

# ប្រជុំមណ្ឌលឯកសារកម្ពុជា

## Tentative Agenda

National Museum of Cambodia – January 4, 2013.

- 7:30-8:00 : Registration
- 8:00- 8:15 : Introduction/National anthem/Silence to Respect the King  
Father's Death
- 8:15-8:30 : Welcome speech  
H.E. **Hab Touch**, Director General of General Department of  
Cultural Heritage
- 8:30-9:00 : A New Vision, National Museum of Cambodia  
**Kong Vireak**, Director, National Museum of Cambodia
- 9:00-9:15 : Coffee Break
- 9:15-10:15 : Culture Genocide, What is Genocide?  
**Christopher Dearing, Esq.** and **Chy Terith**  
Documentation Center of Cambodia
- 10:15-11:15 : Inventory of Heritage Sites in Cambodia- Challenges and  
Solutions  
**Dy Phana**, Deputy Director, General Department of Cultural  
Heritage
- 11:30-14:00 : Lunch Break
- 14:00-15:00 : Preservation of Documents  
**Lim Ky**, Director, National Archive of Cambodia
- 15:00-15:30 : Museum of Memory of the Documentation Center of Cambodia  
**Sirik Savina**, and **Keo Visoth**
- 15:30-16:00 : Opinions/ideas/suggestions (NMC, DC-Cam, Directors from all  
the Provincial Museums)
- 16:00-16:15 : Closing Remark

## Genocide & Cultural Heritage Law

Legal Commentary

Christopher Dearing, Esq. & Terith Chy

## **Cultural Genocide**

### ▪ **Genocide Convention (1948)**

- Genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious groups, as such:
  - Killing members of the group;
  - Causing serious bodily or mental harm to members of the group;
  - Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
  - Imposing measures intended to prevent births within the group;
  - Forcibly transferring children of the group to another group.

## **Cultural Heritage Law**

### ▪ **Hague Convention of 1899 & 1907 (Laws of War)**

- Article 27. In sieges and bombardments, all necessary steps must be taken to spare, as far as possible, buildings dedicated to religion, art, science, or charitable purposes, [and] historic monuments...
- Article 56. The property of municipalities, that of institutions dedicated to religion, charity and education, the arts and sciences, even when State property, shall be treated as private property. All seizure of, destruction or willful damage done to institutions of this character, historic monuments, works of art and science, is forbidden, and should be made the subject of legal proceedings.

### ▪ **Universal Declaration of Human Rights (1948)**

- Article 27
  - 1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.
  - 2) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary, or artistic production of which he is the author.

### ▪ **Convention for the Protection of Cultural Property in the Event of Conflict and its Protocols (1954)**

- Defines cultural property and obligates states to protect cultural property during conflict or occupation.
- Obligates states to take measures during peacetime to ensure the protection of cultural property in the event of war or conflict.

- **Convention Concerning the Protection of the World Cultural and Natural Heritage (1972)**
  - Defines cultural and natural heritage.
  - Explains the duty of a state to preserve/protect cultural and natural heritage.
  - Provides a duty on the part of the global community to assist in protection of world heritage.
  - Duty of a state to strengthen appreciation and respect of cultural/natural heritage by education and information programmes
  - Duty of a state to keep public informed of dangers to heritage;
  
- **ECCC Law (2001) (Based on Geneva Conventions of 1949 & 1954 Hague Convention)**
  - Article 6 explains the court's jurisdiction over war crimes for the destruction and serious damage to 'protected' property, not justified by military necessity and carried out unlawfully and wantonly.
  - Article 7 explains court jurisdiction over suspects responsible for destruction of cultural property during armed conflict pursuant to 1954 Hague Convention.
  
- **Convention for the Safeguarding of the Intangible Cultural Heritage (2003)**
  - A State Party must:
    - Take necessary measures to safeguard intangible cultural heritage;
    - Identify and inventory heritage;
    - Undertake education, awareness-raising, and capacity building for safeguarding heritage;
    - Keep the public informed.
  
- **United Nations Declaration on the Rights of Indigenous Peoples (2007)**
  - Indigenous peoples have the right not to be subjected to forced assimilation or destruction of their culture.
  - States have a duty to set up mechanisms to prevent (and provide redress for)...
    - Any actions which deprive people of their cultural values or ethnic identities;
    - Any action of forced assimilation or integration;
  - Indigenous peoples have the right to practice and revitalize their cultural and religious traditions and customs.
  - States shall seek to enable access and/or repatriation of ceremonial objects and human remains in their possession through fair, transparent, and effective mechanisms.

## **Definitions**

- CULTURAL PROPERTY — Cultural Property is: a) movable or immovable property of great importance to the cultural heritage of every people, such as

monuments of architecture, art or history, etc...; b) buildings whose main and effective purpose is to preserve or exhibit the movable cultural property, such as museums, libraries, etc...; and c) centers containing a large amount of cultural property. (1954)

- CULTURAL HERITAGE — Cultural heritage is considered to be:
  - o Monuments: architectural works, works of monumental sculpture and painting, elements or structures of an archaeological nature, etc... which are of outstanding universal value from the point of view of history, art or science.
  - o Groups of buildings: groups of separate or connected buildings which, because of their architecture,...are of outstanding universal value from the point of view of history, art or science.
  - o Sites: works of man or the combined works of nature and man, and areas including archaeological sites which are of outstanding universal value from the historical, aesthetic, ethnological or anthropological point of view. (1972)
- INTANGIBLE CULTURAL HERITAGE — Means the practices, representations, expressions, knowledge, skills—as well as the instruments, objects, artefacts and cultural spaces associated therewith—that communities, groups, and, in some cases, individuals recognize as part of their cultural heritage. They manifest in the following categories:
  - o Oral traditions and expressions, including language as a vehicle of the intangible cultural heritage;
  - o Performing arts;
  - o Social practices, rituals, and festive events;
  - o Knowledge and practices concerning nature and the universe;
  - o Traditional craftsmanship. (2003)
- “CULTURAL IMPERIALISM” — Refers to the exercise of domination in cultural relationships in which the values, practices, and meanings of a powerful foreign culture are imposed upon one or more native cultures. In this broad sense, the term is often used to describe the enforced adoption of cultural habits and customs of occupying or colonial powers, and, in the context of post-colonialism, it is used to criticize the continuing exercise of Western cultural power. [Source: John Tomlinson, Wiley-Blackwell Encyclopedia of Globalization (2012)].

## **Application of Conventions in Cambodia**

### **Properties on the World Heritage List**

- Angkor (1992)
- Temple of Preah Vihear (2008)

### **Properties Submitted on the Tentative List**

- Groupe de Sambor Prei Kuk
- Le site de Koh Ker
- Site des Kulen
- Site d'Angkor Borei et Phnom Da
- Site d'Oudong
- Ensemble de Beng Mealea
- Ensemble du Prah Khan de Kompong Svay
- Ensemble de Banteay Chmar
- Ensemble de Banteay Prei Nokor

### **List of Intangible Cultural Heritage of Humanity for Cambodia**

- Sbek Thom, Khmer Shadow Theatre
- Royal Ballet of Cambodia



*Koh Ker temple  
(photo by Samnang,  
30 December, 2012.)*