National Aquaculture Legislation Overview
Cambodia

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Profile

Basic legislation

Fisheries management in Cambodia is divided between central and local governments. At central level, the Department of Fisheries of the Ministry of Agriculture, Forestry and Fisheries is in charge of developing research and drafting laws and policies on fisheries (and aquaculture). The Department is also vested with inspecting powers. At local level, fisheries are managed by the Provincial-Urban Fishery Authorities, which have the necessary powers to ensure compliance with the law, in the area under their jurisdiction.

Cambodia has no specific legal framework for aquaculture, considering that the Fisheries Management and Administration Law (1987) mainly focuses on capture fisheries. However, the new Draft Fisheries Law (2001) dedicates a whole chapter to aquaculture and makes general provisions on inland aquaculture and mariculture authorizations, water quality and discharge of waste matter, and import, export and transport of live or fresh fish and for processed fish products.

Furthermore, the development of freshwater and marine aquaculture is listed among the goals of the Agricultural Development Plan 2000-2005 and the importance of aquaculture development is underscored in the Second Five-Year Fisheries Sector Development Plan 2001-2005.

Legal definition

There is no legal definition of aquaculture.

Guidelines and codes of conduct

Being a member of ASEAN, Cambodia embraces the codes of conduct adopted by the Association. The Manual of ASEAN Good Shrimp Farm Management Practices was adopted at the 20th Meeting of ASEAN Ministers of Agriculture and Forestry (AMAF) held in Hanoi, Vietnam, in 1998. The ASEAN has also published two other
guidelines on fisheries, namely the Manual on Practical Guidelines for the Development of High Health *Penaeus monodon* Broodstock and the Harmonization of Hatchery Production of *Penaeus monodon* in ASEAN Countries.

### International arrangements

Cambodia is a member of:

- World Trade Organization (WTO).
- Association of Southeast Asian Nations (ASEAN), which promotes cooperation for the development of aquaculture through the ASEAN Ministerial Understanding on Fisheries Cooperation (1983).
- ASEAN Free Trade Area (AFTA).

Cambodia is also a party to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and, by accession, to both the Convention on Biological Diversity (CBD) and the Biosafety Protocol.

With regard to regional arrangements, Cambodia has signed the Agreement on the Network of Aquaculture Centres in Asia and the Pacific (NACA) (1988) – together with Australia, Bangladesh, China, Hong Kong, India, Korea, Malaysia, Myanmar, Nepal, Pakistan, Philippines, Sri Lanka, Thailand and Viet Nam – and the Agreement on the Cooperation for the Sustainable Development of the Mekong River Basin (1995) between riparian countries (Cambodia, Laos, Viet Nam and Thailand), which establishes the Mekong River Commission.

Moreover, as part of the Southeast Asian Fisheries Development Centre (SEAFDEC), Cambodia participates not only in the several Departmental Programmes on aquaculture, but also in the SEAFDEC-ASEAN programmes, which include the promotion of mangrove-friendly aquaculture and the regionalization of the Code of Conduct for Responsible Fisheries.

### Planning

#### Authorization system

The Fisheries Management and Administration Law states that aquaculture activities shall be carried out upon permission of the competent authority, when pond size exceeds 0.5 ha (inland or coastal waters and wetlands) or cage size is over 15 m² (inland waters). According to the Proclamation on Competent Authorities in issuing Permission to do Fishery in Open Water, Aquaculture, Fish Processing and Special Permissions (1989), the issuing authority is determined as follows:

- Department of Fisheries for areas over 2 ha or cages over 200 m².
- Provincial-Urban Fisheries Authorities (with the approval of the Provincial-Urban Department of Agriculture) for ponds from 0.5 to 2 ha and cages from 15 to 200 m².

Licences issued by the Department of Fisheries shall be sent for information to the Ministry of Agriculture, whereas those issued by the Provincial-Urban Fisheries Authorities shall be copied to the Department of Fisheries.

Lastly, licences are granted for either one season or one year, except those concerning the establishment of fish processing industries, which may last until the end of the activity.

The new draft Fisheries Law requires a licence to be issued by the Fisheries Administration for the establishment of inland aquaculture farms, mariculture facilities and ornamental fish culture activities. The law takes into account particular species of aquatic animals (such as crocodiles, boas, tortoises, freshwater turtles and non-poisonous snakes, frogs or eels, and sea turtles), mentioning the size of the area or cage, or the quantity of specimens over which a licence is required.
Access to land and water

The Law on Land (2001) establishes a land concession system to allow the use of the private property of the State for social and economic purposes (i.e., residential constructions and agricultural exploitation). Other authorizations providing for the use of land, such as fishing licences, are explicitly excluded from the scope of the law. No information is available on access to water. However, a new Water Law is currently being drafted.

The Regulations on the Creation and Designation of Protected Areas (1993) aim at preserving the land, wetland and coastal environments, through the establishment of:

- National parks, for scientific, educational and recreational purposes.
- Wildlife sanctuaries, for natural resources conservation.
- Protected landscapes, for recreation and tourism.
- Multiple-Use Management Areas, for sustainable use of natural resources. According to the documentation reviewed for this study, inland fish sanctuaries and fishing lots have been established by proclamation of the Minister of Agriculture, Forestry and Fisheries in 1989.

EIA

The Law on Environmental Protection and Natural Resources (1996) and the Sub-Decree on Environmental Impact Assessment Process (1999) draw the legal framework of the EIA process in Cambodia. Aquaculture is not expressly mentioned among the activities that are subject to the EIA system. However, the establishment of any activity involving logging (≥ 500 ha) or situated in sensitive areas, such as concession forests (≥ 10,000 ha) or flooded and coastal forests (any size), must undergo an EIA.

Applications for local projects shall be filed either with the Provincial-Urban Environmental Department or with authorized Provincial-Urban Authorities. In the latter case, examination and approval of applications are subject to the Provincial-Urban Environmental Department review. Conversely, applications concerning national projects shall be filed with the Ministry of Environment and assessed in collaboration with the Ministry of Agriculture, Department of Fisheries. Final decision is vested in the Royal Government. Not only new projects, but also existing and on-going activities shall undergo the EIA process. The application fee shall be determined by the Ministry of Finance and Economy.

According to the requirements set in the Annex to the Sub-Decree, applicants shall first submit an IEIA (Initial Environmental Impact Assessment) report and a pre-feasibility study to the Ministry of Environment (or to the competent Provincial-Urban Authority). The Ministry (or the competent Provincial-Urban Authority) shall give his opinion within 30 working days from submission, requiring or not a full EIA report and a feasibility study. After submission, the Ministry (or the competent Provincial-Urban Authority) shall again give his opinion within 30 working days. Reports shall include the description of the Environmental Management Plan defined for the project.

Operation

Water and wastewater

The Sub-Decree on Water Pollution Control (1999), which is applicable to all pollution sources, provides that the discharge or transport of wastewater requires an effluent discharge permit from the Ministry of Environment. Sources of pollution are classified in two categories: activities falling under Category I, including fish product processing, require a discharge permit if their effluents exceed 10 cubic meters per day; those comprised in Category II, such as shrimp farming, shall in any case apply for an effluent discharge permit. The Sub-Decree also establishes water quality standards to preserve public waters.

The new draft Fisheries Law requires aquaculture farmers to maintain land, water and environmental quality,
as well as aquatic biodiversity, and prohibits the discharge of toxic waste matter in the fishery domain.

### Fish movement

The **Sub-Law on Transportation of Fishery Products (1988)** establishes a licensing system for the movement of live or fresh fish and processed fish products. A licence is required for the transport of the following quantities of fish:

- More than 200 kg of marine fish.
- More than 200 kg of freshwater fish during fishery season (60 kg otherwise).
- More than 60 kg of processed fish products during fishery season (20 kg otherwise).
- More than 2 kg of marine fish, freshwater fish or processed fish products intended for export to foreign countries.

Applications shall be filed with the District Fishery Authority, the Provincial-Urban Fishery Authority or the Department of Fisheries depending on the origin and the destination of the load. Licences for the export of live or fresh fish and processed fish products are granted by the Ministry of Commerce.

The new draft Fisheries Law makes provisions on the documentation required for the import, export and transport of live or fresh fish and for processed fish products and prohibits the import, export, trade, transport and processing of endangered species. The import of non-native species is subject to a «special permission» to be granted by the Fisheries Administrator.

According to the draft law, the import of live or fresh fish and processed fish products requires:

- A licence to be issued by the Fisheries Administration.
- An export licence from a CITIES management authority of the exporting country for endangered species.
- An import licence issued by a CITIES authority of Cambodia for endangered species.
- A health certificate from the competent authority in the exporting country.
- A health certificate from the Cambodian Fisheries Administrative Laboratory.

The export of live or fresh fish and processed fish products requires:

- A licence to be issued by the Fisheries Administration.
- An export licence issued by a CITIES authority of Cambodia for endangered species.
- A health certificate from the Cambodian Fisheries Administrative Laboratory.

Lastly, the transport of live or fresh fish and processed fish products must be carried out under the supervision of the Fisheries Administrative Laboratory.

### Disease control

No specific provisions are made on aquaculture.

The **Draft Sub-Decree on Sanitary Inspection of Animals and Animal Products (2002)** puts in place a sanitary inspection system for the import, export and transit of all animal species, animal products, animal feed, means of transport, premises and related equipment. Furthermore, emergency provisions are made to contain the spreading of epidemic diseases. The Sub-Decree also provides for the establishment of sanitary checkpoints and quarantine facilities. The Ministry of Agriculture, Forestry and Fisheries and the Department of Animal Health and Production are in charge of the matter.

### Drugs

No provisions were found.
No provisions were found.

**Food safety**

No provisions were found.

As declared by the Ministry of Agriculture, Forestry and Fisheries in the Progress Report "Natural Resources Management" (2002), the Department of Fisheries is currently drafting a Proclamation on Fisheries Product Hygiene.

The transport of processed fish products is subject to a licensing system, as described under the paragraph on fish movement.

**Miscellaneous**

Aquaculture investment

No specific provisions.

**References**

**Legislation**

FAOLEX

Agreement on the Cooperation for the Sustainable Development of the Mekong River Basin (1995)

Agreement on the Network of Aquaculture Centres in Asia and the Pacific (NACA) (1988)

Draft Proclamation on Fisheries Product Hygiene. (Copy not available)

Draft Sub-Decree on Sanitary Inspection of Animals and Animal Products (2002). (Copy not available)

Draft Water Law. (Copy not available)

Fisheries Management and Administration Law (1987)

Proclamation on Competent Authorities in issuing Permission to do Fishery in Open Water, Aquaculture, Fish Processing and Special Permissions (1989)

Sub-Law on Transportation of Fishery Products (1988)

Law on Environmental Protection and Natural Resources (1996)

Sub-Decree on Environmental Impact Assessment Process (1999)

Law on Land (2001)

Law on the Establishment of the Ministry of Agriculture, Forestry and Fishing (1996)

Sub-Decree on the Organization and Functioning of the Ministry of Agriculture, Forestry and Fisheries (2000). (Copy not available)

Proclamation on Demarcation of Inland Fishing Lots and Fish Sanctuaries (1989)

Regulations on the Creation and Designation of Protected Areas (1993)
Sub-Decree on Water Pollution Control (1999)
Harmonization of Hatchery Production of Penaeus monodon in ASEAN Countries.

Related resources

Search parameters: country=KHM, Keywords=aquaculture;mariculture

Records Returned: 0

Department of Fisheries (DoF) – Ministry of Agriculture, Forestry and Fishery
Ministry of Agriculture, Forestry and Fisheries (MAFF)
Mekong River Commission (MRC)
Network of Aquaculture Centres in Asia and the Pacific (NACA)
Association of Southeast Asian Nations (ASEAN)
Southeast Asian Fisheries Development Centre’s (SEAFDEC)

Department of Fisheries – Technical Paper No.4, Aquaculture Review –2001 (See §7 and 8 on Legal and Institutional Framework)

Department of Fisheries (Agriculture Productivity Improvement Project (APIP) – The Fisheries Component) – Legal Process Paper 01 "Establishing a Framework for Revising the Fisheries Laws" – Phnom Penh,1999FAO Fisheries Library


Related links

Country profiles: Cambodia