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**INTERNATIONAL TECHNICAL  
ASSISTANCE PROGRAM**

## **FINAL REPORT**

# **Technical Assistance for the Development of an Environmental Code in Cambodia**

**Submitted on February 6, 2017**

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DOI-ITAP natural resource managers meet with Cambodian government officials from the Ministry of Environment and Vishnu Law Group to discuss proposals for the new Environmental Code.

## **Summary:**

Based on the Concept Note and Statement of Work developed and approved for this project, the goal was to provide technical support to the Royal Government of Cambodia as the Ministry of Environment (MOE) undertook an ambitious project to create a comprehensive Environmental Code designed to encompass all aspects of environmental protection and natural resources conservation.

Over an eight-month period from May to December 2016, the Department of the Interior (DOI), International Technical Assistance Program (DOI-ITAP) provided seven experts on-site and three remote off-site experts to this effort. Most assignments lasted 2-3 weeks on average. It was initially envisioned that DOI experts would provide background information and policy papers that Cambodian officials would use to draft this legislation. However, during these assignments, DOI experts were brought into the process more than anticipated and often provided draft language based on their broad experiences, which was greatly appreciated by their Cambodian counterparts. By the end of the drafting process, nearly half of the text had been supported and/or drafted by DOI experts. DOI assistance was so instrumental in the Cambodian success in accomplishing this milestone that the Vishnu Law Group project manager, Brian Rohan, said during a USAID meeting in October that, “the environmental code would not exist if it were not for DOI involvement.”

As of December 31, 2016 the drafting process for the Environmental Code was finished when it was submitted to the Minister of Environment. Vishnu Law Group is now coordinating with the Ministry to prepare for the enactment process. Prior to the enactment or passage of the code in mid to late 2017, Vishnu will be busy perfecting the Khmer and English versions of the code, including syntax, formatting, and structure, plus creating brief explanatory sheets on the Code’s key provisions and finalizing sub-decrees that will accompany the Code at enactment. The next step in the review process includes sending the Code to the Council of Ministers for inter-ministerial approval. After final revisions are made based on those interactions, the Code will be presented to the National Assembly for final debate and passage. Here is a link to the current document:

[http://www.vishnulawgroup.com/attachments/article/60/NR%20and%20E%20Code%20Draft%207%20\(Final\)%2031-DEC-16.pdf](http://www.vishnulawgroup.com/attachments/article/60/NR%20and%20E%20Code%20Draft%207%20(Final)%2031-DEC-16.pdf)

## **Purpose:**

The Royal Government of Cambodia is developing a comprehensive Environmental Code that will encompass all aspects of environmental protection and natural resources conservation. The Code will, for the first time, address issues such as a sustainable national energy strategy, climate change mitigation and adaptation measures, smart growth including infrastructure development and sustainable cities, and equitable access to natural resources. This project was jointly implemented by DOI and US Environmental Protection Agency (USEPA) as each had a role in assisting with the Code. Coordination between these two agencies took place early on to avoid duplication and promote consistency of messaging. A common document was developed to guide experts from both agencies (see Attachment 1 for the orientation document and attachment 2 for a table showing which aspects of the Code were covered by which agency). Led by the Ministry of Environment and the Vishnu Law Group, the process for developing the Code was developed in a transparent, inclusive and participatory manner, and included access to information and public participation in environmental matters among its core principles.

At a broader scale than DOI and USEPA involvement, United Nations Development Programme (UNDP) staff members in Cambodia supported the Ministry of Environment in developing this environmental code (in tandem with Vishnu Law Group). UNDP had received a grant from USAID/Cambodia to (1) modernize the MoE, (2) operationalize the National Council of Sustainable Development and (3) develop the Environmental Code. DOI and USEPA assistance was provided for the last component, the new environmental code. This USG support to the environmental code was fully guided and coordinated by the UNDP Project Manager in consultation with the USAID/Cambodia point of contact, Andrea Stone.

## **U.S. Department of Interior Participants:**

- Peter Keller, Cambodia Project Manager, Smart Infrastructure for the Mekong Program
- Rick Sayers, retired US Fish and Wildlife Service
- Dan Polhemus, US Fish and Wildlife Service
- Alan Robinson, retired National Park Service
- Mark Barash, DOI Solicitor's Office
- Christine Ogura, US Fish and Wildlife Service
- Khem So, US Fish and Wildlife Service
- Greg Eckert, National Park Service
- Doug Beard, US Geological Survey
- Sarah Abelrahim and Jonathan Steele, DOI Office of Policy

## **Timeline of Activities:**

April to June 2016: Recruitment and Selection of experts to meet specific technical expertise as requested by MOE and Vishnu Law Group.

June to December 2016: Contribute to development of the Environmental Code through technical papers and best practices/ lessons learned. TDYs were set up with Vishnu for each expert, usually lasting from 2 to 3 weeks.

Each of the experts assigned to this effort followed this general process:

- Conducted an initial analysis of existing policies, laws and regulations and relevant international experience to identify best principles and standards for environmental management in Cambodia
- Analyzed existing policies, laws and regulations to identify overlaps among relevant ministries, and recommendations for improved management arrangements across government;
- Reviewed general principles and objectives for the Code
- Identified, researched and formulated innovative tools and mechanisms that could be incorporated into the Code.
- Developed draft language for the initial Code, including proposals for statutory changes and creation of new laws
- Provided draft language that was compiled into a unified Code structure

## **General Process for SOW Planned Activities:**

Task 1: Selection and placement of experts within appropriate working groups and office locations:

The DOI-ITAP recruitment and selection process identified over a dozen potential experts. Ten of these were selected based on the needs requested by the Ministry of Environment, such as experts in wildlife; biodiversity; marine; coastal; wetland; and terrestrial protected areas; etc. and USEPA went through a similar process to select experts in environmental impact assessments; pollution control, waste management; etc. to assist the Ministry of Environment. Inputs by DOI and USEPA experts were science-based and drawn from experiences and lessons learned of USG agencies with similar portfolios. The DOI and EPA project managers and Experts met in one large conference call and then had specific

theme meetings as needed to share information that might be useful for respective sectors. DOI and EPA team members were generally not on location concurrently, but rather overlapped a couple of times at the end of the project when both were requested to provide representatives for a comprehensive review of the document. For the remote experts and several on-site experts (after they returned home), they maintained open communication channels by utilizing digital meeting platforms (google chat, skype, etc.).

Task 2: Contribute to development of the Environmental Code through technical papers and best practices/ lessons learned:

The DOI team and USEPA team worked individually with UNDP and Vishnu Law Group staff as they supported different Sub-Technical Working Groups. Specific work requests for on-location DOI and USEPA experts were vetted by UNDP and Vishnu Law Group, and then issued by the Sub-Technical Working Groups (STWG) chair to ensure coordination of assignments and avoid any duplication. The DOI team focused its assistance on wildlife; biodiversity; marine; coastal; wetland; and terrestrial protected areas; forestry, etc. The USEPA team focused its review on environmental impact assessment; pollution control; waste management; public participation; core elements of environmental governance such as public participation and transparency; etc. Policy recommendations/ best practices and even draft text were provided during the assistance period and often during follow up when experts returned home. As an example of the typical assignment by a DOI expert, one of the participants produced this 30-second video that captures the essence of what took place during many of these extensive consultation sessions in development of the Environmental Code

[https://drive.google.com/open?id=0B1gGXRJ\\_FW9OTWZGU3ZIZIZSFE](https://drive.google.com/open?id=0B1gGXRJ_FW9OTWZGU3ZIZIZSFE).

Total time commitment by DOI Experts was 145 days and this has been included in the M&E section below. See Attachment 4 for more details on who provided those 145 days and on what topics. In regard to DOI counterpart funding, the salary for the majority of the DOI travelers is covered by their home agency and thus that is an added value to the project's overall budget efficiency. For this particular project, of the 145 days of USG assistance, 122 of those were covered as counterpart funding.

**Planned Tasks:**

With the completion of this Scope of Work, the next planned task by DOI-ITAP is to work with MOE in developing a new Concept Note that would request assistance to begin the implementation phase of the Environmental Code. Such a CN would be submitted through the usual process for consideration. In regard to the completed Scope of Work, a few follow-up interviews are planned related to SIM's highest indicators to track how useful were the tools and information provided by DOI experts to the Environmental Code effort.

## Monitoring and Evaluation:

<b>SIM Project Purpose</b>	<b>Indicator Type</b>	<b>Target</b>	<b>Results to Date</b>
1. Number of development projects influenced by tools and information provided by USG under SIM (custom)	Outcome	1	1 (environmental code in general)
2. Number of institutions with improved capacity to address climate change issues as a result of USG assistance (4.8.2-14) *	Outcome	1	1 (Ministry of Environment)
<b>Tools and Information</b>	<b>Indicator Type</b>	<b>Target</b>	<b>Results to Date</b>
1.1 Number of "new" tools, models, analyses, reviews and assessments, technical guideline, best practices and databases developed from technical assistance and provided to LMG officials (custom)	Output	14	19 (variety of documents developed by the 7 on-site specialists and 3 off-site remote experts that assisted with the environmental code project)
1.2 Number of LMG officials that applied the improved technologies and management practices to inform decision making (custom)	Output	2	To be determined through follow up interviews
<b>Capacity Building</b>	<b>Indicator Type</b>	<b>Target</b>	<b>Results to Date</b>
2.1 Number of LMG officials that show an increase in expertise and capacity to address adverse environmental and social impacts of development projects (custom)	Output	0	N/A
2.2 Number of people receiving USG supported training in natural resources management and/or biodiversity conservation (4.8.1-27)	Input	0	N/A
2.3 Number of person hours of training in natural resources management and/or biodiversity conservation supported by USG assistance (4.8.1-29)	Input	0	N/A
<b>Cross-Cutting</b>	<b>Indicator Type</b>	<b>Target</b>	<b>Results to Date</b>
3.1 Number of technical assistance interventions/services activities funded with USG assistance (custom)	Input	4	10 (number of DOI experts involved in assistance)

<p>3.2 Number of days of USG funded technical assistance in natural resources management and/or biodiversity provided to counterparts or stakeholders (4.8.1-28)</p>	<p>Input</p>	<p>261</p>	<p>145 days</p> <ul style="list-style-type: none"> <li>• Rick Sayers (retired USFWS), April 23 - May 4, scoping trip to develop action plan and primer/orientation paper for experts. On-site: 9 days. Remote: 0 days. Total: 9 days.</li> <li>• Dan Polhemus (USFWS), May 14 - June 10, drafted legislative text for marine fisheries, coastal zone management, water resources management and environmental mapping center. On-site: 22 days Remote: 3 days. Total: 25 days.</li> <li>• Alan Robinson (retired NPS), June 18 - 28, drafting recommendations for sustainable tourism / ecotourism aspects in the code. On-site: 9 days. Remote days: 4. Total: 13 days.</li> <li>• Mark Barash (DOI Solicitor's Office), July 8-23, assisted with developing natural resource damage assessment and compensation aspects of the code. On-site: 11 days. Remote: 0 days. Total: 11 days.</li> <li>• Christine Ogura (USFWS), Aug. 8-26, provided review, edits and information on a variety of topics, plus focused assistance to a working group that was developing public participation models in the Code for co-management of protected areas. On-site: 17 days. Remote: 5 days. Total: 22 days.</li> <li>• Khem So (USFWS), was available virtually during Christine's trip (Aug. 8 - 26) to assist with any GIS and classification/inventory requests. Remote: 6 days. No on-site days. Total: 6 days.</li> <li>• Greg Eckert (NPS), Aug. 21- Sept. 9, assisted with sections of the code focused on sustainable harvesting of timber, fuelwood and non-timber forest products, including restoration of damaged habitats and ecosystems. On-site: 16 days. Remote days: 7. Total: 23 days.</li> <li>• Doug Beard (USGS), Sept. 6-20, freshwater fisheries specialist who helped with those aspects of the environmental code. On-site: 12 days, remote: 2 days. Total: 14 days.</li> <li>• Mark Barash (DOI Solicitor's Office), Nov. 4-12, assigned to a five-person team that will conduct a comprehensive consistency review of the environmental code. On-site: 8 days. Remote: 11 days. Total: 19 days.</li> <li>• Remote technical assistance was requested by MoE and Vishnu Law Group on climate change adaptation issues. Two individuals from the DOI Office of Policy Analysis, Sarah Abdelrahim and Jonathan Steele, developed a guidance document tailored to this request that was titled, "U.S. Federal/DOI Approach to Climate Change Adaptation." Remote: 3 days from DOI Policy Analysis staff that produced climate change technical papers for this project.</li> </ul>
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**Attachments:**

- 1) Table of USG coordination on Cambodia Environmental Code Assistance
- 2) Key Stakeholders

**Table for USG Coordination on Cambodia Environmental Code Assistance**

	<b>Lead POCs</b>	<b>Sub Technical Working Group (STWG) assignment by GOC</b>	<b>Subjects / Deliverables*</b>	<b>Env. Code Outline: Book and Title</b>	<b>Coordination</b>
<b>EPA</b>	RDMA – Aaron Brownell  EPA – Rakhi Kasat	STWG #2: Waste and Pollution Control  STWG #7: R&D and Environmental Info dissemination	Proposed Legislation for: - Public Participation Policy - Access to Environmental Information - Strategic Environmental Assessment - Environmental Impact Assessment - Solid and Hazardous Substances Control	Book 1: Titles 3, 4.  Book 2: Titles 3, 4.  Book 3: Title 7  Book 6: Titles 1-10	Monthly coordination calls  Sharing preparation and background documents  After-assignment debriefs by experts
<b>DOI</b>	RDMA – Gary Jahn  DOI – Peter Keller	STWG #3: Parks, Wildlife and Biodiversity Conservation  STWG #5: Wetland, Freshwater and Marine Conservation	Proposed legislation for: - Marine Fisheries - Coastal Zone Mgt - Water Resources Mgt - Endangered Species - Tourism and Eco-Tourism - Environmental Offences and Remedies	Book 3: Titles 2, 4, 5  Book 4: Titles 1-9  Book 9: Titles 1-3	Monthly coordination calls  Sharing preparation and background documents  After-assignment debriefs by experts

\*These focus areas for both DOI and EPA have been developed in coordination with the Ministry of Environment, Vishnu Law Group (MoE-designated facilitator for development of the environmental code), UNDP and concurred by USAID/Cambodia and Embassy/Phnom Penh via their review of the SOW.

**Key Stakeholders:**

- Ministry of Environment
- National Council on Sustainable Development
- UNDP Cambodia Office on Climate Change and Sustainable Development
- Vishnu Law Group
- Asian Development Bank (supporting development of National Environmental Strategy and Action Plan).
- U.S. Embassy Phnom Penh, Andrew Davnie-Easton, ESTH Officer
- USAID/Cambodia, Andrea Stone and Sothira Seng, Environment Team
- USAID/RDMA, Gary Jahn and Chris Dege, SIM Activity Man

