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Guidelines on Private Forest Registration in Cambodia



នាយកដ្ឋានអភិវឌ្ឍន៍ធនធានព្រៃឈើ និងព្រៃឯកជន
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Executive Summary

Cambodia has the goal of maintaining at least 50% of its land under forest cover to contribute to the country's Sustainable Development Goals by 2030. In pursuit of this ambitious goal, the Forestry Administration has identified degraded forests and other degraded lands that are available for restoration and introduced initiatives for investing in the establishment of private forest plantations on state land by forging partnerships between various private sector entities. It has recently developed and obtained approval of the **Guidelines on Private Forest Registration**, as well. These guidelines are intended to provide policy support by means of incentives, including a 50% export tariff reduction on wood products derived from locally planted trees, to promote the extensive participation of the private sector in investing in tree plantations on private land.

The development of the Guidelines on Private Forest Registration has been supported by the European Union through the Secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) under its project for "Integrating the Development of Guidelines and Incentives for Piloting the Establishment of Small-scale Private *Dalbergia* Plantations with the Determination of a Non-detriment Findings Report in Preah Vihear Province, Cambodia" and the Asian Forest Cooperation Organization (AFoCO) through its project on "The Registration of Small-scale Private Forest Plantations in Cambodia."

The Guidelines on Private Forest Registration consist of four chapters. The first provides a context by presenting critical information on the definition of private forests, as well as on supporting legislation, and eligibility. The second elaborates on the process applicants have to follow to register their private tree plantations. The third provides technical instructions on the development of plans for establishing private plantations. The fourth focuses on the harvesting of the trees that have been grown on private land, as well as on mechanisms for the monitoring and tracking of the produced wood by local Forestry Administration units. Each chapter is briefly described as follows:

Chapter 1: Introduction

Private forests are defined as plantations or trees that grow naturally on land that is registered and privately owned under state valid procedures and laws. Private forest refers to plantation established by natural persons or private legal entities who own land on their private land with the right to occupy in accordance with the land law and are registered as private forest according to the regulations of the Forestry Law and the Prakas No. 327 PRK dated 26 May 2017 on the Private Forest Rule.

The guidelines provide guidance to assist landowners or legal entities wishing to register their private forests, either plantations or natural plantations covering:

- the process of establishing and registering private forests;
- knowledge and skills in caring for private forest plantations;
- effective monitoring of the progress of responsible private forest management; and
- the importance of plantations and the potential of private plantations in improving the livelihoods of local people and communities, as well as contributing to socio-economic development and environmental protection.

In order to encourage participation in tree planting and development as plantations, Article 46 of the Forestry Law (2002) states that "Individuals who plant trees on private land or on state forest land that has been granted the right to use have the right to maintain, develop, use, sell and distribute their products," and subsequently, the Rules on private forests have been promulgated by Prakas of the Ministry of Agriculture, Forestry and Fisheries to encourage individuals to cultivate and maintain plantations.

The Prakas on the "Private Forest Rules" sets out the scope, requirements and procedures in the private forest registration process in Cambodia, classifying private forests according to the size of land planted or proposed, as well as outlines the many benefits that private forest owners receive and are encouraged. In this respect, the Forestry Administration would provide technical training services for afforestation and plantation management. Transportation of wood products originating from private forests to supply customers or the local market does not require a permit (LP). Prior to harvesting timber in a private forest plantation, the owner of the private forest shall notify the competent local forestry administration in writing the harvesting activities undertaken and be responsible for inspecting the amount of timber collected.

Private forest owners shall request their private forest logbook from the competent forestry administration of the relevant locality before harvesting the planted trees. Based on the Prakas on "Private Forest Rules", private forest owners must record all harvesting information in their private forest logbook, such as the location of the harvested lot, the size of the harvested area, the amount of timber and the type of timber harvested. This logbook is useful for private forest owners to use instead of a transportation permit when transporting their products to customers in the local market.

However, Article 61 of the Forestry Law states that "the rules for granting the right to use state forest land for afforestation shall be determined by sub-decree", by which planting trees on degraded forest land where partnership in planting trees between the State and the private sector (Public Private Partnership (PPP) shall be authorized by the Royal Government of Cambodia as referred to a letter No. 120 S.C.N.K.S. dated 08 February 2017 of the Office of the Council of Ministers.

Who should use these guidelines?

- private forest owner;
- national and sub-national forestry administration officials; and
- NGOs and other stakeholders working in the field of private forest plantation.

Why do private forest owners have to use these guidelines?

The guidelines describe the process of establishing and registering private forests as well as explaining the technical standards to private forest owners for managing and developing their plantations. In addition, the guidelines will help private forest owners understand the incentives set out in the forest policies and legal frameworks more effectively regarding the implementation of forest management activities that contribute to the social environment and economic efficiency. Private forest owners can learn about the process of establishing and registering private forests described in these guidelines, completing application forms for registration, planting planning and recording in the logbook.

Chapter 2: Practical Procedures for Registering Private Forests

Under the guidelines, private forest plantations are categorized by area, each of which is distinguished by its own application form and place of submission.

There are four categories of private forest forests, as follows:

- household private forest plantations that consist of land areas of less than 10 hectares. The application form and the hard copies of associated documents under this category shall be submitted to the Forestry Administration Cantonment in the province where the private forest plantation is to be established;
- small-scale private forest plantations that consist of land areas that range from 10 to 100 hectares. The application form and the hard copies of associated documents under this category shall be submitted to the Provincial Department of Agriculture, Forestry and Fisheries in the province where the private forest plantation is to be established;

- medium-scale private forest plantations that consist of land areas that range from 100 to 1,000 hectares. The application form and the hard copies of associated documents under this category shall be submitted to the Forestry Administration at the central level in Phnom Penh; and
- large-scale private forest plantations that consist of land areas that are greater than 1,000 hectares. The application form and the hard copies of associated documents under this category shall be submitted to the Ministry of Agriculture, Forestry and Fisheries in Phnom Penh.

The documents required to be submitted with the application form are, namely, (i) a national identification card or passport; (ii) a land tenure certificate; and (iii) business patents if an applicant is a large entity or a company. The guidelines were developed to include sample attachments of application forms, verification and evaluation forms for inspecting the tree plantations in the field, a two-paged example of the forest registration certificate, and a logbook for recording harvesting data and other related information.

Natural persons or private legal entities who are interested in registering their private tree plantations may consult with the specialized officers of the Department of Plantation and Private Forest Development of the Forestry Administration or the specialized officers of the Forestry Administration division before applying for private forest registration.

There are three interrelated steps in the registration process. The initial step proceeds through the provision of general guidance to the filing out of the application form and submission of the required documents for reference and certification of legal acquisition. The second step establishes the process by which field verification and evaluation are conducted by appropriate authorities comprising of Forestry Administration officers from either or both the central and local levels. Finally, the third step is the issuance of the private forest registration certificate.

In the provision of private forest registration certificate, the Forestry Administration will provide a certificate of private forest registration to natural persons or legal entities who have applied for private forest registration at the request of the Provincial Department of Agriculture, Forestry and Fisheries (for household and small-scale private forest) and at the request of the specialized units under the supervision of the Forestry Administration (for medium- and large-scale private forest) with attached reports and records of field verification and evaluation. This certificate of private forest registration will be provided to the natural person or legal entity who has applied for private forest registration with the following conditions:

- land ownership certificate in accordance with the land law (original copy);
- the location of the proposed land is safe;
- in the case where the land is leased from the private sector on long term basis, the lease agreement and the consent from the property owner to register as a private forest in writing are needed; and
- planted trees make up at least 35% of the land cover.

In the case where the location of the application for registration has not met all the above conditions, the Forestry Administration has the authority to prepare a letter of notification to the natural person or private legal entity, as well as to recommend the documentation required and re-application.

The issuance of a certificate of private forest registration can be issued to the owner of the private land in the size of the area and/or the number of trees of equal value, depending on the actual situation in which the owner planted the tree, for example, for timber production or planting trees as a fence along borders.

If an applicant or a private tree plantation owner has complied with the requirements associated with both the legal acquisition and evaluation criteria for private tree plantations, a private forest certificate shall be issued to the applicant no later than two months after its initial submission. The application may be rejected, however, if the applicant fails to provide sufficient evidence associated with the legal title to the land and will be required to resubmit the application form. If an applicant lacks the required supporting documents or is unable to obtain satisfactory field verification, or is only partially able to comply with the field assessment criteria for their private plantation, the issuance of a private forest certificate will be suspended. The guidelines stipulate, as well, that in registering private forest plantations, owners are not required to have permits in their possession that are associated with the planned harvesting or transporting of wood products originating from their tree plantations, except for those products that are planned to be exported.

Chapter 3: Preparatory Planning for Tree Plantation and Private Forests

The establishment of private plantations and forests is the contribution of private forest owners, both physical and legal, in efforts to boost the national economy by creating a source of timber supply from plantations and reducing the pressure on the use of timber from natural forests. It will also create jobs, help increase incomes for the local communities and reduces poverty in rural areas. Planting plans prepared by individuals and legal entities could take into account a number of values, such as recreation, quality of the landscape, geography, biology and cultural heritage.

Site selection for establishing tree plantation

The selection of land for a tree-planting project is an important aspect that individuals or legal entities should study carefully before deciding to purchase or enter into joint venture to establish private plantations and forests, which should consider environmental and socio-economic factors. If private forests are established as commercial plantations, then they should be established where the soil and climatic conditions (quantity and distribution of rainfall) are suitable for the growth of the species. Establishing plantations or private forests, even small ones, is very expensive. Expenses for purchasing land, tools and equipment for planting trees, renting land, hiring workers, building roads, fencing, maintaining, protecting and transporting. If the private forest owner has a clear plan, the cost will be reduced.

Forest plantations can also be created as private forests in response to environmental and social benefits. Site assessment should begin at an early stage prior to land preparation, reviewing (i) soil conditions, flora and fauna using rapid assessment tools; (ii) status of land use in accordance with the land tenure system, not related to the state's permanent forest reserve or forest area of the protected area; (iii) economic analysis of the labor force; and (iv) effects of possible impacts such as water pollution, water scarcity and/or lack of water sources.

Planning and factors to be considered

After the site study process, planning for the establishment of a private commercial forest plantation should include an economic analysis to show that the plantation project will be profitable as a basis for investment decisions. The main points to be analyzed are, namely, (i) based on actual estimates of the area to be planted, excluding environmental costs and making actual estimates of financial revenues and establishment, maintenance and protection costs, etc.; (ii) consider the impact of topography and accessibility of harvesting and transportation costs using data from local plantation growth with similar conditions for estimating productivity and yields; and (iii) consider the potential risks of diseases, fires, pests, and other natural disasters.

Factors that should be considered in the preparation of plantations include (i) existence of plant systems, whether there is still potential for reforestation and usability? (ii) construction of roads and railways for private forest plantations over 10 hectares requires measures to prevent and control wildfires; (iii) preventive measures against diseases and pests; (iv) marketing plan and use

of wood, including land tenure and the legitimacy of the planting site, and whether there are still unresolved land tenure disputes before planting; and (v) plantation size where the larger the plantation, the smaller the cost per unit of land, so a change of land or a joint venture may be considered to reduce the cost of establishing a plantation.

Most of the planting work is done by farmers during the off-season. If the plantation is too large to handle, additional workers must be hired from outside. This problem is often encountered when preparing the plantation and when planting. Outsourcing must also provide accommodation.

Plantation planting and maintenance plan requires private forest owners to prepare in case the area of application for registration of private forest is more than 10 hectares.

Private forest owners need to inspect their plantations regularly after planting to monitor the growth of seedlings, seek advice or technical assistance from the competent forestry administration officials if necessary to ensure that plantations are of good quality and in accordance with technical specifications, and must cooperate with the competent forestry administration by reporting quarterly on the development status of their private plantations, including survival rates, growth maintenance activities, and other newly planted species (update private forest plantation data).

Chapter 4: Harvesting and Monitoring Mechanisms for Tree Plantation and Private Forests

This chapter describes the procedures for requesting harvesting of timber and the mechanism for inspecting plantations that private forest owners must perform, as well as how to record the activities of planting, maintenance and quantity of timber to be harvested. Record them in a logbook and report the harvesting activities and the amount of wood harvested to the competent Forestry Administration Officer.

Harvesting operations

Harvesting is a stage where private forest owners need to consider in advance a number of activities, such as harvesting operations, marketing and transportation to use, distribution and processing sites. At this stage, private forest owners need to consider harvest planning as follows:

- select a silvicultural system to implement;
- select the appropriate system of harvesting business;
- select equipment and materials for harvesting, hauling and processing; and
- plan the construction of tractors' roads and transportation.

Private forest owners who have registered private forests have the right to harvest, use and exploit non-timber forest products and processed wood products originating from their private forests by following the following rules:

Before forest harvesting, the private forest owners must report in writing to the competent Forestry Administration the location of the harvested lot, the area and the type of timber to be harvested, at least two weeks before the harvesting operation begins. In the case of private forests of 10 hectares or more, the owner of the private forest must attach a harvesting action plan, along with a map showing the location of the lot and the direction of transport to the market for use or distribution.

At the commencement of the harvesting operation, the private forest owner must record in his/her private forest logbook the location of the harvested plot, the size of the harvested area, the amount of timber or by-products collected and transported from his private forest plantation for processing. In the harvesting process, private forest owners must follow the Cambodian Code of Harvest Practices to ensure that their private forest harvesting business ensures:

- safety for workers during felling;
- minimize environmental and social impacts; and
- appropriate use of tractors and transportation that do not cause excessive damage to the road system or erosion.

The competent local forestry administration shall manage the records of each registered private forest and have the right to inspect any private forest logbook as necessary or in case of doubt to verify the harvesting activities and exploitation of private forest rights.

Mechanisms for inspection of private plantations and forests

After obtaining the certificate of registration of private forest, the applicant can request technical assistance, coordinate or cooperate with the Forestry Administration officials-in-charge of plantation maintenance. The private forest owner has to manage the plantation plantations based on the silvicultural techniques set forth in the private forest plantation plan or its private forest development plan until harvest time. Each private forest rights registered in accordance with the rules of the Prakas is responsible for keeping a record of all activities involved in the harvesting and exploitation of its plantations, including data on the amount of timber transported and processed, traded or used.

Inspections of plantations and private forests shall be carried out by the relevant private forest owners and/or professional officers of the competent forestry administration. The establishment of a mechanism to control private plantations and forests in this chapter is not meant to put pressure on private forest owners. Its aim is only to enable the Forestry Administration to have the authority to provide technical support services and technical guidance to owners through the provision of technical training services for afforestation and management of plantations from planting to the establishment of a complete plantation and harvest.

The information on the number of planted trees to be harvested at the time of harvest should be provided to the competent Forestry Administration Officer to enable the amount of timber to be deducted from the Forestry Administration data management system. This information shall be recorded in the logbook provided by the Forestry Administration along with the certificate of private forest registration, both of which will be used for the transportation of timber products from plantations to the market.

Private forest owners must monitor and record all activities related to private forest plantations, such as:

- date of tree planting, tree species, number of trees and/or area (hectares);
- cultivation data such as survival rate and growth in diameter, height and leaf expression;
- pruning and thinning of plantations, indicating the amount of timber removed and the amount of fruit harvested;
- quantity of fruit harvested by block and direction of distribution to market; and
- quantities and types of trees replanted or regenerated stumps.

Private forest owners are obliged to record in their logbook the activities of their private forest management for the monitoring, inspection, verification or technical support intervention by the competent forestry administration officer. Private forest activities are recorded on a monthly basis for each year of operation, as follows:

- records of the process of establishing a private forest, including activities ranging from site preparation, nursery, sapling, plantation, maintenance, application of silvicultural techniques on forest germination to the pre-harvest stage; and

- records of private forest harvesting process: including deforestation, pruning, hauling, piling and post-harvest forest cleaning, as well as information on transportation from stockpiles to warehousing markets, and the amount sold to factory or handicraft processing plants or exported.

Monitoring and reviewing implementation

The competent Forestry Administration Officer shall monitor and inspect the implementation of timber harvesting work in plantations and private forests, including the necessary documents such as certificates of private forest registration, information recorded in the ledger and logbook, harvest location, etc. If necessary, the competent Forestry Administration Officer would inspect the location of the harvesting block in the field if the private forest owner does not perform the work of recording or completing the data recording as instructed.

Samples of the following documents in the Khmer language are also provided in the guidelines:

- the application forms;
- the field verification and evaluation form;
- the front and back pages of the private forest certificate;
- the plan for establishing private forest; and
- the private forest logbook.



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