

## ROYAL DECREE NS/RKT/0199/18

**We,**

Preah Bat Samdech Preah Norodom Sihanouk Reach Harivong Uphatosucheat Visuthipong Akéak Mohaboros Roth Nikarodom Thomik Mohareachcheathireach Boromaneth Borom Bapit Preah Chau Krong Kampuchéa Thipadei,

**In view of**

- the Constitution of the Kingdom of Cambodia 1993,
- Royal Decree N°02/NS/94 dated 20 July 1994 establishing and defining the functioning of the Council of Ministers,
- Royal Decree N° NS/RKT/1198/72 dated 30 November 1998 establishing the Government of the Kingdom of Cambodia,
- Royal Decree N°001/NS dated 28 May 1994 concerning the Zoning and Management of the Siem Reap-Angkor region,
- Royal Decree NS/RKT/0295/11 dated 19 February 1995 establishing the Supreme Council on National Culture,
- Royal Decree NS/RKT/0295/12 dated 19 February 1995 establishing the National Authority for the Protection of the Site and Development of the Region of Angkor, named APSARA Authority
- Royal Decree NS/RKM/0196/26 dated 25 January 1996 implementing the Law on the Protection of Cultural Heritage,
- Royal Decree NS/RKT/1297/91 dated 31 December 1997 establishing the legal status of government institutions
- The Decision of the World Heritage Committee at its 16th ordinary session from 7-14 December 1992 in SANTA FE, New Mexico, United States of America, and at its 19th session in Berlin, Germany, from 4-9 December 1995 to inscribe the historic site of Angkor on the List of World Heritage in danger,
- The proposal of the Prime Minister for the Royal Government of Cambodia dated 18 January 1999,

## ORDER

**Article 1:**

The Royal Decree herewith purports to amend some provisions of Royal Decree NS/RKT/0295/12, dated 19 February 1995 on the establishment of the National Authority for the Protection of the Site and

Development of the Region of Angkor, named the APSARA Authority , to make them consistent with the provisions of Royal Decree NS/RKT/1297/91 dated 31 December 1997 establishing the legal status of government institutions.

### **Article 2:**

The Royal Government of Kampuchea has the obligation to respect and protect the Angkor site which has been classified as a World Heritage Site and agrees to ensure the safeguarding and preservation of the said site.

Hence, any provisions or authorizations granted by national authorities or local authorities at all levels which are contrary to the international obligations shall be considered null and void.

### **Article 3:**

The APSARA Authority and all units responsible for the management of the historic site of Angkor shall be under the technical supervision of the Council of Ministers according to the provisions of Articles 29, 30, 31, 32 and 33 of Royal Decree NS/RKT/1297/91 dated 31 December 1997.

The financial supervision and accounting of the APSARA Authority shall be under the Ministry of Economy and Finances as stated under articles 34, 35, 36 and 37 of the same Royal Decree.

### **Article 4:**

The composition of the Board of Administration of the APSARA Authority is as follows:

- The advisor to the Government for the APSARA Authority ,
- One representative of the Presidency of the Council of Ministers,
- One representative of the Ministry of Culture and Fine Arts,
- One representative of the Ministry for Interior,
- One representative of the Ministry of Economy and Finances,
- One representative of the Ministry of Tourism,
- One representative of the Ministry of Environment,
- One representative of the Ministry of Territorial Management, Urban planning and Construction,
- One representative of the Ministry of Public works and Transportation,
- The Governor of Siem Reap Province,
- One representative from the APSARA Authority staff.

The members of the Board of Administrationshall be appointed and may be dismissed by sub-decree at any time.

Membership on the Board of Administration is for a term of three years and is renewable.

Revocation of membership on the Board of Administration is under the jurisdiction of the relevant line ministry.

The Government bears civil liability with regards to the duties of the members of the Board of Administration, except for wilful negligence.

Members of the Board of Administration are liable personally for criminal offences.

### **Article 5:**

The Chairman of the Board of Administration is entrusted with the general directorship of the APSARA Authority, as well as with the positions and duties President Executive Director, as stated under Article 11/1 of Royal Decree NS/RKT/1297/91 dated 31 December 1997; he/she is assisted by a number of Deputy Directors General.

In addition to the functions stated under Article 12 of Royal Decree N° NS/RKT/1297/91, the President Executive Director exercises the following prerogatives:

He/she represents the Royal Government at all meetings, events and negotiations concerning the Angkor site,

He/she is empowered to sign agreements, conventions or contracts concerning the historic site of Angkor, on behalf of the Royal Government, after having received approval from the relevant line ministry,

He/she is the chief fiscal agent of the APSARA Authority, and in this capacity:

- He/she is the appropriator of receipts,
- He/she makes commitments for, liquidates and orders expenditures,
- He/she is empowered to delegate his/her authority to deputy fiscal agents or work out arrangements for receipts or advances with the agreement of the accounting officer.

The President Executive Director is appointed and may be dismissed at any time by Royal Decree.

Articles 8 and 9 of Royal Decree NS/RKT/0295/12 dated 19 February 1995 regarding the appointment and duties of the President Executive Director of the APSARA Authority are repealed .

### **Article 6:**

1. The APSARA Authority is responsible for the protection, conservation and promotion of the

- Angkor region in accordance with the provisions stated under Article 5 of the Law on the Protection of Cultural Heritage NS/RKM/0196/26 dated 25 January 1996 and with the international obligations associated with World Heritage status. In this latter capacity, the APSARA Authority holds the exclusive right to grant building permits in the overall Angkor site. Any authorizations or permits granted in disregard of the exclusive jurisdiction of the APSARA Authority shall be considered null and void. Any existing illegal building may be destroyed without compensation at the expense of the violator within 45 days from the date of notification.
2. Zone 2 which is defined as " protected archaeological reserves " under Article 4 of Royal Decree N°001 NS dated 28 May 1994 belongs to the inalienable public domain of the State. Any land transfers or concessions which may have been made on the land of the said zones are null and void.
  3. In accordance with the obligations resulting from the World Heritage status of the historic site of Angkor, the APSARA Authority alone is empowered to organise any event whatsoever in the Angkor zone.

### **Article 7:**

Besides the resources of the APSARA Authority as stated under Article 19 of Royal Decree NS/RKT/1297/91 dated 31 December 1997, there are other revenue sources such as:

- The proceeds from entrance fees for the visit of the monuments located in Zone 1 as stated in Royal Decree N° 001 NS dated 28 May 1994,
- Fees from picture taking or film shooting in the said zone,
- Revenue generated from cultural or artistic events organised by the APSARA Authority or fees from events of such nature organized by public or private operators,
- The proceeds from concessions or occupancy permits for government property set aside for the APSARA Authority,
- The proceeds from rental agreements or user fees for government property under the Authority
- Proceeds from funds legally loaned out by the Authority.
- **Article 8:**

All provisions contrary to the Royal Decree herewith are revoked.

### **Article 9:**

The Prime Minister of the Royal Government of the Kingdom of Cambodia shall be responsible for the enforcement of the Royal Decree herewith.

### **Article 10:**

The Royal Decree herewith shall come into effect as of the date of its signature.

January 22, 1999 NORODOM SIHANOUK

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