

06 August 2008 (Unofficial Translation of Selected Comments)
Visiting People in Kompong Speu After the July-27 Elections



06 August 08—Samdech Akka Moha Sena Padei Techo Hun Sen visited the people in the province of Kompong Speu after the successful procession of the fourth general elections on July 27.

First Appearance after the Polls

May I first give my respect to elderly peoples, our compatriots for spending time to take part in this symbolic rice transplanting in the commune and district of Samraong Tong in the province of Kompong Speu. It is indeed my first appearance after I have ceased to deliver speeches since June 23, 2008 for the sake of the electoral campaign. I did not campaign as I had to ensure the political and macroeconomic stability for the sake of people's normal livelihoods and the elections that take place in every five years. Personally I also did not want to confront with politicians whose attacks have been anticipated. I was ready for that. Days after the campaigns and the elections were over I would like to take this opportunity to de-

liver my first message via about 40 radio stations to our people throughout the Kingdom as well as soldiers and military officials stationed at Preah Vihear.

Indeed I did come out during the campaign to see rice transplanting in Kandal Stoeung district but I did not make any statements. I took the time to make some activities because I want to assure the people that Hun Sen is here with them. My visit here today is to symbolically plant rice with the people of Kompong Speu province and also to show my appreciation to the success gained by the CPP work team and the province as well. The irrigation project here, I have noticed indeed, has covered a vast area that is bordering on Kompong Speu, Kandal, Takeo provinces and Phnom Penh.

(Continued on page 2)

[Unofficial Translation]

Samdech Akka Moha Sena Padei Techo **Hun Sen**
Prime Minister of the Kingdom of Cambodia

Message to the Cambodian Compatriots
Phnom Penh, July 08, 2008

Venerable Samdech the Supreme Patriarchs and Monks,
Dear Compatriots,

On July 7, 2008, in its 32nd session in the city of Quebec, Canada, the World Heritage Committee (WHC) of the United Nations Educational, Scientific and Cultural Organization (UNESCO) decided naming the Khmer Preah Vihear temple in the List of World Heritage at the request of the Royal Government of the Kingdom of Cambodia.

It is a new pride for the people and the Kingdom of Cambodia as well as for the people in the region and the world that the temple of Preah Vihear is being recognized by the International Councils on Monuments and Sites (ICOMOS) as
(Continued on page 6)

17 June 2008
Launching of Civil Code and Civil Procedure Code

... It is my great honor and pleasure to join the **Conference on the Launching of the Civil Code and the Civil Procedure Code**, a very important national event in establishing the legal framework of Cambodia and a reflection of the Royal Government's will to successfully achieve a number of fundamental laws as determined.

Having experienced several decades of wars, especially the Khmer Rouge regime, Cambodia had been almost totally destroyed in terms of the foundation of economic and social infrastructure, tradition, customs and religious belief. Among which

the legal framework for managing the country was also almost completely demolished.

After the 7th January 1979, although the nation and the people had escaped the genocidal regime, the war had been lingering for years. At the time of economic sanction from abroad amidst domestic war and peace we have started from the scratch to gradually rebuild and re-
(Continued on page 7)

In This Issue

Post Election Appearance — p. 1
Message to Compatriots — p. 1
Civil Code and Civil Procedure Code — p.1

(Continued from page 1)

From Water Scarce to Irrigated Rice Fields

It is indeed a sad moment to think of Kompong Speu as the province with water reservoir potential but water is scarce here. We had flooding in 2000 that I had to end my trip to New York quickly in order to see through the 56-day campaign to avert the flood threat. I approved the cutting through of the national road 1 in two selected spots to let the water flow from one side to the other so that it reduced the flood pressure to Phnom Penh city. The two outlets have now been replaced with two concrete bridges. We also had the flood threat from the western side of Phnom Penh from the area of Oral mountain of Kompong Speu and I ordered then to cut open the national road 2 at Prek Rotaing, which has now been replaced by a bridge too. The 2000 flooding was huge but we finally managed to save people's life.

We came to another situation that flood happened to coincide with drought in 2001. In 2002 Cambodia was hit with drought at the time we were taking over the chairmanship of ASEAN. Some politicians, if you may remember, had gone hunger strike against the Royal Government's decision to host the ASEAN Summit. Unfortunately, they went on fasting of rice, but not of bread and fresh milk. Because of our efforts today we have completed the 72 kilometers long canal, on either side of which we have dirt road. This is the CPP strategy that we develop canals, on either side which the rural roads

are also being built. The strategy from 20 years ago is proven to be justifiable now and perhaps for another 30 years. I have a wish to turn Kompong Speu, which is frequently drought affected, and provinces of rice cultivation potential, to have most part of their rice fields irrigated. We have done a lot but there are more to be done too.

Kuwait Helps in Agriculture

In the course of the visit to the Kingdom of Cambodia, Kuwaiti Prime Minister Sheik Nasser Al-Mohammed Al-Ahmed Al-Jaber Al-Sabah assures me that Kuwait will offer assistance in the agricultural sector. Prince Sheik Nasser told me that on August 20, a special plane will bring Kuwaiti delegation to Cambodia to conduct thorough negotiation with the Cambodian side. We have prepared projects to submit for the Kuwaiti delegation. I will also take the time next year to go visit Kuwait and Qatar as well. These countries have tremendous oil and gas resources but they do not have rice. We need their investments to help produce more food. They could become our markets. We also have exported our rice to countries in Africa. Cambodia is poor and is looking for due payment and not by installment. Take for instance we have here one million tons of rice but we do not have the money to purchase from the people.

Rice – Another White Gold after Rubber

As the price of milled rice in the world market soars up

our land will one day produce what I call “white gold.” Before, in Cambodia we refer to rubber only as white gold. But now we have the chance to make rice another white gold. We could think this way. If the price of oil is not affordable one could park his/her cars or motorbikes and get on bicycles. But, no one could go without rice or food.

Prime Minister Sheik Nasser of Kuwait understands that Cambodia has a vast and untapped potential in agricultural sector, especially in rice cultivation. I confirm his understanding that Cambodia grew rice only once a year at the yield of 2.5 tons per hectare. With this productive capacity Cambodia export two million tons of rice. If Cambodia could irrigate most of its rice fields and double its cropping, Cambodia would indeed surpass the export capacity of Vietnam or Thailand. With this in place Cambodia could foresee 4 to 5 million tons of rice for yearly export.

RGC's Rectangular Strategy - the Second Stage

I will announce the RGC's Rectangular Strategy II (the second stage) probably on September 26 – two days before the Prochum Ben day. The Royal Government will be formed and announced on September 25, and September 26 will be the first Cabinet meeting. We will see the re-direction from extensive to intensive development system or to put it in simple terms to change our people's concept and habit of working. We have to make one hectare land that feeds one family of five members to be more

productive that the family's members do not have opt for traveling away from home for additional jobs. The land has to be able to feed ten or 15 people. This will also help us secure our land and forest from encroachment too. We will focus on irrigation as a major boost to agricultural development.

As of now everything will have to be professional. It has been a major problem in the past that people who were incompetent in fulfilling positions inside the Government had been compromised to Ambassadorial post in foreign countries. This time they will be professionally screened and party quota is no longer an advantage in this arrangement. Before we were forced to accept whoever the Party proposed for so and so positions and as of now it is over now.

Remark on the Elections

During the course of campaigning, there have been all kinds of promises – thousands of cows, chicken have been promised whereas elders had also been promised with 40,000 Riels for their pensions. Some even promised that if they get elected they will get everything from the United States – from seed to education. What I have seen and been impressed is the fact that the CPP work teams have gone back to their constituencies to meet with their voters. It is a good example and we conduct our action year round. We do not provide help for one month only within five years otherwise we do more for the people all the time. Whatever hap-

(Continued on page 3)

(Continued from page 2)
pens the elections have been judged as free and fair and better than the previous elections – even better than the one conducted by UNTAC – by many of countries.

Cambodia, despite being affected by the oil price hike in the world and conflict at the border with Thailand, has ensured the country's normalcy through the maintenance of peace, political stability, and democratic process, especially normal socio-economic development. Everything has gone the way it should be only those who do not get seats in the National Assembly are not in peaceful mind. We have achieved peaceful elections. We will investigate the criminal case to find out who is behind the assassination of the journalist and his son. Our people once again have proven their democratic maturity if we compare them to those of neighboring countries.

As I used to say it is indeed a good thing to have own Party won the election, but as the Prime Minister what is more important is the election that is free and fair and acceptable. That's why for me it is more important to stay out of the campaign to guarantee that everything is going smoothly. I would do the same for 2013 if things go as smooth as it is now. One could not raise a subject of Prime Minister's term – because if the Prime Minister is no good he would be voted down. Everything is depending on the people's will.

I would remind that issues that are left unattended after the elections - like the fees

for trucks, printing, megaphones, etc. have to be paid in full. There has been a case that an owner of a Lexus vehicle has been dogging around to ask for his car fee that one Party had rented for the campaign. Some have desperately declared, because so much has been invested including a house, that it is impossible to go on. When the house is being taken away they should not politicize the case.

90 Seats – One Party with Two-Third Majority

I would like to thank our people of all strata for their vote for the CPP as they know that their votes will make Samdech Akka Moha Sena Padei Techo Hun Sen the Prime Minister. I would call this our common victory. There are also people who do not vote for CPP, which means they do not approve my candidacy as well. Based on the results of the commune elections in 2007, in which CPP could be predicted to get 89 seats in the National Assembly, CPP has projected its targeted seats in the 2008 election to be 85 only. But it has gone beyond what we have predicted and anticipated.

We have now up to 90 seats over 123 seats in the National Assembly, which does not exist in this world. Take for instance in Malaysia, UMNO has two third majority in the parliament but because UMNO is a coalition of many small parties. In Cambodia, one party has two-third majority. We have to work hard so that the people will continue voting for us. We should not allow the elections to be the cause of national discontent, like in

some countries there are clashes between various groups of supporters. I wish our people treat each other friendly, no matter which party one may vote for. I understand that some time it was hard to keep patience in face of defamation, insult, etc. However, as you can see now, the harder they try to insult us the more they lose. They insulted us in 1998, again in 2003, and now in 2008 but their defeat has been from bad to worse.

Power Arrangement

Who win the elections? We know already. Every party's representatives were at every station. The provisional election results will be announced on August 9 but I could say that CPP would get 90 seats in the National Assembly. I would like to send a message to Funcinpec as partner of the coalition that Funcinpec will continue to be the coalition partner despite the fact that one faction of Funcinpec has committed serious and nearly-unforgivable mistake by joining the "alliance of evil" (which consists of four opposition parties) as I said to HE Keo Pu Reasmey – the Funcinpec President. I told HE Nhek Bun Chhay already that I will allot a post of Deputy Prime Minister, four posts of Senior Minister (HE Kol Pheng, HE Veng Sereivuth, HE Sun Chanthol, HE Nut Sokhom), and a Minsitry. HE Keo Put Reasmey and other people are not in the list.

The new Government will be bigger as it will take in human resources from Funcinpec. CPP has made it clear in its political program that Funcinpec will continue

to be accepted as partner if it were to get elected once again. Why the latter's Vice President opted to join with the alliance of opposition parties to deny the election results?

There was this move to request that I would allow the opposition party to maintain their position as heads of certain parliamentary commissions as they do now. I have returned the request by reminding you all not to get the article 76 of the Constitution to be the obstacle for convening the first parliamentary sitting. The article stated that at least 120 members of the parliament have to be present at the first sitting but the articles 76 and 82 have all been sorted out since 2003. Once the National Election Committee decided who wins the elections, it means the parliament is automatically in place. It was not stipulated as to how many parliamentarians have to be present, that quorum has to be defined for each plenary session only. This has indeed changed though from previously requirement (seventh-tenth of the total number of parliamentarians) to just 62 needed.

As for the request, I have made it clear that they could be members of the commissions but they cannot be granted with positions of heads or deputy heads of the parliament at all. They cannot hold the parliament hostage. Some even suggest that as we now have the invasion by Thailand, we should together set up a Government. This means to me that they want to be included in the Royal Government. A Party with three seats seems to

(Continued from page 3)
 have suggested that since they used to head one commission in the parliament, they wish they could maintain it. Another case has been brought in that someone was suggested to be pardoned. I wanted to stress again that from this time anyone charged to be guilty will have to serve two-thirds of the term before pardon would be considered. The Prime Minister, based on the positive evaluation and recommendation by the Minister of Justice, will propose to HM the King for the royal pardon.

The people's power has already been implemented on July 27. Up to this moment the party that wins the election could not be hostage to the parties that enjoy smaller supports. I would clarify that I would not accept any move for bargaining. I would tell Funcinpec officials who have branded the CPP as Vietnamese puppets in the course of their campaign not to join with us or they will be puppets of the puppets. I would stress that having Funcinpec as partner is not power sharing but the CPP's virtue. We have given more than what they deserve already.

Preah Vihear Issue

It is a major issue and those who may not be concerned are those in the opposition. It is important that I make it clear to our people today because it has been the intention of a number of people to turn the issue into war or armed clashes. There are extremists on the Thai side and the Cambodian side as well. They coordinated their actions very well. In Thai-

land they employed the issue as the cause for overthrowing the Royal Government of Thailand, and prompted the Foreign Minister to resign already. In Cambodia, the opposition Parties have coordinated that the matter is used to put a halt to the elections, and to discredit the popularity of the CPP - who would then be seen responsible for making the elections impossible.

I would start by stressing that there are two issues here. First, Preah Vihear temple belongs to Cambodia and it has been included in the World Heritage List on July 7 already. There has no conflict whatsoever on the temple itself. There are no Thai soldiers in the temple. The issue is not the temple but the land adjacent to the temple. It has become an issue when the two countries apparently base their interpretations on two different maps. Cambodia uses the map left by the French, well as the conventions and agreements in 1903, 1904 and 1907. The International Court of Justice in The Hague also decided that Cambodia won the case on the Preah Vihear temple in 1962 on which the map has been used as proof. In the similar instance, Thailand has been using the map drawn unilaterally by Thailand. So the conflict came about because of use of different maps.

Some people have urged through newspapers that Hun Sen should order Hing Bun Heang (the Head of the PM's Bodyguards) to send in tanks ... What would you do if you were the Prime Minister? It is not that difficult to order for a fight. But

what is the most difficult thing is where the end is. Who are going to shed the blood? I would say that if any other person was the Prime Minister in this case, a war could have started already. I wanted the person who wrote those insulting comments to dress in uniform and go to Preah Vihear. I doubt if they are not running away.

It was a coincidence that I did not campaign so that I have been able to control the situation. We have observed that the Thai soldiers have come and encroached upon us but they do not have offensive weapons. They first said they came to fetch their protestors and would return to their side in the evening. Unfortunately one of the soldiers stepped on mine and was later pronounced dead. Then more troops have been sent in. This is the fact we have to evaluate if they come in to fight for Preah Vihear temple, for further land or what? On July 16, I called for a meeting with commanders and relevant persons and institutions so as to decide on what measure to take.

It was in fact the power struggle in Thailand that caused this matter. The Royal Government of Thailand also did a lot to help prevent the protestors from getting out of Bangkok and heading for Preah Vihear. The Royal Government of Thailand because of its recognition of the inclusion of the Preah Vihear in the World Heritage List has had major setbacks - its Minister for Foreign Affairs was forced to resign, and the Government faced with the possibility of being charged

with treason. HE Samak returned a letter to me saying that the pagoda Keo Sekha Kiri Svarak is in the Thai territory. Now it is clear that there is something wrong with the interpretation of the map.

Subsequent increase of the Thai soldiers has made the situation tense and I have ordered that we should try and restore the situation as before July 15. The two Prime Ministers will talk with each other and every force has to try and cool down the situation. We could not rest because of the fact that the two armed forces are too close to another so I have opted for engaging the ASEAN forum, but Thailand has denied any ASEAN involvement. I also sent a letter at this stage to UNESCO director out of my pure concern that any armed clashes happen here would have collateral damages to the temple which belongs now to the world. We also informed the UN Security Council but we have yet to request for the Security Council meeting. HE Hor Nam Hong also sent a letter to the Foreign Minister of Singapore requesting the formation of ASEAN Contact Group which consists of Singapore, Malaysia, Laos and Vietnam. Again the Thai side rejected. Having left with no options we have asked the UN to convene the meeting of the Security Council immediately.

The UN Security Council later was asked to postpone because some hours before the Foreign Minister, HE Hor Nam Hong was to leave for New York, Prime Minis-

(Continued on page 5)

(Continued from page 4)
 ter Samak of Thailand called for a phone talk with me before 12 o'clock at noon on July 25. I have suggested rescheduling the phone discussion to 4:30 in the afternoon. I was waiting to see whether he would call on time or before the appointed time. He called me five minutes before schedule. This showed that he indeed wants a talk. He then recalled of the previous meetings about points of agreement and those that are left yet to be decided. I then asked to upgrade the meeting to foreign ministerial level on July 28 in Siemreap province. Prime Minister Samak agreed. The Thai side did not dare sign any documents at all while there was later a piece of news that the Thai Cabinet was satisfied with the report of the Thai Foreign Minister.

Troops Redeployment, France's Coordination Welcome

The issue to discuss now is the redeployment of forces from both sides. We also did not have our force in the pagoda before, and the Thais did not either. We should leave only people and monks in the area, that is, the Khmer pagoda and Khmer monks, whereas the two sides will start de-mining in order that demarcation could be implemented. According to the news we have here it seems that the Thai side has invited France's coordination. We welcome the French presence for such coordination because it is the French who drew the map. I see it is a good thing. In order for the meeting to take place we have requested to the UN to postpone the Security Council meeting on this issue.

On August 18, there will be a meeting between the two foreign ministers for the second time in Hua Hin of Thailand, after the meeting HE Hor Nam Hong will pay a courtesy call to HM the King of Thailand. We will have to de-mine and demarcate the whole borderline of over 800 kilometers. Some of the 70 border markers which were planted some 100 years ago could have been inspected and more will be planted.

The only way out is to base a solution on friendly and cooperative negotiation. Politicians seem to have yet used the term "invasion" but if their troops enter the temple the term would be appropriately used. Their incursion has been made as they use a different map from ours. The Thai opposition Democratic Party leader Abhisit also supports invoking the memorandum 2000 and we also welcome the opinions expressed by former Prime Minister Chhuon Leekpai who himself signed it. By this way the Thai Government would also avert from attacks from the opposition party.

Thanks for Supports and Encouragements

Taking this opportune moment I would like to express my sincere thanks and gratitude to HM the King Samdech Preah Norodom Sihamoni, Samdech Preah Norodom Sihanouk the King Father, and the Queen Mother Monineath Sihanouk for their assistance and encouragement for the soldiers who stand guarding the country in the frontline. The Queen Mother on her trip to Beijing conveyed her mes-

sage to our soldiers and people in Preah Vihear at the time that my wife - Bunnary Hun Sen - led a delegation to conduct a religious rite up there.

I thank the people all over the country who have so far made contribution, no matter small or big share, for the soldiers in the front who have deeply displayed their patriotism. It is astonishing to note that a beggar came to CTN station to give out his contribution while some parliamentarians requested financial help from the parliament for their trip to Preah Vihear. These people do not say a word when we succeeded in putting the temple in the world list and some even distort the fact that we only put the outer part of the temple.

Not to Expand Conflict

A border conflict should not be escalated to make the two countries become enemy in all fields at all. We need trade and I would take this opportunity to appeal our people not to boycott Thai goods or products. We cannot deny the natural fact that Thailand and Cambodia is bordering with one another. We cannot ask Thailand to move elsewhere and we also cannot move. We have to stay together. Some people might say that Hun Sen is not aptly responsive. Can you lead a country when you fight Vietnam in the east, Laos in the north and Thailand in the west?

We should look into some examples in the region. China and Vietnam has conflict on the integrity over a group of islands but the two

(Continued on page 8)

situated in territory under the sovereignty of Cambodia and, in consequence, Thailand was under an obligation to withdraw any military or police forces, or other guards, stationed by her at the Temple, or in its vicinity on Cambodian territory."

I would beg your permission to express my deep and sincere thanks to HM the King Preah Baat Samdech Preah Boromneat Norodom Sihamoni who always provides full and constant support to the efforts of the Royal Government of Cambodia since HM was the country's Ambassador to UNESCO in Paris, for the sake of the correct and just cause of the Royal Government and people of Cambodia.

My thanks also go to HE Sok An, and the accompanying delegation for their arduous defense of the just position of the Royal Government of Cambodia in a flexible, skillful, professional, diplomatic and patriotic manner, while defending the sovereignty, territorial integrity, honor and national heritage, while maintaining friendly, cooperative and good neighborly relations with the Royal Government and people of Thailand.

I would like to specially thank foreign countries involved, UNESCO and dignitaries that are giving support to the just proposal of the Royal Government of Cambodia bringing to success the effort for the inclusion of the temple of Preah Vihear into the world Heritage list for the sake of the supreme interests of the

(Continued on page 8)

(Continued from page 1)

the masterpiece of the Khmer architecture with outstanding universal value, and included in the List of the World Heritage.

The listing would require the whole international community to be bound with the obligation to provide cooperation in defense of the heritage while safeguarding the cultural heritage for the coming generations. It is the third Khmer heritage that has been bestowed upon with magnificent and dignified status after the inclusion of Angkor Wat temple in the similar list in 1992 and the Khmer Classical Dance (or Robam Preah Reachea Trop) was added into the [UNESCO's List of Masterpieces of the Oral and Intangible Heritage of Humanity](#) in 2003.

The inclusion of the temple of Preah Vihear is the result of a long and complicated process and negotiations that HE Sok An, Deputy Prime Minister, Minister in Charge of the Council of Ministers and in his capacity as the Chairman of the Cambodian National Committee for UNESCO and his delegation have achieved after I, in my capacity as the Prime Minister, made the proposal to the Director of UNESCO on October 10, 2001.

I would like to recall that on June 15, 1962, the International Court of Justice in The Hague ruled that Preah Vihear was located under the Cambodian sovereignty. Based on the ruling and the actual state of the temple, and in the capacity as the owner country of the temple, the Kingdom of Cambodia proposed to list the temple as

one of the world's the world heritage sites, aimed at defending such cultural heritage for the coming generations.

The Ministry of Culture and Fine Arts, with technical consultancy and active assistance from UNESCO then filed relevant papers in accordance with implementation guidance of the Convention Concerning the Protection of the World Cultural and Natural Heritage, in which Cambodia is one of its member states, and submitted these documents to the World Heritage Center in Paris on January 30, 2006.

Following the technical mission to Preah Vihear site by the representatives of ICOMOS from October 23 through to 29, 2006, and after obtaining more information that Cambodia sent on January 03, 2007, ICOMOS recognized the outstanding universal value of the site, while proposing the temple to be included in the List of World Heritage.

In its 31st regular session in the city of Christchurch in New Zealand, from June 23 through to July 02, 2007, the WHC examined all documents relating to the proposal, while recognizing that the temple of Preah Vihear site has great international significance and the outstanding universal value, and expressing its "approval in principle for the fact that the site must be registered in the List of World Heritage."

I would add that HE the President of WHC, on that occasion, stated "the decision means that the Committee has agreed: the sacred site deserves to be included

in the List of the World Heritage, and its official inclusion would be conducted in its next session in 2008."

In all stages of the listing process, WHC always refers to the position of the Kingdom of Thailand which as a neighboring country had dispute with Cambodia on the temple. Fortunately, though there has been strong opposition from some circles in the country, after the explanations made by the Cambodian side, the Royal Government of Thailand always agreed and approved that the temple of Preah Vihear has the outstanding universal value while offering support to the inclusion of the temple into the World Heritage List.

The position has clearly been respectively showing in the session in Christchurch in 2007, in the course of the visit by HE Samak Sundaravej, the Prime Minister of the Kingdom of Thailand to the Kingdom of Cambodia on May 3 and 4, 2008, in the official negotiation with me at the Council of Ministers, in the joint communiqué dated May 6, 2008 after the working session on the temple of Preah Vihear between the Cambodian delegation led by HE Sok An, Deputy Prime Minister and Minister in Charge of the Council of Ministers and the Thai delegation led by HE Virasadi Futrakul, the Secretary General of the Thai Foreign Ministry, and especially the joint declaration signed on June 18, 2008 by HE Sok An and HE Nopadon Pattama, Minister for Foreign Affairs of Thailand, after the two dignitaries met,

discussed and agreed on May 22, 2008 at the UNESCO Headquarters in Paris, in the presence of many UNESCO officials.

On that occasion, in a goodwill and reconciliatory spirit, Cambodia agreed on this stage the inclusion process of the temple of Preah Vihear into the List of the World Heritage, without the buffer zones on the north and on the west parts of the temple, leaving the two areas to the Joint Land Border Committee of the two countries to continue to examine. I would like to reaffirm that the inclusion of the temple of Preah Vihear does not affect in any way the negotiation process on border demarcation between the two countries.

Taking this opportune moment, on behalf of every members of the Royal Government, officials of all levels, the armed forces and the Cambodian people as a whole, I would like to express my deep and sincere thanks to Samdech Preah Moha Virak Khsatr Preah Baat Samdech Preah Norodom Sihanouk for the supreme leadership in the spirit of patriotism in demanding and defending the legitimate sovereignty, territorial integrity of the Kingdom of Cambodia on the temple of Preah Vihear - the magnificent Khmer architecture.

It is true that 46 years ago, responding to the October-6-1959 proposal by the Royal Government of Cambodia, the International Court of Justice in the Hague recognizes in its ruling on June 15, 1962 that: "... the Temple of Preah Vihear was

(Continued on page 5)

(Continued from page 1)

habilitate our nation by giving great attention to all sectors, in which the legal framework for country management has also been re-established.

In this spirit, in 1998 under the technical cooperation from Japan and France, the Cambodian government, with the Ministry of Justice as the executive body, prepared the **Civil Code** and the **Civil Procedure Code** as well as the **Criminal Code** and the **Criminal Procedure Code** as a contribution to the building of legal framework for country management.

At the present, these four fundamental codes which are the strong pillars of the statute law have been almost completed. The **Civil Procedure Code** was launched on the 6th July 2006 and put into effect on 6th July 2007. The **Criminal Procedure Code** and the **Civil Code** were launched on the 10th August 2007 and the 8th December 2007 respectively; while the draft of the **Criminal Code** was finalized and submitted to the Council of Ministers on December 2007. Besides preparing the **civil** and the **criminal** code, the government will also prepare the **administrative** and the **commercial** code.

Obviously, for Cambodian who made the determination to prepare these codes as an ambitious project with democratic will, respect for human right and dignity because these tasks are related to the law and these laws must be widely disseminated and understood by the public.

I would like to recall that there are two factors that require big reform areas for preparing these codes (1) historical context (2) political will. Historical context is because of *Droit écrit* which is a part of Cambodian customary law. Following the French, law is a historical heritage of French colonization in Cambodia. In the 1950s Cambodia has drafted the civil, criminal and commercial code. On this point, I would like to highlight that at the present time Cambodia is establishing personal legal culture by synthesizing the national customary law with the institutional and technical attributes of other systems which will improve the whole Cambodian legal system.

Political will is primarily originated from the perception that the varieties and pluralities of legal texts have reduced the access to justice and affect the equity of case rulings. Very often, judges' enforcement of the laws faced many challenges and vary from provinces to provinces. The lack of clarity and uniformity of the law leads to fragility in the justice system and the loss of public confidence on the judicial and governmental institutions. The political will is also originated from the government's conscience which considers the code as a tool of good governance and the rule of law since the code facilitates and promotes public access to law, justice and law dissemination.

Practically, both the **Civil Code** and the **Civil Procedure Code** are the necessary tools for the ongoing operation of the civil court to en-

sure fair rulings and justice for the people. Since the civil legal texts are dispersed and weak, it is necessary to pool these texts together to facilitate the study by organizing these legal texts in a uniform and consistent manner and also filling the loopholes to create these two codes, namely the **Civil Code** and **Civil Procedure Code**, to serve as the legal bases for the judges' rulings and process of the civil cases.

Indeed, the **Civil Code** is a set of base law which coordinates the capital relationships, valuable to physical and legal persons as well as coordinates the relationship between citizens and citizens, physical and legal persons, legal persons and legal persons including the ownership, exchange, compensation, family and will relationship. The **Civil Procedure Code** is also a base law which is enforceable on everyone who can freely be the subject of goods exchange in a free market society. In particular, legal relationships involving normal citizens include marital and capital relationships. Out of these, capital relationships refer to the ownership or real right of properties and transactions with other people or contracts. On the other hand, domestic relationships refer to the relationship between relatives such as marriage or parents and children, and the forming of family. Along with this, the **Civil Procedure Code** is the base law for general enforcement while the commercial law is for specific actions or subjects, which is called special law. In principle, other important private laws must follow the principles of the

Civil Code.

On the other hand, the **Civil Procedure Code** is the whole body of legal procedures involving the initiation and process of complain procedures in civil courts. Civil cases are reserved for civil courts' judgment which is based on the law to protect individual rights as stated in the constitution and the law.

In short, the **Civil Procedure Code** is an independent law of the state's judicial system which sums up all the legal procedures and social relationships which arise between the courts and other stakeholders in legal procedures while the courts give judgment on civil cases to protect the legal rights and benefits of all citizens.

To implement the tasks stated above, each competent judge who hear the civil cases and is obliged to reconcile, investigate, sentence or enforce its ruling must possess deep knowledge of the civil law which is stated in the civil code, law and legal texts relating to the civil cases. Moreover, each judge must possess a clear foundation as well as intelligence and knowledge about the details of the **Civil Procedure Code** since the **Civil Procedure Code** has determined the competence and duties of the courts, prosecutors, parties, and other relevant stakeholders during the courts' judgment. Therefore, through each process, if the courts have deep legal knowledge, both in the **Civil Code** and **Civil Procedure Code**, it is a strong foundation to find the real truth in order to give the right judgment.

(Continued on page 8)

(Continued from page 7)

This conference has been organized in a framework to educate and disseminate *Civil Code* and *Civil Procedure Code* to the law and court professionals including judges, prosecutors, clerks, lawyers, relevant institutions and the people in public to participate in enhancing the awareness about law and ensuring efficiency of implementation because all societies in the modern period are to face awareness and legal dissemination in order to lead, manage and ensure the social peace, national and international exchange, which is significant for the understanding of the legal principles.

Therefore, the education and regular dissemination of the legal texts in all time has been adopted as a first stage to make sure the democracy system is built conforming to the constitution of the Kingdom of Cambodia. In actuality, along with the training and education to disseminate law on *Civil Procedure Code* the Ministry of Justice, which is a Government agency on this issue, has been actively implementing with remarkable results. Along with that, in order to enhance the efficiency of the implementation as well as participating in promoting the rights to receive additional information on civil law and justice, I would like to instruct the Ministry of Justice to additionally publish this code as well as preparing to disseminate to the relevant institutions and people in public more extensively.

The preparation of the *Civil Code* and *Civil Procedure*

Code aims at gathering all kinds of provisions related to the civil areas to make sure the law practitioners and the people in public are fully aware of the law foundation and the legal procedure of the process and judgment of the civil case.

In this sense, the *Civil Code* adds and modernizes the property network and relative relationship, marriages, families and heritage as well as basic principles, which ensure the dignity of each individuals, equality between male and female and the rights over property, which has been stipulated in the Constitution and the response to the social development. As for the *civil procedure code*, it supplements and brings about perfection to the following procedures:

1. *The complain procedure which is used for deriving final judgment by judges or the court on non-existence verdict of the rights of parties as stipulated by the Substance Law.*
2. *The forcible enforcement which is a procedure used for achieving the implementation of rights finally set by the court verdict.*
3. *The protection management, which is a transitional procedure, being established to ensure the implementation of the rights of creditors in the future.*

So, the approval of this Civil Procedure Code is going to actively participate in strengthening the rule of law, democracy, and the protection of right and dignity of the people in the Kingdom of Cambodia. Moreover, the approval of

this code will contribute to the modernization of the legal framework in accordance with the reform policy of the Royal Government in order to ensure general agreement in relation with the protection of rights, human benefits and the society as a whole. This approval will also help to strengthen the judicial institutions, particularly the enhancement of efficiency in civil justice provision to the people as well as ensuring social progress, facilitating the access to information about the law and court, and providing legal safety to people.

To achieve the government's commitment conforming to the Action Plan for the implementation of the legal and judicial reform strategy, the Ministry of Justice, which is the government agency for judicial sector, must put further efforts on some important works as follows:

1. *Continue making efforts in strengthening the legal institutions and push for the adoption of basic laws such as the Criminal Code, Law on the Status of Judges and Prosecutors, Law on the Organization of Court, the amended Law on the Organization and Functioning of the Supreme Council of the Magistracy, Status of Court Clerks, Status of Notary and Status of Bailiffs.*
2. *Put more efforts into the education sector for the officials of legal and judicial professions in accordance with the development of Cambodian Law and new technology beneficial for the judicial sector.*

3. *Strengthen and extend the legal awareness campaign to law enforcement institutions and the public.*

Before ending, I would like to take this opportunity to express my deep gratitude to Japan for providing the technical cooperation in preparing the *Civil Code* and the *Civil Procedure Code*, and France for giving technical cooperation in preparing the *Criminal Code* and *Criminal Procedure Code*... ■

(Continued from page 5)

countries maintain contact in all fields and agree to solve the issue peacefully. China also has a long time border conflict with India but they still can make their relations work. China and the former Soviet Union also had border problem... Because of order misunderstanding because of using two different maps, we should not treat one another as enemy. My appeal is that we should try not to expand conflict but reduce it... ■

(Continued from page 5)

whole humanity.

Finally I would like to express my deepest and sincerest gratitude to the people of Cambodia of all strata for providing faithfully patriotic supports through the expression of understanding, patience, calmness, aimed at defending national interest, and peaceful, friendly, while maintaining good-neighborly relations with the people of Thailand. I wish all Buddhist monks and the Cambodian compatriots the four Buddhist blessings of longevity, beauty, safety and healthiness... ■