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A B S T R A C T A N D D E L I M I T A T I O N
O F T H E L A W R E S P E C T I N G T H E
C L A S S I F I C A T I O N , C O N S E R V A T I O N
A N D P R O T E C T I O N
O F H I S T O R I C A L M O N U M E N T S

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(Translation from the French version)

ABSTRACT AND DELIMITATION
OF THE LAW RESPECTING THE
CLASSIFICATION, CONSERVATION AND PROTECTION
OF HISTORICAL MONUMENTS

(J.O., 1925, p. I422)

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I. IMMOVEABLE PROPERTY

Article 1. Immoveable property and moveable artifacts of which the conservation is of public interest from the viewpoint of history or art and belonging to the State-owned domain, the estate of any private person or legal entity or belonging outright to any person under the jurisdiction of the courts, shall be subject to the special provisions that follow:

Article 2. Immoveable property of which the conservation is of public interest from the viewpoint of history or art shall be classified as historic monuments in full or in part by Prakas of the Ministry of National Education and Fine Arts.

Included among immoveable property that may be classified are land areas that contain prehistoric remains or sites, remains of ancient constructions or deposits of ancient artifacts of an artistic, archaeological or religious nature, as well as immoveable property for which the classification is required to block off, isolate, clear off or improve a piece of immoveable property classified or proposed for classification.

The owner of such immoveable property and the leader of the locality where the immoveable property is located shall be served notice of any Prakas declaring the classification of the immoveable property

Article 4. Immoveable property belonging to the State-owned domain or to the estate of any private person or legal entity shall be classified, with the consent of the owner, and following advice of the leader of the local government where the immoveable property is found, by Prakas of the Minister of National Education, upon report from the Director of Arts

Article 5. Should the owner not consent, it shall be possible to declare classification automatically by the Council of Ministers. Classification may give rise to compensation commensurate with the harm sustained by the owner of the automatic classification easement instituted by the paragraph herewith

Article 9. The classified immovable property may be dismantled or relocated, even in part, or be restored, repaired or changed in any way only under the conditions that shall be determined by the Royal Government

Article 12. No new construction may be put up, with or without a party wall, against classified immovable property without the express authorization of the Royal Government (Department of National Education and Fine Arts).

No person shall be able to acquire entitlement by ruling to classified immovable property.

Legal building line easements and other servitudes that might change the appearance of the monuments or cause damage to them are not applicable to classified immovable property.

No easement shall be established by agreement on a classified immovable property without the approval of the Royal Government.

Posting of bills is prohibited on classified immovable property. Such posting may also be prohibited around such immovable property within a distance that shall be determined by the Royal Government for each particular case.

Article 14. It shall be possible to establish the boundaries of zones containing a monument group, ancient remains, art ware or archaeological material by decision of the Royal Government and such zones may be reserved around certain monuments. Such zones and areas shall be subject to all effects of the classification.

II. MOVEABLE ARTIFACTS

Article 15. Moveable artifacts, either actually moveable or intended to be immovable, of which the conservation is of public interest from the standpoint of prehistory, history or art, may be classified

Article 17.
..... Any moveable artifact belonging to classified immovable property is considered to be classified.

Article 18. All classified moveable artifacts are inscribable.

Classified artifacts may be transferred only with the authorization of the Royal Government

Article 19.
..... Any individual who transfers the classified artifact is under obligation to make the acquirer aware of the existence of the classification. Notification shall be made of any transfer within fifteen days from the date it occurred, by the person granting such transfer, to the local administrative authority, which shall use official channels to refer it to the Royal Government.

Article 20. A purchase made in violation of the preceding regulations is null and void. Actions in nullity or claim proceedings can be exercised at all times, either by the Royal Government or its delegate as well as by the original owner. Such actions shall be undertaken without prejudice to requests for damages that may be taken against the severally liable contracting parties, or against the public officer who aided and abetted the transfer. When the illegal transfer has been granted by the commune or by any other legal entity of public or private law, such claim for damages shall be undertaken by the Royal Government in the name of and for the benefit of the national budget.

The bona fide purchaser or subsequent purchaser in whose hands the artifact under claim is held, is entitled to reimbursement of the purchase price; if such claim is exercised by the Royal Government, it shall have recourse against the original seller for the full amount of the compensation that it shall have had to bear toward the purchaser or subsequent purchaser.

The provisions of the article herewith are applicable to artifacts that have been lost or stolen.

Article 21. The exporting outside of Cambodia of classified artifacts or [those] that were part of a classified monument is prohibited. Nevertheless it may be authorized on an exceptional basis by decision of the Royal Government on the report from the Director of Arts.

Article 22. Works of art, statues, sculptures, inscriptions in stone, wood or metal, of Cambodian origin or dating prior to the 19th century shall be allowed to be exported out of Cambodia only if they are accompanied by a certificate of declassification issued by the Royal Government or by its delegate specially appointed for this purpose.

In the event the exporter is unable to produce the certificate of declassification, the artifacts referred to under the preceding paragraph shall be held by the Customs and Controls Department until production of the said certificate.

The certificate of declassification may be issued validly by the Director of Arts with regard to ancient artifacts sold by the National Museum of Phnom Penh.

Article 23. Classified artifacts shall not be modified, repaired or restored without the authorization of the Royal Government and only under the conditions spelled out in such authorization. The artifact modified without authorization shall, as far as is possible, be returned to the former state, at the expense of the person who performed the modification or ordered it to be performed.

The owners or holders of classified moveable artifacts are under obligation, when so required, to show them to the responsible officials of the Royal Government.

Article 24. The Royal Government shall exercise a right of preemption on any public sale of works of art under the effect of which it shall be subrogated to the acquirer. The declaration made by the Royal Government or the delegate thereof that it possibly intends to use its right of preemption shall be formulated following the sale, in the hands of the public or ministerial official directing the adjudication procedures. The decision of the Royal Government shall be made within 15 days.

III. SAFEGUARDING AND CONSERVATION OF HISTORIC MONUMENTS

Article 25. The various administrative departments, communes, public institutions and private persons are under obligation to ensure the safeguarding and conservation of classified moveable artifacts of which they are owners, assignees or custodians and to take all necessary measures to that end.
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Article 26. When the conservation or security of a classified artifact belonging to a commune or public institution or private person is endangered, and when the local authority or owner, assignee or custodian is unwilling or unable to take immediately the measures deemed necessary to remedy this state of things, the Royal Government shall be allowed to order as a matter of urgency the necessary conservatory measures and even, where necessary, the transfer of the artifact to a museum or public depot.
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Article 27. Art ware, prehistoric or archaeological artifacts, buildings, mosaics, bas-reliefs, statues, medallions, vases, columns, inscriptions, etc. ... existing on or in the ground of a piece of immovable property of a commune or any other legal entity of public or private law, remain the property of such domain.

IV. EXCAVATIONS AND DISCOVERIES

Article 28. No person shall be allowed to undertake excavations for the purpose of searching for antiquities, on land belonging to the sovereign domain, domain of a commune or any other legal entity of public law, without obtaining the written authorization therefor from the Royal Government. The authorization may be subject to all conditions deemed appropriate.

No person shall open, excavate or destroy ancient abandoned graves without having the authorization provided for under the preceding paragraph.

No person shall proceed with, on his own land, excavations for the purpose of searching for antiquities prior to having given two month's notice to the nearest administrative authority. The latter shall immediately report on such to the Chief Governor of the province or, in the event of a municipality, to the Royal Delegate to the Municipality. The Chief Governor of the province, or the Royal delegate to the Municipality must refer it without delay to the Royal Government, which shall have the right to prescribe all control and surveillance measures that it shall deem beneficial and if needed have excavation work suspended until a further decision has been made, in the event it is deemed necessary to propose dispossession of the owner or occupant or in the event it recognizes that the operations are being directed in a way that is damaging the antiquities recovered.

Article 29. Whosoever, subsequent to any excavations, layout work or occurrences, should discover on any land whatsoever any monuments, ruins, sculptures, inscriptions or artifacts that may be of interest in terms of prehistory, history, archaeology or art, must within 24 hours advise the nearest administrative authority, who shall ensure the provisional conservation of the artifacts discovered and report on the matter without delay the Chief Governor of the province or, in the case of a municipality, to the Royal Delegate to the Municipality. The Chief Governor of the province or Royal Delegate to the Municipality must refer it without delay to the Royal Government.

Any violation of the preceding regulations shall without fail entail legal action by the Royal Government in keeping with regulations in force.

If the discovery has occurred on the land of an individual, the Royal Government shall be allowed, in implementation of the appropriation procedure, to undertake dispossession of the owner or occupant.

Article 30.

Article 30. Works of art or antiquities discovered in the course of excavations or any work whatsoever may become the property of the State, if it is not the legal owner thereof, provided that the Royal Government makes claim therefor within 6 months after notification given of such discovery to the government in keeping with the preceding article. The document notifying the person concerned of such claim must specify the compensation offered him.

Article 35. Infractions shall be recorded by means of reports submitted by all competent public authorities.

Conservators, inspectors, guards assigned to an archaeological museum or depot, a monument or group or complex of monuments shall be qualified to make out reports on any infractions of the preceding regulations.
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V. MISCELLANEOUS PROVISIONS

Article 38. The Royal Government shall be allowed to set an entrance fee to visit classified historical monuments. It shall also be allowed to decide that the right to paint, draw, photograph and film within the aforementioned monuments shall give rise to the collection of a special tax. The proceeds of taxes thus collected shall be remitted to the national budget to be assigned to the development of collections and monument conservation. /-
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FOR ABSTRACT AND DELIMITATION OF ORIGINAL LAW

Phnom Penh, this day of August 1965
DIRECTOR OF ARTS,

(signed)

YIM VENN

(stamp of
DIRECTORATE
OF ARTS)