

MISSION PERMANENTE DU JAPON

AUPRÈS DES ORGANISATIONS INTERNATIONALES
GENÈVE-SUISSE

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The Permanent Mission of Japan to the International Organizations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights in Geneva and, with reference to the latter's Note Verbale AL JPN 3/2024, dated 17 October 2024, has the honour to transmit herewith the response of the Government of Japan to the Joint Communication from Special Procedures.

The Permanent Mission of Japan to the International Organizations in Geneva avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights in Geneva the assurances of its highest consideration.

Geneva, 16 December 2024

Enclosure mentioned



RESPONSE OF THE GOVERNMENT OF JAPAN TO THE JOINT COMMUNICATION
FROM THE SPECIAL PROCEDURES DATED 17 OCTOBER 2024
REFERENCE AL JPN 3/2024

10 December 2024

The Government of Japan takes note of the joint communication dated 17 October 2024 issued by the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; the Special Rapporteur on the situation of human rights in Cambodia; the Special Rapporteur in the field of cultural rights; the Special Rapporteur on the right to food; the Special Rapporteur on the rights of Indigenous Peoples; and the Special Rapporteur on the human rights of internally displaced persons, in which they express concern regarding the alleged eviction and resettlement of residents from the World Heritage site of Angkor in Siem Reap, Cambodia. The Government of Japan understands that it has been requested to provide its position on this matter in its capacity as co-chair of the International Coordinating Committee for the Safeguarding and Development of the Historic Site of Angkor (hereinafter referred to as “ICC Angkor”).

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.

1. The Government of Japan would like to begin by explaining the process of the establishment of ICC Angkor, its function, and Japan’s role within its framework.
2. Following the conclusion of the Paris Peace Agreement in 1991, Japan initiated cooperation for the safeguarding of the Angkor monuments as part of its recovery and reconstruction assistance for the new government of Cambodia. Although Angkor was inscribed on the World Heritage List in 1992, the archaeological site required extensive support for its restoration and conservation. As part of the reconstruction assistance, the Government of Japan hosted the Intergovernmental Conference on the Safeguarding and Development of the Historic Site of Angkor in Tokyo in October 1993. The Conference, attended by representatives from over thirty countries and international organizations, adopted the Tokyo Declaration¹. The Declaration recognised the need for international cooperation for the conservation and restoration of the Angkor monuments and the

¹ Tokyo Declaration, adopted on 13th October 1993, <https://apsaraauthority.gov.kh/wp-content/uploads/2023/11/Declaration-de-Tokyo-ENG.pdf>

development of the surrounding areas as well as the establishment of a coordination committee to streamline such assistance.

3. Consequently, ICC Angkor was established in 1993. As defined in its Internal Regulations, ICC Angkor functions as an international mechanism to coordinate the assistance made available by different countries and organizations for the safeguarding and development of the historic site of Angkor. The ICC is co-chaired by Japan and France, as represented by their respective ambassadors to Cambodia. The standing secretariat is coordinated by the UNESCO representative in Cambodia. The Government of Cambodia, the co-chairs, and the UNESCO representative in Cambodia meet regularly to hold quadripartite sessions, prior to each round of ICC meetings. The Ad Hoc Group of experts, composed of specialists in conservation and sustainable development, supports ICC Angkor by inspecting sites before meetings and providing technical and scientific advice. This group of experts drafts the recommendations on specific sites and issues, which are subsequently adopted during the committee meetings.

4. The Government of Japan has been providing financial assistance through voluntary contributions to a fund established within UNESCO, namely the UNESCO Japanese Funds-in-Trust, to support the cost of convening regular ICC Angkor meetings and dispatching the Ad Hoc Group of experts. Japan remains committed to its role as co-chair of ICC Angkor until 2033, as announced during the 28th plenary session of ICC Angkor on 25 March 2022.

2. Please provide information on whether your Excellency's government is aware of the allegation of forced evictions, arbitrary displacement and forced relocation. Please also indicate whether your Excellency's Government has raised these concerns, through its role of co-chair of ICC-Angkor, which has a monitoring role in the Angkor heritage site.

5. The Government of Japan is aware that the Government of Cambodia submitted the State of Conservation Report, which included information regarding the implementation of its policy on relocation of residents within the historic site of Angkor, to the World Heritage Centre in January 2024.

6. As stated earlier, ICC Angkor serves as an international mechanism to coordinate the assistance made available by international donors for the safeguarding and development of the historic site of Angkor. It is important to clarify that ICC Angkor does not have a monitoring role regarding the site, contrary to what is indicated in the question.

7. Furthermore, the Government of Japan would also like to emphasize that under the World Heritage Convention, which both Japan and Cambodia accepted, the primary responsibility for ensuring the conservation of the Angkor heritage site lies with the

Government of Cambodia². ICC Angkor’s Internal Regulations also explicitly recognize Cambodia’s sovereignty over the Angkor site as well as its responsibility for safeguarding and sustainably developing the Angkor site.

3. Please provide information about the mechanisms in place to ensure the right of the individuals, including Indigenous Peoples concerned to fully participate in the decision-making process that affect their cultural life, including their participation in the governance and management of the site of Angkor and their representation in the Authority for the Protection of the Site and Management of the Region of Angkor (APSARA).

8. We would like to point out that ICC Angkor’s Internal Regulations emphasize that the interests and aspirations of local populations must be at the core of the safeguarding and management efforts for the historic site of Angkor. ICC Angkor has consistently given consideration to the welfare and sustainable development of the local communities in its activities and recommendations. However, the specific mechanisms to ensure the right of individuals, including Indigenous Peoples, to participate in decision-making processes, as well as their representation in the APSARA National Authority, fall beyond the jurisdiction of ICC Angkor and its co-chairs. Therefore, the Government of Japan respectfully refrains from commenting on this matter.

4. Please provide information on the measures taken by ICC-Angkor and your Excellency’s Government as co-chair to clearly identify the 113 “traditional villages” and any private or community-owned land, which should not be subjected to evictions, and to provide these individuals, including Indigenous Peoples, with legal security of tenure.

9. The Government of Japan would like to point out that the identification of “traditional villages” and private or communal lands that are not subject to eviction, and the provision of legal security of tenure to the people fall beyond the jurisdiction of ICC Angkor and its co-chairs.

10. On the other hand, the Government of Japan would like to recall Decision 46COM

² Article 4, Convention Concerning the Protection of the World Cultural and Natural Heritage

Each State Party to this Convention recognizes that the duty of ensuring the identification, protection, conservation, presentation and transmission to future generations of the cultural and natural heritage referred to in Articles 1 and 2 and situated on its territory, belongs primarily to that State. It will do all it can to this end, to the utmost of its own resources and, where appropriate, with any international assistance and co-operation, in particular, financial, artistic, scientific and technical, which it may be able to obtain.

7B.31³, which addresses the state of conservation of the site of Angkor and was adopted at the 46th session of the World Heritage Committee held in New Delhi in July 2024. In this decision, the World Heritage Committee recommends the State Party of Cambodia to accurately and effectively communicate regarding the zoning regulations and the ongoing relocation programme to both national and local communities, notably by outlining: a) a clear means of identifying inhabitants having the rights to live within the property; b) its commitment to ensuring that the conditions of relocated populations comply in all respects with the 1948 Universal Declaration of Human Rights and other relevant human right normative instruments ratified by the State Party; and c) a strategy for mitigating the demographic evolution of the villages within the property.

11. In this Decision, the Government of Cambodia is also requested to submit an updated State of Conservation Report to the World Heritage Centre by February 2025. As a member of the World Heritage Committee, the Government of Japan intends to actively participate in the examination of the state of conservation based on this forthcoming report.

5. Please provide information on the measures that ICC-Angkor and your Excellency's Government as co-chair and undertaking to protect the communities living in Angkor from forced evictions and arbitrary displacement, and to ensure that any decision affecting Indigenous Peoples' lands, territories and resources is taken only with their free, prior and informed consent.

6. Please indicate whether all people threatened with or already subjected to forced resettlement have been meaningfully consulted, have had the possibility to propose alternatives to resettlement, to participate in the selection of the resettlement sites, in defining adequate compensation including replacement land, as well as integration measures. Please also indicate how your Excellency's Government has advocated, through its role as co-chair of ICC-Angkor, to ensure the free, prior and informed consent of the Indigenous Peoples for the resettlement plan.

12. (In response to questions 5 and 6) As stated earlier, the Government of Japan is aware that the Government of Cambodia submitted the State of Conservation Report, which included information regarding the implementation of its policy on relocation of residents within the historic site of Angkor, to the World Heritage Centre in January 2024. This report

³ World Heritage Committee Decision 46COM7B.31 <https://whc.unesco.org/en/decisions/8557>

outlines aspects of the relocation process and highlights concerns related to the protection of affected communities. Japan also had the opportunity to attend one of the consultation meetings, alongside representatives of France and UNESCO on 12 and 13 August 2024. The meeting, organized by the Ministry of Land Management, Urban Planning and Construction in collaboration with the Ministry of Culture and Fine Arts and the Siem Reap Provincial Authority, aimed to present the status of the management of the historic site of Angkor. It also provided a platform for officials from relevant ministries, local authorities, and residents to exchange views and voice their opinions on the ongoing relocation and the future course of action.

13. However, the process regarding the implementation of the Government of Cambodia's policy on relocation of residents within the historic site of Angkor, as well as consultation with affected communities, falls beyond the jurisdiction of ICC Angkor and its co-chairs. In its role as co-chair, the Government of Japan remains committed to supporting ICC Angkor's focus on ensuring sustainable development and safeguarding the well-being of local communities, but the Government of Japan respectfully refrains from commenting on the specifics of Cambodia's relocation policy or the consultation process related to free, prior, and informed consent.

7. Please provide information on the efforts that ICC-Angkor and your Excellency's Government are undertaking to ensure that the resettled communities resume and continue enjoying access to adequate housing, food, safe drinking water and sanitation and other means of livelihood.

8. Please indicate what measures ICC-Angkor and your Excellency's Government have taken or plan to take to ensure that persons, including Indigenous People who have lost their housing, land, property, means for food production or livelihoods, or who have suffered any economic or cultural effect as a result of the forced evictions, arbitrary displacement and forced resettlement, have access to effective remedy and reparation.

9. Please clarify what measures ICC-Angkor and your Excellency's Government have taken or envisage to provide protection and assistance to those displaced in Angkor. Also, please provide information on any steps taken to enable durable solutions to their displacement.

14. (In response to questions 7, 8 and 9) With regard to the development of new resettlement sites, ICC Angkor recommended in December 2022 that "attention be paid to the sustainable development of newly established settlements by ensuring the economic

conditions for their development.” This recommendation aligns with ICC Angkor’s broader focus on integrating sustainable development principles into the conservation of the Angkor heritage site.

15. However, the means of remedy, reparation, and provision of protection or assistance for relocated people fall beyond the jurisdiction of ICC Angkor and its co-chairs. Consequently, the Government of Japan refrains from commenting on these matters.

16. We would like to highlight that the Government of Cambodia invited a joint Reactive Monitoring Mission composed of representatives from the World Heritage Centre and its advisory bodies, namely the International Council on Monuments and Sites (ICOMOS) and the International Centre for the Study of the Preservation and Restoration of Cultural Property (ICCROM), in response to the aforementioned Decision 46COM 7B.31. This mission, scheduled for December 2024, aims to assess the overall state of conservation of the Angkor property, including the conditions of the relocated communities. The findings of the mission, along with the State of Conservation Report scheduled to be submitted by the Government of Cambodia in 2025, will be incorporated into the recommendations of the World Heritage Committee during its July 2025 session. As a member of the World Heritage Committee, the Government of Japan intends to actively participate in the examination of these findings and advocate for solutions that fully comply with the 1948 Universal Declaration of Human Rights and other relevant normative human rights instruments ratified by the Government of Cambodia.