

Briefing Note

The Secretary General of the Senate of Cambodia

Ensuring Lasting Protection against the Destruction and Deterioration of Tangible and Intangible Cultural Heritage of Humanity

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September, 2015

Parliamentary Institute of Cambodia



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Tangible and Intangible Cultural Heritage of Cambodia

*Cultural heritage is the physical artifacts and intangible attributes of a group or society that are inherited from past generations, maintained in the present and bestowed for the benefit of future generations.*¹

Cambodia is rich in both “tangible”² and “intangible”³ cultural heritage. With an area of 400 square kilometers spread along the Cambodian plains between the Kulen Mountains to the north and Tonle Sap to the south, the Angkor World Heritage site, which includes the Archeological Parks of Angkor, Rolous, and Bantheay Srei represents a place of outstanding heritage value.⁴ The legacy of the Angkorian Empire is Cambodia’s most important cultural and archaeological site, as well as a significant economic tourist attraction.⁵ The number of tourists visiting Angkor Wat has reached to over 1.23 million visitors during the first half of 2015 with revenues of 35 million US dollars.⁶ This excessive overcrowding could be a potential threat to the ancient monument. As stated in the Convention concerning the Protection of the World Cultural and Natural Heritage, “tourism represents an enormous economic potential but it can also generate irreparable destructions of the tangible as well as intangible cultural heritage”.⁷

Regarding to this concern, in 1993, an International Coordinating Committee for the Safeguarding and Development of the historic site of Angkor (ICC-Angkor) was created to ensure the coordination of successive scientific, restoration and conservation related projects.⁸ In addition to this, a wide-range of programs were set up by UNESCO to safeguard this symbolic site and its surroundings, which are already legally protected by a

¹ UNESCO, “Tangible Cultural Heritage”, accessed on September 1, 2015, URL: <http://www.unesco.org/new/en/cairo/culture/tangible-cultural-heritage/>

² Tangible heritage includes buildings and historical places, monuments, artifacts, etc., which are considered worthy of preservation for the future. These include objects significant to the archaeology, architecture, science or technology of a specific culture.

³ Intangible heritage refers to the contemporary rural and urban practices in which diverse cultural groups take part such as anything that represents traditional practices, contemporary and living at the same time.³ Intangible heritage can be: inclusive, meaning it can have similarities to settlements in the geographical proximity; representative of cultural or community values and identity.

⁴ UNESCO, “World Heritage”, accessed on September 10, 2015, URL: <http://whc.unesco.org/archive/2012/whc12-36com-8Ee.pdf>

⁵ UNESCO, “Angkor”, accessed on September 4, 2015, URL: <http://whc.unesco.org/en/list/668>

⁶ APSARA Authority, “APSARA Authority: Number of Foreign Tourists to Angkor Increases Slightly in First Seven Months”, accessed on September 04, 2015, URL: <http://www.cambodiatips.com/news/19153/apsara-authority:-number-of-foreign-tourists-to-angkor-increases-slightly-in-first-seven-months.html>

⁷ UNESCO, “World Heritage”, accessed on September 10, 2015, URL: <http://whc.unesco.org/archive/2012/whc12-36com-8Ee.pdf>

⁸ UNESCO, International Coordinating Committee for the Safeguarding and Development of the Historic Site of Angkor (ICC-Angkor), accessed on September 4, 2015, URL: <http://www.unesco.org/new/en/phnompenh/culture/tangible-heritage/icc-angkor/>

number of laws and policies. To prevent further destruction to the Angkor World Heritage site, the Cambodian government adopted a strategy to divert visitors to other touristic destinations in the country with a range of impressive temple sites, eco-adventure holidays, and newly developed beach resorts.⁹

The intangible cultural heritage of Cambodia can be classified into three categories – performance arts (dance, drama, and music), oral cultural heritage (language), and artisan skills.¹⁰ In accordance with the first inventory of Cambodia’s intangible cultural heritage, which was established in 2004, many elements of this kind of heritage have been in endangered because of the political conflicts and the influence of foreign culture.¹¹ The survival of this cultural heritage owes much to the traditions that still survives within the minds of a few Khmer people.¹²

Protection against Destruction and Deterioration of tangible and intangible cultural heritage of humanity

One of the most promising strategies to protect tangible and intangible cultural heritage has been the growing number of Cambodian homestay schemes that have been initiated to provide tourists with a meaningful and unique experience because they will be able to stay with the local population and understand more clearly about the Khmer culture and lifestyles.¹³

Illegal antiquities trade or trafficking can be associated with terrorism and violent crime.¹⁴ The inner workings of the transnational criminal network that organized the looting of Banteay Chhmar in 1998 and several other major Cambodian sites were some of the most infamous antiquities looting of Cambodian history.¹⁵ During the period between 1988 and 2010, approximately 377 Khmer antiquities were traded abroad with 71% having no

⁹ World Archaeology, “Angkor Wat: Temple of Boom”, accessed on September 4, 2015, URL: <http://www.world-archaeology.com/features/angkor-wat-temple-of-boom.htm>

¹⁰ *Intangible Cultural Heritage*, available at http://www.ichcap.org/kor/ek/sub1/pdf_file/south_east_asia/Cambodia_2009_02_Intangible_Cultural_Heritage_Inventory.pdf.

¹¹ UNESCO, *Intangible Heritage* (Phnom Penh, : UNESCO), available at: <http://www.unesco.org/new/en/phnompenh/culture/intangible-heritage/>.

¹² *Intangible Cultural Heritage*, available at http://www.ichcap.org/kor/ek/sub1/pdf_file/south_east_asia/Cambodia_2009_02_Intangible_Cultural_Heritage_Inventory.pdf.

¹³ Ministry of Tourism in Cambodia, *Homestay in Cambodia*, available at <http://www.tourismcambodia.com/activities/homestay-in-cambodia.htm>.

¹⁴ National Geographic, “New Evidence Ties Illegal Antiquities Trade to Terrorism, Violent Crime”, accessed on September 14, 2015, URL: <http://news.nationalgeographic.com/news/2014/06/140613-looting-antiquities-archaeology-cambodia-trafficking-culture/>

¹⁵ Ibid.

published provenance (only 29% had a listed provenance or ownership history). This raises deeper concerns about how the stolen artifacts can be reclaimed by the country of origin and where the money earned from this illicit trading would end up.¹⁶ It would be a serious concern if the money gathered from these sales were used to fund terrorist activities such as the recent example of the destruction of statues and artifacts from the Assyrian and Akkadian empires, which attracted much attention from the international community.¹⁷ This global crisis of cultural racketeering is associated with the looting, trafficking and consequent destruction of cultural heritage - either through official or unofficial routes - would consequently create adverse effect on the global economy, cultural well-being and national security [see Annex I].¹⁸ To combat such trend, ten nations (Egypt, Saudi Arabia, United Arab Emirates, Iraq, Jordan, Kuwait, Lebanon, Libya, Sudan and Oman) agreed by signing the Cairo Declaration to Prevent Antiquities Looting in the Middle East in May 2015. The Cairo Declaration includes an important regional and collective action plan, with the following tasks:

- *Establishing a high-level MENA (Middle East and Northern Africa) task force that will coordinate regional and international efforts against cultural racketeering;*
- *Creating an international Advisory Council that will provide support to the Task Force;*
- *Initiating negotiations for a regional cultural Memorandum of Understanding with demand countries;*
- *Launching domestic and international campaigns against looting, trafficking, and the black market trade; and*
- *Establishing an independent center to combat antiquities laundering.*¹⁹

In order to maintain tangible and intangible cultural heritage of humanity, the Royal Government of Cambodia has established a number of policies, regulations and laws as follows:

- The Royal Decree on the Zoning of the Region of Siem Reap and Angkor was signed on May 28, 1994;
- The Law on the Protection of the Natural and Cultural Heritage was promulgated on January 25, 1996;
- The Royal Decree on the Creation of the APSARA National Authority was signed on September 16, 2004. It is supported by:

¹⁶ Davis, T., “Supply and demand: exposing the illicit trade in Cambodian antiquities through a study of Sotheby’s auction house”, *Crime Law Social Change* (2011), Volume 56, Issue 2, p. 155-174

¹⁷ *The Guardian*, “Isis fighters destroy ancient artefacts at Mosul museum”, accessed September 04, 2015 URL: <http://www.theguardian.com/world/2015/feb/26/isis-fighters-destroy-ancient-artefacts-mosul-museum-iraq>

¹⁸ The Cairo Declaration, 2015

¹⁹ Ibid.

- The Angkor Management Plan (AMP) to restructure and enhance the APSARA National Authority;
 - The Community Development Participation Project (CDPP) to prepare the land use map and to encourage the participation from communities, so that the local population would receive more income; and
 - The Heritage Management Framework to conserve the atmosphere within the Angkor Wat region. This framework includes a Tourism Management Plan, a Risk Map of the monuments and natural resources, and cooperation with the Australian Government and UNESCO.
- The Sub-decree No. 50 ANK/BK on the Organization and Functioning of the APSARA National Authority was signed on May 9, 2008
 - The Public Investigation Unit was established to identify visitors' demands and expectations, and to oversee the visitors' behaviors, so that particular policies and management could respond to these issues.
 - Intangible cultural heritage has been associated with tangible heritage, specifically Angkor Wat, to protect the local population living within the development site, and to help them maintain their ancestral traditions and cultural practices.²⁰
 - The Convention between UNESCO and Cambodia for the Safeguarding of Intangible Cultural Heritage was ratified in 2003 to preserve the intangible cultural heritage for future generations.²¹

Conclusion and Note on Policy Options

One of the biggest obstacles to the protection of tangible and intangible cultural heritage in Cambodia is the threat of increased tourists. The excessive overcrowding at this site has brought some irreversible and irreparable destruction. However, there are a number of policies and laws in place to provide protection and allow economic development following the creation of the International Coordinating Committee for the Safeguarding and Development of the historic site of Angkor (ICC-Angkor) in 1993. This is intended to ensure sound coordination of scientific research, restoration and conservation of both tangible and intangible cultural heritage.

Another threat that causes destruction to cultural heritage sites in Cambodia and around the world is the looting, trading and trafficking of cultural antiquities. In order to prevent such

²⁰ World Heritage Committee, *Convention Concerning the Protection of the World Cultural and Natural Heritage* (UNESCO, Paris, 2012), 91-92.

²¹ UNESCO, *Intangible Heritage* (Phnom Penh, : UNESCO), available at: <http://www.unesco.org/new/en/phnompenh/culture/intangible-heritage/>.

illicit activities taking place in the future, countries need to work collectively through: the establishment task force with an Advisory Council to overlook the work at regional and international level to combat cultural racketeering; initiating regional negotiations and cooperation and launching regional and international campaigns to raise awareness of the issue; and finally, the establishment of an independent center to combat antiquities laundering are some of the essential action plans to prevent any further cultural damage in the future.

In order to strengthen tangible and intangible cultural heritage, attendees from the Parliament of Cambodia could consider raising a number of key policies for discussion during the 133rd IPU meeting. These are:

- Initiate and strengthen cooperation among ASEAN countries in order to combat illegal selling of tangible culture heritage objects and protect against their destruction in the region:
 - o Strengthen legal the framework related to the illicit trade and trafficking of antiquities in order to prevent the looting of antiquities to sell abroad.
 - o Negotiate the return of tangible cultural heritage to the country of origin that was lost through illicit trading and trafficking.
- As a member of the ASEAN community, the Parliament of Cambodia could sign an MOU on tangible and intangible cultural heritage with other members of the IPU;
- Promote intangible cultural heritage in Kingdom of Cambodia through domestic and international advertising campaigns;
- Protect and conserve languages, especially languages of indigenous populations in order to maintain the identity and cultural of the country; 22
- Create a heritage fund to support more research into cultural heritage and antiquities that has great value to historians; 23
- Initiate and cooperate to create a complaint mechanism network that all members of the IPU can share and receive information related to the illicit trading of antiquities in the region and globally in order to facilitate the prevention of illegal activities; and
- Cambodian parliamentarians could exchange their experiences on this subject with other members of the IPU to address the challenges and share ideas on how to deal with the current issues that were raised during the IPU meeting.

²² UN News Centre, *Protection of minority languages is a human rights obligation* (2013), available on <http://www.un.org/apps/news/story.asp?NewsID=44352#.VhN-uyqqko>.

²³ Archaeological Institute of America, *Outside Funding Opportunities*, available on <https://www.archaeological.org/sitepreservation/outsidefunding>.

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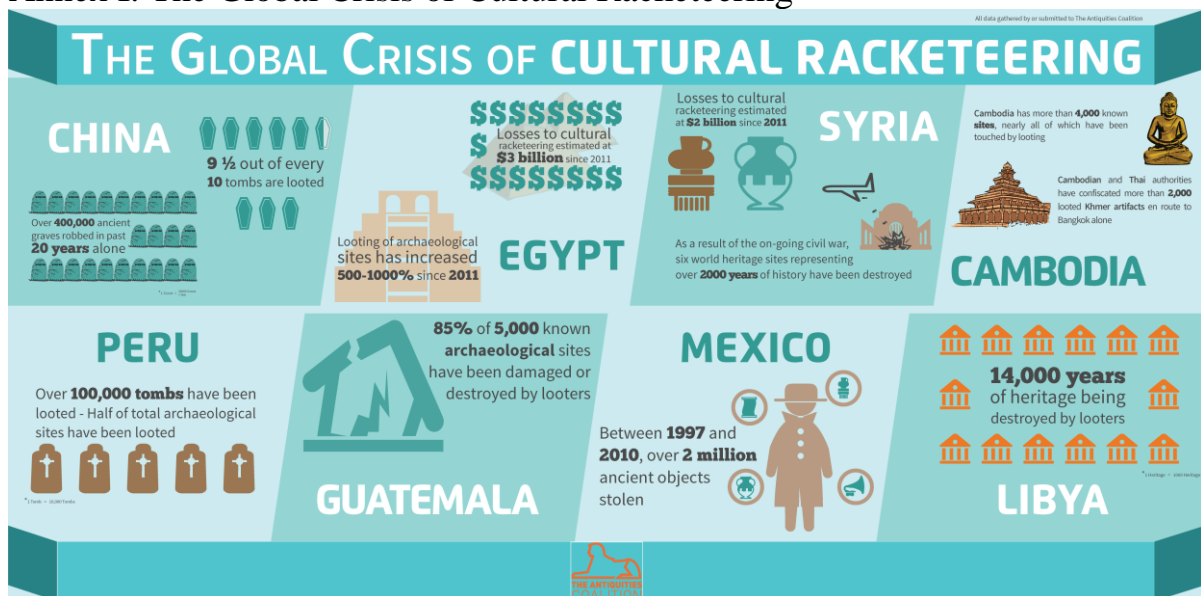
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The Guardian, "Isis fighters destroy ancient artefacts at Mosul museum", accessed September 04, 2015 URL: <http://www.theguardian.com/world/2015/feb/26/isis-fighters-destroy-ancient-artefacts-mosul-museum-iraq>

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Annex

Annex I: The Global Crisis of Cultural Racketeering



Source: the Antiquities Coalition,
<http://www.theantiquitiescoalition.org/infographics/>