

# *LAW ON FISHERIES*

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# **Chapter 1**

## **General Provisions**

### **Article 1.**

This law aims to ensure fisheries and fishery resource management, enhance aquaculture development, the management of production and processing, and to promote the livelihood of people in local communities for the social-economic and environmental benefits, including the sustainability of the conservation of biodiversity and natural culture heritages in the Kingdom of Cambodia.

### **Article 2.**

This law extends the implementation to all fisheries whether it be natural, artificial and aquaculture.

The state ensures the rights on traditional use of fishery resources for local communities under the regulations of this law or other related laws.

### **Article 3.**

The fishery management shall be under the jurisdiction of the Ministry of Agriculture, Forestry and Fisheries.

The management of inundated forest and mangrove forest which cohere to lifecycle of fishery resources shall be under the extent of this law.

The state provides the management rights of natural protected areas to the Ministry of Environment under regulations of the law on the establishment and delimitation of natural protected areas, and the law on environmental protection and natural resources management, and other legislative norms.

The Ministry of Agriculture Forestry and Fisheries has rights to cooperate in law enforcement to all illegal fishing activities, which happened in natural protected areas by coordinating with the Ministry of Environment according to the regulation stipulated in chapter 14 of this law. These activities will not affect the management competency of the Ministry of Environment as stipulated in the law on environmental protection and natural resource management.

#### **Article 4.**

Fishery resources include *inter alias* any freshwater and marine organisms, living or non-living fauna and flora for example fish, mollusk, amphibian, insect, reptile, mammal and other invertebrate that get fertilized in water, planktons, seaweed, sea grass, coral reef, inundated forest including mangrove etc.

#### **Article 5.**

Key words used are defined in the annex of this law.

## **Chapter 2**

### **The Fishery Administration**

#### **Article 6.**

The Fisheries Administration is a Government authority, under the Ministry of Agriculture, Forestry and Fisheries, responsible for the management of fisheries and fishery resources based on the National Fishery Policies and this law.

The Fisheries Administration is a nation-wide organizational structure, in the form of vertical hierarchy which classified into central level, inspectorate, cantonment, division and Sangkat of the Fisheries Administration.

The organization and function of the entities of the Fisheries Administration shall be defined by the proclamation of the Minister of Agriculture, Forestry and Fisheries.

#### **Article 7.**

Based on the principle of transparency by ensuring the public rights to participate in decision making on sustainable management, use, conservation, and development of fishery resources, the Fisheries Administration shall play the following role:

- Administration task such as administrative management, organizing all fishery activities, and

community fishery development.

- Technical task such as scientific research, conservation, development of fishery economy and technology, and technology relevant to fisheries, along with the promotion of aquaculture.

- Law enforcement such as inspection, monitoring, surveillance and controlling of all fishery activities as being a judiciary police.

## **Chapter 3**

### **The Fishery Domains**

#### **Article 8.**

The fishery domain consists of permanent waters, the Mekong River flooded areas and inter-tidal areas, which serve as main fishing grounds and fishery ecosystem protection.

The permanent water comprises *inter alia* sea, rivers, tributaries, lakes, channels, streams, reservoirs and canals.

The Mekong river flooded land includes *inter alia* swamps, refuges, wetlands and inundated forest.

Inter-tidal areas in the coastlines are *inter alia* mangrove forest.

## **Article 9.**

The fishery domains is the state property. The boundary of fishery domains shall be defined by sub-decree.

The use of fishery domain for non-fishery related purposes must be approved by the government following the proposal of the Minister of Agriculture, Forestry and Fisheries.

The fishery domain can cover public or private land in the flooding season, but the management of these fisheries does not affect the ownership of the above mentioned lands.

The Ministry of Agriculture, Forestry and Fisheries is entitled to grant any physical or legal person such activities in fishery domain based on the provision of this law for exploiting, harvesting fishery products and conducting research on fishery sciences or other needs.

## **Article 10.**

The inland fishery domain is the water bodies that extend from the marine water to the inland border of the Kingdom of Cambodia.

The inland fishery domain is divided into:

- The concession fishing lots allocated for investment or hiring for fishing.
- Fishery conservation areas, which are defined as

habitats of aquatic flora and fauna.

- Inundated forest areas including inundated forest zone, where is important aquatic animal habitats for its feeding, spawning and breeding and protected inundated areas.

- Family-scale fishing area reserved for people or traditional community fishing.

- The open access area is the area, which is not classified.

- Fishing area for aquaculture development.

- Flooded plain in the wet season.

## **Article 11.**

The Marine Fishery Domain refers to marine water or brackish water that extends from the coastline at the highest high tide of the coastal lines to the outer limits of the Exclusive Economic Zone of the Kingdom of Cambodia.

The Marine fishery domain is divided into:

- Inshore fishing area, which extends from the coastline at higher high tide to the 20 meter deep line.

- Offshore fishing area, which extends from the 20 meter deep line to the outer limits of the Exclusive Economic Zone of the Kingdom of Cambodia.



- Fishery conservation area, sea grass area, and coral reef area which are habitats for marine aquatic animals and plants.

- Mangrove forest area including mangrove and forests zone, which are important feeding and breeding habitats for aquatic animals, and protected inundated areas.

## **Article 12.**

All types of fishing areas, fishery conservation areas, sea grass areas, coral reef areas, flooded areas in the wet season, and inundated forest and mangrove forest areas as defined in article 10 and 11 of this law are Fishery Management Areas.

The creation or nullification of a fishery management area shall be defined by the proclamation of the Minister of Agriculture, Forestry and Fisheries.

The legal procedure for the creation or nullification of the fishery management area shall be determined by sub-decree.

## **Article 13.**

Granting ownership or land title in the fishery management areas can be allowed if there is an

appraisal made by the Ministry of Agriculture, Forestry and Fisheries.

## **Chapter 4**

### **The Continuity of Fishery Management**

#### **Article 14.**

Sustainable fishery management should be exercised according to the National Fishery Policy and the provisions of this law.

To effectively study and determine the National Fishery Policy, the Royal Government shall establish the National Fishery Policy Formulation Committee headed by the Minister of Agriculture, Forestry and Fisheries with members from relevant Ministries.

The Organization and function of the National Fishery Policy Formulation Committee shall be determined by Sub-decree.

The Fisheries Administration shall, in priority, obtain revenue from the fishery sector according to the financial procedures in order to undertake the reform, research, conserve and maintain fishery resources continuously.

## **Article 15.**

The Fisheries Administration shall develop National Fishery Management Plan according to the National Fishery Policy with a broad participation from local communities and relevant authorities.

The National Fisheries Management Plan shall be approved by the Royal Government for long-term implementation in order to define priorities and fishery management activities. The National Fishery Management Plan shall be reexamined and amended every 5 years to reflect the circumstances, and conditions. The National Fishery Policy Formulation Committee shall provide recommendations to the Royal Government on the amendment of National Fishery Management Plan.

The National Fishery Management Plan shall reflect the following important principles:

- Conservation of the fishery resources.
- People's encouragement to participate in the sustainable fishery resource management and utilization.
- Elimination of over-fishing.
- Minimizing the degree of pollutant within the fishery domains.
- Protection of the biodiversity and inland and marine environment.

-Conservation and protection of the inundated forests and fishery domain improvement.

- Limit new settlements in the fishery domains;

- Improvement of the fishermen's benefits.

- Resolving conflicts over the utilization of fishing areas.

- Managing by using scientific techniques to ensure natural stock for maximum sustainable yield.

- Strengthening management entities of all levels and the implementation of fishery law.

- Development of fish markets, processing industry and fishing ports.

- Aquaculture and Mari culture development.

- Research, control and monitor physical, environmental and social aspects regarding fishery resources at all levels of Fisheries Administration.

- Develop the research programs on fisheries technological and scientific development.

- Increase and expansion of knowledge on fisheries with the participation from local communities to manage, use and protect fishery resources.

- Human resource development and other necessary means to achieve the activities planned in the program.

- Strengthening economic and technical cooperation in and outside of the region for the protection and development of national fishery resources.

- Support programs relating to the implementation of National Fishery Policy.

The Minister of Agriculture, Forestry and Fisheries shall provide annual report on the implementation of the objectives of the National Fishery Management Plan to the Royal Government. The report shall be available to the public on request.

## **Article 16.**

The closed season for middle-scale fishing is defined as follows:

1. From 01 June to 30 September for the inland fishery domains located north of Tonle Chaktomok parallel (Latitude: 11° 33' 259"N).

2. From 01 July to 31 October for the inland fishery domains located south of Tonle Chaktomok parallel (Latitude: 11° 33' 259"N).

The Fisheries Administration shall be responsible for researches and monitoring of the spawning, breeding, and regional fishing seasons or other fishery resources.

The spawning, breeding and regional fishing seasons or other fishery resources shall be determined

by the proclamation of the Minister of Agriculture, Forestry and Fisheries.

#### **Article 17.**

To promote the awareness of the importance and benefits of fisheries to people, the traditional fish or other aquatic animal releasing ceremony known as “**National Fish Day**” shall be organized on 01 July every year, under the highest presence of the King of Cambodia or his royal representative.

## **Chapter 5**

### **Protection and Conservation of Fisheries**

#### **Article 18.**

Fishery Management Areas comprising *inter alia*, rapids and deep pools located in rivers, Tonle Sap Great Lake, lakes, inundated forests, group of islands, sea grass areas, coral reef area, and mangrove forests which are of importance for the sustainability of fishery resources shall be classified as Protected and Conservation Areas of Fishery Resources.

#### **Article 19.**

The following shall be prohibited:

1- Any fishing activities in the fishery conservation areas except for special permission from the Minister of Agriculture Forestry and Fisheries to the Fisheries Administration to conduct the fishery scientific, technical research and experiment.

2- By pass navigations or any activities in the fisheries conservation areas except competent officers in case of law enforcement.

3- New settlement of less than 2 km from the boundaries of fishery conservation areas except for Fisheries Administration resident which is used for law enforcement purposes.

## **Article 20.**

All kind of fishing activities in the fishery domain by using the following gears shall be absolutely prohibited:

1- Electrocuting devices, explosive stuff, or all kind of poisons.

2- All means of pumping, bailing, drying any part of fishery domain, which cause disaster to the fishery resources.

3- Brush park, Samras or other devices to attract fish and other aquatic animals.

4- Spear fishing gears, Chhbok, Sang, Snor with projected lamp.

5- Fixed net or all kind of boa nets.

6- Net or all kind of seine with mesh size of less than 1.5 centimeters in inland fishery domain.

7- All kind of net with mesh size bigger than 15 centimeters in inland fishery domain.

8- Pair trawler or encircling net with attractive illuminated lamp for fish concentration.

9- Fishing gears made of mosquito net in inland fisheries.

10- All kind of trawling in the freshwater, and mechanized push net ( Chhip Yun).

11- All kind of bamboo fence with mesh size of less than 1.5 centimeters.

12- All kind of transversal string and any measure which make fish escape.

13- Dam with all kind of fishing gears.

14- All kind of modern fishing gears; newly invented fishing gears or fishing practices leading to the destruction of fish, fishery resources and fishery ecosystem, or which are not listed in the proclamation of the Minister of Agriculture, Forestry and Fisheries.



### **Article 21.**

Producing, buying, selling, transporting and storing any electrocuting devices, all type of mosquito net fishing gear, mechanized motor pushed nets, inland trawler that are used for fishing purpose shall be prohibited.

### **Article 22.**

Disposing, discharging, dumping or littering toxic substances (solid or liquid) in fishery domains, which were determined by law and other juridicial legislations of the Kingdom of Cambodia, and Conventions or International Treaties on Environmental Poisoning, and any agreements or any activities that cause toxic or harm to aquatic animals shall be prohibited.

### **Article 23.**

The following activities are permitted under permission:

1. Catching, selling, buying, stocking, and transporting fingerling or fish eggs and other aquatic animals' offspring or eggs.

2. Transporting, processing, buying, selling, and stocking endangered fishery resources.

3. Growing or maintaining lotus in the fishery domains.

4. Expanding farm lands or salt field in the fishery domains.

5. Any other activities of digging for stone, sand or mines containing in the fishery domains.

6. Buying or selling ornamental shells of rare species.

7. Fishing by gears namely Manh, Chon, Neam, Mong Krolok, Mong Os, Chhneang Os Leas/Kchao in inland fisheries, and Chhneang Os Kreng Chheam in coastal fisheries, which are dragged or pushed by engine power.

The sizes of fingerlings, aquatic animals and ornamental shells of rare species shall be determined by the proclamation of the Minister of Agriculture, Forestry and Fisheries.

#### **Article 24.**

Shall be prohibited:

1. Demarcation to create new fishing lot without permission.

2. Changing, removing, burying or destroying demarcation poles of fishery management areas.

3. All type of fishing which blocks fish migration route in the Tonle Sap bottleneck region.

4. Fishing by arrow-shaped-trap or Rav outside of the authorized zone.

5. Fishery exploitation, aquaculture, transportation, processing, stocking of fishery products contradicting to the license.

6. Establishment of middle-scale or large-scale fish landing sites to buy, sell, stock, process fishery products different from license.

7. Using all type of fishing gears and other means different from the license.

8. Transferring of all types of licenses without permission from the Fishery Administration.

9. Other activities in the fishery domain causing damage to aquatic resources.

## **Article 25.**

Building or dumping dams/dikes across lakes, streams, affluent, rivers and digging canals, pond, holes, reservoir, natural reservoir in large scale and other new constructions or pumping that could cause disastrous damage to fishery resources in fishery domain shall be studied or evaluated by the Ministry of Agriculture Forestry and Fisheries and concerned institutions.

## **Chapter 6**

### **The Management of Inundated Forests and Mangroves**

#### **Article 26.**

Setting fires in the inundated forest and mangrove areas is prohibited. Setting fires or using fires by the Fishery Administration is permitted to benefit silviculture or inundated forest and mangrove hygiene.

Guidelines to determine areas for inundated forest and mangrove fire control, forest fire prevention, and the establishment of Inundated Forest and Mangrove Fire-Fighters Committees as a measure to be implemented in all inundated forest and mangrove areas shall be defined by the proclamation of the Minister of Agriculture Forestry and Fisheries.

All citizens, community fisheries, armed forces, and authorities of all levels shall have the obligations to participate in the maintenance and protection of fish sanctuaries, forests, fire prevention and fighting against any inundated forests and mangroves fire.

#### **Article 27.**

Protected inundated areas shall be the inundated lands in the fishing lots, and the inundated forest and mangroves areas, which shall be protected for planting or conserving for reforesting to balance the fishery ecosystem.

## **Article 28.**

Shall be prohibited

1. Expanding agriculture lands or using lands which are protected by the provision of this law for other purposes other than development of fisheries in the inundated areas.

2. Issuance of land title in the protected inundated areas.

3. Cutting, reclaiming, digging out, clearing, burning or occupying flooded forests and mangroves .

4. Destroying, cutting down of inundated forest and mangrove forest or rooting up to collect trunks of inundated and mangrove forests.

5. Commercial collection, transportation, and stocking of woods, firewood or charcoals of inundated and mangrove forest species.

6. Construction of kilns, handicraft places, processing places and all type of plants using raw materials of woods of inundated and mangrove forest species.

## **Article 29.**

A physical or legal person who has been granted

the rights to exploit the fishing lots shall have the obligation to maintain and protect the inundated forests and state properties in the fishing lot area.

## **Chapter 7**

### **The Management of Fishery Exploitation**

#### **Article 30.**

Fishing practice is classified into three types of fishing gears:

1. Small-scale fishing gears.
2. Middle-scale fishing gears.
3. Large-scale (Industrial) fishing gears.

The above mentioned types of fishing gears shall be determined by the proclamation of the Minister of Agriculture, Forestry and Fisheries.

#### **Article 31.**

Subsistence fishing shall be operated at anytime in the open access area and in the family-scale fishing areas, in freshwater fishing lots during the closed season or in marine fishery domains by using small-scale fishing gears.

Middle-scale fishing shall be operated only in the open access area of the inland or marine fishery domains by using middle-scale fishing gears.

Industrial fishing shall be operated only in fishing lots of the inland or marine fishery domains by using large-scale fishing gears.

### **Article 32.**

All types of fishing exploitation in the inland and marine fishery domains, except subsistence fishing, shall have:

1. To get fishing license.
2. To pay tax and fishing fees to the state.
3. To follow the regulations stipulated in the fishing license.

The hiring of fishing lots for exploitation can be undertaken through investment, public bidding or hiring by agreements for those fishing lots, which have no any bidder interested in the bidding.

The legal procedures for investment, public bidding, hiring by agreement, and payment of fishing fees shall be determined by sub-decree.

### **Article 33.**

Complementary to other relevant vessel management laws, fishermen who use fishing vessels in the fishery domains of the Kingdom of Cambodia shall register their fishing vessels and equipment with the Fishery Administration after technical checks.

Technical regulations of fishing vessel administration shall be determined by the proclamation of the Minister of Agriculture, Forestry and Fisheries.

### **Article 34.**

All activities of fishing, aquaculture, stocking, processing buying and selling of fishery products that require a permit have to hold a logbook issued by the Fishery Administration for statistical records.

Statistics must be recorded daily in the logbook and certified by the competent Fisheries Administration on a monthly basis.

### **Article 35.**

Stocking any fishery products during the closed season can be taken place on the contingency that permit is granted.

Applications for stocking shall be submitted to the Fisheries Administration at least 15 days before the



closed season.

### **Article 36.**

The license for the establishment of middle-scale location for buying, selling, stocking or processing fish or fishery products shall be issued by the competent Fisheries Administration.

The establishment of industrial fish processing shall be approved by the proclamation of the Minister of Agriculture Forestry and Fisheries.

### **Article 37.**

The license for establishing fish landing as a location for collecting, distributing, trading fishery products shall be issued by the competent Fisheries Administration.

The procedure of fish landing establishment and management shall be determined by the proclamation of the Minister of Agriculture Forestry and Fisheries.

### **Article 38.**

Fishing exploitation or aquaculture of foreigners must be under the agreement with the Ministry of Agriculture Forestry and Fisheries after obtaining the

approval from the Royal Government of the Kingdom of Cambodia.

## **Chapter 8**

### **Inland Fishery Exploitation**

#### **Article 39.**

Exploitation in fishing lot can be taken place on the contingency that the fishing license is in hand and shall be operated only in fishing season indicated in the burden book or fishing license, and shall comply with conditions mentioned in the burden book.

The model of the burden book of fishing lots which has been prepared by the Ministry of Agriculture, Forestry and Fisheries and the Ministry of Economy and Finance, shall be determined by the proclamation of the Minister of Agriculture, Forestry and Fisheries.

#### **Article 40.**

During the fishing season, all fishing fortifications across navigable channels in the fishing lots shall keep a space to enable all vessels to navigate and must not obstruct the water flow or elevate the levels of water in front of the fishing barriers.

During the closed season, all fishing fortifications in the fishing lots shall be dismantled and removed before 15 June for the locations north of Tonle Chaktomok parallel and before 15 July for the location south of Tonle Chaktomok parallel.

#### **Article 41.**

The following shall be prohibited:

1. Middle-scale and industrial fishing during the closed season.
2. Industrial fishing in the open access area.
3. Fishing activities in the open access area by using all types of fishing gears and fishing barriers of more than 50 meters long or more than two third of the watercourse or other barriers that obstruct navigation passage.
4. Using fishing net, seines or metal strips of less than four centimeters of mesh size as a barrier or instead of bamboo fence.
5. Fishing by bag net or freshwater prawn Dai net in wrong location, defined for Dai fishing lot or freshwater prawn Dai net.

## **Article 42.**

Contrary to the regulations specified in point 3 of the article 41 of this law, bamboo trap fencing (Lop Nor or Rav) with a total length of less than 500 meters shall be allowed to fish in the open access areas of the Tonle Sap lake not more than four kilometers from lake bank from 1<sup>st</sup> February to 20<sup>th</sup> May, and at least one kilometer from the boundary of the fishery conservation areas, and in the areas that is determined by the proclamation of the Minister of Agriculture, Forestry and Fisheries.

The installation of bamboo fence trap must not disturb the passage of any vessel.

The bamboo fence trap (Lop Nor or Rav) must be completely removed before May 31.

## **Article 43.**

The Middle-scale fishing by seine nets, although one net or a combination of many nets, shall be allowed if the length of the seine net is less than:

- 300 meters in the open access areas outside Tonle Sap Great Lake.

- 600 meters in the open access areas inside Tonle Sap Great Lake.

The Middle-scale fishing by seine nets shall be

prohibited in public fishing areas, in fishing areas which cause disturbance to exploitation of fishing lots and fishing area where small-scale fishing gears are normally used.

The fishing areas specified in the paragraph 2 of this article shall be determined by the proclamation of the Minister of Agriculture, Forestry and Fisheries.

#### **Article 44.**

Subsistence fishing activities in family-scale fishing areas which are small lakes located in the fishing lots during the fishing season shall be allowed only when technical regulations imposed by the Fisheries Administration are respected.

## **Chapter 9 Marine Fishery Exploitation**

#### **Article 45.**

All types of fishery exploitations in the marine fishery domain, except subsistence fishing, shall be allowed only in the possession of license and these exploitations shall follow the conditions and obligation in fishing logbook.

The model of the fishing logbook shall be

determined by the proclamation of the Minister of Agriculture, Forestry and Fisheries.

**Article 46.**

Fishing fortification or establishing all types of fishing gears extending to disturb the passage of all vessels shall be prohibited.

Fishing fortification or establishing all types of fishing gears across the streams or coastal water ways shall keep a one third space or at least two third of watercourse for navigation within the period of low tides.

The fishing fortification or fishing gears specified in the paragraph 2 of this article of this law shall be removed not later than 15 days after the expiration of license.

**Article 47.**

Fishermen shall transship fishery products at a fishing port determined by the Fisheries Administration.

Foreign fishing vessels that are permitted to fish in the marine fishery domain shall inform the Fisheries Administration prior to port calls in marine fishery domains of the Kingdom of Cambodia.

Other terms and conditions on transshipments of fishery products and anchoring of the foreign fishing

vessels shall be determined by the Fisheries Administration.

#### **Article 48.**

Based on precise scientific information that the fishing practices have been or are being the cause of serious damage to fish stock, the Fisheries Administration has the rights to immediately and temporarily suspend fishing activities and propose for a re-examination of the fishing agreement in order to seek for the decision from the Minister of Agriculture, Forestry and Fisheries.

#### **Article 49.**

Trawling in the inshore fishing areas shall be forbidden, except for the permission from the Minister of Agriculture, Forestry and Fisheries at the request of the Fisheries Administration to conduct scientific and technical researches.

#### **Article 50.**

All fishing vessels which are not licensed to fish in the Marine Fishery Domain shall not keep their trawl fishing gears stowed in a manner that they are readily for fishing.

No fishing vessel with trawl fishing gear and motorized Short-necked clam scraper shall be allowed in the inshore fishery area unless the gear is stored in a manner that it is not readily available for fishing or is allowed as stated in the article 49 of this law.

### **Article 51.**

Permission to do fishing or fishery resource research in the international marine water shall be registered according to the United Nation Convention on the Law of the Sea.

Physical or legal person who has been granted fishing rights or fishery resource research in the international marine water shall respect the national and international laws.

### **Article 52.**

shall be prohibited:

1. Fishing or any form of exploitation which damages or disturbs the growth of sea grass or coral reef.
2. Collecting, buying, selling, transporting and stocking of corals.
3. Making port calls and anchoring in a coral reef area.



4. Destroying sea grass or coral by other activities.

All the above activities mentioned in points 1, 2 and 3, may be undertaken only when permission is given from the Minister of Agriculture, Forestry and Fisheries.

## **Chapter 10**

### **Aquaculture Management**

#### **Article 53.**

The following inland aquaculture operations can be taken place when permission is given by the Fisheries Administration:

1. Ponds with a total area larger than 5,000 square meters.
2. Pens with a total area larger than 2,000 square meters.
3. Cages with a total area larger than 15 square meters.

Aquaculture of crocodile, tortoise, turtles, frog, eel and snake which get fertilized in water or other aquatic resources shall be determined by the proclamation of the Minister of Agriculture, Forestry and Fisheries.

#### **Article 54.**

The following mariculture operation can be taken place when permission is given by the Fisheries

Administration:

1. Cages with a total area larger than 20 square meters.
2. Shrimp field with a total area larger than 5,000 square meters.
3. All type of aquatic plant field with a total area larger than 5,000 square meters.
4. Other aquatic animal farming with a total area larger than 3,000 square meters.

Sea turtle farming or other aquatic resource farming shall be determined by the proclamation of the Minister of Agriculture, Forestry and Fisheries.

**Article 55.**

The following ornamental fish aquaculture operations can be taken place when they are licensed by the Fisheries Administration:

1. Local ornamental fish farming of more than 10,000 fish.
2. Exotic ornamental fish farming of more than 5,000 fish.

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

## **Article 56.**

Physical or legal person who intends to do all aquacultures as stated in articles 53, 54, and 55 of this law has to apply to Fisheries Administration and has to abide by technical regulations of aquacultures and mariculture determined by the head of Central Fisheries Administration.

The physical or legal person operating any aquaculture or mariculture , which does not require a license, shall be registered in the aquaculture statistic book by the Fisheries Administration.

## **Article 57.**

All aquaculture or mariculture operations shall maintain the quality of land, water, aquatic biodiversity and environment, and shall not discharge any material or toxic substances or perform any other act as stipulated in article 22 of this law.

## **Article 58.**

Importing aquatic fauna or flora seeds for aquaculture purposes can be taken place when permission is given by the head of the Central Fishery Administration after quality control and analysis of specimen by the Fisheries Administration Laboratory has been done.

## **Chapter 11**

### **Community Fisheries**

#### **Article 59.**

All Cambodian citizens have the rights to form Community Fisheries in their own areas on a voluntary basis to take part in the sustainable management, conservation, development and use of fishery resources.

The procedures to form the Community Fisheries shall be determined by a Sub-decree.

#### **Article 60.**

The Minister of Agriculture, Forestry and Fisheries is entitled to allocate part of the Fishery domain to the Community Fishery that live inside or nearby the fishery domain as community fishing area.

#### **Article 61.**

The Cantonment of the Fisheries Administration according to consultation with other concerned authorities is responsible for studying and preparing the fishery domain for forming community fisheries by making clear boundaries and suitable area depending on the fishery resources and the need for using as a tradition of a

community.

The chief of Cantonment of the Fisheries Administration is entitled to decide or cancel the agreements of community fishing area with the local community living in or around the fishery domain. This agreement is valid not more than 3 years but can be renewed depending on the monitoring report and re-evaluation by the Fisheries Administration Division.

## **Article 62.**

The community fishing areas have to be continuously managed by the fishing communities in accordance with their community fishery management plan, procedure and guideline of community fishery. The Fisheries Administration shall provide the technical support at the request of local community and monitor the implementation of community fishery management plan.

The community fishing area management plan shall be prepared by the local community and approved by the head of central Fisheries Administration and shall be re-examined every 3 years or before the deadline if necessary. The fishing community has no rights to sell, exchange, hire, donate or divide the community fishing area.

Community fishery guideline shall be defined by the proclamation of the Minister of Agriculture, Forestry

and Fisheries.

**Article 63.**

The Minister of Agriculture, Forestry and Fisheries is entitled to abolish community fishing area for public benefit if deemed so.

## **Chapter 12**

### **Transport and Trade of Fishery Products**

**Article 64.**

Commercial transportation of fishery products in the Kingdom of Cambodia shall need a license and be under the inspection of Fisheries Administration.

Procedures of transporting fishery products as stipulated in paragraph 1 of this article of this law shall be determined by the proclamation of the Minister of Agriculture, Forestry and Fisheries.

**Article 65.**

A physical or legal person who transports fishery products shall pay premium on fishery products to the Fisheries Administration, except for family use and research purposes.

The rate of premium on fishery products shall be determined by the proclamation of the Ministers of Agriculture, Forestry and Fisheries and the Ministry of Economy and Finance.

The specification of Fishery products shall be determined by the proclamation of the Minister of Agriculture, Forestry and Fisheries.

#### **Article 66.**

Commercial export of fishery products can be taken place, when:

1. A license has been issued by the head of the Central Fisheries Administration.

2. A license has been issued by the CITES Management Authority of Cambodia for endangered fishery products although it is not for commercial purposes.

3. A quality control certificate in fishery pathology has been issued depending on the demand of importing country.

#### **Article 67.**

Commercial import of fishery products can be taken place, when:

1. A license has been issued by the head of The Central Fisheries Administration.
2. A license has been issued by the CITES Management Authority of exporting country for endangered fishery products although it is not for commercial purposes.
3. A quality control certificate in fishery pathology has been issued by the exporting country.

#### **Article 68.**

Exporting, importing, buying, selling, transporting, processing and stocking of endangered fishery products shall only be authorized for products from aquaculture and/or in compliance with article 64, 65, 66 and 67 of the law on fisheries and CITES Convention.

The endangered fishery products shall be determined by a sub-decree.

#### **Article 69.**

Shall be prohibited:

- 1 Buying, selling processing stocking and transporting of fishery products from illegal fishing or using illegal fishing gears.



- 2 Commercial transportation of fishery products without license; or contradicting the license such as specification of fisheries products, quantity, validity, direction and/or by-pass, and transportation means.
- 3 Transportation of illegal fishing gears in fishery management area.
- 4 Transportation of fishery products in the closed season that have no stocking license or have not deducted from stocked quantities.

## **Chapter 13**

### **Licensing**

#### **Article 70.**

All licenses used in the fishery sector, and the division of the authority to be responsible for issuing license shall be determined by the proclamation of the Minister of Agriculture, Forestry and Fisheries.

#### **Article 71.**

The model of licenses, format and modality of letters officially used in fishery sector shall be determined by the Minister of Agriculture, Forestry and Fisheries.

## **Chapter 14**

### **Legal Procedures for Fishery Offence Solving**

#### **Article 72.**

A fishery offence is a peculiar criminal offence as stipulated in this law.

The officers of the Fisheries Administration have the competence as a judiciary police officer in investigating the fishery offence and file a complaint to the competent tribunal.

Investigating, controlling, preventing and protecting against fishery offence are the competence of the Fisheries Administration.

The operation of the Fisheries Administration Officials habilitated as judicial police officers have to abide by the law on penal procedures.

#### **Article 73.**

While on duty to investigate, prevent and crack down on fishery offences, the officers of the Fisheries Administration shall wear uniforms, badges, hierarchical rank, and shall bear letters of the mission authorization.

The officers of the Fisheries Administration have to take oath in front of the prosecutor general of the appeal

court to obtain habilitation to function as judiciary police officers.

The Fisheries Administration Officers who have been habilitated as judiciary police officers must prepare and sign the minutes of fishery offences in his/her competency.

The uniform, badges and the hierarchical ranks of the Fisheries Administration officers shall be determined by a sub-decree.

#### **Article 74.**

Local authorities, armed forces, custom, airport, port authorities, and other concerned authorities shall facilitate and provide forces to investigate, prevent and crack down on fisheries offences or temporarily keep all evidences of offence in case there is a proposition from the Fisheries Administration officer.

In case of the competent authorities mentioned in the above paragraph have found the actual fishery offences as below, the authorities:

1. Shall immediately report to the nearest competent Fisheries Administration officer.

2. Shall temporarily detain the suspect and evidences then send immediately to Fisheries Administration who is habilitated as judiciary police

officers to execute the law.

3. Could neither directly fine nor seize evidence of the fishery offences.

## **Article 75.**

While carrying out their duties, the competent Fisheries Administration officers shall have the rights to:

1. Inspect all kinds of fishery exploitations and aquacultures or maricultures.

2. Inspect the transportation, fish landing, locations for processing and stocking or locations for buying, selling of fishery products.

3. Stop and check all means of transport suspected of having loaded evidences of fishery offences.

4. Enter and check all places including airports, marine ports, river ports, dry ports, fish landings, border gates, bus stations and railway stations in collaboration with concerned authorities in case of flagrante delicto.

5. Inquire any people about information that involved fishery offences.

6. Temporarily seize, as stated by the law, all kinds of licenses, in case of the person possessing the licenses commits fishery offences.

The Fisheries Administration Officials habilitated as judicial police officers shall have the rights to:

1. Release or keep as public property or destroy illegal fishery products detained and sell the fast damaged prone evidences with the participation as witness from local authorities or other competent people at the place and record with accurate minutes.

2. Destroy with accurate minutes of fishery evidences including prohibited fishing gears and fishing gears or illegal fishing equipments or charcoal kilns of inundated and mangrove forests.

3. In case of obvious fishery offences, check in the surrounding and inside of a building or residence in accordance with the law on Penal Procedures in force.

## **Article 76.**

In case of obvious fishery offences, the competent officers of the Fisheries Administration have the rights to temporarily seize:

1. Fishery products which were illegally fished, farmed, processed, stocked, sold, bought or transported against this law.

2. Inundated and mangrove forest products and by-products from illegal cutting, reclaiming and clearing.

3. Fishing gears and other associated means which have illegally been used for fishing purpose.

4. Endangered fishery resources.

5. Materials, equipment or means of transportation which have illegally been used or taken out any device which are used to operate vessel or vehicle

6. Other documents related to fishery offences.

7. All kinds of licenses, in case of the license holder have contravened this law.

The Fisheries Administration officials habilitated as judicial police officers shall have the rights to detain the suspect within only 48 hours in order to file complaint to the court of law.

### **Article 77.**

The preparation of lawsuit of fishery offence shall comply with the law on Penal Procedures.

The form of the minute of fishery offence must be determined by a joint proclamation of the Minister of Agriculture, Forestry and Fisheries and Minister of Justice.

### **Article 78.**

The evidence of fishery offences shall be defined

as follow:

1. Fishery products and fishing gears or by-products of inundated and mangrove forests that are obvious evidence of fishery offence.
2. Equipments and means used to commit offences.

The evidences temporarily seized and detained by the competent Fisheries Administration officers shall be kept until the case is solved by transactional fine or court judgment.

In case that the evidence could not be kept for a long period of time because of decay, evaporation, and loss of quantity and quality, the competent Fisheries Administration officer shall sell that evidence on bail.

During the use for illegal activity, the driver of transport of evidences without owner should be temporarily detained in search for the suspect and their accomplices.

## **Article 79.**

The fisheries Administration officers who have been habilitated as judiciary police officers have to wear the uniform, badges and hierarchical rank while attending a court hearing.

### **Article 80.**

During a hearing the Fisheries Administration Officials habilitated as judicial police officers in charge of the dossier of an offence have the rights and obligation to explain the results of fishery offence investigation to the court.

### **Article 81.**

The limitations of the fishery offences shall have to comply with the principles of the Penal law.

### **Article 82.**

Any person who commits an offence under this law must be responsible for his/her action.

Any person who provides means or orders or opportunity to someone to commit an offence shall also be considered as an accomplice and shall be subject to penalize under the provisions of this law the same as the person who commits an offence.

### **Article 83.**

The foreign physical or legal person who commits fishery offence in the Kingdom of Cambodia shall be subject to this law.



#### **Article 84.**

The Fisheries Administration Officials habilitated as judicial police officers shall have rights to temporarily stop fishing activities in the whole or part of fishing ground so as to legally follow the procedure in case that a physical or legal person who contravenes this law or the contract or agreement until the settlement of litigation is finished.

#### **Article 85.**

Any person disagreeing with the decision of the competent Fisheries Administration officer shall have the rights to complain to the head of the Central Fisheries Administration within 30 days from the date of acknowledgment of the decision.

The head of the Central Fisheries Administration shall decide on that complaint within 30 days. After acknowledging the last decision over the re-examination by the head of Central Fisheries Administration, the person can bring lawsuit to the court of law, in case that the decision is not acceptable.

The complaint under this article will not affect the rights and law-enforcement of the Fisheries Administration officers under this law.

## **Chapter 15**

### **Penalties**

#### **Article 86.**

The decisions on imprisonment, fining, confiscation, destruction of evidences handed over by the fishery officers, and the compensatory damages are under the competence of the court.

The decisions on transactional fines, warning, seizing or suspending of license or agreement are the competence of the Fisheries Administration.

In case of the suspect does not agree to pay fine, the Fisheries Administration shall send the fishery offense dossier to the court of law.

Any civil servant committing fishery offence must be penalized by administrative punishment in addition to the penalties mentioned in this law.

#### **Article 87.**

The Fisheries Administration is competent to decide transactional fine of fishery offences as mentioned in article 92, 93, 94, 95, 96 and 97 of this law.

The transactional fine on fishery offense can be processed in case that the suspect confesses and agrees to pay fine in accordance with the penalties of this law

within 15 days from the date of the decision for transactional fine.

The form and provision of rights to decide on transactional fines shall be defined by the proclamation of the Minister of Agriculture, Forestry and Fisheries.

The rate of transactional fine shall be based on the following considerations:

1. Obvious economic advantage on result of illegal fishing.
2. Degree of damage to the environment.
3. Numbers of offences committed.
4. Amount of fine for scaring.
5. Intention of committing offences.

### **Article 88.**

Transactional fine, fine by court judgment or final court judgments or money from the selling of confiscated evidences shall be accounted for national coffer.

The government shall decide to incentivize people and officers, who join in the crack down on disastrous fishery offence.

## **Article 89.**

Physical or legal person that violates the provision of this law shall be subject to the penalties as follow:

1. For fishery offense class 1: shall be imprisoned from 3 to 5 years and all evidences shall be seized for the state property.

2. For fishery offense class 2: shall be imprisoned from 1 to 3 years and shall be subject to a fine from 5,000,000 to 50,000,000 Riels. All evidences shall be seized for the state property.

3. For fishery offense class 3: shall be imprisoned from 1 month to 1 year or must be subjected to a fine from 1,000,000 to 5,000,000 Riels. All evidences can be seized for the state property.

4. The transactional fining, termination, seizing or suspending of agreement or license.

The market price of fishery product and fishing gears, and the proportional levels of fishing fee as a basis of fining shall be defined by the Ministry of Agriculture, Forestry and Fisheries to be implemented through out country.

## **Article 90.**

Any person committing fishery offense leading to

damage of fishery eco-system in the fishery domain must pay the cost of destruction and restoration to its original condition.

### **Article 91.**

The Fisheries Administration can issue warning letter to fishery offense activities in the fishery domain as follows:

1. Subsistence fishing in the family fishing areas which are small lakes located in the fishing lot during fishing season that do not follow the technical regulations defined by the Fisheries Administration.

2. Conduct aquaculture that does not require a license not reporting to the Fisheries Administration.

3. Using expired aquaculture license.

### **Article 92.**

Shall be subject to a transactional fine by the Fisheries Administration in cash from two to three times of the market price of the obvious evidence while all evidence shall be returned to the owner who has committed one of the following fishery offenses:

1. All type of fishing that may cause obstruction to fish migration route in the Great Lake bottleneck areas.

2. Catching, selling, buying, transporting, collecting, processing and stocking all types of endangered natural fishery products.

3. Posting to establish new fishing lots or industrial fishing in the open access areas.

4. Exporting and importing all types of natural fishery products of endangered species.

5. Commercial collection, transportation, and stocking of woods, firewood or charcoals of inundated and mangrove forest species.

Whoever committing fishery offense as stipulated in this article from twice onward shall be double fined of this article by the Fisheries Administration and the obvious evidence shall be seized as state property.

### **Article 93.**

Shall be subject to a double price transactional fine in cash by the Fisheries Administration on the market price of the obvious evidence while all evidence shall be returned to the owner who has committed one of the following fishery offenses:

1. Stocking fishery products without license, over or less than quantity and/or different items defined in the license.

2. Transshipping marine fishery products for exporting purpose without permission.

3. Transportation of fishery products without permission, over quantity, expired date, in wrong place of direction and/or wrong pass way, wrong transportation means defined in license.

4. Transportation of fishery products without payment receipt and/or stocking license or do not deduct the quantity from the stocking license.

5. Import and exports of fishery products without license.

6. Import and exports of fishery products without quality control certificate in fishery pathology;

7. Conduct all types of aquaculture contrary to this law, without license, wrong species and/or do not follow the technical regulations.

8. Buying, selling of coral or ornamental shells of rare species.

Whoever committing fishery offense as stipulated in this article from twice onward shall be double fined of this article by the Fisheries Administration and the obvious evidence shall be seized as state property.

## **Article 94.**

Shall be subject to a transactional fine by the Fisheries Administration in cash from once to twice on the market price of the obvious evidence while all evidence shall be returned to the owner who has committed one of the following fishery offenses:

1. Fishing by pair trawlers or encircling net with attractive illuminated lamp for fish concentration.

2. Fishing by gears namely Manh, Neam, Chon, Mong Krolok, Mong Os, Chhneang Os Leas/ Kchao in the inland fisheries, and Chhneang Os Kreng Chheam in coastal fisheries, which are dragged or pushed by motor boat without permission.

3. Fishing by using Dai fisheries and freshwater prawn Dai net in wrong place.

4. Fishing by trawler or Short-necked clam scrapper outside the permitted zone.

5. Using foreign vessel for fishing operation in the marine fishery domain not following the agreement conditions.

6. Using foreign vessel for fishing operation in the marine fishery domain without licenses.

7. Catching, selling, buying, stocking and



transporting fry, offspring or eggs of aquatic animals without licenses.

8. Producing, buying, selling, transporting, and keeping pair trawlers.

9. Not respect management plan and yearly fishery products exploitation plan.

Whoever committing fishery offences in points 1, 2, 3, 4, 5, and 6 of this article at nighttime shall be subject to a double transactional fine as mentioned in the first paragraph of this article by the Fisheries Administration and the obvious evidence shall be seized as state property.

Whoever committing fishery offence as stipulated in this article from twice onward shall be subject to a double transactional fine as mentioned in the first paragraph of this article and the obvious evidence shall be seized as state property.

## **Article 95.**

Shall be subject to a transactional fine by the Fisheries Administration in cash proportionately to fishing fees while all evidences shall be returned to owner who has committed any one of the following offences:

1. Transfer exploitation license without permission.
2. Using fishing vessel without license, preparing fishing gear in the manner that it is ready for fishing operation in the marine fishery domain.
3. Using fishing vessel in the fishery domain without license or without fishing vessel logbook.
4. Using fishing vessel with trawler dragged by engine boats in the coastal fishery domain and ready for fishing operation.
5. Using fishing boat, vessel without registration from the Fisheries Administration.
6. Not complying by conditions stipulated in the fishing vessel logbook.
7. Fishing by arrow-shaped-trap in the authorized zone with expired license.
8. Middle-scale fishing by seine net over 300 meters long outside the Tonle Sap lake and over 600 meters long in the Tonle Sap lake.
9. Middle-scale fishing by seine net in fishing areas reserved for people, in fishing areas disturbing the exploitation of fishing lot, and in the place where small-scale fishing gears are normally used.
10. Middle-scale fishing without license, in wrong

place, wrong items of fishing gears or using expired license.

11. Fishing by arrow-shaped-trap or Rav in the wrong time, over 500 meters which blocks all types of navigation, not removing as scheduled in authorized zone.

12. Industrial fishing without license or using expired license.

13. Fishing impairing or damaging coral reefs and sea grass.

14. Not stop fishing to the temporary order of the competent Fisheries Administration.

15. Using fishing net, seines or iron wire with mesh size smaller than 4 cm, to make barrier or replacement of bamboo fence.

16. Fishing exploitation not following conditions stipulated in the burden book or fishing license.

17. Installation of barrier in fishing lot or blocking coastal water ways without opening a space for navigation.

18. Blocking water in front of barrier.

19. Installation of Dai fishing in wrong place.

20. Using fishing gears or fishing time in community fishing area other than that set by the Minister of Agriculture, Forestry and Fisheries.

Whoever committing fishery offenses as stipulated in this article from twice onward shall be subject to a double transactional fine by the Fisheries Administration as of this article and all obvious evidence shall be seized and kept as state property.

**Article 96.**

Shall be subject to a transactional fine by the Fisheries Administration from five (5,000,000) to ten million (10,000,000) Riels and all evidence shall be returned to the offender for any person who commits one of the following offenses:

1. Using expired license for establishing fish landing, location for large-scale processing of fishery products.

2. Using licensed foreign vessel to anchor in Cambodian marine fishery domain without informing to or allowed from the Fisheries Administration.

3. Receiving license to manage fishing lots, without taking responsibility for maintaining and protecting the inundated forest and all state properties in the fishing lots.

4. Mining for stone, soil, sand, coal comprising in fisheries domain without permission.

5. Fishing in the open access area by using all types of fishing gears with combination of bamboo fencing of more than 50 meters long or stretches more than 2/3 of the width of water way or obstruction to all types of vessel navigation.

6. Conducting technical research on fishery science or collecting sample in the fishery domain without permission.

7. Harvesting, stocking of coral reef or port call, anchoring in the coral reef areas without permission.

8. Establishing fish landing port, industrial processing plant of fishery products without license from the Fisheries Administration.

Whoever carrying out the offences stated in this article from twice onward shall be subject to a transactional fine from the Fisheries Administration twice a fine in the first paragraph of this article.

## **Article 97.**

Shall be subject to a transactional fine by the Fisheries Administration from five hundreds thousand (500,000) to five millions (5,000,000) Riels and all evidence shall be returned to offender who commits one of the following offenses:

1. Do not remove the fishing fortification in the fishing lot to the time limit determined in the law.

2. Establish middle-scale locations for buying, selling, stocking or processing fishery products without license or expired license.

3. Not having a logbook for recording statistics of fishery products.

4. Do not record the fishery statistics or report to the Fisheries Administration regularly.

5. Conducting aquaculture without maintaining water quality, aquatic biology and environment by draining toxic substances into the fishery domain.

6. New settlement less than two (2) kilometers from the fishery conservation areas.

7. Importing all type of aquatic animals or plants without license.

8. Navigation or making other activities in the fishery conservation areas.

9. Other exploitations impairing or damaging sea grass or coral reef.

Whoever committing any offence stated in this article from twice onward shall be subject to a transactional fine from the Fisheries Administration twice a fine in the first paragraph of this article.

### **Article 98.**

Shall be penalized under the fishery offences class 1 by imprisoning from three to five years and all evidence shall be confiscated for state property or destroyed and terminated of all agreement, licenses for any person who commits one of the following offenses:

1. Cutting down, clearing land and rooting up to claim land of inundated forest and mangrove forest.

2. Making fire or burning inundated forest and mangrove forest.

3. Dumping, flowing, draining toxic substances, polluting or harming to aquatic animals and plants in the fishery domains.

4. Fishing with electrocuted fishing gears, explosive and all kinds of poisonous substances in the fishery

domains.

5. Fishing by means of pumping, bailing, drying out any part of the fisheries domains that causes destruction to aquatic resources.

6. Fishing with modern fishing gears or newly invented fishing gears or new fishing methods or fishing gears not listed in the proclamation of the Minister of Agriculture, Forestry and Fisheries and lead to the destruction of fish, fishery resource and fishery ecosystem.

7. Conducting industrial fishing in the closed season.

8. Fishing by industrial fishing gear in the fishery conservation areas.

9. Building dam across or filling up river, stream, channel, lake, reservoir and natural water reservoir which may harm to fishery resources without studying and evaluating by the Ministry of Agriculture, Forestry and Fisheries.

10. Destroying sea grass or coral reef and causing destruction to sea grass or coral eco-systems.

11. Building charcoal kilns, handicraft place,



processing place and all kind of factories that use the inundated forest and mangrove forest species as raw material.

12. Destroying or damaging to deep pools which are important sanctuary or breeding grounds of aquatic animals.

Whoever committing fishery offences in points 4, 5, 6, 7 and 8 of this article at nighttime shall be penalized twice of the fishery offences class 1 in this article.

Whoever committing fishery offences class 1 from twice on ward, shall be penalized twice of fishery offences class 1 in this article.

## **Article 99.**

Shall be penalized under fishery offences class 2 by imprisoning from one to three years and fined from 5,000,000 to 50,000,000 Riels and all evidences confiscated for state property or destroyed to any person who commits one of the following offences:

1. Destroying, hiding away, selling or stealing evidences of fishery offences.

2. Changing, moving, or burying border poles of the fishery management areas.

3. Causing damages or destroying state properties in the fishery domain.

4. Fishing by middle-scale fishing gear in the fishery conservation areas.

5. Fishing by freshwater trawler and Chhip Yun in the inland water.

6. Digging channel, big hole, or large-scale ponds or construct new buildings or pumping water that cause damage to fishery resources without studying and evaluating by the Ministry of Agriculture Forestry and Fisheries.

7. Using all kind of mosquito net fishing gears for middle-scale and large-scale fishing.

8. Other fishery offences carried out in the fishery domain that causes damage to fishery resources.

Whoever committing fishery offences class 2 in point 4 and 5 at nighttime shall be penalized under fishery offences class 1 of this law.

Whoever committing fishery offences class 2 in the first paragraph of this article from twice onward shall be penalized under fishery offences class 1 of this law.

### **Article 100.**

Shall be penalized under fishery offences class 2 by imprisoning from one to three years, and/or can be fined from 5,000,000 to 50,000,000 Riels and all

evidence destroyed or confiscated for state property to any person who commits one of the following offences:

1. Using all kinds of string and other means that make fish escape.

2. Fishing by using dike with other types of fishing gears leading to the destruction of fishery resources;

3. Fishing by using bamboo fence trap outside the defined areas.

4. Producing, buying, selling, transporting, keeping electrocuted fishing gears or mosquito net gears.

5. Lotus planting in fishing lot.

6. Putting Samras and other means that may attract fish or aquatic animals to concentration.

7. Selling, exchanging, renting, presenting, in exchange labor, dividing or transferring of the community fishing areas.

Whoever committing fishery offences class 2 of this article from twice onward shall be penalized under fisheries offences class 1 of this law.

### **Article 101.**

Shall be penalized under fishery offences class 3 by imprisoning from one month to one year or fining from

1,000,000 to 5,000,000 Riels and all evidences can be destroyed or confiscated for state property to any person who commits one of the following offences:

1. Destroying, cutting down inundate forest and mangrove forest or rooting up to collect woods.

2. Expansion of agricultural land or land use for other purposes beside fishery development in the protected inundated areas.

3. Expansion of rice and farm lands or salt farm in the fishery domain without permission.

4. Building public roads, locating construction bases or all kind of building in the fishery domains.

5. Commercial planting of lotus in the fishery management area.

6. Transporting of Samras.

7. Producing, buying, selling, transporting, and keeping Chhip Yun or inland trawler.

8. Fishing by middle-scale fishing gear in the closed season.

9. Subsistence fishing in the fishery conservation areas.

10. Fishing by using Chbok, Sang, Snor or Spear

fishing gears associated with projected lamp.

11. Fishing by using stationary fishing nets or all kinds of boa nets.

12. Gillnet or all types of seine net fishing with mesh size smaller than 1.5 cm in the inland fishery domain.

13. All types of fishing net with mesh size larger than 15 cm in the inland fishery domain.

14. All kind of bamboo fence with mesh size smaller than 1.5 centimeters.

15. Buying, selling, processing, stocking and transporting fishery products from illegal fishing or from the use of illegal fishing gears.

Whoever committing fishery offences class 3 in point 8, 9, 10, 11, 12 and 13 at nighttime shall be penalized under fishery offences class 2 in the article 99 of this law.

Whoever committing fishery offences class 3 from twice onward shall be penalized under fishery offences class 2 in the article 99 of this law.

## **Article 102.**

Any activity committed by officers of local authority, police, army or officer of other institution in order to directly or indirectly intervene to allow fishery activities and any activities against this law or threaten the Fisheries Administration officer or obstruct their duty and operation of the Fisheries Administration officer shall be considered as an offence that is subject to an imprisonment from 1 to 3 years and/or can be subject to a fine from 5.000.000 to 50.000.000 Riels.

## **Article 103.**

Any of the following activities committed by the Fisheries Administration officer shall be considered as an offence and shall be subject to an imprisonment from 1 to 3 years and can be fined from 5.000.000 to 50.000.000 Riels:

1. Provide any permission against this law.
2. Participate in full or in part and directly or indirectly in any activity of fishery exploitation against this law.
3. Forgive any fishery offence class 1.
4. Running the fishing lot either as owner or a share-holder while being civil servant.

5. Do not timely report or complain the fisheries offence class 1 which appears in their competence.
6. Intentionally neglect in fulfilling duty or deceivingly give wrong information in writing, which causes the fishery offence class 1.

#### **Article 104.**

Any person committing all counterfeits related to fisheries shall be subject to penalization in compliance with the Criminal Law still in force.

## **Chapter 16**

### **Enforcement of the Court Judgment**

#### **Article 105.**

The enforcement of the final court judgment or the final sentence of fishery offences is the duty of the competent Fisheries Administration, except for imprisonment.

#### **Article 106.**

The court judgment or the final court judgment of

the fishery offence shall be copied to the competent Fisheries Administration.

**Article 107.**

After the court judgment comes into effect, the confiscated evidence shall be destroyed or confiscated as state property following legal procedures by the Fisheries Administration.



## **Chapter 17**

### **Final provisions**

#### **Article 108.**

Any provision that contradicts this law shall be considered as void.

#### **Article 109.**

This law shall be declared as URGENT.

The Royal Palace, Phnom Penh, May 21, 2006

PRL/0605/248

Royal Signature and Seal  
Norodom Sihamoni

Having informed to His Majesty the King  
For Royal Signature  
Prime Minister  
Hun Sen

Having Informed to the Prime Minister  
Minister of Agriculture, Forestry and Fisheries  
Signature  
CHAN SARUN

No.228cl  
For Copy and distribution  
Phnom Penh, May 24, 2006  
Secretary General of the Royal Government  
Signature and Seal  
Nady Tan

## **Appendix**

### ***Aquaculture:***

Refers to the process of hatching, breeding, culturing, feeding fish eggs, fry, fish, or aquatic animals or the growing of aquatic plants for the purpose of propagating, growing up aquatic animals or plants.

### ***Aquatic Animals:***

Refer to in water breeding animals such as fish, mollusks, amphibian insect, reptile, mammals, other invertebrates as well as their offspring living mostly in water. Aquatic animal species shall be defined by the proclamation of the Minister of Agriculture, Forestry and Fisheries.

### ***Aquatic Plants:***

Refer to small water plants that reproduce and grow in water, and phytoplankton, some reproduce and grow in the bed and grow out of water and some can survive for a short while on dry land before the latter dries up.

### ***CITES:***

Refers to Convention on International Trade in Endangered Species of Wild Fauna and Flora.

**Commercial transportation of fishery products:** refers to transportation of fishery product:

**A) - In country:**

- Transportation of freshwater fishery products (alive or fresh condition) more than 200 kg or processed fishery product more than 60 kg during the fishing season;
- Transportation of freshwater fishery products (alive or fresh condition) more than 60 kg or fishery product more than 20 kg during the closed season;
- Transportation of marine fishery products (alive or fresh condition) more than 200 kg or fishery product more than 60 kg.

**B) - For export:**

- All exports of fishery products (alive or fresh condition) even small quality, and refer to fishery products of more than 10 kg.

**C) - For import:**

- All imports of fishery products (alive or fresh condition) even small quality, and refer to fishery products of more than 10 kg.

**Community Fishing Areas:** refer to the fishery domain of the state handed over to the community fishery under the agreement between the chief of

Cantonment of the Fisheries Administration and the communities or groups of citizens living inside or around the fishery domain. Those citizens are mainly dependent on fisheries for their daily life and using traditional fishing gears for fishing, which they manage and use that area sustainably.

***Deep Pools:*** refer to pools or wells, which are deep, most of which are located in the upper Mekong and are critical for brood stocks to shelter and spawn.

***Electrocuted Fishing Gear:*** refers to fishing gears using electric current or other equipment that transforms the electric power from the battery into the electric current,

***Family Fishing Gear:*** refers to fishing gears, which are used for family-scale fishing. Family fishing gears are distinctly separated from middle-scale fishing gear in size, number and type of those fishing gears. Family fishing gears shall be clearly defined by the proclamation of the Minister of Agriculture, Forestry and Fisheries.

***Family-scale Fishing:*** refers to small-scale fishing using only a single fishing gear, and also the family-scale fishing is a traditional fishing, and generally not for commercial purpose.

***Fertilization:*** refers to the fusion of male and female

gametes during sexual reproduction to form a zygote.

***Fish Landing Site:*** refers to fish stand, which floats close to the riverbank or on land, which collects and distributes fishery products for commercial purpose.

***Fishery Conservation Area:*** refers to classification of freshwater or marine fishery domains, clearly defined as geographical boundary for aquatic animals and aquatic plants to shelter, to spawn, to feed and grow. Fishery conservation area is a seed production and the fishery protected areas, in which any activity that have a negative effect on fishery resources are strictly prohibited, except for permitted scientific research purposes following reasonable principles.

***Fishery Resources:*** refer to the meaning that stipulated in article 4 of this law, which are defined by the Minister of Agriculture, Forestry and Fisheries.

***Fishery Product Processing:*** refers to putting fishery products into the industrial process of industry or production of both small- or large-scale with the aim of transforming the original shape or preserving them, excluding other fishery product processing that are processed by the small, big and middle scale factories, and handicrafts for wrapping in cans or bottle glass, bottles with hermitical closures/seals

or safety seals that prevent from infectious disease.

**Fishery Products:** refer to products exploited and collected from the nature, including *inter alia* aquatic animals, aquatic plants: fish, coral, seaweed etc. which can be referred to as fishery products. When the exploited and collected products are processed, the final processed fishery products will be such as fish paste, fermented fish, smoked fish, dried fish, dried shrimp, dried seaweed etc. These processed fishery products are not included the products that are processed by the small, big and middle scale factories, and handicrafts for wrapping in cans or bottle glass, bottles with hermitical closures/seals or safety seals that prevent from infectious disease.

**Fishery:** refers to units of natural or artificial eco-system under the form of flooded land that is covered by permanent or flood or tidal water and multi-species of inundated plants as well as biological resources, including coral reef, aquatic plants and aquatic animals that mate and court in water.

**Fishing Boat:** refers to any water vehicle, which is equipped with fishing gears for fishing.

**Fishing Gear:** refers to equipment or things such as gillnet, seine net, hook and line, trap, rope, line, float, floating tank, barrage, wood, bamboo, machine, boat, light, bait or chemical substances

etc., which can be used in the activities of collecting aquatic animals.

**Fishing Lot:** refers to classification of freshwater fishery domains which supply fish production and the geographic boundary of which is clearly defined including systems of lakes, streams, flooded forests, fisheries resources, and biodiversity which provide the existence and growth of fish, aquatic animals and aquatic plants, and well-defined boundary and time for exploitation without affecting other areas.

**Fishing:** refers to attempting, searching, activating, using any mean to attract, capture, trap, wound, dizzy, kill and collect aquatic animals from the fishery domain.

**Flooded Forest and Mangrove Areas:** refer to flooded land by the Mekong flood or flooded land by the tidal water of the sea, which is covered by the flooded and mangrove forest. The flooded forest area includes protected flooded areas.

**Flooded Forest and Mangrove:** refers to units of natural or artificial system under the form of flooded land that is covered by multi-plants, both grow naturally and artificially as well as other natural resources which are mainly used by fish and other aquatic animals for sheltering, spawning and feeding. Agricultural plantation and permanently preserved forest shall not be considered as flooded forest.

***Flooded Areas in the wet season:*** refer to low land areas, affected by the Mekong floods which does not belong to fishing lot area, flooded forest, fisheries conservation area, small-scale fishing area, and open access area including *inter alia* low land area, grass land area, paddy field, and land which can be reached by Mekong floods, which are important fish migration, spawning, and feeding grounds in the closed season.

***In water breeding animals:*** refer to animals that need the natural conditions for breeding in water. They live depending on water, in or near water part of their lives, are omnivorous, carnivorous or herbivorous, and most of them feed on aquatic animals and aquatic plants for a living.

***Industrial Fishing Gear:*** refers to fishing gears, which are used for industrial fishing. Industrial fishing gears will be clearly defined by the proclamation of the Minister of Agriculture, Forestry and Fisheries.

***Industrial Fishing:*** refers to large-scale fishing and fishing activities using labors in separate groups each of which works in turn using different time.

***Industrial Processing:*** refers to large-scale processing which uses many workers/laborers divided into groups and working differently according to the production line.



***Inundated forest and mangrove by-products:*** refers to products other than inundated forest and mangrove woods provided by inundated forest and mangrove. Inundated forest and mangrove by-products shall be clearly defined by the proclamation of the Minister of Agriculture, Forestry and Fisheries.

***Middle-scale Fishing Gear:*** refers to fishing gears, which are used for middle-scale fishing. A single fishing gear can be characterized according to the size, type and numbers of those gears. Middle-scale fishing gears shall be clearly defined by the proclamation of the Minister of Agriculture, Forestry and Fisheries.

***Middle-scale Fishing:*** refers to middle-scale fishing using middle-scale and single fishing gears, and the fishing activities are operated by a single operator or more. Although many workers/laborers are used for fishing, the workers/laborers will not be clearly divided into groups and the operations take place at the same time.

***Middle-scale Processing:*** refers to manual middle-scale processing which process over one tons of fishery products per year and using many workers/laborers without clearly grouping them.

***Non-living Aquatic Animal:*** refers to specimen of dead aquatic animals, although a complete body, internal

organs, external organs, parts of bone or processed products shall be considered as fishery resources.

**Open access area:** refers to a part of freshwater fishery domain which is not a fishing lot, fisheries conservation area, inundated forest area, family-scale fishing area or flooded area in the wet season. Open access area are not clearly classified as fishery management areas and allowed to do fishing only for middle-scale and family-scale fishing. Open access area comprises *inter alia* rivers, streams, channels, and reservoirs etc.

**Processed Fishery Products:** refer to fishery products which were already processed.

**Prohibited Fishing Gears:** refer to all kinds of fishing gears which cause serious damages to the fishery resources. Prohibited fishing gears include *inter alia* electrocute fishing gears, poisonous chemicals, explosives, pumping dry gears, spear in combination with projected light, gillnet or seine net with mesh size smaller than 1.5 cm, mosquito net, pair trawling nets, encircling net with light etc.

**Rapids:** refer to areas consisting of rocky crag along the upper Mekong that extend from Kamy in Kratie province until the Laos border. There are deep pools transforming the water current to fast flowing, in those areas there are inundated forests such as

Prey Anhcheng...etc. which are habitats and spawning grounds for brood stocks.

**Shelter:** refers to place for sheltering once in a while or permanently by fish and aquatic animals both freshwater and marine areas. Shelters include *inter alia* fisheries conservation areas, deep pools, flooded forest areas, coral reef areas, marine seagrass areas, Tonle Sap great lake, ponds or deep pools in pagodas, natural protected areas, and conservation areas in the communities fishing areas.

**State Properties in the Fishery Domains:** refer to public and private properties of the state in the fishery domains such as offices, headquarters, transportation means, which can be used by the Fisheries Administration for law enforcement, fishing post, floating boundary poles of the fishery management areas etc.

**Stock:** refers to storing for a period of time of fishery products in a place for the purpose of selling at a higher price and for avoiding confusion between stored products and fishery products captured from the nature in the closed season.

**Samras:** refers to stumps, trunks and branches of a tree and other equipments which fisherman brings to place in other dimensions of fishery domain in order

to form habitat to attract fish to concentrate in one place, and takes care of this place until a suitable time to harvest using fishing gear by encircling devices.

***Transactional fine:*** refer to money fined by the Fisheries Administration, which can be processed in case that the suspect confesses with the fault and agrees to pay fine in compliance with penalties that have been stipulated in article 87 of this law without bringing the case to court of law.

***Water Vehicle:*** refers to floating equipment used for storing or transporting such as boat, engine boat, ship, sampan, raft etc.