

## Briefing Paper

Committee: Special Commission

Topic: The Question of the Thailand-Cambodia Border Conflict

Chair: Anika Gupte

School: Haberdashers' Elstree Schools

### Summary

The Thailand-Cambodia border conflict is a long-running territorial dispute that flared back into serious violence in 2025. Fighting broke out along several sections of the roughly 800-kilometre shared border, with the heaviest clashes concentrated around the Preah Vihear temple area - a site both countries claim and neither is willing to concede. The fighting involved artillery exchanges, aerial strikes and ground engagements, killing soldiers on both sides and forcing tens of thousands of civilians to flee their homes. Fragile ceasefire agreements were eventually brokered in late 2025, but as of now the core issues remain completely unresolved. Both governments are still in contest about where exactly the border runs, and nationalist sentiment in both countries makes any meaningful compromise politically toxic for whichever leader tries to offer one.

### Definition of Key Terms

**Territorial dispute** – a disagreement between two states over who owns or controls a particular piece of land. In this case the dispute covers several areas along the Thai-Cambodian frontier, most notably the land immediately surrounding Preah Vihear temple.

**Border demarcation** – the process of formally surveying and physically marking a boundary between two countries. This is distinct from simply having a legal ruling - a demarcated border means both sides have agreed on and marked the line on the ground.

**Preah Vihear Temple** – an 11th-century Hindu temple built during the Khmer Empire, situated on a cliff on the Dangrek escarpment directly on the disputed border. It was designated a UNESCO World Heritage Site in 2008, which actually triggered the worst violence in decades. Both countries regard it as a symbol of national identity.

**International Court of Justice (ICJ)** – the main UN judicial body for resolving legal disputes between states. It ruled on Preah Vihear in 1962 and again in 2013, but its decisions have never fully settled the wider border question.

**Buffer zone** – a strip of neutral territory between opposing forces, designed to prevent accidental clashes. Proposed in various ceasefire negotiations but never properly implemented.

Confidence-Building Measures (CBMs) – smaller, practical steps - like military hotlines or troop withdrawal agreements - that reduce the chance of accidental escalation. Distinct from actually solving the dispute.

ASEAN non-interference principle – the ASEAN founding principle that member states do not interfere in each other's internal affairs. It is the main reason ASEAN has struggled to play a more forceful mediation role in this dispute.

## **Background Information**

### **Historical Origins**

The roots of the dispute lie in the collapse of the Khmer Empire. Between the 9th and 15th centuries, the Khmer controlled most of mainland Southeast Asia, including territory that is now part of Thailand. As Thai kingdoms expanded southward and the Khmer Empire fragmented, the borders between the two civilisations were never formally drawn. This left a legacy of competing historical claims that persist to this day.

The modern legal dispute originates in the late 19th century, when France colonised Cambodia and began producing maps of French Indochina. In 1907, French and Siamese (Thai) authorities signed the Franco-Siamese Treaty, which delegated border demarcation to a joint commission. The commission was supposed to follow the watershed line of the Dangrek Mountains - meaning the border should run along the ridge, with water flowing north going to Siam and water flowing south going to Cambodia. However, the French cartographers who actually drew the maps made an error: around Preah Vihear, the map placed the temple on the Cambodian side, even though a strict watershed reading would have put it in Siam. Thailand accepted these maps at the time and used them for over 50 years without objection, which became critical to the 1962 ICJ ruling.

### **The 1962 ICJ Case**

After Cambodia gained independence from France in 1953, the new government moved quickly to assert sovereignty over Preah Vihear. Cambodia brought the case to the ICJ in 1959. In 1962, the court ruled in Cambodia's favour, awarding it the temple on the basis that Thailand had accepted the French maps through its conduct over decades, even if those maps contradicted the watershed principle. Thailand was furious and withdrew its troops only under international pressure, but it never fully accepted the ruling. Crucially, the 1962 judgment only covered the temple itself and its immediate surroundings - it said nothing about the vast majority of the disputed 4.6 square kilometre zone around it, or about the many other contested sections along the wider border.

### **The 2008-2011 Crisis**

The dispute stayed relatively frozen until July 2008, when UNESCO inscribed Preah Vihear as a World Heritage Site - on Cambodia's nomination. Thailand had agreed to support the nomination but then reversed its position under pressure from the People's Alliance for Democracy, a Thai

nationalist movement that held major protests and eventually forced the foreign minister who signed the agreement to resign. Within months, both countries had deployed troops to the area. Between 2008 and 2011 there were four major military incidents, the worst being the fighting in February 2011, which killed at least 10 soldiers and injured dozens more. Thailand shelled areas around the Preah Vihear complex, causing significant damage to the ancient stonework. By May 2011, both sides had around 4,000 soldiers deployed near the temple. ASEAN attempted to send observers but Thailand refused, saying it was a bilateral matter. The crisis eventually de-escalated after Cambodia requested an emergency ICJ ruling, and the court issued provisional measures in July 2011 ordering both sides to withdraw from a provisional demilitarised zone. The 2011 crisis is the direct predecessor to what happened in 2025.

### **Why the Conflict Re-escalated in 2025**

Several overlapping factors brought the conflict back in 2025. On the Thai side, the political landscape had been dominated since the 2023 election by a coalition in which the military retained significant influence, and border toughness had become a key nationalist rallying point. The Thai government was also facing serious domestic discontent over the economy and had incentives to project strength on an issue where nationalism ran high. Cambodia, meanwhile, had undergone a significant political transition: Hun Sen stepped down in 2023 in favour of his son Hun Manet, and the new government was under pressure to prove it was not simply a continuation of the old regime. Asserting Cambodian sovereignty over disputed border areas was one way to demonstrate independence and patriotism. Against this backdrop, a series of incidents in mid-2025 - disputed accounts of incursions, arrests of fishermen and farmers near the border, and at least one shooting incident involving border guards - rapidly spiralled into the sustained military engagement that came to define the crisis. Both governments found it domestically difficult to back down, having allowed nationalist rhetoric to set the terms of the debate.

### **Major Countries and Organizations Involved**

Thailand – Thailand's position rests on rejecting the validity of the 1907 French maps and insisting the border should follow the natural watershed line of the Dangrek Mountains, which would give Thailand sovereignty over Preah Vihear temple. Beyond the legal argument, Thailand's approach to the dispute is heavily conditioned by its domestic politics. Nationalist groups - particularly royalist and military-aligned movements - have consistently treated any concession on the border as a form of national humiliation. Thai governments that have appeared flexible have faced protests and in some cases have fallen. The military also has a direct institutional interest in maintaining a strong border presence. Economically, Thailand has periodically used border closures as leverage, affecting the cross-border trade that local communities on both sides depend on.

Cambodia – Cambodia’s case is built on the 1962 and 2013 ICJ rulings and the 1907 French maps. From Cambodia’s perspective, it has international law on its side and Thailand simply refuses to comply. Preah Vihear temple carries enormous symbolic weight in Cambodia - it appears on the Cambodian flag that was used during the Sihanouk era, and its loss to Thailand would be politically catastrophic for any Cambodian government. Cambodia has historically sought to internationalise the dispute, bringing it to the ICJ and encouraging ASEAN and UN involvement, precisely because it is a smaller and militarily weaker country. The transition from Hun Sen to Hun Manet in 2023 added a new dynamic, with the younger government keen to appear both firm on sovereignty and capable of handling international diplomacy.

International Court of Justice (ICJ) – The ICJ has intervened twice. Its 1962 ruling gave Cambodia the temple; its 2013 ruling clarified that Cambodia also had sovereignty over the immediate surrounding area up to the temple’s promontory. However, neither ruling addressed the broader disputed zones along the wider border, and Thailand has consistently argued that the court’s jurisdiction is limited. The ICJ can rule on what states submit to it, but it cannot enforce compliance.

ASEAN (Association of Southeast Asian Nations) – ASEAN has found itself in an awkward position throughout this dispute. As the main regional body, it has been expected to facilitate dialogue, but its foundational non-interference principle has prevented it from doing much more than issuing statements urging restraint. During the 2008-2011 crisis, Thailand actively blocked ASEAN observer missions on the grounds that the dispute was bilateral. ASEAN’s inability to act decisively has been cited by analysts as a serious test of its credibility as a security organisation.

United Nations – The UN Security Council and General Assembly have both called for ceasefires and peaceful dialogue. UN humanitarian agencies have provided assistance to displaced civilians. However, neither Thailand nor Cambodia is under Chapter VII enforcement action, and the UN has not deployed peacekeepers. The UN’s role has been primarily that of a forum for expressions of concern rather than active conflict management.

Local border communities – The people most affected by the conflict are the communities living along the border on both sides. Many are ethnically mixed, speak both Thai and Khmer, and depend on cross-border trade, agriculture and tourism for their livelihoods. During periods of conflict, border crossings close, markets shut down and civilians flee. The Preah Vihear province in Cambodia and the Si Sa Ket province in Thailand have both seen significant displacement during the 2011 and 2025 flare-ups.

### **Timeline of Events (Relevant UN Treaties)**

1907 – France and Siam sign the Franco-Siamese Treaty and a joint commission produces maps placing Preah Vihear temple on the Cambodian side of the watershed line, despite the topographical inconsistency.

1953 – Cambodia achieves independence from France and begins asserting sovereignty over Preah Vihear.

1962 – The ICJ awards the temple to Cambodia, ruling that Thailand's 50 years of acquiescence to the French maps constituted legal acceptance of their terms. Thailand withdraws troops but does not formally accept the judgment.

2008 – UNESCO lists Preah Vihear as a World Heritage Site on Cambodia's application. Thai nationalist backlash forces the Thai foreign minister to resign and both countries begin deploying troops to the area, beginning the 2008-2011 crisis.

2011 (February) – The worst fighting of the 2008-2011 crisis. Thai and Cambodian forces exchange artillery fire for several days. Thailand shells buildings near the temple, causing heritage damage. Approximately 10 soldiers are killed.

2011 (July) – ICJ issues provisional measures ordering both sides to withdraw from a demilitarised zone around the temple. Both countries broadly comply.

2013 – ICJ clarifies its 1962 ruling, confirming Cambodian sovereignty over the promontory on which the temple sits and calling for Thai troop withdrawal from that specific area.

2023 – Hun Sen steps down as Cambodian Prime Minister, handing power to his son Hun Manet. Thailand holds elections resulting in a coalition government with continued military influence.

Mid-2025 – A series of border incidents - including the arrest of Cambodian farmers by Thai border guards and a disputed shooting incident - escalate into sustained military exchanges involving artillery and air strikes along multiple sections of the border.

Late 2025 – Ceasefire agreements are negotiated, with external pressure from ASEAN partners and UN appeals for restraint. The ceasefires hold, but no progress is made on underlying territorial questions.

## **Previous Attempts to Solve the Issue**

### **ICJ Legal Proceedings (1962 and 2013)**

Cambodia's decision to take the Preah Vihear dispute to the ICJ in 1959 was an early example of a smaller state using international legal mechanisms against a larger neighbour. The 1962 ruling was a significant diplomatic victory for Cambodia, but its practical impact was limited. Thailand complied only reluctantly, removing troops while publicly maintaining that the ruling was wrong. The court's jurisdiction extended only to the temple and its immediate surroundings, leaving the broader territorial questions entirely unresolved. When Cambodia returned to the ICJ in 2011 asking for clarification of the 1962 ruling's scope, the court took until 2013 to issue its decision. The 2013 ruling confirmed Cambodian sovereignty over the promontory but declined to rule on the wider disputed area, essentially kicking the harder question back to bilateral negotiations. The lesson from the ICJ process is that legal rulings can establish important principles and shift the

balance of legitimacy, but they cannot substitute for a negotiated political settlement, particularly when one party refuses to accept the court's authority over the substance of the dispute.

### **Joint Boundary Commissions**

Both countries have periodically established Joint Boundary Commissions (JBCs) tasked with conducting surveys and agreeing on demarcation. These have had very little success. The fundamental problem is that the two sides cannot agree on the methodology: Cambodia insists on following the French maps, while Thailand insists on following the watershed line. Since these produce different borders, any JBC that uses one methodology is unacceptable to the other side. Additionally, domestic political pressure in both countries makes it difficult for negotiators to offer the compromises needed to make progress. Any Thai official who appears to accept the French maps is accused of betraying national sovereignty; any Cambodian official who appears flexible on the ICJ rulings faces similar accusations.

### **ASEAN Mediation Attempts**

ASEAN has made several attempts to facilitate dialogue, particularly during the 2008-2011 and 2025 crises. Indonesia, as ASEAN chair in 2011, made the most serious attempt at mediation. Indonesian Foreign Minister Marty Natalegawa visited both Bangkok and Phnom Penh and proposed the deployment of Indonesian civilian observers to the disputed zone. Cambodia accepted; Thailand refused, saying it would only accept a bilateral process. ASEAN's inability to deploy observers even on a voluntary basis exposed the fundamental weakness of the non-interference principle in a crisis context. The organisation could facilitate talks but could not impose any mechanism that either party rejected. In 2025, the ASEAN chair (a different member state) again attempted shuttle diplomacy but with equally limited results. The broader lesson is that ASEAN's consensus model, which gives every member a veto over collective action, is poorly suited to managing bilateral disputes between its own members.

### **Bilateral Ceasefire Agreements**

Multiple ceasefire agreements have been reached over the years, including after the February 2011 clashes and in late 2025. These have successfully stopped the fighting in the short term. However, they have consistently failed to address the underlying issues. The ceasefires are typically framed as temporary measures pending further negotiations, but those negotiations rarely make progress. Troops have been withdrawn from sensitive areas only to return months later. The pattern suggests that ceasefire agreements, while necessary to stop immediate casualties, are not in themselves a solution. Without a mechanism to address the root territorial question, the conditions that produce escalation simply reassert themselves.

### **Possible Solutions**

Any lasting solution to the Thailand-Cambodia border content has to grapple with the fact that this is not just a technical border dispute - it is a question deeply tied to domestic politics,

national identity and historical memory in both countries. Solutions that ignore the political dimension are unlikely to succeed even if they are legally correct. The following options are presented for consideration by delegates.

### **Renewed Joint Boundary Demarcation Using Neutral Methodology**

The most direct approach to the territorial question would be to restart the JBC process with a fundamentally different structure. Rather than having the two sides argue about which methodology to use, both governments could agree in advance to accept the outcome of a technical survey conducted by a panel of neutral international cartographers and geographers, using both modern GPS technology and historical evidence. This removes the methodological argument from the political domain and makes it a technical question. The process could be phased, starting with sections of the border where the two historical methodologies actually agree, before tackling the genuinely contested zones. Successfully demarcating less sensitive areas would build trust and establish a working relationship between the two sides' technical teams.

The challenge is convincing both governments to agree upfront to accept whatever outcome the technical process produces, given that the result will inevitably disappoint one side on the most politically sensitive stretches of the border. This is ultimately a political question, not a technical one.

### **Interim Joint Administration of Disputed Zones**

Rather than trying to resolve sovereignty immediately, both countries could agree to place the most contested areas under a joint administration arrangement for a fixed period - say 25 years - during which time neither side formally claims exclusive sovereignty. This is a model that has been used in other territorial disputes; the Timor Sea treaty between Australia and Timor-Leste provides one example, though that involved resources rather than land. Under joint administration, both countries would have a shared presence, revenues from tourism (particularly at Preah Vihear) would be split, and a joint security force would patrol the area. This approach reduces the immediate need for one side to 'win' and buys time for the political conditions in both countries to potentially shift. The downside is that neither government can currently sell this domestically as anything other than a surrender - the arrangement only works if both governments can frame it as a pragmatic step rather than a concession.

### **Cultural Heritage Cooperation Framework**

Preah Vihear temple is central to the dispute partly because of its symbolic value, but that same symbolic value could be used to reframe the relationship between the two countries. A joint UNESCO-supervised conservation and tourism programme could be established that deliberately creates shared economic and cultural stakes in the temple's preservation. If both Thai and Cambodian communities benefit economically from the temple being open, accessible and well-maintained, the incentive to fight over it diminishes. Shared tourism revenue, cross-border

heritage routes and joint conservation teams would all build practical cooperation and human connections that are harder to destroy than political agreements. This does not resolve the sovereignty question but changes the everyday reality of how the two sides relate to the site.

## **Demilitarisation and Confidence-Building Measures**

Given that several of the worst escalations - including both the 2011 and 2025 crises - were triggered by relatively small incidents that spiralled because neither side had mechanisms to de-escalate, a comprehensive package of CBMs could significantly reduce the risk of future conflict. This would include a direct military communication hotline between Thai and Cambodian border commanders (modelled on the US-Soviet hotline established after the Cuban Missile Crisis), regular joint military meetings, agreed notification procedures for troop movements and military exercises, withdrawal of heavy artillery from a defined buffer zone near the most sensitive areas, and a joint incident investigation mechanism so that disputed events do not automatically escalate. These measures do not resolve the underlying dispute but they make it much less likely to produce casualties.

## **Strengthening Border Community Economic Ties**

One underutilised lever in this conflict is the economic interest of the border communities themselves. The people who live near the border on both sides consistently lose out during periods of tension - their livelihoods depend on trade, agriculture and tourism that stops when the border closes. If cross-border economic cooperation were formalised and expanded - through designated trade zones, easier movement for local residents, shared markets and joint infrastructure - those communities would become a domestic constituency for peace in both countries. Politicians who escalate the conflict would then be directly harming people who vote. This is a long-term strategy rather than an immediate fix, but it addresses the structural incentives in a way that legal agreements alone cannot.

## **Return to International Legal Arbitration**

If bilateral negotiations remain stuck, both countries could agree to submit specific outstanding questions to international arbitration - either back to the ICJ or to a specially constituted arbitral tribunal. This approach has the advantage of producing a clear, internationally legitimate answer to the specific questions submitted. The problem is compliance: as the post-1962 history demonstrates, a country that disagrees with a ruling can comply technically while continuing to contest the underlying question. For legal arbitration to work as a solution rather than just a delay, both governments need to commit in advance not only to complying with the outcome but to implementing it domestically in good faith. Given current nationalist sentiment in both countries, this is a very difficult political commitment to make.

## Expanding ASEAN Mediation Role

ASEAN's existing mediation capacity could be significantly strengthened. Rather than relying on the country holding the annual chairmanship to lead mediation efforts (which creates inconsistency), ASEAN could establish a permanent mediation panel for this specific dispute, with a mandate that continues regardless of which country is chair. This panel could include representatives from ASEAN member states that both Thailand and Cambodia trust, as well as technical advisors. Regular reporting to the ASEAN Summit would create ongoing political pressure for progress. If both countries agreed, the panel could also have a monitoring role on any ceasefire or confidence-building agreement. This falls short of enforcement, but it creates a much more continuous and professional mediation capacity than ASEAN currently deploys.

## Useful Links

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