

LAW
ON
WATER RESOIJRCES
MANAGEMENT
OF THE KINGDOM
OF CAMBODIA

CHAPTER I
GENERAL PROVISIONS

Article 1

The purpose of this Law is to foster the effective and sustainable management of the water resources of the Kingdom of Cambodia to attain socio-economic development and the welfare of the people. This Law shall determine:

- The rights and obligations of water users,
- The fundamental principles of water resources management, and
- The participation of water users associations in the sustainable development of water resources.

Article 2

In this Law these technical terms shall the following meaning:

"Water" means surface, underground and atmospheric water;

"Water resources" means sea, river, stream, crevasse, creek, lake, natural pond and reservoir

"groundwater" means water held within a saturated soil, small, medium or big rocks, fractures or other cavities within the ground that flows from one place to another place;

"aquifer" means a geological formation where underground water accumulates;

"basin" means a geographical area determined by the watershed limits of the system of waters, including surface and underground waters;

"sub-basin" means part of a basin;

"international rivers" means rivers geographically situated in the territory of two or more states;

"banks" of a river, stream, canal, lake and reservoir shall mean the land normally inundated by the water contained in such river, stream, canal, lake or reservoir, together with such soil, rock or any other material immediately adjacent thereto, but does not include any land beyond that land, soil, rock or other materials, which is occasionally inundated by such water;

"shore" means the land covered with sand or soil, and declining towards the water in a body of water, occasionally inundated by such water;

"beds" means the portion of land delimited by the banks of a river, stream, lake, canal or reservoir, and normally covered by water;

"public purpose" refers to urban and rural water supply, food production, hydro-power generation, navigation, industrial development and the maintenance of minimum flows for ecological, cultural and religious purposes and the preservation of aquatic life;

"waterworks" means dams, weirs, canals, drains, reservoirs, tanks, cisterns, intakes, dykes, embankments, wells, boreholes, tunnels, conduits, pipes, sluices, plants, pumps, and such other structures or installations as are constructed or used for the purpose of diverting, storing, conveying, abstracting, using, conserving and protecting water resources, for land drainage purposes, or for the prevention and mitigation of the effects of floods and of other water-related emergency situations.

"person" means any physical or juridical person, whether private or public;
"licence" means the permit document issued by the MOWRAM, which confers to a person the right to exploit and develop water and water resources;
"MOWRAM" means the Ministry of Water Resources and Meteorology.

Article 3

Water resources are the property of the State.

Article 4

Water resources shall be developed and managed following an integrated water resources management approach.

An integrated water resource management approach (IWRM) shall consider:

- all aspects of water resources
- linkages between the water resources and other aspects of the natural environment
- all demands for effective and sustainable water utilization for human and environmental purposes.

The implementation of the integrated water resources management approach should be work at the same time and collaborative among all line ministries.

Article 5

The MOWRAM shall be responsible for managing, leading and monitoring the implementation of this Law. The MOWRAM shall consult with the other line ministries. If necessary, the RGC may establish a steering committee to direct and facilitate coordination among line ministries.

Article 6

In the implementation of this Law, MOWRAM shall determine policy on water resources management, conservation and development in accordance with the needs in each region of the whole country, in order to ensure sustainable and effective use of water, to minimize water-related disasters, and to avoid water-related conflicts. The distribution of water management, conservation and development zones will be defined by sub-decree.

Article 7

Collaboration among and participation of RGC institutions, private investors, stakeholders, beneficiaries at all levels, NGOs and international organizations shall be promoted, in activities related to the management, investment, exploitation, protection and development of water resources.

CHAPTER II
INVENTORY AND PLANNING of
WATER RESOURCES

Article 8

The MOWRAM is responsible for preparing and maintaining an inventory of the water resources of the Kingdom of Cambodia. This inventory shall indicate the location, quantity and quality of the resources during the year, each year.

Data on quantity and quality, and any other water-related information collected by other institutions shall be submitted to the MOWRAM in a technically standardized format.

The above data and information, except for confidential data and information, may be provided at no charge to all Government institutions and other community organizations when the use is for public benefit.

MOWRAM shall require payment of fees for data and information when they are to be used for private benefit.

Article 9

The MOWRAM shall be responsible for preparing a national water resources plan.

Water resources projects shall be prepared based on the data and information resulting from the water resources inventory, in accordance with the national water resources plan, the strategic development plan and the national and regional environmental plans, and by maintaining the balance between water availability and present and foreseeable demands.

Article 10

The MOWRAM shall be responsible for river basin, sub river basin, watershed, groundwater, and aquifer management, in cooperation with the other institutions concerned.

The procedures for preparing and implementing plans for management, conservation and development of river basin, sub river basin, watershed, groundwater, and aquifers shall be provided for by way of a sub-decree.

CHAPTER III
WATER RESOURCES USE AND
DEVELOPMENT

Article 11

Everyone has the right to use water resources in an amount not exceeding the basic need for drinking, washing, bathing and other purposes including the feeding of domestic animals and buffaloes, fishing and the irrigation of gardens and orchards, while avoiding impacts on other people.

The above water use shall not be subject to have a license.

Article 12

The diversion, abstraction and use of water resources for agriculture or industrial purposes other than those mentioned in Article 11, and the construction of the waterworks relating thereto, are subject to a license or permit.

The procedures for the granting of water use licenses shall be determined by sub-decree.

The extraction of sand, soil, stones, gravel, and other minerals from the beds and banks of watercourses, lakes, canals and reservoirs is subject a license. The technical procedures on hydrology related to these activities and the procedures for the granting of such licenses shall be determined by sub-decree.

The filling of water courses, lakes, canals and reservoirs is subject to a license or permit. The procedures for the granting of such licenses and permits shall be determined by sub-decree.

The construction of bridges over water courses, lakes, canals and reservoirs, the construction of ports, and the building of other structures on the beds, banks and shores of water-courses, lakes, canals and reservoirs, are subject to prior technical approval by the MOWRAM as regards the hydrological regime.

The diversion of water from the territory of the Kingdom of Cambodia shall be permitted and agreed by the Royal Government of Cambodia with the authorization from the National Assembly.

Article 13

Condition procedure and modification of providing transfer canceling determine of specified duration delay of Water use licenses shall be determined by sub-decree.

The determination of water use fee that are the objective of license shall be determined by sub-decree.

Article 14

Before granting a water use license to a person, the MOWRAM may consult with the other concerned institutions on the water utilization and the construction of waterworks relating to such use that proposed by person.

Article 15

A water use license may be transferred by its holder to another user, whether totally or in part, subject to the prior approval of the MOWRAM.

Article 16

A water use license may be modified or cancelled by Royal Government for a public purpose. In this case, however, the licence holder may receive available compensation.

Article 17

A water use license may be modified or cancelled by the MOWRAM at the request of the license holder.

A water use license may be modified, suspended or cancelled by the MOWRAM in the following cases:

- violation of the conditions imposed in a license;
- violation of any provision of this Law and of any regulation made there under;
- use of the water for purposes other than those authorized;
- non use of the water for a period of two consecutive years;
- transfer of the license without prior approval;
- causing of a negative impact on public health or the environment;
- refusal, without justification, to pay the water fee.

In the above cases, the license holder shall be afforded an opportunity to present a written statement to the MOWRAM to explain the reasons of the default. All of the above defaults the license holder may compensate in the determine the time frame.

Article 18

The license holder has a right to appeal to the Minister of the MOWRAM any decision made by a competent official of the MOWRAM within thirty days from such decision. The notice of appeal shall specify the reasons of the appeal. In the case of disagree with the decision of the Minister the license holder may file a petition for a review of such decision to the competent court.

CHAPTER IV

Farmer water user community

Article 19

To ensure the efficient and sustainable utilization and management of irrigation, the MOWRAM shall be responsible of the preparation of establishment of Farmers' Water User Community ("FWUC").

Farmers using water from the same irrigation system or part thereof may a right to establish a FWUC.

The statutes of a FWUC shall be registered with the PDWRAM.

After registration, the FWUC shall be officially recognized and be in charge of the implementation of their status.

The procedures for the establishment, functioning and dissolution of FWUC shall be determined by way of sub-decree.

CHAPTER V

GROUND WATER

Article 20

Whoever drill and dig of wells that on a professional basis or for commercial purposes shall provide with the detailed report on the operation, the technical specifications and others information of drilling and digging of well to MOWRAM.

The utilization of ground water and aquifers that on a professional basis or for commercial purposes that in an amount exceeding that provided for in article 11 of this Law shall be subject to a water license.

The drilling and digging of wells commercial purposes in the national cultural zone historical location and heritage area shall be prohibited.

The determination of prohibited areas shall be detail in the sub-decree.

Article 21

Whoever finds groundwater and aquifers in the course of discovery mining, or other activities, shall provide information to the MOWRAM.

CHAPTER VI

PROTECTION OF WATER QUALITY

Article 22

The discharge, disposal or deposit of polluting substances which are likely to deteriorate the quality of water or to endanger human, animal and plant health into water, the soil or the sub-soil shall be subject to a license or permit.

The polluting substances provided for in this Article and the technical standard shall be determined by the sub-decree.

All the operational work in this article the MOWRAM shall consult ideas with the other institutions.

Article 23

The MOWRAM may declare protected water use zones or temporary areas in the following cases:

- When surface or underground water sources are seriously threatened in their quantity, quality or ecological balance;
- When a watershed is undergoing degradation by human activities or nature;
- When there is a risk of spreading of human and other diseases.

The geographical limits of protected "water use" zones or temporary areas shall be established on a case-by-case basis by way of MOWRAM regulations.

CHAPTER VII
PROTECTION OF FLOOD and DROUGHT

Article 24

In the flood protection the MOWRAM, together with the other concerned institutions and local authorities, may designate any flood prone area in the Kingdom of Cambodia as a Flood protection Area.

Within a Flood Protection Area, the MOWRAM, together with the other concerned institutions and the local authorities, shall prepare plan on flood protection and control measures to ensure the safety life of people, animals and property.

The MOWRAM may prohibit some activities that are likely to damage flood protection works or to obstruct the natural flow of rivers.

Article 25

In the case of controlling that any waterworks which are likely to collapse as unsafe or to cause damage to life or property of the national society, the MOWRAM in consultation with the other institutions concerned and the local authorities shall emergency prohibit according with their own duties.

Article 26

In the event of foods draughts, the MOWRAM is e Chief of Staff of the Royal Government of Cambodia in the execution of emergency works with collaboration with other concerned institutions and the local authorities.

CHAPTER VIII

SERVITUDES

Article 27

The owner or occupier of upstream land is entitled to collect and use rain water and the water accumulating or flowing naturally on his land for the purposes enumerated in Article 8, but in so doing he/she shall not hinder the natural flow of the water to the prejudice of downstream water users.

The owner or occupant of downstream land is entitled to receive the water flowing naturally from upstream land. However, he/she shall not obstruct the flow through the construction of roads, dykes, dams or other structures to store water, except with a license or permit.

The damage suffered by a land owner or occupier as a result of the violation of the provisions of this Article shall be subject to compensation by its author.

Article 28

The owners or occupiers of agricultural land shall allow the water flowing on such land to flow naturally to neighboring agricultural land to meet that land's irrigation needs.

Article 29

Servitude for public purposes may be established by special legislation that shall be complied with by the owners or occupiers of land.

The holder of a license under this Law may obtain the establishment of a servitude for the passage of water through neighboring land by means of underground or surface conduits, provided that the laying of such conduits takes place in the least harmful manner.

The same servitude may be obtained, at the same conditions, for the disposal of wastewater, sewage water and drainage water.

In the case of damage, the beneficiary of a servitude under this Article shall be liable to pay compensation to the owner or occupier of the land on which the servitude is established.

Article 30

The holders of intervening or neighboring land are entitled to use the works provided for in Article 30 under this Law.

In such case, they are required to contribute, in proportion to their utilization of the works, to the cost of construction, operation and maintenance of those works, and to bear the costs relating to the modifications that the exercise of the right provided for in this Article may render necessary.

Article 31

A servitude ceases to exist when the exercise of the right ceases.

Article 32

All disputes relating to the establishment of servitude in water use shall be facilitated by the MOWRAM and other the concerned institutions and local authorities.

Article 33

Any competent officer authorized by the MOWRAM to such effect has the power to enter any land to control technical matters relating to water upon prior notice in writing given to the owner or occupier of the land.

During his mission, the officer shall hold his identity card and mission order signed by the MOWRAM.

CHAPTER IX
INTERNATIONAL RIVERS

Article 34

The Kingdom of Cambodia has the right to use, develop and manage international river basins on its territory within its reasonable and equitable share, consistent with the obligations stemming from the international agreements to which Cambodia is a Party.

MOWRAM shall take account on the Mekong river water utilization at all sector including navigation in a sustainable by following to the Mekong agreement.

CHAPTER X
INCENTIVES AND PENALTIES

Article 35

The Royal Government may grant incentives to those who engage in research on, or the development of, new technologies, installations and equipment, or apply low-waste technologies, leading to an increase in the efficiency of water use or to a reduction of water pollution.

The criteria and modalities for the granting of incentives, and the amount thereof, shall be defined by MOWRAM regulations.

Article 36

The offences of the provision of this law shall be punished as follows:

- 1- is punished with a fine from 200,000 to 2,000,000 Riels the person who:
 - breaches any of the provisions that was provided for in the license;
 - prevents the officers of the MOWRAM from exercising their functions;
 - constructs waterworks without a license.
- 2- is punished with a fine from 2,000,000 to 5,000,000 Riels or with a term of imprisonment of 1 month to 6 months the persons who:

use water without a license or permit required by the law on water resources management;

- carry out drilling and digging activities on a professional basis without a drillers' license. The penalty shall be doubled when the drilling and digging activities make a resettlement of soil structure. The violator shall response to the damage from a resettlement of soil structure.

3- is punished with a fine from 5,000,000 to 10,000,000 Riels or with a term of imprisonment of 1 year to 5 years the persons who:

- fills a lake or reservoir without a license or permit;
- discharges wastewater into the water sources without a license;
- has wrong activities in the protected zones;
- obstructs the natural flow of a river, stream or canal without permission from the MOWRAM;

- extracts sand, soil, stones or gravel from the beds and banks of water bodies without a license.

4- In case of repeated offence, the penalty shall be doubled.

Article 37

Whoever intentionally destroys or alters waterworks of any kind constructed or installed by the Government is punished according to the criminal law

Article 38

In addition to the above provisions on offences, the violator may be condemned to remove all kinds of works constructed in violation of this Law, and to restore the things to the former state and the equipments related to the offences shall be state property.

Article 39

Any official of the MOWRAM who is negligent, breaches any regulation of the MOWRAM, conspires with an offender or facilitates the commission of an offence, shall be subject to administrative law.

CHAPTER XI
FINAL PROVISIONS

Article 40

All legal provisions inconsistent with this Law are hereby repealed.

Article 41

This Law is urgent for publishing.

Phnom Penh, 29 June, 2007

King's signature

NORODOM SIHAMONY

Have submitted for the king's signature

Prime Minister
Signature

HUNSEN

Have informed to the Prime Minister

Minister of Water Resources and Meteorology
Signature

LIM KEAN HOR