

# **Report by the Royal Government of Cambodia**

## **to the Second Session of the United Nations Forum on Forests on Progress in Implementation of the IPF/IFF Proposals for Action**

**(Reference: Decision 1/3 of UNFF-1, Annex, para. 9,22,23)**

### **1. Status**

Cambodia has a heritage of abundant natural forest that was largely retained during the more recent times while most other countries in the region lost a large part of their productive forests. However, as the country emerged from the tragic political experiment and unstable political conditions of the 1970's and 80's forests were destroyed and logging proliferated in the country, demand for Cambodian timber increased, and extraction rapidly reached unsustainable levels.

Forests are almost evenly split between broad-leaved evergreen forests and deciduous forests, with smaller areas of flooded forest around Tonle Sap Lake, and small areas of coastal mangroves. In 1965, forest cover was estimated to 73 % (appr. 13.2 Mio. Hectares) of the country. Mainly due to unsustainable commercial logging and deforestation through agricultural expansion and shifting cultivation along new (logging) roads the forest cover area from 1965 to 1997 decreased to 58 % or about 10.6 million hectares. About 70,000 hectares were lost annually in the period between 1969 and 1993. The rate of deforestation doubled from 1993 to 1997 with 140,000 hectares per year lost.

The management of protected areas and wildlife sanctuaries fall under the jurisdiction of the Ministry of Environment. There are 23 protected areas including 7 national parks, 10 wildlife sanctuaries, 3 protected landscapes and 3 multiple use areas covering an area of about 3.3 million hectares.

During the nineties altogether 35 concession companies were operating in Cambodia covering an area of around 7 million hectares of forest. Around half of them stopped operations due to degradation and high government charges, some had their contracts cancelled following the recommendations of the ADB Forest Concession Review (April 2000) and some had to temporarily suspend operations due to the declaration of former concession areas to proposed protected forests (e.g. in the central part of the Cardamom Mountains where in January 2001 all forms of exploitation, commercial harvesting, clearing of forest estate and wildlife hunting were prohibited on an area of 330,923 hectares)

The total forest area excluded from concession management is estimated at 3 million hectares. Further thousands hectares are expected to drop out of concession management after the cancellation of concessions that failed to submit sustainable forest management plans by 2001/2002. The forest resources on the areas abandoned by concessionaires for whatever reason will amount to around 4 million hectares.

## **2. Decision-Making: Coordinating Bodies**

The Royal Government of Cambodia (RGC) seriously commits itself to the results and the follow up processes of the Rio Conference (UNCED) in 1992. RGC considers the concept of sustainable forest management within the framework of sustainable development of Cambodia as major national goal to be achieved. The coordinating body for forest issues in Cambodia is the Department of Forestry and Wildlife (DFW) under the Ministry of Agriculture, Forestry and Fisheries (MAFF). The Ministry of Environment (MoE) is responsible for 23 protected areas.

The forest sector in Cambodia is currently undergoing a period of comprehensive reforms. In order to coordinate this reform process in particular when it comes to the development of an overall forest policy framework the RGC has implemented by Sub-Decree (dated July 3<sup>rd</sup>, 1996) a high-level interministerial 'National Committee for the Development and Implementation of Forest Policy'. The Prime Minister chairs the committee. The Director of the Department of Forestry and Wildlife acts as the Executive Secretary of the Committee. The Committee has the following duties:

- To coordinate consultations between RGC and international agencies providing assistance on forest policy
- To select and manage technical assistance
- To coordinate consultation among all parties in the forest sector
- To review investment programs in the forest sector
- To make proposals and plans on forest policy for the country

Currently a new forestry law is within the ratification process. Once it is officially endorsed the Committee will be substituted by the 'National Forest Policy Steering Committee' to be chaired by the Minister of MAFF, with members from other forest issues related Ministries.

## **3. Legislation and Regulations**

The regulatory environment for the forestry sector has improved considerably since 1999. At the Consultative Group (CG) Meeting in Paris (May 2000) the RGC declared that land reform was one of the key cross cutting themes of its Governance Action Plan. At the end of July 2000 the Council of Ministers passed the Immoveable Property Bill (revised version of the Land Law) onto the National Assembly, which endorsed the Bill in August 30<sup>th</sup> 2001. The Land Law aims to clarify previous legislation governing the use and ownership of land and other natural resources (e.g. water), regulates basic issues of land management and tenure, and provides for the legal allocation of user rights to communes and private households or individuals. Legal instruments required implementing the new Land Law after its proclamation would be documented in 8 Sub-Decrees (Anu-Kret).

The Forestry Law was adopted by the Council of Ministers in the beginning of August 2001 and submitted to the National Assembly for approval. Ratification is expected at the beginning of 2002 after approval by the Senate and the Constitutional Council. The Law determines the framework of management, protection, conservation, utilization, exploitation and sustainable development of national forests.

The Sub-Decree on Forest Concession Management was adopted on 7 February 2000. It applies to all forest harvesting activities, investment agreements and forest concessions approved by the RGC. Among others it determines that,

- Forest concession tenure must be in the public interest and that the process by which concessions are granted and managed must be fair and transparent (Article 2.2),
- Concession forest management regimes must conserve and protect natural biodiversity, ecosystem function and important forest services such as soil conservation and watershed regulation (Article 2.3),
- Local communities have rights of access to forest resources occurring on concession areas that are of economic, subsistence and spiritual value (Article 2.5)
- Concessions must develop a management plan in a multi-stakeholder forum, defining forest management, social, environmental and financial planning criteria, delineating the concession area according to forest zones and prescribing measures for environmental and social impact assessment (Article 6.2).
- Local communities must be consulted for the development of concession management plans (Article 2.6)

The Sub-Decree on Community Forestry is currently in the process of being developed. Together with the Land Law and the Forestry Law it will set the legal framework for the involvement of local communities into the management of forest resources. In order to elaborate the Sub-Decree on Community Forestry within a consultative process providing maximum involvement of all stakeholders, in particular the communities, MAFF endorsed a multi-institutional 'Task Force on Community Forestry Management' assisted by several donor projects in May 2001. The completion of the Community Forestry Sub-Decree will only be possible after the endorsement of the Land Law and the Forestry Law.

The Sub-Decree on Environmental Impact Assessment has been adopted on August 11, 1999.

The development and promulgation of the Cambodian Code of Practice for Forest Harvesting (DFW, 1999) and the Forest Concession Management Planning Manual (DFW, 2000) are technical guidelines to facilitate the transition to sustainable forest management on the operational level. Continued improvement can be expected with the development of a Model Forest Concession Agreement that will form the basis for all contractual agreements between the RGC and forest concession holders.

#### **4. Strategies, Policies and Plans**

There is a lack of a comprehensive national forest policy that builds upon the available forest legislation and is harmonised among major stakeholders. Essential fragments of policies relating to forestry are available in a number of forest sector analysis documents. However the development of a comprehensive national forest policy based upon a consultative policy formulation process including all stakeholders still has to be initiated.

The RGC is committed to developing a comprehensive forest policy framework over the medium-term. Based upon the structure mentioned in chapter 'Coordinating Bodies' and

with the support of donor-assisted projects RGC is currently working on a Government Statement on National Forest Policy. This statement has to be considered as a brief and general overview on future forest policy tendencies performing a preliminary framework for the legislation and regulations already in place or in the process of being developed. After that RGC with the support of donor-assisted projects will initiate a consultative policy formulation process including all stakeholders in order to develop a comprehensive national forest policy.

The planned reform of the forest administration is documented in the new Forestry Law and will be implemented as soon as the Forestry Law has been endorsed. The new 4-tiered administrative structure (inspectorate, cantonment, division, triage) establishes a technical line department from the central down to the local level. The administrative reform follows the recommendations of the CG-Meeting in Tokyo and of the ADB-Forest Concession Review of April 2000. It contributes to a clarification of authority over forests and leads to a more coherent governmental administration of the forest estate. The existing administrative structure - Provincial and District Forest Offices under direct authority of the Province and District Governors - will be abandoned and Provincial and District Forest Offices be integrated into the new structure. With the new administrative structure RGC plans to bring public forest service closer to the people by deconcentrating ministerial functions to lower level authorities.

The administrative reform bears new professional challenges for the entire institution and its personnel at all levels. It requires a comprehensive review of the roles and functional responsibilities of the forestry administration. Formal lines of communication and supervision will be reviewed and intensified, and the interaction with other ministries and government departments, that will continue to work under a three-tiered administrative structure, be re-defined.

## **5. Major Groups Involvement**

In Cambodia there are different types of jurisdiction on forested land. The bulk of all forested land falls under the jurisdiction of MAFF/ DFW. For protected areas, the Ministry of Environment and for flooded forest, the Department of Fisheries under MAFF is responsible. Within the forest sector several kinds of professional networks such as for community forestry, concession management, conservation or rehabilitation exist. Each of them comprises different actors and stakeholders among them state forest authorities, communities, private companies and the related association, NGO's and donor-assisted projects. These networks at the moment and much more in the future play important roles by dealing with policy, legal or technical forest issues coordinated by the major government institutions. Currently the community forestry network is working on the elaboration of the Community Forestry Sub-Decree mobilised by an inter-institutional Task Force.

## **6. Programmes and Projects**

The IPF/IFF proposals as outcomes of the Rio Conference (UNCED) in 1992 and the follow up process are still not very well known by many actors in Cambodia and thus the linkage of implementing the proposals is weak. The concept of National Forest Programmes offering the conceptual framework for the implementation of the IPF

Proposals are still not clear to the major portion of stakeholders. However the MAFF/DFW have recognised that the current rather fragmented nature of efforts towards sustainable forest management have to be transformed into a holistic concept covering a wide range of approaches to sustainable forest management under consideration of the international forest regime. In that sense at least the government side comprising the MAFF/DFW is trying to get more details about the concept of National Forest Programmes in order to investigate if this would be the adequate comprehensive forest policy framework for the achievement of sustainable forest management.

Up to now there are no comprehensive forest programmes implemented in Cambodia. However a considerable number of projects and initiatives are working on forest related issues. Over 20 field projects are dealing with the concept of community forestry and a number of initiatives are engaged in bio-diversity conservation. At the national level different donor-assisted projects are supporting the MAFF/DFW on the improvement of forest issues. The World Bank implemented a project dealing with forest concession management and control. The German Government supports a project working on forest policy development under the consideration of the international forest regime, but also dealing with administrative reform, forestry education, and forestry extension. A capacity building and institutional strengthening initiative was implemented recently by the Government of Japan. The Danish Government is funding a project dealing with seed tree sources and aspects of gene conservation. A Forest Crime Monitoring Project in connection with the NGO Global Witness monitors, documents and reports forest crimes nationwide. RGC and the projects cooperate closely trying to combine efforts and to avoid fragmented and isolated work.

## **7. Challenges**

Major challenges on the way towards sustainable management of forest resources are currently the formulation of a comprehensive national forest policy and the administrative reform. Additional financial resources and environmental sound technology for sustainable forest management is also needed. Institutional strengthening and capacity building would be required in order to implement sustainable forest management at all levels and its monitoring and evaluation. Improved management, planning and implementation skills for all kind of forest management cycles as well as industrial applications related to forestry are the challenges for human resource development.

The total forest area excluded from concession management is estimated at 3 million hectares. Further thousands hectares are expected to become “vacant” after the cancellation of concessions that failed to submit sustainable forest management plans by 2001/2002. Furthermore, on December 13<sup>th</sup> 2001 the MAFF issues the Prakas No 5721 (Declaration) to suspend the forest logging activities of all concessions. The forest resources on these “vacant” areas of altogether around 4 million hectares are likely to be degraded. For years to come they will not be able to produce commercial benefits from timber harvesting. At present, MAFF/DFW are managing those forests as temporary protected.

## **8. Capacity building, Education, Training and Awareness-raising**

Human resource development and training is an ongoing activity of the forestry agencies, carried out with both domestic funding and foreign aid. Regarding the expected ratification of the Forestry Law and the Community Forestry Sub-Decree in the beginning of 2002 it is important to start information dissemination and awareness campaigns throughout the country with all stakeholders at each level.

## **9. Information System**

Proper information management in the forest sector is still a challenge. The DFW tries to deal with this task by using different tools such as an Information Management Unit and a web page for the provision of information to outsiders. Information management will be oriented along criteria and indicators for sustainable forest management.

## **10. Financing**

As much as possible activities carried out for sustainable forest management are funded domestically. Different governments and donors support projects of technical cooperation. Organisations involved are World Bank, GTZ, DANIDA, JICA, FAO, ADB, Conservation International (CI), Forest and Wildlife Service (FWS) and others. However there is still a lack of budget for necessary investments such as rehabilitation or forest industry development. It is hoped that possibly under the framework of a National Forest Programme the needed strategies, actions plans and investment programmes can be elaborated. Furthermore RGC plans to allocate a considerable area to conservation purposes. However, funds to cope with this objective should be secured in the long term. DFW is looking for any donor in this regard.

## **11. Cooperation**

As mentioned above under the chapter 'Programmes and Projects' the IPF/IFF proposals as outcomes of the Rio Conference (UNCED) in 1992 and the follow up process are still not very well known by many actors in Cambodia and thus the linkage of implementing the proposals is weak. The concept of National Forest Programmes offering the conceptual framework for the implementation of the IPF Proposals are still not clear to the major portion of stakeholders. However, the MAFF/DFW have recognised that the current rather fragmented nature of efforts towards sustainable forest management have to be transformed into a holistic concept covering a wide range of approaches to sustainable forest management under consideration of the international forest regime. In that sense at least the government side comprising the MAFF/DFW is trying to get more details about the concept of National Forest Programmes in order to investigate if this would be the adequate comprehensive forest policy framework for the achievement of sustainable forest management.

## **12. National Focal Point**

The MAFF has designated the DFW to be the National Focal Point responsible for the linkage to UNFF. Mr Ty Sokhun, Director, of the DFW shall be contacted for any correspondence and issues regarding UNFF. The contact address is:

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