Statement

by

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at the United Nations General Assembly Plenary

Agenda Item 70: Report of the International Court of Justice

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Mr. President,
Excellencies,
Ladies and Gentlemen,

It is my honour to deliver a statement on behalf of the Kingdom of Thailand on this agenda item. At the outset, I would like to thank President Tomka for his able Presidency, and for his thorough report on the Court’s activities during the past year.

The Court has played an active role in addressing disputes between states on diverse issues. For this reporting period, these range from Judgment interpretation to maritime delimitation, from the preservation of wildlife to the integrity of the environment. With such a diversity of cases, the report reflects the remarkable efforts made by the Court in managing its docket efficiently and expeditiously.
Mr. President,

This year’s report contains a case to which Thailand was a party, namely the case concerning the Request for Interpretation of the Judgment of 15 June 1962 in the Case concerning the Temple of Preah Vihear, or “Phra Viharn” in the Thai language. This case is probably the first time that the Judges on the bench have interpreted a Judgment in which none of them took part in the original proceedings. Yet, reading the interpretive Judgment of 11 November 2013 shows that the Court took the time and made the effort to carefully and thoroughly review the records of the original proceedings. Indeed, the Court underlines that the pleadings and the record of the oral proceedings in 1962 are “relevant to the interpretation of the Judgment as they show what evidence was, or was not, before the Court and how the issues before it were formulated by each Party.”

1 Para. 69 of the ICJ Judgment of 11 November 2013 (hereinafter referred to as “the Judgment”).
Mr. President,

Overall, I am pleased to say that the Judgment of 11 November 2013 is considered to be based on well-grounded reasoning and consistent with the Court’s past jurisprudence. It also gives importance to the need for both countries to hold talks.

The Judgment helps clarify several points of law that are crucial and thus will constitute a clearer and useful basis for future consultation or negotiation between the two parties, both for the matter decided by the Court in 1962, that is, as the Court puts it, “sovereignty over a defined area of territory”, and beyond.

The Judgment has also contributed in a positive manner to various aspects of the existing jurisprudence on Judgment interpretation, some of which I would like to mention for the record.
First, in interpreting the 1962 Judgment, the Court has reaffirmed that the principle of *non ultra petita* must be respected in the context of Judgment interpretation. In other words, the Court has reaffirmed that questions that were not properly submitted by the Applicant to the Court, and therefore not decided by the Court in the original proceedings, cannot be subject to interpretation.\(^2\)

Second, the Court has also reaffirmed that the principle of *res judicata* must be respected in an interpretation proceeding; namely, points not decided with binding force in the original proceedings cannot be the subject of interpretation. Accordingly, the Court has kept itself strictly within the limits of the original Judgment and refrained from tackling questions the Court did not decide in 1962.\(^3\)

Thirdly, the Court considers that the scope of the *res judicata* of the 1962 Judgment corresponds to that of the subject matter of the original proceedings, namely and exclusively sovereignty over the Temple of Phra Viharn and the promontory on which it stands, and not any other issue.\(^4\)

\(^2\) See para. 71 of the Judgment.
\(^3\) See para. 66 of the Judgment.
\(^4\) See paras. 101, 104 of the Judgment.
Mr. President,

The *Temple* interpretation case has been, and remains, an important issue in Thailand. The level of public awareness of the case and the high demand for information and explanation were unprecedented. During the oral proceedings and the reading of the Judgment last year, the Thai public followed with huge interest and in real time the Court’s proceedings through live, nationwide television broadcast from The Hague to Thailand, with simultaneous interpretation into the Thai language. Hardly in Thai history has an official international event generated such a great deal of public interest. In the process, needless to say, the role of the International Court of Justice as the principal judicial organ of the United Nations has been underlined, better known and understood in my country. It is our hope that the Judgment will contribute to good neighbourliness between Thailand and Cambodia, two countries that share a common destiny as ASEAN brothers.
Mr. President,

I would like to conclude my statement by expressing my appreciation to the Judges and to the Registry of the International Court of Justice for their efficiency and professionalism, as well as their contribution to international justice. It has been an honour and a privilege for me to serve as the Agent of the Kingdom of Thailand in this case.

Thank you.