



News in Cambodia

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Address of His Excellency Hor Namhong,
Deputy Prime Minister and Minister of Foreign Affairs and
International Cooperation of the Kingdom of Cambodia
At the Meeting of the United Nations Security Council
New York, 14 February 2011



-Your Excellency President,

-Honorable Members of the United Nations Security Council,

- First of all, I would like to thank you all for giving me this opportunity to brief the Security Council on the war of aggression against Cambodia committed by Thailand on 4, 5, 6 and 7 February 2011 at many locations. These include the following areas which are well inside Cambodian territory:

- The TEMPLE OF PREAH VIHEAR,
- The KEO SIKHA KIRI SVARA pagoda and KHMUM area located just 300 meters and 500 meters respectively from the TEMPLE OF PREAH VIHEAR,
- the regions of VEAL INTRY and PHNOM TRAP hill situated approximately 1,120

meters and 1,600 meters respectively from the border, TASEM area and others,

- In its artillery attacks against Cambodia, Thailand used sophisticated weapons including cluster bombs and many 105, 120, 130 155 artillery shells reached as far as 20 km inside Cambodian territory. Thailand's attacks since 4 February 2011 have caused many serious damages to the KEO SIKHA KIRI SVARA pagoda and the TEMPLE OF PREAH VIHEAR, a World Heritage site, as well as 6 deaths and 71 injuries among Cambodian troops and people. Out of the total human casualties, 2 persons were killed and 8 others were injured by cluster bombs used by Thai soldiers, despite a worldwide ban on this type of weapon.

- Even though there were two de facto agreements on a ceasefire, the current situation, however, remains extremely fragile. Fresh fighting may breakout again at any time without forewarning, while heavily armed Thai soldiers, artilleries and tanks have been positioned along the border, posing constant pressure on Cambodia.

- Allow me to recall the root cause leading to the present war of aggression by Thailand against Cambodia as follows:

- France and Siam signed the 1904 Convention and the 1907 Treaty to establish the Joint Commissions on the Delimitation of Frontiers between Indo-China and Siam. In the period between the years 1905 and 1908, the Franco-Siamese Commission, set up by the Convention of 1904, produced a set of 11 maps (all of which are of 1/200,000 scale), including the one called "**Dangrek Map**" that demarcates **Sector 6 which is the area of the Temple of Preah Vihear**. (Cambodia was under French protectorate from 1863 until 1953)

- Since the production of the Dangrek Map in 1908, Thailand had **officially recognized** this map by asking the French authorities for **many copies of the map for the use of the Governors of Thailand's border provinces with Cambodia**.

- In **1954**, just after the independence of Cambodia in November 1953, Thai troops invaded Cambodian territory and **occupied** the TEMPLE OF PREAH VIHEAR. Cambodia, with self-restraint and the goodwill to avoid war, submitted this case to the International Court of Justice (ICJ), on **6 October 1959**. Based principally on the above mentioned Dangrek Map, referred to by the ICJ as the "Annex I" Map , the **ICJ adjudicated on 15 June 1962** as follows,

"The Temple of Preah Vihear is situated in territory under the sovereignty of Cambodia."

"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."

"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."

-With regard to the boundary line between Cambodia and Thailand in the area of the TEMPLE OF PREAH VIHEAR, the **judgment grounds** of the International Court of Justice (ICJ) in 1962, clearly stated among others as follows:

"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"...

"Both Parties, by their conduct, recognize the line and thereby in effect agreed to regard it as being the frontier line"...

"There is, however, no reason to think that the Parties attached any special importance to the line

of the watershed ...The Court, therefore, feels bound, as a matter of treaty interpretation, to pronounce in favour of the line as mapped in the disputed area”...

- May I draw the attention of the Security Council that these are only a little part of the ICJ judgment grounds.
- It should be noted that since the ICJ adjudication in 1962, Thailand has accepted to withdraw its troops from **the area** of the TEMPLE OF PREAH VIHEAR **and its vicinity**.
- In June 2000, Cambodia and Thailand signed a **Memorandum of Understanding between the Government of the Kingdom of Cambodia and the Government of the Kingdom of Thailand on the Survey and Demarcation of Land Boundary**, which recognizes, along with other legal documents, the “**Dangrek map**” referred to by the ICJ for its 1962 judgment as “**Annex I**” map, as legal basis for the survey and demarcation of land boundary between Cambodia and Thailand.
- Thailand began to demand as its territory the so called 4.6 square kilometers area in the **vicinity** of the TEMPLE OF PREAH VIHEAR, only when the World Heritage Committee started to discuss the inscription of this TEMPLE on the World Heritage List in 2008. This claim by Thailand is based on a **unilaterally drawn map** that does not have any legal value.
- In exerting its illegitimate claims, Thailand committed armed aggressions against Cambodia on three earlier occasions, namely on 15 July 2008, 15 October 2008 and 3 April 2009 in the areas of the KEO SIKHA KIRI SVARA pagoda, VEAL INTRY, PHNOM TRAP hill and TASEM, all of which are in the **vicinity** of the TEMPLE OF PREAH VIHEAR. These aggressions resulted in human casualties as well as property damages, especially to the TEMPLE OF PREAH VIHEAR.
- In the face of these blatant aggressions, Cambodia has exercised utmost restraint and maintained great patience in negotiating with Thailand to resolve the problem peacefully, in order to avoid any large military clash. However, Cambodia’s efforts have been in vain, because Thailand is emboldened by its larger and sophisticated armaments.
- It should also be recalled that on 27 January 2011, in parallel with Thailand’s military exercise with heavy artilleries along the border with Cambodia, but in reality a **preparation for war**, Prime Minister Abhisit Vejjajiva of Thailand demanded that Cambodia must **remove its flag** from the KEO SIKHA KIRI SVARA pagoda of Cambodia near the TEMPLE OF PREAH VIHEAR, built since 1998. **Three days later**, on 31 January 2011, he stated that “The use of force will be the last option...The Government is not afraid of war with Cambodia”. After a few days, Thai army commander General Prayuth Chan-ocha also made a similar statement that “the use of force will be the last resort”.
- Again, on 6 February 2011, Prime Minister Abhisit Vejjajiva told reporters that “I insist that a troop withdrawal as proposed by Cambodia could not be done since we have to maintain our right [over the area] although it is risky to have another clash”, while Cambodia proposed for a withdrawal of troops by both sides away from the borderline, so as to avoid renewed armed confrontation.
- All these statements in parallel with the preparation for war constituted a **casus belli** for the February war against Cambodia on 4,5,6 and 7. Even nowadays, according to Thai media, as all of you may know, Thailand continues to increasingly deploy tanks, artilleries and soldiers along the Cambodian border.
- The repeated acts of aggression against Cambodia by Thailand violate flagrantly the following legal instruments:

1. Article 94.1 of the United Nations' Charter concerning the obligation of each member of the United Nation to comply with the decision of the International Court of Justice in any case to which it is a party.
 2. Articles 2.3. and 2.4 of the United Nations' Charter.
 3. The Treaty of Amity and Cooperation (TAC) in Southeast Asia, Article 2, to which Cambodia and Thailand are parties, provides for:
 - Mutual respect for the independence, sovereignty, equality, territorial integrity and national identity of all nations.
 - Settlement of differences and disputes by peaceful means.
 - Renunciation of the threat or use of force.
 4. The Agreement Concerning the Sovereignty, Independence, Territorial Integrity and Inviolability, Neutrality and National Unity of Cambodia, Article 2.2.c, 2.2.d, of the Paris Peace Accord in 1991.
- Therefore, I earnestly appeal to the Security Council to take measures, in accordance with Articles **35.1, 36, 39** and **94.2** of the United Nations Charter, to **stop Thailand's aggressions** which have gravely endangered peace and stability in the Region. Pending a definite solution, the Royal Government of Cambodia deems it **very necessary** to have **UN observers or peace keepers** or at least a Fact Finding Mission in this area of the border to ensure that no fresh armed hostilities break out again.
 - Even though self-restraint and efforts made by Cambodia for a peaceful settlement of the conflict through bilateral negotiations have failed, Cambodia still always aspires to a peaceful solution, through a regional framework such as ASEAN, as both Cambodia and Thailand are members of this organization.
 - In case of non peaceful settlement of the conflict in spite of the good offices of ASEAN, Cambodia would like to propose that the UNSC remain engaged to look for a definite solution in accordance with the U.N. Charter.
 - The UNSC may also refer this matter to the ICJ for interpretation of the judgment in 1962 according to Article 96.1 of the UN Charter, because the root cause of the conflict resides in the misinterpretation of the ICJ judgment in 1962.
 - Thanks to the decision of the UNSC early last week to call for today meeting, the Thai army has eased the large scale armed attacks against Cambodia and agreed on cease fire. My Government wishes to take this opportunity to express our deepest gratitude to all Council members for this prompt action which has greatly saved a lot of lives and miseries not only for the people of Cambodia but also of Thailand.

Thank you

UN SECURITY COUNCIL PRESS STATEMENT ON CAMBODIA-THAILAND BORDER CONFLICT

The members of the Security Council were briefed by Under-Secretary-General B. Lynn Pascoe and by the Minister for Foreign Affairs of Indonesia, and Chair of the Association of South-East Asian Nations (ASEAN), Marty Natalegawa, on the situation on the border between Cambodia and Thailand.

The members of the Security Council also heard from the Deputy Prime Minister and Minister for Foreign Affairs of Cambodia, Hor Namhong, and Minister for Foreign Affairs of Thailand, Kasit Piromya.

The members of the Security Council expressed their grave concern about the recent armed clashes between Cambodia and Thailand.

The members of the Security Council called on the two sides to display maximum restraint and avoid any action that may aggravate the situation. The members of the Security Council further urged the parties to establish a permanent ceasefire, and to implement it fully and resolve the situation peacefully and through effective dialogue.

The members of the Security Council expressed support for ASEAN's active efforts in this matter and encouraged the parties to continue to cooperate with the organization in this regard. They welcomed the upcoming Meeting of Ministers for Foreign Affairs of ASEAN on 22 February.

