Thai-Cambodian Relations: Case Study - Preah Vihear Temple

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Abstract
This article analyzes causes leading to the border dispute between Thailand and Cambodia. Both are neighboring countries in Southeast Asia that share a border with a length of approximately 803 kilometers. The border dispute between Thailand and Cambodia over the Preah Vihear Temple was the continuation of a love-hate relationship between Thai and Cambodian people. The dispute was the result of two main causes. First, the dispute had its origin in a border settlement that had been made between 1904 to 1908 between France and former Siam. In 1962, the ICJ decided to grant the temple to Cambodia. However, it is the frontier around the temple that remains the subject of dispute. Thailand has claimed 4.6 square kilometers which Cambodia recognizes as an integral part of the temple territory. Second, the internal politics of both countries, especially political instability in Thailand, has also contributed to this dispute between Thailand and Cambodia. The latest border dispute occurred when Thailand refused to accept Cambodia’s unilateral nomination of the temple as a world heritage site in 2008. Subsequently, military confrontation between both sides broke out several times between 2008 and 2011.

Keywords: Thai-Cambodia Relations; Root of the Dispute; Border Settlement

I. Introduction
Thailand and Cambodia have a long historical background together in diplomatic ties across pre-colonial, colonial and post-colonial times. After the end of the Cold War era, Thailand and Cambodia appeared to enjoy a good relationship, heading towards cooperation and normalization. In 1991, Cambodian factions agreed to lay down their arms and formulate a peaceful settlement known as the Paris Peace Agreement. Eighteen states, including Thailand, were signatory states to the agreement leading to a free and fair national election supervised by the UN (UNTAC) in 1993. The emergence of Taksin Shinawatra in Thailand in the late 1990s and Prime Minister Hun Sen in Cambodia in 1998, led to close ties between both countries. But the relationship deteriorated in 2003, when a Thai actress interviewed by a Thai newspaper stated that “she would accept the invitation to perform in Cambodia if a famous Angkor Wat Temple was returned to Thailand.” This story caused anger in Cambodian and led to riots. The Thai embassy was burned and Thai businesses such as restaurants and businesses were forced to stop trading. Diplomatic ties were only
restored when the bilateral trade agreement was revived in 2002 and trade reached $445 million, and then $1 billion in 2006.¹

However, in January 2008, the relationship between Thailand and Cambodia deteriorated because of another dispute concerning the Preah Vihear temple. The Cambodian government applied for the Preah Vihear Temple to be listed in the UNESCO world heritage list. But Thailand protested that Cambodia had also included the territory around the temple that Thailand claimed as its own. Thailand then requested that the world heritage listing of Preah Vihear should be in the joint names of Thailand and Cambodia. However, the Cambodian government stated that the registration of the temple excluded the area around it, and therefore, it was impossible that it had violated the sovereignty of the listing process.

This disagreement led to both sides deploying military forces around the disputed area.² Both sides were not able to find a way out of the dispute on this issue, although there have been several bilateral negotiations. That is why Samdech Techo Hun Sen, Prime Minster of Cambodia, tried to solve the conflict by way of international arbitration, mainly through the International Court of Justice.

According to the speech by Samdech Techo Hun Sen at the 18th ASEAN Summit, “Cambodia has shown the best way by seeking a peaceful settlement through the negotiations and finding all kinds of mechanisms at all levels. However, bilateral negotiation has not settled the matters, but have further increased the conflict. Thus, the Royal Government of Cambodia submitted a request to the ICJ to provide its interpretation of the 1962 judgment on Preah Vihear Temple.”³ However, according the Thai Prime Minister Abhisit Vejjajiva, “the border disputes between Thailand and Cambodia, like many other disputes, are longstanding. It is simply not true that the bilateral negotiation is not working. The dispute can be resolved through bilateral process.”⁴

II. Timeline of Argument and Conflict

Here is the timeline of disputes and conflict over the Preah Vihear Temple:

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³ Cambodian Prime Minister Samdech Techo Hun Sen, Statement at the Plenary Session of the 18th ASEAN Summit, May 7, 2011, Jakata.
⁴ Thai Prime Minister Abhisit Vejjajiva, Intervention at the Plenary Session of the 18th ASEAN Summit, May 7, 2011, Jakata.
• Early ninth century, building began.
• In the 12th century, the construction of the temple was completed.
• In 1431, the temple, as well as Srisophon, Battambang and Siem Reap provinces were annexed to Thailand (former Siam) as a result of Thailand’s defeat of Khmer forces.
• In 1904, Siam and France (former colonial ruler of Cambodia) agreed to demarcate the frontier which followed the watershed of the Dangrek Mountains. The demarcation was finalized by the Mixed Commission.
• In 1907, the Map of Annex I was completed by French officers. This map designated the frontier along the Dangrek Mountains where the temple stands. The French did not follow the watershed as per the agreement, thus it placed the temple in Cambodian territory. Thai people claim that they have never accepted this French map.
• In 1941, Thailand invaded the western part of Cambodia in order to regain territories lost to the French during French colonization of Indo-China. The Thais and French signed a peace agreement in Tokyo, which restored most of territories to Thailand, including the temple.
• In 1946, the Treaty of Washington led Thailand to return the territory to France.
• 1953, Thailand flew the Thai flag over the sanctuary.
• 1959, the Cambodian government began legal proceedings against Thailand before the ICJ.
• 1962, ICJ ruled that the temple stood in territory under the sovereignty of Cambodia.
• July 8, 2008, the temple was listed as a World Heritage Site by UNESCO. The tension after the declaration by UNESCO began on July 15, 2008 after three Thai activists were detained by Cambodian officers in the disputed area near the temple.

• August 3, 2008. Thai and Cambodian soldiers exchanged fire for approximately ten minutes. A Cambodian soldier was injured.
• August 16, 2008. Both sides withdrew troops from the border and left 40 soldiers on station from each side.
• October 3-6, 2008. Both sides exchanged fire again. Two Thai soldiers were injured by a landmine and Thailand accused Cambodia of recently planting landmines.
• October 15-16, 2008. Gunfire caused the deaths of three Cambodians and one Thai soldier. Both sides agreed to introduce joint patrols in the conflict areas following these deadly clashes.

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Then, the Thai and Cambodian Prime Ministers met in Beijing and agreed to prevent such clashes in the future.

- September 29, 2009. The Thai prime minister insisted that Thailand wanted to find a peaceful solution to the dispute through a Joint Border Commission set up by both sides. Then, on December of the same year, a Cambodian soldier died after stepping on an old landmine.

- January 24, 2010. Both sides exchanged fire 15 kilometers southeast of the temple while the Cambodian Foreign Minister urged the soldiers to protect the Cambodian Territories.  

- February 9, 2010. Google promised to map the temple after the Cambodian government complained that nearly half of the temple has been shown to be located in Thailand.

- August 8, 2010. Samdech Techo Hun Sen wrote to the UN accusing Thailand of threatening to use military force, but this was denied by Thailand.

- January 31, 2011. Thailand demanded Cambodia remove the flag from the Buddhist temple (Wat Keo Sikha Kiri) which had been built in the disputed area, but Cambodia refused to remove it.

- February 1, 2011. Cambodian court sentenced two Thais including a high-profile nationalist activist for spying and illegally entering Cambodia.

- February 4-7, 2011. Both sides exchanged fire which caused six deaths during a four-day border clash.

III. Bilateral Solutions

A bilateral solution refers to negotiation between two independent states in such economic, cultural and political disputes. It is characterized by two agents - firms, individuals, governments and others who have a common interest in mutual cooperation. Thailand and Cambodia have had a bilateral relationship since 1950. They announced a cancellation of diplomatic relations twice, first in the government of Sarit Thanarat in 1958 (restoring their diplomatic ties again in 1958); second in the government of Thanom Kittikachorn on October 23, 1961, and restored again in 1966. Both diplomatic cancelations were caused by the dispute over Preah Vihear Temple. Both Thailand and Cambodia announced they would reduce diplomatic ties

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after the burning of the Thai embassy in Phnom Penh (2003) when the Thai ambassador then returned to Thailand in 2009 after Cambodia appointed former Taskin Shinawatra as an advisor to the Cambodian government (at the same time, Cambodia also recalled an ambassador from Thailand). Afterwards, both enjoyed good diplomatic ties again and agreed to establish many committees in order to resolve the dispute over the Preah Vihear Temple.\textsuperscript{10} Thailand and Cambodia also have many other types of cooperation such as economic and cultural connections, amongst others. Some important mechanisms exist for mutual negotiation:

1. Joint Commission of Bilateral Cooperation between Thailand and Cambodia (JC).
2. Joint Committee on Border Area Development and Connectivity (JCBD).
4. General Border Committee (GBC).
5. Regional Border Committee (RBC).\textsuperscript{11}

Both Thailand and Cambodia have attempted to end the border conflict, especially since Cambodia gained its independence in 1953. However, after the ICJ ruling in 1962, there was no bilateral negotiation between the two nations able to deal with the border dispute until the early 1990s. Then, Thailand and Cambodia established the General Border Committee (GBC) in the mid-1990s. This was headed by the defense ministers of both countries. In addition, the Regional Border Committee (RBC) was also established. A demarcation of the land boundary between both sides was then signed by the foreign ministers of Thailand and Cambodia in 1994 and 1997, which paved the way to set up a Joint Commission for the Land Boundary. Afterwards, with the purpose of preventing border tension and facilitating travel and cooperation between both sides, both parties signed a MoU on the Survey and Demarcation on Land Boundary in 2000. This MoU resulted in the Joint Boundary Commission’s formation (JBC), co-chaired by the advisor to the government who was in charge of State Border Affairs of Cambodia, and the Deputy Minister of Thai Foreign Affairs. Through this JBC, a Joint Technical Sub-Commission was set up to assist the work of the JBC. Three meetings of the JBC were held in 2008 and 2009. However, despite the urgency of convening JBC meetings in 2010 and 2011, no such meeting took place until the JBC meeting in Bogor in 2011 which was headed by the then Chair of ASEAN, Indonesia. The meeting took place because Cambodia demanded that records of three previous meetings of JBC should be adopted by Thailand before the convening of any

further JBC meeting. However, Thailand and Cambodia failed to proceed with bilateral negotiations over border conflict, especially the conflict over Preah Vihear Temple.

IV. International Solutions

An international solution refers to negotiating through international actors. Thailand and Cambodia are state members of the Association of Southeast Asian Nations (ASEAN) and they are signatories to the Treaty of Amity and Cooperation in Southeast Asia (TAC, 1976) that prevents them from the use of force between member states and contributes to the peaceful settlement of disputes through inter-state solutions. Part of the provisions of the Treaty of Amity and Cooperation (TAC) is to prevent actions resulting in injury and death of human beings and to avoid the continuation of conflict between member states in the future.

The dispute between Thailand and Cambodia over the Preah Vihear Temple became so serious in 2008, that during the APEC Summit in Singapore in 2009, Thailand asked Indonesia to help solve the dispute with Cambodia. But Indonesia stated that Thailand and Cambodia still had opportunities to solve the conflict through bilateral negotiation, although the Indonesian foreign minister would maintain communication between Thai and Cambodian counterparts on the matter. Indonesia did not want to bring the Thai-Cambodian dispute before the ASEAN forum. However, as the dispute about the temple continued, both leaders made a statement about the mechanism they would choose for dispute settlement. The different processes of both sides to solve the dispute were:

The Thai prime minister believed that this dispute could be solved through bilateral negotiation, while the Cambodian prime minister preferred multilateral negotiation. In 2011, the dispute between both sides became even worse. Thailand deployed military forces to the frontier that infringed on Cambodian sovereignty. Therefore, the Cambodian government sent a letter to the UNSC to deploy its own military on the disputed area. During the meeting, the UNSC decided to return the responsibility of this case to ASEAN.

The UNSC transferred the case to ASEAN because both conflicting countries were member states of ASEAN. Article 22-23 of the ASEAN Charter states that disputing member states have the option to request the Chairman of ASEAN or the Secretary-General, in an ex-officio capacity, to provide good offices, conciliation and mediation to resolve disputes within an agreed time limit. It was the first time that the UNSC had called upon ASEAN to ensure an effective dialogue in search of a lasting solution. However, ASEAN failed to promote a peaceful solution on the border dispute between Thailand and Cambodia. Indonesia, host of the 18th ASEAN summit at Jakarta, could not find a solution to the border dispute by the end of the summit and ASEAN was not able to bring any peaceful settlement. Also, both sides did not reach any definite conclusion.

As a state member of ASEAN, Thailand and Cambodia need to abide by the rule of its Treaty of Amity and Cooperation. The treaty states that all ASEAN members should peacefully settle inter-state disputes and avoid the use of threat of force among states. Therefore, ASEAN members failed to abide by the principle of the peaceful settlement of dispute mechanism. But TAC is considered to be an important mechanism for prescribing approaches to solving disputes. The fundamental principles of TAC are mutual respect for independence, sovereignty, equality, territorial integrity and national identity of all nations; non-interference in the internal affairs of one another; settlement of differences or disputes by peaceful means; reunification following threat or use of force; promotion of cooperation among members, including the guideline for settling disputes peacefully through the functioning of the High Council in order to strengthen peace and confidence in the region. ASEAN there seemed to fail in solving the dispute of both nations through these principles.

V. The Role of ASEAN

The Association of Southeast Asian Nations had tried to negotiate an end to the dispute. But the military conflict between Thailand and Cambodia had been the most serious conflict ever seen between two nations

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18 Kriengsak Chareonwongsak, *Asean’s Limits in Conflict Resolution in the Region* (Massachusetts: Harvard University), 2.
of ASEAN members, and this was regarded as a test of the organization’s capacity to maintain peace and security in the region. The fighting between Thailand and Cambodia also concerned other ASEAN member states and challenged one of the main core purposes, that is, to maintain peace and stability in the region.\(^{19}\) The main principle that ASEAN seemed to have failed, was the principle of non-interference. ASEAN encouraged the principle of non-interference which respect to each nation’s self-interest. It tried not to infringe on national interests in the name of the good of the region as a whole. In the ASEAN founding document, the principle of non-interference is a major prerogative. In the Bangkok Declaration (1967), ASEAN declared its determination to ensure the security and stability of member states from external interference in any form. The ASEAN Zone of Peace, Freedom, Neutrality Declaration states that every state, regardless of its size (big or small) has the right to enjoy its national existence free from outside interference in its internal affairs. In the TAC, ASEAN committed itself to certain principles, including mutual respect for the independence, equality, sovereignty, territorial integrity and national identity of all nations, the right of every state to run its national existence free from external interference, coercion and non-interference in the internal affairs of one another.

This principle was enshrined again in the Declaration of ASEAN Concord in 1976 as: “member states shall vigorously develop an awareness of regional identity and exert all efforts to create a strong ASEAN community, respected by all and respecting all nations on the basis of mutually advantageous relationships, and in accordance with the principles of self-determination, sovereign equality and non-interference in the internal affairs of nations.” Article 2 of the ASEAN Charter states the principle of non-interference as respect for the independence, sovereignty, equality, territorial integrity and national identity of all ASEAN Member States; renunciation of aggression and of the threat or use of force or other actions in any manner inconsistent with international law; non-interference in the internal affairs of ASEAN Member States; respect for the right of every Member State to lead its national existence free from external interference, subversion and coercion.\(^{20}\) However, ASEAN preferred that Thailand and Cambodia should find the solution over the border dispute by way of bilateral negotiation.

There are several important differences between the EU and ASEAN: (1) ASEAN is an inter-governmental organization, while the EU is a supranational organization; (2) ASEAN does not have a common currency, while the EU does (Euro); (3) it does not have a parliament while the EU has. The EU parliament has the power to legislate as well as the power to veto appointments and budgets. ASEAN has the Inter Parliamentary Assembly which has power of moral suasion; (4) the EU has a powerful secretariat known


\(^{20}\) Nguyen Duc Tuyen, the Future Evolvement of the Principle of Non-Interference? (Diplomatic Academy of Vietnam), 1-2.
as the European Commission while ASEAN has a relatively weak secretariat; (5) In decision-making processes, ASEAN makes all decisions by consensus, while EU reaches decisions through voting; (6) ASEAN does not have a court of justice while the EU has the European Court of Justice.21 Thus, ASEAN seemed to fail in dispute settlement over the border conflict between Thailand and Cambodia.

VI. The Role of the ICJ

On November 11, 2013 in The Hague, the International Court of Justice, the principal judicial organ of the United Nations, rendered its judgment in the case relating to the request for interpretation of the judgment of 15 June, 1962 on the case of Preah Vihear Temple. In its judgment on the request for interpretation by Cambodia, the court

“Finds, unanimously, that it has jurisdiction under the article 60 of the Statute to entertain the request for interpretation of the 1962 judgment presented by Cambodia, and that this request is admissible; declares unanimously, by way of interpretation, that the Judgment of 15 June 1962 decided that Cambodia had sovereignty over the whole territory of the promontory of Preah Vihear, as defined in paragraph 98 of the present Judgment, and that, in consequence, Thailand was under an obligation to withdraw from that territory the Thai military or police forces, or other guards or keepers, that were stationed there.”

On June 15, 1962, the Court rendered its judgment in the case relating to Preah Vihear Temple, the operative part of which read as follows:

“The court finds that the Preah Vihear Temple is situated in the territory under Cambodia’s sovereignty; finds in the consequence, that Thailand is under an obligation to withdraw any military, police forces, or other keepers and guards, stationed by her at the temple, or in its vicinity on Cambodian territory; and that Thailand is under an obligation to restore to Cambodia any objects of the kind specified in fifth Submission of Cambodia which may, since the date of occupation of the temple by Thailand in 1954, have been removed from the Temple or the Temple area by Thai authorities.”

On April 24, 2011, Cambodia filed an application to request the interpretation of the judgment rendered on June 15, 1962. At the close of its application, Cambodia asked the court to judge and declare that:

“The obligation incumbent upon Thailand to ‘withdraw any military or police forces, or other

guards or keepers, stationed by her at the Temple, or in its vicinity on Cambodian territory’ (point 2 of the operative clause [of the 1962 Judgment rendered by the Court in 1962]) is a particular consequence of the general and continuing obligation to respect the integrity of the territory of Cambodia, that territory having been delimited in the area of the Temple and its vicinity by the line on the Annex I map, on which the Judgment of the Court is based.”

Thus, after the judgment of the ICJ on 11 November 2013, the Cambodian government headed by Prime Minister Hun Sen expressed its satisfactions with the verdict of the ICJ. He also urged all types of armed forces protecting the border to continue keeping their calm, exercising utmost restraint and avoiding any activities leading to military confrontation or tension in order to provide the possibility for the Cambodian and Thai governments to negotiate and discuss the implementation of the ICJ’s verdict.

Therefore, Thailand was satisfied with the ICJ ruling and was ready to cooperate with Cambodia to implement actions pursuant to the verdict. Prime Minister Yingluck said at the subsequent press conference that Thailand and Cambodia would have to work out solutions that benefit both countries. She also reassured the public that her government would prioritize Thai sovereignty and national interest as well as national pride and its long standing in ASEAN. The Thai government also instructed military officers to maintain peace along the border.

VII. Conclusion

The dispute between Thailand and Cambodia erupted into violence many times between 2008 and 2011 when Thailand was unsuccessful in its protest against Cambodia for having unilaterally nominated the temple as a world heritage site to UNESCO in 2008. Troops from both sides exchanged fire over the ownership of the temple and the area near the temple. Then, Thailand and Cambodia continued to blame each other for initiating the confrontations.

Thus, following Cambodia’s request to UNESCO to list the Preah Vihear Temple as a World Heritage site on 8 July 2008, the World Heritage Committee agreed to add the temple to the World Heritage list as the property of Cambodia, despite several protests from the Thai government. In 2013, the International Court of Justice ruled that the disputed land around the temple belongs to Cambodia.

Following the verdict of the International Court of Justice over the Preah Vihear Temple, each side has promised to work together by peaceful means. So far, there has been a lack of progress, although both sides are maintaining stability and peace at the border. However, before Thailand and Cambodia can work out the court’s verdict together, Thailand needs time to consolidate its domestic reform and shape its foreign policy. Also, Samdech Techo Hun Sen has a good understanding of Thai politics and has learned how to deal with Thai leaders.

After the Thai military coup in 2104, Thailand and Cambodia quickly normalized their relationship. In December 2015, there was a meeting between Thailand and Cambodia and both leaders boosted bilateral relations. Two key policy decisions underpinned this improvement. First, both countries agreed on avoiding controversy over the Preah Vihear Temple and they continued to defer the difficult negotiations on how to implement the judgment of the ICJ in 2013 on the demarcation of hinterland around the Preah Vihear Temple. Second, both countries placed economic goals at the heart of their regional policy agendas. Prime Minister Hun Sen wanted more investment from Southeast Asian Nations, and Thailand is one the countries with substantial investment in Cambodia.

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