



International Boundary Study

No. 20 – September 18, 1962

Laos – Thailand Boundary

(Country Codes: LA-TH)

**The Geographer
Office of the Geographer
Bureau of Intelligence and Research**

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LAOS - THAILAND BOUNDARY

I. BACKGROUND

The Laos - Thailand boundary extends for a distance of 1090 miles, from a tripoint with Burma on the north to one with Cambodia on the south.¹ It has been defined in accordance with the physical features through and over which it passes: rivers, mountain ranges, drainage patterns. In the north from the Burmese tripoint at the confluence of the Nam Kok and the Mekong Rivers, the boundary extends southward approximately 59 miles along the thalweg of the Mekong. At approximately 20° 10' North and 100° 36' East, the boundary departs from the river to follow the mountain range to the west of the Nam Kop river system. The south-trending range is a minor water divide in that it separates the basins of several rivers flowing north and/or east to the Mekong. After turning east to circumscribe the Nam Kop system, the boundary range becomes the major water parting between the Menam and Mekong systems. This section of the boundary, which coincides with the several drainage divides, is approximately 286 miles in length.

At approximately 17° 44' North and 98° 39' East, the boundary leaves the water divide to follow the thalweg of the Nam Heung Nga and the Nam Heung to the latter's confluence with the Mekong. This river segment measures approximately 86 miles.

For the next 541 miles the Laos - Thailand boundary is defined by the thalweg of the Mekong River where no islands exist, or the "thalweg" closest to the Thai shore where islands are to be found in the river, i.e., all islands belong to Laos. In the convention which defined this boundary, the criterion of separation from the shore at highest water level was utilized. Since there is a great deal of seasonal variation in the level of the Mekong, many of the islands became, at times of low water, attached or nearly attached to the Thai shore. The boundary, as a result, could and does become a "land boundary" during certain times of low water.

Approximately 4.5 miles east of the mouth of the Mae Nam Mun, the Laos - Thailand boundary again leaves the river to follow a water divide. In this southern segment of the boundary, the divide is between the Mae Nam Mun and the Mekong proper. The boundary trends generally southward and then southwestward to the Cambodian tripoint at the headwaters of the Tonle Repou. This very sinuous water divide line is about 118 miles in length.

The Laos - Thailand boundary, as a result, is delimited by rivers for 686 miles (600 of which are in the Mekong), and for 404 miles by water divides.

¹ All boundary lengths are approximate. They have been measured from several medium scale map series in the Office of the Geographer.

II. TREATIES

The pertinent international acts affecting the boundary are given below. Most of these treaties also delimit the Cambodia - Thailand boundary since they were concerned with Indo-China rather than the individual territories.

A. Treaty of Peace and Convention between France and Siam, signed at Bangkok on October 3, 1893, ratified February 2, 1894.

According to the provisions of these agreements, Siam renounced all rights to the territories on the left bank of the Mekong as well as to all islands in the river (Article I of treaty). Siam also agreed to the creation of a demilitarized zone, 25 kilometers wide, on the right bank of the river (Article III).

B. Convention between France and Siam signed at Bangkok on October 7, 1902.

Article I ceded to France the territory of Luang Prabang² on the west (right) bank of the Mekong while Article 2 transferred the Bassac. The latter, also on the right bank, is located immediately to the north of Cambodia.

C. Convention between France and Siam signed at Paris on February 13, 1904 with ratifications exchanged on December 9, 1904.

This Convention, in effect, modified the 1893 Treaty and superseded the 1902 Convention. Article I defined the land boundary (of the Bassac) as the water divide (along the Dangrek mountain chain) between the Nam-Sen and Mekong Rivers on one hand and the Nam-Moun (Mae Nam Mun) on the other. It further was to follow the crest of the Pnom-Padang mountains, a continuation of the Dangrek, to the Mekong. The boundary in the Mekong, established in 1893, was reaffirmed.

Article II delimited the Luang Prabang boundary as the thalweg of the Nam-Huong from its confluence with the Mekong to its confluence (with the Nam-Tang which it ascended to the water divide [of the Menam - Mekong systems] at a point near Puo-Dène Dine.)³ The boundary continued northward along the divide to the source of the Nam-Kop (which the boundary then followed to the Mekong.)³

Article III provided for a mixed delimitation commission while Article IV caused Siam to renounce all suzerainty over the Kingdom of Luang Prabang.

D. Agreement between France and Siam completing and ratifying Articles I and II of the Convention of 13 February 1904... signed at Paris, June 29, 1904.

² At the time of the treaty, Luang Prabang was a separate kingdom.

³ Sections in parens modified later in the year. See D. below.

Article II revised the Lunag Prabang boundary in the south and the north. In the former case, the boundary followed the Nam-Huong Nga (Nam Heung) instead of the Nam-Tong to the watershed. In the north, the boundary joined the ridge line to the west of the Nam-Kop system and then followed the ridge to the Mekong.

E. Treaty between France and Siam regulating questions connected with the Frontiers of Indo-China and Siam... signed at Bangkok, March 23, 1907, with ratifications exchanged June 21, 1907.

While altering the Cambodia - Siam boundary, this treaty merely served to confirm the 1904 actions in regard to Laos. This action was accomplished in the annexed protocol.

F. Protocol signed at Bangkok on February 14, 1925.

This agreement reconfirmed the 1893, 1904, and 1907 treaties and conventions without changing any boundaries.

G. Convention for the Regulation of Relations between Siam and Indo-China signed at Bangkok on August 25, 1926.

The convention altered the boundary in the Mekong in the sense that the thalweg of the river was to be followed 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 the 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..."

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

H. Treaty... signed at Bangkok, December 7, 1939.

This agreement reconfirmed the arrangements of 1893, 1904, 1907, and 1925 with no changes.

I. Convention of Peace between Thailand and France together with the Annexed Protocols... signed at Tokyo, May 9, 1941.

This Convention returned all Laotian territories west of the Mekong to Thailand.

J. Settlement Agreement between France and Thailand signed November 17, 1946.

The 1941 Convention was annulled and the treaties and conventions of 1893, 1904, 1907, and 1925 were reinstated along with the boundaries created by them, i.e., return to the status quo ante.

III. SUMMARY

In the recent decision on the boundary dispute over the temple of Preah Vihear (Cambodia vs. Thailand)⁴ the International Court of Justice rendered an opinion which might have some bearing on the Laos - Thailand boundary. Briefly, the Preah Vihear case involved a question of sovereignty over the ancient temple situated almost on the boundary between Thailand and Cambodia. Thailand claimed that the temple was north of the water divide and, according to the provisions of the boundary accord, was in Thai territory. Cambodia, on the other hand, submitted a map (see below) which purported to be a product of the "Delimitation Commission between Indochina and Siam." While a great deal of other evidence was also submitted by both states, the court ruled that the map had been accepted by both states for many years and that it, therefore, took precedence over the wording of the various conventions. The temple as a result was judged to be in Cambodia.

The decision is interesting in the importance it places on the maps of the "Delimitation Commission" in contrast to the treaty text. This is particularly true since both states admitted that the maps were not actually a part of the treaty and were, moreover, obviously a product of only French engineers. However, Thailand had accepted the maps as official for many years and had followed the boundary shown thereon.

A close examination of the sheets of this map series covering the Laos - Thailand boundary does not reveal any deviation in the Boundary Description - drainage Divide correlation. As a result they do not appear to contradict the textual definition of the boundary. However, variations of a minor nature do occur between the 1907 representation of the location of the drainage and that shown on more modern maps. These maps are still considered the standard compilation source for the representation of the boundary:

[Map of the] Commission de Délimitation entre l'Indo-Chine et le Siam, 1:200,000, [1907] 11 sheets, H. Barrère, Paris.

⁴ International Court of Justice, Reports of Judgements, Advisory opinions and Orders, "Case concerning the Temple of Preah Vihear...", 15 June 1962.

The southern land segment of the boundary is represented on the Khong and Bassac sheets; the northern by the Pak-Lay, Nam Heung, Muong Nan, Haut Me-Nam, and Moung Khop-Muong Xieng Lom sheets. This map series, however, does not show the boundary in the Mekong River. For this segment, the following topographic series appears to conform with the stipulations of the 1926 convention and is the recommended compilation source:

Carte de l'Indochine 1:100,000, Service Geographique de l'Indochine, [various dates]
[various sheets].

This International Boundary Study is one of a series of specific boundary papers prepared in the Office of the Geographer, Department of State, in accordance with provisions of Bureau of the Budget Circular No. A-16, Exhibit D.

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