

**Letter to the Registrar dated 26 April 2013**  
**from the Agent of Cambodia**

*[Translation]*

Please find attached Cambodia's reply to the question put by Judge Yusuf at the end of the hearing of 17 April 2013. The reply is in both French and English and is accompanied by two maps.

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**CAMBODIA'S RESPONSE TO JUDGE YUSUF'S QUESTION**

1. At the end of the session on 17 April 2013, Judge Yusuf posed the following question to the Parties:

"Quelle est précisément la portée territoriale que chacune des Parties considère être celle des 'environs' du temple de Préah Vihear 'situés en territoire cambodgien', mentionnés au deuxième point du dispositif de l'arrêt rendu par la Cour en 1962? Chacune des Parties est priée de bien vouloir répondre à cette question en fournissant une série de coordonnées géographiques ou en se référant à l'une des cartes qui ont été présentées à la Cour dans la procédure initiale."

2. Cambodia's response, which supplements the preliminary answer provided in Cambodia's second round of oral argument,<sup>1</sup> is as follows.

3. Cambodia has asked in these proceedings for the withdrawal obligation laid down in the second paragraph of the operative part of the 1962 Judgment to be interpreted as a continuing obligation, the scope and extent of which fall to be determined in relation in particular to the first paragraph of the operative part of the Judgment and the Annex I map and line on which that paragraph is based. Cambodia believes, in other words (as indicated by Counsel in the course of the hearing on 18 April 2013), that the term "vicinity" should be interpreted in the context of the dispositif as a whole, and both Parties now accept in that connection that the terms in "territory under the sovereignty of Cambodia" (paragraph 1) and in "Cambodian territory" (paragraph 2) must carry the same meaning.

4. That said, it is Cambodia's position that the Court's use of the term "vicinity" can best be appreciated in the light of the overlap between the Annex I map line<sup>2</sup> and the watershed line proposed by the Thai experts in the original proceedings (see paragraph 4.61 of Cambodia's Response of March 2012). These are represented by the illustrative map shown to the Court by Counsel for Cambodia on 18 April 2013 (Tab 24 in Cambodia's Judges' folder), a further copy of which is attached to this letter. As indicated then, this map is based on maps that were produced in the original proceedings (depicting the Annex I map line and the watershed line advanced by Thailand,

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<sup>1</sup> CR 2013/5, p. 21, para. 49.

<sup>2</sup> That being the line as it appeared on Annex I map attached to Cambodia's Application Instituting Proceedings in 1959 (Tab 15 in Cambodia's Judges' folder and also attached hereto).

respectively) overlaid on each other, as Thailand's expert at the time (Professor Schermerhorn) recommended be done.<sup>3</sup> The map displays the intersections of the Annex I map line relied on by Cambodia and the watershed line claimed by Thailand as the frontier line, to the west and to the east of the Temple, thus enclosing an area which approximates roughly to the 4.6 km<sup>2</sup> that Thailand itself, on numerous occasions including in its 2011 publication, described as corresponding to the area in dispute.

5. Cambodia would recall that this area largely corresponds to the area that Thailand's experts in the present proceedings have characterized as lying in the vicinity of the Temple in the following way:

"The evidence before the Court [in the original proceedings] mainly concerned the 7 kilometres by 12 kilometres area mapped by Professor Schermerhorn *in the vicinity of the Temple*" (emphasis added).<sup>4</sup>

It also follows from what the Court said at page 35 of the 1962 Judgment – that "[t]he Court, therefore, feels bound, as a matter of treaty interpretation, to pronounce in favour of the line as mapped in the disputed area" – that the Annex I map line forms the northern limit of the vicinity of the Temple in the disputed area.

Respectfully submitted,



HOR Namhong  
Agent for the Kingdom of Cambodia  
26 April 2013

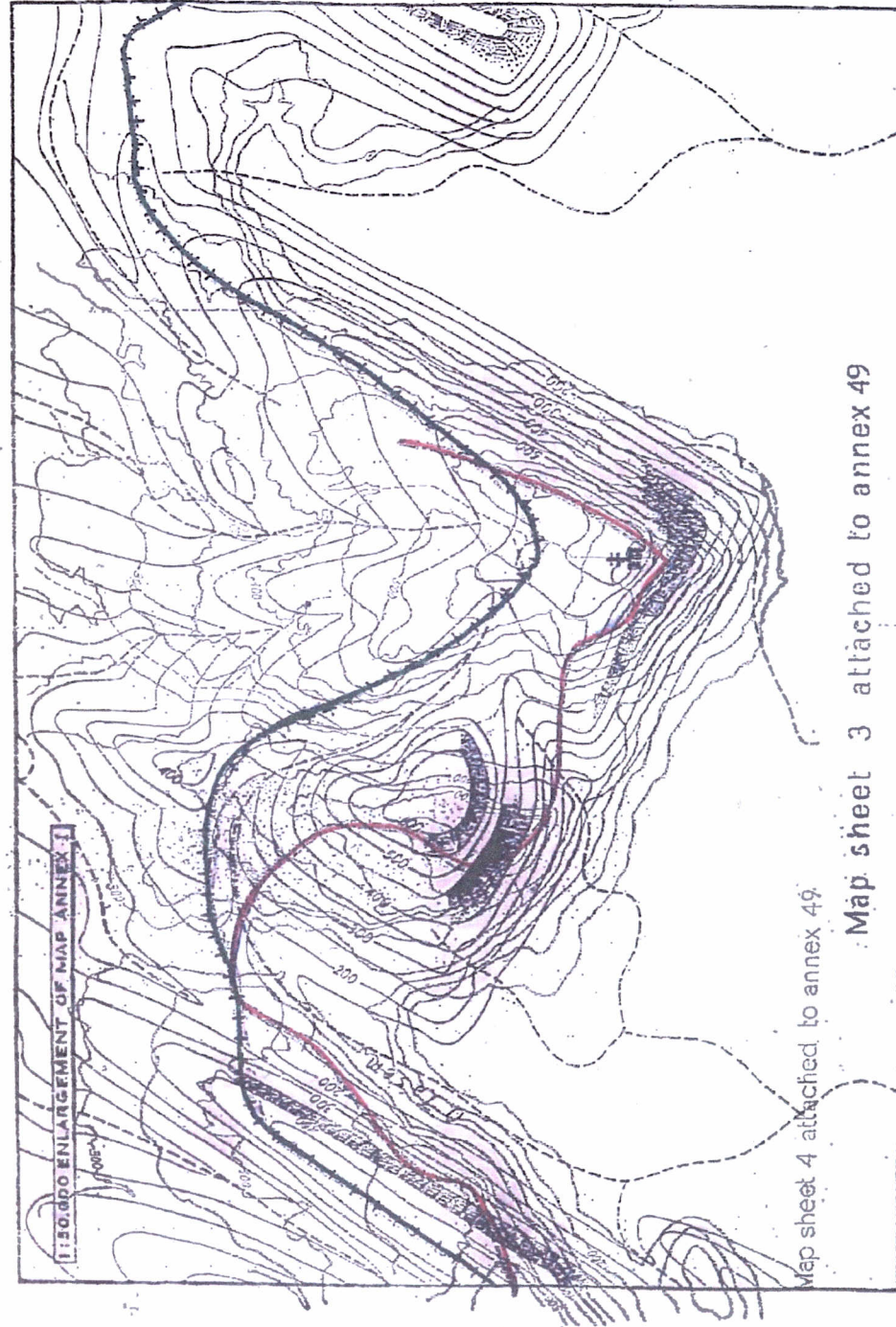
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<sup>3</sup> Annex 49 to Thailand's Counter-Memorial in the original case, *I.C.J. Pleadings, Temple of Preah Vihear*, p. 435. The exercise of overlaying the maps can also be reproduced using the copies of them that are attached to Thailand's Further Written Explanations as Annexes 49 and 50.

<sup>4</sup> Written Observations of the Kingdom of Thailand, Annex 96, p. 669.

**Comparison of Map Sheets 3 and 4 of Annex 49 to Thailand's Counter-Memorial (1961), Response of the Kingdom of Cambodia, page following page 76**  
*Comparaison des planches 3 et 4 de l'annexe 49 du contre-mémoire de la Thaïlande (1961), Réponse du Royaume du Cambodge, page suivant la page 76*

1: 50,000 REDUCTION OF MAP SHEETS 1 AND 2 OF ANNEX 49



**Annexe I de la Requête introductive d'instance du  
Royaume du Cambodge dans l'affaire du Temple de Préah  
Vihéar (« la carte de l'annexe I »)**

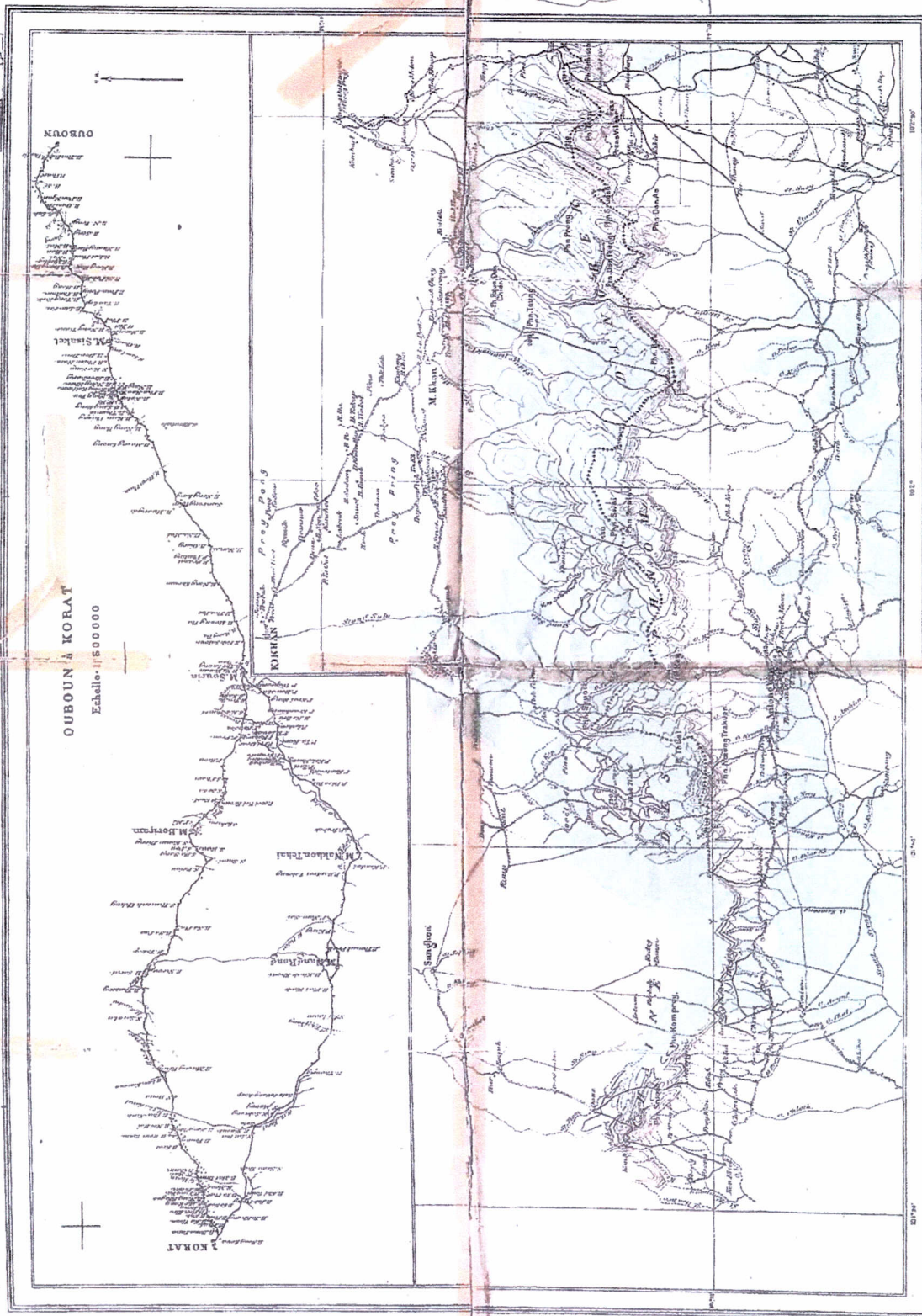
**Annex I to the Cambodia's Application Instituting  
Proceedings in the Case of the Temple of Preah Vihear  
("the Annex I map")**



COMMISSION DE DÉLIMITATION ENTRE L'INDO-CHINE ET LE SIAM

COUBOUN & KORAT

Echello. 11500000

[illegible]

Clichés de province. ANTHONG  
 Lieu important. M. Dansui  
 Village. Phuquê

Route d'arrivée. 100  
 Station. 100  
 Section d'arrivée. 100

100  
 100

50 mètres

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11-11-11

Echelle = 1:100,000

Limite d'âge	Autre moyen
Rivière	Frère
Riv. à recueillir par le parent	Frère cadette