



Temple of Preah Vihear (Cambodia v. Thailand) (1961)

ARGUED: 23 November 2025

DECIDED: 24 November 2025

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4 The Majority Opinion was signed by and agreed to by President Lenart of the Russian Federation,
5 Vice President Perez of Poland, Justice Asopjio of the Republic of Korea, Justice Brooks of the Islamic
6 Republic of Iran, Justice George of the Republic of Panama, Justice Gruppen of the Arab Republic of
7 Egypt, Justice Johnson of the Federative Republic of Brazil, Justice Jouanneau of Japan, Justice Massey
8 of the Federative Republic of Brazil, Justice Obabko of the Argentine Republic, Justice Rozman of Japan,
9 Justice Wiley of the Dominican Republic.

10 BACKGROUND INFORMATION

11 The Kingdom of Cambodia and the Kingdom of Thailand are neighboring countries in South-
12 east Asia. The Temple of Preah Vihear is an ancient Hindu Temple that began construction under the
13 Khmer Empire in the 11th Century. Cambodia was formerly a part of French Indochina, a French protec-
14 torate from 1863 before gaining independence in 1953. The Temple and surrounding contested lands
15 around the Dangrek Mountains, only about 750 meters from the modern borders between Cambodia
16 and Thailand. In 1904, as part of a joint agreement between France and acting on behalf of Cambodia
17 and the Kingdom of Siam (later Thailand), a Mixed Border Commission was established to determine
18 the boundaries of both nations. The treaty of 1904 provided that the disputed territory was to follow the
19 watershed line. However, in 1907, the Mixed Border Commission approved a further treaty which pro-
20 duced the map within Annex I of Cambodia's memorial. This map firmly depicted the Temple of Preah
21 Vihear within Cambodian territory. Siam never rejected this map, and these maps were printed and
22 widely distributed by France to Siamese government agencies including the Royal Siamese Survey.

23 A Settlement Agreement was reached between France and Thailand in 1946 to annul the seizure
24 of Cambodian territory through the Thai - Japanese alliance during WWII. The 1946 Settlement Agree-
25 ment restored the boundaries established pre-war, aligning with the Annex I map, in which the Temple
26 of Preah Vihear resides within Cambodia. In turn, France agreed to support Thailand's bid for mem-
27 bership in the United Nations. Further, as part of the Settlement Agreement, a Conciliation Commission
28 was created to confirm agreements with both sides. This commission was composed of Thailand,
29 the French Republic, the United States of America, the United Kingdom, and the Peruvian Republic. The
30 commission was adopted on 27 June 1947. Thailand first raised territorial concerns in 1949, in which four
31 diplomatic protests were issued by France. On 9 November 1953, the Kingdom of Cambodia would gain
32 independence from France. In the aftermath, there would be continued presence of Thai soldiers at
33 the Temple, and surrounding territory. There were previous attempts to settle these territorial disputes
34 through diplomatic negotiations from 18 August to 3 September 1958. Cambodia and Thailand would
35 briefly suspend diplomatic relations throughout late 1958 and early 1959, before returning to diplomatic
36 negotiations on 11 June 1959. Cambodia submitted their case to the ICJ on 30 September 1959.

37 JURISDICTION

38 The Court finds, in this case, that it possesses the necessary jurisdiction to entertain an opinion.
39 The Court concurs with the Cambodian advocates that it has jurisdiction under Article 36 of the courts
40 statute. We acknowledge the request by the Cambodian party under Article 36(1) as well as recall-
41 ing their previous declaration pursuant to Article 36(4) accepting the Court's compulsory *ipso facto*
42 jurisdiction submitted through the Secretary-General and reported *ex-officio* on 19 September 1957,
43 producing journal entry No 3998: *Cambodia: Declaration recognizing as compulsory the jurisdiction*
44 *of the International Court of Justice, in conformity with article 36, paragraph 2, of the statutes of the*
45 *International Court of Justice. Phnom-Penh, 9 September 1957.* Cambodia further stipulated that this
46 acceptance is valid for a ten-year period for which the date of this deliberation falls within.

47 In acknowledgement of the Thai jurisdiction, the Court bases its arguments upon the declara-
48 tory requirements to the Secretary-General pursuant to Article 36(4). As of the time of our deliberations,
49 the Court finds no reasonable declaration by the Kingdom of Thailand as of their rescinding of their pre-
50 vious concurring acknowledgement of the compulsory *ipso facto* jurisdiction of this International Court
51 of Justice by the declaration of 20 May 1950, reported *ex-officio* by the Secretary-General on 13 June
52 1950 as journal entry No. 844: *Declaration of Thailand recognizing as compulsory the jurisdiction of the*
53 *Court, in conformity with Article 36, paragraph 2, of the Statutes of the International Court of Justice.*
54 *Bangkok, 20 May 1950,* for which not only affirms the Court's *ipso facto* jurisdiction but also renders its
55 continuous support and recognition dating back to 20 September 1929. The Thai authorities reserve
56 their declaration on a ten-year period, and by such having last been submitted in 1950, the validity of
57 their acknowledgment covers the period for which this case is to be decided.

58 The Kingdom of Thailand's acceptance of the jurisdiction of the Court has been established
59 and now confirmed. As shown, throughout the 1940s to 1950s, Thailand had repeatedly acknowledged
60 to the Court that it had jurisdiction as the Permanent Court of International Justice (PCIJ) and never
61 withdrew its acknowledgment invalidating the *ex-tempore* arguments presented by the Thai advo-
62 cates regarding the compulsory *ipso facto* jurisdiction. Indeed, the PCIJ was dissolved in 1946 and
63 in its place the United Nations established the International Court of Justice (ICJ). Article 36(5) of the
64 statute of ICJ is quite clear in terms of its jurisdiction regarding the PCIJ and ICJ.

65 As established under Article 36(5) of the Statute of the ICJ, "Declarations made under Article 36
66 of the Statute of the Permanent Court of International Justice (PCIJ) and which are still in force shall be
67 deemed, as between the parties to the present Statute, to be acceptances of the compulsory jurisdic-
68 tion of the International Court of Justice for the period which they still have to run and in accordance
69 with their terms." The Kingdom of Thailand does not dispute that they recognized the jurisdiction of
70 the PCIJ nor do they dispute that they did not withdraw their consent of jurisdiction to the PCIJ. In-
71 stead, Thailand argued that with the PCIJ's dissolution, all statements of recognition were *ipso facto*
72 dissolved as well. This claim is contrary to the aforementioned Article 36(5) of the statute of the ICJ
73 which established that statements of jurisdiction of the PCIJ that were not withdrawn are carried over
74 to its successor institution, the ICJ. In that matter, we deny the Kingdom of Thailand's claim that the In-
75 ternational Court of Justice has no jurisdiction to hear or decide on the dispute surrounding the Temple
76 of Preah Vihear.

77 OPINION

78 The Kingdom of Cambodia (Cambodia) has requested the recognition of its sovereignty over
79 the Temple of Preah Vihear and surrounding territories, consistent with the Annex I Map produced by
80 the Mixed Commission, pursuant to the establishment of the Mixed Commission under Article III of the
81 1904 treaty, which both parties have acknowledged in oral argument as legally binding. The Kingdom
82 of Thailand (Thailand) has asserted that the Annex I map established in the Mixed Commission is un-
83 ratified and inconsistent with the 1904 Franco-Siamese Treaty. However, the Court finds that Article III
84 of the Treaty reads, "The delimitation of the frontier between the territories forming French Indo-China
85 and the Kingdom of Siam shall be carried out. This delimitation shall be effected by mixed commis-
86 sions composed of officers appointed by the two contracting countries. The work will have as its object
87 the frontier determined by Articles I and II."

88 Further evidence of French and therefore Cambodian administrative presence at the Temple of
89 Preah Vihear appears in 1930. In a letter on 17 April 1930, Prince Damrong of Thailand reported visiting
90 Preah Vihear, where he was formally received by three French officials stationed in Cambodia: the

91 Resident of France in Kompong Thom, the Conservator of Historical Monuments in Cambodia, and a
92 Deputy Chief of the Civil Services Bureau. During such time, Thailand made no objection to the French
93 occupation of the territory in question.

94 While Thailand affirms the 1904 Treaty's watershed line principle in Article I as prevalent, it dis-
95 puts the mixed commission principle found in Article III of the very same Treaty; and despite claiming
96 that the Annex I Map is invalid, has repeatedly used the map and its established boundaries within its
97 own domestic governance. Further giving legitimacy to the Cambodian claim of sovereignty.

98 If Thailand had a continued dispute over the Temple and its surrounding territory, it was not
99 communicated in the Conciliation Commission of 1947. As such, there is a period of forty years where
100 Thailand worked bilaterally through treaty negotiations, and yet did not raise a claim to the Temple on
101 the grounds of ethnicity, geography, or economy. Under international law, even if such silence does
102 not constitute estoppel, it is clear that a proper interpretation of the treaty confers the Annex I Map
103 as legitimate and binding under the 1904 Treaty. The Commission's interpretation of the watershed
104 boundary therefore governs, and it places the Temple of Preah Vihear in Cambodian territory. There-
105 fore, sovereignty over the region is established by the Annex I Map.

106 Cambodia has also requested the removal of all combatants from the Temple and its sur-
107 rounding territories and the return of any relics taken from the site by Thailand. This request is valid,
108 seeing that the Temple and its proximity is sovereign territory of the Kingdom of Cambodia, the pres-
109 ence of Thai forces is a violation of Cambodia's state sovereignty and further presence would indicate
110 a violation of Article 2 (4) of the United Nations Charters, which bars member states from the use of
111 threat or force against the territorial integrity or political independence of any state.

112 On the merits of the interpretation of the 1904 and subsequent 1907 treaties, Cambodia's claim
113 is stronger: the Annex I Map was produced under the Mixed Commission established by treaty, com-
114 municated to both States, and accepted without objection by Thailand for decades. Under interna-
115 tional law, such silence amounts to acquiescence on the issue. The Commission's interpretation of the
116 watershed boundary therefore governs, and it places the Temple of Preah Vihear in Cambodian terri-
117 tory. Accordingly, sovereignty over the Temple and its surrounding territory belongs to the Kingdom of
118 Cambodia.

119 CONCLUSION

120 In conclusion, the Majority Opinion of the International Court of Justice finds that it possesses full
121 jurisdiction to hear and resolve the dispute brought before it by the Kingdom of Cambodia regarding
122 the Temple of Preah Vihear. After careful consideration of the evidence, treaties, and legal arguments
123 presented by both parties, the Court affirms that Cambodia holds sovereignty over the territory on
124 which the Temple of Preah Vihear stands. This conclusion rests upon the legal validity and continued
125 applicability of the 1904 and 1907 Franco-Siamese Treaties, as well as the authoritative nature of the
126 Annex I map, which both parties relied upon for decades without formal objection. Thailand's long
127 period of acquiescence, alongside Cambodia's continuous and peaceful exercise of authority at the
128 Temple, further reinforces this determination.

129 Accordingly, the Court recommends the following:

130 First, the Temple of Preah Vihear and the land immediately surrounding it shall remain under
131 the sovereign authority of the Kingdom of Cambodia. The Court reiterates the necessity of respecting
132 the boundaries established by the Annex I map presented by Cambodia, which continues to guide the
133 territorial understanding between the parties.

134 Second, the Court affirms the importance of the Mixed Commission, originally tasked with de-
135 limitation between French Indochina and Siam, as an essential mechanism whose conclusions and
136 cartographic products remain influential for modern interpretation. The Court encourages both par-
137 ties to respect the historical work of this boundary body and to use its determinations as the basis for
138 continued peaceful cooperation.

139 Third, the Court recommends that all artifacts, relics, or cultural materials originally belonging
140 to the Temple of Preah Vihear and removed during periods of dispute be returned to the Kingdom of
141 Cambodia. The measure is intended to preserve the integrity of Cambodia's cultural heritage and to
142 promote reconciliation and mutual respect between the parties.

143 Lastly, the Court urges the Kingdom of Thailand to comply fully with this judgement and to main-
144 tain a posture of cooperation, restraint, and respect for Cambodian sovereignty. Thailand is encour-
145 aged to remove any remaining personnel from Cambodian territory surrounding the Temple and to
146 refrain from future actions that could infringe upon Cambodia's recognized rights. In turn, the Court
147 invites Cambodia to continue engaging in good faith dialogue and regional diplomacy to ensure that
148 the area surrounding the Temple remains a zone of peace, cultural preservation, and shared historical
149 appreciation.

150 Through these measures, the Court seeks to uphold the rule of international law, maintain sta-
151 bility in the region, and affirm the enduring authority of peaceful boundary agreements and respect
152 for cultural patrimony.

Signed By



Justice Zachary Lenart



Justice Riley Gruppen



Justice Nicolas Obabko



Justice Sam Massey



Justice Jerica George



Justice Ryan Wiley



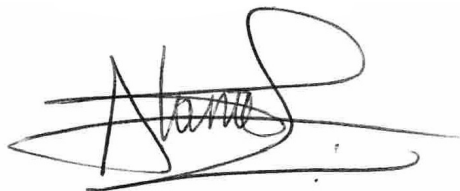
Justice Maxx Johnson



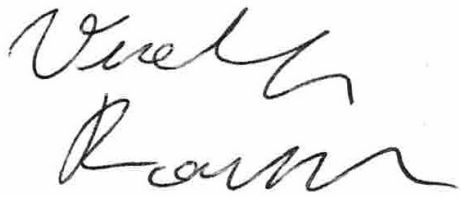
Justice Michael Jouanneau



Justice Kennedy Brooks



Justice Gloria Asopjio

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Justice Vaclav Rozman

Handwritten signature of Alexa Perez in black ink.

Justice Alexa Perez