- Identifying and listing polluted, degraded and over-exploited water sources;
- Timely communicating on events related to water resources, on the survey of the current status of exploitation and use of water resources, and the current status of wastewater discharge to water sources;
- Develop and maintain an information and database system.

Chapter 8

Final Provision

Article 26:

Any regulation which is contrary with that of this Sub-Decree shall be considered null and void.

Article 27:

The Minister in charge of the Office of the Council of Ministers, Minister of Economy and Finance, Minister of Water Resources and Meteorology, ministers and state secretaries of ministries/institutions concerned shall implement this Sub-Decree as of this signing date onwards.

Phnom Penh, July 24, 2015

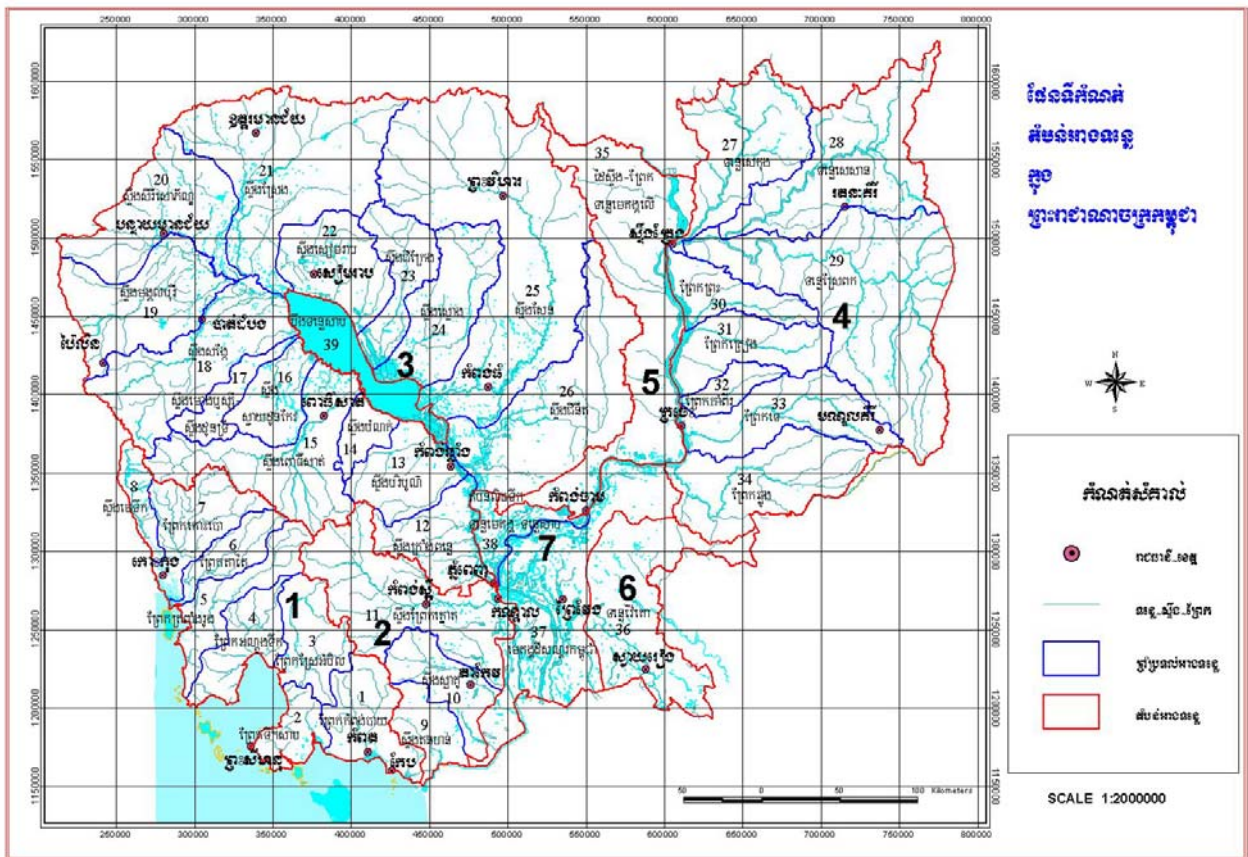
Prime Minister

Samdech Akka Moha Sena Padei Techo HUN SEN

CC:

- Ministry of Royal Palace
- General Secretariat of Constitutional Council
- General Secretariat of the Senate
- General Secretariat of the National Assembly
- General Secretariat of the Royal Government
- Cabinet of Samdech Prime Minister
- Cabinet of their Excellency/Lok Chumteav Deputy Prime Ministers
- Those as stated in Article 27
- The Royal Affairs
- Files-Archives

Annex I of the Sub-decree No. 98ank/bk, dated 24 July 2015 on the River Basin Management
 Location Map of River Basins within the Kingdom of Cambodia



Annex II of the Sub-decree No. 98ank/bk, dated 24 July 2015, on the River Basin Management
List of River Basins and their size within the Kingdom of Cambodia

Nr.	Code	Name of River Basin	Size (Km ²)
I River Basins within Coastal Region			
1	1	Prek Kampong Bay	3,018
2	2	Prek Toek Sap	1,529
3	3	Prek Sre Ambel	2,653
4	4	Prek Andong Toek	2,460
5	5	Prek Trapang Rung	2,615
6	6	Prek Tatai	1,619
7	7	Prek Koh Pao	3,109
8	8	Stung Me Toek	1,043
		Sub-Total I:	18,045
II River Basins within Tonle Basac Region			
9	9	Stung Toan-han	1,765
10	10	Stung Slakou	2,485
11	11	Stung Prek Thnot	7,055
		Sub-Total II:	11,305
III River Basins within Tonle Sap Region			
12	12	Stung Krang Ponley	3,033
13	13	Stung Baribour	3,003
14	14	Stung Bamnak	1,116
15	15	Stung Pursat	5,964
16	16	Stung Svay Don Keo	2,228
17	17	Stung Moug Russei / Dauntry	1,468
18	18	Stung Sangker	6,052
19	19	Stung Mongkol Borey	5,264
20	20	Stung Sisophon	5,593
21	21	Stung Sreng	9,931
22	22	Stung Siem Reap	3,619
23	23	Stung Chikreng	2,714
24	24	Stung Staung	4,357
25	25	Stung Sen	16,342

Nr.	Code	Name of River Basin	Size (Km ²)
26	26	Stung Chinit	8,236
27	39	Boeng Tonle Sap	2,743
		Sub-Total III:	81,663
IV River Basins within Northeastern Region			
28	27	Tonle Se Kong	5,564
29	28	Tonle Se San	7,621
30	29	Tonle Srepok	12,780
31	30	Prek Preah	2,399
32	31	Prek Krieng	3,331
33	32	Prek Kampi	1,142
34	33	Prek Te	4,363
35	34	Prek Chhlong	5,599
		Sub-Total IV:	42,800
V River Basins within Upper Mekong River Region			
36	35	Mekong Riverine	10,373
		Sub-Total V:	10,373
VI River Basins within Southeastern Region			
37	36	Tonle Vaico	6,618
		Sub-Total VI:	6,618
VII River Basins within Lower Mekong Delta Region			
38	37	Mekong Delta Cambodia	8,723
39	38	Mekong Tonle Sap flood plains (Spean Troas)	1,508
		Sub-Total VII:	10,231
		TOTAL:	181,035