

Cambodia New Vision

Monthly Bulletin, Issue 21

September, 1999

Statement of Samdech Prime minister Hun Sen AT THE United Nations
General Assembly on September 20, 1999

AIDE memoire for the UN Secretary General H.E. Kofi annan



(AP Photo/Stuart Ramson)

**Mr. President
Mr. Secretary-General
Distinguished Delegates**

It is an honor for me to address this august assembly. I bring to you all greetings and good wishes from His Majesty Norodom Sihanouk, King of Cambodia, and the people and the Royal Government of Cambodia. I would like to inform you of the recent strides Cambodia has made and how it stands ready to fulfill its role in the comity of nations. I wish also to share with you some humble thoughts on global events of the past and responsibilities for the future.

First of all, on behalf of the delegation of the Kingdom of Cambodia and on my own, I would like to extend heartfelt congratulations to H. E. Dr. Theo-Ben Gurirab on his

election as the President of the 54th session of the UN General Assembly. We wish him success in his important work and pledge him full support and cooperation.

Allow me to express also, my sincere thanks and admiration to H.E. Mr. Didier Operti, President of the 53rd session of the UN General Assembly, for his kind leadership and guidance. I wish also to take this opportunity, on behalf of the Royal Government and the people of Cambodia, to warmly welcome the Republic of Kiribati, the Republic of Nauru and the Kingdom of Tonga into the United Nations. Just in the past year, Cambodia has finally turned a corner of history, putting firmly behind the darkness of its re-

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New York, 16 September 1999

I - Special Representative of the UN Secretary General and the UN Center for Human Rights to Cambodia

1) Special Representative of the UN Secretary General

- The Special Representative of the UN Secretary General played an active role since 1993, and after UNTAC operation up to the general elections and the establishment of the Coalition Government in late 1998.
- With the normalcy and positive development now achieved by Cambodia, it is necessary that relationship between the UN and Cambodia be reviewed within which the Permanent Representative of Cambodia to the UN takes the responsibility for all Cambodian affairs with the UN, and thus, there is no more need for the presence of Special Representative of the UN Secretary General in Cambodia.

2 UN Center for Human Rights to Cambodia

The term of this Center is due to complete by March 2000, and now the request is submitted for another 2-year extension.

- With the end of the presence of *(Continued on page 5)*

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cent past history and emerging into a new dawn of its future.

Cambodia is now a fully integrated country, without rebels or separatists and without internal strife or conflict for the first time in many decades. The black chapter of strife, violence, turbulence and turmoil is finally closed. We held open and free general elections on our own last year, assisted and witnessed closely by the international community which pronounced it fully free and fair.

After considerable discussions among the main elected parties and on a common platform to serve the cause of the country and its people, a new coalition government is in place. The last remnants of the genocidal Khmer Rouge have either surrendered or been captured and are in custody pending their trial for their crimes of genocide.

We are firmly resolved to do whatever is needed to provide an open trial of those responsible for genocidal crimes in the country in the past. In holding this trial, we will carefully balance, on the one hand, the need for providing justice to our people who were victims of this genocidal regime, and to finally put behind us the dark chapter of our national history with, on the other hand, the paramount need for continued national reconciliation and the safeguard of the hard gained peace as well as national independence and sovereignty, which we value the most.

Peace, so elusive in the past many decades, now finally prevails all over the country. Cambodia has joined the important regional group, ASEAN, and is determined to play its responsible role in the regional and international affairs.

Cambodia and its people are committed to pluralist democracy and to

upholding and protecting human dignity and human rights. In all our efforts, we will be guided and dictated by pursuit of the "rule of law" which provides equality to all and which ensures procedures and practices common to all and justiciable through competent and impartial judiciary system with built in courses for appeals and their disposals.

On the economic front, we have pursued and will continue with "market-oriented" policies with safety nets for the vulnerable sections till they are able to compete equally well with others. Our main and foremost goal is poverty alleviation. Our economic policies and practices, with generous external assistance for which we are grateful, have resulted in steady growth in the past few years. Even during the period of the financial melt-down in the region two years ago, Cambodian economy maintained a fairly even keel. Moreover, with strong political will the Royal Government is implementing its policy platform and reform programs with a view to establishing a viable foundation for long-term economic growth and sustainable development.

The key areas of the reform programs include military and police demobilization, public sector reform aimed at strengthening democracy, improving and increasing the efficiency of the public services, enhancing the rule of law and the respect for human rights; as well as economic reform, focusing on maintaining macroeconomic stability, strengthening the banking and financial institutions, fiscal reform measures, ensuring a sound management of public property and increasing public investment in the area of physical and social infrastructure and human resource development.

So now, as the century ends, we can say with confidence that we are firmly back on the rails as one unified nation, unified in our desire not

to be drawn into divisive actions of the past but to play our part in the comity of nations for a better future for all mankind. We look to the future with great optimism, borne out of our own achievements through political reconciliation, compromises and adjustments placing the people's longer-term interests above narrow and short-term individual party gains, and out of our sound economic and social policies.

We are determined and are confident that Cambodia will march ahead into the next century and millennium with renewed confidence and vigor and to contribute to human progress.

Mr. President, Distinguished Delegates,

This is an historic session, which gives us all an opportunity, indeed compels us, to reflect on the past and to plan our planet's future together. If we look at a wider canvas, humanity has witnessed unimaginable, enormous and immeasurable changes and progress in the last millennium. Progress in science and technology have helped us conquer deadly diseases and to extend and enhance human life and condition.

We have vastly increased our understanding of our planet and our universe. We have shortened distances and improved communications to make our earth a truly global village.

Much of our technological progress and many notable achievements have indeed occurred in the last mere hundred years. And the more we advance the more possibilities arise for achievement. Yet, our achievements also mask many continuing failings and seem to expose more future dangers. On a planet level, we have vastly denuded our

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natural resources, mining and using non-renewable resources at a rapid rate, destroying our forests, depleting our oceans, polluting essentials for our very survival like air and water and making extinct rare species, both fauna and flora, value of whose contributions to balance and harmony in nature we are yet to understand.

We have acquired weapons of awesome power to destroy all that we have accomplished and built. Technological revolution that we witnessed in the last century has gone so far for our human moral to catch up with. We have spent so much of our efforts and resources, both in term of intellectual, physical and financial, in order to achieve this tremendous progress in science and technology, but yet we still have to be sure that these accomplishments can be harnessed and will serve only to increase the well-being of humankind instead of destroying it.

The greatest concern of the forthcoming century is that the revolution in science and technology achieved during the now ending century has paid much attention to the production of all kind of weapons for mass destruction.

As a result, the world has cumulated countless number of arms factories and a huge stock of modern weapons in many countries in the world. Meanwhile, the modernization of armed forces, the true nature of which is arms competition, is still going on in full force in parallel with many conflicts that are spreading out all over the world.

Where would this kind of situation takes us to? The century that ends has witnessed two great wars unleashed by intolerance and bigotry causing more divisions in their wake. Until now, more and more lives are lost, social tensions and hatred abound, caused by religious and

other differences.

What happened has led the world to the complete disorder where the rich and the mighty impose their agenda on the poor and force the weak to follow them.

We must also pay our attention to the scientific and technological research which has been conducted without moral responsibility that turns our world into the world of drug production where most of the discoveries were made by the developed countries, but produced a destructive impact on poor developing countries. The world is facing with many vital challenges such as organized crimes, drug and human trafficking and etc., that question the future of our next generation.

In addition to this, the gaps between the rich and the poor, the mighty and the meek, and the haves and the have-nots have widened. We have lost the art of sharing and caring. Our numbers have multiplied manifold with frontiers of science yet to find ways to feed the future billions and stretching the sustenance capacity of mother earth.

The aging of our people will pose immense challenges on future generations where fewer productive people have to cater to the needs of larger numbers of dependents, young and old alike.

There are half a billion people in abject poverty even as a few live in conspicuous comfort. The poor, vulnerable and oppressed suffer everywhere through exploitation and neglect. In our rapid progress and the daily lurch towards more achievements and solving of temporary problems as they arise, we seem not to pay attention to the longer-term future.

The dawn of the next millennium forces us to pause and think. In the past, human destiny has been guided

by far-seeing messiahs and visionaries from time to time. We cannot afford now to wait for another messiah to appear.

All our religions teach us that there is a messiah deep down in each one of us. Let us search for answers deep inside each of us. Let not the arrogance of our justified achievements lull us into inaction for the future.

The world leaders have a rare and grave responsibility to do this soul-searching. It is given to those few of us to undertake this task of charting the future as the next millennium dawns.

We have to set aside our daily chores and power games and devote our attention to the problems of the long-term future. A few hours or days of reflection in 2000 will determine the destiny of the next thousand years and more for humanity and mother earth.

Let us for sometime forget all our differences, imagine no national boundaries or no religious, race or regional differences exist and devote our attention to the most important essentials we have to address in the next four to five years to set our planet on the correct course for the future. We do not need long drawn out, big academic conferences of every hue and on every subject to do this.

We do not need volumes of position papers. We need only to trust our collective knowledge, lessons of the past which are immense, and our innate basic good instincts. In this spirit, I would like to express Cambodia's strong support to the Millennium Summit of leaders of all countries in 2000, where without having to watch our sound-bites, or posturing for the cameras, or pleasing domestic audiences, we can talk of our

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planet and humanity and what needs to be done.

The overarching need is to ensure what the Cambodian Buddhist concept of Dharma or its equivalent in every religion and what the past messiahs enjoined on us. It, in essence, is to lead a balanced and tolerant life, in adjustment and harmony with oneself, with one's neighbors, with other beings, with nature and with the cosmos. Maybe, we have to visualize and start new institutions and agendas or significantly reshape and redirect existing ones to guide us in the beginning of the next millennium.

We also have to set short-to-medium term agendas of a more mundane nature. Of top most priority is the need to eradicate poverty, a continuing scourge and stigma on humanity.

We should devise steps to achieve this in the first ten years of the next century. With sharing from the rich to the poor, internationally and within countries, this is not an impossible task. Already the G-8 nations have agreed to forego past debts of poorer nations. This trend needs to continue and future assistance should largely be through well-monitored grants than loans. Second, would be preserve and enhance our environment and ecology.

We have already seen how some areas try to dispose of their contaminated wastes in other places. The need is to stop generation of waste or contain their levels at the source. We have to undergo a slowing of or sacrifices in current consumption in some cases but this takes vision and determination.

Last but not least, we need to re-evaluate the roles of common institutions and focus on their positives. The United Nations has served us well in the last over half a century.

It has done commendable work beyond its original mandate and has adapted to changing needs. It has been a platform for defining common goals. But we need to show more devoted determination to shed it of functions, committees and fora which have lost relevance or usefulness.

Within the United Nations, much has been accomplished under the bold and visionary leadership of the Secretary-General, H.E. Kofi Annan, and we all pay tributes to his wisdom and managerial abilities. Yet, some challenges remain including further efforts to curtail the burgeoning budget levels.

Cambodia supports the need for reforming the United Nations. The United Nations and its specialized organs need to become more unified at the country level under the mechanism of the UN Resident Coordinator, in other words, a single UN presence in each country with specialized organs serving under one leadership much like an Ambassador providing an overall umbrella for all activities of his country in the host country.

With this reform, our world body will be required to improve the criteria to recruit staff and personalities for posting in various UN agencies, especially for posting in member countries. Otherwise, they will consider themselves almighty Gods without any virtue and are ready to violate the sovereignty of a member country, which has paid considerable membership due to pay for their high salaries.

In this regard, Cambodia has had some experiences in the history of its cooperation with some of the UN officers.

The Kingdom of Cambodia deems it is necessary, on the other hand, to abide strictly by the United Nations Charter and to reinforce the role of

the Security Council in process of maintaining peace in the world; and appeal to the international community to make further contribution to the UNDP so that it can continue to provide development aid to the least developed countries.

We also think that punishing poor people of the least developing countries by imposing sanctions and economic blockade to achieve one's political agenda goes against the principle of humanity, respect of human rights and the rights to self-determination of the people living in the affected country. Therefore, Cambodia fully support the demand of many countries to remove immediately economic blockade imposed on Cuba.

Cambodia fully welcomes the decision of the Government of Indonesia to accept the multi-national peace keeping forces of the United Nations so as to restore and strengthen order and stability in East Timor.

We cherish strong hope that the multi-national peace keeping forces of the United Nations will effectively cooperate with the Indonesian Government to, quickly and successfully, set up peaceful situation for the people of East Timor.

In closing, Mr. President, let me once again appeal to the world leaders to use the opportunity of the dawn of the new millennium to carefully evaluate our achievements and their costs, the future perils that confront us and consider important steps to establish a world's new order that will take this planet safely through the next thousand years.

The lessons of the past should steer us towards ensuring lasting legacies for generations yet to be born. Cambodia stands ready to join in this global effort.

I thank you all for your kind attention./.

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the Special Representative of the UN Secretary General, we welcome the extension of the UN Center for Human Rights term for another 2 more years (from March 2000 to March 2002).

- With its extension for two more years, the UN Center for Human Rights should improve its activities, both in term of forms and substance, aimed at helping Cambodia in various important fields such as providing technical assistance to strengthen legal infrastructure, improving education on the rule of law and respect of human rights, building up capacity of human right institutions for legislative and executive branches and NGOs, assisting in establishment of the Supreme National Center for Human Rights, and contributing to the reform of the judiciary system. This is the way that assistance should be rendered to Cambodia, and we feel it is very important for the sustainability of democratic process and respect of human rights in Cambodia.
- The two parties are to arrange for a detailed agreement to be implemented.

II - The tribunal for Khmer Rouge leaders

- Successive aide memoire and statements of Cambodia have displayed the complicated nature of the KR problem which requires appropriate solutions so that justice is done for the Cambodian people and the leaders of genocide who had been neglected for more than twenty years are condemned and at the same time the newly reclaimed and fragile peace and national reconciliation preserved. The complexity of the KR issue is a package of problems which involved many people and countries including the UN, who secured the seat for the KR during

their practice of genocide, from 1975 to 1979 and up to 1982, and from 1982 to 1993 as a fraction of the tri-partite coalition government and the Supreme National Council of Cambodia; and even as a legal faction in the Paris Agreement.

- Independence and sovereignty of Cambodia must be taken into consideration along with justice, peace and national reconciliation.
- With reference to the above mentioned and the fact that the two leaders of genocide are detained under the warrant of existing court in conformity with the law in force including the amended law for pre-trial detention period, recently adopted by the legislative bodies of Cambodia, and based on its national sovereignty, Cambodia has decided that the prosecution of the KR leaders be carried out by the existing tribunal of Cambodia with the assistance from international community on legal aspect and with the participation from the part of foreign judges and prosecutors in the proceeding at all three levels of Cambodian tribunal.
- The international assistance could be from His Excellency the Secretary General of the United Nations and from the Governments of UN member states in the form of bilateral assistance requested by Cambodia.
- It is worth stressing that **we do not request to submit this issue for discussion either in the UNSC or UNGA. We also do not request for the establishment of a mixed tribunal nor any special court, but just take into consideration the possibility of allowing foreign judges and prosecutors to participate in the existing national court of Cambodia to prosecute the KR leaders for their crimes of genocide and crimes against humanity.**

- The assistance we requested from the international community is the one which is applicable within the framework of Cambodia's constitution and laws; and a draft of an additional law which clear the way for participation of foreign judges and prosecutors must also be in line with constitution and existing laws of Cambodia. Any additional law, which is not in line with the constitution and existing laws of Cambodia would not enjoy the support from the national legislative bodies. As such, it would be a step backward in our efforts toward prosecution of the KR leaders, which we would like to see the soonest possible.
- With regard to the assistance from the UN legal experts, we are grateful to them for their comments on our draft of an additional law, and for the provision of their draft law, certain parts of which will be incorporated into the new draft prepared by Cambodia.
- Although some progress has been made during many constructive talks, especially the general agreement on the need to bring the KR leaders, who are responsible for vast destruction and mass killing, to trial, we have to acknowledge that there are still differences on mechanism for judiciary proceeding. For Cambodia, in line with its national sovereignty, the proceeding has to be carried out by the existing Cambodian court of law, and an additional law will need to be promulgated in order to accommodate foreign judges and prosecutors to participate in the court hearing. **On the part of UN legal experts, their intention is to set up a special tribunal to carry out a special law in the Kingdom of Cambodia, which is, in fact, outside the frame-**

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work of the Cambodian Constitution and existing laws. This case could not be applicable. To ensure that the trial of KR leaders would proceed in accordance with the Cambodian constitution and existing judiciary system, we would request His Excellency the Secretary General to consider the following three options for the participation or non-participation of the UN:

- a) To participate by providing UN legal experts to work with Cambodian lawyers and those from other countries to draft an additional law, and by assigning judges and prosecutors to participate in the legal hearing **under the existing Cambodian tribunal;**
- b) To participate by just providing legal experts, but not involve in the legal hearing which means that there will be no presence of foreign judges and prosecutors or any other officials in the legal proceeding; and
- c) To cease the involvement of the UN in the proceeding for the trial of KR leaders whereby Cambodia would proceed according to her wish, national and international laws, and in conformity with her sovereignty and the general principle of universal justice.

- Based on the nature of the issue and the fact that has been and are happening, the UN may wish to or decide not to involve in this matter. There is no obligation for its involvement. **But for Cambodia, whether with or without foreign assistance, there is no objective or subjective reasons to prevent her from prosecuting the KR leaders so as to provide justice to the Cambodian people and to punish those responsible for the crimes of geno-**

cide, crimes against humanity and war crimes.

- Article 6 of the Convention on the Prevention and Condemn of the Crimes of Genocide provided that:

"Persons Charged with genocide or any of the other acts enumerated in article III shall be tried by a competent tribunal of the state in the territory of which the act was committed."

- The principles of international cooperation in the Detection, Arrest, Extradition and Punishment of Persons Guilty of War Crimes and Crimes Against Humanity, stipulated in the UNGA resolution 3074 (XXVIII) on December 3, 1973, point 2, that:

"Every state has the right to try its own nationals for war crimes against humanity."

Point 5 of the same document provided that:

"Persons against whom there is evidence that they have committed war crimes and crimes against humanity shall be subject to trial and, if found guilty, to punishment, as a general rule in the countries in which they committed those crimes..."

- With reference to the above mentioned, the Kingdom of Cambodia is fully entitled to prosecute the KR leaders **since the offenders are Cambodians, the victims are Cambodians and the places where crimes were committed are in Cambodia. Further more, the offenders are under detention by the existing Cambodian court of law which is carrying out investigation for the prosecution of those people and others to be charged by the said court.**

Cambodia would avail itself of this opportunity not only to ensure that

justice is done for the Cambodian people, but also to put an end to the culture of impunity, which has been neglected for more than twenty years. It is a chance for Cambodia to convince the world of her firm commitment to the state ruled by law, and to be a master of all her affairs with full responsibility for justice, peace and national reconciliation.

We believe that His Excellency the Secretary General and the international community will assist us to create favorable conditions for the trial that would allow Cambodia to preserve its national sovereignty in accordance with national and international laws. **Cambodia should not be deprived from her inevitable rights to decide upon all vital matters of her own.**

We also believe that His Excellency the Secretary General and the international community would not object this process, which has been appreciated by both national and international public opinions that Cambodia should be able to exercise her own rights, with or without assistance from the international experts, to secure justice for her people, while preserving stability, peace and security in the country, as well as ensuring that her national sovereignty is respected.

In closing, I would like to stress that **the Royal Government of Cambodia can not afford to giving away national sovereignty and accept anything that would give wrong impression to Cambodia's capability to carrying out her own affairs.** As it has been evidenced, Cambodia is capable to undertake this historical task since, on the one hand, we have real political will to fulfill these obligations, and, on the other hand, we have achieved a strong national unity which forms a solid base for this important work./.