

**Kingdom of Cambodia  
Nation Religion King**

**Royal Government of Cambodia**

**DRAFT**

**FORESTRY LAW**

**Draft English Version**

## **CHAPTER 1 GENERAL PROVISIONS**

### **Article 1:**

This Law defines the framework for management, harvesting, use, development and conservation of the forests in the Kingdom of Cambodia. Pursuant to the National Forestry 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 58 of the Constitution (1993), forests are State property, except for trees, natural or planted, on private property.
- C. Consistent with other laws, the State ensures customary user rights of timber products and NTFPs for local communities and 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 management of flooded forest is under a separate fisheries law.
- C. The State delegates management of protected areas to the Ministry of Environment ("MOE") as set forth in the Environmental Protection and Natural Resources Management Law (24 December 1996), Royal Decree (01 November 1993) and other legislation.
- D. MAFF has the authority to cooperate with MOE, according to the provisions stated in Chapter 14 of this Law, on enforcement activities for all forest offenses that occur within protected areas. However, such activities shall not affect the management jurisdiction of MOE as 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 individuals and communities, livelihoods of local communities and forest resources of the Kingdom of Cambodia.
- B. Consistent with the Environmental Protection and Natural Resources Law, an Environmental and Social Impact Assessment ("ESIA") shall be prepared for any major forest ecosystem related activity or decision that may cause significant adverse social and environmental impact. A copy of the ESIA shall be made available for public comment.
- C. All final decisions by the Royal Government of Cambodia ("RGC") on major forest ecosystem related activities must consider the recommendations of the final ESIA and comments thereto and shall be publicly noticed.

### **Article 5:**

- 1) Forestry means a system of activities pertaining to forests, forest area and timber products and NTFPs undertaken with an integrated management methodology involving policy, legislative, technical, scientific and administrative aspects.

- 2) Forest means a unit of natural or artificial forest ecosystem, in the form of wet, flooded or dry land, dominated by trees and 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 resources mean biological resources within specific forest area that includes wild vegetation, all wildlife resources and also abiotic components therein, except mines.
- 4) Forest Administration means the general term to identify the levels of the government agency with the mandate to manage the forest, as provided in the National Forestry Policy, and implement this Law.
- 5) 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.
- 6) Permanent Forest Reserve means State public forest located on lands bearing no private ownership rights that are categorized as production forest, protection forest or conversion forest for other development purpose.
- 7) Private forest means the trees, whether planted or naturally grown, located on private land under legal title with the State pursuant to authorized legislation and procedures.
- 8) Community Land means land eligible for registration by the State as community property under the Immovable Properties Law. As provided by Law, such communities may secure community ownership rights to land and customary user rights to forest resources, but not have the authority to transfer community land or such user rights to a third party.
- 9) Community Forest means an area of State forest subject to an agreement to manage and utilize the forest in a sustainable manner between the cantonment chief of 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 customary use.
- 10) 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, rehabilitation forest, area reserved for regeneration or tree plantation, and reforested areas and forest areas under management agreement between the Forest Administration and a local community.
- 11) 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.
- 12) Conversion forest for other development purposes means idle State forestland, covered mainly by trees and secondary vegetation not yet designated for any use that shall be placed temporarily within the Permanent Forest Reserve.

- 13) Concessionaire means a national or foreign legal entity awarded user rights in a forest concession by the State through the authorized public bidding process.
- 14) A Concession Agreement is a contract between the State and a concessionaire for the sustainable management and harvest of timber products and NTFPs from an authorized forest concession pursuant to the provisions of this Law and the Forest Concession Agreement.
- 15) Coupe 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".
- 16) Harvesting Bloc means the smallest unit of a Coupe that has the function of allowing the Forest Administration to monitor the harvesting operation.
- 17) 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.
- 18) *Premium means fee in addition to royalties, paid by the permit or license holders as a condition for an assignment conducted on a specific forest area.*
- 19) *"Timber products and NTFPs" means products derived from forests, including timber and non-timber forest products, their derivatives and services provided by forests.*
- 20) Non-timber forest products ("NTFPs") mean forest products other than timber that extracted from the forest, including wild vegetation, wildlife products and services provided by the forest. These products shall be determined by a Prakas issued by MAFF.

## **CHAPTER 2 FOREST ADMINISTRATION**

### **Article 6:**

- A. Under the authority of 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:**

- A. Consistent with the National Forestry 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 all forests regarding scientific, economic, social and environmental factors in order to set a sustainable production level.

3. Assist in the assessment of boundaries, classification and demarcation of forestland 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 Forestry Management Plan at each level of the Forest Administration.
  5. Promote reforestation on conversion forest, idle land and other areas.
  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 international cooperation to strengthen the capacity to protect and develop forest resources.
  11. Ensure the timely and complete assessment of all forest related activities that may have a significant adverse social and environmental impact prior to approval of such activities.
- B. To effectively conduct enforcement, the Forest Administration officials shall have rights and duties as follows:
1. Inspect the harvest of timber products and/or NTFPs within the Permanent Forest Reserve and State forest plantations;
  2. Inspect and timber products and/or NTFPs being transported by all means;
  3. Inspect the stock place of timber products and/or NTFPs and any depot and other places dealing with these products;
  4. 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;
  5. Inspect licenses, permits, and other documents required under this Law that are subject to inspection.

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

**Article 8:**

- A. Sustainable forest management shall be conducted in a manner consistent with the National Forestry Policy and provisions of this Law in order to ensure the sustainable management, use and conservation of forest resources.
- B. The National Forestry Policy shall be approved by the RGC, upon the recommendation of MAFF. In order to assist in the development of the National Forestry Policy, the RGC 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. *The RGC shall determine the principles of the National Forestry Policy, upon the recommendations of the National Committee to Prepare and Implement Forest Policy.*

- C. To further the goal of sustainable forest management, the RGC may revise the National Forestry 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 Forestry Policy, shall prepare a National Forestry Management Plan with broad public participation from all authorities and communities concerned pursuant to Article 4 of this Law.
- B. The National Forestry 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 forestland, land to be reforested, and Community Forest.
  - 4. To review detailed programs and calendar of events for forest management and silviculture.
  - 5. To develop programs to assist stakeholders in management and use of the Permanent Forest Estate.
  - 6. To develop programs for industrial and market promotion of timber products and NTFPs.
  - 7. To develop research programs improving forest technologies and sciences.
  - 8. To promote and expand the forest knowledge by inviting participation from the community in management, use and protection of the forest.
  - 9. To develop human resources and other means to conduct activities to implement forestry programs
  - 10. To monitor and strengthen the forest institution at all levels and improves the enforcement of forestry legislation.
  - 11. To strengthen international cooperation in economic, technical assistance within and outside the region in the protection and development of forest resources.
  - 12. To support programs promoting implementation of the National Forestry 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 Forestry 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 for the Kingdom of Cambodia and its people according to the principle of sustainable forest management.

- B. MAFF shall classify and set boundaries for all forestland 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 Forestry Management Plan.
- D. The procedures for the 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 consists 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;
    - f. Degraded forest land; and
    - g. Community Forest under agreement.
  - 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 customary 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 for use by 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 manage and develop, harvest, use, sale and distribute the products from their land.

**Article 12:**

- A. The RGC has the authority to reclassify forest from the Permanent Forest Reserve to a non-forest purpose. Such a decision must serve the public interest and be consistent with the National Forestry Policy, the National Forestry Management Plan and technical, social, and economic data from MAFF. When reclassifying forest from the Permanent Forest Reserve to a non-forest purpose, the RGC shall consider the following priorities:
  - 1. as a first priority, to reclassify conversion forest for other development purposes; then
  - 2. as a second priority, to declassify other forest in the Permanent Forest Reserve when the demand for non-forest purpose is greater than the prior 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 date and function of the forest area.
- D. All decisions to reclassify 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 Forestry 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 Forestry Policy, National Forestry 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 designated forest area.
- D. Bidding documents submitted by an agent representing the party tendering a bid on a forest concession shall include a notarized statement of their good-faith compliance with existing forest concession agreements, within or outside Cambodia.

### **Article 15:**

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. Customary user rights taking place on communal property eligible to be registered with the State under the Immovable Properties Law; and
2. Customary access and user rights practiced by a community residing within, or adjacent to a forest concession.

### **Article 16:**

The Forest Concession Agreement shall at a minimum include:

1. The date the concession is granted and the duration for which it is granted;
2. The location of the concession, indicating the identification of community owned property, community forest, special management areas and net operable harvest areas;

3. A written statement that the concessionaire shall respect legal rights of others and not enter, to harvest timber or NTFPs, any special management areas, community property or community forests;
4. A description of the type and quantity of timber products and NTFPs 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 17:**

- 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. Rules to resolve disputes shall be governed by terms and conditions in the Forest Concession Management Agreement and applicable legislation.
- 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 term.

**Article 18:**

- 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, and terms stated the Concession Agreement.
- B. Each concessionaire shall prepare Management Plans as follows:
  1. Long-term Management Plan for the entire concession;
  2. Annual Operational Plans 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 19:**

- A. Consistent with the Anu-Kret on Forest Concession Management, concessionaires shall include the ESIA in their Forest Concession Management Plan in accordance with provisions of this Law and provisions of Anu-krit on Forest Concession Management.
- B. An ESIA shall be prepared by the concessionaire and reviewed by MOE, then submitted for approval to MAFF, as part of the Forest Concession Management Plan.
- C. The RGC shall ensure that the Forest Concession Management Plan and the ESIA 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 20:**

- 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 timber and NTFPs needs are being met may have broad implications for the national economy, MAFF shall ensure a full review of relevant data has been conducted.

**Article 21:**

- A. The Division Chief(s) of the Forest Administration shall prepare and submit management plans for Production Forest not under concession located in their jurisdiction to the Director of the Forest Administration for review and approval. The process for such plans shall be prepared in a manner similar to the forest concession management plans required under Article 18(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 22:**

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

**Article 23:**

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

**CHAPTER 7**  
**PERMITS AND AUTHORIZATIONS**

**Article 24:**

- 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 customary livelihood needs defined in Chapter 9 of this Law.

**Article 25:**

- A. Activities related to the Permanent Forest Estate, and timber products and NTFPs throughout Cambodia shall require one or more of the following permits:
  - 1) Permit to set annual harvest quota;
  - 2) Permit to harvest timber products and NTFPs;
  - 3) Permit to set quota for transport;
  - 4) Permit to transport timber products and NTFPs;
  - 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 stockplace 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 apply 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 community authorized to harvest timber products and/or NTFPs in a community forest that exceed customary user rights defined by this Law and rules on community forestry.
  - 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;
  - 3. The duration of the permit;
  - 4. the specific location and boundaries of harvest area;
  - 5. the quantity of timber products and/or NTFPs allowed to be harvested in a unit determined by the Forest Administration;
  - 6. Origin and destination of timber products and/or NTFPs being transported; and
  - 7. Other items based on the type of permit required by the Forest Administration.
- D. Permits may be extended, based 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.
- E. The standard form for each permit shall be officially determined by MAFF.

**Article 26:**

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 annual 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 27 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 products 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 timber and/or NTFPs for local communities;
  2. Permit to establish stockplace to store, sale or 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 originating 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 customary 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 27:**

- A. The Minister of MAFF has the authority to issue a permit for use of forest to an individual or legal entity to conduct the following activities within the Permanent Forest Reserve:
  1. Technical and scientific research;
  2. Agricultural education or training;
  3. Use of water resources for irrigation or agricultural purposes with an approval from Ministry of Water Resource and Meteorology;
  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. Such a permit 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 28:**

- 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 customary user rights.

**Article 29:**

- A. Unless authorized by MAFF for specific exceptions (e.g. a weather emergency or trees removed from previously authorized forest road constructions 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. Trees within a species that local communities have tapped to extract resin for customary 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 30:**

- 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 (B) of this article if a study by the Forest Administration can demonstrate that the benefit of such an exception would not cause harm or have an adverse social and environmental impact.

**Article 31:**

- 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 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 an ESIA pursuant to Article 4 of this Law.
- D. Unless under permission of the RGC, it shall be prohibited to establish a new settlement along public or forest roads in the Permanent Forest Reserve.

**Article 32:**

- 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
5. 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 33:**

Unless otherwise stated in this Law, clearing of forest shall be prohibited within the Permanent Forest Reserve.

**Article 34:**

- 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 export 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 35:**

- 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 procedures stated in 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 36:**

- 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 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 37:**

- A. For those communities that traditionally practice slash and burn agriculture, such practice shall be permitted to continue on community land having been registered with the State and in other areas 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 in natural intact forest in the Permanent Forest Reserve.
- B. Forest reserved for slash and burn practice shall be identified by Anu-Kret.

**Article 38:**

- 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 39:**

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, contrary to the provisions of this Law.

**CHAPTER 9  
CUSTOMARY USER RIGHTS AND  
MANAGEMENT OF COMMUNITY AND PRIVATE FOREST**

**Article 40:**

- A. For communities living within or near the Permanent Forest Reserve, the State shall recognize and ensure their customary user rights for the purpose of traditions, customs, religious and livelihood as defined in this Law.
- B. The customary user rights 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 customary family use; and
  - 5. The right to barter or sell NTFPs without a permit provided such sale does not threaten the sustainability of the forest. A transport permit is required for any third party who buys NTFPs for commercial purpose from a local community, in accordance with the provisions of this Law and after payment of any applicable royalties and premiums.
- C. It is prohibited for a local community to transfer any of these customary user rights to a third party, even with mutual agreement or under contract. These customary 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 41:**

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 42:**

- A. The cantonment level of 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 customary user rights of local communities.
- B. The cantonment chief of the Forest Administration has the authority to approve and enter into 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 15 years. Such an agreement may be extended based on monitoring and evaluation report of the Division level of the Forest Administration.

**Article 43:**

- 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 provide technical assistance, as requested by the community, and monitor the implementation of the Community Forest Management Plan.
- B. The management plan of the Community Forest shall be prepared by the community, and approved by the Chief of the Canton level of the Forest Administration. A copy shall be sent to the central level of the Forest Administration and be reviewed and revised every five (5) years or earlier if necessary.
- C. Planted and natural forest established as a Community Forest by a local community shall be consistent with a Community Forest Management Plan and subject to 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 Anu-Kret on Community Forest Management.
- E. The guidelines on Community Forestry shall be determined by Prakas issued by MAFF.

**Article 44:**

- A. A local community, operating under a Community Forest Agreement, shall have the right to harvest timber products and NTFPs within the demarcated area stated in the Community Forest Agreement and in accordance with the Community Forest Management Plan.
- B. 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 45:**

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 by the community in a Community Forestry Management Plan.

**Article 46:**

- A. Any person that plants trees on his/her private land or on State forest land where they have granted user rights, has the right to maintain, develop, use, sell, or distribute the products.
- B. MAFF shall issue a Prakas to determine the rules on private forest in order to encourage individuals to plant and maintain tree plantations.

**Article 47:**

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

1. provide certificate of achievement and medal;
2. provide directly development aid or assistance through international cooperation
3. extend the duration of a community forest agreement; and
4. publish the award for good practices.

**CHAPTER 10  
CONSERVATION OF WILDLIFE**

**Article 48:**

- A. 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 are under the management, research and conservation of the Forest Administration, except for fish and animals that breed in water.
- 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 with consultation with MOE.

**Article 49:**

- 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 to be defined in Prakas;
  - 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;
- C. It shall be prohibited to commit the following activities against vulnerable and endangered wildlife species, except by a permit issued under this Article:
  - 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 species, if the offender shows the Court the proofs 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 activities related to all types of wildlife species shall be determined by Joint Prakas issued by MAFF and MoE.

**Article 50:**

- A. It is prohibited 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 customary 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 51:**

- A. The Forest Administration shall collect Wildlife Conservation Fee and Wildlife Royalty.
  - 1) A Wildlife Conservation Fee to be deposited into the Forest Development Fund; and
  - 2) A Wildlife Royalty to be placed into the National Budget.
- B. The amount of a Wildlife Conservation and Wildlife Royalty 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 52:**

- A. Except as Stated in this Law, any physical person or legal entity harvesting timber products or NTFPs for commercial purposes within the Permanent Forest Reserve shall pay royalties and premiums to the national budget as instructed by the Forest Administration. The RGC shall determine the amount for royalties and premiums upon the recommendation of MAFF and the Ministry of Economic and Finance.
- B. No royalty or premium shall be required by the State 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 53:**

- A. The Minister of MAFF may reduce or waive the royalties for any timber products and NTFPs and/or premiums collected from the State forest for scientific purposes or to create an incentive to efficiently use timber products and NTFPs.
- B. No royalties and/or or premiums shall be required from local communities for any timber products or NTFPs collected from the State forest or community forest under Community Forest Agreement, by the communities under customary user rights.

**Article 54:**

- A. Timber products and NTFPs that are harvested 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 55:**

- 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 56:**

- A. Anyone with legal possession of a permit to harvest timber products and/or NTFPs shall pay all applicable royalties and premiums prior to any sell of these rights or the products to a third party.
- 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 55(B) of this Law.

**Article 57:**

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 58:**

- 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 59:**

- A. People, armed forces, and authorities of all levels shall have the obligation to assist 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 60:**

- A. To further educate the people to understand the importance and the benefits of the forest, a traditional planting tree day, known as “**Roukhak Ti Vea**” (Arbor Day) shall be celebrated on the 9<sup>th</sup> of July every year, 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 receiving a marriage certificate from the appropriate Commune or District Agent in coordination with the forest official in their jurisdiction.
- C. The RGC shall establish an area for national and international leaders to plant trees during their visit to Cambodia.

**Article 61:**

- 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.
- B. Tree planting on private land may be done by private entities in accordance with rules on private forest as Stated in Article 46 of this Law.
- C. Rules on granting rights to use State forestland to plant trees shall be prescribed by Anu-Kret. These rules and regulations shall take into account the potential social and environmental impact of the selected species to be planted.

**Article 62:**

- 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 Anu-Krit.

**Article 63:**

- 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;
  - 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 64:**

- 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;
  - 6. Development in Forestry and wildlife;
  - 7. Development of Community Forestry; and

8. Building of human resource in Forestry and Wildlife.

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

**Article 65:**

- A. MAFF shall create a “Cambodian Forest Administration Hammer-Stamp” to officially mark:
  1. Logs prior to their transportation from log landings in the forest;
  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 the 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 the Provincial or Municipal Courts.

**Article 66:**

- A. The Official of the Forest Administration shall stamp the Cambodian Forest Administration Hammer-Stamp, and produce clear mark(s) on logs 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 locations: the base, middle and the end of the log.
- B. All trees in the Permanent Forest Reserve, which 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 67:**

- 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 record characteristics and make an imprint of his/her private hammer-stamp for the Director of Forest Administration, and shall register the imprint and characteristics of the hammer at the appropriate Forest Administration Office.

**Article 68:**

It is prohibited to fell trees and collect or transport timber products and NTFPs within the Permanent Forest Reserve from 8:00 PM to 5:00 AM, even with a permit issued under the provisions of this Law.

**Article 69:**

- A. Except otherwise provided under this Law and implementing legislation, 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 70:**

- A. Before entering the annual harvest area, the forest concessionaire or coupe owner shall register all machinery, vehicles and chainsaws with the Forest Administration for approval.
- B. It is prohibited to move and use unregistered and unlicensed machinery, vehicles and chainsaws within the Permanent Forest Reserve.
- C. All types of machinery, vehicles and chainsaws that concessionaires or legal coupe owners intent to import to gather or transport timber products and NTFPs shall be evaluated by MAFF on their suitability and impact.
- D. The use of all chainsaws for purpose of harvesting timber and/or NTFPs shall be authorized by MAFF, upon the recommendation of the Director of the Forest Administration.

**Article 71:**

- 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 72:**

- A. The export of timber products and/or NTFPs shall be consistent with the annual quota set by 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 Anu-Kret.
- C. Requirements of import-export License for timber and/or NTFPs shall be determined by the RGC.

**Article 73:**

- A. License to import and/or export timber products and/or NTFPs shall be issued by the Ministry of Commerce, after the issuance of a Visa by the Director of the Forest Administration. The extension of the License shall be provided by the Ministry of Commerce.
- B. Timber and/or NTFPs intended to export shall be inspected during their load into containers and sealed by the Forest Administration official prior to transport to

- Custom dock zones. 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.
- C. An import-export tax, and other duty tax, shall be paid for the import-export of timber products or NTFPs to the national budget.

**Article 74:**

- 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 stated in (A), 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 expenses 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 authority 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 75:**

- 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 products or NTFPs upon request by the Forest Administration Inspection Officer.

**CHAPTER 14  
PROCEDURES TO RESOLVE FORESTRY OFFENSES**

**Article 76:**

- A. In accordance with the Criminal Law, forest offenses are defined under this Law and are separate from criminal offenses stated in the Criminal Law. The Forest Administration has jurisdiction to investigate forest offenses and file such cases with the Court.
- B. Each level of the Forest Administration shall have the duty to investigate, prevent and suppress forest offenses within their assigned territory.
- C. The operation of a judicial police shall be under direct guidance of the General Prosecutor of the Court of Appeals.

**Article 77:**

- A. During the investigation, prevention and suppression of forest offenses, the Forest Administration Officer shall wear his/her uniform, insignia, hierarchical ranking badge, and shall carry an authorized mission letter.
- B. Sworn Forest Administration officials have qualifications as judicial police officials when they have been certified by the General Prosecutor of the Court of Appeals.

- C. Only sworn Forest Administration officials qualified as judicial police have the right to prepare and sign an official report on a forestry offense, in their assigned territory.
- D. The official uniform, the insignia and the rank of the Forest Administration Officials shall be determined by Anu-Krit.

**Article 78:**

- A. Local authorities, armed forces, 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 above authority has probable cause or sufficient evidence of an actual forest offence, then he/she:
  - 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.

**Article 79:**

- A. To exercise his/her duty, the sworn Forest Administration Official has the following authority:
  - 1. To request certain individuals to respond to his/her questions and provide information related to the forest offense;
  - 2. To inspect and search in all places, including airports, seaports, river-ports, dry-ports, territorial borders, bus stations, train stations, in the case of an actual offense, in cooperation with concerned authorities;
  - 3. To temporarily remove license or permit prescribed under the provisions of this Law, if there is sufficient evidence or probable cause that the license or permit holders are in violation of this Law.
- B. A Forest Administration Official qualified as judicial police have the right to search the inside or surroundings of a building or residence at any time, in case of an actual forest offense, in accordance with the Criminal Code.

**Article 80:**

- A. The sworn Forest Administration Official qualified as judicial police shall have the authority to temporarily seize:
  - 1. 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. The Forest Administration Officials qualified as judicial police shall have the right to detain, up to 48 hours, an offender in order to file a report on the case with the Court.

**Article 81:**

- A. The filing of forest offenses shall be in accordance with the Criminal Procedures.
- B. The standard forms on the procedure to file a forest offense report shall be determined by Joint Prakas issued by MAFF and Ministry of Justice.

**Article 82:**

- A. The physical form of evidence of forest offenses shall be determined as follows:
  - 1. Timber products and NTFPs and wildlife products, which constitute real evidences of the offense; and
  - 2. Materials, equipment, and methods of transport used to commit a forest offense.

- B. The evidence shall be temporarily seized until the offense has been resolved whether by paying a transaction fine or a final opinion of the Court.
- C. A driver(s) 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 release or destroy or maintain for public benefits with an appropriate statement, seized wildlife products and specimen that are easily perishable.

**Article 83:**

The Forest Administration Official qualified as judicial police who is nominated to represent the Forest Administration before the Court shall wear a uniform, insignia, and hierarchical ranking badge.

**Article 84:**

During the Court hearing, the concerned Forest Administration officials qualified as judicial police shall have the right to request the Court to listen to additional clarification of the results of the forest offense investigation.

**Article 85:**

- A. The Statute of limitations to file a case with the Court for a forest offense shall be:
  - 1. Class I forest offense – fifteen (15) years counting from the date the offense was committed.
  - 2. Class II forest offense – five (5) years counting from the date the offense was committed.
  - 3. Class III forest offense – one (1) year counting from the date the offense was committed.
- B. The implementation of the Statute of Limitations to file a case shall be in accordance with the Criminal Procedures.

**Article 86:**

- 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 to commit the forest offense, the employees or the head of the sector shall be penalized as described in the provisions of this Law.
- C. The head of the sector shall be penalized under this Law for knowledge of a forest offense committed by an individual or an organized group working for them in their sector.

**Article 87:**

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

**Article 88:**

The Forest Administration officials on 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 89:**

- A. Any person aggrieved by a decision made pursuant to this Law by the Forest Administration has the right to an administrative and judicial appeal within 15 days of notification of the decision, to the Director of the Forest Administration.
- B. After receiving the final decision, which is considered unacceptable, that person may further appeal the case to the Court.
- C. Such an administrative or judicial appeal does not affect the authority or stay the process of enforcement of forest offenses by the Forest Administration under this Law.

**Article 92:**

The authority to impose an administrative fine shall be determined as follows:

- 1. The Chief of Division of Forest Administration has the power to impose administrative fines up to 5,000,000. 00 Riels.
- 2. The Chief of Cantonment of Forest Administration has the power to impose administrative fines up to 10,000,000. 00 Riels.
- 3. The Chief Inspector of Forest Administration has the power to impose administrative fines up to 20,000,000. 00 Riels.
- 4. The Director of Forest Administration has the power to impose administrative fines from 100 Riels and up to the amount Stated for the particular offense.

**CHAPTER 15  
FOREST OFFENSES AND LEGAL PENALTIES**

**Article 90:**

- A. Punishments for forest offense include, but not limited to: imprisonment, confiscation of evidence, fines, payment of restoration damages and warning.
- B. Decisions to impose administrative 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 Court.
- C. Any government official who commits a forest offense shall be subject to administrative punishment in addition to penalties stated in this Law.

**Article 91:**

- A. The Forest Administration has the authority to impose transaction fines for a forest offense as stated in Article 96 Of this Law. The transaction fine is applied when the offender has confessed and agreed to pay the fine pursuant to the provisions of this Law, and it shall be paid no later than fifteen (15) days counting from the date of the notice of the fine.
- B. The MAFF shall issue Prakas to determine the procedures and authority regarding administrative fines.
- C. In setting the amount of an transaction 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:**

After deducting the amount of expenses and safeguarding fees, a transaction fine imposed by the Forest Administration or a fine imposed under a Court order and proceeds from the sale of confiscated evidence shall be deposited into the national budget. Part of the budget shall be disposed as a reward incentive, which shall be determined by Anu-Krit, to allocate equitably to the concerned authorities who participated in the suppression of the forest offense, including, but not limited to, forest officials, MOE officers, other judicial police officials and local authorities.

**Article 93:**

- 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. Class I Forest Offenses - 5 to 10 years in prison and confiscate all evidence as State property;
  - 2. Class II Forest Offenses – 1 to 5 years in prison and fine from 10 million Riel to 100,000,000 Riel. All evidence and shall be confiscated as State property.
  - 3. Class III Forest Offenses - 1 month to 1 year in prison and fine of 1,000,000 Riel to 10,000,000 Riel. All evidence shall be confiscated as State property.
  - 4. Warning by Forest Administration and/or payment of restoration damages;
- B. The basic market value for timber products and NTFPs shall be determined by Prakas issued by MAFF for uniform implementation in Cambodia.

**Article 94:**

Any individual or legal entity that 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 95:**

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

- 1. Use of 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 have been planted or are under maintenance in the Permanent Forest Reserve; and
- 3. Steal or damage fences or signs in nurseries or the Permanent Forest Reserve.

**Article 96:**

A. An individual who has committed one or more of the following activities shall be subject to transaction fine of the market value of the evidence:

- 1. Fell tree(s) without the Forest Administration marks designating to harvest;
- 2. Transport timber and/or NTFPs without a permit;
- 3. Stock timber and/or NTFPs without transport permit;
- 4. Transport timber and/or NTFPs to a destination not stated or above the amount stated in the permit;
- 5. Use an expired or invalid transport permit;
- 6. Specifications of timber and/or NTFPs different than stated in the permit;
- 7. Stock timber and/or NTFPs above the amount stated in the permit;
- 8. Export timber and/or NTFPs, tree seeds or wild vegetation species above the amount stated in the License;

9. Fell, saw or slice logs within the Permanent Forest Reserve or use chainsaw without permit to harvest forest products;
  10. Harvest timber and/or NTFPs during unauthorized hours;
  11. Transport timber and/or NTFPs harvested in contrary to the provisions of this Law;
  12. Process timber and/or NTFPs harvested in contrary to the provisions of this Law;
  13. Sell or distribute timber and/or NTFPs harvested, transported and processed in contrary to the provisions of this Law;
  14. Harvest, transport and process timber and/or NTFPs in contrary to the provisions of this Law;
  15. Export-import timber and/or NTFPs without a Visa approved by the Director of the Forest Administration;
  16. Captive breed endangered wildlife species;
  17. Possess, process, stock, transport or import vulnerable wildlife species or their specimen without permit;
  18. Captive breed vulnerable wildlife species;
  19. Transport, trade, stock, process or import common wildlife species or their specimen without permit; and
  20. hunt wildlife in a public place.
- B. A person who commits the above offense for a multiple time within one month shall be subject to a transaction fine of 2 times the market value of the real evidence.
- C. The real evidence of the forest offenses shall be confiscated as State property after the offender(s) has confessed and agreed to pay the transaction fine in accordance with the provisions of this Law. Other evidence of the offenses stated in this Article, other than timber and NTFPs may be returned to the owner(s).

**Article 97:**

- A. 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.
1. Forge or use fake hammer-stamp, or destroying the mark of the Forestry Administration affixed on logs;
  2. Unauthorized use of the uniform, insignia, hierarchical ranking badge of a Forestry Administration Officer;
  3. Falsify public documents related to forestry or wildlife domain;
  4. Destroy, hide, sell, or steal forest evidence;
  5. Destroy, alter, or damage the boundary posts of the forest areas;
  6. Clear forestland and enclose it to claim ownership by illegal means;
  7. Set forest fires intentionally;
  8. Gird bark, poison, destroy, fell or uproot trees to collect stumps;
  9. Establish processing base for yellow vine or craft base of other NTFPs that leads to the destruction of forest or forest ecology; and
  10. Hunt, trade or export endangered wildlife species.
- B. A person who commits a Class I forest offense for a multiple time shall be penalized double the punishment stated for a Class I forest offense.

**Article 98:**

- A. 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/or fine of 10 million to 100 million Riel. All evidence shall be confiscated as State property:

1. Noncompliance of a technical regulation defined in the Code of Practice for Forest Management in Cambodia;
  2. Noncompliance with management plan or annual harvest plan;
  3. Misuse of a forest use permit issued under Article 27 by harvesting for commercial or other purpose not stated in permit;
  4. Use machinery, vehicle, chain saw to harvest timber and/or NTFPs without permit or affixed tags;
  5. Quarry, excavate of soil or sand, or mine within the Permanent Forest Reserve;
  6. Use forest exceeding the size of the area authorized in the permit or without 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 or NTFPs processing facility without a Prakas issued by MAFF;
  8. Establishing all types of kiln that use timber and NTFPs as raw material without permit;
  9. Hunt wildlife in closed season or in protected zones as defined by Prakas;
  10. Hunt, trade, or export of vulnerable species;
  11. Hunt by dangerous methods that harm wildlife biology; and
  12. Possess, stock, transport or import endangered wildlife species and their specimen.
- B. 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 fine of 10 million Riel to 100 million Riel. All evidence shall be confiscated as State property:
1. Harvest timber products and/or NTFPs without permit;
  2. Harvest timber products and/or NTFPs outside coupe area as stated in permit or outside location set forth in the annual operational plan;
  3. Sell or transfer rights over Licenses or permits without permission;
  4. Fell trees within State Forest plantation;
  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. Import wild vegetation species without a visa from the scientific authorities from the exporting country and without permission from MAFF;
  7. Export-import timber and NTFPs without an appropriate License.
- C. A person who commits a Class II forest offense for a multiple time shall be penalized according to the punishment stated for a Class I forest offense.

**Article 99:**

- A. An individual who has committed the following activities shall be punished under Class III forest offenses subject to 1 month to 1 year in prison or fine of 1 million to 10 million Riel. All evidence shall be confiscated as State property:
1. Use any type of chain saw to harvest timber and/or NTFPs without permission from the Minister of MAFF;
  2. Import all types of machinery, vehicles and chainsaws to harvest timber or NTFPs without an evaluation of their suitability by MAFF;
  3. Export timber and/or NTFPs without seal attached to the container;
  4. Harass, harm or collect egg or offspring of an endangered or vulnerable wildlife species or its habitat;
  5. Establish whole-sale or retailed-sale depots for timber and/or NTFPs, or small-scale timber and/or NTFPs processing facility without permit or different than stated in the permit;

6. Establish a forest industry center, sawmill, timber and/or NTFPs processing facility, or all types of kiln, whether or not timber or NTFPs are used as raw materials or as source of energy, in a different location than determined by the Forest Administration.
- B. A person who commits a Class III forest offense for a multiple time shall be penalized according to the punishment stated for a Class II forest offense.

**Article 100:**

Any activities carried out by the officials of local authorities, the police officer or royal armed forces or the officials of other authority to directly or indirectly intervene to permit in the forest exploitation and all related activities 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 and fine of 10 million to 100 million Riel.

**Article 101:**

The following activities shall be regarded as offenses committed by a Forest Administration Official and punished subject to 1 to 5 years and a fine of 10 million to 100 million Riel:

1. Grant authorization contrary to provisions of this Law;
2. Entirely or partially participate, directly or indirectly, in any forest exploitation activity contrary to the provisions of this Law;
3. Tolerate or facilitate any forest offense without reporting or taking appropriate action;
4. Conducting 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 I 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 IMPLEMENTATION OF COURT ORDER**

**Article 102:**

The Forest Administration has a duty to implement the final order of the Court, upon completion of the appeals process.

**Article 103:**

The verdict of the forest offense shall contain the names of disputed parties and motives of the charge, and shall inform the concerned Forest Administration and the defendant after the Court decision date.

**Article 104:**

After the statute of limitation to appeal has expired, the confiscated evidence shall be sold by the Forest Administration according to procedures, and their proceeds shall be deposited in the national budget as described in Article 92 of this Law.

## **CHAPTER 17 TRANSITIONAL PROVISION**

**Article 105:**

A concessionaire of 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 enter into an agreement following the standard Model Forest Concession Agreement as a basis.

**Article 106:**

Where the Forest Administration has evidence that occupation of any land has been obtained through illegal clearing of State forest, either before the enactment of this Law, the Forest Administration has the right, as agent for the RGC as owner of the land, to issue a written notice, served upon the occupant of the land, to evict and reclaim ownership of the State land unconditionally.

**Article 107:**

After the enactment of this Law, the management of all sawmills and timber and/or NTFPs processing facilities previously permitted by Ministry of Industry, Mines and Energy shall be transferred to under jurisdiction of MAFF.

## **CHAPTER 18 FINAL PROVISION**

**Article 108:**

Any provisions contrary to this Law shall be null.

**Article 108:**

This Law shall be declared immediately effective upon signing.

This Law has been adopted by the \_\_\_\_\_ National  
Assembly of the Kingdom of Cambodia on the day  
of \_\_\_\_\_, 2001 during the \_\_\_\_\_ session  
of the Second Legislature.  
Phnom Penh, \_\_\_\_\_, 2001

President of the National Assembly

NORODOM RANNARIDDH