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Ministry of Foreign Affairs and International Cooperation

INFORMATION BULLETIN

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Vietnam Special Envoy Meets Samdech Prime Minister

On 21 February 2002, H. E. Mr. Nguyen Dinh Bin, Deputy Minister for Foreign Affairs and Special Envoy of the Prime Minister of the Socialist Republic of Vietnam presented to Samdech Prime Minister Hun Sen of the Kingdom of Cambodia the letter of Prime Minister H. E. Mr. Phan Van Khai.

During their meeting, the Tripartite Agreement Cambodia-Vietnam-UNHCR signed on 21 January 2002, on the return of Vietnamese Montagnards to Vietnam was discussed.

Cambodia and Vietnam have agreed to attempt to implement the above agreement on the return of those Vietnamese Montagnards before the rainy season of this year.

Cambodia-Vietnam-UNHCR to Meet Soon

During the Regional Ministerial Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime held in Bali, Indonesia, 27-28 February 2002, the delegations of Cambodia, Vietnam and UNHCR have agreed to convene a tripartite meeting as soon as possible in Hanoi. The meeting is to discuss improved measures necessary to fully implement the tripartite framework agreement signed by the three on 21 January 2002 in Phnom Penh on the repatriation of the Vietnamese Central Highland minority people who had illegally crossed the borders into Cambodia.

Statement by Senior Minister HOR Namhong at the APAP Siem Reap Forum

Following is the integral text of a Statement by Senior Minister HOR Namhong, Minister of Foreign Affairs and International Cooperation, delivered on 28 February 2002 at the APAP Siem Reap Forum:

Prof. *Tadashi Yamamoto*, *President of the Japan Center for International Exchange*,
Professor HAN SUNGJOO,
Distinguished Participants,
Ladies and Gentlemen,

1- I wish to take this opportunity to express my most sincere appreciation to the Japan Center for International Exchange (JCIE) and the Cambodian Institute for Cooperation and Peace (CICP) for inviting me to participate in this very important gathering of intellectuals from the Asia-Pacific region under the framework of the Asia-Pacific Agenda Project (APAP). I am deeply honored and pleased to be here and to share my view in the debate on the subject “[Asia Pacific Regional and Global Order in the Post 9-11 World](#).” I wish to congratulate the organizers for choosing this timely and relevant theme for the APAP Siem Reap Forum.

Impact of Terrorism

2- Since the tragic terrorist attacks on the United States in September 2001, there have been many discussions on various aspects related to terrorism, including root causes, strategies for combating terrorism, and implications of terrorism at national, regional and global levels. Certainly, besides the discussions, there have been military actions against Taliban and Al-Qaida network in Afghanistan, suppression of financing system of terrorism and the breakup of al-Qaida networks worldwide. The terrorist attacks on the United States have affected global peace and stability and have undoubtedly changed the conduct of international relations, especially the relationship between the major powers of the world.

3- There is no doubt that terrorists will continue to engage actions around the world; and many nations have, and will continue to engage in counter-terrorism actions. Discussions on various issues related to terrorism and counter-terrorism will also continue, as in the case of this APAP Siem Reap Forum. The intellectual exchange of views here in Siem Reap is very important for our region, as the notion of security has been more or less changed since the September 11 terrorist attacks on the U.S.

What Should Be Done to Fight Terrorism?

4- In this context, I wish to share with you some of my views on what I believe we should do together, regionally and internationally, in order to avoid further tragedies and violence. Given the far-reaching impacts of the September 11 terrorist attacks, not only on the United States but also on the world as a whole, fighting against terrorism need to be carried out in the form of global anti-terrorism against a globalized terrorism.

5- However, in order to be effective and meaningful in our cooperative efforts, we must have a comprehensive strategic approach in this fight against terrorism. In my view, military action is not the only viable option. One should look to other options, such as political, economic, social and cultural dimensions. In other words, we may need to understand the several root causes of terrorism. This approach is vital in mobilizing world opinions and global efforts against terrorism.

6- However, the difficult problem is how we can unanimously agree on what the terrorism is. Otherwise, there will be misunderstanding, misperception and suspicion in combating terrorism regionally and internationally. I believe that it should not be double standards in the fight against terrorism.

7- Moreover, we must understand that there is a need to distinguish between what is terrorism and what constitutes struggle for national salvation. It's obvious that a clear distinction between these two notions is important but sometimes difficult to make, because the concept and the policy framework to be conducted depend on this distinction.

8- In my view, to eliminate terrorism we must absolutely tackle its root causes. One of the root causes of terrorism that I strongly believe is the increasing poverty in the developing countries and the widening gap between the rich and the poor at national, regional, and global levels. Aggravated by the globalization, therefore, one way of eliminating the sources of terrorism is to fight poverty and promote development in those societies whose vulnerability is a source for terrorist networks recruitment.

9- In this regard, more efforts, and I mean international financial resources, should be spent on poverty reduction programs around the world. Therefore, promoting people's access to better living standard could significantly contribute to the fight against terrorism. In this sense, the

realization of the U.N. Millennium Declaration in 2000 and the Commitments by the G8 leaders could help to bring about the success of the fight against poverty.

10- Another approach in addressing terrorism is to promote greater dialogue and communication across societies, nations, and regions. Constructive dialogue and effective communication could help prevent the terrorists from spreading and assist us to better contain it.

11- I also believe a win-win policy in combating terrorism at national, regional and international levels could be a solution to eliminate terrorism. In other words, there is no single approach to the fight against terrorism. We should explore all other possible options and attempt to bring all stakeholders on board in the crusade against global terrorism.

12- I am convinced that if there are no political and economic approaches in combating the root cause of terrorism, as I said earlier, there will be no global consensus on actions against terrorism today. I still believe that the success of military action in Afghanistan today will not be sustained over the terrorists and their al-Qaida networks worldwide, if we do not resort to other viable options.

13- In the face of the military action taken so far by the U.S., the terrorists may have taken only a concealment tactic for now. They may revive their actions some day when the situation is more favorable. In this regard, we should not be overconfident about the current military action against terrorism.

The Case of Cambodia

14- I wish to inform you that Cambodia has played its role in the fight against terrorism. In fact, Cambodia has been also victim of terrorist attacks as well, although at a much lesser level. As you may have been aware, Cambodia was attacked by a group of terrorists, the so-called Cambodian Freedom Fighters (CFF), in November 2000. The CFF is comprised of mainly Cambodians with American citizenship based in California. The CFF attacked the government buildings and killed a number of Cambodian police officers.

15- Since the 9-11 terrorist attacks, Cambodia has been fully cooperating with the United States in sharing information and intelligence, in controlling financial transactions which may lead to the terrorist networks, and in providing the US aircraft's access to our airspace in the

performance of their mission in the region. Cambodia's commitment to combating terrorism has been unequivocally clear.

16- In addition, Cambodia had ratified four international conventions which are relevant to the fight against terrorism and signed one convention on suppressing the financing of terrorism. Cambodia is also in the process of acceding to seven other key international conventions, which are essential steps in combating terrorism not only in Cambodia but also in the region.

17- In my view, an overall Convention on terrorism derived from the World Summit organized by the United Nations, is absolutely necessary for the whole world to join hands and combat against terrorism.

The Role of ASEAN and the ARF in Combating Terrorism

18- I believe that both ASEAN and ARF could do more to play their meaningful role in the fight against terrorism both in the region and in the world. ASEAN has clearly condemned the 9-11 terrorist attacks on the United States, as specified in the Declaration on Combating Terrorism at the 7th ASEAN Summit in Brunei in November 2001. In addition, the ARF Chairman issued a statement in support of the fight against terrorism several weeks following the terrorist attacks on the United States. In December 2001, ASEAN and the United States held a bilateral dialogue in Washington, D.C., which entered mainly on the need to combat terrorism.

19- I wish also to inform you that at the ASEAN Foreign Ministers' Retreat in Phuket, on February 21, terrorism and the imperative of intensifying cooperation in the fight against terrorism is one of the topics of discussion. ASEAN is very much conscious of the fact that terrorism is a real threat to the region as a whole. We are also determined to deepen cooperation and reaffirm political commitment in the fight against terrorism. As I have said, terrorism is an international problem with globalized network. This means that to fight terrorism more effectively there is a need for a global approach.

20- I think that if even ASEAN is committed conscientiously to eliminate terrorism in the region, it will not be able to do it alone, because terrorism with its global network will threaten the whole world and dictates subsequently the necessity of regional, inter-regional, and international cooperation.

21- Given the important role of the ARF in Asia-Pacific security policy, I think we need to strengthen our proactive actions among the ARF members. ARF should not rely on its current perception of security in Asia-Pacific. To be timely relevant in an increasing complicated regional and global security order prevailing in the world today, needs to strategically deal with a new concept of security policy in Asia-Pacific. Therefore, I believe that ARF cannot evolve in the future on the basis of its current perception, which is essentially relying on the phases of confidence-building measures, preventive diplomacy and approach to conflict resolution among Asia-Pacific nations, due to the increasing widespread problems of terrorism after September 11, 2001. This terrorist attacks had significantly changed the notion of security, making it more broadly defined and at the same time brought about fundamental changes in international relations.

Senior Minister HOR Namhong Meets French Senate Vice President

On 5 February 2002, at 4 pm, His Excellency Senior Minister HOR Namhong, Minister of Foreign Affairs and International Cooperation, met with His Excellency Mr. Serge VINCON, Vice President of the Senate and President of the Delegation of the Bureau of Inter-Parliamentary Cooperation and Friendship Groups, who was on a six-day visit to Cambodia as head of a French Senate delegation to observe the process of Cambodia's commune election.

His Excellency Mr. Serge VINCON stated that his delegation could prove with satisfaction that the election had proceeded smoothly, in the respect of the principles determined by the law, and with strong participation of the voters.

Senior Minister HOR Namhong told the delegation that the Cambodian people had then political maturity after having experienced different political regimes as well as the 1993 election organized by UN and the 1998 election organized by Cambodians themselves with the presence of many foreign observers. The Senior Minister added that all political parties were happy with the

commune election aiming at achieving decentralization and co-decentralization that would provide them with possibilities to work together in order to develop their communes.



Senior Minister HOR Namhong Meets French Senate Vice President

At the request of His Excellency Mr. Serge VINCON , the Senior Minister briefed the delegation on the relations with the neighboring countries, and the progress achieved in their joint endeavors to settle the border issues by peaceful means.

The Senior Minister also acquainted the delegation with the integration of ASEAN to eliminate the gap between old and new members, as well as the relationship between ASEAN and North-East Asia (China, Japan, Republic of Korea) and between ASEAN and the European Union.

The Senior Minister also touched on the good cooperation between Cambodia and France through bilateral relations and in the framework of the Cambodia-EU relations as well.

**Senior Minister HOR Namhong
Meets French Permanent Secretary of Foreign Affairs**

On 27 February 2002, at 17:30, at the Ministry of Foreign Affairs and International Cooperation, His Excellency Senior Minister HOR Namhong, Minister of Foreign Affairs and International Cooperation, met with His Excellency Mr. Moïc Hennekine, Permanent Secretary of the Ministry of Foreign Affairs of the Republic of France.

During the meeting, His Excellency Mr. Moïc Hennekine handed over Cambodia's maps of land and sea boundaries to the Senior Minister and expressed hope that they would be useful for the country.



*Senior Minister HOR Namhong
Meets French Permanent Secretary of Foreign Affairs*

His Excellency Mr. Moïc Hennekine highly valued Cambodia's endeavors in preparing and successfully holding the commune elections, as well as in developing and rebuilding the country, and reassured the Senior Minister of his government's continued support for Cambodia.

His Excellency the Senior Minister expressed his sincere thanks for the maps provided by French government and briefed the delegation on the efforts and progress made by Cambodian government in peacefully resolving the border issues with neighbors.

Senior Minister HOR Namhong and Permanent Secretary Mr. Moïc Hennekine had also discussions on the admission of Cambodia into ASEM (Asia – Europe Meeting). Senior Minister HOR Namhong stressed that he had seen no obstacles to Cambodia’s membership into ASEM and that he had raised the issue with the European Union. He also requested France to help in that endeavors.

Senior Minister HOR Namhong Attends ASEAN Foreign Ministers’ Retreat

At the invitation of His Excellency Mr. Surakiart SATHIRATHAI, Minister of Foreign Affairs of Thailand. His Excellency Senior Minister HOR Namhong, Minister of Foreign Affairs and International Cooperation, led a delegation to attend the ASEAN Foreign Ministers' Retreat to be held on 20-21 February 2002, in Phuket, Thailand.



Senior Minister HOR Namhong grants interview before his departure to attend the ASEAN Foreign Ministers’ Retreat

Prior to the ASEAN Foreign Ministers' Retreat, His Excellency Senior Minister chaired the CLMV (Cambodia, Laos, Myanmar, and Viet Nam) Foreign Ministers' Meeting, which focused on the Initiative for ASEAN Integration (IAI) Work Plan that was endorsed by the IAI workshop in Phnom Penh on 20-22 November 2001.

Senior Minister HOR Namhong Meets EU Trade Commissioner

On 18 February 2002, at 15:00, at the Ministry of Foreign Affairs and International Cooperation, His Excellency Senior Minister HOR Namhong, Minister of Foreign Affairs and International Cooperation, met with His Excellency Mr. Pascal LAMY, European Union Trade Commissioner.

During the discussion, His Excellency Senior Minister HOR Namhong informed His Excellency Mr. Pascal LAMY about the ASEAN Foreign Ministers' Retreat to be held on 20-21 February 2002, in Phuket, Thailand, and his readiness to push then for the implementation of the Initiative for ASEAN Integration (IAI) work plan that was endorsed by the IAI workshop in Phnom Penh in November 2001.

His Excellency Senior Minister HOR Namhong also briefed the delegation on the two main initiatives that had been carrying out by ASEAN countries. The first initiative was the ASEAN Integration aimed at reducing the gap between the original and the new ASEAN members. The second one in the East Asia Integration.

As far as the Cambodia–EU cooperation is concerned, His Excellency the Senior Minister asked EU to push for the implementation of the 4.9 million Euros institutional supporting assistance signed between the two parties. After referring to the 67 million Euros National Indicative Program signed early this year , His Excellency the Senior Minister requested EU to use the 30.7 million Euros designed for rural development to broaden PRASAC (Rehabilitation and support Program for Cambodia's Agricultural Sector funded by EU) in Cambodian remote provinces.

His Excellency the Senior Minister expressed his satisfaction with the good relations between Cambodia-EU and revealed the plan to establish the Cambodian Mission in Brussels this year.

Senior Minister HOR Namhong Meets EU Trade Commissioner

The admission of Cambodia into ASEM (Asia-Europe Meeting) was also discussed and His Excellency Mr. Pascal LAMY shared the views expressed by His Excellency the Senior Minister that there should be no obstacle for Cambodian membership given that ASEM was a cooperation organization between EU and individual country in Asia.

**Official Opening of European Commission
Delegation in Cambodia**

On 18 February 2002, at Hotel Le Royal , His Excellency Mr. HOR Namhong , Senior Minister, Minister of Foreign Affairs and International cooperation , and His Excellency Mr. Pascal LAMY , European Union Trade Commissioner , jointly presided over the official opening ceremony of the European Commission Delegation in Cambodia .

In a move set to further strengthen relations between the European Union (EU) and Cambodia the European Commission has formally established a Delegation in Phnom Penh following the signature by EU Commissioner for External Relations the Rt Hon Chris Patten and

Senior Minister , Minister of Foreign Affairs and International Cooperation His Excellency HOR Namhong of the Delegation’s Establishment Agreement.

Commenting on the event, Ambassador Schmallenbach said, “The opening of the Delegation crowns a steady evolution of the relations between the European Union and the Kingdom of Cambodia. It symbolizes the passage of a partnership which progressed from aid for the reconstruction and rehabilitation of the country , to the consolidation of peace and democracy and that is now maturing into a more equal association based as well on the development of trade and investment links.”



Senior Minister HOR Namhong and H.E. Mr. Pascal LAMY open curtain to inaugurate the Official Opening Ceremony of European Commission Delegation in Cambodia

Addressing the opening ceremony, His Excellency Senior Minister HOR Namhong said that the cooperation with EU was very important for Cambodia and that the establishment of the European Commission Delegation in Cambodia was set to further strengthen relations between the EU and the Kingdom of Cambodia. EU had provided more than 250 million euros for the development of Cambodia, he stated, adding that in addition , EU was set to grant 67 million euros more to support during the year 2002-2004 the rural development, social field, as well as trade development and governance .

Since the signing of the Paris Peace Accords in October 1991 the amount of aid granted to Cambodia by the European Commission – the executive arm of the EU – has been in excess of 300 million euro. This aid is in addition to that granted bilaterally by individual EU Member States and

covers a broad range of sectors such as humanitarian assistance, education, rural development, human resources, the environment, mine clearance, democratization and human rights.

Senior Minister HOR Namhong Meets Japanese Senior Official

On 28 February 2002, His Excellency Mr. HOR Namhong , Senior Minister, Minister of Foreign Affairs and International Cooperation, met with Ms Taeko TAKAHASHI, Director of the first South –East Asia Division, Ministry of foreign Affairs of Japan.



Senior Minister HOR Namhong meets Japanese senior official of Foreign Affairs

Senior Minister briefed the delegation on Cambodia's preparation to host the Greater Mekong Sub-Region and ASEAN Summits later this year and their schedule.

As far as the trial of former Khmer Rouge leaders was concerned, Senior Minister HOR Namhong told Ms Taeko TAKAHASHI that the Cambodian door remained open for UN participation but Cambodia could not wait for years. He also stressed on many compromises made by Cambodian government in order to open the way for the participation of the UN and expressed his dismay with UN announcement to pull out of negotiation with Cambodian government without explanation.

Ms Taeko TAKAHASHI told Senior Minister HOR Namhong that the Japanese government wished to see good cooperation between UN and Cambodian government and that her government had urged the UN to continue negotiation with Cambodian government.

**Senior Minister HOR Namhong
Signs Exchange of Notes with Ambassador of Japan**

On 06 February 2002, at 9:30 am, at the Ministry of Foreign Affairs and International Cooperation, His Excellency Senior Minister HOR Namhong, Minister of Foreign Affairs and International Cooperation, and His Excellency Mr. Gotaro OGAWA, Ambassador Extraordinary and Plenipotentiary of Japan to the Kingdom of Cambodia, signed an Exchange of Notes on a Grant Aid of sixty six million yen (¥ 66,000,000) provided by the Government of Japan for the execution of the project for Flood Protection and Drainage Improvement in the Municipality of Phnom Penh.

The Grant would be made available during the period between the date of coming into force of the present arrangements and 05 February 2003.

*Senior Minister HOR Namhong and Ambassador Gotaro OGAWA,,Sign Exchange of Notes
on grant aid for Flood Protection and Drainage Improvement Project*

The objectives of this project are as follows:

- 1- Improvement of the Svay Pak Drainage Sluiceway
- 2- Reinforcement of the Boeung Tumpun Dike
- 3- Improvement of the Stung Meanchey Drainage Channel Downstream
- 4- Improvement of the Boeung Tumpun Inlet Channel
- 5- Improvement of the Boeung Salang Drainage channel Downstream
- 6- Construction of a new Boeung Tumpun Pumping Station
- 7- Construction of a Tumnup Toek Drainage Sluiceway
- 8- Construction of a Boeung Salang Drainage Sluiceway

Cambodia Welcomes ADB President in GMS Summit

On 12 February 2002 at 10 am, at the Ministry of Foreign Affairs and International Cooperation, His Excellency Senior Minister HOR Namhong, Minister of Foreign Affairs and International Cooperation, met with His Excellency Mr. Rajat Nag, Director General of the Mekong Regional Department of the Asia Development Bank (ADB) Headquarters.

During the discussions, Senior Minister HOR Namhong briefed the delegation on Cambodia's hard preparation to host the Greater Mekong Sub-Region (GMS) and 8th ASEAN Summits and expressed his gratitude for the assistance provided by ADB in helping prepare for the GMS Summit. In this connection, the schedule for the preparation of ADB President in GMS Summit and other meetings was also discussed.

The Senior Minister also called on the ADB to assist Cambodia in its try to control the flood. He added that ADB should play an important role in mobilizing all Mekong River country members to conduct joint efforts in this purpose.

The Senior Minister requested ADB to help thoroughly study the consequences on the lower Mekong River countries resulted from the project aimed at digging the Mekong River for navigation, and the feasibility of developing hydropower stations in order to reduce the electricity price and thus promoting the development of industry and agriculture in the region.

In response, His Excellency Mr. Rajat Nag highly appreciated the Senior Minister's attention in arranging the schedule for the participation of ADB President in the upcoming GMS Summit in Phnom Penh and told the Senior Minister that the establishment of the Mekong Regional Department in ADB Headquarters proved once again the ADB's attention attached to this sub-region.

His Excellency Mr. Rajat Nag shared the views expressed by Senior Minister HOR Namhong, particularly on the need for a joint effort by all Mekong River countries to control the flood, the search for a win-win solution for both the upper and lower Mekong River countries, and the development of hydropower for the benefit of regional development.

Farewell Call by Myanmar Ambassador

On 18 Feb. 2002, at the Ministry of Foreign Affairs and International Cooperation, His Excellency Senior Minister HOR Namhong, Minister of Foreign Affairs and International Cooperation, received His Excellency Mr. U-Tint Lwin, Ambassador Extraordinary and Plenipotentiary of the Union of Myanmar, in a farewell call requested by the Ambassador.



Ambassador of Myanmar in a farewell call Meeting with Senior Minister HOR Namhong

Senior Minister HOR Namhong highly appreciated the Ambassador's efforts aimed at further promoting the bilateral cooperation between the two countries and briefed his guest on his schedule to attend the ASEAN Foreign Ministers' Retreat to be held on 20-21 February 2002 in Phuket, Thailand. The Senior Minister added that prior to the ASEAN Senior Ministers' Retreat, he would chair the (Cambodia, Laos, Myanmar, Viet Nam) Foreign Ministers Meeting that would focus on the Initiative for ASEAN Integration (IAI) Work Plan that was endorsed by the IAI Workshop in Phnom Penh last November. Besides, the Senior Minister stressed that he would try to find a suitable solution for the admission of Cambodia, Myanmar and Laos in ASEM (Asia-Europe Meeting).

**Statement from the Royal Government of Cambodia
in Response to the Announcement of UN Pullout**

from Negotiations on Khmer Rouge Trial

Following is the integral text of a Statement delivered during a press conference held on 12 February 2002 by His Excellency Mr. SOK An, Senior Minister in Charge of the Office of the Council of Ministers, Chairman of the Task Force for Cooperation with Foreign Legal Experts and Preparation of the Proceeding for the Trial of Senior Khmer Rouge Leaders, in response to the announcement of UN pullout from negotiations on Khmer Rouge trial:

I have received the letter from His Excellency Hans Corell dated 8 February in which he conveys the message that the United Nations will no longer negotiate with the Royal Government of Cambodia towards the establishment of the Extraordinary Chambers. I must express my dismay at this completely unexpected announcement.

It is surprising to read that the UN Secretariat believes "it is not likely that we would resolve it through further negotiations", considering how far both parties have come precisely through the process of negotiation since the two different drafts for the law were placed onto the negotiating table two and a half years ago. It has by no means been an easy task to sail through uncharted waters and design an unprecedented national court with international participation. Compromises were made on both sides along the way, but I believe that the model we designed, and which was promulgated into Cambodian law on 10 August 2001, forms a sound basis. I believe that the Law establishing the Extraordinary Chambers based within the Courts of Cambodia with international participation and meeting internationally accepted standards embodies all the fundamental principles agreed to between the two sides during the negotiations.

Only three weeks ago I wrote to Excellency Hans Corell along these lines, and provided a detailed response to the eleven points he raised concerning the Law, clarifying our position and suggesting, on a number of points, that the concerns could be addressed in the proposed Articles of Cooperation to be signed by both parties -- a document that we have always said would govern the international participation in the Extraordinary Chambers.

As further background to my statement here today, I am releasing my letters to Excellency Hans Corell dated 23 November 2001 and 22 January 2002, as well as other documents, including the English translation of the Law on the Establishment of the Extraordinary Chambers in the Courts of Cambodia for the Prosecution of Crimes Committed during the Period of Democratic

Kampuchea. Up till now we have respected Excellency Hans Corell's wish for a "gentlemen's agreement" to keep exchanges between us confidential. However, given the present unilateral action on the side of FES Excellency Hans Corell to cut off discussions, and given certain misinterpretations of Cambodia's positions that emerge from the UN spokesman briefing on 8 February, it seems highly desirable to place the documents on the public record at this stage.

I would like now to respond directly to the two main points in the long and complicated briefing statement given by Excellency Hans Corell on Friday 8 February:

Firstly, a general assertion is made that the Extraordinary Chambers "as currently envisaged, would not guarantee ... independence, impartiality and objectivity", and there is an abstract reference to "international standards of justice" but Excellency Hans Corell does not provide a single instance in which the Law on the Extraordinary Chambers contradicts such standards.

The second major point relates to the relationship between the Cambodian Law establishing the Extraordinary Chambers and the proposed Articles of Cooperation to be signed by both parties. In my letter of 19 November I stated that in our view "the Law, which was adopted by the Cambodian legislature under the Constitution of Cambodia, has determined the jurisdiction and competence of the Extraordinary Chambers as well as their composition, organizational structure and decision-making procedures, while the Articles of Cooperation are to determine the modalities of cooperation between the Royal Government of Cambodia and the United Nations in implementing those provisions of the Law concerning foreign technical and financial support".

We see a clear distinction between the nature and purpose of the Law and the Articles of Cooperation. In no way do we wish to reduce the Articles of Cooperation "to the status of a technical and administrative document subordinate to the Law" (to use Excellency Hans Corell's words). Neither is it correct to say (as in the Spokesman for the Secretary-General's words) that the Cambodian government has "rejected the UN proposal" that the UN assistance "will be governed by the agreement between the UN and Cambodia". In fact, this is precisely what we envisage to be the role for our Articles of Cooperation, as a normal basis for agreement on cooperation between a Member State and the United Nations.

A number of Member States of the United Nations, which have been strong supporters of the negotiations towards establishment of the Khmer Rouge trial, have already expressed their keen desire for the process to continue. (Excerpts from these statements will be made available following this meeting).

Let me say clearly that on the Cambodian side the door remains open to a resumption of negotiations with the United Nations. Article 46 of our Law makes perfectly clear that primacy is given to United Nations participation in the process. It is important to understand that the Law adopted by our legislature was itself the outcome of the complex negotiations between Cambodia and the United Nations, and contains within it a number of significant compromises on our part as well as on theirs.

May I conclude by saying that the Royal Government of Cambodia remains committed to seeking justice for the crimes perpetrated by the Khmer Rouge, on behalf of the Cambodian people and of humanity as a whole. We believe that the Law promulgated on 10 August 2001 provides a sound foundation for such a process based within the Courts of Cambodia with international participation and meeting internationally accepted standards, and we earnestly hope that the United Nations will be a part of this process.

Letters to UN Under Secretary General for Legal Affairs

His Excellency Mr. SOK An, Senior Minister in Charge of the Office of the Council of Ministers, wrote two following letters to His Excellency Mr. Hans Corell, Under Secretary-General for Legal Affairs:

Letter Dated 23 November 2001

Your Excellency,

Your letter of 10 October, with its sharp tone and comments on the Khmer Rouge Law as well as an attached revised draft of the Articles of Cooperation has been the subject of my attention over the past few weeks, and we are currently working on our detailed response to the points raised.

However, I would like now to raise with you a difficulty I see with your letter in its blurring of the distinction between the nature and purpose of the Law and the Articles of Cooperation.

The Law, which was adopted by the Cambodian legislature under the Constitution of Cambodia, has determined the jurisdiction and competence of the Extraordinary Chambers as well as their composition, organizational structure and decision-making procedures, while the Articles of Cooperation are to determine the modalities of cooperation between the Royal Government of Cambodia and the United Nations in implementing those provisions of the Law concerning foreign technical and financial support.

While the Articles of Cooperation may clarify certain nuances in the Law, and elaborate certain details, it is not possible for them to modify, let alone prevail over, a law that has just been promulgated. Given the distinction between the two documents, there is no reason for the text of the Law to be duplicated in the Articles of Cooperation (a point I made during our July 2000 discussions). May I repeat my off stated reminder to you that under the Constitution of Cambodia the only official language is Khmer, and hence the only official text of the Law is the Khmer language text promulgated.

As to the draft budget you refer to in your letter, I agree that it would be best discussed between us before being submitted to interested Member States, so I would appreciate receiving a copy from you to begin our consideration. Recent reports of statements by various governments of intention of providing support provide a welcome start towards making the Extraordinary Chambers a reality.

(End of letter dated 23 November 2001)

Letter Dated 22 January 2002

Your Excellency,

I am pleased to forward to you herewith our detailed response to points raised in your letter of 10 October. As I have said before, we believe that we will be able to find mutually acceptable resolutions to the points you have raised, as the Law passed by the Cambodian legislature does not contradict any of the fundamental principles we agreed on in our negotiations. You will see in our response that most of the points you raised can be clarified in the Articles of Cooperation, while certain points appear to reflect a misunderstanding of Cambodian circumstances.

I look forward to receiving your response to these points as well as to those made in my letter of 23 November.

Cambodian Response to the 11 Points of the UN Under Secretary General for Legal Affairs

Following is the integral text of Cambodian response to the eleven points raised in His Excellency Mr. Hans Corell's Letter of 10 October 2001:

1) **Article 8** - We have confirmed that Cambodia is not a party to the 1973 Convention on Internationally Protected Persons, so it appeared necessary to delete it from the Draft Law to avoid a challenge to the validity of the applicable law forming the competence of the Extraordinary Chambers. Inclusion of the 1961 Vienna Convention on Diplomatic Relations, to which Cambodia is a signatory, would appear to give scope for prosecution, since *prima facie* it would seem that the Khmer Rouge did violate this Convention;

2) **Articles 11, 21 and 27** - clearly the intention here is that foreign reserve judges and prosecutors would normally replace foreign judges and prosecutors, while Cambodian reserve judges and prosecutors would replace Cambodian judges and prosecutors. I made clear during the Senate debate on 12 January that Article 46 would govern the process of filling the positions of judges and prosecutors, and the process is outlined there quite clearly -- only after all other avenues have been exhausted would Cambodian replacements for foreign positions be resorted to;.

This procedure can be clearly articulated in the Articles of Cooperation;

3) **Article 18** - Cambodia does not have a separate body of professional prosecutors. The Supreme Council of the Magistracy draws from a common pool to assign judges (juges assis), prosecutors (juges debouts) and investigating judges (juges d'instruction) to certain courts as required. The wording of this article was therefore designed to conform to the prevailing Cambodian reality;

4) **Articles 20, 23, 33 and 36** - The Law states clearly that the Extraordinary Chambers are established within " the existing court structure" (Article 2), and that trials are to be conducted " in

accordance with existing procedures in force" (Article 33). The words "and if there are lacunae in these existing procedures" were added to these articles to avoid a potential conflict between Cambodian and other international procedures, recognizing a hierarchy in which Cambodian law and procedure are relied upon before resorting to other international procedure where necessary to fill any gaps;

5) **Articles 24, 27 and 35** - Cambodian Law guarantees defendants their free choice of counsel. The use of the word "unconditionally" in Article 24 is intended to emphasize that pre-existing right, which also means that, if the defendant cannot find or afford to retain a lawyer, the government must provide one;

This can be clearly articulated in the Articles of Cooperation;

6) **Article 31**- Cambodia fully understands that the Secretary-General has the right to determine appointments of UN staff. Your concern, originally raised in your letter of 9 January, was addressed, and the translation by the Council of jurists, sent to you on 30 August, reads: "The foreign Deputy Director shall be appointed by the Secretary-General of the United Nations and assigned by the Royal Government of Cambodia." It is our view that all administrative elements should be assigned by the Royal Government of Cambodia because the Extraordinary Chambers are established within the existing Cambodian court structure;

7) **Article 33** - As we assured you repeatedly during our negotiations, the Royal Government of Cambodia undertakes the responsibility of providing security for all people associated with the Extraordinary Chambers, as it does for all people residing in or visiting the Kingdom of Cambodia. The word "voluntarily" was added in order to encourage Suspects to give themselves up, by emphasizing that they too would have their security assured;

This can be clearly articulated in the Articles of Cooperation;

8) **Article 40** -- I wish to point out that in our third round of negotiations this second sentence was not brought to the table as a proposed addition to our Draft Law (as indicated in your cover note to your version of the Draft Law (dated 7 July 2000, presented after the conclusion of our meetings, stating "We should like to underscore that we have added a second sentence to Article 40...").

It is of some surprise to me that you raise this point again, as I understood that our two delegations had reached consensus in March 2000, and my letter of 20 March spelled out very clearly the position of the Royal Government of Cambodia on this issue:

" The Cambodian Constitution gives the right to His Majesty the King to grant amnesties (Article 27), and also to the National Assembly to make laws concerning amnesty (Article 90). So far His Majesty King Norodom Sihanouk has only exercised this right with regard to the Khmer Rouge when requested by the Royal Government of Cambodia, with a clear endorsement also by two-thirds of the members of the National Assembly. "Our Draft Law (Article 40) makes a clear statement of the government's intent not to request an amnesty for any person who committed crimes relating to the applicable law described in Articles 3-8 of that Draft Law. This indicates our intention to make a clear break in the cycle."

The Royal Government of Cambodia could never have agreed to introduce wording into the Law that would conflict with the Constitution, and that would have invited the Law's rejection by the Constitutional Council. However, several times during the debate in both the National Assembly and the Senate, I made clear that no person is above or outside the law;

9) **Article 42** -The RGC confirms its assurance that immunity for "words spoken or written and all acts performed by them in their official capacity" will continue after cessation of any relationship with the Extraordinary Chambers. I wish to clarify that the sentence "Such immunity shall continue after termination of employment with the chambers" was removed because it was understood to have the potential to extend this immunity to other acts occurring after termination of employment. The immunity does not cover words and acts not directly related with the proceedings of the Extraordinary Chambers, either during the period of service to the Extraordinary Chambers or afterwards. As I understand it, the immunity provided in the Law is *ratione materiae* rather than *ratione personae* (applying only to the official acts themselves rather than to all acts performed by the person).

This can be spelled out more precisely in the Articles of Cooperation;

10) **Article 45** - Here I would like to emphasize that the sole "official working language" of the Extraordinary Chambers is Khmer. While we have always maintained that translations and interpretation into and from Russian should be provided (along with English and French) all such translation is in order to meet the needs of the participants in the process, and we too would not want the trial to be impeded by any lack in this area. We are more than happy to consider any way

to rationalize this heavy work with regard to all three foreign languages. For instance, perhaps all important court documents (notably indictments and decisions) could be translated into all three languages, and other documents translated and simultaneous interpretation provided only when needed by any of the active participants in any stage of the proceedings.

This can be spelled out more precisely in the Articles of Cooperation;

11) **Article 46** - I stated clearly in my introductory presentation of the Draft Law to both houses of our legislature that this entire law has been drawn up in a spirit of cooperation between Cambodia and the United Nations. We have no intention of limiting the right and opportunity for the Secretary-General to send more names to supplement the lists during the course of the proceedings, should this become necessary;

This can be spelled out more precisely in the Articles of Cooperation.

Cambodia Fights Against Terrorism

Following is the integral text of a report presented by the Kingdom of Cambodia to the Committee of the Security Council on the implementation of paragraph 6 of the Security Council Resolution 1373, dated 28 September 2001:

In accordance with the United Nations Security Council's Resolution 1368 (2001) of 12 September 2001 and 1373 (2001) of 28 September 2001, the Kingdom of Cambodia has been committed to work together with the international community to combat all acts of international terrorism.

Cambodia has been one of the victims of terrorism dedicated to upset peace and stability of the country and to the overthrow of the elected government. The recent terrorist attacks occurred on 24 November 2000 by a well-armed and foreign-funded group, which called themselves "Cambodian Freedom Fighters " or CFF.

Indeed, this terrorist group of about 100 men launched an attack in the evening of 24 November 2000 on the Ministry of Defense, the Council of Ministers which is the seat of the Royal Government and on other strategic locations of the capital city. It was fortunate that they caused few loss of life and minor damage to property. They were quickly rounded up and captured and put on trial. Some of the terrorists are still serving their prison terms. But their leaders escaped by crossing into neighboring countries and returned to their hometown in California-USA.

In the national front against terrorism, Cambodia adopted a law on the punishment of terrorism in 1992. In the international arena, Cambodia ratified a number of international conventions and protocol related to terrorism suppression such as:

1. Convention on Offences and Certain Other Acts Committed on Board Aircraft;
2. Convention for the Suppression of Unlawful Seizure of Aircraft;
3. Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation;
4. Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Convention for the-Suppression of Unlawful Acts against the safety of Civil Aviation,

Cambodia signed and is in the process of ratification of:

1. Convention for the suppression of the Financing of Terrorism.

Moreover, Cambodia is also in the process to accede to other anti-terrorism conventions such as:

1. Convention on the prevention and Punishment of Crimes against Internationally Protected Persons.
2. Convention against the Taking of Hostages.
3. Convention on the Physical Protection of Nuclear Material.
4. Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation.
5. Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf.
6. Convention on the Marking of Plastic Explosives for the purpose of Detection.
7. Convention for the Suppression of Terrorist Bombings.

The Royal Government of Cambodia extends its full cooperation to the international community to fight against international terrorism by whatever means at its disposal. In this regard, it provides flyover and landing facilities to U.S. Aircrafts in mission to fights international terrorism in the region.

Further more, the National Bank of Cambodia (NBC) has circulated nationwide the UN Security Council and the U.S. lists of individuals and entities involving in terrorism. The NBC has officially instructed all financial and banking institutions operational in Cambodia to scrutinize and freeze the assets of persons and entities whose names appeared on the above-mentioned lists. Up to this moment, there has been no evidence of financial linkage of those wanted entities and institutions. The NBC however continues to investigate and closely watch for financial elements and activities of any suspected terrorists. The NBC also issued orders prohibiting transactions with persons or entities considered as having committed or threatened to commit or having supported terrorism.

The National Police Authorities have also improved their surveillance system to crack down any terrorist activities.

Cambodia is a member of the International Police Forces (Interpol) and closely cooperates with other members of this Organization to fulfill its obligation, including the information sharing.

Cambodia is ready to cooperate further with the International community by all lawful means to fulfill its international obligation in the fight against terrorism and for the purpose of suppression of terrorist network.

Secretary of State Meets with WHO Representative

On 14 February 2002, at 10 : 00 am , at the Ministry of Foreign Affairs and International Cooperation, His Excellency Mr. UCH Kiman, Secretary of State of Foreign Affairs and International Cooperation, received Dr. James L. Tulloch, who had been appointed as new WHO Representative in Cambodia, to replace Dr. William J. Pigott.



Secretary of State UCH Kiman Meets with New Representative of WHO

After presenting his letters of Credentials, the Representative told Secretary of State UCH Kiman that he would try his best to further strengthen the cooperation between WHO and Cambodia.

His Excellency the Secretary of State extended his warm welcome to Dr. James L. Tulloch and briefed the latter on the current situation in the country. Secretary of State UCH Kiman stressed on the intention paid by the Royal Government of Cambodia to the development of public health as well as the country's success in its fight against polio. He also requested WHO to continue its assistance to the health sector, especially the fight against malaria, tuberculosis, and the spread of HIV / AIDs.

Secretary of State UCH Kiman Signs Exchange of Notes with Ambassador of China

On 20 Feb. 2002, at 16:30, at the Ministry of Foreign Affairs and International Cooperation, H.E. Mr. UCH Kiman, Secretary of State of Foreign Affairs and International Cooperation, and

H.E. Mr. NING Fukui, Ambassador Extraordinary and Plenipotentiary of the People's Republic of China, signed an Exchange of Notes on the repairing project of the road surface of Mao Tsetung boulevard to be undertaken by the People' Republic of China.



*Secretary of State UCH Kiaman and Ambassador NING Fukui of China
after signing Exchange of Notes on the repairing project of Mao Tsetung Boulevard*

The expenses for the implementation of this project should be defrayed from the interest-free loan stimulated in the Agreement on Economic and Technical Cooperation signed on 24 Dec. 2001 between the two governments.

Letter to the Editor of The Nation

On 16 February 2002, His Excellency SIENG Lapresse, Under Secretary of State of the Ministry of Foreign Affairs and International Cooperation, wrote the following letter to the Editor of The Nation:

Dear Editor,

I came across with dismay the ambivalence "The Cambodian government has, since the very beginning, appeared reluctant to prosecute former Khmer Rouge Leaders..." in the 14 February editorial of THE NATION titled "UN Must Resume Khmer Rouge Negotiations". For the sake of truth I would like to separate fact from opinion as follows:

It is a well-known fact that the United Nations unsuccessfully carried out its mandate in the implementation of the 1991 Paris Peace Accords on Cambodia. As the matter of fact, it failed to disarm the Khmer Rouge forces. That is the reason that Cambodia could not totally enjoy peace following the UN sponsored 1993 general elections.

Thanks to the win-win policy launched by Prime Minister HUN Sen, the political and military apparatus of the Khmer Rouge was completely dismantled in 1998. Thereby, peace has prevailed nationwide.

There is nothing more precious than peace and stability for a nation that has been the victim of protracted war and the survivor of the genocidal regime of the Khmer Rouge. We must therefore be critically cautious--not reluctant--in carrying out our commitment to seek justice for our people.

The UN and Cambodian legal teams tirelessly spent some years to negotiate a draft with the objectivity of internationally accepted standard. Both legal teams had traveled a long and rough road with series of countered proposals and compromises.

Internally the National Assembly, Senate and Constitutional Council of Cambodia wrestled the draft with Cambodia's sovereignty and security in perspective, before the law on the establishment of extraordinary chambers in the courts of Cambodia for the prosecution of crimes committed during the period of Democratic Kampuchea was finally promulgated. That long and torturous process stands the seriousness and political will of the Kingdom of Cambodia.

Here are some compromises that the Kingdom offers for the success of the establishment of extraordinary chambers in its courts. The first compromise was made to overpass the differences between the notions of an international tribunal and a trial in the national courts. To get out of deadlock, we made a step forward to agree on a national trial but held in Extraordinary Chambers of the existing court structure with participation by foreign judges.

The second compromise was made to break the deadlock on which side should hold the majority among the judges. We worked our way out of it by adopting the formula Cambodian judges in the majority, and foreign judges in the minority, but the minority would be a "blocking minority", which means that the decision-making will be made by Super-majority.

The third compromise concerned the concept of co-prosecutors and co-investigating judges in order to pave the way for the negotiation process to move forward.

The fourth compromise was aimed at settling the differences between the co-prosecutors in bringing down indictment. A mechanism, known as the Pre-Trial Chamber, to resolve any differences between the co-prosecutors, and likewise between the co-investigating judges, was agreed upon.

Encouraging by all above facts I wish to confirm that the Royal Government of Cambodia has been strongly committed with perseverance to bring the former Khmer Rouge leaders to justice. To be reluctant to prosecute the leaders of the Khmer Rouge is irrelevant.

Moreover, the world can rest assured that no member of the Royal Government, including Prime Minister HUN Sen, fears of being implicated in the trial.

I look forward to seeing this letter printed in your esteemed The Nation.

Please accept, Dear Editor, the assurances of my high consideration.
