The Domestic Politics of Foreign Policy: Thailand vs. Cambodia at the Temple of Preah Vihear

Puangthong R. Pawakapan, PhD.
The Asia Foundation-APARC Visiting Research Fellow
Dept. of International Relations, Chulalongkorn University

Panoramic view of the temple of Preah Vihear
The People’s Alliance for Democracy (PAD)’s objectives and actions: the undemocratic and uncivil society movement.

Impact on the Thai-Cam cooperation and on objectives of Thailand’s foreign policy.
Context

-The ICJ’s verdict in 1962 awarded Temple to Cambodia

- Thailand’s historical overhang: the lost territories.

-In 2008, Cambodia nominated to the UNESCO WHC to inscribe the Temple on a World Heritage list.
Samak govt supported Cambodia’s Temple nomination: a Joint Communique.

The WHC inscribed/list the Temple on the WH list in July 2008.

M Samak Sundaravej  
FM Noppadon Pattama
The PAD condemned the Samak govt: work for Thaksin’s interest.

FM Noppadon was forced to resign after the Constitution Court rendered a ruling that the JC violated the Constitution.

“The PV Temple belongs to Cambodia. Koh Kong is ours.”
Several border clashes

Yellow Shirts tried to encroach on the Temple ground
Clashes between the Yellow Shirts and local people

Diplomatic row
The PAD’s objectives

- To topple Thaksin regiem
- To create clean politics.
- To restore a full democracy.
- **BUT** support the 2006 coup d’etat
A collaboration among the palace, the royalists, people’s sector, NGO activists, and intellectuals to undermined electoral democracy.

Thaksin: a challenge to the dominant power of the palace and bureaucratic elites.

Use royalist and nationalist discourse against anyone who were critical of the movement.
The Temple campaign was part of such political objective by exploiting the deep-rooted nationalism against the pro-Thaksin faction and later the Abhisit govt.

*The Temple campaign is a mean to an end. Not the end itself.*

Because it was just a political tool, the PAD could make any unrealistic demands at it disposal.
Its unrealistic demands, methods, and false information only complicated the issue and intensified the conflict with Cambodia.

If govt failed, the PAD attacked them as being unpatriotic, treason, weak, and ineffective.
The PAD’s claims and demands on the temple issue

- The PV temple must be delisted from the WH list.
- Thailand would lose the right to reclaim the Temple in the future. Thailand never accepted the ICJ verdict.

**Truth:** the appeal must be done within 10 years after the ruling was made.
PAD’s claims

- Thailand would lose the overlapping claimed area.

- Thailand would lose 1.5 million rai (600,000 acres) of land and maritime area to Cambodia.

- Trigger nationalist history: the lost territories.
Truth

- The overlapping claimed area was excluded from the inscription nomination file.
- The map had been examined thoroughly by Thai officials.
- The overlapping claimed area has now become the most contentious issue.
Other PAD’s demands and actions

- Thai govt must not negotiate with Cam govt on the overlapping claimed area, not allowing 3rd party to intervene.

- To use force to drive out Cambodians living in the disputed area.

- Send their followers to occupy the Temple ground.

- Urge army to invade and occupy Angkor Wat in exchange for the Temple

- Exploiting historical overhang: the lost territories; hatred nationalism against Cambodia.
Fighting corrupt policians does not automatically mean that the PAD is working toward democratization.

Actions and measures of most powerful civil society movement are undemocratic, stirring up hatred nationalism, misinformation, pushing toward war with neighbors.
The impact

- Impact on the bilateral cooperation to settle territorial dispute and Thailand’s post-War foreign policy.

- Allegation of Thaksin’s conflict of interest discourse dominates public perception: Thailand gained nothing.

- The allegation overlooked the roles of several state agencies and 3 govts.
Arguments:
1. The cooperation on the Temple was based on mutual economic interest.
2. It was part of Thailand’s strategic plan to become a regional economic center and leaders.
3. The first attempt to solve territorial dispute with cultural and economic means.
Origin and development of Temple cooperation

- The end of Cold War and conflict in Indochina.
- Opportunity for Thailand to expand economic empire to neighboring countries.
- Dream of becoming regional econ hub.
Tourism is part of regional econ integration policy

Opening the PV Temple for tourist visit was initiated by Thai business sector.

The PV Temple was part of Thailand’s cross-border tourism.
An idea to nominate the Temple on the WH list began in mid-2003.

Thai and Cam govts set up a joint com. for the Temple development.

Agree on principles:
1. The Temple project would be a symbol of friendship**.
2. The Temple would become a world heritage for humanity.
3. Th + Cam would work together to solve all major problems related to the Temple.
4. Temple project would be developed in line with regional cooperation frameworks (GMS, ACMECS).

5. Temple project would not affect the border demarcation work between the 2 countries.
Hiccup:
- Thailand wanted the listing to be done jointly.
- Cambodia wanted to do it alone.
- Cambodia submitted the nomination file for the 2007 WHC meeting without consulting Thailand.
- **Problem**: the attached map included the overlapping claimed area.
- Thailand objected. The WHC postponed the decision to another year.
Compromise:

- Facing refusal from Cambodia, Thai govt gave up the joint inscription proposal and focused on the overlapping claimed area only.

- Focus on how to manage the disputed area, which would be used as the buffer and development zone of the WH site.

- Cultural co-op to settle dispute: the first of its kind in SEA.
Finally, Cambodia agreed to revise the attached map, excluding the disputed area from the nomination file.
Thai state agencies examined Cambodia’s revised map.

Cambodia agreed to idea of joint management plan.

Dir. of Royal Survey Dept, Gen. Daen Meechu-at:

“After surveying the area, I confirm that there was no part of the map, which was attached to Cambodia’s submission to list the Temple, overlaps with the area claimed by Thailand.”
The Military Chief of Staff, Boonsang:

“That the Army confirms that the map that Cambodia attached to the Temple submission does not encroach on Thai territory.”
It thus led to the Th-Cam JC in supporting the Temple’s nominations.

The JC: the inscription of the Temple would not prejudice Thailand’s right to claim sovereignty over the disputed area.
Conclusion

- The Temple saga reflected a multi-dimensional cooperation between Th+Cam

- The Temple co-op was part of Thailand’s dream to become an economic and political leader in the SEA region.

- Settle territorial dispute with cultural method.

- State agencies able to overcome historical overhang over the “lost” territories.

- It reflected goodwill, sensitivity and flexibility of both sides.
- If success, the Temple would have been a symbol of friendship and cooperation.

- The nationalist campaign simply worked against Thailand’s post-War dream

- Thailand lost the leading position.
Thank you

Questions?
Factors contribute to the PAD’s success

- Supports from several actors, both state and non-state: academics, former diplomats, independent organizations such as the National Human Rights Commission, the Administrative Court, the Constitution Court, the media, the opposition party.

- The Thai public viewed these actors as authoritative, pro-democracy, impartial, and independent. Therefore, their support and reasoning rendered both moral and legal legitimacy for the PAD campaign.
The NHRC + group of senators condemned the UNESCO’s WHC for listing the Temple on the WH list.

Accuse the WHC of violating the rights of Thai people and causing conflict between Thailand and Cambodia.

Letters to the UN Sec.Gen., Dir. of UNESCO, the UN Human Right Com, etc, asking them to investigate the WHC’s conduct.
The mainstream media strongly supported the PAD’s nationalist movement.

Reproduce the nationalist history.

Depicting the Samak govt’ support for Temple listing as an exchange for Thaksin’s business deal.

Insult and demonize the Cambodian leader.

“The Preah Vihear Temple belongs to Cambodia. Koh Kong belongs to us”.
FACTORS FOR PAD’S SUCCESS

- The Administrative Court: the PAD requested the Court to suspend the Thai-Cambodian JC.
- It issued an injunction, ordering the Samak cabinet to temporary suspend the JC. Later, it revoked the JC.

**Problem:** the Admin Court does not have jurisdiction over the government’s works.

- Scandal over the transparency of the Court.
The Constitution Court ruled that the Thai-Cambodian JC violated the Constitution because it “may result” the change to Thailand’s territory. Therefore, the Samak govt must have submitted the JC for parliament’s approval.

Problem: the word “may result” vs. “results” in the Constitution.

The Court extended the scope of law beyond what is allowed in the Constitution.
ABHISIT’ S OPINION

- During opposition leader: play along with nationalist card.
- The 4.6 sq.km overlapping claimed area belonged to Thailand only.
- Thailand still has the right to reclaim the Temple.
- During PM: try to delist the Temple from the WH list; oppose Cambodia to develop and manage the Temple.
Why supports?:
- Thaksin’s deeds alienated these people/orgs.
- A common purpose to root out Thaksin and his proxies by whatever means, including a coup d’etat.
- The PAD was viewed as an indispensable force to achieve the objective.
- Though they provided legitimacy to the PAD’s Temple campaign, they themselves are facing legitimacy crisis: the double standards.
- They reproduced and legitimiz ed the PAD’s misinformation and prevented the future government to solve the territorial dispute with Cambodian in a peaceful manner.
Cam’s request the ICJ to rule on:

1. That the map of the Dangrek sector (Annex I map) presents a treaty character.

2. That the frontier line between Cambodia and Thailand is that which is marked on the Annex I map.

3. That the Temple of Preah Vihear is situated in territory under Cambodia’s sovereignty.

4. That Thailand is under an obligation to withdraw the detachments of armed forces from the Temple area.

5. That Thailand must return to Cambodia the properties her authorities had earlier removed from the Temple.
But Cam included the first 2 points in the final revision.
The Court declined to make a ruling on them.
But said that in order to make a ruling on the last 3 points, it had to consider where the frontier line of the dispute was.
But the consideration on the treaty status of the map and the frontier line on the region “could not be claimed in the operative provisions of the judgment"
Here is the court's opinion regarding the frontier line in the disputed area:

“Thailand in 1908-1909 did accept the Annex I map as representing the outcome of the work of delimitation, and hence recognized the line on the map as being the frontier line, the effect of which is to situate Preah Vihear in Cambodian territory.”

"Both Parties, by their conduct, recognized the line and thereby in effect agreed to regard it as being the frontier line.”

“The acceptance of the Annex I map by the Parties caused the map to enter the treaty settlement and to become an integral part of it.”