



THE PREAH VIHEAR TEMPLE: ROOTS OF THAILAND-CAMBODIA BORDER DISPUTE

Ubowan Yoosuk

Graduate Institute of International Politics, National Chung Hsing University, Taiwan R.O.C.

ABSTRACT

The dispute between Thailand and Cambodia over the Preah Vihear temple that led to tension and skirmishes between the two neighbors in Southeast Asia was a result of two main causes. First, the dispute had its origin in the boundary settlements made in the period 1904 to 1908 between France and Siam (Thailand). In 1962, although the International Court of Justice (ICJ) awarded the temple to Cambodia, but the frontier around the site remains in dispute. This ambiguity creates what Thailand calls the 4.6 square kilometers disputed area and what Cambodia recognizes as an integral part of its territory. Second, domestic politics of both countries, especially political turmoil in Thailand, is another cause that contributes to the serious dispute between Thailand and Cambodia in recent years. The latest dispute was stimulated by Thailand's unsuccessful attempt to protest Cambodia from unilaterally nominating the temple as a World Heritage site in 2008. Afterwards, the confrontation between the two neighbors erupted into violence several times during 2008-2011. The Preah Vihear dispute between Thailand and Cambodia implies a larger conflict over borders and territory sovereignty. Even though the dispute is localized but it is likely to remain a protracted conflict into the near future.

Key Words: Thailand, Cambodia, Preah vihear, Border dispute

INTRODUCTION

Thailand and Cambodia have long disputed over the Preah Vihear ancient temple, which was awarded to Cambodia by the International Court of Justice (ICJ) in 1962. However, the ICJ ruling left ownership of 4.6 square kilometers land around the site unsolved, resulting in a continuing dispute over boundary line between the two countries. The latest dispute erupted after Thailand's unsuccessful attempt to protest Cambodia from unilaterally nominating the temple as a World Heritage site in 2008. When the United Nations Educational, Scientific and Cultural Organization (UNESCO) listed the Preah Vihear as a world Heritage site on 8 July 2008, tension between the two countries increased. Both sides sent troops to the border, Thai armies occupied the Ta Moan complex in August while Cambodia responded by occupying the Ta Krabei Temple. Thai and Cambodian border patrols had minor confrontations at the time but later withdrew. (Group, 2011).

The first clash occurred in October 2008, with Thai and Cambodian troops exchanging fire over the temple and area around the site. The confrontation between the two countries elevated into violence many times during 2008-2011, with loss of life and severe bodily injuries for people on both sides. This paper attempts to analyse roots of the dispute between Thailand and Cambodia over the Preah Vihear Temple by examining the development of the boundary dispute through history and domestic politics. This author does not aim to express judgment on which country should have possession of the temple or to condemn both Thailand and Cambodia for the violent clashes. The present paper comprises two parts: first, this author considers the historical background of the boundary settlements made between France and Siam in the period 1904-1908. This author then examines current domestic politics within both Thailand and Cambodia, especially political turmoil in Thailand, which has major influences on the dispute between the two neighbors.

HISTORICAL DISPUTE

Different Concept of Boundary

The traditional concept of “boundary” for Southeast Asian countries differs greatly from the Western perspective. In the past, the people in this area interacted without serious concern over the boundary that separated them.

Once the British conquered the kingdom of Burma in 1825, it requested the Kingdom of Siam, current day Thailand, to send senior officials to negotiate the boundaries between Siam and Burma. However, the Siam royal court showed a lack of concern about establishing a boundary. Winiichaikul (Fox, 2002) summarizes the court’s disregard in the following passage:

“No boundaries could ever be established between the Siamese and the Burmese. But the English desire to have these fixed. Let them inquire from the old inhabitants residing on the frontiers...what they know respecting the contiguous territories, and let what they point out be the boundaries between the English and the Siamese possessions.

The boundaries between the Siamese and the Burmese consisted of a tract of mountains and forest, which is several miles wide and which could not be said to belong to either nations.”

For Siamese royal court at that time, boundary issue is not so important for central authority. It should be a matter for local people to decide. (Fox, 2002) This statement shows that the traditional concept of boundary for Southeast Asian countries differs from the Western view.

Similarly, Theeravit asserts in “Thai-Kanpuchaen Relations: Problems and Prospects” that the kingdom of Siam and the kingdom of Khmer, as Cambodian was then called, also shared the common concept that boundaries are not necessarily delineated on the map or clearly marked on the ground; a territory ended where its population lived. (Theeravit, 1982). Once France expanded into Indochina in the 19th century, King Norodom signed an agreement with the French to establish a protectorate over Cambodia in 1863. (Singh, 1962) As a result, Cambodia came under French colonial domination.

Boundary Settlements in 1904 to 1908

The dispute over PreahVihear Temple had its origin in the boundary settlements made in the period 1904 -1908 between France and Siam, especially the frontier agreements in 1904 and 1907, which resulted in the Dangrek map in 1907.

In the Treaty of February 13, 1904, France and Siam formed a joint commission to demarcate their borders, stipulating a demarcation along a watershed line of Dangrek mountain range separating Thailand and Cambodia. (Oliver, 1962).

At a meeting held on December 2, 1906, France and Siam agreed that the Joint Commission should reconnoiter along the Dangrek range. However, there was no evidence that the French and the Siamese parts duly made this reconnoiter. In addition, there was no report and no reference to the Dangrek area in the meetings of the Commission after 1906. Afterwards, the President of the French section reported to his Government in January 1907 that the boundary-line between France and Siam had been established. (Oliver, 1962).

One should note that the Franco-Siamese boundary treaty of March 23, 1907 occurred perhaps as a result of staffs and representatives from both countries wanting just to wind up their work. The Siamese government had requested that French officers should map the boundary region. (Oliver, 1962) In the end, mapped by a team of French officers, a sketch map of the boundary attached to the protocol depicted the PreahVihear Temple to the east of the watershed. In other words, the "Dangrek Map" in 1907 placed the PreahVihear Temple within the bounds of Cambodia. (Silverman, 2011)

Judiciary and Ruling of the International Court of Justice in 1962

Even though currentday Thailand may disagree with the map first drawn up by France, Siam did not react at that time. However, one year later, Cambodia became independent and King Norodom Sihanouk returned to power. On November 9, 1953, Thai forces occupied the temple following the withdrawal of French troops from Cambodia. Thailand insists that the temple lies to the west of the watershed and hence is a Thai possession. (Yoosuk, 2011)

The protracted negotiations between two countries from 1954 to 1958 did not produce any result, as the parties could not agree on the terms of reference of a proposed joint commission to mark the boundary. (Silverman, 2011)

Finally, this case was brought to the ICJ in 1959. During the proceeding, Thailand argued that the Dangrek Map was not the work of the Joint Commission and is therefore not binding on the country. Moreover, the boundary indicated on the map was inaccurate with regard to the location of the PreahVihear Temple in relation to the watershed line. In addition, the map had never been accepted by Thailand. Even if Thailand had accepted the border demarcation, the Siamese

government mistakenly understood that the boundary indicated corresponded to the true watershed line. (Oliver, 1962). The ICJ emphasized in its ruling that the Dangrek map was never formally approved by the Joint Commission hence it had no binding character since inception. The Court nevertheless concluded that since there was no reaction on the part of the Siamese government, either then or for many years after, she must be held to have acquiesced. (Oliver, 1962)

However, Thailand carried out a survey in 1934 to 1935, which shows the map line of the watershed as different from the map line indicated in the 1907 map. At the same time, other published maps also indicate that the PreahVihear Temple is in Thailand. Nonetheless, Thailand also continued to use and publish maps showing the PreahVihear Temple as located in Cambodia as well. In addition, the Thai authorities similarly acquiesced in the negotiations for the Franco-Siamese Treaties in 1925 and 1937, which confirmed the existing frontiers. The ICJ therefore concluded that, regardless of the Dangrek map's incorrect depiction of the watershed line, Thailand had accepted the boundary at PreahVihear as it was portrayed on the map. (Oliver, 1962: 1044-1048) In other words, Thailand has failed to make any observations about the map in 1907 or subsequently, which amounted to a tacit acceptance of the situation. (Cuasay, 1998)

As a result, the ICJ ruled on June 15, 1962 that PreahVihear was under the sovereignty of Cambodia by a majority vote of 9 to 3. (Oliver, 1962) The same year, Thanat Khoman, the Thai Minister of Foreign Affairs, sent a note to UN Secretary General U Thant to formally express that while Thailand disagrees with the ruling, Thailand accepts Cambodia's claim over the temple building proper and the boundary line to which both Thailand and Cambodia adhere to. However, Khoman also notes in the message that Thailand also reserves the right to claim sovereignty over the temple in the future. (Supalak Ganjana khundee., 2008)

Remaining Disputed Area

Although Thailand lost the temple of PreahVihear, the ICJ ruling left ownership of land around the site unsolved, resulting in a continuing dispute over the international boundary line in this area. Nowadays, Cambodia and Thailand still persist in different border lines and different maps, resulting in overlapping territorial claims over the areas around the site. (Silverman, 2011) Thirty two years later, on June 14, 2000, after the ICJ awarded the temple to Cambodia, Thai and Cambodian governments agreed to establish the Joint Commission for the Bilateral Cooperation (JBC) between the Kingdom of Cambodia and the Kingdom of Thailand, in accordance with the Memorandum of Understanding (MOU) between both governments on the Survey and Demarcation of Land Boundary. (Ministry of Foreign Affairs and International Cooperation, 2000)

In 2000, Thailand and Cambodia signed the MOU on the Survey and Demarcation of Land Boundary and established the Joint Boundary Commission (JBC) to be responsible for the said survey and demarcation of the entire stretch of the common land boundary. (Pramudwinai, 2008). The Thailand-Cambodia JBC has since served as an important mechanism for border

demarcation efforts. JBC which was established to demarcate the border between Thailand and Cambodia, and the General Border Committee (GBC), which was established to deal with other cross-border issues such as explosive disposal, drug smuggling and human trafficking, are important organizations established by the two countries to advance reconciliation and cooperation. (Menas, 2011).

In 2004, for the first time, Thailand and Cambodia tried to compromise with each other by using mutual economic interests as the framework for resolving the issue. Both Thai and Cambodian representatives agreed that the joint development of the PreahVihear Temple would be “a symbol of the long-lasting friendship, based on mutual benefits and understanding, between the two countries”. (Group, 2011) A survey of the border area for future demarcation would be managed simultaneously with the temple’s restoration and joint development. (Royal Thai Embassy., 2004). However, Thailand has persistently sought to establish the PreahVihear Temple as a world heritage site under UNESCO. Thailand’s effort went in vain as Cambodia made an unilateral application as well and the PreahVihear Temple was eventually listed as a UNESCO World Heritage Site under the latter in 2008, despite protests in Thailand that argues that the listing has ruptured bilateral relations between Thailand and Cambodia.

Domestic Politics

The current border dispute between the Thailand and Cambodia represents an expansion of previous conflicts over the PreahVihear Temple. The political elites of Thailand and Cambodia have used the border dispute to promote nationalism in their respective domestic fronts. (Roberts, 2011) Both Thailand and Cambodia have long laid claims to the PreahVihear Temple and territory along the border and the current conflict has escalated due to domestic political developments in both countries, especially in Thailand.

Listing the PreahVihear Temple as a World Heritage Site

In Cambodia, Prime Minister Hun Sen has employed the conflict over the PreahVihear Temple to stimulate nationalist sentiment and boost his popularity. (Tsang, 2011) Hun Sen first proposed listing of the PreahVihear as a World Heritage site to the UNESCO Director General on 10 October 2001. (UNESCO, 2003)

At the same time, the Cambodian government was demonstrating its definitive victory over the Khmer Rouge, and envisioned economic development through tourism at PreahVihear while continuing the project of nation-building.

The nomination of the temple as a World Heritage was related to Hun Sen’s vision of development of the temple as an assertion of Cambodian territorial sovereignty over the site and a reaffirmation of Cambodian nation-ness. (Silverman, 2011)

On the other hand, Hun also exploited the temple issue as an important part of his electoral campaign strategy to manipulate popular nationalistic feelings and divert voter attention away from domestic issues. When listing of the PreahVihear Temple as a World Heritage site under Cambodia became official on July 8, 2008, Cambodians received the good news with overwhelming pleasure and stayed up all night for the announcement ---parading and writing songs about the listing. The Cambodians delegation returned to country as national heroes. (Group, 2011) In the parliamentary election held in the end of July 2008, Hun and the Cambodian People's Party (CPP) claimed an overwhelming victory by winning 90 of 123 seats in the National Assembly. (U.S. Department for State., 2011)

Political Turmoil in Thailand

In Thailand, political turmoil that asserted a sense of nationalism increased complications in the Thai-Cambodian border dispute. Political transition in Thailand may lead to policy change regarding the PreahVihear Temple, which may affect bilateral relations between Thailand and Cambodia.

In late 2005, the People's Alliance for Democracy (PAD), also known as the Yellow Shirts, protested the Thaksin Shinawatra government by galvanizing the popular mass' sense of nationalism against the government. The Yellow Shirt protest culminated in the military coup of 19 September 2006 to depose then Prime Minister Thaksin. The military sought to manage the transition back to restored civilian rule by dissolving the Thai Rak Thai party. However, Thaksin's party reinvented itself as the People Power Party (PPP) and proceeded to win the election in December 2007.

Thai Prime Minister, Samak Sundaravej, stated on March 2008, that Thailand's support for Cambodia's nomination of the Temple as a World Heritage site, with the explicitly stated understanding that in exchange Cambodia would not include the disputed area around the site. However, this official Thai support for the Cambodian nomination was made within the context of fractious domestic politics in Thailand. (Silverman, 2011) In the same year, a former Thai foreign minister, Noppadon Pattama, supported Cambodia's proposal to seek World Heritage site for the Temple, and an agreement between Thailand and Cambodia was signed in June 2008. However, on July 8, 2008, the same day that UNESCO commenced its annual meeting in Canada, the Thai Constitutional Court ruled that Noppadon and the entire cabinet had violated the Thai constitution by failing to seek parliamentary approval for the deal. (Tofani, 2011) Despite the court ruling, UNESCO went ahead to list the PreahVihear Temple as a World Heritage site under Cambodia's guardianship. Thailand responded by demonstrating that the area adjacent the temple is still subject to unresolved border dispute. In short, confrontation over the PreahVihear Temple between Thailand and Cambodia dates back to July 2008. The dispute erupted into violence several times from 2008 to 2011, as troops from both nations exchanged fire over ownership of the ancient

temple and the surrounding land. There were many border clashes, each time with loss of life and severe bodily injuries.

Confrontation between Thailand and Cambodia escalated after three Thai protesters were arrested for jumping a barbed-wire fence to reach the temple, which prompted a military build-up from both sides on July 15, 2008. (The Telegraph., 2011) Thai and Cambodian soldiers began to exchange fire at PreahVihear. The next day Thailand and Cambodia sent more troops to the border. October 2008, three Cambodian and one Thai soldier died in a violent clash at the border. In December 2008, the Thai constitutional court dissolved the PPP party, which assisted the Democratic Party to form government. In April 2009, the pro-Thaksin United Front for Democracy against Dictatorship (UDD), also known as the Red Shirts, demanded Abhisit Vejjajiva's resignation and new elections. (Aljazeera, 2011) Border clashes continued along the Thai-Cambodian border, with two Cambodian soldiers and one Thai trooper killed on April 3, 2009. (The Telegraph., 2011)

The relationship between the two countries worsened when Thailand recalled its ambassador from Cambodia in protest against the latter's designation of former PM Thaksin as an economic adviser to the country in November 2009. (Tsang, 2011) Thai Prime Minister at that time, Abhisit also accused that Cambodia was interfering in Thai internal affairs. In addition, Cambodian and Thai troops exchanged fire some 10 miles southeast of the temple on 24 January 2010 during a speech there by Hor Namhong, the Cambodian Foreign Minister, in which he urged troops to bravely defend their territory. (Fecha, 2011)

On 29 December 2010, seven Thai Peoples crossed into the territory under Cambodian control and were detained. Among them was a member of the Thai parliament and Abhisit's Democratic Party. The member of the Thai parliament and four others were eventually fined and returned to Thailand on February 1, 2011. The remaining two, however, Thai PAD leader and activist, were convicted and sentenced to imprisonment. (Roberts, 2011) Shortly after, over a period of four days between February 4 and 7, Thai and Cambodian troops exchanged heavy fire along the Thai-Cambodian border. (Thai visa forum, 2011) The two neighbors blamed each other for the clashes that ended in at least three Thai and eight Cambodian casualties and thirty-four Thais and fifty-five Cambodians wounded. (Charbonneau, 2011)

CONCLUSION

Thailand and Cambodia are neighboring countries in Southeast Asia that share a common border and culture, without a lack of a history of disputes. The main dispute between the two countries concerns territorial sovereignty over the area around the ancient Brahmanic temple named PreahVihear, following the Khmer language of Cambodia or PhraViharn, following the Thai language. The temple is perched on the Dangrek mountain chain, which roughly forms the

boundary between the two countries. It is located between the PreahVihear province of northern Cambodia and the Sisaket province of Northeastern Thailand.

The ICJ ruled on June 15, 1962 that PreahVihear temple is under the sovereignty of Cambodia, but the frontier around the site remains in dispute. This ambiguity creates what Thailand calls the 4.6 square kilometers disputed area and what Cambodia recognizes as an integral part of its territory. The dispute between the two neighbors dates back to July 2008 when Thailand's unsuccessfully protested Cambodia for unilaterally nominating the temple as a World Heritage site in 2008. Since, the confrontation between the two countries has erupted into violence many times between 2008 and 2011, as troops from both sides exchanged fire over ownership of the temple and area around the site heavy loss of life each time. Both Thailand and Cambodia continue to blame each other for striking first in the skirmishes. In conclusion, the root of the two countries boundary dispute lies in the contested boundary settlement between France and Siam. When Cambodia gained independence from France, Thailand and Cambodia claimed the ownership over the PreahVihear. The PreahVihear has created a sense of hostility between Thailand and Cambodia. In addition, the two countries were using the temple to be a symbol of nationalism for political purposes. The dispute between the two countries is not only over the PreahVihear Temple but has also expanded to include conflict over the border and territory sovereignty. Even though the dispute is localized, it is likely to be protracted into the near future.

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