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**INTERNATIONAL COURT OF JUSTICE**

**CASE CONCERNING THE *REQUEST FOR INTERPRETATION OF THE JUDGMENT OF  
15 JUNE 1962 IN THE CASE CONCERNING THE TEMPLE OF PREAH VIHEAR*  
(CAMBODIA *v.* THAILAND) (*CAMBODIA v. THAILAND*)**

**RESPONSE OF THE KINGDOM OF CAMBODIA**

**VOLUME II (ANNEXES)**

**8 MARCH 2012**

*[Translation by the Registry]*



## LIST OF ANNEXES

### (Volume 2)

- Annex 1:** AKP press release of 18 June 1962, “Press conference by the Thai Prime Minister”.
- Annex 2:** AKP press release of 19 June 1962, “Declaration by the Royal Government”.
- Annex 3:** AKP press release of 22 June 1962, “The US press and the case of Preah Vihear”.
- Annex 4:** Aide memoire on Khmero-Thai relations of 28 November 1962 published by the Cambodian Ministry of Foreign Affairs.
- Annex 5:** AKP press release of 2 January 1963, “Declaration by the Royal Government”.
- Annex 6:** AKP press release of 6 January 1963, “Main points of speech given by Prince Sihanouk, Cambodian Head of State, at Choam Ksan (Preah Vihear, 4 January 1963)”.
- Annex 7:** AKP press release of 7 January 1963, “The national pilgrimage to Preah Vihear”.
- Annex 8:** Speech by the Khmer delegation to the Sixth Committee of the United Nations, published by AKP, 6 January 1964.
- Annex 9:** Telegram of 10 March 1964 from the US embassy in Phnom Penh to the State Department, “Transmittal of Maps Showing Cambodian-claimed Boundaries”.
- Annex 10:** Account of Prince Sihanouk’s comments of 5 January 1965 on “Cambodia’s relationship with Thailand”.
- Annex 11:** United Nations transcript of 3 May 1966 of “Letter dated 23 April 1966 from the Minister for Foreign Affairs of Cambodia addressed to the President of the Security Council”.
- Annex 12:** Letter of 23 April 1966 from the Minister for Foreign Affairs of Cambodia to the Secretary-General of the United Nations.
- Annex 13:** Letter of 11 April 1966 sent to the Secretary-General of the United Nations by the Permanent Mission of Cambodia to the United Nations.
- Annex 14:** Letter of 27 May 1966 sent to the Secretary-General of the United Nations by the Permanent Mission of Cambodia to the United Nations.
- Annex 15:** United Nations document of 10 October 1966, “pro memoria” on “The general situation”.
- Annex 16:** Note of 26 October 1966 from the Cambodian Ministry of Foreign Affairs to the Special Representative of the Secretary-General of the United Nations.
- Annex 17:** Account of Prince Sihanouk’s “Message to the nation” of 9 November 1966.
- Annex 18:** United Nations document of 2 March 1967, “Memorandum on the actual situation with regard to the negotiations of the U.N. Mission to Cambodia and Thailand”.
- Annex 19:** Account of Prince Sihanouk’s press conference of 22 October 1967.

- Annex 20:** Account of Prince Sihanouk's press conference of 31 July 1967, "Preah Vihear still claimed by Thailand".
- Annex 21:** Corrections made by Prince Sihanouk on 30 September 1967 "concerning two articles, one in the American press and the other in Singapore's pro-Peking press, which have come together to impugn the neutrality of Cambodia and Sihanouk".
- Annex 22:** AKP press release of 10 November 1967, "Cambodia's current frontiers".
- Annex 23:** Extract from Prince Sihanouk's address of 21 February 1968, "At Russey, near Preah Vihear Mountain".
- Annex 24:** Decision by the Cambodian Ministry of Worship and Religion of 12 November 1998 concerning the opening of a new pagoda.
- Annex 25:** Agreed Minutes of the First Meeting of the Thai-Cambodian Joint Commission on Demarcation for Land Boundary, 30 June-2 July 1999.
- Annex 26:** Terms of Reference and Master Plan for the Joint Survey and Demarcation of Land Boundary between the Kingdom of Cambodia and the Kingdom of Thailand.
- Annex 27:** Aide memoire of 17 May 2007 sent by the Thai Ministry of Foreign Affairs to the Cambodian Minister for Foreign Affairs and the World Heritage Committee.
- Annex 28:** Agreed Minutes of the First Discussion of the Cambodian-Thai Technical Officers, 29-30 September 2003.
- Annex 29:** Agreed Minutes of the Second Discussion of the Cambodian-Thai Technical Officers, 4-5 February 2004.
- Annex 30:** Agreed Minutes of the Third Discussion of the Cambodian-Thai Technical Officers, 30 June-2 July 2004.
- Annex 31:** "Joint communiqué" of 18 June 2008 signed by the Governments of Cambodia and Thailand and UNESCO.
- Annex 32:** Decision of the 32nd session of the World Heritage Committee in 2008.
- Annex 33:** MCOT press release of 8 July 2008, "Thai Court rules Thai-Cambodian communiqué in breach of charter".
- Annex 34:** Letter of 19 July 2008 sent to the President of the United Nations General Assembly by the Permanent Mission of Cambodia to the United Nations.
- Annex 35:** Letter of 18 July 2008 sent to the President of the United Nations Security Council by the Permanent Mission of Cambodia to the United Nations.
- Annex 36:** Letter of 21 July 2008 sent to the President of the United Nations Security Council by the Permanent Mission of Thailand to the United Nations.
- Annex 37:** Attestation by the Agent of the Kingdom of Cambodia.
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## **ANNEX 1**

**AKP press release of 18 June 1962, “Press conference  
by the Thai Prime Minister”**



## ANNEX 1

### AKP press release of 18 June 1962, “Press conference by the Thai Prime Minister”

*[Translation]*

#### **Phnom Penh (16/6)**

Thailand’s position following the Judgment of the International Court of Justice in The Hague is devoid of ambiguity. One need only read the bellicose declaration by Marshal Sarit, which we publish below.

An AFP cable picked up yesterday is even more explicit. That same marshal has ordered the considerably strengthened border patrols to fire immediately on Cambodians entering Thai territory. His Ministers for Defence and Foreign Affairs have also reacted strongly to the Judgment in The Hague.

Thus, the world can see that Thailand is not only refusing to comply with the Judgment of the highest international court, but seeking to create out of nothing artificial tensions on our frontier. The sound of boots and the clicking of weapons do not scare us, no more than they will break the Khmer people’s solidarity with the throne and Samdech, Head of State, in the face of adversity.

At 12.15 today, Marshal SARIT THANARAT, the Prime Minister, who had accompanied the royal party inspecting the Thai military detachments and SEATO troops, gave an interview to the press at the airfield in the province of CHHIENG MAI. On the question of the International Court of Justice, which has recognized Cambodia’s sovereignty over the Temple of Preah Vihear, the Prime Minister declared that Thailand had been outdone by Cambodia, which had used the geographical map as evidence in support of its Application in order to claim sovereignty over the Temple. That map had been drawn up in the year 2447. At that time, Thailand had been obliged to accept the loss of a small part of its territory under pressure from a powerful force, that being preferable to losing all of Thailand. And that is not something that nobody knows anything about. Thailand has not yet had time to rectify that map, and this issue has flared up. Representatives of the press asked him what instructions he had given as regards this matter, and the Prime Minister said:

“I had already ordered reinforcements for the police guarding Preah Vihear. Thailand retains sovereignty over the Temple of Preah Vihear, the Prime Minister confirmed. I had also ordered that a military company be ready to respond to any violation of Thailand’s sovereignty.”

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## **ANNEX 2**

**AKP press release of 19 June 1962, “Declaration by the  
Royal Government”**





## ANNEX 2

### AKP press release of 19 June 1962, “Declaration by the Royal Government”

*[Translation]*

#### NEWS RELATING TO CAMBODIA

##### Phnom Penh (AKP)

The Royal Cambodian Government notes with very considerable satisfaction the decision of the International Court of Justice in The Hague in the case of the Temple of Preah Vihear, which has been illegally occupied by Thailand since 1954. By confirming Cambodia’s sovereignty over this sanctuary, the Court in The Hague, which is the subject of all of our admiration, has proven that small peaceable nations are still able to have their rights recognized internationally.

It is, however, extremely regrettable that the Government in Bangkok has clearly shown its intention to refuse to comply with its 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” in accordance with the decision of the International Court of Justice. Indeed, Marshal Sarit Thanarat, Prime Minister of Thailand, has declared that he has ordered military reinforcements for the occupation of the Temple and given orders to fire immediately on Cambodians seeking to enter territory that is under Thai occupation.

The Royal Cambodian Government notes that the Thai Government has deliberately violated that decision by the highest international court, the impartiality of which is recognized by all civilized nations. That disregard for international law is rendered all the more flagrant by the fact that Thailand, in recognizing the Judgment of 26 May 1961, which dismissed the objection raised on grounds of a lack of competence, pledged indisputably to accept the Court’s decision on the merits of the case. It should be noted that, following the Court’s rejection of the objections raised by Thailand on grounds of a lack of competence, the Thai Government had the option of refusing to agree to the Order setting out the subsequent stages of the proceedings. And yet, Thailand’s lawyers went ahead and presented, in their written and oral pleadings, all of the arguments that they judged apt to ensure the success of the case made by Thailand — i.e., recognition of Thailand’s rights over the Temple of Preah Vihear.

The Thai Government’s refusal to comply with the obligations stemming from the decision by the Court in The Hague is an insult to international law and to all organizations that accept and defend it. It therefore seems both immoral and abnormal for Thailand to be able to retain the right to rely on those same laws and demand that they be respected whenever its own interests are at stake. There are also grounds to express the clearest of reservations regarding the value of Thailand’s signature on international treaties and agreements.

The Royal Cambodian Government addresses international opinion and takes the liberty, in particular, of drawing the attention of the Governments of the United States, Great Britain and Australia, whose armed forces are protecting Thailand’s territory, to the extremely serious consequences of the attitude of the Government in Bangkok, whose willingness to use force in order to satisfy its territorial ambitions has now been clearly confirmed. Cambodia would like to make clear that it will never abandon its recognized rights over Preah Vihear and will use all the means at its disposal to ensure that the decision of the International Court of Justice is respected.

**DENIAL BY THE ROYAL CAMBODIAN GOVERNMENT**

**Phnom Penh (AKP)**

The Royal Cambodian Government denies, in the most categorical of terms, Thailand's claims that Cambodia has deployed forces in the Klongluk canal region, on the frontier with Thailand. The campaign of misinformation launched by the Government in Bangkok clearly aims to blind international opinion to the very real threat that the Thai forces pose to Cambodia's frontiers.

Thailand is also known, despite the decision of the International Court of Justice in The Hague, to be maintaining and reinforcing its military occupation of both an area of Cambodian territory and the Temple of Preah Vihear.

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## **ANNEX 3**

**AKP press release of 22 June 1962, “The US press and  
the case of Preah Vihear”**



### ANNEX 3

#### **AKP press release of 22 June 1962, “The US press and the case of Preah Vihear”**

*[Translation]*

#### **Phnom Penh (AKP)**

The decision of the International Court of Justice restoring Cambodia’s rights over the Temple of Preah Vihear was reported in detail by all of the American press on 16 June.

The newspaper “The New York Times” published a long article by its special correspondent in The Hague saying that the International Court of Justice had decided, by nine votes to three, that the Temple is situated in Cambodian territory, and that Thailand must withdraw its troops and return the sculptures and other objects removed from the Temple.

The newspapers “The Washington Post” and “New York Herald Tribune” reported the same news on the basis of the agency AP’s despatch.

According to the agency Reuters, reporting from Bangkok, Seni Pramoj said he was surprised by the decision of the International Court of Justice, but added “winning or losing is a normal part of life, but one should not lose one’s honour”.

Certainly, certainly, but Thailand, by refusing to respect the decision of the International Court of Justice, is quite simply losing its honour. This is a simple question of good faith.

On Sunday 17 June, the newspaper “The Washington Post” published the agency AP’s despatch from Bangkok, saying: “Sarit Thanarat declares that Thai police will fight any Cambodian attempts to retake the Temple of Preah Vihear. The International Court of Justice ruled yesterday that the Temple belongs to Cambodia. Sarit told journalists in Chhieng Mai that he had ordered reinforcements for the region and would resist any Cambodian attempts to retake the Temple. The Minister for Defence, General Thanom, also told journalists: ‘I will fight to keep what is Thai.’”

While it is perfectly legitimate for Marshal Sarit to defend national property, it is odious to annex foreign territory and then regard it as one’s own. Does the Thai marshal regard imperialism as a normal kind of relationship between nations?

“In Phnom Penh”, the same newspaper reports, “people massed in front of the royal palace to celebrate Cambodia’s victory before the International Court of Justice.”

The newspaper “Sunday Star” also published the AP despatch on 17 June, saying that “the Thai Government, meeting in an emergency session to discuss the verdict of the International Court of Justice awarding sovereignty over the Temple to Cambodia, has declared that Cambodia has, since Friday, begun deploying troops in the region adjacent to the frontier on land well suited to artillery emplacements”.

This is another lie thrown around by Bangkok to mask its concentration of armed forces on the frontier with a view to preventing our country from retaking possession of the Temple of Preah Vihear. Thailand’s manoeuvring is clear: the movement of Thai forces is justified by the movement of Khmer forces. But our Royal Khmer Armed Forces have done no such thing.

This morning, the newspaper “The Washington Post” published the despatch from Bangkok by the agency Reuters, saying:

“Thailand has closed its border with Cambodia as a recent measure, following the International Court of Justice’s ruling on Friday that the Temple of Preah Vihear belongs to Cambodia. The Minister for the Interior has told journalists that Thai police have strengthened security all along the frontier.

It is being reported in Phnom Penh that Vietnamese soldiers entered Cambodian territory on four occasions on Saturday and fought with provincial Cambodian troops. Several Vietnamese soldiers were killed and 100 Vietnamese were captured.”

**“THE TIMES” TAKES OUR SIDE IN THE CASE OF PREAH VIHEAR**

**London (AFP)**

On Thursday morning, “The Times” invited the United Nations to address the consequences of the dispute between Thailand and Cambodia regarding the “nationality” of the Temple of Preah Vihear. “When soldiers begin digging trenches and ministers proclaim loudly that they are prepared to defend their country right down to the last drop of blood, it is time for the international guardians of peace to take note”, the independent paper wrote.

Recalling that the International Court of Justice in The Hague had decreed that the Temple was situated in Cambodian territory, the newspaper asserts that the Thais “cannot even use the argument that ceding the Temple to the Cambodians means Thai citizens falling under the jurisdiction of the Cambodians, since the people living in the neighbouring villages are Khmer — i.e., Cambodian”. The United Nations has already sent a mediator to the area once.

“It seems that the United Nations will have to intervene again if the Siamese persist in rejecting the Judgment of the International Court of Justice. Already, the fact that the Thai delegate has left the conference on Laos does not augur well, since the agreement will need to be signed by Thailand.”

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## **ANNEX 4**

**Aide memoire on Khmero-Thai relations of 28 November 1962 published  
by the Cambodian Ministry of Foreign Affairs**





ROYAUME DU CAMBODGE  
KINGDOM OF CAMBODIA



AIDE MEMOIRE SUR LES  
RELATIONS KHMERO-THAILANDAISES

*AIDE MEMOIRE ON  
KHMERO-THAI RELATIONS*

MINISTERE DES AFFAIRES ETRANGERES  
MINISTRY OF FOREIGN AFFAIRS

*AIDE MEMOIRE ON  
KHMERO-THAI RELATIONS*

## *The Preah Vihear case*

### *Illustration of Thai contempt for international laws*

IN December, 1940, without declaring war, Thailand attacked Cambodia and Laos. Two months later, the Tokyo Government imposed an armistice and forced the French protectorate authorities to hand over to Thailand the province of Battambang, as well as part of the provinces of Siem Reap, Kompong Thom and Stung Treng. The population of these territories taken from Cambodia was entirely Khmer.

In 1946, the Tokyo arrangement was annulled. France and Cambodia recovered their legal rights, maintained by the treaty of 1937, and once again exercised their sovereignty over these territories. (1)

In 1946, however, certain facts were rumoured, indicating that Thailand was taking a lively interest in the ruins of Preah Vihear. Requests for elucidation, made by the French and later by the Cambodians, were left unanswered.

On November 29, 1953, the Thais forecetully occupied the Temple of Preah Vihear, a Khmer sanctuary on the northern frontier of Cambodia, founded at the beginning of the 10th century. All the Royal Government's protests remained without effect.

In August, 1958, while the matter was being discussed between the two countries in Bangkok, the Thai authorities launched a campaign of intimidation, with troop concentrations on the Cambodian frontier, the staging of a huge demonstration against the Cambodian Embassy and threats of the most open nature. The Thai Government thus gave brutal expression to its desire to use violence against Cambodia. This attitude has ever since remained unchanged. (2)

## Notes

(1) On November 17, 1946, when the Franco-Siamese agreement was signed, M. Henri Bonnet declared in the name of the French Government:

"By signing the Franco-Siamese agreement on this date, I have the honour to declare by order of my Government that it hereby regains possession of the indochinese territories mentioned in Article 1, Paragraph 2 of this agreement in the name of the Cambodian and Laotian Governments".

On December 7, 1946, the Siamese Governor of Battambang transferred his authority to H.E. Nhiek Tioulong, Royal Delegate, in the presence of General de Jonquières, representing France. Then the territories restituted by Siam were solemnly handed over one month later by Admiral Thierry d'Argenlieu, French High Commissioner for Indochina, to His Majesty Norodom Sihanouk, King of Cambodia.

(2) After the official visit to Cambodia of the Thai Minister of Foreign Affairs, Mr. Thanat Khoman, a Royal Government aide-mémoire on June 13, 1959, proposed two solutions for the Preah Vihear dispute:

1. The case will be submitted to the International Court of Justice, and both countries will accept the Court's verdict.
2. Thailand withdraws its forces from the Temple of Preah Vihear.

A demilitarized zone will be established in the Temple itself and within a radius of 5 kilometres.

While reserving property rights over the Temple, Cambodia accepts common management of the monument and guarantees freedom of access to tourists and pilgrims.

**The Thai Government did not reply to these proposals.**



## Thailand's positions

ON October 6, 1959, Cambodia took the Preah Vihear case before the International Court of Justice at The Hague. The hearings in March, 1962, revealed Thailand's bad faith and, above all, an openly expressed contempt for international law.

On March 8, 1962, Thailand's Counsel raised the problem of the sovereignty over the two Cambodian villages of Dey Kra-ham and Koul, both clearly shown to be in Cambodian territory on all official maps. We shall quote a passage which quite openly reveals Thailand's attitude:

*"As far as the two villages cited in Lieutenant Malandain's report are concerned, it is true that, according to Map no 5, these two localities on the plateau are situated within the Cambodian frontier, in fact, right against the Cambodian frontier. We are led to believe, however, that this arrangement, made by the second Commission and Lieutenant Malandain, has been proved by experience, as indeed we had supposed, practically indefensible, because facts. Gentlemen, speak louder maps. It has not been possible for the Cambodian army to maintain its sovereignty over this small pied à terre, which out of consideration had been reserved for it a few yards, or a few hundred yards may be, from the line of the water-shed; and it has been thought in practice that Thailand should in all necessity be allowed to remain in possession of these villages up to the edge of the cliff, if insurmountable difficulties were to be avoided."*

The Cambodian delegation later refuted Thailand's arguments and concluded thus:

Now, if the Court please, there is not a word in the record before this Court to suggest:

(1) that the solution that is, that the frontier of the Second Commission-was indefensible; or

(2) that facts — any facts — are stronger than a map — any map — to say nothing of the map in question; or

(3) that it was, or is, impossible for the army of Cambodia to defend this area; or that — aside from the Japanese-Thai invasion in World War II — it has ever been called upon to do so; or

(4) that it was, or is, considered necessary to allow Thailand to occupy this area; or

(5) that Thailand has done so.

In fact, both these villages or the area they represented have never ceased to be under Cambodian sovereignty.

Nevertheless, Thailand's argument that Cambodia had to cede these villages to Thailand, because the **Cambodian Army was incapable of maintaining Cambodian sovereignty**, presented a dangerous threat to international peace and security. This led the Cambodian delegation, on March 21, 1962, to declare:

"Of course Cambodia is attached to this temple (Preah Vihear), which represents a part of its heritage, already reduced to its simplest expression. But if Cambodia has brought this case before the Court, it is also as a question of peace, and justice founded on right. Violence was imposed on us right from the start; armed violence has created a situation, on the base of which attempts have been made to treat this affair; this, Cambodia will not accept, because it would be admitting point by point that all our reasons for living and our right to live are giving way to violence.

Since the case began, new facts have justified our alarm. For a peaceful nation, which was nearly erased from the map of the world by the blows of its neighbours, a frontier established by virtue of treaties along an invisible line is the best protection for weakness. And yet, we have just heard it said that, for practical reasons, or for military reasons, this line no longer protected us, not only in Preah-Vihear, but in every region marked out by the frontier commissions; a doubt was cast even upon the decisions of the second commission. We have been told that the small Cambodian



*Army had been incapable of defending its villages, and that there and elsewhere, right should follow the evolution of facts dictated by force.*

*That is why in our conclusion we have tried to express as clearly as possible the motive which led Cambodia to submit this case to the Court, with all the gravity we have respectfully stressed ever since the opening phases of this legal procedure."*

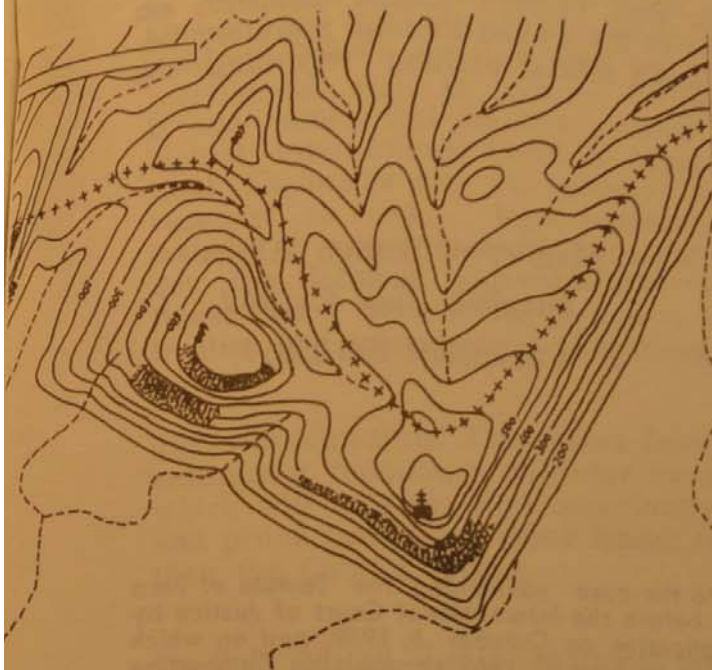
### *The Court's decision*

THE COURT, by nine votes to three, finds that the Temple of Preah Vihear is situated in territory under the sovereignty of Cambodia; finds in consequence, by nine votes to three 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;

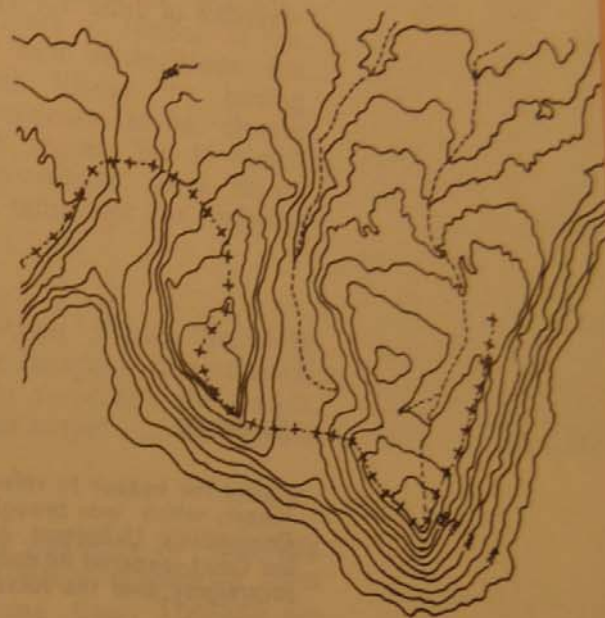
By seven votes to five, that Thailand is under an obligation to restore to Cambodia any objects of the kind specified in Cambodia's fifth Submission which may, since the date of the occupation of the Temple by Thailand in 1954, have been removed from the Temple or the Temple area by the Thai authorities.

### *Thailand's reactions*

On June 16, at 12.15, Marshal Sarit Thanarat, the Thai Prime Minister gave a press interview at Chhieng Mai airport. Answering a question about what instructions had been given over Preah Vihear, the Thai Prime Minister said he had given orders for the police force guarding Preah Vihear to be reinforced.



DOCUMENT SUBMITTED BY CAMBODIA TO THE  
INTERNATIONAL COURT OF JUSTICE



DOCUMENT SUBMITTED BY THAILAND

*"Thailand has always retained sovereignty over the temple of Preah Vihear", confirmed Marshal Sarit Thanarat. "Moreover, I had given orders for an army company to be ready to meet any violation of Thailand's sovereignty".*

All Thailand's highest officials, General Thanom Kittikachorn, Defence Minister, and Mr. Thanat Khoman, Foreign Affairs Minister, condemned the Court's verdict as "contrary to usage and international justice"; stated they could "not see how the Hague's decision could be applied, since the temple, being in Thai territory, could not be reached from the Cambodian side" (which is not true), and threatened "to shoot on sight any Cambodian who tried to enter Thai territory (Preah Vihear)". In Bangkok, the authorities organized great demonstrations in order to oppose compliance with the Court's decision.



Finally Thanat Khoman, Thai Foreign Affairs Minister, on July 6, 1962, sent a note to the United Nations Secretary General, expressing Thailand's official position regarding the verdict of June 15, 1962:

Ministry of Foreign Affairs  
Bangkok, July 6, 1962  
(Bouddhist Era 2505)

Excellency,

I have the honour to refer to the case concerning the Temple of Phra Viharn, which was brought before the International Court of Justice by Cambodia's Unilateral Application on October 6, 1959, and on which the Court rendered its decision on June 15, 1962, recognizing Cambodian sovereignty over the ruins of the Temple of Phra Viharn.

In an official communique dated July 3, 1962, His Majesty's Government made a public announcement, expressing its disagreement with the above-mentioned decision of the Court on the ground that, in its opinion, the decision goes against the express terms of the relevant provisions of the 1904 and 1907 Treaties and is contrary to the principles of law and justice, but stating nonetheless that, as a member of the United Nations, His Majesty's Government will honour the obligations incumbent upon it under the said decision in fulfilment of its undertaking under Article 94 of the Charter.

I wish to inform you that, in deciding to comply with the decision of the International Court of Justice in the Case concerning the Temple of Phra Viharn, His Majesty's Government desires to make an express reservation regarding whatever rights Thailand has, or may have in future, to recover the Temple of Phra Viharn by having recourse to any existing or subsequently applicable legal process, and to register a protest against the decision of the International Court of Justice awarding the Temple of Phra Viharn to Cambodia.

I, therefore, have the honour to bring the above to your knowledge with the request that this Note be circulated to all Members of the Organization.

Accept, Excellency, the renewed assurances of my highest consideration.

(THANAT KHOMAN)  
Minister of Foreign Affairs  
of Thailand.

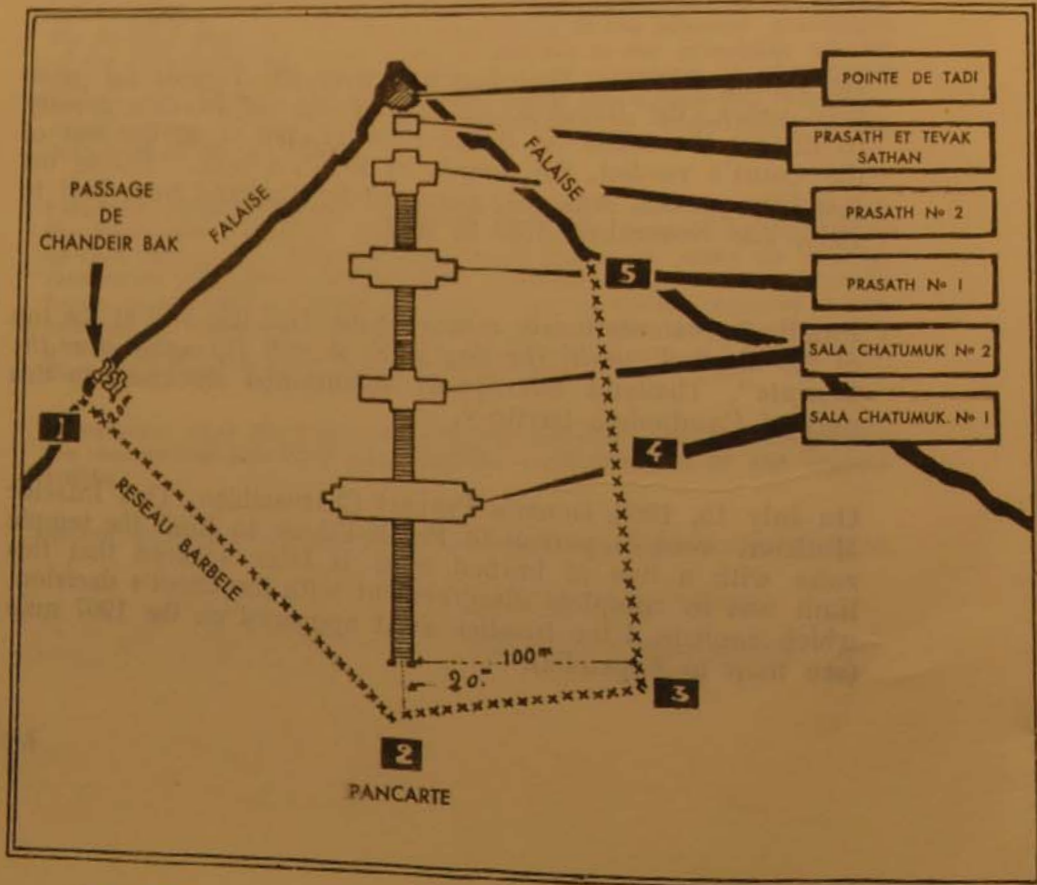


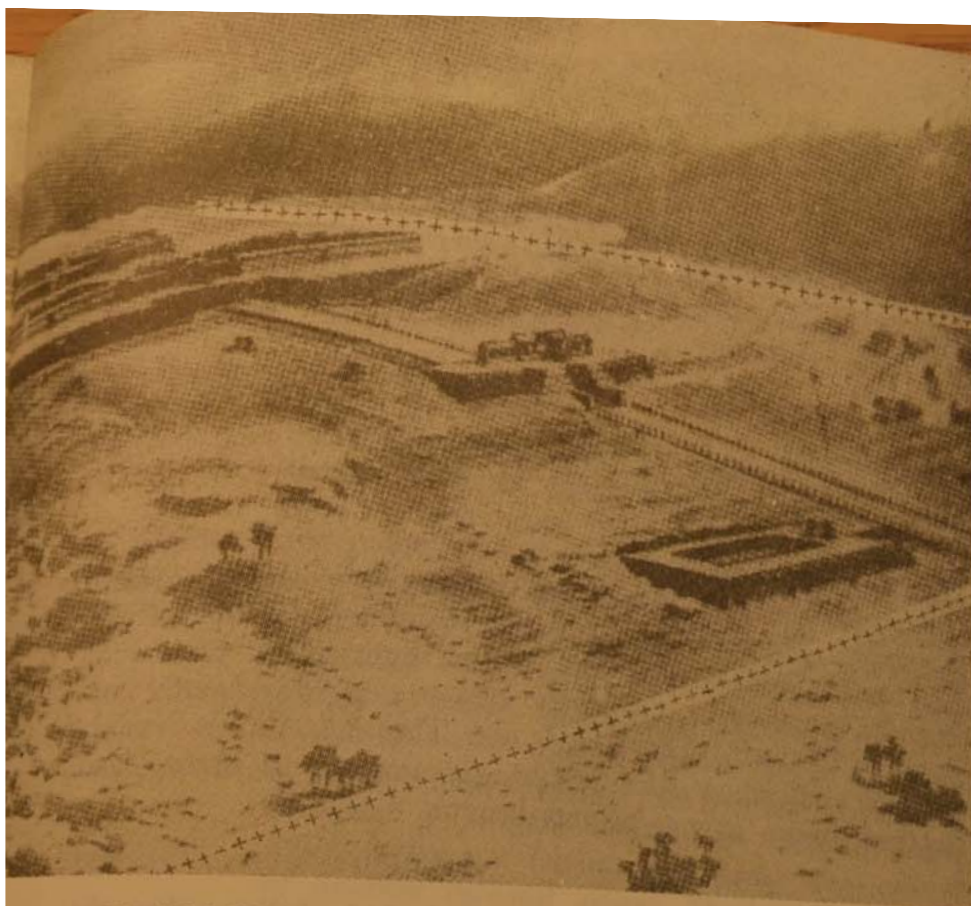


AERIAL VIEW OF PREAH VIHEAR.



FRONTIER ESTABLISHED UNILATERALLY BY THAILAND ON JULY 15, 1962.





THAI DOCUMENT OF JULY 1962.

The attitude of the Thai authorities and their activities since the Court's decision of June 15, 1962, such as the refusal to comply with the decision of this high legal authority, encroachments on Cambodian territory, the laying of barbed wire along a line not in agreement with basic documents, the setting of grenade traps in Cambodian territory near the Temple, and open threats, have only served to confirm Thailand's attitude towards Cambodia, which is **"to consider that law must follow the changing facts . . . facts dictated by force"**.

There lies the real cause of tension between Cambodia and Thailand. There lies the real obstacle to the re-establishment of normal diplomatic relations between the two countries.

It is for Thailand to abolish this cause and raise this great obstacle, in order that peace, international security and justice may rest once again on the recognition of rights and international laws.



[Translation]

### **Thailand's annexationist aims openly expressed**

The Thai Government is today drawing the attention of the international community to its desire for peace and its good intentions in respect of Cambodia. The accusations levelled against it by the Khmer Government are, it claims, merely evidence of a persecution complex and even complicity with those forces that are ideologically opposed to Thailand. Thailand's approach in this regard seeks essentially to gloss over certain chapters in its history and to alleviate certain concerns.

Casual observers could consider, in good faith, that the Khmero-Thai disputes were caused by Cambodia's excessive sensitivity. That the worst insults by Thailand's leaders and its press were merely a sign of a poor education and something that simply reflected badly on the individuals in question. That the incursions into Khmer territory by Thai soldiers and the skirmishes with the Cambodian army, or even the repeated violations by Thai aircraft, were at most minor incidents of the kind that occur in almost all frontier regions.

However, in order to understand fully the nature of the Khmero-Thai dispute, it is necessary to appreciate not the facts themselves, but rather the spirit that governs them. For the Thai Government, sending small groups of soldiers into Khmer territory is another step on the road to the annexation of a number of Cambodian provinces. We saw with the case of Preah Vihear that the official Thai view is that "*facts (that is to say, force) speak louder than maps*". This striking summary of Thailand's annexationist policy explains and justifies Cambodia's request for an international guarantee of its neutrality and territorial integrity.

If any doubts had remained regarding Thailand's annexationist aims, they would have been dispelled by the statement made to the General Assembly on 2 October 1962 by Mr. Somchai Anuman Rajadhon, Thailand's representative at the United Nations:

"The Khmer delegate has accused Thailand of invading, in 1941, a number of Cambodian provinces, which were then returned to Cambodia in 1946. This is a 'ruse' aimed at concealing the truth. In reality, history shows that the treaty of 1904 concluded by Thailand and Cambodia's protecting power established the location of the frontier as regards those provinces. However, Thailand was then, by means of the treaty of 1907, forced to return those provinces to a colonial power. Those two treaties clearly indicated Thailand's territorial limits from antiquity right up to 1904, when it was not controlled by any other colonial power. It was in 1907 that Thailand lost its sovereignty over those provinces. In 1941, as a result of the treaty of Tokyo, those provinces were returned to Thailand. However, Thailand then lost its sovereignty over those provinces again following the treaty of Washington of 1946. This proves that it was Thailand that lost territory to a foreign power, not Cambodia. It is Cambodia that is in the wrong, since it is exercising sovereignty over territory that belongs to us." (Broadcast by Radio Thailand on 10 October 1962.)

So, Thailand, which was allied with and protected by the Axis — particularly Japan — during the Second World War, dares to reassert at the United Nations the legitimacy of its annexation of territory at the expense of Cambodia, and thus also those at the expense of Laos, Malaysia and Burma.

As regards the provinces annexed by Siam in 1941, it is necessary to emphasize that this is Cambodian land, the population of which is 100 per cent Khmer (with the exception of very small numbers of Chinese, who have been there for centuries), and nobody speaks Thai there. Thus,

Thailand, which occupied those provinces during the nineteenth century, is very officially asserting its claim to part of Cambodia's territory at the United Nations.

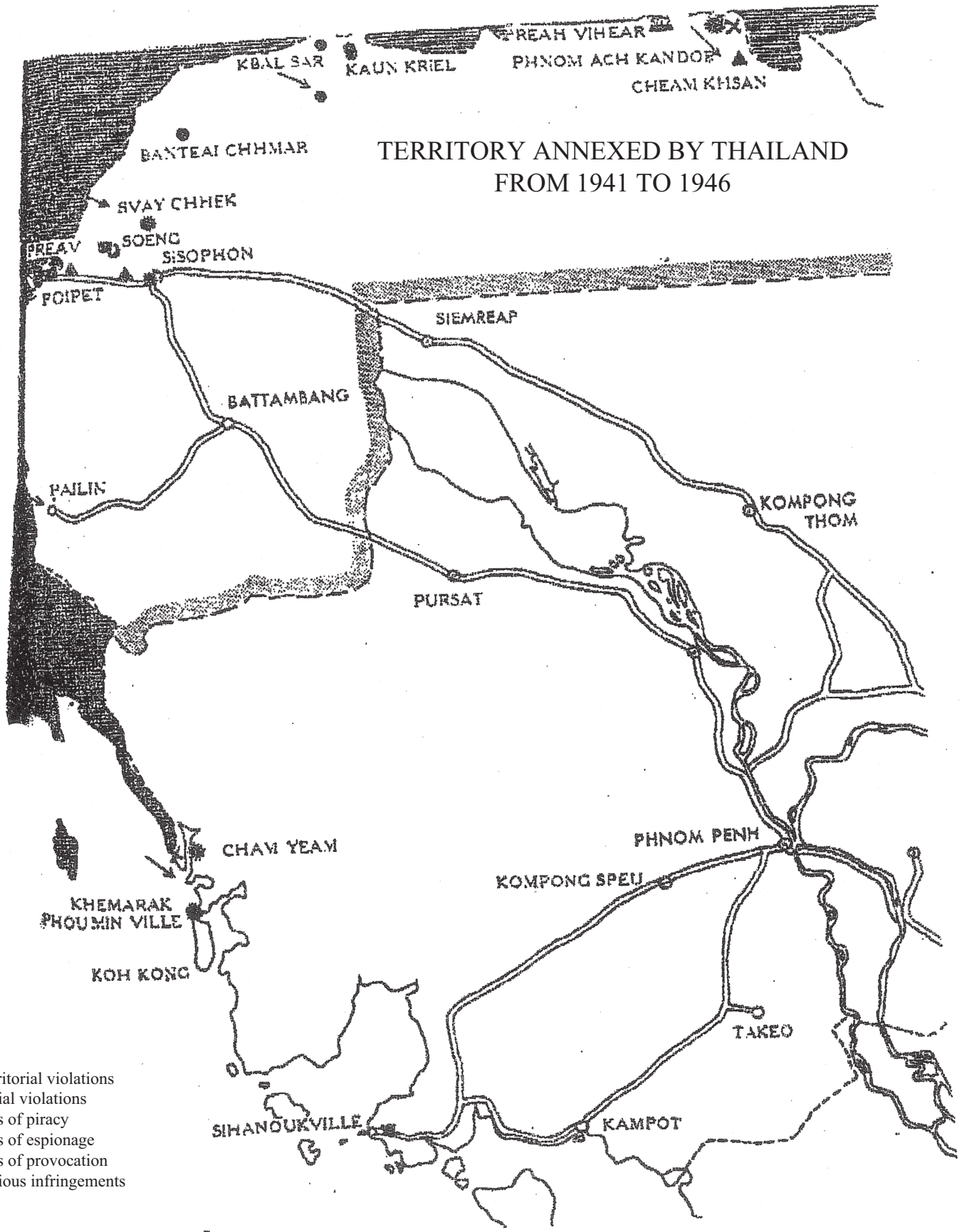
Finally, the fact that Thailand dares to challenge the Franco-Siamese Washington agreement of 17 November 1946 by claiming that it "was forced to return those (Cambodian) provinces to a colonial power (i.e., France)" is extremely serious. Indeed, both in 1907 and in 1946, France was careful to stipulate that it was acting in its capacity as Cambodia's protecting power and to solemnly hand the returned territory over to His Majesty the King of Cambodia. (I)

This disdain for signed treaties and agreements, which is illustrated so perfectly by Thailand's official written statements and declarations, deserved to be highlighted, for the edification of the international community.

### **Documents**

- (1) FRANCO-SIAMESE AGREEMENT signed on 17 November 1946 in WASHINGTON AND ANNEXED DOCUMENTS — (FRENCH DOCUMENTATION — 23 November 1946 — No. 465 — diplomatic document series — Paris)

REPORT BY THE FRANCO-SIAMESE CONCILIATION COMMISSION — Washington, 27 June 1947.



[Excerpts from “Aide Memoire on Khmero-Thai relations”]

### **Thailand’s reactions**

On June 16, at 12.15, Marshal Sarit Thanarat, the Thai Prime Minister gave a press interview at Chhieng Mai airport. Answering a question about what instructions had been given over Preah Vihear, the Thai Prime Minister said he had given orders for the police force guarding Preah Vihear to be reinforced.

*“Thailand has always retained sovereignty over the temple of Preah Vihear”, confirmed Marshal Sarit Thanarat. “Moreover, I had given orders for an army company to be ready to meet any violation of Thailand’s sovereignty.”*

All Thailand’s highest officials, General Thanom Kittikachorn, Defence Minister, and Mr. Thanat Khoman, Foreign Affairs Minister, condemned the Court’s verdict as *“contrary to usage and international justice”*; stated they could *“not see how The Hague’s decision could be applied, since the temple, being in Thai territory, could not be reached from the Cambodian side”* (which is not true), and threatened *“to shoot on sight any Cambodian who tried to enter Thai territory (Preah Vihear)”*. In Bangkok, the authorities organized great demonstrations in order to oppose compliance with the Court’s decision.

On July 16, all the international press agencies in Bangkok announced that Thailand’s troops had been withdrawn from Preah Vihear, but that the Thai flag, *“which had flown over the temple for more than fifty years”* (Reuters), had not been lowered.

When finally and ostentatiously removing the Thai flag from the flagstaff *“until the day when it will fly again over the Temple”*, Thailand openly maintained its claim to this part of Cambodian territory.

On July 15, 1962, General Praphat Charusathien, Thai Interior Minister, went in person to Preah Vihear to limit the temple zone with a line of barbed wire. It later appeared that this limit was in complete disagreement with the Court’s decision, which confirmed the frontier as it appeared on the 1907 map (see map in Appendix).

The attitude of the Thai authorities and their activities since the Court’s decision of June 15, 1962, such as the refusal to comply with the decision of this high legal authority, encroachments on Cambodian territory, the laying of barbed wire along a line not in agreement with basic documents, the setting of grenade traps in Cambodian territory near the Temple, and open threats, have only served to confirm Thailand’s attitude towards Cambodia, which is **“to consider that law must follow the changing facts . . . facts dictated by force”**.

We saw with the case of Preah Vihear that the official Thai view is that *“facts (that is to say, force) speak louder than maps”*.

Statement made on October 2, 1962, by Mr. Somchai Anuman Rajadhon, Thailand’s representative at the United Nations.

*“It is Cambodia that is in the wrong, since it is exercising sovereignty over territory that belongs to us.”*

In this note the Thai Government clearly declares it will honour the obligations incumbent upon it under the International Court's decision, but will not recognize it and will reserve the right to re-open the case as soon as possible. If one admits that the International Court of Justice is the highest international Court of Appeal, and its decisions are final, Thailand's aim "to recover" Preah Vihear "by having recourse to any . . . legal process", appears to be clearly lacking in common sense. Nevertheless, we are led to consider the Bangkok Government's "reservation" as a future threat and a serious manifestation of contempt for existing treaties and international obligations.

The withdrawal of Thai forces from Preah Vihear therefore assumes a temporary character for the Bangkok Government, which will take the first opportunity to re-occupy the temple and prove that "*facts speak louder than maps*" . . . and louder than the Court's verdict.

On July 16, all the international press agencies in Bangkok announced that Thailand's troops had been withdrawn from Preah Vihear, but that the Thai flag, "*which had flown over the temple for more than fifty years*" (Reuters), had not been lowered.

By stating that the Thai flag flew over the Temple for over fifty years, the Bangkok authorities did not hesitate grossly to distort the truth. As it has been confirmed in the text of the Court's verdict, the temple of Preah Vihear, "during the last fifty years", was only occupied by Thailand from 1941 to 1946, and from November 1953 to 1962.

When finally and ostentatiously removing the Thai flag from the flagstaff "*until the day when it will fly again over the Temple*", Thailand openly maintained its claim to this part of Cambodian territory.

On July 15, 1962, General Praphat Charusathien, Thai Interior Minister, went in person to Preah Vihear to limit the temple zone with a line of barbed wire. It later appeared that this limit was in complete disagreement with the Court's decision, which confirmed the frontier as it appeared on the 1907 map (see map in Appendix).

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## **ANNEX 5**

**AKP press release of 2 January 1963, "Declaration by  
the Royal Government"**



## ANNEX 5

### AKP press release of 2 January 1963, “Declaration by the Royal Government”

*[Translation]*

#### **Phnom Penh (AKP)**

In its programme at 12.30 on 29 December 1962, Radio Thailand broadcast the following official information:

“General Praphat Charusathien, Minister for the Interior, has ordered the leaders of all provinces adjacent to the Khmer frontier to be ready to respond to any incidents caused by Cambodia during the New Year celebrations. The Minister announced that Prince SIHANOUK, accompanied by a group of soldiers and monks, would undertake a pilgrimage to the Temple of Preah Vihear. He ordered the border guards to be ready to respond to any violation of our frontier, to follow their superiors’ orders to the letter, to arrange for a permanent presence and to immediately report any incidents to police management. The Minister concluded by saying: ‘The time has come for the strict implementation of martial law in Thailand.’”

The Royal Cambodian Government believes that it should draw the international community’s attention to these threatening measures, which are openly preparing the justification for a major incident deliberately provoked by the Thai authorities themselves on the occasion of the pilgrimage by Prince NORODOM SIHANOUK, Head of State, to the Khmer Temple of Preah Vihear.

The Royal Government calls, in particular, on the Secretary-General of the United Nations, mediator in the Khmero-Thai dispute, reaffirming that the access route that will be used on 5 January by the Khmer Head of State and the pilgrims accompanying him is situated entirely in Khmer territory. The diplomats and international observers participating in the visit to the Temple will be impartial witnesses both as regards the respect shown for the Thai frontier by the unarmed Khmer monks and laymen and as regards responsibility for any incidents of the kind foreseen by Thailand’s leaders.

It should be noted, too, that such respect for the Thai frontier will extend to the network of barbed wire unilaterally laid around the Temple by the Thai army and police with disdain for the frontier imposed by the International Court of Justice. The Royal Government stresses, at this point, that it reserves the right to bring this issue of the failure to comply with the Court’s decision of 15 June 1962 before the United Nations in order to have the decision fully respected by the Thai Government.

The Royal Government solemnly reiterates that any attempt by the Thai authorities to oppose the national pilgrimage to Preah Vihear by force would have extremely serious consequences for stability in this region of the world and for the preservation of peace.

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## **ANNEX 6**

**AKP press release of 6 January 1963, “Main points of speech given by  
Prince Sihanouk, Cambodian Head of State, at Choam Ksan  
(Preah Vihear, 4 January 1963)”**



## ANNEX 6

### AKP press release of 6 January 1963, “Main points of speech given by Prince Sihanouk, Cambodian Head of State, at Choam Ksan (Preah Vihear, 4 January 1963)”

[Translation]

#### NEWS RELATING TO CAMBODIA

4 January 1963 will be a historic day for us Cambodians, since it will mark PREAH VIHEAR’s *de facto* return to the motherland, some months after the ICJ, the equity of which cannot be praised highly enough, ruled that it should return *de jure*.

Certain people abroad do not understand why the Khmer nation as a whole attaches such great significance to PREAH VIHEAR.

They ask themselves if it is attributable to the significance of the Temple or its “exceptional beauty”, or to some strategic significance attached to PREAH VIHEAR Mountain.

Many foreigners, keen to visit PREAH VIHEAR, doubtless go there in order to test such theories.

And yet, the significance that we attach to the case of PREAH VIHEAR is quite different, and very simple, very easy to understand.

It concerns a *sacred principle*: the indivisibility of a country’s territorial unity.

No country in the world would agree to surrender this principle.

Some are surprised, for example, that India and China would argue over an area of land that is hardly inhabited and almost entirely uncultivated, despite being vast in size — which is not the case with PREAH VIHEAR, which has a surface area of only a few square metres.

But what nation would sit there and say nothing as a foreign country, a neighbour, took even a square millimetre of its territory? Land is to a country as flesh and blood is to a human being.

You also have to know about the history of Cambodia, which has, over the centuries, systematically been stripped bare by its Siamese (i.e., Thai) and Annamite (i.e., Vietnamese) neighbours, thereby reducing our national territory to its most basic form.

If we now give in again to their pressure, to their expansionism, we will be sentencing ourselves to death, condemning our country to be wiped off the map and erased from the history of the world.

For that reason, we will never back down again. Never again will we surrender a single square millimetre of our national territory. Were such a situation to arise, we would use all means necessary to safeguard our territorial integrity. Thus, as committed royalists and nationalists, we informed the free world that if it continued to give our neighbours and their allies or satellites free rein to exercise their expansionist policies in our regard, we would not hesitate to rally the socialist camp, were that camp to agree to help ensure our territorial integrity. That needs to be understood, since no nation would agree to die without first having recourse to all possible means of saving itself.

The Thais have, after a great deal of prevarication and stalling tactics, finally evacuated PREAH VIHEAR. Unfortunately, that has not prevented them from “making up for that loss” by means of other expansionist activities: they have, to our detriment, established a new frontier line in the immediate vicinity of PREAH VIHEAR. They have, in particular, erected barbed wire and set up military and police posts which, in several places, encroach fairly significantly on our territory, thereby flouting the Judgment of the ICJ.

That *de facto* encroachment can be explained only by Thailand’s desire to bully us for no reason, simply for the pleasure of bullying a nation that those same Siamese have been used to humiliating and mistreating since the fourteenth century. For the Thai people have nothing to gain in terms of prestige, natural resources, population or strategic interests from nibbling away at land in the PREAH VIHEAR and CHEOM KSAN region.

Consequently, we reserve the right to lodge a complaint with the United Nations regarding this failure by Thailand to respect the Judgment of the ICJ, for if Thailand gives us back PREAH VIHEAR, only to then take other areas of land, that does not resolve the issue of our territorial integrity.

We will therefore continue with our efforts until such time as this is totally and absolutely respected.

That said, we declare once again our ardent desire to normalize relations with our neighbours.

However, that normalization, like friendship and mutual co-operation, presupposes respect — not momentary or qualified respect, but *inviolable* respect — for the principles of peaceful coexistence.

We pay tribute to the ICJ and the United Nations, who are guardians of justice, freedom and peace, especially for small nations.

And we pay tribute to our lawyers, two of whom (Professors PINTO and REUTER) are here with us today.

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## **ANNEX 7**

**AKP press release of 7 January 1963, “The national pilgrimage to Preah Vihear”**



## ANNEX 7

### AKP press release of 7 January 1963, “The national pilgrimage to Preah Vihear”

*[Translation]*

#### NEWS RELATING TO CAMBODIA

#### THE NATIONAL PILGRIMAGE TO PREAH VIHEAR

#### **Kompong Thom (AKP)**

For the last two weeks, the Royal Khmer Armed Forces, public works and the kingdom's main technical services have been under considerable pressure preparing for Samdech's visit to Preah Vihear, which is now free following its occupation by Thailand. Indeed, it has been necessary to construct an airfield accessible to a DC3, establish more than 150 km of tracks between Kompong Thom and the foot of the Dangrek, improve the access route to the Temple, prepare accommodation and supplies for several hundred people in Choam Ksan, set up refuelling points and emergency stations all along the route, etc. It should be emphasized right away that everyone agrees that the organization has been perfect, despite an influx of pilgrims that surpassed all expectations.

The entire Royal Government arrived at Choam Ksan on 3 January. The Prince, the Head of State, and his retinue, the diplomatic corps, the presidents of the three CIC delegations, the journalists and the foreign correspondents all entered the small village on 4 January between 7 o'clock and [illegible]. As usual, the royal plane was equal to the task and did a better job of keeping to its schedule than commercial airlines.

Choam Ksan was to see extraordinary amounts of activity on 3, 4 and 5 January. Roads became one-way streets and acquired policemen to direct traffic. There was mandatory parking with reserved parking spaces, areas set aside for helicopters, etc. The local population marvelled at this aspect of urban life, while Khmer and foreign urbanites discovered the joy of country life.

In two weeks, a chalet for Samdech, another for the diplomats, an information hall, a new co-operative, an official gallery, etc., have all been built. With good humour, everyone finds shelter and a level of comfort that far exceeds what could reasonably be expected in one of the most remote villages in the kingdom.

At 9.30, the Prince's helicopter lands in front of the official gallery. Great cheers greet the arrival of the Head of State, who delights in stopping to meet his many “children”, who are keen to touch him and show their devotion and deep affection for him. After reviewing the troops, Samdech greets the college of monks, headed by their eminences the heads of the Mohanikay and Thommayut orders, who, despite their great age, have defied [. . .]

[. . .] all of their fatigue in order to be present on these historic days. Following a military parade, a JSFK detachment sings the national anthem. Then, Sahachivin YIM DITH, a choral music enthusiast, launches his Yuvans into two long new compositions.

The governor of the province gives a welcoming address, and then finally Samdech says a few words explaining the significance of the return of Preah Vihear. Peppering his speech (a summary of which follows) with sentences in French for the benefit of our foreign friends, he stresses the importance of Cambodia's victory in the case of Preah Vihear from the perspective of

the confirmation of the kingdom's territorial integrity. The official part of the day ends with the inauguration of first the co-operative shop and then the information hall.

The diplomats, the two French lawyers who had defended Cambodia and the journalists are somewhat surprised to find a sumptuous lunch organized by SOKHAR, led by the smiling ANG KIM KHOAN, who works wonders organizing receptions in all four corners of the kingdom.

That evening, Samdech attends the monks' prayers, followed by a beautiful firework display, which delights the crowd and must have concerned the Thais, who are, in all likelihood, positioned on the Dangrek ridge around 15 km away. The evening ends with games of first football and then volleyball between the team from the royal palace and the military team.

We are told that around 250 cars arrive that evening from Phnom Penh — mostly Jeeps and Land Rovers, but also some 2CVs, a Mercedes, a Volkswagen, an Opel and even an MG sports car. Around 60 vehicles are apparently scattered, broken down, between Kompong Thom and Choam Ksan.

At around 3 a.m. on 5 January, cars begin leaving for Preah Vihear, around 40 km to the west. The track is bumpy and dusty and it takes two hours to reach the foot of the mountain.

A triumphal arch made of foliage marks the beginning of the steps leading up to the Temple. Hundreds of years of history, together with landslides, have taken their toll on the Angkorian steps. But from what remains, you can imagine the scale of this staircase, which allowed, first and foremost, the construction of a temple located on the edge of a cliff 450 metres above the plain. The descendants of the extraordinary Khmer builders of the past have now rediscovered that pilgrimage route and it is moving to see those hundreds of people of all ages, from all walks of life, undertaking that ascent. The climb is tough, very tough, despite the work done by the soldiers of the Royal Khmer Armed Forces: handrails and wooden steps on the hardest sections, resting places and rustic benches.

The diversity of the crowd climbing up towards the Temple is astonishing. Old people, women carrying children, monks — an entire nation has embarked on this pilgrimage. Nobody will stop at the foot of the mountain. Here is a very old peasant who has been hauling himself up, step by step, for hours, here is a 75-year-old monk supported by two novices, and here, even, is an invalid. The young will take an hour to reach the summit, and the old will need four or even five hours of toil to get there.

Samdech and his retinue, together with members of the Royal Government and diplomats, begin the climb at 8 a.m. For some it will be a real ordeal, and the Yuvans very kindly provide them with valuable assistance.

Around 15 metres to the east of the steps, running out onto the plateau, the Thais have established "their" frontier, which is denoted by a line of barbed wire and signalled by a sign in Khmer and French indicating that the vicinity of the Temple ends at that point. Several Thai soldiers are there — peaceable, in no way hostile, with some smiling, and clearly very bored of being there. Some are Khmer, coming from the Komat plateau. Sometimes they talk amicably in Khmer with the soldiers from the Royal Khmer Armed Forces opposite them. This shows the extent to which the hostile campaign by the leaders in Bangkok is artificial and poorly supported.

The pink sandstone Temple is very beautiful and represents admirable use of the site by the Angkorian architects. An initial inventory shows that nothing major has been removed and no damage has been caused by the Thais.

Shortly after his arrival, Samdech attends prayers with the college of 30 monks, led by the heads of the two orders, who have had to use a palanquin in order to reach the summit. The Prince then speaks with diplomats and solemnly repeats Cambodia's offer to allow all Thai tourists and pilgrims access to Preah Vihear, with no need for a passport or a visa, in complete freedom and without any police checks.

At midday, the Khmer flag is solemnly raised above the Temple, while a detachment of the Royal Khmer Armed Forces presents arms. Samdech is clearly very moved, and that sentiment is shared by all those present. The Yuvans sing the national anthem. At the end of that short ceremony, the diplomatic corps asks that souvenir photos be taken of the Prince in front of the Temple.

A further religious ceremony then takes place in the central sanctuary, followed by a walk around the whole of the Temple. After a picnic, it is time to return to Cheom Ksan. Samdech, elderly dignitaries and the diplomatic corps leave Preah Vihear in the helicopters of the Royal Khmer Air Force, which land on a narrow platform cut into the cliff. At Phum Russey, light aircraft fly backwards and forwards between the foot of the mountain and the airfield at Cheom Ksan.

The official ceremonies have ended, but the pilgrims continue to flood towards the Temple, with buses coming from all provinces, stopping regularly along the way en route to Preah Vihear, symbol of a glorious past, but also of confidence in the future.

#### **SPORTING CONTESTS AT CHEOM KSAN**

##### **Kompong Thom (AKP)**

On the afternoon of 4 January, a friendly football match took place on the Cheom Ksan sports ground between the royal palace's "A" team and that of the Royal Khmer Armed Forces in the presence of all the civil and military dignitaries, both domestic and foreign, who had come for the ceremonies at Preah Vihear, as well as the local population.

"I did not," His Royal Highness told his vast audience, "want today's match to be an official match as part of the state authorities championship. It will just be a friendly. A match counting towards the championship could be too keenly contested, resulting in the players no longer having enough strength in their legs for the ascent of Preah Vihear Mountain tomorrow."

The spectators laughed at this witty clarification.

Although, as was evident throughout the game, the royal palace's formidable team largely heeded those instructions issued by its illustrious captain, the same could not be said of our esteemed officers, who defended with great energy.

Major General NGO HOU, the military team's left back, proved to be his team's defensive rock, repelling numerous dangerous attacks by the usual irresistible forwards in the Prince's team. The military team put up extremely physical resistance throughout the first half, and the palace team scored only two goals in the first half, with the military team scoring [illegible] goals (of course).



## **ANNEX 8**

**Speech by the Khmer delegation to the Sixth Committee of the United Nations,  
published by AKP, 6 January 1964**





## ANNEX 8

### Speech by the Khmer delegation to the Sixth Committee of the United Nations, published by AKP, 6 January 1964

[Translation]

**Delegate: Mr. Chhim Khei**

Mr. Chairman,

Since this is the first time that my delegation has had the floor, it would like to congratulate you most warmly on being elected unanimously as head of our Committee.

Since my delegation is one of the last to speak on the subject of the first agenda item, my delegation appreciates your considerable competence, which will allow our Committee to conclude its work in a satisfactory manner.

My delegation also warmly congratulates the other eminent dignitaries from the Office, namely our distinguished Deputy Chairman and Rapporteur, on also being elected unanimously to those important positions, which they fully merit.

Mr. Chairman,

If the Cambodian delegation did not wish to participate in the debate on the first item on our committee's agenda, it was because it considers that the report submitted to us by the International Law Commission poses no particular problems in its regard. It was because that report appears, overall, to be acceptable, albeit the Royal Cambodian Government reserves the right, of course, to present definitive observations at a later date.

In particular, my delegation fully approves of the wording of the draft Article 34 relating to the problem posed by the concept of error in international law, both as regards the principle established and as regards the exceptions provided for, as well as the accompanying commentaries, particularly paragraphs 4 and 5 concerning the case of the Temple.

The Cambodian delegation would like to take this opportunity to ask the Chairman to convey to the eminent jurists of the International Law Commission its sincere congratulations and gratitude for providing our committee with an excellent working document which is of great value.

In addition, Mr. Chairman, still on the subject of the above-mentioned Article 34, the Cambodian delegation would like to make a small correction to the observations made by Thailand's distinguished delegate regarding that Article. *If I understand correctly*, Thailand's distinguished delegate appears to criticize the validity of the decision of the International Court of Justice in the case between Thailand and Cambodia concerning the Temple.

The Cambodian delegation expresses its regret at having to make this small intervention, which it considers eminently opportune. Indeed, as you know, this is a matter of respect for the standards of international law and the decisions of the highest international court of all.

The Cambodian delegation had no desire to revisit an issue that has already been ruled on definitively by the International Court of Justice, which could discredit it in the eyes of the Member States, even though we, as members of the Sixth Committee, are working to strengthen the authority of the Court in seeking to augment and progressively develop the rules of international law, which have the potential to make a real contribution to peace.

It was in that spirit that Cambodia, having elected to bring the case of the Temple before the International Court of Justice, declared on a number of occasions through its Government and its Head of State that it would firmly respect the Court's decision, whatever that decision was.

My delegation does not consider it appropriate to repeat here the arguments used by Cambodia and the principal points of law that led the Members of the Court to rule in its favour, since that would go beyond our remit.

The Cambodian delegation simply asks that the distinguished delegates present here today refer to the useful arguments employed by the Court, which are sufficiently clear and convincing and in no way invite criticism.

We therefore insist on reaffirming our profound faith in the various bodies that make up our organization, particularly the International Court of Justice.

Thank you, Mr. Chairman.

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## **ANNEX 9**

**Telegram of 10 March 1964 from the US embassy in Phnom Penh to the State Department,  
“Transmittal of Maps Showing Cambodian-claimed Boundaries”**



ORIGIN ACTION

FE-6

35

DEPARTMENT REPRODUCED AT THE NATIONAL ARCHIVES

# AIRGRAM

POL 32-2 CAMB

FOR RM USE ONLY

RM/R	REV	AP
1		
ARA	EUR	FE
NEA	CU	INR
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L	FBO	AID
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INT	LAB	TAR
TR	XMB	AIR
ARMY	CIA	NAVY
	10	
	USIA	NSA

A-47

CONFIDENTIAL

HANDLING INDICATOR

TO : DEPARTMENT OF STATE

1964 MAR 13 Fri 4 11:12

INFO: BANGKOK  
SAIGON

ANALYSIS & DISTRIBUTION  
BRANCH

FROM : Amembassy PHNOM PENH

DATE: March 10, 1964

SUBJECT : Transmittal of Maps Showing Cambodian-claimed Boundaries

REF : Embtel 870; Deptel 614

CAT. AS book  
H501b-23B  
.M297  
3 folders.

in accordance with the instructions contained in the Department's telegram under reference, there are enclosed the three maps cited as numbered items 7, 8, and 9 in the Embassy's telegram number 870. Cambodian Secretary of State for Foreign Affairs HUOT SAMBATH emphasized, when he handed over the Cambodian drafts of various documents for consideration by the proposed four-power conference, that Cambodia's borders, as set forth in these maps, were Cambodia's minimum claims and represented considerable sacrifice on the part of the Cambodian Government, beyond which it could not go in any circumstance.

The place of these maps in the Cambodian proposals, to be considered at a quadripartite conference, is set forth in the draft Protocol to the Declaration of the Neutrality of the Kingdom of Cambodia (translation of text in Embtel 874), in which these maps are described as follows:

1. Thai-Cambodian Border: Commission of Delimitation between Indochina and Siam 1907-1908, on scale of 1:200,000 (Dangrek and Khong Nos. 7 and 8 Mission Bernard and Mission Montguers-Bovaradej.

Enclosures:

1. Folders containing three maps as described above, in single copy, for the Department only.

GP-3

Downgraded at 12-year intervals,  
not automatically declassified.

CONFIDENTIAL

FOR DEPT. USE ONLY

In  Out

Drafted by:

POL:AE Berresen:jpc:vh 3/9/64

Contents and Classification Approved by:

Change: HDS pivack

Clearances:

FORM 4-62 DS-323

Nos. 1, 2, 3, 4 and 5). (Note--the Dangrek and Khong sector maps are not identified by number or "mission" as are the maps of the Montguers-Bovaradej Mission.)

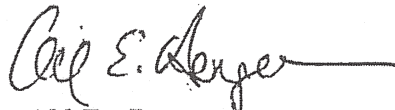
2. Vietnamese-Cambodian Border: Geographic Service of Indochina maps on scale of 1:100,000, in use before the Paris accords of 1954.

3. Coastal Islands: Cambodian Geographic Service Marine map, from French Hydrographic Service. "Gulf of Siam--Coast of Cambodia--From the Balua Islands to the Koh Pau River", on scale of 1:300,000.

The maps as received from the Cambodian Secretary of State are enclosed herewith. It will be noted that the map of the Thai-Cambodian border is, in effect, a collage of photographs or photostats.

The Embassy would appreciate receiving from the Department a copy of these maps for its files as well as any analysis which may be made of their status and significance.

For the Chargé d'Affaires ad interim:



Alf E. Bergesen  
First Secretary of Embassy

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## **ANNEX 10**

**Account of Prince Sihanouk's comments of 5 January 1965 on  
"Cambodia's relationship with Thailand"**





## ANNEX 10

### Account of Prince Sihanouk's comments of 5 January 1965 on "Cambodia's relationship with Thailand"

*[Translation]*

In an improvised address, Prince NORODOM SIHANOUK, Head of State, talked about relations between Cambodia and Thailand following the recent incident on the night of 27/28 December, which saw a clash between a Cambodian provincial guard patrol and a Thai fishing vessel in Cambodian territorial waters off Koh Kong. That skirmish resulted in one of the Cambodian guards being wounded and one of the Thais being killed. Once again, the Prince praised the Judgment of the International Court of Justice in The Hague, which had ordered that Preah Vihear be returned to Cambodia, and the mission led by Mr. Nils Gussing, lamenting the fact that his departure had resulted in a fresh outbreak of acts of aggression on its frontiers and acts of piracy, as well as support for the "Free Khmer".

Prince NORODOM SIHANOUK noted once again that, following the verdict in The Hague, Thailand was continuing to refuse to recognize the current frontier, despite the fact that the sole condition imposed by Cambodia for the re-establishment of normal relations was recognition of Cambodia's territorial integrity. Consequently, the Head of State issued a warning: "We cherish our peace, which has been achieved at considerable expense. It is of great importance for our nation-building and the improvement of our standard of living. However, we will never compromise on the issue of our territorial integrity. The Khmer people, right down to the last man, would rather die than see Thailand or South Vietnam take even the smallest amount of its glorious ancestors' land."

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## **ANNEX 11**

**United Nations transcript of 3 May 1966 of “Letter dated 23 April 1966 from  
the Minister for Foreign Affairs of Cambodia addressed to  
the President of the Security Council”**





UNITED NATIONS  
SECURITY  
COUNCIL



Distr.  
GENERAL

S/7279  
3 May 1966  
ENGLISH  
ORIGINAL: FRENCH

LETTER DATED 23 APRIL 1966 FROM THE MINISTER FOR FOREIGN AFFAIRS  
OF CAMBODIA ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to inform you that on 3 April 1966 at about 7.30 p.m., a unit of the Thai Armed Forces about 100 strong attacked and burned the Cambodian post held by nine guards appointed to watch over the temple of Preah Vihear. The aggressors captured five of these guards and occupied the temple.

On 6 April 1966, the Khmer Armed Forces recaptured and reoccupied the temple after stiff resistance from the Thais who, as they withdrew, killed the five captured men on the spot.

Withdrawing, the Thai Armed Forces positioned themselves opposite the temple of Preah Vihear and kept up an incessant mortar harassment of the dispositions of the Royal Khmer Armed Forces.

On 11 April 1966 at about 5 p.m., some thirty shells were launched at the temple. Two shells fell near the Khmer dispositions.

On 12 April 1966, in the morning and in the afternoon, the Thai forces again opened fire with heavy weapons, landing two shells in the temple precincts.

On the night of 14-15 April 1966, a large element of Thai forces estimated at some 700 men arrived to reinforce the Thai positions.

On 15 April 1966 at about 7.20 a.m., mortar fire was resumed in the direction of Preah Vihear, slightly wounding one of the defenders.

On 17 April 1966 at about 7 a.m., mortar fire was again resumed, seriously wounding two defenders of the temple. On the same day, at about 5.10 p.m., the Thai forces again opened mortar and automatic fire, inflicting light wounds on three men, including two soldiers and one member of the National Defence Forces.

On 19 April 1966 at about 4.20 p.m., Thai Armed Forces estimated at battalion strength attacked the Khmer positions at Preah Vihear with the support of heavy mortar fire and armoured vehicles. The Thai forces three times tried to take the temple by storm. The attack lasted about two hours.

It should be stressed that these attacks and the occupation by force of Preah Vihear, and the various attempts to reoccupy the monument, follow a long series of incursions into Khmer territory, with murder and pillaging, perpetrated by Thais in the course of recent months. The recurrence of these provocations seems likely, as in September 1940, to be the prelude to a large-scale attack on Cambodia.

I venture once again to draw your attention and that of the Security Council to the following:

On the night of 16-17 November 1965 at about 3 a.m., a Thai unit of fifty men attacked the Cambodian post of Chhné Khsach, in the Province of Koh Kong, 800 metres from the Thai frontier post of Hat Lek, an attack which was launched from the Hat Lek post and cost Cambodia three dead and nine wounded.

On 30 and 31 December 1965, a Thai unit of 200 men, supported by aircraft, attacked the Cambodian post of O-Smach, in the Province of Oddor Meanchey, 1,500 metres inside our territory, costing the defenders seven dead (including a captain) and eight wounded (including the Governor of the Province), as well as causing considerable material damage.

On 3 April 1966 at about 8.50 a.m., a jeep of the Khmer Defence Forces was blown up by a mine laid by infiltrated elements of the Thai Armed Forces, in the vicinity of O-Momeang on the Chrung-Paong road, four kilometres south-east of the Phum of Chrung, Srok of Samrong, Province of Oddor Meanchey. This criminal act resulted in four dead, including a Major of the Royal Khmer Armed Forces.

In addition, it should be noted that since the first attack on the night of 16-17 November 1965, the Thai Armed Forces have kept up incessant mortar and gun fire on the regions of O-Smach, Chhné Khsach and Cham Yeam, with air and naval support.

These acts of aggression have all been the subject of the most vigorous protest by the Khmer authorities.

In consequence, the Royal Government of Cambodia is obliged to bring before the Security Council a complaint against the Royal Government of Thailand for its repeated aggressions against Khmer territory and the occupation by force of the temple of Preah Vihear, all acts constituting violations of the United Nations Charter and the judgement of the International Court of Justice at The Hague of 15 June 1962 confirming that the temple of Preah Vihear is situated in territory

/...



under the sovereignty of Cambodia. To this effect, it is appropriate to quote a passage from the statement by His Royal Highness Prince Norodom Sihanouk, Head of State, made at Choam Ksan on 4 January 1963. "... The Thais have finally, after much prevarication and many delaying manoeuvres, evacuated Preah Vihear. That has unfortunately not prevented them from 'making good the loss' by further expansionism: they have drawn a new frontier line, to our disadvantage, in the neighbourhood of Preah Vihear itself. In particular, they have laid barbed wire and set up military or police posts which in certain places encroach to a considerable depth on our territory, thus scorning the judgement of the International Court of Justice."

It is moreover, clearly stipulated in Article 92 (2) of the Charter that "If any party to a case fails to perform the obligations incumbent upon it under a judgement rendered by the Court, the other party may have recourse to the Security Council, which may, if it deems necessary, make recommendations or decide upon measures to be taken to give effect to the judgement."

The Royal Government of Cambodia wishes, lastly, to draw the Security Council's attention to the gravity of the situation on the Khmer-Thai frontier and to the threat presented by this situation to the peace and stability of this part of the world.

Accept, Sir, etc.

(Signed) NORODOM KANTOL  
Chairman of the Council of Ministers  
and Minister for Foreign Affairs of  
the Royal Government of Cambodia

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## **ANNEX 12**

**Letter of 23 April 1966 from the Minister for Foreign Affairs of Cambodia  
to the Secretary-General of the United Nations**



## ANNEX 12

### **Letter of 23 April 1966 from the Minister for Foreign Affairs of Cambodia to the Secretary-General of the United Nations**

*[Translation]*

PHNOM PENH, 23 APRIL 1966

Dear Mr. Secretary-General,

I would like to take the liberty of drawing Your Excellency's attention, as someone who devotes all his energies to re-establishing peace in south-east Asia, to the latest developments in the situation on the frontier between Cambodia and Thailand. Indeed, that situation is becoming more fraught with every passing day, creating an extremely serious risk of an armed conflict, the consequences of which would be impossible to predict.

As Cambodia's Permanent Representative to the United Nations had the honour of informing Your Excellency, Thailand's armed forces are carrying out almost daily attacks on Cambodian border posts at O'Smach (Oddor Meanchey province) and Chhné Khsach (Koh Kong province), using its army, navy and air force. In parallel, small groups of Thai soldiers are infiltrating Khmer territory and laying mines along our transport routes.

Finally, on 3 April a Thai military unit attacked and set light to the Cambodian post guarding the Temple of Preah Vihear. Five men stationed at that post were taken prisoner and had their throats slit soon after. On 6 April our forces succeeded in taking back that land and the Temple, which had been occupied by the Thais.

That last act of aggression, which follows a great many others, represents real provocation, given that the Temple of Preah Vihear was the subject of a Judgment by the International Court of Justice on 15 June 1962 confirming Cambodia's sovereignty over this ancient Angkorian site and the surrounding land. By acting in this manner, the Government in Bangkok has clearly shown its refusal to comply with international law, the Charter of the United Nations and the decisions of the highest court competent to hear disputes between countries. It is already the case that it was not until some time after the Court's decision to return the Temple of Preah Vihear to Cambodia that, as Prince NORODOM SIHANOUK, Head of State, declared, "[t]he Thais [. . .], after a great deal of prevarication and stalling tactics, finally evacuated Preah Vihear. Unfortunately, that has not prevented them from 'making up for that loss' by means of other expansionist activities: they have, to our detriment, established a new frontier line in the immediate vicinity of Preah Vihear. They have, in particular, erected barbed wire and set up military and police posts which, in several places, encroach fairly significantly on our territory, thereby flouting the Judgment of the ICJ."

In the face of these repeated violations challenging the authority and the very basis of the United Nations, the Royal Government requests that the United Nations, of which both Cambodia and Thailand are members, give this matter all the attention that it deserves and take all the necessary measures.

Moreover, Article 94 (2) of the Charter clearly stipulates:

“If any party to a case fails to perform the obligations incumbent upon it under a judgment rendered by the Court, the other party may have recourse to the Security Council, which may, if it deems necessary, make recommendations or decide upon measures to be taken to give effect to the judgment.”

*(Signed)* NORODOM KANTOL,  
President of the Council of Ministers and  
Minister for Foreign Affairs in the  
Royal Cambodian Government.

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## **ANNEX 13**

**Letter of 11 April 1966 sent to the Secretary-General of the United Nations  
by the Permanent Mission of Cambodia to the United Nations**





Translated from French

PERMANENT MISSION OF CAMBODIA  
TO THE UNITED NATIONS

New York, 11 April 1966

No. 1449

Sir,

On the instructions of my Government, I have the honour to transmit to you the following text of a proclamation of the Royal Government of Cambodia dated 7 April 1966:

"On 3 April 1966, at approximately 7.30 p.m., a Thailand armed forces unit of about 100 men attacked the Cambodian post guarding the Temple of Preah Vihear. The post was burned and five of its defenders were taken prisoner by the Thais who occupied the Temple. A group of our forces, sent to help the attacked post, was engaged by the enemy and one man was wounded.

"This Thai attack is the latest in a long series of incursions into Khmer territory, with murder and looting, perpetrated by the Thais during the last few months. From their repetition these provocations appear clearly, as in September 1940, to be the prelude to a large-scale aggression against Cambodia.

"The Royal Government draws the attention of international opinion to the extremely serious character of these fresh acts of aggression by the Thailand armed forces, which constitute flagrant violations of the United Nations Charter and of the judgement rendered in 1962 by the International Court of Justice.

"It should be recalled in particular that by its decision of 15 June 1962 the International Court of Justice recognized the sovereignty of Cambodia over the Temple of Preah Vihear, thus definitively confirming the earlier international agreements and treaties fixing the frontier between the two countries. It will be remembered that the Bangkok Government, while evacuating the Temple of Preah Vihear, refused to recognize the judgement of the International Court, and it has now manifested its refusal by forcibly reoccupying this Khmer territory. Lastly, the Thailand aggression clearly shows the duplicity of Thanat Khoman, Bangkok's Minister for Foreign Affairs, who only a few days ago asserted that his country would not use force to take hold of Preah Vihear.

H.E. U Thant,  
Secretary-General of the United Nations,  
New York

"The Royal Government hopes that the United Nations will make its position clear with respect to Thailand, a Member of the Organization which after accepting the jurisdiction of the International Court of Justice refuses to recognize its decision in the case of Preah Vihear. It furthermore urges all international organizations and all Powers that are dedicated to justice and peace to enjoin the Bangkok Government to put an immediate stop to its acts of war against Cambodia. For its own part, Cambodia is meeting the dangerous situation on its frontiers.

"Finally, the Royal Government again draws the attention of international opinion to the war-mongering and expansionist activity of the Bangkok Government, which is proving more and more to be the tool of the Washington imperialists who are trying, by fire and sword, to impose their dominion on all Asian peoples."

I should be obliged if you would have the text of this communication transmitted to all States Members of the United Nations.

Accept, Sir, the assurances of my highest consideration.

(Signed) HUOT SAMBATH  
Permanent Representative of Cambodia

## **ANNEX 14**

**Letter of 27 May 1966 sent to the Secretary-General of the United Nations by  
the Permanent Mission of Cambodia to the United Nations**



## ANNEX 14

### Letter of 27 May 1966 sent to the Secretary-General of the United Nations by the Permanent Mission of Cambodia to the United Nations

*[Translation]*

New York, 27 May 1966

Dear Excellency,

I have the honour to refer to letter no. 335/2509, dated 22 April 1966, from Thailand's acting Permanent Representative and, on the instructions of my Government, to confirm the terms of my two letters to Your Excellency dated 11 April 1966 regarding the Thai armed forces' criminal attack on the Cambodian post guarding the Temple of Preah Vihear on 3 April 1966.

Having sent its soldiers to commit that criminal act of aggression, the Thai Government, through its acting Permanent Representative to the United Nations, is seeking to deceive the Member States by claiming, as usual, to know nothing and daring to assert that this criminal attack "must have been an entirely internal disturbance". With this mendacious declaration, the Thai Government is once again — in line with its standard approach — seeking in a cowardly manner (and, what is more, in vain) to evade its responsibilities and appears to want to blame a group of traitors whom the American, South Vietnamese and Thai authorities have supported, equipped and installed both in Thai territory and in South Vietnamese territory with the aim of showing the international community the supposed existence of opposition to our Government. Those mercenaries are, in reality, merely back-up for the regular Thai army and American/South Vietnamese special forces. Thailand's theory that this handful of traitors carried out that criminal act of aggression does not stand up to any serious examination. Indeed, the limited size of the area of land containing the Temple (250 m long and 200 m wide), which is surrounded by barbed wire erected by the Thais, the presence, close to the Temple, of a Thai post manned by a strong unit, the narrowness of the access route, that long staircase with more than 1,000 steps, and the impassable cliffs bordering Preah Vihear on the Khmer side prove the mendacious nature of Thailand's assertion.

As I informed Your Excellency in my letters of 17 and 24 May 1966, since the Temple of Preah Vihear was reoccupied by our forces, the Thais have repeatedly reinforced their troops, fired on us on an almost daily basis and carried out armed attacks on our positions, with such attacks being warlike in scale.

In his letter, the Thai representative twisted the wording of my letter of 11 April 1966 by having us say "that the Thai Government refused to recognize that judgment of the International Court".

I wrote, in the letter in question, that "Thailand, a member of the Organization [. . .] after accepting the jurisdiction of the International Court of Justice refuses to recognize its decision in the case of Preah Vihear". I stand by those words, which are, moreover, corroborated by the Thai representative himself where he writes:

"In an official communiqué dated July 3, 1962, His Majesty's Government made a public announcement, expressing its disagreement with the above mentioned decision of the Court on the ground that, in its opinion, the decision goes against the

express terms of relevant provisions of the 1904 and 1907 Treaties and is contrary to the principles of law and justice, but stating nonetheless that, as a member of the United Nations, His Majesty's Government will honour the obligations incumbent upon it under the said decision in fulfilment of its undertaking under Article 94 of the Charter.

I wish to inform you that, in deciding to comply with the decision of the International Court of Justice in the case concerning the Temple of Prah Viharn, His Majesty's Government desires to make an express reservation regarding whatever rights Thailand has, or may have in future, to recover the Temple of Phra Viharn by having recourse to any existing or subsequently applicable legal process, and to register a protest against the decision of the International Court of Justice awarding the Temple of Phra Viharn to Cambodia."

This position demonstrates the duplicity of the Thai Government, which accepted the Court's jurisdiction with the intention of recognizing its decision only if it was favourable to Thailand.

As usual, Thailand is seeking to deceive international opinion by depicting Cambodia as being responsible for these supposed acts of provocation in the Preah Vihear region.

In reality, this is what happened between 9 and 14 April 1966:

— On 9 April 1966, at around 10.30, two American/Thai Skyraiders flew over our position at the Temple of Preah Vihear a number of times over a period of around 15 minutes. Our defensive units opened fire on those aircraft, thereby forcing them to return immediately to Thai airspace.

At the same time, the Thai troops positioned opposite ours fired on our position for an extended period of time.

Our units responded. No losses were sustained on our side.

— On 9 April 1966, one of our helicopters, having landed at 17.00 on Preah Vihear Mountain, in our territory, was fired on by the Thai armed forces positioned opposite our defensive units using heavy artillery. Several shells landed around 50 m from our helicopter.

No damage was reported.

The incidents on the 11, 12 and 14 April 1966 were recounted in the letter that His Highness the Cambodian Minister for Foreign Affairs addressed to Your Excellency on 23 April 1966.

I take this opportunity to emphasize that Cambodia does not direct aggression at anyone. It simply protects its independence and territorial integrity. That remains the single and constant concern of the Royal Government and the Khmer people.

I would be grateful if you could communicate the text of this letter to all Member States of the United Nations.

*(Signed)* Huot SAMBATH,  
Permanent Representative of Cambodia.

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## **ANNEX 15**

**United Nations document of 10 October 1966, “pro memoria”  
on “The general situation”**





## ANNEX 15

### United Nations document of 10 October 1966, “pro memoria” on “The general situation”

*[Translation]*

**Secret**

#### ***PRO MEMORIA*** **THE GENERAL SITUATION**

1. Following lengthy confidential talks with the leaders of Cambodia and Thailand, the Special Representative of the Secretary-General of the United Nations is pleased to note that the two Parties have a serious desire to re-establish diplomatic relations between their countries.

2. Although differences of opinion remain regarding the relevant modalities, he believes that he has, in the course of those talks, detected some rapprochement in their points of view, which could make it possible to draw up a joint declaration acceptable to both Parties.

3. The Secretary-General of the United Nations, who has been informed of the tenor of those talks, shares the view that the two Parties, acting with the utmost candour and demonstrating their good faith, should be capable of agreeing such wording.

4. However, the Special Representative does not deny that the differences of opinion that divide the two Parties constitute real problems, which he will endeavour to resolve in a satisfactory manner.

#### **THE POSITIONS OF THE TWO PARTIES**

5. The positions of the two Parties could be summarized as follows. For Cambodia, the main point of the declaration would be to guarantee its country's independence and territorial integrity “within the current common frontiers”.

6. For Thailand, on the other hand, the main point would be the re-establishment of diplomatic relations without prior conditions.

7. However, during his negotiations with Thailand's leaders, the Special Representative thought he detected a definite rapprochement with the Cambodian position.

8. It should be noted that Thailand is prepared to reaffirm its agreement with the Franco-Siamese treaties of 1904 and 1907 regarding common frontiers.

9. However, Thailand, for political, legal and psychological reasons, considers that its reservation of rights regarding the Temple of Preah Vihear by means of the letter of 6 July 1962 to the acting Secretary-General of the United Nations constitutes an additional element in the Judgment of the International Court of Justice, given the link between Article 94 (1) of the Charter and Article 61 (3) of the Statute of the International Court of Justice. In other words, Thailand considers that it has given effect to the Court's Judgment under Article 94 by virtue of the provisions of Article 61 of the Statute of the Court.

10. In the course of his conversations with the Thai authorities, the Special Representative noted that those authorities were not insisting on the inclusion of that reservation of rights *expressis verbis*, but would not, however, agree to surrender the inherent legal rights that they have under Article 61 of the Statute of the International Court of Justice, which forms an integral part of the Charter.

11. In order to establish the scope of Article 61, the Special Representative has analysed its content and substance.

12. It should be noted, first of all, that the revision provided for in paragraph 1 is of a purely legal nature, and that a revision by anything other than legal means would make it highly unlikely for Article 61 to be applied under paragraph 3 of that Article.

13. Moreover, although the Article seeks to preserve the rights of the losing party, it makes sure that it carefully protects the interests of the winning party by means of strict substantive and (by means of a time bar) temporal limitations governing any application to have it applied.

14. It is not surprising, given the meticulous care taken by the Court when issuing its judgments, that in its 20-year existence, no losing party has ever had cause to apply for a revision on the basis of Article 61.

15. Needless to say, the fact that a particular article of the Charter has not been applied in no way affects the rights of the Member States of the United Nations.

16. On the other hand, there is no reason to suppose that a Member State would seek to bring the same proceedings again with the sole aim of prolonging the dispute, at the risk of losing again and "losing face" in the eyes of the international community.

17. Consequently, it would seem to the Special Representative that the provisions of Article 61, on which one of the Parties is relying, are not capable of seriously affecting the interests of the other Party.

18. This would be made all the more acceptable by the fact that Thailand would not formally insist on the inclusion of its "reservation". Moreover, the Thai Government has assured the Special Representative that it intends to use only peaceful means to resolve problems between the two countries.

19. It would therefore be a good idea to weigh up the advantages and disadvantages presumed to be inherent in compromise wording. It clearly falls to the two Parties, not the Special Representative, to decide on the precise terms of any wording to which they could agree.

20. The Special Representative has taken the liberty of indicating to the Thai Government what, in his view, would be the main elements of such a declaration, and he now proposes to do the same with the Cambodian Government.

21. Firstly, he proposed that the two Parties base the declaration on the provisions of the Charter, particularly those set out in Chapter I, Purposes and Principles of the United Nations, and more specifically those concerning the issue of territorial integrity (Article 2 (4)).

22. Secondly, he proposed that, on the basis of the same chapter, they reaffirm the validity of the Franco-Siamese treaties of 1904 and 1907, doing so implicitly, rather than explicitly.

23. As regards the issue of the Temple of Preah Vihear, it should be noted that the Judgment of the International Court of Justice does not alter the provisions of those treaties and that the current frontiers are consistent with those foreseen in those treaties.

24. As for Thailand's "reservation", given that this relates to the provisions of the Charter, it would not be necessary to mention it, since the declaration would be based on the Charter as a whole. Moreover, neither the Judgment of the International Court of Justice nor Thailand's "reservation" alters the legal and factual situation, so it does not appear necessary *per se* to mention them.

25. The Thai Government was willing to take account of the guiding principles put forward by the Special Representative and provided him with the following text, which the Thai Government proposes as a joint declaration:

"Thailand and Cambodia agree to renew their traditional friendship and, to that end, to re-establish diplomatic relations between the two countries on the basis of equity, mutual respect and benefit, understanding, co-operation and good neighbourliness in accordance with the purposes and principles of the United Nations."

26. The Thai Government said it was convinced that the wording it proposed not only covered the proposal made by Cambodia, but also encompassed many other essential principles, such as the obligation to refrain from the threat or use of force against the territorial integrity of the other country, while avoiding other controversial issues.

27. The Special Representative would be grateful if the Royal Cambodian Government could kindly give due consideration to the general tenor of the observations that he takes the liberty of submitting, the principles set out in this note and the Thai proposal cited in paragraph 25 so as to continue the dialogue that has begun.

28. Given the good faith that he has had the pleasure of encountering on both sides, the Special Representative is convinced that, if not a definitive solution, then at least encouraging progress can be achieved at the current stage of talks.

Phnom Penh, 10 October 1966.

Herbert DE RIBBING.

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## **ANNEX 16**

**Note of 26 October 1966 from the Cambodian Ministry of Foreign Affairs to  
the Special Representative of the Secretary-General  
of the United Nations**



ANNEX 16

**Note of 26 October 1966 from the Cambodian Ministry of Foreign Affairs to the  
Special Representative of the Secretary-General of the United Nations**

*[Translation]*

No. 210/DGP/AM/T/X

Very urgent; confidential

The Ministry of Foreign Affairs of the Royal Cambodian Government presents its compliments to the Special Representative of the Secretary-General of the United Nations in Cambodia and Thailand and, following his aide memoire dated 10 October 1966, has the honour to inform him of the following:

1. The Royal Government attaches no importance to compensation for damage caused by incidents occurring on the Khmero-Thai frontier.

2. The Royal Government is opposed to the revision of the current frontiers, but agrees to the placement of markers in locations considered indispensable on the basis of the frontiers established by the treaties in force.

3. The Royal Government agrees to negotiations at the level of the Head of Government, in the event that such negotiations were to take place between Cambodia and Thailand.

4. According to the Judgment of the International Court of Justice of 15 June 1962, the Temple of Preah Vihear and its vicinity are situated in territory under the sovereignty of Cambodia.

5. The re-establishment of relations between the two countries will never be possible unless the Thai Government declares that it respects the current common frontiers.

The Ministry of Foreign Affairs takes this opportunity to renew to the Special Representative of the Secretary-General of the United Nations the assurance of its highest consideration.

Phnom Penh, 26 October 1966.

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## **ANNEX 17**

**Account of Prince Sihanouk's "Message to the nation"  
of 9 November 1966**



## ANNEX 17

### Account of Prince Sihanouk's "Message to the nation" of 9 November 1966

*[Translation]*

Phnom Penh, 9 November 1966

Dear compatriots,

On 9 November 1953, eight months before the Geneva Conference of 1954 on Indochina, our beloved country Cambodia gained full sovereignty.

Indeed, it was on 9 November 1953 that the French Command and the troops of the French Union, who were occupying the kingdom on the pretext of defending it, left our national territory, after General de Langlade had handed over to the King all command prerogatives for the whole of our territory.

9 November 1953 was also the day that the Royal Government began the exclusive exercise of all of its prerogatives in matters of police, justice and diplomacy in accordance with the agreements and exchanges of letters concluded and signed several weeks earlier by the Khmer and French plenipotentiaries Sahachivin Penn Nouth and Mr. Risterucci.

Finally, 9 November 1953 was also the day that Cambodia stopped participating in the work of the High Council of the French Union, thereby leaving the French Union and asserting its new status as an independent sovereign State.

Cambodia's enemies, and even some of its "friends", have still not forgiven it for its national pride and its steadfast refusal to join one or other of the two ideologically opposed camps. What is more, both camps seek desperately to give credit for our gaining full independence to the Geneva Conference of 1954, and even to the Khmer Vietminh, whom some equate to the Khmer people as a whole.

On 9 November in previous years, I have shown, with the aid of irrefutable proof, the scandalous dishonesty and falseness of such a theory. I will not, therefore, revisit the issue today. I will merely content myself with asking our eternal detractors a few specific questions, strongly doubting that they will succeed in responding without completely ruining their tendentious and ever so flimsy theory. Were they to succeed, however, the 99 per cent of Khmers who worked together to secure that independence would promise not to celebrate our national day on 9 November and, instead, move the celebrations to 20 July, the date of the signing of the Geneva Accords of 1954.

Here, then, are my questions:

- If the Khmer Vietminh really were responsible for Cambodia's independence, why did the Geneva Conference not grant them a part or sector of Cambodia in which to station their troops and exercise governmental or administrative authority, as it did with the Vietminh in Vietnam and the Pathet Lao in Laos?

The Vietminh were granted part of Vietnam, which has become the "Democratic Republic of Vietnam", with the right to govern that area of Vietnamese territory and have an army there.

[illegible] have friendly relations with all powers, without [illegible], who agree to respect that independence within the limits of the current frontiers of our Kampuchea. Indeed, independence is pointless without territorial integrity, and territorial integrity means nothing without precise frontiers.

If ever there was a country that had territorial claims on other countries, it is Cambodia. But our country agrees, on account of its love of peace, to surrender those claims — on condition, however, that its neighbours and other countries do not contest its current frontiers.

Unfortunately, the Government in Saigon stubbornly refuses to recognize them, even continuing to demand that we surrender to South Vietnam our coastal islands off Kep and Ream.

And Thailand, for its part, refuses to stop laying claim to our Temple of Preah Vihear and the surrounding area.

Finally, for the most part, the other countries, which are not direct neighbours, abandon all sense of justice and, in order to avoid upsetting the Vietnamese and the Thais, refrain from recognizing our frontiers, which are legitimate and legally irrefutable, but contested by our incorrigibly expansionist neighbours.

To date, other than the France of General de Gaulle, no country has yet been willing or able to declare that it recognizes, or even respects, our territorial integrity *within our current frontiers*. This persistent refusal on the part of even our closest friends (with the exception of France) leaves a serious threat hanging over our future. Indeed, we are now, as a result, under no illusions regarding the possibility of our country being able to count on sincere friendship, or even a simple sense of fairness, on the part of the outside world. We are forced to conclude that the world is currently in the process of renouncing all of the moral values that have been a credit to humanity for so long. For today, feelings no longer have any place whatsoever in a materialistic world that feels no pity for the small and the weak. The various forms of friendship, support, solidarity and assistance are now regarded solely as a function of the individual interests of those offering them. What is more, they cannot be blamed for that, since it is “the normal way of things” in today’s world. However, this “way of things”, needs to be recognized and faced up to by *all* of our compatriots.

The 6 million Khmers need to know and always remember that the survival of their homeland can be assured only by their own actions and sacrifices. They should not believe, therefore, that anyone else can love and save Kampuchea in their place. The Vietnamese people, for example, are right to believe that they need, above all, to rely on themselves in order to succeed in standing up to the murderous advances of their American and other aggressors.

Were our country one day to face such mortal peril, our nation would need to be strong enough to confront it. The true strength of a country such as ours, small and poor, with a small population and highly permeable frontiers, lies solely in its national unity.

I have already spent 25 years of my life forging that unity and then working ceaselessly to consolidate it. And just when I thought [. . .]

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## **ANNEX 18**

**United Nations document of 2 March 1967, “Memorandum on the actual situation with regard to the negotiations of the U.N. Mission to Cambodia and Thailand”**



2 March 1967

CONFIDENTIAL

Memorandum

on the actual situation with regard to the negotiations of the U.N.  
Mission to Cambodia and Thailand

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Terms of Reference: To examine with the Governments of Cambodia and Thailand the situation prevailing between them, endeavour to find ways and means of reducing tension in the area and explore the possibilities of resolving whatever problems which may exist between them.

1. From the beginning the Mission principally concentrated its efforts on the re-establishment of Cambodian-Thai diplomatic relations.

2. The Cambodian position has consequently been, and still is, that the precondition for the resumption of diplomatic relations will be the signing of a joint Declaration of the following wording:-

"Cambodia and Thailand decide by common agreement to renew their traditional friendship, to re-establish the diplomatic relations between themselves, while declaring their mutual respect of each other's territorial integrity within the present common borders."

It has been repeatedly affirmed from the Cambodian side that the wording "the present common borders" must be interpreted in a legal sense, i.e. the borders according to the French-Thai Border Conventions of 1904, 1907 and 1946, and also the Judgement of the International Court of Justice regarding the Temple of Phro Viharn, given on 15 June 1962.

3. The Thai position in this matter has been, and still is, that diplomatic relations should at once be re-established without any precondition. The Cambodian proposal of a joint Declaration was unacceptable, especially because of their interpretation of the term "present common borders" and it would inter alia signify that Thailand was ready to give up its protestation and reservation against the Judgement of the International Court of Justice made by letter dated 6 July 1962 to the Secretary-General. Furthermore, such a joint Declaration was unnecessary as Thailand and Cambodia were already bound by the three above-mentioned border treaties. The Cambodian insistence on such a joint Declaration meant that it wished to score a diplomatic triumph with regard to the question of the Temple, which would be inadmissible for Thailand who had only observed the Judgement in compliance with Article 94 of the UN Charter, and not because it could approve it. As a sovereign state it had the right to denounce this Judgement, notwithstanding its obligatory character (letter to the Secretary-General dated 20 January 1967).

4. In order to facilitate the Mission's negotiations, on 5 October 1966 the Thai Government declared itself willing to sign a compromise joint Declaration of the following wording:-

"Thailand and Cambodia have agreed to renew their traditional friendship and to that end to resume diplomatic relations between themselves on the basis of equity, mutual benefit and respect, understanding, co-operation and neighbourly relationship, in accordance with the purposes and principles of the United Nations."

According to Thai opinion, this joint Declaration, by its more general terms and reference to the Charter of the United Nations, could be considered to be founded on a much broader basis than



Article 2, paragraph 4, of the Charter as proposed by Cambodia". The Cambodian proposal was "unmistakably included in the above (Thai) formula as one of the principles of the UN" as it embodied "apart from recognizing the obligation to refrain from the threat or use of force against each other's territorial integrity . . . . . many other essential principles, while leaving untouched other controversial questions".

5. From the Cambodian side this Thai proposal was, and still is, rejected as being too general considering the fact that both <sup>small</sup> and great powers were continually breaking their obligations according to the Charter. It, therefore, must be considered as an absolute prerequisite for Cambodia to have a specific joint Declaration regarding the actual border, especially because of the fact that in Thailand the hope of reconquering the Cambodian provinces of Battambang, Siem Reap and Sisophon (affected with Japanese help 1941-46) still seems to be alive.

6. It should be observed that Cambodia seems to be specially interested in obtaining a joint Declaration regarding the "present common borders" because it might serve as a precedent with regard to the still more controversial Cambodian-Vietnamese border. As a matter of fact, the Cambodian Chief of State has stated his willingness to reopen diplomatic relations with the United States on one condition only: the recognition of the actual Cambodian-Vietnamese border - and consequently the termination of aggressions against that border.

7. Both the Thai and Cambodian Foreign Ministers have declared themselves willing to study new compromise formulas with regard to a joint Declaration. When asked by the Mission to present such formulas themselves, they did not do so. The Mission itself has been advised by experts on Far-Eastern mentality not to present compromise formulas at this stage of negotiation.

8. Taking into consideration the quasi-stalemate with regard to the negotiations for the resumption of diplomatic relations, the Mission appealed to the Cambodian and Thai Governments to try to reach a rapprochement on other points, and presented to them the following list of various questions that seemed suitable for examination (the Mission's letter of 1 November 1966 to the Secretary-General):

#### The Nine Points

1. Opening of consular relations.
2. Inquiry into the possibility of granting visas to the citizens of either of the two countries to visit the other, on condition of reciprocity.
3. Opening of tourist offices.
4. Resumption of railway traffic.
5. Resumption of road communications.
6. Abolition of the restrictions instituted by both Governments with regard to air transit traffic by citizens of each other.
7. Mixed commissions of inquiry into frontier incidents.



8. Measures to be considered with a view to preventing attacks against the other country by media of the press and radio.

9. Agreement on preventing all contraband of archeological objects.

9. Both Governments promised to study these points, but neither of them has presented any other similar points suitable for examination, as asked to do so by the Mission.

10. At an early stage it became clear that neither Thailand nor Cambodia wanted to resume consular relations (Point 1) before re-establishing diplomatic relations. Cambodia expressed the fear that the opening of a Thai Consulate in Phnom Penh would mean that the American CIA would again get a foothold in Cambodia. Only the signing of the joint Declaration proposed by Cambodia could compensate for this or, for that matter, for the establishment of a Thai Embassy in Phnom Penh.

11. The Cambodian reaction to the nine points was given to the Mission during an audience with Prince Sihanouk on 5 December 1966 (Mission's letter to the Secretary-General dated 6 December). It was absolutely negative. The points were said to represent a secondary interest to Cambodia and could only be taken up after the resumption of diplomatic relations.

12. On 19 January 1967 the Thai Government intimated that the Mission could pursue discussions, as far as it was concerned, with the Cambodians on point 8, to seek agreement on the suspension of press and radio attacks, using as a basis the Cambodian-Thai exchange of notes made at United Nations Headquarters on 9 December 1966. Interest was also indicated in point 6, the question of nationals in air transit. A few days later the Mission presented a proposal to the Thai Government concerning this point, which was favourably received (Mission's letter to the Secretary-General dated 15 February 1967).

13. On 15 February the Mission had occasion to inform the Cambodian Foreign Minister personally of the Thai willingness to discuss points 6 and 8. Prince Norodom Phurissari declared himself ready to study these points and to let the Mission have his views. The impression was, however, that they would be negative, as was the unofficial and preliminary oral reply given to the Mission on 25 February.

14. At the time of the Mission's first endeavours to negotiate the resumption of diplomatic relations, it proposed to the Governments the establishment of a Cambodian-Thai Mixed Commission for Investigation of border incidents (report to the Secretary-General of 13 September 1966, page 7).

15. Approval for this proposal was expressed in the Thai memorandum of 27 September 1966 (the Mission's letter of 29 September to the Secretary-General). It was stated that, in fact, such Commissions were already working between Thailand and Malaysia and between Thailand and Burma (texts of the Conventions regulating these Commissions were handed to the Mission).

16. The preliminary reaction on the Cambodian side was rather negative. Fear was expressed that the members of such a Commission would start shooting at each other, and no guarantee of safety could be given (report to the Secretary-General of 13 September 1966, pages 7-8).

17. The question of the creation of a Condominium with regard to the Temple of Phra Viharn has been raised by Thailand during the Mission's negotiations. Taking into consideration the variance of the Thai and Cambodian interpretation of the wording "present common borders" and the risk of a

new severing of diplomatic relations because of that, the Thai Government in its already-mentioned memorandum of 27 September 1966 formulated the following suggestion (Mission's letter to the Secretary-General dated 29 September 1966):-

"2. (3) Therefore, to avoid disputes which might arise in future, and to pave the way for the resumption of traditional friendship on the basis of good understanding and mutual sympathy, which would be valuable to the co-operation between the two countries and for the region as a whole, as well as to ensure long-lasting friendship, the Thai side might propose to Ambassador de Ribbing that since the ruined Temple of Phra Viharn is, according to repeated statements by the Cambodian leader, an international shrine which should be open to worshippers from both countries freely to come to pay their respect, an agreed condominium between Thailand and Cambodia over the Temple of Phra Viharn would appear to provide the best guarantee of durable neighbourly relations between the two countries."

In the Thai Government's memorandum of 5 October 1966 this suggestion was repeated in similar terms (Mission's letter to the Secretary-General dated 6 October 1966).

18. At an early stage of the Mission's negotiations it was pointed out from the Cambodian side that prior to taking the question of the Temple to the International Court of Justice the Cambodian Government had suggested to the Thais that a condominium should be created. At that time the Thai Government showed no interest in this. When later in October and again in December the Mission tentatively raised the question of creating a condominium with the Cambodian Government it was emphatically declared that such a solution would be wholly out of the question since the Court had declared the Temple as belonging to Cambodia. The Cambodian Government was anxious, however, to give the Thais all facilities for visiting the Temple, but only by unilateral action, once relations between the two countries were stabilized. Prime Minister General Lon Nol conceded personally, however, that the question of a condominium could, perhaps, be discussed in the future when Khmer-Thai real friendship had been well established.

19. On several minor points (see below under 20-23) Cambodian-Thai agreement seems to exist (Thai Government memorandum of 27 September 1966).

20. Both Governments agree, on condition of reciprocity, not to claim any indemnities from the other Party in respect of damages resulting from border incidents.

21. Thailand has no objection to the Cambodian proposal to send a plenipotentiary, on the level of the Prime Minister, to head the Cambodian delegation to negotiate with a Thai team in Thailand headed by a corresponding top-level negotiator.

22. Both Governments seem to agree to the revival, in connexion with the resumption of diplomatic relations, of the Four Agreements embodied in the Exchange of Letters done in New York under the aegis of the United Nations on 9 and 15 December 1960, regarding the prevention of attacks by the media of press and radio, etc.

23. Thailand has no objection to the Cambodian proposal of Ambassador de Ribbing's presence during the Thai-Cambodian negotiations alluded to under 21.



24. During the negotiations it has furthermore been made clear by the Cambodian Government that it considers itself bound by the right of the Thai Government to apply for revision of a judgement given by the International Court of Justice according to Article 61 of the Statute of the Court - which right in regard to the judgement on the Temple of Phra Viharn lapses on 14 June 1972.



## **ANNEX 19**

**Account of Prince Sihanouk's press conference of 22 October 1967**



## ANNEX 19

### Account of Prince Sihanouk's press conference of 22 October 1967

*[Translation]*

- Three-month extension to de Ribbing's mission, with a further three months if the Thais remain quiet
- All steps taken to ensure the safety and peace of mind of Mrs. Kennedy
- No more trade with Japan if it continues to ignore our frontiers
- 20 days in Cambodia for journalists

#### Phnom Penh, 22 October 1967

In the course of a press conference on the evening of Sunday 22 October 1967 at the Kantha Bopha palace, the Head of State, in the presence of Acting Minister for Foreign Affairs Nguon Chhay Kry, spoke with representatives of the "Agence France Presse", "Reuters" and "Agence Khmère de Presse" news agencies about the following issues:

#### **De Ribbing's mission and its extension**

In a written note given to Samdech Norodom Sihanouk by Mr. Herbert de Ribbing, his personal representative in Cambodia and Thailand, Mr. Thant, Secretary-General of the United Nations, expresses in strong terms his disappointment at the letter from the Royal Khmer Government asking that Mr. de Ribbing's mission not be extended when it comes to an end on 15 November.

Although he has no intention of in any way opposing the decision by Cambodia, which is a sovereign State, the Secretary-General of the United Nations believes that the mission still has a useful role to play and would like it to continue. If the Cambodian decision is based on financial considerations, Mr. Thant promises to look for ways of alleviating the burden on Cambodia.

At the request of its author, Samdech will not publish the note in question. He considers, however, that it is his duty to inform the public and the international community of its existence in order to put a stop to any speculation at Cambodia's expense.

It should be said, first of all, that Cambodia asked for the mission not to be extended because it was not managing to find common ground between the two countries in question and, what is more, was in no way preventing the Thais from carrying out incessant attacks on our frontiers.

The mission's operating costs are to be divided equally between Thailand and Cambodia. Since it was first established, the mission has cost Cambodia US\$44,000, the equivalent of two million riels in hard currency.

That is a very heavy burden for Cambodia, which is poor — very poor. However, it is not a burden at all for Thailand, which, having sold itself to the enormously wealthy Americans, is very rich. What weapons and ammunition could we have bought with US\$44,000 in order to defend ourselves against the Thais?

Peace, however, is priceless, and we would gladly pay 100 times as much if we could secure lasting peace between our neighbours and us. His Excellency U Thant and Mr. de Ribbing, and through them, the international community, should know that Thailand requested — for it was them who requested this — the [illegible] of de Ribbing's mission in order to *use that as security, as cover to conceal the crimes committed on Cambodia's frontiers by the Thai army and by the Khmer Serei*, who are supported, equipped and armed by Thailand.

During Mr. Nils G. Gussing's mission, the mission that preceded that of Mr. de Ribbing, things were different. Firstly, that mission, which was smaller in scale than the current one, cost less, and while Mr. Gussing was present the Thais suspended their attacks on Cambodia's frontiers. Those attacks began again once the Thais' request that Nils Gussing's mission be brought to an end had been granted.

Today, the opposite is true. The Thais use de Ribbing's mission as a guarantee of their good-will towards their Cambodian neighbour and, under the cover of that guarantee, assassinate that neighbour. The Thai navy is bombarding the coastal region in Koh Kong province and Thai artillery is bombarding border areas in Battambang and Oddor Meanchey, while the Khmer Serei are laying mines in those same areas, which are killing indiscriminately: both civilians and military personnel; both peasants and provincial guards.

The Thais are still daring to claim that the loss of life that they are inflicting on Cambodia is the result of a rebellion plaguing this country, a rebellion against the Sihanouk régime by the Khmer Serei, who live on Cambodian soil. And yet, all informed observers know that there is not one member of the Khmer Serei in Cambodia. If, by chance, one were to venture into Cambodia, he would be at considerable risk of dying there, with peasants either killing him themselves or handing him over to the authorities.

The Khmer Serei, we [illegible] too, live in Thailand, being supported, paid, equipped and armed by the Thais so that they can come and carry out attacks in Cambodian territory close to the frontier, from which those traitors rarely stray far.

#### **New proposal by Mr. Thanat Khoman concerning Cambodia's frontiers**

Mr. de Ribbing also conveys to the Head of State a new proposal by Mr. Thanat Khoman, Thailand's Minister for Foreign Affairs, regarding the Khmero-Thai frontier. Thailand, that declaration says, respects the two countries' common frontier as currently defined by the treaties, but reserves the right to have recourse to international organizations in order to have that frontier revised in its favour were international law to permit such a revision.

Samdech states, in essence, that it goes without saying that, should the need arise, Thailand would be able to rely on all of the advantages and guarantees that all civilized nations enjoy under international law. However, there is no point in addressing rights that are enjoyed by everyone and cannot be contested by Cambodia in the declaration recognizing Cambodia's current frontiers that Cambodia requires from Thailand in order to resume friendly relations with it.

#### **Preah Vihear cannot be shared with Thailand or made neutral**

Mr. de Ribbing, doubtless at Bangkok's instigation, "sounds out" the Head of State on two questions that are surprising to say the least: Would you accept Preah Vihear being shared by Cambodia and Thailand? If not, would you accept it being made neutral?

Samdech's response is that Preah Vihear is not Jerusalem and there is no question of it being either shared with Thailand or made neutral like another Republic of Andorra.



Aside from the fact that the International Court of Justice in The Hague has already issued a ruling and there is no going back on decisions made with the force of *res judicata*, the country's territorial integrity should not be brought into question. All around Preah Vihear, the Thais have, by laying barbed wire around it, kept the strip of land that runs between the base of the Temple and the frontier, which lies several metres away as intended by the treaties reaffirmed by the decision of the International Court of Justice. There is no question of their being accorded any further advantages in the interests of being kind and facilitating the re-establishment of relations with them.

On the contrary, the Thais must return to us the land situated between the ruins of Preah Vihear and the frontier line.

Will France share Deauville and Nice with its neighbours across the Channel in order to please the English who are fond of those two towns? As for making Preah Vihear neutral, why not then make Siemreap Angkor neutral, and then Phnom Penh? Preah Vihear is a Khmer temple situated, according to the treaties, in Cambodia, and there is no reason for Cambodia not to retain full ownership without sharing it.

Both in Bangkok and Phnom Penh, Mr. de Ribbing says, all that people want is reconciliation between the two countries. It seems, therefore, says Samdech, that the only obstacle to this is Sihanouk. And yet, if Mr. de Ribbing had left the capital to find out what the population as a whole thinks, he would know that the people are in complete agreement with Sihanouk and will not accept any compromise with Thailand that affects the frontiers and integrity of Khmer territory. The only people who really want the prompt re-establishment of relations with Bangkok at any price are those who want to be able to go there to traffic goods or enjoy themselves, and they are traitors to their Khmer homeland.

As a sign of his regard and admiration for Mr. Thant, and out of regard also for Mr. de Ribbing, Samdech agrees to a three-month extension to de Ribbing's mission — i.e., for the period from 15 November 1967 to 15 February 1968. That mission will then be *extended by a further three months in three months' time if the Thais and their protégés the Khmer Serei suspend their attacks* on our frontiers . . . since it is peace that we want most, the Head of State concludes, and one cannot put a price on that.

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## **ANNEX 20**

**Account of Prince Sihanouk's press conference of 31 July 1967,  
"Preah Vihear still claimed by Thailand"**



## ANNEX 20

### Account of Prince Sihanouk's press conference of 31 July 1967, "Preah Vihear still claimed by Thailand"

[Translation]

PRESS CONFERENCE:

- AUSTRALIA AND CAMBODIA'S CURRENT FRONTIERS
- FATE OF AMERICAN PRISONERS HELD BY THE NATIONAL LIBERATION FRONT
- PREAH VIHEAR STILL CLAIMED BY THAILAND

Phnom Penh, 31 July 1967

1. Australia's position with regard to Cambodia's current frontiers
2. Fate of the American prisoners held by the National Front for the Liberation of South Vietnam
3. Thailand continuing to lay claim to Preah Vihear

These were the three issues addressed on Monday 31 July 1967 by Samdech, Head of State, in the presence of representatives of Agence France Presse, Reuters and Agence Khmère de Presse at a press conference held at midday in the conference hall of the Chamcar Mon State palace.

#### **I. Official translation of the press statement issued by Australia's Minister for Foreign Affairs**

Samdech begins by reading, in English, the statement made to the press in Canberra on 25 July 1967 by Mr. Paul Hasluck, Australia's Minister for Foreign Affairs. The unofficial translation of that statement reads:

"In response to the questions put to him in relation to a statement made yesterday by Prince Sihanouk concerning relations between Cambodia and [illegible] yet been received from the Royal Cambodian Government on this matter.

Mr. Hasluck recalled that on 8 July, in response to a request by the Cambodian Government, Australia's ambassador in Phnom Penh had conveyed to Cambodia's Minister for Foreign Affairs a letter confirming that Australia respects Cambodia's territorial integrity within its current frontiers. The terms of that letter were identical to those used by France, Singapore and the Soviet Union in similar declarations made previously. Before the Australian declaration was conveyed, it was explained to the Cambodian Government that this declaration did not mean that Australia had taken a position on the definition and precise location of Cambodia's frontiers, since this was a matter for Cambodia and its neighbours. The Australian ambassador had understood from the Cambodian Government that a declaration made on that basis would be acceptable to Cambodia. Prince Sihanouk and Cambodia's Minister for Foreign Affairs then welcomed the Australian declaration.

Mr. Hasluck said that reports received from Phnom Penh indicated that the Cambodian Government was currently seeking to obtain statements from other countries declaring their recognition of and respect for Cambodia's current frontiers. In certain regions, the exact location of those frontiers had not been definitively established on maps or on the ground. Australia respects and will continue to respect the territorial integrity and frontiers of Cambodia and its neighbours, but cannot commit itself on the question of the exact location of the frontier in certain regions in the absence of detailed knowledge regarding the maps and the terrain itself. The Australian declaration did not involve or commit [illegible]. Mr. Hasluck again affirmed the Australian Government's [illegible] desire to maintain its good relations with Cambodia."

Samdech says that this declaration invites as much comment regarding other countries as it does regarding Australia.

Recalling that the letter from the Australian Government confirming that Australia respects Cambodia's territorial integrity within its current frontiers was formulated in terms identical to those already used by France, Singapore and the Soviet Union, Mr. Hasluck appears to wonder why the Cambodian Government, having accepted the declarations made by those three countries, did not accept that made by Australia.

After explaining that Singapore and Cambodia had signed a joint declaration in which the two Governments concerned acknowledged their mutual respect for their respective current frontiers, Samdech remarks that France, the Soviet Union and Singapore did not follow their declarations with reservations and restrictions. Only Australia did that.

Moreover, Cambodia has since requested formal recognition of its frontiers.

Samdech says, in this regard, that he is pleased to announce that Peking has just responded to this request, the first to do so, informing the Cambodian Government that respect for Cambodia's current frontiers should also be taken to mean recognition thereof.

### **Two prior — and absurd — questions**

Mr. Hasluck says: "Before the Australian declaration was conveyed, it was explained to the Cambodian Government that this declaration did not mean that Australia had taken a position on the definition and precise location of Cambodia's frontiers [ . . . ]. The Australian ambassador had understood from the Cambodian Government that a declaration made on that basis would be acceptable to Cambodia."

How could the Cambodian Government have gone along with that? In order to get the Khmer Government to accept it, the Australian ambassador asked it two questions to that end.

The response given to those questions is the subject of the Head of State's signed editorial in July's issue of "Kambuja", which will appear shortly. Samdech reads it out:

"Countries of the 'free' world, white 'Asian' States, are adopting a position that I consider scandalous with regard to our territorial integrity. Indeed, they have just asked us two questions prior to a possible declaration expressing 'respect' for our current frontiers.

The first question is: 'Is Cambodia suggesting and acknowledging that, notwithstanding this declaration, the way remains open for negotiations regarding the delimitation of those same frontiers with its neighbours?'

It is clear that our response can only be 'no'. The question posed is, moreover, absurd. Indeed, we are asking that our frontiers be frozen in order to achieve peace and secure a guarantee protecting us against the habitual expansionism of our neighbours. But while we were careful to adopt the language of law [illegible] historical and other rights, it is clear to everyone that this freezing of frontiers is favourable to neighbouring countries, not to Cambodia. The National Front for the Liberation of South Vietnam and the Democratic Republic of Vietnam are perfectly aware of that . . .

Thus, these countries of the 'free' world, or white Asian countries, strive to provide us with illusory satisfaction, while assuring their allies in Saigon and Bangkok that they will have opportunities to put the issue of Cambodia's frontiers back on the table. That manoeuvre is, in reality, entirely transparent.

As regards Vietnam, I would like to point out that we have already recognized, *de jure*, the National Liberation Front and the Democratic Republic of Vietnam as the sole representatives of Vietnam. There is therefore no question of our discussing frontiers with the Saigon régime, which has, in our eyes, ceased to exist from a legal perspective.

As for Thailand, is it necessary to repeat once again that, before bringing the case of Preah Vihear before the International Court of Justice, we proposed the joint administration of that major religious site, on the sole condition that Cambodia's sovereignty was recognized? The Government in Bangkok categorically rejected that proposal and agreed to have the ICJ decide the matter.

When, in the months that followed, we found ourselves before the Court in The Hague, Prince Wongsamahip, Thailand's representative, proposed that we never contest the forthcoming judgment, regardless of its nature. Cambodia solemnly agreed to this proposal. But when the ICJ confirmed Khmer sovereignty over Preah Vihear, the Thais broke their promise and refused to accept the Court's decision.

So, Thailand agreed to recognize the competence and authority of the ICJ and then pledged to comply with its decision, only to then declare, ultimately, that it considered itself free of all commitments. Thailand's promises were linked, as we know, to the absolute conviction that the western countries represented in The Hague were in a position, politically, to ensure that its unjust cause triumphed.

Contrary to the claims of the western Governments that have not recognized the Khmero-Thai frontier, this is not a question of siding with Phnom Penh against Bangkok or vice versa. It is not a question of acting kindly, or not, towards Cambodia or Thailand. It is simply a choice between, on the one side, international law, the Charter of the United Nations and respect for the highest international court, and on the other side, the law of the jungle.

Today, the Thais seek to propagate the theory that the current frontier between Cambodia and Thailand was 'mapped out and imposed by French colonialists'. And yet, that frontier was confirmed in 1947 by the Washington Conciliation Commission, which comprised the United States, Great Britain and . . . Peru. France did not feature, so could not impose anything on Thailand. But the fact is that Thailand's leaders, highly compromised by their alliance with Japan's fascists, were keen to clear their name and get back in favour with the British, Americans and others by showing respect for treaties that they had violated just a few years earlier.

Everyone knows that the Siamese are constant in their piratical cynicism, just waiting for the right moment to seize the land of their Cambodian, Lao, Burmese and Malay neighbours. It is therefore shameful that certain powers in the 'free' or 'neutralist' world leave the way open, or even open it, for these Thai pirates.

The second question asked by these westerners is even more stupid than the first. They ask us 'if Cambodia would agree to them issuing a parallel declaration on their respect for the Khmero-Thai and Khmero-South Vietnamese frontiers in the event that Bangkok and Saigon asked them for such a favour . . .

There are effectively two possibilities here. Either Nguyen Cao Ky and Thanom Kittikachorn request a declaration of respect for the current frontiers, which is highly unlikely and impossible, given the renewed territorial claims that have just been made. Cambodia, of course, would have no problem with that at all!

Or they request a declaration of respect for frontiers that match their expansionist aims — that is to say, frontiers that annex our coastal islands and place as many Khmer villages as possible in South Vietnam, and place Preah Vihear and other Khmer land in Thailand.

Unless the world has gone mad, how could one imagine that a government, *a fortiori* of western race and civilization, so with a certain degree of logic, could declare that it recognized or respected two different paths for the same frontier at the same time? We are distraught at the idea that anyone could accept such a contradiction and appalled that they would think that Cambodia was willing to participate in that ridiculous game. And yet, it is western countries with geographical ties to Asia that have not hesitated to submit to our Government the two questions that I have been at pains to outline to my readers. I will leave those readers to draw their own conclusions.

NORODOM SIHANOUK.”

The Head of State explains that, by current frontiers, he means those within which Cambodian sovereignty is exercised.

Regardless of what Mr. Hasluck says, there are maps of Cambodia. Those maps were drawn up by the French at the time of the protectorate. It was also the French themselves who mapped out the frontier between Cambodia and South Vietnam (formerly Cochin-China).

At the time, that frontier was marked out, but . . . Ngo Dinh Diem's soldiers subsequently took it upon themselves to move it. We recall that in 1958, in the province of Stung Treng, those markers were moved back 4 km into Cambodian territory.

Nevertheless, in the absence of markers, the maps remain, which the Khmer Government makes available to countries interested in Cambodia's frontiers. It should also be noted that while, on the Vietnamese side, the frontier was delimited unilaterally by the French, on the Thai side, the frontier was the subject of international treaties.

### **The test of friendship**

In all honesty, this issue of frontiers has allowed Cambodia to see the real sentiments of those who profess to be its friends. Thus far, we note that all of the countries aligned with the Americans have refused to do as Cambodia asks.



Australia's illusory declaration of respect for Cambodia's current frontiers following agreements with Bangkok, Saigon and Washington was, in fact, made solely with the aim of keeping open the Australian embassy in Phnom Penh, an antenna serving the Americans and their allies.

Cambodia cannot be fooled. And it remains understood that Cambodia will maintain friendly relations only with those countries that formally recognize its current frontiers.

In response to the AFP correspondent Mr. Jean Barré, who asks whether the less rigid formulation "respect for territory placed under Cambodian sovereignty" could not be substituted for "recognition of the current frontiers", Samdech says that the exercise of sovereignty can be called into question, at a given point, by enemy units making an incursion, while the current frontiers themselves cannot be altered.

Samdech says that, ultimately, our so-called friends have a choice: law or the law of the jungle.

### **The fate of the Americans taken prisoner by the National Front for the Liberation of South Vietnam**

Samdech reads a letter dated 19 July 1967 from Mr. Nguyen Huu Tho, President of the Presidium of the Central Committee of the National Liberation Front in South Vietnam, a letter that has been conveyed to him by the National Liberation Front's representative in Phnom Penh:

"Samdech,

In response to your letter of 29 June 1967, I reaffirm the terms of my own letter dated 15 August 1966, in which I gave you information regarding the health of G. Hertz. There have been no new developments since then. I also confirm that, regardless of the atrocious crimes perpetrated against the Vietnamese people on a daily basis by the American aggressors and their lackeys, as well as the vile treatment reserved for Vietnamese patriots falling into their hands, we invariably pursue a policy of humanity with regard to our prisoners. Fighting for a just cause, we adopt neither the despicable behaviour nor the hypocritical attitude of our enemies. Although on 24 June and 26 September 1965, the Front found itself obliged to mete out well-deserved punishment to Arnett, Versace and Noraback, that was because the American aggressors and the puppet Government in Saigon had tortured Vietnamese patriots in an extremely barbaric manner in Saigon and Da Nang, despite our warnings, and because the above-mentioned individuals personally committed serious crimes against the people. However, the Front made public the decision taken in respect of Arnett, Versace and Noraback at the time.

As for Ramsey, the terms of the declaration of 12 June 1967 by the Command of the Armed Forces of Liberation make it sufficiently clear that he remains alive. His fate depends on the conduct of the American imperialists and their lackeys following the warning of 12 June 1967.

Finally, I must also confirm that, despite our policy of humanity with regard to prisoners, we cannot grant any special treatment to individuals such as Hertz and Ramsey.

Understanding and admiring the spirit of humanity and generosity that has led you to respond to the prayers of the Hertz and Ramsey families, I hope that this letter will fully satisfy you.

Yours sincerely,

*(Signed)* NGUYEN HUU THO.”

Samdech explains that his friendship with Presidents Ho Chi Minh and Nguyen Huu Tho, friendship that he is criticized for by the Americans, is sometimes to their advantage. That friendship has saved a number of American lives, and today it means that they can have news of Americans held prisoner by the Front.

Samdech says that, in this case, all he did was respond to an appeal by a sobbing wife and children, and he does not expect any recognition from the Americans. He would have liked, however, for their press to show him some respect. Unfortunately, that has not been the case.

Devoting a long article, dated 21 July 1967, to the “secret fight to free Vietcong prisoner Gust. Hertz”, the magazine “Life” writes: “A year ago, Schwartz appealed ‘on a humanitarian basis’ for definite news of Hertz from the erratic Prince Sihanouk of Cambodia, who has established formal diplomatic relations with the NLF.”

Look at how the Americans behave after making use of Sihanouk’s good offices!

### **Thailand and Preah Vihear**

In declaring that Thailand intends, by peaceful means, to have recognized its rights in respect of Preah Vihear, the Minister for Foreign Affairs, Mr. Thanat Khoman, has invalidated all of his previous declarations, which stated that Thailand had no territorial claims to make against Cambodia.

With diplomatic relations with Thailand having been broken off on account of Preah Vihear, those relations cannot be re-established while the Thais continue to lay claim to the Temple.

“It is not through any lack of good-will on my part”, says Samdech, that reconciliation with our neighbours is not possible.

The Head of State then remarks on the “insinuations by the left”, which rejects any accommodation of either Thailand or America. In his editorial dated Monday 31 July 1967 in “La Nouvelle Dépêche”, entitled “General de Gaulle: a great statesman”, he writes: “In fighting the American hegemony, they (the General’s policies) also protect the interests of developing nations from its abuses. It is those policies that make a nation great, not the other way around.”

Samdech declares that he has only ever sought conciliation in the well-understood interests of his country. Even in his anti-Americanism, his only concern is the interests of Cambodia, not those of the communist strategy.

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## **ANNEX 21**

**Corrections made by Prince Sihanouk on 30 September 1967 “concerning two articles, one in the American press and the other in Singapore’s pro-Peking press, which have come together to impugn the neutrality of Cambodia and Sihanouk”**



## ANNEX 21

### **Corrections made by Prince Sihanouk on 30 September 1967 “concerning two articles, one in the American press and the other in Singapore’s pro-Peking press, which have come together to impugn the neutrality of Cambodia and Sihanouk”**

*[Translation]*

#### **Chamcar Mon State palace, 30 September 1967**

Until Samdech adopted a strong stance in the face of the recent Chinese interference in Cambodia’s domestic politics, only the American press and, with it, the press of the “free” world that supports American imperialism questioned the neutrality of Prince Sihanouk, with both accusing him of being a false neutral, pro-communist and pro-China.

When Samdech put a stop to the Cultural Revolution’s intrusion into Khmer territory and the anti-national behaviour of the small number of Cambodians who had rallied behind the ideology of that revolution, it gave the American press a new ally.

Disconcerted and vexed by Sihanouk’s attitude, which has just put an end to the subversive actions of pro-Chinese Cambodians, China is, in its external press (that published in Singapore, in this case), now also attacking Khmer neutrality. According to that press, Cambodia, in picking a quarrel with China, is preparing to join America.

For its part, the American press, while still refusing to recognize Sihanouk as a true neutral, attributes Sihanouk’s change of attitude with regard to the Chinese to fear of the Americans.

Despite the fact that events every day give the lie to that vain hypothesis, that press continues to believe in an American victory in Vietnam, so it claims that it is the [illegible] determination to remain in south-east Asia, regardless of the cost, that is dictating Sihanouk’s behaviour. Fearing that he will soon be alone, face to face with a victorious America, the Prince, the press says, is now seeking friendship with America by distancing himself from Peking.

In a press conference held on the evening of Friday 29 September 1967 in the conference hall of the Chamcar Mon State palace in the presence of Son Sann, Prime Minister in the Royal Government, and Tep Chhieu Kheng, Under-Secretary of State to the President of the Council with responsibility for the press, as well as the usual representatives of the “Agence France Presse”, “Reuters” and “Agence Khmère de Presse” news agencies, Samdech, Head of State, commented on two recent articles, one appearing in “The New York Times” on 15 September and the second appearing in “Sin Chew Jih Poh” in Singapore on 18 September, again clarifying Cambodia’s position with regard to America on the one hand and China on the other.

Cambodia’s position vis-à-vis the former remains entirely unchanged and will remain so for as long as the United States maintains its hostile attitude towards Cambodia, refusing to recognize its current frontiers and failing to put an end to the incessant violation of those frontiers by American and South Vietnamese forces.

Cambodia’s position vis-à-vis the latter has altered solely on account of the attitude of China, which, since the Cultural Revolution, has stopped respecting Cambodia’s internal affairs, thereby ceasing to respect the first of the Five Principles of Peaceful Coexistence adopted in Bandung.

Regardless of what the American press says, Sihanouk is in no way the impetuous and unpredictable Prince that the press so often make him out to be.

On the contrary, [illegible] and informed observers can see that Samdech is merely applying a policy of reciprocity, which in no way runs counter to his observing a policy of strict neutrality, a neutrality that moves neither to the right nor to the left.

International opinion needs to be aware of that.

### **What does “The New York Times” say?**

Under the heading “Cambodia Is Believed Veering Away From Peking”, the author of the article, John W. Finney, writes:

“WASHINGTON, Sept. 14

Prince Norodom Sihanouk, the Cambodian chief of state, appears to United States observers to be veering away from Communist China and assuming a more neutralist position. This, they say, may permit an eventual diplomatic reconciliation with the United States.”

In response to this passage, Samdech says, in essence, that international opinion needs to understand that Cambodia is not in any way linking the problems caused to it by China with those caused to it by the United States of America. As long as the United States refuses to recognize our current frontiers and fails entirely to prevent its forces and those of South Vietnam from violating those frontiers, there is no question of our seeking rapprochement with it, even if China — and this is not something that we envisage in any way; this is to show just how determined we are — even if China went to war with us.

Whether these anti-Peking gestures were prompted by domestic political tensions, were influenced by the course of the Vietnam war or were simply impetuous moves by the unpredictable Prince remains unclear to analysts here . . .

#### Significance not clear

United States officials are not sure how much significance to attach to the recall of the Cambodian diplomats, a move Prince Sihanouk explained was designed to protect them against possible demonstrations at the Cambodian embassy in Peking.”

Which part of our behaviour is not clear? With the Chinese having acted in an unfriendly manner towards us, we sought to signal our discontent by recalling our ambassador to Peking. You would have to be an idiot not to understand.

“What does seem clear to United States officials, however, is that the Prince’s moves fit into a developing pattern of a gradual deterioration over the last year or so of the once close relations between Cambodia and China and reflect a re-evaluation of his part of developments in Southeast Asia.”

The evolution of the situation in south-east Asia has nothing to do with our actions in relation to China. America’s presence in Vietnam and the supposed increase in its military might do not intimidate us in any way.

Moreover, Cambodia does not believe that the United States will prevail, regardless of the means that they deploy. Sihanouk, for his part, is betting not on America but on his people, on the Khmer people, on his clergy and on his vibrant youth.

“To a large extent, it is believed here, Prince Sihanouk’s moves have been dictated by a desire to maintain a neutral position domestically and to reduce some of the political tensions in his country. If he is turning away from Peking, analysts here believe, it is partly because he has been provoked by the increasingly belligerent anti-Government activities of some pro-Peking leftist groups in his country, particularly in the three northern provinces, and annoyed by the criticism in some Cambodian ranks over his apparent failure to crack down on the leftist groups.”

Aside from the fact that, rather than three provinces, it is only the Samlaut region, in Battambang, that has had problems with the Khmer Vietminh, it is entirely wrong to link the problems in Samlaut with the decision to dissolve the Khmero-Chinese Friendship Association. Indeed, that decision, which was triggered by subversive activities made possible by that association, was taken long after the return of calm and the easing of tensions in the Samlaut region. But just as he does not fear leftist elements in Cambodia, Samdech does not fear those on the right either, and they, too, have very recently been put in their place.

“Prince Sihanouk also may be responding to elements of domestic discontent, which have now reached the point where there is no longer unquestioning response to his leadership.”

Since we rejected their assistance, the Americans have been waiting for our economy to collapse. However, while it is not flourishing, it is not in its death throes either.

What country does not have its difficulties? Ours are healthy, healthy in that they result from our desire to live independently without recourse to external assistance, assistance that would have the effect of polluting our régime.

The Americans should not be under any illusions. Neither the army nor the police regrets not having their assistance, for they know what that assistance means for the country receiving it. The example of Vietnam is very close at hand.

“Appraisal has changed

To a certain extent, however, it is believed Prince Sihanouk’s actions have been influenced by a changing appraisal of the tide of power in Southeast Asia.

This seems to have prompted him to modify his tactics in achieving his objective of guaranteeing the neutrality and territorial integrity of Cambodia.

When the Prince broke with the United States, he apparently believed China would achieve predominant influence in Southeast Asia and that North Vietnam would conquer South Vietnam. In an apparent attempt to preserve the neutrality of his country against Chinese domination, he took a progressively harsher line toward the United States and leaned more toward Peking and Hanoi.”

How is it conceivable that Cambodia turned towards Peking and Hanoi in order to save its régime, which is a monarchy? Cambodia has only ever practised a policy of reciprocity. We remained on friendly terms with Peking for as long as it acted in a friendly manner towards us. We are still on friendly terms with Hanoi, since Hanoi has given us no reason to end that friendship.

What have the Americans given us? The bombing of our frontier villages, support for those who betray us, the likes of Dap Chhuon, Sam Sary and the Khmer Serei, the refusal to recognize our frontiers . . .

Will we now turn to them out of opportunism because, it seems, we are seeing their power “grow” in south-east Asia?

Certainly not. We will only consent to rapprochement with them if they fulfil the two above-mentioned conditions demanded of them.

“Prince Sihanouk apparently believes now that the war in Vietnam is going to be more protracted than he had presumed a couple of years ago. He apparently feels there will be a continuing United States presence in Southeast Asia, which will have the effect of postponing the day when he has to worry about the power of Communist China or a unified Vietnam. This, in turn, seems to have made him feel free to say uncomplimentary things about Communist China and to mute his criticism of the United States.”

The response to that is that, without the provocation of the Cultural Revolution, Cambodia would still feel nothing but friendship for China. It is not the presence of the Americans and the possibility of an American victory — which Cambodia does not believe will happen in any case — that has caused Cambodia to cool relations with Peking.

It is solely the actions of Peking itself, the likes of Hu Nim and Phouk Chhay, and the activities of pro-Chinese Cambodians within the old Khmero-Chinese Friendship Association that have led to the relaxing of the friendship between Cambodia and China.

By smugly claiming that the spread of their power has dictated the actions of Cambodia and Sihanouk with regard to China, the Americans simply make themselves look ridiculous and obnoxious.

It should also be said that the position of China vis-à-vis Cambodia and Cambodia’s reaction deprive the Americans of one of the pretexts for attacking us under their plan. They can now no longer argue that we are “colluding” with Peking in order to send their forces and bombers into our territory.

If they believe they can have us, Samdech concludes, our response is in the form of a single word — that of Cambronne!

**The “Sin Chew Jih Poh”, published in Singapore, attacks Sihanouk and Cambodia using the same arguments as “The New York Times”**

We provide here the French translation (translated by Mr. J. Barré from AFP) of the English text read by the Head of State. Under the heading “China and Cambodia move apart”, the newspaper’s editorial of 18 September 1967 reads:

“Cambodia has quarrelled with China. On the 11th of this month, Prince Sihanouk, Head of State, accused China of intervening in Cambodia’s domestic affairs. The following day, the authorities in Phnom Penh decided to recall their ambassador to Peking. This was denied by the Cambodian embassy in Paris, but it was ultimately confirmed that the authorities in Phnom Penh had in fact asked all of their diplomats in Peking to return — with the exception of one sole individual, who would stay and guard the chancellery.



Thus, while diplomatic relations between the two countries have not been broken off immediately, they have already been frozen. What will happen to Cambodia? This is somewhat difficult to predict, since the evolution of Cambodian diplomacy does not adhere to logic. It depends, above all, on Sihanouk’s mood. As a result, it is like passing clouds: impossible to grasp.”

One would think one was reading “The New York Times” or “Newsweek”.

“However, we have been predicting for some time that Sihanouk would choose this path. Our editorial of 17 April 1967 contained this prediction: ‘the Prince is using the Khmer Rouge revolt as an excuse to declare a state of emergency, in order to get rid of Lon Nol’s cabinet, which was elected by the people, and allow his own Counter-Government to take political power in that country’.”

Here, then, is a Chinese journalist defending Lon Nol’s cabinet — elected, he explains, by the people. The journalist who wrote the editorial claims that, by forming a new Government to replace that of General Lon Nol, Prince Sihanouk committed a coup d’état against the members of the Sangkum — that is to say, members elected as representatives of Samdech, President of the Sangkum! That is truly absurd!

While Peking supports a rightist former government, we also see the Khmer Serei supporting the Khmer Rouge. What we see here is the enemies of Sihanouk — the “revisionist” Sihanouk — colluding, joining forces in order to get rid of him.

“Our editorial of 1 May . . . also contained this prediction: ‘Cambodia is currently preparing to change, with the percentage of people leaning to the right (80-90 per cent) surpassing the percentage leaning to the left.’ Given the current relations between China and Cambodia, that prediction has proved accurate.

Prince Sihanouk himself is certainly still doing all he can to conceal his rightist leanings. Before recalling his ambassador to Peking, he quarrelled with Canberra. Using as a pretext the fact that Australian newspapers had published reports claiming that both China and Russia were using the port of Sihanoukville to transport arms and supplies to the Vietcong, Prince Sihanouk recalled his ambassador to Australia. We understand now that this was a smokescreen to conceal his rightist tendencies. He was using his old ploy: sound out the east and attack the west . . .”

We really do not understand how Sihanouk, leaning to the right, as the editorialist suggests, could have been in conflict with Lon Nol’s cabinet, which was a rightist cabinet. As for the quarrel with Canberra, we know that it stemmed not from any transporting of arms and supplies destined for the Vietcong, but from a simple letter from Samdech responding to a group of students at the University of Melbourne.

“The dissolution of the Sino-Cambodian friendship association, the ban on importing Chinese books into Cambodia, the limits on Chinese schools in Cambodia, the permanent closure of Chinese newspapers and restrictions on the activities of non-Cambodian Chinese: these anti-Chinese actions constitute the Khmer domestic affairs in which China has no right to interfere.

In order to conceal his rightist leanings, Prince Sihanouk has also made reference to General de Gaulle, who, according to him, is the ‘greatest friend of the countries of south-east Asia’, and the Prince has described himself as ‘Gaullist’.

.....

The definition of neutrality is, of course, very vague, because the supposed confrontation between the eastern and western blocs has now ended. Moscow's gradual submission to America has created a unilateral situation in the world. As a result, even de Gaulle himself is no longer neutral. Today, his foreign policy has two main objectives: make every effort possible to support the Kremlin as it totters around, in the hope that it will remain upright and maintain the global balance of power, so that the entire world is not monopolized by one single country — America. And fight for unity among the countries of Europe with the aim of creating a 'third power' in order to avoid being dragged into an inevitable war crisis, a situation that could easily be triggered by a monopolistic country.

What kind of neutrality does the Prince want? Let me describe his kind of neutrality. What the Prince wants is simply lots of potential sources of assistance and support.

From the source on the left, in China, he got all the benefits he could in the form of military and financial assistance. China even stepped in, at his request, to persuade Hanoi not to spy in Cambodia. Unfortunately, there have proved to be some problems with that source, which the Prince has not liked.”

All of this is entirely tendentious, but let us look specifically at the end, which is not only tendentious, but also dishonest. Contrary to the assertions of the editorialist at “Sin Chew Jit Poh”, China did not put pressure on Hanoi to encourage it to treat Cambodia favourably; it was more the other way round. Hanoi has always responded favourably to all of our tests of friendship. The Democratic Republic of Vietnam, which recognized our current frontiers before Peking, has just given Cambodia another warm declaration of support.

As regards the assistance that it has received, Cambodia, faithful to the teachings of Buddha, has always been infinitely grateful to all who have given it such assistance, provided that they were not concealing any subversive or anti-Khmer intentions. And Cambodia will always be grateful to China for the assistance it has provided.

It would feel the same way about America, had that country not sought, through that assistance, to gain control of the country's domestic sovereignty and economy.

Samdech reveals, in this regard, that Mrs. Kennedy, wife of the late president, who died so tragically, will shortly be making a private visit to Cambodia. Samdech himself will accompany her to Sihanoukville, where an avenue will be dedicated to the late president's memory. That will be a purely emotional act and in no way political in nature. It will be a tribute by Cambodia to a particular aspect of America, an individual president of the United States who showed himself to be friendly and respectful towards our country.

“From the left to the right: that is the only path possible for someone holding the reins of power in his country (Samdech's country) who proclaims himself to be a 'socialist'. Moreover, with 500,000 American soldiers and the 7th fleet in South Vietnam, plus the Thai navy, army and air force, North Vietnam no longer needs Chinese protection. And seeing the surprising economic prosperity in Thailand caused by the presence of American bases, it is logical for the Prince to regret not having made Sihanoukville available to the Americans as the Thais did with Bangkok.”

Sihanouk has never been on the left or the right, always remaining in the centre. And “centrists” make up 99 per cent of Cambodia. Our foreign policy is also anchored in the centre. It does not go from America to China and vice versa. Our foreign policy is based solely on reciprocity.

And Sihanouk will never sell Sihanoukville to the Americans or anyone else.

“We believe, therefore, that the Prince’s quarrel with China is a prelude to the re-establishment of relations between Cambodia and America.”

By concluding in that manner, the Chinese editorialist aligns himself with the editor of “The New York Times”. Vilified by first the Americans and now the Chinese, Cambodia’s sole remaining friends are thus the USSR, de Gaulle’s France and the few countries that act in the same way as they do in its regard.

But come what may, if it should go under, Cambodia will go down with flags flying, always remaining true to that policy of reciprocity, which it constantly asserts.

### **CIA agents concealed in embassies**

With the weekly publication “Réalités cambodgiennes” suggesting that the Cambodian Government should declare *personae non gratae* all CIA agents concealed in embassies in Phnom Penh, the Head of State believes that this was an error.

What would be the point of chasing these people out? We know full well who they are and are able to follow them. If we get rid of them, they will be replaced by others, whom we will then have to uncover . . .

### **Regardless of what Thailand’s Minister for Foreign Affairs says, Cambodia is not a satellite of China**

An AFP telegram from Bangkok dated 28 September 1967 contained the following:

“The Minister for Foreign Affairs, Mr. Thanat Khoman, declared today that Thailand had given up all hope of normalizing relations with Cambodia, before leaving Bangkok for New York, where he will present to the United Nations the views of his Government on the problem of Vietnam.

The Minister considers that China has forbidden Cambodia from normalizing relations with its neighbours and participating in regional international organizations, particularly the recently established south-east Asian association.”

That telegram led to those other comments by Samdech, those detailed prior to his remarks on the articles in “The New York Times” and “Sin Chew Jih Poh”.

While it is quite clear that China has no desire to see Cambodia reconciled with Thailand or the United States of America, the actions of our country are certainly not dictated by China. While Thailand has been colonized by America, Cambodia, for its part, is nobody’s satellite.

If Thailand removes the obstacle of Preah Vihear, if Thailand talks of (unqualified) respect for our current frontiers, China will not prevent us from renewing friendly relations with Thailand.

As for the south-east Asian association, it is indeed true that Cambodia refuses to associate with anybody, and certainly not with an association that is in fact dominated by a rich and powerful non-Asian State to whom you are nothing, who potentially looks down on you and who is the only one truly to profit from the association that it has instigated.

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## **ANNEX 22**

**AKP press release of 10 November 1967, “Cambodia’s  
current frontiers”**



## ANNEX 22

### AKP press release of 10 November 1967, “Cambodia’s current frontiers”

[Translation]

10 November 1967, AKP, No. 6.080, p. 2

— CAMBODIA’S CURRENT FRONTIERS

MRS. JACQUELINE KENNEDY: STRICTLY PERSONAL SUCCESS — THE INTERNATIONAL PRESS IS ABLE TO GO AND INVESTIGATE AT THE FRONTIERS — THE FATE OF THE AMERICAN PRISONERS IN VIETNAM

#### Phnom Penh (AKP)

In a press conference at the Chamcar Mon State palace at the end of the afternoon on Wednesday 6 November 1967 in the presence of representatives of the “Agence France Presse”, “Reuters” and “Agence Khmère de Presse” news agencies, the Head of State addressed the following issues.

**Cambodia’s current frontiers are not “the frontiers as defined by Sihanouk”, but rather the frontiers as defined by international agreements.**

Cambodia’s representative at the United Nations sent the following telegram on 6 November 1967:

“‘The New York Times’ of 6 November reports from Washington that the American authorities hold out little hope of achieving diplomatic reconciliation with Cambodia, given the conditions set (ed.: the conditions indicated by Samdech in the press conference held for the international press on 4 November in the Chakdomukh hall). While the USA is offering, according to the authorities, to recognize Cambodia’s territorial integrity, it does not intend to recognize the current frontiers as defined by Prince Sihanouk, given that these are disputed by Cambodia’s neighbours South Vietnam and Thailand.

The authorities in Washington consider that the issue should be resolved by the countries in question. Those same authorities also state that Vietcong forces are using Cambodia as a sanctuary and that it is impossible for the USA to guarantee that Cambodia’s frontiers will not be violated by American and Vietnamese units in the course of combat.”

Cambodia’s frontiers have not been defined by Sihanouk, any more than France’s frontiers have been defined by General de Gaulle, England’s have been defined by the Queen of England or Poland’s have been defined by President Ochab. They are defined by international agreements.

As regards the current Khmero-Thai frontier, that was defined by the treaty of 23 March 1907 and confirmed first by the settlement agreement signed in Washington on 17 November 1946 and then by the Washington Conciliation Commission, which was chaired by an American (Mr. William Phillips), which concluded its work on 27 June 1947, and then finally by the International Court of Justice in The Hague, which, in its Judgment of 15 June 1962, declared that Preah Vihear belonged to Cambodia.

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## **ANNEX 23**

**Extract from Prince Sihanouk's address of 21 February 1968,  
"At Russey, near Preah Vihear Mountain"**



## ANNEX 23

### **Extract from Prince Sihanouk's address of 21 February 1968, "At Russey, near Preah Vihear Mountain"**

*[Translation]*

#### **At Russey, near Preah Vihear Mountain**

Preah Vihear, 21 February 1968

Samdech warmly thanks the ten monks and "his children" from Russey for coming, expressing his joy at being back close to the frontier among the people defending it, who, although he visits them only rarely because of his many commitments, are always in his thoughts. Those commitments include ceremonial openings, of which there are so many that, even going out every week, as Samdech does, he is unable to attend them all.

Samdech recalls passing through Russey on 5 January 1963 following the Judgment of the International Court of Justice in The Hague. He had alerted the international community. The Thais had declared that he could come to take possession of Preah Vihear.

Since then, the Thais have tried, by a whole range of means, to retake that sanctuary. They have, since 1962, revealed their bad faith by failing fully to implement the decision of the International Court of Justice. The Court ordered that the Temple and the strip of land around it be returned to Cambodia. And yet, the Thais have refused to surrender that land, laying barbed wire around the edge of the Temple.

The Head of State then thanks the people living in the vicinity of Preah Vihear, the officials and, in particular, the military, the provincial guards, the volunteers in local militia, who are all entirely united in ensuring the defence of their homeland — doing so in particularly difficult conditions, especially when the rains come, considerably disrupting the sending of reinforcements and supplies.

The people defending the Temple have to do battle with the Thai forces and succeeded in repelling a violent attack last year. They also have to do battle with the Khmer Serei, who are aiding the Thais in their expansionist and murderous endeavours targeting our homeland. Those traitors are laying deadly mines in our territory, close to the frontier, in the provinces of Preah Vihear, Oddor Meanchey, Battambang and Koh Kong. Mines have also been placed on the path and steps leading to the Temple. Committed to our liberty and independence, says Samdech, we have stood up to the Thais and the traitorous Khmer Serei, despite the fact that both are receiving assistance from their American masters.

#### **Conditions for peace: mutual respect for current common frontiers**

The United Nations wants Cambodia to be reconciled with Thailand. That is all that Cambodia wants, the Head of State promises. Cambodia wants peace, but before it can be reconciled with Thailand, Thailand must agree to sign, together with Cambodia, a joint declaration proclaiming that the signatories pledge mutual respect for their two countries' current common frontiers.

The leaders in Bangkok have told Mr. de Ribbing that they have asked their press and radio to stop their campaigns of calumnies and insults directed towards Samdech. But Samdech says, what can those calumnies and insults do to me, when 99 per cent of the Khmer people are with me?

Mr. de Ribbing seemed surprised at how firm I was, so I had to explain to him that it was defending the interests of my homeland — not my own interests — that meant I had to be that firm.

On the subject of de Ribbing's mission, Samdech also says that this has ceased to serve any purpose, since his presence in no way prevents our neighbours from committing their acts of aggression and violating our frontiers. In this regard, we have just announced that a Thai helicopter flew approximately 700 metres above Cambodian territory on 21 February, with F-105 jets flying over the frontier region that same day.

However, the Thais have told Mr. de Ribbing that it was the Cambodians who were attacking them. One wonders, Samdech says, how the Cambodians, with their small army, could launch an attack on Thailand, which has a large, ultra-modern army of 300,000 men that benefits from considerable support on the part of the Americans.

Whatever happens, we want peace, but we will not consent to the surrender of any of our national territory. Were we to give ground to the Thais, who knows where we would end up? In Phnom Penh, perhaps, which would be the point at which Thai expansionism and Vietnamese expansionism met.

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## **ANNEX 24**

**Decision by the Cambodian Ministry of Worship and Religion of 12 November 1998  
concerning the opening of a new pagoda**



ANNEX 24

**Decision by the Cambodian Ministry of Worship and Religion of  
12 November 1998 concerning the opening of a new pagoda**

*[Translation]*

*Unofficial French translation*

KINGDOM OF CAMBODIA  
Nation Religion King

Ministry of Worship and Religion

No. 177/98 MCR.A

Phnom Penh, 12 November 1998

**DECISION**

**on the opening of a new pagoda**

- In view of the Constitution of the Kingdom of Cambodia
- In view of the royal decree of 1 November 1993 on the nomination of the Royal Cambodian Government
- In view of Royal Kram No. NS/KR/0194-19 of 24 January 1996 promulgating the law on the creation of the Ministry of Worship and Religion
- In view of Sub-Decree No. 22 SD of 22 June 1992 on the organization and functioning of the Ministry of Worship and Religion
- In view of Sub-Decree No. 13 SD.C of 19 February 1993 on the organization and functioning of the Ministry of Worship and Religion
- In view of the request made by the Department of Worship and Religion of the Province of Preah Vihear

DECIDES

*Article 1*

Authorization is granted for the construction of a new pagoda under the name **Keo Sikha Kiri Svarak Pagoda**, called the **Pagoda of the Temple of Preah Vihear**, in the village of Preah Vihear, in the commune of Kantuot, in the Choam Ksan district of the province of Preah Vihear.

*Article 2*

That new pagoda is made available to the bonzes and the faithful so that they may practise Buddhism and hold ceremonies in accordance with the prohibitions and commandments imposed by Buddha, as well as the law of the State.

*Article 3*

The Cabinet, the Directorate-General for Worship, the Department of Administration and Finance, the Department of Worship and Religion of the Province of Preah Vihear, the pagoda's lay organizing committee and the faithful must, in co-operation with the officiating bonzes of the province and the district, as well as relevant authorities at all levels, ensure the appropriate implementation of this decision and provide financial support for this pagoda to the extent possible.

*Article 4*

This decision entered into force on the day it was signed.

Secretary of State of the Ministry  
of Worship and Religion,

*(signature and seal)* HIEN VANROTH.

**Copies to:**

- Supreme leaders of the two orders
- Ministry of the Interior
- Ministry of National Defence
- Office of the Province of Preah Vihear
- Department of Worship and Religion of the Province of Preah Vihear

**For information**

- As referred to in Article 3

**For implementation**

- Documentation and archives

The Director of the Department of Legal and Consular Affairs of the Ministry of Foreign Affairs and International Co-operation of the Kingdom of Cambodia certifies that the translation overleaf of Decision No. 177/98 MCR.A of the Ministry of Worship and Religion of 12 November 1998 is a faithful rendering of the original text in the Khmer language.

Phnom Penh, 20 February 2012.

KER Vicseth,  
Director,  
Legal and Consular Department.

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## **ANNEX 25**

**Agreed Minutes of the First Meeting of the Thai-Cambodian Joint Commission  
on Demarcation for Land Boundary, 30 June-2 July 1999**



AGREED MINUTES  
OF  
THE FIRST MEETING OF THE THAI-CAMBODIAN  
JOINT COMMISSION ON DEMARCATION FOR LAND BOUNDARY  
BANGKOK, 30 JUNE - 2 JULY 1999

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1. Introduction

The First Meeting of the Thai-Cambodian Joint Commission on Demarcation for Land Boundary was held in Bangkok during 30 June - 2 July 1999.

The Thai Delegation was led by H.E. M.R. Sukhumbhand Paribatra, Deputy Minister of Foreign Affairs of the Kingdom of Thailand. The Cambodian Delegation was led by H.E. Var Kim Hong, Adviser to the Royal Government in charge of State Border Affairs. The lists of the Thai and Cambodian Delegations appear as Annexes 1 and 2 respectively.

The Meeting was held in an atmosphere of friendship and cordiality.

The texts of the Opening Remarks of the Leaders of the Thai and Cambodian Delegations appear as Annexes 3 and 4 respectively.

2. Adaption of Agenda

The Agenda of the First Meeting of the Thai-Cambodian Joint Commission on Demarcation for Land Boundary was adopted and appears as Annex 5.

3. Discussion on the Guidelines for Survey and Demarcation of Land Boundary and the Draft Memorandum of Understanding between the Government of the Kingdom of Thailand and the Royal Government of Cambodia on the Survey and Demarcation of Land Boundary

The Meeting considered the Draft Memorandum of Understanding between the Government of the Kingdom of Thailand and the Royal Government of Cambodia on the Survey and Demarcation of Land Boundary ("the draft MOU") as proposed by Thailand.

After extensive discussion, both sides adopted most of the draft MOU, except for the following:

1. The Thai side stated that it had no intention whatsoever of changing the existing boundary between Thailand and Cambodia. However, the Thai side was of the view that the maps which were the results of demarcation works of the Mixed Commission of Delimitation set

*Var*

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up under the Convention of 1904 and the Treaty of 1907 were of too small a scale. A new map of a larger scale, with locations of all boundary pillars and their coordinates, is therefore required in order to obtain a clearly-defined boundary. After the completion of survey of the entire stretch of the common land boundary between the two countries, the Joint Technical Sub-Commission and the Joint Boundary Commission should be empowered to prepare and produce, respectively, a map of the surveyed and demarcated land boundary. This map would require approval of both sides in the form of a bilateral agreement. The Joint Boundary Commission should therefore be entrusted to draft such an instrument which, to avoid confusion on both sides, should at the same time replace the existing boundary agreements.

The Cambodian side stated that the boundary between Cambodia and Thailand was delimited by the Convention between France and Siam signed on 13 February 1904, the Treaty between France and Siam signed on 23 March 1907 and the Protocol and documents annexed. This boundary was officially demarcated in the Maps with the scale 1/200,000 of the Commission de Délimitation de la Frontière entre l'Indochine et le Siam of 1904 and 1907. The Cambodian side stressed there is not any necessity to produce any maps to replace these officially recognized maps of the Commission de Délimitation de la Frontière entre l'Indochine et le Siam. Any maps produced later by the Joint Boundary Commission shall be used for the purpose of technical clarification of this existing boundary only. The Cambodian side underlined that the mandate of the Joint Commission agreed by the two Governments is the placing of pillars to indicate the land boundary between the two countries.

2. The Cambodian side stated that the first priority was the identification of locations of the 73 boundary pillars set up by the Commissions de Délimitation de la Frontière entre l'Indochine et le Siam in the period of 1909 and 1919.

The Thai side concurred that the identification of locations of the 73 boundary pillars was necessary. However, the Thai side had preliminary evidence that in 1944 both sides sent representatives ("délégués") to replace with concrete pillars the BP71 and BP73 which had been lost. The Thai side, therefore, was of the view that the identification of locations of all boundary pillars could not be specifically limited only to the planting of pillars in 1909 and 1919 but should also include that in 1944. The Thai side also proposed that both sides should consider the possibility that there existed other joint efforts between France and Siam, unknown to both sides at this juncture, regarding the planting or replacement of boundary pillars. The Thai side proposed that it would be better for both sides to take all joint efforts between France and Siam into account and not to limit themselves to any specific period of time.

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The Cambodian side stated that it had no knowledge of the replacement of BP71 and BP73 in 1944. The Cambodian side also expressed doubt over the legality and validity of the said replacement due to the fact that the year of the construction of the said pillar was 4 years prior to the date of the so-called Procès Verbal signed by the so-called Délégué de l'Indochine.

3. The Thai side stated that in the joint survey and demarcation works with Malaysia, Laos and Myanmar, both sides appointed Co-Project Directors to supervise the field works and settle any dispute on the ground. This greatly helped expedite the survey and demarcation works since it was impossible to hold a meeting of the Joint Technical Sub-Committee whenever dispute arose. The Co-Project Directors would submit the result of their works to the Joint Technical Sub-Committee for consideration and approval. The Thai side therefore proposed that both sides also appoint Co-Project Directors as authorized representatives to supervise the field works on behalf of the Co-Chairmen of the Joint Technical Sub-Commission.

The Cambodian side stated that in the execution of demarcation tasks under the Convention of 1904 and the Treaty of 1907, the Mixed Commissions did not appoint any representative to supervise the field works. Therefore the Cambodian side did not find it necessary to do so.

4. The Thai side pointed out the dangers of landmines to surveyors who would be involved in the survey works. It proposed that the Joint Boundary Commission should request the Thailand Mine Action Centre (TMAC) and the Cambodian Mine Action Centre (CMAC) to take joint efforts on landmines clearance in the areas to be surveyed and demarcated after the priority of areas had been determined. The survey and demarcation works would not commence until safety assurances were provided by the said centres.

The Cambodian Delegation took note of the intention of the Thai side and will convey the said proposal to the Cambodian Mine Action Centre (CMAC).

5. To avoid disruption of the survey and demarcation works, the Thai side proposed that the common land boundary be divided into several sectors and the joint survey team commence its work sector by sector. Whenever dispute arose in any area, the joint survey team should leave that area and continue to survey the successive area in the same sector.

The Cambodian side agreed in principle on the approach but it was of the opinion that there was no need for such a provision to be included in this MOU.

Since there were different concepts and approaches on such a fundamental issue, both sides agreed to hold further discussions at the next meeting to settle this difference.

The text of the discussed draft MOU appears as Annex 6.

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The Meeting agreed that the MOU be concluded in the Thai, Khmer and English languages.

4. Consideration of the Priority of Areas to be Surveyed and Demarcated

For the purposes of survey and demarcation, the Thai side proposed that the common land boundary be divided into sectors and the survey and demarcation works should be conducted from South to North.

The Cambodian side stated that the priority areas should be as follows:

1. areas where there were or had been boundary disputes or incidents and where a straightline was international boundary;
2. areas where streams were international boundary; and
3. watershed boundary.

Both sides agreed that technical officers of both sides would hold further discussion on this matter.

5. Other Matters

The two sides agreed that both sides should refrain from taking any actions in violation of the existing boundary. Where conflicts arise along the borders, both sides should exercise self restraints with a view to preventing escalation of conflicts and use all means to settle the conflicts peacefully and expeditiously. In this respect, they should be settled, in the first place, by the local authorities through friendly discussion and negotiation.

Both sides agreed that they would avoid the release of information that may lead to any misunderstanding to the mass media, in the spirit of partnership and friendship.

6. Date and Venue of the Next Meeting

Both sides agreed that the next meeting would be held in Cambodia at a mutually agreed date to be communicated through diplomatic channels.



(M.R. Sukhumbhand Paribatra)  
Deputy Minister of Foreign Affairs  
of the Kingdom of Thailand



(Var Kim Hong)  
Adviser to the Royal Government of Cambodia  
in charge of State Border Affairs

## **ANNEX 26**

**Terms of Reference and Master Plan for the Joint Survey and Demarcation of  
Land Boundary between the Kingdom of Cambodia  
and the Kingdom of Thailand**





**Terms of Reference and Master Plan  
for the Joint Survey and Demarcation of Land Boundary  
between the Kingdom of Cambodia and the Kingdom of Thailand**

**1. Background**

1.1 The land boundary between the Kingdom of Cambodia and the Kingdom of Thailand has been defined by the following documents:

1.1.1 Convention between Siam and France modifying the Stipulations of the Treaty of the 3 October 1893, regarding Territorial Boundaries and other Arrangements, signed at Paris, 13 February 1904 (La Convention entre le Siam et la France modifiant les stipulations du Traité du 3 octobre 1893 concernant les territoires et les autres Arrangements, signée à Paris, le 13 février 1904);

1.1.2 Treaty between His Majesty the King of Siam and the President of the French Republic, signed at Bangkok, 23 March 1907 (Le Traité entre Sa Majesté le Roi de Siam et Monsieur le Président de la République Française, signé à Bangkok, le 23 mars 1907) and Protocol concerning the delimitation of boundaries and annexed to the Treaty of the 23 March 1907 (Le Protocole concernant la délimitation des frontières et annexé au Traité du 23 mars 1907); and

1.1.3 Maps which are the results of demarcation works of the Commissions of Delimitation of the Boundary between Indo-China and Siam (Commissions de délimitation de la frontière entre l'Indochine et le Siam) set up under the Convention of 1904 and the Treaty of 1907 between Siam and France (hereinafter referred to as "the Maps of 1:200,000"), and other documents relating to the application of the Convention of 1904 and the Treaty of 1907 between Siam and France.

1.2 The land boundary between Cambodia and Thailand commences from the point where the territories of Thailand, Cambodia and Laos meet at Passe de Preah Chambot, Choam Ksan District, Preah Vihear Province (Chong Bok, Amphoe Nam Yuen, Ubon Ratchathani Province) and ends at the coast at Cham Yeam, Mondul Seyma District, Koh Kong Province (Amphoe Klong Yai, Trat Province).

1.3 Believing that the demarcation of the common land boundary will help prevent border conflicts arising out of boundary questions and will further strengthen existing friendly relations between the two countries and facilitate the travel and cooperation of the peoples along the border, Cambodia and Thailand signed the Memorandum of Understanding on the Survey and Demarcation of Land Boundary, on 14 June 2000 at Phnom Penh, Cambodia (hereinafter referred to as "the MOU").

1.4 A joint working group was set up to draft the Terms of Reference and Master Plan for the Joint Survey and Demarcation of Land Boundary.

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## 2. Organization

### 2.1 The Joint Boundary Commission (JBC)

2.1.1 Members (The following members of the JBC can be added or changed by notification to the other side.)

#### 2.1.1.1 Cambodian side :

- |     |  |               |
|-----|--|---------------|
| 1)  | H.E. Mr. Var Kim Hong<br>Adviser to the Royal Government in charge of State<br>Border Affairs                  | Chairman      |
| 2)  | H.E. Mr. Long Visalo<br>Under-Secretary of State,<br>Ministry of Foreign Affairs and International Cooperation | Vice-Chairman |
| 3)  | H.E. Mr. Bun Sam<br>Under-Secretary of State, Ministry of Economy<br>and Finances                              | Member        |
| 4)  | Governor of the Province of Preah Vihear   | Member        |
| 5)  | Governor of the Province of Oddar Mean Chey  | Member        |
| 6)  | Governor of the Province of Banteay Mean Chey  | Member        |
| 7)  | Governor of the Province of Battambang   | Member        |
| 8)  | Governor of the Province of Pursat   | Member        |
| 9)  | Governor of the Province of Koh Kong   | Member        |
| 10) | Governor of the Pailin City  | Member        |
| 11) | H.E. Mr. Long Phol<br>Advisor to the Prime Minister  | Member        |
| 12) | Lt. Gen. Chhum Suceat<br>Director, Department of Border Affairs,<br>Supreme Command of the RCAF                | Member        |
| 13) | Admiral Ung Sam Khann, Chief of the Royal Navy   | Member        |
| 14) | Mr. Huon Savang<br>Deputy Director-General,<br>Ministry of Land Management,<br>Urban Planning and Construction | Member        |
| 15) | Maj. Gen. Tep Chamroeun<br>Director, Geography Department,<br>Ministry of National Defense                     | Member        |

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| 16) | Maj. Gen. Chan Ean<br>Director of Land Border Department,<br>Ministry of Interior       | Member |
| 17) | Maj. Gen. Chea Man<br>Commander of Military Region 4                                    | Member |
| 18) | Maj. Gen. Bun Seng<br>Commander of Military Region 5                                    | Member |
| 19) | Mr. Lor Voharith<br>Director, Political Department,<br>Ministry of Interior             | Member |
| 20) | Mr. Keo Pheak Kdey<br>Deputy Director, Legal and Consular Affairs Department,<br>MFA-IC | Member |

#### 2.1.1.2 Thai side

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|-----|--|----------|
| 1)  | Deputy Minister of Foreign Affairs   | Chairman |
| 2)  | Secretary-General of the National<br>Security Council or representative  | Member   |
| 3)  | Ambassador Extraordinary and Plenipotentiary<br>of the Kingdom of Thailand to the Kingdom of<br>Cambodia or representative | Member   |
| 4)  | Representative of the Supreme Command<br>Headquarters  | Member   |
| 5)  | Director of Royal Thai Survey<br>Department or representative  | Member   |
| 6)  | Director-General<br>of the Naval Hydrographic Department,<br>Royal Thai Navy or representative                             | Member   |
| 7)  | Representative of the Ministry of Interior   | Member   |
| 8)  | Director-General<br>of the Department of Local Administration,<br>Ministry of Interior or representative                   | Member   |
| 9)  | Director-General<br>of the Department of Mineral Resources,<br>Ministry of Industry or representative                      | Member   |
| 10) | Director-General<br>of the Department of East Asian Affairs,<br>Ministry of Foreign Affairs or representative              | Member   |

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| 11) Commissioner of the Border Patrol Police Bureau,<br>Royal Thai Police or representative                    | Member                         |
| 12) Director-General of the Department of Treaties and<br>Legal Affairs, Ministry of Foreign Affairs           | Member                         |
| 13) Deputy Director-General of the Department of<br>Treaties and Legal Affairs, Ministry of Foreign Affairs    | Member                         |
| 14) Director of Boundary Division,<br>Department of Treaties and Legal Affairs,<br>Ministry of Foreign Affairs | Member/<br>Secretary           |
| 15) Official of the Department of Treaties<br>and Legal Affairs, Ministry of Foreign Affairs                   | Member/<br>Assistant-Secretary |

### 2.1.2 Terms of Reference

- 1) to be responsible for the joint survey and demarcation of land boundary in accordance with Article I of the MOU;
- 2) to consider and approve the terms of reference and master plan for the joint survey and demarcation;
- 3) to determine the priority of areas to be surveyed and demarcated;
- 4) to assign the survey and demarcation works to the Joint Technical Sub-Commission established under Article III of the MOU and to supervise and monitor the implementation of the assignment;
- 5) to consider reports or recommendations submitted by the Joint Technical Sub-Commission;
- 6) to produce maps of the surveyed and demarcated land boundary; and
- 7) to appoint any sub-commission to undertake any particular tasks within its purview.

## 2.2 The Joint Technical Sub-Commission (JTSC)

2.2.1 Member (The following members of the JTSC can be added or changed by notification to the other side.)

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2.2.1.1 Cambodian side

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|-----|---|---------------|
| 1)  | H.E. Mr. Long Visalo<br>Under-Secretary of State,<br>Ministry of Foreign Affairs<br>and International Cooperation | Chairman      |
| 2)  | Mr. Huon Savang<br>Deputy Director-General,<br>Ministry of Land Management,<br>Urban Planning and Construction    | Vice-Chairman |
| 3)  | Lt. Gen. Chhum Suceat<br>Director, Department of Border Affairs,<br>Supreme Command of the RCAF                   | Member        |
| 4)  | Maj. Gen. Tep Chamroeun<br>Director, Geography Department,<br>Ministry of National Defense                        | Member        |
| 5)  | Maj. Gen. Chan Ean<br>Director of Land Border Department,<br>Ministry of Interior                                 | Member        |
| 6)  | Maj. Gen. Chea Man<br>Commander of Military Region 4  | Member        |
| 7)  | Maj. Gen. Bun Seng<br>Commander of Military Region 5  | Member        |
| 8)  | Representative of Cambodian Mine Action Center<br>(CMAC)  | Member        |
| 9)  | Representative of Governor<br>of the Province of Preah Vihear   | Member        |
| 10) | Representative of Governor<br>of the Province of Oddar Mean Chey  | Member        |
| 11) | Representative of Governor<br>of the Province of Banteay Mean Chey  | Member        |
| 12) | Representative of Governor<br>of the Province of Battambang   | Member        |
| 13) | Representative of Governor of<br>the Province of Pursat   | Member        |
| 14) | Representative of Governor<br>of the Province of Koh Kong   | Member        |
| 15) | Representative of Governor<br>of the Pailin City  | Member        |

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|-----|---|---------------------|
| 16) | Representative of the Royal Navy  | Member              |
| 17) | Col. Prak Kannara<br>Deputy Director, Land Border Department,<br>Ministry of Interior   | Member              |
| 18) | Mr. Keo Pheak Kdey<br>Deputy Director,<br>Legal and Consular Affairs Department,<br>MFA-IC  | Member              |
| 19) | Ms. Koy Pisey<br>Deputy Director, Border Affairs,<br>Office of the Council of Ministers   | Assistant           |
| 20) | Mr. Lay Sieng Ly<br>Chief of Bureau, Geography Department,<br>Ministry of Land Management, Urban Planning and Construction            | Technician          |
| 21) | Mr. Khum Ponnaban<br>Chief of Bureau,<br>Geography Department,<br>Ministry of Land Management, Urban Planning and Construction        | Technician          |
| 22) | Mr. Sin Sothani<br>Deputy Chief of Bureau,<br>Geography Department,<br>Ministry of Land Management, Urban Planning and Construction   | Technician          |
| 23) | Mr. Has Phalarith<br>Deputy Chief of Bureau,<br>Geography Department,<br>Ministry of Land Management, Urban Planning and Construction | Technician          |
| 24) | Mr. Sao Khoradin<br>Chief of Border Affairs Bureau,<br>Legal and Consular Affairs Department,<br>MFA-IC                               | Secretary           |
| 25) | Mr. Chea Sambath,<br>Deputy Chief of Border Affairs Bureau,<br>Legal and Consular Affairs Department,<br>MFA-IC                       | Assistant-Secretary |
| 26) | Mr. Tan Vuthy<br>Deputy Chief of Bureau, Geography Department,<br>Ministry of Land Management, Urban Planning and Construction        | Liaison Officer     |

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2.2.1.2 Thai side

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|-----|--|---------------|
| 1)  | Director of Royal Thai Survey Department   | Chairman      |
| 2)  | Deputy Director of Royal Thai Survey Department  | Vice-Chairman |
| 3)  | Deputy Director-General of the Department of Treaties and Legal Affairs  | Member        |
| 4)  | Representative of the Office of the National Security Council  | Member        |
| 5)  | Chief of the Joint Operations Center 101, Joint Operation Center, Supreme Command Headquarters or representative | Member        |
| 6)  | Representative of the Royal Thai Army  | Member        |
| 7)  | Representative of the Naval Hydrographic Department, Royal Thai Navy   | Member        |
| 8)  | Representative of the Thailand Mine Action Center  | Member        |
| 9)  | Representative of the Ministry of Interior   | Member        |
| 10) | Representative of Ubon Ratchathani Province  | Member        |
| 11) | Representative of Si Sa Ket Province   | Member        |
| 12) | Representative of Surin Province   | Member        |
| 13) | Representative of Buri Ram Province  | Member        |
| 14) | Representative of Sa Keao Province   | Member        |
| 15) | Representative of Chantaburi Province  | Member        |
| 16) | Representative of Trat Province  | Member        |
| 17) | Representative of the First Army Area Command, Royal Thai Army   | Member        |
| 18) | Representative of the Second Army Area Command, Royal Thai Army  | Member        |
| 19) | Representative of the Chantaburi - Trat Border Defence Command, Royal Thai Navy                                  | Member        |
| 20) | Representative of the Border Patrol Police Bureau, Royal Thai Police   | Member        |
| 21) | Director of Boundary Division, Department of Treaties and Legal Affairs or representative                        | Member        |
| 22) | Official of the Royal Thai Survey Department   | Member        |

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23)	Official of the Royal Thai Survey Department	Member
24)	Director of International Boundary Division, Royal Thai Survey Department	Member/ Secretary
25)	Chief of the Thailand – Cambodia Boundary Section, International Boundary Division, Royal Thai Survey Department	Member/ Assistant-Secretary

### 2.2.2 Terms of Reference

1) to identify the exact location of the 73 boundary pillars set up by the Commission of Delimitation of the Boundary between Indo-China and Siam (Commission de Délimitation des Frontières entre l'Indo-Chine et le Siam) in the period of 1909 and the Commission on Emplacement of Boundary Pillars between Indo-China and Siam (Commission d'Abornement des Frontières entre l'Indo-Chine et le Siam) in the period of 1919, and to report its findings to the Joint Boundary Commission for its consideration;

2) to prepare the terms of reference and master plan for the joint survey and demarcation of Land Boundary;

3) to appoint joint survey teams to carry out the survey and demarcation of land boundary as assigned by the Joint Boundary Commission;

4) to submit reports or recommendations on the survey and demarcation works to the Joint Boundary Commission;

5) to prepare maps of the surveyed and demarcated land boundary;

6) to designate if necessary authorized representative to supervise the field works on behalf of the Co-Chairmen of the Joint Technical Sub-Commission; and

7) to appoint any technical working group to assist in any particular task within its purview.

### 2.3 Operational Group

2.3.1 The Operational Group consists of two (2) Chiefs of Operational Group and other members appointed by their respective Chairman of the Joint Technical Sub-Commission.

2.3.2 Members (The following members of the Operational Group can be added or changed by notification to the other side.)

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### 2.3.2.1 Cambodian Side

- 1) Chief of the Group
- 2) Deputy Chief of the Group
- 3) Technical Officers (Surveyor)
- 4) Secretary in charge of Administrative Affairs
- 5) Officer in charge of logistic
- 6) Representative of the Military Region (Security Unit)
- 7) Representative of the Sub-Military Command (Provincial Military Command)
- 8) Representative of the Provincial Police Commissariat
- 9) Representative of the Direction of Border Affairs Supreme High Command of the CRAF
- 10) Representative of the Provincial Governor
- 11) Medical Physician (Officer of the Military Region)
- 12) Interpreter
- 13) Representative of the Legal and Consular Department, Ministry of Foreign Affairs and International Cooperation
- 14) Representative of the Navy
- 15) Representative of the Police Immigration
- 16) Representative of Provincial Customs Office
- 17) Team Leader

### 2.3.2.2 Thai Side

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|----------------------------|-----------------------------------|
| 1) Col. Wirat Kaewkhao     | Chief of Operational Group        |
| 2) Col. Nopphadon Chotsiri | Deputy Chief of Operational Group |
| 3) Col. Winai Semsawat     | Member                            |

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| 4) Representative of Plans and Projects Division<br>Royal Thai Survey Department                               | Member                         |
| 5) Representative of International Boundary Division<br>Royal Thai Survey Department                           | Member                         |
| 6) Representative of Mapping Division<br>Royal Thai Survey Department  | Member                         |
| 7) Representative of Aerial Photography Division<br>Royal Thai Survey Department                               | Member                         |
| 8) Representative of the Department of Treaties<br>and Legal Affairs, Ministry of Foreign Affairs              | Member                         |
| 9) Representative of the Joint Operation Center 101<br>Joint Operation Center,<br>Supreme Command Headquarters | Member                         |
| 10) Representative of the Office of Immigration Bureau   | Member                         |
| 11) Representative of the Customs Department   | Member                         |
| 12) Representative of the Ministry of Public Health  | Member                         |
| 13) Representative of Suranaree Command  | Member                         |
| 14) Representative of Burapha Command  | Member                         |
| 15) Representative of the Chantaburi-Trat Border<br>Defence Command, Royal Thai Navy                           | Member                         |
| 16) Chief of Thailand – Cambodia Boundary Section,<br>International Boundary Division, RTSD                    | Member/<br>Secretary           |
| 17) Chief of Survey Team (Thai side)   | Member/<br>Assistant Secretary |

### 2.3.3 Terms of Reference

1) to consider the report of the Chief of Survey Team on the location of the 73 boundary pillars set up by the Commission of Delimitation of the Boundary between Indo-China and Siam (Commission de Délimitation des Frontières entre l'Indo-Chine et le Siam) in the period of 1909 and the Commission on Emplacement of Boundary Pillars between Indo-China and Siam (Commission d'Abornement des Frontières entre l'Indo-Chine et le Siam) in the period of 1919, and to submit its findings to the Joint Technical Sub-Commission for its consideration;

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- 2) to direct, coordinate and make the overall plan for the joint survey and demarcation of land boundary between Cambodia and Thailand ;
- 3) to coordinate, direct, plan and arrange for security support for the survey teams;
- 4) to coordinate, direct, plan and arrange for logistics and medical care for the survey teams;
- 5) to facilitate the procedure of immigration and customs clearance pertaining to the survey works;
- 6) to supervise, expedite and inspect the work of the survey team to be properly carried out as agreed upon in due time;
- 7) to hold meetings to review the progress of the survey and demarcation works and to discuss any technical problems;
- 8) to make field visits to boost the morale of the joint survey teams;
- 9) to report any disagreements to the Joint Technical Sub-Commission for its consideration and solution;
- 10) to verify and sign the international boundary strip maps, plans of boundary pillars' location, geographical details and lists of coordinates of boundary pillars;
- 11) to be unilaterally responsible for administration and expenses of the survey teams;
- 12) to keep all documents relating to meetings and works of the joint survey and demarcation;
- 13) to submit a bi-annual joint progress report to the Joint Technical Sub-Commission for its consideration; and
- 14) to carry out any other assignments given by the Joint Technical Sub-Commission.

#### 2.4 Survey Team

2.4.1 Each side will appoint its Chief of Survey Team who is directly under the respective Chief of Operational Group.

2.4.2 Organization of the Survey Team (The following members of the Survey Team can be added or changed by notification to the other side.)

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- 1 Team Leader
- 2 Deputy Team Leaders
- 5 Surveyors
- 10 Booby Trap Clearance Officers
- 10 Security Officers
- 2 Communication Operators
- 3 Drivers
- 15 Labourers

2.4.3 The responsibilities of the Chief of Survey Team shall be as follows:

1) to carry out the fact-finding mission on the condition and the exact locations of the 73 boundary pillars set up by the Commission of Delimitation of the Boundary between Indo-China and Siam (Commission de Délimitation des Frontières entre l'Indo-Chine et le Siam) in the period of 1909 and the Commission on Emplacement of Boundary Pillars between Indo-China and Siam (Commission d'Abornement des Frontières entre l'Indo-Chine et le Siam) in the period of 1919 and to report the survey results to his Chief of Operational Group for consideration;

2) to carry out the survey and demarcation of land boundary between Cambodia and Thailand in accordance with the procedures as specified in this Terms of Reference and Master Plan;

3) to maintain close contact with his counterpart;

4) to solve any technical or field problems that may arise and refer any disagreements and recommendations to his Chief of Operational Group;

5) to prepare a daily report on the result of survey work, any disagreements and recommendations to his Chief of Operational Group;

6) to prepare a report on any assignments given by his Chief of Operational Group;

7) to work closely with his counterpart to ensure the safety of the survey team;

8) to prepare a monthly joint progress report and submit it to his Chief of Operational Group; and

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9) to carry out any other assignments given by his Chief of Operational Group.

2.4.4 The above-mentioned arrangement may be reviewed after a trial period of one year by the Joint Technical Sub-Commission.

### 3. Determination of Working Areas

For the purpose of survey and demarcation, the entire land boundary shall be divided into 7 sectors as follows:

- 1) Sector 1 (BP 71 - the coast);
- 2) Sector 2 (BP 66 - BP 71);
- 3) Sector 3 (BP 49 - BP 66);
- 4) Sector 4 (BP 23 - BP 49);
- 5) Sector 5 (BP 1 - BP 23);
- 6) Sector 6 (Phnom Sethisom/Khao Sattasom- BP 1); and
- 7) Sector 7 (Passe de Preah Chambot/Chong Bok- Phnom Sethisom/Khao Sattasom).

The priority of areas to be surveyed and demarcated will be determined by the Joint Boundary Commission.

### 4. Procedures for Survey and Emplacement of Boundary Pillars

There are 5 steps as follows:

#### Step 1 Refixation, Repair and Replacement of the 73 Boundary Pillars

The Joint Survey Team will jointly carry out the fact-finding mission on the condition and locations of the 73 boundary pillars set up by the Commission of Delimitation of the Boundary between Indo-China and Siam (Commission de Délimitation des Frontières entre l'Indo-Chine et le Siam) in the period of 1909 and the Commission on Emplacement of Boundary Pillars between Indo-China and Siam (Commission d'Abornement des Frontières entre l'Indo-Chine et le Siam) in the period of 1919, and report the result to the Chiefs of Operational Group and the Joint Technical Sub-Commission respectively for their consideration.

The Joint Technical Sub-Commission will jointly identify the exact locations of the 73 boundary pillars set up by the Commission of Delimitation of the Boundary between Indo-China and Siam (Commission de Délimitation des Frontières entre l'Indo-Chine et le Siam) in the period of 1909 and the Commission on Emplacement of Boundary Pillars between Indo-China and Siam (Commission d'Abornement des Frontières entre l'Indo-Chine et le Siam) in the period of 1919, using the Procès-Verbaux d'Abornement de la Commission de Délimitation des Frontières

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entre l'Indo-Chine et le Siam of 1908-1909 and the Procès-Verbaux d'Abornement de la Commission d'Abornement des Frontières entre l'Indo-Chine et le Siam of 1919-1920 and the Planches d'Indications Topographiques annexed to the said Procès-Verbaux.

The Joint Boundary Commission will jointly determine the exact locations of the 73 boundary pillars set up by the Commission of Delimitation of the Boundary between Indo-China and Siam (Commission de Délimitation des Frontières entre l'Indo-Chine et le Siam) in the period of 1909 and the Commission on Emplacement of Boundary Pillars between Indo-China and Siam (Commission d'Abornement des Frontières entre l'Indo-Chine et le Siam) in the period of 1919, and will assign the Joint Technical Sub-Commission to take the following actions in accordance with Article III paragraph 2 (C) of the MOU:

- (1) To refix any boundary pillars which are found out of place or in the wrong positions to their original locations;
- (2) To repair or replace any damaged boundary pillars to their original locations and specifications; and
- (3) To replace any lost boundary pillars to their original locations and specifications.

### Step 2 Production of Orthophoto Maps

The Orthophoto Maps at a scale of 1:25,000 along the entire boundary line are produced in order to provide information concerning the present terrain condition and to identify the line to be surveyed. The line to be surveyed is based on the boundary line as specified in the legal documents described in Article I of the MOU. These Orthophoto Maps will be further used as instruments to facilitate the terrain inspection.

The production of Orthophoto Maps will be carried out by a third party in accordance with the technical instruction as described in Annex 1.

### Step 3 Plotting the Line to be Surveyed

The Chief of Operational Group will unilaterally plot the approximate location of boundary pillars and line to be surveyed on the Orthophoto Maps, using as the basis the maps of 1:200,000 and the Procès-Verbaux d'Abornement de la Commission de Délimitation des Frontières entre l'Indo-Chine et le Siam of 1908-1909 and the Procès-Verbaux d'Abornement de la Commission d'Abornement des Frontières entre l'Indo-Chine et le Siam of 1919-1920 and the Planches d'Indications Topographiques annexed to the said Procès-Verbaux. The Chiefs of Operational Group will jointly compare the Orthophoto Maps with the maps of 1:200,000 and Procès-Verbaux d'Abornement de la Commission de Délimitation des Frontières entre l'Indo-Chine et le Siam of 1908-1909 and the Procès-Verbaux d'Abornement de la Commission d'Abornement des Frontières entre l'Indo-Chine et le Siam of 1919-1920 and the Planches d'Indications Topographiques annexed to the said Procès-Verbaux. The Chief of Operational Group will then submit their findings to the Joint Technical Sub-Commission for consideration and approval. The Joint Technical Sub-Commission will submit a report to the Joint Boundary Commission for consideration and approval.

The Joint Technical Sub-Commission will then instruct the survey team to carry out the survey and demarcation in the areas where the approximate location of the boundary pillars and the lines to be surveyed on the Orthophoto Maps are mutually agreed upon.

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If the line to be surveyed in any particular area on the Orthophoto Maps cannot be mutually agreed upon, the Joint Technical Sub-Commission may instruct the Survey Team to carry out the survey of the two proposed lines to be surveyed. The method and techniques for such a survey will be discussed and mutually agreed upon by the Chiefs of Operational Group. The Survey Team will submit the survey result to the Joint Technical Sub-Commission for consideration.

The Joint Technical Sub-Commission will submit a report on the survey works together with any recommendations to the Joint Boundary Commission for consideration and approval.

#### **Step 4 Terrain Inspection**

Terrain inspection along the Cambodia-Thailand boundary line will be carried out as follows:

##### **1) Watershed**

1.1 The joint survey team will jointly inspect the continuous watershed in the terrain.

1.2 The measurement of coordinates of the watershed at the interval of 100 metres will be taken by a hand-held GPS technique.

1.3 The joint survey team will jointly determine the positions where the boundary pillars are to be emplaced.

1.4 During the inspection, if the original watershed is modified or has constructions on it in such a way that it can not be identified, the joint survey team will submit a detail survey plan and all related data to the respective authorities.

##### **2) Straight Line**

2.1 The joint survey team will jointly identify the location of boundary pillars plotted on the Orthophoto Maps. The joint survey team will submit a detail survey plan and all related data to the respective authorities.

2.2 The measurement of coordinates of the straight line at the interval of 50 metres will be taken by a Real-Time Kinetic (RTK) GPS technique.

2.3 The joint survey team will jointly determine the positions where the boundary pillars are to be emplaced.

##### **3) River**

3.1 The joint survey team will jointly identify the location of boundary pillars plotted on the Orthophoto Maps. The joint survey team will submit a detail survey plan and all related data to the respective authorities.

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3.2 The joint survey team will jointly inspect rivers in the terrain using the line to be surveyed on the Orthophoto Maps.

3.3 The joint survey team will jointly determine the positions where the boundary pillars are to be emplaced.

#### Step 5 Emplacement of Boundary Pillars

1) A report on survey, other relevant details and location of boundary pillar emplacement shall be prepared and jointly signed. It shall then be submitted for approval.

2) In case of disagreements, each side shall submit a report to the respective Joint Boundary Commission for solution. The survey team shall then leave that area and continue to survey the successive area in the same sector.

#### 3) Determination of locations of boundary pillars

##### 3.1 Watershed

- (1) mountain pass
- (2) boundary line changes direction
- (3) mountain ridge, saddle, top of stream or mountain top
- (4) populated area
- (5) unclear watershed
- (6) boundary line meets or leaves a river or a stream
- (7) any significant places as agreed upon by both sides

##### 3.2 Straight Line

- (1) mountain pass
- (2) boundary line changes direction
- (3) mountain ridge, saddle, top of stream or mountain top
- (4) populated area
- (5) boundary line meets or leaves a river or a stream
- (6) any significant places as agreed upon by both sides

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### 3.3 River

- (1) riverbank
- (2) confluence
- (3) any significant places as agreed upon by both sides

4) Boundary pillars shall be constructed at the interval of no more than 5 kilometres.

### 5) Types and Dimensions of Boundary Pillars

5.1 Old (Existing) Boundary Pillars will be maintained to their original location and specification.

#### 5.2 Additional Boundary Pillars

(1) Type A – dimensions: 0.50 metre x 0.35 metre x 1.71 metre with 1.30 metre x 0.84 metre x 1.00 metre underground base (Annex 2)

(2) Type B – dimensions: 0.30 metre x 0.20 metre x 1.06 metre with 0.78 metre x 0.53 metre x 0.80 metre underground base (Annex 3)



(3) Type C – dimensions: 0.30 metre x 0.30 metre x 0.60 metre with 0.90 metre x 0.90 metre x 0.50 metre underground base (Annex 4)

### 6) Inscription on Boundary Pillars

6.1 On the side facing each country, the country's symbol and name shall be inscribed both in Roman and its own alphabets. The number of boundary pillar and the date of emplacement using Buddhist Era on the Thai side and Anno Domini on the Cambodian side shall be inscribed with Arabic numerals.

6.2 The size of country's symbol shall be 20 centimetres in diameter for Type A boundary pillars and 12 centimetres for Type B boundary pillars and 10 centimetres in diameter for Type C boundary pillars. The symbol shall be impressed 1 centimetre in depth and painted in black.

6.3 The lettering shall be impressed 1 centimetres in depth in U shape and painted in black.

6.4 The lettering for “” and “” shall be 6 centimetres in height for Type A boundary pillars and 3 centimetres in height for Type B boundary pillars and 3 centimetres in height for Type C boundary pillars. The lettering for “CAMBODIA” and

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"THAILAND" shall be 4 centimetres in height for Type A and 3 centimetres in height for Type B boundary pillars and 3 centimetres in height for Type C boundary pillars.

6.5 The lettering for number of boundary pillar shall be 6 centimetres in height for Type A boundary pillars and 4 centimetres in height for Type B boundary pillars and 4 centimetres in height for Type C boundary pillars.

6.6 The lettering for date of emplacement shall be 4 centimetres in height for Type A and Type B boundary pillars and 3 centimetres in height for Type C boundary pillars.

#### 7) Numbering of boundary pillars

7.1 The numbering of the additional boundary pillars in between any two old (existing) Boundary Pillars shall be preceded by the lower number of old (existing) Boundary Pillar by a stroke and numbered consecutively starting from the numeral 1.

7.2 The numbering of the additional boundary pillars in Sector 6 and Sector 7 will commence from the most eastward point of the old (existing) Boundary Pillar No. 1 and be preceded by the word " **សង្កេត** " on the side facing Cambodia and " **ตรวจ** " on the side facing Thailand and numbered consecutively starting from the numeral 1.

7.3 Any replacement of the old (existing) boundary pillars which have been found missing will bear its own existing number with the word re-erected in parenthesis.

#### 5. The Preparation of Memorandum of Understanding on the Joint Survey and Demarcation

5.1 The result of joint survey and demarcation consists of :

- 1) List of coordinates of boundary pillars (old and new);
- 2) Maps at scales of 1:25,000 and 1:250,000; and
- 3) Plans of boundary pillars' location at the scale of 1:500 (old and new).

5.2 Endorsement of documents

- 1) The Co-Chairmen of the Joint Technical Sub-Commission shall sign the list of coordinates of boundary pillars (old and new) and maps at scales of 1:25,000 and 1:250,000.
- 2) The Co-Chairmen of the Joint Boundary Commission shall sign the MOU on the joint survey and demarcation and maps at scales of 1:25,000 and 1:250,000.

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## 6. Security Support

6.1 According to Article III, paragraph 3 of the MOU, the joint survey teams shall first be assured of its safety from landmines in carrying out the survey and demarcation works in any area.

6.2 Both sides shall provide the joint survey teams with sufficient security force comprising a security team and a booby trap and landmine clearance team.

### 6.3 Arrangements of security support

6.3.1 During the survey and demarcation works in any area, the security forces of both sides shall comprise the equal strength of personnel and ammunition depending on the operation group agreement of each survey task.

6.3.2 Security forces are not allowed to carry arms across the border of each other.

6.3.3 If it is necessary to carry arms across the border, particularly in populated area, the security team leader shall request a permission form the security team leader of the other side. If the permission is granted, all weapons must be surrendered to the security team leader of the other side to be kept in the warehouse, and will be completely returned to the owners in per original condition before crossing the border back to their own territory.

6.3.4 During the survey and demarcation, if it is necessary for the joint survey teams and their security forces to pass through or stay in the territory of the other side, appropriate hospitality and security shall be provided.

6.3.5 In the clearance of booby traps and landmines in the working area, both sides shall provide the booby trap and landmine clearance teams and military dog units as necessary and suitable.

6.3.6 For the convenience and closer coordination between the joint survey teams and security forces, the location of their campsites should be selected in very close or the same areas. In case of necessity, both sides may camp together in the territory of one side.

6.3.7 If it is necessary for any member of the joint survey teams with personal arms to cross the border, paragraph 6.3.3 shall be applied.

## 7. Administrative Arrangements

### 7.1 Flight Clearance

7.1.1 During the conduct of joint survey and demarcation work, if it is necessary for helicopter or aircraft to fly over the other side's territory in the interest of survey and demarcation, such as transportation of construction materials, tools and equipment, food, personnel and medical evacuations, a flight clearance, shall be made in advance with a certain flight schedule.

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7.1.2 In case of emergency, the helicopter or aircraft may fly over or land at any airfield or territory of the other side. Thereafter, a report shall be made to inform its own Ministry of Foreign Affairs for acknowledgement and further coordination with the Ministry of Foreign Affairs of the other side.

## 7.2 Immigration Clearance

7.2.1 All personnel of the joint survey team of each country must carry survey border passes stamped with both sides' seals and signed by the Co-Chairmen of the Joint Technical Sub-Commission or their authorized representative. The survey border pass shall be valid for 12 months from the date of issue and may be renewed for up to 12 months from the date of renewal.

7.2.2 Each side shall provide relevant immigration authorities of both sides with photocopies of all issued survey border passes, list of the survey border pass holders and their photos and list of vehicles including all changes thereto.

7.2.3 All personnel involved in the joint survey and demarcation of land boundary shall present the survey border pass to the immigration authorities of both sides when entering and exiting the border checkpoints.

With the survey border passes, they may enter and exit the border at any time and shall be within a range of 1 kilometre from the border. In case it is necessary to go further than 1 kilometre, a prior permission from competent authorities shall be obtained.

7.2.4 In case of urgency and the survey border pass cannot be issued in time, each party shall provide the other with a name list with photocopies of identification cards or certificates signed by Chief of Operational Group or his authorized representative of both sides.

7.2.5 Each side shall inform the other of any loss or damage of a survey border pass so that it can be replaced with a new one as soon as possible.

7.2.6 In case of emergency or when the survey personnel is injured, a patient or casualty is allowed to enter each side's territory for medical care.

## 7.3 Customs Clearance

7.3.1 The equipment, materials and supplies, in reasonable quantities and for the exclusive use of the joint survey teams in the survey and demarcation, although brought across the border, shall not be considered as exports from one country or imports into another country and shall not be liable to customs duties or taxes pertaining to export or import of goods.

7.3.2 As for customs formalities, each side shall provide a list containing specifications and amount of equipment, materials, supplies and vehicles required for the survey and demarcation, and submit it to the respective customs authority for record and clearance of duty fee exemption.

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## 7.4 Logo

7.4.1 The logo is as appears in Annex 5.

### 7.4.2 Application

1) The logo shall be used only by the personnel involved in the joint survey and demarcation of land boundary.

2) The logo sticker shall be affixed on the vehicles pertaining to the joint survey and demarcation of land boundary.

3) The logo shall be affixed on the uniform or apparel of all personnel.

4) The logo of various sizes may be used on the documents relating to the joint survey and demarcation of land boundary.

## 8. Logistic Support

8.1 In the areas where vehicles are accessible, each side shall provide its own logistic support.

8.2 In the rugged and mountainous terrain where vehicles are not accessible, each side will provide air support by helicopter to transport personnel, equipment, food and construction materials.

8.3 In case of emergency or when the logistic support from either side cannot be made, each side shall extend, at the request of the other side, facilities and support that may be necessary to overcome the difficulties. All expenses that may arise shall be borne by the requesting party.

8.4 In case of damage of vehicles, both sides shall assist and provide any support in repairing the broken vehicles. All expenses shall be borne by the owner of that vehicle.

## 9. Medical Care and Welfare Support

Each side shall provide its own medical care and medical evacuation by helicopter to the joint survey teams. In case of emergency, each side would extend to the other side medical care, facilities and cooperation that may be necessary to overcome the difficulties. Team Leaders of the joint survey teams will seek cooperation from the other side and arrange the medical evacuation to the nearby hospital. The medical care expenses will be free of charge for survey personnel who cannot reimburse from his own government.

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**10. Legal Effect of Joint Survey and Demarcation Works**

The result of the survey and demarcation works of the Joint Technical Sub-Commission shall not be legally binding. Both sides shall submit the result of survey and demarcation works, including the relevant documents and maps, to the Joint Boundary Commission for consideration and actions so that the said result and documents will come into effect.

**11. Legal Effect of the TOR**

This TOR is without prejudice to the legal value of the previous agreements between France and Siam concerning the delimitation of the boundary, nor to the value of the maps of the Commissions of the Delimitation of the Boundary between Indo-China and Siam set up under the Convention of 13 February 1904 and the Treaty of 23 March 1907, reflecting the boundary line between Indo-China and Siam.

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## **ANNEX 27**

**Aide memoire of 17 May 2007 sent by the Thai Ministry of Foreign Affairs to the  
Cambodian Minister for Foreign Affairs and  
the World Heritage Committee**







## AIDE MEMOIRE

The Ministry of Foreign Affairs of Thailand has the honour to refer to the nomination file of Preah Vihear Temple submitted by the Cambodian Government to the World Heritage Committee for the purpose of inscribing Preah Vihear Temple on the World Heritage List, and to articles 3, 4, and 6 of the Cambodian Décret Royal on "Délimitation du site protégé du Temple de Preah Vihear" (ns/rkt/0406/183), as appeared in Annex I.

In the spirit of cooperation, Thailand and Cambodia had agreed in 2003 to jointly develop the Preah Vihear Temple area as a symbol of the long-lasting friendship based on mutual benefits. However, upon learning of Cambodia's nomination file of Preah Vihear Temple and the discrepancy on international boundary line as appeared in the documents under reference, the Thai side undertook initiatives, through several high-level bilateral meetings as listed in Annex II, in exploring viable alternatives which would overcome the boundary concerns without hindering the process of registration of Preah Vihear Temple as World Heritage Site. At the meeting on 20 March 2007, the Thai side submitted two non-papers (Annex III and IV) to the Cambodian side proposing various feasible solutions, in particular, the joint nomination between Thailand and Cambodia for the registration of Preah Vihear Temple as transboundary cultural heritage, in conformity with Paragraph 135 of the Operational Guidelines for the Implementation of the World Heritage Convention, considering that Sra Trao, situated in the Thai territory, is a Baray of Preah Vihear Temple. Such proposal would not only better serve the objective of preserving Preah Vihear Temple and its surrounding which can only be achieved through cooperation between Thailand and Cambodia, but would also relieve the boundary concerns of the Thai Side with regard to the nomination of Preah Vihear Temple as a world heritage. However, a mutually acceptable solution could not be reached.

Pending the mutual agreement of an acceptable solution to the above-mentioned issues, the Ministry of Foreign Affairs of Thailand has the honour to convey to the Royal Government of Cambodia that the Royal Thai Government is obliged to object to the Cambodia's nomination file of the Preah Vihear Temple, in particular, the delineation of the indicative boundary line, the monumental zone, and the development zone as appeared in the "Schéma directeur pour le zonage de Preah Vihear" attached hereto (Annex V), as well as the provisions of articles 3, 4, and 6 of the Cambodian Décret Royal on "Délimitation du site protégé du temple de Preah Vihear", since the above-mentioned documents entail the exercise of Cambodian sovereignty in the area where our countries assert different claims on the boundary line. In this regard, the Royal Thai Government firmly states that the above-mentioned Cambodian documents cannot in any way prejudice the existing international boundary between Thailand and Cambodia as appeared in the map of scale 1:50,000 series L7017 (Annex VI). Accordingly, the above-mentioned documents are without prejudice to and do not affect the inherent rights and legitimate interests of Thailand arising from or in connection with the said boundary.

In this connection, the Royal Thai Government remains prepared to enter into consultation with the Royal Government of Cambodia with the view to reaching a mutually acceptable solution in accordance with article 11 paragraph 3 of the World Heritage Convention.

In registering the above objection, the Ministry of Foreign Affairs of Thailand wishes to inform the Ministry of Foreign Affairs and International Cooperation of the Royal Government of Cambodia that copies of this Aide Memoire have been forwarded to the Chairperson of the World Heritage Committee, the Director of the World Heritage Centre as well as the Members of the World Heritage Committee.



**Excerpts from the Cambodian Royal Decree on Delimitation of the Protected Site of the Temple of Preah Vihear (ns/rkt/0406/183)**

*[Translation]*

**Article 3:** Any development of the protected site shall be subject to controls and shall respect the boundary map of the area and its management, on the basis of the classification of the protected zones.

**Article 4:** The protected site of the Temple of Preah Vihear is divided into 4 (four) different zones which enjoy varying levels of protection.

(a) Zone 1: The area of the site of the Temple, referred to as the central zone, covers a total surface area of 154.7 hectares and comprises the entire mount of the Temple of Preah Vihear, from its summit at an altitude of 625 metres to an altitude of 500 metres, delimited by the points with the following co-ordinates:

Points	Latitude	Longitude
1	14° 23' 59"	104° 41' 30"
2	14° 23' 41"	104° 41' 20"
3	14° 23' 28"	104° 41' 18"
4	14° 23' 13"	104° 41' 07"
5	14° 23' 18"	104° 40' 52"
6	14° 23' 27"	104° 40' 41"
7	14° 23' 44"	104° 40' 33"
8	14° 23' 49"	104° 40' 34"
9	14° 23' 50"	104° 40' 41"

It also extends to the Khmer-Thai frontier line and includes the historical stairway on the eastern side of the mount, the co-ordinates of which are as follows:

Points	Latitude	Longitude
T	14° 23' 16"	104° 42' 12"
2	14° 23' 41"	104° 41' 20"
3	14° 23' 41"	104° 41' 05"

(b) Zone 2: This is the area of protection for the archaeological reserve, the cultural landscape and the natural environment, referred to as the buffer zone and covering a total surface area of 2,642.5 hectares.

This zone is bounded by the perimeter of the central zone, the Khmer-Thai frontier line and the centre line of the road beginning at the entry to the Ta Thav border area, following the shortest route between points T, B, C (K1 villages) and D, and extending up to the 500 metre altitude line on the mount of the Temple of Preah Vihear, the co-ordinates of those points being as follows:

Points	Latitude	Longitude
B	14° 22' 19"	104° 42' 48"
C	14° 22' 34"	104° 40' 02"
D	14° 23' 22"	104° 40' 08"
T	14° 23' 16"	104° 42' 12"

Also included in Zone 2 is the area within a 60° angle based on point O at an altitude of 625 metres on the summit of the mount of the Temple of Preah Vihear, facing south and with a longitudinal line dividing the angle into two equal parts. The two straight lines forming angle O intersect the line from B to C at points F and G, creating a sector with an arc of 5 km radius from points L to K, the co-ordinates of these points being as follows:

Points	Latitude	Longitude
O	14° 23' 18"	104° 41' 02"
F	14° 22' 37"	104° 40' 39"
G	14° 22' 29"	104° 41' 32"
K	14° 20' 56"	104° 42' 29"
L	14° 20' 55"	104° 39' 40"

As stated in the present Royal Decree, Zone 2 lies in a protected archaeological reserve and is the property of the State. Any commerce, trade or concession relating to the land in Zone 2 shall be considered null and void.

This zone contains a wealth of archaeological remains which require the use of the land for inappropriate development to be prevented.

- (c) Zone 3: This is an area for economic and tourism development, referred to as the “satellite zone”, which has a total surface area of 2,828.9 hectares and in which the existence, jobs, traditional trades and lifestyles of the population already present in the area are to be preserved.

This zone is divided into 2 (two) separate parts: Zone 3a, with a surface area of 679.1 hectares, and Zone 3b, with a surface area of 1,149.8 hectares. All the land in Zone 3 of the site of the Temple of Preah Vihear is the property of the State. Any development projects in Zones 3a and 3b shall adhere to an overall plan, a land use plan and any special provisions relating to development, town planning and construction, to be determined by sub-decree.

The establishment of this zone is aimed at preserving the cultural and natural heritage through measures designed to encourage sustainable development and to evaluate environmental impacts.

- (d) Zone 4: This zone is required for the conservation of natural resources, pursuant to Royal Kram ns/rkm/1296/36 of 24 December 1996 promulgating the Law on Protection of the Environment and the Management of Natural Resources; the Royal Decree of 1 November 1993 on the Creation and Delimitation of Nature Reserves; and Sub-Decree No. 76/ankr/bk of 30 July 2002 creating the “Preah Vihear” Forest Reserves for the Conservation of Forest Genetic Resources and Wild Fauna.

The boundary map of the site of the Temple of Preah Vihear is annexed to this Decree.

**Article 6:** The policy of the Supreme Council on National Culture shall be applied so as to ensure the management, maintenance and protection of the Preah Vihear site by determining the sovereign responsibilities of the competent institutions, including the Ministry of Culture and Fine Arts, which is directly responsible for implementing that policy.

In accordance with Article 5 of the Law on Protection of Cultural Heritage, promulgated by Royal Kram ns/rkm/0196/26 of 25 January 1996, the preservation and enhancement of the national cultural heritage in the area of the Temple of Preah Vihear shall be entrusted to an Authority responsible for the protection of the site and the management of the area of the Temple of Preah Vihear, which will be created by Royal Decree.

That Authority shall be the only authority allowed to manage development of any kind within the perimeter of the site of the Temple of Preah Vihear. In order to perform these tasks, the Authority alone shall have the power to issue building permits outside the protection perimeter of the site of the Temple of Preah Vihear.

Building permits in respect of the site issued by authorities other than the above-mentioned Authority shall be considered null and void.

The rules and procedures concerning the management, maintenance and protection of the site of the Temple of Preah Vihear, as referred to in the preceding articles, shall be laid down by sub-decree.

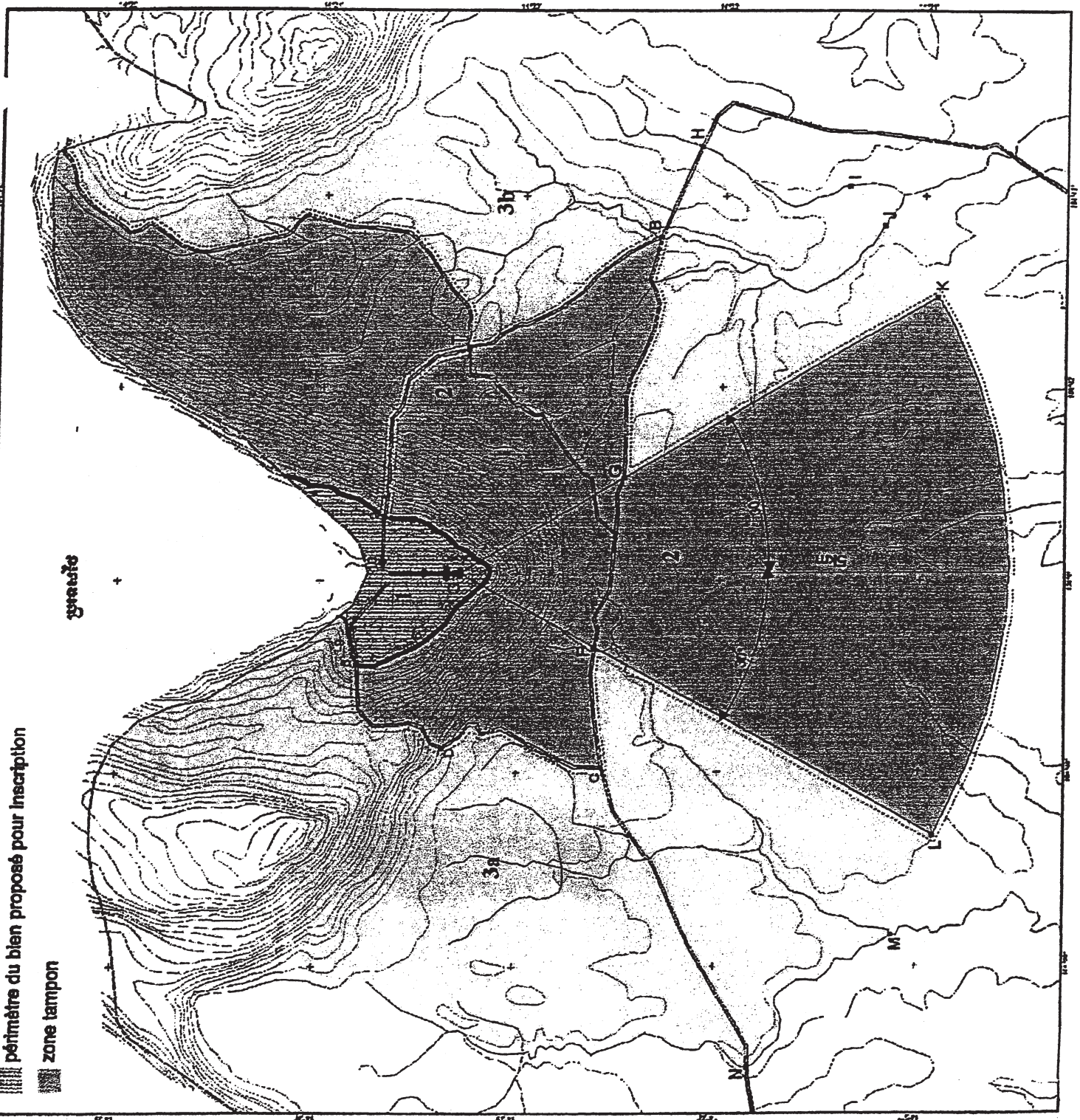
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▲▲▲▲▲ périmètre du bien proposé pour inscription

■ zone tampon

granite



**LEGENDE**

- Route
- Frontière internationale
- Contour 500m
- Ligne de 5km à partir du point Cône de vue
- Note explicative
- Zone monumentale de protection maximale
- Zone tampon de protection et de cône de vue
- Zone de développement

Point	Latitude	Longitude
Core zone		
1	14° 23' 53''	104° 41' 30''
2	14 23 41	104 41 20
3	14 23 28	104 41 18
4	14 23 13	104 41 07
5	14 23 18	104 40 52
6	14 23 27	104 40 41
7	14 23 44	104 40 33
8	14 23 49	104 40 34
9	14 23 50	104 40 41
10	14 23 41	104 41 05

Buffer zone	Latitude	Longitude
H	14 22 19	104 42 46
C	14 22 34	104 40 02
D	14 23 22	104 40 08
T	14 23 16	104 42 12
F	14 22 37	104 40 39
G	14 22 29	104 41 32
II	14 22 07	104 43 15
I	14 21 23	104 43 03
J	14 21 12	104 42 51
K	14 20 55	104 42 29
L	14 20 55	104 39 40
M	14 21 07	104 39 09
N	14 21 49	104 38 29

Point of cone de vue

Point of cone de vue	Latitude	Longitude
O	14 23 18	104 41 02

Sources:  
 -Tracé à titre indicatif de la frontière  
 -Contour : carte UTM échelle 1 : 50 000 feuille 59371V  
 -GPS handheld's survey 2002, 2005  
 -Satellite image SPOT, 1999



**List of meeting between Thai and Cambodian delegation regarding the registration of the Preah Vihear Temple as world heritage**

1. Meeting between H.E. Mr. Sok An, Deputy Prime Minister of Cambodia / Minister of the Council of Ministers / Chairman of the Joint Committee for the Development of the Region of Ta Thav and Preah Vihear Temple and Dr. Tej Bunnag, Chairman of the Sub-committee for the Restoration of Preah Vihear Temple (Thai side), on 26 February 2007 in Phnom Penh
2. Meeting between H.E. Mrs Tan Theany, Secretary of the National Commission of Cambodia for UNESCO and Mr. Chinapat Phumirat, Deputy Permanent Secretary for Education / Secretary of the National Commission of Thailand for UNESCO, on 19 March 2007 in Bangkok
3. Meeting between Mr. Uk Someth, Deputy Director General of APSARA Authority / Chairman of the Sub-committee for the Restoration of Preah Vihear Temple (Cambodian side) and Dr. Tej Bunnag, Chairman of the Sub-committee for the Restoration of Preah Vihear Temple (Thai side), on 20 March 2007 in Bangkok
4. Meeting between H.E. Mr. Long Visalo Secretary of State of the Ministry of Foreign Affairs and International Cooperation of Cambodia and Dr. Tej Bunnag, Chairman of the Sub-committee for the Restoration of Preah Vihear Temple (Thai side), on 29 March 2007 in Phnom Penh
5. Meeting between Mr. Uk Someth, Deputy Director General of APSARA Authority / Chairman of the Sub-committee for the Restoration of Preah Vihear Temple (Cambodian side) and Dr. Tej Bunnag, Chairman of the Sub-committee for the Restoration of Preah Vihear Temple (Thai side), on 29 March 2007 in Phnom Penh





**Non-paper**  
**Cooperation between Thailand and Cambodia**  
**on the Registration of Preah Vihear Temple as a World Heritage Site**  
**19 March 2007**

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- The Thai side welcomes and confirms our supports to Cambodia's endeavour to register Preah Vihear Temple as UNESCO's World Heritage Site, which demonstrates their determination to protect and conserve this invaluable ancient structure as common heritage of mankind.

- Nevertheless, since the area where Cambodian side proposed to be inscribed in the World Heritage List is located in the area where both countries assert different claims on the boundary line, pending the survey and demarcation under MOU on the Survey and Demarcation of Land Boundary of 14 June 2000, the registration process and the configuration of the "zonage" as appeared in the map attached to the Cambodian application to UNESCO raised the concerns of the Thai side over the implication of the boundary line and jurisdiction over the area. The Thai side, therefore, wishes to make some remarks and to seek further clarification from the Cambodian side on the following matters.

(1) According to Article 11 paragraph 3 of the Convention concerning the Protection of the World Cultural and Natural Heritage of 1972 (the World Heritage Convention) under which the inclusion of a property in the World Heritage List requires the consent of the State concerned (...)

(2) According to the Map of scale 1:50,000, series L7017 used by the Thai side, it appears *prima facie* that the configuration of the "central zone and satellite zones", as proclaimed in the Décret Royal dated 19 April 2006 and appeared in the map in reduced size, included in the Cambodian nomination file, namely "schéma directeur pour le zonage de Preah Vihear", extend over the Thai territory. The Thai side would very much appreciate if the Cambodian side could kindly provide a copy of the said maps in their original size so that the Thai side would be able to evaluate accurately the boundary and jurisdiction implication of the proposed "zonage" in those maps.

(3) Referring to H.E. Sok An's Note dated 13 February 2007 to H.E Mr. Viraphand Vacharathit, Ambassador to the Kingdom of Cambodia and his statement during the meeting with Dr. Tej Bunnag on 26 February 2007 in which the Cambodian side assured that the process of registration of Preah Vihear Temple as a World Heritage Site will be nothing to link with the demarcation issue and all the documents submitted to UNESCO for the registration are for the determination of "zonage" and not "demarcation" and it is entirely the value for topography and cultural value of heritage only. In this connection, the Thai side would appreciate it if the Cambodian side could provide further clarification to such statement and, the possible legal framework to support the said statement in the Cambodian nomination file and the "schéma directeur pour le zonage de Preah Vihear" and also in the unilateral declaration by the Cambodian Government at the time when World Heritage Committee and UNESCO make their final decision on the inscription of the Preah Vihear Temple to the World Heritage List. The legal wording for the said purpose could be jointly considered.

(4) Nevertheless, since both countries agreed to jointly develop Prea Vihear Temple and its vicinity, the other possible solution that seems to be concretely acceptable, in conformity with Paragraph 135 of the Guidelines, is a joint nomination between Thailand and Cambodia for the registration of Preah Vihear as transboundary property, considering that Sra Trao, situated in Thai territory likely be a Baray of Preah Vihear Temple. The said Paragraph stipulates that "wherever possible, transboundary nominations should be prepared and submitted by States Parties jointly in conformity with Article 11.3 of the World Heritage Convention". The management should be done jointly under an authority designated by both sides for the purpose of preservation of the property. This solution shall in no way prejudice the rights of the parties to land boundary issue. In this connection, the two sides may jointly

assign the competent experts to discuss scientifically this possibility. This possible solution is also in line with the spirit of cooperation between our two countries in order to develop jointly the Preah Vihear Temple area as a symbol of the long-lasting friendship.

(5) The Thai side would like to recall the fact that the Cambodian community in this area is expanding itself at an alarming rate. So many houses, huts, shelters and kiosks have been built all over the area from the footstep of the Temple to its top and its vicinity. Such expansion, with permanent structures, not only affects the natural environment of the frontier zone but also creates plenty of problems ranging from unpleasant landscapes and scenery to inappropriate management of waste disposal and wastewater. Moreover, the Thai communities living on lower grounds are suffering from polluted wastewater draining from the Cambodian communities. This situation will have a negative impact on the possibility of the Temple being recognized as a World Heritage. Therefore, the Thai side would appreciate it if this environmental concern shall be taken in consideration.

(6) According to Chapter II.F of the Operational Guidelines for the Implementation of the World Heritage Convention, regarding Protection and management, the effective protection of a property to be subscribed in the World Heritage List should presuppose the delineation of a central zone and, whenever necessary, a buffer zone. However the Guidelines do not require the delineation of a tourist and economic development zone (zone 3) and a natural resources preservation zone (zone 4). The Thai side would therefore appreciate it if the Cambodian side could provide the purpose of such zones.

- The Thai side would like to express its willingness that both sides together with the World Heritage Centre could explore practical solutions allowing the registration process to move forward as smoothly as all parties concerned wish.

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**Non-paper**

[Translation]

1. Given that the site which Cambodia has proposed for inclusion on the World Heritage List is situated in an area in which the two countries claim different frontier lines, it appears *prima facie* that the configuration of the “central zone and satellite zones” set forth in the Royal Decree of 19 April 2006 and featured on the reduced-size map included in Cambodia’s nomination file (i.e., the “General Plan for the zoning of Preah Vihear”) extends over Thai territory, according to the L7017 series 1:50000 scale map used by Thailand. In this respect, Thailand would be grateful if Cambodia would kindly:

- (1) provide the said map in its original size, so that Thailand can accurately assess the implications of the proposed zoning for the frontier line and the exercise of territorial jurisdiction;
- (2) present the measures envisaged by Cambodia for managing that part of the said central zone which Thailand considers to form part of its national territory;
- (3) consider the possibility of delimiting the central zone in such a way that it does not raise territorial concerns for Thailand.

2. Under the World Heritage Convention, the inclusion of the Temple of Preah Vihear on the UNESCO World Heritage List — on the basis of a unilateral procedure carried out by the Cambodian Government — will result in obligations to protect that site and its immediate vicinity which will be incumbent on the Cambodian Government alone. Since Thailand did not participate in that procedure, under no circumstances would it be bound by those obligations. Thus, in order to protect and preserve this priceless ancient structure, our two countries must work together to reach solutions by mutual agreement which are acceptable to both parties.

3. As regards the “indicative frontier line” referred to in the General Plan for the zoning of Preah Vihear, it would be preferable to remove this from the plan. If Cambodia insists on keeping it, Thailand would have no option but to enter a reservation against that reference in the final resolution inscribing this site on the UNESCO World Heritage List.

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# Zoning: implication on sovereignty

## THAILAND

## CAMBODIA

stone quarry and Baray

northern boundary of the temple site presented by Cambodia in its application for World Heritage inscription in 2007.

តំបន់ទេសភាពដ៏ថ្លៃថា

មានការបោះជំរំមីត និងប្តូរលិស

Stream

Cambodian Temple

boundary claimed by Thailand after ICJ decision

watershed (cliff)

ផ្លូវដែលកម្ពុជាធ្វើ

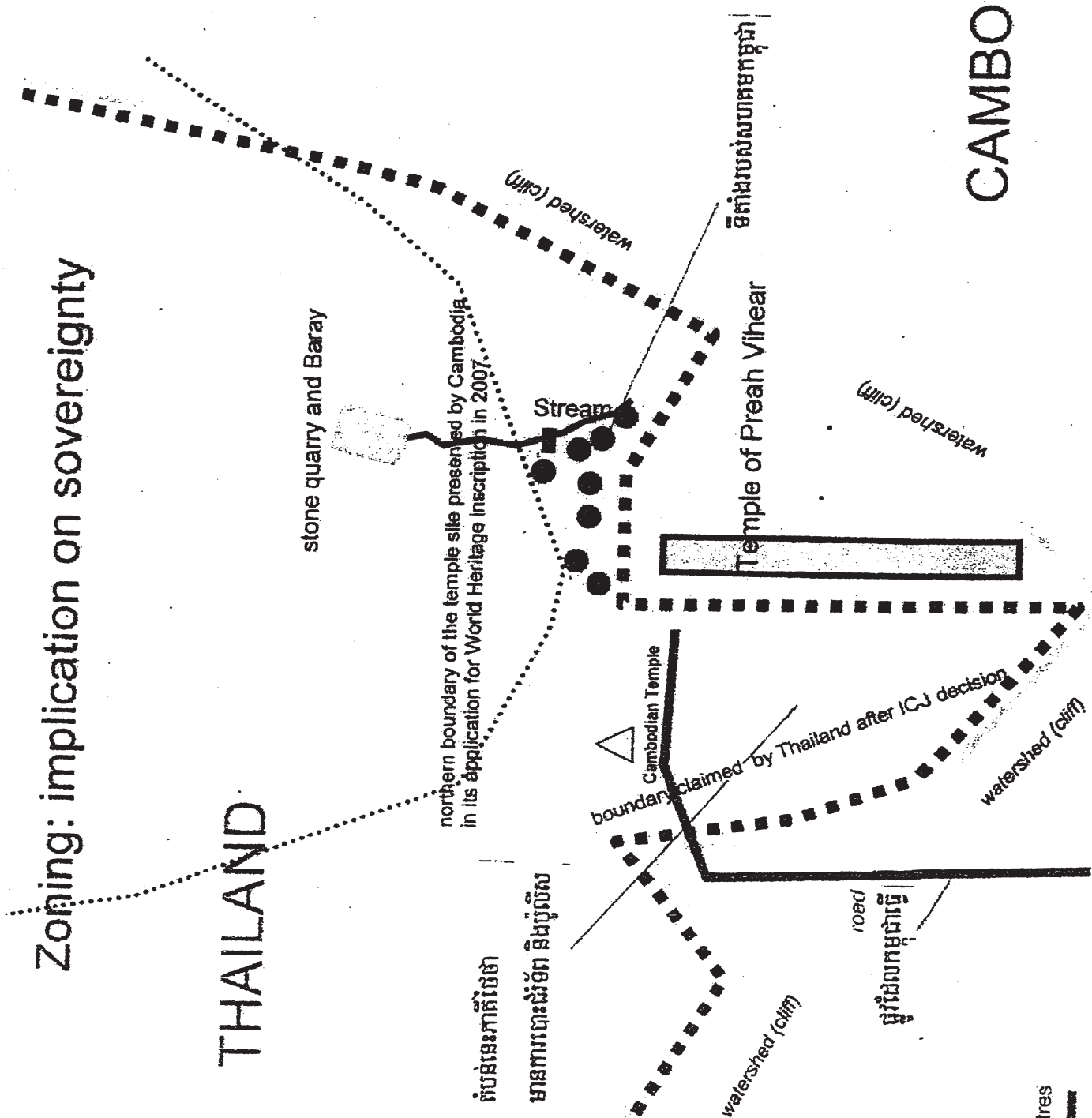
ទីតាំងរបស់សហគមន៍កម្ពុជា

Temple of Preah Vihear

watershed (cliff)

watershed (cliff)

100 metres







## **ANNEX 28**

**Agreed Minutes of the First Discussion of the Cambodian-Thai  
Technical Officers, 29-30 September 2003**



AGREED MINUTES OF  
THE FIRST DISCUSSION OF  
THE CAMBODIAN - THAI TECHNICAL OFFICERS  
PHNOM PENH, 29-30 SEPTEMBER 2003

**I. Introduction**

1. The First Discussion of the Cambodian - Thai Technical Officers was held in Phnom Penh, Cambodia, on 29-30 September 2003. The Cambodian side was led by H.E. Mr. Huon Savang, Deputy Director-General, Ministry of Land Management, Urban Planning and Construction and the Thai side was led by Col. Nopphadon Chotsiri, Director of International Boundary Division, Royal Thai Survey Department.
2. The lists of the Cambodian and Thai Delegations appear as Annex 1 and Annex 2 respectively.

**II. Discussion on the procedures for fact finding mission on the physical conditions and location of the 73 boundary pillars**

- 3.. Both sides agreed that the procedures for fact finding mission on the physical condition and locations of 73 boundary pillars in accordance with Item 4, Step 1 of TOR consist of 5 steps as follows

Step 1 "Preparation of the Related Documents"

- 1.1 The demarcated maps of the Commission of Delimitation of the Boundary between Indo-China and Siam at a scale of 1/200,000.
- 1.2 The topographic maps at a scale of 1/50,000 series produced by US agencies: (E708, L7011 and L7016)
- 1.3 The Procès - Verbaux d'abornement and the Planche d' Indications Topographiques of 73 BPs produced in the period of 1908-1909 and the Revision of 1919-1920.

Step 2 "Investigation and Comparison of the Related Documents"

Informations which are taken from step 1 will be jointly listed and checked on the accuracy.

Step 3: "Plotting the approximate positions of BPs on the Maps"

The approximate locations of 73 BPs will be jointly plotted on 1/50,000 and 1/200,000 maps, using the Procès - Verbaux d'abornement and the Planche d' Indications Topographiques as a basis.

*B*

*KAS*

#### Step 4 "Terrain Inspection"

1. Using 1/50,000 maps from step 3 as the instrument to facilitate the determination of the locations of BPs in terrain.
2. When approaching the positions of BPs, the Procès – Verbaux will be applied to inspect the conditions and locations of 73 BPs.
3. If the positions of BPs could be found, the following steps will be taken as follows.
  - 3.1) Constructing temporary pillars.(for the lost and displaced BPs)
  - 3.2) BP locations will be observed by precise GPS techniques.
  - 3.3) The description of BPs will be collected.
  - 3.4) Additional survey will be carried out if it is necessary.
4. If the positions of BPs could not be found, the detailed survey will be carried out.

#### Step 5 "Submission"

All the results of joint survey tasks will be submitted respectively up to JTSC and JBC.

4. The Meeting investigated and compared all related documents except the Procès – Verbaux produced in the period of 1908-1909 and 1919-1920. The result of investigation and comparison of topographic map with a scale of 1/50,000 L708, L7011 and L7016 appear as ANNEX 3. The result of investigation and comparison of the demarcated maps of the Commission of Delimitation of the Boundary between Indo-China and Siam at a scale of 1/200,000 appear as ANNEX 4.
5. The Meeting agreed that the approximate positions of 73 BPs to be plotted on 1/200,000 and 1/50,000 maps by each side using information derived from the Procès – Verbaux of 73 BPs produced in the period of 1908-1909 and 1919-1920. The said maps would later be submitted in the next meeting for joint comparison.
6. The Meeting also agreed that the procedures of GPS observation for the determination of 73 BPs coordinates are as follow.
  1. Datum connection survey shall be carried out by using GPS observations.
    - Referenced datum ITRF2000
    - 5 fixed stations (3 Cambodian stations, 2 Thai stations)
    - 20 new GPS stations (10 Cambodian stations, 10 Thai stations) at approximately 50 km apart.

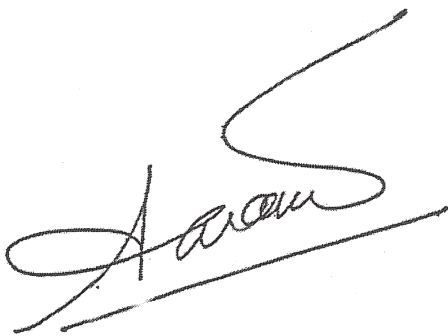
KAS

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2. Secondary control network
    - To breakdown control from datum layers to densify the control stations along the border at 10-20 km apart.
  3. Instrument used
    - GPS dual frequency receivers (Trimble or Leica)
  4. Observation teams
    - #3 Cambodian GPS teams and 3 Thai GPS teams.
  5. For further detail, the Thai side are proposed to prepare the draft instruction for survey work and to be presented at the next meeting.
  6. The approximate time to accomplish the task is about 5 months.
7. Investigation and Comparison of the Procès – Verbaux of 73 BPs produced in the period of 1908-1909 and 1919-1920, and technical instruction for fact finding mission on the condition and locations of 73 BPs prepared by Thai side shall be carried out at the next meeting.

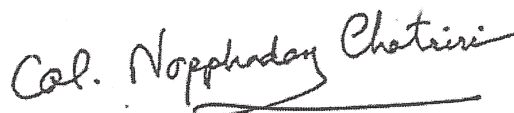
### III. Date and Venue of the Next Meeting

Both sides agreed that the next meeting would be held in Thailand at a mutually agreed date to be communicated through diplomatic channels.



(HUON SAVANG)

Deputy Director-General,  
Ministry of Land Management,  
Urban Planning and Construction



(COL. NOPPHADON CHOTSIRI)

Director of  
International Boundary Division,  
Royal Thai Survey Department





## ANNEX 3

## Result of Investigation and Comparison of Topographic Maps with a scale of 1/50,000 L708 and L7011

No.	Sheet No.	Thai Status				Cambodian Status						Remarks	
		Sheet Name	Series	Edition	Status	Sheet Name	Series	Edition	Status	Series	Edition		Status
1	6054 III	BAN KHAE DON	L708	2-AMS	Original	BAN KHAE DON	L708	2-AMS	Original	L708	2-AMS	Original	Identical
2	6053 IV	TRAPEANG KUL	L7011	RTSD-1	Copy	TRAPEANG KUL	L7011	1-AMS	Original	L7011	1-AMS	B/W	Identical
3	5953 I	CHOAM KHSAN	L7011	1-AMS	Original	CHOAM KHSAN	L7011	1-AMS	Original	L7011	1-AMS	Original	Identical
4	5954 II	BAN CHONG	L708	1-AMS	Original	CHHEUTEAL KONG	L7011	Provisoire	Original	L7011	Provisoire	B/W	Identical
5	5954 III	BAN DON AO	L708	RTSD-1	Original	-	-	-	-	-	-	-	-
6	5854 II	BAN HUAI CHAWAE	L708	RTSD-1	Original	PHNUM TA PRUM	L7011	Provisoire	Original	L7011	Provisoire	B/W	Identical
7	5854 III	BAN SA NGAM	L708	RTSD-1	Original	-	-	-	Original	-	-	-	-
8	5753 I	TRAPEANG TAU	L7011	2-AMS	Original	TRAPEANG TAU	L7011	1-AMS	Original	L7011	1-AMS	Original	Boundary line difference
9	5754 II	BAN SAM PRATO	L708	1-AMS	Original	BAN SAM PRATO	L708	Provisoire	Original	L708	Provisoire	Original	Identical
10	5754 III	BAN DAN	L708	2-AMS	Original	-	-	-	Original	-	-	-	-
11	5654 II	BAN O LOK	L708	1-AMS	Original	BAN O LOK	-	Provoire	Original	-	Provoire	Original	Identical
12	5654 III	KING AMPHOE BAN KRUAU	L708	1-AMS	Original	KING AMPHOE BAN KRUAU	-	Provisoire	Original	-	Provisoire	Original	Identical
13	5653 IV	PHUM AMPIL	L7011	RTSD-1	Original	PHUM AMPIL	L7011	2-AMS	Original	L7011	2-AMS	Original	Boundary line difference



No.	Sheet No.	Thai Status					Cambodian Status					Remarks
		Sheet Name	Series	Edition	Status	Sheet Name	Series	Edition	Status			
14	5553 I	NOEN HIN	L708	RTSD-1	Original	NOEN HIN	L708	1-AMS	Original	Identical		
15	5553 II	AMPHOE TA PHRAYA	L708	RTSD-1	Copy	STOENG O SAY	L7011	Provisoire	B/W	Identical		
16	5552 I	KOUK PRECH	L7011	RTSD-1	Original	KOUK PRECH	L7011	1-AMS	Original	Identical		
17	5552 II	SYAY CHEK	L7011	1-AMS	Original	SYAY CHEK	L7011	1-AMS	Original	Identical		
18	5552 III	AMPHOE ARANYAPRATHET	L708	RTSD-1	Original	AMPHOE ARANYAPRATHET	L708	1-AMS	Original	Identical		
19	5551 IV	PAOY PET	L7011	1-AMS	Original	PAOY PET	L7011	1-AMS	Original	Identical		
20	5451 I	BAN NON SAO E	L708	RTSD-1	Original	BAN NON SAO E	L708	1-AMS	Original	Identical		
21	5451 II	PHNUM SAMPOU LUN	L7011	RTSD-1	Original	PHNUM SAMPOU LUN	L7011	1-AMS	Original	Identical		
22	5450 I	PHNUM PROEK	L7011	RTSD-1	Original	PHNUM PROEK	L7011	1-AMS	Original	Identical		
23	5450 II	BAN BUNG CHANANG	L708	1-AMS	Original	BAN BUNG CHANANG	L708	1-AMS	Original	Identical		
24	5550 III	KAMRIENG KRAOM	L7011	RTSD-1	Original	KAMRIENG KRAOM	L7011	1-AMS	Original	Identical		
25	5449 I	AMPHOE PONG NAM RON	L708	RTSD-1	Original	AMPHOE PONG NAM RON	L708	1-AMS	Original	Identical		
26	5549 IV	PAILIN	L7011	1-AMS	Original	PAILIN	L7011	1-AMS	B/W	Identical		

6005

No.	Sheet No.	Cambodian Status						Remarks		
		Sheet Name	Series	Edition	Status	Sheet Name	Series		Edition	Status
27	5549 III	PANG ROLOEM	L7011	1-AMS	Original	PANG ROLOEM	L7011	1-AMS	Original	Identical
28	5548 IV	BAN KHLONG AENG	L708	1-AMS	Original	BAN KHLONG AENG	L708	1-AMS	Original	Identical
29	5548 III	BAN KHLONG KHUT	L708	RTSD-1	Original	BAN KHLONG KHUT	-	Provisoire	B/W	Identical
30	5548 II	PHNUM THOM	L7011	1-AMS	Original	PHNUM THOM	L7011	1-AMS	Original	Identical
31	5547 IV	CHANGWAT TRAT	L708	RTSD-1	Original	CHANGWAT TRAT	L708	2-USARPAC	Original	Identical
32	5547 III	BAN AO YAI	L708	RTSD-1	Original	BAN AO YAI	L708	1-AMS	Original	Boundary line difference
33	5547 II	PHNUM KHNAT	L7011	RTSD-1	Original	PHNUM KHNAT	L7011	Provisoire	B/W	Identical
34	5546 I	PHNUM BEN BUN	L7011	1-AMS	Original	PHNUM BEN BUN	L7011	1-AMS	Original	Identical
35	5546 II	KAOH PAO	L7011	1-AMS	Original	KAOH PAO	L7011	1-AMS (Provisoire)	B/W	Identical
36	5545 I	KRONG KHEMARAK PHOUMIN	L7011	RTSD-1	Original	KRONG KHEMARAK PHOUMIN	L7011	1-AMS	Original	Identical

AMS

9

Result of Investigation and Comparison of Topographic Maps with a scale of 1/50,000 L7016

No.	Sheet No.	Thai Status				Cambodian Status				Remarks
		Sheet Name	Series	Edition	Status	Sheet Name	Series	Edition	Status	
1	6037 III	TRAPEANG KUL	L7016	I-AMS	Original	TRAPEANG KUL	L7016	I-AMS	Original	Identical
2	5937 I	PHUM CHHEUTEAL KUNG	L7016	I-TPC	Original	PHUM CHHEUTEAL KUNG	L7016	I-TPC	Original	Identical
3	5937 IV	PHUM ANGKRONG	L7016	I-DMATC	Original	PHUM ANGKRONG	L7016	I-DMATC	Copy	Identical
4	5837 I	CHOUR PHNUM DANGREK	L7016	I-TPC	Original	CHOUR PHNUM DANGREK	L7016	I-TPC	Original	Identical
5	5737 IV	PHUM PHAANG	L7016	I-DMATC	Original	PHUM PHAANG	L7016	I-DMATC	Original	Identical
6	5637 I	PHUM KU	L7016	I-DMATC	Original	PHUM KU	L7016	I-DMATC	Original	Identical
7	5637 III	PHUM AMPIL	L7016	I-DMATC	Original	PHUM AMPIL	L7016	I-DMATC	Original	Identical
8	5536 I	SVAY CHEK	L7016	I-DMATC	Original	SVAY CHEK	L7016	I-DMATC	Copy	Identical
9	5536 III	PAOY PET	L7016	I-DMATC	Original	PAOY PET	L7016	I-DMATC	Copy	Identical
10	5435 I					PHNUM PROEK	L7016	I-DMATC	Original	-
11	5535 III	KAMRIENG KRAOM	L7016	I-DMATC	Original	KAMRIENG KRAOM	L7016	I-DMATC	Original	Identical
12	5534 IV	PAILIN	L7016	I-DMATC	Original	PAILIN	L7016	I-DMATC	Copy	Identical

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No.	Sheet No.	Thai Status					Cambodian Status					Remarks
		Sheet Name	Series	Edition	Status	Sheet Name	Series	Edition	Status			
13	5534 III	PHUM CHUMTENG LUOCH	L7016	1-DMATC	Original	PHUM CHUMTENG LUOCH	L7016	1-DMATC	Original	Identical		
14	5533 I	PHNUM THOM	L7016	1-DMATC	Original	PHNUM THOM	L7016	1-DMATC	Copy	Identical		
15	5533 II	PANUM KHINAT	L7016	1-DMATC	Original	PANUM KHINAT	L7016	1-DMATC	Original	Identical		
16	5532 I	PHNUM BEN BUN	L7016	1-TPC	Original	PHNUM BEN BUN	L7016	1-TPC	Copy	Identical		
17	5532 II	KRONG KAOH KONG	L7016	1-TPC	Original	KRONG KAOH KONG	L7016	1-TPC	Original	Identical		

6/05



Result of Investigation and Comparison of the Demarcated Maps of the Commission of Delimitation of the Boundary between Indo-China and Siam at a scale of 1/200,000

No.	Sector	Thai			Cambodia			Remarks
		Year.	Published	Sheet index	Year	Published	Sheet Index	
1.	1	1907-1908	S.G.I.	Yes	1907-1908	S.G.I.	No	-
2.	2	1908-1909	-	Yes	1908-1909	-	Yes	-
3.	3	1907-1908	S.G.I.	Yes	1907-1908	S.G.I.	No	-
4.	4	1907-1908	S.G.I.	Yes	1907-1908	S.G.I.	Yes	-
5.	5	-	-	-	1907-1908	S.G.I.	Yes	Incompleted sheet for Thai side
6.	Khong	1906-1907, 1903-1906	HB	-	1906-1907 1903-1906	HB	-	-
7.	Dangrek	-	HB	-	-	HB	-	-

- Remarks: 1. All sheets from both sides are copies.  
 2. The comparison of the details of all sheets will be further checked.  
 3. S.G.I : Helogrove et imprime par le Service Geographique de l'Indo-Chine  
 4. HB : H. BARRERE, Editeur Geographe





## **ANNEX 29**

**Agreed Minutes of the Second Discussion of the Cambodian-Thai  
Technical Officers, 4-5 February 2004**



Agreed Minutes of  
the Second Discussion of  
the Cambodian-Thai Technical Officers  
Phnom Penh, 4-5 February 2004

I. Introduction

1. The Second Discussion of the Cambodian-Thai Technical Officers was held in Phnom Penh, Cambodia, on 4-5 February 2004. The Cambodian side was led by H.E. Huon Savang, Deputy Director-General, Ministry of Land Management, Urban Planning and Construction, and the Thai side was led by Col. Nopphadon Chotsiri, Director of International Boundary Division, Royal Thai Survey Department.
2. The lists of the Cambodian and Thai Delegations appear as ANNEX 1 and ANNEX 2 respectively.
3. The meeting adopted the agenda as appears in ANNEX 3.
4. The head of the Thai delegation paid a courtesy call on H.E. Var Kim Hong, Adviser to the Royal Government in charge of State Border Affairs/Co-Chairman of the Cambodian – Thai Joint Commission on Demarcation for Land Boundary (Cambodian side) and have a fruitful discussion on matters relating to the demarcation for land boundary and to the exchange of the authentic copies in the original size of the Procès-Verbaux d'Abornement and the Planche d'Indications Topographiques of 73 BPs produced in the period of 1908-1909 and the Revision of 1919-1920 and to compare them with their originals at the next meeting.

II. The fact finding mission on the physical conditions and location of the 73 boundary pillars

5. The meeting considered the draft Technical Instruction for Fact Finding Mission on the Conditions and Location of 73 BPs proposed by Thai side as appears in ANNEX 4 and agreed to have further discussion on this matter with a view to adopt this document at the next meeting.
6. The meeting completed the investigation and comparison of the maps at a scale of 1/200,000 of the Commission of Delimitation of the Boundary between Indo-China and Siam. The result of the investigation and comparison appears as ANNEX 5.

5/196

7. The meeting agreed to proceed to the exchange of the authentic copies in the original size of the Procès-Verbaux d'Abornement and the Planche d'Indications Topographiques of 73 BPs produced in the period of 1908-1909 and the Revision of 1919-1920 and to compare them with their originals at the next meeting.
8. The meeting completed the preliminary comparison of the approximate positions of 73 BPs plotted by each side on the maps of 1/200,000 and the topographic maps at a scale of 1/50,000 (L 708, L 7011 and L 7016). The results of the preliminary comparison appear as ANNEX 6 and the meeting agreed to further discuss this matter in the next meeting.
9. The meeting had a discussion on the order of areas of 73 BPs to be surveyed and agreed in principle that the following criteria shall be taken into consideration upon making decision on this matter such as :
  - 9.1 the accessibility to the approximate locations of the BPs
  - 9.2 the hazard of landmines
10. This Agreed Minutes shall be submitted to the JTSC and the JBC respectively for consideration.

### III. Other matters

11. Both sides agreed to discuss on the implementation of the Item 4 Step 2 of the TOR (production of Orthophoto Maps) at the next meeting.
12. In accordance with Article 4 Item 3 (3.3) of the Concept Paper, adopted by the Joint Cabinet Retreat on 31 May 2003, the Meeting discussed about the status of the construction of the road No. 67 (Chong Sa Ngam – Anlong Veng) and adopted the Instruction for Joint Detail Survey at Sa-Ngam/Chorm as appear in ANNEX 7. The Meeting also agreed that the detail survey will be carried out as soon as the authorities concerned of both sides decide about the point where the road would pass the boundary line.

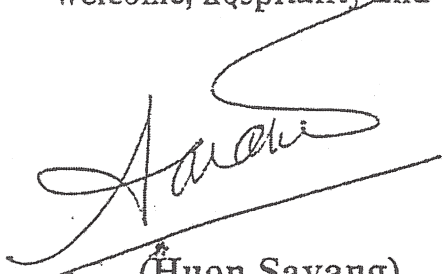
### IV. Date and Venue of the Next Meeting

13. Both sides agreed that the next meeting will be held in Cambodia at the date to be mutually agreed upon through diplomatic channel.

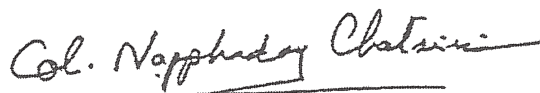
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6/19/05

The Thai delegation expressed its profound appreciation for the warm welcome, hospitality and excellent facilities during its stay in Phnom Penh.



(Huon Savang)  
Deputy Director-General,  
Ministry of Land Management  
Urban Planning and Construction



(Col. Nopphadon Chotsiri)  
Director of  
International Boundary Division,  
Royal Thai Survey Department

Phnom Penh  
5 February 2004



(Draft)

**Technical Instruction for Fact Finding Mission  
on the Conditions and Location of the 73 Boundary Pillars**

**Step 1 Preparation of the Related Documents**

The following documents shall be prepared by each side :

1. The Map at a scale of 1:200,000 of the Commission of Delimitation of the Boundary between Indo-China and Siam set up under the Convention of 1904 and the Treaty of 1907 between Siam and France (hereinafter referred to as "the Maps at a scale of 1:200,000").
2. The topographic map series L708, L7011 and L7016 at a scale of 1:50,000 produced by US agencies.
3. The Procès – Verbaux d' Abornement and Planches d' Indications Topographiques of 73 BPs produced in the period of 1908-1909 and the revision of 1919-1920.

**Step 2 Investigation and Comparison of the Related Documents**

The related documents as described in Step 1 will be jointly investigated and compared. Details of comparison are as follows :

1. Maps at a scale of 1:200,000 of each side shall be investigated and compared, sheet by sheet, taking into account the geographical names, roads, drainages, boundary line, elevation, mountains and other geographical details.
2. The topographic maps series L708, L7011 and L7016 of each side shall be investigated and compared, sheet by sheet, taking into account the geographic names, roads, drainages, elevation, mountains and other geographical details, except boundary line.

SAS



3. Copies of the Procès – Verbaux d' Abornement and Planches d'Indications Topographiques of 73 BPs produced in the period of 1908-1909 of each side shall be investigated and compared with their originals.

4. Copies of the Procès – Verbaux d' Abornement and Planches d'Indications Topographiques of 73 BPs produced in the period of 1919-1920 of each side shall be investigated and compared with their originals.

The results of the above-mentioned investigation and comparison shall not deprive both sides from their rights to submit any other evidences to confirm or to reject its value.

### Step 3. Plotting the Approximate locations of BPs on the Maps

1. The approximate locations of 73 BPs shall be plotted by each side on the maps at a scale of 1/200,000 and the topographic maps (L 708, L 7011 and L7016) using information derived from the Procès-Verbaux of 73 BPs produced in the period of 1908-1909 and 1919-1920.

2. The results of the unilateral plotting shall be jointly compared.

3. The BPs locations proposed by each side shall be used for further terrain inspection in order to find common approximate locations.

### Step 4 Terrain Inspection

#### 1. Procedures of Terrain Inspection

1.1 The maps at a scale of 1 : 50,000 derived from step 3 shall be used by the Joint survey teams as an instrument to facilitate the access to the locations of BPs in the terrain.

1.2 When approaching the expected locations of BPs, the Procès – Verbaux d' Abornement and Planche d' Indications Topographiques of 73 BPs produced in the period of 1908-1909 and the revision of 1919-1920 shall be used to identify the approximate locations of BPs in the terrain.

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1.3 If the approximate locations of the BP in the terrain are jointly agreed by both sides :

1.3.1 In the case that the existing BPs are found on that agreed location, the following step shall be taken.

1.3.1.1 The BPs ' location shall be observed by precise GPS technique as shown below.

1.3.1.2 Description of the BPs' location shall be made.

1.3.2 In the case of lost or displaced BP, the following steps shall be taken.

1.3.2.1 Temporary markers shall be planted at the agreed locations.

1.3.2.2 The temporary markers shall be observed by precise GPS techniques as shown below.

1.3.2.3 The description of temporary markers' location shall be made.

1.3.2.4 If necessary, the additional survey could be carried out on the watershed to collect the geographical information.

1.3.2.5 In the case that existing BPs are found to be displaced, detail survey shall be made to collect their physical conditions and locations.

1.4 If the locations of BPs could not be jointly agreed by both side, the detailed survey will be carried out to collect information of the terrain such as watershed, existing BPs' position, and other necessarily related details.

1.5 In any case, Item 7.2.3 of the TOR shall be observed.

1.6 In case of special circumstances which become obstacle to the terrain inspection work, the joint survey team shall report it to the Operational Group, JTSC and JBC respectively for consideration.

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## 2. Instruction of GPS Measurement

### 2.1 Abstract

Global Positioning System (GPS) survey shall be used to provide the control points for the Joint Thai - Cambodian survey and demarcation of land boundary. International Terrestrial Reference Frame (ITRF 2000) shall be used for coordinate adjustment. The observation class shall be categorized by three (3) orders : Zero Order, First Order and Second Order GPS networks.

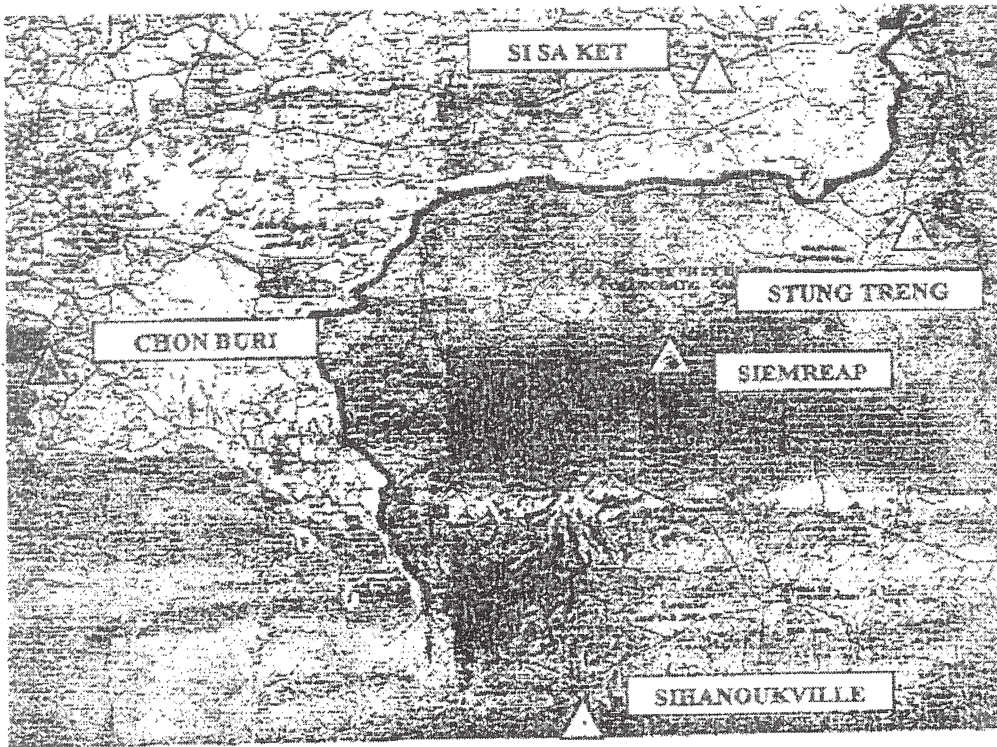
### 2.2 Establishment of Thai - Cambodian Zero Order GPS Network

Existing coordinates of five control points, derived from Geodyssea Campaign based on ITRF2000 will be used to fixed the Zero Order Network. Two of points are located in Chonburi and Srisaket, Thailand. The rest are located in Sihanouk Ville, Siemreap and Stung Treng, Cambodia. Distribution of stations is shown in MAP 1.

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Map 1 Zero Order GPS Network

### 2.3 Establishment of Thai - Cambodian First Order GPS Network

#### 2.3.1 Planning

Five (5) Geodyssea stations from Thai - Cambodian Zero Order GPS Network shall be fixed. Reference to International Terrestrial Reference Frame (ITRF) shall be made in the adjustment of Coordinates.

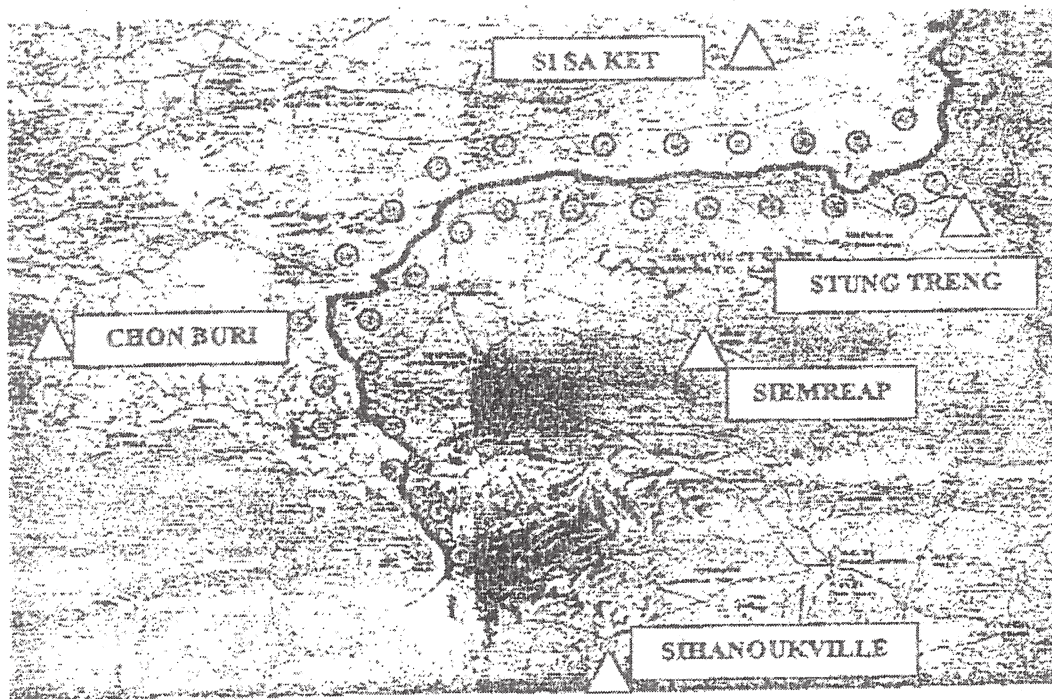
#### 2.3.2 GPS Observation

First Order GPS Network consists of five APRGP stations of Zero Order. Additional stations will be located within the distance of approximately 50 km., from station to station. Distribution of stations is shown in MAP 2. Summary of the GPS Observation is as follows.

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No.	Item	Requirements
a.	Recording Interval	15 Second
b.	Number of Satellite	> 4
c.	PDOP	≤ 6
d.	Cut of Angle	15°
e.	Ambiguity Resolution	Fixed
f.	Frequency used	L1 and L2



- △ Zero Order GPS Network
- First Order GPS Network

Map 2 First Order GPS Network

085



### 2.3.3 Data Processing

2.3.3.1 The strategy used in forming the baseline combination is as follows: Independent set (n - 1); with "n" as number of receivers

2.3.4 For loop closure checking, the criteria used refers to the Federal Geodetic Control Committee(FGCC) 1998 class C-I, not over 10 ppm.

2.3.5 Summary of the baseline processing is as follow.

No	Item	Requirements
a	Fixed Coordinates	WGS 84 or GRS 80 coordinates with absolute accuracy of $\pm 10$ cm.
b.	Cut - off angle	Between 15 to 20 degrees
c.	Ephemerides	Broadcast/precise ephemerides
d.	Atmospheric corrections	Default values
e.	Processing	Double difference processing
f.	Final Solution	Fixed for Short Baseline and Float for Long Baseline
g.	Test ratio	> 1.5
h.	Minimum Data Length	180 epoch

### 2.3.6 Network Adjustment

2.3.6.1 First step, one fixed point is performed to minimally constrained adjustment for checking something about data observation.

2.3.6.2 Final step, the coordinates from the Zero Order GPS Network are performed to the fully constrained adjustment.

### 2.3.7 Instruments

2.3.6.1 Type of receivers : Dual Frequency (L1/L2)

2.3.6.2 Number of receiver : 3 Thai receivers, 3 Cambodian receivers

2.3.6.3 Antenna : 1 per each receiver

2.3.6.4 Raw Data Format : Rinex format

2.3.6 GPS Observation Team : 3 Thai teams, 3 Cambodian teams

## 2.4 Establishment of the Thai - Cambodian Secondary Order GPS Network

The Second Order GPS Network will be used to observe on the BPs' location.

### 2.4.1 Planning

Coordinates of BPs will be fixed by First Order GPS Network. Distribution of stations is shown in MAP 3.

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GRS



- First Order GPS Network
- Second Order GPS Network(BPs)

Map 3 Second Order GPS Network

#### 2.4.2 GPS Observation

For GPS Observation of BPs will be made by at least of 3 stations of the Zero or the First Order GPS Network. Summary of the GPS Observation is as follow.

No	Item	Requirements
a	Recording Interval	15 second
b.	Number of satellite	> 4
c.	PDOP	≤ 6
d.	Cut of Angle	15 °
e.	Ambiguity Resolution	Fixed
f.	Frequency used	L1 and L2

#### 2.4.3 Data Processing

2.4.3.1 The strategy used in forming the baseline combination is as follows: Independent set ( $n - 1$ ); with  $n$  as number of receivers

2.4.3.2 For loop closure checking, the criteria used refers to the Federal Geodetic Control Committee (FGCC) 1998 class C-I, not over 10 ppm.

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2.4.3.3 Summary of the baseline processing is tabulated as follow.

No	Item	Requirements
a	Fixed Coordinates	WGS84 or GRS80 coordinates with absolute accuracy of $\pm 10$ cm.
b.	Cut - off angle	Between 15 to 20 degrees
c.	Ephemerides	Broadcast/precise ephemerides
d.	Atmospheric corrections	Default values
e.	Processing	Double difference processing
f.	Final Solution	Fixed for Short Baseline and Float for Long Baseline
g.	Test ratio	> 1.5
h.	Minimum Data Length	180 epoch

#### 2.4.4 Network Adjustment

2.4.4.1 First step, one fixed point is performed to minimally constrained adjustment for checking something about data observation.

2.4.4.2 Final step, the coordinates from the Zero or First Order GPS Network are performed to the fully constrained adjustment, 2 - 3 minimum constrained stations.

#### 2.4.5 Instruments

2.4.5.1 Type of receivers : Dual Frequency (L1/L2)

2.4.5.2 Number of receiver : 3 Thai receivers, 3 Cambodian receivers

2.4.5.3 Antenna : 1 per each receiver

2.4.5.4 Raw data format : Rinex format

2.4.6 GPS Observation Team : 3 Thai teams, 3 Cambodian teams

#### Step 5 Submission

The results of joint survey tasks derived from step 4 shall be submitted to JTSC and JBC respectively for further consideration.

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Result of Investigation and Comparison of the Demarcated Maps of the Commission of Delimitation of the  
Boundary between Indo-China and Siam at a scale of 1/200,000

Secteur 5

List of Different Features	The Results of Comparison	Remarks
1) Geographical Name	Identical	Cambodian : 1) Seal of IGN 2) Seal of Service geographique 3) Seal of Chemise40 4) Seal of Documentation Frontiere
2) Road	Identical	
3) Drainage	Identical	
4) Boundary Line	Identical	
5) Elevation	Identical	
6) Mountain	Identical	
7) Map Index	Identical	
8) Size of Map	The map of the Thai side is a little bigger than the map of the Cambodian side	

Dangrek and Khong Sheets

No Differences

5/25

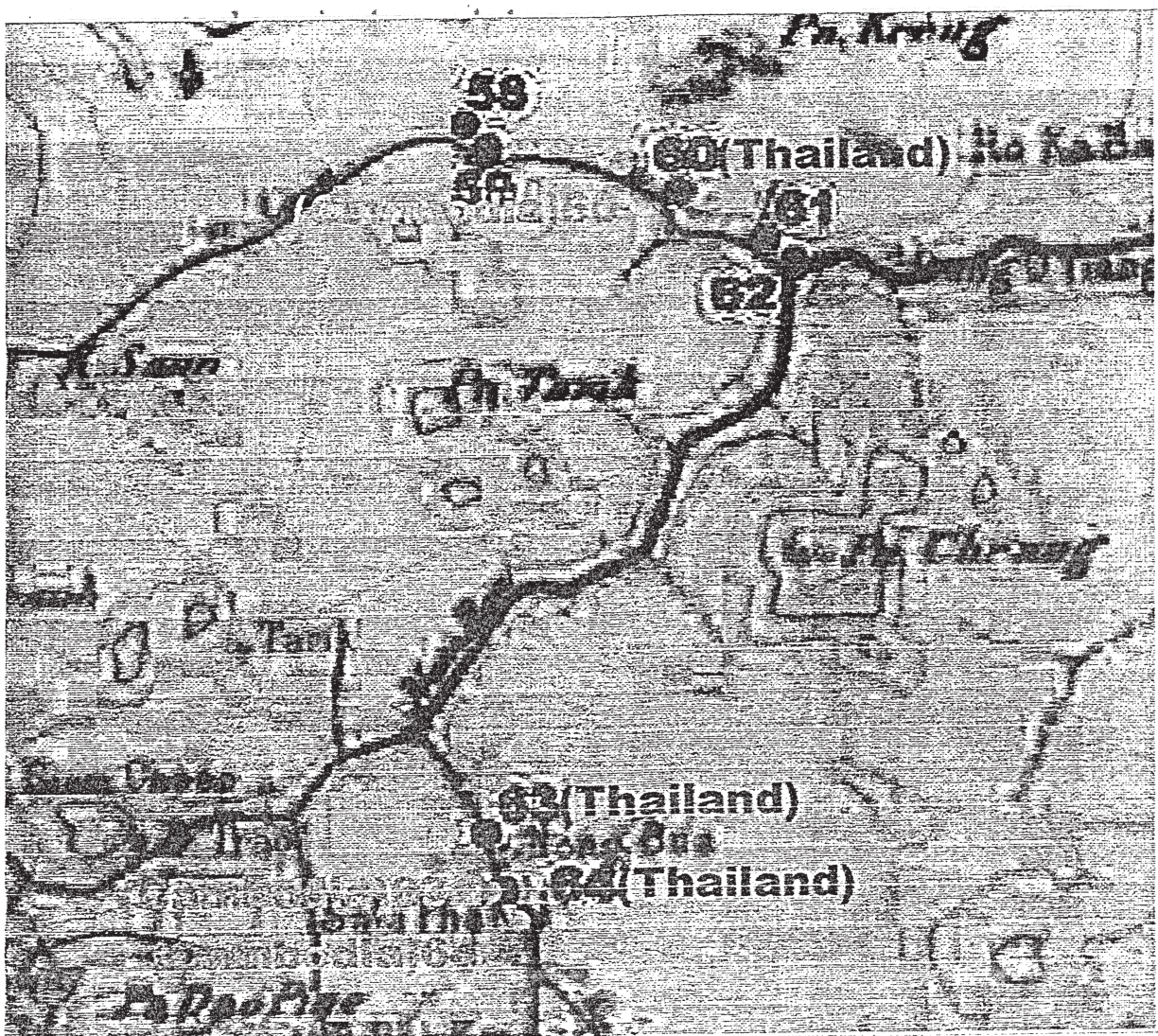




The Results of the Preliminary Comparison of Plotting  
the Approximate Positions of 73 BPs on the Map of 1/200,000

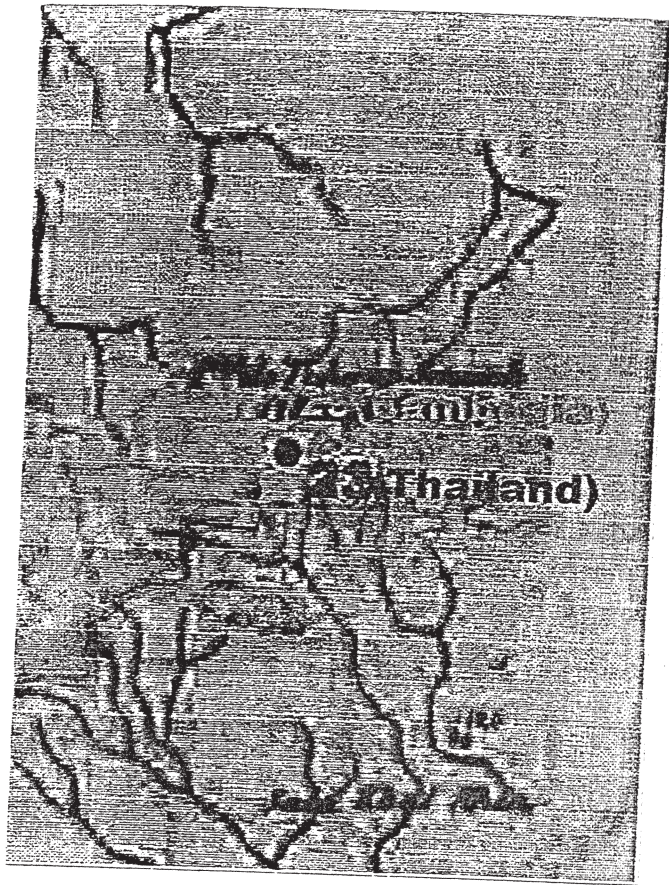
Five differences of plotting are found, namely :-

- 1) BP 64
- 2) BP 63
- 3) BP 60
- 4) BP 23
- 5) BP 21



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The Results of the Preliminary Comparison of the Approximate Coordinates  
of 73 BPs derived form Topographic Maps (L708,L7011)

Thai Side			Cambodian Side			Different Distance (m.)	Remarks
BP	E	N	BP	E	N		
1	995	855	1	995	856	100	
2	966	853	2	966	854	100	
3	877	865	3	879	865	200	
4	798	853	4	795	857	500	
5	796	855	5	791	860	707	
6	791	862	6	786	866	640	
7	783	869	7	781	871	283	
8	775	883	8	775	885	200	
9	760	887	9	760	887	0	
10	752	888	10	752	888	0	
11	683	882	11	682	883	141	
12	678	884	12	676	884	200	
13	618	897	13	616	896	224	
14	606	929	14	606	924	500	
15	603	960	15	604	960	100	
16	553	931	16	554	932	141	
17	536	929	17	536	930	100	
18	494	939	18	486	946	1063	
19	454	948	19	453	948	100	
20	331	892	20	330	894	224	
21	292	889	21	292	890	100	
22	195	872	22	195	873	100	
23	136	869	23	136	869	0	
24	070	845	24	071	847	224	
25	040	852	25	045	855	583	
26	003	843	26	005	844	224	
27	807	716	27	806	718	224	
28	771	681	28	769	678	361	
29	763	621	29	763	625	400	

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Thai Side			Cambodian Side			Different Distance (m.)	Remarks
BP	E	N	BP	E	N		
30	763	616	30	764	620	412	
31	740	529	31	739	531	224	
32	735	500	32	735	500	0	
33	699	489	33	696	490	316	
34	691	480	34	689	482	283	
35	683	470	35	681	473	361	
36	681	469	36	677	468	412	
37	651	443	37	642	444	906	
38	631	422	38	630	422	100	
39	622	418	39	622	418	0	
40	609	411	40	608	411	100	
41	590	327	41	587	328	316	
42	578	317	42	576	317	200	
43	542	257	43	540	254	361	
44	551	233	44	552	234	141	
45	535	236	45	535	236	0	
46 ✓	525	228	46	524	228	100 ✓	
47	514	218	47	513	220	224	
48	508	214	48	506	216	283	
49	355	114	49	355	114	0	
50	352	112	50	353	113	141	
51	434	054	51	434	054	0	
52	249	473	52	249	473	0	
53	250	471	53	250	470	100	
54	255	462	54	255	460	200	
55	270	431	55	269	431	100	
56	272	428	56	269	429	316	
57	275	421	57	273	421	200	
58	287	398	58	285	397	224	
59	288	395	59	286	395	200	

48

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Thai Side			Cambodian Side			Different Distance (m.)	Remarks
BP	E	N	BP	E	N		
60	301	393	60	298	387	671	
61	322	387	61	324	386	224	
62	325	385	62	325	384	100	
63	289	292	63	289	293	100	
64	295	278	64	294	277	141	
65	299	268	65	298	268	100	
66	299	255	66	299	255	0	
67	290	226	67	289	226	100	
68	306	206	68	306	206	0	
69	392	976	69	385	982	922	
70	526	814	70	527	816	224	
71	707	034	71	705	032	283	
72	731	887	72	731	888	100	
73	725	884	73	724	886	224	

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The Results of the Preliminary Comparison of the Approximate Coordinates  
of 36 BPs derived form Topographic Maps (L7016)

Thai Side			Cambodian Side			Different Distance (m.)	Remarks
BP	E	N	BP	E	N		
13	618	897	13	616	896	224	
14	606	929	14	606	924	500	
15	603	960	15	604	960	100	
16	553	931	16	554	932	141	
17	536	929	17	536	930	100	
18	494	939	18	486	946	1063	
19	454	948	19	453	948	100	
20	331	892	20	330	894	224	
21	292	889	21	292	890	100	
22	195	872	22	195	873	100	
23	136	869	23	136	869	0	
34	691	480	34	689	482	283	
35	683	470	35	681	473	361	
36	681	469	36	677	468	412	
37	651	443	37	642	444	906	
38	631	422	38	630	422	100	
39	622	418	39	622	418	0	
40	609	411	40	608	411	100	
41	590	327	41	587	328	316	
42	578	317	42	576	317	200	
49	355	114	49	355	114	0	
50	352	112	50	353	113	141	
51	434	54	51	434	54	0	
60	301	393	60	298	387	671	
61	322	387	61	324	386	224	
62	325	385	62	325	384	100	
63	289	292	63	289	293	100	
64	295	278	64	294	277	141	
65	299	268	65	298	268	100	

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Thai Side			Cambodian Side			Different Distance (m.)	Remarks
BP	E	N	BP	E	N		
66	299	255	66	299	255	0	
67	290	226	67	289	226	100	
68	306	206	68	306	206	0	
69	392	976	69	385	982	922	
71	707	34	71	705	32	283	
72	731	887	72	731	888	100	
73	725	884	73	724	886	224	

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## **ANNEX 30**

**Agreed Minutes of the Third Discussion of the Cambodian-Thai  
Technical Officers, 30 June-2 July 2004**



Agreed Minutes of  
the Third Discussion of  
the Cambodian - Thai Technical Officers  
Phnom Penh, 30 June - 2 July 2004

I. Introduction

1. The Third Discussion of the Cambodian - Thai Technical Officers was held in Phnom Penh, Cambodia, on 30 June-2 July 2004. The Cambodian side was led by H.E. Huon Savang, Deputy Director-General, Ministry of Land Management, Urban Planning and Construction and the Thai side was led by Col. Nopphadon Chotsiri, Director of International Boundary Division, Royal Thai Survey Department.
2. The lists of the Cambodian and Thai Delegations appear as ANNEX 1 and ANNEX 2 respectively.
3. The meeting adopted the agenda as appears in ANNEX 3.
4. On the 30<sup>th</sup> of June, the head of the Thai delegation paid a courtesy call to H.E. Var Kim Hong, Adviser to the Royal Government in charge of State Border Affairs/Co-Chairman of the Cambodian – Thai Joint Commission on Demarcation for Land Boundary (Cambodian side) and have a fruitful discussion on matters relating to the demarcation for land boundary.

II. Consideration of the Related Documents

5. Both sides exchanged copies from the original of the Procès-Verbaux d'Abornement and the Planche d'Indications Topographiques of 73 BPs produced in the period of 1908-1909 and the Revision of 1919-1920, hereby certified conformed to the originals by both sides, appeared as ANNEX 4. Both sides also exchanged the CD-ROM containing the digital files of the Planche d'Indications Topographiques of 73 BPs produced in the period of 1908-1909 and the Revision of 1919-1920.
6. The meeting completed the comparison of the approximate positions of 73 BPs plotted by each side on the maps of 1/200,000 and the topographic maps at a scale of 1/50,000 (L 708, L 7011 and L 7016) appear as ANNEX 5.

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7. The meeting adopted the Technical Instruction for Fact Finding Mission on the Conditions and Location of 73 BPs proposed by Thai side as appears in ANNEX 6.

III. The Implementation of the Item 4 Step 2 of the TOR  
(Production of Orthophoto Maps)

8. Both sides agreed in principle to submit the technical instruction for production of orthophoto map to the following mapping agencies with a view to obtain estimate production cost and the proposed technical specification in details.
  1. FINN MAP
  2. IGN
  3. PASCO International
  4. etc.

The information received from the above mentioned agencies together with those from the Royal Thai Survey Department will be used as basis to select the agency to be responsible for orthophoto maps production.

IV. Consideration of the Order of Areas to be Surveyed and the Commencement of Field Survey Work

9. Both sides agreed that the order of areas to be surveyed will be as follows :
  1. Sector 4 (starting from BP49 to BP23)
  2. Sector 3 (starting from BP50 to BP66)
  3. Sector 2 (starting from BP67 to BP71)
  4. Sector 1 (starting from BP72 to BP73)
  5. Sector 5 (starting from BP22 to BP1)
  6. Sector 6 (BP 1 to Khao Sattasom/Phnom Sethisom)
  7. Sector 7 (Khao Sattasom/Phnom Sethisom to Chong Bok/ Pass de Preah Chambot )
10. Both sides agreed to submit the result of technical officers meetings to the JTSC and JBC respectively for consideration and approval before starting the Field Survey Work. In this regard, the Cambodian side will communicate to the Thai side the proposed dates and venue of the next JTSC/JBC meeting as well as the date of the commencement of the field survey work through diplomatic channel.

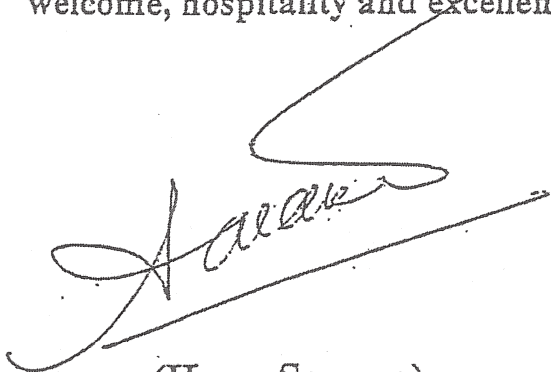
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V. Other matters

11. In accordance with Point IV Item 3 (3.3) of the Concept Paper, adopted by the Joint Cabinet Retreat on 31 May 2003, both sides agreed to conduct detail survey at the area decided by the Joint Technical Committee on the Development of the National Road No.67 as shown in ANNEX 7 and agreed to start the joint detail survey works on August 2004 in conformity with the Instruction for the Joint Detail Survey at Sa-Ngam/Chorm adopted during the Second Discussion of the Cambodian - Thai Technical Officers.
12. With reference to the letter No. 0803/536 dated 29 June B.E. 2547 (2004) of H.E. Mr. Pracha Guna-Kasem, Advisor to the Minister of Foreign Affairs and Co-Chairman of the Thailand-Cambodia Joint Commission on Demarcation for Land Boundary (Thai side), addressed to the H.E. Mr. Var Kim Hong, Advisor to the Royal Government in charge of State Border Affairs, Co-Chairman of the Cambodia-Thailand Joint Commission on Demarcation for Land Boundary (Cambodian side), concerning the construction of a hotel casino, sheds or "Salas" for tourist, deforestation and ground clearance in the border area between Phusing District, Si Sa Ket Province (Thailand) and Anlong Veng District, Oddar Meanchey (Cambodia), H.E. Mr. Var Kim Hong proposed to the Thai side during the meeting to undertake a joint inspection at the above mentioned area at the earliest opportunity with a view to resolve the problem.

The Thai delegation expressed its profound appreciation for the warm welcome, hospitality and excellent facilities during its stay in Phnom Penh.



(Huon Savang)

Deputy Director-General,  
Ministry of Land Management,  
Urban Planning and Construction



(Col. Nopphadon Chotsiri)

Director of  
International Boundary Division,  
Royal Thai Survey Department





The Results of the Comparison of the Approximate Coordinates  
of 73 BPs derived form Topographic Maps (L708,L7011)

Thai Side			Cambodian Side			Different Distance (m.)	Remarks
BP	E	N	BP	E	N		
1	995	855	1	995	856	100	
2	966	853	2	966	854	100	
3	877	865	3	879	865	200	
4	798	853	4	795	857	500	
5	796	855	5	791	860	707	
6	791	862	6	786	866	640	
7	783	869	7	781	871	283	
8	775	883	8	775	885	200	
9	760	887	9	760	887	0	
10	752	888	10	752	888	0	
11	683	882	11	682	883	141	
12	678	884	12	676	884	200	
13	618	897	13	616	896	224	
14	606	929	14	606	924	500	
15	603	960	15	604	960	100	
16	553	931	16	554	932	141	
17	536	929	17	536	930	100	
18	494	939	18	486	946	1063	
19	454	948	19	453	948	100	
20	331	892	20	330	894	224	
21	292	889	21	292	890	100	
22	195	872	22	195	873	100	
23	136	869	23	136	869	0	
24	070	845	24	071	847	224	
25	040	852	25	045	855	583	
26	003	843	26	005	844	224	
27	807	716	27	806	718	224	
28	771	681	28	769	678	361	
29	763	621	29	763	625	400	

Thai Side			Cambodian Side			Different Distance (m.)	Remarks
BP	E	N	BP	E	N		
30	763	616	30	764	620	412	
31	740	529	31	739	531	224	
32	735	500	32	735	500	0	
33	699	489	33	696	490	316	
34	691	480	34	689	482	283	
35	683	470	35	681	473	361	
36	681	469	36	677	468	412	
37	651	443	37	642	444	906	
38	631	422	38	630	422	100	
39	622	418	39	622	418	0	
40	609	411	40	608	411	100	
41	590	327	41	587	328	316	
42	578	317	42	576	317	200	
43	542	257	43	540	254	361	
44	551	233	44	552	234	141	
45	535	236	45	535	236	0	
46	525	228	46	524	228	100	
47	514	218	47	513	220	224	
48	508	214	48	506	216	283	
49	355	114	49	355	114	0	
50	352	112	50	353	113	141	
51	434	054	51	434	054	0	
52	249	473	52	249	473	0	
53	250	471	53	250	470	100	
54	255	462	54	255	460	200	
55	270	431	55	269	431	100	
56	272	428	56	269	429	316	
57	275	421	57	273	421	200	
58	287	398	58	285	397	224	
59	288	395	59	286	395	200	

Thai Side			Cambodian Side			Different Distance (m.)	Remarks
BP	E	N	BP	E	N		
60	301	393	60	298	387	671	
61	322	387	61	324	386	224	
62	325	385	62	325	384	100	
63	289	292	63	289	293	100	
64	295	278	64	294	277	141	
65	299	268	65	298	268	100	
66	299	255	66	299	255	0	
67	290	226	67	289	226	100	
68	306	206	68	306	206	0	
69	392	976	69	385	982	922	
70	526	814	70	527	816	224	
71	707	034	71	705	032	283	
72	731	887	72	731	888	100	
73	725	884	73	724	886	224	

35

27/15



The Results of the Comparison of the Approximate Coordinates  
of 36 BPs derived form Topographic Maps (L7016)

Thai Side			Cambodian Side			Different Distance (m.)	Remarks
BP	E	N	BP	E	N		
13	618	897	13	616	896	224	
14	606	929	14	606	924	500	
15	603	960	15	604	960	100	
16	553	931	16	554	932	141	
17	536	929	17	536	930	100	
18	494	939	18	486	946	1063	
19	454	948	19	453	948	100	
20	331	892	20	330	894	224	
21	292	889	21	292	890	100	
22	195	872	22	195	873	100	
23	136	869	23	136	869	0	
34	691	480	34	689	482	283	
35	683	470	35	681	473	361	
36	681	469	36	677	468	412	
37	651	443	37	642	444	906	
38	631	422	38	630	422	100	
39	622	418	39	622	418	0	
40	609	411	40	608	411	100	
41	590	327	41	587	328	316	
42	578	317	42	576	317	200	
49	355	114	49	355	114	0	
50	352	112	50	353	113	141	
51	434	54	51	434	54	0	
60	301	393	60	298	387	671	
61	322	387	61	324	386	224	
62	325	385	62	325	384	100	
63	289	292	63	289	293	100	
64	295	278	64	294	277	141	
65	299	268	65	298	268	100	

Thai Side			Cambodian Side			Different Distance (m.)	Remarks
BP	E	N	BP	E	N		
66	299	255	66	299	255	0	
67	290	226	67	289	226	100	
68	306	206	68	306	206	0	
69	392	976	69	385	982	922	
71	707	34	71	705	32	283	
72	731	887	72	731	888	100	
73	725	884	73	724	886	224	

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**Technical Instruction for Fact Finding Mission  
on the Conditions and Location of the '73 Boundary Pillars**

**Step 1 Preparation of the Related Documents**

The following documents shall be prepared by each side :

1. The Map at a scale of 1:200,000 of the Commission of Delimitation of the Boundary between Indo-China and Siam set up under the Convention of 1904 and the Treaty of 1907 between Siam and France (hereinafter referred to as "the Maps at a scale of 1:200,000").
2. The topographic map series L708, L7011 and L7016 at a scale of 1:50,000 produced by US agencies.
3. The Procès – Verbaux d' Abornement and Planches d' Indications Topographiques of 73 BPs produced in the period of 1908-1909 and the revision of 1919-1920.

**Step 2 Investigation and Comparison of the Related Documents**

The related documents as described in Step 1 will be jointly investigated and compared. Details of comparison are as follows :

1. Maps at a scale of 1:200,000 of each side shall be investigated and compared, sheet by sheet, taking into account the geographical names, roads, drainages, boundary line, elevation, mountains and other geographical details.
2. The topographic maps series L708, L7011 and L7016 of each side shall be investigated and compared, sheet by sheet, taking into account the geographic names, roads, drainages, elevation, mountains and other geographical details, except boundary line.

KRS

3. Copies of the Procès – Verbaux d' Abornement and Planches d'Indications Topographiques of 73 BPs produced in the period of 1908-1909 of each side shall be investigated and compared with their originals.

4. Copies of the Procès – Verbaux d' Abornement and Planches d'Indications Topographiques of 73 BPs produced in the period of 1919-1920 of each side shall be investigated and compared with their originals.

### Step 3 Plotting the Approximate locations of BPs on the Maps

1. The approximate locations of 73 BPs shall be plotted by each side on the maps at a scale of 1/200,000 and the topographic maps at a scale of 1/50,000 (L 708, L 7011 and L7016) using information derived from the Procès-Verbaux of 73 BPs produced in the period of 1908-1909 and 1919-1920.

2. The results of the unilateral plotting shall be jointly compared.

3. The BPs locations proposed by each side shall be used for further terrain inspection in order to find common approximate locations.

### Step 4 Terrain Inspection

#### 1. Procedures of Terrain Inspection

1.1 The maps at a scale of 1 : 50,000 derived from step 3 shall be used by the Joint survey teams as an instrument to facilitate the access to the locations of BPs in the terrain.

1.2 When approaching the expected locations of BPs, the Procès – Verbaux d' Abornement and Planche d' Indications Topographiques of 73 BPs produced in the period of 1908-1909 and the revision of 1919-1920 shall be used to identify the approximate locations of BPs in the terrain.

1.3 If the approximate locations of the BP in the terrain are jointly agreed by both sides :

1.3.1 In the case that the existing BPs are found on that agreed location, the following step shall be taken.

1.3.1.1 The BPs' location shall be observed by precise GPS technique as shown below.

1.3.1.2 Description of the BPs' location shall be made. Its items are shown in ANNEX 6-1.

1.3.2 In the case of lost or displaced BP, the following steps shall be taken.

1.3.2.1 Temporary markers shall be planted at the agreed locations.

1.3.2.2 The temporary markers shall be observed by precise GPS techniques as shown below.

1.3.2.3 The description of temporary markers' location shall be made. Its items are shown in ANNEX 6-2.

1.3.2.4 If necessary, the additional survey could be carried out along the watershed or other necessary related details to collect the geographical information.

1.3.2.5 In the case that existing BPs are found to be displaced, detail survey shall be made to collect their physical conditions and locations.

1.4 If the locations of BPs could not be jointly agreed by both sides, the detailed survey will be carried out to collect information of the terrain such as watershed, existing BPs' position, and other necessarily related details.

1.5 In any case, Item 7.2.3 of the TOR shall be observed.

1.6 In case of special circumstances which become obstacle to the terrain inspection work, the joint survey team shall report it to the Operational Group, JTSC and JBC respectively for consideration.

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## 2. Instruction of GPS Measurement

### 2.1 Abstract

Global Positioning System (GPS) survey shall be used to provide the control points for the Joint Cambodian - Thai survey and demarcation of land boundary. International Terrestrial Reference Frame (ITRF 2000) shall be used for coordinate adjustment. The observation class shall be categorized by three (3) orders : Zero Order, First Order and Second Order GPS networks.

### 2.2 Establishment of Cambodian - Thai Zero Order GPS Network

Existing five control points shall be referenced as the Cambodian - Thai Zero Order GPS Network. These points have already been observed in several occasion according to APRGP campaigns. Two of the points are located in Chonburi and Srisaket, Thailand. The rest are located in Sihanoukville, Siemreap and Stung Treng, Cambodia. Distribution of the points is shown in MAP 1. The coordinates of all five points shall be computed by Geoscience Australia based on ITRF2000 epoch 2000.0(1 January 2000) upon request.

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## **ANNEX 31**

**“Joint communiqué” of 18 June 2008 signed by the Governments of  
Cambodia and Thailand and UNESCO**





## JOINT COMMUNIQUE

On 22 May 2008, a meeting took place between H.E. Mr. Sok An, Deputy Prime Minister, Minister in charge of the Office of the Council of Ministers of the Kingdom of Cambodia and H.E. Mr. Noppadon Pattama, Minister of Foreign Affairs of the Kingdom of Thailand, to continue their discussion regarding the inscription of the Temple of Preah Vihear on the World Heritage List. The meeting was held at UNESCO Headquarters in Paris in the presence of Mrs. Françoise Rivière, Assistant Director-General for Culture of UNESCO, Ambassador Francesco Caruso, Mr. Azedine Beschouch, Mrs. Paola Leoncini Bartoli and Mr. Giovanni Boccardi.

The meeting was held in a spirit of friendship and cooperation.

During the meeting both sides agreed as follows:

1. The Kingdom of Thailand supports the inscription, at the 32<sup>nd</sup> session of the World Heritage Committee (Québec, Canada, July 2008), of the Temple of Preah Vihear on the World Heritage List proposed by the Kingdom of Cambodia, the perimeter of which is identified as N. 1 in the map prepared by the Cambodian authorities and herewith attached. The map also includes, identified as N.2, a buffer zone to the East and South of the Temple.
2. In the spirit of goodwill and conciliation, the Kingdom of Cambodia accepts that the Temple of Preah Vihear be nominated for inscription on the World Heritage List without at this stage a buffer zone on the northern and western areas of the Temple.
3. The map mentioned in paragraph 1 above shall supersede the maps concerning and including the "Schéma Directeur pour le Zonage de Preah Vihear" as well as all the graphic references indicating the "core zone" and other zoning (zonage) of the Temple of Preah Vihear site in Cambodia's nomination file;
4. Pending the results of the work of the Joint Commission for Land Boundary (JBC) concerning the northern and western areas surrounding the Temple of Preah Vihear, which are identified as N. 3 in the map mentioned in paragraph 1 above, the management plan of these areas will be prepared in a concerted manner between the

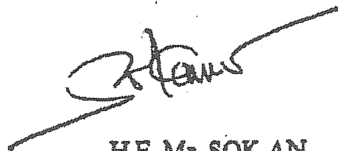


Cambodian and Thai authorities in conformity with the international conservation standards with a view to maintain the outstanding universal value of the property. Such management plan will be included in the final management plan for the Temple and its surrounding areas to be submitted to the World Heritage Centre by 1<sup>st</sup> February 2010 for the consideration of the World Heritage Committee at its 34<sup>th</sup> session in 2010;

5. The inscription of the Temple of Preah Vihear on the World Heritage List shall be without prejudice to the rights of the Kingdom of Cambodia and the Kingdom of Thailand on the demarcation works of the Joint Commission for Land Boundary (JCB) of the two countries;
6. The Kingdom of Cambodia and the Kingdom of Thailand express their profound appreciation to the Director-General of UNESCO, H.E. Mr. Koïchiro Matsuura, for his kind assistance in facilitating the process towards the inscription of the Temple of Preah Vihear on the World Heritage List.

*Phnom Penh, 18 June 2008*

For the Royal Government  
of Cambodia,



H.E. Mr. SOK AN  
Deputy Prime Minister,  
Minister in charge of the Office  
of the Council of Ministers

*Bangkok, 18 June 2008*

For the Government of the Kingdom  
of Thailand,



H.E. Mr. NOPPADON PATTAMA  
Minister of Foreign Affairs

*Paris, 18 June 2008*

Representative of the UNESCO

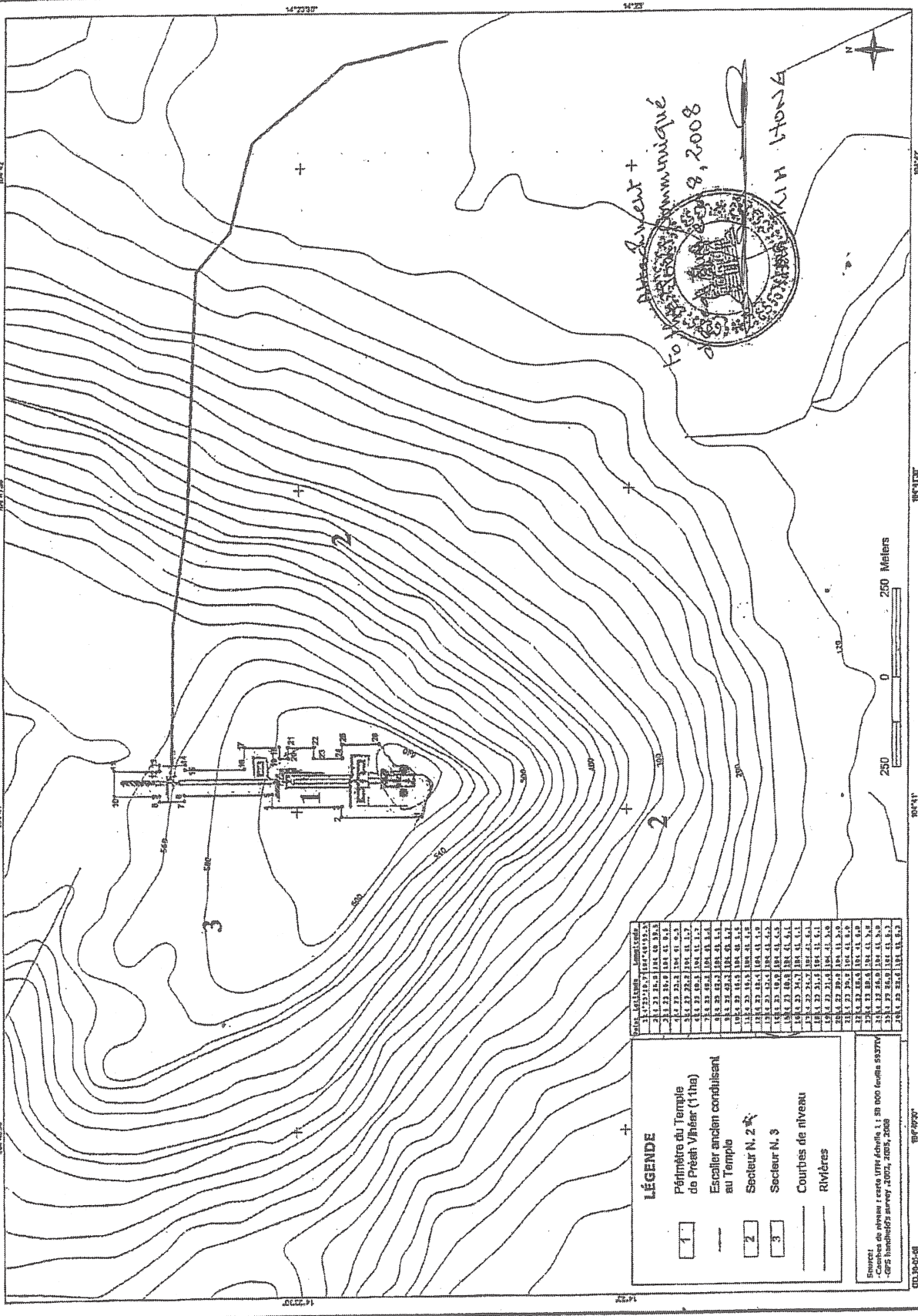


Françoise Rivière  
Assistant Director-General for Culture

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**LE TEMPLE DE PRÉAH VIHÉAR**  
 CARTE ADMINISTRATIVE POUR LA GESTION PRÉPARÉE PAR LE ROYAUME DU CAMBODGE  
 EN VUE DE L'INSCRIPTION DANS LA LISTE DU PATRIMOINE MONDIAL

Échelle 1 : 40 000



Altitude	Superficie
100	100
110	110
120	120
130	130
140	140
150	150
160	160
170	170
180	180
190	190
200	200
210	210
220	220
230	230
240	240
250	250
260	260
270	270
280	280
290	290
300	300
310	310
320	320
330	330
340	340
350	350
360	360
370	370
380	380
390	390
400	400
410	410
420	420
430	430
440	440
450	450
460	460
470	470
480	480
490	490
500	500
510	510
520	520
530	530
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550	550
560	560
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780	780
790	790
800	800
810	810
820	820
830	830
840	840
850	850
860	860
870	870
880	880
890	890
900	900
910	910
920	920
930	930
940	940
950	950
960	960
970	970
980	980
990	990
1000	1000

**LÉGENDE**

- 1 Périmètre du Temple de Préah Vihear (11ha)
- 2 Escalier ancien conduisant au Temple
- 3 Secteur N. 2
- Secteur N. 3
- Courbes de niveau
- Rivières

Encre: -Chaises de niveau: c. 1974 (fabric. 1: 50 000 feuille 5537V)  
 -C. 2: 1975 (fabric. 1: 50 000 feuille 5537V)  
 -C. 3: 1975 (fabric. 1: 50 000 feuille 5537V)



## **ANNEX 32**

**Decision of the 32nd session of the World Heritage Committee in 2008**





**Decision: 32 COM 8B.102**

The World Heritage Committee,

1. Having examined Document WHC-08/32.COM/INF.8B.Add2,
2. Recalling Decision 31 COM 8B.24, which recognized 'that the Sacred Site of the Temple of Preah Vihear is of great international significance and has Outstanding Universal Value on the basis of criteria (i), (iii) and (iv), and agreed in principle that it should be inscribed on the World Heritage List',
3. Having noted the progress made by the State Party of Cambodia towards the development of a Management Plan for the property, as requested by the Committee by its Decision 31 COM 8B.24 in Christchurch, New Zealand;
4. Expressing gratitude to the governments of Belgium, the United States of America, France, and India for providing support for the work of experts to assist in this effort, and to the governments of China and Japan, as well as ICCROM, for providing valuable expert input to this process,
5. Recognizing that the Joint Communiqué signed on 18 June 2008 by the representatives of the Governments of Cambodia and Thailand, as well as by UNESCO, including its draft which was erroneously referred to as having been signed on 22 and 23 May 2008 in the document WHC-08/32.COM/INF.8B1.Add.2, must be disregarded, following the decision of the Government of Thailand to suspend the effect of the Joint Communiqué, pursuant to the Thai Administrative Court's interim injunction on this issue,
6. Noting that the State Party of Cambodia submitted to the World Heritage Centre the revised graphic plan of the property (RGPP) included in WHC-08/32.COM/INF.8B.Add2 (hereinafter called "RGPP") indicating a revised perimeter of the area proposed for inscription on the World Heritage List,
7. Decides, on an exceptional basis, to accept, in view of the multilateral process leading to the elaboration of the supplementary report submitted in May 2008 by the State Party of Cambodia at the request of the UNESCO World Heritage Centre, the information submitted by the State Party beyond the deadline established in the paragraph 148 of the Operational Guidelines;
8. Recognizes that Thailand has repeatedly expressed a desire to participate in a joint nomination of the Temple of Preah Vihear and its surrounding areas;
9. Notes that the property proposed for inscription is reduced and comprises only the Temple of Preah Vihear and not the wider promontory with its cliffs and caves;
10. Considers further that archaeological research is underway which could result in new significant discoveries that might enable consideration of a possible new transboundary nomination, that would require the consent of both Cambodia and Thailand;
11. Encourages Cambodia to collaborate with Thailand for safeguarding the value of the property, in view of the fact that peoples of the surrounding region have long treasured the Temple of Preah Vihear, and agrees that it would be desirable in the future to reflect its full values and landscape setting through a possible additional inscription to the World Heritage List that could capture criteria (iii) and (iv), which had been recognized by the Committee in its Decision 31 COM 8B.24.

12. Inscribes the Temple of Preah Vihear, Cambodia, on the World Heritage List under criterion (i);

13. Adopts the following Statement of Outstanding Universal Value:

*The Temple of Preah Vihear, a unique architectural complex of a series of sanctuaries linked by a system of pavements and staircases on an 800 metre long axis, is an outstanding masterpiece of Khmer architecture, in terms of plan, decoration and relationship to the spectacular landscape environment.*

*Criterion i: Preah Vihear is an outstanding masterpiece of Khmer architecture. It is very 'pure' both in plan and in the detail of its decoration.*

*Authenticity, in terms of the way the buildings and their materials express well the values of the property, has been established. The attributes of the property comprise the temple complex; the integrity of the property has to a degree been compromised by the absence of part of the promontory from the perimeter of the property. The protective measures for the Temple, in terms of legal protection are adequate; the progress made in defining the parameters of the Management Plan needs to be consolidated into an approved, full Management Plan;*

14. Requests the State Party of Cambodia, in collaboration with UNESCO, to convene an international coordinating committee for the safeguarding and development of the property no later than February 2009, inviting the participation of the Government of Thailand and not more than seven other appropriate international partners, to examine general policy matters relating to the safeguarding of the outstanding universal value of the property in conformity with international conservation standards;

15. Requests the State Party of Cambodia to submit to the World Heritage Centre, by 1 February 2009, the following documents:

- a) A provisional map providing additional details of the inscribed property and a map delineating the buffer zone identified in the RGPP;
- b) Updated Nomination dossier to reflect the changes made to the perimeter of the property;
- c) Confirmation that the management zone for the property will include the inscribed property and buffer zone identified in the RGPP;
- d) Progress report on the preparation of the Management Plan;

16. Further requests the State Party of Cambodia to submit to the World Heritage Centre by February 2010, for submission to the World Heritage Committee at its 34th session in 2010 a full Management Plan for the inscribed property, including a finalized map.

## **ANNEX 33**

**MCOT press release of 8 July 2008, “Thai Court rules Thai-Cambodian  
communiqué in breach of charter”**



□ News

- ▶ Today in ASIA
- ▶ General News
- ▶ Political News
- ▶ Business News
- ▶ Features

HeadLine News : Political News



▶ **Thai Court rules Thai-Cambodian communique in breach of charter**

BANGKOK, July 8 (TNA) -- Thailand's Constitution Court ruled Tuesday that Foreign Minister Noppadon Pattama violated the Constitution by signing a joint communique with Cambodia concerning Preah Vihear temple without parliamentary endorsement.

A nine-judge panel voted 8-1 to rule that the Thai-Cambodian Joint Communique signed by Mr. Noppadon and Cambodian Deputy Prime Minister Sok An on April 18 is regarded as an international treaty under the charter's Article 190 and needed parliamentary endorsement prior to any signing.

Article 190 stipulates that any treaties which affect the social and economic benefits of Thailand as well as the integrity of Thai borders to be subject to parliamentary scrutiny before their signing.

The court's decision came after the World Heritage Committee approved Cambodia's application to list the 11th century temple as a World Heritage site.

The United Nations Educational Scientific and Cultural Organisation(UNESCO) 's World Heritage Committee meeting in Quebec on Monday conferred the coveted status of being registered as one of humankind's most valued historical sites to Cambodia's historic Preah Vihear temple.

Thailand's national World Heritage Committee chairman Pongpol Adireksan, on hand in Canada as an observer, said the temple listing would not affect on the border demarcation between Thailand and Cambodia.

Mr. Noppadon signed the Joint communique with Cambodia on June 18, noting that Thailand endorsed Cambodia's bid to nominate the temple as a world heritage site.

Thai domestic politics intervened, when both the opposition Democrat party and the People's Alliance for Democracy (PAD) expressed outrage at the Samak government and Foreign Minister Noppadon for endorsing Cambodia's attempt to have the temple listed as a World Heritage site for fear that it would have effect on border demarcation in the disputed Preah Vihear surrounding areas.

Meanwhile, the Agence France-Presse news agency reported that the cities of the Straits of Malacca, Melaka and George Town in Malaysia, and the Kuk Early Agricultural Site in Papua New Guinea, were also added to UNESCO's World Heritage List on Monday. (TNA)

Political News : Last Update : 13:04:25 8 July 2008 (GMT+7:00)

Archives

- PAD signature campaign to impeach 102 MPs
- Hun Sen to visit disputed border: Thai Deputy PM
- PM chairs security meeting as Cambodian premier plans border visit
- Government braces for security threat
- Thailand's Red Shirts rally against coup at military camps
- Red Shirts plan nationwide rallies at military barracks
- Five coalition parties announce go-ahead to amend Constitution

[More](#)





## **ANNEX 34**

**Letter of 19 July 2008 sent to the President of the United Nations General Assembly  
by the Permanent Mission of Cambodia to the United Nations**





KINGDOM OF CAMBODIA

NATION - RELIGION - KING

PERMANENT MISSION  
TO THE UNITED NATIONS

Ref: RC/MP/132/08

19 July 2008

Excellency,

*On the instruction from my government, I have the honour to provide an account of facts to the attention of Your Excellency in relation to Thailand's violation of the sovereignty and territorial integrity of the Kingdom of Cambodia as follows:*

*The Temple of Preah Vihear of Cambodia was inscribed UNANIMOUSLY into the World Heritage List during the 32<sup>nd</sup> Session of the World Heritage Committee in Quebec City, Canada, on 7 July 2008. This gave rise to intense political protests in Thailand from the opposition forces against Thailand's government. But in spite of this internal turmoil, Cambodia never expected that Thai soldiers would move in and stay in the Cambodian pagoda.*

*On 15 July 2008, about 50 Thai soldiers crossed into Keo Sikhu Kiri Svara pagoda located in Cambodia's territory at about 300 meters from the Temple of Preah Vihear. By 16-17 July 2008, the number of Thai soldiers in the pagoda ground increased to 480.*

*The Thai side used its UNILATERALLY designed map (Attachment 1) to indicate that the pagoda is in the so-called "overlapping area". But according to the "Annex I map" (Attachment 2) and the enlargement of "Annex I map" (Attachment 3) used by the International Court of Justice (ICJ) to adjudicate the conflict between Cambodia and Thailand over the Temple of Preah Vihear in June 1962, the ICJ stated in its judgment that:*

*"The Court however considers that Thailand in 1908-1909 did accept the Annex I map as representing the outcome of the work of delimitation, and hence recognized the line on that map as being the frontier line, the effect of which is to situate Preah Vihear in Cambodian territory. The Court considers further that, looked at as a whole, Thailand's subsequent conduct confirms and bears out her original acceptance, and that Thailand's acts on the ground do not suffice to negate this. Both Parties, by their conduct, recognized the line and thereby in effect agreed to regard it as being the frontier line" (pg.30-31);*

*"The Court considers the acceptance of the Annex I map by the Parties caused the map to enter the treaty settlement and to become an integral part of it" (pg. 31); and*

*"The Court, therefore, feels bound, as a matter of treaty interpretation, to pronounce in favor of the line as mapped in the disputed area " (pg. 33).*

*Taking into account of the above decision of the ICJ, the only map which legally delimits the border in the area of the Temple of Preah Vihear is the "Annex I map" based on which the Court made its judgment.*

*Upon the onset of this provoking act and increasing reinforcement of Thai soldiers on Cambodia's territory, Samdech Hun Sen, Prime Minister of the Kingdom of Cambodia has made telephone contact and written to H.E. Samak Sundaravej, Prime Minister of Thailand calling for actions to defuse the tension and for the immediate withdrawal of Thai troops from the pagoda ground.*

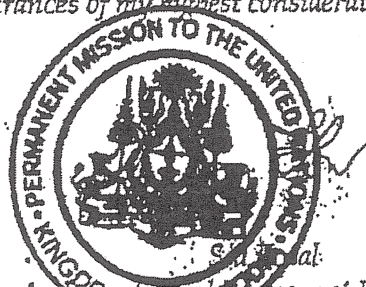
*In his reply letter to Samdech Hun Sen on 18 July 2008, H.E. Samak Sundaravej, claimed, apparently based on Thai unilaterally designed map, that the pagoda lies in the territory of the Kingdom of Thailand and that the presence of Cambodian residents and military personnel in the pagoda ground is a violation of Thailand's sovereignty and territorial integrity.*

*On 19 July 2008, Samdech Hun Sen wrote a reply letter to H.E. Samak Sundaravej (Attachment 4) in which he stresses the legal validity of the frontier line between the two countries as shown in the "Annex I map" of the judgment of the ICJ.*

*- While Cambodia exercises maximum restraint to avoid armed confrontation, we cannot ignore that Thai military provocation is to create a de facto "overlapping area" that legally does not exist on Cambodia soil.*

*I request Your Excellency to circulate this letter and its attachments to all Member-States as a document of the General Assembly.*

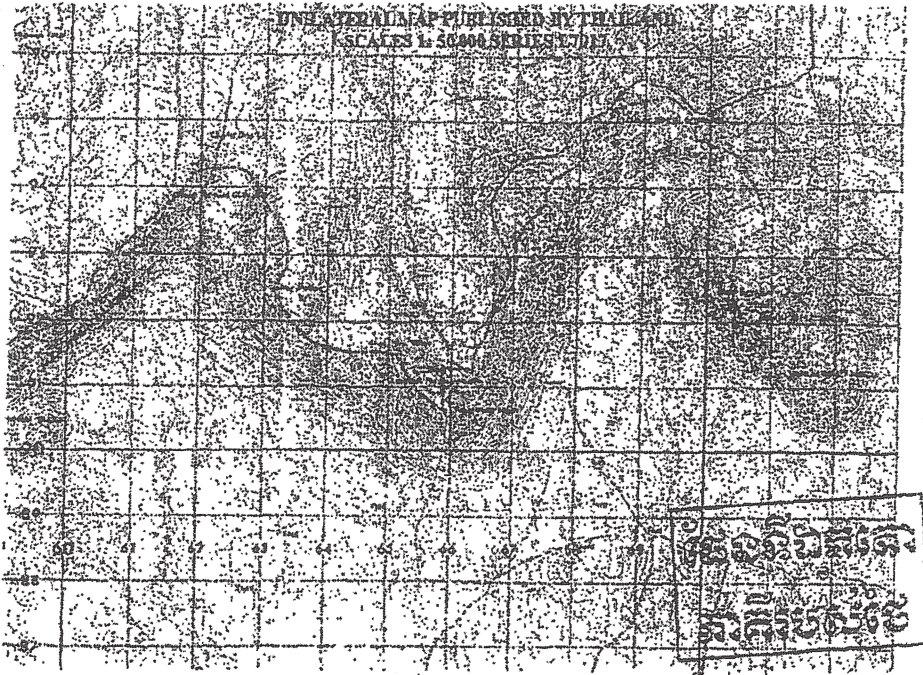
*Please accept, Excellency, the assurances of my highest consideration.*

  
Ambassador and Permanent Representative  
of the Kingdom of Cambodia to the United Nations

*His Excellency Mr. Srgjan Kerim  
President of the 62<sup>nd</sup> Session of the  
General Assembly  
New York*

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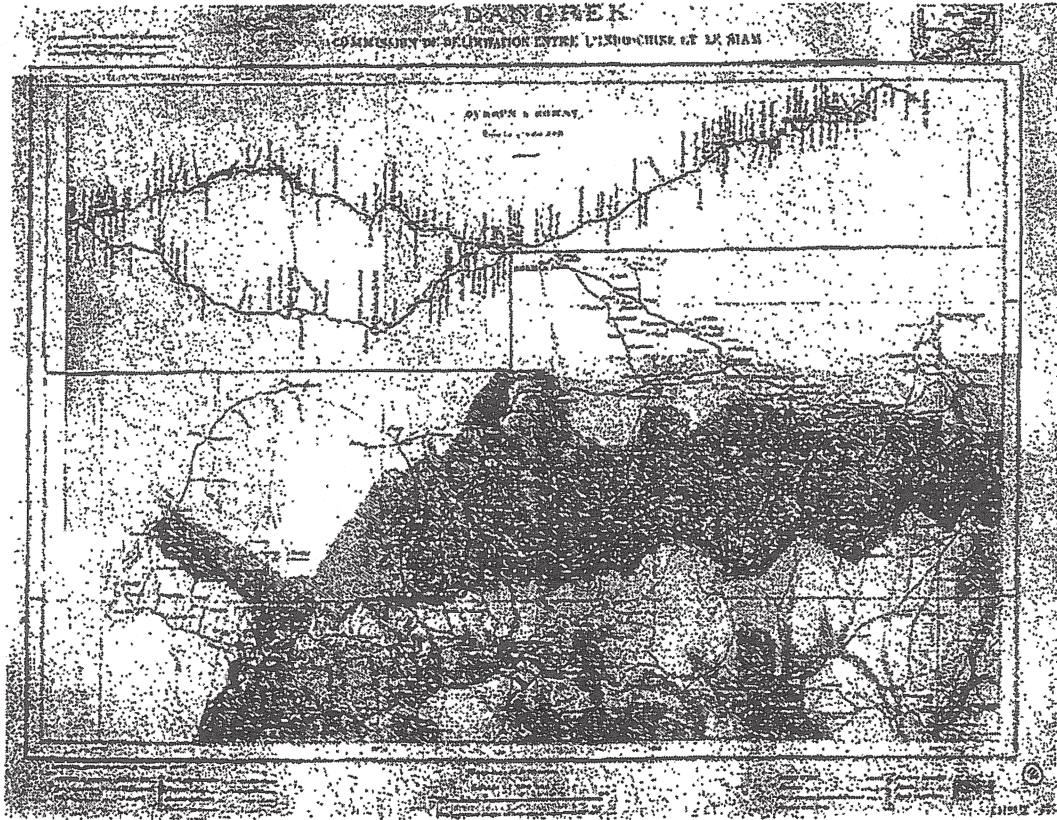
Enclosure 1



AUG 2017



Enclosure 2



Map designated by the International Court of Justice as the Annex I map showing the frontier line in 1908

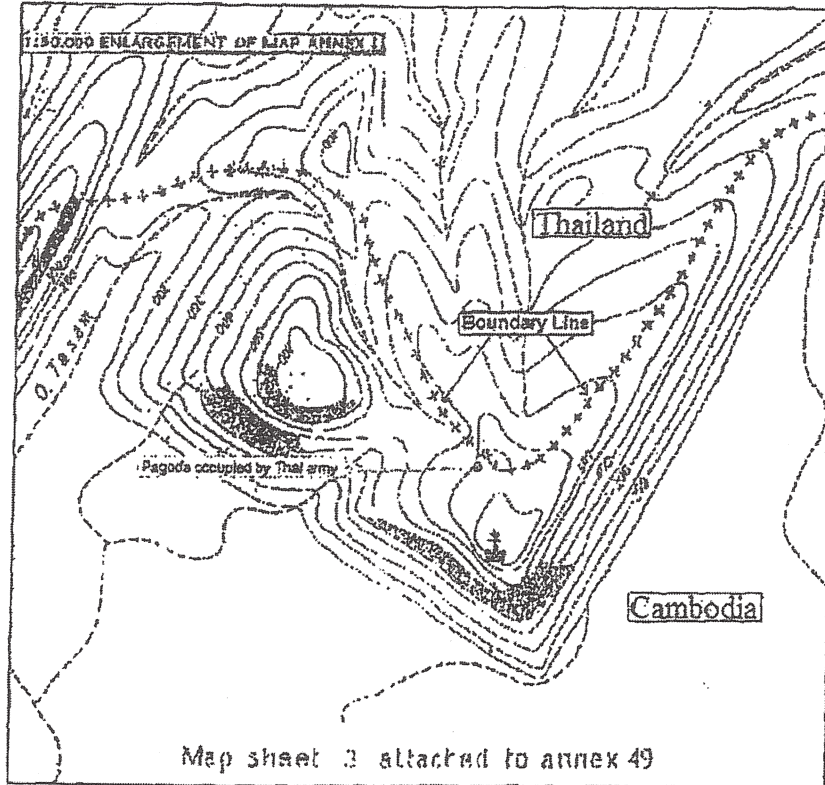
08-41135

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## Enclosure 3

MAP BASED ON WHICH ICJ DECIDED THAT THE TEMPLE OF PREAH VIHEAR  
IS SITUATED IN TERRITORY UNDER THE SOVEREIGNTY OF CAMBODIA



- The International Court however considers that "Thailand in 1908-1909 did accept the Annex I map as representing the outcome of the work of delimitation, and hence recognized the line on that map as being the frontier line, the effect of which is to situate Preah Vihear in Cambodian territory."
- The ICJ considers further that "Both Parties, by their conduct, recognized the line and thereby in effect agreed to regard it as being the frontier line."

The ICJ considers that "the acceptance of the Annex I map by the Parties caused the map to enter the treaty settlement and to become an integral part of it."



## **ANNEX 35**

**Letter of 18 July 2008 sent to the President of the United Nations Security Council  
by the Permanent Mission of Cambodia to the United Nations**





**KINGDOM OF CAMBODIA**

**NATION - RELIGION - KING**

**PERMANENT MISSION  
TO THE UNITED NATIONS**

Ref: RC/MP/N-168/08

18 July 2008

Excellency,

*On the instruction from my government, I have the honour to provide an account of facts to the attention of Your Excellency as well as the other Members of the United Nations Security Council in relation to Thailand's violation of the sovereignty and territorial integrity of the Kingdom of Cambodia as follows:*

- The Temple of Preah Vihear of Cambodia was inscribed UNANIMOUSLY into the World Heritage List during the 32<sup>nd</sup> Session of the World Heritage Committee in Quebec City, Canada, on 7 July 2008. This gave rise to intense political protests in Thailand from the opposition forces against Thailand's government. But in spite of this internal turmoil, Cambodia never expected that Thai soldiers would move in and stay in the Cambodian pagoda.*
- On 15 July 2008, about 50 Thai soldiers crossed into Keo Sikha Kiri Svara pagoda located in Cambodia's territory at about 300 meters from the Temple of Preah Vihear. By 16-17 July 2008, the number of Thai soldiers in the pagoda ground increased to 480.*
- The Thai side used its UNILATERALLY designed map (Attachment 1) to indicate that the pagoda is in the so-called "overlapping area". But according to the "Annex I map" (Attachment 2) used by the International Court of Justice (ICJ) to adjudicate the conflict between Cambodia and Thailand over the Temple of Preah Vihear in June 1962, the ICJ stated in its judgment that:*

*"The Court however considers that Thailand in 1908-1909 did accept the Annex I map as representing the outcome of the work of delimitation, and hence recognized the line on that map as being the frontier line, the effect of which is to situate Preah Vihear in Cambodian territory. The Court considers further that, looked at as a whole, Thailand's subsequent conduct confirms and bears out her original acceptance, and that Thailand's acts on the ground do not suffice to negative this. Both Parties, by their conduct, recognized the line and thereby in effect agreed to regard it as being the frontier line" (pg.30-31);*

*"The Court considers the acceptance of the Annex I map by the Parties caused the map to enter the treaty settlement and to become an integral part of it" (pg. 31); and*

*"The Court, therefore, feels bound, as a matter of treaty interpretation, to pronounce in favor of the line as mapped in the disputed area" (pg. 33).*

- Taking into account of the above decision of the ICJ, the only map which legally delimits the border in the area of the Temple of Preah Vihear is the "Annex I map" based on which the Court made its judgment.
- Upon the onset of this provoking act and increasing reinforcement of Thai soldiers on Cambodia's territory, Samdech Hun Sen, Prime Minister of the Kingdom of Cambodia has made telephone contact and written to H.E. Samak Sundaravej, Prime Minister of Thailand calling for actions to defuse the tension and for the immediate withdrawal of Thai troops from the pagoda ground.
- In his reply letter to Samdech Hun Sen on 18 July 2008, H.E. Samak Sundaravej, claimed, apparently based on Thai unilaterally designed map, that the pagoda lies in the territory of the Kingdom of Thailand and that the presence of Cambodian residents and military personnel in the pagoda ground is a violation of Thailand's sovereignty and territorial integrity.
- While Cambodia exercises maximum restraint to avoid armed confrontation, we cannot ignore that Thai military provocation is to create a de facto "overlapping area" that legally does not exist on Cambodia soil.

*I request Your Excellency to circulate this letter and its attachments to all Members of the United Nations Security Council as an official document.*

*Please accept, Excellency, the assurances of my highest consideration.*



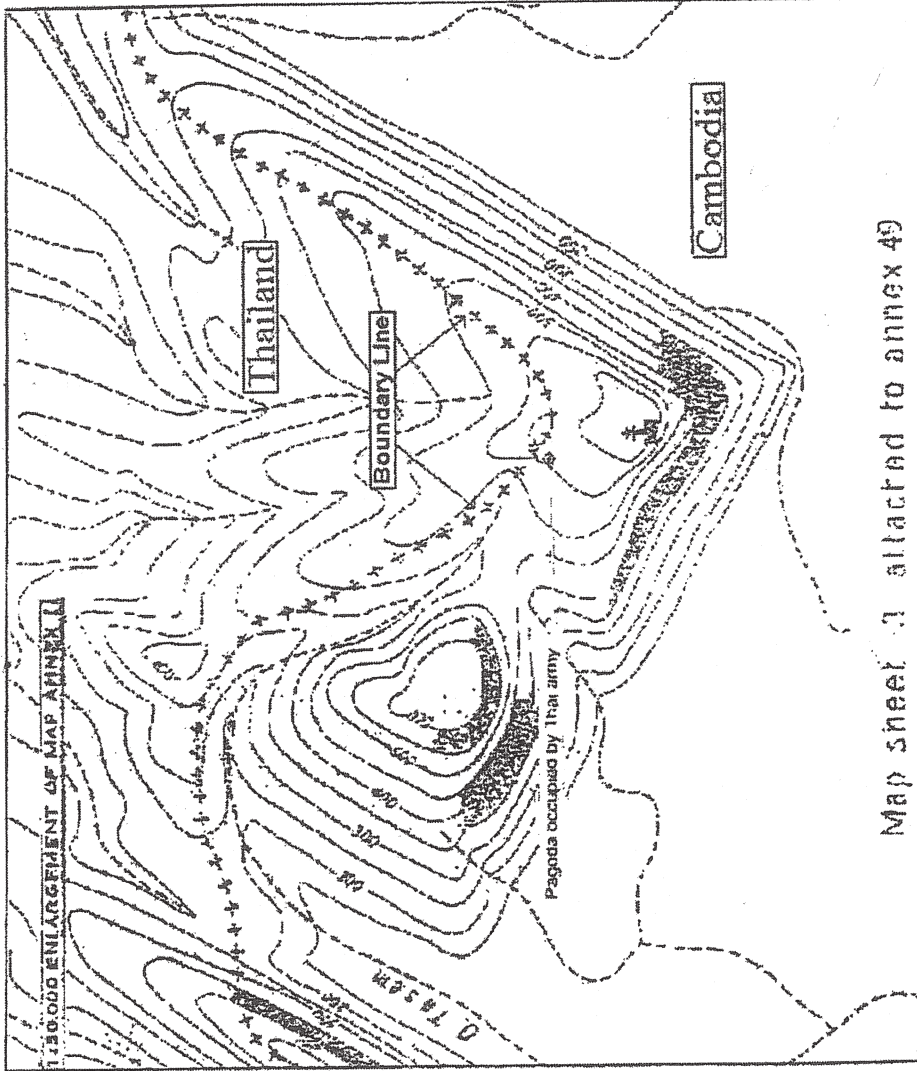
*Sea Kosol  
Ambassador and Permanent Representative  
of the Kingdom of Cambodia to the United Nations*

*His Excellency Mr. Le Luong Minh  
President of the United Nations Security Council  
New York*





MAP BASED ON WHICH ICJ DECIDED THAT THE TEMPLE OF PREAH VIHEAR IS SITUATED IN TERRITORY UNDER THE SOVEREIGNTY OF CAMBODIA



- The International Court however considers that "Thailand in 1908-1909 did accept the Annex I map as representing the outcome of the work of delimitation, and hence recognized the line on that map as being the frontier line, the effect of which is to situate Preah Vihear in Cambodian territory."
- The ICJ considers further that "Both Parties, by their conduct, recognized the line and thereby in effect agreed to regard it as being the frontier line."

## **ANNEX 36**

**Letter of 21 July 2008 sent to the President of the United Nations Security Council  
by the Permanent Mission of Thailand to the United Nations**



No. 56101/376



PERMANENT MISSION OF THAILAND  
TO THE UNITED NATIONS  
321 EAST 62ND STREET, NEW YORK, NY 10022

21 July 2008

Excellency,

Upon the instruction of my Government and with reference to the Letter of the Permanent Representative of the Kingdom of Cambodia to Your Excellency dated 18 July 2008 concerning Thai-Cambodia relations (S/2008/470), I have the honour to inform Your Excellency as follows:

1. The Kingdom of Thailand has always attached great importance to the cordial relations with the Kingdom of Cambodia, which is her close neighbour and family member of the Association of the Southeast Asian Nations (ASEAN). Like in all regions of the world, it is not unusual for countries sharing long common border to have border/boundary issue between them. Thailand and Cambodia are no exception to this. However, through friendly bilateral consultations and negotiations, every past challenge had been resolved amicably, which underlines the depth and strength of relations between our two countries. It is with this spirit and conviction that the Royal Thai Government approaches the issue regarding the area adjacent to the Temple of Preah Vihear. From the beginning, the Royal Thai Government is determined to seek a just and peaceful solution to this challenge through the existing bilateral consultative frameworks on the basis of friendship, goodwill and cooperation that long exist between our two Governments and peoples.

2. Consistent with the above spirit, both Prime Ministers of Thailand and Cambodia have already pledged utmost restraint and expressed their conviction in resolving the issue through existing bilateral consultations and negotiations. As the first step, the Special Session of the Thai-Cambodian General Border Committee (GBC) was convened in Sa Kaso Province of Thailand on Monday 21 July 2008, the result of which has eased the tension and allowed the situation in the area to remain calm. Both sides also agreed to have further talks and the report of the GBC is now being

H.E. Mr. Le Luong Minh,  
President of the Security Council,  
NEW YORK



scrutinized by the Prime Ministers of the two countries. Meanwhile, both Prime Ministers have also expressed their wish to convene as soon as possible the Thailand-Cambodia Joint Boundary Commission (JBC) in order to accelerate its work of surveying and demarcating the entire stretch of the Thai-Cambodian border so that similar problems will not arise in the future to affect the cordial relations between our two countries, and the peoples on both sides of the border can enjoy the full benefit of cooperation and prosperity.

3. The aforementioned position has received a clear and unanimous support from ASEAN of which both Thailand and Cambodia are members. In a statement by the ASEAN Chair dated 20 July 2008, ASEAN Foreign Ministers expressed their hope that the bilateral talks between Thailand and Cambodia will find a way to defuse the situation, and offered facilities to be placed at the disposal of the two countries concerned. Thailand welcomes the ASEAN Chair's statement calling for ASEAN solidarity and the early resolution of the issue.

4. Nevertheless, the Royal Thai Government is obliged to provide an account of facts on certain specific issues referred to in the above letter from the Permanent Representative of Cambodia as follows:

*4.1 Regarding the issue of the area of "Keo Sikha Kiri Svaya Pagoda" referred to in the above letter from the Permanent Representative of Cambodia, a fact should be noted that the area adjacent to the Temple of Preah Vihear, where the said Pagoda is situated, is part of Thailand's territory. Thailand's position in this regard is fully consistent with the Judgment of the International Court of Justice (ICJ) of 15 June 1962 in the Case Concerning the Temple of Preah Vihear, which Thailand has fully and duly implemented.*

*Cambodia's territorial claim in this area is based on Cambodia's unilateral understanding of the said ICJ Judgment that a boundary line was determined by the Court in this Judgment. Thailand contests this unilateral understanding since the ICJ ruled in this case that it did not have jurisdiction over the question of land boundary and did not in any case determine the location of the boundary between Thailand and Cambodia. In addressing the Final Submissions of Cambodia at the end of the oral proceedings calling for pronouncements on the legal status of the "Annex I map", which was mentioned in*



the above letter from the Permanent Representative of Cambodia, and the frontier line in the disputed region, the ICJ stated that the said Submissions "can be entertained only to the extent that they gave expression to grounds and not as claims to be dealt with in the operative provisions of the Judgment". (Case Concerning the Temple of Preah Vihear (Cambodia v Thailand) (Merits) ICJ Reports 1962, p.36) Taking into account Article 59 of the Statute of the ICJ and the fact that the issue before the ICJ in this case was limited solely to the question of the sovereignty over the region of the Temple of Preah Vihear, the boundary line claimed by Cambodia has no legal status from the Judgment.

Thus, the location of boundary line in the area adjacent to the Temple of Preah Vihear is still to be determined by both countries in accordance with international law. In 2000, Thailand and Cambodia signed the Memorandum of Understanding (MoU) on the Survey and Demarcation of Land Boundary and established a Joint Boundary Commission (JBC) to be responsible for the said survey and demarcation of the entire stretch of the common land boundary. Fact Sheet regarding the overlapping territorial claims of Thailand and Cambodia in the area of the Temple of Preah Vihear is attached herewith as Attachment 1.

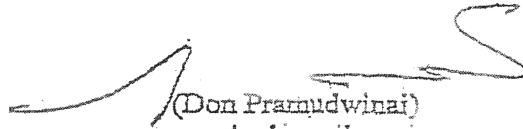
It is within this context that Thailand has made repeated protests (i.e. 10 April 2008, 17 May 2007, 8 May 2005 and 25 November 2004) regarding the presence of the "Keo Sikha Kiri Svaya Pagoda" and other structures as well as that of Cambodian settlers and military personnel in the area. The four protests were made in particular on the basis of Article 5 of the 2000 MoU mentioned above, under which both sides agree not to carry out any work resulting in changes of environment of the frontier zone, pending the survey and demarcation of the common land boundary. To date, no action has been undertaken by Cambodia to address Thailand's concerns, protests and requests.

4.2 Regarding the inscription of the Temple of Preah Vihear on the World Heritage List on 7 July 2008 as unilaterally proposed by the Kingdom of Cambodia, all attentions should be drawn to the statement by Minister of Foreign Affairs of Thailand at the 32<sup>nd</sup> Session of the World Heritage Committee in Quebec City, Canada on 7 July 2008. The said statement unequivocally put on the record Thailand's objection, observations and reservations on the issue concerned. Among other things, as a State Party to the 1972 World Heritage Convention, the Royal Thai Government reaffirms her right to apply Article 11 (3) which stipulates that the inclusion of a property situated in a territory, sovereignty or jurisdiction over which is claimed by more than one State will in no way prejudice the rights of the party to the dispute. Thus, the inscription of the Temple of Preah Vihear on the World Heritage List shall in no way prejudice Thailand's rights regarding her territorial integrity and sovereignty, as well as the survey and demarcation of land boundary in the area and Thailand's legal position. Copy of the said statement is attached as Attachment 2.

5. In conclusion, the Royal Thai Government reiterates her firm conviction that the present challenge shall be resolved amicably through friendly bilateral consultations and negotiations within the relevant bilateral frameworks established by both countries, and on the basis of goodwill, the principle of good neighbourliness, long standing friendship between the two countries and the spirit of ASEAN solidarity that has underpinned this regional organisation since its inception.

I have the honour to request that the text of this letter and its attached documents be circulated as an official document of the Security Council.

Please accept, Excellency, the assurances of my highest consideration.



(Don Pramudwinai)  
Ambassador  
Permanent Representative  
of the Kingdom of Thailand to the United Nations

Fact Sheet

Overlapping territorial claims of Thailand and Cambodia  
in the area of the Temple of Preah Vihear

1. There is currently an area adjacent to the Temple of Preah Vihear that is subject to overlapping territorial claims of Thailand and Cambodia. The location of the boundary line in this area is therefore still to be determined by both countries in accordance with international law<sup>1</sup>.

2. In this area, the territorial claim of Thailand is an assertion of what ~~Thailand considers to be territory under Thailand's sovereignty after due implementation of the Judgment of the International Court of Justice (ICJ) of 15 June 1962 in the Case Concerning the Temple of Preah Vihear.~~

3. Cambodia's territorial claim in this area relies on a boundary line that appears to be presented as legally binding upon the two States, based on Cambodia's unilateral understanding of the said ICJ Judgment<sup>2</sup>. Thailand contests this unilateral understanding since the ICJ ruled in the said Judgment that it did not have jurisdiction over the question of land boundary, and did not in any case determine the location of the boundary between Cambodia and Thailand (details as attached). Taking into account Article 59 of the Statute of the ICJ and the fact that the issue before the ICJ in this case was limited solely to the question of the sovereignty over the region of the Temple of Preah Vihear, the boundary line claimed by Cambodia has no legal status from the Judgment.

<sup>1</sup> On 14 June 2000, the two countries concluded 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. Work under this MOU is ongoing.

<sup>2</sup> Aide-Mémoire, dated 11 April 2008, from the Ministry of Foreign Affairs and International Cooperation of the Kingdom of Cambodia to Royal Thai Embassy, Phnom Penh.





The International Court of Justice did not address the question of land boundary  
in the Case Concerning the Temple of Preah Vihear<sup>1</sup>

I. The Court ruled that it did not have jurisdiction over the question of land  
boundary:

In both its Application<sup>2</sup> and Memorial<sup>3</sup>, Cambodia submitted to the Court to

"adjudge and declare, whether the Kingdom of Thailand appears or not:

(1) that the Kingdom of Thailand is under an obligation to withdraw the detachments of armed forces it has stationed since 1954 in the ruins of the Temple of Preah Vihear;

(2) that the territorial sovereignty over the Temple of Preah Vihear belongs to the Kingdom of Cambodia."<sup>4</sup>

The above submissions of Cambodia determined the limits of the jurisdiction of the Court. The Court, in its Judgment of 26 May 1961 (Preliminary Objections), stated that the case was a dispute about territorial sovereignty.<sup>5</sup> The Court further confirmed its scope of jurisdiction in its Judgment of 15 June 1962 (Merits):

"In its Judgment of 26 May 1961, by which it upheld its jurisdiction to adjudicate upon the dispute submitted to it by the Application filed by the Government of Cambodia on 6 October 1959, the Court described in the following terms the subject of the dispute:

"In the present case, Cambodia alleges a violation on the part of Thailand of Cambodia's territorial sovereignty over the region of the Temple of Preah Vihear and its precincts. Thailand replies by affirming that the area in question lies on the Thai side of the common frontier between the two countries, and is under the sovereignty of Thailand. This is a dispute about territorial sovereignty."

Accordingly, the subject of the dispute submitted to the Court is confined to a difference of view about sovereignty over the region of the Temple of Preah Vihear."<sup>6</sup>

During the merits phase, attempts were made by Cambodia to extend the scope of the dispute before the Court to include the question of the frontier line between Thailand and Cambodia.<sup>7</sup> However, this was not accepted by the Court, as confirmed by the following statement:

"Referring finally to the Submissions presented at the end of the oral proceedings, the Court, for the reasons indicated at the beginning of the present Judgment, finds that Cambodia's first and second Submissions, calling for pronouncements on the legal status of the Annex I map and on the

<sup>1</sup> *Case Concerning the Temple of Preah Vihear (Cambodia v. Thailand) (Preliminary Objections)*, ICJ Reports 1961, pp. 17-38; (*Merits*), ICJ Reports 1962, pp. 5-38.

<sup>2</sup> Application dated 30 September 1959, Pleadings, Oral Arguments, Documents, *Case Concerning the Temple of Preah Vihear (Cambodia v. Thailand) 1962*, Vol. 1, p. 15.

<sup>3</sup> *Ibid.*, p. 112-119.

<sup>4</sup> *Case Concerning the Temple of Preah Vihear (Cambodia v. Thailand) (Merits)*, ICJ Reports 1962, p. 9.

<sup>5</sup> *Case Concerning the Temple of Preah Vihear (Cambodia v. Thailand) (Preliminary Objections)*, ICJ Reports 1961, pp. 22.

<sup>6</sup> *Case Concerning the Temple of Preah Vihear (Cambodia v. Thailand) (Merits)*, ICJ Reports 1962, p. 14.

<sup>7</sup> Submissions read at the hearing of 3 March 1962, and Submissions, entitled Final Submissions, read at the hearing of 20 March 1962, *Case Concerning the Temple of Preah Vihear (Cambodia v. Thailand) (Merits)*, ICJ Reports 1962, pp. 10-11. In response, Thailand asked the Court not to entertain, *inter alia*, Cambodia's claim regarding the frontier line as it was "put forward too late", *Case Concerning the Temple of Preah Vihear (Cambodia v. Thailand) (Merits)*, ICJ Reports 1962, p. 11.

frontier line in the disputed region, can be entertained only to the extent that they give expression to grounds, and not as claims to be dealt with in the operative provisions of the Judgment."<sup>10</sup>

## II. The Judgment did not determine the location of the boundary between Cambodia and Thailand

In the operative provisions of the Judgment, the Court did not address the question of the boundary line in anyway but limited itself to three other questions submitted to it by Cambodia. The only operative findings of the Court are:

- "(a) The Temple of Preah Vihear is situated in territory under the sovereignty of Cambodia;
- (b) 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; and
- (c) Thailand is under an obligation to restore to Cambodia any objects of the kind specified in Cambodia's Fifth Submission which, since the date of the occupation of the Temple by Thailand in 1954, have been removed from the Temple or the Temple area by the Thai authorities."<sup>11</sup>

At the outset of the Judgment, after stating that the Court is confined to the question of the sovereignty over the region of the Temple of Preah Vihear, it added:

"To decide this question of territorial sovereignty, the Court must have regard to the frontier line between the two States in this sector. Maps have been submitted to it and various considerations have been advanced in this connection. The Court will have regard to each of these only to such extent as it may find in them *reasons* (emphasis added) for the decision it has to give in order to settle the sole dispute submitted to it, the subject of which has just been stated."<sup>12</sup>

The Court underlined subsequently in the Judgment that it addressed the questions of maps and frontier line merely as

"grounds (emphasis added) on which the Court bases its decision"<sup>13</sup>.

In addition, as mentioned previously, in addressing the Final Submissions of Cambodia at the end of the oral proceedings calling for pronouncements on the legal status of the Annex I map and on the frontier line in the disputed region, the Court stated that the said Submissions

"can be entertained only to the extent that they give expression to *grounds* (emphasis added), and not as claims to be dealt with in the operative provisions of the Judgment."<sup>14</sup>

It is further evident that the Court did not address the issue of the boundary line for the fact that, for the Court, it was

"unnecessary to consider whether, at Preah Vihear, the line as mapped does in fact correspond to the true watershed line in this vicinity, or did so correspond in 1904-1908, or if not, how the watershed line in fact runs."

Had the question of the boundary line been before the Court, it would have been necessary to deal with this issue.

<sup>10</sup> *Case Concerning the Temple of Preah Vihear (Cambodia v. Thailand) (Merits)*, ICJ Reports 1962, p. 36

<sup>11</sup> *Ibid.*, pp. 36-37

<sup>12</sup> *Ibid.*, p. 14

<sup>13</sup> *Ibid.*, p. 35

<sup>14</sup> *Ibid.*, p. 36



III. Consequently, the location of the land boundary is still to be determined in accordance with international law.

a) Notification of compliance by Thailand:

On 6 July 1962, Thailand notified its decision to comply with Judgment of the Court by the official note from the Minister of Foreign Affairs of Thailand No (0601) 22239/2505 to the Secretary-General of the United-Nations.

b) Thai-Cambodia 2000 MOU:

The precise location of the boundary line is still to be determined through the process of joint surveying and demarcation by Thailand and Cambodia in accordance with Article I of 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. This task has been entrusted to the Thailand-Cambodia Joint Commission on Demarcation for Land Boundary (JBC). Pending the demarcation of the land boundary, both countries agree that "to facilitate the effective survey along the entire stretch of the common land boundary, authorities of either Government and their agents shall not carry out any work resulting in changes of environment of the frontier zone, except that which is carried out by the Joint Technical Sub-Commission in the interest of the survey and demarcation"<sup>15</sup>.

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<sup>15</sup> 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, Article V



-1-

Statement by H.E. Mr. Noppadon Pattama  
Minister of Foreign Affairs of Thailand and Head of the Thai Delegation  
at the 32<sup>nd</sup> Session of the World Heritage Committee  
Quebec City, Canada  
7 July 2008

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Madame Chairperson,  
Distinguished Members of the World Heritage Committee,  
Ladies and Gentlemen,

It is my great honour to lead the Thai delegation to attend the 32<sup>nd</sup> Session of the World Heritage Committee in this beautiful Quebec City.

With regard to the decision just adopted by the Committee, Thailand wishes to put on record her objection and the following observations and reservations, based on the drawbacks and shortcomings of the various qualifications necessary for the complete status of the World Heritage Site as appeared in the ICOMOS' evaluations of the cultural properties.

In addition to the unresolved border disputes of the area surrounding the Temple of Preah Vihear, Thailand cannot support the decision. Thailand wishes to point out that the decision is not practical because any subsequent action or measure to be taken by Cambodia or any third party in the area adjacent to the Temple of Preah Vihear which is Thai territory cannot be carried out without Thailand's consent. As a state party to the 1972 World Heritage Convention, Thailand reaffirms her full rights to apply the article 11 (3) which stipulates that the inclusion of a property situated in a territory, sovereignty or jurisdiction over which is claimed by more than one state will in no way prejudice the rights of the party to the dispute.

/Thailand....

Thailand reaffirms her protest and objection to any document submitted by Cambodia for the inscription of the Temple of Preah Vihear as a World Heritage site, particularly the Experts Technical Report and the flawed Progress Report in which Thailand was not fully engaged and from which she was compelled to dissociate herself. Thailand wants to note to the World Heritage Committee that a practical management plan of the Temple of Preah Vihear will not be complete without Thailand's cooperation.

Thailand regrets that the World Heritage Committee has overlooked the fact that she is a major stakeholder and ignored the possibility for her to nominate the surrounding areas with features pertinent to the outstanding universal value of Preah Vihear Temple as a World Heritage site so that the full values of this property and its landscape setting can be realised. Therefore, Thailand reiterates her intention to nominate other features of the Temple located in her territory for World Heritage status so that the values of this property and its landscape setting can be fully realized. In this connection, we ask the Committee for its favourable consideration of Thailand's intention.

In short, Thailand is obliged to object the decision to inscribe the Temple of Preah Vihear on the World Heritage list, as unilaterally proposed by Cambodia and on the basis of incomplete integrity

On behalf of the Thai delegation, I wish to reassure the World Heritage Committee that this inscription issue is but a single issue in the overall relations between Thailand and Cambodia. The Government of Thailand will continue to work closely with the Government of Cambodia to further their cooperation for the mutual benefit of the two countries and peoples.

(Madame)....

Madame Chairperson,  
Distinguished Members of the World Heritage Committee,

In the end, I wish to reaffirm Thailand's reservations of her rights as contained in the Note dated 6 July 1962 from the Minister of Foreign Affairs of the Kingdom of Thailand to the Acting Secretary-General of the United Nations. The inscription of the Temple of Preah Vihear on the World Heritage list shall in no way prejudice Thailand's rights regarding her territorial integrity and sovereignty as well as the survey and demarcation of land boundary in the area and Thailand's legal position.

Thank you.

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## **ANNEX 37**

**Attestation by the Agent of the Kingdom of Cambodia**



**ANNEX 37**

**Attestation by the Agent of the Kingdom of Cambodia**

*[Translation]*

**ATTESTATION**

I hereby certify the accuracy of the French translations used by Cambodia in the annexes to the Response. I also certify that the annexed documents are authentic and faithful copies of the original documents.

Mr. HOR Namhong,  
Agent of the Kingdom of Cambodia.

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