



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 THAILAND

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

STATEMENT OF FACT:

The Judgment in the Case Concerning the Temple of Preah Vihear (Cambodia v. Thailand, 1962) found that the disputed Temple was under the sovereignty of Cambodia and thus awarded the Temple and its “vicinity” to Cambodia. Additionally, the Court ruled that Thailand must return any artifacts removed from the temple and that none are to be removed henceforth. The Court also required Thailand to remove any police or military forces occupying the Temple and its “vicinity.” In accordance with the Judgment, Thailand withdrew troops from the Temple and its vicinity.

By the request of Cambodia, in July of 2008, the United Nations Educational, Scientific and Cultural Organization (UNESCO) included the Temple on the list of World Heritage Sites. Cambodia claims that Thailand opposed the listing of the Temple as a world heritage site by UNESCO and thus there is no actual “dispute” (as required by Article 60) between Cambodia and Thailand over Cambodia’s sovereignty over the temple.

Therefore, no dispute exists between Thailand and Cambodia over the 1962 decision.

STATEMENT OF JURISDICTION

1. The application is brought under Article 60 of the Statute of the International Court of Justice which states that: “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.”

STATEMENT OF LAW:

- (a) Under article 60 “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.” These conditions have not been met. The court

has no jurisdiction over this matter. Because these conditions have not been met there is no reason to revisit the original 1962 judgment. The issue at dispute is the Annex I map that was not a part of the original judgment. Therefore the court has no jurisdiction to extend its interpretation.

- (b) The Court must accept the principle of non ultra petita and not determine more than it is asked to.
- (c) Further the principle of res judicata must be followed. A judgment has already been made and that further deliberation of this decision is no longer subject to appeal.
- (d) Finally, the “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” of 2000 shows explicit agreement between Cambodia and Thailand on the 1962 judgment.

ARGUMENTS

- a) Cambodia’s application to the Court has no basis and is merely an attempt to have the court make an interpretation that is not inherent in the original Judgment. In fact, the Court only awarded the Temple to Cambodia and never decided a line of demarcation between the two countries. By asking the court to affirm the land boundary according to the Annex I map, Cambodia is asking the Court to make a decision that does not coincide with the original Judgment. This is an action that the Court cannot take under Article 60.
- b) There is no current dispute between Cambodia and Thailand in regards to the Judgment of 1962 concerning armed forces. Thailand agrees that there were armed disputes between Cambodia and Thailand after the list of UNESCO. However, these disputes are defensive in nature and a result of Cambodia’s armed presence in Thai territory.

SUMMARY AND REQUESTS

The Kingdom of Thailand respectfully requests that the Court recognize Article 60 and that the Court has no jurisdiction to respond to Cambodia’s request.

The Kingdom of Thailand respectfully requests that the Court consider both non ultra petita and res judicata and deny Cambodia’s request.

The Kingdom of Thailand respectfully requests that the Court acknowledge that the original 1962 judgment did not determine the territorial boundary between Cambodia and Thailand based on the Annex 1 map.