

**KINGDOM OF CAMBODIA**

**Nation – Religion – King**

**PROTECTED AREAS LAW**

February 2008

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**CHAPTER I**

**GENERAL PROVISIONS**

**Article 1:**

This law defines the framework of management, conservation and development of protected areas.

The objectives of this law are to ensure the management, conservation of biodiversity, and sustainable use of natural resources in protected areas.

**Article 2:**

This Law has a scope of application in protected areas defined by the provisions of the Law on Environmental Protection and Natural Resources Management, which was promulgated by Preah Reach Kram (Royal Decree) No NS/RKM/1296/36 of December 24, 1996, Royal Decree (Preah Reach Kret) on the Establishment and Designation of Protected Areas of November 01, 1993, Royal Decree on the Establishment and Management of Boeung Tonle Sap Biosphere reserve No NS/RKT/0401/070 of April 10, 2001, and other relevant standard documents.

**Article 3:**

For the purposes of this law, the terminology and vocabulary listed in this law shall be defined as provided in the appendix.

## **CHAPTER II**

### **RESPONSIBLE INSTITUTIONS**

**Article 4:**

The management of protected areas as mentioned in Article 2 of this law shall be under the jurisdiction of the Ministry of Environment.

The Ministry of Environment has the “Nature Protection and Conservation Administration” (NPCA) as its own secretariat to manage the protected areas pursuant to the policy of the Royal Government of Cambodia.

The organization and functioning of the Nature Protection and Conservation Administration in each protected area shall be determined by Prakas (Declaration) of the Ministry of Environment.

The management of the protected area shall have to guarantee the rights of the local communities, indigenous ethnic minorities and the public to participate in the decision-

making on the sustainable management and conservation of biodiversity.

**Article 5:**

The Nature Protection and Conservation Administration shall have the following main duties:

1. Develop strategic plans, action plans, and technical guidelines for managing the protected areas.
2. Make proposals for the establishment and modification of any protected area as required by the Royal Government of Cambodia or pursuant to regional and international conventions, protocols and agreements.
3. Prepare guidelines and procedures for effective enforcement of this Law
4. Take action to investigate, control, and crackdown on natural resource offences in the protected areas and file complaint to court.
5. Promote education and dissemination to the public to participate in the conservation and protection of natural resources within the protected areas.
6. Formulate agreements on community protected area development programmes.

**Article 6:**

Officials of the Nature Protection and Conservation Administration have the following rights and duties:

1. Regularly patrol, control and crack down on national resource offences of all kinds in the protected areas.
2. Inspect licenses, permits, and other relevant documents determined by this law.
3. Take action against forest fires in protected areas.
4. Control export and import of wild flora and fauna, seeds and samples from/into the protected areas.
5. Promote education and dissemination among the public and coordinate with local indigenous communities to participate in the preparation and implementation of community protected areas.

Detailed rights and duties of natural protection and conservation agency's officials shall be determined by Prakas of the Ministry of Environment.

**CHAPTER III**

**ESTABLISHMENT AND MODIFICATION OF PROTECTED AREAS**

**Article 7:**

Protected areas are categorized as follows:

1. National Park
2. Wildlife sanctuary
3. Protected landscape
4. Multiple use area
5. Ramsar site
6. Biosphere reserve
7. Natural heritage site
8. Marine park

The protected areas above shall be defined by a sub-decree.

**Article 8:**

The establishment or modification of any protected area shall be based on the results of research studies, criteria, management objectives, and access rights to resource uses, land titles, and other relevant aspects.

The proposal for establishing or modifying a protected area shall consist of:

1. A description of significance of the area(s) proposed for establishment or modification in terms of biological, topographical, geological, historical, cultural, and conservation values.
2. A legal description of the area(s) proposed for establishment or modification, attached with appropriate scaled and clear maps indicating its location, boundaries, and size.
3. Management objectives of the area(s) proposed for establishment or modification and current threats.
4. Assessment report of natural resources and land use in the proposed area(s).
5. Results from consultations with relevant agencies, stakeholders, and local authority representatives situated within or adjacent to the proposed area(s) for establishment or modification.

An establishment or modification of a protected area shall be determined by a sub-decree.

**Article 9:**

The Royal Government of Cambodia may establish and modify any protected area of national and international significance so as to be designated as world or regional heritage site provided that the area

responds to criteria set forth by such international or regional conventions, protocols, and agreements.

A protected area already designated as world or regional heritage site shall require appropriate interventions by the Royal Government of Cambodia to ensure its management and conservation consistent

with procedures and relevant regulations prescribed in such instruments.

A protected area which has already been acknowledged by international or regional treaty, convention, protocol, and agreement shall be determined by a sub-decree.

**Article 10:**

The Royal Government of Cambodia may establish provincial/municipal protected areas.

The establishment of provincial/municipal protected areas shall be determined by Sub-decree.

**CHAPTER IV****ZONING****Article 11:**

Each protected area shall be divided into four (4) management zoning systems as the following:

1. Core zone: management area(s) of high conservation values containing threatened and critically endangered species, and fragile ecosystems.

Access to the zone is prohibited except the Nature Conservation and Protection Administration's officials and researchers who, with prior permission from the Ministry of Environment, conduct nature and scientific studies for the purpose of preservation and protection of biological resources and natural environment with the exception of national security and defense sectors.

2. Conservation zone: management area(s) of high conservation values containing natural resources, ecosystems, watershed areas, and natural landscape located adjacent to the core zone.

Access to the zone is allowed only with prior consent of the Nature Conservation and Protection Administration at the area with the exception of national security and defense sectors.

Small-scale community uses of non-timber forest products (NTFPs) to support local ethnic

minorities' livelihood may be allowed under strict control, provided that they do not present serious adverse impacts on biodiversity within the zone.

3. Sustainable use zone: management area(s) of high economic values for national economic development and management, and conservation of the protected area(s) itself thus contributing to the local community, and indigenous ethnic minorities' livelihood improvement.

After consulting with relevant ministries and institutions, local authorities, and local communities in accordance with relevant laws and procedures, the Royal Government of Cambodia may permit development and investment activities in this zone in accordance with the request from the Ministry of Environment.

4. Community zone: management area(s) for socio-economic development of the local communities and indigenous ethnic minorities and may contain existing residential lands, paddy field and field garden or swidden (Chamkar).

Issuing land title or permission to use land in this zone shall have prior agreement from the Ministry of Environment in accordance with the Land Law.

This management area does not cover the Apsara authorities and other authorities designated and management area(s) to which the Royal Government has allocated the tasks.

**Article 12:**

The zoning as stated in Article 11 above shall be based on the following criteria:

- The area management objectives
- Potential values of the natural resources of the area
- Socio-economic and cultural implications of the area
- Carrying capacity of the natural resources of the area
- Geographical location of the area.

The principles for zoning in any protected area shall be prescribed by Prakas issued by the Ministry of Environment.

**Article 13:**

Modification of the boundaries of each zoning system as provided in Article 11 of this law could be done based on:

- Clear scientific information on ecosystem, including animal species, plants species, genetic,

biodiversity

resources, socio-economic and cultural aspects which are being changed and threatened.

– Compliance with the policies and strategies of the Royal Government of Cambodia.

**Article 14:**

The Ministry of Environment shall formalize the map for each protected area on an appropriate scale map and with the participation of the Ministry of Land Management, Urban Planning and Construction,

local

authority, local communities and relevant agencies.

The Nature Protection and Conservation Administration shall conduct research and management zoning as stated in article 11 of this law in accordance with the Ministry of Environment's guidelines

and

demarcated the boundary

markers for each protected area based on an appropriate location on the map

determined by sub-decree.

**CHAPTER V**

**NATIONAL STRATEGIC AND ACTIVE PLAN**

**FOR PROTECTED AREAS MANAGEMENT**

**Article 15:**

The Ministry of Environment shall develop a National Protected Area Strategic Management Plan (NPASMP) and ensure that the Plan is compatible and consistent with national plans such as the

National

Environment Action Plan, National Biodiversity Strategy and Action Plan and the National Wetland

Action

Plan. The NPASMP should be adopted by the Royal Government of Cambodia at the request of the

Ministry

of Environment.

**Article 16:**

The National Protected Area Strategic Management Plan shall include, inter alia, the following:

1. Objectives of the conservation, rehabilitation, prevention, suppression of illegal activities and

sustainable use of natural resources and ecosystem within individual protected area;

2. Current status of natural resources and ecosystems within each zone including flora and fauna species, genetic resources and socio-cultural aspects;

3. Assessment of potential level of contribution of each protected area to achieving biodiversity and natural resources protection and conservation;

4. Recommended actions for successful achievement of the protected area objectives; and steps for implementation of management plan for priority protected areas.

**Article 17:**

The Ministry of Environment shall make proposals for review and revision of the NPASMP at least once in every five years. The NPASMP may be revised, as necessary, to reflect the following:

1. Improved scientific information about and understanding of Cambodia's living resources and ecosystems, including communities of species of flora and fauna, biological and genetic diversity, and socio-cultural resources;

2. Threat to the National Protected Area System; and

3. Implementation in accordance with the Royal Government policies

The NPASMP shall be prepared and revised through a process involving public consultation, notice, and comments.

**Article 18:**

The Nature Protection and Conservation Administration shall develop for individual protected area an action plan to be approved by the Ministry of Environment and in accordance with the NPASMP.

Process for the development of the Plan shall involve coordination and consultations with local authority, local community, indigenous ethnic minorities' community and stakeholders.

**Article 19:**

The Ministry of Environment shall issue Prakas prescribing guidelines for a standardized process for the development of action plan for individual protected area. The content for each of the Plan shall include

the following:

1. The objectives of the protected area management;

2. A detailed description of the activities allowed within each zone and accompanied by zoning



category;

3. A description of the available natural resources, their uses and land use status within the protected area;
4. A description of prohibited activities that run counter to the protected area management objectives;
5. A model of agreement on participatory protected area management process between the Administration and the protected area community and with natural person or legal entity;
6. The action plan and interventions required for forest fire management, protection and conservation of wildlife and their associated habitats;
7. A plan for the management of, for example, the protected area community and eco-tourism development programme;
8. An assessment of budget requirements and sources of funding;
9. A description of the name, role and structure of the protected area.

**Article 20:**

A National Committee for Conflict Resolution on Protected Area Management (NCRPAM), chaired by the Minister of Environment and participated by relevant ministries and institutions as members, shall be established to assist in the discussion, consultation and conflict resolution on the protected area.

**CHAPTER VI**

**INVOLVEMENT AND ACCESS RIGHTS OF LOCAL COMMUNITIES**

**AND INDIGENOUS ETHNIC MINORITY COMMUNITIES**

**Article 21:**

Local communities, indigenous ethnic minority communities, the public and civil society are encouraged to participate fully in the provision of and access to information relevant to the protected area management, conservation and development.

**Article 22:**

The State recognizes and secures access to traditional uses, local customs, beliefs, and religions of the local communities, and indigenous ethnic minority groups residing within and adjacent to the

protected  
areas.

Access to traditional uses of natural resources and customary practices of local community and indigenous ethnic minority groups on family scale may be allowed within sustainable use zone and

conservation zone following guidelines which shall be prescribed in the Prakas of the Ministry of Environment.

**Article 23:**

Utilization of natural resources in accordance with articles of this law may only be allowed in the sustainable use zone of the areas designated as community protected area.

Utilization of natural resources shall be in accordance with the Management Plan and technical guidelines to ensure sustainability of natural resources within the community protected areas.

**Article 24:**

Swidden agriculture practices shall not be permitted in core zone and conservative zone in the protected areas.

**Article 25:**

The Ministry of Environment has the authority to allocate part or parts of sustainable use zone to communities residing within or adjacent to a protected area as the community protected area.

The concerned community protected area shall enter into an agreement with the Nature Conservation and Protection Administration and the agreement shall be valid for a period not exceeding fifteen (15) years.

If the community protected area fails to abide strictly by the agreement with the Nature Conservation and Protection Administration and management plan, the Nature Conservation and Protection

Administration has the rights to temporarily stop for review and assessment of the operation of the community protected area.

The Ministry of Environment has the authority to revoke the agreement with the community

protected area in case the community acts in contravention of the terms of the agreement and management plan.

Guidelines on the procedures and process of establishment of the community protected area shall be determined by Prakas of the Ministry of Environment.

**Article 26:**

Local communities and indigenous ethnic minorities may not have the rights to clear or work forestlands in the community protected areas allocated to it, pursuant to the agreements with the Ministry of Environment, to practice agricultural farming or to claim title over the land, or to sell, lease, pawn, donate, share, divide or transfer the areas under its own management to any person or legal entity.

Community protected area regulations shall be established by local community and indigenous ethnic minorities acknowledged by local authority and endorsed by the Nature Conservation and Protection Administration of the Ministry of Environment.

Allocation of more farmlands to local community and indigenous ethnic minorities shall be determined by a sub-decree.

**Article 27:**

The Nature Conservation and Protection Administration, upon consultation and coordination with local authority, local community and indigenous ethnic minorities is duty-bound to conduct feasibility study

on the establishment of community protected areas and to define clear location and appropriate size.

National and International Non-governmental Organizations (NGOs) and civil societies are encouraged to provide assistance and coordination for the establishment and implementation process of a community protected area.

**Article 28:**

The community protected area shall develop, with recognition of the local authority, a natural

resources management plan which shall be reviewed and approved by the Nature Conservation and

Protection Administration. The Plan shall be reviewed regularly every three (3) years or earlier if necessary.

The Plan and the community protected area development activities shall be integrated into the commune development plan.

## **CHAPTER VII**

### **EDUCATION, DISSEMINATION, REHABILITATION,**

### **IMPROVEMENT AND FUNDING OF PROTECTED AREAS**

#### **Article 29:**

Citizens, Buddhist monks, school children, civil servants, members of the armed forces, and local authorities shall have an obligation to participate in the protection, conservation and rehabilitation of natural resources within the protected areas.

#### **Article 30:**

Extensive programmes for education and dissemination, involving all means of communications, shall be developed for individual protected area on the protection and conservation of natural resources, the rehabilitation and restoration of biodiversity and degraded and lost ecosystems.

The Ministry of Environment shall, every year on the National and World Environment Day and other national and international convention days, organize activities for rehabilitation of biological resources

and ecosystems within the protected area with a view to providing public education and awareness on the value of protected area and promoting participatory protection and conservation of natural resources.

#### **Article 31:**

The Ministry of Environment shall, in collaboration with local communities, indigenous ethnic minorities, national and international organizations and NGOs, rehabilitate and restore the environment

in

degraded areas within the protected area.

**Article 32:**

The Government shall establish a fund called “protected areas fund” which is organized, managed and given responsibility by a protected area committee with Minister of Environment and Minister of Economy and Finance as co-chairmen.

The establishment and functioning of the committee shall be determined by a Sub-decree.

**Article 33:**

Funding support for rehabilitation, improvement of protected areas and biodiversity shall come from:

1. National budget
2. Protected area entrance and other service fees
3. Environmental endowment insurance
4. Donations
5. Assistance from national and international organizations and friendly countries
6. Assistance from international environment funds

**Article 34:**

Budget and funds from sources as stated in article 33 of this law may be used to support the following activities within the protected areas:

- The protection and conservation of biological resources and ecosystems;
- Rehabilitation and enhancement of biodiversity and ecosystems;
- Technical and scientific research study on the biological diversity and ecosystem;
- Maintenance and extension of eco-tourism services
- Training, human resource development and capacity building of the Nature Conservation and Protection Administration staff for effective protection and conservation of biodiversity and ecosystems;
- Programmes supporting the establishment of community protected area;

- Dissemination and education on protected area; and
- Construction, rehabilitation and maintenance of infrastructure.

## CHAPTER VIII

### PERMIT AND PROHIBITION AND ENVIRONMENTAL AND SOCIAL IMPACTS ASSESSMENT

#### **Article 35:**

The Minister of Environment has the authority to issue permit, agreement or contract for non-profit purpose in term of conservation and management of natural resources in the protected areas.

Request procedures and formalities to get permits and agreement or contract for non-profit purpose in term of conservation and management of natural resources in the protected areas shall be defined by Prakas of the Ministry of Environment.

#### **Article 36:**

All clearances and bulldozing within the open land or forestland in protected areas for the purposes of building all types of public infrastructures through the core zone and conservation zone shall be strictly prohibited.

These activities can only be carried out in the sustainable use zone and community zone with approval from the Royal Government of Cambodia at the request of the Ministry of Environment.

#### **Article 37:**

To establish bases, transfer of bases location or temporary strategic bases of the armed forces in the protected areas, the Ministry of Environment and institutions managing the armed forces shall collaborate

and conduct feasibility studies in order to submit the proposal to the Royal Government for approval.

The armed forces' bases in the protected areas that have been mobilized or moved to other locations shall be handed over to the Ministry of Environment.

Military exercise, training, and camping in the core zone and conservation zone of the protected areas are strictly prohibited, except for national security and national defense needs. These activities can

only be carried out in the sustainable use zone and community zone with approval from the Ministry of Environment.

**Article 38:**

All actions of taking out of or into protected areas plant seeds, and cross-breeding of wild species or fish of all species shall be subject to researches, diagnosis and evaluation by and shall receive permission

from the Nature Conservation and Protection Administration and with approval from the Ministry of Environment.

**Article 39:**

All non-commercial export, import or exchange between the Kingdom of Cambodia and other countries of animal and plant species, plant seeds, cross-breeding of wildlife, and fish species and specimen

of species endemic to the protected area shall be subject to comprehensive researches, diagnosis and

evaluation by the Nature Conservation and Protection Administration and with approval from the Ministry of Environment.

**Article 40:**

Setting forest fire in the protected areas is prohibited. The use of fire may be allowed for the Nature Protection and Conservation Administration, for arboriculture, fire road and forest sanitation.

Citizens, armed forces, and authorities of all levels have the obligation to participate in collaborating to conserve and prevent the forest and control the forest fire.

**Article 41:**

Each protected area shall be protected against destructive practices or harms caused by illegal land claim, collection, commercialization, pollution in the areas containing valuable biological resource, forest

fire, swidden agriculture, transmission of diseases and pests including invasive plants and animals.

Prohibited practices considered destructive and harmful include:

1. Displacement, removal or destruction of protected area boundary markers or posts.
2. Collection of timber and non-timber products ( NTFPs), fishery products and natural resources in a manner violating the recognized and authorized access rights.
3. Felling, pruning, clearing or poisoning plants, or uprooting tree stumps.
4. Catching, hunting, collecting wild eggs, offsprings and birds by all means.
5. Destroying water quality in all forms, poisoning, using chemical substances, disposing of solid and liquid wastes into water or on land, using electric shock equipment.
6. Stocking, buying and selling wild animals and samples of all kinds .
7. Destroying natural grassland, plants and wildlife habitats.
8. Releasing cattle and livestock and walking hunting dogs.
9. Illegal fishing practice harmful to natural resources, both marine and freshwater, flooded forests, mangroves, corals and seaweeds.
10. Establishment of bases for processing Khlem Chan (*Aquilaria crassna*), Mreah Prov (*Ocimum sanctum*), Vor Romeat (*Teramnus labialis*) or other NTFPs and freshwater and marine aquaculture that may cause pollution or destructive effects to the biota and ecosystem.

**Article 42:**

Processing natural resources products and by-products, and fisheries, establishing and operating sawmill bases for wood processing, timber process plants, shops to process natural resources products and by-products, fisheries and all kinds of kilns in the protected areas are strictly prohibited.

**Article 43:**

No physical person or legal entity may have authority to issue permission, either directly or indirectly, to fell trees, clear forestlands, poison, electrocution, hunt or trap for any species of animals or to undertake activities to collect NTFPs, wildlife, to take land or components of natural resources into their ownership within a protected area, which contravene the provisions of this Law.



**Article 44:**

To minimize adverse impacts on the environment and to ensure that management objectives of protected areas are satisfied, an Environmental and Social Impact Assessment shall be required on all proposals and investment for development within or adjacent to protected area boundary by the Ministry of Environment with the collaboration from relevant ministries and institutions.

The procedures for Environmental and Social Impact Assessment for any projects or activities shall comply with provisions pertaining to the process of Environmental and Social Impact Assessment.

**CHAPTER IX**

**LAW ENFORCEMENT**

**AND PROCEDURES TO RESOLVE OFFENCES**

**Article 45:**

Natural resource offences are criminal offences that are specially defined as mentioned in this law.

Officials of the Nature Protection and Conservation Administration having duties as judicial police officers shall have authority to investigate, prevent, and crack down on natural resource offences within their assigned territory and file such case with the court.

Operations by the Nature Protection and Conservation Administration officials who are commissioned as justice police officials shall be carried out in accordance with the law on criminal procedures of the Kingdom of Cambodia.

After a court decision or judgment is made, any confiscated evidence shall be managed in accordance with the procedures of the Nature Conservation and Protection Administration of the Ministry of Environment.

**Article 46:**

Local authorities, armed forces, other concerned institutions, and the public shall facilitate the

process of providing information, and assist in the investigation, prevention, and suppression, of natural resource offences, or in the temporary custody of any seized evidence so that it can be made available at the request of the Nature Protection and Conservation Administration officials.

Officials of the Nature Protection and Conservation Administration, in cooperation with local authorities, for the purposes of making the management and conservation of natural resources highly effective, shall take prompt action to investigate any case of offences upon complaint or report on natural resource offences in the protected area.

**Article 47:**

When conducting the prevention of and crackdown on natural resources offences within their responsible territory and when in court session, the NCPA officer shall wear appropriate uniform, insignia and hierarchical ranking badge.

**Article 48:**

Officials of the Nature Protection and Conservation Administration, in their role as judicial police, shall have the authority to use weapons and authority to self-defense against physical violence by offenders while performing their mission. The weapons shall be handled and managed by the Ministry of Interior.

**Article 49:**

The filing of offences inside protected areas shall be in accordance with the Criminal Procedures in force.

The Ministry of Environment and the Ministry of Justice shall make a joint Prakas on the procedures for recording offences within a protected area.

**Article 50:**

Evidence of natural resources offences inside the protected area shall be defined as follows:

1. Natural resources products and by-products that are the actual evidence of illegal

activities.

2. Equipment and means of transport used for committing illegal activities.

Evidence as stated in the first sentence above shall be temporarily seized until the cases are resolved by the court whether by transaction fines or by the court decision.

During the illegal transportation of natural resources products and by-products the driver of that means of transport without its owner present shall be temporarily detained to assist in the investigation of offenders and their accomplices.

With appropriate recording, the Nature Conservation and Protection Administration has the authority to release or destroy or keep for the public benefit the natural resources products and by-products seized which are easily spoilt.

**Article 51:**

Officials of the Nature Conservation and Protection Administration on duty have the authority to temporarily stop all or part of a person activity that has offended against the provisions of this law or breached the agreement until the case is resolved.

**Article 52:**

Any person who disagrees with the decision made by the Nature Conservation and Protection Administration as outlined in this law, except transaction fines as stated in article 52, 56, and 57, shall have the rights to make a written complaint to the Head of the central Nature Conservation and Protection Administration within at most thirty (30) days as of the date a decision by the local Nature Conservation and Protection Administration or the court is received.

The Head of the central Nature Conservation and Protection Administration shall make decisions on this complaint within at most thirty (30) days as of the date the complaint is received.

If upon the complaint, a decision made by the Head of the central Nature Conservation and

Protection Administration is still not acceptable by the plaintiff, he/she can file a complaint to court within thirty (30) days at most.

Any complaint made under this Article shall not affect the authority of, or stay the process of enforcement by the Nature Conservation and Protection Administrative officers under this Law.

## **CHAPTER X**

### **NATURAL RESOURCE OFFENSES AND PENALTIES**

#### **Article 53:**

Punishments for natural resource offences within protected areas include imprisonment, fines by court procedures, transaction fines, confiscation of evidence, payment of restoration damages, warning, termination or suspension of agreements or permits.

Decisions to suspend or terminate agreements or permits shall be the responsibility of the Minister of Environment.

Decisions to impose transaction fines, to pay restoration damages and to issue warnings shall be the responsibility of the Nature Conservation and Protection Administration.

If the offender refuses to pay the fines or restoration damages, then the Nature Conservation and Protection Administration may file a court proceeding on the offence.

Confiscation of equipment whether by the Nature Conservation and Protection Administration or by the court depend on each case determined by this law.

#### **Article 54:**

The transaction fine is applied when the offender has confessed and agreed to pay the fines pursuant to the provisions of this Law, and it shall be paid no later than fifteen (15) days from the date of the notice of the fines by the Nature Protection and Conservation Administration.

The procedures and rights to decide on transaction fines shall be defined by Prakas of the Ministry of Environment.

In fixing the amount of transaction fines, the following factors shall be considered:

1. the economic value of the biodiversity translated as gain, realized as a result of the

offence;

2. the damage caused to the natural resources and environment;
3. conduct of offences in each management zone
4. how often the person charged has committed the offence;
5. how much of a fine required to deter future offences from occurring; and
6. whether the offence was intentional.
7. condition of the offender

If the offender refuses to pay the fine or restoration damages, within the period as stated in this article then the Nature Conservation and Protection Administration may file a court proceeding on the offence.

**Article 55:**

The fines imposed by court decision or revenue from selling of evidence shall go to the national budget.

The Royal Government may decide to pay reward to citizens or officers who had been actively participating in controlling natural resource offences within a particular protected area.

**Article 56:**

A person who commits offence against the provisions of this law shall receive punishment as follows:

1. Natural resources offences of the first grade:

– Warning, payment of restoration damages, transaction fines, termination or suspension of agreements or permits.

2. Natural resources offences of the second grade:

– One (1) month to one (1) year's imprisonment and/or fines from one and a half million Riels (1,500,000) to fifteen million Riels (15, 000,000).

3. Natural resources offences of the third grade:

– One (1) year to five (5) years' imprisonment and/or fines from fifteen million Riels (15, 000,000) to one hundred and fifty million Riels (150,000,000).

4. Natural resources offences of the fourth grade:

– Five (5) years to ten (10) years' imprisonment plus fines from fifteen million Riels (15,000,000) to one hundred and fifty million Riels (150,000,000). In case the offender is a legal entity the fines shall be from one hundred and fifty million Riels(150,000,000) to two hundred and fifty million Riels (250,000,000). All evidence shall be confiscated as State property.

**Article 57:**

A person who commits the following offences in protected areas shall receive a written warning as punishment for natural resources offences of the first grade:

- 1- Graze cattle in the areas designated for biodiversity protection, except as stated in chapter VI of this law
- 2- Bring in flammable materials, substances, and equipment that may cause forest fire;
- 3- Access into protected area for the purposes of natural and scientific study and making a tour without permit;
- 4- Bring in, produce or process equipment with the aim of committing natural resource offences of all kinds.
- 5- Bring in all types of transport means for the purposes of exploring and transporting natural resources.

**Article 58:**

Offences of the following violations shall receive punishment by transaction fines from one hundred thousand Riels (100,000) to one million Riels (1,000,000) on top of restoration damages; and all evidence of

the following offences in protected areas shall be confiscated as State property:

1. Build or operate any burning kiln without permit.
2. Import-export flora and fauna species, wild seeds of all kinds without permit.
3. Bring in hunting dogs for hunting purpose.
4. Cause forest fire.
5. Catching, trapping, poaching, poisoning, collecting eggs, and offsprings of wildlife
6. Bring in chainsaw and machinery into a protected area without permit.

A person who commits offences as specified in this article for a multiple time shall be penalized double the value of transaction fines and shall pay restoration damages.

**Article 59:**

Offences of the following violations shall receive punishment by transaction fines or pay restoration damages and all evidence of the following offences committed in the protected areas shall be confiscated as

State property:

1. Cut, uproot, fell, encroach and clear forest land, prune, strangle, collect, destroy natural resources
2. Cause injury or damage to plants and wildlife
3. Collect and transport natural resources products and by-products without permit
4. Stocking by-products of natural resources without permit
5. Wildlife, and wildlife specimen trading, and raising
6. Illegal fishing practice harmful to national resources, both marine and freshwater, flooded forests, mangroves, corals and seaweeds.

A person who commits offence as specified in this article for a multiple time shall be penalized double the value of transaction fines and shall pay restoration damages.

**Article 60:**

Those who shall be punished for natural resources offences of the second grade with evidence being confiscated as State property are any persons who commit the following offences:

1. Use all kinds of poisonous substances that can have adverse impacts to natural resources
2. Causing forest fire by mistake;
3. Destroy wildlife habitats, collect eggs or chicks, disturb, cause injury to offspring of regional flagship
4. Wildlife species or migratory species for feeding, reproduction and nurturing;
5. Destroy young trees planted in restored ecosystem;
6. Operation of equipment that may disturb by noise, vibration, wave, and smoke;
7. Hide, steal, sell, destroy or damage evidence of offences;
8. Collect wild fruits by way of felling trees
9. Destroy, change, remove, or damage signage of all kinds.

10. Build or install boundary posts or markers, fences, putting signs for the purposes of ownership

Multiple time offenders shall be penalized double the value of transaction fines.

**Article 61:**

Those who shall be punished for natural resources offences of the third grade with evidence being confiscated as State property are any persons who commit the following offences:

1. Displace, remove or destroy boundary markers and infrastructure for the management of protected areas
2. Establish bases for processing all kinds of natural resources products and by-products
3. Establishment of bases for processing Klem Chan (*Aquilaria crassna*), Mreah Prov (*Ocimum sanctum*), Vor Romeat (*Teramnus labialis*), and other plants.
4. Cut, prune, strangle, uproot, fell, collect, destroy, encroach and stock rare, vulnerable and critically endangered plants species that are determined by Prakas of the Ministry of Environment.
5. Catch, trap, hunt, cause injury, poison, kill, take out, collect eggs and offsprings from their original habitats of any vulnerable, rare, or critically endangered wildlife species as specified in the Prakas by the Ministry of Environment.
6. Using weapons, explosives, chemical or poisonous substances, any equipment using electricity as a means for trapping animals, and any other types of illegal gears that cause damage to natural resources.
7. Cause obstruction, injury or interference to the Nature Conservation and Protection Administration in performing its functions and duty effectively.
8. Unauthorized use of the uniform, insignia, hierarchical ranking badge of the Nature Conservation and Protection Administration official to commit offences.
9. Falsify legal documents of relevant institutions to commit illegal activities.
10. Destroy boundary markers, bridges, water pipes, roads, buildings, stations, and public infrastructures.

Multiple time offenders shall be penalized double the value of transaction fines.



**Article 62:**

Those who shall be punished for natural resources offences of the fourth grade with evidence being confiscated as State property are any persons who commit the following offences:

1. Fell trees, encroach and clear forest land, set forest fire, and bulldoze forestlands to claim ownership.
2. Cut, transport and process all kinds of luxurious quality hard wood and Black wood.
3. Bring in, or introduce into, store or discharge any type of pollutant or hazardous waste that can damage, or can cause damage to natural resources.
4. Set forest fire intentionally
5. Dig, move the soil, bulldoze, or remove soil, stones, pebbles and minerals without permit
6. Fill in soil on land or water area without permit

In case a legal entity violates one or more of the provisions below shall be fines from one hundred and fifty million Riels (150,000,000) to two hundred and fifty million Riels (250,000,000).

Multiple times offenders shall be penalized double the value of transaction fines.

**Article 63:**

Any person who threaten and cause obstruction, injury or interference to Nature Conservation and Protection Administration Official in performing his functions and duty effectively shall receive a term of imprisonment between one (1) year to five (5) years and be fined from fifteen million Riels (15,000,000) to one hundred and fifty million Riels (150,000,000).

Accomplice or collaborator shall receive the same punishment as the offender.

**Article 64:**

The Administration officer, an inspection or environment officer, for their negligence, carelessness or failure to abide by the order of the MoE, shall face administrative punishment or shall be prosecuted.

The Administration officer, an inspection or environment officer, who conspires with the offender or facilitate the offences, shall receive the same punishment as the offender.

**CHAPTER XI****FINAL PROVISIONS**

**Article 65:**

Any provisions counter to the articles of this Law shall be abrogated.

**Article 66:**

This Law shall be declared immediately effective upon signing.

This Law was passed by the National Assembly of the Kingdom of Cambodia on December 27,

2007 during the 7th

session of its 3rd

legislature.

Phnom Penh, January 4,

2008

**President**

of the National Assembly

Signed and sealed

Samdech Akkeak Moha Ponhea Chakkrey **HENG SAMRIN**

**ANNEXES**

**LEXICON**

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**Biodiversity or Biological Resources:** Various organisms in the same or different species and living

organisms of all levels and sources, including land, marine and fresh water ecosystems, and the ecological relationships in which these ecosystems exist.

**Protection and Conservation of Biological Resources:** Protection and management of natural resources, living and non-living, by means of ensuring their sustainability for maximum advantage for people at present and in the future.

**Rare Species:** Species that is small in number, but not vulnerable to immediate extinction. Generally, these

species are seen among local/native species, in a particular habitat, or scattered in larger areas.

**Endangered Species:** Animals or plants that can come to extinction caused by environment changes either

by nature or human exploitation, loss of habitat, threat from other species, changes in the food chain, pollution, or a combination of these factors.

**Ecosystem:** A set of mixed interactions in a particular area between living organisms (plant, animal) with the surrounding non-living environment (climate, micro-climate, land, water) which create the institutionalization of environment and perform certain functions on the earth's surface. Humans interact with the earth's surface. Humans interact with economic needs, tradition, culture, and environment, as well as a mixed part of the forest system.

**Ecology:**

A science which studies the relations between living organisms (animals and plants) and the surrounding environment.

**Core Zone:** A zone of high value for conservation of rare, endangered, vulnerable and threatened animal and plant species and a delicate ecosystem.

– Entry into this zone is prohibited, except by authorized officials of the Natural Protection and Conservation Administration.

– Scientific researchers conducting study of nature with the purpose of protecting and conserving natural resources, biodiversity and environment shall obtain advance permission from the Ministry of Environment.

**Conservation Zone:** A zone next to the core zone, which is of conservation value for natural resources, ecosystem, slope, and natural landscape. Entry into this zone shall be by obtaining advance permission from the Natural Protection and Conservation Administration on site. Use of forest by-products for livelihood by the local community and indigenous ethnic minorities, which shall not cause harm to biodiversity, shall be under strict monitoring.

**Sustainable Use Zone:** A zone of high value in national economic development that directly serves the purpose of management and conservation of the protected area and contributes to promoting the standards of living of the local community and indigenous ethnic minorities.

The Sustainable Use Zone includes the following sites:

- National cultural and heritage
- Ecotourism
- Wildlife conservation and recreational services
- Biological rehabilitation
- Community protected area
- Botanic garden
- Infrastructure development, including irrigation, reservoir, hydro-electricity, electric networks
- Mining
- Environment-friendly resin exploitation in the protected area and surroundings.

**Local Community Zone:** A zone that serves the economic and social development of the local community

and indigenous ethnic minorities who already have on-going activities, including housing, farming and vegetable gardening. Issuance of permit or land title or permission to use the land in this zone shall be certified by the Ministry of Environment.

**Community Protected Area:** Participation of local community or indigenous ethnic minorities in an elected form of administrative structure, recognized by the Natural Prevention and Conservation Administration, with the joint purpose of management and sustainable use of natural resources in a particular part of the protected area, aimed at promoting the standards of living of the local community and indigenous ethnic minorities.

**Protected Area:** An area of the State's public properties in land or water territories, including coasts and sea,

located in the area established by a Royal Decree or a new area established in the jurisdiction of the Ministry of Environment. These areas are of physical and biological importance which requires management by law with the purpose of protecting and maintaining biological, natural and cultural resources, and shall be sustainably managed in every generation for environmental, social and economic benefits.

**National Park:** A natural area in land and/or water territories, which is established to:

- a. Protect the area's role or roles in the ecosystem for the benefits of people of all generations.
- b. Limit the use that may harm or destroy biological resources, natural resources, cultural resources, and functions/roles of the area in relation to the objectives of the established area.
- c. Serve as bases for recreation, visits, education, research, and belief, provided that these activities do not cause threats to the natural environment and local culture.

**Wildlife Sanctuary:** An area in land and/or water territories, which requires active interventions f or management purposes to ensure maintenance of habitats and/or to meet necessary conditions for any species of animals or plants.

**Multiple-Use Area:** An area in land and/or water territories, which is rich in natural resources that are intact and require management activities to ensure long-term protection and maintenance of biological resources and ecosystem. In the meantime, it provides natural products and services for use to meet the community needs.

**Protected Landscape:** An area in land and/or water territories, in which human interactions with nature create uniqueness in natural beauty or ecology or culture, and generally abundant in biological resources. Maintaining the interaction that is traditional is important to age and life for defence, maintain and development of such area.

**Natural Heritage Site:** An area in land and/or water territories, in which there is natural or semi-natural uniqueness and has outstanding or extraordinary value because that area is rare, of a quality th at represents the ecosystem, or of beauty or cultural importance.

**Biosphere Reserve:** An area representing an ecosystem that is important and not severely damaged, and surrounded by sustainable development zones, allowed for limited human activities.

**Ramsar Site:** Wetland that is considered as an area of ecological or biological importance of

international

nature.

**Wetland:** An area covered by mud and decayed trees, covered by water naturally or artificially, covered by permanent or seasonal floods, or still water or flowing water, including sea areas less than 6m deep during lowest tides.

**Marine Park:** A coastal area which is affected by marine tides mixed with water from mountain forests, including islands, covered by forests, plants, wildlife and fish of all kinds, with historical and cultural value and this area is recognized by law to be managed effectively.

**Provincial/Municipal Protected Area:** Land, fresh water, sea and islands that are protected and managed for the purpose of protecting and conserving biological resources, tradition, belief and religion in the area and for sustainable use of natural resources.

**Protected Slope:** A catchment area that prevents soil erosion.

**Coastal Area:** Land adjacent to the sea and affected by the sea, located in Kampot, Koh Kong, Sihanoukville, and Kepville, including all the sea territory extending to the economic boundaries of the Kingdom of Cambodia.

**Indigenous Ethnic Minority:** Indigenous people living in mountainous areas, most of whom make their living by practicing shifting agriculture and other additional livelihoods, such as hunting, fishing, and collection of forest products/by-products.

**Sustainability:** The state of not causing permanent or gradual erosion, or deterioration of quality of living organisms or other resources in the form of small or large scale use.

**Ecotourism:** Tourist services that do not adversely affect the natural environment and have the forms and trends which serve conservation activities.

**Family Use:** The use of natural resources, including trees, wild animals, forestland, etc., which have passed from generation to generation, and these activities do not serve any commercial/business purposes.

**Traditional Use:** Includes collection of naturally-dead woods, by-products for traditional medicines,

vegetables and fruits, and legal hunting to meet only the occasional needs of the family.

**Product/By-Product:** Products from the forest, including timber and non-timber products, and their processed products, as well as services provided by timber.

**Community:** Refers to a group of villagers in one or more villages in Kingdom of Cambodia who are interested in social problem, environment, tradition, and economy and in the use of sustainable national resources of one area where they are living in or near that area with purpose to feed life and improve the standard of living.

**Local community:** Refers to indigenous ethnic minority communities or a group of villagers who have original houses in one or more villages that are in or near State's forest areas that have tradition, costume, belief, religion, culture and living by depending on finding product, by-product and use those forest resources as basic.

**Natural resource:** Is one part of national environment such as atmosphere, water, land, forest, wildlife, mine, and general environment resources that human uses directly or indirectly in the past, now or future for supporting their priority and promoting the standard of living.

## **2. OBJECTIVES OF PROTECTED AREAS MANAGEMENT**

### **1. National Park**

1. Protect the natural area and landscape that are of national and international importance for the purposes of psychology, science, education, recreation, and tourism.
2. Maintain priority for physio-geographical samples for areas, living resources community, genetic resources and species to offer stability and ecological variations.
3. Manage the use by tourists for the psychological, educational, cultural, and recreational purposes to the extent that can ensure limited to no disturbances to the area.
4. Eliminate and prevent illegal use and occupation of any part of the area.

5. Maintain the respect for ecological privileges, land shape, sacredness or beauty, which are the causes for the establishment of such protected areas.

6. Meet the needs of indigenous groups, including the use of alternative resources, at a level that can meet other objectives of management.

## **2. Wildlife Sanctuary**

1. Protect and maintain the conditions of necessary habitats for living species, particularly important wild animals that require management interventions.

2. Serve the scientific research and environmental surveillance fields with the purpose of sustainably managing the natural resources inside and outside the area.

3. Serve public education and understanding of the interdependency of relevant habitats and wildlife management.

4. Eliminate and prevent illegal use and occupation of any part of the area.

5. Provide people, especially the local community living in the wildlife sanctuary, with benefits at a level that can ensure compatibility with other management objectives.

## **3. Protected Landscape**

1. Maintain the complementary interactions of natural and cultural factors, through protection of inland natural landscape or coastal or island natural landscape, or a mixture of both, and maintain the traditional patterns of land use, patterns of construction, and performance through social and cultural activities.

2. Support traditional lifestyle and economic activities that are compatible with nature and maintain connections between social and cultural activities of relevant communities.

3. Maintain the variation of landscape and habitats, as well as relevant species and ecosystem.

4. Eliminate and prevent the use of land and activities that are inappropriate in terms of size or form, or both.

5. Provide opportunity for public enjoyment, through recreation and tourist activities, that are compatible, in terms of size and form, with the main qualities of the area.

6. Encourage research and educational activities that contribute in the long term to supporting the well-being of people in the area and mobilize public support for environmental protection of the area.



7. Benefit and contribute to supporting the well-being of local community through provision of natural products and services.

#### **4. Multiple Use Site**

1. Protect and maintain biodiversity and long-term natural value of the area.
2. Promote management for responding to the objective of generating sustainable products.
3. Protect the base of natural resources to prevent diversion of land use in the form that cause threats to the biodiversity of the area.
4. Contribute to the national and local economy and development.

#### **5. Ramsar Site**

Protect the resources in wetlands which are of international interest and of ecological or biological importance, especially for serving as habitats for water birds that are threatened and sharply declined in number, and as habitats for migrating water birds.

#### **6. Tonle Sap Biosphere Reserve**

The Tonle Sap Biosphere Reserve is established to:

1. Conserve biodiversity, landscape, land shape and ecosystem, including genetic resources, plant, fish and animal species, and restore the biological environment and habitat.
2. Support sustainable ecological, environmental, economic, social and cultural development.
3. Support activities, including implementation of demonstration projects, training, research, and surveys to monitor the environmental changes, in relation to sustainable development and conservation at local, national, and international levels.

#### **7. Natural Heritage Site**

1. Protect and maintain the sustainability of natural features because of their implicit natural importance, uniqueness and representation of the ecosystem, and their importance for psychological help, or importance resulting from a combination of these factors.
2. Provide opportunity for research, education, explanation about nature, and public participation at a level that can ensure compatibility with the first point above.
3. Eliminate and prevent use and occupation that are not in line with or cause harm to the objectives of the establishment of the protected area.

4. Provide people who live in the natural heritage site (if any) with benefits at a level that can ensure compatibility with other management objectives

#### **8. Marine Park**

1. Maintain and protect marine biological resources and functions of forest.

2. Maintain and protect the quality of marine environment for the long term.

3. Maintain and protect historical site and value of cultural and natural privileges of the sea.

4. Provide opportunity for scientific research, education, recreation, and marine ecotourism.

9. Wetland, Protected Slopes, Coastal Areas to Be Established for Management and Conservation

1. Maintain and protect the functions of nature in the area against erosion, natural damage, and development around the area.

2. Provide opportunity and socio-economic benefits to the community at present and in the future.

3. Provide opportunity for scientific research, education, recreation, and ecotourism. 23

10. Provincial/Municipal Protected Area

1. Maintain biological resources and ecosystem for the benefit of the community at present and in the future.

2. Maintain and protect natural landscape, forest and wildlife, cultural and historical resources of the province/city.

3. Sustainably use resources available in the area through planning, research and careful implementation of activities.

4. Limit public use.