



INTERNATIONAL COURT OF JUSTICE

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Press Release

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Cambodia files an Application requesting interpretation of the Judgment rendered by the Court on 15 June 1962 in the case concerning the Temple of Preah Vihear (Cambodia v. Thailand) and also asks for the urgent indication of provisional measures

THE HAGUE, 2 May 2011. On 28 April, the Kingdom of Cambodia filed an Application requesting interpretation of the Judgment rendered on 15 June 1962 by the International Court of Justice (ICJ) in the case concerning the Temple of Preah Vihear (Cambodia v. Thailand). The filing of such an application gives rise to the opening of a new case. Together with that Application, Cambodia submitted an urgent request for the indication of provisional measures. The latter opens incidental proceedings within the new case.

Request for interpretation

In support of its Request for interpretation, Cambodia invokes Article 60 of the Statute of the Court, which provides: “In the event of dispute as to the meaning or scope of the judgment, the Court shall construe it upon the request of any party.” It also invokes Article 98 of the Rules of Court.

In its Application, Cambodia indicates the “points in dispute as to the meaning or scope of the Judgment”, as stipulated by Article 98 of the Rules of Court. It states in particular that:

- “(1) according to Cambodia, the Judgment [rendered by the Court in 1962] is based on the prior existence of an international boundary established and recognized by both States;
- (2) according to Cambodia, that boundary is defined by the map to which the Court refers on page 21 of its Judgment ..., a map which enables the Court to find that Cambodia’s sovereignty over the Temple is a direct and automatic consequence of its sovereignty over the territory on which the Temple is situated ...;
- (3) according to the Judgment, Thailand is under an obligation to withdraw any military or other personnel from the vicinity of the Temple on Cambodian territory. Cambodia believes that this is a general and continuing obligation deriving from the statements concerning Cambodia’s territorial sovereignty recognized by the Court in that region.”

Cambodia asserts that “Thailand disagrees with all of these points.”

In regard to the Court's jurisdiction, the Applicant relies on Article 60 of the Statute of the Court, as cited above. Cambodia states *inter alia* that, in its view, "[a]s long as the dispute remains a matter of interpretation regarding the meaning and scope of the Judgment, the consent of the opposing Party is consubstantial with the initial consent given to the Court's jurisdiction to settle the dispute in the present proceedings, as was established by [the initial Judgment rendered by the Court on its jurisdiction in] 1961."

The Applicant explains that, while "Thailand does not dispute Cambodia's sovereignty over the Temple — and only over the Temple itself", on the other hand, it calls into question the 1962 Judgment in its entirety.

Cambodia contends that "in 1962, the Court placed the Temple under Cambodian sovereignty, because the territory on which it is situated is on the Cambodian side of the boundary", and that "[t]o refuse Cambodia's sovereignty over the area beyond the Temple as far as its 'vicinity' is to say to the Court that the boundary line which it recognized [in 1962] is wholly erroneous, including in respect of the Temple itself".

Cambodia emphasizes that the purpose of its Request is to seek an explanation from the Court regarding the "meaning and ... scope of its Judgment, within the limit laid down by Article 60 of the Statute". It adds that such an explanation, "which would be binding on Cambodia and Thailand, ... could then serve as a basis for a final resolution of this dispute through negotiation or any other peaceful means".

Regarding the facts underlying its Application, Cambodia recalls that it instituted proceedings against Thailand in 1959, and that certain problems arose after the Court had given Judgment on the merits in 1962. It goes on to describe the more recent events which directly motivated the present Application (failure of endeavours aimed at achieving agreement between the two States on a joint interpretation of the 1962 Judgment; deterioration in relations following "discussions within UNESCO to have the Temple declared a World Heritage Site"; armed incidents between the two States in April 2011).

At the close of its Application, Cambodia asks the Court to adjudge and declare that

"The obligation incumbent upon Thailand to 'withdraw any military or police forces, or other guards or keepers, stationed by her at the Temple, or in its vicinity on Cambodian territory' (point 2 of the operative clause [of the Judgment rendered by the Court in 1962]) is a particular consequence of the general and continuing obligation to respect the integrity of the territory of Cambodia, that territory having been delimited in the area of the Temple and its vicinity by the line on the map [referred to on page 21 of the Judgment], on which [the latter] is based."

Request for the indication of provisional measures

On the same day, Cambodia also filed a request for the urgent indication of provisional measures, pursuant to Article 41 of the Statute. That Article provides that "[t]he Court shall have the power to indicate, if it considers that circumstances so require, any provisional measures which ought to be taken to preserve the respective rights of either party".

The Applicant explains that "[s]ince 22 April 2011, serious incidents have occurred in the area of the Temple of Preah Vihear, ... as well as at several locations along that boundary between the two States, causing fatalities, injuries and the evacuation of local inhabitants".

Cambodia states that

“[s]erious armed incidents are continuing at the time of filing of the present request, for which Thailand is entirely responsible. Cambodia accordingly asks the Court to indicate such provisional measures as may be required pursuant to Article 41 of the Statute and Article 73 of the Rules of Court.”

According to the Applicant,

“[m]easures are urgently required, both to safeguard the rights of Cambodia pending the Court’s decision — rights relating to its sovereignty, its territorial integrity and to the duty of non-interference incumbent upon Thailand — and to avoid aggravation of the dispute”.

Cambodia further explains that,

“in the unfortunate event that its request were to be rejected, and if Thailand persisted in its conduct, the damage to the Temple of Preah Vihear, as well as irremediable losses of life and human suffering as a result of these armed clashes, would become worse”.

In conclusion, Cambodia

“respectfully requests the Court to indicate the following provisional measures, pending the delivery of its judgment:

- an immediate and unconditional withdrawal of all Thai forces from those parts of Cambodian territory situated in the area of the Temple of Preah Vihear;
- a ban on all military activity by Thailand in the area of the Temple of Preah Vihear;
- that Thailand refrain from any act or action which could interfere with the rights of Cambodia or aggravate the dispute in the principal proceedings”.

Furthermore, “[b]ecause of the gravity of the situation, and for the reasons expressed above, Cambodia respectfully requests the Court to indicate these measures as a matter of urgency, and to fix a date as soon as possible for the subsequent proceedings”.

The text of Cambodia’s Application requesting interpretation, as well as its request for the indication of provisional measures, will be available shortly on the Court’s website (www.icj-cij.org), under “Cases”. The Statute and the Rules of Court can be found under “Basic Documents”.

All the documents in the contentious proceedings relating to the case concerning the Temple of Preah Vihear (Cambodia v. Thailand), instituted in 1959 and concluded in 1962, are available on the Court's website (www.icj-cij.org), under "Cases". Go to "Contentious cases", then select 1959 (date of introduction) or 1962 (date of culmination). A detailed summary of the Judgment rendered by the Court in 1962 can be found at: <http://www.icj-cij.org/docket/files/45/4873.pdf>.

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