



The Student Movement for Democracy

July 31, 2020

The Honorable Michael R. Pompeo

U.S. Secretary of State
2201 C St NW,
Washington, DC 20520

Dear Secretary Pompeo,

The Student Movement for Democracy has paid close attention to your recent statement of July 13, 2020 concerning the South China Sea. You asserted:

We are making clear: Beijing's claims to offshore resources across most of the South China Sea are completely unlawful. ... We share these deep and abiding interests with our many allies and partners who have long endorsed a rules-based international order.

The Socialist Republic of Vietnam has a long history of invading the Kingdom of Cambodia and seizing its territory, including Cambodian border land, territorial sea, and islands. Cambodian and Vietnamese authorities have conspired, in violation of international law, to admit millions of illegal Vietnamese immigrants into Cambodia. While Communist China has interposed its influence as a structural foundation in Asian nations, Vietnam has aggressively spread its communism ideology throughout Cambodia and Laos. The influences from China and Vietnam threaten the stability in the region, in contrast to the stance of the United States, which promotes freedom, human rights, and democracy.

We would like to bring your attention to specific violations of international law by Vietnam for encroaching on the territory of Cambodia. Vietnam has taken over Koh Tral island (Phú Quốc in Vietnamese) and the island archipelago of Koh Krachak Ses (Tho Chu in Vietnamese) within Cambodia's territorial sea based on history, geography, and international law. Among other international laws and treaties, Vietnam has violated provisions of the 1982 UN Convention on the Law of the Sea (UNCLOS 1982), the 1991 Paris Peace Agreements, and the Association of Southeast Asian Nations (ASEAN) charter.

- **The 1982 UN Convention on the Law of the Sea (UNCLOS 1982)**

According to the UNCLOS 1982, Part 2, Section 2 and Article 3, "Every state has the rights to establish the breadth of its territorial sea up to a limit not exceeding 12 nautical miles, measured from baselines determined in accordance with this Convention."

Based on its geography, Koh Tral island (Phú Quốc) is within Cambodia's territorial sea because the grounding line from Phnom Kravanh mountain range reaches to the Koh Tral island; and the distance of the island's baseline is only 8.09935 nautical miles (equal to 15 kilometers) from the beach on Kampot province, Cambodia – which is less than 12 nautical miles as provided in UNCLOS. In contrast, the island is 24.2981 nautical miles (equal to 45 kilometers) from Hà Tiên, Kien Giang Province, Vietnam – which is more than 12 nautical miles as provided in UNCLOS.

- **The 1991 Paris Peace Accords (PPA 1991)**

The Agreement concerning the Sovereignty, Independence, Territorial Integrity and Inviolability, Neutrality and National Unity of Cambodia on Article 1 (2.d.) requires that the

signatories, “[T]erminate treaties and agreements that are incompatible with its sovereignty, independence, territorial integrity and inviolability, neutrality, and national unity.”

Treaties and Agreements in 1979, 1982, 1983, and 1985 between Vietnam and Cambodia (made when Cambodia was subject to the Vietnamese invasion) were automatically nullified by the PPA. However, the Vietnamese and Cambodian governments unlawfully used those treaties and agreements as the basis for resolving some Vietnam-Cambodia border disputes. In addition, the Supplemental Border Treaty in 2005 and 2019 adopted by the government of Cambodia also violated the PPA declarations.

The 1991 Paris Peace Agreement is an international legal obligation that requires all signatory countries to comply in good faith with all obligations undertaken and to extend full cooperation with the United Nations. The United States, Vietnam, and many ASEAN members are signatories of the 1991 Paris Peace Agreement.

- **Association of Southeast Asian Nations (ASEAN) PRINCIPLES**

ASEAN Charter Article 2 (2.) states that “ASEAN and its member states shall act in accordance with the following principles: (a) Respect for the independence, sovereignty, equality, territorial integrity and national identity of all ASEAN member states; (b) Shared commitment and collective responsibility in enhancing regional peace, security and prosperity; (c) Renunciation of aggression and of the threat or use of force or other actions in any manner inconsistent with international law”.

In the United States Mission to the United Nations at New York note dated June 17, 1987, the United States protested the Historic Waters Agreement signed by the leaders of the People’s Republic of Kampuchea (PRK) and Vietnam on July 7, 1982. The Agreement allowed Vietnam to seize Cambodia’s territorial sea, including Koh Tral island, and the island archipelago of Koh Krachak Ses (Tho Chu), and it violates UNCLOS 1982. Thailand, Singapore, and Germany also protested the Agreement.

Mr. Walter Lohman, Director, and Mrs. Olivia Enos, Senior Policy Analyst, of the Asian Studies Center at the Heritage Foundation based in Washington, DC proclaimed in their paper published on March 31, 2014 that, “What happens in Cambodia matters to the U.S. From the Vietnam War through the Cold War to its prominent, co-equal role in ASEAN, Cambodia has long been an important factor in American foreign policy.” Because the United States is a signatory to the 1991 Paris Peace Agreement, it committed itself to monitoring the state of democracy in Cambodia, especially to ensure peace, stability, and security in the region.

We therefore request, Mr. Secretary, that you reaffirm the United States’ 1987 protest against the Vietnam-Cambodian Agreement on Historic Waters 1982, and proclaim that Koh Tral and the archipelago of Koh Krachak Ses are Cambodian territorial sea.

Sincerely,



Vibol Touch
President
The Student Movement for Democracy