

IMPROVEMENT OF THE SUSTAINABLE MANAGEMENT AND UTILIZATION OF NON-TIMBER FOREST PRODUCTS (NTFP's) IN CAMBODIA

Serial Number: PD 275/04 Rev. 3(I)

National Forestry Sector Policy

Socio-Economic Development

- To promote the high socio-economic value of forest ecosystems protection and biodiversity conservation functions of natural forest resources.
- To promote the substitution of timber supply from natural forest stands by timber plantations through encouraging private investment and public participation.
- To optimize the use, processing and marketing system for forest products especially plantation forest products to support domestic demand, and export markets.

Poverty Reduction:

- To recognize legally and protect the traditional rights of local populations to use forest resources under the framework of food security and poverty reduction considerations.
- To optimize the benefits to local populations from the use and management of forest resources through the implementation of forestry and wildlife conservation concept based on the participation of local populations.

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Forestry law

Article 24-

All Forest Products & NTFPs located and originating from the Permanent Forest Reserves are state property, unless the rights of these products have been conveyed to an individual or legal entity pursuant to provisions in this law. Any individual, legal entity or community that intends to harvest Forest Products & NTFPs commercial purposes must possess a harvest permit issued by the Forestry Administration. Harvesting of Forest Products & NTFPs by members of local communities, at the amount equal to or below customary subsistence use defined in Chapter 9 of this law, shall not be required permits.

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Forestry law

Article 26-

The Chief of Cantonment of the Forestry Administration has the authority to issue:

- 1- Permit to set harvest quota of forest products & NTFTs for local communities;
- 2- Permit to establish stock place to store, sell or distribute forest products & byproducts and for small scale of forest products & NTFPs processing facilities;
- 3- Permit to establish kilns of all types that use forest products & NTFPs as raw material;
- 4- Permit to set transport quota of forest products & NTFPs originating from a community forest.

The Chief of Division of the Forestry Administration shall have the authority to issue:

- 1- Permit to harvest forest products & NTFPs in a community forest at an amount above the customary user right; and
- 2- Any permits to transport forest products & NTFPs originating from the area under his/her Division jurisdiction.

Forestry law

Article 40--

For local communities living within or near the Permanent Forest Reserves, the state shall recognize and ensure their traditional user rights for the purpose of traditional customs, beliefs, religions and living as defined in this article. The traditional user rights of a local community for forest products & NTFPs shall not require the permit. The traditional user rights under this article consist of:

- 1- The collection of dead wood, picking wild fruit, collecting bees' honeys, taking resin, and collecting other NTFPs;
- 2- Using timbers to build houses, stables for animals, fences and to make agricultural instruments;
- 3- Grass cutting or unleashing livestock to graze within the forests;
- 4- Using other forest products & NTFPs consistent with traditional family use;

Forestry law

Article 40 (cont.)

5- The right to barter or sell NTFPs shall not require the permit, if those activities do not cause significant threat to the sustainability of the forest. The customers or any third party who has collected NTFPs from local communities with the purposes of trade, in a manner consistent with the provisions of this law, shall have the permit for NTFPs transportation after royalty and premium payments. A local community can not transfer any of these traditional user rights to a third party, even with mutual agreement or under contract. These traditional user rights shall be:

- 1- Consistent with the natural balance and sustainability of forest resources and respect the rights of other people;
- 2- Consistent with permissions and prohibitions under the provisions of this law.

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Forestry law

Article 44--

A local community, operating under a CF Agreement, shall have the rights to harvest forest products & NTFPs within the demarcated forest area stated in the CF Agreement and consistent with the CF Management Plan.

A local community can not use the Community Forest in the form of a concession, nor sell, barter or transfer its rights in such forest to a third party.

Article 53--

The Minister of Ministry of Agriculture, Forestry and Fisheries may reduce or waive the royalties and premiums for any Forest Products & By-products collected from the Permanent Forest Reserve for scientific purposes or to create an economic incentive to efficiently use Forest Products & NTFPs.

The State shall waive the royalties and premiums for any Forest Products & NTFPs collected by local communities under customary user rights or harvested in Community Forest under the Community Forest

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Article 58--

Before the issuance of a permit to harvest Forest Products & NTFPs the prospective permit holders shall be required to place a security deposit to guarantee payment of royalties and premiums to the national budget. The amount of the deposit shall be stated in a

concession agreement or annual Forest Products & NTFPs harvest quota permit.

A security deposit shall not be required for the harvest of Forest Products & NTFPs within a community forest under a community forest agreement.