

KRET-CHHBAB ON FISHERY MANAGEMENT

Referring to the Constitution of the People Republic of Kampuchea

Referring to Kret No 04 of February 10, 1982 promulgating the Law on the Organization of the National Assembly and the State Council of People Republic of Kampuchea,

Referring to Kret No 03 Krar of February 10, 1982 promulgating the Law on the Organization and Functioning of the Council of Ministers of the People Republic of Kampuchea,

Referring to Kret –Law No 07 Krar.C. of July 13, 1982 on the Competence and Procedures to Develop Laws and Regulations;

Referring to Kret-Law No 22 Krar.C of June 14, 1985 on Pattern Tax.

Referring to Kret-Law No 23 Krar.C of June 14, 1985 on Business Tax.

Pursuant to the Proposal of the Council of Ministers,

IT IS HEREBY DECIDED

Chapter I: General Provisions

Article 1:

The fishery resources shall includes animal and living creatures whose live and born within the fishery boundaries.

The Fishing boundary shall consist of:

- 1- Fresh Fishing boundary: rivers, affluent of a rivers, lakes, creeks, small rivers, mangrove (flooded forests) or canals, ponds, any water holes generated from rivers, affluent of rivers, lakes, creeks or small rivers.
- 2- Maritime fishing boundary: it extends from the coastal areas until outside boundary of exclusive economic sea of the People Republic of Kampuchea.

Fishing boundary shall belong to the State property.

Article 2:

The fresh fishery boundary shall be divided into:

- 1- Classified fishing boundary.
- 2- Protected fishing boundary.

Article 3:

There are 3 types of classified fishing boundaries:

- 1- Fishing boundary determined as fishing lots shall be preserved for only the state fishing entity and solidarity groups to whom fishing license was granted.
- 2- Preserved fishing lots for reproductions or for fishing technical research/experiments.
- 3- Mangroves shall include all forestry lines flooded during monsoon season and as necessary sanctuary places of fishes, finding foods and reproductions.

The boundary of fishing, preserved fishing lots and mangroves shall be defined by a Prakas of the Ministry of Agricultures.

Article 4:

The preserved fishing lots is any lots which do not mention in any types of classified fishing boundaries as prescribed in Article 3.

Article 5:

The state entity, solidarity group or fishmen who conduct business in the fresh or maritime fishing boundary shall be subjected to payment of fishing contribution to the State as determined by the State and pursuant to the contract, except the family fishing.

The Taxation entity and fishery agent shall reviewed and discuss to determine fishing turnover and profit so that a pattern amount of money could be fixed according to pattern tax table as prescribed in Kret-Chhbab No 22 Khrar.C of June 14, 1985 and the rate of business tax as prescribed in Kret-Chhbab No 23 Khrar-C of June 14, 1985.

Article 6:

The fishing activities authorized to be conducted within the fishing boundary, aquarium and special permit shall be determined by a Prakas of the Ministry of Agriculture.

Fishing lot allocation, fishing contribution and fishery product transportation shall be determined by Anu-kret.

Chapter II: Exploitation within the fresh fishing boundaries, aquarium and the processing of the fresh fishery products

Article 7:

The exploitation of all types of fishing within the classified fishing boundaries without authorization or unproperly action shall be prohibited. Fishing activities within the fishing lots shall be conducted with authorization and for a period determined by the charge book or authorization.

Article 8:

The state entity or solidarity group with the fishing authorization shall comply to the charge book or fishing authorization and shall daily record the amount of fishes caught. The above mentioned statistic book shall be monthly signed by municipal and provincial fishery departments.

Article 9:

Within an opening period of fishing, any fishing lots located across the waterway, shall provide a way for traffic movement of all boats and shall not allow water to

Within a closing period, any fishing equipment within a fishing lots shall be dismantled by June 15 for areas located northern part of Chakomuk river and area located southern part along Chaktomul shall be on or by July 15.

Article 10:

Fishing activities within a protected areas shall be conducted by 2 manner namely:

- Family fishing.
- small processing fishing manner.

The industrial fishing manner shall be prohibited.

The family and small fishing manner shall be determined by a Prakas of the Ministry of Agriculture.

Article 11:

The family fishing could be conducted just to supply food to family and could be conducted any times within the protected area and also for a closing period.

Article 12:

The small processing manner within protected areas could be conducted for following case:

- a- with authorization.
- b- within an opening period started from October 1 to May 31 for fishing areas located northern and from November 1 to June 30 for areas located southern part parallel to Chaktomuk river.
- c- complying to regulation stated in fishing authorization.
- d- regularly and daily recording in statistic book the amount of fishes caught, and this book shall be monthly signed by the municipality and provincial fishery departments.

Article 13:

Using of any types of fish catching equipment included barriers with 50 m long or extended more than 2/3 of water width or as water way barriers within protected areas shall be strictly prohibited any times and any places.

Article 14:

Any derogation to provisions of Article 13, fishing within a protected areas by using fishing traps, with length less than 500 m in Tonle Sap lake could be authorized from February 1 to May 20 in any areas with 4 Km distance from the shore and in any areas determined by a Prakas of the Ministry of Agriculture.

Fishing traps,..... could be placed in any way that won't become the waterway barriers. Those thing shall be dismantled before May 31.

Article 15:

The small processing fishing activities by using fishing net, even one or more, could be carried out in case its width less than:

- 400 m for protected area outside Tonle Sap lake.
- 1,000 m for protected area inside Tonle Sap lake.

Small processing fishing by using fishing net shall not be allowed to conduct in fishing lot preserved for people that caused interference of business in fishing lot that usually use small equipment. These three later fishing lots shall be determined by the Ministry of Agriculture.

Article 16:

Any types of fishing activities in protected areas or by using equipment or schrimms outside.... Shall be prohibited except for technical scientific research purpose of the fishery department with special authorization.

Article 17:

Shall prohibit for any fishing activities by using the following equipment:

- a- electrical wire, dynamites or any types of pesticides.
- b- pumping equipment to pump water out or extend any part of fishing lots.
- c- put a traps or other means to have fishes stay.
- d- harpoon or fish spear with
- e- net or any types of fishing nets with small square less than 1.5 cm.
- f- throwing net or
- g- any types of pushing fishing equipment or pulling by machine.
- h- any types of fishing barriers with distance from one poll to another one less than 1.5cm.
- i- any types of lines or other means to frighten fishes.
- j- dams with any types of catching equipment.
- k- modern or new fishing equipment which was not determined in Prakas of the Ministry of Agriculture.

Article 18:

Shall prohibit to:

- a- catch, sell or transport baby fishes, fishes eggs, crocodiles,
- b- build a dam across lakes, creeks, small rivers, rivers or any waterways which is a fishing lot even for agricultural purposes.
- c- plan lotus within fishing lots.
- d- slash and burn of mangroves.
- e- transport or sell all types of mangroves.

All the above mentioned cases could be conducted with special authorization.

Article 19:

The aquaculture within pond or fishing bamboo instrument with the area of more than 0.5 ha or more than 15 m, crocodile farming more than 15 pieces, turtles of more than 50, snacks or fishing snacks of more than 20, the establishment of trading stalls or stocks or processing of fishing products in the form of small manner with fishing product more than 1 tones per year or in the form of industry could be conducted with authorization.

Article 20:

The state entity, solidarity group or any person was granted an authorization to conduct business as stated in Article 19, shall posses the statistic book to record:

- pond or fishing bamboo instrument's area and aquacultured fishery stocks or hand over for aquaculturing.
- deliver, take in and stock every day the fresh or processed fishery stock, for establishment for wholesale of fresh or processed fishery products.

This statistic book shall be monthly signed by provincial and municipal fishery department

Article 21:

Stocking of fresh, alive or processed of fresh water fisheries in closing period, could be conducted with an authorization. The state entity, solidarity group or fish-men shall submit to the municipal and provincial fishery department at least 15 days before closing period for its verification their stocks.

Chapter III: Exploitation within the maritime fishing boundaries, aquaculture and the processing of the maritime fishery products

Article 22:

Any types of fishing activities within maritime boundary of the People Republic of Kampuchea could be conducted with an authorization, except for family fishing.

Family fishing equipment and others authorized to use in maritime fishing boundary of the People Republic of Kampuchea shall be determined by a Prakas of the Ministry of Agriculture.

Article 23:

State entity, solidarity group or fish-men who use fishing boat or canoe within Kampuchea's maritime boundary shall additionally bear:

- boat or canoe licenses issued by the fishery department after technical inspection was conducted.
- license issued by police after administrative condition inspection was conducted.

Article 24:

Foreign fishing activities in Cambodian maritime boundary shall be subjected to an authorization upon prior approval of the Council of Ministers.

Article 25:

All fish-men authorized to conduct its activities in maritime boundary shall:

- a- respect all regulation contained in fishing authorization.
- b- daily and regularly record the fishery product caught and shall monthly report to the municipal and provincial fishery department.

This book shall be signed monthly by municipal and provincial fishery department.

Article 26:

The establishment of fishing lot or equipment extended across waterway caused problem for traffic shall be prohibited. The establishment of fishing lots or any types of equipment extended across creek, river or waterway of the coastal areas shall be opened 1/3 or at least 2/3 while low raised for vehicle traffic.

The fishing site or equipment shall be dismantled not later than 15 days after completely stop.

Article 27:

The fishing activities of sadine fishes in maritime within From January 15 to March 31 shall be prohibited.

Article 28:

Any fishing by using fishing nets in maritime boundary along the coastal area within the distance between the shore and 20 m deep shall be prohibited provided there is any special authorization pursuant to proposal of the fishery department for the purpose of scientific and technical research.

Article 29:

The fishing activities within Cambodian maritime boundary by using electrical wire, dynamites or modern equipment which were not determined in a Prakas of the Ministry of Agriculture shall be prohibited.

Article 30:

Aquaculture with the areas more than 0.5 ha at the coastal area or high or low rise or Klav water area, the establishment of wholesale stalls or processing places with fishery products more than 1 tones per year or in the form of industry shall be conducted in case of:

- a- having an authorization.

- b- having a statistic book to record:
 - areas of aquaculture and maritime fishery stocks for aquaculturing.
 - daily delivery and taking out of the stock of fresh or processed fishery products, and the establishment of wholesale stalls.

This book shall be signed monthly by municipal and provincial fishery department.

Article 31:

The supervision and monitor for any fishery crimes shall be the competence of all levels of fishery departments. The Fishery Department is a competent entity to conduct supervision and monitoring of fishery crime throughout the territory of the People Republic of Kampuchea.

The municipal and provincial fishery departments shall have the authority to monitor and find out the fishery crimes within their own jurisdiction.

In order to fulfil the above mentioned obligations, the fishery department officials shall have the following authorities:

- a- to inspect any types of fishery activities in fishery boundary.
- b- to inspect any fishery transport by any means.
- c- to inspect the processing places or wholesale stalls of fishery products and aquacultures.
- d- to make a report on that inspection and work out in case of violation of laws or any fishery regulations.
- e- in necessary and legal case, the offenders shall be detained and confiscated or destroyed the evidences.

Article 32:

The authority to settle the fishery crimes shall be determined as follows:

- district fishery office is entitled to find to 2,000 riels.
- municipal and provincial fishery department is entitled to find to 10,000 riels.
- fishery department is entitled to find from 100 riels.
- Fresh or processed fishery products confiscated from fishery crimes and can't keep for long time, can be sold any times upon the approval agreement of the people revolution committee and fishery department.

Article 33:

The competent authority in charge of complaint of the find and evidence confiscation shall be determined as follows:

Any complaint on find decision or evidence confiscation conducted by the district fishery office shall be decided by municipal and provincial fishery department.

Any complaint on find decision or evidence confiscation conducted by the municipal and provincial fishery department shall be decided by people revolution committee, if it fails, it shall be submitted to the court.

Any complaint on find decision or evidence confiscation made by the fishery department shall be decided by the Ministry of Agriculture, if it fail, it shall be submitted to the court.

Article 34:

All reports, settlement on fishery crimes or complaint shall be copied to the Ministry of Agriculture : Fishery Department" as urgent.

During the operation, all fishery officials shall wear uniform with identification card determined by the Ministry of Agriculture.

The local authorities, armed forces shall assist to crack down on fishery crimes in case where the fishery officials request intervention.

The local authorities shall temporary keep any of the fishery crime evidences upon the request of the fishery officials.

Chapter V: Penalties

Article 35:

Any person who violates this Kret-chhbab shall be fined in cash, confiscated its evidence or imprisoned pursuant to its crimes.

- evidence confiscation shall be the competence of the court.
- a find shall be the interest of the state budget.

Article 36:

Any person who violates Article 8, 11, 12, 20, 21, 23 and paragraph d, f, g of Article 17 and paragraph a, b, e of Article 18, paragraph b of Article 25 and paragraph b of Article 30 shall be find from 100 to 50,000 riels.

In case of violation of Article 21 and paragraph of Article 12, paragraph d, f, g of Article 17 and paragraph b, e, of Article 18, the evidence shall be confiscated as state property or destroyed in addition to the above mentioned find.

Article 37:

Any person who violates paragraph c of Article 17, paragraph c and d of Article 18 shall be find from 200 to 50,000 riels per ha or dividend of ha in case of violation of paragraph c of Article 17 and paragraph c of Article 18, the evidence shall be confiscated as state property or destroyed in addition to the above mentioned find.

Article 38:

Any person who violates Article 7, 9, 10, 13, 14, 15, 19, 22, 24, 26, 27, 28, 29, paragraph a, b, e, f, g, h, I, k, of Article 17, paragraph a of Article 25 and paragraph a of Article 30, shall be find from 500 to 150,000 riels. In case of violation of Article 7, 9, 10, 13, 14, 15, 19, 22, 24, 26, 27, 28, 29, paragraph a, b, e, f, g, h, I, k, of Article 17, the evidence shall be confiscated as state property and destroyed in addition to the above mentioned find.

Article 39:

The find for crimes stated in Article 36, 37 and 38 if conducted at night time or in protected area or mangrove shall be double. In case of repeat or caused serious disaster, the imprisonment from 3 months to 3 years in addition the find shall be applied.

Article 40:

Any person who hides or protect the fishery crimes or emblezzled the find, fishing contribution or evidence or using its function for bribes and is theshall be punished.

Chapter VI: Final Provisions

Article 42:

Any person contrary to this Kret Chhbab shall be considered null and void.

Article 43:

The Coucil of Ministers shall be in charge of implementing of this Kret Chhbab.

Article 44:

This Kret chhbab shall enter into force from the date of its public announcement.