

Dynamic Roles and Perceptions: The Thai Ministry of Foreign Affairs in the Temple Dispute

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Abstract

Thailand and Cambodia have long experienced swings between discordant and agreeable relations. Importantly, contemporary tensions between Thailand and Cambodia largely revolve around the disputed area surrounding the Preah Vihear Temple, or Phra Vi-harn Temple (in Thai). The dispute over the area flared after the independence of Cambodia. This situation resulted in the International Court of Justice adjudicating the dispute in 1962. Then, as proactive cooperation with regards to the Thai-Cambodian border were underway in the 2000s, the dispute erupted again and became salient between the years 2008 to 2013.

This paper explores the Ministry of Foreign Affairs' (MFA) perceptions towards the overlapping border claim since the Cold War and concentrates on the changes in perceptions in the period from 2008 to 2013 when the Preah Vihear temple dispute rekindled. Moreover, to study their implications on the Thai-Cambodian relations, those perceptions are analyzed in connection to the roles of the MFA in the concurrent Thai foreign-policy apparatus.

Under the aforementioned approach, the paper makes the case that the international environment as well as the precedent organizational standpoint significantly compels the MFA's perceptions. Nevertheless, during nationalist fervors, the resultant more contentious outlooks towards the Thai-Cambodian relations also have consequences for the ministry. Simultaneously, the implementation of the MFA's perceptions depended upon the influence of the MFA in the interplay of actors in the Thai foreign-policy domain.

Keywords: Thailand, Cambodia, Preah Vihear, Ministry of Foreign Affairs, border dispute

Introduction

Even into the new millennium, as capital, goods, and population display increased mobility and the world seemingly become ‘borderless’, territorial conflicts remain prevalent. As in the Thai-Cambodian case, border ambiguities perpetually are a potent source of conflict between the nations and act as a principal fuel ignited by nationalist forces within the countries. Thailand and Cambodia have long experienced swings between discordant and agreeable relations with each other. Importantly, contemporary tensions between Thailand and Cambodia largely revolve around the disputed area surrounding the Preah Vihear Temple, or Phra Viharn Temple (in Thai). The dispute over the area once flared after the independence of Cambodia that resulted in the International Court of Justice adjudicating the dispute in 1962. Then, as proactive cooperation with regards to the Thai-Cambodian border were underway in the 2000s, the dispute erupted again and became salient between the years 2008 to 2013.

When the conflict resumed in the years 2008 to 2013, the subject attained wide academic attention and numerous researches were published. The scholarly works on the issue cover many areas that include: the angle of law (Sinsupharoek, 2014; Tanaka, 2012; Traviss, 2012; Kattan, 2015; Buss 2010; Pakdeekong, 2009; Touch, 2009); the engagements of international organizations (Robinson, 2013; Meskell, 2016; Silverman, 2011; ICG, 2011; Tun, 2011; Singhaputargun, 2015; Wangkaew, 2011); and the comprehensive accounts of overall Thai-Cambodian relations (Chachavalpongpun, 2009; Deth, 2014; Paribatra, 2013; Pawakapan, 2009). Additionally, the academic works that investigate the roots of the Preah Vihear dispute predominantly highlight the consideration of national identity construction (Unaldi 2008; Choeikeewong, 2009; Onn, 2014; Feigenblatt, 2012; Lee, 2014), nationalist discourse (Rukrueng, 2009; Strate, 2009; Strate, 2013; Pichetpun, 2010; Puington, 2010; Songsukrujiroad et al., 2015) and domestic politics (Kasetsiri et al., 2013; Chachavalpongpun, 2015; Wagener, 2011; Jenne, 2017; Feigenblatt, 2011; Pawakapan, 2013; Chambers and Wolf, 2010).

A number of scholars touched upon the aspect of national perceptions and scrutinized the dynamics of domestic politics pertained to the temple dispute. Nevertheless, the perceptions of the policymakers are seldom comprehensively investigated, especially ones of the Ministry of Foreign Affairs (MFA), which is seen as the main actor in the realm of foreign policy. Therefore, in light of the wavering relations between the two countries, this paper aims to provide another approach to illuminate the dynamics of Thailand’s actions in the temple dispute through the focus on the roles and perceptions of the MFA. This paper explores the MFA’s per-

ceptions towards the overlapping border claim since the Cold War and concentrates on the perceptual changes in the period from 2008 to 2013 when the Preah Vihear temple dispute rekindled. Moreover, to study their implications on the Thai-Cambodian relations, the perceptions are analyzed in connection to the roles of the MFA in the concurrent Thai foreign-policy apparatus.

Under the aforementioned approach, the paper presents the argument that the precedent organizational standpoint and international environment significantly shape the MFA's perceptions. Nevertheless, during nationalist fervors, the resultant more contentious outlooks towards the Thai-Cambodian relations also have impacts on the ministry. Simultaneously, the implementation of the MFA's perceptions depends upon the influence of the MFA in the interplay of actors in the Thai foreign-policy domain.

The Onset of the Temple Dispute

Thai-Cambodian territorial disputes are comprised of both the sea border in the Gulf of Thailand and the land border. The two countries share a stretch of 803 kilometers land border of which many parts remain ambiguous. The area surrounding Preah Vihear temple complex located in the Dangrek Mountains between Thailand's Sisaket province and Cambodia's Preah Vihear province is the center of contemporary tensions between the two countries (Wagener, 2011, p. 30).

Prior to the territorial contention in the 1950s and 1960s, the area of the temple complex had intermittently been under the control of different parties through the course of history. In the late 19th century, France gained influence over the two countries, especially Cambodia that became the protectorate of the French. While Siam claimed the temple area, through a series of coercive agreements between 1902 and 1907, Siam was forced to recognize a new borderline over the territories. The agreements included the Franco-Siamese Treaties of 1904 and 1907 that stipulated that the border would run along the watershed line of the Dangrek Mountains, which located the Preah Vihear temple within the border of Siam. At the same time, the delimitation of the borderline was to be carried out by a joint Franco-Siamese Border Commission. However, the delimitation process became exclusively a French operation. When the demarcation map was finished in the year 1907, the line that was drawn deviated from the description in the official treaty with the Preah Vihear Temple being located within Cambodian territory. In the map of the area of scale 1:200,000 that is known as the "Annex I Map", the border ran east to west along the watershed line. However, in the area of the Preah Vihear complex,

the line swerved north into Siamese territory around the temple and then continued along the watershed divide. At this time, although the Siamese officials did not approve of the line, no clear objections were made (Ciorciari, 2009, para. 4; Strate, 2013, pp. 46-47; Sinsupharoek, 2014, pp. 1-10).

During the Second World War, Thailand recaptured its lost territories that included the area of the Preah Vihear temple. However, Thailand was forced to relinquish the territory after the war. At the time, the lost territories incited a flux of nationalist sentiments in Thailand. Therefore, the year after Cambodia gained its independence in 1953, the Thai military took opportunity to occupy the area of the Preah Vihear. Until 1958, there were attempts to discuss the matter pertaining to the territorial disputes between the two countries. However no result was produced and diplomatic relations were then suspended (Ciorciari, 2009, para. 5; Sinsupharoek, 2014, pp. 10-17; Tun, 2011, pp. 18-19).

In October 1959, the Cambodian government appealed against Thailand before International Court of Justice (ICJ). On June 15, 1962, The ICJ ruled in favor of Cambodia by ruling that the sovereignty of the temple belongs to Cambodia and that Thailand needed to withdraw its troops from the temple. Consequently, there was intense reaction inside of Thailand that was preceded by the already heightened domestic interest in the issue (Chachavalpongpun, 2012, p. 85). At this time, through the early Cold War period, under Field Marshal Plaek Phibunsongkhram, Field Marshall Sarit Thanarat, and, later, Field Marshal Thanom Kittikachorn, the foreign-policy making apparatus was largely dominated by the military (Funston, 1987, pp. 234-235). There certainly was an air of defiance amongst the policymakers towards the ICJ's ruling. For instance, Deputy Prime Minister Thanom Kittikachorn in 1962 had been quoted as saying that the court was unfair to Thailand because some judges came from Communist countries. Then Minister of Interior, Prapas Charusathien threatened to shoot any Cambodians who enter the Preah Vihear temple. Moreover, there were pressures from Thai protestors and the media to defy the ICJ's verdict and the protestors urged the government to keep the temple by force (Strate, 2013, pp. 62-63).

As the Cold War escalated, the Ministry of Foreign Affairs was largely excluded from the decision-making process. The information on Indochinese countries was predominantly under the control of the Thai military and intelligence organizations (Funston, 1987, pp. 234-235). However, the ministry did participate with the Thai counsel in the Preah Vihear case at the ICJ and, importantly, played a major

role in the Thai response to the Court's ruling.¹ According to Anand Panyarachun's (2015) account of Thanat Khoman, the Thai foreign minister from 1959 to 1971, the foreign minister and Pote Sarasin went to see Prime Minister Sarit in the middle of the night to explicate the Court's judgment and the necessity of Thailand to conform as a member of the United Nations (p. 40). This was when Prime Minister Sarit was ready to send troops to attack Cambodia and reject the Court's decision. Additionally, the MFA also provided a similar statement to the Cabinet on June 26, 1962 (Uwanno, 2008, pp. 240-241). And on the 4th of July, Prime Minister Sarit made a public address informing the nation that Thailand would honor the obligations under the United Nations Charter (Singh, 1962, p. 25).

The international pressures and the customary organizational standpoint of diplomatic service are evident in the aforementioned action of the MFA for Thailand to acquiesce to the Court's jurisdiction. While Thailand's hostile response was anticipated from the military leadership, Cambodia's sprouting relations with the People Republic of China as well as the United States' noticeable endorsement of Cambodia as bulwark against communist tendencies in the Cold War setting were apparent counter punches to the decision (Strate, 2013, p. 66). Substantially, Sarit's address following the suggestions of the MFA articulated the importance of being a respected member of the international community.

An explanation to the organizational standpoint of the MFA can be seen in Kishan S. Rana's (2004) observation that the structures of foreign ministries and their diplomatic services bear typical characteristics. In correspondence to their orthodox undertaking of external relations, the foreign affairs officials are inclined to discern interfaces between multi-level issues. In addition, as stated by Rana (2004),

It is a culture of outreach, advocacy, communication and negotiation. These are among the core professional skills. By its very nature, diplomacy is pragmatic, working for the possible, even while ideals and principles may provide a frame of reference. Its focus is on the possible, generally within a spirit of mutual accommodation with foreign partners. This means a focus on compromise, and on pragmatic solutions that bridge differences. (pp. 282-283)

¹ Prince Vongsamahip Jayankura who was ambassador of Thailand to the Netherlands and Chapikorn Srethaputra and Sompong Sucharitkul from the Treaty and Legal Affairs Department were representatives from the MFA in the Thai counsel team (Panyarachun, 2015, pp. 40).

Concurrently, the nationalist sentiments impacted the ministry's perception and the country's stance towards the border in the ensuing decades. The augmented degree of nationalism is particularly associated to the increased likelihood of hostile responses to international events and greater concern to rectify perceived offenses to the nation's dignity (Cottam & Cottam, 2001; Renshon, 2017; Mylonas & Kuo, 2017). Hence, in reaction to the ICJ's verdict and since it was perceived that the Court did not provide clear affirmation to the use of the Annex I map to clarify the disputed boundary, on July 10, 1962, the Thai Cabinet resolved to unilaterally specify the most limited vicinity of the Preah Vihear temple by which the Thai troops were forced to withdraw (Bamrungsuk, 2014, pp. 214-217; Uwanno, 2008, p. 241). Also, Prime Minister Sarit in his public address, pledged that Thailand would one day reclaim the Preah Vihear temple (Singh, 1962, p. 26). While the Ministry of Foreign Affairs was assertive to maintain Thailand's position as an amiable player in the community of nations, on the 6th of July, Foreign Minister Thanat Khoman also proceeded to send a note of reservation U.N Acting Secretary General U Thant. In the note, Thanat (1962) insists that

His Majesty's Government desires to make an express reservation regarding whatever rights Thailand has, or may have in future, to recover the Temple of Phra Viharn by having recourse to any existing or subsequently applicable legal process, and to register a protest against the decision of the International Court of Justice awarding the Temple of Phra Viharn to Cambodia. (Section 2, para. 3)

The Prime Years of Cooperation

In the subsequent decades, the Thai-Cambodian relation was superseded by the ebb and flow of Cold War politics and the Preah Vihear territory laid dormant out of the public eyes through the Khmer Rouge era. The period of Thai-Cambodian cooperation began in Chartichai Choonhavan's administration (1988-1991) through its advocacy of Thailand's Indochinese policy of changing a "battlefield into a marketplace" and significantly ended when the dispute over the Preah Vihear area flared up again in the year 2008. Through these years, both the international environment and the preexisting organizational standpoint influenced the perceptions of the MFA. At the same time, the variations in the decision-making arena are reflected in the country's exhibited actions.

During the administration of Chartichai, the deviating international environment coincided with a shift in the Thai policy-making configuration. By the late 1980s, with the declining Cold War tensions, a critical juncture in the international context resulted in an undefined period of discord between the nation's traditional security stand and the prioritization of economic linkages. Prior, in the regime of Prem Tinsulanonda (1980-1988), the MFA had a leading role in Thailand's outlook on the Cambodian problem. This was due to Siddhi Savetsila, the Thai foreign minister from 1980 to 1990, and Prem's close personal relationship. Also, Siddhi's military background allowed him to maneuver a smooth operation between the MFA and the still predominant military agencies (Noiwong, 1997, p. 160; Funston, 1987, p. 238).² Under Prem, as Vietnam was perceived as a threat by taking control of Cambodia, Thailand strived to pressure Vietnam to withdraw its troops and to orchestrate the formation of a Cambodian coalition government that included the oppositional factions against the Vietnamese. These were done through the ASEAN channel and Thailand's engagement with the major powers (Noiwong, 1997, pp. 100-101, pp. 126-129; Pawakapan, 2009, p. 58).

On the contrary, Chartichai's foreign policies consolidated around the Ban Phitsanulok advisory team (ក្រុមប្រាប់ពេមុនុក) in pursuance of an unorthodox rapprochement with the Vietnamese-backed Heng Samrin government. Through the advisory team, the government bypassed the MFA's role in both the formulation and implementation of foreign policy (Christensen, 1990, p.182; Kunthic, 2017, pp. 112-114). Buttressed by its antecedent organizational standpoint the MFA saw the Thai government's relations with the Heng Samrin government to be in disregard of the unfolding ASEAN efforts to bring about a settlement among the three opposition factions and the Heng Samrin government in Cambodia (Yanamon, 2013, p. 103). Nevertheless, as the conflict between the Thai agencies became publicly obvious, Foreign Minister Siddhi expressed that the MFA would curb its role in the Cambodian problem and the ministry subsequently demonstrated its complaisance to the idea of trade with the Indochinese countries (Pasuk, 1998, pp. 90-93). In fact, through successive governments, Thailand continued to foster relations with Cambodia and other neighbors that coincided the pursuit of economic gains (Paribatra, 2013, pp. 130-132; Busbarat, 2009, pp. 124-128; Pawakapan, 2013, pp. 16-17; Funston, 1998, pp. 293-306).

² Air Chief Marshal Siddhi Savetsila served as the Secretary-General of the National Security Council (NSC) from 1975 to 1980.

Afterwards, cooperative gestures around the Preah Vihear Temple that included tourism promotions, de-mining, and infrastructural projects were initiated. Significantly, substantive conciliation in the Thai-Cambodia border claims transpired in the signing of the Joint Statement on the Establishment of a Thai-Cambodian Joint Commission on the Demarcation for Land Boundary (JBC) in 1997. This led to the signing of a Memorandum of Understanding (MOU) in the year 2000. Furthermore, alongside the gradual rapport developing between the two countries, Cambodia's pursuit of inscribing the Preah Vihear Temple into UNESCO World Heritage List actuated the signing of the Joint Communiqué in 2008 (Pawakapan, 2013, pp. 43-52; MFA, 2011, pp. 35-44).

The MFA's Boundary Division played a vital role in the Thai-Cambodian border matter during this period. In the years 1987 and 1988, the Thai-Laotian border war incurred massive casualties and the ministry's border experts were engaged in its resolution. Thereupon, they began to deem and advocate that the "depoliticization of boundary disputes" is necessary for the maintenance of peace and dispute resolution. That is, instead of the use of force based on politics, the parties should approach border problems based on laws, maps, as well as on technical delimitations and demarcations of the area (K. Garnjana-Goonchorn, personal communication, August 10, 2018; V. Teeravechyan, personal communication, November 2, 2018; P. Prasasvinitchai, personal communication, July 11, 2018). As the MFA's reluctant standpoint towards Cambodia had been significantly altered since Chartchai's period, when coupled with the approach taken by the MFA's border experts, a new perception towards the Preah Vihear temple dispute emerged.

In light of the temple dispute, while the Thai government in 1962 had resolutely rejected the Annex I map that was the product of the Franco-Siamese Border Commission, more consent was rendered by the 1990s. As indicated in Article I of the MOU 2000, which serves as the groundwork for proceeding border negotiations, the documents to be used for joint survey and demarcation of the Thai-Cambodian land boundary include: the 1904 and 1907 Franco-Siamese treaties; the maps that were produced by the joint Franco-Siamese Border Commission; and other documents related to the application of the 1904 and 1907 treaties (MFA, 2011, pp. 37-38). The focus on pure technical aspects for border negotiations prompted the MFA's border experts to restudy the ICJ verdict and they saw the infeasibility of Thailand's steadfast stance in 1962. For instance, although the ICJ ruling did not affirm the legality of the Annex I map, the map rejected by Thailand did play an integral role in the court's reasoning for its conclusion. Also, despite the reservation expressed by Thanat Khoman, after many decades Thailand is unable to and has not invoke a revision to reclaim its sovereignty over the temple (P. Prasasvinitchai, personal com-

munication, July 11, 2018; T. Duangratana, personal communication, September 8, 2017).³ Furthermore, Krit Garnjana-Goonchorn (personal communication, August 10, 2018), a former director-general of the Department of Treaties and Legal Affairs in the 1990s, explicates,

We wanted to have peaceful settlements in border affairs. As we have submitted ourselves to the ICJ jurisdiction in 1962, along with other relevant documents, the Annex I map is a requisite to be able to negotiate solutions for the border dispute. In order to include the Annex I map as one of the documents to be referenced, since it had been rejected by the government in 1962, we went to informed the necessity to Foreign Minister Surin Pitsuwan, he then took us to brief Prime Minister Chuan Leekpai in the Green Room at the Government House. After that we had to notify the person who signed it that was Deputy Foreign Minister Sukhumbhand Paribatra. In fact, to bring everyone to be on the same page, many briefings were convoked. The briefings were with the military as well, especially with the Commander-in-Chief and the Department of Maps.

The leading role of the MFA, especially of the Boundary Division under the Department of Treaties and Legal Affairs, was first enabled by the Thai domestic instability in the 1990s. During that decade, Thailand experienced eight different prime ministers and twelve foreign ministers. Consequently, a scantily coherent foreign policy derived from the government and the technocrats took the reigns (Kunthic, 2018, p. 44). At the same time, after the violent upsurge known as the Black May in 1992 against the military takeover the year before, the military temporarily retreated to the sideline of politics (Case, 2001, pp. 538-539). Afterwards in the regime of Thaksin Shinawatra (2001-2006), control over foreign policy was consolidated through the Thai Rak Thai Party's long holding of the majority of seats. Foreign Minister Surakiart Sathirathai was also seasoned as part of the Ban Phitsanulok advisory team of Chartchai Choonhavan (Kunthic, 2018, pp. 44-45; Visitstump, 2008, pp. 42-58; Busbarat, 2014, pp. 143-144). Therefore, along with the clear strategy driven by the administration, the government continued to give importance to the expertise of the border technocrats that continued the proactive cooperation with the neighbor (P. Prasasvinitchai, personal communication, July 11, 2018).

³ According to Noppadon Pattama (2016), based on the Statute of the International Court of Justice, a revision cannot be made after ten years of the ICJ's judgment (p. 21).

The same perception can be seen in the Thai-Cambodian Joint Commission on the Demarcation for Land Boundary's (JBC) approval on the Terms of Reference and Master Plan for the Joint Survey and Demarcation of Land Boundary (TOR) in 2003 that included the reference to the Annex I map (MFA, 2011, pp. 23-26; Sidhisamarn, 2013, pp. 62-63).

The 2000s Resurgence of the Feud

Under the administration of Prime Minister Thaksin Shinawatra, the plan to register the Preah Vihear temple onto the World Heritage list was also initiated. Through the actions taken place in the midst of Thailand's proactive cooperation, the signing of the Joint Communiqué between Thailand and Cambodia resulted in June 2008. However, with the rise of the Thai nationalist oppositions, conflict restarted between the two countries that led to the use of arms and the return to the International Court of Justice.

In the year 2003, an agreement was reached between Thailand and Cambodia to set up a joint-committee to co-develop the temple and the surrounding areas. And on 25 March 2004, the joint committee under the chairmanship of Foreign Minister Surakiart Sathirathai and Cambodian Deputy Prime Minister Sok An concurred on a set of basic principles that included the recognition that the Preah Vihear temple development project was to be based on the spirit of friendship between the two countries; the temple was to be inscribed as a World Heritage site; and that the project would not effect the border concerns between Thailand and Cambodia (Uwanno, 2008, pp. 255-256; Pawakapan, 2013, pp. 47-48). According to Prasas Prasavinitchai (personal communication, July 11, 2018),

While the temple was recognized to belong to Cambodia, the surrounding territory remained ambiguous. Therefore, the two parties agreed to develop the area together. Since Cambodia was unconfident that Thailand would not transgress on its temple claim, the country nominated the temple to the World Heritage Committee (WHC). On the Thai side, we supported Cambodia's nomination of the temple as long as it did not include the unsettled surrounding territory and monitored the situation. It was around the year 2005 that it became clear that the surrounding territory was to be included

in the inscription.⁴

In light of Cambodia's encroachment upon Thailand's claim of sovereignty, the MFA had set up a committee in 2006 to study the effects of Cambodia's action and to detail Thailand's appropriate response. Afterwards, Thailand lodged multiple objections and vigorously apprised the WHC members of the issue, which succeeded in postponing the WHC decision from the year 2007 to 2008 (Uwanno, 2008, pp. 280-284). Throughout this period, Thailand's arguments were primarily addressed against Cambodia's inclusion of the map that encompassed the obscured territory (Pawakapan, 2013, p. 49). As the 32nd session of the WHC in 2008 drew close and after many futile attempts to bring Cambodia to the negotiating table, a meeting between Thai Foreign Minister Noppadon Pattama and Cambodian Deputy Prime Minister Sok An convened in Paris on May 22, 2008. According to Thana Duangratana (personal communication, September 8 2017), the Thai Ambassador in Paris at the time of the meeting, he communicated with François Rivière who was the Assistant Director-General for Culture of UNESCO. Rivière proposed a meeting organized by UNESCO and effectively compelled cooperation from Cambodia. In consequence, the joint communiqué signed by the two parties on 18 June 2008 includes an article in which Thailand agreed to support the inscription of the Temple of Preah Vihear on the World Heritage List at the 32nd session of the WHC in Quebec. Simultaneously, Cambodia agreed to withhold from attaching the disputed areas onto the inscription proposal and the management plan to the areas in question was to be prepared in a concerted manner between the two countries (An, Pattama, & Riviere, 2008).

While the MFA saw the joint communiqué as a significant diplomatic achievement, it was executed at a time of wavering domestic politics that altered the Thai foreign-policy domain (T. Duangratana, personal communication, September 8 2017; Pattama, 2016, pp. 90-99). Prime Minister Thaksin was ousted by a coup on September 19, 2006. The junta under the name of the Council for National Security (CNS) held the reign until 2008 under which an interim administration under General Surayud Chulanont was installed. Whereas the military government tried to reengineer the Thai political arena, the interim government under General Surayud was unable to orchestrate a coherent foreign policy direction. Consequently, the Thai approach towards the Thai-Cambodian overlapping claims remained steady under the stewardship of the border-expert technocrats (Pongsudhirak, 2008, pp. 143-145; P. Prasasvinitchai, personal communication, July 11, 2018). In addition to

⁴ Prasas Prasasvinitchai is a border expert, a former director of the MFA's Boundary Division, and a former ambassador to Phnom Penh.

this, until and during the signing of the communiqué in 2008, there was an agreeable coordination between the MFA, the NSC, and the relevant military departments (Pattama, 2016, pp. 79-89). However, through these currents from 2005 to 2008, the coalition of oppositional groups against Thaksin under the name of the People's Alliance for Democracy (PAD) proved to be a prominent force that later shook the Thai foreign policy arena as well as the authoritative perception of the temple dispute.

Under the claim against Thaksin's corruption, cronyism, and usurpation of the old political establishment, the PAD was an active force that instigated the ousting of Thaksin in 2006. When Thaksin's political proxy, Samak Sundaravej was elected in 2008, the signing of the joint communiqué aroused a nationalist-coated perception of the temple claim. Against the advancing standpoint, the PAD revived the country's stance that was taken in the year 1962.⁵ The argument reiterated the presumption that Thailand had rejected the Annex I map drawn up by the Franco-Siamese Border Commission. They claimed that the legitimate borderline should strictly be one that was in accordance to the Cabinet Resolution in 1962; and that Thailand retains the right to reclaim the temple on grounds of the reservation made by Foreign Minister Thanat Khoman. Hence, the opposition claimed that as a result of the joint communiqué, Samak's government had traitorously relinquished Thailand's rightful ownership of the territory to Cambodia (Sucharitkul, 2008; Pawakapan, 2013, pp. 61-62; Pattama, 2016, pp. 15-24; Charoonroj, 2010, pp. 25-27). Furthermore, in July 2008, Sonthi Limthongkul, the leader of the PAD, proposed that the joint communiqué must be voided, an unyielding stance against the Annex I Map must be expressed to Cambodia, and the resort to the use of force shall not be omitted ("Sondhi Limthongkul's Solution," 2008). Thereafter, the tide had turned in the Thai approach towards the temple dispute.

As the issue became salient, the Administrative Court renounced the joint communiqué. Despite the MFA's justification that the joint communiqué was not a treaty, the Constitution Court ruled that it had the character of a treaty that may alter Thailand's territory and that the foreign minister had failed to acquire parliamentary approval for it. Noppadon was indicted for malfeasance in office, but was acquitted seven years later (Pawakapan, 2013, p. 69; Taengkhiao, 2015).⁶ Following the Constitution Court's rulings against Samak and ultimately the People Power Party (PPP) under Somchai Wongsawat, the administration of Abhisit Vejjajiva, in which border conflict with Cambodia reached its height, was ushered in by the end

⁵ The main proponents of the proposition included Sompong Sucharitkul who was part of the Thai counsel team in the ICJ trial in 1962 (Pawakapan, 2013, p. 61; Sidhisamarn, 2013, p. 231-235)

⁶ The lawsuit initially had also been filed against four MFA permanent officials (NACC, 2008, p. 3).

of 2008 Ferrara, 2015, pp. 243-245). Under the premiership of Abhisit, the Thai-Cambodian relations experienced the recall of ambassadors, clashes at the border, the case being taken to the United Nations Security Council (UNSC), and finally a return to the ICJ in 2008.

This period of political change ultimately altered the role and the standpoint of the MFA in the temple dispute. Firstly, Kasit Piromya, a well-known PAD sympathizer, attained the foreign portfolio. Apart from Kasit's outspoken criticism against the joint communiqué, on many occasions, Kasit had publicly insulted Hun Sen and Cambodia. He had earlier called Hun Sen a slave of Thaksin and a "kui" that means a gangster in Thai to denounce the PPP government. In office, Kasit associated Hun Sen to the word "nakleng", which denotes a bully in Thai ("Kasit-Pongpon Chap Phirut," 2008; Chachavalpongpun, 2010, p. 104). However, it can also be seen that his position in the MFA had to a certain degree restrained Kasit's antithetical stance. As stated by Chachavalpongpun (2010), with reference to the Hun Sen's name-calling, "put under diplomatic pressure after becoming foreign minister in the Democrat-led government, Kasit subsequently apologized. But he defended himself by saying that his terminology had been misunderstood" (p. 104). In addition, although the PAD asserted that Thailand was entitled to reclaim the temple grounds and made demands against any implications from the Annex I map, Foreign Minister Kasit had reiterated the ministry's position that the recall of ownership of the temple is unattainable in addition to defending the practicality of the MOU of 2000 (Ganjanakhundee, 2008; "Kasit Lan," 2011).⁷ In consequence, the foreign minister's more subdued stance was condemned by the PAD protesters ("Kasit Piromya Botbat," 2011). And despite the foreign minister's less provocative stance, the leadership of Kasit still significantly decreased the MFA's role to be proactive with Cambodia. This can be seen when the military conceded to the nationalist calls to uphold its role of safeguarding the Thai state and military standoffs with Cambodia intensified in February 2011. The MFA's attempts to manage the heightened dispute within bilateral means had proven futile. In part, that is because Hun Sen refused to negotiate with Kasit, which enabled Cambodia to bring the conflict forth into the international stage and return to the ICJ ("3 Po 3 Pot," 2011; "Hun Sen Fak," 2011; Butrton, 2011).

⁷ It can be inferred that Kasit's criticism of the joint communiqué stemmed from the basis of it being a product of the PPP as the MOU 2000 and the joint communiqué in 2008 both made references to the Annex I map (Wagener, 2011, pp. 44-45).

Secondly, the influence of the MFA in the foreign-policy domain waned in conjunction with the shift in the Thai political arena. In relations to the overlapping claims, it can be seen in the delay of the parliamentary approval of three JBC meetings. The JBC, led by the MFA, provides a space for regular contacts between the two countries. In three JBC meetings from November 2008 to April 2009, communications between Thailand and Cambodia continued to make headway as the countries agreed to continue the joint demarcation projects, especially at the technical level, which included the production of maps, boundary pillar surveys and the English translation of survey reports upon the area near the Preah Vihear temple. However, the JBC cooperation progress was stalled for two years in the conception that parliamentary approval was a necessity and in April 2011 the cabinet finally decided that the minutes did not have a character of a treaty and did not need parliamentary approval (ICG, 2011, pp. 7-11; MFA, 2011, pp. 29-33). As reported by the International Crisis Group, Kasit Piromya “admitted that the approval was delayed primarily due to the nationalist campaigns of the Yellow Shirts, as politicians feared PAD law suits if they voted on them” (ICG, 2011, p. 8).

Thirdly, the MFA’s perception was still impacted by the nationalist pressures albeit the foreign minister’s reserved stance in comparison to the PAD. Until November 2010, Vasin Teeravechyan, the MFA’s permanent advisor in border issues and a former director-general of the Department of Treaties and Legal Affairs in the 1990s, chaired the JBC. However, Vasin was pressured to resign from the Thai-Cambodian JBC in late 2010. As elaborated by Vasin Teeravechyan (personal communication, November 2, 2018),

At time of heightened domestic tensions and incitements against Cambodia from political actors, I was ordered to state in an interview that Thailand rejects the 1:200,000 Map pertaining to the Thai-Cambodian border. In the belief that the statement will jeopardize the efforts that have been made, I resigned.

Furthermore, according to Prasas Prasavinitchai (personal communication, July 11, 2018), after Vasin resigned, he was also removed from participation in the JBC operation and a new team that was in fact lacking in land boundary experience was instated. To lead the Thai representation in the JBC, the foreign minister assigned the position to Asda Jayanama, who had once suggested the possibility of the use of force towards Cambodia (ICG, 2011, p. 8; “Asda Jayanama Rabu Hun Sen,” 2009). As a result, along with the decreased role of the MFA, the JBC became an inactive platform in pushing forward Thai-Cambodian cooperation in the temple boundary dispute (Sokha, 2011).

Lastly, since Cambodia filed for an interpretation of the 1962 ICJ's ruling, the Thai delegation led by Ambassador Virachai Plasai reinstated the Thai position once taken by the 1962 Thai counsel team in steadfastly rejecting the Annex I map. As part of the Thai rebuttal against Cambodia in the latest court case, the Thai side insisted that the Annex I map was defective. As part of the Thai legal team's testimony, the Annex I map was claimed to be imprecise in that it contains geographical errors and is unable to be transposed onto actual topography of the area. Moreover, through extensive investigations, the team exposed the fact that the map contains many versions which ultimately expressed that the Annex I map maintained by Cambodia lacked credibility for use as reference to limit the temple vicinity (V. Plasai, personal communication, May 23, 2018; Frederickson, 2013). Thereupon, by the end of Abhisit's administration, the role of the MFA towards proactive cooperation with Cambodia had been minimized and the dominant perception from the 1960s was endorsed as the temple case was resurrected at the ICJ.

The Weathering of the Storm

When Yingluck Shinawatra, the sister of the former Prime Minister Thaksin, assumed the premiership in August 2011, the tensions between the two countries abated. As Cambodia welcomed the change of government, Prime Minister Yingluck had pledged that priority would be given to the restoration of bilateral relations with the neighboring countries. Armed conflicts between the two countries were defused as the new prime minister paid an official visit to Cambodia and a football match between the two countries' high-ranking officials was held in September of 2011 (Deth, 2014, p. 245). However, with regards to the temple dispute, despite the more amicable atmosphere, the role of the MFA was not augmented and its perception was not significantly altered.

On the side of the JBC, representatives from Abhisit's administration were replaced to improve coaction with Cambodia. As stated by Prasas Prasavinitchai (personal communication, July 11, 2018), member of the JBC team during the chairmanship of Vasin Teeravechyan, "after having been removed during Abhisit's period, I was put back in the team. Bandit Sotipalalit replaced Asda Jayanama as the chair. We then went back to the old way of negotiation."⁸ Nevertheless, while cooperation was fostered under the new regime, the issue that pertained to the controversial area stayed on hold as can be seen in the JBC meeting held in February 2012. With

⁸ Bandit Sotipalalit was a career diplomat with good relations with and connections in Cambodia ("Border Panel Reshuffled," 2011).

implication to temple dispute, the countries “agreed to implement what could be done first with a view to moving forward the JBCs work. As for issues yet to be agreed upon, both sides would set those aside until conditions were conducive” (MFA, 2012).

Moreover, after the Thai legal team’s consistent stance at the ICJ, in November 2013, the ICJ delivered its ruling. The ICJ provided partial gain for both parties by limiting the temple’s vicinity to cover only the promontory of which the Preah Vihear temple is situated. Also, the promontory is marked by the Annex I map line to the north, but to the west side, the line shall be negotiated by the two countries (Ciorciari, 2014, p. 293). Immediately after the ruling, there was momentary parliamentary opposition to Thailand’s acceptance of the Court’s verdict. In response, Virachai Plasai and the MFA were responsible for giving public understanding of the ruling. To the public, Virachai emphasized the gain that the court had overruled the Annex I map’s relevance to the area outside of the promontory, against the claim fought for by Cambodia. At the same time, the MFA created an international legal advisory team, a drafted map, and a translation of the ICJ’s decision. (Raymond, 2014; “Kham Tatsin Sanlok,” 2013).

Nevertheless, to the present, the border that lays upon the contentious area remains unsettled to avoid agitating the Thai political atmosphere. Even after the military had seized power in 2014 and bilateral cooperation continued into the current regime of Prime Minister Prayut Chan-ocha, no progress has been made by the two countries. Prawit Wongsuwan, the Thai minister of defence, have stated that Thai-Cambodian relations is currently agreeable and there are no plans for discussion with Cambodia yet with regards to the issue of Preah Vihear as directed by the ICJ ruling (“Big Pom Nam Thim,” 2017).

In conclusion, the precedent organizational standpoint, the international environment and ultimately the use of nationalist sentiments in domestic politics influence the dominant perception held by the MFA in the temple dispute. Simultaneously, the implementation of the MFA’s perceptions depended upon the influence of the MFA in the interplay of actors in the Thai foreign policy apparatus of the time. At the moment, the temple dispute lies dormant, but awaits reengagement. When an openness to negotiate means accepting Cambodia’s Annex I Map as one of the reference documents for border settlements, the MFA’s perception based on its current organizational standpoint against the map along with a potential nationalist uproar in Thai politics presents a bleak future. The question is whether this period is the weathering of the storm or a calm before another storm in the Thai-Cambodia Preah Vihear temple dispute.

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