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**The Land Boundaries of Indochina:
Cambodia, Laos and Vietnam**

Ronald Bruce St John

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The Land Boundaries of Indochina: Cambodia, Laos and Vietnam

by

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The opinions and comments contained herein are those of the author and are not necessarily to be construed as those of the International Boundaries Research Unit.

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^{xx} Adapted from Prescott *et al.*, 1977: 61.

The Land Boundaries of Indochina: Cambodia, Laos and Vietnam

Ronald Bruce St John

1. Introduction

In the middle of the nineteenth century, “*French Indochina*” or simply “*Indochina*” became the accepted European designation for mainland Asia from modern-day Laos south and east through Cambodia to Vietnam.¹ An artificial creation of the French colonial regime, the term homogenised the distinct ethnic and cultural groups of the region under a half-Indian, half-Chinese rubric. The peninsula of which Cambodia, Laos, and Vietnam are a part lies between India and China and is geographically connected with both; however, its peoples are neither Indian nor Chinese but a fusion of races. Geographically, the territory is a southern extension of the Chinese landmass. The mountain ranges of southern and southwestern China run down into the peninsula from north to south, and their narrow river valleys have long been migration routes for the peoples who populated Southeast Asia² (Figure 1).

Therefore, it is not by accident that this *Briefing* is entitled *The Land Boundaries of Indochina*. On the contrary, the term “*Indochina*” is employed in the title to draw attention to the extent to which the contemporary land borders of Cambodia, Laos, and Vietnam are themselves artificial creations of the colonial period. French Indochina, the French-controlled former association of Annam, Cambodia, Cochinchina, Laos, and Tonkin, was a creation of the age of Western imperialism.³ A separate entity, it was largely unrelated to the cultural, geographical, and racial elements which shaped the peoples and governments of its constituent parts. As a result, the genesis of the frontiers of contemporary Cambodia, Laos, and Vietnam is vitally important to an understanding of their current position, where they have been accurately marked, as well as to recent attempts to modify them.

2. Conflicting Conceptions of the State

Premodern conceptions of boundary in Southeast Asia centred on the earthly realm, local geography, and sovereignty often within the context of divine kingship or a personification of sacred power.⁴ Instead of being determined or sanctioned by a central authority, the limits of a realm, a kingdom, or a country were most often defined vaguely in terms of the allegiance of outlying towns and villages to the centre of the kingdom. Since a realm was not a bounded, territorial state in the modern sense, the political sphere could be mapped only by existing

¹ The term Indochina was first recorded in 1845. See *Grand Larousse de la langue française* (1975) Vol. 4, Paris: Librairie Larousse.

² Mannikka, 1996: 1; Buttinger, 1958: 18-19.

³ Sarin Chhak, 1966: 15. The French during the colonial period broke Vietnam into three parts, Cochinchina, Annam, and Tonkin, and spoke of the “*five countries*” constituting French Indochina. See Nguyen Khac Vien, 1987: 168.

⁴ The material in this section draws heavily on the analysis of Thongchai Winichakul (1994) and the author's 1994 review of this path-breaking study in the *Journal of the Siam Society* (Vol.82, No.1). On early mapping of ancient Vietnam, see Tam Quach-Langlet, ‘La perception des frontières dans l'Ancien Viêt Nam à travers quelques cartes vietnamiennes et occidentales’, in Lafont, 1986: 25-62.

Figure 1: Location of Cambodia, Laos and Vietnam in Southeast Asia



Figure 2: Mainland Southeast Asia before Modern Boundaries



power relationships as opposed to territorial integrity. In part for this reason, premodern map of localities and routes in Southeast Asia were extremely rare, reflecting the low level of interest in and need for such activity⁵ (Figure 2).

2.1 Early States

For example, the Kingdom of Funan, a predecessor to the Kingdom of Cambodia, was one of a number of Indochinese states which disappeared in the long struggle for control of the peninsula. Little is known of the origin of these states, of which Funan was one of the first and certainly one of the most powerful. The initial Chinese account of Funan dates from the early third century AD, but the kingdom is believed to have been founded in the first century. By the third century, Funan was already a highly developed state which eventually extended over the Mekong Delta region of contemporary Cambodia and Vietnam. Funan had ceased to exist by the late sixth or early seventh century, conquered by its former vassal, Chenla. The word Funan, together with any reference to the kingdom under any other name, disappeared without a trace during the seventh century. After a few centuries, Chinese scholars no longer knew where to place the country their ancient historical documents referred to as Funan. While contemporary research has definitely located Funan in the Mekong Delta of what is today the Socialist Republic of Vietnam, European scholars in the nineteenth century variously located Funan all along the seacoast from northern Vietnam to Burma⁶ (Figure 3).

Like Funan, the Kingdom of Champa also overlapped the boundaries of modern day Cambodia, Laos, and Vietnam and thus also exemplified premodern conceptions of boundaries. Champa appears to have come into existence toward the end of the second century and was initially centred in central Vietnam below the city of Hue. The Chams later extended their influence south to Cam Ranh Bay and west over the Annamese mountains into present-day Cambodia and southern Laos.

In 982 AD, the Vietnamese launched their first expedition against the Chams, sacking the Cham capital at Indrapura. In so doing, they inaugurated a process which lasted 800 years, eventually taking the Vietnamese people from the Red River Valley to the Gulf of Siam. Champa became a feudatory state of Vietnam in 1312 but freed itself in 1326 and later pillaged Thang Long (Hanoi) in 1371. During the half century from 1350 to 1400, hardly a year went by without either an invasion of Champa by Vietnam or an invasion of Vietnam by Champa. Cham power was finally broken by the Vietnamese in 1471, and soon after Champa ceased to exist.⁷

2.2 Vietnamese Expansion

After 1,000 years as a Chinese province, Vietnam was reborn as a separate and independent state in 939 AD. Nevertheless, its boundaries would remain in contention for another 900 years. During this period, the Vietnamese people engaged in their legendary “*march to the south*” along the narrow coastal plain through which the country grew to its present size and extraordinary shape. Expanding at the expense of the Cham and the Khmer, the Vietnamese

⁵ For a stimulating discussion of traditional conceptions of territorial space in pre-modern Southeast Asia with a focus on Laos, see Jerndal and Rigg, 1998 (forthcoming).

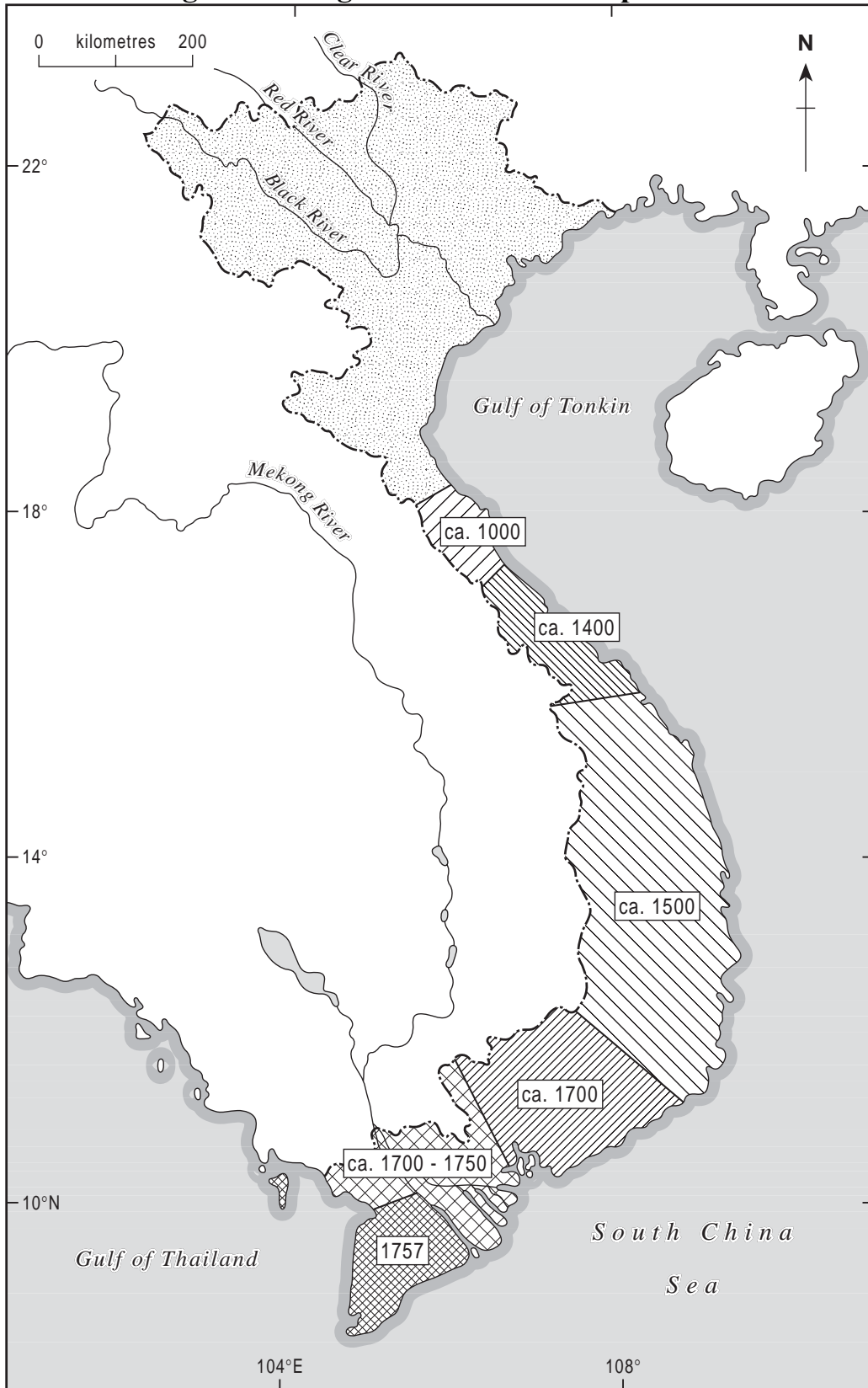
⁶ Briggs, 1951: 12-36.

⁷ Maspero, 1928.

Figure 3: Early States of Indochina



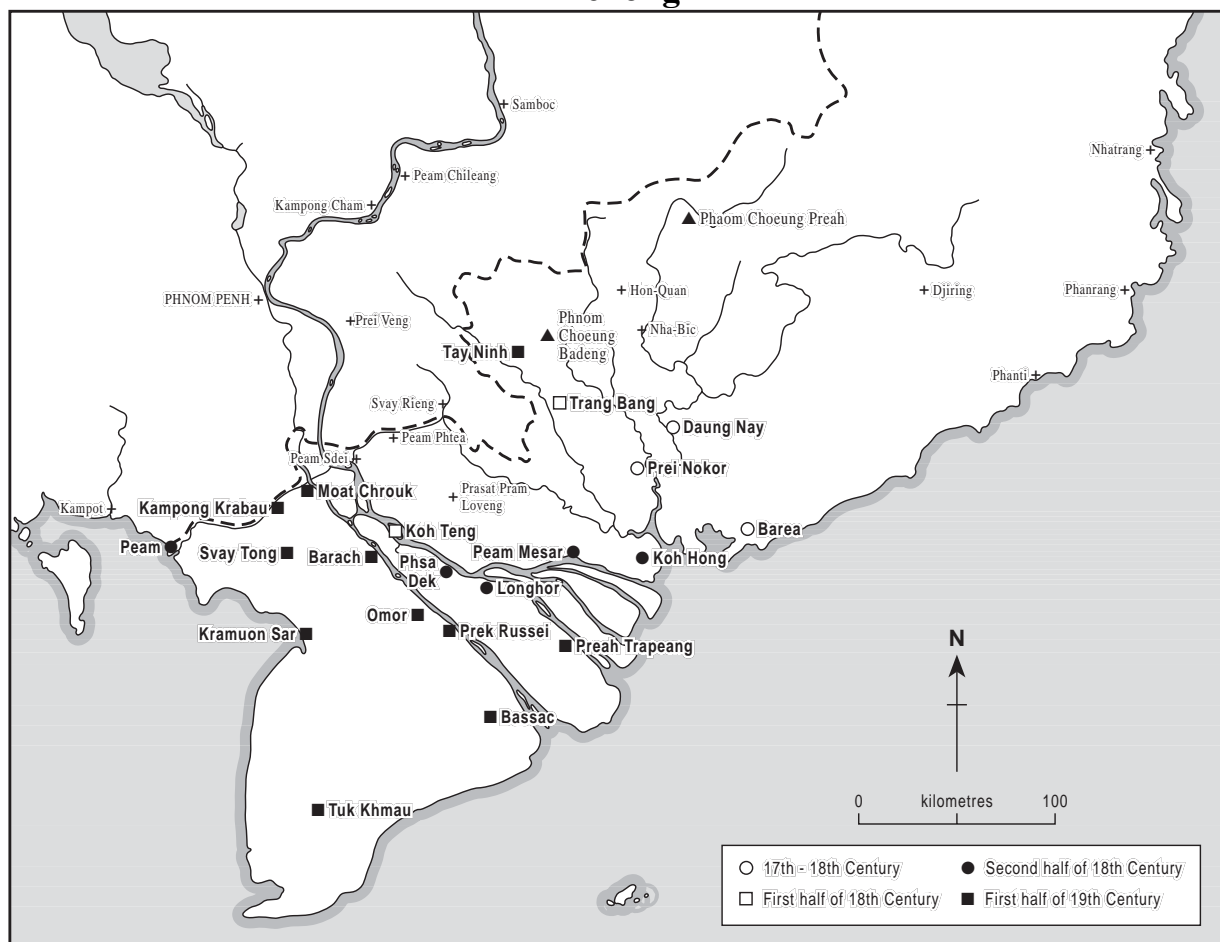
Figure 4: Stages of Vietnamese Expansion



had largely forced the Khmer out of the Mekong Delta by 1749; and by the beginning of the nineteenth century all of what later became known as Cochinchina was in Vietnamese hands (Figure 4).

At the same time, Vietnamese penetration into Cambodia and Laos continued with Vietnam seeking to enforce tributary relations with its neighbours to the west. Beginning in 1674, Vietnamese armies, for most of the next century, intervened regularly in Cambodian politics. On most such occasions, which centred on recurrent wars of Cambodian succession, the Vietnamese intervened in support of a Vietnamese candidate for the Cambodian crown in his struggle against a rival candidate favoured by Siam (Thailand). Siamese domination of Cambodian politics later went unopposed by the Vietnamese during the Tay Son rebellion (1771-1802); however, in 1813, Vietnam established a protectorate over Cambodia. Vietnamese efforts in 1834 to make Cambodia a Vietnamese province led to a revolt in Cambodia and Siamese intervention as part of this ongoing power struggle between Vietnam and Siam. In consequence, a joint Vietnamese-Siamese protectorate was established over Cambodia in 1847⁸ (Figure 5).

Figure 5: Steps in the Vietnamese Occupation of the Mekong



⁸ Khin Sok, 1991: 35-125.

2.3 Multiple Sovereignty

Multiple sovereignty characterised the smaller kingdoms and tiny chiefdoms in the region, especially those located along the Mekong River. The realms of the supreme overlords of Cambodia, Laos, Siam, and to a lesser degree, Vietnam frequently overlapped. Consequently, the areas along the Mekong were full of small tributary kingdoms. The rulers of these various chiefdoms considered themselves sovereign and autonomous in their own right even though they were located on the margins of many spheres of power and influence.⁹

In other important regions of Cambodia, Laos, and Vietnam, for example the Sino-Vietnamese border, Laotian-Vietnamese border, and even the plains and delta regions of southern Vietnam, ethnic minority groups like the Muong predominated. These minority groups occupied a disproportionately large amount of territory for their numbers in some of the more remote areas of the peninsula. As the Vietnamese continued their march to the south, their application of Chinese institutional blueprints on ethnic minority groups proved a powerful weapon in a thinly disguised land war between Southeast Asian cultures and races.¹⁰ But it was a land war in which boundaries in the Western sense had no place.

3. France in Indochina

3.1 Early Contacts

Beginning in the sixteenth century, European missionaries occasionally visited Vietnam for short periods of time but with little real impact. Alexandre de Rhodes, a French Jesuit sent to Hanoi in 1627, is the best known of these early missionaries. Rhodes quickly learned the Vietnamese language, preached in Vietnamese, and later perfected a romanised system of writing Vietnamese known as *quoc ngu*. While official French interest in Indochina awakened after the Second Restoration in 1815, four decades would pass between the reappearance of France in the Far East in 1817 and the French decision in 1857 to organise a military expedition against Vietnam. In this period, French policy toward Vietnam went through three distinct phases.

In the first phase, which stretched from 1817 to 1831, France tried unsuccessfully to persuade the Nguyen dynasty, which had established in 1802 a centrally located capital at Hue, to grant trading privileges and to enter into close political relations with Paris. In the second phase of Franco-Vietnamese relations, a period in which France showed little interest in Vietnam, the anti-Christian policy of Emperor Minh Mang, who gained the Nguyen throne in 1820, drove French missionaries to become spokesmen for military intervention. The final phase of French policy prior to intervention began around 1840 and was characterised by open and mounting French hostility toward the Vietnamese government.¹¹

⁹ Thongchai Winichakul, 1994: 74-101. Available space does not allow for a full discussion of the notion of *mandalas*, loosely structured circles of power in which larger power centres extracted tribute from smaller ones in variable power relationships. Stuart-Fox, 1997: 6-21, especially 7. The *mandala* and related concepts were a measure of control over people as opposed to space. In early Southeast Asia, land was an abundant resource while people were scarce and thus the more valuable commodity. Jerndal and Rigg, 1998: 7.

¹⁰ Woodside, 1988: 113.

¹¹ McLeod, 1991: 25-40.

In 1847, French warships bombarded the Vietnamese port of Tourane (Danang) in a savage attack which reportedly took, in a little over an hour, one hundred times more Vietnamese lives than all the Vietnamese governments had taken in some two centuries of religious persecution.¹² The slaughter at Tourane reversed what many saw as a Vietnamese drift towards moderation and effectively destroyed the last chance for a reconciliation between the Catholic Church and the Nguyen dynasty. French forces occupied Tourane in 1858; and by early 1859, the city of Saigon (Ho Chi Minh City) was in their hands.

3.2 The Occupation of Cambodia and Vietnam

In June 1862, the Nguyen government sued for peace and signed the *Treaty of Saigon* which left France in possession of the three provinces (Bien Hoa, Dinh Tuong, and Gia Dinh) adjacent to Saigon together with the long-coveted island of Poulo Condore (Con Son). The treaty also granted French warships freedom of passage up the Mekong River to Cambodia and forbade Vietnam to cede any part of its territory to another power without the consent of France. Finally, the 1862 treaty recognised the right of French and Spanish missionaries to preach in Vietnam; opened the ports of Tourane, Ba Lac, and Quang An to the commerce of France and Spain; and required Vietnam to pay an annual indemnity for 10 years. Five years later, French forces in June 1867 occupied all of southern Vietnam (Cochinchina) south and west of the three provinces already in French hands.¹³ Installed in Indochina, France would remain there until 1954 (Figure 6).

As French forces in Indochina solidified their control over southern Vietnam, they worked to detach Cambodia from Siam. Admiral Pierre de la Grandière, Governor of Cochinchina, argued that the Treaty of Saigon made France heir to Vietnamese claims in Cambodia while the Siamese government, which had long claimed suzerainty over Cambodia, continued to deny Cambodia's independence. In August 1863, French representatives pressured the Cambodian king to accept a French protectorate over his country. Siam responded by concluding a secret treaty with Cambodia in December 1863 which French officials did not become aware of until it was published in August 1864 by the *Straits Times* in Singapore. The December 1863 pact gave Siam a protectorate over Cambodia practically equivalent to that which Cambodia had granted France only four months earlier. In addition, the treaty, which affirmed Siam's claims to the Cambodian provinces of Angkor (Siem Reap) and Battambang as well as to other Cambodian territory in Siam's possession, described Cambodia as a tributary to Siam.¹⁴

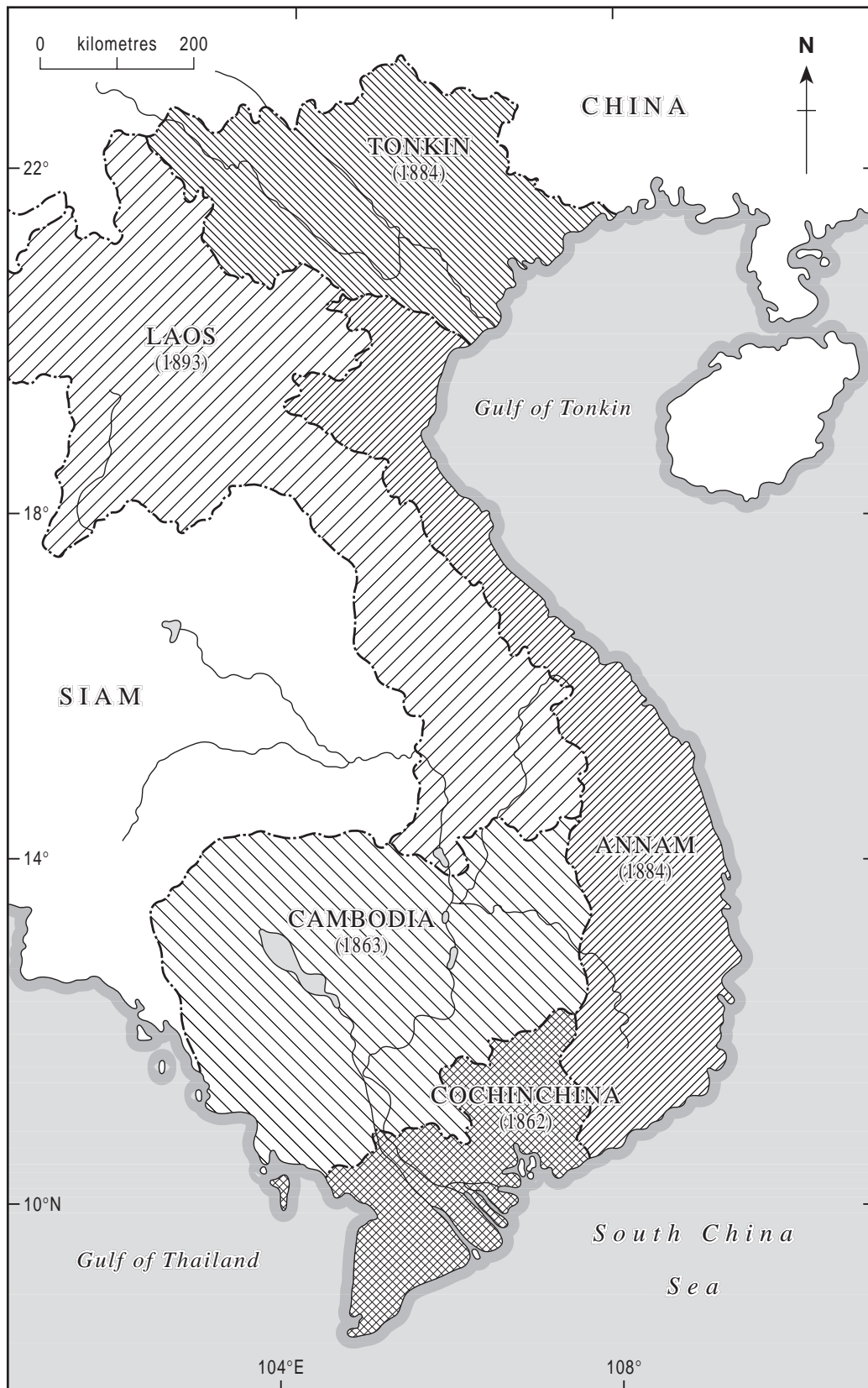
In April 1865, French officials in Indochina negotiated a new treaty with Siam in which the latter recognised the French protectorate over Cambodia and declared the December 1863 pact null and void. The agreement also recognised Cambodia as free and independent and thus not subject to the suzerainty of any state. In turn, France recognised the existing frontiers of the provinces of Angkor and Battambang as well as those of the Laotian states of Siam or so-called "*Siamese Laos*." The April 1865 treaty, which sparked considerable criticism in French circles, did not come into force as it was never ratified by the French government.

¹² Buttinger, 1958: 333.

¹³ Osborne, 1969: 62-63; Buttinger, 1958: 362-363.

¹⁴ Thomson, 1945: 28-29. For an unofficial translation of the text of the 11 August 1863, Cambodia-France treaty and the 1 December 1863, Cambodia-Thailand treaty, see Manich Jumsai, 1987: 133-137 and 149-157.

Figure 6: French Acquisitions in Cambodia, Laos and Vietnam in the Nineteenth Century



Criticism of the pact centred on the territory ceded to Siam in return for its recognition of a French protectorate over Cambodia. The provinces of Angkor and Battambang in northwestern Cambodia, which were populated almost exclusively by Cambodians, had been granted as a fief to a former Cambodian official of Siam around 1795 and governed under Cambodian laws and customs after that time. The provinces of Melouprey (Mlu Prey or Mlou Prei), Tonlé Repu, Stung Treng, and Basak, in northeastern Cambodia had been occupied by Siam following a revolt of their governors in 1810-1815. This region was a cradle of the Khmer people although a considerable indigenous population inhabited the highlands and a large Lao population had come down from the north. As for the enigmatic term “*Siamese Laos*”, French officials feared it could involve territory which was then independent of Siam and which they wanted to remain independent of Siam.¹⁵

Given the shortcomings of the 1865 Franco-Siamese pact, it was not until July 1867 that Paris succeeded in obtaining Siamese consent to a French protectorate. In the new treaty, Siam recognised the French protectorate, renounced all signs of Cambodian vassalage, and admitted that the December 1863 treaty between Cambodia and Siam was null and void. In return, France promised not to incorporate the Kingdom of Cambodia into its colony of Cochinchina and ceded the Cambodian provinces of Angkor and Battambang to Siam.¹⁶ The loss of the northwestern provinces of Cambodia deeply upset King Norodom of Cambodia and would remain a constant source of controversy in Cambodian relations with Thailand for decades to come. On the other hand, the 1867 treaty, while less favourable to Siam than the one negotiated two years earlier, hardly represented, as some observers at the time maintained, the spoliation of Siam by France. On the contrary, Cambodia was the principal victim of the July 1867 treaty.¹⁷

By mid-1867, the French government had completed the first phase of its conquest of Indochina. In a little over eight years, France had successfully occupied the Mekong Delta of southern Vietnam and established a protectorate over Cambodia. With their position in the south secure, the French now turned their attention to northern Vietnam which they referred to as Tonkin. In 1873, French naval forces stormed the citadel of Hanoi, forcing Emperor Tu Duc to conclude a treaty which recognised France’s full and entire sovereignty over Cochinchina and opened the Red River to commerce. Faced with continued opposition in Tonkin, the French in 1882 again stormed the citadel of Hanoi; and in mid-1883, French forces also occupied Hue. A treaty of protectorate, concluded in August 1883, established a French protectorate over northern Vietnam (Tonkin) and central Vietnam (Annam) and formally ended a unified Vietnam’s independence for 92 years.

In June 1884, French authorities forced Vietnamese scholar-officials to sign the *Treaty of Hue* which confirmed the details of the 1883 treaty (Figure 6). Finally, China in June 1885 recognised French protectorates over Annam and Tonkin and also consented to open the

¹⁵ Briggs, 1947: 130-136; Chandler, 1992: 118. For an unofficial translation of the text of the 14 April 1865, France-Siam treaty, see Manich Jumsai, 1987: 167-169.

¹⁶ Seekins, 1987: 16-18. For an unofficial translation of the text of the 19 July 1867, France-Siam treaty, see Manich Jumsai, 1987: 177-179. Siam in this period was a British sphere of influence, and resolution of the Cambodian problem was complicated by French concerns that its treaty with Siam would offend the British government.

¹⁷ St John, 1994a: 60-61; Briggs, 1947: 137-138. The first section of the Cambodia-Vietnam boundary, in the region west of Tay Ninh, Trang Bang, and Tan An, was demarcated by a Franco-Cambodian commission in 1870-1871. Well briefed by local French administrators, the French commissioners ensured that the line drawn favoured French interests at every point. The Cambodia-Vietnam boundary near the coast was delimited in mid-1873 and demarcated in 1876. Prescott *et al.*, 1977: 66-67.

Chinese provinces adjacent to Tonkin to French trade. The treaty between China and France effectively ended almost a millennium of tributary relations between China and Vietnam, and it left France free to pursue whatever Vietnamese claims it considered in its own best interests.¹⁸

3.3 The Laotian Question

By the beginning of the eighteenth century, Lane Xang had divided into the three Kingdoms of Champasak (Champassak), Luang Prabang, and Vientiane. In this period, Annam (Vietnam) exercised a loose, occasional suzerainty over Laos which went largely unchallenged by Siam; however, this situation changed in the early nineteenth century. With Annam increasingly occupied first with dynastic struggles and later with France, Siam intervened, overthrowing the Kingdom of Vientiane. In 1828-1832, Siamese forces invaded Vientiane, destroyed its capital, and transported most Laotians en masse to the opposite bank of the Mekong River. In consequence, central and lower Laos, during the middle of the nineteenth century, was almost deserted. Considered mostly worthless by its neighbours, no one knew or cared about the location of its boundaries. The Kingdom of Luang Prabang, on the other hand, remained under the occasional suzerainty of both Siam and Annam. At the same time, upper Laos was often raided by outlaws from southern China without much protection from either Annam or Siam.¹⁹

In 1885, Siam sent an expedition into Laos and the adjacent Tai country up to the Black River of Tonkin, a region where there were no Siamese and where there had never been Siamese. France responded by establishing a vice-consul at Luang Prabang who soon persuaded the Lao and Tai to accept French suzerainty. As in the case of Cambodia, French officials argued that they had inherited in the Treaty of Saigon Vietnam's rights over Laos.²⁰ In the apparent assumption that Great Britain would back its efforts, Siam drifted towards war with France over control of the middle and upper Mekong. When British support failed to materialise, Siam concluded a treaty in October 1893 which was dictated by France but qualified to some degree by French recognition of the need to take British interests into account.

In the 1893 pact, Siam renounced all pretensions to territory east of the Mekong River and to the islands in the river. The Siamese also agreed to a 25-kilometer-wide demilitarised strip the length of the west bank of the Mekong as well as not to fortify the provinces of Angkor and Battambang.²¹ Earlier, the French government in 1887 had formally established the so-called Indochinese Union, comprising the colony of Cochinchina and the protectorates of Annam, Cambodia, and Tonkin. Laos was added as a protectorate in 1893 (Figure 7).

In 1885, representatives of China and France had concluded a treaty of peace and commerce which included a provision for commissioners to be appointed to delimit and demarcate China's boundary with Laos and Vietnam. This commission concluded its work as far as Li-hsien Chiang in 1887 and the results were summarised in a convention signed in June of that year. Following a decision to mark the frontier between Tonkin and Kuang-hsi with greater care, China and France exchanged maps and reports in June 1894 which recorded the placement of 308 pillars on the border. One year later, the two parties signed a convention in June 1895 which delimited the boundary west 451 kilometres (km) from Li-hsien Chiang to

¹⁸ Franchini, 1994: 45-46; LePoer, 1989: 30-32.

¹⁹ Maha Sila Viravong, 1964: 83; Briggs, 1946: 444-445; Jerndal and Rigg, 1998 (forthcoming): 5.

²⁰ Stuart-Fox, 1996: 11-13.

²¹ Stuart-Fox, 1997: 24-29; Prescott *et al.*: 58-59.

Figure 7: The Franco-Siamese Question in 1893



the confluence of the Nam La and Mekong Rivers. In this region, the border, which was later marked by 50 pillars, followed a largely circuitous route mainly along watersheds.²²

The boundary between Laos and the British Shan States (subject to Burma) was established the following year. In the *Convention of London*, dated January 1896, the signatories accepted the thalweg of the Mekong River, from the border of Siam to China, as the line dividing British and French spheres of influence. In effect, the agreement also provided for the neutralisation of Siam as France and Great Britain promised to respect the territorial integrity of Siam within the limits specified and to protect it against a third power. The Convention of London officially established a form of joint protectorate by France and Great Britain over Siam, a protectorate which, unofficially, had already been in existence for some time.²³

3.4 European Concepts and Asian Space

It took France some 26 years to complete its occupation of Vietnam, and opposition to French rule continued into the twentieth century. Administratively, France divided the country into three parts – Tonkin, Annam, and Cochinchina – which corresponded roughly to the areas the Vietnamese referred to as Bac Bo (northern Vietnam), Trung Bo (central Vietnam), and Nam Bo (southern Vietnam) (Figure 8). To the Vietnamese, these were geographical terms, and their use by the French to imply a political division of the Vietnamese homeland was as odious to the Vietnamese as the loss of independence.

The colonial conquest deprived the Vietnamese of the right to call their country by its proper name and to think of themselves as Vietnamese. Instead, they now had to use the names of Tonkin, Annam, and Cochinchina and to think of themselves as Tonkinese, Annamese, and Cochinchinese. Despite the memories of national unity conjured up by the name of Vietnam, the division of the country under colonial rule was a real and painful loss. It was noteworthy in this regard that the Democratic Republic of Vietnam after 1954 and the National Liberation Front after 1960 continued the traditional practice of referring to northern, central, and southern Vietnam respectively as Bac Bo, Trung Bo, and Nam Bo because of the greater appeal which these place names had to the Vietnamese people.²⁴

In contrast to the former rulers of Cambodia, Laos, and Vietnam, when Western colonial powers like France talked about boundaries, they had different, more concrete concerns in mind. Imposing European concepts on Asian space, representatives of France, in the case of Annam, Cambodia, Cochinchina, Laos, and Tonkin, viewed boundaries as fixed lines delimiting national territories. As a result, French attempts in the second half of the nineteenth century to demarcate the boundaries of Indochina frequently generated confusion and strife due to the differing concepts of political space prevailing in Europe and Southeast Asia.

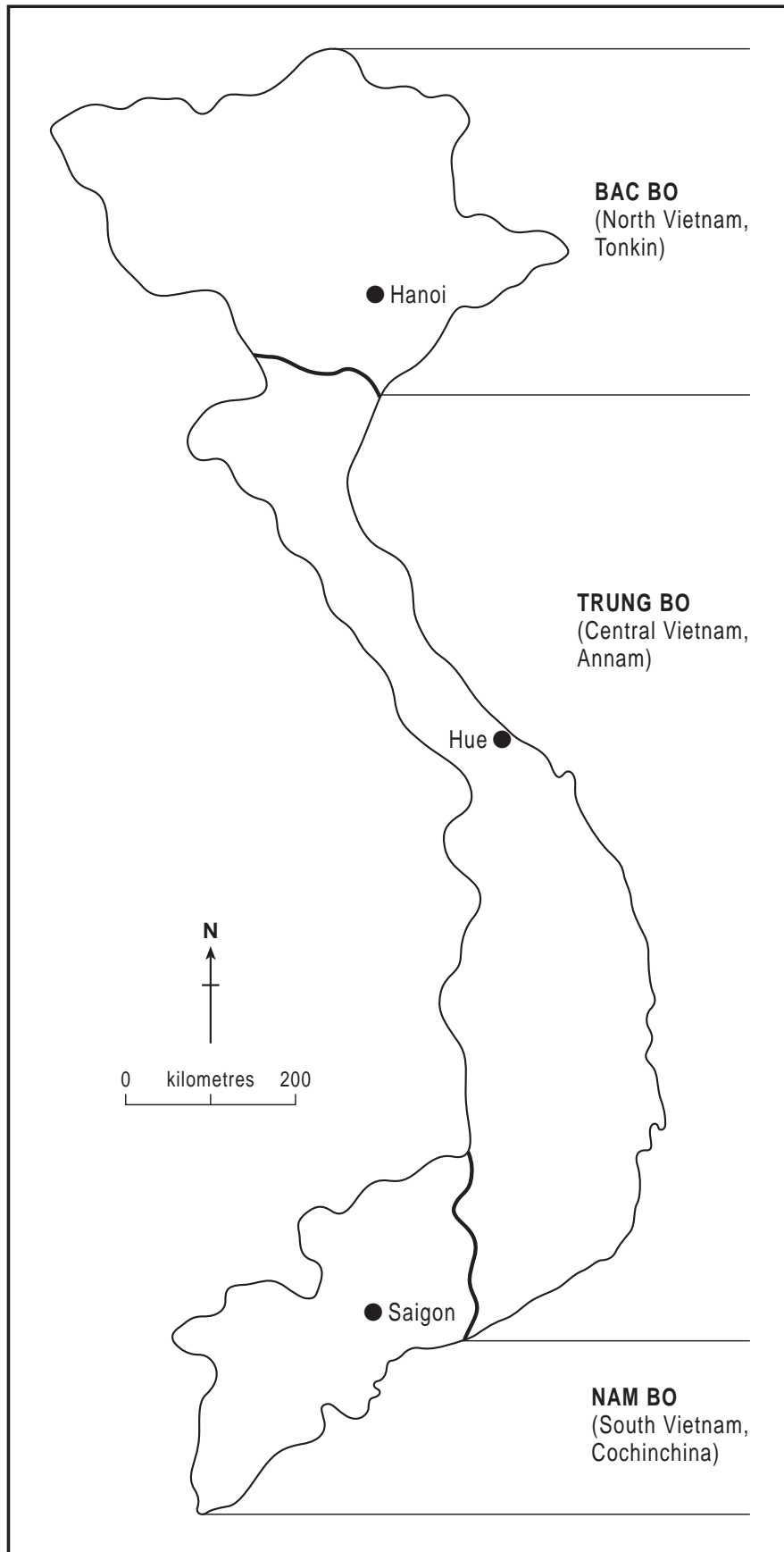
For example, the Franco-Siamese conflict over Cambodia and Laos concentrated on the issue of French imperialism with little attention paid to an equally critical factor, the nature of the space itself. The reason for this orientation was that most Western scholars assumed there was no real difference between Siam and France in terms of their knowledge and technology of political space. In reality, of course, the converse was true. Faced with the French challenge, the traditional response of the Siamese government would have been to leave the frontier areas

²² Prescott *et al.*: 60-61.

²³ Briggs, 1946: 444-446; Stuart-Fox, 1997: 26.

²⁴ St John, 1980: 817-821; United States Mission in Vietnam, 1971: 3-11.

Figure 8: Traditional Vietnamese Regional Divisions



fluid, avoiding an either/or choice. But the French played by a new and different set of rules. They demanded a fixed border which drew a clear line between Indochina and Siam, not a fuzzy area in which the local inhabitants could pay tribute to both powers.²⁵

From this perspective, the question of whether or not the contest between France and Siam for the upper Mekong, including most of contemporary Cambodia and Laos, involved a loss or a gain of Siamese territory takes on an entirely new context. The Franco-Siamese crisis of 1893 signalled the emergence of the geo-body of Siam, together with its transition to a member state in a European-defined and European-dominated world system. But the ultimate loser was not in fact Siam as a state.²⁶ The real losers were the tiny chiefdoms scattered throughout the region. Not only were they conquered, they were also transformed into integral parts of the new political space defined by modern notions of sovereignty and boundary. The European concept of a modern boundary, with absolute and exclusive territorial sovereignty, eliminated the possibility of such tiny chiefdoms continuing to exist. Indigenous concepts and knowledge of political space were also losers since modern geography displaced them as the regime of mapping became hegemonic.

3.5 The Return of Angkor and Battambang

The Franco-Siamese Treaty of 1893 satisfied no one. The Siamese government, which complained the French had not returned all of the territory covered in the agreement, was equally concerned about French attempts to extend extraterritoriality rights to Asians. The French claimed the Siamese were slow in evacuating Laotian territory and returning the Laotians they had earlier carried across the Mekong. For Cambodians, no settlement could be complete which left Angkor and Battambang, the provinces they felt were the most Cambodian of all Cambodian provinces, in the hands of the Siamese. British opposition prevented the French from demanding the return of the provinces in 1893, but the 1896 Convention of London gave France a freer hand in the region.²⁷

Negotiations for a new treaty began in 1902 and produced interim agreements in October 1902, February 1904, and June 1904 before a comprehensive settlement dealing with the question of Angkor and Battambang was reached in March 1907. In 1902, Siam agreed to give up Melouprey and Bassac (Champasak) in return for the French evacuation of Chantaboon (Chantaburi). In the 1904 treaties, France secured a large area south of the Dangrek (Dang Rek) range and to the south and west of Champasak together with smaller territories in the north and south. In the 1907 agreement, Siam returned the provinces of Battambang, Sisophon, and Siem Reap²⁸ to Cambodia, and in return, received Kratt (Trat) on the Gulf of Siam and the territory of Dansai (Dan-Sai) located below Luang Prabang in Laos (Figure 9). France also relinquished jurisdiction over its Asiatic subjects in that it agreed that all such subjects registered after the treaty date (23 March 1907) as resident in Siam would fall under the jurisdiction of ordinary Siamese courts. The 1907 treaty also made provision for the demarcation of the boundary which was completed in 1908.²⁹

²⁵ Stuart-Fox, 1996: 13-14.

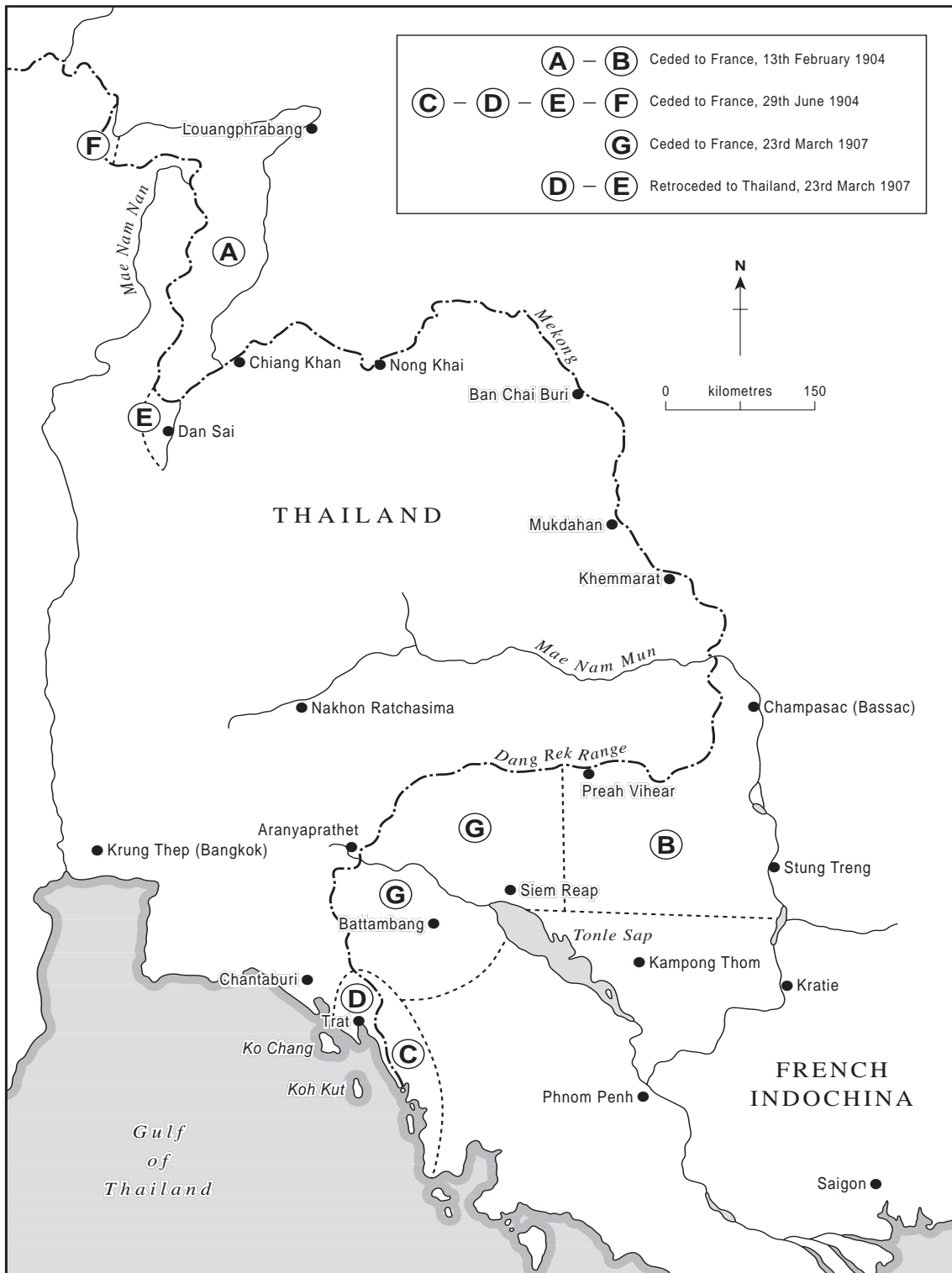
²⁶ Briggs, 1946: 444-446. In the Paknam incident of 1893, the French used gunboat diplomacy to force Siam to relinquish its claims to Laos east of the Mekong.

²⁷ Forest, 1980: 170-172; Briggs, 1946: 446.

²⁸ The province of Sisophon was formed from Battambang. By this time, the province of Angkor was called Siem Reap.

²⁹ Jha, 1979: 27-28; Prescott *et al.*: 58-59.

Figure 9: Cambodia, 1904-1907



The return of the provinces of Angkor and Battambang was extremely important to the Cambodian government and people. In addition to the population and territory therein, which included fisheries and rice fields, these provinces were Cambodia's principal tie to the glorious past of the Khmer Empire. Angkor Wat was the capital of the Khmer Empire during the whole period of its greatness. The Siamese government, on the other hand, did not appear at the time to be overly concerned with the loss of Angkor and Battambang. Few Siamese lived in these provinces, and Siam itself was receiving only token tribute, a few fishing privileges and positions for inspectors. Moreover, security was not an issue as Cambodia had long since ceased to be a dangerous rival to Siam. Cambodia once served as a buffer between Siam and Vietnam, but its importance in this regard diminished with the French occupation of Vietnam. Consequently, Siam made little or no protest against the treaty until the Bangkok government came under Japanese influence more than three decades later.³⁰

3.6 The Franco-Thai Border Dispute

In August 1926, representatives of France and Siam concluded an agreement in which the former agreed to make the thalweg of the Mekong River the riverine borderline except where there were islands in the river. In such cases, the riverine border would be the channel between the islands and the Siamese shore rather than the thalweg. French officials also agreed to a 25km demilitarised zone on their bank of the river. Finally, the signatories established a permanent Franco-Siamese High Commission to study problems raised by the implementation of the new commission. In spite of French concessions, the Siamese government was dissatisfied with the terms of the 1926 convention because it failed to resolve two long-standing issues. Due to enclaves ceded to France in 1904, the Mekong River was still not the international border between Siam and French Indochina from north to south as far as Cambodia. And where the river was the frontier, the thalweg was not always the boundary, notably around the numerous islands.³¹

Between 1926 and 1940, little progress was made in resolving the border questions outstanding between France and Siam. The High Commission could reach no agreement on key issues and ceased to function after 1931. Five years later, as part of a move towards greater fiscal and judicial authority, Siam denounced its existing treaties with foreign powers. In renegotiating its accord with France, the Siamese government again sought resolution of the above issues. The government in Paris left the matter of a new convention to its conservative regime in Indochina which, fearing Siamese imperialism, delayed any discussion of border issues. A revised Franco-Siamese accord was eventually concluded in December 1937, but it simply reaffirmed the existing frontier situation. In August 1939, the French representative in Bangkok proposed to Thailand the negotiation of a mutual nonaggression pact.³² In responding favourably to the French proposal, the Thai government added that the negotiations should also lead to a revision of the riverine boundary to conform to the thalweg in all places.

In late October 1939, France agreed in principle to negotiate a revision of the border to the thalweg. While French officials in Indochina strongly opposed this decision, the government in Paris agreed to send a special diplomatic mission to Thailand, prior to ratification of the nonaggression pact, to work out the precise details of a border settlement. With the conclusion

³⁰ Mabbett and Chandler, 1995: 233. Over the next 50 years, Battambang produced the bulk of Cambodian rice exports, exports which formed the economic basis for the country.

³¹ Flood, 1969: 306.

³² Siam was renamed Thailand in June 1939.

of a Franco-Thai nonaggression pact in June 1940, secret letters were exchanged in which France agreed to move the Thai-Laotian frontier on the Mekong to the thalweg of the river. Under this agreement, any territory on the Thai side of the thalweg would become Thai territory.³³

The French government also promised in the agreement to send a representative from Paris to Bangkok empowered to negotiate other issues; however, before this occurred, Germany occupied France, making impractical the dispatch of a negotiating team from metropolitan France. Instead, France shifted the burden of negotiations onto an Indochina regime which had enjoyed no previous role in the matter. With French colonial officials suspicious of Thai intentions, it was not until early September that the French representative in Bangkok was able to inform the Thai government of the Indochina officials constituting the French negotiating party. At the same time, the French government, fearful of a Thai-Japanese rapprochement, asked Thailand to ratify immediately the nonaggression treaty. Thailand responded that it would comply with the French request if an agreement was reached on the thalweg issue and on the adoption of the Mekong as the Thai-Laotian border. While there was actually nothing new in this Thai request, French officials chose to construe it as a demand and the negotiations did not advance.³⁴

3.7 The Impact of World War II

According to a Siamese proverb, “*when the floods rise the fish eat ants, but when the water recedes the ants eat fish.*” With the occupation of France and the creation of the Vichy government, the waters in effect began to recede for the French in Indochina, and the Siamese looked to take advantage of the new diplomatic situation. Several interrelated factors combined to embolden the Thais to act in Cambodia and Laos. The rise of Japan as a world-class power and possible successor to Great Britain as the dominant power in east Asia occurred at the same time as the occupation of France by Germany. In turn, the negotiation in June 1940 of a Thai-British nonaggression pact appeared, at the time, to serve as a guarantee against Japanese aggression. Finally, in the general reshuffle taking place in Southeast Asia, Thailand hoped to capitalise on increasingly friendly relations with Japan.³⁵ Fighting broke out between French and Thai military forces in the fall of 1940. There was no declaration of war as such, and land operations along the poorly defined border were sluggish. In January 1941, French naval forces did inflict a severe defeat on a much larger Thai flotilla; however, it proved to be a Pyrrhic victory. The Japanese were outraged at the audacity of the French, and the severe loss of face caused by the humiliation of their ally. As a result, Japan pressured France to cease hostilities at the end of January 1941; and after brief negotiations in Tokyo, representatives of France, Japan, and Thailand concluded an agreement in March 1941³⁶ (Figure 10).

Under the terms of the agreement, France agreed to return to Thailand most of the territory lost in the 1904 and 1907 treaties. This included the Luang Prabang region on the right bank of the Mekong River, the Champasak region opposite Pakse, and the provinces of Battambang and Sisophon. The province of Siem Reap, together with the temple complex at Angkor Wat, remained part of Cambodia. On the other hand, France ceded to Thailand Cambodian territory

³³ Wright, 1991: 105-106; Flood, 1969: 309-310.

³⁴ Valette, 1993: 79-80.

³⁵ Mayoury Ngaosyvathn and Pheuiphahn Ngaosyvathn, 1994: 62-63; Landon, 1941: 36-37.

³⁶ Brailey, 1986: 93-94; Paloczi-Horvath, 1995: 38.

Figure 10: Areas Annexed by Thailand, 1941



north of a line drawn eastward above Angkor Wat to the Mekong River below Stung Treng. In a peace treaty concluded in May 1941, the signatories recognised the middle line of the principal channel of navigation in the Mekong River as the frontier between the constituent parts of French Indochina and Thailand. On the Great Lake (Tonle Sap), the new frontier constituted an arc with a radius of 20km from the point where the boundary of the provinces of Battambang and Siem Reap touched the lake.³⁷

French Indochina proved to be the only area under Japanese military influence in Southeast Asia in which the Western colonial regime was allowed to remain in place for most of World War II. When the Japanese army finally overturned the colonial regime in March 1945, instead of imposing military rule, as it had done elsewhere in Southeast Asia, it granted the five states of Indochina immediate, if nominal, independence.³⁸ The Japanese decision to intern the French and end their administration of Indochina undermined the viability of the French colonial regime because the brief springtime of independence which ensued before the French restored control had a profound impact on nationalists in Cambodia, Laos, and Vietnam. The Japanese occupation of Indochina thus proved to be a watershed in the history of the region. Independence in Cambodia, Laos, and Vietnam, impractical and almost unthought of in 1939, had become by the end of 1945 simply a matter of time.

4. The Vietnam – Cambodia – Laos – China Borders

Following World War II, international as well as regional political conflicts severely impacted on the borderlands of Indochina for a prolonged period of time. This was true of the Vietnam-Cambodia-Laos-China borders, the subjects of this section, but it was also true of virtually all the borderlands under discussion in this *Briefing*. Post-colonial regimes, burdened with the imprecise delimitation of colonial boundaries, also inherited strife-ridden territories as opposed to cohesive states. In Cambodia, Laos, and Vietnam, militant minority groups and separatist movements, frequently supported by outside forces, resisted effective state control, most often in remote, inaccessible frontier zones.

The First Indochina Conflict (1945-1954), in which France attempted to reassert its dominance over the region, and the Second Indochina Conflict (1954-1975), in which the United States supported non-communist governments in Cambodia, Laos, and Vietnam, contributed to the prevailing instability of the Indochina borderlands. For example, American attempts to stop the movement of men and material from the Democratic Republic of Vietnam south along the Ho Chi Minh Trail to the Republic of Vietnam resulted in extensive bombing along the Cambodia-Vietnam and Laos-Vietnam borders. In turn, the heavy bombing generated considerable refugee movement in the frontier zones.³⁹

Following the end of the Second Indochina Conflict, the attempts of the Pol Pot regime in Democratic Kampuchea to regain all or parts of the Mekong Delta in southern Vietnam, once part of the Khmer Empire and known in Cambodia as Kampuchea Krom, again produced widespread instability and refugee movement along the Cambodia-Vietnam border. Finally,

³⁷ Wright, 1991: 109-110; Landon, 1941: 40-41; Stuart-Fox, 1997: 54.

³⁸ Jean-Michel, 1972: 133-146; Valette, 1993: 465-470.

³⁹ In Laos alone, Stuart-Fox (1997: 4 and 139-140) estimates one quarter of the population became refugees during the Second Indochina Conflict. On the impact of the war on Cambodians, see Shawcross, 1979: especially 222-227 and 318-319.

the Third Indochina Conflict in which Vietnam invaded and occupied Cambodia, coupled with the Chinese reaction in the form of an invasion of northern Vietnam, added to the massive movement of refugees in the region after 1945 and especially after 1970. The Vietnamese invasion of Cambodia alone pushed hundreds of thousands of ordinary Cambodians westwards towards the Thai border where many of them remained in sordid, refugee camps for more than a decade. Throughout this period, the presence of Khmer Rouge forces within the refugee populations resulted in frequent border clashes with fighting in the dry season often spilling over into Thai territory.

4.1 Cambodia – Vietnam

The Cambodia-Vietnam boundary, which can be divided into four distinct sections, was delimited over the period 1869-1942 (Figure 11). The section closest to the coast, consisting of 209km across a low-lying, alluvial plain, was largely drawn in 1873 in an agreement between the King of Cambodia and the Governor of Cochinchina. Moving northeast, the adjoining section, which is due west of what is today known as Ho Chi Minh City, was generally established in 1869-1872 with modifications in 1914. The third section, which constitutes the frontier north of the Cham River, was delineated in the period 1871-1914 to extend the border a further 177km north to the headwaters of the Hoyt River. The fourth and final section extended the border from the headwaters of the Dam valley to the tripoint of Cambodia, Laos, and Vietnam.⁴⁰

Serge Thion, a respected scholar of Cambodia, has rightly lamented that “*Cambodia has no border freely agreed upon with its neighbours.*”⁴¹ Its frontiers with Laos, Thailand, and Vietnam were drawn by the French, and only in the case of Thailand was the boundary defined in an international treaty signed by both sides, albeit with France acting as the ‘protector’ of Cambodia. As we have seen, this situation was far from unique in the aftermath of the colonial era. On the other hand, the impact of Cambodia’s land frontiers on its post-independence relations with its neighbours cannot be overemphasised.

At the end of World War II, as the French moved to reimpose their control over Cambodia, ethnic tensions surfaced in southeastern Cambodia bordering the Mekong Delta region of southern Vietnam. Once part of the Khmer Empire, calls for the return of Kampuchea Krom were not uncommon throughout Cambodia; and at one point, the Vietnamese government reportedly agreed to talks concerning Cambodian claims to western Cochinchina.⁴² Manipulation of the image of the Vietnamese as a “*hereditary foe*” was a recurrent theme in Cambodian politics after 1945 and occasionally contributed to punitive measures against the Vietnamese population living in Cambodia⁴³ (Figure 12).

For the Vietnamese government of Ho Chi Minh, which came to power in August 1945 following Japanese capitulation, the question of Kampuchea Krom was a major diplomatic issue. With the British supporting the French return to Indochina, Hanoi sought allies in the west and not drawn-out border negotiations with its neighbours. When a Cambodian delegation arrived in southern Vietnam in September 1945, demanding as a precondition for

⁴⁰ Prescott, *et al.*: 64-65.

⁴¹ Thion, 1986: 120.

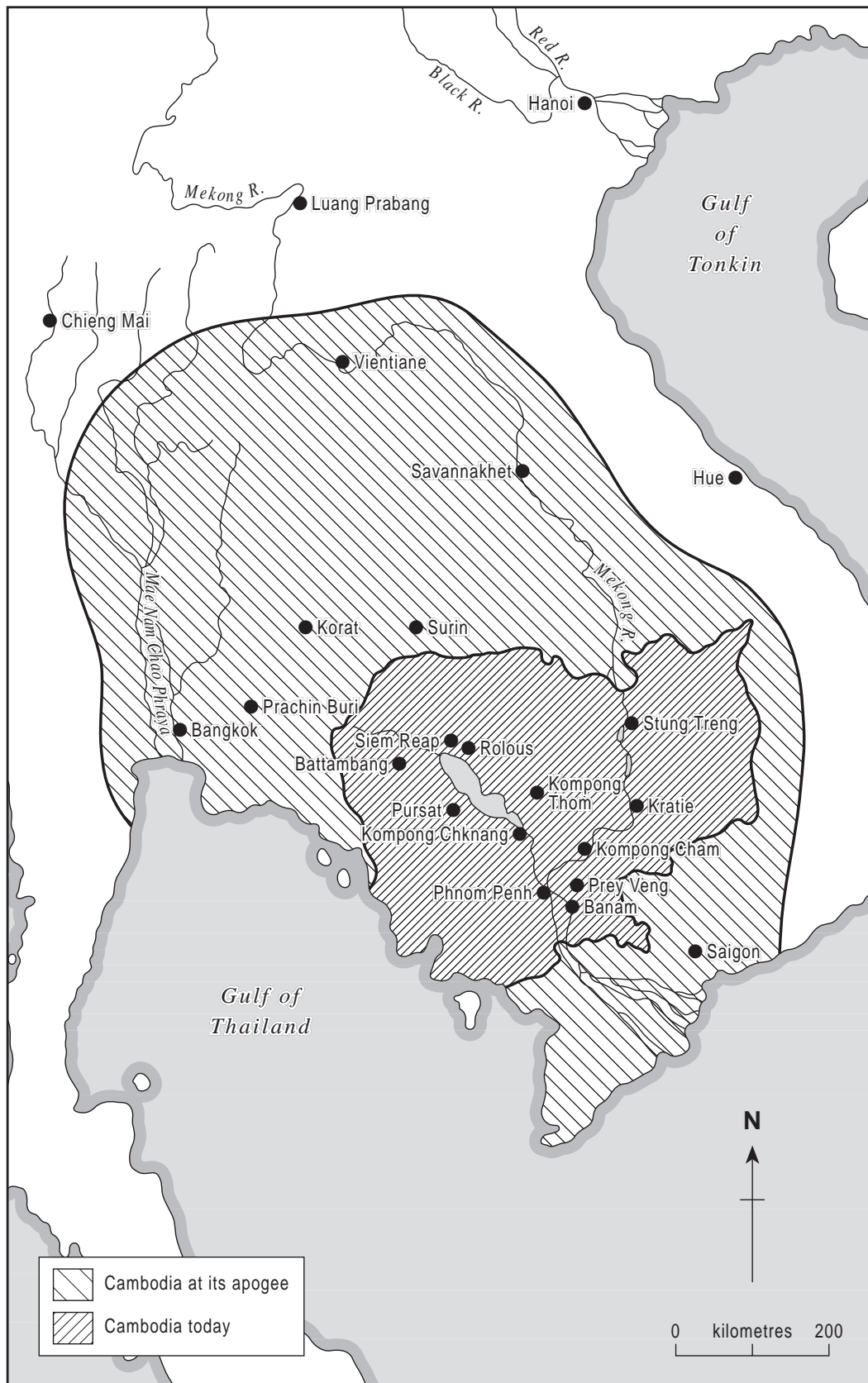
⁴² Lamant, 1989: 175-176.

⁴³ Amer, 1994: 214-219. Ethnic Vietnamese residing in Cambodia remain a volatile political issue. See Sotheacheath, and Grainger, 1998.

Figure 11: The Cambodia – Vietnam Boundary



Figure 12: Shrinking Cambodia



talks the return of two Vietnamese provinces in the south, it was rebuffed by the Vietnamese. A few days later, a Vietnamese official scolded the Cambodians for making territorial demands at a time when both states needed to cooperate against French colonialism. At the same time, Vietnamese communists (Viet Minh) in private reportedly reassured their counterparts in Cambodia, as well as in Laos, that they harboured no territorial ambitions in either state.⁴⁴

As the Vietnamese struggled to build a regional alliance against the French, they drew support from an unexpected source. Their anti-colonial views dovetailed nicely with Thai fears of losing the Cambodian territories occupied in 1941. Over the next few months, Thai animosity towards France generated considerable support in Bangkok military and political circles for the Viet Minh, thereby facilitating the creation of Vietnamese resistance bases in the Thai-controlled provinces of Cambodia. The Viet Minh conducted largely unhindered resistance activities in these provinces until November 1946 when Bangkok formally returned them to Cambodia.⁴⁵

Regaining all or part of Kampuchea Krom remained an integral part of the foreign policy of every Cambodian regime from independence in 1953 to the Vietnamese invasion of Cambodia in 1979. The expansion of the Second Indochina Conflict, and especially the massive American involvement after 1965, meant that eastern Cambodia, together with eastern Laos, became important to the Vietnamese war effort. In addition to providing an extension to the Ho Chi Minh Trail system into South Vietnam and providing war material through Sihanoukville, eastern Cambodia provided a welcome sanctuary to which Vietnamese communist forces could retreat safe from American attack (Figure 13).

As a price for accepting this unwelcome extension of Vietnamese influence into the border region, the Cambodian government of Prince Norodom Sihanouk sought to extract a commitment from Hanoi to a settlement of the long-standing territorial dispute. In mid-1967, both the National Liberation Front of South Vietnam and the Democratic Republic of Vietnam (North Vietnam) made unilateral declarations which recognised Cambodia's existing borders. Sihanouk later added his own interpretation to these statements, declaring that Vietnam had also renounced any right to a future renegotiation of the boundary line. At the same time, he suggested that the Vietnamese pronouncements in effect gave Cambodia the unilateral right to interpret any ambiguity in the existing frontier. While the Vietnamese were understandably uneasy with Sihanouk's interpretations, concern for the war effort left Hanoi little choice but to accept them temporarily as the price for Cambodian neutrality.⁴⁶

As the Second Indochina Conflict ground to an end, the victorious Khmer Rouge deployed troops along the Vietnamese border with the announced intent to reoccupy Kampuchea Krom. Cambodian forces eventually invaded Vietnam on 1 May the day after Saigon (Ho Chi Minh City) fell to communist forces. Vietnam successfully repelled these attacks and what had appeared in Phnom Penh to be a window of opportunity, the overlap between the new Cambodian regime and a weakened Saigon, slammed shut in the face of Hanoi's victory. Cambodia later proposed a treaty of friendship and nonaggression and sought Vietnamese agreement to the so-called Brevié Line, the administrative boundaries between Cochinchina and Cambodia determined in 1939 by the French governor-general of Indochina, as the border between the two countries. At Vietnam's initiative, the two sides conducted unsuccessful

⁴⁴ Engelbert and Goscha, 1995: 29-30.

⁴⁵ Motoo Furuta, 1992: 146; Engelbert and Goscha, 1995: 33-34.

⁴⁶ Gilks, 1992: 31; Amer, 1995: 299-300.



*View of the Mekong River north of Chiang Saen, Thailand near the
Burma – Laos – Thailand Tripoint*



*View of the Mekong River in front of Vientiane, Laos, with
Thailand visible across the river*

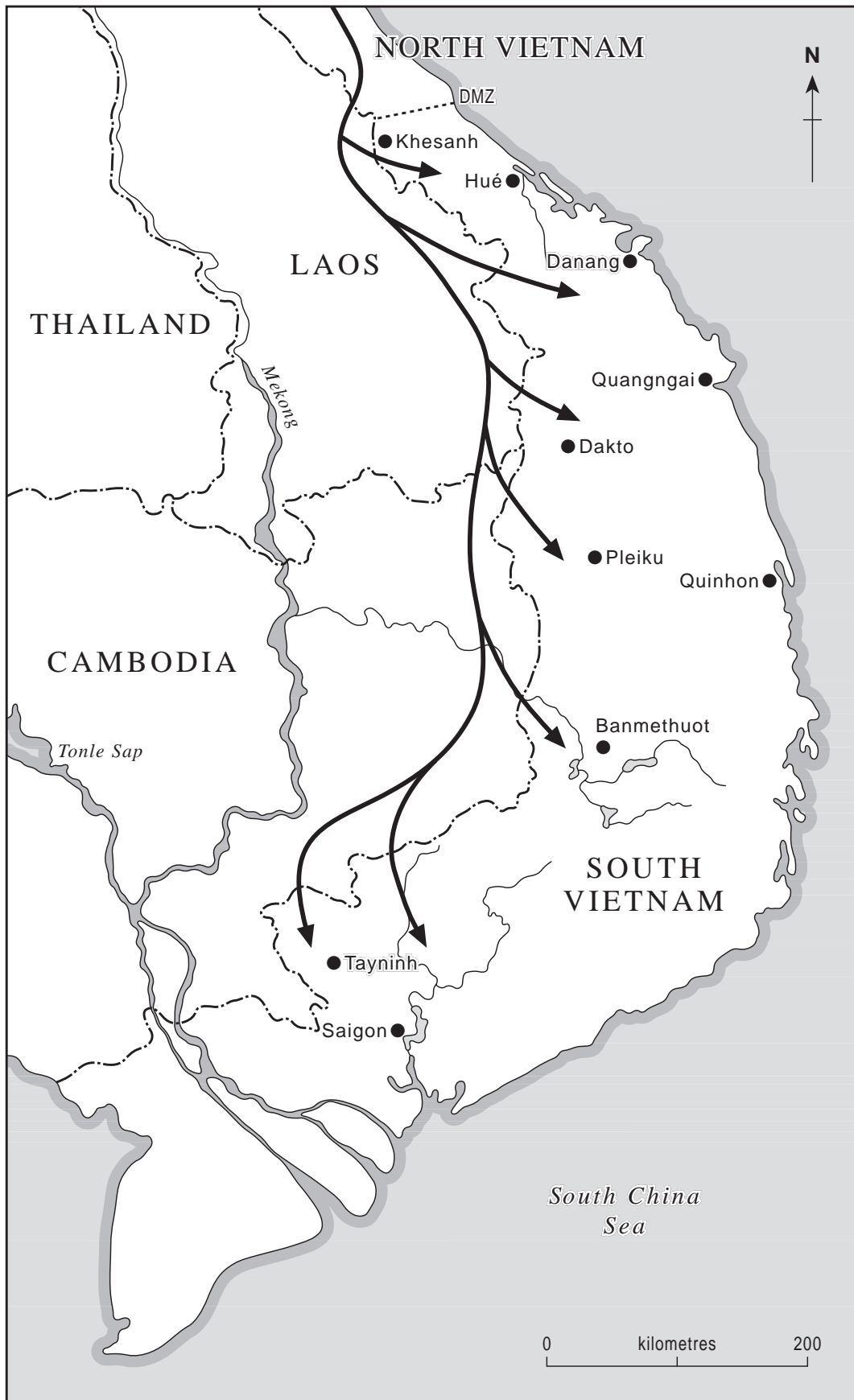


View of Preah Vihear (Khao Phra Viharn)



View of the main entrance to the Temple of Angkor Wat, Cambodia

Figure 13: The Ho Chi Minh Trail



border talks in June 1976; but in January 1977, Cambodia began withdrawing from bilateral frontier liaison committees. The military situation along the Cambodia-Vietnam border deteriorated from March 1977 onwards. Cambodian relations with Laos and Thailand also worsened in this period, but it was the Vietnamese border that saw the most serious violence. Cambodia officially severed diplomatic relations with Vietnam at the end of the year, and the intermittent fighting continued until Vietnam finally invaded and occupied Cambodia at the end of 1978.⁴⁷

During the Vietnamese occupation of Cambodia, representatives of Cambodia and Vietnam concluded several agreements related to their common land border. In 1983, the two sides agreed to recognise as the frontier the “*present line*” between Cambodia and Vietnam as defined in a 1:100,000-scale map published by the geographic service of Indochina and in use before 1954. At the end of December 1985, Cambodia and Vietnam concluded a treaty on the delimitation of the Vietnam-Kampuchea frontier which was subsequently ratified by the Council of the State of Vietnam and the National Assembly of the People’s Republic of Kampuchea. In this agreement, the two parties agreed to respect the “*present demarcation line*” which was defined as “*the line that was in existence at the time*” of independence. The 1985 treaty also reiterated the point made in the 1983 agreement that the common border would be based on the borderline drawn on the 1:100,000-scale map in use before 1954.⁴⁸

While these Cambodia-Vietnam border agreements were later criticised by opposition politicians in Cambodia, they were tacitly recognised by the Royal Government of Cambodia installed in mid-1993. And in August 1993, a high level Cambodian delegation travelled to Hanoi where both sides stressed the need to resolve two major issues, the border problems and the situation of ethnic Vietnamese in Cambodia. Representatives of Cambodia and Vietnam later agreed to establish working groups to resolve border issues; and in April 1994, the two parties concluded agreements on economic and trade cooperation. Nevertheless, border incidents continued to occur on the Cambodia-Vietnam frontier, leading eventually to bilateral discussions in January 1995. In these talks, which covered economic ties, border management, and security, the two sides agreed to establish a mechanism to maintain border security and stability.⁴⁹

While bilateral cooperation appeared to be increasing throughout 1995, Cambodia in January 1996 charged that Vietnamese farmers, backed by troops, had encroached several hundred meters into Cambodian territory in the three border provinces of Kompong Cham, Prey Veng, and Svay Rieng. Three months later, after Cambodia toughened its stance against Vietnam, high level talks were held in Phnom Penh in an effort to defuse border tensions.

Reiterating their commitment to respect each other’s independence, sovereignty, and territorial integrity, the prime ministers of Cambodia and Vietnam agreed to convene a border expert working group to determine the January 1995 *status quo* so that the boundary line could be returned to its former position. The Cambodian-Vietnamese working group held its first session in Ho Chi Minh City in May 1996; and while it continued to meet in what were

⁴⁷ Chanda, 1984): 13-14, 51-54, 97-98, 192-198, and 341-347; Kiernan, 1996: 103-112 and 357-392; Thu-huong Nguyen-vo, 1992: 97.

⁴⁸ Lamant, 1989: 180-181; Amer, 1997: 81-82. On 18 February 1979, less than six months after Vietnamese forces occupied Phnom Penh, Vietnam concluded a 25-year treaty of friendship and cooperation with the new People's Republic of Kampuchea which was remarkably similar to an agreement concluded 18 months earlier with Laos. Stuart-Fox, 1997: 182.

⁴⁹ Amer, 1997: 82-83.

described as “*frank and Friendly*” talks, the Cambodia-Vietnam borderland remained shrouded in mistrust and controversy.⁵⁰

In 1996-1998, Cambodia and Vietnam took several steps which helped improve bilateral relations; however, none of these actions was linked directly to the ongoing territorial dispute. Domestic politics in Cambodia, as Ramses Amer has emphasised, greatly complicated a final settlement throughout this period. In the Socialist Republic of Vietnam, the Vietnamese government, together with the ruling Communist Party of Vietnam, remained the single source of foreign policy authority. In Cambodia, on the other hand, the co-premiers of the Royal Government of Cambodia frequently advanced conflicting approaches to the border issue. In turn, King Sihanouk was often ambivalent in his statements about Vietnam while the Khmer Rouge, which once constituted the government of Democratic Kampuchea, continued their virulent anti-Vietnamese policies. In this sense, Amer was right to conclude that the Cambodia-Vietnam borderland today, when viewed from the standpoint of technical issues, is really a question of demarcation as opposed to delimitation of the border. At the same time, given the difficult political issues involved in Cambodia, the final demarcation of the border could likely be a complicated and time-consuming task.⁵¹

4.2 The Laos – Vietnam Boundary

The Laos-Vietnam boundary in place at the end of the Second Indochina War stretched for 2,130km from the Chinese frontier in the north to the tripoint with Cambodia in the south. With the exception of three straight sections which totalled 84km and four sections coincident with rivers which totalled 238km, the frontier was on or close to the main watershed separating rivers flowing to the Gulf of Tonkin or the Mekong River. The frontier lay entirely in uplands or mountainous regions with relatively sparse population densities. Because the border was generally located in remote, lightly populated areas and posed no particular problem, French colonial authorities had not bothered to demarcate the Laotian-Vietnamese frontier.⁵²

In the “*Thirty-Year Struggle*” from the close of World War II to the eventual success of their revolutions in 1975, the communist leaderships of Laos and Vietnam forged a special relationship which impacted on subsequent efforts to delimit and demarcate the frontier. During these difficult years, the revolutionary elites of both states developed close ties based on common ideology and shared revolutionary experience. This period came to a close with the creation of the Lao People’s Democratic Republic (Lao PDR) on 2 December 1975, and the reunification of Vietnam on 2 July 1976. For the first time in some seven centuries of unofficial and official relations, the two countries were in a position to delimit and demarcate their frontier under accepted norms of international law⁵³ (Figure 14).

⁵⁰ Barber, 1996; ‘Border Working Group to be Convened’, *Boundary and Security Bulletin* 4, 2 (Summer 1996): 42. Prince Norodom Ranariddh, one of the co-prime ministers of Cambodia at the time, in an April 1996 speech in which he called on Vietnam to respect the January 1995 joint statement on territorial integrity, also lamented that “Cambodian territory keeps shrinking.” See ‘Cambodia Shrinking’, *Boundary and Security Bulletin* 4, 2 (Summer 1996): 41.

⁵¹ Amer, 1997: 88; Thayer, 1998: 23-24. In his final interview, the late Pol Pot, long-time chief of the Khmer Rouge, expounded at length on his anti-Vietnamese views. See Pape, 1998.

⁵² Prescott, *et al.*: 62-63.

⁵³ Langer and Zasloff, 1970: 171-180; Stuart-Fox, 1996: 197-198; Gay, 1989: 222-229; Gilks, 1992: 179.

Figure 14: Administrative Divisions of Laos



The basis for the eventual resolution of the Laotian-Vietnamese border rested in an accord signed on 10 February 1976, in which both states agreed to respect the doctrine of *uti possidetis* as the operative principle for the delimitation of the frontier. In the case of Vietnam, the date of independence was agreed upon as 2 September 1945, the day on which Ho Chi Minh proclaimed Vietnamese independence in Hanoi. The Lao PDR marked its formal independence on 12 October 1945, the day on which a committee nominated the Lao Issara (Free Laos) government. The 1976 accord explicitly accepted as a benchmark the frontier between the two signatories outlined in a 1:100,000 map in use by the geographic service of Indochina. At the same time, Vietnam agreed to return to Laos the territories along the frontier put at its disposal during the Second Indochina Conflict. Both parties also agreed in the accord to investigate jointly any areas of dispute. Following conclusion of the 1976 accord, a joint Laotian-Vietnamese commission met to delimit the border.⁵⁴

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Gay, 1995: 11-12. The rule of *uti possidetis* is generally understood to say that a new state is entitled to the territory formerly under the jurisdiction of the colonial administrative area from which it was formed.

The close fraternal ties between Laos and Vietnam, which had existed since at least the end of World War II, were formalised in July 1977 in a 25-year treaty of friendship and cooperation in which the signatories pledged to develop their special relationship, increase economic cooperation, and strengthen mutual ties with fraternal Cambodia. From a strategic standpoint, the 1977 Laos-Vietnam treaty, which Hanoi later described as a model of friendly neighbourhood policy, was intended as a template for Cambodian-Vietnamese relations. At the same time, it put both Cambodia and China on notice that Hanoi, notwithstanding their opposition, intended to maintain its leadership role in Indochina. Laos and Vietnam also concluded a border delimitation treaty on the same day which, after repeating the central points of the 1976 agreement, described the frontier in some detail and established a mixed commission to begin demarcation and the placement of border markers.⁵⁵

In accordance with the terms of the 1977 treaty, the governments of Laos and Vietnam formed a joint border commission which first divided the frontier into 19 sectors and then completed a pilot demarcation at the end of March 1979. The remainder of the frontier was demarcated between July 1979 and August 1984. Each of the border markers put in place carried the word “LAOS” in Laotian script on the Laotian side of the border and “VIÊT-NAM” in Latin letters on the Vietnamese side, together with the position of the marker on the frontier.⁵⁶

In 1986, representatives of Laos and Vietnam concluded agreements which complemented and supplemented the 1977 treaty in that the new accords detailed a number of minor modifications to the previous French-imposed frontier. Figure 15, which details an adjustment to the northern section of the frontier, exemplifies the changes made after 1977 to various sections of the Laotian-Vietnamese border. Thereafter, the governments of Laos and Vietnam continued to build on the agreements in place, concluding an additional frontier accord in May 1990.⁵⁷

In February 1996, Laos and Vietnam signed an agreement on cross-border goods transport. In addition, talks were held on Laotian-Vietnamese cooperation in building a port in central Vietnam as well as on the renovation of road links between the two states and with the remainder of the subregion. Throughout this period, Laotian-Vietnamese border committees met on a regular basis to review progress towards implementing the agreements on border regulations and to consider any possible amendments to the treaties in place.⁵⁸

4.3 The China – Vietnam Boundary

To the north, the rugged Vietnamese frontier with China was comparatively well delimited in official treaties and demarcated through the work of occasional border commissions much earlier than the other borders of Indochina. To the south and west, Vietnam’s borders proved more fluid and difficult to establish due to rival concepts of state structure and interstate relations. On the Sino-Vietnamese border, in contrast, shared conceptions of the state, like

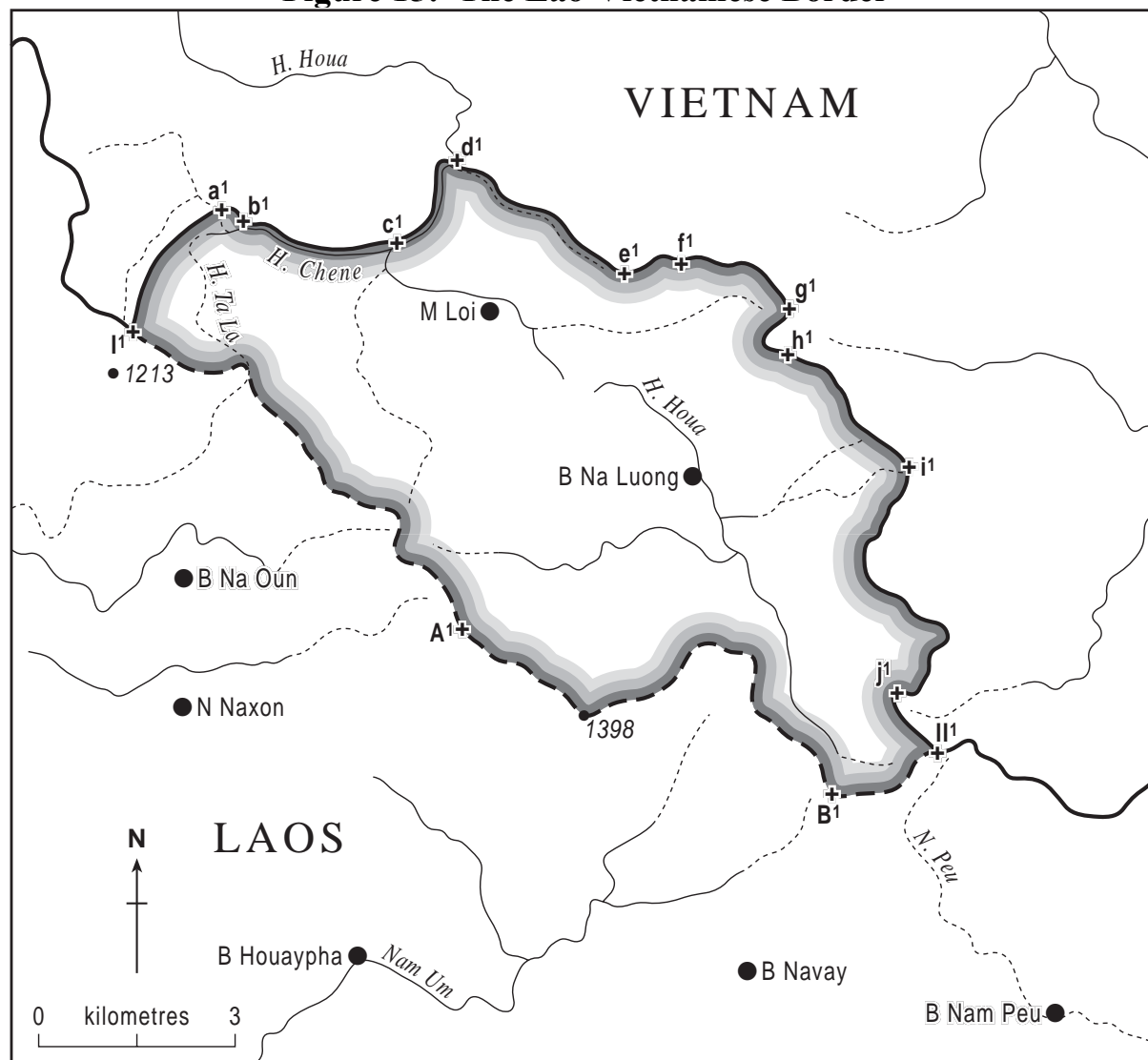
⁵⁵ Gilks, 1992: 179; Stuart-Fox, 1996: 198-199; Chanda, 1984: 94-96. An unofficial translation of the 1977 border treaty can be found in Gay, 1995: 104-125.

⁵⁶ Stuart-Fox, 1986: 176-177; Gay, 1995: 14-16.

⁵⁷ Gay, 1995: 126-192. The Vietnamese have often described their relationship with the Laotians as closer than lips and teeth. In turn, the Laotians have described their relationship with the Vietnamese as deeper than the water of the Mekong although they do not specify whether they are talking about the rainy or dry season. Stuart-Fox, 1986: 180.

⁵⁸ ‘Cross-Border Transport Agreement’, *Boundary and Security Bulletin*, 4, 1 (Spring 1996): 47; ‘Border Committees Meet’, *Boundary and Security Bulletin*, 4, 3 (Autumn 1996): 50-51.

Figure 15: The Lao-Vietnamese Border



Vietnamese acceptance of the Chinese notion of tributary state relations, rendered delimitation and demarcation relatively straightforward. The apparent stability of the Sino-Vietnamese border led a 1964 publication of the United States Department of State to conclude erroneously that “*the entire boundary has been demarcated and no territorial disputes are known to exist.*”⁵⁹

The Sino-Vietnamese border is approximately 1,290km in length and stretches from the China-Laos-Vietnam tripoint to the northern distributary of the Pei-lun River on the Gulf of Tonkin. For almost two-thirds of its length, the border follows water divides, both major and minor, in the Yunnan Plateau and the highlands of eastern Tonkin. Rivers and streams form the frontier for more than another quarter of its length with the remaining 10 percent delimited by straight line segments or other geographic features. The Sino-Vietnamese border passes through a geographic area of great complexity in both structure and relief which is inhabited almost entirely by ethnic minorities. Mountain ranges consisting mostly of igneous rocks tower over lower plateaus and valleys composed of eroded limestone and sandstone. Major elevations exceed 6,000 feet in the extreme west but are considerably lower in the east. A

⁵⁹ United States Department of State, 1964: 1; Langlet, 1989: 70-80.

narrow coastal plain fringes the Gulf of Tonkin as well as most of the remainder of the Vietnamese coast. The river system is highly developed in the frontier with most of the rivers flowing from northwest to southeast.⁶⁰

From the China-Laos-Vietnam tripoint, the border extends eastward and later northward along the main drainage divide, occasionally departing to follow the median line of local rivers and streams. This pattern continues from the source of the Nam Le to the Song Chay, a tributary of the Red River. The boundary continues to meander generally eastward until it reaches 22° 48' N., and 106° 52' E., at which point it turns sharply southward. The southward trend of the border ends at Porte de Chine, immediately north of Dong Dang, and the frontier again turns eastwards following minor watersheds. After a series of short, straight-line segments to the source of the Pei-lun River, the median line of this river forms the frontier to the Gulf of Tonkin.⁶¹

Contemporary disputes over the demarcation of the border stem largely from divergent interpretations of the June 1887 *Convention Relative to the Frontier between China and Tonkin* (China and France). Under its terms, some 300 stone pillars marked the remote land border between China and Vietnam. Given the rugged terrain, the border marker posts in many places were few and far between, often leaving 10-20km gaps, which left room for conflicting claims over the actual control of the territory between the posts. Moreover, with the numerous small rivers in the region cutting new courses and the ever-changing drainage patterns of the watersheds, the boundary as indicated in the 1887 convention repeatedly changed over time. In addition, both sides accused the other of relocating border marker posts to take advantage of more productive agricultural lands⁶² (Figure 16)

During the Second Indochina Conflict, bilateral conflicts of interest lay dormant, submerged in the higher interest of countering the American threat. Concerning the frontier dispute, China and Vietnam agreed in 1957-1958 to respect the Sino-Vietnamese border as outlined in the Sino-French convention. In any case, the intensity of cross-border operations as the war escalated, including a constant flow of materials, personnel, and supplies, made any attempt at demarcation of the boundary difficult. Consequently, the China-Vietnam border dispute remained quiescent throughout most of the Second Indochina Conflict.⁶³

Toward the end of 1973, which marked the beginning of the final stages of the Second Indochina Conflict, bilateral conflicts between China and Vietnam began to reemerge, initiating the twilight period of their war-time alliance. Beijing first asserted control over the offshore islands long in dispute with Vietnam but not a subject of this *Briefing*.⁶⁴ Not surprisingly, the maritime and land border disputes soon intermingled. Once the maritime issues generated friction and mistrust, each side began to accuse the other of provoking land border incidents. As early as 1974, Hanoi numbered 179 such incidents while Beijing spoke of 121. At the end of that year, the Vietnamese government raised a new claim when it asserted that China had earlier laid a junction of the Hanoi-Lang Son-P'ing-hsiang railway some 300 meters inside Vietnamese territory. China dismissed this claim as a fabrication; however, in March 1975, Beijing proposed talks on the land frontier. Then in the final stages of the Second Indochina Conflict, Hanoi responded that it was too preoccupied with the liberation of the

⁶⁰ Prescott, *et al.*: 60-61; United States Department of State, 1964: 1-2.

⁶¹ United States Department of State, 1964: 4-5; Prescott *et al.*: 60-61.

⁶² Hood, 1992: 114-115; Gilks, 1992: 12-13.

⁶³ Dauphin, 1989: 110-113; Amer, 1995: 301.

⁶⁴ Ha Thang, 1998: 5; Samuels, 1982; Dzurek, 1996.

Figure 16: The China – Vietnam Border



South to discuss its frontier with China and thus requested a postponement in negotiations.⁶⁵

After 1974, a steady increase in land border incidents paralleled a deterioration in Sino-Vietnamese relations. Alarmed with the concomitant improvement in Soviet-Vietnamese relations, the Chinese government in 1978 reiterated its call for talks on the border issues it considered negotiable. Ruling out the offshore islands, Beijing included as negotiable issues the land border, including the Sino-Vietnamese railway. At the outset, China offered to return the disputed sector of the railway claimed by Vietnam if negotiations confirmed Vietnamese ownership. Border talks opened in Beijing in October 1978 but no mutually acceptable solutions could be found in an increasingly unstable regional environment.⁶⁶

In early November 1978, Vietnam and the Soviet Union concluded a 25-year treaty of friendship and cooperation. Billed by the signatories as a defensive alliance not intended to oppose any third country, Beijing viewed the treaty as an offensive military alliance which foreshadowed an imminent Vietnamese invasion of Cambodia. China responded with renewed attempts to isolate Vietnam diplomatically throughout Southeast Asia even as it cautiously reaffirmed its support for the Pol Pot regime in Cambodia. In turn, the normalisation of American-Chinese ties, announced in December 1978, concerned Hanoi which worried the rapprochement would reinforce Chinese determination to establish hegemony over Southeast

⁶⁵ Thu-huong Nguyen-vo, 1992: 85-87; Gilks, 1992: 111-115.

⁶⁶ Foreign Broadcast Information Service (FBIS), Daily Report - China, 'Li-Dong Memo' (March 22, 1979): E3-E6; Gilks, 1992: 181.

Figure 17: The Chinese Invasion of Vietnam



Asia. The leadership in Hanoi believed that China might now proceed to attack Vietnam in addition to continuing to reinforce the military capabilities of Vietnam's adversaries in Cambodia.⁶⁷

Incidents along the Sino-Vietnamese border increased as regional tensions mounted. China later accused Vietnam of fomenting 1,108 border incidents during 1978 alone. Vietnam invaded Cambodia on 24 December 1978; and less than two months later, China initiated its punitive expedition against Vietnam. Chinese motives for the attack were manifold and included a complex mix of bilateral, regional, and strategic objectives. In terms of the boundary dispute, Beijing sought to pacify the border and to force Vietnam to enter serious negotiations aimed at a permanent settlement. To achieve these objectives, the Chinese government apparently meant to occupy all of the disputed territory as a bargaining counter even as it seized strategic positions on the mountainous border to deter Vietnam from future provocations.⁶⁸ In the event, the Chinese offensive met with stiff resistance and the fighting on the border led to a stalemate (Figure 17).

Following the 1979 border war, China and Vietnam held talks at irregular intervals, but a variety of issues combined to limit substantive progress. At different times, both sides showed concern that positions taken on the land dispute might somehow later prove disadvantageous

⁶⁷ Hood, 1992: 47-49; Thu-huong Nguyen-vo, 1992: 121-124.

⁶⁸ Gilks, 1992: 227-229. For a summary discussion of the factors contributing to the Sino-Vietnamese war, see Hood, 1992: 52-56 and 60-66.

in regard to the territorial sea conflict. The ethnic Chinese population resident in selected areas of the disputed region also posed a problem as their presence made a clear distinction between Chinese and Vietnamese territory more difficult. The Vietnamese occupation of Cambodia, together with China's support for opposition forces in Cambodia, also complicated negotiations as did Vietnam's relationship with the Soviet Union. In the end, both sides continued to negotiate throughout the 1980s but more out of a perceived need to continue dialogue than a genuine willingness to seek answers to difficult questions.

China and Vietnam normalised relations in late 1991; and in early 1992, the two sides established a joint working group to discuss territorial issues. In 1993, China began minesweeping operations on the Sino-Vietnamese border which were still in progress in 1998. At the same time, the Sino-Vietnamese joint working group struggled to resolve all outstanding land boundary questions in what both sides repeatedly characterised as a frank, friendly and pragmatic atmosphere. In turn, the China-Vietnam Commission for Trade and Economic Cooperation, established in November 1994, focused on intensifying cross-border trade which was flourishing by the middle of the decade. In July 1997, China and Vietnam agreed upon the year 2000 as the official target for a comprehensive agreement which would address all outstanding issues related to their disputed land boundary.⁶⁹

5. The Cambodia – Laos – Thailand Borders

5.1 The Cambodia – Laos Boundary

At the end of the Second Indochina Conflict, the boundary between Cambodia and Laos extended for 547km from the Dangrek Mountains in the west to the main range of Vietnam west of Kontum. For the most part, this boundary traversed flat, well-drained plains which had become increasingly deforested in recent times. Both the Laotian-Cambodian boundary and the Laotian-Vietnamese boundary were established by the French as internal administrative boundaries. It was only after the conclusion of World War II that these boundaries were elevated to international status.⁷⁰

The situation along the Laos-Cambodia border deteriorated at the end of 1976. While Democratic Kampuchea apparently did not actually lay claim to southern Laos, Khmer Rouge troops stationed along the border often fired indiscriminately at Laotian citizens. Cambodian policy towards Laos in this period was difficult to explain but may have been little more than a reflection of Democratic Kampuchea's historical irredentism targeted at all of Cambodia's neighbours. Following the Vietnamese invasion of Cambodia in December 1978, Laos was the first country formally to recognise the Vietnamese-sponsored government of the People's Republic of Kampuchea. Three months later, the Laotian head of state visited Phnom Penh and signed a cooperative agreement with the new Cambodian regime. While less comprehensive than the agreements both Cambodia and Laos had recently concluded with Vietnam, the Laotian-Kampuchean pact effectively completed the formal basis for a new solidarity pact between the three states of Indochina.⁷¹

In February 1995, a Cambodian member of parliament complained that Laotian troops

⁶⁹ 'Vietnam: Border Tensions Rise', *FEER* (February 5, 1998): 13; Nguyen Tri Dung, 1997: 2; 'Frank and Friendly Border Talks', *Boundary and Security Bulletin*, 3, 4 (Winter 1995-1996): 41-42.

⁷⁰ Prescott *et al.*: 62-63.

⁷¹ Stuart-Fox, 1986: 1; Kiernan, 1996: 368-369; Stuart-Fox, 1997: 180.

continued to occupy Cambodian border posts in Stung Treng province. While the Lao PDR government had earlier promised to withdraw the troops, Cambodian sources claimed two platoons of Laotian troops were stationed inside Cambodia at Kaoh Russei and O Ta Ngau, two abandoned outposts along the Tonle Kong River. The Lao PDR embassy in Phnom Penh later denied the charges.⁷²

5.2 The Laos – Thailand Boundary

The Laos-Thailand border follows watersheds and the Mekong River from the Burma-Laos-Thailand tripoint in the north to the Cambodia-Laos-Thailand tripoint in the south. In the four decades after World War II, the Thai government made repeated attempts to modify the Laotian-Thai borderland. For example, during transit negotiations in July 1955, Thai representatives proposed to their Laotian counterparts a renegotiation of the 1,754km border. In February 1970, the Thais again proposed talks, arguing that the Franco-Thai agreements concluded in 1904, 1907, and 1926 no longer applied. At the time, many influential Thais suggested that only settlements negotiated after the 1932 ‘revolution’ in Thailand could be considered valid. In an obvious delaying tactic, the Laotian government responded with a proposal to negotiate outstanding commercial issues dealing with trade and transit first while a joint subcommittee could be formed later to consider any border questions.⁷³

With the communist victories in Cambodia, Laos, and Vietnam in 1975, the changing balance of power in Southeast Asia made the Thai government extremely nervous. One manifestation of its concern was a series of armed clashes along the Laos-Thailand border. A joint Laotian-Thai communiqué, issued in August 1976, later recognised each state’s territorial integrity and promised to make the Mekong a river of peace and friendship; nevertheless, occasional border clashes continued. In March 1978, the two sides agreed to use the Mekong River Consultative Committee to manage the river patrol traffic, a frequent source of conflict in the past; however, new clashes occurred on the Mekong in December of the same year. In only the second joint communiqué issued since 1975, Laos and Thailand reaffirmed in January 1979 their mutual respect for territorial integrity and sovereignty. At the same time, the Laotian minister of interior again proclaimed the need to turn the Mekong River into a frontier of friendship and peace.⁷⁴

Border issues led to two serious outbreaks of fighting between Laotian and Thai forces in the decade of the 1980s. The first clash, which occurred in mid-1984, involved the disputed possession of three villages straddling the border between Xainyaburi (Xaignabouli or Sayaboury) province in Laos and Uttaradit province in Thailand. The Lao PDR government claimed the villages on the basis of the 1907 Franco-Siamese convention which delimited the frontier. The Thais claimed them based on a 1978 American aerial survey which allegedly located the three villages on the Thai side of the watershed officially constituting the border. The 1984 crisis introduced a new element into the Laotian-Thai dispute. This time, the problem was not the Mekong River but a remote stretch of land frontier. In the wake of armed clashes, Thai troops eventually withdrew from the three villages taking most of the inhabitants with them.⁷⁵

⁷² ‘Laos Troops Take Over Outposts’, *Boundary and Security Bulletin*, 3, 1 (April 1995): 25.

⁷³ Mayoury Ngaosyvathn and Pheuiphanh, Kith and Kin Politics, 68-69; Stuart-Fox, Laos, 1.

⁷⁴ Stuart-Fox, 1997: 183-184; Mayoury Ngaosyvathn and Pheuiphanh, 1994: 70-71.

⁷⁵ Stuart-Fox, 1996: 210; Stuart-Fox, 1997: 189-190, 198-199.

The second outbreak of fighting occurred towards the end of 1987 and concerned a small border area in Xainyaburi province south of the three villages area. Provoked in part by illegal teak logging, the fighting soon deteriorated into a stalemate as heavily-favoured Thai forces failed to push a dogged Laotian defence off Hill 1428. It was only after suffering combined casualties of more than 1,000 troops that Laos and Thailand agreed to a cease-fire. Talks aimed at a resolution of the dispute foundered on differing interpretations of the 1907 Franco-Siamese Treaty which delimited the frontier; nonetheless, the cease-fire continued to hold. Official diplomatic relations between Laos and Thailand remained strained for the remainder of the decade, but commercial relations flourished as the Lao PDR government pursued a policy of economic reform. In March 1991, Laos and Thailand agreed to take action on six sensitive issues which included the withdrawal of troops from disputed border areas, an end to the monopoly on the transport of goods to and from Laos, and a reduction of tariffs on Laotian agricultural produce. In turn, a general border committee was established to deal with frontier disputes.⁷⁶

Despite the formation in 1991 of a joint cooperation committee, unsettled border disputes marred Laotian-Thai relations well into the decade. Both sides accepted the frontier line as stipulated by the provisions of the Franco-Siamese treaties of 1893, 1904, 1907, and 1926; however, as in most boundary disputes, the devil was in the detail. The Laotian-Thai border runs along the Mekong and Huang (Huong) Rivers; and in cases where the rivers divide into tributaries, the Franco-Siamese accords stipulated that the deepest channel of the tributary nearest Thai territory was the border line. Laos accepted this stipulation verbatim, but Thailand viewed it as unfair.⁷⁷

Laotian-Thai general border peacekeeping cooperation committees began meeting in 1996 in an effort to maintain peace on the border as border surveys and demarcation efforts continued. Plagued by ongoing border demarcation problems, Laos and Thailand agreed later in the year to establish a joint boundary commission chaired by the foreign ministers of the two countries. In May 1997, a meeting of the newly-formed Laotian-Thai Joint Border Committee agreed to a two-year timeframe for the demarcation of the land portion of the Laos-Thailand border prior to tackling the Mekong River border sections. The land portion of the border covers some 700km with the remainder following the Mekong. This agreement also covered several issues which had proved contentious, including Ban Rom Klao between Phitsanulok in Thailand and Xainyaburi in Laos. It was tension over Ban Rom Klao which led to armed conflict in 1987. The two-year limit was apparently imposed in an effort to accelerate ongoing demarcation efforts.⁷⁸

The two sides successfully completed the first phase of the demarcation process between 1 November 1997 and 22 January 1998. In all, the two sides surveyed 26 boundary marker sites and erected 18 markers along a 115km stretch of the boundary. In February 1998, however, the Thais unilaterally suspended work on demarcation citing budgetary pressures as a result of the economic crisis afflicting Southeast Asia.

⁷⁶ Stuart-Fox, 1996: 210-211.

⁷⁷ 'Unsettled Border Disrupts Relations', *Boundary and Security Bulletin*, 4, 1 (Spring 1996): 47.

⁷⁸ 'Agreement on Two Year Demarcation', *Boundary and Security Bulletin*, 5, 3 (Autumn 1997): 41.

5.3 The Cambodia – Thailand Boundary

The *Treaty of Washington*, dated 17 November 1946, annulled the May 1941 *Tokyo Convention* and restored the *status quo* in Indochina. Under its terms, Thailand was obliged to return to Cambodia and Laos all of the territory occupied in 1941, including, in the case of Cambodia, the provinces of Battambang and Sisophon.⁷⁹

When Cambodia achieved independence eight years later, its land boundary with Thailand, which approximated 800km in length, stretched from the Gulf of Thailand in the south to the Cambodia-Laos-Thailand tripoint in the north (Figure 18). The frontier had been demarcated during the French colonial period; nevertheless, segments remained in dispute, including the ancient temple ruins of Preah Vihear. Known in Thailand as Khao Phra Viharn, Preah Vihear was one of the great achievements of Khmer architecture, and one of the most impressive temple sites in Southeast Asia. It crowned a triangular promontory in the Dangrek Mountains some 600 meters above sea-level on the Cambodia-Thailand border. While most Khmer

Figure 18: The Cambodia – Thailand Border



⁷⁹ Stuart-Fox, 1997: 66; Manich Jumsai, 1987: 211.

sanctuaries face east, Preah Vihear faced north toward the highlands which form a part of modern Thailand.⁸⁰

The dispute in this area of the Cambodia-Thailand border was a product of the 1904-1907 Franco-Siamese agreements. The 1904 convention described the frontier in the Dangrek as the watershed between the basins of the Nam Sen River and the Mekong, on the one hand, and the Nam Moun River, on the other. A protocol attached to the 1907 treaty also stated that a watershed in the section of the Dangrek range constituted the border, but the frontier was never demarcated.

The government of Thailand in 1953, under the pretext of strengthening its border defences, established a police post in the Dangrek Mountains just north of Preah Vihear and hoisted the Thai flag over the sanctuary. After protracted negotiations in 1954-1958 failed to produce a positive result, Cambodia in October 1959 instituted legal proceedings before the International Court of Justice. Two years later, Cambodia and Thailand suspended diplomatic relations over the dispute and closed the border. Preah Vihear remained under Thai jurisdiction until the early 1960s when the International Court of Justice upheld Cambodian sovereignty.⁸¹

In explaining its decision, the Court observed that the Thai government, which had earlier accepted the terms of the 1904 convention, could not later deny it was a consenting party to the pact. In short, Thailand could not claim and enjoy the benefits of the settlement for more than 50 years and then assert that it had never been bound by it. In support of its decision, the Court pointed out that the Thai government after 1904 had continued to use and even publish maps showing Preah Vihear as part of Cambodia.⁸²

Thailand eventually surrendered sovereignty over Preah Vihear in 1962; however, it was noteworthy that the Thai flag and flagpole were removed from the temple in a standing position and later placed in a Thai museum. Contemporary observers interpreted these actions to suggest that at least a few members of the Thai government remained determined to return the Thai standard to Preah Vihear at a later date.

For most of the next three decades, Preah Vihear was a captive to the internecine struggle which engulfed Cambodia. When it was finally reopened to tourists from the Thai side of the border in 1992, visitors to a sanctuary in Cambodia had to obtain entry permits from Thai provincial authorities. The Thais also established regular train service from Bangkok to Preah Vihear and expressed interest in renovating the temple. The combination of these acts reminded observers of the arguments made earlier by Thai representatives before the International Court of Justice where they argued that Thailand had exercised effective jurisdiction over Preah Vihear for a sustained period of time.

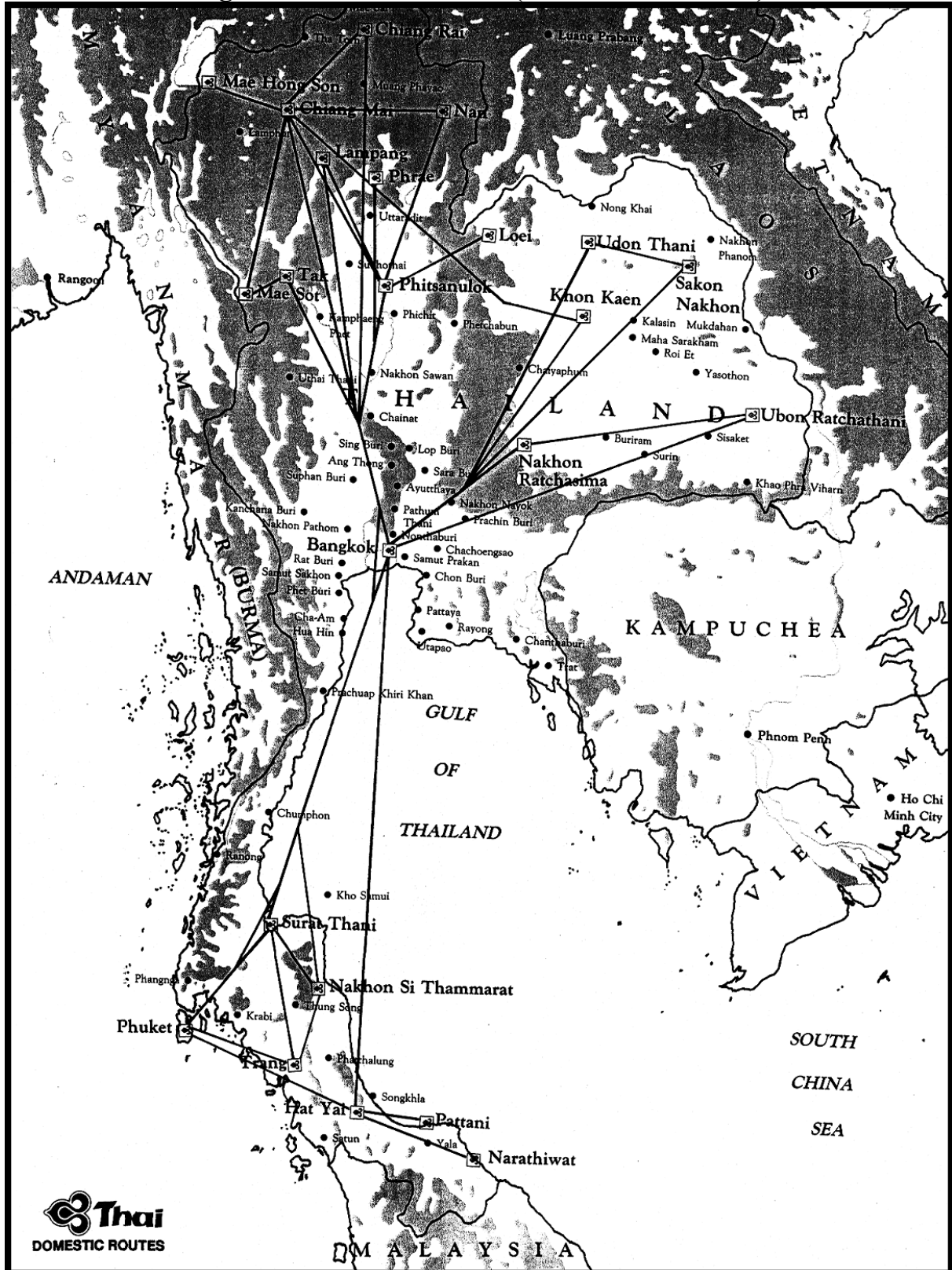
The suggestion that Thailand might one day seek to reverse the ruling of the Court was only heightened by the occasional publication in Thailand of maps, like the one shown in Figure 19, published in 1992 in *Sawasdee*, the in-flight magazine of Thai Airways, which clearly placed Preah Vihear on the Thai side of the border. Preah Vihear was occupied by Khmer Rouge forces in 1993 and closed to outsiders until 1998 when Cambodian government forces regained control of the temple grounds and awakened hopes it would soon be reopened to tourists. In Cambodia, concerns that Thailand might still have designs on Preah Vihear were

⁸⁰ For a more detailed look at the Preah Vihear dispute, see St John, 1994: 64-68.

⁸¹ Thailand, 1959: 1-14; Leifer, 1961-62: 364-366.

⁸² International Court of Justice, 1962.

Figure 19: Preah Vihear (Khao Phra Viharn)



awakened by a recent edition of a Bangkok-based newspaper, which carried the story that Cambodian troops had retaken Preah Vihear with the following dateline – “*Khao Phra Viharn, Thailand.*”⁸³

Ko Kut (Koh Kong) Island, situated off the coast of Thailand and Cambodia, was another disputed borderland in the 1960s and after. The border here was fixed by drawing a line through the coastal terminus of the Thai-Cambodian frontier and the highest summit on Ko Kut Island. This alignment was explained, albeit not necessarily justified, by reference to the Franco-Siamese convention concluded in March 1907. In an annex to this agreement, the terminus of the boundary on the coast was defined as a point situated opposite the highest point of Ko Kut Island.⁸⁴

In view of the award of Preah Vihear to Cambodia, some Thais felt it timely to restate their *de jure* rights to Ko Kut. In response to Cambodian charges that Thailand was attempting to take over the island, the Thai foreign minister in mid-1963 warned Cambodia to choose a path of peace or confrontation. Thai and Cambodian forces later clashed in June 1965 in heavy fighting. When peace talks proved impossible, Thailand in June 1966 appealed to the United Nations to assist in restoring friendly relations with Cambodia. A UN representative attempted to mediate a settlement but the intransigent positions of the disputing parties doomed his efforts. Cambodia insisted Thailand accept the Cambodian version of the border alignment prior to negotiations while Thailand insisted that the first step in negotiations was to restore normal relations.⁸⁵

Ko Kut remains an open territorial issue, at least in the minds of some Cambodians. In January 1996, the deputy commander of the Royal Khmer Navy stated publicly that Ko Kut Island had always belonged to Cambodia and that Cambodia wanted it back from Thailand. He also lamented that Cambodia lacked the military forces to take the island from Thailand.⁸⁶

The disputes over Preah Vihear and Ko Kut exemplify the uncertainty and insecurity that has characterised much of the Cambodia-Thailand border for most of the last three decades. Cross border attacks by Communist Party of Kampuchea (CPK) or joint CPK-Thai communist forces during the Pol Pot regime were characterised by a brutal militarism unlike communist operating methods in other parts of Thailand in this period. As with the southern Cambodian border with Vietnam, irredentist rhetoric frequently coloured official Cambodian statements with talk of taking back Khmer land in Thailand dominating much of the one-sided dialogue. In response to the use of brutality against the Thai border population, Thailand’s reception of Cambodian refugees entered a very harsh phase. During the second half of 1977, Thai troops reportedly murdered a thousand Cambodian refugees soon after they crossed the border.⁸⁷

Violent clashes occurred periodically on the Cambodia-Thailand border throughout the 1990s, most often reflecting political uncertainties in Cambodia. Thai-Cambodian links were strained due to fighting between the Cambodian army and the Khmer Rouge forces that Phnom Penh accused Thailand of supporting. Illicit logging activities in the border region were another frequent source of conflict. In response to such events, the Cambodian government, in May

⁸³ ‘The Gecko’, *Phnom Penh Post* (10-23 April, 1998): 10. Also see Barber and Saroeun, 1998: 20.

⁸⁴ Prescott, *et al.*: 88-89.

⁸⁵ Jha, 1979: 116-118.

⁸⁶ ‘Island Dispute Claimed’, *Boundary and Security Bulletin*, 4, 1 (Spring 1996): 36-37.

⁸⁷ Kiernan, 1996: 368-369. On early Cambodian occupation of what is today Thailand, see St John, 1993: 4-14.

1995, established the National Authority for Border Affairs (NABA). Co-chaired by the two prime ministers and composed largely of government ministers, NABA was charged with preparing legal documentation for the demarcation of land and sea borders, resolving all border disputes, and planting border markers. Later in the year, Cambodia and Thailand formed a Joint Border Commission intended to resolve their border disputes. Unlike similar agreements elsewhere which have typically involved Foreign Ministry officials, the Cambodian-Thai Joint Border Commission was unique in that it looked to the Defence Ministry and Army General Staff for resolution of outstanding border problems.⁸⁸

Over the next three years, Cambodia and Thailand reopened a number of border checkpoints; however, fighting between Cambodian government forces and the Khmer Rouge continued to spill over into Thailand and prevent sustained progress in border negotiations. Illegal logging in Cambodia, with the alleged collaboration of Thai nationals, also contributed to the volatile situation prevailing in the borderland as did cross-border smuggling. At one point, Thailand even argued that closing the Thai-Cambodia border was the only effective way to end the illegal trade in timber. Under pressure, Thailand later promised to open permanently all border crossings into Cambodia. The internal fighting between rival factions in Cambodia following the 5 July 1997 coup highlighted once again the volatile nature of the Thai-Cambodian borderland. Thousands of Cambodians fled towards the Thai border, resulting in intermittent closures of the checkpoints along the frontier. Final resolution of the delimitation and demarcation of the border between Cambodia and Thailand awaits resolution of political issues in Cambodia which are unlikely to be solved in the immediate future.⁸⁹

6. The Laos – Burma – China Borders

6.1 The Laos – Burma Boundary

Representatives of Laos and Myanmar completed a joint survey and demarcation of the 238km Laos-Myanmar border in June 1993. A little over two years later, China, Laos, and Myanmar ratified a border junction agreement in October 1995 which activated a treaty concluded in April 1994. Under the terms of the 1994 agreement, a border marker jointly built by the three countries would demarcate the border junction located in the middle of the Mekong River. In August 1995, the Laotian-Myanmar Joint Commission on Bilateral Relations met to exchange documents relating to the delimitation of a permanent border in the Mekong River. At the same time, they concluded an agreement stressing bilateral cooperation on border affairs.⁹⁰

6.2 The Laos – China Boundary

In the late 1970s, deteriorating relations between Cambodia and Vietnam, and the implications they had for relations with China, had a negative impact on the Sino-Laotian borderland (Figure 20). While the Chinese incursion into northern Vietnam in February 1979 did not spill over into Laos, Sino-Laotian relations were greatly strained. The level of diplomatic

⁸⁸ Ker Munthit, 1995; 'New Border Authority', *Boundary and Security Bulletin*, 3, 2 (Summer 1995): 31.

⁸⁹ 'Refugees and Fighting on Border', *Boundary and Security Bulletin*, 5, 3 (Autumn 1997): 36; 'Border Closure To End Timber Trade', *Boundary and Security Bulletin*, 5, 2 (Spring 1997): 46-47.

⁹⁰ 'China-Laos-Myanmar', *Boundary and Security Bulletin*, 3, 4 (Winter 1995-1996): 39-40; Stuart-Fox, 1986: 1; 'Mekong Border Progress', *Boundary and Security Bulletin*, 3, 2 (Summer 1995): 34.

Figure 20: The China – Laos Border



intercourse dropped, Chinese aid to northern Laos ended, and trade across the Laos-China border dropped to a mere trickle of contraband. With hostile armies facing each other, both sides frequently resorted to shrill propaganda, and a number of armed incidents took place. In mid-1981, for example, the Lao PDR government alleged that Chinese troops had pursued a Laotian patrol 4km into Laotian territory. Beijing responded that the so-called Laotian patrol was in fact Vietnamese troops dressed in Laotian uniforms who had earlier attacked Chinese border posts. When diplomatic relations later improved, border incidents became less frequent, and trade resumed. Laos continued to criticise Chinese policy towards Cambodia and Vietnam; however, the Laotian-Chinese border in the second half of the 1980's was all but free of incidents.⁹¹

The early 1990s saw an improvement in Sino-Laotian relations. The Chinese prime minister paid an official visit to Vientiane in December 1990. His trip was followed by the Laotian foreign minister's visit to Beijing in April 1991 to mark the 30th anniversary of the establishment of Sino-Laotian diplomatic relations. Contacts later increased on a variety of levels, including the negotiation of a new border agreement. The survey and demarcation of the 424km China-Laos boundary was completed in April 1992. Two years later, representatives of China, Laos, and Myanmar concluded a border junction agreement. Under the terms of the agreement, the border junction in the middle of the Mekong River was demarcated by a border marker jointly built by the three countries.⁹²

⁹¹ Stuart-Fox, 1986: 188-189; Stuart-Fox, 1997: 180-181.

⁹² Stuart-Fox, 1996: 206-207; 'Border Accord Ratified', *Boundary and Security Bulletin*, 3, 4 (Winter 1995-1996): 39-40.

7. Conclusions

The indigenous rulers of the premodern states which constituted Southeast Asia at the beginning of the nineteenth century were unable to resist either the modern armaments of a determined European power or the hegemonic thrust of European concepts of political space. France began its occupation of Indochina with the Treaty of Saigon in 1862 and concluded it with the addition of Laos to the Indochinese Union in 1893. Where the former rulers of Cambodia, Laos, and Vietnam were generally content with shared sovereignty, leaving their frontier areas fluid, French authorities insisted on the delimitation and demarcation of administrative boundaries through fixed lines drawn on maps and border markers implanted in the soil. In this sense, the colonisation of French Indochina went well beyond mere nineteenth century power politics to redefine and reconstruct spatial realities throughout the region.

In turn, the resolution of fundamental differences in conceptual approaches to geography and sovereignty, and the spatial reconstruction which resulted, produced an enduring and paradoxical legacy. The French government, and in particular its colonial administrators in French Indochina, were largely responsible for the delimitation and demarcation of the boundaries of present-day Cambodia, Laos, and Vietnam. In most cases, French authorities delimited and demarcated the borders in existence today. In those instances where bilateral border negotiations took place after 1975, examples are Laos-Vietnam, Cambodia-Thailand, and Vietnam-China, the prior efforts of the French provided the foundation for subsequent discussions aimed at resolving relatively minor issues of authority. Colonial rule in Cambodia, Laos, and Vietnam sparked a heady vintage of Asian nationalism, but the new wine was then poured into old wineskins in the form of colonial boundaries. As a result, the present boundaries of Cambodia, Laos, and Vietnam amount to only small deviations from colonial boundaries albeit with the notable difference that they were concluded between equal and independent states.

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