



Treaty Series No. 19 (1932)

[Agreement] - *Memorandum*
and Exchange of Notes

between His Majesty's Government in the United Kingdom
and the Government of India

and
the Government of Siam

regarding the

Boundary between
Burma (Kengtung) and Siam

Bangkok, August 27, 1931/March 14, 1932

*Presented by the Secretary of State for Foreign Affairs
to Parliament by Command of His Majesty*

LONDON

PRINTED AND PUBLISHED BY HIS MAJESTY'S STATIONERY OFFICE

To be purchased directly from H.M. STATIONERY OFFICE at the following addresses

Adastral House, Kingsway, London, W.C.2; 120, George Street, Edinburgh

York Street, Manchester; 1, St. Andrew's Crescent, Cardiff

15, Donegall Square West, Belfast

or through any Bookseller

1932

Cmd. 4112

Price 1d. Net

AGREEMENT AND EXCHANGE OF NOTES BETWEEN HIS
MAJESTY'S GOVERNMENT IN THE UNITED KINGDOM
AND THE GOVERNMENT OF INDIA AND THE GOVERN-
MENT OF SIAM REGARDING THE BOUNDARY BETWEEN
BURMA (KENG TUNG) AND SIAM.

Bangkok, August 27, 1931/March 14, 1932.

No. 1.

Memorandum.

ACCORDING to evidence obtainable locally, it appears that the Meh Sye, which is chosen as the boundary between Siam and Kengtung by the agreement of 1891, has been keeping its channel without any abrupt change for many years before the date of the agreement. It must therefore be said that the Meh Sye has served excellently as a border line for all practical purposes up to the year 1929.

The river only left certain parts of its original bed as the result of the exceptional floods of the year 1929. The floods swept away twenty-two houses in two spots on the Siamese bank, forcing the channel of the river to run right through Siamese territory; at the same time this new channel cut away a small projecting piece of land on the Kengtung side, turning it into an island.

Assuming the new channel of the river as a boundary, it will be seen that neither side incurs any substantial loss. Although Siam loses a number of houses, the land on which these houses formerly stood now lies so low, almost on the level of the water, that it is useless for a considerable part of the year, and is therefore of no practical value. (Please refer to sketch.⁽¹⁾)

It seems to us, the undersigned, that for two friendly countries, the most obvious boundary in this instance is the river. To remote frontier dwellers not advanced in education, it is easy to point out and explain; for administration, it is simple. We beg, however, to submit that the term "deep-water channel" of the river should be used in place of the term "mid-stream." This would do away with every likelihood of dispute, and would, to a great extent, facilitate administration.

In suggesting the adoption of the new channel as the boundary, we would draw attention to two points:—

1. There would be no necessity to erect boundary posts, of which both the cost of erection and maintenance would be very high on account of the annual high water, which brings down heavy logs from the north-west.
2. Should the old bed of the river be retained as boundary, its demarcation, apart from the necessity of erecting and maintaining costly pillars, would be difficult.

(¹) Not reproduced.

It is, however, to be borne in mind that this practice of adopting the new bed of a river which has been suddenly changed as the boundary of two countries is diverting from the usual international practice. In this regard the representatives of the Government of Burma assert that in the event of the Meh Sye changing its channel in the future, the Government of Burma would agree to accept the new channel as the boundary between Kengtung and Siam even though such future change would cause Burma to lose a part of her territory.

In conclusion, we jointly state that we shall submit to our respective Governments a proposal to adopt the new channel of the Meh Sye as the most practical boundary of the two countries on the understanding that, in the future, should the river again change its course, the two Governments would be prepared to always hold the "deep-water channel" of the river as the boundary, irrespective of any territorial loss that may be incurred thereby.

Signed in duplicates at Chiengrai on the 12th May, 1931.

H. J. MITCHELL,
Assistant Superintendent, Kengtung State.
PHYA RAJADEJ DAMRONG,
Governor of Chiengrai.
PHRA SRI BANJA,
Acting Chief of Protocol, Foreign Office.

Dated, Chiengrai, May 12, 1931.

No. 2.

Mr. Dormer to Prince Devavongs Varodaya.

M. le Ministre,

Bangkok, July 17, 1931.

WITH reference to previous correspondence ending with your Highness's letter of the 16th April last, I have the honour to state that I have been requested by the Government of Burma to inform your Highness that the agreement⁽²⁾ recently arrived at between representatives of the two Governments as to the position of the boundary between Kengtung and Siam has now been ratified by his Excellency the Governor of Burma.

I have also pleasure in complying with the request of the Government of Burma that an expression of his Excellency's thanks should be conveyed to the Royal Government for the courtesy and hospitality extended by the Siamese representatives to the representatives of the Government of Burma at the meeting which took place at Chiengrai in May last for the purpose of settling this matter.

I avail, &c.

CECIL DORMER.

⁽²⁾ See No. 1.

No. 3.

Prince Devawongs Varodaya to Mr. Dormer.

M. le Ministre,
*Ministry of Foreign Affairs,
 Saranromya Palace, August 27, 1931.*

I HAVE the honour to acknowledge the receipt of your Excellency's letter dated the 17th July, 1931,^(*) informing me, at the request of the Government of Burma, that the agreement recently arrived at between representatives of the two Governments as to the position of the boundary between Kengtung and Siam has now been ratified by his Excellency the Governor of Burma. You also request that an expression of his Excellency's thanks be conveyed to His Majesty's Government for the courtesy and hospitality extended by the Siamese representatives to the representatives of the Government of Burma at the meeting which took place at Chiengrai in May last for the purpose of settling this matter.

In reply, I have the honour to inform your Excellency that, on their part, His Majesty's Government have approved and ratified the agreement above referred to, whereby it has been agreed to adopt the new channel of the Meh Sai River as the boundary between Siam and Kengtung, on the understanding that in the future, should the Meh Sai River again change its course, our two Governments would be prepared always to hold the "Deep Water Channel" of the river as the boundary, irrespective of any territorial loss that may be caused by such change.

In this connexion, however, I shall be glad to be informed of the views of your Government whether your letter under reply and my present note are considered as completing the agreement under reference, or whether there should be a formal exchange of notes between your Excellency and myself on this subject, or whether a protocol should be drawn up for our signature in which is embodied the substance of this agreement.

I may add that, in compliance with your request, I have not failed to convey to His Majesty's Government an expression of thanks of his Excellency the Governor of Burma, as expressed in the last paragraph of your letter.

I avail, &c.
 DEVAWONGS,
Minister for Foreign Affairs.

(*) No. 2.

No. 4.

Mr. Johns to Prince Devawongs Varodaya.

M. le Ministre,

Bangkok, March 14, 1932.

I HAVE the honour to acknowledge the receipt of your Highness's note of the 27th August, 1931,⁽⁴⁾ stating that the Royal Siamese Government have approved and ratified the agreement arrived at on the 12th May, 1931, between their representatives and the representative of the Government of Burma, whereby it has been agreed to adopt the new channel of the Meh Sai River as the boundary between Siam and Kengtung, on the understanding that in the future, should the Meh Sai River again change its course, the two Governments would be prepared to hold the "Deep Water Channel" of the river as the boundary, irrespective of any territorial loss that may be caused by such change.

I have now the honour, on instructions from His Majesty's Principal Secretary of State for Foreign Affairs, to confirm Mr. Dormer's note of the 17th July, 1931, and to inform your Highness that His Majesty's Government in the United Kingdom and the Government of India consider your Highness's note of the 27th August and the present note as completing the agreement under reference.

I avail, &c.

J. F. JOHNS,

Chargé d'Affaires.

(4) No. 3.