



American Model United Nations
International Court of Justice

IN THE INTERNATIONAL COURT OF JUSTICE

THE KINGDOM OF CAMBODIA,
APPLICANT

V.

THE KINGDOM OF THAILAND,
RESPONDENT

MEMORIAL OF THE KINGDOM OF CAMBODIA

COMES NOW the Kingdom of Cambodia and for their Memorial to the Court states the following:

STATEMENT OF FACT:

The Kingdom of Cambodia (Cambodia) and The Kingdom of Thailand (Thailand) have previously appeared before the International Court of Justice regarding the territorial sovereignty over the Temple of Preah Vihear. The Court passed judgment over the case on the 15th of June of 1962, where the Court found the temple to be within Cambodian territory. Thailand's actions directly subsequent to the Judgment illustrates Thai refusal to comply: Thai protest over the decision of the Court: unilateral action on "creating" a border: *and* placing miles of barbed wire to enforce said border. Cambodia clearly voiced its protests around such bellicose actions in order to prevent the situation from escalating. After a couple of decades, Cambodians in the area were better able to establish themselves; Thailand did not disagree that the community was within Cambodian borders. It has only been as of recently, with a surging Nationalist movement, that Thailand voiced disagreement over the demarcation between the two countries. Cambodia hopes the ICJ will clarify the meaning and scope of the 1962 Judgment in accordance with the vicinity of the Temple of Preah Vihear.

STATEMENT OF JURISDICTION:

1. Chapter I, Article 1, Paragraph 2 of the Charter for the United Nations states its purpose to include, "*adjustment or settlement of international disputes or situations which might lead to a breach of the peace.*"
2. Article 60 of the Charter for the ICJ provides clarification for disagreements with the, "*meaning or scope of the judgment...*"
3. The Court itself has acknowledged the existence of differing views on the meaning or scope between the two countries in its Order of provisional measures.
4. Efforts of the court to promote regional autonomy by redirecting the situation to the Association of Southeast Asian Nations have proved unsuccessful after noncompliance by the Kingdom of Thailand.

STATEMENT OF LAW:

- (a) Thailand and Cambodia signed the Survey and Demarcation of Land Boundary, wherein the minutes for the meetings of this Memorandum of Understanding portray *both countries* agreeing to the boundary outlined in the treaty of France and Siam signed in 1904 and the Franco-Thai Treaty of 1907.
- (b) The map used in understanding the boundary between Cambodia and Thailand in the 1962 Judgment was accepted by Thailand without objection. It goes against logic as to why Thailand would produce a different map (produced in objection to Cambodia's bid to label the Temple of Preah Vihear as an international heritage site) as true and without flaw.
- (c) Both Thailand and Cambodia are parties to UNESCO, which states the site of the Temple of Preah Vihear to be located within Cambodia.

ARGUMENTS:

- a) **The Kingdom of Thailand Never Complied with the 1962 Judgment:**
After the Court's decision, Thailand unilaterally decided what the boundary between the two countries would look like through a domestic committee. This shows a complete disregard for what the Court had already stated, and an unwillingness to diplomatically work with Cambodia, on the matter. It took further steps and placed barbed wire on the stated boundary, and did not remove it, even after numerous protests on behalf of Cambodia. Thailand even stated it had verbally agreed with the Court based on its convention, but not because it actually agreed with the decision. More than one representative to the Secretary-General (sent to observe the issue between Cambodia and Thailand) stated that the presence of the barbed wire was at variance with the Court's decision, and Thai refusal to comply. Finally, Prince Sihanouk declared Thai intention of claiming the Temple *and* the land surrounding it.
- b) **Cambodia has Exercised Sovereignty Over the Area in Question:**
After domestic issues forced Cambodia to focus adequately on the issue for a number of years, Thailand stopped forcing the barbed wire boundary, and became more relaxed on the matter. Cambodians began to populate the area with noticeable presence, (markets) and Cambodia even built a pagoda. Thailand did not object to Cambodia's exercise of its territorial sovereignty, except for expressing environmental concerns it had for its Thai residents.
- c) **Thailand's Protest of Cambodian Presence is based on Erroneous Information:**
After Cambodia began the process to have UNESCO categorize the Temple as an International Heritage Site, Thailand objected to the area around it as being part of Cambodia. The map produced to back up these claims has never before been used in any other agreement or used in the 1962 Judgment.
- d) **Domestic Instability and Pressure has Sparked the Thai Position:**
Right before Thailand was to have its general elections, at the beginning of Cambodia's bid to UNESCO, Thailand went through a coup d'état, and its military took control of the government. This government stayed in power until 2007, *but* it caused a nationalist movement. This movement has been gaining momentum, and the current manner of gaining public support has been to rouse such sentiments. Part of these campaigns has been to promise the Thai people the region surrounding the Temple.
- e) **The 1962 Judgment by the Court**

It seems clear that the Court would not simply acknowledge the Temple of Preah Vihear to be located within Cambodia without also stating the area around the temple would be part of Cambodia as well.

SUMMARY AND PRAYER FOR RELIEF:

Thailand and Cambodia have long disagreed over the demarcation of their boundary, and Cambodia pursued the 1962 Judgment of the Court to determine this. After the judgment, Thailand refused to adhere, and consistently took aggressive steps in making that clear. After a long period, Cambodians were finally able to settle the region, with Thailand making no objections. After domestic issues within Thailand caused a nationalist movement, Thailand has renewed its previous attempt to obtain the area and the temple. The Kingdom of Cambodia respectfully asks the Court to state that Thailand should remove its military and police presence from the Temple which is situated on Cambodian territory, and that Thailand respect Cambodian sovereignty.