

CHAIR REPORT

Committee: International Court of Justice

Topic: Request for Interpretation of the Judgment of 15 June 1962 in the Case concerning the Temple of Preah Vihear (Cambodia v. Thailand) (Cambodia v. Thailand)

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Introduction

The Temple of Preah Vihear, declared as a UNESCO World Heritage site in 2008, is a historic Khmer sanctuary that has been at the centre of longstanding territorial dispute between Cambodia and Thailand. Although the International Court of Justice (ICJ) determined in its 15 June 1962 Judgment that the temple was situated under the sovereignty of Cambodia, disagreement persisted between the two States regarding the precise scope and the implementation of that Judgment. In particular, Thailand has maintained that the relevant boundary should follow the watershed line, while Cambodia considers the Judgment and the map accepted by the Court to establish the extent of its sovereignty over the Temple and its vicinity. These interpretations led Cambodia to submit a Request for Interpretation of the 1962 Judgment to the ICJ in 2011. The present case therefore concerns the meaning and scope of the obligations arising from the 1962 Judgment and the extent to which the Court's decision determines the territorial relationship between Cambodia and Thailand.

Key Terms

Temple Preah Vihear

Ancient temple built by the Khmer Empire, situated in the Dangrek Mountains

Siam

Former official name of The Kingdom of Thailand.

Cartographic Imperialism

The use of mapmaking as a tool to control and claim foreign lands.

Jurisdiction

The official power of a court or government to make legal decisions and enforce laws within a specific area.

Dangrek Mountains

Natural border between Cambodia and Thailand.

Watershed line

An elevated boundary line that separates different areas of water flow.

Background Information

The dispute between Cambodia and Thailand concerns the interpretation and implementation of the ICJ's June 1962 Judgment concerning the Temple of Preah Vihear. The Court ruled that the Temple was situated in territory under Cambodian sovereignty and ordered Thailand to withdraw its forces from the Temple. However, the two countries continued to disagree over the exact extent of the territory covered by the Judgment. In 2011, Cambodia requested an interpretation of the 1962 Judgment as tensions and armed clashes increased around the Temple. The ICJ issued provisional measures and, in 2013, clarified the scope of its 1962 Judgment, determining the area from which Thailand was required to withdraw.

History of the Topic

The modern dispute over the Temple of Preah Vihear began during the French colonial period, when France administered Cambodia and the border with Siam was being established. Under the 1904 Franco-Siamese Convention, the frontier in the Dangrek Mountains was intended to follow the watershed line. However, French colonial authorities used cartography to survey and define the territory, often described as cartographic imperialism. The resulting 1907 Annex I map placed Preah Vihear on the Cambodian side of the frontier, creating disagreement over whether the map or the watershed line should determine the border. After Cambodia gained independence, Thailand occupied the Temple area in 1954, leading Cambodia to bring the dispute before the ICJ in 1959. On 15 June 1962, the Court ruled that the Temple was under Cambodian sovereignty.

Previous Attempts to solve the issue

Cambodia and Thailand made several attempts to resolve the remaining issues surrounding its implementation and the demarcation of their shared border. The two States established the Joint Boundary Commission (JBC), in 2000, to conduct surveys and demarcate the land boundary, supported by other bilateral mechanisms such as the General Border Committee. However, these efforts failed to establish a mutually accepted boundary in the area surrounding the Temple. Tensions increased following the Temple's inscription as a UNESCO World Heritage Site in 2008, leading to repeated armed clashes and unsuccessful ceasefire and diplomatic negotiations. In 2011, ASEAN, became involved in facilitating dialogue and proposed the deployment of observers to monitor the situation. Despite these diplomatic efforts, the underlying disagreement of the 1962 Judgement remained unresolved.

Possible Solutions

To prevent further tensions between the two nations, both countries could strengthen cooperation through the JBC to continue peacefully demarcating their shared border. A joint technical team could also compare historical maps with modern geographical data to reduce disagreements over the boundary. Furthermore, maintaining a demilitarized area around the Temple could help prevent future military confrontations. Another solution is for Cambodia and Thailand to cooperate in protecting and preserving the Temple of Preah Vihear as a cultural heritage site while respecting the ICJ's previous judgments.

Key Party Stances

The Kingdom of Cambodia

Cambodia, as the applicant, argues that the 1907 Annex I map represents the agreed frontier between Cambodia and Thailand and places the Temple of Preah Vihear within Cambodian territory. Cambodia maintains that Thailand's acceptance of the map confirmed its sovereignty over the Temple and its surrounding area.

The Kingdom of Thailand

Thailand, as the respondent, argues that the 1907 Annex I map is not legally binding and does not accurately represent the frontier established under the 1904 Convention. Thailand maintains that the correct boundary should follow the watershed line, which would place the Temple of Preah Vihear within Thai territory, and therefore rejects Cambodia's claim to sovereignty over the Temple.

The International Court of Justice

The International Court of Justice (ICJ) is responsible for resolving the dispute between Cambodia and Thailand by interpreting its 1962 Judgment. It must determine the meaning and scope of the Judgment, particularly regarding the territory surrounding the Temple of Preah Vihear and Thailand's withdrawal from Cambodian territory.

Topics the Court will be Addressing

1. Jurisdiction to Interpret the 1962 ICJ Judgment: The Court must address whether it has the authority to interpret its own 1962 ruling, given that Cambodia only brought this request in 2011, nearly 50 years after the ruling.
2. The Franco-Siamese Convention and the watershed line: Since the convention states that the border was “based on the watershed line”. Thailand argues that “The correct boundary should follow the watershed line”. The Court must address the treaty text and the surveyed map, which placed the Temple in Cambodian territory.
3. The Failure of the JBC (Joint Border Committee): The JBC established in 2000 failed to establish a mutually accepted boundary in the area surrounding the Temple. The Court must consider whether a solution through bilateral talks can still work, given the JBC's failure.
4. The Scope of Cambodian Sovereignty over the Temple and its vicinity: The Court must resolve the precise scope and implementation of its findings that fall under Cambodia's sovereignty, since disagreements persist over how far this sovereignty extends.

Questions to Consider

1. The 1907 Annex I map placed Preah Vihear Temple on the Cambodian side of the frontier. Should this map overrule the watershed line established under the 1904 Franco-Siamese Convention?
2. What part or specific territory should be considered part of the Preah Vihear Temple vicinity?
3. Thailand states that “ The 1907 Annex I map is not legally binding and does not accurately represent the frontier established under the 1904 Convention.” Does the Court agree with this statement?
4. Does the Court have the legal authority to interpret a judgment issued nearly 50 years ago in 1962?

Work cited

- *Temple of Preah Vihear (Cambodia v. Thailand)*. (n.d.). <https://www.icj-cij.org/case/45>
- Hauser-Schäublin, Brigitta. “Preah Vihear : From Object of Colonial Desire to a Contested World Heritage Site.” *OpenEdition Books, Göttingen University Press*, 12 Apr. 2017, pp. 33–56, <https://books.openedition.org/gup/306?lang=en>
- ICJ. “Request for Interpretation of the Judgment of 15 June 1962 in the Case Concerning the Temple of Preah Vihear (.” *Www.Icj-Cij.Org*, <https://www.icj-cij.org/case/151>
- Mundi, Jus. “Temple of Preah Vihear (Cambodia v. Thailand), Judgment - Merits, 15 June 1962.” *Jusmundi.Com*, <https://jusmundi.com/en/document/decision/en-temple-of-preah-vihear-cambodia-v-thailand-judgment-merits-friday-15th-june-1962>