



Report on the Situation of Environmental Protection

Moving from promise to practice: Upholding the corporate environmental accountability in Cambodia

Tracking the enforcement of Cambodia's Environment and Natural Resources Code
against Business Enterprises from 2024 to 2026



About Center for Business and Law Organization

Center for Business and Law Organization is an independent environmental and human rights organization registered in Cambodia — working to promote and protect environmental and human rights in business, nurturing the principle of human rights and environmental due diligence, protect freedom of expression and safety of journalists and rights defenders, and advance corporate accountability in Cambodia and broader region of Southeast Asia, where the contexts are relevant, by strengthening the rule of law and ensuring full and fair access to justice.

Note to Editors:

In a democratic society, we find it essential to respect differences and to value the ideas of all individuals. If Cambodia is to become a more just and free society, which is what BHRE Center's envisions, more emphasis must be placed on public participation and the enjoyment of fundamental human rights and freedoms. The future of a truly democratic Cambodia, as the Constitution sets out, requires public debate — positive or critical — which can be carried out without self-censorship or fear of retaliation. BHRE Center's activities, research, analyses and publications therefore intend to nurture public debates and policy consideration on environmental and human rights standards in business and public participation based upon national and international legal frameworks.

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I. Overview

Executive Summary

In efforts to promote corporate environmental accountability and implementation of the right to a clean, healthy and sustainable environment, Center for Business & Law Organization (BHRE Center) in this report examines the extent to which relevant authorities have positively enforced the Code on Environment and Natural Resources (ENRC or Code), since it came into force in June 2024. In particular, the report analyses to what extent Cambodian environmental legislation criminalises and/or penalises business conduct that harms the environment; how any such offences are penalised; whether enforcement is equitable; and to what extent existing enforcement practices align with promises under national policies, international environmental standards and principles.

The report finds that enforcement of Cambodia's ENRC against businesses has increased since the Code took effect in June 2024. Between June 2024 and July 2026, at least publicly available 72 instances of ENRC enforcement against business enterprises, primarily targeting small-to-medium food processing and garment factories in 11 provinces across Cambodia although the actual number may be higher. The 34 documented, detailed cases highlighted widespread pollution affecting water and ecosystems, with 22 of the companies involved having Chinese investment. Measures focused on administrative penalties, such as suspending operations and requiring wastewater system upgrades to address breaches in environmental standards.

The report ends with a list of constructive recommendations for the Royal Government of Cambodia (RGC), businesses, and relevant key stakeholders pertaining to the protection of the environment and communities. The overarching recommendation is that positive enforcement of the Code should be equitable nationwide, consistent in holding multinational corporations (MNCs) and large business enterprises equally accountable to smaller scale actors for major projects which too often lack attention from law enforcement. Furthermore, environmental human rights defenders (EHRDs) and Indigenous Peoples (IPs) must be protected and meaningfully incorporated into decision-making as crucial stakeholders for stewardship of Cambodia's vibrant ecosystems increasingly under threat.¹

Methodology of the Research

For the elaboration of this report, BHRE Center carried out extensive and evidence-based desk review gathering insights and cross-checking findings against various sources during the initial stages of, and throughout, the research process. BHRE Center reviewed relevant international instruments, domestic legislation and policy documents of the Cambodian government. Our research team additionally reviewed articles and reports authored by local and international media and civil society organisations, independent experts, academics, and United Nations (UN) special procedures, and treaty bodies. The desk review was complemented by field visits to affected communities in the north-east. Those visits took place in December 2024, June 2025, and January 2026 in Preah Vihear, Ratanakiri and Stung Treng provinces and included a consultative workshop with more than twenty Indigenous leaders and community members, which informed the preliminary research.

To inform the analysis in section III, our research team has developed an internal documentation system, documenting where environmental harms have taken place, tracking whether positive enforcement of the ENRC has followed in response to reported violations. The documentation records environmental harms,

¹CIVICUS, 'UN Climate Resolution: Time to Stop the Persecution' (June 4, 2026); <https://lens.civicus.org/un-climate-resolution-time-to-stop-the-persecution/>

including but not limited to, by: i) name of company or factory, ii) sector, iii) violation type, iv) affected group, v) geographical location, vi) alleged harm, and vii) outcome. Data was collected for the database through media monitoring of local and international reporting, including Khmer outlets, as well as the Ministry of Environment's public sources. Each publicly available reported environmental incident is catalogued, whether enforcement of the ENRC has occurred or not, meaning the analysis can comprehensively highlight where the ENRC ought to be enforced where it has not been. Limitations to the research and data-collection include that environmental data and scientific evidence have not been independently conducted by our research team. As the Code is recent, observed patterns reflect an early stage of its application and may shift as institutional capacity develops. Furthermore, due to limited public access to information, including Environmental Impact Assessment (EIA) reports, documentation of enforcement patterns may not be a complete account of all violations, complaints, or enforcement actions that have occurred during the period under review.

II. Introduction

In Cambodia's recent progress report on the sustainable development goals (SDGs), the UN noted that 'environmental sustainability and climate resilience remained important priorities for Cambodia in 2025'² as well as progress made towards the realisation of SDG 6 (clean water & sanitation), and SDG 14 (life below water).³ The country has also co-operated well in its submissions of Nationally Determined Contributions (NDCs).⁴ To reflect the overall progress made in socioeconomic development, the UN's preliminary evaluation for the 2024 triennial review found Cambodia to be in a good position for exiting Least Developed Country (LDC) status by 2029.

However, a critical challenge to Cambodia's economic growth and continued sustainable development lies in the potential far-reaching and severe impacts of the triple planetary crisis of pollution, biodiversity loss, and climate change. The country is among those disproportionately susceptible to the negative effects and this makes it only more urgent and imperative that environmental governance continues to improve. In response to climate challenges faced, the RGC and Ministry of Environment (MoE) has made modest progress in adopting laws, policies, and regulatory measures. Yet, the effectiveness of environmental protection, realisation of environmental rule of law, and promotion of corporate environmental responsibility, does not solely depend on the existence of comprehensive frameworks, but rather on how such frameworks are continuously implemented, monitored, and enforced. On paper, the ENRC establishes comprehensive safeguards for high-impact projects, brought sound reforms to EIA processes, and strengthened a range of procedural rights, setting a foundation for 'enabling more systematic management of business and investment risks to biodiversity',⁵ and the broader environment. Complementing the Code are a range of national policies: National Biodiversity Strategy and Action Plan (NBSAP) for 2026-2030⁶ which incorporates a forward-looking 'human-rights and ecosystems based approach'; Circular Strategy on the Environment (2023-2028) whose pillars centre around 'Clean, Green and Sustainable'; the Diplomacy Strategy on the Environment (2026); and Pentagonal Strategy Phase I (PSP1) (2023), which underpins the broader

²[United Nations in Cambodia, 2025 Results Report, p.6.](#)

³[Ibid.](#)

⁴[Royal Government of Cambodia \(RGC\), Cambodia's Third Nationally Determined Contribution \(NDC 3.0\) \(2025\).](#)

⁵[Royal Kram no. 0623/007 on environment and natural resources code, adopted by the National Assembly on 30 May 2023 and promulgated on June 29, 2024 \(hereinafter referred to as 'ENRC'\).](#)

⁶[Ministry of Environment, National Biodiversity Strategy and Action Plan \(NBSAP\) \(2026-2030\) \(NBSAP\).](#)

governmental strategy vision until 2050 in relation to socioeconomic development.⁷ In relation to socioeconomic development.

The next challenge lies in moving from promise to practice, and learning from past experiences where well-designed policies have been inadequately enforced.

Reflecting the challenge of universal enforcement of environmental laws, in 2019, the first global report on the environmental rule of law was published by the UN Environment. The report identified that ‘often environmental rule of law falters ... because of a lack of political will to stand behind implementation of the law through clear regulations and policies that are enforced equitably and consistently.’⁸ In the Cambodian context, as of 2025, according to the World Justice Project’s World Rule of Law Index (WJP), Cambodia sits lowest among its regional Southeast Asian peers, and second bottom to last globally in Factor 6 of the Index, which measures the extent to which regulations are fairly and effectively implemented and enforced.⁹ These findings partially reflect conclusions drawn by the previous mandate holder of the UN Special Rapporteur on the Situation of Human Rights in Cambodia, Vitit Muntarbhorn, in his July 2025 report on the issue of environmental and natural resources. The independent expert highlighted an interplay of weak rule of law, restrictions and criminalisation of EHRDs, entrenched patronage networks, corruption, and opaque public-private development partnerships between highly powerful economic actors and officials in high levels of political office (otherwise known as the ‘Oknha orbit’), intersecting to weaken environmental enforcement,¹⁰ undermine corporate environmental accountability, and ultimately meaning that the right to a safe, clean, healthy and sustainable environment is ‘far from being implemented’.¹¹

Business enterprises, particularly those large-scale or MNCs, are frequently positioned at the centre of this crisis as ‘business-led environmental degradation’ continues to pose a severe threat to Cambodia’s vibrant ecosystems and communities, particularly in ‘mega-projects’ in high-impact sectors. Activities such as large-scale deforestation, unsustainable extractive industries (including sand and gold mining), unsustainable development of hydropower dams, industrial pollution, coastal development, plantation agriculture and wetland drainage pose the most severe threats.¹² Enforcement actions against business enterprises remain sporadic at best, especially at sub-national levels, and compliance amongst business enterprises and project developers is uneven.¹³ Indeed, Cambodia’s progress in meeting its obligations under the Convention on Biodiversity (CBD), as well as national priorities under the Kunming-Montreal Global Biodiversity Framework (KM-GBF),¹⁴ has been slow, including on target 15 (b) which entails ‘encouraging large and transnational companies and financial institutions, to progressively reduce their negative impacts on biodiversity, increase their positive impacts, and promote actions to ensure sustainable patterns of production’.

Against this backdrop, it is important that an integrated approach to standards, processes, enforcement, and liability which recognises the nexus between business and human rights, the environmental rule of law, corporate environmental accountability and responsibility is articulated both theoretically and in practice. In

⁷Royal Government of Cambodia (RGC), ‘Pentagonal Strategy – Phase I: Growth, Employment, Equity, Efficiency and Sustainability – Building the Foundation Towards Realising the Cambodia Vision 2050’ (2023).

⁸UN Environment, ‘Environmental Rule of Law: First Global Report’ (January 2019), p.79.

⁹World Justice Project, ‘Rule of Law Index: Cambodia’ (2025), <https://worldjusticeproject.org/rule-of-law-index/country/2025/Cambodia>.

¹⁰United Nations Human Rights Council (UNHRC), ‘Situation of Human Rights in Cambodia: Report of the Special Rapporteur, Vitit Muntarbhorn’ (23 July 2025) UN Doc A/HRC/60/86, paras 24, 37, 44 and 49.

¹¹Ibid, para 73.

¹²Ministry of Environment, National Biodiversity Strategy and Action Plan (NBSAP) (2026-2030), p.10.

¹³Ministry of Environment, Cambodia’s Seventh National Report to the Convention on Biological Diversity (2026), p.20.

¹⁴Convention on Biological Diversity, ‘Kunming-Montreal Global Biodiversity Framework - 2030 Targets (with Guidance Notes)’; See also: Convention on Biological Diversity <https://www.cbd.int/gbf/targets> (2025).

other words, although improvements have been made, much more needs to be done. This includes strengthening policy implementation, strengthening institutional coordination, increasing private sector participation and accountability, building technical capacity, meaningfully protecting EHRDs, incorporating the principle of Free, Prior, Informed Consent (FPIC) particularly for projects affecting IP and local communities (IPLCs), making legal and policy frameworks more cohesive, enhancing transparency in public procurement, and promoting participatory governance. Robust and coherent action which adopts a ‘smart mix of measures’¹⁵ may pave the path for a more positive environment to improve enforcement effectiveness, compliance, monitoring, and in turn fuller realisation of substantive and procedural environmental rights. Through an aspirational lens, meaningful progress can ensure that all of society, especially those at ‘risk of being left behind, benefit from a healthier, gender-inclusive natural environment,’¹⁶ and subsequently a more prosperous future.

III. Key Findings of Enforcement

Tracking enforcement of the Code against business enterprises, June 2024–July 2026

Enforcement against business enterprises has naturally intensified since the Code came into force in June 2024. According to MoE official statistics, 52 companies and factories were fined for illegally discharging liquid waste into water sources between January and June 2025 alone.¹⁷

From July 2025 to July 2026, BHRE Center documented a further 20 enforcement actions against business enterprises through monitoring of public sources.¹⁸ Taken together with the MoE’s figures, at least 72 instances of the Code being enforced against companies and factories have been documented throughout the reporting period, during which 34 are recorded in detail from publicly available sources. Given the absence of detailed public data accompanying the MoE’s announcements, the true number may likely be higher.

Nature of the violations

All 34 cases documented by BHRE Center involved pollution and some form of breach of environmental safety standards. Most affected access to clean water (22 of 34) and/or ecosystems (18 of 34). Failing to conduct EIA or comply with EIA accounted for 12 incidents. Cases often had a direct impact on people’s living standards, including IPLCs: 16 involved harm to public health, 6 affected livelihoods, 4 impacted biodiversity, 3 affected compensations, 2 affected adequate living standards, 1 impacted IPs, and 1 resulted in a death (which later found not to be directly linked to a violation of workplace or environmental safety standards).

¹⁵ [UNOHCHR, ‘Business and Human Rights: Adopting the ‘smart mix’’ \(December 6, 2024\).](#)

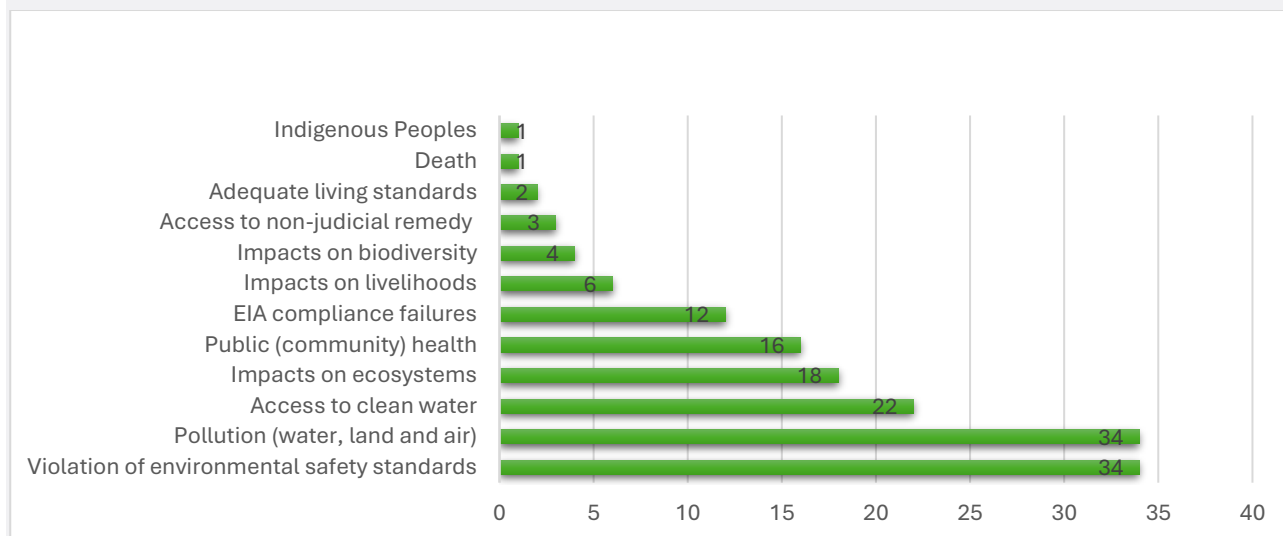
¹⁶ A/HRC/60/86, p.; See also: NBSAP, p.18-24.

¹⁷ [Torn Vibol, ‘Environment Minister Issues Stern Warning to Polluters of Water Sources’ Khmer Times \(29 August 2025\).](#)

¹⁸ BHRE Center incident documentation, compiled through monitoring of local and international media, including Khmer-language outlets, and the Ministry of Environment’s public communications, as of 23 July 2026.

Type of harm in ENRC enforcement cases

Cases documented in detail, June 2024 – July 2026



Provisions most frequently invoked

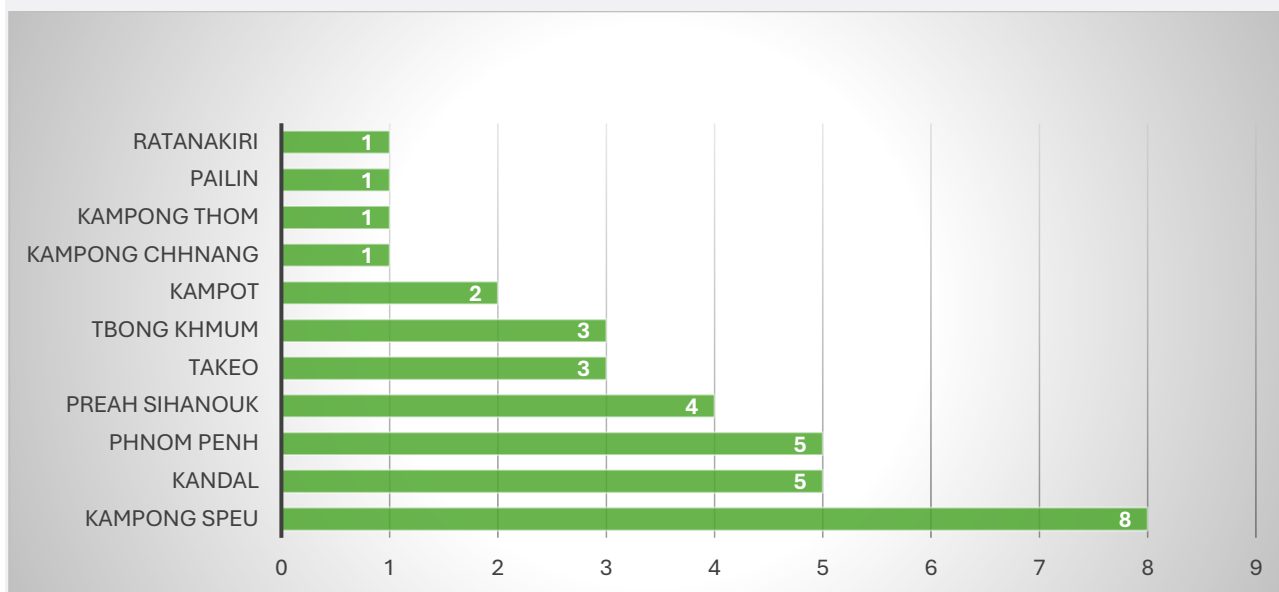
The documented cases indicate that the most common Articles of the ENRC violated include:

Art. 156	Waste discharge standard compliance
Art. 160	Obligations against environmental pollution
Art. 161	Obligations against disturbance by noise, vibration, or odour
Art. 173	Application and types of waste permits
Art. 176	Environmental pollution management
Art. 234	Permits for industrial solid waste commercial activities
Art. 286	Liquid waste discharge permit
Art. 287	Responsibility of point source owners
Art. 289	Liquid waste sample analysis
Art. 290	Response measures in case of pollution
Art. 644	Procedure for Strategic Environmental Assessment
Art. 650	Scope of Environmental Impact Assessment
Art. 668	Prohibition of construction activities or project operations
Art. 694	Monitoring implementation of the environmental management plan
Art. 723–724	Liability of project owners for environmental harm, and the obligation to restore it.

Geographic distribution

Where is the Code being enforced?

Cases documented in detail by province, June 2024 – July 2026



The 34 cases documented in detail span eleven provinces and Phnom Penh. Enforcement is concentrated in Kampong Speu (8 cases), followed by Kandal and Phnom Penh (5 cases each) and Preah Sihanouk (4), with Takeo and Tbong Khmum recording 3 cases apiece. Kampot recorded 2 cases, while Kampong Chhnang, Kampong Thom, Pailin and Ratanakiri each recorded a single case.

By contrast, the provinces hosting Cambodia's largest extractive, hydropower and agro-industrial projects, where civil society has documented some of the most serious environmental harm, are barely represented in the enforcement record. There has been a single documented enforcement action in Ratanakiri and none in Stung Treng or Monduliri provinces throughout the reporting period.

Case study 1: positive enforcement against Mesco Gold mining operations, Ratanakiri

This case involves a mine surrounding forests and land in O'Yadaw district valuable to the Indigenous Jarai, where community reports of pollution spilling into nearby ecosystems were made in July 2025. Communities claimed that Mesco Gold was harming their livelihoods and preventing them from gathering fruit, medicinal plants, rattan and bamboo from the jungle, and from working their small upland rice fields. Positively, Ministry of Environment officials determined that wastewater from the mine had flowed into the nearby O'Tray stream, roughly 30 metres from the site. The stream feeds into the O'Yadav River, potentially spreading the pollution downstream. The company faced administrative penalties under the ENRC, specifically Articles 156, 173, 287 and 694, as well as Sub-Decree No. 27 on Water Pollution Control.¹⁹

The case shows that the Code can be brought to bear on extractive operations when the authorities choose to act, a positive outcome set against a wider pattern in which the largest and most politically connected projects remain largely absent from the enforcement record.

¹⁹[Rin Ousa, 'Tainted Gold: Indian Mining Firm Blamed for Fish Deaths in Ratanakiri Stream' \(October 6, 2025, Cambodianess\)](#); See also: [Phnom Penh Post, 'Indian gold mining operation, Phnom Penh factory found polluting water, air' \(October 6, 2025\)](#).

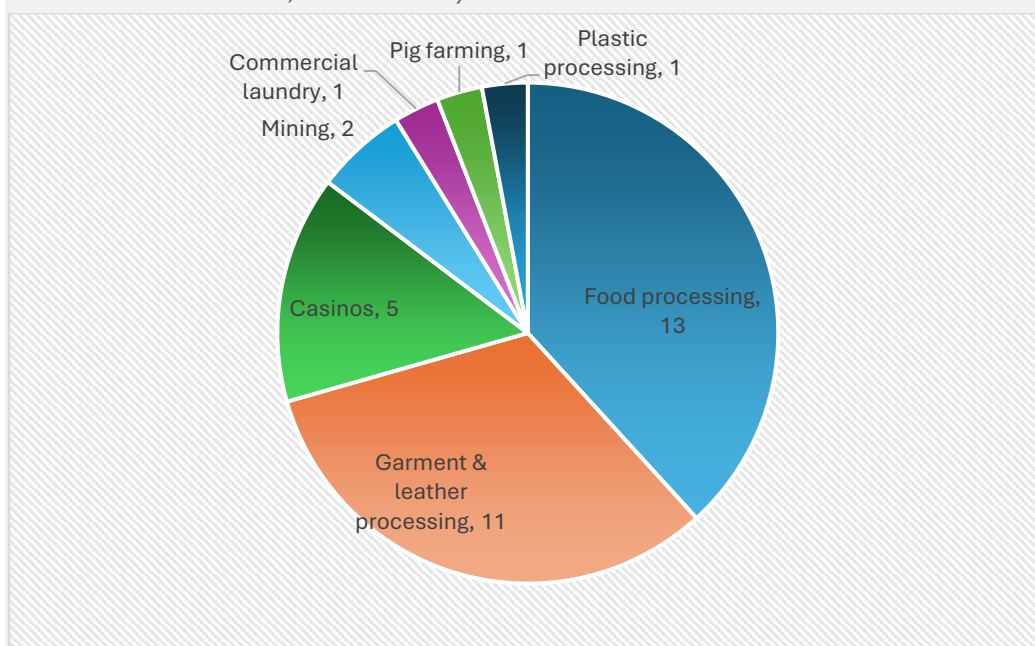
Sectoral breakdown

By sector, food processing accounts for 13 of the 34 documented cases, the majority involving mango-processing facilities, followed by garment and leather processing (11), casinos (5), mining (2), and one case each involving a commercial laundry, a pig farm and plastic processing. Enforcement to date has therefore fallen overwhelmingly on small and medium-sized light-manufacturing and service operations. Business enterprises, regardless of size, have a duty to respect human rights and protect the environment.

Of the 34 companies involved, 22 are owned and/or invested by Chinese nationals, according to the Cambodian Ministry of Commerce's Business Registration Portal.²⁰

Sectors in ENRC enforcement cases

Cases documented in detail, June 2024 – July 2026



Measures imposed

The measures imposed upon violations of the above Articles are overwhelmingly administrative in character, in line with Article 824 (Administrative Penalties), with some cases facing transitional fines under Article 826 to rehabilitate environmental harm or pollution. In other instances, enterprises were fined for failing to comply with waste discharge standards and wastewater management obligations under Article 829 and Article 845 respectively.

Across the documented cases, orders comprise:

- Suspend operations or temporarily cease discharging liquid waste or wastewater without proper treatment standards or systems
- Compensate for environmental and public health damage caused by operations
- Restore affected public water sources caused by operations
- Conduct an EIA, submit a report, seek prior permission and comply with environmental protection contracts
- Introduce and implement corrective measures to address technical problems in operations

²⁰ [Cambodia Business Registration](#) accessed by BHRE Centre throughout the research period.

- Assign a person responsible for overseeing waste management
- Review and upgrade wastewater treatment systems to ensure capacity to properly treat wastewater or liquid waste before release to public water sources
- Shut down operations

IV. Legal Framework

Principal environmental agreements

Year of Cambodia's ratification, accession or acceptance

1995	Convention on Biological Diversity (1992)
1995	UN Framework Convention on Climate Change (UNFCCC) (1992)
1997	CITES — Convention on International Trade in Endangered Species (1973)
1997	UN Convention to Combat Desertification (1994)
1999	Ramsar Convention on Wetlands (1971)
2001	Basel Convention (1989)
2002	Kyoto Protocol (1997)
2003	Cartagena Protocol on Biosafety (2000)
2006	Stockholm Convention on Persistent Organic Pollutants (2001)
2013	Rotterdam Convention (1998)
2015	Nagoya Protocol on Access and Benefit-Sharing (2010)
2015	Doha Amendment to the Kyoto Protocol (2012)
2017	Paris Agreement (2015)
2021	Minamata Convention on Mercury (2013)
2026	UN Convention on the Law of the Sea (1982)

If an agreement has been signed and ratified on two separate dates, the date will reflect year of ratification for that specific agreement

The connection between the enjoyment of human rights and protection of the environment has been built on for over five decades, set out at its foundation by the 1972 Stockholm Declaration.²¹ Since then, an interplay exists between international and regional agreements, customary international law, national legislation and emergence of corporate environmental responsibility standards. The most relevant aspects are set out below across three parts: international obligations, the national framework, and the environmental responsibilities of business enterprises.

A. International obligations

Core Human Rights Treaties

Article 31 of the Constitution enshrines Cambodia's international human rights obligations in domestic law.²² Having ratified eight of the nine core human rights treaties, a significant share of Cambodia's environment-related obligations is grounded in civil, political, economic, social and cultural rights, including the International Covenant on Civil and Political Rights (ICCPR) and International Covenant on Economic, Social,

²¹[Report of the United Nations Conference on the Human Environment, Stockholm \(June 1972\): See also: Stockholm +50 International Meeting, 'Presidents' Final Remarks to Plenary: Key recommendations for accelerating action towards a healthy planet for the prosperity of all' \(June 3, 2022\).](#)

²²[Constitution of the Kingdom of Cambodia, article 31 \('The Kingdom of Cambodia shall recognize and respect human rights as stipulated in the United Nations Charter, the Universal Declaration of Human Rights, the covenants and conventions related to human rights, women's and children's rights'\); Constitutional Council of Cambodia, Decision No. 092/003/2007, July 10, 2007.](#)

and Cultural Rights (ICESCR), both of which have been interpreted by UN treaty bodies in a manner consistent with international environmental law.²³

Multilateral International Environmental Agreements

Cambodia is a party to all principal multilateral environmental agreements (MEAs).²⁴ As a party to these agreements, certain substantive, procedural and remedial elements tied to the human right to a clean, healthy and sustainable environment must be realised. MEAs collectively set out principles such as precaution, prevention, the polluter pays principle,²⁵ and intergenerational equity,²⁶ which are concerned with regulating and minimising the extent of environmental harm. They do not necessarily create enforceable rights for individuals, however by ratifying these international agreements, Cambodia is obliged to perform the treaty in good faith, which in many cases means ensuring that national legislation complies with, and gives effect to, the obligations assumed.²⁷ At the regional level, relevant instruments include the ASEAN Declaration on the Right to a Healthy Environment (which was unfortunately diluted from its initial form)²⁸ and the ASEAN Agreement on Transboundary Haze Pollution.

Substantive and procedural obligations

Under international environmental law, the duty to respect, protect, and fulfil international human rights is a duty which is both procedural and substantive in nature.²⁹ These elements are central to the fulfilment of the right to a clean, healthy, and sustainable environment, as recognised and adopted by the United Nations General Assembly (UNGA) in the landmark resolution (76/300).³⁰ While Cambodia abstained from the 2022 resolution, under NBSAP (2026-2030), the MoE has promised ‘biodiversity policies and actions will respect, protect, promote, and fulfil human rights, including the recently recognized human right to a clean, healthy and sustainable environment’.

Procedural environmental obligations of states consist of duties to assess environmental impacts and make such environmental information publicly available, to facilitate public participation in environmental decision-making, and to provide access to remedies for environmental harm.³¹ These procedural rights were set out originally in Principle 10 of the Rio Declaration (1992) and have been recognised by Special Procedures as essential for implementation of the right to a clean, healthy, and sustainable environment. The United Nations Human Rights Committee (UNHRCttee) in General Comment No.34 on Article 19 of the ICCPR further interpreted these procedural aspects as crucial for fulfilment of the right, emphasising particularly the right of access to information held by public bodies.³² Overall, procedural rights are essential for the promotion of

²³[UNHRC, ‘Report of the Independent Expert on Human Rights Obligations Relating to a Safe, Clean, Healthy and Sustainable Environment, John H Knox, Mapping Report’ UN Doc A/HRC/25/53 \(30 December 2013\)](#); See also: [Meghan Donald, ‘Human Rights, the environment, and the right to a clean, healthy, sustainable environment’ \(December 2022, Geneva Academy\)](#)

²⁴UNHRC, A/HRC/60/86, Annex I.

²⁵The polluter pays principle holds that those who produce pollution should be the ones to bear the cost of managing it and minimizing its impacts on the public, rather than forcing society at large to bear those costs.

²⁶[ICJ Advisory Opinion on the Obligations of States in Respect of Climate Change, p.176 OBLIGATIONS OF STATES IN RESPECT OF CLIMATE CHANGE, p.146-161.](#)

²⁷[Vienna Convention on the Law of Treaties \(adopted 23 May 1969, entered into force 27 January 1980\) 1155 UNTS 331, arts 26–27.](#)

²⁸[Minh Tran, Dayoon Kim, ‘The ASEAN Declaration on Environmental Rights: whose rights and what rights? \(May 14, 2024, SEI\)](#)

²⁹[Meghan Donald, ‘Human Rights, the environment, and the right to a clean, healthy, sustainable environment’ \(December 2022, Geneva Academy\)](#)

³⁰[UN General Assembly \(UNGA\), Resolution 76/300 of 28 July 2022.](#)

³¹[Rio Declaration on Environment and Development, adopted June 14, 1992, U.N. Doc. A/CONF.151/26 \(vol. I\), 31 I.L.M. 874 \(1992\) \(accessed April 2, 2026\).](#)

³²[Rio Declaration \(Ibid\)](#); See also: [UN Human Rights Committee, General Comment No. 34, Right of Access to Information, U.N. Doc. CCPR/C/GC/34 \(2011\), paras. 18-19](#); [UNHRC, ‘Right to a Healthy Environment: Good Practices, Report of the Special Rapporteur on](#)

‘transparency, participation and accountability that form the cornerstones of environmental governance’.³³ However, in the Cambodian context, there are many gaps in the implementation of these rights.³⁴

The fulfilment of procedural duties is crucial to guaranteeing for all individuals and communities the full enjoyment and exercise of their substantive rights. These include the right to: clean air; a safe and stable climate; access to safe water and adequate sanitation; healthy and sustainably produced food; non-toxic environments in which to live, work, study and play; and healthy biodiversity and ecosystems.³⁵ For example, it would be extremely difficult for individuals and communities to participate in environmental decision-making processes (that may affect their substantive rights) and for victims of environmental human rights impacts to seek redress without access to environmental information such as environmental impact assessments. Despite the importance placed on remedial rights, there is often limited ability for individuals or communities affected by decisions to seek meaningful redress in Cambodia. There is no specialised environmental court, and according to a report by Human Rights Watch (HRW), there is mistrust in pursuing remedy through the courts due to the judiciary ‘often reported to face political interference, lacking independence and impartiality and is inaccessible to ordinary victims of rights abuses seeking remedies for injustices’.³⁶

Indigenous Peoples and free, prior and informed consent (FPIC)

The UN Declaration on the Rights of Indigenous Peoples, adopted in 2007, is not binding, but it provides the standard against which decisions affecting Indigenous lands should be measured. It sets out that States should consult and cooperate in good faith with Indigenous Peoples in order to obtain their FPIC before approving any project affecting their ancestral lands, territories or other resources.³⁷ Positive normative developments in the protection and respect of FPIC by States and businesses, but gaps in implementation, have recently been affirmed by the UN Working Group on Business and Human Rights in a June 2026 report submitted to the UNHRC.³⁸

International Court of Justice (ICJ) Advisory Opinion on Duty of States In Respect of Climate Change (2025)

In May 2026, Cambodia voted at the UNGA in favour of adopting the ICJ’s landmark Advisory Opinion on the obligations of states in respect of climate change,³⁹ which confirmed a customary duty to prevent significant

[the Issue of Human Rights Obligations Relating to the Enjoyment of a Safe, Clean, Healthy and Sustainable Environment, David R Boyd’ \(30 December 2019\) UN Doc A/HRC/43/53.](#)

³³[Carl Bruch, Wole Coker and Chris VanArsdale, Constitutional Environmental Law: Giving Force to Fundamental Principles in Africa \(2nd edn, Environmental Law Institute 2007\) 2.](#)

³⁴[Kim, Das, & Canales, ‘Advancing the right to a healthy environment in Southeast Asia: addressing implementation gaps and opportunities’ \(April 8, 2025, SEI Brief\).](#)

³⁵[UNHRC, ‘Right to a Healthy Environment: Good Practices, Report of the Special Rapporteur on the Issue of Human Rights Obligations Relating to the Enjoyment of a Safe, Clean, Healthy and Sustainable Environment, David R Boyd’ \(30 December 2019\) UN Doc A/HRC/43/53; See also for further analysis of these elements: Donald, ‘Human Rights and the Environment’, p.26-28.](#)

³⁶[HRW, Carbon Offsetting’s Casualties Violations of Chong Indigenous People’s Rights in Cambodia’s Southern Cardamom REDD+ Project: Rights to an Effective Remedy’ \(February 28, 2024\) p.99.](#)

³⁷[United Nations Declaration on the Rights of Indigenous Peoples \(UNDRIP\), UNGA Res 61/295 \(13 September 2007\).](#)

³⁸[Report of the Working Group on the issue of human rights and transnational corporations and other business enterprises, ‘Guidance on the right of Indigenous Peoples to free, prior and informed consent in the context of business activities’, UN Doc A/HRC/62/36/Add.2.](#)

³⁹[Sao Phal Niseiy, ‘Cambodia Backs UN Resolution to Hold Countries Accountable on Climate’ \(May 21, 2026, Cambodianess\) ; See also: Obligations of States in respect of Climate Change \(Advisory Opinion\) \(International Court of Justice, 23 July 2025\) <accessed 10 June 2026>; See generally: Margaretha Wewerinke-Singh, ‘From Opinion to Action: The General Assembly Votes to Operationalize the ICJ’s Climate Advisory Opinion’ \(May 22, 2026, EJIL:TALK\).](#)

harm to the climate system and the wider environment, and held that a clean, healthy and sustainable environment is a precondition for the enjoyment of human rights.

B. The national framework

As the UN Special Rapporteur has observed, Cambodia is not short of laws and policies on natural resources; the difficulty lies in fragmented institutional capacity and weak enforcement.⁴⁰

The Cambodian Constitution (1993)

Article 59 of the Constitution stipulates that ‘the State shall protect the environment and balance of abundant natural resources and establish a precise plan of management of land, water, air, wind, geology, ecological system, mines, energy, petrol and gas, rocks and sand, gems, forests and forestry products, wildlife, fish and aquatic resources.’⁴¹

The Environment and Natural Resources Code (ENRC or Code)

The ENRC overhauled and absorbed preceding legislation related to environmental protection.⁴² The Code covers multiple international best practice principles under international environmental law,⁴³ waste management, pollution control, land use and development such as requirements for EIAs for new projects, natural resource management, and obligations for identifying, assessing, and remediating contaminated sites. Failing to adhere to these regulations can result in severe consequences, from hefty fines and imprisonment for serious breaches to operational disruptions. The legislation also incorporates international yardsticks such as the ‘polluter pays’ principle⁴⁴ and the ‘precautionary’ principle⁴⁵ demonstrating a willingness by policymakers to filter language in international environmental agreements down to national law. Although welcome steps forward, critics of the Code highlight that the legislation dilutes the protections of Indigenous Peoples as rights-holders by referring to these groups only as ‘local communities’, and puts a vast amount of power in the hands of the Ministry of Environment. According to Vitit Muntarbhorn, Special Rapporteur on the Situation of Human Rights in Cambodia, an ongoing challenge is to avoid a siloed approach and ensure cross-ministerial cooperation.⁴⁶

Key National Policies on Environmental Sustainability

Cambodia’s principal body for sustainable development policy is the National Council for Sustainable Development (NCSD). The national policy framework is relatively extensive.⁴⁷

The NBSAP (2026-2030) expressly recognises “the need to protect environmental defenders and uphold principles of fair Access and Benefit-sharing.”⁴⁸ Meaningful implementation and working towards the right

⁴⁰A/HRC/60/86; See also: [Seventh National Report to the Convention on Biological Diversity, p.10.](#)

⁴¹Cambodian Constitution, Article 59.

⁴²[ENRC.](#)

⁴³*Ibid*, Articles 10-12, 16-18.

⁴⁴*Ibid*, Article 13

⁴⁵*Ibid*, Article 15.

⁴⁶A/HRC/60/86, n (10), para.44.

⁴⁷Royal Government of Cambodia, Pentagonal Strategy Phase I (2023); [Long-Term Strategy for Carbon Neutrality \(2021\)](#); [Circular Strategy on Environment 2023-2028](#); [Cambodia Climate Change Strategic Plan 2024-2033](#). Further relevant instruments include the [National Strategic Plan on Green Growth 2013-2030](#), under which Cambodia was among the first countries to adopt green economy principles; the [National Circular Economy Strategy and Action Plan \(2021\)](#); the National REDD+ Strategy 2017-2026; the National Strategic Development Plan 2024-2028; and Cambodia’s Third Nationally Determined Contribution (2025). [UNDP Climate Promise, ‘How Cambodia is taking climate action from promise to progress’](#); [UN Partnership for Action on Green Economy, Cambodia country page.](#)

⁴⁸ [NBSAP, Guiding Principles and Cross-Cutting Commitments, p.8.](#)

to a clean, healthy and sustainable environment means building the capacity of duty-bearers and empowering rights-holders.⁴⁹

The PSP1 and NBSAP acknowledge that environmental sustainability, inclusion, and ensuring the equitable participation of all citizens are vital to ensure that the benefits of biodiversity are shared fairly and that conservation measures do not infringe the livelihoods or cultural values of local communities.⁵⁰

C. Environmental and Human Rights Responsibilities of Business Enterprises

In Cambodia, the private sector plays a central role in the acquisition, possession, management and use of natural resources. Multinational business enterprises are key to effective environmental protection, both because of their capacity to cause harm and because of their ability to develop new, environmentally responsible management practices, regardless of the level of government regulation in a given jurisdiction. Although non-binding, the corporate responsibility to respect human rights and the environment has been articulated in the UN Guiding Principles on Business and Human Rights (UNGPs),⁵¹ UNGPs+10,⁵² the OECD Guidelines for Multinational Enterprises.⁵³ The ICJ's Advisory Opinion in 2025, approved by the UNGA, which Cambodia voted in favour of, has further strengthened the growing body of practice on corporate accountability for climate-related harm. In sum, the growing body of practice sets out that like states, businesses must assess their environmental and human rights impacts, paying particular attention to marginalised peoples, ensuring inclusive decision-making, and adopting strengthened gender-responsive approaches. Under MEAs, the KM-GBF framework calls for whole-of-society engagement, while under the national framework the ENRC Article 19 requires environmental integration into development decision-making, including corporate strategies and investments.⁵⁴

Mandatory human rights and environmental due diligence

At EU level, the Corporate Sustainability Due Diligence Directive (CSDDD), adopted in 2024, obliges in-scope companies to conduct risk-based human rights and environmental due diligence across their chains of activities.⁵⁵ Companies based in the EU with at least 5,000 employees and EUR 1.5 billion worldwide turnover, and non-EU companies with at least EUR 1.5 billion turnover in the EU, must identify and address potential adverse environmental impacts in their own operations, their subsidiaries' operations, and their supply chains. Each member state must designate a supervisory authority, with application beginning in July 2029. Even in narrowed form, mandatory due diligence regimes will require the largest European buyers and investors, including in the garment, footwear and agro-processing sectors that dominate Cambodia's exports, to assess environmental risk among their suppliers. Positive, well-documented enforcement of the ENRC, alongside the development of due diligence mechanisms and EIAs, therefore reduces the compliance risk attached to sourcing from Cambodia and is an asset to the Kingdom's competitiveness. This is consistent with scholarship arguing that integrating human rights and environmental due diligence is core to preventing,

⁴⁹Ibid.

⁵⁰Ibid.

⁵¹[UNHRC, 'Guiding Principles on Business and Human Rights: Implementing the United Nations 'Protect, Respect and Remedy' Framework' \(21 March 2011\) UN Doc A/HRC/17/31.](#)

⁵²[UNGPs+10, 'A Roadmap For the Next Decade of Business and Human Rights' \(2021\); the UNGPs+10 emphasise 'that respecting people and the planet, by preventing and addressing adverse impacts across business activities and value chains, is the most significant contribution most businesses can make toward sustainable development'.](#)

⁵³[OECD \(2023\), OECD Guidelines for Multinational Enterprises on Responsible Business Conduct, OECD Publishing, Paris, p.33-38.](#)

⁵⁴NBSAP, Enabling Condition C: Business adoption of biodiversity-friendly practices.

⁵⁵[Directive \(EU\) 2024/1760 of the European Parliament and of the Council of 13 June 2024 on Corporate Sustainability Due Diligence \[2024\] OJ L 2024/1760.](#)

mitigating and remedying climate-related human rights impacts as part of a just transition to a green economy.

V. Gaps in Enforcement

Despite the legal and policy framework described above, and the cases of positive enforcement, significant gaps remain in even enforcement, meaningful implementation of EIA processes, access to information on environmental matters, and public participation in environmental decision-making. Nor are there adequate measures responding to the specific challenges faced by marginalised and vulnerable groups. Other key challenges include fragmented co-ordination between ministerial bodies, inconsistent monitoring, and regulatory national and sub-national authorities often lacking the technical resources to effectively establish and monitor emissions standards, undermining national goals to combat loss of biodiversity and pollution.⁵⁶

Discrepancies in enforcement against small-scale actors versus large well-connected business enterprises

In the recently drawn up NBSAP (2026-2030), the MoE recognised that in previous years, ‘overall enforcement did not meet the scale of the threat’⁵⁷ stemming from a variety of causes but most notably ‘a lack of political will to crack down on powerful perpetrators’⁵⁸ stemming from governance and integrity risks, and pressures favouring development projects.⁵⁹ The previous UN Special Rapporteur on the Situation of Human Rights in Cambodia also highlighted a pervasive link between high-ranking officials and influential private sector actors⁶⁰ contributing to discrepancies in enforcement, such as against MNCs with state links causing severe harm. In other words, certain cases may be swept under the rug.

Case study 2: the O’Ta Bouk River, Ratanakiri province

No news is bad news?

In November 2025, the toxic pollution of the O’Ta Bouk River in Ratanakiri province was reported by Mongabay. Residents of nearby villages reported impacts on their personal health from entering the river, as well as impacts on the ability of residents to use the river to farm and fish. This river flows downstream from a gold mining operation operated in an economic land concession awarded to Global Green (Cambodia) Energy Development.⁶¹ Samples collected by independent investigators to conduct laboratory tests revealed that mercury levels in fish far exceeded U.S. safety recommendations, arsenic levels in river water were nearly three times the World Health Organization’s safe limit and mercury concentrations in riverbank soil also exceeded recommended residential benchmarks. Based upon scientific evidence, the findings point to mining-related contamination. The impacts may not only be threatening public health and livelihoods of Indigenous Peoples in the area but also putting biodiversity and ecosystems at risk.

In February 2026, authorities from Cambodia’s MoE conducted water and sediment testing on the O’Ta Bouk River, and the Inland Fisheries Research and Development Institute sent teams to catch fish species from the river. At the time of writing, no results of this testing have been released publicly, affected communities have not been informed of any safety measures needed, and it is unclear if the government has taken any action based on the

⁵⁶[NBSAP, p.10.](#)

⁵⁷[Ibid, p.14.](#)

⁵⁸[Ibid, p.14.](#)

⁵⁹[Ibid, p.16.](#)

⁶⁰[A/HRC/60/86, n\(10\), para. 37.](#)

⁶¹[Andy Ball, Gerald Flynn & Phoung Vantha, ‘Toxic runoff from politically linked gold mine poisons Cambodian rivers, communities’, Mongabay \(24 November 2025\).](#)

results.⁶² According to Mongabay, Global Green is controlled by a Cambodian tycoon reportedly sanctioned by the US government, and who was alleged of illegal logging and mining activities in Cambodia, but has enjoyed impunity in Cambodia.⁶³ Likewise, in this case, government officials have attacked reporting as ‘fake news’ and refused to comment on this matter.⁶⁴ This outlines that enforcement activities in Cambodia appear to be susceptible to alleged corruption or be applied inconsistently to those with high-profile connections.

At the time of writing, it marks approximately six months since tests were conducted by the MoE. Beyond the need to be transparent, if the heavy pollution reported by communities and Mongabay has indeed stemmed from the mining operations surrounding the O’Ta Bouk river, authorities hold responsibility to implement ‘full law enforcement’⁶⁵ with ‘no exceptions’ as, in the words of environmental officials, even ‘one litre is too much.’⁶⁶

The facts of the case study above are not dissimilar to those of the Mesco-operated mine, in which authorities took positive action after determining leakage spilled into nearby streams. In accordance with the priorities under national environmental policy to share information,⁶⁷ improve public health, and improve protected area management, full transparency is imperative to bring local communities out of the dark.

A key lesson is to establish a robust monitoring and accountability framework from 2026-2030 which ties back to governance, calling for improved transparency, action on governance and integrity risks, and assurance that conservation agencies have the mandate and political backing to enforce regulations ‘even when faced with economic interests’.⁶⁸

Neglect of procedural rights

Implementation of EIA Processes and Participation in Decision-Making

There has been significant progress in building the framework governing EIA processes which are set out in Book 5 of ENRC, recent Prakas, and national policies.⁶⁹ Ensuring these processes are done right is crucial for achievement of sustainable development, prevention of environmental degradation, and the health of people in Cambodia. Yet, struggles reported by communities follow suit with the same old challenges of past times: community input is not incorporated and justified in an acceptable manner, with minimal avenues for negotiation to protect local ecosystems, ancestral sites and communities or adequate compensation.⁷⁰

From our data-collection efforts, there were 18 cases of EIA processes being found to be inadequate (after the commencement of projects which then caused environmental harm) indicating gaps in the system where

⁶²[Andy Ball, Gerald Flynn & Phuong Vantha, ‘Cambodia tested waters amid pollution claims; months later, still no public results’, Mongabay \(4 May 2026\).](#)

⁶³[Mongabay, ‘Toxic Runoff from Politically Connected Gold Mine’.](#)

⁶⁴[Mongabay, ‘Cambodia tested water amid pollution claims’, n \(62\).](#)

⁶⁵[Circular Strategy on the Environment 2023 - 2028, p.21.](#)

⁶⁶[The Phnom Penh Post, ‘One litre is too much’: More than 50 factories punished for water pollution’ \(August 28, 2025\).](#)

⁶⁷[Circular Strategy on the Environment, p.14 -15, sets out as a priority ‘sharing information on waste and hazardous’ substances and more notably to ‘establish a mechanism to monitor and assess the level of heavy metal contamination ... at the sites of gold ... mining to identify and manage the hotspots aimed at improving the quality of the environment and public health’.](#)

⁶⁸NBSAP, p.14.

⁶⁹ENRC explicitly requires ‘a prior consultation with stakeholders affected by the project regarding proposed impact mitigation measures based on prior and informed consultation’ and ‘clear justification of rejection in case the project owners reject any proposal by the public’, Chapter 6: Public Participation in EIA Process, Articles 687–693; See also: [the Circular Strategy on Environment 2023-2028 directly gives importance to ‘regularly monitor the implementation of environmental management plans based on environmental impact assessment’](#), p. 18.

⁷⁰[Coby Hobbs & Khuon Narim, ‘Thousands of families face displacement as Srepok Dam Project pushes ahead’, CamboJA , 2 June 2025.](#)

projects are given the green light prematurely. Indeed, the NBSAP (2026-2030),⁷¹ recognised gaps in enforcement of EIAs, inclusive decision-making and the importance of learning from these gaps in implementation in the next policy cycle.

Against this backdrop, it is crucial to ensure that all EIAs are conducted rigorously and are not treated as a secondary priority to development, particularly in large-scale projects. According to communities living near large-scale development, questionable report quality, check the box approaches, tokenistic consultations, and limited public disclosure reduce EIA to a procedural formality.⁷² These claims are supported by the previous UN Special Rapporteur on the Situation of Human Rights in Cambodia who, in recognition of the exploitation of natural resources (or ‘life elements’), has called for ‘more inclusion and conservation and for less exclusion and exploitation.’⁷³

Access to information

Some disclosure of national development projects in 2025 has been a welcome positive step taken by the RGC. Access to information pertaining to the environment and natural resources is guaranteed by the ENCR Code⁷⁴; however, the availability of environmental information remains limited in practice. However, a lack of an access to information law means enforcement-related information, such as compliance reports, often remains confidential and/or difficult to gain access to. The Draft Law on Access to Information seems a distance away from being adopted. Publicly available information on public-private partnerships remains opaque, especially on key issues like major development projects, and economic land concessions. These factors create a challenging environment for CSOs to monitor compliance, whether enforcement has occurred, and whether enforcement was proportionate. Furthermore, opacity impacts rightsholders and communities but also investors and consumers wishing to understand corporate activity and its impact, undermining informed choices. Access to information in this context is critical as it would then pressure corporations to ‘clean their act’, thus building on the premise that information is key to accountability.

Lack of meaningful consideration for marginalised groups and the incorporation of Free, Prior and Informed Consent (FPIC)

On a universal basis, IPLCs are disproportionately impacted by development as their livelihoods depend on their access to ancestral lands and the ‘life elements’ they rely on to carry out their livelihoods. In Cambodia, stringent processes to obtain formal collective land titles make IPLCs increasingly susceptible to displacement and struggles to defend their lands and waters from environmental degradation due to actions such as land acquisitions, industrial resource extraction, and private sector projects such as dam construction, REDD+, rubber and sugar plantations. The principle of FPIC is vital, but regrettably is often left absent from processes.⁷⁵

In decision-making processes, marginalised groups remain underrepresented, as they seldom have a seat at the table, and where they do have a seat, their role is frequently ‘ad hoc or symbolic, rather than embedded in formal governance structures’.⁷⁶ It is imperative that Indigenous Peoples and local communities, women, youth and other marginalised groups can participate meaningfully and safely in environmental governance

⁷¹NBSAP.

⁷²[Environmental Studies Institute, ‘Overcoming Barriers in the EIA Process: Key Recommendations for Improvement’ \(November 2, 2025\).](#)

⁷³[A/HRC/60/86, para.40.](#)

⁷⁴ See [Article 12 and Chapter 9 of the ENRC Code.](#)

⁷⁵[A/HRC/62/36/Add.2.](#)

⁷⁶ NBSAP, p.14.

so to avoid, for example, further cases of community land becoming the sites of a disproportionate number of waste dumps, exposing them to higher levels of air and water pollution and hazardous substances.⁷⁷

Case study 3: the Lower Srepok 3 dam, Monduliri and Ratanakiri provinces

In June 2025, CamboJA reported on the construction of the LSP3 dam being planned for the Srepok river in northeast Cambodia. The construction may allegedly lead to almost 4270 families, mainly Indigenous Peoples, facing displacement and being pushed to accept a settlement deal, which appears to be inadequate.⁷⁸ Despite EIA being conducted, concerns about the inadequacy of the EIA for this project given its increased capacity have been raised by NGOs, alleging that there are gaps identified, namely ‘inconsistent baseline and final studies, unclear impact assessments, no clear estimate of affected or relocated households, weak legal processes for cultural and religious sites, and undefined long-term institutional responsibilities’. There has, however, been no response to the concerns from government or private sector actors.⁷⁹

This project is part of a public-private partnership, involving elite interests such as Chinese state affiliated utility partners and the Cambodian conglomerate.⁸⁰ Similarly with the O’Ta Bouk River, there appears to be inconsistency in enforcing environmental standards on large corporations, whose operations may pose greater environmental threats, with close ties to high-ranking officials.

VI. Criminalisation of EHRDs

EHRDs, including Indigenous Peoples and journalists, play an essential role in achieving climate justice, yet they are highly vulnerable to attacks and persecution.⁸¹ Based on publicly available information, between 2015 and 2024, Cambodia was the 8th most dangerous country in the world for EHRDs raising concerns about business-related harms with 279 attacks. Nearly three-quarters of these attacks were against EHRDs raising concerns about environmental and land rights.⁸² These take the form of both lethal and non-lethal attacks. This data reflects concerns from UN experts on Cambodia that ‘judicialized lawfare casts a wide shadow over those perceived to be dissidents, with the justice system being used to apply laws and policies to sanction decisions from the top’.⁸³

Youth EHRDs, including youth IPs, continue to face judicial harassment, are commonly stigmatised and labelled as ‘anti-development’, or as working against national interests, when they question or give dissenting opinions about public/private projects.⁸⁴ On July 3, 2026, the Supreme Court upheld the four-year sentence of Koet Saray, president of the youth-led Khmer Student Intelligent League Association (KSILA).⁸⁵ The case has been condemned by United Nations experts as a weaponisation of the country’s ‘abusive

⁷⁷ [UNHRC, ‘Framework Principles on Human Rights and the Environment: Report of the Special Rapporteur on the Issue of Human Rights Obligations Relating to the Enjoyment of a Safe, Clean, Healthy and Sustainable Environment, John H Knox’ \(24 January 2018\) UN Doc A/HRC/37/59.](#)

⁷⁸ [Hobbs, Narim, ‘Thousands displaced as dam project pushes ahead’.](#)

⁷⁹ [Khuon Narim, ‘Srepok Hydropower Dam needs more study after capacity increased, NGOs say’, CamboJA, 17 February 2026.](#)

⁸⁰ [Hobbs, Narim, ‘Thousands displaced as dam project pushes ahead’.](#)

⁸¹ [Amnesty International, ‘Civic Space and Environmental Human Rights Defenders: Essential for Achieving Climate Justice’ \(23 October 2025\);](#) See also: [Lia Mai Torres, ‘Protecting Environmental Human Rights Defenders in Asia’ in ‘Civic Space and the Rule of Law in Asia’, p.14.](#)

⁸² [Business and Human Rights Resource Centre, ‘Human rights defenders and business: 10-year analysis’ \(May 21, 2025\).](#)

⁸³ [A/HRC/60/8.](#)

⁸⁴ [Asia Centre, International Media Support, ‘Climate Disinformation in Cambodia: Undermining Indigenous Peoples’ Agency’ \(August 2025\); UNHRC, Report of the Special Rapporteur on Human Rights Defenders, ‘Tipping Points: Human Rights Defenders, Climate Change and a Just Transition, Mary Lawlor’ \(July 4, 2025\) A/80/114.](#)

⁸⁵ [Khuon Narim, ‘Supreme Court rejects activist Koet Saray’s appeal’ \(3 July 2026, CamboJA News\).](#)

incitement laws'⁸⁶ stemming from his advocacy on behalf of residents involved in a long-running land dispute with rubber company Seladamex in Preah Vihear province. As another example, at the time of writing, it marks just over two years since the young Mother Nature Five (MN5) were imprisoned and cruelly scattered in different areas of the country for environmental advocacy relating to a development project.⁸⁷ The MN5 have been refused bail on four occasions, with the most recent refusal being in March 2026 by the Supreme Court. Their latest court hearing, scheduled for June 2, 2026, was postponed with no date yet given for reasons that the Court Officer had 'personal circumstances' to attend to.⁸⁸ These cases undermine 'the legitimacy of civil society' and stifle youth participation in contributing to public debate on environmental topics and 'socioeconomic development more broadly, also affecting fair and just development'.⁸⁹

Indigenous EHRDs are disproportionately targeted and their criminalisation is often legitimised under false narratives framing IPs not as forest stewards but as environmental threats.⁹⁰ Over 100 Indigenous Brao residing in areas adjacent to the Virachey National Park faced lawsuits for practising their traditional rotational farming, accused of illegal clearing of forests and land encroachment.⁹¹ These ancestral practices, vital for sustaining livelihoods of IPs, are portrayed as environmentally harmful or as a criminal act where IPs' lands overlap with recently drawn boundary lines of natural protected areas under the ENRC. However, these areas were not drawn in accordance with FPIC nor is there certain clarity where boundaries exist where land concessions are granted to companies within these overlapping zones. In May 2025, the Kuy community publicly released evidence of 334 forest crimes in Preah Roka Wildlife Sanctuary over just three days, many of which were illegal logging.⁹² Authorities responded not by investigating the illegal logging, but by accusing the community of violating protected area laws and 'spreading fake news intended to incite and disrupt social order for the political gain of individuals living abroad'⁹³, a criminal offence. These accusations of fake news, serve as a basis for and threat of legal action, and falsely reframes environmental defenders and IPs and not as stewards but as environmental threats.⁹⁴ This distortion enables legal actions against Indigenous environmental defenders under the guise of environmental protection, reinforcing land dispossession and intimidating dissent.⁹⁵

Environmental journalists reporting on environmental issues or investigating development linked to environmental harm operate at heightened risk and work in a climate of fear.⁹⁶ The arrest of and countless legal charges akin to Eco-SLAPPs brought against Ouk Mao were widely condemned as retaliation for his environmental reporting implicating influential individuals.⁹⁷ In late 2024, six EHRDs investigating illegal

⁸⁶[Human Rights Foundation, 'HRF Welcomes UN Opinion Condemning Cambodia's Detention of Koet Saray' \(23 March 2026\).](#)

⁸⁷[Forum-Asia, Joint Statement, 'Overturn conviction of Mother Nature Cambodia Environmental Defenders' \(May 28, 2026\).](#)

⁸⁸[RainForest Rescue, 'Mother Nature Cambodia: Free the Five!' \(June 5, 2026\).](#)

⁸⁹[European Parliament, Directorate-General for External Policies, 'Environmental Human Rights Defenders: New Developments and Their Implications for the European Union and the European Parliament' \(Study requested by the DROI Subcommittee, August 2025\) PE 754.480.](#)

⁹⁰[Asia Centre, p.20.](#)

⁹¹[Sovann Sreypich, 'Years on, Virachey park expansion squeezes Indigenous farmers' \(April 30, 2026, *CamboJA News*\); See also IWGIA, 'The Indigenous World 2026: Cambodia', April 22, 2026.](#)

⁹²[Khoun Narim, 'Environmental Activist Stands Firm Despite Legal Action Threat After Exposing Logging in Preah Roka Wildlife Sanctuary' \(May 13, 2025, *CamboJA News*\).](#)

⁹³ *Ibid.*

⁹⁴ *Ibid.*

⁹⁵ *Ibid.*

⁹⁶[CamboJA, RSF, 'New Study Maps the State of Environmental Journalism in Cambodia', \(April 30, 2026\).](#)

⁹⁷[Committee to Protect Journalist, 'Environmental reporter Ouk Mao detained in Cambodia on unknown charges', \(May 19, 2025\).](#)

logging in Stung Treng, northeastern Cambodia were arrested by the military.⁹⁸ They were released two days later.

The criminalisation of EHRDs reflects how the deterioration of civic space and the rule of law contributes to the criminalisation of dissent, freedom of expression and challenges in ensuring corporate accountability.⁹⁹ Furthermore, the lack of policies to protect specifically EHRDs leaves them vulnerable to attacks.¹⁰⁰

VII. Conclusions and Recommendations

Since the Code came into force in June 2024, enforcement against business enterprises has somewhat moved from principle to practice. The 72 documented actions show that authorities are willing to inspect, fine, suspend and, in some cases, shut down operations that pollute water sources or breach waste discharge standards.

However, robust enforcement includes cracking down on the most powerful perpetrators linked to large-scale development projects, including MNCs. As it stands, environmental enforcement is lacking in this context, falling overwhelmingly on small and medium-sized light manufacturing and service operations, while the extractive, hydropower and agro-industrial projects linked to the most serious environmental harm are under-addressed, perhaps due to a lack of political will or capacity to enforce where socioeconomic priorities take front seat. Drawing back to the case of alleged water pollution surrounding the gold mine near the O'Ta Bouk River, results of water testing by the authorities still have not been published. Full transparency is a vital step and will align with the Pentagonal Strategy Phase I (2023–2028) Pillar 1 (Human Capital, Social Protection and Inclusion), which emphasises protecting rights, enhancing well-being, and ensuring equitable participation of all citizens in national development. It would be a good step in ensuring that the benefits of biodiversity are shared fairly and that large-scale extractive operations causing harm do not go unpunished as well as lifting the communities out of the dark.

Recommendations to the Royal Government of Cambodia

- Promote corporate accountability by ensuring equal and consistent enforcement of the ENRC against businesses of all sizes, including large corporations, multinational companies, major infrastructure, mining, hydropower and agro-industrial projects. Enforcement should be based on the severity of environmental harm rather than the political or economic influence of the company.
- Ensure that communities affected by environmental pollution and natural resource degradation caused by businesses have prompt, effective and accessible access to remedy. Remediation should address both the environmental damage and its associated human rights impacts, including harm to health, livelihoods, access to clean water, food security, land, cultural rights and biodiversity.
- Reinforce EIA implementation by requiring independent, high-quality assessments before project approval and ensuring that cumulative, long-term and human rights impacts are adequately assessed. EIAs should not be treated as a procedural formality or 'check-the-box' exercise.
- Improve transparency and access to environmental information by proactively publishing EIAs, environmental management plans, pollution monitoring results, permits, compliance reports, enforcement decisions and penalties in accessible formats in a timely manner.

⁹⁸ [Associated Press, 'Prominent Cambodia environmentalist arrested while investigating illegal logging', Voice of America, \(November 24, 2024\).](#)

⁹⁹ [BHRE Center, 'Deterioration of Civic Space and the Law in Cambodia' in Konrad, 'Civic Space and Rule of Law in Asia'.](#)

¹⁰⁰ [Torres.](#)

- Guarantee meaningful public participation throughout the project cycle, including during assessment, approval, monitoring and closure. Consultations should be accessible, timely, inclusive and free from intimidation, with particular attention to women, Indigenous Peoples and affected communities.
- Recognise and protect Indigenous Peoples' rights, including their rights to land, natural resources and meaningful participation, especially by ensuring that Free, Prior and Informed Consent is fully respected for projects affecting Indigenous rights and livelihoods.
- Cease criminalisation of environmental human rights defenders and journalists and consider releasing jailed defenders, and protect these public-interest defenders from intimidation, judicial harassment and retaliation, as well as investigate attacks against them. Environmental monitoring and reporting should be recognised as legitimate public-interest activities.
- Consider developing legislation on human rights and environmental due diligence (HREDD) to ensure that business activities do not cause, contribute to or become directly linked to human rights abuses and environmental harm.

Recommendations to Private Sector and Business Enterprises

- Conduct robust HREDD throughout the project lifecycle, identifying and addressing actual and potential impacts on communities, workers, Indigenous Peoples, biodiversity and ecosystems, in line with the UN Guiding Principles on Business and Human Rights (UNGPs).
- Conduct meaningful and continuous consultation with affected communities and Indigenous Peoples from the earliest planning stage. Respect FPIC where Indigenous rights and territories may be affected.
- Go beyond legal compliance by adopting internationally recognised environmental and human rights standards, particularly for high-risk sectors such as mining, hydropower, agribusiness and large-scale infrastructure.
- Disclose environmental information proactively, including EIAs, pollution data, environmental management plans and mitigation measures, in formats that affected communities and the public can understand and access.
- Establish effective grievance and remedy mechanisms that are independent, accessible and safe, and provide timely remediation, compensation and environmental restoration where business activities cause or contribute to harm.
- Introduce a policy committed to respect and protect EHRDs and civil society monitors by refraining from threats, intimidation, strategic lawsuits or other forms of retaliation against individuals who raise legitimate environmental concerns.

Recommendations to Development Partners:

- Increase technical and financial support to Cambodia in strengthening environmental governance, including development of HREDD legislation, institutional capacity, independent monitoring, scientific expertise and effective enforcement of the ENRC.
- Make development finance and investment conditional on robust human rights and environmental due diligence, transparent EIAs, meaningful rights-holder engagements and effective grievance mechanisms.

- Provide funding to support independent environmental monitoring and community-based data collection, particularly in areas affected by mining, hydropower, logging and large-scale agribusiness.
- Provide targeted support to Indigenous Peoples, EHRDs, journalists and civil society organisations to build increased capacity and enable safe participation in environmental governance, monitoring and reporting.
- Enhance corporate accountability by requiring companies receiving international finance or operating in global supply chains to comply with the UNGPs, OECD Guidelines and applicable mandatory HREDD requirements.
- Maintain diplomatic and strategic engagement on civic space and environmental rights, where applicable using the leverage to urge the Cambodian Government to protect environmental defenders and ensure that communities can voice their concerns without fear of criminalisation or retaliation.