

***KINGDOM OF CAMBODIA***

*Nation Religion King*

**ROYAL GOVERNMENT OF CAMBODIA**

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

**Draft Fisheries Law**

# Draft Fisheries Law

## Chapter I: General Provisions

### Article 1:

- A. The purpose of this law is to establish a framework for management, protection, conservation, utilization, exploitation, inundated-reforestation, and development of fisheries to ensure sustainability of the fishery resources -for the- interest of society, economy and environment in accordance with the national fisheries policy.
- B. This law shall widely apply to fisheries resources and aquacultural activities in the territory or jurisdiction of the Kingdom of Cambodia.

**Article 2:** Fishery resources include freshwater and marine organisms, which comprise living or non-living aquatic animals and plants as well as mollusks, corals, amphibians aquatic insects, aquatic reptiles, aquatic mammals, and water birds, which are born and live in the fishery domains.

**Article 3:** Fishing means catching, trapping, injuring, killing, or collecting aquatic animals within the fishery domains by using fishing gear or other fishing methods.

## Chapter 2: Fishery Domains

**Article 4:** Fishery Domains shall include:

1. Inland Fishery Domains: rivers, tributaries, lakes, streams, effluents, creeks, reservoirs, inundated forest areas, canals, ponds, or deep water holes getting water from rivers, tributaries, lakes or effluents.
2. Marine Fishery Domains: the fishing areas that extend from the coastline at the higher high tide to the outer limits of the maritime boundaries declared by the Kingdom of Cambodia, and inundated forest areas.

Fishery Domains shall be owned by the State.

**Article 5:** Inland Fishery Domains are divided into:

A. Categorized fishery domains:

1. Fishing areas, which are defined as fishing lots and reserved for only industrial fishing exploitation purposes.
2. Sanctuaries which protected are habitats of aquatic animals and plants.
3. Inundated forest areas are:
  - Forest areas which are covered with floodwater during flooding season and important feeding, spawning and breeding habitats for aquatic animals.
  - Protected inundated areas.
4. Family-scale fishing area is the fishing area reserved for family scale fisheries.

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

**Article 6:** Marine Fishery Domains:

1. Coastal fishing area is the fishing area that extends from the coastline at higher high tide to the maritime boundaries declared by the Ministry of Agriculture, Forestry and Fisheries.
2. Offshore fishing area is the fishing area that extends from the maritime boundaries declared by the Ministry of Agriculture, Forestry and Fisheries to the outer limits of the maritime boundaries declared by the Kingdom of Cambodia.
3. Sanctuaries or coral reef areas are habitats for marine aquatic animals and plants.
4. Inundated forest areas:
  - Areas of mangroves and forests, which are covered with tidal water and important feeding, spawning and breeding habitats for marine aquatic animals and plants.
  - Protected inundated areas.

**Article 7:** All types of fishing areas, including sanctuaries, coral reef areas or inundated forest areas as prescribed in Articles 5 and 6 are the areas of fishery resource management and shall be defined by sub-decree.

### **Chapter 3: Fishery Administration**

**Article 8:**

- A. Fishery Administration is a government authority, which manages all fisheries under the direct authority of the Ministry of Agriculture, Forestry and Fisheries.
- B. The Fishery Administration shall have a uniform organizational structure consisting of central level, Inspectorate, Khan, Division and Sangkat of fishery administration.
- C. The Fishery Administration shall have authority to carry out the sustainable management, conservation and development of fishery resources in Cambodia.
- D. The organization and functioning of the Fishery Administration shall be defined by the Proclamation (Prakas) of the Ministry of Agriculture, Forestry and Fisheries.

**Article 9:** The duties of Fishery Administration are as follows:

1. Manage, protect, conserve and develop fishery resources;
2. Implement the national socio-economic plans and government policy;
3. Develop and implement the fishery management and development plans;

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 people to participate in the sustainable fishery resource management and utilization;
3. Eliminate over-fishing activities;
4. Minimise poisonous substances;
5. Protect bio-diversity and inland and marine environments;
6. Conserve and protect inundated forests and improve fishery domains;
7. Halt people's settlements in fishery domains;
8. Improve the benefits of fishermen;
9. Resolve conflicts over the utilization of fishing areas;
10. Manage by using scientific techniques to ensure sustainable yield;
11. Strengthen management institutions and the implementation of fishery law;
12. Develop fishery markets, processing industry and fishery ports.

**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 Ministry of Agriculture, Forestry and Fisheries.

**Article 15:** Family scale fishing, for subsistence purposes only, shall be conducted at anytime in protected fishery domains and family-scale fishing areas, and during the closed season in inland fishing lots or marine fishery domains by using small-scale family fishing gear.

**Article 16:** Middle-scale fishing shall be conducted only in protected inland fishery domains or in marine fishery areas by using middle-scale fishing gear.

**Article 17:** Industrial fishing shall be conducted only in fishing lots of inland fishery domains or marine fishery domains by using industrial fishing gear.

**Article 18:**

A. The following conditions shall apply to all fishery exploitations, excluding family scale fishing, in inland or marine fishery domains:

1. License for fishery exploitations;
2. Payment of Fishery Domain Fees is made to the State;
3. Compliance with the requirements in the license.

B. Hiring fishing lots shall be processed through public bids or hiring agreements for those fishing lots in which no bidders are interested. Hiring fishing lots and payment of the fishery domain fees shall be determined by a sub-decree.

**Article 19:**

A. Stocking any live, fresh or processed fishery products during the closed season can take place, when permission has been given.

B. Applications for stocking shall be submitted to the Fishery Administration at least 15 days before the closed seasons so that the Fishery Administration can check the fishery products for stocking.

**Article 20:**

A. The Fishery Administration shall be able to conduct scientific and technical research in fishery domains for conservation, management and development of fishery resources.

B. Natural or Legal persons shall be able to conduct scientific and technical research in fishery domains or take samples from those fishery domains only with the prior approval from the Fishery Administration.

**Article 21:** All concerned institutions or authorities shall cooperate with the Fishery Administration to ensure protection and conservation of aquatic animal habitats.

**Article 22:**

A. Diaries for statistics record shall be issued by the Fishery Administration to all permitted fishing exploitation activities, including aquaculture, stocking, processing, buying and selling fishery products.

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 officers who have authority to perform the law enforcement;
3. New settlements within the distance less than two kilometers from the border of reserved fishing areas, except Fishery Administration shelters used for law enforcement. I

**Article 24:** All fishing activities in the fishery domains using the following prohibited gears are strictly prohibited:

1. Electrocuting devices, explosives and poisonous substances;
2. All means of pumping, bailing and drying any part of the fishery domains, which is harmful to fishery resources;
3. Samras or other means to lure fish;
4. Tridents, spears, harpoons, or drawn arrow devices combined with illuminated lamps;
5. Fixed gill nets, extended gill nets or gill nets for catching boar;
6. Gill net or any kind of seine net of mesh size less than 1.5 centimeters;
7. All types of gill nets of mesh size more than 15 centimeters for catching fish in the inland fishery domains;
8. Pair trawler or seine nets fishing gear combined with illuminated lamps;
9. All types of mosquito net fishing gear;
10. All types of inland trawlers, motor pushed net, big deep bag net dragged by machine, small deep bag net dragged by machine, Karanty net and Kralock net,
11. Any fishing barriers where the distance from one stick to another is less than 1.5 centimeters;
12. Any strings extending in the water and any other means to startle the fish;
13. Any dikes combined with any kinds of fishing gear;
14. Any modern destructive fishing gear or new fishing methods which are not determined by the Proclamation (Prakas) of the Ministry of Agriculture, Forestry and Fisheries.

**Article 25:** Producing, buying, selling, transporting, and storing any electrocuting devices, all types of fishing mosquito nets, motor pushed nets, inland trawler (yangkav) that are used for fishing purposes shall be prohibited.

**Article 26:** Disposing, discharging, dumping or littering poisonous substances in the fishery domains, which are determined by the Ministry of Environment, or any activities that cause poison or harm to aquatic animals shall be prohibited, except scientific experiments with special permission.

**Article 27:** Damaging or destroying the State property in the fishery domains, including demarcation posts of fishing lots, inundated forest areas and sanctuaries, and floating houses, patrolling vessels, life buoys, or other equipment which are used for law enforcement purposes shall be prohibited.

**Article 28:**

A. Prohibition shall be put on:

1. Catching, selling, buying, stocking, and transporting fingerlings or fish spawns and other aquatic animals' offspring or eggs;
2. Building dikes/dams across the lakes, streams, affluents, rivers or any navigable channels, and digging canals, ponds, holes or other constructions in the fishery domains;
3. Growing or maintaining lotus in the fishery domains;
4. Expanding farming lands in the fishery domains;
5. Cutting, reclaiming, digging out, burning or causing fires to inundated forests;
6. Buying or selling ornamental shells;
7. Transporting, processing, buying, selling, and stocking firewood or charcoals from the inundated forests.
8. Any other activities in the fishery domains that may cause destruction of the fishery resources.

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

C. The sizes of fingerlings, aquatic animals and ornamental shells shall be determined by the Proclamation of the Ministry of Agriculture, Forestry and Fisheries.

**Article 29:** Land titles in the fishery domains may be issued only when permission is given by the Ministry of Agriculture, Forestry and Fisheries, at the request of the Fishery Administrator.

**Article 30:**

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 water flow or elevate the levels of water in front of the fishing barriers.

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:**

- A. Contrary to regulations specified in Article 39, trap bamboo fences (Lop, Nor or Rav) whose total length are less than 500 meter shall be allowed for fishing activities in protected fishery domains of the Tonle Sap lake not more than four kilometers from the lake bank from February 1 to May 20, at least one kilometer from the boundary of sanctuaries, and in the areas to be determined by the Proclamation of the Ministry of Agriculture, Forestry and Fisheries.
- B. The establishment of a trap bamboo fence (Lop, Nor or Rav) must not obstruct the passage of any vessel.
- C. The trap bamboo fence (Lop, Nor or Rav) must be completely removed before May 31.'

**Article 42:**

- A. Middle-scale fishing by using seine nets, although" one bunch of net or a connection of many bunches of nets, shall be allowed if the length of the seine nets is less than:
  - 300 meters in protected fishery domains outside Tonle Sap Lake.
  - 600 meters in protected fishery domains inside Tonle Sap Lake.
- B. Middle-scale fishing by using seine nets shall be prohibited in family-scale fishing areas and other fishing areas which cause disturbance to exploitations of fishing lots.

**Article 43:** Family-scale fishing activities in family-scale fishing areas located in fishing lots during the open season shall be allowed only when conditions in Burden Book of fishing lots are respected.

## **Chapter 8: Fishing Exploitation in Marine Fishery Domains**

**Article 44:** Fishermen who are authorized to exploit fishery resources in marine fishery domains of the Kingdom of Cambodia shall follow the conditions and requirements in a Fishing Logbook.

**Article 45:** All fishermen who operate fishing vessels in the marine fishery domains of the Kingdom of Cambodia shall be licensed by the Fishery Administration to their fishing vessels after technical and condition checks have been exercised.

**Article 46:**

- A. The fortifications for the purpose of fishing or establishing all types of fishing gears extended to obstruct the passage of all vessels shall be prohibited.
- B. The fortifications for the purpose of fishing or establishing all types of fishing gear across the streams, inlets or coastal water Ways shall keep - a space in one third of watercourse or at least two third (of watercourse) for navigation within the period of low tides.
- C. The fishing fortifications or all types of fishing gear shall be dismantled and removed at least 15 days after the closed date.

**Article 47:** All fishing vessels which are licensed to fish in the marine fishery domains of the Kingdom of Cambodia shall comply with the terms and conditions of technical management of fishing vessels determined by the Ministry of Forestry and Fisheries.

**Article 48:**

- A. Fishermen shall tranship fishery products at a fishery port and within the time determined by the Fishery Administration.
- B. Other terms and conditions on transshipment of fishery products shall be determined by the Ministry of Agriculture, Forestry and Fisheries.

**Article 49:**

- A. Foreign fishing vessels may operate for fishing purposes in the marine fishery domains of the Kingdom of Cambodia when:
  - 1. They have been approved by the Royal Government;
  - 2. They operate under the terms and conditions of access agreements.
- B. The Fishery Administration shall be responsible for negotiations and preparing access agreements with foreign fishermen. The access agreements enter into force after getting approval from the Ministry of Agriculture, Forestry and Fisheries.

**Article 60:**

- A. Foreign fishing vessels which are licensed to fish in the marine fishery domains shall make port calls to the Fishery Administration before entering the marine fishery domains in the Kingdom of Cambodia.
- B. Terms and conditions for port calls by foreign fishing vessels shall be determined by the Proclamation of the Ministry of Agriculture, Forestry and Fisheries.

**Article 51:** The Fishery Administration shall have the right to suspend fishing under any access agreement to await decisions by the Ministry of Agriculture, Forestry and Fisheries upon a determination, based on the best scientific information available, that continued fishing at current levels would seriously threaten stocks of fishery resources.

**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:

1. Local ornamental fish farming of more than 10,000 head;
2. Foreign ornamental fish -farming of more than 5,000 head.

B. All ornamental fish aquaculture operations shall be determined by the Ministry of Agriculture, Forestry and Fisheries.

**Article 59:** All aquaculture or mariculture operations as stated in Articles 56 and 57 can take place when administrative requirements and techniques for aquacultures and mariculture determined by the Fishery Administrator are respected.

**Article 60:**

A. The operator of any aquaculture or mariculture operation which does not require a license shall report to the Fishery Administration.

B. Report formats shall be determined by the Fishery Administration.

**Article 61:** All aquaculture or mariculture operations shall maintain the quality of land, water, aquatic biodiversity and environment, and shall not discharge any material or substances or perform any other act or omission contrary to the provisions of Article 26 of this law.

**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 processing fish or fishery products of more than one ton a year in the form of small-scale enterprise or industry can be done, when permission has been issued.

**Article 66:** Transportation of live, fresh or processed fishery products shall be undertaken under the inspection and specification of competent authority of Fishery Administrative Laboratory on health, sanitation based on regional or international standards.

**Article 67:**

- A. A natural or legal person who transports live, fresh or processed fishery products shall pay sanitation tax to the Fishery Administration, except the fishery products for domestic use and research.
  
- B. The processed fishery products and the rate of sanitation tax shall be determined by the Proclamation of the Ministry of Agriculture, Forestry and Fisheries.

**Article 68:** Exporting live, fresh, or processed fishery products can take place, when:

1. a license has been issued by the Fishery Administrator;
  
2. an export license has been issued by a CITES management authority of Cambodia to endangered fishery resources;
  
3. sanitation certificate has been issued by the Cambodia Fishery Administrative laboratory.

**Article 69:** Importing live, fresh, or processed fishery products can take place, when:

1. a license has been issued by the Fishery Administrator;
  
2. an export license has been issued by a CITES management authority of the exporting country and an import license has been issued by a CITES authority of Cambodia to endangered fishery resources.
  
3. sanitation certificate has been issued by the exporting country.

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 75:** A sample form for a license, a form and procedures for application for a license, other terms and conditions attached to a license, criteria for refusal, renewal or cancellation of a license, requirements for the transfer of licenses shall be determined by the Proclamation of the Ministry of Agriculture, Forestry and Fisheries.

### **Chapter 12: Fishery Community**

**Article 76:**

- A. All Cambodian citizens have the right to form a Fishery Community in their own areas on a voluntary basis to take part in the management, conservation, development and use of fishery resources with sustainability.
- B. Statutes, regulations and plans of community management shall be developed by the Fishery Community, and shall be approved by the Fishery Administration and the Ministry of Agriculture, Forestry and Fisheries.
- C. Procedures to form the Fishery Community shall be determined by a sub-decree.

**Article 77:**

- A. Boundary of an area managed by the Fishery Community and a time frame for fishing activities shall be determined by the Proclamation of the Ministry of Agriculture, Forestry and Fisheries. I
- B. The Fishery Community shall have no rights to sell, interchange, lease, donate, lend for interest, distribute or transfer its management area to anyone else.
- C. In the area managed by the Fishery Community, fishing activities may be conducted only when small-scale family-fishing gears determined by the Proclamation of the Ministry of Agriculture, Forestry and Fisheries are used.

**Article 78:** The Ministry of Agriculture, Forestry and Fisheries, at the request of the Fishery Administrator, shall have authority to dissolve the Fishery Community if it causes serious damage to fishery resources.

### **Chapter 13: Monitoring Control and Surveillance**

**Article 79:** Monitoring, control and surveillance, which are elements of a management system to monitor, inspect, collect data and investigate all fishery offenses within the Kingdom of Cambodia, shall be the responsibility of 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 rights to:
  - 1. inspect all kinds of fishery exploitations and aquacultures or mariculture;
  - 2. inspect the transportation of, and locations for processing and stocking or selling live, fresh or processed fishery products;

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:
1. live, fresh, or processed fishery products which are illegally fished, processed, stocked, sold-bought or transported;
  2. inundated forest product and processed inundated forest product from illegal cutting, reclaiming and clearing;
  3. fishing gear and other means which have illegally been used for fishing purpose;
  4. fishery resources which are imperiled;
  5. materials, equipment or means of transportation which have illegally been used;
  6. documents related to fishery offences;
  7. all kinds of licenses as the licensed individuals have contravened this law;
  8. take out any device which is, used to operate vessel or vehicle that have been illegally used so that the vessel or vehicle cannot move.

- 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 stop, get aboard, check and bring a fishing vessel as well as other evidence and offenders back to Cambodia after they have followed hot pursuit and successfully caught the vessel committing a fishery offence within the marine fishery domain of Cambodia and escaping to an area outside the marine fishery domain of Cambodia.

**Article 87:** Any activity conducted by the armed forces that leads to a fishery offence or facilitates the commission of a fishery offence or threatens the competent officers of the Fishery Administration or prevents them from carrying out their duties and operations shall be considered as a fishery offence.

**Article 88:** The following activities shall be considered as fishery offences:

1. providing false statement concerning the offences he/she has committed;
2. impersonating or falsely representing himself to be an officer of the Fishery Administration by wearing the uniforms or carrying out the duties of an officer of the Fishery Administration;
3. refusing to be detained for the offences they have committed;
4. threatening, violating, scorning, preventing, delaying or causing difficulties to the officers, of the Fishery Administration while they are carrying out their duties;
5. counterfeiting documents related to the fisheries;
6. destroying, concealing, selling or stealing the seized evidence;
7. causing the competent officers of the Fishery Administration who are performing their duties outside the marine fishery domain to get off the vessels outside the territory or jurisdiction of the Kingdom of Cambodia.

**Article 89:**

- A. The officers of the Fishery Administration under oath who enforce the fishery offenders shall have the following duties:
  1. write the minutes on the concrete offences, the minutes of offences and fill out other concerned documents;
  2. write the minutes on release, sale or destruction of evidence;
  3. transmit the minutes without delay to the Senior Fishery Administration;
  4. do not amend or destroy the minutes and other documents which have been duly completed and signed;
  5. allow the accused to add his/her comments by putting his/her thumbprint

on the document;

6. send the offenders, who have been temporarily apprehended, without delay to the court, not exceeding the period determined in the Penal Code;
  7. write the minutes on the concrete offences and the minutes of offences by recording the offender's name as normally done for the known offender even if he/she has escaped or died or refused to put his/her thumbprint on the minutes;
  8. prepare the minutes on the concrete offences and the minutes of offences as normally done for the unknown offender by writing a note specifying that the offense has been committed by an unidentified person;
- B. The officers of the Fishery Administration under oath who enforce the fishery offences shall prepare minute on the offences within the period of four (4) days from the date of the enforcement of the offence. If an investigation needs to be proceeded, the process of the minute preparation shall be temporarily ceased. This further investigation shall not exceed the period of 15 days from the date of the temporary cease of the minute preparation.

**Article 90:** The officers of the Fishery Administration not under oath may detain the evidence or offenders and send them without delay to the officer of the Fishery Administration under oath with the report specifying the offensive activities and evidence.

**Article 91:** The following activities which may have been conducted by any officer of the Fishery Administration shall be considered as fishery offences:

1. give any permission in contravention of this law;
2. participate entirely or partly and directly or indirectly in any activity in contravention of this law;
3. condone any fishery offence;
4. fail to report on time about any fishery offence which has happened within their jurisdiction;
5. carry out their duties carelessly, giving a chance to the commission of a fishery offence;
6. provide false reports, either verbal or written.

**Article 92:** A natural or legal foreigner who commits a fishery offence shall be subject to this law.

**Article 93:**

- A. The Fishery Administration shall have the rights to decide on a fine for a fishery offence and determine the compensation in order to acquit from the prosecution of the court' of competent jurisdictions. The fine shall be paid within the period of not more than 30 days from the date of issuance of the decision on fines.

- B. The standard forms on the payment of fines shall be determined by the Proclamation (Prakas) of the Ministry of Agriculture, Forestry and Fisheries.

**Article 94:** The right to decide on the fines shall be determined as follows:

1. The Chief of the Division of the Fishery Administration shall have the right to set a fine of money up to 1,000,000 riels;
2. The Chief of Khan of the Fishery Administration shall have the right to set a fine of money up to 2,000,000 riels;
3. The Chief of the Inspectorate of the Fishery Administration shall have the right to set a fine of money up to 3,000,000 riels;
4. The Fishery Administrator shall have the right to set a fine of money from and more than 100 riels

**Article 95:** The Authorities to rule on the complaint against decisions on fines or forfeiture of the evidence of a fishery offence shall be determined as follows:

1. The complaint against decisions on fines or forfeitures of the evidence by the Chief of the Fishery Administration Division shall be decided upon by the Chief of Fishery Administration Khan, if undecided, shall be sent to the court- of competent
2. The complaint against decisions on fines or forfeitures of evidence by the Chief of the Fishery Administration Khan shall be decided upon by the Chief of Fishery Administration Inspectorate, if undecided, shall be sent to the court of competent jurisdiction;
3. The complaint against decisions on fines or forfeitures of evidence by the Chief of the Fishery Administration Inspectorate, shall be decided upon by the Fishery Administrator, if undecided, shall be sent to the court of competent jurisdiction;
4. The complaint against decisions on fines or forfeitures of evidence by the Fishery Administrator shall be decided upon by the Minister of Agriculture, Forestry and Fisheries, if undecided, shall be sent to the court of competent jurisdiction.

**Article 96:** After paying out the expenses including the expense for the maintenance of evidentiary item, the fine or fine set under the verdict of the court or the money obtained from the selling of the evidentiary items shall -be determined as such 50% of which is paid into the national treasury and another 50% is paid as a reward to the person with the outstanding work.

**Article 97:**

- A. The confiscation of evidence or imprisonment shall be the jurisdiction of the court.
- B. The fishery administrative officer who sends the minutes on an introductory charge to the court, shall be the Fishery Administrator, Chief of Fishery Administration Inspectorate, Chief of Fishery Administration Khan or Chief of Fishery Administration Division or a representative as proxy.

- 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 shall wear uniforms, badge and flag.

**Article 99:**

- A. During the hearing, if the minutes of offences have insufficient contents, the competent representative of the fishery administration has the right to request the court to listen to the additional clarification by a witness or the officers of the Fishery Administration who writes the minutes.
- B. The court shall adjourn and give a sufficient time so as to summon the witness or the officers of the Fishery Administration who write the minutes.

**Article 100:** The court of the first instance shall be the court of competent jurisdiction in the area where the alleged offence is committed. In the case where the offence was committed in the marine fishery domain, outside the territorial sea, the case shall be forwarded to the court of national level.

**Article 101:** The court, which brings up an introductory charge and holds the trial shall have the duties to perform its role with relation to the fishery offences only under the path of the fishery law.

**Article 102:** The trial procedures shall be applied under the trial procedures used for general crimes but the difference is that in a fishery offence, a competent representative of the fishery administration will part as necessary.

**Article 103:**

- A. The evidence of the fishery offence shall be categorized into two types:
1. Small Dr light and portable evidence which must be sent to the court with the document on the offence.
  2. Big evidence, which cannot be sent to the court. For this type of evidence, the photo of the evidence must be taken and sent to the court with the document on the offence. In case that the court wants to see the evidence, it can examine the evidence at the place where it is maintained.
- B. The two types of evidence shall be temporarily forfeited until the case of the offence is settled completely either through a fine or a court trial.
- C. During the period for this temporary forfeiture, the Fishery Administration shall not be responsible for the degradation or spoiling of the quality of the evidence.
- D. The person- in charge of the transportation means shall be responsible in front of this law for any evidence of offence, which is not brought with the company of the concerned owners.

**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 circumstances of the offence. The offender, who is a civil servant, shall be additionally subject to an administrative punishment.

**Article 106:** Any person who commits an offence under Articles 62, 67, 68 and 69 shall be subject to a fine of money amounting to 30% of the total value of live, fresh or processed fishery products during the fishing season, and 50% of the total value of the live, fresh or processed fishery products during the closed season. In case of committing an offence under the item 2 of Articles 62 and 68, item 2 of Article 69, the evidence shall be seized for the State's property or destroyed in addition to the above fine.

**Article 107:** Any person who commits an offence under Articles 26, 27 and 61 shall be subject to a fine of money to pay for the damage or the restoration.

**Article 108:** Any person who commits an offence under item 1 of Article 18 shall be subject to a fine of money based on the size or numbers of fishery gear or power of the fishery gear in proportion to the fee of fishing domain determined by the State.

Any exploitation of fishing lot which is contrary to item 1 of Article 18 shall be subject to a fine of money from 50,000 riels; to 5,006,000 riels.

**Article 109:** Any person who commits an offence under Articles 19, 22, 43, 44, 45e, 47, 48, 50, 54, 56, 57, 58, 59, and items 2 and S of Article 23, items 4, 5 and 13 of Article 24, and item 6 of Article 28 shall be subject to a fine of money from 10, 000 riels to 1, 000, 000 riels. In case of committing an offence under article 19, items 4, 5, 13 of Articles 24, and item 6 of Article 28 the evidence shall be seized for the State's property or destroyed in addition to the above fine.

**Article 110:** Any person who commits an offence under items 3, 4 and 5 of Article 28 and item 1 of Article 34 shall be subject to a fine of money amounting to 1,000,000 riels per hectare or denominator of hectare. The evidence shall be seized for the State's property or destroyed in addition to the above fine.

**Article 111:** Any person who commits an offence under item 3 of Article 24 shall be subject to a fine of money from 5,000 riels to 10,000 riels per square meter. The evidence shall be seized for the State's property or destroyed in addition to the above fine.

**Article 112:** Any person who commits an offence under Articles 35, 36, 37, 39, 40, 41, 42, 46, 64, 65 and item B of Article 20, items 6, 7, 11, 12 of Article 24, and items 1 and 2 of

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**

**Article 125:**The enforcement of the final court Judgment is the duties of the competent fishery administration, except for a prison term.

**Article 126:**

- A. The excerpt of the judgment of the fishery offences shall bear the name of conflicting parties and causes for accusation and shall be notified to the competent fishery administration and the accused within the period of not more than 10 days after the date of the court decision.
- B. In case of disagreeing with the court decision, the party concerned has the rights to file an appeal as determined by the law.

**Article 127:** After the court judgment comes into effect, the confiscated evidence shall be sold by the fishery administration and the money obtained from the sale shall be paid to the national treasury as stated in Article 96 of this law.

**Chapter 17: Final provisions**

**Article 128:** Any provisions that contradict this law shall be considered as null and Void.

**Article 129:** This law shall be declared as URGENT

\* \* \* \* \*