

Filename: 07 ANK-forestry.doc

Royal Government of Cambodia
No. 05/ANK/BK

**Kingdom of Cambodia
Nation Religion King**

**ANUKRET
on
Forest Management Concessions
The Royal Government of Cambodia**

- (d) All bidders shall pay the deposits to the national account of the Ministry of Agriculture, Forestry and Fisheries (Department of Forests and Wildlife) upon submission of their bids; the amount of such deposit shall be determined by the Committee for Forest Concession Bidding;
- (e) The public notice described in sub-paragraph (b) above shall specify the time and place at which bids are to be opened and officially invite bidders and other interested individuals to be present at the opening of the bids;
- (f) Prior to the opening of the bids, and upon the recommendation of the Ministry of Agriculture, Forestry and Fisheries (Department of Forests and Wildlife), the Council of Ministers shall fix a reserved price, which may be or may not be disclosed, for the forest concession being offered;
- (g) At the time and place advertised, according to sub-paragraph (e) above, the Ministry of Agriculture, Forestry and Fisheries (Department of Forests and Wildlife) shall open all received financial bids and other relevant aspects as listed in the Tender Terms and Conditions Book of tenderers and disclose to all persons who are present the financial bids offered by each tenderer;
- (h) Following the disclosure of financial bids referred to in sub-paragraph (g), the Minister of Agriculture, Forestry and Fisheries shall announce the tentative selection of successful bidders until there is a final approval from the Royal Government;
- (i) The bid submissions referred to in sub-paragraph (c) shall be made freely available for public review for a period of six weeks after identification of the approved bidder, during which time any concerned parties in the bidding process may appeal the bidding decision to the Royal Government;
- (j) At the expiration of the six-week appeal period and upon the decision by the Royal Government the successful bidder shall be confirmed;
- (k) Upon the confirmation of the successful bidder, deposits referred to in sub-paragraph (d) above shall be returned to the unsuccessful bidders;
- (l) If the successful bidder fails to sign the Forest Concession Agreement or fails to pay the additional amount to reach their bidding price within thirty (30) days of the confirmation decision referred to in sub-paragraph (j) above, the deposit shall be automatically forfeited to the Royal Government.

Article 5:

- 5.1 All new concessions shall be governed by a Model Forest Concession Agreement that shall be prepared by the Ministry of Agriculture, Forestry and Fisheries (Department of Forests and Wildlife). All existing concessionaires shall be governed by the New Forest Concession Agreement with a bilateral agreement through negotiation or at the expiration of the existing Forest Concession Agreement.
- 5.2 The Forest Concession Agreement shall comply with the formalities defined by the Ministry of Agriculture, Forestry and Fisheries and at least clearly specify:
 - (a) Date and term of forest concession;
 - (b) Size of forest land subject to the forest concession;
 - (c) Quantity and types of authorized forest products;
 - (d) The Concessionaire's need for documents, plans, reports, data, and information related to the efficiency of protection and management of forest resources; and
 - (e) Other conditions necessary to ensure the functioning of sustainable management of forest concessions.
- 5.3 While it remains in force the Forest Concession Agreement shall confer conclusive rights to carry on:
 - (a) Harvesting and management operations in the concession area in respect of any forest products specified in the agreement; and
 - (b) Such other operations and execute such works as may be approved as necessary for the harvesting and management activities referred to in sub-paragraph (a).
- 5.4 A Forest Concession Agreement may be terminated through a transfer back to the Government or revocation by the Government due to non-compliance with its terms or by a renewal before the expiration of the term. Any termination resulting from unexecuted agreements or for non-

conformity with the terms of the agreement shall be done following an order specified by the procedures. All revoked or transferred forest concessions shall be preserved natural forest zones and the managed forest shall not be conceded to any other company.

- 5.5 The Ministry of Agriculture, Forestry and Fisheries (Department of Forests and Wildlife) shall cooperate with the local authorities and all concessionaires to establish a permanent Community Consultation Committee as a coordinating mechanism for discussion of and consultation on all issues of joint concerns between the concessionaire and communities inside or in the vicinity of the concession for the purpose of protection and preservation of traditional rights of the local communities. The consultation committee members shall be elected among the chairpersons of the Village Development Committees or from the chairpersons of social organizations.
- 5.6 The Ministry of Agriculture, Forestry and Fisheries (Department of Forests and Wildlife) may grant licenses or permits to parties other than the concessionaire to collect other sub-forest products in the forest concession zone, providing that such collections do not conflict with the rights and responsibilities of the concessionaire as established by the Forest Concession Agreement. Such permits and licenses shall be issued for a period not exceeding one (1) year and may be renewed upon application. The licenses are granted for collection of sub-forest products for sale and not for customary traditional subsistence use or collection of forestry products for personal use by local people.
- 5.7 All concession documents shall be made available to pertinent government agencies and the concerned parties upon request.
- 5.8 The management of operations associated with other natural resources located in the forest concession zone shall be governed by the State under the laws in force.

Chapter 3: Forest Concession Planning

Article 6:

- 6.1 Effective forest management shall require a concession management plan according to the limit, size, and duration of the concession. Thus the forest concession shall be allocated for the purpose of development of the annual management plan for coupe-forest and operational block.
- 6.2 All forest management plans shall be prioritized as follows:
 - (a) Develop management terms-of-reference by consultation with all relevant parties to define forest management, and social, environmental, and financial planning criteria;

- (a) the monitoring of the conditions for use of the land;
- (b) the monitoring of regeneration conditions before and after a forest harvesting and standing logs,
- (c) the monitoring of existing wildlife;

Chapter 6: Final Provisions

Article 11: Any provisions which are contrary to this Anu-kret shall be abrogated

Article 12: The Minister in charge of the Office of the Council of Ministers, the Minister of Agriculture, Forestry and Fishery, ministers and state secretaries of ministries and institutions concerned, and provincial/municipal governors shall be responsible for implementing this Anu-kret from the date of its signature.

Article 13: This Anu-kret shall enter into force from the date of its signature.

Phnom Penh, February 7 2000
Prime Minister

Hun Sen

Having informed Samdech Prime Minister,
Minister of Agriculture, Forestry and Fishery

Chhea Song

(a) logs, lumber, charcoal, firewood, bark, and extracts of bark;