

## Border Conflicts between Cambodia and Vietnam

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### Introduction

The purpose of this article<sup>1</sup> is to investigate how Cambodia and Vietnam are trying to manage their various border disputes. The focus of attention is on the evolution since mid-1993, that is, after the creation of a new government in Cambodia following general elections organised by the United Nations.

The land border dispute gained renewed attention in 1996 when Cambodia's First Prime Minister openly accused Vietnam of encroaching on Cambodian territory. The article seeks to identify the factors explaining the rationale for those accusations and the latest increase in tension between the two countries.

The article is structured in a chronological way with events being displayed as they unfold. A background section traces the importance of the border disputes and the way in which they were managed in the period up to mid-1993. The main part of the study is devoted to the period after mid-1993. In the concluding section the efforts of the two countries to manage the border disputes are analysed with particular emphasis on explaining the Cambodian policies and the role of domestic factors in shaping and influencing the position taken by different Cambodian leaders. Finally, technical aspects relating to demarcation and delimitation of the land and sea borders are discussed.

### Scope of Disputes

The boundary disputes between Vietnam and Cambodia encompass both the land and sea areas. The land border dispute relates to disputed areas along the common land border and to the demarcation of the border line. The maritime dispute encompasses water and continental shelf areas in the Gulf of Thailand to the southwest of Vietnam and to the southeast of Cambodia.

### Background

After Cambodia's independence in 1953 and the establishment of the Republic of Vietnam (ROV) in the mid-1950s, border disputes created tension in bilateral relations but did not lead to open military conflict. When breaking off diplomatic relations

with the ROV in 1963, Cambodia justified its action on the grounds that the Khmer minority in the ROV suffered from oppressive policies implemented by the Vietnamese authorities. Nevertheless, disagreements with over border issues certainly contributed to the deterioration of the bilateral relations. When Prince Norodom Sihanouk, in 1966 and 1967, sought a firm commitment from the Vietnamese to respect Cambodia's "existing" borders, a positive response came both from the Democratic Republic of Vietnam (DRV) and the National Liberation Front (NLF), opposing the government in the ROV, whereas the ROV did not offer such recognition.

Prince Sihanouk maintained cordial relations with the DRV and NLF, allowing them to transport war equipment through eastern Cambodia and tolerating the establishment of sanctuaries along the border with the ROV. After the overthrow of Prince Sihanouk in 1970, relations between Cambodia and the ROV improved but this counted for little as the central government in Cambodia gradually lost control over the country. A parallel evolution was taking place in the ROV. The wars in the two countries ended with victories for communist forces in the spring of 1975.

Almost immediately after the end of the internal wars in 1975, armed clashes erupted along the common land border and on islands in the Gulf of Thailand. The situation was brought under control in June 1975, following a high-level meeting in Hanoi, and a relatively stable situation was maintained during the second half of 1975 and 1976. In 1976 the two parties made an attempt to start negotiations but the discussions broke down at the preparatory meeting due to divergent opinions about who could propose alterations to the delimitation of the common borders. The Cambodian side claimed to have the unilateral right to propose alterations and stated that Vietnam violated this right by putting forward proposals.

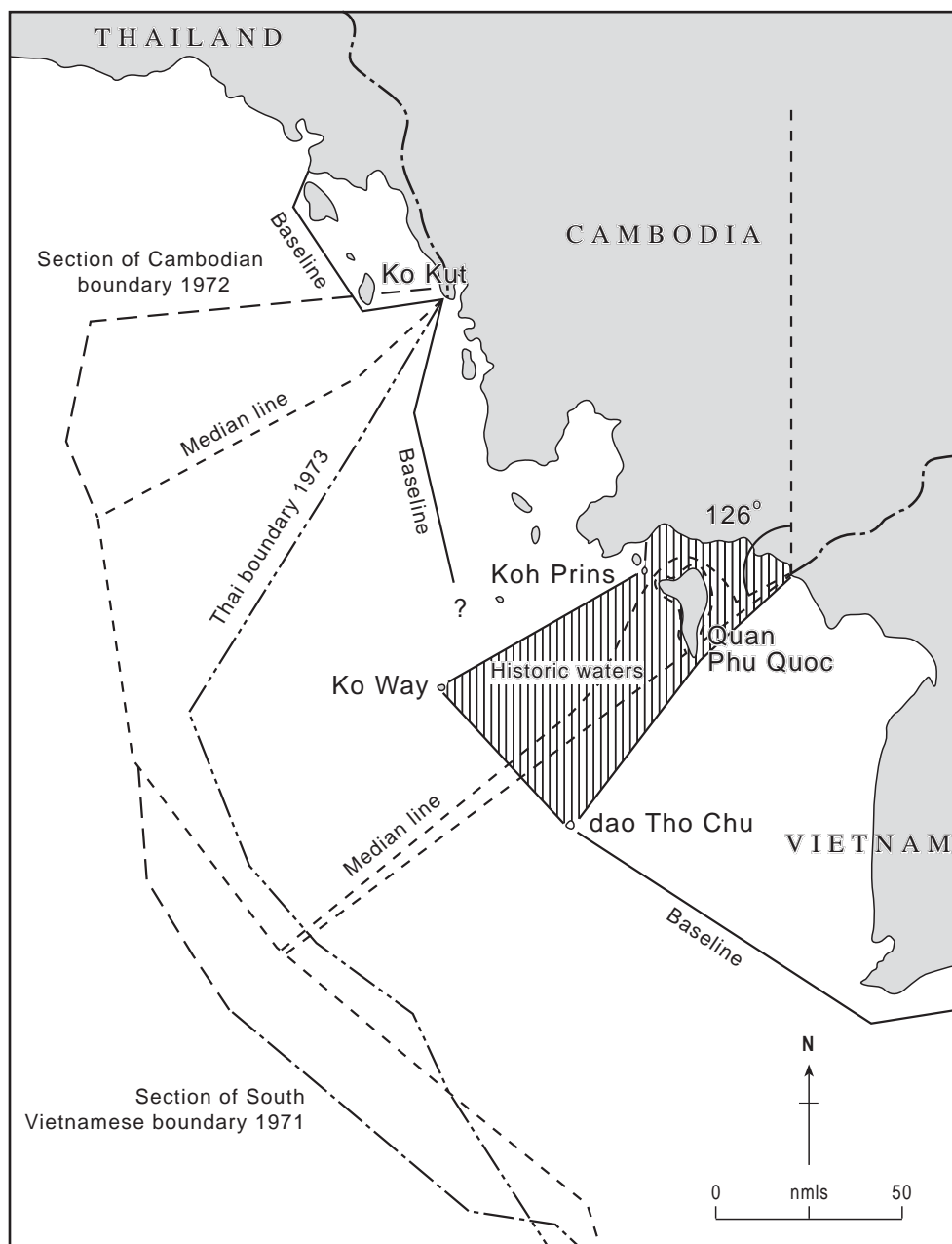
In early 1977 armed clashes along the land border started again with Cambodia taking the initiative in a move to assert its claim to territory under Vietnamese control over which Cambodia claimed sovereignty. The armed clashes escalated and, as

bilateral relations in general deteriorated, Vietnam began to counterattack. The military conflict eventually led to Vietnam's military intervention in late December 1978 and the overthrow of Cambodia's Khmer Rouge government.<sup>2</sup>

Following the intervention, a new administration – the People's Republic of Kampuchea (PRK) – was established with Vietnamese assistance. In the course of the 1980s Vietnam and the PRK signed a number of agreements relating to their common borders:

An agreement on 'historic waters' was signed on 7 July 1982. These 'historic waters' were defined as being located between the coast of Kien Giang Province, Phu Quoc Island and the Tho Chu islands on the Vietnamese side and the coast of Kampot Province and the Poulo Wai (Ko Way) islands on the Cambodian side. The agreement stipulates that the two countries would hold, "at a suitable time", negotiations to determine the maritime frontier in the historic waters area. According to the agreement, pending such a settlement, the two countries would continue to regard the Brévié Line – a line projecting seaward from the terminus of the land frontier on the coast at 126° west of the north meridian save for a 3km belt of jurisdiction around the northern shores of Phu Quoc island – drawn in 1939 as the dividing line for the islands within the historic waters area. In addition, it was agreed that the exploitation of the zone would be decided by "common agreement".<sup>3</sup>

This was followed by the signing of a treaty on the settlement of border problems between Cambodia and Vietnam and an agreement on border regulations on 20 July 1983 in Phnom Penh. According to the treaty the two sides agreed to regard as the national border the "present line" between the two countries, defined on a 1/100,000-



scale map published by the geographic service of Indochina in use before 1954 or at a date very near 1954. The delimitation of the land and sea borders would be undertaken in the spirit of "equality and mutual respect" in the interests of the special relations between the two countries and in conformity with international law and practice.<sup>4</sup>

Finally, on 27 December 1985 the *Treaty on the Delimitation of the Vietnam–Kampuchea Frontier* was signed by the two countries<sup>5</sup> and ratified by the Council of the State of Vietnam on 30 January 1986 and by the National Assembly of the PRK on 7 February 1986.<sup>6</sup> The principle governing the settlement of the border disputes between the two countries was to be respect for the "present demarcation line," specified as "the line that was in existence at the time" of independence. This line was retained by the two countries, following the

principle of “*uti possidetis*.” It was also stated that the common border “*on land and on their historical waters*” was based on the borderline drawn on a 1/100,000 map in use before 1954 or up to that year.<sup>7</sup>

The present status of these agreements is uncertain, following the changes in the political leadership in Cambodia after the general elections organised by the United Nations in May 1993. In the following examination, the evolution in bilateral relations concerning border issues since the creation of an Interim Joint Administration (the Provisional National Government of Cambodia (PNGC), given a vote of confidence by the Constituent Assembly on 1 July 1993), will be detailed.<sup>8</sup>

### Evolution since mid-1993

#### *Progress in relations: August 1993–April 1994*

The first high level meeting between Cambodia and Vietnam, following the establishment of the PNGC, was the visit to Hanoi by Prince Norodom Ranariddh and Mr Hun Sen, then Co-Chairmen of the PNGC, in late August 1993. During this visit both parties stressed the need to resolve two major issues, the border problems and the situation of the ethnic Vietnamese in Cambodia. The Vietnamese side favoured the establishment of a joint commission to study, resolve and define the common border. Both countries stressed the importance of strengthening bilateral relations and expanding cooperation.<sup>9</sup>

In February 1994 Vietnam’s Foreign Minister visited Cambodia for talks with his Cambodian counterpart and in early March the Chairman of the Cambodian National Assembly, Mr Chea Sim, led a delegation to Vietnam and held meetings with his Vietnamese counterpart, with Vietnam’s President and Prime Minister, and with the Secretary-General of the Communist Party of Vietnam. In late March the Cambodian Co-Ministers of Defence visited Vietnam and in early April Vietnam’s Prime Minister visited Cambodia. The border disputes and the ethnic Vietnamese in Cambodia continued to be the major issues discussed at these high level meetings.<sup>10</sup>

According to the *Cambodian–Vietnamese joint communiqué*, issued at the end of the Vietnamese Prime Minister’s visit to Cambodia, the two sides agreed to establish working groups to discuss and solve the “*border disputes*.” The expert groups would also discuss “*necessary measures*” to maintain security and stability along the common border. It was also decided to set up working groups to discuss and solve the issue of the ethnic

Vietnamese based on the respect for “*Cambodia’s law and international law and customs*.”

The communiqué stated that in the spirit of friendship and cooperation the two parties had agreed that all “*remaining issues concerning*” bilateral relations should be settled through negotiations and on the basis of mutual respect for both countries’ “*independence, sovereignty, territorial integrity, and legitimate interests*.”<sup>11</sup> In connection with the Vietnamese Prime Minister’s visit to Cambodia, agreements on economic and trade cooperation and on transit of goods between Cambodia and Vietnam were signed by the Vietnamese Trade Minister and the Cambodian Commerce Minister on 3 April 1994.<sup>12</sup>

#### *Tension in relations: May to December 1994*

Despite these high level meetings and the decisions to set up the working groups, the accusations by King Sihanouk in May 1994 that Vietnam had been “*nibbling away*” Cambodian territory by moving the border demarcation marks highlighted the persistence of tension over the disputed land border. Vietnam’s response was to deny the accusations and to state its readiness to resolve the border problems by peaceful means through negotiations. This commitment was welcomed in a broadcast by the *National Voice of Cambodia*. Following King Sihanouk’s accusations, anti-Vietnamese protests were reported to have taken place in Phnom Penh. Vietnam reacted by expressing concern about the demonstrations.<sup>13</sup>

During the rest of 1994 the relations between the two governments focused on the issue of the ethnic Vietnamese in Cambodia, first in relation to attacks on ethnic Vietnamese and then in connection with the immigration law adopted by the Cambodian National Assembly on 26 August.<sup>14</sup> The passing of the law raised Vietnamese fears that it would be used against Cambodia’s ethnic Vietnamese population.<sup>15</sup> Another issue in bilateral relations was the transport of goods between the two countries and more broadly the use of the Mekong River, the latter being both a bilateral and multilateral issue.<sup>16</sup> None of these issues was fully settled during 1994, although a protocol on transport of Cambodian timber through Vietnam was signed on 26 November.<sup>17</sup> The border issue was brought up by the Party of Democratic Kampuchea (PDK or Khmer Rouge), accusing Vietnam of seizing Cambodian land. There were also reports in the Cambodian press alleging that this was taking place.<sup>18</sup>

#### *Improved relations during 1995*

The visit by Cambodian First Prime Minister Prince Norodom Ranariddh to Vietnam in January 1995 gave the two countries an opportunity to discuss bilateral issues at the highest political level. With regard to the border disputes the two sides “reasserted” their desire to turn the common border into one of “*long-lasting peace, friendship and stability*.” They also agreed that, pending the resolution of the border issues, they would maintain the existing management without “*changing or moving*” the border marks, and stressed the need to educate people not to make encroachments for farming or settlement. These measures were to be implemented in order to achieve cooperation in maintaining order and security along the common border.

In the same spirit it was agreed to allow the local authorities to make arrangements to maintain security and stability in the border areas. At the central level the two parties decided to establish a “*mechanism*” for border management and control in order to prevent smuggling, criminal activities and other “*negative phenomena*”, and “*reaffirmed*” their agreement to establish working groups of experts to discuss and resolve the “*issue of boundary demarcation concerning the borderline between the two countries*.”

The issue of the ethnic Vietnamese was addressed and it was agreed to hold a meeting of experts to discuss and resolve the issue.<sup>19</sup> In this context the Cambodian immigration law was subject to attention and Cambodia pledged that the law would not be aimed at “*confining or deporting en masse Vietnamese nationals*.” Cambodia also stated that it would “*try to do everything*”, in conformity with Cambodian regulations and “*within its capacity*”, to ensure the safety of the “*Vietnamese nationals*” in Cambodia. This was welcomed by the Vietnamese side. Finally, the issues of transit of goods and the use of the Mekong River were addressed and it was decided that the agreement relating to the transit of goods of 3 April 1994 would be revised to “*suit international law and practice and each country’s laws and regulations*.” The two sides would also hold talks with the goal of reaching an agreement on cooperation on the Mekong River.<sup>20</sup>

In the months following these high-level talks the only notable evolution in relation to the border disputes was the decision by the Cambodian government to set up a national authority to handle border problems between Cambodia and its neighbours. The authority was created by a Royal Decree signed by King Sihanouk on 15 February

under the name of National Authority for Border Affairs (NABA).<sup>21</sup>

In August 1995 Vietnam’s President Le Duc Anh made an official visit to Cambodia at the invitation of King Sihanouk. In the joint communiqué issued at the end of the visit the two heads-of-state expressed the desire to maintain high-level political talks in order to promote bilateral cooperation in various fields. They also concurred on the need to step up efforts to resolve “*old and new*” issues in bilateral relations in accordance with agreements reached by the governments of the two countries. The two leaders also emphasised that they were pleased with the “*fine*” development of bilateral ties and they stressed the determination of the two countries to consolidate “*traditionally friendly and cooperative ties*.” In December 1995 King Sihanouk visited Vietnam at the invitation of the Vietnamese President and the press communiqué reflected a similar attitude of cooperation, friendly bilateral relations and the need to consolidate relations as under the August communiqué.<sup>22</sup>

Another sign of closer bilateral understanding and cooperation was the first session held by the Vietnam-Cambodia Joint Commission for Scientific, and Technical Cooperation in Hanoi on 8-10 September, co-chaired by the Foreign Ministers of the two countries. During this visit the Cambodian Foreign Minister also met with Vietnam’s Prime Minister. The two Foreign Ministers also met in Hanoi, in connection with King Sihanouk’s visit to Vietnam in December 1995, and announced that they were pleased to “*review the cooperative ties*” between the two countries.<sup>23</sup>

#### *Renewed tension: January to July 1996*

The atmosphere of expanding cooperation was brought to an abrupt end in January 1996 with reports of the eruption of military clashes along the land border. Cambodia’s First Prime Minister Prince Ranariddh claimed that Vietnamese farmers backed by troops had encroached on Cambodian territory in three of Cambodia’s border provinces – Svay Rieng, Prey Veng and Kompong Cham – since the beginning of the year.<sup>24</sup> The Vietnamese Embassy in Phnom Penh moved swiftly to reject the accusations in a statement issued the same day. The statement reiterated Vietnam’s “*unchanged*” policy of “*respect*” for the territorial integrity of Cambodia and declared that Vietnam’s working group on border issues was prepared to meet its Cambodian counterpart to discuss and handle all “*outstanding aspects*” of the border problem.<sup>25</sup>



On 18 January the Vietnamese Foreign Ministry gave a press conference and, in relation to the situation along the Cambodian–Vietnamese border, the spokesman stated that Vietnam’s consistent policy was to build a “borderline of peace and long-lasting friendship” with Cambodia. He also said that all border problems must be solved peacefully through negotiations and that Vietnam wanted to bring about an “early” meeting of the “joint border commission” of the two countries.<sup>26</sup>

In the following weeks rumours and counter accusations followed. For example Cambodian forces were accused of opening fire along the border and the Vietnamese were accused of having arrested Cambodian policemen and of occupying six Cambodian villages. The central authorities in both Cambodia and Vietnam refuted all these allegations.<sup>27</sup> Both sides stressed the need for a peaceful settlement of the border problems but First Prime Minister Ranariddh was, reportedly, continuing to accuse Vietnam of encroaching on Cambodian territory.<sup>28</sup> Interestingly enough, Vietnam expressed displeasure with the fact that the formula agreed upon in January 1995 to handle problems along the common border had not been

applied in the current situation. Vietnam interpreted the formula as implying that problems should be resolved by the local authorities and if necessary referred to the working groups for consideration and settlement.<sup>29</sup>

The first bilateral meeting to discuss the border problems between senior officials from the two countries took place on 1 February in Phnom Penh where the Vietnamese Ambassador met with Mr Sar Kheng, Deputy Prime Minister and Co-Minister of the Interior. They agreed to solve the border issue peacefully.<sup>30</sup>

On 7 February the Cambodian government held a meeting to discuss the situation along the border with Vietnam. The meeting was chaired by the Second Prime Minister Hun Sen and it adopted a resolution stating that Cambodia would settle the border problems with Vietnam based on the principles agreed upon by the two countries in January 1995. According to the resolution these principles prescribed that the problems be dealt with “hierarchically”, that is, first at the local level and then, if the local authorities failed to find a solution, the matter should be reported to the central level. It

was also emphasised that Cambodia's policy was to settle the border problems through peaceful means.<sup>31</sup>

In a response the Vietnamese Foreign Ministry welcomed the stand taken by the Cambodian government and stated that the Cambodian policy was in line with that of Vietnam. The Foreign Ministry spokesperson also said that Vietnam was satisfied with the results of a meeting held by officials of Tay Ninh and Svay Rieng Provinces and expressed hope that experts from the two countries would meet soon to discuss the border problems.<sup>32</sup>

On 24 February Cambodian First Prime Minister Ranariddh made a speech in which he reiterated the essence of the earlier resolution made by the Cambodian government. He stressed that Cambodia would strive to solve the border problems by peaceful means.<sup>33</sup> On March 6 Cambodia's Second Prime Minister Hun Sen expressed the opinion that Cambodia should solve the border problems "*peacefully and not through violence.*" He also stated that King Sihanouk held the same opinion.<sup>34</sup>

Meanwhile on 4-5 March the First Prime Minister, reportedly, expressed "*strong displeasure*" with Vietnam's "*failure*" to arrange talks on the border problems between the Prime Ministers of the two countries in Laos on 3 March.<sup>35</sup> Subsequently, on 7 March a spokesman of the Vietnamese Foreign Ministry replied to a question regarding the forthcoming meeting between the Prime Ministers of the two countries by saying that Prime Minister Vo Van Kiet was unable to meet Prince Ranariddh in Vientiane, Laos, due to a very busy working schedule and that he had instead proposed a meeting in Ho Chi Minh City or elsewhere in Vietnam to discuss the border problems. The spokesman also said that Vietnam had proposed the first meeting of the working groups on the border issues to be held in Phnom Penh on 18-24 April 1996.<sup>36</sup>

On 14 March the *National Voice of Cambodia* broadcast a speech made by First Prime Minister Ranariddh in Svay Rieng Province in which he elaborated at length on the border problems with Vietnam and discussed Cambodia's historical loss of land to both Vietnam and Thailand. He reiterated the accusations that Vietnam had been encroaching on Cambodian territory since December 1995 and referred to the situation as one of Vietnamese "*annexation*" of land in Svay Rieng and other Cambodian provinces. He went on to repeat his displeasure with the fact that the meeting with his Vietnamese counterpart had yet to take place and stated that he favoured a process of peaceful

resolution of the border problems in order to avoid an armed clash. However, he also stressed that the Khmer Royal Armed Forces (KRAF) had the duty and obligation, if needed, to defend Cambodian territory. Finally, he emphasised that the Cambodian side would not retreat because if it did the "*incidents*" along the border would continue "*forever.*"<sup>37</sup> The following day a spokesman of the Vietnamese Foreign Ministry expressed regrets at the remarks made by Prime Minister Ranariddh that a military solution "*may be found*" to settle the border problem. The spokesman reaffirmed that there were no serious problems along the common border.<sup>38</sup>

On 22 March Second Prime Minister Hun Sen stated that Cambodia's border problems with neighbouring countries would be handled and solved by peaceful means. He stressed that Cambodia would benefit from finding a peaceful solution and that a military conflict ought to be avoided.<sup>39</sup>

Cambodian Minister of Interior Sar Kheng visited Vietnam on 27-28 March for talks on the border problems with the Vietnamese leadership. Both sides tried to emphasise the good bilateral relations and the need to strengthen relations. They also stressed that the disputes between the two countries would be settled through peaceful means.<sup>40</sup>

Then, on 8 April *National Voice of Cambodia* announced that the Vietnamese Prime Minister would pay a visit to Cambodia for discussions on the border issues on 10 April.<sup>41</sup> The following day the First Prime Minister stated in a speech that "*as a Cambodian and one of the leaders of the country*" he would try to solve the border issues through "*diplomatic and peaceful means*" and avoid war which would "*inevitably*" damage Cambodia.<sup>42</sup>

Following the visit by the Vietnamese Prime Minister to Cambodia a press communiqué was released. This communiqué emphasised the friendly and cooperative atmosphere that had prevailed during the talks and the commitment to further strengthen bilateral relations. The two sides concurred on a number of practical measures to further promote bilateral cooperation in the fields of agro-forestry, education and training, trade, and transport and communications. The problems concerning "*Vietnamese residents*" in Cambodia was subject to attention and it was agreed that the expert groups would hold their third meeting in Phnom Penh "*as soon as possible.*" Finally, the communiqué addressed the border issue and the two sides reiterated their desire to build a peaceful

border area and emphasised that all differences would be resolved through peaceful negotiations. They also agreed to convene a meeting of the expert working groups at its “*earliest convenience*.”<sup>43</sup>

According to a report from the *National Voice of Cambodia* the talks on the border issue resulted in an agreement that if problems occurred along the common border, the two sides would settle them first at the local level and, if they failed find a solution, the matter should be reported to the central level. Furthermore, no comments would be made to the press or “*propaganda machine*” before using the above procedure.

On 11 April the Cambodian First Minister made a speech in Kompong Cham Province in which he informed his audience about the talks with Vietnam on the border problems and said that the issue was “*very complicated*.” In this context he also said that “*Vietnamese had entered Cambodian territory*” in Kompong Cham, Takeo and Svay Rieng Provinces.<sup>44</sup>

The first meeting of the working groups of experts on border issues from the two countries took place in Ho Chi Minh City on 20-23 May. It was reported that the meeting took place in a “*friendly and frank atmosphere*.” The two sides agreed to hold the next session in Phnom Penh at a suitable time to be mutually agreed upon through diplomatic channels.<sup>45</sup>

The April high-level talks and the meeting of the working groups seemed to have cooled off the sensitive border disputes. However, in late July problems relating to the border issue re-emerged. On 29 July a spokesperson of the Vietnamese Foreign Ministry responded to a question by a correspondent of the Vietnam News Agency about a statement on July 26 by the Cambodian First Prime Minister Prince Ranariddh that Vietnam had “*occupied land*” in Cambodia by reiterating Vietnam’s position on how to handle the border problems between the two countries. The spokesperson also stated that no “*noteworthy*” event had taken place along the border. Furthermore, it was recalled that the first meeting of the working groups of experts had taken place and that Vietnam was waiting for the holding of the second meeting in Phnom Penh at “*Cambodia’s convenience*.” Finally, the spokesperson said that it was “*regrettable*” that the statement by the Cambodian Prime Minister did not “*correspond to the real situation and to the spirit of high-level agreement*” between the two countries and it did

not reflect the “*consistent*” efforts to consolidate friendly bilateral ties.

The Vietnamese standpoint was reiterated in a commentary broadcasted by the *Voice of Vietnam* on 30 July. This broadcast gave more information about the statement of Prime Minister Prince Ranariddh, made in Svay Rieng Province, in which he had stated that Vietnam had “*encroached on Cambodia’s cultivable land*” along the border. It is notable that the Vietnamese commentary stated that it was regrettable that Cambodia had not “*seen*”, or had tried to “*ignore*”, Vietnam’s “*positive goodwill*” in trying to settle the border issue.<sup>46</sup>

#### *Improved relations since August 1996*

A visit by a Vietnamese parliamentary delegation to Cambodia and a week-long visit by General Ke Kimyan, Chief of the General Staff of Cambodia’s Royal Army, to Vietnam in August provided the two sides with the opportunity to discuss bilateral issues. Mr Vu Mao, head of the Vietnamese delegation, spoke about the “*existing issues*” in bilateral relations when he returned from Cambodia. He said that both sides were “*providing guidelines to working groups of the two ministries to promote negotiations for solutions as soon as possible*.”<sup>47</sup> During his visit to Vietnam General Ke Kimyan held talks with his Vietnamese counterpart Lt-General Pham Van Tra, Vietnam’s Defence Minister General Doan Khue and Deputy Prime Minister Tran Duc Luong. Both sides stressed that the visit would contribute to strengthening bilateral relations between the two countries and armies.<sup>48</sup>

Between 17-20 September Mr Ieng Mouly, Cambodian Minister of Information, visited Vietnam and had talks with his Vietnamese counterpart, Deputy Prime Minister Mr Phan Van Khai and the Secretary General of the Communist Party of Vietnam Mr Do Muoi. A memorandum of understanding to promote cooperation in the fields of culture and information was signed and the two sides stressed their desire to further strengthen bilateral relations.<sup>49</sup> In late October, in connection with the fifth anniversary of the signing of the Paris Agreements on Cambodia, Vietnam’s Deputy Foreign Minister Mr Tran Quang Co visited Cambodia and met with Cambodia’s Foreign Minister Mr Ing Hot, the Chairman of the National Assembly Mr Chea Sim, the First and Second Prime Ministers as well as with King Sihanouk. The two Prime Ministers expressed satisfaction at the development of friendly relations in the past few years and their wish for further strengthening of bilateral cooperation.<sup>50</sup>

In late 1996 and early 1997 both sides made moves which contributed to improving bilateral relations although none of them was directly linked to the territorial disputes. In November 1996 it was reported that Cambodia had taken steps to issue temporary residence permits to ethnic Vietnamese who had entered the country before 1993.<sup>51</sup> In early December Cambodia deported 19 members of the 'Free Vietnam Group' who had been arrested in Poipet on the Thai-Cambodian border in late November.<sup>52</sup> Finally, on 2 February 1997 the *National Voice of Cambodia* broadcast a report which quoted Cambodia's Minister of Agriculture, Forestry, Wildlife and Fisheries as saying that the Vietnamese government had given "a firm commitment" to cooperate with the Cambodian government's effort to curb illegal logging. Cambodia had decided to suspend all exports of logs as of 31 December 1996. Vietnamese cooperation had been formalised through an agreement signed during the Cambodian Minister's visit to Vietnam. Indeed, Vietnam had issued circulars ordering all border provinces to help block the export of logs and sawn timber from Cambodia.<sup>53</sup>

More importantly, on 26-28 February Vietnam's Foreign Minister Mr Nguyen Manh Cam led a delegation to Cambodia to attend the second conference of the Vietnam-Cambodia Joint Commission for Scientific, and Technical Cooperation. During the visit the Vietnamese Minister met with his counterpart and with First Prime Minister Ranariddh. During the discussion in the Commission the two sides agreed that a new agreement on trade, transportation and information cooperation should be signed in the near future. Consensus was also reached on the promotion and extension of overall bilateral cooperation. Finally, they agreed to continue talks aimed at finding "appropriate measures" to solve issues relating to the "Vietnamese nationals" in Cambodia and common borders.<sup>54</sup> Then, on 12-15 March Vietnam's Interior Minister Mr Le Minh Huong visited Cambodia and held talks with his Cambodian counterparts and an agreement on bilateral cooperation in the fight against crime was signed. He also met with the Co-Prime Ministers and the President of the National Assembly. Both sides expressed satisfaction at the development of bilateral relations and expressed their hopes that cooperation would be further developed in the future.<sup>55</sup>

### Observations

Cambodia and Vietnam are trying to manage disputed issues through formal negotiations and as

part of this process they have decided to set up expert working groups to deal with bilateral disputes such as the territorial issues and the ethnic Vietnamese living in Cambodia. The official communiqués from the high-level meetings between Cambodia and Vietnam show that the two countries have agreed to settle the border issue and differences relating to that issue peacefully through negotiations. If problems occur along the common border the approach is to settle them first at the local level and, if a solution cannot be found at that level, to report the matter to the central level.

On the Vietnamese side there seems to be only one source of authority generating the foreign policy, namely the Vietnamese government and the ruling Communist Party of Vietnam. In Cambodia the situation is different. Overall the government has been pursuing a policy aiming at maintaining good bilateral relations with Vietnam and as part of that policy disputes are to be settled through negotiations.

However, during the period January to July 1996 two different approaches to the border issue were prevalent within the coalition government. First Prime Minister Prince Ranariddh repeatedly accused Vietnam of encroaching on Cambodian territory along the land border and, while stating his preference for a peaceful settlement of the border problems, has not ruled out the use of armed force if the peaceful approach fails, whereas the Second Prime Minister Hun Sen, meanwhile, kept a lower profile, refraining from any public accusations of Vietnam and consistently stressing the need for a peaceful settlement of the border problems. In this context it should be noted that the Cambodian government has been under pressure from the Cambodian press to take a tough stand on the border issue.<sup>56</sup>

There are also two other important political actors who have been displaying less positive attitudes towards Vietnam. The first was King Sihanouk who has been ambivalent in his statements about Vietnam; at times he has argued in favour of good or improved relations while on other occasions, particularly in 1994, he accused Vietnam of nibbling away Cambodian territory and moving border markers. The second actor is the PDK which has continuously pursued a virulent anti-Vietnamese policy.<sup>57</sup>

Judging from the statements by the First Prime Minister of Cambodia between January and July 1996 the problems along the common border were caused by Vietnamese encroachment on Cambodian



territory. Vietnam denied any such encroachment. The core issue is to ascertain what really took place in the border area. In this context some of the reports in the Cambodian press are noteworthy.

An article published in *Reaksmei Kampuchea* on 31 January 1996 refers to a warning, issued by State Secretary Ho Sok of the Ministry of Interior, to officials in Takeo Province – in particular in Boreicholasa District – who had leased Cambodian “farmland” to ethnic Vietnamese. The Governor and deputy Governor were told to investigate and put an end to such “improper practice” by district officials and police. According to the article a provincial police official had said that land had been leased to and farmed by Vietnamese for years.<sup>58</sup> On 4 February 1996 the same newspaper carried an article on the situation in Kandal Province which is adjacent to the Vietnamese Province of An Giang. The “Chief of Kandal provincial police” was quoted as saying that Kandal could have faced problems similar to those in Svay Rieng and Takeo Provinces but for the actions taken by local authorities.

The measures taken included preventing people from leasing land to Vietnamese farmers. Furthermore, district and commune officials in areas bordering Vietnam reportedly met with their Vietnamese counterparts every month and meetings at the provincial level were held every six months. Problems which could not be dealt with at district and commune levels were brought to the provincial level and if they still could not be resolved they were referred to the central level. Finally, the article quoted the chief of police as saying that the border with Vietnam was unclear in some areas of Kandal Province and that the authorities in the two provinces considered these areas as “white zones” which were off limits to both sides.<sup>59</sup>

These two articles indicate that the leasing of Cambodian land to Vietnamese has taken place at least in Svay Rieng and Takeo Provinces. It is plausible that such practice was referred to as Vietnamese encroachment on Cambodian territory by the First Prime Minister. The article on the situation in Kandal Province and the mechanism applied to handle the border situation along the border between Kandal and An Giang Provinces show an avenue for handling the situation along the rest of the Cambodian–Vietnamese border.

In view of these factors, the reasons behind Prince Ranariddh’s continued accusations against Vietnam may be found in domestic Cambodian politics and the use of foreign policy issues in that context,

rather than in Vietnamese encroachments on Cambodian territory. It should be noted that anti-Vietnamese political rhetoric is a common feature in Cambodia and it is likely to be a central theme in upcoming elections (local elections planned in 1997 and national elections planned in 1998) with political parties trying to capitalise on anti-Vietnamese sentiments among the electorate. This could lead to the re-emergence of accusations against Vietnam relating to activities in the border area which would cause tension in bilateral relations and have dangerous repercussions on the Vietnamese minority in Cambodia. This, in turn, would cause more tension in relations with Vietnam.

If attention is focused on technical aspects of the land border disputes rather than on the political ones, it seems to be a question of demarcation rather than delimitation of the border. This assessment is based on the assumption that the two parties accept the land border left by the French colonial authorities as the basis for the current border. From this it follows that the land border should not present any serious problem in terms of disputed areas, but the demarcation of the border will be a long and time-consuming process even if bilateral relations are good.

The sea border conflict in the Gulf of Thailand is more complicated. The Brévié line left by the French, which primarily addressed the question of the islands in the area, is to be regarded as an administrative delimitation and not as a border delimitation.<sup>60</sup> Therefore, negotiations are needed to resolve the issue which in essence is a question of overlapping claims. During the 1980s the model agreed upon by the PRK and Vietnam was to treat the disputed area as common ‘historical waters’ and to engage in joint cooperation in such areas, while the delimitation proper would be subject to negotiations.<sup>61</sup>

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## Notes

- <sup>1</sup> This study is a revised, expanded and updated version of the section on Cambodia in Amer, R. (1995) ‘Vietnam and Its Neighbours: The Border Dispute Dimension’, *Contemporary Southeast Asia*, 17, 3 (December): 299-301 and it is partly derived from Amer, R. (1994) ‘The Ethnic Vietnamese in Cambodia: A Minority at Risk?’, *Contemporary Southeast Asia*, 16, 2 (September): 210-238.

- <sup>2</sup> For a detailed overview of the claims of the two countries relating to attacks during the border conflict see Amer, R. (1994) *The United Nations and Foreign Military Interventions. A Comparative Study of the Application of the Charter. Second Edition*, Report No. 33, Uppsala, Department of Peace and Conflict Research, Uppsala University: 194-201.
- <sup>3</sup> For the full text of the Agreement of 7 July 1982 see *BBC Summary of World Broadcasts, Part Three, Far East*, 7074/A3/7-8 (10 July 1982) (hereafter cited as: BBC/FE). The text of the Agreement has also been reproduced in an English language version as "Appendix 2" in Kittichaisaree, K. *The Law of the Sea and Maritime Boundary Delimitation in South-East Asia*, Singapore, Oxford and New York: Oxford University Press: 180-181. Interestingly enough the "full text" of the Agreement transmitted by the official Cambodian news agency (SPK) on 8 July omitted the sentence: "Patrolling and surveillance in these historical waters will be jointly conducted by the two sides," which was included in Article 3 of the version published by the Vietnamese News Agency and reproduced in Kittichaisaree's study (BBC/FE/7074/A3/8, 7076/A3/7 (13 July 1982); and, Kittichaisaree, *op. cit.*: 180-181.
- <sup>4</sup> BBC/FE/7393/A3/1 (23 July 1983). See also Quang Nghia (1986) 'Vietnam-Kampuchea Border Issue Settled', *Vietnam Courier*, 4: 8-9.
- <sup>5</sup> For reports from Vietnam and the PRK announcing the signing of the Treaty see BBC/FE/8143/A3/1-3 (30 December 1985). See also Quang, *op. cit.*: 8-9.
- <sup>6</sup> *Ibid.*: 8-9. These agreements are also discussed in Farrell, E.C. (1992) *The Socialist Republic of Vietnam and the Law of the Sea: An analysis of Vietnam's behaviour within the emerging international ocean regime*, Ph.D. Thesis, University of South Carolina, Ann Arbor: University Microfilms International: 327-336; and, in Lamant, P-L. (1989) 'La frontière entre le Cambodge et le Vietnam du milieu du XIXe siècle à nos jours', in *Les frontières du Vietnam. Histoire des frontières de la Péninsule Indochinoise*, Travaux du Centre d'Histoire et Civilisations de la Péninsule Indochinoise publiés sous la direction de P.B. Lafont, Collection Recherches Asiatiques, dirigé par Alain Forest, Paris: Éditions L'Harmattan: 180-181.
- <sup>7</sup> BBC/FE/8143/A3/1; and, Quang, *op. cit.*: 9.
- <sup>8</sup> The PNGC was a coalition government comprising representatives from the four parties represented in the Constituent Assembly - the Buddhist Liberal Democratic Party (BLDP), the Cambodian People's Party (CPP), Front uni national pour un Cambodge indépendant, neutre, pacifique et coopératif (FUNCINPEC) and Mouvement de libération national du Kampuchéa (MOULINAKA). A new coalition, made up by the same parties as the PNGC, was formed following the adoption of a new constitution for Cambodia on 19 September 1993. The new coalition - the Royal National Government of Cambodia - was officially brought into office by a vote in the National Assembly on 29 October 1993. See Amer, R. (1995) *Peace-keeping in a Peace Process: The Case of Cambodia*, Report No. 40, Uppsala, Department of Peace and Conflict Research, Uppsala University: 40-41.
- <sup>9</sup> BBC/FE/1777 A1/2 (26 August 1993); 1779 B/1-2 (28 August 1993); and 1781 B/5 (31 August 1993).
- <sup>10</sup> *Ibid.*, 1939 B/10-11 (7 March 1994); 1962 B/16 (4 April 1994); and 1963 B/1-3 and 6 (5 April 1994); *Foreign Broadcast Information Service: Daily Report, East Asia-94-064* (4 April 1994): 41-57; and -94-066 (6 April 1994): 57-58 (hereafter cited as: FBIS-EAS). See also Hiebert, M. (1993) 'First Steps. Cambodian premiers' visit breaks the ice with Vietnam', *Far Eastern Economic Review* (9 September): 13 (hereafter cited as: *FEER*); and 'Lingering Issues', *Ibid.* (3 March 1994): 13.
- <sup>11</sup> BBC/FE/1963 B/1-3; and FBIS-EAS-94-064: 42-44. See also 'Cambodia, Vietnam setting up groups to settle border disputes', *The Strait Times* (4 April 1994): 9.
- <sup>12</sup> FBIS-EAS-94-064 (4 April 1994): 57.
- <sup>13</sup> King Sihanouk's accusations were put forward in an interview with Nayan Chanda of the *Far Eastern Economic Review* in May 1994 ('The Centre Cannot Hold. Sihanouk fears for the future of his country', *FEER* (19 May 1994): 20). For Vietnam's position and the anti-Vietnamese manifestations see BBC/FE/2000 B/6 (18 May 1994); and FBIS-EAS-94-095 (17 May 1994): 80-81. See also 'Hanoi denies any ambitions on Khmer territory', *The Strait Times* (18 May 1994): 7; 'Vietnam ready to negotiate border problems with Cambodia', *Agence France Press*, Hanoi (13 May 1994); and 'Vietnam denies King Sihanouk's border accusations', *Ibid.*, Hanoi (17 May 1994). On this issue see also Amer, R. (1994) 'Challenge of the Khmer Rouge', *Trends*, 46 (June): IV (Supplement to *Business Times* (Singapore), Weekend Edition, 25-26 June 1994). The text of the Cambodian radio broadcast can be found in BBC/FE/2000 B/2; and FBIS-EAS-94-095: 62. The PDK reacted in an openly negative way to the Vietnamese statements relating to the border issue and to the demonstrations in Phnom Penh (BBC/FE/2002 B/3-4 (20 May 1994); 2005 B/3 (24 May 1994); and FBIS-EAS-94-096 (19 May 1994): 57-58; -94-099 (23 May 1994): 50-51).
- <sup>14</sup> The law was passed by a majority of 97 votes in favour to one against (BBC/FE/2086 B/2 (29 August 1994); and FBIS-EAS-94-168 (30 August 1994): 77).
- <sup>15</sup> Vietnam protested against killings of ethnic Vietnamese which occurred in May, July and December 1994 (BBC/FE/2009 B/6 (30 May 1994); 2048 B/6 (15 July 1994); 2062 B/2 (1 August 1994); 2065 B/6 (4 August 1994); 2066 B/3 (5 August 1994); 2176 B/3 (12 December 1994); and FBIS-EAS-94-104 (31 May 1994): 74; -94-135 (14 July 1994): 54; -94-136 (15 July 1994): 51; -94-142 (25 July 1994): 97-98; -94-144 (27 July 1994): 99-100; -

- 94-147 (1 August 1994): 100; -94-149 (3 August 1994): 70; -94-173 (7 September 1994): 87-88. For Vietnam's reaction to the immigration law see BBC/FE/2085 B/2-3 (27 August 1994); 2088 B/1 (31 August 1994); and FBIS-EAS-94-167 (29 August 1994): 86; -94-169 (31 August 1994): 95; -94-171 (2 September 1994): 56-57; -94-174 (8 September 1994): 84-85; -94-191 (3 October 1994): 82-83.
- <sup>16</sup> *Ibid.*, -94-196 (11 October 1994): 80; and BBC/FE/2148 B/6 (9 November 1994); 2164 B/7 (28 November 1994).
- <sup>17</sup> *Ibid.*, 2165 B/5 (29 November 1994).
- <sup>18</sup> For accusations put forward by the PDK see *Ibid.*, 2002 B/3-4; 2016/B/1 (7 June 1994); 2174 B/1 (9 December 1994); and FBIS-EAS-94-096: 57-58; -94-110 (8 June 1994): 53. For press allegations see BBC/FE/2011 B/4 (1 June 1994); 2031 B/2 (25 June 1994); 2038 B/3 (4 July 1994); 2056 B/2-3 (25 July 1994); and, FBIS-EAS-94-106 (2 June 1994): 63-64; -94-130 (7 July, 1994): 51; -94-139 (20 July 1994): 49.
- <sup>19</sup> The first meeting of the working groups of experts on the issue of the ethnic Vietnamese in Cambodia was held in Phnom Penh on 29-30 March. The two sides had "*frank, friendly discussions*" and they achieved "*some results*" (BBC/FE/2269 B/4 (4 April 1995)). The second meeting was held in Hanoi on July 28-29 and an agreement was reached on measures to "*settle the number of Vietnamese refugees*" in Chrey Thom in Kandal Province. It was also decided to continue the discussions on other issues (*Ibid.*, 2371 B/1 (2 August 1995)). On 28 October Cambodia announced that ethnic Vietnamese "*staying temporarily*" at Chrey Thom were being sent back to "*their*" provinces (*Ibid.*, 2447 B/4 (30 October 1995); and FBIS-EAS-95-209 (30 October 1995): 38). In May 1996 Vietnam protested at the killing of 14 ethnic Vietnamese in Pursat Province. This was the first such reaction since December 1994 indicating a long spell without attacks causing death among the ethnic Vietnamese in Cambodia (BBC/FE/ 2619 B/3 (23 May 1996); and 2622 /B/4 (27 May 1996)). In early August Vietnam announced that 50 "*Vietnamese nationals*" living in Cambodia had returned to Vietnam following the "*massacre*" of 25 Vietnamese by the PDK (*Ibid.*, 2683 B/1 (6 August, 1996)). In late October the Vietnamese Embassy in Phnom Penh sent a note to Cambodia's Foreign Ministry protesting against the killing of two "*Vietnamese nationals*" on 10 October in the province of Kompong Chhnang (*Ibid.*, 2760 B/2 (4 November 1996)).
- <sup>20</sup> *Ibid.*, 2204 B/2-3 (18 January 1995); and 2205/B 1-3 (19 January 1995). A protocol amending and supplementing the agreement on the transit of goods was signed on 18 January 1995. The aim of the protocol was to bring back to "*normalcy the movement of goods in transit in Vietnam along the Mekong River*" (*Ibid.*, 2220 B/3 (6 February 1995)).
- <sup>21</sup> *Ibid.*, 2297 B/2-3 (8 May 1995).
- <sup>22</sup> *Ibid.*, 2377 B/3 (9 August 1995); 2378 B/2-3 (10 August 1995); 2487 B/7 (15 December 1995); and 2490 B/5 (19 December 1995).
- <sup>23</sup> *Ibid.*, 2408 B/5 (14 September 1995); 2490 B/5 (19 December 1995); and FBIS-EAS-95-178 (14 September 1995): 50-51; -95-181 (19 September 1995): 83-84.
- <sup>24</sup> The report on this statement was carried by Radio Australia on 17 January 1996 (BBC/FE/2512 B/1 (18 January 1996)). The name of the provinces were listed in the first Vietnamese reaction (*Ibid.*, 2513 B/3 (9 January 1996)).
- <sup>25</sup> *Ibid.*, 2513 B/3.
- <sup>26</sup> *Ibid.*, 2515 B/4-5 (22 January 1996).
- <sup>27</sup> *Ibid.*, 2517 B/1 (24 January 1996); 2522 B/5 (30 January 1996); 2525 B/2 and 4 (2 February 1996); and 2526 B/4 (3 February 1996).
- <sup>28</sup> *Ibid.*, 2522 B/5; 2524 B/1; 2525 B/4; and 2526 B/4.
- <sup>29</sup> *Ibid.*, 2525 B/4.
- <sup>30</sup> *Ibid.*, 2527 B/3 (5 February 1996).
- <sup>31</sup> *Ibid.*, 2531 B/1-2 (9 February 1996).
- <sup>32</sup> *Ibid.*, 2533 B/3 (12 February 1996).
- <sup>33</sup> *Ibid.*, 2549 B/1 (1 March 1996).
- <sup>34</sup> *Ibid.*, 2555 B/1 (8 March 1996).
- <sup>35</sup> *Ibid.*, 2556 B/5 (9 March 1996).
- <sup>36</sup> *Ibid.*, 2561 B/2 (15 March 1996).
- <sup>37</sup> *Ibid.*, 2562 B/1-2 (16 March 1996).
- <sup>38</sup> *Ibid.*, 2563 B/1 (18 March 1996). On 22 March 1996 the Voice of Vietnam broadcasted a commentary on the border problems which summarised and reiterated Vietnam's stand on the whole issue (*Ibid.*, 2569 B/2 (25 March 1996)).
- <sup>39</sup> *Ibid.*, 2569 B/1.
- <sup>40</sup> *Ibid.*, 2573 B/4 (29 March 1996); and 2574 B/5 (30 March 1996).
- <sup>41</sup> *Ibid.*, 2581 B/2 (9 April 1996).
- <sup>42</sup> *Ibid.*, 2584 B/1 (12 April 1996).
- <sup>43</sup> *Ibid.*, 2584 B/2.
- <sup>44</sup> *Ibid.*, 2584 B/3; and 2585 B/1 (13 April 1996).
- <sup>45</sup> *Ibid.*, 2628 B/4 (3 June 1996).
- <sup>46</sup> *Ibid.*, 2678 B/4 (31 July 1996); and 2679 B/3 (1 August 1996). The July 25 statement by Cambodian First Prime Minister Prince Ranariddh does not seem to have been broadcast by official Cambodian radio.
- <sup>47</sup> *Ibid.*, 2698 B/5 (23 August 1996); 2699 B/7 (24 August 1996); and 2704 B/6 (30 August 1996).
- <sup>48</sup> *Ibid.*, 2698 B/5; and, 2699 B/7.
- <sup>49</sup> *Ibid.*, 2723 B/5-6 (21 September 1996).
- <sup>50</sup> *Ibid.*, 2754 B/2 (28 October 1996). This information was carried in a report by Vietnam News Agency on 26 October 1996.
- <sup>51</sup> *Ibid.*, 2771 B/1-2 (16 November 1996). This information was carried in report published by the Cambodian newspaper *Reaksmei Kampuchea* on 15 November 1996.
- <sup>52</sup> *Ibid.*, 2788 B/1 (6 December 1996); and 2789 B/3 (7 December 1996).
- <sup>53</sup> *Ibid.*, 2834 B/3 (4 February 1997).

- <sup>54</sup> *Ibid.*, 2856 B/2 (1 March 1997); and 2857 B/1 (3 March 1997). The PDK strongly criticised the visit by the Vietnamese Foreign Minister (*Ibid.*, 2856 B/3).
- <sup>55</sup> *Ibid.*, 2869 B/3 (17 March 1997); 2870 B/4 (18 March 1997); and (2871 B/4 (19 March 1997).
- <sup>56</sup> For example, on 24 January 1996 the Newspaper *Samleng Yuveakchon Khmer* challenged Second Prime Minister Hun Sen to preserve the border with Vietnam as it was in 1969 (*Ibid.*, 2519 B/3 (26 January 1996)). On 6 March Hun Sen came under severe criticism in the newspaper *Sapordarmean Sereipheap Thmei* who held him responsible for the loss of territory to Vietnam in 1979 and throughout the 1980s (*Ibid.*, 2561 B/2 (15 March 1996)). On 13 February the newspaper *Sapordarmean* reviewed First Prime Minister Prince Ranariddh's performance in dealing with the border problems (*Ibid.*, 2538 B/2-3 (17 February 1996)). On 8-9 March the newspaper *Ariyeakthor* challenged Prince Ranariddh to solve the border problems with Vietnam (*Ibid.*, 2562 B/2-3).
- <sup>57</sup> For some statements of the PDK addressed to the Cambodian Government with strong anti-Vietnamese rhetoric during 1996 and in early 1997 see *Ibid.*, 2530 B/1 (8 February 1996); 2585 B/2-3 (13 April 1996); 2609 B/2-4 (11 May 1996), 2615 B/3-5 (18 May 1996); 2620 B/5; and 2669 B/2-3 (20 July 1996); 2376 B/2-3 (7 October 1996); 2797 B/3-4 (17 December 1996); 2821 B/2-3 (20 January 1997); and 2829 B/1-2 (29 January 1997).
- <sup>58</sup> *Ibid.*, 2525 B/2 (2 February 1996).
- <sup>59</sup> *Ibid.*, 2528 B/1 (6 February 1996).
- <sup>60</sup> The Governor General Brévié made this distinction in his decision of 31 January 1939, see Sarin, C. (1966) *Les frontières du Cambodge. Tome I Les frontières du Cambodge avec les anciens pays de la Fédération Indochinoise: le Laos et le Vietnam (Cochinchine et Annam)*, Paris, Librairie Dalloz and Centre d'Études des Pays d'Extrême-Orient Asie du Sud-Est: 158; and Tran Van Minh, (1979) 'Les frontières du Cambodge et du Vietnam. Deuxième partie: les frontières maritimes', *Revue Juridique et Politique, Indépendance et Coopération*, Tome 33, No. 1 (Mars): 39. For the text of Brévié's decision see Sarin, *op. cit.*: 207-208; and Tran, *op. cit.*: 62-63.
- <sup>61</sup> Lafont, P-B. (1989) 'La frontière maritime du Viêt Nam', in *Les frontières du Vietnam. Histoire des frontières de la Péninsule Indochinoise*, Travaux du Centre d'Histoire et Civilisations de la Péninsule Indochinoise publiés sous la direction de P.B. Lafont, Collection Recherches Asiatiques, dirigé par Alain Forest, Paris, Éditions L'Harmattan: 239.

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