



# “NOBODY WANTS TO LEAVE THEIR HOME”

MASS FORCED EVICTIONS AT CAMBODIA'S UNESCO WORLD HERITAGE SITE OF ANGKOR

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**“This is my land. The land of my ancestors.”<sup>1</sup>**

# Glossary

<b>Angkor</b>	An ancient city that was the centre of the Angkor Empire from 802 to 1431. The site is now a UNESCO World Heritage Site in modern-day Cambodia.
<b>Angkor Wat</b>	One of many temples within the Angkor site. Angkor Wat and Angkor are often used interchangeably by Cambodians.
<b>APSARA</b>	Authority for the Protection of the Site and Management of the Region of Angkor
<b>Baray</b>	A Khmer term for a large waterway that is often found in Angkor’s ancient water system
<b>the Centre</b>	the UNESCO World Heritage Centre
<b>CESCR</b>	UN Committee on Economic, Social and Cultural Rights
<b>the Committee</b>	the World Heritage Committee
<b>FAO</b>	UN Organization for Food and Agriculture
<b>ICC-Angkor</b>	International Coordinating Committee for the Safeguarding and Development of the Historic Site of Angkor
<b>ICESCR</b>	International Covenant of Economic, Social and Cultural Rights
<b>KHR</b>	Cambodian riel (currency)
<b>MLMUPC</b>	Ministry of Land Management, Urban Planning and Construction
<b>UNESCO</b>	United Nations Educational, Scientific and Cultural Organization
<b>ZEMP</b>	UNESCO Zoning and Environmental Management Plan for Angkor, September 1993
<b>Zone 1 and Zone 2</b>	Two of the zones found in Royal decree N. 001 on the Zoning and Management of the Region of Siem Reap/Angkor, 1994. These zones demarcate the boundaries of Angkor as a World Heritage Site and regulate land use and development on the site accordingly.

<sup>1</sup> Amnesty International interview, 22 March 2023, with Darareaksmeay, a woman in her 70s, who had inherited the land at Angkor from her grandparents.

# 1. EXECUTIVE SUMMARY

In 2022, Devi was approaching retirement in her home in Angkor, Cambodia, a UNESCO World Heritage Site.<sup>2</sup> She said that her grandmother had been born in Angkor and her family had lived in the same village for generations. When Devi was young, her father had helped restore the Angkor Wat temple, where she played as a child. He fell and died while working on the restorations, and is buried in the cemetery inside Angkor Wat; her mother is buried under a tree nearby. Devi describes herself as a child of the builders of Angkor. Throughout her life, she had rice fields there, with buffaloes and chickens, and a house beneath her fruit trees.

But in December 2022, government officials told Devi she could no longer stay in her home. They said that the area where she was living was “prohibited” and she had a few weeks to leave. She now lives in a shack at a resettlement site. Some days she does not have enough food to eat, and she says she has lost her special connection to the land where she spent her entire life. She no longer has rice fields nor space for her buffaloes. Her entire village was evicted in 2022 and the old people all cried when they left Angkor. Since then, thousands of families have faced the same fate.

Devi’s forced eviction is part of what the government of Cambodia refers to as a “voluntary” relocation programme, which, according to authorities, has led to the removal of thousands of families from the World Heritage Site of Angkor. The Cambodian government has described the relocations as necessary to protect the site from losing its UNESCO World Heritage status.

This report provides an independent assessment of the relocations currently taking place. Amnesty International considers the government’s “relocation programme” to amount to forced evictions in disguise, carried out on a massive scale and a gross violation of international human rights law.

Angkor Wat is the largest religious building in Asia, the most important tourist site in Cambodia and a national treasure that occupies such a special place within the Cambodian psyche that it is depicted on the national flag. It is also situated within a World Heritage listed cultural landscape and is home to more than 100,000 people. Many have lived in the area for several generations, burying their deceased relatives in the surrounding forests, local cemeteries and on their farms.

During the second half of 2022, the Cambodian authorities began evicting large numbers of people from Angkor, seemingly to protect the location’s World Heritage status. Government plans indicate that the evictions will affect more than 10,000 families – around 40,000 people. One apparent reason for the evictions stems from the zoning of Angkor, which prohibits families from living around the Angkor Wat temple (Zone 1) and limits families living in the surrounding area (Zone 2).

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<sup>2</sup> Amnesty International interview with Devi, 14 June 2023.

# INTERNATIONAL LEGAL FRAMEWORK

Cambodia is obligated under seven major human rights treaties to respect, protect and fulfil the right to adequate housing. Forced evictions are incompatible with these obligations: they are a direct violation of the human right to adequate housing, recognized as a gross violation of human rights. A forced eviction is the removal of a person or people against their will from the homes or land they occupy, without legal protections and other safeguards. Under international human rights law, states must ensure that evictions only occur in exceptional circumstances, and require full justification, given their adverse impact on a wide range of internationally recognized human rights.

According to the Basic Principles and Guidelines on Development-Based Evictions, the international community, including international development organizations and other related institutions, “bears an obligation to promote, protect and fulfil the human right to housing, land and property.” They state that international organizations should “take fully into account the prohibition on forced evictions under international human rights law and related standards.”

## MAIN FINDINGS

The zoning of Angkor was originally recommended by UNESCO and the World Heritage Committee soon after the site's inscription as a World Heritage site in 1992. At the time, a report commissioned by UNESCO 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.” It essentially concluded that some people (those populating the traditional villages) had the right to stay in Zones 1 and 2 of Angkor, while the new settlers did not. However, 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. This lack of clarity has persisted. Amnesty International interviewed more than 60 families who were facing eviction or had been evicted, many of whom identified as being indigenous to Angkor. Some even described themselves as Angkorians or the children of Angkor.

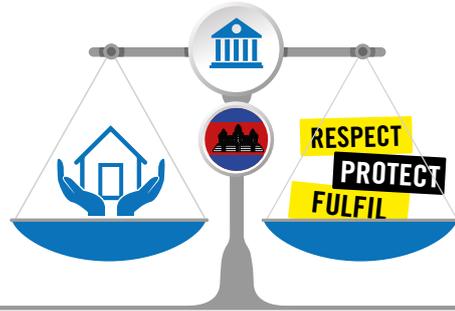
Although the Cambodian authorities characterize the evictions as “voluntary”, Amnesty International spoke to more than 100 people between March and June 2023, almost all of whom described being evicted or pressured to leave Angkor following intimidation, harassment, threats and acts of violence from Cambodian authorities.

Contrary to international human rights standards, the evicted families that Amnesty International spoke to have not been engaged in a process of genuine consultation on the evictions and relocation; they have not received written eviction notices but have been threatened by authorities telling them to leave their homes. Nor have they been provided adequate compensation or adequate alternative housing at the resettlement site.

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, the Authority for the Protection of the Site and Management of the Region of Angkor (APSARA) reportedly held a “consultation” in which villagers were told they must sell their land to APSARA or go to jail and receive nothing. In others, APSARA agents harassed villagers on a daily basis, asking why they had not yet moved. One family had their house demolished by APSARA and the police on numerous occasions without receiving a written notice of eviction. Others were given three days to pack their possessions and leave.

At the primary resettlement site of Run Ta Ek, families who had moved were allocated empty plots of land. They were expected to construct their own houses, including bathrooms and toilets, which has left many families in debt. Significantly, Run Ta Ek is unprepared to receive residents. Basic sanitation

CAMBODIA IS OBLIGATED UNDER  
**SEVEN MAJOR HUMAN RIGHTS TREATIES**  
TO **RESPECT** **PROTECT** **FULFIL**  
**THE RIGHT TO ADEQUATE HOUSING**



and other essential infrastructure are not provided to all new residents, making the resettlement site inadequate and in violation of international human rights standards. Many families complained about losing work and the lack of employment opportunities at the site. Farming families found this particularly hard, as the site was not prepared to cater for 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. Amnesty International also witnessed how the resettlement site flooded easily when it rained.

## RESPONSIBLE ACTORS

The Cambodian government is responsible for the human rights violations occurring at Angkor. Through APSARA and local authorities, it has undertaken a “relocation programme” that has coerced and forced thousands of families to abandon their homes and move to the inadequate resettlement site of Run Ta Ek. Late in 2022, the then Prime Minister, Hun Sen, led the call with two televised speeches outlining a policy for the resettlements and warning people that if they did not leave when told to, they would receive nothing.

The Cambodian state has repeatedly referenced UNESCO as a justification for its “relocation programme”. UNESCO’s World Heritage Centre told Amnesty International that the actions of a State Party are not the responsibility of UNESCO, “even if a Member State were to justify its actions by invoking the Organization.”<sup>3</sup>

While UNESCO has stated that they “have never called for population displacements in Angkor”, they are aware of the circumstances surrounding the evictions, and Amnesty International has informed them that these are forced evictions in violation of international law. Further, UNESCO funds and is the Secretariat of the International Coordinating Committee for Angkor (ICC-Angkor), which has overseen 37 technical sessions and 29 plenary sessions to ensure coordination of USD 600-million investment in conservation and development for the site. ICC-Angkor has also published reports and recommendations, some as recently as December 2022, calling for the dismantling of illegal structures and congratulating the ongoing efforts of authorities to carry that out. In this context, UNESCO has been made aware of conservation efforts and steps taken in furtherance of such efforts.

Despite this, UNESCO has not publicly condemned the forced evictions at Angkor nor even acknowledged that they are taking place. Neither has it shared whether it has conducted any assessment, formal, independent, or otherwise, into the displacement of people around Angkor. Further, in all its communications with Amnesty International, UNESCO has not used the term ‘forced evictions’.

3 Annex 4, UNESCO, Response to Annex 1 and Annex 2 of Amnesty International’s letter dated 11 October 2023, 24 October 2023, on file with Amnesty International, p 4.

UNESCO told Amnesty International that it is “not in a position to impose measures on Member States and its site managers”,<sup>4</sup> as “the conservation and management of the property in a manner that is inclusive and sustainable is under the sole authority of the State Party.”<sup>5</sup> It further noted that UNESCO “has been, and continues to ensure full respect for human rights within its mandate and action” but that it cannot “ensure that something happens (or does not happen) on sovereign soil.”<sup>6</sup>

The French and Japanese ambassadors co-chair ICC-Angkor, and their governments help to fund conservation efforts at Angkor. These governments have obligations to respect, protect and fulfill the human right to adequate housing and must therefore take action in furthering this right. Despite these obligations, neither the French nor the Japanese governments have publicly acknowledged the forced evictions, although the French embassy said to Amnesty International that the “Ambassador of France in Cambodia also raises this issue whenever he meets with the relevant Cambodian authorities”. Their lack of more decisive action appears neither to respect nor to protect the right to adequate housing.

## CONCLUSION

It is imperative that the forced evictions at the World Heritage Site of Angkor are ended immediately, that the victims of these human rights violations have access to effective remedy, and that no further relocations are conducted in violation of due process requirements and until the resettlement sites meet the criteria of adequacy according to international human rights standards.

The current mass forced evictions are being undertaken in the name of the conservation of Angkor – a UNESCO World Heritage Site. Unless a strong, unequivocal rebuttal is made that conservation is not a justification for human rights violations, then conservation efforts will increasingly be weaponized by states for their own ends, often at the expense of human rights.



***UNESCO “HAS BEEN, AND CONTINUES TO ENSURE FULL RESPECT FOR HUMAN RIGHTS WITHIN ITS MANDATE AND ACTION” BUT THAT IT CANNOT “ENSURE THAT SOMETHING HAPPENS (OR DOES NOT HAPPEN) ON SOVEREIGN SOIL.”***

4 Annex 4, UNESCO, letter to Amnesty International, 24 October 2023, on file with Amnesty International, p 2.

5 Annex 4, UNESCO, Response to Annex 1 and Annex 2 of Amnesty International's letter dated 11 October 2023, 24 October 2023, on file with Amnesty International, p 1.

6 Annex 4, UNESCO, Response to Annex 1 and Annex 2 of Amnesty International's letter dated 11 October 2023, 24 October 2023, on file with Amnesty International, p 5.

# KEY RECOMMENDATIONS:

## TO THE GOVERNMENT OF CAMBODIA

- As a matter of urgency, immediately halt all forced evictions at Zones 1 and 2 of the World Heritage Site of Angkor and ensure that no public officials or agents of the state carry out or support forced evictions.
- Ensure that no further relocations are conducted until the resettlement sites meet the criteria of adequacy according to international human rights standards.
- Bring the resettlement sites of Run Ta Ek and Peak Sneng up to human rights standards.
- Provide an effective remedy and reparation to all those who have been forcibly evicted from Zones 1 and 2 at Angkor.

## TO UNESCO

- Independently assess the forced evictions taking place at the Angkor World Heritage Site and make the findings of that assessment public.
- Urge the Cambodian government to make an explicit commitment not to carry out forced evictions in Angkor.
- Request that the Cambodian government, in consultation with all stakeholders, develop a resettlement plan that fully complies with international human rights standards.
- Ensure that ICC-Angkor appoints a human rights expert.
- Categorically reject the use of forced evictions, and other human rights violations, as a tool for the management of World Heritage listed sites, including at the Angkor World Heritage Site.

## TO ICC-ANGKOR

- Commission an independent investigation in coordination with UNESCO into the human rights harms caused by the “relocation programme” at Angkor, and publish the findings.

## TO FRANCE AND JAPAN

- Publicly condemn the forced evictions being carried out at Angkor.
- Support an independent investigation via ICC-Angkor into the human rights harms caused by the “relocation programme” at Angkor, the findings of which are made public, in line with the recommendations to UNESCO and ICC-Angkor above.
- Ensure that the human rights violations your governments are aware of, or are concerned may exist, are addressed at the UNESCO World Heritage Committee meetings.

## TO THE WORLD HERITAGE COMMITTEE

- Request that Cambodia submit a response to Amnesty International’s allegations of forced evictions in Angkor.
- Call on Cambodia to guarantee that it will halt all further relocations until international human rights safeguards against forced evictions are in place and all those forcibly evicted have been provided with effective remedy.
- Unequivocally condemn the forced evictions at Angkor.

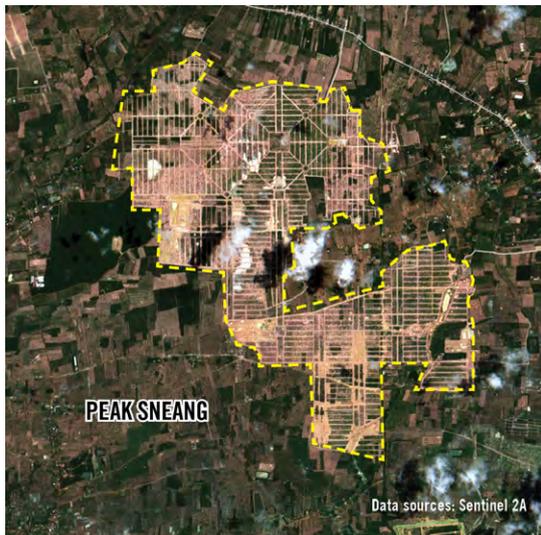
# MAP OF CAMBODIA: ANGKOR



Overview map of Angkor and the different zones of the World Heritage Site. The resettlement sites are also demarcated to the north and east of Angkor Wat.



Overview map of Angkor and the different zones of the World Heritage Site.



The images above show the resettlements sites – Peak Sneang and Run Ta Ek.

## 2. METHODOLOGY

This report seeks to highlight the human rights violations that have occurred in the context of the relocation of thousands of residents from the World Heritage Site of Angkor in Cambodia between 2022 and 2023. The findings are based on desk and field research conducted between March and September 2023.

During March and June 2023, Amnesty International visited the Angkor World Heritage Site, the primary site of the evictions, and Run Ta Ek and Peak Sneng, the two government designated resettlement sites. At these sites, Amnesty International delegates interviewed 111 people affected by the mass forced evictions.

Amnesty International conducted individual interviews with 79 people, representing 60 families, either at the Angkor World Heritage Site or at the Run Ta Ek resettlement site. These individuals resided or were located at the time of the interview in 26 different places within Angkor, 15 of them in Zone 1 and 11 in Zone 2, and at the Run Ta Ek resettlement site.

Amnesty International spoke both with families who had lived in Angkor for several generations and with families who had only recently moved there. Amnesty International also interviewed vendors, restaurant owners, farmers, traditional instrument makers, civil servants, hairdressers, labourers, hotel workers, tuk-tuk drivers, tour guides, and stone workers repairing the ancient temples of Angkor.

In addition to the individual interviews at Angkor, Amnesty International conducted three group interviews. The first was with six representatives from a community being evicted from Angkor who had not yet been offered a plot of land at one of the two resettlement sites and for whom it was not yet clear whether they would be offered a plot. The second group interview was with 22 members of Sna Sangkream, a community adjacent to the Run Ta Ek resettlement site. The third was with four people representing four farming families living near the Peak Sneng resettlement site. Group interviews were conducted for convenience, where issues tended to affect a number of people in a similar way and where interviewees preferred this approach.

In total, Amnesty International documented the eviction stories of 38 men and 73 women, all over the age of 18.

All the interviews with people at the Angkor World Heritage Site, the Run Ta Ek resettlement site and the Peak Sneng resettlement site sought to understand the process of eviction and relocation. In particular, the questions sought to verify whether the Cambodian authorities were following all human rights safeguards against forced evictions, and whether the resettlement process, as well as living conditions at the two resettlement sites, were in line with international human rights standards, including on housing, water and sanitation.

Amnesty International informed all interviewees about the nature and purpose of the research and how the information they provided would be used. Oral consent was obtained for each interviewee before the interview. In cases where consent was not provided, the information collected is not included in this report. No incentives were provided to interviewees for giving their accounts.

Due to security concerns, pseudonyms are used in this report to protect the identities of people who spoke with Amnesty International. There is one exception to this, which is the Sna Sangkream community, who gave consent for their community's name and the information they provided to be included in this report.

THIS REPORT SEEKS TO HIGHLIGHT THE

## HUMAN RIGHTS VIOLATIONS



THAT HAVE OCCURRED IN THE CONTEXT OF THE **RELOCATION OF THOUSANDS OF RESIDENTS FROM THE WORLD HERITAGE SITE OF ANGKOR IN CAMBODIA BETWEEN 2022 AND 2023.**

In addition to interviewing people, Amnesty International visited the resettlement sites of Run Ta Ek and Peak Sneng to document the existing infrastructure within the sites. Amnesty International visited Run Ta Ek on eight occasions, including three times in March, during the dry season, and five times in June, during the wet season. Amnesty International visited Peak Sneng on one occasion in June. Of the 111 interviews, 45 were with individuals who had been evicted from Angkor and sent to the Run Ta Ek resettlement site, and one person who had been evicted to Peak Sneng resettlement site, although they had yet to leave to the site. Peak Sneng, as of June 2023, was not yet receiving evicted families from Angkor.

Amnesty International reviewed: family books, which are used officially to record a family's history and members; land receipts and land titles; government decrees and laws; and international human rights law and standards. It also reviewed all conservation reports presented to the World Heritage Committee by Cambodia between 1992 and 2023, and the analysis, conclusions and recommendations of the Committee and Advisory Bodies.

On 30 March 2023, after Amnesty International first became aware of the forced evictions taking place in Angkor, delegates wrote an email with an attached letter to APSARA, the main Cambodian authority responsible for the management of Angkor, sharing their findings and concerns. The email was addressed to [info@apsaraauthority.gov.kh](mailto:info@apsaraauthority.gov.kh). Amnesty International also wrote to the Prime Minister's Office and the Ministry of Land Management, Urban Planning and Construction (MLMUPC) on the same date. According to APSARA, they "did not receive [Amnesty's] letter" despite the address used being listed on APSARA's website contact page.<sup>7</sup> On 15 August 2023, using an email address provided by UNESCO, Amnesty International wrote once again to APSARA with questions and a request to meet.<sup>8</sup> APSARA responded, but it did not provide any answers to the questions posed. APSARA agreed to meet but insisted that any such meeting take place in person in Cambodia because "a visit to Siem Reap is a necessary factor to see the facts, which would allow you to gather relevant information accurately... this work cannot be understood simply by discussing online." Amnesty International delegates informed APSARA that travelling to Cambodia was not possible at the time, suggesting an online meeting instead and requesting written responses. APSARA insisted that only an in-person meeting would be acceptable.

On 6 September 2023, Amnesty International shared the full findings of this report with APSARA. At the time of publication, APSARA had not responded. However, on 12 September 2023, APSARA issued a press release stating that "the Royal Government has set up a working group to address illegal

<sup>7</sup> APSARA National Authority contacts page: <https://apsaraauthority.gov.kh/contact-us/>.

<sup>8</sup> This email address appears to be a personal email address and does not have a formal address linked to UNESCO. It is unclear how APSARA can be contacted without sharing this email address publicly.

construction... based on national and international laws”, lamenting that Amnesty International had not met them in Cambodia, which they asserted would be better than “getting information from thousands of kilometers away from the real situation.”<sup>9</sup>

On 30 March 2023, Amnesty International wrote to UNESCO, notifying them that evictions were taking place and that they involved threats and coercion. UNESCO World Heritage Centre responded on 10 May 2023 saying that they were “closely monitoring the situation at the Angkor property, notably through the UNESCO Office in Phnom Penh”, and that, on hearing of the “relocation project”, they had “immediately advised the authorities of the need to work closely with local communities.”<sup>10</sup> On 12 July 2023, Amnesty International and UNESCO Cambodia representatives held an online meeting, during which UNESCO invited Amnesty International to submit its findings to the World Heritage Committee, which was due to meet in September in Riyadh, Saudi Arabia, for its extended 45th session.

On 6 September, in anticipation of the Riyadh meeting, Amnesty International shared with UNESCO Cambodia, the UNESCO World Heritage Centre and APSARA a briefing paper outlining the organization’s initial findings and requesting that they be shared with the World Heritage Committee and discussed during its 45th session. The UNESCO World Heritage Centre explained in a letter to Amnesty International that “[p]rior to the Session, UNESCO World Heritage Centre as Secretariat submitted to the World Heritage Committee the Document WHC/23/45.COM/7B.Add.2 that clearly refers to Amnesty International’s concerns in the analysis and conclusions.”<sup>11</sup>

According to recordings of the Committee’s session in Riyadh, which are available to the public, the Cambodian government’s State of Conservation report was “proposed for adoption without discussion” and the World Heritage Committee issued Decision 45 COM 7B.152.<sup>12</sup> The UNESCO World Heritage Centre explained that “[d]uring the Session, the Document WHC/23/45.COM/7B.Add.2 was examined by the Member States of the World Heritage Committee, who decided not to open this point for discussion – UNESCO’s Secretariat could not open the discussion on its own.”<sup>13</sup> It also explained that “the Committee unanimously adopted the Decision proposed, requesting a follow up of the implementation of its decision through a report to be submitted by Cambodia to UNESCO by December 2024 and an examination of it by the World Heritage Committee at its 47th Session in 2025.”<sup>14</sup>

On 11 October 2023, Amnesty International wrote to the UNESCO World Heritage Centre and UNESCO Cambodia to share its final allegations as set out in this report. On 24 October 2023, the Centre responded. Amnesty International reviewed the response and updated its findings to take the information provided into account. Where relevant, the Centre’s response is included in the text. In addition, copies of communications with UNESCO can be found in Annex 4 of this report.

Amnesty International expresses its sincere gratitude to the Cambodian people, activists and journalists who made this research possible and who are the guardians of Angkor.



9 APSARA, Press release, 12 September 2023, <https://opendevelopmentcambodia.net/announcements/press-release-apsara-national-authority-responds-to-radio-free-asia-rfa/> (accessed on 17 October 2023).

10 Annex 4, UNESCO, letter dated 10 May 2023, in response letter of 30 March 2023 from Amnesty International to UNESCO dated 30 March 2023, on file with Amnesty International.

11 Annex 4, UNESCO, letter to Amnesty International, 24 October 2023, on file with Amnesty International, p 2.

12 UNESCO, Extended 45th World Heritage Committee in Riyadh, Saudi Arabia, 14 September 2023 (video), <https://whc.unesco.org/en/sessions/45COM/records/?day=2023-09-14>, at 1hr 17min.

13 Annex 4, UNESCO, letter to Amnesty International, 24 October 2023, on file with Amnesty International, p 2.

14 Annex 4, UNESCO, letter to Amnesty International, 24 October 2023, on file with Amnesty International, p 2.



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## 3. BACKGROUND

### 3.1 ANGKOR

Angkor is an ancient city covering an area of 400 square kilometers and comprised of over 1,000 temples decorated with Hindu and Buddhist stone carvings.<sup>15</sup> The temple at the centre of the site, Angkor Wat,<sup>16</sup> was constructed under the reign of Khmer King Suryavarman II in the early 12th century, in the capital of the Khmer Empire.<sup>17</sup> Angkor Wat and many of the major temples, which are built in a pyramidal design representing the mythical Mount Meru, are surrounded by waterways that make up part of an ancient water system.<sup>18</sup>

At its height, Angkor was a vast city and home to one million people.<sup>19</sup> Today, Angkor remains an important source of national pride for Cambodians.<sup>20</sup> For many, including the local population at Angkor and neighboring city Siem Reap, the temple deities have special significance, with local villagers “organiz[ing] ceremonies and rituals in their honor, involving prayers, traditional music and dance.”<sup>21</sup> Angkor temples appear on Cambodian currency and Angkor Wat is regularly used as a symbol for the country’s heritage, exemplified by Angkor Wat temple being depicted on the flag of Cambodia.<sup>22</sup>

Angkor draws millions of visitors every year and is therefore important to the state, both because of the tourism economy surrounding it and because of its importance as part of the Cambodian people’s cultural heritage. As a tourist attraction, Angkor is probably the most visited World Heritage Site in Asia.<sup>23</sup> In the first half of 2023 alone, Angkor was visited by 385,769 international tourists,<sup>24</sup> generating USD 17,876,418 for the Cambodian government.<sup>25</sup>

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15 Fiona Starr, *World Heritage Papers 31: Community Development*, 2012, p. 100.

16 This research makes a distinction between the “Angkor Wat temple”, and “Angkor”. The “Angkor Wat temple” refers to the specific temple of Angkor Wat, one of many temples within “Angkor”, which is the name of the entire complex and ancient city designated under the UNESCO World Heritage List and measuring 400km<sup>2</sup>.

17 Higham, C, *Early Mainland Southeast Asia*, 2014, Bangkok: River Books, pp. 372, 378-379.

18 Fiona Starr, *World Heritage Papers 31: Community Development*, 2012, p. 100.

19 Fiona Starr, *World Heritage Papers 31: Community Development*, 2012, p. 100.

20 APSARA, Report on the State of Conservation in Angkor 2021-2022, 26 November 2022, <https://whc.unesco.org/en/documents/197091>, p. 3.

21 UNESCO, “Angkor”, <https://whc.unesco.org/en/list/668/> (accessed 1 August 2023).

22 Cambodia’s is one of only four state flags to include a building in their design. Michael Green, “Flags, for God’s Sake”, 2015, <https://www.brandingthenations.com> (accessed 1 August 2023).

23 Fiona Starr, *World Heritage Papers 31: Community Development*, 2012, p. 100.

24 Angkor Enterprise, “Statistics First Semester 2023”, <https://angkorenterprise.gov.kh/news> (accessed 1 August 2023).

25 Angkor Enterprise, “Sale Reports, January to June 2023”, <https://angkorenterprise.gov.kh/annual-news/2023/5/report> (accessed 1 August 2023).

## 3.2 ANGKOR'S INHABITANTS

### THE “ANGKORIANS”

Angkor has been inhabited continuously since it was first constructed, with only one primary contemporary exception.<sup>26</sup> Some of the people living around the temples were evacuated in the 1970s during the Khmer Rouge era, a four-year reign by the radical communist regime, which killed millions of people including many of the country's professional and technical class.<sup>27</sup> After the fall of the Khmer Rouge, the new government encouraged families to go back to their ancestral villages and many of the residents of Angkor returned.<sup>28</sup>

Although the most recent data is not available, in 2007 more than 100,000 people lived within the protected site of Angkor,<sup>29</sup> a number that has increased since then. Amnesty International spoke with a number of families who said they had inherited the land from their parents, who had, in turn, received it from their grandparents and so on, tracing their rights to the land back generations.<sup>30</sup> Some people said that they were the descendants of the original inhabitants of Angkor.<sup>31</sup> One farmer explained to Amnesty International that his family's ties to Angkor were ancestral: “We are the Angkorians.”<sup>32</sup>

For these families, the land is their heritage and part of their identity.<sup>33</sup> Many people told Amnesty International that they have been on the land for centuries and are proud of their land.<sup>34</sup> Several families said that their relatives were buried among the trees of Angkor Wat temple, or at the monasteries inside Angkor or on their own land.<sup>35</sup> One woman in her seventies told Amnesty International that her local village within Angkor, was where her father was buried.<sup>36</sup> Another woman in her sixties showed Amnesty International her mother's grave at the back of the family's land, also in Angkor.<sup>37</sup> When asked why they had buried her there, she responded that she missed her mother and it was their tradition to bury people close by.<sup>38</sup>

***“Even we want to bury my mother on our land... It is our tradition, we miss them, we do not want to send them away. We all do like this here. Many times, we go to light the lights and we burn incense at the grave.”<sup>39</sup>***

26 T. Winter, *Post-Conflict Heritage, Postcolonial Tourism: Culture, Politics and Development at Angkor*, 2007; Fiona Starr, *World Heritage Papers 31: Community Development*, 2012, p. 100.

27 Britannica, “Khmer Rouge”, 23 July 2023, <https://www.britannica.com/topic/Khmer-Rouge> (accessed 14 August 2023).

28 Amnesty International interviews with Pisey, Poeu, Ponleak, Ponleu, 22 March 2023 and Rith and Rithipol, 26 June 2023.

29 R. Fletcher, I. Johnson, E. Bruce and K. Khun-Neay, “Living with heritage: site monitoring and heritage values in Greater Angkor and the Angkor World Heritage site”, Cambodia, 2007, *World Archaeology*, Vol. 39, No. 3, pp. 385-405.

30 Amnesty International interviews with Chhaya, Chhean, Chhorvin, Chhorvon, 22 March 2023, Sakngea, 27 June 2023, Rithy and Yey, 26 June 2023, Visna and Visoth, 30 June 2023.

31 Amnesty International interviews with Sakngea, 27 June 2023, and Rithy and Yey, 26 June 2023.

32 Amnesty International interview with Sakngea, 27 June 2023.

33 Amnesty International interviews with Chhaya, Chhean, Chhorvin, Chhorvon, 22 March 2023, Sakngea, 27 June 2023, Rithy and Yey, 26 June 2023, Visna and Visoth, 30 June 2023.

34 Amnesty International interviews with Dara and Ney, 22 March 2023, Sakngea, 27 June 2023, Rithy and Yey, 26 June 2023; ZEMP, Chapter IV, p 2.

35 Amnesty International interviews with Dara and Ney, 22 March 2023, Sakngea, 27 June 2023, Rithy and Yey, 26 June 2023.

36 Amnesty International interview with Darareaksmeay and Davi, 22 March 2023.

37 Amnesty International interview with Rothanak, 27 June 2023.

38 Amnesty International interview with Rothanak, 27 June 2023.

39 Amnesty International interview with Rothanak, 27 June 2023.

## 3.3 WORLD HERITAGE SITE INSCRIPTION

In 1992 UNESCO designated Angkor as a World Heritage Site at the 16th Session of the World Heritage Committee.<sup>40</sup> A World Heritage Site is a natural or artificially created site that is recognized as “being of outstanding universal value” and therefore deserving special protection.<sup>41</sup> The World Heritage list is maintained by the World Heritage Committee, which is composed of 21 states parties to the World Heritage Convention elected by the General Assembly.<sup>42</sup>

Angkor was initially put on the List of World Heritage in Danger due to concerns about the state’s ability to conserve it.<sup>43</sup> At the time of the designation, Cambodia was under the control of the United Nations Transitional Authority in Cambodia, which was formed following the 1991 Paris Peace Accords as Cambodia emerged from a seven-year civil war. Cambodia had witnessed decades of war in the lead-up to the 1990s, which included a coup-d’état, the US bombing of the country, the take-over of the country by the communist genocidal Khmer Rouge, and the invasion of Cambodia by its Vietnamese neighbours. As a result, the World Heritage Committee made the listing 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.”<sup>44</sup>

### ESTABLISHMENT OF ICC-ANGKOR

The “authority” established as a response to the Committee’s recommendation is the International Coordinating Committee for the Safeguarding and Development of the Historic Site of Angkor (ICC-Angkor), which came into being in 1993 at the Intergovernmental Conference for the Safeguarding and Development of the Historic Site of Angkor and Phnom Penh in Tokyo, Japan.<sup>45</sup> At the time of its establishment, the primary purpose of ICC-Angkor was to “assist the Cambodian government in defining conservation priorities and to promote and coordinate international assistance.”<sup>46</sup> According to UNESCO Cambodia, ICC-Angkor “ensures the consistency of the various projects, and defines, when necessary, technical and financial standards and calls the attention of all the concerned parties when required. It also contributes to the overall management of the property and its sustainable development.”<sup>47</sup> It effectively serves as a monitoring body for Angkor.<sup>48</sup>

Article 2 of ICC-Angkor’s Internal Regulations require that it “be kept abreast of scientific projects or development operations undertaken on the site and in the Siem Reap-Angkor region.”<sup>49</sup> At the date of publication of this report, ICC-Angkor had overseen 37 technical sessions and 29 plenary sessions to ensure coordination of a USD 600 million investment in conservation and development for the site.<sup>50</sup> ICC-Angkor has also published reports and recommendations, some as recently as December 2022, calling for the dismantling of illegal structures and congratulating the ongoing efforts of authorities.<sup>51</sup>

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40 UNESCO, 16th Session of the World Heritage Committee, 7-14 December 1992, WHC-92/CONF.002/12, <https://whc.unesco.org/archive/1992/whc-92-conf002-12e.pdf>, p. 37.

41 UNESCO, “The Criteria for Selection”, <https://whc.unesco.org/en/criteria/> (accessed 1 August 2023).

42 UNESCO, “The World Heritage Committee”, <https://whc.unesco.org/en/committee/> (accessed 1 August 2023).

43 UNESCO, 16th Session of the World Heritage Committee, 7-14 December 1992, WHC-92/CONF.002/12, <https://whc.unesco.org/archive/1992/whc-92-conf002-12e.pdf>, p. 37.

44 UNESCO, Zoning and Environmental Management Plan for Angkor, September 1993 (ZEMP).

45 UNESCO press release, “25th Anniversary of the ICC-Angkor/Visit of UNESCO Director General”, 4 December 2018.

46 UNESCO, “World Heritage Committee Seventeenth Session: Cartagena”, 6-11 December 1993, p. 31, <https://whc.unesco.org/archive/1993/whc-93-conf002-14e.pdf>

47 UNESCO, “Angkor”, <https://whc.unesco.org/en/list/668/> (accessed 1 August 2023).

48 UNESCO, “Angkor”, <https://whc.unesco.org/en/list/668/> (accessed 1 August 2023).

49 ICC-Angkor, ICC-Angkor Internal Regulations, 1 December 2008, Article 2.

50 UNESCO, International Coordinating Committee for the Safeguarding and Development of the Historic Sites of Angkor and Sambor Prei Kuk (ICC-Angkor/Sambor Prei Kuk), 1 May 2023, <https://www.unesco.org/en/articles/international-coordinating-committee-safeguarding-and-development-historic-sites-angkor-and-sambor> (accessed 18 July 2023).

51 ICC-Angkor, Recommendations, December 2022, p. 20 (unpublished), on file with Amnesty International.

ICC-Angkor is technically comprised of the participants of the Intergovernmental Conferences of Tokyo (1993) and Paris (2003),<sup>52</sup> with UNESCO, and the ambassadors of France and Japan holding key positions.<sup>53</sup> ICC-Angkor is advised by independent ad hoc experts. Along with the Secretariat members, these cover a range of areas of expertise, including archaeology, law, heritage management, anthropology, history, mediation and territorial culture, tourism and geology, but it is not clear if any of them are experts in human rights law.<sup>54</sup>

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."<sup>55</sup> In addition, the Secretariat is expected to:

- care for the preparation, organization and logistics of the ICC meetings;
- send invitations to the participants to attend the ICC meetings;
- draw up the agenda of the meetings in consultation with the co-chairmen;
- write up, distribute and follow through upon recommendations made at the ICC meetings;
- report to the ICC on follow-up of recommendations made at previous meetings; and
- publish a general record of the ICC's meetings.<sup>56</sup>

ICC-Angkor is funded in part by the governments of France and Japan "within the limits of their respective budgetary appropriations, to the UNESCO office in Phnom Penh", and the regular budget of UNESCO.<sup>57</sup> Further, France and Japan each have a representative in ICC-Angkor who serves as a co-chair during its sessions. The ambassadors to Cambodia of France and Japan serve as the co-presidents to ICC-Angkor for Plenary Sessions.<sup>58</sup>

ICC-Angkor holds significant power over the management of Angkor. For example, on 27 January 2021, Naga Group Limited, which operates a casino in Phnom Penh that has been accused of union-busting tactics,<sup>59</sup> presented a project for a leisure park to be built on a 75-hectare plot of land in Angkor.<sup>60</sup>

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52 ICC-Angkor, ICC-Angkor Internal Regulations, 1 December 2008, Article 3. The participants were Germany, Australia, Belgium, Brunei, Cambodia, Canada, Denmark, Egypt, Spain, the United States of America, the Russian Federation, France, Greece, Hungary, India, Indonesia, Italy, Japan, the Netherlands, the Philippines, Poland, the United Kingdom of Great Britain and Northern Ireland, the Republic of Korea, the People's Republic of China, Singapore, Sri Lanka, Sweden, Switzerland, Thailand, Tunisia, Vietnam, the European Union, the Asian Development Bank (ADB), the United Nations Organization for Food and Agriculture (FAO), the International Monetary Fund (IMF), the International Centre for the Study of the Preservation and Restoration of Cultural Property (ICCROM), the International Council of Museums (ICOM), the International Council on Monuments and Sites (ICOMOS), the World Tourism Organization (WTO), the Southeast Asian Ministers of Education Organization and Regional Centre for Archaeology and Fine Arts (SEAMEO/SPAFA), the United Nations Organization for Education, Science and Culture (UNESCO), the United Nations Development Program (UNDP), the United Nations Volunteers program (UNV) and the World Monuments Fund (WMF).

53 ICC-Angkor, ICC-Angkor Internal Regulations, 1 December 2008, Article 6; ICC-Angkor, "ICC-Angkor Co-Presidents", <https://icc-angkor.org/about-us/forewords-of-icc-angkor-co-presidents/> (accessed 13 August 2023).

54 ICC-Angkor, "ICC-Angkor Secretariat Members" and "Ad-hoc expert group for conservation", <https://icc-angkor.org/about-us/icc-angkor-secretariat-member/> and <https://icc-angkor.org/about-us/biographies/> (accessed 13 August 2023).

55 Irina Bokova, Director General of UNESCO, "Preface", [icc-angkor.org/about-us/prefaces-of-unesco-director-general/](https://icc-angkor.org/about-us/prefaces-of-unesco-director-general/), (accessed 01 August 2023); ICC-Angkor, ICC-Angkor Internal Regulations, 1 December 2008, Article 6.

56 ICC-Angkor, ICC-Angkor Internal Regulations, 1 December 2008, Article 6.

57 ICC-Angkor, ICC-Angkor Internal Regulations, 1 December 2008, Article 12.

58 ICC-Angkor, "ICC-Angkor Co-Presidents", <https://icc-angkor.org/about-us/forewords-of-icc-angkor-co-presidents/> (accessed 13 August 2023).

59 NagaWorld Casino laid off more than 1,000 workers, leading to a strike action in which the authorities attacked strikers and arrested, charged and convicted union members and leaders on bogus charges, which Amnesty International, Human Rights Watch and the Australian Council of Trade Unions said should be "quashed" and the union members "unconditionally released". See Cambodia: Casino union leader Chhim Sithar and strikers convicted, 25 May 2020, <https://www.amnesty.org/en/latest/news/2023/05/cambodia-casino-union-leader-chhim-sithar-and-strikers-convicted/> (accessed 18 October 2023).

60 APSARA, Report on the State of Conservation in Angkor 2021-2022, 26 November 2022, [whc.unesco.org/en/documents/197091](https://whc.unesco.org/en/documents/197091), p. 16.

ICC-Angkor rejected the proposal on the grounds that it would endanger the “Outstanding Universal Values” of the site and impinge upon its “sacred spirit.”<sup>61</sup> The property lease for the project had already been signed at the time it was rejected by ICC-Angkor,<sup>62</sup> so the rejection indicates that ICC-Angkor has significant influence over the management of Angkor.

## THE WORLD HERITAGE COMMITTEE

The World Heritage Convention is managed directly by its 195 state parties with two governance bodies: the General Assembly and the World Heritage Committee.<sup>63</sup> The World Heritage Committee in particular is responsible for the implementation of the World Heritage Convention. Significantly, the Secretariat of the Convention is provided by the UNESCO World Heritage Centre.



States are invited to present conservation reports on World Heritage Sites, which are adopted by the Committee, as part of its monitoring system.<sup>64</sup> Since 1992, the World Heritage Committee has played an active role in advising – and when necessary, recommending – actions to be taken by the Cambodian state in the context of Angkor’s preservation.<sup>65</sup>

## APSARA

In 1993, the World Heritage Committee recommended that the Cambodian state establish a national management agency for Angkor.<sup>66</sup> As a result, on 19 February 1995 the Cambodian government established APSARA<sup>67</sup> for the “protection, the preservation and the enhancement of the national cultural heritage” within Angkor.<sup>68</sup> APSARA is responsible for:

- the preservation, maintenance and restoration of monuments;
- the management of the historic water systems (barays, ponds, canals and rivers);
- the management of tourism, and dialogue with the communities living among traditional villages in the site;
- conducting research into the cultural values of the site and its region, especially the cultural heritage of Siem Reap town;
- the protection and conservation of forests within and around the site; and
- training and capacity building.<sup>69</sup>

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61 APSARA, Report on the State of Conservation in Angkor 2021-2022, 26 November 2022, <https://whc.unesco.org/en/documents/197091> p. 16.

62 APSARA, Report on the State of Conservation in Angkor 2021-2022, 26 November 2022, <https://whc.unesco.org/en/documents/197091> p. 16.

63 Annex 4, UNESCO, letter to Amnesty International, 24 October 2023, on file with Amnesty International, p 2.

64 UNESCO, “Reactive Monitoring Process”, <https://whc.unesco.org/en/173/> (accessed 27 October 2023).

65 Annex 4, UNESCO, letter to Amnesty International, 24 October 2023, on file with Amnesty International, p 2.

66 T. Winter, *Post-Conflict Heritage, Postcolonial Tourism: Culture, Politics and Development at Angkor*, 2007 London, Routledge, Chapter 3.

67 The word “apsara” is also a reference to the celestial dancers carved into many of Angkor Wat’s walls.

68 Cambodia, Law on Protection of Cultural Heritage, Article 5; Cambodia, Royal Establishment of the National Authority for the Protection and Management of Angkor and the Region of Siem Reap, named APSARA, 1995, [https://data.opendevlopmentcambodia.net/en/laws\\_record/royal-decree-on-the-establishment-of-the-national-authority-for-the-protection-and-management-of-an](https://data.opendevlopmentcambodia.net/en/laws_record/royal-decree-on-the-establishment-of-the-national-authority-for-the-protection-and-management-of-an)

69 Cambodia, Royal decree on the establishment of the National Authority for the Protection and Management of Angkor and the Region of Siem Reap, named APSARA, 1995, [https://data.opendevlopmentcambodia.net/en/laws\\_record/royal-decree-on-the-establishment-of-the-national-authority-for-the-protection-and-management-of-an](https://data.opendevlopmentcambodia.net/en/laws_record/royal-decree-on-the-establishment-of-the-national-authority-for-the-protection-and-management-of-an)

APSARA is comprised of civil servants and has expanded its role and responsibilities over the years. Through APSARA, the Cambodian state actively manages Angkor. According to its website, APSARA operates under the guidance of the Ministry of Culture and Fine Arts, with its Minister acting as the president.<sup>70</sup> As a result of the “successful conservation” work of ICC-Angkor and APSARA, Angkor was removed from the List of World Heritage in Danger in 2004.<sup>71</sup>

### 3.4 ZONING OF ANGKOR

In 1993, following Angkor’s inscription into the List of World Heritage in Danger, UNESCO commissioned a Zoning and Environmental Management Plan (ZEMP) for Angkor.<sup>72</sup> The report made significant recommendations with respect to the rights of Angkor’s inhabitants to remain in and around the site. The ZEMP found that while “[p]eople are an essential part of the character of the Angkor Parks... habitation in the core restricted areas is inappropriate to the preservation and presentation of major archaeological sites and will be prohibited.”<sup>73</sup> The Report distinguished between two types of settlement. It found that “old settlements should be allowed to continue” and, therefore, “[c]ontinuation 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.”<sup>74</sup> However, the “[e]nlargement of these settlements and creation of new settlements is inappropriate and will be prohibited except in one or two designated locations.”<sup>75</sup>

Following ZEMP’s findings, the World Heritage Committee recommended that relevant UN agencies and Cambodian authorities “enact adequate protective legislation” and “define meaningful buffer zones”.<sup>76</sup> According to the ZEMP, in order “[t]o formulate a long-term framework for sustainable and environmentally sound use of the archaeological sites and natural resources (water, land, fauna and flora) of the Angkor Region” there needed to be “delimiting areas as zones requiring different levels of protection and active management to meet the needs of the local people for agriculture, forestry and tourism development.”<sup>77</sup> One of these zones was the “buffer zone”, which is intended to surround the “nominated site” for the purposes of effective protection.<sup>78</sup> The ZEMP proposed “Plan 10”, which delineated five zones, with Zone 1 as the monumental site or “core zone” and Zone 2 as the protected archaeological reserves or “buffer zone.”

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70 APSARA, “APSARA National Authority Organigram”, <https://apsaraauthority.gov.kh/apsara-authority-main/organisation-structure/> (accessed 21 July 2023).

71 UNESCO, “Angkor”, <https://whc.unesco.org/en/list/668/>, (accessed 01 August 2023).

72 ZEMP, p. 29.

73 ZEMP, p. 29.

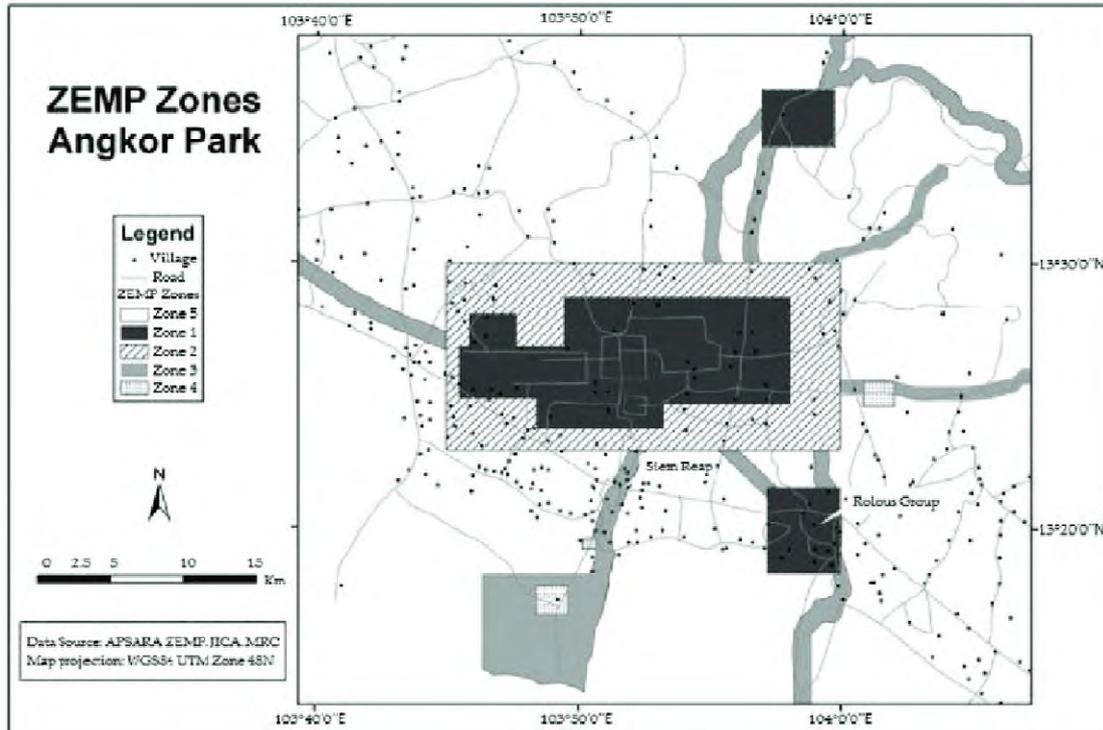
74 ZEMP, p. 29.

75 ZEMP, p. 29.

76 UNESCO, “Angkor, 2008”, <https://whc.unesco.org/en/soc/1717>.

77 ZEMP, p 29.

78 Buffer zones are regularly part of conversation plans across World Heritage Sites. UNESCO’s Operational Guidelines provide that “a buffer zone is an area surrounding the nominated property which has complementary legal and/or customary restrictions” “for the purposes of effective protection of the nominated site.” See Operational Guidelines, para. 104. [https://whc.unesco.org/en/compendium/action=list&id\\_faq\\_themes=1528#:~:text=%E2%80%9CFor%20the%20purposes%20of%20effective,of%20protection%20to%20the%20property.](https://whc.unesco.org/en/compendium/action=list&id_faq_themes=1528#:~:text=%E2%80%9CFor%20the%20purposes%20of%20effective,of%20protection%20to%20the%20property.)



Zoning map according to the UNESCO-commissioned ZEMP study.

In response to the World Heritage Committee's recommendation – which was a response to the ZEMP's proposal – in May 1994, the government of Cambodia promulgated Royal Decree N. 001 establishing Protected Cultural Zones in the Siem Reap/Angkor Region and Guidelines for their Management. Royal Decree N. 001 established the same five zones as suggested by the ZEMP, closely, if not exactly, mirroring the delineations. Articles 3 and 4 set out Zone 1 and Zone 2, respectively.<sup>79</sup> Zone 1 is for the protection of monumental sites such as the temples of Angkor, like Angkor Wat,<sup>80</sup> whereas Zone 2 is for Protected Archaeological Reserves, and serves as a buffer zone to protect Zone 1.<sup>81</sup> A variety of rights accrue to residents of Zone 1 and 2 via the provisions of this Decree, including for farming and promoting small scale irrigation.<sup>82</sup>

Significantly, Article 17 of the Royal Decree N.001 notes that in Zone 1, “[r]esidential uses should be prohibited” and “assistance should be given to residents for their relocation, in particular by providing them with land and building materials for their houses and community facilities”.<sup>83</sup> For Zone 2, on the other hand, only the “old villages” are permitted to stay and should be “preserved”. In addition, the expansion of built-up areas must be prohibited.<sup>84</sup>

79 Cambodia, Royal decree N. 001 on the Zoning and Management of the Region of Siem Reap/Angkor, 1994, Article 3, 4.

80 Cambodia, Royal decree N. 001 on the Zoning and Management of the Region of Siem Reap/Angkor, 1994, Article 3.

81 Cambodia, Royal decree N. 001 on the Zoning and Management of the Region of Siem Reap/Angkor, 1994, Article 4.

82 Article 8 provides that “development” in Zone 1 is prohibited, with the exception of development that is “essential for the protection and enhancement of the [Monumental] sites.” Development in Zone 2 is also prohibited except for what is “essential for the protection and enhancement of the archaeological sites” or “the preservation of local lifestyles.” Under Article 14, Zone 1 rice fields are to be maintained, indicating that farmers from this zone should be able to continue their livelihoods. Whereas in Zone 2, small-scale irrigation to increase the resident population’s “self-sufficiency” is encouraged. Farming and crop planting for local residents in Zones 1 and 2 are encouraged in Article 16, Cambodia, Royal decree N. 001 on the Zoning and Management of the Region of Siem Reap/Angkor, 1994, Article 17(b).

83 Cambodia, Royal decree N. 001 on the Zoning and Management of the Region of Siem Reap/Angkor, 1994, Article 17(b).

84 Cambodia, Royal decree N. 001 on the Zoning and Management of the Region of Siem Reap/Angkor, 1994, Article 17(c). It should be noted that Articles 15, 16 and 17 of Royal Decree N. 001 are described as guidelines, and the use of certain language within the articles, such as “should” rather than more definitive terminology, makes them harder to interpret with certainty.

In 2004, Cambodia passed Decision N. 70, which defined the standards for land use in Zones 1 and 2 of Angkor. According to this law, those who settled in Zone 2 and have lived there from “a long time ago”<sup>85</sup> “are allowed to maintain their domicile in it without being forced to leave their residence.”<sup>86</sup> It further provides that citizens with these rights can fix old or dilapidated houses or build new houses to replace their ancestral houses only if they have approval from APSARA authority.<sup>87</sup> Significantly, however, Decision N. 70 does not define “a long time ago” and, like Royal Decree N. 001, does not clarify which families qualified for that status.<sup>88</sup>

Therefore, neither the ZEMP nor the Cambodian implementing legislation provide any clarity on which residents fitted the categories of inhabitants of traditional villages versus inhabitants of new settlements.

### 3.5 ORIGIN OF THE EVICTIONS

In 2005, the consequences of this lack of clarity and the failure by the state to properly enforce its own laws was brought to the attention of the World Heritage Committee. As reported by the Committee, “[a]t the beginning of 2005, UNESCO learned of the alarming situation affecting the protected areas, particularly Zone 2, linked to ongoing developments not in conformity with existing regulations.”<sup>89</sup> Later that year, UNESCO commissioned a report to further investigate this issue and, after visiting Zones 1 and 2, its legal expert concluded that “although the existing regulatory conditions for the development of these zones are clear in their principles and with respect to the participation of local populations in maintaining the intrinsic values of the property, they appear to be obsolete or lacking in clarity from the standpoint of concrete modalities with regard to their application.”<sup>90</sup> The report acknowledged an “ambiguity regarding property rights of the zones concerned” and found that “the lack of an accurate cadastral survey makes it difficult to judge the legality of some building requests.”<sup>91</sup>

The failure to properly implement zoning was raised in subsequent Committee meetings and led to additional reports and recommendations. One of these was the Angkor management plan prepared by UNESCO in close cooperation with APSARA, which found that “land use and occupation and development within the boundaries of the protected zones is not being administered according to the intention of the legislation”, the most significant issue being “the inability over the succeeding years to limit urban development to the outer boundary of zone 2 (buffer zone), north of Siem Reap,” resulting from the extraordinary growth in tourism and population.<sup>92</sup> Notably, the report concluded that “a major and irreversible negative impact to the integrity of the property will take place unless the authorities are able to exert effective control on land management as a matter of urgency.”<sup>93</sup>

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85 An explainer document for Decision N. 70 also provides some insight for the public but fails to explain any of the criteria used to determine the precise meaning of the phrase “a long time ago”. The document notes that Angkor land use is different from the land use in other areas. It further explains that the residents of Angkor “have preserved the culture, tradition of the Khmer ancestors, and they played their part in protecting and keeping this priceless cultural heritage. Therefore, they are allowed to stay in this area continuously according to the state’s policy, in which the Apsara Authority applied the law and the policy directly.” It is not clear to which policy the document refers, but another explanation states that “the Royal government authorized the people to continue living on the land – who have lived for a very long time – and there is no eviction from the house.” Finally, the document refers to a census conducted by APSARA but does not give specific information on how this census was conducted or what information it aimed to gather. See APSARA, Questions-Answer to Understand the Decision Number 70 Ssr, 16 November 2004.

86 Cambodia, Decision N. 70/SSR on Determination of Standards for Utilization of Land in Zones 1 and 2 of Siem Reap/Angkor Sites, 2004, Article 2.

87 Cambodia, Decision N. 70/SSR on Determination of Standards for Utilization of Land in Zones 1 and 2 of Siem Reap/Angkor Sites, 2004, Article 2. Note also that Decision N. 70 also provides that property can be resold to neighbours or descendants but not to businesses. This appears to give residents a partial ownership of the land but limits their ability to sell it.

88 Cambodia, Law on the Organization and Functioning of the Council of Ministers, 1994, Article 13, Cambodia, the Constitution of the Kingdom of Cambodia, 1993, Article 150.

89 UNESCO, “Angkor, 2006”, <https://whc.unesco.org/en/soc/1181>

90 UNESCO, “Angkor, 2006”, <https://whc.unesco.org/en/soc/1181>

91 UNESCO, “Angkor, 2006”, <https://whc.unesco.org/en/soc/1181>

92 UNESCO, “Angkor, 2008”, <https://whc.unesco.org/en/soc/845>

93 UNESCO, “Angkor, 2008”, <https://whc.unesco.org/en/soc/845>



THE CAMBODIAN GOVERNMENT,  
ESPECIALLY UNDER THE LEADERSHIP OF THE THEN  
**PRIME MINISTER HUN SEN**  
HAS CARRIED OUT FORCED EVICTIONS IN THE RECENT PAST



**AMNESTY INTERNATIONAL HAS DOCUMENTED SEVERAL FORCED EVICTIONS THAT CONSTITUTED**

**GROSS VIOLATIONS OF HUMAN RIGHTS**

The report also found that “in order to ensure the safeguarding of Angkor it would still be necessary for the Cambodian authorities to pass urgent legislation to bring certainty to the rights of community members living in the Park area, further clarify the planning provisions within the protected zones and allocate the necessary resources to strengthen the institutional capacity of APSARA.”<sup>94</sup> In response to these recommendations, APSARA reported to the Committee that it had already taken and was planning to take additional significant actions to address the concerns.<sup>95</sup> This is the time when the evictions at the heart of this report commenced.

### **3.6 HISTORY OF FORCED EVICTIONS IN CAMBODIA**

The Cambodian government, especially under the leadership of the then Prime Minister Hun Sen, has carried out forced evictions in the recent past. Amnesty International has documented several forced evictions that constituted gross violations of human rights, including those that involved Cambodian authorities burning homes and possessions, violently attacking people to evict them, attempted murder of people facing eviction, murder of people being evicted, murder of human rights defenders working on forced eviction, and forced evictions of indigenous people from their ancestral lands.<sup>96</sup> In 2008, Amnesty International described the Cambodian authorities as “not only failing to protect – in law and practice – its population against forced evictions, but... also actively involved in such acts, which contravene international law.”<sup>97</sup> By 2011, Amnesty International had described the failures of the Cambodian authorities as “systematic”.<sup>98</sup>

94 UNESCO, “Angkor, 2008”, <https://whc.unesco.org/en/soc/845>

95 UNESCO, “Angkor, 2008”, <https://whc.unesco.org/en/soc/845>

96 Amnesty International, Rights Razed: Forced evictions in Cambodia, 2008, ASA 23/002/2008, [amnesty.org/en/wp-content/uploads/2021/07/asa230022008en.pdf](https://www.amnesty.org/en/wp-content/uploads/2021/07/asa230022008en.pdf), pp 30, 37 - 41.

97 Amnesty International, Rights Razed: Forced evictions in Cambodia, 2008, ASA 23/002/2008, [www.amnesty.org/en/wp-content/uploads/2021/07/asa230022008en.pdf](https://www.amnesty.org/en/wp-content/uploads/2021/07/asa230022008en.pdf), p 43.

98 Amnesty International, Cambodia: Eviction and resistance in Cambodia: Five women tell their stories, ASA 23/006/2011, 24 November 2011, <https://www.amnesty.org/en/documents/asa23/006/2011/en/>, p 6.



*A balloon with “Angkor Wat” displayed on it rises above the rubble of houses at Angkor World Heritage Site, March 2023, Amnesty International.*

## 3.7 RAMPING IT UP: FORCED EVICTIONS IN ANGKOR

Despite the longstanding concern of the World Heritage Committee about Zones 1 and 2, large-scale efforts by Cambodian authorities to relocate families from these areas did not take place until 2022. Smaller efforts started in 2005,<sup>99</sup> and parts of the resettlement sites were prepared around the same time.<sup>100</sup> However, according to Amnesty International’s findings, the forced evictions – which state authorities refer to as a “relocation programme” – were dramatically ramped up in 2022.<sup>101</sup> This is confirmed by APSARA’s State of Conservation Report 2021-2022 (APSARA’s Conservation Report), which explains that, “[v]ery recently (the action is still ongoing), the Royal Government of Cambodia began implementing a vast programme concerning certain parts of ANGKOR Archaeological Park occupied by illegal housing, to address the threat of damage to their landscape.”<sup>102</sup>

Appendix 1 to APSARA’s Conservation Report provides details of this programme. Notably, it states 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.”<sup>103</sup> Instead, the focus of the state effort is, according to APSARA, “to end the presence – particularly in the (sometimes immediate) vicinity of the Angkor Wat temple – of

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99 The Cambodia Daily, “Waving Worthless Approval Papers, Angkor Villagers Lose Homes”, 11 August 2017, <https://english.cambodiadaily.com/editors-choice/waving-worthless-approval-papers-angkor-villagers-lose-homes-133516/> (accessed on 7 August 2023).

100 ICC-Angkor, Twelfth Plenary Session 2005, KH/CLT/2005/RP/1, pp. 134-5. Sna Sangkream community reported that the land was stolen from them to make the Run Ta Ek resettlement site, Amnesty International Group Interview with 22 community members of Sna Sangkream, 28 June 2023.

101 APSARA, Report on the State of Conservation in Angkor 2021-2022, 26 November 2022, <https://whc.unesco.org/en/documents/197091>, p. 26.

102 APSARA, Report on the State of Conservation in Angkor 2021-2022, 26 November 2022, <https://whc.unesco.org/en/documents/197091>, p. 26.

103 APSARA, Report on the State of Conservation in Angkor 2021-2022, 26 November 2022, <https://whc.unesco.org/en/documents/197091>, p. 26.

inhabitants who have settled illegally on archaeological sites where building is prohibited”.<sup>104</sup> The report also notes that “the new and innovative aspect of the recently initiated action is the commitment to ensuring that these inhabitants are able to move into decent housing outside of the park.”<sup>105</sup> The report identifies two resettlement sites, the Run Ta Ek zone in the Banteay district and the Peak Sneng zone in the Angkor Thom district.<sup>106</sup>

In addition to APSARA’s Conservation Report – which was made public but only appears to exist in French, and does not appear to have been shared directly with the families in Zones 1 and 2 – on 13 September 2022, the then Prime Minister Hun Sen gave a speech during a meeting at Run Ta Ek, one of the resettlement sites. The speech, aired on the local government-affiliated news station Fresh News, was given in the presence of other senior government officials, including: the Minister for Land Management, Chea Sophara; the Siem Reap Governor, Tea Seiha; the Environment Minister, Say Sam Al; and several military commanders.<sup>107</sup> That speech outlined a 10-year policy for the relocation programme and told viewers what the relocation package would include: military transport of evicted persons; food and cash donations; the provision of ID Poor (a social security programme) to each family for 10 years); land plots; and infrastructure at the site.<sup>108</sup> The then Prime Minister also asked microfinance institutions to provide loans to assist individuals who were being relocated, to start new businesses.<sup>109</sup>

On 3 October 2022, the Prime Minister gave another speech in which he stated that people must either leave the Angkor site soon and receive some form of compensation or be evicted at a later time and receive nothing:<sup>110</sup>

I would like to inform [the families at Angkor] that at this moment the Royal Government is caring and is pleading for you to leave. I went there, and I, myself, met nearly 4,000 households, including Siem Reap residents. But if the time comes, even one cent is not given, and we must send them out of Angkor areas straight away. This is a message.

This is the time the Royal Government is caring. The infrastructure is provided. But when the time comes, it is disagreeable that Angkor Wat is allowed to be removed from World Heritage status, instead, clearly, the families must go.

All of your land does not have official land titles [speaking to the people at Angkor] ... The pressure from UNESCO is related to the protection of the Angkor site... If the measure must be taken, please go away without, necessarily, receiving any compensation; because [you] denied the previous offer of compensation. Please go, go, go. It’s done!<sup>111</sup>

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104 APSARA, Report on the State of Conservation in Angkor 2021-2022, 26 November 2022, <https://whc.unesco.org/en/documents/197091>, p. 26.

105 APSARA, Report on the State of Conservation in Angkor 2021-2022, 26 November 2022, <https://whc.unesco.org/en/documents/197091>, p. 26.

106 According to APSARA, the relocation programme “has the support of the Prime Minister, Samdech Techo Hun Sen, [and] is being conducted by the Minister of Regional and Urban Planning and Construction, His Excellency Chea Sophara, the Deputy Prime Minister, and his technical team, with the commitment of Her Excellency Dr Phoeurng Sackona, Minister of Culture and Fine Arts, and the participation of the Director-General of the APSARA National Authority. APSARA, Report on the State of Conservation in Angkor 2021-2022, 26 November 2022, <https://whc.unesco.org/en/documents/197091>, p. 26.

107 Fresh News, “Prime Minister Hun Sen speech at Run Ta Ek”, 13 September 2022.

108 See Annex 1 for the speech as translated unofficially by Amnesty International.

109 See Annex 1 for the speech as translated unofficially by Amnesty International.

110 Press OCM, Prime Minister Hun speech at a graduation ceremony at a private university in Phnom Penh, 3 October 2022, <https://www.youtube.com/watch?v=JaFkMxtVd5M> [unofficial translation].

111 Press OCM, Prime Minister Hun speech at a graduation ceremony at a private university in Phnom Penh, 3 October 2022, <https://www.youtube.com/watch?v=JaFkMxtVd5M> [unofficial translation].

A number of families who heard the speech and have been affected by the evictions told Amnesty International that they perceived the message as a direct threat to them.<sup>112</sup> They understood from it that, if they chose to leave their homes and lands “voluntarily” and immediately, they would receive compensation; otherwise, they would be forcibly removed, with no compensation.<sup>113</sup> Amnesty International spoke with 15 evicted families who referenced the speeches of the Prime Minister to show why they felt they had to leave, and also note that UNESCO did not want them at Angkor.<sup>114</sup> Three families described feeling afraid of the former Prime Minister and of what he would do if they did not leave the site.<sup>115</sup>

During the second half of 2022, officials of the Ministry of Land Management, Urban Planning and Construction (MLMUPC), APSARA and local authorities, such as village chiefs and local police, began visiting families residing in Zones 1 and 2 to measure land plots and collect identification and land documents. People who Amnesty International interviewed said that the authorities did not provide them with any reason for these visits.<sup>116</sup> This exercise paved the way for the ongoing forced evictions of families from their homes in Angkor.<sup>117</sup>



*A dog sniffs a family's possessions as they prepare to leave their home at Angkor World Heritage Site, March 2023, Amnesty International.*

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112 Amnesty International interviews with: Chhaya, Chhean, Chhorvin, Chhorvon, 22 March 2023; Rachany, Rainsey, Raksmei, 13 June 2023.

113 Amnesty International interviews with: Chhaya, Chhean, Chhorvin, Chhorvon, 22 March 2023, Rachany, Rainsey, Raksmei, 13 June 2023.

114 Amnesty International interviews with: Chanvatey, Chariya, Charya, Chavy, 21 March 2023; Chhaya, Chhean, Chhorvin, Chhorvon, 22 March 2023; Piseth and Pisey, 23 March 2023; Ponlok, 12 June 2023; Devi 24 June 2023; Rithy, 26 June 2023; Samay, 27 June 2023; Sangha and Sopheap, 29 June 2023.

115 Amnesty International interviews with Chanvatey, Chariya, Charya, Chavy, 21 March 2023; Samnang and Samphy, 29 June 2023.

116 Amnesty International interviews with: Chanvatey, Chariya, Charya, Chavy, 22 March 2023; Chea and Chaya, 21 March 2023; Devi, 14 June 2023; Samnang and Samphy, 29 June 2023.

117 Amnesty International site visits during March and June 2023.

# 4. INTERNATIONAL LEGAL FRAMEWORK

## 4.1 STATE OBLIGATIONS

### THE HUMAN RIGHT TO ADEQUATE HOUSING

Cambodia is obligated under seven major human rights treaties to respect, protect and fulfil the right to adequate housing. Cambodia has agreed to uphold the human right to adequate housing for everyone, including refugees, women, children and people with disabilities. It has affirmed the right to adequate housing under the International Covenant of Economic, Social and Cultural Rights (ICESCR) (1966),<sup>118</sup> the Convention on the Elimination of All Forms of Racial Discrimination (1969),<sup>119</sup> the Convention relating to the Status of Refugees (1951),<sup>120</sup> the Convention on the Elimination of All Forms of Discrimination Against Women (1979),<sup>121</sup> the Convention on the Rights of the Child (1989),<sup>122</sup> the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990),<sup>123</sup> and the Convention on the Rights of Persons with Disabilities (2008).<sup>124</sup>



According to the UN Committee on Economic, Social and Cultural Rights (CESCR), a body of experts mandated to monitor the implementation of the ICESCR and provide authoritative interpretations of the normative content of the rights enshrined in it, adequate housing requires:

- a) legal security of tenure;
- b) availability of services, materials, facilities and infrastructure;
- c) affordability;
- d) habitability;
- e) accessibility;
- f) location; and
- g) cultural adequacy.<sup>125</sup>

118 Cambodia signed the Covenant on 17 October 1980 and ratified it on 26 May 1992, Article 11.

119 Cambodia signed the Convention on 12 April 1966 and ratified it on 28 November 1983. The right to adequate housing is found under Article 5[e][iii].

120 Cambodia acceded to the Convention on 15 October 1992. The right to adequate housing for refugees is found under Article 25.

121 Cambodia signed the Convention on 17 October 1980 and ratified it on 15 October 1992. The right to adequate housing for women is found under Article 14[2].

122 Cambodia acceded to the Convention on 15 October 1992. The right to adequate housing for children is found under Article 27(3).

123 Cambodia signed the Convention on 27 September 2004 but has not ratified it. The right to adequate housing for migrant workers and their families is found under Article 43(1).

124 Cambodia signed the Convention on 1 October 2007 and ratified it on 20 December 2012. The right to adequate housing for persons with disabilities is found under Article 28(1).

125 UN Committee on Economic, Social and Cultural Rights, General Comment No. 4: The Right to Adequate Housing (Art. 11 (1) of the Covenant), Adopted at the Sixth Session of the Committee on Economic, Social and Cultural Rights, on 13 December 1991 (contained in Document E/1992/23), para. 8, (a)(b)(c)(d)(e)(f)(g).



*A house at the Run Ta Ek resettlement site, July 2023, Amnesty International.*

Legislation against forced evictions is an essential basis upon which to build a system of effective protection and should include “measures which (a) provide the greatest possible security of tenure to occupiers of houses and land, (b) conform to the Covenant, and (c) are designed to control strictly the circumstances under which evictions may be carried out.”<sup>126</sup>

## FORCED EVICTIONS

As further explained by CESCR, forced evictions are a direct violation of the human right to adequate housing.<sup>127</sup> The international community recognizes forced evictions as a gross violation of human rights.<sup>128</sup>

A forced eviction is the removal of people against their will from the homes or land they occupy, without legal protections and other safeguards.<sup>129</sup> Under international human rights law, states must ensure that evictions only occur in exceptional circumstances and require full justification given their adverse impact on a wide range of internationally recognized human rights. Evictions may only be carried out as a last resort once all other feasible alternatives have been explored in genuine consultation with all affected people and once appropriate procedural protections are in place.

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126 UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 7: The right to adequate housing (Article 11.1): forced evictions, 20 May 1997, E/1998/22, <https://www.refworld.org/docid/47a70799d.html> (accessed 13 July 2023) para. 9.

127 UN Committee on Economic, Social and Cultural Rights, General Comment No. 4: The Right to Adequate Housing (Art. 11 (1) of the Covenant), adopted at the Sixth Session of the Committee on Economic, Social and Cultural Rights, on 13 December 1991 (contained in Document E/1992/23), para. 18; UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 7: The right to adequate housing (Art.11.1): forced evictions, 20 May 1997, E/1998/22, <https://www.refworld.org/docid/47a70799d.html> (accessed 13 July 2023) para. 1.

128 UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 7: The right to adequate housing (Art.11.1): forced evictions, 20 May 1997, E/1998/22, <https://www.refworld.org/docid/47a70799d.html> (accessed 13 July 2023) para. 2.

129 UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 7: The right to adequate housing (Art.11.1): forced evictions, 20 May 1997, E/1998/22, <https://www.refworld.org/docid/47a70799d.html> (accessed 13 July 2023) para. 3.

Such procedural protections and safeguards include but are not limited to:<sup>130</sup>

- an opportunity for genuine consultation with all those affected;
- adequate and reasonable notice for affected people prior to the eviction;
- accessible information on the proposed evictions and, where applicable, on the alternative purpose for which the land or housing is to be used, to be made available in reasonable time to all those affected;
- the presence of government officials or their representatives during the eviction;
- proper identification of anyone and everyone carrying out the eviction;
- evictions not taking place in particularly bad weather or at night, unless affected people consent;
- provision of recourse mechanisms and legal remedies;
- provision, where possible, of legal aid to people who are in need of it to seek redress from the courts; and
- compensation for all losses.

Furthermore, General Comment 7 clearly states that no one should be rendered homeless or vulnerable to human rights violations as a result of evictions.<sup>131</sup> As a party to the ICESCR, and other international human rights treaties which prohibit forced eviction and related human rights violations, Cambodia has an obligation to stop forced evictions and to protect the population from further forced evictions.

The UN Basic Principles and Guidelines on Development-Based Evictions and Displacement (“UN Basic Principles”) summarize the safeguards and principles against forced evictions.<sup>132</sup> In line with the obligations to guarantee the right to adequate housing and prevent forced evictions, the UN Basic Principles provide a list of safeguards that states should put in place before, during and after carrying out any eviction. The UN Basic Principles also include effective remedy, which must be made available to all victims of forced evictions. They reiterate that governments must provide compensation and resettlement to all those affected, without discrimination,<sup>133</sup> ensuring that no one is left homeless because of an eviction.<sup>134</sup> The government must ensure that all affected individuals are provided with appropriate notice; they should release information in advance and provide all affected residents reasonable time to publicly review or object to the proposed plan, including plans to protect vulnerable groups.<sup>135</sup>

These safeguards must apply irrespective of whether people own, rent or have no legal claim to the land or house they are living in.<sup>136</sup> As a result, the protection from forced evictions is available to everyone, whatever the type of tenure of housing or land.

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130 CESCR, General Comment 7, para. 15.

131 UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 7: The right to adequate housing (Art.11.1): forced evictions, 20 May 1997, E/1998/22, <https://www.refworld.org/docid/47a70799d.html> (accessed 13 July 2023) para. 7.

132 Presented in the report of the UN Special Rapporteur on Adequate Housing, A/HRC/4/18, February 2007. Available at: <https://www.refworld.org/docid/461f35472.html>

133 UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 7: The right to adequate housing (Art.11.1): forced evictions, 20 May 1997, E/1998/22, <https://www.refworld.org/docid/47a70799d.html> (accessed 13 July 2023) para. 15.

134 Basic Principles and Guidelines on Development-based Evictions and Displacement, Annex 1 of the report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living A/HRC/4/18, para. 43 (“UN Basic Principles”).

135 Basic Principles and Guidelines on Development-based Evictions and Displacement, Annex 1 of the report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living A/HRC/4/18, paras. 37, 41, 42, 56(j).

136 Basic Principles and Guidelines on Development-Based Evictions and Displacement, Annex 1 of the report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living A/HRC/4/18 (2007), para. 61

## UNESCO CONVENTIONS

The Cambodian government also takes on further obligations to uphold international law via its accession to the Convention Concerning the Protection of the World Cultural and Natural Heritage (“the UNESCO Convention”).<sup>137</sup> This requires the government to “keep the public broadly informed of the dangers threatening” heritage sites and of “the activities carried on in pursuance of this Convention”.<sup>138</sup>

Further, under UNESCO’s Operational Guidelines for the Implementation of the World Heritage Convention, “States Parties are encouraged to mainstream into their programmes and activities related to the World Heritage Convention the principles of the relevant policies adopted by the World Heritage Committee, the General Assembly of States Parties to the Convention and the UNESCO Governing Bodies... including... international human rights standards.”<sup>139</sup> Article 111 notes that an effective management system for World Heritage Sites “could include... a respect for diversity, equity, gender equality and human rights and the use of inclusive and participatory planning and stakeholder consultation processes.”<sup>140</sup> The Articles make it clear that World Heritage management should include respect for international human rights standards as part of effective management.

## CAMBODIAN LAW

Cambodia has not adopted legislation that adequately prevents forced evictions, which the Committee on Economic, Social and Cultural rights has described as an “essential basis upon which to build a system of effective protection.”<sup>141</sup> The Committee provides that legislation prohibiting forced evictions should include “measures which (a) provide the greatest possible security of tenure to occupiers of houses and land, (b) conform to the Covenant and (c) are designed to control strictly the circumstances under which evictions may be carried out.”<sup>142</sup>

The current laws do not prohibit forced evictions and have been criticised for failing to prevent forced evictions.<sup>143</sup>

However, some protections do exist within Cambodian legislation, including the right to compensation where private individuals have land appropriated by the state for legitimate reasons. In the case of externally financed projects, many of the components required to safeguard against forced evictions are outlined, including the provision of resettlement sites.<sup>144</sup> But these laws do not cover every situation, and do not appear to be consistently enforced, so they therefore remain largely ineffective at protecting Cambodia’s population from forced evictions.<sup>145</sup>

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137 Cambodia accepted the Convention on 28 November 1991, <https://www.unesco.org/en/countries/kh/conventions>

138 Convention Concerning the Protection of the World Cultural and Natural Heritage (1972) Article 27.

139 UNESCO, Operational Guidelines for the Implementation of the World Heritage Convention, 2021, WHC.21/01, <https://whc.unesco.org/en/guidelines/>, Article 14bis.

140 UNESCO, Operational Guidelines for the Implementation of the World Heritage Convention, 2021, WHC.21/01, <https://whc.unesco.org/en/guidelines/>, Article 111(b).

141 UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 7: The right to adequate housing (Art.11.1): forced evictions, 20 May 1997, E/1998/22, <https://www.refworld.org/docid/47a70799d.html> para. 9 (accessed 13 July 2023).

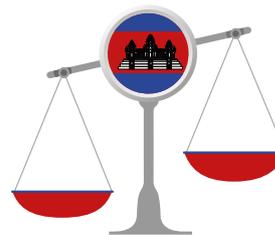
142 UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 7: The right to adequate housing (Art.11.1): forced evictions, 20 May 1997, E/1998/22, <https://www.refworld.org/docid/47a70799d.html> para. 9 (accessed 13 July 2023).

143 OHCHR Cambodia, Study on The Human Rights Situation of Communities Living In Resettlement Sites In Cambodia and Draft Resettlement Guidelines, 2020, [https://cambodia.ohchr.org/sites/default/files/report/other-report/Resettlement%20report\\_En%20FINAL.pdf](https://cambodia.ohchr.org/sites/default/files/report/other-report/Resettlement%20report_En%20FINAL.pdf), p. 38.

144 For example, the Sub-Decree on the Promulgation of the Standard Operating Procedures for Land Acquisition and Involuntary Resettlement for Externally Financed Projects in Cambodia, 2018, which upholds the laws outlined above that indicate compensation, is not provided where occupation of state-public property occurs.

145 In addition to the findings in this report, which evince the lack of protections against forced evictions afforded by Cambodia’s laws, the following research also demonstrates the lack of legal protections: Amnesty International, Cambodia: Eviction and resistance in Cambodia: Five women tell their stories, ASA 23/006/2011, 24 November 2011, <https://www.amnesty.org/en/documents/asa23/006/2011/en/>; Amnesty International, Rights Razed Forced evictions in Cambodia, 2008, ASA 23/002/2008, <https://www.amnesty.org/en/wp-content/uploads/2021/07/asa230022008en.pdf>; OHCHR Cambodia, Study on The Human Rights Situation of Communities Living In Resettlement Sites In Cambodia and Draft Resettlement Guidelines, 2020, [https://cambodia.ohchr.org/sites/default/files/report/other-report/Resettlement%20report\\_En%20FINAL.pdf](https://cambodia.ohchr.org/sites/default/files/report/other-report/Resettlement%20report_En%20FINAL.pdf), p. 38.

# CAMBODIA HAS NOT ADOPTED LEGISLATION THAT ADEQUATELY PREVENTS FORCED EVICTIONS,



WHICH THE COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS HAS DESCRIBED AS AN  
**“ESSENTIAL BASIS UPON WHICH TO BUILD A SYSTEM OF EFFECTIVE PROTECTION.”**

## THE CAMBODIAN CONSTITUTION

Article 31 of the Constitution of Cambodia recognizes and respects the human rights of all citizens.<sup>146</sup> Article 44 provides the right to ownership, stating that all persons have the right to ownership of property, but only Khmer citizens have the right to ownership of land.<sup>147</sup> Article 44 also provides that legal ownership is protected by law, and confiscation can only be permitted if it is in the public interest, and this requires “fair and just compensation in advance.”<sup>148</sup>

## THE LAW ON EXPROPRIATION

The Law on Expropriation regulates the process for state expropriation of land in the interest of infrastructure upgrades and projects. It is unclear whether this law has been used as justification for, or is applicable to, the evictions of people from Angkor or at the resettlement sites of Run Ta Ek and Peak Sneng. Given the constant upgrading of roads within Angkor, and projects to restore the site,<sup>149</sup> it is possible that the Law on Expropriation is applicable to resettlements caused by these upgrades and projects.<sup>150</sup>

Compensation is also further developed within the Law on Expropriation. Article 22 provides that compensation is to be “based on the market price or replacement cost as of the date of the issuance of the declaration on the expropriation project” which is to be determined by “an independent committee or agent appointed by the Expropriation Committee.”<sup>151</sup> Current practice for the payment of compensation is inconsistent with respect to the amount and type of compensation or whether it is given at all.<sup>152</sup>

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146 Cambodia, the Constitution of the Kingdom of Cambodia, 1993, Article 31.

147 Cambodia, the Constitution of the Kingdom of Cambodia, 1993, Article 44.

148 Cambodia, the Constitution of the Kingdom of Cambodia, 1993, Article 44.

149 Amnesty International found several cases of evictions from farmland to restore the ancient water system – which could be considered an infrastructure upgrade. See Case Study: Evicted by flood.

150 Under Article 18 of The Law on Expropriation, complaints can only be made by owners of immovable property upon receiving a declaration of the expropriation project. While this Article guarantees an important procedural right to owners of immovable properties to file complaints and helps them to protect their rights to property, none of the people that gave testimony to Amnesty International ever received a declaration of an expropriation project.

151 Cambodia, the Law on Expropriation, 2010, Article 22.

152 Sahmakum Teang Tnaut, Eviction and Relocation, 2020, [https://media.business-humanrights.org/media/documents/files/documents/STT-Eviction-and-Relocation\\_ENG\\_Final.pdf](https://media.business-humanrights.org/media/documents/files/documents/STT-Eviction-and-Relocation_ENG_Final.pdf), pp. 25-26 (accessed 12 July 2023)



*A teddy bear amongst the rubble of a house at Angkor World Heritage Site, March 2023, Amnesty International.*

## 4.2 UNESCO RESPONSIBILITIES

**UNESCO was the first UN agency to place the 1948 Universal Declaration of Human Rights “at the core of its action.”**<sup>153</sup> Further, UNESCO’s mandate is to contribute to “peace and security by promoting collaboration among the nations through education, science and culture in order to further universal respect for justice, for the rule of law and for the human rights and fundamental freedoms which are affirmed for the peoples of the world, without distinction of race, sex, language or religion, by the Charter of the United Nations”.<sup>154</sup> As stated by UNESCO, the organization “put human rights at the heart of all its programs. Human rights are also embedded in the principles of all UNESCO’s Conventions including the World Heritage Convention.”<sup>155</sup>

UNESCO has described its role as to “provide States Parties with guidance and technical support to help meet their obligations under the World Heritage Convention. [...] States Parties are encouraged to adopt a human-rights based approach and ensure gender-balanced participation of a wide variety of stakeholders and rights-holders, including local communities and other interested parties and partners (see paragraph 12 of the Operational Guidelines).”<sup>156</sup>

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153 UNESCO, (website) “UNESCO and the Universal Declaration on Human Rights”, <https://www.unesco.org/en/udhr> (accessed 10 October 2023).

154 Pursuant to Article I of its Constitution.

155 Annex 4, UNESCO, letter to Amnesty International, 24 October 2023, on file with Amnesty International, p 1.

156 Annex 4, UNESCO, letter to Amnesty International, 10 May 2023, on file with Amnesty International, p 1.

According to the Basic Principles and Guidelines on Development-Based Evictions, the international community, including international development organizations and other related institutions, “bears an obligation to promote, protect and fulfil the human right to housing, land and property.”<sup>157</sup> They state that international organizations should “take fully into account the prohibition on forced evictions under international human rights law and related standards.”<sup>158</sup>

## 4.3 THE WORLD HERITAGE COMMITTEE’S RESPONSIBILITIES

The World Heritage Committee is comprised of states, almost all of whom have independent obligations to respect, protect and fulfill human rights, including the right to adequate housing.<sup>159</sup> The World Heritage Committee, as a governance body of the World Heritage Convention, must respect human rights in exercising its functions. The UNESCO World Heritage Centre also bears this responsibility, as the Secretariat of the Convention.

Further, the World Heritage Convention has adopted five strategic objectives: “Credibility”, “Conservation”, “Capacity Building”, “Communication” and “Communities”, emphasizing the intention for “communities” to be consulted, and to actively share in the benefits of World Heritage status.

### BASIC PRINCIPLES AND GUIDELINES ON DEVELOPMENT-BASED EVICTIONS

***INTERNATIONAL ORGANIZATIONS SHOULD “TAKE FULLY INTO ACCOUNT THE PROHIBITION ON FORCED EVICTIONS UNDER INTERNATIONAL HUMAN RIGHTS LAW AND RELATED STANDARDS.”***

157 Basic Principles and Guidelines on Development-Based Evictions and Displacement (Basic Principles), 2007, Annex 1 to UN. Doc, NHRC/4/18, para. 71.

158 Basic Principles and Guidelines on Development-Based Evictions and Displacement (Basic Principles), 2007, Annex 1 to UN. Doc, NHRC/4/18, para. 71.

159 20 of the 21 States Parties of the current World Heritage Committee have ratified the International Covenant on Economic, Social and Cultural Rights. Only Saudi Arabia has not.

# 5. FORCED EVICTIONS

According to APSARA, thousands of families have been relocated from Zones 1 and 2 in Angkor in a “voluntary relocation” programme.<sup>160</sup> Amnesty International believes that these relocations amount to mass forced evictions leading to gross human rights violations.

## 5.1 WHO CAN STAY? WHO SHOULD GO?

Although APSARA’s Conservation Report notes that 9,000 families “are being relocated”,<sup>161</sup> Amnesty International was unable to confirm the numbers of people who have been asked to leave, who have already been evicted or are likely to be evicted. One of the key concerns surrounding the forced evictions relates to the historical lack of clarity around those who have the right to remain in Zones 1 and 2, and those who the Cambodian state claims must go.

As noted above, following Angkor’s designation as a World Heritage Site, UNESCO made a distinction between the villages that were allowed to stay in Zone 2 – the traditional villages – from those that had to be removed – the new settlements. This distinction was reinforced through Cambodian legislation,<sup>162</sup> and subsequently in World Heritage Committee, UNESCO, ICC-Angkor, APSARA and other related documents.<sup>163</sup> However, the original question of what these two categories of villages and people comprised was never answered.

In the first instance there are those who have always had the right to remain in Zone 2. UNESCO described them in Angkor’s inscription as “more than 100,000 inhabitants distributed over 112 historic settlements scattered over the site.”<sup>164</sup> The ZEMP stated they were “old settlements [that] should be allowed to continue... [given the] traditional lifestyles of people living in the park.”<sup>165</sup> In APSARA’s Conservation Report they are described as the “endogenous population who have legally settled on the Angkor site and whose presence was recorded in the 113 traditional villages when ANGKOR was inscribed on the World Heritage List.”<sup>166</sup>

In contrast, there are those settlements which, according to the ZEMP in 1993, should never have been allowed to enlarge.<sup>167</sup> In APSARA’s Conservation Report, this group is described as “inhabitants who have settled illegally on archaeological sites where building is prohibited.”<sup>168</sup>

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160 APSARA, Report on the State of Conservation in Angkor 2021-2022, 26 November 2022, <https://whc.unesco.org/en/documents/197091>, p. 26.

161 APSARA, Report on the State of Conservation in Angkor 2021-2022, 26 November 2022, <https://whc.unesco.org/en/documents/197091>, p. 27.

162 Cambodia, Royal decree N. 001 on the Zoning and Management of the Region of Siem Reap/Angkor, 1994.

163 UNESCO, “Angkor, 2008”, <https://whc.unesco.org/en/soc/845>; UNESCO, “Angkor, 2006”, <https://whc.unesco.org/en/soc/1181>; UNESCO, “Angkor”, <https://whc.unesco.org/en/list/668/>

164 UNESCO, “Angkor”, <https://whc.unesco.org/en/list/668/>

165 ZEMP, p. 29.

166 In some instances, as in APSARA’s Report on the State of Conservation in Angkor 2021-2022, the villages are listed as totalling 113 (p. 26), whereas in other instances, like the inscription page for Angkor on UNESCO’s website (<https://whc.unesco.org/en/list/668/>) the villages are listed as totalling 112. APSARA, Report on the State of Conservation in Angkor 2021-2022, 26 November 2022, <https://whc.unesco.org/en/documents/197091>, p. 26.

167 ZEMP, p. 29.

168 APSARA, Report on the State of Conservation in Angkor 2021-2022, 26 November 2022, <https://whc.unesco.org/en/documents/197091>, p. 26.



UNDER INTERNATIONAL HUMAN RIGHTS LAW AND STANDARDS,  
**THE CAMBODIAN GOVERNMENT IS REQUIRED TO**

**REFRAIN FROM THREATS OR  
INTIMIDATION DURING EVICTIONS...**

None of the families Amnesty International spoke to knew which villages APSARA or UNESCO had designated as the 113 traditional villages. Further, no one who Amnesty International spoke with had received clear information on who could go and who could stay.

One man, who was born in the village of Krovan, probably a traditional village based on his descriptions of it,<sup>169</sup> said the evictions lack clarity and asked UNESCO to “make up the criteria” so people could have peace of mind.<sup>170</sup> At least 12 families who had been evicted or were going to be evicted claimed to be from the original or traditional villages but had not been told by APSARA whether that was the case.<sup>171</sup> Vireak described his village as “ancient”,<sup>172</sup> whereas Chhaya said her grandfather had lived there long before UNESCO arrived.<sup>173</sup> These same families were being pressured to “voluntarily” leave their homes, and give up their rice fields, or had already been evicted.<sup>174</sup>

The lack of a clear policy has exacerbated the anxiety that residents of Angkor feel. In Mondul Bey, a man said his family can’t sleep because they worry about what will happen.<sup>175</sup> In Veal, Saley, who spent months fighting her eviction, said she cannot sleep and doesn’t know how she will build a house or have enough food at the resettlement site.<sup>176</sup>

Angkor residents’ assertions, and the lack of public information on the designation of the traditional villages, call into question the repeated statements made by APSARA that the original 113 traditional villages are not affected by evictions.<sup>177</sup> Amnesty International has asked both APSARA and UNESCO to provide a list of the 113 villages. APSARA did not provide an answer to the question and UNESCO asked Amnesty International to “please refer to the APSARA National Authority for the list of villages”.<sup>178</sup> The lack of clarity and publicly available information on exactly which 113 villages can continue to exist in Angkor is indicative of the lack of transparency and consultation with the eviction and resettlement process in Angkor.

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169 Krovan was described as a village that was old and had been established for generations. He described the houses as “traditional Khmer”.

170 Amnesty International interview with Reasmey, 14 June 2023.

171 Amnesty International interviews with Chhaya, Chhean, Chhorvin, Chhorvon, Dara and Ney, 22 March 2023; Reasmey, 14 June 2023; Sakngea, 27 June 2023; Rithy and Yey, 26 June 2023; Visna and Visoth, Yey, 30 June 2023.

172 Amnesty International interviews with Vireak, 30 June 2023.

173 Amnesty International interviews with Chhaya, 22 March 2023.

174 Amnesty International interviews with Chhaya, Chhean, Chhorvin, Chhorvon, Dara and Ney, 22 March 2023; Reasmey, 14 June 2023; Sakngea, 27 June 2023; Rithy and Yey, 26 June 2023; Visna and Visoth, Yey, 30 June 2023.

175 Amnesty International interview with Makara, 23 March 2023.

176 Amnesty International interview with Saley, 27 June 2023.

177 APSARA, Report on the State of Conservation in Angkor 2021-2022, 26 November 2022, <https://whc.unesco.org/en/documents/197091>, p. 26.

178 Email from UNESCO Cambodia to Amnesty International, 25 July 2023, on file with Amnesty International.

Under international human rights law and standards, the Cambodian government is required to refrain from threats or intimidation during evictions,<sup>179</sup> provide genuine consultation to affected parties,<sup>180</sup> allow access to information about their evictions,<sup>181</sup> and demonstrate that the eviction is unavoidable.<sup>182</sup> Other responsibilities then arise when affected parties are to be resettled: resettlement sites must be fit for purpose.<sup>183</sup> According to the Basic Principles and Guidelines, all affected people have the right to resettlement, which includes the right to alternative land of better or equal quality, and housing that must satisfy the following criteria for adequacy: accessibility, affordability, habitability, security of tenure, cultural adequacy, suitability of location, and access to essential services such as health and education.<sup>184</sup>

## 5.2 “VOLUNTARY RELOCATIONS” AMIDST THREATS AND INTIMIDATION

**“Nobody wants to leave their home. There are hundreds like me.”<sup>185</sup>**

One characteristic of a forced eviction is the removal of people against their will.<sup>186</sup> According to Amnesty International’s findings, for the most part, the resettlement of people from Zones 1 and 2 in Angkor since late 2022 has not been voluntary, despite the state authorities referring to them as such.<sup>187</sup>

Most people Amnesty International spoke to rejected the notion that the evictions were in fact “voluntary”, with some calling the process a “forced eviction”.<sup>188</sup> Some people broke down and cried; others broke eye contact and refused to answer the question when discussing their evictions.<sup>189</sup> In one interview, a woman, who had lived at Angkor for more than 70 years, was asked if she had “volunteered” to go. She responded simply by saying: “nobody wants to leave their home.”<sup>190</sup> The phrase “voluntary relocation” was repeated by many of the families Amnesty International spoke to, but they often described “volunteering” in a way that contradicted the meaning of the term, for example, “They said it is not compulsory, but if you don’t do it, you will lose your land... so we volunteered.”<sup>191</sup>

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179 UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 7: The right to adequate housing (Art.11.1): forced evictions, 20 May 1997, E/1998/22, <https://www.refworld.org/docid/47a70799d.html> (accessed 13 July 2023) para. 1.

180 Basic Principles and Guidelines on Development-Based Evictions and Displacement (Basic Principles), 2007, Annex 1 to UN. Doc, NHRC/4/18, para. 37.

181 Basic Principles and Guidelines on Development-Based Evictions and Displacement (Basic Principles), 2007, Annex 1 to UN. Doc, NHRC/4/18, para. 35.

182 Basic Principles and Guidelines on Development-Based Evictions and Displacement (Basic Principles), 2007, Annex 1 to UN. Doc, NHRC/4/18, para. 40.

183 Basic Principles and Guidelines on Development-Based Evictions and Displacement (Basic Principles), 2007, Annex 1 to UN. Doc, NHRC/4/18, para. 44.

184 Basic Principles and Guidelines on Development-Based Evictions and Displacement (Basic Principles), 2007, Annex 1 to UN. Doc, NHRC/4/18, para. 16.

185 Amnesty International interview with Yey, 21 March 2023.

186 UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 7: The right to adequate housing (Art.11.1): forced evictions, 20 May 1997, E/1998/22, <https://www.refworld.org/docid/47a70799d.html> para. 3 (accessed 13 July 2023).

187 APSARA, Report on the State of Conservation in Angkor 2021-2022, 26 November 2022, <https://whc.unesco.org/en/documents/197091>, p. 27.

188 Amnesty International interviews with Chhaya, Chhean, Chhorvin, Chhorvon, 22 March 2023.

189 Amnesty International interview with: Yey, 21 March 2023; Darareaksmeay, 22 March 2023; Saley, 27 June 2023.

190 Amnesty International interview with Yey, 21 March 2023.

191 Amnesty International interviews with Chhaya, Chhean, Chhorvin, 22 March 2023.



*A man looks out over a destroyed house inside Angkor World Heritage Site, March 2023, Amnesty International.*

Almost everyone Amnesty International spoke to who had been evicted said that they did not want to leave, and more than a dozen families described being “scared” of what might happen if they did not go.<sup>192</sup> Many feared losing out on compensation if they questioned the evictions and resettlement;<sup>193</sup> others were afraid of the unknown and of violence from the state.<sup>194</sup> During several interviews, people became stressed and stopped talking when APSARA authorities drove by.<sup>195</sup> In one case, a young man told Amnesty International researchers that it was better not to talk about who was involved in the evictions; this interview was cut short after a man in military dress started to walk around the house in what researchers believe was an attempt to eavesdrop.<sup>196</sup>

Cambodia’s history of forced evictions under the then Prime Minister Hun Sen is well known, with some residents describing past incidents of violence. Eight families Amnesty International spoke to described their fear of the use of “bulldozers” to destroy property and the use of “violence” by the state if they did not leave immediately.<sup>197</sup>

Some of the affected people pointed to the national election that took place in July 2023 being used by authorities in more than one case to create a sense of urgency and as a warning.<sup>198</sup> For example, one family was warned that the power supply to the community may be cut off after the elections.<sup>199</sup> In another instance, a family was approached by the police after refusing to leave: “After elections, the police say that they are going to do a big campaign. The police that came here and said this.”<sup>200</sup>

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192 Amnesty International interview with: Chhaya, Chhean, Chhorvin, Chhorvon, Dara, Ney, Darareaksmeay and Davi, 22 March 2023; Davi, 14 June 2023; Samay, 27 June 2023; Samphy, 29 June 2023.

193 Amnesty International interview with Dara, 22 March 2023.

194 Amnesty International interview with: Chhaya, Chhean, Chhorvin, Chhorvon, Dara, Ney, Darareaksmeay and Davi, 22 March 2023; Davi, 14 June 2023; Samay, 27 June 2023; Samphy, 29 June 2023.

195 Amnesty International interview with Chhaya, Chhean, Chhorvin, Chhorvon, 22 March 2023.

196 Amnesty International interview with Sann, 29 June 2023.

197 Amnesty International interview with Chanvatey, Chariya, Charya, Chavy, 21 March 2023; and Map, 28 June 2023; and Samnang and Samphy, 29 June 2023.

198 Amnesty International interview with Rom Chang, Rotha, Saley, 27 June 2023.

199 Amnesty International interview with Samay, 27 June 2023.

200 Amnesty International interview with Rom Chang, Rotha, 27 June 2023.

Some families told Amnesty International that APSARA said it was planning to flood their homes.<sup>201</sup> One woman who owned rice fields told Amnesty International that the authorities said she could stay but that, if she did, her house would be flooded.<sup>202</sup> In certain instances the authorities dropped the “voluntary” façade and told residents directly that the area where their land or house was located was going to be flooded. APSARA documents suggest that the purpose of the flooding may be to restore ancient waterways and this intention has been submitted to ICC-Angkor.<sup>203</sup> If so, it would mark a shift from the supposed conservation-based evictions, which are to protect the site, to evictions that enable active restoration of ancient elements of the landscape. Pich, whose family had lived inside Angkor for several generations had previously been asked to leave but had not gone at the time of the interview: “I was told I should leave [years ago]. But I said I would not; this is my home town. But now I am afraid they will flood my house... They told me the water will flood my house.”<sup>204</sup>



*Installation of a dam gate near Rohal that could raise flood levels in Angkor, July 2023, Amnesty International.*

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201 Amnesty International interview with Dara and Ney, 22 March 2023.

202 Amnesty International interview with Dara and Ney, 22 March 2023.

203 APSARA's Report on The State of Conservation of Angkor 2021-2022, Appendix 1 Recent Measures to Safeguard the Integrity of the Angkor Site, p. 28; APSARA website, “Management of the Hydraulic Network”, <https://apsaraauthority.gov.kh/our-work/environment-water-forestry-management/> (accessed 7 August 2023).

204 Amnesty International interview with Pich, 22 March 2023.

APSARA's Conservation Report mentions several restoration projects related to the ancient waterways, and says that this necessitates the resettlement of families.<sup>205</sup> APSARA's website also describes a restoration project for Oroka Ancient Canal as "imperative for safeguarding the Outstanding Universal Value of Angkor", noting that the projects have been "submitted for the opinion of the Ad Hoc Experts [ICC-Angkor]."<sup>206</sup> Amnesty International has documented forced evictions at Rohal and Tonle Snguot, where newly constructed dams and APSARA information indicate that the projects might be being implemented.<sup>207</sup> Amnesty International also documented dams in several locations,<sup>208</sup> which residents said were to flood rice fields and restore ancient waterways.<sup>209</sup> It is unclear whether these dams are related to the Oroka project or to the projects mentioned in APSARA's Conservation Report.

Others described being told that they should volunteer now, "before it's too late".<sup>210</sup> Saley, a woman who had paid the APSARA authorities to allow her to build her house and business over a number of years,<sup>211</sup> was told by her village chief that she should go now, "because after the elections the road will be bumpy".<sup>212</sup> She understood this to be a threat, and began to cry while recounting the reason for her eventual decision to leave.<sup>213</sup> In a different community, a woman who told APSARA she would not volunteer to go, was told that, if she didn't leave, the electricity to the village might be cut off.<sup>214</sup>

According to Amnesty International findings, APSARA agents, village chiefs and local authorities harassed people by repeatedly visiting their houses and asking them to leave.<sup>215</sup> Some interviewees even described being visited by APSARA multiple times in one day, asking why they had not yet "agreed to volunteer".<sup>216</sup> One woman described a member of the local authority coming to her house and privately telling her: "Don't oppose the plan; if you do, you will get nothing."<sup>217</sup>

Only two families Amnesty International spoke to said they went to Run Ta Ek resettlement sites on a truly voluntary basis.<sup>218</sup> For these families, the driving factor for their decision was that they wanted a land title – something they had never had.<sup>219</sup>

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205 APSARA's Report on The State of Conservation of Angkor 2021-2022, Appendix 1 Recent Measures to Safeguard the Integrity of the Angkor Site, p. 28.

206 APSARA website, "Management of the Hydraulic Network", <https://apsaraauthority.gov.kh/our-work/environment-water-forestry-management/>, (accessed 7 August 2023).

207 Amnesty International interview with Yey, 30 June 2023.

208 See Annex 3 for photographs of dam and water-gate construction.

209 Amnesty International interview with: Ney, 22 March 2023; Yey, 30 June 2023.

210 Amnesty International interview with Rom Chang and Rotha, 27 June 2023.

211 Further to these claims, three families suggested that APSARA had been taking bribes for years to let families settle in the area. One family pointed out that many houses had been built inside Angkor that were fenced off, and that this meant APSARA had turned a blind eye or accepted bribes to allow these households to build in this manner. Amnesty International interview with: Devi, 14 June 2023; Rotha and Pu Nokor, 27 June 2023.

212 Amnesty International interview with Saley, 27 June 2023.

213 Amnesty International interview with Saley, 27 June 2023.

214 Amnesty International interview with Samay, 27 June 2023.

215 Amnesty International interview with: Chhaya, Chhean, Chhorvin, Chhorvon, 22 March 2023; Rithy, 26 June 2023.

216 Amnesty International interview with Rithy, 26 June 2023.

217 Amnesty International interview with Ponlok, 21 March 2023.

218 Amnesty International interview Rachana, Varraman, 13 June 2023.

219 Amnesty International interview with Rachana and Varraman, 13 June 2023.

## 5.3 GENUINE CONSULTATION

***“I was told nothing about the resettlement sites. I have no documents, nothing on the eviction either. We were issued a ticket and given one month to leave.”<sup>220</sup>***

International human rights law and standards require that authorities engage with people affected by eviction in a process of genuine consultation prior to the eviction.<sup>221</sup> Despite this, not a single family that Amnesty International spoke to had been a part of any genuine consultation from government authorities prior to their eviction. Many had been subjected to what at first appeared to be consultation but which turned out to be attempts at coercion and intimidation.

Only three families Amnesty International talked to described meetings with authorities in which relocation or compensation was raised.<sup>222</sup> In August 2022, Saley reported being asked by local authorities to gather her documents, such as her identification card and land receipts,<sup>223</sup> and go to meet with authorities opposite Angkor Wat temple.<sup>224</sup> Saley’s village had had their land plots measured by the authorities weeks earlier, so many people were hopeful that their land would be registered. But they arrived to find APSARA authorities, who told them that this was where people came to volunteer for the relocation programme.<sup>225</sup>

In early 2023, farmers who owned rice paddies were told by APSARA that if they did not give up their land, APSARA would simply take it.<sup>226</sup> The villagers protested and APSARA held a meeting for anyone who owned rice fields in the area. Yey, a farmer who had lived in the area for generations, described what happened:

**“APSARA said if anyone owns the rice [fields] – they should meet with APSARA in front of the temple down the road. We went to the meeting and they offered us 20 cents per square meter of rice field. They asked us to stand on one side for those who agree, and those who don’t to stand on the other side – then they said that anyone who protests will go straight to prison. They also said there is no compensation for those who do not agree. I got USD 200. I have farmed on the rice field since I was a kid. No one was arrested – everyone ‘agreed’. No one else was at the meeting – just villagers and APSARA. My fields are all under water now – they closed the dam.<sup>227</sup> Before, we had 10-20 bags of rice. 100kg per bag of rice. We don’t have enough to eat now.”<sup>228</sup>**

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220 Amnesty International interview with Chaya and Chea, 21 March 2023.

221 Basic Principles and Guidelines on Development-Based Evictions and Displacement (Basic Principles), 2007, Annex 1 to UN Doc NHRC/4/18, para. 37.

222 Amnesty International interview with: Saley, 27 June 2023; Yey, 30 June 2023.

223 A land receipt document is a type of acknowledgement of ownership issued by local level authorities. It is not akin to a land title as recognized by the Land Law.

224 Amnesty International interview with Saley, 27 June 2023.

225 Amnesty International interview with Saley, 27 June 2023.

226 Amnesty International interview with Yey, 30 June 2023.

227 The dam referred to is situated at Tonle Snguot and may be part of the baray restoration projects described by APSARA above.

228 Amnesty International interview with Yey, 30 June 2023.



*A man dismantles his house at Angkor World Heritage Site, March 2023, Amnesty International.*

In the third case, at the end of 2020, Vannak described an eviction of around 400 families in her community, with no option to “volunteer”. According to her, the authorities told them leaving “is a must – they said they need the riverside... They said you have three days.”<sup>229</sup>

The cases described above are examples of threats and intimidation perpetrated by APSARA and other authorities, including village chiefs and police, on villagers that Amnesty International interviewed.<sup>230</sup> They also show a blatant failure to engage in and conduct meaningful consultation on the part of APSARA and the Cambodian authorities.



...THE AUTHORITIES TOLD THEM **LEAVING “IS A MUST**  
– THEY SAID THEY NEED THE RIVERSIDE... THEY SAID  
**YOU HAVE THREE DAYS.”**

<sup>229</sup> Amnesty International interview with Vannak, 29 June 2023.

<sup>230</sup> Villagers are aware of APSARA because of their presence throughout Angkor. They see APSARA workers every day and easily recognize their uniforms. In fact, many people from the villages work for APSARA.

## 5.4 FAILURE TO PROVIDE INFORMATION ABOUT THE EVICTION

***“We don’t know the plans for the future. We don’t know the plans.”<sup>231</sup>***

International human rights standards require state authorities to provide information about evictions to those who are to be evicted so they can prepare themselves for it or challenge it.<sup>232</sup> Notices of eviction should include dissemination of adequate information on human rights and laws and policies relating to protection against forced evictions,<sup>233</sup> as well as announcing any decision relating to evictions in writing and in the local language.<sup>234</sup> The eviction notice should include a detailed justification for the decision, and should be subject to administrative and judicial review, with affected parties guaranteed timely access to legal counsel without payment, where necessary.<sup>235</sup>

Further, the Cambodian government is responsible under the UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage for keeping the public “broadly informed of the dangers threatening [Angkor] and of the activities carried on in pursuance of this Convention.”<sup>236</sup>

Only two people who Amnesty International spoke to said they had received a notice of eviction, but neither was able to provide a copy of the notice or describe in any detail what it stated.<sup>237</sup> No other interviewees said they had received an eviction notice. Amnesty International requested copies of eviction notices from APSARA but they did not provide any.<sup>238</sup>

Information obtained by Amnesty International indicates that the authorities actively hid the impending evictions from families. According to residents and evicted families interviewed by Amnesty International, APSARA, village chiefs and Land Ministry officials arrived at villages around Angkor from August to September 2022 to measure land plots but, even when they were asked, would not provide a reason for conducting these exercises.<sup>239</sup> According to interviews conducted by Amnesty International, the authorities would frequently arrive to measure people’s land without notice, at which point the families became hopeful they would receive official titles to the land they were living on.<sup>240</sup> However, the authorities would return weeks later and ask them to “volunteer” to go to the Run Ta Ek resettlement site.<sup>241</sup>

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231 Amnesty International interview with Varaman, 21 March 2023.

232 Basic Principles and Guidelines on Development-Based Evictions and Displacement (Basic Principles), 2007, Annex 1 to UN Doc NHRC/4/18, para. 35.

233 Basic Principles and Guidelines on Development-Based Evictions and Displacement (Basic Principles), 2007, Annex 1 to UN Doc NHRC/4/18, para. 35.

234 Basic Principles and Guidelines on Development-Based Evictions and Displacement (Basic Principles), 2007, Annex 1 to UN Doc NHRC/4/18, para. 41.

235 Basic Principles and Guidelines on Development-Based Evictions and Displacement (Basic Principles), 2007, Annex 1 to UN Doc NHRC/4/18, para. 41.

236 Convention Concerning the Protection of the World Cultural and Natural Heritage, 1972, Article 27(2).

237 Amnesty International interview international with Devi, 14 June 2023, and Samnang, 29 June 2023.

238 Amnesty International letter to APSARA dated 14 August 2023, on file with Amnesty International.

239 Amnesty International interviews with: Chanvatey, Chariya, Charya, Chavy, 22 March 2023; Chea and Chaya, 21 March 2023.

240 Amnesty International interview with Ney, Darareaksmeay and Davi, 22 March 2023.

241 Amnesty International interview with Ney, Darareaksmeay and Davi, 22 March 2023.

Anxiety about the evictions was common among the people Amnesty International spoke to. This was directly related to the scanty and confusing information available to them. For example, on 12 June 2023 at 12pm, Hang Meas TV, Flash News broadcast a news report that exacerbated the fears of local families. It stated that, “willingly or unwillingly, Angkor Park is a prohibited area, not allowing the people to stay there.”<sup>242</sup> This contradicted earlier information that had been received by families and was accessible to the wider public, indicating that traditional villages were permitted to stay.<sup>243</sup> This news report was shared widely among families facing eviction, and created panic.<sup>244</sup>

There was also confusion about who could stay and who was being forced to go because of Decision N. 70, which provides that people who have lived in the area for “a long time” can stay.<sup>245</sup> Frustrated by the lack of information about who could stay at Angkor Wat and under what conditions, Pisey noted that it would be “better [if] UNESCO makes up the criteria and lets the old people deal with it.”<sup>246</sup>

At the time of publication, no document outlining the relocation programme in significant detail exists beyond APSARA’s Conservation Report. Because affected families neither received adequate notice of evictions nor were engaged in any genuine consultation, it was impossible for them to challenge their evictions in court. The failure to provide an eviction notice which includes a detailed justification for the decision and is subject to administrative and judicial review, directly affects residents’ capacity to make informed decisions, including taking legal or administrative action.<sup>247</sup>

## 5.5 THE FAILURE TO DEMONSTRATE THAT EVICTION IS UNAVOIDABLE

The Basic Principles highlight the necessity for states to demonstrate that an eviction is both unavoidable and consistent with international human rights commitments.<sup>248</sup> This must be done prior to any eviction being carried out.<sup>249</sup>

APSARA’s Conservation Report makes little reference to the rationale behind the evictions other than to “address the threat of damage to the [site’s] landscape.”<sup>250</sup> The report does not detail what that threat is, nor provide specifics on how the threat was assessed. In addition, the report notes that further evictions are required to return water to the “East Baray and the Lolei Baray” but provides no information on the necessity for the return of water to the barays, nor any alternative options explored.<sup>251</sup> No written information was provided to people affected by the work near the barays.

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242 Hang Meas TV, Flash News, 12 June 2023 at 12pm.

243 Cambodia, Decision N. 70/SSR on Determination of Standards for Utilization of Land in Zones 1 and 2 of Siem Reap/Angkor Sites, 2004.

244 Amnesty International interview with Pisey, 23 March 2023.

245 Cambodia, Decision N. 70/SSR on Determination of Standards for Utilization of Land in Zones 1 and 2 of Siem Reap/Angkor Sites, 2004, Article 2.

246 Amnesty International interview with Reasmey, 14 June 2023.

247 Basic Principles and Guidelines on Development-Based Evictions and Displacement (Basic Principles), 2007, Annex 1 to UN Doc, NHRC/4/18, para. 41

248 Basic Principles and Guidelines on Development-Based Evictions and Displacement (Basic Principles), 2007, Annex 1 to UN Doc, NHRC/4/18, para. 40.

249 Basic Principles and Guidelines on Development-Based Evictions and Displacement (Basic Principles), 2007, Annex 1 to UN Doc, NHRC/4/18, para. 40.

250 APSARA’s Report on The State of Conservation of Angkor 2021-2022, Appendix 1, Recent Measures to Safeguard the Integrity of The Angkor Site, p. 26.

251 APSARA’s Report on The State of Conservation of Angkor 2021-2022, Appendix 1, Recent Measures to Safeguard the Integrity of The Angkor Site, p. 28.

In contrast, the then Prime Minister directly stated that the evictions are unavoidable because of the potential for “Angkor Wat... to be removed from World Heritage status... [and] pressure from UNESCO is related to the protection of the Angkor site.”<sup>252</sup> But in the case of the barays, this work appears to be restorative, and the evictions appear to be driven by projects to restore the barays rather than to remove threats to protect Angkor.

In at least 15 cases, families told Amnesty International that authorities stated that UNESCO was the reason why people were required to leave Angkor.<sup>253</sup> For example, Devi said that APSARA and Land Ministry officials told her: “UNESCO wants you to leave – we are afraid that UNESCO will withdraw the site from World Heritage Status – so you must go.”<sup>254</sup> Devi, whose father died after falling while restoring one of the temples, became confused and angry when APSARA told her: “UNESCO won’t let [you] stay here.”<sup>255</sup>

***“What did we do? Oh dear, we are the protectors. We look after Angkor Wat temple. We made a report when people were stealing the artifacts and the statues.***

***I don’t want to say anything to APSARA – I want to ask UNESCO why do they evict us? Why don’t they evict our grandparents when they are still alive? It’s not true [that we harm the temples]. We never caused harm to the temples. When I was a child, we played games and climbed and cleaned at Angkor Wat.***<sup>256</sup>

APSARA’s Conservation Report does not provide information on the alternatives that the government explored in relation to the relocations.

The report is only available in French and there is no information available that suggests its contents were relayed to the public.<sup>257</sup> Given the lack of clear information provided to the public, the Cambodian government has not adequately complied with their obligation to demonstrate that these evictions are unavoidable.

Amnesty International wrote to UNESCO in March 2023 asserting that many evictions were carried out with reference to UNESCO. UNESCO responded in a letter dated 10 May 2023, saying: “UNESCO has never called for any displacement of the local communities.”<sup>258</sup>

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252 Press OCM, Prime Minister Hun speech at a graduation ceremony at a private university in Phnom Penh, 3 October 2022, <https://www.youtube.com/watch?v=JaFkMxtVd5M> [unofficial translation].

253 Amnesty International interviews with: Chanvatey, Chariya, Charya, Chavy, 21 March 2023; Chhaya, Chhean, Chhorvin, Chhorvon, 22 March 2023; Piseth and Pisey, 23 March 2023; Ponlok, 12 June 2023; Devi, 24 June 2023; Rithy, 26 June 2023; Samay, 27 June 2023; Sangha Sopheap, 29 June 2023.

254 Amnesty International interview with Devi, 14 June 2023.

255 Amnesty International interview with Devi, 14 June 2023.

256 Amnesty International interview with Devi, 14 June 2023.

257 UNESCO, State of Conservation Report by the State Party, <https://whc.unesco.org/en/documents/197091>

258 UNESCO, Response Letter to Letter to UNESCO from Amnesty International dated 30 March 2023, 10 May 2023, on file with Amnesty International.



## EVICTING TO RESETTLE THE EVICTED

International human rights standards require resettlement sites to be set up without infringing upon the human rights of the host communities.<sup>259</sup> Local communities at resettlement sites have the same rights to adequate housing and against forced evictions as everyone else.<sup>260</sup> But interviews with residents of three villages at both resettlement sites indicate that infringements of human rights occurred in these villages to enable the state to obtain land for the resettlement sites.

Before becoming the resettlement sites for the Angkor relocation programme, residents near Peak Sneng and Run Ta Ek told Amnesty International that the land was owned and used by farming and foraging communities living in the area.<sup>261</sup> Run Ta Ek and Peak Sneng were demarcated as resettlement sites under sub-decrees N. 195, N. 281 and N. 155.<sup>262</sup>

According to four families at Peak Sneng Cah village, the resettlement site of Peak Sneng is partially built on farmland belonging to these families.<sup>263</sup> When authorities came in 2022, the villagers who had not sold their land previously told Amnesty International that they were forced to exchange their land for a smaller plot at the resettlement site.<sup>264</sup>

For example, Vibol, a farmer who had planted cassava for decades on the land that was taken in 2022 to make the resettlement site, told Amnesty International that she was told by the authorities that if villagers didn't agree to give up their land in exchange for significantly less land at the resettlement site, they would get nothing.<sup>265</sup>

Four farming families from Peak Sneng Cah reported having less money now as a result of having been given the new, smaller land plots.<sup>266</sup> They said the compensation, in the form of resettlement plots measuring 20m by 30m at the resettlement site, was inadequate because the resettlement site plots are smaller than the farming land they had previously owned.<sup>267</sup>

*Continued on next page*

259 Basic Principles and Guidelines on Development-Based Evictions and Displacement (Basic Principles), 2007, Annex 1 to UN Doc, NHRC/4/18, para. 56(d).

260 Committee on Economic, Social and Cultural Rights, General Comment No. 4: The Right to Adequate Housing (Art. 11 (1) of the Covenant), Adopted at the Sixth Session of the Committee on Economic, Social and Cultural Rights, on 13 December 1991 (contained in Document E/1992/23), para. 8, (a)(b)(c)(d)(e)(f)(g).

261 Amnesty International interviews with: Rathana, Raingsey, Rathanak, Reach, Reaksmeay, 13 June 2023; Vaha, Vibol, Vichear, Vichet, 30 June 2023; and group interview with 22 community members of Sna Sangkream, 28 June 2023.

262 Cambodia, Sub-decree N. 195 on land reclassification of 514 hectares, 07 ares and 58 centiares in Peak Snaeng commune, Angkor Thum district, Siem Reap province, 2022; Cambodia, Sub-decree N. 281 on the land reclassification of 896 hectares in Peak Snaeng commune, Svay Chek commune and Leang Dai commune, Angkor Thom district, Siem Reap province, 2022; Cambodia, Sub-decree N. 155 on the reclassification of 81.5 hectares of land located in Ta Ni village, Run Ta Aek commune, Banteay Srei district, Siem Reap province Karma to grant ownership to citizens, 2022.

263 Amnesty International interviews with Vaha, Vibol, Vichear and Vichet, 30 June 2023.

264 Amnesty International interviews with Vaha, Vibol, Vichear and Vichet, 30 June 2023.

265 Amnesty International interviews with Vibol, 30 June 2023.

266 Amnesty International interviews with Vaha, Vibol, Vichear and Vichet, 30 June 2023.

267 Amnesty International interviews with Vaha, Vibol, Vichear and Vichet, 30 June 2023.

The family representatives that Amnesty International spoke with were all women, and they all reported having to rely more on their husbands as a result of having less land than before.<sup>268</sup> They told Amnesty International that most of the farming in the community was done by the women.<sup>269</sup>

Amnesty International also interviewed four families from Tany community, a village on the border of Run Ta Ek resettlement site. These families reported receiving land at Run Ta Ek in exchange for their farmland.<sup>270</sup> One woman said her family had been farming the area for generations, only to receive nothing because her grandparents did not have any land documents.<sup>271</sup> The four farming families, who said they did not have the skills to do anything but farming, reported having to go elsewhere and rent land to farm after being offered land plots at the resettlement site that are too small to be used for farming.<sup>272</sup> All the families said that there had been, no prior consultation before their land was taken.<sup>273</sup>

According to the interviews conducted by Amnesty International, APSARA authorities started to guard the area even before any compensation was paid, and they seized tractors belonging to two families.<sup>274</sup> Both families reported that APSARA, who they identified by the logos on their uniforms, had taken their tractors.<sup>275</sup> The community protested and in one case tried to get the tractor back,<sup>276</sup> but in another, a man said he had to pay a fee to have his tractor returned.<sup>277</sup>

Similarly, Amnesty International spoke with 22 members of the Sna Sangkream community, another village on the borders of Run Ta Ek resettlement site, who reported having their land taken by a village chief. He offered to buy the land in 2005 but did not pay for it before it was transferred to APSARA to create part of the Run Ta Ek resettlement site.<sup>278</sup> Community members practiced slash and burn farming in the area, which was passed down through generations, and they said the land was valuable for their livelihoods.<sup>279</sup> According to the villagers, they staged many protests after reporting that the village chief had agreed to buy their land in 2005 but never paid them.<sup>280</sup> Nearly 20 years later, the community claims it has not yet received any compensation.<sup>281</sup>

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268 Amnesty International interviews with Vaha, Vibol, Vichear and Vichet, 30 June 2023.

269 Amnesty International interviews with Vaha, Vibol, Vichear and Vichet, 30 June 2023.

270 Amnesty International interviews with Rathana, Raingsey, Rathanak, Reach, Reaksmeay, 13 June 2023.

271 Amnesty International interview with Rangsey, 13 June 2023.

272 Amnesty International interviews with Rathana, Rathanak, Reach, Reaksmeay, 13 June 2023.

273 Amnesty International interviews with Rangsey, Rathana, Rathanak, Reach, Reaksmeay, 13 June 2023.

274 Amnesty International interviews with Reach, Reaksmeay, 13 June 2023.

275 Amnesty International interviews with Reach, Reaksmeay, 13 June 2023.

276 Amnesty International interviews with Reaksmeay, 13 June 2023.

277 Amnesty International interviews with Reach, 13 June 2023.

278 Amnesty International group interview with 22 community members in Sna Sangkream, 28 June 2023.

279 Amnesty International group interview with 22 community members in Sna Sangkream, 28 June 2023.

280 Amnesty International group interview with 22 community members in Sna Sangkream, 28 June 2023.

281 Amnesty International group interview with 22 community members in Sna Sangkream, 28 June 2023.



**“DON’T TALK TO UNESCO OR ANY NGOs OR  
WE WILL PUT YOU IN JAIL.”**

## CASE STUDY

### WARNED NOT TO PROTEST

In April, community members protested at the Run Te Ek resettlement site. They explained to Amnesty International that, during the protest, they were violently attacked and then arrested by police.<sup>282</sup> Video footage shown to Amnesty International by members of the community appears to show hundreds of security personnel, including military and police at the resettlement site.<sup>283</sup> In one video, police with large sticks can be seen in a physical altercation with the protesting community members.<sup>284</sup> A woman in her sixties told Amnesty International she was struck on the nose by a police officer; others said they and their family members had been hit with sticks.<sup>285</sup>

According to the community members of Sna Sangkream, six protestors were arrested without charge and later released.<sup>286</sup>

As explained to Amnesty International, on 27 March 2023 community members travelled to Phnom Penh to deliver a petition to UNESCO Cambodia and government ministries.<sup>287</sup> Following this, one community member told Amnesty International delegates she was approached and told by police that she should not talk to any NGOs about the conflict or she and the NGOs would be put in jail.<sup>288</sup> She also said the police told her specifically not to contact UNESCO, saying: “Don’t talk to UNESCO or any NGOs or we will put you in jail.”<sup>289</sup>

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282 Amnesty International group interview with 22 community members in Sna Sangkream, 28 June 2023

283 Video footage shared to Amnesty International and kept on file with Amnesty International.

284 Video footage shared to Amnesty International and kept on file with Amnesty International.

285 Amnesty International group interview with 22 community members in Sna Sangkream, 28 June 2023.

286 Amnesty International group interview with 22 community members in Sna Sangkream, 28 June 2023.

287 Amnesty International group interview with 22 community members in Sna Sangkream, 28 June 2023.

288 Amnesty International group interview with 22 community members in Sna Sangkream, 28 June 2023.

289 Amnesty International group interview with 22 community members in Sna Sangkream, 28 June 2023.



Run Ta Ek resettlement site, July 2023, Amnesty International.

## 6. RESETTLEMENT SITES UNFIT FOR PURPOSE

International human rights standards require that resettlement sites be provided as part of compensation packages for people being evicted.<sup>290</sup> Resettlement sites should include housing, compensation, safe access to water and sanitation, roads, schools, healthcare provision and employment opportunities. Relocating to these sites should not lead to further human rights abuses, and the provisions at the site must be completed before families move in.<sup>291</sup> The current resettlement package provided to those evicted from Zones 1 and 2 falls well below these international legal requirements.

Amnesty International visited Run Ta Ek, the first resettlement site. It also visited Peak Sneng, where, as of June 2023, no families evicted from Angkor were living. According to evicted families and the Prime Minister's 13 September 2022 speech, the resettlement package consists of:

- A title for a land plot that is 20m x 30m at the Run Ta Ek or Peak Sneng relocation sites. The plot is allocated through a lottery system once a family has “volunteered” to leave.<sup>292</sup>
- Sufficient canned food and rice to last for approximately two months.<sup>293</sup>
- A tarpaulin sheet (also known as a shade cloth).
- 30 sheets of corrugated iron.

290 Basic Principles and Guidelines on Development-Based Evictions and Displacement (Basic Principles), 2007, Annex 1 to UN Doc, NHRC/4/18, para. 16.

291 Basic Principles and Guidelines on Development-Based Evictions and Displacement (Basic Principles), 2007, Annex 1 to UN Doc, NHRC/4/18, para. 44.

292 Interviewees told Amnesty International that once they had accepted the relocation, they were asked to submit identification documents and would then be invited to a lottery run by the state to be allocated a land plot.

293 Amnesty International interview with Chanvatey, Chariya, Charya and Chavy, 21 March 2023.

- A mosquito net.
- A payment of 1,200,000 Cambodian riel (roughly USD 300).
- The provision of one ID Poor Card per family, which is valid for 10 years.<sup>294</sup>

## 6.1 HOMELESSNESS

Evictions should not render evicted persons homeless.<sup>295</sup> Under internationally recognized human rights principles, homes that are provided for evicted persons must amount to “adequate housing”<sup>296</sup> and be provided prior to them arriving at the resettlement site.<sup>297</sup>

Under the resettlement package offered by the Cambodian state, 30 sheets of corrugated iron are provided to families. The expectation is that residents will build their own houses, covering the costs of the labour, materials and equipment themselves.



*Accommodation set up by a family who had been evicted to Run Ta Ek, March 2023, Amnesty International.*

Every family Amnesty International spoke to explained that they had had to construct their homes on arrival at their assigned land plots at the Run Ta Ek resettlement site. Because it takes time to build a house, these families were required to sleep under a shade cloth (tarpaulin), sometimes for several months.<sup>298</sup> For example, Samphy, who was evicted in March 2023, told Amnesty International that she and her young daughters lived under a tarpaulin sheet for several months: “When we first came here,

294 The ID Poor Card is part of the ID Poor programme – a state social security programme for identified poor families. ID Poor Card holders can receive cash payments and are eligible for reductions in healthcare costs.

295 CESCR, General Comment 7, para. 16; Basic Principles and Guidelines on Development-Based Evictions and Displacement (Basic Principles), 2007, Annex 1 to UN Doc, NHRC/4/18, para. 43.

296 Committee on Economic, Social and Cultural Rights, General Comment No. 4: The Right to Adequate Housing (Art. 11 (1) of the Covenant), Adopted at the Sixth Session of the Committee on Economic, Social and Cultural Rights, on 13 December 1991 (contained in Document E/1992/23), para. 8, (a)(b)(c)(d)(e)(f)(g).

297 Basic Principles and Guidelines on Development-Based Evictions and Displacement (Basic Principles), 2007, Annex 1 to UN Doc, NHRC/4/18, paras. 43 and 44.

298 Amnesty International interviews with: Chanvatey, Chariya, Charya, Chavy, 21 March 2023; Rithy, 26 June 2023; Samphy, 29 June 2023.

there [was] nothing.”<sup>299</sup> Two other families with young children also explained that many of the families had no choice but to live like this until they were able to build a house.<sup>300</sup>

The Run Ta Ek area has few trees and is exposed to the heat, wind and rain. As a result, when the sheets of corrugated iron are assembled into shelters, the housing is uninhabitable because it is, as the residents describe it, “too hot”<sup>301</sup> and prone to destruction by weather events. One family told Amnesty International that their baby couldn’t sleep because she was so hot.<sup>302</sup>

***“We have a toddler whom we have to shower with water every few hours so she doesn’t get too hot. When we aren’t working to build our own house, we shelter from the sun using the shade of another house.”<sup>303</sup>***

During the time that Amnesty International researchers spent at the Run Ta Ek site after a storm, they witnessed dozens of broken houses where the corrugated iron had failed, and three houses that had been blown over or destroyed by the wind.<sup>304</sup> All of the destroyed houses were made primarily from the corrugated iron provided as part of the resettlement package.<sup>305</sup> One man was interviewed by Amnesty International in the ruins of his “house”, following a storm the previous day, which not only destroyed his home but also injured his wife. He had spent his entire savings to build his house at the resettlement site: “That was my house. At 2:30pm the wind blew it over. I was in Siem Reap at the time. The whole house was knocked down... This cost USD 2000 – it is my whole savings.”<sup>306</sup>

Some residents described the resettlement package as insufficient, highlighting the lack of housing.<sup>307</sup> When asked what else they would need, Hay, father of a year-old baby, whose corrugated iron house was destroyed by a storm, responded simply: “We need a house.”<sup>308</sup> Others, who had yet to leave for resettlement sites were worried about how they could shelter themselves once they arrived. Devi, a young painter who sold his paintings to tourists, said, “We will have to build the house bit by bit... We don’t have the money to build a house.”<sup>309</sup>

One family that Amnesty International interviewed was facing eviction, which would lead to them being homeless as the authorities were not offering a resettlement package.<sup>310</sup> The family lives on a plot of land for which a relative has a land receipt, and which she has promised to transfer to the family.<sup>311</sup>

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299 Amnesty International interview with Samphy, 29 June 2023.

300 Amnesty International interviews with Rachana and Varraman, 13 June 2023.

301 Amnesty International interviews with Chanvatey, Chariya, Charya and Chavy, 21 March 2023.

302 Amnesty International interviews with Chanvatey, Chariya, Charya and Chavy, 21 March 2023.

303 Amnesty International interviews with Chanvatey, Chariya, Charya and Chavy, 21 March 2023.

304 Field observations; Amnesty International interviews with: Rachany, 13 June 2023; Sangha Sopheap, 29 June 2023.

305 Field observations; Amnesty International interviews with: Rachany, 13 June 2023; Sangha Sopheap, 29 June 2023.

306 Amnesty International interviews with Sangha Sopheap, 29 June 2023.

307 Amnesty International interviews with Rachany, 13 June 2023.

308 Amnesty International interviews with Rachany, 13 June 2023.

309 Amnesty International interview with Devi, 14 June 2023.

310 Amnesty International interview with Rom Chang and Rotha, 27 June 2023.

311 Amnesty International interview with Rom Chang and Rotha, 27 June 2023.



Husband and wife standing in the ruins of their house at the Run Ta Ek resettlement site after a storm, July 2023, Amnesty International.

However, the costs to alter the land receipt are too high for the family to afford. Because the land officially belongs to the relative and is not in their name, the authorities have not offered the family any type of compensation.<sup>312</sup> This family has run a small farm for five years within Zone 2 and has had their house demolished with no warning at least five times by APSARA and police.<sup>313</sup> It is possible that another 10 families Amnesty International spoke to await a similar fate, as their land tenure situation is similar to that of the first family.<sup>314</sup> Rom Chang, who has a young daughter and an infant son, described the stress of having their only home destroyed:

***“They destroyed the house and put everything in a truck. They destroyed our house five or six times. They take it away – last time they did this was more than one year ago. Then they made us thumbprint a document to make us promise to temporarily stay. They kept the document. They said, ‘Even if you put the thumbprint or not, we will still come to dismantle your house.’”<sup>315</sup>***

312 Amnesty International interview with Rom Chang and Rotha, 27 June 2023.

313 Amnesty International interview with Rom Chang and Rotha, 27 June 2023.

314 Amnesty International group interview with Mondul Bey community, 12 June 2023.

315 Amnesty International interview with Rom Chang and Rotha, 27 June 2023.



*A damaged house at Run Ta Ek resettlement site, July 2023, Amnesty International.*

## 6.2 LACK OF SERVICES, FACILITIES AND INFRASTRUCTURE

Resettlement sites must fulfil certain criteria according to international human rights law, including, among other things, access to “services, materials, facilities and infrastructure such as potable water, energy for cooking, heating and lighting, sanitation and washing facilities, means of food, refuse disposal, site drainage and emergency services, and to natural and common resources.”<sup>316</sup>

### ROADS

At the time of publication, the roads at the resettlement site of Run Ta Ek, where many families have lived for several months, are made out of dirt and are prone to severe flooding.<sup>317</sup> Amnesty International researchers were present during two days of storms, and observed the site becoming inaccessible due to lack of drainage.<sup>318</sup> Some residents described being unable to leave the site when it rains because the roads are poor and the drainage inadequate.<sup>319</sup> At the date of publication, the roads are being upgraded and drainage is being installed but the requirement under international standards is for this to happen before families are evicted from their homes and sent to the resettlement sites.<sup>320</sup>

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316 Basic Principles and Guidelines on Development-Based Evictions and Displacement (Basic Principles), 2007, Annex 1 to UN Doc, NHRC/4/18, para. 55(b).

317 See Annex 2 for pictures of the site when raining.

318 Amnesty International site visits, June 2023.

319 Amnesty International interview with Chantrea, 21 March 2023.

320 Basic Principles and Guidelines on Development-Based Evictions and Displacement (Basic Principles), 2007, Annex 1 to UN Doc, NHRC/4/18, para. 55(b).

## ELECTRICITY AND WATER

The supply of electricity and clean water directly to houses depends upon location of the plot within the site. While families who have been resettled more recently may have received electricity and clean water on the day they moved in, most families interviewed by Amnesty International had to wait for connection to electricity and water to reach their area.<sup>321</sup> Many were still waiting several months after relocating. Interviewees also highlighted that, while the water connection is free, they had to pay for connection to electricity, which cost them around 99,000 Cambodian riel (USD 24).<sup>322</sup>

Due to the unavailability of piped water at the resettlement site, most families who Amnesty International spoke to had installed pumps to give them access to ground water. Installation of a ground pump costs around 200,000-300,000 Cambodian riel (USD 60-80),<sup>323</sup> and is the source of drinking water for families when they could not afford to buy bottled water.<sup>324</sup> No other water was immediately available upon arrival for any of the families that Amnesty International spoke with, and some still did not have access to piped water, even after being at the site for months.<sup>325</sup>



*A ground-water pump installed on a land plot at Run Ta Ek resettlement site, July 2023, Amnesty International.*

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321 Amnesty International interview with Rithy, 26 June 2023.

322 Amnesty International interview with Sann, 29 June 2023.

323 Amnesty International interviews with: Chanvatey, Chariya, Charya, Chavy, Chaya and Chea, 21 March 2023; Rachany, Rainsey, Raksmei, Samphy and Sann, 29 June 2023.

324 Amnesty International interviews with: Chanvatey, Chariya, Charya, Chavy, Chaya and Chea, 21 March 2023; Rachany, Rainsey, Raksmei, Samphy and Sann, 29 June 2023.

325 Amnesty International interviews with: Chanvatey, Chariya, Charya, Chavy, Chaya and Chea, 21 March 2023; Rachany, Rainsey, Raksmei, Samphy and Sann, 29 June 2023.



*Flooding at Run Ta Ek resettlement site, July 2023, Amnesty International.*

## SANITATION

Sanitation facilities, including toilets, are not provided for families, despite being required under international law and being a critical factor from both a housing and a health perspective.<sup>326</sup> One family who could not afford to build a toilet was still using the nearby fields, despite having lived at the resettlement site for more than three months.<sup>327</sup> Other families had taken on debt to build toilets.<sup>328</sup>

## 6.3 LACK OF JUST COMPENSATION

International law requires governments to provide just compensation without discrimination “for any property, both personal and real, which is affected.”<sup>329</sup>

Some of the families Amnesty International spoke to had been practising rice cultivation for several generations.<sup>330</sup> There is no access to land for rice cultivation at the Run Ta Ek resettlement site, and it is not clear to the families Amnesty International has interviewed whether they will be permitted to return to Zone 2 to cultivate their pieces of land.

Under international human rights standards, even where evicted families do not hold title to their properties, the families are still entitled to adequate compensation for their losses.<sup>331</sup> Amnesty International spoke with 10 families who owned rice paddies within Angkor but were offered inadequate or “unfair” compensation for losing their land.<sup>332</sup> In lieu of the land lost, these families were offered either a plot of land of 20m x 30m, which is unsuitable for farming, or monetary

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326 Basic Principles and Guidelines on Development-Based Evictions and Displacement (Basic Principles), 2007, Annex 1 to UN Doc, NHRC/4/18, paras. 52, 55(b).

327 Amnesty International interview with Somphor and Samphy, 29 June 2023.

328 Amnesty International interviews with Rachana and Rana, 12 June 2023.

329 UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 7: The right to adequate housing (Art.11.1): forced evictions, 20 May 1997, E/1998/22, <https://www.refworld.org/docid/47a70799d.html> para. 13 (accessed 13 July 2023).

330 Amnesty International interview with: Varaman, Chaiya and Chhay, 21 March 2023; Choum, Da and Daevy, 22 March 2023; Pu Nokor, Mao Mouth, Roumdoul, 27 June 2023; Yey, 30 June 2023.

331 Basic Principles and Guidelines on Development-Based Evictions and Displacement (Basic Principles), 2007, Annex 1 to UN Doc, NHRC/4/18, para. 61. Amnesty International interviews with Pu Nokor, Mao Mouth, Roumdoul, 27 June 2023.

332 Amnesty International with: with Varaman, Chaiya and Chhay, 21 March 2023; Choum, Da and Daevy, 22 March 2023; Pu Nokor, Mao Mouth, Roumdoul, 27 June 2023; Yey, 30 June 2023.

compensation of 20 cents per m<sup>2</sup>.<sup>333</sup> Farmers described the resettlement plots and monetary compensation as unfair.<sup>334</sup> Some families were worried about being able to access sufficient food now that they lost the land on which they depended.<sup>335</sup> Others, who had already lost land to the ongoing development projects at Angkor, complained that they now had to buy rice, unlike when they had their land and could grow the rice they needed.<sup>336</sup> An elderly farmer told Amnesty International that he did not know how to do anything else apart from farming: “Can we stay? I can only farm. I don’t know how else to make a living. I don’t care for myself, but I care for my grandchildren.”<sup>337</sup>



*Rice fields inside Angkor, July 2023, Amnesty International.*

Where compensation was offered for land or movable property, it was grossly inadequate, and no information was provided to evicted families about how calculations for compensation were made.<sup>338</sup> One woman described this, saying: “The working group of Chea Sophara [the Minister for Land] – they promised to buy my buffalo. Each one is worth USD 700... – but they offered USD 300. They don’t let us take the buffalo to Run Ta Ek.”<sup>339</sup>

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333 Amnesty International with: Varaman, Chaiya and Chhay, 21 March; Choum, Da and Daevy, 22 March 2023; Pu Nokor, Mao Mouth, Roumduol, 27 June 2023; Yey, 30 June 2023.

334 Amnesty International interviews with Pu Nokor, Mao Mouth, Roumduol, 27 June 2023.

335 Amnesty International interviews with Pu Nokor and Roumduol, 27 June 2023.

336 Amnesty International interviews with Yey and Som Seam, 30 June 2023.

337 Amnesty International interviews with Pu Nokor, 27 June 2023.

338 Amnesty International interviews with Mao Him, Vireakboth and Yey, 30 June 2023.

339 Amnesty International interview with Rithy, 26 June 2023.

The UN Basic Principles call for “access to common property resources previously depended upon” to be given to evicted families.<sup>340</sup> At the time of writing it was unclear whether the farming families would be able to return to cultivate their rice paddies, and on what legal basis this might be discontinued. There is legal precedent within Cambodian law that ought to allow evicted families to return to utilize farm land, especially within the permissions allowed under the Land Law and Royal Decree N. 001.<sup>341</sup> But the fact that this had not been communicated clearly to any of the farming families who Amnesty International spoke to, was concerning, and further evidence of the government’s failure to disseminate information and engage in genuine consultation with the affected people about the eviction prior to carrying it out.

Even if families are allowed to return to farm their land, some pointed out that it would require extensive travel between the resettlement sites and their farms at Angkor Wat, and would not be financially feasible.<sup>342</sup> Referring to his daily journey back and forth between his farms and the resettlement site, Samoth told Amnesty International, “You cannot live like that.”<sup>343</sup> He also feared that if this were the situation, APSARA would not even allow them to build shade structures.<sup>344</sup> Others had similar fears, and recounted how APSARA had destroyed storage buildings in recent months.<sup>345</sup>

People who had owned rice fields for many generations, some claiming more than 100 years of unbroken ownership passed down through generations, were offered no compensation for them,<sup>346</sup> or were forced to accept inadequate offers.<sup>347</sup> Three families were told by APSARA that they must accept their offers for their farmland or APSARA “will take it anyway.”<sup>348</sup> These same families said that they had farmed “since ancient times.”<sup>349</sup> Others, like Yey, were forced to accept 20 cents per m<sup>2</sup> for their rice fields or “go straight to prison.”<sup>350</sup>

Amnesty International also interviewed a couple who had lost one of their fields to the flooding of a baray. They said that they had not received any notice or compensation for the field. This loss meant that they now needed to buy rice for daily use which they had previously grown in that field. They were also very worried that, given the lie of the land, the flooding would affect their neighbours, whose houses were lower down in the baray.<sup>351</sup>

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340 Basic Principles and Guidelines on Development-Based Evictions and Displacement (Basic Principles), 2007, Annex 1 to UN Doc, NHRC/4/18, para. 52.

341 Cambodia, Land Law, 2001, Article 16; Cambodia, Royal decree No. 001 on the Zoning and Management of the Region of Siem Reap/Angkor, 1994, Article 14(b).

342 Amnesty International interviews with Romduel, 27 June 2023.

343 Amnesty International interviews with Romduel, 27 June 2023.

344 Amnesty International interviews with Romduel, 27 June 2023.

345 Amnesty International interviews with Rom Chang and Rotha, 27 June 2023.

346 Amnesty International interview with Samay, 27 June 2023.

347 Amnesty International interviews with Mao Him, Vireakboth and Yey, 30 June 2023.

348 Amnesty International interviews with Mao Him, Vireakboth and Yey, 30 June 2023.

349 Amnesty International interviews with Mao Him, 30 June 2023.

350 Amnesty International interviews with Yey, 30 June 2023.

351 Amnesty International interview with Son Seam and Thnol Bandoey, 30 June 2023.

ACCEPT 20 CENTS PER M<sup>2</sup> FOR THE RICE FIELDS OR

**“GO STRAIGHT TO PRISON.”**



***Wife: “At the western end of the land is lower-lying houses so they might be affected. If the house is flooded, then people have to move. I have lived here for generations. The land was passed down to me mother-to-mother.”***

***Husband: “They took one rice field from me to flood – they haven’t flooded it yet. Elsewhere they said that they wanted to pay compensation. We owned that field since my grandparents. We had no choice when they took that field. No papers for it, nothing. They need the water – that is the reason. They never write it down though. Chea Sophara [the Minister for Land] held a big meeting and said we are going to release the water – the meeting was in Preah Dak. We are very worried – we have less rice now because we lost the field. We need to buy rice now.”<sup>352</sup>***

## TRANSPORT OF PROPERTY

According to international human rights standards, compensation should include the transport of property between the eviction site and resettlement site.<sup>353</sup> Notably, the Cambodian government offers individuals and families the services of the military to assist them in dismantling their homes and transporting their property to the resettlement site of Run Ta Ek but asks for a “voluntary” payment in exchange for these services.<sup>354</sup> Amnesty International interviewed many participants who chose not to use the military service because they perceived this payment as a requirement, and one that they could ill afford.<sup>355</sup> Families reported that village chiefs frequently told people utilizing the service to pay for the food and drink expenses of the military.<sup>356</sup> Others reported that the truck used for transport would usually cost between 40,000 and 160,000 Cambodian riel (between USD 10 and USD 40) per truck, though this varied depending upon whether families chose to make the food for the military personnel themselves or buy the refreshments.<sup>357</sup>

<sup>352</sup> Amnesty International interview with Son Seam and Thnol Bandoey, 30 June 2023.

<sup>353</sup> Basic Principles and Guidelines on Development-Based Evictions and Displacement (Basic Principles), 2007, Annex 1 to UN Doc, NHRC/4/18, para. 61.

<sup>354</sup> Fresh News, then Prime Minister Hun Sen speech at Run Ta Ek, 13 September 2022 [unofficial translation].

<sup>355</sup> Amnesty International interview Chanvatey, Chariya, Charya and Chavy, 21 March 2023.

<sup>356</sup> Amnesty International interview with Chaya and Chea, 22 March 2023.

<sup>357</sup> Amnesty International interviews with: Rachany and Rainsey, 13 June 2023; Varaman, 21 March 2023.

## 6.4 EXPOSURE TO FURTHER HUMAN RIGHTS VIOLATIONS CAUSED DIRECTLY BY THE FORCED EVICTIONS

Evictions should not result in evicted persons being at risk of further human rights violations.<sup>358</sup> However, the process of the evictions, the inadequate compensation and the living conditions at the Run Ta Ek resettlement site have further entrenched patterns of poverty and deprivation and placed its resettled residents at increased risk of both human rights violations and indebtedness.<sup>359</sup>

### INCREASED INDEBTEDNESS

Amnesty International found that, in most cases, the requirement to rebuild homes and toilets, and the loss of land and livelihood options, had increased the financial burden on families. Many families Amnesty International spoke to, who had resettled in Run Ta Ek, were in debt. Amnesty International reviewed the total income and debt repayment schedules for some of these families and found that many of them had few funds left to subsist or were unable to repay their loans. Some had even taken out further loans to buy daily essentials like fruit and vegetables.

ID Poor Cards are part of the social security system in Cambodia, and are used to enable people living in poverty to access benefits such as free healthcare and to receive cash payments from the government.<sup>360</sup> However, at least 10 families told Amnesty International that they had had to pawn their ID Poor Cards, which were provided as part of the resettlement package,<sup>361</sup> as collateral for loans to private money lenders.<sup>362</sup> In these cases, the loans were taken out to build houses or toilets, both of which were the responsibility of the state to provide, and which should have been at the site before the families arrived.<sup>363</sup> As a result, most payments from ID Poor Cards were going to money lenders and not to the intended recipients to enable them to pay for essential services. Amnesty International has strong reasons to believe the pawning of ID Poor Cards at the resettlement site is a growing problem, and multiple interviewees reported that “everyone has pawned their ID Poor Cards.”<sup>364</sup>

AT LEAST 10 FAMILIES HAD HAD TO  
**PAWN THEIR ID POOR CARDS**  
(WHICH WERE PROVIDED AS PART OF THE RESETTLEMENT PACKAGE)

**AS COLLATERAL FOR LOANS  
TO PRIVATE MONEY LENDERS.**



358 CESCR, General Comment No. 7, para 16; Basic Principles and Guidelines on Development-Based Evictions and Displacement (Basic Principles), 2007, Annex 1 to UN Doc, NHRC/4/18, para. 16.

359 International Covenant on Economic, Social and Cultural Rights, 1966, Article 11.

360 Department of Identification of Poor Households, “Website”, [idpoor.gov.kh/en/](http://idpoor.gov.kh/en/) (accessed 18 July 2023).

361 Not all families are receiving the resettlement package. Amnesty International interview with Rom Chang and Rotha, 27 June 2023; Amnesty International group interview with Mondul Bey community, 12 June 2023.

362 Amnesty International interviews with: Chay, 21 March 2023; Chhaya, Chhean, Chhorvin, Chhorvon, 22 March; Rachana and Varraman, 13 June 2023; Devi, 14 June 2023; Yey, 26 June 2023; Samrin and Samphy, Sann, 29 June 2023.

363 Amnesty International interviews with: Chay, 21 March 2023; Chhaya, Chhean, Chhorvin, Chhorvon, 22 March; Rachana and Varraman, 13 June 2023; Devi, 14 June 2023; Yey, 26 June 2023; Samrin and Samphy, Sann, 29 June 2023.

364 Amnesty International interviews with: Chay, 21 March 2023; Chhaya, Chhean, Chhorvin, Chhorvon, 22 March; Rachana and Varraman, 13 June 2023; Devi, 14 June 2023; Yey, 26 June 2023; Samrin and Samphy, Sann, 29 June 2023.

## LIMITED ACCESS TO WORK AND LIVELIHOOD OPTIONS

Most evicted families are low-income households, many of whom were already devastated by the loss of tourism during Covid-19 prior to being evicted. Several affected people reported having to go back to Siem Reap or Angkor for work. “It’s 38 kilometres, nearly an hour to drive on a motorbike,” one said. Another said the cost to his business was high because he spent more on petrol.

Amnesty International found that the forced evictions and relocation had adversely impacted people’s access to work and opportunities for earning a living. Every family that Amnesty International spoke to highlighted the lack of employment opportunities at Run Ta Ek. This was a major stress factor for evicted families, and a huge source of fear for those facing eviction. “There are no employment opportunities there,” one said.<sup>365</sup> Another noted that the alternative plots of land provided were too small for farming, which was the only thing they knew how to do.<sup>366</sup> One woman reflected on the entire site: “I worry about what happens when that many people don’t have work.”<sup>367</sup> Another woman described the compound effects of Covid-19 and the forced evictions as devastating. She had lost her job because of Covid-19, after which she became indebted because of the evictions. At the time of the interview, she was worried that she was also now cut off from the possibility of returning to work in tourism because of the resettlement at Run Ta Ek, which is nearly an hour away from Siem Reap.<sup>368</sup>

ICC-Angkor is aware of the need for “ensuring employment opportunities” and has called for the reservation of a plot of land at the Peak Sneng resettlement site that is “intended to accommodate a technical manufacturing unit planned by a Japanese investment company belonging to the Royal Group, Phnom Penh Special Economic Zone.”<sup>369</sup>

## IMPACT ON ACCESS TO ADEQUATE FOOD

In total, 14 families told Amnesty International researchers that they did not have enough food to eat as a result of their eviction.<sup>370</sup> Some families had lost income and were unable to afford sufficient food,<sup>371</sup> while others had entered into debt because of the eviction and were now cutting back on their food intake.<sup>372</sup> Amnesty International researchers asked whether families had faced similar concerns regarding to access to food when living in Zones 1 and 2, and they all said that they had not had these issues with food before coming to the resettlement site or before losing land because of the forced evictions.<sup>373</sup> Several families reported that living around the forests of Angkor also provided additional access to common resources that supplemented their food requirements:<sup>374</sup> “We just want enough food to eat. That’s all we want. When we were at [Angkor], we have enough food to eat.”<sup>375</sup>

One family had returned to their land at Angkor after being resettled because they could gather food from the forest there. They said they had no option: “We have no food [at Run Ta Ek], so we came back here [to Angkor].”<sup>376</sup>

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365 Amnesty International interview with Varraman, 13 June 2023.

366 Amnesty International interviews with Pu Nokor, 27 June 2023.

367 Amnesty International interview with Chhaya, Chhean, Chhorvin and Chhorvon, 22 March 2023.

368 Amnesty International interview with Chanvatey, Chariya, Charya and Chavy, 21 March 2023.

369 ICC-Angkor, 37th Technical Session, Monday and Tuesday, 12-13 June, 2023, para 23.

370 Amnesty International interviews with: Chantrea and Chanvatey, 10 March 2023; Rithy, 26 June 2023; Samrin, 29 June 2023; Samphy, 29 June 2023; Sann, 29 June 2023.

371 Amnesty International interviews with: Rithy, 26 June 2023; Samrin, 29 June 2023; Samphy, 29 June 2023; Sann, 29 June 2023.

372 Amnesty International interviews with: Samphy, 29 June 2023; Sann, 29 June 2023.

373 Amnesty International interviews with Chantrea and Chanvatey, 10 March 2023; Rithy, 26 June 2023; Samrin, 29 June 2023; Samphy, 29 June 2023; Sann, 29 June 2023.

374 Amnesty International interviews with Chhaya, Chhean, Chhorvin and Chhorvon, 22 March 2023; Rithy, 26 June 2023.

375 Amnesty International interview with Samphor, 29 June 2023.

376 Amnesty International interviews with Chantrea and Chanvatey, 10 March 2023.



*Run Ta Ek resettlement site during light rain, July 2023, Amnesty International.*



*Soldiers unloading property from a military vehicle at the Run Ta Ek resettlement site, March 2023, Amnesty International.*

## 6.5 RUPTURE OF COMMUNITY NETWORKS AND SOCIAL SECURITY NETS AND THE SEPARATION OF FAMILIES

■ ***“Our villages are no longer together.”<sup>377</sup>***

The UN Basic Principles call on states to ensure that members of the same extended family or community are not separated as a result of evictions.<sup>378</sup> In context, the significance of this guideline is related to the importance of family and community in the support networks that are critical for many individuals.

According to several families interviewed, the resettlement process includes thumbprinting a document to “volunteer” to be resettled and then entering a lottery system to receive a land plot.<sup>379</sup> Amnesty International found no evidence that the land plot allocation system is corrupt, and it was probably set up to disperse plots on a random basis to avoid allegations of corruption.

However, the system does not prevent families and communities from being separated. As a result, Amnesty International heard from neighbours who had lived next to each other for decades being separated. Entire villages were scattered around the resettlement site of Run Ta Ek at random via the lottery process. This meant that any safety networks across communities, such as measures for protecting women from domestic violence or for childcare arrangements, were ruptured or more difficult to access.

In one case, neighbours who had lived together for more than 50 years found themselves separated at their resettlement site.<sup>380</sup> An elderly woman recounted how she had watched her two younger neighbours grow up, had been evicted during the years of the Khmer Rouge, and had returned to their village – only ultimately to be forcibly evicted and then separated geographically at the Run Ta Ek resettlement site.<sup>381</sup>

### THE UN BASIC PRINCIPLES

***THE UN BASIC PRINCIPLES CALL ON STATES TO ENSURE THAT MEMBERS OF THE SAME EXTENDED FAMILY OR COMMUNITY ARE NOT SEPARATED AS A RESULT OF EVICTIONS.***

377 Amnesty International interview with Chenda and Chea, 21 March 2023.

378 Basic Principles and Guidelines on Development-Based Evictions and Displacement (Basic Principles), 2007, Annex 1 to UN Doc, NHRC/4/18, para. 52.

379 Amnesty International interviews with: Chhaiya and Chhay, 21 March 2023; Ponlok, 12 June 2023.

380 Amnesty International interviews with Rith, Pol and Rithisack, 26 June 2023.

381 Amnesty International interviews with Rith, Pol and Rithisack, 26 June 2023.

Extended families were also separated as a result of the programme and lottery process. As far as Amnesty International can ascertain from the limited information available, the mechanism for consigning land plots in the resettlement site depends upon the number of families within a household.<sup>382</sup> For example, if a household has three families living within it, then three land plots are available through the programme. However, the definition of a family, according to people Amnesty International spoke with, was based on legal marriage.<sup>383</sup> This meant that some families did not receive land plots because they could not show they had been legally married,<sup>384</sup> whereas others did not receive land plots because they were independent adults without a spouse.<sup>385</sup>

Even where these issues did not apply, extended families were still split up.<sup>386</sup> Amnesty International heard from a daughter and father who had been placed separately from each other, despite having lived in the same house for their entire lives.<sup>387</sup> The father has six children and 14 grandchildren, and previously lived near to all of them.<sup>388</sup> However, now the families had been separated across the Run Ta Ek site, with one family yet to move.<sup>389</sup> “My mother is looking after her disabled grandson – he will be sent to the other resettlement site [Peak Sneng],” the daughter told Amnesty International.<sup>390</sup> Researchers were told that this was done deliberately by authorities to ensure that the grandson with a disability had better access to resources. However, the lack of planning to ensure that his family could be resettled in the same area is a serious flaw in the system, especially if the family is the main support system for the child.

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382 Amnesty International was only able to gain information and insight into the process through interviews with families who had been through it. As a result, it is possible that the process is different from how it is described here. There were no publicly available documents that Amnesty International was able to review.

383 Amnesty International interviews with: Ponlok, 12 June 2023; Rith, 26 June 2023.

384 Amnesty International interviews with: Ponlok, 12 June 2023; Rith, 26 June 2023.

385 Amnesty International interviews with Rith, 26 June 2023.

386 There is no evidence that this was deliberate. The role of the lottery system leads inevitably to this outcome.

387 Amnesty International interview with Chhaiya and Chea, 21 March 2023.

388 Amnesty International interview with Chhaiya and Chea, 21 March 2023.

389 Amnesty International interview with Chhaiya and Chea, 21 March 2023.

390 Amnesty International interview with Chea, 21 March 2023.

# 7. STATE OBLIGATIONS AND UNESCO RESPONSIBILITIES

The Cambodian state is fully responsible for the forced evictions it is carrying out at the World Heritage Site of Angkor. However, other parties have also played a role.

## 7.1 THE CAMBODIAN GOVERNMENT

Under seven major human rights treaties, Cambodia is obligated to respect, protect and fulfil the right to adequate housing. Despite these obligations, the Cambodian government has undertaken the “relocation programme” in Zones 1 and 2 of Angkor in a manner that is incompatible with international human rights law and standards, and which constitutes forced evictions. Through APSARA and the MLMUPC, Cambodia is failing to fulfil its obligations to promote and protect the right to housing.

The Cambodian government is responsible for failing to define clearly which villages in Angkor comprise the “traditional villages” – and therefore who is allowed to remain in Zones 1 and 2 of Angkor. While right to housing safeguards apply irrespective of land tenure, the lack of clarity that has characterized the Cambodian government’s approach to Zones 1 and 2 prevents residents from making informed decisions and taking legal or administrative action to protect their rights.

This research has shown that the legal protections in domestic law, including those found in the Cambodian Constitution and the Law on Expropriation, are not being applied. Human rights protections,<sup>391</sup> the right to ownership of housing and land<sup>392</sup> and the provision of “fair and just compensation in advance”,<sup>393</sup> including by “an independent committee or agent appointed by the Expropriation Committee”,<sup>394</sup> are not being transparently applied,<sup>395</sup> even where the standards fall short of the required protections that domestic law should contain.<sup>396</sup>

APSARA has been responsible, along with other authorities such as village chiefs, police and local authorities, for communicating and undertaking the evictions, often using intimidation and coercion. In all but one instance reported by Amnesty International, APSARA authorities asked residents either to leave the site or volunteer to leave the site. APSARA authorities also dismantled one family’s house and destroyed their crops without providing notice.<sup>397</sup>

The MLMUPC is reportedly involved in a large-scale land registration process within Angkor, which was ramped up dramatically around August 2022, presumably to help in the administration of the forced evictions. It is unclear what evidence the MLMUPC collected, but most residents of Angkor who had been evicted or were facing eviction reported to Amnesty International that, around August and

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391 Cambodia, the Constitution of the Kingdom of Cambodia, 1993, Article 31.

392 Cambodia, the Constitution of the Kingdom of Cambodia, 1993, Article 44.

393 Cambodia, the Constitution of the Kingdom of Cambodia, 1993, Article 44.

394 Cambodia, the Law on Expropriation, 2010, Article 22.

395 It should be noted that one interviewee suggested that a committee related to expropriation exists, but it is not clear how it operates and on what basis. Rithy suggested the Chea Sophara, the Minister for Land, had convened a working group to assess compensation to be paid for buffalo. Amnesty International interview with Rithy, 26 June 2023.

396 UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 7: The right to adequate housing (Art.11.1): forced evictions, 20 May 1997, E/1998/22, <https://www.refworld.org/docid/47a70799d.html> para. 9 (accessed 13 July 2023).

397 Amnesty International interviews with Rom Chang and Rotha, 27 June 2023.



**THIS  
RESEARCH  
HAS SHOWN  
THAT**

**THE LEGAL PROTECTIONS IN DOMESTIC LAW,  
INCLUDING THOSE FOUND IN THE CAMBODIAN  
CONSTITUTION AND THE LAW ON EXPROPRIATION,  
ARE NOT BEING APPLIED**

September 2022, their land had been measured and they had been questioned by the authorities about how long they had lived in a particular area. It is unclear how this information was used to assess tenure for land and housing or in the eviction and resettlement process. Amnesty International wrote to APSARA and UNESCO requesting this information but were told by UNESCO to ask APSARA, who then did not respond to the request.<sup>398</sup>

In addition, the lack of information made publicly available about the relocation programme violates the government's obligations under the UNESCO Convention: this requires "keep[ing] the public broadly informed of the dangers threatening" heritage sites.<sup>399</sup>

The Prime Minister's speeches have made it clear that the Cambodian government is undertaking the evictions to remove the risk of Angkor losing its World Heritage status.<sup>400</sup> This should require the government to submit its "relocation programme" in detail to the World Heritage Committee, as it constitutes action that the state is taking to uphold its duties under the UNESCO Convention. However, the government has only submitted APSARA's Conservation Report, which does not provide sufficient detail and is, in part and according to the findings of this report, inaccurate.<sup>401</sup> Amnesty International asked APSARA for a resettlement plan in September 2023 but did not receive one.<sup>402</sup>

On 6 September 2023, Amnesty International shared the findings set out in full in this report with APSARA. At the time of publication, APSARA had not responded. However, on 12 September 2023, APSARA issued a press release stating that "the Royal Government has set up a working group to address illegal construction... based on national and international laws" and lamenting that Amnesty International had not met them in Cambodia, which they assert is better than "getting information from thousands of kilometers away from the real situation."<sup>403</sup>

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398 Amnesty International letter to APSARA dated 14 August 2023, on file with Amnesty International.

399 Convention Concerning the Protection of the World Cultural and Natural Heritage (1972), Article 27.

400 Press OCM, Prime Minister Hun speech at a graduation ceremony at a private university in Phnom Penh, 3 October 2022, <https://www.youtube.com/watch?v=JaFkMxtVd5M>

401 Convention Concerning the Protection of the World Cultural and Natural Heritage (1972), Article 29.

402 Amnesty International communications with APSARA, September 2023, on file with Amnesty International.

403 APSARA, Press release, 12 September 2023, <https://opendevelopmentcambodia.net/announcements/press-release-apsara-national-authority-responds-to-radio-free-asia-rfa/> <https://opendevelopmentcambodia.net/announcements/press-release-apsara-national-authority-responds-to-radio-free-asia-rfa/> (accessed 20 October 2023).

## 7.2 UNESCO

UNESCO has historically played a pivotal role in the conservation of Angkor. Most relevant to the current forced evictions is the ZEMP report commissioned by UNESCO soon after the site's designation in 1992, which led to recommendations by the World Heritage Committee to zone Angkor. In response, the Cambodian government passed legislation implementing the zoning recommendations. UNESCO monitored the implementation of these laws such that, in 2005, it noted that “a major and irreversible negative impact to the integrity of the property will take place unless the authorities are able to exert effective control on land management as a matter of urgency.”<sup>404</sup> In 2008, UNESCO similarly voiced its concerns at the 32nd session of the World Heritage Committee.<sup>405</sup> It is unclear what additional steps were taken then and thereafter by UNESCO to address this significant gap in the proper implementation of zoning across Angkor. However, it is clear that UNESCO was aware then and has been throughout the years since, that the Cambodian laws relating to zoning and their implementation by the state were insufficient and that the authorities were unable, or unwilling, to control land management effectively.<sup>406</sup> In this context, it is reasonable to conclude that UNESCO is aware that the improper implementation by the Cambodian government of UNESCO's zoning recommendations have led, at least in part, to the problematic nature of the state's “relocation programme” as documented in this report.

As a UN agency whose constitution explicitly affirms its commitment to further the respect for human rights and fundamental freedoms by the Charter of the United Nations,<sup>407</sup> UNESCO bears responsibility for ensuring that its actions do not cause or contribute to human rights violations. It must “take fully into account the prohibition on forced evictions under international human rights law and related standards.”<sup>408</sup>

In response to allegations put to it by Amnesty International, the UNESCO World Heritage Centre wrote that “our Organisation does not have the ability to enforce implementation of rights-based standards and policy recommendations as our role is rather focused on policy advice, capacity building and advocacy.”<sup>409</sup> UNESCO further noted that it has “neither the ability nor the authority to assess that this respect [for human rights] is effective”.<sup>410</sup>

Acknowledging the parameters of UNESCO's mandate, and based on the findings set out in this report, UNESCO nonetheless appears to have fallen short of its responsibility to uphold and promote human rights in the context of the relocations from Zones 1 and 2 in Angkor.

While Amnesty International acknowledges that UNESCO has been engaged in private discussions with the Cambodian government, the gravity of the situation requires a public response from all parties.



**UNESCO MUST “TAKE FULLY INTO ACCOUNT THE PROHIBITION ON FORCED EVICTIONS UNDER INTERNATIONAL HUMAN RIGHTS LAW AND RELATED STANDARDS.”**

404 UNESCO, “Angkor, 2008”, <https://whc.unesco.org/en/soc/845>

405 UNESCO, “Angkor, 2008”, <https://whc.unesco.org/en/soc/845>

406 UNESCO, “Angkor, 2008”, <https://whc.unesco.org/en/soc/845>

407 Article 1 of UNESCO's Constitution.

408 Basic Principles and Guidelines on Development-Based Evictions and Displacement (Basic Principles), 2007, Annex 1 to UN Doc, NHRC/4/18, para 71.

409 Annex 4, UNESCO, letter to Amnesty International, 24 October 2023, on file with Amnesty International, p 1.

410 Annex 4, UNESCO, letter to Amnesty International, 24 October 2023, on file with Amnesty International, p 1.

## KNOWLEDGE OF FORCED EVICTIONS

UNESCO's role as ICC-Angkor's standing Secretariat means it is informed of conservation and other related activities at the Angkor site. In addition, UNESCO has directly and indirectly been made aware of the facts leading to the forced evictions since at least end of 2022.

On 3 October 2022, the Prime Minister gave a televised speech in which he presented his "relocation plan", stating that Angkor risked being removed from the World Heritage list and that there was "pressure from UNESCO."<sup>411</sup> Soon after that, in November 2022, *The Guardian* reported mass evictions at the Angkor site.<sup>412</sup> UNESCO told *The Guardian* that they "have never called for population displacements in Angkor", and that they had received guarantees from the Cambodian government that human rights would "be respected".<sup>413</sup>

In December 2022, ICC-Angkor congratulated APSARA for "carrying out the program of dismantling recent illegal constructions" and recommended considering implementing a "dismantling program for more ancient illegal buildings located in sensitive areas."<sup>414</sup>

According to interviews conducted by Amnesty International, on 27 March 2023, community leaders representing more than 4,000 families affected by the forced evictions at Angkor attempted to alert UNESCO of the unfolding human rights situation.<sup>415</sup> Amnesty International was told that community leaders attempted to deliver a petition to the UNESCO office in Phnom Penh but were told by a UNESCO Cambodia security guard that UNESCO does not work on land issues.<sup>416</sup>

Amnesty International delegates visited Angkor in March 2023 to document the forced evictions. On 30 March 2023, Amnesty International notified UNESCO that the state's relocation programme contained threats and intimidation and asked that it provide information on UNESCO's role in the process.<sup>417</sup> In UNESCO's response, it referred to the evictions as a "relocation project."<sup>418</sup> UNESCO further stated that they were "closely monitoring the situation at the Angkor property, notably through the UNESCO Office in Phnom Penh, in line with the rules and procedures of the 1972 Convention."<sup>419</sup>

Upon hearing of the "relocation project", UNESCO explained that they had "immediately advised the authorities of the need to work closely with local communities", and that the Cambodian authorities had "informed UNESCO Office in Phnom Penh that these [human rights] principles would be respected and that this program will be based on a voluntary approach."<sup>420</sup> Further, UNESCO told Amnesty International that they were "seeking verification and comments from the State Party, the Kingdom of Cambodia, in the framework of paragraph 174 of the Operational Guidelines."<sup>421</sup> Paragraph

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411 Press OCM, Prime Minister Hun speech at a graduation ceremony at a private university in Phnom Penh, 3 October 2022, <https://www.youtube.com/watch?v=JaFkMxtVd5M> [unofficial translation].

412 *the Guardian*, Mass evictions at Angkor Wat leave 10,000 families facing uncertain future, Fiona Kelliher and Phin Rathana, 29 November 2022, <https://www.theguardian.com/global-development/2022/nov/29/evictions-cambodia-angkor-wat-unesco-world-heritage-site>

413 *The Guardian*, Mass evictions at Angkor Wat leave 10,000 families facing uncertain future, Fiona Kelliher and Phin Rathana, 29 November 2022, <https://www.theguardian.com/global-development/2022/nov/29/evictions-cambodia-angkor-wat-unesco-world-heritage-site>

414 ICC-Angkor, 36th Technical Session and 29th Plenary Session, Thursday 15 December 2022, para 19.

415 Amnesty International group interview with 22 community members of Sna Sangkream, 28 June 2023.

416 Amnesty International interviews with community leaders, March 2023.

417 Amnesty International, Letter to UNESCO, 30 March 2023, on file with Amnesty International.

418 Annex 4, UNESCO, Response to Letter to UNESCO from Amnesty International dated 30 March 2023, 10 May 2023, on file with Amnesty International.

419 Annex 4, UNESCO's response to letter to UNESCO from Amnesty International dated 30 March 2023, 10 May 2023, on file with Amnesty International.

420 Annex 4, UNESCO's response to letter to UNESCO from Amnesty International dated 30 March 2023, 10 May 2023, on file with Amnesty International.

421 Annex 4, UNESCO's response to letter to UNESCO from Amnesty International dated 30 March 2023, 10 May 2023, on file with Amnesty International.



**UNESCO TOLD THE GUARDIAN THAT THEY “HAVE NEVER CALLED FOR POPULATION DISPLACEMENTS IN ANGKOR”, AND THAT THEY HAD RECEIVED GUARANTEES FROM THE CAMBODIAN GOVERNMENT THAT HUMAN RIGHTS WOULD “BE RESPECTED”.**

174 provides for UNESCO to verify information with the Cambodian government.<sup>422</sup> When Amnesty International wrote to ask UNESCO for the content of their communications to the Cambodian government, they were told they do not disclose this information publicly.<sup>423</sup>

On 4 April 2023, UNESCO told CamboJA, a local media organization, that “UNESCO is not a party to this relocation program and has not made any request for population relocation to the Cambodian authorities”, and “underlines, for all the sites in the world, that the conservation measures decided by the authorities must involve and take into account the opinion of local communities and respect the rights.”<sup>424</sup>

In June 2023, APSARA organized a trip for ICC-Angkor’s ad hoc experts, who visited the Run Ta Ek and Peak Sneng resettlement sites.<sup>425</sup> ICC-Angkor noted then that the “experts observed, with satisfaction, the proper implementation of the territorial development and public equipment works, both in one site and in the other.”<sup>426</sup>

Between March and July 2023, Amnesty International conducted a number of visits to Angkor, collecting additional evidence of forced evictions. On 12 July 2023, Amnesty International delegates met with UNESCO Cambodia and shared this evidence. In the following months, Amnesty International submitted the main findings of this report to UNESCO Cambodia and the director of the World Heritage Centre.<sup>427</sup>

Therefore, between October 2022 and September 2023, UNESCO (either through its office in Cambodia, its representative in ICC-Angkor, or its World Heritage Centre) was informed of the forced evictions taking place in Angkor. Despite this information, UNESCO has not publicly condemned the forced evictions at Angkor nor even acknowledged that they are taking place, or even publicly stated whether they are conducting any assessments into the possibility that these displacements constitute forced evictions, in light of the evidence. Instead, it has continued to refer to evictions as the State’s “relocation programme”. The UNESCO World Heritage Centre responded to this claim by stating: “Amnesty International wrongly assumes that the statutory Reactive Monitoring process for a World Heritage property necessarily implies that UNESCO is not only aware of, but also actively involved in and able to directly influence the national- or local-level implementation of programmes and activities. This is incorrect.”<sup>428</sup> UNESCO did not directly respond to Amnesty International’s assertion that they were made aware of the facts surrounding the forced evictions.

422 UNESCO, Operational Guidelines for the Implementation of the World Heritage Convention, 2021, WHC.21/01, <https://whc.unesco.org/en/guidelines/>, para. 174.

423 Amnesty International communications with UNESCO, June 2023, on file with Amnesty International.

424 CamboJA, “No Choice”: Forced Angkor Evictions Portrayed as Voluntary to UNESCO, Khuon Narim, Jack Brook, 4 April 2023, <https://cambojanews.com/no-choice-forced-angkor-evictions-portrayed-as-voluntary-to-unesco/>

425 ICC-Angkor, International Coordinating Committee for the Safeguarding and Development of the Historic Sites of Angkor and Sambor Prei Kuk, 37th Technical Session Monday and Tuesday, 12-13 June 2023, para 23.

426 ICC-Angkor, International Coordinating Committee for the Safeguarding and Development of the Historic Sites of Angkor and Sambor Prei Kuk, 37th Technical Session Monday and Tuesday, 12-13 June, 2023, para 23.

427 Amnesty International letter to Director of World Heritage Centre, 25 August 2023, on record with Amnesty International.

428 Annex 4, UNESCO, letter to Amnesty International, 24 October 2023, on file with Amnesty International, p 4.

## THE WORLD HERITAGE COMMITTEE'S 45TH SESSION

Amnesty International requested to the UNESCO World Heritage Centre that the findings set out in this report be shared with the World Heritage Committee in the 45th session, to take place in Riyadh, Saudi Arabia, between 10 and 25 September. The Draft Agenda of the 45th session, which is set by the Director-General of UNESCO,<sup>429</sup> acknowledged the letter sent by Amnesty International to UNESCO on March 2023, but mischaracterized Amnesty International's concerns about the forced evictions by suggesting that the human rights concerns only related to "illegal settlements".<sup>430</sup> It further aligned its language with that of APSARA's Conservation Report, suggesting that the local communities and inhabitants present before the inscription of the site are not the subject of the "programme", and noted that "illegal constructions are regarded by the State Party and conservation experts as incompatible with the required visual, sanitary, safety and environmental standards to maintain the integrity and authenticity of the property."<sup>431</sup> The Draft Agenda also used the government's language to describe the forced evictions as "relocation of illegal occupants" and included no significant details of the evictions that Amnesty International had shared.<sup>432</sup>



Amnesty International was only able to watch the live and recorded videos of the 45th session, and understands that on 14 September, during the afternoon session, APSARA's Conservation Report was adopted without discussion.<sup>433</sup> This is despite the fact that the Director-General of UNESCO has powers to propose questions,<sup>434</sup> and can make "either oral or written statements on any question under consideration."<sup>435</sup> Therefore, UNESCO appears to have chosen not to raise the serious human rights concerns shared by Amnesty International in advance of the meeting. The UNESCO World Heritage Centre's response was that "during the Session, the Document WHC/23/45.COM/7B.Add.2 was examined by the Member States of the World Heritage Committee, who decided not to open this point for discussion – UNESCO's Secretariat could not open the discussion on its own."<sup>436</sup> Further, the Centre explained that "the Director-General decided, at the suggestion of the Secretariat, to include Angkor on the list of properties whose state of conservation should be examined at the extended 45th session".<sup>437</sup>

Finally, it is important to note the World Heritage Committee's Decision 45 COM 7B.152 of 2023 endorsed Cambodia's position that it "has been acting to enforce zoning regulations and has relocated families who settled illegally in the property".<sup>438</sup> This, once again, relies only upon information provided by the Cambodian government, despite significant evidence to the contrary that forced evictions are taking place.<sup>439</sup> The decision ultimately taken by the World Heritage Committee was to commend the Cambodian government for their conservation efforts and take note of "the State Party [...] acting to enforce zoning regulations and [relocating] families who settled illegally."<sup>440</sup> More positively, the

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429 UNESCO, World Heritage Committee Rules of Procedure, 2015, at 9.1

430 UNESCO, World Heritage Committee Draft Agenda 45th Conference, WHC/23/45.COM/7B.Add.2, p. 133

431 UNESCO, World Heritage Committee Draft Agenda 45th Conference, WHC/23/45.COM/7B.Add.2, p. 13

432 UNESCO, World Heritage Committee Draft Agenda 45th Conference, WHC/23/45.COM/7B.Add.2, p. 133

433 UNESCO, World Heritage Committee Extended 45th session, video link, 14 September 2023 at 1.17.09, <https://whc.unesco.org/en/sessions/45COM/records/?day=2023-09-14>

434 UNESCO, World Heritage Committee Rules of Procedure, 2015, at 9.2(d).

435 UNESCO, World Heritage Committee Rules of Procedure, 2015, at 43.3.

436 Annex 4, UNESCO, letter to Amnesty International, 24 October 2023, on file with Amnesty International, p 2.

437 Annex 4, UNESCO, Response to Annex 1 and Annex 2 of Amnesty International's letter dated 11 October 2023, 24 October 2023, on file with Amnesty International, p 4.

438 Annex 4, UNESCO, Response to Annex 1 and Annex 2 of Amnesty International's letter dated 11 October 2023, 24 October 2023, on file with Amnesty International, p 4.

439 UNESCO World Heritage Committee, Decision: 45 COM 7B.152, 2023, provided to Amnesty International by UNESCO as part of their response Amnesty International's letter dated 11 October 2023, 24 October 2023, on file with Amnesty International.

440 UNESCO, World Heritage Committee Decision 45 COM 7B.152.

Decision asked the Cambodian government to take “into consideration the living conditions and the rights of local communities and inhabitants affected by these relocations and those already living lawfully within the property boundaries prior to inscription.”<sup>441</sup>

As above, it is important to consider how the Cambodian state has repeatedly referenced UNESCO as a justification for its “relocation” programme. The role perceived to be played by UNESCO is also reflected in Amnesty International’s interviews with affected people, who repeatedly referenced UNESCO as an influential actor who can do more to ensure that human rights violations are not committed in the name of conservation. The UNESCO World Heritage Centre informed Amnesty International “the actions of a Member State and State Party to the World Heritage Convention acting on its own sovereign soil is not the responsibility of UNESCO – even if a Member State were to justify its actions by invoking the Organization.”<sup>442</sup>

## UNESCO’S MANDATE

UNESCO’s “main comment [is] the importance of rigorously recalling the UNESCO mandate.” It told Amnesty International that it is “not in a position to impose measures on Member States and its site managers”, as the conservation and management of the property in a manner that is inclusive and sustainable is under the sole authority of the State Party.” It further noted that UNESCO “has been, and continues to ensure full respect for human rights within its mandate and action” but that it cannot “ensure that something happens (or does not happen) on sovereign soil.”<sup>443</sup>

Notwithstanding the parameters of UNESCO’s mandate, Amnesty International’s recommendations to UNESCO – principally to independently assess, acknowledge and condemn human rights violations taking place at a World Heritage Site, especially violations that are being done in the name of UNESCO – are within the powers of UNESCO and in line with its commitment to place human rights at the core of its actions. In fact, the UNESCO World Heritage Committee itself said that “UNESCO can encourage, recall, inform, advise and monitor the respect for human rights in line with its mandate and through the established processes and procedures of the international instrument with its intergovernmental governing bodies.”<sup>444</sup> These recommendations are consistent with the type of action that UNESCO has taken in the face of allegations of forced evictions elsewhere.<sup>445</sup>

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441 UNESCO, World Heritage Committee Decision 45 COM 7B.152.

442 Annex 4, UNESCO, Response to Annex 1 and Annex 2 of Amnesty International’s letter dated 11 October 2023, 24 October 2023, on file with Amnesty International, p 4.

443 Annex 4, UNESCO, Response to Annex 1 and Annex 2 of Amnesty International’s letter dated 11 October 2023, 24 October 2023, on file with Amnesty International, p 5.

444 Annex 4, UNESCO, Response to Annex 1 and Annex 2 of Amnesty International’s letter dated 11 October 2023, 24 October 2023, on file with Amnesty International, p 1.

445 For example, in 2021 and 2022, the UNESCO World Heritage Centre received numerous letters, reports and petitions from civil society organizations calling upon the Government of the United Republic of Tanzania (Tanzania) and UNESCO to stop the forced eviction of the Maasai from a World Heritage property. The UNESCO World Heritage Committee then undertook at least the following actions: (1) it transmitted the documents laying out the concerns to Tanzania for comment. The responses from the State Party, were made publicly available; (2) it transmitted to the State Party a letter outlining third-party concerns and a letter requesting the invitation of the recommended joint Advisory mission to the property; (3) jointly with the Advisory Bodies, it held a series of meetings through which the State Party provided further information UNESCO, World Heritage Committee Draft Agenda 45th Conference, WHC/23/45.COM/7B.Add.2, p. 54.

## 7.3 THE EMBASSIES OF JAPAN AND FRANCE IN CAMBODIA

France and Japan have historically played important roles in the conservation of Angkor. Since the establishment of ICC-Angkor, the French and Japanese ambassadors to Cambodia have served as the co-presidents of ICC-Angkor for Plenary Sessions.<sup>446</sup> Further, ICC-Angkor is funded in part by France and Japan, “within the limits of their respective budgetary appropriations, to the UNESCO office in Phnom Penh”.<sup>447</sup> In this role, both ambassadors will have been made aware of the country’s “relocation” programme and Amnesty International’s findings that it amounts to a mass forced eviction.

The governments of France and Japan have obligations to respect, protect and fulfill the human right to adequate housing,<sup>448</sup> and must therefore take actions in furtherance of this right. Despite these obligations, neither government has publicly acknowledged, made public inquiries into, nor publicly condemned the forced evictions occurring at Angkor.<sup>449</sup> It is unclear what steps, if any, these two states have taken to influence the Cambodian government as it implements its “relocation programme”. The actions – or inaction – of these governments appear neither to respect nor to protect the right to adequate housing.

The French embassy responded to Amnesty International’s allegations noting that “[d]uring the ICC plenary session in December 2022, the French Ambassador recalled that the process of dealing with illegal construction is necessary and complex. The efforts to this end must both respect monuments and communities, following the principles of the 1972 World Heritage Convention.”<sup>450</sup> The French embassy noted that the “issue of resettlement is clearly included in the ICC’s recommendations, which are public.” At the time of writing, the ICC-Angkor’s recommendations were not publicly available on its website.

Further, the French embassy noted that the “Ambassador of France in Cambodia also raises this issue whenever he meets with the relevant Cambodian authorities” and that Ambassador personally visited one of the relocation sites and “intends to visit the site in the near future to see how the installation conditions and infrastructure are progressing.”<sup>451</sup>

The Japanese embassy did not respond to the letter sent by Amnesty International.

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446 ICC-Angkor, “ICC-Angkor Co-Presidents”, <https://www.icc-angkor.org/about-us/forewords-of-icc-angkor-co-presidents/> (accessed 13 August 2023).

447 ICC-Angkor, ICC-Angkor Internal Regulations, 1 December 2008, Article 12.

448 Both France and Japan have ratified the International Covenant on Economic, Social and Cultural Rights.

449 APSARA, Report on the State of Conservation in Angkor 2021-2022, 26 November 2022, <https://whc.unesco.org/en/documents/197091> p. 16 gives a description of a government-approved project that was reviewed and ultimately rejected by ICC-Angkor.

450 French Embassy in Cambodia, Response to Amnesty International letter dated 11 October 2023, 23 October 2023, correspondence on file with Amnesty International.

451 French Embassy in Cambodia, Response to Amnesty International letter dated 11 October 2023, 23 October 2023, correspondence on file with Amnesty International.

# 8. CONCLUSION AND RECOMMENDATIONS

## 8.1 CONCLUSION

The Cambodian government's so-called "voluntary relocation programme" has been carried out in the absence of international human rights safeguards against forced evictions. This "relocation programme" therefore amounts to a forced eviction which is a human rights violation.

Government authorities have threatened and intimidated affected families into "volunteering" and have failed to engage with them in a process of genuine consultation. Nor have they provided written eviction notices or adequate information about these evictions. The government has failed to uphold its responsibility to demonstrate the necessity of the evictions and their exploration of alternatives to eviction. At the same time, the then Prime Minister has referenced UNESCO and said that these evictions are necessary for Angkor to maintain its World Heritage status.

The resettlement site of Run Ta Ek is vastly underprepared and falls well below the minimum standards required under international human rights law. The failure to provide housing has forced many families into risking their health by living under tarpaulin or in precarious conditions, exposed to weather and the destruction of their shelters. The failure to provide housing and sanitation, such as bathrooms and toilets, has also led to families pawning their ID Poor Cards and land documents to take on debt that they may not be able to repay. Families report having lost income or jobs, and not having enough food to eat because of their evictions. Not all families are receiving access to the resettlement package, with some families likely to be evicted into homelessness. This is an abject failure by the state to protect them and their children from gross violations of human rights.

Governmental agencies APSARA and the MLMUPC are the main state actors undertaking the forced evictions. Accordingly, the Cambodian government must be held responsible for these mass violations.

The Cambodian state has repeatedly referenced UNESCO as a justification for its "relocation programme". However, while UNESCO has publicly stated that they "have never called for population displacements in Angkor", they have been made aware that the Cambodian state is conducting forced evictions in violation of international law at a World Heritage Site. Despite this, UNESCO has not acknowledged that forced evictions have taken place nor stated whether it has conducted, or plans to conduct, any independent assessment, including following up claims of forced evictions from Amnesty International and others or publicly condemning the forced evictions at Angkor.

It is imperative that the forced evictions at the World Heritage Site of Angkor are immediately brought to an end; that victims of these human rights violations have access to effective remedy; and that no further relocations are conducted in violation of due process requirements and until the resettlement sites meet the criteria of adequacy according to international human rights standards.

The current forced evictions are being undertaken in the name of conservation of Angkor – a UNESCO World Heritage Site. Unless a strong, unequivocal rebuttal is made that conservation is not a justification for human rights violations, then conservation efforts will increasingly be weaponized by states to their own ends, often at the expense of human rights.

## 8.2 RECOMMENDATIONS

### TO THE GOVERNMENT OF CAMBODIA

- As a matter of urgency, immediately halt all forced evictions at Zones 1 and 2 of the World Heritage Site of Angkor and ensure that no public officials and agents of the state carry out or support forced evictions.
- Ensure that no further relocations are conducted until the resettlement sites meet the criteria of adequacy according to international human rights standards.
- Bring the resettlement sites of Run Ta Ek and Peak Sneng up to human rights standards by providing at the site:
  - adequate housing for anyone who requires it.
  - drainage, drinking water and electricity.
  - roads that can be used during times of rain.
  - employment opportunities, including daily transport services back to Angkor.
  - certainty, including through increased cash payments, if necessary, that every person subjected to evictions and relocation can access their right to an adequate standard of living and all essential goods and services.
- Ensure that all feasible alternatives to relocation are explored in genuine consultation with affected people.
- If relocation of some villages is found to be unavoidable, ensure that it is carried out in full compliance with Cambodia's domestic and international human rights obligations as well as international human rights standards.
- Provide an effective remedy and reparation to all those who have been forcibly evicted from Zones 1 and 2 at Angkor. Such reparation should include, among other things, compensation for all losses of land and property.
- Develop and publish a resettlement plan which provides detail on all aspects of the government's "relocation" plan, including human rights risks and mitigating measures.
- Clarify which villages comprise the 113 "traditional villages", and maintain a public registry with such details; establish and publish the methodology used to determine who has the right to stay at Angkor; publish all relevant documents for how this was determined, including cadastral surveys, maps and other tools used.
- Ensure that affected people are provided with all the necessary information, and sufficient time and support to raise queries about the determination of "traditional villages", and are provided with clear answers and explanations.
- Offer the possibility of return for people who have legitimate and longstanding claims to their land in the Angkor Wat area.
- Conduct an independent and impartial inquiry into the forced evictions, and identify all actors responsible for failing to comply with international human rights law.

- Review all relevant domestic legislation to ensure that laws provide protections against forced evictions.
- Ensure that domestic legislation that provides protections against forced evictions is applied consistently and impartially.
- Ensure that all information published on Angkor is available in the Khmer language and is adequately disseminated amongst the affected stakeholders, including the residents of Angkor.

## **TO UNESCO**

- Independently assess the forced evictions taking place at the Angkor World Heritage Site and make the findings of that inquiry public.
- Publish the responses of the Cambodian government to the allegations of human rights violations related to Angkor.
- Request an invitation of a joint mission between UNESCO and the advisory bodies to the World Heritage Convention to the site.
- Urge the Cambodian government to make an explicit commitment not to carry out forced evictions in Angkor.
- Request that the Cambodian government, in consultation with all stakeholders, develop a resettlement plan that fully complies with international human rights standards.
- If necessary, provide technical support to the government of Cambodia to develop and disseminate the resettlement plan.
- Ensure that ICC-Angkor appoints a human rights expert.
- Categorically reject the use of forced evictions, and other human right violations, as a tool for the management of World Heritage listed sites, including at the Angkor World Heritage Site.

## **TO ICC-ANGKOR**

- Per the recommendation to UNESCO above, commission an independent investigation into the human rights harms caused by the “relocation programme” at Angkor, the findings of which are made public.
- Appoint an independent human rights expert to ICC-Angkor, who will be charged with investigating the forced evictions and any human rights harm arising out of conservation efforts in Angkor, in line with the UNESCO recommendation above.
- Create a complaints mechanism that is accessible to local people who may be affected by projects and the management of Angkor or other sites within the purview of ICC-Angkor.

## **TO FRANCE AND JAPAN**

- Publicly condemn the forced evictions being carried out at Angkor.
- Support an independent investigation via ICC-Angkor into the human rights harms caused by the “relocation programme” at Angkor, the findings of which are made public, in line with the recommendations to UNESCO and ICC-Angkor above.
- Ensure that the human rights violations that your governments are aware of, or are concerned may exist, are addressed at the UNESCO World Heritage Committee meetings – including at the upcoming 4th Intergovernmental Conference for the safeguarding and development of ANGKOR on 15 November 2023.
- Via ICC-Angkor, raise the concerns about forced evictions to the Cambodian government and publicize the responses and actions that result from this.
- Support the appointment of an independent human rights expert to ICC-Angkor.

## **TO THE WORLD HERITAGE COMMITTEE**

- Request that Cambodia submit a response to Amnesty International’s allegations of forced evictions in Angkor.
- Call on Cambodia to guarantee that it will halt all further relocations until international human rights safeguards against forced evictions are in place and all those forcibly evicted have been provided with effective remedy.
- Unequivocally condemn the forced evictions at Angkor.

# ANNEX 1

## Longer version of the Prime Minister's 13 September 2022 speech (Fresh News, Prime Minister Hun Sen speech at Run Ta Ek, 13 September 2022 [unofficial translation]).

### POLICY 1. TRANSPORT

Brothers, you need the transportation from old place to the new site. I want the military region 4 and Army Division 2 to handle with transport means: the commanders of military region 4 and Army Division Commander, they are here: come to take order. They will use the transport means in place in order to transport them to the construction site, where the land was prepared already. The transport will be a few time a day, not hundreds or thousands a day.

### POLICY 2. DONATIONS

For the first batch of assistance, it includes 100 cans of canned fish, 200,000KHR, as well as one million riel. This includes 49 Chhaya, Chhean, Chhorvin, Chhorvon, who already stayed here, who will receive it as well. [Each family] receives 30 sheets of metal roof. Oknha Tycoon Leng Navatra has donated 60,000 sheets, and helped built 20 sample houses (for lottery only). And we will buy extra metal roof to make ends meet. For the rice, each gets 50kg, and six boxes of instant noodle. [So each family] each receives 1,200,000 r, and 30 sheets of metal roof.

This policy will carry on till some family members leave after marriage, and they are going to build their own family. We preserve some land, through a mechanism which is controlled by APSARA Authority and Siem Reap provincial governor – who collaborated with each other.

### POLICY 3: [ID POOR]

Those brothers who agree to leave the illegal site to the legal site has to receive the “Card Poor”, and “card for pregnant women” [Applauded] I ordered the minister of social affairs and veterans to input all you brothers so you will receive the “card poor”, and the “card for Covid”. How many of you don't have the Covid Card?

#### [LOTTERY PROCESS]

But conditions must apply. That must go through the lottery process. Now there are about as many as 2,000 families, and it will increase to 6,000 families.

This policy comprises two parts: budget to help during COVID...for the pregnant woman, as soon as they are pregnant, they will get the money package one time, and four times after birth delivery, till the child reaches 2 years old. We must ensure that the mother and children have access to nutrients. I would like to state that this policy will provide the “ration” to those living here for a period of ten years. I would like to guarantee with you that you will receive this “card poor” and “card for pregnant women” for ten years. This is the 10-year policy outline. This will help you, brothers, to reduce burden, even though your livelihood improves better, for you lost... [land/house in Angkor] and left there. It provides a benefit to both the nation and individuals.

## **POLICY 4: [PROVISION OF LAND]**

Be prepared to settle for new family, which split [from their parents]. This applies to the same policy. We do not allow any construction of any house on the site, when they split home; so they will receive [benefit] from the same policy. A land site has been prepared, in which it is located in Seang Nam property [a CPP official based in Siem Reap]- APSARA bought his land for new resettlement site area. APSARA Authority shall prepare the transfer of land and allocating plots, and controlling it, making payment, or keeping buying more land if possible. We will keep the land; it does matter at all. Particularly, prohibit the new house building at the same location, and ask [the people] to leave.

## **POLICY 5: INFRASTRUCTURE**

Infrastructure has been built. Accessible road has to be tarmacked on the eve of the Khmer New Year, at least it reaches to the hospital. The plan of infrastructure construction length 140km. At the first step, it completed 18 km. It links to all roads in the village. It is required to lay tarmac, then concrete cement inside the village.

**Water:** Where do we get the source of water? Cham Prasidh [Minister of Industry, Science, Technology and Innovation] should study this. I decided that the water supply should be got from a new airport, just 17 kilometres from here. Run Ta Ek will become a small town. Now you can dig up the water pump/wells, but soon the water system will arrive. Thousands of families – six thousand families - living in this place will get clean water supply. This area will become a city.

**Electricity:** Electric Du Cambodge (EDC) will install electricity in Run Ta Ek village; it is just 1 kilometre away.

**School:** First of all, a primary school should be established in the near future. The first plan was to set up only primary school. In order to ensure the training, and not to go far away, we plan to build another 18 room/3 floor building – so both primary school and colleges will be prepared in place and located in the same area. A principal office building is built, and a 20 room dormitory for teachers from far away. So, the children of Run Ta Ek can study there, without going far.

**Health Center:** There are three wards of hospitals, dormitory for stay: A ward for health care, a maternity building, and a dormitory

**Market:** A market for vendors. Run Ta Ek market in the era of Decho.

**Drain system:** Have you set up it yet? Do not forget the drainage, or else the faeces... in the future, Run Ta Ek will be no longer the remote area. It will become a developed village. Lastly, the ministry of environment will provide saplings of fruit trees: banana trees, coco trees, guava trees.

## **[MICROFINANCE INSTITUTIONS (MFI)]**

And lastly, I would like to appeal to the micro finance owners to help provide loans to the villagers who come to stay in Run Ta Ek, with low interest and favor. Because several thousand families may need 'capital' to start up a small business. Therefore, I would like to appeal to the micro finance 'owners' to give priority to charge lower interest to the people than other borrowers. I do not have authority to give command about this. I only give command in my own authority, such as ordering the payment to buy land, money to build roads, to build and install water supply, money for buying land. For the banking sector and MFIs are private, I cannot order this; I just make appeal. But please don't lend to those who haven't come here yet, because they get the loan, and they may get lost."

# ANNEX 2

Pictures showing floods and roads within the Run Ta Ek resettlement site



*Run Ta Ek resettlement site, July 2023, Amnesty International.*



*Run Ta Ek resettlement site, July 2023, Amnesty International.*



*Run Ta Ek resettlement site, July 2023, Amnesty International.*



*Run Ta Ek resettlement site, July 2023, Amnesty International.*



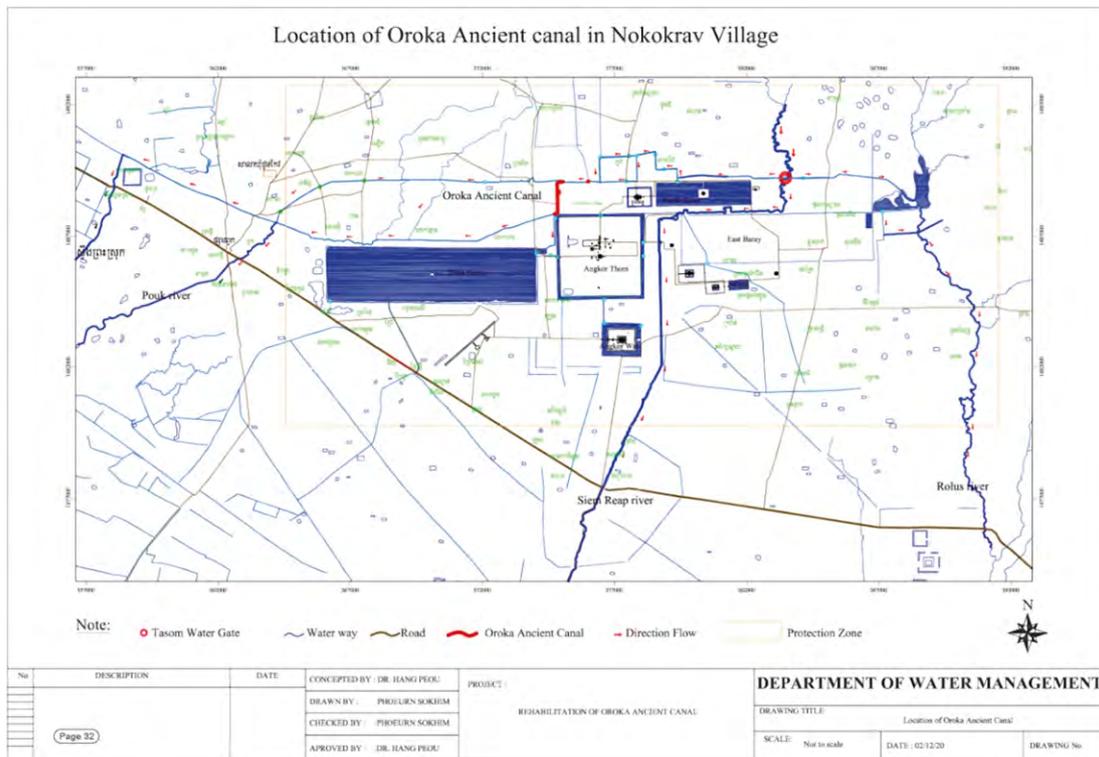
*Run Ta Ek resettlement site, July 2023, Amnesty International.*



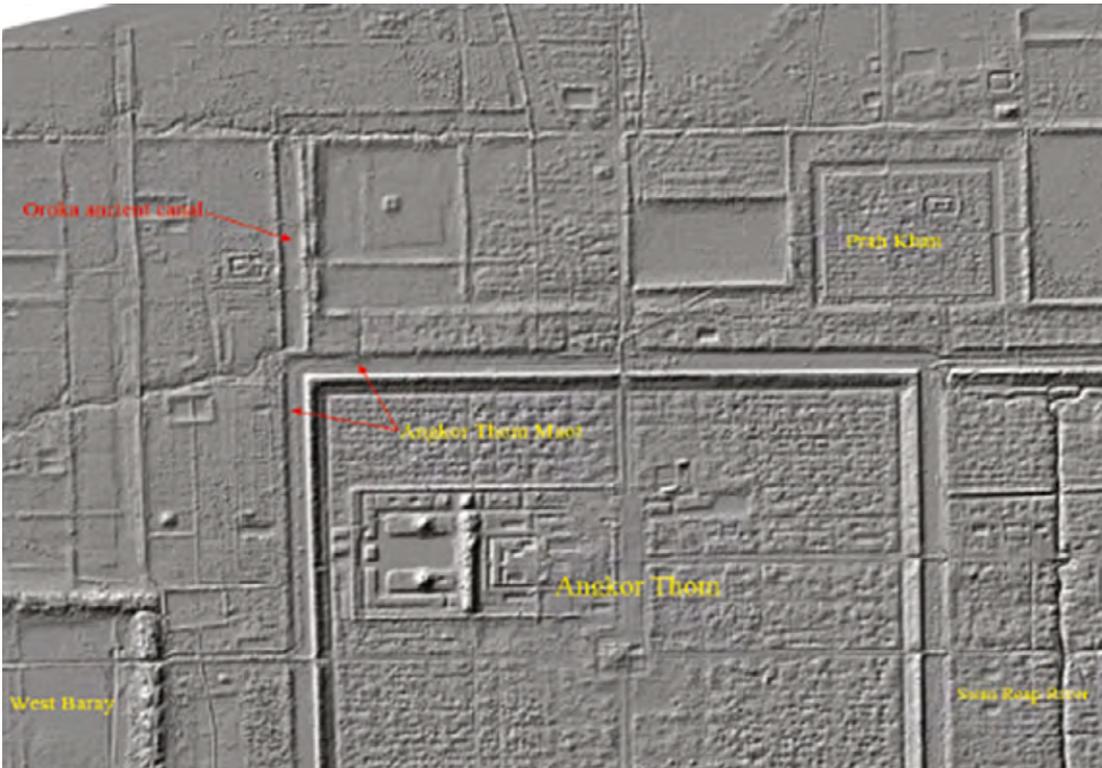
*Run Ta Ek resettlement site, July 2023, Amnesty International.*

# ANNEX 3

Pictures showing dams constructed within Angkor and plans for damming areas to infill old waterways.



Photographs from APSARA's website (see <https://apsaraauthority.gov.kh/our-work/environment-water-forestry-management/>)



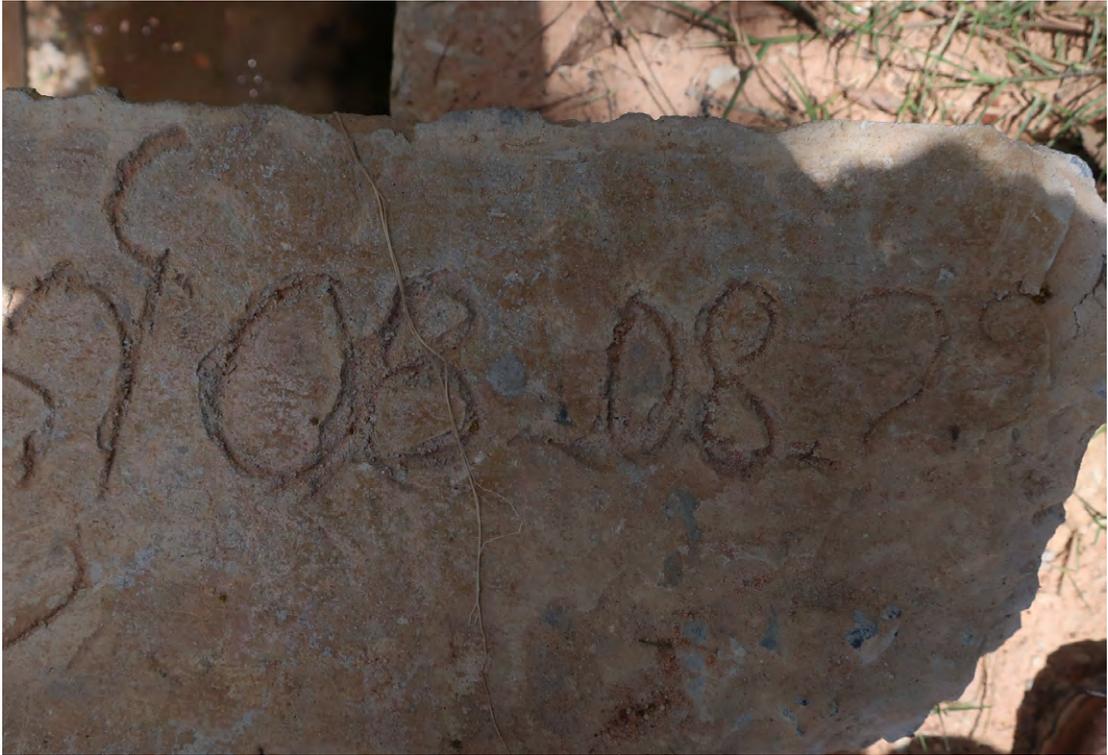
Photographs from APSARA's website (see <https://apsaraauthority.gov.kh/our-work/environment-water-forestry-management/>)



Angkor World Heritage Site, July 2023, Amnesty International.



Angkor World Heritage Site, July 2023, Amnesty International.



*Angkor World Heritage Site, July 2023, Amnesty International.*



*Angkor World Heritage Site, July 2023, Amnesty International.*



*Angkor World Heritage Site, July 2023, Amnesty International.*



*Angkor World Heritage Site, July 2023, Amnesty International.*

# ANNEX 4

## Communications between UNESCO and Amnesty International



Ms Ming Yu Hah  
Deputy Regional Director, Campaigns  
East and Southeast Asia and the Pacific  
Regional office  
Amnesty International  
16th Floor M. Thai Tower  
All Seasons Place  
87 Wireless Road  
Lumpini, Phatumwan  
Bangkok 10330  
Thailand

10 May 2023

**Culture Sector  
World Heritage Centre**

Ref: CLT/WHC/APA/HG/YZ/23/37

Dear Ms Ming Yu Hah,

I acknowledge with thanks receipt of your letter dated 30 March 2023, received by the World Heritage Centre, regarding the relocation project at the World Heritage property of Angkor.

I wish to make it very clear that the decision by the Kingdom of Cambodia concerning any relocation was not made upon the request of UNESCO, nor of the World Heritage Committee. UNESCO has never called for any displacement of the local communities.

The responsibility for the management and conservation of World Heritage Sites lies with the national and local authorities of the countries where these sites are located. All States Parties to the 1972 World Heritage Convention are obliged to ensure the identification, protection, conservation and transmission to future generations of the World Heritage properties situated in their territory, while also ensuring that properties are managed sustainably.

The role of UNESCO is to provide States Parties with guidance and technical support to help meet their obligations under the World Heritage Convention. As part of this guidance, UNESCO advocates with its Member States for communities to be included and respected in the management of World Heritage sites. This priority is clearly set forth in the key texts of the Convention, including its *Operational Guidelines for the Implementation of the World Heritage Convention*. States Parties are encouraged to adopt a human-rights based approach and ensure gender-balanced participation of a wide variety of stakeholders and rights-holders, including local communities and other interested parties and partners (see paragraph 12 of the *Operational Guidelines*). The *2015 UNESCO Policy for the Integration of a Sustainable Development Perspective in World Heritage Processes* adopted by the General Assembly of States Parties to the 1972 Convention further asks the States Parties to report regularly on each World Heritage property and has both periodic and reactive monitoring mechanisms.

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UNESCO has been closely monitoring the situation at the Angkor property, notably through the UNESCO Office in Phnom Penh, in line with the rules and procedures of the 1972 Convention. Further to the announcement by the Cambodian government of its population relocation program, UNESCO Office in Phnom Penh immediately advised the authorities of the need to work closely with local communities. The UNESCO Office also requested that any measures taken provide for the livelihoods for populations concerned, their social inclusion, sustainable development, and be based on human rights. The authorities have informed UNESCO Office in Phnom Penh that these principles would be respected and that this program will be based on a voluntary approach. Cambodia has also communicated the list of compensatory measures.

UNESCO is easily reachable, meets communities constantly and regularly receives and accepts petitions related to the management of World Heritage properties – we have decided to bring all relevant information - including proceedings and public reports, the State of Conservation Report, ICC recommendations, petition, and analysis of all existing documentation to the attention of the World Heritage Committee, composed of 21 States Parties representing the 194 States Parties to the Convention. The state of conservation of the property will be reviewed at the upcoming extended 45th session of the World Heritage Committee (Riyadh, 10-25 September 2023). It will be for Member States of the Committee to assess the situation and take any appropriate decisions.

In this same spirit, UNESCO has taken note of the information you have provided and we are seeking verification and comments from the State Party, the Kingdom of Cambodia, in the framework of paragraph 174 of the Operational Guidelines.

In the meantime, we welcome your invitation to meet. My colleague Mr. Sardar Umar Alam, Head of Office and UNESCO Representative to Cambodia in Phnom Penh, in copy of this message, stands ready to make himself available to set up an appropriate time for a meeting, together with his team – in person or online. The World Heritage Centre remains ready to join this meeting online as well.

Thanking you for your interest in the implementation of the *World Heritage Convention*, I remain,

Yours sincerely,



Jyoti Hosagrahar  
Deputy Director

Cc.: Permanent Delegation of the Kingdom of Cambodia to UNESCO  
Cambodian National Commission for UNESCO  
UNESCO Office in Phnom Penh

2 / 2



Ms Agnès Callamard  
Secretary General of Amnesty  
International

Paris, October 24, 2023

**Culture Sector  
World Heritage Centre**

Ref: CLT/WHC/APA/HG/101

**Object: Feedback on a draft publication by Amnesty International on relocations  
at the World Heritage property 'Angkor' (Kingdom of Cambodia)**

Dear Madam,

I acknowledge receipt of the letter from Amnesty International in Bangkok dated 11 October last (reference TIGO ASA 23/2023.4567).

First of all, I would like to thank Amnesty International for its commitment to Human Rights worldwide, including in Cambodia.

As you know, the United Nations Educational, Scientific and Cultural Organization put human rights at the heart of all its programs. Human Rights are also embedded in the principles of all UNESCO's Conventions including the World Heritage Convention. However, our Organisation does not have the ability to enforce implementation of rights-based standards and policy recommendations as our role is rather focused on policy advice, capacity building and advocacy.

This is why the action of NGOs like Amnesty International, added to the work of our sister agency the United Nations High Commissioner for Human Rights, is essential and complementary to ours.

This complementarity is particularly obvious with regard to the situation on the World Heritage site of Angkor, following the launch in 2022 by the Cambodian authorities of a project to relocate part of the population – a project which was never requested by UNESCO and of which UNESCO was never a party.

While UNESCO has continued to publicly reiterate the imperative need for population relocation project to respect human rights, UNESCO has neither the ability nor the authority to assess that this respect is effective.

Your investigation and the resulting report therefore provide a necessary independent analysis of the situation, and we hope that they will help guide the decision-making of all stakeholders, and in particular the national and local authorities.

\*\*\*

In accordance with the long and trustful partnership between UNESCO and Amnesty International, you have sent us the draft report so that we can provide our comments and have them taken into account before publication.

Our main comment will be the importance of rigorously recalling the UNESCO mandate that I mentioned above.

In the framework of its mandate, UNESCO advocates among its Member States for communities to be fully included and respected in the management of World Heritage sites. This priority for the respect for human rights and the consent of local populations

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has been clearly reaffirmed over the last ten years in all the key texts of the Convention, including its Operational Guidelines for the Implementation of the World Heritage Convention.

States Parties are encouraged to adopt a human-rights based approach and ensure gender-balanced participation of a wide variety of stakeholders and rights-holders, including local communities and other interested parties and partners (see paragraph 12 of the Operational Guidelines).

However, despite its resolute commitment, UNESCO is not in a position to impose measures on Member States and site managers.

To well understand these constraints, it is useful to recall the particularity of the World Heritage Convention, which is an intergovernmental convention, managed directly by its 195 States Parties with two governance bodies: the General Assembly and the World Heritage Committee – 21 Member States representing all States Parties.

The Secretariat of the Convention is provided by the UNESCO World Heritage Centre. The inscription of the properties and some key recommendations are made by the World Heritage Committee. The conservation and management of the property in a manner that is inclusive and sustainable is under the sole authority of the State Party.

Your draft report does not factually explain these roles, and comments are made to UNESCO that are the responsibility of the Convention's governance bodies and the Member State concerned.

\*\*\*

It is according to the same rules that the 45th Session of the World Heritage Committee took place in September 2023, and it is important that your report takes into account the facts in this regard.

Prior to the Session, UNESCO World Heritage Centre as Secretariat submitted to the World Heritage Committee the Document [WHC/23/45.COM/7B.Add.2](#) that clearly refers to Amnesty International's concerns in the analysis and conclusions.

UNESCO had also made all efforts for the participation of Amnesty International as an Observer. Your participation was duly approved and formally notified to you. This observer status authorized you to make all the statements appropriate during the Session. Despite this authorization, Amnesty International did not present itself at the Session. We respect this decision of your Organization, but it cannot be attributed to UNESCO.

During the Session, the Document WHC/23/45.COM/7B.Add.2 was examined by the Member States of the World Heritage Committee, who decided not to open this point for discussion – UNESCO's Secretariat could not open the discussion on its own.

However, it is important to note that the Committee unanimously adopted the Decision proposed, requesting a follow up of the implementation of its decision through a report to be submitted by Cambodia to UNESCO by December 2024 and an examination of it by the World Heritage Committee at its 47th Session in 2025.

\*\*\*

You will find attached to this letter a series of documents:

- a detailed response to the two Annexes to Amnesty International's letter,
- records of our previous responses to Amnesty International in Bangkok,
- all our exchanges with the journalists concerning the population relocation project from November 2022 to October 2023,

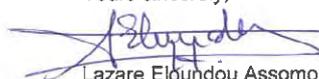
- Document WHC/23/45.COM/7B.Add.2 submitted by UNESCO to the World Heritage Committee at its 45th Session,
- the Decision adopted by the World Heritage Committee at its 45th Session.

We kindly request that this material be reviewed and that Amnesty International accurately reflect the position of UNESCO.

We would also like to suggest, once the report faithfully reflects the mandate and position of UNESCO, to organize an official presentation at the headquarters of the Organization, to promote the work of Amnesty and continue advocacy on this subject.

Thanking you for your continuous collaboration with UNESCO, I remain,

Yours sincerely,



Lazare Eloundou Assomo  
Director

Enc.

cc: Permanent Delegation of Cambodia to UNESCO  
UNESCO Office in Phnom Penh

## UNESCO Comments on the Annex 1 and Annex 2 of Amnesty International's letter of 11 October 2023

- **Annex 1 and 2:**

All responses provided by the UNESCO Cambodia Office must be sourced "UNESCO Cambodia Office" and not "UNESCO". All responses provided below must be sourced "UNESCO World Heritage Centre".

- **Annex 1:**

**Role of the World Heritage Committee.** In addition to inscribing new properties on the UNESCO World Heritage List, the main functions of the World Heritage Committee include, "in cooperation with States Parties, to [...] examine the state of conservation of properties inscribed on the World Heritage List through processes of Reactive Monitoring" (Paragraph 24 of the *Operational Guidelines for the Implementation of the World Heritage Convention (Operational Guidelines)*).

**Reactive Monitoring Process:** The *Operational Guidelines* further clarify the nature of the Reactive Monitoring process in paragraphs 169-176, specifying that "*Reactive Monitoring is the reporting by the Secretariat, other sectors of UNESCO and the Advisory Bodies to the Committee on the state of conservation of specific World Heritage properties that are under threat. To this end, the States Parties shall submit specific reports and impact studies each time exceptional circumstances occur or work is undertaken which may have an impact on the Outstanding Universal Value of the property or its state of conservation*".

Since the removal of Angkor from the List of World Heritage in Danger in 2004, the state of conservation of the property was reviewed by the World Heritage Committee, as part of the Reactive Monitoring process, at its sessions in 2006, 2008, 2010, 2014, 2021 and 2023. The Committee's decisions often mention and encourage the State Party's actions related to the illegal settlements and activities within the property (e.g., in Decision [38 COM 7B.8](#) (Doha, 2014): "*Notes the progress made by the State Party in controlling illegal activities within the property, and urges the State Party to further advance its efforts in this regard*").

**Role of the Secretariat of the World Heritage Committee.** The *Operational Guidelines* (2021) specify that "The Secretariat's main tasks are the organization of the meetings of the General Assembly and the Committee, the implementation of decisions of the World Heritage Committee and resolutions of the General Assembly and reporting on their execution, [...] coordination and conduct of Reactive Monitoring, including Reactive Monitoring missions, [...] the assistance to States Parties in the implementation of the Committee's programmes and projects" (Paragraph 28). First and foremost, the Secretariat's duty implies close cooperation with the sovereign Member States on whose soil World Heritage properties are located.

The role of UNESCO is to provide States Parties with guidance and technical support to help meet their obligations under the World Heritage Convention and to support the States Parties to implement the Convention. As part of this guidance, UNESCO advocates with its Member States for communities to be included and respected in the management of World Heritage sites. This priority is clearly set forth in the key texts of the Convention, including its *Operational Guidelines*. States Parties are encouraged to adopt a human-rights based approach and ensure gender-balanced participation of a wide variety of stakeholders and rights-holders, including local communities and other interested parties and partners (see paragraph 12 of the *Operational Guidelines*). The 2015 UNESCO Policy for the Integration of a Sustainable Development Perspective in World Heritage Processes adopted by the General Assembly of States Parties to the 1972 Convention also calls on States Parties to adopt a Human-Rights based approach for the conservation and management of their properties.

**State Party Obligations:** Thus, the responsibility for the management and conservation of World Heritage Sites lies with the national and local authorities of the countries where these sites are located. All States Parties to the 1972 World Heritage Convention are obliged to ensure the identification, protection, conservation and transmission to future generations of the World Heritage properties situated in their territory, while also ensuring that properties are managed sustainably. The implementation of the Decisions and Recommendations of the World Heritage Committee is also the responsibility of the States Parties concerned. The policies and actions put in place to protect the property inscribed for transmission to future generations, is the responsibility of the States Parties.

- **Annex 1, p.3, p. 5-6, Annex 2, p. 1: “the Zoning and Environmental Management Plan (ZEMP) for Angkor commissioned by UNESCO soon after the site’s designation in 1992”**

The preparation of the Zoning and Environmental Management Plan (ZEMP) was responsibility of the State Party and was elaborated with the technical support of UNESCO in 1992-93 (see Decision [17 BUR VIII.2](#)). This was done in response to the Committee's decision at the time of inscription, which requested the State Party to “enact adequate protective legislation” and “establish permanent boundaries” (see Decision [16 COM X.A](#)). It is relevant to note that the *Operational Guidelines* (para 132) require that the boundaries of each nominated property be clearly defined and unambiguously distinguished from the buffer zone.

**Annex 1, p. 6:** Regarding recommendations that “ ‘old villages’ are permitted to stay and should be preserved.” The *Operational Guidelines* (para 119) encourage the ongoing and proposes uses of properties that are ecologically and culturally sustainable and which may enhance the quality of life and well-being of communities concerned in an equitable manner while at the same time ensuring full respect for the Outstanding Universal Value of the property. While encouraging and promoting the effective, inclusive, and equitable participation of the communities, indigenous peoples, and other stakeholders concerned with the property, the *Operational Guidelines* clarify that for some properties human use would not be appropriate.

**Annex 1, p.7, p. 9-13 :** With regard to the lack of clarity on which families are legal residents of the villages that were recognized at the time of inscription of the property, and which current residents have illegally encroached, and with regard to the management plan, the nature and type of legislation, and administration, these are matters are entirely under the responsibility of the State Party. It would be relevant to recall that the *Operational Guidelines* has several paragraphs regarding the involvement of local communities in World Heritage policies and management and protection processes such as paragraphs 12, 40, 111, 119, 211, 214bis, 217.

**Annex 1, p. 9-22:** In the same way, the “State’s “Relocation” Program’ is an initiative entirely developed and implemented by the State Party. Informing and engaging local communities regarding the possible evictions, the location of the resettlement sites their services infrastructure, and the manner of implementing the relocation programme are entirely the responsibility of the State Party. UNESCO was not consulted on any of these matters.

**Annex 1, p. 8-9, p.13:** Regarding quotes from the then Prime Minister justifying the removal of families because else, Angkor Wat will be removed from World Heritage Status, or the relocated interviewees – it is important to distinguish between such quotes and rhetoric, and their factual basis. There has been no Decision or policy on this matter of the World Heritage Committee to consider removal of the property from the World Heritage List. When the Outstanding Universal Value of a property is believed to be in ascertained or potential danger, it is inscribed on the List of World Heritage in Danger. This is not the case for Angkor. Even after inscription on the List of World Heritage in Danger, only when Corrective Measures are attempted to be developed and not reached after much effort and over a period of time, is the question of removal of a property from the World Heritage List even

considered by the Committee. In the last 50 years, only three properties have been ever removed from the World Heritage List.

- **Annex 2, p. 1: “UNESCO monitored the implementation of these laws such that, in 2005, it noted that “a major and irreversible negative impact to the integrity of the property will take place unless the authorities are able to exert effective control on land management as a matter of urgency””**

At the beginning of 2005, UNESCO was informed of severe issues affecting protected areas in Angkor, linked to ongoing developments that were not in conformity with existing regulations. At the request of H.E. Mr Sok An, then Vice-Prime Minister of the Kingdom of Cambodia and President of the national authority APSARA, the Director-General of UNESCO decided to send a legal expert (Mr Lucien Chabasson) to the site in September 2005 to examine the situation regarding the areas in question and make appropriate recommendations. Consequently, at its 32nd session (Quebec City, 2008), the World Heritage Committee requested “*the State Party to address these threats by ensuring swift and full implementation of the recommendations of the 2005 mission*”, and in particular to “*enforce existing laws regarding illegal occupation, unauthorised construction and development and park-land appropriation/alienation*” (Decision [32 COM 7B.65](#)).

- **Annex 2, p. 2: “UNESCO bears the responsibility to ensure that its actions do not cause or contribute to human rights violations”**

UNESCO in its mandate ensures that all its policies, text, and advice are full respect of human rights and further calls on and encourages States Parties to ensure full respect of human rights, inclusion and engagement of local communities including indigenous peoples and ensuring equitable use. However, the actions of a Member State and State Party to the World Heritage Convention acting on its own sovereign soil is not the responsibility of UNESCO – even if a Member State were to justify its actions by invoking the Organization. Concerning the specific case of Angkor, UNESCO has repeatedly clarified, including to Amnesty International, that there was no “**pressure from UNESCO**” towards the State Party to take the actions it did, and that UNESCO has never called for the forcible displacement of any population.

- **Annex 2, p.4: “Paragraph 174 provides for UNESCO to verify information with the Cambodian government. When Amnesty International wrote to ask UNESCO what their communications contained to the Cambodian government, they were told they do not disclose this information publicly”**

In line with paragraph 174 of the *Operational Guidelines*, when information concerning the state of conservation of a World Heritage property is submitted to UNESCO by a source other than the State Party concerned (e.g. an NGO), the Secretariat “*will, as far as possible, verify the source and the contents of the information in consultation with the State Party concerned and request its comments*”. Only information that has been shared with the State Party for verification is used in working documents for sessions of the World Heritage Committee. Consequently, the Secretariat has followed these procedures when receiving information from Amnesty International and has shared it with the State Party for its feedback. These confidential exchanges are not disclosed to the public.

- **Annex 2, p. 2: “While Amnesty International acknowledges that UNESCO has possibly been engaged in private discussions with the Cambodian government on the ongoing forced evictions, the gravity of the situation requires a public response from all parties”**

**Annex 2, p. 6: “UNESCO has not publicly condemned the forced evictions at Angkor or even acknowledged that they are taking place. It also does not appear to have conducted any public investigation into the claims presented by Amnesty**

**International and did not raise these concerns with the World Heritage Committee during the 45th session.”**

Contrary to Amnesty International’s statement, public response to the information provided by the State Party and Amnesty International was given, notably through the working documents and plenary debate at the extended 45th session of the World Heritage Committee (Riyadh, 2023) and the resulting Decision **45 COM 7B.152**.

Amnesty International wrongly assumes that the statutory Reactive Monitoring process for a World Heritage property necessarily implies that UNESCO is not only aware of, but also actively involved in and able to directly influence the national- or local-level implementation of programmes and activities. This is incorrect.

- **Annex 2, p. 5: “Amnesty International was only able to watch the live and recorded videos of the 45th session and understands that on 14 September, during the afternoon session, APSARA’s Conservation Report was adopted without discussion”**

While Amnesty International had been granted Observer status for this session, they made no request for the floor, nor do they appear to have attended the Committee session in presential. Amnesty International’s request for information about the accreditation process to attend the session (dated 25 August for a session starting on 10 September) was submitted much later than the dispatch of the relevant documents (31 July), which would have provided final, official confirmation that the state of conservation of Angkor was to be reviewed by the Committee under Item 7B. (Due to its regular exchanges with UNESCO and Cambodia, Amnesty was unofficially aware of this fact much earlier in the year.)

Furthermore, should Amnesty International have wished to raise their concerns with World Heritage decision makers, they had the opportunity to share their report directly with the Chairperson of the World Heritage Committee and/or the Members of this Committee, who hold sovereign decisional power within this body. Although contact information is publicly available, to the knowledge of the Secretariat, Amnesty International did not directly communicate with the Chairperson either.

- **Annex 2, p. 5: “The Draft Agenda of the 45th session, which is set by the Director-General of UNESCO, acknowledged a letter sent by Amnesty International to UNESCO [...] the Director-General of UNESCO has powers to propose questions, and therefore, appears to have chosen not to raise the serious human rights concerns shared by Amnesty International in advance of the meeting”**

The Preliminary Agenda of a given session is usually adopted by the Committee at its previous session. In the case of the extended 45<sup>th</sup> session, the Preliminary Agenda was adopted by the Committee at its 18th extraordinary session (Paris, 2023 – Decision [18 EXT.COM 3](#)).

In line with Article 14.2 of the *Convention*, the Director-General, “shall prepare the Committee’s documentation and the agenda of its meetings”. As outlined in Rule 9.2 of the *Rules of Procedure of the World Heritage Committee*, “The provisional agenda of an ordinary session of the Committee shall include all questions, the inclusion of which has been decided by the Committee at previous sessions [...] [and] all questions proposed by the Director-General”.

It is precisely in this latter framework that the Director-General decided, at the suggestion of the Secretariat, to include Angkor on the list of properties whose state of conservation should be examined at the extended 45th session. (Note: this was not foreseen by the latest, phase-out decision adopted in 2021, but WHC considered the inclusion of the state of conservation report on Angkor important due to various factors affecting the property,

including housing, illegal settlements within the property, and insufficient management systems.)

- **Annex 2, p. 6: “UNESCO as an influential actor who can ensure human rights violations are not committed in the name of conservation”**

Absolutely. UNESCO has been, and continues to ensure full respect for human rights within its mandate and action. As clarified in the attached letter and foregoing paragraphs, UNESCO can encourage, recall, inform, advise and monitor the respect for human rights in line with its mandate and through the established processes and procedures of the international instrument with its intergovernmental governing bodies. It is also relevant to note that the World Heritage Convention clearly highlights the inviolable sovereignty of nations: *“Whilst fully respecting the sovereignty of the States on whose territory the cultural and natural heritage mentioned in Articles 1 and 2 is situated, and without prejudice to property right provided by national legislation, the States Parties to this Convention recognize that such heritage constitutes a world heritage for whose protection it is the duty of the international community as a whole to co-operate”* (Article 6.1). UNESCO cannot “ensure” that something happens (or does not happen) on sovereign soil, but rather provides States Parties to the 1972 Convention with policy advice and support, in cooperation with the Advisory Bodies of the World Heritage Committee.

We would recall again the *Operational Guidelines* (para 117): “States Parties are responsible for implementing effective management activities for a World Heritage property. States Parties should do so 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.”



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TO ONE PERSON, IT  
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