

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.

Done in English and in French, the English text being authoritative, at the Peace Palace, The Hague, this fifteenth day of June, one thousand nine hundred and sixty-two, in three copies, one of which will be placed in the archives of the Court and the others transmitted to the Government of the Kingdom of Cambodia and to the Government of the Kingdom of Thailand, respectively.

(Signed) B. WINIARSKI,
President.

(Signed) GARNIER-COIGNET,
Registrar.

Judge TANAKA and Judge MORELLI make the following Joint Declaration:

We wish to make clear the reason why, to our great regret, we were unable to concur in the majority opinion on the clause of the operative provisions of the Judgment concerning the restoration by Thailand to Cambodia of any objects which may have been removed from the Temple.

The fact that we voted against this clause of the operative provisions is in no way connected with the foundation of Cambodia's claim for the restoration of the objects in question. We did so because we think that the Court should have refrained from pronouncing on that claim since, having been made for the first time in the Submissions filed by Cambodia on 5 March 1962, it must be considered to be out of time.

The claim as it is formulated in Cambodia's Application is directed not to the return of the Temple as such, but rather to sovereignty over the portion of territory in which the Temple is situated. It is directed, further, to one of the consequences flowing from Cambodian sovereignty over the said portion of territory, that is to say, Thailand's obligation to withdraw the detachments of armed forces it had stationed there, this consequence being explicitly indicated by Cambodia in its Application.

The other possible consequence of Cambodian sovereignty over the portion of territory in which the Temple is situated, namely, Thailand's obligation to restore to Cambodia any objects that may have been removed from the Temple, is a consequence that is not indicated in the Application. A claim for the return of the said objects cannot be considered to be implicitly contained in the claim presented by Cambodia in its Application, that claim having, as has been stated above, a completely different subject.

It is only if the claim by Cambodia had had directly as its subject the return of the Temple that it would have been possible, but then only through a liberal construction of such a claim, to consider that that claim was concerned also with objects which, having formed part of the Temple prior to the Application, had, also prior to the Application, been removed from the Temple.

Vice-President ALFARO and Judge Sir Gerald FITZMAURICE append to the Judgment of the Court statements of their Separate Opinions.

Judges MORENO QUINTANA, WELLINGTON KOO and Sir Percy SPENDER append to the Judgment of the Court statements of their Dissenting Opinions.

(Initialled) B. W.

(Initialled) G.-C.