
Who Owns the Preah Vihear Temple? *A Thai Position*

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1. Introduction

An outstanding masterpiece of Khmer architecture, the Temple of Preah Vihear is situated on a promontory of the Dangrek mountain range, which straddles the boundary between the Kingdom of Thailand and Cambodia. The Temple was listed by Thailand as being situated in Bhumsrol village, Bueng Malu sub-district, in the Kantharalak district of the Srisaket province in eastern Thailand. The Temple is composed of a series of sanctuaries linked by a system of pavements and staircases on an 800 metre north-south axis rising up the hill towards the sanctuary.¹

Dating back to the early eleventh century, the Temple of Preah Vihear has been situated on a mountain of religious significance. There was a process of expanding the Hindu faith at that time which was supported by the Khymer king, who allowed the Temple to be sacrificed as a Hindu place of worship. There was no issue of sovereignty promulgated over the land. The Temple of Preah Vihear was situated on the boundary between the Kingdom of Thailand and Cambodia and it was the centre of a grand community. Both Cambodians and Thais enjoyed the Temple for religious purposes, conducting trade, and it served as the centre between the high-Khmer and the low-Khmer communities. The issue relating to the east and west territory was not taken into account.

This article discusses two issues essential to understanding the controversy between the Kingdom of Thailand and Cambodia over the sovereignty of the land surrounding the Temple of Preah Vihear. First, the Decision of the International Court of Justice on June 15, 1962,² did not, as claimed by Cambodia in 1959, determine any land boundary

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¹ Temple of Preah Vihear: Brief Description, World Heritage List, available at <http://whc.unesco.org/en/list/1224> (last visited on Jan. 12, 2009).

² Temple of Preah Vihear (Cambodia v. Thailand), 1962 I.C.J. 6 (June 15, 1962), available at <http://www.icj-cij.org/docket/files/45/4871.pdf> (last visited on Jan. 10, 2009).

between Siam and Cambodia. Second, the decision adopted at the 32nd Session of the World Heritage Committee³ raises a matter of critical concern to Thailand regarding the unresolved border dispute in the area surrounding the Preah Vihear Temple.

A. The Decision of the International Court of Justice (ICJ): Status and Judicial Consequences

The conflict between Siam and Cambodia over the Temple of Preah Vihear was related to an ambiguous frontier line constituted by the provisions of the 1904 and 1907 Siam-Franco treaties. The application of the Treaty of February 13, 1904, established that the boundary in the eastern sector of the Dangrek mountain range was to follow the watershed line and that would place the Temple in Thailand. The Treaty of February 13, 1904, Article I reads as follows:

The frontier between Siam and Cambodia starts, on the left shore of the Great Lake, from the mouth of the river Stung Roluos, it follows the parallel from that point in an easterly direction until it meets the river Prek Kompong Tiam, then, turning northwards, it merges with the meridian from that meeting-point as far as the Pnom Dang Rek mountain chain. From there it follows the watershed between the basins of the Nam Sen and the Mekong, on the one hand, and the Nam Moun, on the other hand, and joins the Pnom Padang chain the crest of which it follows eastwards as far as the Mekong. Upstream from that point, the Mekong remains the frontier of the Kingdom of Siam, in accordance with Article I of the Treaty of 3 October 1893.

Eventually, on March 23, 1907, the Siamese concluded the boundary treaty with Franco, which established the Franco-Siamese Mixed Commission for the purpose of delimiting that frontier. The Mixed Commission mapped the frontier region and the Cambodian Government used this as a reason to argue to the International Court of Justice that the frontier line, as indicated on the map below, showed the Temple to be located in Cambodian territory.

³ Decisions Adopted at the 32nd Session of the World Heritage Committee (Quebec City 2008), available at <http://whc.unesco.org/en/sessions/32COM> (last visited on Jan. 12, 2009).