

LAW DECREE ON FORESTRY ADMINISTRATION

State Council Decree No. 35 KR.C

State Council of the People's Republic of Kampuchea

- had seen The Constitution of the people's Republic of Kampuchea.
- had seen the Law concerning the management of the Assembly and the State Council of the People's Republic of Kampuchea proclaiming the application following the Decree No. 04KR dated 10 February 1982.
- had seen the Law concerning the organization and the activities of the Council of Ministers of the People's Republic of Kampuchea, proclaiming for application following the Decree No 03KR dated 10 February 1982.
- had seen the Law-Decree No. 22 KR. C dated 14 June 1985 concerning the Patent tax payment.
- had seen the Law-Decree No. 23 KR. C dated 14 June 1985 concerning the business tax.
- had seen the Law-Decree No. 7 KR. C dated 13 July 1982 concerning the Competence and the legislation on the creation of Law and regulations.
- In compliance with the proposal of the Council of Ministers,

Decision

CHAPTER 1 GENERAL REGULATIONS

Article 1

Forest resources of the People's Republic of Kampuchea, include the forest areas for afforestation, natural forests, forest plantations, forests along the river sides, ponds, streams, lakes, coastal areas and overall wildlife existing in the forests. Forest resources, in the whole territory of the state of Kampuchea, are the properties of this state and under its administration.

Article 2

Forest areas, in the People's Republic of Kampuchea, are classified into two kinds:

- a. forest areas in groups.
- b. forest areas for protection and conservation.

Article 3

Forest areas classified in groups are:

- a. forest reserves for timber production and soil cover.
- b. forest areas with boundaries for reforestation.

Article 4

Forest areas which should be protected are those which are not included in any kinds of the classified groups in the article 3.

Article 5

Forest classification for reserves:

- a. forest reserves for timber production, are those having timber with a commercial value, but due to the lack of logging means, by silvicultural and technical management, those reserves should be protected against the destruction.
- b. forest reserves for soil cover and conservation are those which should be always standing for the purpose of watershed protection, or regularizing the climate, stabilizing the upland and sandy soil and against erosion.

Article 6

The classification of area boundaries for reforestation should be occurred to:

- a. The areas where the forests were degraded by slash and burn, on the degraded soil where was only suitable for growing, the forests and should be reforested.
- b. The bare areas which are only suitable for growing the forests and need to be reforested.

Article 7

The work done on forest boundaries, classification and forest realized boundaries, should be decided by a sub-decree.

The permit for logging parcel divisions, for logging of timbers and extracting the undergrowth products, the classification of timber species, minimum diameter for logging, the logging practice books, the permit for logging or seeking the timbers, and under-growth products to be extracted for the purpose of family and public uses, should be decided by the Ministry of Agriculture.

Article 8

All people, militaries and local Authorities of all levels have the obligations to join with the forest conservation, forest protection against the bushfire and join part to reforestation too.

CHAPTER 2 LOGGING RULES

Article 9

The timbers and the undergrowth products of different species extracted without Permit, should be arrested.

Article 10

Official organizations, solidarity groups or professional loggers who are permitted to practise logging, should rule accordingly with the permit or logging practice books, and have obligations to pay the income tax for forest conversation and forest protection and pay tax to the government according to the government rules.

The tax office and the Forestry Department should examine and discuss for settlement of products and benefits in order to get patent tax according to the table tax rules mentioned in the Law-Decree No.22 KR. C dated 14 June 1985 and the sum of business tax according to the rate mentioned in the Law-Decree No.23 KR. C dated 14 June 1985.

The extract or seeking of the undergrowth forest products for the purpose of family and public uses, should be regulated by permit, but exempt of income tax for forest conservation and protection and exempt of government tax.

Article 11

Loggers who had been agreed or permitted to practise logging and could not realize on the right time mentioned in the logging practice books, they could request to extend within a period of times not over which had been agreed before.

Article 12

The professional loggers of timbers and undergrowth forest products, the loggers should cut down timbers or seek products or undergrowth products within the forest boundaries of the logging pannels mentioned in the permit or in the logging practice books.

The extract of timbers and the undergrowth forest products, out of forest boundaries or forest pannels for logging indicated in the permit or in the logging practice books, should be considered as an illegal extract.

Article 13

It is prohibited to practice logging of the classified species under minimum cutting sizes, except to which it can be done for the purpose of management in order to improve the forest growth.

Article 14

It is systematically prohibited to practise logging within the boundaries of the forest classified in groups and within the boundaries of forest protection, except the technical studies and researches or the silvicultural management for the purpose of the forest structural improvement undertaken by the Forestry Official Organizations.

Article 15

All transports of timbers and undergrowth forest products to different serviceable places within the provinces and cities, should be carried out by a transport permit delivered by the Offices of Forestry of the provinces and cities. This circulation permit should be signed stamped by the Committee of the People of the Provinces and Cities:

- All transports of timbers and undergrowth forest products, from provinces or cities to another, should be provided with a permit signed and stamped by the Forest Department and the Ministry of Agriculture.
- All exports of timbers and undergrowth forest products, should be decided by the Council of Ministers.
- All transports of timbers and undergrowth forest products over the quantities permitted have to be considered as illegal.

Article 16

Should be arrested:

- a. People who transfer, sell or hire the permit to other people for logging practices, or people who transfer, sell or hire the circulation permit of timbers or products or undergrowth products, to other people.
- b. People who transfer their logging yard to other people.
- c. People who do transaction or utilize the products and the products and the undergrowth products exceeded the planning, for the purpose of the family and public uses.

Article 17

Should be warned:

- a. grazing cattle in the areas of reforestation and nurseries.
- b. utilizing fire for the purpose of extracting.
- c. cutting rare existing timber species.
- d. burning forest for the purpose of destruction.
- e. cutting, slashing, burning for the purpose of field crops and rice cultivation.
- f. digging stones, mining existed in the forest
- g. cutting timbers that people already extracted resin.
- h. seeking the hard remaining timbers.
- i. cutting, sticking the resinous species with value and species shelter of insects useful stimulating the lacquer.

Species indicated in the items c, g, i, should proclaimed by the Ministry of Agriculture.

Article 18

Chopping, slashing burning of the forest for the purpose of field crops and rice cultivation and digging precious stones or mining existed in the forests and chopping down of the timbers which were extracted resinous products by the people, can be practiced, in case of the Ministry of Agriculture can permit.

Chopping down the rare existed timbers, seeking the hard remaining timbers, cutting down the value resinous timbers and species shelter of the insects useful for stimulating lacquer, can be carried out, if there is a special permit form the Ministry of Agriculture.

Article 19

It is prohibited to kiln-dry build up the charcoal furnace the calcium furnace, the brick making, the tile-kiln, the ceramic-kiln, the tobacco-kiln-dry, the furniture-factory, the sawmill, in the forest area boundaries, classified in groups and in the forest areas protected.

Can be allowed to build up the charcoal-furnace, the calcium furnace, the brick-making, the tile-kiln, the ceramic-kiln, the tobacco-kiln-dry at the distance of 1 km. from the forests.

Can be allowed to set up the charcoal-furnace, the sawmill, the furniture-factory at a distance of 2 km. from the forests.

Charcoal-furnace, sawmill, furniture-factory, to be set u in the same conditions mentioned above, should be permitted by the Ministry of Agriculture. Calcium-furnace, brick-making tile-kiln ceramic-kiln, tobacco-kiln-dry, to be set up at a distance of 1 km. from the forests, should be decided by a proclamation of the Ministry of Industry.

CHAPTER 3 THE FLOATING TIMBERS ON THE WATER AND THE HAMMER OF THE KAMPUCHEA'S FORESTRY

Article 20

The floating timbers on the water or timbers stationed on the water along the river banks, are considered to be no owner.

People who pick up and take care of those timbers, are rewarded by the Ministry of Agriculture. In case of other people complain that those timbers belong to them, they should prove the fact, especially, the logging permit and the transport permit.

All arrangements concerning the picking-up, the taking-care, for a period of times during the examination of complain, and the reward should be decided by the proclamation of the Ministry of Agriculture.

Article 21

The Ministry of Agriculture should make the hammer stamp of Kampuchea's Forestry with abbreviation letter "... " in order to:

- hammer on the legal timber materials permitted to be carried out of the forest before transporting to the serviceable places.
- hammer on the illegal timbers and the illegal materials.

Before delivering for usage of this hammer, the Ministry of Agriculture should make a memorandum, stamp on sample to be kept as a witness in Ministry of Interior/and in the People's law-court.

CHAPTER 4 HUNTING

Article 22

The hunting of all species of wildlife is strictly prohibited until there is a new regulation.

The species' name of wildlife protected for conservation should be given and decided by the Ministry of Agriculture.

Article 23

The hunting results of fresh meat, fresh teeth, fresh bones, fresh tusks, fresh horns, fresh skins, are considered as a fact for witness to the protection mentioned in the article 22.

CHAPTER 5 COMPETENCE FOR SOLUTION ON ILLEGALITIES

Article 24

The administration and the investigation on illegalities are the competence of the organizations of the forestry levels. The Forest Department has obligations to the administration and the investigation on illegalities in the whole territory of the people's Republic of Kampuchea.

The organizations of the provinces and cities have competence to the administration and the investigation on illegalities within their provinces and cities only. In order to apply these above mentioned obligations, staff, personnel of the Forestry Department have rights to:

- a. The administration of logging activities in the forest regions.
- b. The administration of timbers and undergrowth forest products and transportations by various means.
- c. The administration of processing areas, stock of lgs, warehouse for selling timbers and sawn timbers, sawmill of all kinds of forest products and others, like charcoal-furnace, calcium-furnace, brick-making, tile-kiln, ceramic-kiln, tobacco-kiln-dry which are using the forest products and the undergrowth forest products.

- d. The writing of memorandum about administration and solution of the problems, in case of the illegalities happened.
- e. In serious case, and conformably to the law, the people who are acting the illegalities and their utilized materials, should be arrested to prove the fact.

Article 25

Rights to the solution of the illegalities are the following:

- Local offices of the Forestry of the District, provinces, suburbs of the cities can get a fine up to 300 Riels.
- Provinces and cities offices of Forestry can get a fine upto 15,000 Riels.
- Forestry Department can get fine from 200 Riels up.

Article 26

The competences for the solution of the complain from getting fines or arrested materials in the illegalities, should be as follow:

- Should be decided by the Forestry offices of the provinces and cities, all complains found by the offices of Forestry in district, and suburbs of the cities.
- Should be decided by the committee of people's of the provinces and cities, all complains from getting fines and arrested materials found by the offices of Forestry of the provinces and cities. If the decision can not be made up all documentary arguments should be sent to the Law-court.
- Should be decided by the Ministry of Agriculture, all complains from getting fines and arrested materials found by the Forestry Department. If, the decision can not be made up, all documentary arguments should be sent to the Law-court.

Article 27

All memorandums concerning the illegalities, the solution of the illegalities or the complain for solution of any illegalities, should be copied urgently to the Ministry of Agriculture and (Forestry Department).

- During their missions, all staff and Personnel of the Forestry Department should wear uniform and badge recognized by the Ministry of Agriculture.
- Local authorities of all levels, the militaries of all levels should give support to the Forestry Administration, in case of they are requested by the staff or Personnel of the Forestry.
- Local authorities of all levels should give support to take care for temporary arrested materials of illegalities in case of they are requested by the staff or personel of the Forestry.
- Fresh illegal results from hunting arrested and can not bekept for a long times, they can be sold at any time, after agreement made up by the committee of the people's of the Provinces and cities.

CHAPTER 6 REGULATION OF ILLEGALITIES

Article 28

People who act out of the Law-Decree, should be warned, fined in currency, confiscated materials or imprisoned according to their activities. The confiscation of the withness materials are the competence of the Law-court.

The fines obtained from illegalities should be in currency and useful for the state budget.

Article 29

Should pay fines from 10 to 50 Riels by all people who are:

- a. grazing their cattle in the plantations areas or in the young planted trees areas or in the nurseries.
- b. utilizing the fines for the purpose of their business.

Article 30

Should be put to warning and confiscation or materials for all people who are:

- a. cutting and transporting timbers and undergrowth product for the purpose of family and public uses, without legal permit.
- b. selling, purchasing or utilizing out of planning, all timbers and undergrowth forest products got from extracting, for the purpose of the public and family uses.

In case of repeating the same mistake carried out within the forest protection or forest conservation, all materials should be confiscated and fined in currency at the same value of the materials.

Article 31

Should be confiscated all materials and fined in currency at the same value of materials from people who are:

- a. transporting timbers and undergrowth forest products over quantities permitted.
- b. harvesting timbers and undergrowth forest products over quantities permitted in the logging practice books.
- c. harvesting timbers and undergrowth products out of boundaries or out of logging yards permitted in the logging practice books.
- d. harvesting timbers without permit, all timbers from which people had already extracted resin.
- e. seeking hard remaining timbers without permit.
- f. cutting, debarking, sticking, the precious resinous trees and tree species which are useful for shelter of insects stimulating lacquer.
- g. digging precious stones, sand, mines existing undergrowth within the forest boundaries without permit.

Article 32

Should be confiscated all materials and fined in currency at once or twice values of the materials and moved back the permit for logging, the permit for transport or moved back the logging yard from people who are:

- a. transferring, selling, renting to other people, the logging permit or transport permit of timbers and undergrowth products.
- b. transferring logging yard to other people.

Article 33

Should be confiscated all materials and fined at twice or three times of the value of materials from the people who are:

- a. logging timbers without permit.
- b. transporting timbers and undergrowth products without permit.

- c. cutting rare species of trees.
- d. hunting protected wildlife.

Article 34

Should be fined from 100 to 1,000 Riels from people who are setting up without permit, the charcoal-furnace, the calcium-furnace, the brick-making, the tile-kiln, the ceramic-kiln, the tobacco-kiln-dry, the furniture factory, the sawmill, as mentioned in the article 19 of the Law-Decree.

Those buildings should be urgently moved back and all timbers and sawn timbers existing, should be considered as illegal, and confiscated for the useful things to the government.

Article 35

Should be fined from 200 to 2,000 Riels per hectare or a part of hectare from the people who are:

- a. cutting, slashing and burning. The forests without permit for the purpose of field crops and rice crops.
- b. burning the forest without willing.

Article 36

People who are willing to burn the forests, should pay fine from 1,000 to 5,000 Riels, and imprisoned from 3 months to 3 years. If people who are willing to destroy the national forest resource, should be imprisoned from 5 to 15 years.

Article 37

People who use the hammer trickily or use a tricky hammer, should be imprisoned from 3 months to 5 years; if repeating the some intention, they should be imprisoned from 5 to 15 years. This tricky material should be destroyed.

Article 38

If intrust people or business loggers would not pay fine, tax or revenue to the state forest protection; their documents should be submitted to the Law-court.

Article 39

People who commit or hide or defend the commitment, intrust-fine and tax, revenue for state forest protection and corruption and go between for corruption should be judged according to the Law in vigour.

CHAPTER 7 FINAL REGULATIONS

Article 40

All regulations opposite to this Law-Decree should be considered as no value.

Article 41

The Council of Ministers should take this law for application.

Article 42

This Law-Decree should be in legislative vigour from the date of the public proclamation.

Phnom-Penh, June 25, 1988

(signed and stamped) Heng Sam Rin
Executive power

Prime Minister of The Council of Ministers
(signed and stamped) Hun Sen

for copy distribution

General Secretariat of the State Council
Chom-Ven