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Cultural Organization



Convention for the Protection of
Cultural Property in the Event
of Armed Conflict

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Cambodia

National report on the implementation of the Hague Convention of 1954
and its two Protocols (1954 and 1999)

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I. Hague Convention of 1954

1. Article 3 - Safeguarding of cultural property

This article sets out the obligation for High Contracting Parties to adopt in time of peace the appropriate safeguarding measures against the foreseeable effects of an armed conflict.

Have you adopted such measures?

Yes. The Royal Government of Cambodia has made significant strides to ensure that it becomes a leader in the field of cultural heritage protection and preservation. To this end, it has created a series of national and regional laws, as well as special administrative bodies to oversee the management and protection of Cambodian and international cultural heritage. Several of Cambodia's national laws admonish the intentional destruction as well as any illicit import or export of cultural property.

At the highest level, the 1993 Constitution of the Kingdom of Cambodia proclaims:

Article 69: The State shall preserve and promote national culture.

The State shall protect and promote the Khmer language as required.

The State shall preserve ancient temples, artefacts and redecorate historic sites.

Article 70: Any offense affecting cultural and artistic heritage shall carry a severe punishment.

Article 71: The perimeter of the national heritage sites, as well as heritage that has been classified as world heritage, shall be considered neutral zones where there shall be no military activity.

Aside from the Constitution, the most important national law regarding cultural heritage is the 1996 Law of Protection of Cultural Heritage. It is a detailed set of laws regarding the safeguarding of both immovable cultural property and movable cultural property whether they are publicly or privately owned. The law not only describes what cultural property is protected and how, it also regulates trade, discoveries, excavations, and the import/export of cultural property. Although it does not expressly address the 1954 Convention, the law provides criminal penalties for importation of cultural artefacts of dubious or unverified origin, as well as for transgressions that impact archaeological sites, historic buildings or artefacts.

To enforce its laws and protect its cultural heritage, the Royal Government of Cambodia has created a number of unique administrative bodies. For example, Cambodia has created the Department of Cultural Heritage Police supervised by the Ministry of the Interior (Art. 1 of Sub-Decree No. 168 ANK). Its purpose is to maintain public order and prevent any offense to the historical and cultural heritage of the Kingdom of Cambodia. Importantly, the Royal Government of Cambodia has also created specialized administrative bodies whose sole responsibility is to oversee the management, preservation and protection of the Angkor Archaeological Park and the temple and region of Preah Vihear. These bodies are called the Authority for the Protection and Management of Angkor and the Region of Siem Reap (APSARA) and the National Authority for the Protection and Development of the Cultural and Natural Site of the Temple of Preah Vihear (ANPV), respectively.

The Royal Government of Cambodia has also enacted a series of site-specific laws, regulating the use of areas where important cultural property is situated, including, but not limited to the Angkor National Park and Preah Vihear.

The Zoning and Environmental Management Plan for Angkor (ZEMP) created a wide-ranging, comprehensive plan for land management of Siem Reap to protect the Angkor area. The Royal Decree Concerning the Zoning and Management of the Region of Siem Reap/Angkor used this plan as a foundation for the law. The plan provides for: urban planning; a geographic information system; ecology; hydrology; forestry; wildlife conservation; architecture; archaeology; tourism; and legal and administrative frameworks.

The Angkor Management Plan, funded by the New Zealand Agency for International Development (NZAID), is based on a sequence of in-depth reports focused on various facets of managing the Angkor area. The reports cover logistical components, landscape and cultural

heritage aspects, tourism, and community development. Using these reports, the Angkor Management Plan was developed to assist APSARA with comprehensive, long-term managing of the Angkor region.

The Heritage Management Framework (HMF) was initiated by the Royal Government of Cambodia at the request of the World Heritage Committee, funded by the Australian Government, with UNESCO collaborating to provide a thorough guideline to assist in planning ongoing and future preservation of Angkor site. The HMF addresses numerous inclusive issues Angkor site is encountering in conservation, namely, the rapid increase of tourism and its rippling effect on the area.

The HMF is an umbrella agenda for managing the Angkor Site, and comprises components such as the Risk Map, the Tourism Management Plan (TMP), capacity building initiatives and other pilot projects. This structural document identifies policies, strategies, and key initiatives and has done so in a way so as to operate within the main existing management plans, particularly: the Angkor Management Plan, 2007; the Tourism Management Plan, 2012; the Risk Management Plan, 2013; and the Charter for Angkor: Guidelines for Safeguarding of the World Heritage Site of Angkor, 2012.¹

The Risk Map is one of the major projects undertaken by the Angkor Heritage Management Framework Project. It uses a GIS system to identify environmental and socio-cultural risks to the Angkor World Heritage Park as well as structural risks to the Angkor monuments in order to assist experts in preventing damage to the monuments and their surroundings. The Risk Map itself is a sophisticated program that automatically integrates new information added by trained users into spatial representations of the risks in each area of the Angkor Park. The program analyses six “risk vectors” (air quality; flooding; groundwater; population; visitation and traffic and water quality) and three “values at risk” (forests and habitats; monuments and religion and livelihood).² The program analyses the given data and represents a given area as “Low,” “Medium” or “High” risk. Users may view individual risk vectors or values, or they may view a composite Total Risk Map factoring in all relevant data. The document describes the risks and risk levels, how the risk could affect the Angkor Park values, and later versions will suggest management responses, “including priorities, resources, planned activities, timetables and protocols for additional data collection and monitoring.”³ A copy of the Risk Map is available upon request. The risk map is also linked to a recently installed real-time satellite system, “quickbird”, which assists in providing additional, environmental and meteorological data.

Finally, most recently, the Royal Government of Cambodia has been preparing its application to include the Angkor Archaeological Park in the list of cultural properties under enhanced protection via the 1999 Second Protocol, discussed in further detail below.

2. Article 7 - Military measures

This article sets out the obligations of High Contracting Parties to introduce into their military regulations or instructions such provisions as may ensure observance of the Convention. As well as the preparation or establishment, within their armed forces, of services or specialist personnel whose purpose will be to secure respect for cultural property and to co-operate with the civilian authorities responsible for safeguarding it. These obligations must be implemented in time of peace.

*Have you introduced into your **military regulations or instructions** such provisions as may ensure observance of the Convention?*

If this information is available in a previously submitted report, you may refer to it.

Yes. In March 2009, the Royal Government of Cambodia, in conjunction with the UNESCO office in Phnom Penh, ran a successful training workshop in order to enhance domestic capacity and awareness of the 1954 Convention and its implications for the protection of Cambodian cultural property. This training session covered (1) the 1954 Hague Convention for

¹ World Heritage Convention Conservation Report on Angkor, January 2014 (pg. 6 of HMF).

² Risk Map, p. 7

³ Risk Map, p.15. The APSARA National Authority's ongoing responses to identified risks will be recorded and integrated into the Risk Map reports.

the Protection of Cultural Property in the Event of Armed Conflict; (2) the use of the Convention Emblem and protective symbols; and (3) recommendations regarding site management and preservation. Professor Jiri Toman, an international humanitarian law expert and professor from Santa Clara University School of Law, led the training session that took place at the Ministry of Culture and Fine Arts. Its participants included representatives from the Council of Ministers, the Ministry of Culture and Fine Arts, the Cambodian National Commission for UNESCO, the ANPV, and the APSARA National Authority, as well as the Cultural Heritage Police and staff from the National Museum and the Tuol Sleng Genocide Museum.⁴ Although the Cultural Heritage Police is not the military per se, it is a unique body that is instrumental in the protection of the cultural property and has been specifically designated to safeguard Cambodia's precious heritage.

In 1994, the Ministry of Interior collaborated with UNESCO and a special unit of the French police (Service de coopération technique internationale de police - SCTIP) to train a unit of Cultural Heritage Police (CHP) in special surveillance and search techniques, as well as deterrence, pursuit, and arrest methods. In addition, the team established suitable infrastructures for diffusing information and recovering stolen cultural property from within and beyond Cambodian borders. Initially, the CHP "specialized in the protection of heritage and carrying out its duties in the region of Angkor, in cooperation with the provincial authorities of Siem Reap." Now the scope of protection has been extended to the rest of the country, as provided in the Sub-Decree on the Formation of the Cultural Heritage Police, General Police Commissioners, Ministry of Interior (dating 29 December 2006). The CHP collaborates with the Ministry of Culture and Fine Arts, General Commissioner of National Police, ANPV, APSARA National Authority,⁵ and other concerned institutions in order to carry out the management and safeguarding of Cambodian cultural heritage. The CHP officers undergo three months of training led by the Ministry of Culture and Fine Arts at the Police Academy of Cambodia and funded by the Ministry of Economy and Finance.

The Department of Tourism Police similarly falls under the Ministry of Interiors. It was established by Sub-decree number 125 ANK on the Formation of the Tourism Police on 12 December 2001 and Sub-decree number 65 ANK on the Modification of Articles 1, 5, 6, and 7 of Sub-decree number 125 ANK dated 12 December 2001 on The Formation of the Tourism Police Department. The roles and responsibilities of Tourism Police include: 1) intervening in accordance to the law in the event of offenses committed and 2) cooperating with other competencies in order to protect cultural and historical heritage.

In addition to creating a robust legislative and administrative framework, the Royal Government of Cambodia has made efforts to implement its obligations under the Convention within the military on a practical level. For example, after the past several years of political turmoil between Thailand and Cambodia over the temple of Preah Vihear, the Royal Government of Cambodia has encouraged military forces that remain in the area to contribute to the protection of cultural heritage. Whenever soldiers or civilians find artefacts in the region, they are instructed to inform the military or the ANPV Department of Monument and Archaeology, who will come and collect the artefacts and study their location in situ.

Cambodia has also begun to incorporate the protection of cultural property in formal programs of military instruction and make its importance, particularly in the time of armed conflict, known to military personnel and civilian authorities. The Royal Government of Cambodia has made several formal requests, labeled a priority, to UNESCO for assistance in training military personnel and Cultural Heritage Police on the 1954 Convention and its two protocols.⁶ To this end, the Royal Government of Cambodia is in the preparatory stages of hosting the first regional seminar focusing exclusively on training military officials on the 1954 Convention, which will take place from September 1-6, 2015. High-ranking military officials from all ASEAN nations will attend the seminar in Cambodia, which is organized under the high patronage of his Highness, Archduke Karl von Habsburg, with the support of the International Red Cross and UNESCO. It is important to note that in addition to providing training to the high-ranking officials from ASEAN nations, the training seminar will also serve as a vehicle to train Cambodian soldiers on the ground in Phnom Penh, Siem Reap and Preah Vihear. It is

⁴ See Annex 15 for a full list of participants in the training workshop for the protection of Cambodian cultural property.

⁵ APSARA is responsible for the research, protection, conservation, and development of the site of Angkor.

⁶ *Cambodian National Report on the Implementation of the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict*, Kingdom of Cambodia, Phnom Penh (Jul. 2012).

anticipated that a large number of Cambodian soldiers will attend this training. Although specialists within the military have not yet been named, through the aforementioned training seminar, the Royal Government of Cambodia intends to appoint certain individuals in the military to take responsibility for the protection of cultural property in the event of armed conflict.

Have you established within your armed forces, services whose purpose will be to secure respect for cultural property?

No answer.

3. Use of the distinctive emblem to indicate cultural property (Chapter V)

The Hague Convention of 1954 created a distinctive emblem for the exclusive marking of cultural property with the aim of ensuring its recognition, particularly in the event of armed conflict. The marking of cultural property constitutes one of the preparatory measures that may be taken in time of peace.

*Have you **indicated cultural property** through the use of the distinctive emblem of the Convention?*

Yes. Currently, the Distinctive Emblem is displayed at various points on the site of the temple of Preah Vihear. In connection with its efforts to further utilize the 1954 Convention and the Second Protocol, the Royal Government of Cambodia intends to extend its use of the Distinctive Emblem, displaying it on significant immovable cultural property, as well as the museums that house moveable cultural property. The Angkor Archaeological Park is anticipated to be the next site to be marked with the Distinctive Emblem.

4. Article 25 – Dissemination of the Convention

The regulations relating to the protection of cultural property in time of war must be incorporated into programmes for military, and where possible, civil training. The aim is to ensure that the principles of the Convention are made known to the whole population, and especially the armed forces and personnel engaged in the protection of cultural property.

*Have you **disseminated the provisions of the Convention** within the armed forces as well as among target groups and the general public?*

Yes. The 2009 training led by Jiri Toman is one example of a collaborative effort to increase awareness and understanding of the 1954 Convention in Cambodia. Following the success of this 1954 Hague Convention Awareness Raising Workshop, the Cambodian authorities have repeatedly made requests to the UNESCO Office in Phnom Penh for more training. The UNESCO Office in Phnom Penh will continue to facilitate, and provide technical support regarding dissemination efforts.

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In addition, the Royal Government of Cambodia has begun to spread information about

protection of cultural property among the civilian population. The 1954 Convention and its two protocols have been officially translated into Khmer and are available to the public by request to the Cambodian National Commission. Some of the most important instruments relating to cultural property are also available to the public online.⁷ A leaflet outlining the State Party's obligations under these instruments has been prepared by staff from the Phnom Penh office of UNESCO. This leaflet is a brief and simple educational document that assists in the widespread dissemination of the 1954 Convention and its Second Protocol, and is included in Annex 6 of this Report. In addition, the Royal Government of Cambodia and UNESCO have collaborated on several occasions to produce booklets regarding the importance of safeguarding and conserving cultural property. These initiatives have proven to be successful; for example, after a series of public announcements and publications, members of the community in Preah Vihear returned a number of artefacts to the government that were discovered near the temple site.

*Within this framework, what **awareness-raising activities** have you organized, and what awareness-raising activities do you plan to organize in the future? Please indicate the target groups for each activity.*

No answer.

5. Article 26 (1) – Official translations

The Secretariat has received a certain number of official translations of the Convention and of the Regulations for its execution. For reference, please consult:

[Language versions of the Hague Convention and its 1954 Protocol](#)

Does your country have its national translation(s) there?

Yes. An official translation of Guidelines and Second Protocol is attached to this application.

6. Article 28 – Sanctions

This article sets out the obligations of High Contracting Parties to take, within the framework of their ordinary criminal jurisdiction, all necessary steps to prosecute and impose penal or disciplinary sanctions upon those persons, of whatever nationality, who commit or order to be committed a breach of the Convention.

Have you established as criminal offences under your domestic law conduct contrary to the obligations set out by the Convention?

Yes. Below is a table summarizing important criminal sanctions and grants of jurisdiction.

LAW	PROVISION	LANGUAGE
Constitution of the Kingdom of Cambodia	Article 70	“Any offence affecting or relating to cultural heritage and artistic heritage shall be severely punished.”

⁷ http://www.autoriteapsara.org/en/apsara/about_apsara/legal_texts.html.

Law on the Protection of Cultural Heritage	Article 56	“Any attempt to export cultural objects without a license shall entail the seizure and confiscation of those objects for the public collections”
Law on the Protection of Cultural Heritage	Article 63	<p>(a) A sentence of imprisonment of a minimum of six months and a maximum of five years and a fine equal to the value of the cultural object in question, to be determined by expert opinion, shall be imposed on anyone who, through negligence:</p> <ul style="list-style-type: none"> • Alienates, moves, destroys, modifies, alters, repairs or restores a registered cultural object inscribed in the inventory without respecting the obligation to inform the authorities in accordance with Article 9, paragraph 1 • Alienates cultural property proposed for classification or classified without respecting the obligations entailed by Article 21 and Article 28, paragraph 2 • Moves, destroys, alters, modifies, repairs or restores, without authorization, cultural property proposed for classification or classified (Article 23, paragraph 1) • Fails to ensure the protection of classified cultural property of which he or she is the owner (article 25, paragraph 1) • Carries out or attempts to carry out, without authorization, work subject to the regulations on authorization under the terms of Articles 31 and 40 • Fails to fulfill the obligations entailed by Articles 33 and 42 • Fails to declare cultural property discovered during construction or other work and fails to stop that work (Article 37) • Exports or tries to export, without authorization, a cultural object (Article 51 and Article 56) • Fails to comply with the conditions implied by a temporary export as provided in Article 55(2) • Illegally imports a cultural object (Article 58) • Fails to declare to the Customs authorities the legal importation of a cultural object (Article 61, paragraph 1) <p>(b) The penalty shall be imprisonment for a minimum of two and a maximum of eight years and a fine equal to two times the value of the object in question, to be determined by expert opinion, if the offender was acting intentionally. In certain cases concerned in (a) and (b) above, the offender shall be subject to only one of these types of penalties, either imprisonment or fine.”</p>

Law on the Protection of Cultural Heritage	Article 64	“The civil and administrative sanctions provided for in Articles 21, 22, 35, 49, 56, 59 as well as penal sanctions provided for in Article 63, may be applied.”
Law on the Protection of Cultural Heritage	Article 65	“Offenses shall be evidenced by reports made by investigators of the Prosecutors Office and by any qualified authorities, especially Customs officials having taken oath and curators or other staff of museums open to the public who have been appointed and have taken oath for that purpose.”
Sub-Decree Respecting Implementation of Cultural Heritage Protection	Article 54	<p>When a cultural item has been illegally exported, temporarily or permanently, the Ministry of Culture and Fine Arts shall be empowered, in cooperation with the Ministry of Foreign Affairs and International Cooperation, to undertake all diplomatic, administrative and legal procedures necessary to have the said item returned to national soil.</p> <p>The Ministry shall also act on behalf of the State or owner, in any diplomatic, administrative or legal procedure provided for under a bilateral treaty or other international conventions, including the 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects.</p>
Sub-Decree Respecting Implementation of Cultural Heritage Protection	Article 61	Upon the specific and detailed request of the government of the home country, the Ministry of Culture and Fine Arts shall search or have a search made for any item of cultural property illegally imported onto national soil.
Sub-Decree Respecting Implementation of Cultural Heritage Protection	Article 63	The customs authorities and the Ministry of Culture and Fine Arts shall take all necessary action to confiscate illegally imported cultural property.
Sub-Decree Respecting Implementation of Cultural Heritage Protection	Article 66	Requests for returns governed by the provisions of bilateral agreements or other international conventions, including the 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects are also reserved.
Law on Environmental Protection and Natural Resource Management	Article 20	<p>“Any person who violates the rule of the Ministry of Environment as stated in the article 14 of this law, this ministry shall issue a written order requiring such person to:</p> <ul style="list-style-type: none"> • Correct his/he/its offending activities immediately or within a specified period; or

		<ul style="list-style-type: none"> • Stop his/her/its activities, until the offence is corrected; or • Clean up immediately the pollution”
Law on Environmental Protection and Natural Resource Management	Article 21	<p>“Any person who refuses to allow access or obstructs the inspection officials from entering to examine or carry out an inspection inside the premise as provided for in para 1 of the article 15 of this law, shall be subject to an administrative fine in cash from 500,000 (five hundred thousand) to 1,000,000 (one million) riels.</p> <p>In case of repeated offenses, shall be penalized a fine of 1,000,000 (one million) riels to 5,000,000 (five million) riels or shall be punished to imprisonment from 1 month to 3 months or to both punishments.</p> <p>Any person who violate the article 20 of this law shall be subject to administrative fine in cash of 1,000,000 (one million) riels to 10,000,000 (ten million) riels. In case of repeated offenses, shall be penalized a fine from 21,000,000 (twenty one million) riels to 30,000,000 (thirty million) riels or shall be subject to punishment to imprisonment from 1 (one) month to 1 (one) year, or to both punishments.”</p>
Law on Environmental Protection and Natural Resource Management	Article 22	<p>“If the commission of an offence causes harm to physical body or human life, private or public property, environment or natural resources of the State, shall be subject to a fine penalty of 10,000,000 (ten million) to 50,000,000 (fifty million) riels or shall be subject to punishment of 1 (one) year to 5 (five) years in prison or to both punishments.”</p>
Law on Environmental Protection and Natural Resource Management	Article 23	<p>“In case of an offence which causes serious dangers to the society, the court may consider on the circumstance of the gravity of the offence to combine with any of the offenses above to pronounce a sentence.”</p>
Law on Environmental Protection and Natural Resource Management	Article 24	<p>“Any official of the environmental inspection official or agent who is negligent, lack of attention or who disobeys the ministry’s regulations or conspires with the offender or facilitate the commission of such offense, shall be subject to administrative sanction or to prosecution before the court.”</p>
Order of the Royal Government of Cambodia on Cessation and Eradication of Anarchical Activities in the Angkor Archaeological Park or Siem Reap Province	Article 7	<p>“Anyone acts contrary to this order will be responsible to face the laws on protection of cultural heritage, on forestry, on land law and general provisions in force.”</p>

Criminal Code of the Kingdom of Cambodia	Article 12	<p>“As far as criminal acts are concerned, the Cambodian Penal Law is applicable to offences committed in the territory of the Kingdom of Cambodia.</p> <p>The territory of the Kingdom of Cambodia includes the airspace and the sea water territory which are bound to the territory of the Kingdom of Cambodia.”</p>
Criminal Code of the Kingdom of Cambodia	Article 13	<p>“An offence is deemed to having committed in the territory of Kingdom of Cambodia from the moment that one of these constituent acts has taken place within this territory.”</p>
Criminal Code of the Kingdom of Cambodia	Article 14	<p>“As far as criminal acts are concerned, the Cambodian Law is applicable to offences committed aboard the ships carrying Cambodian flag no matter where they are located.”</p>
Criminal Code of the Kingdom of Cambodia	Article 15	<p>“As far as criminal acts are concerned, the Cambodian Law is applicable to offences committed aboard a foreign ship on which the Cambodian authorities are allowed to inspect or arrest by means of an international agreement.”</p>
Criminal Code of the Kingdom of Cambodia	Article 16	<p>“As far as criminal acts are concerned, the Cambodian Law is applicable to offences committed aboard an aircraft registered in the Kingdom of Cambodia no matter where they are located.”</p>
Criminal Code of the Kingdom of Cambodia	Article 17	<p>“As far as criminal acts are concerned, the Cambodian Law is applicable to every person who is an instigator or an accomplice in the Cambodian territory of a felony or a misdemeanor committed abroad, if the following two conditions are fulfilled:</p> <ol style="list-style-type: none"> 1. The offence is punished by the Cambodian law and by the foreign law; 2. The existence of offence has been verified by a final decision of the foreign court.”
Criminal Code of the Kingdom of Cambodia	Article 19	<p>“In a criminal case, the Cambodian Law is applicable to any felony committed by a Cambodian citizen outside the territory of the Kingdom of Cambodia.</p> <p>The Cambodian Law is applicable to misdemeanors committed by Cambodian citizens in a foreign country if the acts are shared to be punishable by the law of such foreign country.</p> <p>These provisions are also applicable even though the accused has obtained Cambodian nationality subsequently to the acts which have been charged.”</p>
Criminal Code of the Kingdom of Cambodia	Article 20	<p>“In criminal case, the Cambodian Law is applicable to any felony committed outside the territory of the Kingdom of Cambodia by a Cambodian citizen or by a foreigner when the</p>

		victim is of Cambodian nationality right at the time the offence committed.”
Criminal Code of the Kingdom of Cambodia	Article 21	“In the cases specified in Article 19 (Felony or Misdemeanor Committed by a Cambodian Citizen) and Article 20 (Victims Who are Cambodian Citizens), a charge can only be brought at the request of a prosecution department. The charge must be preceded by the victim’s complaint or that of his/her assignee or an official denunciation by the authorities of the country where the acts were committed.”
Criminal Code of the Kingdom of Cambodia	Article 28	<p>“Described as an instigator is the person who:</p> <ol style="list-style-type: none"> 1. Encourages the commission of a felony or misdemeanor by giving an instruction or order; 2. Instigates to commit a felony or misdemeanor by means of a gift, a promise or a threat, incitement, lure or by abuse of his/her authority or his/her power. <p>The instigator is punishable only if the felony or the misdemeanor is carried out or was attempted.</p> <p>The instigator of a felony or a misdemeanor receives the same punishments as the perpetrator.”</p>
Criminal Code of the Kingdom of Cambodia	Article 29	“Described as an accomplice is the person who intentionally facilitates the attempt or the realization of a felony or a misdemeanor by providing his/her help or assistance. The accomplice shall be punished unless the crime or misdemeanor offend get success or attempted. The accomplice of a felony or a misdemeanor receives the same punishments as the perpetrator.”
Criminal Code of the Kingdom of Cambodia	Article 62	<p>“Confiscation may be taken against the following objects:</p> <ol style="list-style-type: none"> 1. any instruments, materials or objects which are used to commit the offence or are intended to commit the offence; 2. the objects or funds with which is the subject of the offence; 3. the incomes or properties earned as a result of the offence; 4. The utensils, materials and the movable properties garnishing a premise in which the offence was committed; <p>However, the confiscation cannot be pronounced if it affects the rights of the third parties.”</p>

Criminal Code of the Kingdom of Cambodia	Article 399	<p>“Receiving stolen goods is the act of concealing, holding or transmitting an object knowingly that this object derives from a felony or a misdemeanor.</p> <p>The following acts also constitute receiving stolen goods:</p> <ol style="list-style-type: none"> 1. the act of serving as an intermediary in order to transmit an object knowingly that this object derived from a felony or a misdemeanor; 2. the acts of benefiting, with full knowledge of the facts, from a felony or misdemeanor.”
Criminal Code of the Kingdom of Cambodia	Article 410	The intentional act to destroy, deteriorate or damage properties belonging to other persons is punishable by an imprisonment from 6 (six) months to 2 (two) years and a fine from 1,000,000 (one million) Riels to 4,000,000 (four million) Riels, unless those acts which result in minor damage.
Criminal Code of the Kingdom of Cambodia	Article 509	Without prejudice to the most severe penalties instituted by the present code, the theft of an object dedicated to Buddhism committed in a religious premise is punishable by an imprisonment from 2 (two) years to 5 (five) years and a fine from 4,000,000 (four million) Riels to 10,000,000 (ten million) Riels.
Criminal Code of the Kingdom of Cambodia	Article 510	Without prejudice to the most severe penalties instituted by the present code, the act of intentional commission to destroy, damage or deteriorate a religious premise dedicated to Buddhism or an object dedicated to this religion is punishable by an imprisonment from 2 (two) years to 5 (five) years and a fine from 4,000,000 (four million) Riels to 10,000,000 (ten million) Riels.
Criminal Code of the Kingdom of Cambodia	Article 647	Any person who violates a regulation of the administrative authority is punishable by a monetary fine from 5,000 (five thousand) Riels to 100,000 (one hundred thousand) Riels. However, such violation does not constitute an offence, if the regulation is contrary to a law.

II. Resolution II of the Conference of 1954

*Have you established a **National Advisory Committee** in accordance with the hope expressed by the Conference in its Resolution II?*

Yes. The Cambodian cultural policy is formulated by the Supreme Council on National Culture (SCNC), an inter-ministerial body created in August 1993 after the inscription of Angkor in the World Heritage List. The SCNC assumes national responsibility for the protection of cultural heritage throughout the country and increases Cambodia's administrative capacities in the domain. It is composed of seven ministries most concerned with the development of the region: Culture and Fine Arts, Public Works and Transport, Economy and Finance, Foreign Affairs and International Cooperation, Tourism, Environment, and Planning.

Specifically, the Ministry of Culture and Fine Arts is the governmental body charged with the promotion and support of cultural life in Cambodia. It is responsible for policy implementation according to Article 5 of the Law on the Protection of Cultural Heritage (NS/RK/0196/26) dated 25 January 1996. The Ministry of Culture and Fine Arts is supported in this work by the Phnom Penh office of UNESCO. Furthermore, the Cambodian National Commission for UNESCO acts as a liaison between the Royal Government of Cambodia and UNESCO.

In addition, specialized government bodies have been created for some of the most significant cultural and archaeological sites in Cambodia. For example, the APSARA National Authority (National Authority for the Protection and Management of Angkor and the Region of Siem Reap) was established by Royal Decree and is the governmental agency that is in charge of all aspects of Angkor oversight, including tourism management, urban development, research, and protection of cultural heritage, allowing it to implement regulations promulgated on a legislative level. As of the time of this application, roughly 3,000 individuals are employed by APSARA and its various departments. APSARA also collaborates with the heritage police force that was created specifically for site protection, and oversees dissemination and training on the preservation of the Khmer culture. An organizational chart of the structure of APSARA is available upon request.

The 19 February, 1995 Royal Decree delineates the structure of APSARA, giving it the mechanisms to operate efficiently as a government agency. APSARA is comprised of the Centralized Management Bureau and three specialized departments: Office of Land Transactions; Urban Affairs Office; and Accounting and Finance. In addition to these departments, APSARA is an umbrella organization for five agencies: Angkor Conservation Office; Tourism Development Agency; Urban Development Agency; Institute of Khmer Culture; and Cultural Heritage Police Corps. These agencies work in conjunction with various ministry departments of the Royal Cambodian Government regarding assorted protection and management oversight.

The Committee for the Safeguarding and Development of the Historic Site of Angkor (ICC-Angkor) is another body of experts that works closely with the APSARA National Authority to oversee operational, conservation and restoration activities within the Angkor Archaeological Park. The ICC was created at the first Intergovernmental Conference on the Safeguarding and Development of the Historic Site of Angkor, held in Tokyo in October 1993. This Committee is co-chaired by France and Japan with UNESCO as acting secretariat. The subsequent creation of a sub-committee responsible for holding discussions and making decisions on technical issues regarding Angkor (the Technical Committee) reinforced structures for effective management of international efforts at the site. The Committee holds technical and plenary sessions in Siem Reap twice a year. All national and international projects concerning Angkor must be submitted to the ICC via its Technical Committee, for discussion. (see site APSARA). In 2006, the Royal Government of Cambodia also created a government body responsible for overseeing the protection and management of the Preah Vihear temple site, the National Authority for Preah Vihear (ANPV). Similar to APSARA, the ANPV is responsible for all aspects of the Preah Vihear temple complex area, including protection, restoration, monitoring and site management.

Finally, the ICC-Preah Vihear was established in 2014. Based on the mechanism of the ICC for Angkor, ICC-Preah Vihear coordinates international efforts to ensure the safeguarding and sustainable development of Preah Vihear. The ICC-Preah Vihear is co-chaired by China and India, while the permanent secretariat is entrusted to the RGC.

III. 1954 First Protocol

[To be completed by the High Contracting Parties to the 1954 Protocol only]

The main objective of the 1954 Protocol is the protection of cultural property in occupied territory. As such, it organizes, among others, a system of:

- taking into custody;
- return of illegally exported cultural property; and
- finally indemnity to the holders in good faith.

*Have you adopted **measures to implement** the 1954 First Protocol?*

Yes. The Law on Culture and the Sub-Decree on the Implementation of the Law on Culture do not mention anything about occupied territories. This is probably because Cambodia has never occupied another territory. However, as previously mentioned, illicit or undocumented imports or exports of any cultural property is expressly forbidden.

*Have you **taken into custody** cultural property imported into your territory from an occupied territory?*

No answer.

IV. 1999 Second Protocol

[To be completed by the High Contracting Parties to the 1999 Protocol only]

The 1999 Second Protocol complements the Hague Convention of 1954 in many aspects. If this information has already been presented within the framework of the questions regarding the Hague Convention of 1954, you may refer to it directly.

1. General provisions (Chapter 2)

Article 5 - Safeguarding of cultural property

Article 5 of the Second Protocol complements Article 3 of the Hague Convention by providing concrete examples of peacetime preparatory measures, such as the preparations of inventories of cultural property or the designation of competent authorities responsible for the safeguarding of cultural property.

Have you adopted such measures?

Yes. Cambodia has made significant strides since the end of the Khmer Rouge's reign to reorganize the country and continue restoration and protection of the country's precious cultural heritage. Cambodia's nearly 4,000 monuments have been documented and indexed by CISARK (Carte Interactive des Sites Archeologiques Khmers), and information regarding such monuments is available online.⁸ The website was set up by the Inventory Office of the

⁸ <http://www.site-archeologique-khmer.org/>

Cambodian Culture Ministry.

As described above, the APSARA and ANPV national authorities have been designed specifically to oversee all aspects of cultural heritage protection in the Angkor and Siem Reap region. APSARA possesses detailed information about each of the monuments within the Angkor Archaeological Park.

With the assistance of these bodies and various organizations, the Royal Government of Cambodia has also created individual inventories at museums and other institutions housing important moveable cultural property, such as the Conservation d' Angkor in Siem Reap, the Angkor National Museum in Siem Reap, the National Museum of Cambodia in Phnom Penh, the Preah Norodom Sihanouk-Angkor Museum in Siem Reap, and the Eco-Global Museum in Preah Vihear. These inventories are available upon request.

A national database of moveable cultural property is currently being created.

Article 9 - Protection of cultural property in occupied territory

Article 9 of the Second Protocol complements the provisions in Article 5 of the Hague Convention by imposing a number of prohibitive measures on the Occupying Power. Paragraph 102 of the Guidelines for the Implementation of the Second Protocol requests Parties that are an Occupying Power to provide information in their national reports on the way in which the provisions regarding the protection of cultural property in occupied territory are observed.

*Do you ensure compliance with the provisions regarding the **protection of cultural heritage under military occupation?***

No. Although Cambodian domestic legislation does not directly prohibit exports from occupied territories, the 1996 Law on the Protection of Cultural Heritage and 2002 Sub-Decree on the Implementation of the Law on have detailed prohibitions on illicit imports or exports of cultural heritage.

The 1996 Law on the Protection of Cultural Heritage Import and Export of Cultural property

Article 51:

The export of any cultural object from Cambodia is prohibited, unless the competent authority has granted a special export license for the purpose.

Article 56:

Any attempt to export cultural objects without a license shall entail the seizure and confiscation of these objects for the public collections.

Import of Cultural property

Article 58:

The import of cultural objects exported in contravention of the national legislation of their country of origin is forbidden. Procedures for the importation of cultural property shall be defined by anukret.

Article 59:

Cultural objects imported illegally shall be seized, placed under the protection of the competent authority and, on condition of reciprocity, the Royal Government may take the decision to return such objects to their country of origin in accordance with international standards and agreements.

The 2002 Sub-Decree on the Implementation of the Law on the Protection of Cultural Heritage Section 2 Illegal Exporting

Article 54:

When a cultural item has been illegally exported, temporarily or permanently, the Ministry of Culture and Fine Arts shall be empowered, in cooperation with the Ministry of Foreign Affairs and International Cooperation, to undertake all diplomatic, administrative and legal procedures necessary to have the said item returned to national soil.

The Ministry shall also act on behalf of the State or owner, in any diplomatic, administrative or legal procedure provided for under a bilateral treaty or other international conventions, including the 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects.

Section 3 Importing cultural property

Article 60:

Any item of cultural property imported onto Cambodia soil shall be declared at customs, as provided for in Article 61 of the Law on the Protection of Cultural Heritage.

The cultural property shall be accompanied by an export permit, issued by the competent authority of the country of origin or by any other document certifying the legality of the export.

Cultural property imported onto Cambodian soil without a customs declaration is deemed to be illegally imported. This same applies for stolen cultural property that is smuggled onto national soil.

2. Enhanced protection (Chapter 3)

The Second Protocol establishes an enhanced protection regime. Enhanced protection is granted by the Committee for the Protection of Cultural Property in the Event of Armed Conflict (composed of 12 Parties). Paragraph 102 of the Guidelines for the Implementation of the Second Protocol requests that Parties express their intention to request the inscription of cultural property on the List of Cultural Property under Enhanced Protection.

*Do you **intend to request** the granting of enhanced protection for cultural property in the next four years or, where applicable, do you have a **national tentative list** within the framework of Article 11 (1) of the Second Protocol?*

Yes; Angkor Archaeological Park.

Do cultural property under enhanced protection and the protection afforded to it by your state still meet the conditions for granting enhanced protection under Articles 10(a), 10(b), 10(c) of the Second Protocol and the relevant paragraphs of the Guidelines?

Yes. The Angkor Archaeological Park satisfies the requirements of Article 10(a) because it is inscribed on World Heritage list, and thus is presumed to be of greatest importance to mankind according to Paragraph 36 of the Guidelines for the Implementation of the Second Protocol to the Hague Convention.

The Angkor Archaeological Park meets the requirements of Article 10(b) because the aforementioned legislative framework is a solid foundation for protecting cultural property in Angkor, and merits the designation of enhanced protection. In addition to the legislation, the Royal Government of Cambodia has created a separate government administrative body, APSARA (also described above), whose sole purpose is to oversee the maintenance, protection and operation of the Angkor Archaeological Park.

The Angkor Archaeological Park meets the requirements of Article 10(c), as there has not been a military presence in the Park since 1993. A certification from the Deputy Prime Minister on behalf of the Royal Government of Cambodia that the Angkor Archaeological park is not and will not be used for military purposes already exists.

MONITORING OF CULTURAL PROPERTY UNDER ENHANCED PROTECTION

[If certain cultural property(ies) in your State benefit from enhanced protection, please also complete this section of the questionnaire].

The benefit of enhanced protection implies continued compliance with the conditions set out in

Article 10 of the Second Protocol.

*Is there a **specific mechanism in place to monitor cultural property under enhanced protection**? As an example, are the measures adopted to ensure the highest level of protection periodically reviewed so as to ensure they are fully effective in all circumstances?*

Yes. As previously mentioned, the APSARA national authority is designed with the specific purpose of monitoring all aspects related to the Angkor Archaeological Park. If the Park is inscribed onto the list of cultural property under enhanced protection, APSARA will be the authority responsible for overseeing Cambodia's compliance with the Second Protocol and requirements for cultural property under enhanced protection.

Pursuant to paragraph 102 of the Guidelines, the Parties must inform on the use of the distinctive emblem for cultural property under enhanced protection.

*Have you used the new **distinctive emblem adopted by the 2015 Meeting of Parties to mark** cultural property under enhanced protection?*

No answer.

*Do you intend to **use the distinctive emblem** to mark cultural property under enhanced protection?*

Yes. The Royal Government of Cambodia intends to be a leader in the field of cultural property protection, which would entail using the 1954 Convention and the Second Protocol to their fullest potential. As such, properties under enhanced protection should be adequately marked as to so inform military members and the public at large about their status as especially significant monuments of greatest importance to mankind. Disseminating information about the 1954 Convention and Second Protocol will increase the effectiveness of the Distinctive Emblem as a means of communicating that the marked monuments or buildings may not be used for any military purposes or made the subject of any attacks. The Distinctive Emblem is a crucial instrument for demarcating monuments and moveable cultural property that should be deemed neutral in the event of armed conflict.

*Do you intend to inscribe cultural property on the **tentative list** for the granting of enhanced protection?*

Yes. Angkor Archaeological Park.

Pursuant to paragraph 65 of the Guidelines for the Implementation of the 1999 Second Protocol, the Parties must notify the Committee of any change affecting the cultural property concerned to meet the criteria set out in Article 10 of the Second Protocol.

*Does the Committee need to be **notified of a change** regarding cultural property in your territory benefiting from enhanced protection?*

No answer.

3. Criminal responsibility and jurisdiction (Chapter 4)

Article 15 – Serious violations of the Second Protocol

Article 15 requires the Parties to establish as criminal offences under its domestic law a series of behaviours constituting serious violations of the Second Protocol, by punishing them by appropriate penalties.

*What measures have been taken to ensure the **implementation of this obligation**?*

No answer.

Article 16 – Jurisdiction

Article 16 requires the Parties to establish the jurisdiction of their courts over serious violations of the 1999 Second Protocol.

*What measures have been taken to **confer jurisdiction on your courts** over serious violations of the Second Protocol?*

No answer.

Have you taken the necessary measures to establish jurisdiction over offenses mentioned in Article 15?

Yes.

LAW	PROVISION	LANGUAGE
Law on the Protection of Cultural Heritage	Article 63	(c) A sentence of imprisonment of a minimum of six months and a maximum of five years and a fine equal to the value of the cultural object in question, to be determined by expert opinion, shall be imposed on anyone who, through negligence: <ul style="list-style-type: none">• Alienates, moves, destroys, modifies, alters, repairs or restores a registered cultural object inscribed in the inventory without respecting the obligation to inform the authorities in accordance with Article 9, paragraph 1• Alienates cultural property proposed for classification or classified without respecting the obligations entailed by Article 21 and Article 28, paragraph 2• Moves, destroys, alters, modifies, repairs or restores, without authorization, cultural property proposed for classification or classified (Article 23, paragraph 1)• Fails to ensure the protection of classified cultural property of which he or she is the owner (article 25, paragraph 1)

		<ul style="list-style-type: none"> • Carries out or attempts to carry out, without authorization, work subject to the regulations on authorization under the terms of Articles 31 and 40 • Fails to fulfill the obligations entailed by Articles 33 and 42 • Fails to declare cultural property discovered during construction or other work and fails to stop that work (Article 37) • Exports or tries to export, without authorization, a cultural object (Article 51 and Article 56) • Fails to comply with the conditions implied by a temporary export as provided in Article 55(2) • Illegally imports a cultural object (Article 58) • Fails to declare to the Customs authorities the legal importation of a cultural object (Article 61, paragraph 1) <p>(d) The penalty shall be imprisonment for a minimum of two and a maximum of eight years and a fine equal to two times the value of the object in question, to be determined by expert opinion, if the offender was acting intentionally. In certain cases concerned in (a) and (b) above, the offender shall be subject to only one of these types of penalties, either imprisonment or fine.”</p>
Order of the Royal Government of Cambodia on Cessation and Eradication of Anarchical Activities in the Angkor Archaeological Park or Siem Reap Province	Article 7	“Anyone acts contrary to this order will be responsible to face the laws on protection of cultural heritage, on forestry, on land law and general provisions in force.”
Criminal Code of the Kingdom of Cambodia	Article 12	<p>“As far as criminal acts are concerned, the Cambodian Penal Law is applicable to offences committed in the territory of the Kingdom of Cambodia.</p> <p>The territory of the Kingdom of Cambodia includes the airspace and the sea water territory which are bound to the territory of the Kingdom of Cambodia.”</p>
Criminal Code of the Kingdom of Cambodia	Article 13	“An offence is deemed to have been committed in the territory of the Kingdom of Cambodia from the moment that one of these constituent acts has taken place within this territory.”
Criminal Code of the Kingdom of Cambodia	Article 14	“As far as criminal acts are concerned, the Cambodian Law is applicable to offences committed aboard the ships carrying the Cambodian flag no matter where they are located.”

Criminal Code of the Kingdom of Cambodia	Article 15	“As far as criminal acts are concerned, the Cambodian Law is applicable to offences committed aboard a foreign ship on which the Cambodian authorities are allowed to inspect or arrest by means of an international agreement.”
Criminal Code of the Kingdom of Cambodia	Article 16	“As far as criminal acts are concerned, the Cambodian Law is applicable to offences committed aboard an aircraft registered in the Kingdom of Cambodia no matter where they are located.”
Criminal Code of the Kingdom of Cambodia	Article 17	“As far as criminal acts are concerned, the Cambodian Law is applicable to every person who is an instigator or an accomplice in the Cambodian territory of a felony or a misdemeanor committed abroad, if the following two conditions are fulfilled: 3. The offence is punished by the Cambodian law and by the foreign law; 4. The existence of offence has been verified by a final decision of the foreign court.”
Criminal Code of the Kingdom of Cambodia	Article 19	“In a criminal case, the Cambodian Law is applicable to any felony committed by a Cambodian citizen outside the territory of the Kingdom of Cambodia. The Cambodian Law is applicable to misdemeanors committed by Cambodian citizens in a foreign country if the acts are shared to be punishable by the law of such foreign country. These provisions are also applicable even though the accused has obtained Cambodian nationality subsequently to the acts which have been charged.”
Criminal Code of the Kingdom of Cambodia	Article 20	“In criminal case, the Cambodian Law is applicable to any felony committed outside the territory of the Kingdom of Cambodia by a Cambodian citizen or by a foreigner when the victim is of Cambodian nationality right at the time the offence committed.”
Criminal Code of the Kingdom of Cambodia	Article 21	“In the cases specified in Article 19 (Felony or Misdemeanor Committed by a Cambodian Citizen) and Article 20 (Victims Who are Cambodian Citizens), a charge can only be brought at the request of a prosecution department. The charge must be preceded by the victim’s complaint or that of his/her assignee or an official denunciation by the authorities of the country where the acts were committed.”
Criminal Code of the Kingdom of Cambodia	Article 28	“Described as an instigator is the person who: 3. Encourages the commission of a felony or misdemeanor by giving an instruction or order; 4. Instigates to commit a felony or misdemeanor by means of a gift, a

		<p>promise or a threat, incitement, lure or by abuse of his/her authority or his/her power.</p> <p>The instigator is punishable only if the felony or the misdemeanor is carried out or was attempted.</p> <p>The instigator of a felony or a misdemeanor receives the same punishments as the perpetrator.”</p>
Criminal Code of the Kingdom of Cambodia	Article 29	<p>“Described as an accomplice is the person who intentionally facilitates the attempt or the realization of a felony or a misdemeanor by providing his/her help or assistance. The accomplice shall be punished unless the crime or demeanor offend get success or attempted. The accomplice of a felony or a misdemeanor receives the same punishments as the perpetrator.”</p>

Article 21 – Measures regarding other violations

The Second Protocol also requires the Parties to adopt legislative, administrative or disciplinary measures to prevent the occurrence of behaviours that adversely affect the integrity of cultural heritage.

Have you adopted such measures?

No answer

4. Dissemination of information and international assistance

Article 30 – Dissemination

Article 30 complements Articles 7 and 25 of the Hague Convention of 1954. In this regard, it requests the Parties to, among other things, strengthen appreciation and respect for cultural property by their entire population, ensure the dissemination of the Protocol, and incorporate guidelines and instructions on the protection of cultural property in their military regulations.

*Have you **disseminated the provisions of the 1999 Second Protocol** within the armed forces as well as among target groups and the general public?*

Yes. Widespread dissemination of the 1954 Convention and its Second Protocol is an essential measure laid out in both instruments.⁹ The Royal Government of Cambodia has a duty to undertake, in time of peace and time of armed conflict, the dissemination of the text as widely as possible in the country. The Government has undertaken awareness and dissemination processes regarding the 1954 Convention and its Second Protocol, with a view to protect its cherished cultural properties in both times of armed conflict and peace.

⁹ Convention for the Protection of Cultural Property in the Event of Armed Conflict art. 25, 14 May 1954; Second Protocol, *supra* n. 1, art. 30.

The Royal Government of Cambodia has taken steps to educate both government officials and the public on the 1954 Convention and its Second Protocol through the dissemination of the translated texts and simple brochures of these instruments. The Royal Government of Cambodia has endeavoured to communicate the principles of these instruments to its highest government authorities. In March 2009, the Royal Government of Cambodia, in conjunction with the UNESCO office in Phnom Penh, ran a successful training workshop in order to enhance domestic capacity and awareness of the 1954 Convention and its implications for the protection of Cambodian cultural property. This training session covered (1) the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict; (2) the use of the Convention Emblem and protective symbols; and (3) recommendations regarding site management and preservation. Professor Jiri Toman, an international humanitarian law expert and professor from Santa Clara University School of Law, led the training session that took place at the Ministry of Culture and Fine Arts. Its participants included representatives from the Council of Ministers, the Ministry of Culture and Fine Arts, the Cambodian National Commission for UNESCO, the ANPV, and the APSARA National Authority, as well as the Cultural Heritage Police and staff from the National Museum and the Tuol Sleng Genocide Museum.¹⁰

The Royal Government has also made efforts to incorporate the protection of cultural property in programs of military instruction and make its importance, particularly in the time of armed conflict, known to military personnel and civilian authorities. The Royal Government of Cambodia has made several formal requests, labelled a priority, to UNESCO for assistance in training military personnel and Cultural Heritage Police on the 1954 Convention and its two protocols.¹¹ Thereafter, the Royal Government of Cambodia has made preparations to host the first international training seminar on the 1954 Convention, inviting representatives from all ASEAN nations, which will be held in September, 2015. UNESCO Phnom Penh agreed to organize and provide such training sessions in cooperation with the International Committee for the Red Cross.

Furthermore, the Royal Government of Cambodia has begun to spread the information of protection of cultural property among the civilian population. The 1954 Convention and its two protocols have been officially translated into Khmer and are available to the public by request to the Cambodian National Commission. Some of the most important instruments relating to cultural property are also available to the public online.¹² A leaflet outlining the State Party's obligations under these instruments has been prepared by staff from the Phnom Penh office of UNESCO. This leaflet is a brief and simple educational document that assists in the widespread dissemination of the 1954 Convention and its Second Protocol. It has been translated into Khmer as well. In addition, the Royal Government of Cambodia and UNESCO have collaborated on several occasions to produce booklets regarding the importance of safeguarding and conserving cultural property. These initiatives have been successful: after a series of public announcements and publications, members of the community in Preah Vihear returned a number of artefacts to the government that were discovered near the temple site.

*Within this framework, what **awareness-raising activities** have you organized, and what awareness-raising activities do you plan to organize in the future? Please indicate the target groups for each activity.*

No answer.

¹⁰ See Annex 15 for a full list of participants in the training workshop for the protection of Cambodian cultural property.

¹¹ *Cambodian National Report on the Implementation of the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict*, Kingdom of Cambodia, Phnom Penh (Jul. 2012).

¹² http://www.autoriteapsara.org/en/apsara/about_apsara/legal_texts.html

Articles 32 – International assistance

Pursuant to paragraph 102 of the Guidelines for the Implementation of the Second Protocol, the Parties are invited to present their activities at bi- or multilateral level, within the framework of technical assistance in order to share their experiences or best practices.

*Have you shared, particularly via the Secretariat of UNESCO, your **experiences in the implementation and best practices**?*

No answer.

5. Official translation of the 1999 Second Protocol to the Hague Convention of 1954

Pursuant to Article 37 of the Second Protocol, the Parties shall translate this standard-setting instrument into their official languages and shall communicate these official translations to the Director-General. To date, the Secretariat has received a certain number of official translations of the Second Protocol. For reference, please consult:

Language versions of the 1999 Second Protocol

Does your country have its national translation(s) there?

No answer.

V. Miscellaneous questions regarding the Hague Convention of 1954 and its two Protocols

1. National focal point

According to paragraph 103 of the Guidelines for the Implementation of the Second Protocol: *"Unless a Party requests otherwise, the presumed focal point would be its Permanent Delegation to UNESCO"*. If you do not wish to consider the Permanent Delegation as the focal point, please provide the Secretariat with the name and address of a national focal point that will receive all official documents and correspondence relating to the implementation of the Second Protocol.

Institution: Council of Ministers, Royal Government of Cambodia

Name: His Excellency, Chan Tani, Secretary of State, in Charge of Culture at the Council of Ministers

Address: No. 41, Confederation de la Russie Blvd (110), 12252 Phnom Penh

Email: chantanim@gmail.com

Tel.: +855 12 804 699

Fax:

2. National practice regarding the implementation of the Hague Convention and its Two Protocols

The Secretariat would be grateful if you would provide it with a copy of the following documents in French and/or English:

- the relevant **administrative civil and military regulations**:

PDF Document  Website 

- the **national laws** on the protection of cultural property, as well as the criminal provisions made within the framework of the implementation of Article 28 of the Hague Convention and Articles 15, 16 and 21 of the Second Protocol, and any case-law on the protection of cultural property in the event of armed conflict.

PDF Document  Website 

- Documents regarding **awareness-raising activities** (seminar schedule, brochures, etc.), as well as **any other relevant documents** (legislative, legal, or administrative) within the framework of the implementation of the Hague Convention of 1954 and its 1999 Second Protocol.

PDF Document  Website 

3. The Fund for the Protection of Cultural Property in the Event of Armed Conflict (Article 29 of the Second Protocol)

Have you **contributed to the Fund**?

No answer.

If no, do you plan to contribute to the Fund in the Future?

No answer.

VI. Self-assessment forms

In order to reflect the status of implementation of the Hague Convention of 1954 and its 1999 Second Protocol in key areas within the summary document of national reports, please complete the two tables below.

1. Assessment of the level of implementation

[Please use the following assessment scale]

- 1: not implemented;
- 2: partially implemented, the process has come to a standstill;
- 3: partially implemented, the process is ongoing; and,
- 4: fully implemented.

Implementation of the safeguarding obligation through the adoption of preparatory measures	
Training of military personnel on the regulations relating to the protection of cultural heritage	
Use of the distinctive emblem to mark cultural property	
Implementation of the dissemination obligation, through the establishment of awareness-raising activities for target audiences	
Adoption of relevant criminal legislation	
<i>For Parties with cultural property under enhanced protection only.</i> Establishment of a system to monitor cultural property under enhanced protection at national level	

2. Assessment of difficulties encountered

[Please use the following assessment scale]

- 1: difficulties have been encountered, but there are no plans to request technical assistance from the Secretariat of UNESCO;
- 2: difficulties have been encountered, however there are plans to request technical assistance from the Secretariat of UNESCO;
- 3: difficulties had been encountered, but thanks to the technical assistance of the Secretariat they have been resolved;
- 4: difficulties had initially been encountered, but they turned into challenges that we have overcome; and,
- 5: No difficulties have been encountered.

Implementation of the safeguarding obligation through the adoption of preparatory measures	
Training of military personnel on the regulations relating to the protection of cultural heritage	
Use of the distinctive emblem to mark cultural property	
Implementation of the dissemination obligation, through the establishment of awareness-raising activities for target audiences	
Adoption of relevant criminal legislation	
<i>For Parties with cultural property under enhanced protection only.</i> Establishment of a system to monitor cultural property under enhanced protection at national level	

VII. Granting of enhanced protection – Opinion Survey

Pursuant to Chapter 3 of the 1999 Second Protocol, enhanced protection is granted by the Committee for the Protection of Cultural Property in the Event of Armed Conflict if three conditions are cumulatively met:

- ✓ The cultural property is of the greatest importance for humanity;
- ✓ The cultural property is protected by adequate domestic legal and administrative measures recognizing its exceptional cultural and historic value and ensuring the highest level of protection; and,
- ✓ The cultural property is not used for military purposes or to shield military sites, and the Party which has control over it has made a declaration that it will not be used for such purposes.

As these conditions are set out within the framework of an international treaty, their full understanding cannot be separated from state practice, which is of fundamental importance with regard to the International Law of treaties. As such, this national report is an opportunity for the national authorities of the Parties to express their views on the conditions under which enhanced protection is granted.

For each of the conditions set out in Article 10 of the Second Protocol, please answer the following questions, taking into account the relevant paragraphs of the Guidelines for the Implementation of the Second Protocol.

- Article 10, paragraph (a) – "Greatest importance for humanity"

No answer.

- Article 10, paragraph (b) – "Highest level of protection"

No answer.

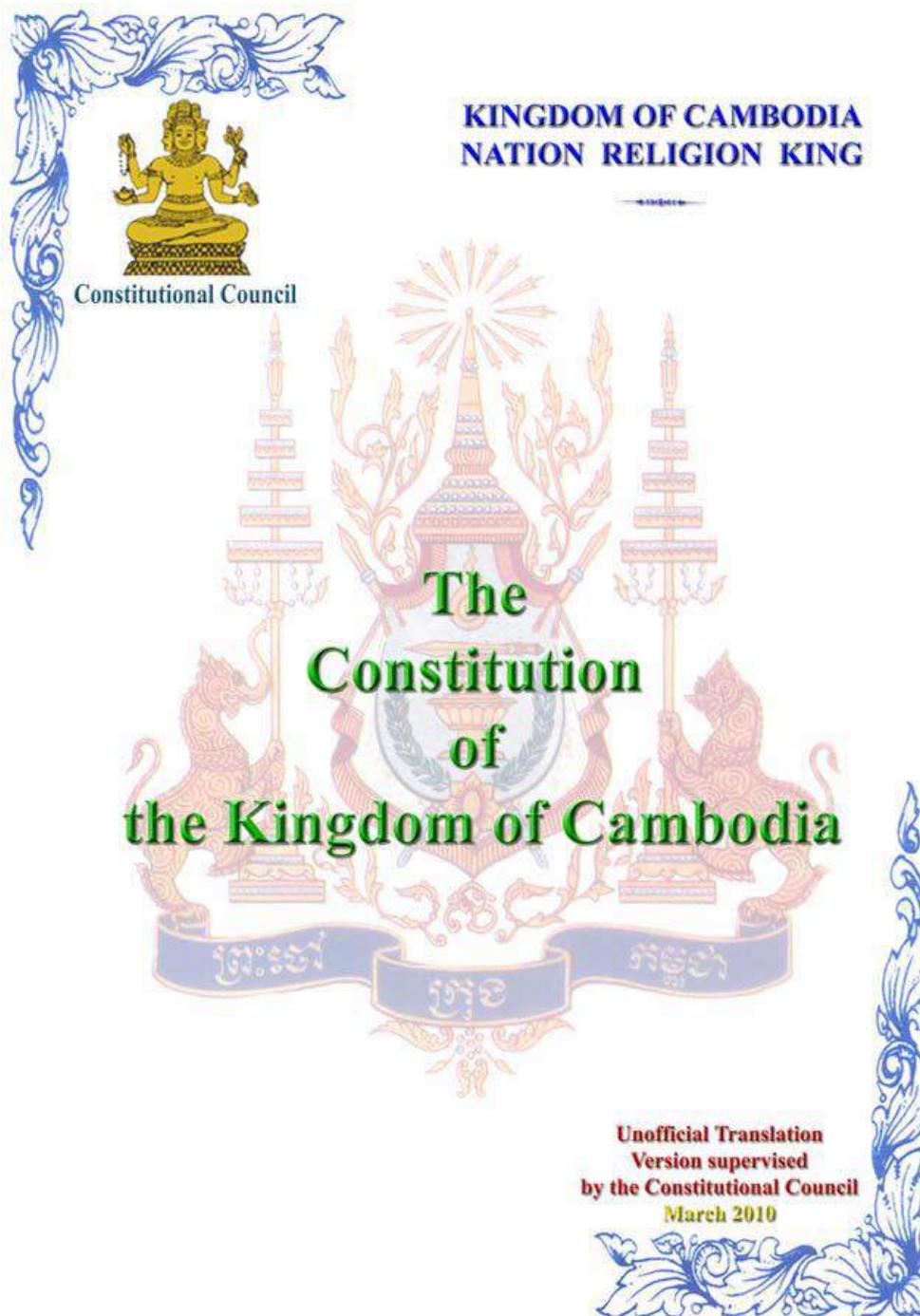
- Article 10, paragraph (c) – "Non-use for military purposes"

Please indicate the national authorities to be consulted with a view to taking the decision not to use the cultural property submitted for the granting of enhanced protection for military purposes or to shield military sites.

No answer.

Annexes

Annex 1: Relevant Provisions of Constitution of the Kingdom of Cambodia



Article 69.

The State has the obligation to preserve and develop national culture.

The State has the obligation to protect and develop the Khmer language according to the needs.

The State has the obligation to preserve and protect the ancient monuments, antiques, and to restore the historical sites.

Article 70.

Any offence affecting or relating to cultural heritage and artistic heritage shall be severely punished.

Article 71.

The perimeter of national heritage sites as well as of those classified as world heritage sites shall be considered as neutral zone forbidden to any military activity.

Annex 2: Text of Law on the Protection of Cultural Heritage

NS/RKM/0196/26

We,

Preah Bat Samdech Preah Norodom Sihanouk Varman Rajbarivong Ubhato Socheathi Visothipong Akamohaborhrathn Nikarodom Dhamikmoharaja Thiraj Boromaneath Borombopithr Preah Chau Krung Kampuchea Thipadei, having regard to:

- the Constitution of the Kingdom of Cambodia,
- the Royal Decree of 1 November 1993 establishing the Royal Government of the Kingdom of Cambodia,
- the Royal Decree of 24 November 1993 nominating the First Prime Minister and the Second Prime Minister of the Council of Ministers,
- the Royal Kram n° 2/NS/ of 20 July 1994 establishing and defining the functioning of the Council of Ministers,
- the Royal Decree NS/RKT/1094-83 of 24 October 1994 redefining the composition of the Royal Government of Cambodia,
- the Royal Kram n° 04/NS/94 of 10 August 1994 concerning Territorial Management, Urban Planning and Construction,
- the Royal Decree n° NS/RKT/0295 of 19 February 1995 redefining of the Supreme Council on National Culture,
- the Royal Decree of 19 February 1995 establishing the Authority for the Protection and Management of Angkor and the Region of Siem Reap (APSARA),
- the Royal Decree n° 001/NS of 28 May 1994 concerning the zoning and management of the region of Siem Reap/Angkor,
- the Law establishing the Ministry of Culture and Fine Arts adopted by the National Assembly on 25 October 1995,
- the proposal of the two Prime Ministers, and the Minister of State for Culture and Fine Arts, Territorial Management, Urban Planning and Construction,

Promulgate

the Law on the Protection of Cultural Heritage adopted by the National Assembly during the first session of its fifth mandate, which reads as follows:

Chapter 1- General provisions

Article 1:

The purpose of this law is to protect national cultural heritage and cultural property in general against illegal destruction, modification, alteration, excavation, alienation, exportation or importation.

Article 2:

The national cultural heritage comprises cultural property created or discovered on national territory;

Article 3:

This law shall apply to moveable and immoveable cultural property, whether publicly or privately owned, whose protection is in the public interest. Except as otherwise provided elsewhere in this law, it shall apply only to cultural property that forms part of the national cultural heritage.

Article 4:

For the purposes of this law, cultural property is considered to be any work produced by human agency and any natural phenomenon of a scientific, historic, artistic or religious nature which bears witness to a certain stage in the development of a civilization or of the natural world and whose protection is in the public interest. Specific cultural property is to be registered by sub-decree.

Chapter 2 - Special provisions

Section 1: Institutions Responsible for Management and Implementation

Article 5:

The Supreme Council on National Culture is responsible for policy formulation in the domain of national cultural property, in particular in view of protecting and enhancing the national cultural heritage. The Ministry of Culture and Fine Arts is responsible for policy implementation. However in the Angkor/Siem Reap region, the Authority for the Protection and Management of Angkor and the Region of Siem Reap, called APSARA, is responsible for the protection, the preservation and the enhancement of the national cultural heritage. Coordination of work carried out jointly by the Ministry of Culture and Fine Arts and concerned institutions is to be defined by sub-decree.

Section 2: Protected sites

Article 6:

Protected sites containing archaeological reserves or other sites of archaeological, anthropological or historic interest may be established. The boundaries of such protected sites shall be defined by Royal Decree at the proposal of the SCNC.

Section 3: Inventory

Article 7:

Listing in the inventory consists of keeping a record of public and private cultural property which, while not necessarily requiring immediate classification, is nonetheless of some importance from a scientific, historical, artistic or religious point of view.

Article 8:

Inscription in the inventory shall be made by a decision of the competent authority according to Article 5.

Article 9:

Inscription in the inventory shall place an obligation on the owner or holder of the property to inform the competent authority one month prior to taking any action to alienate, move, destroy, modify, alter, repair

or restore the property. The competent authority may oppose such action only by initiating the procedure for classification.

Article 10:

Inscription in the inventory shall be null and void unless it is followed by a proposal for classification in the six months following notification thereof.

Section 4: Classification

Article 11:

Classification is the registration of public or private cultural property which has already been inventoried and whose protection is in the public interest from a scientific, historical, artistic or religious point of view.

Article 12:

A proposal for classification shall be made by the competent authority, which shall duly notify the owner or holder of the property.

Article 13:

The proposal for classification shall be null and void unless it is followed by a decision to classify in the twelve months following notification.

Article 14:

Classification shall be made by a decision of the competent authority. The competent authority must take a decision within three months after having notified the owner or holder of the property of the proposal to do so.

Article 15:

The owner or holder of the property shall be notified of the classification and, where appropriate, the Land Conservation Department (the department responsible for managing the Land Register) shall also be notified.

Article 16:

In the absence of the owner's consent, the classification shall be made auto-matically.

Article 17:

Classification may give rise to the payment of an indemnity in order to compensate for any loss likely to be caused. The request must be submitted to the competent authority within three months of the notification of the classification decision. The amount of the indemnity shall be set by the competent authority. Any objections concerning the decision as to entitlement or as to the amount of the indemnity shall be brought before the appropriate judicial authorities.

Article 18:

The competent authority shall draw up a list of cultural property classified at the end of each year. That list, organized by Province and published in an official Gazette, shall indicate:

- the nature of the cultural property classified;
- the place where it is located;
- the surnames and first names of its owner;
- the date of classification.

Article 19:

Classified cultural property is imprescriptible.

Article 20:

Any classified cultural property of public ownership or belonging to public legal entities is inalienable.

Article 21:

Anyone who alienates private cultural property proposed for classification or already classified shall, on pain of nullity of the act of alienation:

- inform the beneficiary of the status of the property before completion of the act of alienation;
- inform the competent authority within fifteen days of the act of alienation by communicating to it the surname, first name and domicile of the person to whom ownership of the property has been transferred, as well as the date of the alienation.

Article 22:

The alienation of materials or fragments illegally removed from cultural property that has been classified or proposed for classification, and likewise any act resulting in the transfer of possession or control of such materials or fragments to a third party, shall be null and void. Any such third parties jointly responsible with the owners for returning the materials or fragments conveyed to them to their place of origin shall not be entitled to compensation from public entities.

Article 23:

No cultural property that has been proposed for classification or classified may be moved, destroyed, modified, altered, or subjected to repair or restoration work without the authorization of the competent authority, who shall lay down the conditions for such work and monitor its progress.

Article 24:

Any owner who requests authorization to alter, repair or restore cultural property that has been proposed for classification or classified must submit to the competent authority all the relevant plans, projects and documents.

Article 25:

The owner of a classified cultural property shall be responsible for ensuring its protection. Any expenses resulting from the restoration, repair or maintenance of the property shall be borne by the owner. Such

expenses may be reimbursed in part, by the competent authorities. Full reimbursement is subject to decision of the Council of Ministers.

Article 26:

The competent authority shall examine any urgent repair or restoration proposed on classified cultural property. Final decision on such work will be made by the Council of Ministers. The owner of the said property may not oppose the execution of such work.

Article 27:

The consequences of classification shall take full effect from the date of notification of the proposal for classification. The consequences shall apply to the property notwithstanding any change of ownership.

Section 5: Rights of preemption and expropriation

Article 28:

The competent authority may exercise a right of preemption over the sale of any cultural property which has been inscribed in the inventory, proposed for classification or classified. Any person intending to sell a property mentioned in the previous paragraph must inform the competent authority thereof thirty days in advance.

Article 29:

Within thirty days from the date of reception of the information mentioned in Article 28, paragraph 2, the competent authority shall notify the owner of its decision to purchase the property offered for sale on the conditions and at the prices set or to renounce acquisition. The absence of a reply on expiration of the aforementioned thirty days period is deemed to imply that the use of the right of pre-emption has been relinquished.

Article 30:

Immoveable cultural property that is inscribed in the inventory, proposed for classification or classified may be expropriated by the competent authority in the manner provided by the law on expropriation in the public interest.

Section 6: Trade in antiquities

Article 31:

Trade in antiquities shall be authorized, on the conditions stipulated in this law after approval by the competent authority. Procedures concerning this trade are to be defined by sub-decree.

Article 32:

Trading permits shall include the surname, first name and residence of the dealer, his or her qualifications, the types of object subject to trade, and shall state precisely where the dealer wishes to trade. This permit is valid for one year, renewable annually, and is inalienable.

Article 33:

All authorized dealers shall be bound by the following obligations:

- (a) to display a notice at the entrance to their sales premises stating that they are authorized to sell cultural property;
- (b) not to place any cultural property intended for sale outside the premises in which they are authorized to conduct their activity;
- (c) to keep detailed records of the cultural property which they possess, and of day-to-day sales and purchases;
- (d) to make the records mentioned in (c) available to inspectors whenever requested to do so;
- (e) to display in a prominent position on the sales premises the provisions of this law concerning the export of cultural objects;
- (f) to show any cultural property in their possession to inspectors during an inspection;
- (g) to provide inspectors with a photograph of any cultural object in their possession, or to allow them to photograph the cultural object if they so wish;
- (h) to assist inspectors and facilitate their work during an inspection;
- (i) to inform the competent authority of any removal of sales premises to another site.

Article 34:

Inspectors may, whenever they deem inspection to be appropriate, enter and inspect the sales premises, examine and itemize the cultural objects located there and consult the records. They also have the right to inspect the residence of the dealer if this is used for storage or as sales premises under the terms of the permit issued to the dealer.

Article 35:

The competent authority may withdraw the permit to deal in cultural property if it becomes apparent that the holder thereof is neglecting or violating any one of the holder's obligations, or if the holder has been sentenced by the relevant court for breach of the provisions of this law.

Article 36:

Following withdrawal of the permit in accordance with the provisions of Article 35, the dealer must cease purchasing cultural objects. The dealer shall be authorized to sell cultural property still in the possession of the dealer for a further period not exceeding six months.

Section 7: Chance discoveries**Article 37:**

When construction work or any other activity bring to light cultural property such as monuments, ruins, ancient objects, remains of inhabited sites, ancient burial sites, engravings or any property likely to be of interest in the study of prehistory, history, archaeology, ethnology, paleontology or other branches of science dealing with the past or of human sciences in general, the person finding the property and the owner of the site where it was discovered are obliged to stop the construction work and immediately make a declaration to the local police, who shall transmit it to the Governor of the province without delay. The Governor shall in turn inform the competent authority and shall take the measures necessary to ensure the protection of the objects and the site.

Article 38:

The competent authority shall, within thirty days of the declaration mentioned in Article 37, announce the temporary suspension of the work and the safeguarding measures to be taken. If no such measures are announced within that time-limit, the effects of temporary suspension shall no longer apply. The competent authority shall decide on the permanent measures to be taken concerning chance discoveries.

Article 39:

Moveable cultural property found by chance is public property. The competent authority shall provide within three weeks a reward to the finder of the discovery, the amount of which is to be fixed by agreement or by expert opinion. Section 8: Archaeological excavations

Article 40:

No one may carry out excavations or surveys, on land or under water, for the purpose of bringing to light cultural property likely to be of relevance to the study of prehistory, history, archaeology, ethnology, paleontology or other branches of science dealing with the past or of human sciences in general, without the prior authorization of the competent authority.

Article 41:

Only scientific institutions whose expertise is recognized and which have the necessary experience and financial resources may be empowered to carry out excavations. Foreign scientific institutions which have been granted excavation authorization must associate national scientific institutions in their work.

Article 42:

Any scientific institution which has been granted authorization for excavation must:

- (a) record the cultural objects discovered in a special register to be handed to the competent authority at the end of each field season;
- (b) protect the excavated site and the cultural objects found there, and take all necessary conservation measures;
- (c) inform the competent authority regularly of the progress of the excavation work;
- (d) submit a summary report, accompanied by an album containing photographs of all cultural objects discovered, at the end of each field season campaign;
- (e) submit a detailed scientific report on the findings of the excavations within a period not exceeding one year from the end of each field season;
- (f) allow inspectors to visit the excavations whenever they so wish and to consult the special register mentioned in paragraph (a);
- (g) grant interested researchers access to the excavations, on condition that they respect the scientific ownership rights of the excavator;
- (h) train national technicians and researchers;
- (i) publish the scientific findings of the excavations within five years of completion of the work.

Article 43:

Any scientific institution in possession of an authorization to carry out excavation shall be entitled to:

- (a) scientific ownership of its discoveries;
- (b) ownership of the cultural objects granted to it under the terms of Article 44, paragraph 2;

- (c) first publication of the scientific findings of the excavations, on condition that those findings are published within the time-limit specified in Article 42, paragraph (i).

Article 44:

Immoveable and moveable cultural property discovered by scientific institutions shall be the property of the State. The competent Authority may donate to those institutions any object of which duplicates have been found and any object that is not indispensable to public collections owing to the fact that these collections already contain objects of the same type, style, material, method of production and scientific or artistic value. Any such donation can be made only on the condition that concerned objects be displayed in a scientific institution accessible to the public.

Article 45:

The competent authority shall be responsible for the inspection of excavations and the monitoring of sites, and shall assist in establishing measures to protect sites under excavation.

Article 46:

The competent authority may authorize excavations on privately-owned land, after prior notification to the owner. An inventory of the site approved by all parties must be made at the beginning of the excavator's occupation of the site. The excavator may occupy the site for a renewable period of two years.

Article 47:

The owner of land covered by Article 46 shall be entitled to return to the site, and to compensation for deprivation of use of the land and for damage caused if any.

Article 48:

In the event of discovery of cultural immoveables whose protection is in the public interest, the competent authority may exercise its right of expropriation in accordance with the legislation on expropriation in the public interest.

Article 49:

If the authorized excavator fails to respect any one of its obligations as set out in Article 42, the competent authority may decide to withdraw authorization and/or scientific rights. Excavations shall be suspended from the day that the holder is notified of the withdrawal of authorization.

Article 50:

Once an excavation authorization has been withdrawn, the concerned party may not claim any compensation for eviction from the site or for any expenses incurred.

Section 9: Export of cultural property

Article 51:

The export of any cultural object from Cambodia is prohibited, unless the competent authority has granted a special export license for the purpose.

Article 52:

The competent authority must announce its decision within three months of the declaration made to the competent authorities by the exporter.

Article 53:

The export of cultural objects shall be subject to duties and fees. The amount of those export duties and fees shall be set by law.

Article 54:

Before granting an export license, the competent authority must ascertain that:

- (a) the proposed export will not result in the impoverishment of the national cultural heritage;
- (b) public collections contain a cultural object similar to the one for which an export license has been requested;
- (c) the cultural object to be exported is not of irreplaceable importance for a study of a particular branch of study of the sciences of the past or of the human sciences in general. Procedures for export of cultural property, types of cultural property authorized for export, as well as types of cultural property of which export is prohibited shall be defined by sub-decree.

Article 55:

The competent authority is required to grant a license for the exportation of cultural objects in the following cases:

- objects donated to a foreign scientific institution which holds an excavation permit in accordance with Article 44, paragraph 2;
- objects sent abroad temporarily for exhibition or for other scientific purposes;
- objects exchanged for other objects obtained from museums or similar foreign institutions;
- objects legally imported into Cambodia.

However, in a case provided for in paragraph I (point 2) of this article, the temporary export shall be submitted to appropriate conditions that guarantee the conservation and the return of these objects.

Article 56:

Any attempt to export cultural objects without a license shall entail the seizure and confiscation of those objects for the public collections.

Article 57:

The competent authority may claim, on behalf of the public collections for the payment of a fair price decided by mutual agreement or fixed by an expert, any cultural object for which an export license has been denied, provided that there are strong indications that the cultural object may be the subject of a fraudulent export attempt.

Section 10: Import of cultural property

Article 58:

The import of cultural objects exported in contravention of the national legislation of their country of origin is forbidden. Procedures for the importation of cultural property shall be defined by sub-decree.

Article 59:

Cultural objects imported illegally shall be seized, placed under the protection of the competent authority and, on condition of reciprocity, the Royal Government may take the decision to return such objects to their country of origin in accordance with international standards and agreements.

Article 60:

Costs incurred by returning such objects are payable by the State requesting their return.

Article 61:

Legally imported cultural objects must be declared to the Customs authorities. The receipt issued to the holder by the Customs authorities constitutes proof of declaration and must be produced if the object is re-exported.

Section 11: Legal protection and penal clauses**Article 62:**

Decisions made by the competent authority in accordance with this law may be contested by recourse to the relevant legal authority.

Article 63:

(a) A sentence of imprisonment of a minimum of six months and a maximum of five years and a fine equal to the value of the cultural object in question, to be determined by expert opinion, shall be imposed on anyone who, through negligence:

- alienates, moves, destroys, modifies, alters, repairs or restores a registered cultural object inscribed in the inventory without respecting the obligation to inform the authorities in accordance with Article 9, paragraph 1;
- alienates cultural property proposed for classification or classified without respecting the obligations entailed by Article 21 and Article 28, paragraph 2.
- moves, destroys, alters, modifies, repairs or restores, without authorization, cultural property proposed for classification or classified (Article 23, paragraph 1);
- fails to ensure the protection of classified cultural property of which he or she is the owner (Article 25, paragraph 1);
- carries out or attempts to carry out, without authorization, work subject to the regulations on authorization under the terms of Articles 31 and 40;
- fails to fulfill the obligations entailed by Articles 33 and 42;
- fails to declare cultural property discovered during construction or other work and fails to stop that work (Article 37);
- exports or tries to export, without authorization, a cultural object (Article 51 and Article 56)
- fails to comply with the conditions implied by a temporary export as provided in Article 55 (2);
- illegally imports a cultural object (Article 58);

- fails to declare to the Customs authorities the legal importation of a cultural object (Article 61, paragraph 1).

(b) The penalty shall be imprisonment for a minimum of two and a maximum of eight years and a fine equal to two times the value of the object in question, to be determined by expert opinion, if the offender was acting intentionally. In certain cases concerned in (a) and (b) above, the offender shall be subject to only one of these types of penalties, either imprisonment or fine.

Article 64:

The civil and administrative sanctions provided for in Articles 21, 22, 35, 49, 56, 59 as well as penal sanctions provided for in Article 63, may be applied.

Article 65:

Offenses shall be evidenced by reports made by investigators of the Prosecutors Office and by any qualified authorities, especially Customs officials having taken oath and curators or other staff of museums open to the public who have been appointed and have taken oath for that purpose.

Chapter 3 - Final provisions

Article 66:

All provisions contrary to the present Law shall be considered null and void.

Article 67:

This Law shall be promulgated without delay.

Phnom Penh, 25 January 1996

Signed: Norodom Sihanouk

Annex 3: Text of Sub-Decree Respecting Implementation of Cultural Heritage Protection



KINGDOM OF CAMBODIA

Nation Religion King

Royal Government

of Cambodia

No.: 98

The Royal Government

Considering:

- The Constitution of the Kingdom of Cambodia,
- Royal Decree (Preah Reach Kret) No. 1198/72 of November 30, 1998 respecting the Appointment of the Royal Government of Cambodia,
- Royal Decree (Preah Reach Kram) No. 02/NS/94 of July 20, 1994 promulgating the Law on the Organization and Operation of the Council of Ministers,
- Royal Decree (Preah Reach Kram) No. NS/0196/02 of January 24, 1996 on the Establishment of the Ministry of Culture and Fine Arts,
- Royal Decree (Preah Reach Kram) No. 0196/26 of January 25, 1996 promulgating the Law on the Protection of Cultural Heritage,
- Royal Decree No. NS/RKT/0295/11 of February 19, 1995 on the Establishment of the Supreme Council of National Culture,
- Royal Decree No. NS/RKT/0295/12 of February 19, 1995 on the Establishment of a National Public Institution for the Protection of the Site and Management of the Angkor Region, named ASPARA,
- Royal Decree No. NS/RKT/0199/18 of January 22, 1999 on the Harmonization of the Provisions of Royal Decree No. NS/RKT/0295/12 of February 19, 1995 on the Establishment of APSARA,
- Royal Decree No. RS/RKT/1297/91 of December 31, 1997 respecting the Legal Status of Public Administrative Institutions,
- Royal Decree No. 001 NS, of May 28, 1994, on Zoning and Management of the Siem Reap-Angkor Region,
- Subdecree (Anukret) No. 62 of October 14, 1997 respecting the Organization and Operation of the Ministry of Culture and Fine Arts,
- Approval by the Council of Ministers in plenary session of August 9, 2002,

Decrees

Chapter I

General provisions

Article 1

The purport of this subdecree is implementation of cultural heritage protection through definition of cultural property and archaeological excavations.

It is to regulate the trade in cultural property and control the exporting and importing of cultural property.

Chapter II

Cultural property

Article 2

Cultural heritage means the body of tangible cultural property with the exclusion of intangible cultural property.

Article 3

Included in cultural heritage is:

- a. Cultural property born of the individual or collective ingenuity of Cambodian nationals.
- b. Cultural property of a definite cultural, artistic or historical significance, created on national soil by foreign nationals or stateless persons residing on national soil.
- c. Cultural property found on national soil.
- d. Cultural property acquired by Cambodian cultural institutions, with the consent of the competent authorities of the country of origin of such property.
- e. Cultural property dealt in under freely agreed exchanges.
- f. Cultural property received free of charge or in return for payment, legally acquired with the agreement of the competent authorities of the country of origin of such property.

Article 4

Cultural property refers to any artifact, moveable or immovable, belonging to the following categories:

- a. Archaeological material resulting from ground or underwater excavations, legal or illegal, and archaeological discoveries.
- b. Prehistoric and historic property such as monuments, components from the dismantling of a monument, sites, graves, remains of ancient villages, grottos and ancient pagodas.
- c. Properties of antiquity such as tools, pottery items, inscriptions, coins, seals, jewels, weapons and funerary remains.
- d. Sacred cultural property or having certain community significance, belonging to and used by a native or tribal community, for the traditional or ritual use of such community.
- e. Anthropologic and ethnological material.
- f. Property of artistic interest such as:
 1. Paintings and drawings, executed entirely by hand on any medium and in any material, with the exclusion of industrial drawings and hand-decorated manufactured items.
 2. Original rubbings, posters and photographs as a means of original creation.
 3. Original artistic assemblages and montages, in any material.
 4. Objects of applied art, in materials such as glass, ceramics, metal or wood.

- g. Manuscripts and incunables, books documents and publications of special interest, notably for science, history, art and literature.
- h. Property of numismatic interest (medallions and coins) or philatelic interest.
- i. Archival documents, including recordings of material, maps and other cartographic material, photographs, motion-picture films, sound recordings and machine-readable documents (diskettes, CDs, etc.).
- j. Furnishings, tapestry, carpets, ancient silk cloth, traditional costumes and musical instruments.
- k. Zoological, botanical and geological specimens.

Chapter III

Trade in Cultural Property

Section 1

Procedure for granting of approval

Article 5

Trade in cultural property means any professional activity of selling or trading cultural property as a main or accessory occupation, on a habitual basis.

Cultural property merchant means any private person or legal entity that carries out the activity referred to in the preceding paragraph regardless of whether such person or entity has a selling establishment or carries out this activity at a domicile, residence or on the public domain.

The following are considered to be merchants: persons who set up in a public place or a place open to the public an event for the sale or exchange of cultural property (fairs, antique shows, bazaars, flea markets or exchanges).

Article 6

Any private person or legal entity who intends to carry out a cultural properties trading activity shall submit an application for approval with the Supreme Council of National Culture, of which the Ministry of Culture and Fine Arts is the executive agency.

Article 7

The application for approval, with a statement of rationale, shall be accompanied by a copy of the license from the register of commerce and any other supporting document.

The form that is used for submission of the application shall be established by order of the Ministry of Culture and Fine Arts.

Article 8

The approval shall be for the person applying only and cannot be transferred to third parties.

It is issued for a one-year period and may be renewed.

Merchants who carry out their activity in compliance with the code of ethics of the profession and who have not come under an administrative or penal sanction for an infraction of the regulations on cultural

heritage protection for at least 5 years may have their approval renewed automatically from one year to the next.

However, the administrative procedures must be fulfilled in harmony with the recommendations of the Ministry of Culture and Fine Arts.

Article 9

The merchant in cultural property shall only be authorized to commence his professional occupation after receiving notification of the approval.

Section 2

Obligations of merchant and register of cultural property

Article 10

In addition to the obligations provided for under Article 33 of the Law on the Protection of Cultural Heritage, all merchants must also comply with the following obligations:

- a. Keep a daily register of items acquired, exchanged or held for sale or exchange. In the event the merchant has more than one selling establishment, a register is required for each establishment.
- b. Refrain from acquiring for sale or exchange cultural property of which the origin is dubious or of which the owner cannot be identified with certainty.
- c. Refrain from acquiring free of charge or in return for payment cultural property from a minor or from an incompetent person without the consent of his parents or legal representative.
- d. Inform the acquirer of the status of such item, in the event of sale or exchange of a catalogued item, put up for classification or classified, and provide the control authority with the identity and domicile of the acquirer, as well as the date on which ownership was transferred.
- e. Guarantee the specification that he has put forward regarding the nature, composition, origin and age of the item sold or exchanged by providing the acquirer with appropriate certification if so requested.
- f. Declare to the Ministries of Culture and Fine Arts, Commerce and Economy and Finance any change in the location of the selling establishment.

When the professional activity is carried out by a legal entity, the above-mentioned obligations shall be incumbent upon the executive officers of the legal entity.

Article 11

The register of cultural items shall contain the following information:

- a. A full description of each item, specifying its main conspicuous features as well as names, signatures, letters, digits, emblems and signs of any nature that appear on it and that facilitate its identification.
- b. The full name, position and domicile of the seller or depositor in the event of an exchange or a consignment for sale or return, as well as the nature, number and issue date of the identification document shown by the private person that performed the sale, exchange or deposit, along with indication of the issuing authority.
- c. A serial number to be affixed to each item of cultural property.
- d. The purchase price or estimated price, in case of exchange, consignment for sale or return or free acquisition.
- e. Where applicable, inscription in the inventory or classification.

Article 12

The register shall be serial marked and initialed by a duly empowered officer of the Ministry of Culture and Fine Arts. It may be computerized provided that it is available in a continuous listing (permanent sheets), previously serial numbered and initialed by the said officer.

Article 13

The information appearing in the register shall be written in indelible ink, with no blanks, erasures or abbreviations.

Article 14

The register shall be kept by the merchant for at least 5 years from the time of closing down.

Article 15

A sample register of cultural items purchased, exchanged or held on consignment for exchange or sale is provided in Annex 1 of this subdecree.

Article 16

Auditing of the registers shall be cared for by the Ministry of Culture and Fine Arts.

Chapter IV

Archaeological Excavations

Section 1

General provisions for excavations

Article 17

Archaeological excavations means all research work carried out for the purpose of discovering artifacts of an archaeological nature or studying archaeological material or sites, regardless of whether such research includes digging into the soil or exploring systematically the surface of the soil, or whether it is performed on the bed or in the subsoil of inland or territorial waters.

Support posts and shielding needed for the safety of material and persons or for the temporary protection of remains discovered by chance and pending intervention by the departments in charge of cultural heritage protection are not considered excavations in the meaning of the preceding paragraph.

Article 18

The Royal Government of Cambodia is empowered to grant to national and international institutions a permit to carry out excavations of a methodological and stratigraphic nature anywhere in the Kingdom of Cambodia.

Article 19

Excavation permits shall be granted by:

- a. The Ministry of Culture and Fine Arts on behalf of the Supreme Council of National Culture anywhere on national soil, with the exclusion of the Siem Reap-Angkor region.
- b. The Authority for the Protection of the Site and Management of the Angkor Region (Autorité pour la protection du site et de l'aménagement de la région d'Angkor - A.P.S.A.R.A.) for the region of Siem Reap-Angkor.

Article 20

The excavation permit is non-transferable. It cannot be transferred to any other national or international scientific organization.

Article 21

When an application for an excavation permit for a private piece of land is under review, the competent authority shall be apprised thereof and inform the owner.

Article 22

Religious sites where worship is practiced regularly such as pagodas, stupas, rural Neak Ta mounds or Bodhi trees (*ficus religiosa*) to plumb with its outermost branches are excluded from the scope of this chapter.

Test pits may be put in with the agreement of the religious authorities in a pagoda compound, outside of the sacred sanctuary or when evidence and topographical observations or concordant traditions show that there is the superposition of a modern pagoda on top of an ancient building.

Public or private cemeteries, with the exception of individual graves, are also excluded from the scope of this chapter. In this case, the institution holding the excavation permit (hereinafter referred to as the institution) may come to a mutual agreement with the families or, failing that, with the local authorities, of the procedures governing the excavations and any compensation.

Section 2

Terms and conditions

Article 23

Any excavation permit application must be accompanied, as the case may be, with some or all of the following documents:

- a. The scientific program including a report on the advisability of the operation and the anticipated results.
- b. The detailed excavation project, outlining and giving the rationale for the contemplated research methods.
- c. The budget, showing the overall amount of the operation, sources of funding and relevant guarantees.
- d. The technical description showing the staff involved, material resources to be implemented, what is to become of them at the conclusion of the undertaking, length of the work site.
- e. Measures to ensure safety of the property and persons involved, along with a certificate of third-party liability insurance.
- f. The endorsement of a recognized national or international scientific institution.
- g. A map showing the extent of the area covered by the excavation license with boundaries, cadastral references of the land plots and the names of the owners and occupants.
- h. A layout map showing the area in which test pits and stratigraphic sections may be put in.

- i. A plan showing the work site layout, areas for classification and storage of excavated spoil.

Article 24

The institution may, upon submission of the excavation permit, have issued to it any excerpt of cadastral registration records, landholding maps and certificates of registration from the land register office records for locations where excavations are contemplated.

Article 25

A copy of the excavation permit shall be forwarded for information by the competent authority to the national, provincial and local authorities concerned. The owners, public or private, of the land, shall also be notified by the provincial authority. It shall be published in poster form on the site involved.

The institution shall provide the provincial and local authorities with the regulations governing the work site covered in the excavation permit.

Article 26

Once notification of the permit has been given, private persons or legal entities other than those shown on the permit are prohibited from undertaking any work of any nature whatsoever on the land lots covered in the area shown thereon.

Article 27

The institution is under obligation to fence off the land lots involved in the operations and to have an inventory of fixture made out in the presence of a representative from the provincial land register office.

Article 28

The institution shall be allowed, with the agreement with the competent department of the Ministry of Agriculture, Forestry and Fisheries, to work in the determined area to remove brush, cut down trees and open up forest paths and roadways.

Article 29

The institution is under obligation to complete the excavation campaign and refurbish the land lots within the given time frame.

Article 30

In the event excavations result in the discovery of major remains, these shall be left as they are after the study. One-off consolidation operations shall be taken by the institution prior to review of the protection measures to be taken under the Law on the Protection of Cultural Heritage. The local and provincial authorities along with the owners, public or private, assume responsibility for the conservation of the said remains until the contemplated protection measures have been taken.

Article 31

Any chance discovery of a recent grave must be reported to the local authority where the discovery was made, who shall delegate as soon as possible a police officer to make a report, look for any families concerned and certify the reburial of the remains in a proper grave.

Section 3

Obligations

Article 32

Prior to undertaking excavation operations, the institution shall inquire of the local authorities and take into consideration the traditions and customs relating to certain locations and respect the habits and customs of the Kingdom of Cambodia, more especially those having to do with religion.

The institution is responsible for damage caused to persons and property during the duration of the permit.

The foreign institution shall associate with its work one or more Cambodian scientific institutions. It is under obligation, in the framework of the excavation operations, to train Cambodian technicians and scientists. It is allowed, in agreement with the competent authority, to ask for assistance from other foreign scientific institutions or scientific, administrative or technical staff including assistants, scholarship holders and foreign students.

Article 33

The excavations director shall take responsibility for performance of the excavations according to good practices and see to the decorum of the staff under his authority. He shall exercise unique, direct authority over all of his subordinates and shall be allowed to delegate his jurisdiction of authority only to a member of the institution's scientific staff.

The excavations director shall inform the competent authority of the discovery of any prehistoric or historical monument, site or location requiring protective measures as provided for in the Law on the Protection of Cultural Heritage, irrespective of it involving underground, underwater or surface explorations.

Article 34

The national, provincial and local authorities are under obligation to provide aid and assistance to the institution should it call upon the administrative and police authorities for help.

The competent authority shall check the smooth sequencing of the excavation operations. It shall assign one of its representatives to the institution for this purpose. The said representative is empowered to attend all excavation or registration operations and control them within the limits of his duties. He shall not have any jurisdiction in the area of instruction with regard to the members and agents of the institution.

Section 4

Scientific ownership and financial provisions

Article 35

The institution shall retain the scientific ownership of its discoveries provided that the scientific findings of the excavations are published within five years from completion of the operations.

The right to iconographic reproduction or dissemination in scientific literature is free after publication of the scientific findings of the excavations.

Article 36

Beyond the five-year deadline provided for under Article 35 of this subdecree, the competent authority shall be allowed to give permission for dissemination for commercial purposes upon payment of a contribution commensurate with the output.

In the event of filming an audiovisual work, the competent authority shall determine a lump-sum contribution based on the shooting time and length of the work.

The amount of such contributions shall be determined by joint order of the Ministry of Culture and Fine Arts and the Ministry of Economy and Finance.

Article 37

The funding of all excavation operations including test pits, explorations, digs, transportation, wages of workers, supervisory or guard staff, local staff training, shall be borne by the institution.

Section 5

Registration and devolution of excavated materials

Article 38

The institution shall keep an up-to-date excavation log that shall include an official inventory of individual artifacts or clusters of artifacts found while excavating. This obligation does not include, in particular, slag, mineral or ligneous specimens, soil samples, insignificant ceramic or glass debris, nor human or animal bones, shells and any indication or evidence of ancient habitat which come under the purview of laboratory process, inasmuch as the excavation does not purport to study such items.

Article 39

In case artifacts are found that have definite significance from a historical, artistic, cultural, scientific, archaeological or pecuniary point of view, the holder shall make a report to be joined to the excavation log.

No assignment may be given to such artifacts prior to their being studied scientifically.

Article 40

When archaeological rescue excavations are funded in whole or in part by the contract owner, the competent authority may offer financial compensation to the latter. The amount of the financial compensation is reached by mutual agreement or upon the advice of an expert.

Article 41

The competent authority shall be allowed to assign to the institution the product of scheduled archaeological excavations for which duplicates or significant numbers exist in public collections.

The institution shall notify the competent authority of the permanent assignment of items for which ownership has been transferred to it. It shall only be allowed to transfer such items, in return for payment or free of charge, to a public collection.

Article 42

Regardless of the place where artifacts owned by the Kingdom of Cambodia are deposited, the institution shall be able to continue to study and analyze them provided that such activity does not cause any damage to them.

The institution shall retain the right to make moldings and photographs for scientific purposes. To this end, the competent authority shall provide it with registration references in the form of inventory numbers.

Chapter V

Exporting and Importing Cultural Property

Section 1

Exporting procedures

Article 43

Cultural property for which exporting is prohibited without a special export license as provided for in Article 51 of the Law on the Protection of Cultural Heritage are those which, as of the date of the license application, enter into one of the categories of cultural property listed under Article 4 of this subdecree.

Article 44

The special license for the temporary or permanent export of cultural property shall be issued by the Ministry of Culture and Fine Arts on behalf of the Supreme Council of National Culture.

Article 45

Any application for a cultural property export license must be submitted to the Ministry of Culture and Fine Arts by the owner of the item or his authorized agent.

The application shall be made in the form prescribed in Annex II. It shall be accompanied by the following documents and information:

- a. A description of the cultural item, in sufficient detail to enable accurate identification.

- b. A photograph of the cultural item or a photocopy if it is a document.
- c. The receipt issued by customs when the cultural item in question has been imported legally to Cambodia.
- d. The market value of the cultural property in Cambodia and abroad in the event of permanent export.
- e. The selling price of the cultural item, if it has already been sold and destined for permanent export.
- f. The purpose of the export.
- g. The destination of the cultural item.
- h. The planned date of export.
- i. The approximate date of return of the cultural item to Cambodia in the event of temporary export.

Article 46

When the applicant does not provide all information and the required supporting documents, the Ministry of Culture and Fine Arts shall request submission of the missing items, by return registered letter, prior to expiration of the three-month timeframe given under Article 52 of the Law on the Protection of Cultural Heritage. This timeframe is suspended.

The applicant shall have two months from receipt of the letter from the Ministry to submit the requested information and documents. An applicant failing to submit these items within this deadline is deemed to have forfeited his application.

Article 47

The timeframe specified under Article 52 of the Law on the Protection of Cultural Heritage is also suspended, notably in the following cases:

- a. When, in implementation of Article 49 of this subdecree, the Ministry of Culture and Fine Arts requires that the item be brought in for examination; in this case, the suspension shall run from the date of receipt by the applicant of the Ministry's registered letter requesting that the item be brought in.
- b. When the authenticity of the item is legally challenged; in this case, the suspension shall run up to the time when the applicant has forwarded to the Ministry the decision closing the procedure.
- c. When the Ministry requests proof of the legality of importing the item; in this case, the suspension shall run from the date of receipt by the applicant of the Ministry's registered letter asking for substantiation until the time as such substantiation is supplied.

Article 48

Should the item be of special significance, notably from the historical, artistic or archaeological viewpoint, the Ministry of Culture and Fine Arts shall be allowed to invite a group of ad hoc experts made up of five persons at the most to appraise the impact that export of the said item would have on national cultural heritage. This group of experts shall express its opinion on the cultural value of the item in the light of the evaluation criteria listed under Article 54 of the Law on the Protection of Cultural Heritage. It shall submit a report to the Ministry and make recommendations.

Article 49

Should the application procedure so require, the Ministry of Culture and Fine Arts shall ask for the item to be brought in to a place that it shall designate.

Article 50

The export license shall be issued to the applicant after remittance of the amount of tax provided for under Article 53 of the Law on the Protection of Cultural Heritage, acknowledged by receipt, or shall be forwarded to him by double registered letter.

The granting of a temporary export license for an exhibition, restoration or other scientific purposes shall not be subject to payment of a tax to the Royal Government.

Article 51

Should the Ministry of Culture and Fine Arts refuse to issue the license, it shall notify the owner of the item of such decision, even if the application was filed by an authorized agent, by double registered letter. If the Ministry does not have the name and address of the owner, it shall request this information from the authorized agent by double registered letter. The timeframe given under Article 52 of the Law on the Protection of Cultural Heritage shall be suspended starting from the date of receipt by the authorized agent of the Ministry's letter until the time such information is submitted.

Article 52

In the event there is a risk of fraudulent export of an item of cultural property for which legal export has been refused, the Ministry of Culture and Fine Arts shall be allowed to claim such item for deposition in a public collection, as provided for under Article 57 of the Law on the Protection of Cultural Heritage.

In such event, the Ministry must make a purchase offer to the owner of the item of cultural property.

Article 53

The purchase offer, sent by double registered letter, shall specify the estimated price of the cultural item, information relating to prices fetched, if applicable, by comparable cultural items on the national and international market or, failing that, comparative information in support of the estimate.

The owner of the cultural property shall have two months to respond. This timeframe shall start from receipt of the purchase offer. Absence of a written response from the owner within this timeframe shall be construed as a refusal of the offer.

In this case, the Ministry of Culture and Fine Arts and the owner of the item shall designate an expert to appraise the price of the item.

The expert shall ask for the item to be brought in to him.

The government shall assume the expense of the appraisal.

Section 2

Illegal exporting

Article 54

When a cultural item has been illegally exported, temporarily or permanently, the Ministry of Culture and Fine Arts shall be empowered, in cooperation with the Ministry of Foreign Affairs and International Cooperation, to undertake all diplomatic, administrative and legal procedures necessary to have the said item returned to national soil.

The Ministry shall also act on behalf of the State or owner, in any diplomatic, administrative or legal procedure provided for under a bilateral treaty or other international conventions, including the 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects.

Article 55

The Ministry of Culture and Fine Arts shall inform the public of the procedures undertaken to have a cultural item returned to national soil. The public shall also be informed, where applicable, of the outcome of such procedures.

Article 56

When the return of a cultural item is ordered and an allowance is awarded to the bona fide owner, it shall be remitted by the State, without prejudice to the latter's right to receive reimbursement for expenses by any other person.

Article 57

The State shall become custodian of the returned cultural item until it is returned to its owner after ownership of the item has been ruled upon, where applicable. The latter shall be deposited with the National Museum and may be put on exhibit.

Article 58

The cultural item that has been ordered returned is turned over to its owner provided that the latter:

- a. Reimburse all expenses incurred to the State, i.e. expense of any compensation paid to the bona fide purchaser, conservatory expenses, expenses involved in implementing the decision to have the item returned and the storage expenses mentioned under Article 56 of this subdecree; and
- b. Was not himself the person committing the fraudulent export.

When the owner is a public entity, the Ministry of Culture and Fine Arts shall be allowed to demand, prior to returning the item to it, that the measures necessary for the conservation and protection of the item be taken. Failing that, after a formal request not followed by effect in two years, the Ministry shall be allowed to decide to put the item in a venue providing all of the necessary safety measures.

Article 59

Ownership of the returned item of cultural property devolves to the State when the identity of the owner of the item remains unknown after a period of five years from the date when the Ministry of Culture and Fine Arts informed the public of the decision to order the item returned, as provided for in Article 56 of this subdecree.

Section 3

Importing cultural property

Article 60

Any item of cultural property imported onto Cambodia soil shall be declared at customs, as provided for in Article 61 of the Law on the Protection of Cultural Heritage.

The cultural property shall be accompanied by an export permit, issued by the competent authority of the country of origin or by any other document certifying the legality of the export.

Cultural property imported onto Cambodian soil without a customs declaration is deemed to be illegally imported. This same applies for stolen cultural property that is smuggled onto national soil.

Article 61

Upon the specific and detailed request of the government of the home country, the Ministry of Culture and Fine Arts shall search or have a search made for any item of cultural property illegally imported onto national soil.

Article 62

When the State of origin of the illegally imported cultural property is known, the Ministry of Culture and Fine Arts shall inform it by diplomatic channels of the presence of such property on national soil.

Article 63

The customs authorities and the Ministry of Culture and Fine Arts shall take all necessary action to confiscate illegally imported cultural property.

Article 64

Confiscated cultural property shall be deposited with the National Museum which shall provide protection for it and take all necessary measures for its conservation.

Article 65

The requesting State shall send by diplomatic channels its request for the return of an illegally imported item of cultural property to the Ministry of Culture and Fine Arts, which shall take all necessary action to ensure the return of the item to its country of origin.

Such action shall be taken without prejudice to the other administrative or legal procedures of which the requesting State or owner may avail themselves of, where applicable.

Article 66

Requests for returns governed by the provisions of bilateral agreements or other international conventions, including the 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects are also reserved.

Article 67

The return of the item of cultural property shall take place upon payment by the requesting State of all expenses relating thereto, including expenses entailed in confiscating the item, depositing it at the National Museum and any conservation measures taken.

Article 68

An illegally imported item of cultural property for which the return is not requested within the timeframe provided by domestic or international law devolves to the State.

Chapter VI

Sanctions

Article 69

When a merchant in cultural property is in breach of one of his obligations as provided for in Article 10 of this subdecree and Article 33 of the Law on the Protection of Cultural Heritage, the Ministry of Culture and Fine Arts shall be allowed to withdraw his permit on a temporary basis or permanently in the case of a repeat offense.

Article 70

When an institution that is holder of an archaeological excavations permit is in breach of the obligations provided for under Chapter IV of this subdecree, the competent authority shall be allowed, depending on the gravity of the offense, to:

- a. Withdraw its right to scientific ownership of the excavated material.
- b. Withdraw its excavation permit.
- c. Refuse to grant it any further excavation permit for a maximum period of five years.

Chapter VII

Claim procedure guarantees

Article 71

The decisions provided for under this subdecree must be issued in written form.

The reasons for such decisions must be given as well as the avenues of redress and the deadline for same.

Article 72

The persons concerned shall be served notice of all decisions made under this subdecree.

Chapter VIII

Transitory provision

Article 73

Any merchant who has already been exercising his professional activity prior to the taking effect of this subdecree shall have 12 months from the date of this act coming into effect to comply with it.

Chapter IX

Final provisions

Article 74

All provisions contrary to those of this subdecree are null and void.

Article 75

The Minister in charge of the Office of the Council of Ministers, the Minister of Culture and Fine Arts, the Supreme Council of National Culture, the APSARA Authority, the ministers, secretaries of State of the concerned institutions are responsible for implementing this subdecree from the date of its signature.

Made in Phnom Penh this 17th day of September 2002

The Prime Minister

Signed and sealed

HUN SEN

Copies to:

- Royal Palace
- Secretary General of the Senate
- Secretary General of the National Assembly
- Cabinet of the Prime Minister
- Ministries and Concerned Institutions
- As provided under Article 75
- Archive

Annex 4: Official Khmer Translation of 1999 Second Protocol

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k- eyagtammaRta 4 vaküx½NÐ 2

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GacRtUvGnuvtp)anedlm,ItRmg;TisskmµPaBRb

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- 1> sm,tpivb,Fm'enaH
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- 2> KµanCeRmlsNaepSgEdlGaceRbl)an
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karvayRbharenaHnwgbNþal[mankarxUc
xatedayécdnüeTAell

sm, t̄pivb, Fm' EdIRtUv) ankarBareRkamm
aRta 4 é nGnusBaØa
EdIGacmanTMhMeRcln ellslb;
eFobeTAnwgsar³RbeyaCn_eyaFaCak;E
spg nigedaypPal; EdIRtUv) anKit
TukCamun.

maRta 8>-

karRbugRby^{1/2}tñcMeBaHplvi)akénPaBRb

Tusra:y

PaKITaMgLayénCemøaHRtUvxitxM[Gs;IT§
PaBEIdGaceFVI)an edlm, l³

k-

ykclnsm, t̄pivb, Fm' ecj[q̄ayBlbrievNCiteKaledAe
yaFa b̄ppl; karkarBareBjelj enAnwgkEnøg

x-

ecosvagdak; TItaMgeKaledAeyaFa[enACitsm, t̄pi
vb, Fm'.

maRta 9>-

karkarBarsm,tpivb,Fm'enAkñúgTwkdIEdl
RKb;RKgedayeyaFabreTs

1>

edaymineFVleGayb:HBal;dl;bTb,BaØtpiënmaRt
a 4 nig 5 énGnusBaØa
PaKImYyEdlkan;kab;TaMgRsug
bæedayEpñkellTwkdIrbs;PaKImYyeTot
RtUvhamXat;
nigbgáaenAkñúgTwkdIRKb;RKgedayeyaFarbre
TsnUv³

k> karnaMecjNamYyedayxusc,ab;
karpøas;TlecjepSgeTot
bækarepÞrkmþsiTšism,tpivb,Fm'

x> kareFVIkMNayburaNviTüa
ellkElgEtTlenaHminmankarkMNt;twgEtg
edlm,IEfrkSa kt;Rta GPirkSsm,tpivb,Fm'.

K> karEkERb
bækarpøas;bþÚrkareRbIR)as;sm,tpivb,Fm'
kñúgeKalbMNglak;bM)aMg

bæbMpøajP^{1/2}spútag Epñkvb,Fm' RbvtpisaRsp
bæviTüasaRsp.

X> Rbsineblka³eTs³minGnuBaØatenaHeT
kareFVIkMNayburaNviTüa karEkERb
bækarpøas;bpÚr kareRbIR)as;sm,tpivb,Fm'
enAkñúgTwkdleRkamkarRKb;RKgedayeyaFabr
eTs RtUveFVleLIgedayman
kic©shRbtibtpikarya:gCitsñiT§CamYyGaCJaFr
mansmtßkic©Cati énTwkdlenaH.

CMBUKTI 3³ karkarBarkRmitx<s;

maRta 10³ karkarBarkRmitx<s;

sm,tpivb,Fm'GacRtUvdak;enAeRkamkarkar
BarkRmitx<s;
Rbsineblsm,tpienaHeqølytbeTAtam
IkçxNÐdUcxageRkam³

k>

vaKWCasm,tpivb,Fm'Edlmansar³sMxan;bMputr
bs;mnusSCati

x> vaRtUv)ankarBaredayviFankarc,ab;
nigrdæ)alkñúgRsukeBjelj EdlTTYIsÁal;nUvtMél
vb,Fm'
nigRbvtpisaRspviessvisalrbs;sm,tþienaH
nigEdlFana)annUvkarkarBarEdlmankRmitx<s;.

K>

vaminRtUv)aneRbIR)as;sRmab;eKalbMNgeyaF
a bæedlm,lbit)aMgTItaMgeyaFa ehlyesckþl
EføgkarN_mYyRtUv)aneFVleLIgrYcehly
edayPaKIEdlRKb;RKgsm,tþivb,Fm'enaH
EdIGHGagfasm,tþi
vb,Fm'enaHnwgminRtUv)aneRbIR)as;sRmab;e
KalbMNgdUecñaHeLly.

maRta 11 ³

karppl;CUnnUvkarkarBarkRmitx<s;

1>

PaKInImYy²RtUvdak;CUneTAKN³kmµaFikar
nUvbBaçleQµaHsm,tþivb,Fm'EdlxøÜnmanbMN
gesñlsMu karppl;CUnnUvkarkarBarkRmitx<s;.

2> PaKIEdlmanyutpaFikar
bækarRKb;RKgellsm,tþivb,Fm'
GacesñlsMueGaydak;sm,tþi vb,Fm'enH
eTAkñúgb**BaøleQµaH**EdlnwgRtUvbegálteLlgR
sbtammaRta 27 Gnuvaküx½NÐ 1 ¬x!
sMeNlenH
RtUvdak;bBa©ÚInUvral;Bt'mancaM)ac;nana
EdlBak;B½n§nwgIkçN³vinicä½y
dUcmanEcgkñúgmaRta 10.
KN³kmµaFikarGacGeBaøljeGayPaKImYy
esñlsMubBa©Úlsm,tþivb,Fm'eTAkñúgb**BaøleQ
µaH.**

3> PaKlepSgeTot
KN³kmµaFikarGnþrCatiénr)aMgébtg ¬International
Committee of the Blue Shield¹
nigGgÁkareRkArdæaPi)alepSgeTot
EdlmanCMnajBak;B½n§
Gacpþl;Gnusiasn_GMBlsm,tþi
vb,Fm'Cak;lak;NamYycMeBaHKN³kmµaFikar.
kñúgkrNIEbbenH
KN³kmµaFikarGacseRmcGeBaølj
eGayPaKImYy

ellksMeNIbBa©Úlsm,tþivb,Fm'enaHeTAKñúg
bBaçleQµaH .

4> TaMgsMeNIsmubBa©Úlsm,tþivb,Fm'
EdlmanTItaMgsβitenAkñúgTwkdImYy
EdlmanrdæueRcln ellSBlmYy
)anTamTarGFibetyüPaB
bæyutpaFikarellTwkdlenaH
nigTaMgkarbBa©Úlsm,tþivb,Fm'enaH
minRtUvb:HBal;dl;siT§irbs;PaKITaMgLAYénCe
møaHeLly eTaHkñúgrUbPaBNak³/₄eday.

5>
enAeBITTYI)ansMeNIsmubBa©ÚleTAKñúg
bBaçleQµaH
KN³kmµaFikarRtUvCUnBt'mandl;RKb;PaKI
TaMgGs;Edl)anesñlsMu.
PaKITaMgGs;Gacdak;CUnKN³kmµaFikarnUvP
aBCatMNagBak;B¹/₂n§nwgsMeNIEbbenH
kñúgry³eBI 60éf¶.
PaBCatMNagTaMgenHRtUveFVleLIgedayEp¥k
ellkçN³vinicä¹/₂y dUcmanEcgkñúgmaRta 10
Etb:ueNÑaH.

PaBCatMNagTaMgenHRtUvmanPaBCak;lak;
nigBak;B $\frac{1}{2}$ n ξ eTAnwgGgÁehtuepSg².

KN³km μ aFikarRtUvBicarNaellPaBCatMNagTa
MgenH

edayppl;eGayPaKlesñlsMunUv»kassmRsb
edlm,leqølytb munQandl;karseRmccitp.

ebleTaHCamankMNt;edaymaRta 26 k $\frac{3}{4}$ eday
k $\frac{3}{4}$ enAeBl

EdlPaBCatMNagTaMgenHdak;CUnmkdl;ehly
KN³km μ aFikarRtUveFVIkarseRmcbBa©ÚleTAk

ñúg **bBaçleQ μ aH** edaysMelgPaKeRcln
bYnPaKR)aM

énsmaCikTaMgGs;Edlmanvtpman
nig)ane)aHeqñat.

6> kñúgkarseRmcellsMeNImYy
KN³km μ aFikarKYrsMueyabl;BIGgÁkarrdæaPi)a
I nigGgÁkar eRkArdæaPi)al
RBmTaMgGñkCMnajkarmñak;².

7> karseRmcppl;CUn
bæbdiesFminppl;CUnnUvkarkarBarkRmitx<s;
GaceFVleLlg)aneTAtamlkçN³

vinicä½ydUcmanEcgkñúgmaRta 10
Etb:ueNÑaH.

8> mankrNlellkElgxøHEdr
enAeBIEdlKN³kmµaFikar)ansnñidæanfa
PaKlesñlsMubBa©Úlsm,tþi vb,Fm'eTAkñúg
bBaçleQµaH

minGacbMeBjeTAtamlkçN³vinicä½y
dUcmanEcgkñúgmaRta 10 Gnuvaküx½NÐ ¬x!
k¾KN³kmµaFikarGacseRmcppl;CUnnUvkarkar
BarkRmitx<s;)anEdr eGayEtPaKlesñlsMu
dak;esñlsMu CMnYyGnþrCati
edayGnuelamtammaRta 32.

9> enAeBleltmanPaBRbTUsra:y
nigedayEp¥kellmUldæanRKamanGasnñ
PaKImYyénCemøaH
GacesñlsMunUvkarkarBarkRmitx<s;cMeBaHs
m,tþivb,Fm' EdlsβitenAkñúgEdnyutþaFikar
bækarRKb;RKg rbs;xøÜn
tamry³karbBaçÚnsMeNlsMuenHeTAKN³kmµaF
ikar.
KN³kmµaFikarRtUvbBaçÚnsMeNlenHCabnþan

;eTA RKb;PaKITaMgGs;énCemøaH.
enAkñúgkrNIEbbenH
KN³kmµaFikarnwgBicarNaellPaBCatMNagBIPa
KI Bak;B½n§TaMgLayeGay)anelOn.
karseRmcppl;CUnnUvkarkarBarkRmitx<s;Cabe
NpaHGasnñ RtUveFVIPøam
edaysMelgPaKeRcInbYnPaKR)aM
énsmaCikTaMgGs;Edlmanvtpman
nig)ane)aHeqñat edayminKit BlmaRta 26.
kñúgeBlrg;caMIT§plénnltiviFIFmµta
sRmab;karppl;CUnnUvkarkarBarkRmitx<s;
KN³kmµaFikar
Gacppl;CUnnUvkarkarBarkRmitx<s;CabeNpaH
Gasnñ)an eGayEteqølytbeTAnwgbTb,BaØtpi
énmaRta 10 Gnuvaküx½NÐ ¬ki nig ¬Ki.

10>

KN³kmµaFikarRtUvppl;CUnnUvkarkarBarkRmit
x<s; dl;sm,tpivb,Fm' cab;taMgBleBIEdl
sm,tpienHcUlknúgb**BaçleQµaH.**

11>

GKÁnaykRtUvCUndMNwgeTAGKÁelxaFikarGg

ÁkarshRbCaCatiedayKµanBnüareBI GMBI
esckplseRmcNamYyrbs;KN³kmµaFikar
Edl)anbBa©Úlsm,tþivb,Fm'eTAkñúg
bBaçleQµaH .

maRta 12 ³

**GP^{1/2}yÉksiTŞirbs;sm,tþivb,Fm'Edl)anTTYIkar
karBarkRmitx<s;**

PaKITaMgLayénCemøaHRtUvFanaeGay)a
nnUvGP^{1/2}yÉksiTŞirbs;sm,tþivb,Fm'
EdlTTYI)ankar karBarkRmitx<s;
tamry³karminyksm,tþiEbbenHCaeKaledAénkarv
ayRbhar bækarmineRbIR)as;Ebb
NamYyellsm,tþienH bætMbn;enACit²sm,tþienH
edlm,lKaMRTdl;skmµPaBeyaeLly.

maRta 13 ³

kar)at;bg;nUvkarkarBarkRmitx<s;

1>

sm, tpi vb, Fm' Edls ßite Rkam karkar Bark Rmitx < s;
RtUv) at; bg; nUvkarkar Bar Ebben HRbsinebl ³

k> karkar Bar Ebben HRtUv) anBüÜrTuksin
bælubecalRsbtammaRta 14 bæ

x> Rbsinebl

bæenAeBINAEdltamkareRbIR)as; rbs; va
sm, tpi enHkøayCaeKaledAeyaFa

2> enAkñúgs ßanPaBdUcGnuvaküx^{1/2}NĐ 1 ¬x!
sm, tpi EbbenHGackøayCaeKaledAénkarvayRbh
arEt kñúgkrNI ³

k>

karvayRbharKW CameFüa)ayEdlGaceTArYcEt
mYyKt; kñúgkarbBa©b; kareRbIR)as; sm, tpi
Edlellk eLlgkñúgGnuvaküx^{1/2}NĐ 1 ¬x!

x>

eFVIkarRbugRby^{1/2}tñRKb; Ebbya: gEdlGaceTAr
Yc kñúgkareRCIsersmeFüa)ay
nigviFlsaRspénkar vayRbhar
kñúgeKalbMNgbBa©b; kaeRbIR)as; EbbenH

nigecosvag

bækat;bnßyeTaHkñúgkrNINak³/₄eday

nUvkarxUcxatcMeBaHsm,tþivb,Fm'.

K> Rbsineblka³eTs³GnuBaØat

edayeyageTAtamkarcaM)ac;énkarkarBarxøÜn

ÉgPøam²enaH³

- i. karvayRbharRtUv)anTTYIbBaçaBIbBaç
akarRbtibtpikarkMritx<s;bMput
- ii. ppl;sBaØaRBmanCamunRbkbedayRbsi
T§PaB eTAdl;kgkMlaMgbdibkç
EdITamTar
eGaybBa©b;nUvkareRbIR)as;
dUcmanellkeLIgkñúgGnuvaküxNÐ1 →x!
nig
- iii. ppl;CUneBlevlasmRsb
eTAdl;kgkMlaMgbdibkç
eGayEkERbsßankarN_eLIgvij.

maRta 14³ karBüÜrTuksin

nigkarlubecalnUvkarkarBarkRmitx<s;

1>

enATIkEnøgNaEdlsm,tþivb,Fm'ElgeqølytbeTAt

amlkçN³vinicä½yNamYy
EdlmanEcgkñúgmaRta 10 éBiFlsarenH
KN³kmµaFikarGacBüÜrTuknUvzan³
Edl)anTTYIkarkarBarkRmitx<s;rbs;sm,tþi
vb,Fm' bælubecalnUvzan³enaH
tamry³kardksm,tþivb,Fm'enaHecjBI
bBaçleQµaH.

2>

kñúgkrNImankarrMelaPF¶n;F¶rcMeBaHmaRta
12
EdlBak;B½nşnwgsmtþivb,Fm'sβiteRkamkarBa
rkRmit
x<s;EdlbNþalmkBlkareRbl)as;vaedlm,lKaMRTd
l;skmµPaBeyaFa
KN³kmµaFikarGacBüÜrTuknUvzan³ rbs;va
EdlTTYI)ankarBarkRmitx<s;.
enATIkEnøgNaEdlkarrMelaPbMBanEbbenHen
AEtbnþ
KN³kmµaFikarGaclubcecalñúgkrNIBiess
nUvzan³EdlTTYI)ankarkarBarkRmitx<s; tamry³
kardksm,tþivb,Fm'enHecjBI **bBaçleQµaH.**

3>

GKÁnaykRtUvCUndMNwgedayKµanBnüareBl
eTAGKÁelxaFikarGgÁkarshRbCaCati
nigeTARKb;PaKI TaMgGs;énBiFIsarenH
GMBlesckþlseRmcNamYyrbs;KN³kmµaFikar
kñúgkarBüÜrTuk bǫlubecalnUv
karkarBarkRmitx<s;rbs;sm,tpivb,Fm’.

4> muneBleFVlesckþlseRmccitþEbbenH
KN³kmµaFikarRtUvppl;»kaseTARKb;PaKITaMg
Gs; edlm,l beBa©jeyabl;rbs;BYkeK.

CMBUKTI 4 ³ karTTYI xusRtUvEpñkRBhµTND nig yutþaFikar

1>

buKÁINak³/₄edayEdIRbRBwtpbTelµsenAkñúgG
tßn¹/₂yénBiFIsarenH
RbsineblbuKÁlenaHedayectna
nigedayrMelaPeTAellGnusBaØa bǫBiFIsarenH
RbRBwtpnUvGMeBINamYyénGMeBldUcxage
Rkam ³

k>

ERbkøaysm, tpivb, Fm'EdlsβiteRkamkarkarBark
Rmitx<s; eGayeTACaeKaledAénkarvayRbhar.

x>

eRbIR)as; sm, tpivb, Fm'EdlsβiteRkamkarkarBark
Rmitx<s; bætMbn; enAEk, r²enaH
edlm, lKaMRTdl; skmµPaBeyaFa.

K> karbMpøicbMpøajFMeFg

bækardkhUtykmkeFVICakmµsiT§ipPal; xøÜn

nUvsm, tpivb, Fm'EdlsβiteRkamkar

karBarkRmitx<s; dUcmanEcgkñúgBiFlsarenH.

X>

ERbkøaysm, tpivb, Fm'EdlsβiteRkamkarkarBark

Rmitx<s; dUcmanEcgkñúgGnusBaØa

nigBiFlsarenH eTACaeKaledAénkarvayRbhar

g> ecarkmµ GMeBlbøn;

bækardkhUtykedayminRtwmRtUv

bæGMeBlbMpøajRTBüsm, tpisaFarN³

EdlsMedAell

sm, tpivb, Fm'EdlTTYI)ankarkarBartamGnusBaØ

a.

2>

PaKInImYy²RtUvRbkan;ykviFankarnanatamkar
caM)ac; edlm,lkMNt;CabTelµlsRBhµTNĐ
Rsbtam c,ab;Catirbs;xøÜn
nUvbTelµlsTaMgLayEdlmankMNt;enAkñúgma
RtaenH nigdak;bTelµlsTaMgenHeGay
TTYleTassmRsb.

kñúgeBlkMBUGnuvtpdUecñH
PaKITaMgGs;RtUvGnuvtpameKalkarN_TUeTA
énc,ab; nig c,ab;GnþrCati
EdlrYmmanTaMgviFanTaMgLayEdlBRglkkarTT
YlxusRtUvEpñkRBhµTNĐrbs;buKÁI
rhUteTAdl;buKÁTaMgLayeRkABIGñkEdIRbRB
wtpGMeBlpPal;.

maRta 16³ yutpaFikar

1> edaymineFVleGayb:HBal;dl;vaküx¹/₂NĐ 2
PaKInImYy²RtUvcat;viFankarc,ab;caM)ac;
edlm,lbegált yutpaFikar
rbs;xøÜnellbTelµlsTaMgLay

dUcmanEcgkñúgmaRta 15
enAkñúgkrNldUcxageRkam ³

k> enAeBIEdlbTelµlsEbbenH
RtUv)anRbRBwtpeLigenAkñúgTwkdlnrdæena
H

x> enAeBIEdlCnelµlsEdlRtUvecaTRbkan;
mansBaØatirbs;rdæenaH

K> kñúgkrNlénbTelµlsTaMgLay
dUcmanEcgkñúgmaRta 15 Gnuvaküx $\frac{1}{2}$ NĐ -k!
dl; -K! enAeBIEdl CnelµlsRtUvecaTRbkan;
manvtpmanenAkñúgTwkdlrbs;xøÜn

2> Bak;B $\frac{1}{2}$ nşnwgkarGnuvtpyutpaFikar
nigedayminb:HBal;dl;maRta 28 énGnusBaØa ³

k>

BiFlsarenHminraraMgnUvkarTTYIxsRtUvEpñk
RBhµTNĐCalkçN³buKÁI

bækarGnuvtpyutpaFikar tamc,ab;Cati

bæGnþrCati EdlGacGnuvtp)an

bæb:HBal;dl;karGnuvtpyutpaFikarRsbtamc,ab;G
nþrCati tamRbéBNlenaHeLly.

x> ellkElgEtkñúgkrNIEdlrdæmYy
EdlminEmnCaPaKlénBiFlsarenH
GacTTYlyknigGnuvtp
bTb,BaØtpiTAMgLayrbs;BiFlsarenH
RsbtammaRta 3 vaküx½NÐ 2 b:ueNÑaH
cMeBaHsmaCik ékngkMlaMgRbdab;GavuF
nigRbCaCatiénrdæmYyEdlminEmnCaPaKlénBi
FlsarenH ellkElgEtGñk
TAMgenaHkMbugbMerlkargarenAkñúgkngkMla
MgRbdab;GavuFrbs;rdæmYy
EdlCaPaKlénBiFlsarenH minTTYI
xusRtUvEpñkRBhµTNÐCalkçN³buKÁI
dUcmanEcgkñúgBiFlsarenHeLly
ehlyBiFlsarenHk¾minkMnt;
eGaymankatBVkic©edlm,lbegálteGaymanyutp
aFikarellbuKÁIEbbenH
bæ¾eFVIbtüab½nBYkeKEdr.

maRta 17³ karkat;eTas

1> rdæEdlenAkñúgTwkdlrbs;xøÜn
RtUv)anrkeXlJfamanvtpmanCnelµlsEdlRtUveca

TRbkan;eTAell bTelµlsmYy eyagammaRta 15
Gnuvaküx $\frac{1}{2}$ NĐ 1 ¬ki dl; ¬Ki
RbsineblmineFVIbtüab $\frac{1}{2}$ nCnenaHeT
rdæenaHRtUvbBaçÚnkrNlenH
edayKµankrNlellkElgGVITaMgGs;
nigedayKµankarBnüareBlminsmRsb
eTAGaCaJFrmansmtßkic©rbs;xøÜn
sRmab;eKalbMNgyeTAkat;eTas
eTAtamnltiviFIEdlRsbtam c,ab;Cati rbs;xøÜn
bæeTAtamviFanBak;B $\frac{1}{2}$ n§TaMgLayénc,ab;Gnþ
rCati RbsineblmanCaFrman.

2>

edaymineFVleGayb:HBal;dl;viFanBak;B $\frac{1}{2}$ n§Ta
MgLayénc,ab;GnþrCati
RbsineblkMBUGnuvtpCaFrman
buKÁINak $\frac{3}{4}$ eday
EdlkMBUGsßitkñúgdMeNlrkarkþIBak;B $\frac{1}{2}$ n§nwg
GnusBaØa bæBiFIsarenH
RtUvFanaeGayTTYI)an nltiviFledayyutþiFm'
nigkarkat;kþledayyutþiFm' RsbeTAtamc,ab;Cati
nigc,ab;GnþrCati enARKb;
dMNak;kaITaMgGs;éndMeNlrkarkþl

ehlyk³/₄KμankrNINamYyEdlbuKÁIEbbenH
TTYI)ankarFana
EdlmankarGnueRKaHticCagkarFanaTaMgLAY
EdlmanEcgenAkñúgc,ab;GnprCatienaHeLly.

maRta 18³ kareFVlbtüab¹/₂n

1> bTelμlsTaMgLAYEdlmanEcgkñúgmaRta 15
Gnuvaküx¹/₂NĐ 1 ¬k! dl; ¬K! RtUvcat;Tukfa)an
bBa©ÚICabTelμlsEdlGaceFVlbtüab¹/₂n)an
enAkñúgsnșisBaØaspIBlbtüab¹/₂n
EdlmanCaFrmanrvagPaKI NamYyk³/₄eday
enAmuneBIBiFIsarenHcUICaFrman.

PaKITaMgLaysnüafanwgbBa©ÚlbTelμlsEbben
H eTAKñúgsnșisBaØaspIBlbtüab¹/₂n
EdlnwgRtUvcuHhtβelxarvagPaKITaMgenaH
eRkayeBlkarcUI CaFrmanrbs;BiFIsarenH.

2> enAeBIEdlPaKImYy Edldak;lkçxNĐfa
kareFVlbtüab¹/₂neTA)anluHRtaEtmanrbs;snșis
BaØa

TTYI)ansMeNIsMueFVlbtüab¹/₂nBIPaKImYyeTo

t

EdlxøÜnminmansnşisBaØaspIBIbtüab½nenaH
PaKlesñlsMu eday
Ep¥kellCeRmlsrbs;xøÜnpPal;
cat;TukBiFlsarenHCamUldæanKiyutpimYysRm
ab;karFVIbtüab½ncMeBaHbTelµls TaMgLay
dUcmanEcgkñúgmaRta 15 Gnuvaküx½NĐ 1
¬k! dl; ¬K!.

3> PaKITaMgLayEdlminmandak;lkçxNĐfa
kareFVIbtüab½neTA)an
luHRtaEtmanrbs;snşisBaØa
RtUvcats;TukfabTelµlsTaMgLaydUcmankMNt;kñ
úgmaRta 15 Gnuvaküx½NĐ 1 ¬k! dl; ¬K!
CabTelµls EdlGaceFVIbtüab½n)an rvagBYkeK
edayeyagtamlkçxNĐEdlmanEcgkñúgc,ab;rbs;P
aKlesñlsMu.

4> RbsineblcaM)ac;
bTelµlsTaMgLayEdlmankMNt;enAkñúgmaRta
15 Gnuvaküx½NĐ 1 ¬k! dl; ¬K!
RtUvcats;TukdUcCabTelµlsTaMgenHRtUv)anRb
RBwtpeLlg

minRtwmEtenATIkEnøgEdlbTelµlsenaHeklt
eLlgb:ueNÑaHeT
b:uEnpEfmTaMgenAkñúgTwkdlrbs;PaKITaMgL
ayEdl)anbegáltyutpaFikar RsbtammaRta 16
vaküx½NÐ 1
sRmab;bMerleGayeKalbMNgénkareFVIbtüab½
nrbs;PaKITaMgenaH.

maRta 19 ³ CMnYyEpñkc,ab;eTAvijeTAmk

1>

PaKITaMgLayRtUvppl;eGayKñaetAvijeTAmk
nUvviFankarx<s;bMputénCMnYyBak;B½n§nwg
kareslubGegát bæ\RkidæCn
bædMeNlrkareFVIbtüab½n
EdleFVleLlgcMeBaHbTelµlsdUcmankMNt;enAk
ñúgmaRta 15 EdlrYm
manTaMgCMnYykñúgkarTTYI)anP½spútag
EdlcaM)ac;sMrab;beRmleGaydMeNlrkarkpl
tammeFüa)aypÐal; rbs;BYkeK.

2>

PaKITaMgLAYRtUvbMeBjkatBVkic©rbs;xøÜn
dUcmanEcgnñúgvaküx½NÐ 1
EdIRsbeTAtamsn§isBaØa
bækic©RBmeRBogTaMgLAY
spIBICMnYyEpñkc,ab;eTAvijeTAmkEdlBYkeKG
acman. Rbsineblminman sn§isBaØa
bækic©RBmeRBogEbbenHeT
PaKITaMgLAYRtUvppl;CMnYyeGayKñaeTAvije
TAmk edayGnuelam
eTAtamc,ab;Catirbs;BYkeK.

maRta 20³ mUlehtusRmab;bdiesF

1> sRmab;eKalbMNgénkareFVIbtüab½n
eBalkWbTelµlsTaMgLAYEdlmanEcgnñúgmaRt
a 15 Gnuvaküx½NÐ 1 ¬k! dl; ¬K!
nigsRmab;eKalbMNgénkarppl;CMnYypøÜvc,ab;
eTAvijeTAmk eBalkWbTelµls
TaMgLAYdUcmanEcgnñúgmaRta 15
minRtUvc;TukfaCabTelµlsneya)ay
bæCabTelµlsEdlBak;B½n§ nwgbTelµlsneya)ay

bꜣCabTelµlsEdIRtUv)anCRmujedayehtuplneya)
ayeLly. dUcKñaenHEdr
sMeNIsMueFVIbtüab½n
bꜣsMuCMnYyEpñkc,ab;eTAvijeTAmk
edayEpꜥkellbTelµlsEbbenH minGacRtUv)an
bdiesFedayEpꜥkEtelletuplmYyKt;fa
vamanBak;B½nşnwgbTelµlsneya)ay
bꜣbTelµlsmYyEdl
Bak;B½nşnwgbTelµlsneya)ay
bꜣbTelµlsmYyEdIRtUv)anCRmujedayehtuplney
a)ayenaHeT.

2> enAkñúgBiFlsarenH
KµanbTb,BaØtpiNamYyEdIRtUv)anbkRsayfa)a
nkMNt;katBVkic©eGayeFVIbtüab½n
bꜣeGayppl;CMnYyEpñkc,ab;eTAvijeTAmkenaH
eT RbsinebIPaKITTYIsMeNI
manmUlehtuFMeFgeFVleGay
eCOfasMeNIsMueFVIbtüab½n
sRmab;bTelµlsTaMgLaydUcmankMNt;enAkñúg
maRta 15 Gnuvaküx½NĐ 1 ¬k! dl; ¬K!
bꜣsRmab;sMuCMnYyEpñkc,ab;eTAvijeTAmk
Bak;B½nşnwgbTelµlsTaMgLaydUcmankMNt;e

nAkñúg maRta 15

RtUv)aneFVleLlgsRmab;eKalbMNgénkarkat;eT
as bǣdak;eTasbuKÁlmñak; edayEpǣkell
Catisasn_ sasna sBaçati RbPBkMeNIt
bǣKMnitneya)ayrbs;buKÁlenaH
bǣeblppl;CUntamsMeNlenaH
nwgbNpaleGayxUcxatdl;zan³rbs;buKÁlenaH
sRmab;ehtupINamYy
kñúgcMeNamehtupITaMgenH.

maRta 21 ³

**viFankarBak;B^{1/2}nşnwgkarrMelaBbMBanepS
geTot**

edayminb:HBal;dl;maRta 28 é nGnusBaØa
PaKInImYy²RtUvGnum^{1/2}tyknUvviFankarc,ab;
rdæ)al bǣvin^{1/2}ytamkarcaM)ac;
edlm,lbRgáabnUvral;GMeBIdUcxageRkam
enAeBIEdlRtUv)anRbRBwtpeLlgedayectna ³

k> kareRbIR)as;NamYyellsm,tþivb,Fm'
EdlrMelaPelGnusBaØa bǣBiFlsarenH

x> karnaMecjNamYyedayxusc,ab;
karykecjepSg²eTot
bækarepÞrkmþsiTšiénsm,tþivb,Fm'
BITwkdleRkamkarRKb;RKgedayeyaFabre
Ts edayrMelaPellGnusBaØa
bæBiFlsarenH.

CMBUK 5 ³

**karkarBarsm,tþivb,Fm'enAkñúgeBlmanCem
øaHRbdab;GavuF EdlminmancritGnþrCati**

maRta 22 ³

**CemøaHRbdab;GavuFEdlminmancritGnþrCa
ti**

1>

BiFlsarenHRtUvGnuvtþenAkñúgeBlmanCemøa
HRbdab;GavuF EdlminmancritGnþrCati
nigEdlekl
eLlgenAkñúgTwkdIrbs;PaKImYykñúgcMeNamP
aKITaMgLay.

2>

BiFlsarenHminRtUvGnuvtpcMeBaHsßanPaBén
PaBclacl bækartantwgkñúgRsukdUcCa
GMeBlkubkmµ EdlCaGMeBl dac;edayELk
nigyUr²mpg
nigGMeBlepSgeTotEdlcritRsedogKñaeLly.

3> enAkñúgBiFlsarenH

KµanbTb,BaØtpiNamYy

RtUv)anelIkCasMGagmkeRblR)as;

eTaHCatamRKb; meFüa)ayRsbc,ab;k³/₄eday

kñúgeKalbMNgeFVleGayb:HBal;dl;GFibetyüPa

Brbs;rdæmYy bæ

karTTYIxsRtUvrbs;rdæaPi)alenaH

edlm,IEfrkSa bæbegáltc,ab;

nigsNþab;eLIgvijenAkñúgrdæenaH bæ

k³/₄edlm,lkarBarÉkPaBCati

nigbUrNPaBE dndlrbs;rdæenaHeLly.

4> enAkñúgBiFlsarenH

KµanbTb,BaØtpiNamYyRtUvb:HBal;dl;yutpaFik

arCacMbgrbs;PaKImYy

ellkarrMelaPbMBanTaMgLay

dUcmanEcgkñúgmaRta 15
EdlenAkñúgTwkdlrbs;PaKlenaHmaneklteLIgnU
v
CemøaHRbdab;GavuFEdlminmancritGnprCati.

5> enAkñúgBiFlsarenH
KµanbTbBaØtpiNamYyRtUv)anellkCasMGagm
keRbIR)as; CayutpikµsRmab;
kareFVIGnpraKmn_edaypPal; bæedayRbeyal
eTaHsRmab;ehtuplNamYyk³/₄eday
enAkñúgCemøaH Rbdab;GavuF
bæenAkñúgkic©karépPkñúg
bæGnprCatirbs;PaKI
EdlenAkñúgTwkdlrbs;PaKlenaH CemøaHenaH
eklteLIgenaHeLly.

6> karGnuvtpBiFlsarenHcMeBaHsßanPaB
EdlRtUv)anellkeLIgenAkñúgvaküxNÐTI 1
minRtUvb:HBal;dl;
zan³Rsbcb;ab;rbs;PaKITaMgLayénCemøaHeLly.

7>
yUeNsáÚGacppl;esvarbs;xøÜndl;PaKITaMgLa
yénCemøaH.

CMBUK 6³ TidæPaBsßab^{1/2}n

maRta 23³ kic©RbCMurbs;PaKI

1>

kic©RbCMurbs;PaKIRtUverobcMeLIgenAcMeBI
mhasnñi)atGgÁkaryUeNsáÚ
nigkñúgkic©sRmsRmYI
CamYykic©RbCMurbs;PaKICan;x<s;énkic©snü
a
Rbsineblkic©RbCMuEbbenHRtUv)anesñleLige
dayGKÁnayk.

2>

kic©RbCMurbs;PaKIRtUvGnum^{1/2}tbTbBaçaéþ
kñúgrbs;xøÜn.

3>

kic©RbCMurbs;PaKIRtUvmanmuxgardUcteTA³
¬k!
edlm,le)aHeqñateRCIserlssmaCikrbs;KN³kmµa
Fikar RsbeTAtammaRta 24 vaküx^{1/2}NÐ 1.

¬x! edIm,IGnum¹/₂teKalkarN_ENnaM
EdlKN³kmµaFikar)anerobcMeLlg
RsbeTAtammaRta 27 Gnuvaküx¹/₂NĐ 1 ¬k! .

¬K! edIm,lppl;karENnaM
nigedIm,IRtYtBinitükareRbIR)as;mUlniFirbs;KN³
kmµaFikar.

¬X!
edIm,IBinitüellr)aykarN_EdlKN³kmµaFikar)andak
;CUn RsbtammaRta 27 Gnuvaküx¹/₂NĐ 1 ¬X!.

¬g!
edIm,IBiPakSaellbBađaNamYyEdlTak;TgeTAn
wgkarGnuvtpBiFIsarenH
nigedIm,lellkCaGnusiasn_ tamkarsmRsb.

4>
eyagtamsMeNlya:gehacNas;mYyPaKR)aMénP
aKITaMgGs;
GKÁnaykRtUvekaHRbCMuvisamBaØrbs;PaKI.

maRta 24 ³

**KN³kmµaFikarsRmab;karBarsm,tþivb,Fm'
enAkñúgeBlmanCemøaHRbdab;GavuF**

1>

KN³kmµaFikarsRmab;karBarsm,tþivb,Fm'enAk
ñúgeBlmanCemøaHRbdab;GavuF

RtUv)anbegálteLlg tamsµartlénBiFlsarenH.

KN³kmµaFikarenHRtUvmansmasPaB 12 PaKI

EdIRtUve)aHeqñateRCIserIs

edaykic©RbCMurbs;PaKI.

2>

KN³kmµaFikarRtUvCYbKñakñúgmYyqñaMmpg

kñúgsm $\frac{1}{2}$ yRbCMuFmµta

nigkñúgsm $\frac{1}{2}$ yRbCMuvisamBaØaeRclndg

tamkarcaM)ac;.

3> kñúgkarkMNt;smaCikPaBrbs;KN³kmµaFikar

PaKIRtUvxitxMFanaeGay)annUvPaBCatMNag

Rbkb edaysmFm'

BltMbn;nigvb,Fm'epSg²Kñarbs;BiPBelak.

4> PaKIEdlCasmaCikrbs;KN³kmµaFikar
RtUveRCIserIsCatMNagrbs;BYkeK
nUvbuKÁIEdlman
IkçN³sm,tþienAkñúgvis¹/₂yebtikP¹/₂NÐvb,Fm'
karBarCati bæc,ab;GnþrCati
ehlysmaCikTaMgGs; RtUvxitxMRbwgERbg
edayBieRKaHeyabl;CamYyKñaeTAvijeTAmk
edlm,IFanafaKN³kmµaFikarTaMgmUI
manCMnajRKb;RKan;enAkñúgvis¹/₂yTaMgenH.

maRta 25³ GNtþi

1>

PaKImYyCab;eqñatenAkñúgKN³kmµaFikarsRm
ab;ry³eBI 04qñaM
nigGacmansiTþiQreQµaHe)aHeqñat
Pøambnþab;mkeTotEtmþgKt;.

2> edayminKitBlbTb,BaØtþienvaküx¹/₂NÐ 1

GNtþirbs;smaCikBak;kNþal

EdIRtUv)aneRCIserIsenAkñúg

kare)aHeqñatellkTImYy

RtUvbBa©b;enAeBlbBa©b;sm¹/₂yRbCMusamB

aØellkTImYy énkic©RbCMurbs;PaKI
EdlbnÞab;Blkic©RbCMuenaH
BYkeKRtUv)anCab;eqñat.
smaCikTaMgenHRtUveRCIserIsedaykarcab;sn
øwkeqñat edayRbFanénkic©RbCMuenH
bnÞab;Blkare)aHeqñatellkTImYy.

maRta 26 ³ bTbBaçaépÞkñúg

1>

KN³kmµaFikarRtUvGnum^{1/2}tbTbBaçaépÞkñúgr
bs;xøÜn

2> cMnYnPaKeRclnénsmaCik
begált)anCakur:um.

escþlseRmcrbs;KN³kmµaFikarRtUveFVleLIge
day sMelgPaKeRclnBlrPaKbl
énsmaCikEdle)aHeqñat.

3>

smaCikTaMgLayminRtUvcUlrymenAkñúgkare)
aHeqñat ellesckþlseRmcNamYy
EdlBak;B^{1/2}nşeTAnwg sm,þpivb,Fm'

Edlrgkarb:HBal;edayCemøaHRbdab;GavuF
EdlBYkeKCaPaKlénCemøaHenaHeLly.

maRta 27 ³ muxgar

1>

KN³kmµaFikarRtUvbMeBjmuxgardUcxageRka
m ³

k>

erobcMeKalkarN_ENnaMsRmab;GnuvtpBiFlsar
enH.

x> edlm,lppi;CUn BüÜrTuk

bælubecalnUvkarkarBarkRmitx<s;sRmab;sm,tpi
vb,Fm' nigedlm,lksag EfrkSa nigellkkMBs;

**bBaçleQµaHsm,tpivb,Fm'EdlsβiteRkamkark
arBarkRmitx<s;.**

K> edlm,ltamdan

nigRtYtBinitükarGnuvtpBiFlsarenH

nigedlm,lellkkMBs;GtpsBaØaNkmµsm,tpivb,Fm
' EdlsβiteRkamkarkarBarkRmitx<s;.

X>edlm,IBinitüBicarNa
nigppl;eyabl;ellr)aykarN_rbs;PaKI
kñúgeKalbMNgsYrrkkarbMPøWtam karcaM)ac;
nigedlm,lerobcMr)aykarN_pPal;rbs;KN³kmµaFi
kar spIBIkarGNuvtpBiFIsarenH
sRmab;kic©RbCMurbs;PaKI.

g> edlm,ITTYI
nigBicarNaellsMeNIsMuCMnYyGnþrCati
RsbtammaRta 32.

c> edlm,lkMNt;kareRbIR)as;mUlniFi

q> edlm,lbMeBjmuxgarepSg²eTot
Edlkic©RbCMurbs;PaKIGacRbKI;CUn.

2> KN³kmµaFikarRtUvbMeBjmuxgar
edayshkarCamYyGKÁnayk.

3>

KN³kmµaFikarRtUveFVIshRbtibtpikarCamYyGg
ÁkareRkArdæaPi)alCati nigGnþrCati Edlman
eKalbMNgsRsedogKñæTAnwgeKalbMNgrbs;Gn
usBaØa BiFIsarTImYyrbs;GnusBaØa
nigBiFIsarenH.

edlm,ICYdl;karbMeBjmuxgarrbs;xøÜn
KN³kmµaFikarGacGeBaçljcUlYmkic©RbCMur
bs;xøÜn kñúgzan³CaGñk ppl;eyabl;
nUvsßab¹/₂nviCøaClv³Can;x<s;
dUcCasßab¹/₂nEdlmanTMnak;TMngpøÚvkarCa
mYyyUeNsáÚ rYmman
KN³kmµaFikarGnþrCatisRmab;KRmbexov

↯International Organization for Blue Shield - ICBS¹ nig

nigGgÁPaBsMxan;²rbs;KN³kmµaFikarenH.
tMNagrbs;mCÄmNÐIGnþrCatisRmab;sikSaGM
BlkarGPirkS nigCYsCulsm,tþivb,Fm'eLIgvij

↯International Center for the Study of the Preservation and Restoration of Cultural Property –

Rome Center - ICCROM¹ nigtMNagKN³kmµaFikarkak)at

RkhmGnþrCati ↯International Committee of the Red Cross - ICRC¹

k³/₄GacRtUv)anGeBaçlj
cUlYmkic©RbCMupgEdr
kñúgzan³Casßab¹/₂nBieRKaHeyabl;.

maRta 28³ elxaFikardæan

KN³kmµaFikarRtUv)anCYykic©kar
edayelxaFikardæanrbs;GgÁkaryUeNsáÚ

EdIRtUverobcM Éksar
nigrebobvar³RbCMurbs;KN³kmµaFikar
nigRtUvmankarTTYIxsRtUvsRmab;karGnuvtp
esckpl seRmcrbs;KN³kmµaFikar.

maRta 29 ³

**mUlniFisRmab;karkarBarsm,tpivb,Fm'
enAkñúgeBlmanCemøaHRbdab;GavuF**

1>

mUlniFimYyRtUv)anbegálteLlgtamsµartlénBiFI
sarenH

sRmab;bMerleGayeKalbMNgdUcxageRkam ³

k> edlm,lppl;CMnYyhirBaØvtßú

bαCMnYyepSgeTotedlm,lKaMRTdl;viFankareto

mTukCamun bαviFankarepSgeTot

EdIRtUveFVleLlgenAeBlmansnþiPaB

RsbtammaRta maRta 10 Gnuvaküx^{1/2}NÐ →x!

nig maRta 30 nigmaRtaepSg²eTot nig

x> edlm,lppl;CMnYyhirBaØvtßú

bαCMnYyepSgeTotcMeBaHRKamanGasñ

viFankarbeNpaHGasnñ
bæviFankarepSgeTotEdIRtUveFVleLIg
edIm,lkarBarsm,tþivb,Fm'
kñúgGMLúgeBlmanCemøaHRbdab;GavuF
bækarrYccakputPøam²
BlkarbBa©b;PaBRbTUspra:y RsbtammaRta 8
Gnuvaküx½NÐ -k! nigmaRta epSg²eTot.

2> mUlniFienHKWCamUlniFikñúgbnÞúk →Trust Fund!
RsbtambTb,BaØtþiønniy½tkmµhirBaØvtßúrbs;y
UeNsáÚ.

3>
karcMNayR)ak;ecjBlmUlniFiRtUveFVleTA)an
EteTAtameKalbMNg EdIKN³kmµaFikarseRmc
RsbtameKalkarN_ENnaM
dUcmanEcgkñúgmaRta 23 Gnuvaküx½NÐ 3
-K! b:ueNÑaH. KN³kmµaFikar
GacTTYlykR)ak;viPaKTanmkeRbIR)as;
EtsRmab;kmµviFI
bæKeRmagmYycMnYnb:ueNÑaH eGayEt
KN³kmµaFikar)anseRmcrYcehlyellkarGnuvtþk
mµviFI bæKeRmagEbbenH.

4> FnFanTaMgGs;rbs;mUlniFirYmman ³

¬k! R)ak;viPaKTansμ½RKcitprbs;PaKI

¬x! R)ak;viPaTan GMeNay Tan

Edlppl;CUneday

¬ii! rdæepSg²eTot

¬iii! yUeNsáÚ

bæsbab½nepSg²eToténRbB½n§GgÁkarshRbC
aCati

¬iiii! GgÁkarGnprrdæaPi)al

bæeRkArdæaPi)al nig

¬ivi! sbab½nsaFarN³ bæÉkCn bæ buKÁI

¬K! karR)ak;EdleklneLlgellmUlniFi

¬X! mUlniFiEdlrk)antamry³karérGgÁas

nigR)ak;TTYI)anBIRBwtpikarN_epSg²

EdlerobcM eLlgedlm,ICaRbeyaCn_énmUlniFi
nig

¬g!

FnFanepSg²eTotEdlTTYI)ankarGnuBaØateday

eKalkarN_ENnaM EdIRtUvGnuvtpcMeBaH
mUlniFi.

**CMBUKTI 7³ karpSBVpSayBt'man
nigCMnYyGnprCati**

maRta 30³ karpSBVpSayBt'man

1>

PaKITaMgLayRtUvxixMRbwgERbgtammeFüa)
aysmRsb nigCaBiesstamry³kmµviFIGb;rM
nigBt'man
edlm,leGayRbCaCnTaMgGs;rbs;BYkeK
begáInnUvkarvaytMélx<s;
nigkareKarBcMeBaHsm,tþivb,Fm'.

2>

PaKITaMgLayRtUvpSBVpSayBiFlsarenHeGay)
anTUIMTUlaytamEdIGaceFVleTA)an
TaMgkñúgeBlman snþiPaB
nigkñúgeBlmanCemøaH.

3> GaCJaFreyaFa

bæsluvilNamYyEdITTYIxsRtUvkñúgkarGnuvtp

BiFlsarenH kñúgeBlmanCemøaHRbdab;

GavuF

RtUvyl;RCYtRCabTaMgRsugGMBIGtßbTBiFls

arenH. kñúgeKaledAenH tamkarcaM)ac;

rdæPaKIRtUv ³

¬k! bBa©ÚleKalkarN_Rbtibtpi

nigkarENnaMspIBlkarkarBarsm,tpivb,Fm'

enAkñúgbTb,BaØtpi nanarbs;eyaFa.

¬x! erobcM nigGnuvtpkmµviFIGb;rM

nighVwkhVWnRKamansnpiPaB

edayshkarCamYyyUeNsáÚ

nigsßab½nrdæaPi)al

nigeRkArdæaPi)alBak;B½n§

¬K! ppl;eGayKñaeTAvijeTAmk

tamry³GKÁnayk nUvBt'manGMBIc,ab;

bTb,BaØtpirdæ)al nig

viFankarnanaEdIRtUv)aneFVleLIgRsbtamG

nuvaküx½NÐ ¬k! nig ¬x!

¬X!

ppl;eGayKñaeTAvijeTAmkeGay)anqab;tam
EdIGaceFVleTA)an tamry³GKÁnayk
nUvBt'manGMBIc,ab; nigbTb,BaØtpirdæ)al
EdlBYkeKGacGnum½tedIm,IFanaeGay)ann
UvkarGnuvtp BiFlsarenH.

maRta 31 ³ kic©shRbtibtpikarGnprCati

kñúgsβanPaBénkarrMelaPF¶n;F¶rellBiFlsa
renH PaKITaMgLayxitxMnwgeFVIkar
rYmKñatamry³ KN³kmµaFikar bα edayELk
edayshkarCamYyyUeNsáÚ
nigGgÁkarshRbCaCati nigRsbtam
FmµnuBaØarbs;GgÁkarshRbCaCati.

maRta 32 ³ CMnYyGnprCati

1> PaKImYyGacesñlsMuBIKN³kmµaFikar
nUvCMnYyGnprCatisRmab;sm,tpivb,Fm'
EdlsβiteRkamkarkarBar kRmitx<s;

k³/₄dUcCaCMnYyEdIBak;B¹/₂n§nwgkaerobcM
karksag bækarGnuvtþc,ab; bTb,BaØtþirdæ)al
nigviFankarnanadUc)anellkeLlgkñúgmaRta 10.

2> PaKImYyénCemøaH

EdlminEmnCaPaKlénBiFIsarenH

b:uEnpsuxcitþTTYlyk nigGnuvtþbTb,bBaØtþi

TaMgLay RsbtammaRta 3 vaküx¹/₂NÐ 2

GacesñlsMuCMnYyGnþrCatismRsb

BIKN³kmµaFikar.

3> KN³kmµaFikarRtUvGnum¹/₂tviFannana

sRmab;kardak;esñlsMuCMnYyGnþrCati

nigRtUvkMNt;GMBITRmg; énCMnYyGnþrCati.

4>

PaKITaMgLayRtUv)anellkTwkcitþeGayppI;CMn

Yybec©keTsRKb;Ebbya:g tamry³KN³kmµaFikar

eTAdI;RKb;PaKITaMgLay

bæPaKITaMgLayénCemøaHEdlesñlsMuCMnYy

.

maRta 33 ³ CMnYyrbs;GgÁkaryUeNsáÚ

1>

PaKImYyGacesñlsMuCMnYybec©keTsBlyUeN
sááááÚ

kñúgkarerobcMkarkarBarsm,tpivb,Fm'rbs;xøÜn
dUcCa

skmµPaBeRtomerobcMedlm,IkarBarsm,tpivb,F
m'

viFankarbgáarTukCamunnigerobcMsRmab;RK
amanGasnñ

nigkarerobcMcgRkgbBaølsareBIP½NÐsm,tpivb
,Fm'

bæk¾Bak;B½nşnwgbBađaNamYyepSgeTot
Edlekltecj mkBlkarGnuvtpBiFlsarenH.

yUeNsáÚRtUvppl;CMnYyEbbenHenAkñúgEdnk
MNt;mYy EdlkMNt;edaykmµviFI
nigFnFanrbs;xøÜn.

2>

PaKITaMgLayRtUv)anellkTwkcitpeGaypppl;CMn
Yybec©keTs kñúgkRmiteTVPaKI bæBhuPaKI.

3> tamKMnitppÜceppImrbs;xøÜn
yUeNsáÚRtUv)anGnuBaØateGayellksMeNIspl
BibBaðaTaMgenH eTAPaKI TaMgLay.

CMBUKTI 8³ karGnuvtpBiFlsarenH

maRta 34³ mhaGMNacGaNaBüa)al

BiFlsarenHRtUvGnuvtpkñúgkic©shRbtibtpik
arCamYyRbeTsmhaGMNacGaNaCaBüa)al Edl
TTYIxsRtUvkñúgkarkarBarplRbeyaCn_rbs;Pa
KITaMgLayénCemøaH.

maRta 35³ nltiviFlpSHpSar

1>

RbeTsmhaGMNacCaGaNaBüa)alRtUvppl;tYna
TlpSHpSarrbs;BYkeK

enAkñúgRKb;krNITaMgGs;

EdleKcat;Tukfamansar³RbeyaCn_sRmab;sm,tp
ivb,Fm'

CaBiessRbsineblmankarmincuHsRmugKña
rvagPaKITaMgLayénCemøaH

Bak;B $\frac{1}{2}$ nšnwgkarGnuvtp
bækarbkRsaybTb,BaØtpiénBiFlsarenH.

2> sRmab;eKalbMNgenH
RbeTsmhaGMNacCaGaNaBüa)alnImYy²
Gactamry³karesñlsMu rbs;PaKImYy
rbs;GKÁnayk
bætamKMnitppÜceppImpPal;rbs;xøÜn
GacesñleTAPaKITaMgLayénCemøaH
eGaymankic©RbCMumYyenAellTwkdI
rbs;rdæmYyEdlminEmnCaPaKlénCemøaH
rvagrbs;tMNagBYkeK
nigCaBiessrbs;GaCJaFrEdITTYIxsRtUvsRma
b;karkarBarsm,tpivb,Fm' Rbsineblyl;fasmRsb .
PaKITaMgLayénCemøaH
RtUvmankatBVkic©eKarBeTAtamsMeNleGaym
ankic©RbCMu EdlRtUv)anesñlmk BYkeK.
RbeTsmhaGMNacCaGaNaBüa)alRtUvesñlsMu
eGayPaKITaMgLayénCemøaH
ÉkPaBellbuKÁlmñak;
EdlmansBaçatirbs;rdæmYy
EdlminEmnCaPaKlénCemøaH bæ
buKÁlmñak;EdlesñleLlgedayGKÁnayk

EdlbuKÁlenaHRtUvcUIGeBaçljeGaycUlrYmenA
kñúgkic©RbCMuEbbenH
kñúgzan³CaRbFanGgÁRbCMu.

maRta 36³

**karpSHpSaredayKµanRbeTsmhaGMNacCaG
aNaBüa)al**

1>

enAkñúgCemøaHmYyKµanRbeTsmhaGMNac
CaGaNaBüa)alNamYy RtUv)anEtgtaMg
GKÁnaykGac ppl;tYnaTICaGñksRmbsRmYI
bæbMeBjmuxgarNamYyepSgeTotkñúgTRmg;C
akarpSHpSar bæmCÄtpkarl
kñúgeKalbMNgedaHRsaykarmincuHsRmugKña

.

2> tamsMeNIrbs;PaKImYy bærbs;GKÁnayk
RbFanKN³kmµaFikarGacesñleTAPaKITaMgLa
yénCemøaH
eGaymankic©RbCMumYyrbs;tMNagBYkeK
nigCaBiessrbs;GaCJarFrEdITTYIxsRtUvsRma

b;karkarBar sm,tþivb,Fm' Rbsineblyl;fasmRsb
enAellTwkdlrbs;rdæmYyEdlminEmnCaPaKlén
CemøaH.

maRta 37 ³ karbkERb nigr)aykarN_

1>

PaKITaMgLayRtUvbkERbBiFlsarenHeTACaPa
sapøÚvkarrbs;BYkeK
nigbBaçÚnGtßbTbkERbpøÚvkar
TaMgenHmkGKÁnayk.

2>

PaKITaMgLayRtUvdak;CUneTAKN³kmµaFikar
enAerogral;bYnqñaMmpg
nUvr)aykarN_spIBIkarGnuvtp BiFlsarenH.

maRta 38 ³ karTTYIxsRtUvrbs;rdæ

KµanbTb,BaØtþiNamYyenAkñúgBiFlsaren
H
EdIBak;B½nşnwgkarTTYIxsRtUvEpñkRBhµT
NÐrbs;buKÁI

RtUvb:HBal;dl;karTTYIxsRtUvrbs;rdæ
eTAtamc,ab;GnprCatienaHeLly
EdlrYmmanTaMgkrNlkic©edlm,l
ppl;sMNgCMgWcitp.

CMBUKTI 9³ Gvsanb,BaØtpi

maRta 39³ Pasa

BiFIsarenHRtUv)ansresrCaPasaGara:b; cin
Gg;eKø s)araMg rusSI nigeGs,a:j ehlyGtßbT
TaMgR)aMmYyc,ab;enH
mansuBIPaBesul²Kña.

maRta 40³ htßelxa

BiFIsarenHRtUvcuHkalbriecäTéf¶TI 26 Ex
mlna qñaM 1999. BiFIsarenHRtUveblkTTYI
htßelxaedayPaKICan;x<s;énkic©snüa
enATIRkug LaeG cab;Bléf¶TI 17 Ex]sPa qñaM
1999 dl;TI 31 Ex FñÚ qñaM 1999.

maRta 41 ³ karppl;sc©ab½n karTTYlyk nig karÉkPaB

1> BiFlsarenHRtUvdak;esñlsMusc©ab½n
karTTYlyk
bækarÉkPaBedayPaKICan;x<s;énkic©snüa
Edl)an cuHhtßelxaeIIBiFlsarenH
edayRsbeTAtamnltiviFIEdlmanEcgenAkñúgrdæ
FmµnuBaØrbs;rdænImYy².

2> lixitUbkrN_ppl;sc©ab½n karTTYlyk
bæÉkPaB RtUvykmktmál;TukCamYyGKÁnayk.

maRta 42 ³ karcUICaPaKI

1>
BiFlsarenHRtUveblkTTYIkarcUICaPaKledayPa
KICan;x<s;énkic©snüaepSgeTot cab;Bléf¶TI 01
Ex mkra qñaM 2000.

2> karcUICaPaKInwgmanRbsiT§PaB
eRkayeBltmál;lixitUbkrN_cUICaPaKI
CamYyGKÁnayk.

maRta 43 ³ karcUICaFrman

1> BiFlsarenHRtUvcUICaFrmanblEx
bnPab;lixitUbkrN_ppl;sc©ab½n karTTYlyk
nigkarÉkPaB bæ karcUICaPaKlcMnYn 20
RtUv)anykmktmál;.

2> eRkayBlenHeTA
vaRtUvcUICaFrmanSrmab;PaKInImYy²
ry³eBlblExbnPab;Bltmál;lixitUbkrN_
rbs;xøÜnénkarpppl;sc©ab½n karTTYlyk
karÉkPaB bækarcUICaPaKl.

maRta 44 ³

**karcUICaFrmanenAkñúgsßanPaBénCemøaH
Rbdab;GavuF**

sßanPaBTaMgLayEdlRtUv)anellkeLlgkñúgm
aRta 18 nig 19 énGnusBaØa RtUvppl;
suBlPaBPøam cMeBaHkarpppl;sc©ab½n
karTTYlyk karÉkPaB

bækarcaUICaPaKlcMeBaHBiFlsarenH
EdIPaKITaMgLayén CemøaH)anykmktmál;
eTaHenAmunbæbnÞab;Blkarcab;epþlmPaBRbT
uspra:y bækarkan;kab;. enAkñúgkrNI EbbenH
GKÁnaykRtUvCUndMNwgeGay)anelOnbMput
dUcmanEcgkñúgmaRta 46.

maRta 45 ³ karRbkasbdiesFecal

1>

PaKInImYy²GacRbkasbdiesFecalBiFlsarenH.

2> karRbkasbdiesFenH

RtUvCUndMNwgedaylixitUbkrN_CalaylkçN_Gk
Sr EdIRtUvykmktmál; CamYyGKÁnayk.

3>

karRbkasbdiesFRtUvcUICaFrmanry³eBlmYyqñ
aM bnÞab;)anTTYllixitUbkrN_RbkasbdiesF.

EteTaHCaya:gNak^¾eday

enAeBlputsuBIPaBénry³eBlenH

RbsinebIPaKIEdIRbkasbdiesFenH

kM BugmanCemøaHRbdab;GavuF

karRbkasbdiesFRtUvcUICaFrmanenAeBlbBa©
b;PaBRbTUspra:y bærhUt
Tal;EtRbtibtþikarbBaçÚnsm,þivb,Fm'RtUv)anb
Ba©b;
EdlmYyNak^¾edayeGayEtRtUv)anbBa©b;.

maRta 46 ³ karCUndMNwg

GKÁnaykRtUvCUnBt'mandl;RKb;PaKICan;x
<s;énkic©snüa RBmTaMgGgÁkarshRbCaCati
GMBI kartmál;lixiTUbkrN_TaMgGs;
énkarppl;sc©ab^½n karTTYlyk karÉkPaB
bækarCUICaPaKI dUcmanEcg kñúgmaRta 41
nig 42 nigGMBIkarRbkasbdiesFecal
dUcmanEcgkñúgmaRta 45.

maRta 47 ³

karCuHbBaçlCamYyGgÁkarshRbCaCati

GnuelamtammaRta 102
énFmþnuBaØaGgÁkarshRbCaCati

BiFIsarenHRtUvykeTAcuHbBaçICamYy
elxaFikardæanrbs;GgÁkarshRbCaCati
tamsMeNIrbs;GKÁnayk.

edlm,ICaskçIPaB
GñkEdlcuHhtßelxaxageRkamenH
EdITTYI)ansiTŞiRsbc,ab;
)ancuHhtßelxaeIIBiFIsarenH.

eFVlenATIRkug LaeG enAéf¶TI 26 Ex mlina
qñaM 1999 EtmYyc,ab;b:ueNÑaH
EdIRtUv)antmál;
enAkñúgbNÑsardæanrbs;yUeNsáÚ
ehlyRtUv)anbBaçak;fa)anftcmøgtamc,ab;edlm
EdIÉksarftcmøg
TaMgenHRtUvRbKI;CUnRKb;PaKICan;x<s;énki
c©snüa.

kEnøgtmál; 3

GgÁkaryUeNsáÚ

eblksRmab;karcuHhtβelxa

Bléf¶¶TI 17 Ex]sPa dl;TI 31 Ex FñÚ qñaM 1999.

BiFlsarenHRtUv)ancuHhtβelxaedaybNþardæd
UcxageRkam ³

- Gal;)anl 26 Ex mlna qñaM 1999
- Gaem:nl 22 Ex tula qñaM 1999
- GURTIs 26 Ex mlna qñaM 1999
- bilLarus 26 Ex mlna qñaM 1999
- Eb'lhSik 26 Ex mlna qñaM 1999
- b'ulhÁarl 15 Ex kBaØa qñaM 1999
- km<úCa 26 Ex mlna qñaM 1999
- kULúmb'Í 31 Ex FñÚ qñaM 1999
- kUDlv½r 26 Ex mlna qñaM 1999
- RkUGat 26 Ex mlna qñaM 1999

- sluRB_ 19 Ex slha qñaM 1999
- eGkVaD½r 29 Ex FñÚ qñaM 1999
- eGhSlú b 9 Ex tula qñaM 1999
- eGstUnl 26 Ex mlna qñaM 1999
- hVaMgLg; 26 Ex mlna qñaM 1999
- GaløWm:g; 26 Ex mlna qñaM 1999
- hÁaNa 26 Ex mlna qñaM 1999
- RhÁic 26 Ex mlna qñaM 1999
- hUllslu 26 Ex mlna qñaM 1999
- hugRhÁl 26 Ex mlna qñaM 1999
- \NĐÚenslu 26 Ex mlna qñaM 1999
- Glutall 26 Ex mlna qñaM 1999
- luchSMb‘Y 26 Ex mlna qñaM 1999
- ma:dahÁasáa 26 Ex mlna qñaM
1999
- ma:r:uk 21 Ex FñÚ qñaM 1999
- hULg; 26 Ex mlna qñaM 1999

- nlehSrlyā: 26 Ex mlina qñāM 1999
- GUm:g; 30 Ex mifuna qñāM 1999
-)a:KIsβan 26 Ex mlina qñāM 1999
- eb:rU 13 Ex kkāda qñāM 1999
- kata 26 Ex mlina qñāM 1999
- r:Umanl 8 Ex vicäika qñāM 1999
- saFarNrdæsøÚva:k 22 Ex FñÚ qñāM 1999
- eGs,a:j 26 Ex mlina qñāM 1999
- s'uyEGt 26 Ex mlina qñāM 1999
- sVis 26 Ex mlina qñāM 1999
- slurl 26 Ex mlina qñāM 1999
- ey:Emn 26 Ex mlina qñāM 1999

karcUICaFrman ³

éf¶TI 09 Ex mlina qñāM 2004 RsbtammaRta
43>1

GtßbTpøÚvkar ³

PasaGara:b; Pasacin PasaGg;eKøS
Pasa)araMg PasarusSI nigPasaeGs,a:j

karcuHbBaçlenAGgÁkarshRbCaCati

éf¶TI 5 Ex]sPa qñaM 2004 elx ³ 3511

rdæPaKI

bBaçleQmaHtamIMdab;GkçrRkm

esckþIEføgkarN_ nigkardak;lkçxNÐ ³

Glur:g;

{

karcUICaPaKlrbs;saFarNrdæGlusøamGlur:g;

cMeBaHBiFlsarenH

minRtUvmann½yfaCakarTTYI

sÁal;RbeTsNamYyEdlxøÜnminTTYIsÁal;

RBmTaMgminbNpaleGayxøÜnppl;karsnüaNam
YycMeBaHrdæ bærdæaPi)alEbbenHenaHeLly.

Pøab;Ca]bsm<½nξcMeBaHlixitUbkrN_enH
KWCaesckpIEføgkarN_Bnül;dUcxageRkam³

{ edayKitBicarNaBlsar³sMxan;CaBiess
énkarkarBarsm,tpivb,Fm'rbs;RbCaCatiTaMgGs;
eGayrYcputBlkarxUcxatEdlbNpalmkBlsRgÁam

edaycgcaMnUvkarBitEdlfa
sm,tpivb,Fm'rbs;RbCaCatiTaMgGs;
RtUv)ancat;TukfaCaEpñk
mYyéns,tpivb,Fm'rbs;mnusSCati

edayKitBicarNafa
karkarBarTaMgRsugcMeBaHsm,tpivb,Fm'eGay
cakputBlkarxUcxat Edl
bNpalmkBICemøaHRbdab;GavuF
caM)ac;RtUvmankarkarBareRclnCagGVIEdl)an
ellkeLlgenAkñúgBiFlsarenH

saFarNrdæGlusøamGlur:g;cat;TukkarcuHht
βelxaeIlkic©RBmeRBogeTVPaKI nigBhuPaKI
bEnβmell BiFlsarenH faCakarcaM)ac;

ehlyRbkasfaxøÜneRtomCaeRscedlm,IcuHhtßel
xaEbbenH. kic©RBmeRBog
TaMgenHRtUvjauMgeGaymannUvkarppl;buBV
siT§i
nigkarppl;IT§PaBbEnßmeTotsRmab;karBarsm,t
pivb,Fm' rbs;RbCaCatiTaMgGs; nig
RtUvbBaçak;eGay)anc,as;BlviFanTaMgLay
EdlmanEcgkñúgBiFlsarenH
rYmmanTaMgviFantamRbéBNlénc,ab;GnprCati
tamrebobmYyEdlbBa©ÚIEtviFanTaMgLayNa
Edl rdæaPi)alGlusøamGlur:g;minCMTas;
RBmTaMgBnül;eGay)ankan;Etc,as;nUvEbbbTs
Rmab;GnuvtpbTb,BaØtþi TaMgLayénEpñkTI 4
rbs;BiFlsarenH.

RbeTskaNada

esckþIEføgkarN_GMBIkary;dwg
EdlRtUv)antak;EtgeLlgviydUcxageRkam
RtUv)anPçab;Ca
]bsm<½n§cMeBaHlixitUbkrN_énkarcUICaPaKI

{ esckpIEføgkarN_GMBIkaryl;dwg

1> vaCakaryl;dwgrbs;rdæaPi)alkaNadafa
niymn $\frac{1}{2}$ yGMBleKaledAeyaFaenAkñúgmaRt
a 2 \neg c!

KWRtUvbkRsaydUcKñanwgGtβn $\frac{1}{2}$ yenAkñú
gmaRta 52 \neg 2! énBiFIsarbEnβmTI 1
cMeBaHGnusBaØa

TIRkughSWENvTaMgLayqñaM 1949.

2> vaCakaryl;dwgrbs;rdæaPi)alkaNadafa
Bak;B $\frac{1}{2}$ nξnwgmaRta 6 \neg k! \neg iii! 6 \neg x! 7 \neg k! 7 \neg x!
8 13 \neg 2! \neg k! nig 13 \neg 2! \neg x! Bakü {feasible}

mann $\frac{1}{2}$ yfa EdIGacRbtibtpi)an eday
KitBicarNanUvral;ka³eTs³TaMgGs;EdIkMNt
;enAeBlenaH

rYmmanTaMgkarKitBicarNaEpñk
mnusSFm' nigeyaFa.

3> vaCakaryl;dwgrbs;rdæaPi)alkaNadaKWf
a Bak;B $\frac{1}{2}$ nξnwgmaRta 6 \neg k! \neg iii! 6 \neg x! 7 \neg K! nig
7 \neg X! \neg iii!

sar³RbeyaCn_eyaFaEdIRtUv)anKitTukCam
unBikarvayRbhar KWmaneKalbMNg

sMedAeTAellsar³RbeyaCn_
EdIRtUv)anKitTukCamunBikarvayRbhar
EdIRtUvKitBicarNa TaMgRsug

eBalkWminEmndac;edayELk bᄁ
EpñkedayELk²énkarvayRbhareLly.

4> vaCakaryl;dwgrbs;rdæaPi)alkaNadafa
ebtikP^{1/2}NĐvb,Fm'NamYyEdlkøayCaeKaled
AeyaFa GacRtUv)anvayRbhar
edayGnuelameTAtamkarellkElgBIPaBcaM)
ac;dac;xatEpñkeyaFa RsbtammaRta 4→2!
énGnusBaØa.

5> vaCakaryl;dwgrbs;rdæaPi)alkaNadafa
esckplseRmcmYyedlm,lellkeLlgBIPaBcaM)
ac;dac;xat EpñkeyaFa RsbtammaRta 6→K!
énBiFlsarenH
GacRtUv)aneFVleLlgedaynayTahanmñak;
EdlbBaçakgkMlaMgEdlmanTMhMtUcCagkg
vr³esnatUc
enAkñúgkal³eTs³mYyEdlebtikP^{1/2}NĐ
vb,Fm'enaHkøayCaeKaledAeyaFa
ehlykal³eTs³kMNt;enAeBlenaHEdIBak;B^{1/2}n
şnwg karkarBarkMlaMgT^{1/2}B
KWCakal³eTs³EdlCak;EspgmincaM)ac;tRm
UveGaymanesckplseRmc Edl
RtUveFVleLlgedaynayTahanmñak;EdlbBaç
akgkMlaMgmanTMhMesplkgvr³esnatUc
bᄁFMCageLly.

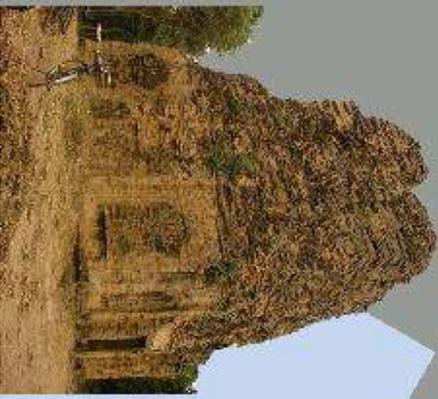
6> vaCakaryl;dwgrbs;rdæaPi)alkaNadafa
eyagtammaRta 6¬k!¬i!
ebtikP½NÐvb,Fm'Gac
RtUv)andak;eGayeTACaeKaledAeyaFa)an
edaysarRbePT TItaMg eKalbMNg
nigkareRbIR)as; rbs;va.

Annex 5: Educational Flyer for 1954 Convention

HOW CAN WE PROTECT CULTURAL PROPERTY?

YOU MUST...

- Respect the culture and cultural property of all peoples
- Refrain from an attack that may cause incidental damage to the property
- Ensure that the property is not affected by theft, pillage, misappropriation, or any acts of vandalism



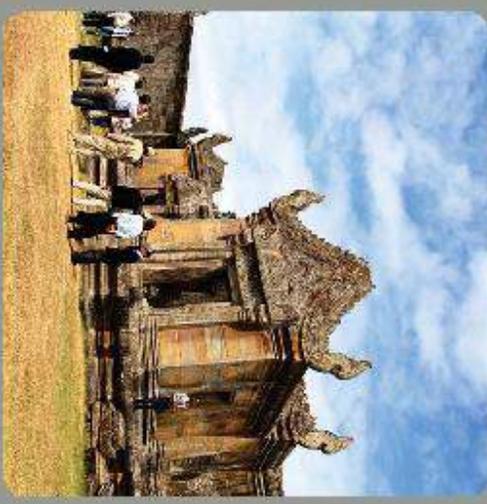




- **DO NOT** use the cultural property or its immediate surroundings in support of military action
- **DO NOT** direct any act of hostility toward the cultural property
- **DO NOT** use the cultural property as a military station
- **DO NOT** place military objectives near the cultural property
- **DO NOT** use the cultural property to shield military sites



Protecting Cultural Property



A Guide to the Protection of Cultural Heritage in the Event of Armed Conflict

WHAT IS CULTURAL PROPERTY?

Cultural property is any movable or immovable property of great importance to the cultural heritage of all people.

WHY SHOULD WE PROTECT CULTURAL PROPERTY?

"...damage to cultural property belonging to any people whatsoever means damage to the cultural heritage of all mankind..."

— 1954 Hague Convention



This emblem shows that cultural property, such as the Temple of Preah Vihear, is protected by the 1954 Hague Convention and by the United Nations during times of armed conflict.

EXAMPLES:

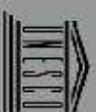
- Temples, sanctuaries, shrines, cemeteries, and pilgrimage routes
- Historic and ancient buildings or their ruins
- Archaeological sites and artifacts
- Artwork, manuscripts, books, and scientific collections
- Museums and libraries

CULTURAL PROPERTY IS PROTECTED BY INTERNATIONAL TREATY

The Kingdom of Cambodia is a member of the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and its two protocols.



United Nations
Educational, Scientific, and
Cultural Organization



Annex 6: Additional Documents Included in 2012 Report on the Implementation of the 1954 Convention

Report on Damage Assessment Mission to the Temple of Preah Vihear	July 2012 Report: Annex 5
Media Reports Regarding Preah Vihear in 2011	July 2012 Report: Annex 6