



Journal of Current Southeast Asian Affairs

Wagener, Martin (2011),
Lessons from Preah Vihear: Thailand, Cambodia, and the Nature of Low-Intensity
Border Conflicts, in: *Journal of Current Southeast Asian Affairs*, 30, 3, 27-59.
ISSN: 1868-4882 (online), ISSN: 1868-1034 (print)

The online version of this article can be found at:
<www.CurrentSoutheastAsianAffairs.org>

Published by
GIGA German Institute of Global and Area Studies, Institute of Asian Studies and
Hamburg University Press.

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Lessons from Preah Vihear: Thailand, Cambodia, and the Nature of Low-Intensity Border Conflicts

Martin Wagener

Abstract: In 1962, the International Court of Justice ruled that the Preah Vihear temple lies within Cambodian territory. The status of the 4.6 km² of land surrounding the temple, however, remained unclear. When UNESCO declared the Preah Vihear temple a Cambodian World Heritage Site in July 2008, the situation was exacerbated. Several firefights between October 2008 and April/May 2011 claimed at least 34 lives. The border dispute became a rollercoaster ride along the way: Talks between Thailand and Cambodia were regularly interrupted by exchanges of fire, only to be resumed a little later. This prevented a resolution of the conflict. The essay explores how Thailand's and Cambodia's conflict behaviour can be explained from a *first-image* perspective. In doing so, uncovering the motives of both countries' prime ministers is crucial to understanding Bangkok's and Phnom Penh's actions in the border area. The paper argues that in *low-intensity border conflicts*, motivations are different from those underlying heads of government's behaviour in high-intensity border conflicts. While this complicates an agreement on the Preah Vihear question, it also means that escalation to a manifest border war is very unlikely.

■ Manuscript received 5 August 2011; accepted 18 December 2011

Keywords: Thailand, Cambodia, border conflict, Preah Vihear, Phra Viharn, UNESCO, Abhisit Vejjajiva, Hun Sen, realism, first image, statesman

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Ignited by a long-standing dispute over the Preah Vihear temple complex, several exchanges of fire have occurred on the Thai–Cambodian border since October 2008. Intermittent engagements were first seen early in February 2011, lasting for four days and claiming several lives. After previous exchanges of fire, all participants had still attempted to play down the confrontation, pointing to misunderstandings that had arisen when the two countries’ patrols met. This time, though, the Association of Southeast Asian Nations (ASEAN) Secretary-General Surin Pitsuwan classified the February 2011 fights as “open conflict” (ASEAN Secretariat 2011c). Even the United Nations (UN) Security Council weighed in, calling on both sides to show the utmost restraint. Renewed talks and mediation efforts by Indonesia, then chair of ASEAN, also failed to calm the situation. There was further intermittent heavy fighting between late April and early May 2011, lasting almost two weeks and claiming probably more lives than all other previous skirmishes combined. Seasoned observers consider this the most serious eruption of military violence between two members of ASEAN since its foundation in August 1967 (*Thai Press Reports* 2011f; Nirmal Ghosh 2011b; Yang Razali Kassim 2011; ICG 2011a: 1).

In fact, violent conflict between Southeast Asian states had become a thing of the past. The last fights took place from November 1987 to February 1988 on the Thai–Laotian border, claiming approximately 1,000 lives (*United Press International* 1992). The region has not seen another war since then. There are several reasons behind the existing peace between Southeast Asian states, especially the effects of economic interdependence and the process of regional integration. Members of ASEAN pledge not to use or threaten force in their relations. They are bound to this not only by the February 1976 Treaty of Amity and Cooperation (TAC), but also by the ASEAN Charter, which entered into force in December 2008. In this regard, there is an unambiguous empirical finding: When a state joins ASEAN, it becomes less likely that it will go to war against another member state (Kivimäki 2008: 436–441).

This development has not, however, resulted in Southeast Asian states unconditionally trusting one another. Threats of force among two ASEAN members have been seen in recent years. In the dispute between Indonesia and Malaysia over the Ambalat block in the Celebes Sea, for example, two warships collided in April 2005. In May 2009, an Indonesian vessel is even said to have come close to opening fire on a Malaysian warship (*BBC Monitoring Asia Pacific* 2005; *The Straits Times* 2009).¹ The use of force between two ASEAN members is also documented: There were repeated skirmishes on

1 This narration of events is based on Indonesian statements.

the Thai–Burmese border, which ran the risk of escalating in the spring of 2001. The refugee and drug problems in the border region had led to the direct exchange of fire between Burmese and Thai soldiers (Ball 2003).

Against this backdrop, the Preah Vihear conflict must be seen as having a new quality among conflicts between two ASEAN states. Never before have the following characteristics been present at the same time: First, both sides actually fired shots at one another instead of merely threatening to use force,² as had been the case in the maritime boundary dispute between Indonesia and Malaysia. Second, the interstate character of the October 2008 to April/May 2011 border clashes between Cambodia and Thailand was unequivocal. While occasional exchanges of fire between patrols in the past could be classified as accidental, in the case at hand both parties deployed troops to the region and were prepared to accept a potential military clash. The aim was to enforce territorial claims, not resolve transnational challenges. Further, there was no diffusion of responsibility, as had been the case on the Thai–Burmese border in the spring of 2001, when it was not always clear whether regular or irregular units were accountable for fights.

At first glance, it seems remarkable that it could have come this far. Since the first firefights in 2008, there had been regular consultations between high-level representatives of both sides' governments and armed forces. Even the prime ministers of Thailand and Cambodia, Abhisit Vejjajiva and Hun Sen, managed to resume the dialogue time and again after various crises – and this in spite of their open disdain for each other. Nevertheless, the conflict has not been resolved. Mediation offers from the UN and ASEAN have not changed this.

In order to better understand the conflict, this article³ explores the following questions: How can Thai and Cambodian behaviour in the dispute over the Preah Vihear temple complex between 2008 and 2011 be explained? What lessons can be drawn from both sides' conflict behaviour for the nature of *low-intensity border conflicts*?

I argue that examining the immediate causes for conflict is not crucial to understanding Thailand's and Cambodia's conflict behaviour. These immediate causes include provocative actions by both sides, such as Thais demonstrating close to the border, Cambodians raising flags in the disputed area, or patrols clashing. To understand Bangkok's and Phnom Penh's actions, we must evaluate the motives of both heads of government. In doing

2 See Hun Sen's emphatic portrayal of the situation in the fought-over area in April 2011 (Hun Sen 2011c: 4–5).

3 I would like to thank the anonymous reviewers and Siegfried Schieder for their very helpful comments and critiques. I am also grateful to David J. Rösch and Julia Wurr for their excellent research assistance.

so, this paper explains why the conflict has not been resolved so far, and whether it has the potential to develop into a manifest border war. Using a *first-image* perspective, I argue that state leaders' motivations in *low-intensity border conflicts*, such as Preah Vihear, are fundamentally different from those in high-intensity border conflicts. It will become clear that Thailand and Cambodia, because of their central statesmen's domestically determined motivations, are interested in neither a resolution nor an escalation of the border dispute.

The inquiry is structured as follows: I first present the historical background and the main events of the Preah Vihear conflict. Next, I outline the focus of the analysis, which is situated in the *first-image* perspective and mostly looks at the motivations of statesmen. Then, in order to explain their respective behaviour, I discuss the motives of the Cambodian and Thai heads of government in the border dispute. The identified motives are then organized hierarchically so as to reflect the nature of a *low-intensity border conflict*. The paper closes with a brief conclusion, which includes a discussion of possible ways of resolving the border conflict. Events up to the end of 2011 are considered.

1 The Conflict

1.1 Historical Background

There are two dimensions to the territorial conflict between Bangkok and Phnom Penh. In the Gulf of Thailand, the common sea border is disputed. Yet, since 2008, the dominant confrontation flared on the land border, which is 803 kilometres long and unmarked over long stretches. Specifically, the disputed area surrounds the Preah Vihear temple complex, located in the Dangrek Mountains between northern Cambodia (Preah Vihear province) and eastern Thailand (Sisaket province). The temple, dedicated to the Hindu god Shiva, was built from the late ninth to the mid-twelfth century. "Preah Vihear" – in Thai, "Phra Viharn" – means "sacred temple". The complex, which extends for 800 metres, lies at an altitude of 547 metres next to a steep slope and is considered a masterpiece of Khmer architecture (Roveda 2000).

The roots of the conflict date back to the period of European rule of the region. The Kingdom of Siam (now Thailand) had ceded large parts of its territory – Battambang, Siem Reap and Sisophon, among others – to France. During the period of Siamese expansion, those areas had been under the control of the Chakri Dynasty. With these territorial concessions, Siamese King Chulalongkorn (1853–1910) appeased the dominant power of

Indochina (modern-day Cambodia, Laos and Vietnam), prevented potential foreign rule, and ensured that Siam remained the only state in Southeast Asia not to be colonized (Terwiel 2005: 206-212; Baker and Pasuk Phongpaichit 2005: 58-61; Wyatt 2003: 180, 187-193). The two sides settled the border questions in a convention on 13 February 1904, a treaty on 23 March 1907, and a protocol on the same day (John 1994: 64-68). After Cambodia's independence in 1954, the Battambang, Banteay Meanchey (with Sisophon as its regional capital), and Siem Reap provinces came back into its possession. Currently, it is disputed where exactly the border between the two countries runs. In the past, the demarcation had already proved lacking: the Commissions of Delimitation of the Boundary between Indo-China and Siam had only planted 73 boundary pillars between 1909 and 1919 (Memorandum of Understanding 2000: 3).

After France's withdrawal from Indochina, Thailand used the resulting power vacuum and ordered the occupation of the Preah Vihear temple complex in 1954. Cambodia then raised the issue with the International Court of Justice (ICJ) in The Hague on 6 October 1959, which ruled on 15 June 1962 with nine votes to three that the Preah Vihear temple lies on Cambodian territory and thus falls into Cambodia's sovereignty. Thailand was to withdraw all soldiers, police and security forces from the contested area. With seven votes to five, the ICJ also ruled that Bangkok had to return any removed sculptures, steles, fragments of monuments, and ancient pottery. In their verdict, the judges reasoned that since Siam itself had been technologically unable to establish the borderline, it had asked France to produce maps to this effect, a task which was completed by the fall of 1907. The results of the team of French officers' work were communicated to the Siamese government in 1908. These communications included the so-called "Annex-I-Map", which focuses on the demarcation of the Dangrek Mountains and according to which the Preah Vihear temple is on Cambodian territory. The judges reproached Thailand for not having questioned the Annex-I-Map's validity until 1958, even though there had been several opportunities to do so. Further, maps showing Preah Vihear to be on the Cambodian side were printed in Thailand. From this, the judges concluded that Bangkok had accepted the border and could not now question it *ex post* (ICJ 1962).

The conflict over Preah Vihear continued after the ICJ verdict. While Thailand had to accept that the temple complex was legally in Cambodian hands, a 4.6 km² area surrounding the ruins remained contested. To this day, Bangkok claims that the disputed area belongs to Thailand. The United Nations Educational, Scientific and Cultural Organization's (UNESCO) decision of 8 July 2008 to declare the Preah Vihear temple complex a World

Heritage Site, thus accepting the Cambodian application, must be seen against this backdrop (UNESCO/The World Heritage Committee 2008). Under Prime Minister Surayud Chulanont (October 2006–January 2008), Thailand had generally supported its neighbour's application. A statement of the Thai Foreign Ministry of 28 June 2007 literally says: "We have no objection to Preah Vihear shrine being a World Heritage Site" (cited in *Thai Press Reports* 2007). But Bangkok also pointed to unsolved problems. It mainly pushed for declaring the temple site a World Heritage Site of both countries, fearing that Phnom Penh would otherwise be able to use the UNESCO decision to buttress its claims to the contested area surrounding Preah Vihear. These worries were voiced by, among others, the upper echelons of the Royal Thai Armed Forces (*BBC Monitoring Asia Pacific* 2008).

Thai Prime Minister Samak Sundaravej (January–September 2008) had also supported his Cambodian counterpart's initiative at UNESCO, the two having recorded their position in a Joint Communiqué on 18 June 2008 (Joint Communiqué 2008). In this document, Samak accepted Cambodia's unilateral application for the inscription of the Preah Vihear temple as a Cambodian World Heritage Site. On 8 July 2008, the Thai constitutional court declared the Joint Communiqué null and void because Samak had not sought the necessary parliamentary approval before signing it (*Thai Press Reports* 2008a). This decision had far-reaching consequences since it necessitated a change of course of Thai foreign policy on the Preah Vihear issue.

It remains unclear who exactly triggered the subsequent deepening bilateral crisis. But obviously the temporary arrest of three Thai demonstrators, who were apprehended by Cambodian units in the contested area on 15 July 2008, contributed to the increasing dispatch of armed forces to the region (Sopheng Cheang 2008). Several thousand troops were deployed to the border over the following months. This development was dangerous to the extent that Thailand and Cambodia knowingly created the conditions for a military exchange. Both sides conducted patrols in the vicinity of the temple. With the borderline still in dispute, Bangkok and Phnom Penh were able to blame one another for violating their respective sovereignty.

This resulted in firefights in October 2008 and further, but less intense exchanges of fire in April 2009, January 2010, April 2010, and June 2010. By that time, eight soldiers had died (Wagener 2009). Between 4 and 7 February 2011, Thai and Cambodian soldiers were again involved in repeated gun battles, which claimed at least another eight lives. The conflict has so far seen its culmination in the border fights between 22 April and 3 May 2011, which cost probably 18 lives (ICG 2011a: 16-19, 23-24). They exceeded all

previous fights both in their intensity and duration. To this date then, the conflict over the Preah Vihear complex has cost at least 34 lives.⁴

1.2 Conflict Management

Cambodia and Thailand have been unable to resolve the conflict since the outbreak of hostilities. A rapprochement on the key issues, especially regarding the affiliation of the area surrounding the temple, cannot be observed. To resolve the border conflict peacefully, representatives of both sides had already signed a Memorandum of Understanding (MoU) in Phnom Penh on 14 June 2000, which contained basic principles governing the survey and demarcation of the land border (Memorandum of Understanding 2000). These included abiding by the 1904 and 1907 agreements, creating a Cambodian-Thai Joint Commission on Demarcation for Land Boundary (or Joint Boundary Commission, JBC) and a Joint Technical Sub-Commission, among whose tasks was to establish the exact locations of the existing boundary pillars.

To date, the conflict has not been resolved for several reasons. For one, Thailand insists that disputes with Cambodia should be dealt with only bilaterally. Phnom Penh, however, rejects this and has repeatedly appealed to the UN and ASEAN to mediate. Hun Sen even asked the UN Security Council to dispatch a peacekeeping force.

This situation made it painfully clear to ASEAN that because of the lacking transfer of sovereignty (“ASEAN Way”), it remains structurally incapable of acting (Wagener 2010). A case in point, the attempt to create a contact group to mediate in the border conflict had already failed at a July 2008 ASEAN foreign ministers’ meeting in Singapore. Secretary-General Surin Pitsuwan nevertheless made it known that “ASEAN still stands ready to extend any support if the two sides would like ASEAN to play a role” (cited in Koh 2008). During the ASEAN summit in Cha-am Hua Hin in February/March 2009, the secretary-general declared that he would first dispatch a fact-finding mission to the contested area, should the organization be asked for assistance (*Vietnamese News Agency* 2009). Furthermore, it is remarkable that ASEAN, together with other states, criticized Bangkok and Phnom Penh. The Chairman’s Statement of the 15th ASEAN Regional Forum (ARF) meeting in Singapore on 24 July 2008 says:

4 This figure is the author’s tally of the news coverage and is the minimum number of Thai and Cambodian soldiers and civilians killed. How many people actually died cannot be said with certainty.

The Ministers were briefed by both Cambodia and Thailand on the situation in the area around the Temple of Preah Vihear and noted this with concern. They urged both sides to exercise utmost restraint and resolve this issue amicably (Chairman's Statement 2008).

In the run-up to the 15th ASEAN summit in Cha-am Hua Hin in October 2009, Thailand's foreign minister, Kasit Piromya, came forward with a bold suggestion. He announced that at the summit, he would suggest establishing a mechanism to help resolve territorial conflicts such as those between Bangkok and Phnom Penh. The Cambodian foreign minister, Hor Namhong, immediately agreed to this undertaking. Kasit Piromya's initiative, however, came to naught, presumably because it had been insufficiently coordinated within the Thai government. The Ministry of Foreign Affairs claimed that the foreign minister had been misquoted. Thailand would stick to its guns: The conflict had to be resolved bilaterally within the framework of the Joint Boundary Commission (*Thai Press Reports* 2009b; *BBC Monitoring Asia Pacific* 2009b).

Kasit Piromya's advance and Hor Namhong's reaction show that individual decision makers do consider a role for ASEAN in resolving conflicts. Those opposing advances such as this are still the vast majority, however. Hence, while Articles 22 to 28 of Chapter VIII of the ASEAN Charter provide for Dispute Settlement Mechanisms (DSMs) (ASEAN Secretariat 2007), Vitavas Srivihok, director-general for ASEAN affairs in the Thai Ministry of Foreign Affairs, points out that the border dispute between Thailand and Cambodia will not be dealt with in the context of the DSMs (*Thai Press Reports* 2009a). Thailand further blocked an advance by Vietnam, which chaired ASEAN in 2010. On 17 August 2010, a spokesperson for the Vietnamese foreign ministry, Nguyen Phuong Nga, declared: "As ASEAN chair, Vietnam is actively consulting with other ASEAN countries about the proposal that the association mediate in the Preah Vihear dispute" (cited in *BBC Monitoring Asia Pacific* 2010).

One week after the February 2011 fights, the border conflict was discussed in the UN Security Council, which called on Thailand and Cambodia to establish a "permanent ceasefire" (United Nations Security Council 2011). ASEAN highlighted that its chairman had for the first time been invited to a session of the Security Council. As Surin Pitsuwan put it: "ASEAN Chair's attendance at the UNSC meeting represents an evolution of ASEAN's effort to resolve bilateral disputes amongst its Member States as provided for by the ASEAN Charter. [...] This is particularly important as it will set precedence for future ASEAN dispute settlement mechanisms" (ASEAN Secretariat 2011b). In the face of the influence of ASEAN – which had been

continuous, but in its substance marginal – on the conflict over the Thai–Cambodian border, this was a bold assessment.

This was to change on 22 February 2011. At an informal meeting of ASEAN foreign ministers in Jakarta, specially convened to discuss the Preah Vihear issue, the Indonesian chair managed to broker the following agreement: Bangkok and Phnom Penh promised to take measures to prevent future military clashes, welcomed the dispatch of an Indonesian group of observers to the border area, and further agreed to resume bilateral negotiations and to cooperate with Indonesia on this (Chairman of the ASEAN 2011). For Surin Pitsuwan, this was reason enough to exuberantly celebrate the meeting's results: "This is certainly a historic day for ASEAN. It is a major step forward to our community-building efforts" (cited in ASEAN Secretariat 2011a). At the time, the deployment of 30 Indonesian observers to the border region was discussed.

Once more, the ASEAN initiative came to naught. Both Thailand and Cambodia have stressed that they would not draw down troops around Preah Vihear following the foreign ministers' meeting. Further, the Royal Thai Armed Forces leadership spoke out against the presence of any Indonesian observers on the Thai side of the border.

Cambodia launched the most recent initiative in the seemingly interminable dispute over the Preah Vihear temple complex. On 28 April 2011, Hun Sen's government asked the ICJ for an interpretation of unclear passages of its 1962 verdict, especially the status of the 4.6 km² area surrounding the Preah Vihear complex. Such a request is possible under Article 60 of the Statute of the Court (ICJ 1945). On 18 July 2011, the ICJ reached a decision on provisional measures (ICJ 2011): Thailand and Cambodia are called on to withdraw their troops from the contested border area, to establish a "provisional demilitarized zone" (PDZ) of approximately 17.3 km², including the Preah Vihear temple complex (ICJ 2011).⁵ Thailand is to give Cambodia unfettered access to the historical ruins. Both parties are to cooperate with ASEAN, which is given the opportunity to dispatch observers to the border area. Nevertheless, the question of the territorial status of the disputed 4.6 km² remains open. In this regard, the ICJ has stated that it would include an interpretation of its 1962 verdict in a further decision.

As of December 2011, no troops have been withdrawn from the PDZ. This is due mostly to a new government being formed in Bangkok after the 3 July 2011 parliamentary elections. Key political positions were reshuffled, from the prime minister to the members of the delegation to the Joint

5 The size of the "provisional demilitarized zone" given here is based on Abhisit's assessment, which probably matches the ICJ's map (*The Nation* 2011; ICJ 2011: 17). Hun Sen states the PDZ's area as 17.388 km² (Hun Sen 2011b: 3).

Boundary Commission (*Thai Press Reports* 2011a). Therefore, foreign policy decisions were delayed. Additionally, a flood of unprecedented scale occupied the Yingluck Shinawatra government.

2 The First Image and the Statesman

How can Thai and Cambodian conflict behaviour in the dispute over the Preah Vihear temple since 2008 be explained? Before collecting further empirical data, it makes sense to reflect on relevant arguments from international relations theory. In doing so, I will concentrate on the *first image* and the statesman.

In his seminal 1959 work on explanations of wars, Kenneth N. Waltz distinguishes between three perspectives. State behaviour can be understood as a function of human nature (*first image*), the societies of states (*second image*), or the international system (*third image*). Waltz openly admits that at bottom, every image can contribute to explaining a war, but then cautions that “where one begins his explanation of events makes a difference” (Waltz 2001: 5). He himself became a neorealist and has since been consistently working in the *third image*.

Studies written from a *first-image* perspective have the advantage of being able to very easily justify the relevance of their approach. Nobody would seriously doubt that powerful statesmen fundamentally influence their state’s foreign policy – suffice it to point to the examples of Adolf Hitler, Joseph Stalin or Mao Zedong. However, there is still no theory that enables us to draw causal conclusions from the behaviour of a statesman to the behaviour of a state.

Among the most important attempts made to close this gap is the work of classical realists who explain foreign policy from the statesman’s perspective. Leading among them is Hans J. Morgenthau (1904–1980), who did not believe in the guaranteed reason of man and harmonious interests of states, but built his work on an anthropological scepticism. Here Morgenthau and his followers use an analogy which links the nature of man to the nature of the state. If law-like regularities can be uncovered in human behaviour, they can thus be applied to the state (Morgenthau 1973: 4).

The derivation of the negative view of man already shows how problematic this approach is. There are several competing interpretations. First, man is assumed to have a personality defect, an incurable misbehaviour. Reinhold Niebuhr (1892–1971), in line with his theological understanding, sees the causes of this in evil, going back to the biblical concept of sin (Niebuhr 1943: 178–186). The nature of man is second explained with reference to the constraints of the social environment. According to Thomas Hobbes

(1588–1679), man’s inclination towards violence (*homo homini lupus*) is the result of socialization in the state of nature (Hobbes 1970: 63-66). A third strand approaches man’s essence through evolutionary theory. Bradley A. Thayer traces the characteristic drive for domination back to the fact that the organization of human societies is always hierarchical. Hierarchy by definition includes the dominating and the dominated, and man has learned that he has better chances of surviving in the dominating position (Thayer 2000: 130-137).

Critics point to the fact that these behavioural or socio-biological interpretations are of limited use for theories of international relations (Bell and MacDonald 2001). If man is capable of both starting war and making peace, then no specific conclusions for state behaviour can be drawn from this conception of man. The causalities put forward in classical realism are thus not only very easy to criticize, but also hardly testable in any meaningful way.

More recently, Daniel L. Byman and Kenneth M. Pollack have tried to go beyond Morgenthau’s assumptions in outlining the importance of the statesman for explaining a state’s foreign policy (Byman and Pollack 2001b: 133-146). Their work uncovers the dilemma of *first-image* analyses. They formulate several hypotheses which are arrived at inductively from empirical case studies rather than deductively through a theory. Byman and Pollack encourage the reader to test these hypotheses. But what would be the gain of doing so? Results of such a test would confirm or invalidate individual observations but could not be situated within a longer causal chain.

Both the problems of Morgenthau’s analogous reasoning outlined above and the way in which Byman and Pollack generated their hypotheses show that it is problematic to formulate a convincing *first-image* theory, i.e. logically connected causalities. Explanatory claims can therefore only be of a limited scope. It is thus more about rendering the actions of key statesmen plausible, to which end they are assigned motives. However, since checking for plausibility also has a certain explanatory content, the term “explaining” will be retained in the following.

How does one go about ascertaining motives? Despite all criticism, Morgenthau has still convincingly outlined the way a scientist has to proceed in order to understand a statesman’s thinking:

We assume that statesmen think and act in terms of interest defined as power [...] That assumption allows us to retrace and anticipate, as it were, the steps a statesman – past, present, or future – has taken or will take on the political scene. [...] Thinking in terms of interest defined as power, we think as he does (Morgenthau 1973: 5).

Morgenthau thus requires the scientist to develop empathy for the statesman's situation. Hence, most classical realists attempt to explain and predict foreign policy through the lens of policy led by rational interest.

The author does not subscribe to the part of classical realism that explains states' needs and drives by reference to those of man. Nonetheless, an idea of man is important, since it also applies to decision makers. In his two-level games, Robert D. Putnam has already found that the statesman – here as the “chief negotiator” – cannot be understood as a mere transmission belt between domestic and foreign policy. An unconventional interpretation of the situation or simply personal interests could lead him to influence negotiations independent of the logic of domestic politics (Putnam 1988: 456-459). For the case at hand, this simply means that before making a foreign policy decision, Abhisit Vejjajiva and Hun Sen consider not only national interests, but also personal motives. According to Waltz's *first image*, by virtue of being human, the prime ministers of Thailand and Cambodia must also be ascribed – at least in theory – the character traits of “selfishness”, “misdirected aggressive impulses” and “stupidity” (Waltz 2001: 16). This explains those actions that do not follow from rational ends-means calculations.

Consequently, the conflict behaviour of a state can ideally be explained by reconstructing national interests while providing for potential egoistic motives of the statesman. For the further argument, I distinguish between “interests” and “motives”. While “interests” in realism mainly concern a state's expected ends, “motives” also include those driving forces pertaining to the maintenance of the statesman's position. It is these motives that are at the heart of the following two sections.

Despite its deficits, this approach has a decisive advantage: It can be applied even if the scholar does not have sufficient command of the language or has no access to important sources (e.g. regarding the leaders of authoritarian states) and therefore has to rely more heavily on the secondary literature. The result, however, can never be more than an offer of a plausible interpretation, which will then need to be optimized in the course of scientific research.

3 Cambodia's Motives

Looking at Cambodia's conflict behaviour, historical motives stand out. The Khmer Empire had been one of the leading powers of Indochina in the twelfth century. The temple complex of Angkor (“Angkor Wat”) built during this period is considered an architectural masterpiece to this day. The downfall of the Khmer Empire was caused partly by attacks by the Siamese Kingdom of Ayutthaya, which was founded in 1351. In 1431 it conquered

Angkor, the Khmer capital. In the nineteenth and the first half of the twentieth century, Cambodia became an object of Siam's and French Indochina's claims to power; throughout the East–West Conflict, it was at the centre of the respective competitions between Thailand and Vietnam, and between the United States and the Soviet Union. The former Khmer Empire had been degraded to a plaything of neighbouring states. The events of 29 January 2003 show how deep this grievance runs: After actress Suvanant Kongying was said to have refused to appear in Cambodia as long as the Angkor temple complex had not been returned to Thailand, unrest erupted in Phnom Penh, in the course of which the Thai embassy was burned to the ground (Hinton 2006). Suvanant Kongying then denied ever having said anything to that effect (*The Daily Telegraph* 2003).

By going to UNESCO, the Cambodian David demonstrated assertiveness to the Thai Goliath. In doing so, Phnom Penh used its most important – currently maybe its only – power resource: the diplomatic prowess of Hun Sen, its prime minister since 1985, who has during his term seen 13 Thai counterparts come and go. In all other categories, Cambodia is clearly inferior to Thailand. This goes for territory (181,035 km² / 513,120 km²), population (2010: 14.14 million / 69.12 million), Gross Domestic Product, GDP (2010: 11.242 billion USD / 318.522 billion USD), defence budget (2010: 274 million USD / 4.81 billion USD), and the size of the armed forces (2010: 124,300 / 305,860) (The World Bank 2011; IISS 2011: 229, 275).

At first glance, it seems to be mostly historical motives that make Hun Sen's behaviour in the Preah Vihear issue comprehensible. In the case at hand, however, motives rooted in day-to-day politics also come to the fore. In particular, they explain Cambodia's behaviour in 2008. The following motives must be considered:

The dispute over the temple complex was, first, instrumentalized by Hun Sen in the lead-up to the 27 July 2008 elections. It was hardly a coincidence that the Cambodian build-up intensified in the week immediately before the election. Hun Sen thus styled himself as the defender of the cultural claims of the Khmer people. The nationalism stimulated by this was presumably a major factor in his landslide victory, with the Cambodian People's Party (CPP) winning over 58 per cent of votes.⁶ That the Preah Vihear ruins are part of Cambodia's central cultural heritage had been made clear to

6 As Caroline Hughes has noted, this course of action has precedents: "The exploitation of Cambodia's archaeological heritage in the pursuit of short-term nationalist popularity is a familiar part of the political repertoire for Cambodian governments" (Hughes 2009: 211). It stands out that the January 2003 unrests occurred before the July 2003 parliamentary elections and were also instrumentalized by Hun Sen (Hinton 2006: 453–454).

the nation's citizens before. In January 2008, the National Bank of Cambodia issued a 2,000 KHR bill showing the Angkor temple complex on the front and the entrance gate to the Preah Vihear temple complex on the back (National Bank of Cambodia 2011).

Second, it is striking that the conflict was not only used to launch a new campaign for recruiting soldiers, but also to increase the Cambodian defence budget. A draft budget bill for 2009 published in November 2008 put the defence budget at 223 million USD, which amounted to an increase of over 60 per cent (*Xinhua General News Service* 2008). In November 2009 it became known that military spending for 2010 was to be increased to 274 million USD (Mocuta 2009). It is questionable whether Hun Sen could have pushed through this significant increase of the defence budget without the clashes over Preah Vihear. With the additional funds, he was able to buttress the central pillar of his power, the armed forces' loyalty.

Third, the cultivation of the border dispute at a manageable level opened the possibility for Hun Sen to distract attention from the Khmer Rouge tribunal, whose work he, according to observers, has been hampering for years (Human Rights Watch 2011). The tribunal's finding could potentially cast a bad light on some members of the Cambodian government. Even though the following people helped to end Pol Pot's reign alongside Vietnam, they had previously been members of the Khmer Rouge: Hun Sen (prime minister), Chea Sim (president of the Senate, chairman of the CPP), Hor Namhong (foreign minister), Keat Chhon (minister of economy and finance), Sar Kheng (interior minister), and Heng Samrin (president of the National Assembly, honorary chairman of the CPP). It is thought that they only turned their backs on Pol Pot, whose Khmer Rouge seized power in Cambodia in 1975, in 1977/1978. Accordingly, 62 per cent of Cambodians stating in a July/August 2009 poll that the trial of Kang Kek Iew (alias "Comrade Duch") was progressing too slowly (IRI 2009: 36) can be considered criticism of the government. The border dispute gave Hun Sen the opportunity to distinguish himself domestically. In a October/November 2008 poll, 59 per cent of Cambodians picked "Border issues and demarcation" in answer to the question "What three issues or concerns do you feel most impact Cambodia as a country?". "Prices for goods" came in only second (by a considerable margin: 22 per cent) (IRI 2008: 15).

Fourth, Sam Rainsy, leader of the "Sam Rainsy Party", charges that Hun Sen, by stoking the conflict with Thailand, is trying to distract attention from his failings in the border dispute with Vietnam.⁷ Moreover, he asserts

7 Sam Rainsy was probably referring to the issue of Kampuchea Krom (Hughes 2011: 191-194).

that Hun Sen supports Vietnamese claims to power in Indochina by trying to weaken Thailand, to which end “nothing is more effective than fanning the flames of internal divisions among the Thai people and supporting one fighting group against the other” (cited in *BBC Monitoring Asia Pacific* 2009a).

Fifth and last, it is safe to assume that another motive emerged during the dispute. Cambodia, too, is suffering from the effects of the international financial crisis. Whereas GDP grew by 6.7 per cent in 2008, it shrank by 2 per cent in 2009 according to the International Monetary Fund (IMF 2010: 182). Domestically, newspaper coverage of the dispute with Thailand is thus probably much more preferable for Hun Sen than is coverage of factories closing.

In the run-up to the February 2011 fights, Hun Sen’s motives changed. There were no elections and no imminent increases of the defence budget; the economy had recovered, and distracting from the Khmer Rouge tribunal and other bilateral conflicts with neighbouring states appears to have been merely an accompanying motive. Rather, Hun Sen’s actions were driven by the fact that Abhisit Vejjajiva tried to have the recognition of the Preah Vihear temple complex as a World Heritage Site revoked, which Phnom Penh vehemently opposed. Hun Sen tried to portray his Thai colleague as the true obstacle to a resolution of the conflict (Puangthong Pawakapan 2011). Border fights were helpful as far as they provided him with the opportunity – to great public effect – to call for an international regulation of the conflict, all the while knowing that Abhisit Vejjajiva would have to reject this time and again, as he insisted on a bilateral format for negotiations. Hun Sen, however, could demonstrate his willingness to make peace to the UN and ASEAN.

The foreign policy confrontation was also helpful in distracting from potential domestic problems. A case in point, Hun Sen reacted very touchily to musings about the possibility of uprisings in Cambodia similar to those seen in North Africa in early 2011 (Cheang Sokha 2011). A further motive was floated in the print media: Hun Sen’s oldest son, Hun Manet, was said to have led the February 2011 fights. Some speculate that the aim of this was to improve Hun Manet’s reputation with the Cambodian armed forces in order to build him up as his father’s successor (*Thai Press Reports* 2011e; *BBC Monitoring Asia Pacific* 2011d). At the beginning of 2011, he had been promoted to major-general.

The background of the April/May 2011 fights is difficult to assess. Once more, the press speculated about the Hun Manet factor (ICG 2011a:

19).⁸ But the following possible motives seem more plausible: Remarkably, Cambodia turned to the ICJ for an interpretation of the 1962 verdict while the fights were still going on. It is also notable that Hun Sen took this step in the wake of the most intense firefights up to that point, those that claimed the most casualties and displaced tens of thousands. He may have done so in hopes of putting pressure on the judges. At least in its key provisions, the ICJ's 18 July 2011 decision accommodates the Cambodian position and may have been made in the face of the increasing human suffering in the border area. Furthermore, in the run-up to the ASEAN summit, Hun Sen probably tried once more to portray Thailand as the conflict's actual problem. The fact that the border clashes ceased just in time for the 7–8 May 2011 meeting of Southeast Asian heads of state and government in Jakarta seems to suggest that they were politically orchestrated.

That Hun Sen is the driving force of the conflict shows especially in his rhetoric, which evidences a clear tendency towards conflict. On 13 October 2008, he had set an ultimatum for Thailand to withdraw its troops from the border: "They have to remove tonight or tomorrow. If they don't remove [...] war will be waged" (cited in *The Nation* 2008). Two days later, the first gun battles erupted. After the firefights from 4 to 7 February 2011, Hun Sen repeatedly referred to the confrontation between the two states as "war" (Hun Sen 2011f: 1). In May 2011, Hun Sen even called the border fights a "large-scale war" (Hun Sen 2011d: 6). A comparable rhetoric, contributing to the escalation of the conflict, cannot be heard from Bangkok.

Hun Sen's personal motives, his gambits and especially his aversion⁹ to Abhisit Vejjajiva explain Cambodia's behaviour in the Preah Vihear issue to a large extent. But the focus on the *first image* also allows us to interpret phases of de-escalation. Hun Sen depicted Yingluck Shinawatra's election as prime minister as a turning point in the border dispute: "The situation along the Cambodian and Thai border has improved since 3 July 2011, the day when the people of Thailand voted for Pheu Thai party" (Hun Sen 2011a: 6). He reacted to Yingluck's inauguration on 5 August 2011 with a jubilant congratulatory letter (*Xinhua General News Service* 2011). The new head of

8 Regarding his son's role in the border dispute, Hun Sen has stated: "Let me also make clear here that (Hun) Manet has been involved in all battles. There is no denial for that. However, Manet has not yet been elevated to commanding post in the battle" (Hun Sen 2011e: 2).

9 Hun Sen publicly called Abhisit Vejjajiva's behaviour following the ICJ's 18 July 2011 decision "childish" (Hun Sen 2011b: 1), having previously distinguished between Abhisit and the Thai people: "I wish to make a statement that not all Thais are that heinous as the Government of the Democratic Party of Abhisit" (Hun Sen 2011e: 4).

government is a sister of Thaksin Shinawatra (February 2001–September 2006) and belongs to the Red Shirts, the camp in the kingdom that maintains exceptionally good relations with Hun Sen. The Cambodian leader's close relationship with the prime minister, deposed in 2006, can be witnessed not only in the two of them regularly getting together to play golf. In the past, Hun Sen named Thaksin his advisor, a position the latter held from November 2009 until August 2010. This male bonding is likely to have contributed to the smoothness of Yingluck Shinawatra's first official visit to Phnom Penh on 15 September 2011 (*Philippines News Agency* 2011b). The thaw between Thailand and Cambodia this visit ushered in has already borne fruit. The dispute over the Preah Vihear temple complex de-escalated noticeably and there have been no further firefights as of December 2011.

Nevertheless, even though this may seem paradoxical, especially Hun Sen is now in a tricky situation as regards foreign policy. He will maintain his position on the border dispute. With Yingluck Shinawatra, he may even hope that the Preah Vihear conflict will be swiftly resolved in Cambodia's favour. But whether this will play out is questionable, as Hun Sen knows that Yingluck's room to manoeuvre in the border conflict is limited for domestic reasons. From past experience, he has learned that Cambodia has considerably better relations with Thailand when the latter is governed by the Red Shirts, as it was when the MoU was signed in June 2001. The MoU's provisions included, among other things, common exploration of oil and natural gas reserves in the disputed waters in the Gulf of Thailand. However, the agreement was then terminated by Abhisit Vejjajiva in November 2009. Accordingly, it would not be intelligent to pressure Yingluck Shinawatra in the dispute over the temple complex and thereby potentially weaken her domestically.

From a *first-image* perspective, should Cambodia continue to follow a conciliatory course towards Thailand during Yingluck Shinawatra's time in office, this would be a clear indication that historical and legal motives do not have to force Hun Sen's hand. This assertion also applies to a further issue: Cambodia will take over the chairmanship of ASEAN from Indonesia in 2012, which opens entirely new possibilities for Hun Sen to distinguish himself in foreign policy. This could lead him to forego further provocations along the border.

4 Thailand's Motives

Even though Hun Sen acted as the agitator in the dispute over the Preah Vihear temple complex, this does not exculpate Thailand. On the contrary, had Bangkok upheld its end of the Joint Communiqué of 18 June 2008, the

conflict would probably not have erupted in the first place. It was only when Thailand distanced itself from its earlier position – that Cambodia's application for the Preah Vihear temple complex to become a World Heritage Site not be recognized – that the situation became exacerbated. Hun Sen stuck to his guns, was met with increasing resistance from his neighbouring country, and therefore toughened his foreign policy line.

The Preah Vihear conflict had been on hold while Samak Sundaravej was head of government. He saw himself as a fill-in for Prime Minister Thaksin Shinawatra and could therefore build on his predecessor's good relationship with Hun Sen. Thus, there were no motives clashing with those of the Cambodian prime minister underlying Samak's foreign policy.

This changed when, in an increasingly polarized society, the Yellow Shirts won the upper hand over the Red Shirts. With the People's Alliance for Democracy (PAD), an oppositional pressure group with a high mobilization capability emerged in the kingdom. Not only did it help make Abhisit Vejjajiva Thai prime minister in December 2008; Thailand's new foreign minister, Kasit Piromya, also stems from their ranks. Furthermore, the PAD has proven to be exceedingly nationalistic. During their time in opposition, the PAD and Abhisit and his Democrat Party shared the view that the concessions Prime Minister Samak made in the 18 June 2008 Joint Communiqué were too far-reaching (Ker Munthit 2008; *Thai Press Reports* 2008b).

The change of Thailand's foreign policy position on the Preah Vihear question hence came about through a change of the head of government. Abhisit pursued historical motives different from those of Samak, thus preparing the ground for the confrontation with Cambodia. In the end, however, motives concerning the domestic power struggle were dominant in this: Abhisit used the border dispute to improve his own political standing. Upon reaching this goal, the Preah Vihear conflict lost its original function for the new prime minister. Historical motives remained and Abhisit took up his positioning from his time in opposition – namely, to reverse the unilateral declaration of the Preah Vihear temple complex as a Cambodian World Heritage Site. To this effect, in the short term, the recognition of the Cambodian management plan for the complex by UNESCO had to be counteracted. In this regard, the February 2011 firefights actually helped Abhisit's policy. He had been claiming for a long time that the July 2008 UNESCO decision exacerbated the border dispute (*BBC Monitoring Asia Pacific* 2011c). Regular border fights thus strengthened the former Thai prime minister's argument.

Domestic motives became dominant once more when Abhisit and the PAD parted ways (ICG 2011b: 7-9). After a change of government in December 2008, the different shapes and forms of nationalist sentiments were

to become a problem for the former partners. From the PAD's perspective, Abhisit Vejjajiva was being too lenient towards Hun Sen. Hence it demanded revoking the three minutes reached in negotiations in the Joint Boundary Commission, because they would lead to the loss of Thai territory. Moreover, the PAD also expected Abhisit to cancel the 2000 MoU with Cambodia (*Thai Press Reports* 2011g). This proved difficult for him, not least because the memorandum was signed by Chuan Leekpai (1992–1995, 1997–2001). In 2000, he had served not only as prime minister, but also as chairman of the Democrat Party, which has been led by Abhisit since 2005. Further demands by radicalized PAD members even went beyond Hun Sen's rhetoric – such as those for a military intervention in the contested borderland (*The Economist* 2011).

Abhisit's government stressed that its policy on the Preah Vihear issue did not consider the PAD. In practice this meant that it did not embrace the aforementioned radical demands of leading members of the Yellow Shirts (*ABC Premium News* 2011). Nonetheless, the PAD's pressure at least contributed to the fact that Abhisit maintained his old position – or rather had to do so! He thus had very few options to contribute to a solution of the border dispute by signalling goodwill on his part. Any assessment of his behaviour in the border dispute also has to consider the resulting consequences for his political standing.

Observers conjecture that Abhisit, through his policy vis-à-vis UNESCO, tried to improve his popularity ratings. Through it, he allegedly pursued the goal of influencing the June 2009 by-elections in Sisaket and Sakon Nakhon provinces (Pavin Chachavalpongpun 2010: 302-303). If this was the case, there would have been a strong domestic motive. It also seems plausible that he could have used the border dispute to justify rescheduling the upcoming July 2011 national elections. There had been speculation in the press that individual generals feared that their role in the crackdown against demonstrations in Bangkok in 2009/2010 would be critically examined should the opposition retake power (Nirmal Ghosh 2011a).

Overall, Abhisit Vejjajiva influenced the Thai position on Preah Vihear considerably, but not in the way Hun Sen is steering Cambodian foreign policy. This is partly because of the different political situations in the kingdoms. Hun Sen has been able to neutralize all important veto players in his country during the last two decades. In Thailand, the situation is completely different. Abhisit had to take the opinions of powerful veto players into account: not only the PAD. According to Article 190 of the constitution, the Thai parliament has a say too: "A treaty which provides for a change in the Thai territories [...] must be approved by the National Assembly" (Foreign Law Bureau/Office of the Council of State 2007). The Royal Thai Armed

Forces leadership was also unwilling to give its unqualified support to Abhisit. At the beginning of April 2011, Chief of Defence Forces General Songkitti Jaggabatarata opposed two commitments the Thai government had previously made to the Cambodian government. He declared that Indonesian observers would not be permitted to enter the disputed border area. Furthermore, he insisted that the next meeting of the General Border Committee must be held in Cambodia, not Indonesia, and without an Indonesian mediator (*BBC Monitoring Asia Pacific* 2011b). Therefore, observers – especially following the April/May 2011 fights – have also been speculating that the Royal Thai Armed Forces leadership used the border dispute to buttress its position in Thai society (Pavin Chachavalpongpun 2011).

Abhisit Vejjajiva left a difficult legacy to his successor. As the caretaker prime minister following the lost elections, he chose to leave the implementation of the 18 July 2011 ICJ decisions to the new government (Kornchanok Raksaseri 2011). Therefore, it is Yingluck Shinawatra who would have to order a withdrawal of Thai troops from the PDZ and would seem weak in the eyes of nationalists.¹⁰ To prevent possible mistrust, she underscored that the disputed 4.6 km² surrounding the Preah Vihear temple belong to Thailand (*Thai Press Reports* 2011c). At the same time, she oversaw a host of signs of *détente* in September 2011, signs that differ markedly from her predecessor's policy: With Bandhit Sotipalalit, a moderate diplomat was dispatched to the Joint Boundary Commission (*Thai Press Reports* 2011a); Foreign Minister Surapong Tovichakchaikul declared that the 2001 Memorandum of Understanding on overlapping maritime boundaries, which Abhisit had cancelled, needed to be reconsidered (*Thai Press Reports* 2011b); the defence ministers of both countries agreed on a troop withdrawal from the PDZ and the admission of Indonesian observers (*Philippines News Agency* 2011a); and finally, Yingluck Shinawatra visited Hun Sen in an amicable atmosphere in Phnom Penh.

Despite good relations with her Cambodian colleague, the new head of government will have to tread carefully in the border dispute as she faces significant domestic pressure. If she creates the impression of being Thaksin's long arm, she risks not only PAD protests; domestic pressure could become strong enough for her to suffer the same fate as her predecessors Samak Sundaravej and Somchai Wongsawat (September–December 2008), who were ousted after short terms in office. A further military coup may also be possible, should the armed forces' leaders conclude that Thaksin is trying to make a political comeback and return to Thailand

10 The initial statements of PAD members on the ICJ verdict indicated as much (*Thai Press Reports* 2011d).

through his sister. Beyond this, Yingluck is being (and will be) judged by her handling of the consequences of the flood catastrophe, which had claimed more than 600 lives by the end of November 2011 (DPA 2011). Despite her possible sympathies for Hun Sen, she may be forced to make no conciliatory gestures regarding the Preah Vihear issue because of her fragile domestic standing.

5 The Statesman and the Nature of Low-Intensity Border Conflicts

What lessons can be drawn from these observations? First, it must be noted that the exchanges of fire over the Preah Vihear temple complex have not escalated. More than three years after the first border clashes, such a substantial intensification of the conflict seems unlikely. This and the overall moderate use of force lead to the simple finding that the nature of the dispute is not one of *high intensity*, but of *low intensity*. A defining characteristic of a high-intensity border conflict could, for example, be the onset of an invasion, such as China's incursion into northern Vietnam in early 1979. Distinct from this are smaller border fights that, like the clashes over Preah Vihear, do not affect the balance of power in the border region.

This distinction is important since the nature of the conflict has implications for the motives of statesmen. Since they act in the interest of both the state and themselves (the latter in the form of strengthening their political standing), the *raison d'état* can conflict with personal motives. When statesmen engage in comprehensive wars, their actions must be tied to existential questions, such as the survival of the state. If the conflict can be contained locally with little military effort, as is the case in the dispute over the Preah Vihear temple compound, there is room for pursuing personal goals. This is underscored not only by the dispute between Thailand and Cambodia, but also by other comparable cases. In these *low-intensity border conflicts*, three categories of motives can be distinguished:

1. Insofar as statesmen like Hun Sen and Abhisit Vejjajiva defend territorial claims, they almost always justify their actions by invoking historical contexts, which they interpret in their favour. Identity questions play a crucial role in this: When two states interpret borderlines differently, this reflects their self-conception, e.g. as a victim, which is connected to the origins of the conflict. Nevertheless, historical forces often have only a subordinate influence on the behaviour of statesmen (*third-order motives*). If history were the central influence, it would be impossible to explain why so many of East Asia's territorial conflicts have been on

hold for so long, but still continue to cause bilateral dissonances, which then quickly de-escalate (as is the case for, for example, the Spratly Islands, the Senkaku/Diaoyu Islands, the Dokdo/Takeshima Islands and the Kuril Islands/Northern Territories). The reference to the defence of territorial integrity is also unconvincing, because a statesman would then have to be willing to engage in a more sizeable exchange of fire – but this is precisely what he is unwilling to do in a *low-intensity border conflict*. Neither Hun Sen nor Abhisit Vejjajiva made earnest preparations for larger-scale military operations between 2008 and 2011.

2. Since *third-order motives* are therefore of subordinate importance in *low-intensity border conflicts*, we have to assume that statesmen are led by other motives in deciding to (temporarily) intervene militarily in territorial conflicts. One thus has to investigate those motives that guide action in a specific instance, and which are accordingly heavily shaped by day-to-day politics. The statesman is influenced by either opportunities or constraints in domestic and foreign politics. Hence at least two *secondary motives* emerge: Economically, smaller skirmishes make sense for more powerful states, which can enforce their territorial claims with relatively little effort. Should, for example, smaller islands be acquired this way, a great power would control new Exclusive Economic Zones. This was the case for the respective 1974 and 1988 naval clashes between China and (South-)Vietnam over the Paracel and Spratly Islands. But a *low-intensity border conflict* can also make sense for protecting a state's territorial integrity: Fights on the border signal unwillingness to accept the area's occupation – not least to prevent the more active party from invoking customary international law later on. This in turn is the case in the Thai–Cambodian border dispute. Because there has been no final decision on the status of the disputed 4.6 km² area immediately surrounding the Preah Vihear temple, both sides used military means to buttress their claims.
3. Maintaining the statesman's political standing, however, must be seen as the main driving force (*primary motive*). He can use a *low-intensity border conflict* to distract from domestic problems. Border fights are furthermore instrumentalized for domestic mobilization and thus for buttressing one's own claim to power. To the extent that national identities are of importance in a society, decision makers can try to distinguish themselves in a domestic debate by staking territorial claims. Such *primary motives* predominantly drove Hun Sen and Abhisit Vejjajiva in the dispute over the Preah Vihear temple complex – either to secure and maintain their own power domestically, or to gain power and office. Especially in the period when personal animosities between the two

prime ministers precluded negotiations, *primary motives* underlay their actions. That Thai–Cambodian relations improved abruptly after Yingluck Shinawatra’s inauguration in early August 2011 shows once more how large the influence of statesmen and their personal preferences on the border dispute is.

Thus the main difference between the hierarchies of motives in *low-intensity border conflicts* and high-intensity wars has been identified: In smaller border fights, the statesman retains room to pursue *primary motives*, while in manifest border wars, he focuses on leading comprehensive military operations. The distinction between different categories of motives is essential for explaining a state’s conflict behaviour in the *first image*. Historically determined motives must be present in order to identify the conflict issues, since they are present constantly and thus lead us to expect a constant conflict intensity. However, uncovering *third-order motives* is insufficient for explaining varying conflict intensities. For this, laying open the *secondary* and especially *primary motives* is crucial. Both categories can complement each other, but they do not have to. *Low-intensity border conflict* itself is then usually initiated by the side whose statesman has the more pronounced *secondary* or *primary motives*. Alternatively, one side can turn out to be weak domestically and in terms of its foreign policy, which can lead to an increase of the other side’s conflict willingness (window of opportunity).

6 Conclusion

First-image analyses have the advantage of providing the observer with a clear-cut perspective on the object of analysis, which makes empirical selection easier and also maps out the line of argument. This essay has, however, also shone light on at least two problems. First, the analyst looking at a conflict from a *first-image* perspective is forced to speculate. Hans J. Morgenthau’s approach may, by accounting for rational ends-means calculations, allow the observer to say which motives are plausible for explaining a statesman’s behaviour and why. Whether this uncovers the actual motives and how much weight they carry is questionable at best – in the end, only the statesmen themselves would know. Second, the empirical reductionism of ideal-type *first-image* analyses qualify their findings, because *second* and *third-image* factors are ignored (Parasiliti 2001: 166–167). And even in the *first image*, whether it is always the prime minister who decisively influences events during a conflict is contested. But as Daniel L. Byman and Kenneth M. Pollack aptly put it,

it is an exaggeration to suggest that we claim that the personality of a leader is always definitive in predicting the specific behavior of a state at a specific time. Instead we are suggesting tendencies, which can be important inputs into such predictions (Byman and Pollack 2001a: 169).

In the case under review, however, the chosen perspective seems reasonable. The logic of action in a *low-intensity border conflict* outlined here assumes that it is first and foremost statesmen's personal motives that contribute to the conflict not being resolved. Analytically, it is irrelevant how many powers the respective statesman wields. A powerful prime minister may find it easier to incorporate his own personal motives into the foreign policy. However, we can also comprehend a weak prime minister's behaviour in a *low-intensity border conflict* by assessing personal motives, albeit with one important difference: He will have to be much more considerate of powerful veto players' motives in defining his own.

Against this backdrop, the firefights on the Thai–Cambodian border since October 2008 can be explained as follows: Short, small skirmishes can mostly be attributed to patrols clashing. As long as the border remains insufficiently marked and both sides seek to underline their claims by means of a high presence of troops in the borderland, it is relatively likely that such clashes will continue to occur time and again. Longer confrontations must be distinguished from these “spontaneous” firefights. When Thai and Cambodian troops fight for several consecutive days, as happened in February and April/May 2011, it cannot be attributed to a “misunderstanding”. For both Thailand and Cambodia, it can be safely assumed that the chain of command is intact insofar as troops would cease fire or retreat at the respective prime minister's behest. In this case, it is thus likely that the fights were provoked or at least tolerated by the political leadership, which is why it must be a case of intentional action.

Thailand and Cambodia's heads of government were led by *third-order motives*, which explain their behaviour as far as both are fundamentally unwilling to make concessions on the Preah Vihear issue. Both see themselves as being in the historical right. The firefights that have now been occurring with some regularity since October 2008 are also to a considerable extent rooted in *secondary motives*: Abhisit Vejjajiva and Hun Sen pressured each other (troop deployments, patrols in the borderland). The exchanges of fire serve to actively underscore territorial claims. The conflict, however, only escalated because Hun Sen was massively led by *primary motives*. He has proven to be the key provocateur, using the political chaos in Bangkok and skilfully instrumentalizing the Preah Vihear question to generate support for

his political course among the people. Hun Sen is largely to blame for the violent escalation of the dispute.

Primary motives have, however, also played a role in Thailand. In 2008, the opposition Democrat Party and the closely linked PAD fostered nationalist sentiments. This contributed to the Samak government's decision to abandon its benevolent course vis-à-vis Cambodia on the Preah Vihear issue. De facto, Bangkok had not worsened its position through the Joint Communiqué of 18 June 2008. The legal caveat was taken into account insofar as Cambodia explicitly recognized that its application with UNESCO would exclude the contested environs of the temple complex. Hun Sen was criticized back home for exactly this – a detail Thai nationalists ignore (Nirmal Ghosh 2008). When Abhisit Vejjajiva was elected prime minister, the hunter quickly became the hunted. The PAD pressured him at least to the extent that Bangkok was unable to make concessions to Phnom Penh in the border dispute (ICG 2011a: 22).

A resolution of the conflict is nowhere in sight, even though it would be rather easy – at least from a formal perspective. To begin with, both sides could agree on ceasing patrols in the disputed borderland. This would prevent “accidental” clashes of soldiers of both sides. The ICJ's 18 July 2011 call to establish a “provisional demilitarized zone” in the contested border area is a step in the right direction. Even more significant is the court's announcement that it will render an interpretation of the 1962 verdict, which observers expect in 2012 and which has been demanded by Cambodia. It is possible that the disputed area's territorial status will then be resolved. While Thailand has stated it would accept the ICJ's interpretation of the 1962 verdict, it remains to be seen whether it will maintain this position should the interpretation conform to Cambodia's views (*BBC Monitoring Asia Pacific* 2011a).

Under these circumstances, any suggestions for resolving the border conflict are bold. Nevertheless, I will now sketch out two at this time rather unrealistic options which could lead to an end to the dispute over the Preah Vihear temple complex. Option 1: The Preah Vihear issue is again presented to the ICJ, which will conclusively decide the status of the 4.6 km² surrounding the temple complex, which could not be established in 1962. If Thailand and Cambodia¹¹ agree to this, they would have to accept the final verdict. The new decision is likely to be much more detailed and specific than the interpretation of the 1962 verdict favoured by Phnom Penh. Option 2: Both sides apply to UNESCO for the Preah Vihear temple complex

11 Hun Sen seems to prefer an interpretation of the old decision: “We are not seeking for retrial but clarification of the court's decision” (Hun Sen 2011f: 4).

to be declared a joint World Heritage Site of Thailand and Cambodia. Additionally, they agree in a bilateral treaty to a condominium¹² including the historical ruins and the contested 4.6 km². In this condominium, in turn, there are to be only joint patrols. Thus the conflict would be alleviated. Nevertheless, both options have at least one shortcoming: Even a solution to the dispute over the Preah Vihear temple complex cannot prevent patrols clashing at other, non-demarcated and non-demilitarized stretches of the common border.¹³

From a *first-image* perspective, the further course of the dispute over the Preah Vihear temple complex will depend on who governs in the two kingdoms. While relations between Bangkok and Phnom Penh have improved since Yingluck Shinawatra took office, this improvement is fragile and can falter quickly depending on the course of Thai domestic politics and Hun Sen's reaction. In the short and medium term and under the given circumstances, it can therefore only be about managing the status quo and organizing peaceful forms of coexistence on the border. The key decision makers in Bangkok and Phnom Penh seem to have got used to instrumentalizing the Preah Vihear conflict for domestic purposes, especially since the foreign policy costs this entails are limited. There is, however, an optimistic side to this pessimistic assessment: The conflict pattern includes not letting fire-fights get out of hand. In such a scenario, costs would by far exceed domestic benefits. If this interpretation holds water, neither Thailand nor Cambodia has an interest in turning a *low-intensity border conflict* into a *high-intensity* one.

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12 Such a solution is rejected by Hun Sen: "There is no such thing as co-ownership and there has to be a clear-cut demarcation as to where the Thai land is and where the Cambodian land is" (Hun Sen 2011c: 8).

13 With regard to the April/May 2011 fire-fights, Abhisit had pointed out that these had occurred more than 100 kilometres from the Preah Vihear temple (Abhisit Vejjajiva 2011).

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