

**KPNC 2011**





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KHMER PEOPLE NETWORK FOR CAMBODIA (KPNC)

—

Paris Peace Agreements - October 23, 1991

P.O Box 3275, Federal Way, WA 98063

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Facebook.com/Khmer People Network Facebook.com/Cambodian-Americans

Drgnnization-Membcrs

Khmer Unity for Cambodia, USA

Cambodian Americans for Human

Rights & Democracy, USA

Me Bonn Foundation, USA

Buddlii Khmer Foundation for

Morality & Democracy, Cambodia

Cambodia National Foundation, USA

Cambodian Mother’s Legacy

Foundation, USA

Cardo, Cambodia

Child Hope, Cambodia

Dream, Cambodia

Human Rights & Land Protection

Activists, Cambodia

Khmer Culture & Civilization

Foundation, Cambodia

Khmer Voice for Democracy, USA

Khmer Youth's Vision Association,

Cambodia

Lohet Khmer Association, USA

Natural Resource Protection Group,

Cambodia

World Peace & Justice Foundation,

USA

Affiliated Organizations

Cambodia Border Committee, France

National Impartial Committee for

Free and Fair Election in Cambodia

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Mr. Sa vet Sat

1 Mr. Larry Seng

October 31,2016

His Excellency Mr. Francois Hollande

President of the French Republic

C/o Embassy of the French Republic

4101 Reservoir Road, NW

Washington, D.C. 20007

Your Excellency Mr. President,

My name is Boravann Ung, M.D. I am writing on behalf of 7,477 Cambodian

citizens who have risked their lives by signing or thumb printing a petition

addressed to the Co-Chairmen in the Conference on Cambodia held in Paris

July 30 - August 30,1989 and October 21-23, 1991. That conference concluded

with the signing of a set of agreements on a comprehensive political settlement

of the Cambodia conflict, aimed, among other things, at ending the 12-year war

in Cambodia; establishing a system of liberal democracy with pluralism and

respect for human rights, governed by the rule of law; guaranteeing Cambodia’s

sovereignty, independence and territorial integrity; sending a UN peacekeeping

force called the United Nations Transitional Authority in Cambodia or UNTAC

to administer the country and organize the election of a new government; and

rebuilding the war-tom country and building peace after the conflict.

Through this petition we would like to strongly express, on the 25th anniversary

of the conclusion of that conference, our great appreciation of those peace

agreements. We would like in particular to express our gratitude to the United

States of America for its active participation in the peace process to put an end

to the war and bring about peace in our country; for its very important

contribution to and active participation in the implementation of the agreements

and in UNTAC’s mission; and for its continued important assistance and

support for the reconstruction and development, peace building, human resource

development, institution building, the development of democracy, the

establishment of the rule of law and protection of human rights in Cambodia.

Thanks to such generosity from the French Republic and from the international

community, the protracted war has since ended. Cambodia has recovered

quickly, and has made noticeable economic progress. It is no small achievement

when the Cambodian people have now become active citizens who are well aware of their rights

and duties and are no longer silent subjects as in the past.

We would like to humbly inform you, though, that, as well reported by various leading human

rights monitoring organizations including the U.S. Department’s Human Rights Bureau, the

Cambodia office of the UN High Commissioner for Human Rights and the successive UN

Secretary-General’s Special Envoys and UN Special Rapporteurs, the situation of human rights

in our country together with the political situation has gone from bad to worse since the

restoration of peace. The political situation has been so bad that UN Human Rights Special

Rapporteur Rhona Smith said in 2015 and again 2016, that “Cambodia is dangerously close to

the tipping point” when members of the opposition were subjected to threats, judicial

proceedings, and even beatings.

The human rights situation is bad when hundreds of thousands of families have been forcibly

evicted from their homes and lands. Some were beaten and arrested during those evictions. Many

Cambodians including peaceful demonstrators, journalists, civil society activists, human rights

defenders, government critics and political opponents have been facing harassment, threats,

arbitrary arrests, prosecutions, and physical attacks. In early 2014 mass peaceful demonstrations

against election irregularities and for higher wages were cracked down when security forces

brutally beat and dispersed demonstrators. Armed forces then fatally shot numerous

demonstrators and beat many others. Following this event, Cambodia has been placed under a *de*

*facto* state of emergency when the rights to freedom of expression, to assembly and to movement

have been tightly controlled, restricted or at times banned altogether. To date there are some 30

political prisoners including human rights activists, political activists and two parliamentarians

from the opposition who currently in jail. And, as has been reported worldwide, on July 10, 2016

a prominent and popular government critic, Dr. Kem Ley was assassinated.

Those human rights violations have been committed despite the “special measures to assure

protection of human rights, and the non-retum to the policies and practices of the past” stipulated

in the Paris Peace Agreements, namely, Cambodia’s own undertaking “to ensure respect for and

observance of human rights and fundamental freedoms”, and “to support” human right

defenders; the U.S.’s and the other parties’ undertaking “to promote and encourage respect for

and observance of human right and fundamental freedoms in Cambodia”; and the UN’s

undertaking “to monitor closely the situation of human rights in Cambodia”, which has been

carried up to now by an office of the UN High Commissioner of Human Rights and a Special

Rapporteur on Human Rights in Cambodia.

We wish to draw your attention to the desperate situation the Cambodian people are now in, on

the 25th Anniversary of the Paris Peace Agreements, when the Cambodian Government has

failed to honor its own international human rights obligations, when King Norodom Sihamoni

has not been able to fulfill his constitutional duty as “the guarantor of his people’s rights and

freedoms”, and when their judiciary has failed in its duty “to enforce rights provided under the

constitution” (under the Paris Peace Agreements) and is “used again and again as a tool of the

executive” (UN Human Rights Special Rapporteur Surya Subedi, 2014). Our worst fears of a

return to the policies and practices of the past have arrived.

2

We would be very much obliged if the France would do more for its undertaking to promote

respect for and observance of human rights in Cambodia and, separately or together with the

other parties to the Peace Agreements and other countries, intervene directly and more forcefully

with our government and through “the competent organs of the United Nations to take other

steps as are appropriate for the prevention and suppression of such serious violations of human

rights” as stipulated in the Peace Agreements.

We feel that it would most help the Cambodian people if France would work with Indonesia as

Co-Chairmen of the Paris Conference on Cambodia, to reconvene that conference to review the

implementation of the Paris Peace Agreements, to renew the commitments to the respect for and

observance of human rights and fundamental freedoms in Cambodia, and to find more effective

measures to assure protection of human rights, and the non-retum to the policies and practices of

the past.

We would like finally to bring to your notice that we are sending the same letter *mutatis*

*mutandis* to the other parties to the Paris Peace Agreements including the United Nations. We

reiterate our gratitude to the French Republic.

Respectfully yours,

Boravann Ung, MD

Chairman, Khmer People Network For Cambodia

Email: [b.ung.kpnc@gmail.com](mailto:b.ung.kpnc@gmail.com)

(562) 499-9061

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Chairman, Khmer People Network For Cambodia

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1. D.1

June 17, 1987: **The United States protest over The Historic Waters**

**Agreement on July 7, 1982, between**

Cambodia and Vietnam - Gulf of Thailand1:

On July 7, 1982, Cambodia and Vietnam signed an agreement which, inter

alia, made claim to a part of the Gulf of Thailand as historic waters'1 . The

United States protested this claim in a note to the UN Secretary General, as

follows'1':

Under the terms of this agreement the parties purportedly claim as historic

certain waters in the Gulf of Thailand extending from the mainland to Tho

Chu and Poulo Wai Islands.

As is well known under longstanding standards of customary international

law and State practice, historic waters are recognized as valid only if the

following prerequisites are satisfied: (a) the State asserting claims thereto

has done so openly and notoriously; (b) the State has effectively exercised its

authority over a long and continuous period; and (c) other States have

acquiesced therein.

In the case of the historic waters claim made by the parties to the above

agreement, the claim was first made internationally no earlier than July 7,

1982, less than five years ago, notwithstanding the assertion in the

agreement that the waters "have for a veiy long time belonged to Vietnam

and Kampuchea [Cambodia] due to their special geographical conditions and

their important significance towards each country's national defense and

economy."

The brief period of time since the claim's promulgation is insufficient to meet

the second criterion for establishing a claim to historic waters, and there is

no evidence of effective exercise of authority over the claimed waters by

either country before or after the date of the agreement. Moreover, without

commenting on the substantive merits or lack thereof attaching to the

"special geographical conditions" of the waters in question and their

"important significance towards each country's defense and economy," such

considerations do not fulfill any of the stated customary international legal

prerequisites of a valid claim to historic waters.

Finally, the United States has not acquiesced in this claim, nor can the

community of States be said to have done so. Given the nature of the claim

first promulgated in 1982, such a brief period of time would not permit

sufficient acquiescence to mature.

Therefore, the United States views the historic claim to the waters in

question as without foundation and reserves its rights and those of its

nationals in this regard.

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1. These actions constituted direct violations of the core principles of the Paris Peace Accords

establishing human rights observance, maintenance of the democratic process, territorial integrity and

assurance of sovereignty, as the basic foundation for maintaining peace and security in the region.

1. We call on the United Nations and all of the national governments that adopted the Paris Peace

Accords to condemn the violations of the Paris Peace Accords that have taken place at the hands of

the governments of Cambodia and Laos, and to require that these violations be remedied, for example

by recognizing that the 2018 elections in Cambodia were unlawful, and by demanding that new national

elections be scheduled before the end of June of 2020 that take place under international supervision

and with effective international monitoring.

1. If the Hun Sen regime in Cambodia and the communist regime in Laos do not end the

systematic policies of harsh repression and denial of democratic processes that they have been

imposing on their people, and new national elections are not held that meet international standards of

fairness, we call on the United Nations and all governments to impose a comprehensive system of

sanctions on the governments of Cambodia and Laos that includes a boycott of all forms of economic

support, military assistance and tourism, and imposes travel restrictions on leading officials of the Hun

Sen and Communist Lao regimes, along the lines followed to sanction the governments and officials of

Russia, North Korea, Iran and other nations in recent years that have followed policies that are contrary

to international law, and that threaten the peace, stability and basic human rights of the international

community.

We acknowledge, appreciate and support the following U.S. Congress and European Union resolutions

on Cambodia and Laos, such as:

o HR 526 Cambodia Democracy Act of 2019

• HR 1376 Cambodia Trade Act of 2019

• S. 34 Cambodia Trade Act of 2019

• S. 2412 Cambodia Accountability and Return on Investment Act of 2018

• S.Res.240 - A resolution expressing the sense of the Senate with respect to democracy and

human rights in the Lao People's Democratic Republic.

***o*** European Union related efforts to restore democracy in Cambodia and Laos

We are very grateful of the U.S. Congressional Cambodia Caucus for holding the commemoration of the 28th

Anniversary of the 1991 Paris Peace Accords on Cambodia, this October 21st, the first time ever in the history of

this utmost important Accords for Cambodia.

Endorsed this 20th day of October, 2019 by the following organizations:

1. Cambodia Border Institute (CBI)
2. Cambodian Alliance for the Paris Peace Agreements on Cambodia (CAPPAC)
3. Cambodian Americans for Human Rights and Democracy (CAHRAD)
4. Cambodia Women’s Health Organization (C-WHO)
5. Khmer Alliance Foundation (KAF)
6. Khmer Association of Hampton Roads Virginia (KAHRV)
7. Khmer People Network for Cambodia (KPNC)
8. Khmer Unity for Cambodia (KUC)
9. Lao American for Laotian Human Rights
10. Lao American Veterans Association
11. Me Boun Foundation (MBF)
12. Our Mutual National Interests International (OMNI International)
13. Overseas Khmer Summit (OKS)
14. Reinstated Royal Laos Government (RRLG)
15. Save Cambodia
16. Union for Lao Nation and Study and Research Center on Laos and Asia (ULN-CERLA)

Contact: [seac2019@khmernetwork.org](mailto:seac2019@khmernetwork.org)

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NGO Report 2016

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Cambodia-Vietnam Border Treaties: 1979,1982, 1983,1985 and additional treaty 2005

**FRIDAY, DECEMBER 25, 2015**

**[Vietnamization] GRAND CONCESSIONS:**

The Vietnamese People's Army has quietly

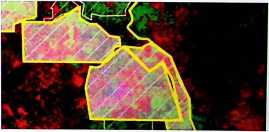
^•Assumed Control of nearly 40,000 hectares of

^Prand in Ratanakkiri

[Background: *Vietnamization under Hun Sen;*

Global Witness reports; *Demographic colonialism]*

cambodiadaily.com FTLE



Questions on Cambodia- Vietnam Borders:

1. Cambodia people rights have been violated, natural resources stolen, destroyed & Cambodia- Vietnam

borders encroached.

The 1991 Paris Peace Agreements (PPA) offers and promises Cambodia: Human Rights, Free and Fair Election,

Sovereignty and Territorial Integrity.

The current Cambodia government does not implement this international treaty.

Question 1: What can Cambodia People, we do?

1. Not only Cambodia government doesn't strictly implement the 1991 PPA, King Sihakmoni, Prime Minister

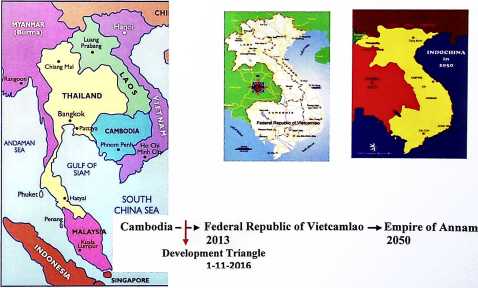
Mr. Hunsen, President of national Assembly late Chea Sim, and Prime Minister Prince Norodom Rannariddh

signed with Vietnam to officially recognize the 2005 Additional Treaty on November 25, 2005.

Question 2: What can Cambodia People, we do?

‘Time and the world swallow events’

Motherland CAMBODIA



**2**

1. A Petition & Survey

Samples of the Petition, Survey & Survey Report are included in this book

The original documents are on file and are available for copy upon

request of Co-Chairmen of the 1991 Paris Peace Agreements

Petition: 7,477 Thumbprints

Survey: 7,477 Thumbprints

Survey Report: 70 pages

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Petition to the Internationally Agreed Co-Presidents (Countries of France and Indonesia)

for the Comprehensive Political Settlement of the Cambodian Conflict, signed in Paris on

October 23, 1991

We Cambodians, require of you, an agreement proof report in the areas of Human Rights, Election and

Territorial Integrity.

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| No  TfU8 | Name (last, first)  SIU (SJU{pnCU US) | Age  HltU | Male  {JI« | Female  LM | Cambodia Province  fgntSlfiUtfl  n q | Thumbprint, right/signature  fuiufufafip/uirncusi |
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People Survey:

Mark your best answer:

A. Which of the following vital issues of Cambodia is the most important?

1. Human Rights

1. National Election
2. Territorial integrity (Borders)

B. With new technology from Japan & new NEC, you think that the free and fair election in 2018 is:

1. Less than 50%

1. About 50%
2. More than 50%
3. Cambodian Borders' issues can be resolved:

1. Cambodian Border determination is finished by 2018 by the Cambodia-Vietnam official

governments on bilateral talk as supported by UN; it is too late for CNRP to protest after winning

2018 election

1. NGO and people are not government and has no rights for UN to act upon request
2. By Implementation of Paris Peace Agreement 1991 (How?)

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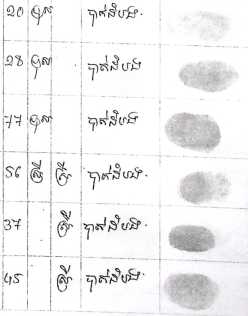
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**Male**

**Female j Cambodia Province**

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Survey on the implementation of the 1991 Paris Peace Agreements 23October (PPA)

*fnittsiij* onn *9^9*

Questions (A, B, C)Answers (1,2,3)

A. Do you think Human Rights have been fairly respected In Cambodia? (1) yes

n- iKijnKntnMSHSMj^ftnsintHitnMuiuj fanjutotsin^tn?(3) tns/tnw

B. Do you think that the election 2013 was free and fair? (l)Yes - ..

jB-tnijrinntntnntnngin gibogmtibiuiw? saingGHturugte? (3)tns/tnM (b) to (m) rtnSa

■ C. Oo you think that the Cambodia borders Issues must be settled by PPA? (l)yes — -

n-tnfin§nBiutTnipfuBi§tuifMtiGttmung(putipliiriigfT>ntjiatfitM(9)t

(2) No (3) Unknown

(b) is ((n)»n3a

(21 No (3) Unknown

(2) No (3) Unknown

i(b)ts (m) wnSb

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Survey Report

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| No | Provinces | Paper Code | Question A | | | Question B | |
|  |  |  | Answer 1 | Answer 2 | Answer 3 | Answer 1 | Answer 2 |
| 1 | Takao | 1 | 7 |  |  | 6 | 1 |
| Takao | 2 | 7 |  |  | 6 | 1 |
| Takao | 3 |  |  |  | 5 | 2 |
| Takao | 4 | 7 |  |  | 6 | 1 |
| Takao | 5 |  |  |  | 5 | 2 |
| Takao | 6 | 7 |  |  | 5 | 2 |
| Takao | 7 |  |  |  | 5 | 2 |
| Takao | 8 | 7 |  |  | 4 | 3 |
| Takao | 9 |  |  |  | 6 | 1 |
| Takao | 10 | 7 |  |  | 4 | 3 |
| Takao | 11 |  |  |  | 4 | 3 |
| Takao | 12 | 7 |  |  | 5 | 2 |
| Takao | 13 |  |  |  | 4 | 3 |
| Takao | 14 | 7 |  |  | 5 | 2 |
| Takao | 15 | 7 |  |  | 5 | 2 |
| Takao | 16 | 7 |  |  | 4 | 3 |
| Takao | 17 |  |  |  | 6 | 1 |
| Takao | 18 | 7 |  |  | 5 | 2 |
| Takao | 19 |  |  |  | 5 | 2 |
| Takao | 20 | 7 |  |  | 4 | 3 |
| Takao | 21 | 7 |  |  | 7 |  |
| Takao | 22 | 7 |  |  | 7 |  |
| Takao | 23 | 7 |  |  | 7 |  |
| Takao | 24 | 7 |  |  | 4 | 3 |
| Takao | 25 |  |  |  | 5 | 2 |
| Takao | 26 | 7 |  |  | 5 | 2 |
| Takao | 27 | 7 |  |  | 6 | 1 |
| Takao | 28 | 7 |  |  | 7 |  |
| Takao | 29 | 5 |  | 2 | 5 | 2 |
| Takao | 30 |  |  |  | 6 | 1 |
| Takao | 31 | 7 |  |  | 5 | 2 |
| Takao | 32 | 7 |  |  | 5 | 2 |
| Takao | 33 | 6 |  | 1 | 4 | 2 |
| Takao | 34 | 7 |  |  | 4 | 3 |
| Takao | 35 | 7 |  |  | 6 | 1 |
|  | Takao | 36 | 7 |  |  | 5 | 2 |
| Takao | 37 | 7 |  |  | 5 | 2 |
| Takao | 38 | 7 |  |  | 5 | 2 |
| Takao | 39 | 7 |  |  | 5 | 2 |
| Takao | 40 | 7 |  |  | 7 |  |
| Takao | 41 | 7 |  |  | 4 | 3 |
| Takao | 42 | 7 |  |  | s | 2 |
| Takao | 43 | 7 |  |  | 4 | 3 |
| Takao | 44 | 7 |  |  | 5 | 2 |
| Takao | 45 | 7 |  |  | 5 | 2 |
| Sub Total | | 315 | 312 | 0 | 3 | 232 | 82 |

68

**3**

1. Local Events in Cambodia

3. A Chronology of Human Rights violation

3. B Land grabbing

3. C Deforestation

3. D Migrant workers

3. E Assassination, tortures and detentions

3. F Corruption

1. Local events Elections
2. Local events\_ Cambodia- Vietnam Borders

69

3.A



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<http://sithi.org/temp.php?url=crono_era.php&>

View by categories

a Assassinations and extra-judicial executions of prominent figures, journalists,

celebrities or outspoken dissidents (63)

■ Torture, arrests and illegal detentions (121)

■ Convictions of human rights defenders (44)

" Restrictions on freedom of expression, freedom of assembly, and freedom of

association (51)

■ Physical threats and judicial threats against journalists and/or human rights

defenders (41)

■ Land rights and forced evictions (79)

" Introduction of news laws, amendments to existing laws and establishment of major

institutions related to human rights (26)

A Chronology of Key Human Rights Violations in Cambodia

The timeline highlights key events related to human rights violations throughout the Kingdom

of Cambodia ("Cambodia"). This chronology of key human rights events is limited to the period

from the effective date of the Constitution of the Kingdom of Cambodia ("Constitution") in

1993 to 10 December 2012, which is International Human Rights Day.

[ ]

This timeline covers almost two decades of human rights violations in Cambodia. The research

shows that assassinations and extra-judicial executions of political figures, journalists and

dissident unionists are rife during the first decade while the second decade of research

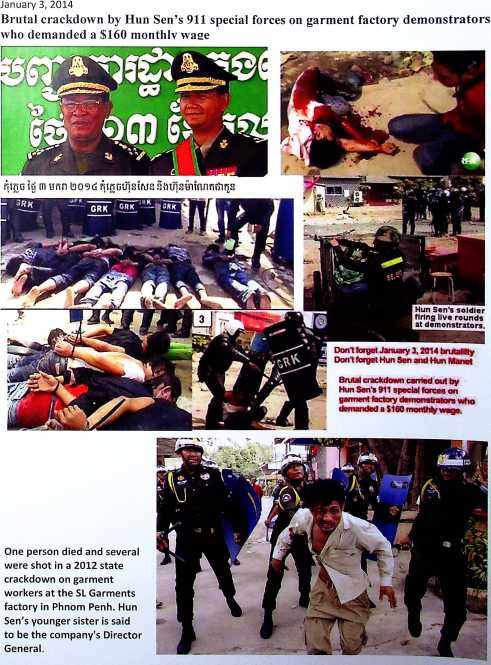
illustrates a considerable increase in disputes over land ownerships and prevalent restriction on

the freedom of expression.

70

**Local Events in Cambodia**

HUMAN RIGHTS



71

Workers & Political Activists under Attack (Warning: graphic content)



15,817 views

Published on Jan 7, 2014

Workers & Political Activists under Attack: 2014 Opens to a Sustained Campaign of Violence and Arrests.

January 2, 3, 4, 2014. Workers

<https://www.youtube.com/watch?v=Kjp4UGNUZGE>

Workers & Political Activists under Attack (Warning: graphic content)

Workers & Political Activists under Attack: 2014 Opens to a Sustained Campaign of Violence and Arrests.

January 2, 3, 4, 2014. CNRP

Hun Sen's Police Violence against Peaceful Demonstrators in Freedom Park

Published on Jan 4, 2014

Hun Sen's Police Violence against Peaceful Demonstrators in Freedom Park. On Saturday morning,

police armed with shields and batons dispersed hundreds of CNRP supporters from their main protest

base in Freedom Park, where they had been camping and protesting for three weeks demanding that

Hun Sen step

<https://www.youtube.com/watch?v=Mv4NmvxAgzs>

1,162,125 views

72

**TfiePfinom Penfi Post**

2015-10-26 16:16 by

<http://www.phnompenhpost.com/video/cnrp-lawmakers-beaten>

CNRP lawmakers beaten

Two opposition lawmakers, Nhay Chamroeun and Kong Sakphea were beaten unconscious during protests in Phnom

Penh, as over a thousand protesters descended upon the National Assembly. Deum Ampil News

Social media was quickly inundated with pictures of the bloodied lawmakers and their damaged cars.

TfiePfinom Penfi Post

Phnom Penh Post - Saphea blames Vun for Assembly attack



Cambodia National Rescue Party lawmaker Nhay Chamroeun lies unconscious on the ground

| after he was beaten by protesters last October. Photo supplied

Saphea blames Vun for Assembly attack

Thu. 7 April 2016

Meas Sokchea

Kong Saphea, one of two CNRP lawmakers severely beaten outside parliament by a pro-ruling party mob

last year, yesterday suggested senior CPP lawmaker Chheang Vun may have organised the pair's assault,

after Vun made comments appearing to shift the blame for the attack to the victims.

The public war of words erupted after Vun, a Cambodian People's Party spokesman, said Saphea and Nhay

Chamroeun, who were set upon as they attempted to leave the parliament on October 26, would have

avoided the attack if they had not chosen to leave the assembly.

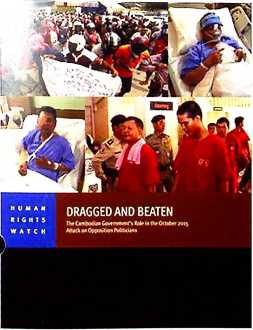
"When the parliament was meeting [they] left to be beaten," Vun told Radio Free Asia earlier this month.

"If [they] were still at the meeting, no one was going to come into the parliament and beat them."

73

Cambodia: Stop Cover-Up of Political Violence

*Fully Investigate Attack by Hun Sen Bodyguards on Members of Parliament*



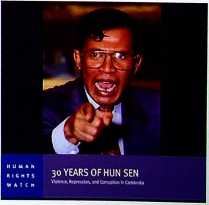
May 26, 2016 Report

Dragged and Beaten

The Cambodian Government's Role in the

October 2015 Attack on Opposition Politicians





Violence, Repression, and Corruption in Cambodia

*Following intensive media coverage of the attack, three so-called hands-on perpetrators videoed at the scene -Sot Vanny,*

*Mao Houen, and ChaySarit- "confessed"*

The 61-page report, *"Dragged and Beaten: The Cambodian Government's Role in the October 2015 Attack on*

*Opposition Politicians,"* shows that the three officials charged in the mob attack were not acting alone. *The*

*ruling Cambodian People's Party (CPP) transported protesters to the National Assembly in Phnom Penh a day*

*after Hun Sen threatened to retaliate against the CNRPfor demonstrating against him in Paris.*

Police stood by during the assault that inflicted serious injuries on assemblymen Kong Sophea and Nhay

Chamraoen. After the attack, the mob went to the home of deputy CNRP leader Kern Sokha and threw stones

Pnd menaced those inside.

74



Statement

<http://www.licadho-cambodia.org/pressrelease>. php?perm=345&english

On World Day Against Child Labour, LICADHO Urges Authorities To End Root Causes

of Child Labour

June 11, 2014 - LICADHO will mark World

Day Against Child Labour 2014 by

organizing community events in two

locations: Sangkat Dang Tung, Koh Kong;

and Stung Haov district, Preah Sihanouk.

The aim of these events is to raise

awareness of child labour in various

sectors and to encourage communities to

raise critical questions, and offer

suggestions to local authorities on how to

end child labour. World Day Against Child

Labour officially falls on June 12.



In Sangkat Dang Tung, Koh Kong, LICADHO will cooperate with a local CPG to facilitate a march on June

12 comprising at least 200 people to raise awareness of child labour in the garment and fishing

industries. Following that, CPGs plan to host a public forum and a theater performance with an audience

of at least 500 participants.

Political Prisoners

[http://www.licadho-cambodia.org/political prisoners/](http://www.licadho-cambodia.org/political_prisoners/)

75

**Tfc Pfinoni Penfi Post**

’hnom Penh Post - ‘Exercises’ bring military helicopters and vessels to CNRP’s doorstep

'hu, 1 September 2016 Meeh Dara and Shaun Turton

n://www.phnompenlipost.com/national/exercises-bring-niilitary-helicopters-and-vessels-cnrps-doorstep



Masked, heavily armed members of the Prime Minister’s

Bodyguard Unit sit in a truck outside CNRP party

headquarters yesterday in Phnom Penh. Hong Menea



A day after a top army general warned that his troops were ready to arrest the opposition's leaders, military helicopters,

navy vessels and troops were yesterday deployed for "exercises" in extreme proximity to the Cambodia National Rescue

Party's Phnom Penh headquarters.

party activists watched on at about 5pm, four of the military's Chinese-built Z-9 helicopters swooped repeatedly over

the building on National Road 2 where CNRP acting leader Kern Sokha is hiding to avoid arrest -the choppers

descending low enough for bsytanders to see the crews inside.

The display followed another pass earlier in the afternoon by the Z-9s, seven of which could be seen circling Phnom

Penh from about 11am.

Meanwhile, behind the property, which abuts the Tonle Bassac River, the Post watched as two speedboats and a larger

patrol vessel with a mounted machine gun ferried more than 20 soldiers in camouflage fatigues back and forth.

One of the speedboats, carrying about six troops, moored about 30 metres from the property, while the other two -

which were earlier accompanied by a third speed boat, according to witnesses - lurked nearby.

[ ]

"At about 1:30pm, about 10 trucks with 10 soldiers each, armed and with full black masks, drove past slowly, then later

about four came back past," ...

[ 1

At about 4pm, another convoy of armed and masked troops - bearing the insignias of the Prime Minister's Bodyguard

Unit - was spotted travelling towards the headquarters.

The display came a day after an interview with four-star General Kun Kim was released, in which the deputy

commander-in-chief of the Royal Cambodian Armed Forces said the army would "guarantee to arrest" the opposition's

leaders if it received a court order.

Sokha will be tried - presumably in absentia - next week for refusing to submit to questioning over his alleged affair

with a hairdresser. CNRP president Sam Rainsy fled the country last year to avoid arrest in a separate case. Both men

face a slew of cases widely considered politically motivated.



76

3.B

7^g CAMBODIA DAILY

[https://www.cambodiadailv.com/news/land-ministi-v-tells-evictees-wont-help-anymore-l 17089/](https://www.cambodiadailv.com/news/land-ministi-v-tells-evictees-wont-help-anymore-l_17089/)

Land Ministry Tells Preah Vihear Evictees it Won't Help Them Anymore

BYAUN PHEAP | AUGUST 24, 2016 |

The Ministry of Land Management says it has stopped trying to appease a group of 253 families

in Preah Vihear province that are trying to reclaim land from which they were evicted in 2011.

though the families say they won’t stop asking. The Ministry of Land Management has decided

to stop finding a solution for all of you today and to allow the National Authority for Preah

Vihear to manage and maintain the area as public property



Video <http://www.licadho-cambodia.org/video.php?perm=39&english>

Water Cannons Used against Peaceful Land Protesters in Cambodia's Capital

Published on May 30, 2013

This morning near Phnom Penh city hall, authorities called in three fire trucks, which used high-

pressure water from their hoses to disperse peaceful protesters from the Boeung Kak, Borei

Keila and airport communities. Firefighters also targeted some community members who came

to rescue colleagues who had fallen down due to the impact of the water. This video was taken

at the scene.

77

*The:* CAMBODIA DAILY

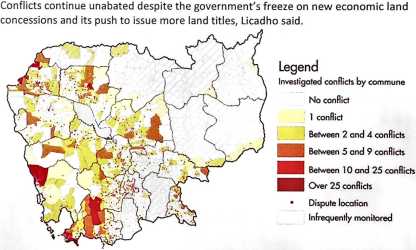
**A3 the Nm Without Frat or Ftvur I The Daly Nmpipcr of Rttori finer 1*993***

NGO Reports ‘Renewed Wave’ of Land Disputes This Yean

BYZSOMBOR PETER | APRIL 2,2014

Land conflicts across the country are rising again, following an election-year lull, according to

rights group Licadho.



Land disputes investigated by rights group Licadho since January 2000. The NGO says the

disputes have affected more than 500,000 Cambodians. (Licadho)

In the 13 provinces the NGO monitors, a "renewed wave" of land grabbing has affected more

than 2,200 new families from January through March, nearly four times the 618 families newly

caught up in similar land disputes during the same period last year, Licadho said Tuesday.

The latest disputes brought to just over 500,000 the number of Cambodians caught in land

conflicts in the 13 provinces recorded by Licadho since 2000.

Licadho director Naly Pilorge called the figure a "shameful milestone."

"Each number represents a potentially ruined life, an individual who faces severe and long-term

hardship," she said. "Without land, they no longer have the means to provide themselves with

the basic requirements for a decent life. The government must act now to end this epidemic of

land grabbing."

78

Yet Another Violent Dispersal of Land Protesters near the Prime Minister's Home

Published on October 21, 2014

Video http://www. Iicadho-cambodia.orq/video.php?perm=50&enqlish

On October 20, 2014, security guards in Phnom Penh were once again captured senselessly

beating peaceful land protesters. About 80 villagers from Preah Vihear province had come to

Phnom Penh to ask for assistance from national institutions, to help resolve their land

dispute which has affected over 200 families. However, shortly after noon, the villagers

were violently dispersed by the guards while military police and police officers stood by near

the Prime Minister's home.

The violence left a total of 18 people injured. Several of them, including an 18 year-old boy,

suffered head wounds.



Video http://www. licadho-cambodia.org/video. php?perm=3&english

Shooting in Chi Kreng, Siem Reap

Published on July 1, 2010

A land dispute in Chi Kreng district of Siem Reap province, turned ugly when four villagers were

wounded when members of a joint force - including police, military police, border police and

soldiers - opened fire on a crowd of farmers in Anlong Samnor commune on Sunday, March 22.

Over a year later, not a single officer has been prosecuted for the violence committed on that

day. However, nine villagers are facing trial in July 2010 on spurious charges of attempted killing

in relation to the March 2009 shooting incident.

79

SflJHRSHUMgtSsriSJtSSfJl

**CCHR Briefing Note - March 2014 -**

**Land Reform**

(Excerpt)

**Executive Summary**

This Briefing Note provides an overview and analysis of how the Kingdom of Cambodia's ("Cambodia") recent history has

adversely affected the development of land ownership and registration; discusses the structural, legal and societal

causes behind the dispossession of land; considers how the Royal Government of Cambodia (the "RGC") has both failed

to safeguard human rights and actively violated those rights; and offers recommendations aimed at addressing these

issues.

[ ]

Background: Cambodia's Land History

Cambodia's turbulent political history has produced frequent changes in the land rights framework, culminating in

tenuous land rights throughout the country. In particular, the devastating upheaval of the Khmer Rouge regime from

1975 to 1979, which destroyed the previous system of private land ownership and record keeping, had a disastrous

impact.

It was then not until 1992iwhen new land laws were adopted by the RGC that people were once again permitted to

privately own and transfer land. However, it is only in 2001 that the Land Law not only recognized an individual's right to

own, transfer and possess land, but also provided fora much-needed land ownership registration system.2 Other legal

regulations followed, among which, in 2005 was Sub-decree No. 146, which allowed for the RGC's awarding of ELCs for

lommercial interests, and the enactment of the Cambodian Civil Code in 2011.aThe implementation of these laws and

regulations has received much-deserved criticism as they serve the interests of the elite, rather than those of ordinary

Cambodian citizens.

**1 Land Law 1992, Kret-Chhbab/lOO (10 August 1992) (trans.).**

1. Land Law 2001, NS/RKM/0801/14 (30 August 2001) (trans.), Article 10.
2. For a complete analysis of the current international and domestic legal framework in Cambodia please see CCHR, “Land in Conflict: An Overview

of the Land Conflict in Cambodia," (Report), (December 2013), < <http://bit.ly/ljNbQJA>>

1. Sithi.org. 'Human Rights Map, Reported Land Conflict, Analyses of Land Cases,' (November 2013) <<http://bit.ly/ljln9su>>
2. Amnesty International, The State of the World’s Human Rights' (Report) (2012), <<http://bit.ly/lmlyJx2>>

As a consequence of the Khmer rouge and the misapplication of the legislation, most Cambodians lack a land title and as

such are more vulnerable to rights violations, especially in a context where fast economic development is strongly

promoted. CCHR estimates that some 47,616 Cambodian families have been adversely affected by land disputes

throughout the country since 20074 with Khmer citizens and ethnic minorities being denied the right to housing, land,

and to their livelihoods. In Phnom Penh alone it has been estimated that 10% of the population has either been forcibly

evicted, or in certain cases, evicted through voluntary planned resettlement since 2001.s

In Cambodia there are various factors contributing to land conflict and dispossession. Land concessions, a flawed land

registration and titling process, threats and intimidation faced by affected communities and a lack of conflict resolution

mechanisms have all acted to cause and exacerbate land disputes. The following section examines this further.

Causes of Land Conflict and Dispossession .

Despite the protections guaranteed in the Constitution of the Kingdom of Cambodia (the "Constitution") and embodied

within national and international laws, the RGC allows the seizure of land and resources without regard to due process

|nd to the legal framework. This is in part due to pervasive corruption and a culture of impunity within the RGC.

80

Land concessions

Large areas of land have been, and continue to be transferred by the RGC to commercial interests in the forms of ELCs,

Social Land Concessions ("SLCs"), land reclassifications ("RLCs"), and Special Economic Zones ("SEZs"). Considerable |

tracts of land are often granted without: (1) respecting individual property and possession rights (2) adhering to the leg;

limitations on the size of the land awarded; (3) properly classifying the land as being legally eligible for such transfers;

(4)

conducting the required preliminary environmental and social impact assessments; and (5) respecting the right of

people to be consulted and fairly compensated. In particular, despite the limitation that one single owner cannot be

granted more than 10,000 hectares of land as an ELC,eland owners have managed to circumvent this legal requirement

by registering different names for their multiple companies.

6Sub-decree on Economic Land Concessions, No. 146 ANK/BK (27 December 2005) (trans.).

rSithi, "Sub-Decree on Land Concessions," <http://bit.ly/ldpvVS7>

sPhak Seangly & Bridget Di Certo, 'Displaced Villagers Isolated, Emaciated' *The Phnom Penh Post,* 8 August 2012. <<http://bit.ly/laNAAZK>>

9 Law on Forestry, ‘Chapter 9: Customary User Rights, Management of Community Forest and Private Forest' NS/RKM/0802/016 (31 August 2002)

(trans.).

toCCHR, 'Cambodia: Land in Conflict, An Overview of the Land Situation', (Report) (December 2013) < <http://bit.ly/ljNbQIA>>

ii Order on the Strengthening Measure and Effectiveness of Economic Land Concession Management No. 01BB (May 2012) ("Directive 1"),

<<http://bit.ly/lhcN4lm>>

12 Ibid

In particular, ELCs have been used by the RGC as a tool to transfer large tracts of land from the Cambodian people to

commercial interests, rewarding the elite at the expense of ordinary Cambodian citizens. According to CCHR's research,

1,087,187.10 hectares of land have been granted in ELCs since 2008.?

Land concessions often have had a devastating impact on the communities that occupy the granted land. In a recent

case in Stung Treng province, villagers have been relegated to a landlocked area of land completely cut off from vital

life

sustaining resources that they previously enjoyed. Entirely surrounded by two ELCs granted to Vietnamese and Chinese

companies in 2010, the villagers' access to food, water and roads has been thoroughly restricted, essentially reducing

their status to that of prisoners on their own land.sThis restriction of access was in direct violation of Article 58 of the

Land Law 2001 whereby an

ELC

*"shall not violate roadways or transportation*

*ways or sidewalks or their borders and the*

*ground necessary for their maintenance, nor to waterways, pools, ponds, and water reserves to be used by the people*

*their daily lives."e* Another example highlighting the impact of eviction is the case of Prek Chik village in Koh Kong

province, where the average yearly income of victims of forced evictions has decreased from $2,070.31 to $315.89.io

*in*

These ELCs would not have been awarded had the RGC observed the rights of the villagers and performed a social

impact assessment prior to making a decision.

On 7 May 2012, the RGC issued a moratorium on ELCs known as "Directive l"iias a measure to rectify existing problems

surrounding land concessions. The Directive called for the prohibition on new ELCs, the evaluation of all existing ELCs,

and the revocation of ELCs found to breach legal and contractual provisions.:: However, a crucial loophole exists within

the moratorium, ELCs that were under 4 consideration when the moratorium was announced are exempt from its

application.ii Subsequently, nine ELCs were granted in 2012 after the moratorium came into effect, encompassing

66,314 hectares of land.m Moreover, the criteria for the scrutiny of those ELCs that had already been awarded to

determine their compliance with the law have not been disclosed; thus the moratorium completely lacks transparency.

13 ADHOC, 'A Turning Point? Land, Housing and Natural Resources Rights in Cambodia in 2012' (February 2013), <<http://bit.ly/leFH8wu>>

uCCHR, 'CCHR's Monitoring of Land Concessions in Cambodia in 2012' (Mini-Report) (14 February 2013) <<http://bit.ly/lhNHOIv>>

is Sithi, “Sub-Decree on Land Concessions," <http://bit.ly/ldpvVS7>

is Land Law, Article 38

17 Land Law, Glossary, ('Ownership').

**18 Inter Ministerial Prakas on Determination of the revenues from the Cadastral Service Fee. No. 377 SHV (28 May 2002) (trans.).**

Although the RGC complied with the moratorium in 2013, the number of SLCs granted was more than five times the

number granted in 2012; in 2012 only 83 SLCs were granted totaling 260,762 hectares - as opposed to the 420 granted

2013, which totaled 502,404.49 hectares.is Of great concern are documented cases of forced land evictions in order to

make way for SLCs, which further raises concerns that despite the moratorium on ELCs, land grabbing and conflict will

continue.

**in**

81

wideo <http://www.licadho-cambodia.org/video.php?perm=33&english>

From Homes to Prison Cells: A Story of Land Grabbing in Cambodia

Published on June 21, 2012

Focusing on the Boeung Kak lake and the Borei Keila cases, this video explores the impact of land grabbing on

poor Cambodians and exposes the risks facing housing rights activists. It was shown at the UN Sustainable

Development Conference in Rio in June 2012.

Statement

**NGOs Condemn Baseless Convictions and Violence Against Cambodian Human Rights Defenders**

Jcint Organizations

May 24, 2012 - Shortly after a joint statement condemning the violent and arbitrary arrest of 13 women

from the Boeung Kak community, Housing Rights Task Force (HRTF), Sahmakum Teang Tnaut (STT),

Equitable Cambodia, Cambodian League for the Promotion and Defense of Human Rights (LICADHO),

Community Legal Education Center (CLEC), Inclusive Development International (IDI), and Licadho

Canada express their outrage at the baseless criminal convictions of the women and the utter travesty

of justice that occurred today.



An overwhelming police force was mobilized to handle the roughly 60

Boeung Kak lake villagers who had managed to gather in front of the Phnom

Penh court prior to the authorities blocking roads leading to the court.

The undersigned organizations call for an end to violent responses to peaceful demonstrations; and for the

authorities to drop the charges, vacate the unjustified and improper convictions, and immediately release:

Nget Khun; Tep Vanny; Kong Chantha; Srong Srey Leap; Tho Davy; Chan Navy; Ngoun Kimlang; Pao Saopea;

Cheng Leap; Soung Samai; Phan Chan Reth; Heng Mom; Toul Srey Pov; Sao Sareoun; and Ly Chanary; Sao

Careoun; and Ly Chanary.

82

Statement <http://www.licadho-cambodia.org/pressrelease.php?perm=252&english>

**LICADHO Condemns Violence in Kampong Speu**

Cambodian League for the Promotion and Defense of Human Rights (LICADHO)



June 10, 2011 - LICADHO strongly condemns the violent confrontation yesterday in

Kampong Speu province, where hundreds of armed police and villagers clashed over a land

dispute. At least 10 people were injured on both sides, including seven seriously.

Regrettably, the incident may be a sign of things to come, as more and more ordinary

Cambodians are pushed aside by a development agenda designed to enrich the elite.

"Once again we see armed forces mobilized to protect private interests, at the expense

of the public interest," said LICADHO Director Naly Pilorge. "One rich man's minor

business deal is worth more than the homes, livelihoods, and lives of hundreds of poor

villagers. This is the reality of Cambodia today."

The clash was the culmination of a longstanding dispute over a 65-hectare parcel of land.

Eighty-eight families claim they have lived on the land since the early 1980s.



Video <http://www.Iicadho-cambodia.org/video.php?perm=3&english>

Shooting in Chi Kreng, Siem Reap

Published on July 1, 2010

A land dispute in Chi Kreng district of Siem Reap province, turned ugly when four villagers were

wounded when members of a joint force - including police, military police, border police and

soldiers - opened fire on a crowd of farmers in AnlongSamnor commune on Sunday, March 22.

Over a year later, not a single officer has been prosecuted for the violence committed on that

day. However, nine villagers are facing trial in July 2010 on spurious charges of attempted killing

in relation to the March 2009 shooting incident.

83

Video <http://www.licadho-cambodia.org/video.php?perm=3&english>

Shooting in Chi Kreng, Siem Reap

Published on July 1, 2010

A land dispute in Chi Kreng district of Siem Reap province, turned ugly when four villagers were

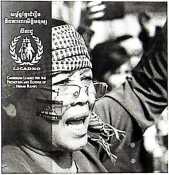
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soldiers - opened fire on a crowd of farmers in Anlong Samnor commune on Sunday, March 22.

Over a year later, not a single officer has been prosecuted for the violence committed on that

day. However, nine villagers are facing trial in July 2010 on spurious charges of attempted killing

in relation to the March 2009 shooting incident.



Published on November 23. 2014

During the last decade tens of thousands of Cambodians

have been forcibly removed from their homes or their

farmland and many more threatened with displacement.

Since 2000, LICADHO has collected data which shows that

over half a million people have been affected by land

conflicts in which the state is involved. In response, many

affected communities have organized themselves to resist

eviction or to seek proper redress for what they have lost.

Cambodian women have been at the forefront of these

campaigns with many becoming effective community

leaders and human rights advocates.

To mark the start of the global campaign, 16 Days of Activism against Gender Violence,

LICADHO has published a report exploring how the lives of women campaigners are changed by

their activism. It reveals the high price women pay, suffering not only serious economic and

emotional impacts but also often domestic violence and family breakdown.

84



<http://4.bp.blogspot.com/-YLTcx413fhg/UUMIF>

JoalnI/AAAAAAAAADM/aKdmMllmTKE/sl600/cambod

ia\_protest.png



<https://www.cambodiadaily.com/cdfiies/wp->

content/uploads/2015/02/cover006\_PhnomPenh DK.0901

24-5453-800x533.jpg

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AAAA cfg/x0jZKRt8\_A/s 1600/Borei+Keila+-

+Woman+on+the+ground+during+forced+eviction.jpg



<http://blog.amnestyusa.org/wp-content/uploads/2012/08/>

cambodia-forced-evictions-small.jpg



<http://www.licadho-cambodia.org/album/files/341Spean>

ChesHouseBurning.jpg



<http://www.irrawaddy.com/wp->

content/uploads/2013/09/Pic-Cambodia-eviction jpg

85

3.C

boxGlobal Witness - Rubber Barons Low Res.pdf.

“Losing the forest is like losing life”

- A village elder describes the impact of

Hoang Anh Mang Yang’s forest

A century ago, 'rubber barons’ terrorised large parts of Latin America, using private armies to grab huge tracts of land,

de-stroying forests and forcing indigenous communities to work on the plantations that had displaced them. Today, high

prices and soaring demand for natural rubber are fuelling a new boom and driving a quest for land across Southeast

Asia, with devastating social and environmental consequences. International attention has focused on Iand-grabs1 for

production of food and fuel, but in this region it is the potential gains from rubber production that are driving the rush for

land.

The 21st century’s rubber barons are Vietnamese companies and their quest for rubber centres on Cambodia and

Laos, where their operations are bankrolled by major western financial institutions and hidden behind a veil of secrecy.

This report looks in detail at the holdings, activities and impacts of Vietnam’s two most significant players in the sector:

the privately owned company Hoang Anh Gia Lai and the state-owned Vietnam Rubber Group. Natural rubber is

resilient, elastic, durable and most importantly, water-resistant. This makes it a competitive material in the transport,

industrial and medical sectors, and one that cannot be easily substituted by synthetic rubber derived from

petrochemicals.2 Transportation is by far the largest single end market for natural rubber, with tyres and tyre products

alone accounting for over 50% of consumption.3 The remaining natural rubber market is for general rubber goods

(clothing and footwear), contracep-tives and surgical gloves.4 The price and demand for natural rubber are closely

linked to that for synthetic rubber, which is in turn strongly influenced by oil prices. Demand for natural rubber rises as

Bil prices rise 5 In the current context of high oil prices and increasing demand for natural rubber, pressure is increasing

on the land where it can be grown. Natural rubber (hevea brasiliensis) is native to the Amazon rainforest but today

most rubber is produced in South and South-east Asia, with small quantities grown in tropical West Africa.6 Rubber

trees take six to seven years to mature, after which the liquid rubber (latex) is hand-harvested through a process known

as 'tapping'. Between 1961 and 2005, global natural rubber production grew on average 3.4% a year.7 Today, six

countries - Thailand, Indonesia, Malaysia, India, Vietnam and China - account for approximately 90% of global

production, with the majority (70%) coming from just three countries (Thailand, Indonesia and Malaysia).8 Smallholders

generate up 80-85% of this production and the area under their control has tripled since 1970, while production from

large-scale plantations has remained constant.9 By 2012 Vietnam’s domestic rubber plantations covered 834,000

hectares (ha), reaching the government's targets for 2015 early and making it the third largest global producer of nat­

ural rubber. 10 Vietnam exports rubber to 50 countries. 11 Of these, China is the country’s most significant market for

unprocessed rubber, whereas the majority of processed rubber is exported to the USA and Japan.12 The rise in

prominence of Vietnam in the global rubber supply chain has increased the economic reach and influence of its two

main producers, Hoang Anh Gia Lai and the Vietnam Rubber Group. Global natural rubber production is forecast to

reach nine million tonnes by 2020 whilst demand is estimated at around 11.5 million tonnes, leaving a potential annual

global shortfall of 2.5 million tonnes. 13 Of this increase in demand, one third will come from China. 14 Surging demand

and tight supply resulted in a ten-fold increase in natural rubber price between 2001 and 2011.15 Prices in 2012

averaged US$3,600 per tonne, and are set to remain at this level due to rising oil prices, thus sustaining the demand

for land.16 High prices, rising Chinese demand and Vietnam's growing role as producer and trader, combine to

increase pressure for land in neighbouring Cambodia and Laos. As described in the next section, the way in which land

Concessions are currently managed in both countries primarily benefits only the elite, whilst the costs are paid by poor

rural communities and their surrounding forest ecosystems. In this context, the Vietnam-ese rubber barons’ ruthless

drive to open up new frontiers has proved devastating.

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Cambodia’s environmental activist^:

Internationally awarded, but murdered at home

Asian Correspondent Staff | 26 April 2016



Wutty’s name rose to prominence in April

2012, when he was murdered while on his

regular patrol in the field to document and

provide evidence against illegal loggers.



Statement <http://www.licadho-cambodia.org/pressrelease.php?perm=255&english>

Authorities Conduct Mass Detention of Forest Activists in Phnom Penh

Joint Organizations

August 18,2011 - CCHR, CLEC and

LICADHO condemn today's mass

detention of peaceful activists in

Phnom Penh, in which police detained

over 100 villagers for distributing

environmental fliers.

The activists, who mostly hail from

Cambodia's Prey Lang forest, gathered

in 14 provinces and Phnom Penh to

raise awareness over deforestation

and economic land concessions that have been granted inside the forest. The Prey Lang network

maintains that the preservation of Prey Lang is critical to the preservation of wildlife habitat and flora

that is sacred to indigenous communities. They also claim that deforestation would contribute to

climate change and ultimately affect their livelihoods.

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Cambodian Migrant workers

These photos picture migrant workers

and their families receiving upfront cash

loans as “incentive” for migrating to

Malaysia. Migrants must work in

Malaysia without a salary for six to

seven months in order to repay these

loans, along with the exorbitant

recruitment and training fees owed to

labor agents.

<https://www.hrw.Org/sites/default/files/s>

ty les/1200w 1200h/public/media/images

/photographs/DSCN 1247.JPG?itok=O6

crxWeG



Cambodian domestic migrant workers cry as

they tell reporters that they do not want to be

<http://cdn-c.photoshelter.com/img->

get/10000ugyhR6beqP4/s/860/860/SKMM-Cambodia-

maids-Will-Baxter-8815.jpg



**Cambodian migrant worker fled to Thailand**

<https://globalvoices.org/wp->

content/uploads/2014/06/Cambodian-workers-at-the-

border-800x533.jpg



Migrant workers carry personal belongings with them

as they cross the Thai-Cambodian border checkpoint

in the town of Poipet

<http://www.phnompenhpost.com/sites/default/files/styles/full->

screen\_watermarked/public/field/image/migrant-

worker\_vireak-mai.jpg?itok=biy-KR9v

88

*The* CAMBODIA DAILY

**All (he News Without Rar or Favor I The Daily Newspaper of Record Since 1993**

South Korea to Double Cambodian Migrant Worker Permits

<https://wwvv.cambodiadaily.com/archives/soiith-korea-to-double-cainbodian-migrant-worker-permits-78099/>

EXCERPT

BYKHUONNARIM | FEBRUARY 17, 2015

There are currently more than 35,000 Cambodians working in South Korea who send

home remittances of about $200 million annually. Last year, Seoul set a quota of 4,600

permits for Cambodian laborers entering the country, according to embassy officials.

“The Cambodian government has expressed a desire to increase the number of

workers on many occasions and the Korean government has taken this into

consideration," she added.

But according to Amnesty International, many migrants who end up working in South

Korea’s agriculture industry are subject to abuse.

In a report last year, Amnesty said workers in the industry, including many from

Cambodia, are underpaid and exploited through contracts that force them to work

excessive hours and live in squalid conditions.

**Cambodian migrant workers headed to South Korea**

<http://static01.nyt.com/images/2014/06/16/world/ALT-IVIIGRANTS/ALT-MIGRANTS-master675.jpg>



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Journal of Population and Social Studies, Volume 23 Number 1 January 2015: 2-16

DOI 10.14456/jpss.2015.6 2

Life and Community of Cambodian Migrant Workers in Thai Society

Sumalee Chaisuparakull

Excerpt

<http://www.jpss.mahidol.ac.th/PDF/JPSS-Vol23(l)_Sumaree_Cambodian-Migrants.pdf>

Overview of Cambodia

Cambodia is a country of 181,035 square kilometers located in Southeast Asia. Cambodia's population is about

14.8 million, 85-90% of whom live in rural areas and work in agriculture.

Cambodia was once a powerful and advanced society, as witnessed by the construction of the complex temple

city of Angkor Wat, built from the 9th to the 15th century (UNESCO, n.d.).

Cambodians are a highly mobile people, given that a high proportion of the population is in the prime working

age group. Over half (57%) of the country's migration is internal from rural to urban areas (especially to the

capital city) while 13% of migration is rural-to-rural movement. Nearly one-third (30%) is international

migration and, of those migrating abroad, over one-third (37%) travel to Thailand, 14% to Malaysia, and 3% to

Korea.

Internal migrants generally have higher educational attainment than international migrants, and nearly all

migrants report some mental health issues, such as high stress (United Nations Population Fund (UNFPA)

^ambodia, 2014).

International migrants remit approximately $364 million in funds back to Cambodia each year. The median

amount of money sent home by Cambodian migrants in Thailand between 2006-2007 was 20,000 baht

(approximately $650) (Renzenbrink, 2012).

Social Dimensions and Motivation to Migrate

Poverty and lack of employment opportunities in Cambodia are the most important push factors leading to

Cambodian migration. The migrant workers interviewed in this study indicated that an important push factor

for migration is economic need and lack of job opportunities in Cambodia.

This is combined with a pull factor of two-fold higher wages in Thailand for the same job. According to their

work experiences, the legal minimum wage of 300 baht/day in Thailand is at least two times higher than the

130-150 baht/day equivalent in Cambodia.

Another pull factor is the shortage of lower-skilled laborers in Thailand.

Decades of war in Cambodia have stifled socio-economic development compared to other countries in the

region and the vast majority of the population is still agrarian (IOM, 2010).

Construction jobs are increasing, but many are filled by Vietnamese migrant workers with greater skill.

■veryone in the village seems to have migrated for work somewhere else. The only ones left are the elderly

and toddlers. (Non-migrant, age 34, public school teacher) ic. Difficulties arise, however, related to the trauma

of their violent past.

90

fg) The Asia Foundation

Migration Puts Cambodia’s Youth in Danger 1

June 5, 2013

Excerpt

<http://asiafoundation.org/2013/06/05/migration-puts-cambodias-youth-in-danger/>

By Siv Hong Lim

[hlim@asiafound.org](mailto:hlim@asiafound.org).

Cambodian migrant workers sent home $256 million in remittances in 2012,1.8 percent of the country's GDP

and the fourth highest percentage in Southeast Asia, according to a new report from the World Bank and the

International Fund for Agricultural Development (IFAD).

Latest Cambodian Ministry figures indicate that the number of workers migrating abroad legally has more

than doubled over the last few years: from 53,160 in 2009/2010 to 130,000 in 2012.

Despite steady economic growth, many Cambodians, especially young people (more than half the population

is under 25), struggle to find jobs, which has driven the rise in migration to other countries for work.

While Thailand has long been one of the most popular destination countries for Cambodian workers (followed

by Malaysia and Korea), the numbers are steadily rising as a result of the Thai government's introduction of a

new minimum wage of 300 *baht* per day ($10), compared to 18,000 *riel* ($4.50) for unskilled laborers in

Cambodia.

While this does offer job opportunities for Cambodians, a major concern now is that a greater outflow of labor1

migration among young people is taking place predominantly through irregular channels which are often

illegal and dangerous.

These channels are low cost and fast compared to channels that use private recruitment agencies formally

registered with the Ministry of Labor and Vocational Training (MoLVT).

It is estimated that as many as 500,000 young Cambodians are working in Thailand now, and anecdotal

findings indicate that this, along with movement to Malaysia, is where much of the irregular migration

happens.

The irregularity associated with labor exploitation and trafficking are predominantly reported from Cambodian

migrants working on fishing industry in Thailand (In 2011 and 2012 alone, the International Organization for

Migration reintegrated more than 100 Cambodian male trafficking victims, most from Thai fishing boats).

But alarming abuses are also reported from female migrants working as domestic helpers in Malaysia, where

34,000 documented Cambodian migrants reported working during 2007-2010.

Despite efforts, Cambodians aged 15-30, who make up roughly 32 percent of the population, and who are

most vulnerable to trafficking and exploitation, still have limited awareness of the dangers and steps they

could take to prevent themselves from becoming victims.

Cambodia is an agricultural country, where 75 percent of people are farmers, so improving irrigation systems

for example to enable farmers to grow rice twice a year, would attract potential migrants to continue farming

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^U^adio Free Asia

^R?ambodians Travel en Masse to Thailand in Search of Jobs

2016-04-26

<http://www.rfa.org/english/news/cambodia/cambodians-travel-en-masse-to-thailand-in-search-of-jobs-04262016131711.html>



*Cambodian migrant workers rest near the Thai border in northwestern Cambodia's Banteay Meanchey province, April 2016.*

***RFA***

Thousands of Cambodian migrant workers have paid traffickers up to U.S. $100 per person to illegally

transport them across the border in the northwestern part of the country during the last 10 days to find better

work opportunities in Thailand, human rights groups said.

The workers, who do not have passports, have paid traffickers 300,000 to 400,000 riel (U.S. $75 to U.S. $100)

each to help them cross over the border in Banteay Meanchey and Battambang provinces after the Khmer

New Year on April 17,

At least 500 Cambodians are crossing from Banteay Meanchey province into Thailand daily, “People were

travelling to Thailand just like a dam was broken,”

haram Cambodia, an NG0 that assists migrant workers and their families, estimates that at least one million

Cambodians worked illegally in Thailand last year.

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**Sea of Mourners Carries Kem Ley Home .**

BY ZSOMBOR PETER AND OUCH SONY | JULY 25, 2016 |

<https://www.cambodiadaily.com/news/sea-of-mourners-carries-kem-ley-home-li5832/>

*Tram Kak district, Takeo province* - Tens, if not hundreds, of thousands of mourners followed Kem Ley's body

from Phnom Penh to his provincial hometown on Sunday as thousands more lined the way for what was the

largest funeral procession Cambodia has seen since the royal cavalcade for the late King Norodom Sihanouk ir

2013.

They had come to pay their respects to the popular political analyst, who, at the age of 46, was gunned down

while drinking his morning coffee at a favorite convenience store in Phnom Penh on July 10.





Thousands of mourners escort the body of slain

political analyst Kem Ley through Phnom Penh on

Sunday on their way to his hometown in Takeo

province. (Siv Channa/The Cambodia Daily)

Mourners cry as Kem Ley's body is moved from

Phnom Penh to his hometown in Takeo province

on Sunday. (Siv Channa/The Cambodia Daily)







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24 July 2016 - From Wat Chass to Tram Kak or The Longest Cortege in

Memory Lane (to come)

You must feel very proud of being among the MILLION Khmer who accompanied Mr. Kem Ley's

body from Wat Chass to his last resting place in Tram Kak.

Memory Lane will record that from dawn to dusk, on a stretch of about 80 kilometers, along

and on roads, streets, boulevards, bridges, across hamlets, villages, towns, phoums, sroks,

khets, million of Khmer mourned and accompanied Mr. Kem Ley's body to his last and forever

resting place. Monks, women, men, old, young, Buddhists, Christians, Muslims, Confucianists,

Daoists, atheists, standing, walking, biking, motoring, all, serenely, peacefully, meditatively,

conscientiously, silently let their heart and mind free to embrace the social and political spirit

and courage of Mr. Kem Ley.

Memory Lane will record that the million people were all in white and unarmed; among them,

some held Mr. Kem Ley photo portrait, others Buddhism flags, Cambodian flags, or flowers,

incense sticks, a bag with water and snack, paper fans, and smart phones; no political banners,

no sloganeering and slandering, no hatred, no violence, no guns, no insults, and no evil

thoughts.

Memory Lane will record that the million people formed a cortege that stretched, at one point

as recorded on social media, from the Ministry of Defense to the Chhorm Chao fork, a distance

of no less than 8 kilometers. The cortege kept on extending longer and longer. Aerial photos

showed the cortege as a shape of a "White Dragon", or "Neak Sar" moving westward under a

clement sky.

Memory Lane will record that the White Dragon, in its simplicity and spontaneity, was the

biggest and longest cortege in the entire history of Cambodia. No cortege of any kind, from

time memorial to 23 July 2016 has been noted, observed, organized or recorded with such

magnitude and symbolism, be it royal coronation, royal funerals, State visits by foreign

dignitaries such as De Gaulle, Nehru, Chou Enlai, Tito, Jacqueline Kennedy, Obama, political

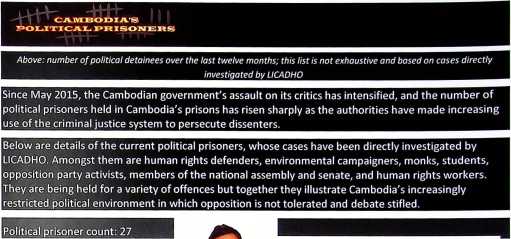
rallies, marches or demonstrations, Independence military parades.

Memory Lane will record the presence of soldiers, military police and policemen at some

strategic points, in battle dress and military body armor, machine guns and barricades. They

were ready to go to war against the peaceful million people in white, the White Dragon.

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Meach Sovannara, 46

CNRP national election candidate

Sentenced to 20 years in prison

Detained for 476 days (since Jul. 21, 2015) I

<https://www.licadho-cambodia.org/political_prisoners/>

**V\*A**

More Cambodian Activists Arrested Over 2014 Protests

August 05, 2015 6:24 PM



PHNOM PENH, CAMBODIA —

Three activists from the opposition

Cambodia National Rescue Party (CNRP)

were arrested this week on charges related

to violent demonstrations in July 2014,

party officials and lawyers say.

The arrests add to those already made in

the wake of the demonstrations, which

occurred near Freedom Park in Phnom

Penh.

FILE - Meach Sovannara, center left, of the Cambodia National Rescue Party (CNRP) and a CNRP supporter

left, are escorted by police at a Phnom Penh court after 11 CNRP members were sentenced in connection

with the Freedom Park protests, July 21, 2015

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sithi.

<http://sithi.org/temp.php?url=crono_era.php&>

Chronology

Assassinations and extra-judicial executions of prominent figures, journalists, celebrities

or outspoken dissidents (63')

1. Thu, 04/Oct/2012X

Koh Kong Provincial Court dropped the case of forestry activist and founder of Natural Resource Protection Group,

Chut Wutty due to the death of perpetrator, In Rattana.

1. Tue, ll/Sep/2012X

Hang Serei Odom, a reporter for Virakchun Khmer Daily newspaper, was found dead in his car at a cashew

plantation in the O'Chum O'Chum district of northeastern Ratanakiri province. Hang Serei Odom reported

frequently on illegal logging activities in Ratanakiri province.

1. Wed, 16/May/2012X

Heng Chantha, a 14—year—old girl, was shot dead at around 8.30am in Broma village, Kampong Domrei commune,

Chhlong district, Kratie province, and at least two other villagers arrested, during a violent forced land eviction.

Witnesses report that hundreds of armed police and military police used rounds of live ammunition against 1,000 or

so villagers to forcibly evict them from their property. The villagers were demonstrating against the loss of their

farmland as a result of an economic land concession granted to Russian—owned Casotim Co. Ltd.

1. Thu, 26/Apr/2012X

Chut Wutty, environmental activist and director of Natural Resources Protection Group, was fatally shot at a jungle

checkpoint in Mondul Seima district, Koh Kong province while he was escorting two journalists of the Cambodia

Daily to investigate illegal logging and the potential harvesting of a vine for drug production.

1. Fri, ll/Jul/2008X

Khim Sambo, 47, a journalist for the opposition-aligned Khmer language daily Moneakseka Khmer, and his 21-year-

old son Khat Sarinpheata were both shot twice by two unidentified gunmen in Phnom Penh. Khim Sambo, who had

frequently wrote about allegations of corruption in the government and was critical of Hun Sen, died immediately;

his son died in a hospital the following day.

1. Thu, 08/May/2008X

Ya Sokhnim, the aunt of prominent beauty queen In Soklyda, had acid poured over her face and upper body by two

men in Phnom Penh. She suffered severe burns and her right eye and breast. In 2009, the Appeal Court found that

Chea Ratha, a former deputy chief of staff of the military police and In Soklyda's lover, had ordered the attack after

Soklyda fled a forced relationship. Four of the suspects including Chea Ratha, are thought to have fled Cambodia.

On 22 June 2011, Sokhnim died from her injuries.

1. Wed, 04/Jul/2007X

Seng Sarorn, a member of the Culture and Environment Preservation Association ("CEPA"), a community group

working on the protection of local forestry and fisheries, was shot in his home in Stung Treng province. Local NGOs

seeking to investigate his death were obstructed by the police and although five men were eventually arrested - of

which four were later released-there were contradictory accounts of whether or not the suspects had confessed.

1. Sat, 24/Feb/2007X

Hy Vuthy, President of the Free Trade Union at the Suntex factory, was fatally shot by two unidentified men on a

motorcycle as he drove home from work in Phnom Penh. Prior to his assassination, Hy Vuthy had received

telephone death threats, warning him to quit his job.

96

1. Fri, 23/Feb/2007X

Pov Panha Pich, a Cambodian pop singer, was critically wounded after being shot twice by unidentified gunmen as

she arrived at an English-language school in Phnom Penh. She was shot in the stomach and throat and later

evacuated to Vietnam for treatment.

1. Wed, 24/Jan/2007X

Sen Sithourn, General Secretary of the Free Trade Union at the Shoes Premier factory in Phnom Penh's Russei Keo

district, was attacked by a group of four or five unidentified men on his way home from work and beaten on the

head with a pipe.

11- Tue, 12/Dec/2006X

Yeng Socheat, a

17-year-old villager from Prey Veng province, was fatally shot when 20 armed men opened fire on

group of unarmed villagers who had tried to approach Peam Chor deputy district governor Y Sam 01 in the context

of a land dispute.

12- Fri, 07/May/2004X

Ros Sovannareth, the head of the Garment Factory Union, was fatally shot by two assailants while driving his

motorcycle on Kampuchea Krom Boulevard in Phnom Penh. Prior to his murder, Sovannareth had received

telephone death threats in connection with his profession.

13- Thu, 22/Jan/2004X

Chea Vichea,the leader of the Free Trade Union of Workers of the Kingdom of Cambodia ("FTUWKC"),was

assassinated near Wat Langka in central Phnom Penh. He had recently been dismissed by the INSM Garment

Factory (located in the Chum Chao District of Phnom

Penh)

as a

reprisal for helping to establish

company. Prior to his assassination, Vichea had received telephone death threats regarding his work.

a trade union at the

14- Sun, 19/Oct/2003X

Mrs. Dos Hut, a FUNCINPEC activist, was fatally shot in Kampot province after an argument with a local police

officer, who escaped shortly after the killing.

15- Sat, 18/Oct/2003X

Ms. Touch Sunich, a 24 year old singer, was critically injured and her mother was died instantly after the incident.

Sunich was shot three times in the head area and the neck near the InterContinental hotel. Rushing to protect her,

the victim's mother was shot dead by two unidentified men wearing military uniforms and driving a C125 Black

Honda motorcycle with possible assistance from two other unidentified men wearing civilian clothing driving

another motorcycle.

16- Sat, 18/Oct/2003X

Chuor Chetharith, 37, a deputy editor-in-chief of the royalist FUNCINPEC party's Ta Prum radio station, was shot

dead by two unidentified young men in Phnom Penh.Ta

Prum was known for its critical reporting of Prime

Minister

Hun Sen, and that the station's director, Noranarith Anandayath, was an adviser to FUNCINPEC party chief Prince

Norodom Ranaridhh.

1. Wed, 06/Aug/2003X

Khuon Dina, a 16-year old girl and the daughter of a Sam Rainsy party activist, was shot dead after collecting rubber

to support her family in Chup rubber plantation at Opi village, Thmar Pich commune, Thbong Khmum district,

Kompong Cham Province.The perpetrator, who was identified as Nguon Oun, chief of Opi village, chased her and

then killed her by firing two shots in her neck with an AK-47 while the victim was walking along with other 5 girls

1. Fri, 13/Jun/2003X

97

At least two policemen and one worker (Mr. Mao Vuthy) died and 25 others suffered injuries during a violent

crackdown by armed force son a strike led by approximately 300 factory workers, most of them women, of Terratex

Knitting and Garment International Factory LTD located in Chak Angre .

1. Wed, 23/Apr/2003X

Mr. Sok Sethamony, a Phnom Penh Municipal Court judge, was fatally shot by an armed man with a K54while he

stopped in his car at a stoplight on the corner of Street63 and Sihanouk Boulevard in Phnom Penh.

1. Tue, 18/Feb/2003X

Om Radsady, a member of the FUNCINPEC Steering Committee and a former parliamentarian, was gunned down by

an unidentified armed man after he left a restaurant near Kap Kor market, Chamcarmon district, in Phnom Penh.

Om Radsady later died in Calmette hospital after doctors spend several hours trying to save his life.

1. Wed, 30/May/2001X

Uch Horn, a Sam Rainsy Party ("SRP") candidate in the upcoming commune council elections, was assassinated in

Basset district in Kampong Speu province. His high profile and political activity had engendered frequent threats

and accusations of sorcery, rumors which had negatively affected his business and farming. Witnesses claimed that

there had been a meeting held in the house of the Basset village chief to determine whether or not to kill Mr. Uch

Horn prior to his killing.

1. Tue, 06/Jul/1999X

Pisith Pileka,a Cambodian singer and actress, was shot by an unknown gunman while shopping at Orussey Market in

Phnom Penh. She died a few days later on 13 July 1999. In October 1999, the French magazine L'Express claimed

that the actress' diary told ofa love affair with a prominent figure in the Cambodian government.

1. Thu, 17/Jun/1999X

) Police killed three prisoners who had escaped following a mass breakout from Kampong Som prison. According to

witnesses, at least two of the three had been recaptured alive and returned to the prison. Subsequent exhumation

of their bodies by human rights workers revealed that both had been shot twice execution-style. At least 19 other

inmates who had also escaped were also recaptured and were subjected to beatings, shackling, and deprived of

food, water and exercise, as punishment.

1. Thu, 25/Mar/1999X

Chhum Doeun, a member of the opposition Sam Rainsy Party ("SRP"), was killed by a group of men in military

uniforms at his home in Kandal province. As Doeun had taken an active part in the 1998 election campaign and the

post-election demonstrations - during which he criticized what he alleged were election irregularities - and

because he was likely to run for office in the upcoming commune elections, it was thought that his murder was

politically motivated.

1. Thu, 04/Feb/1999X

A karaoke signer was shot dead at a cafe in Phnom Penh by a police officer after she refused to have sex with him.

The police officer was never brought to justice.

1. Wed, 30/Sep/1998X

At least two people were killed by government security forces or their agents, and at least eleven known

disappearances of other people in conjunction with demonstrations in Phnom Penh.

1. Thu, 24/Sep/1998X

Sar Chan Rithy was killed in Siem Reap when a propelled grenade aimed at a Hun Sen motorcade detonated in his

) family's house. The motorcade was traveling to the opening of the National Assembly.

98

1. Fri, ll/Sep/1998X

Chun Samnang was shot and killed in Phnom Penh, apparently by security personnel during a political

demonstration.

1. Mon, 07/Sep/1998X "

Chem Pich was killed by gunfire in front of the Cambodian a Hotel where he had gone to participate in a

demonstration. He reportedly also was beaten by a person using a rifle butt. He died on the way to a hospital.

1. Thu, 20/Aug/1998X

Sieng Sean, a driver for the Kyodo News Agency, was killed outside the Ministry of Interior in Phnom Penh by a

hand grenade during a protest against alleged election fraud; the protest was led by opposition leader Sam Rainsy

inside the Ministry compound.

1. Sun, 26/Jul/1998X

Eleven persons were killed on election day during an attack by suspected Khmer Rouge soldiers near Anlong Veng.

Seven of those killed were civilians; two were Royal Cambodian Armed Forces ("RCAF") soldiers; and two others

were the alleged attackers. All evidence indicated that the incident was aimed at disrupting the election process.

1. Fri, 17/Jul/1998X

A driver and a militia guard were killed when a group transporting election materials was attacked near a village

near the former Khmer Rouge stronghold of Anlong Veng. Available evidence indicated that the attackers were

either Khmer Rouge forces or Khmer Rouge defectors from Anlong Veng.

1. Sat, 27/Jun/1998X

The badly mutilated body of FUNCINPEC commune electoral observer Thong Sophal was found in Kandal province

after he had been missing for 10 days. According to the UN High Commissioner for Refugees ("UNCHR"), the

evidence collected about his political activities with FUNCINPEC prior to his disappearance, the attitude of the |

national police and local authorities, and the circumstances of his disappearance suggested a political motive for his

killing.

1. Wed, 24/Jun/1998X

Som (Thong) Soi, a Reastr Niyum party representative, was shot and killed by a concealed gunman while returning

from work in Kampong Chhnang province. He had recently left his position as a CPP group leader to join the Reastr

Niyum Party and had expressed fear for his life in the days prior to his killing, including naming two local officials

whom he believed would be responsible if he were killed.

1. Tue, 23/Jun/1998X

Chan Vichet, a FUNCINPEC member, was killed in Kandieng district in Pursat province.

1. Sun, 14/Jun/1998X

Phin Phon, a former FUNCINPEC member who had recently joined the Reastr Niyum Party, was summarily executed

by two unidentified men in his village in Kampong Trabek district in Prey Veng province.

1. Sun, 14/Jun/1998X

Mrs. Mom Yeng, a FUNCINPEC member and the second wife of a district government official who was a well-known

and active FUNCINPEC deputy district representative in Kampong Trabek district in Prey Veng province in charge of

security, was shot dead.

1. Thu, ll/Jun/1998X

Mrs. Meas Chanthou was killed in Kampong Cham province's Tbong Khmum district. 4

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1. Wed, 10/Jun/1998X

Em lem, an official of the Sam Rainsy Party ("SRP"), was stopped on his way to the SRP local office and arrested by

officials - which includes the village chief, the commune police deputy chief and the militia chief, who led him away

| handcuffed and blindfolded. His body was found a few days later in a shallow grave, showing fractures to the head,

jaw, neck and right hand, in addition to several broken teeth and a broken nose

1. Mon, 23/Feb/1998X

Soy Sophea, a 16-year-old boy, was shot dead by three bodyguards working for the Kampong Speu provincial

governor, who fired at him more than a dozen times, after he scaled the walls of the governor's compound.

1. Wed, 24/Dec/1997X

The bodies of two FUNCINPEC-aligned Border Police officers, Colonel Chea Chan thoeun and Major Var Savuth,

were found on the outskirts of Phnom Penh. Both men had had their hands tied behind them, and their necks

showed marks of strangulation; the face of at least one of them had marks of beating. A police examination of the

bodies concluded that both had been strangled after being severely beaten.

1. Tue, 14/Oct/1997X

Ou Sareoun, a reporter for Samleng Reas Khmer, was dragged into the street and fatally shot by security guards as

he was distributing newspapers to vendors in the market in Phnom Penh.

1. Wed, 01/Oct/1997X

A family celebrating Pchum Ben in the front yard of FUNCINPEC activist Sao Sim in Kirivong District in Takeo

province was attacked by LeangTeng, a member of the commune militia, who had passed by the party and

complained about the noise. A few minutes later Leang Teng returned with an AK-47 and opened fire on the guests,

systematically aiming at and shooting five of them, killing Sao Sim and two of his nephewsinstantly and seriously

injuring another nephew named Ben Thy and Sao Sim's son. LeangTeng continued to shoot into the house

) destroying plates, glasses, crockery and bottles, before leaving. Neighbors and relatives carried the two surviving

victims into a nearby house. While they were caring for the victims, an accomplice of Leang Teng threw a grenade

into that house, but it did not explode. The two injured people were then carried out of thehouse in order to

transport them by car to the hospital. Leang Teng threw a second grenade into the group, killing Sao Sim's injured

son and injuring an additional five people.

1. Sat, 30/Aug/1997X

A man was fatally shot by a drunken commune military officer in Battambang province. The victim's relatives were

forced to sign a contract with the perpetrator stating that they would not file a complaint in exchange for monetary

compensation of US$610..

1. Sat, 30/Aug/1997X

Investigators of the Cambodian Office of the High Commissioner for Human Rights ("COHCHR") were intimidated

when government soldiers fired an AK-47 above their heads while investigating a gravesite. It was also reported

that investigators later heard government soldiers discussing whether or not to kill them, over radio traffic.

1. Fri, 25/Jul/1997X

Local soldiers surrounded the house of Chhun Ma, a FUNCINPEC member, in the remote Varin district in Siem Reap

province. Opening fire into the house, the soldiers killed his 10-year-old son, Aun. Although Chhun Ma managed to

escape,the soldiers searched the house and beat his wife with rifle butts. The commanding officer encouraged his

men to loot the house because Chhun Ma and his wife were FUNCINPEC members and therefore were "robbers".

.47- Mon, 07/Jul/1997X

| Michael Senior (also known as Michael Sokhan or Dok Sokhan), 23, a television newscaster and English teacher, was

killed while photographing looting by soldiers in a public market in Phnom Penh in the aftermath of the coup. He

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was accosted by soldiers loyal to Hun Sen, who shot him first in the knee.

As he lay in

the street

he was shot again, executed in front of his Cambodian wife and brother-in-law.

pleading for

mercy,

1. Tue, 17/Jun/1997X

Forces loyal to Ho Sok, a FUNCINPEC secretary of state in the Ministry of Interior, and Hok Lundy, the National

Police Chief- who had allegedly been partners in illegal business deals but had fallen out by 1997 - clashed in a

firefight in central Phnom Penh that rocked the coalition government and killed two people.

Sun, 30/Mar/1997X

A Khmer Nation Party ("KNP") rally, where opposition politician Sam Rainsy was speaking, came under a grenade

attack. At least 26 people were killed, including Chet Duong Daravuth

a reporter for the newspaper

Neak

Prayuth

and many injured. Sam Rainsy filed a lawsuit in a New York court against Prime Minister Hun Sen in relation to the

attack

1. Sun, 30/Mar/1997X

Chet Duong Daravuth, a reporter for the newspaper Neak Prayuth ("The Fighter") who had recently obtained

permission to publish a new paper, was killed in a grenade attack outside the National Assembly in Phnom Penh

while covering a Khmer National Party rally where opposition leader Samuel Rainsy was speaking. Other journalists

were injured and at least 26 people were killed.

1. Sat, 14/Sep/1996X

Former Khmer Rouge Deputy Foreign Minister leng Sary, who had been tried in absentia in 1979 and found guilty

and sentenced to death, was granted amnesty by King Norodom Sihanouk after leng Sary and 1,000-3,000 Khmer

Rouge soldiers split from the Khmer Rouge leadership and entered in peace negotiations with the government.

1. Thu, 30/May/1996X

An official of the Khmer National Party("KNP") in Siem Reap province was fatally beaten and robbed of the

registration forms of over 2,000 KNP party members, strongly indicating he was killed for political reasons.

1. Sat, 18/May/1996X

In the first case of a killing of a journalist in Cambodia since December 1994, Thun Bun Ly, a writer and former

editor of the opposition newspaper Odom K'tek Khmer, was fatally shot while riding a motorcycle in central Phnom

Penh. At the time of his death, the journalist had been appealing two convictions on charges of defamation and

53- Sat, 30/Sep/1995X

A 15-year-old girl was beaten to death in a Battambang brothel, leading the police to conduct raids on 26

brothels.236 prostitutes were freed during the course of these raids, 62 of whom were under the age of 18.

the 62 told police they had been forced into prostitution.

Forty of

54- Sat, 30/Sep/1995X

A gathering of about 100 members of the

Buddhist Liberal Democratic Party outside Son Sann's

house

by grenades. Two people were killed and more than thirty others were injured, including Son Sann’s son Son

was attacked

Soubert, the vice-president of the National Assembly.

1. Sun, 03/Jul/1994X

A family of five, including three children, was killed in Kampong Chhnang province, allegedly by the National Army

of Democratic Kampuchea ("NADK") as part of their campaign of "ethnic cleansing" against Vietnamese

communities.

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1. Sat, ll/Jun/1994X

Thou Char Mongkol, editor-in-chief of Antarakum, died one day after police found him lying unconscious on a

) Phnom Penh street. Prior to his death, Antarakum, whose offices had been the target of a grenade attack in March

of the same year, had published several articles accusing government and military officials of corruption.

1. Sat, 21/May/1994X

A Belgian couple was reported to have disappeared near the Thai border opposite Preah Vihear province. They

were never found.

1. Sun, 15/May/1994X

Two villagers in Khampong Chhnang province were reportedly killed by the National Army of Democratic

Kampuchea (NADK), just one instance of a series of attacks against Vietnamese communities.

1. Tue, 19/Apr/1994X

Mr. Ang Kouy, a senior civil servant, was apparently murdered by military personnel in Kampot province.

1. Sat, 09/Apr/1994X

In the largest attack of 1994 against Vietnamese communities by the National Army of Democratic Kampuchea

("NADK), 13 villagers, including 9 children, were massacred during the night and another 25, many of whom were

children, were injured, in Kandal province.

1. Thu, 31/Mar/1994X

Sith Som and Nip Kosal, who commanded the unit of the Special Intelligence Battalion in Battambang province,

were reportedly killed by the Khmer Rouge.

^52- Thu, 24/Mar/1994X

The office of the newspaper Antarakumcame under a grenade attack by unknown attackers. Suspicions of official

retribution were fueled by the paper's articles condemning corruption among government authorities.

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**Contre le Bouddhisme Khmer**

Facebook de Rbita Habib, le 29 Novembre 2013.







*L'arrestation et la pendaison des bonzes dans le koth*



Military Police





L'Assassinat a I'interieurdu koth (habitation des bonzes)

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TfiePfinom Penfi Post

Phnom Penh Post - FBI's report on Rainsy rally bombing'

■ri, 15 October 1999

Excerpt

FBI Report



fbi2.jpg

Report on the FBI's Investigation of the March 30,

1997, Bombing in Cambodia.

Requested in the 1998 Foreign Appropriations Act

(Public Law 105-118); delivered to the Senate

Foreign Relations Committee on November 24,1998

AT approximately 8:30 am on March 30,1997, unidentified assailants detonated four grenades during a Khmer National

Party (KNP) political protest demonstration led by Sam Rainsy, the KNP party leader. (The KNP is one of three competing

political parties in Cambodia, along with Hun Sen's Cambodian People's Party (CPP) and Prince Norodom Ranariddh's

FUNCINPEC party.)

The demonstration was held in a park opposite the National Assembly in Phnom Penh, Cambodia, and attended by many

of the party's supporters. Initial investigation indicated that two unknown subjects escaped on foot after throwing two

grenades from behind the KNP supporters.

Conflicting reports were also received that individual(s) either on a motorcycle and/or in a white sedan had dropped two

additional grenades. A unit of heavily-armed troops in full combat assault uniforms was positioned near the KNP speech

platform. According to local media reports, these soldiers made no attempt to apprehend the attackers and prevented

KNP supporters from doing so.

The dead after the grenade attack on the Sam Rainsy rally on March 30,1997

Rainsy publicly blamed Second Prime Minister Hun Sen for the attack while Hun Sen's party - the CPP - publicly blamed

the Khmer Rouge. Hun Sen later blamed Rainsy for staging the attack against himself.

Cambodian Police reports indicate between 16 and 20 people attending the demonstration were killed and 150

wounded, many seriously. Sam Rainsy, the apparent target of the attack, escaped without injury.

Among those killed were two 13-year-old children, a 17-year-old student, Rainsy's bodyguard, a journalist and several

female garment workers. A Chinese journalist, who suffered serious abdominal wounds, was among the injured.

During the attack, Ron Abney, an American citizen and Chief of the Delegation of the International Republican Institute

(IRI), sustained shrapnel wounds in the leg and was evacuated to Mt Elizabeth Hospital in Singapore for medical

treatment.

CPP public statements indicated that there was an [un]usually light police presence, approximately 20 officers,

considerably less than present at previous KNP rallies. None of these officers were injured. None of the previous rallies

had a military presence, which for the March 30,1997, rally was confirmed to be a detachment of Hun Sen's

ibodyguards.

Jbn May 27,1997, Sam Rainsy conducted a press conference in which he linked the FBI's investigation to a "Preliminary

Report" which Rainsy claimed pointed to Second Prime Minister Hun Sen as the culprit of the March 30,1997, attack.

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*The* CAMBODIA DAILY

**All the News Without Fear or Favor I The Daily Newspaper of Record Since 1993 fl**

Battle For Phnom Penh: 10th Anniversary of the 1997 Factional Fighting

<https://www.cambodiadaily.com/stories-of-the-month/battle-for-phnom-penh-10th-anniversary-of-the-1997-factional->

fighting-269/

BY WILLIAM SHAW | JULY 1, 2007

The morning's fighting behind Pochentong Airport was just the opening volley in the factional fighting, July 5

and 6,1997, between forces loyal to then-second Prime Minister Hun Sen and first Prime Minister Prince

Norodom Ranariddh.

Inside, You Hockry, Interior Ministry Secretary of State Kieng Vang, Prince Ranariddh's cabinet Director Ly

Thuch and Ho Sok, huddled in terror, said Naranaridh Anandayath, who was also present.

The Funcinpec officials inside the house were finally offered asylum by the Malaysian Embassy and they

decided to make a run for it.

For Ho Sok, who had remained inside the Singaporean ambassador's residence on the morning of July 7, his

capture was not long off nor was his cold-blooded killing inside the Interior Ministry.

Ho Sok had made frantic efforts to try to organize an escape plan but, shortly after leaving the residence on

July 7, he was detained.

He was taken to the Interior Ministry and shot in the head in what human rights groups alleged was an

execution. The following day, men in combat fatigues transported his body to Wat Langka, where he was I

hurriedly cremated, the UN Office of the High Commissioner for Human Rights wrote in a report dated Aug 21,

1997.

According to the US Embassy cable, Sar Kheng later told Quinn that he deeply regretted Ho Sok's killing.

Ten years on, who killed Ho Sok, and why, is still a mystery. Interior Ministry spokesman Lieutenant General

Khieu Sopheak was reluctant to discuss the Ho Sok case last month.

Cochrane also witnessed CPP forces looting Prince Ranariddh's home, and making away with truckloads of the

first prime minister's property.

In its report, the UNOHCHR said there had been 41, and possibly up to 60, politically motivated killings from

July 2 onwards.

Almost all of the dead were affiliated with Funcinpec.

Chao Sambath and General Krouch Yoeum, a Funcinpec Defense Ministry undersecretary of state, were

among those killed.

Both men were captured on July 8 in Kompong Speu province after being surrounded by Brigade 911

paratrooper commandos, according to the UN report.

Four security officers under Chao Sambath-Seng Phally, Lieutenant Colonel Chao Keang, Chao Tea and Thong

Vickika-also came to gruesome ends. On the morning of July 7, their bodies were brought to Wat Ounalom

after being found blind-folded, handcuffed, shot through the head and stuffed into the boot of a car near Wai

Phnom, the UN report said.

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Major Lak Ki, head of operations, research and intelligence at RCAF high command and an associate of Chao

Sambath, was found dumped in Russei Keo district sometime around July 7, with marks on his neck indicating

^ie had been strangled.

Lieutenant Colonel Sao Sophal, a Funcinpec officer at the first bureau of RCAF General Staff, was also

executed. His handcuffed body was found clad only in underpants and with bullet wounds in the head, the UN

report said.

Back in Phnom Penh, four unnamed bodyguards of Nhiek Bun Chhay stationed at his house were also

executed, then displayed on the street with their eyes gouged out.

Japanese, British, Canadian, Australian and American envoys visited Hun Sen as the reports of extrajudicial

killings emerged, and urged him to bring the situation under control, the second diplomat said.

"We all condemned the executions, no question," he said. "The blood bath could have been a lot worse if the

international community did not have the influence that it had then."

Khieu Kanharith acknowledged that extrajudicial killings occurred, though he added that this was partly the

nature of the turbulent 1990s.

"I don't think a lot of people were executed. There were some executions of high-ranking officers, we agreed

on that.

Khieu Kanharith attributed the executions to "hard-liners from both sides," whom he declined to identify. "We

reached agreement that we don't talk about the past," he said. "Let bygones be bygones."

^The sad thing [was that the fighting reflected] the breakdown of the system set up by the UN, the effective

end of the coalition government and the failure of Funcinpec to take at least some control of the reins of

government between 1993 and 1997," the diplomat said.

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<https://en.wikipedia.org/wiki/1997_clashes_in_Cambodia>

1997 clashes in Cambodia /

**Excerpt**

From Wikipedia, the free encyclopedia

1997 clashes in Cambodia

Date 5 July - August 1997

Location □ Cambodia

• Mostly in Phnom Penh, Cambodia

PROVINCES:

• Samrong

• Sisophon

• Pailin

• O'Smach

Victory of Hun Sen. Co-premier Norodom !

Ranariddh, ousted, remains in exile.

Belligerents

OfUNCINPEC El Khmer

Rouge (mostly in

the Northern

Provinces)!!\*

Commanders and leaders

Hun Sen Norodom Ranariddh : Ta Mok

; Nhek Bun Chhav

SereiKosal (in Battambang

Province)

Casualties and losses

Unknown Around 40 FUNC1NPEC officials killed\*\*\*

100 civilians killed (5-6 July)\*\*\*

As a result, co-premier Hun Sen ousted the other co­

premier Norodom Ranariddh. Dozens of people were

killed during the conflict.

Factional fighting [edit]

Thomas Hammarberg, the United Nations Special

Representative on Human Rights in Cambodia, made

it clear in his October 1997 report to the UN General

Assembly: the events of July 5-6 were a "coup

d'etat."\*\*\*

On 5 July 1997, CPP troops led by General Ke Kim

Yan surrounded a military garrison belonging to Nhek

Bun Chhay in Kamponq Speu Province.

Ke Kim Yan attempted to coax Nhek Bun Chhay to

disband his garrison, but failed.\*\*\*\*\*

At the same time, military police aligned to the CPP

approached the residence of another FUNCINPEC

general, Chao Sambath, and demanded FUNCINPEC

troops to surrender their weapons.\*\*\*\*

Nhek Bun Chhay responded by ordering FUNCINPEC

troops to resist the advances made by the CPP's

troops and military police,\*\*\* and heavy fighting broke

out at the Taing Krassang military base and Phnom

Penh International Airport, where most of

FUNCINPEC troops were based.\*\*\*\*

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3.F



global witness

Embargoed until 00:01 (London, BST) on Thursday 7th July

Cambodian ruling family’s secret stranglehold on economy poses major risk to foreign

investors and wreaks havoc on population

Report exposes corrupt family's links to international brands including Apple, Nokia and Visa

A major investigation by Global Witness has revealed how Cambodia's ruling family are pulling the strings on

Cambodia's economy and amassing vast personal fortunes with extreme consequences for the population.

The report, *Hostile Takeover,* sheds light on a huge network of secret deal-making and corruption that has

underpinned Hun Sen's 30-year dictatorial reign of murder, torture and the imprisonment of his political

opponents. (1)

Using company ownership data that the government has restricted access to (2), Global Witness shows how

members of the Hun family own or part-control companies with listed capital of more than US$ 200 million.

These span most major sectors of the economy, with links to international brands such as Apple, Nokia, Visa,

Unilever, Procter & Gamble, Nestle, Durex and Honda.

This is undoubtedly just a fraction of the true value of the family's business holdings -they are said to obscure

their commercial interests behind fake names and within shell companies. The Hun family includes members

fence implicated in a $1 billion heroin smuggling operation, shoot-outs, a fatal hit-and-run, and land grabs that

have caused mass displacements and destitution among Cambodia's rural poor.

The report should serve as a warning to foreign investors. The UK is the second largest foreign investor in

Cambodia after China, for example. The US is Cambodia's biggest trading partner, receiving a third of

Cambodian exports, worth almost US$3 billion a year.

"These revelations point to a cruel irony of Hun Sen's model of dictatorship - his family has Cambodia's

economy so sewn up that Phnom Penh residents are likely to struggle to avoid lining the pockets of their

oppressors multiple times a day," said Patrick Alley, Co-Founder of Global Witness. "Foreign investors, on the

other hand, can and should opt out of bankrolling a regime that kills, intimidates or locks up its critics."

*Hostile Takeover* shows that the premier's family has been key to the longevity of his political career. They

hold key posts in politics, the military, police, media, and charities - sectors that prop up Hun Sen's party

through propaganda, political donations or brute force.

The domestic companies they are affiliated to have been accused of a litany of abuses, including the theft of

land and natural resources, violence and intimidation against local populations and environmental

devastation.

Among the most egregious examples is an agriculture company accused of using arson attacks and cobras to

bvict people from their homes. This has been filed as one of a huge dossier of cases at the International

criminal Court, as evidence that Cambodia's ruling elite has committed land grabbing at such scale that it

amounts to crimes against humanity.

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Global Witness was unable to find a single case where a member of the Hun family has been prosecuted or

held to account for their part in any alleged wrongdoing.

Meanwhile, Hun Sen is proactively courting investors from overseas, promoting Cambodia as an attractive

investment destination with very little regulatory red tape and a cheap labour force.

"Global Witness paints a vivid picture of the winners and losers of foreign investment in Cambodia," said

Stephen Peel, a former senior partner at private equity firm TPG Capital and member of the Global Witness

board. "Doing business with companies that are owned or controlled by the country's ruling family not only

raises ethical questions, it also carries significant legal, financial and reputational risk. It is in everyone's best

interests for investors in Cambodia to carry out careful checks to ensure that their money isn't being funnelled

into Hun Sen's campaign of oppression." (3)

Key recommendations

Foreign governments:

0 Warn home country investors about the high risks of becoming embroiled in corruption when investing in

Cambodia.

0 Advise home country investors to conduct stringent due diligence to ensure that they are not entering

commercial

members.

relationships with

business or political

elites with a

history of corruption

allegations

or their family

Companies and investors with/ considering investments in Cambodia:

0 Conduct stringent due diligence on their investments to ascertain whether there are links to business or

political elites (including all Politically Exposed Persons) with a history of corruption allegations, or their family

members, be that via formal partnerships, franchising, through supply chains, exclusive distribution deals or

even loose client relationships.

0 Where these links exist, exit the business relationship as soon as possible. If evidence of involvement in

corruption is uncovered through the due diligence process then companies and investors should self-report

the findings to all relevant authorities that have legal jurisdiction.

For interviews, briefings and other information please contact:

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Editors' notes

(1) Global Witness wrote to Prime Minister Hun Sen, 26 members of his family and 42 of the companies they

are affiliated to, offering them an opportunity to respond to our allegations. Six companies replied, as well as

Sok Puthyvuth, one of Hun Sen's sons-in-law. Their responses are contained in *Hostile Takeover.* (2) The

company registration data that informed this report was originally taken from the Cambodian Ministry of

Commerce's corporate registry, which the government has since restricted access to.

Global Witness has

used

this data to create *Cambodia Corporates -* a publically accessible, fully-searchable and secure database that it

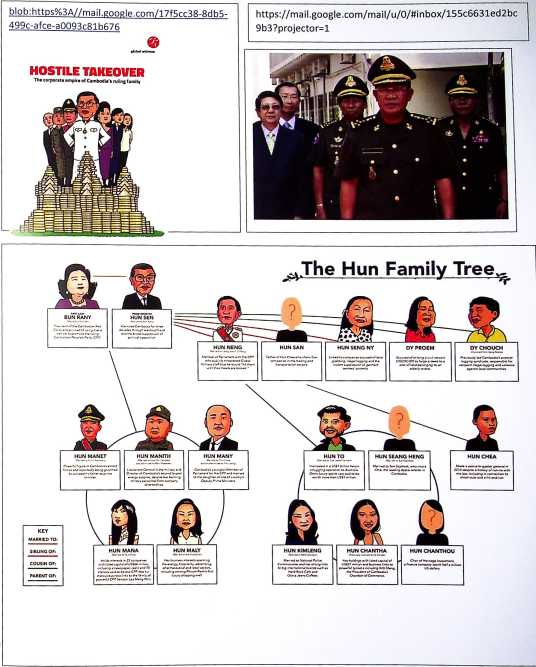
is launching alongside this report. This will enable investors, journalists and citizens to find out who owns,

controls or has major stakes in companies in Cambodia: [www.cambodiacorporates.globalwitness.org](http://www.cambodiacorporates.globalwitness.org).

(3) For references for the statements made in this press release see the full report *Hostile Takeover: The*

*corporate empire of Cambodia's ruling family* on the Global Witness website.

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Global Witness

<https://www.globalwitness.org/en/reports/cambodias-family-trees/>



*Report/May 31, 2007*

CAMBODIA'S FAMILY TREES

Cambodia is run by a kleptocratic elite that generates much of its wealth via the seizure

o.f\_public assets, particularly natural resources.

The forest sector provides a particularly vivid illustration of this asset-stripping process at work.

Cambodia's most powerful logging syndicate is led by relatives of Prime Minister Hun Sen and

other senior officials. Activities in which members of this logging syndicate are implicated

include the large-scale illegal logging in the Prey Long Forest carried out under the guise of the

Tumring Rubber Plantation development and the felling of thousands of resin-producing trees

tapped by local people who depended on them as a source of income.

Yet Cambodia's international donors are not using their influence effectively, international

donors annually provide approximately US$600 million per year in aid to Cambodia. This is

equivalent to half the national budget. Donors have not used the leverage that this aid gives

them effectively. Specifically, they have refused to acknowledge the fact that the government is

thoroughly corrupt and does not act in the best interests of the population.

As a result, billions of dollars-worth of aid funded by western taxpayers have done relatively

little to improve the lives of ordinary Cambodians. Moreover, donor support has failed to

produce reforms that would make the government more accountable to its citizens. Instead,

the government is successfully exploiting international aid as a source of political legitimacy.

Ill

Global Witness

*[Report/Feb. 5, 2009*

[COUNTRY FORSALE

How Cambodia's elite has captured the country's extractive industries.

<https://www.globalwitness.org/en/reports/country-sale/>

Cambodia - one of the world's poorest countries - could eventually earn enough from its oil, gas and minerals

to become independent of foreign development aid. This report exposes how this future is being jeopardised

by high level corruption and nepotism in the allocation and management of these critical public assets.

*Country for Sale* details how rights to exploit oil and mineral resources have been allocated behind closed

doors by a small number of powerbrokers surrounding the prime minister and other senior officials. The

beneficiaries of many of these deals are members of the ruling elite or their family members. Meanwhile,

millions of dollars paid by oil and mining companies to secure access to these resources appear to be missing

from the national accounts.



*Report/Feb. 6, 2015*

g COST OF LUXURY

Chinese craze for antique-style furniture has given rise to a multi-million dollar timber

Ogling operation in Cambodia, and is driving rare trees to extinction.

This eight-month investigation recorded tonnes of rare timber being trucked out of Cambodia's national parks

and shipped to Hong Kong. Logging of luxury-grade timber is outlawed in Cambodia, and the global trade in

Siamese Rosewood has been restricted since 2013, but Chinese demand for antique-style *Hongmu* furniture is

increasing and the illegal trade has ballooned since the ban was announced.

During months of interviews with loggers, state officials, police and activists, our investigators kept coming

back to one man, who we've dubbed the 'King of Rosewood'.



Cambodian tycoon Oknha Try Pheap has

connections at the highest levels of government

and sits at the helm of an illegal logging network

that relies on collusion with state officials and

enforcement agencies to fell rare trees, traffic

logs across the country and load them onto

boats bound for Hong Kong. This black market

trade is destroying the livelihoods of indigenous

and forest-dependent communities.

follow our investigators as they track illegal luxury timber from Cambodia's Virachey National Park to

Sihanoukville port, where it is loaded onto boats bound for Hong Kong.



Oknha Try Pheap's illegal logging network starts with

individuals hired to seek out luxury timber, often

inside national parks. Many local villagers say they

were reluctant to become involved in the trade but

were either threatened or coerced with ‘cash gifts’.

Virachey National Park, Stung Treng Province, 2014.





Oknha Try Pheap, Director of the Try Pheap Group of

companies, is a prominent Cambodian tycoon with

strong links to both Prime Minister Hun Sen and his

wife. The Group holds rights to almost 30,000 hectares

of land concessions across the country much of which -

as The Cost of Luxury reveals - are at stark odds with

the law.

The Try Pheap Group is also illegally gutting forests

within Economic Land Concessions - a leasing

system intended not for logging but for large-scale

agriculture-and using them to launder timber from

surrounding protected areas. In February 2013 Try

Pheap was given the rights to all timber cleared

from such concessions in Ratanakiri Province. Prey

Lang Forest, Kompong Thom Province, 2014.



Every month, Try Pheap Group loggers, local villagers

and Ministry of Environment officials are described as

demarcating a new, 10km area of intact forest in Virachey

National Park that contains luxury timber. Much of

Ratanakiri Province’s forests are now empty of rare tree

species as a result.

Investigators spent eight months in forests across

Cambodia tracking Oknha Try Pheap and his network of

illegal loggers. This shows the GPS coordinates of a tree

marking a new area in which luxury trees are to be

logged. Veunsai District, Virachey National Park,

Ratanakiri Province, 2014.

Those who oppose the illegal loggers put their lives on the line. Cambodia's well-known environmental defender and

forest crime investigator Chut Wutty was shot dead in 2012. Six months later journalist Hang Sorei Oudom, who wrote

extensively about the elite' Global Witness is campaigning for a stop to illegal logging in Cambodia and the immediate

suspension of all imports of rare Cambodian *Hongmu* timber by the Peoples Republic of China and Hong Kong officials

Global Witness is campaigning for a stop to illegal logging in Cambodia and the immediate suspension of all

imports of rare Cambodian *Hongmu* timber by the Peoples Republic of China and Hong Kong officials.

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*The* CAMBODIA PATTY

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^^vl in is try Blames ‘Ineffective Practices’ for Over S400M in Missing Sand

<https://WWW.CAMBOD1ADAILY.COM/NEWS/M1NISTRY-BLAMES-INEFFECTIVE-PRACTICES-400M-MISSING-SAND-120025/>

BY BEN PAVIOUR AND AUN PHEAP | NOVEMBER 2, 2016 |

Cambodia is overcoming "ineffective practices" and should not be held to the standards of developed

countries, a Commerce Ministry spokeswoman said on Tuesday amid renewed calls for the government to

investigate over $400 million in unrecorded sand exports to Singapore.

Records from the Ministry of Commerce show Cambodia exporting 814,580 tons of sand worth roughly $1.67

million to Singapore from 2011 to 2015. But Singaporean records reported to the U.N. Commodity Trade

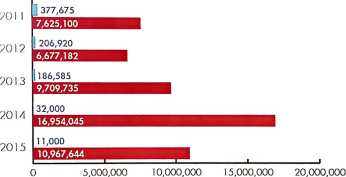
Statistics Database document the sand-hungry city-state importing almost 52 million tons worth $404 million

over the same period from Cambodia, leaving more than $400 million unaccounted for.

Sand Exports (tons)

■ Exports, as reported by Cambodia

■ imports, as reported by Singapore



Sources: Commerce Ministry, UN

Differing accounts of sand trade from Cambodia to Singapore, measured in metric tons.

Cambodia's claims for 2011 are also contradicted by a document uploaded to the Ministry of Commerce

website that appears to derive from the Singaporean Ministry of Trade and Industry reporting that the island

imported $115 million worth of sand from Cambodia that year, compared to the $707,843 that Cambodia

reported exporting there.

Environmentalists and non-governmental groups say Cambodia's sand industry is poorly regulated and that

supplies come from illegal dredging, which damages both local ecosystems and the livelihoods of riparian

communities.

^sked on Tuesday to explain the more than $400 million, 51 million-ton difference in sand figures over 2011 to

Boi5, Ministry of Commerce spokeswoman Soeng Sophary said it was unfair to hold Cambodia to the

standards of more developed countries.

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'If you look at Cambodia through the current practices and performance of the developed countries, you

might find it difficult to understand Cambodia actual situation," she wrote in an email.

"We are aspired to do better in trade sector by leaving behind ineffective practices and embracing the more

effective practices and mechanisms suitable to our development situation and capacity."

Ms.

Sophary referred

department of customs and excise.

further questions to the Ministry of Mines and

Energy and the

Finance Ministry's general

Dith Tina, a spokesman for the Ministry of Mines and Energy, said his ministry was still working to investigate

the disparity.

"We don't have the exact figure for sand exports and my staff is now working to calculate the figure," Mr.

said.

**Tina**

"I wonder why everyone thinks the ministry sold sand," he added. "We just prepare the market economy for

the private sector and the government just charges a royalty" of $0.6 per cubic meter of sand for companies

exporting it.

Mr. Tina declined to answer further questions, saying the ministry needed more time to assess the figures.

CNRP spokesman Yim Sovann said on Tuesday that the National Assembly's anti-corruption commission,

chaired by CNRP lawmaker Ho Vann, would call

Mines and

discrepancies.

Energy Minister Suy Sem to seek answers

about the

"To fight corruption, we will call the minister for the Ministry of Mines for answers to why there is a

difference

between the figures recorded by Singapore and by Cambodia," he said. "It differs a lot...and caused losses

worth dozens of millions of dollars in income."

A group of 41 civil society organizations also called on the government to explain the contradicting data in a

letter signed by representatives of the Cambodian Center for Human Rights, Mother Nature and Transparency

International Cambodia, among others.

"We, the undersigned CSOs, are deeply concerned that the livelihoods and human rights of affected

communities continue to be adversely affected by sand dredging in Cambodia," the letter says, calling on the

government to publish in full all environmental impact assessments and updated figures related to dredging.

Alex Gonzalez-Davidson, the director of Mother Nature, an environmental group that has often campaigned

against what it says is illegal dredging, said there was little doubt what the government was trying to hide.

"The companies, which in reality are no more than criminal syndicates working hand in hand with powerful

government officials, declare a tiny portion of the actual sand exports," he wrote in an email on Tuesday.

"This allows them to make vast amounts of profits, which of course must be shared with those in

**government**

who provide 'protection services' to them. The aim of ignoring our repeated requests for an explanation on

this huge gap is simple: to see the story eventually dying off so that the sand mining proceeds unobstructed

and the money keeps flowing in."

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^^hlobal Witness



**RUBBER BARONS’**

**Vietnam’s two biggest rubber companies are moving into**

**. Cambodia and Laos, seizing farmland, flouting land and**

L forest protection laws and wrecking local livelihoods.

<https://www.globalwitness.org/en/campaigns/land-deals/rubberbarons/>

In Rubber Barons, Global Witness documents the devastating impact of Vietnam's rush for rubber on local

communities in Laos and Cambodia. The investigation also shows how international financiers Deutsche Bank

and the International Finance Corporation were backing these land grabs - often in contravention of their own

policies.

In both Laos and Cambodia, national laws are supposed to protect forests, limit the size of foreign land

concessions and require consultation with local communities over land use, but these laws are rarely

enforced. Millions of hectares of land have been handed over without the knowledge or consent of the people

who live on it.

Two giant Vietnamese companies lie at the heart of this story: Hoang Anh Gia Lai (HAGL) and the Vietnam

Rubber Group (VRG). Both operate through a web of subsidiaries, which help hide the identity of their true

|bwners.

These Rubber Barons and their subsidiaries have carried out forced land grabs without compensation, and

satellite images show they are logging illegally in protected forests. Violence, harassment and forced evictions

were regularly reported in interviews with local groups, with thousands of households deprived of their

livelihoods from forest products or subsistence agriculture.

HAGL and VRG have both received substantial foreign investments from Deutsche Bank and the International

Finance Corporation, either directly or via intermediary funds. The impacts of these investments felt locally

highlight how both institutions lack adequate systems for ensuring that investments don't drive human rights

abuses, or breach the most basic legal and environmental standards.

Since the launch of Rubber Barons, international backers of both companies have divested, and the global

timber certifier the Forest Stewardship Council is investigating VRG's operations. Meanwhile, communities in

Cambodia who lost land to HAGL formally sat face-to-face with the company for the first time in January 2015,

under an I FC-led dispute resolution process, and VRG has introduced processes to consult with communities

and address complaints across all of its plantations.

Cases like these can be found in many parts of the developing world. Global Witness is calling for the

establishment of new international rules for all companies involved in large land deals. These rules would

Ppply equally to companies in the local or 'host' country and foreign investors, ensuring transparency of

company ownership and proper compliance with national and international laws.

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Huff Post Media group

4-18-2014

Corruption rises in Cambodia

<https://www.facebook.com/naet.cambodia/videos/1430667027181668/>

*Tide* CAMBODIA DAILY

**AE Lie** Xcm **WJ\*n« ForeeFiiw ■ |<»J**

Phnom Penh Rated One of the World’s Least Livable Cities,

BY SONIA KOHLBACHER AND HANG SOKUNTHEA | AUGUST 19, 2016 |

Widespread corruption, poor health care and a lack of adequate infrastructure continue to make Phnom

Penh one of the least livable major cities in the world, according to the annual Global Livability Ranking,

released on Thursday by the Economist Intelligence Unit.

Phnom Penh placed 127th out of 140 capital cities and commercial hubs, which were ranked based on the

availability and quality of public and private health care, education, infrastructure, culture, environment

and stability.

Livability: Asean Cities

|  |  |
| --- | --- |
| Rank I | Name |
| ; | — |
| 46  70  101  102  104  118  119  122  127 | Singapore (pictured)  Kuala Lumpur, Malaysia  Bandar Seri Begawan, Brunei  Bangkok, Thailand  Manila, Philippines  Jakarta, Indonesia  Hanoi, Vietnam  Ho Chi Minh City, Vietnam  Phnom Penh, Cambodia  Source: |



Miguel Chanco, the unit's lead analyst for Asean, said Phnom Penh's position on the index had remained

static—it was ranked 126th last year—due to little improvement across the board, with corruption continuing

to be a major drawback.

"Apart from healthcare, one of Phnom Penh's larger weak points is in the culture and environment

component of our study,'' Mr. Chanco said by email. "Within this category, the city fares quite poorly when it

comes to the level of corruption, which is one of the bigger drags on its score."

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Illegal Sand Dredging Eradicated, Mines Ministry Claims

by Kuch Naren and Ben Paviour | November 3, 2016 |

<https://www.cambodiadaily.com/news/illegal-sand-dredging-eradicated-mines-ministry-claims-120115/>

Illegal sand dredging has been eradicated from Cambodia, but reforms are still needed, the

Ministry of Mines and Energy said on Wednesday, facing mounting blowback over sand export

records that differ by tens of millions of cubic meters from those kept by the U.N.

"We completely eradicated lawless sand dredging of the river and sea and have collected more

than $7 million in tax revenue from sand businesses from June 2015 to present," the ministry

said in an unsigned letter posted to its Facebook page. It added that the industry "still faces

some challenges."

Estimated Global Trade of Cambodian Sand

2005-2015

Imports Reported by

Other Countries

47 million cubic meters

Exports Reported by

Cambodia

8.9 million cubic

Pyramid of Giza

2.6 million cubic meters

Sources: U.N., General Department ol Customs and Excise of Cambodia

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From 2005 to last year, countries across the world reported importing more than 75 million

metric tons of Cambodian sand to the U.N. Commodity Trade Statistics Database, or roughly

46.8 million cubic meters. But statistics from the Finance Ministry's general department of

customs and excise show just 14.3 million tons leaving the country, about 8.9 million cubic

meters.

A group of 41 civil society organizations issued a letter on Tuesday calling for the government to

explain the discrepancies, while the opposition CNRP has threatened to summon Mines and

Energy Minister Suy Sem to the National Assembly to explain them.

In its response on Wednesday, the ministry called on civil society to "provide any additional

data that may be available to help the Ministry...determine the exact cause of the difference

between the two data.... The ministry is thoroughly reviewing and carefully examining the

details" of the statistics.

"The Ministry of Mines and Energy has already taken steps to temporarily suspend the issuance

of new licensing and sand exporting by companies by requiring companies to provide

documents that are necessary to strengthen our effectiveness in controlling the sand

businesses and sand exporting," it said.

Alex Gonzalez-Davidson, the director of Mother Nature, an environmental NGO that has

campaigned against what it says is illegal dredging, was not convinced that the ministry was

sincere.

"If the Ministry wants people to believe they are sincere about such cooperation, first and

foremost they should go to the coastal communities ravaged by the sand mining and see the

impacts by themselves, something they have never done once since this scam started in 2008."

Preap Koi, director of Transparency International Cambodia, was a signatory to the letter from

the NGOs and repeated its call for the relevant ministries to "disclose information immediately

so that the public can see the truth."

Miguel Chanco, lead regional analyst for Economist Intelligence Unit, said the differing totals

reinforced the unreliability of Cambodia's economic statistics.

"The scandal will only serve to reinforce these views on the country's economic figures, while

raising more eyebrows over the extent of corruption in the industry."

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**4**

Local Events- Elections

4.A 2013 National Assembly Elections

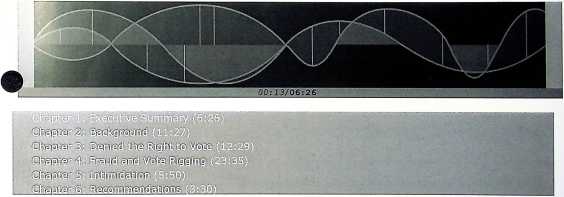


**<http://www.licadho-cambodia.org/media/index.php?id=24&c=l&english>**

**Audio Player**

Audio Book: Turned Away: Fraud, Irregularities, and Intimidation during the 2013

National Assembly Elections



February 12, 2014

This audio book compiles key

observations from 173 staff and partners

who visited over 100 polling stations.

There are 19,009 polling stations in

Cambodia. As such, this is not intended

to be a comprehensive analysis of

election day irregularities, but instead

offers a snapshot revealing the need for

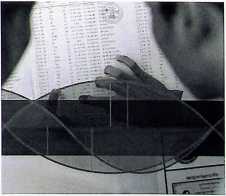
further investigation.

•

The findings and recommendations were

first published in August 2013 in a written

briefing paper.



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V\*A

Concerns Over Post-Election Reaction

28 July 2013

<http://www.voacambodia.eom/a/concerns-over-post-election-reaction/1711509.html>



The election process has so far been marred by allegations of irregularities, including inflated

voter lists, potentially ineligible voters allowed at the polls, poor voter ID distribution, and —

most recently—the discovery that election ink meant to prohibit multiple voting is easily

washed off. Rights groups also say the lead-up to the elections saw unfair media bias toward

the ruling party and attacks on the opposition, including the expulsion of opposition

parliamentarians from the Assembly.

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cambodia-july-1997-shock-and-aftermathx

[https://ww.hrw.org/news/2007/07/27/cambodia-iuly-1997-shock-and-aftermath](https://www.hrw.org/news/2007/07/27/cambodia-iuly-1997-shock-and-aftermath)

What happened in Cambodia on July 5-6,1997? Thomas Hammarberg, the United Nations

Special Representative on Human Rights in Cambodia, made it clear in his October 1997 report

to the UN General Assembly: the events of July 5-6 were a "coup d'etat."

This seemed plain to those of us living through those tumultuous times in Cambodia, and has been

confirmed by subsequent research. Through interviews at the time and in the years since with senior

CPP and FUNCINPEC officials, senior military officials of the CPP, FUNCINPEC and KPNLF, diplomats,

foreign military attaches, human rights workers, and residents of Phnom Penh who witnessed the

fighting, the basic facts are clear.

The evidence shows that this was not a CPP coup, but a coup by Hun Sen. Other senior CPP figures,

including party president Chea Sim, Interior Minister Sar Kheng, Defense Minister Tea Banh, and head of

the armed forces Ke Kim Yan, argued against military action and refused to mobilize their forces, causing

deep strains in the party. After the coup, many senior CPP officials who refused to participate

sandbagged their homes and put their guards on full alert, fearful that Hun Sen would then strike

against them for their disloyalty.

Even without the support of much of his party, Hun Sen was able to put together enough military power

to succeed. On July 5-6 his ad hoc forces, led by loyalists including Kun Kim, Mol Roeup, Sao Sokha, Hok

Lundy, and Keo Pong, defeated the FUNCINPEC forces who had not been disarmed in the previous week.

He then unleashed his forces to carry out a campaign of extrajudicial executions, primarily of

FUNCINPEC military officers.

I and many of my colleagues at the UN human rights office had the unforgettable experience of digging

up the bodies of men stripped naked to their underwear, handcuffed behind their backs, blindfolded,

and shot in the head.

Executions and torture X

In many cases it was clear who carried out these killings. One unit in particular, the "911" parachute

regiment under Colonel Chap Pheakadey, was clearly responsible for a series of executions and torture.

The government has never opened an investigation or made efforts to prosecute Pheakedey or any

other perpetrators. Instead of being prosecuted, Pheakadey is now a General. Donors and diplomats

who say they are committed to the fight against impunity have simply dropped the issue.

What caused the coup? Many trace it back to the flawed power sharing formula after FUNCINPEC won

the UNTAC-organized elections in May 1993. The CPP insisted on an equal share of power and refused

to relinquish control of the security services. The international community and then Prince Norodom

Sihanouk imposed a coalition with Prince Norodom Ranariddh and Hun Sen as co-Prime Ministers.

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**5**

Cambodia-Vietnam Borders issues

5.A Opposition senator sentenced.

Tfie Pfitiont Penfi Post

Phnom Penh Post - CNRPjjoIs ‘separated’ in jail

Senator Hong Sok Hour is escorted out of the

Supreme Court in Phnom Penh earlier this year before

being transported back to Prey Sar prison. Pha Lina

CNRP pols ‘separated’ in jail

Tue, 19 April 2016

Excerpt

Prey Sar prison authorities are denying three senior opposition politicians, incarcerated on charges widely considered

politically motivated, the right to meet within the complex, the men's lawyer claimed yesterday.

Despite other inmates being able to mix in the grounds during recreation, Cambodia National Rescue Party lawmaker Um

Sam An, arrested last week, and opposition official Meach Sovannara and Sam Rainsy Party Senator Hong Sok Hour,

who were jailed last year, were being restricted from seeing each other, CNRP lawyer Sam Sokong said yesterday.

The situation was yesterday corroborated by a source within the prison, who said Sovannara and Sam An, both dual

Cambodian-American citizens, were housed in rooms B14 and A41, respectively, while Sok Hour, who also holds French

citizenship, was detained in A52.

*The* CAMBODIA DAILY

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FOX NEWS

<http://www.phnompenhpost.com/national/cnrp-pols->

separated-jail

Cambodian opposition politician sentenced to 7 years in jail

Published November 07,2016

Associated Press

Breaking News

Monday, November 7, 2016

**Opposition Senator Sentenced to Sevtn**

**Years in Prison Over Fake Vietnam Treaty**

Opposition Senator Hong Sok Hour was

sentenced to seven years in prison after being

found guilty on Monday of incitement and

forgery for presenting a fake border treaty

between Cambodia and Vietnam on

Facebook.

PHNOM PENH, Cambodia - A Cambodian court

has sentenced an opposition senator to seven years in

prison over comments he posted on Facebook criticizing

a 36-year-old border agreement with neighboring

Vietnam.

Judge Ros Piseth of Phnom Penh Municipal Court found

Hong Sok Hour, a member of the country's main

opposition Cambodia National Rescue Party, guilty of

falsifying public documents, using fake documents and

inciting chaos.

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5.B

Asia & Pacific

[http://wapo.st/2e7pr2Q?tid=ss mail](http://wapo.st/2e7pr2Q?tid=ss_mail)

<https://www.washingtonpost.com/world/asia_pacific/cambodia-jails-opposition-lawmaker-critical-of->

government/2016/10/10/15434f32-8ecd-lle6-bc00-la9756d4111b\_story.html?tid=ss\_mail

Cambodia jails opposition lawmaker critical of government



In this Sept. 21, 2016, photo, Cambodia's opposition lawmaker Um Sam An is escorted by prison security

guards upon his arrival at Supreme Court in Phnom Penh, Cambodia. A Cambodian court on Monday,

Oct. 10 sentenced Um Sam An who has been a strong critic of the government's handling of

demarcating the border with neighboring Vietnam to 2 1/2 years in prison over online postings he made.

(Heng Sinith/Associated Press)

By Sopheng Cheang | AP October 10

PHNOM PENH, Cambodia — A Cambodian court on Monday sentenced an opposition lawmaker

who has been a strong critic of the government's handling of demarcating the border with

neighboring Vietnam to 2 1/2 years in prison for online postings he made.

Um Sam An is the latest member of the opposition Cambodia National Rescue Party to be

sentenced for making comments on the politically sensitive topic and implying that Prime

Minister Hun Sen's government failed to counter land encroachment by Vietnam, Cambodia's

traditional enemy.

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Cambodia Lodges Complaint Over Vietnam Border Outpost\

BY OUCH SONY AND KHUON NARIM | AUGUST 10, 2015 |

The government has sent Hanoi a formal letter to complain about an outpost it claims Vietnam is building along a

disputed stretch of border where both governments have supposedly agreed to refrain from any development.

"We protested after receiving a report from the Ratanakkiri provincial authorities about the building of the post and the

Ministry of Foreign Affairs has already sent a diplomatic note to Vietnam to ask that building stop immediately," Var

Kimhong, Cambodia's chairman of the Joint Border Committee, said on Tuesday.

Prime Minister Hun Sen, right, and his Vietnamese counterpart, Nguyen Tan Dung, inaugurate a new border

demarcation post in Ratanakkiri province in December. (Reuters)

[ ]

Nhem Sam Oeun, a deputy Ratanakkiri governor, said the post was being built by what appeared to be

Vietnamese border police in a so-called "white zone" along O'yadaw district's frontier with Vietnam.

"Vietnam has wanted to build a post there for a long time, but we stopped them," he said. "Half a month ago,

they started building again. We have banned them from building, but sometimes they build at night when our

forces don't know about it."

Mr. Sam Oeun said the Vietnamese had laid the foundation for the outpost more than a year ago and that

their latest efforts have resulted in the addition of a few concrete columns. He said they stopped construction

when a Cambodian delegation traveled to the site just over a week ago.

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Top of Form

Cambodia Seeks Resolution of Vietnam Border Spat

August 30, 2016 8:50 PM

<http://www.voanews.eom/a/cambodia-resolution-vietnam-border-spat/3487638.html>



FILE - Cambodia's and Vietnam's flags fly in Phnom Penh, June 14, 2016

PHNOM PENH —

Cambodia's border affairs committee has told its Vietnamese counterpart to halt all construction and

development projects that overlap Cambodian territory.

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5.D

b Cambodia news today | These Videos Show The Suffer From Police Vietnam Destroyed Khmer Crops.

Cambodia news today | These Videos Show The Suffer From Police Vietnam Destroyed Khmer

Crops.

<https://www>. youtube. com/watch?v=oWYvQKRyZhY

RFA

Conflicts along the 1,228-kilometer (763-mile) Cambodia-Vietnam border have occurred in

several other provinces, including Svay Rieng, Kampot and Kampong Cham.

**VOA Khmer,** 04 July 2015 interviews Oum Sam An

UN Secretary-General Encourages Bilateral Talks over Border (border in Svay Rieng province).

<http://www.voacambodia.com/content/un-secretary-general-encourages-bilateral-talks-over->

Monday, 31 August 2015border/2847792.html.

Opposition Cambodia National Rescue Party members say they want to see the border issue taken

to the International Court of Justice,

4- UN Secretary-General Ban Ki-moon has been following developments on the Cambodia-

Vietnam border and welcomes the agreement of both countries to establish a Joint Working Group

to examine and clarify recent incidents,"

^.CAMBODIAD^gy

Vietnam Troops Hinder CNRP-Led Trip to Border ,

JUNE 9, 2015

<https://www.cambodiadaily.com/archives/vietnam-troops-hinder-cnrp-led-trip-to-border-85212/>

Armed Vietnamese soldiers on Monday tried to prevent more than 300 people led by CNRP

lawmakers from visiting a disputed border area in Ratanakkiri province's O'Yadaw district, a

lawmaker and a rights worker said.

The group—consisting of five CNRP lawmakers along with students and monks—were visiting

the border area after reports surfaced that Vietnamese nationals had planted cassava and dug

ponds on Cambodian land, said CNRP lawmaker Mao Monyvann, who led the group.

"We arrived at the village at about 9:00 [a.m.], then our delegation met a group of about 30

Vietnamese soldiers carrying guns, electric batons [and with] dogs," Mr. Monyvann said.

He added that members of his group briefly got into a shoving match with the soldiers and

claimed he was shocked with an electric baton, but said no one else was injured.

"They repeatedly blocked us from going to see the reported ponds dug by Vietnamese

authorities in the 'white zone,"' he added, referring to the poorly demarcated disputed area.

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5.E

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Hanoi Briefed on Quashed CNRP Border Efforts

<https://wvw.cambodiadaily.com/news/hanoi-briefed-on-quashed-cnrp-border-efforts-97739/>

BY MECH DARA | OCTOBER 21, 2015

During a closed-door meeting on Monday, Defense Minister Tea Banh told a Vietnamese

counterpart of the CPP's success in suppressing an opposition campaign to highlight border

incursions by Vietnam and urged Hanoi to help ensure that the issue does not re-emerge.

Speaking with Vietnam's deputy defense minister, Nguyen Chi Vinh, in a private meeting at the

Defense Ministry in Phnom Penh, General Banh touted the jailing of opposition

"troublemakers" as proof that the border campaign had been put to rest.

The opposition has highlighted a series of instances in which it says Cambodia has ceded land

near the border to Vietnam. Among the alleged incursions were irrigation ponds dug in

Ratanakkiri province, a disputed border area in Svay Rieng province and the poisoning of crops

by Vietnamese soldiers in Tbong Khmum province.

Opposition lawmakers Real Camerin and Um Sam An, who is in the U.S., have been at the fore

of the campaign, along with opposition Senator Hong Sok Hour, who was jailed on forgery

charges in August over a Facebook post accusing the government of agreeing to dissolve

Cambodia's border with Vietnam.

T/^CA^ODIA^D^Y

VietnamJCroops-Hinder CNRP-Led Trip to Border

BY KUCH NAREN | JUNE 9, 2015

<https://www.cambodiadailv.com/archives/vietnam-troops-hinder-cnrp-led-trip-to-border-85212/>

Armed Vietnamese soldiers on Monday tried to prevent more than 300 people led by CNRP

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He added that members of his group briefly got into a shoving match with the soldiers and

claimed he was shocked with an electric baton, but said no one else was injured.

"They repeatedly blocked us from going to see the reported ponds dug by Vietnamese

authorities in the 'white zone,"' he added, referring to the poorly demarcated disputed area.

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5.F

ORGANTSATTON FOR THE PROHIBITION OF CHEMICAL WEAPONS



The Hague, 6 August, 2015 opc.w

L/ERD/199497/15 Mund,’

Dear Mr Sklar, n,f Ne,!’

We refer to your letter dated 25 June 2015, regarding “Information Submission on the

Illegal Use of Chemical Weapons by the Government of Vietnam for Food Crop

Destruction in Cambodia Aimed at the Forced Eviction and Removal of Lawful

Inhabitants”.

Having reviewed your request, we kindly advise that you refer it to the National Authorities

of the countries involved, Vietnam and Cambodia, as designated under Article VII(4) of the

Convention, or to their respective Permanent Representations to OPCW in Brussels and

The Hague.

As you appear to be based in the United States, you could also copy your request to the

United States National Authority or to the Permanent Representation of the United States to

the OPCW in The Hague.

The contact details for all relevant National Authorities and Permanent Representations are

in the attachment to this letter.

The OPCW stands ready to provide any assistance or cooperation that may be requested

through those channels.

Jun Whng,

Director, External Relations

Mr Morton Sklar

Counsel for the Complainants

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U. S. A.

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**Tfic Pfinom Penfi Post**

<http://www.phnompenhpost.com/index.php/20l2061856859/National-news/kingdom-to-cede-two-vilIages-to-vn.htmI>

Cambodia to cede two villages to Vietnam

Monday, 18 June 2012



National Assembly president Heng Samrin speaks during

a meeting in Phnom Penh last year.

Photograph: Hong Menea/Phnom Penh Post

Cambodia would have to give two villages to

Vietnam if it wanted to retain another two deemed

the territory of the Kingdom’s eastern neighbour by

the former French Indochina colonial administration,

a government minister said yesterday.

Last year, the Cambodian government announced it

was speeding up the process of demarcating its

borders with Vietnam and Laos, which were

renegotiated in 1985, six years after Vietnam

ousted the Khmer Rouge.

facebook.com

Member of Parliament Um Sam An was arrested

<https://www.facebook.com/photo.php?fbid=941538142581575&set=pcb.941538492581540&type=3>



CNRP Member of Parliament Um Sam An was arrested

tonight in Siem Reap City where he had arrived yesterday

from America.

The opposition MP has been very critical of the government's

handling of the border issue.



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) PRESS RELEASE FOR JUNE 25, 2015

CAMBODIAN HUMAN RIGHTS GROUPS FILE COMPLAINT WITH THE

UNITED NATIONS CHEMICAL WEAPONS WATCHDOG AGENCY ON

ILLEGAL USE OF CHEMICAL DEFOLIANTS BY GOVERNMENT OF

VIETNAM' IN VIOLATION OF THE CHEMICAL WEAPONS TREATY

Contact: Borasmy Ung (Email: borasmyunq1(5)qmail.com or Morton

Sklar (Email: mshumanriqhts(a)verizon.net Tele: (301)946-4649

In an ironic twist, while the government of Vietnam is seeking

reparations for the use of Agent Orange defoliants by US forces during the

Vietnam War, it has been engaging in similar chemical agent attacks

against the crops of Cambodian villagers in disputed border territories as a

means of forcing them to leave their farms. In response, on June 25, 2015

a number of Cambodian-American human rights groups will be filing a

complaint on unlawful chemical weapons use by Vietnam with the United

Nations’ Organization for the Prohibition of Chemical Weapons (OPCW),

the UN agency responsible for monitoring compliance with the Chemical

. Weapons Convention of 1993 (CWC), and other international standards

\* prohibiting the manufacture and use of chemical agents for improper

purposes, including the Geneva Convention Protocol of 1925. Vietnam and

Cambodia are both parties to these international treaties.

The CWC prohibits, outright and unconditionally, any use of chemical

agents or herbicides as “weapons." The complaint to the OPCW alleges

that the Vietnamese military engaged in the spraying of deadly herbicides

on croplands on Cambodian farms in areas affected by an ongoing border

dispute between the two nations, including the Choeung Village of Chorn

Commune in the Memot district of Tbong Khmum province, destroying food

crops, and forcing the evacuation and unlawful eviction of large numbers of

families from those areas. These attacks occurred on April 19, 2015, and

again on May 23, 2015. Even earlier attacks of the same nature are

reported to have taken place in 2014 in the Village of Tao Bey in Kratie

Province. In one such incident, farmers and their families were forced into

a nearby monastery to seek shelter from the deadly chemical spray that

killed their crops and food supplies, and forced them to evacuate. A full

investigation of these violations of the CWC prohibitions, an end to the

F spraying, and payment of compensation to the victims, are requested.

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RFA

<http://www.rfa.org/english/news/cambodia/cambodian-locals-oppose-installation-of-border-poles-in-tbong-khmum->

province-12172015163822. html/cambodia-tbong-khmum-and-takeo-provinces-dec-2015.jpg/image

Cambodian Locals OnnoseJnstallatioa ofJBorder Markers in Thong KhmuntProvince

2015-12-17

CAMBODIA

Tbong Khmum

province g Memot district

**Phnom Penh 0**

me VIETNAM

**Takeo province ;**

Borei Cholsor district'

RFA Graphic ■ • ••

The map shows Memot district in Cambodia's Tbong Khmum province and Borei Cholsar district in Takeo province. RFA

installation of five "satellite

border area

on

markers" by a joint Cambodia-Vietnam

Monday has drawn criticism from Cambodian

residents and

border committee near a controversial

local authorities who say the

was done without prior notification in the latest territorial incident between the two nations.

Residents of Cheung village, Choim commune, in Memot district of Tbong Khmum province in Cambodia's

central lowlands told RFA's Khmer Service that they would protest the decision by the Joint Cambodia-

Vietnam Border Committee and remove the markers if it continued to act without informing them and placing

them in danger of losing their land.

Border police officers and officials from the joint committee erected the satellite markers numbered three

through seven in a gap between border demarcations 94 and 95, infringing upon land owned by four Cheung

village families, villagers said.

"I'm worried that I won't know what I'll have in the future to feed myself when my farm [land] is gone," said

villager Nhong Sinoeun, adding that officials installed the markers without informing members of the

community as they have done in the past.

Ko Snguon, another villager, said the markers were installed on land where he and others planted rice and

other crops.

Villagers would protest the move because they distrust the local government to help resolve such issues he

said.

"People do not agree [with what the authorities did], and if they take all the land, we have to protest against

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it," he said. "We will gather many other people to pull out all the markers."

Jheam Den, chief of the Boeung Chrong border station in Memot district of neighboring Kampong Cham

province, said district and commune level authorities erected the markers according to the Joint Border

Committee's orders, although he himself was not involved.

RFA could not reach Koy Pisey, the official in charge of National Border Affairs, for comment, but in the past

she has said both Cambodian and Vietnamese have jointly determined all border demarcations in the area and

informed residents of their activities.

Uoch Oeun, acting chief of Choim commune, also said officials installed the five satellite markers without

informing locals.

"If border markers are erected, [officials] must do it transparently and ensure it is acceptable to the people,"

he said. "But this time, it was not acceptable to the people, and they regret the loss of their land."

Social development researcher Meas Ny agreed that the move was not done with transparency and suggested

that the Vietnamese government has great influence over its Cambodian counterpart.

He noted that Vietnamese officials have not filled up ponds they dug in Cambodia's remote northeastern in

Ratanakiri province or removed a checkpoint installed in the country's southwestern Takeo province, although

they had agreed to do so.

Meanwhile, residents of Borei Cholsar district in Takeo

province have claimed that Vietnam has encroached upon

Cambodian territory in the Thmor Bei Dorn (Three Rocks)

Zone, sources in the area said on condition of anonymity,

despite efforts by both countries to place border

demarcations to end territorial disputes.

The area which borders An Dang province in Vietnam sits

between border pole numbers 266 and 267 of the 1,270-

kilometer (789-mile) border between Cambodia and

Vietnam.

"Originally, the border posts were on Cambodian land, [and

the area] was declared a 'white zone,' said one White

zone source, referring to a shared zone that both countries

can use.



One of five 'satellite markers' installed by the

Joint Cambodia-Vietnam Border Committee

in Memot district of Tbong Khmum province in

Cambodia's central lowlands, Dec. 16, 2015.

Credit: RFA

Although the border posts were located outside the white zone, Vietnamese farmers who planted crops in the

area kept expanding their farmland until they pushed up to the border markers, he said.

Khut Sakhoeun, a resident of Thmor village in Kampong Krorsang district, which is located in the Three Rocks

Zone told RFA earlier this month that the zone had fallen under Vietnam's control although it previously

|oelonged to Cambodia after the two countries finished demarcating the area in December 2014.

"Just after the white zone was demarcated, [the Vietnamese] started using a hut [there] to watch for birds to

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keep them from destroying their crops," he said. "But the hut used to be a former station for Cambodian

border officers."

The deputy chief of the Three Rocks Zone, who spoke to RFAon condition of anonymity, said the area was no|

longer part of Cambodia's territory.

Villagers in Kampong Krasang commune, however, said Cambodia still controlled the area around one of the

rocks, while Vietnam controlled the area around the other two.

Social development researcher Kern Lei said he used to travel by speedboat to the Three Rocks Zone and had

the freedom to move around the area. When he and his colleagues surveyed the area, the markers were on

Cambodian territory, he said.

"But after [officials] had erected markers 264, 265 and 266 in the Three Rocks Zone, we looked at it again, and

it seemed that two pieces of land were gone," he said. "The citizens living there were worried about the loss,

too."

RFA could not reach Cambodian government border officials or Takeo's governor for comments.

But Sut Sakhorn, the head of Borei Cholsar district who is in charge of patrolling the border, denied the claim

that Vietnam controlled all of the Three Rocks Zone after the demarcation had been completed.

"This is just a rumor," he said. "The Three Rocks Zone is under Cambodia's control. The villagers living there

didn't raise such a claim, because I always ordered border protection forces, police and soldiers to patrol the

area." (

Nevertheless, the Cambodian government does not allow area residents to travel freely to the zone, because

Vietnamese officials requested that visitors be strictly monitored, border patrol sources said. In addition,

Vietnamese are not allowed the photograph the area.

**Explosive issue**

Border tensions have been an explosive issue in Cambodian politics this year with the opposition Cambodia

National Rescue Party (CNRP) accusing Prime Minister Hun Sen's government of ceding land to Vietnam.

A few months ago, the government matched a map from France issued prior to Cambodian independence in

1953 and a set of 1964 maps from the United Nations delineating the border between Cambodia and Vietnam

to its own official chart to dispel the allegations.

Afterwards, Hun Sen ordered police to arrest anyone who accused the government of using "fake" maps and

ceding national territory amid an ongoing political dispute over the demarcation of the country's border with

Vietnam.

The move came after Cambodia's parliament had voted to strip opposition senator Hong Sok Hour of his

immunity, prompting criticism from rights groups, after Hun Sen accused him of treason for posting a disputed

diplomatic document online relating to the Cambodia's border with Vietnam i

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Comite des Frontieres ' Cambodia's Border

du Cambodge (C FC ) Committee ( C B C )

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CFC-CBC 30072016E

**THE VIOLATIONS OF THE 1991 PARIS PEACE AGREEMENT ON**

**CAMBODIA**

**(Notes from Cambodia’s Border Committee in France and Worldwide\*)**

*Paris (France), July 30th, 2016*

1. **HISTORICAL BACKGROUND**
2. From the late 15th century until now, the territorial issue has been a

constant cause of the almost permanent conflict in the relationships between

Cambodia and neighboring countries, in particular Thailand (formerly known

as Siam) and Vietnam (formerly known as Annam). Constantly, Cambodia had

been subjected and is still being subjected to wars of aggression, conquering

expeditions, forced occupation of her lands and territorial waters from these

two countries. During the period of the French presence in Indochina, the

border issues saw some degree of stability: each country based itself on maps

and border delimitations established or agreed upon by the protecting power.

1. However, in 1954, soon after the departure of France from Cambodia (1953),

Thailand forcibly occupied the Cambodian temple of Preah Vihear, until it was

later given back to Cambodia according to the 1962 decision of the

International Court of Justice at the Hague, Netherland.

1. In 1979, the Socialist Republic of Vietnam (SRV) invaded and occupied

Cambodia, attracting the official solemn and repeated UN condemnation

against this act. Then, profiting from the treaties and agreements signed with

the so-called People's Republic of Kampuchea (PRK) which Vietnam itself

installed in place, the RSV then changed to its great benefit the land and

maritime delineation of borders between the two countries, and it also

proceeded to a massive colonization by its citizens in the entire extent of

Cambodia.

1. A decade of bloody war of national Khmer Resistance was thus engaged

under the direction of the late Prince Norodom Sihanouk to fight against the

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Vietnamese occupier and the illegal PRK government. On October 23, 1991, the

“Paris Peace Agreements on Cambodia” were adopted to provide a “global

resolution” to the conflict, and, among others, the absolute respect and

recognition of Cambodia’s sovereignty, independence, territorial integrity and

inviolability, neutrality and national unity. However, neither Vietnam nor

Thailand, and not even Laos, even though they are signatories of these

Agreements, respected them.

The “Paris Peace Agreements on Cambodia” of October 23, 1991, were agreed

upon by the 19 countries from five continents:

*“In order to maintain, preserve and defend the sovereignty, independence,*

*territorial integrity and inviolability, neutrality and national unity of Cambodia,*

*(...) to restore and maintain peace in Cambodia, to promote national reconciliation*

*and to ensure the exercise of the right to self-determination of the Cambodian*

*people through free and fair election^.*

The signatory countries were *“convinced that only a comprehensive political*

*settlement to the Cambodia conflict will be just and durable and will contribute to*

*regional and international peace and securitif.* [1]

**Although they were talking mainly about Cambodia, one must be aware**

**that after heated discussions for over two years between stakeholders in**

**various capitals of Asia and Europe, these agreements were not just made**

**for the interests of Cambodia and its people alone. The 1991 Paris Peace**

**Conference was convened to, above all, stop the Vietnamese Communist**

**aggression against its neighbors, its military expansionism that has**

**plagued and destabilized the entire Southeast Asia and at the same time**

**prolonged the Vietnam War and the violent confrontation between the big**

**world powers. Cambodia, then, was seen as the "weak link" for peace and**

**international and regional security. It was necessary to protect and help it**

**rebuild politically and socially.**

**5.** Thus was concluded, among others, an **Agreement concerning the**

**sovereignty, independence, territorial integrity and inviolability,**

**neutrality and national unity of Cambodia** (ASIII), in which:

*- Cambodia hereby solemnly undertakes, to maintain, preserve and defend its*

*sovereignty, independence, territorial integrity and inviolability, neutrality and*

*national unity;*

*The perpetual neutrality of Cambodia shall be proclaimed and enshrined in the*

*Cambodian constitution to be adopted after free and fair elections”.* [2]

*“To this end, Cambodia undertakes:*

*-to respect the right of the Cambodian people to self-determination,*

*-to terminate treaties and agreements that are incompatible with its sovereignty,*

*independence, territorial integrity and inviolability, neutrality and national*

*unity”.[3]*

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And also:

*- “To refrain from permitting the introduction or stationing of foreign forces,*

*including military personnel, in any form whatsoever, in Cambodia, and to*

*prevent the establishment or maintenance of foreign military bases, strong points*

*or facilities in Cambodia, except pursuant to United Nations authorization for the*

*implementation of the comprehensive political settlement.* [4]

A first observation: who here is "Cambodia"? The State of course. But also - the

1993 Cambodia's Constitution recognized it - the Cambodian people and their

elected representatives. However, we will see that the latter will be relentlessly-

repressed, beaten or imprisoned as soon as they challenge any agreements or

decisions of Prime Minister Hun Sen concerning any Cambodian border issue

with Vietnam.

**II. THE TREATIES OF PROTECTORATESHIP, OF TERRITORIAL**

**ANNEXATION AND COLONIZATION OF CAMBODIA BY THE SOCIALIST**

**REPUBLIC OF VIETNAM (SRV)**

The SRV, rejecting its international obligations and flouting international

law, obviously imposed on the authorities it has installed in Phnom Penh (the

PRK) to sign the treaties and agreements which are in fact acceptance by the

Cambodian party of Vietnamese hegemony, and progressively, of Vietnamese

protectorate, territorial annexations and colonization of Cambodia.

a.’ The **“Peace, Friendship, and Cooperation Treaty** between the SRV

and the PRK dated February 18, 1979 [5],

The term "cooperation" is the new term for the Vietnamese colonialist

Protectorate, because it is "cooperation" in all areas and at all levels of the

Administration of the PRK. The treaty, valid for 25 years and tacitly renewable

every 10 years, wants to develop *"the traditions of militant solidarity between*

*the Vietnamese and Kampuchean people" in order to "preserve the revolutionary*

*gains (and) the common defense against the aims of the international imperialist*

*and reactionary forces".*

From this agreement, arose all the following other territorial Treaties and

Agreements:

1. **The Agreement on the zone known as of “Historical Waters” dated**

**July 7th, 1982.** [6]

Through this agreement the PRK (Mr. Hun Sen), without explanation, even

ignoring the terms of the Brevie Circular of January 31st 1939 [7], but only

"observing the actual situation," recognized the annexation by SRV of many

Cambodian islands including the island Koh Tral (called "Phu Quoc" by

Vietnam) and its islands Koh Krachak Ses ("Tho Chu") and a portion of about

30,000 km2 of its maritime territory [8];

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1. ‘ **The Agreement on the “Border Statute” and the Treaty on the**

**“Principle for Settlement of Border Dispute”, July 20th, 1983** [9],

recognized the free crossing of Cambodian borders by Vietnamese settlers (and

their settlement in Cambodia) and a new border delineation;

1. **The Treaty on the “Border Delimitation” dated December 27th,**

**1985** [10] recognized new settlements (on the delineation) of the land borders

between the two countries from north to south, over a distance of 1230

kilometers - settlements imposed by Vietnam stipulated in the SRV-PRK

agreements of July 20th, 1983, July 13th, 1984, and November 6th, 1984.

It was the July 20th, 1983’s Border Statute and the December 27th,

1985’s Treaty which immediately allowed Vietnam to push the old borders

established under the French Protectorate, by several kilometers into

Cambodian territory, from North to South, from the province of Rattanakiri to

the province of Kampot. Then, the work to install new border markers was

immediately begun in secret since 1984, and also subsequently between 1986

and 1988 [11].

On November 12th, 1982, seeking an immediate international

recognition of its annexation of the Cambodian islands and continental shelf

(through its July 7th 1982’s Agreement with Mr. Hun Sen), the SRV sent a

declaration to the UN Secretary General on its new territorial sea baseline. The

Republic of Singapore, the following December 5th, 1986, strongly reacted

against the Hanoi’s declaration, condemning it as "not conforming to the well-

established rules of international law on the matter, and Article 7 of the 1982

United Nations Convention on the Law of the sea, of which SRV is a signatory”

[12]. Thailand, also protested against the Vietnamese declaration in the same

terms as Singapore, while observing that the July 7th, 1982 RSV-RPK

Agreement on the area of historic waters "is **devoid of legal effect,** as the so-

called Government of the Peoples’ Republic of Kampuchea does not represent

Kampuchea (Cambodia) ". Later, on 17 June 1987 the United States of America

also denounced this Zone of Historic Waters claims by Hanoi as contrary "to

longstanding standards of customary international law and State practice on

the issue of historic waters"...[13] But to this day, Vietnam still maintains its

fait accompli.

Additionally, on August 11th 1997, basing itself on the Agreement of July

7th 1982 with Mr. Hun Sen, Vietnam concluded with Thailand, on the back of

Cambodia (which was preoccupied with Mr. Hun Sen’s July 5th 1997 coup), a

bilateral agreement delineating their respective maritime areas, and

encroaching on those of Cambodia. This agreement conferred to Thailand an

area of about 30,000 sq. km. of Cambodian maritime territories in double

violations of the 1904 and 1907 French-Siamese treaties, and of the

“equidistance” principle between two facing countries as defined in the 1982

UN Convention on the Law of the Sea [14].

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Of note, during the period of the National Resistance, the Coalition

Government of Cambodia chaired by Prince Norodom Sihanouk, which was the

only legitimate and legal government recognized by the United Nations, never

ceased to vigorously denounce these SRV-PRK treaties and agreements,

rejecting them as null and void [15].

1. **SYSTEMATIC VIOLATIONS OF THE 1991 PARIS PEACE AGREEMENTS**

These violations, which occurred after 1991, are clear signs of the continuation

of the Vietnamese protectorate in Cambodia.

On the Cambodia border issue, Prime Minister Hun Sen completely

ignores international rules on the Continuity of the State and rejects all acts

and deeds of previous legitimate Cambodian governments [16], especially the

reserves Cambodia made to its rights to former French Cochinchina, stated

during the 1954 Geneva Conference [17]. Instead, through the strong support

of the Police and the Army (still run by generals from the period of the

Vietnamese occupation), Mr. Hun Sen abuses of his prime minister powers to

impose his views on the issue of land and maritime borders of Cambodia.

Since 1993, civil society activists, elected officials, as well as the King

and Head of State, Norodom Sihanouk, have called for a re-examination for the

annulment of those SRV-PRK treaties, as stipulated by the 1991 Paris Peace

Agreements. It was in vain, due to Mr. Hun Sen’s categorical refusal.

Indeed, on July 19th, 1993, the Head of State, Norodom Sihanouk in a

letter addressed to the Heads of the Government, Prince Norodom Ranariddh

and Mr. Hun Sen, denounced the SRV for eliminating and moving some of its

border markers with Cambodia, among the 124 markers dating back to the

early 20th century, still visible and officially recognized between 1960 and 1970

[18]-

However, on March 22nd, 1999, in order to achieve a "fait accompli"

situation, Vietnam and the 1998 coalition government, dominated by Mr. Hun

Sen, created a so-called " Cambodia-Vietnam Joint Commission " to undertake

the task of borders delineation between Vietnam and the Kingdom of

Cambodia, on the basis of above treaties and agreements signed under the

Vietnamese occupation period[19].

On December 12th, 2003, in the face of Mr. Hun Sen’s obstinacy to

maintain the said land treaties, our King-Head of State, Norodom Sihanouk, in

a public statement, made it clear to the Parliament and the Government that "I

do not recognize and will not recognize the treaties between the pro-SRV Khmer

(1979-1990) regime, nor other "Indochinese" nor Thai-Vietnamese inter-state

treaties encroaching on the territorial integrity, the land and maritime border

delineations of Cambodia dating from 1963 to 1969 years " [20].

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On December 18th 2004, the king ended up denouncing the violations of

the provisions of the Constitution (relating to royal power) and of the 1991

Paris Peace Agreement by the Hun Sen Government. He also denounced as a

"counterfeit map of Cambodia" the map used for the new Cambodia-Vietnam

border demarcation that State Minister Var Kim Hong presented for his

consideration. [21]

After the abdication of King Norodom Sihanouk, in his letter-report to the

new King Norodom Sihamoni dated January 11th 2005, Mr. Hun Sen

confirmed again that treaties and agreements on border delineations of the

1980’s Vietnamese protectorate years between Cambodia and Vietnam, are still

valid, and that "since 1993" his Government had accepted them as basis for its

negotiations with Vietnam[22].

Thus, in early October 2005, to general consternation, Mr. Hun Sen

announced that he would sign with the SRV a new territorial Treaty, the

"Supplement to the Treaty of December 27th, 1985". Elected Opposition and

civil society members immediately clamored again for a "thorough review" of

the 1985 Treaty, before they, logically point out, proceed to that of its

Supplement. Again, a new frank refusal from Mr. Hun Sen, who took brutal

repressive measures on all those who questioned or criticized these Treaties.

Civil society members were arrested, others had to flee and go into exile

abroad. Later, in November, Mr. Hun Sen even threatened abolish the

monarchy if the King and Head of State Norodom Sihamoni refuses to ratify the

Supplement (Addendum) to the 1985 Treaty, which he, Mr. Hun Sen, signed

with SRV in Hanoi on October 10th, '2005. [23]

**IV. THE DENUNCIATION BY THE CAMBODIAN BORDER**

POPULATION

It is written in those treaties that their decisions are based on "legal

elements that the colonial (French) administration used in the delineation of

the Cambodia-Vietnam border," on "the reality of the administration and the

effective occupation by the population for several generations "and on" the

international law and practice on the management of the border ...[24] "

But on the field, the operations of delimitation and demarcation of the

land boundary by said Cambodia-Vietnam Joint Commission totally ignores

the old 124 border markers implanted early in the 20th century by the French

authorities, following the Franco-Cambodian Convention of July 15th, 1873

[25]. At no time, were the Cambodian people, including the concerned border

areas populations, living for generations from north to south (in Ratanakiri,

Mondulkiri, Kratie, Kampong Cham, Prey Veng, Svay Rieng, Takeo, Kampot,

etc.) ever consulted or even warned about the changes in territorial borders of

their provinces, communes or villages, by the Cambodia-Vietnam Joint

Commission. On the contrary, whenever the villagers, victims of encroachment

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by Vietnam, protested, Vietnamese forces did not hesitate to come and chase

them brutally out of their land which they have occupied since ancestral times.

They were forbidden to plant or build anything, their means of subsistence

(tools and oxen) were confiscated and even chemical toxins were sprayed on

their crops, with the clear aim to starve them and drive them out of the area.

Not only did the Hun Sen Government authorities ignored all these

reprehensible acts, but accused the Khmer villagers of provoking these

disputes, with the encouragement of members of civil society, journalists or

members of the opposition party.

These new delimitation and demarcation procedures are actually

annexations processes of Cambodian territory by Vietnam. The maps used

were all provided or developed by Vietnam, to its benefits. Cambodian border

populations, looted, strongly denounced the grabbing by the Vietnamese

authorities of their homes, their cultivated lands, their villages, their temples,

their forests, their river channels, ..., after new border markers were implanted

20, 15, 10, 5, 2 or 1 kilometers inside Cambodia, compared to the known

positions of ancient landmarks. Without the protection of their national

authorities, those Cambodians are forced to abandon their ancestral lands and

properties and flee towards the interior of the country. Those who want to keep

their properties are forced to become Vietnamese citizens. And all this has been

taking place from the years 2000s to the present, that is, well **after** the signing

of the 1991 Paris Peace Agreements on Cambodia[26],

**V. THE CONTINUATION OF THE VIETNAMESE COLONIZATION OF**

**CAMBODIA .**

All Cambodians know this, as well as some foreign observers: the

Vietnamese forces never left Cambodia after the signing of the Paris Peace

Agreements of 1991: first, because in 1991-1922-1993, the United Nations

Transitional authority in Cambodia (UNTAC) seriously neglected its verification

mission of the withdrawal and non-return of the Vietnamese forces that had

attacked and occupied Cambodia. Second, because Prime Minister Hun Sen

has been complicit in maintaining such forces, which protect him against

adversaries and other opponents of his power.

On this point, the Paris Peace Agreements are very clear, to both to the

Cambodian and Vietnamese Governments:

*-Cambodia undertakes to refrain from permitting the introduction or stationing of*

*foreign forces, including military personnel, in any form whatsoever, in*

*Cambodia, and to prevent the establishment or maintenance of foreign military*

*bases, strong points or facilities in Cambodia, except pursuant to United Nations*

*authorization for the implementation of the comprehensive political*

*settlement.[27]*

*- The other parties to this Agreement (including Vietnam)...undertake to refrain*

*from the introduction or stationing of foreign forces, including military personnel,*

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*in any form whatsoever, in Cambodia and from establishing or maintaining*

*military bases, strong points or facilities in Cambodia, except pursuant to United*

*Nations authorization for the implementation of the comprehensive political*

*settlement.* [28]

In November 1989, RSV declared that it is withdrawing all its troops and

arms from Cambodia. A spectacle of military trucks loaded with armed

Vietnamese soldiers leaving Phnom Penh was organized... to the attention of

the journalists.

On 2 June 1990, however, Prince Sihanouk, while on an official visit to

Tokyo (Japan), declared that "... today, there are still inside Cambodia, more

than 40,000 Vietnamese fighters with sophisticated offensive equipment and

very powerful resources and more than a million Vietnamese settlers, men and

women, illegally occupying our land for several years already... "[29]

On 20 October 2007, Mr. Michael Benge ([Bengemike@aol.com](mailto:Bengemike@aol.com)), a former

officer in the US Foreign Service and a defender of human rights and religious

freedom of the people of Southeast Asia, in a Conference on the 1991 Paris

Peace Agreements on Cambodia, reminds us that *"Hanoi maintains a contingent*

*of 3,000 soldiers, a mixture of special forces and intelligence officers with tanks*

*and helicopters in a huge barracks 2Vz kilometers from Phnom Penh, right next to*

*Hun Sen’s Tuol Krassaing fortress near Takhmau. They are there to ensure that*

*the puppet of Hanoi, Cambodian Prime Minister Hun Sen, does not stray far from*

*the Hanoi policy of neo-colonization of Cambodia".* Michael Benge also recalls

that *"Hanoi... has forced his willing partner, Hun Sen, to grant land in eastern*

*Cambodia and citizenship to more than 500,000 members of the Vietnamese*

*army," and that " in 1989, the number of Vietnamese settlers in Cambodia had*

*reached 1,250,*000"[30].

Another form of Vietnamese colonization was implemented in 1999 by

the creation of a vast **"Indochinese Development Triangle"** of thirteen

provinces, composed of four large eastern, but with very poor and sparsely

populated Cambodian provinces, neighboring four Vietnamese provinces and

three Laotian provinces. This triangle is at the exact center of the former

French Indochina, and is supposedly controlled and operated jointly by the

three countries.

The explanation for this creation was given publicly by the Vietnamese

Prime Minister, Mr. Phan Van Khai, who declared on 21 July 2004 in Siemreap

(Cambodia), that *"the Development Triangle occupies a strategic position for all*

*three countries on a political, economic, social, environmental and ecological*

*level, but at present, it is still an underdeveloped region with poor socio-economic*

*infrastructural bases ... Located at the crossroads of borders, the Development*

*Triangle is sensitive to security issues (requiring) close cooperation (between the*

*three countries) in the region to develop both the economy and society and*

*ensure the security of each of the three countries. "*

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So far, the only companies that have settled in this region are

Vietnamese and have been managed by Hanoi Army officers and hundreds of

thousands of veterans and their families from that Army[31].

In addition, for several years, it is no secret that the Army, the Police and

the Administration of Cambodia are headed by Generals and Senior

Vietnamese officials who took the Cambodian nationality and khmerized their

names. The number of Vietnamese khmerized or not, is considered by

researchers to be more than six million in 2015, nearly 40% of the total

registered census population of the country[32], The number of Vietnamese

"immigrants" is already in a majority in some provinces and major Cambodian

cities. This is a deadly threat against the national unity of Cambodia that the

1991 Paris Peace Agreements wanted to defend and preserve.

It is to be feared that this situation might create, over time, severe and

irreparable conflicts between exacerbated peoples, on one hand, secure in their

inalienable rights to live in security within their own country, and, on the other

hand, those who engage with impunity to drive them out, or to absorb them,

and the States that are involved with it.

For 25 years, numerous voices in the political environment and in the

Cambodian and foreign civil society rose to warn the International Community

of the intolerable violations of the 1991 Paris Peace Agreements on Cambodia

by Vietnam and especially by the Hun Sen Government, both on the issues of

its independence, its sovereignty and its territorial and national integrity, as

well as of the development in its society, of democracy and human and citizen’s

rights. All these voices have insistently called for the immediate intervention by

other signatory Powers, as provided under the same agreements (cf. ASIII,

Article 5.1)[33] to prevent Cambodia from being plunged again into tragic

violence, with all the consequences to the peace and security of the region and

the world.

Let us hope that this saving intervention arrives in time.

**DY Kareth,**

Vice-president, *Cambodia's Border Committee in France and Worldwide*

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Comite des Frontieres Cambodia's Border

du Cainbodge ( C F C ) Committee (C BC )

ASSOCIATION NON APPARENTEE AU PARTI POUTOUE ASSOCIATION UNAFFIL’ATEO TO A POLITICAL PARTI

MEMORANDUM

of the CAMBODIA’S BORDER COMMITTEE

ON THE VIOLATIONS OF THE TERRITORIAL INTEGRITY OF CAMBODIA

AND THE VIOLATIONS OF THE PARIS PEACE AGREEMENTS ON CAMBODIA DATED

OCTOBER 23, 1991

*The Cambodia's Border Committee in France and Worldwide is once again renewing its*

*profound and admiring gratitude to His Majesty Samdech Euv Preah Norodom Sihanouk who, in*

*spite of his advanced age and precarious health, when faced with the sufferings of the Khmer*

*People and the danger of disappearance of Cambodia as a country and nation due to the*

*ceaseless encroachments of our lands and seas by foreign powers, accepted the Noble task of*

*chairing the Supreme National Council on Border Affairs (SNCBA).*

*k.* HISTORICAL BACKGROUND

1. State borders had always been a constant cause of the semi-permanent conflict in the

relationships between Cambodia and neighboring countries such as Thailand (formerly

known as Siam) and Vietnam (formerly known as Annam), and thus since the post-angkorian

period (circa 15th century) until now. Cambodia had ceaselessly been subjected and is still

being subjected to aggression wars, conquering expeditions, and forced occupations of her

lands and waters from these two countries. During the period of the French presence in

Indochina, the border issues saw a certain degree of stability: each country based itself on

maps and border delimitations established or concluded by the protective power.

1. However, after the accession to Independence by countries of the former French Indochina, in

the middle of the 20th century, Cambodia’s borders were again called into question by the

same neighbors, as in the dramas endured in the past.

- In 1954, the Kingdom of Thailand occupied by force the Cambodian temple of Preah

Vihear until it was later given back to Cambodia according to the 1962 decision of the

International Court of the Hague.

- In 1979, in spite of various promises made between 1964 and 1970 by the Democratic

Republic of Vietnam (DRV), by the Provisional Revolutionary Government of South

Vietnam (PRG), and by the National Liberation Front of South Vietnam (NLF), the Socialist

Republic of Vietnam (SRV) invaded and occupied Cambodia, and at that time, it attracted the

official UN condemnation against this act. Profiting from the treaties and agreements

concluded with the Cambodian regime which Vietnam installed (the People’s Republic of

Kampuchea - PRK), it unilaterally changed to its benefit the land and maritime delineation of

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borders between the two countries, and it also proceeded to a massive colonization by its

citizens in the entire extent of Cambodia.

1. A decade of bloody war of national Khmer Resistance was thus engaged under the direction

of Prince Norodom Sihanouk to fight against the Vietnamese occupant and the illegal PRK

government. On October 23, 1991, the “Paris Peace Agreements on Cambodia” were

concluded to provide a “global resolution” to the conflict, and, among others, the absolute

respect and recognition of Cambodia’s sovereignty, independence, territorial integrity and

inviolability, neutrality and national unity. However, neither Vietnam nor Thailand, and not

even Laos, even though they are signatories of these Agreements, respected them.

1. DANGER PRESENTED BY THE TREATIES AND AGREEMENTS

CONCLUDED BY THE SRV-PRK BETWEEN 1979 AND 1991

1. Vietnam, in violation of its international engagements and of the International law, militarily

occupied the country, and forced the government it installed to accept the following major

treaties and agreements which are in fact acknowledgements by the Cambodian party of

Vietnamese hegemony, a hegemony gradually turning into a protectorate accompanied with

territorial annexations and the colonization of Cambodia by Vietnam.

1. The peace, friendship, and cooperation treaty dated February 18,1979

This treaty made a point of constantly developing *“the traditions of militant solidarity*

*between the two Vietnamese and Cambodian people,"* in order to preserve *“the*

*revolutionary assets obtained from about thirty years offight"* i.e., since the creation of

the People’s Revolutionary Party of Kampuchea (PRPK) in 1951, in order to pursue *“the*

*friendship cooperation- in-all fields, ... which involves the common defense against the*

*enterprise of the international imperialist and reactionary forces ...”*

This “base treaty,” dated February 18, 1979, which is referred to by all other subsequent

treaties and agreements, is valid for a period of 25 years and “will tacitly be renewed

every ten years, if one of the two contracting parties does not notify in writing to the other

party its desire to repeal it one year before its expiration”: this is a true act of progressive

absorption of Cambodia by the Socialist Republic of Vietnam.

1. The Agreement on the zone known as of “Historical Waters” dated July 7,1982.

With this agreement Cambodia recognizes, “given the actual condition,” the annexation

by the Socialist Republic of Vietnam of many Cambodian islands including Koh Tral and

Poulo-Panjang (Koh Krachak Ses), and of a considerable portion (30,000 sq. km.) of her

territorial sea.

The idea of “Historical Water belonging to the two countries, and placed under the legal

jurisdiction of their internal water,” which is in fact controlled exclusively by Vietnam

was nonetheless a new concept invented by Vietnam to appropriate Cambodia’s

continental shelf, rich in oil resource and seafood. In reality, Cambodian fishermen cannot

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even move far from the coasts as they always could, without being violently pushed back,

and even killed by the Vietnamese coast guards.

1. The Agreement on the “border statute” and the treaty on the “principle for

settlement of border disputes” dated July 20, 1983 recognized the free crossing of

Cambodian borders by Vietnamese settlers, and a new border delineation.

1. The Treaty on the “border delimitation” dated December 27, 1985 recognized

new settlements (on the delineation) of the land borders between the two countries

from the north to the south, along an overall length of 1230 kilometers - settlements

imposed by Vietnam stipulated in the agreements with the PRK on July 20, 1983, July

13, 1984, and November 6, 1984.

It was the July 20, 1983 Agreement on the border statute and the December 27, 1985

Treaty which immediately allowed Vietnam to push the old borders established under the

French Protectorate, by several kilometers into Cambodia borders from the north to the

south, along the province of Rattanakiri to the province of Kampot. New border markers

installation work was even undertaken to that effect since 1984, and also subsequently

between 1986 and 1988.

1. During the period of the national resistance, the coalition Government of Cambodia chaired

by Prince Norodom Sihanouk, which was the only legitimate and legal government

recognized by the United Nations, never ceased to vigorously denounce these treaties and

agreements, and rejecting them as null and void (official Declaration made on March 12,

1986).

1. SYSTEMATIC VIOLATIONS OF THE PARIS PEACE AGREEMENTS
2. Six years after the signing of the Paris Peace Agreements on Cambodia on October 23, 1991,

basing itself on the abusive extension of its maritime domain, Vietnam signed with Thailand

on August 11, 1997, a bilateral agreement dividing their respective maritime zones while

encroaching on those of Kampuchea. This agreement conferred to Thailand an area of about

30,000 sq. km. of Cambodian maritime domain in double violations of (1) the French-

Siamese treaties dating from 1904 and 1907, and (2) the “equidistance” principle between two

facing countries as defined in the 1982 UN Convention on the Law of the Sea.

1. Moreover, following the signing of the 1991 Paris Agreements, basing itself on the treaties and

agreements concluded between the SRV and PRK, Vietnam undertook to establish and

administer new villages, build new roads, dig new canals to improve Cambodian lands which

it removed from their Cambodian authorities and occupants. Thus several Cambodian villages

which before were inside Cambodia are de facto placed under the Vietnamese authorities.

1. At the same time, the “peacefill” invasion of Cambodia by Vietnamese settlers along the border

areas still continues: under pressure from the Vietnamese settlers, supported by their regular

forces or militia, the Cambodians are forced to rent or even sell their lands (rice fields and

farms) to the Vietnamese. Elsewhere, “forced” expropriations were also noted, as well as all

kind of threats raised by the Vietnamese settlers which irremediably lead to the abandon of

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their villages by the rightful Cambodian owners. This in turn achieved the final goal of

providing rein free access to the new Vietnamese establishments. Without protection, the

Cambodians are forced to give up their lands and houses to flee towards the interior of

Cambodia. Those who want to preserve their ancestral lands and properties are constrained to

adopt the Vietnamese citizenship.

1. More seriously, with the continuous application of the agreement on border statute of July 20,

1983 concerning the free crossing of Cambodian borders by Vietnamese people, their number

in Cambodia never cease to increase, to the official denial of the Cambodian authorities, to

reach a number of more than 4 million in 2003 according to various reliable serious sources.

This large number of outside settlers is a phenomenon never before seen in all the history of

Cambodia, thus increasing to 30% the number of settlers on a total population estimated at 13

million inhabitants.

1. The large presence of a foreign community that no country in the world could accept, even

less Cambodia, fatally pushes the country towards destabilization, poverty, and misery of the

Cambodian rural population, as long as the political and economic situation still remains

precarious. The Vietnamese settlers seized rich areas, strategic locations of our country - even

sacred places, they also took away jobs and professions from several levels of the community,

they defy with impunity the rights to life, the dignity and legitimacy of the Khmer people

within their own country. The ceaseless immigration flow constitutes a permanent testimony

of the Annamese (Vietnamese ancestors) Nam Tien (Southward Walk) philosophy from past

centuries. This philosophy was responsible for the destruction of Kampuchea Krom following

that of Champa.

1. To the west, Thailand proceeded in the same manner in the province of Battambang, Banteay

Mean Chey, Oddar Mean Chey, and Preah Vihear, whereas to the north, Lao people occupied

several portions of our lands in Stung Treng province.

1. The Royal Government of Cambodia, one of the signatories of the 1991 Paris Agreements,

under the leadership of Mr. Hun Sen, had always systematically refused to denounce the

SRV-PRK treaties and agreements cited above.

Indeed, in order to achieve an “accomplished fact” situation, on March 22, 1999, the 1998

coalition government dominated by Mr. Hun Sen and Vietnam created a so-called “Joint

Khmer-Vietnamese Committee” to undertake the work of borders delineation between

Vietnam and the Kingdom of Cambodia on the basis of the above illegal Treaties and

Agreements. Next, in its plenary session of December 22, 2000, the Cambodian Government

council of ministers simply ratified the work carried out by the Cambodian party of this Joint

Committee.

Finally, in his letter-report to the new King Norodom Sihamoni on January 11, 2005, Mr. Hun

Sen clearly indicated that the treaties and agreements concluded between the PRK and the

SRV between 1979 and 1991 on the border delineations between Cambodia and Vietnam are

still valid, and he confirmed that “since 1993,” his Government had adopted them as basis for

its negotiations with Vietnam.

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1. It is to be noted that, to justify their judicial and concrete acts in their work of fixing and

demarcation of the borders, the Cambodian and Vietnamese governments agreed to adopt,

according to a spirit of accommodation and convenience, foolish and fallacious arguments

and principles which are inadmissible under International law, namely:

1. The “Principle of the actual situation” according to which any place or location occupied

for a long time by Vietnamese nationals must be an integral part of Vietnam, this simply

means that: “Wherever the Vietnamese people live, that land belongs to Vietnam!”. This

proverb “de facto” confers to the Vietnamese false rights which ended up into unending

conflicts and litigations between the local inhabitants and the settling Vietnamese

communities;

1. The border markers can be “temporary”; therefore, the delineation of borders can be

negotiated at any moment - this must be a consequence of the historical Vietnamese

practice of the “continual border movement”;

1. By occasionally invoking the need for “economic development” and the “fight against

poverty,” the priority is emphasized on border areas, along with the inopportune recourse

to common exploitation systems with neighboring countries that can and must be put into

practice in areas under litigation (such as the common Khmer-Thai oil exploitation, and

the Khmer-Vietnamese-Loa development Triangle);

1. The general principle of “maintaining the status-quo in areas under litigations” (such as

the Khmer-Vietnamese agreement dated January 17, 1995) can be not respected, and it

never was by the Vietnamese side;

It is certain that in practice, on the spot, the execution of these principles does not leave much

room to either the national and international law evoked by the interested parties, however, it

depends more pragmatically, if not almost exclusively on the personal interest of the

negotiators, of the relative strength of the parties involved and the accomplished fact of the

strongest one of the two.

1. COMMON EXPLOITATIONS LEADING TO NEW KHMER LOSSES
2. For the immediate future, Mr. Hun Sen plan to develop in priority two large projects along

border areas: common oil explorations in the Gulf of Siam with Thailand, and the

“development Triangle” within the areas known as “Dragon Tail” along the common Khmer-

Vietnamese-Lao borders.

In the case of the “common oil explorations” in the Gulf of Siam in an area extending 27,000

sq. km., the main danger comes from the fact that they could be later invoked by the

partnering country (Thailand) as being a tacit recognition by Cambodia of the existence of

maritime areas under “litigation”, hence subject to new corrective delimitations, while in

reality these zones are located within our continental shelf as defined in the 1907 French-

Siamese Treaty.

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1. The creation of the “development Triangle” with Vietnam and Laos, including, for the

Cambodian party, part the provinces of Stung Treng, Rattanakiri, and Mondulkiri, covering a

total area of 36,162 sq. km., i.e. 20% of our national territory with only 207,700 inhabitants

(average population density of 5.8 inhabitants per sq. km.), is purely a political act for the

Vietnamese side. Given her limited resources in terms of demographic, social, administrative

aspects, as well as investment capital in this project, Cambodia must expect actual loss of her

Independence and Sovereignty on this portion of her territory.

1. THE PROTECTION OF CAMBODIA’S TERRITORIAL INTEGRITY

***Against claims made by Vietnam ,***

1. The injustices perpetrated by the French Protectorate in its authoritative delimitations of the

Cambodia borders with other countries of French Indochina are well known: the borders

between Cambodia under the French protectorate, and the French colony of Cochinchine

never cease being altered in favor of the colony between 1863 and 1914, to reach a paroxysm

in 1949, when France yielded to Vietnam Khmer lands of Cochinchine. (Les Frontieres du

Cambodge, Sarin Chhak, Dalloz Publ., 1966, p. 11). These delimitations were undertaken

mainly by:

- The Decision of the Governor of Cochinchine dated July 9, 1870;

- The French-Khmer Convention dated July 15, 1873 on the establishment of 124 border

marksers between Cochinchine and Cambodia from the north to the Vinh Te canal

(Hatien, Cochinchine);

- The July 31, 1914 Circular from the General Governor of Cochinchine delimiting the

Khmer province of Kampot and Hatien (Cochinchine);

- The December 6, 1935 Circular from the General Governor of Indochina delimiting the

border between the Khmer province of Kandal and Chaudoc (Cochinchine);

- The December 2, 1942 Circular from the General Governor of Indochina exchanging

territories between the province of Kandal and Chaudoc (Cochinchine);

- The letter from Brevie, the General Governor of Indochina, dated January 31, 1939 which

fixed the administrative limit of maritime locations between Cochinchine and Cambodia.

1. Constant^teemssmade-by’Cambodia since 1949:

In 1949, Cambodia sent a delegation (consisting of Messrs. Chhean Vam, Thonn Ouk, Sonn

Voeunsai, and Son Sann) to lodge protest with the French Government of Mr. Coste-Floret

(MRP) which wanted to yield the ownership of Cochinchine to the Annamese emperor Bao

Dai.

“The Cambodian Delegation was greatly helped by the Assembly of the French Union chaired

by Her Highness Ping Peang Yukanthor, and which also included many Cambodian members.

This assembly gave a definitely unfavorable opinion on the project of transfer of Cochinchine

to emperor Bao Dai.

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In spite of the supports from French officials belonging to the Council of the Republic and the

National Assembly, faced with the insistence of the Coste-Floret Government, the 1949 law

was passed and with it, the entire Cochinchine was officially attached to Annam.

However, the Cochinchine issue had to pass through a second reading of the French National

Assembly, where Mr. Gaston Deferre imposed a vote on a motion bearing his name which

required the French Government to settle beforehand (following the Cambodian proposal) all

the following pending issues between Cambodia and Cochinchine before the transfer of this

colony to Annam:

- The statute of the Khmer minority in Cochinchine, and

- The correction of borders between the two countries ...”

This motion is still valid (it is less than 60 years old) and the remaining issues to be fixed

consist mainly of: corrections of borders to the benefit of the Cambodia protectorate, and the

statute of Cambodian living in Kampuchea Krom” (Samdech Son Sann, Letter dated February

8,1996 addressed to Samdech Krom Preah Norodom Ranariddh and Samdech Hun Sen).

Following the official attachment of the Cochinchine territory to Vietnam by France, during

the Geneva Conference, Cambodia once again raised the issue of her rights on this ancestral

land. In a declaration made by H.E. Tep Phan, the Cambodian delegate to the Convention, it

was stipulated that:

Paragraphs 7, 11, and 12 of the Final Act stipulate the respect of the territorial integrity of

Vietnam. The Cambodian Delegation is requesting the Conference to consider that this clause

does not imply the abandonment of the legitimate rights and interests that Cambodia could

claim in regards to some areas of South Vietnam , and those which Cambodia had expressed

reservations, in particular during the signing of the Franco-Khmer Treaty on the relationships

between Cambodia and France dated November 8, 1949, and during the vote of the French

law attaching Cochinchine to Vietnam.

Faithful to the ideal of peace and international principle of non-interference, Cambodia does

not intend to interfere in the internal affairs of the State of Vietnam, and she entirely joins the

principle of respect of her integrity under the reserve of adjustment and regulation of the

border delimitation between this State and Cambodia - borders which up to now have been

fixed by a simple unilateral act of France.

With the support of this declaration, the Cambodian Delegation addressed to all the members

of the Conference a “memorandum on the Cambodian lands in the South-Vietnam.”

1. Following the Geneva Conference, borders problems reappeared again, especially on the

Vietnamese side, with the advent of the US-Vietnam war. Incursions by the NLF and North

Vietnamese forces, as well as those by the South Vietnamese forces of Generals Nguyen Van

Thieu and Nguyen Coa Ky were frequently perpetrated well within Cambodian lands. This

was the reason the Summit Conference of the Indochinese People were convened in the 60s

under the initiative of His Majesty Samdech Euv, the Head of the State.

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Between 1963 and 1969, more than thirty countries recognized of the territorial ntegrity of

Cambodia. These countries included France, the United Kingdom, the USSR, the People's

Republic of China, Japan, Australia, Yugoslavia, the Popular Democratic Republic of Korea,

Egypt, Senegal ... The Democratic Republic of Vietnam also made this recognition by

reiterating twice its engagement in its declarations on June 27, 1964, and June 8, 1967. Under

the terms of these declarations, Vietnam “recognizes and commits itself to respect the

territorial integrity of Cambodia in its current borders.”

1. In May 1970, another Summit Conference of the Indochinese People took place in Canton,

the People's Republic of China. Prime Minister Pham Van Dong of the Democratic Republic

of Vietnam, President Nguyen Huu Tho of the NLF of the South Vietnam, and Prince

Souphanouvong, President of the Laos Neo Lao Haksat made new recognitions and

engagements “to recognize and respect the territorial integrity of Cambodia in its current

borders.”

***Against claims made by Thailand***

1. The 1867 treaty:

Under the pretext of carrying out an exact delimitation of the borders which was abused by

the Siamese who claimed to hold the suzerainty on Cambodia, France, by the 1867 French-

Siamese treaty, yielded to Siam the Khmer provinces of Battambang and Angkor. During his

entire reign His Majesty Norodom never cease to complaint to the French authorities these

unfair transfers.

1. The French-Siamese treaty dated March 13,1904:

This treaty recognizes Cambodia’s sovereignty on the provinces of Tonle Ropeou, Mlou

Prey, and Koh Kong (cf. Brief History of the relationships between Cambodia and Siam by

PennNouth, 1958).

1. French-Siamese treaty dated March 23,1907:

Under this treaty Siam gave Battambang and Angkor back to its rightful owner (cf. Brief

History of the relationships between Cambodia and Siam by Penn Nouth, 1958). This treaty

also delimited the maritime waters between the two countries.

1. The February 14, 1925 treaty:

The above two treaties were later confirmed in the French-Siamese treaty on the border

delimitations between Siam and Cambodia dated February 14,1925.

1. The December 7, 1937 treaty:

This treaty is a new confirmation of the preceding treaties in regards to the borders between

Siam and Cambodia.

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1. January 28, 1941 Cease Fire Agreement:

Following the 1940 French defeat in Europe, the Siamese stopped hiding their annexationist

aims, thus at the end of 1940, war started. On land, this confrontation cannot be qualified as

true war. It was at sea that the action occurred. On January 17, 1941 a true battle was

engaged at Koh Chhang by several Siamese warships against those belonging to the French

authorities of Cochinchine. In the ensuing naval fight, several Siamese ships were sunk. The

war ended with the January 28, 1941 cease fire Agreement. Peace negotiations were started

thereafter in Tokyo on February 1941.

1. The May 9, 1941 treaty:

In spite of the victory by the French naval forces, the May 9, 1941 Treaty gave the totality of

the Cambodian province of Battambang and most of the Cambodian lands nearby the

Dangrek mountain range to Siam.

1. The 1946 San Francisco treaty:

It is through the San Francisco Treaty that Siam accepted finally to return the Cambodian

provinces to the Protectorate authorities, and to return back to the 1937 treaties.

***Paris Peace Agreements on Cambodia of October 23,1991***

1. The “Paris Peace Agreements on Cambodia” of October 23, 1991, on the “territorial

Sovereignty, Independence, Integrity and Inviolability, Neutrality and National Unity of

Cambodia,” included three provisions:

1. For the Cambodian party: under the terms of Article 1, Paragraph 1, “*Cambodia*

*undertakes to maintain, preserve and defend its sovereignty, independence, territorial*

*integrity and inviolability, neutrality and national unity, as set forth by the present*

*Agreement...”*

In order to carry out this objective, Paragraph 2, subparagraph d of this same Article

committed Cambodia *“to put an end the treaties and agreements which are*

*incompatible with its territorial sovereignty, independence, integrity and inviolability,*

*neutrality and national unity.”*

1. For other signatory parties of the Agreement, Article 2, Paragraph 1, stipulated that:

*“The other parties involved in the present Agreement solemnly undertake, by this*

*Agreement, to recognize and respect the sovereignty, independence, territorial*

*integrity and inviolability, neutrality and national unity of Cambodia.”*

1. Article 5 of “The Agreement related to the Sovereignty, Independence, Territorial

Integrity and Inviolability, Neutrality, and National Unity of Cambodia” also

stipulates that: *“In the event of a violation or threat of violation of the sovereignty,*

*independence, territorial integrity and inviolability, neutrality or national unity of*

*Cambodia, or of any of the other commitments herein, the parties to this Agreement*

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*undertake to consult immediately with a view to adopting all appropriate steps to*

*ensure respect for these commitments and resolving any such violations through*

*peaceful means.*

*Such steps may include, among others, reference of the matter to the Security Council*

*of the United Nations or recourse to the means for the peaceful settlement of disputes*

*referred to in Article 33 of the Charter of the United Nations."*

***The 1993 Constitution of the Kingdom of Cambodia***

1. Article 55 of the Constitution of the Kingdom stipulates that *“Any treaty and agreement*

*incompatible with the independence, sovereignty, territorial integrity, neutrality and national*

*unity of the Kingdom of Cambodia shall be annulled."*

***Repeated declarations made by His Majesty King Preah Norodom Sihanouk***

29. His Majesty Norodom Sihanouk, in accordance with the provisions of Article 8 of the 1993

Constitution of Cambodia which conferred to him the Statute of “guarantor of the

Constitution ... and territorial integrity of Cambodia” had clearly declared that He did not

recognize the above treaties and agreements, nor does he recognize the current work

performed by the Joint Khmer-Vietnamese Committee on the border issues between

Cambodia and Vietnam, nor *“other “Indochinese” or Thai-Vietnamese inter-state treaties*

*which encroach on the territorial integrity, the land and maritime border delineation of*

*Cambodia dating between 1963 and 1969."*

Furthermore, in His messages dated December 12, 2003, December 18, 2004, and May 7,

2005, He expressly denounced *“the violation of the 1991 Paris Agreements which prohibit*

*the consideration of the unequal treaties between the SRV and the PRK (alias State of*

*Cambodia) on the (false) Cambodian territorial integrity (land and sea) to be valid."*

1. WISHES OF THE CAMBODIA’S BORDER COMMITTEE in France andx

Worldwide (CFC-CBC) -

1. Conscious of Cambodia’s loss, each day further more, of its territorial integrity, and in

particular of the ensuing loss of her independence and sovereignty, the Cambodia’s Border

Committee never cease to denounce the illegality and the dangers associated with the

Agreements and Treaties concluded during the invasion and domination of our country by the

Vietnamese armed forces, we are also demanding their pure and simple unilateral termination

by Cambodia.

1. CBC is also demanding the recognition of the ownership by Cambodia of the island of Koh

Tral. Indeed, historically, geologically, geographically as well as legally, under the terms of

the 1958 Geneva Convention on the Law of the Sea, this island belongs to Cambodia. The

content of Governor Brevie’s circular-letter on this subject clearly recognized this well-

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founded ownership: *"... this string of islands spread along the Cambodian coast, some of*

*which are located so close to its coast that the current alluvial deposits may link them to the*

*Cambodian shores in the relatively near future, logically and geographically calls for the*

*need to confer the Administration of these small islands to this latter country."*

1. The l:50,000-scale US military maps published by Washington between 1963 and 1969 are

precise on Cambodia’s land borders, however, they included reservations in regards to

Cambodia’s maritime border delimitation. Therefore, the delimitations of our maritime

borders with neighboring countries rest on the delineations defined in the agreements and

decisions made under the French Protectorate (which included the Brevie line delimiting

Cambodia and Vietnam, and the delineation starting from the top of Koh Kut for the

delimitation between Cambodia and Thailand), and on the provisions of the International

Laws.

1. CBC wishes to contribute to the efforts undertaken by the Supreme National Council on

Border Affairs (SNCBA) in terms of diligent verifications of the border markers installation

carried out in the strict application of the Paris Agreements, also in terms of issues related to

the Kingdom territorial and maritime integrity.

1. Similarly, CBC wishes to contribute to the determination and application of the various

guarantee modalities in conformance with the Agreements, Treaties and International

Conventions already in place or to be considered in the future. Our contribution wish on these

matters is to ensure the Kingdom of Cambodia, her durability, independence, sovereignty,

territorial integrity, safety, and dignity and peace in this part of the world.

1. APPENDICES.

***/. Treaty and Agreement with France***

o [Establishment of the] Protectorate Treaty dated August 11,1863

***II. Treaties and Agreements with Thailand***

o Treaty between Cambodia and Siam dated December 1,1863

o French-Siamese Treaty dated April 14,1865

o French-Siamese Treaty dated July 15,1867

o French-Siamese Treaty dated October 3,1893

o October 3,1893 Convention

o October 7,1902 Convention

o February 13,1904 Convention modifying the October 3,1893 Treaty

o French-Siamese Treaty dated March 23,1907

o March 23,1907 Protocol

o 1925 French-Siamese Treaty

o French-Siamese Treaty dated December 7,1937

o French-Siamese Agreement dated November 17,1946

o 1962 International Court of Justice of the Hague Rendering on Preah Vihear

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***III. Treaties and Agreements with Vietnam***

o January 31,1939 Circular (concerning the Brevie Line)

o Decree No. 124 dated May 25, 1874 diverting the island of Koh Tral and surrounding

islands from the Hatien Inspection authorities

o Decree No. 154 dated 16 June, 1875 attaching to the district of Hatien the inspection of

the island of Koh Tral

o Defferre Motion

o Law No. 49-733 dated June 4, 1949 amending Cochinchine statute within the French

Union

o Cambodia Memorandum on her lands located in the South Vietnam

o Article: “The borders of Cambodia are final” (Kambuja, 1969)

a. The current borders of Cambodia are final

b. Negotiations on the Cambodian/Vietnamese borders held in Phnom Penh from

august 15 to Septemberl7,1966 (Speech given by Mr. Tran Buu Kiem (NLF))

o Letter of Mr. Nguyen Huu Tho, President of the Presidium of the NLF Central

Committee, No. 250/ST1 dated June 6, 1967, addressed to Samdech Norodom Sihanouk

o Article: “The Khmer-Vietnamese Borders (Etudes Cambodgienne No. 7, July/September,

1966)

o Border delineation

o Mapped border and current border

o Border according to US maps

o The Cambodian coastal islands issue

o Vietnam recognizes Khmer borders

o Declaration for the recognition of Cambodia borders by the NLF Central Committee dated

May 31,1967

o Letters by Samdech Norodom Sihanouk, Head of the State, addressed to:

- Mr. Nguyen Huu Tho

- Mr. Pham Van Dong

o List of the countries answering to calls made by Cambodia

o Friendship and Cooperation Treaty dated February 18,1979

o Agreement on Historical Waters dated July 7,1982

o Decree No. 8 dated July 31,1982

o July 20,1983 Agreement on the border statute

o December 27,1985 Treaty on the border delimitation

o July 20,1988 Agreement on the new Cambodia/Vietnam border

***IV. Treaties and Agreements Concluded between Vietnam and Thailand***

o August 11, 1997 Treaty on the respective delimitation of maritime domains (Treaty

concluded without the knowledge of Cambodia)

***V. About the island of Koh Tral:***

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History and documents in our possession showed that the issue of sovereignty and

Cambodian lands was never forgotten by the Cambodian kings and leaders from before,

during, and especially at the end of the French protectorate era, up until the accession to

independence by Cambodia in 1953. It was under the initiative of Samdech Euv Preah

Norodom Sihanouk that the conferences of Indochinese countries and people were convened

in the 60s. The issue of the Khmer islands in the Gulf of Siam were never lay to rest, in

particular, in regards to the situation of Koh Tang, Koh Ach Ses (Poulo Wai), Koh Krachak

Ses (Poulo Panjang), and Koh Tral. Decisions were made to protect these islands, as indicated

in the Service Order No. 1134/PCM/AP/X dated June 7, 1957; in the Decree No. 662/NS

dated December 30, 1957; in the Decree No. 77/70 EC dated February 6, 1970; and in the

Decree No. 439-72 PRK dated July 1, 1972. These measures were taken in conformity to

historical documents, in particular with the 1939 Circular issued by the General Governor

Brevie; to the French-Siamese Agreements of 1904 and 1907, relating to the delimitation

delineation of the maritime domains and to the respective ownerships of the islands to the

three countries; and in particular to the 1958 Geneva Convention on the Law of the Sea. Koh

Tral, Koh Tang, Koh Krachak Ses (Poulo Panjang), and Koh Ach Ses (Poulo Wai) belong to

the Cambodian maritime legacy.

These articles fixed the southern lateral limit of the maritime domain of Cambodia at an

“equidistance” between the base line of the Cambodian coasts located south of Koh Tral, and

the base line of the Vietnamese coasts bordering the province of Hatien (currently renamed

Kien Giang). From this fact, the current Vietnamese demand (following the July 7, 1982

Agreement which dispossessed Cambodia of this large island of Koh Tral) to divide the

maritime domains between the two countries is quite simply inadmissible according to the

same “equidistance rule” recommended by the 1982 Convention on the Law of the Sea.

***VI. Reference Geographical Maps:***

o 1:100,000 scale French map

o 1:200,000 scale French map

o 1:250,000 scale US map

o 1:50,000 scale US map (a portion).

Paris, May 9 2005

For the Cambodia’s Border Committee in France and Worldwide,



Sean Pengse

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Comite des Frontieres Cambodia's Border

du Cambodge (C FC ) Committee ( C B C )

ASSOCIATION NON APPARFNTEE AU PARTI POLmOUE ASSOCIATION UNAFFH.IATED TO A POLfflCAI. PARTY

CFC/CBC29 04 05 01A

To His Excellency,

Mr. Kofi Annan,

United Nation Secretary-General

United Nation Plaza

New York, NY 10017, USA

*Subject:* Violations of the October 23,1991 Paris Peace Agreements on Cambodia

Your Excellency,

The Cambodia’s Border Committee (CBC), a non-partisan organization with headquarter in Paris, was created in

1999. Our representatives and members are composed of former ministers, former Members of Parliament, former

diplomats, former senior officials of Cambodia, academics, historians, lawyers, economists, technicians, civil

workers, students, all Cambodian citizens or of Cambodian origin residing in France and in other European

countries, Canada, the United States of America, Australia, New Zealand, and in Cambodia. CBC was formed

with the sole objective of defending the territorial integrity of Cambodia in accordance with the October 23, 1991

Paris Peace Agreements on Cambodia, the 1993 Constitution of the Kingdom of Cambodia, and the International

law.

On January 7, 1979, Cambodia was invaded and occupied by the regular armed forces of the Socialist Republic of

Vietnam (SRV) which, right away, installed a Cambodian government in Phnom Penh known as “the People’s

Republic of Kampuchea” (PRK). With a crushing majority, the UN general assembly firmly condemned this

foreign occupation, and never officially recognized the PRK as a legitimate representative of Cambodia, it kept

doing so until the 1991 Paris Conference Cambodia. A decade long of bloody war of national resistance was led

by Prince Norodom Sihanouk, the President of Democratic Kampuchea, against the Vietnamese occupation and

the PRK government.

The period between 1979 to 1989 period saw several treaties and agreements which very seriously impair the

independence, sovereignty, territorial integrity and national unity of Cambodia, being concluded between the

occupant (the SRV) and those occupied (the PRK), of these, the most significant ones are:

1. the “Peace, Friendship, and Cooperation Treaty” dated February 18, 1979: it is valid for a period of 25

years, and “will tacitly be renewed every ten years, if one of the two contracting parties does not notify

in writing to the other party its desire to repeal it one year before its expiration date”; this is a truthful

protectorate act perpetrated by Vietnam on Cambodia;

1. the Agreement on the maritime zone also known as the “Historical Waters Agreement” dated July 7,

1982, which recognized both the SRV annexation of many Cambodian islands, along with a considerable

portion (30,000 sq. km.) of its sea water;

1. the Agreement on the “Border Statute” and the Treaty on the “Principle of Resolution of Borders Issues”

dated July 20,1983, which recognized the free crossing of Cambodian border and the surge of Vietnamese

settlers into Cambodia, along with a new border delineation;

1. the Treaty on the “Border Delimitation” dated December 27, 1985, which recognized new settlements

(on the demarcation) of land borders between the two countries from north to the south along an overall

border length of 1,230 km - settlements imposed by Vietnam in accordance to the agreements with the

PRK dated July 20, 1983, July 13, 1984 and November 6, 1984.

During that period, the Coalition Government led by Prince Norodom Sihanouk, the only legal and legitimate

government officially recognized by the UN, never ceased to vigorously denounce (through an official declaration

dated March 12, 1986) these Treaties and Agreements, rejecting them as null and void.

Thereafter, as a “global solution” to the conflict, an international Conference was convened in Paris, with the

participation of the four Cambodian factions involved, and Vietnam. The resulting “Paris Peace Agreements on

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Cambodia” dated October 23, 1991 which established, among others, the territorial sovereignty, independence,

integrity and inviolability, neutrality and national unity of Cambodia, stipulated three clauses:

1. For the Cambodian party: under the terms of Article 1, Paragraph 1, *“Cambodia undertakes to maintain,*

*preserve and defend its sovereignty, independence, territorial integrity and inviolability, neutrality and*

*national unity, as set forth by the present Agreement...”*

1. In order to carry out this objective, Paragraph 2, subparagraph d of this same Article committed Cambodia

*“to put an end the treaties and agreements which are incompatible with its territorial sovereignty,*

*independence, integrity and inviolability, neutrality and national unity. ”*

1. For other signatory parties of the Agreement, Article 2, Paragraph 1, stipulated that: *“The other parties*

*involved in the present Agreement solemnly undertake, by this Agreement, to recognize and respect the*

*sovereignty, independence, territorial integrity and inviolability, neutrality and national unity of*

*Cambodia."*

Your Excellency,

Since the conclusion of the 1991 Paris Peace Agreements, the SRV, in spite of its solemn undertakings, still

persevere in its practice of constant annexations of Cambodian lands, it did all it can, for its own profit, to extend

the unilateral application of the treaties and agreements it concluded with the leaders of the so-called People’s

Republic of Kampuchea. As for the successive Cambodian governments led by Mr. Hun Sen which is composed

in major part by the same people belonging to the PRK, and installed in power by the Vietnamese army since 1979,

they never expressed their intention (nor their will) to respect the commitments undertaken at the Paris Conference.

On the contrary, they have actively and insidiously continued the application of the SRV-PRK treaties and

agreements mentioned earlier, which they knew are illegal, and are to the detriment of the sacred rights of the

Kingdom of Cambodia.

In the maritime domain, the SRV-PRK Agreement dated July 7, 1982, on the “Historical Waters” of the two

countries, placed under the judicial regime of their “Internal Waters,” and, in fact, controlled exclusively by

Vietnam, is a new concept created by Vietnam to appropriate the Cambodian continental shelf rich in oil, and fish

and seafood resources. This is translated by the fact that Cambodian fishermen can no longer move far away from

the coasts, as they used to, without being violently pushed back, and even killed by the Vietnamese coastguards.

Furthermore, based on this extension of its maritime domain, on August 11, 1997, Vietnam signed with Thailand,

six years after the 1991 Paris Agreements, a bilateral agreement dividing their respective maritime zones while

encroaching on those of Cambodia. In doing so, this agreement conferred to Thailand an area of about 30,000

sq. km. of Cambodian maritime domain, in double violation of (1) the 1904 and 1907 French-Siamese Treaties,

and (2) the rule “of equidistance” between two facing countries, and the 1982 UN Convention on the Law of the

Sea.

In regards to the land borders, the SRV-PRK agreements between 1983 and 1985 had immediately allowed

Vietnam to push back the former borders dating from the French Protectorate era by advancing them by several

kilometers into Cambodia from the north to the south, extending from the province of Ratanakiri to the province

of Kampot. Recent border demarcation works were undertaken based on the above treaties since 1984, and again

between 1986 and 1988, while Vietnam undertook to establish and manage new villages, build new roads, dig new

canals for the development of the Cambodian lands expropriated from the Cambodian authorities and occupants.

In this manner, several Cambodian villages which were before located well within Cambodia, are now placed

under the Vietnamese authorities. It should be noted also Cambodia also fell prey to the “peaceful” but yet very

insidious invasion undertaken all along the Vietnamese borders which consists of Vietnamese population,

supported by the regular Vietnamese armed forces and militia, applying pressure on the Cambodian population

and forcing them to rent or sell their lands (rice fields) to the Vietnamese.

In addition to moving borders, forced expropriations were also observed, as well as all kind of threats were

pronounced against the Cambodian population forcing them to abandon their own villages, this in turn helped

achieve the fmal Vietnamese goal, and provided them with free rein to settle new Vietnamese establishments. All

litis occurs in total indifference, if not with the agreement and complicity, of some high level of the Cambodian

authorities. Without protection from the latter, the Cambodian population is forced to abandon their lands and

homes, and to flee further inside of Cambodia borders. Those who want to keep their ancestral lands and properties

are constrained to adopt the Vietnamese nationality.

Meanwhile, the Hun Sen government, fearing the reactions of the local population in regards to the Vietnamese

settlers occupying and monopolizing of Khmer lands, couldn’t do anything better than launching appeals between

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1982 and 1986, inviting the Cambodian authorities to accommodate the Vietnamese settlers, and, in 2003,

authorizing these settlers to form associations to defend their interests, even at the cost of ignoring the “competent”

Cambodian authorities.

Similar cases were also observed along the approximately 800 km land borders between Cambodia and Thailand.

With Laos, the repair of an old road built under the French Protectorate (National Road No. 7) performed by the

Cambodian authorities in March 2005, almost exploded into a full scale war.

In addition, pursuant to the Agreement on Border Statute dated July 20, 1983 allowing free Cambodian borders

crossing by Vietnamese nationals, the number of Vietnamese nationals in Cambodia never cease to increase in

contrast to the number reported by the official Cambodian sources, to reach, according to some reliable sources,

in 2003 a number of more than 4 million immigrants, a record number never before set in all the entire history of

Cambodia, thus inflating the population growth rate to more than 30%, and bringing the total population number

to 13 million. This growth rate, which no country in the world could believe, let alone Cambodia, fatally plunges

the country into destabilization, poverty, and misery of the rural Khmer population, as long as the political and

economic situation still remains precarious. The Vietnamese settlers seize rich areas, strategic locations in our

country - even scared places, monopolize jobs and careers in the community, thus defying with impunity the rights

to life, dignity, and legitimacy of the Khmer people within their own country. Under the terms of the Agreement

on the Border Statute and other accused illegal treaties and agreements, this ceaseless flow of immigrants which

represent a permanent proof of the Walk towards the South from the past centuries (this aggression philosophy is

also known in Vietnamese as *Nam Tien),* will continue unabatedly to all Cambodian areas, provinces, and villages.

You Excellency,

The Royal Government of Cambodia under Mr. Hun Sen’s leadership, as one of the signatories of the 1991 Paris

Agreements, always systematically refused to denounce the SRV-PRK treaties and agreements mentioned above.

Indeed, in order to achieve the effect of an “accomplished fact”, on March 22,1999, the 1998 coalition Government

which was dominated by Mr. Hun Sen and Vietnam created a so-called “Joint Khmer-Vietnamese Commission”

in order to undertake the border delimitation works between the two countries based on the illegal Treaties and

Agreements mentioned above. At a meeting held on December 22,2000, the council of cabinet of the Cambodian

Government at the time simply ratified the work carried out by the Cambodian party belonging to this Joint

Committee.

Furthermore, on July 31,2000, in response to a message from King Norodom Sihanouk requesting clarifications

from the government on issues related to the above treaties and agreements with Vietnam, Mr. Hun Sen stressed

in his letter that:

"... the 1991 Paris Peace Agreements on Cambodia put an end to the Treaties and Agreements that are incompatible

with its sovereignty, independence, territorial integrity and inviolability, neutrality, and national unity, and 1

understand that this point in itself is self sufficient, with respect to the law, to be applied to all treaties and

agreements that are contrary to the terms of the Paris Agreements above. However, considering the good

relationships and the excellent co-operations between the high level leaders of the Government and the Parliament

of Cambodia and Vietnam, I estimate that it is not suitable for the Royal Government to officially and openly

declare, today, the nullity of these treaties and agreements with Vietnam, in order to allow the Joint Khmer-

Vietnamese Committee to continue its difficult negotiations until obtaining good final results.”

On the other hand, in a long letter-report addressed to the new King, Norodom Sihamoni, on January 11, 2005,

Mr. Hun Sen, in opposite to the answer he provided above, declared that only the treaties and agreements concluded

between the Popular Republic Kampuchea and the Socialist Republic of Vietnam between 1979 and 1991 are

valid, and that, by mutual agreement, “since its first coalition in 1993” (between the CPP and the FUNCINPEC),

and more importantly, since the recent formation of the new Government in July 2004, he accepts them as basis

for current and future negotiations with Vietnam.

As for the Socialist Republic of Vietnam, to preserve the “assets” it gained from the invasion and occupation of

Cambodia on January 7, 1979 by its armies, favored by the effects of the SRV-PRK Treaties and Agreements

above, the General Secretary of the Vietnamese Communist Party, Mr. Nong Due Manh, requested from the

Cambodian Prime Minister, Hun Sen, on March 28,2005, in Phnom Penh, that “the agreements concluded during

the recent meeting in Phnom Penh, between the two delegations of the Vietnam-Cambodia borders Committees,

be put into application by the competent Cambodian authorities, in order to accelerate the process of borders

delimitation and demarcation.”

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Your Excellency,

Almost all of Cambodian political and social organizations openly condemned the persistent refusal by the Hun

Sen Government to denounce and to unilaterally repeal the SRV-PRK treaties and agreements.

His Majesty Norodom Sihanouk, in accordance with the provisions of Article 8 of the 1993 Constitution which

conferred to him the Statute of “guarantor of the Constitution ... and the territorial integrity of the Kingdom of

Cambodia,” clearly declared that He recognized neither the treaties and agreements in question, nor the current

work performed by the Joint Khmer-Vietnamese Committee in regards to borders between Cambodia and

Vietnam, as well as “the other “Indochinese” or Thai-Vietnamese inter-state treaties which impair the territorial

integrity, and the land and maritime border demarcations of Cambodia dating between 1963 and 1969.” Next, in

His messages dated December 12, 2003 and December 18, 2004, He expressly denounced “the violation of the

1991 Paris Agreements which prohibit the consideration of the unequal treaties between the SRV and the PRK

(alias State of Cambodia), and the (false) Cambodia territorial integrity (land and sea) to be valid.”

Finally, from His retirement, and shortly following the advent of His Majesty King Norodom Sihamoni, in an

Open Letter to the Governments of Thailand, Vietnam, and Laos, dated 31 March, 2005, the ex-Monarch Norodom

Sihanouk invited the senior authorities of these three countries to “nobly come to respect international Law, the

1991 Paris Peace Agreements on Cambodia, and the UN Charter, by accepting, with a fair play which will avoid

you dishonor, to surrender to the current Cambodia the villages, lands, seas, and islands that You had stolen and

took away from us.”

Certainly reacting to this open Letter, Mr. Hun Sen had recently announced the creation of a “Supreme Council

on Border Affairs,” which he claimed was planned since the start of his new mandate (in July 2004), and which

does not yet have any defined goal. Yielding to the request of the King and, in spite of his old age, His Majesty

Norodom Sihanouk agreed to chair this Council which must call upon the respective Governments of the three

countries neighboring Cambodia for their necessary acceptance in the verification of the common borders (land

and sea) demarcations with Cambodia.

Fully aware of the loss that Cambodia suffered, each day further more, in its territorial integrity, and in particular,

of the following loss of its independence and sovereignty, the Cambodia’s Border Committee in France, joined by

Cambodians from Europe, the United States, Canada, Australia, New Zealand, and by the people and student

movements in Cambodia, never cease to vigorously denounce the illegality and the danger of these Agreements

and Treaties which were concluded during the invasion and the ruling of our country by the Vietnamese armed

forces.

As expected, the Cambodia border issues became and will still remain, for a long time to come, a serious subject

of dissensions; an object of unavoidable distrust between the citizens and their Government, of a growing

indignation and anger by Cambodians towards the thieves and invaders of their ancestral lands. We fear that, in

time, this situation could generate violent and irrevocable conflicts between an exacerbated people who have the

private right to live in safety in their own country, and those who are driving them out, absorbing them with

impunity, as well as the implicated countries.

Your Excellency,

Having faith in the United Nations which declared in the Preamble to its Charter:

“WE THE PEOPLES OF THE UNITED NATIONS DETERMINED

■ to save succeeding generations from the scourge of war...

■ to reaffirm faith in fundamental human rights, in the dignity and worth of the human person...

■ to establish conditions under which justice and respect for the obligations arising from treaties and

other sources of international law ...”

Faced with these very serious circumstances for both our Country and the neighboring area, while there is still

time, we are appealing to Your Excellency to please help the Cambodian People to get out of this dead end through

legal, legitimate, and peaceful means, by urgently imposing the application of Article 5 of “The Agreement related

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to the Sovereignty, Independence, Territorial Integrity and Inviolability, Neutrality, and National Unity of

Cambodia” which stipulates that: *“In the event of a violation or threat of violation of the sovereignty,*

*independence, territorial integrity and inviolability, neutrality or national unity of Cambodia, or of any of the*

*other commitments herein, the parties to this Agreement undertake to consult immediately with a view to adopting*

*all appropriate steps to ensure respect for these commitments and resolving any such violations through peaceful*

*means.*

*Such steps may include, among others, reference of the matter to the Security Council of the United Nations or*

*recourse to the means for the peaceful settlement of disputes referred to in Article 33 of the Charter of the United*

*Nations."*

In the hope that you would take into consideration our present request, and that you would provide assistance and

take the necessary measures to redress this situation under the framework of the respect of International

Agreements in force, and in the spirit of maintaining Peace in this area of Southeast Asia. In the name of

Cambodian people, please accept, Your Excellency, the highest and respectful assurance of our consideration, and

our deep recognition.

Paris, April 29 2005

The President of the Cambodia’s Border Committee in France and Worldwide,

Sean PSngse

Mining Engineer, Former Cabinet Minister

Enclosures:

Copy of the letter from His Majesty Norodom Sihanouk to His Compatriots dated March 15, 2005,

Copy of the testimony by Mr. Michel Buisson, esq., and

Copy of the open letter by His Majesty Norodom Sihanouk, ex-King of Cambodia, March 31,2005.

Cc:

His Majesty, King-Father, Norodom Sihanouk,

His Majesty King Norodom Sihamoni,

National Entities,

The two co-Presidents of the 1991 Paris Conference,

The signatory countries of the 1991 Paris Agreements.

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Comite des Frontieres " Cambodia’s Border

du Cambodge (C F C ) Committee (CBC)

**ASSOCIATION NON APPARENTEE AU PARTI POLITIQUE ASSOCIATION UNAFFILIATED TO A POUBCAL PARK**

**CBC 3006 06 An 01**

To His Excellency Mr. KOFI ANNAN

SECRETARY-GENERAL

The United Nations

UNITED NATIONS PLAZA

NEW YORK

NY 10017

USA

*Subject’.* Petition for the Non-recognition of the October 10, 2005 "SupplementaYy

Treaty” between Cambodia and Vietnam^

*References'.* - CBC letter dated May 27,2002

- CBC letter dated April 29,2005

Mr. Secretary-General,

The governments of the Socialist Republic of Vietnam and the Kingdom of Cambodia arc

planning to proceed, in the upcoming months, for the establishment of new border posts

between the two countries, following their conclusion in 2005 of a *"Supplementary Treaty to*

*the Treaty of State Border Delimitation between the Socialist Republic of Vietnam and the*

*People’s Republic of Cambodia dated December 27, 1985. "*

As you are well aware of it, on January 7, 1979, Cambodia was invaded and occupied for

more than a decade by the regular armed forces of the Socialist Republic of Vietnam (SRV)

which immediately installed in Phnom-Penh a Cambodian "government" known as the

"People’s Republic of Kampuchea" (PRK). A general session of the United Nations, under a

crushing majority, firmly condemned up to the eve of the 1991 Paris Peace Conference on

Cambodia, this foreign occupation, and it never recognized the PRK as the legitimate

representative of Cambodia, thus disabling its ability to conclude treaties related to the

independence and the territorial integrity of Cambodia.

Following one decade of bloody war led by the Cambodian National Resistance groups

against the Vietnamese occupiers and the PRK "government" led by Mr. Hun Sen, the

October 23, 1991 Paris Peace Agreements on Cambodia called for all signatories - including

the SRV - to scrupulously respect these agreements, they solemnly engaged Cambodia *"to put*

*to an end to treaties and agreements that are incompatible with its territorial sovereignty,*

*independence, integrity and inviolability, its neutrality and its national unity"* This

engagement thus clearly indicates the nullity of all agreements "concluded" between the SRV

with the PRK, its creation, during the SRV’s military occupation of Cambodia. However, the

"Supplementary Treaty" mentioned above - concluded on October 10, 2005 between Mr. Hun

Sen, Prime Minister of the Kingdom of Cambodia, and the Government of Hanoi, was

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adopted and ratified respectively by the Parliament and the King the following November,

under threats from the very same Mr. Hun Sen - is nothing more than an official recognition

by the Kingdom of Cambodia of all the territorial SRV-PRK "agreements" concluded in the

past, including the one dated December 27. 1985 on the delimitation of the terrestrial border

between Vietnam and Cambodia.

Following a treaty of occupation of Cambodia by the Vietnamese forces, known as "peace,

co-operation and friendship treaty" concluded on February 18, 1979, the SRV engaged the

PRK to recognize the July 7, 1982 Agreement on the so-called "historical waters" in which

Mr. Hun Sen. then "Foreign Affairs Minister" of the PRK, and based on his "findings" of the

de-facto occupation of the SRV. had agreed to yield to the latter many Cambodian islands -

including the island Koh Tral (Phu Quoc, in Vietnamese) and the archipelago of Krachak

Ses/Poulo Panjang (Tho Chu in Vietnamese) - as well as a considerable portion of 30,000

square kilometers of Cambodian territorial sea. This agreement was further used by the SRV

to proclaim a new delimitation of its maritime border and its airspace to the detriment of

Cambodia. On land, the December 27, 1985 treaty on the delimitation of border followed

three previous agreements concluded by the same SRV and PRK dated July 20, 1983, July 13,

1984 and November 6, 1984, thus making it possible for Vietnam to immediately annex

several square kilometres of Cambodian territory along the eastern borders.

After the restoration of the independence of Cambodia in 1991, following the Paris

Agreements, the SRV-PRK agreements on the Vietnamese-Cambodian borders were muted

by the SRV government and by Mr. Hun Sen who then became again the prime minister of

the Kingdom of Cambodia. Mr. Hor Nam Hong, the Foreign Affairs Minister of the Hun Sen

Government, even declared in front of the Foreign Affairs Committee of the National

Assembly in 1998 that these agreements were already “nullified and invalidated" by the 1991

Paris Agreements and "that, thus, they are no longer valid." That was *a lie by the government*

to calm down the Members of Parliament while it was awaiting for the resumption of the

takeover of all the power leverages by Mr. Hun Sen after his July 5, 1997 coup d'etat and his

July 1998 "triumphant" re-election as prime minister. From that date on, Mr. Hun Sen, in

effect, assumed the right to decide authoritatively everything by making use of all kinds of

threats against all critics in a deliberate violation of the Constitution of the Kingdom - in

particular in violation to Article 55 which was inspired on the engagement of the Paris

Agreements, stipulating that *"Any treaty and agreement incompatible with the independence,*

*sovereignty, territorial integrity, neutrality and national unity of the Kingdom of Cambodia*

*shall be annulled."*

Thus, in Ho Chi Minh City, between March 22 and 27, 1999, the Joint Committee created by

the government of Hanoi and Mr. Hun Sen’s agreed to discuss on a few "litigious" points on

the common land border between Vietnam and the Kingdom of Cambodia based on the SRV-

PRK treaties and agreements dated from the 80s. A planned “Supplemental Treaty” was

elaborated by the same Joint Committee and adopted by the Council of Ministers on

December 22, 2000, but it was kept secret until 2005 waiting for an opportune lime, it was ’

nothing more than an inept deception.

On July 11, 2005, in his letter to the new King Norodom Sihamoni, Mr. Hun Sen clearly

indicated that the treaties and agreements concluded between the PRK and the SRV during

the Vietnamese occupation of Cambodia still remain “valid.” He also confirmed that “since

1993,” his Royal Government still uses them as basis for new negotiations with Vietnam.

Finally, on October 10, 2005, Mr. Hun Sen flew to Hanoi to sign with Phan Van Khai, his

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Vietnamese counterpart (who recently stepped down on his own accord!), the famous

“Supplementary Treaty” in which it was recalled that the land border between Cambodia and

Vietnam was “already delimited by the Treaty on the state border delimitation between the

People’s Republic of Kampuchea (PRK) and the Socialist Republic of Vietnam dated

December 27,1985,” and that the current “Supplemental Treaty” was elaborated only with the

aim of “confirming the various modifications brought to the delineation” of the latter border.

In this maimer, by probing the motivations and the feelings of the partners of these "treaties,"

neither the Kingdom of Cambodia nor the International Community would have the right to

dispute on any matter regarding this 1985 Treaty concluded by the so-called People’s

Republic of Cambodia (PRK) with Hanoi which was internationally ignored and never

recognized. It is expected that the "validity" of the 1979, 1982, and 1983 SRV-PRK treaties

and agreements will also enjoy the same recognition. The goal of this "Supplementary Treaty"

is mainly aimed at legalizing all these unequal and illegal treaties which were imposed on

Cambodia, in total contradiction to the 1989 Vienna Convention on the "Right of Treaties", as

well as in contradiction to the 1991 Paris Agreements, to the 1993 Constitution of Cambodia

and to the interest of the Cambodian Nation.

Moreover, on the spot, news media and members of civil societies regularly report that the

Cambodian population living along the border provinces with Vietnam from the north to the

south continuously undergo, for several years already, exactions by Vietnamese civilian and

military forces who are coming to grab their lands, houses, rice fields and other crop planting

lands under pretext that they are "on the Vietnamese territory based on the 1985 treaty." The

Phnom Penh authorities did not raise any protest in this regards.

Mr. Secretary-General,

The violations of the 1991 Paris Agreements on the democratic constitutional provisions of

Cambodia by Mr. Hun Sen were possible only because of the constant recourse by Mr. Hun

Sen to use the worst threats and to dispense arbitrary repressions against criticisms from

Cambodian personalities and opinion regarding the signing of the above "Supplementary

Treaty".

On his return from Hanoi on October 13, 2005, Mr. Hun Sen immediately launched a new

terror campaign: throwing in jail without judgment and without issuing any arrest warrants,

journalists, trade unionists, other members of the civil societies, and myself, Sean Pengse,

who are accused of being "troublemakers" and condemned of “defamation” crimes or of

"incitation to overthrow the Government" accusations, i.e., those whose only crime was to

contest the legitimacy and the legality of these treaties, and the legality and legitimacy of the

acts taken by the Prime Minister of the Kingdom of Cambodia. The monarchy itself was also

publicly threatened with "abolition" by Mr. Hun Sen should the new King refuse to ratify the

above "Supplementary Treaty" recently concluded by Mr. Hun Sen and Hanoi.

Under no circumstances had the concerned Cambodian people living along border areas been

consulted, nor had they been informed by the Government of Mr. Hun Sen on the situation

changes. On November 11, 2005, at the National Assembly, a hand raise vote was

"exceptionally" imposed for the adoption by the Members of Parliament of the

"Supplementary Treaty." Neither the MPs nor the King, who is Head of State, had the

possibility, as stipulated by the Constitution, to study in details the texts proposed or

announced in this treaty, nor did they have the chance for a prior checking on the spot of the

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delineations of the geographic maps presented. The country then truly lived under a state of

emergency provoked by the Prime Minister. The adoption of the treaty by the National

Assembly was made under Mr. Hun Sen’s threat of "regime change" if the treaty was rejected,

furthermore, the treaty was based solely on the assertion made by Mr. Hun Sen that "the

border delineation (defined by the SRV-PRK treaty dated December 27, 1985, and now

completed by the Supplementary Treaty) corresponds exactly to that of the 1964 Cambodia

map which was recognized by more than thirty countries in the world." Norodom Sihanouk,

the former monarch, who never ceased condemning the above territorial treaties between the

SRV and the so-called PRK, had protested then his sharp disapproval to the recognition of

these treaties by the Kingdom of Cambodia. Finally, on November 30, 2005, when the new

King Norodom Sihamoni agreed to ratify the above "Supplementary Treaty", he made a point

of specifying expressly and significantly that his act was done "to preserve the peace and

stability of the Khmer society." The King, just like the Parliament, yielded to the threats

advanced by the Prime Minister of dissolution of the country, this confirmed that indeed the

Prime Minister’s act is illegal.

Mr. Secretary-General.

For several centuries, the Cambodian People from successive generations have deeply

suffered the witness of their lands being continuously cut up by neighbouring countries, in

particular by Vietnam, after having tragically being submitted to wars of invasion and

colonization by this same Vietnam. It was these wars, these territorial annexations and this

forced colonization, which were preceded or followed by the chase and massacre of our local

population, which nourished the "ancestral" hatred between the people of Cambodia and

Vietnam. Furthermore, al limes, some Cambodian leaders themselves do not hesitate, against

the interests and the will of their own people, to authoritatively cede pieces of our national

territoiy to these ravenous neighbors in exchange for assistance from these neighbors in their

conquest or their maintenance in power against their internal competitors, or simply because

of their weaknesses and cowardice in front of the "gifts" offered or the threats pronounced by

the neighboring countries. This is nothing more than the logical remnants of past centuries

principle whereby the brute force prevails over all rights.

With the application of the above SRV-PRK treaties dated from the 80s in addition to the

annexations of Cambodian territories, it is estimated that, at present, nearly 5 million

Vietnamese settlers - known as "illegal immigrants" who are roaming freely inside Cambodia

- i.e., more than 35% of the total Cambodian population of 14 million, are dangerously

threatening the national unity of our country and its political stability. However, from the very

beginning of the 20th century and since our accession to independence in 1953, the territory

of Cambodia is defined and protected by a large number of International Conventions.

recognized by the 1954 Geneva Accords on Indochina and confirmed again by the recent

1991 Paris Peace Agreements on Cambodia which precisely stipulated that: *"Cambodia*

*solemnly undertakes, through this Agreement, ... to terminate treaties and agreements that*

*are incompatible with its sovereignty, independence, territorial integrity and inviolability.'*

*neutrality, and national unity* ", and *"The other parties to this Agreement hereby solemnly*

*undertake to recognize and to respect in every way the sovereignty, independence, territorial*

*integrity and inviolability, neutrality and national unity of Cambodia ".*

The Cambodia’s Border Committee in France and Worldwide, like all the Cambodian People.

who have faith on the supremacy of rights over brute force, and who have faith in the great

wisdom of the International Community represented by the high authorities of the UN, we

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have condemned, we are condemning, and we will condemn any recognition of treaties

concluded between the Socialist Republic of Vietnam and the People’s Republic of Cambodia

between 1979 and 1991. We are hereby appealing to your high authority not to recognize,

record, nor publish the attempt to legalize and validate of the above "Supplementary Treaty *to*

*the Treaty of State Border Delimitation dated December 27, 1985 between the Socialist*

*Republic of Vietnam and the Popular Republic of Cambodia"* which seriously impairs the

integrity and the territorial inviolability of Cambodia.

Hoping that you would accede to our current request and that you would take the necessary

action pursuant to the law under the framework of respect of International Agreements in

place, and in the name of the Rights of the Cambodian People to pursue our own destiny,

please accept Mr. Secretary-General, our deepest recognition and our highest regards, in the

name of all our Compatriots and members and sympathizers of our Committee worldwide.

Paris, June 30,2006

Sean Pengse

Mining Engineer and Former Minister

President of the Cambodia’s Border Committee

in France and Worldwide

*Enclosure:* Text of the "Supplementary Treaty to the Treaty of State Border Delimitation

dated December 27, 1985, between the Socialist Republic of Vietnam and the People’s

Republic of Cambodia"

*Copy to:*

- His Majesty King-Father Norodom Sihanouk,

- His Majesty King Norodom Sihamoni,

- National Institutions,

- Co-Prcsidents of the 1991 Paris Conference on Cambodia,

- Signatory Countries to the 1991 Paris Peace Agreements on Cambodia.

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6.B.1

Traite de Paix, d’Amitie et de Cooperation \

(Phnom-Penh, 18 fevrier 1979)

*(Source : Agence Vietnamienne d’Informatiori)*

La Republique socialiste du Vietnam et la Republique populaire du Kampuchea;

Partant des traditions de solidarite militante et d’amitie fratemelle entre le Vietnam

et le Kampuchea, ayant surmonte de nombreuses epreuves pour devenir une force

indestructible assurant la victoire a la cause de la defense et de 1’edification de chaque

pays,

Profondement conscientes que 1’independance, la liberte, la paix et la securite des

deux pays ont des relations etroites et que les deux parties ont le devoir de s’entraider de

tout coeur dans la consolidation et la defense des acquis revolutionnaires grandioses

qu’elles ont obtenus durant une trentaine d’annees de luttes pleines de difficultes et de

sacrifices,

Affirmant que la solidarite militante et la cooperation d’amitie durable dans tous les

domaines entre le Vietnam et le Kampuchea repondent aux interets vitaux des deux

peuples et constituent un facteur garantissant la paix et stability durables en Asie du Sud-

Est en conformite avec les interets fondamentaux des peuples de cette region et

contribuant au maintien de la paix mondiale,

Convaincues que la victoire totale du peuple kampuchean, sous le drapeau glorieux

du Front d’union nationale du Kampuchea pour le salut national et que la politique

judicieuse d’independance, de souverainete et de solidarite intemationale de chaque pays

et le respect mutuel des interets legitimes des deux pays constituent de solides bases pour

le developpement ininterrompu des relations d’amitie et de cooperation entre les deux

pays,

En vue de renforcer la solidarite militante, la cooperation amicale a long terme et

1’entraide a tous les egards entre les deux pays pour la consolidation de 1’independance,

1’edification d’une vie heureuse et prospere dans chaque pays et en contribuant au

maintien de la paix et de la securite en Asie du Sud-Est et dans le monde conformement

aux objectifs du mouvement des non-alignes et a la Charte des Nations Unies,

Ont decide de signer le present traite et sont convenues de ce qui suit:

Article ler.- Les deux parties s’engagent a oeuvrer de toutes leurs forces preserver et

developper sans cesse les traditions de solidarite militante, les relations d’amitie et de

cooperation ffatemelles Vietnam-Kampuchea, la confiance mutuelle et 1’entraide dans

tous les domaines sur la base du respect mutuelle de 1’independance, de la souverainete

et des interets legitimes, de la non-ingerence dans les affaires interieures, selon les

principes de 1’egalite et des avantages reciproques.

Chaque partie oeuvrera de son mieux dans 1’education de ses cadres et combattants

et de tout le peuple afm qu’ils preservent les traditions de solidarite militante et d’amitie

constante entre le Vietnam et le Kampuchea pour qu’elles soient etemellement pures.

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Article 2.- Partant du principe que la defense et 1’edification dans chaque pays sont

1’ceuvre de son peuple respectif, les deux parties s’engagent a se prater mutuellement de

tout coeur soutien et aide dans tous les domaines et sous toutes les formes necessaires en

vue de renforcer les capacity s de chaque peuple de defendre 1’independance, la

souverainete et I’integrite de son territoire et de son oeuvre d’edification pacifique et de

lutter contre toutes les visees et actions de sape des forces imperialistes et reactionnaires

intemationales. Les deux parties prendront des mesures efficaces pour materialiser cet

engagement sur la demande de I’une ou de 1’autre partie.

Article 3.- Pour s’entraider dans 1’edification de la prosperity de leur pays respectif et

d’une vie de bien-etre et de bonheur, les deux parties approfondiront leurs relations

fratemelles d’echange et de cooperation mutuellement profitables, se preteront

mutuellement assistance dans les domaines economique, cultural, d’enseignement,

sanitaire, scientifique, technique et de formation des cadres et echangeront des experts et

des experiences dans 1’edification nationale a tous les egards.

A cette fin, les deux pays signeront des accords necessaires, multiplieront les

contacts et la cooperation entre les organismes d’Etat interesses et les organisations de

masse des deux pays.

Article 4.- Les deux parties s’engagent a resoudre par des negotiations pacifiques tous

les differends eventuels dans leurs relations bilaterales. Elies procederont a des

negotiations pour signer un traite de delimitation des frontieres nationales entre les deux

pays sur la base des frontieres actuelles et sont resolues a faire de cette frontiere une

frontiere de paix et d’amitie durables entre les deux pays.

Articles 5.- Les deux parties observent strictement 1’independance et la souverainete de

la politique propre a chacune.

Les deux parties persistent dans leur politique exterieure d’independance, de paix,

d’amitie et de cooperation et de non-alignement, selon le principe de la non-ingerence,

sous toutes les formes, dans les affaires interieures d’autrui, du refiis de toute ingerence

exterieure dans les affaires interieures de leur pays et du refus de permettre a n’importe

quel pays d’utiliser son territoire pour intervenir dans les autres pays.

Les deux parties tiennent en grande estime les traditions de solidarity militante et

d’amitie fraternelle de longue date entre les peuples du Kampuchea, du Laos et du

Vietnam, elles s’engagent a faire de leur mieux pour developper ces relations

traditionnelles sur la base du respect de leur independance, de la souverainete et de

I’integrite territoriale de chaque pays. Les deux parties developpent leurs relations

multiformes avec les pays socialistes.

Etant des pays du Sud-Est asiatique, la Republique socialiste du Vietnam et la

Republique populaire du Kampuchea persistent dans leur politique d’amitie et de bon

voisinage avec la Thailande et les autres pays du Sud-Est asiatique pour apporter une

contribution positive a la paix, a la stability et a la prosperity dans cette region. Elies

developpent leurs relations de cooperation avec les pays d’independance nationale, les

mouvements de liberation nationale et les mouvements democratiques et soutiennent

resolument la lutte des peuples pour la paix, 1’independance nationale, la democratic et le

progres social. Les deux parties apporteront leur contribution positive a la solidarity et a

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la croissance du mouvement de non-alignement dans la lutte contre 1’imperialisme et les

autres forces reactionnaires Internationales pour la conquete et la defense de

1’independance nationale et 1’etablissement d’un nouvel ordre economique mondial.

Article 6.- Les deux procederont regulierement a des echanges de vues sur les problemes

ayant trait a leurs relations bilaterales et sur les problemes intemationaux d’interet

commun. Tous les problemes dans les relations entre les deux pays seront regies par des

negotiations dans 1’esprit logique et raisonnable de la comprehension et du respect

mutuels.

Article 7.- Le present traite n’est nullement destine a s’opposer a un pays tiers et

n’affecte pas les droits et obligations des deux parties vis-a-vis des accords bilateraux ou

multilateraux auxquels elles participent.

Article 8.- Le present traite entrera en vigueur a partir de la date de 1’echange des

instruments de ratification. La ratification sera faite selon les procedures propres a

chaque partie.

Article 9.- Le present traite est valable pour une periode de vingt-cinq ans et sera

tacitement reconduit chaque fois pour dix ans si I’une des deux parties contractantes ne

notifie pas par ecrit a 1’autre son desir de 1’abroger un an avant son expiration.

Fait a Phnom-Penh, capitale de la Republique populaire du Kampuchea, le 18 fevrier

1979, en double exemplaire en langues vietnamienne et khmere, les deux textes faisant

egalement foi.

Pour le gouvernement de la Republique

socialiste du Vietnam

Pham Van Dong,

Premier ministre

Pour le Conseil populaire

Revolutionnaire de la Republique

populaire du Kampuchea

HengSamrin.

President du Conseil populaire revolutionnaire

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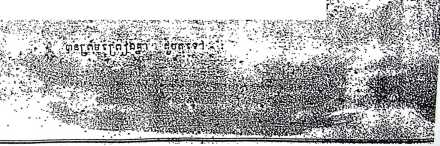
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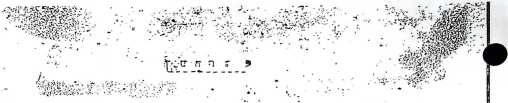
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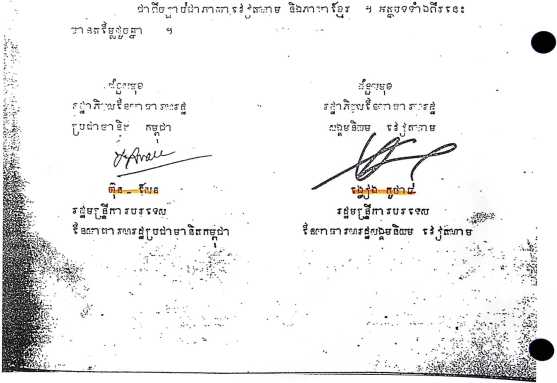
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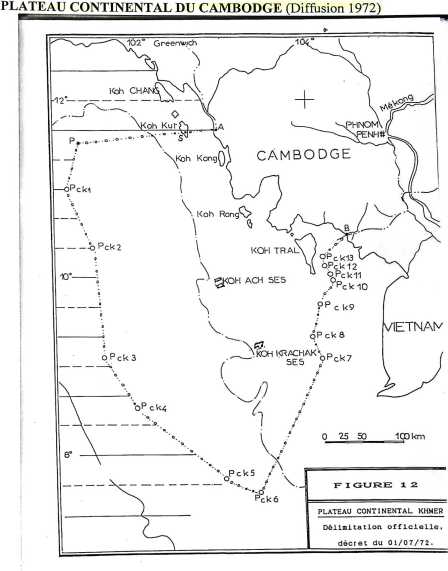
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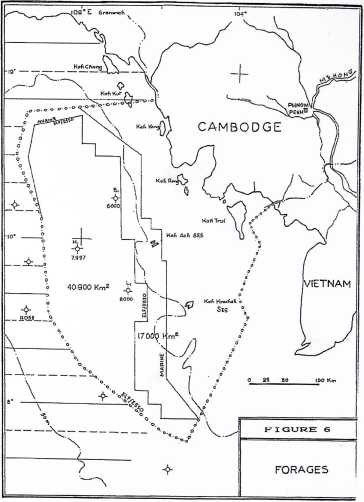
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6.B.3



174

**RECHERCHE PETROLIERE** (Carte pour Permis de Forages, 06 fevrier 1970)



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PLATEAU CONTINENTAL DU CAMBODGE

NOTES sur 1’elaboration du Decret du ler juillet 1972

**- 30 decembre 1957 :** Decret royal n° 662 NS portant Definition et delimitation du plateau

continental du Cambodge, signe par S.M. Norodom Suramarit, sur presentation du Ministre

des Travaux Publics et des Telecommunications (M. TOUCH Kim) et re?u pour execution par

le President du Conseil des ministre (M. SIM Var).

Son Article 2 indique que « la largeur de la met territoriale du Cambodge est decomptee a

partir des lignes de base droites et fixee a Cinq milles nautiques ». Un plan a grande echelle

de la mer territoriale et de la zone contigue est annexe au decret a ce moment-la, mais a du

etre ensuite abandonne, pour modification des largeurs des diverses zones maritimes,

conformement aux nouvelles dispositions de la Convention intemationale de Geneve sur le

Droit de la Mer du 28 avril 1958.

**- 16 decembre 1968 :** Loi sur les Mines n° 380/68 CE, votee par 1’Assemblee Nationale,

autorise le Gouvemement (Samdech PENN Nouth) de proceder, entre autres, a la recherche

de petrole en offshore. Son Article 2 stipule : « *La definition et la delimitation du plateau*

*continental (du Cambodge) doivent etre conformes aux dispositions de la Convention*

*internationale de Geneve du 28 avril 1958, en particulier a ses articles 1 et 6 ».*

La loi a prevu egalement la creation d’une Commission interministerielle pour

1’elaboration de la carte geographique du Plateau continental du Cambodge.

**- Mars-Avril 1969 :** Le Ministre de 1’Industrie (M. KEAT Chhon) re«?oit les propositions

d’etudes et de recherches du petrole cambodgien en offshore de la compagnie franqaise ELF-

ERAP et de la compagnie italienne ENI. Le Ministre etait alors en charge de discuter les

conditions de travail des deux compagnies. A la fin, le Gouvemement a porte son choix pour

la compagnie ELF/ERAP, pour ses conditions plus avantageuses au Cambodge que celles de

1’ENI.

**- 11 juillet 1969 :** Le Conseil de Cabinet charge le Ministre de 1’Industrie (M. KEAT Chhon),

pendant qu’il discute avec les representants d’ELF-ERAP (dont M. Jehan-Claude LOT) sur

les conditions de recherche petroliere, de lui presenter le projet du nouveau trace du plateau

continental du Cambodge. Une Sous-Commission du Plateau continental est alors formee,

composee de representants des Ministeres de 1’Industrie (M. SEAN Pengse), des Travaux

Publics (M. CHHIM Tay Heng), de la Defense nationale (le Capitaine de corvette SOM Sary

et 1’Amiral Coedes, Conseiller), etc. La France, sollicitee par le Gouvemement khmer pour

son assistance technique, a envoye a Phnom-Penh M. Pierre LEGOUX, ingenieur des Mines

et expert international en Droit de la Mer. M. Olivier DOTTIN, chef de la Mission geologique

au Cambodge depuis 1966, nous assista egalement dans nos etudes.

**- 9 septembre 1969 :** Un Avant-projet de la carte du plateau continental est soumis a la

Presidence du Conseil des Ministres qui le fit etudier par un Comite Technique compose de

M. YEM Sarong (President) et de MM. ENG Hun, KEAT Chhon, HING Kunthel, PHUNG

Ton et HO Ton Lip (Membres). Ce Comite Technique se reunira 9 fois, du 22 septembre au

11 novembre 1969.

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**- 27 septembre 1969 :** Declaration du Gouvemement Royal (par M. UNG Hong Sath): la

largeur de la mer territoriale (du Cambodge) est fixee a douze (12) milles marins et

« reaffirme solennellement sa pleine et entiere souverainete sur son plateau continental ».

**- 30 septembre 1969 :** Ordre de service du Conseil des Ministres (le General LON Nol) n°

236 CPM/28/OS portant creation d’une Commission interministerielle chargee d’etudier le

marche de gre a gre avec ELF-ERAP. Cette Commission est composee de representants des

Ministeres de 1’Industrie, des Travaux Publics, des Finances, du Commerce, de la Banque

Nationale, de 1’Office National de Change et du Directeur des Mines, de la Geologic et du

Petrole (M. SEAN Pengse) comme Membre rapporteur, avec le Pr. PHUNG Ton egalement

comme Conseiller juridique.

**- 1969 : Koh Tral** figure dans la liste officielle des iles cambodgiennes , sous le n° 61 (sur un

total de 64 iles), publiee par le Ministere de 1'Industrie, des Mines et d 1’Artisanat.

**- Decembre 1969** - Le nouveau projet de la carte du plateau continental, approuve par le

Comite technique, est transmis pour examen encore au Conseil des Ministre (preside par S.A.

SISOWATH Sirik Matak).

**- 06 fevrier 1970 :** Le Decret n° 77/70 CE du Gouvemement accorde a la compagnie ELF-

ERAP le Permis de recherches en mer sur le plateau continental du Cambodge.

**- Avril 1970 a mars 1971 :** ELF-ERAP precede au releve geophysique sur tout le plateau

continental cambodgien. Le releve a une longueur totale de 4947 Km.

**- 13 avril 1971 :** Decret d’application du Permis, sur la question de fiscalite concemant ELF-

ERAP.

**- ler juillet 1972 :** Decret N° 439-72/PRK du ler juillet 1972 portant delimitation du Plateau

Continental du Cambodge. Publication officielle et diffusion Internationale de la carte du

Plateau continental cambodgien.

**- Septembre 1972 :** Debut des forages par ELF-ERAP : forage Hl a 50 km au sud de Koh

Wai"; profondeur du puits : 2400m.

**- Fin decembre 1972 :** Une delegation ministerielle khmere s’y est rendue, pour une visite de

controle.

**- Aout a octobre 1974 :** Forages LI devant Koh Krachak Ses (profondeur 2400 m), et Bl

devant Koh Tang (profondeur 1800 m).

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6.B.4

**La « Circulaire » Brevie**

Hanoi, le 31 Janvier 1939

DIRECTION DES AFFAIRES POLlTlQUES

N° 367-API

LE GOUVERNEUR GENERAL DE L’INDOCHINE

Grand Officier de la Legion d’Honneur

a

Monsieur le Gouvemeur de la Cochinchine,

a SAIGON

OBJET : Iles du Golfe du Siam

J’ai 1’honneur de vous faire connaitre que je viens de proceder a un nouvel examen de la

question des lies du Golfe du Siam dont la possession est contestee entre le Cambodge et la

Cochinchine.

La situation de ce chapelet d’iles, egrenees tout le long de la cote cambodgienne et dont

certaines se trouvent si rapprochees de cette cote que les atterrissements qui se poursuivent

actuellement paraissent devoir les souder au rivage du Cambodge dans un avenir relativement

proche, appelle logiquement et geographiquement la necessite, pour ces ilots, de relever de

1’Administration de ce dernier pays.

J’estime impossible de laisser se perpetuer plus longtemps I’etat de choses existant qui

oblige les habitants de ces Ties a s’adresser, soit au prix d’une longue traversee, soit au prix

d’un long detour par le territoire cambodgien, a 1’administration de la Cochinchine. En

consequence, j’ai decide que toutes les lies situees au Nord d’une ligne perpendiculaire a la

cote partant de la frontiere entre le Cambodge et la Cochinchine et faisant un angle de 140°c

avec le Nord du Meridien, conformement a la carte ci-annexee, seront desormais administrees

par le Cambodge. Le protectorat assumera, en particulier, la charge de la police de ces iles.

Toutes les iles situees au sud de cette ligne, y compris 1’ile entiere du Phu-Quoc,

continueront a etre administrees par la Cochinchine. Il est entendu que la ligne de demarcation

ainsi fixee contoumera le Nord de 1’ile de Phu-Quoc en passant a 3 kms des points extremes

de la cote Nord de cette ile.

Les pouvoirs d’administration et de police sur ces iles seront ainsi nettement repartis entre

la Cochinchine et le Cambodge de fafon a eviter toutes contestations a 1’avenir.

Il est bien entendu qu’il ne s’agit que de 1’administration et de la police, et que la question

de la dependance territoriale de ces iles reste entierement reservee.

Vous voudriez bien prendre vos dispositions pour que ma decision re^oive son application

immediate.

Je vous prie de m’accuser reception de cette lettre.

Signe: BREVIE •

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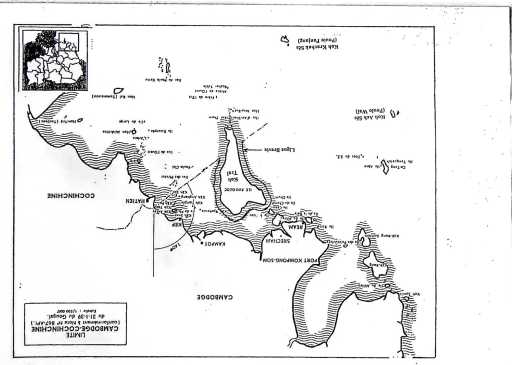
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1. C.1

https ://en.rn.wikipedia.org/wiki/Geneva\_Agreements

b The Final Declaration of The Geneva Conference: On Restoring Peace in Indochina, July 21,

1954(1954)

Following the drafting of the Geneva Conference agreements on cessation of hostilities in Viet Nam, the

conference also drafted a statement clarifying the agreements. Many points implied but not specified in the

agreements document were included in this statement, (e.g, point 6,"the military demarcation line should not

in any way be interpreted as constituting a political or territorial boundary")

Final declaration, dated July 21,1954, of the Geneva Conference on the problem of restoring peace in

Indochina, in which the representatives of Cambodia, the Democratic Republic of Viet-Nam, France, Laos, the

People's Republic of China, the State of Viet-Nam, the Union of Soviet Socialist Republics, the United Kingdom

and the United States of America took part.

1. The Conference takes note of the agreements ending hostilities in Cambodia, Laos, and Viet-Nam

and organizing international control and the supervision of the execution of the provisions of these

agreements.

1. The Conference expresses satisfaction at the ending of hostilities in Cambodia, Laos, and Viet-Nam.

The Conference expresses its conviction that the execution of the provisions set out in the present

declaration and in the agreements on the cessation of hostilities will permit Cambodia, Laos, and

Viet-Nam henceforth to play their part, in full independence and sovereignty, in the peaceful

■ community of nations.

1. The Conference takes note of the declarations made by the Governments of Cambodia and of Laos

of their intention to adopt measures permitting all citizens to take their place in the national

community, in particular by participating in the next general elections, which, in conformity with the

constitution of each of these countries, shall take place in the course of the year 1955, by secret

ballot and in conditions of respect for fundamental freedoms.

1. The Conference takes note of the clauses in the agreement on the cessation of hostilities in Viet-

Nam prohibiting the introduction into Viet Nam of foreign troops and military personnel as well as

of all kinds of arms and munitions. The Conference also takes note of the declarations made by the

Governments of Cambodia and Laos of their resolution not to request foreign aid, whether in war

material, in personnel, or in instructors except for the purpose of effective defense of their territory

and, in the case of Laos, to the extent defined by the agreements on the cessation of hostilities in

Laos.

1. The Conference takes note of the clauses in the agreement on the cessation of hostilities in Viet-

Nam to the effect that no military base at the disposition of a foreign state may be established in

the regrouping zones of the two parties, the latter having the obligation to see that the zones

allotted to them shall not constitute part of any military alliance and shall not be utilized for the

resumption of hostilities or in the service of an aggressive policy. The Conference also takes note of

the declarations of the Governments of Cambodia and Laos to the effect that they will not join in any

k agreement with other states if this agreement includes the obligation to participate in a military

F alliance not in conformity with the principles of the charter of the United Nations or, in the case of

Laos, with the principles of the agreement on the cessation of hostilities in Laos or, so long as their

security is not threatened, the obligation to establish bases on Cambodian or Laotian territory for the

military forces of foreign powers.

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1. The Conference recognizes that the essential purpose of the agreement relating to Viet-Nam is to

settle military questions with a view to ending hostilities and that the military demarcation line should

not in any way be interpreted as constituting a political or territorial boundary. The Conference

expresses its conviction that the execution of the provisions set out in the present declaration and ir

the agreement on the cessation of hostilities creates the necessary basis for the achievement in the

near future of a political settlement in Viet-Nam.

1. The Conference declares that, so far as Viet-Nam is concerned, the settlement of political problems

effected on the basis of respect for the principles of independence, unity, and territorial integrity,

shall permit the Vietnamese people to enjoy the fundamental freedoms, guaranteed by democratic

institutions established as a result of free general elections by secret ballot.

In order to insure that sufficient progress in the restoration of peace has been made, and that all the

necessary conditions obtain for free expression of the national will, general elections shall be held in

July 1956, under the supervision of an international commission composed of representatives of the

member states of the International Supervisory Commission referred to in the agreement on the

cessation of hostilities. Consultations will be held on this subject between the competent

representative authorities of the two zones from April 20,1955, onwards.

1. The provisions of the agreements on the cessation of hostilities intended to insure the protection of

individuals and of property must be most strictly applied and must, in particular, allow every one in

Viet-Nam to decide freely in which zone he wishes to live.

1. The competent representative authorities of the northern and southern zones of Viet-Nam, as well

as the authorities of Laos and Cambodia, must not permit any individual or collective reprisals

against persons who have collaborated in any way with one of the parties during the war, or against

members of such persons' families.

1. The Conference takes note of the declaration of the French Government to the effect that it is ready

to withdraw its troops from the territory of Cambodia, Laos, and Viet-Nam, at the request of the

governments concerned and within a period which shall be fixed by agreement between the parties

except in the cases where, by agreement between the two parties, a certain number of French

troops shall remain at specified points and for a specified time.

1. The Conference takes note of the declaration of the French Government to the effect that for the

settlement of all the problems connected with the reestablishment and consolidation of peace in

Cambodia, Laos, and Viet-Nam, the French Government will proceed from the principle of respect

for the independence and sovereignty, unity, and territorial integrity of Cambodia, Laos, and Viet-

Nam.

12. In their relations with Cambodia, Laos, and Viet-Nam, each member of the Geneva Conference

undertakes to respect the sovereignty, the independence, the unity, and the territorial

above-mentioned states, and to refrain from any interference in their internal affairs.

integrity

of the

13. The members of the Conference agree to consult one another on any question which may be

referred to them by the International Supervisory Commission, in order to study such measures as

may prove necessary to insure that the agreements on the cessation of hostilities in Cambodia,

Laos, and Viet-Nam are respected.

Source: The Department of State Bulletin XXXI

No. 788 (August 2, 1954), p. 164.

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Geneva Agreements

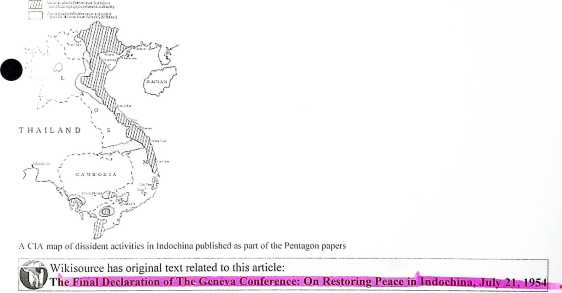


The US sent a representative to the conferences, but did not sign the document [i|

Walter Bedell Smith, US representative at the Conference, read a statement on July 21, 1954, in which the US'

willingness to abide by the terms of the agreements was implied, and it promised to "refrain from the threat or

use of force lo disturb" them.[i]



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6.C.2

Traite de Paix, d’Amitieet de Cooperation

(Ptmom-Penh, 18 fevrier 1979) '

*(Source : Agence Vietnamienne d‘Information)*

La Republique socialiste du Vietnam et la Republique populate du Kampuchea;

Partant des traditions de solidarity militante et d’amitie fratemelle entre le Vietnam

et le Kampuchea, ayant surmonte de nombreuses epreuves pour devenir une force

indestructible assurant la victoire a la cause de la defense et de 1’edification de chaque

pays,

Profondement conscientes que 1’independance, la liberte, la paix et la security des

deux pays ont des relations etroites et que les deux parties ont le devoir de s’entraider de

tout coeur dans la consolidation et la defense des acquis revolutionnaires grandioses

qu’elles ont obtenus durant une trentaine d’annees de luttes pleines de difficultes et de

sacrifices,

Affirmant que la solidarity militante et la cooperation d’amitie durable dans tous les

domaines entre le Vietnam et le Kampuchea repondent aux interets vitaux des deux

peuples et constituent un facteur garantissant la paix et stability durables en Asie du Sud-

Est en conformite avec les interets fondamentaux des peuples de cette region et

contribuant au maintien de la paix mondiale,

Convaincues que la victoire totale du peuple kampuchean, sous le drapeau glorieux

du Front d’union nationale du Kampuchea pour le salut national et que la politique

judicieuse d’independance, de souverainete et de solidarity Internationale de chaque pays

et le respect mutuel des interets legitimes des deux pays constituent de solides bases pour

le developpement ininterrompu des relations d’amitie et de cooperation entre les deux

pays,

En vue de renforcer la solidarity militante, la cooperation amicale a long terme et

1’entraide a tous les egards entre les deux pays pour la consolidation de 1’independance,

1’edification d’une vie heureuse et prospere dans chaque pays et en contribuant au

maintien de la paix et de la security en Asie du Sud-Est et dans le monde conformement

aux objectifs du mouvement des non-alignes et a la Charte des Nations Unies,

Ont decide de signer le present traite et sont convenues de ce qui suit:

Article ler.- Les deux parties s’engagent a oeuvrer de toutes leurs forces preserver et

developper sans cesse les traditions de solidarity militante, les relations d’amitie et de

cooperation fratemelles Vietnam-Kampuchea, la confiance mutuelle et 1’entraide dans

tous les domaines sur la base du respect mutuelle de 1’independance, de la souverainete

et des interets legitimes, de la non-ingerence dans les affaires interieures, selon les

principes de I’egalite et des avantages reciproques.

Chaque partie oeuvrera de son mieux dans 1’education de ses cadres et combattants

et de tout le peuple afin qu’ils preservent les traditions de solidarity militante et d’amitie

constante entre le Vietnam et le Kampuchea pour qu’elles soient etemellement pures.

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Article 2.- Partant du principe que la defense et 1’edification dans chaque pays sont

1’oeuvre de son peuple respectif, les deux parties s’engagent a se preter mutuellement de

tout coeur soutien et aide dans tous les domaines et sous toutes les formes necessaires en

vue de renforcer les capacites de chaque peuple de defendre 1’independance, la

souverainete et 1’integrite de son territoire et de son oeuvre d’edification pacifique et de

lutter contre toutes les visees et actions de sape des forces imperialistes et reactionnaires

intemationales. Les deux parties prendront des mesures efficaces pour materialiser cet

engagement sur la demande de I’une ou de 1’autre partie.

Article 3.- Pour s’entraider dans 1’edification de la prosperite de leur pays respectif et

d’une vie de bien-etre et de bonheur, les deux parties approfondiront leurs relations

fratemelles d’echange et de cooperation mutuellement profitables, se preteront

mutuellement assistance dans les domaines economique, culture!, d’enseignement,

sanitaire, scientifique, technique et de formation des cadres et echangeront des experts et

des experiences dans 1’edification nationale a tous les egards.

A cette fin, les deux pays signeront des accords necessaires, multiplieront les

contacts et la cooperation entre les organismes d’Etat interesses et les organisations de

masse des deux pays.

Article 4.- Les deux parties s’engagent a resoudre par des negotiations pacifiques tous

les differends eventuels dans leurs relations bilaterales. Elies procederont a des

negotiations pour signer un traite de delimitation des frontieres nationales entre les deux

pays sur la base des frontieres actuelles et sont resolues a faire de cette frontiere une

frontiere de paix et d’amitie durables entre les deux pays.

Articles 5.- Les deux parties observent strictement 1’independance et la souverainete de

la politique propre a chacune.

Les deux parties persistent dans leur politique exterieure d’independance, de paix,

d’amitie et de cooperation et de non-alignement, selon le principe de la non-ingerence,

sous toutes les formes, dans les affaires interieures d’autrui, du refus de toute ingerence

exterieure dans les affaires interieures de leur pays et du refus de permettre a n’importe

quel pays d’utiliser son territoire pour intervenir dans les autres pays.

Les deux parties tiennent en grande estime les traditions de solidarite militante et

d’amitie fraternelle de longue date entre les peuples du Kampuchea, du Laos et du

Vietnam, tiles s’engagent a faire de leur mieux pour developper ces relations

traditionnelles sur la base du respect de leur independance, de la souverainete et de

1’integrite territoriale de chaque pays. Les deux parties developpent leurs relations

multiformes avec les pays socialistes.

Etant des pays du Sud-Est asiatique, la Republique socialiste du Vietnam et la

Republique populaire du Kampuchea persistent dans leur politique d’amitie et de bon

voisinage avec la Thai'lande et les autres pays du Sud-Est asiatique pour apporter une

contribution positive a la paix, a la stability et a la prosperite dans cette region. Elies

developpent leurs relations de cooperation avec les pays d’independance nationale, les

mouvements de liberation nationale et les mouvements democratiques et soutiennent

resolument la lutte des peuples pour la paix, 1’independance nationale, la democratic et le

progres social. Les deux parties apporteront leur contribution positive a la solidarite et a

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la croissance du mouvement de non-alignement dans la lutte contre 1’imperialisme et les

autres forces reactionnaires Internationales pour la conquete et la defense de

1’independance nationale et 1’etablissement d’un nouvel ordre economique mondial.

Article 6.- Les deux procederont regulierement a des echanges de vues sur les problemes

ayant trait a leurs relations bilaterales et sur les problemes intemationaux d’interet

commun. Tous les problemes dans les relations entre les deux pays seront regies par des

negotiations dans 1’esprit logique et raisonnable de la comprehension et du respect

mutuels.

Article 7.- Le present traite n’est nullement destine a s’opposer a un pays tiers et

n’affecte pas les droits et obligations des deux parties vis-a-vis des accords bilateraux ou

multilateraux auxquels elles participent.

Article 8.- Le present traite entrera en vigueur a partir de la date de 1’echange des

instruments de ratification. La ratification sera faite selon les procedures propres a

chaque partie.

Article 9.- Le present traite est valable pour une periode de vingt-cinq ans et sera

tacitement reconduit chaque fois pour dix ans si I’une des deux parties contractantes ne

notifie pas par ecrit a 1’autre son desir de 1’abroger un an avant son expiration.

Fait a Phnom-Penh, capitale de la Republique populaire du Kampuchea, le 18 fevrier

1979, en double exemplaire en langues vietnamienne et khmere, les deux textes faisant

egalement foi.

Pour le gouvemement de la Republique

socialiste du Vietnam

Pham Van Dong,

Premier ministre

Pour le Conseil populaire

Revolutionnaire de la Republique

populaire du Kampuchea

Heng Samrin,

President du Conseil populaire revolutionnaire

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6.D.1

June 17, 1987: **The United States protest over The Historic Waters**

**Agreement on July 7, 1982, between**

Cambodia and Vietnam - Gulf of Thailand1:

On July 7, 1982, Cambodia and Vietnam signed an agreement which, inter

alia, made claim to a part of the Gulf of Thailand as historic waters'\* . The

United States protested this claim in a note to the UN Secretary General, as

follows’\*\*:

Under the terms of this agreement the parties purportedly claim as historic

certain waters in the Gulf of Thailand extending from the mainland to Tho

Chu and Poulo Wai Islands.

As is well known under longstanding standards of customary international

law and State practice, historic waters are recognized as valid only if the

following prerequisites are satisfied: (a) the State asserting claims thereto

has done so openly and notoriously; (b) the State has effectively exercised its

authority over a long and continuous period; and (c) other States have

acquiesced therein.

In the case of the historic waters claim made by the parties to the above

agreement, the claim was first made internationally no earlier than July 7,

1982, less than five years ago, notwithstanding the assertion in the

agreement that the waters "have for a very long time belonged to Vietnam

and Kampuchea [Cambodia] due to their special geographical conditions and

their important significance towards each country's national defense and

economy."

The brief period of time since the claim's promulgation is insufficient to meet

the second criterion for establishing a claim to historic waters, and there is

no evidence of effective exercise of authority over the claimed waters by

either country before or after the date of the agreement. Moreover, without

commenting on the substantive merits or lack thereof attaching to the

"special geographical conditions" of the waters in question and their

"important significance towards each country's defense and economy," such

considerations do not fulfill any of the stated customary international legal

prerequisites of a valid claim to historic waters.

Finally, the United States has not acquiesced in this claim, nor can the

community of States be said to have done so. Given the nature of the claim

first promulgated in 1982, such a brief period of time would not permit

sufficient acquiescence to mature.

Therefore, the United States views the historic claim to the waters in

question as without foundation and reserves its rights and those of its

nationals in this regard.

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- Thailand, Singapore, and Germany have also protested this claim.

■ Source: **Limits in the Seas,** No. 112, United States responses to Excessive

National Maritime Claims, March 9, 1992, p. 12

http: / /www. state.gov/ documents/ organization / 58381. pdf

“ The text of this agreement can be found in FBIS Asia & Pacific, July 9, 1982, vol.

1. No. 132, pp. K3-K4

“ United States Mission to the United Nations in New York Note dated June 17,

1987, *reprinted, in* U.N. Law of the Sea Bulletin No. 10, Nov. 1987, at p. 23 and U.N.

Office for Ocean Affairs and the Law of the Sea, The Law of the Sea: Current

Developments in State Practice No. II, at 86 (U.N. Sales No. E.89.V.7, 1989)

[hereinafter U.N. Current Developments No. II]. Thailand and Singapore protested

this claim (and a claim to the airspace over these waters made by Vietnam in a

statement dated June 5, 1984, U.N. Doc. A/39/309, annex) in notes to the

Secretary-General of the United Nations *reprinted in* U.N. Office of the Special

Representative of the Secretary-General for the Law of the Sea, The Law of the Sea:

Current Developments in State Practice 147 (U.N. Sales No. E.87.V.3, 1987)

[hereinafter U.N. Current Developments No. I]

(Thailand, U.N. Doc. *A/401* 1 033), and in U.N. Current Developments No. II, at 84-

85 (Singapore, U.N. Doc. *A/411967* of Dec. 15, 1986). Singapore and Thailand also

stated the agreement is devoid of any legal effect since "the so-called Government of

the Peoples' Republic of Kampuchea does not represent Kampuchea.

*Id.* The Federal Republic of Germany protested Vietnam's claim in June 1984. *See*

PRESCOIT, at 212-30.

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6.D.2

LES INSTRUMENTS DE LA PROTECTION

DE L’INTEGRITE TERRITORIALE DU CAMBODGE

A. Face aux pretentions du VIETNAM

On connait les injustices du Protectorat fran?ais dans ses decisions

autoritaires de delimitation des frontieres du Cambodge avec les autres pays de

llndochine fran<?aise : les frontieres entre le Cambodge sous protectorat et la

colonie fran^aise de Cochinchine ne cessaient d’etre remaniees en faveur de la

colonie, entre 1863 et 1914, pour atteindre son paroxysme en 1949, 1’annee ou

la France ceda au Vietnam les terres khmeres de Cochinchine. **(SARIN**

**CHHAK, Les Frontieres du Cambodge,** Preface de Paul Reuter, Dalloz, T.I

1966, p.ll).

**1. Les delimitations francaises** furent faites principalement par :

- La Decision du Gouverneur de Cochinchine du 9 juillet 1870 ;

- La Convention franco-khmere du 15 juillet 1873 sur l’implantation de

124 bornes frontalieres entre la Cochinchine et le Cambodge du nord jusqu’au

canal de Vinh Te (Hatien, Cochinchine) ;

- La Circulaire du 31 juillet 1914 du Gouverneur general de la

Cochinchine delimitant la province khmere de Kampot et Hatien (Cochinchine)

- La Circulaire du Gouverneur General de Hndochine du 6 decembre

1935 delimitant la frontiere entre la province khmere de Kandal et Chaudoc

(Cochinchine)

- La Circulaire du 2 decembre 1942 du Gouverneur general de

llndochine echangeant des territoires entre la province de Kandal et Chaudoc

(Cochinchine)

- La lettre du Gouverneur General de llndochine BREVIE du 31 janvier

1939 qui fixe la limite administrative des espaces maritimes entre la

Cochinchine et le Cambodge.

1. **Les revendications du Cambodge depuis 1949**

En 1949, le Cambodge a envoye une delegation (composee de MM

Chhean Vam, Thonn Ouk, Sonn Voeunsai, Son Sann) pour protester aupres du

Gouvernement de M. Coste-Floret (MRP) qui voulait ceder la Cochinchine a

1’empereur annamite Bao Dai.

« La Delegation cambodgienne, fut puissamment aidee par 1’Assemblee de

lUnion Fran?aise presidee par Son Altesse Ping Peang Yukanthor et

comprenant de nombreux membres cambodgiens. Cette Assemblee a emis un

avis nettement defavorable au projet de cession de la Cochinchine a 1’empereur

Bao Dai.

Malgre les soutiens de personnalites francaises au Conseil de la

Republique et de 1’Assemblee Nationale, devant 1’insistance du Gouvernement

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Coste-Floret, par la loi de 1949, la Cochinchine dans sa totalite fut rattachee a

1’Annam.

Mais, cette question de la Cochinchine a du repasser en deuxieme

lecture a 1’Assemblee Nationale Fran<?aise, ou M. Gaston Deferre a fait voter

une Motion qui porta son nom et qui a demande au Gouvernement Fran?ais de

regler au prealable (suivant la proposition cambodgienne) toutes les questions

pendantes entre le Cambodge et la Cochinchine avant la cession de cette

colonie a 1’Annam, en particulier :

- le statut de la minorite khmere en Cochinchine et

- la rectification des frontieres entre les deux pays.

« Cette Motion est toujours valable et les questions restant a regler

concernent principalement: les rectifications de frontieres au profit du

protectorat et le statut des Cambodgiens du Kampuchea Krom » (Lettre de

rappel de M. SON SANN du 8 fevrier 1996 aux Co-Premiers ministres

NORODOM RANARIDDH et HUN SEN).

Apres le rattachement d’office par la France du territoire de

Cochinchine au Vietnam, lors de la Conference de Geneve de 1954, le

Cambodge a encore une fois souleve la question de ses droits sur cette terre

ancestrale. Dans la declaration de M. Tep Phan, delegue du Cambodge, on a pu

lire :

« Les paragraphes 7, 11 et 12 de 1’Acte Final stipulent le respect de

1’integrite territoriale du Vietnam. La Delegation cambodgienne demande a la

Conference de considerer que cette clause n’implique pas 1’abandon des Droits

et interets legitimes que le Cambodge pourrait faire valoir a 1’egard de certaines

regions du Sud Vietnam et au sujet desquelles le Cambodge a formule

d’expresses reserves, notamment au moment de la signature du Traite Franco-

Khmer du 8 novembre 1949, sur les relations entre le Cambodge et la France,

et lors du vote de la loi fran<?aise rattachant la Cochinchine au Vietnam ».

A 1’appui de cette declaration, la Delegation du Cambodge adresse a

tous les membres de la Conference un **«Memoire sur les terres**

**cambodgiennes au Sud-Vietnam ».**

Entre 1963 et 1969, **la reconnaissance de 1’integrite territoriale du**

**Cambodge** a pu etre faite par plus de trente Etats, dont effectivement la

France, la Grande-Bretagne, 1URSS, la Republique Populaire de Chine, le

Japon, 1’Australie, la Yougoslavie, la Republique Democratique Populaire de

Coree, 1’Egypte, le Senegal, ... La Republique Democratique du Vietnam 1’a fait

de meme, en reiterant, a deux reprises, son engagement dans ses declarations

en date du 27 juin 1964 et du 8 juin 1967 aux termes desquelles elle

« reconnait et s’engage a respecter 1’integrite territoriale du Cambodge dans ses

frontieres actuelles. »

*-Sur* ITle**KOH TRAL ;**

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L'histoire et les documents en notre possession ont montre que la

question de souverainete et des terres cambodgiennes n'a jamais ete oubliee

par les rois et les dirigeants cambodgiens, avant, pendant et surtout a la fin du

protectorat fran<?ais, a 1'accession a 1’independance du Cambodge en novembre

1953.

C'est ainsi qu'a 1'initiative du Prince NORODOM SIHANOUK des

conferences des pays et des peuples indochinois ont ete convoquees dans les

annees 1960. La question des lies khmeres dans le Golfe du Siam ne sont pas

en reste, en particulier la situation de Koh Tang, Koh Ach Ses (Poulo Wai), Koh

Krachak Ses (Poulo Panjang) et Koh Tral. Des decisions de protection de ces

iles ont ete prises, parmi lesquelles 1’Ordre de service n° 1134/PCM/AP/X du 7

juin 1957, le Decret n" 662/NS du 30 decembre 1957, le Decret n° 77/70 CE

du 06/02/1970, le Decret n° 439-72 PRK du ler juillet 1972 sur la ligne de

base du plateau continental cambodgien.

Toutes ces mesures, sont en conformite avec des documents

historiques, en 1’occurrence a la Circulaire du Gouverneur General BREVIE de

1939, et aux Accords franco-siamois de 1904 et de 1907, relatifs au trace de

delimitation des domaines maritimes et a 1’appartenance respective des iles aux

trois pays, et en particulier a la Convention de Geneve sur les Droits de la Mer

de 1958. Koh Tral, Koh Tang, Koh Krachak Ses (Poulo Panjang) et Koh Ach Ses

(Poulo Wai) font partie du patrimoine maritime cambodgien.

Ces textes ont fixe la limite laterale sud du domaine maritime du

Cambodge a « equidistance » entre la ligne de base des cotes cambodgiennes

situee au sud de Koh Tral et la ligne de base des cotes vietnamiennes qui borde

la province de Hatien, actuellement rebaptisee Kien Giang.

De ce fait, 1’exigence vietnamienne telle qu'elle est actuellement (a la suite

de 1’accord du 7 juillet 1982, depossedant le Cambodge de cette grande ile Koh

Tral) pour departager les domaines maritimes des deux pays, selon la meme

« regie d’equidistance » recommandee par la Convention sur les Droits de la

Mer de 1982, est tout simplement irrecevable.

1. **Les Accords de Paix de Paris sur le Cambodge du 23 octobre 1991 :**

Les Accords de Paix de Paris sur le Cambodge du 23 octobre 1991,

relatifs a la «Souverainete, 1'Independance, 1'Integrite et 1'Inviolabilite

territoriales, la Neutralite et 1'Unite nationale du Cambodge », ont prevu trois

cas :

1. Pour la partie cambodgienne, aux termes de Particle ler, §1 : « *Le*

*Cambodge s’engage solennellement, par le present Accord, a maintenir,*

*preserver et defendre sa souverainete, son independance, son integrite et son*

*inviolabilite territoriales, sa neutralite et son unite nationale... »*

Afin de realiser cet objectif, le meme article, en son paragraphe 2, alinea

d, enjoint au Cambodge de : « *Mettre fin aux traites et accords qui sont*

*incompatibles avec sa souverainete, son independance, son integrite et son*

*inviolabilite territoriales, sa neutralite et son unite nationale ».*

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1. Pour les autres parties signataires de 1’Accord, 1'article 2, §1, stipule :

*« Les autres parties au present Accord s ’engagent solennellement par cet Accord*

*a reconnoitre et respecter a tous egards la souverainete, I’independance,*

*I’integrite et I’inviolabilite territoriales, la neutralite et I’unite nationale du*

*Cambodge».*

1. L’article 5 de l’«Accord relatif a la Souverainete, I’independance,

I’integrite et I’inviolabilite territoriales, la Neutralite et I’unite nationale du

Cambodge» stipule en outre que : *«En cas de violation ou de menace de violation*

*de la souverainete, de I’independance, de I’integrite et de I’inviolabilite*

*territoriales, de la neutralite ou de I’unite nationale du Cambodge ou de I’un*

*quelconque des engagements pris en vertu du present Accord, les Parties a cet*

*Accord s’engagent a proceder immediatement a des consultations en vue de*

*prendre toutes les dispositions appropriees pour assurer le respect desdits*

*engagements et regler ces cas de violation par des moyens pacifiques.*

*Ces dispositions peuvent comporter entre autres, la saisine du Conseil de*

*Securite des Nations Unies ou le recours aux moyens de reglement pacifique des*

*differends mentionnes a l’article 33 de la Charte des Nations Unies .»*

- La Constitution du Royaume du Cambodge de 1993

29. L’article 55 de la Constitution du Royaume stipule que « *Tout traite et*

*accord qui ne sont pas compatibles avec I’independance, la Souverainete,*

*I’integrite territoriale, la Neutralite et I’Unite nationale du Royaume du Cambodge*

*seront formellement abroges».*

. Les declarations repetees de Sa Majeste le Roi NORODOM SIHANOUK

30. Sa Majeste NORODOM SIHANOUK, conformement aux dispositions de

l’article 8 de la Constitution de 1993 lui conferant le Statut de « garant de la

Constitution... et de I’integrite territoriale du Cambodge » a clairement declare

qu’Elle ne reconnaissait pas lesdits traites et accords, ni les travaux actuels de

la Commission Mixte khmero-vietnamienne sur la question des frontieres entre

le Cambodge et le Vietnam, de meme que *« les autres traites inter-Etats*

*«indochinois» ou thailandais-vietnamiens portant atteinte a I’integrite territoriale,*

*au trace des frontieres terrestres et maritimes du Cambodge des Annees 1963 a*

*1969».*

Ensuite, dans Ses messages du 12 decembre 2003, du 18 decembre

2004 et du 7 mai 2005, Il a denonce expressement« *la violation des Accords de*

*Paris de 1991 qui interdisent de considerer comme ‘«valables» les traites*

*inegaux entre la R S du Vietnam et la R P du Kampuchea, alias Etat du*

*Cambodge, sur la (fausse) integrite territoriale (terrestre et mer) du Cambodge\*.*

B. Face aux pretentions de la THAILANDE

1. Le traite de 1867 .

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Sous pretexte de proceder a une delimitation exacte des frontieres,

abusee par les Siamois qui pretendaient avoir la suzerainete sur le Cambodge,

la France par le traite franco-siamois de 1867 a cede aux Siamois les provinces

khmeres de Battambang, Angkor. Durant son regne, le Roi Preah Bat

NORODOM n’a cesse de faire des reclamations aux autorites franqaises sur ces

injustes cessions.

1. **Le traite franco-siamois du 13 mars 1904 :**

Il reconnait la souverainete du Cambodge sur les provinces de Tonle

Ropeou., Mlou Prey et Koh Kong. (cf. Histoire succincte des relations entre le

Cambodge et le Siam, PENN NOUTH, 1958)

1. **Le Traite franco-siamois du 23 mars 1907 :**

Par ce traite le Siam a retrocede Battambang et Angkor a sa Mere-Patrie

(cf. Histoire succincte des relations entre le Cambodge et le Siam, PENN

NOUTH, 1958), et delimitait les eaux maritimes entre les deux pays.

1. **Le Traite du 14 fevrier 1925 :**

Ces deux traites sont par la suite confirmes par le traite franco-siamois

du 14 fevrier 1925 sur les delimitations des frontieres entre le Siam et le

Cambodge.

1. **Le traite du 7 decembre 1937 :**

Ce traite est une nouvelle confirmation des precedents traites sur les

frontieres entre le Siam et le Cambodge.

1. **L'Accord de cessez-le-feu du 28 janvier 1941 .**

Apres la defaite francaise en Europe en 1940, les Siamois ne cachent

plus leurs visees annexionnistes, et a la fin de 1940, la guerre eclata. Sur terre,

on ne peut pas qualifier cette confrontation de veritable guerre. C’est sur mer

que tout se passait. Le 17 janvier 1941 une veritable bataille a mis aux prises

plusieurs navires de guerre siamois et ceux des autorites franqaises de

Cochinchine a Koh Chhang. A Tissue du combat, plusieurs navires siamois ont

ete coules. La guerre a pris fin par accord de cessez-le feu du 28 janvier 1941.

Les negociations de paix ont par la suite commence a partir du 7 fevrier a

Tokyo.

1. **Le traite du 9 mai 1941 :**

Malgre la victoire des forces navales franqaises, par le traite du 9 mai

1941, la to talite de la province de Battambang et une grande partie des terres

cambodgiennes autour des chaines de Dangrek, est encore une fois separee du

Cambodge au profit du Siam.

1. **Le Traite de San Franscisco de 1946 :**

C’est par ce traite de San Franscisco que le Siam a accepte de retroceder

a la fin les provinces cambodgiennes aux autorites du protectorat et revenir

aux traites de 1937.

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1. *Sur* **la frontiere maritime khmero-thafe et le partage de File Koh Kut :**

*- Protocole concemant la delimitation des frontieres et annexe au traite du 23*

*mars 1907:*

« En vue de faciliter les travaux de la commission prevue a 1'article 4 du traite

en date de ce jour, et en vue d'eviter toute possibilite de difficulte dans la

delimitation, le Gouvernement de la Republique Franqaise et le Gouvemement

de S.M. le Roi de Siam sont convenus de ce qui suit:

CLAUSE 1 - La frontiere entre 1'Indochine Franqaise et le Siam part de la mer

en un point situe en face du plus haut sommet de 1'ile de Koh Kut. Elie suit a

partir de ce point une direction Nord-Est jusqu'a la Crete de Phnom Kravanh. Il

est formellement convenu que, dans tous les cas, les versants Est de ces

montagnes, y compris la totalite du bassin Klong Kopo, doivent rester a

PIndochine Franqaise...», (c’est-a-dire au Cambodge).

**C- Cartes geographiques de reference:**

• carte l/100.000e franqaise

• carte 1/200.000e franqaise

. carte 1/250.000e USA

. carte 1/50.000e (une partie USA)

**D. VOEUX du Comite des Frontieres du Cambodge en France et**

**dans le Monde (CFC-CBC)**

Conscient de la perte que subit le Cambodge chaque jour davantage sur le plan

de son integrite territoriale, - et en particulier de la perte qui s’en suivra de son

independance et de sa souverainete, - le Comite des Frontieres du Cambodge

n’a de cesse de denoncer 1’illegalite et les dangers de ces Accords et Traites

conclus pendant 1’invasion et Poccupation de notre pays par les forces armees

vietnamiennes et reclame **leur denonciation unilaterale pure et simple** par le

Cambodge.

- Il reclame egalement la reconnaissance de 1’appartenance au Cambodge de

File **Koh Tral.** En effet, historiquement, geologiquement, geographiquement

autant que juridiquement aux termes de la Convention de Geneve sur les

droits de la mer de 1958, elle appartient au Cambodge. Le contenu de la lettre-

circulaire du Gouverneur BREVIE lui-meme en la matiere est clair et reconnait

le bien fonde de cette appartenance : «... *ce chapelet d’iles egrenees tout au long*

*de la cote Cambodgienne et dont certaines se trouvent si rapprochees de cette*

*cote que les atterrissements qui se poursuivent actuellement paraissent devoir*

*les souder au rivage du Cambodge dans un avenir relativement proche, appelle*

*logiquement et geographiquement la necessity, pour ces Hots, de relever de*

*VAdministration de ce dernier pays ...».*

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- Les cartes de 1/50 000e de 1’etat-major militaire americain publiees par

Washington D.C. de 1963 a 1969 sont precises sur les frontieres terrestres du

Cambodge, mais font elles-memes des reserves pour la delimitation de son

domaine maritime. Ainsi, les delimitations de nos frontieres maritimes avec les

pays voisins reposent sur les traces definis par les accords et decisions dates

du Protectorat franQais (dont ceux sur la ligne BREVIE pour le Cambodge et le

Vietnam et sur le trace a partir du sommet de Koh Kut pour le Cambodge et la

Thailande) et sur les dispositions du Droit international.

- Apporter une contribution aux efforts qui seront entrepris par le CNSF aussi

bien dans les verifications vigilantes des bornages immediatement effectues

que dans 1’application stricte des Accords de Paris dans ce qui touche a

1’integrite territoriale et maritime du Royaume.

- De meme, contribuer a la determination et a la mise a 1’epreuve des diverses

modalites de garantie conformes aux accords, traites et conventions

internationaux en vigueur ou a intervenir, de nature a assurer au Royaume du

Cambodge sa perennite, son independance, sa souverainete, son integrite

territoriale, sa securite, sa dignite et la paix dans cette partie de la Region.

*Paris, le 9 mai 2005*

P. Le CFC-CBC

**SEAN Pengse**

President

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6.D.3

COALITION GOVERNMENT OF DEMOCRATIC KAMPUCHEA

E PRIME MINISTER

PECLARATION DU G.C.K.D. «

Le Gouvernement de Coalition du Kampuchea Democratique

rejette et condamne avec la derniere rigueur tpus Les accords, conven­

tions et traites signes entre le Gouvernement de la Republique

Socialiste du Vietnam et les soi-disantes autorites de Phnom Penh,

notamnient le recent traite de delimitation des froncieres khmero-

vietnamiennes signe a Phnom Penh le 27 Decembre 1985.

Tous les accords, conventions et traites signes depuis

1’invasion et 1’occupation du Cambodge par les vingt divisions armecs

vietnamiennes, ne visent qu'a I\*annexion et 1'exploitation du pays

occupe par les Vietnamiens, au mepris des Conventions Internationales

et de la Charte des Nations Unies. Ceux concernant les espaces territo-

riaux et maritimes ne visent ni plus ni mo ins qu’a legitimer 1'envoi et

1'installation massifs, depuis 1979, d'environ un million de colons

vietnamiens au Cambodge, changeant de fond en comble Le fondement et les

realites demographiques, econoraiques et sociaux du pays que le Vietnam

maintient sous la pression de ses forces armees, et obligcant, au mepris

des Droits Humanitaires et autres, la population civile khmere a vider

ses villages, ses districts, ses provinces pour la contraindre a effectuer

des travaux forces de defense strategique dans des' regions malsaines,

insalubres et dange'ureuses pour sa vie.

Les soi-disantes autorites de Phnom Penh ne representent

rien d'autres qu'une poignee d'homraes voues a 1’obedience la plus complete

aux Vietnamiens, et a aucun moment, ne peuvent etre consideres comnie les

veritables detenteurs de 1'expression ct de La volonte du peuple khmer

opprime. Les acres qu'ils passent avec les autorites occupantes ne re­

fletent a aucun moment le libre exercice du peuple khmer de son droit a

1'auto-determination et temoignent au contraire de I'absence de la capacite

et de la volonte de defendre les droits legitimes, les profondes aspira­

tions du peuple khmer.

Le Gouvernement de Coalition du Kampuchea Democratique qui

est le seul gouvernement legal du Peuple Khmer, reconnu par les Nations

Unies comnie membre a part entiere de ('Organisation, rejette et condamne

tous ces accords, conventions ct traites eonuue ctant des acres portant

gravement atteinte a 1'independance, a la souverainete et a I'integrite

territoriale du Cambodge et a la volonte du peuple khmer. Le Gouvernement

de Coalition du Kampuchea Democratique declare solennel1ement par ailleurs

que tous les acres, traites compris, de nature a engager Lc'droit,

1'avenir et le destin du Peuple Khmer devront se conformer en plus, au

principe de 1'auto-determination du peuple khmer et access itcront de ce

fait un referendum legalcment i.nstiluc pour leur ratification./-



A/41/9S7

Frankels

Page 2

ANNEXE

Not? <lat4a du 5 d&cembre 19\_a\_6, exponent la position du

Sauvernamant. de la P^puttllque de Singapore aut les

revindications victnamiennea concecnant ltd prqttn'duto

mux hiatoriguee ct It traci deo lignea de bace

La Mission psrmanente de 1« R^publlque de Slngapour iiupr&a d\* 1’Organ leader.

des Nations Uniee presents see compliments au Secretaire icneral de 1’organiseeion

el a I'honnaur da ag riiArat aux dnmiMnts ci-apr^s i

1. £-9 pritendw ’Accord dur les eoux hiatortquea de la Ripublique socialiate

du viet Nan at de la R^publiqne populaire dq Kampuchea", . itgn4 le 7 juiliet 1982-,

1. La declaration du Gouvernement da la Ripubliquc socialiate du Viet Hom an

date du 12 novamore 1982 concarnant la ligna d« base de l.i met territoziale du

Viet Nara, dont 1« texte a et£ diatribue en cant gue docum'nt official de

1'Acsemblee g4n4rale (A/37/S97, annexe)»

1. La declaration du Gouvnrnemenr. de la P.4puhlique snclallstc du Viet Nara

sur 1'espaee airien national, en data du 5 lain 1984, don', la texte a etS distzlbu<5

cn eant que document official de 1‘Aesemblde ginerale (A/-9/309, annexe).

Le Gouva'rnement de la Ripubllque da Singapore eat d'l.via qua lee lignea da

base ravendiquiea par la Gouvornement de la Rvpubligue so< ialiste du Viet Nara d-ans

sa declaration du 12 novemhrq 1382 ne sent, pas cnntorrr.es ; ux regies bien Stabiles

du droit international en la ir.atl.4re, conune atipula i L'ai tide 4 de la Convention

de GenSve cur la mgr territorials st la none contigu'd en < atq du 29 avril 1958, et

& L'artlele *7* de la Convention des Nations Units sue It dioic de la met de 1982,

dunt le Viet Nam «t slgoataire.

Dana La masers oil la declaration du 5 juin 1904 tend A affirroqc la

souveralnetp du Viet Nam sur 1'espacw eerlwn sus-Jacent aixditea ”eaux hiacoriguea"

du golfc de Thai'lande «t A d’autres eaux d<£limit4es par 1< a lignea de babe

r«vendlqu4«» dans la d4clar\*tlcn du 12 novwbrs 1982, i« (cuvarnanent de la

R4publiqu» de Singapour, en conformity avac sa position sir les Llgnes de base

telle qu'expoa4» plus haut, ae voit qontraint de rejetex <ette revendioation de

5Ojv»rain«t< sur I'esapee aerien comma etant contraixq au droit international.

C'est pourquoi 1\* Gouvemement de la Ropubliqve de dingapour a’elive centre

Les revindications faltea par le Gouvernement de la Ripubliqua socialists du

Viet Nam dans les diol stations du 12 novnmbra 1982 er. du \* ;juin 1984, at rJnerve

sea droits et ceux de aea nationaux en du qui uoncernu les sones mariCUuee cn

question Ct L'eap.ice airien sus-Jaeent.

En outre, on ca qui concerns 1'''Accord sue le\* euux hie'.oriquea de la

Rapubligue socialist® du Viet Nam CC de la Republiquc populaire dg Kampuchea”, La

GOuvarnamenc de la R4publique de Singapour tlent a declarer que le prStendu

&uvtrneiwnt de la Republique populaire du Kampuchea no reprSsente nulleracnt, ct ne

paut 8tre con»ld4c4 ccmme repr<4sentanc de quelque manlkre gue oq scit le Kampuchea,

**car seul le Gouvernemant d« coalition du Kampuchea demOoratiqya, qui est le seul**

gouvernement legitime de ce peye, rcconnu en tant quo tel J Ar l’4craaanta majority

d«n Etata Membres de 1\*Organ!sat ion det Nations Uniea, peur reprdsanter le

Kampuchea. C'eat pwrquoi tout accord que le sol-diaanc <3<uverneniont de la

R4publique populaire du Kampuchea pretend conclure e't tout\* declaration qu'il

pretend fairs sent d^pouxvua *a«* tout effat Jucidique.

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6.D.4

ETUDES : Le Cambodge et ses frontieres terrestres et

mari times'

(Par Sean Pengse, CFC-CBC, Mars 2000)

Introduction,

Le Cambodge a une superficie terrestre de 181 035 km2 et maritime de 95 000km2.

Sa facade maritime est de 507 km reels et de 215 km a vol d’oiseau de la frontiere

Khmero-thai'e au nord, a la frontiere khmero-vietnamienne au sud. Elie est souvent

basse, decoupee, echancree et parsemee d’un chapelet d’iles (64 ties) qui sert d’ecran

contre les grosses vagues. La baie de Kompong Som (3345 km2) est consideree comme

une zone neritique. Elie offre aux especes marines un vivier et un abri ideals.

1) La superficie terrestre est 1’heritage laisse par le protectorat Fran<?ais. Le

Cambodge avait subi des prejudices considerables lors de la delimitation effectuee en

1914 sur la carte au 1/100 000 erne presque arbitrage par ledit protectorat au profit de

sa colonie, la Cochinchine. Dans certaines portions des territoires, par souci de plus de

precisions, la delimitation fut faite grace au lever topographique direct au 1/80 OOOeme

et au 1/40 OOOeme.

C’est la, 1’integrite nationale du Cambodge. Elie avait ete defendue avec la demiere

vigueur pendant la guerre au Viet-nam des annees 60-70 contre notamment des

bombardements americains et des violations de I’armee sud-vietnamienne.

Le traite franco-siamois du 23 mars 1907 et son protocole de la meme date fixent a la

fois les frontieres terrestre et maritime avec la Thai'lande. Ce traite etant validite par la

cour internationale de justice de La Haye lors du proces du temple Preah Vihear des

annees 60.

2) La ligne Brevie (nom du gouvemeur general de 1’Indochine) est la ligne de

"1’administration et de la police " avec le Viet-nam tracee a partir d’un point commun

des frontieres terrestres. Faute au moins d’un modus vivendi, elle y reste valable en plus

du decret du ler juillet 1972.

I-FMfltW'Pes teirestrts.

Le Cambodge, en tant qu’Etat independant (1953), et reconnu par 1’Onu (1954) a depose

a cette haute instance une carte qui deficit son existence.

Les demarches entreprises dans les annees 1963-69 par le Prince Sihanouk, alors chef de

1’Etat pour obtenir des pays de par le monde la reconnaissance de 1’integrite territoriale

du Cambodge etaient destinees a mettre fin tout litige frontalier avec ses voisins

notamment le Viet-nam en pleine guerre. L’on se rappelle le benefice largement obtenu

par le Viet-nam sur nos frontieres actuelles. Malgre cela, le Cambodge accepte 1’etat de

fait existant en vue de concretiser une vie normale entre voisins. Doit-on interpreter cela

comme une faiblesse ?

Cependant, le 27 juin 1964 et le 8 juin 1967 respectivement M. Pham Van Dong devant

1’assemblee nationale du Viet-nam et le gouvemement du Viet-nam acceptaient de

reconnaitre les frontieres actuelles du Cambodge. Parmi les autres pays qui les ont

reconnues, on peut citer la France, la Grande Bretagne, le japon, l’Australie...etc.

A present, en tant que membres de 1’Asean, tous les pays concemes se doivent de

verifier in situ et remettre a leur place, s’il y a lieu, les homes existantes selon leurs

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coordonnees. Une centaine d’autres au moins devront etre installees en commun accord

en vue de mieux apprecier les limites tout au long des frontieres.

De meme les 73 homes entre le Cambodge et la Thailande pour les quelque 804

km de frontieres communes s’averent egalement insuffisantes. Il en est de meme avec

le Laos et le Viet-nam. La limite exacte foumie par des villageois, proprietaires de leur

terre, doit etre doublee par des homes a intervalles plus reguliers.

Cette materialisation sur le terrain avec des moyens techniques modemes de

position satellitaire (gps) est tres precise. Son cout sera supportable pour le Cambodge.

En plus de cartes utilisees a 1’epoque, d’autres seront surement indispensables telles que

des cartes americaines editees par US Army Map Service en 1964 pour le Cambodge, le

Laos, le Viet-nam et une partie de la Thailande (1/50 000, 1/100 000 et 1/250 000 erne)

ainsi que les notres les plus recentes editees en 1974 au 1/200 OOOeme par la France.

Elies ont ete remises par cette demiere a notre pays, le ministere de 1’industrie, a

1’epoque qui etait en meme temps le maitre d’ouvrage.

1. .\_JirxuxticEes,toECstj^s^aas.ccssegrignotces.

Avec le Vietnam. \

La frontiere entre le Cambodge et la Cochinchine (qui deviendra en 1949 Vietnam)

est definie par:

1. la decision du gouvemeur de la Cochinchine, approuvee par le roi Norodom le

09 juillet 1870,

1. la convention signee entre le roi Norodom et le gouvemeur de la Cochinchine sur la

delimitation de frontiere entre les deux pays par 124 homes depuis 1’extremite Est

du Cambodge jusqu’au canal de Vinh Te (Hatien), le 15 juillet 1873,

1. 1’arrete du gouvemeur general de 1’Indochine sur la frontiere entre la province de

Kampot et Hatien, le 31 juillet 1914,

1. 1’arrete du gouvemeur general de 1’Indochine sur la frontiere entre la province de

Kandal et Chaudoc, le 06 decembre 1935,

1. 1’arrete du gouvemeur general de 1’Indochine sur 1’echange de territoires entre la

province de Kandal et Chaudoc le 26 juillet 1942.

Deja avant 1’independance, sous pretextes de la liberation des peuples indochinois

des colonialistes fran?ais, les vietminh se servaient de notre territoire dans des zones

nord-est du pays. De 1953 a 1965, des portions entieres le long des frontieres communes

avec le Viet-nam etaient occupees par les vietcong. Depuis 1965 a 1970, les vietcong et

nord-vietnamiens s’appropriaient des zones tout le long des frontieres de Rattanakiri a

Kampot. De 1970 a 1975 pour eux la notion des frontieres ne voulait rien dire. Ils

s’enfon^aient profondement a 1’interieur du pays poursuivis par I’armee sud-

vietnamienne. De 1975 a 1979, ils consolidaient leurs refuges " autorises " comme le cas

de Smach dans le srok de Mimot province de Kompong Cham ou un terrain d’aviation

avait ete amenage par I’armee du Sud-Viet-nam. De 1979 a 1991, apres avoir envahi le

Cambodge a la demande du "parti frere" (le 7 janvier 1979, date qui devient joumee

nationale pour le PPC), les Bodo'i restaient au Cambodge pendant plus d’une decennie.

Apres leur retrait ils etaient remplaces ou revenus en qualite de travailleurs "paisibles".

Depuis lors jusqu’a maintenant, des incursions se font regulierement comme le cas de

Svay Rieng (Bavet), Takeo (Phnom Den), Kompong Cham (Krek), Kandal (Kaam

Samnar) voir extrait page.

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Durant 1’occupation vietnamienne, quatre traites ont ete signes :

1. le traite de « Paix, d’Amitie et de cooperation » pendant 25 ans et tacite reconduction

tous les 10 ans, en date du 18 fevrier 1979,

1. le traite sur «les eaux territoriales et les eaux historiques », en date du 7 juillet 1982,
2. le traite relatif au principe general pour regler les problemes frontaliers et 1’accord sur

«le statut frontalier », en date du 20 juillet 1983,

1. 1’accord sur «la delimitation de la frontiere », en date du 27 decembre 1985.

Ces traites, selon les accords de Paix de Paris le 23 octobre 1991, sont caducs.

Or , la commission mixte khmero-vietnamienne sur la question de frontieres, lors de sa

premiere reunion a Ho Chi Minh ville du 22 au 27 mars 1999, se met d’accord sur les

principes generaux reglant la negotiation et la resolution des questions de frontieres

entre les deux pays, en se basant sur les traites et accords conclus sus-vises. En outre,

elle doit respecter les resultats de demarcation et d’abomement sur le terrain realise de

1986 a 1988 sur environ 200 km avec 72 homes. Ces accords et traites sont absolument

contraires aux interSts du pays.

Malgre cela, le principe de maintien du statu quo sur la question des frontieres a ete

explicite dans le communique commun a Tissue de la visite a Hanoi’ le 17 janvier 1995

du prince Ranariddh, alors premier premier ministre.

Mais le 25 mai 1999, cette fois-ci en tant que president de 1’assemblee nationale en

visite a Hanoi, le prince Ranariddh voyait un accroc du principe declare. Lequel ? En

voici un.

Avant 1’invasion vietnamienne au Cambodge a la fin de 1978, la frontiere entre ces deux

pays a Phnom Den situe dans le sud-est du district de Kirivong dans la province de

Takeo etait marquee par un canal. Or, au moment du retrait partiel de troupes

vietnamiennes en 1989, la porte de Phnom Den avait ete erigee volontairement a

quelques centaines de metres en retrait de ce canal dans le territoire cambodgien.

Au debut de 1999, une centaine d’ouvriers vietnamiens renovaient une route et en meme

temps construisaient un pont sur cette portion du terrain appartenant au Cambodge.

Il fallait cinq mois plus tard, soit le 27 mai 1999 pour que 1’opinion khmere alertat

1’autorite gouvemementale. Et le pont reste la tel quel dans le territoire « vietnamien » ?

Un miracle. Une premiere. Le 28 septembre 1999, un general du ministere de 1’interieur

khmer avait accuse, avec preuves a 1’appui, le Vietnam de violation du territoire khmer.

Des vietnamiens empietaient plusieurs zones dans les provinces de Takeo, de Prey Veng

et des provinces du sud et du sud-est durant les mois de mai et de juin 1999.

Ils annexent ainsi des zones frontalieres dont celles de Kompong Cham (Smach, zone

economique nouvelle du Viet-nam), Svay Rieng (Bee de canard), Kandal, Takeo

(Kompong Yaul). En outre ils sont nombreux a 1’interieur du pays comme Phnom-Penh,

Tonle Sap et Grand Lac ou ils se sont installes (une partie) depuis longtemps comme

colons (voir carte A).

Xvec la Thailandc. \

Les frontieres entre le Cambodge et la Thai’Iande sont definies par les traites

suivants:

1. la convention franco-siamoise du 13 fevrier 1904 et son protocole le 29 juin 1904,
2. le traite franco-siamois et son protocole concemant la delimitation des frontieres et

annexe du traite, le 23 mars 1907.

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Ces frontieres avaient temporairement modifiees durant la seconde guerre mondiale par

le traite de Tokyo, le 09 mai 1941, lequel avait ete annule par le traite de Washington, le

17 novembre 1946.

A part I’occupation en 1963 du temple Preah Vihear (rendu depuis), 1’integrite

territoriale du pays est relativement respectee a 1’exception de quelques portions non

negligeables du territoire frontalier qui ont ete amenagees et gardees par 1’autorite

thai'landaise jusqu’a maintenant au mepris du traite existant.

Les refugies pouvaient constater de visu des empietements incessants des thais durant

tout le long de la guerre entre le Vietnam et le gouvemement de la republique

democratique du Kampuchea et la guerre civile notamment. Dans certaines zones des

routes empierrees y avaient construit a une dizaine de kilometres a 1’interieur du

territoire khmer le long des frontieres communes (Phnom Chhat, Phum Mak Mun,

Phum Leang Chan etc...). Et cela continue actuellement.

En effet, en septembre 1999, le representant du ministere de 1’interieur avait accuse la

Thai'lande de violation, de deplacements des homes frontalieres et d’empietements des

territoires dans les provinces de Banteay Mean Chey, Pursat et au nord-ouest du pays.

Aveote'Eaos.x

La frontiere du Cambodge et le Laos est definie par :

1- 1’arrete du gouvemeur general de 1’Indochine rattachant la province de Stung Treng

au Cambodge, le 06 decembre 1901,

2- 1’arrete du gouvemeur general de 1’Indochine fixant la frontiere entre le Cambodge

et le royaume de Bassac, le 28 Mars 1903,

1. 1’arrete du gouvemeur general de 1’Indochine rattachant certaines communes

cambodgiennes au royaume de Bassac.

Depuis 1980, on signale 1’exploitation de pierres precieuses de Bokeo et Bokham et

depuis 1990, T existence de 1’organisation de la coupe du bois a grande echelle dans le

territoire cambodgien par des ressortissants laotiens proteges par des homines armes.

L’autorite locale n’a pas le moyen ou n’a pas voulu reagir sans le feu vert de 1’autorite

gouvemementale. Cette demiere semble attendre le resultat final de la negotiation entre

les deux pays.

En attendant, il se peut que le processus d’occupation progressive du Cambodge

pourrait se faire en douceur avant la materialisation plus adequate des homes.

La mer du golfe de Thai'lande dont la profondeur ne depasse pas 100m constitue,

pour les pays riverains, un plateau continental integral. Ce dernier renferme des

richesses biologiques, naturelies renouvelables ou non, des ressources halieutiques.

Elies constituent des enjeux economiques considerables.

La delimitation de nos eaux maritimes avait ete tracee conformement au traite

franco-siamois de 1907 (ci-joint), a la lettre du gouvemeur general Bevie de 1939 (ci­

joint), a la loi miniere du Cambodge de 1968, a la Convention de Geneve de 1958 sur le

droit de la mer (remplacee par celle de 1982, des tribunaux etant prevus en cas de litige),

et aux jurisprudences intemationales notamment les limites des eaux maritimes des pays

de la mer du nord.

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Elie etait annexee au permis de recherches petrolieres accorde par le gouvemement

royal sur la totalite de son plateau continental a la societe franfaise Elf-Erap signe le 22

novembre 1969 par son representant M. Paul MOCH.

Le decret n° 77/70 CE du 06-02-1970 confirme cette limite maritime khmere (meme

delimitation que son plateau continental).

Enfin, le decret n° 439-72 PRK du ler juillet 1972 ne faisait que la reproduire. Il

etait destine a une large diffusion nationale et intemationale (ci-joint et voir carte B).

1) fca'Hmite-adjacehte avec la Thailand^

*" La frontiere entre I'lndochine Frangaise et le Siam part de la mer en un point situe*

*en face du plus haut sommet de I'tle de Koh Kut ( voir carte B ligne AP). Elie suit a*

*partir de ce point une direction nord-est jusqu'a la Crete du Phnom Kravanh.... "*

Les coordonnees du point commun sur terre au bord de la mer de cette frontiere

maritime sont:

-102° 54' 81 longitude est Greenwich

-11° 38' 88 latitude nord.

A rappeler que le traite du 23 mars 1907 et le protocole concemant la delimitation des

frontieres et annexe au traite du 23 mars 1907, fixent les. frontieres terrestres et

maritimes entre I’lndochine franfaise et le Siam.

En ce qui conceme la frontiere maritime entre ces deux pays, la clause I du protocole

stipule que : « La frontiere entre I’lndochine fran<?aise et le Siam part de la mer en rm

point situe en face du plus haut sommet de Pile de Koh Kut »

Et le proces-verbal de la commission mixte Franco-siamoise du 8 fevrier 1908 a Pailin

de completer comme suit:

■ I—« Le plus haut sommet de Koh Kut, d’apres les renseignements et d’apres la carte

marine que le commandant (president de la commission de la partie fran^aise)

presente a la commission est le sommet nord. Or, en tra^ant suivant la latitude de ce

sommet une ligne aboutissant a la cote, elle rencontre celle-ci en un point qui

correspond tres suffisamment aux resultats par la visee directe »

■ II—« Quant a la limite extreme sud, determinee par une ligne partant du plus haut

sommet de Koh Kut et aboutissant en face en un point de la cote, le General

(president de la commission de la partie siamoise) estime que ces termes n’etant pas

d’une rigueur geographique absolue, les intentions des redacteurs etaient de laisser

une certaine latitude aux commissions dans la recherche de ce point, recherches qui

devraient s’inspirer principalement de leur qualite comme frontiere. Or la ligne de

crete admise comme telle vient aboutir a la mer en un cap situe a 1’extremite nord de

la baie d’O’piam et c’est ce point approximativement en face du plus haut sommet

de Koh Kut que le General avait 1’intention d’adopter. »

Voila la frontiere maritime adjacente (appelee aussi frontiere laterale) entre le

Cambodge et la Thai'lande.

Quant a limite exterieure (appelee aussi frontiere mediane) de notre plateau continental,

elle est formee de lignes equidistantes mesurees a partir des lignes de base de ces deux

pays qui se font face, conformement a la Convention Intemationale sur le droit de la

Mer de 1982.

Il est de notoriete publique nationale et intemationale que depuis le protectorat jusqu'a

nos jours, cette ligne a ete respectee par les deux pays. Certes, quelquefois des pecheurs

thai's franchissaient cette limite : ils etaient refoules ou captures par 1'autorite khmere

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tout au moins jusqu'a la date de la prise de pouvoir par la Republique Democratique du

Kampuchea.

Or, la Convention sur le droit de la mer de 1982 (voir ci-joint un aper<?u), stipule que :

*" Lorsqu'un accord est en vigueur entre les Etats concernes, les questions relatives a la*

*delimitation du plateau continental sont reglees conformement a cet accord*

Le traite Franco-siamois sur la limite maritime entre les deux pays s'applique done.

Quant a la limite exterieure entre les cotes khmere et thafe dans le golfe de Thailande

(lignes P-Pckl-Pck2 Pck6 sur la carte, equidistante des deux cdtes qui se font

face: voir decret 1972 et carte B), elle est tout simplement la ligne m’ediane. Elie est de

ce fait conforme a la jurisprudence de la mer du nord relative a la limite exterieure de

deux pays se faisant face. Elie ne doit pas etre « *au-dela de la ligne mediane* » selon

Particle 15 de la Convention. Ce n’est pas le cas de la ligne exterieure thailandaise.

Pourtant, au lieu de se conformer au traite et a ladite Convention, la Thailande a devie

ses limites adjacente et exterieure avec le Cambodge de 45° vers la cote cambodgienne

jusqu'a la hauteur de 1'ile de Poulo Wai (Koh Ach Ses). Le trace that n’est alors

conforme ni au traite de 1907 ni a la Convention de 1982.

1. . La limite adjacente avec le Viet-nam.

Dans sa lettre de Hanoi, le 31 janvier 1939, le gouvemeur general de 1'Indochine,

Brevie, a ecrit en ces termes a M. le gouvemeur de la Cochinchine a Saigon :

*". que toutes les ties situees au nord d'une ligne perpendiculaire a la cote partant de*

*lafrontiere entre le Cambodge et la Cochinchine et faisant un angle de 140°C avec le*

*nord de meridien, conformement a la carte ci-annexee, seront desormais administrees*

*par le Cambodge....et au sud de cette ligne, y compris Vile entiere de Phu-Quoc*

*continueront a etre administrees par la Cochinchine*

*Il est bien entendu qu'il ne s'agit que de I'administration et de la police et que la*

*question de la dependance territoriale de ces ties reste entierement reservee ....".*

Depuis, le Cambodge respecte a la lettre cette decision. Le decret du gouvemement

royal du 30 decembre 1957 fixant la largeur de la mer territoriale en son article 6 ne

precise-t-il pas que " *...le present Kret(decret)t ne vise pas Vile de Koh Tral (Phu-Quoc)*

*sur laquelle le Cambodge se reserve le maintien de ses droits historiques" ?*

La limite adjacente avec le Viet-nam est fixee selon le meme principe : equidistance (a

partir des lignes de base) entre des lies ou cotes des deux pays qui se font face (carte B).

Mais le Viet-nam, profitant de la "faiblesse" de 1'autorite cambodgienne, se precipita

pour occuper le groupe d'iles de Poulo Panjang (Koh Krachak Ses) (140 km de

Sihanoukville ) juste apres que le president du Conseil des ministres, Samdech

Norodom Sihanouk, eut donne 1'ordre le 7 juin 1957, d'assurer la protection des lies

khmeres dont Poulo Panjang (ordre donne a M. le ministre de la Defense nationale). Et

ce ne sera pas fini.

Meme si de son cote, M. Pham Van Dong alors Premier ministre nord-vietnamien a

declare le 13 juin 1964 a propos des lies coheres du Cambodge *.Enparticulier, nous*

*n'avons Jamais I'intention de reclamer des lies au large de Kep, nous estimons qu'elles*

*font partie du territoire cambodgien et que nul ne peut le contester.",* et pourtant, le

Viet-nam tenta d'occuper, des que 1'occasion se presenta, le groupe d'iles de Poulo Wat,

tel que le 10 juin 1975, deux mois apres la chute de la Republique khmere, pres de

1'endroit ou le 12 mai 1975 fut arraisonne le bateau americain, le " MAYAGUEZ " par

le Kampuchea Democratique.

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Le Viet-nam etait "contraint" de les evacuer des le 12 aout 1975 apres une rencontre

a Phnom-Penh au debut de ce meme mois entre les representants des deux

gouvemements et ce, sous la pression des pays communistes.

Mieux encore, a la fm de 1972, des membres du comite national du petrole du

Cambodge visitaient toutes les ties coheres du Cambodge dont Poulo Wai a 100 km de

Sihanoukville avec la participation du president de 1'Assemblee nationale. A Poulo

WaT, il y a un heliport et un port construits par la societe fran?aise Elf-Erap en vertu de

son droit prevu par son contrat signe en 1969. Elie a execute 3 forages au large de ce

groupe d'iles. Malgre cela, le Viet-nam n’hesitait pas un seul instant....a 1’occuper.

A noter en outre que, lors de la negotiation entre les deux delegations khmere et

vietnamienne, a Phnom-Penh le 13 mai 1973, celle du Sud-Viet-nam proposa, comme

limite maritime adjacente entre le Cambodge et le Viet-nam,-.d'abordle prolongement de

la ligne Brevie, puis la ligne perpendiculaire a la droite joignant Poulo Panjang a Poulo

Wai en arguant que ces deux groupes d’iles sont sous les administrations respectives

vietnamienne et cambodgienne.

La delegation khmere rejeta cette proposition vietnamienne pour la simple raison que le

groupe d'iles Poulo Panjang- le Viet-nam a change ce nom en Tho Chu-, comme

d'ailleurs Koh Tral, bien que celle-ci soit administree par le Viet-nam, les deux restent

entierement reservees, *( cf decret du ler juillet 1972 )* puisque, toujours d'apres la

Convention, *"les droits de I'Etat coder sur le plateau continental seront independants*

*de I'occupation effective ou fictive, aussi bien que toute proclamation expresse*

1. Traittss "’khinero-vieffiamiens pendant I’occupation: le commencement de

1-empietementrvzerOzzzzezz. x

Le traite signe par M. Hun Sen en 1982 sur les «eaux territoriales et la mer

historique » (ci-joint), alors ministre des Affaires etrangeres cede au Viet-nam d’abord,

le tiers (environ 30 000 km2 sur 95 000 km2) de notre droit maritime qui est la meme

superficie que le plateau continental selon les decrets de 1969 et de 1972, soit a peu pres

la superficie de la Belgique (carte jointe C). Ensuite, il cree de toutes pieces la "mer

historique" en forme d’un trapeze de quelque 10.000 km2 (a peu pres la superficie de

notre Grand Lac en hautes eaux) au large de nos cotes (en face de Koh Tral) neutralisant

ainsi nos droits sur notre propre patrimoine. Ce qui equivaut a reconnaitre sans aucune

clause de reserve 1’appartenance au Viet-nam de :

1. Koh Tral (Phu-Quoc, en vietnamien), alors que notre gouvemement se reserve le

maintien de ses droits historiques (decret du 30/12/57, ci-joint).

1. Poulo Panjang (Tho Chu, en vietnamien), alors que le president du Conseil des

ministres demande au ministere de la Defense nationale une protection renforcee de ce

groupe d’iles (lettre du 7/6/57, ci-jointe).

Cette "mer historique", une sorte de "no man's land" au large de Koh Tral (voir carte C)

est en fait une zone cambodgienne. En se referant a la jurisprudence intemationale

relative au litige franco-britannique sur 1’appartenance franchise du plateau continental

au large des iles anglo-normandes (Jersey) de la mer d'lroise en face de Saint-Malo

(France), la zone au large de Koh Tral doit revenir au Cambodge quelle qu'en soit

1'appartenance de cette ile.

En effet, la France a eu gain de cause en 1977 en soutenant la notion geologique du

"prolongement naturel de son territoire sous la mer". D'ailleurs, c'est la definition meme

du terme "plateau continental" selon la Convention sur le droit de la mer de 1982.

Ce serait une insulte a la delegation de la Republique Populaire du Kampuchea de dire

qu'elle ignorait ces faits avant de signer (contrainte et forcee?) ce traite qui est le modele

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meme de celui qui etait impose par des colonialistes des siecles demiers. Mais que

pouvait-elle faire en ce moment la ? Il faut le denoncer maintenant, car les accords de

paix de Paris du 23 octobre 1991- dont le Viet-nam est signataire- sont tres clairs sur ce

point..

Par ailleurs, le gouverneur general Brevie a bien dit dans sa lettre que : *"....La situation*

*de ce chapelet d'iles egrenees tout le long de la cote Cambodgienne et dont certaines se*

*trouvent si rapprochees de cette cote que les atterrissements qui se poursuivent*

*actuellement paraissent devoir les souder au rivage du Cambodge dans un avenir*

*relativement proche, appelle logiquement et geographiquement la necessite, pour ces*

*Hots, de relever de I'administration de ce pays".*

1. Traite'Vigf-ham-ThaYlande le 11 aout 1997 sur le dos du Cambodge

Grace au traite du 07 juillet 1982 avec la Republique Populaire du Kampuchea occupee, le

Viet-nam avait pu signer a Bangkok un autre traite le 11 aout 1997 avec la Thailande sur la

delimitation de leurs eaux maritimes respectives. Etant au milieu d’eux, le Cambodge est

obligatoirement partie prenante dans ces traces des eaux maritimes.

Ainsi le Viet-nam et la Thailande "annexent-ils" chacun le tiers de la superficie maritime

du Cambodge (95 000 km2) sans qu’aucune voix de 1’autorite khmere eut ete levee contre ces

deux voisins. Et pour cause. Une malheureuse coincidence: du coup d’Etat des 5/6 juillet 1997.

Toutefois, il est encourageant de constater, 10 mois plus tard, a Bangkok le 07 mai 1998,

que M. Hun Sen, alors second premier ministre avait raison de denoncer publiquement cet

accord bilateral Thailande-viet-nam.' ■ ■'

Le prince Ranariddh, president de I’Assemblee nationale, 1’avait fait egalement aupres du

gouvemement vietnamien lors de sa visite a Hanoi' le 24 mai 1999. Il avait exprime sa crainte

de pouvoir resoudre plus facilement ces frontieres maritimes. Certaines zones etant

revendiquees a la fois par le Cambodge, le Vietnam et la Thailande. En 1997 avait-il precise,

ces deux voisins ont conclu, au detriment du royaume, un accord bilateral sur leurs eaux

territoriales respectives. Il avait done suggere que les trois pays cherchent ensemble une

solution tripartite.

Cependant, il avait omis de preciser qu’en vertu du traite signe entre M. Hun Sen et M.

Nguyen Co Thach en 1982 que la Thailande avait pu signer ce traite du 11 aout 1997 a

Bangkok. Traite de 1982 qu’il avait denonce durant la campagne electorale en juillet 1998. Il

avait clairement declare "ces traites de 1983-1985 doivent etre annules. Nous ne pouvons les

accepter".

Mais force est de constater qu’il n’y aurait jamais ledit traite bilateral du 11 aout 1997 a

Bangkok aux depens du Cambodge s’il n’existait pas le traite le 7 juillet 1982 signe a Ho-Chi-

Minh-ville par M. Hun Sen. C’est ce qu’avait replique le ministre thai des Affaires etrangeres

a la declaration de M. Hun Sen. Mais le ministre thai avait pris soin de ne pas faire allusion au

traite franco-siamois de 1907 qui fixe les frontieres terrestre et maritime entre les deux pays

(voir carte C en zone hachure horizontale pour la Thailande et oblique pour le Viet-nam).

Il ne serait pas inutile de rappeler qu’a 1’epoque de 1’occupation vietnamienne, le

gouvemement de coalition dirige par M. Son Sann et preside alors par le Prince Norodom

Sihanouk n’avait de cesse de denoncer tous les traites entre les gouvemements de Phnom-Penh

et de Hanoi.

Or M. Hun Sen etait sans conteste 1’un des principaux acteurs de ce traite. Il serait

somme toute normal, au moment oh il est le seul responsable du gouvemement actuel,

d'effectuer une «sortie honorable» en denon?ant tous les traites non conformes avec

les interets du Cambodge comme il le faisait a Bangkok a propos du traite bilateral

thailandais-vietnamien. Il couperait ainsi les racines du mai une fois pour toutes. Cette

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demarche est justifiee dans les accords de paix de Paris. *C’est le prealable avant*

*toute discussion au lieu d’accepter tous les traites durant I’occupation*

*vietnamienne comme venait de faire la delegation cambodgienne lors de la*

*premiere reunion de la commission mixte sur les frontieres du 22 au 27 mars 1999*

*au Viet-nam. Voir communique du Comite des Frontieres du Cambodge en France*

*ci-joint..*

En outre lesdits accords stipulent que tous les signataires dont la Thai’lande, le Viet­

nam et le Laos se doivent de respecter 1’integrite territoriale du Cambodge.

Pretendre que c’est grace a ce traite de 1982 que le trace vietnamien n’est pas en ce

moment devie jusqu’a Sihanoukville est une justification a la fois maladroite et

irresponsable de la part d’un dirigeant car le groupe d’iles de Poulo Wai’ est depuis

toujours cambodgien.

1. Litiges des frontiircs maritimes et leurs consequences.

Le gouvemement royal avait propose en 1995 une exploitation petroliere commune

avec la Thai'lande dans la zone soi-disant en litige du plateau continental khmer. C’est

une erreur.

En se referant aux divers documents a ce jour, il apparait clairement que la premiere

etape serait d'abord la delimitation des frontieres communes reconnues reciproquement

comme faisait la Thai’lande elle-meme avec sa voisine, la Malaisie. La negotiation a

dure plusieurs decennies.

Un pretexte de cette proposition: eviter le vol par la Thai’lande des hydrocarbures

dont des gisements seraient situes dans des zones cambodgiennes par pompages a 1’aide

des forages horizontaux, comme si la texture des hydrocarbures bruts est la meme que

celle de la nappe souterraine. Les societes petrolieres intemationales accepteraient mal

de risquer des millions de dollars dans une telle aventure sans 1’accord prealable du

gouvemement cambodgien. C’est une science-fiction a la limite du ridicule.

Sexploitation commune ne se ferait que lorsqu'un gisement se trouvait coupe par la

frontiere commune. Le partage se ferait au prorata de la superficie du gisement ou de la

quantite de la reserve connue. N’importe qui de saint esprit ne partage pas son propre

bien avec autrui. On le ferait encore moins si le bien appartient a 1’Etat, comme c’est le

cas. Ceci est a mediter pour eviter une suspicion de corruption.

Or la Thai’lande, non seulement ne tient pas compte du traite du 23 mars 1907

concemant la delimitation des frontieres maritimes, mais elle revisait deux fois la limite

adjacente de son plateau continental et ce, de plus en plus deviee vers nos cotes en vue

d'elargir une grande zone de litige. Dans quel but ? Personne n’est dupe.

Proposer cette formue c'est reconnaitre la zone en "litige" et ipso facto reconnaitre a la

fois le bien fonde de la limite de ses eaux maritimes (meme superficie que le plateau

continental) et 1'erreur de notre trace. Pire, cela pourrait mettre en cause tous les traites

franco-siamois de 1907.

Le Viet-nam ne serait-il pas alors tente de proposer le meme modele puisque son

empietement sur notre plateau continental serait aussi important, sinon plus.

Sexploitation commune n’est pas sans rappeler le malheureux probleme de nos

frontieres terrestres ou on pretend que nos autorites locales auraient pris la mauvaise

initiative de "louer" des terrains aux Vietnamiens.

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1. Accor ddepaixdeParisdel99r(pour m&noire^

Article. 1,.

1- Le Cambodge s’engage solennellement, par le present Accord, a maintenir, preserver

et defendre sa souverainete, son independance, son integrite et son inviolabilite

territoriales, sa neutrality et son unite nationale, la neutrality perpetuelle du Cambodge

sera proclamee et consacree par la constitution cambodgienne qui sera adoptee apres la

tenue d’elections libres et equitables.

2- A cette fin, le Cambodge s’engage a :

d) mettre fin aux traites et accords qui sont incompatibles avec sa souverainete, son

independance son integrite et son inviolabilite territoriales, sa neutralite et son unite

nationale...

Articled. x

Les parties au present Accord demandent a tous les autres Etats de reconnoitre et de

respecter a tous egards la souverainete, 1’independance, 1’integrite et 1’inviolabilite

territoriales, la neutralite et 1’unite nationale du Cambodge et de s’abstenir de toute

action incompatible avec ces principes ou avec d’autres dispositions du present Accord.

Et, selon la Constitution du Cambodge en son article 55 : « Les traites ou accords qui ne

sont pas compatibles avec 1’independance, la souverainete, 1’integrite territoriale, la

neutralite et 1’unite nationales du Royaume du Cambodge sont abroges. »

Ill-Bases de discussions entre les Etats Parties.

1-Pour la Thai’lande, il existe le traite bilateral, la Convention sur le droit de la mer

de 1982, des jurisprudences intemationales notamment de la Mer du nord, 1’accord de

paix de Paris qui devront servir de bases pour la discussion sur la delimitation des eaux

maritimes respectives a 1'instar des autres pays.

2-Pour le Viet-nam, il existe la ligne Brevie. Les autres bases de discussions sont

analogues a celles avec la Thailande, sans omettre de recuser les traites kmero-

vietnamien signes entre 1979 et 1991. On ne pourrait pas appliquer le principe de

continuity de 1’Etat quand 1’un etait dans la position de 1’occupant et 1’autre de 1’occupe.

1. Pour sa part le Cambodge a, sur ces bases, entame a plusieurs reprises des

discussions avec chacun de ses voisins de 1970 al 974.

Le traite Thai'-Viet-nam du 11 aout 1997 enleve 60 000 km2 de la superficie maritime

du Cambodge. Ce litige doit etre regie conformement a la pratique Internationale.

En cas de desaccord, il est prevu, selon cette Convention, un recours pour arbitrage :

-au tribunal international du droit de la mer a Hambourg

-a la cour Internationale de justice

-au tribunal arbitral

-au tribunal arbitral special.

Des zones contestees n'existent que quand un partenaire refuse de respecter le traite et la

Convention Internationale sur le droit de la mer. Sinon, elles font juridiquement partie

de notre plateau continental.

IV-Conclusion generale. >

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1-Le Viet-nam est un pays tres peuple (200habit/km2 contre 60 habit/km2 pour le

Cambodge). Des vietnamiens ont tendance a descendre vers des terres riches du sud. et

de I’ouest. Ceux qui vivent sur des zones frontalieres cherchent par tous les moyens

pour avoir un terrain de culture et de batir a moindre cout et a moindre risque chez leur

voisin dont 1’autorite de 1’Etat laisse a desirer. Ce phenomene s’est amplifie depuis 1979

a nos jours.

Nous devons sans tarder au moins trouver, sinon inventer des moyens appropries pour

endiguer ce phenomene de debordement demographique vietnamien soutenu, encourage

et assiste par son autorite. Cela depend dorenavant de la volonte politique du

gouvemement cambodgien.

L’experience quotidienne montre le contraire de ce que disait 1’ancien premier

ministre du nord-Viet-nam a Samdech, alors chef de 1’Etat, a Pekin le 29 septembre

1964: *"Vous pouvez avoir confiance en nous. Nous ne ferons plus comme nos ancetres.*

*Le peuple vietnamien present n 'est pas le peuple vietnamien du passe".*

En attendant la materialisation des lignes en commun accord, nos militaires sont

aptes a sauvegarder 1’integrite territoriale de leur pays. Telle est egalement leur premiere

vocation puisque la guerre est pratiquement terminee avec leurs compatriotes khmers

rouges Apres, peut-etre le gouvemement pourrait-il creer des organismes permanents du

suivi et de controle des frontieres.

2-Si les frontieres terrestres sont relativement faciles a controler, celles maritimes

supposent des moyens plus onereux. La vigilance doit etre permanente dans un immense

ocean. Aucun dysfonctionnement gouvememental n’est permis si nous voulons sauver

ce qui peut encore 1’etre.

A cause de ce traite du 7 juillet 1982 avec le Viet-nam- qui doit etre caduc en vertu

des accords de paix de Paris de 1991- d'une part, et le non respect par la Thailande du

traite franco-siamois le 23 mars 1907 et de la Convention sur le droit de la mer, d'autre

part, la superficie maritime du Cambodge est reduite comme une peau de chagrin.

En fait, elle a ete "officialisee" depuis 1995. A tort. Le ministere de 1'industrie l'a publiee

avec une photo des deux co-Premiers ministres, le prince Norodom Ranariddh et M.

Hun Sen. Une inconscience d'autant plus regrettable qu'elle etait destinee a une large

diffusion intemationale (cf photocopie d’une carte du ministere de 1’industrie, des mines

et de 1’energie). A moins que ces demiers ne fussent d’accord pour enteriner ce trace.

M. Pierre-Bernard LAFONT dans son etude sur « La frontiere maritime du Viet­

nam » editee par 1’Hannattan en 1999 (collection de recherches asiatiques) a ecrit: « *En*

*meme temps, le gouvemement de Saigon, dont les relations avec le royaume du*

*Cambodge s ’etaient rapidement degradees, revendiquait des ties situees au-dessus de la*

*ligne Brevie (note du 9 mars 1960), done une extension de ses eaux dans le golfe du*

*Siam, au detriment du Cambodge, en interpretant a son profit le paragraphe de la*

*circulaire du 31 Janvier 1939 reservant la dependance territoriale des ties de ce golfe ».*

Il continue plus loin a propos de la signature khmero-vietnamienne le 7 juillet 1982 :

*« La RSV et la RPK ont decide de maintenir les limites Brevie de 1939 et de s'entendre*

*pour exploiter les richesses naturelies des eaux de cette zone ».*

Qu’on ne s’y trompe pas. Si le Viet-nam maintient la ligne Brevie e’est pour son

interet en interpretant a sa maniere ce texte que tous les gouvemements successifs du

Cambodge, depuis son independance, n’ont jamais accepte, sauf bien entendu la RPK

sous 1’occupation vietnamienne. Et pour cause!

Ainsi le Cambodge ne garde-t-il qu’un tiers de sa superficie initiate? Ses voisins

partagent-ils chacun le tiers ? Le Cambodge n'aurait meme pas le droit d'acces a la haute

mer ? Ce qui est de surcroit contraire a la Convention sur le droit de la mer de 1982

(article 2, alinea 6).

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Le Cambodge devrait-il compter sur ses enfants conformement a la recommandation du

Roi lors de la reunion sur les frontieres du pays le 26 avril 1999 au palais royal qu’Il

avait presidee ?. En effet, le gouvemement exprimait alors ses soucis sur des

grignotements incessants et spectaculaires de nos terres et de nos mers par nos deux

puissants voisins.

Samdech Norodom Sihanouk n’avait-il pas dit a M. Pham Van Dong a Pekin en

1964: *"Le cambodgien a son patriotisme comme vous avez le votre. Personne n’en a*

*I 'exclusivite. Nous avons assez perdu et ne reculerons plus. Si nous cedions un metre de*

*plus, ce seraitfinipour nous".*

Nota

II existe plusieurs theses de doctoral sur le plateau continental et les lies coheres du Golfe de

Thailande, aussi bien cambodgiennes, vietnamiennes, thai'Iandaises que europeennes. Elies

refletent seulement la reflexion de chaque etudiant. Elies ne sont, en aucune fafon, des

documents officiels de reference d’un pays, meme si leur auteur devait devenir, un jour,

ministre, premier ministre ....etc.

-Ces articles sont le resume des 3 rapports ecrits par fauteur lui-meme. Ils ont ete remis par M.

Tan Boun Suy, representant E.S.P.R.I.T Khmer Forum le 25 Juin 1995 au Roi, les deux co­

premiers ministres de 1’epoque, les principaux ministres concemes et les Chefs des partis.

**ET^Wraite** franco-siamois dii'23!Mars 1907k

Traite conclu a Bangkok, le 23 Mars 1907, entre le Gouvemement de la Republique

Fran?aise et le Gouvemement de S.M.le Roi de Siam.(l)

(Ratif. Echangees a Paris, le 21 juin 1907)

Article premier.- Le gouvemement Siamois cede a la France les territoires de

Battambang, Siemreap et Sisophon, dont les frontieres sont definies par la clause I du Protocole

de delimitation ci-annexe.

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Article 2.- Le Gouvemement Fran?ais cdde au Siam les territoires de Dansai et de

Krat, dont les frontieres sont definies par les clauses I et II dudit Protocle, ainsi que toutes les

lies situees au sud du cap Lending jusque et y compris Koh Kut.

Article 3.- La remise de ces territoires aura lieu de part et d’autre dans un delai de

vingt jours apres la date a laquelle le present Traite aura ete ratifie.

Article *4.-* Une commission mixte, composee d’officiers et de fonctionnaires franfais

et siamois , sera nominee par les deux pays contractants, dans un delai de quatre mois apres la

ratification du present Traite et chargee de delimiter les nouvelles frontieres. Elie commencera

ses travaux des que la saison le permettra et les poursuivra en se conformant au Protocole de

delimitation annexee au present Traite.

Article 7.- Les dispositions des anciens Traites, Accords et Conventions entre la

France et le Siam non modifiees par le present Traite restent en pleine vigueur.

Fait a Bangkok en double exemplaire

Le 23 Mars 1907

Signes : V.COLLIN (De Plancy)

DEVAWONGSE AROPRAKAR

(1) Ce traite est maintenu en vigueur par Particle 22 du traite de 7 Decembre 1937 et

par Particle 3 de Paccord Franco-siamois du 17 novembre 1946.

**PRQWJ^^GONGBBNAN^H^DEEIMITATION.**

**DESWONTIERES ET ANNEXE AU TRAITE DU 23 MARS 1907'**

En vue de faciliter les travaux de la commission prevue a Particle 4 du traite en date de ce

jour, et en vue d’eviter toute possibility de difficulty dans la delimitation, le Gouvemement de

la Republique Franyaise et le Gouvemement de S.M le Roi de Siam sont convenus de ce qui

suit:

CLAUSE I - La frontiere entre Plndochine Franyaise et le Siam part de la mer en un point situe

en face du plus haut sommet de Pile de Koh Kkut. Elie suit a partir de ce point une direction

Nord-Est jusqu’a la crete de Phnom Kravanh. Il est formellement convenu que, dans tous les

cas, les versants Est de ces montagnes, y compris la totality du bassin Klong Kopo, doivent

rester a Plndochine Fran?aise.

La frontidre suit la Crete des Phnom Kravanh dans la direction du Nord jusqu’au Phnom

Thom qui se trouve sur la ligne principale de partage des eaux, entre les rivieres qui coulent

vers le Golfe de Siam et celles qui coulent vers le Grand Lac. Du Phnom Thom la frontiere suit

d’abord dans la direction du Nord-Oest, puis la direction du Nord, la limite actuelle entre la

province de Battambang d’une part, et celle de Chantaboun et Krat d’autre part, jusqu’au point

ou cette frontiere coupe la riviere appelee Nam-Sai. Elie suit alors le cours de cette riviere

jusqu’a son confluent avec la riviere de Sisophon et cette demiere jusqu’a un point situe a 10

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kilometres en aval de la ville d’Aranh. De ce dernier point enfin, elle se continue en droite ligne

jusqu’a un point situe sur les Dang-Rek a mi-chemin entre les passes appelees Chong-Ta-Koh

et Chong-Sa-Met. Il est entendu que cette demiere ligne doit laisser en territoire siamois la

route directe entre Aranh et Chong-Ta-Koh.

A partir du point ci-dessus mentionne, situe sur la Crete de Dang-Rek, la frontidre suit la

ligne de partage des eaux entre le bassin du Grand-Lac et du Mekong d’une part, et le bassin du

Nam-Meun d’autre part et aboutit au Mekong en aval de Pak-Moun, a 1’embouchure du Huei-

Done, conformement au trace adopte par la precedente commission de delimitation le 16

Janvier 1907.

Un croquis schematique de la frontiere decrite ci-dessus est annexe au present protocole.

**CLAUSE II -** Du cote de Luong-Prabang, la frontiere se detache du Mekong au Sud, a

1’embouchure de Nam-Huong, et suit le thalweg de cette riviere jusqu’a sa source qui se trouve

situee au Phou-Khao-Mieng. De la, la frontiere suit la ligne de partage des eaux entre le

Mekong et le Menam et aboutit au Mekong au point appele Keng-Pha-Dai, conformement au

trace adopte par la precedente commission de delimitation, le 18 Janvier 1906.

**CLAUSE III -** La commission de delimitation prevue a Particle 4 du Traite en date de ce jour

aura a determiner et a tracer au besoin, sur le terrain, la partie de la frontiere decrite dans la

clause I du present Protocole. Si, au cours des operations de delimitation le Gouvemement

Franqais desirait obtenir une rectification de frontiere dans le but de substituer des lignes

naturelles a des lignes conventionnelles, cette rectification ne pourrait etre faite, dans aucun

cas, au detriment du Gouvemement Siamois.

En foi de quoi les plenipotentiaires respectifs ont signe le present Protocole et y ont oppose

leurs cachets.

Fait a Bangkok en double exemplaire, le 23 Mars 1907

Signe :V. COLLIN (DePlancy)

DEVAWONGSE AROPRAKAR

DIRECTION DES AFFAIRES

POLITIQUES

**LTNDOCHINE**

N° 367-API

Hanoi’, le 31 Janvier 1939

**LE GOUVERNEUR GENERAL DE**

Grand Officier de la Legion d’Honneur

|  |  |
| --- | --- |
|  | Monsieur le Gouvefneur de la Cochinchine  a SAIGON |
| OBJEI.; | ; Jles.du.Golfe.du Siam |

J’ai 1’honneur de vous faire connaltre que je viens de proceder a un nouvel examen de la

question des lies du Golfe du Siam dont la possession est contestee entre le Cambodge et la

Cochinchine.

La situation de ce chapelet d’lles, egrenees tout le long de la cote cambodgienne et dont

certaines se trouvent si rapprochees de cette cote que les atterrissements qui se poursuivent

actuellement paraissent devoir les souder au rivage du Cambodge dans un avenir relativement

proche, appelle logiquement et geographiquement la necessite, pour ces Hots, de relever de

PAdministration de ce dernier pays.

J’estime impossible de laisser se perpetuer plus longtemps 1’etat de choses existant qui

oblige les habitants de ces lies a s’adresser, soit au prix d’une longue traversee, soit au prix

d’un long detour par le territoire cambodgien, a 1’administration de la Cochinchine. En

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consequence, j’ai decide que toutes les lies situees au Nord d’une ligne perpendiculaire a la

cote partant de la frontiere entre le Cambodge et la Cochinchine et faisant un angle de 140°c

avec le Nord du Meridien, conformement a la carte ci-annexee, seront desormais administrees

par le Cambodge. Le protectorat assumera, en particulier, la charge de la police de ces Iles.

Toutes les lies situees au sud de cette ligne, y compris 1’tle entiere du Phu-Quoc,

continueront a etre administrees par la Cochinchine. Il est entendu que la ligne de demarcation

ainsi fixee contoumera le Nord de Pile de Phu-Quoc en passant a 3 kms des points extremes de

la cote Nord de cette fie.

Les pouvoirs d’administration et de police sur ces lies seront ainsi nettement repartis entre

la Cochinchine et le Cambodge de fafon a eviter toutes contestations a 1’avenir.

Il est bien entendu qu’il ne s’agit que de 1’administration et de la police, et que la question

de la dependance territoriale de ces Ties reste entierement reservee.

Vous voudriez bien prendre vos dispositions pour que ma decision refoive son application

immediate.

Je vous prie de m’accuser reception de cette lettre.

Signe: BREVIE

**PRESIDENCE DU CONSEIL**

**DES**

**MINISTRES**

DIRECTION DU CABINET

CONFIDENTIEL

URGENT

**N° 1134/PCM/AP/X**

ROYAUME DU CAMBODGE

Phnom-Penh le 7 Juin 1957

LE PRESIDENT DU CONSEIL DES MINISTRES

a

MONSIEUR LE MINISTRE DE LA DEFENSE NATIONALE

a Phnom-Penh

**OBJ&T-:41es-du.Golfe du Siam**

J’ai 1’honneur de vous prier de vouloir bien demander a la Marine Royale Kkmere d’assurer

la protection de toutes les Ties du Golfe du Siam et en particulier les lies de Koh Tang, Poulo-

Wa'i et Poulo-Pangjang dont I’occupation effective et le controle total par le Gouvemement

Royal sont indispensables a la bonne evolution de 1’avenir maritime du Port de Kompong-Som.

A cet effet, je demande a la Marine Royale Khmere de donner son appui et son concours

au Gouvemeur de Kampot./-

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Signe : NORODOM SIHANOUK

COPIES A :

-Mintravo )

-Gouvemeur ) "

de Kampot )

-Cabinet Royal

-Sah Upayuvareach

pour

leur information"

**KRET**

N°-662/NS

30-12-1957

Preah Bat ...

Vu la Constitution du Royaume :

ORDONNONS:

Article ler - La largeur de la mer territoriale du Cambodge est decomptee a partir des lignes

de base droites telles qu’elles figurent au plan annexe au present Kret.

Article 2 - La largeur de la mer territoriale du Cambodge decomptee a partir des lignes de

base droites definies ci-dessus est fixee a Cinq milles nautiques (1 mille = 1.852 metres).

Article 3 - La largeur de la zone contigue decomptee a partir de la limite exterieure des eaux

territoriales est fixee a Sept milles nautiques.

Article 4 - La largeur du plateau continental est fixee d’apres le fond de 50 metres, la limite

de ces fonds constitue la limite exterieure du plateau continental cambodgien.

Article 5 - Au Nord et au Sud la delimitation des eaux cambodgiennes d’avec celles des Etats

limitrophes se fera par une ligne tracee de la frontiere perpendiculairement a la ligne de base

correspondante.

Article 6 - Le present Kret ne vise pas Pile de KAS-TRAL (Phu-Quoc) sur laquelle le

Cambodge se reserve le maintien de ses droits historiques.

Article 7 - A titre transitoire pour permettre la fibre circulation, la limitation des eaux entre

KAS-TRAL c’est-a-dire Phu-Quoc et le continent est fixee a la ligne de Thalweg tracee d’apres

les profondeurs portees sur les cartes d’Etat-major de la Marine Royale Khmere.

Article 8 - Le plan a grande echelle annexe au present Kret materialise les differentes lignes

faisant I’objet des articles ci-dessus.

Article 9 - Le Ministre des Travaux Publics et des Communications, le Ministre des Affaires

Etrangeres sont charges, chacun en ce qui le conceme, de 1’execution du present Kret./-

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Presente a la signature FAIT EN NOTRE PALAIS ROYAL A PHNOM PENH

de Sa Majeste le Roi, Le 30 Decembre 1957

le Ministre des Travaux Sa Majeste a signe : N.SURAMARIT

Publics & des Telecommunications

Signe : TOUCH KIM par

SA MAJESTE LE ROI

Le President du Conseil des Ministres

Signe: SIM VAR

**TEX T E .1IF-IACCORD- H4STOR [QUE SI iR LES EAUX.**

**TERRITORIAEES ENTRE LA REPUBLIQUE SOCIALISTIC**

**DU 4^£^^MmhM2fiWSe^TIETOPULAIRE DU KAMPUCHEA**

(Traduction officieuse a partir du texte en anglais par G & D. BUGMANN)

Hanoi". VNA en anglais 15 18 H GMT, 8 Juillet 1982

(Accord sur les eaux historiques du Viet-nam et du Cambodge sign6 par le ministre

vietnamien des affaires Etrangeres, M. NGUYEN CO THACH et le ministre cambodgien des

Affaires Etrangeres, M. HUN SEN a Ho Chi Minh ville, le 7 Juillet 1982; toutes les

coordonnees longitudinales citees sont celles qui nous ont ete communiquees).

Texte :

Hanoi" VNA, Juillet 8 : ci-dessous figure le texte de 1’accord sur les eaux historiques de la

Republique Socialiste du Viet-nam (RSV) et la Republique Populaire du Kampuchea (RPK) :

Le gouvernement de la RVN et le gouvemement de la RPK,

Desireux de consolider et developper encore plus les relations speciales entre le Viet-nam et

le Cambodge, dans 1’esprit du traite de paix, d’amitie et de cooperation entre le gouvemement

de la RSV et le gouvemement de la RPK signe le 18 Fevrier 1979,

Tenant compte du fait que la zone maritime situee entre la cote de la province de Kien Giang,

File de Phu-Quoc (1) et 1’archipel de Tho Chu (2) de la RSV d’une part, et la cote de la

province de Kampot et le groupe d’Hes de Poulo-Wai" de la RPK d’autre part, contient des

zones qui, par leur importance pour la defense nationale et Feconomie des deux pays, ont

appartenu depuis longtemps au Viet-nam et du Cambodge;

ont convenu comme suit:

ARTICLE 1 - Les eaux situees entre la cote de la province de Kien Giang, 1’lle de Phu-Quoc

et Farchipel de Tho Chu de la RSV d’une part, et la c6te de la province de Kampot et le groupe

d’Hes de Poulo-Wai" de la RPK d’autre part, forment les eaux historiques des deux pays placees

sous le regime juridique de leurs eaux internes et sont delimitees ( selon la longitude Est de

Greenwich):

Vers le Nord-Ouest, par une ligne droite reliant les coordonnees 9° 54’ 2 de latitude Nord -

102° 55’ 2 de longitude Est et les coordonnees 9° 54’ 5 latitude Nord -102° 57’ 2 longitude Est

du groupe d’Hes de Poulo-Wai" (RPK) aux coordonnees 10° 24’ 1 latitude Nord - 103° 48’ 0

longitude Est et 10°25’ 6 latitude Nord - 103° 49’ 2 longitude Est des Ties Koh Ses (RPK) aux

coordonnees ( illisible a la fin de la page 1 du texte) ...° 30’ 0 latitude Nord - 103° 47’ 4

longitude Est de File de koh Thmei (RPK) aux coordonnees 10° 32’ 4 de latitude Nord - 103°

48’ 2 de longitude Est sur la cdte de la province de Kampot (RPK).

Vers le Nord a partir de la cdte de la province de Kampot, partant des coordonnees 10° 32’ 4

latitude Nord - 103° 48’ 2 longitude Est sur le terminal (ou point commun) de la frontiere

terrestre entre le Viet-nam et le Cambodge sur la cdte.

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Vers le Sud-Est, par une ligne partant du terminal (ou point commun) de la frontiere terrestre

entre le Vet-nam et le Cambodge sur la cote vers les coordonnees 10° 04’ 42 latitude Nord -

104° 02’ 3 longitude Est du point An Yen de Pile de Phu-Quoc (RSV) et le long de la cote

Nord de cette tie vers le point Dat Do situe aux coordonnees 10° 02’ 8 latitude Nord - 103° 59’

1 longitude Est, et de la vers les coordonnees 09° 10’ 1 latitude Nord - 103° 26’ 4 longitude Est

de Pile Tho Chu (RSV) vers les coordonnees 09° 15’ 0 latitude Nord - 103° 27’ 0 longitude Est

de Pile de Hon Nhan dans 1’archipel The Tho Chu (RSV).

Vers le Sud-Est par une ligne droite reliant les coordonnees 09° 55’ 0 latitude Nord - 102° 53’

5 longitude Est du groupe d’TIes de Poulo-Wai' (RPK) aux coordonnees 09° 15’0 latitude Nord

-103° 27’ 0 longitude Est de Pile Hon Nhan dans 1’archipel Tho Chu (RSV).

ARTICLE 2 - Les deux parties tiendront, a un moment convenable, des negotiations dans

1’esprit d’egalite, d’amitie et de respect pour 1’independance, la souverainete, Pintegrite

territoriale et les interets legitimes des deux parties afin de delimiter la frontiere maritime entre

les deux pays dans les eaux historiques decrites dans Particle ler.

ARTICLE 3 - En attendant la delimitation des frontieres maritimes entre les deux etats dans

les eaux historiques mentionnees dans Particle ler :

-le point oil se rencontrent les deux lignes de base utilisees pour mesurer la largeur des eaux

territoriales de chaque pays situees en haute mer le long de la ligne droite reliant 1’archipel de

Tho Chu et le groupe d’ lies de Poulo-Wai sera determine par accord mutuel.

-les deux parties continuent de considerer la ligne Brevie dessinee en 1939 comme ligne de

separation entre les Ties dans cette zone.

-les patrouilles et la surveillance dans les eaux historiques seront menees conjointement par

les deux parties.

-les populations locales vont poursuivre leurs operations de peche et de collecte des produits

de la mer dans cette zone selon les habitudes existantes a ce jour.

-Pexploitation des ressources naturelles dans cette zone sera decidee par accord mutuel.

Fait a Ho Chi Minh ville, le 7 Juillet 1982

en deux langues, Vietnam ienne et cambodgienne

d’egale validite

Pour le gouvernement de la RSV

**-NfiUYEN.CO-THACH.**

Ministre des Affaires Etrangeres

de la RSV

Pour le gouvernement de la RPK

**HWN=SBN.**

Ministre des Affaires Etrangeres

de la RPK

(1) Kohtral

1. Poulo Panjang ou Koh Krachak Ses en cambodgien

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UNITED

NATIONS





General Assembly

Distr.

GENERAL

A/41/967

15 December 1936 .

ORIGINALS ENGLISH

Forty-first session

Agenda Items 25, 32 and 39

THE SITUATION IN KAMPUCHEA

LAW OP THE SEA

QUESTION OF PEACE, STABILITY

AND CO-OPERATION IN

SOUTH-EAST ASIA

Letter dated 5 December 1986 from the Permanent Representative

of Singapore to the United Notions addressed to the

Secretary-General

Upon the instructions of my Government, I have the honour to transmit herewith

a note dated 5 December 1986 setting out the position of the Government of the

Republic of Singapore on the Vietnamese claims concerning the so-called historical

waters and the drawing of baselines.

I have further the honour to request that the text of this letter and the

attached note be circulated as an official document of the General Assembly under

agenda items 25, 32 and 39.

H

86-34363 IBllp (E)

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A/41/967

English

Page 2

ANNEX

Note dated a December 1986 settling out the position of the

**to.vej:naiflnjt„Q£mXhaCTaasBUhUg0r5a£-S/i1rigapore. -on - the Vietnamese.**

claims concerning the \_Ho-co..Ued histor ical waters ard the

drawing of'basol i nets

The Permanent Mission of the Republic of Singapore to the United Nations

presents, its compliments to the Sacretary-Cloneral of the United Mationfl and hae the

honour to refer to the following documental

(a) The ao-csllod "Agreement on the historical waters of the Socialist

Republic of Viet Nam and the People's Republic of Kampuchea", Binned on 7 July 1982)

jb) The statement of 12 November 19B2 by the Government of the Socialist

Republic of Viet Nam on the territorial aea baseline of Viet Nam' which was

circulated as an official document of the General Assembly (A/37 '697, annex))

(c) The statement dated 5 June 19H4 by the Government of the socialist

Republic of Viet Nam on its airspace, which wan circulated aa an -official documnn't

of the General Assembly (A/39/309, annex),

The Government of the Republic of Singapore is of the view chat ths baselinn®

claimed by the Government oil'the Socialist Republic of Viet Nam In ita statement of

12 November' 1982 do not conform to the well-esthllshed rules of international low

on the matter., •»« reflected in article 4 of the Geneva Convention on the

Territorial Sea and the Contiguous Bonn of 29 April 195B and article 7 of the 19B2

United Nations Convention on the l.aw of the Sea, of which Viet Nam ia a signatory.

In so far as the statement of 5 Jui.o 1984 seeks -to assert Vietnamese

sovereignty over the airspace of the so-called “historical waters" in the Gulf of

Thailand and over other waters or, the baflis of the boflollnes claimed in the

statement of .12 November 1982, the Government of ths Republic of Singapore,

consistent with itn position on the baselines an stated above, feels compelled to

reject such claim to airspace sovereignty an being contrary to International law.

The Government of the Republic of Singapore therefore protests the claims made

by the Government *of* the Socialist Republic of Viet Nam in the statements of

12 November 1982 and 5 June 1984 and reserves its rights and these of its nationals

in rotation to the sea areas in question and the airspace above them.

Furthermore, in regard to the "Agreement on the historical waters of tho

Socialist Republic of Viet Warn and the People’3 Republic of Kampuchea", the

Government of the Republic of Sinqapon wishes to state that the ho-cb11h6

Government of the People's Republic of Kampuchea does not represent, and cannot be

considered to represent, Kampuchea in any manner whatsoever, br only th > Coalition

Government of Democratic Kampuchea, which is the sole legitimate- Government

Kampuchea, overwhelmingly recognized on nuch in the United Natlcns, can reproawnr

Kampuchea. Thersfore, any agreement or declaration that purports to be concluded

or made by the so-called Government of the People'll Republic of Kampuchea is devoid

of any legal effect,

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DEG y H?

Distr.

GENERAL

A/37/697

6 December 1982

ORIGINAL; ENGLISH

A

Letter dated 30 November 1982 from the Permanent

Representative of Viet Nam to the Dnited Nations

addressed to the Secretary-General

I have the honour to forward herewith the statement of 12 November 1982 by the

Government of the Socialist Republic of Viet Nam on the territorial sea baseline of

Viet Nam and kindly request Your Excellency to have this note and its enclosures

circulated as an official document of the General Assembly under agenda item 28.

(Signed) HOANG BICH SON

Permanent Representative of the

Socialist Republic of Viet Nam

to the United Nations ■

82-35264 3642e (E)

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V37/697

English

Page 2

*STATE MBH?*

**BK THE COVER WHEW** *OF* **THE** *SOCIALIST REPUBLIC OF. VIET NAM*

*ON THE TERRTTORTAT, REA RAHEr.INE OF VIET NAM*

*In implementing the provisions of Paragraph 1 of the Statement on*

*the territorial sea, the contiguous zone, the exclusive economic zone and*

*the continental shelf issued by the Government of ■ the Socialist Republic*

*of Viet Nam on May 12, 1977 after being approved by* the *Standing Committee*

*of the National Assembly of the Socialist Republic of Viet Nam,*

*The Government of the Socialist Republic of Viet Nam makes the follo­*

*wing statement on the baseline from which the breadth of the territorial sea of*

*Viet Nam shall be measured :*

*1/ The baseline from which the territorial sea of the continental*

*territory of Viet Nam shall be measured is constituted by straight lines*

*connecting those points the co-ordinates of which are listed in the annex*

*attached herewith.*

*2/ The territorial sea baseline of Viet Nam. which starts from point p-*

*the meeting point of the two baselines for .measuring the breadth of the ter­*

*ritorial sea of the Socialist Republic of Viet Nam and that of the People's*

*^Republic of Kampuchea, located in the sea on the line linking the Tho Chu*

*Archipelago with Poulo* fZai *Island - and which ends at Con Co Island shall be*

*drawn following the co-ordinates listed in the attached annex on the*

*1/100,000 scale charts published by the Vietnamese people's Navy prior to*

*1979.*

*3/ The Gulf of Bac Bo (Tonkin Gulf) is a gulf situated between the Socia­*

*list Republic of Viet Nam and the People's Republic of China, the maritime '*

*frontier in the gulf between Viet Nam and China is delineated according to*

*the June 26, 1887 convention of frontier boundary signed between France and*

*the Qing Dynasty of China.*

*The part of the gulf appertaining to Viet Nam constitutes the historic*

*waters and is subjected to the of internal waters of the*

*Social ■i.ct-nenublic—of* Viet *jlzun.*

V37/697

English

Page 3

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*The baseline from Con Co Island to the mouth of the gulf will be d'efi-*

*following the settlement of the problem relating to the closing line of*

*gulf.*

*4/ The baselir^for measuring the breadth of the territorial sea of the*

*A Hoang Sa and Truong Sa Archipelagoes will be determined in a coming instru-*

*wment in conformity with Paragraph 5 cf the May 12,* 2977 *Statement of the*

*Government of the Socialist Republic of Viet Nam.*

4~:-" 5/ *The sea as lying behind the baseline and facing the coast or the*

*islands cf Viet Nam constitutes the internal waters of the Socialist Republic*

*~r;of Viet Nam.*

*6/ The Government of the Socialist Republic of Viet Nam holds that all*

*differences with countries concerned relating to different sea areas and the*

*?: continental shelf will be settled through negotiations on the basis of mu­*

*tual respect for each other's national independence and sovereignty in con-*

*■ formity with international law and practice.*

*HANOI, November 12, 1982.*

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English

Page 4

*THE CO-ORDINATES OF THE POINTS ESTABLISHING THE STRAIGHT*

*BASELINE FROM WHICH THE BREADTH OF THE TERRITORIAL SEA*

*OF VIET NAM IS MEASURED.*

*(Attached to the November 12, 1982 Statement by the Government*

*of the Socialist Republic of Viet Nam).*

*O*

*Al*

*A2*

*A3*

*A4*

*A5*

*A6*

*A7*

*AS*

*A9*

*A10*

*All*

*GEOGRAPHICAL DESCRIPTION*

*,On the Southwestern demarcation line of the*

*^historic waters of the Socialist Republic of*

*filet Nam and the People's Republic of*

*^Kampuchea.*

"At the *Island of Nhan, Tho Chu Archipelago,*

*'fiien Giang province ...... ......*

"At *Da Le Island which is -South-East cf Hon*

*'tKhoai -Island, Minh Hai province . ... . . .*

’At Tai *Lop Islet, Con Dao Islands,Con Dao -*

*\Vung Tau administrative sector*

'At *Bong Lang Islet, Con Dao Islands ....*

’At *Bay Canh Islet,* son Dao *Islands .....*

'(At *Hon Hai Islet (Phu Qui group), -Thuan Hai*

*^province ’*

*'fit Hon Doi Islet, Thuan Hai province . , . . '*

*'fit Dai Lanh Cape,*

*'fit Ong Can Islet,*

*"fit Ly Son Island,*

*fit Con Co Island,*

*Phu Khanh province . , ,*

Phu *Khanh province ,, ,*

*Nghia Binh province , .*

*Binh Tri Thien province*

*LATITUDE (N)l LONGITUDE* fEjd

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| *09°* | *15’0* | *1O3°2* | *>7’0* |  |
| *08°* | *22'8* | *' 104°* | *52'4* | *1* |
| *08°* | *' 37'8* | *106°* | *37'5* |  |
| *08°* | *38'9* | *106°* | *40’3* |  |
| *08°* | *39'7* | *106°* | *42'1* |  |
| *09°* | *58’0* | *109°* | *05'0* |  |
| *12°* | *39 '0* | *109°* | *28'0* |  |
| *12°* | *53’8* | *109°* | *27'2* |  |
| *13°* | *54'0* | *' 109°* | *21'0* |  |
| *15°* | *23 '1* | *109°* | *09'0* |  |
| *17°* | *10'0* | *107°* | *20'6* | - |

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General Assembly

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JUN 2 b 1984

Htuty-.i.tt, session UN/SA O311X.10N

gtems 68 and 124 of the preliminary list\*

Di str.

GENERAL

A/39/309

21 June 1984



ORIGINAL: ENGLISH

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REVIEW OF THE IMPLEMENTATION OF THE DECLARATION ON THE

STRENGTHENING OF INTERNATIONAL SECURITY

DEVELOPMENT AND STRENGTHENING OF GOOD-NEIGHBOURLINESS BETWEEN STATES

Letter dated 11 June 1984 from the Permanent Representative of Viet Nam

to the United Nations addressed to the Secretary-General

The Permanent Representative of the Socialist Republic of Viet Nam to the

^United Nations presents his compliments to the Secretary-General of the United

^Nations and has the honour to transmit herewith the statement of the Government of

'the Socialist Republic of Viet Nam on the airspace of Viet Nam, issued on

h June 1984.

I would be greatly appreciative if Your Excellency could have this statement

circulated as an official document of the General Assembly under items 68 and 124

of the preliminary list.

Permanent Representative

of the Socialist Republic of Viet Nam

to the United Nations

A/39/50.

84-15770 1586a (E)

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A/39/309 J

English ...

Page 2

ANNEX

STATEMENT

of the Government of the Socialist .Repub] ic

Of. Viet Nam on r.hp Airsnar.p of-.Viat Nam.

The Council of Ministers of the Socialist Republic of Viet Nam states

the following provisions on the airspace above the territory of the Socialist21^

Republic of Viet Nam :

1. The airspace of the Socialist Republic of Viet Nam comprises the

space above its land territory, islands, internal waters and territorial sea

and falls within the complete and exclusive sovereignty of the Socialist Republic

of Viet Nam.

SjH

1. Flights of any foreign aircraft shall only be operated in the air- ...'a

space of the Socialist Republic of Viet Nam on the basis of air navigation , .T

treaties or agreements signed by the Socialist Republic of Viet Nam and the r.d.S

countries concerned, or of permissions granted by the Government of the Socia-

list Republic of Viet Nam in case of a non-stheduled flight. M

1. All foreign aircraft permitted to fly in the airspace of the Socia- 3j

list Republic of Viet Nam in accordance with the above mentioned provisions '■

shall follow international air routes or those defined by the Vietnamese autho­

rities, and shall be permitted to land at airports open to foreign aircraft or

other airports which are designated by the Vietnamese authorities.

1. While operating in the airspace of the Socialist Republic of Viet Nam,

foreign aircraft must fully observe the laws and regulations of the Socialist

Republic of Viet Nam anu subject themselves to the control and guidance of the

Vietnamese authorities in all fields, and are strictly forbidden to carry out

in any manner any activities in violation of the sovereignty and security of

the Socialist Republic of Viet Nam, or which would be detrimental to its inte­

rests .

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English

j: Page 3

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if 5. It is forbidden to use means of.-any kind in any manner to discharge,

i launch or drop any objects from outside into the airspace, or through the-

airspace into the land territory, internal waters, territorial sea and islands

of Viet Nam in an attempt to violate Vietnam's security, to cause harm to the

Socialist Republic of Viet Nam, or to hinder the air navigation within the

airspace of the Socialist Republic of Viet Nam.

6. Any violation of the provisions of this statement or other- relevant

laws and regulations, shall be dealt with in keeping with the law of the

Socialist Republic of Viet Nam.

7. Other matters relating to the airspace of Viet Nam will be specifi­

cally stipulated later on ’ on the basis of this statement and on the principle

■ of respect for the sovereignty, security and other interests of the Socialist

Republic of Viet Nam in conformity with international law.

Hanoi,- June 5th 1984

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6.E.1

**DOCUMENTS POUR L’HISTOIRE**

Saadech 1‘reah Noxudoa SihaQoul;

Chef de 1'Etat et President du

Conseil National Supreme du Cambodge

A Son Altesse Royale Sdech Krom Luong NORODOM RANARIDDH ■

et

Son Excellence Monsieur HUN SEN..

Co-PrAsidents du Gouvemement National Provisolre

du Cambodge

Altesse Royale,

Excellence,

J'apprends, ce matan^par la presse,que Vous allez, vers la fin de ce mois de

Juillet 1993, rendre une visite amicale A la R.S. du Vietnam.

A Hanoi, je Vous prie de demander au Gouvemement de la R.S. du Vietnam

de bien vouloir replacer les bornes frontaliAres du Vietnam avec le Cambodge sur la

ligne frontaliAre Vietnamo-Cambodgienne telle quela R.D. du Vietnam et le FNL du

Sud Vietnam 1'avaient offlciellement reconnue dans les annAes 1960 et 1970 : dans

certains endroits, ces homes frontalieres, dans les annees 1980, ont AtA dAplacAes

bien Al'intArieur duterritolre du Cambadge. Des "Portiques” marquant la soi-disant

"frontiAre Vietnamo-Cambodgienne" ont Ate, dans ces memes annAes 1980, construits

profondement en territoixe cambodgien. Ces "Portiques" doivent etre dAmolis s'il

apparait qu'ils ne se trouvent pas exactement sur la ligne frontaliAre Vietnam-

Cambodge prAvalant jusqu'A la veille du Coup d'Etat de Lon Nol-Sixik Matak.

Quant A la frontiers maritime Vietnamo-Cambodgienne, elle ne doit pas etre

diffArente de celle reconnue formellement par la R.D. du Vietnam et le FNL du Sud

Vietnam dans les annees 1960.

Veuillez dire A 1'Aminent Gouvernement de la R .S. du Vietnam que mon amitiA

pour le Vietnam Socialiste et son Peuple est Invariable et restera grande. Mais

I'amiHA entre nos deux Pays et nos deux peuples ne peut etre effective e\_t solide

que dans le respect mutual de nos frontiAres terrestres et maritimes internationa-

lement reconnues dans les annAes 1960 et reconnues par la R. D. du Vietnam et FNL

du Sud Vietnam eux-memes dans les annAes 1960 et 1970.

Je vous prie, Altesse Royale, Excellence, d'agrAer 1'assurance de ma trAs

haute consideration et de ma plus profonde affection.

Belling, le 19 Juillet 1993

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6.E.2



COCHIN-CHINA

CAMBODIAN TERRITORY

**PERMANENT MISSION OF CAMBODIA**

**TO THE UNITED NATIONS**

22S

**PREAMBLE**

The purpose of this statement is to provide all Member States of the United

Nations with an objective description of the various aspects of the problem

arising from the *Khmer territories of Cochin-China {South Viet-Nam).*

In the past those territories were part of the Kingdom of Cambodia, and

they are still inhabited by over half a million Khmers who remain deeply

attached to their culture, religion, customs, traditions and ancestral land.

On many occasions in the course of her history, Cambodia has fought for

her rights and resisted territorial encroachments by neighbouring nations.

When the odds became loo unequal in 1854, the reigning Khmer ruler,

King ANG DUONG, found it necessary to appeal to a Power of tire Western

world, namely France, for assistance in defending his threatened territories.

As it turned out however, his hopes were frustrated as subsequent events assumed

an even more disastrous turn. Owing to Cambodia’s political decline which was

brought about by the establishment of the French Protectorate, not only those

threatened territories for the protection of which Cambodia had sought France’s

intervention, but also other provinces under Cambodian administration were

severed from the Kingdom to constitute a French colony under the name of

Cochin-China.

Since that time, the Cambodian Government has approached France on

many occasions with a view to obtaining recognition of its rightful claims in

respect of Cochin-China as it is unable to accept any solution that constitutes a

violation of its legitimate rights.

When the delegations of Cambodia, France, the Democratic Republic of

Viet-Nam, Laos, the People’s Republic of China, the State of Viet-Nam, the

Union of Soviet Socialist Republics, the United Kingdom and the United States

met in July 1954 in Geneva in an attempt to end the fighting in Indo-China, the

Royal Government of Cambodia raised the problem of the Khmer territories of

Cochin-China, asking the Conference to take it up at the same time. Hie Confer­

ence noted the specific reservations formally made by the Cambodian Delegation

as to Cambodia’s legitimate claims on the said territories.

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BRIEF HISTORICAL ACCOUNT SHOWING HOW

IHJL^XUB.OlIJx^J^

FELL INTO THE HANDS OF THE VIIT-NAMESE .

Up to the end of World War II. French Indo-China consisted of five

separate countries ■— Tonkin, Annam, Cochin-China, Laos and Cambodia. The

former three are mostly inhabited by a population commonly described as

“Annamite” (nowadays Viet-Namese) whose cultural background is linked with

that of China, and they are quite distinct from Cambodia whose people is of

Hindu culture.

Descending from the Viets, an indigenous tribe of Southern China, the

Annamites had migrated southwards in great numbers and spread like a huge

tidal wave from the Red River to the Lower Mekong, and from the China Gates

and the Gulf of Tonkin to the Pointe Camau and the Gulf of Siam.

At the time the French established their position in Indo-China with the

capture of Saigon in February 1859. part of the Cambodian territories had thus

been occupied by the Annamites.

This was the result of either infiltrations or abuse by Annamites of hospital­

ity extended by Cambodian Kings. For example, after the TAY SON uprising,

the Srok of Preah Trapeang (Travinh) had given asylum to the fugitive

emperor, GIALONG. There the latter reconstituted his army, and was given

military support by King ANG ENG, (reigning in Cambodia from 1779 to 1796).

When he was back on the throne of Annam after the repression of the TAY SON

uprising, Emperor GIALONG “remembering”, to use his own words, “the kind

hospitality” he had enjoyed in the province of Preah Trapeang (Travinh) urged

King ANG ENG to exempt this Srok from all levies, and its people from all

feudal duties to which the King agreed as a gesture of friendship. Later

GIALONG arbitrarily made the Srok into an Annamite colony.

Similarly, in 1663 King CHEY CHETTHA II kindly gave his consent to

the opening of the Saigon-iBienhoa-Baria area to Annamite immigration. The

Annamite prince NGUYEN SAI VUONG requested the right for his people to

till the land and to engage in trade subject to the payment of taxes. King

CHEY CHETTHA agreed. He had married an Annamite princess, a daughter

of NGUYEN SAI VUONG, and according to a tradition of the Khmer dynasty

the Queen Dowager and the Viceroy were endowed with some provinces of

the Empire as a personal lifetime appanage. The provinces were never excluded

from the Crown possessions, but the Titular enjoyed certain rights in respect

of the administration of the territory under his rule (taxation, police, etc.).

In 1853, King ANG DUONG alarmed by Annamite expansion and by a

possible alliance of Siam and Annam for the sharing of Cambodia, secretly

sent to the French Consul in Singapore a letter addressed to Emperor NAPOLE­

ON III in which he requested from France a certain measure of protection.

The letter was not acknowledged, and the King decided to write another letter to

propose tire conclusion of a Franco-Cambodian alliance and to appeal to the

French Emperor not to accept certain territories mentioned in the letter, should

the Annamites offer them to France, as such territories belonged to Cambodia.

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In the nineteenth century, France for various reasons was bent on a policy

of expansion, and taking advantage of the attitude of friendship and confidence

adopted by the Cambodian Sovereign, chose to intervene in Cochin-China. When

Saigon was besieged in 1859, Cambodian troops supported the French forces

by entering simultaneously the provinces of Meat Chrouk (Chaudoc), Kramuon

Sar, (Rachgia), Srok Treang (Soctrang), and Preah Trapeang (Travinh).

Under the treaty of peace and friendship concluded with France in Saigon

on 5th June, 1862, Annam accepted — in addition to clauses relating to

freedom of worship in the Roman Catholic faith in her territory, the under­

taking not to surrender any part of her territory to anyone without consulting

France, the opening of certain ports to Franco-Spanish trade, and the pay­

ment of war compensation — a clause of particular interest for Cambodia

under which Annam transferred to France three Cambodian provinces occupied

by Annamiles — Bienhoa, Giadinh and Mytho. The latter clause is obviously

not valid, since Annam thereby assigned to a third party territories which did

not belong to her.

A few years later, in 1867, on the grounds that Annam had broken the

Saigon Treaty, Admiral LAGRANDIERE, acting upon instructions from the

French Government, occupied three more Cambodian provinces, Long-Ho (Vinh-

long), Meat Chrouk (Chaudoc) and Peam (Hatien), and the whole of Western

Cochin-China. The French occupation of Kas Tral (Phuquoc Island), another

Cambodian possession, completed the process — formally recognized by the

Franco-Annamite treaty of 1874 — by which the whole of Cochin-China (the

present South Viet-Nam) became a French colony.

The colonial status of Cochin-Ch’na was maintained until 1949 when

under a French Act passed on 4th June of that year the whole of Cochin-China

was transferred to Viet-Nam, in spite of solemn remonstrations by the Khmer

Government, and notwithstanding the fact that France, through her authorized

representatives, had recognized the validity of the Cambodian claims.

EVIDENCE SHO WING THAT, THE COCHIN-CHINA

TERRITORIES-BELONG t\_Q\_CAMBODIA

Thus it is claimed that the former French colony of Cochin-China consists

of territories belonging to Cambodia. Evidence to that effect is not lacking.

From an archeological point of view, the existence of towers, bronze and

stone statues, inscriptions, religious edifices, brick shrines, steles, etc., proves

beyond all question the presence of Cambodians in those parts.

In addition to such archeological evidence, the old maps of Indo-China

(those compiled in 1593 and 1638, the map drawn by Father DE RHODES in

1650, ROBERT’S map of Indo-China dating from 1717, DURVILLE’s map

of Indo-China published in 1755, etc.), as well as various documents written

either in the Khmer or the Annamite languages or in French, confirm Cambodia’s

sovereignty over the Cochin-China territories, (see plate No. 1).

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DU DEBUT DE LIRE CHRETIENHE AU XVIIIs SIECLE

LA COCHINCHINE FUT UN PAYS KHMER

**ETAT DES RECHERCHES ARCHEOLOGJQUES**

**EN IB42**



PLATE NO. 1 — MA

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With reference to demography and ethnography, the population of Cochin-

China includes over half a million active, courageous patriotic Khmers with

the same traditions, customs, and way of life as their brothers in Cambodia, and

speaking the same language.

As far as religion is concerned, the typically Khmer character of Cochin-

China is apparent from the existence of several hundreds of Cambodian pagodas

and numerous Pali schools, which in 1940 were distributed as follows:

|  |  |  |
| --- | --- | --- |
| Provinces | Number of pagodas | Number of Pali schools |
| Baclieu | 46 | 5 |
| Cantho | 38 | 5 |
| Chaudoc | 57 |  |
| Hatien | 10 |  |
| Longxuyen | 5 |  |
| Rachgia | 62 | 2 |
| Soctrang | 59 | 14 |
| Tayninh | 18 | 1 |
| Travinh | 111 | 11 |
| Vinhlong | 1 | — |
|  | 407 | 38 |

The pagodas are at the same time repositories of Cambodian civilization,

and spiritual and cultural centres where local 'Khmers observe the same form of

Buddhism as that prevailing in Cambodia (see plate No. 2).

As regards the legal aspects of the question, Cambodia’s sovereign rights

over Cochin-China are still valid:

Was there an occupation in the legal sense? The Annamite (Viet-Namese)

settlement cannot be so described since the area involved was not unclaimed land,

but Cambodian territory, as has already been shown.

Neither was there any acquisition by subjugation, for the Khmer State

legitimate sovereign of those territories, never ceased to exist.

Neither were the Annamites awarded the Cochin-China territories by a

supranational decision, as no community of States (Conference, League of

Nations, UNO) or international legal body ever took such action.

Nor could prescription be invoked: indeed, a case based on such grounds

would be absolutely worthless, considering that at all times Khmer monarchs

have intimated, either by filing claims or by military action, their determina­

tion not to give up the territories occupied by the Annamites.

In the year 1738, King ANG SO took up arms against the Annamites in

an attempt to expel them from Hatien. In 1776, King ANG NUON, taking

advantage of a Cambodian uprising in Lower Cochin-China at the time of

the TAY SON revolt, seized Long-Ho (Vinhlong) and Mesar (Mytho). In

1859, the same monarch ordered his troops to march on 'Meat Chrouk (Chandoc),

The fighting was still going on when the French landed in Cochin-China.

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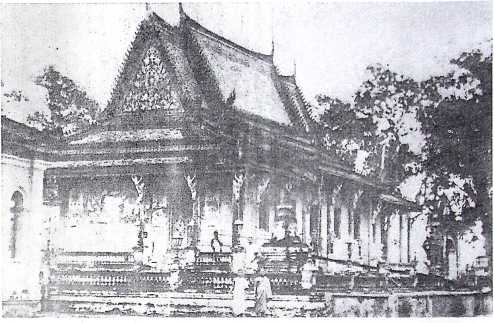


PLATE NO. 2 — MONASTERY OF CAHMPEI SOPIIONN, VILLAGE OF DALOC, PROVINCE OF VINH-BINH (TRAVINH)

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As regards claims, they were frequently reiterated: King ANG TO in

1645 and King ANG CHAN in 1653 asserted the Khmer territorial rights.

Besides King ANG DUONG who called for French intervention mainly with a

view to regaining his Cochin-China provinces, King NORODOM — on the

occasion of his visit to Saigon in October, 1864 (one year after the conclusion

of the treaty establishing the French Protectorate over Cambodia) — also

urged the French authorities to ensure that the Cochin-China provinces were

returned to Cambodia.

Under the Japanese occupation, His Majesty NORODOM SIHANOUK,

faced with Viet-Nam’s intention Io achieve unification by integrating Cochin-

China into her territory, expressed definite reservations in his Declaration of

25th June, 1945, regarding Cambodia’s rights over Cochin-China, and sug­

gested the setting up of a Joint Commission for the delimitation of the Khmer

Vietnamese border. The Nam Bo Government (HO CHI M'INH’s Government)

accepted in 1945 the principle of adjusting the frontier in favour of Cambodia.

When France began to consider acceding to the demands of H. M. BAO

DATs Government for the fusion of the three *Ky* (Tonkin. Annam and Cochin-

China) into a single State, H. M. NORODOM SIHANOUK, in a letter dated

20th. January, 1948, urged the French High Commissioner in Indo-China to

keep him informed of the pending negotiations between France and Viet-Nam.

However, France, disregarding Cambodia’s concern in the matter, signed with

H. M. BAO DAI the Along Bay Agreements of 1948 recognizing the principle

of the union of the three *Ky.*

On 18th June, 1948, H. M. NORODOM SIHANOUK protested by letter,

and in 1949 he sent a Cambodian delegation to Paris to attend the debate in

the French Parliament on the bill dealing with Cochin-China’s new status and

accession to Viet-Nam, and to formulate protests against the integration of a

Cambodian territory (Cochin-China) into Viet-Nam.

Despite earnest representations by Cambodia, France unilaterally decided

by an internal law of 4th June, 1949, to hand over to Viet-Nam the Cochin-China

territories which she had acquired irregularly in the first place.

When the Franco-Khmer Treaty was concluded on 8th November, 1949,

H. M. the King of Cambodia expressly intimated that by signing the Treaty

Cambodia did not relinquish in any way her claims on Cochin-China, and a reser­

vation to that effect is included in the Treaty itself.

Those reservations were formally and explicitly renew'ed by Cambodian

delegations successively at the inter-State Conventions known as the Pau Con­

ventions, at the Geneva Conference held in July, 1954, and at the conclusion

of the Paris Agreements of 29th December, 1954.

On the other hand, there was no regular transfer of the Cambodian terri­

tories in Cochin-China. No treaty or convention specifies such a transfer. No

comparison therefore can be drawn between Cochin-China (South Viet-Nam)

and Louisiana — which was made over to the United States by France in 1803, or

Alaska — sold by Russia to the United States in 1867 — or the Caroline Islands

—transferred by Spain to Germany in 1899.

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Nor has there been any consolidation of a military occupation, since Annam

has waged no war of conquest against Cambodia, and taken up arms only when

asked to do so by a Cambodian prince, either against another pretender to the

throne or against the Siamese at the request of the rebels.

Lastly, contrary to certain contentions, there has been no frontier delinea­

tion. finally marking off the Cambodian territories occupied by Annam. The de­

cision taken on 9th July, 1870, and the arrangement concluded on 17th July,

1873, defining the frontiers between Cochin-China and Cambodia were unilateral

actions by France, which at that time directly assumed the administration of

both Cochin-China as a colony, and Cairibodia as a Protectorate. Those were

*administrative* measures taken by a single Power in a readily understandable

desire to increase its colonial empire. Cambodia, after asking the French Govern­

ment for protection and entrusting it with the care of her external sovereignty,

was in no position to protest against such a definition.

RECENT DEVELOPMENTS.

Since the Geneva Conference was held on 20th July, 1954, the fundamental

rights and deeply-felt aspirations of the Khmer population of Cochin-China have

been impaired by the occurrence of a series of new developments of increasing

portent. These have aroused considerable concern in the Khmer people, always

mindful of the fate of their brothers in Cochin-China. A systematic racial policy

is being implemented with the obvious intention of eventually eliminating all

traces likely to testify to the Cambodian character of the Cochin-China territories.

This creates extremely serious problems which must be solved without delay

through a fair settlement taking into account the interests of all involved.

(1) While the South Viet-Nam Government was fully aware both of Cam­

bodia’s rights in the matter, and of the aspirations of the Khmer population of

Cochin-China, it signed a bilateral Convention with France on 16th August,

1955, imposing Viet-Namese nationality upon the latter. This follows from Arti­

cle 1 of the Convention which lays down that, “for the purposes of this Con­

vention, the words ‘native of South Viet-Nam’ shall refer to all persons with

both parents of Viet-Namese descent or belonging to ethnic minorities settled

in Viet-Namese territory”.

Under Article 3, it is stated that “former French subjects native of South

Viet-Nam (Cochin-China) or former settlements of Haiphong and Tourane are

of Viet-Namese nationality regardless of their place of residence on 9th March,

1949”.

(2) The above-mentioned convention was the starling point of a policy

of intensive assimilation which is absolutely incompatible with the most firmly

established principles of international Law regarding ethnic minorites.

An ordinance issued on 29th August, 1956, by . the South Viet-Nam Govern­

ment made it compulsory, subject to severe penalities, for all Chinese bom in

South Viet-Nam and former French citizens who had opted for Viet-Namese

nationality to adopt Viet-Namese-sounding names. On that occasion, the same

obligation was imposed on the Khmers in Cochin-China in spite of the fact that

they are not foreign immigrants, but native of the country.

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In addition, registrars were instructed to make alterations in the population

registers all over the country.

1. In pursuance of the same policy, the South Viet-Nam authorities have

cancelled the entry “Cambodian race” from the identification papers which

formerly bore it.

Under the French colonial regime all identification documents issued to

Cambodians in Cochin-China contained the following entries:

*Nationality:* French subject

*Race:* Cambodian

Instead, the new documents issued by the Viet-Namesc authorities read:

*Nationality:* Viet-Namesc

*Race:* Viet-Namese lor no indication of race)

1. Similarly it was decided to cut down the teaching in schools of the

Khmer language as a first step towards its gradual suppression, in disregard of

the assurances given by the Viet-Namese delegation to the Geneva International

Conference on Education (Report by the Representative of Viet-Nam Io the

18th Conference held from 4th to 17lh July, 1955).

1. Only recently the South Viet-Nam Government, still pursuing a policy

aimed at removing all Cambodian traces from the Khmer territories, re-named

certain provinces when their old names were still reminiscent of their Khmer

origin.

Thus Travinh, derived from the Cambodian Trapcang, has been re-styled

Vinh-Binh; Srok Khleang, which became Soc-Trang is now' Ba-Xuyen, etc.

1. Other political actions of an infinitely more serious nature have taken

place which offended the civilized mind, and cannot and must not be ignored by

the Members of tire United Nations.

(a) How, for instance, should one feel about the obligation imposed on

Kluners in Cochin-China to wear the Viet-Namese national dress?

(lb) While in the whole Buddhist world—to which, incidentally, Viet-Nam

also belongs — the priesthood of that religion is the object of the deepest

veneration, the Government of South Viet-Nam, in utter defiance of the most

sacred precepts of Buddhism, compulsorily enlisted Khmer Buddhist monks

in the South Viet-Nam armed forces.

1. In addition, traditional relations between the Khmer Buddhist clergy

of Cochin-China and that of Cambodia are constantly hindered by South Viet-

Namese authorities, who also interfere with the introduction into Cochin-China

of newspapers, periodicals and books in the Khmer language.

1. As might have been expected, many young Cambodian clerics and

others had to leave South Viet-Nam and take refuge in Cambodia. Perhaps one

of the objectives of the South Viet-Namese Government is to make the position

of the Khmers unbearable, while in Cambodia Viet-Namese immigrants live

in complete security' and peace.

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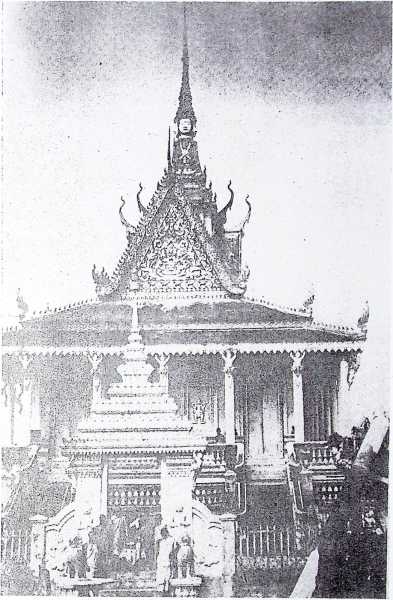


PLATE NO. 3—MONASTERY OF BAIXAU, PROVINCE OF SOCTRANG (BA-XUYEN)

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1. Furthermore, in the acute political unrest prevailing in South Viet-

Nam the Khmer minority has been crushed since 1915 between rival political

factions engaged in violent armed conflict. As a result, tens of thousands of

Khmers, exposed to reprisals from all sides, are dying in obscurity.

1. Lastly, the South Viet-Nam Government, applying the principle that

might is right, proceeds with the systematic transplantation of refugees from

North Viet-Nam into districts inhabited by Khmers, expropriating or even ex­

pelling people from their land, and sometimes priests from their pagodas.

All those measures are condemned by international ethics. They are part

of a general scheme or policy tending both to assimilate the Khmer minority

through the most extreme and brutal methods, and to eliminate the territorial

problem. *The Royal Government, of1 Cambodia particularly wishes to draw the*

*attention of the Members of the United Nations to those actions which are*

*obviously tantamount to physical and cultural genocide.*

**CONCLUSION**

Thus, on the one hand the increasing concern of Cambodian public opinion

for the security of over half a million Khmers inadequately protected and exposed

to all kinds of vexations, and on the other hand the inalienable rights of Cam­

bodia over the Cochin-China territories, place upon the Cambodian Government

the responsibility of providing world opinion with an objective picture of the

situation.

In connection with the above, it may be appropriate to draw the attention

of the Member States of the United Nations to repeated violations of Cambodia’s

borders by elements of South Viet-Nam’s regular armed forces, followed by acts

of violence upon Cambodians living in border areas. The erection of military

outposts along the same borders, and the concentration of considerable South

Viet-Namese forces (roughly estimated at twice the strength of the Royal Khmer

Armed Forces) 200 or 300 yards from the frontier give cause for legitimate

concern to both the Royal Government and the Cambodian people. We drew the

attention of the International Supervisory Commission on the implementation

of the 1954 Geneva Agreements on a cease-fire in Indo-China to those disturbing

facts which constitute a possible threat to peace in that part of the world.

The attached Annex gives an idea of the importance of those preparations

and of their emotional impact on Cambodian opinion.

The Cambodian Government is staunchly attached to its policy of peace,

and it entertains no antagonistic feelings towards neighbouring countries, whose

nationals living in Cambodia enjoy the full exercise of their rights. In that

spirit, it wishes to call the attention of all Nations to the serious nature of the

maltreatment inflicted upon lire Khmers of Cochin-China, as w’ell as to the need

for a fair settlement of the territorial question of Cochin-China, since the

continuance of such a situation is liable to endanger the maintenance of peace

in that region with the possibility that world peace and security might event­

ually be impaired, a prospect which no generous-minded man and no nation

truly devoted to the cause of peace and justice can possibly ignore.

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ANNEX

**REINFORCEMENT OF SOUTH-VIETNAMESE TROOPS**

**ALONG THE CAMBODLVX FRONTIER .**

Since 1956. the South-Vietnamese authorities have continually reinforced

their troops along the Cambodian frontier. This unusual deployment of South-

Vietnamese forces, which is certainly on a larger scale than that, necessary to

put down pillage in frontier regions, gives cause for concern. The Cambodian

press and the foreign press in Cambodia continually draw attention to this

disposition of troops and are unanimous in expressing the anxiety of the peace-

loving population of Cambodia.

According to the report in the newspaper “San Hoa du Pao” of 4 Septem­

ber, 1957, the following troops have been placed along the Cambodian frontier:

frontier:

*Province of Svayrieng:* 4 military posts, each with 150-200 men, all close

to the frontier; a large post at Tayninh (South-Vietnam), with an effective

force of 4',000 men and destined to receive 60,000 recruits.

*Province of Kompong-Cham-.* 1 military post of 300 men, 2 kilometers

from the Cambodian frontier: another post under construction.

*Province of Kampolx* 2 military posts already existent, of which the gar­

risons have been reinforced. Two new posts under construction. Reinforcement

of equipment and personnel at the aerodrome of Hatien (1,000 new soldiers

in the Hatien region).

*Province of Kralie:* 5 new posts with personnel equal to two companies

have been placed a few hundred metres from the Cambodian frontier.

*Province of Prevveng:* Concentration of troops 3 kilometers from the

frontier. Four worships stationed about 3 kilometers from Cambodian w’aters.

The newspaper “Hon Viet”, acting as mouthpiece for South-Vietnam,

explains that the reinforcement of South-Vietnamese troops along the frontier

is to prevent any pillage or other disorders that might result from the presence

of scattered remnants of Vietminh and rebel elements. It is difficult to under­

stand how these supposed remnants could be of sufficient importance to call

for military measures on such a scale, when the Vietnamese Government *lias*

*already declared that it has completely dispersed these same elements.* On the

other hand, if it were simply a matter of taking preventive measures against

acts of pillage, it would normally have been sufficient to establish guard posts

at the danger points.

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6.E.3

Proces-verbal de la premiere reunion de la Commission mixte sur les

questions de frontiere khmero-vietnamienne tenue a Ho Chi Minh-ville

du 22 au 27 mars 1999

En execution de la communaute de vue exprimee entre le Premier Ministre du Royaume du

Cambodge et le Premier Ministre de la Republique Socialiste du Viet-nam en date du 14

decembre 1993 a Hanoi’, la Delegation du Gouvemement royal du Cambodge et la

Delegation du Gouvemement de la Republique Socialiste du Viet-nam se sont rencontrees

pour la premiere reunion de la Commission mixte sur les questions de frontiere khmero-

vietnamienne du 22 au 27 Mars 1999 a Ho Chi Minh-Ville.

La Delegation du Gouvemement royal du Cambodge est conduite par S.E.M. VAR KIM

HONG, President de la Commission mixte de frontiere khmero-vietnamienne. La

Delegation du Gouvemement de la Republique Socialiste du Viet-nam est conduite par

S.E.M. TRAN CONG TRUC, President de la Commission mixte de Frontiere vietnamo-

cambodgienne. La composition de la Delegation du Gouvemement royal du Cambodge et

de la Delegation du Gouvemement de la Republique Socialiste du Viet-nam (ci-apres

appelees "les deux parties") figure dans les annexes laet lb du present Proces-verbal.

Durant leur sejour a Ho Chi Minh-ville les deux Delegations ont ete accueillies

chaleureusement par le President du Comite populaire de Ho Chi Minh-Ville.

Cette premiere reunion s'est tenue dans une atmosphere amicale et sincere et les deux

Parties se sont mises d'accord sur les points suivants:

1 -Sur 1'organisation et les activites de la Commission mixte sur les questions

de frontiere khmero-vietnamienne (ci-apres designee comme "la Commission mixte"):

I-l.Les pouvoirs et les taches de la Commission mixte:

Negocier en vue de regler toute question concemant la delimitation de la frontiere, tant

terrestre que maritime, entre les deux pays;

-Elaborer Le Traite de delimitation de la frontiere maritime et le Traite complementaire au

Traite de delimitation de la frontiere terrestre pour les soumettre aux Gouvemements

respectifs;

-Diriger les travaux de demarcation et d'abomement de la frontiere sur la base du resultat

obtenu lors ces negotiations et approuve par leurs Gouvemements respectifs:

Etablir la carte officielle de la frontiere terrestre entre les deux pays;

-Regler tous les problemes concemant 1'execution de 1'Accord sur le Statut

frontalier entre les deux pays.

1. L'organisation de la Commission mixte :

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1. La Delegation de chaque gouvernement au sein de la Commission mixte comprend

les representants competents des Ministeres et Provinces concemes sur le principe

d'egalite. Neanmoins, ce principe est simple quant a 1'effectif et au rang administratif.

Le nombre d'experts et d'interpretes de chaque Delegation est reserve a la decision du Chef

de Delegation en jugeant sur la necessity de la situation.

Lors d'un changement dans la composition de la Delegation, les deux Parties se devront en

informer reciproquement.

1. La Commission mixte s'est mise d'accord sur la creation du Groupe de travail mixte

d'experts sur les questions de frontiere khmero-vietnamienne (ci-apres designe comme "le

Groupe de travail mixte). Le groupe de travail mixte de chaque Partie comprend un chef de

groupe charge de la gestion generale des activites du Groupe, un Sous-Chef de groupe

charge de la frontiere terrestre, un Sous-Chef de groupe charge de la frontiere maritime et

d'autres membres determines sur la decision de chaque Partie. Le Groupe de travail mixte

est charge des taches suivantes:

-Discuter, echanger des propos sur les questions concretes concemant la delimitation de la

frontiere terrestre et maritime entre les deux pays.

-Echanger des propos et resoudre les questions concretes concemant la gestion de la

frontiere terrestre survenues dans la region frontaliere et dans la zone adjacente de la

frontiere maritime entre les deux pays;

-Realiser des travaux d'etude bilateraux dans les zones designees d'apres 1'accord entre les

deux Parties;

Faire le choix de la carte maritime servant a la conclusion et a 1'annexe au Traite de

delimitation de la frontiere maritime;

-Realiser d'autres taches designees parla Commission mixte

Le resultat du Groupe de travail mixte sera soumis a la decision mixte.

1.2-3. Lors des activites de la Commission mixte et quand jugeant necessaire, les Chefs de

Delegation des Deux Parties se mettront d'accord sur la

creation des brigades des sections mixtes pour la resolution des travaux concrets tels que

1'etude du terrain (tant terrestre que maritime), la demarcation et 1'abomement de la

frontiere ainsi que d'autres travaux a caractere technique concemes.

1. L'organisation de travail de la Commission mixte:
2. La Commission mixte se tient en reunion ordinaire d'une a deux fois par an

respectivement dans chaque pays; la date et le lieu de chaque reunion seront fixes

conjointement par la voie diplomatique. En cas de necessite, la Commission mixte pourra

se tenir en reunion extraordinaire ou en reunion restreinte entre les deux Chefs de

Delegations.

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1. Le Groupe de travail mixte se tient respectivement dans chaque pays tous les deux ou

trois mois. La date et le lieu de chaque reunion seront fixes par les deux Parties

anterieurement ou par la voie diplomatique

1. Les langues officielles lors des reunions de La Commission a tout niveau sont le

vietnamien et le khmer.

1.3.4.Apres chaque reunion ou seance de travail de la Commission mixte ou du Groupe de

travail mixte, les deux Parties signeront un proces-verbal prepare conjointement et redige

en langue vietnamienne, khmere et franchise ou anglaise.

1.3.5. Le contenu des reunions, des seances de travail mixte a tout niveau est considere

comme confidentiel et non soumis a la diffusion; en cas de necessite, les deux Parties

pourront se mettre en commun accord sur le contenu a distribuer officiellement.

13.6.La Partie hote de chaque reunion, seance de travail a tout niveau, prendra la

responsabilite sur la securite, la mise a la disposition de 1'autre Partie des moyens de

transport sur place, les locaux pour le travail et 1'hebergement pendant tout le deroulement

de la reunion ou seance de travail et prendra en charge tous les frais concemes; les frais de

voyage aller-retour vers les pays respectifs seront a la charge de chaque Partie.

Sur les principes de base reglant la negotiation et la resolution

des questions de frontiere entre les deux pays

1. Les principes generaux:
2. Les deux Parties se mettent d'accord sur les principes generaux reglant la negotiation

et la resolution des questions de frontiere entre les deux pays en se basant sur:

les Accords et les Traites sur les questions de frontiere et de territoire existants,

signes en 1982, 1983 et 1985;

les criteres les principes du droit international;

la pratique Internationale pour regler les questions de frontiere et de territoire entre

les deux pays en vue de faire de la frontiere khmero-vietnamienne une frontiere de paix et

d'amitie, contribuant ainsi au developpement des relations d'amitie et de bon voisinage

entre les deux pays sur la base du respect de la souverainete et de 1'integrite territoiriale de

chaque pays;

la non-violabilite de 1'integrite territoriale de chaque pays;

la non-intervention dans les affaires interieures de 1'autre pays;

1'egalite et 1'interet mutuel, et

la co-existence pacifique.

1. Les deux Parties s'engagent a respecter le Traite sur les principes de ta resolution des

questions de frontiere signe le 20 juillet 1983,1'Accord sur le Statut frontalier signe le 20

juillet 1982, le Traite sur la Delimitation de la Frontiere nationale signe le 27 decembre

1985 et s'engagent a respecter les resultats de demarcation et d'abomement sur le terrain

realises dans les annees de 1986 a 1988.

En cas d'erreur technique cartographique ou pour certaines raisons que la frontiere

terrestre entre les deux pays n'a pas ete prise en consideration ou n'a pas dressee

correctement et completement lors de la preparation du Traite sur la delimitation de la

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frontiere nationale signe en 1985 les deux Parties pourront negocier pour arriver a un

accord concemant le contenu et la forme de la rectification ou de 1'execution afin de le

soumettre a 1'approbation de leur Gouvemement respectif.

Dans un esprit d'egalite, de justice de respect mutuel, de realisme et de bonne volonte lors

des negotiations sur cette rectification et/ou execution, les deux Parties pourront se baser

sur les principes du droit international et de la pratique intemationale dans la delimitation

de la frontiere quand celle-ci suit la chaine des montagnes et les cours d'eau pour les

appliquer a certaines zones non encore cartographiees ou dont les deux Parties jugent la

situation irraisonnables.

1. En attendant la resolution des questions de frontiere terrestre, les deux Parties sont

d'accord pour que la gestion de la frontiere soit geree par I'Accord sur le Statut frontalier

signe le 20 juillet 1983 et s'engagent a ne mener des actions de gestion que jusqu'a la

frontiere deja demarquee et abomee; pour les parties non encore demarquees et abomees,

la gestion se fera comme avant la date du 17 janvier 1995.

1. Les deux Parties ont echange des propos. discute sur certains principes reglant la

resolution de la frontiere maritime entre les deux pays. Les deux Parties se mettent

d'accord pour designer le Groupe du travail mixte pour des discussions plus concretes sur

la delimitation dans les eaux interieures, la mer territoriale, la zone contigue, la zone

economique exclusive et le plateau continental, situant tant a 1'interieur qu'a 1'exterieur de

la zone des eaux historiques, y compris 1'affirmation de 1'emplacement du point 0

mentionne a 1'article 3 de I'Accord sur la zone des eaux historiques khmero-vietnaminnes

signe le 7 juillet 1982.

1. Sur la premiere reunion du Groupe de travail mixte

Lors ce cette premiere reunion de la Commission mixte, le Groupe de travail mixte s'est

tenu en sa premiere reunion pour discuter sur certaines questions concretes concemant la

frontiere terrestre et maritime entre les deux pays.

* 1. Sur la frontiere terrestre : Sur la frontiere terrestre:
     1. La Partie cambodgienne a propose a la Partie vietnamienne d'etudier la modification

de sept points sur la carte Bonne au 1/100.000 annexee au Traite sur la delimitation de la

frontiere nationale entre tes deux pays signe en 1985 (Annexe 2). Les deux Parties se sont

mises d'accord pour discuter en detail sur cette question lors de la prochaine reunion du

Groupe de travail mixe.

3.1.2 Sur la proposition de la Partie cambodgienne, la Partie Vietnamiennea transmis a la

Partie cambodgienne la procedure technique sur 1'etablissement de la carte geographique

de la region de frontiere khmero-vietnamienne (Annexe3) pour soumettre a 1'examen et a la

decision du Gouvemement royal.

3.2.Sur la frontiere maritime:

1. Les deux Parties ont discute en detail sur le choix de la carte maritime appropriee

pour servir de base dans les negotiations et comme annexe au Traite sur la delimitation de

ta frontiere maritime entre les deux pays.

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3.2.2-La Partie vietnamienne a presente et transmis a la Partie cambodgienne une copie de

la carte sur laquelle figure un projet de delimitation de la frontiere maritime entre les deux

pays.

1. La Partie cambodgienne a reitere sa position de prendre la ligne historique Brevie de

1939 comme frontiere maritime entre les deux pays. La Partie vietnamienne n'accepte pas

que cette ligne soit consideree comme frontiere maritime entre les deux pays.

1. Les deux Parties se mettent d'accord pour la tenue de la deuxieme reunion de la

Commission mixte et du Groupe de travail mixte en 1999. La date et le lieu exact de ces

reunions seront fixes ulterieurement par les deux parties ou par la voie diplomatique.

Fait a Ho Chi Minh-Ville Le 27 Mars 1999 en trois exemplaires en langue khmere,

Vietnamienne et frangaise. Les trois textes faisant egalement foi. En cas de divergence

d'interpretation le texte frangais servira de reference.

POUR LA DELEGATION DU

GOUVERNEMENT ROYAL DU

CAMBOOGE

POUR LA DELEGATION DU

GOUVERNEMENT DE LA REPUBLIQUE

SOCIALISTS DU VIETNAM

Signe

VAR KIM HONG

President de la Commission mixte

de frontiere khmero-vietnamienne

Signe

TRAN CONG TRUC

President de la Commission mixte

de frontiere vietnamo-khmere

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**LE POJQULSUB. LA SITUATION POLITIQUE ET SOCIALE du ler**

**septembre.au 31actobre 2005** [Bulletin EDA n° 429]

16/11/2005

POLITIQUE

l i-Qiitiere-avec ie Vietnam

En 1939,1'administrateur fran?ais Brevie rattache les deux iles de Koh Tral et de Krachas Ses,

situees en face du territoire cambodgien, a la juridiction administrative de la Cochinchine. En

1949, la France prend cette ligne comine delimitant les territoires du Cambodge et du

Vietnam. Lors de 1'accession a 1'independance, en 1954, le Vietnam s'attribue ces deux iles.

Durant la periode du Sangkum de Sihanouk, des negotiations eurent lieu avec le Vietnam.

Les Khmers rouges, par la suite, accepterent de conserver la ligne Brevie comme trace

frontalier officiel. Mais sous les regimes successifs, les Cambodgiens de base, meme les

refugies en France, revent, non seulement de recuperer ces deux lies et les eaux territoriales

(correspondant a un tiers des eaux territoriales du pays), mais egalement de reconquerir la

Cochinchine (appele *"Kampuchea Kraom* ou Cambodge d'en bas). C'est done rm dossier

explosif.

Depuis 1979, le Cambodge, occupe par farmee vietnamienne, signe plusieurs traites de

delimitation des frontieres avec le Vietnam : 18 fevrier 1979, 17 juillet 1982, le 20 juillet

1983, le 27 decembre 1985. D'apres Say Bory, ancien membre du Conseil constitutionnel et

actuel haut conseiller du roi-pere, la convention signee entre les deux pays en 1979 attribue

les deux iles au Vietnam, et stipule que 10 000 km2 des mers khmeres deviennent *"un espace*

*maritime commun".* Quant aux autres traites, *"Us modifient le trace des frontieres terrestres*

*en contradiction avec le trace reconnupar la communaute internationale".* Depuis decembre

1986, Singapour et le prince Sihanouk, president du GCKD, ne cessent de declarer ces

accords comme *"nuls et non avenus".* Les accords de Paris de 1991 qualifient ces

arrangements *"d'accords et traites incompatibles avec la souverainete, 1'independance,*

*I'integrite et I'inviolabilite territoriale, la neutrality et I'unite nationale"* du Cambodge. La

constitution cambodgienne fixe les frontieres du royaume dans son article 2 : *"L'integrite*

*territoriale du Royaume du Cambodge est absolument inviolable dans ses frontieres*

*delimitees suivant les cartes geographiques au 1/100 000 e etablies entre les annees 1933-*

*1953, lesquelles frontieres etaient internationalement reconnues entre les annees 1963-1969."*

Le roi Sihanouk, pour sa part, juge qu'un nouveau traite ne serait acceptable que s'il se fonde

sur un controle bilateral officiel des frontieres kilometre par kilometre en se basant sur une

carte fran<?aise en vigueur entre 1963 et 1969.

Le 29 septembre, une reunion de cooperation frontaliere de deux jours rassemble a Siem Reap

les gouvemeurs de onze provinces cambodgiennes et une centaine de delegues vietnamiens.

Le 10 octobre, Hun Sen, accompagne du ministre des Affaires etrangeres et du ministre de

1'Economie et de 1'Education, se rend a Hanoi, pour signer plusieurs accords : la convention

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additionnelle au traite frontalier de 1985, un accord sur la refection de la RN 8 entre Banlong

et O'Yadav, un protocole de cooperation sur ['education et la formation pour 2006-2010, un

memorandum d'entente sur le developpement et la gestion des ressources d'eau dans les zones

frontalieres du bassin du Mekong, un protocole de cooperation culturelie pour 2006-2008, rm

accord de cooperation bilaterale pour lutter contre le trafic de femmes et d'enfants et un

protocole d'application de 1'accord bilateral sur le transport terrestre.

Pour Say Bory, *"la convention additionnelle au traite frontalier de 1985 n'est qu'un pretexte*

*permettant la reconnaissance officielle des traites frontaliers. Le Vietnam cherche ainsi a*

*faire perdre au Cambodge son droit a invoquer une cause de nullite de ces cinq traites, en*

*vertu de I'article 45 de la Convention de Vienne sur le droit des traites.*

Le 12 octobre, a son retour du Vietnam, Hun Sen menace : *"Quiconque m'accuse, accuse le*

*PPC ou le gouvernement d'avoir vendu ou cede une partie de notre territoire national*

*s'expose a des poursuites judiciaires, quelle que soit sa position. Je porterai plainte contre*

*lui."* Pour le Premier ministre, les accusations portees contre lui ne sont qu'une manoeuvre

politique pour le chasser du pouvoir, comme cela s'etait produit en 1970 contre Sihanouk. *"Je*

*demissionnerai si le Cambodge perdait un jour une parcelle de son territoire* affirme-t-il.

Le texte de 1'accord doit etre examine par les commissions parlementaires, puis par

1'Assemblee nationale. Pour Cheam Yeap, president PPC de la commission des Finances de

1'Assemblee, ce texte a *"une portee historique qui amenera la paix dans la region. Si ce texte*

*avait conduit a une perte de territoire, Hun Sen ne Paurait pas signe* la convention selon lui,

serait au contraire favorable au royaume qui y gagnerait en surfaces fluviales.

**RepcessiojiJlo.pposants ,**

Le 27 septembre, cinq membres du Mouvement des etudiants pour la democratic (Med) sont

arretes hier devant le siege de leur organisation alors qu'ils venaient d'entamer une mini­

manifestation de dix personnes contre la future signature de cette convention. Le president du

Med se cache en province, affirmant qu'il a refu des menaces de mort par telephone.

La municipalite de Phnom Penh refuse au Comite de Coordination des Khmers du

Kampuchea Kraom (CCKKK) le depot d'une petition en faveur des droits de leur

communaute au Vietnam. Ils accrochent quelques pancartes devant leur siege, tres rapidement

arrachees par la police.

Le 6 octobre, la police annonce avoir decouvert 86 tracts anti-Hun Sen devant un college du

district Mong Russey, dans la province de Battambang, declarant *"Hun Sen est un traitre et un*

*criminel "Hun Sen doit arreter de donner des terres au Vietnam".*

Ce meme 6 octobre, Hun Sen se declare decide a poursuivre devant les tribunaux ceux qui

1'accusent d'avoir cede des terres au Vietnam, et ainsi inciteraient au desordre. Il avertit

1'ambassadeur de France qu'il portait plainte contre Sean Pengse, fran^ais d'origine

cambodgienne.

Le 10 octobre, Mam Sonando, directeur de *Radio Abeille,* est arrete a son domicile et

incarcere a Prey Sar, accuse d' *"incitation aux troubles, de diffamation et d'insultes"* pour avoir

diffuse une interview de Sean Pengse, president du Comite des frontieres du Cambodge

(CFC) accusant Hun Sen de reconnaitre la cession des lies de Phu Quoc et de Krachak Ses au

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Vietnam. La veille, Mam Sonando avait organise une petite conference de presse a son

domicile de Kean Svay.

Le 15 octobre, Rong Chhun, president de 1'Association independante des enseignants du

Cambodge, qui a signe la declaration de Sean Pengse, est egalement incarcere sous le coup

d'une plainte pour diffamation. Un mandat d'arret est emis contre Chea Mony, president du

Syndicat independant des ouvriers du royaume du Cambodge, contre Man Nath, president de

1'Association independante des fonctionnaires et contre Ear Channa, secretaire general adjoint

du Mouvement des etudiants pour la democratic.

Rea'cti'onsnationales et internationals

Le Comite de 18 ONG de defense des droits de 1'homme, le Club des joumalistes

cambodgiens, 1'ambassade americaine s'insurgent, comme *"un frein a la liberte d'expression*

*et une menace pour la democratie".*

Le 12 octobre, la Federation intemationale des joumalistes (FIJ), qui affirme regrouper

500 000 joumalistes a travers le monde, condamne 1'incarceration de Mam Sonando: *"La*

*diffamation est employee abusivement a tous les niveaux des autorites cambodgiennes pour*

*intimider et punir les joumalistes et faire taire la presse."*

L'ambassade des Etats-Unis appelle a la liberation du directeur de *Abeille FM* qu'elle

considere comme *"une importante voix independante du Cambodge".* Le 20 octobre, Peter

Leuprecht, representant special du secretaire general de 1'ONU pour les droits de 1'homme au

Cambodge, exprime *"saprofonde inquietude quant au respect de la liberte d'expression".* Ce

meme jour, 1'OIT (Organisation intemationale du travail) fait part de sa *"profonde inquietude"*

apres 1'arrestation de Rong Chhun et les trois mandats d'arret contre des syndicalistes. Le BIT

rappelle que le succes de 1'industrie textile du royaume tient beaucoup a son *"image sociale"*

qu'il ne faudrait pas temir.

*Human Rights Watch* proteste contre ces arrestations. La Confederation intemationale des

syndicats libres, qui revendique 145 millions de membres en 154 pays, le Syndicat national

australien du tertiaire, de 1'education et de 1'industrie, 1'Intemationale des services publics, re­

groupant vingt millions d'employes, ecrivent au Premier ministre cambodgien. Le puissant

syndicat americain 1'AFL-CIO et les syndicats d'enseignants malaisien et canadien ecrivent au

Premier ministre pour demander la liberation de Rong Chhun. Ils saluent les efforts entrepris

par le Cambodge pour acquerir une bonne reputation intemationale en matiere de respect des

droits sociaux, notamment dans le secteur de la confection textile, qui risquent d'etre reduits a

neant. Le secretaire general de la CGT *"denonce"* 1'arrestation de Rong Chhun. Le syndicat

des enseignants de Hongkong (81 000 membres) ecrit au Premier ministre pour lui faire part

de son indignation.

Sihanouk exprime son amertume : *"Les diplomates etrangers ne savent que flatter les hommes*

*au pouvoir et se fichent du sort malheureux du Cambodge. Les Puissances etrangeres sont*

*loin d'etre 'tristes' eu egard a un Cambodge faible, un Cambodge 'peau de chagrin', un*

*Cambodge mendiant. Notre deuxieme royaume leur offre de multiples opportunites pour y*

*etablir leur imperialisme, leur neocolonialisme* ecrit-il.

Sisowath Thomico, neveu et longtemps secretaire particulier ainsi que conseiller special de

Sihanouk, signe et diffuse un texte intitule *"Quand Koh Tral a-t-il vraiment ete perdu au*

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*profit du Vietnam ?* dans lequel il ecrit que jusqu'en 1978, 1'ile de Phu Quoc figurait sur les

cartes cambodgiennes mais qu'a partir de 1982, cette lie apparait comme une possession

vietnamienne. *"A cette epoque, le Premier ministre Hun Sen etait ministre des Affaires*

*etrangeres de la Republique populaire du Kampuchea."* Il ecrit une lettre a 1'ambassadeur de

France au Cambodge demandant 1'arbitrage de Paris concemant la ligne Brevie. Le 19

octobre, Hun Sen lance un mandat d'arret contre lui pour diffamation, mais Sisowath Thomico

est parti la veille pour Pekin.

Le Premier ministre se dit indigne qu'on lui fasse porter la responsabilite de pertes territoriales

intervenues a 1'epoque coloniale ou avant lui et justifie les arrestations ? "Si *j'utiliSais les*

*forces armees face a mes accusateurs, personne ne pourrait s'opposer a moi car elles sont*

*toutes entre mes mains. Mais j'utilise la voie legale pour me dAfendre* declare-t-il, precisant

qu'il avait demande le concours des autorites thai'landaises pour arreter Man Nath et Ear

Channa, qui se sont refugies dans le pays voisin pour echapper a une interpellation.

Le roi Sihamoni annonce son intention de se rendre a Pekin aupres de son pere. Plusieurs

observateurs voient dans cette annonce le refus de signer la convention additive. Selon la

constitution, il n'est pas clair que Chea Sim, president du Senat et chef de 1'Etat par interim

puisse signer a sa place. Hun Sen menace done de se passer la signature royale, et meme de

s'en prendre directement au trone : *"Une fois que I'Assemblee nationale I'aura ratifiee, ce sera*

*fini. Personne n'aura le droit de contester, car le pouvoir de I'Assemblee vient du peuple* dit-

il. *"Si la signature de ce texte pose probleme, il faudra que nous considerions la question de*

*savoir si nous conservons un regime monarchique ou si nous le transformons en republique,*

*ou encore si nous amendons la Constitution de telle sorte que passe un certain delai, en*

*I'absence de la signature du chef de I'Etat, la convention ou le traite en question entrerait*

*automatiquement en vigueur* Dans le cas ou on devrait passer a un regime parlementaire ou

presidentiel, alors *"le Trone, la royaute seraient perdants".* Hun Sen precise que ses propos ne

constituent pas une *"pression"* sur le roi ni sur le chef de I'Etat par interim.

Firm Sen s'en prend aux rois des temps anciens, responsables a ses yeux des territoires

cambodgiens au profit du Siam et du Vietnam. Il fait diffuser a la radio le texte d'une lettre

envoyee en 1999 par Sihanouk a Pham van Dong, lui proposant de reconnaitre la ligne Brevie.

Quelques jours auparavant Sihanouk annonce qu'il ne rentrera pas au Cambodge, s'estimant

injustement traite, il annonce egalement qu'il met fin a la diffusion de son Bulletin mensuel de

documentation, *"pour une raison politique majeure".*

Le 20 octobre, le texte de la convention additionnelle est explique au Conseil des ministres,

qui 1'adopte, puis envoye a I'Assemblee nationale, mais devant la vague d'arrestations peu de

deputes oseront critiquer le texte. Ce texte, qui contient des ratures et ajouts manuscrits, est un

document tres technique difficilement accessible aux non specialistes des frontieres. Il fait etat

de la resolution de plusieurs litiges frontaliers dans les provinces'de Ratanakiri, Mondolkiri et

Kandal. Les deux parties se sont entendues sur le trace frontalier de differentes cartes

existantes. Le Vietnam s'engage a aider le Cambodge a publier quarante nouvelles cartes du

Cambodge au 1/50 OOOe, qu'ils produiront *"ensemble".* La pose des homes de demarcation

devra etre effectuee entre la fin du premier semestre 2006 et le deuxieme semestre 2008.

Le gouvernement mobilise tous les moyens audiovisuels: cinq communiques sont publies

plusieurs fois par jour par les differentes chaines de television.

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6.F.3

**BMD**

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Certain VIPS stated that "King (Second reign between 1993-2004), I (Norodom Sihanouk) did not respect certain

stipulations, certain articles of our 1993 Constitution."

Here are my responses to the accusations and criticisms leveled against the so-called "non-application" by King

Norodom Sihanouk on the stipulations and articles of the 1993 Constitution:

1. start by mentioning the VIOLATIONS of the constitutional rights by Men in Power during the 2nd Kingdom of

Cambodia (1993-2001):

First, National Congress was never allowed to be held, unlike what it was under the SRN (Sangkum Reastr Niyum) era.

Second, all peaceful demonstrations were banned; furthermore, demonstrators and protesters who were only exercising

their constitutional rights were repressed - with "deadly means".

Third, Coup d'Etat was held against the winners of the legislative elections.

Fourth, the 1991 Paris Agreements, which forbid the "validation" of the unequal treaties between the Republic Socialist

of Vietnam and the People's Republic of Kampuchea - aka State of Cambodia - over the (false) territorial integrity (land

and sea) of Cambodia, were violated.

Fifth, H.E. Var Kim Hong dared to present me with a falsified geographic map of our Country (Cambodia), a map which

he affirmed (in fact he was lying) to be a map from the SRN era. fl

1. did not meet twice a month with Leaders or members of the RGC (Royal Government of Cambodia) because I was

already very aware of the (true) situation and (the truly alarming) problems faced by Cambodia, the "new Country of

Angkor". In fact, first of all, TVK- which I watch day and night-already gave me the "version advanced by the

government" of things and people in our country.

Furthermore, I already knew the true situation and the true problems faced by the "neo-Angkorian Kampuchea" by

reading about them on "Cambodge Soir", the "Cambodia Daily", the "Bangkok Post", "The Nation" (Bangkok) - all of

which I received and read them regularly.

Since my years at the Preah Sutharot elementary school and up to now (2004), I was never a lazy person who neglects

his work.

1. never presided over the Supreme Council of Magistracy because the 1993 Constitution made me assume

responsibilities which did not correspond to the principle of non-power.

A king "rules but not governs" could not be held responsible for the Corruption and the injustices of our Judicial System,

nor the loss of territorial Integrity.

I asked on several occasions for modification to the 1993 Constitution so that the King (who has no power) should not

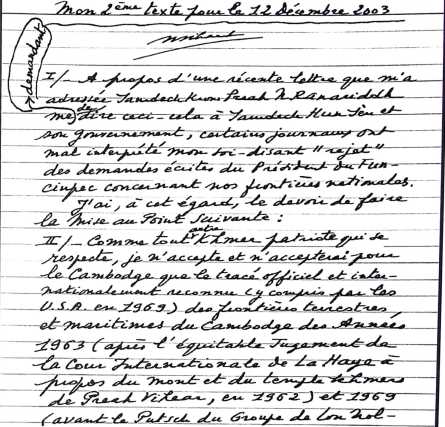
have to bear such responsibilities. However, it was in vain.

My conclusion: History will judge me, as well as Others. fl

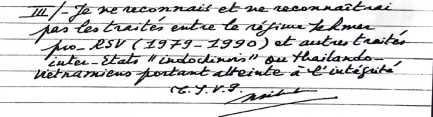
(Signed) Norodom Sihanouk

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6.F.4







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6.G.1

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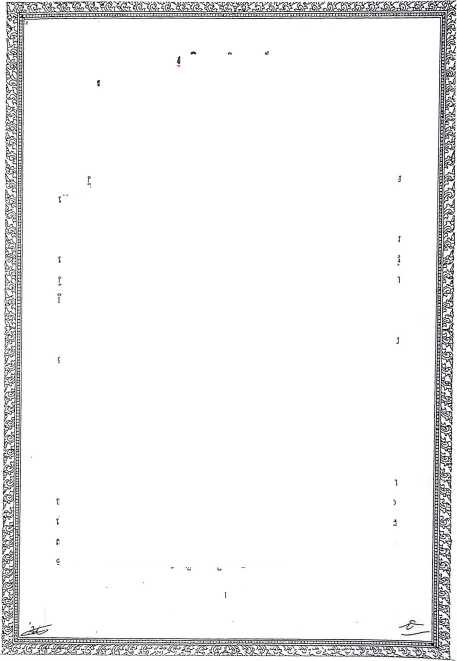
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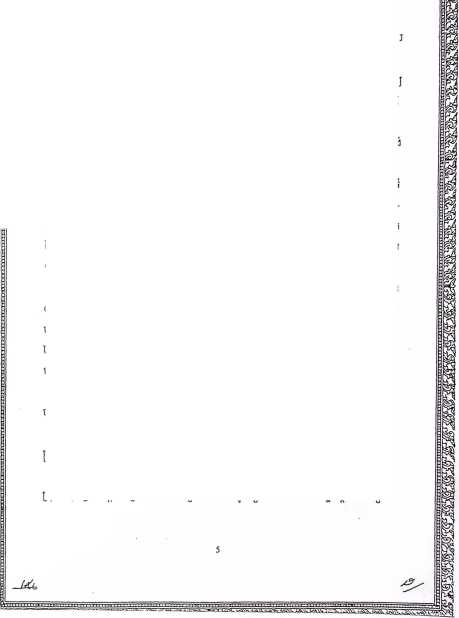
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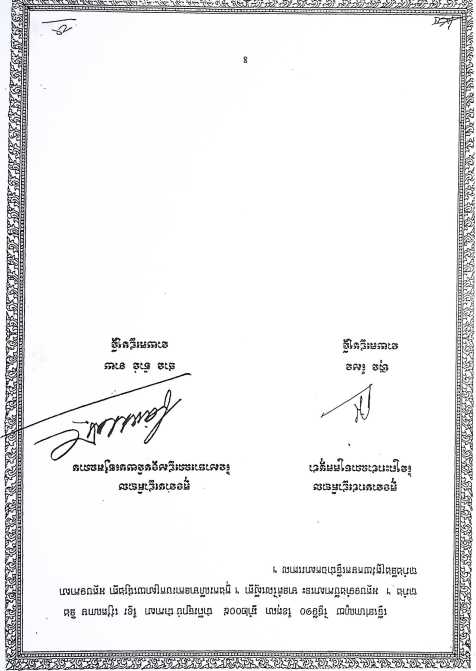
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6.G.2

**ANNEXE 10.(1)**

**Convention conclueentre S.M. NORODOM et le Gouvernement de la**

**Co£hinchine.ayantpour objet de determiner la frontiere de la .**

**Coc.hinr.hine**

**et du Royaume du Cambodge.**

*(B.C.P., 435, 15juilletl873)*

La frontiere entre la Cochinchine fran?aise et le Royaume du

Cambodge sera marquee par des poteaux numerates et portant une

inscription indiquant leur objet. Le nombre de poteaux sera de 124. Le n° 1

sera place a 1’extremite Est de la frontiere, et la graduation sera continuee

vers 1’ouest dans 1’ordre natural des chiffres, jusqu’au poteaux n° 124, place

a 1.200m environ au nord du canal de Vinh-Te et du village annamite Hoa-

Thanh.

Cette frontiere passera par les points principaux suivants : Le point de

depart est le point n° 1 plante sur le bord de la petite riviere de Tonle-tru ; la

direction generale de la frontiere est ensuite le sud-ouest et passe par les

villages de Sroc-Tun, Sroc-Paplan, Sroc-Banchrung, Rung-Khnoch, Sroc-

Tranh, Sroc-Chung-Ngon, Phumandet, Sroc-Cae, Sroc-Kompong-Meanchey

(ou Bango), suit la rive de Cai-Bac, remonte par la riviere gauche du Cai-

Cay, passe le Phum Kompong-Cassang, Sroc-Tameng, Sroc-Tahong, Sroc-

Cheo, Phum Bathu, Sroc-May, Sroc Rach-Chanh, Sroc-Tanu, suit la rive

nord de 1’arroyo de Chris-Asey (en Annamite Ta-Du); suit la riviere

septentrionale du Rach-Banan, coupe le fleuve posterieur au sud de File de

Co-Ki (en Annamite Cu-Lao-Cai-Sen); passe a Fintersection du Prek-Croch

avec le Prek-Slot; suit une ligne parallele a 1’arroyo de Vinh-Te, au nord,

aboutit au village de Giang-Thanh, et de la se dirige droit sur Hatien, en

laissant a Fest 1’arroyo de Prek-Cros.

(1) *in* SARIN CHHAK, Les Frontieres du Cambodge, Tome 1, Paris, Librairie Dalloz,

11 rue Soufflot, 1966, p.202

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(Unofficial English translation)

**ANNEX 10(1)**

**Convention concluded between S.M. NORODOM anft**

**the Government of Cochinchina regarding border determinatioii**

**between.**

**Coxhinchina and the Kingdom of Cambodia .**

(B.C.P., 435, 15 juillet 1873)

The border between the French Cochinchina and the Kingdom of

Cambodia will be marked by numbered posts and bearing inscription

indicating their object. The number of posts will be of 124. The n° 1 will be

placed at the extremity East of the border, and the progression will be

continued westward in the natural order of the numbers, until the posts n°

124, placed at about 1,200m north of the Vinh-Te Canal and the Vietnamese

village of Hoa-Thanh.

This border will pass on the following mains points: The starting point

is the post n° 1 implanted on the border of a small river of Tonle-tru; the

general direction of the border is then in Southwest and pass through the

villages of Sroc-Tun, Sroc-Paplan, Sroc-Banchrung, Rung-Khnoch, Sroc-

Tranh, Sroc-Chung-Ngon, Phumandet, Sroc-Cae, Sroc-Kompong-Meanchey

(ou Bango), follows the river bank of Cai-Bac, goes upstream on the left

bank of Cai-Cay river, passes Phum Kompong-Cassang, Sroc-Tameng,

Sroc-Tahong, Sroc-Cheo, Phum Bathu, Sroc-May, Sroc Rach-Chanh, Sroc-

Tanu, follows north bank of canal (arroyo) of Chris-Asey (in Annamite Ta-

Du); follows the north river of Rach-Banan, cuts the fleuve posterieur (Tonle

Bassac) south of the island of Co-Ki (in Annamite Cu-Lao-Cai-Sen); passes

at the intersection of Prek-Croch and Prek-Slot; follows parallel line to

Vinh-Te canal, to north, ends in the village of Giang-Thanh, and beyond it

goes in straight line toward Hatien, leaving Prek-Cros in the East.

(1) *in* SARIN CHHAK, Les Frontieres du Cambodge, Tome 1, Paris, Librairie Dalloz, 11

rue Soufflot, 1966, p.202

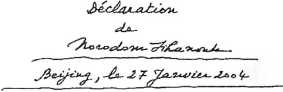
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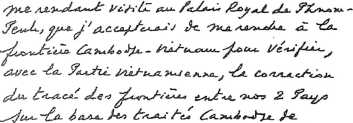
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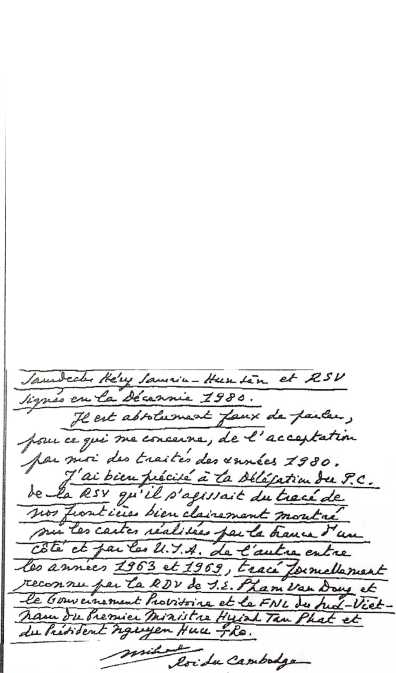








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6.H.2





DECLARATION BY NORODOM SIHANOUK

PRESIDENT OF CAMBODIA

AND

PRESIDENT OF THE CAMBODIAN NATIONAL RESISTANCE (CNR)

UPON HIS ARRIVAL IN TOKYO

ON JUNE 2, 1990

I am very happy and honoured to be once again a guest of the

respected Japanese Government.

Being back in the glorious Japan, may I be permitted to pay

my most respectful homage to His Majesty the Emperor and Her

Majesty the Empress of Japan, and to salute very cordially the

great Japanese people who have never ceased rendering their

fraternal friendship and solidarity to the Cambodian people, and

who have been so kind as to welcome in their midst many Cambodian

refugees men and women.

On behalf of all Cambodian patriots, of the NGC (National

Government of Cambodia), of the CNR and on my own behalf, I

express our most profound gratitude co the respected Japanese

Government which has the noble equity to grant, and that for many

years already, her official recognition to my Government as the

legal and legitimate government of the Cambodian nation and

State.

I also address the homage of my profound gratitude to the

respected members of the Japanese Diet, to the esteemed Japanese

press, to the esteemed Japanese Associations, to all the esteemed

Japaneses, men and women, who are committed to justice, peace and

freedom and who, since 1979, have never stopped supporting firmly

our struggle for national liberation.

At present, there are yet still, inside Cambodia, more than

40,000 Vietnamese combatants whose offensive military equipment

and means are very powerful and sophisticated, as well as more

than one million Vietnamese settlers, men and women, who, for

many years already, have looted (illegally occupied) an

increasing part of our land and plundered every day more and more

our natural resources and others. Moreover, there is an

inadmissible, absolutely illegal and extremely grave modification

of our land and maritime frontier to the detriment of our

Kampuchea and for the sole benefit of Vietnam.

These issues will remain, unfortunately, outstanding and

unresolved, following the signing, in two or three days in Tokyo.

the prestigious capital of Japan, of a peace accord, by'Mr. Hun

Sen and myself.



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In spite of this very serious situation making uncertain the

future of our motherland and our race, the CNR and myself accept

to sign the afore-cited peace accord, and after the signing, to

implement it faithfully.

We do that out of love for peace for our people and out of

respect for Thailand and Japan, two great and sincere friends of

Cambodia and nobly dedicated to the cause of peace.

We hope that with the very important assistance of Japan and

Thailand, of the ASEAN countries, of the UN and its Secretary-

General, of the PICC (Paris International Conference on Cambodia

which will not fail -I hope- to be reconvened again in a near

future) and of all countries and peoples committed to peace,

freedom and justice, our country and our Cambodian people, the

most unfortunate, the most unlucky and the most humiliated on

earth, will eventually recover, at the same time as peace, the

national independence and territorial integrity in her legal and

internationally recognized frontier until the eve of the Putsch

of Lon Nol on 18 March 1970.

Before concluding, I express once again my sincere and

respectful gratitude to Japan for her unshakable friendship

granted to Cambodia and to the Cambodian people.

- Long live Japan!

- Long live the Khmero-Japanese friendship!



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6.H.4

IV. 31 Mar 86

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VIETNAM

NHAN DAN CARRIES BORDER TREATY WITH PRK

BK220654 Hanoi NHAN DAN in Vietnamese 5 Mar 86 p 2

["Full text" of 27 December 1985 SRV-PRK National Border Delimitation Treaty

[Text] the SRV Council of State and the PRK Council of State, with the desire to constantly

consolidate and develop the special Vietnam-Cambodia relationship on the basis of the principles of

total equality and respect for each other's independence, sovereignty, and territorial integrity, and to

constantly strengthen militant solidarity and mutual assistance in all respects so as to promote

national prosperity and ensure a happy life for the peoples of both countries;

To delimit officially the national border between the SRV and the PRK with the aim of building a

common border of lasting peace and friendship;

Decided to sign this treaty and nominated their plenipotentiaries: Foreign Minister Nguyen Co

Thach for the SRV Council of State and Foreign Minister Hun Sen for the PRK Council of State.

The plenipotentiaries of both sides, after having exchanged their credentials and found them to be

valid, agreed on the following:

Article 1

Pursuant to Article 1 of the treaty on the principles for the settlement of border problems between

the SRV and the PRK signed on 20 July 1983 and pursuant to the minutes signed by the two

governments' delegations to the Joint committee on 13 July 1984 and 8 December 1984, the two

sides agree to delimit the national land border between the SRV and the PRK along a general north-

south direction as follows:

Starting from the meeting point of the three national borders of Vietnam, Cambodia, and Laos, the

border goes south-southwest along the mountain ridge down to cut across a gully at coordinates

1622.610-755.280; goes up along the mountain ridge to reach a mountain crest at coordinates

1621.125-775.025; stretches along a straight line for approximately 3,650 (three thousand six

hundred and fifty) meters to reach a mountain crest at coordinates 1616.515-774.600; veers

southwest along the mountain ridge to pass height 1018 and reach a mountain crest at coordinates

1613.630-771.550; veers south along the mountain ridge to pass height 782 to reach a spot at

coordinates 1609.400-772.835; veers southwest along the mountain ridge to pass a spot at

coordinates 1605.150-770.625 and Heights 1054 (Ngok Poun), 924, and 1022; veers northwest along

the mountain ridge to pass a spot at coordinates 1593.725-765.715 and Height 837 to reach Height

957;

Veers south-southwest along the mountain ridge to cut across an unname spring at coordinates

1594.765-762.735; passes a mountain crest at coordinates 1594.950-762.000; cuts across an

unnamed spring at coordinates 1593-650-761.300 to reach a mountain crest at coordinates

1591.1251-761.460; goes down a long the gully to reach a spot at coordinates 1590.875-762.540;

goes up to a spot at coordinates 1590.160-762.020; follows the mountain ridge to pass heights 1441,

1412, 465, 734, 885, 903, 754, 847, 697, 614, and 710 and reach a spot at coordinates 1560.280-

752.250;

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Veers southeast along the mountain ridge to cut across a gully at coordinates 1558.850-754.390;

goes up along the mountain ridge to cut across a gully at coordinates 1558.555-754-.850;

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follows the mountain ridge to pass heights 338 and 421 and reach a spot at coordinates 1557.550-

757-580; veers south along the mountain ridge to reach a spot at coordinates 1555.995-747.445;

veers west to reach a spot at coordinates 1555.905-755; veers south-southwest along the mountain

ridge to reach a spot at coordinates 1550.610-754.995 and pass height 324; goes down to cut across

an unnamed spring and reach the spring's right bank at coordinates 1547.190-758.095; veers east

along the right bank of the unnamed spring to reach the right bank of Nam Sathay at coordinates

1548.415-764.340; veers south along the right bank ofNam Sathay to reach the right bank of Sesane

at coordinates 1540.010-766.095; follows Sesane (along its left bank or along its currents as shown

in the attached map) to reach a spot at coordinates 1525.950-765.365; veers southeast along a

straight line for approximately 3,150 (three thousand one hundred and fifty) meters to reach a spot at

coordinates 1524.150-767.940; follows a straight line for approximately 1,200 (one thousand, two

hundred) meters to reach a mountain crest at coordinates 1524.040-769.150; follows a straight line

for approximately 3,400 (three thousand four hundred) meters to cut across Route No. 19 and reach

an unnamed spring at coordinates 1522.350-772.070; follows a straight line for approximately 2,950

(two thousand nine hundred and fifty) meters to reach a spot at coordinates 1520.490-774.345;

follows a straight line for approximately 6,100 (six thousand and one hundred) meters to reach

height 271; follows a straight line for approximately 3,500 (three thousand five hundred and fifty)

meters to reach a mountain crest at coordinates 1511.800-778.425;

Veers south-along a straight line for approximately 4,600 (four thousand six hundred) meters to

reach a mountain crest at coordinates 1507.160-773.700; veers south along a straight line for

approximately 11,550 (eleven thousand five hundred and fifty) meters to reach height 468; veers

south along a straight line for approximately 18,550 (eighteen thousand five hundred and-fifty)

meters to reach a spot at coordinates 1478-180-785.400; veers south-southwest along a straight line

for approximately 36,950 (thirty-six thousand nine hundred and fifty) meters to reach a mountain

crest at coordinates 1443.840-771.215; follows a straight line for approximately 2,200 (two

thousand two hundred) meters to reach a spot at coordinates 1441.775-770.450; veers south­

southwest along the mountain ridge to cut across an unnamed spring and reach the spring's left bank

at coordinates 1440.580-771.000;

Veers south along the left bank of the unnamed spring to reach the confluence of the Srepok River

(Dak Krong) and the Prek Dak-Dam River at coordinates 1440.055-770.650; follows the Prek Dak

Dam River's right bank to reach a spot at coordinates 1362.050-769.540; veers west-southwest along

a gully to reach the right bank of an unnamed spring at coordinates 1361.825-768.730; veers south­

southwest along the unnamed spring's right bank to reach a spot at coordinates 1360.360-768.225;

follows the mountain ridge, runs across a saddle and down along a gully to reach the right bank of

the 0 Por River at coordinates 1359.800-766.345; veers south-southwest along the 0 Por River's right

bank to reach a spot on the northern edge of Route No. 309 at coordinates 1354.475-765.270;

Veers northwest along the northern edge of Route No. 309 to reach a spot at coordinates 1355.760-

761.250; follows the eastern edge of a trail to reach a spot at coordinates 1360.150-759.665; veers

west along a gully and cuts across the Prek Dak Dang River to reach its left bank at coordinates

1362.950-749.050; follows the Prek Dak Dang River's left bank to cut across a spot at coordinates

1362-950-749-050; then follows the Dak Huyt River's left bank to reach a spot at coordinates 1.337-

455-717.475; follows a straight line for approximately 3,400 (three thousand for hundred) to reach

a mountain crest at coordinates 1336.205-714.300; veers south-southwest along mountain ridge to

reach a mountain crest at coordinates 1335.740-714.145; follow, a gully to reach the right bank of

the Dak Jerman River to reach a spot at coordinates 1323.950-677.580;

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Veers west along a straight line for approximately 10,700 (ten thousand seven hundred) meters to

reach a spot at coordinates 1323.280-666.950; veers north-northeast to reach a spot at coordinates

1323.800-667.160; veers east to reach a spot at coordinates 1323-890-667.785; veers northwest to

reach a spot at coordinates 1324-250-667.420; veers west along the left bank of the Prek Kriou

(Prek Chriv) River to reach a trail at coordinates 1323.760-654-170; veers south-southeast along a

straight line for approximately 13,200 (thirteen thousand two hundred) meters to reach the junction

of a trail and the right bank of the stream Cham (Tonle Cham) at coordinates 1311.960-660.210;

follows the right bank of the stream Cham (Tonle Cham) to reach a spot at coordinates 1290.375-

658.630;

Veers west to pass through the spots at coordinates 1290.270-656.700, 1290-995-655.875,

1290.925-654.690, 1292.620-652.850, 1929-650-652.050, 1292.930-651.450, 1293.075-649.825,

1291.350-646.000, 1291.865-645.740, 1290.815-643.950; to reach a spot at coordinates 1290.650-

642-000; veers north to cut across Prek Paplam at coordinates 1291.285-641-955;

Veers northwest to cut across 0 Ngiev zit coordinates 1292.330-639-830 and reaches a spot west of

a trail at coordinates 1293.950-638.875; follows the western edge of the trail leading to Ph. Chhung

to reach a spot at coordinates 1295.775-638.340; veers west-northwest to pass through a spot at

coordinates 1296-260-635.445; cuts across Prek Atung at coordinates 1296-825-634.040; passes

through a spot at coordinates 1296.450-632.995; reaches a spot at coordinates 1296.725-632.325;

follows the southern edge of a trail to reach a spot at coordinates 1297.770-630.850; veers north­

northwest to cut across an unnamed spring at coordinates 1299.315-629.920; veers southwest to

reach a spot at coordinates 1298.500-628.710; veers northwest to cut across an unnamed spring at

coordinates 1298.860-628.150; veers southwest to cut across a trail of Phum Chrak Kranh at

coordinates 1298.230-627.250 and reaches a spot at coordinates 1297.380-626.625; veers northwest

and passes through the spots at coordinates 1298.115-621.645; 1299-570-620.355, 1299.655-

619.580, and 1300.435-619-440; cuts across Prek Kdol at coordinates 1301.375-617.215 to reach a

spot at coordinates 1301.750-617.010; veers west and passes through the spots at coordinates

1301.705-614.460 and 1302.050-613,850; cuts across the spring Chor at coordinate 1301.610-

612.015; veers southwest and passes through the spots at coordinates 1298.730-610.490; 1296.000-

611.050, 1293.415-609.280, 1293.645-608.940; and 1291.395-606.925;, cuts across Route no. 22

(78) at coordinates 1290.755-607.340; to teach, a spot at coordinates 1286.550-604.390; veers

northwest to reach the southern part of a trail at a spot at coordinates 1286.825-603.380; follows the

southwestern edge of the trail to reach a spot at coordinates 1290.715-597.210; veers southwest to

pass through the spots at coordinates 1290.050-595-225 and 1289-000-593.260; cuts across Route

no. 24 at coordinates 1287.690-592.345 to reach a spot at coordinates 1287.465-591.650; veers

south-southwest to cut across Route no. 24 at coordinates 1286.540-591.680; cuts across an

unnamed spring to reach its left bank at coordinates 1284.900-591.215;

Follows the unnamed spring's left-bank to reach the left bank of the Ben Go (Tonle Meanchey)

stream at coordinates 1284.200-588.745; follows the left bank of the Ben Go and Cai Bac (Tonle

Meanchey, Tonle Roti, and Kompong Kdei) streams to reach a spot at coordinates 1261.650-

597.150; cuts across the Cai Bac stream to reach the right bank of the Cai Cay (Prek Kompong

Spean) stream; follows the right bank of the Cai Cay stream to reach Route no. 24 at coordinates

1260.475-595.465; veers south to pass through the spots at coordinates 1259.000-596.360,

1257.050-595.425, 1256.465-596.760, 1253.280-596.050, and 1250.800-595.050; cuts across the

Nang Dinh (Prek Anlung Kei) stream at coordinates 1247.980-594.650 to reach a spot at coordinates

1246-855-595.165; veers east along the southern edge of a trail to reach a spot at coordinates

1247.200-599.600;

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veers south along the western edge of the trail to cut across Route no. 13 (242) at coordinates

1243.250-599.650; follows the eastern edge of the trail to reach a spot at coordinates 1242.360-

599.920; veers southeast to pass through the spots at coordinates 1239.880-601.630, 1238.600-

603.150, 1237.490-605.915, 1237.770-607.000, 1236-950-611.150, 1231.425-612.165, 1239.370-

615.700, and 1226.700-618.010; veers northeast to cut across an unnamed spring at coordinates

1227.130-619.080; veers southeast to pass through a spot at coordinates 1225.675-620.410; cuts

across the unnamed spring at coordinates 1223.775-621.195; veers northeast to pass through the

spots at coordinates 1225.770-623.180 and 1226.620-624.900 to reach a spot at coordinates

1227.205-626.490;

Veers south-southeast, along a straight line for approximately 3,500 (three thousand five hundred)

meters to cut across Route no. 1 at coordinates 1224.350-628.510; follows a straight line for 3,300

(three thousand three hundred ) meters to reach a spot at coordinates 1221.515-630.615; follows a

straight line for approximately 4 .300 (four thousand three hundred) meters to cut across a trait at

coordinates 1217.250-630-675; follows a straight line for approximately 2,250 (two thousand two

hundred and fifty) meters to cut across Route no. 6A at coordinates 1215.050-63.175 and reaches a

spot at coordinates 1213.190-632.125; veers West to pass through a spot at coordinates 1213.070-

629.450 (a trail junction) and cuts across the Soc Noc (Steng Mesar Thngak) stream at coordinates

1213.710-627.480; follows the southern bank of the Soc Noc stream to reach a spot at coordinates

1214.065-626.600; veers southwest to reach a spot at coordinates 1213.350-635.445; veers south

to cut across Stoeng Tadev at coordinates 1211.225-625.645 and reaches a spot at coordinates

1209-500-626.290; veers south southwest along a straight line for approximately 3,300 (three

thousand three hundred) meters to reach a spot at coordinates 1206.580-624.725; veers south­

southeast along a straight line for approximately 4,100 (four thousand one hundred) meters to

reach the trail junction of Ba Thu hamlet at coordinates 1203.470-627.400; follows a straight line

for approximately 6,150 (six thousand one hundred and fifty) meters to reach a spot at coordinates

1197.995-630.245; follows a straight line for approximately 5,250 (five thousand two hundred and

fifty) meters to reach a spot at coordinates 1192.775-630.490.

Veers northwest along a straight line for approximately 3,600 (three thousand, six hundred) meters

to reach a spot at coordinates 1195.080-627.735; veers west along a straight line for approximately

7,500 (seven thousand five hundred) meters to reach a spot at coordinates 1194.650-620.225;

follows a straight line for approximately 2,850 (two thousand, eight hundred, and fifty) meters to

cut across a trail at coordinates 1195.130-617.440; veers northwest along a straight line for

approximately 8,050 (eight thousand, fifty) meters to reach a spot at coordinates 1199.785-

610.895; follows a straight line for approximately 6,100 (six thousand one hundred) meters to cut

across a trail at coordinates 1204.140-606.615; follows a straight line for approximately 3,550

(three thousand, five hundred and fifty) meters to reach a spot at coordinates 1206.500-603.950;

follows a straight line for approximately 450 (four hundred, fifty) meters to cut across 0 Kampong

Rou and reach the west bank of that stream at coordinates 1206.710-603.565;

Veers south-southwest along the west bank of 0 Kampong Rou or Ca Ro Stream to reach a spot at

coordinates 1198.010-602.575; veers west-northwest along a straight line for approximately 4,000

(four thousand) meters to cut across a trail at coordinates 1198.620-598.660; follows a straight line

for approximately 5,800 (five thousand, eight hundred) meters to cut across Prek Kampong Roteh

and reach the west -bank of that stream at coordinates 120.740- 593.250; veers north along the

west bank of Prek Kampong Roteh to reach a spot at coordinates 1201.245-593.305; veers north­

northeast along a straight line for approximately 3,850 (three thousand, eight hundred and fifty)

Meters to reach a spot at coordinates 1204.710-594.875;

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veers northwest along a straight line for approximately 4,600 (four thousand, six hundred) meters to

cut across route 258 (1010) at coordinates 1208.500-592.225; follows a straight line for

approximately 5,500 (five thousand, five hundred) meters to reach a spot at coordinates 1212.765-

588.765; follows a straight line for approximately 7,400 (seven thousand, four hundred) meters to

cut across an unnamed stream feeding into Long Khot stream at coordinates 1219.415-585.515;

Veers west-southwest along the north bank of Long Khot stream, Cai Co stream (Prek Kampong

Svay), Cai.Trot stream, and Cai Co stream to reach a spot at coordinates 1210.100-555.650; veers

northwest to cut across Tam Ly River (Prek Trabek) and reach the west bank of that river at

coordinates 1210.605-554.895; veers southwest along the west bank of Tam Ly River to reach the

north bank of So Ha river (Prek Kraom) at coordinates 1210.075-554.620; follows the north bank of

So Ha river to reach the north bank of Cai Xu stream at coordinates 1202.170-539.000; follows the

north bank of Cai Xu stream to reach a spot at coordinates 1210.560-538.680; follows the north

bank of an unnamed stream to reach the middle of So Thuong River (Prek Kaoh Sampou) at

coordinates 1200.210-537.315; veers northwest along the middle of So Thuong river to reach a spot

at coordinates 1204.205-529.380;

Veers west-southwest along a straight line for approximately 2,850 (two thousand, eight hundred,

and fifty) meters to reach a spot at coordinates 1203.795-526.560; veers west-northwest along a

straight line for approximately 2,700 (two thousand, seven hundred) meters to reach a spot at

coordinates 1204.695-524.000; follows a straight line for approximately 2,250 (two thousand, two

hundred, and fifty) meters to reach a spot at coordinates 1205.900-522.115; veers-west along a

straight line for approximately 1,900 (one thousand, nine hundred) meters to cut across the Cuu

Long (mekong) river and reaches a spot at coordinates 1205.950-520-215; veers northwest along a

straight line for approximately 3,000 (three thousand) meters to reach a spot at coordinates

1207.215-517.475; veers west along a straight line for approximately 2,700 (two thousand, seven

hundred) meters to reach a spot at coordinates 1207.050-514.790; follows a straight line for

approximately 2,500 (two thousand, five hundred) meters to reach a spot at coordinates 1206.650-

512.310; runs parallel with Prek Bak Nam and some 150 (one hundred and fifty) meters away from

the south bank of that stream to reach the eastern edge of Bac Nam Island at coordinates 1207.325-

511.300 and then goes upstream along the eastern edge of that island right in the middle of Hau

Ciang (Tonle Bassac) river to reach a spot at coordinates 1209.180-512.970; veers north northwest

along an unnamed stream to reach a spot in the middle of Hau Ciang (Tonle Bassac) river at

coordinates 1211.305-512.000; goes upstream right in the middle of that river to reach a spot at

coordinates 1210.950-509.440;

Veers southwest to run parallel with Bin Ghi stream and some 50 (fifty) meters to 100 (one hundred)

meters away from the west bank of that stream as shown in the attached map for a distance of

approximately 2,200 (two thousand, two hundred ) meters until reaching a bend, then goes parallel

with and about 150 (one hundred and fifty) meters away from the bank to meet Chau Doc River

(Prek Moat Chruk) and cuts across that river at coordinates 1204.225-504.500; follows a straight

line for approximately 1,100 (one thousand, one hundred) meters to reach a spot at coordinates

1203.690-503.550; veers south-southeast along a straight line for approximately 2,500 (two

thousand, five hundred) meters to reach a spot at coordinates 1201.250-504.170; follows a straight

line for approximately 6,050 (six thousand and fifty) meters to cut across an unnamed stream at

coordinates 1195.810-506-825; follows a straight line for approximately 1,500 (one thousand, five

hundred) meters to reach a spot at coordinates 1194-295 '506.755; follows a straight line for

approximately 1.100 (one thousand, one hundred) meters to cut across Tra Keo River (Stoeng

Takev) and reach a spot at coordinates 1193.250-507.240; follows a straight line for approximately

1,750 (one thousand, seven hundred and fifty) meters to reach a spot at coordinates 1191.500-

507.600;

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follows a straight line for approximately 1,150 (one thousand, one hundred and fifty) meters to

reach a spot at coordinates 1191.040-508.650; follows a straight line for approximately 3,000 (three

thousand) meters to reach a spot at coordinates 1188.620-510.460; follows a straight line for

approximately 3,800 (three thousand, eight hundred) meters to reach a spot at coordinates 1184.890-

511.080;

Veers southwest along a straight line for approximately 13,250 (thirteen thousand, two hundred and

fifty) meters to cut across an unnamed stream at coordinates 1178.250-499-615; follows a straight

line for approximately 4,650 (four thousand, six hundred, and fifty) meters to reach a spot at

coordinates 1175.700-495.680; veers south-southwest along a straight line for approximately 3,650

(three thousand, six hundred and fifty) meters to cut across Cay Duong stream at coordinates

1172.960-493.310; follows 9 straight line for approximately 8,250 (eight thousand, two hundred and

fifty) meters to reach a spot at coordinates 1165.740-489.210; follows a straight line for

approximately 4,300 (four thousand, three hundred) meters to reach a spot at coordinates 1162.825-

486.050; veers west along a straight line for approximately 12,450 (twelve thousand, four hundred

and fifty) meters to cut across Can stream at coordinates 1162.450-473.515; veers west-northwest

along a straight line for-approximately 6,850 (six thousand, eight hundred and fifty) meters to reach

a spot at coordinates 1164.600-467.000; follows a straight line for approximately 5,300 (five

thousand, three hundred) meters to reach a spot at coordinates 1164.855-461.710; veers south along

a straight line for approximately 1,050 (one thousand and fifty) meters to cut-across a trail at

coordinates 1163.800-461.660; veers west to run parallel with and some 150 (one hundred and fifty)

meters away from the north bank of Vinh Te Canal and cut across Giang Thanh stream (Stoeng

Tonhon) to reach a spot at coordinates 1164.200-456.450;

Veers southwest to cut across Route 161 at coordinates 1164.050-456.280; follows the western edge

of a trail to reach a spot at coordinates 1150.000-445.530; veers northwest along a straight line for

approximately 1,600 (one thousand, six hundred) meters to cut across an unnamed stream at

coordinates 1151.280-444.580; veers north along a straight line for 300 (three hundred) meters to

reach a spot at coordinates 1151.580-444.575; veers northwest along a straight line for

approximately 1,750 (one thousand, seven hundred and fifty) meters to reach a spot at coordinates

1152.800-443.320; veers west-southwest along a straight line for approximately 1,600 (one

thousand, six hundred) meters to reach a spot at coordinates 1152.520-441.740; follows a straight

line for 1,150 (one thousand, one hundred and fifty) meters to cut across Route 8A (17) right in the

middle of Xa Xia bridge at coordinates 1152.250-440.640; and from there, runs straight to the end of

the national land border between Vietnam and Cambodia.

The national land border between the SRV and the PRK. as delineated above is shown on the

1:100,000-scale map of the Geographical Service of Indochina (Service Geographique de

1'Indochine) commonly used before 1954 or closest to 1954 (26 map sections are attached) with both

sides, marking the border segments deemed by them to be rational with a black cross [plus sign

printed in parentheses] and marking those segments that are redrawn with a red cross [plus sign

printed in parentheses]; and also on a 1:50,000 UTM [Universal Tranverse Mercator] map (40 map

sections are attached) with both sides verifying with a black symbol (-.-.-.-).The two aforementioned

sets of maps, called Appendix 1 and Appendix 2, are integral parts of this treaty, and both of them

are equally valid. The coordinates mentioned in this article of the treaty are as shown in the

1:50,000 UTM map, using a meter as the unit.

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Article 2

streams:

1. If border rivers, springs, and streams change their course, the border will remain as it is,

without following the new course unless both aides agree otherwise.

1. Islets and sandbars in border rivers, springs, and streams shall fail under the sovereignty-of

Vietnam if they are located on the Vietnamese side; and they shall fall under the sovereignty of

Cambodia if they are located on the Cambodian side.

New islets and sandbars that form after the complete settlement of the border shall also be resolved

in accordance with the aforementioned principle.

1. In the case of bridges spanning border rivers, springs, and streams, the border shall cut

across the middle of those bridges, irrespective of the position of the border running along the beds

of those rivers, springs, and streams.

Article 3

In the sea, both sides refer to Article 2 of the treaty on the principles for settling border problems

between the SRV and the PRK which was signed on 20 July 1983, and to Articles 2 and 3 of the

treaty on the historical waters of the SRV and the PRK which was signed on 7 July 1982, and both

sides agree to the principles for delimiting the sea border in historical waters - namely the national

sea border - between the SRV and the PRK as follows:

1. The national sea border between the two countries originates from the farthest point of the

land border as found in the 1:100,000 and l:50,000-scale maps attached to the-treaty.

1. The national sea border continues to follow a path to be agreed upon by both aides to ensure

the division of islands as stipulated under the agreement on the historical waters of the SRV and the

PRK.

1. This border line will go through point 0, the adjoining point of the two base lines used to

compute the width of each country's territorial waters. This border line will stretch to a point on the

external border line of each country's territorial waters.

1. The official sea maps attached to the treaty on the delimitation of national sea border

between the two countries will be the 1:182,650-scale sea maps bearing numbers 5394 and 5395

which were printed by the hydrology agency of the French Navy in 1955 and 1956.

Based on these principles, the Joint committee shall carry out an on-the-spot survey as soon as

possible to delimit the national sea border and draft a treaty on national sea border delimitation

between the SRV and the PRK.

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Article 4

The two sides agree to set up a joint committee for on-the-spot border delimitation and national

border market planing between the SRV and the PRK (called hereafter the joint committee) and

entrust it with the following tasks:

Based on Articles 1 and 2 of this treaty, the joint committee will carry out on-the-spot delimitation

of the entire national land border between the two countries, plan the locations of national border

markers, officially plant national border markers, prepare a map of the national border between the

SRV and the PRK. which shows the locations of national border markers, and draft a final protocol

to wind up on-the-spot border delimitation and market planting.

The final protocol shall serve as an appendix of this treaty. The map of the national border between

the SRV and the PRK prepared by the joint committee after finishing on-the-spot border

delimitation and market planting shall supersede the map mentioned in the last part of Article 1 of

this treaty.

The joint committee shall begin its activities immediately after this treaty becomes effective and

carry out its work in accordance with the plans and agreements it adopted; and the joint committee

shall terminate its activities upon completion of its tasks as mentioned under Article 4 of this treaty.

Article 5

This treat y shall be ratified and become effective beginning on the date when the letters of

ratification are exchanged.

Made in Phnom Penh, the PRK's capital, on 27 December 1985 in two copies, in Vietnamese and

Cambodian. Both copies-are equally valid.

The SRV’s Council.of State delegate Nguyen Co Thach

The PRK's Council of State delegate Hun Sen

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NOTES

**Development Tangle/**

By **DY KARETH**

Cambodia's Border Committee (CBC)

Paris, August 22, 2005

*Currently, by launching a "Special Economic Zone " in Svay Rieng province, Mr Hun*

*Sen and his ministers were actively preparing Cambodian opinion to the so-called*

*"boundless benefaction" from economic cooperation projects with neighboring*

*countries, particularly with Vietnam.*

*In fact, there is a new Vietnamese-Lao-Cambodian’s «economic cooperation »*

*project which will be developped in parallel with the unceasing borders displacement*

*towards the interior of Cambodia's territory. Known as "Development Triangle,"*

*closely studied for several years, this project encompasses Cambodia's provinces of*

*Stung Treng, Ratanakiri and Mondolkiri. The establishment of this "Triangle" will be*

*accompanied by the resettlement of new Vietnamese "armies "of colonists on lands*

*belonging to Khmer farmers living in the affected provinces. This is a new*

*expansionist march perpetrated by Hanoi against Cambodia.*

*The official Vietnamese newspapers provide ample information on the creation and*

*the objectives of the “Triangle" whereas the Royal Government of Cambodia, the*

*Phnom Penh politicians and newspapers provide little to no information on this new*

*agreement between the three countries.*

1. Recently, the highland Khmer population of Mondolkiri did not lie when they furiously denounce

the forced seizures of their ancestral lands by the people from the Chinese company Wuzhishan on

one side, following and during the annexations by the Vietnamese forces on the other side. For

several years already, the ethnic people known as the “Montagnards” from Vietnam were chased

from their lands: the insurgents are harshly punished, and even killed. In Laos, other

“Montagnards” are subjected to the same fate. Whereas in Cambodia, the right to asylum is

brutally refused to the Montagnards who are persecuted in Vietnam. Several governments and

international and UN humanitarian organizations had sharply denounced the “serious attacks on

human rights” in this vast area of about 120,400 sq. km. which is lightly populated.

1. Obviously, these problems are linked to the establishment, for several years now, of a common

Vietnamese-Lao-Khmer exploration project, the so-called “Development Triangle”, also known

by the Vietnamese as the “Indochinese Triangle”. The agreement on the establishment was

officially announced in Vientiane on November 28, 2004 by Prime Ministers Phan Van Khai,

Bounnhang Vorachith, and Hun Sen during the tenure of the 10111 ASEAN reunion, and under the

presence of Superpowers representatives. Cambodia, through the exclusive decision made by Mr.

Hun Sen, committed three of her large eastern provinces: Stung Treng, Ratanakiri and Mondulkiri.

1. The project was revealed on October 20, 1999, at a meeting of the three Prime Ministers in Hanoi.

At that time, Mr. Hun Sen just took back all the powers in Phnom Penh, following the 1998

election, and the 1997 bloody coup d’etat which saw the bulk elimination of the armed forces

belonging to other parties of the ex-Khmer Resistance movement. In 2001, it was planned that this

Triangle would extend on four provinces only: Gia Lai, Kon Turn (Vietnam), Attapeu (Laos), and

Ratanakiri (Cambodia). In 2002, it was expanded to seven provinces: Gia Lai, Kon Turn, Dac Lac

(Vietnam), Attapeu, Sekong (Laos), Ratanakiri, Stung Treng (Cambodia). Afterwards, in 2004,

« in accordance with a Lao’s proposal », it was expanded to ten provinces: Gia Lai, Kon Turn, Dac

Lac and Dac Nong (Vietnam), Attapeu, Sekong and Saravan (Laos), Stung Treng, Ratanakiri and

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Mondolkiri (Cambodia). Without doubt, the Triangle will be widened further to other neighboring

provinces along with its “development.”

**Stung Treng, Ratanakiri and Mondolkiri Neglected**

1. In Cambodia, the provinces of Ratanakiri and Mondolkiri were created after the (1953)

Independence. Together, Stung Treng, Ratanakiri, and Mondolkiri occupy an area of 36,162 sq.

km, i.e., 20% of the national territory. According to the 2003 official numbers, the population

would have been 207,700, i.e. 1.6% of a population of 13 million, thus a population density of 5.8

inhabitants per sq. km. The inhabitants of Ratanakiri and Mondolkiri are almost exclusively

“ethnic minorities”: Brao, Tampuon, Kravet, Bu NoT, Stieng, Jaray, Saoch, Kuoy, Phnong, Rhade,

etc..., known under the name of “Khmer Leu”, the highland Khmers. Even though since 1904, the

Khmer-Lao-Vietnamese borders were delimited, these populations have established themselves

not only in Cambodia, but also on the Lao Boloven Plateau, and the Vietnamese highland area in

the provinces of Dac Lac (former Khmer territory of Stung Treng forced to join Annam by the

French in 1932 - according to Mr. Sarin Chhak) and Pleiku. Historically, these mountains of the

center and south of the Annamese cordillera were inhabited by Proto-Indochinese pushed out from

the plains, they constituted with the Khmers, the original population of the entire peninsula.

1. For several reasons, the provinces of Stung Treng, Ratanakiri, and Mondolkiri were always

neglected by the rest of Cambodia. Beginning in 1958, the Cambodian government decided to put

priority on populating the provinces of Ratanakiri and Mondolkiri with Cambodians from other

provinces in order to develop the region with the first aim of land improvement of the area, and

also to counter the influx of Vietnamese settiers on the other side of the border in the [Vietnamese]

provinces of Dac Lac and Pleiku. In fact, Mondolkiri and Ratanakiri are rich in precious woods

(some of the trees are up to 50-meter high, and up to 2-meter in diameter), in semi-precious gems

(zirconium, sapphire, ruby ores in Bor Keo, and gold ore in Bor Kham), and zirconium, bauxite,

iron, coal ores, as well as yet to be exploited richness such as cattle raising in the highland of

Ratanakiri. However, up to 1959, Ratanakiri and Mondolkiri remained an autarchy, subsisting

mostly on traditional nomadic agriculture of bum forest. Furthermore, most of the Cambodians

from other part of the country never showed much enthusiasm to settle themselves in this

unhealthy area. However, from 1960, public buildings included some 30 elementary schools for

the two provinces, a high school in Lomphat and another one in Sen Monorom, concrete Buddhist

temples in Lomphat, Labansiek, Virachey. There were also some infirmaries (which lacked

everything) and a hospital center in Lomphat, but the sanitary condition remained deplorable in

this area. The land improvement started with the creation of a state-run rubber plantation in

Labansiek (Ratanakiri) under the management of a French company, the “Compagnie du

Cambodge” [the Cambodia Company]: 2,200 hectares in 1966 and more than 3,000 hectares in

1969. However, it was also noted that the cost of rubber transportation to Phnom Penh or

Sihanoukville were too high.

1. From 1979 until now, besides the concessions given to military chiefs and foreign companies

causing the dramatic deforestation, and the recent upgrade, with help provided by China, of the old

road linking Stung Treng to the Lao Border, nothing was done to improve the region, nor to

encourage its population and its development. Ironically, to go to Mondolkiri or Ratanakiri, it is

easier for the lowland Khmers to take roads coming from Vietnam than to take those crossing the

Cambodian territory.

**“Strategic Imperatives”**

1. According to Charles Meyer, a French geographer who had lived in Cambodia for a long period of

time, the first directives of the Cambodian government in 1958-1959, was in effect aimed towards

the improvement and extension of road infrastructures, following a “strategic imperative”:

allowing rapid troop movements for intervention against nationalist and communist Vietnamese

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infiltrations. Nevertheless, the roads and trails network avoided the dense forest area north of the

Tonle San River, a *very* vulnerable area bordering Cambodia, Laos, and Vietnanj. “The [land]

improvement was barely started when in 1970 when the Vietnamese war exploded into Cambodia.

The communist Vietnamese de facto occupied the two provinces of Mondolkiri and Ratanakiri. It

was from these two provinces that they organized the total control of eastern Cambodia, even after

the capture of Phnom Penh by the Khmer Rouge. In fact, even before 1970, these Vietnamese

never missed any opportunity to foment uprising and rebellions by the Khmer Leu against the

Phnom Penh authority who was attempting (with brutality indeed) then to populate and to perform

land improvement in the region”.

1. Also for “strategic imperatives,” Mondolkiri and Ratanakiri were constantly occupied by the

Vietminh, Vietcong, and North Vietnamese forces since the French and American wars in

Vietnam up to the latest occupation of Cambodia. Furthermore, according to the Hanoi and Phnom

Penh governments, the area bordering the three countries (known as *Kantuy Neak* [Dragon Tail])

is still an area under “dispute.” However, trustworthy Cambodian witnesses had indicated in 2001,

with geographic map backing, that the Vietnamese forces still occupy a large part of Khmer

territory, at some locations these forces were found at up to 40 kilometers inside Cambodia’s

territory. In 2003, Cambodian soldiers belonging to the 1st military region reported “at least 200

Vietnamese soldiers” patrolling inside Ratanakiri, with the alleged mission of “pushing the

Montagnards from Vietnam back to their country.” There is no doubt that these Vietnamese troops

still continue to occupy Cambodia, following their announce of “total pullback” in 1989: an

American task force report dated April 26, 1990 sent to the US Congress clearly indicated “a

significant de facto annexation act (since 1979) by Vietnam on the eastern Cambodian provinces

of Mondolkiri, Ratanakiri, and Stung Treng. The annexation is conducted through the massive

installment of some 400,000 to 950,000 Vietnamese having their own militia of 100,000-man

strong.” Obviously, these Vietnamese were not included in the official census by Phnom Penh of

the population number inhabiting these three provinces.

1. A similar situation is also encountered in the Lao provinces of Attapeu, Sekong, and Saravan, an

area covering 28,676 sq. km. having a population of about 534,500 inhabitants, according to 2004

data. The ethnic minorities of these provinces are known as the *Lao Theung* (the Lao from the

mid-highland) who are the first inhabitants of Laos. Their tribes are spread all over the country.

They don’t have writing, and are in general animists like the old Khmer people. Beaten by the Lao

coming from the north, and pushed into the inhospitable highlands, they are considered slaves

should they descend into the lowlands, and their current survival remains difficult. They also

practice the agriculture of burn forest, and fruit and vegetable picking. For several years, the

Vientiane authority tried to “convince” them to descend to the lowlands for cultivating rice in rice

fields. However, the *Lao Theung* prefer staying on their lands and defend them with tenacity.

Furthermore, the Lao forces, undoubtedly encouraged by Hanoi, occupy several parts of the

Khmer territory in Stung Treng.

**Hanoi’s “strategic” NEZ**

1. For Vietnam, the central high plateau, the *Tay Nguyen,* which was designated since the communist

victory in South Vietnam as a *“New Economic Zone,'’’ (NEZ)* but more likely a “deportation

camp,” is composed of four provinces engaged in the “Development Triangle”: Gia Lai, Kon

Turn, Dac Lac, and Dac Nong extending over an area of 55,659 sq. km., a region inhabited.almost

exclusively by “ethnic minorities” (the most important ones are the Jaray, Ede/arid Banhf);tip to

the end of the war with America, and currently known as the “Montagnards,”. The region saw its

population grow rapidly in the 90s to about 6.1 million inhabitants in 2004. Ban Me Thuot is a

major city in the area, and in Pleiku, one can find there one of the largest current Vietnamese

airbase. The Montagnards of these central high plateau who are now a minority there (amounting

to about 780,000), continue to maintain their primitive lifestyle, and they live spread out in the

forests.

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1. Hanoi’s policy of demographic “unblocking” of the Red River delta and large agglomerates from

the south (in particular that of Ho Chi Minh city) is pursued without slack by pushing or sending

those who are “unproductive” and undesirable towards the NEZ bordering Cambodia and Laos.

Similarly, several NEZ (also known as “Defense economic zones”) are created on the central high

plateau. According to *AFP* and *Reuters* articles published in 2001, more than 5 million of

Vietnamese settlers coming from the overpopulated provinces of the Red River delta have

established themselves in this area rich in red and very fertile soil. These lands were converted to

“private” coffee and tea plantations etc..., at the expense of the Montagnards who have been

expropriated of their lands, and push further into more remote and inaccessible areas. Exasperated,

these ethnic minorities (in fact, indigenous populations) ended up revolting against the regime, and

they demanded the return of their ancestral lands, as well as the freedom to practice their religion

(protestant). The 2001 uprising was harshly repressed, more than one thousand victims who

denounced the massacres committed by Hanoi’s forces, had to flee in March 2002 in search for a

sanctuary in Cambodia. In April 2004, massive demonstrations of these populations took place

again in the provinces of Gia Lai, Dac Lac, and Pleiku; it was followed by new and violent

repressions perpetrated by Hanoi’s forces. This is far from the autonomy and the freedom that the

communist Vietnamese promised them in exchange for their support during the anti-US war in

Vietnam.

1. Consequently, the crisis and the lack of security originated from Vietnam: the Hanoi regime does

not always achieve success internally, it had accumulated severe demographic, economic, and

social problems. However, right at the heel of its victory in South Vietnam, and adopting anew the

former Vietnamese emperors’ policy, Hanoi decided to transform these foreseeable internal

Vietnamese difficulties as a tool for its expansionism by making their weaker neighbors, the ethnic

minorities, Laos and Cambodia, absorb progressively these problems. In 1976, the Khmer Rouge

government - concerned about these NEZ established all along the borders of the Cambodian

provinces of Svay Rieng, Prey Veng, and Takeo - ended up launching military “warning” and

“push back” operations. The successive negotiations between Phnom Penh and Hanoi failed and

turned into a merciless real war between the two new communist states. After the Khmer Rouge

defeat, the Vietnamese NEZ were further expanded again to receive new “settlers”, and were

pushed further into Cambodia itself, to the dramatic detriment of the Khmer population along the

borders. The latter had denounced with anger and tears the Vietnamese who are protected by

uniformed soldiers, and who came more and more deeply inside Cambodia, impudently took their

lands, their houses, and their villages. The Khmers, without the protection from their own

authorities, had to puli back with each Vietnamese advance. Those who decided to remain on their

ancestral lands were forced to take the nationality of the new settlers.

1. Thus, for several years, the news had regularly reported the forced Vietnamese occupation mainly

in Svay Rieng (in the districts of Romeas Hek, Kompong Ro, $vay Teap, Chantrea), in- lakeo

(Phnom Den), in Kandal (Chrey Thom), in Kompong Cham (Memut), in Kratie (Snuol). The

creation of the Development Triangle must be a new step in Hanoi’s policy of occupation of new

nurturing lands, a vast “strategic” NEZ dominated by Vietnam, after the systematic colonization

by million of its people on Lao and Khmer lowlands in the 1970’ and the 1980’. Hanoi further

applied and will surely apply the traditional rule for the colonized spaces: the NEZ are

accompanied by military forces used for both surveillance and protection of the new Vietnamese

settlers. The Khmer Leu from Mondolkiri and Ratanakiri live for several years now the same fate

faced by their compatriots in Svay Rieng, Kompong Cham, and Kratie.

**historical Links,**

1. Naturally, in the political speech, the creation of the Development Triangle is aimed towards very

laudable objectives: for the happiness of the people. The common statement made in Ho Chi Minh

City on January 27, 2002, announced that for the establishment of the Triangle, *“the fields of high*

*priority will include the building of electric transmission lines and small to medium size*

*hydroelectric power plants, postal and telecommunication facilities, the formation of human*

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*resources, agriculture and forestry, food industry, business and tourism."* Mr. Phan Van Khai

further stressed on July 21, 2004, in Siemreap, that *“the Development Triangle occupies a*

*strategic position for the three countries in the political, economical, social, environmental,*

*ecological levels, however, presently, it [Development Triangle] remains still an underdeveloped*

*region, with poor infrastructural and socio-economical basis ...”* The three countries must

cooperate, he added, *“in order to mobilize the funding sources for development ofprojects already*

*approved, to plan a collaboration mechanism in the building of the Triangle ... in order to*

*promote the growth and the elimination the misery, to improve the life level of the populations*

*living in the Triangle."* In Vientiane, on November 28, 2004, Mr. Phan Van Khai had further

suggested that *“the creation of a Coordination Committee to shoulder the leaders of the three*

*countries on the issues related to the Triangle, to insure the tight collaboration between the three*

*countries in the process of its edification, to unify the measures for the funding mobilization for*

*projects decided upon at the global organization level...”*

1. On the other hand, the political objectives are constantly put forward and they never vary. Mr.

Phan Van Khai insured in January 2002, that the establishment of the Triangle is *“a contribution*

*to peace and stability of the region, just like the maintenance of security and social order along*

*the borders of the three countries, as well as the efficiency in the fight against terrorist attacks,*

*transnational crimes, and drug trafficking."* On November 28, 2004, pleased with the signing of

the Vientiane Declaration, Mr. Phan Van Khai is even more solemn to the speeches given by

Messrs. Bounnhang Vorachith and Hun Sen: *“History had linked our three nations. The demand*

*for development of each country and the current juncture demand that we are more tightly linked*

*in the interest ofpeace, security, and prosperity. The formation of the Triangle ... contributes as*

*an active part of the reinforcement of the traditional friendship cooperation relationships between*

*the three peoples. The Vientiane Declaration marks the determination of the leaders of the three*

*countries to bring the relations of the three countries to a new height in the traditional*

*brotherhood, integral cooperation, understanding, and reciprocal trust."* Finally, according to the

Vietnamese News Agency: *“Located at the crossroads of the borders, the Development Triangle*

*is sensitive to the security problems, Phan Van Khai repeated, he proposed the tight cooperation*

*in the region to develop at the same time both the economy and the society, to insure the security*

*for each of the three countries."*

1. Undeniably, since 1979, all cooperation by Cambodia (or Laos) with Vietnam insist first and

foremost on the needs for “the security (or defense) of each of the two countries.” For Hanoi, even

though it does not say it directly, it is “Beijing” that represents the “mortal threat” to Vietnam, and

this remains as a large pretext to justify to all, to the ASEAN countries and to other world

superpowers, its domination over Laos and Cambodia “to insure peace and stability of the region”.

**VieiftameseTKhmer “Integral Cooperation”**

1. The terms of Mr. Phan Van Khai’s speech are the same as those that were acknowledged in the

*“Peace, Friendship, and Cooperation Treaty”* “proposed” by ex-Prime Minister Pham Van Dong

to the Cambodian People Party (CPP) in Cambodia on February 18, 1979, they were applied with

well know effects: military occupation, forced annexation of Khmer lands, islands, and seas, and

systematic colonization of Cambodia by Vietnam. In truth, in 1979 and 1980, as well as

nowadays, what could and would be able to bring to the “integral cooperation” between Vietnam

and Cambodia by Mr. Hun Sen’s government?

1. A particular experience can be learned from the political-economical “cooperation”'between the

Socialist Republic of Vietnam and the People’s Republic of Kampuchea since the July 7, 1982

Agreement: *“while waiting for the maritime borders between the two states,"* in regards to the so-

called “historical waters of Vietnam and Cambodia (measuring 10,000 sq. km. off shore of Koh

Tral island, and in fact surrounding the Koh Tral itself) ... placed under the jurisdiction of their

internal waters.” On the Agreement, recalling that “the importance for the national defense, and

the economy of the two countries,” it was planned clearly that *“the patrols and surveillance in*

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*these historical waters will be jointly carried out by both parties, the local populations will*

*pursue their fishing and collecting of seafood operations in this zone in the same manners that*

*existed up to now, the exploitation of natural resources in this zone will be decided by mutual*

*agreement*...” In reality, since the Cambodians lack the human and material, civilian and military

resources, it is only the Vietnamese forces which carried out the patrols and surveillance, which

exploit by itself the natural resources in the area, and furthermore, the presence of local Khmer

population was simply forbidden there, in the name of “security” of national defenses.

1. In the Triangle, Hanoi’s objectives are primarily political, its economical project - difficult to

realize under such conflicting conditions - was only a pretext for a deeper penetration in this area

of Cambodia by its forces. Mr. Hun Sen himself - who was so proud for being in power for more

than 25 years and had received billions of US dollars in international aid, built numerous schools,

formed hundred of thousands of administrators and technicians in all fields, built hundreds of

roads and bridges, forged a large army and an important and fearsome police Mr. Huh Sen let

it be known on July 21, 2004, in Siemreap, that Cambodia lacks everything (money, usable roads,

schools, medical centers, doctors, qualified personnel, active population in good health, etc...) for

these provinces for them to be able to efficiently participate in the establishment and exploitation

of the Triangle. Thus he asked Vietnam - or more accurately, he accepted the continuation of the

accomplished fact perpetrated by Vietnam - to take care of the building of roads in Cambodia, of

forming the Khmer Leu in the improvement of the region, of providing technological and financial

assistance, of organizing markets and flow of common productions and products in the Triangle

... and the application of the rule according to which *“the partner country who will contribute the*

*most (to the organization and contribution of the Triangle) will reap the most benefit from its*

*investments.”*

**The Lion’s Share <**

1. Hanoi can then rapidly send its “armies” of workers, instructors, administrators, medical

personnel, and also all kind of security forces to populate and administer these Khmer provinces,

in order to hasten the organization, and the functioning of the Triangle. Therefore, when Mr. Hun

Sen “proposed” in July 2004 to the Vietnamese “to study the creation of a market discovered in

the Vietnamese-Khmer border zone at O Yadao, Ratanakiri province,” Hanoi’s troop immediately

chased away the inhabitants and used force to annex Khmer Leu’s lands in the O Yadao border

area and its neighborhood, and it immediately started to clear road paths across former Khmer

agriculture lands. The Khmer authorities in the areas, “under orders of no protest from the higher

up,” let the settlers do what they wanted. In Stung Treng also, along the banks of the Tonle San

River, the Vietnamese had also built a hospital, and next to it, an important military base ... These

are examples of the application the agreement on the Triangle, which, according to the

Vietnamese, was also “the Prime Minister, Samdech Hun Sen, who defined the process of its

implementation,” during the first official meeting in Hanoi on October 20, 1999.

1. On the other hand, “to mobilize funding sources for the development projects already agreed

upon,” each of the three countries must reserve a “priority” portion of its own national budget for

the creation of the Triangle. In the same time, each of the three countries will respectively appeal

to international financial institutions (ADB, World Bank), and foreign governments (Japan, in

particular) to either provide help or to lend money for its (Triangle) financing. However, it will be

the “Coordination Committee” dominated by Hanoi which will administer the funds as was

planned above by Mr. Phan Van Khai, and that Mr. Hun Sen had accepted to surrender entirely to

“high competence” of his Vietnamese partner. Even though with so much investments (political,

financial, and natural resources) engaged by Cambodia in this affair, planned to become “the

epicenter of growth and prosperity,” it does not appear that the Cambodians from other areas of

the country are informed, encouraged, and prepared to exercise the jobs that will be created in the

Triangle, and to take part in its creation and exploitation. Is it done in this manner in order not to

cause trouble for the “security” of the Triangle? Finally, just like the case of the products of the

“historical waters” cited above, one can already see that the only markets aimed for the eventual

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Triangle products will logically be located on the Vietnamese side which is already better

equipped with everything than Mr. Hun Sen’s Cambodia. The Khmers will end up buying from

Vietnam the products provided by their own lands.

1. In charge of organizing everything, of building everything, of deciding everything as an

ubiquitous chief, Vietnam will award itself the lion’s share from the profits of the Triangle,

whereas Cambodia, and undoubtedly Laos as well, will have to settle with the somewhat edible

remainders of the feast. Already in the Triangle agreement, Mr. Hun Sen had to solemnly plead

with Vietnam - which shouldn’t have been this way between two “brotherhood peoples” - to

“allow the sale of oil products and other common consumption products to the Khmer population

along the border at the same fixed sale prices as those for Vietnamese consumers”!

**Towards New Conflicts**

1. Mr. Hun Sen is not wrong in wanting to develop the Cambodia border zones, or in establishing

common exploitations with the neighbors and others. But, as we have seen before, under what

conditions is Mr. Hun Sen going to do it? He also insured Khmer people that these common

exploitations with Vietnam (or with Thailand) were aimed “at defending both the sovereignty and

the territorial integrity of Cambodia.” We can’t see how Mr. Hun Sen will be able to do it when he

does not dare refuse anything to Hanoi’s request. Moreover, he refused to proceed to the

immediate verification of the border delineations of Cambodia with Vietnam, as was proposed by

King-Father Norodom Sihanouk, in order to fix beforehand in these areas the outline of the

sovereignty of Cambodia, and to precisely refuse the abandonment of the Khmer sovereignty to

the desiderata of the neighbor-partner more powerful and more domineering.

1. However, what we can note is that after 30 years, the Socialist Republic of Vietnam, even with

their huge internal problems, was able to build a new might thank to the big profits of all kind,

drawn from its “friendship” and its political, military, and economical “integral cooperation” with

Laos, and most of all with Cambodia, even though the latter two, its “brothers,” remain

abnormally poor and “under-developed” in numerous domains, in spite of the extraordinary

international assistance. Regarding this Triangle, given the very weak Khmer means to engage in

this endeavor, Cambodia will be compelled to a true abandonment of her Independence and

Sovereignty on this part of her territory, in order to allow the establishment of infrastructural

“socio-economical” bases and “security” by Vietnam. Thus, the agreement for the creation of this

“Development Triangle” is no more no less than a new degree of Vietnamese domination on

Cambodia, and the programmed annexation of the new Khmer territories - set under the

precedence of the so-called “historical waters” offshore of Kampot. In fact, while waiting for the

problematic “development” and the “reduction of poverty” heavily promised, the “security” of the

vast region will be immediately insured, and the entire eastern part of Cambodia will first of all be

“legally” colonized and de facto administered by Hanoi’s forces.

Such an expansionist project is not a guarantee of peace and stability for the Khmer people or for the

entire region, it will only create new dramas, followed by new repressions by the Phnom Penh regime,

and generate destructing conflicts in Cambodia.

Dy Karpth,

Paris, August 22,2005

**Notes . *Hun^Sea'sspeech /excerpts) at^Siemreap^Meetinp, July 21,***

***2004 :***

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"... Since our Second Summit on 26 January 2002 in Ho Chi Minh City, we have made

progress in our efforts to ensure security, maintain social order, and consolidate political

developments in our respective countries, while generating high rates of economic

growth.

... Please allow me to highlight our key achievements thus far in the development of the

triangle and propose some measures for implementation as follows:

*First, tourism development:* We all agreed at the Second Summit on cooperation in

tourism in the triangle area, which is conceptualized as "three countries with only one

objective." Now I call on the working groups of the three countries to quickly finalize the

feasibility studies for the rapid implementation of the concept. Moreover, as the border

provinces have shared tourism potentials, the capacity of the provincial-level Cambodian

needs strengthening in order to effectively attract tourists and establish and maintain

tourist sites. Therefore, I propose, particularly to our good neighbors in Viet Nam, to

help train at least 15 Cambodian tourism officials from the provinces of Ratanakiri,

Mondulkiri, and Stung Treng. I also propose that henceforth, the province of Mondulkiri

be included in the coverage of the development triangle.

*Second, trade development:* Cambodia has signed many important bilateral

agreements with the two friendly countries to facilitate cross-border trade and transport,

such as the agreement on transit goods signed in 2000 and the agreement on trade and

exchange of goods and services in border areas signed in 2001. Moreover, our three

countries have closely cooperated through the activities of the Cambodia-Laos and

Cambodia-Vietnam joint committees that have met each year to consider various

cooperation issues with political, security, economic, technical, socio-cultural, and

environmental impacts. More importantly, our three countries are the signatories to the

Agreement on the Facilitation of Transport of Goods and People under the GMS

framework. This indeed reflects the agreement and good cooperation on a policy

framework of bilateral and sub-regional trade and economic integration. In order to

increase trade in the development triangle, I wish to propose a number of measures:

■ Vietnam to provide technical and financial assistance to establish an open market

in the area of Cambodian-Vietnamese borders, at O Yadav and conduct feasibility

study on the establishment of other special markets in the development triangle:

■ Vietnam to consider the possibility of selling petroleum products and other

consumer goods to the people living in the border areas of the development

triangle at the same price for Vietnamese consumers:

■ Conduct study on the establishment of a Cambodian-Vietnamese joint venture in

the development triangle and promote contract farming and border trade among

farmers living in the development triangle, following the good experience that

Cambodia is having with Thailand in the North-western border areas.

*Third, transportation: We* have embarked on priority projects to link key transport

networks serving the development triangle. Thereby enhancing physical linkages among

our three nations. Indeed, within Cambodia we still do not have all-weather roads that

link our border provinces Ratanakiri, Stung Treng and Mondulkiri with Phnom Penh and

key national markets. Given the geography and economic potential of the triangle, the

establishment of good roads in Cambodia linked to our neighbors will enable all three

countries to rapidly develop these highlands. Thus, we in Cambodia would like to

express our thanks to the Prime Minister of Viet Nam for helping undertake the feasibility

study on Road 78 that stretches for 70 kilometers from Oyadao to Ban Lung.

We sincerely reguest the kind assistance of Viet Nam in the construction of Road 78 at

the soonest possible time. On another section of Road 78, some 128 kilometers from

Ban Lung to O'pongman in Stung Treng, I again reguest the assistance of our friends on

the reguired feasibility study and later on, financing of construction on a soft or grant

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basis. Road 78 will serve as a vital economic artery facilitating trade, transport and

tourism among our three countries.

*Fourth, industry and energy:* Expert Teams of our three countries have discussed

electricity grids spanning Viet Nam to Ratanakiri and from Laos to Stung Treng. The

feasibility of rehabilitation of water storage at the O'chhum hydro power station is also

being considered. May I reguest their Excellencies, the Leaders of Lao PDR and Viet Nam

to facilitate the development of electric power in the triangle by enabling a development-

oriented and friendly structure of power charges for the entire triangle area, with the

levels consistent across Cambodia, Lao PDR and Viet Nam.

*Fifth, agriculture:* the export of agricultural products is an effective means of reducing

poverty among our people. The agricultural products that can be traded in the triangle

area include soybeans, cashew nuts, sesame, bananas, rubber, vegetables, spices and

many more. What is crucial is that we can cooperate to reduce poverty among our

triangle populations by sharing technologies, seeds, planting and management methods

and market information. Viet Nam has achieved far more than either Cambodia and Lao

PDR in agriculture, and we reguest our Vietnamese neighbors for assistance in this

regard.

*Sixth,* **on labor and social affairs,** where the main issue and a key factor in poverty is

the high rate of illiteracy. While the population in the Cambodian side of the triangle

area is small, the illiteracy rate of the population is quite high at an average of 36%.

Moreover, the labor force is generally in poor health due to the lack of hospitals and

physicians. Thus I call for cooperation in education and training and health care for the

people in the triangle area. Indeed, we share the vision that human resources must be

built apace with economic development, otherwise the pace of socio-economic

development will be constrained.

Thus, I urge H.E. the Prime Minister of Viet Nam to deploy Viet Nam's experiences and

resources in developing human resources in the rural areas to facilitate opportunities for

the Cambodians and Laotians in the triangle areas to study in schools and vocational

training centers on the Viet Nam side, supported by scholarships and related facilities.

Furthermore, given that health care is a very important factor, we further reguest our

Vietnamese friends to extend health services to all people in the triangle, with services

and fees provided at equal levels to all patients from Cambodia, Lao PDR or Viet Nam.

To further promote cooperation in the rapid development of the triangle area, I believe

that we should focus on the implementation of the specific priority measures defined in

the triangle master plan. I express my thanks and appreciation to the working groups of

our three countries for their efforts in drafting the triangle master plan. While we

continue to finalize and discuss the master plan, we can now use the plan to guide our

continuing work in triangle development.

May I also urge the working groups to identify the short-term, medium term and long

term priority projects that fit our key principles for triangle area development, such as:

1. All projects must ensure balance between resource contributions and benefits

shares among the populations of the triangle area. Thus, the partner-country that

has contributed more resources deserves greater benefit from their investment;

1. Sustainable environmental management to help safeguard the futures of our

peoples;

1. The importance of connectivity, consistency and complementariness between the

national development plans of our collaborating countries and the triangle

development plan and related regional and sub-regional development plans; and

1. The need to link specific projects to appropriate sources of financing. Therefore

those projects for which firm financing has been programmed should not be

included in further proposals for assistance from development partners.

Moreover, there are those projects that may be financed by our internal resources

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as well as those projects for which financing has been pledged by Viet Nam as

part of their assistance to Cambodia and Laos. These initiatives reflect our strong

commitment and ownership in our common initiative for triangle development.

I strongly believe that development triangle will attract businessmen and investors to

explore the opportunities offered by the resource-rich area. The location of the triangle

in the GMS and ASEAN region provides a crucial geographic advantage for investors.

Thus, the top priority is for us is to complete the transport links and set out measures

that facilitate and enable trade and investment activities that shall.

I believe that with the rich resource endowment and whole-hearted cooperation among

our respective governments an enabling environment for economic activities will be

created, especially the establishment of proper infrastructure in the triangle. This would

provide a crucial geographic advantage and attraction for investors while contributing to

the promotion of growth and employment that will help reduce the poverty and transform

the development triangle into an epicenter of growth and prosperity./.

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7.B

**Lc; Courrier du Vietnam**

ittp://lecourrier.vn/reunion-des-n

auts-officiels-du-triangle-de-developpement-cambodge-laos-vietnam-a-dak-nong/355979.html

Reunion des hauts officiels du Triangle de developpement Cambodge-Laos-Vietnam a Dak Nong

01/11/2016 17:36

La lle reunion des hauts officiels (SOM) du Triangle de developpement Cambodge-Laos-Vietnam (CLV) a eu

lieu le lernovembre au chef-lieu de Gia Nghia, dans la province vietnamienne de Dak Nong (hauts plateaux du

Centre).







reunion des hauts officiels (SOM) du Triangle de

'eloppement Cambodge-Laos-Vietnam a Dak Nong

uts plateaux du Centre) le lernovembre.

*Les hauts officiels du Cambodge, du Vietnam et du*

*Laos signent le rapport sur le projet de connectivite*

participants ont evalue la cooperation entre les trois pays apres le Sommet du Triangle de developpement

Ta. jibodge-Laos-Vietnam (CLV) organise en novembre 2014 a Vientiane, et la 10e conference de son comite de

coordination conjointe en 2015, dans la province de Champassak au Laos. Ils ont reconnu les resultats de la

mise en oeuvre du proces-verbal sur le mecanisme de priorite speciale et d'un autre sur la modification de leur

plan d'amenagement du developpement socioeconomique du Triangle de developpement CLV pour 2020.

Ils ont egalement apprecie les aides des partenaires au developpement, notamment du Japon, de la Banque

d'Asie pour le developpement (BAD) pour la region du Triangle de developpement CLV, lors de ces derniers

temps, avant de convenir que chaque pays doit presenter cinq nouveaux projets lors du 9e sommet CLV prevu

fin 2016 au Cambodge.

La partie vietnamienne a presente un rapport sur le projet de connectivite entre les economies du Cambodge,

du Laos et du Vietnam. Les chefs de la llereunion des hauts officiels (SOM) ont salue les efforts du groupe de

travail commun pour achever ce projet qui devrait etre soumis lors de ce 9e sommet.

Les delegues ont egalement felicite le Vietnam qui assumera I'organisation de la lle conference du Comite de

coordination du Triangle de developpement CLV, ainsi que les autres activites en rapport prevues en 2017.

I

Le Triangle de developpement CLV couvre les quatre provinces cambodgiennes de Ratanakiri, Stung Treng,

Mondulkiri et Kratie, les quatre du Laos, Attopeu, Saravane, Sekong et Champassak, et les cinq du Vietnam

que sont Kon Turn, Gia Lai, Dak Lak, Dak Nong et Binh Phuoc.

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1. C

**Memo I from Say Phuthang to Cambodian Officials to Help Vietnamese Civilians to Settle in Cambodia.**

Source; Marie Alexandrine Martin; Cambodia: a Shattered Society; University of California Press, Berkeley, California, 1994

APPENDIX 10: MEMORANDA LEGALIZING

THESETTLEMENT OF VIETNAMESE CIVILIANS

INCAMBODIA \

Kampuchean People's Revolutionary Party

Centra! Committee

No. 240 S R.M. Ch

Phnom Penh, 13 September 1982

Memorandum

Guide for the application of dear-ion no 142 S.R M. Ch, of 7 May 1982,

issued from the central committee of rhe People's Revolutionary parry of

Cambodia. fur solving the problems of Vietnamese nationals who have rome

to settle and work in Cambodia.

In order to apply correctly the seven points and measures stipulated in

decision no, 142 S.R.M. Ch. of 7 May 1982. issued from the central com­

mittee of the party, the Secretariat would like to provide a guideline for all

relevant levels and sections tn permit a good understanding of the following

essential points:

1. The application of this departmental memorandum has rhe goal of

reinforcing the bunds of special friendship and fighting solidarity between

Cambodia and Vietnam, and of creating conditions favorable to the im­

provement of relations between the Cambodian people and Vietnamese

nationals living In Gimbodia so that they may improve each day. This

memorandum also has the goal of associating Vietnamese nationals living

in Cambodia with the two revolutionary tasks, that is, the defense and rhe

territorial construction of our Cambodia.

1. This memorandum resolves only urgent problems and, among these.

protects the lives of Vietnamese nationals who honestly exercise their trade

and assures them a certain stability, Il represents a step toward the settle­

ment of border passage between the two countries and toward rhe elimina­

tion of bad individuals mixed with the mass of Vietnamese nationals. This

[The two memos in this appendix have been loosely translated, since the use of jargon

tn the Khmer text precludes a literal translation]

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memorandum does not take up essential long-range problems such as

immigrant status, tlte citizenship of Vietnamese nationals in Cambodia, and

the problem of the Khmer-Vietnamese border, which the central committee

and the Council of Ministers will resolve through decisions that will be

published subsequently.

1. The settlement ot the problems of Vietnamese currently living in

Cambodia is complex and can, moreover, facilitate the enemy's task of

carrying out psychological warfare aiming at separating the two peoples

Consequently. all the levels and sections concerned should strive to act with

the greatest rigor and attention. First of all, the cadres must dearly under­

stand the meaning of this work and devote themselves to the indestructible

spirit cd solidarity between Cambodia and Vietnam. Next, we must pay

particular attention to instilling this spirit m the Cambodian population and

in Vietnamese nationals wherever they have settled rn GunbodU- We must

eliminate the narrow nationalist spinr among rhe Cambodian population as

well as among the Vietnamese population, Through rim educational work.

following after firmly taking the situation in hand, we will divide Vietnam­

ese nationals into different categories, and we will analyze all rhe measures

and define ail the appropriate forms ol organization.

1. This is one of the aspects of propaganda work to which all institutions

(levels and sectionsj should devote considerable effort to carrying out

actively. During the development of this process, they should diligently

consult Vietnamese experts and seek our thine Vietnamese nationals on

whom they can rely in their work and whom they consider capable of

propagating it- In places where a great many Vietnamese have settled, we

can request the aid of Vietnamese experts and rely on their support to

enlighten us and guide us tn the work of educating Vietnamese nationals.

1. During the period of application of shift memorandum 142 S K M.

Ch., which began following its signing oh 7 May 1982, reports should be

sent to ihc central committee on a regular basis and in a definitive and timely

fashion so that the central committee can draw lesions from them and be

able to take additional measures.

Fur the Secretariat of the Central Committee

PeoplcS Revolutionary Parry of Cambodia

Stamp

Signed. Say Phut hang

Cc. Ministries

Services and departments of rhe central committee

Provincial administrative party committee\*

Presidents of the provincial and municipal people’s revolutionary’

committees

HsaiftAt FromXk‘fi.SLtoCaiiibo(li;iii Officials to Help Vietnamese Civilian to Settle ip Cambodia

The Settlement of Vietnamese Civilians

Council of Ministers No. 38 SR

People's Republic of Kampuchea Independence, Peace, Liberty, Happiness

Phnom Penh, 9 October 1983

The secretariat of the central committee of the Cambodian People's Revolutionary party issued on 7 May 1982

Memorandum

po the Honorable:

Comrade Ministers, Comrade Presidents of national institutions subordinate to the central committee. Comrade

Presidents of people's revolutionary committees of all provinces and municipalities. r

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memorandum no. 142 concerning measures to be taken in regard to Vietnamese civilians coming to settle and work in

Cambodia. The secretariat of the central committee also issued on 13 September 1982 a notice to facilitate the

application of the above named memorandum. The present Council of Ministers reminds all ministers and all the

provinces and municipalities that the directives contained in the memorandum of the secretariat of the central

committee concerning Vietnamese civilians coming to settle in Cambodia are to be literally applied.

Cambodia and Vietnam are two bordering, friendly countries whose peoples have had relations for many generations.

Their geopolitical situation and history have welded the two peoples together in the cause of the resistance struggle

against the common enemy to defend and construct their nations.

Before 1969, there were approximately 500,000 Vietnamese civilians living in Cambodia. They practiced various trades

such as rice grower, fisherman, saltmaker, artisan, and petty merchant.

They respected the laws in force in Cambodia as

well as the Khmers' customs; they contributed to the revolutionary struggle of the Khmer people, who accepted,

supported and helped them.

Under the Lon Nol and Pol Pot regimes and because of the unfriendly policy of these groups, Vietnamese living in

Cambodia endured the same fate as Cambodians. They were tortured, executed, or repatriated to Vietnam. Very few

survived. After the total liberation of Cambodia, Vietnamese brothers returned to live and work in Cambodia.

In order to consolidate and develop the friendship and fighting solidarity between the peoples of the two countries,

Cambodia and Vietnam; in order to ensure the political security and the social order, all the departments and

institutions of state under the authority of the central committee and the people's revolutionary committees in all

provinces and municipalities should fully understand the following principles and measures relating to Vietnamese

civilians coming to reside and make their living in Cambodia.

Concerning Vietnamese civilians who previously lived in Cambodia and including those survivors of tortures and

massacres by former regimes who have been helped and hidden by the Cambodian population or repatriated to

Vietnam and have returned to live and work honestly in Cambodia, the government and the population of Cambodid

bring them aid and support and create favorable conditions for their rapid integration in order to stabilize their lives

As for Vietnamese civilians arriving in Cambodia just after the country's liberation, who are settled, who contribute

to the restoration and the development of the economy as farmers, woodcutters, fishermen, salt makers.

craftsmen, etc., and who have good relations with the local population and the local authorities, the public

authorities of the province, cities, districts, regions, and

and for the practice of their trades.

communes,

will create conditions useful for their settlement

1. Concerning Vietnamese nationals who are traitors to the revolution or who participate in illegal activities in the

course of their work, violating the law, our authorities and the nearby Vietnamese services such as the [committee

for the] organization of Vietnamese troops and [the committee of] Vietnamese experts must take concerted action

to pass appropriate measures and render appropriate judgments.

As for Vietnamese civilians who have friends or close relatives who want them to come to Cambodia to settle or

visit their families, the competent services in Cambodia and Vietnam should authorize them to do so

term application, permitting provinces of Cambodia to discuss with Vietnamese border provinces the facilities to

given for dossiers for changes of abode for civilians of the two countries who desire to move to the border

be

communes to earn their living there in an honest fashion. This will take place within an atmosphere of equality,

friendship, and mutual interest and with reciprocal respect in order to ensure social order and political security

under the supervision of the public powers of the districts and communes of the two sides.

Considering the nature and the duties of the present Cambodian revolution, it is necessary to create the conditions

that will enable the entire Vietnamese population to receive an appropriate status quickly in order to facilitate worl

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in all fields: education, sustenance, and the Vietnamese popular movements united to serve the two strategic goals

of the revolution in our country.

7. Increase supervisory measures of all kinds at each point of crossing; strictly forbid people to come and go illegally.

b The application of this memorandum must tend to increase the spirit of special friendship and Khmer-Vietnamese

fighting solidarity, ceaselessly to create conditions favorable to the relations between the Cambodian people and

Vietnamese civilians living in Cambodia, between the rallying movements of the Vietnamese of Cambodia so that they

actively participate in the two revolutionary tasks, that is, the defense and construction of our country.

b. This memorandum resolves only a part of the problems concerning the future, viz., the durability of the installation of

Vietnamese civilians living honestly in Cambodia, and the elimination of bad elements who hide themselves among the

Vietnamese population of Cambodia; and it constitutes a step toward the settlement of the problem of border crossings

between the two countries. This memorandum does not resolve basic, long term problems such as measures concerning

nationals with Vietnamese citizenship in Cambodia or that of the crossing of the Khmer-Vietnamese border. However,

for all these problems, the central committee and the presidency of the council will issue various memoranda to resolve

them later.

c. The solution to the problem of Vietnamese civilians living in Cambodia is very timely and appropriate, but it is very

complex. And it is easy for the enemy to foment discord and fear through psychological warfare dividing the two

peoples. The central, provincial, and municipal administrations will proceed with care and make all necessary

arrangements.

To begin with, action must be taken so that the cadres understand this work and get it thoroughly into their minds, so

that they clearly grasp the spirit of staunch Khmer-Vietnamese national solidarity. Next, in the places where there are

Vietnamese civilians, they must conscientiously conduct educational work among the Cambodian population as well as

among Vietnamese civilians; they must attempt to vanquish manifestations emanating from a narrow nationalism

among the Cambodian population as well as among Vietnamese civilians. Through this educational work, they must

clearly grasp the nature of the division of the Vietnamese people into categories and try to develop the appropriate

measures and forms of organization for administering and educating Vietnamese civilians.

ci. This constitutes a part of the work of the popular masses and of the central, provincial, and municipal administrations

that must supervise the application of the rules. During this process, clear discussions must be held with the Vietnamese

experts, and Vietnamese civilians belonging to the cell [of the Vietnamese Communist party] must be sought out so that

they may be used for support in mobilizing popular Vietnamese movements. We can count on the Vietnamese experts

for helping us to guide, educate, and explain matters to the Vietnamese civilians wherever they have settled.

1. This memorandum is in force from the day of its signing.

During its period of application, if the central administration, the state institutions, and the provincial and municipal

administrations encounter difficulties or any points whatsoever of disagreement or imperfection or any obstacle of any

kind, they should quickly report them to the Council of Ministers so that the latter can draw conclusions and issue new

instructions for the future. The central departments and the provincial and municipal administrations should regularly

prepare a report to the Council of Ministers in order to inform that body of the development of the application of this

memorandum.

For the Council of Ministers,

The President,

Seal

Signature of Chan Si.

Jource: Marie alexandrine Martin "Cambodia; A Shattered Society" Appendix 10

<http://temp.cambodianaorg.officelive.com/Vietnamtributarvsystemwithdeadlvtwist.aspx>

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1. D





DECLARATION BY NORODOM SIHANOUK

PRESIDENT OF CAMBODIA

AND

PRESIDENT OF THE CAMBODIAN NATIONAL RESISTANCE (CNR)

UPON HIS ARRIVAL IN TOKYO

ON JUNE ***2,*** 1990

I am very happy and honoured to be once again a guest of the

respected Japanese Government.

Being back in the glorious Japan, may I be permitted to pay

my most respectful homage to His Majesty the Emperor and Her

Majesty the Empress of Japan, and to salute very cordially the

great Japanese people who have never ceased rendering their

fraternal friendship and solidarity to the Cambodian people, and

who have been so kind as to welcome in their midst many Cambodian

refugees men and women.

On behalf of all Cambodian patriots, of the NGC (National

Government of Cambodia), of the CNR and on my own behalf, I

express our most profound gratitude to the respected Japanese

Government which has the noble equity to grant, and that for many

years already, her official recognition to my Government as the

legal and legitimate government of the Cambodian nation and

State.

I also address the homage of my profound gratitude to the

respected members of the Japanese Diet, to the esteemed Japanese

press, to the esteemed Japanese Associations, to all the esteemed

Japaneses, men and women, who are committed to justice, peace and

freedom and who, since 1979, have never stopped supporting firmly

our struggle for national liberation.

At present, there are yet still, inside Cambodia, more than

40,000 Vietnamese combatants whose offensive military equipment

and means are very powerful and sophisticated, as well as more

than one million Vietnamese settlers, men and women, who. for

many years already, have looted (illegally occupied) an

increasing part of our land and plundered every day more and more

our natural resources and others. Moreover, there is an

inadmissible, absolutely illegal and extremely grave modification

of our land and maritime frontier to the detriment of our

Kampuchea and for the sole benefit of Vietnam.

These issues will remain, unfortunately, outstanding and

unresolved, following the signing, in two or three days in Tokyo.

the prestigious capital of Japan, of a peace accord, by Mr. Hun

Sen and myself.



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*CH\* ‘*

In spite of this very serious situation making uncertain the

i future of our motherland and our race, the CNR and myself accept

to sign the afore-cited peace accord, and after the signing, to

implement it faithfully.

We do that out of love for peace for our people and out of

respect for Thailand and Japan, two great and sincere friends of

Cambodia and nobly dedicated to the cause of peace.

We hope that with the very important assistance of Japan and

Thailand, of the ASEAN countries, of the UN and its Secretary-

General, of the PICC (Paris International Conference on Cambodia

which will not fail -I hope- to be reconvened again in a near

future) and of all countries and peoples committed to peace,

freedom and justice, our country and our Cambodian people, the

most unfortunate, the most unlucky and the most humiliated on

earth, will eventually recover, at the same time as peace, the

national independence and territorial integrity in her legal and

internationally recognized frontier until the eve of the Putsch

of Lon Nol on 18 March 1970.

Before concluding, I express once again my sincere and

i respectful gratitude to Japan for her unshakable friendship

granted to Cambodia and to the Cambodian people.

- Long live Japan!

- Long live the Khmero-Japanese friendship!



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1. A

**8**

FRIDAY, DECEMBER 25, 2015

**IV'ietnaillizatlojQlGIWND CONCESSIONS.;** The Vietnamese People's Army has

quietly assumed control of nearly 40,000 hectares of land in Ratanakkiri

[Background: *Vietnamization under Hun Sen;* Global Witness reports; *Demographic colonialism]*



Maps prepared by rights group Licadho using US satellite data published by the University of

Maryland show deforestation in and around the four concessions controlled by the Vietnamese

army. Green areas show existing forest cover. Red areas show forest lost between 2000 and 2014.

Blue areas show new forest growth during that period. (Mark Tilly/The Cambodia Daily)

The Vietnamese People’sArniyliasquietlyassumed control of nearly.40,000.

hectares\_QflandjiLRatanakkiri \_

BY MATT BLOMBERG AND VAN ROEUN

December 24, 2015

O YADAW DISTRICT, Ratanakkiri province - Nobody here seems to know much about Company 72.

Locals know they are living on land the company cultivates under a government-granted economic land

concession (ELC)—some have taken menial jobs tending the crops, all have seen lush forests decimated to

make way for them—but beyond that, Company 72 remains mostly a mystery.

"We don't know the background of the company; we have no information, just the name," Sev H'vinh, an

ethnic Jarai farmer, said in September, looking out over a tract of land in Paknhai commune that he said

belonged to his wife until Company 72 came along.

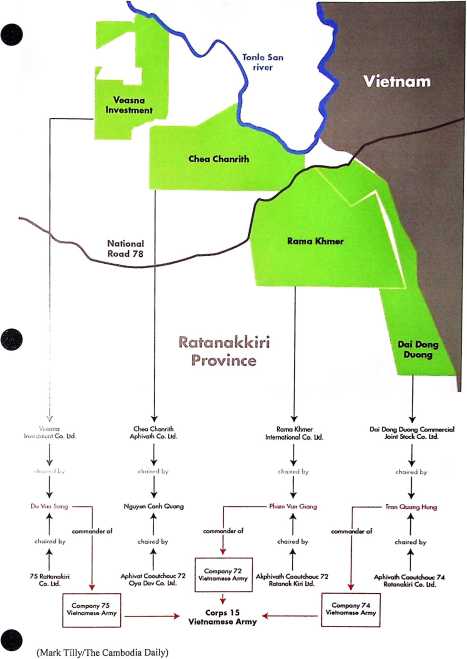
"The Vietnamese guys just arrived in 2013 and started bulldozing," he said.

The history of this 20,000-hectare ELC is complicated. So, too, are the histories of three other concessions,

which, along with it, run end-to-end from a 31-km frontier along the Vietnamese border, northwest through

three districts and into the heart of this farflung province.

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Initially granted separately to four agribusiness ventures over the years, the concessions have since made their way

into the hands of Binh Doan 15, or Corps 15, an arm of the Vietnamese People's Army stationed across the border in Gia^

Lai province.

Company 72 is not the name of a business; it is a military unit. And the concessions, with their military ties, are

effectively an extension of territory controlled by Vietnam.

Documents obtained from government databases show that via a series of sales and transfers, this considerable swath

of Ratanakkiri —39,584 hectares, an area larger than Kep province—is now controlled by Corps 15 commanders.

Three of the concessions are linked to the Vietnamese military via their chairmen, who are identified in Vietnamese

state news reports as the heads of military units with names that correspond to the companies that have taken over the

concessions. Pham Van Giang, for example, is both the chairman of Aphivath Caoutchouc 72 Ratanakiri Co., Ltd., which

has acquired the Rama Khmer concession, and the commander of the Vietnamese military's Company 72.

The fourth concession is not directly linked to the Vietnamese military via commanders and chairmen. However,

Vietnamese state media has espoused Company 72's agricultural work and philanthropy on a military-controlled ELC in

Bakeo district, the location of the Chea Chanrith concession, which has been acquired in full by the firm Aphivat

Caoutchouc 72 Oya Dav Co., Ltd.

"This is a concern," deputy provincial governor Nhem Sam Oeun said in a September interview, denying any previous

knowledge of the Vietnamese military’s control of the concessions. ELCs, he said, "are under the management of the

Agriculture Ministry and Environment Ministry, and they have the right to look into this issue. I know nothing about the

transfers."

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Concession**  **Holder** | **Veasna Investment**  **Co., Ltd.** | **Chea Chanrith Aphivath**  **Co., Ltd.** | **Rama Khmer International**  **Co., Ltd.** | **Dai Dong Duong**  **Commercial Joint Stock 1**  **Company Co., Ltd.** |
| **Granted** | June 26,2007 | May 22,2007 | February 12, 1996 | June 17,2009 |
| **Size** | 5,080 hectares | 5,124 hectares | 20,000 hectares | 9,380 hectares |
| **Crop** | Rubber | Rubber | Rubber | Unknown |
| **Resolutions** | February 14, 2011 -  New shareholder added,  75 Rattanakiri Co., Ltd  New director, Do Van Sang,  chairman of 75  Rattanakiri Co., ltd.  July 3,2012-  All shares transferred to 75  Rattanakiri Co., Ltd. | April 23,2012-  New shareholder added,  Aphivat Caoutchouc  72 Oya Dav Co., Ltd,  represented by  Nguyen Canh Quang | February 9, 2012-  New shareholder added,  Akphivath Caoutchouc  Ratanak Kiri 72, represented  by Pham Van Giang.  New director, Pham Van Giang.  All shares transferred to  Akphivath Caoutchouc  Ratanak Kiri 72. | August 20,2012 -  All shares transferred  to Tran Quang Hung,  chairman of Akphivath  Caoutchouc 74  Ratanakiri Co., Ltd. |

(Mark Tilly and Chan Vincent/The Cambodia Daily)

y\\_s they are not inside protected areas, which are overseen by the Environment Ministry, the four concessions come

under the purview of the Agriculture Ministry, which granted and is responsible for monitoring them. In an interview at

his office in November, Eang Sophalleth, a spokesman for the Agriculture Ministry, was presented with the documents

outlining how the concessions in Ratanakkiri had come to be run by the Vietnamese military.

"It would be too premature for me to answer or to acknowledge that these four companies are under the Vietnamese

army/' Mr. Sophalleth said, asking reporters to refrain from publishing an article about the concessions until an in­

tergovernmental committee completed a review of all concessions in the country.concessions

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"I have these documents from you but I have not verified [them], the committee has not verified [them]," he said.

The Vietnamese military did not respond to numerous requests for comment. The numbers listed by the Commerce

|^linistry for the companies that control the concessions were either not in use, or calls went unanswered.

In May 2012, Prime Minister Hun Sen ordered a stop to the granting of new concessions as reports of abuse—of

contracts, forests and local people—mounted. Mr. Hun Sen ordered a review of all concessions and, according to Mr.

Sophalleth, outlawed transfers and sales. However, one caveat allows existing concessionaires to "find partners to join

the development," he said.

Much of the trading that consolidated the Ratanakkiri concessions in the hands of the Vietnamese People's Army

occurred in the months leading up to the moratorium. However, two months after it, in July 2012, according to Com­

merce Ministry filings, all shares in the northernmost of the four concessions, Veasna Investment, were handed over to

a firm named 75 Rattanakiri Co., Ltd., whose chairman. Do Van Sang, is identified in Vietnamese state news reports as

commander of Company 75.

Then, in August of the same year, the border-hugging Dai Dong Duong concession had all of its shares transferred to

Tran Quang Hang, previously a minority shareholder, who is named in Vietnamese state media as the commander of

Company 74.

Mr. Sophalleth said the Dai Dong Duong concession was due to be assessed "in the next few weeks," while the overall

evaluation, led by Deputy Prime Minister Bin Chhin, would be completed in a "maximum of two months." Inspectors are

looking to certify that concessionaires are obeying the Land Law and honoring their agreements while contributing to

the development of Cambodia, he said, but would not focus on the source of investment.

"As I know, we do not discriminate between army, business people, institutions or any countries at all. We welcome all

investment in Cambodia," Mr. Sophalleth said. "Each country has its own sovereignty, each country has its own rule of

law, and whoever invests in the country must respect it. And if you don't respect it, we have to take measures, we have

|o take actions."

^ittps://youtu.be/VDE7nlnlf7s?t=l

il otaling more than 2.14 million hectares, ELCs now cover more than half of Cambodia's arable land, with 57 percent

of that area controlled by foreign firms, according to rights group Licadho. Under heavy criticism for the mass sell-off,

both locally and from abroad, Mr. Hun Sen has argued that ELCs are needed to "develop the country," explaining the

ostensible benefits—jobs, roads, schools—that they bring to the communities on which they are imposed.

But the reality for people living on or near the concessions in Ratanakkiri—many of them members of indigenous

minorities whose lives revolve around the forests—is quite the opposite.

Over the years, rights groups and reporters have fielded a litany of abuse complaints against the four concessions:

encroaching on communal land, destroying spirit forests and burial grounds, logging outside their boundaries, and

illegally exporting luxury-grade timber across the porous border with Vietnam.

"There are a lot of impacts without adequate solutions," said Chhay Thy, provincial coordinator for rights group Adhoc.

Mr. Thy, who spends much of his time monitoring the province's disappearing forests, said that logging in and around

the four concessions peaked in 2012 and 2013, shortly after the Vietnamese military took control of them.

"Vietnamese dealers made a business of timber; some came through the companies and some connived with the

companies," he said.

Bisecting the giant swath of land now under the control of the Vietnamese military is National Road 78, which runs from

|the provincial capital of Banlung City to the barracks of Company 72 and Company 74 across the border, just 16 km and

P6 km, respectively, from the O'Yadaw International Checkpoint.

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Trucks and motorbikes loaded with luxury wood flow freely across the O'Yadaw checkpoint, though with timber baron

Try Pheap's special economic zone just down the road, only a few kilometers inside Cambodian territory, the ownership

and legality of the hauls remains unclear.

Satellite imagery also shows that inside the Dai Dong Duong concession, there are dozens of roads, tracks and trails 1

crossing the border.

"It is easy for them to go back and forth, shipping timber across the border/' Mr. Thy said.

^Reporters visiting remote Ratanakkiri villages in and

around the concessions in September were received

mostly by smiling children and welcoming elders.

In the secluded village of Krieng, however, an

uneasiness filled the air. Children scuttled out of sight,

mothers shut doors, and men glanced around the

village, seemingly searching for reasons why visitors

might be there.

About 15 km off an arterial road running through

Bakeo district, Krieng is an island in a sea of cleared

forest and rubber plantations—all of it inside the Chea

Chanrith concession, chaired by the commander of



A timber scavenger stands next to his customized

motorbike, used to lug up to 500 kg of wood, on a

dirt track inside the Veasna Investment concession

in Ratanakkiri in September. (Matt Blomberg/The

Cambodia Daily)

"The land clearing started here in 2009 and reached the edge of our village," said Rocham Mourn, who i

previously led a losing campaign against the pillaging of the forest around the village. \*

The mood in Krieng, Mr. Mourn said, was the result of his ethnic Tampoun community having had its identity

stolen away. The forest had provided them not only with food and raw materials for shelter —it had been the

resting place of their ancestors, whose spirits are believed to live on in the trees.

When the trees were cleared all the way to the edge of Krieng, Mr. Mourn said, their once fervent advocacy

group was disbanded. "We no longer have a forestry community because we have no forest left to protect,"

he said.

The community in Krieng is not unique, however, particularly in provinces such as Ratanakkiri with dense and

potentially lucrative forests.

Environmental watchdogs have for years been highlighting the potential revenue disappearing across the

border in vehicles filled with timber, and the havoc wrought on indigenous communities as they watch the

forests fall around them. Opposition politicians have campaigned heavily this year against alleged violations of

Cambodia's sovereignty from the east, focusing on a series of irrigation ponds dug by Vietnamese people

about 500 meters into Cambodian territory on the Dai Dong Duong concession. (Much of the border area here

is designated a "white zone," having not been properly demarcated, meaning that neither side is allowed to

occupy or use the land.)

Cambodia's Foreign Ministry delivered a terse statement in June demanding that Hanoi have the ponds filled

in. Hanoi promised to oblige, but, according to the opposition's latest dispatch earlier this month, has not

made good on its pledge. .

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*A* visit to an informal checkpoint just a few hundred meters from the ponds demonstrated how in this part of

the country, the line between Cambodia and Vietnam can be blurred.

Cambodian woman selling Vietnamese-labeled snacks and drinks out of a tin shack at the border had

^^ianging in her shop a framed portrait of her young son, dressed in a Vietnamese police uniform and

photoshopped onto a tropical beach.

Reporters were treated with suspicion, and left shortly after a number of half-uniformed soldiers started

asking what they were doing in the area. Locals said there was only one reason to go down the road to the

border: to take timber across it.

With familiar anti-Vietnamese sentiment heightened amid the opposition's campaign to spotlight border

encroachments this year, government heavyweights including Interior Minister Sar Kheng have delivered a

series of speeches chastising those who privately lease land along the border to foreigners, particularly in

"white zones."

In an October letter to the governors of border provinces, Mr. Kheng said such leases were complicating

efforts to demarcate the border, and that the country's "territorial integrity and sovereignty" was at stake.

Last month, Mr. Hun Sen issued a circular outlawing further leasing of land along the border, citing

"complexities" created in the ongoing process of finalizing border markings and also noting the need to

protect Cambodia's "territorial integrity and sovereignty."

Mr. Hun Sen's statement, which allowed for current lawful leases to be upheld, was aimed in part at

"protecting the rights...and improving the livelihoods of the people along the border."

However, despite creating many of the same complications, the rules for private leasing and ELCs appear to be

different.

in an interview this month, Interior Ministry spokesman Khieu Sopheak said that private land leases and

government-granted concessions would, indeed, not be treated as the same thing. General Sopheak declined

to directly answer questions about whether a foreign military controlling nearly 40,000 hectares of Cambodian

land was a threat to the country's sovereignty.

"The Vietnamese military, they have the right to do business," he said. "They can sign a contract with another

country and they are under the control of the military's high-ranking leaders in Vietnam."

Gen. Sopheak said he agreed in general with Cambodia's policy on ELCs, but took exception with the terms of

concessions, many of which were issued for 99-year periods at just a few dollars per hectare.

"The rent must be higher and the period of time must be shorter," he said, suggesting 30 years and $10,000

per hectare as a reasonable solution.

His grievance, he said, stemmed from the fact that Cambodia was making a mere fraction of the fortune that

its neighbor is reaping from the trade in luxury timber.

"You can see that we earn only $6 million or $8 million each year" from the timber trade, Gen. Sopheak said.

"They [Vietnam] don't have big forests like us, but they do the business of timber exports and imports for

$800 million each year."

Asked where Vietnam was sourcing the timber it was feeding into a thriving international market, the general

laughed and shrugged his shoulders.

^^You know, that is the question," he said.

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1. B

THURSDAY, APRIL 28, 2016

[Vietnamization] Cambodia’s environmental activists: Internationally awarded, but murdered at

home

Background:

Cambodia claims illegal timber trade to Vietnam over

*The Vietnamization of Kampuchea: A New Model of Colonialism* (Indochina Report, October 1984)

Part II: Vietnamization of the Economic Framework (continued)

The Unequal Exchange

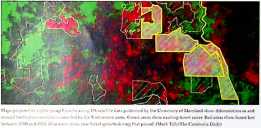
It is within this new institutional framework that *theVietnamese are asserting their hold over the economy*

*andfuture of Kampuchea. Fisheries, rubberand rice are the three main sectors affected by what should be*

*termed the Unequal Exchange between Vietnam and Kampuchea.*

**( :imbodia'>S'eTivtronmcntal activists: Internationallv«awarded, but4niTO(laredai|t,hpmp**

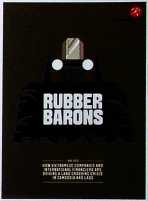
Asian Correspondent Staff | 26 April 2016



**GRAND CONCESSIONS**

The Vietnamese People's Army has quietly assumed control of

nearly 40,000 hectares of land in Ratanakkiri





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*The* Cambodia daily

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NatiOTiTl'PafK’Workefs Accuse Bosses of Colluding With Loggel's

BY AUN PHEAP | AUGUST 18, 2016

Nine park service employees in Siem Reap province have filed a formal complaint against two of

their superiors accusing them of colluding with illegal loggers to clear thousands of hectares of

Phnom Kulen National Park.

According to the complaint, published online on Wednesday by local media, the employees

accused Sim Chhiv Chheanpesith, deputy director of the provincial environment department,

and Sous Sakhan, deputy director of the national park, of allowing loggers to clear some 10,000

hectares of the 37,000-hectare park over the past two years.

Timbei:S41es-io\_Yi£luam-S.tiJl-Sii:oxig Despite Bap

BY ZSOMBOR PETER | AUGUST 8, 2016 |

<https://www.cambodiadaily.com/archives/timber-sales-to-vietnam-still-strong-despite-ban->

116378/

More than $85 million worth of timber was exported from Cambodia to Vietnam during the

first half of the year, according to Vietnamese customs data, despite a blanket ban Cambodia

has placed on all timber exports to its eastern neighbor.

The National Military Police banned all timber trading with Vietnam in mid-January as part of a

broad sweep of eastern Cambodia to root out illicit timber stocks, a tacit admission of the

rampant illegal logging in the area—much of it for export.



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A Vietnamese land concession in O'Yadaw district in 2013 (Pierre-Yves Clais)

Government officials say their efforts have all but wiped out illegal logging and timber exports

in the area. Vietnam's customs data for the first six months of the year, however, belies the

claim.

According to the customs data, obtained by the U.S. NGO Forest Trends, Cambodia exported

88,000 cubic meters of sawn timber worth $71 million to Vietnam from the start of the year to

the end of June. By both volume and value, that comes to a little more than half the sawn wood

exported over the same period in 2015, a significant drop but nowhere near the shutdown

avowed by Cambodia.

According to the same data, exports of unsawn logs skyrocketed from 6,000 cubic meters worth

$1.5 million during the first half of last year to 58,000 cubic meters worth $15 million this year,

a roughly 10-fold increase. Cambodia supposedly banned the export of unprocessed logs some

20 years ago.

The combined 94,000 cubic meters of exported wood officially recorded by Vietnam—the vast

majority of it after the export ban imposed in mid-January—even laps the 71,000 cubic meters

of illicit timber stocks that Cambodian officials claim they netted in their sweep of the eastern

provinces.

*The* CAMBODIAJDAJLY

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<https://www.canibodiadaily.com/archives/police-investigate-logs-left-by-rubber-piantation-road-l> 15066/

BY AUN PHEAP | JULY 6, 2016 |

Police in Ratanakkiri province say they are investigating the origin of a pile of first grade logs

stashed along a road built by and leading out of a Vietnamese-owned rubber plantation that

has long been the target of illegal logging accusations.

The plantation is known to locals as Company 72, the Vietnamese military unit whose

commander chairs the company that owns it.

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**9**



END OF MISSION STATEMENT

Statement±y-the„Uniteddila.tioxis^x>£.cialRapporteur

on the situation of human rights in Cambodia

Protosar^Rlwia Smi,th

**Phnam-Banh^iq-firrnhpr 7A1 fi .**

Check against delivery

Excerpt

*Introduction*

I have now completed my third mission to the Kingdom of Cambodia. My findings and recommendations will feed into

the report I will finalise in May 2017 for consideration by the Human Rights Council in September 2017.

h.t the end of last month, I spoke to my first substantive report submitted to the Council. As that report was submitted in

"viay 2016,1 was able to update the Council on developments since June. My comments stand repeated raised in that

report today.

[ ]

Many events are being held to mark the twenty-fifth anniversary of the signing of the Paris Peace Accords on 23 October

1991. These Accords laid the foundation for present-day Cambodia, a state which has built on the peace and stability

secured to develop into an active member of ASEAN, the UN and other international organisations.

From the inception of the Accords, recognition of international human rights standards has been an integral part of

Cambodian governance. Article 3 of the Agreement concerning the sovereignty, independence, territorial integrity and

inviolability, neutrality and national unity of Cambodia proclaims that 'all persons in Cambodia shall enjoy the rights and

freedoms in the Universal Declaration of Human Rights and other relevant human rights instruments'.

Article 31 of the Constitution reinforces this commitment to human rights, as does the impressive range of human rights

treaties Cambodia has voluntarily accepted. Human rights compliance is a matter of international concern. Cambodian

history demonstrates the tragic consequences of human rights not being adequately respected and robustly protected.

Cambodia must not return to a situation of war and strife with the loss of so many lives, the destruction of livelihoods

and the traumatisation, dispossession and displacement of so many of its people.

Respect for human rights is an integral part of ensuring lasting peace.

Human rights are not a threat to national security and human rights monitoring does not threaten sovereignty.

[ 1

J strongly recommend the Government adopts an inclusive multi-agency and inter-ministerial approach for

Progressing economic and social rights. In particular, persons with disabilities, women, indigenous peoples and

minority groups must be represented not only as objects of development, but as active contributors and leaders.

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I am somewhat disappointed that the Government has fallen further behind in reporting to the UN treaty bodies.

I ]

recommend the Cambodian

Human

Rights Committee to coordinate with other ministries and councils and

**prepare**

a comprehensive schedule for reporting on all human rights treaties.

*Vulnerable groups*

I am particularly concerned about the plight of many vulnerable groups of peoples I have met on this trip. As I noted

before, Article 31 of the Constitution provides that Khmer citizens are equal before the law, enjoying the same rights,

liberties and duties regardless of race, colour, sex, language, beliefs, religions, political tendencies, birth origin, social

status, wealth or other situations.

[ ]

*Minority groups and indigenous peoples*

Minority groups are entitled to specific protection in terms of Article 27 of the International Covenant on Civil and

Political Rights.

[ ]

In contrast, some ethnic Vietnamese and Khmer Krom communities who have lived in Cambodia for generations, albeit

displaced during the armed conflict, appear to face challenges with birth registration and identity cards, which impacts

on many other rights.

note the development of a

national strategic plan of identification and

hope this will

help ensure

all children in Cambodia can have their births registered and all those historically based in the country can once again

secure appropriate identity cards.

I recommend that the Royal Government abide by its Constitution, national laws and the international conventions

it

has ratified with regard to nationality, citizenship and non-discrimination.

take steps to prevent and end statelessness in Cambodia.

further recommend that the Government

I recommend the Government now consider simplifying the communal land titling process to reduce the number of

steps required. I also suggest the Government reviews current laws and policies to ensure fulfilment of the UN

Declaration on the Rights of Indigenous Persons and ensures dissemination and implementation at the local level.

This should also help guarantee an indigenous voice in future national policies and strategies.

*Persons in 'street situations'*

It is simply unacceptable to round up people from the streets.

I was concerned at the number of people crammed into basic rooms without adequate ventilation and with limited

water and sanitation facilities.

I met had been there for considerably longer and were being held against their will. That is not consistent with the

concept of 'drop in' or with law. Many of the detainees have health issues, including psychosocial disabilities, HIV/AIDS

and drug addiction/use. Many of the detainees claimed they could not maintain contact with children and families

outside. However, the appropriate professional medical support is not currently available.

A proper facility that provides the necessary care, services and assistance to persons in street situations should be

prioritised and I strongly recommend that expeditious action be taken by the

Government to implement recommendations of the National Conference on Persons in Street Situations held in

Phnom Penh last December.

*Land'*

Land remains a source of conflict.

The legacy of economic land concessions remains a problem for all: companies holding concessions; individuals

dispossessed of their lands; local authorities; and the Government. The situation is complicated. Loss of land, however

tenuous the title may be, is a serious issue for those affected.

During my visit to Kampong Speu, I met with many people who claimed to have lost their farmland, received inadequati

compensation and are now destitute. I met with a representative of a sugar company to learn of the challenges posed t

and by companies which receive ELCs from the Government yet find themselves in dispute with affected communities

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years later. The pending audit of sugar concessions could address some of the alleged violations of human rights in

Cambodia's sugar industry.

All land disputes should be solved by a process free from threats, violence and intimidation of any parties. All those

Offered compensation packages for loss of land should understand all relevant information to ensure free and

informed decision-making.

*Rule^Lawand Justice*

The Paris Peace Accords make clear that the constitution is the supreme law of the land and that an independent judiciary will

be empowered to enforce such rights.

The Cambodian constitution in Article 31 makes clear the emphasis to be placed on respect for human rights and on ensuring

that the law is applied without discrimination on any ground.

Yet, there are many examples of the law being applied in an apparently discriminatory or politicised manner. With respect to

the five detained individuals from ADHOC, I reiterate my call at the UN Human Rights Council that their charges should be

proven or they should be released immediately with their case closed.

Many Cambodian laws were drafted in cooperation with donor countries and a range of international experts. The

resulting laws are, however, Cambodian. It is for the Cambodian Government to ensure those laws are applied in a

manner which complies with ratified human rights standards. One example of an area in which further clarification could

be useful is the law of evidence. A few articles in the Criminal Procedure Code reference the evidentiary requirements in

law-for example, Articles 118,127 and 321. However, it appears that different judges apply different evidentiary

standards of proof. Everyone charged with a criminal offence has the right to know and challenge the evidence led.

I strongly urge the Ministry to consider drafting guidelines on the evidentiary requirements and to ensure all judges

L e fully trained thereon. To facilitate greater understanding of judicial decisions, I recommend that the Ministry of

Justice build on the training being undertaken at the Royal Academy of Judicial Professions and require all judges to

publish the (legal) reasoning adopted in each case. I also repeat my recommendation that the Ministry ensure every

court displays a current list of official court fees and any other legitimate charges which can be levied. Should

evidence emerge of additional fees being accepted to facilitate a case, disciplinary investigations must follow.

*Prisons*

I visited Correctional Centres 1 and 2 in Prey Sar Commune. I regret that I was not allowed to meet with the detained

ADHOC staff and Senator Hong Sok Hour. CC1 had an initial maximum capacity of

approximately 1,300 but currently held 4,736 detainees and CC2 was reported as having a capacity of 600-700, but

hosted 959 detainees. This has obvious consequences for the conditions in the prison.

Currently of course guards cannot ask for money but I have learned that nevertheless many families often feel obliged to

give money.

The Ministry of Interior should prioritise an holistic response to the conditions in prisons and work on alleviating the

problems caused by overcrowding. The actions undertaken by the Government in response to the reports by the UN

Sub-Committee on the Prevention of Torture (SPT) on Cambodia should be publicly disseminated as should the

reports themselves.

In the meantime, I suggest that reducing automatic recourse to provisional detention would help alleviate the problem.

Article 203 of the Criminal Procedure Code notes that provisional detention should be exceptional. Instead it is almost

standard. Rarely are full reasons given although Article 205 lists the acceptable reasons and there is a form available for

judicial use. In CC1,1 was told that only 3,224 detainees had been finally convicted and 1,512 men were either on

provisional detention or were awaiting the result of their appeal processes (and thus not treated as convicted).

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The Ministry of Justice should embark on awareness-raising to ensure public understanding and support for

alternatives to provisional detention and custodial sentencing, where Cambodian law so permits. The pilot on non­

custodial sentencing should be reviewed and urgent consideration given to extending it.

*Electoral preparations*

The position of migrant Cambodian workers remains unclear and more effort is perhaps needed to ensure all eligible

Cambodians can vote. I am also concerned that the deputy secretary general of the NEC is currently in detention,

awaiting trial on one set of charges, and has been convicted on unrelated charges.

Article 4 of Annex 5 to the Paris Peace

Accords states in terms of the constitution that 'Cambodia will follow a system of liberal democracy, on the basis of

pluralism. It will provide for periodic and genuine elections. It will provide for the right to vote and to be elected by

universal and equal suffrage. It will provide for voting by secret ballot, with a requirement that electoral procedures

provide a full and fair opportunity to organize and participate in the electoral process.'

I am also reminded of the text of Annex 3 to the Paris Peace Accords, the tenor of which is reflected in Cambodian law

everyone should

be able to participate

in the electoral

process and

freedoms of speech, assembly and

movement should

be fully respected, with all political parties enjoying an equal platform. The NEC must continue its important work to

ensure full voter registration. All genuine notified complaints must be promptly investigated. Voter education will

allow eligible voters to make an informed choice.

*Recent developments*

I am saddened by the deterioration in the political situation since my mission in March. There is a deep loss of trust

between the two principal political parties. I urge both parties, through intermediaries as necessary, to explore

opportunities for working productively together. Both parties were elected in 2013 to serve the people of Cambodia.

The people deserve that those they entrusted do so professionally in the best interests of the people.

The Paris Peace Accords (Article 3 and 15 of the two Agreements) provide that Cambodia undertakes to 'support the

right of all Cambodian citizens to undertake activities that would promote and protect human rights and fundamental

freedoms'. Civil society is also under a duty to respect the law of Cambodia and respect the rights and freedoms of

others. The mere act of defending human rights should not politicise such activities.

Particular consideration

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to women human

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and consequences for their personal security and for their families. Human rights defenders and activists are not,

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Particular consideration must be given to women human rights defenders who are often subjected to additional threats

and consequences for their personal security and for their families. Human rights defenders and activists are not,

necessarily, political actors.

The Government must support those undertaking activities promoting and respecting human rights. I join other

members of the Human Rights Council and other civil society who call for an independent, impartial and transparent

investigation into the death of Kern Ley.

All provincial authorities must be encouraged to apply the Law on Peaceful Demonstrations in accordance with the

Ministry of Interior's guidelines on the implementation thereof. There is no legal requirement of approval of education

srid training activities, for example. Demonstrations and processions should be notified to ensure that the authorities

can facilitate the activity whilst ensuring minimised disruption to others.

j = Government must support all Cambodians undertaking activities promoting and respecting human rights not

■cast through the application of the Law on Peaceful Demonstrations. The Ministry of Justice should also consider

decriminalising defamation (Articles 305-306) and public insult (Articles 307), offences which are increasingly being

invoked against human rights defenders. International human rights law requires these offences, if they exist, to be civil

matters.

Concluding remarks.

In the Paris Peace Accords, the founding principles of the current Cambodian Constitution were agreed. The new

Cambodia was to be a liberal democracy, with an independent judiciary enforcing the rights enshrined in the new

constitution. All Cambodians were to be supported returning and resettling. Political neutrality was to be respected, as

were all human rights and fundamental freedoms accepted by the country.

The time for the Government to blame the troubles of the last century for the situation today is surely over. Cambodia

has earned its place on the international stage as an equal sovereign state and, as such, the Government must take

responsibility for fully implementing at the

national, provincial and commune/sangkat levels all those rights and freedoms in the treaties it has so willingly ratified.

*Professor Rhona Smith (United Kingdom) was appointed by the United Nations Human Rights Council in March 2015. The mandate of*

*the Special Rapporteur derives from the Paris Peace Accords Agreement on a comprehensive political settlement of the Cambodian*

*conflict.*

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**fidh**

WORLDWIDE MOVEMENT FOR HUMAN RIGHTS

Cambodia: ICC preliminary examinationrequested into crimes stemming from mass land grabbing

<https://www.fidh.org/en/region/asia/cambodia/16176-cambodia-icc-preliminary-examihation-requested-into-crimes->

stemming-from

07/10/2014

PRESS RELEASE

Cambodia

A communication filed at the International Criminal Court (ICC) today alleges that widespread and systematic land

grabbing conducted by the Cambodian ruling elite for over a decade amounts to a crime against humanity.

The communication contends that senior members of the Cambodian government, its security forces, and government-

connected business leaders carried out an attack on the civilian population with the twin objectives of self-enrichment

and preservation of power at all costs. Crimes committed as part of this campaign include murder, forcible transfer of

populations, illegal imprisonment, persecution, and other inhumane acts.

*"Given the Cambodian judicial authorities consistent failure to adequately investigate these grave crimes*

*and provide effective remedies to those affected, the ICC now represents the most realistic avenue to bring*

*justice to the victims,"* said FIDH President Karim Lahidji. *"We hope the ICC's involvement will also spur*

*genuine national judicial proceedings since the ICC's jurisdiction is complementary to national courts.”*

Victims' legal representative, Richard J Rogers, is presenting evidence that in the past 14 years, an estimated

770,000 people (6% of the country's population) have been adversely affected by land grabbing in Cambodia,

with over 145,000 people forcibly transferred from the capital, Phnom Penh, alone. Those who have been

thrown off their land continue to suffer in appalling conditions in resettlement camps where food insecurity

and disease are rife. Indigenous minorities have suffered disproportionately with half their population already

excluded from ancestral land.

Those who oppose the ruling elite have been ruthlessly suppressed. Civil society leaders, monks, journalists,

lawyers, environmental activists, trade unionists, civilian protestors, and opposition politicians have been

assassinated, threatened or imprisoned on trumped-up charges. In 2012 alone local NGOs have documented

the arbitrary arrest of 232 rights workers and activists in relation to land issues. The perpetrators of politically

motivated crimes have enjoyed complete impunity.

*"In an era where land-related human rights violations have reached shocking levels, this communication*

*provides the ICC's Office of the Prosecutor with a rare opportunity to confirm the crucial role of international*

*criminal law in protecting peacetime populations from mass forcible transfer,"* said Richard J Rogers.

*intervention will force the Cambodian government to reconsider its approach to land grabbing and*

*‘An ICC*

*suppression of dissidents."*

Cambodia ratified the ICC Statute on 11 March 2002, giving the ICC jurisdiction over crimes committed since

July 2002 on its territory or by its nationals. Following the analysis of this communication and in accordance

with Article 15 of the ICC Statute, the ICC Prosecutor will decide whether a full investigation into the alleged

crimes against humanity is warranted.

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**Subject: H. RES. 728 passed by the The House of Representatives today September 12,**

**2016 in Washington, D.C.**

H. RES. 728 passed by the The House of Representatives today September 12, 2016 in Washington,

D.C.

Congressman Lowenthal Resolution Calling For Free and Fair Elections in Cambodia

Passes Out of Subcommittee

The House of Representatives today passed a bipartisan resolution authored by Congressman Alan

Lowenthal (CA-47) which denounces the political repression of the current Cambodian government

while calling for free and fair elections in Cambodia.

"The 30-year government of Prime Minister Hun Sen, through intimidation, repression, and violence,

has created an environment that abridges the right of every Cambodian citizen to participate in fair and

free elections," Congressman Lowenthal said. "If Cambodia wishes to become a full-fledged and

respected member of the international community, the government of Hun Sen must respect the rule of

law, human rights, and democracy.

The resolution points out that under the rule of Hun Sen, political freedom in Cambodia has been under

increasing threat.

Last year, the non-profit Freedom House rated Cambodia as "Not Free" in its "Freedom in the World

2015" report, noting that in Cambodia "political opposition is restricted," "harassment or threats against

opposition supporters are not uncommon," "freedom of speech is not fully protected," and "the

government's tolerance for freedoms of association and assembly has declined in recent years."

Read more below!

<http://lowenthal.house.gov/news/documentsingle.aspx?DocumentlD=398764>

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http://www.cambodiadailyl<hmer.com/32073

BY ZSOMBOR PETER | JUNE 10, 2016 |

The European Parliament on Thursday passed a resolution accusing the Cambodian government of

laying politically motivated charges against the opposition and calling for aid cuts if its respect for

human rights fails to improve—a loud echo of a resolution it passed just six months ago.

Passed by a show of hands during a plenary session in Strasbourg, France, the resolution holds up the

$465 million in aid committed to Cambodia through 2020 and urges the European Commission to make



"financial assistance dependant on improvements in the human rights situation."

The European Parliament's plenary room in Strasbourg,

France (Reuters)

It calls on Cambodia to revoke arrest warrants for

opposition leader Sam Rainsy, to release the four human

rights workers and election official arrested in April as part

of the government's investigation into a sex scandal

involving deputy opposition leader Kern Sokha, and to

drop charges against union leaders.

"Supporters are threatened, or people are violently attacked when they proceed to parliament," she

said, referring to the brutal beating of two opposition lawmakers outside the National Assembly in

Phnom Penh in October.

The resolution urges the Cambodian government to conduct a full and impartial investigation into the

attacks with U.N. participation. Three members of Prime Minister Hun Sen's personal bodyguard unit

have confessed to the beatings, but rights groups that observed the trial accused the courts of rigging

the proceedings to limit the blowback.

Jfe^CAMBODIADAILY

6 Nations Criticize Goyernment Over Rights Record

<https://WWW.CAMBODIADAILY.COM/NEWS/36-NATIONS-CRITICIZE-GOVERNIVIENT-RIGHTS-RECORD-118027/>

BY JANELLE RETKA | SEPTEMBER 15, 2016 |

In a global censure of the CPP's recent arrest and intimidation of the political opposition and other

critics, 36 countries backed a statement on Wednesday urging the government to respect human rights

"including the freedoms of expression, association and assembly."

Presented during the ongoing 33rd U.N. Human Rights Council session in Geneva, the statement-

supported by the 28 E.U. member states and the U.S., as well as Albania, Australia, Canada, Japan,

Macedonia, Norway and Switzerland—called on the ruling party to de-escalate political tensions and

respect the rule of law.

The countries also noted the "chilling effect" that the July 10 murder of political analyst Kern Ley had on

government critics and called for a transparent investigation into his death.

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diligence



Global Diligence LLP: international law and human rights compliance

[www.globaldiligence.com](http://www.globaldiligence.com)

**Land grabbers.may.end up in The Hague:**

**GlobalsDiligence.welcomes-thelGC Proserutnr-'snewTasespIprtinn nolicv**

Today the Prosecutor of the International Criminal Court signalled that she will no longer stand by as kleptocratic

dictatorships and businesses commit mass human rights violations in the name of profit. For the first time in history, an

international criminal court will prioritise crimes within its jurisdiction that are committed by means of or result in "the

destruction of the environment, the illegal exploitation of natural resources, or the illegal dispossession of land."l This

new focus will help close the impunity gap for international crimes committed during peacetime, and open the door for

the case filed on behalf of Cambodian victims against Cambodia's ruling elite. In 2014, Global Diligence partner, Richard J

Rogers, filed a 'Communication' before the ICC prosecutor, asking her to investigate the widespread and systematic

forced population transfers, stemming from Cambodia's land grabbing frenzy. According to Rogers:

"The new ICC prosecution policy confirms the need to tackle the mass violence and brutality of kleptocratic

regimes who have stayed under the radar for too long. The systemic crimes committed under the guise

of 'development' are no less damaging to victims than many wartime atrocities. Forced population displacement

destroys entire communities and leads to instability or even war. The ICC Prosecutor has sent a clear message

that such offences may amount to crimes against humanity and can no longer be tolerated."

Land grabbing and the associated forced evictions are a major global human rights problem that has reached a crisis

point in many poor countries. Unscrupulous investors rely on corrupt politicians to gain land concessions and use local

) security forces to illegally evict residents, often violently. In Cambodia-one of the worst examples - an estimated

830,000 innocent civilians have been adversely affected by land disputes with hundreds of thousands forced from their

land to live in abject poverty. Minority

1 This policy change does NOT create new crimes or new definitions of crimes. It is a shift in focus to crimes of a certain

nature. But all these crimes must already be within the ICC's jurisdiction.

indigenous people have suffered disproportionately - as Global Diligence partner, Alexandre Prezanti, points out:

"Land-grabbing has not only led to immense suffering of members of indigenous minority groups, but also to the

loss of their natural environment, traditional agricultural practices, and places of spiritual significance, and

consequently the destruction of their cultural identities."

The ICC's new policy is not only a wake-up call for political leaders intent on stealing their country's natural resources for

personal gain, but also for corrupt businessmen who seek to profit from the misery caused by illegal exploitation. The

investigations undertaken by organisations such as Global Witness - who seek to expose the link between corruption,

poverty and environmental degradation - have suddenly become difficult to ignore.

2 The Policy Paper on Case Selection and Prioritisation of the ICC Prosecutor is available at: https://www.icc-

cpi.int//Pages/item.aspx?name=prl238

Global Diligence LLP is a London-based international law firm specialised in international human rights and international

criminal law. See generally

<http://www.globaldiligence.com/>.

For further information on the case filed against the Cambodian ruling elite see

<http://www.globaldiligence.com/about-us/icc-cambodian-case-study/>

For comment in English, contact: For comment in French or Russian contact: 2 For Global Witness' investigation

Richard J Rogers Alexandre Prezanti on Cambodia, see

[richardrogers@globaldiligence.com](mailto:richardrogers@globaldiligence.com) [alexprezanti@globaldiligence.com](mailto:alexprezanti@globaldiligence.com) <https://www.globalwitness.org/en/>

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August 18, 2016

<http://www.voanews.eom/a/cambodian-crackdown-hardens-resolve-among-khmer-diaspora/3470079.html>

The killing of independent analyst Kem Ley and a broad crackdown on dissent in Cambodia has

hardened attitudes against Prime Minister Hun Sen among the Khmer diaspora living in

Australia and the United States.

[]

**Opposition not benefitting**

In Australia, Hong Lim, a prominent member of the Victoria state parliament and the Khmer

expatriate community, has dropped his support for Sam Rainsy, head of the Cambodian

National Rescue Party (CNRP).

**Crackdown on opposition**

A further 18 CNRP members and supporters have been jailed while the public shooting of Kem

Ley, a popular radio host and political analyst, had flabbergasted and angered the Khmer

diaspora, Hong Lim said.

Hong Lim has also been sharply criticized by the Cambodian government and declared persona

non grata after he labeled the CPP-government a "beast" in regards to Kem Ley's death.



Cambodia mourners take photos as they watch the funeral procession for

Cambodian leading government critic Kem Ley, whose portraits are displayed

on a vehicle, in Phnom Penh, July 24, 2016.

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<http://www.heritaEe.org/research/reports/2016/06/holdina-the-cambodian-government-accountable-to->



Hpjdipg the Cambodian Goyernmcnt Accountable to Democracy

*By Olivia Enos*

Democracy in Cambodia is backsliding. The flawed elections of July 2013 led to severe restrictions on

freedom of expression, freedom of assembly, and freedom of speech.

Nineteen governments, including the U.S., signed the Paris Peace Agreements on October 23,1991,

following the defeat of the Khmer Rouge, a brutal Communist political regime that killed an estimated 1.7

million Cambodians.fi] The signatories of the Agreements promised to hold Cambodia accountable if the

state of democracy was under threat. Signatories of the Paris Peace Agreements were supposed to ensure

"the right to self-determination of the Cambodian people through free and fair elections" and "assur[e]

protection of human rights."(2]

New developments have jeopardized democracy in Cambodia. Kem Sokha and Sam Rainsy, leaders of the

opposition Cambodia National Rescue Party (CNRP), are effectively silenced, human rights lawyers and

advocates are extrajudicially imprisoned, and freedom of speech and freedom of assembly are severely

restricted. The Paris Peace Agreements signatories should hold the government of Cambodia accountable for

turning from democracy to authoritarianism.

The Devolution of Democracy in Cambodia

Cambodian democracy's devolution comes on the heels of a flawed election in July 2013. In the previous

election, the opposition CNRP came close to its first victory. The Cambodian People's Party (CPP) claimed only

68 of the 123 seats in the assembly, leaving the CNRP with 55 seats. The CNRP subsequently protested the

elections, claiming election fraud and pointing to a CPP-dominated Constitutional Council, misuse of

temporary voting cards, and allegations from election observers that as many as 10,000 voting irregularities

occurred as evidenceJ31

Protests ensued from the July elections and continued until June 2014, when the CPP and CNRP negotiated a

settlement. The settlement consisted of three tasks:

Reform the main electoral body in Cambodia, the National Election Committee (NEC);

Release seven members of the opposition from prison; and

Clean up the nation's voting records.(41

Of these tasks, the Cambodian government undertook only the NEC reform. At present, there are nine

members of the NEC, as opposed to eleven. Four members are CPP, four are CNRP, and one is an apolitical

civil society actor selected by both parties. However, NEC deputy secretary-general and advocate at the

Cambodian human rights nongovernmental organization, Adhoc, Ny Chakyra is now imprisoned on charges

that he aided in the cover-up of Kem Sokha's purported mistress.[5]

As for the other two tasks, Chakyra's absence from the NEC impedes its ability to clean up voting records in

preparation for the 2017 and 2018 elections. And although the CPP released the seven political prisoners as

Promised, at least 29 political prisoners are now in custody, including human rights and political activists.(61 In

short, the CPP has failed to fulfill its promises in the June 2014 agreement.

The Current Situation

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In recent months, the erosion of democratic institutions in Cambodia has become increasingly apparent. In

November 2015, Prime Minister Hun Sen, leader of the ruling CPP, resurrected defamation charges against

Sam Rainsy, leading to his self-imposed exile. Hun Sen removed Rainsy from his parliamentary seat and called

for his arrest.[7] I

Later that month, Cambodian state security forces allegedly assaulted and beat two CNRP parliamentarians,

Kung Sophea and Nhay Chamraoen.]8] Now the CPP lodged charges against CNRP second-in-command, Kern

Sokha, on allegations of an affair and human trafficking.(9]These charges' are viewed aslargely political and an

attempt to silence the CNRP. Sokha is currently under de facto house arrest at party headquarters after

officials attempted to arrest him on May 26, 2016J10]

However, Sokha remains an acting government official with political immunity under article 80 of the

Cambodian constitution.]!!] As a result, the Cambodian government is attempting to use *in flagrante*

*delicto* (the notion of being caught in the act) to effectively dissolve Kern Sokha's immunity.(12]

Cambodia must now make similar decisions as were made in Burma: retain its dictatorial leadership with

restrictions on basic freedoms, or turn away from authoritarianism. Some observers, in fact, including Sam

Rainsy, have urged that the international community shine a light on Cambodia in the same way that it did

with Burma.]13]

Concrete Steps to Address the Cambodian Situation

The Paris Peace Agreements included provisions designed precisely to address Cambodia's present situation.

The 19 signatories agreed to come to the aid of Cambodia in the event that Cambodia was failing to fulfill the

commitment it made in the Paris Peace Agreements to institute democracy. Immediate steps toward this goal

include:

Pressing for the establishment of a Cambodia contact group made up of parties to the 1991 Paris Peace (

Agreements. The group, which includes the U.S., Japan, Indonesia, Australia, the U.K., and France, would

monitor and press for democratic reform and respect for human rights. In addition, the group should

coordinate human rights policies and assistance programs toward Cambodia, including participation in the

annual donor group meeting, the Cambodia Development Cooperation Forum.[14]

The U.S. should conduct a review of its democracy programming. Given the lack of sufficient progress in

many areas of Cambodia's democracy since 1993, the U.S. Agency for International Development should

conduct a formal review of its democracy programming to identify deficiencies in current areas of focus or

channels and identify new areas and mechanisms for political development.

Conclusion

The signatories of the Paris Peace Agreements, including the U.S., have a responsibility to ensure that

democratic principles are upheld in Cambodia. As a foremost world leader, the U.S. should take the immediate

and concrete steps toward that goal.

*—Olivia Enos is a Research Associate in the Asian Studies Center, of the Kathryn and Shelby Cullom Davis*

*Institute for National Security and Foreign Policy, at The Heritage Foundation.*

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Cambodiair®eniocracy and International Accountability,

<https://www.youtube.com/watch?v=PYMushFyD4c&feature=youtu.be>

**Published on Jul 26,2016**

On October 23,1991, the U.S., Japan, Indonesia, Australia, the United Kingdom and France were among

19 countries to sign the Paris Peace Accords - formally ending the war in Cambodia. In so doing, the

agreement provided the basis for a democratic transition and committed the parties to “promote and

encourage respect for and observance of human rights and fundamental freedoms in Cambodia." Today,

the democratic institutions it ushered in are again under threat.

The leadership of the opposition’s Cambodian National Rescue Party (CNRP) is effectively silenced with

opposition leader Sam Rainsy living in exile in Europe. Acting CNRP leader, Kern Sokha, is under de

facto house arrest at CNRP headquarters. Cambodia has at least 23 political prisoners, many of whom

are opposition leaders imprisoned in recent weeks and months. Human rights activists are also under

duress, some in prison, and one political analyst, Dr. Kem Ley, was murdered on July 10th, 2016.

The situation is deteriorating quickly and the need for external accountability great. Please join us for a

discussion on the need for U.S. leadership in holding Cambodia accountable to the democratic principles

it agreed to respect in the Pans Peace Agreements.

The Heritage Foundation

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WORLDWIDE MOVEMENT

FOR HUMAN RIGHTS

**Cambodia: Killing of Kern Ley adds grave concern to the deteriorating human rights**

**situation**

13/07/2016

STATEMENT

Human Rights Defenders

Cambodia

(13 July 2016) - We, the undersigned organisations, are deeply shocked by the murder of Kern Ley, a

prominent Cambodian activist, political analyst, and government critic, on 10 July 2016. We strongly condemn

Kern Ley's murder and express our condolences to his family. We call for a prompt, thorough, impartial, and

independent investigation into his death, and call on the authorities to ensure accountability for this atrocious

killing.

Kem Ley was shot dead on the morning of 10 July 2016 at a gas station's coffee shop, which he regularly

frequented on Monivong Boulevard, a major thoroughfare in Phnom Penh. The alleged perpetrator was

immediately arrested and authorities claimed he confessed in a leaked video to killing Kem Ley over an unpaid

debt. However, suspicions of underlying political motives behind Kem Ley's death remain strong. Kem Ley's wife

has vehemently denied that her husband had any debts whatsoever. Further, Kem Ley was often critical of

Cambodia's ruling party. Before he was killed, Kem Ley had commented on the business interests of Hun Sen's

family, reportedly worth at least US$ 200 million.1 "

Bystanders surrounding Kem Ley's body after his death refused to allow authorities to remove his body from

the crime scene over fears that the police would contaminate or destroy evidence. Thousands of people

gathered in the streets of Phnom Penh when Kem Ley's family transported his body to Wat Chas pagoda, Phnom

Penh, in the afternoon of 10 July.

Kem Ley's death is a tragic loss for civil society, in both the country and the region. He was a prominent and

brave political commentator and a strong advocate of democracy, good governance, and human rights in

Cambodia, who worked closely with grassroots movements. In 2014, Kem Ley founded a grassroots advocacy

group called 'Khmer for Khmer', aimed at encouraging the formation of grassroots-based political parties

across Cambodia.

Kem Ley's killing occurred amid a sharp deterioration in the space for fundamental freedoms in Cambodia

over the past year. Civil society group members, opposition leaders, and government critics have been

arrested and subjected to judicial harassment, and in some cases, violence.

Cambodia's deteriorating human rights situation has resulted in widespread international condemnation of

the Cambodian authorities, including at debates at the UN Human Rights Council, which concluded its 32nd

session at the beginning of this month. The killing of Kem Ley has only added to concerns over the situation in

Cambodia, after the arbitrary arrest and detention of five human rights defenders in May 2016 on trumped-ui!

charges.

We remind the Cambodian Government that the state has a responsibility to ensure a safe and enabling

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environment for human rights defenders, civil society, and government critics to freely operate without fear of

retaliation. We are highly concerned that this space is under severe threat in Cambodia.

pVe therefore call on the UN Special Rapporteur on the situation of human rights in Cambodia, Ms. Rhona

Smith, to take urgent note of this serious development and exercise her mandate to adequately respond to

the increasing threats faced by civil society. We also call on all member states of the UN Human Rights Council

to continue to closely observe the situation in the country in the lead-up to the Council's discussion on

Cambodia in September.

We call on the ASEAN Intergovernmental Commission on Human Rights (AICHR) to fulfil its purpose to protect

human rights and fundamental freedoms of the ASEAN people, as stipulated by its Terms of Reference, at this

critical juncture for human rights and democracy in Cambodia.

Lastly, we call on the international community to support Cambodia's civil society in their campaigns to obtain

the immediate release all political prisoners and an end to all human rights violations, including judicial

harassment and attacks on human rights defenders and organisations working for the protection of human

rights, democracy, and sustainable development.

CO-SIGNATORIES

Signed by:

Alternative ASEAN Network on Burma (ALTSEAN-Burma)

Asia Democracy Network (ADN)

Asian Federation Against Involuntary Disappearances (AFAD)

^sian Forum for Human Rights and Development (FORUM-ASIA)

B.sia-Pacific Solidarity Coalition (APSOC)

Burma Partnership

Cambodian Center for Human Rights (CCHR)

Civil Rights Defenders

Commission for the Disappeared and Victims of Violence (KontraS)

Community Resource Centre Foundation (CRC)

International Federation for Human Rights (FIDH), within the framework of the Observatory for the Protection

of Human Rights Defenders

Migrant Forum in Asia (MFA)

People's Empowerment Foundation (PEF)

Philippine Alliance of Human Rights Advocates (PAHRA)

Pusat Komunikasi Masyarakat (Pusat KOMAS)

Sekretariat Anak Merdeka Indonesia (SAMIN)

Southeast Asia Committee for Advocacy (SEACA)

Suara Rakyat Malaysia (SUARAM)

Task Force Detainees of the Philippines (TFDP)

Togetherness for Equality and Action group - Thailand (TEA Group)

World Organisation Against Torture (OMCT), within the framework of the Observatory for the Protection of

Human Rights Defenders

^/lember organisations-Cambodia

^AMBODIAN HUMAN RIGHTS AND DEVELOPMENT ASSOCIATION (ADHOC)

LIGUE CAMBODGIENNE DE DEFENSE DES DROITS DE L'HOMME (LICADHO)

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*The* CAMBODIA DAILY

**All ihr Not Without Fear or Enw i The Daily Ne^papcrof Recr«l Siner 199.1**

Australian Ex-Peace Broker Calls for Sanctions

BY BEN PAVIOUR | JULY 30, 2016 |

<https://www.cambodiadaily.com/news/australian-ex-peace-broker-calls-for->

The international community should put "maximum pressure" on the Cambodian government

to improve the country's human rights situation, including possible sanctions on top officials,

former Australian Foreign Minister Gareth Evans said on Friday.



Gareth Evans (Creative Commons)

“I think political responses from the rest of the

world and certainly the rest of the region have been

far too muted given the scale of the violations that

have been going on for really a very long time now,”

Mr. Evans said.

Mr. Evans charged the government with overseeing

land grabs, curtailing free speech and reacting

violently to perceived threats.

He also said the recent murder of political

commentator Kem Ley had “all the hallmarks of a

political assassination.”

[ ]

"I think political responses from the rest of the world and certainly the rest of the region have

been far too muted given the scale of the violations that have been going on for really a very

longtime now," Mr. Evans said.

Mr. Evans charged the government with overseeing land grabs, curtailing free speech and

reacting violently to perceived threats.

He also said the recent murder of political commentator Kem Ley had "all the hallmarks of a

political assassination."

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In 2014, however, Mr. Evans penned an opinion piece through the Australian newspaper

syndication network Policy Syndicate saying Mr. Hun Sen's government had been "getting away

with murder."

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WORLD REPORT 2016

<https://www.hrw.org/world-report/2016/country-chapters/cambodia>

Cambodia

***Events of2015***

Prime Minister Hun Sen's government launched new assaults on human rights in Cambodia, especially during

the second half of 2015, arresting and jailing members of the political opposition and activists, and passing a

draconian new law on nongovernmental organizations (NGOs) that the government rushed through the

National Assembly on July 13.

Other repressive laws were also proclaimed or proposed, including laws or regulations on the Internet, as Hun

Sen, who has ruled since 1985, increasingly undermined fundamental human rights.

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Land confiscations also continued in 2015, and corruption remained rampant. Cambodia is a party to the

United Nations Refugee Convention, but authorities refused to register more than 300 Vietnamese

Montagnard asylum seekers for determination of their claims and summarily deported at least 54 of them to

Vietnam.

Cambodia: Crackdown on Community that opposed World Bank Project

Video: <https://youtu.be/uJQ.YbFV4HtA>

The World Bank Group has done little to prevent or dissuade governments from intimidating critics of the projects it

funds, or monitor for reprisals.

Politically Motivated Prosecution and Assault

On July 13, a Phnom Penh court launched an investigation to consider bringing defamation and interference

with justice charges against prominent NGO figure Ny Chakriya, who had raised questions about the

independence of the judiciary in a land-grabbing case.

On July 21,11 opposition Cambodia National Rescue Party (CNRP) organizers, on trial since 2014 on trumped-

up charges of leading or participating in an anti-government "insurrection," were suddenly convicted and

sentenced by a Phnom Penh court to 7 to 20 years in prison.

Despite the absence of evidence connecting them to any criminal acts, they were found responsible for crowd

violence that erupted when government security forces broke up a peaceful CNRP-led demonstration calling

for the reopening of Phnom Penh's "Freedom Park" on July 15, 2014.

Jhe convictions were accompanied by official warnings that seven CNRP National Assembly members also

charged with insurrection in connection with the same incident could be convicted and imprisoned despite

their parliamentary immunity. Following this, Hun Sen convened a closed meeting of almost 5,000 of the top

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CPP security force officials at which he issued an "absolute order" that security forces must "ensure there

would be no color revolution" in Cambodia by "eliminating acts by any group or party" deemed "illegal."

On August 4-5, following Hun Sen's public call for more arrests of those allegedly responsible for the July 2014

Freedom Park violence, police detained three CNRP activists who were then charged with participating in the

purported insurrection, while arrest warrants were issued for several others.

On August 13, Hun Sen ordered the arrest of Hong Sok Hour, an opposition party senator who the previous

day had posted a video clip on Facebook including footage of the Cambodia-Vietnam border and of a badly

translated excerpt from the 1979 Cambodia-Vietnam friendship agreement. Disregarding the senator's

parliamentary immunity, a "counter-terrorism" security force contingent under the authority of Hun Sen's

son-in-law detained him. More arrests followed between late August and early October 2015, including of a

student who posted a Facebook message advocating a "color revolution."

On October 26-27, following public encouragement by Hun Sen to conduct anti-CNRP demonstrations,

elements of the prime minister's bodyguard unit and others in civilian clothes brutally assaulted two CNRP

parliamentarians outside the National Assembly. Three persons were arrested and charged with the attack,

but others involved who were photographed were not taken into custody. The CNRP thereafter stopped

attending National Assembly sessions, citing security concerns.

On November 13, following repeated warnings by Hun Sen that Sam Rainsy was liable to criminal prosecution,

the Phnom Penh court issued an arrest order to belatedly enforce a judicial ruling of March 2013 confirming a

two-year sentence related to Rainsy's allegation that Cambodian Foreign Minister Hor Namhong was

implicated in crimes committed when the Khmer Rouge ruled Cambodia. The French Supreme Court, citing

international human rights standards, had previously ruled that these comments were a legitimate exercise o(

freedom of expression. On November 19 and December 1, the Phnom Penh Court targeted him with

additional new trumped-up criminal actions.

Legislation Restricting Civil Society

The new NGO law allows the authorities to arbitrarily deny NGOs registration and shut them down. The law is

aimed at critical voices in civil society and could seriously undermine the ability of many domestic and

international associations and NGOs, as well as community-based advocacy movements, to work effectively in

Cambodia.

Its restrictions on the right to freedom of association go well beyond the permissible limitations

allowed by international human rights law. The law gives the interior, foreign affairs, and other ministries

sweeping, arbitrary powers to shut down domestic and foreign membership groups and organizations,

unchecked by judicial review, and allows them to prohibit the creation of new NGOs. It requires registered

groups to operate under a vaguely defined obligation of "political neutrality," on pain of dissolution, and

criminalizes activities by unregistered groups.

After passage of the law, Hun Sen and other government officials launched a campaign against human rights-

oriented NGOs, including those focusing on land disputes and women's rights.

The authorities began to insist that grassroots civil society activities could no longer be carried out unless

those involved had registered with the government in accordance with the new provisions, giving the (

government wide authority to decide what activities can and cannot take place.

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On August 19, the government issued a sub-decree upgrading the status of an anti-cybercrime unit and

^^mpowering it to "investigate and take measures in accordance with the law with regard to actions via the

^^iternet of instigation, insult, racial discrimination, and generation of social movements," particularly those

that might lead to a "color revolution."

On November 30, the government put a draft telecommunications law before the National Assembly, even

though doing so was not inscribed in the legislature's agenda. The draft had never been made available for

discussion by concerned civil society organizations.

The CPP adopted it without parliamentary debate. The law gives government authorities arbitrary powers to

issue orders to telecommunications operators, to secretly monitor and record telecommunications, and to

imprison people for using telecommunications in a manner deemed to endanger "national security."

**Arbitrary Detention, Torture, and Other Ill-Treatment**

The authorities, especially in Phnom Penh, launched repeated street sweeps that detained hundreds of

alleged drug users, homeless people, beggars, street children, sex workers, and people with disabilities in so-

called drug treatment or social rehabilitation centers.

Detainees never saw a lawyer or a court, nor had any opportunity to challenge the legality of their detention.

Detained individuals received no meaningful training or health care, and faced torture, ill-treatment, and

other abuses including, in some centers, forced labor. During 2015, at least three died in suspicious

circumstances.

G lobai Witness.

<https://www.facebook.com/GlobalWitness/?hc_ref=PAGES_TIMELINE&fref=nf>

November 4 at 10:1 lam ■

Well done World! All of these countries have signed up to the AParisAareement which comes into force today - now we’ve got

to work together to make it happen!

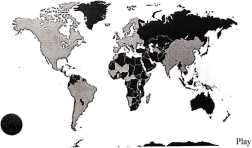
WeiLdonaiMorld!

All of these countries have



signed up to the Paris Agreement

which comes into force today



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I *NEWS RELEASE*

to UNITED NATIONS

***U* HUMAN RIGHTS**

**UN rights experts condemn killing of Cambodian**

**political analyst and activist Kem Ley**

GENEVA (13 July 2016) - A group of United Nations human rights experts\* today

condemned the murder of Cambodian political analyst and social activist Kem Ley,

known for his struggle for justice and human rights in Cambodia.

“We are shocked to learn about the death of Mr. Kem Ley. We call for a prompt,

thorough and impartial investigation into the crime that ensures no perpetrator goes

unpunished. This investigation should be conducted by an independent body with no

ties to the government,” they said.

Mr. Kem Ley, who was shot dead at a convenience store in a petrol station on 10

July, was the founder of the grassroots network Khmer for Khmer and a prominent

political commentator who had frequently criticised the government. His network had

recently registered the Grassroots Democracy Party with the intention of fielding

candidates for local elections in 2017. Prior to his civic engagement work, he had

had a prominent role in the HIV and health sector for many years.

“The circumstances of Mr. Kem Ley’s death have given rise to deep concerns in view

of his standing as a critic of the government and his regular comments in the media

highlighting governance and human rights concerns,” the experts said.

The Special Rapporteurs welcomed the Cambodian Government’s commitment for a

thorough investigation into the crime, and emphasised that they will be following it

closely. “Every person responsible should be brought to justice,” the UN human

rights experts stressed.

The UN human rights experts also called upon the Cambodian government to

urgently implement effective protection measures to safeguard those active in the

civic sphere, against such crimes in the future.

“This shooting exemplifies an alarming negative trend in Cambodia whereby political

activists and human rights defenders are facing increasing restrictions to exercise

human rights and fundamental freedoms,” the experts said. “The authorities must act

swiftly to reverse this trend as this killing is likely to have a chilling effect on the

pursuit of democracy and human rights in Cambodia.”

ENDS

*(\*) Mr. Michel Forst, Special Rapporteur on the situation of human rights defenders,*

*Ms. Rhona Smith, Special Rapporteur on Cambodia, Mr. David Kaye, Special*

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*Rapporteur on freedom of opinion and expression, Mr. Maina Kiai, Special*

*Rapporteur on the rights to freedom of peaceful assembly and of association, and*

***Mr. Christof Heyns,*** *Special Rapporteur on summary or arbitrary executions are*

*part of what is known as the Special Procedures of the Human Rights Council.*

*Special Procedures, the largest body of independent experts in the UN Human*

*Rights system, is the general name of the Council’s independent fact-finding and*

*monitoring mechanisms that address either specific country situations or thematic*

*issues in all parts of the world. Special Procedures’ experts work on a voluntary*

*basis; they are not UN staff and do not receive a salary for their work. They are*

*independent from any government or organization and serve in their individual*

*capacity*

***Learn more, log on to:***

***Human rights defenders:***

*<http://www.ohchr.org/EN/lssues/SRHRDefenders/Pacies/SRHRDefenderslndex.aspx>*

***Human rights in Cambodia:***

*<http://www.ohchr.orq/EN/HRBodies/SP/CountriesMandates/KH/Paqes/SRCambodia>.*

*aspx*

***Freedom of expression:***

*<http://www.ohchr.orq/EN/lssues/FreedomOpinion/Paqes/Opinionlndex.aspx>*

***Freedoms of assembly and association:***

*<http://www.ohchr.org/EN/lssues/AssemblyAssociation/Paqes/SRFreedomAssemblvA>*

*ssociationlndex. aspx*

***Summary executions:***

*http://www. ohchr. orq/EN/lssues/Executions/Paqes/SRExecutionsIndex. aspx*

*UN Human Rights, country page - Cambodia:*

*http://www. ohchr. orq/EN/Countries/AsiaReqion/Paqes/KHIndex. aspx*

*Formore information and* ***media requests*** *please contact Mr. Thibaut Guillet (+41*

*22 917 96 74 / tquillet(q)ohchr. orq).*

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relating to our news releases are available on UN Human Rights social media

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MARCH 29, 2007 8:00PM EDT

**Cambodia: Years, No Justice for Grenade Attack on Opposition**

**No Action BespiteFBIInvestigations, Evidence of Government Involvement**

<https://www.hrw.org/news/2007/03/29/cambodia-after-10-years-no-justice-grenade-attack-opposition>

(New York) - Ten years after a grisly grenade attack on an opposition party rally in Phnom Penh left at least 16 dead and

more than 150 injured, the Cambodian government has made no progress in bringing the perpetrators to justice, Human

Rights Watch said today.

Human Rights Watch urged the US Federal Bureau of Investigation (FBI) to reopen its investigation of the attack, which

the US government deemed an "act of terrorism."

On March 30,1997, a crowd of approximately 200 supporters of the opposition Khmer Nation Party (KNP), led by former

Finance Minister Sam Rainsy, gathered in a park across the street from the National Assembly to denounce the

judiciary's lack of independence and judicial corruption. In a well-planned attack, four grenades were thrown into the

crowd, killing protestors and bystanders, including children, and blowing limbs off street vendors.

After the first grenade exploded, Rainsy's bodyguard, Han Muny, threw himself on top of his leader. He took the full

force of a subsequent grenade and died at the scene. Rainsy escaped with a minor leg injury.

"The Cambodian authorities have never conducted a serious investigation into this attack, either despite or because of

substantial evidence of government involvement," said Brad Adams, Asia director at Human Rights Watch. "This attack

was intended to destroy serious political pluralism in Cambodia, and it partially succeeded. Politics in Cambodia has

never fully recovered."

On the day of the attack, for the first time co-Prime Minister Hun Sen's personal bodyguard unit was deployed at a

demonstration. Photographs show them there in full riot gear. The police force, which had previously maintained a high-

profile presence at opposition demonstrations in an effort to discourage public participation, had an unusually low

profile on this day, grouped around the corner from the park. Other police units, however, were in a nearby police

station in full riot gear on high alert.

Also for the first time, the KNP had received official permission from both the Ministry of the Interior and the Phnom

Penh municipality to hold a demonstration, fuelling speculation that the demonstration was authorized so it could be

attacked.

Numerous witnesses reported that the people who had thrown the grenades subsequently ran toward Hun Sen's

bodyguards, who were deployed in a line at the west end of the park in front of a closed and guarded residential

compound containing the homes of many senior Cambodian People's Party (CPP) leaders.

Witnesses told investigators from the United Nations and the FBI that the bodyguards opened the line to allow the

grenade-throwers to pass into the compound, and that members of the crowd pursuing the grenade-throwers were

stopped at gunpoint and threatened with being shot if they did not retreat. |

In a June 1997 interview with the *Phnom Penh Post,* Hing Bun Heang, deputy commander of Hun Sen's

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bodyguard unit, threatened to kill journalists who alleged that Hun Sen's bodyguards were involved.

"The authorities have never offered a credible explanation for the deployment or behavior of Hun Sen's bodyguards,"

haid Adams. "The actions speak forthemselves, and may reach the highest levels of the Cambodian government."

Instead of launching a serious investigation, Hun Sen immediately called for the arrest of the demonstration's organizers

and instructed police not to allow them to leave the country.

(To read an Agence France Presse account published at the time, please

see <https://www.hrw.org/english/docs/2006/03/28/cambodl3086.htm>.)

The attack took place at a time of extreme political tension. The'coalition goverhrfient between the royalist FUNCINPEC

and Hun Sen's CPP was unraveling after armed clashes in Battambang province the previous month. Rains/s KNP was

seen as a threat in national elections scheduled for the following year.

For more than a year, he and his party members had been the subject of attacks and threats from CPP officials and

agents. A bloody coup by Hun Sen's forces followed in July 1997, killing more than 100 and sending politicians and

activists into exile in fear for their lives.

"This brazen attack carried out in broad daylight ingrained impunity in Cambodia more than any other single act in the

country's recent history," said Adams. "A few months later, Hun Sen's coup cemented his hold on power."

At the time, the grenade attack made headlines and provoked outrage around the world. *The Washington*

*Post* dispatched one of its senior investigative reporters to Phnom Penh. On June 29,1997, R. Jeffrey Smith wrote:

In a classified report that could pose some awkward problems for US policymakers, the FBI tentatively has pinned

responsibility for the blasts, and the subsequent interference, on personal bodyguard forces employed by Hun Sen, one

Bf Cambodia's two prime ministers, according to four US government sources familiar with its contents.

The preliminary report was based on a two-month investigation by FBI agents sent here under a federal law giving the

bureau jurisdiction whenever a US citizen is injured by terrorism ... The bureau says its investigation is continuing, but

the agents involved reportedly have complained that additional informants here are too frightened to come forward.

The FBI investigated the attack because Ron Abney, a US citizen, was seriously injured in the blast. Abney had to be

evacuated to Singapore to treat shrapnel wounds in his hip.

While the investigation made a promising start, the Cambodian authorities failed to cooperate sufficiently and it soon

wound down. Although on January 9, 2000, CIA director George Tenet said the United States would never forget an act

of terrorism against its citizens and would bring those responsible to justice "no matter how long it takes," this

investigation has effectively been abandoned.

"The FBI launched the only investigation into the attack, but the US has inexplicably dropped it," said Adams.

"Intentional amnesia has since set in, and no government or donor now says a word about the attack."

In March 2006, the FBI awarded a medal to the Cambodian Chief of National Police, Hok Lundy, for his support of the US

global campaign against terrorism. Hok Lundy was chief of the national police at the time of the grenade attack and has

long been linked to political violence.

"Instead of awarding medals to known human rights abusers, the US government should insist that the FBI return to

^omplete its investigation," said Adams. "Family members of the victims are still waiting for justice."

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**Righty**

2016-11-16

<http://www.rfa.org/english/news/cambodia/inter-parliamentary-union-finds-11162016152020.html>



*Opposition leader Sam Rainsy discusses Cambodia's*

*political situation with RFA, June 15, 2016*

Excerpt *©. RFA*

Cambodia's legal war against members of the political opposition is violating the rights of

opposition lawmakers, according to a resolution recently adopted by the Inter-Parliamentary

Union.

The Swiss-based organization that aims to promote the rights of parliamentarians to carry out

their work without fear of persecution found that Cambodian opposition politicians "face

serious violations of their fundamental rights."

Prime Minister Hun Sen and his Cambodian People's Party (CPP) have been engaged in legal

attacks on more than a dozen opposition lawmakers in an attempt to neutralize their

effectiveness before local commune elections in 2017 and national elections scheduled for

2018, the organization said.

"A total of 15 opposition parliamentarians, including the leaders of the main opposition party,

continue to face serious violations of their fundamental rights and are therefore being

prevented from effectively playing their role as parliamentarians and members of the

opposition freely without fear of persecution, particularly given the fast-approaching local and

national elections," the Inter-Parliamentary Union (IPU) wrote in a decision released this week

that was approved on Oct. 27.

The IPU singled out a series of legal cases brought against Cambodia National Rescue Party

(CNRP) lawmakers that have resulted in jail time and fines. Included in those cases are legal

attacks against CNRP leader Sam Rainsy.

**'The ruling party is attempting to weaken and silence the opposition'**

Those cases "demonstrate that the ruling party is attempting to weaken and silence the

opposition in order to derail the upcoming 2017 and 2018 local and national elections," the IPU

wrote in its report.

**'The IPU sees the current cases as politically motivated'**

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**Ma^HHginnr®© 205|5**

December 3. 9.015

gj-ime Ministei-.Hun Sen

Kingdom of Cambodia

c/o Royal Embassy of Cambodia to the United States

4530 16th Street, NW

Washington, DC 20011

Dear Prime Minister Hun Sen,

We write to you as friends of Cambodia with deep concerns about efforts to disrupt the

development of democracy in your country. The decision of the standing committee of the National

Assembly on November 16 to expel opposition leader Sam Rainsy and revoke his parliamentary

immunity is of gravest concern. We echo the statement of the United States Embassy in Cambodia,

which has called on the government to revoke the arrest warrant issued against Mr. Rainsy, allow

all opposition lawmakers to “return to Cambodia without fear of arrest and persecution,” and end

the “harassment and intimidation of Cambodia’s opposition.”

While we have been profoundly disappointed by widespread irregularities and fraud reported by

national and international observers in the 2013 national elections that left the Cambodian People’s

Party in power, we have been encouraged by negotiations between the ruling party and the

opposition Cambodian National Rescue Party (CNRP) that resulted in opposition parliamentarians

taking their seats.

However, a number of recent developments have highlighted the shrinking space for democracy and

civil society in your country. Earlier this year, the government passed the “Law on Associations

and Non-Governmental Organizations” which severely restricts the development of civil society by

requiring registration and government approval of NGOs. We were also concerned to hear that last

month protestors violently attacked two elected lawmakers from the CNRP in Phnom Penh. One of

the lawmakers who was attacked, Mr. Nhay Chamreoun, is also a United States citizen.

These actions are detrimental to the development of democratic institutions in Cambodia; they

further harm both Cambodia’s international standing and efforts to deepen ties between our

countries. The people of Cambodia deserve to have their voices heard in a society that welcomes

open debate and respects democratic values. We call on you to immediately cease the harassment

and persecution of Cambodia’s opposition, revoke Mr. Rainsy’s arrest warrant and reinstate him to

the National Assembly, renounce all forms of political violence, and foster an environment where

democracy can thrive and flourish.

Sincerely,

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ALAN LOWENTHAL

Member of Congress

ELIOT L. ENGEL

Member of Congress

MATT SALMON

Member of Congress



EDWARD R. ROYCE

Member of Congress

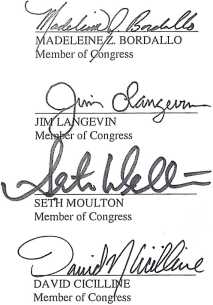




STEVE CHABOT

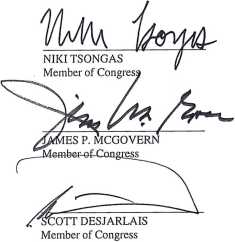
Member of Congress







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MtaLSfittiSaiaK.

WASHINGTON, DC 20510

February 1 1.2016.

Prime Minister Hun Sen.

Kingdom of Cambodia

c/o Royal Embassy of Cambodia to the United States

4530 16"' Street, NW

Washington. DC 20011

Dear Prime Minister Hun Sen,

We write to you as friends of Cambodia who wish to see a strong relationship between our two

nations and a smooth transition from decades of violence and instability to a more prosperous

and democratic Cambodia. We are therefore troubled by the recent increase in social and

political turmoil in your country. In particular, we are troubled by the numerous reports that your

government continues to deny the legitimate demands of ordinary Cambodians for a more

transparent, fair, and democratic Cambodia.

We were concerned by the reports of widespread irregularities observed during the 2013 national

elections, but remain hopeful that the Cambodian People’s Party (CPP) will respect the will of

the Cambodian people and allow opposition Cambodian National Rescue Party (CNRP)

lawmakers to exercise their democratic mandate free from fear or intimidation. Unfortunately, a

series of incidents over recent months, including attacks by CPP supporters against CNRP

lawmakers in front of the Parliament Building in October, have undermined the democratic

process.

We are also disturbed by the reports of systematic property and land appropriation that continues

in Cambodia, whereby domestic and transnational companies and individuals connected to the

government have been able to acquire large amounts of land throughout the country. According

to a report by the International Federation for Human Rights, an estimated 830,000 people have

been adversely affected by this phenomenon over the last 15 years, contributing further to

poverty and society instability, while enriching the fortunate few. If Cambodia is to develop its

economy in a sustainable way, we believe people’s land rights must be respected and illegal

evictions must stop.

Finally, we continue to have concerns about Cambodia’s record on human trafficking. The 2015

Slate Department Trafficking in Persons Report notes that all of Cambodia’s provinces are a

source for trafficking. We strongly urge Cambodia to combat human trafficking by

implementing a nationwide program to identify vulnerable groups, increase services for victims,

and by improving efforts to prosecute traffickers.

The United Stales is a signatory of the 1991 Paris Peace Accords and we will continue to

monitor Cambodia’s progress closely. We support the December 2015 letter by Members of the

U.S. House of Representatives who called on your government to allow all opposition

lawmakers to “return to Cambodia without fear of arrest and persecution,” and end the

“harassment and intimidation of Cambodia’s rights activists.” We also request the immediate

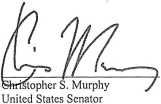
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release of American citizen and Human Rights activist Meach Sovannara, who has been jailed

since July 2015. Finally, we call upon you to ensure that illegal land-grabbing is brought to a

swift end, and that those who have committed land-related crimes are brought to justice.

• Sincerely,



Richard Blumenthal

United States Senator

Amy feoBbchar

United States Senator





Maria Cantwell

United States Senator



United States Senator



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October 7 2016

Endorsement of the 1991. Paris Peace Agreements for Cambodia's issues .

The "Agreements on a Comprehensive Political Settlement of the Cambodia Conflict ’ 1

commonly referred to as the “Paris Peace Agreements on Cambodia"1 of October 23, 1991, were

agreed upon by the 19 countries from five continents:

*“In order to maintain, preserve and defend the sovereignty, independence, territorial integrity*

*and inviolability, neutrality and national unity of Cambodia"',*

*“to restore and maintain peace in Cambodia, to promote national reconciliation and to ensure the*

*exercise of the right to self-determination of the Cambodian people through free and fair*

*elections. "\**

The signatory countries were *“convinced that only a comprehensive political settlement to the*

*Cambodia conflict will be just and durable and will contribute to regional and international peace*

*and security.*

*“The other Signatories to this Agreement undertake to promote and encourage respect for and*

*observance of human rights and fundamental freedoms in Cambodia as embodied in the relevant*

*international instruments and the relevant resolutions of the United Nations General Assembly,*

*in order, in particular, to prevent the recurrence of human rights abuses"*as stated in Part

III: Human Rights Article 15.2.b.

However, for the last 25 years, since the 1991 Paris Peace Agreements was signed, the Hun

Sen's government has neglected to comply with provisions of this international treaty:

Human Rights & Democracy has seriously deteriorated with land grabbing, deforestation, jailing

and assassination of Human Rights and Democracy activists such as Chea Vichea, Chhuth Wuthy;

on July 10, 2016, Kern Ley, a prominent and popular government critic was murdered in broad

daylight resulting in over 2 million people mourning his tragic death.

The political situation has been so bad that UN Human Rights Special Rapporteur Rhona Smith

said in 2015 and again 2016, that "Cambodia is dangerously close to the tipping point" when

members of the Opposition were subjected to threats, judicial proceedings, and even beatings.

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Nationwide, people protested against election irregularities in 2013 due to non-transparency

and non-independence of the National Election Committee (NEC).

Corruption of Mr. Hun Sen and his family was widely reported by Global witness just before the

assassination of the popular government critic Kern Ley.

Cambodia Borders continue to be a major issue, mainly with Vietnam, due to many additional

treaties incompatible with the provisions in the 1991 Paris Peace Agreements.

I believe that proper implementation of this international treaty, monitored by the signatory

States will bring peace and democracy to Cambodia, and stability to Southeast Asia.

Therefore, I, Hong Lim MP, fully endorse the 1991 Paris Peace Agreements as a vital

instrument, with strict implementation, to resolve the issues of Human Rights, Democracy,

Elections and Territorial Integrity for Cambodia.

Hong Lim, MP, JP

Parliament Member of the Victorian Legislative Assembly, Australia

References

l.http://www.usip.org/sites/default/files/file/resources/collections/peace\_agreements/agree\_

comppol\_10231991.pdf

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**11**

Agreements on a Comprehensive l^litical Conflict

**Excerpt**

<http://www.usip.org/publications/peace-agreements-cambodia>

Agreement Concerning the Sovereignty, Independence, Territorial Integrity and

Inviolability, Neutrality and National Unity of Cambodia Agreement

Australia, Brunei Darussalam, Cambodia, Canada, the People's Republic of China, the French Republic, the

Republic of India, the Republic of Indonesia, Japan, the Lao People's Democratic Republic, Malaysia, the

Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand, the Union of Soviet Socialist

Republics, the United Kingdom of Great Britain and Northern Ireland, the United States of America, the

Socialist Republic of Viet Nam and the Socialist Federal Republic of Yugoslavia,

In the presence of the Secretary-General of the United Nations,

Have agreed as follows:

Article 1

1. Cambodia hereby solemnly undertakes to maintain, preserve and defend its sovereignty, independence,

territorial integrity and inviolability, neutrality, and national unity; the perpetual neutrality of Cambodia shall

oe proclaimed and enshrined in the Cambodian constitution to be adopted after free and fair elections.

1. To this end, Cambodia undertakes:

a. To refrain from any action that might impair the sovereignty, independence and territorial integrity and

inviolability of other States;

Article 2

1. The other parties to this Agreement hereby solemnly undertake to recognize and to respect in every way

the sovereignty, independence, territorial integrity and inviolability, neutrality and national unity of Cambodia.

2. To this end, they undertake: a. To refrain from entering into any military alliances or other military

agreements with Cambodia that would be inconsistent with Cambodia's neutrality, without prejudice to

Cambodia's right to acquire the necessary military equipment, arms, munitions and assistance to enable it to

exercise its inherent right of self-defence and to maintain law and order;

b. To refrain from interference in any form whatsoever, whether direct or indirect, in the internal affairs of

Cambodia;

c. To refrain from the threat or use of force against the territorial integrity or political independence of

Cambodia, or in any other manner inconsistent with the purposes of the United Nations;

Article 3

All persons in Cambodia shall enjoy the rights and freedoms embodied in the Universal Declaration of

Human Rights and other relevant international human rights instruments.

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2. To this end,

a. Cambodia undertakes: *f* to ensure respect for and observance of human rights and fundamental freedoms

in Cambodia; f to support the right of all Cambodian citizens to undertake activities that would promote and i

protect human rights and fundamental freedoms; *f* to take effective measures to ensure that the policies and

practices of the past shall never be allowed to return: f to adhere to relevant international human rights

instruments;

b. The other parties to this Agreement undertake to promote and encourage respect for and observance of

human rights and fundamental freedoms in Cambodia as embodied in the relevant international instruments

in order, in particular, to prevent the recurrence of human rights abuses.

1. The United Nations Commission on Human Rights should continue to monitor closely the human rights

situation in Cambodia, including, if necessary, by the appointment of a Special Rapporteur who would report

his findings annually to the Commission and to the General Assembly.

Article 4

The parties to this Agreement call upon all other States to recognize and respect in every way the sovereignty,

independence, territorial integrity and Inviolability, neutrality and national unity of Cambodia and to refrain

from any action inconsistent with these principles or with other provisions of this Agreement.

Excerpt

<http://www.un.org/en/universal-declaration-human-rights/>

**Article 5.**

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 17.

(1) Everyone has the right to own property alone as well as in association with others.

(2) No one shall be arbitrarily deprived of his property.

**Article 19.**

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions

without interference and to seek, receive and impart information and ideas through any media and regardless

of frontiers.

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Constitution of Cambodia

<http://www.constitution.org/cons/cainbodia.htm>

CHAPTER 1

Sovereignty

Article 1-

• Cambodia is a Kingdom with a King who shall rule according to the Constitution and to

the principles of liberal democracy and pluralism.

• The Kingdom of Cambodia shall be an independent, sovereign, peaceful, permanently

neutral and non-aligned country

Article 2-

• The territorial integrity of the Kingdom of Cambodia shall absolutely not be violated

within its borders as defined in the 1/100,000 scale map made between the years 1933-

1953 and internationally recognized between the years 1963-1969

Article 3-

• The Kingdom of Cambodia is an indivisible State

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NGO Report 2016

A KPNC Project

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FOR HUMAN RIGHTS

**Cambodia: ICC preliminary examination requested into crimes stemming**

**from mass land grabbing**

<https://www.fidh.org/en/region/asia/cambodia/16176-cambodia-icc-preliminary-examination->

requested-into-crimes-stemming-from

07/10/2014

**PRESS RELEASE**

Cambodia

A communication filed at the International Criminal Court (ICC) today alleges that widespread

and systematic land grabbing conducted by the Cambodian ruling elite for over a decade

amounts to a crime against humanity.

The communication contends that senior members of the Cambodian government, its security

forces, and government-connected business leaders carried out an attack on the civilian

population with the twin objectives of self-enrichment and preservation of power at all costs.

Crimes committed as part of this campaign include murder, forcible transfer of populations,

illegal imprisonment, persecution, and other inhumane acts.

*"Given the Cambodian judicial authorities consistent failure to adequately investigate these*

*grave crimes and provide effective remedies to those affected, the ICC now represents the*

*most realistic avenue to bring justice to the victims,"* said FIDH President Karim Lahidji. *"We*

*hope the ICC's involvement will also spur genuine national judicial proceedings since the iCC's*

*jurisdiction is complementary to national courts.”*

Victims' legal representative, Richard J Rogers, is presenting evidence that in the past 14 years,

an estimated 770,000 people (6% of the country's population) have been adversely affected by

land grabbing in Cambodia, with over 145,000 people forcibly transferred from the capital,

Phnom Penh, alone. Those who have been thrown off their land continue to suffer in appalling

conditions in resettlement camps where food insecurity and disease are rife. Indigenous

minorities have suffered disproportionately with half their population already excluded from

ancestral land.

On behalf of individual Cambodian victims Richard J Rogers submits a Communication to the

Office of the Prosecutor (OTP) of the International Criminal Court (ICC). The Communication is

endorsed and supported by FIDH. The Communication outlines the mass human rights

violations allegedly perpetrated against the Cambodian civilian population by senior members

of the Royal Government of Cambodia, senior members of State security forces, and

government-connected business leaders (the "Ruling Elite"),from July 2002 to present.

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