

ASEAN adrift in Thai-Cambodian conflict

By Ou Virak

PHNOM PENH - Two series of clashes between Thailand and Cambodia over disputed temples and territories along their shared border have left 29 soldiers dead this year while as many as 85,000 civilians have been displaced on either side of the border since hostilities resumed on April 22. The shots and words exchanged over the border and the apparent reluctance of either side to resolve the situation have bankrupted both governments of any moral authority on the issue.

Against this background, the meeting this weekend of the leaders of the Association of Southeast Asian Nations (ASEAN) represents an opportunity for that organization to do as the Thai and Cambodian governments have failed and to put people before

politics by pushing concrete measures to end the human suffering caused by the ongoing clashes.

Theories abound as to the motivations for these clashes with many commentators concluding that their proximity to elections in Thailand indicate that they serve some internal political end for the Thai government of Abhisit Vejjajiva or some renegade nationalist military generals.

Others argue that the clashes are designed by Cambodian prime minister Hun Sen to rally nationalistic sentiment in an attempt to avert 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.

Whatever the cause - and it may be that it is a combination of these factors - both governments appear less inclined to resolve the issue and ease tensions than they are with stoking them. For every ceasefire broken in recent days, either side has offered an explanation as to how the other side is to blame. Of even greater concern are the accusations being leveled by each side as to the other's use of illegal and disproportionately harmful weapons and tactics employed throughout the hostilities.

Thai sources accuse Cambodia of using heavy artillery and rocket launchers, using the temples as military bases and civilians as human shields to escalate the conflict in order to justify international intervention and condemnation of Thailand. Cambodia has claimed that Thai aircraft overflew its territory and that the Thai military has used disproportionately harmful weapons such as shells loaded with poisonous gases and cluster munitions, which leave a lasting legacy by releasing bomblets over a large geographical area. Cluster munitions often fail to explode on impact and are capable of exploding at a later date.

Thailand has not admitted to the use of cluster munitions in the recent conflict. However, based on two separate on-site investigations in Svay Chrum Village, Sen Chey Village and around the Preah Vihear temple after clashes in February 2011, the United Kingdom-based Cluster Mmunition Coalition concluded, and Thai officials subsequently confirmed, that Thailand used cluster munitions during the earlier conflict.

While there is no current evidence to suggest that Thailand - which provides electricity to much of the western parts of Cambodia - is responsible for three power failures that have occurred during the recent conflict, comments made by Thailand's energy minister and Provincial Electricity Authority governor to date suggest that the decision to cut the electricity supply is still being discussed and has not been discounted.

It is difficult to verify the accusations made by either country, including determining which country is

responsible for the continual violation of ceasefires, as third party observers have been unable to access the area. The very fact that these accusations are being made means that this is a dirty war either in deeds or in words - ie in the conduct of the parties to conflict or their characterization of it.

At the very best, both sides are bereft of any bona fides in the manner in which they portray these clashes and the tactics being used by the other side and are looking to mislead audiences at home and abroad. At worst, one or both sides may be guilty of acting in violation of international humanitarian law by using tactics and weapons that cause harm to civilians or which result in damage to cultural property.

The recent application by the Cambodian government for a ruling by the International Court of Justice on the ownership of land adjoining the temple at Preah Vihear may contribute to a final resolution to the issue of ownership of the land in question. In the short term, however, the move is less likely to ease tensions between the countries than it is to stoke them.

Reports in recent days that the Thai and Cambodian governments are allowing civilians to return to border areas before a satisfactory resolution is negotiated underlines the fact that the people along the border are of less concern to both governments than the politics associated with it.

When ASEAN leaders meet in Jakarta this weekend, it is the deaths of the 29 Thai and Cambodian soldiers, the well-being of the 85,000 people displaced on either side of the border and the immediate cessation of hostilities that should be at the top of their agendas.

Whatever the specific motivations behind the conflict, it is clear that actors on both sides have placed politics before the lives and well-being of their people. It is equally clear that these hostilities are unlikely to end for as long as they remain a bilateral issue between Thailand and Cambodia.

The conduct of both countries' militaries and the mendacity of their governments can only be brought into line by the internationalization of the issue. So far international efforts, including a broken agreement to allow Indonesian observers to monitor the situation on both sides of the border, have failed to halt the hostilities. To maintain ASEAN's credibility and relevance, the grouping must take a more assertive lead in mediating the tensions before it spirals into a wider conflict and more severe humanitarian disaster.

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