

Preah Vihear and the Cambodia-Thailand Borderland

*Ronald Bruce St John**

Cambodia dominated large parts of Thailand from the ninth to the twelfth centuries. Four hundred years is little more than a moment in the life of a region with a recorded history of several millennia. But the remnants of Khmer rule still dot the Cambodia-Thailand borderland, especially in *Esarn*, as Northeast Thailand is known. In fact, apart from Angkor Wat and its neighbouring temples, the most spectacular remaining Khmer sanctuaries are found in the border region between Cambodia and Thailand (St John, 1993: 4-14).

Preah Vihear, known as Khao Phra Viharn in Thailand, is one of the great achievements of Khmer architecture and certainly one of the most impressive temples in Southeast Asia. It crowns a triangular promontory in the Dangrek Mountains some six hundred meters above sea level on the modern-day border between Cambodia and Thailand. While most Khmer sanctuaries face east, Preah Vihear faces north toward the highlands which form a part of modern Thailand. At the top of the sanctuary, a sheer precipice drops off to the plains of Cambodia which stretch south to the distant horizon (Spinks, 1959: 2-4). The background and location of Preah Vihear make it an integral part of any discussion of the contemporary borderland in this troubled area of the world.

Even though Siamese forces repeatedly invaded Cambodia after the fifteenth century, the present border dispute actually dates from the period of the French protectorate (Giteau, 1957: 126-127 and 148-155). In the Franco-Thai treaties of 1887 and 1893, the government of Siam renounced all territorial claims on the left bank of the Mekong River, including the islands located in the river. Through a later series of treaties concluded in 1902-1907, Siam also ceded to France the border provinces of Battambang, Sisophon and Siem Reap (see map). As for Preah Vihear, the 1904 convention described the frontier in the Dangrek Mountains as the watershed between the basins of the Nam Sen and the Mekong, on the one hand, and the Nam Moun, on the other, and provided for

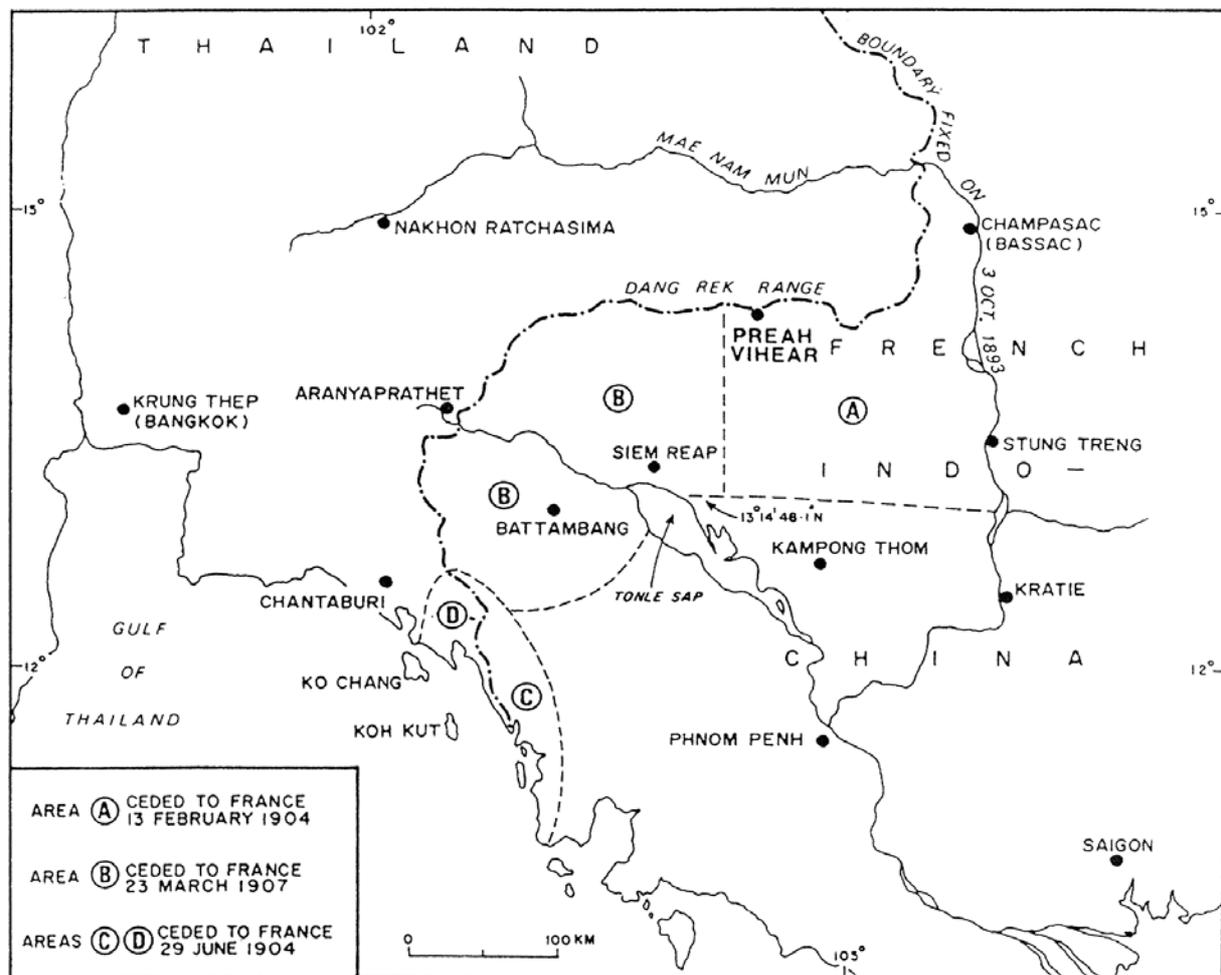
a mixed commission to mark the border (Briggs, 1946: 439-454).

Thailand, as Siam was by then called, took advantage of World War II to regain some of the territory it had earlier lost. The Thai army invaded northwestern Cambodia in 1941, and after fierce fighting, 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, earlier ceded by the latter in the pacts of 1904 and 1907. In supplementary letters exchanged at the time, representatives of France and Thailand assured the Japanese government that neither would join a combination hostile to Japan. In turn, the Japanese government agreed to guarantee the new frontier (Landon, 1941: 25-42). With the termination of hostilities in 1945, the Tokyo convention was subsequently overturned; and in the 1946 Treaty of Washington, Thailand returned the border provinces it had seized five years earlier.

In 1953, the government of Thailand, under the pretext of strengthening its border defences, established a police post in the Dangrek Mountains just north of Preah Vihear and hoisted the Thai flag over the sanctuary. When protracted negotiations from 1954 to 1958 failed to produce a positive result, the Cambodian government in October 1959 instituted legal proceedings against Thailand before the International Court of Justice (Thailand, 1959: 1-14). In October 1961, the dispute led to a suspension of diplomatic relations and the closing of the Thai-Cambodian border. Preah Vihear remained under Thai occupation until the early 1960's when the International Court of Justice upheld Cambodian sovereignty (Leifer, 1961-62: 364-366).

Before the Court, Cambodian representatives argued that Cambodian sovereignty over Preah Vihear was clear from three separate but related viewpoints. Citing the convention of 1904 and the treaty of 1907, the spokesmen for Cambodia first argued that the applicable international agreements delimiting the frontier between Cambodia and Thailand clearly placed the temple of Preah Vihear in the chain of the Dangrek Mountains belonging to Cambodia. In addition, they emphasised that Cambodia had never

Preah Vihear, Areas Ceded to France and the Current Thai-Cambodian Boundary



Source: Lee Yong Leng (1982) *Southeast Asia: Essays in Political Geography*, Singapore University Press.

abandoned its sovereignty over the territory in question and, on the contrary, had always continued, by virtue of the title established by the treaties, to exercise effectively therein its territorial powers. Finally, they pointed out that Thailand had not performed any acts of sovereignty in the disputed territory which might be considered to displace the sovereignty of Cambodia as established by the cited treaties and thereafter effectively exercised (International Court of Justice, 1962a: 4-15).

Taking a completely different tact, the government of Thailand concentrated its preliminary arguments on the issue of whether or not the International Court of Justice had jurisdiction in the case. Arguing that an earlier Siamese declaration recognising the compulsory jurisdiction of the Permanent Court of International Justice had lapsed with the dissolution of that body in 1946, Thailand concluded that the International Court of Justice was

without jurisdiction in the case because Thailand had never accepted the compulsory jurisdiction of the successor to the Permanent Court of International Justice. The Thai representatives argued further that the jurisdiction of the Court in the case, if it existed, could only rest upon the consent of the government of Thailand and such consent could not be derived or inferred from the application of the government of Cambodia. In consequence, the preliminary arguments of the Thai government asked the Court to declare that it had no jurisdiction over the issue of the sovereignty of Preah Vihear which the Cambodian government had brought before the Court (International Court of Justice, 1962a: 133-152).

The Cambodian government responded to the Thai objections in a relatively brief set of observations which added little to its opening arguments. The Thai government, in turn, developed a longer

counter-memorial which challenged the core of the Cambodian case. Supported by a variety of annexes, the counter-memorial of Thailand concluded that the boundary between Cambodia and Thailand, as specified in the 1904 convention, was clearly the watershed in the region of Preah Vihear which was the cliff edge fringing the promontory on which the sanctuary stands. Preah Vihear was plainly therefore located on Thai territory. In addition, the representatives of Thailand argued strongly that it was the Thai government which had exercised, without challenge or interruption, complete, unqualified, and exclusive sovereign jurisdiction over the disputed territory. The ensuing replies and rejoinders on the part of both governments added little new insight to the arguments outlined above (International Court of Justice, 1962a: 153-436).

In May 1961, the Court rejected the preliminary objections of the government of Thailand and ruled that it had competence in the case. One year later, the Court, by a majority vote of 9 to 3, upheld Cambodian sovereignty over the temple of Preah Vihear. In explaining this decision, the president of the Court observed that the Thai government, as it had earlier accepted the terms of the 1904 convention, could not now deny that it was ever a consenting party to the pact. In other words, the government of Thailand could not claim and enjoy the benefits of the settlement for over fifty years and then assert that it had never been bound by it. In support of its decision, the Court pointed out that the government of Thailand after 1904 had continued to use and even to publish maps showing Preah Vihear as being situated in Cambodia (International Court of Justice, 1962b).

In Thailand, the judgement of the Court provoked violent protests and a virulent press campaign. Students throughout the country, acting with government approval, rejected the verdict of the Court; and in Bangkok, thousands of young people staged a colourful march in which they proclaimed their intent to protect Khao Phra Viharn (Preah Vihear). Students at Thammasart University in Bangkok demanded that the name of Cambodian Prince Sihanouk be removed from the rolls of the University and insisted that an honorary degree conferred on him be withdrawn. Prince Sihanouk later complied with this request returning the degree through the Indonesian embassy. Tempers eventually cooled, and in late June 1962, the prime minister of Thailand announced that his government would honour its obligations under the United Nations Charter. While Thailand surrendered its

sovereignty over Preah Vihear some three weeks later, it was noteworthy that the Thai flag and flagpole were removed from the temple in a standing position and later placed in a Thai museum. This refusal to lower the Thai flag was viewed by contemporary observers as an indication that Thailand remained determined to return its standard to Preah Vihear at a later date (Singh, 1962: 23-26).

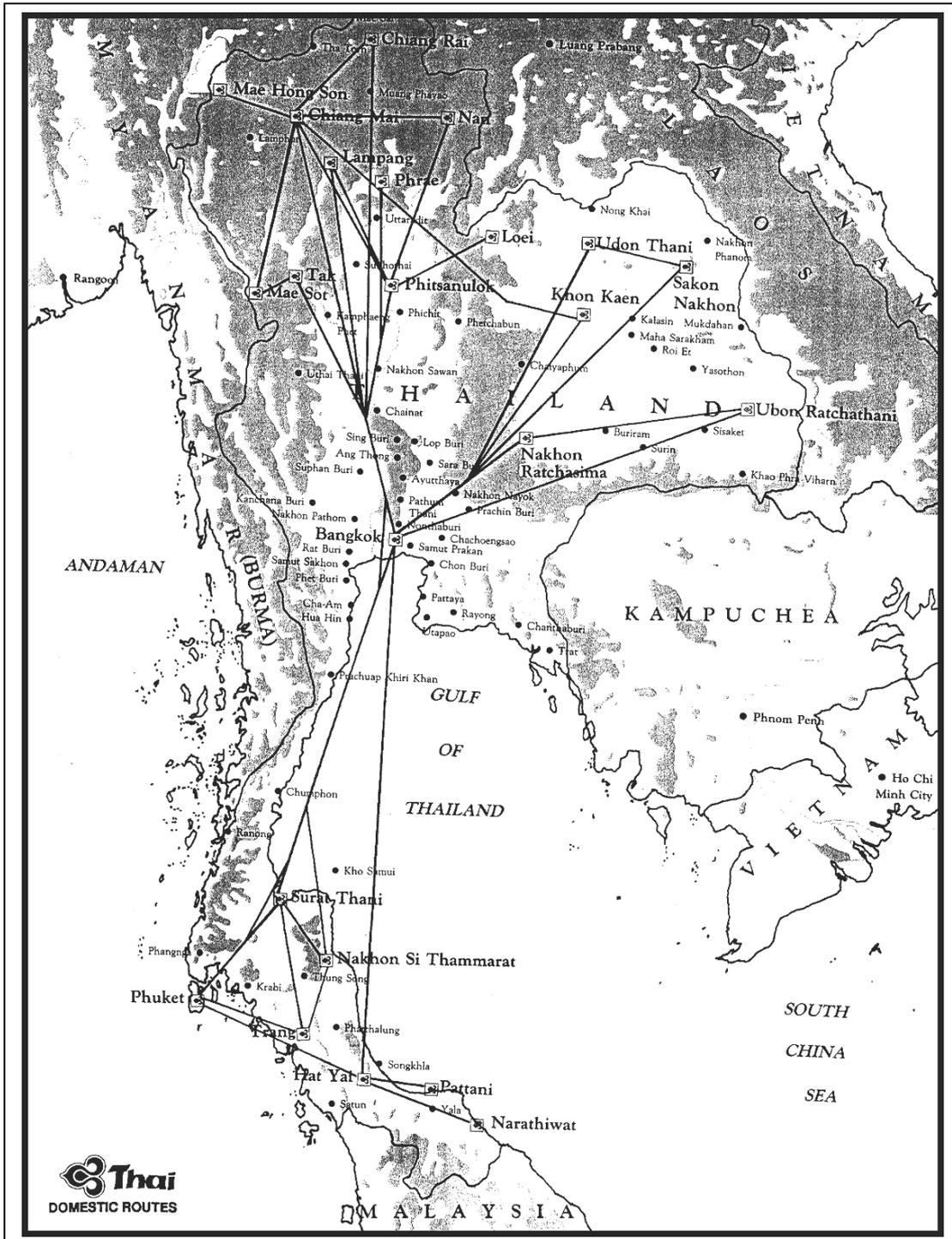
After Cambodia had won its independence in the early 1950's, disputes over unsettled boundaries, cross-border operations, and shelling across the border had frequently disturbed Thai-Cambodian relations. The years that followed the Court's decision on Preah Vihear showed no sign of peace either in media circles or along the border between the two countries. Charges and counter-charges of border violations, shellings, bombings, and looting were the order of the day. Both states produced white papers to sway public opinion. The borderland problem was also complicated by dissident groups in both countries. Khmer communists operated against the Phnom Penh government from inside Thai territory while Thai communists sought sanctuary in Cambodia. These problems persisted during the Democratic Kampuchean period, 1975-1978. And they only intensified after the Vietnamese invasion of Cambodia in late 1978 concentrated a volatile melange of refugees and resistance forces along the Thai border (Theeravit, 1982: 567-568).

After an extended period of occupation by Khmer Rouge forces, Preah Vihear was finally reopened to tourists from the Thai side of the border in early 1992 (*Bangkok Post*, March 15, 1992). In a unique arrangement for a sanctuary located in Cambodia, tourists wanting to visit the ruins had to apply for entry permits from Thai provincial authorities who were also responsible for providing security as well as the necessary facilities for tourists. In addition, a regular train service was organized from Bangkok for those wanting to visit the sanctuary, and Thai authorities expressed interest in renovating the ruins (*Bangkok Post*, December 5, 1991). The combination of these acts was reminiscent of the legal case for sovereignty earlier developed by Thailand in its counter-memorial before the Court where it argued that it had been exercising effective jurisdiction up to that time.

This impression was only heightened by the occasional publication of contemporary maps in Thailand which clearly show Preah Vihear, marked Khao Phra Viharn on such maps, to be situated on the Thai side of the border. For example, the route map in a recent Bangkok Airways inflight magazine

depicted, of the dozens of ancient Khmer temples on the Cambodia - Thailand borderland, only the sanctuary of Khao Phra Viharn. And the map clearly located it on the Thai side of the border (see map). If the question of the sovereignty of Preah Vihear would again be raised in the future, Thailand would appear to be less vulnerable than in the past to the charge that it had accepted and even published maps showing Preah Vihear as part of Cambodia.

The Cambodia-Thailand borderland remains a contentious area, and the sanctuary at Preah Vihear continues to be central to broader issues. The recent arrangement covering visits to Preah Vihear endured for a little more than a year at which time the Khmer Rouge in July 1993 reoccupied the sanctuary and temporarily halted tourist visits (FBIS-EAS-93-128, 7 July 1993:47 and FBIS-EAS-93-129, 8 July 1993: 34). Given its isolated location, the sanctuary at Preah Vihear will likely remain vulnerable to such acts for some time to come (*Phnom Penh Post*, September 24 - October 7, 1993).



In the end, Preah Vihear is probably the most successful of all Khmer monuments in creating a sense of religious awe, the real objective of these sanctuaries. The design and location of the shrine combine to create an air of sensuality unequalled in any other Khmer sanctuary. This is particularly true at the beginning of the day when the unrestored ruins of Preah Vihear rise above the early morning mists in all their majesty. It may be for these reasons, as much as any other, that Preah Vihear remains at the heart of the wider borderland issue which divides Cambodia and Thailand.

References

- Bhirasri, S. (1959) *A Visit to Khao Phra Viharn*, Bangkok, The Fine Arts Department.
- Briggs, L. P. (1946) "The Treaty of March 23, 1907 between France and Siam and the Return of Battambang and Angkor to Cambodia", *The Far Eastern Quarterly* V, 4 (August): 439-454.
- Chhak, S. (1966) *Les frontieres du Cambodge*, Paris: Librairie Dalloz.
- Giteau, M. (1957) *Histoire du Cambodge*, Paris: Librairie Marcel Didier.
- International Court of Justice (1962a) "Case Concerning the Temple of Preah Vihear (Cambodia v Thailand), Pleadings, Oral Arguments, Documents", 2 vols., vol. I: *Application-Pleadings*.
- International Court of Justice (1962b) *World Court's Judgement on the Temple of Khao Phra Viharn*.
- Jha, G. (1979) *Foreign Policy of Thailand*, New Delhi: Radiant Publishers.
- Jumsai, M. L. (1987) *History of Thailand & Cambodia (From the days of Angkor to the present)*, Bangkok: Chalermvit Press.
- Landon, K. P. (1941) "Thailand's Quarrel with France in Perspective", *The Far Eastern Quarterly* I, 1 (November): 25-42.
- Leifer, M. (1961-62) "Cambodia and Her Neighbours", *Pacific Affairs*, XXXIV, 4 (Winter): 361-374.
- Pradhan, P. C. (1985) *Foreign Policy of Kampuchea*, New Delhi: Radiant Publishers.
- Robequain, C. (1944) *The Economic Development of French Indo-China*, London: Oxford University Press.
- St John, R. B. (1993) "A Khmer Moment in Thailand", *Sawaddi*, 39, 2 (Second Quarter): 4-14.
- Singh, L. P. (1962) "The Thai-Cambodian Temple Dispute", *Asian Survey*, II, 8 (October): 23-26.
- Smith, R. M. (1965) *Cambodia's Foreign Policy*, Ithaca: Cornell University Press.
- Spinks, C. N. (1959) *The Khmer Temple of Prah Vihar*, Canberra: The Australian National University.
- Thailand, Ministry of Foreign Affairs (1959) *Relations between Thailand and Cambodia*, Bangkok: Prachandra Press.
- Theeravit, K. (1982) "Thai-Kampuchean Relations: Problems and Prospects" *Asian Survey*, XXII, 6 (June): 561-576.
- Thomson, R. S. (1945) "Siam and France 1863-1870" *The Far Eastern Quarterly*, V, 1 (November): 28-46.
- United States of America, Department of Commerce, Foreign Broadcast Information Service (1990-1993) *Daily Report - East Asia* (FBIS-EAS).

* Dr. Ronald Bruce St John is an independent scholar specialising in the political economy and foreign policy of Third World states. He resided in Southeast Asia in 1987-1992 and continues to visit the region on a regular basis.