

Cambodia to Thailand, 13-10-2008

An old border demarcation dispute between Thailand and Cambodia over sovereignty over the *Preah Vihear temple* complex escalated in the second half of 2008. A 1962 International Court of Justice (ICJ) ruling had granted sovereignty over the complex to Cambodia, but both countries continued to contest an area of 4.6 km² in its immediate proximity. In early July 2008, upon Cambodia's request, the United Nations Educational, Scientific and Cultural Organization's (UNESCO) accorded the temple complex World Heritage Site status. In the runup to UNESCO verdict, both countries started building up their military presence along the border.¹ In the week after the verdict, three Thai citizens were briefly arrested in the disputed zone by Cambodian forces. The next few months saw repeated albeit limited altercations along longer stretches of the Thai-Cambodian border and the further reinforcement of forces on both sides. At one moment, over 1,000 forces sat opposite one another before they were largely withdrawn in August.² Cross border skirmishes continued, however. In early October one Cambodian soldier and two Thai soldiers were injured, while landmines crippled another two Thai.³ The Cambodian government warned the Thai government that 'such armed provocation by Thai soldiers could lead to very grave consequences, including full-scale armed hostility.'⁴ Immediately after a visit by Thai Foreign Minister Sompong Amornviwat, Cambodian Prime Minister Hun Sen issued a public ultimatum on 13 October, demanding that Thailand withdraw its eighty-four troops from the Veal Intry area, adjacent to the one road leading to the temple. Hun Sen described the situation as 'too hot', called the area the 'dead or alive point' for Cambodia, and warned that if the forces did not pull out, 'war will be waged'.⁵ 'Thai troops must withdraw from Cambodian land by tomorrow at the latest,' Hun Sen stated, adding that 'we will not allow them to occupy our land.'⁶ Noon the next day was set as the ultimate deadline.⁷ The next morning he told an audience of foreign diplomats that local commanders were in discussions, but warned that 'if the talk fails, weapon [sic] conflict will break out.'⁸ Hun Sen, referring to the military balance strongly favouring Thailand, observed that 'an ant can cause an elephant not to sleep'.⁹ The Thai government declared that Thai forces were not leaving. It asserted

¹ Martin Wagener, 'Lessons from Preah Vihear: Thailand, Cambodia, and the Nature of Low-Intensity Border Conflicts.', *Journal of Current Southeast Asian Affairs* 30, no. 3 (2011): 30–31; 'Waging Peace: ASEAN and the Thai-Cambodian Border Conflict - International Crisis Group', 2–5, accessed 5 August 2015, <http://www.crisisgroup.org/en/publication-type/media-releases/2011/asia/waging-peace-asean-the-thai-cambodian-border-conflict.aspx>.

² 'Thai Army to Maintain Troops in Disputed Area_English_Xinhua', accessed 5 August 2015, http://news.xinhuanet.com/english/2008-10/14/content_10193767.htm.

³ 'Waging Peace', 5–6. 'One Dead in Thai-Cambodia Border Clash - CNN.Com', accessed 5 August 2015, <http://edition.cnn.com/2008/WORLD/asiapcf/10/15/thailand.cambodia.gunfire/>. Ian MacKinnon, 'Shots Exchanged on Thai-Cambodian Border', *The Guardian*, 15 October 2008, sec. World news, <http://www.theguardian.com/world/2008/oct/15/thailand-cambodia1>.

⁴ 'Cambodia Warns Thailand after Border Clash | Reuters', accessed 5 August 2015, <http://www.reuters.com/article/2008/10/04/us-thailand-cambodia-idUSTRE4930I220081004>.

⁵ 'Hun Sen Sets Tuesday Noon as Ultimate Time for Thai Troops Withdrawal from Border Area_English_Xinhua', accessed 5 August 2015, http://news.xinhuanet.com/english/2008-10/14/content_10192033.htm. other sources report that he spoke of a 'a life-and-death battle zone' instead of a dead or alive point. See 'Cambodia Threatens Thailand with "death Zone" on Disputed Border', 13 October 2008, <http://www.telegraph.co.uk/news/worldnews/asia/thailand/3189665/Cambodia-threatens-Thailand-with-death-zone-on-disputed-border.html>.

⁶ 'Cambodian PM Gives Thailand Border Ultimatum', *Reuters*, 13 October 2008, <http://www.reuters.com/article/2008/10/14/us-cambodia-thailand-idUSTRE49C1JZ20081014>.

⁷ 'Hun Sen Sets Tuesday Noon as Ultimate Time for Thai Troops Withdrawal from Border Area_English_Xinhua'. Isabelle Roughol, Yun Samean | October 14, and 2008, 'Thailand Leaders Deny Reports of Troop Pullback at the Border', *The Cambodia Daily*, accessed 6 August 2015, <https://www.cambodiadaily.com/archives/thailand-leaders-deny-reports-of-troop-pullback-at-the-border-82904/>. See also the Thai version of the events as described in the official letter of the Permanent Representative of Thailand to the United Nations addressed to the President of the Security Council, 'S/2008/657', Documents of the United Nations Security Council, accessed 5 August 2015, <http://www.un.org/en/sc/documents/>.

⁸ 'Hun Sen Sets Tuesday Noon as Ultimate Time for Thai Troops Withdrawal from Border Area_English_Xinhua'.

⁹ Roughol, 14, and 2008, 'Thailand Leaders Deny Reports of Troop Pullback at the Border'.

that the forces were on Thai soil, but insisted that it would rely on 'peaceful means' to settle the dispute.¹⁰ At the same time, the Thai army issued a statement that it was not withdrawing any forces.¹¹ The Thai foreign ministry declared that

if Cambodia does resort to the use of force in accordance with its so-called ultimatum, Thailand will have to exercise its right of self-defense as provided under the Charter of the United Nations, in order to protect our de-mining personnel and Thailand's sovereignty and territorial integrity.¹²

The Cambodian government then claimed that the Thai forces had withdrawn, a claim denied by the Thai government.¹³ According to the Thai government, the foreign ministers of the two countries agreed to resolve the dispute peacefully in a telephone call on the morning of 15 October.¹⁴ However, on the afternoon of that same day, cross border shootings killed two Cambodian soldiers and injured four Cambodian and two Thai soldiers.¹⁵ Both governments accused the other party's forces of launching an attack on foreign soil.¹⁶ Cambodia had sought to internationalise the incident since July and bring it before the UNSC (whose rotating presidency was held by Vietnam). Cambodia's attempts, however, were rebuffed by other members of the Association of South East Asian Nations (ASEAN) that preferred to solve it through bilateral mechanisms.¹⁷ During the crisis and in its immediate aftermath, both countries sought to enlist international support, briefing foreign diplomatic representatives and raising the dispute in the UNSC.¹⁸ International leaders urged the two countries to solve the dispute peacefully. UN Secretary-General Ban Ki Moon called upon all sides to exercise the 'utmost restraint',¹⁹ while the Chinese foreign ministry called for 'dialogue'.²⁰ No country became directly involved, however. On Thursday, military commanders managed to defuse the situation and agreed to joint border patrols.²¹ On Friday 17 October, Cambodian Prime Minister Hun Sen indicated that the crisis was over and stated that the two governments would settle the matter bilaterally without any international mediation.²² In subsequent years, the countries would clash again in limited military confrontations in 2009 and 2011 that would cause ten fatalities and

¹⁰ 'Thailand Dismisses Cambodian PM Border Ultimatum', Reuters India, accessed 5 August 2015, <http://in.reuters.com/article/2008/10/14/idINIndia-35946220081014>. 'Thailand to Use Peaceful Means to Resolve Boundary Issues with Cambodia_English_Xinhua', accessed 5 August 2015, http://news.xinhuanet.com/english/2008-10/14/content_10193992.htm.

¹¹ 'Thailand to Use Peaceful Means to Resolve Boundary Issues with Cambodia_English_Xinhua'.

¹² 'Thailand to Act in Self-Defense_English_Xinhua', accessed 5 August 2015, http://news.xinhuanet.com/english/2008-10/14/content_10193324.htm.

¹³ Sun Yunlong, '84 Thai Troops Withdraw from Border after Cambodian PM Issues Deadline', <http://news.xinhuanet.com/english/>, 14 October 2008, http://news.xinhuanet.com/english/2008-10/14/content_10192069.htm. Seth Mydans, '2 Killed on Thai-Cambodian Border', *The New York Times*, 16 October 2008, sec. International / Asia Pacific, <http://www.nytimes.com/2008/10/16/world/asia/16cambo.html>.

¹⁴ 'S/2008/657'. See also 'Waging Peace', 6.

¹⁵ 'Cambodia to Inform UN about Weapon Clash with Thailand_English_Xinhua', accessed 5 August 2015, http://news.xinhuanet.com/english/2008-10/15/content_10199984.htm. 'S/2008/653', Documents of the United Nations Security Council, accessed 6 August 2015, <http://www.un.org/en/sc/documents/>; 'S/2008/657'.

¹⁶ 'Cambodia to Inform UN about Weapon Clash with Thailand_English_Xinhua'.

¹⁷ 'Waging Peace', 14.

¹⁸ See fn. 15, and Roughol, 14, and 2008, 'Thailand Leaders Deny Reports of Troop Pullback at the Border'.

¹⁹ 'UN Chief Urges "Utmost Restraint" in Cambodia-Thailand Clashes_English_Xinhua', accessed 5 August 2015, http://news.xinhuanet.com/english/2008-10/16/content_10200898.htm.

²⁰ 'China Calls on Thailand, Cambodia to Solve Dispute through Dialogue_English_Xinhua', accessed 5 August 2015, http://news.xinhuanet.com/english/2008-10/16/content_10205456.htm.

²¹ 'Thailand, Cambodia Agree to Joint Border Patrols_English_Xinhua', accessed 6 August 2015, http://news.xinhuanet.com/english/2008-10/16/content_10206625.htm.

²² 'Cambodian PM Assures of No Escalation of Clash with Thailand_English_Xinhua', accessed 6 August 2015, http://news.xinhuanet.com/english/2008-10/17/content_10210593.htm.

temporarily displace thirteen thousand persons.²³ Eventually ASEAN, spearheaded by Indonesia, became involved in third party mediation.²⁴ In November 2013 the International Court of Justice ruled that the area fell under Cambodian jurisdiction.²⁵ In response both countries stressed oncemore their desire for peace.²⁶ Even though no further armed clashes occurred, the conflict continues to simmer under the surface up til the moment of writing.²⁷

²³ ‘Waging Peace’, 17–18.

²⁴ ‘Waging Peace’, 16–30.

²⁵ ‘Request for Interpretation of the Judgment of 15 June 1962 in the Case Concerning the Temple of Preah Vihear (Cambodia v. Thailand) (Cambodia v. Thailand)’, International Court of Justice, accessed 6 August 2015, <http://www.icj-cij.org/docket/index.php?sum=284&p1=3&p2=3&case=45&p3=5>.

²⁶ ‘UN Court Awards Cambodia Sovereignty in Border Dispute | World News | The Guardian’, accessed 6 August 2015, <http://www.theguardian.com/world/2013/nov/11/un-court-cambodia-thailand-border-dispute>.

²⁷ ‘Conflict Barometer 2014’, Heidelberg Institute for International Conflict Research, accessed 6 August 2015, <http://www.hiik.de/en/konfliktbarometer/>.