

## **CHAPTER III**

### **PREAH VIHEAR TEMPLE DISPUTES**

This chapter will explore the history and condition of Preah Vihear temple. This chapter will first explore the history of the temple and then it will discuss the past disputes of Preah Vihear between Cambodia and Thailand. Finally, this chapter will elaborate the past agreements of both Cambodia and Thailand to end the past disputes.

#### **A. Preah Vihear Temple History**

Preah Vihear Temple or Phnom Preah Vihear (Sacred Hermitage Mountain) is a temple complex with triangular structure. The temple is constructed from laterite, sandstone, and brick that were taken from quarries in Phnom Kullen (south of the country) and transported to the Dangrek Mountains by oxen and elephants and thousands of workers.<sup>45</sup> People can come to the temple via paved road from Thailand or stone road from Cambodia, which sometimes cannot be used in rainy season. The temple is divided into three levels and five gopuras. Gopuras are like gateways separating the different parts of the temple. In the southernmost side, there is a Central Shrine and Prasat which has a Buddhist temple honored by both Thais and Cambodians.

##### **1. Khmer Empire Period**

According to the historical record, Preah Vihear temple was first built in the 9th century. At that time, the temple was dedicated to Hindu God Shiva, in His form of Sikharesvara and Bhadesvara. Most of the temple characteristics were from the reign of Suryavarman I (1002-1050) and Suryavarman II (1113-1150). Some inscriptions give the detailed report about Suryavarman II studying sacred rituals and festivals in Preah Vihear.

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<sup>45</sup> Bryan K. Wong, "Temple Wars: Cambodia's Dispute Over Preah Vihear Ownership And Its Effects On National Power", *Air University Research Report*, 2013, p. 4

This temple is located on a 525 m tall cliff in Preah Vihear province, Cambodia and Sisaket province, Thailand. The temple is unlike common temples which face east, Preah Vihear faces north to Thailand and was built on the north-south 2,600-foot axis. The temple was built to represent the greatness of mythical Mount Meru, home of Shiva and other Hindu Gods and to replicate the greatness of Angkor Wat, not architecturally but functionally. It also functioned as the mark of the Khmer Empire border, culture, religion, and influence.<sup>46</sup>

The first stage of construction began in the late 9th century under the reign of King Yasovarman, one of the kings of Khmer golden era. During this time, the Khmer Empire was a strong kingdom, having influence and tribute from the surrounding region including Thailand.<sup>47</sup> Yasovarman intended to build temples to honor his parents, and so he ordered a temple to be built on a natural hill as a foundation. However, Yasovarman had died before the construction was finished.

The construction was continued by seven kings for 300 years. Only during the reign of King Suryavarman II, the Preah Vihear temple was completed. King Suryavarman was a religious king, but unlike the previous kings or Khmer Empire, he worshipped Theravada Buddhism. Thus, although originally meant to be a Hindu temple by King Yasovarman, Preah Vihear was then dedicated for Buddhism.<sup>48</sup>

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<sup>46</sup> Brendan Borrel, "The Battle Over Preah Vihear" (Archeology: A publication of the Archaeological Institute of America February 11, 2013) <<https://www.archaeology.org/issues/83-1303/letter-from/547-preah-vihear-cambodia-thailand-khmer-temple>> accessed March 21, 2018.

<sup>47</sup> David P. Chandler, *A History of Cambodia*, Boulder: Westview Press, 2000, p. 29.

<sup>48</sup> Karen Faye D'Souza and Shreya Sarkar, *Cambodia and Laos*, New York: Dorling Kindersley Publishing, 2011, p. 94.

The influence and power of Khmer Empire declined in the 12th century when the Thai Empire came to be the now power in the region. Apparently, the Thai Empire began to absorb Khmer and through social and cultural assimilation, Thai saw themselves as the heir and legacy of the great Khmer empire. Angkor Wat and Preah Vihear also fell under Thai control. Buddhism also became more dominant and finally, the site of Preah Vihear was gradually abandoned following the Dark Age of Cambodia.<sup>49</sup>

## **2. French Indochina Period**

The first investigation of Preah Vihear after it was abandoned was done by French colonial. In 1883, the French explorer and archeologist Étienne Aymonier discovered the temple and gave a detailed information about the temple and the inscription on the temple. However, there was little to no preservation of the temple after being discovered, even when France and Thai made an agreement on the border demarcation. Only until 1924 when Henri Parmentier from École française d'Extrême-Orient (French School of the Far East which focuses on Asian Studies based on Archaeology) visited the temple and conducted clearance and restoration in 1929. The École française d'Extrême-Orient is still operating now in Siem Reap, Cambodia, focusing on the restoration of Khmer temples with the cooperation from Cambodian Ministry of Culture.<sup>50</sup>

In 1904, Siam and France formed a joint commission to decide the border between Thailand and

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<sup>49</sup> Paul Grams Robinson, "UNESCO and the Preah Vihear Dispute: Challenges Facing Cosmopolitan Minded International Institutions in Dispute Resolution", *Master Thesis*, The American University of Paris, 2013, p.24.

<sup>50</sup> "The Siem Reap Centre Cambodia," (École française d'Extrême-Orient, March 2013) <<http://www.efeo.fr/base.php?code=217>> accessed March 17, 2018.

Cambodia, following the watershed line of the Dângrêk mountain range and placing all of Preah Vihear temple inside Thailand. The map was drawn in 1907 by the French after survey and later called Annex I for the case in ICJ. The survey and the drawing were done by the French because Thailand was unable to do it due to lack of technical capacity.<sup>51</sup> However, the map was apparently different from the agreement, showing that the border is slightly moved from the watershed line, thus making Preah Vihear inside Cambodia. The local legend said that the cartographer was distracted by champagne and girls while making the map, resulting in the deviation.<sup>52</sup> Nevertheless, Thailand just accepted the map and never complained until they found the mistake while conducting their own survey in 1934.<sup>53</sup>

### 3. Post-Colonial Period

The war between Thailand and Cambodia/France (puppet government of Germany during World War) broke out in 1940-1941. This resulted in Thailand taking many parts of Cambodia, including Preah Vihear. However, after World War II ended, France (free from Germany) took back Cambodia from Japan and Axis power. The treaty of Washington in 1946 stated that the border must be returned to prewar status, making Thailand return the area taken during the war in 1940-1941. This made Preah Vihear was given back to Cambodia, although the de facto controller was still Thailand with its presence of temple caretakers in Preah

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<sup>51</sup> Robinson, "UNESCO and the Preah Vihear Dispute: Challenges Facing Cosmopolitan Minded International Institutions in Dispute Resolution", p. 26-27.

<sup>52</sup> "Cambodia and Thailand; The center of the world fall," *The Economist*, May 31, 1975, p. 41.

<sup>53</sup> Shane R. Strate, *The Lost Territories: The Role of Trauma and Humiliation in the Formation of National Consciousness in Thailand*, 2009, p. 211

Vihear because France was busy fighting with Vietnam.<sup>54</sup>

When Cambodia got independent in 1953, Sihanouk began to discuss the issue of Preah Vihear. In February 1954, the Cambodian government began to ask about the current Thai nationals occupying the temple area. The issue created very little discussion because at that time it seemed unimportant due to instability and turmoil in surrounding regions, so the Cambodian government had to face other more important issues. Only after 1956 when Thailand built police border post and raised Thai flag in Preah Vihear that the dispute began to emerge as an important issue in Cambodia-Thailand relation.

## **B. The Dispute Between Cambodia and Thailand**

### **1. The Importance of Preah Vihear to Cambodia and Thailand**

Both Cambodia and Thailand claimed Preah Vihear for its religious, cultural, and territorial importance. Both countries are Buddhist majority population, and Preah Vihear symbolizes the center of Buddhist worship and legacy in Indochina. For Cambodia, though, it is more than a religious place because they see Preah Vihear as an icon of “ancient cultural grandeur of the Khmer Empire.”<sup>55</sup> The temple is viewed as a representation of Khmer identity, a reminder that for centuries Khmer was dominating power in the region before falling and being taken by foreign powers of Thailand, Vietnam, and eventually France. Therefore, claiming the temple for Cambodian very important, and they see the current dispute as for

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<sup>54</sup> Michael Leifer, *Cambodia: The Search for Security*, New York: Praeger, 1967, p. 85-86.

<sup>55</sup> Helmut K. Anheier and Yudhishtir Raj Isar, *Cultures and Globalization: Heritage, Memory and Identity*, London: Sage Publications, 2011, p. 149.

the way of Thailand to "steal Cambodian territory and destroy Khmer identity."<sup>56</sup>

For Thailand, Preah Vihear is also important for nation building. During the 19th century, the Thai government was focusing on "nation-building from above" to develop a single idea of the Thai nation and assimilate various ethnics within Thailand.<sup>57</sup> Therefore, 'losing' territory of Preah Vihear is not something that the government would tolerate because territory, religion, and monarchy are the three foundations of manifestation of Thai nationalism. The better access to the temple is also on Thailand's side, making it seems that Preah Vihear was indeed built for Thailand.

Pragmatically, the issue of Preah Vihear dispute was also used to support political interest in Cambodia. In the years following independence, Sihanouk used the issue of Preah Vihear to gain support from the people. Since he was placed in the throne by France, his kingship and leadership were in question. Therefore, to make people believe in him and to distant himself from colonial ties, Sihanouk campaigned for the legal ownership of Preah Vihear belonging to Cambodia. However, this practice was not seen in Thailand because in all level of Thai society they have the same perspective on the issue. No matter what the regime's policy about Preah Vihear, the people believe that the issue of Preah Vihear is important and that Preah Vihear should belong to Thailand.

## **2. History of Cambodia-Thailand Relation and Preah Vihear Issue**

The relation between Cambodia and Thailand is not always peaceful and stable. In fact, history saw the fluctuation and dynamics of the relation between these two Southeast Asia countries. This is caused by the

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<sup>56</sup> Ibid.

<sup>57</sup> Ibid.

continuous change of regime in both states. In Cambodia, as we have seen in chapter II, the regime has changed many times since Cambodian independence in 1953: from the constitutional monarchy, republic, communist state, foreign-backed socialist state, and back to constitutional monarchy again. A similar change also happened in Thailand, with about 18 military coups since 1932, although the monarchy remains intact. Therefore, in the past decade's fluctuations and changes in the relationship is something common, and many parts of the relation are hostile ones.<sup>58</sup>

This dynamic and clashes in the relationship are so unique and surprising since both Cambodia and Thailand share similar customs, traditions, beliefs, and ways of life in the form of royal customs, language, writing systems, vocabulary, literature, and the dramatic arts. Kasetsiri<sup>59</sup> explained that this relation happened the way it was because of “ignorance, misunderstanding, and prejudice”.

#### a) **Before Cambodian Independence**

During World War II, most of the Southeast Asia regions were under Japanese control. Despite its abuse and harsh colonization, Japan provided more opportunity for nationalism to raise, especially in the form of anti-western imperialism. This condition happened also in Cambodia and Thailand.<sup>60</sup> In Thailand, the government signed a non-aggression pact with Japan, stating that Japan can place the army in

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<sup>58</sup> Sok Udom Deth, “Factional Politics and Foreign Policy Choices in Cambodia-Thailand Diplomatic Relations, 1950-2014”, *dissertation*, Universität zu Berlin, 2014, p. 18

<sup>59</sup> Charnvit Kasetsiri, “Thailand-Cambodia: A Love-Hate Relationship,” *Kyoto Review of Southeast Asia*, 3, March, 2003.

<sup>60</sup> Nicholas Tarling, *A Sudden Rampage: The Japanese Occupation of Southeast Asia, 1941-1945*, London: C. Hurst & Co. Ltd., 2001.

Thai territory while Thailand will have Japanese cooperation and support. This made Thai had an opportunity to attack Cambodia for territory and resulted in Thailand-Cambodia War 1940-1941, the first open conflict of Cambodia-Thailand upon border dispute. The war was then mediated by Japan to end, and resulting in France giving Battambang province and Siem Reap to Thailand. Since the end of Thailand-Cambodia War in 1941, Thailand had still stationed troops in Preah Vihear. Although in 1949 France protested, the presence of Thai army remained in the area until Cambodian independence.<sup>61</sup> However after the World War II ended, this treaty was not in effect anymore because Japan had lost the war, so the provinces were returned to Cambodia.

In 1950, United States recognized Cambodia as an autonomous state within the French Indochina Union. This time, Thailand also recognized Cambodian self-realization of nationalism, and so Thailand became the first Asian country to acknowledge Cambodian nationalism. This marks the beginning of a relatively peaceful period of Thailand-Cambodia relation because both countries have common opposition, France. But, the relation was not fully supportive to Cambodia as Thailand secretly also supported a rebel-like Free Khmer movement, which was also against Cambodia. This was because Free Khmer did not believe in diplomacy and preferred to use violence to gain independence from France. While traveling for campaigning Cambodian independence, King Sihanouk visited Thailand. Surprisingly, Thailand seemed uninterested in supporting Cambodian

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<sup>61</sup> Deth, "Factional Politics and Foreign Policy Choices in Cambodia-Thailand Diplomatic Relations, 1950-2014", 2014, p. 51

independence, mainly because Sihanouk's campaign was seen as too aggressive and provocative.

**b) During the Cold War Era**

After gaining independence in 1953, King Sihanouk abdicated as a king, giving the throne back to his father, and becoming more active in politics (as the king only hold limited and ceremonial power in Cambodia). Sihanouk's party the "People's Socialist Community" won heavily in 1955 election. Some noted this as the beginning of Cambodia-Thailand relation worsening because Thailand believed that Sihanouk viewed Thailand as an old enemy of Khmer and Cambodia, always wanting to absorb Khmer land in Thailand. According to former Thai general Manich Jumsai:

"As soon as Cambodia was given independence by France, the Thai Government recognized her and established diplomatic relations with Phnom-Penh. But this relationship was not so smooth due to the fact that Sihanouk was indoctrinated (emphasis added) by the French to consider Thailand as his perennial enemy, who has always sought to annex her for centuries and had it not been for French intervention, Cambodia would have already lost her identity. Sihanouk was therefore pushed by this nervous fear and by the suspicion of Thailand's sincerity."<sup>62</sup>

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<sup>62</sup> Ibid, p. 49.

The case of relation worsening was also worsened by the actions of Thailand support for Sihanouk's opposition parties and the case of Preah Vihear in 1954. On August 1, 1954, Thailand stationed troops in Preah Vihear. Some believed that this was motivated by the view that the territory was given unfairly by France to Cambodia, so when France had left Thailand now had an opportunity to take it back. Preah Vihear was the first to take, and soon it became problematic. An US Foreign Bureau Service officer in Cambodia at that time stated that the relation between Cambodia and Thailand was hostile, involving press and radio attacks on each other, cattle rustling, piracy, mutual charges of false arrests, armed forays by the police forces of both countries, violations of airspace, and Thai territorial claims.<sup>63</sup>

Talks between the Cambodia and Thailand in 1959 and 1960 were not resolving the dispute. In 1959 Cambodia suggested two possible solutions to the Preah Vihear problem: (1) to establish a joint-administration of the temple by both Cambodia and Thailand, or (2) Cambodia will submit the dispute case to the International Court of Justice (ICJ) at The Hague. Thailand seemed to reject the first suggestion but also remained unclear about the second suggestion. Cambodian government believed that Thailand was pending the decision until 1961 when Thailand was not obliged to be mandatory arbiter by the ICJ. Thus, on October 6, 1959, Cambodia unilaterally submit the case to the ICJ. On May 26, 1961, ICJ began adjudicating the case and on June 15, 1962, ICJ decided that:

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<sup>63</sup> Ibid, p. 52.

by nine votes to three, that Thailand is under an obligation 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;

by seven votes to five, that Thailand is under an obligation to restore to Cambodia any objects of the kind specified in Cambodia's fifth Submission which may, since the date of the occupation of the Temple by Thailand in 1954, have been removed from the Temple or the Temple area by the Thai authorities;<sup>64</sup>

Thailand would remain silent (with only some statements from the government stating that Thailand rejected the result) and would not take explicit action until Preah Vihear was listed as UNESCO World Heritage Site in 2008.

In 1970 when Sihanouk was overthrown by a coup, the new Khmer Republic regime led by Lon Nol was heavily supported by the US. This was because the Sihanouk regime was not explicitly against communist Vietnam, so the US preferred to support the new Lon Nol regime. In Thailand, the government was also the ally of US, therefore making Thailand and Cambodia relation peaceful. The issue of Preah Vihear was not problematic anymore, although during the civil war between Sihanouk's supporter and Lon Nol's, Preah Vihear was used as the military defense

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<sup>64</sup> International Court of Justice, "Case concerning the Temple of Preah Vihear (Cambodia v. Thailand), Merits, Judgment of 15 June 1962: I.C. J. Reports 1962," p. 6.

tourists could still visit some parts of the temple via road from Thailand.

In 1975, the communist Khmer Rouge took control over Cambodia. Thailand, with its regime change, immediately recognized Khmer Rouge regime of Cambodia (Democratic Kampuchea), strengthened relation with China (the ally of Khmer Rouge), and lowered ties with the US. This period was again a peaceful period of Cambodia-Thailand relation, described as neutral and non-confrontational.<sup>65</sup> Khmer Rouge, as mentioned before, followed the Maoist style of communist, banning any religious and traditional activities in Cambodia. Therefore, the Preah Vihear temple was mostly abandoned, forgotten, and done no preservation or restoration at all.<sup>66</sup>

Another big moment in Preah Vihear happened when in 1979 the new regime in Thailand decided to expel all the Cambodian refugees placed in Thailand. This policy was made because Thailand feared that Cambodian war with Vietnam at that time will spill over Thailand, and refugees would be one of the side effects of them. Thailand government also saw some demonstration and demand from Thai citizen along the border, stating that the refugees received better social and economic treatment than Thai citizen themselves. Some of the refugees were also accused as communist spies. Thus, to remove the jealousy and to prevent future conflict between border people, Thailand decided to take out those refugees.

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<sup>65</sup> Deth, "Factional Politics and Foreign Policy Choices in Cambodia-Thailand Diplomatic Relations, 1950-2014", 2014, p. 149.

<sup>66</sup> Wong, "Temple Wars: Cambodia's Dispute Over Preah Vihear Ownership And Its Effects On National Power", 2013, p. 20.

These refugees were victims of years of tragedy and coup d'etat from the world war, Cambodian civil war, and war with Vietnam. There were about 34,000 Cambodian refugees around the Thai-Cambodian border according to UNHCR.<sup>67</sup> From that number, Thailand allowed US, France, and Australia to take about 12,000 to grant them asylum in their respective countries. According to a US Embassy official, about 42,000 refugees were forced to go by bus, sent to Preah Vihear, and were forced to walk to Cambodia. UNHCR estimated that 3,000 people died because of military harshness and dangerous situation because the refugees were sent to go in an area full of mines planted by the Khmer Rouge during the civil war.

During the war with Vietnam and during Vietnam puppet state regime, Preah Vihear and surrounding region were used as guerilla base. The strategic location of the temple made it effective to conduct battle. As the result, from the 1980s to 1990s the temple was totally inaccessible. During this period (even since the period of civil war until 1992 when UN mission resolved the greater conflict in Cambodia), Preah Vihear was also used as a passage for the black market and illegal trade, usually logistics and weapons. Although normal trade between Cambodia and Thai was also common during the period of relative peace.

After the withdrawal of Vietnamese troops, Cambodia with the help of UNTAC was going through national consolidation process between many factions within Cambodia. Khmer Rouge thought that this process was too diplomatic and

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<sup>67</sup> Larry Clinton Thomson, *Refugees Workers in the Indochina Exodus, 1975–1982*. London: McFarland & Company, Inc., 2010, p. 171.

resulted in nothing, thus they took the arm to keep the guerilla fighting. Once again, Preah Vihear became an important site in the history of Cambodia as it was used as a place where Khmer Rouge finally surrendered and accept Cambodian government authority in 1998.

**c) Contemporary Conflict**

In June 2000, Cambodia and Thailand signed a Memorandum of Understanding (MoU) regarding the establishment of Joint Border Committee (JBC) to conduct a joint border survey. This JBC was working based on official documents such as the Paris treaty of 1904 (Franco-Siamese Treaty February 13, 1904), Agreement between Siamese King and the President of French Republic signed March 23, 1907, in Bangkok, Protocol regarding annexed border in 1907, map by the joint commission, and other official documents.<sup>68</sup>

This action was a continuation of Cambodian nationalism after the decades of turmoil. In fact, in 1991 Cambodia signed the World Heritage Convention and in 1992 Angkor Wat was successfully listed as a national heritage of Khmer people. UNESCO and World Heritage Convention became important in helping Cambodian nation-building.<sup>69</sup> In 2001, Cambodia nominated Preah Vihear as the national heritage site.

The relation between Cambodia and Thailand had just been stable recently when in 2007 Thailand supported the listing of Preah

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<sup>68</sup> Pou Sothirak, "Cambodia's Border Conflict with Thailand", *Southeast Asian Affairs*, 2013, (p. 87-100), p. 91

<sup>69</sup> Robinson, "UNESCO and the Preah Vihear Dispute: Challenges Facing Cosmopolitan Minded International Institutions in Dispute Resolution", p.

Vihear as Cambodian heritage and in 2008 Preah Vihear was successfully listed as UNESCO World Heritage Site. However, influenced by domestic political situations, Thai people disagreed with government's support for Cambodia's listing of Preah Vihear. Thai people protested in streets and blocked airport in Bangkok, some also reported tried to plant Thai flag in Preah Vihear, before being stopped by Cambodian military. Starting from this point, both Cambodia and Thailand were increasing their military around the border in Preah Vihear.

The first troops clash started in October 2008. From 2008 until 2011, 34 people (army and civilians) were killed in the series of skirmishes and clashes between both country's military.<sup>70</sup> 2956 people were also displaced from the surrounding region due to the fighting. In 2011, to end the clash, Cambodia asked UN in February<sup>71</sup> to gain political pressure to end the conflict (UN also advised to bring the issue to ASEAN as both countries are the member,<sup>72</sup> which will be elaborated in chapter IV), while

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<sup>70</sup> Greg Raymond, "Thai–Cambodia relations one year after the ICJ judgement", (East Asia Forum, November 11, 2014) <<http://www.eastasiaforum.org/2014/11/11/thai-cambodia-relations-one-year-after-the-icj-judgement/>> accessed March 23, 2018.

<sup>71</sup> Mark Tran, "Cambodia calls for UN support to end Thai border clashes over temple", (The Guardian, February 7, 2011) <<https://www.theguardian.com/world/2011/feb/07/cambodia-thailand-border-clashes>> accessed March 21, 2018.

<sup>72</sup> Prak Chan Thul, "Thais, Cambodia face diplomatic pressure to end dispute", (Reuters, February 9, 2011) <<https://www.reuters.com/article/us-thailand-cambodia/thais-cambodia-face-diplomatic-pressure-to-end-dispute-idUSTRE7151K320110209>> accessed March 21, 2018.

also asked ICJ in April<sup>73</sup> to make the interpretation of the 1962 case.

### **C. Past Effort from Cambodia Regarding Preah Vihear Issue**

The effort from Cambodia to resolve the dispute is as early as Cambodian independence itself when in 1954 Sihanouk asked for discussion about Preah Vihear with Thailand. After that, Cambodia fell into disability for decades and therefore the issue of Preah Vihear was mostly left out of public policy. Only when Cambodia nominated Preah Vihear for UN World Heritage Site in 2001 that the government policy was back to pay more attention to Preah Vihear.

During the peacetime of Cambodia-Thailand relation, the measures for preventive diplomacy for the Preah Vihear issue are:<sup>74</sup>

#### 1) Confidence-building.

The purpose of confidence-building is to make a clear information regarding the possible cause of future conflict to both sides using various methods. Confidence-building measures include transparency and information exchanges, advanced notification of military exercises and deployments and monitoring of regional arms agreements.

Both Cambodia and Thailand apparently did not have a formal military monitoring agreement or related actions regarding military information. However, both states did conduct a comprehensive transparency and information exchanges regarding the dispute. The transparency and information came from the result of the ICJ 1962 ruling, which—although Thailand did not agree on—still became the main source of the clarity of the border.

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<sup>73</sup> Deth, “Factional Politics and Foreign Policy Choices in Cambodia-Thailand Diplomatic Relations, 1950-2014”, 2014, p. 246.

<sup>74</sup> Ibid.

Confidence-building can also be viewed from the effort of both Cambodia and Thailand to champion peace rather than seeking violently to solve the conflict. This championing can be seen from the willingness of both states in signing the Treaty of Amity and Cooperation in 1995. Besides stating that Cambodia is joining ASEAN, this treaty is a symbol of state to agree to settle the conflict peacefully within the Southeast Asian region.

Cambodian PM Hun Sen also had a good relationship with the PM Thaksin regime and after Thaksin was overthrown, Hun Sen made Thaksin his economic advisor in 2009. This personal-level confidence-building was proven to be effective to help Cambodia's diplomacy of Preah Vihear when Thaksin's regime returned to power in Thailand in 2011.

## 2) Institution-building.

Refers to formal or informal ways of organizing attention, expertise, and resources in pursuit of a common set of interests or objectives. Institutions can mean a formal organization or body to manage the issue or as a set of norms which govern how the sides should behave. In terms of norms, as stated above, by joining ASEAN and signing the Treaty of Amity and Cooperation, Cambodia became the part of the norm in Southeast Asia, more specifically the ASEAN Way (will be elaborated in the next section).

Along with joining ASEAN, Cambodia also established a formal body with Thailand to manage the dispute called the Joint Border Commission (JBC) in 2000. The aim of JBC is to "... resolve territorial disputes, develop a friendship, and deter conflict".<sup>75</sup> In 2004, as the continuation of JBC, Cambodia, and Thailand also established the joint panel to administer the Preah Vihear, which was aimed to "... be a symbol

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<sup>75</sup> Wong, "Temple Wars: Cambodia's Dispute Over Preah Vihear Ownership And Its Effects On National Power", 2013, p. 22.

of the long-lasting friendship, based on mutual benefits and understanding, between the two countries”.<sup>76</sup> Another institution known as the signing of joint communique was also introduced by the government of Cambodia and Thailand in 2008 to help the inscription of Preah Vihear as UNESCO World Heritage Site.

3) Early-warning

Early-warning involves monitoring of developments in political, military, ecological and other areas (such as natural disasters, refugee flows, the threat of famine and the spread of disease) that may become the factors of conflict emergence. The analyzing of this factors was done by the said joint communique, where the institution was aimed to list and find notable differences from both sides regarding the Preah Vihear issue before the temple was listed as UNESCO World Heritage Site.

However, these measures could not be effective because Thailand was having a change of regime. The previous Cambodia-friendly regime of Thaksin Shinawatra was replaced by the coup and the new Thai PM Abhisit Vejjajiva was against the cooperation with Cambodia regarding the Preah Vihear dispute. The new regime rejected the decision of Cambodia to list Preah Vihear as a UNESCO World Heritage Site, and tension arose between the two nations.

Here are some past key efforts from Cambodia to solve the issue peacefully:<sup>77</sup>

- On January 23, 1995, Cambodia signed the Treaty of Amity and Cooperation, establishing that interstate conflict should be resolved without violence.

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<sup>76</sup> Ibid., p. 23.

<sup>77</sup> Panchali Saikia, “The Thai-Cambodian Border Dispute: From Friction to Fire”, (Mainstream Weekly, June 25, 2011) <<http://www.mainstreamweekly.net/article2840.html>> accessed March 24, 2018.

- In 2000, Cambodia and Thailand signed a Memorandum of Understanding (MoU) that established the Joint Border Commission (JBC) to resolve overlapping territorial disputes.
- In May 2004, the temple became a permanent border crossing with the establishment of a joint panel administration.
- In 2008, a joint communiqué was signed to register the temple as a UNESCO World Heritage Site.