

Entry into force on 29 June 2007.

**LAW
ON
WATER RESOURCES MANAGEMENT
OF THE KINGDOM OF CAMBODIA**

CHAPTER I

GENERAL PROVISIONS

Article 1

The general 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 determines:

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

Article 2

In this Law, the following technical terms shall be understood:

"water" means surface, underground and atmospheric water;

"Water resources" means sea, river, tributary, stream, water falls, canal, lake and swamp, pond, reservoirs or storage.

"groundwater" means water flowing within a saturated soil, rock medium, fractures or other cavities within the ground;

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

"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, tributary, stream, canal, lake and reservoir shall mean the land normally inundated by the water contained in such river, tributary, 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" of sea, river, tributaries means the land covered with sand or soil, and declining towards the water in a body of water, occasionally inundated by such water;

"beds" of river, tributary, stream, canal, lake and reservoir means the portion of land delimited by their respective banks, 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 large and minor dams, weirs, diversion canals, dykes/embankments, large and minor drainage systems, irrigation system, large and small reservoirs, aqua-ducts/ conduits , wells and boreholes, hydropower dams and such other structures or installations as are constructed or used for the purpose of diverting, storing, conveying and abstracting, using, conserving and protecting water resources, for drainage purposes of inundated areas, or for the prevention and mitigation of the effects of floods and of other water-related emergency situations.

"licence" means the permit document which confers to a person the right to use water and water resources;

"person" means any physical or juridical person, whether private or public;

Article 3

All water and water resources are owned by the State.

Article 4

Water and water resources shall be managed and developed based on an integrated water resources management (IWRM).

The IWRM shall take into account:

- all aspects of water resources;
- linkages between water resources and other components of the natural environment;
- requirement for an effective and sustainable water use for human being, environment and other sectors.

The implementation of the IWRM shall be carried out jointly and within a cooperation framework of all relevant agencies,

Article 5

The MOWRAM is mandated to manage, lead and supervise the implementation of the present law. The MOWRAM shall conduct consultation with other concerned ministries. In case of need, the Royal Government of Cambodia shall set up a joint commission for addressing and coordinating works and activities among the Ministries concerned.

may declare any basin, sub-basin or aquifer as Water Law Implementation Area when within that basin, sub-basin ,ground water or aquifer there are likely to be conflicts among water users, problems of water pollution or watershed degradation.

Article 6

In implementing the Law on Water Resources Management, the MOWRAM shall develop the policy on the water resources management, conservation and development taking into account the specific requirements and demand of each zone/region in the Kingdom of Cambodia to ensure the sustainability of the water resources and the effectiveness of water utilization to prevent the disaster and conflicts.

The zoning for the water resources management shall be provided for by the government sub-decrees.

Article 7

The Royal Government of Cambodia shall encourage the collaboration with and participation of the relevant agencies, private sectors, beneficiary groups, NGOs and International Organizations in all activities related to the management, investment, exploitation, conservation and development of the water resources.

CHAPTER II

WATER RESOURCES INVENTORY AND PLANNING

Article 8

The MOWRAM shall keep a centralized 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, whether at the national, provincial or district level, shall be submitted to the MOWRAM in a technically standardized format.

The above data and information may be provided free of charge to all government agencies and other communities for the public interests, except for those classified as confidential. The MOWRAM may require the payment for the data fee by the data request for commercial purpose.

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 containing in the water resources inventory, in accordance with the national water resources plan, the economic development plan and the national and regional environmental plans, to ensure proper balance between water availability and the present and foreseeable demands.

Article 10

The MOWRAM is mandated to manage the river basin, sub-basins, watershed run-off, groundwater and aquifers in collaboration with all concerned Ministries.

Procedures for development and implementation of the plan of the management, conservation and development of the river basin, sub-basins, watershed run-off, ground water and aquifers shall be regulated by the government sub-decrees.

CHAPTER III

WATER RESOURCES USE AND DEVELOPMENT

Article 11

Every person has the right to use water resources for his/her vital human need including drinking, washing, bathing and other domestic purposes including watering for animal husbandry, fishing and the irrigation of

domestic gardens and orchards, in a manner that will not affect other legal right of others. amount not exceeding that necessary to

The fore-mentioned uses are not subject to the licensing.

Article 12

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

The formality for license application shall be provided for by the Government sub-decree.

The extraction of sand, soil, stones, gravel, petroleum and gas from the beds and banks of watercourses, lakes, canals and reservoirs is also subject to licensing. The technical hydrological formality shall be detailed in the Government sub-decree. .

The filling of river, tributary, stream, natural lakes, canal, and reservoirs shall subject to license or written authorization. Its formality shall be provided for in the Government sub-decree.

The diversion of water from the Kingdom of Cambodia territory shall be permitted and agreed by the Royal Government of Cambodia with due ratification by the legislative bodies.

Article 13

The conditions, modalities and procedures for granting, transfer, cancellation, time limitation, extension, suspension of water use licences shall be determined by the Government sub-decree.

The water use fee under the water use license shall be determined by the Government sub-decree.

Article 14

Prior to granting water use license to any person, the MOWRAM shall consult with the other agencies and the local authorities concerned on the water utilisation and the construction of waterworks proposed by the applicant.

Article 15

Water use licensee may transfer his/her its water use right totally or partially to another user, after securing prior approval of the MOWRAM.

Article 16

The Royal Government of Cambodia may introduce amendment to the license in the public interest. In such case, the licensee shall receive a proper compensation.

Article 17

The MOWRAM A may amend or cancel a license at the request of the licence holder.

The MOWRAM may modify, suspend or cancel water use license in the following cases:

- violation of the conditions imposed in a licence;
- violation of the provisions of this Law and other norms adopted thereunder;
- Over-use of water in a quantity exceeding the amount permitted
- use of the water for purposes other than those authorized;

- non use of the water for a period of two consecutive years after the license was issued;
- transfer of the licence without prior approval;
- causing negative impact on public health or the environment;
- refusal, without justification, to pay water fee.

In such case, the license holder shall present a written statement to the MOWRAM to explain the reasons of his/her actions or omission.

The MOWRAM shall determine the time frame for the compensation, by the licence holder, of any damage that may be produced as a result of the above wrong-doing.

Article 18

The license holder has the right to appeal to the Head of MOWRAM against the decision of its relevant official within thirty days from such decision is made. The complaint must specify the reasons for the appeal.

In case of his/her disagreement with the Head of MOWRAM decision, the license holder has the right to lodge complaints against that decision with the competent court.

CHAPTER IV

Farmer water user community

Article 19

To ensure effective and sustainable management and operation of the irrigation system, the MOWRAM shall initiate the creation of Farmers' Water User Communities.

All farmers using water from the same irrigation system or part thereof may form a Farmers' Water User Community.

The statutes of the Farmers' Water User Community shall be registered in the Farmers Water User Community registry with the provincial or municipal directorate of the MOWRAM. After its registration, the Farmers Water User Community is fully entitled to carry out its Statutes and formally recognized.

The procedures for the establishment and dissolution of Farmers' Water User Communities shall be determined by The government sub-decree.

CHAPTER V

GROUNDWATER

Article 20

Any person carries out drilling or digging of the wells for the professional or commercial purposes shall supply the MOWRAM with a detailed report on the drilling or digging operation, the technical specifications and other information.

The utilization of the ground-waters and aquifers for the professional or commercial purposes the quantity of which exceed the level as defined in Article 11 shall be subject to licensing. The no-drilling or digging zones shall be defined in the Government Sub Decree.

Article 21

Any person who discovers groundwater and aquifer in the course of mining, or other activities, shall report to the MOWRAM.

CHAPTER VI

PROTECTION OF WATER RESOURCES

Article 22

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

The fore-mentioned polluting substances and the technical standards for handling them shall be determined by the Government Sub Decree.

In performing this Article, the MOWRAM shall consult with the concerned ministries.

Article 23

The MOWRAM may declare contingency or protected "water use" zones in the following cases:

- when surface or underground water sources seriously affect their quantity, quality or ecological balance;
- when watershed is degraded by human activities or natural cause;
- When water is hazardous to the people health.

The geographical scope of such zones shall be established on a case-by-case basis by way of the MOWRAM regulations.

CHAPTER VII

FLOOD CONTROL

Article 24

In the purpose of the flood protection, the MOWRAM, in collaboration with the other agencies concerned, may designate any floodplain area as Flood Retention Area.

Within a Flood Control Area, the MOWRAM, together with other agencies and local authorities concerned, shall develop plan on measures for flood prevention and mitigation to ensure the safety to the human life, animals and property.

The MOWRAM may suspend temporary activities that damage flood protection works or obstruct the natural flow of water.

Article 25

In the case of finding that any water-work is unstable or may cause disastrous impact on the society, the MOWRAM shall consult with other Ministries concerned and local authorities, to take appropriate actions within their respective mandates.

Article 26

In the event of floods and draughts, the MOWRAM shall serve as Headquarters of the Royal Government of Cambodia in the execution of the required actions in close collaboration with the Ministries concerned and 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 flowing over his/his property for the purposes enumerated in Article 11 of the present Law, in such a manner that it will not affect the legitimate interest of the downstream users.

The owner or occupier of downstream land is entitled to collect and use rain-water and the water flowing over his/his property from the upstream, but he/she shall not hinder the natural flow of the water by constructing road, large or small dykes or other structures for storing water, unless there is appropriate authorization.

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

Article 28

The owners or occupiers of agricultural land shall allow the water flowing over his/her land naturally to neighboring owners or occupiers land to meet their irrigation and other needs.

Article 29

Servitude for the public interest constitutes a special provision that shall be complied with by the owners or occupiers of land.

The holder of servitude for the passage of water through neighboring land by means of underground or surface conduits, shall not affect the legitimate interest of others. 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 the servitude under this Article shall be liable to pay compensation to the affected owner or occupier of the land.

Article 30

The owner or occupier of neighboring land is entitled to use the works provided for in Article 29 of the present law.

In such case, they are required to contribute proportionally to their utilization of the works, to the cost of construction, operation and maintenance of those works, and costs relating to their necessary modifications.

Article 31

Servitude shall cease to exist as provided for in the provision on Servitudes in the Land Administration Law

Article 32

All disputes relating to the establishment and operation of servitude in water use shall be mediated by the MOWRAM, and other Ministries concerned and Local Authorities.

Article 33

Any competent officer of the MOWRAM tasked to conduct technical survey and monitoring of matters related to water utilization, is entitled to enter any privately owned land upon prior written notice to the owner or occupier of the land.

During his/her mission, the officer shall possess the letter of authorization.

CHAPTER IX

INTERNATIONAL RIVERS

Article 34

The Kingdom of Cambodia has the right and duty to participate in the utilization, development and management of an equitable and reasonable share of the international river basins in its territory, consistent with the obligations arising from the international agreements to which Cambodia is a Party.

The MOWRAM shall pay particular attention to the optimum and effective use of the Mekong River Basin in all fields including the navigation and transport, consistent with the governing principles of the CNMC.

CHAPTER X

INCENTIVES AND PENALTIES

Article 35

The Royal Government may grant a reward or incentives to those who engage in research on, or the development of, new technologies, installations of modern equipment, that will contribute to the reduction of waste and improvement in water quality, and increase water use efficiency.

The criteria and modalities for the granting of rewards or incentives shall be defined by the MOWRAM regulations.

Article 36

The breach of the provisions of the present law shall be punished as follows:

1. by imposing a fine from two hundred thousands (200,000) and two million Riles (2,000,000) on a person who:

- Breached the conditions stipulated in the license;
- Obstructed without proper justification, the performance of the duty by the competent officials.
- Constructed the water-works structure without water license;

2. by imposing a fine from two million Riles (2,000,000) to five million Riles (5,000,000) on a person who:

- Used water without securing water license or authorization as required by Law.
- Dug or drilled wells for exploitation of underground water without securing water license. The amount of fine shall be double in case the digging or drilling of wells causes land subsidence or erosion. The perpetrator shall be liable for the damage resulting from the land subsidence or erosion.

3. by imposing a fine from five million Riles (5,000,000) to ten million Riles (10,000,000) and or imprisonment from one (01) to five (05) years, on a person who:

- Reclaimed by land fills, the lake, ponds, swamps or reservoir without a licence;
- Discharged polluting wastewater into the water source without a license;
- Committed act of violation in the prohibited zone;
- Obstructed the natural flow of a river, tributary, stream or canal without a license
- Exploiting sands, soil, gravel and stones from the banks and beds of river, tributary, stream without water license

In case of repeated offence, the penalty shall be double.

Article 37

Any person that causes damages to the waterworks shall be punished in accordance with the existing Penalty Codes.

Article 38

In addition to the provisions in the preceding Articles, the perpetrator shall remove all kinds of works constructed in violation of this Law, and to repair and restore the status quo of the sites, and all equipments and machinery will be confiscated as the state property.

Article 39

Any official of the MOWRAM who conspires with an offender or aid and abet the commission of an offence, shall be punished according to the Law.

CHAPTER XI

FINAL PROVISIONS

Article 40

All legal provisions inconsistent with this Law are hereby repealed.

Article 41

This Law is proclaimed as a matter of urgency.

Proclaimed by ***H.M, the King Norodom Sihamony*** on this day of 29 June 2007 at the Royal Palace, Phnom Penh