

Mandates of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; the Special Rapporteur on the situation of human rights in Cambodia; the Special Rapporteur in the field of cultural rights; the Special Rapporteur on the right to food; the Special Rapporteur on the rights of Indigenous Peoples and the Special Rapporteur on the human rights of internally displaced persons

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(Please use this reference in your reply)

17 October 2024

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; Special Rapporteur on the situation of human rights in Cambodia; Special Rapporteur in the field of cultural rights; Special Rapporteur on the right to food; Special Rapporteur on the rights of Indigenous Peoples and Special Rapporteur on the human rights of internally displaced persons, pursuant to Human Rights Council resolutions 52/10, 54/36, 55/5, 49/13, 51/16 and 50/6.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the forced eviction and resettlement of at least 40,000 people, including Indigenous Peoples, from homes and lands in Angkor. Such evictions and resettlement have allegedly been carried out without the Indigenous Peoples' free, prior and informed consent, meaningful consultation, due process, redress including compensation, and without the provision of adequate housing of their choice and of equal quality at the resettlement site. The resettlement plans have been allegedly made to protect Angkor's UNESCO World Heritage Status, following a 1992 UNESCO report which indicated that living around the restricted area of Angkor was inappropriate to preserve the archaeological site.** Concerns have been raised over the role of ICC-Angkor, co-chaired by your Excellency's Government and the Government of France, in the framework of these evictions.

According to the information received:

Background

Angkor is an ancient city covering an area of 400 square kilometres and comprising over 1,000 temples, including the temple of Angkor Wat, mainly dating to the early 12th century. Angkor Wat and many of the major temples, are surrounded by waterways that make up part of an ancient water system. Today, Angkor is an important cultural and religious site for Cambodians, and a symbol of the country's heritage. Every year, Angkor draws millions of visitors and is probably the most visited World Heritage Site in Asia. In the first half of 2023 alone, Angkor was visited by 385,769 international tourists, making it a critical source of revenue for the Cambodian government.

Angkor has been inhabited continuously since it was first constructed. In 1992, the population living in the archeological site amounted to 22,000. Although more recent data is not available, in 2010 more than 120,000 people lived

within the protected site of Angkor, a number that has continued to increase since then. Many of the people living on the site self-identify as Indigenous Peoples. For these families, the lands, territories and resources are their heritage and a critical part of their identity, existence and well-being.

In 1992, UNESCO designated Angkor as a World Heritage Site at the 16th Session of the World Heritage Committee. At the time of the designation, the World Heritage Committee made the inclusion of Angkor on the UNESCO World Heritage list conditional “upon preparing and implementing a legal framework, a management plan and establishing an authority with resources to effectively manage the entire Angkor area.” To that aim, the International Coordinating Committee for the Safeguarding and Development of the Historic Site of Angkor (ICC-Angkor), came into being in 1993. ICC-Angkor is co-chaired by France and Japan in collaboration with the Authority for the Protection of the Site and Management of the Region of Angkor (APSARA), and UNESCO provides its Secretariat.

Since Angkor’s designation as a World Heritage Site, UNESCO has played a vital role in its preservation through its active participation in ICC-Angkor. UNESCO provides “moral, administrative and material support to the ICC through the provision of a Standing Secretariat coordinated by the UNESCO Representative in Cambodia.” In 1993, the World Heritage Committee recommended that the Cambodian state establish a national management agency for Angkor. As a result, in 1995 the Cambodian government established the Authority for the Protection of the Site and Management of the Region of Angkor (APSARA) for the “protection, the preservation and the enhancement of the national cultural heritage” within Angkor, under the Ministry of Culture and Fine Arts. APSARA participates in meetings in the context of ICC-Angkor, to examine technical matters and discuss approaches related to the preservation of the historical site.

The zoning of Angkor

Following Angkor’s conditional inscription as a World Heritage site in 1992, UNESCO commissioned the development of a Zoning and Environmental Management Plan (ZEMP). The report found that “habitation in the core restricted areas [of Angkor] was inappropriate to the preservation and presentation of major archaeological sites and will be prohibited.” The report distinguished between two types of settlement. It concluded that “old settlements should be allowed to continue” and, therefore, “[continuation of the traditional lifestyles of people living in the park, and of human activity compatible with protection of cultural heritage and the sustainable use of resources, will be encouraged.” However, the “[enlargement of these settlements and creation of new settlements is inappropriate and will be prohibited except in one or two designated locations.” In spite of this, neither the Committee’s recommendations nor the subsequent implementation of these into national law ever made clear which settlements comprised the traditional villages that were allowed to remain. Although the focus of the committee’s report is on the protection of cultural heritage, it mentions nothing about the impact of the protection measures on the cultural heritage, including the living heritage, and identity of the Indigenous Peoples living therein.

Forced evictions

During the second half of 2022, the authorities began evicting a reported 10,000 families, around 40,000 people, including Indigenous Peoples from Angkor. The forced evictions appear to be part of what the government refers to as a “voluntary relocation programme”. The government has described the evictions and relocations as necessary to protect the site from losing its UNESCO World Heritage status.

On 13 September 2022, the former Prime Minister held a televised speech, where he outlined a 10-year policy for the relocation programme, which would include: military transport of evicted persons to the two resettlement sites of Run Ta Ek and Peak Snèng; food and cash donations; the provision of ID Poor (a social security programme) to each family for 10 years; land plots; building materials including 30 sheets of corrugated iron; and infrastructure at the site. On 3 October 2022, the Prime Minister gave another speech in which he stated that people must either leave the Angkor site and receive some form of compensation or be evicted at a later time without compensation. The plan is described in detail in APSARA’s 2021-2022 State of Conservation report. Among other things, the report indicates that the programme “will in no way affect the endogenous population who have legally settled on the Angkor site and whose presence was recorded in 113 traditional villages when Angkor was inscribed on the World Heritage List.” However, there is no public information available on the designation of the 113 traditional villages, which exposes local communities to the risk of forced eviction¹.

Many of the families facing eviction or that have already been evicted self-identify as Indigenous to Angkor. Some describe themselves as “Angkorians” or the “children of Angkor”. They were not engaged in a process of good faith consultation prior to the evictions and resettlement; they did not receive written eviction notices, nor have they been provided adequate compensation or adequate alternative housing at the resettlement sites. Those who are indigenous peoples should have had the enhanced requirement of collective free, prior and informed consent to the decisions taken in all phases of the project. This was reportedly not the case. Any other inhabitants who would not identify as indigenous should have had effective participation and consultation in all phases of the decision-making. Most of the households living in Angkor reported being evicted or pressured to leave Angkor following intimidation, harassment, threats and acts of violence from Cambodian authorities. Some families reported being warned that their houses would be flooded if they did not move; others were told that the electricity would be cut off. In one community, APSARA reportedly held a “consultation” in which villagers were told they must sell their land and rice fields to APSARA or receive no compensation. In others, APSARA representatives harassed villagers asking why they had not yet moved. Others were given three days to pack their possessions and abandon their homes and possessions. In some instances, evicted households reported fear of the use of bulldozers to destroy property and the use of violence by the authorities if they did not leave immediately.

¹ In some instances, as in APSARA’s Report on the State of Conservation in Angkor 2021-2022, the villages are listed as totaling 113 (p. 26), whereas in other instances, like the inscription page for Angkor on UNESCO’s website the villages are listed as totaling 112

At the primary resettlement site of Run Ta Ek, families who had moved were reportedly allocated empty plots of land. They had no say on the locations where they moved. In many instances, they had to build their own houses, including bathrooms and toilets, which sometimes required months and left entire families sleeping under tarpaulins for extended periods of time. Some used the corrugated iron provided as part of the resettlement package to build shelter, which was not fit to withstand the hot and humid climate, or more extreme weather events such as storms. Many families lost their jobs and their livelihoods following the evictions and their ways of life were affected. Farming families found this particularly hard, as the site was not prepared to cater to farmers, who have found it difficult to move into other forms of work. Many relocated families described not having enough food to eat following their evictions, as they had lost access to their primary or sole source of income at Angkor. Households living in the site did not have a supply of electricity and clean water directly to their houses, and they had to resort to paying for connection to electricity, and to install pumps to give them access to ground water. Reportedly, basic sanitation and other essential infrastructure were not provided to all new residents in Run Ta Ek. The resettlement site presented serious accessibility issues, as the roads were made out of dirt and are prone to severe flooding due to lack of drainage. Reportedly, some residents have been unable to leave the site when it rains because the roads are poor and the drainage inadequate. Resettlement also contributed to debt, as households took on loans to improve their housing and livelihood conditions.

While the Cambodian Government has repeatedly² referenced UNESCO as a justification for its “relocation programme”, UNESCO’s World Heritage Centre has reportedly indicated that the actions of a State Party are not the responsibility of UNESCO. According to information received, UNESCO is aware of the circumstances surrounding the evictions, but they never publicly condemned them, neither did they raise questions as to the protection of the cultural heritage and cultural rights of the indigenous peoples concerned.

Recent developments

On 30 January 2024, the State of Cambodia submitted the state of conservation report, to be considered during the 46th session of the World Heritage Committee. While the report describes the conditions of resettlement, it does not provide information on how individuals and households were selected to be relocated, and asserts that only “squatters” in Angkor were subject to the relocation programme.

On 9 August 2024, the 46th session of the World Heritage Committee adopted decision 46 COM 7B.31³. The decision expresses concern about “possible forced population displacements” and requests Cambodia to invite a joint Reactive Monitoring Mission to Angkor to assess the state of conservation and “the conditions of the relocated communities”. The decision also calls on Cambodia to ensure that it communicates the ongoing relocation programme to local communities including by outlining, “clear means of identifying inhabitants having the rights to live within the property”, and “its commitment

² Amnesty International, “Nobody Wants to Leave Their Home”: Mass Forced Evictions at Cambodia’s UNESCO World Heritage Site of Angkor, 14 November 2023, p. 87.

³ <https://whc.unesco.org/en/decisions/8557/>

to ensuring that the conditions of relocated populations comply in all respects” with human rights. Finally, the decision requires the Government of Cambodia to submit by 1 February 2025, an updated report on the state of conservation of the property and the implementation of the recommendations above, for examination by the World Heritage Committee at its 47th session. However, the decision does not call on the Government to make an explicit commitment not to carry out forced evictions in Angkor, nor to put in place all necessary corrective measures to ensure full respect of human rights for the communities and Indigenous Peoples affected.

Without prejudging the accuracy of the information received, we wish to express our serious concern that the above-described actions carried out in Angkor would amount to forced evictions, arbitrary displacement and forced resettlement. These are mainly affecting low-income groups and Indigenous Peoples whose ways of life and cultural heritage are connected with the site. These actions appear to have been carried out without the free, prior and informed consent of the Indigenous Peoples, and otherwise without meaningful consultation with other affected communities. Neither have they been involved in decision-making processes that have an impact on their cultural life, due process, redress including compensation, or the choice of the resettlement site and of the equal quality of arable land. We are also concerned that the forced evictions and resettlement have a negative impact on the communities’ right to an adequate standard of living, including adequate food and housing, as well as to access safe water and sanitation and to take part in cultural life. We are also concerned about the recent use of by the Cambodian authorities of the terms “squatters” to refer to the inhabitants of the site, as this terminology undermines the identity and rights claims of all individuals concerned, including Indigenous Peoples.

Moreover, we are concerned that the dispossession and displacement of Indigenous Peoples from their land severs their cultural, spiritual and physical connection to their lands, territories and resources and to what they consider to be “home”. This leads to a complex situation where inadequate housing conditions and homelessness, and restriction to fulfilling their rights to land, safe water and food, intersect with the mental despair caused by displacement.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information on whether your Excellency’s Government is aware of the allegation of forced evictions, arbitrary displacement and forced relocation. Please also indicate whether your Excellency’s Government has raised these concerns, through its role of co-chair of ICC-Angkor, which has a monitoring role in the Angkor heritage site.

3. Please provide information about the mechanisms in place to ensure the right of the individuals, including Indigenous Peoples concerned to fully participate in decision-making processes that affect their cultural life, including their participation in the governance and management of the site of Angkor and their representation in the Authority for the Protection of the Site and Management of the Region of Angkor (APSARA).
4. Please provide information on the measures taken by ICC-Angkor and your Excellency's Government as co-chair to clearly identify the 113 "traditional villages" and any private or community-owned land, which should not be subjected to evictions, and to provide these individuals, including Indigenous Peoples, with legal security of tenure. In addition, please indicate how has your Excellency's Government endeavored to ensure that all people living in Angkor can enjoy a certain degree of security of tenure.
5. Please provide information on the measures that ICC-Angkor and your Excellency's Government as co-chair are undertaking to protect the communities living in Angkor from forced evictions and arbitrary displacement, and to ensure that any decision affecting Indigenous Peoples' lands, territories and resources is taken only with their free, prior and informed consent.
6. Please indicate whether all people threatened with or already subjected to forced resettlement have been meaningfully consulted, have had the possibility to propose alternatives to resettlement, to participate in the selection of the resettlement sites, in defining adequate compensation including replacement land, as well as integration measures. Please also indicate how your Excellency's Government has advocated, through its role as co-chair of ICC-Angkor, to ensure the free, prior and informed consent of the Indigenous Peoples for the resettlement plan.
7. Please provide information on the efforts that ICC-Angkor and your Excellency's Government are undertaking to ensure that the resettled communities resume and continue enjoying access to adequate housing, food, safe drinking water and sanitation and other means of livelihood.
8. Please indicate what measures ICC-Angkor and your Excellency's Government have taken or plan to take to ensure that persons, including Indigenous Peoples who have lost their housing, land, property, means for food production or livelihoods, or who have suffered any economic or cultural effect as a result of the forced evictions, arbitrary displacement and forced resettlement, have access to effective remedy and reparation.
9. Please clarify what measures ICC-Angkor and your Excellency's Government have taken or envisage to provide protection and assistance to those displaced in Angkor. Also, please provide information on any steps taken to enable durable solutions to their

displacement.

We would appreciate receiving a response within 60 days. Past this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we call on your Excellency's Government to use its role of co-chair of ICC-Angkor and its relationship with the Government of Cambodia to ensure that all necessary interim measures are taken to halt the alleged violations and prevent their re-occurrence, and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations. We further wish to recommend the setting up of an independent expert mechanism to monitor the process and ensure that the resettlement is carried out in line with international human rights standards.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

Please be informed that a letter on this subject matter has also been sent to UNESCO World Heritage Centre, to the Government of Cambodia, and to the Governments of France, as co-chair of ICC-Angkor.

Please accept, Excellency, the assurances of our highest consideration.

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Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context

Vitit Muntarbhorn
Special Rapporteur on the situation of human rights in Cambodia

Alexandra Xanthaki
Special Rapporteur in the field of cultural rights

Michael Fakhri
Special Rapporteur on the right to food

José Francisco Cali Tzay
Special Rapporteur on the rights of Indigenous Peoples

Paula Gaviria
Special Rapporteur on the human rights of internally displaced persons

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw your Excellency's Government's attention to the applicable international human rights norms and standards, as well as authoritative guidance on their interpretation.

We would like to draw the attention of your Excellency's Government to its obligations under article 11.1 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), ratified by Cambodia in 1992, which recognizes the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions, and stipulates that States shall take appropriate steps to ensure the realization of this right. This article must be read in conjunction with article 2.2 of the Covenant, which provides for the exercise of any right under the Covenant without discrimination of any kind. We further would like to draw the attention of your Excellency's Government to its obligations under articles 6 and 17 of the International Covenant on Civil and Political Rights (ICCPR), ratified in 1992, on the rights to life and to non-interference with privacy, family, home or correspondence.

In its general comment No. 4 on the right to adequate housing, the Committee on Economic, Social and Cultural Rights (CESCR) has clarified that the right to housing should not be interpreted in a narrow or restrictive sense, such as merely having a roof over one's head; rather, it should be seen as the right to live somewhere in security, peace and dignity. It includes, among others, the availability of services, materials, facilities and infrastructure essential for health, security, comfort and nutrition, including sustainable access to natural and common resources, safe drinking water, energy for cooking, heating and lighting, sanitation and washing facilities, means of food storage, refuse disposal, site drainage and emergency services. It has also clarified that characteristics of housing adequacy include also security of tenure, affordability, habitability, accessibility, location and cultural adequacy. Housing is not adequate if it does not respect and take into account the expression of cultural identity. The Committee has indicated that States must allocate sufficient resources to the realization of the right to adequate housing and prioritize the needs of disadvantaged and marginalized individuals or groups.

As highlighted recently by the Human Rights Committee, in the case of indigenous peoples, the notion of "home" must be understood in the context of the special relationship that they have with their territories and their ways of life, including their subsistence activities such as livestock-raising.⁴ As indicated by the previous UN Special Rapporteur on the right to adequate housing, Ms. Leilani Farha, "the alienation and dispossession of indigenous peoples from their lands severs their spiritual and physical connection to the world and to their understanding of home, contributing to a complex condition of homelessness". In this regard, we wish to recall that the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), adopted by the UN General Assembly in 2007, has recognized that Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands,

⁴ CCPR/C/132/D/2552/2015, 2021.

territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard (art. 25).

We wish to recall that, as clarified by the Committee on Economic, Social and Cultural Rights, in its general comment No. 7, forced evictions are a gross violation of the right to adequate housing and may also result in violations of other human rights, such as the right to life, the right to security of the person, the right to non-interference with privacy, family and home and the right to the peaceful enjoyment of possessions. We wish to underscore that, notwithstanding the type of tenure, all persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats. States parties shall ensure, prior to carrying out any evictions, and particularly those involving large groups, that all feasible alternatives are explored in consultation with the affected persons. We furthermore wish to recall the United Nations Basic Principles and Guidelines on Development-based Evictions and Displacement (A/HRC/4/18, Annex 1) which specify that evictions can only take place in 'exceptional circumstances'; that they must be authorized by law, and ensure full and fair compensation and rehabilitation. The Guidelines indicate that States should take immediate measures aimed at conferring legal security of tenure upon those persons, households and communities currently lacking such protection, including all those who do not have formal titles to home and land; and should take specific preventive measures to avoid and/or eliminate underlying causes of forced evictions.

In his report on resettlement after evictions and displacement, the Special Rapporteur on the right to adequate housing recognized that resettlement, particularly when poorly executed, can have long-lasting negative effects on multiple generations. Resettlement must be treated as a last option to be resorted to when it becomes unavoidable. Resettlement should never unlawfully restrict the freedom of choice of residence. Nobody should be forced to resettle in a particular location or community. Resettlement must comply with human rights standards, be proportionate, avoid recourse to force and ensure benefit-sharing through negotiated agreements with affected persons (A/HRC/55/53). In his second report on resettlement, the Special Rapporteur on the right to adequate housing also noted that conservation initiatives, such as in the case of Angkor, often overlook the realities of communities living in protected areas, while leading to forced displacements (A/79/317).

Moreover, the Special Rapporteur on the situation of human rights in Cambodia has in his report underlined the importance of respectful, peaceful dialogue and negotiation based upon the principle of free, prior and informed consent, eschewing forced relocation in the context of the Angkor archaeological site. He further suggested considering the setting up of an independent expert mechanism to address the process as part of a bridge-building strategy (A/HRC/57/82).

Per the Guiding Principles on Internal Displacement, national authorities have the primary duty and responsibility to provide protection and humanitarian assistance to internally displaced persons within their jurisdiction (principle 3). All authorities and international actors shall respect and ensure respect for their obligations under international law, including human rights and humanitarian law, in all circumstances, so as to prevent and avoid conditions that might lead to displacement of persons (principle 5). Arbitrary displacement is particularly prohibited in instances when it is based on policies of apartheid, "ethnic cleansing", or similar practices aimed at or resulting in altering the ethnic, religious, or racial composition of the affected

population (principle 6). Prior to any decision requiring the displacement of persons, the authorities concerned shall ensure that all feasible alternatives are explored in order to avoid displacement altogether. Where no alternatives exist, all measures shall be taken to minimize displacement and its adverse effects (principle 7(1)). The authorities undertaking such displacement shall ensure, to the greatest practicable extent, that proper accommodation is provided to the displaced persons, that such displacements are effected in satisfactory conditions of safety, nutrition, health and hygiene, and that members of the same family are not separated (principle 7(1)).

If displacement occurs in situations other than during the emergency stages of armed conflicts and disasters, the following guarantees shall be complied with: (a) A specific decision shall be taken by a State authority empowered by law to order such measures; (b) Adequate measures shall be taken to guarantee to those to be displaced full information on the reasons and procedures for their displacement and, where applicable, on compensation and relocation; (c) The free and informed consent of those to be displaced shall be sought; (d) The authorities concerned shall endeavour to involve those affected, particularly women, in the planning and management of their relocation; (e) Law enforcement measures, where required, shall be carried out by competent legal authorities; and (f) The right to an effective remedy, including the review of such decisions by appropriate judicial authorities, shall be respected (principle 7(3)).

Displacement shall not be carried out in a manner that violates the rights to life, dignity, liberty, and security of those affected (principle 8). States are under a particular obligation to protect against the displacement of indigenous people and minorities, *inter alia* (principle 9). Every human being has the inherent right to life, and internally displaced persons shall be protected in particular against genocide, murder, summary or arbitrary executions, and enforced disappearances including abduction or unacknowledged detention, threatening or resulting in death; threat and incitement to commit any of the foregoing acts are also prohibited (principle 10(1)). Attacks or other acts of violence against internally displaced persons who do not or no longer participate in hostilities are prohibited in all circumstances and internally displaced persons shall be protected, in particular, against *inter alia* direct or indiscriminate acts of violence, starvation as a method of combat, and attacks against their camps or settlements (principle 10(2)).

Every human being has the right to dignity and physical, mental, and moral integrity, and shall be protected in particular against *inter alia* rape, mutilation, torture, cruel, inhuman or degrading treatment or punishment and other outrages upon personal dignity, such as acts of gender-specific violence, forced prostitution, and any form of indecent violence, acts of violence intended to spread terror among internally displaced persons, and threats and incitement to commit any of the foregoing acts shall be prohibited (principle 11). Every human being has the right to liberty and security of person, and no one shall be subject to arbitrary arrest or detention, and to give effect to this right for internally displaced persons, they shall not be interned in or confined to a camp (principle 12). Competent authorities have the primary duty and responsibility to establish conditions, as well as provide the means, which allow internally displaced persons to return voluntarily, in safety and with dignity, to their homes or places of habitual residence, or to resettle voluntarily in another part of the country. Such authorities shall endeavour to facilitate the reintegration of returned or resettled internally displaced persons. (principle 28).

ICESCR requires States to “take appropriate steps to ensure the realization of the right to food” (article 11(1)). According to general comment 12, the obligation to respect existing access to adequate food requires State parties to refrain from taking any pressures that result in preventing such access. The obligation to protect requires measures by the state to ensure that enterprises or individuals do not deprive individuals of their access to adequate food. The obligation to fulfil (facilitate) means the state must pro-actively engage in activities intended to strengthen people's access to and utilization of resources and means to ensure their livelihood, including their access to land in order to ensure their food security (para. 15). Whenever an individual or group is unable, for reasons beyond their control, to enjoy the right to adequate food by the means at their disposal, States have the obligation to fulfil (provide) that right directly. The right to be free from hunger and malnutrition is not subjected to progressive realization as it must be fulfilled in a more urgent manner (para. 1). The Committee also recalled that the formal repeal or suspension of legislation necessary for the continued enjoyment of the right to food may constitute a violation of this right. The formulation and implementation of national strategies, mandatory for the progressive realization of the right to food, require full compliance with the principles of transparency, accountability and participation of the people. Paragraph 54 of general comment No. 12 also emphasizes that “[t]he denial of access to food to particular individuals or groups” constitutes a violation of the right to food.

We also wish to draw the attention of your Excellency's Government to CESCR's general comment No. 26 on land and economic, social and cultural rights, which emphasizes the essential role of land in the realization of a range of rights under ICESCR. In fact, the secure and equitable access to, use of and control over land for individuals and communities can be essential to eradicate hunger and poverty and to guarantee the right to an adequate standard of living, including the right to food and to adequate housing, as housing is often built on land used for the purpose of food production. Without such access, people could be subject to displacement and forced eviction, which could violate their right to adequate housing. Additionally, the Committee underlines that agrarian reform is an important measure to fulfil such rights, as more equitable distribution of land through agrarian reform can have a significant impact on poverty reduction and improve food security, since it makes food more available and affordable, providing a buffer against external shocks (para. 36). Such redistribution of land and agrarian reforms should focus particularly on the access to land of young people, women, communities facing racial and descent-based discrimination and others belonging to marginalized groups, and should respect and protect the collective and customary tenure of land. Therefore, States parties shall put in place laws and policies that allow for the recognition of informal tenure through participatory, gender-sensitive processes, paying particular attention to tenant farmers, peasants and other small-scale food producers (para. 39).

We wish to refer to the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas (UNDROP), adopted by the General Assembly in December 2018. Article 5 of UNDROP states that peasants and other people working in rural areas have the right to have access to and to use in a sustainable manner the natural resources present in their communities, required to enjoy adequate living conditions. States are required to take measures to ensure that any exploitation affecting the natural resources that they traditionally hold or use is permitted based, among others, on: a) duly conducted social and environmental impact assessment; b) consultations in good faith; c) modalities for the fair and equitable sharing of the benefits of such exploitation, established on mutually agreed

terms between those exploiting the natural resources and peasants and other people working in rural areas.

Article 15 of UNDROP states that peasants and other people working in rural areas have the right to determine their own food and agriculture systems, recognized as the right to food sovereignty. This includes the right to participate in decision-making processes on food and agriculture policy and the right to healthy and adequate food produced through ecologically sound and sustainable methods that respect their cultures. States shall formulate, in partnership with peasants and other people working in rural areas, public policies at the local, national, regional and international levels to advance and protect the right to adequate food, food security and food sovereignty and sustainable and equitable food systems. States shall establish mechanisms to ensure the coherence of their agricultural, economic, social, cultural and development policies with the realization of the rights contained in the UNDROP.

Article 17 of UNDROP affirms that peasants and other people living in rural areas have the right to land, individually and/or collectively, including the right to have access to, sustainably use and manage land and pastures, to achieve an adequate standard of living, to have a place to live in security, peace and dignity and to develop their cultures. States are obliged to take appropriate measures to provide legal recognition for land tenure rights, including customary land tenure rights not currently protected by law. States should recognize and protect the natural commons and their related systems of collective use and management. Where appropriate, States shall take appropriate measures to carry out agrarian reforms in order to facilitate the broad and equitable access to land and other natural resources necessary to ensure that peasants and other people working in rural areas enjoy adequate living conditions, and to limit excessive concentration and control of land, taking into account its social function. Furthermore, article 24 of UNDROP affirms that peasants and other people working in rural areas have the right to adequate housing. They have the right to sustain a secure home and community in which to live in peace and dignity, and the right to non-discrimination in this context. Peasants and other people working in rural areas have the right to be protected against forced eviction from their home, harassment and other threats.

We would like to refer your Excellency's Government to article 15 paragraph 1(a) of ICESCR and article 27 of the International Covenant on Civil and Political Rights, recognizing, respectively, the right of everyone to take part in cultural life and to enjoy his or her own culture. In its general comment 21, the Committee on Economic, Social and Cultural Rights stressed that this right includes the right to take part in the development of the community to which a person belongs, and in the definition, elaboration and implementation of policies and decisions that have an impact on the exercise of a person's cultural rights (para. 15.c). It also stresses that States must adopt appropriate measures or programmes to support minorities or other groups in their efforts to preserve their culture (para. 52.f), and must obtain their free, prior and informed consent when the preservation of their cultural resources is at risk (para. 55). In the case of indigenous peoples, cultural life has a strong communal dimension that is indispensable to their existence, well-being and full development, and includes the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired. The Committee has stressed that "indigenous peoples' cultural values and rights associated with their ancestral lands and their relationship with nature must be respected and protected, in order to avoid the degradation of their particular way of life, including

their means of subsistence, the loss of their natural resources and, ultimately, their cultural identity". States parties must therefore take measures to recognize and protect the rights of indigenous peoples to own, develop, control and use their communal lands, territories and resources (para. 36). Furthermore, States parties must also respect the rights of indigenous peoples to their culture and heritage and to maintain and strengthen their spiritual relationship with their ancestral lands and other natural resources traditionally owned, occupied or used by them, and indispensable to their cultural life (para. 49d). Likewise, the UN Human Rights Committee, in its general comment No. 23, has explained that traditional activities must be protected as manifestation of culture.

The Special Rapporteur in the field of cultural rights recalled that the right to access and enjoy cultural heritage also includes "contributing to the identification, interpretation and development of cultural heritage, as well as to the design and implementation of preservation/safeguard policies and programmes". She stressed the duty of States not to destroy, damage or alter cultural heritage, at least not without the free, prior and informed consent of concerned populations, as well as their duty "to take measures to preserve/ safeguard cultural heritage from destruction or damage by third parties" (A/HRC/17/38, paras. 78 and 80 a) and b)), and recommended that States recognize and value the diversity of cultural heritages present in their territories and under their jurisdiction. In the context of touristic activities, the Special Rapporteur recalled the importance for Governments to support cultural heritage as a living practice, to ensure that the people whose cultural heritage is used to promote tourism are empowered to manage such activities to their best advantage and that they have a significant share in the benefits generated by the tourism industry (A/HRC/28/57/Add.1, para. 100 and 113).

We would also like to refer to the Declaration on the Rights of Indigenous Peoples (UNDRIP), adopted by the General Assembly in 2007 with a favourable vote by your Excellency's Government. In this connection, we would like to draw your attention to the fact that UNDRIP recognizes that indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired. States shall give legal recognition and protection to these lands, territories and resources with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned (art. 26).

UNDRIP furthermore affirms in articles 19 and 32 that indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources and that States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project, or the adoption and implementation of legislative or administrative measures, affecting their lands or territories and other resources.

Article 32 of UNDRIP also underlines that States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact. Moreover, Indigenous Peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return (art. 10).

UNDRIP also sets out that indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent. Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress (art. 28).

In addition, we wish to recall that, as recognized in UNDRIP, indigenous peoples have the right to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.

In addition, the Guiding Principles on Extreme Poverty and Human Rights, adopted by the Human Rights Council in September 2012 through its resolution 21/11, recognizes indigenous peoples as one of groups particularly vulnerable to poverty and highlights the importance of their rights to take part in cultural life and to enjoy the benefits of scientific progress and its applications. It calls on States to “[e]nsure that cultural heritage policies and programmes, including those designed to promote tourism, are not implemented at the expense or to the detriment of communities living in poverty, including through the active participation of the relevant communities and individuals” (paragraph 90, (c)).

In this regard, we also recall that the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions, to which Cambodia acceded on 19 September 2007, recognizes the importance of the knowledge systems of indigenous peoples, and their positive contribution to sustainable development, as well as the need for their adequate protection and promotion. We furthermore refer to the UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage, ratified by Cambodia on 13 June 2006, which similarly recognizes that indigenous communities, groups and, in some cases, individuals, play an important role in the production, safeguarding, maintenance and re-creation of the intangible cultural heritage, thus helping to enrich cultural diversity and human creativity.

We finally wish to recall the Operational Guidelines for the implementation of the World Heritage Convention, which, among others, require that: “States Parties to the Convention are encouraged to adopt a human-rights based approach, and ensure a gender-balanced participation of a wide variety of stakeholders and rights-holder, including site managers, local and regional governments, local communities, indigenous peoples, non-governmental organizations (NGOs) and other interested parties and partners in the identification, nomination, management and protection processes of World Heritage properties” (para. 12); “In the case of sites affecting the lands, territories or resources of indigenous peoples, States Parties shall consult and cooperate in good faith with the indigenous peoples concerned through their won representative institutions in order to obtain their free, prior and informed consent”; and “States Parties should [implement effective management activities for a World Heritage Property] in close collaboration with property managers, the agency with management authority and other partners, local communities and indigenous peoples, rights-holders and stakeholders in property management, by developing, when appropriate, equitable governance arrangements, collaborative management systems and redress mechanisms” (para. 117).