(For the “First Anniversary” of the Supplemental Treaty dated October 10, 2005)

The “secret” 1985 Treaty of Khmer-Vietnam land border delimitation

The “secret”

One year ago, on October 10, 2005, Mr. Hun Sen concluded with the Hanoi government the “Supplemental Treaty” to a 1985 Vietnamese treaty for a new delimitation of the land border between Cambodia and Vietnam. The installation of the first border marker for the new border delineation took place on September 7, 2006, in front of the Cambodian village of Bavet, Svay Rieng province.

In describing the event, the Cambodge-Soir (1) daily newspaper wrote: “… the authorities had installed one marker at the exact same position as that of the old marker which was installed in 1986, and which had never been recognized by the international community because on that date, the Vietnamese army was present on Cambodian territory.” This newspaper report seems to naturally serve as a reminder to the consciousness of “senior” Cambodian leaders who concluded, adopted, ratified, and promulgated this “Supplemental Treaty.” The newspaper also included a terse but remarkable note: the Cambodian population was not invited to the ceremony which was qualified as “historical,” undoubtedly from fear that this population would remind the “authorities” that the location of the new marker, the Vietnamese border post and even further from there, all belonged to Cambodia “prior to the arrival of the Khmer Rouge” in 1975.

This “Supplemental Treaty” to the 1985 treaty had a tortuous history behind it, that of the southward march of the Vitenamese.

Before the formation of the Vietminh movement, the Vietnamese threat on the territorial integrity of Cambodia had indeed been rekindled on its traditional course since the beginning of World War II, during a time when the French influence in Indochina collapsed, and after Cambodia recovered her independence in 1953. The Vietnamese, strong from their military superiority, had absolutely no intention of respecting any legal border delineation between the two countries, even after France arbitrarily gave them the territories of Kampuchea Krom in 1949 to the tragic detriment of Cambodia and her population. Thus, in spite of the formal recognition of the territorial integrity of Cambodia by the Geneva Conference on French Indochina in 1954, the foreign policy of H.M. Norodom Sihanouk, during the Sangkum Reastr Niyum era, continuously required this recognition from foreign States, and in particular from (North and South) Vietnam and from Thailand. General Lon Nol’s Khmer Republic publicly denounced on April 1970, the invasion and the occupation of major northeastern Cambodian provinces by the communist Vietnamese troops who rapidly turn them into bases for launching murderous attacks into the heart of Cambodia. Under the Democratic Kampuchea, conflicts without cause led to an unmerciful war between the two
former Vietnamese and Khmer fighting allies. This war started in May 1975 and they were also caused by the same fundamental question of borders between the two countries.

Finally, the Socialist Republic of Vietnam (SRV) troops succeeded in conquering and occupying Cambodia in 1979 and in establishing the People’s Republic of Kampuchea (PRK) which was represented by the “People’s Revolutionary Party of Kampuchea” (PRPK) – a party assembled from scratch by the Vietnamese, and now morphed into the Cambodian People Party (CPP) – whose goal was to sign treaties and agreements ceding Cambodian maritime (1982) and land (1985) territories to the profit of Vietnam. Following the rapid signing of the Koh Tral (Phu Quoc Island in Vietnamese) agreement, and the so-called “Historical Waters” in 1982, the 1985 treaty on the new delimitation of land border extending over a total length of 1,270 kilometers, was another treaty which followed a string of agreements concluded in 1983 and 1984. Furthermore, the 1985 treaty contained a clause in which Cambodia must, a priori, recognize the installations of border markers made by Vietnam between 1986 and 1988.

However, on all these conclusions, unanimity within the PRPK was far from being achieved: following the arrest of Mr. Pen Sovann by the Vietnamese who were accompanied by Messrs. Hun Sen and Say Pouthang (December 1981), according to documents obtained Evan Gottesman (2), a US researcher, Heng Samrin, President of the State Council, who opposed since 1980 the out-of-control colonization of Cambodia by the “new” Vietnamese settlers, had also expressed his opposition to the installation of the new border markers by Vietnam, he argued to Hun Sen that “there is no need to change those [markers] who have already been installed in common by Cambodians and Vietnamese during the French period.” Furthermore, Chan Ven, the Secretary-General of the State Council, protested against ceding Cambodian territories in Svay Rieng to Vietnam and he prepared a report informing member of the PRK National Assembly.

A Joint Khmer-Vietnam Committee for the Determination of border was then put in place. On the Cambodian side, Dith Munty and Hor Nam Hong – and Kong Korm who later replaced Dith Munty – all of whom placed under the “watchful guidance” of Mr. Hun Sen and Vietnamese “experts” working at his ministry. Several years later, in regards to the agreement on “Historical Waters,” Hor Nam Hong who by then became the minister of Foreign Affairs, complained to Gottesman that “in fact, the Brevie Line is not a border. In reality, this area (Koh Tral and the “Historical Waters”) belongs to us since the French period until now.” Nevertheless, in spite of the reluctance and opposition of other PRPK leaders, according to Gottesman, “Hun Sen pushed forward this affair and showed the Vietnamese that he was determined to take his own responsibilities (against all others).” On the other hand, against the observations of Cambodians belonging to the Joint Committee stating that there is a lack of time and means to verify on the spot the coordinates shown on maps, Pham(?) Tun, a Vietnamese “expert” (working at the Cambodian Ministry of Foreign Affairs) invoked the “major tardiness” of the Cambodian party, and thus the impatient wait by the Vietnamese party, he ten pressed the Cambodian side to quickly complete the text of these treaties for their conclusion. Furthermore, exasperated by complaints made by the PRPK leaders, Pham Tun ordered the Cambodians working for the Joint Committee to “keep secret, from now on” all the negotiations work with Hanoi. Thus, the ceremony for the first “historical” installation of the first Vietnamese border marker in 1986 in Bavet was conducted in secret, and it was “reported and filmed (by the Ministry of Information) for documentation but not for public broadcast,” according to recommendation from the PRPK Cabinet of the Council of Ministers (4).
The “secrecy” surrounding the border issue got a new formal explanation on September 26, 2005, when Khieu Kanharith, the minister of Information and government spokesman, admitted during an interview with the US radio station VOA, that the 1985 treaty “is not fair for Cambodia because of the occupation of Cambodia by Vietnam during this period.”

One must admit that the territory treaties and agreements concluded between the SRV and the PRK from the 80s were prepared, in fact concocted, by Vietnamese agents sent to Phnom Penh in response to the Vietnamese demands from Hanoi. As for the “senior” leaders of the PRPK, they knew perfectly well that they will cede, along with Mr. Hun Sen, their country’s lands and seas to Vietnam, in exchange for power crumbs given to them by the Vietnamese in order for them to crush their own compatriots living inside Cambodia.

As far as we are concerned, the position of the Cambodia’s Border Committee in France and Worldwide remains unchanged. We consider that the main Treaties and the Supplemental Treaties concluded between an “occupying” country and the country it “occupies”, under all kind of constraints, will always remain illegal and unacceptable.

The aftermath of the “secret”

In this “secret” – a seal of treason – lies, threats, and repressions naturally ensued. Of course, on paper, it was claimed that these treaties and agreements “are conforming to the international principles and practices”, and that they were concluded in the name of the people and done for the people’s “happiness.” The “Supplemental Treaty” stated that the Vietnamese and the Cambodian governments based it, among others, on the respect of “the reality of the administration and the effective occupation by the population for several generations” before fixing the border delineation. In reality, no document from the Cambodian administration before 1979 was ever used by Mr. Hun Sen in his negotiations with the Vietnamese. And, under no circumstance, the Cambodian people, including the concerned border population in Ratanakiri, Mondolkiri, Kratie, Kampong Cham, Prey Veng, Svay Rieng, Takeo, Kampot, etc… were ever consulted, nor were they warned about the changes of territorial borders in their areas, communes, or villages by Mr. Hun Sen’s government, as would have been done normally in all other countries in the world. On the other hand, when faced with protests from our villagers against the sometimes violent encroachments by the Vietnamese troops which chased them from land they had occupied since long lost time, the Phnom Penh authorities ignore them, and even they went on to accuse members of civil societies, reporters, or opposition party members of manipulating the populations for political aims.

The follow up was predictable: on November 11, 2005, (CPP and Funcinpec) MPs of the National Assembly, under the “exceptional” demand made by Mr. Hun Sen, voted by hand for the adoption of Mr. Hun Sen’s “Supplemental Treaty” in “the name of the Cambodian people.” Undoubtedly, in answer to Hanoi’s “impatient wait,” neither the Kingdom’s MPs, nor the King took the time to examine in detail the text proposed or announced in these treaties. Also, they did not verify the territory delineations on the geographic maps presented to them. The country then truly lived under a kind of state emergency instigated by a Prime Minister who threatened a “regime change” if these Vietnamese treaties were not ratified immediately after his signing.

One now understands why the Cambodian population of Svay Rieng was not invited to the “historical” ceremony for the installation of the very first new border marker. Nevertheless,
for modern Cambodia’s history, the nowadays “so-powerful” CPP, ex-PRPK, with Mr. Hun Sen at its helm, is the party which, consciously, ceded Cambodia’s lands and waters to Vietnam.

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Sean Pengse

President of the Cambodia’s Border Committee in France and Worldwide

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(3) Cicular No. 331-80 KB, issued by the People’s Republic of Kampuchea Council, dated October 19, 1980, signed by Heng Samrin, ordering the push back to their country, “illegal” Vietnamese “immigrants.”

(4) Service order from the Cabinet of the (PRK) Council of Ministers No. 263 L.S., dated April 21, 1986, signed by Vice-Minister Msas Loas.