

AIRGRAM

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1			
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			5/PM
AGR	COM	FRB	INT
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AIR	ARMY	NAVY	OSD
5	3	5	34
USIA	NIA	CIA	
	3	10	

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CA-855

HANDLING INDICATOR

NO.

TO : BANGKOK, VIENTIANE

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FEB 10 10 37 AM '69

FROM : Department of State

DATE:

SUBJECT : Laos-Thailand Boundary in the Mekong

REF :

SUMMARY

The U.S. Army Map Service (AMS) in fulfilling its contract with the Royal Thai Survey Department (RTSD) for 1:50,000 maps of Thailand and a similar contract with the mapping authorities of the Royal Lao Government (RLG), has encountered differences in delineation of the boundary between the two countries, mainly arising from Thai feelings that boundaries agreed upon with the French in the 1926 boundary treaty were in certain instances unreasonable and should be adjusted. As a majority of map sheets covering this boundary are part of the Lao series, and a smaller number part of the Thai series, the boundary will not, under normal operating procedure, be submitted in its entirety to authorities of either of these Governments for approval. However, inconsistencies exist which might lead to friction or misunderstanding if not cleared up beforehand.

The following pages state in detail what these inconsistencies are. Embassies Bangkok and Vientiane are requested to comment on the desirability of raising these questions with either the RTG or RLG and the most appropriate channels to be used.

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2

The question of boundaries has not arisen in corresponding mapping work being done in cooperation with Lao authorities, who are, presumably, well satisfied with the terms of the Thai-French boundary treaty of 1926. However, the desirability of encouraging the RTG to seek RLG concurrence on points where they wish to vary the boundary delineation from that shown on the early editions of AMS maps should also be considered.

* * * * *

A point of difference has arisen between the United States Army Map Service (AMS) and the Royal Thai Survey Department (RTSD) over the precise alignment of the Laos-Thailand boundary in the Mekong River. The Department's Office of the Geographer has been requested by AMS to assist in the clarification of the issue.

In 1962 as part of its International Boundary Study (IBS) series, the Geographer issued IBS No. 20: Laos-Thailand Boundary. This study was based upon the available treaty and map data but it also incorporated a recommendation of the French Government's mapping agency. This latter recommended a certain French topographic map series which was considered to be more accurate than other French maps in the depiction of international boundaries. However, at the time of the study, the Department considered the language of the 1926 treaty to be the binding delimitation of the boundary. The treaty stated that the thalweg of the Mekong was to be followed by the boundary except where islands exist. In this event, the islands were to adhere to Laos and "in those parts of its course in which the Mekong is divided into several branches by islands separated from the Siamese shore at any time of the year by running water, the boundary line is formed by the thalweg of the branch nearest to the Siamese shore."

The convention further added "At those points where the filling up with sand or the drying up of a branch of the river nearest to the Siamese shore would permanently attach to such shore islands formerly separated from it, the boundary line would, in principle, follow the former thalweg of said branch of the river thus filled up with sand or dried up."

"However, the Permanent High Commission of /the/ Mekong shall be called upon practically to examine each case of this kind that might arise, and they may then propose to move such boundary on to the nearest thalweg of the river..."

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3

"There are definitely attached to Siamese territory the lands in the river known under the names of Don Khieo, Don Khieo-Noi, Don Nhat, Don Banphaeng, Rat Saipeh-Veunkoum, Don Keokong-Dinnau and Don Somhong, which can be considered as part of the Siamese shore..." /Underlining added/

The Carte de l'Indochine 1:100,000, published by the French Service Geographique de l'Indochine, showed the boundary in this manner, i.e., the eight specified islands belonging to Thailand and all others adhering to Laos. In addition, the French National Geographic Institute had declared the series to be its "official" depiction of the boundaries of and within Indochina. As a result, IBS-20 recommended the series as the principal compilation source for the river boundary where the official delimitation commission maps did not exist.

However, the office had been aware of the existence of the Mekong Commission (Haute Commission Permanente Franco-Siamoise delimitation du Mekong) from the 1926 treaty. Dr. John Bradley, Geographic Attaché for the East Asian area, was requested, during his next home leave, to seek map or delimitation data which the Commission might have published. It was judged that Paris would be a poor source for the material since the French had already recommended only the 1:100,000 series. On his next trip to Bangkok, Bradley contacted RTSD officials who furnished on June 25, 1964 a copy of "Tracé de la Frontière Franco-Siamoise du Mekong 1:25,000, 1931" published by the High Commission. The RTSD did state in its transmittal letter to Bradley that the Survey Department had "not yet given its approval on this map." The volume of maps, however, does note that Siam had ratified the work of the Commission.

It was then determined by an Embassy inquiry that Thailand did consider itself bound by the 1926 treaty. Furthermore, the Geographer ascertained that the delimitation maps were official documents of the bilateral High Commission established by the treaty. Consequently, the maps were considered to supercede the French-produced 1:100,000 map series of Indochina as a compilation base.

In the interim period problems began to develop with the boundary representation on AMS maps of the Indochina area and of Thailand. The boundaries on the 1:250,000 series (L 509) were compiled on the basis of the SGI 1:100,000 series. The 1:50,000 series of Thailand (L 708) was produced in Japan with the assistance of RTSD officers based on the High Commission's 1:25,000 series (then not in Washington). In addition, certain adjustments

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4

appear to have been made to the Laos-Thailand boundary on this series by the USAMSFE based RTSD officers. These changes apparently have now to be considered invalid for the Thai officers exceeded their powers. Finally, boundaries on L7012 (misc. Indochina 1:50,000) and L7015 (Laos 1:50,000) were drafted in Washington by AMS using again the alignment of the French 1:100,000 maps.

The discrepancies among the series came to light when AMS decided to re-cast all of the earlier 1:50,000 "rectangular sheets" into "square sheets." The new series for Thailand was to be number L7017. The Office of the Geographer in the Department had written AMS on March 21, 1967 in response to its request that the High Commission 1:25,000 series should now be used as the standard compilation source rather than the SGI 1:100,000's for the river boundary. AMS believed that the RTSD would acquiesce to this view and accept the adjustments necessary to conform to the 1:25,000 High Commission maps. These "corrections" or adjustments were then made for all Mekong River boundary sheets. It is important to note here, however, that in changing to the 15' x 15' square format of the new series, 21 sheets of the 38 sheets necessary to cover the Mekong boundary fall into the L7015 (Laos) and not into the L7017 (Thailand) series. The RTSD, as a result, would have no control over the revisions made on these 21 sheets of L7015; they are the responsibility of AMS and the Royal Lao Survey Department.

In June 1968 the "corrected" sheets were furnished in manuscript to the RTSD per agreement and in August, at the request of the RTSD, the bases for the changes in boundary alignment were transmitted by AMS. In the same month, the RTSD wrote stating it did not accept the adjustments proposed by AMS but noted objections only to the sheets scheduled for FY 1969 production. The Thai requested that the original alignment, derived from the SGI 1:100,000 series, be continued and that the disclaimer be used to take care of the differences in alignment. The "territory" involved, of course, is Mekong River surface.

When the RSTD position became known, AMS again contacted the Office of the Geographer which took the position that a permanent change in alignment was a matter for the Lao and the Thai to negotiate and that the U.S., as a disinterested spectator, had to follow the last binding, legal document. The Thai Survey then surfaced an English-language "Report of the Franco-Siamese Commission of Conciliation" published June 27, 1947 by the Publicity Department of Siam which stated "The river frontier resulting from the treaties and from the

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5

delimitation carried out on the spot should, however, be revised in such a way as to place the frontier in the principal navigable channel." The Thai had requested this change for "technical reasons and with a view to conciliation."

The former probably alluded to the Thai desire to have direct access to, and to share sovereignty over, the navigation channel while the latter concerned the refusal by the Conciliation Commission to consider Thai claims to territory on the left bank of the Mekong. These claims, in fact, were rejected in the same paragraph of the Report as the suggestion that the main thalweg be used as the boundary. A further Thai claim to the Bassac was also rejected in a later paragraph.

The problem, as seen from the Geographer's point of view, is that the Mekong River boundary on AMS maps should follow the delimitation of the 1926 treaty and its protocols. The latter would include the 1931 1:25,000 maps of the bilateral delimitation commission. We erred in our initial recommendation of the French SGI 1:100,000 series, which was then the sole "official" map in our possession. When the High Commission maps became available, the Army Map Service and the USAF Aeronautical Chart and Information Center, the sole official publishers of large-scale maps of the region, were informed of the new source data. The present situation developed from this change.

Two principal questions arise to inhibit a resolution of the problem. The first involves the source of the current Thai mapping position: does it represent actions of the Royal Thai Survey Department alone or is it the official policy of the Thai Government? The second question concerns the "Report of the Franco-Siamese Commission of Conciliation of June 27, 1947". The Department has only xerox copies of the cover sheets and two pages concerning the thalweg boundary; the remainder of the report has not been seen. It has not been possible, moreover, to verify the parameters of the Commission of Conciliation but it is doubted seriously if the Commission had the authority to change the boundary, or to cause it to be changed. The language used appears to place responsibility on some other authority, i.e., a Franco-Siamese boundary commission or perhaps the existing High Commission for the Mekong.

The French are good and careful cartographers but strangely they do not appear to have utilized the maps of the 1931 commission in the preparation of their 1:100,000 series. Yet they have never cited an agreement which would negate the

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6

Commission's work. The post-war treaty, in fact, specifically returns the 1926 treaty to force. Moreover, the Thai mapping people do not accept the 1931 maps and yet do not categorically state that they have been superceded by a later agreement or maps. As a result, doubt has been cast as to the proper compilation source for the boundary.

To resolve the current impasse over the boundary delineation in the Mekong, it would be appreciated if the embassies could determine the answers to the questions raised above. If the policy is only that of the RTSD, an approach to the Foreign Office might ease or end RTSD pressure on AMS. If the policy is that of the Thai Government, however, the Report of the Commission of Conciliation could hold the answer. What, if anything, was ever done about the recommendation of the Commission? Was it accepted or rejected by higher authorities? If accepted, was the recommendation acted upon or allowed to die by inaction? In the absence of clear answers to the question, a recommendation by the Embassy would be appreciated. The Embassy should bear in mind, however, that the majority of the sheets covering the river will not be revised with the cooperation of the RTSD.

ROGERS

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