



**ចលនាសិស្សិកដើម្បីលទ្ធិប្រជាធិបតេយ្យ**  
**THE STUDENT MOVEMENT FOR DEMOCRACY**

Nº: 0011/20 S.M.D.

Washington, D.C., July 15<sup>th</sup>, 2020

**Nguyen Xuan Phuc**

Honorable Prime Minister of the Socialist Republic of Vietnam  
16 Le Hong Phong Street  
Ba Dinh District, Hanoi, Vietnam

**RE: Vietnam must firmly respect and comply with international law**

**Dear Prime Minister,**

**We, the Student Movement for Democracy**, pay very close attention to your statement to the Leaders of ASEAN and the partners attending the Online Opening Ceremony of the 36th ASEAN Summit on June 26. Mr. Prime Minister, you stated:

***“ASEAN observes and promotes the full and strict compliance to the Declaration of Conduct of Parties in the South China Sea (DOC), and is making every effort to establish an effective Code of Conduct (COC) in line with international law, including the 1982 United Nations Convention on the Law of the Sea (UNCLOS)”.***

Your affirmation represents Vietnam's commitments to resolve the South China Sea disputes between the countries in ASEAN with China based on the principles and mechanisms of international law. With Vietnam and Cambodia complicated border problems lasting over centuries and based on the continuing unsettled conflicts regarding the controversial matters of legal implication, we would like to remind the Prime Minister that we also demand Vietnam to abide by international law to settle both countries' border troubles.

On the spirit of promoting respects of the international law with one similar standard in solving Vietnam-Cambodia border disputes, We would like to remind the Prime Minister that Vietnam must abide by the following international law:

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

According to the UNCLOS 1982, Part 2, Section 2 and Article 3, states that *“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 as it is called in Vietnamese) is within Cambodia's territorial sea because 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.

## 2. 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 “*To terminate 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. Vietnam and many ASEAN members are signatories of the 1991 Paris Peace Agreement.

## 3. 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 members 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”.

**The Student Movement for Democracy** therefore urges you with great respect, **Mr. Nguyen Xuan Phuc**, Prime Minister of the Socialist Republic of Vietnam, to abide by and strictly implement the fullest provisions of the UNCLOS 1982, the PPA 1991, and the ASEAN charter. We also urge the Socialist Republic of Vietnam to take great and loyal care to apply the same efforts on the Vietnam-Cambodia border issues to the fullest extent as your government has been promoting the UNCLOS 1982 as the standard to settle the South China Sea conflicts between your country and related members of ASEAN with China.

Sincerely,



**Vibol Touch**

President

The Student Movement of Democracy

CC: ASEAN Secretariat, Cambodia, Singapore, Thailand, Philippines, China, Malaysia, Brunei, Indonesia, Laos, US Department of Sates