

Annex 2 | ***Subdecree***

*On the Living Human Treasures
of the Kingdom of Cambodia*



SUBDECREE

On the Living Human Treasures of the Kingdom of Cambodia

Pursuant to:

- The Constitution of the Kingdom of Cambodia;
- Royal Decree No. NS/RD/0908/1055, dated September 25, 2008 on the Appointment of the Royal Government of Cambodia;
- Royal *Kram* No. 02/NS/94, dated July 20, 1994, promulgating the Law on the Organization and Functioning of the Council of Ministers;
- Royal *Kram* No. NS/RK/0196/02, dated January 24, 1996, promulgating the Law on the Establishment of the Ministry of Culture and Fine Arts;
- Royal *Kram* No. NS/RK/0106/002, dated January 18, 2006, promulgating the Law on the Ratification of the Convention on the Protection of Intangible Cultural Heritage;
- Royal *Kram* No. NS/RK/0707/019, dated July 20, 2007, promulgating the Law on the Ratification for the Kingdom of Cambodia to become a member of the Convention of the United Nations on the Protection and Promotion of the Diversity of Cultural Expressions;
- Subdecree No. 24 S.E., dated March 19, 2007, on the Organization and Functioning of the Ministry of Culture and Fine Arts;
- Approval from the Council of Ministers during the plenary session held;

Herby dicides:

Chapter 1. ***General Provisions***

Article 1.

The said subdecree aims to determine the rules, conditions and procedures for the implementation of the living human treasures system program of intangible cultural heritage in the Kingdom of Cambodia;

Article 2.

The purposes of the said subdecree are to:

- Ensure the maintenance and safeguarding of Khmer cultural heritage in the future;
- Discover living human treasures nationwide by establishing mechanisms for the conservation of sustainable cultural heritage and the development of knowledge;
- Establish a system for succession and transmission of knowledge on intangible cultural heritage to future generations;
- Increase cooperation between the Ministry of Culture and Fine Arts and national and international organizations to ensure the conservation of national cultural heritage, particularly intangible cultural heritage that exists throughout the country;

Article 3.

The said subdecree shall apply to citizens, indigenous ethnic minorities and ethnic groups living in the Kingdom of Cambodia;

Article 4.

The key terms used in the said subdecree shall have the following definitions:

- **Living human treasures** refer to the individuals with knowledge of technical skills at the highest level, necessary for the establishment of

- the careful selection of aspects of cultural life for people and the on-going existence of national cultural heritage;
- **Living human treasures system** refers to the mechanism for the establishment and management of living human treasures in accordance with the legal provisions;

Chapter 2

Selection and Acknowledgment

Article 5.

Forms of selection

Living human treasures shall be selected from various forms of intangible cultural heritage with the following conditions:

- Possess outstanding value and be a token of talented genius in the establishment and invention of the roots of social custom and culture;
- Possess the characteristics illustrating the highest level of expertise of intangible cultural heritage in the locality or community;
- Be an identity that is important for citizens and national society;

Meanwhile, the above values shall be considered as a priority issues in respect of a number of the following challenges:

- Reduction of knowledgeable persons and being currently under the negative influence of globalization;
- Loss of importance of original aspects; and
- Loss of cultural prestige;

Article 6.

Attributes of living human treasures

The selection of any individual or group as living human treasures shall be carried out in view of the following criteria:

- Possess skilled knowledge and the highest level of expertise in the field of intangible cultural heritage;
- Possess high degree of responsibility about (the importance of) participating in the conservation of intangible cultural heritage;

- Possess a high (level of) professional ability and (a willingness to) transmit knowledge to the next generation with honesty and dare to make sacrifices for the sake of skill;
- Possess a proper living moral sense;

Article 7.

Selection of living human treasures

The selection of living human treasures shall be carried out by an expert commission established by the Ministry of Culture and Fine Arts with the General Department of Cultural Techniques as the Permanent Secretariat;

Article 8.

Acknowledgment of living human treasures

The acknowledgement of any individual or group as living human treasures shall be determined by a subdecree at the request of the Minister of Culture and Fine Arts with the organization of a public ceremony of acknowledgment and dissemination;

Article 9.

The living human treasures to be selected and acknowledged shall not focus on quantity but on quality as stipulated in articles 5 and 6 of the said subdecree;

Chapter 3

Expert Commission

Article 10.

The expert commission has been established by a decision from the Royal Government at the request of the Minister of Culture and Fine Arts with the following composition:

- Minister of Culture and Fine Arts: Chairman
- Representative of the Office of the Council of Ministers: Vice-Chairman
- Representative of the Ministry of Economy and Finance: Vice-Chairman
- Representative of the State Secretariat for Civil Service: Member
- Representative of the Royal Academy of Cambodia: Member
- Representative of the Ministry of Education, Youth and Sports: Member
- Director-General of Cultural Techniques of the Ministry of Culture and Fine Arts: Permanent Member
- A number of high-ranking expert officials of the Ministry of Culture and Fine Arts: Members

Article 11.

The duties of the said commission are to:

- Examine and identify any form of intangible cultural art that is endangered, leading to loss;
- Research, examine and evaluate the candidacy of living human treasures with the attributes according to the conditions mentioned in articles 5 and 6 of the said subdecree;
- Search for living human treasures via the media and provincial and municipal departments of culture and fine arts in the Kingdom of Cambodia;
- Monitor any activities as well as the morality of individuals or groups that have been acknowledged as living human treasures;
- Prepare mechanisms for the transmission of knowledge and skills to the next generation;
- Manage and use any means, materials, funds and **identifying items** for living human treasures;
- Ensure the (safety of) archives of records that are the achievements of living human treasures to be used for the sake of national society;

Chapter 4

Mandate and Obligations

Article 12.

Mandate of living human treasures

The living human treasures have an indeterminate mandate. It depends on the necessary factors of the maintenance and promotion of knowledge value and individuals or groups specialized in any field of intangible cultural heritage that is endangered leading to loss;

Article 13.-

Obligations of living human treasures

The living human treasures shall be obliged to cooperate with the Ministry of Culture and Fine Arts, as follows:

- Prepare the compilation of documents for teaching and dissemination serving the interests of national society;
- Transmit their knowledge to younger generations via training according to the demand of the expert commission;
- Disseminate their knowledge broadly to the general public through all available means;
- Continue on-going safeguarding as well as develop knowledge on technical skills they have been honored (with); and
- Receive other duties allocated by the expert commission and the Royal Government;

Chapter 5

Source of Financing and Remuneration

Article 14.

The financing of living human treasures is generated from the national budget, Living human treasures may receive additional assistance from national and international organizations, donations from charitable persons and other legitimate income sources;

Article 15.

Living human treasures shall receive the following benefits and remuneration:

- Receive national-level title from the King;
- Receive monthly remuneration from the Royal Government equivalent to that of the rank of director-general;
- Receive financial assistance, materials and means serving research study and training; and
- Receive items identifying them as living human treasures of the Kingdom of Cambodia;

Chapter 6

Completion of Duties

Article 16.

The title and all these benefits of any individual or group that has been acknowledged as a living human treasure may be revoked for the following reasons:

- Failure to fulfill the obligations as mentioned in Article 13 of the said subdecree;
- Inappropriate acts against professional morality or being convicted of any act against the State's law;

- In case of death in good reputation, the title shall be maintained but various remunerations shall cease;

Chapter 7

Preservation of Intellectual Property

Article 17.

The intangible cultural heritage achievements of living human treasures shall be the intellectual property that has been protected by the Law on the Rights of Writers and similar rights of the Kingdom of Cambodia;

Chapter 8

Final Provisions

Article 18.

Any provisions that are contrary to the said subdecree shall be abrogated;

Article 19.

The Minister of the Office of the Council of Ministers; the Minister of Culture and Fine Arts; the Minister of Economy and Finance; the ministers and secretaries of state of all relevant ministries and institutions shall abide by the said subdecree from the date of signature onwards.

Phnom Penh, _____, ____
Prime Minister

CC | Ministry of the Royal Palace
General Secretariat of the Constitutional Council
General Secretariat of the Senate
General Secretariat of the National Assembly
General Secretariat of the Royal Government
Cabinet of Samdech Prime Ministers
Cabinet of His Excellency the Deputy Prime Minister
As stipulated in Article 20
Gazette
Records
Archives