

**Unedited translation. Final edited version will be sent later.**

# **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

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.



2. To conduct an estimate of the volume of the different categories of timber products, and

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

- 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. a0ba, 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.





- 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

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

- 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:**

- 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



**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

- 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

- 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:**

**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**

- 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,