

***[Draft]***

**Law**

**On**

**Disaster Management**

**Chapter 1**

**General Provisions**

**Article 1-**

The Law on Disaster Management has the goal to define disaster management activities in the territory of the Kingdom of Cambodia.

**Article 2-**

This Law has objectives to:

1. Protect and care for social safety
2. Protect human life and health, social welfare and environment
3. Protect rights, fundamental lawful interests and assets of people
4. Avoid effects of disaster to people’s livelihood and social-economics
5. Manage, mitigate disaster risk, prepare for, respond to, and recover after disaster
6. Prevent any infraction that causes disaster risk and lead to occurrence of disaster
7. Prevent and cease irregularity in disaster management

**Article 3-**

The Law on Disaster Management has the extent over all disaster management works in the Kingdom of Cambodia.

**Article 4-**

All aspects of disaster management shall be based on the following fundamental principles:

1. Sovereignty
2. Humanitarian
3. Transparency
4. Faithfulness
5. Neutrality
6. Accountability
7. Equity and Gender equality
8. Participatory and consultation
9. Sustainable development without disaster, and no impact on environment

**Article 5-**

Among others, the definitions being used in this law are as follow:

1. *Disaster*: a severe disruption of function of community or social that cause large loss of human life, property, social-economic and environment. The Government declares the *Disaster* for a specified time span, called “*State of Disaster Emergency*” based on the recommendation of the competent authority in charge of disaster management.

*Disasters are:*

- *Natural disaster*, among others, such as: flood, drought, heat wave, fire, earthquakes, tsunamis, landslides, river-sea bank erosion, volcanic eruptions, storm, epidemics, etc.

*- Human induced disaster*, among others, such as: crowd stamped, fires, building collapse, plan crush, ship sink, road incidence, explosion, leak or spell of hazardous material or toxic waste such as nuclear, radioactive, biological, chemical, poison in the warehouse, factory or during transportation, or other technological failures, social riots, terrorism, subversions, economic crisis, armed violence or conflict, war, and others.

1. *Hazard:* cause, occurrence or phenomenon of nature or of man that leads to cause loss of human life, injury, loss and damage of property, affect and damage socio-economic environment.
2. *Vulnerability:* a geological, biological, hydrological, climatological, geographical, environmental, social, cultural, political, economic, physical, emotional, psychological, and technological condition or characteristic in a certain individual, household, community, region, country, for a certain time span, that prone to hazards, susceptible to the effect of disaster, not resiliency, and decreases the ability to prevent, to mitigate, to attain preparedness, and hinder the ability to respond to the impacts of a certain disaster.

Climate change has been increasingly evidencing of incidents that affect and severely damage the communities and society and cause loss of life, public and private properties, and environment that disrupt the economic development.

1. *Disaster Risk:* potential damage and loss as a result of a foreseen disaster in a certain region and at a certain time span, of human life, property and environment in the form of deaths, injuries, family separation, displacement, disease, life threats, loss of sense of physical and mental health security, loss and damage of property, disruption of livelihood and social-economic of the community and society.
2. *Emergency:* a situation right after an incidence that generally happen in daily life such as; traffic accidents, fire, lightening, drown, etc. or others that need urgent actions to save victim’s life.
3. *Disaster Emergency:* immediate situation after an occurrence of a disaster, generally known as emergency period that resulting in losses of lives, injuries, missing, damages and loss of properties, infrastructure, and environment that requires immediate search, rescue, and provision of *relief* to respond to the basic needs of affected people and their communities.
4. *State of Disaster Emergency:* a situation of “crisis and dangerous” condition caused by disaster, which officially proclaimed by the Government or competent authorities for a certain time span based on recommendation of the Agency responsible for disaster management. The state of disaster emergency requires responses with special rules, regulations, and measures in accordance with this law.
5. *Disaster management*: systematic activities to prevent or reduce the effects and impact of disaster. Disaster management constitutes the whole aspect of development of law and regulation, policy, strategy, procedure, plan, and the implementation of activities before, during and after disaster, encompassing *disaster prevention and mitigation, disaster risk reduction, disaster preparedness, disaster emergency operation and response, and disaster recovery.*
6. *Disaster Prevention and Mitigation*: a series of activities carried out to nullify the disaster and/or to totally avoid the impact of disaster. If the extent disaster is not avoidable, disaster mitigation are to be taken to lessen the potential effect of the hazard.
7. *Disaster Risk Reduction:* anticipatory pre-disaster measures and actions taken to avoid or to reduce the probable damage and loss as a result of a disaster such as to avoid or mitigate hazard, reduce vulnerability, and enhance capacity of individuals, household, communities, and country. Those measure and actions are including:
* Assessment of hazard, vulnerability and capacity
* Evaluation, identification and monitoring of disaster risk
* Planning for disaster risk management and reduction
* Building public awareness
* Implementation of physical, non-physical measures and regulatory measure to reduce disaster risk
1. *Disaster Preparedness:* planning, preparation and pre-disaster measures made and taken to be readiness for a give disaster such as; coordination, management, allotment and reserve of fund and other resources, define roles and responsibilities of responders for all aspects of disaster. Among others, disaster preparedness focuses on emergency operation and disaster response including prepare for:
* Pre-disaster early warning
* Search and rescue during the emergency
* Avoidance or mitigation of further destruction
* Security and safety
* Treatment and health care
* Food and nutrition
* Water, sanitation and hygiene
* Shelter
* Energy and supply
* Information, Education and Communication
* Psycho-Social treatment and care
* Others
1. *Disaster Early Warning:* an effort to give warnings on the possibility of disaster to be delivered officially, covering general situation, potential effect and impact, and action to be taken to the whole community quickly, explicitly and without confusion.
2. *Disaster Response:* the activities carried out immediately after disaster occurrence in order to manage its adverse impacts such as; maintaining function of public administration, continuation of basic services, critical facilities and utilities, and provision of *disaster relief* in order to meet the basic needs of affected people and their communities. Disaster response including *disaster emergency operation*, and *management of disaster situation*.
3. *Disaster Emergency Operation:* actions taken to save life of victims including; search and rescue, treatment and health care, psycho-social support, evacuation, providing food, water, sanitation and hygiene, shelter, energy, security, safety and protection, information, education and communication, etc. to the survivors.
4. *Disaster Recovery:* a process of activities to restore the condition of affected individual, household and community, including the reinstating functions of public administration, rebuilding facilities, utilities and infrastructure, and social-economic and the environment of affected community to the former condition or in an improved fashion by carrying out *rehabilitation* and *reconstruction* efforts.
5. *Rehabilitation:* post-disaster activities carried out after government’s official proclaim of cease of disaster response to immediately reestablish the disaster-affected communities through reinstate normal public administration, repair or replace damaged facilities, utilities, and infrastructure, rehabilitate physical, mental and spiritual health, reestablish livelihood, social-economic, market, security, orders, and environment of affected people and communities.
6. *Reconstruction*: medium and long-term activities carried out to redevelop the affected community on the basis of overall social-economy. Reconstruction focuses on construction replace and improve infrastructures, economics, social, politics that are damaged, losses or deteriorated along with linking those activities with disaster risk reduction and social-economic development activities.

**Chapter 2**

**fundamental principle of disaster management**

**Article 6-**

In order to protect the country from the adverse effects of disasters and mitigate the losses of human and animal lives, the negative impact on people’s health, damage to public and private properties as well as economic, social and environment losses, the Royal Government of Cambodia adheres to internationally recognized universal principles and ensure the following:

1. Protect and promotion the people’s right to life and right to property according to the provisions of the Constitution of the Kingdom of Cambodia, by addressing the underlying causes of people’s vulnerability to disasters through the strengthening of the capacity of disaster management institutions in managing and mitigating disaster risk, and building communities’ resilience to disasters and to the adverse effects caused by climate change.
2. Recognize and adhere to international norms, principles and universal humanitarian standards and global efforts in mitigating risks, making Cambodia’s commitment to overcome mankind’s suffering caused by disasters a reality.
3. Integrate internationally recognized principles of disaster risk management into the development and implementation of sustainable development strategies within the poverty reduction strategy, policy, planning and budgeting.
4. Adopt and approve a sufficient, comprehensive, integrated and process-owned and led disaster management and risk reduction strategies to mitigate the adverse impacts of disasters and climate change on socio-economy and environment, and enhance the involvement and participation of all sectors and stakeholders at all levels, particularly at the community level.
5. Develop, promote and implement a joint national plan on disaster management and risk reduction with the aim of enhancing the capacity of the national and sub-national institutions by cooperating with development partners to build communities resilience to disasters, organize institutions and risk reduction measures, including risks resulting from climate change, and strengthen the response capacities at all levels.
6. Adopt and implement a disaster risk reduction program that is interlinked, comprehensive, integrated, adequate, timely and effective, and through its inclusion into government development plan at any level, and by adhering to the principle of good governance such as transparency and accountability, in the context of the promotion of poverty reduction and environmental protection.
7. Mainstream disaster risk reduction and climate change adaptation into processes such as policy development, social-economic development plan, budget allocation and governance; and in particular among other sectors, the environment, agriculture, water resource, energy, health and education, poverty reduction, land use and urbanization, public infrastructure and housing.
8. Institutionalize policy, structure, coordinating mechanism and program with appropriate budget allocation in mitigating disaster risks from the national to community level, toward the building of a resilient nation and communities.
9. Ensure that measures on disaster risk reduction and climate change adaptation are responsive to gender and the most vulnerable groups such as children, women, elderlies, disables, ethnic minority, etc., understanding the indigenous knowledge, respect human rights, culture and norm of the community.
10. Acknowledge the different of risks at various levels and areas in the country and acknowledge the needs for capacity building of sub-national and community levels authorities for disaster management and disaster risk reduction through decentralization, empowerment, and resource management at the sub-national and community level.
11. Acknowledge and strengthen existing capacity at the local level in disaster risk reduction, preparedness, response and recovery.
12. Involve civil society organizations, national associations, private sector, charities and volunteers in the disaster risk reduction program of the Royal Government and in the resource mobilization efforts in order to have adequate resources for efficient service delivery to the citizens during disasters or even when there is no disaster.
13. Develop and build capacities of vulnerable groups and minority groups in order for them to participate in disaster risk reduction, preparedness, and response and recovery efforts.
14. Provide more education and training to humanitarian workers, professionals from humanitarian agencies, donors, media and community on their respective roles and responsibilities before, during and after disasters.
15. Provide maximum care, assistance and service to individual and families affected by disasters and implement recovery projects to mitigate the adverse impacts of disasters and facilitate the socio-economic rehabilitation of the country.

**Article 7-**

Government ministries-institutions, relevant authorities, professional entities, all level of administrations shall perform their duties in disaster management in high effective manner.

**Article 8-**

The Cambodian Red Cross Society, National-International Organizations, Non-Governmental Organizations, United Nations Agencies, development partners, public and private institutions, civil society organizations who implement activities in the Kingdom of Cambodia and communities shall have obligation to participate in disaster management activities.

**Chapter 3**

**Disaster Management Mechanisms**

**PART 1**

**nATIONAL LEVEL**

**Article 9-**

Established the National Council for Disaster Management to lead, manage, and coordinate the implementation of the disaster management works, with its abbreviation “NCDM”.

The National Council for Disaster Management has its line from the national level, sub-national level down to the community level.

**Article 10-**

The National Council for Disaster Management chaired by the Prime Minister as “President” and has one high-rank dignity a “Permanent Vice President”.

Ministries-Institutions of the Royal Government of Cambodia, a representative of the President of the Cambodian Red Cross, are Vice Presidents and Members with numbers of Advisors and Assistants attached to work at the NCDM.

Organization and function of The National Council for Disaster Management shall be determined by Royal Decree.

**Article 11-**

The National Council for Disaster Management is the central, coordinating, and lead institution that acts as the chief staff of the government in carrying out disaster management activities at all levels, including implementation of national and international cooperation by having one General Secretariat as executing agency.

**Article 12-**

The National Council for Disaster Management ensures that disaster management is a priority at national, sub-national and community levels by strengthening disaster prevention and mitigation, disaster risk reduction, climate change adaptation, preparedness, response, and recovery in all relevant ministries-institutions, relevant entities and local administrations at all levels.

**Article 13-**

The National Council for Disaster Management shall convene ordinary sessions at least every 6 months and may convene extraordinary sessions as required. The National Council for Disaster Management shall make trimester, semi-annual and annual activities reports and report of all disaster situations to the government.

**Article 14-**

The National Council for Disaster Management shall lead, coordinate, mobilize forces, and enhance the cooperation between ministries-institutions, relevant authorities, professional entities, all level administrations, associations, national and international non-governmental organizations, and United Nations Agencies, development partners, public and private institutions, and communities in taking action and implementing measures of disaster prevention and mitigate, disaster risk reduction, preparedness, response, and recovery, aiming at the protection of life and well-being of the people, properties, environment, and for sustainable and eternal development.

**Article 15-**

The National Council for Disaster Management has a General Secretariat as the Executive Body to operate the day to day works. The General Secretariat led by a Secretary General and several deputies Secretary General.

The Secretary General of the National Council for Disaster Management is selected and nominated among officials who possess disaster management, national defense, policing, emergency management profession or other relevant fields and at least has five-year experiences in leading the said works.

**Article 16-**

The General Secretariat consists of specialized general directorates, departments and several offices as necessary. Organization and function of The General Secretariat of the National Council for Disaster Management shall be determined by Sub-Decree.

In case of a requirement to respond to more needs for disaster management works in the country, region and the world, the National Council for Disaster Management has the right to additionally set up working mechanisms, special task force, technical and scientific research commission, research institute of disaster management, or other necessary mechanisms to effectively implement the disaster management tasks.

**Article 17-**

Civil servants of the National Council for disaster Management and its relevant mechanisms or officials who are appointed to work in disaster management entities shall have the status of the Civil Servants of the Kingdom of Cambodia.

Officials, staff, or volunteers from different professional entities, associations, national-international organizations, United Nations Agencies, development partners, public and private institutions may be voluntarily seconded to work in the National Council for disaster Management and its relevant entities according to mutual agreement of the parties.

**Article 18-**

Establish a National Emergency Coordination Center to run and coordinate emergency operation and humanitarian response, with its abbreviation “NECC”.NECC is the national hub for emergency operation and humanitarian response that has the mandate to coordinate and to cooperate with ASEAN Co-ordinating Center for Humanitarian Assistance (AHA Center) and other national-international organizations in the country and regions.

**Article 19-**

 National Emergency Coordination Center is led by a Director General as Head and has several Deputies. Head of the National Emergency Coordination Center is the *“National and International Emergency Coordinator”*.

National Emergency Coordination Center has several departments, bureaus, divisions and sections to operate its works. Organization and function of the National Emergency Coordination Center shall be determined by Sub-Decree.

**Article 20-**

For the objective of development and management of national disaster information system, relevant ministries-institutions must provide information related to disasters at a specific and appropriate time to the National Council for Disaster Management.

Ministries-institutions and relevant entities of the Government have to submit regular or extraordinary report to the National Council for Disaster Management at defined deadline. In case ministries-institutions or relevant officials failed to provide report or the information according to the defined deadline, the National Council for Disaster Management shall request the Royal Government to intervene.

**Article 21-**

 Cambodian Red Cross, national-international organizations, United Nations Agencies, development partners, private institution may share appropriate information or report to the National Council for Disaster Management as requested.

**Article 22-**

All government ministries-institutions shall set up a disaster management working groups within their respective ministries and institutions and nominate focal person to coordinate and communicate regularly with General Secretariat of the National Council for Disaster Management.

**Article 23-**

Ministries-institutions, administrations, professional entities, relevant authorities of government, associations, national-international organizations, United Nations Agencies, development partners, public and private institutions and communities must comply laws, regulations, standard operating procedure, guidelines in order to formulate measures and plan for disaster management as follow:

* Prevent and mitigate disaster
* Mainstream and integrate disaster risk reduction and climate change adaptation, into development activities
* Maintain business continuity and basic services of ministries-institutions or turn operation to run priority program in time of disaster emergency.
* Prepare for, respond to and recover after disaster within ministries-institutions and sectors under ministries-institutions jurisdiction.

**PART 2**

**SUB-nATIONAL LEVEL**

**Article 24-**

Sub-national Councils for Disaster Management are capital, province, district, Khan and city Councils for Disaster Management.

Sub-national level Councils for Disaster Management consist of Governor of board of governors at capital, province, district, khan, city as chair and have several deputies.

Relevant capital, provincial line departments, administrations, institutions, and relevant entities, capital and provincial branches, district and Khan, city Sub-branches of the Cambodian Red Cross are members.

Organization and function of Sub-National Councils for Disaster Management shall be determined by Sub-Decree.

**Article 25-**

Sub-National Councils for Disaster Management has a “Secretariat” as the Executive Body to operate their works, which led by a Secretary and several deputies. Director of Administration of Sub-national level administrations is the Secretary of the Sub-National Council for Disaster Management.

The Secretariat consists of specialized offices and has appropriate officials and personnel to operate day-to-day work as necessary. Organization and function of Secretariat of the Sub-National Councils for Disaster Management shall be determined by a decision of the sub-national level administration.

**Article 26-**

Civil servants of the Secretariat of the Sub-National Councils for Disaster Management are selected and nominated in accordance with law on the management of administration of capital, province, city, district, Khan and subject to the provision on the sub-national level administrative personnel.

**Article 27-**

Sub-national Councils for Disaster Management organize, develop, promote, and ensure sustainability of disaster management and climate change adaptation in their respective territorial administration by:

* Lead and coordinate the implementation on legal framework, national policies, strategies, and national disaster management and climate change adaptation plans at the sub-national level.
* Formulate and implement plan of disaster prevention and mitigation, disaster risk reduction, integration and mainstreaming disaster risk reduction and climate change adaptation, into sub-national and commune development.
* Carry out disaster preparedness, response, and post-disaster recovery in their respective territorial administrations.

**Article 28-**

 Sub-national Councils for Disaster Management convene regular meeting and submit quarterly, semi-annual, and annual reports to the National Council for Disaster Management on the activities of disaster management works and disasters situation in their own respective territorial administration.

When disaster occurs in a geographical territory of any administration, the competent secretariat shall report on the current situation and on measures it has taken and implemented to its line councils and copy it to the General Secretariat.

**Article 29-**

Sub-National Councils for Disaster Management, shall support Commune-Sangkat to organize, formulate, promote, and ensure sustainable disaster management and climate change adaptation in commune-sangkat by:

* Enhance capacity of the Commune-Sangkat Councils for Disaster Management to have appropriate resources for disaster management and climate change adaptation activities.
* Participate with Commune-Sangkat Coucils for Disaster Management to promote participation of publics, societies, and national-international organizations, development partners in disaster management and climate change adaptation works.

**Article 30-**

All line departments-entities, administrations, institutions, relevant entities at Capital and provinces, line bureaus at city, district, Khan shall set up a disaster management working groups within their respective department-entities and nominate focal person to coordinate and communicate regularly with the Secretariat of the Sub-National Councils for Disaster Management.

**PART 3:**

**Commune-sangkat LEVEL**

**Article 31-**

Establish Councils for Disaster Management at the Commune-Sangkat level, called “*Commune-Sangkat Council for Disaster Management*”.

The Commune-Sangkat Councils for Disaster Management consist of commune-Sangkat chief as the “Chair”, deputies chiefs of Commune-Sangkat Councils as vices chairs, and Commune clerk as secretary. Commune Councilors, Head of sections, relevant entities in the commune-sangkat and a representative of Red Cross Volunteers are members.

Function and organization of Commune-Sangkat Councils for Disaster Management shall be stipulated by Sub-Decree.

**Article 32-**

Each Commune-Sangkat Council for Disaster Management has its own “Disaster Management Working Groups”.

Roles and responsibilities of disaster management working groups of the Commune-Sangkat Council for Disaster Management is determined by “Deyka” of Commune-Sangkat.

**Article 33-**

Commune-Sangkat Councils for Disaster Management organize, develop, promote, and ensure sustainability of disaster management and climate change adaptation in their respective territorial administration by:

* Lead and coordinate the implementation on legal framework, national policies, strategies, and national disaster management and climate change adaptation plans at the commune level.
* Formulate and implement plan of disaster prevention and mitigation, disaster risk reduction, integration and mainstreaming disaster risk reduction and climate change adaptation into commune development.
* Carry out disaster preparedness, response, and post-disaster recovery in their respective commune-sangkat territorial administrations.

**Article 34-**

Commune-Sangkat Councils for Disaster Management convene regular meeting and submit quarterly, semi-annual, and annual reports to through hierarchy lines to the National Councils for Disaster Management on the activities of disaster management works and disasters situation in their own respective territorial administration.

When disaster occurs in a geographical territory of any commune-sangkat, the competent disaster management working groups shall respond to the maximum of their capacity and report on the current situation and on measures have been taken and implemented to their lines councils and copy it to the General Secretariat of the National Council for Disaster Management as required.

**CHAPTER 4**

**DISASTER MANAGEMENT MEASURES**

**PART 1:**

**PRE-DISASTER STAGE**

1. **DISASTER PREVENTION AND DISASTER RISK REDUCTION**

**Article 35-**

In the spirit of enhancing safety and resiliency of the country, the National Council for Disaster Management leads, manages and coordinates to formulate, advocate the adoption and implementation of legislations, regulations, policies, strategies and plans that related to disaster management in all sectors and all levels.

**Article 36-**

The National Council for Disaster Management leads and coordinates government ministries-institutions, relevant authorities, different administrations of all level, professional entities, associations, national-international organizations, United Nations Agencies, development partners, public and private institutions, local authorities, and communities to:

* Identify hazards, assess vulnerability, analysis the capacity of communities, and evaluate the level of disaster risks, including the climate change risk in all sectors and at all levels.
* Develop and implement institutional development and human resources development plans, action plan, and budget plan for disaster prevention, mitigation, disaster risk reduction and climate change adaptation in all sectors and all levels.
* Set up and operate a center for research and learning, training, knowledge and practical experiences sharing regarding disaster management.
* Promote education, dissemination and public awareness on hazards, vulnerabilities, disaster risk, strategies, measures, methodologies, scientific discoveries, technologies, advanced knowledge, solutions, and climate change adaptation among civil servants of line ministries-institutions, armed forces, relevant authorities.
* Establish a disaster management information and early warning system; regarding hazards, vulnerabilities, disaster risk and disaster prevention and mitigation, disaster risk reduction, preparedness,response, and post-disaster recovery.

**Article 37-**

The National Council for Disaster Management shall issue guidelines to its sub-national level, line ministries-institutions, armed forces, relevant authorities, different administrations at all levels, professional entities, associations, national-international organization, United Nations Agencies, development partners, public and private institutions, communities, professionals, volunteers, and publics to study and assess any probable risks, seek relevant measures, methodologies, necessary techniques to prevent and mitigate disaster, reduce disaster risk, and to adapt to climate change.

1. **DISASTER PREPAREDNESS**

**Article 38-**

For the purpose of timely and effectively response to disaster, the National Council for Disaster Management lead, coordinate, manage pre-disaster activities to formulate, advocate the adoption and implementation of laws, regulations, policies, strategies and plans that related to disaster preparedness, response, and recovery.

**Article 39-**

All levels of Councils for Disaster Management shall take pre-emptive actions by:

* Develop disaster contingency plan for emergency operation disaster response;
* Allocate disaster preparedness and response budget
* Establish Incident Command System within the Unity Command of all levels to respond to all types of emergencies and disasters;
* Form Civil-Military Search and Rescue Team, and Multi-sectoral Rapid Disaster Response Teams for emergency operation and disaster response;
* Take preparedness measures and activities; such as stockpiling of food, clean water, medical supplies and medicines, shelter, energy, telecommunication, transportation, equipment, materials, and other resources for emergency operation and disaster response;
* Conduct training, skill enhancement and exercise etc.;
* Conduct public education, awareness,and early warnings;

**Article 40-**

Government ministries-institutions, armed forces, relevant authorities, administrations, professional entities, associations, national-international organization, United Nations Agencies, development partners, public and private institutions, communities shall integrate laws, regulations, policies, strategies of disaster preparedness and response into policies, guidelines, planning of their respective ministries-institutions.

**Article 41-**

The National Council for Disaster Management shall issue guidelines to sub-national councils for disaster management, Commune-Sangkat Councils for Disaster Management, government ministries-institutions, relevant authorities, armed forces, different administrations at all levels, professional entities, associations, national-international organization, United Nations Agencies, development partners, public and private institutions, communities about procedures and methodologies in:

* Assessment of the probability of natural and human induced disasters and their potential risks;
* Creation of business and services continuity plan for emergency and disasters situation in their respective ministries-institutions;
* Formulation of disaster contingency plan for emergency operation and disaster response;
* Development of techniques and skill workers related to disaster preparedness, emergency operation and disaster response;

**Article 42-**

All concerned institutions prescribed in Article 44 of this law must prepare contingency plans and other necessary plans related to disaster preparedness, emergency operation and disaster response and submit to the National Council for Disaster Management for integration into national disaster management plan.

**Article 43-**

Sub-National Councils for Disaster Management and Commune-Sangkat Councils for Disaster Management lead and coordinate provincial department-entities, armed forces, administration, relevant authorities, professional entities, associations, national-international organization, United Nations Agencies, development partners, public and private institutions, communities to conduct disaster risk assessment in the locality and formulate joint disaster response plan for different levels and different sectors in their respective territorial administration.

According to the scope and extent of the threats of the disaster in its local administration, the Councils for Disaster Management of the concerned administrations shall convene emergency coordination meeting as necessary in order to monitor, prepare to respond, and must report to the National Council for Disaster Management through lines of authorities.

**PART 2**

**DURING DISASTER STAGE**

**DISASTER RESPONSE**

**Article 44-**

When an event or incidence happens, competent authorities in the affected location must take immediate action as follow:

* Conduct emergency operation that include search and rescue, provide treatment and medical care for and other protections to the survivors;
* Prevent the spread of devastation and other disaster risks;
* Report to the local administration and the Council for Disaster Management of the affected area;
* Control the general situation until there is a council for disaster management in charged came and takes over the responsibility;
* Handover the authority of lead and management to the council for disaster management in charged that is responsible;
* Continue support in emergency operation and disaster response as requested by the in-charged Council for Disaster Management;

**Article 45-**

Shall be considered a disaster and *“a state of emergency and disaster”* to be declared when an event or incident meets one or more of the following criteria:

1. Resulting in losses of lives, injuries or missing beyond capacity to save life, search and rescue, treat, provide health care, and other response needs of the competent authorities in the affected location/area;
2. Affecting more than thirty percent (30%) of the total population in a community of any territorial administration;
3. The damages to property, household, infrastructure, and public service delivery system cannot be repaired within one week and above;
4. Disrupting the service of energy, telecommunication, clean water and food supply which cannot be restored immediately within one week and above;
5. Causing widespread destruction within the area and/or to other areas;

**Article 46-**

Shall be considered as the responsibility of respective secretariat of the District, Khan, City, Communes-Sangkat Councils for Disaster Management if the disaster only occurred in the territorial administration of its respective city, district, Khan, commune-sangkat.

Shall be considered as the responsibility of the secretariat of the Capital, Provincial Council for Disaster Management if the disaster:

1. Affects more than one District, Khan, City;
2. Has occurred in various District, Khans, Cities;
3. Has occurred and spread out to more than one district, Khan, City.

**Article 47-**

When a disaster occurs, the in-charged Council for Disaster Management of affected territorial administration must take immediate actions below:

1. Lead, coordinate and command all emergency operations;
2. Take measures to prevent the spread of devastation and other risks;
3. Assess the damages and loss, probable spread, and response needs;
4. Within 24 hours, report about the disaster situation through the lines to the National Councils for Disaster Management;
5. Within 48 hours, in case of severe situation, the council for disaster management must report to senior level and seek a decision to declare the state of disaster emergency;
6. With 72 hours, based on criteria for state of emergency and disaster declaration stipulated in *Article 49* of this law, and after receiving authorization from the Royal Government of Cambodia, the in-charged council for disaster management declares the state of disaster emergency in the affected areas;
7. Conduct full scale response including sending technical teams to conduct assessment and response; provide reliefs and other needed humanitarian assistances.
8. Report regularly through lines about situation, response activities and request for intervention if necessary.

**Article 48-**

Upon receiving notification of any disaster emergency declaration, the General Secretariat of the National Council for Disaster Management shall activate immediately the Emergency Operation Room with the National Emergency Coordination Center to monitor the disaster situation and sends the Emergency Rapid Assessment and Response Team to coordinate the emergency operation, assessment and disaster response in coordination and collaboration with line ministries-institutions, relevant authorities, professional entities, national-international organizations, other partners and concerned stakeholders when there is a request for assistance.

With report from lower lines and based on actual situation of the disaster, the National Council for Disaster Management shall meet to discuss necessary response measures and to make proposal or recommendations to the Government in order to make decision on disaster emergency declaration, and necessary measure for emergency operation and disaster response.

**Article 49-**

Within seventy-two (72) hours after the disaster and upon request and recommendation of the National Council for Disaster Management, The Prime Minister shall directly declare or authorize the in-charged local administration to declare the state of disaster emergency in the affected region.

In case the scale and the severity of the disaster are significant that affected most or whole nation, the Prime Minister, with recommendation from the National Council for Disaster Management, shall convene an emergency meeting of the Council of Ministers to decide on declaration of the affected regions or the country under the state of disaster emergency for a specific time span and mobilize national efforts for disaster response. During this stage, the Government may impose special rules, regulations and measures for disaster emergency situation.

**Article 50-**

Placing the country or any part of the country under the state of emergency shall not be in excess of thirty (30) days. The government shall lift the state of emergency at any time when it is certain that the emergency situation is over. However the government may extend the second-time state of emergency for another 30 days if necessary.

If the situation of emergency and threats continue to prevail, the Government may propose the national assembly to convene extraordinary session to pass a request to extend the state of emergency with appropriate reasons and conditions. The National Assembly, with request from the Royal Government or by its overview, considering that the situation has returned to normal, must immediately convene the special session to lift the state of disaster emergency and advise the Royal Government to implement accordingly.

**Article 51-**

During the disaster, the Councils for Disaster Management in-charged shall lead and coordinate the following tasks:

1. Disaster emergency operation:
* Search and Rescue of victims and missing people;
* Medical treatment, health care and psychological counseling;
* Food, nutrition, clean water, hygiene and others;
* Shelter, security and safety
* Evacuation and temporary relocation;
* Law and public order ;
* Information, Education, and communication;
1. Disaster response:
* Thorough assessment for immediate and medium term response with attention on special and separate needs of women, pregnant women, lactating mothers, children, elderlies, handicap, disable people, and ethnic minorities.
* Provision of disaster relief assistance;
* Maintenance of infrastructures and basic services such as; roads, water system, health, education, agriculture, commerce, finance etc.;
* Continue the public administration, security, public order and law;

**Article 52-**

In case the extent and scope of disaster is beyond their capacity and ability to respond, Councils for Disaster Management in charged shall report to the National Council for Disaster Management for assistance and intervention or mobilize or mobilize charitable assistance to help in disaster response.

**Article 53-**

Upon receiving report and request, the Council for Disaster Management shall review and consider the proposal, and may send resources, technical staff, equipment, and other means to the affected areas to help in response.

In case of necessary, the National Council for Disaster Management shall request the Royal Government for intervention and may request associations, national-international organization, United Nations Agencies, development partners, public and private institutions to participate in disaster response or mobilize charitable people in the country to support disaster response and relief.

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**Article 54-**

During disaster situation, ministry-institution, armed forces, relevant authorities, different authorities at all level, and Cambodian Red Cross shall participate timely and effectively upon request of different level Councils for Disaster Management by contributing manpower, materials, equipment, funding, and technical assistances in disaster emergency operation and disaster response different disaster response operations.

**Article 55-**

National-International Organizations, United Nations Agencies, development partners, associations, public and private entities, financial institutions, international missions, foreign embassies may participate in and provide support for disaster emergency operation and disaster response according to appeal of the National Council for Disaster Management and the Royal Government of Cambodia.

**Article 56-**

During emergency, competent authorities in the location and Councils for Disaster Management in-charged shall have exceptional authority to command ministries-institutions, professional entities, private and public enterprise, hospitals, health centers or private clinics and others to:

* Expand service capability and carry out other obligation beyond normal business;
* Participate in service delivery on-site or at other places needing assistance;
* Unconditionally provide accommodation or medical treatment to victims;
* Give privilege to the competent authorities to use part or all of their buildings, facilities, materials, equipment and means to perform emergency operation and disaster response tasks;
* Share with the authorities the hall, or building, available medicines, food stock, equipment, and other resources that are basic needs to help victims.

**Article 57-**

Any mobilizations of private, public, and national defense properties for emergency operation and disaster response, and reliefs carried out by administration in the location and the National Council for Disaster Management by exercising the exceptional authority shall be compensated by the national budget.

**PART 3:**

**POST DISASTER STAGE**

**DISASTER RECOVERY**

**Article 58-**

The National Council for Disaster Management has mandate to lead and coordinate post-disaster damage, loses, and recovery needs assessment with participation from ministry-institutions, professional entities, relevant partners, and develop recovery plans and projects to be submitted to the Royal Government of Cambodia to review and decide.

The assessment report, programs and project can be shared with relevant institutions, development partners, national-international organizations and for public disclosure and recovery participation and may mobilize international organization, financial institution, United Nations Agencies, development partners, foreign embassies, and charitable people to participate in disaster recovery.

**Article 59-**

The Councils for Disaster Management of the affected territorial administration shall lead and coordinate the post-disaster damage, loss and recovery need in their respective administrative territory and participate in developing recovery plans and projects to rehabilitate and reconstruct the affected areas, focusing on top priority of the basic needs of affected people and communities.

**Article 60-**

Significant activities of recovery shall focus on two steps; rehabilitation and reconstruction.

1. ***Rehabilitation***

Short term restoration livelihood, social infrastructure and socio-economic of the affected community and its people by:

* Rehabilitate psychological state and physical in injuries and disables.
* Restore security, public order and law;
* Repair and reconstruct infrastructures and other basic services such as houses, roads, water system, health, education, agriculture, public buildings, etc.;
* Renormalize the public administration function;
* Resolve any conflicts or disputes arose during and after disaster.
* Renormalize and improve the environment in the disaster-affected areas,
1. ***Reconstruction***

Medium and long term reestablishment of the community such as:

* Rebuild and build better social, cultural, art, and sport, livelihood economics, etc. of the affected communities;
* Provide social concession land and financial assistances and credits to affected people who lost their lands and livelihood in order to reconstruct housing, do farming and other income generation activities;
* Implement social-economic development activities;

**Article 61-**

The Councils for Disaster Management at all level shall prepare progress reports on disaster recovery to the National Council for Disaster Management Council in order to scrutinize and submit to the Royal Government.

**CHAPTER 5**

**INTERNATIONAL COOPERATION AND ASSISTANCE**

**Article 62-**

In the name of the Royal Government of Cambodia, the National Council for Disaster Management has authority to lead, coordinate, and implement international cooperation, collaboration, and international assistances in disaster management, including implementation of bilateral, multilateral, regional and international agreements on disaster management, and joint international response during the emergency and disaster response.

**Article 63-**

The General Secretariat of the National Council for Disaster Management shall set up a system to provide coordination and cooperation in order to effectively manage the international assistances for all disaster management activities.

**Article 64-**

All types of assistances shall be appropriately provided and used in accordance with the basic need of the affected people and relevant existing laws and regulations of the Kingdom of Cambodia.

**Article 65-**

International organizations, United Nations Agencies, development partners, financial institutions, international mission, Embassies, foreign governments and embassies may support and provide assistances for disaster management activities and humanitarian response in Cambodia through the National Committee for Disaster Management.

**Article 66-**

 All duties and taxes on disaster management and humanitarian assistances provided to Cambodia are to be borne by the Royal Government of Cambodia.

**Article 67-**

Under this law, to be considered as an Emergency, requiring international assistances shall include the following criteria:

* Severe damage resulting from natural, climate changed, or man-made disaster is beyond the nation’s existing capacity and available resources to respond;
* Terrorism and chaos resulting from war or severe economic crises that affect the people’s living standards of the nation.
* Global pandemic resulting in a lot of losses of human life and affect socio-economic situation of the country.

**Article 68-**

When the extent of disaster is more than the country’s existing response capabilities, the Prime Minister, upon request of the National Council for Disaster Management, is entitled to make an international appeal for emergency response and recovery.

After international appeal, the President of the National Council for Disaster Management shall:

1. Declare the acceptance of the international assistances;
2. Order all relevant authorities to collaborate and cooperate with the donors and the international responders in disaster response operation;
3. Allow the use of international assistances that brought into the country with special rules, regulations and procedures;

**Article 69-**

Individual or International institution and International Responders who is willing to provide financial assistances and other resources to Cambodia shall request the Ministry of Foreign Affairs and International Cooperation of Cambodia for providing assistance and entering Cambodia, and inform the National Council for Disaster Management of their duration, resources and expertise to be used in emergency operation and disaster response.

International assistance agencies and international responders who enter Cambodia to work on disaster response on the territory of the Kingdom of Cambodia shall abide by the laws, rules, regulation, tradition, culture of Cambodia and shall cooperate with the National Council for Disaster Management, relevant institutions, competent authorities, and communities in performing their duties.

**Article 70-**

The National Council for Disaster Management, relevant ministries-institutions have the obligation to facilitate all necessary procedures in order to support and provide assistances for the international responders to enter Cambodia and the importation of emergency operation materials, goods, equipment, and humanitarian relief as well as the registration of those international organizations and special visa arrangement and other necessary assistance to international responders.

 Separate procedures on visa arrangement for international responders and the importation of emergency supplies shall be determined by joint Prakas of the National Council for Disaster Management, Ministry of Foreign Affairs and International Cooperation, and Ministry of Economy and Finance.

**Article 71-**

After the State of Emergency and disaster response is over, the Royal Government of Cambodia shall request international organizations, United Nations Agencies, development partners, finance institution, other government and embassies to support the recovery of the country.

**Chapter 6**

**Rights and obligationS**

**Article 72-**

All individual have the rights to attain life, dignity, and property protection, and disaster relief assistances in disaster.

All Cambodian citizens have the right for financial assistance, credit, material, land and resource concession for disaster prevention and mitigation, disaster risk reduction, repair or reconstruction house and rehabilitate their livelihoods after disaster.

**Article 73-**

All individual have the right to access to information of hazards, vulnerabilities, risks and, measures, methodologies, and technologies for self-protection, disaster prevention and mitigation, disaster risk reduction, preparedness, response, and recovery after disaster.

All individual who live in hazard exposed zone shall have access to information, education, and capacity development to reduce disaster risk and to be resilient to disaster.

**Article 74-**

All individual has right to participate in disaster management activities and foster ownership in disaster prevention and mitigation, disaster risk reduction, ensure the sustainable livelihood with safety and disaster resiliency.

**Article 75-**

Individual, private and public legal entity is obliged to disaster management and climate change adaptation by:

* Comply the laws, rules, regulations, and guidance of the authorities in disaster management and climate change adaptation;
* Take measures to prevent and mitigate disaster, reduce disaster risk, prepare, response, and recover after disaster and adapt to the climate change;
* Report immediately to competent authority of any events that may cause, environment impact and disaster risk that may lead to occurrence of disaster;
* Maintain living condition, natural environment, and solidarity in community;

**Chapter 7**

**Budget for Disaster Management**

**Article 76-**

 In order to achieve the goal of this law, the Royal Government of Cambodia ensures appropriate budget for the implementation of disaster management activities.

**Article 77-**

The National Council for Disaster Management has a separate budget package, which is part of budget of the Council of Ministers and under national budget law, budget from national-international partners and charity fund to be used to implement disaster management activities.

Every year, General Secretariat of the National Council for Disaster Management has to formulate budget plan for implementation of disaster management to be included into annual budget plan of the Council of Ministers for allocation and usage.

**Article 78-**

Disaster management budget includes budget for day-to-day function of the Councils for Disaster Management at all levels, budget for disaster prevention, disaster risk reduction, preparedness, emergency operation, disaster response, and recovery.

In necessary case and in case the extent of disaster is beyond the existing capacity and annual budget plan, the Prime Minister may order to release the budget from the special account designated for disaster response in emergency operation and disaster response.

**Article 79-**

Sub-national Councils for Disaster Management and Commune-Sangkat Councils for Disaster Management have their own budget delegated from the National Council for Disaster Management.

Every year, sub-national and Commune-Sangkat Councils for Disaster Management has to prepare budget plan for implementation of disaster management activities including disaster prevention and mitigation, disaster risk reduction, preparedness, response and recovery. This budget plan shall be sent to the National Council for Disaster Management prior to annual budget planning time of each fiscal year.

**Article 80-**

In the execution of budget, in case the extent of disaster is beyond the existing capacity and delegated budget from the National Council for Disaster Management, sub-national and Commune-Sangkat Councils for Disaster Management may submit request for extra budget to the National Council for Disaster Management or mobilize charity fund for disaster response based on reality.

**Chapter 8**

**legal PenaltIES**

**Article 81-**

Individual or legal entity who commit with deliberate action that induce disaster and cause dead or missing shall be punished with criminal penalty according to Article 199 and Article 206 of penal code for each life and pay civil compensation to dead, missing and injury. Legal entity will be punished with additional punishment with Article 198 of penal code.

**Article 82-**

Individual or legal entity who committed with non-deliberation action that induce disaster and cause dead, injuries, and missing shall be punished with criminal penalty according to Article 207, Article 208, and Article 209 or Article 236, Article 237 and Article 238 of penal code for each life and pay repair cost and civil compensation to dead, missing and injury as a result from their actions.

**Article 83-**

 Individual or legal entity who committed with deliberation action that induce disaster and cause damage or loss public or private property shall be punished with Article 410, Article 411 Article 414, Article 415, Article 416, Article 417, Article 418, Article 419, Article 422 of Penal Code and pay repair cost and civil compensation to the affect, damage or loss of the property as a result from their action.

In case of action without deliberation, shall be punished with Article 413 and Article 419 of Penal Code and pay repair cost and civil compensation to the affect, damage or loss of the property as a result from their action.

**Article 84-**

Public civil servant, military personnel, police, gendarmerie, individual or legal entity mandated for disaster management, by negligence or failed to fulfill their duty that resulting in loss of human life, injuries, missing or damage of public or private property shall be punished with criminal penalty according to Article 207, Article 208, and Article 209 or Article 236, Article 237, Article 419 and additional punishment stipulated in Article 604 of Penal Code and additional administration punishment or fine according to the rules of their respective entity. Legal entity will be punished with additional punishment with Article 238 of Penal Code.

**Article 85-**

Public civil servant, military personnel, police, gendarmerie, individual or legal entity mandated for disaster management, that commit rip-off, embezzlement, or make damage or loss of materials, budget of government or donated fund for disaster management works shall be punished with criminal penalty according to Article 353, Article 356, Article 357, Article 377, Article 378, Article 380, Article 382, Article 391, Article 392, Article 393, Article 394, Article 395, Article 396, Article 397, Article 589, Article 601, Article 602, Article 608 and additional punishment stipulated in Article 604 of Penal Code and additional administration punishment or fine according to the rules of their respective entity and restitute those embezzled budget or damaged property in monetary by two-folded amount. Legal entity will be punished with additional punishment with Article 168 of Penal Code.

**Article 86-**

Public civil servant, military personnel, police, gendarmerie, individual or legal entity mandated for disaster management, with deliberation or non-deliberation, in fulfillment their duty by fail to comply the principles stipulated in Article 2, Article 4 and Article 6 of this law that create discrimination in search and rescue, disaster relief and services to the affected people shall be punished with criminal penalty according to Article 265, Article 266, Article 267, Article 268, Article 269, Article 270 and Article 272 or Article 273, of the Penal Code and additional punishment stipulated in Article 604 of Penal Code, and additional administration punishment or fine according to the rules of their respective entity. Legal entity will be punished with additional punishment with Article 168 of Penal Code.

**Article 87-**

The National Council for Disaster Management shall take the lead in all the execution, enforcement and compliance of this law, and ensure all lawsuit and litigation related to disaster and disaster management works in the law court system of the Kingdom of Cambodia.

**Chapter 9**

**TRANSITIONAL Provision**

**Article 88-**

While this law and the required rules, regulations and ordinances to be formulated by this law not yet adopted and promulgated, the existing rules, regulations and ordinances shall continue to be in effect.

 Any programs and activities related to disaster management having force of law before the enactment of this law shall remain effective until such expiry date of such program and activities.

**Article 89-**

The National Council for Disaster Management shall take lead to prepare legal ordinances required under this law as soon as possible in order to ensure the smooth and effective execution of this law.

**Chapter 10**

**Final Provision**

**Article 90-**

Any provisions contrary to this law shall be considered annulment.

**Article 91-**

This law shall be promulgated as urgent.

 *The Royal Palace, Phnom Penh, ……………., 2011*

***[Royal Signature and Stamp]***

 **Norodom Sihamoni**

Having submitted to His Majesty

the King for the Royal Signature

**Prime Minister**

 ***[Signature and stamp]***

 **Hun Sen**

 Having informed Samdech Akka

 Mohasenapadey Techo **Hun Sen**, Prime

 Minister of the Kingdom of Cambodia,

 Senior Minister in charge of special mission,

 First Vice President of National Committee for

 Disaster Management

  ***[Signature and stamp]***

 ***Nhim Vanda***