



# SECURITY COUNCIL REPORT UPDATE REPORT



9 February 2011 No. 1

## THAILAND/CAMBODIA

### Expected Council Action

Council members are taking seriously the clashes between the Thai and Cambodian military in the vicinity of the Preah Vihear temple complex on the Thailand-Cambodia border. Unlike past Council responses to similar events on the Thai-Cambodian border, this time Council members have not been deterred from taking up the issue.

The Council has requested the Secretariat to brief on 14 February and will invite Thailand and Cambodia to participate in the meeting. The current chair of ASEAN, Indonesian Foreign Minister Marty Natalegawa, will also be invited to participate. The format of the meeting will be decided following consultations between the president of the Council and the delegations of Thailand and Cambodia.

### Background

There is a long-running border dispute between Thailand and Cambodia over territory in the vicinity of Preah Vihear, a temple complex dating from the 11th century. The site sits atop a ridge on the Thai-Cambodia border overlooking the plain of Cambodia in the north-west.

In 1959 the dispute was referred to the International Court of Justice (ICJ). In 1962 the ICJ ruled (in a 9-3 decision) that the area in the vicinity of Preah Vihear was part of Cambodian territory, based upon maps that had been prepared in 1907 by a joint border commission established by Siam and the French colonial authorities in Cambodia. While the ICJ ruling meant the temple complex was in Cambodian territory, the geography of the area determines that the most easily accessible entrance to the complex is in Thailand. Thailand accepts Cambodia's sovereignty over Preah Vihear. However land surrounding the temple remains in dispute.

In 2007 Cambodia applied for the temple complex to be listed as a UN Educational, Scientific and Cultural Organisation World Heritage site. The temple complex was listed on 8 July 2008, despite formal objections from Thailand. Tension between the two countries mounted. In July 2008 Thailand and Cambodia both moved troops into and close to the disputed area. Several incidents followed, such as when troops exchanged fire in October 2008. The dispute has become a rallying point of nationalism in both countries.

### Past Council Action and Dynamics

Both Cambodia and Thailand wrote to the Council in 2008 following the escalation of tension in July 2008 (S/2008/470 and S/2008/474 respectively). In a subsequent letter (S/2008/475) Cambodia urged the Council to convene an urgent meeting with the participation of their Deputy Prime Minister and Minister for Foreign Affairs, Hor Namhong. Thailand preferred reliance on bilateral mechanisms to resolve the confrontation (S/2008/478 and S/2008/490). Eventually both sides agreed to discuss the issue through the Joint Border Commission established earlier to survey and demarcate the entire Thai-Cambodian border.

In 2008 there was little appetite on the part of Council members to take up the issue. In part the hesitancy related to the fact that the request for involvement had come from only one side of the dispute. Furthermore, Viet Nam, a 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 members that it was preferable to allow bilateral discussions to take priority. A letter from the then-Chair of ASEAN, the foreign minister of Singapore, to the foreign minister of Cambodia copied to all ASEAN members said, "ASEAN Foreign Ministers are fully mindful that how this issue is handled will greatly affect ASEAN's credibility. They also emphasised to me that if the parties are too quick to resort to the UN Security Council, this would do harm to ASEAN's standing and may actually make the resolution of the issue more difficult" (S/2008/478).

### **Key Recent Developments**

From 4 to 7 February 2011 there were exchanges of fire between soldiers from Thailand and Cambodia. At least eight people were killed and thousands displaced. Cambodian authorities have claimed that Thai artillery fire has damaged a wing of the temple, which is disputed by Thai authorities.

The clashes may have been prompted by rising tensions associated with the sentencing by a Cambodian court on 1 February of two members of a Thai nationalist movement to up to eight years in prison after finding them guilty of espionage. The two were among seven Thai politicians and activists charged with illegal entry by Cambodia after crossing into a disputed border area on 29 December 2010.

Following the outbreak of fighting both Thailand and Cambodia sent the president of the Security Council letters on 5 February (S/2011/56 and S/2010/57) describing the incidents that had taken place on 4 and 5 February. On 6 February Cambodia wrote to the Council president again documenting the continued attacks on the border and citing how they violated international law (S/2011/58). The Cambodian letter also asked the Council to convene an "urgent meeting" to stop "Thailand's aggression". On 7 February Thailand wrote a second letter to the president of the Council (S/2011/59) giving Thailand's position on the latest developments. The letter also reiterated Thailand's commitment to using bilateral frameworks and channels of communication to resolve the situation.

The current Chair of ASEAN, Indonesian Foreign Minister Marty Natalegawa, met with Cambodian Foreign Minister Hor Namhong in Phnom Penh on 7 February. Natalegawa met the Thai Foreign Minister, Kasit Piromya, on 8 February in Bangkok. Following these meetings Natalegawa said that ASEAN supported the two neighbours working out a bilateral solution to end the dispute.

On 7 February Security Council members held consultations on the issue under "other matters". Subsequently the president of the Council, Ambassador of Brazil Maria Luiza Viotti, conveyed to the press some agreed elements, confirming that:

- the Council had taken cognisance of the letters received from the Governments of Cambodia and Thailand concerning the military incident on the border between the two countries— one letter from Cambodia requested an urgent meeting of the Council;
- the members of the Council had expressed grave concern at the aggravation of the tensions on the border and called for a ceasefire and urged parties to resolve the situation peacefully;
- the members expressed support to the mediation efforts undertaken by the chair of ASEAN, the Foreign Minister of Indonesia, but expressed willingness to hold a Council meeting pending an assessment of the ongoing regional mediation efforts; and
- members of the Council would continue to follow this issue closely.

On 8 February Viotti received an update from Natalegawa and briefed Council members in closed consultations (again under "other matters"). It seems Council members decided a briefing from the Secretariat on the situation should be the next step.

On 8 February the Director-General of UNESCO announced that a mission would visit the temple complex to assess if there had been any damage.

## **Council Dynamics**

It seems that unlike in 2008 Council members are united in viewing the hostilities on the Thai-Cambodian border as a threat to international peace and security and one on which the Council needs to exercise its responsibilities.

On 7 February several members of the Council urged holding a briefing. However, others felt that it was important to allow Natalegawa's mediation efforts to have some effect. The complications of the 12 hour time difference were also a factor. Accordingly at that time it was agreed to release elements to the press that emphasised to both parties that holding a meeting was a concrete possibility and that the Council was following developments closely.

It seems Council members consider the objective of the meeting on 14 February should be to boost and complement the regional and bilateral efforts, rather than signal that those efforts have failed in any way.

It seems that the more robust approach in the Council in 2011 reflects a number of factors. First, the composition of the Council is different. Second, the impact on civilians is serious and there have been fatalities. And third, the Council in 2011 contains a number of members who are keen that the Council should be more focused on issues between states—the traditional role of the Council. And the appearance of such an issue gives an opportunity to emphasise that point.

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