

Implementing Timber Legality Assurance Systems

A guide to comply with timber legality requirements in Cambodia and to support due diligence



CAMBODIA



Timber Legality Assurance Systems are being developed in a number of countries. They ensure that wood products conform to national laws and help to prevent the illegal importation of timber. The systems are dependent on governments developing effective control and verification systems and operators complying with legal requirements and conducting due diligence – in this context identifying and minimizing the risks associated with imported timber. By being aware of legal requirements in Cambodia and the risks of legal non-compliance, highlighted below, law enforcement agencies and importers can implement control and mitigation measures to prevent timber being illegally harvested, transported and traded.

HARVESTING TIMBER

Ensure that land titles and applicable laws are respected to avoid conflict and guarantee sustainable harvesting.

CHECK THE FOLLOWING DOCUMENTS:

- Forest Land Demarcation Register
- Land Registry
- Maps identifying forest categories
- Approvals by National Assembly, Government, Ministry of Agriculture, Forestry and Fisheries or provincial administrations
- Land Use and Harvesting Plans
- Land Use Master Plans for cities, provinces and municipalities
- Feasibility Study
- Water Use License
- Environmental and Social Impact Assessment
- Harvest Permit for Forest Products and By-products

Ensure that companies received authorization before clearing forests, manage areas within the 10,000 hectare limit allowed by law, and only harvest within concession boundaries.

CHECK THE FOLLOWING DOCUMENTS:

- Map showing land boundaries and ownership
- Land Register
- Land Use and Harvesting Plans
- Environmental and Social Impact Assessment
- Forest Concession Management Plan
- Economic Land Concession Contract
- Economic Land Concession Masterplan
- Evidence of company's commercial registration
- Community Forest Agreements (for protected areas, communal lands, mangroves and flooded areas and indigenous communities)

Ensure that companies are fulfilling their tax obligations.

CHECK THE FOLLOWING DOCUMENTS:

- Export/Import License for Forest Products and By-products
- Record of payment receipts
- Official letters from applicable ministries and ministerial line departments

Ensure that companies have respected annual harvest limits, reforestation obligations, and environmental protections designed to address pollution.

CHECK THE FOLLOWING DOCUMENTS:

- Timber Harvest Permit
- Transport Permit (except for timber from community forest areas with approved community forest management plans)
- Permit for transport quotas of forest products and by-products
- Environmental and Social Impact Assessment

Ensure that workers are aware of their rights and that companies fulfill these rights.

CHECK THE FOLLOWING DOCUMENTS:

- Employment Card
- Employment Contract
- Payroll ledger

TIMBER TRANSPORT & TRADE

Ensure that the volume of transported timber is consistent with details specified in associated documentation.

CHECK THE FOLLOWING DOCUMENTS:

- Detailed list of forest inventories and timber volumes
- Transport Permit
- Export Permit

Ensure that exporters are using official border crossings and ports and paying export taxes.

CHECK THE FOLLOWING DOCUMENTS:

- Invoices from the past ten years
- Relevant transaction and transfer pricing documents
- Export Permit
- Export License

Ensure that no tree species protected under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) have been harvested illegally.

CHECK THE FOLLOWING DOCUMENTS:

- CITES Import Permit
- Export Permit

PROCESSING TIMBER

Ensure that processing companies are properly registered.

CHECK THE FOLLOWING DOCUMENTS:

- Evidence of company's commercial registration
- Timber Stock Record

Ensure that processing companies are respecting environmental laws and regulations.

CHECK THE FOLLOWING DOCUMENTS:

- Environmental and Social Impact Assessment
- Approval of Environmental and Social Impact Assessment
- Certificate of Monitoring

Ensure that companies are following processing regulations, including registering timber harvesting machines and acquiring the necessary permits.

CHECK THE FOLLOWING DOCUMENTS:

- Registered ID of processing equipment holders
- Evidence identifying location of a processing sawmill
- Evidence of registration for machinery, vehicles and chainsaws with the Forestry Administration

Ensure that workers are contracted, covered by insurance, and work appropriate hours.

CHECK THE FOLLOWING DOCUMENTS:

- Worker Employment Cards
- Employment Contracts
- Payroll ledgers

ACTIONS FOR IMPORTERS

- Review documents related to license allocations, evaluate license allocation processes and conduct on-site visits to interview stakeholders and license holders.
- Review tax payment documents and if possible visit the Ministry of Economy and Finance to ensure that all relevant taxes and fees have been paid.
- Conduct on-site visits to evaluate compliance with timber harvesting and environmental regulations, review relevant documentation, and interview staff, license holders and government representatives.
- Conduct on-site visits to ensure that companies respect the rights of local communities and optimally manage any potential or on-going conflicts.
- Verify documents accompanying the trade and transport of prohibited or CITES-protected species.
- Conduct on-site evaluations of processing sites to verify that processing facilities are legally constructed and operate according to environmental, health and labor regulations.

Check that each document is up to date, has been signed/stamped by the authorized agencies, and is consistent with other documents and with actual products and volumes being sold/exported.

For more information on the Cambodia Timber Legality Risk Assessment:

<https://preferredbynature.org/projects/developing-background-analyses-voluntary-partnership-agreement-vpa-support-project>

On behalf of:



Implemented by:

