

**PREAH VIHEAR AS A FACTOR IN THAILAND'S
RELATION WITH CAMBODIA,
2001-2011**

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SUSHMA

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DECLARATION

I declare that the dissertation entitled "**Preah Vihear as a factor in Thailand's Relations with Cambodia, 2001-2011**" submitted by me in partial fulfilment of the requirements for the award of the degree of **Master of Philosophy** of this University is my own work and has not been submitted for any other degree of this university or any other university.

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CERTIFICATE

We recommend that this dissertation may be placed before the examiners for evaluation.


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To

Geeta Bhabhi and Rati

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Chapter -1

Introduction

Introduction

The dispute over the ancient Khmer Preah Vihear temple in 2008 revived the long history of animosity between Cambodia and Thailand over territories. During the hey days of Khmer Kingdom (present day Cambodia) its political hold extended over much of the Cambodia, the Khorat Plateau of north-east Thailand, and southern Laos and some parts of Vietnam. [Silverman 2011: 1] Their domination over this part of the Southeast Asia continued for almost 500 years stretching from 802 to 1431AD. The Khmerian supremacy remained unquestioned until its Western Siamese Kingdom (Ayutthaya) embarked on an expansionist policy and in 1431AD, it occupied Khmer's most famous "Angkor Wat temple" - the very sign of Khmer greatness.

This compelled Khmer regime to desert some of its territory bordering with Siam, it mainly deserted a landscape covered with Khmerian architect, temples sites and left around 300 of their artefacts in Isan province, the present day Northeast province of Thailand [Keyes 1967 : 3] After 1431 AD Cambodian kings came under perpetual influence of Thai supremacy and continued its existence only as a Vassal state of Thailand.

Around late seventeenth century its Eastern neighbouring kingdom (Vietnam) also followed an expansionist policy under the Nguyen dynasty and gradually occupied Saigon and Mekong delta region. The internal quarrels among Cambodian prince over succession to the throne and their search for external support made easy for Thai and Vietnamese to interfere in Cambodian domestic affairs. Hence, Cambodia became battle ground between Thailand and Vietnam. In order to avoid the armed conflict between these two states on its territory, from 1802 Cambodia sent tribute to both, Bangkok and Hue and treated both countries as their overlords. [Sar Desai 2010: 6th ed.]

In this process of pleasing neighbours it lost many territories to both countries. The desire to exist as an independent kingdom forced Cambodian king Ang Duong, to write Napoleon III in 1853for assistance. This was desperate action from Cambodia as it totally ignored French territorial design in Southeast Asia. [Sar Desai 2010]

Finally, a Franco-Khmer treaty was signed on 11 August 1863 with Cambodian king Norodom. Once the France became protectorate of Cambodia, it took possession of some of

Vietnamese provinces which had in former years been recognised as part of Cambodian dominion and incorporated into French Cochin China. In 1874 it laid the foundation of French colony of Cochin –China. [Leifer 1961-62 :691] . [Theeravit 1982] In 1887 the French also signed a treaty with Siam by which the Siam (Thailand) left all claims to Cambodia, in return the French [as protectorate of Cambodia] denounced its claims to provinces of Battambang and Siem Reap.

In another Franco-Siam Treaties of 1893 territories got further rearranged between Siam and France. The territorial conflicts started erupting between France and Siam especially over the middle and upper Mekong region. France was keen to take possession of Mekong region, the control of this region was necessary to tap the trade with southern China. When France found that it was impossible to control South China trade they established protectorates over Tonkin and Annam (1884). Meanwhile King Chulalongkorn tried to establish Pan-Thaism with Siam's hegemony over all Thai people residing in different parts of Lao and upper reaches of Tonkin. [Briggs 1946]

In 1885, Chulalongkorn sent an expedition to seize Laos and the Tai country up to the Black River of Tonkin. The French countered Thai action by sending Auguste Pavie as Vice-Consul to Luang Prabang, and they succeeded in persuading Laotians and other Tai chiefs of that region to accept French suzerainty. This led to conflict between Thailand and France. Thailand believed that British and Thailand have common interest in resisting French influence in this region, assuming British would sent support, went to war. However, British help did not happen and Siam was forced to sign a treaty on 3 October 1893 on French terms. [Briggs 1946: 444-445]

1. Under the provision of 1893 treaty, Siam was asked to leave all the territories on the left bank of the Mekong river [meaning loss of Laos] and also asked to leave islands on the river.
2. The Siamese also agreed that they would not fortify the provinces of Battambang and Siem-Reap (Angkor) and a strip of 25 kilometre area on the right bank of the Mekong and all these neutralized territories were to be policed by the local authorities and the fortifications in the neutralized zones were to be destroyed.
3. The provision also mentioned that Siam would deliver the citizens of French, Annamites and Laotians who were residing on the left bank of the Mekong and all

Cambodians detained in Siam would be delivered to French authorities at Bangkok. And the France was to stay in Chantabun until all the stipulations of the convention were carried out. [Briggs 1946: 445] [Flood 1969]

However, 1893 treaty pleased no one, Siam had its own list of discontent, it complained about the France non- seriousness to obey the Clause of 1893 which said Chantabun region was to be evacuated by France. The French also complained about Siam's slow pace in carrying out the terms of the treaty, particularly the return of Laotians to French. From the Cambodian standpoint, no treaty should leave Battambang and Angkor provinces in Siamese hands. [Briggs 1946]

Meanwhile, King Chulalongkorn worked on modernizing Siam and tried to nullify the extraterritorial jurisdiction rights enjoyed by the European countries in Siam. European countries had many Asiatic subjects in Siam and perceived their extra extraterritorial provisions automatically extending to their Asiatic subjects. These subjects were either descendent of mixed blood [European and local] or people who had adopted Christianity. His initiation to bring changes in extraterritorial provisions annoyed France. The main reason behind the King's desperation to bring changes in jurisprudence was he could not allow the possession of such a large and growing number of subjects by the enemy in his own kingdom.

As expected the dispute over extraterritoriality became acute and king Chulalongkorn decided to go to Paris in order to clarify the whole matter. He made the voyage in 1897, and the matter was taken up in Paris leading to a convention which was signed on 7 October 1902. Siam agreed for following provisions (1) to recognize the French claim over Luang Prabang and (2) to return the provinces of Mlu Prey, Tonle Repu and Stung Treng which was taken from Cambodia in 1810-15. This was in exchange of French cancellation of the neutral zone on the right side of the Mekong and the evacuation of Chantabun. Under this treaty the restoration of the extraterritoriality of France's Asiatic protégés and their children was accepted but their grandchildren were deprived of these benefits. This convention was never implemented owing to French people's opposition. [Briggs 1947] Briggs (1947) also says that the king was so desperate to stop extraterritorial rights enjoyed by European subjects that in a desperate move he signed 1907 treaty.

The present border between Cambodia and Thailand were drawn during 1904 to 1907. Hence, the present disputes over the Preah Vihear Hindu Temple have its genesis in the treaties signed during 1904 to 1907 between France and Siam. A new convention was signed at Paris on 18 February 1904. Siam gave up the territory it held to the south of the Dangrek Mountain---Mlu Prey, Tonle Repu and Basak and the all claim over the territory on the right bank of the Mekong. However these treaties instead of solving the problem further complicated the situation, when the Thai were forced to leave one enclave each in the North and the South on their side of the river to France, since these strips of land were formerly on the side of the Mekong, their cession to France meant that the Mekong was no longer the border in these areas. [Flood 1969 : 305] Thus, the 13 February 1904 convention, was opposed even before it was ratified mainly due to disagreement over two issues.

(1) The return of Battambang and Angkor to Cambodia and

(2) The extinction of the extraterritoriality of French Asiatics in Siam.

It was said that the intention of the conventions of 13 February 1904 were to regulate disagreements that have arisen in the interpretation of the Treaty of 8 October 1893. Thus, the treaty of March 23, 1907 was to assure the final regulation of all questions relating to the common frontiers between Franco- Siam.

On 23 March 1907, under the reign of King Sisowath who succeeded King Norodom, France and Siam signed a border treaty that completed the 1904 treaty. Siam ceded almost all Cambodian ancient territory of the 16th century back to Cambodia. The territory included Battambang, Sisophon, Siem Reap, Mongkol Borei, and Tnot. [Kenneth so 26 July 2008].

The Article 1 of this treaty stated that the frontier between Thailand and Cambodia would follow the watershed between the basins on the Nam Sen and Mekong Rivers on the one hand and the Nam Moun River, on the other hand. If this delimitation of border had strictly followed the watershed, Preah Vihear would have been on Thailand side. However, Article 3 of the treaty provided for a delimitation of the frontier to be carried out by a Mixed Commission consisting of members of both countries. The First Mixed Commission was to survey the area and produce a final determination of the frontier, the last step of the treaty was signing by all commissioners of a map on which the frontier had been fixed.

For the purpose of delimiting frontier a meeting was held on 2 December 1906, the Mixed Commission travelled along the Dangrek range carrying out all the necessary reconnaissance

and in the course of demarcation survey officers visited the Temple of Preah Vihear. In January-February 1907, A report was sent by the President of the French section to his Government in which he reported that the frontier-line had been established which gave the impression that a frontier had been surveyed and fixed. Unfortunately, apart from the minutes of the meeting of 2 December 1906, there is no reference in the records of the Mixed Commission to the question of the Dangrek region [Johnson 1962 : 1187]

The final stage of the border demarcation was the preparation of maps. The Siam Government, due to lack of technical expertise in map drawing had requested that French officers to draw the map on the frontier region. These maps were completed in 1907 by a team of French officers and were forwarded to the Siam Government in 1908. Amongst them was a map of the Dangrek range showing Preah Vihear on the Cambodian side, however, the Annex I map was never formally approved by the Mixed Commission as the Commission had ceased to function some months before its production. Nevertheless, the map was based on the work of the surveying officers in the Dangrek sector.

The Siam government did not oppose the map deflecting from watershed. The maps were moreover communicated to the Siamese members of the Mixed Commission and Siamese Minister of the Interior, Prince Damrong, who also did not object over border deflecting from watershed line. [International Court of Justice Report on Cambodia-Thailand, 15 June 1962]

The Siam Government and later its successors the Thai Government had raised no objection about the Annex I map. All those years it appeared that Thailand had no objection over Preah Vihear in Cambodian control. There were many occasions, when Thailand could have objected on Preah Vihear issue. Like in 1930, Prince Damrong, former Minister of the Interior, in his quasi-official capacity as President of the Royal Institute of Siam made an archaeological tour to the Temple area. While at the Temple, he was treated as an honoured guest by the French Resident, with the French flag proudly flying in the vicinity of the Temple. Prince Damrong accepted being treated as a guest by the French at the Temple. Later, International Court of Justice while giving ruling over the Preah Vihear used this incidence as an evidence of Thailand's acceptance of French sovereignty over the temple. [Pongsudhirak, 2011]

In 1934-35 the Thai authorities conducted a survey of the temple area and noticed that there was a divergence between the map line and the true line of the watershed. The little

divergence on the map line had resulted in Cambodia's right over the Preah Vihear Temple. Even after this, the issue of the frontier was not raised in 1937 when France and Siam renegotiated a Treaty of "Friendship, Commerce and Navigation of 1925" and Thai authorities kept producing maps showing the Temple on the Cambodian side of the line. [International Court of Justice Report on Cambodia-Thailand, 15 June 1962]

They did not object over the Preah Vihear temple until the Second World War. The Second World War brought many changes in Thailand as well, which were the result of changing world politics around it. Thai Prime Minister Phibun Songkram pursued a foreign policy that took its cues from the changes in international environment especially from Japan's unchecked rise in Asia. There was rise of nationalism in Thailand under Phibun Songkram. He also revived the issue of lost territories in order to legitimise his military regime and embarked on the campaign to recover the lost provinces from the French. He took the support of Luang Wichit Wathakan, a prolific nationalist writer to reconstruct Thai history that projected the country's recent vulnerability and its past greatness. [Chachavalongpun 2012] In 1939, Phibun changed the country's name from Siam to Thailand, meaning "land of the free." Through his extremely nationalistic economic and political tone, Phibun wanted to create a "sang chat" (new nation). He printed a map which showed Cambodia as being historically a Thai territory. In 1940, Phibun took advantage of the French defeat by Hitler's armies and tried to reclaim its lost provinces in Indochina. [Kislenco 2002]

France was involved in the war with Germany in Europe and in the East Japan was aggressively advancing towards Indochina. France became desperate to secure its colonies in Indochina hence signed non-aggression pact with Thailand in Bangkok on 12 June 1940. It was believed that France and Thailand signed a secret treaty in which France promised to reconsider Thailand's discontentment over the border questions. [Flood 1969:308] However, Thailand had always issues with French sincerity. Hence, the Thai army invaded North-western Cambodia in 1941, and after fierce fighting it took control of Battambang and Siem Reap provinces with the exception of the French garrisons at Angkor Wat and Siem Reap town. The Thai takeover was legitimised with Japanese backing in a peace treaty signed in Tokyo in March 1941. Through this agreement, France agreed to return to Thailand most of the territory, including Preah Vihear. In supplementary letters exchanged at the time, representatives of France and Thailand assured the Japanese government that neither would

join a party hostile to Japan. In turn, the Japanese government agreed to guarantee the new frontier. [Landon, 1941: 25-42] [Bruce St John 1994]

With the end of Second World War in 1945 the Tokyo convention was reviewed. In November 1946, Thailand accepted a reversion to the status quo ante 1941. The two Parties also set up a Conciliation Commission. [Johnson 1962] After the end of the war France and the United Kingdom took possession of their respective colonial territories and tried to impose harsh penalties upon Thailand for their alliance with Imperial Japan. The U.S.[United States of America] took a more conciliatory approach as it did not recognised Thai government in Bangkok. Hence, the U.S. State Department consistently advocated for Thailand against the British and French harsh treatment.

In the year 1953, Cambodia became independent, Prince Norodom Sihanouk, Prime Minister of Cambodia knowing the danger of taking sides in cold war between two World's superpowers followed the policy of neutrality which had strong anti SEATO tone which led to suspicion among Thai Military. Phibun Songkram after returning to the power in the late 1940s held an anti-communist ideology and shifted to the Western camp. This period of Thailand and Cambodian relations should be seen from larger changes happening in the world. In the aftermath of World War Second the world was ideologically divided into two sections Western anti-communist bloc and Soviet led communist bloc leading to cold war era. Thailand and Cambodian governments responded to the changing world scenario in different ways. The Thai government embraced the Western anti-communist block and became a founding member of the Southeast Asia Treaty Organization (SEATO) in 1954.

Cambodia, which had opted for neutrality, refused to join SEATO. Some of the policies that Sihanouk adopted during his administration had anti –West tone. He advocated for neutrality while allowed Vietnamese communists to use its territory as a sanctuary. While allowing them to take sanctuary in its territory Sihanouk believed the Vietnamese violations of his territorial integrity would be transitory. However, Sihanouk tried every means to suppress communists within the country in spite of choosing China as his closest ally. His close relation with China was based on rational thought as the Chinese help came without any strings attached. [Theeravit 1982 : 565]

The government of Thailand, under the pretext of strengthening its border defences from communist threats, established a police post in the Dangrek Mountains just north of Preah Vihear and put the Thai flag over the sanctuary in spite of Cambodian objections that the temple lies on the Cambodian side of the watershed. When Cambodians found that the Thai keepers had occupied the temple. The Cambodian government brought this issue before the Thai government. Cambodia at one time contemplated sending troops to the area, but, sent a further note to Thailand explaining that the presence of the Thai police force was the reason that Cambodia had suspended sending its troops in order not to aggravate the situation.

Although, direct diplomatic negotiations between the Parties were attempted at Bangkok in 1958, [Johnson 1962] however, the hopes of a settlement between two failed when the negotiations broke down over the proposed terms of reference to be used by a mixed commission which would be appointed to mark the boundary. Cambodia was insistent on the adoption of the words in accordance with treaties and the documents annexed. Thailand had objection with the words "documents annexed" because they were said to be capable of wide interpretation and might include a sketch which had no accuracy. [Leifer 1961-62] [Thailand, 1959: 1-14].

The relationship between Cambodia and Thailand further deteriorated when Sihanouk took a state trip to China and extended diplomatic recognition to the PRC (People's republic of China).On 24 August 1958 the Chinese and Cambodian governments issued a Sino-Cambodian joint statement. This statement stated some negative acts of Cambodian neighbour. The Thai government reacted to the statement as they believed it was targeted at Thailand and declared a state of emergency in six provinces along the Cambodian frontier.

[Jha 1979: 114-115] When the negotiations failed to produce any positive result, the Cambodian government in October 1959, instituted legal proceedings against Thailand before the International Court of Justice. In October 1961, the dispute led to a suspension of diplomatic relations and the closing of the Thai-Cambodian border and Preah Vihear remained under Thai occupation until the International Court of Justice [ICJ] upheld Cambodian sovereignty over the temple. [Leifer 1961-62: 365-366] [Bruce St John 1994]

The Government of Thailand raised objections over Cambodia's application to ICJ on the ground that the ICJ does not have automatic jurisdiction over sovereign states. The consent of each individual sovereign state is needed in order to exercise jurisdiction. Thailand argued

that the ICJ had no jurisdiction over Thailand since it had not given consent to be bound by the ICJ. The ICJ ruled that its jurisdiction over Thailand was based on Thailand's declaration of 20 December 1929, in which his Majesty of Thailand accepted the compulsory jurisdiction of the Permanent Court of International Justice, the predecessor to the ICJ, born of the League of Nations and in 1940 Thai membership was renewed. [International Court of Justice , 26 May 1961]

The Court gave Judgment on 15 June 1962, after hearing their arguments from 10 April to 15 June. The Court held by nine votes to three:

- 1 That the Temple of Preah Vihear is situated in territory under the sovereignty of Cambodia.
- 2 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. [Touch 2009]
- 3 By seven votes to five, the Court found that Thailand was under an obligation to restore to Cambodia any sculptures, stelae, fragments of monuments, sandstone model and ancient pottery 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. [International Court of Justice, 15 June 1962] [Johnson 1962]

The ICJ based its judgement on the following arguments

The decision to give the Temple to Cambodia is based on the arguments inducted in the French map. Although partially inconsistent with the watershed principle it had been accepted by Thailand. When the map was presented to Thailand in 1908, Thai officials failed repeatedly to reject the map when they had many opportunities to do so. In fact, the map was actually used by Thailand on numerous occasions. ICJ noted that when the French Minister in Bangkok presented the map to Prince Damrong, who held the designation of Thailand's minister of interior, he did not object to the map showing Preah Vihear in Cambodian territory and even thanked the French minister and asked for fifteen more copies to be given to Thai provincial governors. This was seen by the ICJ as Thailand's tacit consent to Cambodian sovereignty over the Temple. [International Court of Justice, 15 June 1962]

The Court further argued that since so many years had lapsed Thailand cannot assert that it had never accepted the 1904 treaty while enjoying the benefits conferred on it by the 1904 treaty. Furthermore, the acceptance of the Annex I map by Thailand caused it to prevail over the provisions of the 1904 Treaty, which said the borderlines between Cambodia and Thailand will strictly be followed by line of watershed. As there was no reason to think that the Parties had attached any special importance to the line of the watershed as compared with the overriding importance to Annex 1 map. For these reasons, the Court upheld the Cambodian sovereignty over Preah Vihear temple. [International Court of Justice, 15 June 1962]

When the ICJ rendered its decision in 1962, thousands of students throughout Thailand demonstrated their anger over the judgement of the World Court. These students led protest marches with the government's approval. In Bangkok over three thousand students comprising of boys and girls led a march with the provocative slogans, "Students of Five Universities will Protect Phra Viharn." The students of the Thammasart University also demanded that the name of Prime Minister Sihanouk be removed off the rolls of the University and the honorary Degree conferred on him must be withdrawn.[Barlow 2011] Many members of the Thai Ministry also rejected the ruling of the Court. The Foreign Minister Thanat Khoman, said the judgement was "miscarriage of justice. [Leifer 1962] He claimed it to be a biased judgement as the President of the Court was a Polish communist and some of the judges belonged to imperialist nations and therefore many of the judges were close to France.

The Thai leaders expressed deep hurt and disappointment by the lack of support they received from the U.S. Thai Foreign Minister expressed his concern over how the Americans allowed its national Dean Acheson at the ICJ to take the side of a pro-communist Cambodians. However, The U.S. had its own reasons to desert its ally, it was in desperate need to contain the growing communist influence in Cambodia hence it kept supplying military aid to Cambodia during the time of the Preah Vihear crisis. Thailand got frustrated over American actions, hence, on 19 June, it withdrew its membership from the SEATO Council and the Geneva Conference on Laos as a mark of protest. The Thai ambassador to Paris was also withdrawn and a Polish trade delegation was asked to return to its country. [Leifer 1962]

However, on 21 June 1962 Prime Minister Marshal Sarit Thanarat made an announcement that Thailand would honour the ICJ's ruling. This unexpected acceptance of ICJ judgement

was made possible by changing balance of power in Indochina. North Vietnam followed an aggressive behaviour against South Vietnam and Cambodia was developing close ties with Beijing. Moreover, none of Thailand's SEATO allies extended any support to Thailand in its resistance to accept the ICJ decision. [Singh1962] Prince Sihanouk had already sent a top emissary to Peking for consultations and made it clear that it would no longer tolerate Thai occupation of the temple. The Thai leaders, realized that a fight with Cambodia would invite other communists forces in Thai- Cambodian dispute. Hence they adopted more conciliatory approach towards Cambodia. On 3 July 1962, Prime Minister Sarit announced,

“ In spite of the profound sorrow felt by His Majesty's Government over the fact that Thailand has not been justly treated in the present case, it is considered that, as a member of the United Nations, Thailand is bound to honor its obligations under the U. N. Charter. It will do so under protest and with reservations of her intrinsic rights.” [Leifer 1962]

Han Lih-Wu the ambassador of Republic of China (ROC) to Thailand wrote his conversation with Prime Minister of Thailand after the ICJ ruling. He recalls that how he perused Sarit to accept the court's decision and then to close the access to the temple on the Thai side of the border. Since the temple could be accessed only through Thai side, hence to stop Cambodian reaching in temple. [Meerssche, 1987] Although, Thailand agreed to withdraw Thai police from the temple they did not lower the Thai flag instead removed the entire flagpole with the flag still raised and placed the flag in Thai Museum. The Thai interior minister clarified that Thailand would not lower the flag and would try to get back the temple in near future. Marshal Sarit declared that:

“ Although Cambodia has for the moment won the ruins of the temple, the soul of the temple of Phra Viharn remains with Thailand. We reserve our inherent right of Thailand in this matter, especially the right to have recourse to any legal processes which may offer themselves in the future and will result in the recovery of our rights over the temple at an opportune moment.” [Leifer 1962]

The next area of conflict between Cambodia and Thailand occurred in Koh Kong province, an island situated on the Thai-Cambodian frontier coast. Some Thai's expressed that Cambodia should abandon Koh Kong in the exchange of the temple. The situation kept deteriorating over the Koh Kong. On 20 June 1966 there was the one of the most serious clash between Cambodia and Thailand and as usual the two sides accused each other of trespassing. There were series of clashes in the beginning of the year 1966 and Thai troops occupied the temple on 6 April 1966. [Jha 1979: 117]

The years under Sihanouk showed no improvement in relations between Cambodia and Thailand. Media too generated fear and hatred in both the countries. The governments of the two countries produced white papers to influence world public opinion. The problem was further complicated by dissident groups from both countries. On 25 March 1966 Prince Sihanouk announced that in the wake of continuous incursion into Cambodian territory by Vietnam and Thailand, Soviet Union had agreed to give five MIG- 17 fighter bombers to Cambodia. [Jha 1979] Seeing situation deteriorating, Thailand approached US on 3 June 1966 for help in establishing diplomatic relations with Cambodia. However, US could not do anything, the situation got further deteriorated owing to mistrust between two countries as the dissident groups of Cambodia took shelter in Thailand, while Thai communist took shelter in Cambodia creating mistrust between governments. As a result approximately 20 villages on the Thai side of the border were officially designated as "very sensitive" areas. Thailand also started to interfere in Cambodian domestic politics by supporting Cambodian leader Son Ngoc Thanh of Right wing movement.[Theeravit 1982] Prince Sihanouk threatened to freeze bilateral relations with Thailand in case it did not stop interfering in Cambodian domestic politics.

The relations between Cambodia and Thailand started showing improvement after General Lon Nol led a coup against Prince Sihanouk. General Lon Nol was pro –West and anti-communist this helped him to nurture good relations with Thailand. [Jha 1979: 118] On 18 May 1970, the Cambodian Foreign Minister stated that permission would be given to Thai people to worship in Preah Vihear temple. He further said that temple issue is a minor issue while their main worry was concerned with the spread of communism. However, changing situation in Thailand proved detrimental to Lon Nol's survival. In Thailand a student uprising in October 1973 brought a new civilian government in power that distanced itself from heavy involvement in the Indochina conflict and reassessed its relation with the U.S. Close collaboration with the United States was necessary for Lon Nol government who always depended on US support to legitimise his government in Cambodia. Thai public were not so fond of his government and he lost all support that was coming from Thailand.

Finally, The government of Democratic Kampuchea (DK) or Khmer Rouge overthrew Lon Nol's government, captured the Preah Vihear temple in April 1975 after months of fighting with the handful of soldiers loyal to Khmer Republic who were garrisoned at Preah Vihear.

One of the lieutenant of fallen Lon Nol said that they had short supplies of food and ammunitions hence they did not offer resistance instead they took shelter in Thailand. Some of the Khmer Rouge soldiers after occupying Preah Vihear temple kept on fighting inside the Thai territory in search of Lon Nol's soldiers. However, The Thai government responded positively to Khmer Rouge and said they have no objections if Khmer Rouge uses the Thai passage to reach the temple. [Barlow 2011] The government of Democratic Kampuchea (DK) under Khmer Rouge, which came to power in 1975 through violent revolution, was determined to create a self-sufficient economy by cutting all links with the outside world except with China and a few other countries. When the government of Democratic Kampuchea was formed in Phnom Penh, Thailand had an elected civilian government. The Kukrit government sought to normalise its relations with all communist countries including Democratic Kampuchea. As a result Thailand was the first country in ASEAN to recognize the new regime on 18 April 1975 the day after the Khmer Rouge took over Phnom Penh.

However, Thai-Kampuchean border problems got complicated as both countries held different opinion vis a vis external affairs. Democratic Kampuchea wanted to cut off all communications and wanted to seal the borders in order to realize the goal of economic self-sufficiency and to check any possible infiltration while Thailand wanted an open border for trade. Eventually, some border checkpoints remained open as a compromise, but, some of the dissident group who were against Khmer Rouge governance also entered through these passages in Thailand and took shelter in border regions in Thailand. Hence, the Khmer local authorities resorted to terrorism in search of sanctuaries along the Thai border. During 1975 to 1978, Khmer Rouge attacks in Thai territory claimed the lives of over two hundred Thai citizens. In February 1978, Khmer Rouge soldiers attacked a Thai border patrol police base in Kantharak district. And when Thai soldiers saw that they were outnumbered by Khmer Rouge they retreated. This did not stop the Khmer Rouge from backing down and burned the homes in the compound. This was a blatant challenge to Thai sovereignty. However, Thai government was worried that if they challenged Khmer Rouge they might have to face the wrath of Vietnam. [Asia Pacific, Daily Report, 2 February 1978]

In the meanwhile, the Vietnamese government also got frustrated by ultra-nationalist stance of Khmer Rouge, invaded Cambodia in January 1979 and set up a new government in Phnom Penh under Heng Samrin. The Vietnamese occupation of Cambodia had challenged Thailand's own security. The Vietnamese brought larger part of Cambodia in their direct

control. In early 1982 Hanoi deployed 70,000-100,000 troops in the areas adjacent to the Thai border, these troops outnumbered the Thai troops in the immediate border area and made clear that it will station its troops in Cambodia and Laos as long as the threat from China persists. In talks with Thai authorities Vietnamese said that the Chinese threat was eternal hence Vietnam will not allow give independence to Cambodia. [Theeravit 1982]

Vietnamese forces succeeded in pushing the Khmer Rouge forces into the jungles, Khmer Rouge carried their guerrilla activities from the strategic mountain ranges adjacent to the Thai border. Besides, Khmer Rouge these areas were also occupied by other non-Communist Cambodian resistance forces. They took shelter in refugee camps along the Thai border in adverse condition. Vietnamese in search of their enemies crossed Thai territory many times.

[Theeravit 1982: 569- 570] Thailand being aware of its weakness did not gather strength to challenge Vietnamese occupation of Cambodia and sought to strengthen its military capability.

Changes that took place in neighbouring countries since late 1960s and the Vietnamese invasion of Kampuchea in 1979 have led the Thai government to dramatically increase the defence of its borders. The conflict and chaos in Indochina helped military to gain upperhand over the democratic forces in Thailand. Mass media started to featuring defence forces stationed at the border areas and made military forces heroes as saviours of the territorial integrity of the country. During all these periods the government's border policy with Cambodia and other Indochina neighbours was guided by threat of Communism as communist countries were considered potential threat to the Thai security. There was fear of infiltration of Vietnamese communists into Thailand through Cambodia and Laos, and its borders were increasingly militarized. After, Vietnamese army overthrew the Khmer Rouge, Thai government used Cambodian resistance fighting forces as bulwark against Vietnam's potential incursion in Thailand and provided material and logistical support to the Vietnamese from the Thai border. Special unit of the Thai army, code-named 838, was created to work exclusively with the Cambodian resistance forces, 838 was under the direct control the Supreme Commander of the Thai Armed Forces. The entire border area had been placed under martial law for security reasons. [French2002]

The main Cambodian resistance organization against Vietnamese occupation of Cambodia was the Coalition Government of Democratic Kampuchea (CGDK), which was comprised of

FUNCINPEC, led by Sihanouk, the Khmer Rouge, represented by Khieu Samphan, and Son Sann of the Khmer People's National Liberation Front (KPLNF). [Barlow 2011] The ambiguity over the border between Thai- Cambodian helped Thailand to provide assistance to resistance forces without openly accepting its help to resistance forces. In these years Thai government did not raise the ownership issue of Preah Vihear with the PRK [People's Republic of Kampuchea]. However, in 1982, shortly after the formation of the CGDK in exile, Many reporters in Bangkok questioned Sihanouk about what would be the status of the temple once he gains control in Cambodia and questioned him about revisiting the Preah Vihear decision, Sihanouk said issue could be revisited in the future, if that was what both the Thai and Cambodian governments wanted. [Barlow 2011]

In 1985 a senior Thai government officer also asked the same question to Sihanouk if the Preah Vihear Temple issue could be renegotiated. The report said that Sihanouk out of gratitude for the generosity that Thai government had shown to him agreed to discuss the Preah Vihear issue. However, Thailand had its own agenda in giving support to Cambodian resistant forces as these forces counter checked military advances of Vietnamese into Thai territory. This time also Thai government's recognition of the CGDK was linked with the Preah Vihear issue. [Asia & Pacific, Daily Report] Sihanouk under desperation told Thai leader Prem Tinsulanonda in 1986 that Cambodia would share Preah Vihear with Thailand once he returned to power in Cambodia. Sihanouk's alleged compromises on Preah Vihear were reported by many newspapers in Cambodia. In a 1985 interview, Hun Sen claimed that Sihanouk was prepared to yield to the Thai demand for the return of the Preah Vihear Temple and the three Cambodian provinces. [Barlow 2011] In 1986, Hun Sen sent a letter to the UN Secretary-General accusing of Thai violating Cambodian territory because they were using incorrect maps. He complained that the Thai government did not adhere to the map that awarded Cambodia Preah Vihear in 1962 and alleged that the Thai government planned to retake portions of Cambodian territory. [Asia & Pacific, Daily Report , 1 July 1985]

In the late 1980s, the relations between China and Russia began to show improvement, the USSR stopped to provide support to SRV [The Socialist Republic of Vietnam] while the PRC [People's republic of China] agreed to begin pulling support from the Khmer Rouge. After Russian withdrew its support, the Vietnamese government pulled out its army from Cambodia as Vietnam went through financial trouble and was in no position to challenge Thailand. The SRV withdrawal from Cambodia helped Bangkok and Phnom Penh to start

reconciliation process. Thailand came under democratically elected Prime Minister Chatichai Choonhaven in 1988. Who took Thailand's foreign policy from "Battlefields to Marketplaces." By this time Cambodian government had also liberalized its constitution and begun privatization of the economy, which presented a good pretext for Chatichai to initiate communication with the Hun Sen government. Chatichai's government was looking for markets for Thai finished goods and these socialist countries provided good markets for Thai products. Secondly, these countries had abundance of raw material and many untapped natural resources like timber, gems, oil and water power. [French 2002] Subsequently, trade was resumed on large scale but the desire to earn more profit on the part of Thailand led to mistrust and mutual hatred among many Cambodian and Thai people. Thais were considered as ruthless by Cambodians while Cambodians were considered as sneaky and unreliable by Thai people. [French 2002]

In November 1991, Thai and Cambodian officials announced a plan to open the temple to tourists. Thai Prime Minister Anan Panyarachun said that cooperation work between Thailand and Cambodia is on right track. He said Sisaket [Thai] provincial authority had already given 180 million Baht to improve water systems and electricity in the area and "Fine Arts Department" had been employed to look after the restoration work on the Thai side of the Phra Viharn mountain. Mr. Anan was very hopeful that restoration will bring prosperity to Thailand and Cambodia. The temple was temporarily open from 1992 to 1993 and the two governments cooperated in its administration. However, fighting's in the vicinity of the temple between Cambodian government troops and the Khmer Rouge dashed these hopes. The real progress in temple cooperation came only after the surrender of Khmer Rouge in late 1998, both countries were willing to compromise and two countries agreed to clear land mines spread all over the territory. Thailand and Cambodia demonstrated willingness to compromise on Preah Vihear temple.

The governments of Thailand and Cambodia began to negotiate on border demarcation and they signed a memorandum of understanding (MOU) in 2000 which established a joint boundary commission (JBC) to demarcate the border. However, things got worse when the Thai border authorities closed access to the temple from December 2001 to May 2003 claiming that Cambodian vendors were polluting the Thai side of the border. The relations between Cambodia and Thailand further deteriorated in January 2003, when Cambodian

nationalists burned down the Royal Thai Embassy in Phnom Penh. The incident took place when a local Cambodian newspaper reported that Suvanand Kongying, a famous Thai actress, who was admired by many Cambodians for her simple appearance had declared that the famous Cambodian Angkor Wat belonged to Thailand. Prime Minister Hun Sen took advantage of the situation without verifying the source of the news and stated “Suvanand was not even worth a blade of grass at Angkor”. Many analysts blamed that Hun Sen was using nationalism to win elections as his government’s was facing public anger over his failure to wipe out corruption. [Chachavalpongpun 2010] This event showed that Preah Vihear issue could still stir nationalism even after 50 years of ICJ ruling over the temple.

The relations between Thailand and Cambodia were resumed soon as the new Prime Minister of Thailand, Thaksin Shinawatra (2001-2006) gave more importance to business cooperation with Cambodia. The business first mentality proved beneficial to both countries and helped to bury old enmities to some extent. Prime Ministership gave Thaksin easy access to the heads of neighbouring states which he utilise to cultivate friendly relations. These relations helped him and his family to multiply their profits and Thaksin’s popular policies at home made him undisputed leader of masses. Thaksin developed his own development strategy, named as “Thaksinomics,” a self-styled approach that blends neo-liberal export-led growth with grassroots-based domestic demand. [Pongsudhirak 2005-04-11] Under his leadership Thailand economy emerged out of its post-1997 crisis and Thailand’s economy grew at 6 % GDP, Thaksin also worked hard to make Thailand a global and regional hub in food, fashion, tourism, automobiles, and healthcare. However, Thaksin’s popularity did not go well with Military and Palace who considered growing power of Thaksin’s popularity as threat to their existence.

A military led coup ousted Thaksin on 19 September 2006 on the charges of corruption and installed a military backed government. The coup brought joy and hopes for some section of the Thai society like the neo-royalist, the old elite and military. While marginalised section of Thailand especially North-eastern people stood against military led coup. Since then the power struggle between 2006 coup leaders and Thaksin’s supporters has laid to polarisation of the Thai society into two sections. Thaksin’s foreign policy towards its neighbour has become a source of target by Nationalist PAD[People Alliance for Democracy] and military. In 2008 Thaksin backed People’s Power Party under Prime Ministership of Samak Sundaravej, endorsed Cambodia’s nomination of the Preah Vihear temple in UNESCO’s

world heritage site. This caused protest marches in Thailand against Samak and his Foreign Minister Noppadam. Over temple issue the two member countries of ASEAN [Association of Southeast Asian Nations] went for an open war along border region this had challenged ASEAN's policy of resolving dispute by peaceful means and the conflict challenged ASEAN's ability to unite its members in one political organisation.

Chapter - 2

Bilateral relations between Cambodia and Thailand
during Thaksin Shinawatra, 2001-2006

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In terms of regional political consolidation, Prime Minister Thaksin continued the policy of previous governments by strengthening ties with the countries of mainland Indochina-Myanmar, Vietnam, Laos and Cambodia. The forging of stronger political ties with Vietnam, Laos and Cambodia has been an avowed policy of Chatichai Choonhavan's government. After Chatichai, his successor Prime Ministers tried to maintain peaceful relations with Indochina countries, notwithstanding occasional hiccups on issues such as economic competition and cross-border intrusions, otherwise relations have been positive.

Thaksin had not only followed the footsteps of his predecessor, Chatichai, but also understood the importance of Chatichai's initiative of turning battlefields of Indochina into market place for Thai products. Both Prime Ministers came from business background and exhibited businessmen's acumen while dealing with neighbouring countries, however, what differed between them was the magnitude to secure greater international recognition for Thailand in Asia at large and Southeast Asia in particular. [Project Syndicate, 11 April 2005] From the beginning of his Prime Ministership Thaksin tried to exploit the opportunities available in Thailand immediate neighbouring countries. Economically, the region provides abundant raw materials, cost effective manufacturing for Thai businesses and markets for its products as well. Thaksin's foreign policies towards the neighbouring countries were dominated by three factors

First, he wanted to achieve a dominant position for Thailand in the Asia and also desired to become a new regional leader. Historically, in Southeast Asia, the centre of political gravity has lain south of Thailand. As a result, most previous Thai Prime Ministers had little regional influence or impact in Southeast Asia. [Duncan 2005] During 1980s and 90s Lee Kuan Yew of Singapore and Mahathir Mohammed of Malaysia dominated the politics of Southeast Asia. After their departure from active politics, Southeast Asia was without any dominant leader, who could play a role of a regional leader. Thaksin reshaped country's foreign policy

with an Asia first focus as his priority in international relations with a hope to regain prominence in Southeast Asia.[Times Magazine,12 October 2006] Rising to this aspiration, Thaksin declared he would provide financial and economical support to the less developed countries.

Secondly, Thaksin's foreign policies towards its neighbours were also guided by his own personnel agenda. Bilateral relationships with neighbouring countries allegedly cultivated Thaksin's desire to further his family businesses in neighbouring countries. He often inter mixed his family business interests with national interests. [Chachavalongpun 2010]

Third, Thaksin saw neighbouring countries as a market for Thai finished Products and a source of cheap raw material and cheap labour. Thaksin also constructed his foreign policy in Indochina in a such way that least developed region in north and northeast would get the most benefit arising from Thailand's economic engagement with its neighbours. Thus, Thai foreign policy under Thaksin was an extension of domestic policy a tool for the leader to garner power in domestic and in the international sphere.

Beginning of Thailand's policy of turning battlefields into market places

Globalisation and new economic realities brought number of challenges in Thailand's diplomatic relations with its neighbouring countries. With the liberalisation of Thailand's economy a more socially and politically conscious middle class emerged. This new business group was not only consisted of Bangkok business firms but also the firms from provinces. The influence of these business groups became apparent in the business- driven focus of Thai foreign policy. The Chatichai government's policy of turning Indochina from battle field into market place was to a large extent influenced by businessmen in areas bordering the Indochina countries.[Snitwongse 2001] Thai Prime Minister Chatichai Choonhaven announced his intention to "turn Cambodia's battlefields into marketplaces," in the late 1980s. However, it took three more years for the guerrilla war in Cambodia to end. But since the Cambodian Peace Accords were signed in Paris in 1991, and official relations were re-established between the governments of Thailand and Cambodia in 1993, the border has become the focus of a frenzy of commercial activity and transnational trade. [French 2002]

When the trade was resumed Thailand's history of being exploitative towards Cambodia and its neighbours kept haunting its relations with neighbouring countries, this atmosphere of

mutual suspicion gave analysts enough scope to speculate Thailand's intension in mainland Southeast Asia. However, the reality came out differently. In December 1998, the foreign ministers of Thailand, Laos, Myanmar, and China agreed to co-ordinate transportation links for a new east-west corridor spanning four river basins: the Mekong, the Chao Phraya in Thailand, and the Salween and Irrawaddy in Myanmar. Sustaining economic growth has become an important foreign policy goal. Chatichai's vision of Thailand as a important regional economic hub of mainland Southeast Asia has been echoed by other Thai leaders also, Chavalit also followed Chatichai Choonhavan's policy. .

Diplomatic relations between Thailand and Cambodia under Thaksin

The East Asian crisis of 1997-98 had partly helped Thaksin Shinawatra to come into politics. After the economic crisis country was in desperate need of someone who could take the country out of economic slump. Managing the negative impact of globalization has become a priority in both domestic and foreign policy agenda. Hence, economic issues have appeared at the top of the foreign policy agenda.

Besides, when referring to Thailand's diplomatic relations with the neighbouring countries it needs to be pointed out that the diplomatic relations of Thailand are always intertwined with the economic policies and it becomes difficult to differentiate between the two. This observation is particularly true during the Prime Ministership of Chatichai Choonhavan, but, during Thaksin Shinawatra it becomes inseparable part of Thai diplomacy. To support the observation, it is imperative to quote Pavin Chachavalpongpun from his book on "Reinventing Thailand – Thaksin and his Foreign Policy,"

“ Krit Garnjana- Goonchorn, The Thai Foreign Ministry's Permanent Secretary, in his endorsement of Thaksin on the mercantile role of ambassador, said, “before, the diplomat performed as the chief functions of representation of the nation and its national interest and the negotiation in the protection and advancement of the national interest. Today he or she has to be strategist and manager.” [Chachavalpongpun, 2010]

Although, Chatichai's turning battlefields into market place was commendable, the long history of mutual distrust and hatred, did lead to occasional problems in their relations. However, Thaksin was willing to overcome this distrust, for this Thaksin developed personnel relations with Cambodian Prime Minister and Myanmar military Junta. Personnel relations with heads of neighbouring countries like Myanmar and Thailand helped him in two ways. Firstly, it helped Thaksin's family fortune to increase many folds, fifth service operator

with subscriber base of 100,000 has been appointed as a exclusive dealer to serve Thaksin's satellite SATTEL in Cambodia.[Chachavalpongpun, 2010, pg. 171]

Secondly, Thaksin renewed the image of Thailand as a donor country and the relations were further strengthened with Cambodia under ACMECS. While dealing with Cambodia he adopted, business first mentality as it helped him to neutralise the political issues, like territorial and security issues along the border. Thaksin's business policy also got successful owing to many Cambodian politicians business background. These businessmen are supposed to be the main supporters of Cambodian Prime Minister Hun Sen .

Why special focus on border becomes necessary ---- All multilateral programmes between Cambodia and Thailand or any other Indochina countries mainly focuses on development of common border areas between them and 60 to 70 % of all the Thai trade with its neighbours is through border region. [Tsuneishi 2008]

Developments around border regions

Thailand's relation with Cambodia is a part of its regional development, like other developing countries, Thailand also faces an economic gap between urban areas and Northeast. Although, the issue of the economic gap between urban areas and rural areas was recognised and regional development policy were initiated as early as the Third Social- economic plan {1971-76} [Tsuneishi 2005 pg 5] After that, policies focussed on decentralization of industries and the development of growth centres in local regions. Thailand, thus, initiated regional development away from central areas and gradually expanded out to peripheral regions, mainly located along the borders. Hence, Thailand policy of prosperity neighbour's is a basically improving life standards of impoverished people residing in border region by supplementing them with trade opportunity. It would be wrong, if we directly start with Thaksin and his involvement in making changes along border areas, it would appear that Thaksin was the only Prime Minister who changed the lives of impoverished border people. Hence, a brief history of border trade becomes essential. The second reason, for emphasizing on border areas is due to the magnitude of trade between Cambodia and Thailand, of all the trade between Cambodia and Thailand border trade accounts for 70 to 80% of trade between them.[Asian Development Bank Report, June 2005]

Trade between Cambodia and Thailand started as early as 1970. When, Identity was flexible and local people in these areas did not think of themselves as "Thai," or "Cambodian". As

they came from "Khmer" village involved in agriculture and one of the driest regions in Thailand and they often needed to supplement their meagre agricultural income through trade. Old trade routes that ran between the provincial capitals of Surin (northeast Thailand) and Siem Reap (northwest Cambodia) and on to the Tonle Sap, Cambodia's Great Lake became active again after the Second World War. However, there were ups and downs in border trade when the political relations changed between them. During the Khmer Rouge, Cambodia was closed to outsiders, thus affecting trade between them between 1975 and 1979 there was very little movement of any kind across the border. Trade relation with Cambodian was resumed again in 1979. There appeared other important players in the border trade -- the Thai military. Since the entire border area was under martial law in Thailand, military controlled all the traffic moving across the border. Thus, from the very beginning of martial law Thai military has been intimately involved in the border trade. "Taxation" on the trade provided a reliable and often substantial source of income to all Thai military units stationed there.

So when Chatichai proposed to open Thailand's border to trade with its neighbouring countries and turn Indochina's battlefields into marketplaces, he did not start a new project with Cambodia but changed the conditions under which it earlier occurred and established centralized control over it. [French 2002] It was in the late 1980s that the trade with Indochina was promoted and the idea of establishing new trade centres away from metropolitan cities to border regions was first conceived. In the seventh and eight developmental plans, promotion of border trade was referred to concerning the new economic zones in Chiang Rai, TakUbon Ratchathani, Mukdahan and later, it was mentioned that new economic zones and free trade areas should be developed in the Northeast and Northern Thailand. Under the Investment Promotion Act 1977 and revised Act in 1987, The Board of investment divided whole Thailand into three zones and industries were to be established in these region and tax incentives were given to zone 2 and 3 which were located away from metropolitan regions.

However, the development work remained more on paper as these regions suffered insufficient monetary grants as compare to metropolitans and the concessions given to companies were not sufficient. They earned more profits in the metropolitan cities owing to the proximity of these area to the industrial clusters. It was only in the 9th five year plan that these northern and northeast regions were mentioned to be connected to the market regions in

North like Chiang Mai, Chiang Rai ,Lamphun and Lamphan and were proposed to develop in close relations with MGS countries. Northeast regions like Nong Kai, Mukdahan were to make the gateways to Indochina and making Ubon Ratchathani the centre of the region. Nakhon Ratchisma and Khon Kaen were to make centre to connect the North and eastern seaboard promoting tourism with Indochina. [Tsuneishi 2005]

With Cambodia, Thailand was connected through many centres like Ubolarachathani, Srisakes, Surin, Bumirum, Chantaburi , srakaew and Trat. [Manarungsen 2010] Between them Poipet gate is of national significance. In 2003 some 38 percent of all imports from Thailand entered Cambodia through Poipet, and accounted for 3.8 percent of official exports to Thailand. Cambodia mainly buys secondary goods from Thailand. The most important commodities imported in 2003–04 included cement, construction materials and equipment, fresh and processed foods, cosmetics, consumer goods, cars and spares and fertilisers. The most rapid increase in demand has been non-consumption materials like construction materials and cement.

The most important commodity exported to Thailand include scrap metals, second-hand clothes, handicrafts and fresh and processed fish through officially agreed border bilateral checkpoints and unofficial village paths. Local people purchase a border pass for 10 baht and cross border between 7am to 8 pm, which allows Cambodians to travel to Rong Kluea market inside Thai territory. It is said that most of the businessmen working in this market belong to this group and says that 90 percent of the traders in this market are Cambodians.

People living in the Poipet area in Cambodia produce garments for the Thai market, the ready-made garments exported to Thailand is approximately 50–100 tonnes per day. Besides Poipet other districts like Banteay Meanchey, Battambang and Siem Reap are also involved in garment production and processing. [Murshid and Sokphally 2005]

The garment processing and trading business has become more structured and modernised. In some cases, the whole manufacturing process is subcontracted out to areas deep inside Cambodia. There are also different categories of traders, who work with one another through a well organised subcontracting system. However, Murshid and Sokphally also points some hindrance in trade like administrative measures on exports and imports which significantly led to increase in transport and clearance of garment exports. The cost used to be 150 baht per 20 kg (before 2002), but in 2004 this rose to 270 baht per 20 kg—an increase of 80 percent.

In order to analyse all round economic cooperation between Cambodia and Thailand it is important to study their pre-existing co-operations through these multilateral programmes. These multi lateral co-operations existed even before Thaksin came to power, Thaksin Administration had followed the already existing path and carried out mutually beneficial projects under newly initiated organisations like ACMECS and Asia Cooperation Dialogue (ACD) with the neighbouring countries, which supplemented the already existing economic cooperation programmes like GMS.

In addition to these pre-existing multilateral co-operations, which started even before Thaksin administration develop continuously under different governments i.e. a development in multilateral cooperation started under one government and further progress of such developments depended upon succeeding governments. Hence, these different multilateral organisations need to be analysed in detail from very inception.

Greater Mekong Sub- Regional Economic Co-operation Programme

This organisation came into existence in the year 1992, Its members formulated this programme for economic cooperation with Cambodia and Thailand as two of the six member countries. GMS-ECP designated the economic corridors within GMS region to increase cross-border trade and inland transportation among major cities in East Asia. Poverty reduction being one of the main purposes of the GMS-ECP, GMS-ECP started with six development sectors, namely: transportation, telecommunication, energy, human resource, environment, trade and investment. In 1994, tourism was added as a new development sector; trade and investment was separated in 1998, and, agriculture was included in 2001. Thus agriculture was included in 2001. Thus, it is now composed of nine sectors, namely:

1) Transportation; 2) Telecommunication; 3) Energy; 4) Human Resource; 5) Environment; 6) Trade; 7) Investment; 8) Tourism; and, 9) Agriculture. [Asian Development Bank Report, 2012]

One of the crucial consequences of GMS-ECP, is the concept of development of economic corridor, which was introduced at the GMS Eighth Ministerial Meeting in 1998 at a time when the GMS-ECP implementation was stalled by the Asian Currency Crisis. These economic corridors were initiated to help the area to rise and to enliven economic activities along the major roads. The economic corridors have helped to connect major cities in GMS

area such as Bangkok, Hanoi, Ho Chi Minh City, Phnom Penh, and Kunming. In fact, road transport has already connected Singapore, Kuala Lumpur, Bangkok, Hanoi, Nanning, Guangzhou, and Shanghai. [Ishida 2009, Pg. 5-8]

There was a time when border areas in the Mekong Region had been treated as battlefields where opposing military forces faced each other prior to the 1992 GMS-ECP inauguration. Once the economic potential was realised these border areas were given attention. These regions provide many advantages to private businessmen also, in a project at the border between a higher income country and a lower income nation, more rich country can utilize the labour of poor countries at the low cost, thus helping to create cross-country job opportunity. Secondly, the member countries have large number of population residing in rural areas averaging about 70 percent overall. This makes agriculture an important source of income throughout the region and to gain profit rural areas need to connect with industrial region. [Wiemer 2009]

To speed up the work on Economic Corridors, Economic Corridor Forum was established in March 2008 at Vientiane and it has become the main advocate and promoter of economic corridor development in the GMS. The ECF provides input to the Ministerial Conference via the Senior Official Meetings and bring a comprehensive understanding to corridor development. Within the ECF, there is the Governor's Forum which brings together provincial leaders from three corridors to strengthen cooperation at the local level. While, the GMS Business Forum, represents the private sector, thus it helps to bring together the diverse community of stakeholders in corridor development and provide them with a common ground for interaction. The Asian Development Bank(ADB) plays an important role in GMS.[Wiemer 2009: 12-15]

The economic corridor under GMS has definitely brought cheers on the faces of Thai-Cambodian living near border regions. Of the nine Economic Corridors in the GMS, the Southern Economic Corridor (SEC) is the most important programme to improve linkage between Cambodia and the neighbouring countries. The SEC is also expected to contribute to facilitation of cross-border trade and promote tourism and agricultural development. Royal Thai Government sees South-South cooperation and “partnerships for development” as key guiding principles for Thailand's regional and global engagements and sees Thai

development cooperation based on shared goals of achieving mutual benefits and prosperity for the well-being of the people in the region and beyond.

The Southern Economic Corridor has three main sub-corridors linking different parts of the four countries - Cambodia, Lao PDR, Thailand and Vietnam. They are;

- (i) the Central Subcorridor: Bangkok (Thailand)-Phnom Penh (Cambodia)-Ho Chi Minh City (HCMC)-Vung Tau (Viet Nam);
- (ii) the Southern Coastal Subcorridor: Bangkok-Trat (Thailand)-Koh Kong-Kampot (Cambodia)-Ha Tien-Ca Mau-Nam Can (Viet Nam);
- (iii) the Northern Subcorridor: Bangkok (Thailand)-Siem Reap-Stung Treng-Rattanakiri-O Yadav (Cambodia)-Play Ku-Quy Nhon (Viet Nam).

[Wiemer 2009]

In order to support the economic corridors, a cross-border transport agreement (CBTA) has also been introduced under the frameworks of GMS-ECP. The CBTA was originally an agreement among three nations Vietnam, Lao PDR, Thailand while Cambodia joined to CBTA in November 2001 followed by China and Myanmar in 2002 and 2003 . The CBTA is an agreement to facilitate the cross-border movement of vehicles and people and to bring in line the legislations, procedures, regulations relating to cross- border trade and movement of the people. With 20 annexes and three protocols, [Khieng 2009] CBTA covers every relevant aspects of cross-border transport and provides the facilities like

Single-Window Inspection (SWI) and Single-Stop Inspection (SSI) - the SWI will help to unify the windows for customs, immigration and quarantine (CIQ) into a Single Window. Currently, the inspection of CIQ is done twice by the entry country and by the exit country and SSI's main target is to unify the superfluous procedures into a single step. Henceforth, the inspection would be done only in the entry country. [Ishida 2009, Pg. 10] In addition to this it also includes exemptions from physical customs inspection, agriculture and veterinary inspection and bond deposit. [Khieng 2009]

Ayeyawady-Chao Phraya-Mekong Economic Cooperation Strategy (ACMECS)

After successfully overcoming domestic obligations, Thaksin worked to become Asia' s most influential statesmen, he initiated new regional organisation at Asian level and at sub regional level organisations like ACMECS.

The Ayeyawady-Chao Phraya-Mekong Economic Cooperation Strategy or ACMECS, initiated in 2003, among - Cambodia, Lao PDR, Myanmar, Thailand and Vietnam. The

objectives of ACMECS was to bridge the economic gap among the five member countries, 46 common projects and 224 bilateral projects were identified for implementation over the period of 10 years from being into force.[Khieng 2009: 16] Co-operation within the ACMECS framework is focused on six sectors, namely

- (1) facilitation of trade and investment
- (2) agricultural and industrial co-operation
- (3) transport links
- (4) tourism co-operation
- (5) human resource development
- (6) public health.

From the very beginning, Thailand has been a major driving force and sponsor of the ACMECS being economically more sound than other sub-regional partners. Thaksin envisaged this as a means to narrow down the economic gap, to achieve sustainable development through self help and partnership. ACMECS was to work as catalyst to build upon existing regional cooperation programmes and using each other strengths and resources to enhance prosperity and financial strength. Thaksin Shinawatra, the Prime Minister of Thailand suggested that Tourism cooperation under ACMECS would help them to lessen economic differences between them and he offered to share with rest of the countries 11million tourists that visit Thailand every year through campaign like “Five Countries One Destination”. The rationale behind Thaksin’s Single Visa initiative was to encourage tourist to visit other countries in the region during their stay in any part of the region. The idea was to present the region as “One Destination” by improving airports and transport networks throughout the region. [MOU between the government of the Kingdom of Thailand and Kingdom of the Cambodia on ACMECS single visa, 3 November 2005]

Thailand has provided financial and technical support to its neighbouring countries. It also helped Cambodia financially and technically.

Thailand is cooperating with Cambodia in following projects.

- (a) Koh Kong industrial estate
- (b) Technology transfer in field crops i.e maize, castor, beans, soybean, cassava, sugarcane etc.
- (c) Environment impact resulting from inland fishery
- (d) Contract farming for tropical fruits
- (e) Target area for agriculture cultivation at border areas in Koh Kong ,Battambang, Kampot, Pursat
- (f) Establishment of electricity network in Cambodia
- (g) House training in sanitary

(H) Suitable site for Eucalyptus [The Report of the Chairman of the first meeting of the Sectoral Working Group on Agricultural and Industrial Cooperation under ACMECS, 11-12 October 2005]

In infrastructure construction Thailand has also been collaborating with Cambodia. Currently it is providing financial assistance to Cambodia to build two roads.

- (a) Cambodia Provincial Road 67---Siem Reap to Anlong Ven to Thai Border
Thailand has intended to give 95 million Baht to upgrade road from Thai border to Anglong Veng about about 18 k.m, beside this Thailand has also proposed 13 million Baht for road maintenance between Anlong Ven to Siam Reap, about 18 k.m. MOU of understanding between two countries has been signed and Thailand proposed to give 18 million Baht to design proposed road
- (b) Cambodia Provincial Road 48- Koh Kong to National route 4---This road is About 171 k.m long including four long bridges. Thailand has provided soft loan to upgrade the road to bituminous and to build bridges. [Progress Report on Transport linkages under ACMECS under Lao PDR]

Under the ACMECS, Thailand agreed to One Way Free Trade with Cambodia and other Indochina countries. Which means 0-5 % tariff rate on '8' agricultural exports from Cambodia and other Indochina countries on corn, sweet corn, eucalyptus, cashew nut, castor bean, soy bean, ground nut, and potato. This is definitely commendable reduction from Thailand, despite the fact that 10 % of the Thai GDP from agriculture sector and 44 percent of labours depends on agriculture.

Tourism cooperation between Thailand and Cambodia

Tourism promotion in the Mekong sub-region is part of GMS, ACMECS, and other agreements. The potential contributions of international tourism in these countries development are high. International Tourists contribute substantially to the export of Lao PDR and of Thailand, these two countries have the highest revenue from tourism among CLMV[Cambodia, Laos, Myanmar, Vietnam] countries, and Cambodia comes in the second place. Thailand- Cambodia and other nations bordering the Mekong have extensive tourist potential with shared history, heritage, cultural diversity and natural landscape resources. These group of countries in the Mekong Sub-region have been collaborating to develop the potential of the Mekong region to make it one of the dominant world tourist destinations through the "30 Subregional Tourism Jewels" project. [Tirasatayapitak and Laws 2007]

These are Prasat Hin Khao Phanom Rung, The Old Royal City in Thailand, Vientiane, Luang Prabang, Plain of Jars in Laos, Angkor Wat, Tonk Sap Lake in Cambodia, and Da Nang, Ninh Binh or Hanoi in Vietnam . Some of these are World Heritage sites recognised and protected under UNESCO guidelines. [Tirasatayapitak and Laws 2007]

Cambodia and Thailand, both have Khmerian Hindu temples, Although, the most famous Khmerian temples lies in Cambodia. But some of the Khmerian temples also lies on the other site of Thailand. The two countries are undertaking a series of cooperative tourism marketing ventures designed to position them both under the new slogan of "Two Kingdoms, One Destination". The joint marketing campaign will be supplemented by joint surveys of Tourism routes to develop package tours that will combine the attractions of the two countries. Additionally, the agreement commits TAT to help Cambodian tourism authorities with the development of the Tourism Master Plan for the Preah Vinear, Ratanakiri and Mondolkiri Provinces of Cambodia. Thai government is also providing official development assistances (ODA) that has helped build tourist services in these countries.

[Tirasatayapitak and Laws 2007]

“Prosper Thy neighbour”

With an aim to reduce the possibility of another Asian financial crisis which started with Baht crisis, Thaksin started many initiatives like the Chiang Mai Initiative and the Asian Bond Fund with its other Asian partners to pool foreign exchange reserves and to invest in regional bond markets. Thaksin initiated a new bilateral programme called “Friends From Thailand [FFT] ” in 2002 by claiming that neighbouring countries need support. With an emphasis on human resource development and cultural exchanges, FFT aims to foster better understanding and relationship at people-to-people level by dispatching young Thai volunteers to live and work on development-related issues with local communities in other developing countries.

Thaksin also set up a Bt 10 billion soft fund for loans and grant Package for Indochina countries. A large component of Thai official development assistance, which is around 73 percent of its ODA goes to support infrastructure development in Cambodia, Lao PDR, and Myanmar – the three LDCs in Southeast Asia. Most of these Thai grants and soft loans are helping to build paved roads, bridges and railroads and to improve airports in Thailand’s neighbouring countries. The rest of Thai ODA is in the form of technical assistance and

training in areas of education, public health, agriculture, banking, finance, and science and technology.

However, Thai loans and aid packages that were offered required procurement components signed with Thai firms and the exchange was to be in Baht. On culture side also Thaksin sponsored an aggressive campaign to proliferate Thailand's culture through television programmes and music. Thai government sees themselves at the centre of every major projects in which they are cooperating with neighbouring countries. Thaksin government came into power by promising to revive Thailand's economy and the living standards of its people. Thus, government took office with intension to pursue a foreign policy that would correspond with the economic needs of Thai. To achieve this, he adopted "the Asian way" in doing business with its neighbours.

Chapter 3

The role of Preah Vihear in Thailand's domestic politics

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The New round of conflict over the Preah Vihear temple, which was considered to be settled down in the year 1962, once again came up into prominence in July 2008. The resolved issue between Cambodia and Thailand over the Preah Vihear temple arose, after the temple was successfully got nominated as a United Nations Educational, Scientific and Cultural Organization's (UNESCO) World Heritage Site. The proposal for nomination was jointly forwarded by the Government of Cambodia and Thailand.

The government of Thailand specifically paid attention to the minute details, so that the nomination of temple would not jeopardise their claim over the disputed region surrounding the temple. After assurances from Phnom Penh that the listing would not include 4.6 square kilometre of disputed area west of the temple complex and the status of which would be decided in the future. In May 2008, Foreign Minister Noppadol Pattama, on the behalf of the Thai government, signed a Joint Communiqué with Cambodia's Deputy Prime Minister in Paris to confirm the Thai support for Cambodia's request to the UNESCO. [Ministry of Culture and ICOMOS Thailand Report] The royalist PAD {People's Alliance for Democracy or yellow shirt} and the opposition 'Democrat Party' saw the opportunity to politicise the Preah Vihear issue.[Stiftung 2012]

Noppadom reached Thailand after attending a Joint Communiqué in Paris on 22 May 2008, was greeted by furious PAD {People's Alliance for Democracy} nationalist at Bangkok International Airport. PAD claimed that the government has ceded 4.6 Km of disputed land to Cambodia in exchange of Thaksin Shinawatra receiving lucrative concessions to set up casino and petroleum projects in Cambodia's Koh Kong Island. What PAD and democrats deliberately obscured was the fact that UNESCO had earlier clarified that Cambodia's request had nothing to do with the remaining boundary dispute or overlapping sovereignty between the two countries, especially the contentious 4.6 square kilometres that surrounds the temple. By arousing nationalist feelings PAD succeeded in gathering mass support. The Thai Constitutional Court declared the Joint Communiqué unconstitutional and Noppadon, who was Thaksin's Ex. lawyer was forced to resign.

To understand the genesis of 2008 Preah Vihear dispute, it becomes imperative to go back to Thaksin Shinawatra's period (2001-2006). Thaksin got elected as a Prime Minister of Thailand in 2001 and his many popular policies helped him to gain the support of marginalised section of Thailand. He became a serious threat to traditional power-holders who have been dominating Thailand's politics. These traditional power holders are Monarchy, Military and their networks. For the first time in Thailand's history, it seemed that military will go back to barracks.

In fact, Thaksin made clear his aim to dismantle the power of many politicians and marginalised the dominance of bureaucracy in Thai politics. In one of his early speeches, the Prime Minister highlighted three problems in Thai politics.

1. Too many politicians use politics to earn fortunes and luxurious life style. They indulge in vote buying to win election, and politics becomes for them to earn money through corruptions.
2. The Thai bureaucracy is too powerful, lazy , and ignorant of the business world. It lacked zeal and capability to make Thailand develop and cope with a globalized world.
3. Both politicians and bureaucrats are not modern enough and were failing to keep up with globalization.

[Prasirtsuk 1997–2006 : 887]

Besides representing the marginalised section of Thai society Thaksin also represented the new emerging business class in Thailand. He brought new ideas and new ways of doing things. In his zeal to make Thailand as a centre of business hub in Southeast Asia he worked like a business executive. His foreign policy was guided by his nationalist and personnel profits. He had replaced previous government's security concerns with market policy while dealing with neighbouring countries, which challenged the military dominance in foreign policy. [Chachavalpongpun 2010] His policies were obviously unpopular with those, whose powers were limited during his regime leading to a military coup in 2006 which ousted Thaksin from power.

It seemed that military coup would calm down anti-Thaksin forces, however, after-effects of coup came out differently. This led to unprecedented domestic political upheaval which divided Thailand into two fractions

1. Pro-Thaksin, which are mainly consist of people from rural areas.

2. Anti-Thaksin, they are mainly well to do from urban areas and Southern Muslim dominated regions of Thailand and supporters of People Alliance for Democracy (PAD).

To analyze present chaos in Thailand's domestic politics, it becomes essential to have an understanding of how military and monarchy came to dominate Thai politics, their motives behind anti-Thaksin stand and the divide within the Thai politics. Questions that need to be answered are why is Thaksin still popular? Who are the Thaksin supporters? And why Thaksin's supporters are willing to lose everything in the name of Thaksin.

The chapter is divided into seven parts

- 1 The emergence of Royalist- Bureaucratic Forces in Thai politics
- 2 Thaksin's rise to the top
- 3 Thaksin's interference in working of independent institutions
- 4 Thaksin's challenge to Old Royalist- Bureaucratic power holders
- 5 The military coup of 2006
- 6 Division within the Thai masses
- 7 Preah Vihear issue in Thai politics

The emergence of Royalist- Bureaucratic Forces in Thai politics

In 1932 a military coup overthrew the absolute monarchy and since then it is the dominating force in Thai politics. Riggs [1996] argues that the 1932 overthrow of the absolute monarchy was not a popular uprising but an uprising of the bureaucracy on behalf of the bureaucracy, military being the part of bureaucracy it gave bureaucrats considerable autonomy. Thailand subsequently became a Constitutional Monarchy, since then country has been ruled by many Generals turned Prime- Ministers.

First General turned Prime minister was P. Phibun Songkhram, who came into power during {1934-38, 1948 -57}. Once the new government established its roots in Thai politics they put their efforts to draw constitution. 1932 coup was led by a group of colonels headed by Phraya Phahol Pholphyuksens and Phraya Songsuradej. This group was further divided into four major factions competing for power, the older conservative civilian faction led by Phraya Manopakorn Nititada, the senior military faction led by Phraya Phahol, the junior army and

navy faction led by Luang Phibunsongkhram, and the young civilian faction led by Pridi Phanomyong.

A royal Prince Bodoradej a grandson of Mongkut took advantage of problems among colonels and led an armed revolt against the government in late 1933. The prince was a Minister of defence and mobilised various provincial garrisons and attacked Bangkok. The Prince accused the government of disrespecting the King and promoting communism, hence, he demanded the dissolution of government. However, in the battle which was fought between government and royalist forces, the royalists were defeated. The incident diminished King's prestige and the relationship between government and king kept on deteriorating until there was another military coup against Phibun. In the year 1957, Sarit Thanarat led a military coup and seized the power from Phibun. Although, the coup that he staged against Phibun and Chao was popular, however, he faced the problem of legitimacy and there was no constitutional mechanism to legitimate it. So he turned back to Monarchy for legitimacy and by the King's support he legitimised his office and his government.

One of the major legacies of Sarit's Prime Ministership was rehabilitation of monarchy as a political institution. He promoted the king as a symbol of the nation that had to be protected and reversed by the military. King was also desperate to regain his clout in Thai politics and found a useful ally in Sarit. Sarit encouraged King Bhumibol to visit rural areas and to take interest in the livelihood of the people. Sarit instead of competing for the power with the king, he used the king's support in legitimising his role as prime minister. [Chaloeontiarana 2007] Subsequently, not only military Generals who wanted to legitimise their stay in politics, but other Thai people who had nothing to do with politics gave King a special place in Thai history. The credit for making monarchy respected institution goes to Thai Nationalist, who had been working to portray king as a transcendental figure that is above and beyond politics, a quasi-Divine figure that embodies virtues generally not found in the corrupt politicians. Historical writings were carefully constructed to show king as someone who saved country from Western occupation and King's public manoeuvring are kept from the public. Laws of lese majeste further kept King out of criticism. [Fong 2009]

After Sarit's death his military protégés continued to dominate Thailand but the king rose over them in political authority with his quasi-divine qualities. Military was successful to run the country till 1973, until the student led popular uprising in 1973 removed the authoritarian

regime of Thanom Kittikachorn and paved the way for the entrance of the middle class in politics. The uprising of 1973 showed cracks in the military as an institution and division among military ranks gave King the opportunity to use one fraction against another military fraction.[Prasirtsuk 1997-2006] In 1980s, a new political arrangement was created in the model of power sharing between the civilian and military, military by this time appeared divided and their position threatened by the emerging middle class. Although, compromise was reached, however, elected politicians were not ready to challenge the military and invited General Prem Tinsulanond to assume Prime Ministership. General Prem held office for eight years, filling key posts defence, interior, foreign and finance with his associates and elected politicians were given low profile ministries [Prasirtsuk 1997-2006]

The military reserved some sphere of activity for distributive politics among their fellow elites and well-connected business people. Military took control of many state-owned enterprises, TV and radio stations. [Bunbongkarn, 1987] Some politicians became part of these military networks and business people, also maintained good rapport with military elite for the sake of their legal and illegal businesses. To maintain good relations with military became essential for those who sought concessions from the government. Importantly, banking conglomerates, most of which were of ethnic Chinese origin, came to develop close relations with the military. [Phongpaichit and Baker 2003]

In the course of the 1980s, Thai politics showed some significant transformations. The elected politicians, who usually came from provincial entrepreneur cum local mafia backgrounds were largely ignorant of national and macroeconomic matters. They were mainly interested in short-term personal gains. Middle class being suspicious to their politics, these politicians tried to gain their support by tailoring their own images and by bringing in academics and technocrats to the cabinet. [Prasirtsuk, 1997-2006] Beside these bureaucrats and provincial power holders there is another class, wealthy business families, who lived in cities. Mostly Bangkok-based, these leading business people were in a disadvantageous position compared to provincial politicians, who were close to their constituencies through patronage webs in local areas. Yet, wealthy business people still possessed leverage in terms of financial contributions, resulting in preferential deals from the government through the party or the politicians they supported.

Thaksin's rise to the top

It was the 1997 financial crisis that convinced leading businessmen not to remain on the sidelines. In their view it would be anachronistic and harmful to leave the country in the hands of provincial politicians and bureaucrats, who were seen as incapable to deal with a globalized and competitive world.[Connors 2008] As noted by Dhanin Chearavanont, the head of the CPP Group, "This is an age of economic war. It's crucial that we have a prime minister who understands business and the economy." Thaksin Shinawatra came into prominence owing to his successful business empire and people saw in him their saviour who could take Thailand out of the economic mess. After, economic crisis of 1997-1998 Thailand failed to catch up its 1980s economic growth rate. Many business empires were ruined during the crisis of 1997-1998. However, Thaksin succeeded in overcoming 1997 economic crisis and also at the same time succeeded in expanding his business empire. [Chachavalpongpun 2010]

Thaksin's chose a catchy slogan "New Thoughts and New Actions" for 2001, Prime Minister elections. Thaksin made many promise in his election manifesto such as I million Baht in revolving loans for each village, 30 baht medical visits. All sectors were guaranteed quick fix to their economy problems, a scheme to purchase all Bank debts, education reforms and more privatization. Apart from economic reforms Thaksin also promised political reforms, transparency in governances, downsizing of bureaucrats and rigorous opposition to corrupt people. The government launched many schemes to support both local and national capital like "One-Village One-Product" (OTOP). [Funston 2002]

The Thaksin administration extended its populist policies to the urban poor as well, offered cheap housing and tax schemes. The middle class also gained somewhat from the Thaksin administration. His government not only promoted the sale of computers, desktops and laptops, but also raised the salaries of civil servants across the board. Such schemes for the middle class were not surprising as Thaksin attempted to form a grand coalition to support the Thai Rak Thai. To bolster domestic capital, the government promoted "strategic industries," focusing on five sectors: food, fashion, automobiles, tourism, and computer graphics. Thaksin also brought a new, systematic approach to electioneering. Party members conducted polls and tailored their policies according to the people's choice. Thaksin's Policies were polished and presented by advertising firms. Thai Rak Thai Party also embarked on massive membership drive that provided it large guaranteed votes. Thaksin

embarked other popular programmes like he began 30 minute radio programme broadcast weakly on Saturday in which he talked about and explained his policies directly to the people.[Funston 2002]

The result of all this well orchestrated promotion was overwhelming popularity of Thaksin in Thailand. Election manifesto became so successful that Thaksin's popularity remained intact even after NACC {National counter corruption Agency} impeached him on charges of concealing his assets in 1997 elections. Later, Constitutional Court also acquitted him of charges owing to his popularity among masses. During Court proceedings Chamlong Srimoung was sitting on Thaksin's side. Sondhi Limthongkul, a media tycoon and his media group Phujatkan was outside the Court projecting the case against Thaksin as an end of Thailand. Even former Prime Minister General Prem Tinsulanonda the head of the King's Privy Council, wanted to see Thaksin acquitted and was involved behind the scene manoeuvrings. [Pongsudhirak ed. 2009 : 33] All these influential people wanted to give Thaksin a chance. With the support from all section of the people, in 2001 elections, Thaksin's Thai Rak Thai Party swept to power. It got 11million votes and won 248 seats out of 500 members House of Representatives.

Thaksin's interference in working of independent institutions

Thaksin initially impressed everyone as a leader who could do any impossible things and get the country moving. However, after coming into power Thaksin failed to keep his pledge of keeping notorious and corrupt politicians out of politics. Many unworthy people and criminals become ministers in his coalition government. Chalrem Yubamrung Deputy leader of the New Aspiration Party {NAP} came into attention when he used his political influence to protect his sons over the charges of pub brawls, evading conscription and murder. The Public prosecutor dropped prosecution against his sons on conscription evasion charges even after Army claimed that they had documentary proof against them. [Funston 2002] Chavalit Youngchaiyuth former Prime Minister and leader of NAP also came in support of Chalrem's son. Chavalit himself was still under cloud for leading country into 1997 crisis. Even after this he was given important ministry in Thaksin's government.

Under Thaksin's Prime Ministership there were at least thirty-nine high profile shuffling of jobs. Among those removed were highly respected bureaucrats such as the Governor of the

Bank of Thailand and the permanent secretary of commerce, Panit Nitithanprapas. Another important personality who suffered Thaksin's croynism was Khunying Jaruvan Maintaka . In 2001 she was selected for Auditor General's position for senate for two years later, at the request Surapong Painsul, the Constitutional Court gave highly controversial judgement that Jaruvan's appointment was technically unconstitutional. SAC {State Audit Commission} appointed Visut Montriwat as new Auditor General for the Senate in her place. However, several months later it came to light when the Speaker of the senate, Suchon disclosed that he stealthily Submitted Visut's nomination for Royal endorsement. [Mutebi 2006]

Some 60 M.Ps of Wang NamYen's faction objected Visut's nomination and Thaksin forced them to withdraw their petition against Suchon. 'The Nation' also came out with article in which pointed that many officials removed from top ranks are well known for their careful judgement on issues affecting the national interest .Many important organisations like the State Audit Commission and the National Counter Corruption NTC [National Telecommunications Commission] and NBC [the National Broadcasting Commission] officials have faced delays in getting appointments. In January 2000, the government enacted the Organization of Frequency, Wave Allocation, and Supervision of Radio Broadcasting, Television, and Telecommunications Enterprises Act "Frequency Law", which paved the way for the creation of the NTC along with a sister agency NBC. The two agencies were to supervise and regulate telecommunications and broadcasting activities. However, lack of transparency in selection method gave upper hand to certain government officials and influential people to exploit the situation. The process of selecting NTC members had started in 2000. A panel of 14 members was to be appointed by the Prime Minister, seven were then to be selected by senate to eventually run the NTC. On Pramut Sutrabutra petition, one of the failed candidates for NTC, Administrative Court gave stay order on selection of NTC members. The re-election of the NTC was stalled again in 2003. [Mutebi 2006 : 310-312]

Critic felt that a fully constituted NTC was supposed to deal with the critical article in Telecommunication law which capped foreign ownership of local telecommunications at 25 percent. The company believed to gain most from slow process of liberalisation, was Advanced Info Service, the cellular phone flagship of Shin Corporation founded by Thaksin Shinawatra. Most of these tycoon- turned-politicians businesses survived the AFC { Asian

Financial Crisis} better than those in the financial, construction, and real estate sectors. These tycoon turned politician businesses enjoyed semi-monopoly status and protection from the government through concessions and licensing.

Thaksin's challenge to Old Royalist- Bureaucratic power holders

Thaksin challenged military and semi- divinity of the monarchy. His popularity among the masses in the rural areas, helped him to take control over all public policies. So far, Thai Military has always been able to justify their involvement in foreign policy by citing National security at risk. During Second-World War they justified their involvement in foreign policy by claiming risk to their Nation owing to the rise of communalism in their neighbouring countries, which gave them perfect opportunity to stay in power.

However, Prime Minister Thaksin, owing to his majority in the House of Representative was able to craft a foreign policy aimed at building civilian-dominated business ties over regional security concerns. He brought defence Ministry under the direct authority of Prime Ministership. As for internal security, the power of civilians grew during 2003 and 2004. It seemed that an anti- Narcotic campaign in the North and the beginning of counter-insurgency operations in the South would give the military revived opportunity to intervene in domestic politics. However, these endeavours remained in the personnel control of Thaksin. Thaksin assigned Army Commander-in-Chief Sonthi Bunyaratklin responsibility for solving the Southern conflict without granting him full authority particularly in regard to talks with the insurgents. Other military leaders such as former army commanders Prem Tinsulanonda and Chavalit Yongchaiyudh had also been enlisted in the attempts to promote peace under his guidance again not without giving them much authority. Which caused much irritation among military command [Chambers 2010]

Later, Recommendations of the National Reconciliation Commission, led by respected former Prime Minister Anand Panyarachun, were made public in June. The commission recommended some specific ways to alleviate conflict through showing greater respect for local culture and through increasing mutual understanding both between Malay-Muslims and government officials and between Malay-Muslims and Thais more generally. However, in 2005 the Thaksin administration passed “the Decree on Government Administration in a state of emergency”. This allowed the Prime Minister to authorise a state of emergency and which he applied in the Southern provinces.

General Sonthi Boonyaratglin publicly stated that there was no need to declare a state of emergency because the demonstrations were peaceful and lawful and he ordered army television channel five to cover the protests, ensuring that the demonstrations and any untoward events could be viewed on television sets nationwide. [Chongkittavorn 2006]

Another important irritant between military and Thaksin was the struggle over promotions. Since coming to office, Thaksin had worked assiduously to promote his former classmates at the pre-cadet school and other allies in the armed forces to senior posts. On many occasions, such officers were promoted at the expense of more experienced candidates. The process of promotion requires Prime Minister and King's sign, which results discord between two institutions. For example, the promotion lists for senior positions goes from force commanders to supreme commander to Defence Minister and then Prime Minister, finally it requires the countersignature of the king, the process gives chances to extensive lobbying and negotiation. In some cases, promotion lists were held up by the Privy Council, led by retired General Prem until changes were made. Sonthi's promotion to army commander reportedly was one of those cases where the wishes of Thaksin had been overridden. [Ockey 2007: 137]

Apart from bureaucrats, provincial politicians also lost much of their power. Traditionally, factions of provincial politicians formed the core groups that determined the survival of the government. If large factions withdrew their support during a non-confidence debate, the government would fall. In this regard, Sanoh Tientong, a faction leader from Srakeow Province, had been a king-maker, installing both the Banharn and the Chavalit cabinets during the 1990s. He was also instrumental in the early Thaksin cabinets. During the Thaksin administration, provincial politicians were weakened in several ways.

- 1 Provincial politicians who tended to run in single -seat districts were deterred from holding executive posts because cabinet appointments favoured party list MPs. Without cabinet posts, these politicians had fewer resources for their power bases.
- 2 The 90-day rule deterred provincial politicians from protesting against or jumping shifts from the party.
- 3 The government campaign against "dark influences" hurt many provincial politicians who had local influences or mafia backgrounds. Police arrests included even the eminent local "godfather" in Chonburi Province, Kamnan Poh, on criminal charges.

The Thaksin administration during 2001 to 2005 was able to operate in an autocratic way in part because provincial politicians now had less bargaining power. Importantly, provincial politicians were tamed by receiving monthly allowances from the Thai Rak Thai Party funded by the new capital. The additional salary approach was supposedly aimed at constituency maintenance, but many politicians used it for personal expenses as well.

The Military coup of 2006

Thaksin and his Thai Rak Thai party scored a second time crushing victory on 6 February 2005. The TRT garnered more than 75 percent of 500 seats for members of Parliament. Even in Bangkok Thaksin got 32 out of 37 seats. However, Thaksin's party had made some Major mistakes in Muslim majority Southern province in his first term in office. In 2005 election manifesto Thaksin made few promises for them He pledged to give more political space to civil society groups who had marginalised in his first term. Thaksin promised to reconsider his handling of raging war in the Southern state.

However, after the landslide election victory Thaksin's Thai Rak Thai{ TRT} party struggled due to division within the party leading to quarrels and resentments. TRT was comprised of several factions based on patronage network and these factional leaders did not get the desired Ministry after Thaksin's re-election. Thaksin left out fractional leaders from important cabinet appointments in favour of his personal associates. He consolidated his position by bringing Northern provincial barons under the control of his sister Yaowapa Wongsawat and the Bangkok camp under Sudarat Keyuraphan. In addition Thaksin filled the TRT's party list of 100 MPs with his loyalists, many of whom were elected to lower house. [Pongsudhirak 2006 : 289]

The conflict between factional leaders and Thaksin came to forefront at party conference on 25 April 2005. Even in his second term, Thaksin failed revamping the government's tainted face and improving the reshuffle. The reshuffle only led to discontentment and division in coalition government. One of the provincial leaders named Pramaul Rujanaseri, a lieutenant of the Eastern Wang Nam Yen faction, a sizeable group of old styled MPs headed by Snoh Theinthong published a book criticizing Thaksin directly. Thaksin in his desire to control fractional leaders only created enemies for him. Although, they did not harm him so much as he still had majority in Parliament to bring back recalcitrant politicians on the line. What

proved detrimental to his power was Sondhi Limthongkul led protest, which cried against his corruption, authoritarian form of governance. [Pongsudhirak 2006]

One of the most interesting opposition to Thaksin came from his old business associate Sondhi Limthongkul. He had stood by Thaksin during 2001 elections when Thaksin was charged with concealing his property in the Constitutional Court. No one could fathom why he turned against Thaksin in the latter half of a 2005. Sondhi is a media mogul who owns media conglomerates, with extensive interest in telecommunication, media, real estate and publishing, like “Manager Daily” and Hongkong based Asia Times newspaper. Sondhi was one of those businessmen who greatly suffered from economic crisis of 1997-98 and was eventually declared as bankrupt. It was during Thaksin’s rule that Sondhi was able to revive his media empire with capital injections and debt reductions from state owned Krung Thai Bank with lucrative time slot on state run television. [Charoensin -o- larn 2009]

On 16 September 2005, the Thaksin government took Sondhi’s weekly current events programme Mueang Thai Raisada off the Mass Communication Organisation of Thailand’s channel 9 television station. [Montesano 2009:2] [The Nation 18 November 2005] However, Sondhi took full advantage of his media empire to develop support. He began by decrying the corruption of the Thaksin government in weekly broadcasts. Corruption was not new in Thailand, though it provoked anger and frustration against Thaksin government. Sondhi’s anti-Thaksin further got support from the controversial sell of Thaksin’s telecommunication empire, Shin Corporation to a company in Singapore without paying taxes. Shin Company was involved in diverse sectors like telecommunication, television and civil aviation. Shin’s profits to some extent depended upon concessions provided by the Thai state. The Shin-Tamesak deal came directly after legislation raising the limit on foreign ownership of telecommunications firms from 25 to 49 percent and provided one more case of policy corruption.

Sondhi’s movement later combined with other anti-Thaksin forces, the People’s Alliance for Democracy {PAD }. PAD was a coalition which is assembly of Monarchist civil servants, businessmen not related to Thaksin, activists of NGOs and trade union and members of the Democratic Party under the leadership of Chamlong Srimuang the leader of bloody 1992 street protests that drove Suchinda Kraprayoon from power. Chamlong’s decision to join the

PAD and to bring the members of Dharma Army to its rallies contributed substantially to its heft. [The Nation 19 November 2005] [Monsanto 2007]

In March 2006, PAD called for the use of the Article 7 of the 1997 Constitution to oust Thaksin. This Article stated, whenever no provision under the constitution is applicable to any case, it shall be decided in accordance with the constitutional practise in the democratic regime of government with the King as the head of the state. Later, a group of senators petitioned the Constitutional Court to impeach Thaksin, however the Constitutional Court rejected it.

Thaksin proposed for Joint meeting of the Assembly and the Senate which was later rejected by opposition party. Finally, on 23 February 2007, Thaksin called on Privy Council. The following day the Premier dissolved the Parliament and called for new elections. However, the political opposition led by the royalist Democratic party, boycotted the elections, called for Thaksin to resign. [Connors 2008] Thaksin refused and called for a snap poll in April 2006 in response and got 57 percent of the votes.

King Bhumibol used relatively routine audiences with newly appointed members of the Administration and the Supreme Courts to make his long awaited intervention. Declaring the current situation a mess, he spoke in favour of the democracy, stated that election contested by a single party, which opposition party boycotted were not democratic elections. Finally, he instructed the judges of the Administrative and Supreme Court and the justices of the Constitutional Court to come together to work on a way out of the mess. [Montesano 2007]

Finally, the Constitutional Court declared 2006 elections null and directed government to conduct a fresh elections. From that point onwards opposing sides became more aggressive. Mid year manoeuvring by anti –Thaksin military elements also led to the downgrading of pro-Thaksin forces in the middle ranks of the army. Privy councillor rallied the army against the government. Assuming that the Thaksin would win the election once more , military staged a coup on 19 September 2006 on the pretext that caretaker government was planning a bloody crackdown on a PAD rally scheduled for the following day. Coup brought joy and relief to many people as they hoped that coup would bring normalcy and stability in Thai society. Neo- royalist, old elite group, a group of intellectuals, armed forces and middle class enjoyed the moments. They believed that coup was the only resort to bring normalcy in Thai

society. Coup was quickly endorsed by the King and General Sonthi gave an interview in 'the Nation' and said he received calls for coup from many people and they have take that step for national security. [Charoensin-o- larn ed. 2009 :50-51]

After establishing, the coup group abolished the constitution and appointed an interim government. The December 2007 elections were conducted, when many of the regions which were considered as Thaksin's strong vote bank were put under martial law. Despite this PPP { People's Power Party }Thaksin affiliated party won the elections.

New Prime Minister was carefully selected by Thaksin. From the outset, the PPP faced deep hostility from the military, the palace and the Thailand. Thaksin believed that a gentlemanly figure would not fit for such awkward situation hence he appointed Samak Sundaravej who is a forceful individual who could not be easily intimidated. However, Samak claimed he had been appointed because of his reputation for loyalty to the monarchy. [McCargo 2008]

Division within the Thai masses

Military pushed a new internal security law and sought to curtail the electoral weight of the North and Northeast, the measure they adopted was to appoint half of the senate, ensuring military and bureaucratic check over the elected government. The 2007 Constitution was written with the single-minded aim to prevent the return of Thaksin and the social forces that he represents.

This strategic of exclusion had only led to social division and political tension. The divide was not anymore between different political ideologies, it has assumed the form of class structure, poor Northern and Eastern states versus middle class from Bangkok and influential Southern classes. [Prasirtsuk 2009] By mid 2008 key PAD leaders even expressed an interest in moving beyond electoral democracy, claiming that it merely returned a corrupt government to power. Which has backing of rural poor and farming classes. Even veteran educator of liberal democracy Chai-Anan[2008] spoke for a return to the semi democracy of the 1980s in which power was shared between the military, the bureaucracy and the parliament. [Connors 2008]

The PAD which was composed of many intellectual, middle class and self proclaimed nationalist did not know that, they were not resisting Thaksin's come back, what they have been resisting was very right of marginalised sections to choose the leader of their choice.

What PAD and the military failed to see was that, these marginalised people were long ignored and Thaksin ensured their progress as well as their participation in countries progress.

However, before making any impression against the intellectual classes and put them anti-Thaksin PAD category, we should atleast try to understand their point of view also. As we know, the conservative opposition to Thaksin became apparent when Thaksin challenged royalist control of military by staffing his own loyalist officers in Military. However, the support of liberal civil society sectors and intellectuals to Thaksin diminished when Thaksin's authoritarian way of dealing with his critics became a regular habit. His "war on drug" in 2003 created a sinister atmosphere in the country, many extra judicial killing of the people led to a significant loss of the confidence in his government. In the wake of war on drugs, people from different walk of the life like Lawyers, politicians, journalists, academicians, activists, unionist began to view Thaksin's government as authoritarian. [Connars 2008]

Thailand has been moving for democratic and parliamentary form of governance for the last twenty five years. In the year 1980s and in early 1990s a political reform movement emerged, which aimed to bring into policy based political parties, a strong executive government and led to passing of 1997 constitution. These changes led to a constitutionally defined division of power between executive, legislative and judiciary. [Pongsudhirak ed. 2009]

However, when the rural masses started to dominate and dictate the election process, Thai elite showed signs of "hatred for democracy" resulting in a feeling of contempt for both democratic elections and the rural electorate who could be easily be bought by incentives. [O-larn 2010] Thus, PAD proposed partial election of members of the senate under the 2007 constitution in which seventy per cent of the Members of Parliament would be appointed.

The result of this contempt was military initiated 2007 Constitution written with a single-minded aim to prevent the return of Thaksin and the social forces that he represents. However, military initiated Constitution came under fire from pro-Thaksin group, which raised question over how the product of 2006 coup can be legitimate. They called for amendment of 2007 Constitution. [Ockey 2009]

Samak Sundaravej (Phalang Prachachon Party) during his election campaign indicated that he intended to amend the Constitution and return of Thaksin. The desire to amend the Constitution grew stronger as the government began to face legal setbacks. One of the goals

of the Phalang Prachachon Party was to arrange the return of Thaksin. This was quickly achieved and Thaksin came back to Thailand in the beginning of 2008. Samak government continued its stand on constitutional amendment, mainly through Articles 237 and 309. Article 237 stipulates that election fraud by a party's board of directors will result in the compulsory dissolution of the party and the banning of all board members from election for five years, a revision of this article would have saved the PPP. And an amendment of Article 309 would annul all changes made by the coup, including the Asset Scrutiny Commission (ASC), which found Thaksin guilty of corruption charge.

When the Constitution amendment efforts were intensified in the Parliament in March, the People's Alliance for Democracy (PAD), occupied streets again to pressure the PPP to back off, The PAD's renewed efforts were also stirred when a majority of the Samak ministers claimed legitimacy, even after allegations of election fraud. However, it was clear that this time they would not be able to gather many supporters, since all parties supported some form of amendments or return to 1997 Constitution. While the defence of monarchy remained a key issue to evoke nationalism, this time the PAD found another issue- the nomination of Preah Vihear in UNESCO

On 21 September 2009, Supreme Court's Criminal Division for Political Office Holders acquitted Newin Chidchob, a coalition partner of Abhisit and a large number of other accused in the rubber sapling case. The Court gave judgement that all forty-four accused were not found guilty. The verdict was biased as the military claimed that the reason behind 19 September 2006 coup was against Thaksin government's corrupt practices. While, some business people at the Charoen Pokphand conglomerate had been involved in large-scale corruption amounting to 1.44 billion baht in the procurement of ninety million rubber saplings to help poor farmers set up a new rubber plantation. [Charoensin- o -larn 2010]

The most disturbing , news was that the verdict had already leaked to the accused even before it was made known in the courtroom. Although, The government and the Supreme Court denied this news as baseless. However , evidence proved some political manoeuvrings as PAD's leader Sondhi Limthongkul already predicted that their would be an eight-to-one decision for an acquittal. Newin and his Bhumjaithai Party might have known about the verdict in advance, as a party held celebrations ahead of the verdict. [Charoensin- o -larn 2010]

Preah Vihear issue in Thai politics

The Preah Vihear temple nomination in the UNESCO came at the right time, When Sondhi Limthongkul was struggling to keep anti- Thaksin's forces intact after the Thaksin's expulsion from the Thai politics. He was in a desperate need for an emotive issue to hold together the anti -Thaksin forces and he finally found in Preah Vihear issue that emotive reason. In addition, Thaksin's continuous interference in Thai politics even after his exile from the Thailand agitated traditional power holders in Thailand. They were eager to stop Thaksin's influence in Thai politics. Thus, Preah Vihear' temple as it is known in Cambodia, or 'Khao Phra Viharn' as known in Thailand, became a weapon to destabilized Thaksin supported government .

From the day Samak' s party PPP{People's Power Party} took office in January 2008, the elected government was opposed by the military, nationalists and opposition parties because it was seen as a Thaksin proxy. They sought to topple the government by exploiting Preah Vihear issue. The PAD filed a complaint at the Central Administrative Court against him and the rest of the cabinet asking the court to prohibit the government from supporting the listing. PAD accused Thaksin had signed a commercial deal with Cambodian Prime Minister Hun Sen in 2008 for a development project in Cambodia's Koh Kong Province and they further accused that the Thai support for the World Heritage Listing of the Preah Vihear Temple was a part of this deal. This allegation got further support when Cambodian Defense Minister General Teah Banh, who confirmed that Thaksin was planning large-scale investments in Cambodia, with Koh Kong serving as his first step. It was believed that Thaksin wanted to set up his casino and entertainment complex in Koh Kong and planned to develop Phnom Penh as a new tourist spot. Hun Sen, who shared close relations with Thaksin was keen to work with him on these projects.

On 27 June, the court ordered to halt any use of the 17 June 2008 cabinet resolution that endorsed the signing of the communiqué. Under Thai constitution, parliament has broad rights to assess whether a treaty has an impact on Thai territory and to see whether it would challenge any sovereign rights of Thailand. This provision had been created with intension to ambush Thaksin, who had signed Free Trade Agreements without legislative approval and Article 190 was used as a tool to harass Thaksin backed governments.

Throughout the year 2008, PAD demonstrations remained strong and they tasted their first major success, when Samak was forced to resign from the premiership on the ground that he violated Article 267 of the military-drafted Constitution of 2007 which prohibits Cabinet members from holding any position in partnership with a view of sharing profit or income.

[Chachalongpun 2010]

After Samak another Thaksin backed Prime Minister, Somchai Wongsawat, was caught up in the midst of a political face off with the PAD which accused him of being another proxy of Thaksin. On 7 October 2008, PAD followers blocked the Parliament entrances to prevent Somchai from delivering policy statement. But the crisis reached its apex when the PAD occupied Suvarnabhumi international airport from 25 November to December 2008. PAD took control of the two airports, when government ordered the Army to clear both the airports, Army Commander refused to obey the order by claiming neutrality. Military proposed its own initiative to resolve the conflict, which included a proposal for the PAD to withdraw, and the government to resign and declare new elections.

Later a backroom political deal between democrats and military resulted in an agreement to make Democrat Party leader Abhisit Vejjajiva Prime Minister. Abhisit Vejjajiva formed a coalition government with the help of Newin chidchob, who was earlier in Thaksin's party. However, Thaksin supporters regarded Abhisit's Premiership as illegitimate and repeatedly pressed him to dissolve Parliament and call for fresh elections. Under his Prime minister ship the relations between Cambodia and Thailand further deteriorated. His choice of Kasit Piromya as Foreign Minister made his administration a vulnerable target of pro- Thaksin supporters. Kasit was well known anti-Thaksin figure and sympathiser of the PAD and was a regular speaker at the PAD rallies. Cambodian issue has hit hard Kasit more than anyone, as he had earlier called Hun Sen, a gagster and used many derogatory words on talk show Khom Chut Leuk. This gave right opportunity to pro- Thaksin members of Parliament to question the Kasit's suitability as Foreign Minister.

After coming into power Abhisit Vejjajiva again raised nationalist feelings among Thai people by saying that the nomination of the temple of Preah Vihear was a unilateral decision and would be revoked in order to save Thai claim over the adjustment area surrounding the Preah Vihear temple. He therefore suggested a review of the World Heritage status of the contentious temple when the UNESCO committee met in Spain in late June 2011, pushing

Thailand further into conflict with Cambodia. The Abhisit government hoped to demonstrate that its nationalistic foreign policy was legitimate and based on national interest. Hence, the relations between Cambodia and Thailand kept on deteriorating under Abhisit's Prime Ministership some of the worst conflict took place at the border regions in 2011.

Chapter - 4

Role of International Court of Justice and ASEAN in Preah Vihear Dispute

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The case of sovereignty over the temple of Preah Vihear was submitted to the International Court of Justice {ICJ} in 1962. ICJ ruled that the temple of Preah Vihear belonged to Cambodia. However, they left ambiguity over the ownership of 4.6 sq Km surrounding the temple. To date Thailand and Cambodia still claim different boundary lines and different maps resulting overlapping claims. This did not deter them to strive for living in peace and to work for mutually acceptable boundary lines. In the year 2000, both the parties, Thailand and Cambodia decided to mitigate their old enmities and in 2000, Cambodia and Thailand signed a Memorandum of Understanding (MOU) that established the Joint Border Commission (JBC) to resolve overlapping territorial disputes.

The importance of tourism in their economies pushed Cambodia and Thailand to mitigate their fight over the temple of Preah Vihear and decided to work together for the development and maintenance of the temple for tourism. Hence, Thailand – Cambodian in “Joint cabinet retreat in 2003” agreed to jointly develop the temple of Preah Vihear. As a result, a “Joint Committee for Development of Preah Vihear Areas” was established and signed in Bangkok on 25 March 2004. Thailand, offered a way to Cambodians to reach the temple through its Isan province owing to inaccessibility from Cambodian side to reach the temple. This was a lucrative offer for Thailand too as its Isan province has many Khmer architectures. [Silverman 2011] This helped it to attract tourists to Isan province. Thus, in May 2004, the temple became a permanent border crossing with the establishment of a Joint Panel Administration. In the year 2007, the kingdom of Cambodia proposed the listing of Preah Vihear sanctuary as a World Heritage Site to the world heritage centre during the thirty- first Session of world heritage committee at Christchurch, New Zealand. This was accepted by the then military rulers of Thailand.

Finally, in 2008, a Joint Communiqué was signed to register the temple as a UNESCO World Heritage. Noppadom reached Thailand after attending a Joint communiqué in Paris on 22 May 2008, and was greeted by PAD {People alliance for democracy} nationalist at Bangkok

International Airport in July 2008. The resurgence of a largely forgotten Preah Vihear temple in 2008, would not have gained world attention, had it come a little early or during Thaksin's period. The listing of the Preah Vihear temple in World Heritage Site came up during political turmoil in Thai politics after the Military led 2006 coup that deposed Prime Minister Thaksin Shinawatra. Thai traditional-Power holders and nationalists People's Alliance for Democracy {PAD} used this issue to arouse nationalist sentiments against Cambodia and to topple Thaksin-backed Samak's Sundaravej's government. Hence the Preah Vihear issue became a way to achieve or snatch power from pro- Thaksin government to old power- holders.

Deterioration of Relations in 2008

The Joint Nomination for the temple of Preah Vihear was accepted during the ruling of the military Prime Minister, Surayud Chulanont in 2007. A statement from Thai Foreign Ministry under Prime Minister Surayud Chulanont on 28 June 2007 stated that Thailand had no objection to Preah Vihear temple being a World Heritage Site. Later, the Thai Prime Minister Samak Sundaravej supported the Cambodia's initiative to nominate the Preah Vihear temple in World culture site of UNESCO in 2008. However, this time the nomination led to widespread agitation in Thailand led by People Alliance for Democracy [PAD]. It seems that Samak Sundaravej was not interested in deteriorating relation with Cambodia, as Samak Sundaravej had always declared his loyalty towards Thaksin and followed his mercantilist foreign policies towards Cambodia. The conflict between the two countries started in July, 2008 after three Thai nationals had crossed the wire fence into Preah Vihear temple illegally and they were arrested by Cambodian police while crossing the border on July 15, 2008.

Giving in domestic pressure, Samak Sundaravej's government sent 100 black-clad troops into Cambodian territory to negotiate the release of the three people. At the same time, it also sent a number of troops to station at a Cambodian pagoda, Keo Sikha Kiri Svarak, claiming that the pagoda was situated within Thailand's territory. Cambodia also sent its troops into the area, accusing Thailand of violating Cambodia's sovereignty. [Leang, Chheang, 2008] This led to war like situation at the border.

On 18 July 2008, the Permanent representative of Cambodia at United Nations wrote to the president of United Nations Security Council, in which he complained about Thai incursion into Cambodian territory. The letter stated :

“On 15 July 2008 about 50 Thai soldiers crossed into Keo Sokha Kiri Svava pagoda located in Cambodia territory about 300 meters from the Preah Vihear Temple. By 16-17th July 2008 the number of Thai soldiers, in the pagoda grounds had increased to 480.”

[Letter From Permanent Representative of Cambodia to United Nations]

The Royal Embassy of Cambodia at Washington D.C further stated that even on this provocative act of stationing and increasing reinforcement of Thai soldiers on Cambodian territory, Samdech Hun Sen, Prime Minister of Cambodia had written to Samak Sundaravej, Prime Minister of Thailand on 17 July 2008 for easing the tension along the border and for the immediate withdrawal of Thai troops from the pagoda grounds. However, on 18 July 2008 in his reply letter to Hun Sen, Samak Sundaravej claimed that the pagoda was located on the territory of Thailand and that the presence of Cambodian residents and military personnel on the pagoda ground was a violation of Thailand's sovereignty . These exchanges only added fuel to the deteriorating relationship and there was fear that the two members of ASEAN may destabilise the stability of the region. [United Nations Report]

When Cambodia saw that bilateral negotiations were not working, it asked for an urgent meeting of the Security Council . However, the response from the Security Council at this point of conflict between Cambodia and Thailand, was lukewarm as the request for UN's intervention in the conflict had come from only one party. The other claimant, Thailand had maintained its desire to solve the bilateral dispute through bilateral talks as it was conscious of its disadvantage in raising the issue at the regional and international levels. Thailand's position of solving the issue bilaterally was supported by ASEAN as it had already shown its approval in the formation of Joint Border Commission. Thailand's stand was also supported by its main ally the US which agreed that the issue should be resolved at the bilateral level and there was no need for the Security Council to intervene.

Furthermore, Vietnam member of the ten-nation ASEAN (Association of South East Asian Nations of which both Cambodia and Thailand are members), was on the Council and persuaded other Security Council members that it was preferable to allow bilateral discussions to take priority. Cambodian government had not only tried UN and ASEAN platform to put pressure on Thailand, but it also engaged itself in encouraging representatives from the embassies of US, China, France and Vietnam to visit the disputed areas.

ASEAN as a Conflict Resolving Organisation

The Association of Southeast Asian Nations (ASEAN) was officially founded on 8th August 1967 through the Bangkok Declaration made by five countries: Indonesia, Malaysia, Thailand, the Philippines, and Singapore. The founders of ASEAN countries came together when Southeast Asia was undergoing communist insurgency and there were many disputes among them over the territorial sovereignty. The region was going through War-like situation owing to tensions between Singapore -Malaysia, and Malaysia - Indonesia and the march of communism posed the greatest danger of all Southeast Asian Countries. In 1949 Chinese Communist Party established their government in China and the Korean War (1950-1952) led to the division of Korea into the communist North and the pro-west South. Ho Chi Min opted communism as a way to gain independence for his country. [Singh, 2010]

Many of the countries of Southeast Asia who had newly achieved their independence in the post World War Two era, presented fertile ground for the growth of Communism. In addition to this, many countries in Southeast Asia were going through communist insurgencies such as the Federation of Malaya and the Philippines. While in Thailand, Indonesia and Singapore communist parties were gaining political clout. [Acharya 2001] In order to stop the spread of communism in their own territories, Malaysia, Singapore, Thailand and the Philippines allied with Western powers and led to the division of Southeast Asia into two unofficial blocs-communist and non- communist.

The war against Communist Vietnam also proved very expensive to America and death of many American people led to protest against American involvement in Vietnam War. Subsequently, American government came under pressure to withdraw their forces from Vietnam and in 1975, after the America's withdrawal, North Vietnam brought South Vietnam under its control which led to formation of United Vietnam under communist rule. There were similar communist victories in Laos and Cambodia. This created an opportunity for the founding members of ASEAN to forge solidarity stance against what they saw as an aggression by Vietnam on a smaller country like Cambodia. The unity shown by the members of ASEAN enhanced the image of this organisation, especially when finally the issue was resolved through the efforts of ASEAN. Thus, ASEAN organised a summit meeting of its leaders in Bali in 1976, and produced three treaties

- (a) The Treaty of Amity and Cooperation in Southeast Asia (TAC)

- (b) The Declaration of ASEAN Concord
- (c) The Establishment of the ASEAN Secretariat. [Amer 2008]

The document directly relevant for the prevention of possible aggression was the Treaty of Amity and Cooperation which enunciated the principle of non-interference in the internal affairs of other member states. The doctrine of non-interference was acceptable to all the ASEAN members as the primary sources of threat to the national security of the ASEAN states were from within the country. Southeast Asian countries suffered from weak state structures owing to lack of strong regime legitimacy and there were many contenders in power struggle within the country. ASEAN's doctrine of non-interference was an outcome of a collective pledge to the survival of its non-communist regimes against the threat of communist subversion. ASEAN's doctrine of non-interference has four main aspects.

- (a) Refraining from criticising the actions of a member government towards its own people, including violation of human rights, and from making the domestic political system of states and the political styles of governments a basis for deciding their membership in ASEAN.
- (b) Criticising the actions of states which were deemed to have breached the non-interference principal.
- (c) Denying recognition, sanctuary, or other forms of support to any rebel group seeking to destabilise or overthrow the government of a neighbouring state
- (d) Providing political support and material assistance to member states in their campaign against subversive and destabilising activities. [Acharya 2001]

Developments in Vietnam led to an exodus of refugees from South Vietnam called the "boat people" and arrived in large numbers in Malaysia, created security and health concerns. In 1979, the number of these refugees swelled to 166,000 and Malaysia was forced to relocate them on two offshore islands, Pulau Bidong and Pulau Besar. Later in 1979, Cambodian Crisis erupted due to the mass killing of Cambodians under the leadership of Pol Pot. When, the slaughter did not stop, Heng Samrin, one of the leaders of the Khmer Rouge asked for Vietnamese intervention. This led to the invasion of Cambodia by Vietnamese troops in 1979, which was opposed by three Cambodian resistance groups leading to the conflict along the border of Thai-Cambodia. Thailand and Malaysia faced the prospect of a direct military attack from the Vietnamese forces. [Singh, 2010]

ASEAN was relentless in condemning of Vietnam's invasion of Cambodia, called for the withdrawal of Vietnamese troops. ASEAN was well aware Vietnamese stay in Cambodia would bring China and Russia back into the region. There have emerged the two opinions within ASEAN members over how to deal with issue. One was diplomacy of accommodation and the minimum role of external powers proposed by Indonesia and Malaysia and was fully consistent with ASEAN's norm of regional solutions. Other was strategy of confrontation proposed by Thailand and Singapore. [Acharya 2001]

ASEAN raised the Cambodian issue internationally and owing to its relentless effort it succeeded in isolating Vietnam. Hanoi was deprived of access to international capital and aid, which led to Vietnam's complete dependence on the Soviet Union which was resented by the highly nationalistic Vietnamese. However, the tension between Vietnam and China kept deteriorating as China hoped to oust the Vietnamese regime from Phnom Penh, while Hanoi continued to held the view that its action in installing a puppet regime in Phnom Penh as irreversible. In this situation, ASEAN's persistence in finding a solution was helpful in breaking the diplomatic stalemate and the changing relationship among the USA, the Soviet Union and China also created favourable conditions for advancing the peace process. [Acharya 2001]

ASEAN could be justly credited for keeping alive the Cambodia conflict on the international meetings at a time when the international community had no interest in Southeast Asia and the solution to this problem came out of ASEAN's efforts without using force in dissolving the issue. This was great achievement for ASEAN's conflict resolving tendency.

ASEAN and Preah Vihear Issue

Again in 2008, the conflict took place between the two members of ASEAN, Cambodian government without any hesitation took the case to the United Nations Security Council. ASEAN became concerned over Cambodia's quick approach to Security Council as ASEAN knew that how the Thai-Cambodian conflict has been resolved will have impact on the image of ASEAN as both countries are members of this regional organisation. This is the first time that two members had fought an open war, thereby disturbing the political peace within ASEAN that has often been raised as its achievement.

However, when the case reached to ASEAN's table, no one seemed to have any idea about how to solve the dispute. ASEAN's have its long cherished policy of non interference in the internal affairs of the member states. Non - interference was long considered as a guarantee towards maintaining peaceful relations among members. The Chair of ASEAN showed anxiety over quick approach to UN by its member country. The foreign minister of Singapore said, "ASEAN Foreign Ministers are fully mindful that how this issue is handled will greatly affect ASEAN's credibility."

However, this concern could not do anything as the issue came to standstill owing to Thailand's continuous insistence on bilateral negotiations instead of initiative from Third party. Even after this, the issue over ASEAN role in the conflict was discussed time to time. The creation of ASEAN Charter in late 2008 and a border dispute settlement mechanism within it to settle the dispute among the members had raised the expectation that ASEAN might do something to resolve the conflict. Article 22 to 28 of Chapter VIII of the ASEAN Charter provides for dispute mechanism. [Wagener, 2011:34]

In the case, if a decision has been submitted to settle, the Secretary-General has the duty to supervise the task of implementation process. He has the responsibility to submit a report to the Summit. A member state which is affected by non-compliance with the order or decisions resulting from an ASEAN dispute settlement mechanism may forward the issue to the Summit for decision and the Summit will decide which measures should be taken to ensure respect for the decision. [Walter 2010]

However, the provision of involvement of High Level Task Force only on the request of conflicting party rendered it useless in the case of Cambodia and Thailand. After November 2009, the situation further got deteriorated between Hun Sen and Abhisit Vejjajiva after Cambodian Prime Minister Hun Sen, appointed former Prime Minister of Thailand, Thaksin Shinawatra as his economic advisor. The scope of ASEAN intervention became remote with Thailand sticking to its position of rejecting external interference in their bilateral issue.[Asia Report, 6 December 2011]

Outbreak of February, 2011 clash

The Thai nationalists made another provocative trip to Cambodia on 29 December 2010, through Thai border, it was generally believed that it was an attempt by PAD to revive the border issue to attract attention for a PAD rally scheduled for the next month.

On 29 December 2010, seven Thai people crossed into Cambodia's Banteay Meanchey province more than 200 km west of Preah Vihear. There are reasons to believe that suspected had government support. Among the group was a Democrat member of parliament, Panich Vikitsreth, Abhisit's friend and Kasit's former vice foreign minister. During the illegal crossing he was seen in a video recording telephoning to ask his secretary to deliver the message to Abhisit's office that they had crossed into Cambodia. Cambodian government gave them jail sentences for illegal entry, trespassing on a military area and espionage. [Asia Report N 215, 6 December 2011]

Another factor which remained cause of mistrust since 2009, was Cambodian civilian contractors had been building access roads to the temple through the contested 4.6 sq km as part of Cambodia's plan to link the site with Angkor Wat in Siem Reap. In late January 2011, the Thai military also began to build a connecting road towards the Kao Sikha Kiri Svava pagoda from Highway 221, which runs from the provincial capital Si Sa Ket to a border checkpoint west of the temple. [Asia Report N 215 , 6 December 2011] The exchange of fire took place from 4 February to 7 February, only 150 km from Preah Vihear, when, Hor Namhong of Cambodia and Kasit of Thailand were having ministerial-level Joint Commission meeting in Siem Reap. Cambodian Defence Minister Tea Banh was said to have called Defence Minister Prawit that day asking him to halt construction. Prawit responded that if the Thais were to stop, Cambodia would likewise need to cease construction of its access road.

After years of brinkmanship, it was difficult for either side to step back. During the phone conversation, Prawit received a report from the Thai military that its bulldozer was being fired upon with rifles and rocket- propelled grenades. The skirmish quickly escalated after heavy weapons began to be used. [Asia Report N 215 , 6 December 2011] Border skirmishes led to death of at least eight people and thousands were displaced. Although, Cambodia and Thailand authorities accused each other for initiating the war first. The clashes may have been prompted by rising tensions associated with the sentencing by a Cambodian court on 1st February of two members of a Thai nationalist movement to up to eight years in prison after finding them guilty of espionage.

Role of Military in Aggravating the Issue

The political climate in Thailand became volatile by 2011, as military and PAD played in Thai- Cambodian border issue and exploit it to maintain their existence in Thailand's politics. The PAD also engaged itself in street demonstration on Jan 25, 2011 to put up pressure on the Abhisit Vejjajiva government to submit to several frenzy demands like the ejection of Cambodians from overlapping border areas which they belief belongs to Thailand and to cancel the memorandum of understanding signed in 2000 with Cambodia on border demarcation negotiations. [Bangkok Post, 10 February 2011]

PAD also announced its intension to visit Thai soldiers and villagers in Kantharalak a border district in Thailand to boost Military morale and hand out aid supplies to villagers. However, PAD's unmindful action caused protests from Thai sides of border Villagers from Ban Phum Srol, who blamed Nationalist PAD to escalating war. The Key PAD leader Chamlong Srimuang, however, did not paid heed to the concerns of Thai villagers and said that they would not cancel the visit. PAD also planned to mobilize people and PAD supporters from bordering villages to join the rally to put pressure on Cambodia to release Thai prisoners.

Maj Gen Chamlong Srimuang, said "the alliance planned to raise the intensity of its anti-government rally near Government House after the Phnom Penh Municipal Court on Tuesday sentenced Thai Patriots Network coordinator Veera Somkhwamkid to eight years in jail and his secretary Ratree Pipatanapaiboon to six years for spying".

[The Bangkok Post, 3 February 2011]

The NGOs who were alleged to be monitoring clashes between the two countries near the disputed temple reported that around 30,000 people were displaced from both sides. Amnat Barlee, director of the Thai Red Cross's Relief and Community Health Bureau said that "15,000 people from the Thai side of the border had fled to makeshift shelters and other villages away from the range of fire." Cambodian Red Cross officials also estimate that the same numbers of people were also displaced from the Cambodian border area. Some of evacuees from the Thai side of the Phum Srol village came out holding banners for peace, these people were living in camps, were keen for peace to be restored and were critical of the trouble created by PAD. [The Bangkok Post, 10 February 2011]

Prime Minister of Thailand Abhisit Vejjajiva's failure to bring any effective resolution to the conflict had led to accusations against his policy of using a soft approach towards Cambodia. The People's Alliance for Democracy, known as 'Yellow Shirts', and the alliance supporters of the democratic government, also protested against Vejjajiva's inability to win the tussle to release the nationalist leaders who were arrested by Cambodia for illegally crossing the border. The People's Alliance for Democracy the royalist Yellow Shirts was working with the military to weaken the Abhisit government, apparently because the two parties were not happy with the prime minister's enthusiasm to call for an election. [Asia Sentinel, 10 February 2011] Some analysts said Abhisit was eager to call elections quickly as he was positive about winning the elections. In mid January he introduced welfare programmes announcing them on television he expected to gain popularity among voters. Situation had also changed over the year Thailand politics stabilised after a long period of protests by red-shirts and economy bounced back to growth trajectory. If he had postponed the election by the year end there was a chance that his opponents might had get upper hand in elections. [Hookway 2011]

The military was worried that this would diminish its role in politics considering that not too far back they have been playing an important role in Thailand's relations with the neighbouring countries but lost this prerogative to the Foreign Ministry in the 1990s following democratisation. With the fall of Thaksin following the 2006 military coup, the military succeeded in regaining its hold over making important decisions and sometimes it took totally different stand overruling the government's decision. With the coming of Abhisit Vejjajiva in politics they hoped that they would enjoy more favours from Abhisit as they had worked behind the scene to bring Democrats in power. But, to their surprise Abhisit insisted on cutting the military allocations. [Chambers 2010 : 15]

Another reason behind the recent prolonged armed conflict is that the dispute not only kept the military involved in politics but justified budget increases (including a recent THB1.80 billion (US\$59.3 million) for its operations along the Thai-Cambodian border [Busbarat 2011] Paul Chambers says that there is a good chance that violence along the Thai-Cambodian border will continue in the run-up to the elections and that this recent fighting could be an attempt by the Thai military to delay the upcoming Thai election, after which tensions could diminish since Thai politicians will no longer be campaigning through the use of anti-Cambodian rhetoric.

On 22 February 2011 Cambodia, Thailand and Indonesia met in Jakarta to find solution to the dispute. This meeting laid the groundwork for the first ever security monitoring mission from one member country to another under the ASEAN banner. The joint communiqué welcomed the “invitation by both Cambodia and Thailand for observers from Indonesia, current Chair of ASEAN , to observe the commitment by both sides to avoid further armed clashes between them.

Participants left with the understanding that Thailand had agreed to the deployment. However, when Thailand backtracked from its commitment to ASEAN by its foreign Minister Kasit Pirmoya, it brought out the disturbing power relations between Thai Civil – Military forces, It proved how Thai military is still dominate in decision making in Thai politics. General Songkitti objected the deployment of foreign observers as it is violation to Thai’s sovereign rights and said that the longstanding General Border Committee, chaired by Thai and Cambodian defence ministers, should be convened as planned in April to help the countries decide whether observers were wanted in the area.

However, Government spokesman Panitan Wattanayagorn denied split between the government and military view of the situation. There’s no change in position,” he said, adding that the GBC meeting would be held first to iron out details such as location and agenda before observers would be allowed in the territory. How much government deny military’s autocratic ways of taking decisions. This episode exposed how uncoordinated policymaking is with the prime minister, foreign minister, defence ministry, armed forces and army headquarters constantly contradicting each other. In the absence of a clear national policy, decisions seem to be made according to the interests of one group or another. With five separate headquarters in Bangkok, no secure email system and a paper-based bureaucracy, it is difficult for the Thai military to develop and coordinate border policy between the different elements responsible or involved.

Issue in the United Nations

Following the outbreak of fighting both countries informed to the president of the United Nations Security Council on 5 February. On 6 February 2011, Cambodia wrote to the Council president about Thailand's aggression and also requested to the council to deploy of U.N.

peacekeepers at the border. However, UN mentioned that its role would be limited to supporting bilateral efforts and regional efforts to negotiate an end to the conflict. [The Reuter, 15 February 2011]

Unlike in 2008 United Nations Security Council members were united this time in viewing the hostilities between Thai-Cambodian border as a threat to international security and took the responsibility to ease the tension on 7 February 2011. It also urged Cambodia and Thailand to show maximum restraint and avoid any action that may aggravate the situation. [The Reuter, 15 February 2011]

They also felt that it is important to allow Natalegawa's of Indonesia, who happened to be current Chair of ASEAN Organisation should lead mediation efforts between Cambodia and Thailand. The Council then decided to hold a private meeting that allowed the three non-members of Security Council to attend and speak without leaving a public record. This also meant no legally binding resolution would come out of the meeting. Some in the Thai foreign ministry felt that they were being punished by Russia, a member of United Nations Security Council, which was annoyed by the November 2010 extradition of Russian arms trader Victor Bout to the U.S. [Asia Report N215- 6 Dec 2011].

Security Council has taken new initiative in recent international security disputes. The Security Council often use Article 52 of the U.N. Charter to share burden and delegate responsibility to existing regional arrangements. Articles 52-53 of the U.N. Charter, the 1945 founding document, says that the world body has to work in collaboration with "existing regional arrangements" in the maintenance of peace and security. Hence, The African Union was asked for its help in Sudan problem, NATO in Kosovo and Afghanistan. ASEAN Chair was also called in the Security Council meeting to share the burden of maintaining peace and harmony. [Chongkittavorn, 14 Feb 2011].

It was ASEAN good luck to have Indonesia as its chair and Natalegawa was known and respected figure, he represented the Preah Vihear issue at Security Council. Natalegawa expressed the view to the Council that Cambodia and Thailand wanted to settle the dispute peacefully which is consistent with their ASEAN obligations. Secondly, the situation needs to be stabilised on the ground as the clashes demonstrated poor communications and different perceptions about what was taking place at other side of the border. To deal with the issue a

higher level of political commitment to the ceasefire was required. Thirdly, he said that we have all been here before especially over the debate about bilateral or international solutions. He emphasised that the border would be demarcated bilaterally with ASEAN facilitation and Council support. [Asia Report N215- 6 December 2011] Security Council, welcomed Indonesia's initiative to resolve the dispute and rejected Cambodia's plea for United Nations observer force at disputed site. Thailand also could not stop Council from taking up the issue.

The three foreign ministers went back to their respective countries and the ASEAN meeting was held in Jakarta on 22 February 2011. ASEAN Secretary-General Surin Pitsuwan said the 22 February meeting was historic, as the group's foreign ministers had never before discussed a conflict between two member states. Surin further said that this was not the first time that conflict between two member countries of ASEAN has gone to the United Nations. But, this time the United Nations passed the case back to ASEAN knowing that ASEAN has those conflict resolving mechanism already in the ASEAN Charter. [The Jakarta Post, 4 May 2011]

The objectives of the meeting of 22 February were threefold

- 1 To encourage the parties to commit to peaceful settlement of the dispute using the ASEAN Charter and TAC.
- 2 To ensure respect for the ceasefire and create the environment for resumption of negotiations and was decided that Cambodia and Thailand would stop fighting.
- 3 Indonesia would send observers the two countries would resume bilateral negotiations; and Indonesia would continue to play a facilitating role. [Asia Report N215- 6 December 2011]

The new ASEAN Charter allows the disputing parties to request the Chairman of ASEAN or the Secretary-General of ASEAN to provide good offices, conciliation.[East Asia Forum 1March 2011] Thus, ASEAN Charter gave Natalegawa the cover to push the disputing parties to settle their differences. However, ASEAN's new role made many member countries uncomfortable. The absence of five Foreign Ministers from 22 February meeting, had proved that many ASEAN member countries were not comfortable with the new interventionist procedure. Natalegawa himself later noted that ASEAN's new role made some member countries uncomfortable.

However, after the meeting Kasit (Foreign Minister of Thailand) told Thai journalist that Indonesian observers would be invited to the disputed border region. Subsequently, a series of meetings took place between Cambodia and Thailand under Indonesia's mediation. The three countries started negotiating the terms of reference for the observer mission. Thailand requested that the observers be designated a "survey team" rather than "observer team" and observer team should not wear uniforms or carry military insignia and the soldiers be accredited as "diplomats" to their respective Indonesian missions. Three locations in Cambodia and four locations in Thailand were chosen as area of coverage. Cambodia accepted each of the seven changes proposed by Thailand within 24 hours. However, the talks further came to deadlock when Thailand demanded Cambodia should withdraw its troops unilaterally before observers could be deployed.

Thai military also showed its dislike over Indonesian presence in their border region and they strongly opposed Bogor in Indonesia as a venue for the military-led GBC meeting in March and the session was postponed indefinitely. The Thai army commander, General Prayuth, said his senior officers don't want the meeting to be held in a third country and soldiers of the two countries are very close to each other. Talks should be between soldiers of the two countries only, and a third party should not be involved.

Case at ICJ's table

Frustrated by the lack of progress, on April 28, 2011, Cambodia brought the case back to the ICJ [International Court of Justice] requesting a clarification of the 1962 decision. Hun Sen's government asked the ICJ for an interpretation of unclear passages of its 1962 verdict especially the status of the 4.6 km² area surrounding the Preah Vihear complex. As a difference of views appeared between them on the meaning or scope of the 1962 Judgement, particularly on the meaning and scope of the phrase "vicinity on Cambodian territory."

Cambodia also requested for an immediate and unconditional withdrawal of all Thai forces from those parts of Cambodian territory, a ban on all military activity by Thailand in the area of the Temple of Preah Vihear. [International Court of Justice No. 2011/20 ,7 July 2011]

This time also Thailand objected over the ICJ jurisdiction involvement in the dispute.[Touch, 2009] However, the Court rejected Thailand's argument that it had no jurisdictions and argued that Court has the power under its Statute "to indicate measures that are in whole or

in part independent to the requested measures of the conflicting party and it can also act “independently of the parties’ requests, to indicate provisional measures with a view to preventing the aggravation or extension of the dispute. Whenever it considers that the circumstances so require.

Having considered the terms of the provisional measures requested by Cambodia, the Court indicated that the judgement may bring some clarity to the ICJ Judgment. But, its scope may not be broad enough to deal effectively with the full extent of the current border dispute between Cambodia and Thailand. [International Court of Justice No. 2011/20 ,7 July 2011]

Having analysed the material, the Court reached over the decision that

- 1 The area of the Temple of Preah Vihear has been the scene of armed clashes between the Parties and in order to prevent irreversible damage to the temple, both countries (Cambodia and Thailand) shall withdraw all military personnel currently present in the zone and refrain from any armed activity directed at the said zone.
- 2 The Court further stated that “both countries should continue the co-operation and allow the observers appointed by ASEAN to have access to the provisional demilitarized zone”.
- 3 The Court said that Thailand must give Cambodia free access to the Temple and must be able to provide fresh supplies to its non-military personnel. Thailand must therefore take all necessary measures in order not to obstruct such free and uninterrupted access.
- 4 Finally, the Court underlines that its orders “on provisional measures under Article 41 [of its Statute] have binding effect” and that they therefore create “international legal obligations with which both Parties are required to comply. [International Court of Justice 18 July 2011]

Immediately after the ICJ meeting in the Hague, Thai Minister of Foreign Affairs Kasit Piromya said that the International Court of Justice (ICJ) rulings was in favour of Thailand’s demand as the court turned down Cambodia’s demand for a unilateral Thai withdrawal and ruled to hold bilateral talks under the existing cooperation frameworks. Kasit said Thailand had demanded Cambodia withdrawal of its troops from Preah Vihear and Court judgement was in the line of Thailand request. Hence, the ICJ ruling was victory of Thailand over Cambodia. [Chachavalpongpun, 20 July 2011, The Nation].

However, it is interesting to note that Court did not render ruling over Cambodia's request to re-interpretation of 1962 judgement, which Court postponed to a later date. Abhisit Vejjajiva left the implementation of Court's order to the next government. After the 3 July 2011 elections Yingluck Shinawatra [Younger sister of Thaksin Shinawatra] came into power. ASEAN Regional Forum, the only forum within the framework of ASEAN that can discuss the security concerns of region also requested to Cambodia and Thailand to follow ICJ orders.[Thai news, 23 July 2011] However, her first period of Prime Ministership saw worst flood situation in Bangkok region. Even in December 2011, both countries have failed to follow International Court of Justice order to establish a provisional demilitarised zone of approximately 17.3 km including the Preah Vihear temple. [Wagener, 2011]

ASEAN's failure at Resolving the Issue

The belligerent behaviour of Thai-Cambodian conflict has put a question mark on ASEAN's capability and also sets a dangerous precedent for other members to overrule ASEAN norms of behaviour in dealing with intra-regional disputes. The Preah Vihear dispute has exposed that ASEAN has made progress in creating an economic trading block and culture front, but, has failed as political one. After November 2009, the situation further got deteriorated between Hun Sen and Abhisit Vejjajiva after Cambodian Prime Minister Hun Sen appointed Thaksin Shinawatra as his economic advisor. The scope of ASEAN intervention has further been shattered by Thailand. Thailand also appeared to be more open with idea of rejecting ASEAN's leadership for internal gains.

When the case reached at the ASEAN table, ASEAN could do much owing to its non – interference policy and any resolution to Thai-Cambodian conflict out of ASEAN Summit became impossible due to domestic factors in both countries. Although, stalemate in negotiation came mainly from Thailand's political instability, however, there were accusations that the Cambodian prime minister Hun Sen was using the conflict to avert nationalistic attention from domestic problems such as mass land evictions and recent and forthcoming laws that erode civil liberties or to bolster the military credentials of his son and

heir in waiting, Hun Manet, who was recently promoted to two-star general and who is said to be taking charge of troops at the border.

It is the combination of these irritants which had resulted both governments less desire to ease the tensions. There were mutual accusations between Cambodia and Thailand for initiating the conflict first. Thus, the issue appeared as long as there was no change in Government and this had left little room for ASEAN to dissolve the issue. [The Pnom Penh Post, 19 July 2012] The arrival of Yingluck Shinawatra has raised the expectations of the ASEAN member countries as Yingluck seemed to enjoy enough political stability to gradually push forward toward the introduction of border observers.

Conclusion

Conclusion

The temple of Preah Vihear holds an important place in the bilateral relations of Cambodia and Thailand. The 11th century temple is located on the Dangrek escarpment contested by Thailand and Cambodia. The temple has been a cause of friction and a cause of bitter conflict between Thailand and Cambodia. Since 1940s these two countries have clashed off and on over Preah Vihear temple. Although, the issue of Preah Vihear began with “1907 Franco-Siamese treaty” while , the acrimony and mistrust between these two countries has a longer history then that. After the fall of Khmerian Empire in 1431AD, Cambodia became a vassal state of Thailand. However, it continued to resist the Thai dominance over it and in order to save its independence Cambodia accepted French protectorate over it. After the French established its protectorate over Cambodia, Thailand also suffered Cambodia’s fate. It was forced to give up its many territories to France under the threat of attack for this it held Cambodia responsible for conniving with the colonial power.

Some scholars claim that until the end of sixteenth century Thailand had not considered Cambodia and Thailand as a separate nation owing to same religion, culture and customs. Both countries used same language and believed themselves as righteous successors of Khmerian heritage. Thailand could not be blamed for such perception because division between nations on the basis of border was European concept, for Asian nations when a king occupies a territory, its subject automatically becomes part of its nation, its territories extents to the areas where its subjects reside. Owing to Thailand’s control over Cambodia for many centuries, instead of seeing itself as an aggressor Thailand saw Cambodian invitation to France as treacherous and detrimental to Thai people.

Present Cambodian and Thailand boundary maps were drawn in 1907, France and Siam [Thailand] agreed that boundary line between Cambodia and Thailand would follow watershed. However, technical error in map had put Preah Vihear in Cambodian territory. Thai authorities did not object over map showing Preah Vihear in Cambodian territories until the Second World War. The Japanese rise as the world power had wetted the Thai desire to overthrow European countries. Phibun was also well aware that once Western countries are out of Indochina, Japan would take over Western colonies. Hence, the Thai army invaded North-western Cambodia in 1941 and after fierce fighting it took control over Preah Vihear temple.

The enmity between these two countries have historical reasons, however, the developments that took place during the cold world war have led to the origin of Preah Vihear issue. After the end of Second World War, Preah Vihear temple was returned to France only to be re-occupied by Thailand in 1949 as the French government was busy holding its other colonies in Indochina, so it could not paid attention to Preah Vihear. After, Cambodia's independence in 1953 its Prime Minister Norodom Sihanouk perused the Preah Vihear issue. However, in the aftermath, of World War II, the world got divided into two camps- anti- communist and pro-communist. Thailand and Cambodian governments responded to the changing world scenario in different ways in keeping with their perceptions of what was best for their respective countries. After Phibun's returned as Prime Minister, his government adopted pro-west tone and became a founding member of the Southeast Asia Treaty Organization (SEATO) in 1954. Cambodia followed neutral foreign policy while maintaining close relations with China, Thailand saw their alliance directed against it and relations got further deteriorated. The issue remained unresolved until International court of Justice put Preah Vihear in Cambodian territory.

Meanwhile, Thailand was going through domestic political upheavals, in 1957 General Field Marshall Sarit Thanarat led military coup against Phibun Songkram and to legitimate his government he took the support of Monarchy. Monarchy- military alliance took control over Thai politics at the cost of development of democracy. Anti-communist rhetoric also helped military to dominate foreign policy while dealing with its neighbouring countries. Monarchy under Sarit's Prime Ministership assumed a quasi-Divine figure and kept king out of criticism by laws of lese majeste. At this stage, he did not use Preah Vihear issue to further his domestic needs.

However, in 1962, International court of Justice gave ruling in favour of Cambodia, this incident led protest march all over the Thailand. The leaders blamed France for influencing the decision in favour of Cambodia. This incident must have reminded them how France had taken back Cambodian territories after the world war Second and this time also France has played role to influencing the decision of Judges in favour of Cambodia. Sarit lit the fire of nationalism among the Thais by underlining the temple was stolen by the Cambodians. Thailand embarked on re-writing the history in which Cambodia was shown in bad light. Similarly, Cambodia has reconstructed its history to invalidate the Thai claim. Owing to

historical problems between them and different ideology that they followed during cold war dissident groups of one country easily got shelter in other countries further adding fuel to fire. Even after this historic legacy of hatred and mistrust there is desire among many political leaders to improve the relations between them. The trade relations between these two countries started as soon as 1970s when the identities were flexible. During Khmer rouge period trade between these two countries came to standstill. Later, the border trade was opened in 1979 in which Thai military played a major role, their desire to earn more benefits from Cambodia had only led to mistrust. Prominent change in Thai foreign policy came after Chatichai Choonhavan became Prime Minister of Thailand in 1988 he changed Thai foreign policy from security issues to economic understanding and border trade came under direct control of centre authority.

Later, in 2001 telecommunications tycoon, Thaksin Shinawatra came to power. Being a shrewd businessman and a politician, he observed that bilateral relations with Cambodia would work well if the relations concentrated on mutually beneficial economic and trade benefits. He knew that many politicians in Cambodian politics have business background, this would help improve relations between the two governments. Thaksin wanted to make Thailand regional hub in food, fashion, automobiles etc for this he maintained close relations with the heads of neighbouring countries, but, while dealing with them he mixed up nation's interest with his own interest and multiplied his family business. Thaksin also challenged military dominance in foreign relations by giving more importance to economic relation than security issues with neighbouring countries. Owing to his popularity among masses Thaksin assumed a position just below the palace, but above the military. Thai military could not do anything against Thaksin as people favoured Thaksin's domestic policies as well as increasing trade relations with neighbouring countries.

Hence, military waited for right time that was provided by Thaksin himself. Thaksin undermined the 1997 Constitution by delaying the selection process of independent institutions. By the middle of 2005, anti-Thaksin force came together which included military, Democrat Party (DP), the urban middle class under the leadership of Sondhi Limthongkul a media tycoon. According to Kooning and Krujit there are three conditions which favoured military coup in Thailand.

1 The birthright principle

2 The civilian incompetence

3 The military competence

Thaksin's methodology of doing things, like killing of many innocent people extra-judicially in the name of controlling drug addiction created more foe than friends. Many non-government organisations and intellectual came forward against him and he was also charged with the most serious accusation in Thailand "disrespect of Monarchy". All these accusations set conditions for military coup, at least above last two conditions were present before military coup, namely - civilian incompetence and military competence. Thus, Military led coup against Thaksin on 19 September 2006 was in the response of year long unrest in Thailand which had the support of monarchy.

People expected that the military led coup would bring end to the yearlong demonstrations. However, result came out different, Thailand got divided into two sections- anti- Thaksin and pro- Thaksin. The anti-Thaksin, People Alliance for Democracy [PAD] and military involved themselves to defeat Thaksin backed parties in elections, Military and PAD asked masses to vote for the opposition Party in the name of Monarchy. However, the victory of pro- Thaksin party brought humiliation to Sacred Monarchy. Thai Monarchy has become the topic of discussion and speculation among international scholars. Many international or national scholars came out with their intellectual work holding Monarchy equally responsible of Thai political unrest. In the name of protecting Monarchy from Thaksin, PAD and Military themselves brought indignation to sacred and highly reversed institution of Thai monarchy, which is considered as the most stable pillar of Thai society and in the process Thai military brought danger to its own source of legitimacy.

In 2007 Samak Sundaravej pro -Thaksin (People's Power Party) government came into power. After coming into office Samak followed Thaksin's footsteps in foreign relations with neighbouring countries and made his first trip to Cambodia after election win. Samak agreed to Hun Sen's proposal to the nomination of Preah Vihear temple in UNESCO's World Heritage Site. This was a part of Thaksin's foreign policy, in which economic gains have been given more importance than emotional issues, as the nomination was supposed to bring tourism revenue for Cambodia and Thailand. Samak was also trying to bring amendments in the Constitution amidst Sondhi Limthongkul's threat to launch protest against any Constitution amendment. However, Sondhi could not gather much support as many people felt that there is a need to bring some amendments in the constitution. Sondhi Limthongkul was in a need of an emotive issue to carry his protests and for him this much awaited

opportunity came in May 2008, when Samak's government supported Cambodia's nomination of the Preah Vihear temple. This gave an opportunity to royalist PAD and the opposition Democrat Party to politicise the Preah Vihear issue. PAD alleged that Samak's government agreed to Preah Vihear nomination in World Heritage site in exchange of Thaksin getting lucrative business brownies in Cambodia. PAD also announced that the nomination of the temple would undermine Thailand's claim over the disputed territory surrounding the temple. These misrepresentation of facts enabled opposition party in mobilising large section of Thai people.

As a result, Samak came under pressure to redirect the public attention from his government to border conflict with Cambodia. The Confrontation between the two countries became unavoidable when three Thai nationals crossed the wire fence to enter temple illegally in Cambodian territory and got arrested while doing so. In order to save his government, which had come under intense fire from all opposition sides, Samak sent 100 black-clad troops into Cambodian territory to discuss the release of the three Thai nationals. At the same time, Thai military occupied the Cambodian pagoda, Keo Sikha Kiri Svarak, which they considered situated within their territory. In retaliation Cambodia also deployed its troops in border area. Subsequently, both countries increased the number of soldiers, creating fearful and tense atmosphere along the border. One thing was sure if the domestic factors were not so pressing, Thailand might not have opted for sending army for negotiation and might have avoided the situation from going viral. Samak, has succeeded in saving his government on Preah Vihear issue, but, he could not save his government for long, he was later forced to resign for appearing on TV show for profit purpose.

PAD led protests had succeeded in destabilising two Thaksin backed governments. Later, in December 2008 elections, military and PAD helped Abhisit Vejjajiva [Democrat Party] to form government. When, Abhisit was in opposition, PAD and Abhisit had same views on many issues and believed that nomination might dissolve their claim over adjustment area near Preah Vihear temple. After coming into power he revived the same issue and announced to reverse the unilateral declaration of Preah Vihear temple as World Heritage Site. In December 2010 some Thai nationalist made another provocative act of crossing Cambodian border. It was believed that nationalist had government support. Subsequently, when the war between Cambodia and Thailand broke out on 4 February 2011 the conflict gave support to Abhisit's claim that July 2008 nomination of Preah Vihear has led to escalation of the

conflict between two countries. Hence, the revocation of Preah Vihear temple is in interest of both nations.

By the starting of 2011, PAD changed its target and led demonstration against Abhisit government as PAD was not happy with Abhisit's effort to bring resolution to the conflict. PAD has also been working with military as they both had problem with Abhisit's early call for elections. After 2006 coup, military extended their sphere of influence in different areas, military budgets has increased many fold and became more independent of civil scrutiny. They had been trying constantly to postpone elections. Hence, they picked border conflict with Cambodia to show people that situation at the border is serious and election could be postponed to later date. It appears that domestic disturbance and political gains at home has been in the mind of decision makers, while taking the strict action against neighbouring country. It is quite interesting to note from the above observations that military in general and PAD in particular has played centre role in making and breaking of the four government heads [including Thaksin] and escalation of border conflict between Cambodia and Thailand. Thus, it proves my hypothesis that domestic pressure in Thailand has been the main force leading to escalation of Preah Vihear dispute between two countries. This has also been proved throughout my third chapter.

Cambodia had also exploited the issue over Preah Vihear as Cambodian Prime Minister Hun Sen has been facing some serious discontentment against its government before nomination of Preah Vihear temple. The Cambodian Prime Minister was fortunate as the tensions timed to coincide with election campaign. Hun Sen had so far been successful in maintaining a very high GDP growth [Gross domestic Product] approximately 11 % annual growth since 2005 and which lasted till the coming up of global recession in the beginning of 2008. With the coming of global recession, inflation in Cambodia rose to 26% from previous year, which was fuelled by oil prices, rising domestic demand and the rice crisis. Rice prices peaked at 50% higher in November than at the start of the 2008 and brought hardship for the two-thirds majority of rural Cambodians. Another area of anger over Cambodian government was on the issues of forced evictions of people from their land. People were evacuated in large numbers from the regions like Phnom Penh, Kampot, Koh Kong, and Ratanakiri which led to protests as these lands were evacuated to open firms by private business tycoons.

Amidst of these entire crises, the nomination of the temple of Preah Vihear in the United Nations Educational, Scientific, and Cultural Organization's (UNESCO) World Heritage Site list gave Hun Sen an opportunity to divert Cambodians mind from its government's atrocities to its achievement. One thing is very clear if Thailand had not politicised the nomination of Preah Vihear he might had not been successful in arousing such a strong nationalism. The nomination of temple in UNESCO came in early July, during the election campaign period, in celebration, the government sponsored programmes were broadcast across Cambodia on the state media, and people came out in large numbers to celebrate the nomination. The occasion was very special as Cambodian has long suffered humiliation in the hands of foreign powers and the occasion like this appears to be rare in Cambodian people live. Hun Sen emerged as strong leader and his party, People's Party won 58% of votes. After a brief fight over the temple of Preah Vihear in October 2008, Cambodian government has maintained low profile.

Every rational person in Cambodian government and its military force knew that if there is full scale war, Cambodia is no match for Thailand. Cambodian military was well aware of the situation, they knew if war breaks out there would be supply problems, as all the supplies might have to be deliver through helicopters, which Cambodia lacked. Hence, the army avoid any action that would blow into full fledged war, while using border skirmishes to further government interests. Secondly, Hun Sen's harsh wording against Thai Prime Minister Abhisit Vejjajiva would not had come if he did not realise that Thaksin Shinawatra still commends loyalty and support of rural people. After 2006 military coup two pro- Thaksin leaders fought election in the name of Thaksin and became Prime Ministers of Thailand. This gave good reason for him to stand on the side of Thaksin.

Thailand's domestic unrest gave Hun Sen an opportunity to muddle in more powerful neighbour or a traditional enemy which had in the past took full advantage of Cambodian's domestic upheavals and used fractions to further their countries interests. This was rare chance for Hun Sen and for Cambodia to pay back, the feeling of agony when external power interferes in their domestic affairs. Hun Sen interfered in Thailand's domestic politics when he appointed Thaksin his economic advisor in late 2009 and thereafter provided sanctuary to many UDD [United Front for Democracy Against Dictatorship] leaders who fled to Cambodia after military crackdown on its members to escape arrest by Thai authorities.

In the beginning of 2011, the Thai Cambodian military involved in the war which was so far the most severe in intensity and number of deaths. This time also Cambodian Prime Minister seemed to using the issue to gather international support by presenting Thailand as an aggressor. He might have thought this would change international perspective and Abhisit might not succeed in revoking Preah Vihear temple nomination from World Heritage Site. Secondly, the most plausible reason behind internationalisation of Preah Vihear issue was Cambodia's strong case over the temple and its great chances of win. If the result comes in Cambodia's favour, all credit would go Hun Sen's capable leadership. There were speculations that Hun Sen was using conflicts at the border to promote his son Hun Manet as his successor. Major General Hun Manet, was one of the key commanders overseeing operations along the border and had rapidly moved up the ranks of the Cambodian army. These observations also prove my second hypothesis that Prime Minister Hun Sen has been using Preah Vihear issue for asserting Cambodian identity, which has already been proved in my third and forth chapter.

The internationalization of Preah issue has challenged the ASEAN credibility to solve the problem between its two members. Although, ASEAN was willing to take initiative to resolve the conflict, Indonesia even offered to send peace force under ASEAN. However, Thailand's ultra –nationalist stance of not letting any third country in resolving bilateral relations had complicated the situation and set a dangerous precedent of overruling ASEAN's initiative for domestic interest. Cambodia's quick approach to United Nations Security Council gave impression that ASEAN is not capable of solving problem owing to its non-interference policy. ASEAN also seemed helpless when most of its effort to resolve the issue between Cambodia and Thailand ended with mutual accusation between two governments. ASEAN seemed to be handicapped by its own principles and this has definitely put question mark on ASEAN as one political organisation.

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