

***KINGDOM OF CAMBODIA***

*Nation Religion King*

**ROYAL GOVERNMENT OF CAMBODIA**

**Ministry of Agriculture, Forestry, and Fisheries**

**Draft Fisheries Law**



B. Protected Fishery Domains: fishing areas, which are not stated in "Item X" of this Article.

**Article 6:** Marine Fishery Domains:

4. Develop legal standards on fishery management;
5. Implement and monitor fishery law enforcement and implement international obligations on fishery;
6. Develop statistics systems concerning fishery;
7. Guide, cooperate, conduct researches -and disseminate fishery science 'and techniques;
8. Monitoring, control and surveillance
9. Provide fishery officers, fishermen, and aquaculturists with fishing skills;
10. Determine the types of fishing gear and fishery resources;
11. Demarcate, organize, improve, and maintain fishery management areas;
12. Determine fishery exploitations and fishery related activities;
13. Generate income from fisheries.

#### **Chapter 4: Sustainability of Fishery Management**

**Article 10:** Fishery Management in Cambodia shall be based on the following principles:

1. Conserve fishery resources;
2. Encourage peoems.u0 Tw( )Tj0 -1n47tIsie

**Article 11:**

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

**Article 12:**

- A. Fishing is prohibited during closed seasons as follows:
  - 1. From 01 June to 30 September for inland fishery domains located north of Tonle Chaktomok (11°33'15"N);
  - 2. From 01 July to 31 October for- inland fishery domains located south of Tonle Chaktomok (11 ° 33'1 5"N); 1
  - 3. From 15 January to 31 March for marine fishery domains, especially fishing mackerel (Camon or Pla Thu) during the spawning and breeding season§.
- B. The Fishery Administration shall be responsible for research and review of the spawning season, breeding season and fishing season in other fishing areas or other fishery resources.
- C. Spawning season, breeding season and fishing seasons in other fishing areas or fishery resources shall be determined by a sub-decree.

**Article 13:**

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

**Chapter 6: Management of Fishery Domains****Article 14:**

- A. There are three types of fishing gear:
  - 1. Small-scale family fishing gear;
  - 2. Middle-scale fishing gear;
  - 3. Industrial fishing gear.

B. These three types of fishing gear shall be determined by the Proclamation (Prakas) of the Minister of Agriculture,

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

**Article 23:** The following activities are prohibited:

1. All fishing activities in the sanctuaries, except the fishery experiment and scientific research;
2. Navigation or other activities in the sanctuaries, except those of Fishery Administration

**Article 25:** Producing, buying, selling, transporting, and storing any electrocuting devices, all types of fishing mosquito nets, motor pushed ne



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

B. All the above activities may be conducted only when special permission is given.

**Article 31:**

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

B. All the above activities may be conducted only when special permission is given.

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

**Article 32:** Citizens, armed forces, and all levels of authorities shall have obligations to protect and fight against fires in the inundated forests.

### **Chapter 6: Management of Protected Inundated Areas**

**Article 33:**

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

**Article 34:** Prohibition shall be put on:

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

**Article 35:** Any person who leases the fishing lots shall have obligations to conserve and protect inundated forests and to pay for the posts to be fixed to demarcate the boundaries of protected inundated lands in their fishing lots.

### **Chapter 7: Fishery Exploitation in the Inland Fishery Domains**

**Article 36:**

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

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

**Article 37:**

A. During the fishing season, all fishing fortifications across navigable channels in the fishing lots must keep a space to enable all vessels to be navigated and must not obstruct the

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

**Article 38:** Prohibition shall be put on:

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

**Article 39:** Fishing activities in protected fishery domains which use all or any types of fishing gear and fishing barriers which are more than 50 meters long or more than two thirds of watercourse or other barriers that obstruct navigation passage shall be prohibited at all times and everywhere.

**Article 40:** Using fishing nets, seines or metal strips as a barrier or instead of the bamboo fence shall be prohibited..

**Article 41:**

**Article 45:**

**Article 52:** The Fishery Administration has responsibility for negotiating and concluding agreements with other countries on the matters concerning regional or international cooperation in fishery management. The fishery management agreements enter into force after approval by the Royal Government.

**Article 53:** Trawling and motor pushed, net fishing in the Inshore Fishery Zone, which causes damage to aquatic animal habitats at the sea bottoms, shall be prohibited, except where special permission is given on the request, from the Fishery Administration for scientific and technical research.

**Article 54:**

- A. All fishing vessels which are not licensed to fish in the Marine Fishery Domain shall not keep their trawl fishing gear stowed in a manner that they are readily available for fishing.
- B. No fishing vessel which has trawl fishing gear or motor pushed nets aboard shall be allowed in the Inshore Fishery Zone unless the gear is stored in a manner that it is not readily accessible for fishing.

**Article 55**

- A. Prohibition shall be put on:
  - 1. Fishing or any form of exploitation for coral;
  - 2. Possession, buying, selling, transporting and stocking coral;
  - 3. Making port calls and anchoring in a coral reef area where it is possible that the coral could be damaged or destroyed;
  - 4. Destroying coral by any activities.
- B. All the above activities may be conducted only when special permission is given.

**Chapter 9: Management of Aquaculture and Mariculture**

**Article 56:**

- A. The following aquaculture operations in the Inland Fishery Domain can take place when permission is given by the Fishery Administration:
  - 1. A pond or a combination of ponds with a total area larger than 5,000 square meters;
  - 2. A pen or a combination of pens with a total area larger than 1,000, square meters;
  - 3. A cage or a combination of cages with a total area larger than 10 square meters;
  - 4. Crocodile or boa farming of more than 2 head;
  - 5. Tortoise, turtle or non-poisonous snake farming of more than 20 head;
  - 6. Frog or eel farming of more than 200 head.

B. Any other aquaculture operations which require a license shall be determined by the Proclamation of the Ministry of Agriculture, Forestry and Fisheries.

**Article 57:**

A. The following mariculture operations in the marine fishery domain can take place when permission is given by the Fishery Administration:

1. Shrimp field or fishpond or a combination of shrimp field or fishpond with a total area larger than 5,000 square meters;
2. Other aquatic animal field or a combination of field with a total area larger than 3,000 square meters;
3. All types of aquatic plant field or a combination of field with a total area larger than 5,000 square meters;
4. A cage or a combination of cages with a total area larger than 15 square meters;
5. Sea turtle farming of more than 20 head.

B. Any other mariculture operations which require a license shall be determined by the Proclamation of the Ministry of Agriculture, Forestry and Fisheries.

**Article 58:**

A. The following ornamental fish aquaculture operations can take place when they are licensed by the Fishery Administration:

**Article 62:** Importing aquatic fauna or flora seeds for the purpose of aquaculture or mariculture operations can only take place, when permission is given by the Fishery Administrator.

**Chapter 10: Processing, Stocking, Transporting, Trading, Exporting-Importing Fishery Products and Fishery Investment**

**Article 63:**

- A. Transporting and trading live, fresh or processed fishery products shall be determined by a sub-decree.
  
- B. Fishery investment shall be determined by a separate law.

**Article 64:** Buying, selling, processing, stocking and transporting fishery products which are illegally fished or fished by using prohibited fishing gear is prohibited.

**Article 65:** The establishment of locations for selling, stocking or processi

4. sanitation certificate has been issued by Cambodia Fishery Administrative Laboratory.

**Article 70:** Importing-exporting, buying, selling, transporting, processing and stocking the endangered fishery resources can take place, when these fishery resources are the artificially hatched and raised products.

## **Chapter 11: Licenses**

### **Article 71:**

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

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

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

**Article 72:** The Fishery Administrator shall have authority to issue licenses for fishery exploitations and fishery resources research in the international marine domains in accordance with the national and international laws, the international treaties or other documents to which Cambodia is a signatory.

**Article 73:** The Fishery Administrator shall have authority to issue licenses for fishing exploitations and fishery resources research in the overlapping marine fishery domains in accordance with the national and international laws, the regional agreements and other laws.

**Article 74:**

- A. The Fishery Administration shall be responsible for maintaining a registry for small family-scale fishing and small-scale aquaculture operations for which licenses are not required.
  
- B. The conditions, procedures and management of registration shall be determined by the Fishery Administration.



**Article 80:** The Fishery Administrator shall be responsible for negotiations and preparing agreements on regional and international cooperation in monitoring, control and surveillance, which may provide for joint competence or reciprocal experiences. The agreements will come into force after getting approval from the Royal Government.

**Article 81:** Responsibilities and other conditions for monitoring, control and surveillance not stipulated in this Chapter and Chapter 14 shall be determined by the Proclamation of the Ministry of Agriculture, Forestry and Fisheries.

#### **Chapter 14: Procedures for Solving Fishery Offences**

**Article 82:** A fishery offence has a different nature from a general crime and shall not be Prescribed in the Penal Code, but in this Law. Even though fishery offences happen in their jurisdictions, the prosecutors, police or other competent authorities do not have the right to investigate and/or file the case for a court as a general crime.

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

**Article 83:**

- A. While on mission to investigate, prevent and crack down the fishery offences, the officers of the Fishery Administration shall wear uniforms, badges, hierarchical rank, and have weapons and letters of authorized mission.
- B. Only the officers of the Fishery Administration who have taken an oath shall have the rights to take the minutes on real offences and prepare the minutes on the offences. -
- C. The Fishery Administration Officers who have taken an oath, uniforms and badges of the officers of the Fishery Administration shall be determined by the Proclamation of the Ministry of Agriculture, Forestry and Fisheries.
- D. The hierarchical ranks and the use of weapons of the officers of the Fishery Administration shall be determined by a sub-decree.

**Article 84:**

- A. Local authority and armed forces, at the request of the competent officers of the Fishery Administration, shall enable and provide them with the forces to investigate, prevent and crack down on fishery offences.
- B. The local authorities shall temporarily receive and conserve the seized evidence of fishery offence at the request of the competent officers of the Fishery Administration.

**Article 85:**

- A. While carrying out their duties, the competent officers of the Fishery Administration shall have the right to request the local authorities to provide them with the necessary forces and equipment for the purpose of investigating, preventing and cracking down on fishery offences.

3. inspect the export and import of live, fresh or processed fishery products;
  4. inspect and investigate all kinds of fishery offences;
  5. sell the easily spoiled fishery products which are the seized evidence of the offences if necessary;
  6. release fish or other aquatic animals which are the seized evidence of the offences if necessary;
  7. enable someone to answer the questions and provide the information concerning the commission of an offence under this law;
  8. stop, get aboard, enter and check all means they suspect of being the means that have been or are used for fishery exploitations and transportation of live, fresh or processed fishery products or for the conduct of other fishery activities;
  9. enter and check at the airports, ports, dry ports, border-crossing points, bus stations, railway stations or ferry landings.
  10. enter and investigate the fishery offences in the premises, inside the buildings or houses, where appropriate, accompanied by the local authorities or the representatives of the buildings' or houses' owners.
- B. From 6:00 in the evenings to 6:00 in the mornings, the competent officers of the Fishery Administration shall have no rights to enter the above places. Contravening this provision shall be charged with assault on other people's residences.

**Article 86:** The competent officers of the Fishery Administration must:

- A. detain or temporarily confiscate:0 Tchei165 -1.15 TD.0003 Tc.04293Tw(d 1)-4538n-.0011 Tw9mF003 T

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- B. Temporarily detain the fishery offenders if it is necessary and legal.
- C. Destroy the evidence if it is necessary and legal.
- D. According to the rules of this law and international laws, the competent officers of the Fishery Administration shall have the right to

on the document;

6. send the offenders, who have been tempor



C. A standard letter on solving of a fishery offence shall be determined by a joint Proclamation of the Ministry of Agriculture, Forestry and Fisheries and the Ministry of Justice.

**Article 98:** The officer of the Fishery Administration who is assigned as a competent representative of the Fishery Administration to the court shall be the officer under oath and

**Article 104:**

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

**Chapter 15: Penalties**

**Article 106:** Any person who commits an offence under this law shall be subject to a warning, compensation for the damage, a fine of money, a seizure or destruction of evidence or a term of imprisonment based on the circumst

Article 28 shall be subject to a fine of money from 20,000 riels to 2,000,000 riels. In case of committing an offence under Articles 36, 37, 39, 40, 41, 42, 46, and 64 and items 6, 7, 11 and 12 of Article 24, and items 1 and 2 of Article 28, the evidence shall be seized for the State's property or destroyed in addition to the above fine.

**Article 113:** Any person who commits an offence under Articles 25, 30, 31, 3~8, 49,53, 55 and 70, and under item 3 of Article 12, items 2 and 3 of Article 18, item 1 of Article 23, items 1, 2, 8, 9, 10, and 14 of Article 24, and item 8 of Article 28 shall be subject to a fine of money from 50,000 riels to 5,000,000 riels. In case of committing an offence under Articles 25, 30, 31, 38, 49, 53, 55, 70 and item 3 of Article 12, item 1 of Article 23, items 1, 2, 8, 9, 10, 14 of Article 24 and item 8 of Article 28, the evidence shall be seized for the State's property in addition to the above fine.

**Article 114:** Fishing beyond the boundary of a fishing lot or using posts to demarcate a new boundary of a fishing lot in another location different from the fishing lot determined by the

State shall be subject to a fine of money from 500,000 riels to 1,000,000 riels per hectare and these offensive activities shall be ceased immediately.

**Article 115:** All types of exploitations of Day fishing lots which are undertaken in different locations from the determined locations in the Burden Book shall be subject to a fine of money from 500,000 riels to 1,000,000 riels per meter and this offence shall be ceased immediately.

**Article 116:** Any person who commits an offence under item 7 of article 28 shall be subject to a fine of money from 5,000 riels; to 10,000 riels per a cubic meter of the firewood from the inundated forests or a fine of money from 1,000 riels to 2,000 riels per kilogram of charcoal from the inundated forest. The charcoal ovens shall be destroyed.

**Article 117:** Any person who commits an offence under items 2, 5, 6, and 7 of Article 88 shall be subject to a fine of money from 100,000 riels to 5,000,000 riels. The evidence shall be seized for the State's property or destroyed in addition to the above fine.

**Article 118:** Any person who performs the act or tactics that leads to damage the bid of the fishing lot shall be subject to a payment of compensation for a loss equivalent to the amount of money deposited in the bid. That bid shall be considered as void. In case of recidivism, he/she shall be subject to a term of imprisonment from one to six months in addition to the above compensation.

**Article 119:** Any person who commits an offence under item b of Article 77 shall be subject to a fine of money from 1,000,000 riels to 10,000,000 riels and shall cease his/her action immediately. In case of recidivism or causing serious destruction, he/she shall be subject to a term of imprisonment from one month to one year in addition to the above fine.

**Article 120:** Any person who commits an offence under Article 29, and item 2 of Article 34 shall be subject to a fine of money from 1,000,000 riels to 5,000,000 riels and subject to the disciplinary punishment under the law on the co-statute of civil servants in the Kingdom of Cambodia. While the land titles shall be considered as void. In case of recidivism or serious commission of offence, he/she shall be subject to a term of imprisonment from one month to one year in addition to the above fine.



**Article 121:**

- A. Any local authority, member of armed forces and fishery administrative officer who commits an offence under Article 87, and under items 1, 2 and 3 of Article 91 shall be subject to a fine of money from 1,000,000 riels to 5,000,000 riels and the evidence shall be confiscated as the State's property or destroyed. In case of recidivism or serious commission of the offence, he/she shall be subject to a term of imprisonment from one month to one year in addition to the above fine.
- B. The fishery administrative officer who commits an offence under items 4, 5 and 6 of Article 91 shall be subject to the disciplinary punishment under the law on the co-statute of civil servants in the Kingdom of Cambodia.

**Article 122:** Any person who commits an offence under Articles 53 and 38, under items 3 of Article 12, item 1 of Article 23, items 1, 8, 9 and 10 of Article 24, item 5 of Article 28, item 1 of Article 34, and items 1, 3 and 4 of Article 88 shall be subject to a term of imprisonment from one week to two months in addition the above penalties.

**Article 123:** If the offences as prescribed in Articles 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116 and 117 are committed at night or in sanctuaries or in inundated forests, a fine of money in be applied. in case of recidivism or causing serious damage, a term of imprisonment from 3 months to 3 years shall be applied in addition to the above penalties.

**Article 124:** If the offender refuses to pay the compensation for the damage, pay the fine or the fee of the fishery domain on due dates, the case shall be forwarded to the court.

**Chapter 16: Enforcement of the Court Judgment**

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