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Studie

Vietnam's Quest for Influence and Its Implications for the Management of Border Disputes with Laos and Cambodia

Vu Le Thai Hoang

Abstract

Through providing a historical overview of border disputes between Vietnam and neighbouring Laos and Cambodia in Indochina, the article aims to evaluate the success gained by Vietnam in its efforts to secure the western and southwestern land border and thus maintain a peaceful external environment for the domestic reform. Since the Cambodian endgame, Vietnam has sought to improve political relations with all neighbours (including China) and, on that basis, consistently applied fundamental principles of international law while adopting the region's common practice in order to resolve border issues. In return, the Communist leadership in Laos and the Hun Sen regime in Cambodia have been eager to sustain the Cold War border treaty system with Vietnam in order to stabilize the border, address cross-border non-traditional security issues, and ensure Vietnam's assistance for economic development and regime security. In addition, Vietnam's border disputes with Cambodia prove harder to deal with because the latter's domestic power struggle has turned the issue into a political card played by opposition parties in their election campaigns. (Manuscript received October 1, 2006; accepted for publication December 1, 2006)

Keywords: New Influence, Border Management, Border Disputes, Cambodia, Laos, Vietnam

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Studie

Vietnams Suche nach Einfluss in Südostasien und die Folgen für die Grenzstreitigkeiten mit Laos und Kambodscha

Vu Le Thai Hoang

Abstract

Der Artikel untersucht die Grenzfragen in Festlandsüdostasien aus der Perspektive Vietnams, das versucht, die westliche und südwestliche Grenze nach Kambodscha und Laos zu sichern, um dadurch Freiräume für innenpolitische Reformen zu erhalten. Vietnam versucht die Beziehungen mit seinen Nachbarn zu verbessern. Die Nachbarstaaten verfolgen hierbei das Interesse, die Grenzen des Kalten Krieges aufrecht zu erhalten, um nichttraditionelle Sicherheitsbeziehungen lösen zu können und Vietnams Hilfe für den wirtschaftlichen Aufbau und den Regimeerhalt sichern zu können. Außerdem sind die Grenzstreitigkeiten mit Kambodscha schwieriger zu lösen, da die innenpolitischen Machtkämpfe in Kambodscha dazu führen, dass die Grenzfrage bei Wahlkämpfen politisiert wird. (Manuskript eingereicht am 01.10.2006; zur Veröffentlichung angenommen am 01.12.2006)

Keywords: Vietnam, Außenpolitik, Grenzfragen, Sicherheit

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Introduction

Since the 1991 Paris Agreement, Vietnam's proactive role in bilateral negotiations over border issues with Laos and Cambodia and its assistance to the latter in demarcating and patrolling the borders as well as addressing cross-border non-traditional security problems have reflected the strong political determination of Vietnam as a subregional power to stabilize its frontiers with all neighbours and, in a departure from the coercive approach, project its new influence in Indochina. By doing so, from the Vietnamese perspective, the traditional fears of possible "pincer" attacks from the northern and southwestern borders in Vietnamese leaders' strategic thinking can be allayed and border conflicts such as those with the Democratic of Kampuchea (DK) and China in the late 1970s won't recur. Since the Cambodian endgame, Vietnam has consistently pursued the policy of peaceful settlement of border disputes and respect for others' sovereignty and territorial integrity which remain highly sensitive for most of regional countries that had fought hard for their independence from colonial powers until 1954. Furthermore, this approach helps facilitate bilateral cooperation as well as measures taken by (sub-)regional regimes in addressing emerging but urgent non-traditional security issues, such as cross-border smuggling, drug or human trafficking, or management of the Mekong Basin. Finally, Vietnam's successful practices of negotiating, concluding, and enforcing land border agreements with Laos in 1977, with China in 1999, and with Cambodia in 2005, vindicate the ASEAN norms on settling border disputes among independent neighbouring countries. Vietnam's approach in this regard is in accordance with its neighbours' position and thus enhances the country's credibility and providing more recognition of its power in Southeast Asia.

This article provides an insight into the historical background of border demarcation and settlement of disputes between Vietnam and its Indochinese neighbours since these countries gained independence from France in the first half of 1950s. Vietnam has been most successful in negotiating towards land border deals with Laos and Cambodia (and China) and aims to finish delineating the borders with all of the neighbours in the first decade of the 21st century. Firstly, the article argues that Vietnam's attempts to complete the system of border legal documents and boost cross-border cooperation are based on peaceful negotiation, mutual concession and benefit, and non-use of coercion. The 2004 White Paper on National Defense of Vietnam said,

in regard to the disputes on the claim to territorial sovereignty on land and in the sea bequeathed by history or newly emerged, Vietnam is always ready to enter into peaceful negotiations to find reasonable and sensible solutions.

Secondly, its sound political relations with the ruling parties in Laos and Cambodia have been a precondition for smooth negotiation and rapid conclusion of any border agreements, but not the other way round.¹ Yet in the view of Vietnamese leaders, bringing long-term stability to Vietnam's clearly demarcated frontiers with the neighbours will remove sources of possible disputes and thus thwart any plots of opposition forces within and without the subregion to drive a wedge among the Indochinese countries. The main reason behind the slow pace of negotiation between Vietnam and Cambodia is the former's lack of "carrots" to assuage fears and induce opponents in the latter (whereas China is in a much better position), thereby weakening its ability to forge good political and personal ties with all factions in Cambodia. Thirdly, consistent adherence to the principle of *uti possidetis*² in international law with due consideration of historical agreements and maps under the French colonial rule³ and restraint from changing status quo (as evidenced in Conference of Security and Cooperation in Europe's (CSCE) 1975 Helsinki Final Act) in the negotiation process have helped

¹ At the height of its Cold War leadership, Vietnam was able to get signed two land border delimitation agreements with the Laos People's Democratic Republic (LPDR) (on 18 July 1977) and the People's Republic of Kampuchea (PRK) (on 27 December 1985), respectively. In the wake of the bilateral normalization, Vietnam and China concluded a land border agreement on 30 December 1999. Vietnam's renewed determination to regain its dented influence in Cambodia and the exchange of top-ranking visits between the two countries in 2005 resulted in the 10 October 2005 supplementary land border agreement in order to renew legitimacy of the 1985 agreement.

² The 2002 *Oxford Dictionary of Law* defines *uti possidetis* (Latin for "as you possess") as "a principle usually applied in international law to the delineation of borders. When a colony gains independence, the colonial boundaries are accepted as the boundaries of the newly independent state. This practise, first adopted for the sake of expediency by the Spanish American colonies when they declared independence, has since been employed elsewhere in the world following the withdrawal of empire." (Martin, Elizabeth A. (ed.) (2002), *A Dictionary of Law*, 5th edition, Oxford: Oxford University Press, p.521).

³ Milton Osborne, however, argues that the century-old strategic concern of Vietnamese rulers rather than the French protectorate authority was instrumental in delineating Vietnam's borders in the early 1900s (Osborne, Milton (2004), *Southeast Asia: An Introductory History*, Allen & Unwin, p.79).

the Indochinese countries (and China and Thailand) negotiate and reach mutually acceptable compromises on their border disagreements. All border agreements among these neighbouring countries are grounded upon their interpretation of French-initiated legal documents, such as the 1934 French Bonne maps, the 1895 Franco-Qin Convention, and the 1904 and 1907 Franco-Siamese pacts. And lastly, certain similarities are observed between Vietnam's subregional policy and the Policy of Good Neighborliness of China – an upper-level power – in their pursuit of economic and security interests. Three pillars can be identified in China's approach: 1) ensure the stability of its borders with all neighbours; 2) promote defence cooperation; and 3) gain strategic access to and through these countries.⁴

1 The Vietnam-Laos Border – A Dispute Management Model

It should be noted that all major border disputes and differences between Vietnam and Laos had been successfully addressed before the end of the Cold War, leaving the border as one of the few peaceful areas in Asia. Reviewing the dispute management process would highlight Vietnam's approach to border issues and the importance of political relations in this regard with its Indochinese neighbours and China since the early 1990s.

1.1 Favourable Historical Background

In 1893, the contemporary Laos was formed and added into French Indochina, which came into being in October 1887 (in the wake of the 1884-1885 Franco-Chinese War) and comprised Cochin China (directly-ruled colony in Vietnam), Tonkin, Annam (protectorates in Vietnam), Laos, and Cambodia (protectorates). In order to facilitate the administrative management of its colonies, in 1908, the French authority began to delineate the borders among the territories in Indochina in general and between Vietnam and Laos in particular. By 1934, however, the French could just finish delineating the 2,095 km long borders between Laos and Vietnam's Annam and Tonkin, respectively, on the Bonne map on the scale of 1 to 100,000 published by France's Service Geographique de l'Indochine (SGI).⁵ This border naturally became the national border between Vietnam and Laos when the two countries gained independence from France

⁴ Muni, S.D. (2002), *China's strategic engagement with the new ASEAN*, IDSS Monograph No.2, Singapore: IDSS, pp.63-4.

in 1945 and in fact was practically recognized by border localities and people for decades. All negotiations in the 1950s between the Democratic Republic of Vietnam (DRV) and the Kingdom of Laos failed. In 1973, the DRV and the Patriotic Lao Front (PLF) restarted talks on border disputes but soon afterwards, in July 1974, Vietnam suggested the two countries shelve this issue in order to tighten the alliance between the two revolutionary forces and concentrate resources in fighting the US as the common enemy and the US-installed regime in Saigon. Besides its preoccupation about reunifying the country, the Vietnamese Politburo anticipated the intricacy of the border issue (even with the brotherly Laos) and feared any open differences on the negotiation table could distract both sides' attention to the war or could be exploited as the dividing tool by the enemy.

Given the continuity of the Indochinese solidarity between Laos and Vietnam, the negotiation process was restarted right after Vietnam's reunification in April 1975. The *de facto* Vietnam-Laos border, though having been delineated as the administrative frontier within the French Indochina, was not the *de jure* border between the two sovereign and independent countries. Two outstanding obstacles stood out against hitherto negotiation efforts. First, the two countries had groped for (rather than disagreed upon) basic principles for negotiation but ended up in failure. In the absence of such an important basis, both sides had sought in vain to determine where the customary or traditional border was. This proved impossible due to the second obstacle. The French left the border delineation within Indochina unfinished and could not effectively control cross-border migration. Furthermore, the alliance between the two revolutionary forces in the independence war against the French and the Americans allowed the North Vietnamese troops to station on the Laotian soil and the Laotian border people to seek asylum in Vietnam. Hence constant changes to and misperception of the border are between Vietnam and Laos. According to an experienced negotiator from Vietnam's Foreign Ministry's (MOFA) Committee on Border Affairs, Vietnam Communist Party's (VCP) Politburo, with a view to "strengthening the special solidarity and friendship" with Laos, proposed to set aside disagreements on the customary/traditional border and adopt the status quo approach on the basis of the original French maps.⁶

⁵ Gay, Bernard (1995), *La nouvelle frontière lao-vietnamienne - Les accords de 1977-1990*, Paris: L'harmattan, Paris.

On 10 February 1976, at the annual meeting of the two Politburos in Hanoi, Vietnam and Laos signed an agreement on redemarcating the border and accepting it as the main basis for negotiation the border on the French Bonne map (scale 1:100,000) published by the SGI in 1945 when the two countries declared independence and the 48 pieces of detailed map delineating the border from Vietnam's Lai Chau to Gia Lai, Kon Tum Province, and from Laos' Phong Saly to Attopeu.⁷ Alternative SGI maps (scale 1:100,000) published not long before or after 1945 would also be used to demarcate where there was no delineation on the French 1945 map. By doing so, the two countries chose to apply the negotiation principle of stability of borders – the key principle of *uti possidetis* in international law widely adopted by developing countries to deal with border disputes in the wake of decolonization after 1945. Importantly, Vietnam agreed to return to Laos those areas it “borrowed” for military bases and respected choice of nationality and living place of border people.

Four rounds of bilateral negotiations were held in both Hanoi and Vientiane from 1 March to 11 December 1976 and successfully wrapped up within a surprisingly short span of time (ninety days within more than nine months). With the shared vision of rapidly settling or shelving disputes for the sake of a formal alliance built upon the close wartime coordination and personal contacts, Laos showed full support for the approach to remaining border disputes proposed by Vietnam and the two countries could smoothly make mutual compromises and finish negotiating on the entire 2,067 km long border, 1,734 km of which were kept in accordance with the Bonne maps whereas the remaining 333 km was changed from the original maps. The only difference left unresolved was about delineating national boundaries along rivers and streams separating the two countries. Vietnam suggested applying the universal Thalweg principle⁸ in

⁶ Dang, Quoc Tuan (2002), *Vietnam and Laos have resolved border issues in the spirit of exemplary fraternity*, Workshop on the 25th Anniversary of the Vietnam-Laos Cooperation and Friendship Treaty and the 40th Anniversary of the Diplomatic relations, Hanoi: Vietnam Academy of Social Sciences, p.6 (Vietnamese: *Viet Nam va Lao giai quyet van de bien gioi tren tinh than anh em va mau muc*).

⁷ These 48 pieces of map were drawn by the SGI from 1905 to 1954, but only 25 of these were completed and published (Nguyen, Van Huy, *Negotiations on border issues between Vietnam and Laos*. Online: <http://www.thongluan.org/vn/modules.php?name=News&file=article&sid=885> (accessed 24th July 2006) (Vietnamese: *Nhung thuong luong ve bien gioi giua Vietnam va Lao*)).

⁸ As defined in the 2002 *Oxford Dictionary of Law*, Thalweg (German for “downway”) is “the

modern international law with a view to facilitating the use of water resource by local population. Laos reserved its final decision on this proposal. However, on 21 June 1984, Laos expressed its change of position and agreed with Vietnam about the Thalweg principle, but both sides could not arrange another negotiation round on this matter until 1986.⁹ From January to March 1977, the two committees on border demarcation continued their meeting in Vientiane in order to draft a border agreement between Vietnam and Laos. On 18 July 1977, in Vientiane, Laos' Deputy Prime Minister Phoun Sipaseuth and his Vietnamese counterpart Pham Hung signed the land border treaty, which came into force on 31 October 1977.

The February 1976 deal and the July 1977 Treaty boded well for a formal alliance between independent Vietnam and Laos and marked the beginning of Vietnam's attempt to exercise its leadership in the traditional security buffer zone in Indochina after 1975. In the joint statement issued after the signing ceremony, both sides extolled the 1977 Treaty as "a fine example of smoothly integrating national interests into legitimate nationalism and pure proletariat internationalism, and a symbol of the friendship and neighborliness policy" pursued by the two countries. Vietnam and Laos did not officially refer to any border dispute between them and differences on the areas of overlapping claims identified in the demarcation process were resolved through negotiation and flexible compromises.¹⁰ Mindful of building a strong Communist alliance in

rule for determining the boundary line between two states that are separated by a navigable river containing a newly formed island. According to this rule, the boundary line moves with the center of the navigable channel, i.e. it is delineated as being the centre of the course with the strongest current, so that the newly formed island must lie on one side of it or the other. On non-navigable rivers, however, the middle line of the river will mark the boundary between the two states between which it flows. Thus, a newly formed island might well fall partly on one side of the boundary line and partly on the other." (Martin, Elizabeth A. (ed.) (2002), *A Dictionary of Law*, 5th edition, Oxford: Oxford University Press, p.497). In addition, Thalweg also signifies the line drawn through the lowest points of a valley in its downward slope and marks the natural direction of a watercourse. This principle is widely used to determine national boundaries at the Thalweg of a river separating two states.

⁹ The reasons behind this delay cannot be found in either Laotian or Vietnamese sources on border affairs which remain confidential when it comes to not only technical but political obstacles.

¹⁰ Amer, Ramses & Nguyen Hong Thao (2005), "The management of Vietnam's border disputes: What impact on its sovereignty and regional integration?", in: *Contemporary Southeast Asia*, Vol.27 (3) (2005), p.432.

Indochina as the paramount objective, Vietnam took the initiative in negotiating a legitimate and official boundary with Laos while inducing the latter to follow suit. The 10 February 1976 meeting of the two Politburos highlighted the working principle of “consensus” “in the interest of the special Vietnam-Laos relationship” especially when it came to discussing the overlapping border areas not yet or not clearly demarcated on the Bonne maps.¹¹ In addition, the application of the *uti possidetis* principle reflected not only the realistic approach (in keeping with international practice) adopted by the two countries but also the caution exercised by Vietnam in its bid to become a subregional leader and avoid being attacked as an imperial hegemon seeking to extract land concessions from Laos.

Laos “had every reason to be satisfied” with the four rounds of negotiation with Vietnam throughout 1976 and the 1977 Treaty.¹² Due to the lack of a stable political relation and Laos’ traditional apprehension of Thailand’s economic and cultural dominance, the two countries found it much more difficult to demarcate their border and manage disputes in the border areas. The same can also be said of the Thai-Cambodian relationship.¹³ The Laos People’s Revolution Party (LPRP) undoubtedly recognized Vietnam’s leadership role in Indochina after 1975 and saw Vietnam’s leading efforts in negotiating a border deal as one of the first litmus tests of the latter’s benevolence. In an overview of Vietnam’s management of its border with Laos until 1990s, Ramses Amer and Nguyen Hong Thao shared Bernard Gay’s interesting conclusion:

Despite Laos’s dependency on Vietnam, the border agreements and demarcation were not to its detriment, that is, Laos did not have to give up substantial areas to Vietnam. In fact, the borderline is “very close” to the 1945 border between Laos and Tonkin and Annam, respectively.¹⁴

¹¹ Nguyen, Van Huy, *Negotiations on border issues between Vietnam and Laos*. Online: <http://www.thongluan.org/vn/modules.php?name=News&file=article&sid=885> (accessed 24th July 2006) (Vietnamese: *Nhung thuong luong ve bien gioi giua Vietnam va Lao*).

¹² Evans, Grant and Kelvin Rowley (1990), *Red Brotherhood at war*, London: Verso Editions, p.266.

¹³ More detailed accounts can be found in Ng, Shui Meng (1990), “Laos: Taking the pragmatic road”, in: *Southeast Asian Affairs* 1990, Singapore: ISEAS, pp.159-160; Johnson, Stephen T. (1993), “Laos in 1992: Succession and Consolidation”, in: *Asian Survey*, Vol.33 (1), pp.76-7; Vokes, Richard & Armand Fabella (1996), “Lao PDR”, in Pradumma B.Rana & Naved Hamid (eds.), *From Centrally Planned to Market Economies: The Asian approach, Vol.3, Laos PDR, Myanmar, and Vietnam*, Oxford: Oxford University Press, p.117; Kheang Un (2003), “The Anti-Thai riots: sparking Khmer Nationalism”, in: *Mandala*, Vol.22, pp.1-2.

Indeed, Laos did not have to sacrifice much of its territory in exchange for a good political tie with its powerful neighbour. As a matter of fact, Laos' preference for the *uti possidetis* approach to solely land border issues coupled with its powerlessness helped it better manage disputes with the much more powerful neighbours.¹⁴ After nine years of demarcating the border and planting markers in the most rugged territories and with Vietnam's material and technical assistance, Laos was seen by Vietnam as being disadvantaged in the land transfer under the 1977 Treaty. Therefore, according to an unofficial Vietnamese source, on 24 January 1986, a supplementary agreement, which was probably designed as Vietnam's fair treatment to Laos while keeping the latter happy within the alliance and discouraging vacillation towards to end of the Cambodian crisis, was inked in Vientiane, in which Laos gained 42.5 km square more than Vietnam. On the whole, the 1977 Treaty and the 1986 Protocol gave Laos an additional 320.5 km square and Vietnam 518 km square, with the difference of 197.5 km square being in favor of Vietnam.

This difference was legally claimed back by Vietnam, which had used its own territory as secret zones in the wartime from 1945 to 1975. Besides, Laos agreed with Vietnam's 1976 proposal to apply the Thalweg principle in demarcating stream and river areas. On 16 October 1987, a supplementary protocol was signed to fundamentally wrap up the border demarcation and marker planting process. The 1 March 1990 Agreement on Vietnam-Laos Border Statutes was designed as a mechanism of managing cross-border disputes and preventing/addressing non-traditional security threats. This legal document reflected not only an accomplishment but also the rapidly changing situation in Indochina and early significant adjustments in Vietnam's influence policy towards its Indochinese allies. It highlighted the respect for sovereignty and territorial integrity; resolution to dispute through peaceful measures; and cooperation for development in border areas. Furthermore, it partly constituted the legal basis for Vietnam's military assistance to Laos in putting down the ethnic H'mong

¹⁴ Amer, Ramses & Nguyen Hong Thao (2005), "The management of Vietnam's border disputes: What impact on its sovereignty and regional integration?", in: *Contemporary Southeast Asia*, Vol.27 (3) (2005), p.432; Gay, Bernard (1995), *La nouvelle frontière lao-vietnamienne - Les accords de 1977-1990*, Paris: L'harmattan, pp. 11-17.

¹⁵ In the visit to Vientiane in August 1990 by Chinese Deputy Foreign Minister Qi Huaiyan, Laos agreed with China survey and demarcate their 460 km long border on the basis of the 1895 Franco-Qin Convention.

insurgency in the latter's border areas in 2000, thus effectively dismissing any concerns about another "Cambodian issue."

1.2 Post-Cold War Cross-Border Cooperation

The end of the Indochinese bloc and of the Cold War spelled no dramatic changes in the Vietnam-Laos special relationship. Both ruling parties remained committed to the system of agreements struck in the Cold War, including those on border issues. Unlike Cambodia, no considerable opposition within Laos was lodged against the legitimacy of the border agreements with Vietnam. As a post-Cold War update of the 1990 Agreement on Vietnam-Laos Border Statutes, the two countries signed a supplementary protocol on 3 August 1997 in Vientiane in order to better safeguard the border against emerging but pressing non-traditional security problems and promote cross-border socio-economic cooperation as well as regional integration within blossoming (sub-)regional development projects. A Vietnamese expert warned of possible allegations of Vietnam's violation of Laos' territory and intervention by external powers if the former's borderguards and police were not careful in helping the under-resourced Laos patrol the long border and combat transnational criminal activities.¹⁶ Particularly concerned about the rampant drug smuggling (from the Golden Triangle through Laos) and addiction across the country, Vietnam proposed to sign the cooperation agreement on combating drug trafficking with Laos on 6 July 1998. On 5 April 2004, Laos and Vietnam agreed to exempt visa for all citizens. At the 13th meeting in the same year, the two border committees decided to upgrade existing border gates and set up new ones so as to facilitate commercial exchange and transport between the two countries, approved the 1:50,000 map of national border, and kicked off negotiation on the last two unresolved disputes of demarcating the area from Marker U6 to the Vietnam-Laos-Cambodia border crossing and the Vietnam-Laos-China crossing. In these trilateral disputes, the negotiations between Vietnam and Laos are expected to be the least gruelling and the ultimate success would depend on how the former bargains with China and Cambodia.

Vietnam's assistance to Laos in improving the system of border gates and the cross-border road network (mostly in the country's central region) is designed to boost cooperation and twinship between border provinces and thereby secure its

¹⁶ Personal interview with Pham Nguyen Long, Research Fellow at the Institute of Southeast Asia Studies, Vietnam Academy of Social Sciences, Hanoi, 22 November 2005.

boundary with its close neighbour. There are six border gates in Vietnam: Na Meo in Thanh Hoa Province; Nam Can in Nghe An Province; Cau Treo in Ha Tinh Province; Lao Bao in Quang Tri Province; Cha Lo in Quang Binh Province; and Huoi Puoc in Lai Chau Province. In addition, Vietnam provides soft loans for Laos to build Highway 18B (USD48 million) and Highway 12 so that the latter can gain better transit access to the former's seaports, such as Da Nang Port or Vung Ang Port, for exports and imports.

2 The Vietnam-Cambodia Border – A Barometer of the Political Tie

The border management and resolution of border disputes represent one of the most sensitive problems and daunting challenges for both Vietnam and Cambodia. As commonly perceived by government officials and scholars from both sides (personally interviewed by the author in 2005 and 2006), the unresolved disputes are basically divided into two issue packages. The first one relates to the land and maritime border disputes, cooperation among border provinces, and emerging development triangles. The other concerns the Khmer living in Vietnam's Mekong Delta, the ethnic Vietnamese settling in Cambodia, and safe havens of anti-government insurgents in border areas. This article focuses on key strengths and weaknesses in Vietnam's approach to the land border disputes with Cambodia since the October 1991 settlement to the Cambodian conflict and how this approach affects its quest for influence in the uneasy neighbouring country after the Cold War. As things stand, among the bilateral disputes, primary importance has been attached to and the most significant success gained in resolving the land border disputes.

The October 2005 border treaty concluded between the two countries on the eve of VCP's Tenth Party Congress was a watershed that highlighted Vietnam's initial but significant success in restoring its influence in Indochina since the break-up of the Indochinese alliance. Furthermore, the event displayed the Hun Sen's firm grip on power and his coalition government's recognition of Vietnam's strategic importance and influence in the subregion in particular and in Southeast Asian in general. Since the Sihanouk era, the border disputes with Vietnam have been put on top of the political agenda of all ruling parties in Cambodia. However, ambivalence and lack of consistency characterize their approach. On one hand, they want to lay the historical disputes to rest in order to put the bilateral relations with the powerful neighbour on a more

stable track. On the other hand, the disputes are exploited as a political tool by various factions to raise the banner of independence, sovereignty, and territorial integrity, and thereby accuse Vietnam of occupying Cambodia's land and evoke historical animosities and ultra-nationalist feelings in order to attract votes of the intelligentsia prior to every general election.¹⁷ In a nutshell, the border issues are

¹⁷ The common perception held by the Cambodian people in general is that the Mekong Delta was once the territory of Cambodia under the Khmer Empire for many centuries and was the frontline between the emergent states of Siam and Tonkin (North Vietnam). The largest city of Vietnam, Hochiminh City, used to be named in the Khmer as Prey Nokor (forest city or land) and was the main port of Cambodia before being conquered by the Vietnamese in the 16th century. Most of the Cold War literature back in the 1960s on Cambodia's foreign policy has emphasized the importance of geo-politics and history in Cambodian elite's security perception as well as the vital role of Prince Sihanouk in his pursuit of a neutral foreign policy and successful diplomatic maneuvering for the country's survival. These constant features still help explain dynamics of Cambodia's post-Cold War foreign policy. Though not being landlocked like Laos, Cambodia with the small size of territory and relatively small population is, to use King Sihanouk's expression, "sandwiched" between two powerful neighbours (Thailand and Vietnam), and was historically "threatened on the north and west by Thai irredentism, and on the east by Vietnamese expansionism." (Leifer, Michael (1967), *Cambodia: The search for security*, London: Pall Mall Press, p.186).

The years between the thirteenth century decline of the Khmer empire and the establishment of the French protectorate in 1863 were marked by territorial annexation by the Thais and the Vietnamese. The Khmer's deep-seated distrust towards the Vietnamese stemmed from the Cambodian king's illusion and serious mistake in 1620. In exchange for the Annamites' (i.e. Vietnamese) assistance as a counterpoise to Thailand's suzerainty over Cambodia, the king gave up sovereignty in the low delta (Cochinchina), which was annexed and administered by Vietnam by the eighteenth century. (Abdulgaffar, Peang-Meth (1991), "Understanding the Khmer – Sociological-cultural observations", in: *Asian Survey*, 31 (5), p.443).

This perception of threat, dated from the Sihanouk era, has shaped the strategic thinking of Cambodia's political elites afterwards, thus nurturing their mutual suspicion with Thailand and Vietnam as long-term threats to national security, and continuing the balancing game with China, Vietnam, and Thailand in order to contain the aggressive neighbours. Even during the PRK era, no few Cambodian officials showed their tacit resentment against any sign of Vietnamese superiority and were cautious in seeking to present themselves as equal partners with Vietnamese advisors and experts. (Frings, Viviane (1994), *Allied and Equal: the Kampuchean people's revolutionary party's historiography and its relations with Vietnam (1979-1991)*, Working paper No.90, Clayton, Victoria: Monash University, p.1). Laos, a smaller state territorially connected to China, poses no threat to Cambodia but has no strategic value in containment. Unlike Thailand and Vietnam, China has never invaded Cambodia and is a benign power in the eyes of Cambodian leaders, who regard China as the most important partner (except for the People's Republic of Kampuchea (PRK) under Vietnam's control).

seen as a barometer of the bilateral political relations. Only sound ties between Vietnam's VCP and Cambodia's key political factions coupled with both sides' restraint from upsetting the border status quo and adherence to the principle of *uti possidetis* can constitute the prerequisite for a comprehensive solution to all border disputes.

2.1 The Bumpy Road to a Border Deal

The Vietnam-Cambodia land frontier is 1,137 km long and borders ten provinces of Vietnam and nine provinces of Cambodia. In the colonial period, the French divided the land border into two parts. The border between the French Cochinchina and Cambodia was demarcated in the 9 July 1870 Convention and the 15 July 1873 Agreement concluded between the Cambodian King and the Governor – cum – Commander-in-Chief of Cochinchina and approved by the French President in 1915. The border between Annam and Cambodia was actually seen by the French Government as the administrative boundary between the two protectorates, and thus was neither governed by legal agreements nor demarcated. Both parts were delineated on the twenty six-piece Bonne map published by the French SGI.¹⁸

The French-delineated border began to trigger off disagreements between Vietnam and Cambodia in the mid-nineteenth century. Cambodian kings blamed the French for imposing a border in favour of Vietnam and intermittently asked the latter to concede some provinces in Cochinchina back to Cambodia. It was not until the 1960s that Cambodia's position on the border disputes with Vietnam became clearly and consistently articulated. King Norodom Sihanouk insisted Vietnam to recognize the border delineated on the SGI map (which was in popular use before 1954) but unilaterally erased and changed in nine places by Cambodia.¹⁹ The DRV and the National Front for the Liberation of South

¹⁸ The maritime border was known as the Brevie Line delineated in Circular No.867-API issued on 31 January 1939 by the French Indochinese Governor Brevie, which provided that all islands to the North of this Line would be under the authority of the French protectorate government in Cambodia while those to the South of the Line under the authority of the French Cochinchinese government. Nevertheless, the Circular reserved the definition of sovereignty over all islands in the area.

¹⁹ Regarding the maritime border dispute, the fact that France handed over all islands to the north of the Brevie Line to the Saigon regime after recognizing independence for Cambodia in November 1953 gave rise to sovereignty disagreements between Sihanouk and the Saigon

Vietnam (NLF) adopted the *uti possidetis* principle while categorically rejecting any of Cambodia's attempts to upset the border status quo on the negotiation table. Despite Sihanouk's tactical ambivalence in 1964 for fear of an invasion by the US-installed Saigon regime, this negotiation stance made up the main thread of Cambodia's subsequent territorial claims, including that of the DK, and thwarted all efforts to reach an agreement on this thorny issue.

Similar to the case of the Laos PDR, the establishment of the pro-Vietnamese PRK and subsequently of the Soviet-backed Indochinese alliance facilitated the bilateral negotiation process which upheld the spirit of quickly shelving intractable differences and maximizing common ground for the sake of an overall strategic relationship between the two allies. According to Evan Gottesman, the Vietnamese leadership applied pressure upon the PRK Government through its special advisors and especially Foreign Minister Hun Sen – the former's most trust-worthy ally who managed to wield real power in the regime – to make compromises and settle “one of the more unpopular aspects of the bilateral relationship.”²⁰ The border issue was used as a litmus test of how Cambodian leaders responded to the way Vietnam asserted its power in the subregion and how strong the pro-Vietnam faction became in the early 1980s. Gottesman pointed out four reasons for Vietnam's move: firstly, “to counter the charge that Vietnam was absorbing Cambodia”; secondly, “to resolve outstanding disputes left over by DK”; thirdly, “to present a picture of a normal bilateral relationship”; and finally, to test those Cambodian leaders who were willing to accept personal responsibility and defend the agreements.²¹

As a result, on 20 July 1983, the Socialist Republic of Vietnam (SRV) and the PRK concluded an agreement on two fundamental principles in resolving land border disputes, i.e. the *uti possidetis* and the status quo, and another on border

government. From January 1956 to April 1960, the Sihanouk government occupied seven islands to the north of the Brevie Line and unilaterally adopted this Line as the official maritime border. In early 1960, the Saigon regime claimed sovereignty over the seven occupied islands. In May 1973, in Phnom Penh, the negotiation round on the continental shelf dispute between the Saigon regime and the Lon Nol government failed. In May 1975, the Democratic of Kampuchea (DK) invaded Vietnam's Phu Quoc and Tho Chu islands. All following negotiation efforts came to no avail.

²⁰ Gottesman, Evan (2004), *Cambodia after the Khmer Rouge: inside the politics of nation building*, New Haven: Yale University Press, p.211.

²¹ *Ibid.*, pp.209-11.

statutes, i.e. specific regulations on preventing both sides from upsetting the border status quo during the negotiation process.²² First, under these agreements, pending a treaty on an officially demarcated border, both sides accepted the existing border delineated on any of the SGI maps published and widely used prior to 1954 as the national border. Second, the two countries highlighted equality, mutual respect, and the overriding significance of the Vietnam-Cambodia special relationship as the basis for further negotiations on undelineated or disputed border areas. On the basis of these two agreements, all negotiation efforts were culminated in the Treaty on the Delimitation of the Vietnam-Cambodia frontier signed by then Foreign Minister Hun Sen – who also took over the post of prime minister in 1985 and thus further helped him defend the way he dealt with border issues against sceptics in the Council of Ministers and the National Assembly – and his Vietnamese counterpart Nguyen Co Thach on 27 December 1985 in Phnom Penh. Under Article One, the two sides accepted the existing land border which was delineated in details on the US Army’s UTM map (scale 1:50,000) based on the Bonne map published by the French. Both maps were given the same legitimacy. Vietnam made a concession to Cambodia on Article Two in the negotiation round for the 1985 Treaty when its proposal of taking the median line of rivers/streams as the border was rejected by the latter. Cambodia suggested sticking to the French map, which delimited the border along the bank of rivers, streams, and canals.²³ This approach went counter to the universally accepted Thalweg principle and the practice of settling the issue between Vietnam and Laos PDR in 1977 and later between Vietnam and China later in 1999. The Treaty was no doubt hailed as a watershed in the bilateral relationship and increased the legitimacy of the Indochinese alliance in the eye of the international community. From 1986-1988, the two countries had demarcated more than 200 km of the 1,137 km land border and planted 72 markers out of the estimated total number of 322. However, Cambodia unilaterally withdrew from this joint

²² The series of bilateral border agreements actually started with the Agreement on historical waters concluded on 7 July 1982, which also highlighted the two fundamental principles set out in the 1983 land border Agreement and accepted the 1939 Brevie Line as the temporary maritime boundary between the two countries.

²³ According to historical data gathered by Gottesman, Hun Sen in exchange agreed to Vietnam’s wish to use a 1924 map allegedly “more favorable to the Vietnamese.” (Gottesman, Evan (2004), *Cambodia after the Khmer Rouge: inside the politics of nation building*, New Haven: Yale University Press, p.211).

operation in 1989 on the excuse of technical problems and the two countries did not resume the task until 2005. In fact, the withdrawal of all Vietnamese troops from Cambodia that officially marked the end of the Indochinese alliance in 1989 was the main reason behind Cambodia's decision. Hun Sen and his party were relieved of Vietnam's pressure to defend the border agreements and sought to distance themselves from Vietnam prior to the 1991 Paris Conference in order to get rid of the image of "Vietnam's satellite" and stand a better chance of winning the 1993 general elections.

2.2 Hun Sen's Struggle to Secure the 1985 Treaty

Though an important legal foundation for the strategic relationship, the system of land border agreements concluded between Vietnam and Cambodia in the 1980s had not stopped "continued differences and renewed attempts at negotiations" over the border disputes in the late 1990s and the early 2000s.²⁴ Article Two of the 1993 Constitution of the Kingdom of Cambodia (in place of the PRK) declared that "the territorial integrity of the Kingdom of Cambodia shall absolutely not be violated within its borders as defined in the 1:100,000 scale map between the years 1933-1953 and internationally recognized between the years 1963-1969."²⁵ Though this article did not conflict with the 1985 Treaty, the coalition government toughened its position on the border disputes by presenting seven negotiation points and insisting Vietnam to make concessions. In particular, point four relating to Bu Prang – an area which had been under the Vietnamese Dak Lak Province's sovereignty and actual control – and Cambodia's suggestion of taking the Brevie Line as the maritime boundary were deemed by Vietnam non-negotiable and unacceptable. The 1991 Paris Agreements were frequently quoted by the King and opposition parties in their attempts to annul the land border agreements the PRK struck with Vietnam in the 1980s. However, since Hun Sen afforded to maintain a firm grip on power and criticisms against the government's position on the border issue was used as simply a political tool within the country rather than a formal approach to Vietnam, co-premier Ung Huot on his visit

²⁴ Amer, Ramses & Nguyen Hong Thao (2005), "The management of Vietnam's border disputes: What impact on its sovereignty and regional integration?", in: *Contemporary Southeast Asia*, Vol.27 (3) (2005), p.437.

²⁵ *The Constitution of the Kingdom of Cambodia*. Online: <http://www.embassy.org/cambodia/cambodia/constitu.htm> (accessed 12 August 2006).

to Hanoi in 1998 affirmed the Cambodian government's decision to continue upholding the agreements for fear of further undermining the already low-ebb relationship with Vietnam. Besides, Vietnamese border negotiators from MOFA complained about Cambodia's ambivalent approach of controlling the border on the ground rather than on the map. In other words, any Vietnamese illegally migrating into Cambodia would be forced to repatriate whereas Cambodians entering Vietnam were encouraged to stay back and settle down, thus giving Cambodia more advantages in subsequent negotiations to claim more territory from Vietnam.

After the Cold War, the border disputes (along with the migrant problem) not only became subject to the political infighting between the ruling Cambodian People's Party (CPP) and the King as well as opposition parties in the so-called "liberal and pluralist democracy," but also dangerously tapped into "an often virulent anti-Vietnamese sentiment [...] fuelled by resentment of Vietnam's expansion over the centuries."²⁶ A Cambodian government official observed that this situation further complicated the problem, dented the public confidence in the ruling parties, distracted the government from pulling the country out of poverty, and damaged the overall cooperation between the neighbouring countries. In their political platform for the 2003 election campaign, both the royalist FUNCINPEC and the Sam Rainsy Party (SRP) pledged to reclaim all territories lost to neighbouring countries and criticized the Hun Sen government for succumbing to the neighbours' aggressiveness. In an interview with Voice of America broadcast on 16 May 2005 and reported in the pro-opposition newspaper *Moneaksekar Khmer* on 18 May 2005, the SRP's leader Sam Rainsy said that the border agreements signed with Vietnam in 1982, 1983, and 1985 should be regarded null and void as provided in the 1991 Paris Agreements. He supported the former king's view of upholding only Cambodia's maps published between 1963 and 1969 and deposited at the United Nations.

In the wake of the 1997 coup and in the 1998 election campaign, Ranariddh acrimoniously accused Hun Sen of ignoring Vietnam's violation of the border while inciting terror attacks against the ethnic Vietnamese in Cambodia. Nevertheless, according to a Cambodian diplomat in charge of the Indochinese relations, external affairs tend to be used as a tool in the domestic power struggle,

²⁶ Dosch, Joern & Hoang Vu Le Thai (2006), "Relations between Vietnam, Laos, and Cambodia", in: *Asia Intelligence*. Online: www.AsiaInt.com (accessed 20 October 2006).

and Ranariddh as well as Sam Rainsy unfortunately did not have the political trump cards of the border and migrant issues the CPP was holding and playing with Vietnam.²⁷ Sam Rainsy and Ranariddh since their defeat to the CPP in 1998 shared the pragmatic calculation of reversing their position on the issue and seeking to court an increasingly assertive and powerful Vietnam through some diplomatic moves. They both hoped that winning Vietnam's support would, first of all, do more good than harm to each party's efforts in challenging the CPP's dominance and competing with the other, and in the long run, help clear hurdles to the bilateral tie with the subregional power their respective parties would eventually have to deal with should any of them gain power from the CPP and lead the country. Ranariddh made a departure from the King Father's nationalist but inconsistent viewpoint and softened his public stance on the border and migrant disputes. He even took side with Hun Sen in October 2005 and offered to sign the additional border treaty to the 1985 Treaty in case King Sihamoni or Senate President Chea Sim declined to do so under the pressure of the King Father. He also sought Vietnam's help in the area of agriculture and took many vacations to Vietnam to play golf with the country's top officials. Sam Rainsy visited Vietnam for the first time in July 2001 and received the warm welcome from Vietnam's National Assembly. The Vietnamese measured diplomatic overtures to the two figures were aimed at mitigating their hostile allegations and possible damages they may cause to Vietnam's credibility in the subregion as well as the bilateral relationship. It is no doubt that Prime Minister Hun Sen expressed his concern about the way Vietnam treated his rivals.

What the most prominent and outspoken critic but with no real power, King-Father Norodom Sihanouk with his national influence and importance said on the border disputes was well taken into consideration by Vietnam after 1991. A seasoned Vietnamese pundit on Indochina observed that in spite of his inconsistency and pragmatism over the decades, he always believes that maintaining the friendship and neighbourliness with Vietnam is a precondition for Cambodia's independence and territorial integrity.²⁸ He made his first-ever visit to Vietnam in December 1995 since he returned to the throne in September 1993. Yet on his own website,²⁹ he declared to boycott the land border agreements

²⁷ Personal interview with Hos Sereythanh, Deputy Director of Asia 1 Department, Cambodia's Ministry of Foreign Affairs and International Cooperation, 30 November 2005, in Phnom Penh.

²⁸ Personal interview with Pham Nguyen Long in December 2005 in Hanoi.

concluded with Vietnam in the 1980s and insisted the latter to accept the Cambodian border internationally recognized in the 1960s. He wrote that some prestigious international newspapers believed Cambodia's original total area was 181,035 square kilometres but in the 1990s the area was reportedly down to 144,000 square kilometres. Albeit without reliable and accurate evidence, he concluded by feeling that the area was no more than 140,000 square kilometres in total by 2005, and that his country's territory fell prey to neighbouring countries. In real action, Sihanouk sent out an open letter on 31 March 2005 to the governments of Vietnam, Laos and Thailand, unceremoniously accusing them of "nibbling away" at Cambodian territory. This unexpected move coupled with Sihanouk's earlier abdication in 2004 was seen as his strategy of forcing Hun Sen and his government to discuss and deal with "an issue that was on the CPP back burner."³⁰ All of the neighbours undoubtedly chose to remain silent. Furthermore, in his personal opinion, the 1:100,000 scale map deposited at the United Nations (UN) had no "white zone" or "restriction zone" – which was a conspiracy of certain neighbours who forced the Khmer to concede their land – and claimed that there had been no border dispute with Vietnam under his rule until 1970. In fact, this term refers to undemarcated or disputed border areas pending a delimitation treaty. In 1995, Prince Ranariddh signed an agreement on white zones with Vietnam and another similar agreement with Thailand.

Amid such disarray, Hun Sen was no longer able to dictate terms and afford a single voice on the sensitive issue. As a matter of fact, he had spent the entire decade since 1993 renewing his and the CPP's image in the two general elections while struggling to share power and make the coalition government with the FUNCINPEC work in the former's favour. He reportedly said that the border problem was a political instrument used by anti-Vietnamese forces as "a vehicle in all occasions and during election campaigns."³¹ Hun Sen was well aware of the vital significance of a comprehensive resolution to the border disputes to both Vietnam's and Cambodia's security and development, as well as Vietnam's bid to

²⁹ www.norodomsihanouk.info.

³⁰ Matthews, Verghese (2005), "Cambodia's border posts grow legs!", in: *New Straits Times Malaysia*, 1 June 2005.

³¹ Chun, Sakada (2005), "Mr Hun Sen defends the signing of Additional Border Treaty to 1985 Treaty with Vietnam", (6 October). Online: www.khmerintelligence.org (accessed 6 September 2006).

restore its influence in the subregion. In exchange, his legitimacy and the CPP's credibility would benefit from massive support offered by Vietnam (and China). Such a resolution depended on his ability to consolidate his grip on power, crack down on critics, and forge national unity on the issue. In a statement on its handling of the border disputes on 6 June 2005, the CPP claimed that all of the border agreements the PRK struck with Vietnam, Laos, and Thailand in the 1980s on the basis of the status quo and legal maps did not go against the 1991 Paris Agreements. These agreements were recognized in the 1993 Constitution and did not force any land concessions by Cambodia.³² However, Cambodian diplomat Soreythonh argued that the current wave of domestic opposition to the way the CPP addresses border disputes with Vietnam remains negligible because Cambodia is still weak and dependent on aid and political support from the neighbour. He predicted that in twenty or fifty years' time when his country probably becomes more developed, the border issue, which is used as a bargaining chip by Cambodian political parties, would still come back and haunt, or even damage, the country's relations with Vietnam, as evidenced in the lingering territorial disputes among China, South Korea, and Japan.³³

For the sake of national unity on the issue and the successful conclusion of a supplementary treaty to lend more legitimacy of the 1985 Treaty, Hun Sen backed former King Sihanouk's initiative to set up the Supreme National Council on Border Affairs (SNCBA) under the decree of King Sihamoni on 17 April 2005. The seven-member Council was chaired by King-Father Sihanouk as the representative of the King and included vice chairmen Senator Chea Cheth and lawmaker Princess Norodom Vacheara, as well as the Minister of Council of Ministers Sok An representing the government and Say Chhum of the Cambodian People's Party, You Hockry of FUNCINPEC party and Sam Rainsy, president of the opposition Sam Rainsy Party. However, this Council was short-lived and seen by critics as a "paper tiger." According to a separate decree signed on 27 April 2005 by King Sihamoni, the council could "only play advisory role to help the government resolve border issues with the neighbouring countries."³⁴ In response

³² "Statement on CPP's position on handling of border issues", Vietnam News Agency (VNA), 6 June 2005.

³³ Personal interview with Soreythonh on 30 November 2005 in Phnom Penh.

³⁴ "Cambodian King signs to dissolve supper border council", in: *People's Daily Online*, 11 October 2005. Online: http://english.people.com.cn/200510/11/eng20051011_213748.html (ac-

to the demand of former King Sihanouk, Princess Vacheara and other supporters for authority expansion of the SNCBA and its chairmanship at the first meeting in Beijing in May 2005, Hun Sen in his long attempt to isolate/marginalize the Royal Family denounced the abuses of the Council while, in June 2005, establishing and taking sole charge of the permanent National Authority on Border Affairs (NABA) which enjoyed the real power of negotiating and concluding border deals with the neighbouring countries. Given the family disagreement with Prince Ranariddh, the powerlessness of King Sihamoni, and the predominance of Hun Sen, former King Sihanouk resigned out of frustration from his position in the border council on 25 August 2005. Not long afterwards, the opposition leader Sam Rainsy also sent a letter to King Sihamoni announcing his resignation from the border council on October 8, thus making the body without representatives of all parties irrelevant. On the eve of the signing of the Supplementary Treaty in Hanoi (10 October 2005), under the pressure of both Prime Minister Hun Sen and National Assembly President Ranariddh, King Sihamoni signed a royal decree to dissolve the supposedly “unnecessary” SNCBA.³⁵ This last episode had neutralized the role of former King Sihanouk as one of the biggest obstacles to the Supplementary Treaty, thereby opening a new period in Vietnam’s efforts to project its influence in Indochina.

2.3 Vietnam’s Post-Cold War Efforts to Bring Permanent Stability to the Border with Cambodia

Soon after the 1991 Paris Conference, the VCP’s Politburo put forth an action plan on border disputes with the former ally which was undergoing dramatic transformation. In the long term, Vietnam aimed to work with Cambodia for a “package solution” to both land and maritime border disputes. However, the immediate task in the 1990s was, firstly, to safeguard demarcated areas, secondly, maintain the status quo in undelimited areas, and finally, defend the agreements concluded with the PRK in the 1980s. To this end, Vietnam adopted a three-pronged approach: 1) applying appropriate principles in international law, such as *uti possidetis*, Thalweg or the 1982 Convention on Law of the Sea (UNCLOS); 2) referring to the border agreements and treaties signed with Cambodia in 1982, 1983, and 1985, as well as Cambodia’s 1993 Constitution which upholds the

cessed 6 September 2006).

³⁵ Ibid.

Bonne maps and the Brevie Line; and 3) lobbying the CPP and former King Sihanouk for their support for a mutually acceptable supplementary treaty to the 1985 Treaty given the strategic importance of the overall bilateral relationship. This approach was highlighted by Foreign Minister Nguyen Dzy Nien and Head of Vietnam's Committee of Border Affairs, Vice Foreign Minister Vu Dzung, in the wake of the treaty signing in October 2005.³⁶

As noted above, a Vietnam-induced improvement in political relations between the two countries was a prerequisite for smoothly negotiating and resolving border disputes since 1993, not the other way round. This logic also applied in Vietnam's border experience with Laos and China and was even seen as "the most interesting feature" in the subregion. Through assessing the management of contentious issues between Vietnam and China, Ramses Amer observed the fact that full normalization of relations between the two countries would not have been possible in 1991 should a solution to the border disputes be seen as a precondition for such normalization.³⁷ In the first half of the 1990s, Vietnam was preoccupied with normalizing relations with major powers, including China, the US, the European Union (EU), and joining the Association of Southeast Asian Nations (ASEAN). Moreover, it sat on the fence closely following changes in the domestic balance of power in Cambodia while reformulating its influence strategy in the subregion. Pending a solution to lingering land border disputes, Vietnam did not expect a breakthrough but suggested a set of temporary measures to prevent the border status quo from being upset in the press communiqué of the two Prime Ministers of Vietnam and Cambodia issued on 17 January 1995. According to the statement, both sides agreed not to change or move border markers; discourage local people from illegal cross-border migration; facilitate more cooperation between local authorities of border provinces for the sake of border security and stability; set up a national body in both sides in order to keep in check cross-border smuggling and other criminal activities; and establish task forces of experts to discuss and delimitate the boundary between the two

³⁶ "Building a border of peace, stability, cooperation and joint development between Vietnam and Cambodia", in: *Nhan Dan (People's Daily)*, No.18378, 30 November 2005 (Vietnamese: *Xây dựng đường biên giới hòa bình, ổn định, hợp tác, cùng phát triển giữa Việt Nam và Campuchia*).

³⁷ Amer, Ramses (2002), "The Sino-Vietnamese Approach to managing border disputes", in: *Maritime Briefing*, 3 (5), pp.7-8; Amer, Ramses (2004), "Assessing Sino-Vietnamese Relations through the management of contentious issues", in: *Contemporary Southeast Asia*, 26 (2), pp.320-8.

countries.

However, it took four years to resume the sluggish negotiation process by creating a border joint commission assigned to represent the two governments in addressing bilateral border affairs in January 1999. This development was significant *per se* and the diplomatically successful year of 1999 marked the first milestone (the second one was in 2005 and early 2006) in the bilateral relationship, thus setting the stage for further successes in dealing with the border issue. After the 1997 financial crisis, Vietnam offered help to the Cambodian economy and had started its campaign within ASEAN for Cambodia's early membership. In April 1999, Cambodia joined ASEAN. In June, the VCP's Secretary General Le Kha Phieu visited Phnom Penh. In October, the first-ever informal meeting of three Prime Ministers of Vietnam, Laos, and Cambodia was held to discuss their "development triangle." As a result, Vietnam was able to push through its three-pronged approach, i.e. the fundamental negotiation principles, in the first three rounds, but saw the process stalled by Cambodia's insistence on the seven talking points concerning border adjustments on the scale 1:100,000 Bonne map.

It was not until the Indochina tour of the VCP's Secretary General Nong Duc Manh in March 2005 to demonstrate Vietnam's new commitment to influence in the subregion that the negotiation process took a turning point. He shared with King Sihamoni the vision of "good neighbours, traditional friendship, comprehensive co-operation, and long-term stability." Meanwhile, in preparing a favorable political ambience for the visit and the imminent treaty with Vietnam, Hun Sen managed to quell the allegation that he was ceding too much land to Vietnam through cracking down on his critics. Almost a dozen government opponents, including human rights leader Kem Sokha and opposition leader Sam Rainsy, were either jailed or faced with punishment under criminal defamation laws allegedly used by Hun Sen to silence dissent.³⁸ Former King Sihanouk was sidelined and the SNCBA disbanded. In border negotiation, Vietnam and Cambodia agreed on technical rationales for a supplementary treaty which would overcome some defects of the 1985 Treaty.³⁹ Firstly, the Bonne twenty-six

³⁸ Dosch, Joern & Hoang Vu Le Thai, "Relations between Vietnam, Laos, and Cambodia". Online: www.AsiaInt.com (accessed 20 October 2006).

³⁹ "New achievement in Vietnam-Cambodia relations", in: *Nhan dan (People's Daily)*, 8 December 2005. Online: http://www.nhandan.com.vn/english/news/081205/domestic_new.htm (ac-

fragment maps published between 1951 and 1954 and attached to the 1985 Treaty were not highly reliable and accurate. Seven fragments were temporarily published, four were left with blank parts and fractured borderline. Some others were published in different years and thus had inconsistent border indication. In the 1985 Treaty, because the scale was too small, both the Bonne maps and the UTM military maps were accepted but caused some conflicts in planting border markers. To make the matter worse, topography in the Mekong Delta constantly changed due to flooding.

Secondly, delimitating border along river and stream banks as applied in the 1985 Treaty ran counter to the Thalweg principle in international laws and Vietnam's border experience with Laos and China. As mentioned above, in the negotiations of the 1985 Treaty, Vietnam did not pressurize Cambodia into accepting its suggestion to apply the principle. Instead, it backed down and adopted Cambodia's proposal to stick to the French maps. This concession gave rise to disputes of the right to use water resource between local authorities because some river sections were under Cambodia's sole control whereas others under Vietnam's. Vietnam's Vice Foreign Minister Vu Dzong revealed that twenty years later, Cambodia admitted that Vietnam's suggestion in 1985 was relevant and wished to have river/stream border line readjusted in accordance with the Thalweg principle and Vietnam's experience with Laos and China. In reality, most rivers/streams in the Mekong Delta flow from Cambodia into Vietnam. Therefore, Cambodia's cooperation in managing the use of water resource is important for such a lower-stream country like Vietnam. Moreover, an agreement on this principle would accelerate the demarcation and border marker planting of over forty percent of the total length of the border. This practice is commonly adopted by most of the members of the Mekong River Commission (MRC) (established in April 1995), in which Vietnam, Laos, Cambodia and Thailand along with their dialogue partners China and Myanmar commit themselves in the Agreement on the Cooperation for the Sustainable Development of the Mekong River Basin to "management their shared water resources and development of the economic potential of the river."⁴⁰

On 10 October 2005, Vietnamese Prime Minister Phan Van Khai and his Cambodian counterpart Hun Sen signed the six-article Supplementary Treaty

cessed 6 September 2006).

⁴⁰ Online: <http://www.mrcmekong.org/> (accessed 15 October 2006).

to the 1985 Treaty in Hanoi. Article One mainly governs the application of “median line” in the Thalweg principle for river/stream border line between the two countries. Article Two adjusts the direction of the border delimited in Article One of the 1985 Treaty in six out of seven specific points. Point four in Bu Prang remains open for further negotiation. Article Three which is seen as totally new and the most important in the Supplementary Treaty addresses technical aspects in delimitation and sets the deadline of December 2008 for border demarcation and marker planting. Both sides aim to fulfil in the long run the ambitious objective of publishing an official map of national border between the SRV and the Kingdom of Cambodia. The Treaty was ratified and promulgated by Vietnam on 5 December and by Cambodia on 30 November 2005. On 27 September 2006, newly-appointed Vietnamese Prime Minister Nguyen Tan Dung and Prime Minister Hun Sen inaugurated the symbolic Border Marker No.171 at Moc Bai Border Gate of Vietnam’s southwestern province of Tay Ninh and Bavet Border Gate of Cambodia’s Svay Rieng Province, marking the start of the demarcation and marker planting process under the Supplementary Treaty. While hailing the Treaty as a “cornerstone of the close relations” between the two neighbours, Vietnamese officials in defending the Treaty against the allegation that Vietnam and Cambodia ceded territory to each other laid a special emphasis on technical adjustments/corrections on the maps and both sides’ commitment to complying with the 1985 Treaty. Vice Foreign Minister Vu Dzong claimed in a press interview that:

Issues concerning national border and territory are vital and highly sensitive for all countries. Nobody voluntarily cedes territory to anyone. So, there is definitely no such a thing as Vietnam ceding land to Cambodia or vice versa. There is only one equitable solution both Vietnam and Cambodia find acceptable.⁴¹

This claim was shared by Cambodian Ambassador to Vietnam, Mr. Long Kem, in his interview with the Voice of Vietnam on 7 January 2006.⁴²

⁴¹ “Building a border of peace, stability, cooperation and joint development between Vietnam and Cambodia”, in: *Nhan Dan (People’s Daily)*, No.18378, 30 November 2005 (Vietnamese: *Xay dung duong bien gioi hoa binh, on dinh, hop tac, cung phat trien giua Vietnam va Campuchia*).

⁴² “Vietnam-Cambodia relationship increasingly grows”, in: *Voice of Vietnam*, 7 January 2006 Online: www.vov.org.vn (accessed 24 July 2006) (Vietnamese: *Quan he Vietnam – Campuchia ngay cang phat trien*).

In essence, the Supplementary Treaty as a continuation of the 1985 Treaty manifests the strategic “thread” of the Vietnam-Cambodia relationship since 1978. Though the Indochinese alliance is a thing of the past and Cold War rhetorics to describe the bilateral tie become anachronistic, key attributes of the power hierarchy in the subregion remain relevant in explaining the Indochinese countries’ behaviour after the Cold War. The relationship model has dramatically changed in terms of form, but given the VCP still enjoying its monopoly of power and the CPP consolidating its predominance in the Cambodian politics, the initial success of Vietnam’s attempt to restore its influence through personal relationship among elites and inducements is guaranteed by not only the success of its *Doi Moi* but also, firstly, Cambodia’s recognition of Vietnam’s rising indigenous power and strategic interests in Indochina, and, secondly, its pragmatic approach to development aid and regional integration. Indeed, the signing ceremony which timing must have been carefully calculated took place prior to the VCP’s Tenth Party Congress and started the exchange of consecutive top-ranking visits between the two countries in a relatively short span of time.⁴³ This show of warming ties could help Vietnam prove to regional powers its rising influence in the subregion. Cambodia was rewarded for its fruitful cooperation with Vietnam on the land border issue. A Vietnamese research fellow at a foreign policy think-tank in Hanoi justified the border deal as “a realistic move by both countries to escape from being tied up and agonizing in the endless territorial spar.”⁴⁴ In his visit to Phnom Penh in March 2005, the VCP’s Secretary General Nong Duc Manh offered aid to build a school in Cambodia. Prime Minister Hun Sen received a series of assistance commitments from Vietnam after signing the Supplementary Treaty in Hanoi, such as the agreement on the improvement of the 70 km long national road No.78A, the protocol on training and education cooperation from 2006-2010, among others. Prime Minister Phan Van Khai made a return visit to Cambodia in March 2006, carrying with him Vietnam’s

⁴³ Cambodian Prime Minister Hun Sen visited Hanoi to sign the Supplementary Treaty on 10 October 2005. In return, Vietnamese Prime Minister Phan Van Khai visited Phnom Penh on 6 March 2006. Ten days later, Vietnamese President Tran Duc Luong received his counterpart, King Norodom Sihamoni, on 16 March 2006. Cambodia’s top legislator Heng Samrin paid an official visit to Vietnam on 7 July 2006 at the invitation of his newly elected counterpart, Mr. Nguyen Phu Trong.

⁴⁴ Personal interview with Dr. Do Son Hai, Dean of Faculty of International Politics and Vietnamese Diplomacy, Institute for International Relations, on 20 December 2005, in Hanoi.

pledge to give aid to Cambodia to produce border markers.

With respect to the sea border disputes, learning from Thailand's and China's pragmatic approach, Vietnam began to show more flexibility and accommodation in its negotiation with Cambodia. The Cambodian Government holds the consistent position of taking the 1939 Brevie Line as the sea border and objects to the Vietnam-Thailand sea border demarcation agreement. Therefore, the country has not finalized any formal agreement on sea borders with either of its powerful neighbours. Meanwhile, for the sake of a practical way out of the long-existing impasse, Vietnam is reconsidering its view of delineating the sea border along the median line adjusted in accordance with specific characteristics of each country's historic waters. Notably, following China's policy of shelving disagreements and promoting joint-exploration of oil and gas reserves in disputed continental shelf in the South China Sea and quickly responding to Thailand's 10 August 2006 proposal to share oil revenues with Cambodia in the so-called Joint Development Area which lies between them in the Gulf of Thailand,⁴⁵ on 21 August 2006, Vietnam sent its permanent deputy prime minister to Phnom Penh where the two countries agreed to cooperate to study and explore Cambodia's potentially rich, recently discovered offshore oil reserves in the disputed overlapping sea area.⁴⁶ Given the increasingly improved political ties between the two countries and Vietnam's experience and expertise as an established oil producer in Southeast Asia, Cambodia appears to favour Vietnam and stands ready to set aside the

⁴⁵ America's Chevron and Thailand's PTT Exploration and Production have already started exploring Cambodia's seabed (Block A which is estimated to contain as many as 700 million barrels of oil) for natural gas while China's National Overseas Oil Corp (CNOOC) proposed joint exploration and production with Cambodia's National Petroleum Authority in July 2006.

⁴⁶ "Oil at top of Cambodia-Thailand talks", in: *Bangkok Post*, 9 August 2006; "Vietnam, Cambodia to share oil resources", in: *Bangkok Post*, 21 August 2006. Cambodia's total energy reserves are estimated to be about 2 billion barrels of oil and 10 trillion cubic feet of natural gas, and multinational oil conglomerates are flocking in to bid for exploration licenses and production agreements for the six blocks (including the block already won by Chevron) determined by the Cambodian government. Cambodia's biggest petroleum conglomerate Sokimex and its joint-venture partner Tela Petroleum Group control 80% of domestic oil and gas distribution in the country and have an important say on any oil and gas deals with the Cambodian government. Notably, Sokimex is majority-owned by Vietnamese Cambodian Sok Kong – a longtime friend of Hun Sen. See Crispin, Shawn W. (2007), "Cambodia's coming energy bonanza", in: *Asia Times Online* (26 January). Online: http://www.atimes.com/atimes/Southeast_Asia/IA26Ae01.html (accessed 14 February 2007).

sea border dispute for the sake of potentially enormous economic benefits. Cambodian Foreign Ministry spokesman Long Visalo said, “[Investigating] oil and gas reserves for the purpose of business between the two nations does not need to wait until the two have an agreement over sea borders.”⁴⁷ This positive development in the Vietnam-Cambodia relations reflects the practical approach to sea border disputes widely adopted across Asia Pacific in the regional race for oil and gas resources for the sake of energy security.

In a broader context, apart from other land and maritime border deals concluded with other neighbouring countries, the Supplementary Treaty further enhances Vietnam's credibility as a peaceful power who has actively sought to settle border disputes “by peaceful means” since the early 1990s.⁴⁸ Ramses Amer and Nguyen Hong Thao in their examination of Vietnam's “impressive track record” in terms of settlement of border disputes from the perspective of the Southeast Asian region observed the fact that the country has not only peacefully managed its border disputes and thus removed sources of possible tensions and conflicts with neighbouring countries but persisted in pursuing such an approach in unsettled disputes as well.⁴⁹ In this regard, the Indochinese countries' leaders boast their success as a good example set for other regional countries in quickly and effectively settle land border disputes on a mutually acceptable basis in order to concentrate more on fostering political relations (and thus regime security in each country) and improving cooperation in addressing

⁴⁷ “Vietnam, Cambodia to share oil resources”, in: *Bangkok Post*, 21 August 2006.

⁴⁸ Amer, Ramses & Nguyen Hong Thao (2005), “The management of Vietnam's border disputes: What impact on its sovereignty and regional integration?”, in: *Contemporary Southeast Asia*, Vol.27 (3) (2005), p.438.

⁴⁹ The “best practice” adopted by Vietnam was evidenced in a number of border agreements it successfully negotiated and concluded: the 18 July 1977 land border Treaty with Laos and the ensuing 24 January 1986 supplementary Treaty and the 1 March 1990 additional protocol; the 7 July 1982 Agreement on “historic waters”, the 20 July 1983 Treaty on the principles for the settlement of border issues and the Agreement on border statutes, the 27 December 1985 Treaty of land border delimitation, and the 10 October 2005 supplementary Treaty to the 1985 Treaty with Cambodia; the 5 June 1992 Agreement on joint development of the areas of overlapping claims to continental shelf areas with Malaysia; the 9 August 1997 Agreement on the delimitation of continental shelf and Exclusive Economic Zones (EEZ) with Thailand; the 30 December 1999 land border Treaty and the 25 December 2000 Agreement on the delimitation of the territorial seas, EEZs, and continental shelves in the Gulf of Tonkin with China; and the 11 June 2003 Agreement on the delimitation of continental shelf with Indonesia (*ibid.*, pp.430-1).

non-traditional security threats and economic development. Though most of maritime border disputes between Vietnam and its neighbours, including that between Vietnam and Cambodia, prove more intractable, the success gained in land border deals and the fundamental norms widely adopted in the region constitute an important premise for a comprehensive solution to Vietnam's border disputes with all neighbours.

3 In Lieu of Conclusion

Albeit widely seen as an anachronistic term, "Indochina" still has far-reaching geo-strategic and geo-economic implications for the post-Cold War relations among Vietnam, Laos and Cambodia. Since the end of the Cold War, Vietnam has led subregional efforts in working with Laos and Cambodia to deal with border issues inherited from the colonial era and the Cold War, thus bringing permanent stability to Vietnam's western and southwestern land border and facilitating its domestic reform. Through seeking to improve political relations with all neighbours (including China) as a leverage to help Laos and Cambodia overcome internal differences (especially in Cambodia) and consistently encouraging its neighbours to apply fundamental principles of international law while adopting the region's common practice in resolving border issues, Vietnam has gained remarkable success and been able to convince the ruling parties in Laos and Cambodia to sustain the border treaty system concluded in the Cold War.

Whilst the Vietnam-Laos relationship is a natural extension of the Cold War alliance and the Communist leadership in Laos has faced almost no opposition or obstacle to the way it works with Vietnam in border issues, the Hun Sen regime in Cambodia has struggled hard to stop its border disputes with Vietnam being turned into a political card by opposition parties and the royal family, and accelerated bilateral negotiations towards a package deal for both land and maritime border areas. The 2005 supplementary land border treaty between Vietnam and Cambodia was a breakthrough in this regard. Both Cambodia and Laos strongly share Vietnam's interests in maintaining security of their border, addressing transnational non-traditional security issues, and promoting cross-border cooperation on a bilateral and subregional basis, thus ensuring Vietnam's important assistance for economic development and regime security in Laos and Cambodia.

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