

**AGREEMENT
BETWEEN
THE GOVERNMENT OF THE KINGDOM OF CAMBODIA
AND
THE GOVERNMENT OF THE KINGDOM OF THAILAND
TO COMBAT AGAINST ILLICIT TRAFFICKING
AND
CROSS-BORDER SMUGGLING OF MOVABLE CULTURAL PROPERTY
AND TO RESTITUTE IT TO THE COUNTRY
OF ORIGIN**

**The Government of the Kingdom of Cambodia
and
The Government of the Kingdom of Thailand,
hereinafter referred to as “the Parties”,**

Conscious of the need to cooperate in the field of criminal justice,

Wishing to add to the effectiveness of the cooperation between their two countries in combating criminal activities which involve movable cultural property through the introduction of measures for impeding illicit transnational trafficking in movable cultural property whether or not it has been stolen, the imposition of appropriate and effective administrative and penal sanctions and the provisions of a means for restitution,

Have agreed as follows:

Article 1

Scope of Application and Definition

1-For the purposes of this Agreement, movable cultural property shall be understood as referring to archaic movable property, whether produced by man or by nature or being any part of ancient monument or of human skeleton or animal carcass which, by its age or characteristics of production or historical evidence, is valuable or useful in the field of archaeology, prehistory, history, religion or art and which is specifically designated by the Party as being subject to export control.

2-This Agreement applies to movable cultural property stolen in or illicitly exported from a State Party to the other State Party after the coming into force of the Agreement.

3-The provision of Paragraph 2 of this Article does not prevent the State Parties to this Agreement to undertake specific bilateral negotiation between themselves for the return or the restitution of specific movable cultural property stolen or illegally exported from a State Party to the other State Party before the entry into force of the present Agreement.

Article 2

General Principles

1-In accordance with its laws and regulations, each Party undertakes:

a) To take the necessary measures to prohibit the import and export of movable cultural property which has been stolen in or illicitly exported from the other State Party;

b) To take the necessary measures to prohibit the acquisition of, and dealing within its State with movable cultural property which has been stolen or imported contrary to the prohibitions resulting from the implementation of subparagraph “ a ” above;

c) To provide information concerning its stolen or illicitly imported movable cultural property to the other Party and to an international data base agreed upon between the Parties;

d) To introduce a system whereby the export of movable cultural property is authorized by the issue of an export certificate;

e) To use all the means at its disposal, including the fostering of public awareness, to combat the illicit import and export, theft, illicit excavation and illicit dealing in movable cultural property.

2- In accordance with its laws and regulations, each Party undertakes to take necessary measures to recover and return, at the request of the other Party, any movable cultural property which is covered by subparagraph “ a ” above.

Article 3

Sanctions

In accordance with its laws and regulations, each Party undertakes to impose sanctions upon:

a) Natural or juridical persons responsible for the illicit import or export of movable cultural property:

b) Natural or juridical persons, that knowingly acquire or deal in stolen or illicitly imported movable cultural property.

Article 4

Procedures

1-Requests for recovery and return shall be made through diplomatic channels. The requesting Party shall furnish, at its expense, the documentation or other evidence necessary to establish its claim for recovery and return.

2-All expenses incidental to the return and delivery of the movable cultural property shall be borne by the requesting Party and no natural or judicial person shall be entitled to claim any form of compensation from the Party returning the property claimed. Neither shall the requesting Party be required to compensate in any way such natural or juridical person as may have participated in illegally acquiring or sending abroad the property in question.

3-Both Parties agree to protect, to take great care of and not to levy any customs or other duties on such movable property as may be discovered and returned in accordance with the present Agreement.

4-The Parties agree to make available to each other such information that will assist in combating against illicit trafficking and cross-border smuggling of movable cultural property, and to return it to the country of origin.

5-A Party shall provide information concerning laws which protect its movable cultural property to the other Party and to an international data base agreed upon between the Parties.

Article 5

Final Provisions

1-This Agreement shall enter into force 90 days after its signing.

2-Either Party may terminate this Agreement by giving notice in writing to the other Party through diplomatic channels. Such termination shall take effect six months after the date on which such notice is given by that Party.

3-This Agreement shall not prejudice the rights and obligations of either Party under other international agreements to which it is a party.

4-Nothing in this Agreement shall be interpreted as to prejudice the rights of any person, natural or juridical, who has acquired movable cultural property in good faith, in accordance with the laws and regulations of the Party returning the property.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto by their respective Governments, have signed this Agreement.

Done at Phnom Penh, on this fourteenth day of June of the year 2000 in two originals each in **Khmer, Thai** and **English** languages. All texts are equally authentic. In case of divergences, the English text shall prevail.

FOR THE GOVERNMENT
OF THE KINGDOM OF
CAMBODIA

FOR THE GOVERNMENT
OF THE KINGDOM OF
THAILAND

(Signature)

(Signature)

HOR NAMHONG
Senior Minister
Minister for Foreign Affairs and
International Cooperation

SURIN PITSUWAN
Minister for Foreign Affairs