



American Model United Nations
International Court of Justice

**IN THE
INTERNATIONAL COURT OF JUSTICE
OF THE
AMERICAN MODEL UNITED NATIONS**

CAMBODIA V. THAILAND

ARGUED: November 24, 2013
DECIDED: November 24, 2013

The Majority Opinion was signed and agreed to by Justice Clark, Justice Dabbs, Justice Faler, Justice Gronli, Justice Jackson, Justice Kalupa, Justice Lanczak, Justice Mueller, Justice Rettig, Justice Seabert, Justice Walsh, and Justice White.

The Kingdom of Cambodia comes before this body requesting an interpretation of the 1962 Judgment as handed down by this court in reference to the Temple of Preah Vihear. The Court has jurisdiction over the case based on Article 60 of the Statute of the International Court of Justice, which states: “The judgment is final and without appeal. 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.” In its Memorial, the Kingdom of Thailand argues that the Court lacks jurisdiction under Article 60 “to affirm the land boundary according to the Annex I map.” However, the question that has been brought before the Court does not involve the determination of a boundary dispute, but is rather a request to “clarify the meaning and scope of the 1962 Judgment in accordance with the vicinity of the Temple of Preah Vihear,” specifically in reference to military and police presence within the ruins of the Temple. Since the Court is being asked to interpret the meaning and scope of its 1962 Judgment, the Court reaffirms its jurisdiction under Article 60.

The Kingdom of Thailand “requests that the court acknowledge that the original 1962 Judgment did not determine the territorial boundary between Cambodia and Thailand based on the Annex I map.” Per the 1962 Judgment, pre-existing treaties had established the boundary between the two states, including the Treaty of France and Siam signed in 1904 and the Franco-Thai Treaty of 1907. Thus, the question of a border dispute was not addressed within the 1962 Judgment, and therefore falls outside the scope of that judgment. Since this request was for the clarification of the meaning and scope of the 1962 Judgment, addressing the overarching boundary dispute related to the Thai – Cambodian border does not fall within the purview of this proceeding.

The opinion and explanation of reasons of the Court is as follows:

Based upon historical precedent, the Treaty of France and Siam signed in 1904, and the Franco-Thai Treaty of 1907, the Temple of Preah Vihear was acknowledged to lie within Cambodian jurisdiction. Following the application by Cambodia in 1962 for a judgment

on “the territorial sovereignty over the Temple of Preah Vihear,” the Court’s decision affirmed “the Temple of Preah Vihear is situated in territory under the sovereignty of Cambodia.” The Court reaffirms its prior decision that the Temple of Preah Vihear lies within the sovereign territory of the Kingdom of Cambodia.

In recognition of Article 2, Section 1 of the Charter of the United Nations in respect of sovereignty, this court holds that the Kingdom of Thailand has violated Cambodian sovereignty in respect to its 1962 Judgment, which states, “that Thailand is under an obligation 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.” The Kingdom of Thailand, through the re-establishment of a military and police presence, is in violation of both the Charter of the United Nations and the Court’s prior decision.

Therefore, the Court orders the following:

First, that the Kingdom of Thailand remove its troops from the Temple of Preah Vihear and its immediate vicinity, defined as eight hundred (800) meters from the center of the Temple ruins. This removal should be completed no later than ninety (90) days from the publication of this opinion.

Second, upon the removal of said troops, the Court strongly advises Thailand to thereafter respect Cambodian sovereignty over the Temple of Preah Vihear as established in the 1962 Judgment.

Last, the Court strongly urges the re-establishment of the Joint Commission on Demarcation for Land Boundary in order to address the ongoing concerns of the disputed border.

Though the 1962 Judgment found, with subsequent acknowledgment from relevant parties in this proceeding, the Temple of Preah Vihear to fall under Cambodian territorial sovereignty, no judgment was rendered nor authority assumed to determine cultural sovereignty. The Temple is a fixed emblem of the Indochina region. In being representative of both Siamese and Khmer heritage, it so follows as appropriate to call upon the Kingdom of Cambodia and the Kingdom of Thailand to cease hostile engagement in the vicinity of the Temple, and instead pursue amicable foreign relations when engaging with one another.

Justice Clark

Justice Dabbs

Justice Faler

Justice Gronli

Justice Jackson

Justice Kalupa

Justice Lanczak

Justice Mueller

Justice Rettig

Justice Seabert

Justice Walsh

Justice White

A CONCURRING OPINION was written and agreed to by Justice Bell, Justice Burns, and Justice Williams.

We concur with the finding of jurisdiction handed down by the Court in the majority opinion. However, I would like to include additional interpretations pertaining to Chapter 1, Article 1, of the United Nations Charter.

Chapter 1, Article 1, of the United Nations Charter states that the purpose of the United Nations are: *“To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats of peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of peace.”*

In the 1962 Judgment, the Court found that the Temple Preah Vihear was situated in territory under the sovereignty of Cambodia. Accordingly the Court found that Thailand was under an obligation to withdraw any military or other police and guarding forces then present at the temple. In spite of Thai stipulation to the 1962 Judgment, Thailand agreed to honor its obligations under the Judgment.

This agreement endured until 2008, when the United Nations Educational, Scientific and Cultural Organization (UNESCO) included the Temple Preah Vihear on its list of World Heritage sites. On 7 July 2008 UNESCO officially recognized the temple as a world heritage site. Summarily on 15 July 2008, Thai soldiers occupied territory surrounding the temple.

With great concern that the events of 2008 threaten the stability and peace in the region, it is our opinion that the finding of jurisdiction in this case is supplemented by Chapter 1, Article, 1 of the United Nations Charter. It is our opinion that the occupation of the Temple region by Thai soldiers following the 7 July 2008 inclusion of the Temple as a World Heritage Site is a “*situation which might lead to a breach of the peace*” in the region.

Thus we find that the court has jurisdiction to provide settlement in this case, as the inclusion of the Temple as a World Heritage Site has elicited a response by the Thai military. These events have produced a situation which may lead to a deterioration or breach of peace in the region.

Justice Bell

Justice Burns

Justice Williams