

CHAPTER I INTRODUCTION

A. Background

Cambodia is a monarchy constitutional country that resides in the Southeast Asia region and also the member of ASEAN since 1999 and became the tenth member of that regional organization.¹ Cambodia geographically is located in the Southeast Asia peninsula and shares border with Thailand in its western part. An area called Preah Vihear in the Dangrek Mountain area is the direct natural border between these two states. This area is an area where a complex of Hindu ancient temple stands name the Preah Vihear Temple. This had been a dispute between both states even when Cambodia was still under occupation of French and Thailand was also still in the form of a kingdom called the Siamese Kingdom.²

Preah Vihear Temple stands in a 4.6 km² area in the top of the Dangrek Mountain consist of hundreds of ancient temple sites age for at least 900 years. Preah Vihear began to build in the late 8th century during the rule of King Yasovarman I and finish its building the late 11th centuries. The main purpose of this temple is a dedication for Shiva, an ancient Hindu god for the people around the area of the temple. And in 1962, International Court of Justice awarded to Cambodia for the ownership of the temple and the area surrounding it.³

Both Cambodia and Thailand wanted to lay their legitimacy over Preah Vihear because of three main factors. First, it symbolizes the cultural and religious identity of both

¹ “ASEAN and History of Cambodia's Membership” (Law Teacher) <<https://www.lawteacher.net/free-law-essays/international-law/asean-and-history-of-cambodias-membership-international-law-essay.php>> accessed May 25, 2017.

² Tours AT, “Recommendations:” (Cambodia Geography) <<http://angkor-travels.com/html/cambodia.php>> accessed May 25, 2017.

³ Vivath C, “Preah Vihear Temple Cambodia” (Preah Vihear Temple | History of Preah Vihear Cambodia) <<http://www.asiavipa.com/preah-vihear>> accessed May 29, 2017.

Cambodia and Thailand since both countries are the descendant of Khmer Empire and Buddhist majority country. Second, due to that fact, Preah Vihear was used by both countries to build national identity. Therefore, losing Preah Vihear claim meant losing as a nation. Third, economically both countries wanted to extract tourism profit from people visiting the temple.

Based on the Map that was drawn by French back in 1904 when French still occupied Khmer that is now known as Cambodia, the government of Cambodia claimed that the temple was under the sovereignty of Cambodia. On that Annex I map, the border followed the watershed lines. These watershed lines are in fact the highest part of the mountain that is intangible that become a gap of the river flow from the opposite direction.⁴

Based on Annex I Map that was used by the International Court of Justice in 1962 in the problem solving, the Preah Vihear Pagoda is 700 meters inside the territory of Cambodia, but the government of Thailand stated that Cambodia violated by claiming the area that becomes the territorial sovereignty of Thailand.⁵

Four years later, French revised the 1904 map and drew a new map called Annex II map (1907) and given to both states. But the government of Thailand didn't give any response or clear objection about the map, and so that the Preah Vihear Temple legally under the sovereignty government of Cambodia.

Both states were not on the same page about the decision of the International Court of Justice back in 1962 in Case Concerning Preah Vihear Temple. Even the majority of the judges (9 of 12) decided that Preah Vihear is in fact inside

⁴ "International Court of Justice" (International Court of Justice) <<http://www.icj-cij.org/docket/index.php?sum=284&p1=3&p2=3&case=45&p3=5>> accessed May 29, 2017.

⁵ *Ibid.*

the territory of Cambodia (based on Annex I map) and Thailand must withdraw its military forces, and sadly the government of Thailand did not accept this decision.

The problem kept continuing in 2008 as the United Nations Educational, Scientific, and Cultural Organization (UNESCO) agreed on the proposal of the government of Cambodia to list the Preah Vihear Temple as International Heritage Sites. This decision was not accepted by the government of Thailand. The problems later come out the surface after the decision of UNESCO.⁶

The decision of UNESCO to award the Preah Vihear Temple as International Heritage Sites and legally acknowledge that the Preah Vihear Temple was under the sovereignty of Cambodia was not accepted by the government of Thailand and also the people. The protesters from Thailand demonstrated in the disputed area in July 2008, resulting three Thai protesters were arrested for jumping a barbed-wire fence in an attempt to reach the temple. This action later prompted both states to build military forces around the border.⁷

Since then, both sides involved in some military contact. Recorded in August 2008 both sides exchanged fire briefly, resulting one Cambodian injured. Two months later, in October 2008, Thailand accused Cambodia of planting mines around the border that later exploded and injured two Thai soldiers. Only eight days delayed, on October 15th one Thai soldier and three Cambodian soldiers died because of the clash at the border. And it continued and culminated in 2011 when military troops of both sides exchanged heavy fire for over four days where at least six people remained dead.⁸

⁶ Centre UNESCO WH, "Temple of Preah Vihear" (UNESCO World Heritage Centre) <<http://whc.unesco.org/en/list/1224>> accessed May 29, 2017.

⁷ "Thailand Cambodian clashes: timeline" (The Telegraph February 7, 2011) <<http://www.telegraph.co.uk/news/worldnews/asia/cambodia/8308298/Thailand-Cambodian-clashes-timeline.html>> accessed May 29, 2017.

⁸ *Ibid.*

This conflict had become a domestic commodity for both states. Solving this dispute seemed quite hard for the government of Cambodia to since both states have different perceptions and policy concerning the solvent of this dispute. The government of Cambodia preferred to solve the dispute by involving the third party or International Organizations. Unlike Cambodia, the government of Thailand that had an internal problem between the Foreign Ministry Department and Department of Defense in determining their foreign policy regarding the Preah Vihear Temple issue. The strong military drive behind of its Department of Defense, the government of Thailand rejected the intervention of third parties. Learning from its lost in 1962 in the International Court of Justice, the government of Thailand seemed to willing to solve this problem only in the bilateral way.⁹

The different perceptions between those two states made the problem kept continue until 2011 and it became a serious challenge for the government of Cambodia the claim what became her right.¹⁰ In fact, there were some past actions that the government of Cambodia took to resolve the dispute, namely the establishment of joint-border committee with Thailand in 2000 and joint-committee for the registration of the temple to UNESCO. The government of Cambodia did seek for help from the international organization such as the United Nations to help to solve this dispute. Not only to the United Nations, but also the Association of Southeast Asian Nation (ASEAN) since both states are under ASEAN organization.¹¹

¹⁰ Mydans S, “Cambodia Asks U.N. to Act amid Clashes with Thailand” (The New York Times February 6, 2011) <<http://www.nytimes.com/2011/02/07/world/asia/07thailand.html>> accessed May 29, 2017.

¹¹ “Historic Firsts: ASEAN Efforts on Cambodian-Thai Conflict Endorsed by UNSC” (ASEAN February 1, 2016) <<http://asean.org/historic-firsts-asean-efforts-on-cambodian-thai-conflict-endorsed-by-uns/>> accessed May 28, 2017.

B. Research Question

“What are the strategies of Cambodia in solving the Preah Vihear Temple dispute with Thailand after ceasefire 2011?”

C. Theoretical Framework

Diplomacy

Diplomacy is a general term to explain any activities done by actors in international relation to achieving their interests and goals. The earliest known activities of diplomacy dated back to ancient times in Greece, Rome, Egypt, ancient China, Persia, and India by the practice of exchanging representative from one entity to the other, usually temporarily (*ad hoc*).¹² The word 'diplomacy' comes from the Greek word 'diploun': 'to fold'. This folding refers to the document brought by officials of one entity to others to certify his/her legitimacy as one's representative. Later, the practice of bringing this document becomes the word for the general activity of sending representative and establishing inter-relation.¹³

According to R.P. Barston:

“Diplomacy is concerned with the management of relations between states and between states and other actors. From a state perspective, diplomacy is concerned with advising, shaping and implementing foreign policy. As such it is the means by which states through their formal and other representatives as well as other actors, articulate, coordinate and secure particular or wider interests, using correspondence, private talks, exchange of view, lobbying, visits, threats and other related activities.”¹⁴

¹² B. Sen, “Diplomacy in the Historical Perspective and the Third World”, *The Turkish Yearbook*, Vol. XVI, 1976, p. 72-74.

¹³ H.M. Virupakshaiah, “Diplomacy As An Instrument Of Anti Terrorist Policy Retroaction And Prospect”, *Thesis*, Karnatak University, 2006, p. 60.

¹⁴ R.P. Barston, *Modern Diplomacy*, New York: Routledge, 2013, p. 1.

Barston defines diplomacy as the general term of having relationships with others to implement foreign policy and achieve national interest. Meanwhile, according to G.R. Berridge and Alan James, diplomacy can mean several things.¹⁵ *First*, the conduct of relations between sovereign states through the medium of officials via representation. This definition focuses on diplomacy as the bureaucratic and official practice. This definition also fits with the definition from Barston. *Second*, the use of tact skill in dealing with people. This is known as diplomacy as 'art', where the practice focuses on interpersonal relationships to persuade and influence others to achieve their goals. The success of the practice relies on the effectiveness and skill of the diplomat.

Third, any attempt to promote international negotiation. This is to contrast with war and conflict as the way to solve the problem. Diplomacy provides an alternative for problem-solving by negotiation instead of using hard power. *Fourth*, the synonym of foreign policy. This usually happens in the US where the politician will mix up the term 'diplomacy' and 'foreign policy'. Generally, foreign policy is the manifestation of national interest in the global context, in which diplomacy is used as the way to conduct and achieve it.

Diplomacy can be in various forms, depending on the purpose. In this context, the thesis will use "Multilateral Diplomacy" to explain the goal of the Cambodian government and to explain the way of the effort.

Multilateral Diplomacy

According to Berridge and James, multilateral diplomacy is a diplomacy conducted by three or more states and can vary in size, level of attendance, longevity, and extent of bureaucratization.¹⁶ Multilateral diplomacy can range from small *ad hoc* to address the ongoing urgent issues like conflict negotiation and resolution to the wide-ranging discussion in United

¹⁵ G.R. Berridge and Alan James, *Dictionary of Diplomacy*, New York: Palgrave Macmillan, 2003, p. 69-70.

¹⁶ Berridge and James, *Dictionary of Diplomacy*, 2003, p. 177.

Nations General Assembly. Multilateral diplomacy is based on the idea of multilateralism system where there are three or more states cooperate with each other based on common principle and ideas.¹⁷

Unlike bilateral diplomacy, multilateral diplomacy can benefit the international community as a whole rather than just the interest of the states.¹⁸ That is why sometimes multilateral diplomacy is also called public diplomacy. Other characteristics of multilateral diplomacy are:¹⁹

- 1) Subject-focused and concentrates minds on one issue or series of related issues.
- 2) Ideally brings together all the parties whose agreement is necessary.
- 3) Encourages informality in its corridors.
- 4) May even develop a certain *esprit de corps* among its members.
- 5) Has a president with a vested interest in its success
- 6) Embody a deadline that will also help to concentrate minds, because it cannot go on forever.
- 7) Promises to make agreements stick by its reflexive disposition to provide monitoring or follow-up machinery, and.
- 8) Even if no agreement is achieved, a multilateral conference at least shows that the participants have tried to do something about the problem on its agenda, e.g. the annual UN climate change conferences,

¹⁷ Ryo Oshiba, "Multilateral Diplomacy and Multilateralism: The United Nations, the G8, the G20, and the Bretton Woods Institutions", *Japan's Diplomacy Series*, 2016, p. 293.

¹⁸ *Ibid*, p. 291.

¹⁹ G.R. Berridge, *Theory, and Practice: Multilateral Diplomacy*, DiploFoundation, <
https://www.asef.org/images/docs/ModelASEM_Diplo_MultilateralDiplomacy.pdf>

and is thus a perfect vehicle for so-called public diplomacy.

Based on that points, it can be seen that multilateral diplomacy will emphasize the idea of commonality rather than the individuality of national interest. This is because other parties involved in the diplomacy will try to bargain and find the balance of their interest, therefore, the interest will be moderate and accommodate all. In a multilateral diplomacy of conflict resolution, this practice will be more effective because it has the deadline so the resolution must be produced well as soon as possible. The secrecy of bilateral diplomacy will no longer exist in multilateral diplomacy, allowing parties to look at different perspective and will come up with the better agreement. Also, in a conflict, the need for global/regional peace and stability will be a pressure for conflicting states to solve the conflict soon.

The concept of Multilateral Diplomacy can be used to explain the strategy of the Cambodian government, where it utilizes the power and legitimacy of other actors—not only bilaterally—to solve the dispute. The actors involved are ASEAN and other actors like the United Nations and International Court of Justice.

D. Hypothesis

Based on the background that is explained alongside with the theoretical framework and concept, the hypothesis is that Cambodia uses multilateral diplomacy with the help of international organizations, namely ASEAN and ICJ.

E. The Scope of Discussion

In this writing, the writer limits the discussion on how is the strategy of the government of Cambodia to solve the Preah Vihear Temple dispute between Thailand in 2011 when major clashes were stopped and for the first time the dispute gained

major international responders. However, some important events before 2011 will be elaborated as well to support the analysis. The discussion will be limited until 2013 when the tension was ended by the result of ICJ ruling of the temple.

F. Research Method

The research method that will be used in the writing process of this undergraduate thesis is library research method. This research will collect data from conventional sources by studying the books, journals, and research reports as the premiere sources. And secondary and complementary sources from the internet related to the Preah Vihear Temple dispute, the government of Thailand, and the government Cambodia, ASEAN, UN, and others.

The data will be analyzed using the qualitative method, where the data is collected, explained, and will be matched to explain the phenomenon. Qualitative research is characterized by its aims, which relate to understanding some aspect of social life, and its methods which (in general) generate words, rather than numbers, as data for analysis.²⁰

G. Writing Systematic

Chapter I: In this first chapter of this undergraduate thesis, the writer will write about the background of the problem, define the research question to analyze the title complete with the hypothesis, define the theory that will be used to analyze this case, the scope of discussion and the research method.

Chapter II: In this chapter, the writer will explain more about Cambodia. The explanation will firstly talk about the general condition of Cambodia, including the location, people, and geography. Secondly, it will discuss the history of Cambodia from the Khmer Empire until the modern era. Finally, the chapter will explore the domestic politics of Cambodia from the monarchy, parliament, and the military.

²⁰ Michael Quinn Patton and Michael Cochran, *A Guide to Using Qualitative Research Methodology*, Medecins Sans Frontieres, 2002, p. 2.

Chapter III: In this Chapter, the writer will explain more detailed about the Preah Vihear Temple dispute between Cambodia and Thailand. First off, the chapter will discuss the history of Preah Vihear dispute, followed by the history of Cambodian-Thai relation, especially regarding the Preah Vihear issue. Lastly, the chapter will explore several past efforts done by Cambodia to resolve the dispute.

Chapter IV: In this chapter, the writer will use the theory that is previously mentioned in the background part in Chapter I, apply it to the problem to explain about the strategy of the Cambodian government to settle the Preah Vihear Temple ownership dispute toward Thailand by using a various method of diplomacy.

Chapter V: In this chapter, the writer will resume and conclude the previous chapter that had been discussed in the previous chapter.

