

## **Deal with Preah Vihear Peacefully** by Peter Tan Keo

*Peter Tan Keo [ [pertertankeo@gmail.com](mailto:pertertankeo@gmail.com) ] is vice president for strategy, development, and international cooperation at the University of Cambodia and secretary-general of the Asia Economic Forum. This provides a Cambodian perspective of the Preah Vihear dispute. As with all PacNets, opinions expressed here are solely those of the author. Differing opinions are always welcome.*

The 11<sup>th</sup>-century Preah Vihear temple is a geopolitical nightmare. It clearly belongs to Cambodia but Thailand refuses to accept this. A decision was reached June 15, 1962, in which the International Court of Justice (ICJ) ruled 9-3 that the Hindu temple was situated within Cambodia, adding that the structure was “an outstanding masterpiece of Khmer architecture.” By a vote of 7-5, the court also declared that Thailand must return any antiquities removed from the temple. However, in the spirit of neighborly relations, Prince Sihanouk announced that Thailand was free to keep antiquities stripped from the temple. That was 1963. Despite these rulings, Thailand refuses to accept the court’s decision. Instead, the country has opted for war over dialogue and negotiation.

Why would Thailand reject the court’s ruling? Thailand claims that the 4.6-sq-km (1.8-sq mile) area around Preah Vihear was never fully demarcated, blaming inaccuracies of a map drawn by the French at the beginning of the 20<sup>th</sup> century – the same one used in the ICJ’s ruling in 1962. As a result, periodic skirmishes have ensued along the border, often provoked by the Thai side. Casualties have resulted.

In 1907, French officers claimed that Preah Vihear was under Cambodia’s sovereignty, as evidenced by a topographic map showing the border’s location. That line indicated that the temple was on the Cambodian side, despite previous and explicit attempts by both the French and Siamese (Thai) governments to place *intentionally* the temple on the Thai side.

One is encouraged to examine the chaos that is Thai politics. Thai Prime Minister Abhisit appears to have lost control of his country. Thai ultranationalists, particularly the royalist “yellow shirts,” have attempted to undermine his authority. People are enraged by his government’s lack of responsiveness to the ICJ ruling and the Preah Vihear temple. There is mounting pressure from the yellow shirts for Abhisit to step down. The government is accused of not defending Thai sovereignty. As leader, Abhisit must reclaim control over his country. He must not resort to violence to do so, at the expense of neighbors. He cannot use war to reclaim his power.

In the spirit of peaceful reconciliation, a commitment must be made on both sides to address tensions along the border. Cambodia and Thailand must resort to peaceful means including multilateral dialogue and negotiation. Bilateral talks between Cambodia and Thailand have been attempted without success. For example, after a recent clash, military leaders

negotiated a ceasefire. That negotiation failed when Thailand opened fire on Cambodian armed forces the following day.

So, where do we go from here? We need an urgent multiparty intervention. ASEAN regional mediation efforts have been underway for some time. Indonesian Foreign Minister Marty Natalegawa, the current chair of ASEAN, held diplomatic talks with both sides, and strongly encourages an immediate ceasefire and the use of peaceful dialogue. However, he is suggesting that the tension can be resolved bilaterally. But bilateral negotiations between Cambodia and Thailand have failed; multiparty talks are needed. The UN Security Council has been urged to hold an emergency meeting at the request of Cambodia. It decided to pass the buck back to ASEAN, with Indonesia taking the lead.

Cambodia and Thailand wrote to the UN Security Council following the escalation of tension in July 2008. However, the Council felt that the most prudent course was bilateral dialogue. Many factors led to that decision.

For example, the 2008 UN Security Council included Vietnam, a member of ASEAN and neighbor to both countries. Vietnam persuaded other members to believe that Cambodia and Thailand could resolve their problems bilaterally. The then-Chair of ASEAN, the foreign minister of Singapore, also exhibited serious concerns about mediating regional differences through the UN, which could undermine the ten-nation body’s credibility. As a result, Cambodia, who filed the complaint to the UN, retracted and agreed to bilateral negotiations. But recent events would suggest that the reverse is true. We are now back to square one; a multilateral intervention is still needed.

To achieve longstanding peace, Thailand should abide by the June 1962 ruling. While the ruling can be challenged every 10 years, Thailand must recognize that it cannot design its own map for the disputed 4.6-sq-km. This requires an open, transparent process that involves multiple parties including Cambodia. Thailand claims to have new evidence to present to the ICJ.

Thailand must also respect international law even in war. Thailand has been accused of using cluster munitions in recent attacks along the disputed border area. This too is unacceptable, given the long-term impact of cluster munitions.

On July 7, 2008, UNESCO listed Preah Vihear as a Cambodian World Heritage site. This means that it has outstanding universal value. It also means that the international community accepts Cambodia’s sovereignty over the temple. Our universal responsibility is to respect the integrity of this ancient ruin, not damage its architectural beauty. ASEAN, the UN, and the ICJ must step in to rectify this rather tense situation.