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STATEMENT

Cambodia's Thirty-Year Tragedy and Its Causes

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I. The Loss of Cambodia's Sovereignty and Independence

Cambodia underwent great destruction between 1954 and 1970 because the Khmer leaders endorsed and implement the decisions made at the Bandung Conference in 1955 by the Non-Aligned countries. The Bandung spirit forced Cambodia to abandon her neutrality, as stipulated in the 1954 Geneva Treaty following the independence from France in 1953.

The deviation from her neutrality was the cause that plunged the country and pushed the Khmer people into war between 1970 and 1979, a consequence of the Vietnam War. It was a perfect pretext for Vietnamese Communist troops to return to Cambodia after the 1954 UN-mandated withdrawal of foreign troops from the country, which was monitored by the International Control Commission (ICC).

On January 7, 1979, Vietnam brazenly invaded Cambodia, ostensibly claiming to liberate the Khmer people from the Khmer Rouge under Pol Pot. The fact is that North Vietnam's senior military cadres were involved directly and deeply in the Khmer Rouge movement and training in armed attacks from 1970 following appeals from the late Prince Norodom Sihanouk from Beijing in November of that year. Vietnam occupied and dominated Cambodia illegally at least from 1979 to 1991.

Vietnam employed a "Vietnamization" policy on Cambodia under the new reference "State of Cambodia", aiming to achieve 3 strategic objectives:

- Keep control on all institutional powers in the "State of Cambodia"
- Keep control on economic sector of the "State of Cambodia"
- Facilitate a large number of Vietnamese settlers and immigrants to move to Cambodia

Spearheaded the international community including the UN to end the tragic war in Cambodia and ensure political stability in Southeast Asia, a peace conference on Cambodia was convened in Paris on

October 23, 1991, with 18 countries, Cambodia and the UN signed on to the Paris Peace Agreement on Cambodia. The essence of the Agreement states as follows:

1. To end the conflict in Cambodia, and promote an election organized by the UN,
2. To ensure the sovereignty, independence, territorial integrity, and the inviolability of Cambodia's territory, neutrality and independence,
3. To develop Cambodia in line with democratic principles and respect for human rights.

At the signing ceremony on October 23, 1991, the late French president François Mitterrand emphasized in his speech with this statement:

“...from now, the Khmer people have obtained their full rights to determine their destiny, that is, only the Khmer people will chart their future course for Cambodia. And to the future, no one will accept to see the recurrence of suffering of the Khmer people. I can affirm that the Khmer people are absolutely committed to peace....”

To date, the Khmer people have not attained and enjoyed full meanings from the Paris Peace Agreement. On the contrary, the Khmer people have seen their rights violated almost daily by their government. Prime Minister Hun Sen has headed this government for over 30 years.

II. The Rights of the Khmer People Violated by the Cambodian Government

A. Insecurity in Daily Life

The Khmer people live in fear, unsecured because of 3 factors:

A1_ Vietnamese Immigrants

Following the January 7, 1979 invasion by Vietnamese troops, the Hanoi-installed government was then represented by the “Cambodian People Party or CPP”, which had the duty to protect and support the Vietnamese nationals resettled in Cambodia on Hanoi's terms. The puppet regime was required to assist them in many ways, for example a transfer of Khmer rights to the Vietnamese immigrants, or settlers, in accordance with the 1982 Circular of Ministers Council as employment, housing, real property, natural resources...

The current Cambodian government dares not reveal the real number of Vietnamese immigrants, or settlers, in Cambodia. According to statements and reports from experts and journalists, the number of Vietnamese nationals living in Cambodia, legal or illegal, can be obtained in the following ways:

- Jacques Népotés, researcher at CNRS (Démographie et Société dans le Cambodge des XIXe-XXe siècles, Mondes en Développement, Economica, Paris 1979) found that at the end of the Pol Pot era in 1979 Cambodia had just **5 Million** populations;
- Hun Sen said in an interview with Peter Sohler on January 6, 1988, that Cambodia had a population of **7,995,000**, which means an inclusion of 20-26% immigrants, or 1,6M - **2 Million** additional people;
This is the reason why the People's Republic of Kampuchea (PRK) declared that Cambodia had **7 million** populations, a clear inclusion of 2 million immigrants;

➤ Using that figure as the basis, a 2013 calculation on average of birth rate compared to Thailand and Burma, as the two countries have similar customs, tradition and development, Cambodia should have had a population of just 7.5 million (Ref. World Bank);

➤ The Cambodian government claimed in 2013 that Cambodia has a population of 14,90 million (Ref. World Population Review);

Thus, Vietnamese immigrants have produced additional offspring of 7.4 million living with the Khmer people of 7,5 million. All these immigrants are under the protection of the Association of Overseas Vietnamese Nationals, which was created by Vietnam's National Assembly. Because the Vietnamese immigrant outnumbers the Khmer people in Cambodia, and because the Cambodian government is obliged to provide protection and means of living, insecurity and injustices affect only to the Khmer people. The influx of Vietnamese immigrants is part of a long-term "Vietnamization" plan to subjugate Cambodia.

A2_Land Grabs from the Innocent by the Powerful and the Rich

The Khmer people are the most impacted by the land grabbing practices, mainly those who live along the Cambodian-Vietnamese border areas. This results from:

- The repeated encroachments in contravention of the 1991 Paris Peace Agreement;
- The Economic Land Concession Policy, granting 99-year lease to foreign companies in violation of Cambodia's Land Law;
- A search for land area along the border to facilitate resettlement of Vietnamese immigrants, conceding large areas for economic expansion;

In addition, other Khmer victims are within the urban population, whose lands are taken away to sell to development companies without considering future consequences. Nearly 7 million hectares have been granted to private companies, leaving about 1 million people landless in their own country.

A3_Corruption, Cambodia's Economy Is in Foreign Hands

Rampant, systemic corruption is as a norm. Exploitation of Cambodia's natural resources benefits only the elite few, not the majority poor. Citizens' rights are violated, and no action from the authorities to protect them. The following are the cases in point:

- Corruption within the Ministry of Education prevents students from getting equal quality education;
- Corruption within the Ministry of Health hinders the poor from getting proper health care and treatment;
- Public officers are reserved for children of the powerful and the rich;
- Important economic sectors, such as tourism, energy, communications, foreign trade, etc., are reserved for the well connected. A cry for salary increase was met with

crackdown by armed security forces. This form of governance is also a part of the “Vietnamization” strategy;

B. Absolute Power and Biased Judiciary

An absolute power and a biased court are the core to consolidating power to suppress dissents such as land rights and environmental activists, etc., who demand their legitimate rights and freedom enshrined in the Constitution. Freedoms of information and of assembly are restricted, using the court as a tool to crush the opposition. Parliamentary immunity has been at risk, as the authoritarian government ignores its own Constitution. The Khmer people have not enjoyed the full fruit of a genuine democratic process as stipulated in the 1991 Paris Conference. A total absence of checks and balances renders the legislative branch ineffective, and the court system subservient to the executive branch. This messy administration is another part of the Vietnamization plan.

The 3-pronged strategy envisaged by Vietnam, i.e. the control of state institutions, the control of the economy and the facilitation of influx of Vietnamese immigrants, has caused suffering to the Khmer people endlessly. If one revisits the late French president François Mitterrand speech, “...and to the future, no one will accept to see the recurrence of suffering of the Khmer people,” asks himself if it’s worth anything.

III. Disregard for the Rule of Law Robs the Will of the Khmer People

After the Paris Peace Conference on October 23, 1991, Cambodia wrote a new Constitution, which states the separation of powers of the three branches of government, brings about a system of government based on the concept of a multi-party democracy and respect for human rights.

To date, the suffering of the Khmer people is the direct consequence from a government that ignores the rule of law, violating a host of national and international laws. Disregard for the rule of law has continued since 1993 because the government follows Hanoi’s political line, the Vietnamization process. The subsequent governments often intimidates one form or another the other national institutions such as the Assembly, the Senate, the Constitutional Council and the Monarchy. In turn, these supreme national institutions are simply concerned about their interests, submitting themselves to the will of the government, instead of the will of the people. Ignoring the foundation of the law has pushed Cambodian leaders away from conforming to the will of the Khmer people.

With recommendations and inputs from the international community, Cambodia has many good laws, but no national institution has implemented correctly to its spirit. As the world witnessed it, the executive has a monopoly over the judiciary, hence injustices, which is brought to bear on the Khmer people. An example of injustices to the people was reflected in the rigged election in July 2013, whereby the ruling party robbed the results to win for the fifth term. The ensuing consequences included protests demanding justice, which was met with violent crackdowns by the security forces. The world watched unbelievably and speechlessly.

Another disregard for the basis of international law involves the Khmer Rouge Tribunal:

- The government limits to scope of investigation and prosecution to only Cases 001, 002 and 003, representing a winner-loser trial. It creates obstacles to hinder further investigation on individuals alleged or suspected to have committed some forms of crime. This may include former Khmer

Rouge cadres who aligned or associated themselves with Vietnamese Communist guerrillas in wartime. None of former Vietnamese allies has been called to testify in the Extraordinary Chamber in the Court of Cambodia (ECCC). This is a travesty of justice to the Khmer people.

- The government has ignored the 91 recommendations made by the international community at the UN Human Rights Council in September 2010 that called for urgent reform of critical areas. Vietnam can't be more delighted with its recalcitrant ally to resist change;
- The government has ignored recommendations and calls by the UN Special Rapporteur, Prof. Surya P. Subedi in September 2012, for an urgent reform of the electoral system before the fifth-mandate election would be held. This time, both the government and the opposition Cambodian National Rescue Party just ignored the will of the people demanding a joint investigation of election irregularities, ballot recounts or re-election;
- Election frauds and manipulation of results from the July 28, 2013 election were made possible by a system created and controlled by the pro-government National Election Committee (NEC). A call for an overhaul of NEC is long overdue. A compromise for the two parties to work together toward that end is too late, despite the proposal to have equal representation, plus an independent committee head (4+4+1). The two parties have yet to produced a desired result for an independent and neutral NEC;
- The government has not prosecuted officers responsible for the killing of unarmed protesters demanding justice from a rigged election on January 3-4, 2014;

The electoral system in Cambodia, not just the NEC, must be overhauled if the international community wishes to ensure independent, free, fair and honest elections to represent the will of the Khmer people. The world must cease to let the NEC and government be a thief, a law enforcement and an adjudicator at the same time.

IV. The Solution: A Demand for Rights to Determine Their Own Future

An organization, or re-organization, of an institution, such as the NEC, and the court to be independent and unbiased must be made now, not later, in order to truly represent the will of the Khmer people in line with Paris Peace Agreement 1991 and solve the Cambodia problems. A free, fair and honest election in Cambodia cannot be materialized under the present atmosphere, as the country and people are ruled authoritarian and former Khmer Rouge officers and protected by foreign forces.

The Khmer people wish to express in response to the statement by the late French president François Mitterrand, as a co-chair of the 1991 Paris Peace Conference that, "...to this day, the Khmer people are faced with the recurrence of suffering," but still have full faith on the good will of the international community. They hope that the world cares to take measure to help them find the solution by reconvening a conference of the signatory countries as stipulated in Article 5.