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## ***Commentary***

# Thailand's MOUs: Are They Appropriate for a Referendum?

*William Roth\**

## **Abstract**

*The current Thai government has stated its intention to have the public vote on whether two Memorandums of Understanding (MOUs) between Thailand and Cambodia should be unilaterally revoked. The MOUs merely set forth an agreed upon “process” by which boundary discussions should be conducted concerning their land border (MoU 43) and their maritime border in the Gulf of Thailand (MoU 44). However, the plan to hold a referendum about them also appears to be an effort to stir nationalistic sentiment in favor of the government at a time of recent military and civilian clashes along the land border. This Commentary reviews the current border conflict that began on 13 February 2025 with an incident at the Ta Muen Thom temple. It then details the provisions of the MOUs, particularly MoU 43 regarding the land boundary, and highlights the benefits of keeping it. Along with others, the author concludes that the public not only is ill prepared to vote wisely on such a highly technical matter involving foreign relations, but that such a significant decision should only be taken by the government or parliament.*

Keywords: Referendum – MOUs – Nationalism – Cambodia

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## I. INTRODUCTION

Once again, a Memorandum of Understanding (MoU<sup>1</sup>) between Thailand and Cambodia is in the news. Clashes along the border in the spring and summer of 2025<sup>2</sup> brought renewed attention to what is known colloquially as “MoU 43,”<sup>3</sup> a 2000 agreement that sought to formulate a process to determine the boundary line between the two countries.<sup>4</sup> In 2024, the heated discussion was all about “MoU 44,” signed in 2001, which dealt with overlapping maritime claims in the Gulf of Thailand.<sup>5</sup> In December 2024, this author wrote a comprehensive Commentary about MoU 44 and the then-related “Koh Kut Kerfuffle,” and the full text of MoU 44 is available there.<sup>6</sup> Now, *both* MOUs are equally back in the spotlight, as the Thai government under new Prime Minister Anutin Charnvirakul has announced its intention to hold a referendum on whether they should be revoked.<sup>7</sup> Before examining that decision and its repercussions, a little further background might be helpful.

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<sup>1</sup> The abbreviation is often (though not always) written as “MoU,” with a lower-case “o” being consistent with how the spelled-out words would appear. This usage certainly looks fine if only *one* MoU is involved, but when *multiple* memorandums are discussed, this paper will, unless it is from a quote, capitalize the middle “o” in the belief that “MOUs” looks much better in print than does “MoUs”! Incidentally, while the traditional (and more formal) Latin plural of the singular “memorandum” is “memoranda,” the Anglicized plural, “memorandums,” is widely accepted in English usage. Indeed, “memorandums” was used by William Shakespeare! See, e.g., “Memorandums; Memoranda” *Oxford Reference* <<https://www.oxfordreference.com/display/10.1093/acref/9780190491482.001.0001/acref-9780190491482-e-5068>>.

<sup>2</sup> See Section III below.

<sup>3</sup> So designated as it was signed in 2000, which date corresponds to Buddhist Era (B.E.) 2543.

<sup>4</sup> The formal title of the document is “Memorandum of Understanding between the Government of the Kingdom of Thailand and the Government of the Kingdom of Cambodia on the Survey and Demarcation of Land Boundary.” It consists of five pages and, under Article IX, became effective on 14 June 2000 when it was signed by a representative of each country. The English language version is reproduced below as Exhibit A. The MoU was also rendered in both Thai and Khmer, and all three versions—as well as a French translation—can be found online in the treaty database of the United Nations, specifically Treaty Series 2753 at pages 19–39 (showing No. 48557: Thailand and Cambodia): <<https://doi.org/10.18356/274228e4-en-fr>>.

<sup>5</sup> The formal title is “Memorandum of Understanding between the Royal Thai Government and the Royal Government of Cambodia regarding the Area of their Overlapping Maritime Claims to the Continental Shelf” and was signed on 18 June 2001.

<sup>6</sup> William Roth, “The 2001 MoU Between Thailand and Cambodia: Demystifying the Koh Kut Kerfuffle” (2014) 4(2) *Thai Legal Studies* 225–50 <<https://doi.org/10.54157/tls.277868>>.

<sup>7</sup> The development of this position began rather innocuously. When the prime minister delivered his policy statement to parliament on 29 September 2025, he mentioned supporting referendums *for constitutional amendments*. “Prime Minister Anutin Charnvirakul Delivers Policy Statement in Parliament” *The Government Public Relations Department* (29 September 2025) <<https://thailand.prd.go.th/en/content/category/detail/id/48/iid/427599>>. It was left to Deputy Prime Minister Bowornsak Uwanno to elaborate, noting that there would be *four* separate ballots in the upcoming general election: two for the election of MPs, a third one for a referendum on constitutional amendments, “and a fourth for a referendum on whether to revoke the memorandum of understanding (MoU) with Cambodia.” Aekarach Sattaburuth, “4-Ballot National Poll to Include Charter Referendum” *Bangkok Post* (30 September 2025) <<https://www.bangkokpost.com/thailand/politics/3112846>>

## II. WHAT ARE MOUs ANYWAY?

In its simplest form, a “Memorandum of Understanding” is a document that “clearly outlines specific points of understanding. It names the parties, describes the project on which they are agreeing, defines its scope, and details each party’s roles and responsibilities. While not always legally enforceable, an MOU is a significant step because of the time and effort involved in negotiating and drafting an effective document.”<sup>8</sup> However, when MOUs are signed between countries, they often are intended to be legally binding and, as such, are of the same status as a formal treaty.<sup>9</sup> From what can be discerned, both the Thai Ministry of Foreign Affairs (MFA) and the Cambodian government consider these MOUs to be binding obligations under international law.<sup>10</sup>

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/4ballot-national-poll-to-include-charter-referendum>. The remaining 11 paragraphs of the *Post* article reported on Mr. Bowornsak’s remarks in regard to *amending the constitution*; nothing else was said about revoking the MoU.

<sup>8</sup> Will Kenton, “Understanding MOUs: Key Features and Differences from MOAs” *Investopedia* (2 August 2025) <<https://www.investopedia.com/terms/m/mou.asp>>.

<sup>9</sup> See Fred L. Morrison, “Executive Agreements” *Oxford Public International Law* (May 2007) <<https://opil.ouplaw.com/display/10.1093/law:epil/9780199231690/law-9780199231690-e1403?d=10.1093/law:epil/9780199231690/law-9780199231690-e1403&p=emailAWxpKSqZJxWww&print>>. Under Article 2(1)(a) of the 1969 Vienna Convention on the Law of Treaties, a “ ‘treaty’ means an international agreement concluded between States in written form and governed by international law, whether embodied in a single instrument or in two or more related instruments and *whatever its particular designation*” (emphasis added) <[https://legal.un.org/ilc/texts/instruments/English/conventions/1\\_1\\_1969.pdf](https://legal.un.org/ilc/texts/instruments/English/conventions/1_1_1969.pdf)>. In other words, the name given to the instrument is not determinative.

<sup>10</sup> As for Thailand and MoU 43, the MFA has noted that it *prohibits* both countries from altering the physical state of the border in a manner that could obstruct demarcation, *requires* cooperation in mine clearance, and any disputes relating to MoU 43 that arise *must* be resolved through bilateral negotiation. “Thailand Stresses MOU43 as Key Framework for Border Demarcation” *The Government Public Relations Department* (25 August 2025) <<https://thailand.prd.go.th/en/content/category/detail/id/52/iid/417726>>. And a former ambassador and assistant minister of foreign affairs, Rasm Chalichan, has noted that MoU 43 holds the same status as a binding treaty. “Ambassador Warns Against Cancelling MOU 43, Citing Disadvantages for Thailand” *Thailand News Gazette* (3 November 2025) <<https://www.thailandnewsgazette.com/ambassador-warns-against-cancelling-mou-43-citing-disadvantages-for-thailand>>. Moreover, MoU 43 was formally registered with the Secretariat of the United Nations on 25 May 2011 and is in the UN Treaty Collection (Treaty Series 2753) <<https://doi.org/10.18356/274228e4-en-fr>>.

### III. THE CURRENT BORDER CONFLICT

#### A. A Disputed Map

The most recent controversy along the border began as the result of an “incident” (discussed below) that occurred at Prasat Ta Muen Thom (Thai spelling, but known as “Prasat Ta Moan Thom” in Cambodia,<sup>11</sup> though spelled “Prasat Ta Muan Thom” on Google Maps). It is an ancient temple, located in the border area of the Thai province

of Surin and the Cambodian province of Oddar Meancheay (Figure 1). Up close, Google Maps currently appears to “split the difference” between two nearby and closely-named temples in different

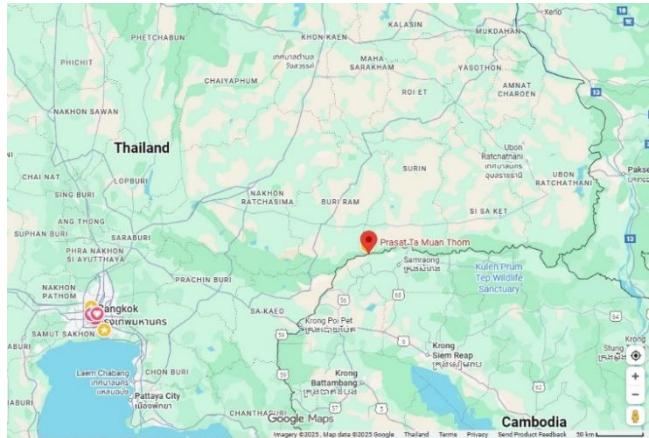


Figure 1: Prasat Ta Muan Thom (Overview)

Source: Google Maps (Accessed 7 November 2025)

countries: Prasat Ta Muen in Thailand, and Prasat Ta Muan Thom in Cambodia (Figure 2). After Cambodia sent a letter to the International Court of Justice (ICJ), “several Thai social media users noticed that Google Maps had altered the border near Prasat Ta Muen Thom, showing the Cambodia boundary extending to include the temple.”<sup>12</sup> Unsurprisingly, on 2 July 2025 the Thai



Figure 2: Prasats Ta Muen & Ta Muan Thom

Source: Google Maps (Accessed 12 October 2025)

<sup>11</sup> Sui-Lee Wee, “Thailand and Cambodia Stepped Back From War, but Their Temple Fight Remains” *New York Times* (updated 31 July 2025) <<https://www.nytimes.com/2025/07/30/world/asia/thailand-cambodia-temples.html?smid=nytcore-ios-share&referringSource=articleShare>>.

<sup>12</sup> “Army Plays Down Google Maps Showing Prasat Ta Muen Thom as Being in Cambodia” *The Nation* (2 July 2025) <<https://www.nationthailand.com/news/aseab/40052042>>. The Cambodian letter, sent on 15 June 2025, claimed ownership of four contested areas: Ta Muen Thom, Ta Muen Toch, and Ta Kwai (each in the Surin/Oddar Meancheay province areas), and, in the Ubon Ratchathani/Preah Vihear province area, the “Emerald Triangle” where Thailand, Cambodia, and Laos meet. Cambodia refers to the four areas, respectively, as Tamone Thom, Ta Muen Tough, Ta Krabey (or “Krabei”), and Mom Bei. “Cambodia Asks International Court of Justice to Rule on 4 Disputed Border Areas” *Bangkok Post* (15 June 2025) <<https://www.bangkokpost.com/thailand/general/3049887>>. Interestingly, Ta Muen Toch (with the last word sometimes spelled “Tot” or “Tod”) does not appear on Google Maps. Translated literally from the Khmer, Prasat Ta Muen Thom means “Great Temple of Grandfather Chicken,” Prasat Ta Muen means “Temple of Grandfather Chicken,” and Ta Muen Toch means “Minor Temple of Grandfather Chicken.” These three temples, all within a few hundred meters of each other, formed a complex which was an important stop on a major route of the Khmer Empire, the Ancient

Army asserted that map boundaries shown on Google Maps “carry no legal weight,”<sup>13</sup> and that Thailand had consistently exercised sovereignty over the temple.<sup>14</sup>

The Tourism Authority of Thailand (TAT), however, has been a little bit more circumspect about the situation. While its webpage for the “Prasat Ta Muen Thom Archeological Site”<sup>15</sup> provides a Thai address,<sup>16</sup> it states that the complex is “on the Thai-Cambodian border” and is “a Khmer archaeological site of three buildings located nearby each other,” namely Prasat Ta Muen, Prasat Ta Muen Tot (“340 metres from Prasat Ta Muen”), and Prasat Ta Muen Thom (“located about 800 metres to the south of Prasat Ta Muen Tot”).<sup>17</sup> Prasat Ta Muen Thom “was assumed to have been built around the 12th century, which is older than Prasat Ta Muen and Prasat Ta Muen Tot,” and it “is also the largest *prasat* in the Prasat Ta Muen group,” consisting of “three *prasats*: the principal *prasat* that is the largest and, in the centre, whereas the other two *prasats* are to the back on the right and left.”<sup>18</sup>

The TAT further notes that, because “it is an area near the Thai-Cambodian border, tourists should make enquiries with the military unit in charge of the area first and bring an ID card/passport with them every time.”<sup>19</sup> So, it is not surprising that, because both countries consider Prasat Ta Muen Thom to be in *their* territory,<sup>20</sup> the area remains to be demarcated (i.e., physical marking of the boundary on the ground) and in the past the Thai military has allowed Cambodians “to visit the temple for worship on the condition that they do not engage in any actions that could be interpreted as a territorial claim.”<sup>21</sup>

## B. Trouble at the Temple

This brings us to the “incident” at Prasat Muen Thom that began the 2025 border trouble. It occurred on 13 February 2025, when, according to one account, “a group of

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Khmer Highway from its capital at Angkor to its major administrative center in the northwest, Phimai (now in Thailand).” “Prasat Ta Muen Thom” Wikipedia <[https://en.wikipedia.org/wiki/Prasat\\_Ta\\_Muen\\_Thom](https://en.wikipedia.org/wiki/Prasat_Ta_Muen_Thom)>.

<sup>13</sup> “Army Plays Down” (n 12).

<sup>14</sup> *ibid.* On its Facebook page, the Army had also said that the temple was registered in 1935 as an archaeological site within Thailand, based upon the drainage divide in the area. “Army: Google Doesn’t Decide Who Owns Disputed Ruins in Surin” *Bangkok Post* (2 July 2025) <[https://www.bangkokpost.com/thailand/general/3062068/army-google-doesnt-decide-who-owns-disputed-ruins-in-surin#google\\_vignette](https://www.bangkokpost.com/thailand/general/3062068/army-google-doesnt-decide-who-owns-disputed-ruins-in-surin#google_vignette)>.

<sup>15</sup> “Prasat Ta Muen Thom Archaeological Site” *Tourism Authority of Thailand* <<https://www.tourismthailand.org/Attraction/prasat-ta-muen-thom-archaeological-site>> (accessed 10 October 2025).

<sup>16</sup> “Ta Miang Phanom Dong Rak Surin 32140” *ibid.*

<sup>17</sup> *ibid.*

<sup>18</sup> *ibid.*

<sup>19</sup> *ibid.*

<sup>20</sup> “Temple Row Stirs Rivalry” *Bangkok Post* (22 February 2025) <<https://www.bangkokpost.com/opinion/opinion/2965875/temple-row-stirs-rivalry>>.

<sup>21</sup> “Second Army Area Protests Against Provocative Incident by Cambodian Troops in Surin” *The Nation* (17 February 2025) <<https://www.nationthailand.com/news/asean/40046376>>.

Cambodians" were spotted there "singing a nationalistic song."<sup>22</sup> Or was it "a group of Cambodian women"?<sup>23</sup> Or rather was it "a group of Cambodian women accompanied by soldiers"?<sup>24</sup> Or perhaps it was the other way around, when "a group of Cambodian troops escorted around 25 civilians to visit the temple," during which "the group sang the Cambodian national anthem and were stopped by Thai troops."<sup>25</sup> Then again, it might have been "when a Cambodian army general led a group of 25 spouses and other family members of Cambodian troops to Prasat Ta Muen Thom."<sup>26</sup> Whatever it was, the incident resulted in the temple being temporarily closed, though it reopened at the start of March 2025.<sup>27</sup>

However, that was not the end of "the trouble." Over the next several months, things along the 817 km-long<sup>28</sup> border got progressively worse. In March 2025, in the Emerald Triangle area (a "tripoint" where the borders of Thailand, Laos, and Cambodia all meet), a pavilion built by Thailand as a symbol of friendship with Laos and Cambodia was burnt down in what was thought to be arson.<sup>29</sup> Then, on 28 May 2025 in the Ubon Ratchathani/Preah Vihear province area, a Cambodian soldier was reportedly shot and killed by Thai troops.<sup>30</sup> Then, on 16 July 2025, a Thai soldier lost a leg from a landmine,<sup>31</sup> which, unfortunately, was not the last of such injuries.<sup>32</sup> The following week things truly escalated, with conflict in six Thai provinces that extended from Trat on the Gulf of Thailand to Ubon Ratchathani in the east.<sup>33</sup> For five days,

<sup>22</sup> "Troops Withdraw from Ancient Temple After Thai-Cambodian Talks" *Bangkok Post* (3 May 2025) <<https://www.bangkokpost.com/thailand/general/3016670/troops-withdraw-from-ancient-temple-after-thai-cambodian-talks>>.

<sup>23</sup> "Surin Temple Reopens After Patriotic Song Flap" *Bangkok Post* (8 March 2025) <<https://www.bangkokpost.com/thailand/general/2975683/surin-temple-reopens-after-patriotic-song-flap>>.

<sup>24</sup> "Temple Row Stirs Rivalry" (n 20).

<sup>25</sup> "Second Army Area Protests" (n 21).

<sup>26</sup> "Border War 'A Last Resort'" *Bangkok Post* (4 June 2025) <<https://www.bangkokpost.com/thailand/general/3041056/border-war-a-last-resort>>.

<sup>27</sup> "Troops Withdraw" (n 22).

<sup>28</sup> "Cambodia-Thailand border" *Wikipedia* <[https://en.wikipedia.org/wiki/Cambodia–Thailand\\_border](https://en.wikipedia.org/wiki/Cambodia–Thailand_border)>.

<sup>29</sup> "Bring Peace to the Border" *Bangkok Post* (30 May 2025) <<https://www.bangkokpost.com/opinion/opinion/3037686/bring-peace-to-the-border>>.

<sup>30</sup> "Cambodia Says Soldier Killed in Brief Border Skirmish with Thai Troops" *Reuters* (28 May 2025) <<https://www.reuters.com/world/asia-pacific/cambodia-says-soldier-killed-brief-border-skirmish-with-thai-troops-2025-05-28/>>.

<sup>31</sup> James Morris and Son Nguyen, "Thai Soldier Loses Leg Stepping on Landmine on Patrol at the Thai Cambodian Border in Ubon Ratchathani" *Thai Examiner* (17 July 2025) <[https://www.thaixeraminer.com/thai-news-foreigners/2025/07/17/thai-soldier-loses-leg-stepping-on-landmine-on-patrol-at-the-thai-cambodian-border-in-ubon-ratchathani](https://www.thaixeraminer.com/thai-news-foreigners/2025/07/17/thai-soldier-loses-leg-stepping-on-landmine-on-patrol-at-the-thai-cambodian-border-in-ubon-ratchathani/)>.

<sup>32</sup> "Sixth Thai soldier Severely Injured by Landmine Near Border in Surin" *Bangkok Post* (27 August 2025) <<https://www.bangkokpost.com/thailand/general/3094101/sixth-thai-soldier-severely-injured-by-landmine-near-border-in-surin>>. Regrettably, more similar injuries were to occur later. Mongkol Bangprapa, "Landmine Injures Four Soldiers" *Bangkok Post* (11 November 2025) <<https://www.bangkokpost.com/thailand/general/3134633/landmine-injures-four-soldiers>>.

<sup>33</sup> "Conflict Spreads to Six Thai Provinces" *Bangkok Post* (26 July 2025) <<https://www.bangkokpost.com/thailand/general/3076181/conflict-spreads-to-six-thai-provinces>>.

both sides fired heavy artillery at one another, resulting in at least 38 dead and 300,000 displaced on both sides of the border.<sup>34</sup> A cease fire was agreed to on 28 July 2025, brought about by Malaysian facilitation and the presence of ambassadors from China and the United States.<sup>35</sup> However, both sides have accused the other of violations.<sup>36</sup>

#### IV. THE MOUs

Both MOUs can be said to simply set forth what the two parties had agreed to in regard to a “process” for further negotiations and actions, with the hope that, eventually, an agreement could be reached on the substantive issues involved.<sup>37</sup> Indeed, the simpler 2001 two-page MoU 44 (concerning the maritime boundary in the Gulf of Thailand) “has been aptly described as merely ‘an agreement to agree’”!<sup>38</sup> As noted above in the Introduction, a detailed analysis of that MoU can be found in a 2024 Commentary.<sup>39</sup>

By contrast, MoU 43 is five pages in length (see Appendix A).<sup>40</sup> While being considerably more detailed than MoU 44, it similarly sets forth a “process” by which negotiations about the Thai–Cambodian land boundary can proceed. Following a four-paragraph preamble setting forth mutual aspirations and past agreements, there are nine Articles. Article I provides that the “survey and demarcation of [the] land boundary” “shall be jointly conducted with” certain documents, namely the Franco-Siamese treaties of 1904 and 1907, and maps and related documents from the Delimitation Commissions set up under the terms of those two treaties. While Thailand may well believe that these two treaties were and are “unfair” (as they

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<sup>34</sup> Carla Teng, “Explainer: How Did Thailand and Cambodia Reach a Ceasefire?” *Asia New Zealand Foundation* (29 July 2025) <<https://www.asianz.org.nz/explainer-how-did-thailand-and-cambodia-reach-a-ceasefire>>.

<sup>35</sup> *ibid.*

<sup>36</sup> “Thai Army Accuses Cambodia of Multiple Ceasefire Agreement Violations” *Thai PBS World* (20 September 2025) <<https://world.thaipbs.or.th/detail/thai-army-accuses-cambodia-of-multiple-ceasefire-agreement-violations/58936>>; “Thailand Repeatedly Violates Ceasefire, Engages in Psychological Provocations Along Border” *Khmer Times* <<https://www.khmertimeskh.com/501771297/thailand-repeatedly-violates-ceasefire-engages-in-psychological-provocations-along-border/>>.

<sup>37</sup> Chairith Yonpiam, “Will MoU Referendum Open Pandora’s Box?” *Bangkok Post* (6 October 2025) <<https://www.bangkokpost.com/thailand/general/3116296/will-mou-referendum-open-pandoras-box>>.

<sup>38</sup> Clive Schofield, “Defining Areas for Joint Development in Disputed Waters” in *Recent Developments in the South China Sea Dispute* (Routledge 2014) 90 <<https://doi.org/10.4324/9781315818696-6>>, quoting Canadian law of the sea scholar Ted McDorman.

<sup>39</sup> Roth, “The 2001 MoU” (n 6).

<sup>40</sup> See footnote 4 for full citation and URL for online access.

resulted in a “loss” of land to France),<sup>41</sup> they still remain valid treaties and binding on both countries under international law.<sup>42</sup>

Article II provides for the creation of a “Joint Boundary Commission” (JBC), and outlines its duties. Article III provides for the creation of a “Joint Technical Sub-Commission” (JTSC), appointed by the JBC, that will carry out the “on the ground” activities of surveying and demarcating. Article IV requires that the common land boundary be divided into sectors by the JTC, and that, upon completion “of the survey and demarcation of each sector,” an MoU “shall be signed by the Co-Chairman” of the JBC, with a map “showing the completed sector” attached to the MoU.

Article V provides that neither government may now “carry out any work resulting in changes of [the] environment of the frontier zone” unless it is done by the JTC “in the interest of the survey and demarcation.” Article VI provides that each government is responsible for its own expenses in conjunction with the survey and demarcation, but that the “costs of materials for the boundary pillars or markers and the production of maps” is to be shared equally. Article VII provides that both governments must facilitate the activities of the JTC—i.e., ease of access of going and coming across what might be deemed a border—and that goods in that movement not be considered as imports or exports.

Article VIII provides that any dispute regarding the interpretation or application of the MoU “shall be settled peacefully by consultation and negotiation.” And Article IX provides that the MoU will come into force on the date of its signature “by the duly authorized representatives” of the two countries, which occurred on 14 October 2000.

In the view of this author, it would be difficult to find anything that is objectionable in MoU 43, though there are, perhaps, a few areas of ambiguity, discussed below.<sup>43</sup> Even when both of the Co-Chairmen of the JBC sign an MoU regarding a particular sector, there is nothing in the MoU to suggest that such agreement between the two Co-Chairs would have any sort of “binding effect” upon their respective governments. Rather, in all likelihood, there would need to be some sort of treaty formally adopting the agreed JBC MOUs and ratified by the parliaments of both countries.<sup>44</sup>

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<sup>41</sup> See, e.g., Shane Strate, “A Pile of Stones? Preah Vihear as a Thai Symbol of National Humiliation” (2013) 21(1) *South East Asia Research* 41–68 <<https://doi.org/10.5367/sear.2013.0139>>.

<sup>42</sup> “Every treaty in force is binding upon the parties to it and must be performed by them in good faith.” Article 26 (“*Pacta sunt servanda*”), Vienna Convention on the Law of Treaties (1969) <[https://legal.un.org/ilc/texts/instruments/english/conventions/1\\_1\\_1969.pdf](https://legal.un.org/ilc/texts/instruments/english/conventions/1_1_1969.pdf)>.

<sup>43</sup> See Section V.D.

<sup>44</sup> For example, in reference to MoU 44, Russ Jalichandra, when he was the Vice Minister for Foreign Affairs, noted that any agreements that arose from the MoU 44 negotiations would have to be submitted to parliament for approval before they could become legally binding. “Thailand’s MFA Clarifies MoU 44’s Role in Thailand–Cambodia Maritime Negotiations” *The Government Public Relations Department* (13 November 2024) <<https://thailand.prd.go.th/en/content/category/detail/id/52/iid/339479>>.

## V. THE REFERENDUM DEBATE

### A. The Press Reports

After an oblique reference in parliament on 29 September 2025 about a referendum on the MOUs,<sup>45</sup> the following days saw an avalanche of increasing commentary about the matter. A selected chronological recitation of the titles and sub-titles of the articles will suggest the tenor of the times: “PM confirms government’s referendum plan to scrap MOUs 43 and 44 with Cambodia. Top People’s Party MP shocked”;<sup>46</sup> “NSC urged to study Cambodia MoUs: Deals enable talks on border disputes”;<sup>47</sup> “FM to be summoned over referendum bid: Revoking memorandums may hurt Cambodia talks.”<sup>48</sup>

On the same page of the 6 October 2025 print edition in the *Bangkok Post* was the heading “Poll says 44% doesn’t get Cambodia MoUs,” with the percentage (actually 44.1%) referring just to people who “did not understand it [MoU 43] at all,” while 24.9% said “they understood it only slightly,” 23.1% said they “somewhat understood it,” but only 7.7% said they understood MoU 43 well.<sup>49</sup> The responses about MoU 44 (overlapping maritime zones) were similar.<sup>50</sup> The poll also asked about the respondents desire “to gain a clearer understanding of both MoUs” and of “holding a referendum on repealing both MoUs.”<sup>51</sup> The entire article about the poll results is reproduced in Appendix B.<sup>52</sup>

The next day, 7 October 2025, brought the story “MoU vote faces stiff opposition: Issue ‘too complex’ for a referendum: PP,”<sup>53</sup> and, just two days after the poll results had appeared, came this not unexpected headline: “PM’s Office to explain Cambodian MoUs.”<sup>54</sup> The article also noted that, on 7 October 2025, protestors had

<sup>45</sup> See footnote 7.

<sup>46</sup> Joseph O’Connor, “PM Confirms Government’s Referendum Plan to Scrap MOUs 43 and 44 with Cambodia. Top People’s Party MP Shocked” *Thai Examiner* (2 October 2025) <<https://www.thaiexaminer.com/thai-news-foreigners/2025/10/02/pm-confirms-governments-referendum-plan-to-abolish-mous-with-cambodia-peoples-party-mp-rome-shocked/>>.

<sup>47</sup> Aekarach Sattaburuth, “NSC Urged to Study Cambodia MOUs” *Bangkok Post* (3 October 2025) <<https://www.bangkokpost.com/thailand/general/3114826/thai-security-council-urged-to-study-cambodia-mous>>.

<sup>48</sup> “Foreign Affairs Minister to be Quizzed over Referendum on MOUs” *Bangkok Post* (6 October 2025) <<https://www.bangkokpost.com/thailand/politics/3116148/foreign-affairs-minister-to-be-quizzed-over-referendum-on-mous>>. The online title differed slightly from the print edition.

<sup>49</sup> “Poll Says 44% Don’t Comprehend Thai-Cambodian MOUs” *Bangkok Post* (6 October 2025) <<https://www.bangkokpost.com/thailand/politics/3116152/poll-says-44-dont-comprehend-thaicambodian-mous>>. Again, the online title differed slightly from the print edition.

<sup>50</sup> *ibid.*

<sup>51</sup> *ibid.*

<sup>52</sup> *ibid.*

<sup>53</sup> Aekarach Sattaburuth, “MoU Vote Faces Stiff Opposition” *Bangkok Post* (7 October 2025) <<https://www.bangkokpost.com/thailand/general/3116873/mou-vote-faces-stiff-opposition>>.

<sup>54</sup> Mongkol Bangprapa, “PM’s Office to Explain Cambodia MOUs” *Bangkok Post* (8 October 2025) <<https://www.bangkokpost.com/thailand/general/3117409/pms-office-to-explain-cambodia-mous>>.

gathered at the bridge in front of Government House and demanded, among other things, that the government *cancel* the two MOUs and avoid a referendum, which they viewed as “offloading responsibility to citizens.”<sup>55</sup> Perhaps picking up on the sentiments of the protestors, the following day brought the news that “Gov’t ‘has legal grounds’ to end MoU with Cambodia.”<sup>56</sup> The argument, by Panthep Puapongpan of the Thailand Watch Foundation, was that there was no need for a referendum because Cambodia had seriously breached the terms of MoU 43 (e.g., by using military weapons and explosive devices on Thai soil), and that, under Article 60 of the Vienna Convention on the Law of Treaties, there were solid grounds for unilateral termination.<sup>57</sup>

But, as is common in Thailand, things do take time to reach consensus. Thus, on 10 October 2025 we had the headline, “MoU referendum plans to face review.”<sup>58</sup> While the Foreign Affairs Minister, Sihasak Phuangketkeow, told parliament that the government planned to review procedures on holding a referendum and “to ensure the public is fully informed,”<sup>59</sup> the leader of the People’s Party, Natthaphong Ruengpanyawut, “stressed the importance of educating the public before any vote, highlighting the need to balance transparency with protecting sensitive information from reaching Cambodia.”<sup>60</sup>

Nonetheless, the government stood its ground, as on 14 October 2025 was the headline “Anutin reaffirms MoUs referendum,” with the prime minister stressing that his administration “will never allow Thailand to be put at a disadvantage.”<sup>61</sup> There was no reported mention of what that “disadvantage” might be. However, when the prime minister was asked whether Thailand was able to unilaterally withdraw from the MOUs, he replied that “[w]e must weigh all possible benefits and disadvantages,” adding that “we have teams negotiating, studying and assessing the implications before any decision is made.”<sup>62</sup>

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<sup>55</sup> *ibid.*

<sup>56</sup> Aekarach Sattaburuth, “Gov’t ‘Has Legal Grounds’ to End MoU with Cambodia” *Bangkok Post* (9 October 2025) <<https://www.bangkokpost.com/thailand/general/3118012/govt-has-legal-grounds-to-end-mou-with-cambodia>>.

<sup>57</sup> *ibid.*

<sup>58</sup> Aekarach Sattaburuth, “MoU Referendum Plans to Face Review” *Bangkok Post* (10 October 2025) <<https://www.bangkokpost.com/thailand/general/3118624/mou-referendum-plans-to-face-review>>.

<sup>59</sup> *ibid.*

<sup>60</sup> *ibid.* Indeed, after the idea of a referendum was first raised in parliament on 29 September 2025, MP Rangsiman Rome of the People’s Party told reporters, “This matter is highly sensitive. Even our meetings are classified. Now they want the public to vote?” O’Connor, “PM Confirms Government Referendum Plan” (n 46). The article went on to say that Mr. Rangsiman “raised a key concern—how can voters be properly informed without revealing state secrets? Rangsiman fears that Cambodia could exploit public disclosures. If that happens, he warned, national security could be compromised.” He was also worried that, if MoU 44 (maritime zones) was revoked, companies might claim damages for lost investments and that Thailand could face compensation claims worth billions. *ibid.*

<sup>61</sup> Apinya Wipatayotin and Aekarach Sattaburuth, “Anutin Reaffirms MOUs Referendum” *Bangkok Post* (14 October 2025) <[https://www.bangkokpost.com/thailand/politics/3120368/anutin-reaffirms-mous-referendum#google\\_vignette](https://www.bangkokpost.com/thailand/politics/3120368/anutin-reaffirms-mous-referendum#google_vignette)>.

<sup>62</sup> *ibid.*

The very next day saw the headline, “PM urged to axe Cambodian MoUs.”<sup>63</sup> This time, Panthip Puapongpan, the chairman of the Thailand Watch Foundation, now joined by Thai Pakdee Party leader Warong Dechgitvigrom, submitted an actual petition to the prime minister urging revocation of the two MOUs.<sup>64</sup> Mr. Panthip again asserted that Cambodia had materially breached MOU 43, citing its Articles 3, 5, and 8, and that under Article 60 of the 1969 Vienna Convention on the Law of Treaties,<sup>65</sup> the breaches warranted immediate termination.<sup>66</sup> However, in this case “immediate termination” really meant “immediate formal written notification to Cambodia of Thailand’s intention to terminate MoU 43,” as Article 65 of the Vienna Convention requires that notice be given in order for a cancellation to come into effect at a later time.<sup>67</sup> According to the *Bangkok Post* news article, Mr. Panthip said the cancellation would take effect eight months later.<sup>68</sup> A similar article, posted the day before by Thai PBS World,<sup>69</sup> reported that Mr. Panthip’s foundation “also said that to protect such rights under the Vienna Convention, the Thai government must exercise such a right immediately, instead of hesitating through the holding of a referendum to seek a public consensus or the holding further talks with Cambodia.”<sup>70</sup> The petition also asserted that MoU 44 (maritime boundaries) was an interim or temporary document, “impractical” under Article 56 of the Vienna Convention, and was unconstitutional because the negotiators who signed it lacked authority.<sup>71</sup>

## B. The Value of the MOUs

Consider some rhetorical questions. For example, if these MoUs are so “problematic,” why is it they have lasted for 25 and 24 years, respectively?<sup>72</sup> Moreover, if these MOUs are eliminated (either by unilateral cancellation or by referendum), what is the alternative—i.e., what happens now?<sup>73</sup> And how, exactly, might Thailand somehow be

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<sup>63</sup> Aekarach Sattaburuth, “PM Urged to Axe Cambodian MOUs” *Bangkok Post* (15 October 2025) <<https://www.bangkokpost.com/thailand/general/3120825/pm-urged-to-axe-cambodian-mous>>.

<sup>64</sup> *ibid.*

<sup>65</sup> A PDF of the treaty can be accessed at <[https://legal.un.org/ilc/texts/instruments/english/conventions/1\\_1\\_1969.pdf](https://legal.un.org/ilc/texts/instruments/english/conventions/1_1_1969.pdf)>.

<sup>66</sup> Aekarach, “PM Urged to Axe” (n 63).

<sup>67</sup> See Article 65 of the 1969 Vienna Convention on the Law of Treaties (n 65).

<sup>68</sup> Aekarach, “PM Urged to Axe” (n 63).

<sup>69</sup> “Thai Nationalist Group Calls for Immediate Termination of MOUs 43 and 44” *Thai PBS World* (14 October 2025) <<https://world.thaipbs.or.th/detail/thai-nationalist-group-calls-for-immediate-termination-of-mous-43-and-44/59199>>.

<sup>70</sup> *ibid.*

<sup>71</sup> *ibid.*; Aekarach, “PM Urged to Axe” (n 63).

<sup>72</sup> Former foreign minister Noppadon Pattama has posed this question. Aekarach, “NSC Urged to Study” (n 47).

<sup>73</sup> Former prime minister and current leader of the Democrat Party, Abhisit Vejjajiva, had the same concern. “People need to know not only what happens if we cancel them [the MOUs], but also what our plan will be afterwards.” (“Abhisit Warns MoU Plan May Backfire” *Bangkok Post* (21 October 2025) <<https://www.bangkokpost.com/thailand/politics/3123918/abhisit-warns-mou-plan-may-backfire>>.)

“disadvantaged” by keeping these MOUs?<sup>74</sup> Any rational consideration of this situation needs cogent answers to these questions.

### 1. MoU 43 (Land Boundary Demarcation).

The new Anutin government did not come into existence until early September 2025,<sup>75</sup> and the first mention about a possible referendum to cancel the MOUs was not made until 29 September 2025, in parliament.<sup>76</sup> But in August 2025, before the change in government occurred, the Public Relations Department published a detailed statement from the Ministry of Foreign Affairs that outlined the “practical benefits” of MoU 43.<sup>77</sup> The release, entitled “Thailand Stresses MOU43 as Key Framework for Border Demarcation,” noted that the MoU “provides a structured framework for border surveys, mine clearance, and joint mapping based on the historical Franco-Siamese treat[ies] of 1904 and 1907.<sup>78</sup> It is worth reprinting the rest of the statement verbatim:<sup>79</sup>

MOU43 formalizes the use of original documents and maps produced by the Siam-France Boundary Commission and tasks the Joint Boundary Commission (JBC) with overseeing the demarcation process. Supporting the JBC is the Joint Technical Sub-Committee (JTSC), which conducts on-site surveys, verifies the locations of boundary pillars, and prepares reports for review. The ultimate goal is to produce an official map that represents mutual agreement and is consistent with international legal standards.

A key condition under MOU43 prohibits both countries from altering the physical state of the border area in ways that could obstruct demarcation, such as digging trenches, stationing troops, or modifying the terrain. The MOU also requires cooperation in mine clearance to ensure safe access for survey teams. All disputes arising under the agreement must be resolved through bilateral negotiation, excluding involvement from third countries or international bodies.

Officials cautioned that terminating MOU43 would not release Thailand from its obligations under the 1904 and 1907 treaties. The 1:200,000-scale map associated with those treaties would still be relevant, and any attempt to bypass the current framework would ultimately return both sides to the same starting point under existing legal conditions.

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<sup>74</sup> In stating his intention to proceed with the referendum, the prime minister stressed that his administration “will never allow Thailand to be put at a disadvantage.” Apinya, “Anutin Reaffirms” (n 61).

<sup>75</sup> “Royal Command Appointing Mr. Anutin Charnvirakul New Prime Minister of Thailand” *The Government Public Relations Department* (7 September 2025) <<https://thailand.prd.go.th/en/content/category/detail/id/48/iid/421551#:~:text=Minister%20of%20Thailand-,Royal%20Command%20Appointing%20Mr.,the%20King%20before%20assuming%20office>>.

<sup>76</sup> See footnote 7.

<sup>77</sup> “Thailand Stresses MOU43 as Key Framework for Border Demarcation” *The Government Public Relations Department* (25 August 2025) <<https://thailand.prd.go.th/en/content/category/detail/id/52/iid/417726>>.

<sup>78</sup> *ibid.*

<sup>79</sup> *ibid.*

The agreement also allows for the identification of violations based on environmental changes along the border, creating a practical standard for assessing compliance. Without MOU43, this mechanism would be lost, and accountability would be more difficult to enforce.

Following the most recent JBC meeting in June 2025, the JTSC has begun surveying 29 of the 74 unresolved boundary pillar sites. The progress underscores continued cooperation under the MOU framework and a functioning mechanism for advancing border demarcation through established bilateral channels.

## 2. MoU 44 (Overlapping Maritime Boundaries).

On 6 October 2025, the *Bangkok Post* published a superb “Explainer” about both MOUs and included an excellent, albeit brief, overview of the referendum debate.<sup>80</sup> However, here it describes MoU 44:

### **What is MOU 44?**

MoU 44—the Memorandum of Understanding between the Government of the Kingdom of Thailand and the Government of the Kingdom of Cambodia Concerning the Area of Their Overlapping Maritime Claims to the Continental Shelf—was signed on June 18, 2001, under the government of Thaksin Shinawatra. It addresses the Overlapping Claims Area (OCA) in the Gulf of Thailand, covering about 26,000 square kilometres, where both countries have laid claim to the continental shelf since the 1970s.

### **Why it was Signed**

Both nations declared their respective continental shelves in 1972–1973, but the boundaries overlapped significantly. The area was later found to contain abundant petroleum and natural gas reserves, making cooperation not only economically desirable but also politically sensitive.

### **Core Principles**

MoU 44 established two main frameworks. First, both countries agreed to negotiate an arrangement for joint petroleum exploration and production within a designated Joint Development Area (JDA), with the aim of sharing economic benefits from natural resources. Second, the two sides committed to continuing talks to establish a permanent maritime boundary. The Overlapping Claims Area (OCA) in the Gulf of Thailand, jointly claimed by Thailand and Cambodia, spans approximately 26,000 square kilometres.

Most crucially, Article 5 of the MoU stipulates that until delimitation is completed, neither party’s signature affects its legal claim—meaning no sovereignty was surrendered by either side. In essence, MoU 44 created a framework for future negotiation, rather than a binding concession of territory or rights.

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<sup>80</sup> Chairith, “Will MoU Referendum Open” (n 37).

If these two MOUs are such “positive” and productive documents, why then should there be a referendum about them?

### C. The “Politics” Involved

Simply put, “pre-election politics and rationality sometimes clash”!<sup>81</sup> And that could well be the situation here. The Anutin government has agreed to call for a parliamentary election after it will have served in office for only four months, which will occur in January 2026.<sup>82</sup> With so little time to prepare for new elections, it seems quite possible that the surprise call for a referendum on the two MOUs is simply a way to help the Bhumjaithai party’s chances in the upcoming poll.<sup>83</sup> Emeritus Professor Dr. Surachart Bamrungsuk, from the Faculty of Political Science at Chulalongkorn University, has written a detailed article explaining how this scenario would fit together.<sup>84</sup> While acknowledging that the government should, at times, “consult the public on foreign policy,” he noted that “a meaningful referendum requires citizens to have at least a basic understanding of the issue. Decisions should be made based on comprehension, not emotion or momentum.”<sup>85</sup> The remainder of his remarks are worth reproducing in full:

In the current climate of Thai-Cambodian tensions, nationalist sentiment can easily be inflamed. Discontent over Cambodia’s perceived provocations has fuelled public frustration—and whenever Thailand faces disputes with its neighbours, nationalism naturally resurfaces.

Nationalist fervour has also reinforced a growing sense of militarism, with the public showing sympathy for soldiers guarding the border. This sentiment has been amplified by political-military rifts revealed in a leaked audio clip of a conversation between two political leaders at the time.

With nationalism and militarism now surging together, it is almost certain that a referendum on these MoUs would see voters reject them overwhelmingly.

#### **The Far-Right Tide**

The rise of nationalism and militarism clearly benefits the far-right faction in Thai politics, which has long taken a hardline stance on Cambodia. Since the Phra Wihan

<sup>81</sup> “MOU Controversy Puts Many on the Spot” *Thai PBS World* (11 October 2025) <<https://world.thaipbs.or.th/detail/mou-controversy-puts-many-on-the-spot/59174>>.

<sup>82</sup> “House Set for Dissolution by January 31 as the Latest, PM Anutin Confirms Election Date Has Been Set” *Thai Enquirer* (5 November 2025) <<https://www.thaienquirer.com/62339/house-set-for-dissolution-by-january-31-as-the-latest-pm-anutin-confirms-election-date-has-been-set/>>.

<sup>83</sup> “Critics have also accused the ruling Bhumjaithai Party of using the referendum as a nationalist campaign tool ahead of the next election—a strategy to project patriotism and consolidate its political base among conservative voters.” Chairith, “Will MoU Referendum Open” (n 37).

<sup>84</sup> Surachart Bamrungsuk, “MoU—A Memorandum of Problems!” *The Nation* (5 October 2025) <<https://www.nationthailand.com/blogs/the-opinion/commentary/40056384>>.

<sup>85</sup> *ibid.*

Temple dispute erupted in 2008, this camp has consistently called for the revocation of the MoUs.

Prime Minister's proposal for a referendum plays neatly into their hands. Given that anti-Cambodian sentiment is running high, the chances of the MoUs surviving are minimal. One can safely predict that the pro-MoU side would lose decisively.

The right-wing movement's central message is simple: "oppose Cambodia." In this atmosphere, anyone expressing a dissenting view risks being branded "unpatriotic." Many will thus vote "no" simply out of a belief that rejecting the MoUs equates to "loving the nation." As the referendum draws near, expect far-right campaigns to urge people to "tear up the MoU," while labelling opponents as "traitors."

### **The People's Current**

Critics of the referendum warn that voters lack sufficient understanding of the two MoUs, each of which will require a separate ballot—one for the 2000 land boundary MoU and another for the 2001 maritime boundary MoU.

The referendum will also coincide with votes on constitutional amendments and parliamentary elections, meaning voters may need to fill out six ballots in total—a recipe for confusion.

This complexity is further compounded by the lack of clear public understanding of the benefits and drawbacks of each MoU. Most voters are likely to cast their ballots under the influence of prevailing nationalist and militarist sentiment rather than informed analysis.

One must also acknowledge the reality that public sentiment has been largely shaped by the "media current" driving society—a current that tends to flow in a distinctly nationalist direction.

Few academics specialise in this issue, and those who do often disagree. Meanwhile, public trust in official information from the Foreign Ministry or the Royal Thai Survey Department is low. Bureaucrats themselves tend to align with political winds, leaving Thailand with no credible "neutral party" on the matter.

### **Conclusion**

All signs point to one outcome—the MoUs will be rejected. Yet this poses a critical question: if the MoUs are scrapped, how will future boundary negotiations proceed? Would the two sides draft new agreements, and who would dare take responsibility for signing them?

Ultimately, repealing the MoUs paves the way for Cambodia's preferred outcome—taking the dispute to the International Court of Justice. In that sense, "tearing up" the MoUs would mark Cambodia's victory, achieved with the enthusiastic help of Thailand's far-right, and facilitated by a government-sanctioned referendum.<sup>86</sup>

## **D. Are There Any Disadvantages to the MOUs?**

Perhaps, as there are at least two arguable ambiguities in MoU 43. Its Article I specifically provides that the survey and demarcation of the land boundary are to be based on "Maps which are the results of demarcation works of the Commission of

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<sup>86</sup> ibid.

Delimitation" undertaken pursuant to the treaties of 1904 and 1907.<sup>87</sup> The use of the word "demarcation" (rather than "delimitation") in the MoU phrase "Maps which are the results of demarcation works of the Commission of Delimitation" creates a linguistic ambiguity.

"Delimitation," in a cartographic sense, means drawing a boundary line on a map based upon field observations, whereas "demarcation" refers to the physical marking of the boundary on the ground.<sup>88</sup> Read literally, "Maps which are the results of demarcation works" seem restricted to maps that *arose out of demarcation activities* done by the Commission of Delimitation, rather than maps that arose merely out of the Commission's *delimitation* activities. That would be a very odd restriction, and most likely was not at all intended, but the words are there nonetheless.

Moreover, there is no provision providing for the consideration of any *other* maps than those done pursuant to the two treaties, which appears to be the basis for Cambodia's refusal "to recognize the map that the Thai side has drawn unilaterally and used as a reference."<sup>89</sup> However, there is also nothing in MoU 43 that specifically prohibits the use of other maps. Inasmuch as Article I also says that the survey and demarcation of the land boundary are to be based on the treaties themselves—treaties that provide for the "watershed" to be the boundary in many places—Thailand could reasonably demand that later, more detailed and accurate maps most definitely should be considered. After all, if the watershed is the boundary, then each country certainly ought to be able to offer evidence of where that watershed actually is.

Then, too, it might be argued that the MOUs should be cancelled simply because nothing much has happened pursuant to them.<sup>90</sup> For example, when the Joint Boundary Commission (JBC) met in Phnom Penh in mid-June 2025, it was their first meeting in 13 years!<sup>91</sup> However, in the interim period, the Cambodia-Thailand Joint Technical Sub-Committee had been meeting, and the JBC now adopted the findings of the JTSC in which the location of 45 boundary pillars were agreed to.<sup>92</sup> Moreover, since then "Thai and Cambodian teams have completed the placement of temporary boundary markers in Sa Kaeo province, confirming that the Joint Border Commission (JBC) remains effective in upholding bilateral agreements."<sup>93</sup>

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<sup>87</sup> See footnote 4.

<sup>88</sup> John Burgess, *Temple in the Clouds: Faith and Conflict at Preah Vihear* (River Books 2015) 9.

<sup>89</sup> Torn Chanritheara, "Cambodia Rejects Thailand's Border Map as Border Talks Conclude" *Cambodianess* (15 June 2025) <<https://cambodianess.com/article/cambodia-rejects-thailands-border-map-as-border-talks-conclude>>.

<sup>90</sup> "Thirachai Phuvanatnaranubala, a former finance minister and now deputy leader of the Palang Pracharath Party, said that since little progress has been achieved over the past 25 years under the two MoUs, and with Cambodia continuing to breach them, Thailand has a sound reason to annul them." Aekarach, "NSC Urged to Study" (n 47).

<sup>91</sup> "The 6th Meeting of the Thailand - Cambodia Joint Boundary Commission (JBC)" *Ministry of Foreign Affairs* (16 June 2025) <<https://www.mfa.go.th/en/content/the-6th-thailand-cambodia-jbc-en>>.

<sup>92</sup> *ibid.*

<sup>93</sup> "JBC Fulfils Border Marker Placement" *Bangkok Post* (22 November 2025) <<https://www.bangkokpost.com/thailand/general/3142005/jbc-fulfils-border-marker-placement>>.

## VI. CONCLUSION

Whatever downsides either of these two MOUs might possibly have, they seem minimal at best. By contrast, the positive aspects have been explicitly described above. As pointed out at the outset, both MOUs simply establish a “process” by which negotiations can continue in an orderly fashion. Were they to be annulled, things would be back to “square one” and both countries would have to start everything all over again. It’s really hard to see any advantage in that.

Moreover, the idea of letting the public decide on whether these two laboriously negotiated MOUs should be revoked really does seem ludicrous. There is no conceivable way the public could ever become sufficiently—let alone impartially—educated about the situation that would enable them to make a sound and well-reasoned decision. Making complicated decisions such as this is precisely the responsibility of an elected government. To pawn the decision off to the public not only represents a dereliction of governmental duty, but, as suggested above, it may well be simply a naked political gambit designed to favor the party in power. Whether or not a referendum will actually achieve that desired end remains unknown, but certainly, in the process, “Thai democracy” will have suffered yet another unfortunate blow.

The always erudite contributor to the “Letters” section of the *Bangkok Post*, Khun Burin Kantabutra, summed up the issue most concisely in this three-paragraph submission:<sup>94</sup>

Voting on what you don’t understand is meaningless and could easily mislead. Prime Minister Anutin wants a referendum on the two Cambodia-related MoUs, but are our voters capable of comprehending the multi-faceted issues at stake?

We must not only know what we are against but what we are for, lest we jump from the frying pan into the fire. If we say “no,” would we evict all Cambodians from Thailand? Impose 100% tariffs on Cambodian products?

Mr Anutin says not to worry: he’ll teach us all we need to know. We have 52.2 million voters. Any good teacher gives students ample opportunities to ask questions. Dump the referendum, and work through parliament, Mr Anutin. That’s what our MPs are for.

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<sup>94</sup> “MOUs Which No One Gets” *Bangkok Post* (26 October 2025) <<https://www.bangkokpost.com/opinion/postbag/3126458/booze-curbs-silly>>.

## Appendix A

### **Memorandum of Understanding between the Government of the Kingdom of Thailand and the Government of the Kingdom of Cambodia on the Survey and Demarcation of Land Boundary**

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THE GOVERNMENT OF THE KINGDOM OF THAILAND  
AND THE GOVERNMENT OF THE KINGDOM OF CAMBODIA;

Desiring to further strengthen the existing bonds of friendship  
between the two countries;

Believing that the demarcation of land boundary between the  
Kingdom of Thailand and the Kingdom of Cambodia will help prevent  
border conflicts arising out of boundary questions and will further strengthen  
existing friendly relations between the two countries and facilitate the travel  
and cooperation of the peoples along the border;

Recalling the Joint Communiqué of the Prime Ministers of the  
Kingdom of Thailand and the Kingdom of Cambodia, dated 13 January 1994,  
in which it was agreed to establish the Thai-Cambodian Joint Committee on  
Boundary in due course;

Recalling also the Joint Statement on the Establishment of the  
Thai-Cambodian Joint Commission on Demarcation for Land Boundary,  
dated 21 June 1997, in which it was agreed to establish the Thai-Cambodian  
Joint Commission on Demarcation for Land Boundary, entrusted with the  
task of placing markers in order to indicate the land boundary between the  
two countries;

HAVE AGREED AS FOLLOWS:

#### **Article I**

The survey and demarcation of land boundary between the  
Kingdom of Thailand and the Kingdom of Cambodia shall be jointly  
conducted in accordance with the following documents:

(a) Convention between Siam and France modifying the  
Stipulations of the Treaty of the 3 October 1893, regarding Territorial  
Boundaries and other Arrangements, signed at Paris, 13 February 1904  
(La Convention entre le Siam et la France modifiant les stipulations  
du Traité du 3 Octobre 1893 concernant les territoires et les autres  
Arrangements, signée à Paris, le 13 février 1904);

(b) Treaty between His Majesty the King of Siam and the President of the French Republic, signed at Bangkok, 23 March 1907 (Le Traité entre Sa Majesté le Roi de Siam et Monsieur le Président de la République Française, signé à Bangkok, le 23 mars 1907) and Protocol concerning the delimitation of boundaries and annexed to the Treaty of the 23 March 1907 (le Protocole concernant la délimitation des frontières et annexé au Traité du 23 mars 1907); and

(c) Maps which are the results of demarcation works of the Commissions of Delimitation of the Boundary between Indo-China and Siam (Commissions de Délimitation de la Frontière entre l'Indo-Chine et le Siam) set up under the Convention of 1904 and the Treaty of 1907 between Siam and France, and other documents relating to the application of the Convention of 1904 and the Treaty of 1907 between Siam and France.

## **Article II**

1. There shall be a Thai-Cambodian Joint Commission on Demarcation for Land Boundary, hereinafter referred to as “the Joint Boundary Commission”, consisting of two Co-Chairmen and other members appointed by their respective Governments. The Deputy Minister of Foreign Affairs of the Kingdom of Thailand and the Adviser to the Royal Government in charge of State Border Affairs of the Kingdom of Cambodia shall be the Co-Chairmen. Appointments of other members shall be communicated between the two Governments within one month after the entry into force of this Memorandum of Understanding.

2. The Joint Boundary Commission shall hold its meeting once a year alternately in Thailand and Cambodia. If necessary, the Joint Boundary Commission may hold a special meeting to discuss urgent matters within its purview.

3. The terms of reference of the Joint Boundary Commission shall be as follows:

(a) to be responsible for the joint survey and demarcation of land boundary in accordance with Article I;

(b) to consider and approve the terms of reference and master plan for the joint survey and demarcation;

(c) to determine the priority of areas to be surveyed and demarcated;

- (d) to assign the survey and demarcation works to the Joint Technical Sub-Commission as referred to in Article III and to supervise and monitor the implementation of the assignment;
- (e) to consider reports or recommendations submitted by the Joint Technical Sub-Commission;
- (f) to produce maps of the surveyed and demarcated land boundary; and
- (g) to appoint any sub-commission to undertake any particular task within its purview.

### **Article III**

- 1. There shall be a Joint Technical Sub-Commission consisting of two Co-Chairmen and other members to be appointed by the respective Co-Chairmen of the Joint Boundary Commission.
- 2. The terms of reference of the Joint Technical Sub-Commission shall be as follows:
  - (a) to identify the exact location of the 73 boundary pillars set up by the Commissions of Delimitation of the Boundary between Indo-China and Siam (Commissions de Délimitation de la Frontière entre l'Indo-Chine et le Siam) in the period of 1909 and 1919, and to report its findings to the Joint Boundary Commission for its consideration;
  - (b) to prepare the terms of reference and master plan for the joint survey and demarcation of land boundary;
  - (c) to appoint joint survey teams to carry out the survey and demarcation of land boundary as assigned by the Joint Boundary Commission;
  - (d) to submit reports or recommendations on the survey and demarcation works to the Joint Boundary Commission;
  - (e) to prepare maps of the surveyed and demarcated land boundary;
  - (f) to designate if necessary authorized representative to supervise the field works on behalf of the Co-Chairmen of the Joint Technical Sub-Commission; and

(g) to appoint any technical working group to assist in any particular task within its purview.

3. In carrying out the survey and demarcation works in any area, the joint survey team shall first be assured of its safety from landmines.

#### **Article IV**

1. For the purpose of survey and demarcation works, the entire stretch of the common land boundary shall be divided into sectors to be agreed upon by the Joint Technical Sub-Commission.

2. On completion of the survey and demarcation of each sector, a Memorandum of Understanding shall be signed by the Co-Chairmen of the Joint Boundary Commission. A map showing the completed sector shall also be signed and attached to the said Memorandum of Understanding.

#### **Article V**

To facilitate the effective survey along the entire stretch of the common land boundary, authorities of either Government and their agents shall not carry out any work resulting in changes of environment of the frontier zone, except that which is carried out by the Joint Technical Sub-Commission in the interest of the survey and demarcation.

#### **Article VI**

1. Each Government shall be responsible for its own expenses for the survey and demarcation works.

2. The costs of materials for the boundary pillars or markers and the preparation and production of maps of the surveyed and demarcated land boundary shall be borne equally by both Governments.

#### **Article VII**

1. Both Governments shall make the necessary arrangements regarding immigration, quarantine and customs clearance to facilitate the execution of the survey and demarcation works.

2. In particular, the equipment, materials and supplies, in reasonable quantities and for the exclusive use of the joint survey teams

in the survey and demarcation of the land boundary, although brought across the border, shall not be considered as exports from one country or imports into another country and shall not be liable to customs duties or taxes pertaining to export or import of goods.

### Article VIII

Any dispute arising out of the interpretation or application of this Memorandum of Understanding shall be settled peacefully by consultation and negotiation.

### Article IX

This Memorandum of Understanding shall enter into force on the date of its signature by the duly authorized representatives of the Government of the Kingdom of Thailand and the Government of the Kingdom of Cambodia.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto by their respective Governments, have signed this Memorandum of Understanding.

DONE in duplicate at Phnom Penh on 14 June 2000 in the Thai, Khmer and English languages, all texts being equally authentic. In case of any divergence of interpretation, the English text shall prevail.

**FOR THE GOVERNMENT OF  
THE KINGDOM OF THAILAND**



**M.R. Sukhumbhand Paribatra**  
Deputy Minister of Foreign Affairs  
of the Kingdom of Thailand

**FOR THE GOVERNMENT OF  
THE KINGDOM OF CAMBODIA**



**Var Kim Hong**  
Adviser to the Royal Government  
in charge of State Border Affairs  
of the Kingdom of Cambodia

## Appendix B

# Poll says 44% doesn't get Cambodia MoUs

### POST REPORTERS

Nida Poll suggests 44.1% of the public does not understand the function of the two memorandums of understanding (MoUs) signed with Cambodia in 2000 and 2001.

The National Institute of Development Administration (Nida Poll) yesterday released the results of a survey titled "A Referendum is Coming... Do You Understand MoU 43 and MoU 44 Yet?"

The survey was conducted on Oct 1-2, targeting Thais aged 18 and above across all regions, education levels, occupations and income groups.

A total of 1,310 respondents were sampled to assess understanding of MoU 43 (on land boundaries, signed in 2000) and MoU 44 (on overlapping maritime zones, signed in 2001) ahead of a proposed referendum on whether to cancel them after the recent border conflict with Cambodia.

When asked about their understanding of MoU 43, 44.1% said that they did not understand it at all, followed by 24.9% who said they understood it only slightly. Meanwhile, 23.1% said they somewhat

understood it and only 7.7% said they understood it well.

As for MoU 44, 45.7% stated that they did not understand it at all, followed by 24.9% who said they understood it only slightly. In addition, 22.4% indicated they somewhat understood it, while just 6.8% reported a high level of understanding.

Regarding the public's desire to gain a clearer understanding of both MoUs, the survey found that 65.5% expressed a wish to understand both MoUs, while 34% said they did not wish to understand either. A total of 0.23% indicated a desire to understand only MoU 43, and an equal percentage wished to understand only MoU 44.

When asked about holding a referendum on repealing both MoUs, 60.7% said they agreed with holding the referendum. This was followed by 20.9% who said they completely disagreed with such a referendum, 12.6% who declined to answer or were uninterested, 4.9% who said they were unsure, 0.46% who supported a referendum to repeal only MoU 43, and 0.3% who supported a referendum to repeal only MoU 44.