



Treaty Series No. 3 (1941)

Exchanges of Notes

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

regarding the

Boundary between Burma and Thailand

Bangkok, October 1, 1940, and December 10, 1940

*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:

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

39-41 King Street, Manchester 2; 1 St. Andrew's Crescent, Cardiff;

80 Chichester Street, Belfast;

or through any bookseller

1941

Price 2d. net

Cmd. 6262

EXCHANGES OF NOTES BETWEEN HIS MAJESTY'S GOVERNMENT IN THE UNITED KINGDOM AND THE GOVERNMENT OF THAILAND REGARDING THE BOUNDARY BETWEEN BURMA AND THAILAND.

Bangkok, October 1, 1940, and December 10, 1940.

No. 1.

Sir J. Crosby to Major-General Luang Pibulsonggram.

M. le Ministre.

Bangkok, October 1, 1940.

IN accordance with instructions from His Majesty's Principal Secretary of State for Foreign Affairs, I have the honour to inform you that the Government of the United Kingdom of Great Britain and Northern Ireland have considered the report drawn up by the Commissioners of the Governments of Thailand and Burma who, in March 1939, examined the changes in the channel of the River Meh Sai with reference to the boundary between Thailand and Burma, and are prepared to adopt the recommendations contained therein.

2. I have accordingly the honour to propose that in accordance with the principle contained in the notes exchanged at Bangkok on the 27th August, 1931/14th March, 1932,⁽¹⁾ the boundary shall be deemed to be modified to the extent proposed in paragraphs 2 and 3 of the memorandum and map⁽²⁾ attached hereto as signed by the respective Commissioners. I have further the honour to propose the adoption of the principles enunciated in sub-paragraphs (b), (c) and (d) of paragraph 4 of the annexed memorandum, for determining the national status of inhabitants of territory transferred from one country to the other by reason of the present or any future change in the course of the River Meh Sai.

3. If the Thai Government agree to this proposal, I would suggest that the present note and your Excellency's reply in similar terms, together with the original memorandum and map, be regarded as constituting an agreement between the Government of the United Kingdom and the Thai Government with effect from the date of your Excellency's note.

I avail, &c.

J. CROSBY.

⁽¹⁾ "Treaty Series No. 19 (1932)," Cmd. 4112.

⁽²⁾ Map not reproduced.

MEMORANDUM.

1. In respect of the Meh Sai river which forms the boundary between Thailand and Kengtung by the Agreement of 1891, there exist an Agreement and Exchange of Notes of the 27th August, 1931/14th March, 1932, between the Thai and British Governments. The principle laid down in the said Agreement and Exchange of Notes is that in the future, should the Meh Sai river again change its course, the 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.

2. Now the Meh Sai river has again changed its course by cutting into the land on the Kengtung side which lies between the steel bridge across the Meh Sai river and the junction of the Meh Sai and the Meh Ruak rivers, and leaving a large part of the old channel silted up.

3. We have examined both the old and the new channels of the Meh Sai river as shown in the map hereto attached, and are satisfied that the new channel is the deep water channel.

4. We, therefore, beg to submit that—

- (a) In accordance with the principle laid down in the Agreement and Exchange of Notes of the 27th August, 1931/14th March, 1932, referred to in paragraph 1 above, the new channel of the Meh Sai river which is the deep water channel should be adopted as the boundary between Thailand and Kengtung, subject to the understanding that the principle of the "Deep Water Channel" is to remain applicable in the event of the Meh Sai river again changing its channel in the future.
- (b) British subjects habitually resident in the territory which is to be transferred from British to Thai sovereignty should cease to be British subjects and should acquire Thai nationality unless they make application to retain British nationality to the appropriate British authority within six months from the date of the formal transfer of the territory in question.
- (c) The same rule should apply permanently, *mutatis mutandis*, as regards territory which may in the future be transferred from British to Thai sovereignty, or *vice versa*, as the result of the redelimitation of the boundary between Thailand and Kengtung in accordance with the Agreement and Exchange of Notes of the 27th August, 1931/14th March, 1932.

(d) The British Government will, through their Representative at Bangkok, notify the Thai Government as soon as possible of all applications made in accordance with sub-paragraph (b) above, and the Thai Government will similarly notify the British Representative at Bangkok of all applications made in accordance with sub-paragraph (c).

5. A Map showing the positions of the new and the old channels of the Meh Sai river is hereto attached.

P. C. FOGARTY.

LUANG SIDDHI SAYAMKAR.

V. G. ROBERT.

PHRA ANURAKS BHUBES.

PHRA PANOM.

PHYA PRAKIT KOLASASTRA.

Chiengrai, March 24, 1939.

No. 2.

Major-General Luang Pibulasonggram to Sir J. Crosby.

*Ministry of Foreign Affairs,
Saranrom Palace,*

M. le Ministre,

October 1, 1940.

I HAVE the honour to acknowledge the receipt of your note of to-day's date⁽³⁾ informing me that the Government in the United Kingdom of Great Britain and Northern Ireland are prepared to adopt the recommendations contained in the report drawn up by the Commissioners who, in March 1939, examined the changes in the channel of the River Meh Sai in relation to the boundary between Thailand and Burma.

2. In reply, I have the honour to inform you that, for their part, His Majesty's Government approve the recommendations contained in the report referred to above, and are in agreement with the proposal set forth in your note under reply, namely, that, in accordance with the principle contained in the notes exchanged at Bangkok on the 27th August, 1931/14th March, 1932, the boundary should be deemed to be modified to the extent proposed in paragraphs 2 and 3 of the recommendations set forth in the memorandum⁽⁴⁾ and map⁽⁵⁾ attached hereto as signed by the respective Commissioners. The Thai Government are also prepared to adopt the principles enunciated in sub-paragraphs (b), (c) and (d) of the said memorandum for determining the national status of inhabitants of territory transferred from one country to the other by reason of the present or any future change in the course of the River Meh Sai.

⁽³⁾ No. 1.

⁽⁴⁾ See enclosure to No. 1.

⁽⁵⁾ Not reproduced.

3. In accordance with the suggestion contained in the last paragraph of your Excellency's note, that note and my present note, together with the said original memorandum and map, will be regarded as constituting an agreement between the Thai Government and the Government of the United Kingdom with effect from this day's date.

I avail, &c.
PIBULASONGGRAM.

No. 3.

Sir J. Crosby to Major-General Luang Pibulasongram.

M. le Ministre,

Bangkok, December 10, 1940.

YOUR Excellency will recall that I was able to inform you on the 24th May last that the Government of Burma had agreed in principle to the proposal of the Thai representatives, put forward at the Conference of local officials held at Chiengrai on the 22nd and 23rd March, 1939, to examine the situation arising from changes since 1932 in the deep-water channel of the Meh Sai river, that the deep-water channel of the River Meh Ruak also, where it forms the frontier between Burma and Thailand should be accepted as the boundary. In accordance with the instructions of His Majesty's Principal Secretary of State for Foreign Affairs, I have now the honour to inform you that, on behalf of the Government of Burma, His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland are desirous of submitting the following proposals for the consideration of the Thai Government :—

- (i) A.—As from the coming into force of the present agreement, the boundary between Burma and Thailand in the section which lies along the River Meh Ruak shall be situated along the deep-water channel of the said river or, in other words, on the line of minimum level along the river-bed.
B.—In the event of any sudden natural change in the course of the river any transfer of territory which may be entailed thereby shall be confirmed by an agreement between the two contracting Governments.
- (ii) British subjects habitually resident in territory which may be transferred from British to Thai sovereignty in virtue of paragraph (i) shall cease to be British subjects and shall acquire Thai nationality unless they make an application to retain British nationality to the appropriate British authority within 6 months from the date of the coming into force of the agreement confirming the transfer of the territory in question.

- (iii) The same rule, *mutatis mutandis*, shall apply as regards territory which may be transferred from Thai to British sovereignty.
- (iv) His Majesty's Representative at Bangkok will notify the Thai Government as soon as possible of all applications made in accordance with paragraph (ii) above, and the Thai Government will similarly notify His Majesty's Representative at Bangkok of all applications made in accordance with paragraph (iii).
- (v) Nothing in the foregoing shall affect the national status of persons who are not British subjects at the time of the transfer of territory from British to Thai sovereignty, or of persons who are not Thai subjects at the time of transfer of territory from Thai to British sovereignty.
- (vi) In accordance with the proposal contained in paragraph (i) above, the area known as the Koh Chang or Kaw Chang, bounded by the former (or south) deep-water channel of the Meh Ruak river, and by the present (or north) deep-water channel of that river, shall be transferred forthwith from British to Thai sovereignty.
- (vii) British subjects habitually resident in territory which may be transferred from British to Thai sovereignty in virtue of paragraph (vi) shall cease to be British subjects and shall acquire Thai nationality unless they make an application to retain British nationality to the appropriate British authority within 6 months from the date of the coming into force of this agreement.

A map⁽⁶⁾ showing the variation in the frontier referred to in (vi) above, signed by Mr. Stewart, Assistant Executive Engineer, Federated Shan States, Public Works Department, and by Phya Prakit Kolasastra, Chief Engineer, Department of Public and Municipal Works, Thailand, is attached to this note.

If the Thai Government agree to these proposals, I have the honour to suggest that the present note, together with your Excellency's reply in similar terms, shall constitute an agreement between the Government of the United Kingdom on the one hand and the Thai Government on the other, with effect from the date of your Excellency's note.

I avail, &c.
J. CROSBY.

⁽⁶⁾ Not reproduced.

No. 4.

Major-General Luang Pibulasonggram to Sir J. Crosby.

*Ministry of Foreign Affairs,
Saranrom Palace,*

December 10, 1940.

M. le Ministre,

I HAVE the honour to acknowledge the receipt of your note of to-day's date,⁽⁷⁾ in which you inform me on behalf of the Government of Burma that the Government of the United Kingdom of Great Britain and Northern Ireland are desirous of submitting the following proposals for the consideration of the Thai Government:—

- (i) A.—As from the coming into force of the present agreement, the boundary between Thailand and Burma in the section which lies along the River Meh Ruak shall be situated along the deep-water channel of the said river or, in other words, on the line of minimum level along the river-bed.
B.—In the event of any sudden natural change in the course of the river any transfer of territory which may be entailed thereby shall be confirmed by an agreement between the two contracting Governments.
- (ii) British subjects habitually resident in territory which may be transferred from British to Thai sovereignty in virtue of paragraph (i) shall cease to be British subjects and shall acquire Thai nationality unless they make an application to retain British nationality to the appropriate British authority within 6 months from the date of the coming into force of the agreement confirming the transfer of the territory in question.
- (iii) The same rule, *mutatis mutandis*, shall apply as regards territory which may be transferred from Thai to British sovereignty.
- (iv) His Britannic Majesty's Representative at Bangkok will notify the Thai Government as soon as possible of all applications made in accordance with paragraph (ii) above, and the Thai Government will similarly notify His Britannic Majesty's Representative at Bangkok of all applications made in accordance with paragraph (iii).
- (v) Nothing in the foregoing shall affect the national status of persons who are not British subjects at the time of the transfer of territory from British to Thai sovereignty, or of persons who are not Thai subjects at the time of transfer of territory from Thai to British sovereignty.
- (vi) In accordance with the proposal contained in paragraph (i) above, the area known as the Koh Chang or Kaw Chang, bounded by the former (or south) deep-water channel of

(7) No. 3.

the Meh Ruak river, and by the present (or north) deep-water channel of that river, shall be transferred forthwith from British to Thai sovereignty.

- (vii) British subjects habitually resident in territory which may be transferred from British to Thai sovereignty in virtue of paragraph (vi) shall cease to be British subjects and shall acquire Thai nationality unless they make an application to retain British nationality to the appropriate British authority within 6 months from the date of the coming into force of this agreement.

In reply, I have the honour to inform you that, for their part, His Majesty's Government agree to the above-mentioned proposals, and that they accept as showing the variation in the frontier referred to in paragraph (vi) the map attached to your note, a copy of which map⁽⁸⁾ is likewise attached to the present note from myself.

In accordance with the suggestion contained in the last paragraph of your Excellency's note, that note and my present note will be regarded as constituting an agreement between the Thai Government on the one hand and the Government of the United Kingdom on the other, with effect from this day's date.

I avail, &c.

PIBULASONGGRAM.

⁽⁸⁾ Not reproduced.