

No. 52882*

**United Nations
and
Cambodia**

Exchange of letters between the United Nations and Cambodia concerning the loan of certain maps by the United Nations to the Royal Government of Cambodia (with attachments). New York, 5 August 2015 and 7 August 2015

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**Organisation des Nations Unies
et
Cambodge**

Échange de lettres entre l'Organisation des Nations Unies et le Cambodge concernant le prêt de certaines cartes par les Nations Unies au Gouvernement Royal du Cambodge (avec pièces jointes). New York, 5 août 2015 et 7 août 2015

Entrée en vigueur : *7 août 2015 par l'échange desdites lettres, conformément à leurs dispositions*

Texte authentique : *anglais*

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[ENGLISH TEXT – TEXTE ANGLAIS]

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United Nations  Nations Unies

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REFERENCE:

5 August 2015

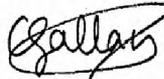
Excellency,

I have the honour to refer to the letter dated 5 August 2015 from the Secretary-General to His Excellency Samdech Akka Moha Sena Padei Techo Hun Sen, Prime Minister of the Kingdom of Cambodia. A copy of that letter is attached for your information.

Further to that letter, I wish to propose the conditions and understandings that are to apply to the loan of the maps in question by the United Nations Dag Hammarskjöld Library to your Government. These proposed conditions and understandings are set out in an attachment to this letter.

If these conditions and understandings meet with your approval, I would propose that this letter and your reply confirming your acceptance of these conditions and understandings shall constitute an agreement between the United Nations and Cambodia, which shall enter into force on the date of your reply.

Please accept, Excellency, the assurances of my highest consideration.



Cristina Gallach
Under-Secretary-General
for Communications and Public Information

His Excellency
Mr. Ry Tuy
Permanent Representative of the Kingdom of Cambodia
to the United Nations
New York



Conditions and Understandings applicable to the loan by the United Nations of certain maps to the Government of the Kingdom of Cambodia

1. The United Nations agrees to loan the original copies of the following maps that are in its possession (the "maps") to the Government of the Kingdom of Cambodia (the "Government"):
 - i. 191E SreKhtum (single sheet)
 - ii. 191W SreKhtum (single sheet)
 - iii. 192E PosteMaitre (single sheet)
 - iv. 192W PosteMaitre (single sheet)
 - v. 200E Mimot (single sheet)
 - vi. 200W Mimot (single sheet)
 - vii. 207E LochNinh (single sheet)
 - viii. 207W LochNinh (single sheet)
 - ix. 209E PreyVeng (single sheet)
 - x. 210E_210W TayNinh (composed of two sheets)
 - xi. 219W SvayRieng_218ETakeo (composed of two sheets)
 - xii. 219E Svayrieng (single sheet)
 - xiii. 220W TrangBang (single sheet)
 - xiv. 220E TrangBang (single sheet)
 - xv. 226E_226W Kampot_227E_227W Hatien (composed of four sheets)
2. The maps shall be loaned by the United Nations to the Government for a period of up to 14 days, commencing from the date of their handover in Phnom Penh by a designated official of the United Nations to a designated official of the Government.
3. The designated official of the United Nations will transport the maps to and from Phnom Penh. He or she may be accompanied for this purpose by one other United Nations official. That/Those United Nations official(s) will remain in Cambodia for the duration of the loan.
4. The designated official of the United Nations shall hand over the maps to the designated official of the Government on the day following his or her arrival in Phnom Penh at a time and place in Phnom Penh to be mutually agreed between them.
5. The designated official of the United Nations and the designated official of the Government shall sign two copies of a document confirming the handover of the maps by the United Nations to the Government. One copy of this document shall be kept by the United Nations and one by the Government.
6. The designated official of the United Nations and the designated official of the Government shall serve as liaison between the United Nations and the Government on all matters relating to the implementation of this exchange of letters throughout the period that the maps are on loan to the Government.



7. The United Nations and the Government shall inform each other of the identities of their respective designated officials in advance of the travel of the designated official of the United Nations to Phnom Penh.
8. The designated official of the United Nations shall have no functions in respect of or concerning the maps other than those that are specified in the present agreement.
9. During the period that the maps are on loan to the Government, the Government shall at all times keep them in its possession and control on Government premises. The location of those premises shall be notified to the designated official of the United Nations. Any change in the premises at which the maps are being kept shall be immediately notified to that designated official.
10. The Government agrees to take all necessary precautions and measures to ensure that the maps are preserved in their original state and to ensure that they are not destroyed, damaged, lost or undergo any form of deterioration while they are on loan to the Government. To these ends, the Government agrees to keep the maps in a secure environment that will ensure their protection from humidity, water, fire, natural disasters, theft or other causes that may destroy or damage, or result in the loss or deterioration of the maps.
11. The Government agrees to notify the United Nations of the precautions and measures that it will put in place for the purposes specified in the preceding paragraph in advance of the travel by the designated official of the United Nations to Phnom Penh.
12. In the event that the United Nations considers that the precautions and measures notified by the Government in accordance with the preceding paragraph are not sufficient for the purposes specified in paragraph 9, the United Nations may request that the Government put in place additional or different precautions and measures for those purposes. Upon receipt of any such request, the Government shall take the precautions and measures specified by the United Nations and inform the United Nations once this has been done. It is understood that the designated official of the United Nations will not transport the maps to Phnom Penh unless and until the United Nations is so notified.
13. The maps may only be handled and used by Government officials for official governmental purposes.
14. The Government may copy or electronically scan the maps. The means employed for such purpose shall be of such a nature that the maps will not be exposed to risk of destruction, loss, damage or any form of deterioration.
15. The designated official of the United Nations shall, upon request, be afforded full and immediate access to all of the maps and to inspect the conditions under which they are being kept and used.



16. In the event that the designated official of the United Nations considers that the maps are being kept or used in a manner that is not consistent with the terms of this agreement, he or she may, at any time, request the Government to take specified corrective measures or request that the maps be returned to the United Nations. Upon receipt of any such request, the Government shall immediately take the corrective measures specified or return the maps to the designated official of the United Nations.
17. Subject to the preceding paragraph, the maps shall be returned to the designated official of the United Nations no later than 14 days after their initial handover to the designated official of the Government, at a time and place in Phnom Penh to be mutually agreed between those two officials.
18. All the maps shall be returned to the designated official of the United Nations in their original condition.
19. The designated official of the United Nations and the designated official of the Government shall sign two copies of a document confirming that the maps have been returned by the Government to the United Nations. One copy of this document shall be kept by the United Nations and one by the Government.
20. All expenses related to the transportation of the maps by the United Nations official(s) to and from Cambodia and the stay of that or those official(s) in Cambodia shall be borne by the Government. The standard and costs of travel of, and the costs of the daily subsistence allowance payable to, such United Nations official(s) shall be determined and calculated in accordance with the applicable the rules, regulations and rates of the United Nations.
21. Should any of the maps be destroyed or lost while they are on loan to the Government, the Government shall pay full compensation to the United Nations for their loss. Should any of the maps be damaged or undergo any form of deterioration while they are on loan to the Government, the Government shall pay compensation to the United Nations in the full amount necessary to defray all of the costs incurred by the United Nations for their repair, restoration or stabilization.
22. The maps shall remain the property of the United Nations at all times. They shall at all times enjoy the inviolability that is enjoyed by all documents belonging to the United Nations pursuant to Article 105 of the Charter of the United Nations and Article II, Section 4, of the Convention on the Privileges and Immunities of the United Nations of 13 February 1946, to which the Kingdom of Cambodia is party. Nothing in or related to this exchange of letters shall be deemed to constitute a waiver, express or implied, of the privileges and immunities of the United Nations or of any of its officials.
23. The United Nations is not to be understood to officially endorse or accept the boundaries and names shown on the maps.



THE SECRETARY-GENERAL

5 August 2015

Excellency,

I have the honour to refer to your letter of 6 July 2015, conveying a request to borrow from the United Nations the originals of 1:100,000 scale maps concerning the borders of the Kingdom of Cambodia. The maps were produced between 1933 and 1953, published by the Indochina Geographical Service, and said to have been handed over to the United Nations in 1964.

Upon receipt of your letter, the Secretariat searched its records. While we were unable to find the maps mentioned in your letter, we identified amongst the holdings of the United Nations Dag Hammarskjöld Library both electronic and print copies of maps which may be of interest to your Government. A full set of copies of these maps in digital format was provided to His Excellency Mr. Ry Tuy, Permanent Representative of the Kingdom of Cambodia to the United Nations, on 27 July 2015.

While the United Nations Dag Hammarskjöld Library does not, as a matter of policy, loan maps in its keeping, following consultations with the Permanent Mission of the Kingdom of Cambodia on 29 July 2015, it has been agreed that the Library would, on an exceptional basis, loan the aforementioned maps to your Government for a limited period of time, subject to conditions and understandings to be set out in an exchange of letters between the United Nations and your Government.

To this end, I have requested my Under-Secretary-General for Communications and Public Information to be in contact with your Permanent Representative to the United Nations to expedite agreement on the conditions and understandings for the loan of the maps in question to the Government of the Kingdom of Cambodia.

I would emphasize that the United Nations is not to be understood to officially endorse or accept the boundaries and names shown on the maps concerned.

Please accept, Excellency, the assurances of my highest consideration.

A handwritten signature in black ink, appearing to read 'Ban Ki-moon', written in a cursive style.

BAN Ki-moon

His Excellency
Samdech Akka Moha Sena Padei Techo Hun Sen
Prime Minister of the Kingdom of Cambodia
Phnom Penh

II



NATION - RELIGION - KING

KINGDOM OF CAMBODIA

**PERMANENT MISSION
TO THE UNITED NATIONS**

7 August 2015

RC/MP/192/15

Excellency,

I am pleased to inform you that the Royal Government of Cambodia is agreeable to the Conditions and Understandings applicable to the loan by the United Nations of certain maps to the Royal Government of Cambodia as stated in the attachment of your letter dated 5 August 2015.

On behalf of the Royal Government of Cambodia, I wish to confirm the Government's acceptance to the Conditions and Understandings, which shall constitute an official agreement between the Royal Government of Cambodia and the United Nations, and shall enter into force on the date of my reply.

With reference to our discussion held on 6 August 2015, you have informed me that Ms. Mereani Vakasisikakala, Acting Director of the UN Dag Hammarskjold Library, will be nominated to transport and hand over the 14 single sheets of Cambodia's maps and one long sheet of map composed of four sheets to a designated official of the Royal Government of Cambodia on the day following her arrival in Phnom Penh. During the said discussion Ms. Mereani said that she has planned to leave New York on 17 August 2015.

In light of this discussion, I wish to inform you that I will be joining her on this assignment. The proposed date of her planned travel is accepted by the Royal Government of Cambodia. She will be met at the International Phnom Penh Airport by the following officials:

- H.E. Mr. Long Visalo, Secretary of State of the Ministry of Foreign Affairs and International Cooperation, Member and President of the Secretariat of the Ad Hoc Committee for Coordination of Receiving and Returning and Verifying Maps, established on 6 August 2015;
- H.E Mr. Svay Sytha, Secretary of State of the Council of Ministers; and
- Mr. Sin Sotheany, Deputy Chief of the Permanent Secretariat of the National Authority in Charge of Border Affairs of the Council of Ministers.

Moreover, **H.E Mr. HOR Namhong**, Deputy Prime Minister, Minister of Foreign Affairs and International Cooperation, and Chair of the said Ad Hoc Committee, will receive the maps from Ms. Merani in the presence of the Ad Hoc Committee at **09:00 am on 20 August 2015 at the Peace Palace** of Cambodia in Phnom Penh.

Once the maps are handed over, the Royal Government of Cambodia guarantees the security and protection of the maps which will be safely kept in the Peace Palace.

Ms. Mereani's accommodation will be provided by the Royal Government of Cambodia at the Intercontinental Hotel in Phnom Penh. She will also be provided with a car and chauffeur during her mission and stay in Cambodia until 2 September 2015 (maximum stay) if she plans to arrive in Cambodia on 19 August 2015, as we respect the 14 days period laid down by the United Nations.

I look forward to your confirmation on any additional official(s) who will be designated other than Ms. Mereani, including their flight itineraries as soon as possible. All expenses for the designated officials will be met by the Royal Government of Cambodia.

The composition of the Ad Hoc Committee is attached herewith.

Please accept, **Excellency**, the assurances of my high consideration.



RY TUI

Ambassador and Permanent Representative
of Cambodia to the United Nations

H.E. Ms. Cristina Gallach
Under-Secretary-General
for Communication and Public Information
United Nations
New York

**The composition of the ad hoc Committee for the coordination
of receiving, returning and verifying maps**

1. H.E Mr. HOR Namhong,	Deputy Prime Minister, Minister of Foreign Affairs and International Cooperation,	Chairman
2. H.E Mr. VAR Kimhong	Senior Minister in charges of Border Affairs,	Vice Chairman
3. H.E Mr. IM Chhun Lim	Senior Minister, Minister of Land Management, Urbanization and Construction,	Vice Chairman
4. H.E Mr. AUN Pornmoniroth,	Minister of Economy and Finance	Member
5. H.E Mr. PRAK Sokhon,	Minister of Post and Telecommunication	Member
6. H.E Mr. Svay Sitha,	Secretary of State of the Council of Ministers	Member
7. H.E Mr. NEANG Phat	Secretary of State, Ministry of National Defense	Member
8. H.E Mr. SAK Setha	Secretary of State, Ministry of Interior	Member
9. H.E Mr KOEUT Rith	Secretary of State, Ministry of Justice	Member
10.H.E Mr. SOY Sokha	Secretary General, Council of Ministers	Member
11.H.E Mr. LONG Visalo	Secretary of State, Ministry of Foreign Affairs and International Cooperation	Member and Chief of Secretariat of the ad hoc committee