

**Kingdom of Cambodia
Nation Religion King**

Royal Government of Cambodia

No. 53 ANKR.BK

**Sub-Decree
On
Procedure Establishment Classification and Registration of
Permanent Forest Estate**

Royal Government

- Having seen the Constitution of the Kingdom of Cambodia
- Having seen the Royal Decree No. NS/RKT/0704/124 dated 15 July 2004 on the appointment of the Royal Government of Cambodia
- Having seen the Royal Decree No. 02/NS/94 dated 20 July 1994 promulgating the Organization and Conduct of the Council of Ministers
- Having seen the Royal Decree No. NS/RKM/0196/13 dated 24 January 1996 promulgating the Law on the Establishment of Ministry of Agriculture Forestry and Fisheries
- Having seen the Royal Decree No. NS/RKM/0801/14 Dated 30 August 2001 promulgating of the Land Law
- Having seen the Royal Decree No. NS/RKM/0802/016 dated 31 August 2002 promulgating the Law on Forestry
- Having seen the Sub-decree dated 17 ANKR.BK dated 07 April 2000 on the Organization and Conduct of the Ministry of Agriculture Forestry and Fisheries
- Having seen the Sub-decree No. 64 ANKR.BK dated 11 September 2003 on the change of name from Department of Forestry and Wildlife to Forestry Administration
- Having adopted by the Council of Ministers in the meeting on 18 March 2005.

It is hereby decided

**Chapter 1
General Provision**

Article 1:

This Sub-decree is to define procedure establishment classification and registration of permanent forest estate in order to organize and manage sustainable forest land and forest resource in line with the policy and the national forest management plan.

Article 2:

Permanent forest estate included:

1. Permanent forest reserve is the forest which dominated on land that are not owned by private individual; and it is classified into 3 categories as follows:
 - a. Production forest
 - b. Protection forest
 - c. Conversion forest
2. Private forest is trees planted or naturally grown on land which is registered and provided title to private under the state legislation and procedures.

Chapter 2
The Creation of Permanent Forest Reserve Areas

Article 3:

With the participation from concerned local authorities, the Ministry of Agriculture Forestry and Fisheries has the obligation to study and define permanent forest reserve areas for the whole country, based on forest coverage map, data on forest and non-forest land with clear coordinates in order to design a map of permanent forest reserve areas at national level.

Ministry of Agriculture Forest and Fisheries shall officially inform through media and post the following information at the Ministry of Agriculture Forestry and Fisheries, Forestry Administration, provinces, municipalities, districts/khans, and communes/sangkats as well as forestry administration at district level: map with location, scale, boundary, coordinate, forest land, permanent non-forest land reserve, and permanent forest land reserve in each province and municipality.

Article 4:

Ministry of Agriculture Forestry and Fisheries via Forestry Administration at district levels shall receive written complaints concerning the creation of permanent forest reserve areas in 90 days from the date that the Prakas has been issued.

In the case of no complaint, the above forest land areas will become permanent forest reserve areas in accordance with the procedure.

Article 5:

A national committee shall be established in order to address issues concerning the creation of the permanent forest reserve. The national committee shall compose of the followings:

1. Minister of Agriculture Forestry and Fishery	Chair
2. Secretary of State of National Defense	Deputy Chair
3. Secretary of State of Interior	Deputy Chair
4. Under Secretary of State of Council of Ministers	Member
5. Under Secretary of State of LMUPC	Member
6. Under Secretary of State of Economy and Finance	Member
7. Under Secretary of State of Environment	Member
8. Under Secretary of State of Justices	Member
9. Under Secretary of State of Culture and Fine Art	Member
10. Commander-In-Chief of the Royal Arm Forces	Member
11. General Commissioner of the Polices	Member
12. Commander of the Military Polices	Member
13. Director of the Forestry Administration	Member

The Chair of the National Committee to address issues concerning the creation of permanent forest reserve areas shall be able to invite representatives of the ministries, and other institutions to participate in the meeting as necessary.

The National Committee has its Executive Secretariat based in the Forestry Administration and has the right to use the stamp of the Ministry of Agriculture Forestry and Fisheries to implement its tasks.

Article 6:

The above National C ommittee has its roles and tasks as the followings:

1. View the complaints in the creation of permanent forest reserve areas in each municipality and province.
2. Address issues that arise based upon the evaluation at the specific place and in accordance with the Forestry Law and other relevant laws.
3. Check, revise, or expropriate the use of any forest land that violate or owned by the State in contrary with the Forestry Law.
4. Cooperate and facilitate with concerned ministries, institutions, local authorities or other mechanisms to effectively address any issue in the creation permanent forest reserve areas.
5. Establish sub-committees at the municipal and provincial levels to address any issue concerning the creation of permanent forest reserve areas as necessary. The Provincial and Municipal Governors are chairs of the sub-committees to implement their tasks, to monitor and to directly evaluate situation at the places.
6. Report and provide recommendations to the Royal Government on the process of addressing the issues concerning the creation of permanent forest reserve areas.

Article 7:

In the case of issues or complaints are not be able to solve, the National Committee shall request the decision from the Royal Government.

Any part of the permanent forest reserve areas in provinces or municipalities under the process of protesting should be kept and waited for solution and decision from the Royal Government. In the waiting period, no institution or authority has the right to issue letter of approval, certification, or title on the conflicted permanent forest reserve areas.

All permanent forest reserve areas, that has not been complained or the complaints have been addressed, shall officially issue through the Sub-decree on the creation of permanent forest reserve areas.

Article 8:

All forest land belonging to the State, under the control of the Ministry of Agriculture, Forestry and Fisheries; and that was established through Sub-decrees other official letters of the government or Prakas of the Ministry of Agriculture, Forestry and Fisheries prior to the effectiveness of this Sub-decree, shall automatically incorporate into permanent forest reserve areas in accordance with the procedure as set out in Article 7 of this Sub-decree.

Chapter 3

Classification and Registration of Permanent Forest Reserve

Article 9

Minister of Agriculture Forestry and Fisheries has the right to issue the classification and the registration of permanent forest reserve under one of the classification set out in the article 10, paragraph 2, point 1, point 2, and point 3 of the Forestry Law in accordance with the function of forest ecological system and the importance of forestry for the needs of economy, social and culture.

Article 10:

Forestry Administration has the tasks in the process of classification and registration of permanent forest reserve as the followings:

1. Survey, measure and study on the specific situation of forestry which will be classified based on permanent forest reserve map by collecting data on forest ecological system, forest resources, and information on the need for social and economy and other potential needs of the permanent forest reserve in the areas or in each geographical forest area.
2. Analyze on the collected data and information in the areas or in each geographical forest area in order to identify permanent forest areas in accordance with its classification.
3. Spot and mark the boundary on the classification of each permanent forest reserve on the map of permanent forest areas and on the specific places by defining natural boundary such as road, canal, river, waterway, and mountain.
4. Facilitate and consult with local authorities, local communities or concerned entities in order to expedite the process of classifying permanent forest reserve in each province and municipality.

5. Prepare documents for each permanent forest reserve classification project by setting geographical location, administration location, boundary, and clear coordinates as well as illustrating of importance and main purpose of each permanent forest reserve classification and future direction in the use and management of each permanent forest reserve classification.

Article 11:

Forestry Administration shall send permanent forest reserve classification proposal with the attachments of other documents such as map and report on the process of organizing permanent forest reserve classification according to the procedure in order to request for Prakas from Ministry of Agriculture Forestry and Fisheries.

Each category of permanent forest reserve classification shall have registration number which is provided and kept at the Forestry Administration to be recognized as identification of permanent forest reserve.

Chapter 4
Creation Classification and Registration of Private Forest

Article 12:

Procedure, creation, classification and registration of private forest shall be set by Prakas on the rule of private forest of the Ministry of Agriculture Forestry and Fisheries.

Chapter 5
Final Provision

Article 13:

Other rules or regulations, which are contrary to this Sub-decree, shall be considered as null and void.

Article 14:

Minister of Council of Ministers, Minister of Agriculture, Forestry and Fisheries, Minister of Land Management, Urban Planning and Construction, Minister of Interior, concerned Ministers, Secretaries of State, institutions, and Provincial and Municipal Governors shall effectively implement their tasks from the date of signature.

Phnom Penh, 01 April 2005

Seal and signed

Prime Minister
Hun Sen

Copy to:

- Royal Palace
- General Secretariat of Constitutional Council
- General Secretariat of Senate
- General Secretariat of National Assembly
- Cabinet of the Prime Minister
- General Secretariat of the Government
- As set out in Article for 14

No. 999 រក្ស

This has been copied from the original Sub-decree and sent to Director, Chief of Units

Phnom Penh 20 April 2005

Seal and signed

Deputy Director of Forestry Administration
Chea Sam Ang