

LAW
On
The Prohibition of Chemical, Nuclear,
Biological and Radiological Weapons

CHAPTER ONE

GENERAL PROVISIONS

Article 1.-

This Law has the objective to absolutely prohibit the production, processing, acquisition, transfer, stockpiling, transportation and use of chemical, nuclear, biological and radiological weapons and chemical substances which are involved in the production of such weapons in the Kingdom of Cambodia.

Article 2.-

The purpose of this Law is to ensure security and public order, protection of environment and well-being of people as well as to contribute to the protection of security and peace in the region and the world.

Article 3.-

This Law shall apply to:

- Cambodian citizens both in the country and overseas,
- Aliens who have entered into or stayed in the Kingdom of Cambodia,
- Institutions, public establishments, civil servants and armed forces of the Kingdom of Cambodia,
- Company, corporation or any legal entity registered in the Kingdom of Cambodia even if it has domestic or overseas branches or subsidiaries,
- Vessels, aircrafts, and all other means of transport registered in the Kingdom of Cambodia wherever they may be,
- Vessels, aircrafts, and all other means of transport registered overseas but operate in the Kingdom of Cambodia,

Article 4.-

For purposes of this Law, the following expressions shall have the meanings hereunder assigned to them:

1. "Chemical Weapon" means military equipments and finished products which have been produced and equipped with chemical substance, explosive and detonator.
2. "Nuclear Weapon" means:
 - A. All types of weapons of mass destruction that derives its explosive force from fission of atoms causing danger to the lives of people, animals, plants, or to properties or environment.

- B. Nuclear explosive devices.
 - C. Device designed to spread radiation or radioactive particles, which cause danger to human-being, animals, plants, properties or environment with its radioactive components.
 - D. Nuclear reactor used as energy source to purposely cause danger to the lives of people, animals, plants, or to properties or environment.
 - E. Nuclear substance purposely used to cause danger to the lives of people, animals, plants, or to properties or environment.
 - F. Materials and equipments used for the purpose of any development or production of nuclear weapons.
3. “Biological Weapons ” mean:
- A. Bacterial weapons or biological agents, which are composed of microbes purposely used to cause danger to the lives of people, animals, plants, or to properties or environment.
 - B. Materials and equipments used for the purpose of any development or production of biological weapons or biological agents as mentioned in sub-paragraph A of paragraph 3 of this Article.
4. “Radiological Weapon ” means radioactive source which is used with the intent to cause danger to the lives of people, animals, plants, or to properties or environment.
5. “Chemical Substance ” means:
- A. The chemical substance or chemical components used to produce weapons or used as weapons with the intent to cause danger to the lives of people, animals, plants, or to properties or environment
 - B. Military equipments and other instruments produced to cause the death or harm to people, animals, plants, properties or environment through the toxicity of chemical substance released by the usage of those military equipments and such instruments.

- C. Devices specially designed to directly use with military equipments or instruments mentioned in sub-paragraph B of paragraph 5 of this Article.
6. "Person" means natural person or legal entity which is not the public institution.

CHAPTER TWO
THE NATIONAL AUTHORITY FOR THE PREVENTION
OF CHEMICAL, NUCLEAR, BIOLOGICAL
AND RADIOLOGICAL WEAPONS

Article 5.-

The Royal Government of Cambodia shall establish a national authority known as " The National Authority for the Prevention of Chemical, Nuclear, Biological and Radiological Weapons " abbreviated as " National Authority of Chemical Weapons " or " NACW " to act on its behalf.

Article 6.

The National Authority for the Prevention of Chemical, Nuclear, Biological and Radiological Weapons shall be established by a Royal Decree.

CHAPTER THREE
PROHIBITION

Article 7.-

The production, processing, acquisition, transfer, stockpiling, transportation and use of chemical, nuclear, biological and radiological weapons shall be absolutely prohibited.

Article 8.-

The production, processing, acquisition, transfer, stockpiling, transportation and use of chemical substance involved in the productions of chemical, nuclear, biological and radiological weapons shall be prohibited except for chemical, nuclear, biological and radiological substance used in the fields of health, industry, mine, energy, agriculture, research and other peaceful purposes with the permission from competent ministries or institutions.

Article 9.-

The chemical substance which is involved in the productions of chemical, nuclear, biological and radiological weapons shall be specified by a Sub-Decree.

**CHAPTER FOUR
SEARCH AND SEIZURE OF EXHIBITS**

Article 10.-

Officials of the General Secretariat of the National Authority for the Prevention of Chemical, Nuclear, Biological and Radiological Weapons shall act as judicial police officers who perform duty in accordance with the provisions of the Code of Criminal Procedure in force.

Article 11.-

For the search and seizure of exhibits at any location suspected of retaining or possessing chemical, nuclear, biological, and radiological weapons, the National Authority for the Prevention of Chemical, Nuclear, Biological and Radiological Weapons, with cooperation from relevant institutions and with the court order, shall be entitled to conduct researches at all places suspected of retaining or possessing chemical, nuclear, biological, and radiological weapons, and chemical substance which are involved in the production of those weapons without permission from the competent authorities, as well as the waste of such substances which can still cause harms, in order to raid and seize them as evidence and detain suspects of the offence in compliance with the procedures as specified in Code of Criminal Procedure.

Article 12.-

The seized exhibits shall be kept at the safe warehouse under the control of the National Authority for the Prevention of Chemical, Nuclear, Biological and Radiological Weapons in order to arrange for destruction or to retain them for the usage in the field of health, industry, mine, energy, agriculture, research and other peaceful purposes.

CHAPTER FIVE DESTRUCTION

Article 13.-

The Royal Government of Cambodia shall establish an inter-ministerial commission to arrange formality to destroy the prohibited chemical, nuclear, biological and radiological weapons and the prohibited chemical substances in accordance with the technical standards.

Article 14.-

In case of necessity, whenever the destruction of chemical, nuclear, biological and radiological weapons and chemical substance involved in the production of those weapons is conducted, the Royal Government of Cambodia may request experts from the national and international organisations.

Article 15.-

All destruction measures taken, as mentioned in Article 13 and 14 of this Law, shall comply with the safety, security and environmental principles.

CHAPTER SIX POLICY AND ACTION PLAN

Article 16.-

The National Authority for the Prohibition of Chemical, Nuclear, Biological and Radiological Weapons shall effectively lay out policy and action plan with respect to the prohibition and prevention of chemical, nuclear, biological and radiological weapons and chemical substances involved in the production of such weapons, with the participation of the ministries and institutions concerned, civil societies and national and international organizations.

Article 17.-

All the policies and action plans shall ensure that the territories of the Kingdom of Cambodia are entirely free of chemical, nuclear, biological and radiological weapons and prohibited substances.

CHAPTER SEVEN EDUCATION AND DISSEMINATION

Article 18.-

The National Authority for the Prevention of Chemical, Nuclear, Biological and Radiological Weapons shall widely educate and disseminate about the prohibition, impact and danger caused by chemical, nuclear, biological and radiological weapons and chemical substances involved in the production of such weapons through all means possible including seminars, round table discussion and other forums.

Article 19.-

The Ministry in charge of information shall actively collaborate in the extensive dissemination activities as mentioned in Article 18 of this Law via state and private media.

CHAPTER EIGHT DATA COLLECTION AND ASSESSMENT

Article 20.-

Confidential data on chemical, nuclear, biological, radiological weapons and chemical substances involved in the production of such weapons and other confidential information which are provided or acquired according to this law or to the relevant international convention carried out through this law, shall be kept as confidence.

Article 21.-

The National Authority for the Prevention of Chemical, Nuclear, Biological and Radiological Weapons shall have exclusive authority to collect data, conduct assessment and publicize the data and information of the chemical, nuclear, biological, radiological weapons and chemical substances which are involved in the production of such weapons, in the territories of the Kingdom of Cambodia.

CHAPTER NINE
LABORATORY AND INSPECTION STATION

Article 22.-

The National Authority for the Prevention of Chemical, Nuclear, Biological and Radiological Weapons shall establish laboratory and inspection station for chemical, nuclear, biological and radiological weapons and chemical substances involved in the production of such weapons at places deemed appropriate and necessary.

Article 23.-

The establishment of the network of inspection station for chemical, nuclear, biological and radiological weapons and other chemical substances shall be specified by a Sub Decree.

CHAPTER TEN
IMPLEMENTATION OF INTERNATIONAL
CONVENTION AND COOPERATION

Article 24.-

Any provisions of international conventions, concerning the prohibition of chemical, nuclear, biological and radiological weapons, to which the Kingdom of Cambodia is the State Party, shall be applied to this Law.

In case of any divergence of interpretation, the provisions of the international conventions shall prevail.

Article 25.-

The Kingdom of Cambodia shall cooperate with organization or State Parties to the international conventions concerning the prohibition of chemical, nuclear, biological and radiological weapons based on the principles of equality and sovereignty in conformity with international conventions.

CHAPTER ELEVEN

OFFENCES AND PENALTIES

Article 26.-

Any person who intentionally produces, processes, acquires, transfers, stockpiles, transports or uses of chemical, nuclear, biological and radiological weapons shall be punished from twenty (20) years to thirty (30) years or life imprisonment.

Article 27.-

Any person who produces, processes, acquires, transfers, stockpiles, transports or uses chemical substances for producing chemical, nuclear, biological and radiological weapons shall be punished from five (5) years to ten (10) years imprisonment.

Article 28.-

Any person who produces, buys, sells, possesses, processes, acquires, transfer, stockpiles, transports or uses chemical substance intended for use in the fields of health, industry, mine, energy, agriculture, research and other peaceful purposes without written permission from the competent ministry or institution shall be fined in cash from twenty million (20,000,000) Riels to fifty million (50,000,000) Riels.

Article 29.-

Any person who publicizes the data of chemical, nuclear, biological and radiological weapons without permission from the competent ministries or institutions shall be punished from three (3) years to five (5) years imprisonment.

Article 30.-

Any legal entity who is found intentionally committing offences against this law if such legal entity allowed for or agreed directly or indirectly to the conduct of those offences and if that legal entity had been punished for the offences against this law, the court shall define a fine in cash instead of the period of imprisonment as hereunder:

- The penalty in cash for the legal entity is two million (2,000,000) Riels for the period of twelve (12) months imprisonment which the court will impose on that legal entity if that legal entity is a natural person.
- In addition to the penalty in cash, the court shall add any of the punishments as hereunder:
 - A. Dissolution of that legal entity,
 - B. Imposition of court supervision.

CHAPTER TWELVE TRANSITIONAL PROVISIONS

Article 31.-

After this law enters into force within three (3) months, any natural person or legal entity, who have retained chemical substances which are involved in the production of chemical, nuclear, biological and radiological weapons and chemical substances without written permission, shall report or deliver them to the competent authority.

In case of failure to report or deliver, the punishment shall be applied in accordance with the provisions of Chapter 11 of this Law.

CHAPTER THIRTEEN FINAL PROVISION

Article 32.-

Any provisions that contradict this Law shall be considered null and void.

Done at the Royal Palace, Phnom Penh, December 3rd. 2009

Royal Stamp and Signature

Norodom Sihamony