



គណបក្ស សម រង្ស៊ី
SAM RAINSY PARTY
PARTI SAM RAINSY
សមរង្ស៊ី សម្បជ័យ យុត្តិធម៌

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POSITION PAPER ON HAZARDOUS WASTE DUMPING

The approach to the Sihanoukville toxic waste dumping has so far been inconsistent. Testing has been insufficient, the site has not been closed off, and contaminated materials have been distributed widely and not collected. Health reports have been incomplete and unconvincing. Officials of Formosa Plastic have reportedly visited Cambodia, but did not meet with any of the NGOs or international agencies working on the case, which raises the possibility that a deal may be struck in secret between that company and the Government.

This disaster highlights shortcomings in government response, public health, emergency response, and legal frameworks. The Sam Rainsy Party recommends that a concerted effort be made to address the four principal tasks below.

1. COMPREHENSIVE TESTING, CLEAN-UP AND REMOVAL OF WASTE

The Government, in cooperation with appropriate international agencies and NGOs, must ensure that the Formosa Plastics dump site in Sihanoukville is completely sealed off from public and placed under 24-hour a day guard.

A recognized international firm experienced in hazardous waste clean up should be hired to coordinate the following:

- The waste itself, the underlying soil and the surrounding watershed must be thoroughly tested according to internationally standardized methodology and testing methods for a full range of toxins, including organic and inorganic mercury, dioxin and other likely hazardous substances.
- Area residents who may have been exposed must be identified and tested for exposure, and full interviews conducted. They should be retested periodically according to the recommendations of recognized experts in the field.
- Materials that have been removed from the site must be tracked down and returned.
- The underlying soil must be decontaminated to internationally recognized safe level.

Formosa Plastics shall remove all the waste from Cambodia territory, pursuant to national and international law, within 90 days of the dumping date (this standard is set by the Basel Convention).

This project shall not be complete until a report of its completion is accepted and approved by the relevant authorities in cooperation with appropriate international agencies and NGOs.

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RECOVER COSTS OF THE SIHANOUKVILLE DUMPING INCIDENT FROM FORMOSA PLASTICS

Formosa Plastics must bear all monetary cost of the dumping. Cambodia and its people did not produce the waste. They should bear none of the cost dumping.

An account must be created to tally all costs associated with the above project to be assessed against Formosa Plastics, including but not limited to the future cost of treatment of affected residents, cost of testing and analysis, reasonable salaries for professional staff or consultants, loss of value of land in the dumping area, etc.

No arrangement or agreement made between the Government or its representatives and Formosa Plastics shall be binding unless it is made in public with the full knowledge and consent of the National Assembly. Barring such an agreement, Formosa Plastics will be held responsible for any and all costs associated with the dumping incident. All such costs will be tracked by the Government and made public through periodic reports. These costs will be recovered using any available means under national and international laws and treaties. No time limits shall be imposed on legal attempts to recover these costs.

The Ministry of Justice must support individual efforts to recover damages from Formosa Plastic where they do not conflict with the national effort to recover damages.

2. IDENTIFY COMPLICIT OFFICIALS, RECOVER IMPROPER PAYMENTS

The Ministry of Justice must conduct a thorough investigation of the incident, identify Cambodian officials involved and make a thorough public report of the progress of that investigation in 90 days, and then each month until its conclusory report. Those found responsible must be prosecuted under relevant penal law.

Improper payments made in Cambodia must be recovered put toward the cleanup. Such recovered funds which were improperly paid by Formosa Plastic or its agents will be deducted from the assessment against Formosa Plastics.

3. BAN FUTURE DUMPING IN CAMBODIA

Future imports, transshipment and exports of hazardous waste must be prohibited by a comprehensive Cambodian law which 1) accedes to the Basel Convention and ban, 2) defines hazardous waste and prohibits its import, transshipment and export, 3) establishes responsibility for enforcement and 4) sets out criminal penalties for violations. This law may be modeled on legislation and conventions adopted in other developing areas and countries such as Africa, Thailand, Vietnam, and shall be passed as soon as possible.

For further information, please call In Thaddee on 012-872 050.