

CHAPTER I

INTRODUCTION

A. Background

Cambodia shares border with Thailand in the west, Laos in the north, and Vietnam in the east. In 1941, Prince Norodom Sihanouk becomes the king of Cambodia and Japan came to occupy Cambodia during the World War II. Japanese occupation ends in 1945. A year after the ends of Japanese occupation, Cambodia's communist guerillas is began an armed campaign to stand against the French. Cambodia won its independence from France under King Sihanouk, and Cambodia officially declared its independence in 1953¹ after being occupied for 90 years. After its independence from French, Cambodia becomes the "kingdom of Cambodia".

Cambodia and Thailand's relation are neither good nor bad. In many aspects, there are good relations between those two states, like in the early 1970s in the form of military allies within the US block; Cambodia was in a war against Vietnam, Thailand providing arms to the Khmer Republic in its fight against the Vietnamese communist. Another good bilateral relation between both countries is in the case of Mekong River that is proven by some agreement toward the Mekong River that crossed their territory. Continued in August 1997, there are about 35,000 people fled across the border to Thailand to escaping from the fighting between the forces which were loyal to the Prince and troops of coup

¹ BBC News. (2012). *Cambodia Profile*. Retrieved July 10th 2012, from <http://www.bbc.co.uk/news/world-asia-pacific-13006828>

leader. Moreover, about 40,000 Cambodian people worked in Thailand as migrant workers which of course helped the government of Cambodia to decrease the number of unemployment in their country.

Beside the good relation, there were several clashes between Cambodia and Thailand. Wars that happened between Cambodia and Thailand broke out frequently in the fourteenth and fifteenth centuries where the kingdom that flourished from the 6th to 15th centuries AD declined with invasions from neighboring Thailand. And there are many periods of both countries describe that there are many problems, continue in France colonialization on 1953. And then in 1976 when refugees who escaped from communist rule in. About 10,000 Cambodian refugees were returned by the Thai government with the reason of threatening their national security. Thailand not only gave so much help to Cambodia by helping them in the war with Vietnam, but also helped Cambodia to build roads as well as governmental things. But in the other hand, Thailand was secretly encouraging their villagers along the border to enlarge its territory upon Cambodia; the Khmer Republic was either unaware or unwilling to challenge Thailand's encroachment since it was too caught up in their battle.

In January 2003, there was a Thai TV star quoted by the media saying that Cambodia stole the famous Angkor Wat temple from Thailand. It is become a great blow for Cambodia's people because of the statement make them very angry and hold a huge protest in front of the Thailand's Embassy in Phnom Penh. The protesters became uncontrolled and they were not only looted but also settled fire to Thai Embassy in Phnom Penh. No wonder that Cambodian people hold huge

protest as a respond to the news report in the television because Cambodia's nationalism is very high, especially when they have to be compared with Thais.

One day after the riot, Thailand reacted by giving direct action of withdraw their Ambassador for Cambodia back to Thailand. Moreover, Thailand were sealed its border with Cambodia.² And the government continued to react by sending its military plane to evacuate more than hundreds of terrified Thais in Cambodia after the riot and torched its embassy in the Cambodian capital city. Even though months after the sealed border, the bilateral relation between Cambodia and Thailand is continue.

But the other trigger of conflict is happen in July 7th 2008, where the official UNESCO said that an 11th century temple situated at Cambodia's disputed border zone with Thailand had been designated as a World Heritage site. This acknowledgement marks the belonging of the temple to Cambodia. The addition of Preah Vihear Temple to a list of UNESCO World Heritage sites in July 2008 reignited the longstanding disputes between Cambodia and Thailand. In 2008, a military standoff had continued for months and skirmishes had cost lives on both sides. Based on the problematic background between Cambodia and Thailand, UNESCO still decides that the Preah Vihear Temple is a site of World Heritage of Cambodia. So the writer arise the problematic question;

²Fuller, Thomas. (2009). *Thailand Recalls Its Ambassador to Cambodia*. New York Times. Retrieved June 7th 2012, from: http://www.nytimes.com/2009/11/06/world/asia/06thai.html?_r=1

B. Research Question

Why did UNESCO decide Preah Vihear as site of World Heritage and what is the impact of UNESCO decision on Preah Vihear Temple as the World Heritage for Cambodia?

C. Theoretical Framework

1. Decision Making Process in UNESCO World Heritage Committee

The body that has authority in UNESCO to decide a site as a World Heritage is The World Heritage Committee. The Committee has the final say on whether a property is inscribed on the World Heritage List or not, but they also can defer its decision and request further information on properties from the States Parties.³

The process of decision from a site to be a World Heritage is taking a long way. Firstly they have to be in the list of inscription. If the documents are not complete, the documents will be delivering back to the state parties to submit the complete documents. And if the state parties documents are complete, then the documents will be proceed in the advisory bodies which are divided in to two; ICOMOS (International Council of Monuments and Site), and IUCN (International Union for Conservation and Nature and Natural Resources). After the Director General and the Chairman of Committee meet, they will set the agenda to meet in the session of the committee. And in this process, the decision of a site to be a world heritage is made by the Committee.

³ UNESCO. *The World Heritage Committee*. Retrieved January 9th, 2013 from <http://whc.unesco.org/en/committee/>

Figure 1: The Decision Making Process of the World Heritage Centre

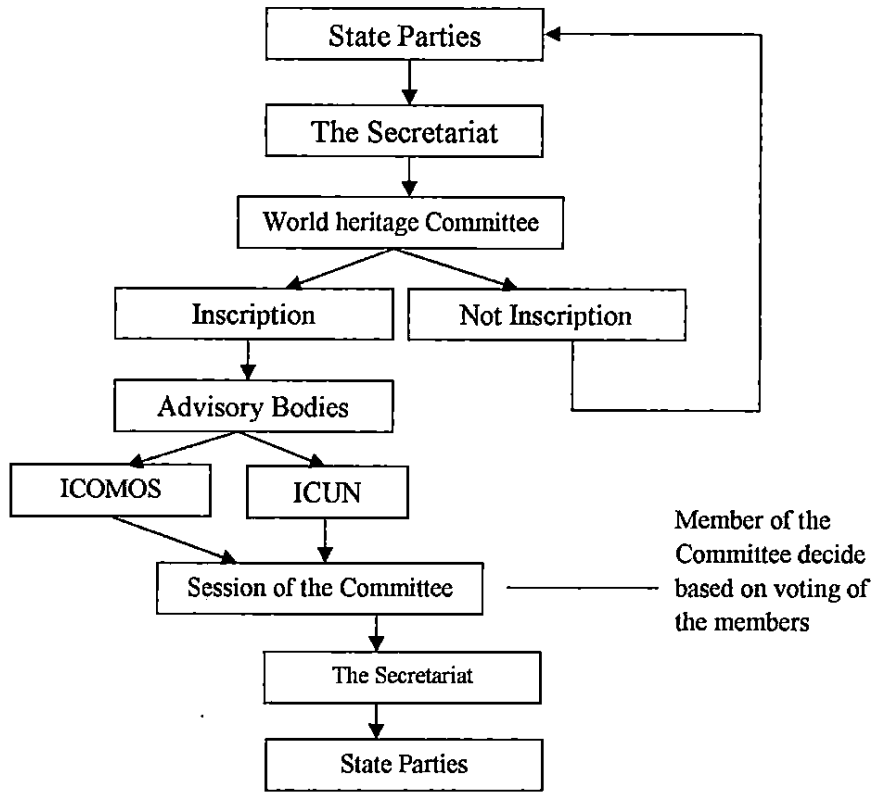
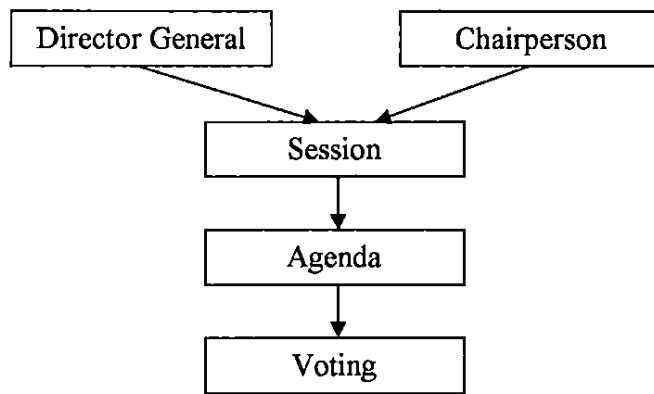


Figure 2: The Decision Making Process in the World Heritage Committee



In the World Heritage Committee, the process is quite simple in figure, whereas the Director General of UNESCO and The World Heritage Committee met in a session to make an agenda and in the end they have to notify the member

states. In agenda, the decision process of a state to be decided as a World Heritage or not is happen. There are many things have to be considered by the Committee, like provisional agenda, where all questions from the Director General, members of the Committee, and State Parties are take place. After provisional agenda, the committee shall adopt the agenda, and they may amend, delete, or adding new items to the agenda so adopted if so decided by a two-thirds majority of the members that present and voting.

The World Heritage Committee consists of the Chairperson, five Vice-Chairpersons, and a Rappoporteur. They are the member state parties of UNESCO and elected in the General Assembly for six years term for rotary. They have responsibility is to implement the World Heritage Convention and decide whether accepted or declined of a site to be a World Heritage. The members of the Committee in the session of Agenda are; The Members of the Committee, the State Parties, Director General, the Advisory Bodies, and NGOs.

2. International Organizations

International Organization herewith abbreviated as IO functions as three separate shrinking conceptions of that are striking: their role as instruments, arena, and actor.⁴ International Organization is seen as an instrument when IO channels the perpetual situation which, for most states, functions to pursue their own interest the best they can. Different with IO as instrument, IO as an arena emphasized more on the member states where the principal actors are involved.

⁴ Archer, Clive. (2001). *International Organizations: Third Edition*. London & New York. Routledge. P.68 Retrieved December 18th, 2012 from

International Organization as arenas, however, the outcome of negotiations within the International Organizations suggests the existence of a collective actor. The last, International Organization as an actor; is based on the premise that states have either pooled or delegated their sovereignty, so that IO themselves embody the characteristics of a corporate actor.⁵ So, when it is functioning as a corporate actor, conducting International Organizations are the real actors who are capable of independent action internally and externally to pool or delegate sovereignty.

“Small states that are dependent on larger states have even stronger reasons to seek support from such organizations, and this interdependence takes increasingly complex forms, including the increase in the number of significant transnational actors such as; multinational corporations and environmental groups”.⁶

We cannot deny that small state like Cambodia really needs support from the outside. Cambodia as a weak, poor state really depends on Thailand both in internal and external concern. For many times Cambodia helped by Thailand. Like in the war against Vietnam, Thailand was the one who help them by providing the army. Thailand also helps Cambodia to build roads, buildings, political condition (government), and unemployment problems. In unemployment problems, for example, Thailand gives almost 50,000 jobs for Cambodian as migrant workers, but even Thailand has done so many things to Cambodia, Cambodia is still a country that has its own sovereignty over its territory.

⁵ Rigaud, Remi M. (2008). *International Organizations as Corporate Actors: Agency and Emergence in Theories of International Relations*. Retrieved December 18th, 2012 from http://www.coll.mpg.de/pdf_dat/2008_07online.pdf

⁶ Ataman, Muhittin. (2003). *The impact of Non-State Actors on World Politic: A Challenge to Nation-states*. Retrieved December 18th, 2012 from

Keohane and Nye (1984) support the previous theory which states that International Organization can be the instrument and actor at the same time. Besides giving helps, International Organization is binding and keeping peace among the states by policy they created. More or less, the existence of International Organization, especially UNESCO, is really needed by small states like Cambodia, where have many cultural sites inheritance from the Angkor Wat it is also because culture in all dimensions is not only a fundamental component of sustainable development but also a sector of activity whereas, culture is not only be a power for economic development, social stability, and environmental protection. Culture also defines the way human beings live and interest both local and global values; so culture is become very important for every state.

Jan Klabbers theory on International Organization is not only become the tools for the state to face other state (gaining interest), but also helped the internal problems inside the country. Theoretically, International Organization is as instrument for a country to reach out various goals and target because International Organization has rules, policies, and agreements among the member of states that of course have been agreed by the international society. Therefore, these agreements have to be done by the members obediently.

UNESCO could have done its mission without having coordination with local government, whereas it, as a world body, has to be able to determine the universal values of the cultural heritage of every country and its people. After getting the proposal from Cambodian government about Preah Vihear Temple, UNESCO did some observation on the site and if the government could not

conserve it due to several determined components UNESCO can handle it by giving its assistance.

3. Sovereignty

Mochtar Kusumaatmadja defines sovereignty as a limited power in which the enactment power of a state is confined by the borders of its state. It means that a state has the highest power only inside its territory. When it is out of its territory, it will no longer be the power of a state to rule, because that is belongs to other state.

Jean Bodin defines sovereignty as “supreme power over citizens and subjects, unrestrained by the laws”.⁷

On the other hand, the former Secretary-General of the United Nations, Boutros Ghali said “A major intellectual requirement of our time is to rethink the question of sovereignty –not to weakening its essence, which is crucial to international security and cooperation, but to recognize that it may take more than one form and perform more than one function.”⁸ So, when we talk about international relations, we think primarily about the system of sovereign state, because sovereignty plays an important role for a state, and it has fostered the idea that there is no higher power than the nation-state.

There are two terms of sovereignty, the first is internal sovereignty, and the second is external sovereignty. Internal sovereignty refers to autonomy, where the state has the ability to make and enforce its own rule domestically which based on what the people needs. Next, external sovereignty refers to the

⁷ Silver, Laura Ruth. (2008). *Sovereignty and Its Discontent: The United Nations and Its Impact on* *Lebanon*. Middletown, Connecticut: Wesleyan University. P.10

recognition of a state by the other states, like the acceptance of a nation state by international community. Even the level of the state does not have to be equal –in terms of power–, but its rights internationally acknowledged, and external sovereignty describes the relationship between several states, including the principle of non-interference, like when Thailand crossed border and ignored the sovereignty of Cambodia. UNESCO will help at least decrease the percentage of Thais to crossing border through Preah Vihear Temple.

Internal sovereignty means that when it is a sovereign government and the supreme decision-making authority is in that country. When a government is therefore sovereign, meaning that it is a state charged with its territory and ruled by no one higher, because state is the most powerful actor in international politics. So, sovereignty negates the idea that there is higher power than nation states, whether foreign or international. Sovereignty also plays a role in defining the status and rights of nation states. Even a small, poor, and weak state still have its sovereignty no matter what.

D. Hypothesis

UNESCO decides Preah Vihear as World Heritage of Cambodia is not only because the temple is up to UNESCO's World Heritage standard after passing through the process of UNESCO World Heritage Centre in do listing, but also Cambodia's government persuades the Committee member's states at that time. And the impact of UNESCO decision toward Preah Vihear Temple as the

owner and giving Cambodia some programs including fund to help them recover the temple.

E. Scope of Discussion

In terms of the discussed material, the author emphasizes on the discussion of the background of the causes of dispute between Cambodia and Thailand toward the Preah Vihear Temple, the history of Preah Vihear Temple, the description on UNESCO and its work, how UNESCO decide a site as World Heritage and the conditions between two states after the UNSECO decision.

F. Research Methods

In using the method, the writer gets the information from an extensive of relevant published materials, such as, books, journals, reports, newsletters, official websites, and other resources on a wide variety of topics related with the subject of the paper.

G. Systematic Writing

The outline of thesis writing is as described as followed:

Chapter I Contained about the background of the research, research question, theoretical framework, hypothesis, scope of discussions, research methodology and systematic of writing.

Chapter II Contained about brief history about the emergence of UNESCO and what are the jobs of UNESCO and UNESCO World Heritage Centre, and how the history relation between UNESCO and Cambodia regarding Preah Vihear

Chapter III Contained about Thailand over claims on Preah Vihear Temple, International Court of Justice (ICJ) decision, the significance of Preah Vihear Temple for Cambodia and Thailand. Also describing condition of Preah Vihear also how UNESCO reacts toward the Preah Vihear.

Chapter IV Contained the analyze and emphasize on discussion about the Cambodia's effort to win over Thailand on Preah Vihear, the decision making process done by UNESCO World Heritage Centre to declaring Preah Vihear as World Heritage for Cambodia and also the advantages of UNESCO decision toward Preah Vihear Temple by using theories of International Organization, and Sovereignty.

Chapter V Will conclude and summarize the research paper