KOH TRÂL

According to a writ of Charles Régismanset "... the Vietnamese used their power to administer everything in Cambodia, everywhere they changed the names of the cities, they forced the Khmers to speak Vietnamese, to dress in Vietnamese clothing and way, to adopt the Vietnamese traditions and they also had the intention to make the Khmers changing their religion ".

As for Doctor Pannetier and Doctor in Human Sciences, Verneau, they reported by writing the misdeeds of the Vietnamese invaders knowingly abusing their cruelty to destroy the Khmer art works and civilisation. (1).

The undeniable proof is that the name of the island "Phu Quoc" is known to all foreigners. We do not know the date of this new denomination of the island because the invaders, who came, in infringement, gradually occupy the island were careful not to mention it until they succeeded to mislead the minds of people and to change the name of the island of Koh Trâl to Phu Quoc. As for the Khmers, they continue to call the island by the name of Koh Trâl because the island is a Khmer territorial patrimony.

The reign of King Ang Duong (1841 - 1859)

While the pages with fans, of Siamese nationality, charged with refreshing the king took the opportunity to dispatch his man of confidence to go immediately to invite Monseigneur Jean Claude Miche. The latter and the king were preparing together in secret in a mosquito net a message pronounced in Khmer by the king and which Monseigneur Miche wrote in French.

In November 1853, King Ang Duong secretly sent two emissaries Chauv Ponhea Penn and Chauv Ponhea Kon (of Portuguese father (Catholic) and Khmer mother) to bring to the Consul of France based in Singapore the message and gifts intended for the Emperor Napoleon III.

The royal mission ensures the Emperor of the King's will to protect the Catholic evangelists, the friendship, and the high esteem of the king towards the Emperor. As for gifts, there are 4 big Elephant tusks, 2 rhinoceros horns, 7 bags of gum drop equivalent to 300 kg in total, 50 piculs (about 300 kg) of white sugar and 40 piculs (about 240 kg) of pepper (2).

According to Charles de Montigny, this mission was a success.

Following the reception of the royal mission, the Emperor Napoleon III entrusted the charge to Mr. Charles of Montigny to initiate talks with King Ang Duong (3).

On October 17, 1856, King Ang Duong invited the Catholic priest, Father Hestrest, to initiate a second message intended for the Emperor Napoleon III. The message calls on France not to recognize the sovereignty of Annam and the transfer to Annam the territories belonging to the Khmer kingdom. Gifts such as 4 rolls of fabric pieces (woven sampot) and 4 elephant tusks accompanied the message (4).

In 1869, the French scholar and expert in geography named Malta-Brun drew up a map comprising The Kingdom of Siam, French Cochinchina and the Kingdom of Cambodia with right in the center of this geographical map, Cambodia and Koh Trâl painted a bright blue. This map was Published even before France became a great Power in the Far East, that is to say 1885 to 1945.

In 1891, Mr. Charles Meyniard again established the map of Koh Trâl and published it officially to inform the public, the great powers of regional area and recognize that Koh Trâl is beautiful and well a Khmer property.

In 1854, on the arrival in Bangkok of Charles de Montigny, the Minister of the Interior of the Siam Kingdom requested an audience with him in order to show the maritime map of the region by pointing the island of Koh Trâl located just in front of the Khmer city, Kampot, of which the Vietnamese seized (5).

The reign of King Norodom (Ang Voddey) (1860 - 1904)

Here are the writings of Catholic Abbot Bouilleveaux: "After having sacked and destroyed the Kingdom of the Champa, - there were only two provinces left, the Vietnamese began to administer Cochin. They massacred Catholic priests using barbaric methods such as decapitation, strangulation, (6).

According to the writings of M. Paulin Alexandre Vial and M. Albert Septans, both lieutenants of the French Navy the French army and the Spanish army fought together the Annamites in order to protect the Catholic faithful. The Khmer population has actively contributed by mass to repel the army of Annam out of Cochinchina. French and Spanish won the victory by recovering all the Khmer provinces of Cochin China (7) - (8).

At that time, Lieutenant of the French Navy Lespes came to meet the representative of King Norodom to restore the bonds of friendship between France and the Kingdom of Cambodia according to the Wishes of the late King Ang Duong (9).

On August 11, 1863, King Norodom signed the "protectorate" treaty with Mr. Doudart de Lagrée, Captain of first frigate, representative of the French protectorate in Cambodia (10).

In 1864, France installed on the Khmer throne king Norodom thus terminating the situation of servitude with respect to Annam and the Kingdom of Siam (11).

On March 15, 1874, France signed the friendship treaty with Vietnam to strengthen her power in the Far East. In this treaty, Vietnam asked France to intervene for the withdrawal of thousands of Chinese soldiers from Tonkin.

China did not accept the French request because China considers Vietnam to be the ("Fan" in Chinese meaning "Barrier") serving as protection for the southern border of China (12).

The war broke out between France and China until 1885. China had lost and agreed to withdraw its troops from Tonkin and to sign the treaty authorizing the Commerce between China and France in the city of Tien Tsin.

From 1885, France truly exercised her Sovereign Power in the Far East, Tonkin, Annam, Laos, Cambodia and Cochin-China, together were under the name Of French Indochina. The French power has clearly emphasized the difference in nationality of a population, according to the country within French Indo-China. The authorities of French Indochina traced boundaries by placing boundary markers and placing notes and to distinguish villages, districts, for the sole purpose of faciliting the administration of the territories and the collection of taxes and duties (13).

The reign of King Sisowath (1904 - 1927)

In 1907, France validated the treaty on the Khmer - Siamese border and the retrocession of Khmer provinces annexed by the Kingdom of Siam which are: Battambang, Sisophon and Monkol Borei under the tutelage of French Indochina. Thus, thanks to this treaty, the Khmer - Siamese land border were clearly defined and validated, as well as the maritime boundary between the two countries (14).

The reign of King Sisowath Monivong (1927-1941)

In 1932, Admiral Pierre ROBERT received on the Khmer land the Medal of Honor from the hand of King Sisowath Monivong. This medal was bequeathed in 1975 in Paris to my family to testify the friendship deep and sincere between his family and mine and also to remind the presentation of this medal in 1932 (15).

In 1939 Mr. Brevié, Governor General of Indochina, traced the line surrounding Koh Trâl in the Khmer maritime area in order to delimit simply the area of administrative and police authority.

In the same year, Japan established a friendly relationship with Germany with the aim of the control of the Asia-Pacific zone while Hitler aimed at the control of the whole of Europe (16).

The reign of King Norodom Sihanouk (1941 - 1955)

On 5 June 1945, although victorious against Germany, France was weakened by the Second World War It was from that moment that France began to lose its French Indochina.

Therefore the maritime area of Cambodia has not been affected and remains unchanged. On the other hand, Brévié surrounding line of Koh Trâl no longer exists and disappeared at the same time as the decline of the Power French in Indochina.

On this precise point following the decline of French power in Indochina, the Khmers are strongly astonished and wondered why the French MPs voted for the attachment of Cochinchina to the Central Annam (the term 'Vietnam' is used belatedly in the Geographical map), on 24 May 1949, by 351 votes in favor and 209 against.

Although Cochin-China is part of Vietnam, Koh Trôl is not part of Cochin China. General Aumeran, Deputy of Algiers of the time, protested by claiming that the attachment of the Cochinchina in Vietnam is impossible, as the State of Vietnam did not yet exist legally. This protest is really justified because it refers to this state, the Independent Republic of Vietnam, created by the Vietninh army leader, Ho Chi Minh, following the signature of surrender by Japan due to the defeat during the Second World War, September 2, 1945 against the Allies (United States of America, England, France and Nationalist China).

The creation of this State is quite contrary to the spirit of the "French Union" and resulted by the hunting of the population and the French army outside Hanoi from 19 December 1946 (17).

In that same year, 1949, France landed at Koh Trâl 35,000 soldiers of China Nationalist because Mao Tse Tung of Communist China defeated Nationalist China. The evacuation Of this Nationalist China's army at Koh Trâl means that France has not forgotten the wishes Of His Majesty King Ang Duong addressed to the Emperor Napoleon III while still recognizing the Khmer sovereignty over Koh Trâl (18).

On 9 November 1953 France recognized the independence of the Kingdom of Cambodia (19).

The era of the Sangkum Reastr Niyum 1955 –1969

In 1955, Samdech Norodom Sihanouk abdicated. He then created the party of Sangkum Reastr Niyum. In 1956, Samdech Norodom Sihanouk asked for help from France to build a Kampong Som sea port following the blockage by the Vietnamese (South Vietnam) of the river access to the cargo vessels to go up the Mekong to supply the city of Phnom Penh. King Ang Duong has seen the immediate benefits of a seaport in Kampot, 100 years before the French Construction of a port at Kampong Som in 1958 (20).

The reign of King Norodon Suramarit 1955 – 1960

In 1957, on 7 June, Samdech Norodom Sihanouk, as Prime Minister, ordered the Government to intervene to protect the island of Krachak SES.

In 1957, King Norodom Suramarit, from the Royal Palace ordered by Kret Royal the delimitation of the baseline in order to define the territorial waters of Cambodia thereby confirming Koh Trâl as the historical property of the Kingdom of Cambodia (according to Article 6 of Kret Royal No. 662-NS Of 30 December 1957 (21).

In 1958, Cambodia, represented by Mr Phlek Chhat, participated for the first time in the conference Meeting of 86 countries and 20 delegates from the various United Nations agencies. This conference dealt with "Maritime Rights" (22).

The era of Samdech Sihanouk, Head of State of Cambodia 1960 – 1970

On April 6, 1960, His Excellency Son Sann again confirmed by a note referenced 332-DGP / X from the Ministry of Foreign Affairs of Cambodia, Khmer Sovereignty on Koh Island Trâl.

In 1960, Samdech Sihanouk invited Mr. Chou En Lai and Marshal Chen Yi to visit the City of Kep and the surrounding Khmer islands.

Chou En Lai, Prime Minister of People's Republic of China, said: «the claim of Vietnam of these coastal islands is totally unfounded because they have always been the property of the Kingdom of Cambodia". In front of the city of Kep are Koh Tonsay (clearly visible from the coast), Koh Tbâl, Koh Poor, KohAngkran, Koh SES (23).

In 1963, Mr. Tan Kim Houn, Agricultural Engineer of Waters and Forests, published a book entitled "Geography of Cambodia" where he clearly cited Koh Trâl as Khmer real heritage.

In 1969, "Koh Trâl" and recorded among the 64 other Khmer islands, in the official document bearing the number 61, published by the Ministry of Industry and Mines.

The era of the Republic of Cambodia led by Marshal Lon Nol (1970 - 1975)

Due to the search for oil in the Gulf of Siam, Cambodia and South Vietnam held a meeting in Phnom Penh to discuss and limit maritime space between the two countries. Another meeting in Saigon with the head of the Khmer delegation, His Excellency Sean Pengsé, Minister of Industry.

In 1972, the government of General Lon Nol again confirmed the Cambodia's sovereignty at the baseline limiting the Khmer water boundaries and informed all oil companies that they have no right to exercise in these areas before obtaining the authorization of the Khmer government (24).

The era of the Khmer Democratic Republic (1975 - 1979)

On 17 April 1975, the United Nations formally recognized that the Democratic Republic Khmer has the right to occupy a seat in the United Nations.

The Khmer Rouge have wiped out the country's economy, mistreated and massacred the population thus weakening the country's growth. They also destroyed the governing structure of their own party creating dissensions at the level of the leaders. This was an unexpected opportunity for Vietnam to invade Cambodia, without any loss or clash and to occupy the country victoriously like the Vietnam has always wished to do, while benefiting in addition to the qualifier of savior of the Khmer race of the Khmer Rouge genocide.

In 1975, following the entry into the Khmer maritime territorial boundary, the civil container ship American 'Mayaguez' was arrested and brought to Koh Tang by the Khmer National Navy. Four Days later, the US Army came to liberate the ship on May 15, 1975 (25).

In 2001, Dennis Blair, Commander-in-Chief of the United States Administration in the Pacific Shook hands with Khmer soldiers during his visit to Koh Tang located 149 miles from Phnom Penh (26).

Mr. François Joyaux and Mr. Couteau Bégarie wrote down the failure of the Khmer Rouge soldiers launching a raid on Koh Trâl in 1975 in order to occupy it, vis-a-vis the Vietnamese soldiers better armed and much more numerous.

In June 1975, the Khmer Rouge discussed in Hanoi the situation of the islands and their maritime limitations. The Vietnamese troops agreed to leave the Khmer island of Poulo-Wai (27 - 28).

The era of the People's Republic of Kampuchea (1979-1990)

The Khmer Rouge who have always asserted themselves as the defenders of Cambodia against Vietnamese invaders are actually those who are responsible for indirectly facilitating the Vietnamese wish to conquer Cambodia as their ancestors invaded and destroyed in the past the Kingdom of Champa and later became the country's master.

In 1984, the implementation of Plan A5 "Bamboo Wall" aims to annihilate the Khmer race by killing people between the ages of 18 and 35. The survivors reported this metaphor: "On your way out you are in a car and in the urn on your way back", "meaning" on the way back you're in ashes, Urn, for your family "(29).

On January 7, 1979, the Vietnamese army dislodged the government of Kampuchea Democratic out of Phnom Penh. However, the international community continues to recognize the Government of Democratic Kampuchea under Cambodian laws with just the Transfer of the place of exercise of power from Phnom Penh to the Khmer-Thai border.

As for the Government of the People's Republic of Kampuchea, it is not recognized by the United States of America, neither by China nor by Thailand, by taxing the latter as a puppet government created by Vietnam.

On January 8, 1979, the People's Revolutionary Council of the People's Republic of Kampuchea officially proclaimed its trusteeship of Vietnam.

On 12 January 1979 the People's Republic of Kampuchea was formally constituted.

Document of His Excellency Sean Pengse: "Absolutely illegal treaty and agreement on borders"

On February 18, 1979, the People's Republic of Kampuchea signed with the Socialist Republic of Vietnam, the Treaty of Peace, Friendship and Cooperation for a period of 25 years renewable automatically each time for another 10 years. 2014 marks the first anniversary of the possibility of renewing the treaty for another 10 years until 2024.

This treaty was signed between Vietnamese Prime Minister Phan Van Dong and the President of the The People's Republic of Kampuchea, Mr. Heng Samrin, 6 weeks after the establishment of the Vietnamese army in Cambodia.

This treaty is of paramount importance because it nullifies the recognition of Khmer sovereignty by Vietnam at the Geneva Conference in 1954 and successive conferences such as the the one dealing with Indochina, on August 20, 1962, targeted by other countries such as France and that of June 6 1967 organized under the initiative of Samdech Sihanouk

This treaty allows the Vietnamese army of about 150,000 soldiers and civilians to settle in Cambodia. Vietnam has placed experts from its country in each ministry and in important offices of the Government of the People's Republic of Kampuchea.

On July 7, 1982 was signed between Mr. Ngyuen Co Thach and Mr. Hun Sen, Minister of Foreign Affairs of the People's Republic of Kampuchea, the treaty on historic river and maritime estates. This treaty stipulates the definitive cession of Koh Trâl and Koh Krachak Sès to the Vietnamese authorities.

On July 20, 1983, was signed between Mr. Ngyuen Co Thach and Mr. Hun Sen, Minister of Foreign Affairs of the People's Republic of Kampuchea, another treaty laying down the modalities for defining the boundaries between the two countries and the procedures for doing so.

On 27 December 1985, was signed between Mr. Ngyuen Co Thach and Mr. Hun Sen, Minister for of the People's Republic of Kampuchea, the treaty endorsing the Treaty of 20 July 1983 dealing with procedures to resolve the border dispute and decisions adopted on 13 July 1984 and on 8 December 1984 by the Khmer Vietnamese Joint Committee.

On 10 October 2005, the Supplementary Treaty to the Treaty defining the boundaries between the Kingdom of Cambodia and the Socialist Republic of Vietnam (30).

The tripartite coalition government

In Kuala Lumpur, Malaysia, on 22 June 1982, Samdech Norodom Sihanouk, Mr. Khieu Samphan and His Excellency Son Sann signed an agreement to form a tri-party government: "the Coalition government of Democratic Kampuchea "composed of the Head of State, Samdech Norodom Sihanouk representing FUNCINPEC, the Prime Minister and Minister for Foreign Affairs, Mr. Khieu Samphân representing the Khmer Rouge. The United Nations has recognized this Government as the official government and occupying the seat of Cambodia, a member of the United Nations.

In Pyongyang, North Korea, on 21 March 1981, Samdech Norodom Sihanouk created the Front United Kingdom National for a Cambodia Independent, Neutral, Pacific and Cooperation (Funcipec) under the Leadership of Samdech Norodom Sihanouk, Mr. Nhiek Tioulong as 1st Vice President and Mr. In Tam as the 2nd Vice President.

On May 28, 1979, the General Association of Khmer Abroad (AGKE), whose His Excellency Son Sann is President was recognized by the French authorities as Association according to the law of 1901.

On 9 October 1979, at the Sok Sann camp on the Khmer-Thai border, personalities and fighters from the different factions of the mountainous region of Phnom Bantoat, gathered to announce the creation of the National Front for the Liberation of the Khmer People (FNLPK) under the leadership of the President Son Sann.

The National Front for the Liberation of the Khmer People is a Front uniting nationalist fighters living along the Khmer-Thai border as well as those overseas, whose motto is Help, Serve and Defend the People with the following objectives:

- -Liberating Cambodia from the armed occupation of the Vietnamese invaders
- -Fighting the return of the Pol Pot genocide regime
- -Rebuild Cambodia Independent, Free, Sovereign and without Corruptions (31).

The creation of the Supreme National Council of 1990

The name of the state and political parties, as well as all treaties and agreements signed beforehand will be considered null and void (32).

The Paris Agreement of 23 October 1991

Before signing the Paris Agreement, President François Mitterrand stressed that sovereignty of a country can not be taken from the People. From now on, the Khmer people will know the fate of deciding its political foundation for the future while sparing all sorts of suffering.

The Paris International Conference on Cambodia was held under the Co-Sovereignty of France and Indonesia with its respective representative, the French Minister of Foreign Affairs, Mr. Roland Dumas and his Indonesian counterpart Mr. Ali Alatas. The four Khmer components in conflict and 18 other countries participated in the conference.

An agreement for the common political solution with a view to putting an end to this conflict between factions, has resulted in the solemn resolution so long awaited by the world. The ultimate hope Cambodia is that the country is aware of the Progress in the respect of the Human rights, the Liberty, the Democracy and Territorial Integrity (33).

The elections of 23-28 May 1993 (34)

The New Constitution of the Kingdom of Cambodia of September 1993 (35)

Koh Trâl is truly a Khmer island

Referring to historical rights, international rights dealing with outer Maritime space and also to geo-natural features it is clearly specified that any island formed naturally close to the maritime coast of a country is undeniably heritage of this country.

In the future by natural phenomena this island could be simply connected by land to the mainland, thus belonging to the Khmer province of Kampot.

In particular, Koh Trâl is located 15 km from the province of Kampot but 45 km from the region of Ha Tien Vietnamese name currently adopted. Indeed this region was formerly called Kramoun Sâr - Peam when it was under the jurisdiction of Kampuchea Krom or Conchinchine, a Khmer heritage that the Khmers have never recognized as Vietnamese land, this from 1949 until today.

Even now, the Khmers of Kampuchea Krom continue to claim to the Vietnamese this ancestral possession in order to entrust this heritage later to the descendants of the Khmer of tomorrow.

In 1958 between February and April, the United Nations Conference in Geneva treated the Maritime rights. The United Nations published an official text No. 139 of 1 April 1960 governing the rights of the Organization.

On November 1st 1968 Samdech Sihanouk signed Annex No 378/68 CE regulating the line of Khmer territorial waters.

On 12 March 1986, Samdech Norodom Sihanouk as President of the Government of Coalition of Democratic Kampuchea has severely denounced and rejected all agreements and treaties that have been signed between the People's Republic of Kampuchea and Vietnam.

On 6 December 1986, in a statement addressed to the United Nations, Singapore said that the agreements between Cambodia and Vietnam concerning the delimitation of maritime outer space transport are not in conformity with international rights because the signatories to the agreements Khmer side had to sign under the constraint of the Vietnamese invaders and on the other hand they were not the representatives of a country with legal status and neither were they representatives of the Khmer People. Only the coalition government of Democratic Kampuchea was officially recognized by the most members of the United Nations (36).

In a statement addressed to the United Nations, His Excellency Son Sann denounced and rejected the treaty on the draft border resolution signed on 27 December 1985 between the Socialist Republic of Vietnam and the Socialist Republic of Kampuchea (37).

The Paris Peace Agreement of 23 October 1991

The Constitution of the Kingdom of Cambodia of 24 September 1993

It is certain that a treaty established under the domination of a foreign authority, under a threat of a foreign armed force, under the threat of weapons because at that time the Vietnamese occupied and administered the entire Cambodia, such a treaty is a pure violation of the rights and the will of the Khmer people living in Cambodia.

If we consider the history of the world as a reference, we note that at the moment when France had all its power and by the time the Nazi army lost the war, on May 8, 1945, General De Gaulle, as Commander-in-Chief of the French Army and at the same time Chairman of the Committee National had caused the 13 articles to be notified by decree on 20 April 1943, ordering the denunciation of all treaties and laws that the State of Vichy signed or elaborated with the Nazi army by making them null and not available.

Mr. Jean Brethe de la Gressaye, Professor at the Faculty of Law at Bordeaux underlined that the legality of such denunciation cancel all agreements and treaties signed with the Nazi army. (38)

After the signing of the Paris Peace Agreement of 23 October 1991, under the Co-Presidency of France, the current Prime Minister of Cambodia has still not abolished all the treaties previously signed with the Socialist Republic of Vietnam.

On 19 July 1993, Samdech Norodom Sihanouk, President of the Supreme Council of the Kingdom of Cambodia sent a message to Prince Norodom Ranariddh and His Excellency Hun Sen during their visit to Vietnam in order for the Government of the Socialist Republic of Vietnam to well established border boundaries along the Khmer-Vietnamese land border, according to the delimitation officially recognized between 1960 and 1970. In some places the boundary markers were displaced far into the Khmer territory in the 1980s and some simply damaged.

As for the maritime territorial limit, it must not depart from the recognition signed in 1960 with the Socialist Republic of Vietnam and the South Liberation Front Vietnam. The friendship between our two countries and between our two peoples will remain true and solid through respect of the territorial boundary, both land and sea ... (39).

In 2005, His Highness Prince Sisowath Thomico raised Khmer sovereignty over the Island of Koh Trâl. On this point, Mr. Hun Sen, Prime Minister of the Kingdom of Cambodia, was threatening him to prepare a coffin and bid farewell to family members. (40)

In 2009, King Norodom Sihanouk sent the petition to Mr. Jean Marie Cambacérès, in order to recover the territory and the Khmer islands (41).

In 2015, Dr. Kem Ley, an independent researcher in Sociology and Economics, has expressed his opinion: "In matters of law, if the government has the will to claim from Vietnam the return of Koh Trâl in Cambodia, it is not too late".

The claim that Koh Trâl become a Khmer heritage can be done through discussions between the two parties or through an international official channel requesting the revision of the treaties signed in the past between Cambodia and Vietnam. In the case of Koh Trâl, if the Government does not dare formalizing the claim to recover this heritage, Government or the next generation of youth will also be able to initiate the official procedure for the return of Koh Trâl to its owner "(42).

We honor and pray the memory of Dr. Kem Ley which is always present in the minds of the Khmer people.

Champs-sur-Marne, Seminar of 8 October 2016

Author: Michel Chai Sirivuddh, Doctor of State in Public Law at the University Paris I Panthéon-Sorbonne (25 and 26 February 1975. Former assistant to Professor Perroux (Professor at the Collège de France) from 1975 to 1987.

The assessments of Professor François PERROUX

- "... I sincerely thank my young colleague Sirivuddh CHAI, a former professor in Phnom Penh, responsible for Mission to the Institute of Applied Mathematical and Economic Sciences (I.S.M.E.A., for the care he has given for thr selection and ordering of the following studies ". (The book "TRANSNATIONAL ENTERPRISES AND THE NEW ECONOMIC ORDER OF THE WORLD", François PERROUX, Center Growth of the Young Nations, Director of Publication, Professor Gilbert BLARDONE, Lyon 1979.)
- "... With regard to all my recent work and this book in particular, Sincere thanks to Michel CHAI, Doctor of Economics, in charge of Mission, who gave me Invaluable services for documentation, the ordering of studies and the making of tables ... « (The book «Dialogue of monopolies and nations" balance "or dynamics of active units?"), François PERROUX, PUG, 1982.

In charge of the missions to the UN (session from 1984 to 1989) with His Excellency Son Sann, Prime Minister of the Government Coalition of Democratic Kampuchea.