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Agriculture

Prakas No. 176 dated June 14, 2013 on Procedures for Checking Agricultural Chemical and Agricultural Fertilizers. (L&R/Agr/Khm/2013) (Royal Gazette, Year 13, No.56, dated July 31, 2013).

With an aim to establishing common principles and procedures for agricultural chemical and agricultural fertilizers inspection, the Ministry of Agriculture Forestry and Fishery has adopted a Prakas on June 14, 2013. This Prakas covers all activities that are related to agricultural chemical and agricultural fertilizers as well as inspection. Under this Prakas, the Department of Legal Affairs has jurisdiction over all agricultural chemical and agricultural fertilizers's inspection in Cambodia. Private enterprises and operators of agricultural chemical and agricultural fertilizers shall cooperate with inspectors and must bear all costs including transportation cost for the whole inspection process. Enterprises have the right to request to see the formal order from inspectors who shall give a 5-day prior notice before opening the inspection process. In some cases, inspection can be conducted without prior notice. Additionally, the inspector is vested with powers as Judicial Police or Judicial Police Agent under another Join-Prakas between Ministry of Justice and Ministry of Agriculture, Forestry and Fishery. This Prakas has also established penalties for non-compliance. Prakas comes into force since from the date of signature while other relevant Prakas mentioned in this Prakas are yet to be drafted.

Banking

Prakas No.Th.8 013 120 BrK dated May 27, 2013 on Establishment of Monetary Policy Commission (L&R/Bnk/Khm/2013) (Royal Gazette, Year 13, No.52, dated July 15, 2013).

On 27 May 2013, National Bank of Cambodia ("NBC") issued a Prakas regarding the Establishment of Monetary Policy Committee. The purpose of this Prakas is to enhance the monetary policy capacity of the NBC, in managing reserve requirements, monitoring liquidity, and improving the monetary decision-making process¹.

The committee is comprised of 9 members where the treasurer of the NBC presides as a chairman. Each meeting of this committee requires a quorum of 7 participants including the chairman and shall be conducted twice a month in order to report about the economic, monetary and financial situation. The role and function of the committee is as follows:

- Define and lead the implementation of prudential monetary policy in accordance with the economic and financial policy framework of the government to assure the price stability in contributing to the strengthening of macro-economic stability and the economic development;
- Issue any necessary regulation to assure easy cash in the monetary market according to the objective of price stability;
- Coordinate according to the affordability with other composition of the politico-economic framework, especially taxation policy to assure macro-economic stability;
- Coordinate the relationship between the enforcement of monetary policy and prudential regulation of the banking monitor; and
- Advertise monetary policy and the enforcement of monetary policy.

Further, Department of Economic Research and International Cooperation shall act as permanent secretariat of this committee. This Prakas is effective from this date of signature.

1. Breakout Session on Monetary Policy "The Role of Monetary Policy in Response to the Global Financial Crisis – The Case of Cambodia", Mr. Pal Buy Bunnang, Inspector General of National Bank of Cambodia, 27-30 July 2009 (http://www.unescap.org/pdd/calendar/strengthening_responses/papers/Cambodia_monetary_Bonnang.pdf)

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Custom & Import-Export

Inter-Ministries Prakas No.581 dated June 10, 2013 on the Procedures for the Application to Import Materials, Machineries, Vehicles and Fossil Fuels of the Grant Aid with Tax and Excise Borne by the Royal Government of Cambodia. (L&R/ CIE/Khm/2013) (Royal Gazette, Year 13, No.51, dated July 12, 2013).

The purpose is to promote efficiency and to expedite the inter-ministerial mechanisms between the Ministry of Economy and Finance and the Council for the Development of Cambodia with framework of the Grant Aid with Tax and Excise borne by the Royal Government of Cambodia.

With regard to the procedure for the Application of the Grant Aid with Tax and Excise borne by the Royal Government of Cambodia, the project implementing agency requires to provide relevant documents to the Council for the Development of Cambodia. The project implementing agency includes Ministries, Institutions of the Royal Government of Cambodia, Development Partners' agencies, International Organizations and Non-Governmental Organization).

With regard to the import a vehicle with tax and excise borne by the Royal Government, the Non-Governmental Organization is required to obtain a principal approval from the Council for the Development of Cambodia.

The materials, machineries, vehicles and fossils fuels imported with tax and excise borne by the Royal Government are not permitted to be sold, transferred for use at other places or by other agencies other than agency to whom it was permitted without permission from customs' administrative.

Finance

Prakas No.Th.13 013 127 BrK dated June 07, 2013 on Establishment of Economic Stability Commission (L&R/Fnc/Khm/2013) (Royal Gazette, Year 13, No.52, dated July 15, 2013).

On 7 June 2013, National Bank of Cambodia ("NBC") issued a Prakas regarding the Establishment of Economic Stability Committee. The committee is comprised of 7 members where the deputy treasurer of the NBC presides as a chairman. The meeting shall be conducted twice a month. The role and function of the committee is as follows:

- Define, lead and implement policy to assure financial stability in contributing to the sustainable economic development;
- Issue any necessary regulation to support the mission of the NBC in the management of easy cash and other risk in the financial industries;
- Monitor the interaction between other agencies of the financial market, objective of monetary policy and the effect of the financial system and the analysis of the possible risk; and
- Analyze and follow the financial stability.

Further, Department of Economic Research and International Cooperation shall act as permanent secretariat of this committee. This Prakas is effective from this date of signature.

Immigration & Naturalization

Guiding Principles No.01 dated July 05, 2013 on Management of Labour Force and Flow of Cambodian Migrated Workers (L&R/Imt/Khm/2013) (Royal Gazette, Year 13, No.53, dated July 19, 2013).

Facing with issues caused to several Cambodian emigrant workers, such as right abuse, human trafficking, decrease of local labour force..., the Royal Government of Cambodia (the "RGC") establishes guiding principles in order to meet the following objective:

"together build a good environment as an option for people to have a quality standard of living in the country or work abroad with dignity and safety."

The guiding principles are highlighted as follows:

1. The Ministry of Labour and Vocational Training (the "MOL") should coordinate the process between the labour-sending country and the labour-receiving countries. The MOL should increase
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effort in solving the issues remaining from unsolved cases by forwarding information to the court. The MOL should also investigate and cooperate with other relevant authorities to work on the case of fake training centers which promise to provide job opportunities with high salaries to Korea, Japan and Thailand. And the MOL should encourage ratifying the International Convention No.189 on Decent Work for Domestic Workers.

2. The Ministry of Foreign Affairs and International Cooperation should consider the possibility to assign more officers to take charge in the labour migration, especially concerning those countries where there exist Cambodian workers.

3. Ministries and institutions, especially MOL, Ministry of Commerce, Ministry of Mine and Energy, Ministry of Tourism, Ministry of Agriculture, should promote creation of local employments, provide incentives to those who work hard, prevent overpromising advertisement about the advantages of working abroad, etc.

4. Ministry of Interior (the "MOI") including civil servants and the police should strengthen the work efficiency and reduce complexity as to the issuance of identity papers (ID Cards, passports, etc.). The MOI should also strengthen the procedure of gathering information about labour emigration in the transit provinces in order to prevent illegal emigration.

This document also provides for other principles which aim to prevent issues arising from labour emigration.

International Agreements

Royal Kram No. NS/RKM/0613/014 dated June 25, 2013 on Promulgation of the Law on Ratification to Protocol 2 dated in 1999 to the Convention for the Protection of Cultural Property in the Event of Armed Conflict dated in 1954. (L&R/Ina/Khm/2013) (Royal Gazette, Year 13, No. 52, dated July 15, 2013).

On June 25, 2013, the Cambodian government adopted a Royal Kram to ratify the Protocol 2 dated in 1999 to the convention for the Protection of Cultural Property in the Event of Armed Conflict dated in 1954.

This protocol sets up the rules governing the protection of cultural property in the event of armed conflict. With this regard, when one of the parties to an armed conflict is not bound by this protocol, the parties to this protocol shall remain bound by it in their mutual relations. They shall furthermore be bound by this protocol in relation to a state party to the conflict which is not bound by it, if the latter accepts the provisions of this Protocol and so long as it applies them. According to the convention for the protection of cultural property in the event of armed conflict, the protection of cultural property shall comprise the safeguarding of and respect for such property. Additionally, this protocol also places the cultural property under the enhanced protection when it meets the following three conditions:

1. It is cultural heritage of the greatest importance for humanity;
2. It is protected by adequate domestic legal and administrative measures recognizing its exceptional cultural and historic value and ensuring the highest level of protection;
3. It is not used for military purposes or to shield military sites and a declaration has been made by the party which has control over the cultural property, confirming that it will not be so used.

In order to obtain the enhanced protection, state party requires to submit the list of cultural property for which it intends to request the granting of enhanced protection to the committee. Then the enhanced protection shall be granted by the committee from the moment of its entry in the list. By this protocol, the committee for the protection of cultural property in the event of armed conflict is hereby established and composed of 20 parties which shall be elected by the Meeting of the parties. Noticeably, this committee is a four-year term committee and shall meet once a year in ordinary session and in extra-ordinary session whenever it deems necessary. However, this protocol does not provided any rule of procedure for the above committee but it provides the rights to the committee to adopt its own rule of procedure.

This protocol shall be applied with the co-operation of the protecting powers responsible for safeguarding the interests of the parties to the conflict and it shall take effect 3 months after twenty instruments of ratification, acceptance, approval or accession have been deposited.