



## Policy Analysis for Biodiversity Conservation in Cambodia: The Protected Areas System

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**Abstract** The Government of Cambodia recognizes the importance of biodiversity conservation. Following broad consultation and collaboration with stakeholders, it has created national policies and legislation for environmental and natural resources management over the next decade and also to compliance with country's obligations under relevant international treaties and conventions. This paper sets out the existing national environmental and natural resources management's policies and legislation, focusing on the protected areas system management in Cambodia. The specific objective is to analyze policy gaps in biodiversity and natural resources conservation; and assess its' effectiveness implementation. There are three phases in the assessment process: 1) gathering, listing and reviewing existing policies and legislations to highlight the significant contents in competences to natural resources conservation and management; 2) analyzing and identifying content gaps and opportunities to implement "Protected Areas Law" and relevant legislation in contribute to biodiversity management; 3) reviewing and examining national legislations, the provisions reflect on Cambodia's obligations under the UN Convention on Biological Diversity. Among 9 specific laws and some relevant policies and strategic plan there is approximate one third are found they have specific provisions related to biodiversity management and relevant to the protected areas system management. The analysis of "Protected Areas Law" shown a significant gap for unmanageable of protected areas that are not designated by Royal Decree on 1 November 1993 and neither financial mechanism nor guideline for zoning identification and management. The analysis showed that lack of specific policy on biodiversity management lead to challenges for sustainable use of natural resources with no return monetary benefits from ecosystem services. In conclusion, this paper will present opinions and recommendations to address policy gaps and enhance the implementation of existing laws.

**Keywords** policy, analysis, biodiversity, conservation, Cambodia

### INTRODUCTION

Biodiversity is referred to the variability living organisms from all course including, inter alia, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part; this including diversity within species, between species and ecosystem (CBD, 1992). It has been recognized as an important and essential asset that significantly contributes into national and global economics. According to Sukhdev et al (2014), around 70% of the world's poor live in rural areas satisfy as much as 90% of their needs from biodiversity and its services such as food, fuel, medicine, shelter, and income generation. However, the global population growth increases demand of natural resources for improved living condition and development. The destruction of biodiversity and natural resources including habitat loss and degradation of ecosystem are among key global concerned. Like elsewhere, Cambodia depends mainly on rich natural resources and biodiversity for its socio-economic development that cause many challenges for country biodiversity conservation. Aware of these

challenges and the biodiversity's values, the Royal Government of Cambodia (RGC) has been engaged in establishing Protected Areas Systems (PAS) including 23 Protected Areas, 6 Forest Protection, and 8 Fish Sanctuary, aim to conserve, protect, and manage of natural resources, biodiversity, and its components for sustainable use, along with introduced various national policies and legislations to support and guide responsible institutions.

## **OBJECTIVE**

This paper aims to analyze the existing national policies and legislations relevant to biodiversity conservation within the protected areas system in Cambodia in order to identify opportunity, gap and overlapping areas. Based on key findings, various recommendations are proposed to bridge the gap between policy and practice, reduce overlapping and overcome policy challenges.

## **METHODOLOGY**

This study has collected relevant policies and legislations including Cambodian Rectangular Strategy; Sectoral Policies such as land, forest, and fisheries; and existing laws. The review process focus on content, purpose and objective of those legislations, while analyzed process examine the most relevant provisions and articles of Protected Areas Law that articulate on Natural resources management and Biodiversity Conservation in Cambodia in line with the program of work and strategic objective of the UN Convention on Biological Diversity (UN-CBD). The final analysis focuses on opportunity, overlapping, and gaps of Biodiversity Conservation. However, this paper mainly reviews on three specific policies: a protected area law, law on forestry, and law on fisheries, in with details on Protected Areas Law. The analysis has focus on three aspects: structure and provisions on natural conservation, implementation and compliance measure, and financial mechanism provision.

## **RESULTS AND DISCUSSION**

The RGC tries to implement a coordinated set of laws, programs, action plans, and institutional arrangements regarding natural resources which are directed toward enabling the achievement of national goals of environmental protection, biodiversity conservation, poverty reduction, socio-economic development, and good governance, as described in table 1 on National Policies. The RGC sets national goals directed to the sustainable development of the Nation that provides the overall development framework for the conservation and management of Cambodian natural resources, and considers the ecologically, socially and economically viable conservation and management of biological resources as a major pillar for public welfare directly contributing to environmental protection, poverty reduction and socio-economic development.

### **Overview of National Policy and Legislation**

This section describes overview of national policy, law, and strategic plan that are relevant to natural resources and biodiversity conservation in Cambodia.

#### *National Policy*

This study selected only 5 policies on land, forestry, and fisheries to review in the context of biodiversity conservation for sustainable management. Land Policy (2001) has objective to ensure management, protection and use of land and natural resources with transparency and efficiency in order

to preserve environmental sustainability and equitable socio-economic development in rural and urban areas as well as to prevent disputes over land use by regulating land development, land conversion, land readjustment, construction, and resettlement. While National Forest Sector Policy (2002) provides mandate to the Forestry Administration (FA) of Ministry of Agriculture Forestry and Fisheries (MAFF) to conserve and manage forest resource with five objectives to conserve and sustainable manage of the country's forest resources for sustainable social-economic development; to consider remaining forest resources as Permanent Forest Estate; to engage private sector and local population to ensure food security, poverty reduction and socio-economic development; to coordinate multi-stakeholder to enable the harmonization of the different perceptions, interests and objectives of the various forest interest groups; and to support forestation of arable land and to protect those trees for the development of forest resources. To achieve the objective of Forest Sector Policy, MAFF has developed a long term National Forest Programme 2010-2029 (NFP, 2010) that aims to attain sustainable forest management and reduce poverty in the country with specific objectives and goals of environmental protection, biodiversity conservation, economic development and good governance. The programme has identifies the four tasks on forest resources conservation, good governance, social economic development, and poverty reduction, that need to achieve by 2029. Furthermore, Fisheries sector also developed 20 years Strategic Planning Framework for Fisheries 2010-2029 (SPF, 2010) to guide Fisheries Administrative in effective implementing the National Strategic Development Plan, and compliance with the Law on Fisheries.

**Table 1 National Policy related to Biodiversity Conservation**

<b>Date</b>	<b>Policy</b>
2001	<b>The Declaration on Land Policy</b> Focuses on three sub-sectors: land administration, land management, and land distribution, under responsible of Ministry of Land Management, Urban Planning and Construction (MoLMUPC)
2002	<b>National Forest Sector Policy</b> To conserve and sustainable manage of the country's forest resources for sustainable social-economic development and to ensure that the management and exploitation of forests generates benefits for government entities, local communities, the private sector and individuals.
2010	<b>National Forest Programme (NFP) 2010-2029</b> NFP is developed to replace and implement National Forest Sector Policy. It identifies REDD+ as important source of sustainable forest financing in targeting to register 1,000 community forestry groups nationally, and for community forest programmes to cover 2.0 million hectares by 2030.
2010	<b>The Strategic Planning Framework for Fisheries: 2010-2019</b> To support the achievement of Cambodia's MDG and implement National Strategic Development Plan with compliance with Law on Fisheries to be benefit of the Cambodian people.

#### *National Law related to Natural Resource Conservation*

Cambodia has adopted a number of laws to support natural resources management in which these policies are directly and indirectly used to manage Protected Area System. Nine relevant laws related to Biodiversity conservation and protected areas management has been selected to review and descript in this section. However, only three laws (Protected Area Law, Law on Forestry, and Law oh Fisheries) are directly responded to protected areas system management and establishment of conservation communities as shown in table 2. The “*Law on Environmental Protection and Natural Resource Management*” of 1996 (LEPNRM, 1996) intends to protect and promote environmental quality and public health through the prevention, reduction, and control of pollution, to assess the environmental impacts of all proposed projects prior to the issuance of the decision by the Royal Government, to ensure the rational and sustainable conservation, development, management, and use of the natural resources, to encourage and enable the public to participate in environmental protection and natural