

## **CHAPTER IV**

### **THE INFLUENCES OF THAKSIN IN THAILAND POLITIC TOWARD PREAH VIHEAR BORDER DISPUTE**

The appointment of Thaksin Shinawatra as Cambodia's economic adviser was made by King Norodom Sihamoni requested by Hun Sen. Thaksin as Thailand Former Prime Minister considered as the right person to become economic adviser for Cambodia because of his capabilities in economic sector. Besides, the escalation of conflict territory between both countries in Preah Vihear effected directly to economic development in that area. In this chapter, I would like to explain the influence of Thaksin and the interest of Cambodia in appointing Thaksin Shinawatra as their economic adviser.

The appointment of Thaksin Shinawatra to become Cambodia's economic adviser on 2009 becomes a mean to get their national interest through political power. Thaksin as a fugitive for two years jail for corruption case in Thailand get the coup on 2006 have a big power in implementing foreign and domestic policy in Thailand. After the coup, the next Prime Minister of Thailand which is Samak Sundaravej considered as puppet government of Thaksin, and Yingluck Shinawatra as Thaksin's sister, both Prime Minister is also implementing Thaksin's policy including Preah Vihear Temple. Moreover, the big influences of his party in Thailand Politic through

## A. The Influences of Thaksin in Thailand Politic toward Preah Vihear Conflict during his position as Cambodia's Economic Adviser

Thaksin Shinawatra is one of political actors who have power to influence Thailand government. Since he got the coup on 2006, however, he still has power to influence the government through his party in Thailand Parliament. In 2008, the Thai Rak Thai (Thaksin's Party) reconstituted as the People Power Party (PPP) majority won in election and brings Samak Sundaravej become Thailand Prime Minister, although he openly functioned as proxy of Thaksin. He also expressed Thailand's support for Cambodia to list Preah Vihear Temple as a World Heritage.

Under Samak Administration, Thai parliament has given the government the green light to launch talks with Cambodia aimed at settling a long-running border dispute which boiled over into violence. The next round of talks aimed at ending a military standoff on disputed land near Cambodia's ancient Preah Vihear temple will be held next month, after a border firefight on October 15 killed one Thai and three Cambodians.

Thailand Foreign Ministry official in charge of legal affairs, Virachai Plasai said that *"Parliament has granted the government two frameworks of negotiation. The two frameworks will allow the government to launch negotiations with Cambodia in order to solve the boundary and border issues"*. (Bangkok Post, 2008) The two frameworks of negotiations is the redeployment of troops on disputed land near Preah

countries would try and settle ownership of patches of disputed land along Thailand and Cambodia's 798 kilometre (495-mile) shared border.

In 2009, Thaksin Shinawatra accepted the role as Cambodia's economic adviser. Hun Sen as Cambodia Prime Minister said *"I plan to appoint Thaksin as my economic adviser. I could do it because I do under the sovereignty of Cambodia"* (Asian Tribune, 2009).

The relations between Thailand and Cambodia under Abhisit's government become more serious since Thaksin started to work in Cambodia. Thai government recalled its ambassador from Cambodia in protest of the Cambodia government's designation of Thaksin Shinawatra as an economic adviser (Tsang, 2011). Thai government also took proactive steps to reverse the support of earlier government and began to campaign for the delisting of Preah Vihear Temple as World Heritage Site.

In addition, Hun Sen can gain assistance from Thaksin in dealing with the current Thailand government. Although Thaksin does not have military power, but he still has a powerful party and millions of Thais loving him who are willing to do what he wants them to. As Thaksin settles in Cambodia, he has chances to stay close to his supporters, which as a result as accelerates the anti-government movements in Thailand. Most vitally, his red-shirt supporters, the majority, have been actively assaulting Abhisit's government. This regime faced street protestors in the United Front for Democracy against Dictatorship (UDD) known as red-shirts. For instance, there was a cancellation of a major Asian Summit in Thailand because of the pro-

Thaksin Shinawatra (D... 2009). Another Abhisit was threatened to be killed by

the red shirts when he intended to join a two day meeting held on Chaing Mai (The Nation, 2009). These circumstances prove clearly that Thaksin still has a higher priority when it comes to democratically reselecting a new minister and has big influence in Thailand. Therefore, having never really achieved a position of stability, his government lost the most recent election to the Peua Thai Party (PTP), which selected Thaksin's younger sister, Yingluck Shinawatra as Thailand Prime Minister.

The outcome of the Thai election in July 2011 is going to have a major impact on the negotiation between the two countries. The Pheu Thai Party (PTP) and its supporters (Red-Shirts) are perceived as pro-Cambodian due to the close relationship between Thaksin and Hun Sen.

The Chairman of the National Assembly of Thailand, Somsak Kiatsuranont, pledged to help improve bilateral relations and cooperation between Thailand and Cambodia after the two neighbors were broken relationship since 2008 due to the border conflict. Speaking during a meeting with Cambodia Prime Minister, Hun Sen, at the Peace Palace, Phnom Penh, he said *"now the people of Thailand and Cambodia become "brothers" again after the Pheu Thai Party won the general election in July. Thailand and Cambodia have the same aspirations to see the disputed border areas into the market, so now should be the time for the two neighbors to increase bilateral trade and investment for the benefit of both nations."*

**Table 4.1: Thailand number of seats in Parliament based on political groups on 2007-2011**

Parties	Years	
	2007	2011
People's Power Party	233 seats	-
Pheu Thai Party	-	265 seats
Democrat Party	164 seats	159 seats
Charthaipattana Party	34 seats	19 seats
Chart Pattana Puea Pandin	24 seats	5 seats
Bhumjaithai Party	-	34 seats
Phalang Chon	-	7 seats
Matubhum Party	-	2 seats
Rak Santi Party	-	1 seats

Source: The Asian Network for Free Elections, 2007-2011

In table 4.1 above shows that the number seats of Thailand Parliament during the election on 2007 and 2011. On 2007, Thaksin's Party, People's Power Party won majority and get 233 seats in parliament. After that, on 2011, People's Power Party changed become Pheu Thai Party and also gets massive victory for that party and gets 265 seats of 500 seats in Parliament.

#### **B. Yingluck Shinawatra: The Another Thaksin's Power**

Yingluck Shinawatra as Thaksin's sister wins the election and become Thailand Prime Minister on 2011. She was chosen as Prime Minister from Pheu Thai Party on July 3<sup>rd</sup> 2011 and also become the first woman who had been Prime Minister. The Prime Minister Yingluck Shinawatra's foreign policy positions have seemed to mirror of her brother, Thaksin Shinawatra. Since Thaksin resigned as

Thai Party (PTP) that successful to bring his sister, Yingluck Shinawatra, as the new Thai Prime Minister.



Picture 4.1: Yingluck Shinawatra Ahead of Japan Visit

Under Yingluck, the amity between Thaksin and Hun Sen, the Thai-Cambodian front has regained calm and stability. The bilateral spat has been depoliticized, and military presence on both sides has been scaled down dramatically. During her Administration, the main International political issues that want to resolve is Preah Vihear Temple conflict. There are several policies of Yingluck Shinawatra as Thai Prime Minister toward Preah Vihear Temple dispute between Thailand and Cambodia, as follows:

1. At the same month, since Yingluck become Prime Minister, the decision of ICJ of 18 July 2011 decided that Cambodia and Thailand were expected to withdraw the military troops to the demilitarized zone. Cambodia's government pulled back the troops 17 km from the battle zone to the demilitarized zone. Cambodia also asked Thailand to withdraw its military from the Preah Vihear to demilitarized zone.

Hun Sen, the Thai Defence Minister, Yutharak, said "so far the government has

*not yet given an order to withdraw our troops from the border area.” (Asia New Network, 2011).*

After the meeting between Thai Prime Minister, Yingluck Shinawatra and Cambodia Prime Minister, Hun Sen, the Thai government agreed to withdraw its troops from the Temple to the demilitarized zone. In that meeting, both countries agreed to extend the meeting through the Regional Border Committee (RBC) or the General Border Committee (GBC) to find a solution over the Preah Vihear Temple issue.

2. In September 2011, the Prime Minister of Yingluck Shinawatra and her representation visited Phnom Penh, and Cambodia is the first country to be visited in her administration (Ngoun Anu, 2012). From this meeting provide a significant change in Preah Vihear Temple, and that the relations between both countries getting better.
3. After Yingluck Shinawatra visit to Cambodia on September 2011, the trade cross-border between Sisaket (Thailand) and Sangam (Cambodia) has reopened. It is seen by many tourists who visit the area, and the numbers of Thailand tourists are visiting to Cambodia increased by 90% compared to the previous year. The stabilization of politic between Thailand and Cambodia effected the value of border trade also grew up to 86.5% which is the accumulation of exports to Cambodia in early 2012. (Anonym, 2013)
4. The willingness to cooperate is also realized with the launch of visas that is

visas have become effective on December 27<sup>th</sup>, 2012. (Royal Thai Government, 2013). The other developments such as the development of high-speed rail project connecting Aranyaprathet district, Sa Kaeo Province (Thailand) with Poipet (Cambodia).

5. Besides, Prime Minister Yingluck Shinawatra made to reconcile the relationship with Cambodia, especially related to the Preah Vihear temple dispute is the formation of a special team. Yingluck urged anti-government movements to further look at this issue not as a political goal. According to her, the closeness to the Prime Minister of Cambodia will not interfere the purpose of protecting the Thailand sovereignty. Yingluck also attempted to solve this problem through the right procedure, which is follows the rule of International Constitution.

To better understanding about the conflict of Preah Vihear Temple between Thailand and Cambodia, here, I would like to explain the history of Preah Vihear Dispute, the timeline of conflict, the agreement that had been done by two governments in solving this conflict, and the involvement of Third Party in helping dispute settlement of Preah Vihear.

### C. Preah Vihear Border Dispute

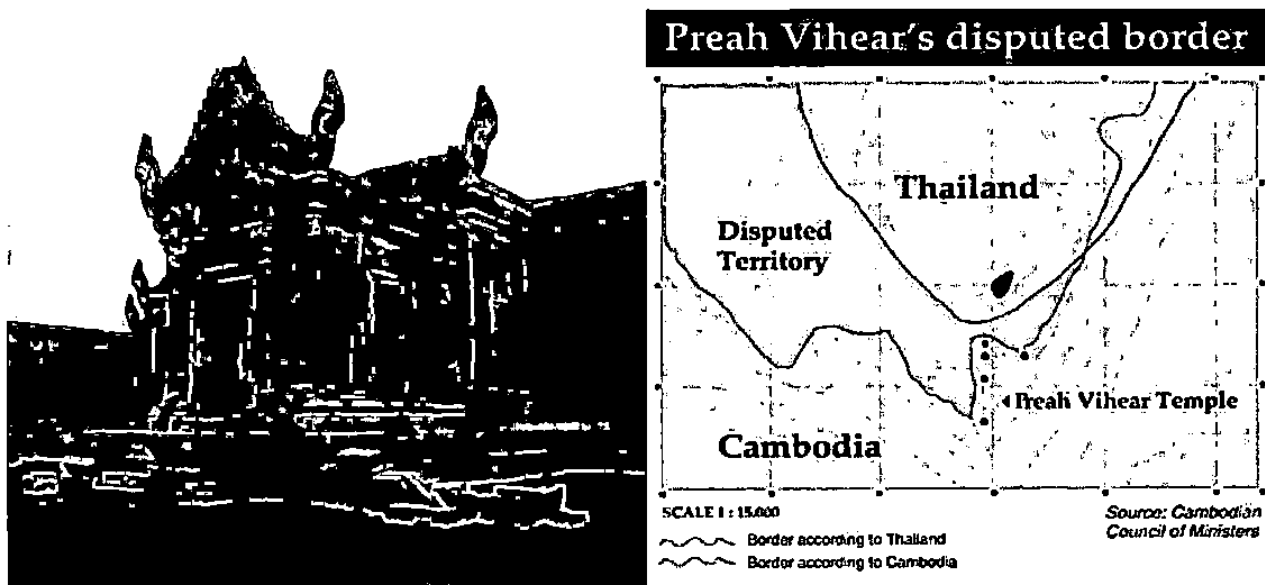
#### a. Different Concept of Boundary

During the ancient era, Southeast Asia did not have the Westphalian system of nation-states, like Western countries. The modern technology for mapping using



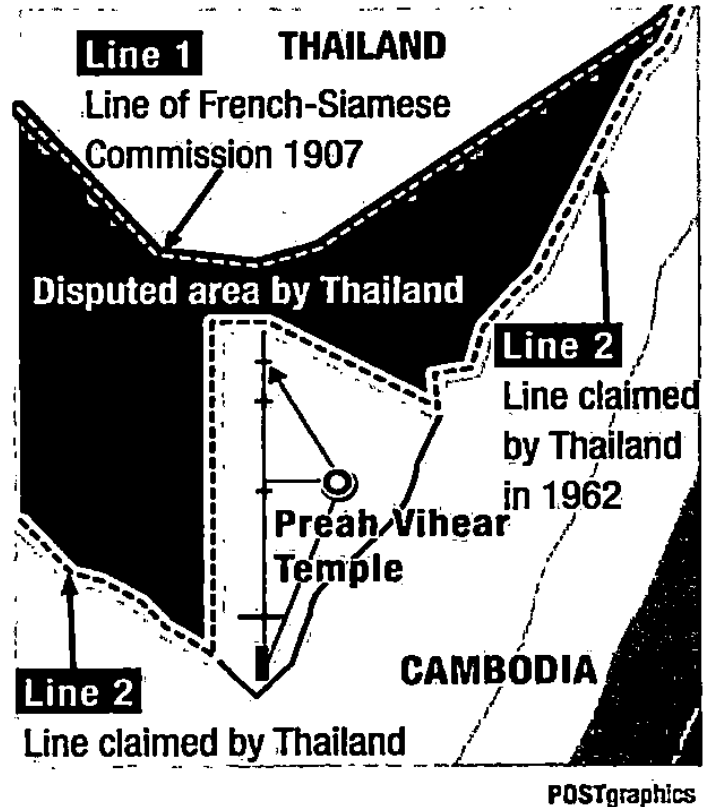
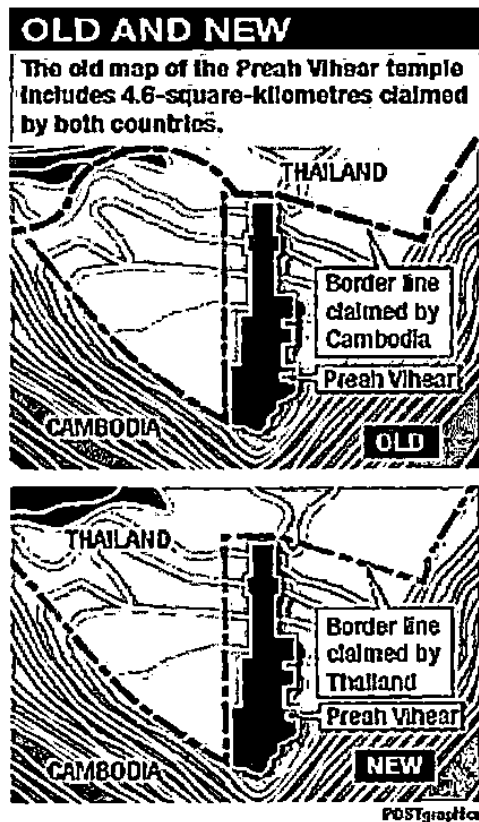
this notion in the early 20th century. (Fox, 2002) Most of Southeast countries in that time depended on how power the rulers had to control manpower and the allegiance of vassal states, rather than precise delimitation of territory.

The natural boundary between the two countries in this region is formed by the high Dangrek Range, which, in the area of Preah Vihear, rises abruptly out of the Cambodian Plain forming a cliff-like escarpment from which the land then descends to the north into Thailand. The temple is situated on a promontory at the edge of the escarpment overlooking the Cambodian Plain to the south.



Picture 4.2: Preah Vihear Temple

The dispute over Preah Vihear 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



Picture 4.3: The old and new version of Preah Vihear map

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 Preah Vihear Temple to the east of the watershed. In other word, the “Dangrek Map” in 1907 placed the Preah Vihear Temple within the bounds of Cambodia. (Silverman, 2011)

#### b. ICJ Judgment in 1962

The conflict between Thailand and Cambodia over the Temple of Preah Vihear was related to an ambiguous frontier line constituted by the Provisions of the

1904-1907 Siamese-French Treaty. The application of the Treaty established that

the boundary in the eastern sector of the Dangrek mountain range was to follow the watershed line and that would place the Temple in Thailand.

This case was brought to the ICJ in 1959, 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 Preah Vihear 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. 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.

On October 6 1959, the case concerning the Temple of Preah Vihear brought to the ICJ by Cambodia's Unilateral Application. Cambodia requested judgments in five Final Submissions: (Monticha, 2009)

- a. To adjudge and declare that the map of the Dangrek sector (Annex I map to the Memorial of Cambodia) was drawn up and published in the name and on behalf of the Mixed Delimitation Commission set up by the Treaty of 13 February 1904, that it sets forth the decisions taken by the said Commission and that, by reason of that

- b. To adjudge and declare that the frontier line between Cambodia and Thailand, in the disputed region in the neighborhood of the Temple of Preah Vihear, is that which is marked on the map of the Commission of Delimitation between Indo-China and Siam (Annex I map to the Memorial of Cambodia);
- c. To adjudge and declare that the Temple of Preah Vihear is situated in territory under the sovereignty of the Kingdom of Cambodia;
- d. To adjudge and declare that the Kingdom of Thailand is under an obligation to withdraw the detachments of armed forces it has stationed, since 1954, in Cambodian territory, in the ruins of the Temple of Preah Vihear;
- e. To adjudge and declare that the sculptures, stelae, fragments of monuments, sandstone model and ancient pottery which have been removed from the Temple by the Thai authorities since 1954 are to be returned to the Government of the Kingdom of Cambodia by the Government of Thailand.

In 1934 to 1935, Thailand carried out a survey 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 Preah Vihear Temple is in Thailand. Nonetheless, Thailand also continued to use and publish maps showing the Preah Vihear 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 depiction of the watershed line, Thailand had accepted

the boundary of Preah Vihear as it was portrayed on the map. 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 Preah Vihear was under the sovereignty of Cambodia by a majority vote of 9 to 3. The Court adjudicated the conflict between Thailand and Cambodia over the Temple of Preah Vihear on June 15 1962:

- a. By nine votes to three, finds that the Temple of Preah Vihear is situated in territory under the sovereignty of Cambodia;
- b. It finds in consequence, 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;
- c. By seven votes to five, that Thailand is under an obligation to restore to Cambodia any sculptures, stelae, fragments of monuments, sandstone model and ancient pottery which might, 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.

**c. Listing the Preah Vihear Temple as a World Heritage Site**

Thailand and Cambodia relations were in disharmony over the possession issue of Preah Vihear territory had caused several times armed conflict between those



between these two countries led to military clashes between these two conflicting parties and caused several deaths and injuries. (Pavin, 2008)

The dispute between Thailand and Cambodia has been going on for over a hundred years. It involves the area surrounding the 11th century *Preah Vihear Temple* which is located between the *Choam Khsant* district in the *Preah Vihear* Province of northern Cambodia and the *Kantharalak* district (*amphoe* in the *Sisaket* province of Northeastern Thailand). Here, I would like to show several important events that occur between Thailand and Cambodia, as follows:

- 1353: Thailand militarily dominated Angkor War, but after that Cambodia succeeded to control over.
- 1431: Thailand re-dominated Angkor War. In this time considered as decadence and stagnation period for Cambodia.
- 1867: France declared Cambodia as protectorate country, but it was unsupported by the agreement that gave power to Thailand to control Battambang province (Cambodia) and Siam Reap Province (Thailand), as known as Angkor War area.
- 1907: France regains Battambang Province and Siam Reap Province.
- 1841: a Thailand regime which supports Japan occupies Battambang Province and Siam Reap Province, after France defeated by Germany in World War 2. But, France regains both provinces in the end of World War 2 on 1945.
- 1953: Cambodia declared independence over French.

in 1962 International Court of Justice decided that temple is under sovereignty of Cambodia.

- 1975-1979: The Rouge Khmer or Red Khmer seized power in Cambodia and occurring bloody attacks in Thailand border.
- 2008: Preah Vihear Temple officially listed as World Heritage issued by UNESCO.
- October 16<sup>th</sup>, 2008: Thailand and Cambodia troops exchanged fire with each other on the dispute territory. The fighting lasted for a few minutes, leaving two Thai soldiers and one Cambodia soldier wounded.
- 2009: Fighting between Thailand and Cambodia forces at least 3 Thailand soldiers and 2 Cambodian soldiers dead. Cambodia claimed 4 Thailand were killed, 6 wounded and 10 captured. Two Cambodian soldiers were also reported killed in the border clash.
- 2010: Cambodia and Thai Forces opened fire on each other near Cambodia's northwestern border in a clash which lasted for a quarter of an hour, there were no reports of casualties in this incident.
- 2011: Renewed clashes along the disputed border erupted on April 22 and continued into the next day. Initial reports from Thailand indicated that casualties totaled eight dead and 32 wounded. The renewed fighting between Thailand and Cambodia involved rocket launchers and artillery. Cambodia

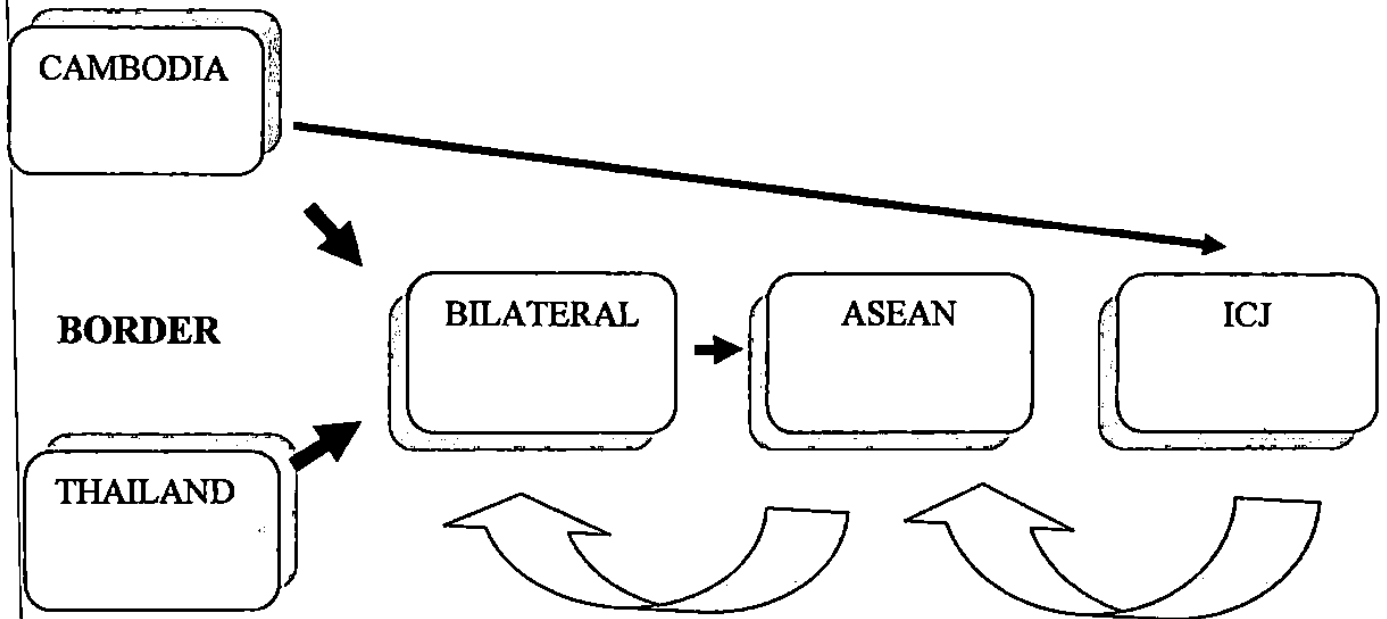


#### D. The Agreements, Involvement, and Relevant Resolution of Preah Vihear Temple Conflict between Thailand and Cambodia on 2009-present

Tension between Thailand and Cambodia on Preah Vihear Temple has existed for some years, but the situation worsened over disputed territory in the vicinity of the ancient Preah Vihear Temple in 2008. In the APEC Summit in Singapore on November 16<sup>th</sup> 2009, Thailand asked Indonesia to help solve the problem in Thailand and Cambodia border conflict. However, Indonesian President Susilo Bambang Yudhoyono stated: *"In my opinion, there are still opportunities for Thailand and Cambodia to solve their border issue bilaterally, and our foreign affairs minister will maintain communication with his Thailand and Cambodia counterparts about the matter. I said its better for the two leaders to overcome the problem bilaterally without bringing it to an ASEAN forum or to make it an International issue because it would not be good for ASEAN as a whole."* (Webadmin, 2009)

In the beginning, Thailand government wants to solve this problem through bilateral way and refused any intervention from ASEAN and United Nations. Meanwhile, Cambodia wants this problem must be solved by third party and military

Figure 4.1. Dispute Settlement Process on Thailand and Cambodia border



Source: Sakkarin, 2002

In figure 4.1 expressed that the leaders of the conflicting parties also made statements about the mechanism they would choose to deescalate and solve the conflict in Thailand and Cambodia border around the Temple of Preah Vihear. Prime Minister Abhisit believed that this conflict could be solved through bilateral mechanism, while Prime Minister Hun Sen was pessimistic with respect to a bilateral mechanism.

Here, I would like to express some negotiations between both countries

... of third party in solving Preah Vihear



Thai counterpart Sukumpol Suwanatat, accompanied by a host of military officials from both sides, met in late February for lunch in front of the Preah Vihear temple to warm ties between the Cambodian and Thai troops. The expressed military diplomacy, which may be at odds with the current political approach, is unfolding in strategic measure prior to the ruling from the International Court of Justice in The Hague, expected later this year. Both sides have agreed to solve the issue peacefully instead of using force and promised to respect the ICJ's ruling.

### **3. Negotiation between Thailand Minister and Cambodia Government**

In December 2011, Thai Foreign Minister Surapong Tovichakchaikul and Energy Minister Pichai Nariphaphan visiting at the Phnom Penh's Peace Palace. The purpose of this negotiation is to continue boosting the bilateral ties on trade, investment, tourism and cultures for the mutual interests of the two countries' peoples. Hun Sen said that the bilateral relations between Cambodia and Thailand have "turned good" since the Pheu Thai Party led by Yingluck Shinawatra won the general election in July this year. He added that it was the open of the new chapter of Cambodian and Thai relations and cooperation.

#### **b. Third Party Interventions**

##### **1. ASEAN**

Thailand and Cambodia is the member of ASEAN and every conflict that occurs between members should be solving based on ASEAN rules. Actually, Thailand and Cambodia already bound with ASEAN rules and Preah Vihear conflict

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asked ASEAN to intervene in solving the dispute but Thailand refused any intervention from Third Party. According to Thailand, the intervention of Third Party in solving the conflict can influence the domestic politics in country.

Reaction of Thailand is not appropriate with the purpose of ASEAN which is to maintain and enhancing peace, security and stability in Southeast Asia. This conflict has disrupted the harmony in ASEAN region and ASEAN have to intervene in resolving the dispute. Furthermore, there are several steps that being taken by ASEAN in Preah Vihear conflict settlement, as follows:

- Conflict Settlement through Negotiation

In solving internal dispute, the main role of Regional Organization is become a tool of consultation, implementation, and provide a negotiation forum for member states in conflict situation or in condition which can leads the conflict. ASEAN under Indonesia leadership expressed the proactive action in facing the condition of security progress regarding its member.

After fighting fire between Thailand and Cambodia military in Preah Vihear border, Indonesia Foreign Ministry, Marty Natalegawa did "shuttle diplomacy" and met Hor Nam Hong as Cambodia Foreign Ministry in Phnom Penh and Kasit Piromya as Thailand Foreign Ministry in Bangkok to get the information. Then, there is a meeting in New York between Foreign Ministry and give the consideration and advice toward the role of ASEAN in solving internal conflict in its region. This step was succeeded and the border dispute

- The Role of ASEAN as Mediator

ASEAN also has conducted as mediator in Thailand and Cambodia conflict. After fighting fire occurs in Preah Vihear border, ASEAN take an action to solve this problem, and become mediator is one step from some steps that being taken by ASEAN to maintain peaceful settlement between both countries.

- ASEAN conduct an Investigation

ASEAN also could make an investigation toward the conflict in its member state. Later, this result of investigation would be used to formulate conflict resolution that considered more effective to be implemented.

## 2. United Nations

Both countries have tried to settle this competing claim through existing bilateral mechanism but to no avail. Thailand has insisted on bilateral approach, but Cambodia has turned its attention to multilateral frameworks instead due to the lack of confidence in the bilateral negotiation with Thailand. In April 2011, Cambodia requested the ICJ to interpret the Judgment rendered on 15 June 1962. In July 2011, the court has decided on the indication of provisional measure by ordering both sides to withdraw their troops from the temporary demilitarized zone and urges both countries to work with the ASEAN.

Although the two neighbors agreed to follow the court's order, little progress has been achieved. In late July 2012 both countries had pulled back their troops,

However, the Joint Border Committee has resumed its work on border demarcation since Yingluck government took over the helm of the government in Thailand. On 11 November 2013, in its judgment the ICJ:

1. Finds, unanimously, that it has jurisdiction to entertain the Cambodian request and that this request is admissible.
2. Declare, unanimously, by way of interpretation, that the judgment of 15 June 1962 decided that Cambodia had sovereignty over the whole of the promontory of Preah Vihear. Both sides still views the court decision in its own ways. While legal and more professional analysis are expected to transpire, any positive resolution can only be achieved if both countries heed the Court decision in good faith and can ultimately compromise and allow diplomacy to settle the border conflict peace.

Because of that, UNSC invited Indonesia as the ASEAN chair to meet and discuss the problem between Thailand and Cambodia. At that meeting, the UNSC decided to turn back this case to be resolved by ASEAN. According to the statement of Dr. Surin Pitsuwan, the ASEAN Secretary General: *“UNSC’s open and official support for conciliation efforts to the ASEAN Chair is a sign that the United Nations has faith in ASEAN to help its Member States find amicable regional solutions to bilateral problems such as this.* (ASEAN News, 2011) UNSC gave the authority to ASEAN mechanism, because these two countries were members of ASEAN.

However, this effort was not successful in settling the conflict and stopping

for interpretation of the Judgment of 15 June 1962 in the Case Concerning the Temple of Preah Vihear to the International Court of Justice in order to solve the border problem in the Preah Vihear Temple area. To support this request, Cambodia emphasized:

*(1) "According to Cambodia, the judgment (rendered by the Court in 1962) is based on the prior existence of an International boundary established and recognized by both States; (2) According to Cambodia, that boundary is defined by the map to which the Court refers on page 21 of its Judgment..., a map which enables the Court to find that Cambodia's sovereignty over the Temple is a direct and automatic consequence of its sovereignty over the territory on which the Temple is situated...; (3) According to the Judgment, Thailand is under an obligation to withdraw any military or other personnel from the vicinity of the Temple on Cambodian territory. Cambodia believes that this is a general and continuing obligation deriving from the statements concerning Cambodia's territorial sovereignty recognized by the Court in*