

Agriculture Productivity Improvement Project (APIP)

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-- The Fisheries Component--

DRAFT FISHERIES LAW

The Department of Fisheries,

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Chapter 1 General Provisions

Article 1:

A. The purpose of this law is to establish a framework for management, protection, conservation, utilization, exploitation, aquaculture, inundated-forestation, and development of fisheries to ensure sustainability of the fishery resources for the interest of society, economy and environment in accordance with the national fisheries policy.

B. This law shall apply to the territory or jurisdiction of Cambodia.

Article 2:

Fishery resources include freshwater and marine organisms, animals, and living or non-living plants as well as mollusks, corals, amphibians, aquatic small animals, aquatic reptiles, aquatic mammals, and water-birds which are born and live in the fishery domains.

Article 3:

Fishing means catching, trapping, injuring, killing, or collecting aquatic animals within the fishery domains by using fishing gears or other fishing methods.

Chapter 2 Fishery Domains

Article 4:

Fishery domains shall include:

1- Inland fishery domains: rivers, tributaries, lakes, canals, affluents, creeks, reservoirs, inundated forest areas, canals, ponds, or deep water holes getting water from rivers, tributaries, lakes or affluents.

2- Marine fishery domains: the fishing areas that extend from the coastline at the higher high tide to the outer limits of the maritime boundaries declared by the Kingdom of Cambodia, and inundated-forest areas.

Fishery domains shall be owned by the State.

Article 5:

Inland fishery domains are divided into:

A. Categorized fishing domains:

1. Fishing areas which are defined as fishing lots and reserved for only industrial fishing exploitation purpose.
2. Preserved fishing areas which are habitats of aquatic animals and plants.

3. Inundated forest areas are:

- Forest areas that are covered with floodwater during flooding season and important feeding, spawning and breeding habitats for aquatic animals.
- Protected inundated forest areas.

4. Family-scale fishing area is the fishing area reserved for family-scale fisheries.

B. Protected fishing domains: fishing areas which are not stated in “A” of this Article.

Article 6:

Marine fishing domains:

1. Coastal fishing area is the fishing area that extends from the coastline at higher high tide to the maritime boundaries declared by the Ministry of Agriculture, Forestry and Fisheries.
2. Offshore fishing area is the fishing area that extends from the maritime boundaries declared by the Ministry of Agriculture, Forestry and Fisheries to the outer limits of the maritime boundaries declared by the Kingdom of Cambodia.
3. Reserved fishing areas or coral reef areas are habitats for marine life.
4. Inundated forest areas:
 - Areas of mangroves and forests which are covered with tidal water and important feeding, spawning and breeding habitats for marine life.
 - Inundated areas protected.

Article 7:

All types of fishing areas, including reserved fishing areas, coral reef beds and inundated-forest areas as prescribed in Articles 5 and 6 are the areas of fishery resource management and shall be defined by sub-decree.

Chapter 3 Fishery Administration

Article 8:

- A. Fishery Administration is a government authority, whose management of all fisheries is under the direct authority of the Ministry of Agriculture, Forestry and Fisheries.

- B. The Fishery Administration shall have a uniformed organizational structure consisting of central level, inspectorate, khan, department and Sangkat of fishery administration.
- C. The Fishery Administration shall have authority to carry out the sustainable management, conservation and development of fishery resources in Cambodia.
- D. The organization and functioning of the Fishery Administration shall be defined by the Proclamation (Prakas) of the Ministry of Agriculture, Forestry and Fisheries.

Article 9:

The duties of Fishery Administration are as follows:

1. Manage, protect, conserve and develop fishery resources;
2. Implement the national socio-economic plans and government policy;
3. Develop and implement the fishery management and development plans;
4. Develop legal standards on fishery management;
5. Implement and monitor fishery law enforcement and implement international obligations on fishery;
6. Develop statistics systems concerning fishery;

the following principles:

1. Conserve fishery resources;
2. Encourage people to participate in the sustainable fishery resource management and utilization;
3. Eliminate over-fishing activities;
4. Minimize poisonous substances;
5. Protect bio-diversity and inland and marine environments;
6. Conserve and protect inundated forests and improve fishery domains;
7. Halt people's settlements in fishery domains;
8. Improve the benefits of fishermen;
9. Resolve conflicts over the utilization of fishing areas;
10. Manage by using scientific techniques to ensure the sustainable preservation of fishing stocks;
11. Strengthen management institutions and the implementation of fishery law;

12. Develop fishery markets, processing industry and fishery ports.

Article 11:

- A. Management, conservation and development of fisheries shall be included in a long-term plan.
- B. The National fishing plan shall be consistent with the policy of the Royal Government.
- C. The five-year National fishing plan shall be reviewed and approved by the Royal Government.

Article 12:

- A. Fishing is prohibited during closed seasons as follows:
 - 1. From 01 June to 30 September for inland fishery domains located in the northern longitude of Tonle Chaktomok (11°33'15"N);
 - 2. From 01 July to 31 October for inland fishery domains located in the southern longitude of Tonle Chaktomok (11°33'15"N);
 - 3. From 15 January to 31 March for marine fishery domains, especially fishing Kamong fish or Plato fish during the spawning and breeding seasons.
- B. The Fishery Administration shall be responsible for research and review of the spawning season, breeding season and fishing season in other fishing areas or other fishery resources.
- C. Spawning season, breeding season and fishing seasons in other fishing areas or fishery resources shall be determined by a sub-decree.

Article 13:

- A. National Fish Day shall be a traditional day for Cambodian people to participate in conservation and protection of fish.
- B. August 1 celebration shall be observed each year to mark:
 - 1. A one-day pause of fishing activities throughout Cambodia;
 - 2. A fingerlings or other aquatic-animals releasing ceremony auspiciously chaired by the King of the Kingdom of Cambodia or his representative.
- B. The celebration venue shall be defined by the Royal Government.

Chapter 5

Management of Fishery Domains

Article 14:

A. There are three types of fishing gears:

1. Small-scale family fishing gears;
2. Middle-scale fishing gears;
3. Industrial fishing gears.

B. These three types of fishing gears shall be determined by the Proclamation (Prakas) of the Ministry of Agriculture, Forestry and Fisheries.

Article 15:

Family-scale fishing, for subsistence purposes only, shall be conducted at anytime in protected fishing boundaries and family fishing areas, and during the closed season in inland fishing lots or marine fishing domains by using small-scale family fishing gears.

Article 16:

Middle-scale fishing shall be conducted only in protected inland fishing domains or in marine fishing areas by using middle-scale fishing gears.

Article 17:

Industrial fishing shall be conducted only in fishing lots of inland fishery domains or marine fishery areas by using industrial fishing gears.

Article 18:

A. The following conditions shall apply to all fishery exploitations, excluding family-scale fishing, in inland or marine fishing domains:

1. License for fishery exploitations;
2. Payment for hiring fishing domains is made to the State;
3. Compliance with the requirements in the license.

B. Hiring fishing lots shall be processed through public bids or hiring agreements for those fishing lots which no bidders are interested in. Hiring fishing lots and payment of the fees shall be determined by a sub-decree.

Article 19:

A. Stocking any live, fresh or processed fish or fishery products during the closed season shall not be permitted, unless permission has been given.

B. Applications for stocking shall be submitted to the Fishery Administration at least 15 days before the closed seasons so that the Fishery Administration can check the fishery products for stocking.

Article 20:

A. The Fishery Administration shall be able to conduct scientific and technical research in fishery domains for conservation, management and development of fishery resources.

B. Natural or legal persons shall be able to conduct scientific and technical research in fishery domains or take samples from those fishery domains only with the prior approval from the Fishery Administration.

Article 21:

All concerned institutions or authorities shall cooperate with the Fishery Administration to ensure protection and conservation of aquatic animal habitats.

Article 22:

A. Diaries for statistics record shall be issued by the Fishery Administration to all permitted fishing activities, including aquacultures, stocking, processing, buying and selling fishery products.

B. Statistics shall be recorded daily in the diary and then it shall be submitted to the Fishery Administration for approval each month.

Article 23:

The following activities are prohibited:

1. All fishing activities in reserved fishing areas, except the fishery experiment and scientific research;
2. Navigation or other activities in the reserved fishing areas, except those of Fishery Administration officers who have authority to perform the law enforcement;
3. New settlements within the distance less than two kilometers from the border of reserved fishing areas, except Fishery Administration shelters used for law enforcement.

Article 24:

All fishing activities in the fishery domains using the following gears are strictly prohibited:

1. Electrocuting devices, explosives and poisonous substances;
2. All means of pumping, bailing and drying any part of the fishing domains, which is harmful to fishery resources;
3. Samras or other means luring fish;
4. Tridents, spears, harpoons, or explosive-combined arrows;
5. All types of fishing nets;

6. Gillnet or any kind of seine net less than 1.5 centimeters in stretched diagonal width;
7. Fixed gillnets, or extended gillnets more than 15 centimeters in stretched diagonal width for catching fish in the inland fishery domains;
8. Dragging nets or large seines combined with illuminated lamps;
9. All types of fishing nets;
10. All types of inland fishing gears pushed or dragged by machines;
11. Any fishing barriers where the distance from one stick to another is less than 1.5 centimeters;
12. Any strings extending in the water and any other means to startle the fish;
13. Any dikes combined with any kinds of fishing gears;
14. Any modern destructive fishing gears or new fishing methods which are not determined by the Proclamation (Prakas) of the Ministry of Agriculture, Forestry and Fisheries.

Article 25:

Producing, buying, selling, transporting, and storing any electrocuting devices, all types of fishing nets or gillnets, motor fishing gears, inland dragging seines (yangkav) that are used for fishing purposes shall be prohibited.

Article 26:

Disposing, discharging, dumping or littering poisonous substances in the fishery domains, which are determined by the Ministry of Environment, or any activities that cause poison or harm to aquatic animals shall be prohibited, except scientific experiments with special permission.

Article 27:

Damaging or destroying the State property in the fishery domains, including demarcation posts of fishing lots, inundated forest areas and reserved fishing areas, and floating houses, patrolling vessels, life buoys, or other equipment which are used for law enforcement purposes shall be prohibited.

Article 28:

A. Prohibition shall be put on:

1. Catching, selling, buying, stocking, and transporting fingerlings or fish spawns and other aquatic animals' offspring or eggs.
2. Building dikes/dams across the lakes, canals, affluents, rivers or any navigable channels, and digging small canals, ponds, holes or other constructions in the fishery domains.
3. Growing or maintaining lotus in the fishery domains.

4. Expanding farming lands in the fishery domains.
5. Cutting, clearing, burning or causing fires to inundated forests.
6. Buying or selling ornamental shelves.
7. Transporting, processing, buying, selling, and stocking firewood or charcoals from the undated forests.
8. Any other activities in the fishery domains that may cause destruction of the sources of fishery resources.

B. All the above activities may be conducted only when special permissions are given.

C. The seizures of fingerlings, aquatic animals and ornamental shelves shall be determined by the Proclamation of the Ministry of Agriculture, Forestry and Fisheries.

Article 29:

Land titles in the fishery domains may be issued only when permissions are given by the Ministry of Agriculture, Forestry and Fisheries, at the request of the Fishery Administrator.

Article 30:

A. Catching, selling, buying, transporting, harvesting, processing, and stocking endangered fishery resources which are determined by the Proclamation of the Ministry of Agriculture, Forestry and Fisheries shall be prohibited.

B. All the above activities may be conducted only when special permissions are given.

Article 31:

A. Catching, trapping, injuring, killing, transporting, selling, buying, processing, and stocking all types of water-birds shall be prohibited.

B. All the above activities may be conducted only when special permissions are given.

C. All types of water-birds shall be determined by the Proclamation of the Ministry of Agriculture, Forestry and Fisheries.

Article 32:

Citizens, armed forces, and all levels of authorities shall have obligations to protect and fight against fires on inundated forests.

Chapter 6

Management of Protected Inundated Areas

Article 33:

Protected inundated Areas shall be the inundated lands in the fishing lots and the protected inundated forest areas for replanting and conserving inundated forests.

Article 34:

Prohibition shall be put on:

1. Expanding agricultural lands or using lands in the protected inundated areas for all purposes excluding development of fisheries.
2. Issuance of Land titles in the protected inundated forest areas.

Article 35:

Any person who owns the fishing lots shall have obligations to conserve and protect inundated forests and to spend for the posts to be fixed to demarcate the boundaries of protected inundated lands in their fishing lots.

Chapter 7

Fishery Exploitation in the Inland Fishery Domains

Article 36:

A. Fishermen who are authorized to do exploitations of the fishing lots shall follow Burden Books of fishing lots.

B. The Burden Book model of fishing lots shall be determined by the Fishery Administrator.

Article 37:

A. During the fishing season, all fishing fortifications across navigable channels in the fishing lots must keep a space in the deepest part of channels for navigation and must not obstruct the water flow or elevate the levels of water in front of the fishing barriers.

B. During the closed season, all fishing fortifications across navigable channels for the purpose of fishing shall be dismantled and removed before 15 June for the locations in the northern longitude of Tonle Chaktomok and before 15 July for the locations in the southern longitude of Tonle Chaktomok.

Article 38:

Prohibition shall be put on:

1. Middle-scale fishing and industrial fishing during the closed seasons.
2. Industrial fishing in protected fishing domains.

Article 39:

Fishing activities in protected fishery domains by using all types of fishing gears and fishing barriers in more than 50 meters long or more than two third of

watercourse or other barriers that obstruct navigation passage shall be prohibited at all times and everywhere.

Article 40:

Using fishing nets, seines or metal strips as a barrier or instead of a fishing barrier shall be prohibited.

Article 41:

A. Contrary to regulations specified in Article 39, trap bamboo fences (Lop, Nor or Rav) whose total length are less than 500 meters shall be allowed for fishing activities in protected fishing domains. They may be used in area not more than four kilometers from the bank of Tonle Sap Lake from February 1 to May 20, at least one kilometer from the boundary of reserved fishery areas, and in other areas to be determined by the Proclamation of the Ministry of Agriculture, Forestry and Fisheries.

B. The establishment of a trap bamboo fence (Lop, Nor or Rav) must not obstruct the passage of any vessel.

C. The trap bamboo fence (Lop, Nor or Rav) must be completely removed before May 31.

Article 42:

A. Middle-scale fishing by using seine nets, although one bunch of net or a combination of many bunches of nets, shall be allowed if the length of the seine nets is less than:

- 300 meters in protected fishery domains outside Tunle Sap Lake.
- 600 meters in protected fishery domains inside Tunle Sap Lake.

B. Middle-scale fishing by using seine nets shall be prohibited in family-scale fishing areas and other fishing areas which cause disturbance to exploitations of fishing lots.

Article 43:

Family-scale fishing activities in family-scale fishing areas located in fishing lots during the closed season shall be allowed only when conditions in Burden Book of fishing lots are respected.

Chapter 8

Fishing Exploitation in Marine Fishery Domains

Article 44:

Fishermen who are authorized to exploit fishery resources in marine fishery domains of the Kingdom of Cambodia shall follow the conditions and requirements in a Fishing Vessel Book.

Article 45:

All fishermen who operate fishing vessels in the marine fishery domains of the Kingdom of Cambodia shall be licensed by the Fishery Administration to their fishing vessels after technical and condition checks have been exercised.

Article 46:

A. The fortifications for the purpose of fishing or establishing all types of fishing gears which obstruct the passage of all vessels shall be prohibited.

B. The fortifications for the purpose of fishing or establishing all types of fishing gears across the canals, rivers or coastal water ways shall keep a space in one third of watercourse or at least two third (of watercourse) for navigation within the period of low tides.

C. The fishing fortifications or all types of fishing gears shall be dismantled and removed at least 15 days after the closed date.

Article 47:

All fishing vessels which are licensed to fish in the marine fishing domains of the Kingdom of Cambodia shall comply with the terms and conditions of technical management of fishing vessels determined by the Ministry of Forestry and Fisheries.

Article 48:

A. Fishermen shall transship fishery products at a fishery port and within the time determined by the Fishery Administration.

B. Other terms and conditions on transshipment of fishery products shall be determined by the Ministry of Agriculture, Forestry and Fisheries.

Article 49:

A. Foreign fishing vessels may operate for fishing purposes in the marine fishery domains of the Kingdom of Cambodia when:

- 1 they have been approved by the Royal Government.
- 2 they operate under the terms and conditions of access agreements.

B. The Fishery Administration shall be responsible for negotiations and preparing access agreements with foreign fishermen. The access agreements enter into force after getting approval from the Ministry of Agriculture, Forestry and Fisheries.

Article 50:

A. Foreign fishing vessels which are licensed to fish in the marine fishery domains shall make port calls to the Fishery Administration before entering the marine fishery domains in the Kingdom of Cambodia.

B. Terms and conditions for port calls by foreign fishing vessels shall be determined by the Proclamation of the Ministry of Agriculture, Forestry and Fisheries.

Article 51:

The Fishery Administration shall have the rights to suspend fishing under any access agreement to be await for decisions by the Ministry of Agriculture, Forestry and Fisheries upon a determination, based on the best scientific information available, that continued fishing at current levels would seriously threaten stocks of fishery resources.

Article 52:

The Fishery Administration shall be responsible for negotiations and preparing agreements with foreign fishermen on the matters concerning regional or international operations in fishery resources management. The agreements enter into forces after getting approval from the Council of Ministers.

Article 53:

Trawling in the Inshore Fishery Zone which causes damage to marine life at the sea bottoms shall be prohibited, except where special permission is given by the Fishery Administration for scientific and technical research.

Article 54:

A. All fishing vessels which are not licensed to fish in the Marine Fishery Domain shall not keep their trawl fishing gears stowed in a manner that they are readily available for fishing.

B. No fishing vessel which has trawl fishing gear aboard shall be allowed in the Inshore Fishery Zone unless the gear is stored in a manner that it is not readily accessible for fishing.

Article 55:

A. Prohibition shall be put on:

- 1 Fishing or any form of exploitation for coral;
- 2 Possession, buying, selling, transporting and stocking coral;
- 3 Making port calls and anchoring in a coral reef area where it is possible that the coral could be damaged or destroyed;
- 4 Displaying coral for sale.

B. All the above activities may be conducted only when special permissions are given.

Chapter 9 Management of Aquaculture and Mariculture

Article 56:

A. The following aquaculture operations in the Inland Fishery Domain shall not be allowed, unless they are licensed by the Fishery Administration:

- 1 A pond larger than 5,000 square meters;
- 2 A pen larger than 1,000 meters;
- 3 A cage larger than 10 meters;
- 4 Crocodile or boa farming of more than 2 heads;
- 5 Tortoise, turtle or non-poisonous snake farming of more than 20 heads;
- 6 Frog or eel farming of more than 200 heads.

B. Any other aquaculture operations which require a license shall be

ense shall be determined by the Proclamation of the Ministry of Agriculture, Forestry and Fisheries.

Article 58:

A. The following ornamental fish aquaculture operations shall not be allowed, unless they are licensed by the Fishery Administration:

1. Local ornamental fish farming of more than 10,000 heads;
2. Foreign ornamental fish farming of more than 5,000 heads.

B. All ornamental fish aquaculture operations shall be determined by the Ministry of Agriculture, Forestry and Fisheries.

Article 59:

All aquaculture or mariculture operations as stated in Articles 56 and 57 shall not be allowed, unless administrative requirements and techniques for aquacultures and mariculture determined by the Fishery Administrator are respected.

Article 60:

A. The operator of any aquaculture or mariculture operation which does not require a license shall report to the Fishery Administration.

B. Report formats shall be determined by the Fishery Administration.

Article 61:

All aquaculture or mariculture operations shall maintain the quality of land, water, aquatic and marine environment, and shall not discharge any material or substances or perform any other act or omission contrary to the provisions of Article 26 of this law.

Article 62:

No person may introduce a foreign species into an aquaculture or mariculture operation without special permission from the Fishery Administrator.

Chapter 10

Processing, Stocking, Transporting, Trading, Exporting-Importing Fishery Products and Fishery Investment

Article 63:

A. Transporting and trading live, fresh or processed fish or fishery products shall be determined by a sub-decree.

B. Fishery investment shall be determined by a separate law.

Article 64:

Buying, selling, processing, stocking and transporting fishery products which are illegally fished or fished by using prohibited fishing gears shall be prohibited.

Article 65:

The establishment of locations for selling, stocking or processing fish or fishery products more than one ton a year in the form of small-scale enterprise or industry shall not be allowed, unless permission has been issued.

Article 66:

Transportation of live, fresh or processed fish or fishery products shall be undertaken under the inspection and specification of competent authority of Administrative Laboratory on health, sanitation based on regional or international standards.

Article 67:

A. A natural or legal person who transports live, fresh or processed fish or fishery products shall pay sanitation tax to the Fishery Administration, except the fishery products for domestic use and research.

B. The processed fishery products and the rate of sanitation tax shall be determined by the Proclamation of the Ministry of Agriculture, Forestry and Fisheries.

Article 68:

Exporting live, fresh, or processed fish or fishery products shall not be permitted, unless:

1. a license has been issued by the Fishery Administrator.
2. an export license has been issued by a CITES management authority of Cambodia to endangered fishery resources.
3. sanitation certificate has been issued by the exporting country.

Article 69:

Importing live, fresh, or processed fish or fishery products shall be permitted, unless:

1. a license has been issued by the Fishery Administrator.
4. an export license has been issued by a CITES management authority of the exporting country and an import license has been issued by a CITES authority of Cambodia to endangered fishery resources.
2. sanitation certificate has been issued by the exporting country.
3. sanitation certificate has been issued by Cambodia Administrative Laboratory.

Article 70:

Importing-exporting, buying, selling, transporting, processing and stocking the endangered fishery resources shall not be permitted, unless these fishery resources are the artificially hatched and raised products.

Chapter 11

Licenses

Article 71:

A. The Fishery Administration shall have authority to issue licenses for the following activities related to the fisheries:

1. Industrial marine fishery exploitations in the marine fishery domains;
2. Operating fishing vessels in the marine fishery domains;
3. Fishery exploitations in inland fishing lots;
4. Fishery exploitations using middle-scale gears;
5. Transportation of live, fresh or processed fishery products;
6. Transshipment of fishery products in marine fishery domains;
7. Maricultures and aquacultures;
8. Stocking live, fresh or processed fish or fishery products in the closed season;
9. Exporting-importing live, fresh or processed fish or fishery products;
10. Establishing locations for buying-selling or stocking and processing live, fresh or processed fish or fishery products;
11. Commercial test fishing;
12. Scientific and technical research;
13. Other activities.

B. Rights to issue licenses and special licenses shall be determined by the Proclamation of the Ministry of Agriculture, Forestry and Fisheries.

Article 72:

The Fishery Administrator shall have authority to issue licenses for fishery exploitations and fishery resources research in the international marine domains in accordance with the national and international laws, the international treaties or other documents to which Cambodia is a signatory.

Article 73:

The Fishery Administrator shall have authority to issue licenses for fishing exploitations and fishery resources research in the overlapping marine fishery

domains in accordance with the national and international laws, the regional agreements and other laws.

Article 74:

A. The Fishery Administration shall be responsible for maintaining a registry for small family-scale fishing and small-scale aquaculture operations for which licenses are not require.

B. The conditions, procedures and management of registration shall be determined by the Fishery Administration.

Article 75:

A sample form for a license, a form and procedures for application for a license, other terms and conditions attached to a license, criteria for refusal, renewal or cancellation of a license, requirements for the transfer of licenses shall be determined by the Proclamation of the Ministry of Agriculture, Forestry and Fisheries.

Chapter 12 Fishery Community

Article 76:

A. All Cambodian citizens have the rights to form a Fishery Community in their own areas on a voluntary basis to carry out the sustainable management, conservation, development and use of fishery resources.

B. Statutes, regulations and plans of community management shall be developed by the Fishery Community, and shall be approved by the Fishery Administration and the Ministry of Agriculture, Forestry and Fisheries.

C. Procedures to form the Fishery Community shall be determined by a sub-decree.

Article 77:

A. Boundary of a fishing area managed by the Fishery Community and a time frame for fishing activities shall be determined by the Proclamation of the Ministry of Agriculture, Forestry and Fisheries.

B. The Fishery Community shall have no rights to sell, interchange, lease, donate, lend for interest, distribute or transfer its fishing area to anyone else.

C. In the fishing area managed by the Fishery Community, fishing activities may be conducted only when small-scale family fishing gears determined by the Proclamation of the Ministry of Agriculture, Forestry and Fisheries are used.

Article 78:

The Ministry of Agriculture, Forestry and Fisheries, at the request of the Department of Fisheries, shall have authority to dissolve the Fishery Community as it causes serious damage to fishery resources.

Chapter 13

Monitoring, Control and Surveillance

Article 79:

Monitoring, control and surveillance, which are a management system of monitoring, inspection, collection of data and investigation into all fishery offenses within the Kingdom of Cambodia, shall be the responsibilities of the Fishery Administration.

Article 80:

The Fishery Administrator shall be responsible for negotiations and preparing agreements on regional and international cooperation in monitoring, control and surveillance, which may provide for joint or reciprocal competence. The agreements will come into force after getting approval from the Council of Ministers.

Article 81:

Responsibilities and other conditions for monitoring, control and surveillance as stipulated in this Chapter and Chapter 14 shall be determined by the Proclamation of the Ministry of Agriculture, Forestry and Fisheries.

Chapter 14

Procedures for Solving Fishing Offences

Article 82:

A fishery offence has a different nature from a general criminal offence and shall not be prescribed in the Penal Code, but in this law. Even though fishery offences happen in their jurisdictions, the prosecutors, police or other competent authorities do not have the rights to investigate, file the case for a court as the general criminal offences.

Investigation, prevention, crackdown of the fishery offences are the responsibilities of the Fishery Administration at all levels in respective jurisdictions.

Article 83:

A. While on mission to investigate, prevent and crack down the fishery offences, the officers of the Fishery Administration shall wear uniforms, badges, flag, and have weapons and letters of authorized mission.

B. Only the officers of the Fishery Administration who have taken an oath shall have the rights to take the minutes on real offences and prepare the minutes on the offences.

C. Uniforms and badges of the officers of the Fishery Administration shall be determined by the Proclamation of the Ministry of Agriculture, Forestry and Fisheries.

D. The ranks and the use of weapons of the officers of the Fishery Administration shall be determined by a sub-decree.

Article 84:

A. Local authority and armed forces, at the request of the competent officers of the Fishery Administration, shall enable and provide them with the forces to investigate, prevent and crack down the fishery offences.

B. The local authorities shall temporarily receive and conserve the seized evidences of fishery offences at the request of the competent officers of the Fishery Administration.

Article 85:

A. While carrying out their duties, the competent officers of the Fishery Administration shall have the rights to:

- 1- inspect all kinds of fishery exploitations and aquacultures or maricultures;
- 2- inspect the transportation of, and locations for processing and stocking or selling live, fresh or processed fish or fishery products;
- 3- inspect the export and import of live, fresh or processed fish or fishery products;
- 4- inspect and investigate all kinds of fishery offences;
- 5- sell the easily spoiled fishery products which are the seized evidence of the offences if necessary;
- 6- release fish or other aquatic animals which are the seized evidence of the offences if necessary;
- 7- enable someone to answer the questions and provide the information concerning the commission of a offence under this law;
- 8- stop, get aboard, enter and check all means they suspect of being the means that have been or being used for fishery exploitations and transportation of live, fresh or processed fish or fishery products or for the conduct of other fishery activities;
- 9- enter and check at the airports, ports, dry ports, border-crossing items, bus stations, railway stations or ferry landings.
- 10-enter and investigate the fishery offences in the premises, inside the buildings or houses, where appropriate, accompanied by the local authorities or the representatives of the buildings' or houses' owners.

B. From 6:00 in the evenings to 6:00 in the mornings, the competent officers of the Fishery Administration shall have no rights to enter the above places. Contravening this provision shall be charged with assault on other people's residences.

Article 86:

The competent officers of the Fishery Administration must:

- A. detain or temporarily confiscate:
 - 1. live, fresh, or processed fish or fishery products which are illegally fished, processed, stocked, sold-bought or transported;
 - 2. products and produces from illegal cutting, clearing inundated forests;
 - 3. fishing gears and other means which have illegally been used for fishing purpose;
 - 4. fishery resources which are imperiled;
 - 5. materials, equipment or means of transportation which have illegally been used;
 - 6. documents related to fishery offences;
 - 7. all kinds of licenses as the licensed individuals have contravened this law;
 - 8. take out any device which are used to operate vessel or vehicle that have been illegally used so that the vessel or vehicle cannot move.
- B. Temporally detain the fishery offenders if it is necessary and legal.
- C. Destroy the evidence if it is necessary and legal.
- D. According to the rules of this law and international laws, the competent officers of the Fishery Administration shall have the rights to stop, get aboard, check and bring a fishing vessel as well as other evidence and offenders back to Cambodia after they have chased and successfully caught the vessel committing a fishery offence within the marine fishery domain of Cambodia and escaping to an area outside the marine fishery domain of Cambodia.

Article 87:

Any activity conducted by the armed forces that leads to a fishery offence or helps to intervene the commission of a fishery offence or threatens the competent officers of the Fishery Administration or prevents them from carrying out their duties and operations shall be considered as the fishery offence.

Article 88:

The following activities shall be considered as the fishery offences:

- 1. providing false statement concerning the offences he/she has committed;

2. impersonating or falsely representing himself to be an officer of the Fishery Administration by wearing the uniforms or carrying out the duties of an officer of the Fishery Administration;
3. refusing to be detained for the offences they have committed;
4. threatening, violating, scorning, preventing, delaying or causing difficulties to the officers of the Fishery Administration while they are carrying out their duties;
5. counterfeiting documents related to the fisheries;
6. destroying, concealing, selling or stealing the seized evidence;
7. causing the competent officers of the Fishery Administration who are performing their duties outside the marine fishery domain to get off the vessels outside the territory or jurisdiction of the Kingdom of Cambodia.

Article 89 :

A. The officers of the Fishery Administration under oath who enforce the fishery offenders shall have the following duties:

1. write the minutes on the concrete offences, the minutes of offences and fill out other concerned documents;
2. write the minutes on release, sale or destruction of evidence;
3. transmit the minutes without delay to the Senior Fishery Administration;
4. do not amend or destroy the minutes and other documents which have been duly completed and signed;
5. allow the accused to add his/her comments by putting his/her thumbprint on the document;
6. send the offenders, who have been temporarily apprehended, without delay to the court, not exceeding the period determined in the Penal Code;
7. write the minutes on the concrete offences and the minutes of offences by recording the offender's name as normally done for the known offender even if he/she has escaped or died or refused to put his/her thumbprint on the minutes;
8. prepare the minutes on the concrete offences and the minutes of offences as normally done for the unknown offender by writing a note specifying that the offense has been committed by an unidentified person;

B. The officers of the Fishery Administration under oath who enforce the fishery offences shall prepare a minutes on the offences within the period of four (4) days from the date of the enforcement of the offense. If an investigation needs to be proceeded, the process of the minutes preparation shall be temporarily ceased. This further investigation shall not exceed the period of 15 days from the date of the temporary cease of the minutes preparation.

Article 90:

The officer of the Fishery Administration not under oath may detain the evidence or offenders and send them without delay to the officer of the Fishery Administration under oath with the report specifying the offensive activities and evidence.

Article 91:

The following activities which may have been conducted by any officer of the Fishery Administration shall be considered as the fishery offences:

1. give any permission in contravention of this law;
2. participate entirely or partly and directly or indirectly in any activity in contravention of this law;
3. condone any fishery offence;
4. fail to report on time about any fishery offence which has happened within their jurisdiction;
5. carry out their duties carelessly, giving a chance to the commission of a fishery offence;
6. provide false reports, either verbal or written.

Article 92:

A natural or legal foreigner who commits a fishery offence shall be subject to this Law.

Article 93:

A. The Fishery Administration shall have the rights to decide on a fine for a fishery offence and determine the compensation in order to acquit from the prosecution of the court of competent jurisdictions. The fine shall be paid within the period of not more than 30 days from the date of issuance of the decision on fines.

B. The standard forms on the payment of fines shall be determined by the Proclamation (Praskas) of the Ministry of Agriculture, Forestry and Fisheries.

Article 94:

The rights to decide on the fines shall be determined as follows:

1. The Chief of the Department of the Fishery Administration shall have the rights to set a fine of money up to 1,000,000 riels;

2. The Chief of District/Khan Fishery Administration shall have the rights to set a fine of money up to 2,000,000 riels;
3. The Chief of the Inspectorate of the Fishery Administration shall have the rights to set a fine of money up to 3,000,000 riels;
4. The Fishery Administrator shall have the rights to set a fine of money from 100 riels and above.

Article 95:

The authorities to rule on the complaint against decisions on fines or

2. Fishery Administration Inspectorate, if undecided, shall be sent to the court of competent jurisdiction;
3. The complaint against decisions on fines or forfeitures of evidentiary items by the Chief of the Fishery Administration Inspectorate shall be decided upon by the Fishery Administrator, if undecided, shall be sent to the court of competent jurisdiction.
4. The complaint against decisions on fines or forfeitures of evidentiary items by the Fishery Administrator shall be decided upon by the Minister of Agriculture, Forestry and Fisheries, if undecided, shall be sent to the court of competent jurisdiction.

Article 96:

After paying out the expenses including the expense for the maintenance of evidentiary item, the fine or fine set under the verdict of the court or the money obtained from the selling of the evidentiary items shall be determined as such 50% of which is paid into the national budget and another 50% is paid as a reward to the person with the outstanding work.

Article 97:

- A. The confiscation of evidentiary items or imprisonment shall be the jurisdiction of the court.
- B. The fishery administrative officer who sends the minutes on an introductory charge to the court shall be the Fishery Administrator, Chief of Fishery Administration Inspectorate, Chief of District Fishery Administration or Chief of Fishery Administration Unit or a representative proxy.
- C. A standard letter on settlement of a fishery offence shall be determined by a joint Proclamation of the Ministry of Agriculture, Forestry and Fisheries and the Ministry of Justice.

Article 98:

The officer of the Fishery Administration who is assigned as a competent representative of the Fishery Administration to the court shall be the officer under oath and shall wear uniforms, badge and flag.

Article 99:

- A. During the hearing, if the minutes of offences have insufficient contents, the competent representative of the fishery administration has the right to request the court to listen to the additional clarification by a witness or the officers of the Fishery Administration who write the minutes.
- B. The court shall adjourn and give a sufficient time so as to summon the witness or the officers of the Fishery Administration who write the minutes.

Article 100:

The court of the first level shall be a court which has the jurisdiction at the place where an offence was committed. In case the offence was committed outside the marine fishery domain, the case shall be forwarded to the court of national level.

Article 101:

The court which brings up an introductory charge and holds the trial shall have the duties to perform its roles in relation to the fishery offences only under the path of the fishery law.

Article 102:

The trial procedures shall be applied under the trial procedures used for general crimes but the difference is that in the fishery offence there is a competent representative of the fishery administration to take part as necessary.

Article 103:

- A. The evidentiary item of a fishery offence shall be categorized into two types:
 - 1. Small or light and portable evidentiary item which must be sent to the court with the document on offence.
 - 2. Big evidentiary item which cannot be sent to the court. For this type of evidence, the photo of the evidentiary item must be taken and sent to the court with the document on the offence. In case that the court wants to see the evidentiary item, it can examine the evidentiary item at the place where it is maintained.
- B. The two types of evidentiary item shall be temporarily forfeited until the case of the offence is settled completely either through a fine or a court trial.
- C. During the period for this temporary forfeiture, the Fishery Administration shall be responsible for degrading or spoiling the quality of the evidence.
- D. The person in charge of the transportation means shall be responsible before this law for any evidentiary item of offence which is brought with the company of the concerned owners.

Article 104:

- A. The statute of limitation of the submission of a complaint to the court to have a charge brought up on a fishery offence shall be determined within the period of three (3) months, counting from the date of the forfeiture of the evidentiary item.
- B. The statute of limitation of an offence shall conform with the determination of the court made during the final verdict.

Chapter 15

Penalties

Article 105:

Any person who commits an offence under this law shall be subject to a warning, compensation for the damage, a fine of money, a seizure or destruction of evidence or a term of imprisonment based on the severity of the offence. The offender, who is a civil servant, shall be additionally subject to an administrative punishment.

Article 106:

Any person who commits an offence under Articles 62, 67, 68 and 69 shall be subject to a fine of money amounting to 30% of the total value of live, fresh or processed fishery products during the fishing season, and 50% of the total value of the live, fresh or processed fishery products during the closed season. In case of committing an offence under the item 2 of Articles 62 and 68, item 2 of Article 69, the evidence shall be seized for the State's property or destroyed in addition to the above fined money.

Article 107:

Any person who commits an offence under Articles 26, 27 and 61 shall be subject to a fine of money to pay for the damage or to the restoration.

Article 108:

Any person who commits an offence under item 1 of Article 18 shall be subject to a fine of money based on the size or numbers of fishery gears or power of the fishery gears in proportion to the fee of fishing domain determined by the State.

Any exploitation of fishing lot which is contrary to item 1 of Article 18 shall be subject to a fine of money from 50,000 riels to 5,000,000 riels.

Article 109:

Any person who commits an offence under Articles 19, 22, 43, 44, 45, 47, 48, 50, 54, 56, 57, 58, 59, and no. 2 and 3 of Article 23, no. 4, 5 and 13 of Article 24, and no. 6 of Article 28 shall be subject to a fine of money from 10,000 riels to 1,000,000 riels. In case of committing an offence under no. 4, 5, 13 and 6 of Articles 19 and 24, and no. 6 of Article 29 shall be subject to the evidence seized for the State's property or destroyed in addition to the above fine.

Article 110:

Any person who commits an offence under no. 3, 4 and 5 of Article 28 and no. 1 of Article 34 shall be subject to a fine of money amounting to 1,000,000 riels per hectare or denominator of hectare. The evidence shall be seized for the State's property or destroyed in addition to the above fine.

Article 111:

Any person who commits an offence under no. 3 of Article 24 shall be subject to a fine of money from 5,000 riels to 10,000 riels per square meter. The evidence shall be seized for the State's property or destroyed in addition to the above fine.

Article 112:

Any person who commits an offence under Articles 35, 36, 37, 39, 40, 41, 42, 46, 64, 65 and item B of Article 20, no. 6, 7, 11, 12 of Article 24, and no. 1 and 2 of Article 28 shall be subject to a fine of money from 20,000 riels to 2,000,000 riels. In case of committing an offence under Articles 36, 37, 39, 40, 41, 42, 46, and 64 and no. 6, 7, 11 and 12 of Article 24, and no. 1 and 2 of Article 28, the evidence shall be seized for the State's property or destroyed in addition to the above fine.

Article 113:

Any person who commits an offence under Articles 25, 30, 31, 38, 49, 53, 55 and 70, and under item 3 of Article 12, items 2 and 3 of Article 18, item 1 of Article 23, items 1, 2, 8, 9, 10, and 14 of Article 24, and item 8 of Article 28 shall be subject to a fine of money from 50,000 riels to 5,000,000 riels. In case of committing an offence under Articles 25, 30, 31, 38, 49, 53, 55, 70 and item 3 of Article 12, item 1 of Article 23, items 1, 2, 8, 9, 10, 14 of Article 24 and item 8 of Article 28, the evidence shall be seized for the State's property in addition to the above fine.

Article 114:

Fishing exploitation exceeding the boundary of a fishing lot or using posts to demarcate a new boundary of a fishing lot in another location different from the fishing lot determined by the State shall be subject to a fine of money from 500,000 riels to 1,000,000 riels per hectare and this offensive activities shall be ceased immediately.

Article 115:

All types of exploitations of fishing lots which are undertaken in different locations from the determined locations in the burden book shall be subjected to a fine of money from 500,000 riels to 1,000,000 riels per meter; and this offence shall be ceased immediately.

Article 116:

Any person who commits an offence under item 7 of article 28 shall be subject to a fine of money from 5,000 riels to 10,000 riels per stere of the firewood from the inundated forests or a fine of money from 1,000 riels to 2,000 riels per kilogram of charcoal from the inundated forest. The charcoal ovens shall be destroyed.

Article 117:

Any person who commits an offence under items 2, 5, 6, and 7 of Article 88 shall be subject to a fine of money from 100,000 riels to 5,000,000 riels. The evidence shall be confiscated as the State's property or destroyed in addition to the above fine.

Article 118:

Any person who deceives or cheat the bid of a fishing lot shall be subject to a payment of compensation for a loss equivalent to the amount of money offered in the bid. That bid shall be considered as null and void. In case of recidivism, he/she shall be subject to a term of imprisonment from one to six months in addition to the above compensation.

Article 119:

Any person who commits an offence under item b of Article 77 shall be subject to a fine of money from 1,000,000 riels to 10,000,000 riels and shall cease his/her action immediately. In case of recidivism or causing serious destruction, he/she shall be subject to a term of imprisonment from one month to one year in addition to the above fine.

Article 120:

Any person who commits an offence under Article 29, and item 2 of Article 34 shall be subject to a fine of money from 1,000,000 riels to 5,000,000 riels and subject

to the disciplinary punishment under the law on the co-statute of civil servants in the Kingdom of Cambodia, while the land titles shall be considered as null and void. In case of recidivism or serious commission of offence, he/she shall be subject to a term of imprisonment from one month to one year in addition to the above fine.

Article 121:

A. Any local authority, member of armed forces and fishery administrative officer who commits an offence under Article 87, and under items 1, 2 and 3 of Article 91 shall be subject to a fine of money from 1,000,000 riels to 5,000,000 riels and the evidence shall be confiscated as the State's property or destroyed. In case of recidivism or serious commission of the offence, he/she shall be subject to a term of imprisonment from one month to one year in addition to the above fine.

B. The fishery administrative officer who commits an offence under items 4, 5 and 6 of Article 91 shall be subject to the disciplinary punishment under the law on the co-statute of civil servants in the Kingdom of Cambodia.

Article 122:

Any person who commits an offence under Articles 53 and 38, under items 3 of Article 12, item 1 of Article 23, items 1, 8, 9 and 10 of Article 24, item 5 of Article 28, item 1 of Article 34, and items 1, 3 and 4 of Article 88 shall be subject to a term of imprisonment from one week to two months in addition the above penalties.

Article 123:

If the offences as prescribed in Articles 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116 and 117 are committed at night or in reserved fishing areas or in inundated forests, a fine of money in double shall be applied. In case of recidivism or causing serious damage, a term of imprisonment from 3 months to 3 years shall be applied in addition to the above penalties.

Article 124:

If the offender refuses to pay the compensation for the damage, pay the fine or the fee of the fishery domain on due dates, the case shall be forwarded to the court.

Chapter 16

Enforcement of the Court Verdicts

Article 125:

The enforcement of the final court verdict is the duties of the competent fishery administration, except for a prison term.

Article 126:

A. The excerpt of the verdict of the fishery offences shall bear the name of conflicting parties and causes for accusation and shall be notified to the competent fishery administration and the accused within the period of not more than 10 days after the date of the court decision.

B. In case of disagreeing with the court decision, the party concerned has the rights to file an appeal as determined by the law.

Article 127:

After the court verdict comes into effect, the confiscated evidence shall be sold by the fishery administration and the money obtained from the sale shall be paid to the national budget as stated in Article 96 of this law.

**Chapter 17:
Final provisions**

Article 128:

Any provisions that contradict to this law shall be considered as null and void.

Article 129:

This law shall be declared as URGENT.