

State Council

FIAT _ LAW

No. 33 KROR.CHOR.

on

FISHERY MANAGEMENT and ADMINISTRATION

STATE COUNCIL
THE PEOPLE'S REPUBLIC OF KAMPUCHEA

- Seen the constitution of the People's Republic of Kampuchea(1)
- Seen the Law on Establishment of the state Assembly and the State Council of People's Republic Of Kampuchea, promulgated by the Fiat No.04KROR. dated on 10th February 1982. (2)
- Seen the Law on the Organization and activities of the Council of Ministers of the People's Republic of Kampuchea, promulgated by the Fiat No.03 KROR.dated 10/2/82 . (3)
- Seen the Fiat- Law No.07 KROR.CHOR.dated on 13/7/82 on " Competence and Legislation procedure of the constitution of the laws and regulations. (4)
- Seen the Fiat- Law No.22 KROR.CHOR.dated on 14/8/85 on "Professional Tax". (5)
- Seen the Fiat- Law No.23 KROR.CHOR.dated on 14/8/85 on " Exploitation Tax ".
- By the proposal of the council of Ministers. (6)

D e c i d e d

Chapter I

Article 1. - Fishery resource comprised a live animal and vegetable reproduced itself and abided in the fishery domain.

- fishery domain comprised:

1. Inland fishery domain: rivers, tributaries of rivers, lakes, streams, small rivers, canals, inundated forest areas or water channels, natural ponds, holes in ground, which having the water source from the river, tributaries of the rivers, lakes, streams, small river.
2. Marine fishery domain: extend from the coastline to the borderline outer of the economy zone of the People s Republic of Kampuchea. Fishery domain is the property of State.

Chapter 2

Exploitation in inland fishery domain,
Aquaculture and processing of freshwater
fishery product.

Article 7. - All kind of fishing in the fishery domain assigned by group, without permission and not appropriate to the regulation, are forbidden.

Exploitation in the fishing lot can be taken place on the contingency that the fishing license is available and must be operated during the fishing season mentioned in the burden book or fishing license

Article 8. - Government fishing enterprise or solidarity group which has a right to do fishing in the fishing lots must be absolutely respected the burden book or fishing license and must be regularly recorded the quantity of fish caught every day into the statistic book.

The above statistic book could be signed by the provincial fishery authority every month.

Article 9. - During the fishing season, all fishing fortification which made across navigable channel must keep a space to enable all kind of vessels be navigated, and mustn't obstruct the water flow to make the water level in front of the fishing barrage come up higher.

During the closed season, it must be dismantled and removed all fishing fortification in the fishing lot before 15th June for the northern part of the parallel Quatre Bras (CHAKTOMUK RIVER) and before 15th July for the southern part of the parallel Quatre Bras (CHAKTOMUK RIVER).

Article 10. - Fishing in the fishery domain protected can be allowed to do on 2 conditions :

- Small scale- family- fishing.
- Middle scale fishing.

Small scale- family-fishing gear, middle scale fishing gear, industry fishing gear must be defined by the Proclamation of the Ministry of Agriculture.

Article 11. - Small-scale-family fishing is only for subsistence and can be implemented for all the time in the

fishing domain protected and in addition in the fishing lot during closed season.

Article 12. - Middle scale fishing in the fishing domain protected can be taken place on the contingency that:

- fishing license is available.
- doing during fishing season from 1st October to 31st of May for the fishery domain located in northern of the parallel Quatre Bras (CHAKTOMUK) , and from 1st November to 30th June for the fishery domain located in southern of the parallel Quatre Bras (CHAKTOMUK).
- respect the order act mentioned in the license.

Article 13. - It is absolutely prohibited for every time and everywhere, all methods of fishing in the fishery domain protected by using all kind of fishing gear combining with bamboo fence of more than 50 m length or extended more than 2/3 of the width of navigable channel or caused obstacle the passage of all kind of vessels.

Article 14. - Opposite to the order act mentioned in article 13, the method of fishing in the fishery domain protected by using trap bamboo fence (Lop Nor or Rav) of less than 500 m length in the lake of Tonle Sap (Great lake), is allowed to operate from 1th of February to 20th of May, (in the place , located at the distance of not more than 4 kilometers from the lake bank, and in the areas defined by the Proclamation of the Ministry of Agriculture.

The establishment of this trap bamboo fence must not cause obstacle to the passage of all kind of vessels.

Trap bamboo fence , fortification must be removed before 31st of May. .

Article 15. Middle scale fishing of seining method, even though one or many seines connected, can be taken place on condition that these seines has total length less than:

_ 400 meters for the fishery domain protected, out of the lake of Tonle Sap (Great lake).

_ 1,000 meters for the fishery domain protect , in the lake of Tonle Sap (Great Lake).

Not allowed to do middle scale fishing by seining in the fishing areas reserved for only subsistence fishing, in the fishing areas which may cause disturbance to the exploitation in the fishing

lots, and the fishing areas where the peoples have habit to catch fish with small fishing gears. The three last fishing areas must be defined by the

Ministry of Agriculture.

Article 16. - all kind of fishing in the fish sanctuaries or method of fishing by using bag net fishing gear (Day fishing) for catching fish or prawn out of fish or prawn- bag net- fishing lot is absolutely forbidden, except the technique scientific fishery research operated by the Department of fishery with the special permission.

Article 17. - It is absolutely prohibited for all kind of fishing in the inland fishery domain by using destructive fishing gears as follow :

A_ Electrocuted fishing gear , explosive, explosive stuff or all kind of poison.

B_ All means of pumping, bailing, drying any part of fishery domain.

C_ Samras (a kind of fishing method, which number branches of tree and put into any deep part of the lake or river or stream or natural pond, formed as fish habitat for attracting fish to concentrate to

one place. On the certain time, this place has been surrounded by the seine and when the branches of tree removed off, substantial fish has been caught.) or other luring tactic for fish concentration.

D_ Fish spear combining with illuminated lamp.

E_ Gill net or all kind of seine of mesh smaller than 1.5 centimeter.

F_ Fixed- gill nets, extended- gill nets or gill nets for catching boa.

G_ All kind of fishing gears push or dragged by machine .

H_ All kind of fishing barrier where the distance from one stick to another is smaller than 1.5 centimeter.

I_ All kind of the string extending in the water and various tactic which make the fish startle.

J_ Dike combining with all kind of fishing gears

K_ Modern fishing gear or new fishing method which not mentioned in the Proclamation of the Ministry of Agriculture.

Article 18. - It is forbidden :

a_ Catching or selling or transportation fingerling,

fish egg, crocodile, giant catfish (Pangasianodon gigas) , probatus jullieni fish, grossochilus latius

b_ Dike construction across the lake, small

river, stream, river or any navigable channel is the fishery domain, even though this dike is constructed for the benefit of agriculture
c_Growing lotus in the fishery domain
d_Chopping, reclaiming or firing the inundated

forest.

e_Transportation or selling the fire wood originated from inundated forest.

All the above matters can be taken place on the contingency that special permission is available

Article 19. - Doing aquaculture in pond or pen seized more than 0.5 hectare or cage seized more than 15 square meter, crocodile farming of more than 5 heads, turtle farming of more than 50 heads, boa or non-poisonous snake farming of more than 20 heads, establishment shop or storage and middle scale processing of fishery product of more than 1 ton per year or fishery processing industry, can be taken place on the contingency that the permission is available.

Article 20. -Government-fishing enterprise, solidarity group or privates which has received a professional license as well as mentioned in article 19, must has a statistic book for recording:

-Pond, pen or cage area and the stock of animal farming or feeding for a short time then sell it, subsequently (for aquaculture activities).

-Every day input-output and stock of fresh or processed fishery product, (for the establishment of shop, storage and processing).

This statistic book must be attested by signing from the provincial fishery authority every month.

Article 21. -Stocking alive, fresh or processed fishery product in the closed season can be taken place on contingency that the permission is available..

Government enterprise, solidarity group or fishermen must be informed to the provincial-urban fishery authority at least 15 days before closed season, for checking the stock properly.

Chapter 3

Exploitation in marine fishery domain.
Aquaculture and processing of sea product.

Article 22. -All kinds of fishing in marine fishery domain of the People's Republic of Kampuchea can be taken place on the contingency that the permission is available except small scale-family-fishing.

Small scale-family-fishing gear and other fishing gear allowed to operate in the marine fishery domain of the People's Republic of Kampuchea must be defined by the Proclamation of the Ministry of Agriculture.

Article 23. -Government fishing enterprise, solidarity group of fishermen which use fishing boats or vessels in the marine fishery domain must be additionally have:
-Boat or vessel license allowed to operate in the sea issuing by the fishery authority, after technically control.
-License from the police institution, after administratively control.

Article 24. - The fishing activities of foreigners in the marine fishery domain of Kampuchea must have the permission after approving by the Council of Ministers.

Article 25. -Fishermen who are permitted to do fishery in the marine fishery domain must:
a-respect the order act mentioned in the fishing license.
b-regularly record into the statistic book, the quantity of fish and other sea animal caught every day and must be monthly reported to the provincial-urban fishery authority.

Article 26. -The fortification of all kinds of fishing gear extended to cause the obstruction to the boat navigation, is forbidden.

The fortification of all kind of fishing gears which extended across the stream, inlet or navigable channel of coastal zone must keep free space of 1/3 of width during low tide to enable the navigation of all kind of vessels.

Fishing fortification or all kind of fishing gears must dismantle at a latest date of 15 days after cease-fishing.

Article 27. -Hackerel (Camon or Pla Thu) fishing in the sea during spawning season from 15th January to 31st March ,is forbidden.

Article 28. -Trawling in the shallow sea water between the shore and the of 20 m depth line is absolutely forbidden,except there is a special permission by the requirement of the Department of Fisheries for doing experimental fishery technique-scientific research.
Fishery for doing experimental fishery technique -scientific research.

Article 29. _ Fishing in the sea of the People's Republic of Kampuchea by using electrocuted fishing gear, all kind of explosives or modern fishing gears not yet mentioned in the Proclamation of the Ministry of Agriculture, are absolutely forbidden.

Article 30. _ Aquaculture with the total area of more than 0.5 hectare in the coastal zone or wet land area influenced by water tide or brackish water area,the establishment of shop or stock and the establishment of middle scale processing which produce more than 1 ton per year or processing, industry can be taken place on the contingency that :

- a- Professional license is available
- b- Statistic book is available for recording :

- The area of aquaculture farm and the stock of sea animal farming or feeding for a short-time then shell it subsequently (for aquaculture).

- Input- output and a very day stock of fish or processed sea fishery product,(for the establishment of shop, storage or processing.

- This statistic book must be attested by signing from the provincial-urban fishery authority every month.

Chapter 4

Competent authorities for solving the fishery law violation

Article 31. - Control and searching for the fishery law violation is the competence of all level of the fishery authorities.

The Department of Fisheries has a competence to control and search of all fishery law violations throughout the territory of the People's Republic of Kampuchea.

The provincial- urban fishery authority has a competence to control and search for fishery law violations in it province-city.

For implementing the above duty, the fishery officers and staffs have had a right as follow;

a- Control all kind of fishing in the fishery domain.

b- Control various means of transportation of fishery products .

c- Control all type of fishery processing places or storage, shop and aquaculture farm.

d- Write a minute on the control and solution of a fishery or law violation matter.

e- To arrest wrong doer and withdraw or destroy the proof in case of legislative requirement.

Article 32. - A right for solving the fishery law violation has is defined as follow :

- District fishery authority has a right to fine until 2,000 Riels.

- Provincial- urban fishery authority has a right to fine until 10,000 Riels.

- Department of Fishery has a right to fine from 100 Riels up.

- Fresh or processed fishery products withdrawn from the transgression, and could not keep selling for long time and also has no demand, because of which it can rightfully solve unless, after getting concession from the discussion between the committee of people and the fishery authority.

Article 33. - Competence solving the protested plaint on a fine or a proof withdrawal

of the fishery law violation, is defined as follow :

- The protest against the decision of the punishment by a fine or the proof withdrawal issued by the district fisheries authority, must be sentenced by the provincial-urban fishery authority.

- The protest against the decision of punishment by a fine or the proof withdrawal the provincial-urban fishery authority, must be sentenced

by the committee of the people of the province-urban. If it's undecided, it must be transferred this file to the court.

- The protest against the decision of the

Department of Fisheries covered the punishment a fine and withdrawal the proof, must be sentenced by the Ministry of Agriculture . If it's undecided, it must be transferred the file to the court.

Article 34. - All the report on the fishery law violation, the solution of the fishery law violation or the protest against the sentence of the fishery law violation, must be immediately informed to the Ministry of Agriculture
" Department of Fishery ".

During operation the fishery officers and staffs must be worn uniforms and symbol sings defined by the Ministry of Agriculture.

Authorities of each base , armed forces must be collaborated with the mission control on the fishery law violation, in case of requirement suggested by the fishery officers- staffs.

Chapter 5

Penalty

Article 35. - Person who transgress this Fiat- Law must be admonished, punished a fine, withdraw and confiscated the proof or confined to jail, depending on the degree of the violation.

- Confiscation the proof is the competence of the court.

- The fine is a usefulness of the national

budget.

Article 36. - Person who breaks the article 8-11-12, 20-21-23 and article 17 at the points d- f- j , article 18 at the points a- b- c ; article 25 at the points b and article 30 at the point b, must be punished a fine from 100 Riels up to 50,000 Riels. In the case to break the article 21, article 22 at the point b, article 17 at the point d- f- j and the article 18 at the points a- b- e , it must be confiscated the proof and kept as the Government property or destroyed, in addition to the above fine.

Article 37. - Person who breaks the article 17 at the point c, article 18 at the points c - d , it must be

punished a fine from 200 Riels up to 50,000 Riels per hectare or divide part of hectare. In the case to break the article 17 at the point c , article 18 at the point c , it must be confiscated the proof and kept thing as the Government property or destroyed, in addition to the above fine.

Article 38. - Person who breaks the articles 7 9-10 13-14-15-16-19-22-24-26-27-28-29 , article 17 at the points a - b - e - g - h - i - k , article 25 at the point a and article 30 at the point a , it must be punished a fine from 500 Riels up to 150,000 riels. In the case to break the articles 7-9-10-13-14-16-22-24-26-28-29 and article 17 at the points a - b - e - g - h - i - k , it must be confiscated the proof and kept as the government property or destroyed, in addition to the above fine.

Article 39. - Law violation mentioned in article 36-37-38 , if taken place at night time or at the fish sanctuaries or at the inundated forest area , it must be punished a fine twice. If this guilty performance is considered as in the case of obstinacy or caused a great catastrophe, it must be condemned to jail from 3 months up to 3 years , in addition to the fine.

Article 40. - If the delinquent did not agreed to pay a fine or did not agreed to pay the fishery contribution it must be transferred the file to the court.

Article 41. - Person who has been concealed or defended the transgression, cheated the fine- tax- fishery contribution or the proof, taken advantage of his position for violating the law, taken a bribe and the briber or the intermediary of the bribery must be condemned by the existing law.

Chapter 6

Final order

Article 42. - Order acts opposed to this Fiat- Law are considered as an abolition.

Article 43. - The Council of Ministers is responsible to execute this Fiat- Law.

Article 44. - This Fiat- Law has a rightful effect from the day of public promulgation.

Phnom penh, 9th March 1987

EXECUTIVE RESPONSIBILITY

O.B. STATE COUNCIL

PRIME MINISTER

PRESIDENT

Signature and Seal: HUN SEN

Signature and Seal: HENG SAMRIN

For coping and distributing

GENERAL SECRETARY OF STATE COUNCIL

Signature and Seal: CHAN VEN

c/c:

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- Ministries of Central Level
- Committee of the peoples of all province-urban

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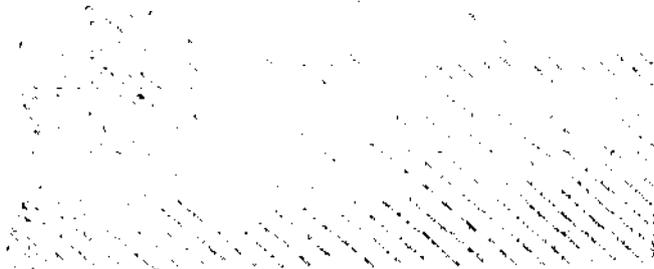
Phnom penh 19th March 1987
O.B. Minister in charge of state
Council Cabinet
VICE-MINISTER

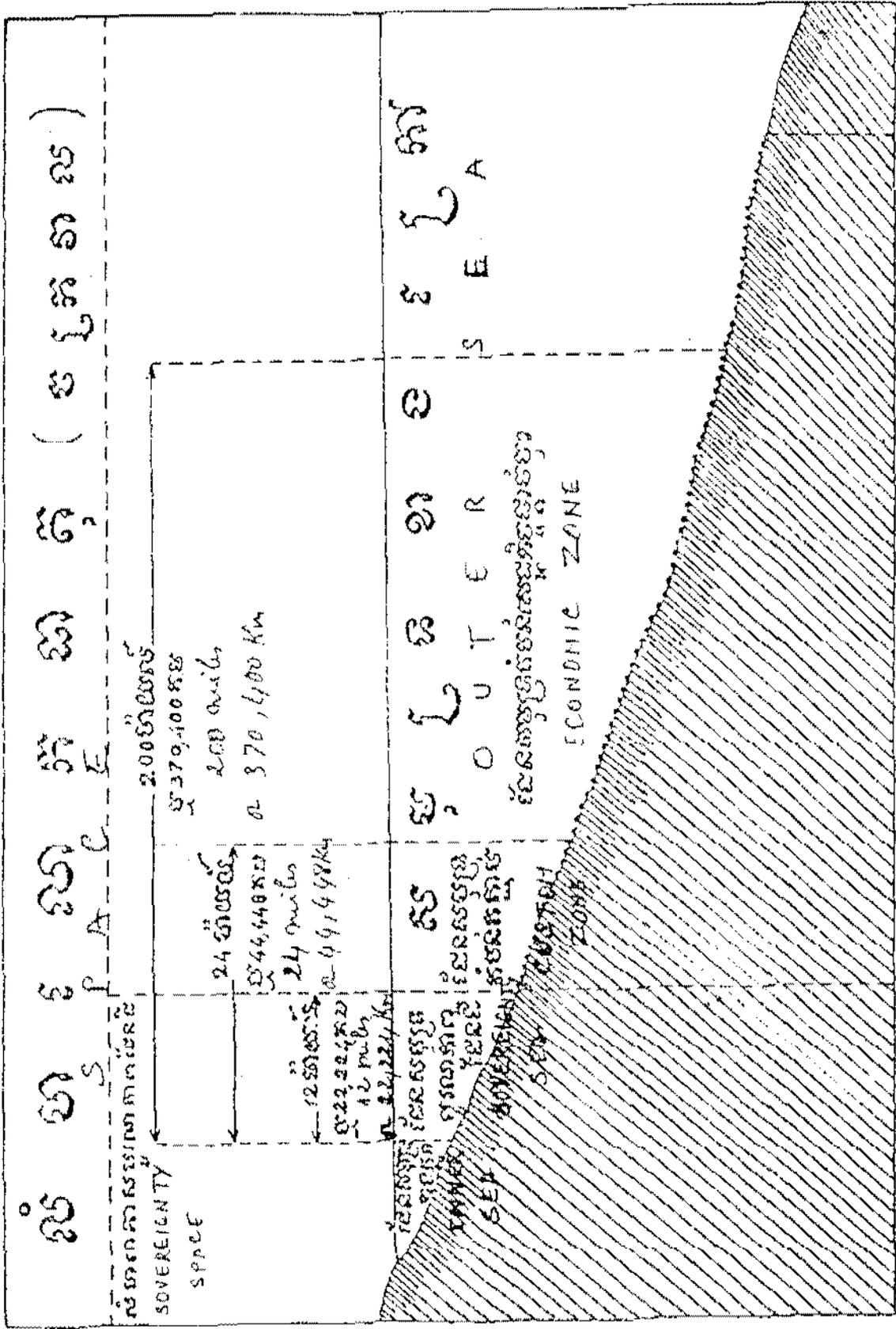
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All Department
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ပိတ်ဘီစီပေါင်ဆိုင် (ပိတ်ဘီစီပေါင်ဆိုင်)

200 မိုင်
 370 မိုင်
 24 မိုင်
 44 မိုင်
 12 မိုင်

TERRITORIAL SEA
 CONTIGUOUS ZONE
 EXCLUSIVE ECONOMIC ZONE
 HIGH SEAS

နယ်နိမိတ်အပြင်ရေ
 အထူးအကျိုးခွင့်ရေ
 အပြင်ရေ

CONCHIC ZONE

