





RWI Index Questionnaire: Cambodia 2012

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Indicator	Score
4.1.1	Context
4.1.1 Context	

4.1.1.050: Has the government created a special fund or natural resource fund that concentrates revenue directly from oil, gas or mineral extraction?

Score: A (B) C

Comments:

Currently there is not such a fund in existence.

In response to a question about the existence of a natural resource fund, Mr. Diep Sareiviseth of the CNPA noted:

"Based on present estimates, the volume of oil production will not be large, and the corresponding fiscal and commercial revenues of the State will equally not be so large. "

However, according to Dr. Yeap of the National Assembly, "The exploration and development of petroleum resources is expected to generate significant revenue and allow the country to continue to improve the economic growth."

References:

1. Voice of America, "Students Demand More Information on Resource Extraction, 5 March 2012, states:

Sim Sisokhaly, head of the mining department at the Ministry of Industries, Mines and Energy, said the government is setting up a commission to manage funds from the industry. Nevertheless, he said, Cambodia will need more experts to fully implement the tasks. (I have an interview scheduled with him during the first week of June.)

This article is available online at: <http://www.voanews.com/khmer-english/news/Students-Demand-More-Information-on-Resource-Extraction-141488613.html>.

2. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012

3. Mr. Mam Sambath, Executive Director, DPA; Chairman of CRRT, 20 April 2012

4. Mr. Chea Kimsong, Development Issues Program Manager, NGO Forum on Cambodia; Ms.C Chan Sokyeng, NGO Forum on Cambodia, Phnom Penh, April 2012.

5. Ms. Terry Parnell, East West Management Institute, Phnom Penh, April 2012.

6. Ms. Solinn Lim, Oxfam America, Manager; Ms. Sophoan Phean, Oxfam America, Regional Program Coordinator- Extractive Industry, Phnom Penh, 5 May 2012.

7. Mr. Diep Sareiviseth, Deputy Director General and P.A to Chairman of CNPA, In-charge of Development Partners Relations & Corporate Affairs, Cambodian National Petroleum Authority (CNPA), 28 June 2012 (email communications).

8. H.E. Dr Cheam Yeap, Chairman of the Commission on Economy, Finance, Banking and Audit of the National Assembly, 26 June 2012.

4.1.1.051: What authority is responsible for the natural resource fund?**Score:** A B C D **E****References:**

According to a clarification letter by the Deputy Prime Minister Sok An, all revenues from the EI sector in Cambodia are to be managed jointly by the Ministry of Economy and Finance and the Cambodia National Petroleum Authority. This was not a public letter, however.

Also, there exists no publicly known mechanism for such a fund.

1. Mr. Mam Sambath, Executive Director, DPA; Chairman of CRRT, 20 April 2012
2. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012.
3. Mr. Mark Grimsditch, co-author of mining curriculum, 23 March 2012, Phnom Penh.
4. Mr. Dominic Renfrey, Coordinator ESCR-Net (co-author of mining curriculum and formerly DPA EI Advisor), 10 March 2012.
6. Mr. Chea Kimsong, Development Issues Program Manager, NGO Forum on Cambodia; Ms.C Chan Sokyeng, NGO Forum on Cambodia, Phnom Penh, April 2012.
7. Ms. Terry Parnell, East West Management Institute, Phnom Penh, April 2012.
8. Ms. Solinn Lim, Oxfam America, Manager; Ms. Sophoan Phean, Oxfam America, Regional Program Coordinator- Extractive Industry, Phnom Penh, 5 May 2012.

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Indicator		Score
4.2.1	Comprehensive reports	N/A
4.2.2.056	Audited reports	N/A

4.2.1 Comprehensive reports

4.2.1.052: Are the rules for the fund's deposits and withdrawals published, including the formula(s) for deposits and withdrawals?

Score: A B **C**

References:

1. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012
2. Mr. Mam Sambath, Executive Director, DPA; Chairman of CRRT, 20 April 2012

4.2.1.053: Does the fund management or authority in charge of the fund publish comprehensive information on its assets, transactions and investments?

Score: A B C D **E**

References:

1. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012
2. Mr. Mam Sambath, Executive Director, DPA; Chairman of CRRT, 20 April 2012

4.2.1.054: Are the reports containing information on the fund's assets and transactions understandable?

Score: A B C D **E**

References:

1. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012
2. Mr. Mam Sambath, Executive Director, DPA; Chairman of CRRT, 20 April 2012

4.2.1.055: How often are financial reports published by the fund management or authority in charge?

Score: A B C D **E**

References:

1. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012
2. Mr. Mam Sambath, Executive Director, DPA; Chairman of CRRT, 20 April 2012

4.2.2.056 Audited reports

4.2.2.056a: Are the fund s financial reports audited?

Score: A B C D **E**

References:

1. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012
 2. Mr. Mam Sambath, Executive Director, DPA; Chairman of CRRT, 20 April 2012
-

4.2.2.056b: Are the audited financial reports published?

Score: A B **C**

References:

1. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012
2. Mr. Mam Sambath, Executive Director, DPA; Chairman of CRRT, 20 April 2012

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Indicator	Score
4.3.1 Legal Framework and Practice	N/A

4.3.1 Legal Framework and Practice

4.3.1.057: Are the rules governing deposits into the fund defined by legislation?

Score: A B **C**

References:

1. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012
2. Mr. Mam Sambath, Executive Director, DPA; Chairman of CRRT, 20 April 2012

4.3.1.058: In practice, does the government follow the rules governing deposits to the natural resource fund?

Score: A B C D **E**

References:

1. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012
2. Mr. Mam Sambath, Executive Director, DPA; Chairman of CRRT, 20 April 2012

4.3.1.059: Are the rules governing withdrawal or disbursement from the fund defined by legislation?

Score: A B **C**

References:

1. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012
2. Mr. Mam Sambath, Executive Director, DPA; Chairman of CRRT, 20 April 2012

4.3.1.060: In practice, does the government follow the rules governing withdrawal or spending from natural resource fund?

Score: A B C D **E**

References:

1. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012
2. Mr. Mam Sambath, Executive Director, DPA; Chairman of CRRT, 20 April 2012

4.3.1.061: Are withdrawals or spending from the fund reserves approved by the legislature as part of the budget process?**Score:** A B C**References:**

1. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012
 2. Mr. Mam Sambath, Executive Director, DPA; Chairman of CRRT, 20 April 2012
-

4.3.1.062: Are officials of the natural resource fund required to disclose information about their financial interest in any oil, gas or mining projects?**Score:** A B C**References:**

1. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012
2. Mr. Mam Sambath, Executive Director, DPA; Chairman of CRRT, 20 April 2012

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Indicator	Score
5.1.1	Context
5.1.1	Context

5.1.1.063: Do central governments transfer resources to subnational authorities based on extraction of mineral resources?

Score: A B C **(D)** E

Comments:

The government of Cambodia does not have a sharing policy or regime based directly on mineral production or revenue. All revenue is collected by the central government or responsible ministries (e.g. Ministry of Industry, Mining and Energy collects revenue related to mining activities and Cambodia National Petroleum Authority collects revenue from oil and gas operation). However, all revenue is managed by the central government. The Law on Public Finance System does not require transfers based on resource production.

Some civil society organizations are campaigning to develop a revenue sharing regime or policy with areas where oil, gas and minerals projects are under development, to ensure that affected communities benefit from extractive industries.

References:

1. Mr. Mam Sambath, Executive Director, Development Partners in Action (DPA) (former Chairman of the National Extractive Industry Social and Environmental Network), 20 April 2012, Phnom Penh.
2. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012.
3. Mr. Mark Grimsditch, co-author of mining curriculum, 23 March 2012, Phnom Penh.
4. Mr. Dominic Renfrey, Coordinator ESCR-Net (co-author of mining curriculum and formerly DPA EI Advisor), 10 March 2012.
5. Mr. Chea Kimsong, Development Issues Program Manager, NGO Forum on Cambodia; Ms.C Chan Sokyeng, NGO Forum on Cambodia, Phnom Penh, April 2012.
6. Mr. Diep Sareiviseth, Deputy Director General and P.A to Chairman of CNPA, In-charge of Development Partners Relations & Corporate Affairs, Cambodian National Petroleum Authority (CNPA), 28 June 2012 (email communications): "There are no processes of revenue transfer from National Government to Sub-National Government that are known at present."

5.1.1.064: Are conditions imposed on subnational government as part of revenue sharing regime?

Score: A B **(C)**

Comments:

See previous answer.

References:

1. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012
2. Mr. Mam Sambath, Executive Director, DPA; Chairman of CRRT, 20 April 2012.

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Indicator	Score
5.2.1	Disclosure

5.2.1 Disclosure

5.2.1.065: Are the rules for revenue transfers from central to sub national governments published, including the formula(s) for revenue sharing?

Score: A B **C**

Comments:

See previous answer.

References:

1. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012
2. Mr. Mam Sambath, Executive Director, DPA; Chairman of CRRT, 20 April 2012

5.2.1.066: Does the central government publish comprehensive information on transfers of resource related revenues to sub-national governments?

Score: A B C D **E**

Comments:

See previous answer. Respondents did not know of such a publication.

References:

1. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012
2. Mr. Mam Sambath, Executive Director, DPA; Chairman of CRRT, 20 April 2012
3. Mr. Mark Grimsditch, co-author of mining curriculum, 23 March 2012, Phnom Penh.
4. Mr. Dominic Renfrey, Coordinator ESCR-Net (co-author of mining curriculum and formerly DPA EI Advisor), 10 March 2012.
5. Mr. Chea Kimsong, Development Issues Program Manager, NGO Forum on Cambodia; Ms.C Chan Sokyeng, NGO Forum on Cambodia, Phnom Penh, April 2012.

5.2.1.067: Are the reports containing information on transfers of resource related revenues to sub-national governments understandable?

Score: A B C D **E**

References:

See previous answer.

5.2.1.068: How often does the central government publish information on transfers of resource

related revenues to sub-national governments?**Score:** A B C D **E****References:**

See previous answer.

5.2.1.069: Do sub-national governments publish information on transfers received from central governments?**Score:** A B **C****References:**

1. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012
2. Mr. Mam Sambath, Executive Director, DPA; Chairman of CRRT, 20 April 2012.

Respondents were not aware of such publications, although it was noted by one respondent that at the district level, names of companies operating with licenses in that jurisdiction may be available.

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Indicator	Score
5.3.1 Legal Framework and Practice	N/A

5.3.1 Legal Framework and Practice

5.3.1.070: Are arrangements (including formulas and responsible institutions) for resource revenue sharing between central and sub-national governments defined by legislation?

Score: A B **C**

References:

1. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012
2. Mr. Mam Sambath, Executive Director, DPA; Chairman of CRRT, 20 April 2012.
3. Mr. Mark Grimsditch, co-author of mining curriculum, 23 March 2012, Phnom Penh.
4. Mr. Dominic Renfrey, Coordinator ESCR-Net (co-author of mining curriculum and formerly DPA EI Advisor), 10 March 2012.
5. Mr. Chea Kimsong, Development Issues Program Manager, NGO Forum on Cambodia; Ms.C Chan Sokyeng, NGO Forum on Cambodia, Phnom Penh, April 2012.

Respondents were not aware.

5.3.1.071: In practice, does the government follow the rules established by resource revenue sharing legislation?

Score: A B C D **E**

References:

See previous answer.

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Indicator	Score
1.1	Context
1.1	Context

1.1.001: Does the country have a clear legal definition of ownership of mineral resources?

Score: A B C D E

References:

In accordance with the Constitution of the Kingdom of Cambodia (amended in 1999), all mineral resources are the property of the State and must be regulated by law. Specifically, Article 58 of the Constitution provides:

Article 58:

State property notably comprises land, mineral resources, mountains, sea, underwater, continental shelf, coastline, airspace, islands, rivers, canals, streams, lakes, forests, natural resources, economic and cultural centers, bases for national defense and other facilities determined as State property.

The control, use and management of State properties shall be determined by law.

This is also confirmed in Article 2 of the Law on Mineral Resource Management and Exploitation.

1.1.002: Who has authority to grant hydrocarbon and mineral rights or licenses?

Score: A B C D E

Comments:

According to United Nations Development Programme, the Cambodian government "has indentified the energy sector as a priority in the current National Strategic Development Plan (NSDP)." (<http://www.un.org.kh/undp/extractive-industries/extractive-industries>)

References:

Under Article 4 of the 2001 Law on Management and Exploitation of Mineral Resources (the "Mining Law"), the onus of natural resource management and allocation of exploratory and exploitation licenses rests with "the competent institution" – effectively, the Ministry of Industry, Mines and Energy (MIME). Pursuant to Article 10 of the Mining law, MIME is required to "keep and record[] in a register of every mineral resource license issued and of any dealings with a mineral license."

In addition, however, companies intending to conduct extractive work in Cambodia must also go to the Council for Development of Cambodia (CDC) for a mining concession.

Also, while the legislation vests authority for mineral development with MIME, other ministries have legislative mandates that impact the scope of the Cambodian mineral sector. This includes the Ministry

of Economy and Finance, the Ministry of Interior, and the Ministry of the Environment.

Respondents have also stated that there are often conflicting rules and therefore ambiguity with respect to licensing requirements among the line ministries -- for instance, between the Ministry of Environment (who should regulate EIAs) and MIME.

Peer Review Comments:

Primary authority for granting licences for minerals rests with MIME, however the CDC retains a role in the licensing process through approving requests. Sub-decree No. 08 ANKr.BK (Jan 31, 2005) on Defining Investment Principles for All Kinds of Mineral Resources, Article 1 states:
For the requests to conduct mineral exploitation.... shall pass through one-stop service of the Cambodia Development Council after having gone through primary studies (prospecting) and exploration with advices from MIME. After having obtained agreement in principle from the Cambodia Development Council to the above exploitation requests, MIME shall issue Licenses for Industrial Mineral Exploitation in compliance with the Law on Mineral Management and Exploitation.

There is no law covering oil and gas in Cambodia; the sector is currently governed by the amended Petroleum Regulations (1991). Under the Regulations of 1991, MIME was the administrative authority responsible for the management of petroleum resources. However, in 1998 this authority was transferred to the Cambodian National Petroleum Authority (CNPA). The CNPA is now exclusively responsible for licensing, evaluating bids and making recommendations to the government that Petroleum Agreements be granted to specific companies.

1.1.003: What licensing practices does the government commonly follow?

Score: A B C D E

Comments:

Most respondents said that this process is very secret, done on a case-by-case basis and a product of direct negotiations.

One respondent noted that there are generally two avenues by which licenses are granted: (1) through CDC, which convenes an inter-ministerial group consisting of the Ministry of the Environment, MIME, CNPA. CDC gives the investment license.

(2) through the Council of Ministers, regardless of whether the given sector is necessarily under the purview of the Council of Ministers. Approval via the Council of Ministers is faster and utilizing this avenue, either solely or in tandem with Step 1 (above), is common practice.

In fact, bigger companies usually go through the parallel process.

References:

1. Mr. Mam Sambath, Executive Director, Development Partners in Action (DPA) (former Chairman of the National Extractive Industry Social and Environmental Network), 20 April 2012, Phnom Penh.
2. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012
3. Mr. Mark Grimsditch, co-author of mining curriculum, 23 March 2012, Phnom Penh.
4. Mr. Dominic Renfrey, Coordinator ESCR-Net (also co-author of mining curriculum and former DPA EI Advisor), 16 March 2012.
4. Ms. Solinn Lim, Oxfam America, Manager; Ms. Sophoan, Regional Program Coordinator- Extractive Industry, Phnom Penh, 5 May 2012.

1.1.004: What is the fiscal system for mineral resources?

Score: A B C D E

Comments:

All respondents said contracts are not made public and that the fiscal terms, subject to the Mining laws and implementing regulations, are determined by contract.

There are presently no royalties generated in Cambodia as there is no extraction.

References:

1. Mr. Mam Sambath, Executive Director, Development Partners in Action (DPA) (former Chairman of the National Extractive Industry Social and Environmental Network), 20 April 2012, Phnom Penh.
2. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012
3. Mr. Mark Grimsditch, co-author of mining curriculum, 23 March 2012, Phnom Penh.
4. Ms. Solinn Lim, Oxfam America, Manager; Ms. Sophoan, Regional Program Coordinator- Extractive Industry, Phnom Penh, 5 May 2012.

Also:

Pursuant to Article 27 of the Mining Law, "[a]n applicant or holder of a license shall pay the State the fees of registration, application for suspension, renewal, transfer and annual land rent." License fees and land rental should both be covered by prakas, however, both documents are still in draft form and temporary prakas are currently being used to calculate fees.

Article 28 of the Mining Law further provides that "[w]ith the exception of the holder of an exploration license and mineral transforming license, the holder of all licenses shall pay the State a royalty on the value of the minerals extracted."

Resource companies holding Exploration Licenses do not have to pay royalties because the mineral extraction is only for testing.

Also, Article 31 of the Mining Law provides that "a special tax regime shall be established for application to the output and revenue gained from the 6 (six) categories of mining license as provided in Article 11."

The rate of royalty, the methods of royalty payment to the States, and incentives for competent officials is set forth in inter-ministerial prakas.

Much of the contract terms are negotiated by the parties and since contracts are not published, these terms are not publicly known.

Oil/gas mining falls under the purview of a separate law - the Law on Petroleum.

1.1.005: What agency has authority to regulate the hydrocarbon and mineral sector?

Score: (A) B C D E

References:

Under Article 4 of the 2001 Law on Management and Exploitation of Mineral Resources, the onus of natural resource management and allocation of exploratory and exploitation licenses rests with "the competent institution" – effectively, the Ministry of Industry, Mines and Energy (MIME). In addition, however, companies intending to conduct extractive work in Cambodia must also go to the Council for Development of Cambodia (CDC) for a mining concession.

With respect to oil/gas, the Cambodian National Petroleum Authority regulates the industry.

Peer Review Comments:

There is no law covering oil and gas in Cambodia; the sector is currently governed by the amended Petroleum Regulations (1991). Under the Regulations of 1991, MIME was the administrative authority responsible for the management of petroleum resources. However, in 1998 this authority was

transferred to the Cambodian National Petroleum Authority (CNPA). The CNPA is now responsible for evaluating bids and making recommendations to the government that Petroleum Agreements be granted to specific companies. The CNPA was formed by Royal Decree as the key governmental agency to oversee upstream and downstream petroleum activities in Cambodia. The Decree states that the CNPA has responsibility "to negotiate, agree, regulate, supervise and monitor petroleum exploration operations through petroleum agreements with petroleum contractors". MIME plays no part in regulating the petroleum sector.

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Disclosure

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Indicator	Score
1.2.006 Information on licensing process	33 
1.2 Contract transparency	0 
1.2.008 Environmental and social impact assessments	50 
1.2 Access to information and legislation	34 

1.2.006 Information on licensing process

1.2.006.a: What information does the government publish on the licensing process before negotiations?

Score: A B C D E

Comments:

Publicly Available:

Laws already in place, Licensing fees made through inter-ministerial prakas on mining activities; and names of companies on CNPA (for oil) and MIME (for mining) – international companies. Publicly Available: Aggregate information on EI revenue presented in TOE (possibly, only revenue received from major companies included) and the annual National Budget.

Not Publicly Available:

Draft laws and regulations, including the new petroleum law, draft law on taxation on oil operation, draft law on taxation on mines, production sharing contract model, Law on EIA, and EI sectoral guidelines (one for oil and gas; one for mining), economic model for forecasting revenue distribution from oil and gas, prakas on the collection of tax from oil exploration. Information on expected areas of exploration/extraction; and EIAs from Ministry of Environment and MIME (social impacts not done, however). Bidding procedure for oil and mining; licensing fees on oil and gas operations; names of EI local companies; basic information on contractual arrangements, licensing, types of payment and mine closure. Information on EI revenue made by each company and names of the government agencies receiving them.

In terms of the current development of EI, almost all respondents were unaware of the processes of opening blocks/areas for bidding, of selecting companies to issue licenses, and of the activities of licensed companies; thus, they were not able to provide their views on these processes. Insufficient information related to current EI development seems to be one of the main factors which limits respondents' awareness levels. Respondents declared that they have never heard any news related to the process of bidding and selecting companies. Rather, what they have heard is the names of the companies which have already received licenses.

References:

See NGO Forum on Cambodia, A Brief Guide to Information and Extractive Industry Revenue Management in Cambodia (December 2011). Full report available at: <http://www.crri-cambodia.org/category/resource-center/book-publications#>.

Cambodians for Revenue Resource Transparency (CRRT), Survey with Small and Medium Enterprises on the Perception of Extractive Industries in Cambodia, (February 2011).

CRRT has also compiled a EI Company searchable database from various sources, available at: <http://www.crrt-cambodia.org/category/ei-database>.

The limited scope of this database is indicative of what information is not available to the public.

Interviews:

1. Mr. Mam Sambath, Executive Director, Development Partners in Action (DPA), 20 April 2012, Phnom Penh.
2. Mr. Chhay Sarath, EI Coordinator, Cambodians for Resource Revenue Transparency, 20 April 2012, Phnom Penh.
3. Mr. Mark Grimsditch, co-author of mining curriculum, 23 March 2012, Phnom Penh.

Peer Review Comments:

The Government conducts negotiations on licensing directly. The CRRT EI Company searchable database primarily details company information but the applicable laws section is incomplete. The licensing process is specified by legislation but most essential information is missing. Licenses are granted in an ad hoc manner; however, some criteria for licensing and management of licenses is available.

The 'Inter-Ministerial Prakas on Setting of Fees Of Registration, Application, Renewal, Transfer of Mineral Resource License, Annual Land Rental in Concession Areas for Mineral Exploration and/or Exploitation and Royalty on Mineral Resources' sets out specific fees for registration, licensing, and royalty values etc.

The Petroleum Regulations set out terms for invitations to bid and the criteria for evaluating, negotiating and approving subsequent bids. Exploration periods are granted for up to 4 years, after which they may be renewed twice for a period of two years each time. If exploration shows that resources can be commercially exploited, the company should apply for a production permit including a detailed work plan and budget for the proposed exploitation. No further development of operations should commence until a production permit is issued. According to the Regulations, the production period lasts for 30 years, after which it may be extended for a further 5 years if the field is still commercially productive. Based on the regulations, as amended in 1998 and 1999, Cambodia uses a Petroleum Agreement (or Production Sharing Contract) for licensing companies to conduct exploration for petroleum.

Micheal McWalter, Oil and Gas Sector Specialist, Consultant with CNPA, stated that these terms and conditions are not applied in practice and that the Government negotiates directly with companies regarding licensing process.

1.2.006.b: What information does the government publish on the licensing process after negotiations?

Score: A B C D E

Comments:

One respondent stated that after negotiations, more information can be available but predominantly in the EIA, which is provided to civil society groups working in the area, but not disseminated publicly. The EIA, for instance, will often contain parts of the contract and specific geographical parameters involved. Another respondent said that the parts of the contract available in the EIA are usually only the first and last few pages (i.e., not the substantive parts and only general terms).

Another respondent affirmed that the EIA does not provide much information, is technically worded, and is often cut and pasted from other EIAs circulated such that if you critically review the document, you would see the names of other resource companies (other than the instant ones).

In fact, most of the information provided to the public on licensing bids/agreements is disseminated by the media.

Still, this document is arguably not public as, save the presence of connections to involved civil society, it is not available to the general population (i.e., not published in public sources such as newspapers).

References:

1. Mr. Mam Sambath, Executive Director, Development Partners in Action (DPA) (former Chairman of the National Extractive Industry Social and Environmental Network), 20 April 2012, Phnom Penh.
2. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012
3. Mr. Mark Grimsditch, co-author of mining curriculum, 23 March 2012, Phnom Penh.
4. Mr. Dominic Renfrey, Coordinator ESCR-Net (co-author of mining curriculum and formerly DPA EI Advisor), 10 March 2012.
5. Ms. Solinn Lim, Oxfam America, Manager; Ms. Sophoan, Regional Program Coordinator- Extractive Industry, Phnom Penh, 5 May 2012.

1.2 Contract transparency

1.2.007: Are all contracts, agreements or negotiated terms for exploration and production, regardless of the way they are granted, disclosed to the public?

Score: A B C **D** E

Comments:

All respondents said contracts are not published or provided in the public forum. Contracts can be obtained through informal avenues. A few contract terms (but very little) are often available in EIAs, but as noted previously, those documents are not disseminated widely - though they should be provided to communities and NGOs for consultation.

In addition, Article 20 of the Mining Law contains strong restrictions regarding confidentiality.

References:

1. Mr. Mam Sambath, Executive Director, Development Partners in Action (DPA) (former Chairman of the National Extractive Industry Social and Environmental Network), 20 April 2012, Phnom Penh.
2. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012
3. Mr. Mark Grimsditch, co-author of mining curriculum, 23 March 2012, Phnom Penh.
4. Mr. Dominic Renfrey, Coordinator ESCR-Net (co-author of mining curriculum and formerly DPA EI Advisor), 10 March 2012.
5. Ms. Solinn Lim, Oxfam America, Manager; Ms. Sophoan, Regional Program Coordinator- Extractive Industry, Phnom Penh, 5 May 2012.

1.2.008 Environmental and social impact assessments

1.2.008.a: Does legislation require that mining, gas and oil development projects prepare an environmental impact assessment prior to the award of any mineral rights or project implementation?

Score: **A** B C

Comments:

Legislation requires this but practice can be different. Moreover, consistently at issue is the extent to which consultation takes place - these technically worded EIAs, often produced by the company but

sometimes produced jointly with the regulatory ministry, are given to communities and NGOs with a very short window to review and comment. That was a common gripe among civil society activists.

MoE is said to be in good terms with civil society groups, sharing and seeking comments from some of the NGOs (e.g., the NGO Forum on Cambodia) on its EIA works. The EIA is supposed to be available from MIME also, but MIME is not particularly willing to share the information. While environmental impact receives attention, little is paid to the broader social and economic impacts on affected communities.

See: NGO Forum on Cambodia, A Brief Guide to Information and Extractive Industry Revenue Management in Cambodia (December 2011). Full report available at: <http://www.crnt-cambodia.org/category/resource-center/book-publications#>.

References:

Article 21(2) of the Law on Mineral Resource Management and Exploitation (Mining Law) provides "[e]very license holder or subcontractor shall be responsible for the proper conduct of exploration and mining operations in compliance with the following . . .

(2) Protection of the environment as detailed in Law on Environmental Protection and Natural Resource Management, an environmental impact assessment and study, an environmental management plan, a mine site restoration and rehabilitation and financial guarantees . . ."

Before a mining license is granted, an Environmental Impact Assessment must be conducted. The EIA includes a management plan for minimizing negative environmental and social impacts.

In addition, Article 6 of the Law on Environmental Protection and Natural Resource Management (1996) requires that an EIA be conducted for projects likely to have an impact on the environment. The law, however, does not define an EIA; nor does it set out what an EIA requires.

Finally, the Sub-decree No. 72, ANRK.BK on Environmental Impact Assessment Process (1999) confirms that an EIA is required for proposed projects, including mining projects. (See Annex to Sub-decree No. 72, which lists projects that require an IEIA or EIA.)

Peer Review Comments:

The Petroleum Regulations set out that a full EIA is required for all oil and gas operations and project implementers are required to abide by all relevant legal frameworks, including the environment laws and associated regulations. The Sub-decree on Environmental Impact Assessments Process 1999 states that an EIA shall be done on "every private and public project or activity, and it must be reviewed by the Ministry of Environment (MoE), prior to the submission for a decision from the Royal Government".

1.2.008.b: Are environmental impact assessments for oil, gas and mining projects published by the authority in charge of regulating the sector and is there a consultation process?

Score: A B C **(D)** E

Comments:

There are contradictions and gaps between the Mining Law and the Law on Environmental and Natural Resource Management.

Respondents raised concerns about the extent of consultation. One respondent stated, "There is no free prior informed consent," noting that the ministries will make the EIA available for stakeholder comment with a small window (some respondents said 72 hours or less; another respondent stated that it could be 4-5 days). This time was too short to review such a technically-dense document.

The extent of public consultation is limited. EIAs are, for example, not available for public display at communities or other local government.

Companies are responsible to complete the EIA and MoE is responsible to review and approve it. MoE

can request further study or additional work, and then should pass on with its comments and recommendation to the approving agency. The EIA must be done by an approved firm. In some cases, companies are apparently being told that they have to use a specific company. But this is not confirmed. EIAs are generally passed to NGOs such as NGO Forum on Cambodia and DPA for comment. This seems to be at the discretion of the company.

Worth noting for future: A new EIA law is being drafted.

References:

1. Mr. Mam Sambath, Executive Director, Development Partners in Action (DPA) (former Chairman of the National Extractive Industry Social and Environmental Network), 20 April 2012, Phnom Penh.
2. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012.
3. Mr. Mark Grimsditch, co-author of mining curriculum, 23 March 2012, Phnom Penh.
4. Mr. Dominic Renfrey, Coordinator ESCR-Net (co-author of mining curriculum and formerly DPA EI Advisor), 10 March 2012.

Chapter 3, Article 6 of the 1996 Environmental Protection and Natural Resources Management Law requires that "[a]n environmental impact assessment shall be done on every project and activity, private or public, and shall be reviewed and evaluated by the Ministry of Environment before being submitted to the Royal Government for decision." In addition, Article 6 sets forth that the "procedures of the environmental impact assessment process shall be determined by Sub-decree following a proposal of the Ministry of Environment."

Article 1 of the 1999 Sub-decree on Environmental Impact Process provides that the EIA process should "encourage public participation in the implementation of the EIA process and take into account their input and suggestions in the process of project approval." Similarly, under the sub-decree, the Ministry of Environment must review EIAs in collaboration with concerned ministries and conduct follow-up to ensure that the project implementer follows the Environmental Management Plan set out in the EIA. Unfortunately, while this sub-decree contains a basic procedure for submitting and assessing EIAs, there is currently no guidance as to what must go into an EIA. Instead, the sub-decree states that the procedure should be determined by prakas.

The Prakas on Guideline for Conducting Environmental Impact Assessment contains no guidelines.

In circulation, however, are draft EIA guidelines, which attempt to delineate requirements for EIAs.

It is worth noting that resource companies are required to produce EIAs, sometimes in tandem with the regulatory ministry, which can pose a conflict. In terms of comprehensiveness, respondent said it was low. Several respondents noted that the EIAs are often cut-and-paste/boilerplate language.

The Ministry of Environment website has a page for EIAs, available at: <http://www.moe.gov.kh/eia/index.php>. The page is incomplete or under construction.

1.2.008.c: Does legislation require that mining, gas and oil development projects prepare a social impact assessment?

Score: A B C

Comments:

Respondents said that the social impact assessment is part of the EIA. The issue with this, along with EIAs in general, is the comprehensiveness of the impact assessment. Clear guidelines are required.

References:

1. Mr. Mam Sambath, Executive Director, Development Partners in Action (DPA) (former Chairman of the National Extractive Industry Social and Environmental Network), 20 April 2012, Phnom Penh.
2. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012.

Article 21 of the Mining Law sets forth the obligations of every license holder and subcontractor as follows:

1. Properly conducting operations in technically and financially effective and efficient manner, as detailed in an exploration work program or a mine feasibility study.
2. Protection of the environment as detailed in Law on Environment Protection and Natural Resource Management, an environmental impact assessment and study, an environmental management plan, a mine site restoration and rehabilitation and financial guarantees.
3. Ensuring the protection of worker health and safety to be detailed in a mine plan program, and a mine health and safety program containing accident prevention and reporting procedures.
4. Protecting safety of the public in and around mine sites to be detailed in a mine plan.
5. Educating, training and providing jobs to Khmer citizens to be detailed in an education, training and employment program.
6. Utilizing as much as possible goods and services within the Kingdom of Cambodia at appropriate place and time.

Peer Review Comments:

Law on Mineral Resource Management and Exploitation, Article 11.6 states that an Industrial Mining License shall be issued only to the holder of an exploration license for the purpose of conducting exploration and mining of economically viable mineral deposit established within the boundaries of the exploration license. The holder of the exploration license shall submit technical, financial, environmental, social and economic analysis to determine the socio-economic feasibility of proceeding with a mining operation to ask for approval from the Minister in charge of minerals.

Neither the Petroleum Regulations nor the The Sub-decree on Environmental Impact Assessments Process 1999 require a social impact assessment.

1.2.008.d: Are social impact assessments for oil, gas and mining projects published and is there a consultation process?

Score: A B C D E

Comments:

Respondents stated that the social assessment is part of the EIA. Under Cambodian law, the onus to draft the EIA falls on the resource company. This document is often "published" in tandem with the relative ministry. But again, it is not "public" insofar as it is not made available for common dissemination. Please see previous answer to EIA.

References:

1. Mr. Mam Sambath, Executive Director, Development Partners in Action (DPA) (former Chairman of the National Extractive Industry Social and Environmental Network), 20 April 2012, Phnom Penh.
2. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012.

Peer Review Comments:

There is no legal requirement to publish social impact assessments. The Law on Mineral Resource Management and Exploitation Article 20:

The confidentiality of all documents and information as provided in Article 19 of this law shall be maintained until the termination of such license or subsequent to the receipt of an approval from the

holder to allow public disclosure of such information:

- Provided that information related to environmental and social issues may be released to the public upon notice to the holder of such action by the Minister in charge of minerals;

Analysis of the management of the extractive industries in Cambodia carried out by NGO Forum indicates that in general, "not much attention" is given to the broader social impacts that EI activities have on affected communities. (Dec 2011 Report).

Respondents such as Pen Ratana, Program Coordinator Resource Governance, Heinrich Boll Foundation, stated that social impact assessments are usually not carried out.

1.2 Access to information and legislation

1.2.009: Does the government publish detailed mineral/hydrocarbon resource legislation?

Score: A (B) C D E

Comments:

With respect to the oil and gas industry, there is a need to develop and clarify the legal framework as, to date, there is no petroleum law. The Petroleum Law has been in draft for over 10 years.

There are, however, the following relevant decrees and regulations, which are publicly available:

- Royal Decree 0198/020 (22 January 1998), which established the Cambodia National Petroleum Authority, a permanent institution directed by the Prime Minister which regulates the entire petroleum sector, including upstream exploration and selling/retail activities.
- 1991 Petroleum Regulations (set forth previously)- which provide procedures for awarding petroleum concessions. These regulations were amended in 1995 and in 1998.

It is worth noting that the draft laws and regulations governing the regulatory framework for EI, including the draft petroleum law, draft law on taxation and draft law on EIA, are not made public, thereby limiting public debate and input. (See NGO Forum on Cambodia, A Brief Guide to Information and Extractive Industry Revenue Management in Cambodia)

Mr. Diep Sareiviseth, of CNPA, provided the following:

"The current petroleum regime of Cambodia is defined by the Petroleum Regulations, 1991, the Law on Taxation 1997 as modified 2003 and the CNPA Model Petroleum Agreement. This creates a workable though not integrated regime. Work has been taking place on the drafting of a new Petroleum Law and a comprehensive Sub Decree for its Implementation for some time now. That work is at a most advanced stage with CNPA having consultations with the Council of Jurists before the package is sent to the Office of the Council of Ministers for endorsement to the National Assembly. The processing of the draft into law will take as much time as is normal and necessary for such processes in Cambodia."

According to Dr. Yeap of the National Assembly, three laws being drafted to regulate the oil sector: the "Law to Control oil and gas extraction," the "Law to tax on oil and gas extraction," and the "Law to tax on revenue."

References:

Interviews:

1. Mr. Mam Sambath, Executive Director, Development Partners in Action (DPA), 20 April 2012, Phnom Penh.
2. Mr. Chhay Sarath, EI Coordinator, Cambodians for Resource Revenue Transparency, 20 April 2012, Phnom Penh.
3. Mr. Mark Grimsditch, co-author of mining curriculum, 23 March 2012, Phnom Penh.
4. Ms. Solinn Lim, Oxfam America
5. Mr. Diep Sareiviseth, Deputy Director General and P.A to Chairman of CNPA, In-charge of

Development Partners Relations & Corporate Affairs, Cambodian National Petroleum Authority (CNPA), 28 June 2012 (email communications).
6. H.E. Dr Cheam Yeap, Chairman of the Commission on Economy, Finance, Banking and Audit of the National Assembly, 26 June 2012.

1.2.010: This country has adopted a rule or legislation that provides for disclosure of information in the oil, gas and mineral sectors.

Score: A B C **D** E

Comments:

Cambodian legal provisions do not encourage transparency. Quite the contrary, the Mining Law has a non-disclosure provision - and often these are part of contracts for terms up to and even beyond the term of the contract. Specifically, Article 20 of the Mining Law provides that all "application forms, reports, plans and notices" are confidential until the termination of the license, unless the holder of the license waives disclosure. Additionally, information related to environmental and social issues can be released to the public only at the discretion of MIME.

The 1991 Petroleum regulations also contain a confidentiality clause. Specifically, Article 54 provides that "[a]ll information, documents, data and materials acquired by a Contractor during Petroleum Operations shall be kept confidential in accordance with the provisions of the Petroleum Agreement.

Further, Cambodia does not presently have a Freedom of Information Act or an equivalent. Civil society organizations have been lobbying for adoption of such a law.

References:


1. Mr. Mam Sambath, Executive Director, Development Partners in Action (DPA), 20 April 2012, Phnom Penh.
2. Mr. Chhay Sarath, EI Coordinator, Cambodians for Resource Revenue Transparency, 20 April 2012, Phnom Penh.
3. Mr. Mark Grimsditch, co-author of mining curriculum, 23 March 2012, Phnom Penh.

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Legal Framework and Practices

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Indicator	Score
1.3 Legal Framework and Practices	28 

1.3 Legal Framework and Practices

1.3.011: The authority in charge of awarding licenses or contracts for mineral or hydrocarbon production is independent of the state owned company (SOC) or other operating companies.

Score: A B C

Comments:

Yes, it is technically separate, but in the Cambodian context, powerful government officials often have their hands in companies through joint ventures or other means. What can be unclear is whether they engage in these activities in their personal capacity or official capacity.

References:

1. Mr. Mam Sambath, Executive Director, Development Partners in Action (DPA), 20 April 2012, Phnom Penh.
2. Mr. Chhay Sarath, EI Coordinator, Cambodians for Resource Revenue Transparency, 20 April 2012, Phnom Penh.
3. Mr. Mark Grimsditch, co-author of mining curriculum, 23 March 2012, Phnom Penh.

Peer Review Comments:

Yes. De jure independence with formal separation, general perception is that de facto they are not fully independent due to conflicting interests of individuals within MIME, CNPA and the CDC with private companies. There are at present no state owned companies involved in the EI in Cambodia.

1.3.012: Is the licensing process intended to be open and competitive to all qualified companies?

Score: A B C D E

Comments:

Apart from provisions in the relevant mining laws and regulations, no conditions or criteria are publicly announced, let alone enforced. At the same time, respondents have noted that Cambodia is open for investors.

References:

All respondents said that the regulatory agency and the country are open to investment, but there are no clear and public criteria implemented regarding appropriate candidates. Instead, historical relations are key factors in determining eligibility. And little to no information is provided to the public before and during licensing.

1. Mr. Dominic Renfrey, Author of "Mining and Your Community" and previous advisor of EI to DPA, 10

March 2012.

2. Mr. Mam Sambath, Executive Director, Development Partners in Action (DPA) (former Chairman of the National Extractive Industry Social and Environmental Network), 20 April 2012, Phnom Penh.
3. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012.
4. Mr. Mark Grimsditch, co-author of mining curriculum, 23 March 2012, Phnom Penh.
5. Mr. Chea Kimsong, Development Issues Program Manager, NGO Forum on Cambodia; Ms.C Chan Sokyeng, NGO Forum on Cambodia, Phnom Penh, April 2012.
6. Ms. Terry Parnell, East West Management Institute, Phnom Penh, April 2012.
7. Ms. Solinn Lim, Oxfam America, Manager; Ms. Sophoan Phean, Oxfam America, Regional Program Coordinator- Extractive Industry, Phnom Penh, 5 May 2012.

In addition, the Mining Law provides that MIME will take into consideration a natural person or legal entity's (foreign or domestic) technical and financial capability and requires that such company be registered as a commercial enterprise with the Ministry of Commerce. Specifically, Article 6 states: "A natural person or legal entity may only be issued a mineral resource license based on thorough considerations for technical and financial capability and commercial registration."

But in general, criteria for investors is not publicly available, thereby allowing for discretionary powers in licensing. There is also no appeals process for licensing denial.

1.3.013: Does the licensing process or legislation impose limits to discretionary powers of the authority in charge of awarding licenses or contracts?

Score: A B C **D** E

Comments:

Again, the licensing procedure in Cambodia is opaque. Though MIME produces a list of licenses, the general population receives word of a license approval through media. Very little is known about the actual negotiations and therefore very little opportunity exists for impacted communities to challenge the negotiation process while it is underway.

The Mining Law and other applicable regulations provide little discretionary checks on regulatory authorities.

References:

1. Mr. Mam Sambath, Executive Director, Development Partners in Action (DPA), 20 April 2012, Phnom Penh.
2. Mr. Chhay Sarath, EI Coordinator, Cambodians for Resource Revenue Transparency, 20 April 2012, Phnom Penh.
3. Mr. Mark Grimsditch, co-author of mining curriculum, 23 March 2012, Phnom Penh.

Again, respondents have stated that because negotiations are in the dark, there is little discretionary check on the issuance of license, save what is provided for in the Mining Law. Media appears to be a consistent channel of information for the public to learn about new licenses issued. As one respondent stated, if there are conditions and criteria by which the regulatory agency determines negotiations and issuance of licenses, that information is not publicly known.

In addition, the Mining Law provides that MIME will take into consideration a natural person or legal entity's (foreign or domestic) technical and financial capability and requires that such company be registered as a commercial enterprise with the Ministry of Commerce.

In the absence of open disclosure of these negotiations, respondents presume there is significant discretionary power by the regulatory agency.

Peer Review Comments:

The Law on Mineral Resource Management and Exploitation's Mineral Resource License Procedures provides the Minister in charge of the mineral resources sector with wide discretionary powers and few limitations in terms of negotiations and agreements.

For example, the Law on Mineral Resource Management and Exploitation states:

Article 10. The Minister in charge of mineral resource sector manages and inspects all mineral resource operations to efficiently and effectively implement the provisions and procedures of Law on Mineral Resource Management and Exploitation. The Minister in charge of mineral resource sector keeps and records in a register of every mineral resource license issued and of any dealings with a mineral license.

Article 12. Where the Minister in charge of mineral resources determines that an exploration or mining license application indicates a large scale project of special national significance, he shall enter into negotiations with the applicant reach a supplementary Mineral Investment Agreement to be appended to the license.

The Royal Decree on the Formation of CNPA, Article 3 states that the CNPA shall be the permanent institution governed directly by the Prime Minister.

Micheal McWalter, Oil and Gas Sector Specialist, Consultant with CNPA, stated that in practice, the Prime Minister and Deputy Prime Ministers alone have the final say regarding contracting and licensing, and as such have no formal limits to wide discretionary powers.

1.3.014: Does the legislative branch have any oversight role regarding contracts and licenses in the oil, gas and mining sector?

Score: A B C D E

Comments:

Generally speaking, the National Assembly has oversight power, as one respondent noted. Also, issues dealing with EI revenue fall, to some extent, under the review of the National Budget and laws on taxation. The issue is the extent and timeliness of that oversight power.

References:

1. Mr. Chea Kimsong, Development Issues Program Manager, NGO Forum on Cambodia; Ms.C Chan Sokyeng, NGO Forum on Cambodia, Phnom Penh, April 2012.

Peer Review Comments:

The CDC retains an oversight role regarding contracts and licenses in the mining sector. The CDC does not constitute a legislative branch, however. It is comprised of the Prime Minister, Deputy PM and Ministers from key departments.

The Council of Ministers and the Council of Jurists have an advisory role regarding contracts and licenses in the oil industry. The CNPA is formally responsible for evaluating bids and making recommendations to the government that Petroleum Agreements be granted to specific companies. Royal Decree on the Formation of CNPA, Article 3 states that The CNPA shall be the permanent institution governed directly by the Prime Minister.

Micheal McWalter, Oil and Gas Sector Specialist, Consultant with CNPA, stated that in practice, the Prime Minister and Deputy Prime Ministers alone have the final say regarding contracting and licensing.

1.3.015: Is there a due process to appeal licensing decisions?

Score: A B C

Comments:

There is no appeals process.

References:

1. Mr. Mam Sambath, Executive Director, Development Partners in Action (DPA), 20 April 2012, Phnom

Penh.

2. Mr. Chhay Sarath, EI Coordinator, Cambodians for Resource Revenue Transparency, 20 April 2012, Phnom Penh.

3. Mr. Mark Grimsditch, co-author of mining curriculum, 23 March 2012, Phnom Penh.

In one example provided by one of the respondents, a Titanium mining company in Koh Kong province was denied an exploration license after the EIA was submitted to the Ministry of Environment. This respondent claimed that it was because of negative impacts highlighted in the EIA. There was no appeal by the company. And in general, he noted that there is no appeals process. The process of licensing appears to be highly discretionary.

1.3.016: Is there a legal or regulatory requirement to disclose all beneficial ownership in oil, gas and mining companies or projects?

Score: A B C

References:

1. Mr. Mam Sambath, Executive Director, Development Partners in Action (DPA), 20 April 2012, Phnom Penh.
2. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012
3. Mr. Mark Grimsditch, co-author of mining curriculum, 23 March 2012, Phnom Penh.

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Context

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Indicator	Score
2.1	Context 67 67

2.1 Context

2.1.017: Does the government receive in-kind payments instead of financial payments from resource companies?

Score: A B C

Comments:

Subject to the Mining Law and its sub-decrees, this is governed by contract/direct negotiations (i.e., on a case-by-case basis).

References:

1. Mr. Mam Sambath, Executive Director, Development Partners in Action (DPA) (former Chairman of the National Extractive Industry Social and Environmental Network), 20 April 2012, Phnom Penh.
2. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012
3. Mr. Mark Grimsditch, co-author of mining curriculum, 23 March 2012, Phnom Penh.

Peer Review Comments:

Micheal McWalter, Oil and Gas Sector Specialist, Consultant with CNPA, stated that the CNPA will take 50% net production of oil once it is being extracted. However, these terms are not set out in current legislation. The Draft Petroleum Law contains provisions to establish a National Petroleum Company which will regulate use of and/or sales of the oil.

2.1.018: If the government or state owned companies sell physical commodities (oil, gas or minerals) from in-kind payments or own production, is there information about how these commodities are marketed?

Score: A B C D E

References:

1. Mr. Mam Sambath, Executive Director, Development Partners in Action (DPA) (former Chairman of the National Extractive Industry Social and Environmental Network), 20 April 2012, Phnom Penh.
2. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012
3. Mr. Mark Grimsditch, co-author of mining curriculum, 23 March 2012, Phnom Penh.

Not applicable. This information was not known by respondents.

2.1.019: What authority actually collects payments from resource companies?

Score: A (B) C D E

References:

1. Mr. Mam Sambath, Executive Director, Development Partners in Action (DPA), 20 April 2012, Phnom Penh.
2. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012
3. Mr. Mark Grimsditch, co-author of mining curriculum, 23 March 2012, Phnom Penh.

Peer Review Comments:

MIME retains the primary role in revenue collection, however The Ministry of Economy and Finance is also mandated to administer and regulate economic and financial sectors such as the EI, including revenue collection and management.











The CNPA directly collects administration fees and legal support fees / payments regarding Chevron's oil exploration license. Micheal McWalter, Oil and Gas Sector Specialist, Consultant with CNPA.

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Disclosure

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Indicator		Score
2.2A.020	Does the Ministry of Finance publish periodical information on revenue generation?	11 
2.2A.020.j	Does the Ministry of Finance publish information on disaggregated revenue streams?	0 
2.2A	Quality of reports	33 
2.2B.020	Does the Ministry of the extractive sector publish information on revenue generation?	7 
2.2B.020.j	Does the Ministry of the extractive sector publish information on disaggregated revenue streams?	0 
2.2B	Quality of reports	33 
2.2C.020	Does a Regulatory Agency publish information on revenue generation?	7 
2.2C.020.j	Does a Regulatory Agency publish information on disaggregated revenue streams?	0 
2.2C	Quality of reports	17 
2.2D.020	Does the Central Bank publish information on revenue generation?	N/A
2.2D.020.j	Does the Central Bank publish information on disaggregated revenue streams?	N/A
2.2D	Quality of reports	N/A
2.2E.020	Does any other government agency or entity publish information on revenue generation?	N/A
2.2E.020.j	Does any other government agency or entity publish information on disaggregated revenue streams?	N/A
2.2E	Quality of reports	N/A
2.2	Public sector balance	100 

2.2A.020 Does the Ministry of Finance publish periodical information on revenue generation?

2.2A.020.a: Reserves

Score: A B C **(D)** E

Comments:

The MEF publishes an annual report and also TOFE (State Budget Implementation Report), which lists EI

aggregated revenue. For 2010, EI revenue is listed as 118.48 billion riels (USD 30 million), about two percent of total domestic revenue. The TOFE is the MEF's monthly revenue and expenditure report. Reporting on resource/EI revenues remains at an aggregate level – all revenues from oil, gas and mining are lumped together. TOFE does not include a breakdown by line ministry. Also, there have been inconsistencies in reporting with the Budget Law reports. Civil society activists have called for publication of disaggregated information about the extractive sector. The TOFE has been considerably late in publication.

Regarding the extractive sector, in 2010, MIME reported to have earned \$1.52 million in non-tax revenues--an opposition lawmaker disputed this figure (see Phnom Penh Post article attached).

The Cambodian oil/gas sector is largely under-developed, though recently, a number of licenses have been granted for petroleum exploration and the RGC has sought to promote investment in this sector. The CNPA is charged with this development. Cambodia currently has six offshore blocks. Cambodia currently has no capacity for downstream. The RGC has stated that the country is set to produce its first oil by Dec. 12, 2012. Chevron operates and has 30 percent interest in Cambodia's Offshore Block A (1.2 million acres in the Gulf of Thailand).

The mineral extractive industry is largely under-developed. At this stage, most mining companies in Cambodia are small-scale, artisanal mining and larger-scale operations at the exploration stage. There is no large-scale extraction of minerals. There is a general lack of extensive geological surveys, so it is not entirely clear how much mineral resources there are.

Two civil society reports confirm view of limited information available aggregated as "revenue from mineral concession" and "revenue from extractive industry." Potential benefits of mining have never been officially confirmed either. The media has disseminated information about large potential sources [of] revenue, with estimates varying from millions to billions of US dollars.

References:

Cambodians for Revenue Resource Transparency (CRRT), Survey with Small and Medium Enterprises on the Perception of Extractive Industries in Cambodia, (February 2011) and NGO Forum on Cambodia, A Brief Guide to Information and Extractive Industry Revenue Management in Cambodia (December 2011).

Interviews:

1. Mr. Mam Sambath, Executive Director, Development Partners in Action (DPA), 20 April 2012, Phnom Penh.
2. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012
3. Mr. Mark Grimsditch, co-author of mining curriculum, 23 March 2012, Phnom Penh.

Peer Review Comments:

Other than the TOFE report, I did not discover any other published information on revenue generation. Pen Ratana, Program Coordinator Resource Governance, Heinrich Boll Foundation, and Michael McWalter, Oil and Gas Sector Specialist, Consultant with CNPA, confirmed that the MEF does not publish detailed information on revenue generation.

2.2A.020.b: Production volumes

Score: A B C **(D)** E

Comments:

The MEF publishes an annual report and also TOFE, which lists all sources of revenue and in which the mining sector makes no contribution. TOFE is also published in the MEF bulletin, which is available for \$5. TOFE is the primary publication by ministries regarding revenue management in EI. Unfortunately, it is not disaggregated.

References:

1. Mr. Mam Sambath, Executive Director, Development Partners in Action (DPA), 20 April 2012, Phnom Penh.
 2. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012
 3. Mr. Mark Grimsditch, co-author of mining curriculum, 23 March 2012, Phnom Penh.
 4. Mr. Kimsong, NGO Forum on Cambodia.
-

2.2A.020.c: Information on prices

Score: A B C D E

Comments:

The MEF publishes an annual report and also TOFE, which lists in aggregate fashion revenues. TOFE is also published in the MEF bulletin, which is available for \$5. TOFE is the primary publication by ministries regarding revenue management in EI. Unfortunately, it is not disaggregated.

References:

1. Mr. Mam Sambath, Executive Director, Development Partners in Action (DPA), 20 April 2012, Phnom Penh.
 2. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012
 3. Mr. Mark Grimsditch, co-author of mining curriculum, 23 March 2012, Phnom Penh.
 4. Mr. Kimsong, NGO Forum on Cambodia, Phnom Penh.
-

2.2A.020.d: Value of resource exports

Score: A B C D E

References:

1. Mr. Mam Sambath, Executive Director, Development Partners in Action (DPA), 20 April 2012, Phnom Penh.
 2. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012
 3. Mr. Mark Grimsditch, co-author of mining curriculum, 23 March 2012, Phnom Penh.
 4. Mr. Kimsong, NGO Forum on Cambodia, Phnom Penh.
-

2.2A.020.e: Estimates of investment in exploration and development

Score: A B C D E

Comments:

Information on this is ad hoc. Media is a primary source.

References:

1. Mr. Mam Sambath, Executive Director, Development Partners in Action (DPA), 20 April 2012, Phnom Penh.
 2. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012
 3. Mr. Mark Grimsditch, co-author of mining curriculum, 23 March 2012, Phnom Penh.
-

2.2A.020.f: Production costs

Score: A B C D E

References:

1. Mr. Mam Sambath, Executive Director, Development Partners in Action (DPA), 20 April 2012, Phnom Penh.
 2. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012
 3. Mr. Mark Grimsditch, co-author of mining curriculum, 23 March 2012, Phnom Penh.
-

2.2A.020.g: Names of companies operating in country

Score: A B C D E

Comments:

Annual reports often have the names of the company.

References:

1. Mr. Mam Sambath, Executive Director, Development Partners in Action (DPA), 20 April 2012, Phnom Penh.
 2. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012
 3. Mr. Mark Grimsditch, co-author of mining curriculum, 23 March 2012, Phnom Penh.
-

2.2A.020.h: Production data by company and/or block

Score: A B C D E

References:

1. Mr. Mam Sambath, Executive Director, Development Partners in Action (DPA), 20 April 2012, Phnom Penh.
 2. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012
 3. Mr. Mark Grimsditch, co-author of mining curriculum, 23 March 2012, Phnom Penh.
-

2.2A.020.i: Cost of subsidies or social investments paid by mineral revenue

Score: A B C D E

References:

1. Mr. Mam Sambath, Executive Director, Development Partners in Action (DPA), 20 April 2012, Phnom Penh.
2. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012
3. Mr. Mark Grimsditch, co-author of mining curriculum, 23 March 2012, Phnom Penh.

2.2A.020.j Does the Ministry of Finance publish information on disaggregated revenue streams?

2.2A.020.j1: Production streams value

Score: A B C D E

References:

1. Mr. Mam Sambath, Executive Director, Development Partners in Action (DPA), 20 April 2012, Phnom

Penh.

2. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012
3. Mr. Mark Grimsditch, co-author of mining curriculum, 23 March 2012, Phnom Penh.

4. Oxfam America, East Asia, "Governance of Extractive Industries in Southeast Asia" Workshop Report and Proceedings for 30 March -1 April 2010, provides within the Cambodia context:

"There is high-level political recognition that extractives revenue must be managed well. Since 2009, revenue has been reported at an aggregate level. The Ministry of Finance chairs an interministerial working group on the extractive industries. The working group drafted a revenue transparency plan and presented it to the National Assembly. Attempts to obtain a copy have been unsuccessful. To date, there is no large revenue but only concession fees."

2.2A.020.j2: Government's share in PSC

Score: A B C D E

Comments:

As noted in the previous question, there is no disaggregated data published by MEF.

References:

1. Mr. Mam Sambath, Executive Director, Development Partners in Action (DPA), 20 April 2012, Phnom Penh.
2. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012
3. Mr. Mark Grimsditch, co-author of mining curriculum, 23 March 2012, Phnom Penh.

2.2A.020.j3: Royalties

Score: A B C D E

Comments:

Only aggregated data is published in MEF TOFE.

References:

1. Mr. Mam Sambath, Executive Director, Development Partners in Action (DPA), 20 April 2012, Phnom Penh.
2. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012
3. Mr. Mark Grimsditch, co-author of mining curriculum, 23 March 2012, Phnom Penh.

2.2A.020.j4: Special taxes (e.g. withholding taxes, excise taxes, excess earning taxes, charged on extractive companies)

Score: A B C D E

References:

1. Mr. Mam Sambath, Executive Director, Development Partners in Action (DPA), 20 April 2012, Phnom Penh.
2. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012
3. Mr. Mark Grimsditch, co-author of mining curriculum, 23 March 2012, Phnom Penh.

2.2A.020.j5: Dividends**Score:** A B C **(D)** E**References:**

1. Mr. Mam Sambath, Executive Director, Development Partners in Action (DPA), 20 April 2012, Phnom Penh.
 2. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012
 3. Mr. Mark Grimsditch, co-author of mining curriculum, 23 March 2012, Phnom Penh.
-

2.2A.020.j6: Bonuses**Score:** A B C **(D)** E**References:**

1. Mr. Mam Sambath, Executive Director, Development Partners in Action (DPA), 20 April 2012, Phnom Penh.
 2. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012
 3. Mr. Mark Grimsditch, co-author of mining curriculum, 23 March 2012, Phnom Penh.
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2.2A.020.j7: License fees**Score:** A B C **(D)** E**References:**

1. Mr. Mam Sambath, Executive Director, Development Partners in Action (DPA), 20 April 2012, Phnom Penh.
 2. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012
 3. Mr. Mark Grimsditch, co-author of mining curriculum, 23 March 2012, Phnom Penh.
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2.2A.020.j8: Acreage fees**Score:** A B C **(D)** E**References:**

1. Mr. Mam Sambath, Executive Director, Development Partners in Action (DPA), 20 April 2012, Phnom Penh.
 2. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012
 3. Mr. Mark Grimsditch, co-author of mining curriculum, 23 March 2012, Phnom Penh.
-

2.2A.020.j9: Other (Explain in 'comments' box.)**Score:** A B C D **(E)****References:**

Not applicable. Only aggregated data is published by MEF TOFE.

2.2A Quality of reports

2.2A.021: Are periodical reports containing information on revenue generation published by the Ministry of Finance understandable?

Score: A B C D E

References:

1. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012
 2. Mr. Mam Sambath, Executive Director, DPA; Chairman of CRRT, 20 April 2012
-

2.2A.022: How often are the periodical reports containing information on revenue generation published by the Ministry of Finance?

Score: A B C D E

References:

1. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012
2. Mr. Mam Sambath, Executive Director, DPA; Chairman of CRRT, 20 April 2012
3. Mr. Kimsong, NGO Forum on Cambodia

They are to be published quarterly, but in reality, that does not always happen. There is also the MEF monthly bulletin, which contains the TOFE, and is available from MEF for \$5.

2.2B.020 Does the Ministry of the extractive sector publish information on revenue generation?

2.2B.020.a: Reserves

Score: A B C D E

Comments:

On the MIME website, there is a listing of licenses, which include information such as name and province in which operations are ongoing, but not much more information is available. For revenue, the MEF/TOFE is the main outlet.

CNPA does not publish information on revenue and does not have a yearly report, as confirmed by my contact at NGO Forum. CNPA, however, publishes information such as block maps and seismic profiles: http://www.cnpa.gov.kh/index.php?option=com_content&view=article&id=72&Itemid=148. Information on Block A is available at: http://www.cnpa.gov.kh/index.php?option=com_content&view=article&id=73&Itemid=155.

References:

1. Mr. Mam Sambath, Executive Director, Development Partners in Action (DPA) (former Chairman of the National Extractive Industry Social and Environmental Network), 20 April 2012, Phnom Penh.
2. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012.

MIME has a website at: <http://www.gdi.mime.gov.kh/>. MIME publishes a yearly report which includes information about minerals.

CNPA (oil and gas) has a website at: <http://www.cnpa.gov.kh/>.

2.2B.020.b: Production volumes

Score: A B C D E

References:

1. Mr. Mam Sambath, Executive Director, Development Partners in Action (DPA), 20 April 2012, Phnom Penh.
 2. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012
 3. Mr. Mark Grimsditch, co-author of mining curriculum, 23 March 2012, Phnom Penh.
-

2.2B.020.c: Information on prices

Score: A B C D E

References:

1. Mr. Mam Sambath, Executive Director, Development Partners in Action (DPA), 20 April 2012, Phnom Penh.
 2. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012
-

2.2B.020.d: Value of resource exports

Score: A B C D E

References:

1. Mr. Mam Sambath, Executive Director, Development Partners in Action (DPA), 20 April 2012, Phnom Penh.
 2. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012
-

2.2B.020.e: Estimates of investment in exploration and development

Score: A B C D E

References:

1. Mr. Mam Sambath, Executive Director, Development Partners in Action (DPA), 20 April 2012, Phnom Penh.
 2. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012
-

2.2B.020.f: Production costs

Score: A B C D E

References:

1. Mr. Mam Sambath, Executive Director, Development Partners in Action (DPA), 20 April 2012, Phnom Penh.
 2. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012
-

2.2B.020.g: Names of companies operating in country

Score: A B C D E

References:

1. Mr. Mam Sambath, Executive Director, Development Partners in Action (DPA), 20 April 2012, Phnom Penh.
 2. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012
-

2.2B.020.h: Production data by company and/or block

Score: A B C D E

References:

1. Mr. Mam Sambath, Executive Director, Development Partners in Action (DPA), 20 April 2012, Phnom Penh.
 2. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012
-

2.2B.020.i: Cost of subsidies or social investments paid by mineral revenue

Score: A B C D E

References:

1. Mr. Mam Sambath, Executive Director, Development Partners in Action (DPA), 20 April 2012, Phnom Penh.
 2. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012
-

2.2B.020.j Does the Ministry of the extractive sector publish information on disaggregated revenue streams?

2.2B.020.j1: Production streams value

Score: A B C D E

References:

1. Mr. Mam Sambath, Executive Director, Development Partners in Action (DPA), 20 April 2012, Phnom Penh.
2. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012

3. Mr. Mark Grimsditch, co-author of mining curriculum, 23 March 2012, Phnom Penh.

2.2B.020.j2: Government s share in PSC

Score: A B C D E

References:

1. Mr. Mam Sambath, Executive Director, Development Partners in Action (DPA), 20 April 2012, Phnom Penh.
 2. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012
-

2.2B.020.j3: Royalties

Score: A B C D E

References:

1. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012
 2. Mr. Mam Sambath, Executive Director, DPA; Chairman of CRRT, 20 April 2012
-

2.2B.020.j4: Special taxes (e.g. withholding taxes, excise taxes, excess earning taxes, charged on extractive companies)

Score: A B C D E

References:

1. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012
 2. Mr. Mam Sambath, Executive Director, DPA; Chairman of CRRT, 20 April 2012
-

2.2B.020.j5: Dividends

Score: A B C D E

References:

1. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012
 2. Mr. Mam Sambath, Executive Director, DPA; Chairman of CRRT, 20 April 2012
-

2.2B.020.j6: Bonuses

Score: A B C D E

References:

1. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012

2. Mr. Mam Sambath, Executive Director, DPA; Chairman of CRRT, 20 April 2012

2.2B.020.j7: License fees

Score: A B C D E

References:

1. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012
 2. Mr. Mam Sambath, Executive Director, DPA; Chairman of CRRT, 20 April 2012
-

2.2B.020.j8: Acreage fees

Score: A B C D E

References:

1. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012
 2. Mr. Mam Sambath, Executive Director, DPA; Chairman of CRRT, 20 April 2012
-

2.2B.020.j9: Other (Explain in 'comments' box.)

Score: A B C D E

References:

Not applicable. Only aggregated data is published.

2.2B Quality of reports

2.2B.021: Are periodical reports containing information on revenue generation published by the Ministry of the extractive sector understandable?

Score: A B C D E

References:

1. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012
 2. Mr. Mam Sambath, Executive Director, DPA; Chairman of CRRT, 20 April
 3. Mr. Kingsong, NGO Forum on Cambodia, Phnom Penh.
-

2.2B.022: How often are the periodical reports containing information on revenue generation published by the Ministry of the extractive sector?

Score: A B C D E

References:

1. Mr. Kimsong, NGO Forum on Cambodia, Phnom Penh.

2.2C.020 Does a Regulatory Agency publish information on revenue generation?

2.2C.020.a: Reserves

Score: A B C **D** E

Comments:

The Cambodian National Petroleum Authority has regulatory authority over petroleum exploration and petroleum resources development. The 1998 Royal Decree on the Formation of the CNPA makes it the key government agency in the regulation of upstream and downstream petroleum activities, with authority to "negotiate, agree, regulate, supervise and monitor petroleum exploration operations through petroleum agreements with petroleum contractors."

The CNPA's mission, described on its website, is to encourage foreign investment and provide business opportunities. The Chairman of the CNPA reports directly to the Prime Minister.

Article 4 of the 1998 Royal Decree sets out the CNPA's duties, which are to:

1. Set up strategy and policy guidelines in order to effectively rule the petroleum exploration, production, and petroleum resource development in Cambodia.
2. Collect and preserve data and information relating to the areas and characteristics of the petroleum resources in Cambodia.
3. Based on existing data, determine the petroleum areas or blocks throughout Cambodia in order to divide those areas in the exploration blocks through international bidding or direct negotiation with petroleum companies.
4. Issue tender notices on the bidding for the petroleum areas, receive bidding document applications, and carry out registration procedures for the bidding companies.
5. Set up bidding criteria and appropriate minimum work program and budget for exploration.
6. Conduct negotiations and make amendments to any agreements or contracts which would be requested by the bidding companies based on domestic and international law and "in accordance with the general technical standard with the transparency and the national economic profits"
7. The Chairman of the CNPA, with the decision and approval of Royal Government and the receipt of delegation of power from the Royal Government, has the right to sign agreements/contracts on conditional petroleum areas and non-conditional petroleum areas, the transfer of rights, and extension given to selected companies.
8. Conduct an audit or examination on the financial status of the petroleum contract;
9. Convene the board of management, the contractors, national and international experts on legal, economics, and techniques in order to make progress on such subjects in cooperation with other relevant authorities.
10. Control downstream activity.
11. Set up a storage place, in cooperation with other relevant authorities and oil companies.
12. Establish a security system around tankers, gas stations, gas pipelines, and "especially take activity against environmental impacts and lives of the people"
13. Fix the law and regulation to control and limit criteria on refinery project.
14. Promote quality control and fix standards on petrochemical products and liquid gas.
15. Create a commercial rule to fix oil value and to promote the free market price and quality.

See: http://www.cnpa.gov.kh/index.php?option=com_content&view=article&id=45&Itemid=119,

CNPA is currently working on a comprehensive Petroleum Law that will be going to the National Assembly for debate and passage in the near future. All mining activities fall within the Ministry of Industry Mines and Energy authority.

The CNPA does not publish information on reserves. However, in an email exchange, Mr. Diep Sareiviseth of CNPA provided the following:

"There are many distorted and uninformed estimates about Cambodia's oil and gas resources and

reserve in various reports and statements made by other parties. Figures relating to the overall petroleum resource potential of Cambodia's offshore areas representing estimates before drilling of the possible oil-in-place have been touted around by unqualified persons and unqualified institutions that should know better. This has led to confusion with actual proven recoverable oil reserves that may actually be extracted from the ground. This has created much undue speculation and exaggeration of Cambodia ultimate petroleum potential. It should suffice to say that any initial development of Cambodia's petroleum resource will be quite small in scale and will most likely be below 10,000 barrels of oil per day. "

References:

1. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012
2. Mr. Mam Sambath, Executive Director, DPA; Chairman of CRRT, 20 April 2012
3. Mr. Diep Sareviseth, Deputy Director General and P.A to Chairman of CNPA, In-charge of Development Partners Relations & Corporate Affairs, Cambodian National Petroleum Authority (CNPA), 28 June 2012 (email communications).
3. Mr. Kimsong, NGO Forum on Cambodia, Phnom Penh.

Peer Review Comments:

The CNPA website states that it has data covering most of its available acreage and is willing to share this information with companies that are interested in conducting further exploration. However, very little information is publicly available at present. CNPA is not legally required to publish information and does not do so in practice. Pen Ratana, Program Coordinator Resource Governance, Heinrich Boll Foundation, and Michael McWalter, Oil and Gas Sector Specialist, Consultant with CNPA, confirmed that the CNPA does not publish detailed information on revenue generation.

2.2C.020.b: Production volumes

Score: A B C **(D)** E

Comments:

The CNPA website is available at: <http://www.cnpa.gov.kh/>.

References:

1. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012
2. Mr. Mam Sambath, Executive Director, DPA; Chairman of CRRT, 20 April 2012
3. Mr. Kimsong, NGO Forum on Cambodia, Phnom Penh.

2.2C.020.c: Information on prices

Score: A B C **(D)** E

References:

This information is not publicly disclosed.

The CNPA website is available at: <http://www.cnpa.gov.kh/>.

2.2C.020.d: Value of resource exports

Score: A B C **(D)** E

References:

The CNPA website is available at: <http://www.cnpa.gov.kh/>.

2.2C.020.e: Estimates of investment in exploration and development

Score: A B C **(D)** E

Comments:

According to Mr. Diep Sareiviseth of CNPA:

"As yet CNPA has not published investments made by the petroleum industry as those investments have pertained only to exploration programmes."

References:

The CNPA website is available at: www.cnpa.gov.kh

Mr. Diep Sareiviseth, Deputy Director General and P.A to Chairman of CNPA, In-charge of Development Partners Relations & Corporate Affairs, Cambodian National Petroleum Authority (CNPA), 28 June 2012 (email communications).

2.2C.020.f: Production costs

Score: A B C **(D)** E

References:

The CNPA website is available at: www.cnpa.gov.kh

2.2C.020.g: Names of companies operating in country

Score: A **(B)** C D E

References:

1. Mr. Mam Sambath, Executive Director, Development Partners in Action (DPA) (former Chairman of the National Extractive Industry Social and Environmental Network), 20 April 2012, Phnom Penh.
2. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012.
3. Mr. Mark Grimsditch, co-author of mining curriculum, 23 March 2012, Phnom Penh.
4. Mr. Dominic Renfrey, Coordinator ESCR-Net (co-author of mining curriculum and formerly DPA EI Advisor), 10 March 2012.
6. Mr. Chea Kimsong, Development Issues Program Manager, NGO Forum on Cambodia; Ms. Chan Sokyeng, NGO Forum on Cambodia, Phnom Penh, April 2012.
7. Ms. Terry Parnell, East West Management Institute, Phnom Penh, April 2012.
8. Ms. Solinn Lim, Oxfam America, Deputy Director; Ms. Sophoan Phean, Oxfam America, Regional Program Coordinator- Extractive Industry, Phnom Penh, 5 May 2012.

Interviews with respondents confirmed that CNPA does not currently publish annual reports.

In general, respondents stated that CNPA is attempting to be more open than MIME with information, partly due to UNDP's working relationship with CNPA.

The CNPA website is available at: <http://www.cnpa.gov.kh/>. The CNPA website provides names of oil/gas companies.

The CNPA website, which is the main form of disclosure, is still lacking, however. Specifically, an NGO Forum on Cambodia report, A Brief Guide to Information and Extractive Industry Revenue Management in Cambodia (December 2011), provides at pp. 15-16:

However, in the last year, relevant government institutions such as MIME and CNPA started to put more information about EI companies and others on their websites. On the homepage of the General Department of Mineral Resources of MIME, there is a collection of existing policies and regulations governing the mining sector and a list of companies categorized by their exploring activities of various kinds of mineral resources. A new CNPA website has also been updated and improved which includes information about oil, gas and mining developments in Cambodia and also links to important information sources, including CRRT website * * *

A number of limitations should be noted of these EI related websites. First of all, they are not yet fully reliable in terms of their comprehensiveness and updatedness. For instance, while major mining companies (mostly, international) are included, many local mining companies are not (CRRT 2010). * * * Secondly, the information posted is only a few lines about each company and almost nothing on its contents of their licenses. * * *

The limited publicly available information about EI companies especially exploration contracts and licensing fees and other EI information make it difficult for the civil society organizations, including NGOs and the general public, to monitor the revenue collected by the government and exploration and extraction (sites and affected areas) to be conducted by these companies.

2.2C.020.h: Production data by company and/or block

Score: A B C **(D)** E

References:

The CNPA website is available at: <http://www.cnpa.gov.kh/>.

2.2C.020.i: Cost of subsidies or social investments paid by mineral revenue

Score: A B C **(D)** E

References:

The CNPA website is available at: <http://www.cnpa.gov.kh/>.

2.2C.020.j Does a Regulatory Agency publish information on disaggregated revenue streams?

2.2C.020.j1: Production streams value

Score: A B C **(D)** E

References:

The CNPA website is available at: <http://www.cnpa.gov.kh/>.

2.2C.020.j2: Government s share in PSC

Score: A B C **(D)** E

References:

The CNPA website is available at: <http://www.cnpa.gov.kh/>.

2.2C.020.j3: Royalties

Score: A B C D E

References:

The CNPA website is available at: <http://www.cnpa.gov.kh/>.

2.2C.020.j4: Special taxes (e.g. withholding taxes, excise taxes, excess earning taxes, charged on extractive companies)

Score: A B C D E

References:

The CNPA website is available at: <http://www.cnpa.gov.kh/>.

2.2C.020.j5: Dividends

Score: A B C D E

References:

The CNPA website is available at: <http://www.cnpa.gov.kh/>.

2.2C.020.j6: Bonuses

Score: A B C D E

References:

The CNPA website is available at: <http://www.cnpa.gov.kh/>.

2.2C.020.j7: License fees

Score: A B C D E

References:

The CNPA website is available at: <http://www.cnpa.gov.kh/>.

2.2C.020.j8: Acreage fees

Score: A B C D E

References:

The CNPA website, available at , provides that:

Cambodia's petroleum industry is in the early stages of development. Due to years of civil war, little exploration activities were undertaken, and fuel needs have been met entirely through imports. The Cambodian National Petroleum Authority (CNPA), however, has successfully revived international interest in upstream projects, both offshore and onshore in Cambodia.

The CNPA has data covering most of its available acreage and is willing to share this information with

companies that are interested in conducting further exploration.

Peer Review Comments:

The CNPA website states that it has data covering most of its available acreage and is willing to share this information with companies that are interested in conducting further exploration.

2.2C.020.j9: Other (Explain in 'comments' box.)

Score: A B C D **E**

References:

Not applicable.

2.2C Quality of reports

2.2C.021: Are periodical reports containing information on revenue generation published by the Regulatory Agency understandable?

Score: A B **C** D E

Comments:

Respondents noted that the reports or website of both MIME and CNPA do not provide comprehensive information related to bidding, contracts, and/or revenue.

References:

1. Mr. Mam Sambath, Executive Director, Development Partners in Action (DPA) (former Chairman of the National Extractive Industry Social and Environmental Network), 20 April 2012, Phnom Penh.
2. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012.
3. Mr. Chea Kimsong, Development Issues Program Manager, NGO Forum on Cambodia; Ms.C Chan Sokyeng, NGO Forum on Cambodia, Phnom Penh, April 2012.
4. Ms. Solinn Lim, Oxfam America, Manager; Ms. Sophoan Phean, Oxfam America, Regional Program Coordinator- Extractive Industry, Phnom Penh, 5 May 2012.

2.2C.022: How often are the periodical reports containing information on revenue generation published by the Regulatory Agency?

Score: A B C **D** E

Comments:

CNPA does not presently provide such a report. No such reports are available on the CNPA website (available at: <http://www.cnpa.gov.kh/>) and interviews with the respondents above (including CNPA representative) confirmed this lack of reports.

References:

1. Mr. Mam Sambath, Executive Director, Development Partners in Action (DPA) (former Chairman of the National Extractive Industry Social and Environmental Network), 20 April 2012, Phnom Penh.
2. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012.
3. Mr. Chea Kimsong, Development Issues Program Manager, NGO Forum on Cambodia; Ms.C Chan Sokyeng, NGO Forum on Cambodia, Phnom Penh, April 2012.
4. Ms. Chan Sokyeng, NGO Forum on Cambodia, Phnom Penh, April 2012.
5. Mr. Diep Sareiviseth, Deputy Director General and P.A to Chairman of CNPA, In-charge of

Development Partners Relations & Corporate Affairs, Cambodian National Petroleum Authority (CNPA),
28 June 2012 (email communications).

2.2D.020 Does the Central Bank publish information on revenue generation?

2.2D.020.a: Reserves

Score: A B C D **(E)**

Comments:

Respondents noted that the Central Bank does not play a role in EI revenue disclosure.

References:

Website for National Bank of Cambodia: <http://www.nbc.org.kh/index.asp>

Annual reports for National Bank of Cambodia:

<http://www.nbc.org.kh/publications.asp?tp=a>

1. Mr. Mam Sambath, Executive Director, Development Partners in Action (DPA), 20 April 2012, Phnom Penh.
 2. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012
 3. Mr. Kimsong, NGO Forum on Cambodia, Phnom Penh.
-

2.2D.020.b: Production volumes

Score: A B C D **(E)**

Comments:

As noted previously, respondents stated that the Central Bank does not play a role in EI revenue disclosure.

References:

Website for National Bank of Cambodia: <http://www.nbc.org.kh/index.asp>

Annual reports for National Bank of Cambodia:

<http://www.nbc.org.kh/publications.asp?tp=a>

1. Mr. Mam Sambath, Executive Director, Development Partners in Action (DPA), 20 April 2012, Phnom Penh.
 2. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012
 3. Mr. Kimsong, NGO Forum on Cambodia, Phnom Penh.
-

2.2D.020.c: Information on prices

Score: A B C D **(E)**

References:

As noted previously, respondents stated that the Central Bank does not play a role in EI revenue disclosure.

Website for National Bank of Cambodia: <http://www.nbc.org.kh/index.asp>

Annual reports for National Bank of Cambodia:

<http://www.nbc.org.kh/publications.asp?tp=a>

2.2D.020.d: Value of resource exports**Score:** A B C D E**References:**

As noted previously, respondents stated that the Central Bank does not play a role in EI revenue disclosure.

Website for National Bank of Cambodia: <http://www.nbc.org.kh/index.asp>

Annual reports for National Bank of Cambodia:

<http://www.nbc.org.kh/publications.asp?tp=a>

2.2D.020.e: Estimates of investment in exploration and development**Score:** A B C D E**References:**

As noted previously, respondents stated that the Central Bank does not play a role in EI revenue disclosure.

Website for National Bank of Cambodia: <http://www.nbc.org.kh/index.asp>

Annual reports for National Bank of Cambodia:

<http://www.nbc.org.kh/publications.asp?tp=a>

2.2D.020.f: Production costs**Score:** A B C D E**References:**

As noted previously, respondents stated that the Central Bank does not play a role in EI revenue disclosure.

Website for National Bank of Cambodia: <http://www.nbc.org.kh/index.asp>

Annual reports for National Bank of Cambodia:

<http://www.nbc.org.kh/publications.asp?tp=a>

2.2D.020.g: Names of companies operating in country**Score:** A B C D E**References:**

As noted previously, respondents stated that the Central Bank does not play a role in EI revenue disclosure.

Website for National Bank of Cambodia: <http://www.nbc.org.kh/index.asp>

Annual reports for National Bank of Cambodia:

<http://www.nbc.org.kh/publications.asp?tp=a>

2.2D.020.h: Production data by company and/or block**Score:** A B C D E**References:**

As noted previously, respondents stated that the Central Bank does not play a role in EI revenue disclosure.

Website for National Bank of Cambodia: <http://www.nbc.org.kh/index.asp>

Annual reports for National Bank of Cambodia:

<http://www.nbc.org.kh/publications.asp?tp=a>

2.2D.020.i: Cost of subsidies or social investments paid by mineral revenue

Score: A B C D E

References:

As noted previously, respondents stated that the Central Bank does not play a role in EI revenue disclosure.

Website for National Bank of Cambodia: <http://www.nbc.org.kh/index.asp>

Annual reports for National Bank of Cambodia:

<http://www.nbc.org.kh/publications.asp?tp=a>

2.2D.020.j Does the Central Bank publish information on disaggregated revenue streams?

2.2D.020.j1: Production streams value

Score: A B C D E

References:

1. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012

2. Mr. Mam Sambath, Executive Director, DPA; Chairman of CRRT, 20 April 2012

Website for National Bank of Cambodia: <http://www.nbc.org.kh/index.asp>

Annual reports for National Bank of Cambodia:

<http://www.nbc.org.kh/publications.asp?tp=a>

2.2D.020.j2: Government s share in PSC

Score: A B C D E

References:

1. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012

2. Mr. Mam Sambath, Executive Director, DPA; Chairman of CRRT, 20 April 2012

2.2D.020.j3: Royalties

Score: A B C D E

References:

1. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012

2. Mr. Mam Sambath, Executive Director, DPA; Chairman of CRRT, 20 April 2012

2.2D.020.j4: Special taxes (e.g. withholding taxes, excise taxes, excess earning taxes, charged on extractive companies)

Score: A B C D E

References:

1. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012
 2. Mr. Mam Sambath, Executive Director, DPA; Chairman of CRRT, 20 April 2012
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2.2D.020.j5: Dividends**Score:** A B C D E**References:**

1. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012
 2. Mr. Mam Sambath, Executive Director, DPA; Chairman of CRRT, 20 April 2012
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2.2D.020.j6: Bonuses**Score:** A B C D E**References:**

1. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012
 2. Mr. Mam Sambath, Executive Director, DPA; Chairman of CRRT, 20 April 2012
-

2.2D.020.j7: License fees**Score:** A B C D E**References:**

1. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012
 2. Mr. Mam Sambath, Executive Director, DPA; Chairman of CRRT, 20 April 2012
-

2.2D.020.j8: Acreage fees**Score:** A B C D E**References:**

1. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012
 2. Mr. Mam Sambath, Executive Director, DPA; Chairman of CRRT, 20 April 2012
-

2.2D.020.j9: Other (Explain in 'comments' box.)**Score:** A B C D E**References:**

1. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012
2. Mr. Mam Sambath, Executive Director, DPA; Chairman of CRRT, 20 April 2012

2.2D Quality of reports

2.2D.021: Are periodical reports containing information on revenue generation published by the Central Bank understandable?

Score: A B C D **E**

References:

1. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012
 2. Mr. Mam Sambath, Executive Director, DPA; Chairman of CRRT, 20 April 2012
-

2.2D.022: How often are the periodical reports containing information on revenue generation published by the Central Bank?

Score: A B C D **E**

References:

As noted previously, respondents stated that the Central Bank does not play a role in EI revenue disclosure.

2.2E.020 Does any other government agency or entity publish information on revenue generation?

2.2E.020.a: Reserves

Score: A B C D **E**

Comments:

With respect to the mineral extractive industry, which I understand to be the focus of this first Cambodia index, the answer is no.

With respect to oil/gas, there is the Cambodian National Petroleum Authority (CNPA). The agency website is available at: <http://www.cnpa.gov.kh/>.

Recent news is available on the CNPA website: http://www.cnpa.gov.kh/index.php?option=com_content&view=article&id=81&Itemid=163.

References:

1. Mr. Mam Sambath, Executive Director, Development Partners in Action (DPA) (former Chairman of the National Extractive Industry Social and Environmental Network), 20 April 2012, Phnom Penh.
 2. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012.
 3. Mr. Mark Grimsditch, co-author of mining curriculum, 23 March 2012, Phnom Penh.
 4. Mr. Dominic Renfrey, Coordinator ESCR-Net (co-author of mining curriculum and formerly DPA EI Advisor), 10 March 2012.
 6. Mr. Chea Kimsong, Development Issues Program Manager, NGO Forum on Cambodia; Ms.C Chan Sokyeng, NGO Forum on Cambodia, Phnom Penh, April 2012.
 7. Ms. Terry Parnell, Technical Advisor, East West Management Institute, Phnom Penh, April 2012.
-

2.2E.020.b: Production volumes

Score: A B C D E

References:

See answer to previous question.

2.2E.020.c: Information on prices

Score: A B C D E

References:

See answer to 2.2E.020a.

2.2E.020.d: Value of resource exports

Score: A B C D E

References:

See answer to 2.2E.020a.

2.2E.020.e: Estimates of investment in exploration and development

Score: A B C D E

References:

See answer to 2.2E.020a.

2.2E.020.f: Production costs

Score: A B C D E

References:

See answer to 2.2E.020a.

2.2E.020.g: Names of companies operating in country

Score: A B C D E

References:

See answer to 2.2E.020a.

2.2E.020.h: Production data by company and/or block

Score: A B C D E

References:

See answer to 2.2E.020a.

2.2E.020.i: Cost of subsidies or social investments paid by mineral revenue

Score: A B C D E

References:

See answer to Section 2.2E.020.a.

2.2E.020.j Does any other government agency or entity publish information on disaggregated revenue streams?

2.2E.020.j1: Production streams value

Score: A B C D E

References:

1. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012
 2. Mr. Mam Sambath, Executive Director, DPA; Chairman of CRRT, 20 April 2012
-

2.2E.020.j2: Government s share in PSC

Score: A B C D E

References:

1. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012
 2. Mr. Mam Sambath, Executive Director, DPA; Chairman of CRRT, 20 April 2012
-

2.2E.020.j3: Royalties

Score: A B C D E

References:

1. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012
 2. Mr. Mam Sambath, Executive Director, DPA; Chairman of CRRT, 20 April 2012
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2.2E.020.j4: Special taxes (e.g. withholding taxes, excise taxes, excess earning taxes, charged on extractive companies)

Score: A B C D E

References:

1. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012
 2. Mr. Mam Sambath, Executive Director, DPA; Chairman of CRRT, 20 April 2012
-

2.2E.020.j5: Dividends

Score: A B C D E

References:

1. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012
 2. Mr. Mam Sambath, Executive Director, DPA; Chairman of CRRT, 20 April 2012
-

2.2E.020.j6: Bonuses**Score:** A B C D E**References:**

1. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012
 2. Mr. Mam Sambath, Executive Director, DPA; Chairman of CRRT, 20 April 2012
-

2.2E.020.j7: License fees**Score:** A B C D E**References:**

1. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012
 2. Mr. Mam Sambath, Executive Director, DPA; Chairman of CRRT, 20 April 2012
-

2.2E.020.j8: Acreage fees**Score:** A B C D E**References:**

1. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012
 2. Mr. Mam Sambath, Executive Director, DPA; Chairman of CRRT, 20 April 2012
-

2.2E.020.j9: Other (Explain in 'comments' box.)**Score:** A B C D E**References:**

1. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012
2. Mr. Mam Sambath, Executive Director, DPA; Chairman of CRRT, 20 April 2012

2.2E Quality of reports

2.2E.021: Are periodical reports containing information on revenue generation published by any other government agency or entity understandable?**Score:** A B C D E**References:**

1. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012
2. Mr. Mam Sambath, Executive Director, DPA; Chairman of CRRT, 20 April 2012
3. Mr. Kimsong, NGO Forum on Cambodia, Phnom Penh

2.2E.022: How often are the periodical reports containing information on revenue generation published by the any other governmental agency or entity?

Score: A B C D **E**

References:

N/A

2.2 Public sector balance

2.2.023: Does the government include the SOC financial balance (its assets and liabilities) within the public sector balance or overall balance of general government in reports to the legislature?

Score: A B C D **E**

References:

As stated throughout, all respondents stated that there are no public resource companies.

2.2.024: Does the government include projections of transactions, accounts of actual spending by the natural resource funds, and their assets and liabilities, within the public sector balance or overall balance of general government in reports to the legislature?

Score: A B C D **E**

Comments:

Cambodia does not have a special development fund, stabilization fund or other natural resource funds.

References:

1. Mr. Mam Sambath, Executive Director, Development Partners in Action (DPA) (former Chairman of the National Extractive Industry Social and Environmental Network), 20 April 2012, Phnom Penh.
2. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012.
3. Mr. Mark Grimsditch, co-author of mining curriculum, 23 March 2012, Phnom Penh.
4. Mr. Dominic Renfrey, Coordinator ESCR-Net (co-author of mining curriculum and formerly DPA EI Advisor), 10 March 2012.
6. Mr. Chea Kimsong, Development Issues Program Manager, NGO Forum on Cambodia; Ms.C Chan Sokyeng, NGO Forum on Cambodia, Phnom Penh, April 2012.
7. Ms. Terry Parnell, East West Management Institute, Phnom Penh, April 2012.

2.2.025: Does the government provide information on the non resource fiscal balance in its budget proposal?

Score: **A** B C

References:

According to the budget practice, revenue from mining concession and oil/gas concession is categorized


under the revenue from land rental (a part of non tax revenue). Non-tax revenue is included in budget reports.

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Cambodia - RWI Index Questionnaire

Legal Framework and Practices

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Indicator	Score
2.3 Legal Framework and Practices	45 

2.3 Legal Framework and Practices

2.3.026: In the legal framework, what government agencies have authority to collect taxes and payments from resource companies?

Score: A B C D E

References:

1. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012
2. Mr. Mam Sambath, Executive Director, DPA; Chairman of CRRT, 20 April 2012

Peer Review Comments:

Neither the Law on Mineral Resource Management and Exploitation or the Petroleum Regulations or the Petroleum Regulations specifically grants authority for the collection of taxes or royalties from resource companies.

However, the Inter-Ministerial Prakas About Setting of Fees Of Registration, Application Form (Fee of license) Renewal, Transfer of Mineral Resource License, Annual Land Rental in Concession Areas for Mineral Exploration and/or Exploitation and Royalty on Mineral Resources, Article 1 states that holders of the mineral resource licenses shall pay the State the applicable fees. Article 2 states that the relevant units under the Ministry of Economy and Finance and the Ministry of Industry, Mines and Energy.... shall be in charge to implement this PRAKAS.

The CNPA directly collects administration fees and legal support fees / payments regarding oil exploration licenses. Micheal McWalter, Oil and Gas Sector Specialist, Consultant with CNPA.

Both the CNPA and MIME have legal capacity to collect particular fees and payments relating to licenses.

2.3.027: Are all resource related revenues, including those collected by state owned companies, regulatory agencies, ministries, special funds or by the tax authority placed in the national treasury?

Score: A B C D E

References:

1. Mr. Mam Sambath, Executive Director, Development Partners in Action (DPA) (former Chairman of the National Extractive Industry Social and Environmental Network), 20 April 2012, Phnom Penh.
2. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012.

Peer Review Comments:

The CNPA directly collects administration fees and legal support fees / payments regarding oil exploration licenses. Micheal McWalter, Oil and Gas Sector Specialist, Consultant with CNPA. These fees bypass the treasury and there is no information identifying them or reports to the legislature to allow analysis of their amount or use

2.3.028: Are government officials with a role in the oversight of the oil, gas or mining sector required to disclose information about their financial interest in any extractive activity or projects?

Score: A B C

Comments:

The (newly enacted) Law on Anti-Corruption, specifically Article 17, requires public officials to declare their assets and liabilities to the Anti-Corruption Unit, upon taking and leaving office, regardless of whether such assets are inside or outside the country. Article 18 of the Law on Anti-Corruption sets for timing requirements for declaration, noting that officials listed in Article 17 must declare their assets and liabilities every two years. Article 33 also prohibits bribe-taking by foreign public officials or officials of public international organizations, establishing a penalty of 7 to 15 years imprisonment. Additionally, Article 35 provides penalties for "abuse of power," though that term is loosely defined.

In practice, it is unclear what this law will actually do. The Cambodia extractive industry has recently been linked to corrupt practices. For instance, the use of "tea money" is common. The Business Anti-Corruption Portal, citing a Global Witness 2009 report on the extractive industry, noted:

According to Global Witness 2009, concessions in the extractive industries - oil, gas and minerals - are being sold in a non-transparent and secretive way to companies that have strong affiliations with the Cambodian political elite. Furthermore, the organisation established to be in charge of the oil and gas industry, the CNPA, is set up by royal decree only, and so far it has not been included in any legislation. It is under the direct control of Hun Sen and his deputy Sok An. According to Global Witness 2009, millions of USD have been paid in bonuses in exchange for the concessions. None of these sums figure in revenue reports from the Ministry of Economy and Finance, suggesting that the money is being pocketed. See: <http://www.business-anti-corruption.com/country-profiles/east-asia-the-pacific/cambodia/corruption-levels/environment-natural-resources-and-extractive-industry/>.

References:

The Anti-Corruption Law, which was adopted by the National Assembly in 2010, establishes this requirement. Regarding that law, the researcher has had access to official version in Khmer. Licadho, a reputable NGO in Cambodia, has the 2nd draft and notes that the 2nd draft is identical to the final. See Licadho at: <http://www.licadho-cambodia.org/delusion2011/>.

1. Mr. Mam Sambath, Executive Director, Development Partners in Action (DPA) (former Chairman of the National Extractive Industry Social and Environmental Network), 20 April 2012, Phnom Penh.
2. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012.
3. Mr. Mark Grimsditch, co-author of mining curriculum, 23 March 2012, Phnom Penh.
4. Mr. Dominic Renfrey, Coordinator ESCR-Net (co-author of mining curriculum and formerly DPA EI Advisor), 10 March 2012.
6. Mr. Chea Kimsong, Development Issues Program Manager, NGO Forum on Cambodia; Ms.C Chan Sokyeng, NGO Forum on Cambodia, Phnom Penh, April 2012.

2.3.029: Is there independent external validation of internal controls of agencies in charge of receiving payments from resource companies with the objective of providing assurances of integrity of public funds and sound financial management?

Score: A B C D E

Comments:

Most respondents did not have detailed information about this. Only one respondent had more information, but this needs to be verified with Dr. Cheap Yeap or another ministerial contact point.

According to the respondent, a financial audit takes place and that information is available to anyone who requests it. The respondent noted that this external audit is guaranteed by law. The audit report should be presented to the National Assembly. This audit encloses information on EI, but often these audit reports are "very, very late"

Additionally, any EI information included and submitted under the National Budget Law has been submitted late in the last two years. Nonetheless, this respondent noted that the applicable government agencies are making strides to improve this practice.

References:

1. Mr. Mam Sambath, Executive Director, Development Partners in Action (DPA) (former Chairman of the National Extractive Industry Social and Environmental Network), 20 April 2012, Phnom Penh.
2. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012.
3. Mr. Mark Grimsditch, co-author of mining curriculum, 23 March 2012, Phnom Penh.
4. Mr. Dominic Renfrey, Coordinator ESCR-Net (co-author of mining curriculum and formerly DPA EI Advisor), 10 March 2012.
6. Mr. Chea Kimsong, Development Issues Program Manager, NGO Forum on Cambodia; Ms.C Chan Sokyeng, NGO Forum on Cambodia, Phnom Penh, April 2012.

2.3.030: Does the national audit office (or similar independent organization) report regularly to the legislature on its findings, including an objective analysis of agencies in charge of managing resource revenues, and are these reports published?

Score: A B C **D** E

Comments:

The Audit Report is an independent evaluation of the government's accounts (collection of revenue and expenditure) by the country's supreme audit institution (SAI). It reports whether the government has raised and spent revenues in line with the authorized budget, and whether the government accounts of its revenues and expenses are accurate and can be relied upon to provide a reliable picture of the fiscal situation.

For the first time since its establishment in 2000 the National Audit Authority (NAA) published the Audit Report on 2006 Public Financial Management (budget implementation) in October 2009 and Audit Report on 2007 Public Financial Management in October 2011.

CSOs have been lobbying to strengthen the NAA in monitoring the National Budget.

See: NGO Forum Cambodian Budget, available at:
http://www.cambodianbudget.org/national_audit_report.php

References:

1. Mr. Mam Sambath, Executive Director, Development Partners in Action (DPA) (former Chairman of the National Extractive Industry Social and Environmental Network), 20 April 2012, Phnom Penh.
2. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012.
3. Mr. Mark Grimsditch, co-author of mining curriculum, 23 March 2012, Phnom Penh.
4. Mr. Dominic Renfrey, Coordinator ESCR-Net (co-author of mining curriculum and formerly DPA EI Advisor), 10 March 2012.
6. Mr. Chea Kimsong, Development Issues Program Manager, NGO Forum on Cambodia; Ms.C Chan Sokyeng, NGO Forum on Cambodia, Phnom Penh, April 2012.

Peer Review Comments:

The Audit Report is an independent evaluation of the government's accounts (collection of revenue and

expenditure) by the country's supreme audit institution (SAI). It reports whether the government has raised revenues and spent monies in line with the authorized budget, and whether the government accounts of its revenues and expenses are accurate and can be relied upon to provide a reliable picture of the fiscal situation. The Audit Report also provides information on any problems identified by the auditors in the management of public funds during the budget year. Moreover, its aim is to contribute to strengthening the government's public financial management systems through highlighting the issues faced by the RGC in its ministries and agencies in implementing the budget and providing future recommendations that improve the public financial management practices. For the first time in its history since its establishment in 2000 the National Audit Authority (NAA) (known internationally as the Supreme Audit Institutions (SAI)) published the Audit Report on 2006 Public Financial Management (budget implementation) in September 2009 and Audit Report on 2007 Public Financial Management in October 2011.

The national audit office (SAI) does not report regularly to the legislature and does not present analysis of agencies in charge of managing resource revenues.

2.3.031: Does a Parliamentary committee scrutinize reports on resource related revenues and, if so, when does this occur?

Score: A B C D **E**

Comments:

Most respondents did not have this information. There appears to be legislative oversight, but I need to validate the details with a government official.

According to Dr. Yeap of the National Assembly, "the National Assembly does regular monitoring on tax collection from local and international investors, especially the investment on oil and gas."

References:

1. Mr. Mam Sambath, Executive Director, Development Partners in Action (DPA) (former Chairman of the National Extractive Industry Social and Environmental Network), 20 April 2012, Phnom Penh.
2. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012.
3. Mr. Mark Grimsditch, co-author of mining curriculum, 23 March 2012, Phnom Penh.
4. Mr. Chea Kimsong, Development Issues Program Manager, NGO Forum on Cambodia; Ms.C Chan Sokyeng, NGO Forum on Cambodia, Phnom Penh, April 2012.
5. H.E. Dr Cheam Yeap, Chairman of the Commission on Economy, Finance, Banking and Audit of the National Assembly, 26 June 2012.

Peer Review Comments:

I found no evidence that there is proper scrutiny on resource related revenues carried out by a Parliamentary committee.

2.3.032: Is this country an EITI candidate or compliant country?

Score: A B C **D** E

Comments:

Although Cambodia is not EITI complaint and has not expressed commitment to being EITI-compliant, one respondent noted that several government working committees are implementing reforms which would be in the spirit of EITI. Comments by Dr. Yeap of the National Assembly suggest that such a working group will be established once extraction has begun. Several respondents verified that there are existing government working groups attempting to implement more transparency thresholds.

References:

1. EITI Website, Countries (available at: <http://eiti.org/countries>)
2. Publish What You Pay, Cambodia (available at: <http://www.publishwhatyoupay.org/cambodia>)

<http://www.publishwhatyoupay.org/where/coalitions/cambodia>)

As to recent activities, the website provides:

The Cambodians for Resource Revenue Transparency (CRRT) is an independent Cambodian registered network, which advocates for government disclosure of extractive revenues and among other things, for EITI implementation in Cambodia. In March 2010, the Royal Government of Cambodia (RGC) made its most significant public disclosure of oil revenues. The RGC received USD\$26 million from oil companies in January 2010 alone, announced the Ministry of Economy and Finance Secretary General Hang Chuon Naron. Elaborating on Dr. Naron's disclosure, an official from the Cambodian National Petroleum Authority (CNPA) confirmed to The Phnom Penh Post that both PetroVietnam and Total paid a total of US\$26 million in signature bonuses and social funds to the RGC in January. PetroVietnam made payments following the signing of an exploration deal for onshore Block 15, while Total's payment related to the 2,430 square-kilometer Area III, an offshore block in Cambodia's Overlapping Claims Area with Thailand, the CNPA official said.

The disclosure was part of a presentation prepared by Dr. Naron on the EITI, just after an EITI Southeast Asia workshop had taken place in Jakarta, which was also attended by a representative from the Supreme National Economic Council. Cambodia has yet to join the EITI, but has set up an inter-ministerial working group that will publish extractive industry taxes, which could be a step forward.

3. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012

4. Mr. Mam Sambath, Executive Director, Development Partners in Action (DPA) (former Chairman of the National Extractive Industry Social and Environmental Network), 20 April 2012, Phnom Penh.

5. Mr. Dominic Renfrey, Coordinator ESCR-Net (co-author of mining curriculum and formerly DPA EI Advisor), 10 March 2012.

6. Ms. Solinn Lim, Oxfam America, Manager; Ms. Sophoan Phean, Oxfam America, Regional Program Coordinator- Extractive Industry, Phnom Penh, 5 May 2012.


7. H.E. Dr Cheam Yeap, Chairman of the Commission on Economy, Finance, Banking and Audit of the National Assembly, 26 June 2012.

According to Dr. Yeap: "Cambodia is not yet listed as EITI member, however Cambodia has to continue its relations to EITI's country members, and Cambodia is looking forward to the EITI membership as well. In order to improve the oil and gas extracting development, Cambodia has to establish a working group (includes CNPA, MIME, MEF, etc) which will keep relationship with EITI in order to make sure that the revenue from oil extracting is the blessing oil. We are waiting for there to be oil and gas, and then we will see how EITI can contribute to Cambodia."

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Indicator	Score
3.1.1	Context 0 
3.1.1	Context

3.1.1.033: Is there a state-owned company? If so, what is its role in the extractive sector?

Score: A B C **D** E

Comments:

Most respondents noted that there is no SOC in either mineral extractive industry or oil/gas extractive industry.

With respect to oil/gas, two respondents stated otherwise, noting, however, that this information is not public knowledge.

With respect to oil, the government has stated that it would like to establish a national oil company. Civil society expresses concern about this because the government does not presently have downstream capacity.

According to Mr. Diep Sareiviseth of the CNPA:

"There is no current State-Owned Company for the oil and gas sector, but as and when development and production take place, CNPA believes that a national oil company should be established."

There is conflicting news: One such tale is that a Chinese company has set up a joint venture with H.E. Lao Meng Kim in Kampong Speu province. Again, civil society is not in the position to clarify this information and as such, it is not substantiated at the moment.

If this were true, however, it would still be ambiguous whether it was an official SOC or if the partnership was established in a personal (i.e., non-official) capacity.

In addition, one respondent noted that the draft Petroleum Law explicitly mentions SOCs.

References:

1. Mr. Mam Sambath, Executive Director, Development Partners in Action (DPA) (former Chairman of the National Extractive Industry Social and Environmental Network), 20 April 2012, Phnom Penh.
2. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012.
3. Mr. Mark Grimsditch, co-author of mining curriculum, 23 March 2012, Phnom Penh.
4. Mr. Dominic Renfrey, Coordinator ESCR-Net (co-author of mining curriculum and formerly DPA EI Advisor), 10 March 2012.
6. Mr. Chea Kimsong, Development Issues Program Manager, NGO Forum on Cambodia; Ms.C Chan Sokyeng, NGO Forum on Cambodia, Phnom Penh, April 2012.
7. Ms. Terry Parnell, East West Management Institute, Phnom Penh, April 2012.
8. Ms. Solinn Lim, Oxfam America, Manager; Ms. Sophoan Phean, Oxfam America, Regional Program Coordinator- Extractive Industry, Phnom Penh, 5 May 2012.
9. Mr. Diep Sareiviseth, Deputy Director General and P.A to Chairman of CNPA, In-charge of Development Partners Relations & Corporate Affairs, Cambodian National Petroleum Authority (CNPA), 28 June 2012 (email communications).

Peer Review Comments:

There are no state-owned companies operating in the EI at present. The Draft Petroleum Law contains provisions to establish a National Petroleum Company. The law is still in draft form. Micheal McWalter, Oil and Gas Sector Specialist, Consultant with CNPA.

3.1.1.034: How is government ownership of resource companies structured in this country?

Score: A B C D E

References:

1. Mr. Mark Grimsditch
 2. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012
-

3.1.1.035: Is there more than one state-owned company (SOC) operating in the extractive sector?

Score: A B C

References:

1. Mr. Mark Grimsditch,
 2. Mr. Chhay Sareth, Coordinator, CRRT; Frank Yetter, English Resource for Media and Communications, CRRT; Mr. Neb Sinthay, Director, Advocacy and Policy Institute, 20 April 2012
-

3.1.1.036: Do the roles and responsibilities of the SOC include provision of subsidies or social expenditures (quasi-fiscal activities)?

Score: A B C

References:

As noted previously, respondents state that all resource companies are private.

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Indicator		Score
3.2.1	Comprehensive reports	N/A
3.2.2.038	Does the SOC publish information on revenue generation?	N/A
3.2.3.038.j	Disaggregated Revenue Streams	N/A
3.2.4	Quality of reports	N/A
3.2.5.043	Audited reports	N/A

3.2.1 Comprehensive reports

3.2.1.037: Does the SOC publish comprehensive reports with information about its operations and subsidiaries?

Score: A B C D **E**

References:

As noted previously, respondents state that all resource companies are private.

3.2.2.038 Does the SOC publish information on revenue generation?

3.2.2.038.a: Reserves

Score: A B C D **E**

References:

As noted previously, respondents state that all resource companies are private.

3.2.2.038.b: Production volumes

Score: A B C D **E**

References:

As noted previously, respondents state that all resource companies are private.

3.2.2.038.c: Information on prices

Score: A B C D **E**

References:

As noted previously, respondents state that all resource companies are private.

3.2.2.038.d: Value of resource exports**Score:** A B C D E**References:**

As noted previously, respondents state that all resource companies are private.

3.2.2.038.e: Estimates of investment in exploration and development**Score:** A B C D E**References:**

As noted previously, respondents state that all resource companies are private.

3.2.2.038.f: Production costs**Score:** A B C D E**References:**

As noted previously, respondents state that all resource companies are private.

3.2.2.038.g: Names of companies operating in country**Score:** A B C D E**References:**

As noted previously, respondents state that all resource companies are private.

3.2.2.038.h: Production data by company and/or block**Score:** A B C D E**References:**

As noted previously, respondents state that all resource companies are private.

3.2.2.038.i: Quasi fiscal activities**Score:** A B C D E**References:**

As noted previously, respondents state that all resource companies are private.

3.2.3.038.j Disaggregated Revenue Streams

3.2.3.038.j1: Production streams value

Score: A B C D E

References:

As noted previously, respondents state that all resource companies are private.

3.2.3.038.j2: Government s share in PSC

Score: A B C D E

References:

As noted previously, respondents state that all resource companies are private.

3.2.3.038.j3: Royalties

Score: A B C D E

References:

As noted previously, respondents state that all resource companies are private.

3.2.3.038.j4: Special taxes

Score: A B C D E

References:

As noted previously, respondents state that all resource companies are private.

3.2.3.038.j5: Dividends

Score: A B C D E

References:

As noted previously, respondents state that all resource companies are private.

3.2.3.038.j6: Bonuses

Score: A B C D E

References:

As noted previously, respondents state that all resource companies are private.

3.2.3.038.j7: License fees

Score: A B C D E

References:

As noted previously, respondents state that all resource companies are private.

3.2.3.038.j8: Acreage fees

Score: A B C D E

References:

As noted previously, respondents state that all resource companies are private.

3.2.3.038.j9: Other (Describe below)

Score: A B C D E

References:

As noted previously, respondents state that all resource companies are private.

3.2.4 Quality of reports

3.2.4.039: Are the reports published by the state owned company understandable?

Score: A B C D E

References:

As noted previously, respondents state that all resource companies are private.

3.2.4.040: How often are the reports or statistical databases containing information on revenue generation published by the state owned company?

Score: A B C D E

References:

As noted previously, respondents state that all resource companies are private.

3.2.4.041: If the SOC is involved with quasi fiscal activities, does it publish information about them?

Score: A B C

References:

As noted previously, respondents state that all resource companies are private.

3.2.4.042: If there are joint ventures, does the SOC (or government) publish information on its share of costs and revenues deriving from its equity participation in joint ventures?

Score: A B C

References:

As noted previously, respondents state that all resource companies are private.

3.2.5.043 Audited reports

3.2.5.043.a: Is the SOC subject to annual audits conducted by an independent external auditor to ensure that the financial statements represent the financial position and performance of the company?

Score: A B C D E

References:

As noted previously, respondents state that all resource companies are private.

3.2.5.043.b: Are SOC audited reports published?

Score: A B C D E

References:

As noted previously, respondents state that all resource companies are private.

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Indicator	Score
3.3.1 Legal Framework and Practice	N/A

3.3.1 Legal Framework and Practice

3.3.1.044: Does the SOC have a legal obligation to publish financial reports?

Score: A B C

References:

As noted previously, respondents state that all resource companies are private.

3.3.1.045: Does the SOC follow internationally recognized accounting standards?

Score: A B C

References:

As noted previously, respondents state that all resource companies are private.

3.3.1.046: Do SOC audits include consolidated accounts that cover all of the SOC subsidiaries?

Score: A B C

References:

As noted previously, respondents state that all resource companies are private.

3.3.1.047: Are officials of the SOC required to disclose information about their financial interest in any oil, gas or mining projects?

Score: A B C

References:

As noted previously, respondents state that all resource companies are private.

3.3.1.048: Does the SOC publish information on the composition of its Board of Directors?

Score: A B C

References:

As noted previously, respondents state that all resource companies are private.

3.3.1.049: Does the SOC publish information about the rules governing decision making by the Board of Directors?

Score: A B **C**

References:

As noted previously, respondents state that all resource companies are private.

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