

## LAND BOUNDARIES OF INDOCHINA

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### INTRODUCTION

**The modern boundaries of Cambodia, Laos, and Vietnam generally reflect only minor deviations from pre-independence boundaries...**

French colonial rule in Cambodia, Laos, and Vietnam, as noted in an earlier study of the land boundaries of Indochina, “*sparked a heady vintage of Asian nationalism, but the new wine was then poured into old wineskins in the form of colonial boundaries.*”<sup>1</sup> In consequence, the modern boundaries of Cambodia, Laos, and Vietnam generally reflect only minor deviations from pre-independence boundaries albeit with the significant distinction that they were negotiated by equal and independent states. Bilateral borderline negotiations have continued over the last few years in an ongoing effort to delimit and demarcate isolated sections of those boundaries, with substantial progress made in selected areas.

In the course of the Vietnamese occupation of Cambodia, representatives of the two states in 1983 negotiated an agreement in which they recognised as their border 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. Some two years later, Cambodia and Vietnam concluded a new treaty in which the signatories agreed to respect the present delimitation line defined as the line in existence at the time of independence. The 1985 agreement reiterated the decision taken in 1983 that the common border would be based on the borderline drawn on the 1:100,000-scale map in use before 1954.<sup>2</sup>

Opposition politicians in Cambodia later criticised the 1983 and 1985 Cambodia-Vietnam border pacts; however, the agreements were tacitly recognised by the Royal Government of Cambodia installed in mid-1993. A few months later, a high-level Cambodian delegation journeyed to Hanoi where both sides agreed to focus new talks on the related issues of border problems and the status of ethnic Vietnamese in Cambodia. As border tensions continued, the prime ministers of Cambodia and Vietnam met in early 1996 and agreed to convene a border expert working group to determine the 1995 *status quo* as a first step in returning the border to its original position. The Cambodia-Vietnam working group met after May 1996 in what were invariably described as “*frank and friendly talks*” but found it difficult to overcome the mistrust and controversy which had long characterised the Cambodia-Vietnam borderlands. A senior official in the Cambodian government commented in September 1998 that border negotiations continued but cautioned it could take up to five years to resolve them completely.<sup>3</sup>

**Cambodia and Vietnam...in June 1999...reiterated their resolve to conclude all outstanding border issues before 2001.**

Cambodian Prime Minister Hun Sen, in the course of a subsequent visit to Vietnam, later agreed with his Vietnamese hosts to resolve all outstanding border issues between Cambodia and Vietnam based on the agreements concluded in 1983 and 1985. Shortly thereafter, an inter-governmental committee specialising in border issues was formed and began meeting in March 1999. Two months later, Vietnamese Prime Minister Phan Van Khai and Prince Norodom Ranaridd, President of the Cambodian National Assembly, agreed that Cambodia and Vietnam should work together to resolve all border problems before the outset of the 21<sup>st</sup> century. About the same time, the General Secretary of the Vietnamese communist party visited Phnom Penh in the first official visit of a Vietnamese official to Cambodia in well over a decade. In the course of his visit, Cambodia and Vietnam agreed in June 1999 to respect their mutual independence and sovereignty and reiterated their resolve to conclude all outstanding border issues before 2001.<sup>4</sup>

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



Indications that the public target for a resolution of all land boundary disputes was in jeopardy soon surfaced. In January 2000, Cambodian students meeting at the Social Study Institute in Phnom Penh rejected all border solutions based on treaties concluded in the 1980s on the grounds that their terms were beneficial to Vietnam and detrimental to Cambodia. The students also demanded that all final border settlements be based on a 1:50,000 map at the United Nations as opposed to the 1:100,000-scale map published by the geographic service of Indochina. The Cambodian Ministry of the Interior, noted in August 2000 that there had been 72 land border disputes, mostly with Vietnam, reported in the first quarter of the year alone. A representative of the ministry added that it intended to reinforce its task force to defend Cambodian sovereignty and territorial integrity and to establish order along the border.<sup>5</sup>

**Renewed allegations of border creep prompted the KBPO to call on members of both the Cambodian National Assembly and the Senate to reject the four treaties related to border issues currently in force between Cambodia and Vietnam.**

Two Cambodian National Assembly members, together with representatives of the Khmer Borders Protection Organisation (KBPO), later claimed that Vietnamese villagers continued to encroach on Cambodian territory. Despite an earlier pledge by both the Cambodian and Vietnamese governments not to move into any new territory while negotiations were in progress, the lawmakers indicated that as recently as July 2000 Vietnamese farmers had encroached on Khmer land in the Trapang Rusei area in Roong commune, Memuth district. Renewed allegations of border creep prompted the KBPO to call on members of both the Cambodian National Assembly and the Senate to reject the four treaties related to border issues currently in force between Cambodia and Vietnam. In addition to the 1983 and 1985 treaties already discussed, the four pacts included a treaty of peace, friendship and cooperation concluded in 1979 and a treaty on the maritime border signed in 1982. All four agreements were negotiated when Cambodia was under Vietnamese control, and according to a KBPO spokesperson, were thus in conflict with the Cambodian constitution and contrary to international law.

In turn, Cambodian Under-Secretary of State Long Visalo, the Ministry of Foreign Affairs and International Cooperation official in charge of border issues, maintained that all pending issues could be resolved in short order. At the same time, he admitted that a major question yet to be answered was the scale of the map on which the Cambodia-Vietnam border would be drawn. While the 1993 Cambodian constitution referred to the 1:100,000-scale map published by the geographic service of Indochina, Visalo pressed for adoption of the 1:50,000-scale map on the grounds it was more detailed and currently in use for most border negotiations outside Southeast Asia. He added that a map of this scale had been drafted between 1904 and 1907 for the border with Thailand. Visalo also indicated that the 1:100,000-scale map was inaccurate in that it contained at least seven major errors on the Cambodian border with Vietnam alone. Inconclusive talks between representatives of Cambodia and Vietnam continued with the Third Meeting of the Cambodia-Vietnam Boundary Committee ending a session in Hanoi in early November 2000 with a statement recognising their mutual efforts to delimit the Cambodia-Vietnam boundary.<sup>6</sup>

## **LAOS-VIETNAM**

**A joint border demarcation commission... eventually completed demarcation in August 1984.**

The governments of Laos and Vietnam in July 1977 concluded a 25-year treaty of friendship and cooperation together with a border delimitation treaty that described the border in some detail and established a mixed commission to initiate its demarcation. A joint border demarcation commission, in accordance with the terms of the frontier pact, subsequently divided the border into 19 sectors and eventually completed demarcation in August 1984. Representatives of Laos and Vietnam concluded new accords in 1986 which supplemented the 1977 treaty in that they detailed several minor modifications to the previous French-imposed border. In 1996, Laos and Vietnam signed a cross-border goods transport agreement as well as engaging in talks to improve road links and port facilities. At the same time, Lao-

**Laos and Vietnam, over the last two decades, have become closely tied in an intricate web of cultural, economic, political, social, and technical agreements.**

Vietnam border committees met on a regular basis to review progress toward implementation of agreements on border regulations.<sup>7</sup>

The governments of Laos and Vietnam, over the last two decades, have become closely tied in an intricate web of cultural, economic, political, social, and technical agreements. Today, diplomatic interchange between the two states is varied and seemingly endless. In the closing days of 2000 alone, official visits between Laos and Vietnam included the Lao Deputy Prime Minister and Foreign Minister, delegations from both the Lao and Vietnamese National Assemblies, the Vietnamese National Olympic Committee, the Lao Ministry of Labour and Social Welfare, and representatives of the Lao and Vietnamese State Archives. In addition, Vietnam continued to fund road work in Laos to enhance the latter's access to the South China Sea, most notably agreeing to construct a road from Vientiane to the Vietnamese border and on to the Vietnamese port of Vung Ang.

Finally, Laos and Vietnam accelerated the development of border trade zones first initiated in the mid-1990s in an effort to increase import-export volumes and to promote economic development in remote border areas. For example, the La Lay-Sa Moui border gate between the Lao province of Salavan and the Vietnamese province of Quang Tri, first built in 1995, was upgraded and reinaugurated in March 2000; and the Cha Lo-Nam Phao border gate, linking the Lao province of Kammouan and the Vietnamese province of Quang Binh, was inaugurated in January 2001. Provincial management of the border gate areas typically involves joint Lao-Vietnamese efforts to police and protect the borderline together with the boundary markers between the two countries.<sup>8</sup>

## CHINA-VIETNAM

The rugged Vietnamese border with the People's Republic of China was relatively well delimited in official treaties and demarcated through the efforts of occasional border commissions much earlier than the other borders of Indochina. On the Sino-Vietnamese border, in contrast with Vietnam's other borderlands, a shared conception of state, for example Vietnamese acceptance of the Chinese notion of tributary state relations, rendered both delimitation and demarcation comparatively straightforward. The apparent stability of the border in this region 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.*"<sup>9</sup>

Events in the subregion began to unravel in the early 1970s as the Second Indochina Conflict wound down. In the final stages of the conflict, bilateral disputes between China and Vietnam re-emerged initiating the twilight period of their war-time alliance. In the beginning, Beijing reasserted control over offshore islands long in dispute with Hanoi; however, the maritime and terrestrial border questions soon intermingled. With the maritime issues increasingly generating friction and mistrust, incidents along the Sino-Vietnamese border mounted with China accusing Vietnam of fomenting 1,108 land border incidents in 1978 alone.<sup>10</sup>

Following a border war in 1979, China and Vietnam eventually normalised relations in late 1991, concluding a temporary agreement on border affairs in early November of that year. The terms of this provisional agreement called for the signatories to maintain the *status quo* on the border and included a prohibition against construction projects along the river banks without the mutual agreement of both parties. The pact also called for representatives of China and Vietnam to negotiate according to the principles of equality and mutual benefit. The governments of China and Vietnam established a joint working group on the land border in 1992 to discuss territorial questions, and the Chinese side initiated minesweeping operations on the border in 1993.

Figure 2: The China – Vietnam Border



The joint working group on the land border met on a regular basis after 1992 in an effort to address and resolve a number of complex, interrelated boundary issues. Throughout this period there was considerable linkage between the land and sea borderline questions, with tensions on the land border impacting negatively on talks related to the maritime issue and *vice-versa*. In the end, senior representatives of China and Vietnam agreed in July 1997 to resolve all outstanding issues related to their disputed land boundary no later than the end of 2000. One year later, during the 12<sup>th</sup> round of talks of the joint working group on the land border, the two sides agreed to accelerate the negotiation process in an effort to conclude an agreement on the land border before the year 2000.<sup>11</sup>

**China and Vietnam eventually concluded a comprehensive land border treaty in Hanoi on 30 December 1999.**

The 16<sup>th</sup> session of the joint working group on the land border proved to be the final negotiating session at the expert level. The Foreign Ministers of China and Vietnam eventually concluded a comprehensive land border treaty in Hanoi on 30 December 1999. This historic agreement, which took eight years to complete, delineated the 1,300km frontier between the two states. The pact took effect on 6 July 2000 following ratification by China in April and Vietnam in June of the same year. The two parties had also agreed in 1997 to demarcate by year 2000 the waters of the Gulf of Tonkin, known to the Chinese as Beibu and to the Vietnamese as Bac Bo. With the conclusion of a land border treaty, both parties reaffirmed their determination to reach an agreement on the delimitation of the Gulf of Tonkin in 2000. This target was later met with the successful conclusion in late December 2000 of the Bac Bo Gulf demarcation treaty, a pact delineating the maritime boundary between the two states in the Gulf of Tonkin.<sup>12</sup>

**CAMBODIA-LAOS**

The Cambodia-Laos borderline, at the end of the Second Indochina Conflict, extended some 547km from the Dangrek Mountains in the west to the main range of Vietnam west of Kontum. The boundary generally traversed flat, well-drained plains

that had become increasingly deforested in recent decades. The Cambodia-Laos border, like the Laos-Vietnam border, was initially established by the French colonial powers as an internal administrative boundary. It was not until the end of World War II that the frontiers were elevated to international status.<sup>13</sup>

The situation along the Cambodia-Laos border deteriorated during the Khmer Rouge years; however, following the Vietnamese invasion of Cambodia in late 1978, Laos was the first state to recognise the Vietnamese-sponsored government of the People's Republic of Kampuchea. Thereafter, diplomatic relations between the two states were generally favourable albeit occasionally strained with a member of the Cambodian parliament complaining in early 1995 that Lao troops were occupying Cambodian border posts in Stung Treng province.<sup>14</sup>

***The Foreign Minister of Cambodia... in late January 2001... indicated that a comprehensive demarcation of the border might take years to complete.***

Members of a Cambodian-Lao border commission met in February 2000 to sign a memorandum outlining future meetings and negotiations. Most importantly, they agreed to initiate a detailed inspection of their common border in May 2000, beginning at the Cambodia-Laos-Thailand tripoint and moving eastward along the Lpeou River. Described at the time as a major step towards a final resolution of all outstanding border questions, the inspection of the 547km border was then postponed because the joint technical team appointed in April 2000 had not yet finished its work. The Cambodian Council of Minister's commission on border disputes later announced that teams of Cambodian and Lao surveyors would begin measuring and marking the border between the two states following an inauguration ceremony on 9 June 2001. Hor Nam Hong, the Foreign Minister of Cambodia then confirmed in late January 2001 the joint decision to open the Lao-Cambodian border; but, at the same time, he indicated that a comprehensive demarcation of the border might take years to complete.<sup>15</sup>

## LAOS-THAILAND

The Lao-Thai borderline follows watersheds and the Mekong River from the Burma-Laos-Thailand tripoint in the north to the Cambodia-Laos-Thailand tripoint in the south. Following a series of armed clashes, representatives of Laos and Thailand issued a communiqué in 1976 that recognised each state's territorial integrity and pledged to make the Mekong a river of peace and friendship. Two years later, the two parties agreed to use the Mekong River Consultative Committee to manage river patrol traffic and in January 1979, they reaffirmed their mutual respect for territorial integrity and sovereignty. Nevertheless, Lao and Thai forces clashed in mid-1984 over the possession of three villages in a remote stretch of their land frontier. A serious outbreak of fighting occurred again at the end of 1987 in a small border area south of the three villages region. In both instances, the boundary disputes involved differing interpretations of a 1907 Franco-Siamese treaty.<sup>16</sup>

***Despite the formation of the joint cooperation committee, unresolved border disputes continued to mar Lao-Thai relations well into the last decade.***

In a positive step, representatives of Laos and Thailand agreed in early 1991 to take action on six sensitive issues, including a withdrawal of troops from disputed border areas, an end to the monopoly on the transport of goods to and from Laos, and a reduction in tariffs on Lao agricultural produce. In addition, a general border committee was established to deal with frontier disputes. Despite the formation of the joint cooperation committee, unresolved border disputes continued to mar Lao-Thai relations well into the last decade. Consequently, joint general border peacekeeping cooperation committees began to meet in 1996 in an effort to maintain peace and harmony on the frontier as border surveys and demarcation efforts continued. Later in the year, representatives of Laos and Thailand agreed to establish a joint boundary commission chaired by their respective foreign ministers. The newly-formed Lao-Thai Joint Border Committee agreed in mid-1997 to a two-year timeframe for the demarcation of the land portion of the Lao-Thai frontier after which time they would address the Mekong River border sections. The two-year time limit was reportedly imposed in an effort to accelerate ongoing demarcation efforts.<sup>17</sup>

The two parties completed the first phase of the demarcation process in January 1998, successfully surveying 26 boundary marker sites and erecting 18 markers along a 115km stretch of the border. At that point, the Thai government temporarily suspended the demarcation work citing budgetary pressures resulting from the economic crisis then afflicting Southeast Asia. Later in the year, the Thai Foreign Ministry announced that Laos and Thailand had agreed to make their mutual border “*problem free*” by 2003. Endorsed at a subsequent meeting of the Lao-Thai Joint Commission, the agreement also called for the creation of a master subregional development plan including the electricity, transport, telecommunications, and agricultural sectors.<sup>18</sup>

While cross border incidents continued to occur, a spokesman was able to announce, following a Joint Border Committee meeting in August 2000, that considerable progress had been made in demarcating the Lao-Thai border. Although many disputed areas remained unresolved, some 111 demarcation posts covering approximately 450km had been put in place. Equally important, both parties had agreed to use a 1926 Franco-Siamese treaty, a pact that states that the common boundary runs down the middle of the Mekong River, as the basis for demarcating the river boundary.<sup>19</sup>

Unfortunately, the progress in border demarcation did not carry over into success in local-level talks to resolve a dispute over Lao occupation of three small islands, Koh Mano 1, Koh Mano 2, and Koh Pha Kham, in the Mekong. Lao troops occupied the islands in mid-August 2000 and gave the Thai farmers living there only a few weeks to harvest their crops and evacuate the islands. The Vientiane government justified its occupation of the islands in part due to the reported capture of anti-government rebels on the islands in early August. While most observers agreed that at least two of the three islands belonged to Laos under the terms of the 1926 treaty. Thai farmers had worked the ground since before the agreement was signed. The Lao and Thai governments later agreed to a quick resolution of what the Thai side termed a “*local*” dispute in an effort not to jeopardise land boundary demarcation efforts.<sup>20</sup>

**With only some 460km or 65% of the land border demarcated...Laos and Thailand met in Bangkok in November 2000 and agreed to postpone completion of the land border demarcation until 2002.**

As 2000 drew to a close, both Laos and Thailand realised that the target to complete the land boundary demarcation by year-end was too ambitious. In many sections of the borderland, disputed segments had been skipped over for later discussion in the initial demarcation effort. Other areas not yet addressed included Khang Pha Dai, Doi Pha Tang and Phu Chee Fa along the Lao border across from Chiang Rai in Thailand as well as Doi Kui Kho, Phu Sam Sao, Huay Sa Thang and Huay Khone between the northern Thai province of Nan and Sayaboury province in Laos. With only some 460km or 65% of the land border demarcated, the foreign ministers of Laos and Thailand met in Bangkok in November 2000 and agreed to postpone completion of the land border demarcation until 2002. At the same time, they agreed to begin demarcation of the river border in 2001 with a target to complete demarcation of the entire 1,800km land and river boundary before the end of 2003.<sup>21</sup>

## **CAMBODIA-THAILAND**

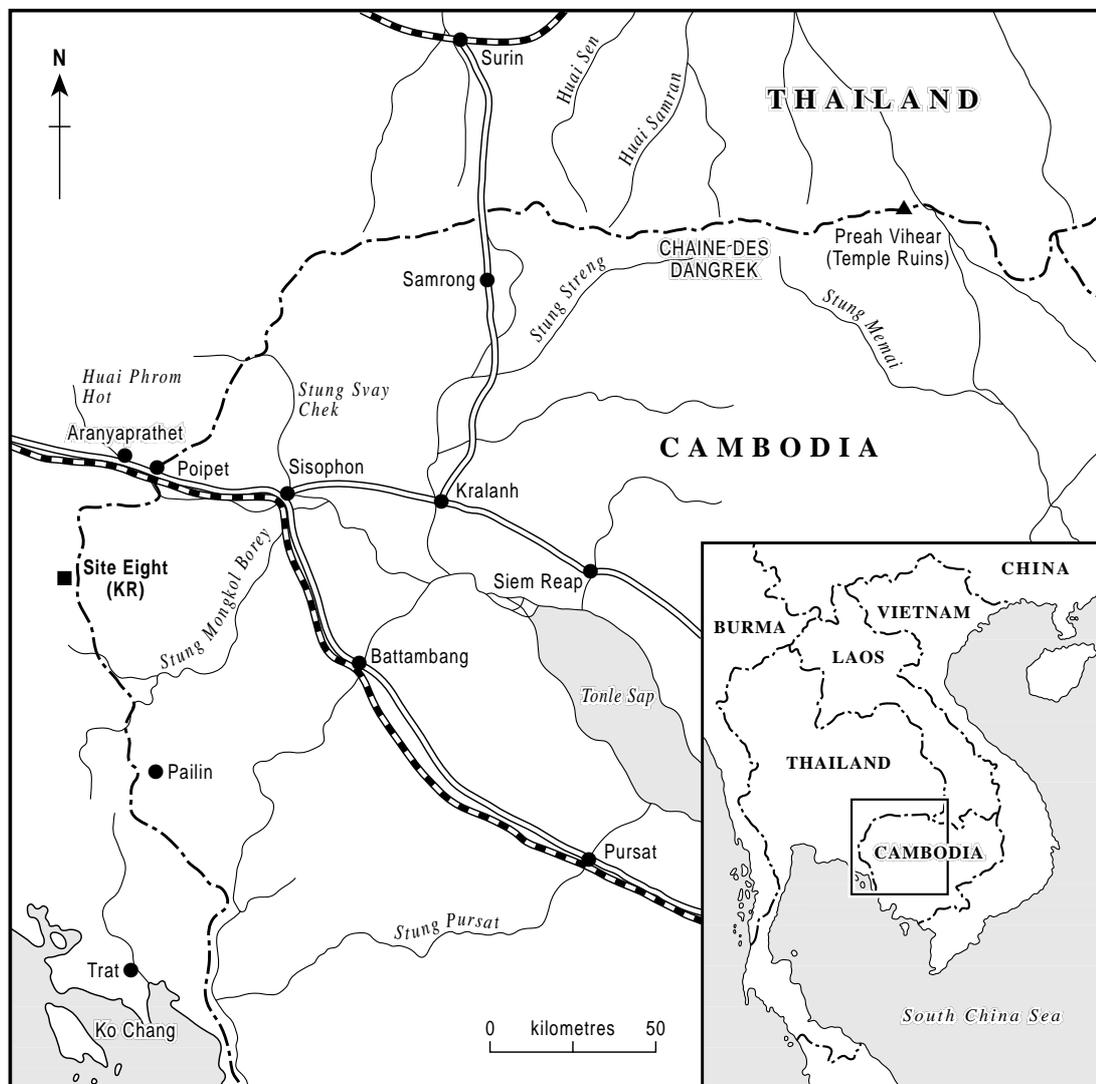
Throughout the 1990s, violent clashes occurred periodically along the Cambodia-Thailand border. Political uncertainty in Cambodia and illicit logging activities in the borderland were the most frequent sources of conflict. The Cambodian government responded in 1995 by establishing the National Authority for Border Affairs (NABA) with a charter to prepare legal documentation for the demarcation of land and sea borders, resolve all border disputes, and plant border markers. Later in the same year, Cambodia and Thailand formed a Joint Border Commission to address and resolve their border disputes. Over the next three years, Cambodia and Thailand reopened a number of border checkpoints; nevertheless, fighting between Cambodian government forces and the Khmer Rouge continued to spill over into Thailand and thwart any sustained progress in border negotiations. Illegal logging, as well as cross-

border smuggling, also contributed to the volatile situation along the Cambodia-Thailand borderland.<sup>22</sup>

**The year 2000 saw a series of incidents on the Cambodia-Thailand border, most especially where it runs along the Dangrek escarpment, as Thai officials attempted to occupy disputed border areas.**

The year 2000 saw a series of incidents on the Cambodia-Thailand border, especially where it runs along the Dangrek escarpment, as Thai officials attempted to occupy disputed border areas. In the largest of 18 similar incidents to that point, Thai military forces in March punched a road 6km into Cambodian territory from Chanthaburi Province and fortified positions around Phnom Preuk in northwestern Battambang Province. Thai maps show the area as Thai but Cambodian maps show it as Cambodian. Neither side disputes the fact that the border in this region is porous and has not been under the effective control of Cambodian authorities. When asked about the incident, Thai diplomats said recent history made border disputes unavoidable as the 73 border pillars erected along the 800km Thai-Cambodian border had been moved or destroyed during the previous three decades of internal conflict in Cambodia. But there was no indication why the Thais chose to raise the issue at that point and why it was done militarily instead of via diplomatic channels.<sup>23</sup>

**Figure 3: The Cambodia – Thailand Border**



About the same time, a dispute developed along the 264km border between the Thai province of Sa Kaeo and the Cambodian province of Bantay Meanchey. The main issue here was a Cambodian decision to build a casino close to the border where the earthworks threaten to cause environmental damage to the Thai side during the rainy



declaration highlighted the growing importance of multinational economic cooperation in the Greater Mekong Subregion.<sup>27</sup>

## OBSERVATIONS

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Over the last few years, progress has continued to be made in effecting a comprehensive delimitation and demarcation of the borderlands comprising the region formerly known as Indochina. In some areas, the land border has been marked and little or no disagreement exists; but in others, substantial sections of the borderland remain in dispute and under discussion. In a few instances, riverine or maritime issues have combined to complicate delimitation and demarcation of land boundaries. In virtually every case, substantial goodwill exists and a final resolution of all outstanding issues can be anticipated before the end of the decade.

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