

**KINGDOM OF CAMBODIA
NATION RELIGION KING**

NS/RKM/0715/007

PREAH REACH KRAM

We

**Preahkaruna Preah Bat Samdech Boramniat NORODOM SIHAMONI
Samanphum Cheatsasna Rakhatkateya Khemrarotheas
Puthinthreathoreamohaksat Khemareachnea Samohorpheas
Kampuchak Eakreachroath Boranaksanti Sopheakmonglea
Sereivibolea Khemarasreypireas Preah Chao Krong Kampuchea Thipdey**

- Having considered the Constitution of the Kingdom of Cambodia
- Having considered the Royal Decree No NS/RKT/0913/903 of September 24, 2013 on the appointment of the Royal Government of Cambodia
- Having considered the Preah Reach Kram No 02/NS/94 of July 20, 1994 promulgating the Law on the Organization and Functioning of the Council of Ministers
- Pursuant to the proposal of Samdech Akka Moha Sena Padei Techo HUN SEN, Prime Minister of the Kingdom of Cambodia

HEREBY PROMULGATE

The Law on Disaster Management has been enacted by the National Assembly on the 8th of June 2015 at the fourth plenary session of the fifth legislature and entirely approved by the Senate on its form and legality on the 30th of June 2015 at the seventh plenary session of the third legislature, the text of which appears below:

LAW ON DISASTER MANAGEMENT

Notice: The content of the Law on Disaster Management in English is an unofficial translation. Thus, in the case of any discrepancy between the English version and the Khmer version, the exact meaning shall be interpreted in accordance with the text of the Khmer version of this law.

CHAPTER 1 GENERAL PROVISIONS

Article 1.-

The objective of this law is to regulate disaster management in the Kingdom of Cambodia.

Article 2.-

This law has the following goals:

- Prevention, adaptation and mitigation in the pre-disaster period, due to natural or human-made causes
- Emergency response during the disaster
- Recovery in the post-disaster period.

Article 3.-

This law has the extent to cover the natural or human-made disaster management activities in the Kingdom of Cambodia.

Article 4.-

Definitions of the important technical terminology used in this law are annexed in the glossary section.

Article 5.-

The Kingdom of Cambodia shall organize the National Disaster Management Day jointly with the ASEAN Day for Disaster Management (ADDM) and the International Day for Disaster Reduction (IDDR).

The date of organizing these events shall be determined by a Sub-Decree.

CHAPTER 2 DISASTER MANAGEMENT MECHANISM

Article 6.-

The National Committee for Disaster Management hereafter referred to as “**NCDM**”, shall be established as the headquarters of the Royal Government to lead, administer and coordinate all disaster management activities.

The organization and functioning of NCDM shall be determined by a Royal Decree.

Article 7.-

The day to day operations of NCDM shall be governed by the Secretariat-General. The Secretariat-General of the NCDM shall be administered by a Secretary-General and a number of Deputy Secretary-Generals who shall be nominated by a Royal Decree or Sub-Degree.

The organization and functioning of the Secretariat-General of the NCDM shall be determined by a Sub-Decree.

Article 8.-

The ministries-institutions of the Royal Government shall establish a disaster management mechanism in their respective ministries-institutions and assign a focal point for regular coordination and communication with the Secretariat-General of the NCDM.

Article 9.-

NCDM shall establish the Sub-National Committees for Disaster Management, including City and Provincial Committees for Disaster Management, Town and District Committees for Disaster Management and Commune Committees for Disaster Management.

The organization and functioning of the sub-national committees for disaster management shall be determined by a Sub-Decree.

CHAPTER 3 DISASTER MANAGEMENT FRAMEWORK

Article 10.-

Prevention and mitigation activities shall focus on the pre-disaster period by identifying various hazards. Regulations and measures will be formulated for strengthening public awareness and cooperation in the development and implementation of hazard risk prevention programmes, including the climate change adaptation.

Article 11.-

The preparedness activities shall focus on the pre-disaster period by taking action to develop early warning systems, strategies, contingency plans and emergency response plans for mitigating disaster losses, standard operating procedures for the disaster relief operation, table-top-exercises and simulation exercises.

Article 12.-

The emergency response activities shall focus on the period of the disaster by taking immediate action to lead, command and coordinate the emergency response operation, obstruct the spreading of hazards, mobilize humanitarian assistance, basic materials, equipment, human and financial resources for disaster relief.

Article 13.-

The recovery activities shall focus on the post-disaster period including rehabilitation and reconstruction.

CHAPTER 4 GOVERNANCE

Article 14.-

NCDM and the sub-national committees for disaster management shall take the appropriate measures in defining disaster risk identification and integrating disaster risk reduction into development plans and conducting the disaster risk analysis for any development activity that might cause a high risk.

Article 15.-

NCDM shall coordinate all disaster management activities together with ministries-institutions, armed forces, the public sector, private sector and civil society in promoting safety and resilience to disasters. NCDM shall raise the proposal to the Royal Government to consider the possibility of obstructing and protesting against the concerned persons both at home and abroad to be responsible for disaster impact caused by individual or institution.

Article 16.-

NCDM shall issue a guideline to the sub-national committees for disaster management, ministries-institutions, armed forces, public sector, private sector and civil society to conduct risk assessments and explore the measures, methodologies, and necessary technology for disaster risk reduction and climate change adaptation.

Article 17.-

NCDM shall issue a guideline to the sub-national committees for disaster management, ministries-institutions, armed forces, public sector, private sector and civil society for developing the contingency plan and reserving assets for disaster relief and emergency response.

Article 18.-

In the case of any disaster event or incident occurred, the on-site competent authorities of the affected areas shall:

- Conduct the emergency operation, search and rescue, provide medical care and protection of the victims' lives
- Pay high attention to the needs of women, children, elderly, handicapped, and disabled persons
- Obstruct the spread of devastation and other risks
- Report of the disaster situation immediately to the local authorities and committees for disaster management in the incidental areas
- Control the overall situation up to the handing-over to the administering competences to the committees for disaster management to take over
- Continue to assist in the disaster relief and emergency response operation upon the request from the responsible committees for disaster management.

Article 19.-

It shall be considered as the responsibilities of the commune-sangkat, town, district-khan committees for disaster management if the disaster occurred within the administering territory of any commune-sangkat, town, district-khan.

It shall be regarded as the responsibilities of the city-province committees for disaster management if the disaster has affected more than one town, district-khan or occurred in town, district-khan of the city-province.

Article 20.-

Upon the receipt of an update report concerning the disaster, NCDM shall immediately mobilize the emergency operations and dispatch rapid assessment teams to the affected areas for coordination, assessment and disaster response in collaboration with ministries-institutions, armed forces, public sector, private sector, civil society and other stakeholders as deemed necessary.

NCDM shall convene a meeting with the relevant stakeholders on the response and raise the necessary proposals and measures to the Royal Government for decision making on the declaration of disaster and take actions to deal with the disaster relief and emergency response operation.

Article 21.-

In the case of a great extent of disaster, the Royal Government shall:

- Place the affected areas under the disaster situation for a specific period of time
- Mobilize internal forces for the disaster relief and emergency response operations
- Issue the special order and measure for the disaster
- Return the affected areas to normal situation when the disaster situation is over

Placing the country under the state of emergency shall be conformed to the constitution, in the event that the disaster situation and threats continue to prevail over the country.

Article 22.-

In the event that the effects of the disaster are beyond their response capacity and ability, the responsible sub-national committees for disaster management shall immediately report to NCDM for assistance or mobilize the humanitarian assistance for disaster response according to the actual circumstances.

If necessary, NCDM shall request the Royal Government for the immediate intervention and appeals to the ministries-institutions, public sector, private sector and civil society to provide support in the disaster relief and emergency response operations.

Article 23.-

The ministries-institutions, armed forces, public sector, private sector and civil society shall engage in the disaster relief and emergency response operations upon the request of the competent authorities and NCDM by providing the human resources, materials, equipment, budgets, and technical assistance to the operations.

Article 24.-

The international organizations, representatives of foreign missions and embassies to the Kingdom of Cambodia and residency abroad can involve in the disaster relief and emergency response operations.

Article 25.-

Subsequent to the placing country or area under the disaster situation as stipulated in *Article 21* of this law and by having the approval from the Royal Government, the administration on-site and the responsible sub-national committees for disaster management shall have the privilege to mobilize the people, private and public assets for the disaster relief and emergency response operations and request the ministries-institutions, armed forces, public sector, private sector, and health centres to provide specialized services, spaces, shelters and treatment to victims unconditionally.

The mobilization procedure and reimbursement shall be determined by a Sub-Decree.

Article 26.-

Every mobilization of private and public assets for the disaster relief and emergency response operations is to be carried out by the administration on-site and committees for disaster management at all levels through their special privilege, and shall be reimbursed.

Article 27.-

The committees for disaster management on-site shall lead and coordinate the post-disaster damage, loss and recovery needs assessment in their respective affected administering territories and participate in developing plans and recovery projects for the affected areas by focusing on top priorities and basic needs of the affected people and communities.

NCDM has a duty to lead and coordinate the post-disaster damage, loss, and recovery needs assessment with the involvement of ministries-institutions, specialized entities, and relevant stakeholders in developing the recovery plans and programmes to be submitted to the Royal Government for review and approval. The assessment report, recovery plans and programmes can be shared with ministries-institutions, public sectors, private sectors, civil societies, foreign embassies and charitable persons to be involved in the disaster recovery activities.

CHAPTER 5 INTERNATIONAL COOPERATION AND ASSISTANCE

Article 28.-

In the name of the Royal Government, NCDM is the leader in coordination and implementation of international cooperation, collaboration and international assistance in terms of budget, resources and materials for the disaster management activities including the implementation of bilateral, multilateral, regional and international agreements on disaster management and joint multi-lateral response in the period of the disaster and/or emergency.

Article 29.-

Charitable persons, international organizations, development partners, representatives of foreign missions and embassies can support and provide assistances for disaster management activities and humanitarian response in the Kingdom of Cambodia through NCDM.

Article 30.-

NCDM shall set up a system to provide the coordination and cooperation in managing the international assistance for disaster management activities with transparency and efficiency.

Article 31.-

Every tax and duty imposed on assistance for disaster management and humanitarian response activities being provided to Cambodia shall be borne by the state.

Article 32.-

In the event that the disaster extent is greater than the response capacity of the country, the Royal Government, upon the request of NCDM, shall appeal to the international community for emergency response and recovery assistance.

Upon the commitment of international communities to provide assistance, NCDM could:

1. Declare the acceptance of international assistance.
2. Command the relevant authorities to cooperate and collaborate with donors and international response teams in the response operation.
3. Authorize the utilisation of international assistance to be delivered into the country under special rules, regulations and procedures.

The recovery activities either under the grant or concessional loan shall comply with the legal procedures and effective regulations.

Article 33.-

Individuals or international institutions who are willing to provide assistance in terms of budget, resources and materials to the Kingdom of Cambodia and international response teams shall inform the Ministry of Foreign Affairs and International Cooperation and notify NCDM about this assistance including budget, resources, materials, number of people and expertise available to deploy for the disaster relief and emergency response operation.

International assistance agencies and international response personnel who have come to fulfil the disaster response tasks in the Kingdom of Cambodia territory shall respect and abide by the rules, regulations, cultures and customs of the Kingdom of Cambodia and shall cooperate with NCDM, relevant institutions, competent authorities, and communities in performing their duties.

Article 34.-

NCDM and the relevant ministries-institutions shall facilitate all requirement procedures in order to provide support to the international response personnel for the import of materials, equipment, facilities and humanitarian assistance, as well as registration of those international institutions, the granting of special visas, and other services as deemed necessary.

The specific procedure on granting visa to personnel of the international response teams and the import of materials, equipment, facilities and humanitarian assistance shall be determined by a Sub-Decree.

CHAPTER 6 RIGHTS AND OBLIGATIONS

Article 35.-

Every individual has the right to the protection of life, dignity, property, and relief aid during a disaster.

Every individual has the right to access information regarding hazards, vulnerabilities, risks, methodologies, and technologies for self-protection, disaster risk reduction, prevention, emergency response, and recovery.

Every Cambodian person have the right to obtain the resource for implementation the prevention measures, disaster risk reduction and the post-disaster livelihood restoration.

Article 36.-

Every individual has the right to participate in the disaster management activities and promote self-protection, disaster risk reduction and ensure the sustainable livelihoods with safety and resilience to disasters.

Article 37.-

All individuals legally and physically recognised have the obligation to participate in disaster risk reduction, climate change adaptation, prevention, preparedness, emergency response and recovery by:

- Abiding by the law, regulation and direction of the competent authorities and immediately reporting to the competent authorities of any risk situation that would cause a disaster
- Maintaining the living environment, natural environment and solidarity in the community.

CHAPTER 7 RESOURCE AND FUND

Article 38.-

The expenditure for the functioning of NCDM shall be allocated by the national budget in the budget plan of the Office of the Council of Ministers.

NCDM shall have the right to receive and utilize funds obtained from other sources for executing its tasks in compliance with the effective procedures.

Article 39.-

The state shall have the appropriate reserve budget and resource to be ensured for the disaster management.

CHAPTER 8 LEGAL PENALTIES

Article 40.-

The act of entering into or exit from the prohibited area which has been defined by the competent authority during the disaster emergency operation without permission from the competent authority shall be punishable by sentencing to jail from 1 (One) day to 6 (Six) days and/or penalized in monetary terms from 50,000 (Fifty Thousand) Riel to 500,000 (Five Hundred Thousand) Riel.

Article 41.-

The deliberate act of forbiddance or the cause of obstacle to emergency operation shall be punishable by sentencing to jail from 1 (One) month to 1 (One) year and/or penalized in monetary terms from 100,000 (One Hundred Thousand) Riel to 2,000,000 (Two Million) Riel.

Article 42.-

The deliberate act and violation of regulation of the on-site administration or the relevant committees for disaster management who used their power under the provisions stipulated in Article 25 of this law shall be punishable by sentencing to jail from 1 (One) month to 1 (One) year and/or penalized in monetary terms from 100,000 (One Hundred Thousand) Riel to 2,000,000 (Two Million) Riel.

Article 43.-

The legal individual shall be declared to be responsible for legal code according to the conditions stipulated in Article 42 (responsibility of the legal person for legal code) of the penal code in violation of Article 42 in this law as mentioned above.

The legal individual shall be penalized in monetary terms from 10,000,000 (Ten Million) Riel to 50,000,000 (Fifty Million) Riel together with additional punishment or other punishments stipulated in Article 209 (responsibility of the legal person for legal code) of the penal code.

Article 44.-

Every individual aware of the risk situation which might be the cause of disaster and failed to timely report to the competent authority shall be punishable by sentencing to jail from 1 (One) month to 6 (Six) months and/or penalized in monetary terms from 100,000 (One Hundred Thousand) Riel to 1,000,000 (One Million) Riel.

Article 45.-

The disaster management official who lacks of responsibility, did not fulfil their duty or improperly fulfil their duty in disaster management activities and therefore cause severe damage to private or public property as a consequence shall be punishable by sentencing to jail from 6 (Six) months to 2 (Two) years and a fine of 1,000,000 (One Million) Riels to 4,000,000 (4 million) Riels.

**CHAPTER 9
TRANSITIONAL PROVISION**

Article 46.-

Every existing regulation prior to this law entering into force shall continue to be effectively observed until the new regulation is in place.

All programmes and activities concerning disaster management shall remain effective until such expiry date of those programmes and activities.

**CHAPTER 10
FINAL PROVISION**

Article 47.-

Any provision which is contrary to this law shall be considered as annulment.

Article 48.-

This law shall be promulgated as an urgent matter.

The Royal Palace, 10 July 2015

Signature and Stamp
NORODOM SIHAMONY

PRL. 1507.714

Having informed to His Majesty the King
For Royal Signature
Prime Minister

Signature
Samdech Akka Moha Sena Padei Techo **HUN SEN**

Having informed to Samdech Akka Moha Sena Padei Techo **HUN SEN**,
Prime Minister of the Kingdom of Cambodia
Senior Minister in Charge of Special Mission and
First Vice President of the National Committee for Disaster Management
Signature

NHIM VANDA

No. 724 SN
The copy is valued for publication
Phnom Penh, 14 July 2015
Secretary-General of the Royal Government
Signature and Stamp

SAY SOKHA

ANNEX OF THE LAW ON DISASTER MANAGEMENT

Glossary

Disaster Management: The range of activities, prior to, during and after disasters, designed to maintain control over disasters and to provide a framework for helping at-risk persons and/or communities to avoid, minimize or recover from the impact of disasters.

Mitigation: Structural and non-structural measures undertaken to limit the adverse impact of natural hazards, environmental degradation and technological hazards (examples of structural measures are engineering works and hazard-resistant construction, while non-structural measures include awareness-raising, knowledge development, policies on land use and resource management, and facilities' operating practices).

Prevention: Activities to provide outright avoidance of the adverse impact of hazards and means to minimize related environmental, technological and biological disasters.

Disaster Risk Reduction: The concept and practice of reducing disaster risks through systematic efforts to analyse and manage the causal factors of disasters, including through reduced exposure to hazards, lessened vulnerability of people and property, wise management of land and the environment, and improved preparedness for adverse events.

Public Awareness: The extent of common knowledge about disaster risks, the factors that lead to disasters and the actions that can be taken individually and collectively to reduce exposure and vulnerability to hazards.

Response: Provision of emergency services and public assistance during or immediately after a disaster in order to save lives, reduce health impacts, ensure public safety and meet the basic subsistence needs of the people affected.

Risk Assessment: A methodology to determine the nature and extent of risk by analysing potential hazards and evaluating existing conditions of vulnerability that together could potentially harm exposed people, property, services, livelihoods and the environment on which they depend.

Disaster: A serious disruption of the functioning of a community or a society involving wide spread human, material, economic or environmental losses and impacts, which exceeds the ability of the affected community or society to cope using its own resources.

Emergency: A threatening that needs immediate action to avoid the greater extent of an event which results in a disaster.

Early Warning System: The set of capacities needed to generate and disseminate timely and meaningful warning information to enable individuals, communities and organizations threatened by a hazard to prepare and to act appropriately and in sufficient time to reduce the possibility of harm or loss.

Contingency Plan: A management process that analyses specific potential events or emerging situations that might threaten society or the environment and establishes arrangements in advance to enable timely, effective and appropriate responses to such events and situations.

Vulnerability: The characteristics and circumstances of a community, system or asset that make it susceptible to the damaging effects of a hazard.

Resilience: The ability of a system, community or society exposed to hazards to resist, absorb, adapt to and recover from the effects of a hazard in a timely and efficient manner, including through the preservation and restoration of its essential basic structures and functions.

Hazard: A dangerous phenomenon, substance, human activity or condition that may cause loss of life, injury or other health impacts, property damage, loss of livelihoods and services, social and economic disruption, or environmental damage.

Risk: The combination of the probability of an event and its negative consequences or loss to be expected (loss of life, injury, property damage, loss of livelihoods and services, social and economic disruption, or environmental damage) which caused by the transition between natural hazard or human to the vulnerability

Disaster Risk: The potential disaster losses, in lives, health status, livelihoods, assets and services, which could occur to a particular community or a society over some specified future time period.