

# **FORESTRY LAW**

**Adopted by Parliament in August, 2002**

## **CHAPTER 1 GENERAL PROVISIONS**

### **Article 1:**

This law defines the framework for management, harvesting, use, development and reservation of the forests in the Kingdom of Cambodia. Pursuant to the National Forest policy, the principal objective of this Law is to ensure, for present and future generations, the sustainable management of these forests for their social, economic and environmental benefits. Including conservation of biological diversity and cultural heritage.

### **Article 2:**

- A. This Law has application to all forests, whether natural or planted, unless otherwise stated herein.
- B. Consistent with Article 56 of the Constitution (1993), forests are State property, except for trees planted on private property.
- C. With respect to other laws the State ensures traditional user rights of timber products and NTFPs for local communities as further provided in this Law.

### **Article 3:**

- A. Unless otherwise stated in this Law, forest management is under the general Jurisdiction of the Ministry of Agriculture, Forestry, and Fisheries ("MAFF).
- B. The State delegates the management of flooded forest to the Department of Fisheries under a separate fisheries law.
- C. The State delegates management of Protected areas to the Ministry of Environment CMCE") as set forth in Royal Decree (1 November 1993), the Environmental Protection and Natural Resources Management Law (1996) and the Anu-Kret on the Organization and Functions of the Ministry of the Environment (1999).
- D. MAFF may have the authority to conduct enforcement activities, in coordination with MOE. For forest offenses under this Law that occur within protected areas stated in Article 3(c) above, however, such activities shall not affect the jurisdiction of MOE provided by the Environmental Protection and Natural Resources Management Law.

### **Article 4:**

- A. This law shall be implemented to ensure full public participation in all government decisions that have the potential for significant impact on concerned communities, livelihoods of local communities and forest resources of the Kingdom of Cambodia.
- B. Consistent with the Environmental Protection and Natural Resources Law, a-Social and Environmental Impact Assessment ("SEIAJ shall be prepared for any major forest ecosystem related activity that may cause significant adverse social and Environmental impact. A copy of the SEIA shall be made available for public comment.
- C. All Final decisions by 'the Royal Government of Cambodia ("RGC'J on major forest ecosystem related activities must consider the recommendations of the final SEIA and may notify the public any final decision by the RGC referred to in this Article.

### **Article 5:**

- 1. Forestry means a system of management pertaining to forests, forest area, and timber products and NTFPs to be undertaken with an integrated methodology.
- 2. Forest, means a unit of natural or artificial forest ecosystem, in the form of wet, flooded or dry land, comprised of mixed vegetation, natural or planted, wildlife and other natural resources located therein, primarily utilized for timber and NTFPs production conservation and other forest services. Lands to which this law does not apply include all land designated by the State as permanent agricultural land including, chamcar, idle land to be designated for non-timber agriculture production, industrial land and land for urbanization and construction.

3. Forest Administration means the general term to identify all the levels of the government authority with the mandate to manage the forest, as provided in the National Forest and implement this Law
4. Permanent Forest Estate means the overall forest complex, natural and planted, in the Kingdom of Cambodia, including state and private, designated as two main categories: the Permanent Forest Reserve and Private Forest, to be maintained to ensure a sustainable permanent forest cover.
5. Permanent Forest Reserve means state forest located on lands bearing no private ownership rights which are further classified into production forest, protection forest or conversion forest for other development purpose.
6. Private forest means a plantation forest, located on private land, which has been legally registered as private title under authorized Laws and procedures in Cambodia.
7. Community Land means land eligible for registration by the State as community property under the Land Law. As provided by Law, such communities may secure community ownership rights to land and traditional user rights to forest resources, but not have the authority to transfer community land or such user rights to a third party.
8. Community Forest means an area of state forest granted under an agreement to manage and utilize the forest in a sustainable manner between the Forest Administration and a local community or organized group of people living within or near the forest area and depend upon it for subsistence and traditional use.
9. Production forest means a forest area having the primary function of sustainable production of timber products and NTFPs. Production forest may include forest concessions, other permitted harvesting, degraded forest, rehabilitated forest, area reserved for regeneration at tree plantation and reforested areas and forest areas under management agreement between the Forest Administration and a local community.
10. Protection forest means a forest area having the primary function of protecting the forest ecosystem as follows, but not limited to: regulation of water sources; **biodiversity**, water **catchment** and watershed conservation; protect wildlife habitat and aquatic resources; prevent floods, erosion and sea water intrusion; maintain soil **fertility to serve** cultural heritage and the public interest. Protection forest under this Law does not include the protected areas under the jurisdiction of MOE pursuant to the Environmental Protection and Natural Resources Management Law.
11. Conversion forest for other development purposes means idle state forest land, covered mainly by secondary vegetation and not yet designated for any use that shall be placed temporarily within the Permanent Forest Reserve.
12. Concessionaire means a national or foreign person or legal entity awarded the user rights to a forest concession by the State through the authorized public bidding process.
13. A Concession agreement is a contract between the State and a concessionaire for the harvest rights to timber products and NTFPs from a designated production forest within the permanent forest reserve.
14. Coups means a geographically recognizable area of production forest forming the basis of each annual operation area as defined in a forest concession management plan and “annual operational plan”.
15. Harvesting bloc means the smallest unit of a coupe that has the function of allowing the forest Administration to monitor the harvesting operation.
16. Royalties means payments due to the State from an individual, legal entity or community for timber products and NTFPs harvested from the permanent forest reserve.
17. “Timber products and NTFPs” means biological and non-biological components of the forest the processed products and other services provided by the forest.
18. Non-timber forest products (NTFPs) means products derived and extracted from the forest that are not composed of timber.

## CHAPTER 2 FOREST ADMINISTRATION

### Article 5:

- A. Under the authority of the MAFF, the forest administration is the government institution for implementing the management of forest and forest resources.
- B. The forest administration shall be organized as a direct, vertical structure divided into the following hierarchical levels: central level, regional inspectorates, cantonments divisions and triages.

- C. MAFF shall issue a Prakas to define the duties and functions of each level of the forest administration.
- D. The forest administration shall conduct their duties in a manner consistent with principles of transparency, thereby ensuring the right of the public to participate in decisions regarding the management, sustainable use and conservation of the forests.

**Article 7:**

Consistent with the National Forest Policy and this Law, the Forest Administration shall perform the following duties:

1. Issue regulations governing forest activities to ensure the sustainable management of the Permanent Forest Estate.
2. Collect data on State forests regarding scientific, economic, social and environmental factors-in order to set a sustainable production level.
3. Assess boundaries classify and demarcate forest areas in order to develop a land use map of the Permanent Forest Estate in coordination with the Ministry of Land Management and Urban Planning local authorities and communities. .
4. Prepare and implement the National Forest Management Plan at each level of the Forest Administration.
5. Promote reforestation on conversion forest and idle land.
6. Promote the development of Community Forest agreements and programs by providing financial and technical assistance where feasible to communities.
7. Develop and implement research, protection and conservation programs for forest resources and wildlife.
8. Take appropriate measures to investigate, prevent and suppress forest destruction forest fires and clearing to ensure effective enforcement of this Law.
9. Promote public education programs that demonstrate the importance to manage, maintain and protect forest resources, as well as to take action to rehabilitate natural ecosystems and conserve national forest.
10. Promote intentional cooperation to strengthen the capacity protect and develop forest resources.
11. Ensure the timely and complete assessment of all forest related activities that may have a significant adverse social and environmental impact prior to approval of such activities.

### **CHAPTER 3 SUSTAINABLE FOREST MANAGEMENT**

**Article 8:**

- A. Sustainable forest management shall be conducted in a manner consistent with the, National Forest, Policy and provisions of this Law in order to ensure the sustainable m3nagement, use and conservation of forest resources.
- B. The National Forest Policy shall be approved by the RGC, upon the recommendation of MAFF in order to assist in the development of the National Forest Policy, the PGC shall establish a National Committee to Prepare and Implement Forest Policy, chaired by the Minister of MAFF, with membership from Ministries having an interest in the forestry sector.
- C. To further the goal of sustainable forest management, the RGC may revise the National Forest Policy, based on the recommendations of the National Committee if there, are significant changes in the conditions and circumstances of the forest.

**Article 9:**

- A. The Forest Administration in compliance with the National Forest Policy, - shall prepare a National Forest Management Plan with broad public participation from all authorities and communities concerned pursuant to Article 4 of this Law.
- B. The National Forest Management Plan shall be approved by the RGC as a long-term planning tool in order to set priorities and activities on forest management The Plan Shall be reviewed and revised every five (5) years to reflect any changes in conditions and circumstances. The National Committee to Prepare and Implement Forest Policy shall recommend to the RGC specific revisions to the Management Plan.
- C. The Plan shall address the following components:
  1. To review the physical, environmental and social factors regarding forest resources at each, level of the Forest Administration.

2. To conduct an estimate of the volume of the different categories of timber products, and NTFPs.
  3. To indicate forest areas, areas to be reforested, and Community Forest.
  4. To review detailed programs and calendar of actions for forest management and silviculture.
  5. To develop program to assist stakeholders involved in management and use of state and private forest
  6. To develop programs, for industrial and market development of timber products and NTFPs.
  7. To develop research programs on the development of forest technologies and sciences.
  8. To promote and expand, the forest knowledge by inviting participation from the community in use and protection of Um forest.
  9. To develop human resources and other means to conduct activities to implement forestry programs.
  10. To strengthen the forest institution at all levels, improve and enforce forestry legislation.
  11. To strengthen the International cooperation in economic, technical assistance within and outside the region in the protection and development of forest resources.
  12. To support all programs promoting the implementation of the National Forest Policy.
- D. Based on recommendation of the National Committee to Prepare and Implement Forest Policy, the Minister of MAFF shall submit to the RGC an annual progress report on the implementation of the objectives of the National Forest Management Plan. This report shall be provided to the public upon request.

#### **CHAPTER 4 PERMANENT FOREST ESTATE**

##### **Article 10:**

- A. The Permanent Forest, Estate shall be managed with the objective to Improve to the maximum extent, the social economic, environmental, and cultural heritage of the Kingdom of Cambodia and its people according to the principle of sustainable forest management.
- B. MAFF shall classify and set boundaries for all forests within the permanent Forest Estate. In carrying out this action, MAFF shall coordinate with local communities, authorities, stakeholders, and the Ministry of Land Management and Urban Planning and assist in registration of community land title and preparation of the national land use map.
- C. All forests classified within the Permanent Forest Reserve shall be designated and managed in accordance with the objectives of the National Forest Management Plan.
- D. The procedure for establishment, classification and registration of the Permanent Forest Estate shall be determined by Anu-Kret.

##### **Article 11:**

- A. The Permanent Forest Estate consists of the following categories:
  1. Permanent Forest Reserve; -and
  2. private Forest
- B. The Permanent Forest Reserve consists of three sub-categories:
  1. Production- Forest shall be maintained in a manner to allow for the sustainable production of Timber products and, NTFPs, and protection as a secondary priority. Production Forest may consist of the following:
    - a. Forest Concession,
    - b. Production forest not under concession;
    - c. Rehabilitation Forest;
    - d. Forestland for reforestation or tree plantation;
    - e. Reserved forestland for regeneration; and
    - f. Degraded forestland.
  2. Protection Forest shall be, maintained primarily for protection of the forest ecosystem and natural resources therein. Protection Forest may consist of special forest ecosystems, research forest, forest for regulating water sources and watershed protection, recreation forest, botanical gardens and religious forest. Local communities have traditional user rights to collect timber products and NTFPs within the Protection Forest with minor impact of the forest.

3. Conversion Forest for other development purposes is idle state land, comprised mainly of secondary vegetation, not yet designated to any sector, that shall be temporarily classified as Permanent Forest Reserve until the RGC designates the land for a specific use and purpose.
- C. Private Forest shall be maintained by the owner of the land with the right to develop, harvest, use, sale and distribute the products from their land.

**Article 12:**

- A. The RGC has the authority to declassify forest from the Permanent Forest Estate. Such a decision must serve the public interest and be consistent with the National Forest Policy, the National Forest Management Plan and technical, social, and economic data from MAFF. When declassifying forest from the Permanent Forest Reserve for a non-forest purpose, the RGC shall consider the following priorities:
1. to declassify conversion forest for other development purposes, then
  2. to declassify other forest in the Permanent Forest Reserve when current demand is greater than the previous determined use.
- B. If forest is declassified from the Permanent Forest Reserve, then MAFF may request the RGC to designate idle forestland for the purpose of protection and reforestation as compensation and to maintain permanent forest cover.
- C. MAFF may request the RGC to approve a change in the classification of a forest area to another category within the Permanent Forest Reserve based on new data and function of the forest area.
- D. All decisions to declassify forest in (A) and to change classification in (C) of this Article shall be determined by Anu-Kret.

## **CHAPTER 5 CONCESSION MANAGEMENT**

**Article 13:**

- A. Upon the request of the Minister of MAFF, the RGC may grant an area of production forest not under use, to a forest concession through public bidding consistent with the National Forest Management Plan and after consultation with concerned local authorities and communities.
- B. The public bidding procedures and required documents shall be determined by the Anu-kret on Forest Concession Management.

**Article 14:**

- A. The RGC has the authority to enter into a Forest Concession Agreement with an investor or legal entity provided that such concession is consistent with the National Forest Policy, National Forest Management Plan and provisions of this Law.
- B. Public bidding, as a basic principle, shall be conducted prior to the RGC entering into a concession agreement and shall comply with provisions of this Law and the Anu-kret on forest concession management.
- C. MAFF shall give equal opportunity and consideration to all qualified bidders and give timely public notice of the bidding process, especially to the local community in the
- D. Bidding documents submitted by an agent representing the party tendering a bid for a forest concession shall include a notarized statement of their good-faith compliance with any existing forest concession agreements, within or outside Cambodia.

**Article 15:**

Any forest concession awarded prior to the enactment of this Law or that will be awarded through the public bidding process outlined in Article 13 of this Law, shall use as a basis the standard Model Forest Concession Agreement pursuant to the Anu-kret forest concession management.

**Article 16:**

Each concessionaire shall have the right to manage and conduct harvesting operations within the concession while ensuring that the operation does not interfere with the following.

1. Traditional user rights taking place on communal property registered with the state under the land Law; and

2. Traditional access and user rights practiced by a community residing within, or Adjacent to a forest concession.

**Article 17:**

The Forest Concession Agreement shall at a minimum -include:

1. The date the concession is granted and the duration for which is granted;
2. The location of the concession, indicating the identification of community property, community forest, special management areas and net operable harvest areas;
3. A written statement that the concessionaire shall respect and not enter, to harvest timber or NTFPs. any special management areas, community property or community forests;
4. A description of the type and quantity of timber products and NTFP allowed to be harvested and the methodology to calculate the allowable harvest amount;
5. A description of the obligations of the concessionaire to develop and implement the Forest Management Plan at concession coupe and bloc levels; and
6. Other conditions set by the RGC or the Forest Administration pertaining to forest concessions.

**Article 18:**

- A. A Forest Concession Agreement shall not exceed thirty (30) years.
- B. A Forest Concession Agreement may be terminated at any time by the RGC upon a finding, that the Concessionaire has materially breached the terms and conditions of the Anu-Kret on Forest Management Concession.
- C. A concessionaire has the right to dispute the decision by the RGC to terminate the concession and to claim for compensation. Rules to resolve disputes shall be and conditions in the Forest concession management Agreement.
- D. MAFF may extend the duration of the concession Agreement, upon its expiration, based on the evaluation of the concessionaire's compliance record, but such extension shall not exceed the original.

**Article 19:**

- A. The concessionaire shall prepare a Concession Management Plan for all levels and Implement in compliance with guidelines provided by the forest Concession Management Planning Manual; Cambodian Code of Practice for Forest Harvesting,
- B. Each concessionaire shall prepare Management Plans as follows-,
  1. Long-term Management Plan for the entire concession;
  2. Annual Operational Plant for each coupe level; and
  3. Bloc Management Plans for each annual harvest.
- C. The Concession Management Plan, and any revisions, requires the following:
  1. Approval of the Long-term Management Plan by the Minister of MAFF, upon the recommendation of the Director of the Forest Administration. This management plan shall be revised, every five (5) years.
  2. Approval by the Director of the Forest Administration of the Annual Operational Plans and Bloc Management Plans.

**Article 20:**

- A. Consistent with the Anu-Kret on Forest Concession Management concessionaires shall include the SEIA in their Forest Concession Management Plan in accordance with provisions of this Law.
- B. The SEIA, prepared by the concessionaire, shall be reviewed and evaluated by an independent third party.
- C. The RGC shall ensure that the Forest Concession Management Plan and the SEIA are available for public comment prior to issuance of a harvest permit.

**CHAPTER 6  
MANAGEMENT OF PRODUCTION FOREST NOT UNDER CONCESSION  
AND PROTECTION FOREST**

**Article 21:**

- A. Production Forest not under concession shall be managed with a priority to meet domestic annual needs for timber products and NTFPs. These products shall be exported only upon a showing that the supply is higher than the local demand.

- B. Since consideration of whether domestic annual UMBER and NTFPs need are being met may have broad implications for the national economy, MAFF shall ensure a full review of relevant data has been conducted.

**Article 22:**

- A. Each Division Chief of the Forest Administration shall prepare and submit a management plan for Production Forest not under concession within their area of jurisdiction to the Director-of the Forest Administration for review and approval. Such a plan shall be prepared in a manner similar to the annual operational and management plans required under Article 19(B).
- B. Any person, legal entity or community may submit an application under public bidding procedures for the annual harvest rights within a production forest not under concession.
- C. Procedures for acquiring annual timber and NTFPs harvest rights within production forest not under concession shall be determined by Prakas Issued by MAFF.

**Article 23:**

MAFF may-propose the RGC to designate as Protection Forest any of the Permanent Forest Reserve, which may qualify as a special ecosystem, an area of scientific, cultural, or tourism value or an area for biodiversity soil and water.

**Article 24:**

- A. The Forest Administration shall prepare a management plan, to be approved by MAFF, for Protection Forest within the Permanent Forest Reserve.
- B. It shall be the duty of all levels of the Forest Administration to implement activities, management and enforcement for the Protection Forests within the Permanent Forest Reserve.

## **CHAPTER 7 PERMITS AND AUTHORIZATIONS**

**Article 25:**

- A. All timber products and NTFPs located or originating from the Permanent Forest Reserve are state property, unless the rights of these products have been conveyed to an individual or legal entity pursuant to provisions in this Law.
- B. Any individual, legal entity or community that intends to harvest timber products and NTFPs for commercial purposes must possess a harvest permit issued by the Forest Administration. A permit shall not be required for members of a local community harvesting an amount of timber products and or NTFPs equal to or below traditional subsistence use defined in Chapter 9 of this Law.

**Article 26:**

- A. Activities related to the forest timber products and NTFPs throughout Cambodia shall require one or more of the following permits from the Forest Administration:
  - 1) Permit to set annual harvest quota;
  - 2) Permit to harvest;
  - 3) Permit to set quota for transport;
  - 4) Permit to transport;
  - 5) Permit for use of forest as defined in Article 28 of this Law;
  - 6) A Prakas to establish an- industrial forest center, sawmill, or timber or NTFPs processing facility,
  - 7) Permit to enter coupe for preparation;
  - 8) Permit to establish a stock place to sale or distribute timber products and /or NTFPs;
  - 9) Permit, to establish all types of kilns that use timber products and/or NTFPs as raw material;
  - 10) Export quota for timber products and/or NTFPs;
  - 11) Export and Import License for timber products and/or NTFPs; and
  - 12) Other types of permits that may be required according to provisions of this Law.
- B. The following individuals and legal entities are entitled to for permits stated above:
  - 1) A concessionaire who has received approval of the Annual Operation Plan as required by the Forest Concession Management Agreement;

- 2) A party that has received approval for harvesting timber and/or NTFPs in a production forest not under concession;
  - 3) A person which has been authorized to harvest timber products and/or NTFPs in a community forest for an amount that exceeds traditional user rights detained by rules on community forest.
  - 4) A person or party who buys and transports timber products and/or NTFPs from the forest area where they were harvested to their final destination; and
  - 5) Any other individual, legal entity, community or party who may be granted rights under provisions of this Law.
- C. Permits under this article shall contain the following items:
1. The name of the permit holder
  2. The duration of the permit
  3. The specific location and boundaries of harvest area;
  4. the quantity of timber products and/or NTFPs allowed to harvest in a unit determined by the Forest Administration;
  5. Origin and destination of Umber products and/or NTFPs being transported; and
  6. Other items based on the type of 'permit required by the Forest Administration.
- D. Permits may be extended, bated on an evaluation report by the Forest Administration, by the same level of forestry official who granted the original permit in order to fulfill the existing quota, but the extension period shall not exceed more than one-third *of* the, duration of the original permit.
- E. The standard form for each permit shall be officially published by the Forest Administration.

**Article 27:**

The responsibility and authority for approving and issuing permits are as follows:

- A. The Minister of MAFF shall have the authority to approve:
1. Permits to set harvest quota for a concession and a production forest not under concession;
  2. Import-Export quota for timber products and/or NTFPs, following the approval of the RGC;
  3. Permits for use of forest stated in Article 28 of this Law: and
  4. Prakas to establish forest industry centers, sawmills, and medium and large-scale timber and/or NTFPs processing facilities.
- B. The Director of the Forest Administration has the authority to issue:
1. Permits to harvest timber products and/or NTFPs from concessions and production forest not-under concession
  2. Permit to set transport quota for timber products and/or NTFPs from concession and production forest not under a concession;
  3. Permit to transport timber product and/or NTFPs intended for export;
  4. Permit to enter coupe prior to issuance of annual harvest permit; and
  5. Permit or Visa on the export-import license for timber products and/or NTFPs.
- C. The Cantonment Chief of the Forest Administration has the authority to issue:
1. Permit to set harvest quota for Umber and/or NTFPs for local commonalties;
  2. Permit to establish stock place to store, sale of distribute of timber products and/or NTFPs and for small scale timber and/or NTFPs processing facilities;
  3. Permit to establish kilns of all types that use timber and/or NTFPs as raw material;
  4. Permit to set transport quota of timber products and/or NTFPs origination from a community forest.
- D. The Division Chief of the Forest Administration shall have the power to issue:
1. Permit to harvest timber products and/or NTFPs in a community forest at an amount above the traditional user rights; and
  2. All Permits to transport timber products and/or NTFPs originating from the area under the jurisdiction of the Division Chief.

**Article 28:**

- A. The Minister of MAFF has the authority to issue a use permit to an individual or legal entity to conduct the following activities within the Permanent Forest Reserve:
1. Technical and scientific research;
  2. Agricultural education or training;

3. Use of water resources for irrigation or agricultural purposes;
  4. Establishment of botanical garden or experimental station;
  5. Establishment of a forest nursery to breed seedlings for planting; and
  6. To establish Recreation, sightseeing business or video documentation.
- B. A permit issued pursuant to this Article shall not be used to harvest timber products or NTFPs from the area specified, unless extraction is for the purpose of silviculture research or forest improvement.

## **CHAPTER 8**

### **PROHIBITED HARVESTING AND FOREST PROTECTION**

#### **Article 29:**

- A. Each allocation of an area of the Permanent Forest Reserve to harvest timber products and/or NTFPs, under the provisions of this Law, shall be located only in Production Forest and managed and monitored according to the Forest Codes of Practice on forest management in Cambodia.
- B. It shall be prohibited for anyone to issue a permit to harvest timber and/or NTFPs within any type of Protection Forest within the Permanent Forest Reserve.
- C. MAFF may propose to the RGC to change the classification of an area in the Protection Forest to Production Forest, based upon the submission by the Forest Administration of new data and studies showing that the area has sufficient potential for extraction of timber and/or NTFPs. Otherwise, it is prohibited to harvest timber products and/or NTFPs within the Protection Forest, except for traditional user rights.

#### **Article 30:**

- A. Unless authorized by MAFF for specific exceptions (e.g. a weather emergency or trees removed for previously authorized forest feeder roads or other conditions proposed by the Forest Administration), it shall be prohibited to harvest the following anywhere within the Permanent Forest Estate:
1. Tree species whose diameter is smaller than the diameter allowed to harvest;
  2. Rare tree and vegetation species;
  3. Tree species that local communities have tapped to extract resin for traditional use; and
  4. Trees that yield high-value resin.
- B. MAFF shall issue a Prakas to determine the tree and NTFP species and specifications that are prohibited by this Article.

#### **Article 31:**

- A. It is prohibited to process timber products or NTFPs or establish and operate a forest industry center, sawmill, timber and/or NTFPs processing facility or all types of kilns in the boundaries of the Permanent Forest Reserve.
- B. All forest industry centers, sawmills, timber and/or NTFPs processing facilities and all kilns shall be located at least two (2) kilometers away from the boundaries of the Permanent Forest Reserve.
- C. MAFF may grant an exception to the prohibitions set forth in this article if a study by the Forest Administration can demonstrate that the benefit of such an exception would not cause harm or have only a minor social and environmental impact.

#### **Article 32:**

- A. The clearing of forest for the purpose of public road construction in the Permanent Forest Reserve shall be prohibited, unless approved by the RGC, upon request of the Ministry of Public Works and Transport after consultation with MAFF.
- B. The clearing of forest for the construction of a minor forest road in the Permanent Forest Reserve shall be prohibited, unless approved by the Minister of MAFF, upon request of the Director of the Forest Administration.
- C. All public and forest road construction within the Permanent Forest Reserve shall be subject to consultation with concerned local authorities and communities and a SEIA pursuant to Article 4 of this Law.
- D. Unless otherwise allowed by this law or other legislation, it shall be prohibited to establish a new settlement along public or forest roads in the Permanent Forest Reserve.

#### **Article 33:**

- A. The forest shall be protected against damage due to the destruction caused by excessive exploitation, abusive forest clearing, forest ecosystem pollution, forest fires, clearing of natural forest for slash and burn fields, diseases, noxious insects, and the introduction of imported species harmful to wildlife or vegetation.
- B. The following activities that damage forests shall be prohibited:
  - 1. To displace, remove, or destroy the boundary posts or distinctive sign marking the forest boundary;
  - 2. To grid bark, poison, fell, or uproot any tree without technical necessity;
  - 3. To use harvest rights in a manner different from those authorized by permit;
  - 4. To use equipment or allow unleashed or leashed livestock into an area with tree seedlings or recent growth after harvesting, a forest fire, or in areas being or recently planted; and
  - 6. To establish yellow vine or other NTFP processing facilities at a level that may cause significant pollution or significant harm to the forest ecosystem.

**Article 34:**

- A. Unless otherwise stated in this Law, all forest clearing shall be prohibited within the Permanent Forest Reserve.
- B. Where the Forest Administration has evidence that title to land has been obtained through illegal clearing of state forest before the date this Law became effective, the Forest Administration has the right, as agent for the RGC, to Issue written notice, served upon the occupant of the land, stating the intention to evict and reclaim ownership of the state land by filing an action with the Court within 90 days of the notice.

**Article 35:**

- A. It shall be prohibited to export or import tree or wild vegetation seeds or species until such seeds or species are studied and evaluated by the Forest Administration and permitted to import and exported by the Minister of MAFF.
- B. The import of tree or wild vegetation seeds or species shall have a Visa certification issued by the scientific authority of the exporting country.

**Article 36:**

- A. In addition to other Laws, quarrying, soil and sand excavation, mining, and other natural resources excavation and exploitation, conducted within the Permanent Forest Reserve, shall require a prior study-evaluation from MAFF, authorization by the RGC and be in compliance with Article 4 of this Law.
- B. Such authorization in (A) shall state the protection and restoration measures of the site for quarrying, soil and sand excavation, mining, and other natural resource extraction, whereby the holder of such rights shall be responsible to:
  - 1. Avoid causing, or aggravating soil erosion, damage the vegetation, the hydrologic systems and the quality of water; and
  - 2. After project completion, to restore the site of quarrying, soil and sand excavation, mining, or other natural resource extraction, to their original state within the time frame set by the permit.

**Article 37:**

- A. It is prohibited to set fires in the Permanent Forest Estate, except by the Forest Administration to benefit silviculture or forest maintenance.
- B. MAFF shall issue a Prakas on guidelines to determine sectors of forest fire control, forest fire prevention and creation of Forest Fire-Fighters Committees in forest areas.
- C. People, armed forces, and authorities of all levels shall be jointly responsible for forest maintenance and protection, fire prevention and fighting against forest fires.

**Article 38:**

- A. For those local communities that traditionally practice slash and burn agriculture, such practice shall be permitted to continue on community land registered with the State where the division level of the Forest Administration authorizes the activity as part of a community forest management plan. Unless otherwise stated in this Law, all other slash and burn, practices are prohibited within natural intact forest in the Permanent Forest Reserve.
- B. Forest reserved for slash and burn practice shall be identified by Anukret.

**Article 39:**

- A. It shall be prohibited to saw, slice or process logs within the Permanent Forest Reserve.
- B. It shall be prohibited to use a chain saw to harvest timber within the Permanent Forest Reserve unless operating under a permit authorized by the Forest Administration.

**Article 40:**

Unless otherwise stated in this Law, no individual or legal entity has the right to directly or indirectly issue a permit to fell trees, clear forest, conduct any activity involving the harvest of timber products or NTFPs, or occupy land within the Permanent Forest Reserve.

**CHAPTER 9  
COMMUNITY USE, MANAGEMENT AND PRIVATE RIGHTS**

**Article 41:**

- A. The State shall recognize and ensure the community traditional user rights for timber, products and NTFPs on community land that has been legally registered with the State.
- B. For communities living within or near the Permanent Forest Reserve that do not have their land registered under community title, the State shall recognize and ensure their traditional user rights for the purpose of customary, religious and subsistence use as defined in this Law.
- C. The traditional user right of a local community for timber products and NTFPs shall not require a permit and include the following:
  - 1. The collection and use of dead wood, wild fruit, products from bee hive or comb, resin, and other NTFPs;
  - 2. The harvest of timber to build houses, stables for animals, fences and to make agricultural instruments;
  - 3. The grass cutting or unleashing livestock to graze within the forest;
  - 4. The use of other timber products and/or NTFPs for traditional family use; and
  - 6. The ability to barter or sell NTFPs to a third party where the amount is consistent with traditional community practice.
- D. It is prohibited for a local community to transfer any of these traditional user rights to a third party, even with mutual agreement or under contract. These traditional user rights shall:
  - 1. respect the natural balance and sustainability of forest resources and the rights of other people; and
  - 2. Comply with permissions and prohibitions stated in this Law.

**Article 42:**

The Minister of MAFF has the authority to allocate an area of the Permanent Forest Reserve to a community or a group of people living inside or near a forest area in the form of a Community Forest.

**Article 43:**

- A. The Forest Administration, through consultation with parties concerned has the duty to study conditions of the Permanent Forest Reserve in order to accurately demarcate and allocate suitable forest areas as Community Forest based on the capacity of forest resources and the need to ensure traditional user rights of local communities.
- B. The Director of the Forest Administration has the authority to approve a Community Forest Agreement with a community living within or near a forest area in the Permanent Forest Reserve for a period not to exceed ten years. The Cantonment or Division level of the Forest Administration may extend the agreement upon a review and evaluation.

**Article 44:**

- A. A Community Forest shall be managed in an economic and sustainable manner by the local community conforming to the Community Forest Management Plan, rules on Community Forest and guidelines on Community Forestry. The Forest Administration shall monitor the implementation of the Management Plan and provide technical assistance, where appropriate, upon the request of the local community.
- B. The management plan of the Community Forest shall be prepared by the community, subject to approval by the Chief of the Canton level of the Forest Administration. A copy of the plan shall be sent to the central level of the Forest Administration and be reviewed and revised if necessary at a minimum of every five (5) years or earlier if needed.
- C. Community Forests, including tree plantations and natural forest established by a local community as a Community Forest, shall be consistent with the Community Forest

Management Plan and subject to the supervision and technical assistance of the Forest Administration.

- D. The rules for establishment, management and use of a Community Forest shall be determined by the Anuket on Community Forest Management.
- E. The specific and technical guidelines on Community Forestry shall be determined by Prakas issued by MAFF.

**Article 45:**

- A. A local community, operating under a Community Forest Agreement, shall have traditional user rights to timber products and NTFPs within the demarcated area stated in the Community Forest Agreement and/or the Community Forest Management Plan.
- B. The traditional user rights shall include the right to barter or sell NTFPs without a permit provided such sale does not threaten the sustainability of the community forest. A transport permit is required for any third party who buys NTFPs from a local community, in accordance with the provisions of this Law and payment of any applicable royalties and premiums.
- C. No community shall use the Community Forest in the form of a concession, nor sell or transfer its rights in such forest to a third party.

**Article 46:**

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

**Article 47:**

- A. Anyone that has planted trees on State or private land has the right to maintain, develop, use, sell, or distribute the products.
- B. MAFF shall issue a Prakas to determine the rules and regulations for Private Forest to regulate, yet encourage individuals to plant and maintain tree plantations on state and/or private land.

**Article 48:**

MAFF shall provide concessionaires, private individuals and communities that demonstrate high quality/quantity forest management practices, for both natural forest and tree plantations, one or more of the following incentives or rewards:

- 1. reduce or waive royalties or premiums;
- 2. award useful equipment confiscated as state property by a court order;
- 3. extend the duration of a community forest agreement; and
- 4. publicize the award for good practices in a newspaper.

## **CHAPTER 10 CONSERVATION OF WILDLIFE**

**Article 49:**

- A. Except for fish and animals that breed in water, all wildlife in Cambodia are state property and component of forest resources, including all species of mammals, birds, reptiles, amphibians, insects, other invertebrates, and any eggs or offspring. Such wildlife is under the management research and conservation of the Forest Administration.
- B. Wildlife specimen includes the whole body, internal or external parts, the skeleton and byproducts and shall be under the authority of the Forest Administration.
- C. All wildlife shall be divided into the following categories:
  - 1. Endangered species;
  - 2. Vulnerable species; and
  - 3. Common species.
- D. MAFF, through the recommendation of the Forest Administration, shall issue a Prakas to determine the criteria for each category and establish a separate list for endangered and vulnerable wildlife species, which may vary between regions in Cambodia.

**Article 50:**

- A. It is strictly prohibited to hunt, harm or harass all wildlife, including common, vulnerable and endangered species, in the following time, place and manner:
  - 1. By use of dangerous methods;
  - 2. During the closed season; and
  - 3. In protected zones and special public areas.
- B. The Forest Administration, upon the approval of MAFF, has the authority to issue a permit involving vulnerable and endangered wildlife species for the following purposes:
  - 1. For educational, research or scientific purposes;
  - 2. In support of a Captive Breeding Program;
  - 3. To exchange wildlife species pursuant to international cooperation agreements;
  - 4. For limited traditional use for non-commercial purposes by local people within their village area.
- C. It shall be prohibited to attempt or to commit the following activities against vulnerable and endangered wildlife species, except by a permit issued under Article 50 (B):
  - 1. Harass or harm any such species or its habitat;
  - 2. Hunt, trap or poison;
  - 3. Possess, stock or maintained by an individual or family as a private zoo;
  - 4. Transport;
  - 5. Trade; and
  - 6. Import or Export.
- D. It may be a defense to killing a vulnerable or endangered specie, if the offender shows the court that a human life was under immediate threat with no opportunity to escape and the wildlife and weapon(s) were taken to the nearest Forest Agency immediately after the incident.
- E. Rules on the prohibition and permits related to the activity on all types of wildlife species shall be determined by Prakas issued by MAFF.

**Article 51:**

- A. It is prohibited to attempt to commit the following activities against common wildlife species, except by a permit issued by the Forest Administration:
  - 1. Stock or maintain as a private zoo or on a family scale;
  - 2. Transport or Trade an amount above that necessary for traditional use.
- B. A permit to import into and export any common wildlife species shall be issued by the Forest Administration upon the approval of MAFF.

**Article 52:**

- A. The Forest Administration shall collect the following fees for the use of wildlife species:
  - 1. A Wildlife Conservation Fee to be deposited into the Forest Development Fund; and
  - 2. A Wildlife Value Fee to be placed into the National Budget.
- B. The amount of a Wildlife Conservation and Wildlife Value Fee shall be determined by Joint-Prakas between the MAFF and the Ministry of Economy and Finance.

## **CHAPTER 11 ROYALTIES ON TIMBER PRODUCTS AND NTFPS AND PREMIUMS**

**Article 53:**

- A. Except as stated in this Law, anyone harvesting timber products or NTFPs for commercial purposes within the Permanent Forest Reserve shall pay royalties and premiums to the national budget through the Forest Administration. The RGC shall determine the amount for royalties and premiums upon the recommendation of the Ministry of Economic and Finance and MAFF.
- B. No royalty or premium shall be required for the harvesting of timber products or NTFPs from private forest.
- C. The Model Forest Concession Management Agreement shall include a schedule of royalties on timber products and NTFPs and premiums.

**Article 54:**

- A. The Minister of MAFF may reduce or waive the royalties for any timber products and NTFPs and/or premiums collected from the Permanent Forest Reserve for scientific purposes or to create an incentive to efficiently use timber products and NTFPs.

- B. MAFF shall waive the royalties for any timber products or NTFPs and premiums collected from the state forest by local communities under traditional user rights defined in Chapter 9 of this Law.
- C. In order to encourage local community development or good community forest management, MAFF may reduce or waive the communities royalties or premiums or extend the duration of the Community Forest Agreement.

**Article 55:**

- A. Timber products and NTFPs, subject to royalty and premiums, shall be assessed by the Forest Administration official at the log landing within the annual coupe prior to transport from the forest concession.
- B. The assessment of the quantity and quality of the timber products and NTFPs, as stated in (A) of this Article, shall be recorded in the “Book A” with the approval of the Director of the Forest Administration.

**Article 56:**

- A. Royalties and premiums shall be paid for all timber products and NTFPs recorded in the "Book A."
- B. MAFF and the Ministry of Economy and Finance shall issue a Joint-Prakas on the rules for payment and receipt of revenue from royalties on timber products and NTFPs and premiums.

**Article 57:**

- A. Anyone with legal possession of a permit to harvest timber products and NTFPs shall not transfer or sell his/her rights or the products to a third party until they have paid all royalties and premiums due.
- B. The Minister of MAAF, after consultation with the Ministry of Economic and Finance, may approve a delay in the payment on timber products and NTFPs or premiums for a permit holder who the Forest Administration has recognized for sustainable forestry practice, based on rules stated in Article, 56(B) of this Law.

**Article 58:**

If a permit holder does not pay royalties and premiums by the agreed scheduled date and no extension has been granted, the Forest Administration shall have the authority to seize the timber products and NTFPs, without exception, and detain such products as state property until legal resolution of the dispute.

**Article 59:**

- A. Before the issuance of a permit to harvest timber products and/or NTFPs, the prospective permit holders shall be required to place a security deposit to guarantee payment of royalties and premium due to the national budget. The amount of the deposit shall be stated in a concession agreement or annual harvest quota permit.
- B. A security deposit shall not be required for the harvest of timber products and NTFPs within a community forest under a community forest agreement.

## **CHAPTER 12 REFORESTATION AND FOREST DEVELOPMENT FUND**

**Article 60:**

- A. People, armed forces, and authorities of all levels shall have the obligation participate in tree planting and reforestation.
- B. The participation of the people in tree planting and reforestation shall be encouraged by the RGC through community mobilization and social organizations.
- C. The Forest Administration shall develop appropriate measures for forest development through extension, education and motivation of people and communities to plant and protect forest, and by providing necessary technical assistance.

**Article 61:**

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

- B. Both men and women who are newlyweds shall be encouraged to plant two trees prior to the registration of their marriage with the appropriate Khum or Sangkat Officer.
- C. The RGC shall establish an area for national and international leaders to plant trees during their visit to Cambodia.

**Article 62:**

- A. The planting of trees within the Permanent Forest Reserve may be done directly by the Forest Administration, Community Forestry, or by participation of people through a right granted to use state forest or the land of a private investor.
- B. Tree planting on private land may be done by private entities in accordance with rules on private forest as stated in Article 47 of this Law.
- C. Rules on granting rights to use state forestland to plant trees shall be prescribed by Anukret. These rules and regulations shall take into account the potential social and environmental impact of the selected species to be planted.

**Article 63:**

- A. The RGC shall establish a fund known as “Forest Development Fund”, which shall be administered, managed under the responsibility of the National Forest Development Committee, and jointly headed by the Minister of MAFF and the Minister of the Ministry of Economy and Finance.
- B. The organization and implementation of the National Forest Development Committee shall be prescribed by Joint-Prakas issued by MAFF and the Ministry of Economy and Finance.

**Article 64:**

- A. The National Forest Development Fund shall have sources of revenues derived from:
  - 1. Premium on timber products and NTFPs;
  - 2. Wildlife Conservation Fees;
  - 3. Aid from the international organizations supporting forestry;
  - 4. Donations from national and international charitable individuals and non-governmental organizations; and
  - 5. Revenue from other services in the forestry sector.
- B. All of the above mentioned revenues shall be deposited into the account of the National Forest Development Fund.

**Article 65:**

- A. National Forest Development Fund shall not be used for the general overhead and functioning of the Forest Administration.
- B. This fund shall be used only for the following activities:
  - 1. Reforestation;
  - 2. Silviculture and forestry rehabilitation;
  - 3. Forest Protection and Conservation, and bio-diversity;
  - 4. Forest and wildlife scientific research;
  - 5. Publications of Forestry and wildlife materials; and
  - 6. Development in Forestry and wildlife.

**CHAPTER 13**  
**MEASURES GOVERNING FORESTRY ACTIVITIES**

**Article 66:**

- A. MAFF shall create a “Cambodian Forest Administration Hammer-Stamp” to officially mark:
  - 1. Logs prior to their transportation to destinations of use;
  - 2. Illegal logs that are evidence of forestry crime.
- B. The “Cambodian Forest Administration Hammer-Stamp” shall have a round shape engraving with abbreviated letters (meaning Forest Administration in Khmer), and an identification number beneath abbreviation to identify each hammer-stamp.
- C. Before being put into use, MAFF shall make the imprint of the hammer-stamp and record it as an archive at the Ministry of Interior and at Provincial or Municipal Courts.

**Article 67:**

- A. The Official Forest Administration mark shall be stamped as follows:

1. Logs permitted to export from the forest stockpile to the use destinations shall possess four (4) or more Forest Administration marks, both at the base and at the end of log; and
  2. Illegal logs confiscated by the Forest Administration shall possess three (3) Forest Administration marks in a triangular position at three location: the base, middle and the end of the log.
- B. All trees in the Permanent Forest Reserve that are permitted to be felled shall have a mark of the Forest Administration Hammer-Stamp.
- C. Only sworn Forest Administration officials shall be granted the right to possess and use the Forest Administration Hammer-Stamp. Rules governing the use of the stamp shall be determined by Prakas issued by MAFF.

**Article 68:**

- A. Any forest concessionaire or owner may have his/her private hammer-stamp for his/her personal use on his/her timber products; however, the mark from this private hammer-stamp shall have different shape, size, and letters from those of the Forest Administration Hammer-Stamp.
- B. Before its use, the forest concessionaire or owner shall make an imprint of his/her private hammer-stamp for the Director of Forest Administration, and shall register the imprint at the appropriate Forest Administration Office.

**Article 69:**

It is prohibited to fell trees and collect or transport timber products and NTFPs within the Permanent Forest Reserve from 8:00 PM to 4:00 AM, even with a harvest permit.

**Article 70:**

- A. All timber products and NTFPs transported within Cambodia shall be accompanied by a Transport Permit.
- B. All timber products and NTFPs must be moved from the forest to the stockpile at the permanent log landing within one month after harvest and shall be accompanied by a Transport Permit issued by the Forest Administration.
- C. All timber products and NTFPs that have been stocked anywhere in Cambodia shall be accompanied by an authorized transport or stock permit issued by the Forest Administration.
- D. Transportation and stockpiling of timber products and NTFPs without a required permit or not in compliance with the terms and restrictions stated in the permit(s) shall be illegal and subject to seizure and confiscation.

**Article 71:**

- A. Before entering the annual harvest area, the forest concessionaire or coupe owner shall register all machinery and vehicles with the Forest Administration in order to obtain their identification tag.
- B. It is prohibited to mobilize unregistered and unlicensed machinery and vehicles within the Permanent Forest Reserve.
- C. The import of all type of machinery and vehicles used to gather or transport timber products and NTFPs shall be evaluated by MAFF on their suitability and impact.
- D. The import of all chain saws shall be authorized by MAFF, upon the recommendation of the Director of the Forest Administration.

**Article 72:**

- A. MAFF shall issue a Prakas establishing the appropriate number of forest industry centers, sawmill, and timber products and NTFPs processing facilities, in order to ensure the sustainable supply of timber products and NTFPs as raw materials.
- B. Timber products and NTFPs that are supplied as raw materials to forest industry centers, sawmills, and timber and NTFPs processing facilities shall originate from either a concession, coupe, confiscated timber, or other legal sources consistent with the provisions of this Law.

**Article 73:**

- A. The export of timber products and/or NTFPs shall be consistent with the annual quota set by the RGC upon the recommendation of MAFF.
- B. The specification for the timber products and NTFPs allowed to be imported or exported shall be determined by Anukret.

**Article 74:**

- A. The import-export of timber products and/or NTFPs shall be accompanied by an Import-Export License, issued by the Ministry of Commerce, and a Visa issued by the Director of the Forest Administration.
- B. An import-export tax, and other duty tax, shall be paid for the import-export of timber products or NTFPs.

**Article 75:**

- A. Any drifted, stranded or sunk logs, unmarked, and unclaimed, and any unclaimed timber products and/or NTFPs shall be seized by the Forest Administration as State property, and placed for public auction. All public auction shall be held following public notice at least one week in advance of the auction. In the absence of bidders, the products shall be sold at market value.
- B. In case an individual claims ownership over those logs or timber products and NTFPs, such individual shall provide evidence, especially the Harvest-Permit, the Transport-Permit or Stockpile-Permit within thirty (30) days from the notification date issued by the Forest Administration.
- C. Proceeds from the sale of timber products and NTFPs, deducted by expense on safekeeping and award to responsible parties involved in the process, shall be paid to the national budget.
- D. The Forest Administration may request any person or official to safeguard any drift, stranded, sunk, unmarked and unclaimed logs, as well as timber products and NTFPs. The keeper of such property shall be liable for any loss or damage incurred during their care, subject to provisions in other applicable laws.

**Article 76:**

- A. Individuals who harvest, transport, process, stock, sell-buy, or import-export timber products or NTFPs shall be responsible for providing the original legal documents concerning the timber or NTFPs upon request by the Forest Administration Inspection Officer.
- B. MAFF shall issue a Prakas to determine the standard form for legal documents concerning the timber products or NTFPs upon request by the Forest Administration inspection officer.
- C. MAFF shall issue a prakas to determine the standard form for legal documents concerning timber products and NTFPs.

## **CHAPTER 14 PROCEDURES TO RESOLVE FORESTRY OFFENSES**

**Article 77:**

- A. Forest offenses are separate from criminal offenses defined under the criminal law and shall be defined under this law. The Forest Administration has the jurisdiction as special judicial police to investigate forest offenses. All police and other relevant authorities shall not have the authority to investigate or file forest offenses to the court even when the offense occurs within their area of jurisdiction.
- B. Each level of the forest Administration shall have the duty to investigate, control and suppress forest offenses within their assigned territory.

**Article 78:**

- A. During the investigation, control and suppressing of forest offenses, the Forest Administration officer shall carry an authorized mission letter.
- B. Only Forest Administration officials, sworn under a mission letter, have the right to prepare and sign an official report on a forestry offense. The General Prosecutor of the Court of Appeals may certify sworn forest Administration officials.
- C. MAFF shall issue a prakas to determine the official uniform and the insignia of the forest Administration officials.
- D. The rank of the Forest Administration officials shall be determined by Anu-kret.

**Article 79:**

- A. Local authorities at all levels, armed forest, custom and excise agents, all port authorities and other concerned authorities shall facilitate and assist in the investigation, prevention and suppression of forest offenses and temporarily safeguard any seized evidence, upon request of forest Administration officials.

- B. If any relevant authority encounters a forest offence, it:
  - 1. shall immediately inform the nearest forest official under mission letter or forest Administration office;
  - 2. may temporarily detain the offender and evidence until delivery of the case to the forest officials upon their arrival to proceed with legal action; and
  - 3. shall have no authority to directly collect fines or confiscate evidence.
- C. The forest Administration official under mission letter has the authority to inspect and seal containers holding timber products and/or NTFPs, to be exported, in cooperation with customs and excise agents prior to final boarding for export. MAFF shall issue a prakas to determine the sample of the seal to be attached to the outside of the container holding timber products or NTFPs for export.

**Article 80:**

- A. To exercise his/her duty, the forest Administration Official on mission has the following authority:
  - 1. To require certain individuals to respond to his/her questions and provide information related to the forest offense;
  - 2. Inspect the harvest of timber products and/or NTFPs within the Permanent Forest Reserve and State forest plantations;
  - 3. Inspect timber products and/or NTFPs being transported by all means;
  - 4. Inspect the stockplace of timber products and/or NTFPs and any depot and other places dealing with, these products;
  - 5. Inspect forest industry center, sawmill, timber products and NTFPs processing facilities, and all types of kilns using timber products and/or NTFPs as raw materials or a source of energy;
  - 6. Inspect licenses, permits, and other documents required under this Law that are subject to inspection;
  - 7. Inspect airports, seaports, river-ports, dry-ports, territorial borders, bus stations, train stations and logs-raft; and
  - 8. Temporarily remove license or permit prescribed under the provisions of this Law, if the license or permit holders violate this Law.
- B. From 18:00 to 6:00 AM of the following day, the Forest Administration official shall not have the right to search the inside and the surrounding of buildings or inside a residence without a search warrant from the Prosecutor. If necessary, he/she shall enter the premises during daytime with the presence of local authorities and a representative of the owner or a search warrant issued by the prosecutor.
- C. The violation of this provision shall be penalized according to this Law on "Violation of others' Residence Right."

**Article 81:**

- A. The Forest Administration Officer shall have the authority to temporarily seize:
  - 1. All timber products and NTFPs that are in violation of the provisions of this Law;
  - 2. Animals in the process of destroying tree crops;
  - 3. Machinery, equipment, and animals used as means to conduct forest offenses.
- B. Forest Administration Officials under a mission shall have the right to detain, up to 48 hours, an offender in order to file a report on the case.
- C. For real offenses considered forest crimes, the Forest Administration has the authority to arrest the offender upon the issuance of an arrest warrant by the Prosecutor.

**Article 82:**

- A. The Forest Administration Official under a mission that investigate the forest offense shall write up a report within four (4) days, counting from the date of investigation.
- B. In case further investigation is necessary, the report on the forest offense shall be temporarily closed for four (4) days provided that additional investigation shall not exceed fifteen (15) days, counting from the date of temporary closing of the report.
- C. The standard forms on the procedure to file a forest offense report shall be determined by the Director of the Forest Administration.
- D. The standard form for an allegation letter on a forest offense shall be determined by Joint-Prakas issued by MAFF and the Ministry of Justice.

**Article 83:**

- A. The physical form, of evidence of forest offenses shall be divided into two (2) categories:
  1. Timber products and NTFPs, which constitute real evidences of the offense.
  2. Materials, equipment and methods of transportation used to commit the forest offense.
- B. These two types of evidence shall be temporarily seized until the offense has been resolved whether by paying a fine or a final opinion of the court.
- C. When an individual(s) who is (are) responsible for the transportation of timber products and/or NTFPs, shall be liable under this Law when the owner of the products is absent or unknown.
- D. The Division level of the Forest Administration shall have the right to sell, release or destroy without time limit, seized wildlife products that are easily perishable (e.g. live specimens, meats, molars, canine teeth, bones, ivories, horns, and skins).

**Article 84:**

The Forest Administration Official who is nominated to represent the Forest Administration before the court shall be an officer sworn under a mission and shall wear a uniform, insignia, and hierarchical ranking badge.

**Article 85:**

- A. During the court hearing, if the report on the forest offense(s) contains insufficient information, the representative of the Forest Administration shall have the right to request the court to listen to additional clarification from the witness(es) or the Forest Administration Official who wrote the report.
- B. The court shall adjourn the hearing for an adequate period of time and invite the witness(es) or the Forest Administration Official to make the clarification.

**Article 86:**

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

1. Class I forest offense – 10 years counting from the date the offense was discovered.
2. Class II forest offense – 5 years counting from the date the offense was discovered.
3. Class III forest offense – 1 year counting from the date the offense was discovered.
4. Administrative fine or warning – 6 months counting from the date the offense was discovered.
5. For those cases where the evidence necessary to prosecute a forest offence, has been destroyed, lost or damaged, the Forest Administration may request the Court to extend the statute of limitations for a period determined by the Court.

**Article 87:**

The Forest Administration Official shall be held responsible before the court under relevant legislation for any abuse of discretion or negligence that causes harm to a private or state interest in the course of his/her duties.

**Article 88:**

- A. Individuals who commit a forest offense as stated in this Law, shall be held responsible for his/her own actions.
- B. When individuals who are state employees or employees of the private sector have used means from relevant State offices or private companies or their employee to commit the forest offense, the head of the sector shall be penalized as described in the provisions of this Law.
- C. The head of that sector shall be penalized under this Law for a forest offense committed by an individual or an organized group working for them in their sector.

**Article 89:**

Any foreigner or legal foreign entity that commits a forest offense, shall be subject to the provision's of this Law.

**Article 90:**

Forest officials sworn under a mission have the authority to suspend activities in whole or in part in the concession area in order to take legal action, in the event that a concessionaire violates provisions of this Law or the Forest Concession Agreement, until the dispute has been legally resolved.

**Article 91:**

- A. The Forest Administration has the power to impose fines for a forest offense as an alternative to court proceedings. The fines shall be paid no later than fifteen (15) days counting from the date of the notice of the fine.
- B. The Director of the Forest Administration shall determine the rules regarding fines.
- C. In setting the amount of a fine, the following factors shall be considered:
  1. the economic gain realized as a result of the offense;
  2. the damage caused to the environment;
  3. how often the person charged has committed the offense;
  4. how much of a fine required to deter future offenses from occurring; and
  5. whether the offense was intentional.

**Article 92:**

The authority to impose a fine shall be determined as follows:

1. The Chief of Division of Forest Administration has the power to impose fines up to 5,000,000.00 Riels.
2. The Chief of Cantonment of Forest Administration has the power to impose fines up to 10,000,000.00 Riels.
3. The Chief Inspector of Forest Administration has the power to impose fines up to 20,000,000.00 Riels.
4. The Director of Forest Administration has the power to impose fines from 100 Riels and up to the amount stated for the particular offense.

**Article 93:**

After deducting the amount of expenses and safeguarding fees, a fine imposed by either the Forest Administration or a court order or proceeds from the sale of the evidence shall be divided fifty percent (50%) deposited into the national budget and fifty percent (50%) directly to the appropriate forestry officials as a reward.

## **CHAPTER 15 FOREST OFFENSES AND LEGAL PENALTIES**

**Article 94:**

- A. Any individual who commits a forest offense under this Law shall be subject to one or more of the following, according to the scale of the offense: warning, payment of restoration damages, fines, confiscation of evidence, and imprisonment.
- B. For forest offenses, the court has the authority to impose a fine or order a prison sentence and confiscate evidence, but only after the Forest Administration has submitted the final documentation on the case to the Court.
- C. Decisions to impose fines, issue warnings or pay restoration damages prior to Court shall be the responsibility of the Forest Administration. If, the offender refuses to pay the fine or restoration damages, then the Forest Administration may forward the documentation on the forest offense to the prosecutor to file with the Court.
- D. Any government official who commits a forest offense shall be subject to administrative punishment, determined by his/her respective ministerial rules, in addition to penalties stated in this Law.

**Article 95:**

- A. Any person or legal entity that violates a provision of this law shall be subject to the fines or penalties as stated below:
  1. Warning by Forest Administration and/or payment of restoration damages;
  2. Class I Forest Offenses – 5 to 10 years in prison and confiscate real evidence as state property;
  3. Class II Forest Offenses – 1 to 5 years in prison and confiscate evidence as state property or a fine of 3 times the market value of real evidence;
  4. Class III Forest Offenses – 1 month to 1 year in prison and confiscate evidence as state property or a fine of 2 times the market value of real evidence.
- B. The real evidence of the forest offense, other than Class I, may be returned to the offender upon payment of the imposed fine to the Forest Administration in accordance with this Law.

- C. The basic market value for timber products and NTFPs shall be determined by Prakas issued by MAFF for uniform implementation in Cambodia.

**Article 96:**

For any forest offenses where the market value of real evidence may not be calculated or does not apply, the Forest Administration or the Court may impose a fine for that offense based on the following schedule:

- A. Class II Forest Offenses – 10 million to 100 million Riel
- B. Class III Forest Offenses – 1 million to 10 million Riel

**Article 97:**

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

**Article 98:**

The Forest Administration may issue a written warning and impose a fine for payment of damages for the following activities in the Permanent Forest Reserve:

1. Use any unleashed or leashed livestock or any equipment or means within the Permanent Forest Reserve, forest plantation or state nursery, that harms trees or seedlings located in that area;
2. Injure or damage trees or other vegetation, natural or planted, that are under maintenance or that have been planted;
3. Steal or damage fences, posts or signs in nurseries, or in the permanent Forest Reserve.

**Article 99:**

Unless otherwise stated in this Law, an individual who has committed one or more of the following activities shall be punished under a Class I forest offense subject to 5 to 10 years in prison and confiscation of all evidence as state property, destruction of false documentation and revocation of applicable agreements, licenses or permits.

**Article 100:**

- A. Unless otherwise stated under this law, an individual who has committed the following activities shall be punished under Class II forest offenses subject to 1 to 5 years in prison and confiscation of evidence as state property or impose a fine of 10 million to 100 million Riel:
  1. Noncompliance of a technical regulation defined in the Code of Forest Practice for Forest Management in Cambodia;
  2. Noncompliance with an agreement, management plan or annual harvest plan;
  3. Misuse of a forest use permit by harvesting for commercial or harvest purposes;
  4. Use machinery, vehicle, chain saw without permission;
  5. Quarry, excavate of soil or sand, mine within the Permanent Forest Reserve;
  6. Use forest exceeding the size of the area authorized in the permit to construct public road, forest road or any building or residence in the Permanent Forest Reserve;
  7. Establishing a forest industry center, sawmill, large and medium scale timber and NTFPs processing facility without a Prakas;
  8. Establishing a forest industry center, sawmill, timber and NTFPs processing facility or all types of kilns, whether or not timber or NTFPs products are used as raw materials or as a source of energy, in a different location than stated in License;
  9. Establishing all type of kilns that use timber and NTFPs as raw material with permission;
  10. Hunt wildlife in closed season or in protected zones as defined by Prakas;
  11. Hunt, trade or export of vulnerable species;
  12. Hunting by dangerous methods as defined by Prakas; and
  13. Possess, stock, transport or import endangered wildlife species.
- B. Unless otherwise stated in this law, an individual who has committed the following activities shall be punished under Class II forest offenses subject to 1 to 6 years in prison and confiscation of evidence as state property or imposed a fine three times the market value of real evidence:
  1. Harvest timber products and/or NTFPs without a permit;
  2. Harvest timber products and/or NTFPs outside coupe areas as stated in permit or outside location set forth in the annual operational plan;
  3. Fell trees without Forest Administration marks designating permission to harvest;
  4. Fell trees within State Forest plantation without permission;

5. Fell trees with classified diameter smaller than allowed, that are rare species, that local people tap for resin or that yield high-value resin;
6. Transport timber products and/or NTFPs without a permit;
7. Stock timber and/or NTFPs without a permit;
8. Establish wholesale or retail depots for timber and/or NTFPs or small-scale timber and NTFPs processing facilities without a permit or different than stated in permit;
9. Import wild vegetation species without a visa from the scientific authorities from the exporting country and without permission from MAFF;
10. Export-import timber without an appropriate License;
11. Export-import timber or NTFPs without a Visa approved by the Director of the Forest Administration;

**Article 101:**

- A. Unless otherwise stated in this Law, an individual who has committed the following activities shall be punished under Class III forest offenses subject to 1 month to 1 years in prison and confiscation of evidence as state property or imposed a fine of 1 million to 10 million Riel.
1. Import any type of chain saw without permission from the Minister of MAFF;
  2. Import machinery to harvest timber of NTFPs without an evaluation by MAFF;
  3. Captive breed endangered wildlife species without a permit;
  4. Possess, process, stock, transport or import vulnerable wildlife species without a permit;
  5. Captive breed vulnerable wildlife species without a permit;
  6. Transport, trade, stock, process, or import common wildlife species without a permit;
  7. Harass harm or collect egg or offspring of an endangered or vulnerable wildlife species or its habitat; and
  8. Hunt wildlife in a public place as determined by Prakas.
- B. Unless otherwise stated in this Law, an individual who has committed the following activities shall be punished under Class II forest offenses subject to 1 to 5 years in prison and confiscation of evidence as state property or imposed a fine two times the market value of real evidence:
1. Transport timber and/or NTFPs to a destination not stated or above the amount stated in the permit;
  2. Use an expired or invalid transport permit;
  3. Possess timber with specifications different than stated in permit;
  4. Stock timber and/or NTFPs above the amount stated in the permit;
  5. Export timber and/or NTFPs, tree seeds or wild vegetation species above the amount stated in the License;
  6. Fell, saw or slice logs within the Permanent Forest Reserve;
  7. Harvest timber or NTFPs during unauthorized hours stated in Article 69 of this Law;
  8. Transport timber and/or NTFPs harvested contrary to the provisions of this Law;
  9. Process timber and/or NTFPs harvested contrary to the provisions of this Law;
  10. Sell or distribute timber and/or NTFPs harvested, transported or processed contrary to the provisions of this Law;
  11. Possess timber and/or NTFPs harvested, transported or processed contrary to the provisions of this Law.

**Article 102:**

Any activities carried out by the police officer or royal armed forces to intervene in the forest exploitation contrary to the provisions of this Law, or to threaten Forest Administration Officer, or to obstruct the performance of duties and operation of the Forest Administration Officer, shall be considered as a Class II forest offenses subject to 1 to 5 years in prison or a fine of 10 million to 100 million Riel.

**Article 103:**

The following activities shall be regarded as forest offenses committed by a Forest Administration Official and punished under the Criminal Law and Procedures:

1. Grant authorization contrary to the provisions of this Law;
2. Entirely and partially participate directly and indirectly in any forest exploitation activity contrary to the provisions of this Law;
3. Tolerate any forest offense without reporting or taking appropriate action;

4. Concluding any business related to forestry either as a sole owner, a shareholder, or an employee, or a guarantor for others, while a government employee or within one (1) year after quitting the position for any reason;
5. Failure to report in a timely manner or failure to file a report of a Class 1 forest offense occurring in his/her responsible territory; and
6. Neglect duties under a mission or provide false written or oral information/report that allowed the commission of a Class I forest offense.

## **CHAPTER 16 ENFORCEMENT OF COURT DECISION**

### **Article 104**

The enforcement of a final judgement of a forest offense shall be the duty of the Forest Administration with the exception of imprisonment.

### **Article 105**

The text of the forest offense judgement shall contain the names of disputed parties and motives of the charge, and shall inform the concerned Forest Administration and the defendant within 10 days after the court decision date. The notice shall specify the time frame to appeal the court decision and the statute of limitation to appeal.

### **Article 106**

Within 60 days after the statute of limitation to appeal has expired, the confiscated evidence shall be sold by the Forest Administration, and their proceeds shall be deposited in the national budget as described in Article 93 of this Law.

## **CHAPTER 17 FINAL PROVISIONS**

### **Article 107**

Any provisions contrary to this Law shall be null.

### **Article 108**

This Law shall be declared as urgent.

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