

7th Berlin Conference on Asian Security (BCAS)

***Territorial Issues in Asia
Drivers, Instruments, Ways Forward***

Berlin, July 1-2, 2013

*A conference jointly organised by Stiftung Wissenschaft und Politik (SWP), Berlin
and Konrad-Adenauer-Stiftung (KAS), Berlin*

Discussion Paper
Do Not Cite or Quote without Author's Permission

Session I: National Identity and Domestic Legitimacy

Rosita Dewi
Research Centre for Politics Studies
Indonesia Institute of Sciences
Jakarta

Dispute Settlement of the Thailand – Cambodia Border (Case: Dispute over Preah Vihear Temple)¹

Introduction

Thailand and Cambodia relations were in disharmony over the possession issue of Preah Vihear Temple. The dispute over nearby Preah Vihear territory had caused several times armed conflict between those countries' militaries. In 1962, the International Court of Justice (ICJ) decided that the possession of the Preah Vihear Temple belongs to Cambodia. It was expected that the decision would stop the border conflict between Thailand and Cambodia. Apparently it was since Thailand's government never protested the ICJ decision towards Preah Vihear Temple. This ICJ decision then becomes a milestone for a peace era between Thailand and Cambodia.

In January 2008, the harmony relation between Thailand and Cambodia was disturbed. This was triggered by Cambodia's government initiative to inscribe Preah Vihear Temple to the UNESCO world heritage list. Thailand's government protested against this action since Cambodia excluded Thailand in the process. Moreover it was decided without Thailand permission. Thailand argued that Cambodia's government put Thailand areas near the Preah Vihear Temple onto the map which it submitted to UNESCO. For that reason, Thailand requested that the process of world heritage listing for Preah Vihear should be registered by both Thailand and Cambodia. However, the Cambodian government stated that the Preah Vihear registration had excluded the area around Preah Vihear. Therefore, there was no violation of sovereignty in the listing process. This disagreement led to the military deployment of both countries in the disputed area (4.6 km² near the Temple). The situation soon became heated. However, it should be noted that the heating of the situation was also generated by Thailand's domestic (political) situation. The Thai nationalist group (*People's Alliance for Democracy* or *Yellow Shirts*) used the Preah Vihear issue to topple Prime Minister Samak Sundaravej, the successor of Thaksin Shinawatra.

Several mechanisms from bilateral, regional to multilateral, were chosen by Thailand and Cambodia for settling the conflict. The escalation of the conflict took place during Indonesia's chairmanship in ASEAN. Therefore, it became a priority on Indonesia's agenda to resolve the conflict since it had escalated to a big issue which involved international parties such as the Security Council of the United Nations. Otherwise, it would have become a bad precedent for ASEAN as a region of peace.

¹ This paper is taken from Rosita Dewi, *Situasi Terkini Peta Politik di Sekitar Perbatasan Candi Preah Vihear*, on Awani Irewati (ed), *Sengketa Wilayah Perbatasan Thailand – Kamboja*, 2013 (forthcoming).

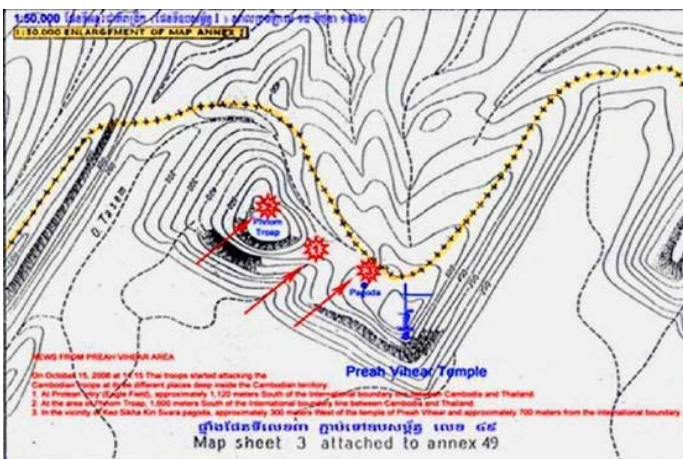
Furthermore, it tested Indonesian leadership of ASEAN to manage and solve the conflict among ASEAN members and actively show the importance of Treaty of Amity and Cooperation (TAC).

Border Dispute around Preah Vihear Temple

Preah Vihear was not always under Cambodian control. The area had in the past been occupied by the Siamese kingdom and the modern Thai state. Even though Siamese forces invaded Cambodia after the fifteenth century, the present border dispute actually dates from the period of the French protectorate. In 1983 the Franco-Siamese war left Laos under French control. There was a Franco-Siamese treaty in 1893, in which the government of Siam renounced all territorial claims on the left bank of the Mekong River, including the island located in the river.²

Several negotiations began in 1902, 1904, and 1907. In 1902, Siam agreed to give up Melouprey and Bassac (Champasak) in return for the French evacuation of the Chantaboon (Chantaburi). Then in 1904, France and Siam agreed that the northern frontier near Preah Vihear would run along the watershed line of the Dangrek Mountains. In 1907, Siam returned the Provinces of Battambang, Sisophon and Siem Reap to Cambodia. The 1907 Treaty also made a provision for the demarcation of the boundary that was completed in 1908.³

Map 1 - Map of Franco – Siamese Treaty (1908)⁴



² Spice Digest, “Thailand and Cambodia: The Battle for Preah Vihear”, fall 2009, [online available] <http://iis-db.stanford.edu/docs/379/Prihear.pdf>, accessed on 23 June 2011.

³ Ronald Bruce St John, “Preah Vihear and the Cambodia – Thailand Borderland, on Boundary and Security Bulletin, IBRU, January 1994.

⁴ Khmer, Kolbot, “Cambodia and Thailand: Accusation Game”, 29 October 2008, [online available] <http://sokheounpang.wordpress.com/2008/10/>, accessed on 13 June 2013.

After World War II, Thailand took the opportunity to regain some of the territory it had lost earlier, including Preah Vihear, when Thailand defeated Cambodia in 1941 as Japan's ally. France signed the peace treaty with Thailand and agreed to return most of the territory including Preah Vihear. However, the Washington Treaty (1946) terminated the treaty of 1941 and Thailand had to return all the territory which it occupied in 1941 including the provinces of Battambang and Sisophon. In 1953, after Cambodia achieved independence, Thailand strengthened its defense on the border near Preah Vihear Temple by locating a police post in the Dangrek Mountains. This was protested by the Cambodian government under Prime Minister Sihanouk. Several negotiations conducted from 1953 to 1958 did not reach a positive result. Therefore, Cambodia decided to send this case to the ICJ. Two years later, the dispute led to a suspension of diplomatic relations between Thailand and Cambodia and the closing of the border.⁵

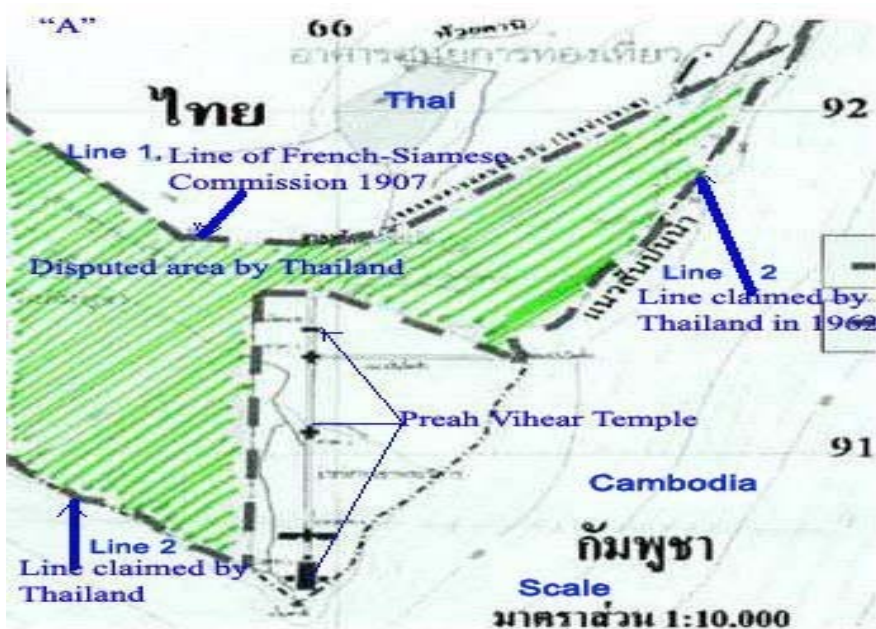
During the hearing process, the Cambodian government finally requested submission to the courts:⁶

- [1] “to adjudge and declare that the map of the Dangrek sector (Annex I to the memorial of Cambodia) was drawn up and published in the name on behalf of the Mixed Commission set up by the Treaty of 13 February 1904, that sets forth the decision taken by the said Commission and that, by reason of that fact and also the subsequent agreements and conduct of parties, it presents a treaty character;
- [2] 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 marked on the map of the Commission of Delimitation between Indo – China and Siam (Annex I to the memorial of Cambodia);
- [3] to adjudge and declare that the temple of Preah Vihear is situated in territory under the sovereignty of the Kingdom of Cambodia;
- [4] 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 Cambodia territory, in the ruins of the Temple of Preah Vihear.....”

⁵ Ronald Bruce St John, “The Land Boundaries of Indochina: Cambodia, Laos and Vietnam”, on Boundary and Territory Briefing, Vol. 2, No. 6, International Boundaries Research Unit, 1998. pp. 40

⁶ International Court of Justice, “Temple of Preah Vihear (Cambodia v. Thailand) Judgement, 15 June 1962.

Map 2 - Map of Thailand Claim Area in the Thailand – Cambodia Border⁷



At the other side, Thailand’s objections to Cambodia’s requests to the ICJ were:⁸

- [1] “The map Annex I has not been proved to be a document on binding of the parties whether by virtue the treaty of 1904 otherwise;
- [2] Thailand and Cambodia have not in fact treated the frontier marked out on Annex I as the frontier between Thailand and Cambodia in the Dangrek Region;
- [3] For the above reasons, the frontier line marked on Annex I ought not to be substituted for the existing boundary line as in fact observed and accepted by the two parties in the Dangrek Range
- [4] Even therefore, if the court, contrary to the submission of Thailand, thinks it proper to entertain the said claim (r) now put forward by Cambodia, Thailand submits that on the merits this claim is not well founded and ought to be rejected.”

Several months after the hearing process had been finished, the court, considering both parties’ arguments, decided that “the Temple of Preah Vihear is situated in territory under the sovereignty of Cambodia.” Therefore, the ICJ also decided that

⁷ Cheang, Sopheng, “Google Enters Fray in Thai – Cambodia Border Dispute”, 10 February 2010, [online available] <http://khmerization.blogspot.com/2010/02/google-enters-fray-in-thai-cambodia.html>, accessed on 13 June 2013.

⁸ International Court of Justice, “Temple of Preah Vihear...”

“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; and 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.”⁹

The conflict could be settled at that time. However, after several years, the conflict again broke out between Thailand and Cambodia concerning the Preah Vihear Temple. The registration of Preah Vihear to UNESCO as a world heritage was a new episode of Thai and Cambodian relations towards its border. This initiative got a negative reaction from Thailand, because the application and registration process happened without announcement and agreement from Thailand’s government. It worsened the relations between Thailand and Cambodia. The situation became strained when UNESCO agreed to consider the Cambodian request to register Preah Vihear Temple as a one of world heritage sites. Thailand’s government tried to protest this at the World Heritage Committee. They argued that Cambodia’s proposal would be disadvantageous to Thailand, because it would violate Thailand’s sovereignty that referred to the land around the temple. According to ICJ in 1962, Preah Vihear was in the possession of Cambodia. However, that decision did not cover the 4.6 km² area surrounding Preah Vihear Temple that until today has not been determined.

Basically, Thailand’s government under Prime Minister Samak Sundaravej stated that Thailand will support Preah Vihear Temple as a world heritage site only if this did not interfere with the unresolved area near Preah Vihear Temple. At that time, Thailand Foreign Minister, Noppadon Pattama, had signed a joint communiqué that stated that Thailand will support Cambodia in the inscription of Preah Vihear Temple to become one of world heritage site. In that joint statement it was also declared that the application did not include the disputed area. However, the Thai opposition party (PAD) rejected the Preah Vihear registration to UNESCO and toppled the Prime Minister. They demonstrated near Preah Vihear Temple and this caused a chaotic situation in the border area. For that reason, Cambodia’s government closed the border around Preah Vihear for people from Thailand.¹⁰ On 7 July 2008 UNESCO announced that Preah Vihear Temple had been included in the list of world heritage site, even Thailand was objection.¹¹

⁹ Ibid

¹⁰ International Crisis Group, “Thailand: The Calm before Another Storm?”, Crisis Group Asia Briefing, No. 121, 11 April 2011, pp.7

¹¹ The UNESCO reason put Preah Vihear into the list of world heritage is “[t]he site is particularly well preserved, mainly due to its remote location. It is exceptional for the quality of its architecture, which is adapted to the natural environment and the religious function of the

This issue triggered conflicts between Thailand and Cambodia. The first conflict happened on 15 July 2008, only a week after the announcement of the World Heritage Committee meeting in Quebec that officially put Preah Vihear into the list of world heritage site. It led to anger of Thai nationalist groups. This resistance was demonstrated by Thailand's military deployment to the border area near the Preah Vihear temple. Cambodian Prime Minister (Hun Sen) saw that Thailand military action already threatened Cambodian national security. Therefore, the Cambodian government also sent the military troops to the frontier. The increased tension between these two countries led to military clashes between this two conflicting parties and caused several death and injuries.¹²

Moreover, the prolonged conflict was influenced by the political situation in Thailand. The situation was also generated by Thailand's nationalist party which used the Preah Vihear temple issue to topple the ruling government under Samak Sundaravej. They accused the Thai foreign minister Noppadon Pattama of selling out the country, because he had signed the joint communiqué with Cambodia which stated that Thailand would support the registration of Preah Vihear Temple to become one of the world heritage sites to UNESCO.¹³ The nationalist party used this case to bring the Thai Foreign Minister to the Constitutional Court. Noppadon was forced to resign by the Constitutional Court because he had violated article 190 of Thailand's Constitution 2007.¹⁴ Shortly thereafter, the prime minister was also forced to resign by the Constitutional Court. Samak Sudaravej's successor Somchai Wongsawat was toppled by nationalist groups through the series of demonstrations and replaced by Prime Minister Abhisit Vejjajiva. However, under the new ruling government, Abhisit's legitimacy was very weak. He tried to provoke the nationalist feeling by manipulating the Preah Vihear Temple issue to strengthen his legitimacy. While political turmoil in Thailand continued, Cambodia created a volatile environment along the border to delegitimize the Abhisit government. All this contributed to prolonging the conflict in Preah Vihear. Several times, it caused the exchange of

Temple, as well as for the exceptional quality of its carved stone ornamentation." See CCHR Case Study Series, Preah Vihear Temple, Volume 3, August 2011.

¹² Pavin Chachavalpongpun, "The Preah Vihear dispute: time for ASEAN to step up?", <http://opinionasia.com/PVASEANDispute>, accessed on 12 January 2011.

¹³ See International Crisis Group: Thailand: The Calm before and also see Head J, "Political tensions driving temple row", <http://www.news.bbc.co.uk/2/hi/asia-pacific/7507425.stm>, accessed 12 June 2011

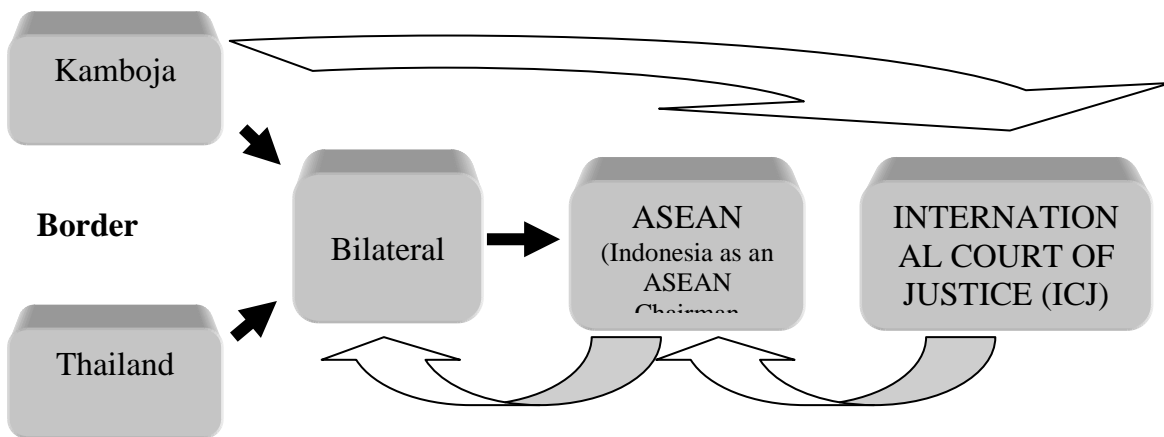
¹⁴ "Lead-up to the fighting", <http://www.khmerarticle.com/2011/05/cambodianthai-border-dispute-timeliine.html>, accessed on 25 July 2011.

gunfire between the militaries of Thailand and Cambodia near the Preah Vihear Temple. This action caused a number of deaths and a lot of suffering on both sides.¹⁵

Dispute Settlement Process in the Case of Preah Vihear Temple

Tensions on the border between Thailand and Cambodia had 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 (16 November 2009), Thailand asked Indonesia to help solve the problem in the Thailand – 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 Thai and Cambodian counterparts about the matter. I said it’s 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.”¹⁶

Figure 1 - Dispute Settlement Process on Thailand – Cambodia Border



However, the conflict around the Preah Vihear Temple escalated. 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 Preah Vihear Temple (see figure 1). 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.

¹⁵ Pavin Chachavalpongpan, “Diplomacy under Siege: Thailand’s Political Crisis and the Impact on Foreign Policy”, on *Contemporary Southeast Asia*, Vol. 31, No. 3 (2009), pp. 447–67.

¹⁶ “Solve Thai-Cambodia Dispute Bilaterally: SBY”, [available online] <http://www.thejakartaglobe.com/archive/solve-thai-cambodia-dispute-bilaterally-sby/342040/>, accessed on 13 June 2013

-Hun Sen, Cambodia's prime minister (Aug. 10, 2010):

"I am now calling for an international conference on the Cambodia-Thailand border to settle this problem.... The issue is very hot. It may cause bloodshed... With the existing bilateral mechanism not working, I call on an international conference which will include ASEAN member countries, the UN Security Council, International Court of Justice, and Paris Accord's country members to solve this dispute."¹⁷

-Abhisit Vejjajiva, Thailand's prime minister (Aug. 22, 2010):

"I am still confident that both sides will eventually talk to each other....There is no need to engage any international organization or a third country."¹⁸

In 2011, the tension around Preah Vihear Temple was getting worse. The Thai military deployment to the frontier infringed on Cambodian sovereignty. Therefore, the Cambodian government sent a letter to the United Nation Security Council (UNSC) to deploy troops on the conflict area at the border between Thailand and Cambodia. 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.*"¹⁹ UNSC gave the authority to ASEAN to settle the conflict between Thailand and Cambodia through the ASEAN mechanism, because these two countries were members of ASEAN. According to Articles 22 and 23 of the ASEAN Charter, disputing Member States have the option to request the Chairman of ASEAN or the Secretary-General, in an ex-officio capacity, to provide good offices, conciliation and mediation to resolve a dispute within an agreed time limit.²⁰

Actually there is a dispute settlement mechanism in ASEAN through the Treaty of Amity and Cooperation in Southeast Asia. If there is a dispute among ASEAN member countries, a high council will be established and the members of this council are countries which do not have border problems or a dispute with other ASEAN

¹⁷ Sujane Kanparit, Sarakadee magazine, "A Mediator Named ASEAN: Lessons from Preah Vihear", [online available] <http://www.aseannews.net/a-mediator-named-asean-lesson-from-preah-vihear/>"accessed on 13 June 2013

¹⁸ ibid

¹⁹ ASEAN News, "Historic Firsts: ASEAN Efforts on Cambodian-Thai Conflict Endorsed by UNSC", posted 21 February 2011, [online available] <http://www.asean.org/news/asean-secretariat-news/item/historic-firsts-asean-efforts-on-cambodian-thai-conflict-endorsed-by-unsc>, accessed on 14 June 2013.

²⁰ Ibid

member countries. In this conflict, ASEAN was tested to solve the conflict between Thailand and Cambodia.

Because the conflict could not be deescalated, President Yudhoyono asked for Indonesia Foreign Minister, Marty Natalegawa, to visit Cambodia and Thailand to conduct a dialogue between Thai and Cambodian representatives to solve the problem on the border. However, this effort was not successful in settling the conflict and stopping the gunfire in the border area. Therefore on 28 April 2011, Cambodia sent a request 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 that region.”²¹

At the end of its Application, Cambodia presented the following request: “an immediate and unconditional withdrawal of all Thai forces from those parts of Cambodian territory situated in the area of the Temple of Preah Vihear; a ban on all military activity by Thailand in the area of the Temple of Preah Vihear; that Thailand refrain from any act or action which could interfere with the rights of Cambodia or aggravate the dispute in the principal proceedings”.²²

Thailand’s government held the view that the ICJ should not respond to the Cambodian request and should drop the petition, because Thailand did not violate the ICJ decision on 1962. Two days before the oral hearing in the ICJ, the Thai ambassador to the Netherlands, Virachai Plasai stated that Phnom Penh’s request to the ICJ was not reasonable. Therefore the ICJ should drop the Cambodian request

²¹ International Court of Justice, Cambodia Files An Application Requesting Interpretation Of The Judgment Rendered By The Court On 15 June 1962 In The Case Concerning The Temple Of Preah Vihear (Cambodia V. Thailand) And Also Asks For The Urgent Indication Of Provisional Measures, <http://www.icj-cij.org>, accessed on 2 May 2011.

²² Ibid

over the Preah Vihear Temple.²³ However the Court accepted Cambodia's request for Interpretation of the Judgment of 15 June 1962 in the Case concerning the Temple of Preah Vihear. In the process of the oral hearing, Thailand argued that Thailand respected and accepted the ICJ judgment of 1962. However, in the Thailand's perspective, the ICJ decision 1962 was about territorial sovereignty over the Preah Vihear Temple, not the boundary line. Cambodia had also agreed that the boundary must be determined through bilateral negotiation. At the same time, the ambassador also emphasized that Thailand did not initiate any clashes along the border area around the Preah Vihear Temple or those in the area near the Ta Muen and Ta Kwai Temples.²⁴

Based on the Cambodian request and Thailand's pledge at the oral hearing, on 19 July 2011 the ICJ decided whereas it is for the Court to ensure, in the context of these proceedings, that no irreparable damage is caused to persons or property in that area pending the delivery of its Judgment on the request for interpretation; whereas, moreover, in order to prevent irreparable damage from occurring, all armed forces should be provisionally excluded from a zone around the area of the Temple, without prejudice to the judgment which the Court will render on the request for interpretation submitted by Cambodia; whereas both Parties, in order to comply with this Order, shall withdraw all military personnel currently present in the zone thus defined; whereas both Parties shall refrain not only from any military presence within that provisional demilitarized zone, but also from any armed activity directed at the said zone (see map 3).²⁵

In addition, both Parties shall continue the co-operation which they have entered into within ASEAN and, in particular, allow the observers appointed by that organization to have access to the provisional demilitarized zone; it is not disputed that the Temple of Preah Vihear itself belongs to Cambodia; whereas Cambodia must, in all circumstances, have free access to the Temple and must be able to provide fresh supplies to its non-military personnel; and whereas Thailand must take all necessary measures in order not to obstruct such free and uninterrupted access; the Court further recalls that United Nations Member States are also obliged to settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered; and whereas both Parties are obliged, by the Charter

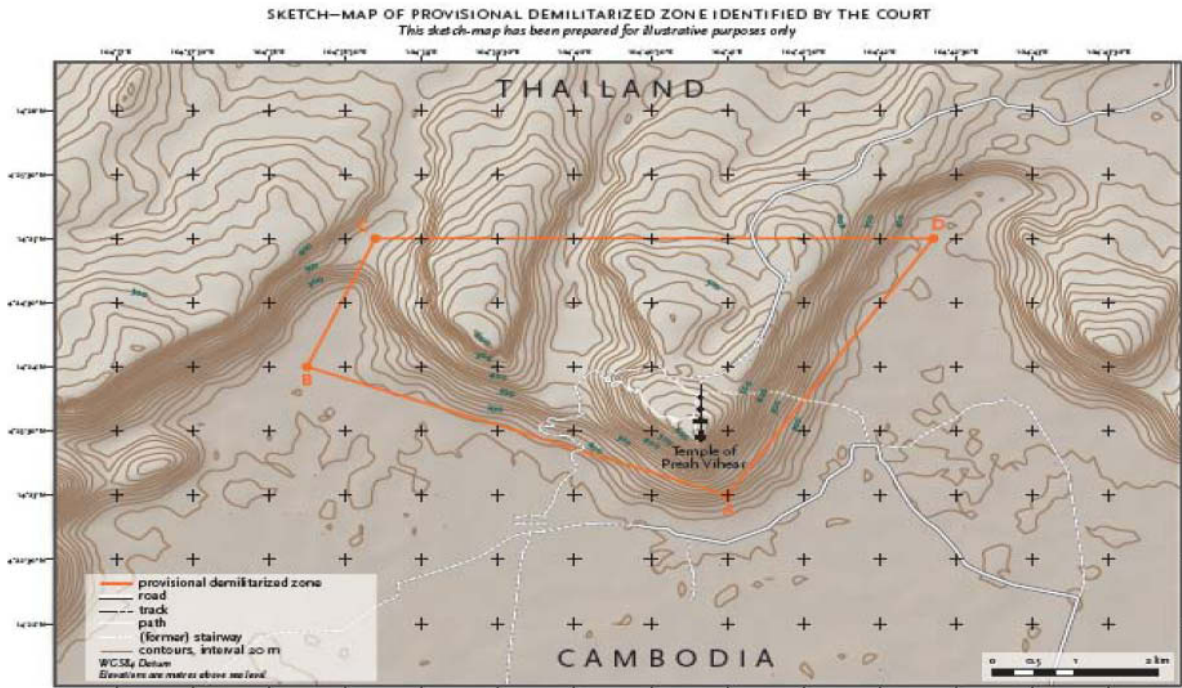
²³ Tanida Tansubhapol, "Preah Vihear: Thailand says ICJ should drop petition", Bangkok Post, 2 June 2011, pp. 2.

²⁴ "Full Text Thailand's Verbal Presentation For ICJ On Preah Vihear Case", [available online] <http://www.nationmultimedia.com/2011/06/01/headlines/Thailands-verbal-presentation-for-ICJ-on-Preah-Vih-30156768.html>, accessed on 10 August 2011.

²⁵ International Court Of Justice, Request For Interpretation Of The Judgment Of 15 June 1962 In The Case Concerning The Temple Of Preah Vihear, (Cambodia V. Thailand), 18 July 2011.

and general international law, to respect these fundamental principles of international law.²⁶

Map 3



Source: International Court of Justice, Request for Interpretation of The Judgement of 15 June 1962 In The Case Concerning The Temple Of Preah Vihear (Cambodia V. Thailand) , 18 July 2011.

With the decision of the ICJ of 18 July 2011, Cambodia and Thailand were expected to withdraw the military troops to the demilitarized zone that had been decided by court. 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 Temple to the demilitarized zone. However, the Thai Defense Minister, Yuthasak, said “so far the government has not yet given an order to withdraw our troops from the border area”.²⁷ After the meeting between the new Thai Prime Minister, Yinluck Shinawatra and Cambodia’s 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

²⁶ Ibid

²⁷ “Thai troops adjusted but yet to be withdrawn, says defense minister”, Asia New Network, 20 September 2011.

Regional Border Committee (RBC) or the General Border Committee (GBC) to find a solution over the Preah Vihear Temple issue.

The next phase in the ICJ request of Interpretation in the case concerning Preah Vihear took place in The Hague. The first round of the hearing process (oral argument) was held for Monday 15 April, 2013, for Cambodia and Wednesday 17 April for Thailand. The second round was on 18 April for Cambodia and 19 April for Thailand. This process in the ICJ is still going on. However, the ICJ decision on 18 July 2011 was able to deescalate the conflict in the Thailand and Cambodia. Both countries agreed to withdraw their troops and allow the observers from Indonesia to enter the conflict zone.

For ASEAN, the most important thing from the ICJ 18 July 2011 judgment was that both parties should continue the co-operation which they have entered into within ASEAN and, in particular, allow the observers appointed by that organization to have access to the provisional demilitarized zone.²⁸ This decision showed that ASEAN still holds an important position among the members - ASEAN as a regional body with the purpose to keep the stability in the region of Southeast Asia. The ICJ decision also supported Indonesia as the chair of ASEAN to mediate the settlement process in the Thailand and Cambodia border dispute.

Conclusion

The border dispute became a serious problem in the relations between Thailand and Cambodia. This dispute escalated into exchange of gunfire between Thai and Cambodian military personnel, because it could not be settled by a bilateral mechanism. Another way was chosen by Cambodia to resolve the conflict through international parties, such as the UNSC and the ICJ, however it went back to ASEAN as a regional body which responsible to Southeast Asia stability. Therefore the conflict between Thailand and Cambodia concerning the Temple of Preah Vihear was a test for ASEAN as a regional institution.

It proved that ASEAN's role is still important in the Southeast Asia region as a body to prevent and settle disputes among member countries to reach the stability in a region, even though the dispute settlement in ASEAN through the TAC has not worked yet. However, the dialogues among member countries through the ASEAN mechanism can establish better understanding among member countries. This was also done when conflict emerged between Thailand and Cambodia. As one of the strong members in ASEAN, Indonesia initiated to mediate and also put unarmed

²⁸ International Court Of Justice, Request For Interpretation...

Indonesian observers in the conflict area to urge conflict resolution between conflicting parties.

The improvement of Thailand's political stability was utilized by Indonesia to push Thailand and Cambodia to stop the conflict. Through several negotiations between the leader of Thailand and Cambodia the conflict can be settled, even though the ICJ request to interpretation of ICJ judgment 1962 in the case concerning the Temple of Preah Vihear is still going on. It can be seen as an ASEAN success to maintain stability in the Southeast Asia region.

References

- ASEAN News, "Historic Firsts: ASEAN Efforts on Cambodian-Thai Conflict Endorsed by UNSC", posted 21 February 2011, [online available] <http://www.asean.org/news/asean-secretariat-news/item/historic-firsts-asean-efforts-on-cambodian-thai-conflict-endorsed-by-unsc>, accessed on 14 June 2013.
- Chachavalpongpun, Pavin, "The Preah Vihear dispute: time for ASEAN to step up?", [online available] <http://opinionasia.com/PVASEANDispute>, accessed on 12 January 2011.
- Chachavalpongpun, Pavin, "Diplomacy under Siege: Thailand's Political Crisis and the Impact on Foreign Policy", on *Contemporary Southeast Asia*, Vol. 31, No. 3 (2009), pp. 447–67.
- Cheang, Sopheng, "Google Enters Fray in Thai – Cambodia Border Dispute", 10 February 2010, [online available] <http://khmerization.blogspot.com/2010/02/google-enters-fray-in-thai-cambodia.html>, accessed on 13 June 2013.
- CCHR Case Study Series, "Preah Vihear Temple", Volume 3, August 2011.
- "Full Text Thailand's Verbal Presentation For ICJ On Preah Vihear Case", [online available] <http://www.nationmultimedia.com/2011/06/01/headlines/Thailands-verbal-presentation-for-ICJ-on-Preah-Vih-30156768.html>, accessed on 10 August 2011.
- Head J, "Political tensions driving temple row", [online available] <http://www.news.bbc.co.uk/2/hi/asia-pacific/7507425.stm> accessed on 12 June 2011
- International Court of Justice, "Temple of Preah Vihear (Cambodia v. Thailand) Judgement , 15 June 1962.
- International Court of Justice, Cambodia Files An Application Requesting Interpretation Of The Judgment Rendered By The Court On 15 June 1962 In The Case Concerning The Temple Of Preah Vihear (Cambodia V. Thailand) And Also Asks For The Urgent Indication Of Provisional Measures.

- International Court Of Justice, Request For Interpretation Of The Judgment Of 15 June 1962 In The Case Concerning The Temple Of Preah Vihear, (Cambodia V. Thailand), 18 July 2011.
- International Crisis Group, “Thailand: The Calm before Another Storm?”, Crisis Group Asia Briefing, No. 121, 11 April 2011.
- John, Ronald Bruce St, “Preah Vihear and the Cambodia – Thailand Borderland”, in *Boundary and Security Bulletin*, IBRU, January 1994.
- John, Ronald Bruce St, “The Land Boundaries of Indochina: Cambodia, Laos and Vietnam”, on *Boundary and Territory Briefing*, Vol. 2, No. 6, International Boundaries Research Unit, 1998.
- Kanparit, Sujane and Sarakadee magazine, “A Mediator Named ASEAN: Lessons from Preah Vihear”, [online available] <http://www.aseannews.net/a-mediator-named-asean-lessons-from-preah-vihear/>, accessed on 13 June 2013.
- Khmer, Kolbot, “Cambodia and Thailand: Accusation Game”, 29 October 2008, [online available] <http://sokheounpang.wordpress.com/2008/10/>, accessed on 13 June 2013.
- “Solve Thai-Cambodia Dispute Bilaterally: SBY”, [available online] <http://www.thejakartaglobe.com/archive/solve-thai-cambodia-dispute-bilaterally-sby/342040/>, accessed on 13 June 2013
- Spice Digest, “Thailand and Cambodia: The Battle for Preah Vihear”, fall 2009, [online available] <http://iis-db.stanford.edu/docs/379/Prihear.pdf>, accessed on 23 June 2011.
- Tansubhapol, Tanida, “Preah Vihear: Thailand says ICJ should drop petition”, Bangkok Post, 2 June 2011.
- “Thai troops adjusted but yet to be withdrawn, says defense minister”, Asia New Network, 20 September 2011.