

AIRGRAM

POL 37-2 LAOS THAI

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A-129

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HANDLING INDICATOR

TO : Department of State

INFO : Amembassy VIENTIANE, TOKYO (for Bradley)

FROM : Amembassy BANGKOK

DATE: March 12, 1969

SUBJECT : Laos-Thailand Fluvial Boundary

REF : CA-855, February 10, 1969

Introductory Note:

The recommendations of this communication were reached as a result of discussions in Bangkok among the Geographic Specialist for the East Asia area (Bradley), the USATOPOCOM (formerly AMS) Representative to the RTSD (Borland), Bangkok's Army Attache, a member of the Regional Development staff (who deals with Mekong Committee matters), and the reporting officer. Also, this airgram has the concurrence of Embassy Vientiane, and should be considered a joint Vientiane/Bangkok reply to CA-855, February 10, 1969.

Recommendations:

1. The question of the differences in the delineation of the fluvial boundary between Laos and Thailand should not be raised with either government at the present time, although we recognize it may be raised with us at the technical level at Thai initiative.
2. The appropriate channel for such technical discussions regarding this matter on the part of the USG should continue to be the USATOPOCOM Representative to the RTSD.
3. USATOPOCOM should continue its present course of action, i.e., continue using the terms of the 1926 treaty in recasting and revising the existing L708 series to complete the updated series identified as L7017.

Enclosure: Memorandum from AMS LNO 1
to LTG Somboon Vichitranja

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FORM 4-62 DS-323

Drafted by: POL:FJTat:cb:3/10/69

Contents and Classification Approved by:
POL:WCHamilton

Clearances: in draft:

Amembassy Vientiane:
DCM:RAHurwitch; POL:NAVelotesAmembassy Tokyo:
GEOS: JABradleyAmembassy Bangkok:
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4. Should the RTSD persist in maintaining its present mapping position, and should RTSD succeed in gaining support at higher RTG echelons so that it appears that position is likely to become the official policy of the Thai Government, we should remind the RTSD through USATOPOCOM that this is a matter to be discussed between the RTG and the RLG. Such discussions could lead to negotiations on a permanent change in the alignment of the Lao-Thai fluvial boundary; at any rate, the USG would necessarily assume the position of "disinterested spectator" prepared, however, to render impartial technical advice to both the RTG and RLG at their request.
5. Keeping in mind the fact that the construction of the proposed Pa Mong dam may radically change the thalweg of the Mekong along much of the Thai-Lao border, such discussions might better be postponed until negotiations for the establishment of an international authority to administer the Pa Mong, or more appropriately be made a part of these negotiations.

Predication:

The above recommendations are predicated upon the following premises and information:

a) There are indications that RTSD objections to the recast and revision of the L708 series may reflect only the feelings of the RTSD Director (LTG Somboon Vichitranauja who has been Director since May 1965). If suggestions develop that the RTG supports this position, our agreed method of proceeding (4 above) will remind the RTG that this is a bilateral RTG-RLG problem and thus indicate that we do not intend taking initiatives which would, in effect, cast the USG in the role of middleman between the two governments.

b) We believe the Thai-French boundary treaty of 1926 is controlling and that the 1931 1:25,000 series of the "Franco-Siamese Permanent High Commission for the Mekong" is the standard compilation source. The RTG has made no known official repudiation of the provisions of the 1926 treaty and no categorical statement which would cast doubt as to its applicability. Neither has the RTG made any showing that the recommendations of the Franco-Siamese Commission of Conciliation of 1947 were ever approved by the implied higher authority. (NOTE: We have procured the loan of a complete copy of the Commission's report of June 27, 1947, a copy of which will be forwarded as soon as reproduction is completed. We will continue discreet inquiry as to the legal competence, parameters and effects of that body.)

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c) Mr. Borland believes that the mapping position of the RTSD is that of the agency alone and does not yet represent an official RTG position, although RTSD may be attempting to obtain support for the position at higher echelons of the RTG. Under pressure from the RTSD to explain the discrepancies between the L708 and recast L7017 series, Borland addressed a memorandum to the Director in late November 1968. In the operative portion he advised the Director that "Thailand is bound by the same treaty, i.e., the treaty of 1926 that the United States considers authoritative" and that the report of the Franco-Siamese Commission of Conciliation dated 27 June 1947 "...is not officially recognized by national authorities and cannot be used." A copy of the memorandum is included as an enclosure to this airgram. That there has been no reply and no further pressure from the RTSD Director for over two months may indicate that he has not yet received support from higher RTG echelons. Borland will continue to report on the attitudes of the RTSD and to consult with the Embassy.

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AMS LNO I

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MEMORANDUM TO: LTG Somboon Vichitranjua
Director Royal Thai Survey Department

27 November 1968

SUBJECT: Delineation of Thailand Laos Boundary in Mekong River
on Large Scale Maps

1. In preparing for the recast and revision of the existing L708 series to create an updated series now to be identified as series L7017, a review of the Thailand Laos boundary delineation was made. This review revealed that major discrepancies in boundary delineation occurred along certain sectors of the Thailand Laos boundary which concerned coverage on the Mekong River.
2. The differences noted occur when comparing the L708 series with the Mekong 1:25,000 series of maps which were compiled as a result of the treaty of 1926. This treaty directed the establishment of the Haute Commission Permanente Franco-Siamoise de Delimitation du Mekong who directed the compilation of the Trace de la Frontiere Franco-Siamoise du Mekong 1:25,000 scale which were published in 1931 and are recognized by the US Department of State as the recommended source authority for the Thailand Laos boundary delineation.
3. In a letter to AMS dated August 2, No. MD0308/3707 RTSD did not agree with certain adjustments indicated on L708 series sheets in preparation for the L7017 series. These boundary adjustments were made with direct reference to the Mekong 1:25,000 series which the US State Department has indicated as the authoritative source.
4. Unfortunately in the preparation of the original L708 series sheets proper boundary reviews apparently were not performed and some boundary delimitations were shown in error. These errors undoubtedly occurred due to the urgency with which both the U.S. and Thai personnel were faced in meeting that mapping requirement. The reasons or responsibility are of no real importance now, what is important is that the errors now recognized must be corrected in any future work performed.
5. In addition to correspondence that RTSD has had directly with AMS on the question of boundary alignment I have corresponded with AMS on two occasions, 23 and 30 September, results of which were further discussion of the Thailand Laos boundary situation with members of the US State Department and AMS; however, their decisions did not differ from that originally

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given and portrayed by AMS on the copy provided to RTSD. In addition it was pointed out that the Royal Thai Government had accepted the terms of the 1926 agreement and considered that it is bound by these terms just as is the U.S. Government. In my correspondence to AMS I made reference to a Report of the Franco Siamese Commission of Conciliation dated 27 June 1947. This report recommended that the boundary be established in the principal navigable channel in all seasons of the Mekong River. This seemed to be a more equitable delineation of the Thailand boundary by some members of your staff but unfortunately this report is not officially recognized by national authorities and cannot be used. To conclude I feel that since the Ministry of Foreign Affairs has indicated that Thailand is bound by the same treaty i.e. the treaty of 1926 that the United States considers authoritative, there is no real recourse by RTSD or AMS than to show the boundaries as corrected and indicated on prints of the L708 series.

(Signed) WILFRED W. BORLAND
AMS LNO

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