



Treaty Series No. 15 (1935)

## Exchanges of Notes

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

and

the Chinese Government

regarding the Establishment of a Commission  
to determine the Southern Section of the

## Boundary between Burma and Yunnan

Nanking, April 9, 1935

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

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EXCHANGES OF NOTES BETWEEN HIS MAJESTY'S GOVERNMENT IN THE UNITED KINGDOM AND THE GOVERNMENT OF INDIA AND THE CHINESE GOVERNMENT REGARDING THE ESTABLISHMENT OF A COMMISSION TO DETERMINE THE SOUTHERN SECTION OF THE BOUNDARY BETWEEN BURMA AND YUNNAN.

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*Nanking, April 9, 1935.*

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No. 1.

*Sir A. Cadogan to Mr. Wang Ching-wei.*

Sir,

*Nanking, April 9, 1935.*

WITH reference to our recent discussions concerning the proposed method of settling the question of the undemarcated portion of the southern section of the Burma-Yunnan frontier referred to in paragraphs 3 and 4 of Article 3 of the Agreement between Great Britain and China, signed at Peking on the 4th February, 1897,<sup>(1)</sup> I have the honour to inform your Excellency that His Majesty's Government in the United Kingdom and the Government of India accept the following terms of reference concerning the establishment and functions of a Boundary Commission to be charged with the investigation of the undemarcated portion of the frontier in question :—

- (1) The National Government of the Republic of China on the one side, and His Majesty's Government in the United Kingdom and the Government of India on the other, being desirous of settling long-outstanding questions relative to the southern section of the Yunnan-Burmese frontier and actuated by a genuine spirit of mutual conciliation and compromise, have agreed to establish a joint Boundary Commission to be composed of five Commissioners, two to be appointed by each side, and a neutral Commissioner appointed by the President of the Council of the League of Nations, the neutral Commissioner acting as Chairman of Commission and having a deciding vote in cases where the opinions of the other Commissioners are evenly divided.
- (2) The first duty of the Commission should be to ascertain and determine on the ground and fix on the map the line prescribed in paragraphs 3 and 4 of Article 3 of the Agreement of 1897 so far as they relate to the undemarcated portion of the frontier. In thus interpreting the

(1) "Treaty Series No. 7 (1897)," C. 8654.

Treaty provision, on which the Governments concerned have hitherto failed to arrive at an agreed interpretation, the Commission shall give due consideration to all the provisions and indications in the paragraphs of the Agreement of 1897 referred to above, namely, the co-ordinated points and watershed and geographical names mentioned.

- (3) It shall be the second duty of the Commission to report *ad referendum* to the Governments concerned in the light of their local examination of the ground on the cases as indicated in Article 6 of the Agreement, in which the question appears to them to arise of local modifications of the general Treaty line on the basis of mutual concession.
- (4) The Chinese and British Commissioners may submit, if they deem it necessary, their personal viewpoint to the Governments concerned for their consideration.

I have the honour to request that your Excellency will confirm that the National Government of the Republic of China accept the above terms of reference.

I avail, &c.

ALEXANDER CADOGAN.

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No. 2.

*Mr. Wang Ching-wei to Sir A. Cadogan.*

Sir,

*Nanking, April 9, 1935.*

I HAVE the honour to acknowledge receipt of your Excellency's Note of to-day's date, which reads as follows:—

[As in No. 1.]

In reply I have the honour to confirm that the National Government of the Republic of China also accepts the terms of reference as quoted above concerning the establishment and functions of a Boundary Commission to be charged with the investigation of the undemarcated portion of the southern section of the Yunnan-Burma frontier.

I avail, &c.

WANG CHING-WEI.

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## No. 3.

*Sir A. Cadogan to Mr. Wang Ching-wei.*

Sir,

*Nanking, April 9, 1935.*

WITH reference to the Notes exchanged between us to-day concerning the establishment and functions of a Boundary Commission for the investigation of the undemarcated portion of the southern section of the Burma-Yunnan frontier, I have the honour to confirm on behalf of His Majesty's Government in the United Kingdom and the Government of India that the following additional understanding has been reached between our respective Governments regarding the proposed negotiations for a settlement of the undemarcated section of the frontier:—

“The question of any modifications in the light of the report of the Commission, or in the light of such topographical, historical or political factors as may appear relevant, will be subsequently negotiated in a spirit of mutual conciliation and compromise. For the purpose of such future negotiations a Conference will, if necessary, be convened at Nanking between representatives of the Governments concerned—including representatives of Yunnan and Burma. The results of the Report of the Commission and of any such subsequent negotiations will be embodied in a new Agreement. Pending the conclusion of such an Agreement, the Governments concerned will reserve the position which they have heretofore respectively maintained regarding the frontier in question.”

I have the honour to request your Excellency's confirmation on behalf of the National Government of the Republic of China of the above additional understanding concerning the proposed negotiations.

I avail, &c.

ALEXANDER CADOGAN.

## No. 4.

*Mr. Wang Ching-wei to Sir A. Cadogan.*

Sir,

*Nanking, April 9, 1935.*

I HAVE the honour to acknowledge your Excellency's Note of to-day's date, which reads as follows:—

[As in No. 3.]

On behalf of the National Government of the Republic of China, I have the honour to confirm the above understanding.

I avail, &c.

WANG CHING-WEI.