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Nation Religion King

LAW
ON
FORESTRY

Forest Administration
2003

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PREAH REACH KRAM

NS/RKM/0802/016

We,

**Preahbath Samdech Preah Norodom Sihanouk Reachharivong
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Thammikmohareacheathireach Boromaneat Boromabopit
Preah Chau Krong Kampuchea Thipdey**

- Having seen the constitution of the Kingdom of Cambodia;
- Having seen the Preah Reach Kret No. NS/RKT/1198/72 of November 30, 1998 on the Appointment of the Royal Government of the Kingdom of Cambodia;
- Having seen the Preah Reach Kram No. 02/NS/94 of July 20, 1994 promulgating the law on the organization and functioning of the Council of Ministers;
- Having seen the Preah Reach Kram No. NS/RKM/0196/13 of January 24, 1996 the promulgating the law on establishment of the Ministry of Agriculture Forestry and Fisheries;
- Having seen the proposals of the Samdach Prime Minister of the Royal Government of Cambodia and Minister of the Ministry of Agriculture Forestry and Fisheries;

HEREBY PROMULGATE

The law on forestry as ratified by the National Assembly on July 30, 2002 at the eighth plenary session of second legislature and as ratified by the Senate as to its entire form and legality on August 15, 2002 at the seventh plenary session of the first legislature and whose meaning is as follows:

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CHAPTER 1

GENERAL PROVISIONS

Article 1

This law defines the framework for management, harvesting, use, development and conservation of the forests in the Kingdom of Cambodia.

The objective of this law is to ensure the sustainable management of these forests for their social, economic and environmental benefits, including conservation of biological diversity and cultural heritage.

Article 2

This law has extent of application to all forests, whether natural or planted.

The State ensures customary user rights of forest products & by-products for local communities and as further provided in the provision of this Law or other relevant laws.

Article 3

The management of forests is under the general jurisdiction of the Ministry of Agriculture, Forestry, and Fisheries.

The management of flooded forest is under a separate law.

The State delegates management of protected areas to the Ministry of Environment as provisions stated in the Environmental Protection and Natural Resources Management Law of 24th December 1996 and the Royal Decree on the establishment and designation of Natural Protected areas on 1st November, 1993 and other legislations.

Ministry of Agriculture, Forestry and Fisheries has the authorization to cooperate with the Ministry of Environment, according to the provisions stated in chapter 14 of this law, on enforcement activities for all forest offenses that occur within protected areas. However, such activities shall not affect the management jurisdiction of Ministry of Environment as provided by the Environmental Protection and Natural Resources Management Law.

Article 4

This law shall be implemented to ensure public participation in any government decision that has the potential for heavy impact on concerned general citizens, livelihoods of local communities and forest resources of the Kingdom of Cambodia.

Consistent with the Cambodian code of forest management and the Environmental Protection and Natural Resources Law, an Environmental and Social Impact Assessment shall be prepared for any major forest ecosystem related activity that may cause adverse impact on society and

environment. Document of the Environmental and Social Impact Assessment shall be made available for public comment.

Any final decisions by the Royal Government on major forest ecosystems related activities must consider the recommendations of the final Environmental and Social Impact Assessment. The Royal Government can publicly notice any final decisions under this article.

Article 5

The most important Forest Terminology used in this law with specific meaning is defined in the Annex attached.

CHAPTER 2 FORESTRY ADMINISTRATION

Article 6

The Forestry Administration is the Government Authority under the Ministry of Agriculture, Forestry and Fisheries, in managing forests and forest resources according to the National Forest Sector Policy and this law.

The Forestry Administration shall be organized a structure as directly vertical order for the whole country, and divided into the hierarchical level: central, regional inspectorates, cantonments, divisions, and triages of the Forestry Administration.

The organization and function of the Forestry Administration must be designated by a Prakas of the Ministry of Agriculture, Forestry and Fisheries.

The Forestry Administration shall perform its duties in a manner consistent with principles of transparency, thereby ensuring the right of the public to participate in decisions regarding the management, sustainable use and conservation of the forests.

Article 7

The Forestry Administration shall perform the following duties:

- 1- Ensure the sustainable management of the Permanent Forest Estates by Issuing regulations governing forest activities.
- 2- Study, collect data on State forests regarding scientific, economic, social and environmental factors in order to set a sustainable production level.
- 3- Assess boundaries, classify and demarcate forests in order to establish a land use map of the Permanent Forest Estates in coordination with the Ministry of Land Management Urban Planning and Construction, local authorities and communities.
- 4- Prepare and implement the National Forest Management Plan at each level of the Forestry Administration.
- 5- Promote forestation on degraded forestland and idle forestland.
- 6- Promote the development of Community Forestry agreements and programs by providing rationally financial and technical assistances where to communities.

- 7- Develop and implement research, protection and conservation programs for forest resources and wildlife.
- 8- Take appropriate measures to investigate, prevent and suppress forest destruction, forest fires and forest clearings to ensure effective law enforcement.
- 9- Promote public education programs that demonstrate the importances to manage, maintain and protect forest resources, as well as to take action to rehabilitate natural ecosystems and maintain national forests.
- 10- Promote international cooperation to strengthen the capacity to protect and develop forest resources.
- 11- Ensure the timely and complete assessment of all forest related activities that may have a significant adverse social and environmental impact prior to approval of such activities.

The Forestry Administration's Officer has the authorities and duties as follows:

- 1- To control the harvesting of forest products & by-products within the Permanent Forest Reserves and State Forest Plantations.
- 2- To control the transportation of forest products & by-products by all transportation means.
- 3- To control the stock places, selling places for forest products & by-products or wildlife hunting products.
- 4- To control all forestry industrial bases, sawmills, forest products & by-products processing facilities and all types of kilns that use forest products & by-products as raw material or as fuel wood sources.
- 5- To control licenses, permits and other documents that are required to be inspected by this law.

CHAPTER 3

SUSTAINABLE FOREST MANAGEMENT

Article 8

Sustainable forest management shall be conducted in a manner consistent with the National Forest Sector Policy and this law.

In order to assist the study and research for the National Forest Sector Policy, the Royal Government of Cambodia shall establish a National Committee to Prepare National Forest Sector Policy, chaired by the Minister of Ministry of Agriculture, Forestry and Fisheries, with membership from related forestry Ministries. The National Forest Sector Policy shall be approved by the Royal Government of Cambodia, upon the recommendation of the National Committee to Prepare National Forest Sector Policy.

The organization and the function of the National Committee to Prepare National Forest Sector Policy must be designated by an Anu-Kret (Sub-decree).

The Royal Government may revise the National Forest Sector Policy, based on the recommendations of the National Committee, if there are significant changes in the conditions of the forest situation based on the principle of answering to sustainable forest management.

Article 9

The Forestry Administration, in compliance with the National Forest Sector Policy, shall prepare a National Forest Management Plan with broad participation from authorities and communities concerned pursuant to Article 4 of this law.

The National Forest Management Plan shall be approved by the Royal Government of Cambodia as a long-term planning tool in order to set priorities and activities on forest management. The National Forest Management Plan shall be reviewed and revised every five (5) years to reflect any changes in conditions and circumstances. The National Committee to Prepare National Forest Sector Policy shall recommend to the Royal Government on the revised National Forest Management Plan.

The National Forest Management Plan shall address the following components:

- 1- To review the physical, environmental and social factors regarding forest resources at all levels of the Forest Administration.
- 2- To conduct an estimate of the volume of all categories of Forest Products & By-products.
- 3- To designate forestland, land to be reforested, and Community Forests.
- 4- To review programs and calendar of detailed actions for forest management and silviculture.
- 5- To develop programs to assist stakeholders involved in management and use of state and private forests.
- 6- To develop programs for Forest Industries' development and markets of Forest Products and By-products.
- 7- To develop research programs on the development of forest technologies and sciences.
- 8- To upgrade and expand knowledges on forestry by inviting participation from the community in management, use and protection of the forests.
- 9- To develop Human Resources and other means necessary to achieve activities outlined in the programs.
- 10- To strengthen the forestry management institution at all levels, improve and enforce the law.
- 11- To strengthen the cooperation in economic, technical assistance within and outside the region in the protection and development of forest resources.
- 12- To support programs promoting implementation of the National Forest Sector Policy.

Based on recommendation of the National Committee to Prepare National Forest Sector Policy, the Minister of Ministry of Agriculture, Forestry and Fisheries shall submit to the Royal Government an annual progress report on the implementation of the objectives of the National Forest Management Plan. This report shall be provided to the public upon request.

CHAPTER 4
PERMANENT FOREST ESTATES

Article 10

The Permanent Forest Estates consist of:

- 1- Permanent Forest Reserves; and
- 2- Private Forests

The Permanent Forest Reserves consist of three categories:

- 1- Production Forests shall be maintained in a manner to allow for the sustainable production of Forest Products and By-products, and their protection function considered as a secondary priority. Production Forests consist of the following:
 - Forest Concessions;
 - Production Forests not under concession;
 - Forests rehabilitated;
 - Reserve Forestland for reforestation or tree plantation;
 - Reserved forestland for forest regeneration;
 - Degraded Forestland; and
 - Community Forests under agreement.
- 2- Protection Forests shall be maintained primarily for protection of the forest ecosystems and natural resources therein. Protection Forests consist of the followings:
 - Reserve Forests for special ecosystems;
 - Research forests;
 - Forests for regulating water sources;
 - Forests for watershed protection;
 - Recreation forests;
 - Botanical gardens; and
 - Religious forests.

Local communities have customary user rights to collect Forest Products & By-products within the Protection Forest with minor impact of the forests.

- 3- Conversion Forestland for other development purposes is idle land, comprised mainly of secondary vegetation, not yet designated for use by any sector that shall be classified as Permanent Forest Reserves until the Royal Government decide to use and develop the land for another purpose.

Private Forest shall be maintained by the owners with the interesting rights to manage, develop, and harvest, use, sell and distribute the products by themselves.

Article 11

The Permanent Forest Estates shall be managed with the objective to increase to the maximum extent the social, economic, environmental, and cultural heritage benefits for the Kingdom of Cambodia and its people according to the principle of sustainable forest management.

Ministry of Agriculture, Forestry and Fisheries shall classify, register and set boundaries for all forests within the Permanent Forest Estates. In carrying out these activities, Ministry of Agriculture, Forestry and Fisheries shall coordinate with concerned local communities, concerned authorities and the Ministry of Land Management Urban Planning and Construction in order to assist in registration of land property of indigenous community and preparation of the national land use map.

All forests classified within the Permanent Forest Reserves shall be designated and managed in accordance with the objectives of the National Forest Management Plan.

The legal procedures for establishment, classification and registration of the Permanent Forest Estates shall be determined by Anu-Kret (Sub-decree).

Article 12

The Royal Government of Kingdom of Cambodia has the authorization to declassify any forest from the Permanent Forest Reserves. Such a decision must serve the public interest and be consistent with the National Forest Sector Policy, the National Forest Management Plan and technical, social, and economic data provided by Ministry of Agriculture, Forestry and Fisheries. Consistent with the provisions of the law, declassifying any forest from the Permanent Forest Reserves to a non-forest purpose, the Royal Government shall consider the following priorities:

- 1- Conversion forests for other development purposes; and
- 2- The other land of Permanent Forest Reserves when the present demand is greater than the previous demand.

Ministry of Agriculture, Forestry and Fisheries may request the Royal Government to designate other idle forestland for the purposes of protection and reforestation to replace areas of Permanent Forest Reserve that have been declassified.

Ministry of Agriculture, Forestry and Fisheries may request the Royal Government to approve a change in the classification of a forest area to another category within the Permanent Forest Reserves based on new data and function of the forest area.

All decisions to declassify forest in 1st paragraph and to change forest classification in 3rd paragraph of this Article shall be determined by Anu-Kret (Sub-decree).

CHAPTER 5

FOREST CONCESSION MANAGEMENT

Article 13

Upon the request of the Minister of Ministry of Agriculture, Forestry and Fisheries, the Royal Government of Kingdom of Cambodia may grant an area of production forest, not under use, to a forest concession through public bidding consistent with the National Forest Management Plan and after consultation with concerned Ministries, local authorities and communities.

The public bidding procedures and required documents shall be determined by the Anu-Kret on Forest Concession Management.

Article 14

The Royal Government of Kingdom of Cambodia has the authority to enter into a Forest Concession Agreement with investors or any legal entity granted that such concession is consistent with the National Forest Sector Policy, National Forest Management Plan and provisions of this law.

Public bidding, as a basic principle, shall be conducted prior to the Royal Government of Cambodia entering into a Concession Agreement and shall comply with provisions of this law and the Anu-Kret on Forest Concession Management.

Forest concession bidding commission shall give equal opportunity and consideration to all qualified bidders and give timely public notice of the bidding process, especially to the local communities in the designated forest area.

Bidding documents submitted by an agent representing the party tendering a bid on a forest concession shall include a notarized statement of their good-faith compliance with any existing forest concession agreements, within or outside the country, by ensuring the evidence.

Article 15

Concessionaires shall have the right to manage and conduct Forest Products & By-products harvesting operations within their concession, while ensuring that the operation does not interfere with the following:

- 1- Customary user rights taking place on land property of indigenous community that is registered with the state consistent with the Land law; and
2. Customary access and user rights practiced by communities residing within or adjacent to forest concessions.

Article 16

The Forest Concession Agreement shall at a minimum include:

- 1- The date the concession is granted and the duration for which it is granted;
- 2- The location of the forest concession, indicating the identification of community owned property, community forest areas, special management areas and net operable harvest areas;
- 3- A written statement that the concessionaire shall respect legal rights of others and not enter, to harvest Forest Products & By-products, in any special management areas, indigenous community property area or community forests;
- 4- The species and quantity of Forest Products & By-products allowed to be harvested and the methodology to calculate the allowable harvest amount;
- 5- A description of the obligations of the concessionaire to develop and implement the Forest Management Plan at concession, coupe and bloc levels;
- 6- Other conditions set by the Royal Government of Cambodia or the Forestry Administration pertaining to forest concessions.

Article 17

A Forest Concession Agreement shall not exceed thirty (30) years.

A Forest Concession Agreement may be terminated at any time by the Royal Government upon a finding that the Concessionaire has materially breached the terms and conditions of the Anukret on Forest Management Concession.

A concessionaire has the right to dispute the decision by the Royal Government to terminate the forest concession Agreement before it expires. Rules to resolve disputes shall be governed by terms and conditions in the Forest Concession Agreement and the laws in force.

Royal Government may extend the duration of the Concession Agreement, upon its expiration, based on evaluation of the concessionaire's performance by the Ministry of Agriculture, Forestry and Fisheries, but such extension shall not exceed the original term.

Article 18

The concessionaire shall have the responsibility to prepare a Forest Concession Management Plan for all levels and Implement in compliance with guidelines provided by the Forest Concession Management Planning Manual, Cambodian Code of Practice for Forest Harvesting, and terms stated in the Forest Concession Agreement.

Each concessionaire shall prepare Forest concession Management Plans for all levels as follows:

- 1- Long-term Management Plan for the entire forest concession;
- 2- Annual Operational harvesting Plans for each coupe level; and
- 3- Block Management Plans for each annual harvest.

The Forest Concession Management Plan, and any revision, shall be determined by the following rules:

- 1- Approval of Management Plan for the entire forest concession by the Minister of Ministry of Agriculture, Forestry and Fisheries, upon the recommendation of the Head of the Forestry Administration. This management plan shall be revised every five (5) years.
- 2- Approval of the Annual Operational harvesting Plans and Block Management Plans by the Head of the Forestry Administration.

Article 19

All concessionaires shall include the Environmental and Social Impact Assessment in their Forest Concession Management Plan in accordance with provisions of this law; and other regulations on Forest Concession Management.

The Environmental and Social Impact Assessment, as a part of the Forest Concession Management Plan, shall be prepared by the concessionaire and reviewed and evaluated by Ministry of Environment, then submitted for approval to Ministry of Agriculture, Forestry and Fisheries.

Ministry of Agriculture, Forestry and Fisheries shall ensure that the Forest Concession Management Plan and the Environmental and Social Impact Assessment are available for public comment prior to the issuance of harvest permit for Forest Products & By-products.

CHAPTER 6

MANAGEMENT OF PRODUCTION FOREST NOT UNDER CONCESSION AND PROTECTION FOREST

Article 20

Production Forest not under concession shall be managed with the priority use to meet domestic annual needs for Forest Products & By-products. These products may be exported only upon a showing that the supply is higher than the local demand and with the approval of the Royal Government upon request by the Ministry of Agriculture, Forestry and Fisheries.

Article 21

The Division Chief of the Forestry Administration has the duty to prepare and submit management plans for production Forest not under concession located in their jurisdiction to the Head of the Forestry Administration for review and approval. The process for such plans shall be prepared in a manner similar to the forest concession management plans required under Article 18; 2nd paragraph of this law.

Any person, legal entity or community may submit an application under public bidding procedures for the annual Forest Products & By-products harvest rights within a production forest not under concession.

Legal procedures for acquiring annual Forest Products & By-products rights within production forest not under concession shall be determined by Prakas of the Ministry of Agriculture, Forestry and Fisheries.

Article 22

Ministry of Agriculture, Forestry and Fisheries shall propose to the Royal Government of Cambodia to designate as Protection Forest any part of the Permanent Forest Reserves, which qualifies as a special ecosystem area, an area of scientific, cultural, or tourism value or an area for biodiversity, water and soil conservation.

All establishment or declassification of Protection Forests shall be reported to National Assembly and Senate.

Article 23

The Forestry Administration shall prepare a management plan, to be approved by Ministry of Agriculture, Forestry and Fisheries, for Protection Forest within the Permanent Forest Reserves.

Implementation of this law on Forestry and all operational activities for the Management and Protection Forests within the Permanent Forest Reserves are the duty of all levels of the Forestry Administration.

CHAPTER 7

PERMITS AND AUTHORITIES

Article 24

All Forest Products & By-products located and originating from the Permanent Forest Reserves are state property, unless the rights of these products have been conveyed to an individual or legal entity pursuant to provisions in this law.

Any individual, legal entity or community that intends to harvest Forest Products & By-products for commercial purposes must possess a harvest permit issued by the Forestry Administration.

Harvesting of Forest Products & By-products, by members of local communities, at the amount equal to or below customary subsistence use defined in Chapter 9 of this law, shall not be required permits.

Article 25

All activities related to the permanent forest estates and forest products & by-products (Timber Products and Non-Timber Forest Products) throughout the Kingdom of Cambodia shall require the following permits:

- 1- Permit to set annual harvesting quotas for forest products & by-products ;
- 2- Permit to harvest of forest products & by-products;
- 3- Permit for transport quotas of forest products & by-products;
- 4- Permit to transport of forest products & by-products;
- 5- Permit for use of forests;
- 6- Prakas to establish a forestry industry, sawmill, or forest products & by-products processing facility;
- 7- Permit to enter forest for the coupe preparation;
- 8- Permit to establish a stock place to sell, distribute forest products & by-products;
- 9- Permit to establish all types of kilns that use forest products & by-products as raw material;
- 10- Export quota for forest products & by-products;
- 11- Export and Import Permits for forest products & by-products;
- 12- Other types of permits that may be required according to provisions of this law.

The permits stated above shall be issued to the following:

- 1- A concessionaire who has received approval of the Annual Operational plan for harvesting forest products & by-products as required by the Forest Concession Agreement;
- 2- Any individual that has received approval for harvesting forest products & by-products in a production forest not under concession;
- 3- A community with the rights to harvest forest products & by-products in a community forest that exceed customary user rights defined by rules on community forestry.
- 4- A person or customer who transports forest products and/or by-products from the forest area where they were harvested to the defined destination;
- 5- Any other individual, legal entity, community or customers who may be granted rights under provisions of this law.

Permits under this article shall contain the following items:

- 1- The name of the permit holder;
- 2- The duration of the permit;
- 3- The specific location and boundaries of forest products & by-products harvest area;
- 4- The quantity of forest products & by-products allowed to harvest in a unit determined by the Forestry Administration;
- 5- Origin and destination of forest products & by-products being transported;
- 6- Other items based on the type of permit required by the Forestry Administration.

Permits may be extended, based on an evaluation report by the competent Forestry Administration.

The standard form for each permit shall be officially published by Ministry of Agriculture, Forestry and Fisheries.

Article 26

The responsibility for issuing permits is as follow:

The Minister of Ministry of Agriculture, Forestry and Fisheries shall have the authority to approve:

- 1- Permits to set harvest quota for a concession and a production forest not under concession,
- 2- Import-Export quota for forest products & by-products, following the approval of the Royal Government of Cambodia;
- 3- Permits for use of forest stated in Article 27 of this law; and
- 4- Prakas to establish a medium and large-scale of forest industry, sawmills, and forest products & by-products' processing facilities.

The Head of Forestry Administration has the authority to issue:

- 1- Permits to harvest forest products & by-products from concessions and production forest not under concession;
- 2- Permit to set transport quota for forest products & by-products from concession and production forest not under a concession;
- 3- Permit to transport forest products & by-products intended for export-import
- 4- Permit to enter coupe prior to issuance of annual harvest permit; and
- 5- Permit or Visa on the export-import license for forest products & by-products.

The Chief of Cantonment of the Forestry Administration has the authority to issue:

- 1- Permit to set harvest quota of forest products & by-products for local communities;
- 2- Permit to establish stock place to store, sell or distribute forest products & by-products and for small scale of forest products & by-products' processing facilities;
- 3- Permit to establish kilns of all types that use forest products & by-products as raw material;
- 4- Permit to set transport quota of forest products & by-products originating from a community forest.

The Chief of Division of the Forestry Administration shall have the authority to issue:

- 1- Permit to harvest forest products & by-products in a community forest at an amount above the customary user right; and
- 2- Any permits to transport forest products & by-products originating from the area under his/her Division jurisdiction.

Article 27

The Minister of Ministry of Agriculture, Forestry and Fisheries has the authority to issue a permit for use of forest to an individual or legal entity to conduct the following activities within the Permanent Forest Reserves:

- 1- Technical and scientific research;
- 2- Agricultural education or training;
- 3- Use of water resources for irrigation or agricultural purposes upon the agreement of the Minister of Ministry of Water Resources and Meteorology.
- 4- Establishment of botanical garden or experimental station;
- 5- Establishment of a transferring nursery ; and
- 6- To establish Recreation, sightseeing business or film or video documentation.

Such a permit pursuant to this Article shall not be used to harvest forest products & by-products from the area specified, unless extraction is for the purpose of silviculture research or forest improvement.

CHAPTER 8

PROHIBITED HARVESTING FOREST PRODUCTS & BY-PRODUCTS, AND FOREST PROTECTION

Article 28

Each grant or allocation of an area of the Permanent Forest Reserves to harvest forest products & by-products, consistent with the provisions of this law may be conducted only in Permanent Forest Reserve considered as Production Forest and has production potential and will be managed and monitored according to the Cambodia's Codes of Practice for forest management.

No one has the rights to issue a permit to harvest forest products & by-products within all types of Protection Forests in the Permanent Forest Reserves.

Ministry of Agriculture, Forestry and Fisheries may propose to the Royal Government to change the classification of an area in the Protection Forest to Production Forest, based upon the submission by the Forestry Administration of new studying data showing that the area has sufficient potential for extraction of forest products & by-products. Otherwise, it is prohibited to harvest forest products & by-products.

Article 29

Unless authorized by Ministry of Agriculture, Forestry and Fisheries for reason such as unsuitable weather condition, trees within authorized forest feeder roads or other conditions proposed by the Forestry Administration, it should be prohibited to harvest the following forest products & by-products within the Permanent Forest Reserve:

- 1- Tree species whose diameter is smaller than the minimum diameter allowed to harvest;
- 2- Rare tree species;
- 3- Tree species that local communities have tapped to extract resin following tradition;
- 4- Trees that yield high-value resin.

The prohibited forest products & by-products are, as stated in the 1st paragraph of this article, determined by Prakas of Ministry of Agriculture, Forestry and Fisheries.

Article 30

It is prohibited to process forest products & by-products or establish and operate a forest industry, sawmills, forest products & by-products' processing facility or all types of kilns in the domains of Permanent Forest Reserves.

All forest products & by-products' processing facilities and all types of kilns shall be located at least five (5) kilometers away from the boundaries of the Permanent Forest Reserves.

Ministry of Agriculture, Forestry and Fisheries may grant an exception to the prohibitions set forth in the 2nd paragraph of this article if a study by the Forestry Administration can demonstrate that the benefit of such an exception would not cause harm or have only a minor social & environmental impact.

Article 31

The clearing of forestland for the purpose of public road construction in the Permanent Forest Reserves shall be prohibited, unless approved by the Royal Government, upon request of the Ministry of Public Works and Transport after consultation with Ministry of Agriculture, Forestry and Fisheries.

The clearing of forestland for the purpose of construction of forest road in the Permanent Forest Reserves shall be prohibited, unless approved by the Minister of Ministry of Agriculture, Forestry and Fisheries, upon request of the head of the Forestry Administration.

All projects for public and forest road construction within the Permanent Forest Reserves shall be subject to consultation with local authorities and communities and an Environmental & Social Impact Assessment pursuant to Article 4 of this law.

New settlement along public or forest roads in the Permanent Forest Reserve shall be prohibited unless the permission of the Royal Government of Cambodia.

Article 32

The forests shall be protected against damaging activities caused by excessive exploitation, abusive forest clearing, forest ecosystem pollution, forest fires, shifting cultivation, diseases, noxious insects, and the imports of harmful forest vegetation and wildlife species.

The following activities that damage forests shall be prohibited:

- 1- To displace, remove, or destroy the boundary posts or distinctive sign marking the forest boundary;
- 2- To grid bark, poison, destroy, fell down or uproot any tree without technical necessity;
- 3- To use harvest rights for forest products & by-products in a manner different from those authorized by permit;
- 4- To use various means or allow unleashed or leashed livestock within an area with tree seedlings or recent growth after harvesting, or forest fires, or in areas being or recently planted; and

- 5- To establish yellow vine or other forest by-products' processing facilities that may cause significant pollution or destruction to the forest ecosystem.

Article 33

Unless otherwise stated in Articles 31, 35, and 37 of this law, all forest clearing activities shall be prohibited within the Permanent Forest Reserve.

Article 34-

The Export-Import of seeds or seedlings of forest vegetation species shall require through study research and evaluation by the Forestry Administration and permission by the Minister of Ministry of Agriculture, Forestry and Fisheries.

The import of all kinds of forest vegetation seeds shall have a Visa certification of the forest vegetation seeds issued by the scientific authority of the exporting country.

Article 35

In addition to other laws concerned, quarrying, soil and sand excavation, mining, and other natural resources extraction, conducted within the Permanent Forest Reserves, shall require a prior study-evaluation from the Ministry of Agriculture, Forestry and Fisheries, authorization by the Royal Government of Cambodia, and be in compliance with Article 4 of this law.

Such authorization shall state the protection and restoration measures of the site for quarrying, soil and sand excavation, mining, and other natural resources extraction, whereby the holder of such rights shall be responsible to:

- 1- Avoid causing or aggravating soil erosion, damage to growing vegetations, damage to the hydrologic systems and the quality of water;
- 2- After project completion, to restore the site of quarrying, soil and sand excavation, mining, or other natural resources extraction, to their original state within the time frame set by the permit.

Article 36

It is prohibited to set fires in the Permanent Forest Estates. It is allowed to set fires or use fires by the Forestry Administration to benefit silviculture or forest hygiene.

Guidelines to determine areas for forest fire control, forest fire prevention and creation of Forest Fire-Fighters Committees as a rule for implementation in all forest areas shall be determined by a Prakas of the Ministry of Agriculture, Forestry and Fisheries.

Citizens, armed forces, and authorities of all levels shall have the obligations for forest maintenance and protection, fire prevention and fighting against forest fires.

Article 37

Local communities that traditionally practice shifting cultivation may conduct such practices on land property of indigenous community which registered with the state.

The divisions of the Forestry Administration shall be authorized to manage and control the shifting cultivation activity that is a part of the community forest management plan. Shifting cultivation practices are prohibited in natural intact forest in the Permanent Forest Reserves.

Forestlands reserved for shifting cultivation shall be identified by Anu-Kret.

Article 38

It is prohibited to saw, slice or process logs within the Permanent Forest Reserves.

It is prohibited to use the chain saw to harvest Forest Products within the Permanent Forest Reserves unless operating under a permit authorized by the Forestry Administration.

Article 39

No individual or legal entity has the right to directly or indirectly issue a permit to fell trees, clear forestlands, conduct any activities involving the harvest of forest products & by-products, or occupy land within the Permanent Forest Reserves contrary the provision of this law.

CHAPTER 9

CUSTOMERY USER RIGHTS, MANAGEMENT OF COMMUNITY FOREST AND PRIVATE FOREST

Article 40

For local communities living within or near the Permanent Forest Reserves, the state shall recognize and ensure their traditional user rights for the purpose of traditional customs, beliefs, religions and living as defined in this article.

The traditional user rights of a local community for forest products & by-products shall not require the permit. The traditional user rights under this article consist of:

- 1- The collection of dead wood, picking wild fruit, collecting bees' honeys, taking resin, and collecting other forest by-products;
- 2- Using timbers to build houses, stables for animals, fences and to make agricultural instruments;
- 3- Grass cutting or unleashing livestock to graze within the forests;
- 4- Using other forest products & by-products consistent with traditional family use;
- 5- The right to barter or sell forest by-products shall not require the permit, if those activities do not cause significant threat to the sustainability of the forest. The customers or any third party who has collected forest by-products from local communities with the purposes of trade, in a manner consistent with the provisions of this law, shall have the permit for forest by-products transportation after royalty and premium payments.

A local community can not transfer any of these traditional user rights to a third party, even with mutual agreement or under contract. These traditional user rights shall be:

- 1- Consistent with the natural balance and sustainability of forest resources and respect the rights of other people;
- 2- Consistent with permissions and prohibitions under the provisions of this law.

Article 41

The Minister of Ministry of Agriculture, Forestry and Fisheries has the authority to allocate any part of the Permanent Forest Reserve to a community living inside or near a forest area in the form of a Community Forest.

Article 42

The cantonment of the Forestry Administration, through consultation with other parties concerned, has the duty to study conditions of the Permanent Forest Reserves in order to establish Community Forests by identifying clear boundaries of appropriate areas based on the capacity of forest resources and the need to ensure customary user rights of local communities.

The chief of the cantonment of the Forestry Administration has the authority to sign a Community Forest Agreement with a community living within or near a forest area in the Permanent Forest Reserve. This agreement has validity for a period not to exceed fifteen (15) years. However, such an agreement may be extended based on monitoring and evaluation reports of the division of the Forestry Administration.

Article 43

A Community Forest shall be managed in the economic and sustainable manner by the local community conforming to the Community Forest Management Plan, rules on Community Forestry and guidelines on Community Forestry. The Forestry Administration shall monitor the implementation of the Management Plan and provide technical assistance, where appropriate, upon the request of the local community.

The management plan of the Community Forest shall be prepared by the local community and subject to approval by the Cantonment level of the Forestry Administration. This plan shall be sent to the Central level of the Forestry Administration and be reviewed every five (5) years or earlier if needed.

Planted or natural forest established as a Community Forest by a local community shall be consistent with a Community Forest Management Plan and subject to the technical supervision and assistance of the Forestry Administration.

The rules for establishment, management and use of a Community Forest shall be determined by the Anu-kret on Community Forestry Management.

The guidelines on Community Forestry shall be determined by Prakas of Ministry of Agriculture, Forestry and Fisheries.

Article 44

A local community, operating under a Community Forest Agreement, shall have the rights to harvest forest products & by-products within the demarcated forest area stated in the Community Forest Agreement and consistent with the Community Forest Management Plan.

A local community can not use the Community Forest in the form of a concession, nor sell, barter or transfer its rights in such forest to a third party.

Article 45

Ministry of Agriculture, Forestry and Fisheries shall recognize the religious forest of local communities, living within or near the forest, as Protection Forest serving religious, cultural or conservation purposes. It is prohibited to harvest any spirit trees, thus they may be specially marked and shall be identified in a Community Forest Management Plan.

Article 46

Any individuals that plant trees on private land or on state forest land where they have granted user rights, have the right to maintain, develop, use, sell, and distribute their products.

Ministry of Agriculture, Forestry and Fisheries shall issue a Prakas to determine the rules on tree plantations in order to encourage individuals to plant and maintain tree plantations.

Article 47

Ministry of Agriculture, Forestry and Fisheries may provide individuals and communities, who demonstrate their forest management practices or tree plantation in high quality and quantity, with the following incentives:

- 1- Grant official letter of praise, certificate of praise card and awards;
- 2- Grant direct development aid through international cooperation;
- 3- Extend the duration of a Community Forest Agreement; and
- 4- Publish the award for good practices.

CHAPTER 10

CONSERVATION OF WILDLIFE

Article 48

All kinds of wildlife species in the Kingdom of Cambodia are State property and the component of forest resources, including all species of mammals, birds, reptiles, amphibians, insects, other invertebrates, and their eggs or offspring. Such wildlife is under the management, research and conservation of the Forestry Administration, except for fish and animals that breed in water.

Wildlife specimens are dead wildlife, including the whole body, internal or external organs, the skeleton and processing products, and shall be under the management jurisdiction of the Forestry Administration.

All wildlife shall be divided into the following three categories:

- 1- Endangered species;
- 2- Rare species; and
- 3- Common species.

Ministry of Agriculture, Forestry and Fisheries, through the proposal of the Forestry Administration, shall issue a Prakas to determine the criteria for each category and establish a separate list for endangered and rare species, which may vary between regions in Cambodia, with consultation with Ministry of Environment.

Article 49

It is strictly prohibited to hunt, harm or harass all wildlife:

- 1- Using all types of dangerous means;
- 2- Hunting during the prohibited season; and
- 3- Hunting in protected zones and special public areas.

The Forestry Administration, upon the agreement from Ministry of Agriculture, Forestry and Fisheries, has the authority to issue a permit involving rare and endangered species for the following purposes:

- 1- For educational or scientific research;
- 2- In support of a Captive Breeding Program;
- 3- To exchange wildlife species pursuant to international cooperation agreements;

It shall be prohibited to commit the following activities against rare and endangered wildlife species:

- 1- Harass or harm any such species above or its habitat;
- 2- Hunt, net, trap or poison;
- 3- Possess, stock or maintain as a zoo or in a family house;
- 4- Transport;
- 5- Trade; and
- 6- Export-Import.

Rules on the activities related to all types of wildlife species shall be determined by Joint-Prakas between the Ministry of Agriculture, Forestry and Fisheries and Ministry of Environment.

Article 50

It is prohibited to commit the following activities against common wildlife species, except by a permit issued by the Forestry Administration:

- 1- Stock or maintain as a zoo or in a family house;
- 2- Transport and Trade an amount exceeding that necessary for customary use.

The export-import of any common wildlife species shall be accompanied by a permit issued by the Forestry Administration, upon the approval of Ministry of Agriculture, Forestry and Fisheries.

Article 51

The Forestry Administration shall collect the following Wildlife Conservation Fee and Wildlife Royalty:

- 1- A Wildlife Conservation Fee shall be paid to the Forest Development Fund; and
- 2- A Wildlife Royalty shall be paid to the National Budget.

The amount of a Wildlife Conservation Fee and Wildlife Royalty shall be determined by Joint-Prakas between the Ministry of Agriculture, Forestry and Fisheries and the Ministry of Economy and Finance.

CHAPTER 11

ROYALTIES AND PREMIUMS ON FOREST PRODUCTS & BY-PRODUCTS

Article 52

Except as stated in Article 53 of this law, any individual or legal entity harvesting Forest Products & By-products for commercial purposes within the Permanent Forest Reserve shall pay royalties and premiums to the national budget through the Forestry Administration. The Royal Government of Cambodia shall determine the royalties and premiums upon the joint proposal of Ministry of Agriculture, Forestry and Fisheries and Ministry of Economy and Finance.

The state will not require the payment of royalties or premiums for the harvesting of Forest Products & By-products from private forests.

The Model Forest Concession Management Agreement shall include a table of royalties and premiums on Forest Products & By-products.

Article 53

The Minister of Ministry of Agriculture, Forestry and Fisheries may reduce or waive the royalties and premiums for any Forest Products & By-products collected from the Permanent Forest Reserve for scientific purposes or to create an economic incentive to efficiently use Forest Products & By-products.

The State shall waive the royalties and premiums for any Forest Products & By-products collected by local communities under customary user rights or harvested in Community Forest under the Community Forest Agreement.

Article 54

Forest Products & By-products that are harvested shall be assessed for quality and quantity by the Forestry Administration official at the log landing within the annual forest coupe, prior to transport from the forest.

The assessment of the quantity and quality of the Forest Products & By-products shall be recorded in the “Book A” with the approval of the Head of the Forestry Administration.

Article 55

Royalties and premiums shall be paid for all Forest Products & By-products all recorded in the “Book A”.

The rules for payment and receipt of revenues from royalties on Forest Products & By-products shall be determined by a joint-Prakas between Ministry of Agriculture, Forestry and Fisheries and the Ministry of Economy and Finance.

Article 56

Anyone with legal possession of a permit to harvest Forest Products & By-products shall pay all applicable royalties and premiums prior to transferring or selling any of these rights to a third party.

The Minister of Ministry of Agriculture, Forestry and Fisheries, after consultation with the Ministry of Economy and Finance, may approve a delay in the payment of Royalties and Premiums on Forest Products & By-products for a permit holder who the Forestry Administration has recognized for practicing the sustainable forest management, and the delay of payment shall be based on rules and guideline under Article 55, 2nd paragraph of this law.

Article 57

If a permit holder does not pay royalties and premiums by the agreed scheduled date, the Forestry Administration shall have the authority to seize the Forest Products & By-products, without exception, and detain such products as state property until legal resolution of the dispute.

Article 58

Before the issuance of a permit to harvest Forest Products & By-products, the prospective permit holders shall be required to place a security deposit to guarantee payment of royalties and premiums to the national budget. The amount of the deposit shall be stated in a concession agreement or annual Forest Products & By-products harvest quota permit.

A security deposit shall not be required for the harvest of Forest Products & By-products within a community forest under a community forest agreement.

CHAPTER 12

REFORESTATION AND NATIONAL FORESTRY DEVELOPMENT FUND

Article 59

People, armed forces, and authorities of all levels shall have the obligation to participate in tree planting and reforestation.

The participation of the people in tree planting and reforestation shall be encouraged by the Royal Government of Cambodia through mobilizing communities and other social organizations.

The Forestry Administration shall develop appropriate measures for forestry development through extension, education and motivation of individuals, communities and people to plant and protect forests, and by providing necessary technical assistance.

Article 60

To further educate the people to understand the importance and the benefits of the forest, a national traditional tree planting day, known as “Rukkhak Tivea” (Arbor Day) shall be celebrated every year, on 9 of July, under the royal auspice of the King of the Kingdom of Cambodia, or his royal representative.

Both men and women who are newlyweds shall be encouraged to plant two trees, with coordination and provision of seedlings by the competent Forestry Administration officer.

The Royal Government of Cambodia shall establish an area of garden for national and international leaders to plant trees as memorials.

Article 61

The planting of trees within the State Forestland may be done directly by the Forestry Administration, Community Forestry, or by participation of people through a granted right to use state forest.

Tree planting on private land may be done by private entities in accordance with rules on private forest as stated in Article 46 of this law.

Rules on granting rights to use state forestland to plant trees shall be determined by Anu-Kret. These rules and regulations shall take into account the potential social and environmental impact of the selected species to be planted.

Article 62

The Royal Government of Cambodia shall establish a fund known as “National Forestry Development Fund” which shall be administered and managed under the responsibility of the National Forestry Development Committee, and co-chaired by the Minister of Ministry of Agriculture, Forestry and Fisheries and the Minister of the Ministry of Economy and Finance.

The organization and functioning of the National Forestry Development Committee shall be determined by Anu-Kret.

Article 63

The National Forestry Development Fund shall have sources of revenues derived from:

- 1- Distributions from the Royal Government of Cambodia;
- 2- Premium on Forest Products & By-products;
- 3- Wildlife Conservation Fees;
- 4- Aid from international organizations;
- 5- Donations from charitable individuals and national and international non-governmental organizations, and
- 6- Revenue from other services in the forestry sector.

All of the above mentioned revenue should be deposited into the account of the National Forestry Development Fund.

Article 64

National Forestry Development Fund shall not be used for the organization and functioning of the Forestry Administration.

This fund shall be used only for the following activities;

- 1- Reforestation;
- 2- Silviculture and forestry rehabilitation;
- 3- Forest Protection and Conservation and bio-diversity
- 4- Forest and wildlife scientific and technical research;
- 5- Extensions on Forest and Wildlife sector;
- 6- Development in Forest and wildlife sector.
- 7- Development of Community Forestry; and
- 8- Training human resources for the Forest and Wildlife sector.

CHAPTER 13

MEASURES GOVERNING FORESTRY ACTIVITIES

Article 65

Ministry of Agriculture, Forestry and Fisheries shall create the Cambodian Forestry Administration Hammer-Stamp in order to:

- 1- Mark legal logs prior to transport from the forest log landing;
- 2- Mark illegal logs that are evidence of forest offenses.

The Cambodian Forestry Administration Hammer-Stamp mark shall have a round shape engraving with abbreviated letters **រ.ក. (Ro.Ko.)**, and an identification number beneath the abbreviation to identify each hammer-stamp.

Before putting this Hammer-Stamp into use, Ministry of Agriculture, Forestry and Fisheries shall make the imprint of the hammer-stamp and record it as an archive at the Ministry of Interior and at the Provincial or Municipal Courts.

Article 66

Cambodian Forestry Administration Hammer-Stamp shall be stamped clearly on logs by the Forestry Administration officer as follow:

- 1- Logs permitted to be transported from the forest stockpile to the final destination shall possess four (4) or more Cambodian Forestry Administration Hammer-Stamp marks, both at the base and at the end of the log; and

- 2- Illegal logs impounded or detained by the Forestry Administration shall possess three (3) Cambodian Forestry Administration Hammer-Stamp marks in a triangular position at three locations; the base, middle and the end of the log.

All trees in the Permanent Forest Reserve that are permitted to be felled shall have a mark of the Cambodian Forestry Administration Hammer-Stamp.

Only sworn Forestry Administration officials shall be granted the right to possess and use the Cambodian Forestry Administration Hammer-Stamp. Rules governing the use of this hammer stamp shall be determined by the Prakas of Ministry of Agriculture, Forestry and Fisheries.

Article 67

Any forest concessionaire or forest coupe owner may have his/her private hammer-stamp for his/her personal use on his/her timber products; however, the mark from this private hammer-stamp shall have different shape, size, and letters from those of the Forestry Administration Hammer-Stamp.

Before its use, the forest concessionaire or forest coupe owner shall make an imprint of his/her private hammer-stamp for approval by the Head of Forestry Administration, and shall register the imprint at the appropriate Forestry Administration Office.

Article 68

It is prohibited to fell trees and collect or transport Forest Products & By-products within the Permanent Forest Reserve from eight (8:00) PM to five (5:00) AM, even with a harvest permit issued under the provisions of this law.

Article 69

All Forest Products & By-products transported within the country shall be accompanied by a Transport Permit issued by the Forestry Administration.

All Forest Products & By-products must be moved from the forest to the stockpile at the permanent log landing within one month after harvest, and shall be accompanied by a Transport-Permit issued by the Forestry Administration.

All Forest Products & By-products that have been stocked anywhere in Cambodia shall be accompanied by an authorized transport or stock permit issued by the Forestry Administration.

Transportation or stockpiling of Forest Products & By-products without a required permit or not in compliance with the terms and restrictions stated in the permit(s) shall be illegal.

Article 70

Before entering the annual harvest area, the forest concessionaire or forest coupe owner shall register all machinery, vehicles and chain saws with the Forestry Administration in order to obtain their identification tag and register at the Forestry Administration.

It is prohibited to use unregistered, or unidentified with a tag, machinery, vehicles and chain saws within the Permanent Forest Reserve.

The import of all types of machinery, vehicles and chain saws used to gather or transport Forest Products & By-products shall be evaluated by the Ministry of Agriculture, Forestry and Fisheries on their suitability.

The use of all types of chain saws for harvesting Forest Products & By-products shall be authorized by the Head of Forestry Administration.

Article 71

The Ministry of Agriculture, Forestry and Fisheries shall issue a Prakas establishing the appropriate number of forest industry, sawmills, and Forest Products & By-products processing facilities, in order to ensure the sustainable supply of Forest Products & By-products as raw materials.

Forest Products & By-products that are supplied as raw materials to forest industries, sawmills, and Forest Products & By-products processing facilities shall originate from either a concession, coupe, confiscated timbers, or other legal sources consistent with the provisions of this law.

Article 72

The export of Forest Products & By-products shall be consistent with the annual quota set by the Royal Government upon the request of the Ministry of Agriculture, Forestry and Fisheries.

The specification for the Forest Products & By-products allowed to be exported or imported shall be determined by Anu-Kret (Sub-decree).

Required use of export-import license for Forest Products & By-products shall be determined by the Royal Government.

Article 73

The license for export/ import of Forest Products & By-products shall be issued by the Ministry of Commerce, after the issuance of a Visa by the Head of Forestry Administration. This license shall be extended by the Ministry of Commerce.

Forest Products & By-products for export shall be inspected during their loading into containers and sealed by the Forestry Administration official prior to transport to custom's warehouse and stockpile area. Ministry of Agriculture, Forestry and Fisheries shall issue a Prakas to determine the sample of the seal to be attached to the outside of the container holding Forest Products & By-products for export.

An export/ import tax, and other duty tax, shall be paid for the export/ import of Forest Products & By-products to the national budget.

Article 74

Any drifted, stranded or sunk logs, unmarked, and any unclaimed timbers shall be seized as State property, and placed for public auction.

In case an individual claims ownership over those logs stated in the 1st paragraph, such individual shall provide evidence, including the Harvest-Permit, the Transport-Permit or

Stockpile-Permit within thirty (30) days from the notification date issued by the Forestry Administration.

Proceeds from the sale of timbers stated in Article 74, 1st paragraph of this law shall be paid to the national budget.

In case of any loss of drifted, stranded or sunk logs, and any loss of Forest Products & By-products that have been sent by the Forestry Administration to any individual or authority, the individual or authority safeguarding such property shall be liable for any loss or damage incurred during their care, subject to applicable laws.

Article 75

Individuals who gather, transport, process, stock, sell/buy, or export/import Forest Products & By-products shall be responsible for providing the original legal documents concerning the Forest Products & By-products upon request by the Forestry Administration inspection Officer.

CHAPTER 14

PROCEDURES TO RESOLVE FORESTRY OFFENSES

Article 76

Forest offenses are criminal offenses, which are specially defined in this law. The Forestry Administration officials qualified as judicial police officials have jurisdiction to investigate forest offenses and file such cases and documents to the court.

All levels of the Forestry Administration shall have the duty to investigate, control and suppress forest offenses within their assigned territory.

The operation of Forestry Administration officials qualified as judicial police officials shall be implemented consistent with Law on Criminal Procedures.

Article 77

During investigation, prevention and suppression of forest offenses, the Forestry Administration Officer shall wear his/her uniform, insignia, hierarchical ranking badge, and shall carry an authorized mission letter.

The Sworn Forestry Administration officials are qualified as judicial police officials when certified by the General Royal Prosecutor of the Court of Appeals.

The Forestry Administration officials qualified as judicial police have the right to prepare and sign the official minutes on a forestry offense within their assigned territory.

The uniform dress, insignia and hierarchical ranking badge of the Forestry Administration Officials shall be determined by Anu-Kret.

Article 78

All levels of local authorities, armed forces, custom and excise agents, all airport and port authorities and other concerned authorities shall facilitate and assist in the investigation, prevention and suppression of forest offenses and temporarily safeguard any seized evidence, upon request of competent Forestry Administration officials.

If any relevant authority has seen a forest offence he/she:

- 1- Shall immediately inform the nearest office or official of Forestry Administration ;
- 2- May temporarily detain the offender and evidence until delivery of the case to the Forestry Administration officials qualified as judicial police to proceed with legal action; and
- 3- Shall have no authority to directly collect fines or confiscate evidence.

Article 79

To exercise their duties, the Forestry Administration officials qualified as judicial police have the following rights:

- 1- To require certain individuals to respond to their questions and provide information related to the forest offenses;
- 2- Monitor or check everywhere, including airports, seaports, river-ports, dry-port, territorial borders, bus stations, train stations in the case of an actual forestry offense in cooperation with concerned authority; and
- 3- Temporarily revoke license or permit as prescribed under this law, if the license or permit holder violates this law.

In the case of an actual forestry offense, the Forestry Administration officials qualified as judicial police shall have the rights to search the surrounding and inside of a buildings or residence consistent with Law on Criminal Procedures. The search shall be carried out in the presence of the suspect and two (2) witnesses, who are neighbors or owners of the building or residence.

Article 80

In case of an actual offense, the Forestry Administration officials qualified as judicial police shall have the authority to temporarily seize:

- 1- Forest Products & By-products that are in violation of the provisions of this law;
- 2- Animals in the process of destroying tree crops;
- 3- Machinery, vehicles, equipment, and animals used as means to conduct forest and wildlife offenses.

The Forestry Administration Officials qualified as judicial police shall have the rights to detain, up to 48 hours, a forestry offender in order to file documents on the case and send it to the court.

Article 81

The preparation of forestry offense documents shall be carried out consistent with the Law on Criminal Procedures.

The standard forms for forestry offense minutes shall be determined by joint-Prakas of the Ministry of Agriculture, Forestry and Fisheries and Ministry of Justice.

Article 82

The evidences of forestry offenses shall be determined as follow:

- 1- Forest Products & By-products or Wildlife products, which constitute real evidence of the offense, and
- 2- Materials, equipment, and transportation means used to commit the forest offense.

The evidences stated in paragraph 1 above shall be temporarily seized until the offense has been resolved, whether by paying a transactional fine or a final decision of the Court.

During transportation of Forest Products & By-products, the driver who is not accompanied by the owner of the Forest Products & By-products shall be temporarily seized for the investigation of offenders and other people involved.

The Division level of the Forestry Administration shall have the rights to release, destroy or maintain for pubic benefits, seized wildlife products and specimens that are easily perishable, and file correct minutes of that case.

Article 83

The Forestry Administration Officials qualified as judicial police, who attend the court while in session, shall wear a uniform, insignia, and hierarchical ranking badge.

Article 84

While the court is in session, the Forestry Administration officials qualified as judicial police, who were involved in documenting the forestry offense, shall have the right to clarify the results of the investigation of the forestry offense to the court.

Article 85

The Statute of limitations to file a case with the court for a forest offense shall be:

- 1- Class I forestry offense – fifteen (15) years counting from the date the offense was committed;
- 2- Class II forestry offense – five (5) years counting from the date the offense was committed;
- 3- Class III forestry offense – one (1) year counting from the date the offense was committed.

The implementation of these statutes of limitation above shall be consistent with the Criminal Law Procedures.

Article 86

Individual who commits a forestry offense as stated in this law shall be responsible for his/her own action.

Individuals who are state employees, or employees of the private sector, who have used means from relevant State offices or private companies to commit forestry offenses, the individuals or their employers shall be penalized as described in the provisions of this law.

The employers shall be penalized under the provisions of this Law for forestry offenses committed by an individual or an organized group working for them in their organization.

Article 87

Any foreigner, or legal foreign entity that commits a forestry offense, shall be subject to the provisions of this law.

Article 88

Competent Forestry Administration officials have the authority to suspend activities in whole, or in part, in concession areas, in order to take legal action in the event that a concessionaire violates provisions of this law or the Forest Concession Agreement, until the dispute has been legally resolved.

Article 89

Any person dissatisfied by a decision made pursuant to this law by the Forestry Administration has the right to appeal to the Head of Forestry Administration within 30 days of notification of the administrative decision.

The Head of Forestry Administration shall make a decision on the appeal within a maximum of 30 days. After a final decision has been made by the Head of Forestry Administration, if there is not agreement with this decision, those persons may file a judicial appeal to the court.

Such an administrative or judicial appeal does not affect the authority and the process of law enforcement by the Forestry Administration officials under this law.

CHAPTER 15

FORESTRY OFFENSES AND LEGAL PENALTIES

Article 90

Punishments for forestry offenses consist of: imprisonment, confiscation of evidence, court fines, transactional fines, repairing damage, warning and revocation or suspension of agreements or permits.

Transactional fines for forestry offenses, repairing damage and warnings shall be the responsibility of the Forestry Administration. If the offender refuses to pay the transactional fine or repair damage, then the Forestry Administration may forward the file on the forestry offense to the Court.

Any government official who commits a forestry offense shall be subject to administrative punishment in addition to penalties stated in this law.

Article 91

The Forestry Administration has the rights to decide transactional fines for a forestry offense as stated in Article 96 of this law. The transactional fines for a forestry offense may be implemented when the offender admits fault and agrees to pay the fine in a manner consistent with the penalty provision of this law, with payment no later than fifteen (15) days counting from the date of the decision to implement the fine.

The rules and authority to decide on transactional fines shall be determined by the Prakas of The Ministry of Agriculture, Forestry and Fisheries.

In setting the amount of a transactional fine, the following factors shall be considered:

- 1- The economic gain realized as a result of the offense;
- 2- The damage caused to the environment;
- 3- How often the person charged has committed the offense;
- 4- How much of a fine is required to deter future offenses from occurring; and
- 5- Whether the offense was intentional.

Article 92

Transactional fines, fines imposed by court order or proceeds from selling evidence shall be paid to National budget. The Royal Government may decide to award incentives for people and officers who have participated in suppression of specific forest offenses.

Article 93

Any person or legal entity that violates a provision of this law shall be subject to the penalties as follow:

- 1- Class I Forestry Offenses –five (5) to ten (10) years in prison and confiscate all evidence as state property;
- 2- Class II Forestry Offenses –one (1) to five (5) years in prison and/or a fine of ten millions (10.000.000) Riels to one hundred millions (100.000.000) Riels and confiscate all evidence as State property;
- 3- Class III Forestry offenses –one (1) month to one (1) year in prison or fine of one million (1.000.000) Riels to ten millions (10.000.000) Riels and confiscate all evidence as State property.
- 4- Warning, repairing damage, transactional fines, revocation or suspension of agreements or permits.

The basic market value for Forest Products & By-products shall be determined by the Prakas of Ministry of Agriculture, Forestry and Fisheries for uniform implementation in the country.

Article 94

Any individual who has committed a forestry offense harming the forest ecosystem shall be liable for payment in order to restore or repair the forest ecosystem to its original condition.

Article 95

The Forestry Administration may issue a written warning and impose a requirement to repair damage for the following activities in the Permanent Forest Reserve:

- 1- Use of any means, including unleashed or leashed livestock animals within the Permanent Forest Reserve, forest plantation or state nursery, that harms trees or seedlings located in that area;
- 2- Injure or damage trees or other vegetation that have been planted or are under maintenance; and
- 3- Steal or damage fences, boundary poles or signs in nurseries or the Permanent Forest Reserve.

Article 96

An individual who has committed the following forestry offenses shall be subject to a transactional fine from the Forestry Administration for two (2) to three (3) times the market value of real evidence:

- 1- Fell tree without mark authorizing the felling;
- 2- Transport Forest Products & By-products without a permit;
- 3- Stock Forest Products & By-products without a permit;
- 4- Transport Forest Products & By-products contrary to the destination or exceeding the quantity authorized in the permit;
- 5- Use an expired transport permit for Forest Products & By-products;
- 6- Actual specifications of Forest Products & By-products contrary to those described in a transport permit;
- 7- Stock Forest Products & By-products exceeding the quantity authorized in a permit;
- 8- Export Forest Products & By-products, forest seed and vegetation species exceeding the amount in the applicable license;
- 9- Fell, saw, split and chop logs within the Permanent Forest Reserve, or use chain saw as a means to harvest forest products without permit or tag;
- 10- Harvest Forest Products & By-products during unauthorized hours;
- 11- Transport Forest Products & By-products that were obtained from felling or harvesting contrary to the provision of this law;
- 12- Forest Products & By-products for processing obtained from felling or harvesting contrary to the provision of this law;
- 13- Sell/buy or distribute Forest Products & By-products that were obtained from felling, finding, transporting or processing contrary to the provisions of this law;
- 14- Forest Products & By-products that were obtained from harvesting, transporting and processing contrary to the provision of this law;
- 15- Export Forest Products & By-products without a Visa approved by the director of the Forestry Administration;
- 16- Raise or breed any endangered wildlife species;
- 17- Possess, process, stock, transport or import rare wildlife species or specimens;

- 18- Raise or breed any rare wildlife species;
- 19- Transport, trade, stock, process or import common species or specimen without permit;
- 20- Hunting in public area.

Any individual who has violated the provision of the 1st paragraph of this Article multiple times within a month shall be fined two (2) to four (4) times the market value of evidence by the Forestry Administration.

All real evidence of forestry offenses shall be confiscated as state property consistent with the provisions of this law. Other evidence of the offenses stated in this article 96, other than Forest Products & By-products, may be returned to the owner.

Article 97

Any individual who has committed the following forestry offenses shall be punished under a Class I forestry offense subject to five (5) to ten (10) years in prison and confiscation of all evidence as state property, revocation of applicable agreements, licenses or permits, and destruction of false real evidence:

1. Forge or use fake hammer-Stamp, or destroying the mark of the Forestry Administration affixed on logs;
2. Falsification or unauthorized use of the uniform, insignia, hierarchical ranking badge of the Forestry Administration Officer;
3. Falsify public documents related to forestry or wildlife domain;
4. Destroy, hide, sell, or steal forest evidence;
5. Destroy, alter, or damage the boundary posts of the forest areas;
6. Clear forestland and enclose it to claim for ownership;
7. Set forest fires intentionally;
8. Gird bark, poison, destroy, fell or uproot trees to collect stumps;
9. Establish processing base for yellow vine or craft base of other Forest By-products that leads to the destruction of forest or forest ecology;
10. Hunt, kill, trade or export endangered wildlife species.

Any individual who has committed the forestry offenses under class I multiple times shall be penalized double the punishment stated for class I forestry offense of this law.

Article 98

Any individual who has committed the following forestry offenses shall be punished under class II forestry offenses subject to one (1) to five (5) years in prison and/or court fines of ten (10) million to one hundred (100) million Riel, and confiscation of all evidence as state property:

- 1- Non-compliance with the technical regulation defined in the Code of Practice for Forest Management in Cambodia;
- 2- Non-compliance with management plan and annual Forest Products & By-products harvest plan;
- 3- Misuse of a forest use permit to harvest Forest Products & By-products;
- 4- Use machinery or vehicle with the purpose of Forest Products & By-products harvesting without permit or tags;
- 5- Quarry, excavate stone or sand, or mine within the Permanent Forest Reserve;

- 6- Use forest land exceeding the size of the area authorized in the permit or without permit to construct public road, forest road or all types of building or residence along the road with in the Permanent Forest Reserve;
- 7- Establish a forest industry base, sawmill, Forest Products & By-products processing facility at large and medium scale without a Prakas issued by Ministry of Agriculture, Forestry and Fisheries;
- 8- Establishing all types of kilns that use Forest Products & By-products as raw material without permit;
- 9- Hunt wildlife in closed season or in protected zones;
- 10- Hunt, kill, trade, or export rare species;
- 11- Hunt wildlife by dangerous means that harm to animal biology; and
- 12- Posses, process, stock, transport or import endangered wildlife species or specimens.

Any individual who has committed the following activities shall be punished under a class II forestry offense subject to one (1) to five (5) years in prison and a fine of ten (10) million to one hundred (100) million Riel, and confiscation of all evidence as state property:

- 1- Harvest Forest Products & By-products without a permit;
- 2- Harvest Forest Products & By-products outside a coupe area as stated in a permit or outside the location set forth in the annual operational plan;
- 3- Transfer a right or sell a license or permit without permission;
- 4- Fell trees within a State Forest plantation;
- 5- Fell trees with a classified diameter smaller than allowed, that are rare species, that local people tap for resin or that yield high-value resin;
- 6- Import seeds of forest vegetation species without a visa from the scientific authorities from the exporting country and without permission from Ministry of Agriculture, Forestry and Fisheries;
- 7- Export Forest Products & By-products without license;

Any individual who has committed class II forestry offense multiple times shall be penalized as stated for a class I forestry offence in this law.

Article 99

Any individual who has committed the following offenses shall be punished under class III forestry offense subject to one (1) month to one (1) year in prison or fine of one (1) million to ten (10) million Riel. All evidence shall be confiscated as state property:

- 1- Use any type of chainsaw to harvest Forest Products & By-products without permission from the Head of Forestry Administration;
- 2- Import all types of machinery, vehicles and chainsaws to harvest Forest Products & By-products without an appropriate evaluation by the Ministry of Agriculture, Forestry and Fisheries;
- 3- Export Forest Products & By-products in a container without a seal from the Forestry Administration;
- 4- Harass, harm, or collect egg or offspring of, an endangered or rare wildlife species or destroy its habitat;

- 5- Establish stock place, wholesale and retail depot for Forest Products & By-products or small scale of Forest Products & By-products processing facilities without permit or contrary to permission.
- 6- Establish industrial forest factory, sawmill, Forest Products & By-products processing facilities or any type of kiln that use Forest Products & By-products as raw material or as an energy source contrary to permission of the Forestry Administration.

Any individual who commits a class III of forestry offense multiple times shall be penalized as stated for class II of forestry offense in this law.

Article 100

Any activities carried out by the official of local authority, the police officer, Royal armed forces or other authorities that directly or indirectly allow forest exploitation or other activities contrary to the provisions of this law, or to threaten a Forestry Administration officer, or to obstruct the performance of duties and operations of a Forestry Administration officer, shall be subject to one (1) to five (5) years in prison and fines of ten (10) million to one hundred (100) million Riel.

Article 101

The following activities shall be regarded as forestry offense committed by a Forestry Administration Official and shall be subject to one (1) to five (5) years in prison and fines of ten (10) million to one hundred (100) million Riel:

- 1- Grant authorization contrary to provisions of this law;
- 2- Entirely or partially participate directly in any forest exploitation activity contrary to the provisions of this law;
- 3- Allow any forestry offense;
- 4- Conducting any business related to the forestry sector either as a sole owner, a shareholder, an employee or a guarantor for others, while a position or within one (1) year after quitting the position for any reason;
- 5- Failure to report or failure to timely file for a class I forestry offense occurring in his/her responsible territory; and
- 6- Intentionally neglect duties during a mission or provide the false written report that allowed the commission of a class I forestry offense.

CHAPTER 16

IMPLEMENTATION OF COURT VERDICT

Article 102

The implementation of court verdicts or final court decisions on forestry offenses is the duty of the competent Forestry Administration, with the exception of imprisonment.

Article 103

All court verdict or court decisions on forestry offenses shall be copied to the competent Forestry Administration.

Article 104

After court verdicts or court decisions come into effect, confiscated evidence shall be managed by the Forestry Administration according to legal procedures.

CHAPTER 17 TRANSITIONAL PROVISIONS

Article 105

Any forest concessions existing prior to the enactment of this law, or that will be awarded through the public bidding process outlined in Article 13 of this law shall enter into an agreement following the standard Model Forest Concession Agreement as a basis.

Article 106

Where the Forestry Administration has evidence that occupation of any land has been obtained through illegal clearing of State forests, either before the enactment of this law, the Forestry Administration has the right, on behalf of Royal Government, as the owner of the State land to issue a written notice by evicting and reclaiming ownership of the State forestland without any condition.

Article 107

As this law enters into effect, all sawmills, forest Products & by-products processing facilities, which have been established and are operating under Prakas of Ministry of Industry, Mines and Energy, shall be transferred to the jurisdiction of the Ministry of Agriculture, Forestry and Fisheries.

These forest Products & by-products processing facilities shall be allowed to continue their activities until the expiration date of the existing Prakas.

All existing sawmill owners shall prepare documentation concerning the continued operation of their activities, in conformance with the procedures of this law, within 6 months from the date of this law coming into effect.

CHAPTER 18 FINAL PROVISIONS

Article 108

Any provision contrary to this law shall be null.

Article 109

This law shall be declared immediately effective.

The Royal Palace, Phnom Penh, August 31, 2002
In the King's Name and by the Royal Order
Acting Head of State
Signature and Seal

CHEA SIM

PRL. 02. 08. 00272

Has informed to
His Royal Highness for Signature
Prime Minister
Signature

HUN SEN

Has informed to Prime Minister
Minister of the Ministry of Agriculture
Forestry and Fisheries
Signature

CHAN SARUN

No. 182 CL
To Copy and Distribution
Phnom Penh, 30. September, 2002
Deputy General Secretary of the Royal Government
Signature and Seal

SIN SEREY

ANNEX

GLOSSARY

- Concession agreement** : Contract between the State and a concessionaire applied for the sustainable management and harvest of Forest Products & By-products in a forest concession area that authorized by the state, in pursuant to the provisions of this law and the agreed conditions.
- Land of Indigenous Community** : Land eligible for registration by the State as community property under the Land Law.
- Royalty** : Amount of money Paid to the State from an individual, legal entity or any communities for Forest Products and By-products harvested from the Permanent Forest Reserve.
- Forest Resources** : Biological resources within a specific forest area including forest vegetation and wildlife resources, all categories and species and other non-biological resources located therein, except mines under ground.
- Harvesting Block** : The smallest unit of a Coupe that has the function for monitoring the forest products harvesting operation.
- Premium** : Fee in addition to the Royalties that a licensee or permit holder pays as a condition for operating in specific forest areas.
- Forest Ecosystem** : The community dynamic complex and interaction of living (Forest and Wildlife vegetation and microorganism) and non-living (climate, microclimatic, soil and water) organism within a specific forest area that contribute to its edification and plays the role as a functional unit on the planet.

Humans with their economic, traditional, cultural and environmental needs are also an integral part of forest ecosystem.
- Forest Products & By-products** : Products provided by the forest including Timber Products and Non-Timber Forest Products, their processed products and other services provided by the forest.
- Conversion forestland for other development purposes** : Idle forestland, covered mainly by secondary vegetation that is not yet designated for any use, and shall be classified temporarily as Permanent Forest Reserve.

- Forest** : A unit of natural or artificial forest ecosystem, in the form of wet, inundated or dry land, covered by mixed vegetation, either natural or planted, including wildlife and other natural resources located therein, which the main utilizations are the production of Timber Products and Non-Timber Forest Products, and other forest services. Lands to which this law does not apply include all land designated by the State as permanent agricultural land, including: farms, idle land to be designated for other agriculture production than timber production, industrial areas, and land for urbanization and construction.
- Permanent Forest Reserve** : State forest covered on lands, excluding land that is privately owned, and categorized as production forest, protection forest and conversion forestland for other development purposes.
- Production Forest** : Forest area having the primary function for sustainable production of Timber and Non-Timber Forest Products. Production forest includes forest concession; forest permitted for harvesting, degraded forest, forest to be rehabilitated, reserved area for forest regeneration or forest plantation, reforested areas and forest areas under agreement between the Forestry Administration and the local community.
- Protection Forest** : Forest area having the primary function for protecting the forest ecosystem including the water resources regulation; conservation of biodiversity, land, water, watershed and catchments areas; wildlife habitat, fishes, prevention of floods, erosions, sea water intrusion; soil fertility and valuable for cultural heritage which serve the public interests. Protection forest under this Law does not include the protected areas under the jurisdiction of Ministry of Environment pursuant to the Environmental Protection and Natural Resources Management Law.
- Community Forest** : State forest subject to an agreement to manage and utilize the forest in a sustainable manner between the Forestry Administration and a local community or organized group of people living within or nearby the forest area that depend upon it for subsistence and customary use.
- Private Forest** : Forest plantation or trees, whether planted or naturally grown on private land under registration and legal title in pursuant to authorized legislation and procedures.
- Concessionaire** : A national or foreign legal entity granted user rights in a forest concession by the State through the authorized public bidding process according to this law.

- Coupe** : A geographically recognizable area of production forest forming the basis of each annual operation area as defined in a Forest Concession Management Plan and annual operational plan.
- Forestry Administration** : The government authority at all level with the mandate to manage the forest consistent with the National Forest Policy and this law.
- Forestry Sector** : A system of activities pertaining to forests, forestland area and Forest Products & By-products undertaken with an integrated management methodology involving policy, legislative, technical, scientific and administrative aspects.
- Permanent Forest Estate** : The overall forest complex, natural and planted, in the Kingdom of Cambodia, including State and Private, designated as two main categories: the Permanent Forest Reserve and Private Forest, to be maintained to ensure a sustainable permanent forest cover and use.
- Community** : A group of people living in one or more villages, in the Kingdom of Cambodia, interested in social, culture, custom and economic issues in using sustainable natural resources within or nearby their area for their subsistence and livelihood improvement.
- Local Community** : Community tribe or a group of people whose home residence is inside or nearby the State forest and having their custom, religious belief and culture that depend on Forest Products & By-products for their subsistence.
- Forestry Community** : A voluntary community that assembles under a Community Forest Agreement for implementing the sustainable use and development of forest resources conforming to the provision of this law.
- Forest By-products** : Products other than timber that are extracted from the forest including Non-Timber plant products, Wildlife products and services provided by forests. These products shall be determined by Prakas of Ministry of Agriculture, Forestry and Fisheries.