

**Statement by His Excellency Mr. Kasit Piromya, Minister of Foreign Affairs of Thailand,
at the United Nations Security Council, New York, 14 February 2011**

Madam President,

I would like to extend to you, on behalf of my delegation, our sincere congratulations on your assumption of the Presidency of the Security Council for the month of February 2011. I also wish to extend my good will to all friends in the Security Council.

Allow me to extend my delegation's greetings to His Excellency Hor Namhong, the Deputy Prime Minister and Foreign Minister of Cambodia, whom I have known well as an ASEAN colleague and have been working closely with for several years. My delegation's greetings also go to my dear colleague His Excellency Marty Natalegawa, the Foreign Minister of Indonesia, who is presently the ASEAN Chair.

Madam President,

It is with a heavy heart that I have come here today to speak about Thailand and Cambodia, our neighbour and a fellow member of the ASEAN family. It is a sad irony that only in the morning of 4 February in Siem Reap, Cambodia, I had a very productive and cordial meeting with my Cambodian counterpart during the Thailand – Cambodia Joint Commission for Bilateral Cooperation (JC). I left that meeting believing in the bright future of our relations. It is also sad that two members of the ASEAN family have to come here to talk about their bilateral problem, despite the fact that ASEAN made a decision that such matter should best be addressed directly between the parties concerned.

Madam President,

I am here to explain to our friends in the Security Council with facts. I intend to: first, put this issue before us in its proper perspective; second, inform the Council of facts of what really happened at only one area along the 800 kilometres long border between Thailand and Cambodia; third, reveal what was actually behind incidents that occurred; fourth, get the facts straight on key issues and debunk the myths being promoted by Cambodia; and, finally, lay out the way forward that Thailand and ASEAN are committed to.

First, it is important to put the issue before us in a broader and proper perspective. To do so, I ask my Security Council colleagues to put aside for a moment the television images and bellicose rhetoric. Picture, if you will, two neighbouring countries sharing a common border approximately 800 kilometres or about 500 miles long. All along this border, people continue to trade, visit one another, and engage in peaceful activities everyday throughout the year. Thais and Cambodians are like relatives with similarities in culture and way of life.

But like in all parts of the world, relations between two neighbouring countries sharing common border are like siblings. Thailand and Cambodia are no exception. Frankly, there have been ups and downs, good times and bad times, in our relations. But whenever problem arose, we have always solved them together through consultations and dialogue. Then, we move on in a win-win manner. We succeeded in overcoming all past bilateral challenges because both countries recognize that, as neighbours and members of an emerging ASEAN Community, we will have to live together side by side. We cannot move our country away from each other.

Second, it is important to get the facts straight regarding what really took place on 4 - 7 February. I wish to underline that, in each of these incidents, Thai soldiers never fired first. On the contrary, on 4 February, Cambodian troops opened fire at Thai military personnel inside Thai territory. This was followed by a barrage of heavy shelling.

Ironically, the Cambodian attack was launched only a few hours after the successful and cordial Joint Commission meeting, which my Cambodian counterpart and I co-chaired in Siem Reap. The meeting was attended by senior civilian and military officials of both countries. In fact, my delegation and I only learned about the incident after landing at Phnom Penh Airport to visit Thai citizens in the capital. It simply does not make sense at all for Thai soldiers to open fire at Cambodian soldiers first while the Thai Foreign Minister and senior officials were still in Phnom Penh.

The Cambodian Prime Minister himself all but admitted that Cambodia opened fire first. In one of his fiery speeches attacking Thailand on 7 February, he said it did not matter “who started the shooting”. How can it not matter? When one side starts shooting at another’s civilians and troops, one can expect the other side to defend itself and its people.

Madam President,

Thailand has always kept our end of any agreement and expects Cambodia to do the same. Regrettably, our expectations were dashed by what Cambodia did on the ground. Let me give an example.

Following the incidents in the afternoon of 4 February and again in the early morning of 5 February, both of which were initiated by Cambodia, both Thai and Cambodian regional military commanders met at Chong Sa-ngam Pass, Si Sa Ket Province, Thailand, in the late morning of 5 February. At that meeting, they reached an agreement on immediate ceasefire and other measures to ease tension.

However, on 6 February, at 18.30 hours, Cambodian troops breached the said agreement by firing illumination flares into the sky followed by heavy shelling into Chong Don Ao Pass and Phu Ma Khua in Thai territory. The attacks then expanded to other areas in Thai territory, namely Sattasom Hill, Phlan Yao, Chong Ta Thao Pass, the area near the Temple of Phra Viharn, and Phum Srol village which is situated five kilometres deep inside Thai territory, well beyond any Thai military posts. In these attacks, Cambodian troops used multiple weapons, including AK-47s, rocket propelled grenades and BM-21 field rockets. In the morning of 7 February, Cambodian troops again opened fire at Thai military personnel stationed at Phu Ma Khua and Phlan Yao in Thai territory using weapons such as rocket propelled grenades.

These incidents resulted in severe destruction of many civilian structures and injury to many Thai civilians and military personnel. Two soldiers and two civilians, including one child, lost their lives. Approximately 20,000 innocent Thai villagers where the attacks took place had to be evacuated. The images of this destruction shocked the entire nation as we never imagined that, in our lifetime, Thais could become refugees in our own country.

Throughout these incidents, Madam President, Thailand has always exercised the utmost restraint. But in the face of such blatant violations of our sovereignty and territorial integrity and unprovoked attacks on Thai civilians and property, Thailand had no choice but to

exercise our inherent right to self-defence. Such exercise was carried out with maximum restraint and on the basis of necessity, proportionality and strictly directed at military targets from where the Cambodian attacks were launched.

We also find it deplorable that Cambodian soldiers have used the Temple of Phra Viharn for military purposes in violation of international law. Despite words of denial by the Cambodian side, I believe that the world has already seen with their own eyes multiple pictures of Cambodian troops using the Temple as a military camp and firing base. These pictures were taken and released by both Cambodian and international media. I need not elaborate further on this point as these pictures speak louder than words.

Madam President,

This leads to my **third point**. It is important to look beyond what Cambodia said but at the motive behind its pre-meditated aggressive actions. Like a Broadway play, it is important to know the plot.

The plot is that, for Cambodia, they need to create a situation along the border near the Temple of Phra Viharn to justify its political strategy of bypassing ongoing bilateral negotiations and internationalizing what is essentially a bilateral issue. One example is the Cambodian attacks on 6 February which were intentionally launched immediately after sunset. The systematic use of illumination flares to guide shelling underlined beyond any doubt that these attacks were pre-meditated and planned in advance. The swiftness of the release of the letter from the Prime Minister of Cambodia to the President of the Security Council calling for an urgent meeting, shortly after the Cambodian attacks started, only confirms the pre-meditated nature of the attacks.

Madam President,

The ultimate goal of this plot is clear: to bypass the ongoing bilateral boundary negotiations and to use the hand of the United Nations to bulldoze the way for its push at the upcoming World Heritage Committee meeting scheduled to be held in Bahrain in the middle of this year to approve its proposed management plan of the Temple of Phra Viharn despite its inherent problems. Ongoing bilateral boundary negotiations with Thailand in the area near the Temple have become an obstacle to the pursuit of the immediate political objective of Cambodia, and therefore, had to be removed out of the way.

It is important to point out that, throughout modern Cambodian history, the border issue has always been an effective political tool for domestic politics, with the border with Thailand as the most convenient and effective card of choice. Thailand has become a convenient boogeyman in Cambodian politics. Today, this tactic is being used once again.

Madam President,

Nothing can justify this type of military tactic for political ends. Nothing can justify playing games with people's lives for political ends. The Security Council should not encourage this type of tactic.

Here, I wish to emphasise in the clearest and sincerest terms that Thailand harbours no ill-intention towards Cambodia. How could we? All we have is friendship, good faith and seriousness in working together with Cambodia for our common benefit.

We have attached great importance to maintaining and promoting friendly relations with Cambodia. We gave refuge to millions of Cambodian refugees. We were supportive of the peace process in Cambodia with Thai soldiers participating in peacekeeping efforts in Cambodia under the United Nations and were active in the reconstruction of Cambodia. We have substantial trade and investment relations with Cambodia. We have consistently provided assistance to Cambodia in many areas, such as human resources development, public health, agriculture, infrastructure, science and technology. In short, peace and prosperity of Cambodia is peace and prosperity of Thailand.

In this connection, Thailand has neither the intention nor the desire to seize territory of a neighbouring country. We only want to live in peace and harmony with all our neighbours. We do not want conflict. We do not want to see innocent people injured, lose their lives or have their livelihoods disrupted. Although Cambodia suffered so much from its internal political problems, it does not mean that Cambodia has a blank cheque to do anything it wants without regard to what is right and international law. In this case, Cambodia simply launched attacks on Thailand and then cried wolf to call attention and place blame on the attacked neighbour.

With regard to the Cambodian request for ceasefire, Thailand has no problem with it. We are committed to peace, never opened fire first, and have always upheld our end of the agreement to ease tension. The request should instead be directed at the Cambodian side so that they keep their agreement. The Thai side will continue to exercise maximum self-restraint against provocations.

Madam President,

Let me turn to the **fourth point**. It is imperative for me to debunk the main myths being promoted by Cambodia which may have led to confusion for many of our friends.

One, Thailand has fully complied with the Judgment of the International Court of Justice (ICJ) in 1962 regarding the Temple of Phra Viharn. The ICJ itself ruled that it did not have jurisdiction over the issue of boundary between Thailand and Cambodia and rejected Cambodia's efforts to extend the scope of the Judgment to cover such matter. The map that Cambodia used as the basis for its case is not annexed to the ICJ Judgment and therefore has no legal status as a part of the Judgment as claimed by Cambodia. It was merely annexed to the submission by Cambodia to the ICJ.

Importantly, it has been a common understanding of Thailand and Cambodia that the issue of boundary be settled by bilateral negotiations through mutually agreed frameworks. The Memorandum of Understanding between Thailand and Cambodia on the Survey and Demarcation of Land Boundary in the Year 2000 is a clear and concrete testament of Cambodia's acceptance that the whole stretch of the boundary still remains to be settled by bilateral negotiations. This MOU states that the Joint Boundary Commission (JBC) shall, among other things, "produce maps of the surveyed and demarcated land boundary".

For Thailand, we are determined to peacefully resolve all border issues, including issues relating to the area surrounding the Temple of Phra Viharn, in accordance with international law and bilateral agreements through established bilateral frameworks and

mechanisms, notably the aforesaid MOU and the JBC mechanism to which both countries have committed themselves.

Two, the ongoing tension is a direct result of the unilateral attempt by Cambodia to inscribe the Temple of Phra Viharn on the World Heritage List, despite the fact that the surrounding area remains subject to bilateral negotiations under the JBC. Prior to this, villagers on both sides, many of whom are actually related, lived together peacefully and tourists were able to visit the Temple without any problem. Acknowledging the Temple's cultural and historical value and the urgent need for its restoration, Thailand even offered assistance to Cambodia to restore the Temple. This offer still stands until today.

Meanwhile, it is imperative that the World Heritage Committee and the UNESCO Secretariat desist from conducting any further activities relating to this matter which would disrupt or prejudge the work of the JBC so as to create a conducive environment for a durable resolution of the current problem.

Cambodia itself officially admitted at the latest World Heritage Committee meeting in Brasilia in July last year that the management plan of the Temple shall be subject to the conclusion of the work of the JBC and I quote:

“The State Party of Cambodia, in its report, clarified that a finalized map will only be possible when the demarcation of the border is materialized on the ground upon the agreement by the State Parties of Cambodia and Thailand of the final results of the work of the Joint Boundary Commission (JBC).”

Three, bilateral mechanisms have not been exhausted and Thailand is committed to this process in good faith. We believe that the border issue between both countries should best be resolved between the two countries concerned. As shown by many cases of border disputes around the world, bilateral process takes time and cannot be rushed. Resolving border disputes requires patience and good faith in reaching a mutually acceptable outcome. For example, the People's Republic of China and the Russian Federation successfully reached an agreement on boundary issue in 2008 after more than 40 years of negotiations.

Thailand had waited over 30 years for Cambodia to resolve its internal problems before the negotiation on the survey and demarcation of land boundary could start. Thailand fully understood Cambodia's constraints at the time. We did not push or pressure Cambodia until it was ready.

In this connection, Thailand wishes to stress that it has never been the intention of the Thai Government to delay Parliamentary approval of the Agreed Minutes of the previous three Thailand-Cambodia Joint Boundary Commission (JBC) meetings. The Agreed Minutes must be submitted to and are now being considered by the Thai Parliament in accordance with the constitutional procedure of Thailand.

As in other democracies, the Thai Government, as the executive branch, cannot dictate the legislative branch. However, the Government has been making every effort to ensure the earliest endorsement of the Agreed Minutes by Parliament. I am pleased to inform the Council that the President of the *ad hoc* Parliamentary Committee tasked by Parliament to consider the Agreed Minutes of the JBC meetings has recently announced that the Committee has concluded its consideration and will soon submit its recommendation to Parliament. It is therefore inappropriate for Cambodia to prejudge the consideration of the Thai Parliament.

Last Friday, after lengthy process, the Thai Parliament approved a Government-proposed amendment of a provision in the Constitution concerning the treaty making process. The amendment removed uncertainties in the treaty making process. This is another evidence of the seriousness of the Government.

I also wish to point out that in the Joint Commission meeting in Cambodia on 4 February, as reflected in the official record of the meeting, Cambodia expressed its understanding of Thailand's internal parliamentary process and even hoped for its earliest completion so that both sides can proceed expeditiously with JBC works. It is perplexing that only in the space of 10 days Cambodia adopted an entirely opposite position.

Let me stress that Thailand is an open society and, as a transparent and accountable Government in a democratic society, the Thai Government is duty bound to listen to all views in society. As a reflection of this accountability, I personally spent 17 hours in the Parliament last week answering questions from Members of Parliament about this issue. Thailand hopes that our friends would respect our democratic process.

In this connection, even while the JBC Agreed Minutes are being considered by Parliament, the Thai Government has made several proposals, in good faith, to Cambodia to convene JBC meetings to push forward works relating to the land boundary. Regrettably, our proposals have been turned down. On 5 February, Thailand made a proposal to Cambodia again to convene a JBC meeting in Thailand in the last week of this month. Cambodia accepted this proposal. But on 10 February, we were once again informed by Cambodia that they did not want to meet. Nevertheless, as a reflection of Thailand's good faith and commitment to resolving the current issue through peaceful dialogue, we sent a letter to Cambodia urging them to return to the JBC process as they had earlier agreed. I urge my Cambodian friend to accept this invitation.

Four, Thailand categorically denies the groundless accusation by Cambodia that Thailand used cluster munitions during the recent skirmishes. Thailand has been actively supportive of disarmament efforts, including the elimination of cluster munitions. We are seriously considering joining the Convention on Cluster Munitions.

Madam President,

This brings me to my **last point**: the way forward that Thailand and the region are committed to.

I wish to make clear to the Council that, despite what happened recently and how deeply regrettable they were, Thailand still believes that only by working together on the basis of friendship and good neighbourliness can the two countries overcome current problems for the benefit of the two countries and peoples. As I said earlier, there have always been ups and downs in Thailand-Cambodia relations. But problems were always contained and successfully resolved. This time is no different.

The border skirmishes that occurred earlier this month were limited in scope and duration. The situation is now calm. Villagers have returned to their homes and resumed their normal lives. Thailand is committed to continue doing everything we can to ensure lasting calm in the affected area. In fact, the Deputy Prime Minister and Deputy Minister of Commerce of Thailand are scheduled to travel to Phnom Penh this Thursday 17 February to

preside over the opening of the annual Thailand Trade Fair in Phnom Penh, along with the Deputy Prime Minister of Cambodia. During his stay in Phnom Penh, the Deputy Prime Minister of Thailand is also scheduled to pay a courtesy call on the Prime Minister of Cambodia.

At the same time, we also appreciate the support and encouragement from the ASEAN family. We welcome the visit of the Foreign Minister of Indonesia, as the ASEAN Chair, to Cambodia and Thailand for consultations on 7 and 8 February respectively. We agree with the observation made by the ASEAN Chair that the issue between Thailand and Cambodia is essentially a bilateral issue and the two countries should resolve it peacefully through bilateral consultations, while the region can provide support and encouragement as appropriate. Like Cambodia, we have agreed to the ASEAN Chair's proposal to convene an informal ASEAN Foreign Ministers Meeting in Jakarta on 22 February.

Madam President,

In conclusion, my delegation strongly believes that Thailand and Cambodia must look to the future together, especially as we move towards becoming an ASEAN Community. We realize that the ties that bind us are much greater than the differences that divide us. We cannot move away from each other. We must live together in harmony. Any uncalled for action for the sake of short-term political expediency would risk creating another deep scar in the feeling of peoples of both countries who will have to live together long after this meeting is said and done.

The issue before us today is therefore essentially a political problem. It will ultimately require political will on both sides to resolve it. Thailand remains committed to working closely and in good faith with Cambodia through all existing bilateral frameworks. We have extended our hand and are waiting for the expression of genuine political will from Cambodia. We hope that, when Cambodia contemplates long and hard about the long-term future of our overall relations and the interest of the region, it will reciprocate our goodwill and sincerity. I therefore urge the Security Council to encourage the continuation of this bilateral process which can be strengthened by the support and encouragement from the ASEAN family. This approach is in the best interest of both Thailand and Cambodia and the region as a whole.

I thank you, Madam President.
