Introduction
Preah Vihear temple is a Khmer Hindu temple, dedicated to the Hindu deity Shiva, situated atop a 525-meter cliff in the Dângrêk Mountains in Svay Chrum village, Kan Tout commune, Choam Khssant district, Preah Vihear province of the Kingdom of Cambodia (“Cambodia”) – adjoining the Thai border. This fact sheet explores the history of the dispute between Cambodia and Thailand over Preah Vihear temple and surrounding areas, the 1962 ICJ judgment and its 18 July 2011 interpretation, and the implications of the recent Thai elections on the simmering border conflict. This fact sheet is written by the Cambodian Center for Human Rights (“CCHR”), a non-aligned, independent, non-governmental organization that works to promote and protect democracy and respect for human rights – primarily civil and political rights – throughout Cambodia.

ICJ: 1962 judgment
The dispute over the territory has its roots in a series of demarcation agreements concluded during the period 1904-1908 between France and Thailand. When Cambodia gained its independence from France in 1954, Thailand occupied Preah Vihear temple. On 6 October 1959, newly-independent Cambodia initiated proceedings at the ICJ in an attempt to exercise sovereignty over Preah Vihear temple. The ICJ found in favor of Cambodia, issuing its judgment on 15 June 1962. The ICJ stated that Thailand was under an obligation to withdraw any military, police forces, and other guards or keepers stationed at Preah Vihear temple or in its vicinity on Cambodian territory. Thailand contested the 1962 ICJ judgment and reserved the right to request a revision of the ruling as allowed by Article 61 of the Statute of the Court within ten years of the ruling; however, perhaps surprisingly, an official application for revision was not submitted by Thailand within this period.

Preah Vihear temple gains World Heritage status
In 2007 Cambodia announced its intention to register Preah Vihear temple for World Heritage status by the United Nations Educational, Scientific and Cultural Organization (“UNESCO”). Thailand did not oppose the application, but stressed that it must not affect the disputed borderline. Both Cambodia and Thailand agreed that Preah Vihear temple had “outstanding universal value” and should be inscribed on the World Heritage List. However, Thai opposition parties attacked Thailand’s support for the application, resulting in the Thai government’s withdrawal of its formal support. Nevertheless, Cambodia proceeded with its application unilaterally despite Thai objections. On 7 July 2008 the World Heritage Committee of UNESCO inscribed Preah Vihear temple on the World Heritage List, despite official protests from Thailand. UNESCO noted: “[t]he site is particularly well preserved, mainly due to its remote location. It is exceptional for the quality of its architecture, which is adapted to the natural environment and the religious function of the Temple, as well as for the exceptional quality of its carved stone ornamentation”.

The dispute turns violent
From October 2008 border clashes between Cambodian and Thai forces escalated, with ceasefires lasting only until the eruption of the next bout of fighting. In April 2009 Preah Vihear temple was damaged and
there were reported fatalities during fighting between the two countries. There was sustained fighting at and around Preah Vihear temple for several days in February 2011, with Thailand admitting to using “Dual-Purpose Improved Conventional Munitions” (commonly referred to as “cluster munitions”), resulting in casualties and large displacements of villagers on both sides, and damage to the temple itself. On 22 April 2011 hostilities resumed around the Ta Moan and Ta Krabey temple complexes – around 150km west of Preah Vihear temple (and about 15km apart) – and lasted for several days. Since 2008 the conflict has reportedly caused 29 military fatalities and displaced as many as 85,000 civilians on either side of the border. However, in the absence of independent observers, it has proven impossible to determine the truth behind the accounts and accusations submitted by both sides. A ceasefire resumed on 4 May 2011.

ICJ: “take two”
On 28 April 2011 Cambodia filed an application with the ICJ, urgently requesting an interpretation of the 1962 ICJ judgment and the indication of provisional measures, in an attempt to resolve the conflict for good and preserve Preah Vihear temple after the recent fighting. After hearing submissions from both Cambodia and Thailand, the ICJ indicated provisional measures on 18 July 2011: both countries were ordered to withdraw their troops permanently from a provisional demilitarized zone and to allow neutral third party (Indonesian) observers to have access to the demilitarized zone, while Thailand must respect Cambodia’s free access to Preah Vihear temple. The ICJ’s interpretation of its 1962 judgment is still pending.

Relevance of recent Thai elections to the dispute
On 3 July 2011 Thailand’s opposition Pheu Thai Party won a landslide election victory, with Pheu Thai’s leader, Ms Yingluck Shinawatra, sworn in as the new Prime Minister on 10 August 2011. Ms Shinawatra is the youngest sister of former Thai Prime Minister Thaksin Shinawatra, who, in 2009 and 2010, served as a special economic advisor to Cambodia’s Prime Minister Hun Sen. While the outgoing Prime Minister remarked that he would not comply with the ICJ order to remove troops unless talks were held between the two countries, analysts believe that the election of a pro-Thaksin government in Bangkok will reset the Cambodian-Thai relationship and mollify the hostility that has underpinned it since 2008. Cambodian Foreign Minister Hor Nam Hong said of Pheu Thai’s landslide victory: “It’s true, we can’t hide that we are happy with the victory by Pheu Thai Party in Bangkok”, while Hun Sen remarked that a Pheu Thai government will mark “a new era of cooperation”.

Conclusion
It appears that a new era has indeed begun, with military commanders from both Cambodia and Thailand due to take part in negotiations on 24-25 August – under a new “Regional Border Committee” – to discuss troop withdrawals from the area around Preah Vihear temple. In addition, on 15 August 2011, the 21st Brigade of the Royal Cambodian Armed Forces Division 2 became the latest unit to withdraw from the Thai-Cambodian border near Preah Vihear temple, with three more scheduled to withdraw within the week. While these actions and the ICJ’s indication of provisional measures is to be welcomed for putting an end to disagreement over Preah Vihear temple itself, a more decisive and permanent solution needs to be settled upon regarding the remainder of the border. There is a pressing need for the entire Cambodian-Thai border to be properly mapped – as it being currently being done with the borders shared by Cambodia, Laos and Vietnam – which will require the mutual co-operation of both sides. It is hoped that the Royal Government of Cambodia and its newly-elected counterparts will work together in order to find a peaceful and lasting resolution to the border dispute that will afford ordinary citizens living in the area peace and security and put an end to the violent clashes.

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