

# Map of Mainland Asia by Treaty

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J. R. V. PRESCOTT

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**This book is dedicated to  
Professor J. W. House and Professor W. G. East  
who respectively inspired and fostered  
my interest in political geography**



## Preface

This book examines the political geography of those international boundaries of mainland Asia settled by treaties. Mainland Asia is considered to be that area east of Iran and the Soviet Union. The term 'treaty' covers international agreements between sovereign powers and the unilateral decrees of colonial authorities, which produced boundaries subsequently accepted by the independent, successor states. A number of boundaries in Asia are not governed by any treaty and they are not considered. Maritime boundaries are not included.

Each chapter provides the geographical and political background against which the treaties were fashioned, and discusses the problems which were faced by the statesmen and surveyors concerned with the negotiation and application of the treaties. At the end of each chapter the relevant boundary sections of the treaties are reproduced; only the subject of articles unconnected with the boundaries has been shown. Most of these treaties have been published previously in various languages in a number of widely scattered sources, many of which are now difficult to obtain, except in outstanding libraries. Protocols connected with the southern section of the Sino-Russian boundary, and the former internal boundaries of Indo-China, are here published in English for the first time. The description of the Durand Line, between Laram Peak and Domandi, is published for the first time. It is the author's hope that this book will fill the gap which exists concerning Asian boundaries between the general studies, of which Lamb's *Asian Frontiers* is the best, and the very detailed accounts of single Asian treaties, of which Lamb's study of the McMahon Line is incomparable.

As an authority for place names *The Times Atlas of the World* published in 1958 and 1967 is used in the first instance. For names which do not appear in this source the 1:1 000 000 International Map of the World is used. The names in the treaties have been left in the original form. Because each chapter deals with a separate, clearly defined section of boundary and is self-contained, no index is provided.

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J. R. V. Prescott

University of Melbourne  
October 1975

# Contents

Preface	vii
List of Maps	xi
Abbreviations	xiii
Sources of Documents	xv
Introduction	1
1 The Boundary between China and Russia, 1689	5
2 The Boundary between China and Russia, 1727–1768	17
3 The Boundary between China and Russia, 1858–1860	44
4 The Boundary between China and Russia, 1864–1915	58
5 The Boundary between China and Mongolia	90
6 The Boundary between Afghanistan and Russia	99
7 The Boundary between Afghanistan and Iran	145
8 The Boundary between Afghanistan and Pakistan	177
9 The Boundary between Pakistan and Iran	212
10 The Boundary between China and Pakistan	230
11 The Boundary between Afghanistan and China	238
12 The Boundary between India and Nepal	242
13 The Boundary between Sikkim and India	251
14 The Boundary between Bhutan and India	255
15 The Boundary between Sikkim and China	261
16 The Boundary between China and Nepal	265
17 The Boundary between India and China	272
18 The Boundary between India and Pakistan through the Great Rann of Kutch	286
19 The Boundary between India and Pakistan north of the Great Rann of Kutch	294
20 The Boundary between India and Bangla Desh	310
21 Burma's Western Boundary	336

x *Contents*

- 22 The Boundary between China and Burma 347
- 23 The Boundary between Burma and Laos 375
- 24 The Boundary between Burma and Thailand 382
- 25 The Boundaries of Singapore 408
- 26 The Boundary between Malaysia and Thailand 418
- 27 The Boundary of Thailand with Cambodia and Laos 428
- 28 The Boundary of China with North Vietnam and Laos 447
- 29 The Cambodia-Laos Boundary, 1893–1905 457
- 30 The Cambodia-Vietnam Boundary, 1869–1942 463
- 31 The Boundary of Laos with North and South Vietnam 481
- 32 The Boundary between North and South Vietnam 486
- 33 The Boundary between Macau and China 489
- 34 The Boundary between Hong Kong and China 491
- 35 The Boundary between Korea and China 499
- 36 The Boundary between North and South Korea 509
- Conclusion 515



## List of Maps

- Map 1 The Sino-Russian boundary of 1689 6
- Map 2 The Sino-Russian boundary of 1727–1768 19
- Map 3 The Sino-Russian boundary of 1860 45
- Map 4 The Sino-Russian boundary of 1864 59
- Map 5 The boundary between China and Mongolia 92
- Map 6 The treaty bases of the Afghan-Russian boundary 100
- Map 7 Anglo-Russian boundary proposals between the Hari Rud and the Amu Darya 110
- Map 8 The treaty bases of the boundary between Iran and Afghanistan 146
- Map 9 The Sistan boundary 147
- Map 10 The treaty bases of the boundary between Afghanistan and Pakistan 178
- Map 11 Examples of variations from the Durand Line which occurred during demarcation 183
- Map 12 The northern section of the boundary between Iran and Pakistan 217
- Map 13 The Sino-Pakistan boundary 231
- Map 14 The Sino-Afghan boundary 239
- Map 15 The boundaries of Nepal 243
- Map 16 The eastern borderland of India and China 273
- Map 17 The boundary through the Rann of Kutch 288
- Map 18 The boundary between India and Pakistan north of the Rann of Kutch 295
- Map 19 The boundary between India and Bangla Desh 312
- Map 20 Burma's western boundary 338
- Map 21 The Sino-Burmese boundaries of 1894 and 1897 348
- Map 22 The central section of the Sino-Burmese boundary 354
- Map 23 The boundary between Burma and Thailand 383

xii *List of Maps*

- Map 24 The boundary between Malaysia and Thailand 419
- Map 25 Thailand's eastern boundary 429
- Map 26 China's boundary with Laos and North Vietnam 448
- Map 27 The boundaries of Laos with Cambodia and North Vietnam 458
- Map 28 The central section of the boundary between Cambodia and South Vietnam 465
- Map 29 The southern section of the boundary between Cambodia and South Vietnam 470
- Map 30 The boundaries of Hong Kong 492
- Map 31 The Sino-Korean boundary 500
- Map 32 The boundary between North and South Korea 510

## Abbreviations

ABD	Afghan Boundary Delimitation
BFSP	<i>British and Foreign State Papers</i>
HMSO	His/Her Majesty's Stationery Office
PSDE	Political and Secret Despatches and Enclosures
UNTS	United Nations Treaty Series



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## Introduction

This book has two aims. First, it seeks to collect together for the first time the treaties, declarations, arbitral awards, and other documents which define the location of the land boundaries of mainland Asia, which is considered to lie east of Iran and the Soviet Union. Second, the book provides the background of political geography for the relevant borderlands at the time the various boundary segments were drawn. Most of the chapters refer to the entire length of international boundaries separating two adjacent countries, such as those between Iran and Afghanistan, and between Malaya and Thailand, even though segments of those lines were drawn at different times. However, six chapters deal with individual segments of a single international boundary, and four chapters deal with the international boundaries of one state with two adjoining states. Four chapters are devoted to the Sino-Soviet boundary, because the negotiations for the four segments were distinct in time, individually complex, and generally unrelated. Two chapters consider the boundary between India and Pakistan because the two segments were developed separately, and because the southern part, through the Rann of Kutch, is one of the few modern boundaries settled by the activities of an international arbitral commission. The boundaries of China with Laos and North Vietnam, of Burma with India and Bangla Desh, of Thailand with Laos and Cambodia, and of Laos with North and South Vietnam were created as single boundaries, even though they now fall into two distinct parts, and therefore they have been considered in four rather than eight chapters.

The evolution of the land boundaries of mainland Asia to the present time occurred in three phases. The first phase, which ended in 1914, was dominated by advancing colonial powers, which operated in distinct theatres around the pivot provided by China. Russia in the area from Afghanistan to Vladivostok, Britain in the area from Afghanistan to Thailand, France in Indo-China and Japan in Korea, played decisive roles in shaping the alignment of international boundaries. The indigenous governments of Asia played a minor part during this period. Nepal, Afghanistan, Thailand and China survived as states apart from colonial empires, but whenever they conducted boundary negotiations with the imperial powers, they did so from positions of weakness. This generalization does not apply to the Sino-Russian negotiations of 1689 or 1727, when China was also a colonial power in central Asia, but it is certainly true of the Sino-Russian negotiations of 1858, 1860, 1864 and 1881. The Afghan court watched British authorities negotiate Afghanistan's northern boundary with Russia, which easily got the best of the deal, and then was persuaded, against its better judgement, to accept authority in the Wakhan salient, to provide a buffer between British India

## 2 *Map of Mainland Asia by Treaty*

and Russia. In 1893 the king of Thailand watched helplessly as France annexed some of his eastern provinces after issuing what the British ambassador in Paris described as 'an ultimatum, a penultimatum and an ante-penultimatum'. The lines established during this phase have not been altered significantly. Further, it was during this same period that the British and French administrations established the internal boundaries of their Asian empires, which in more recent times have provided the lines of cleavage along which their successor nationalist states separated from each other.

The second phase lasted from 1914 to the end of World War II. This was a period when the status quo was preserved. There were some small alterations to existing boundaries, as when Britain dictated a line to Afghanistan near the Khyber pass in 1921, and when Britain and Thailand agreed to adjust their boundary when the river Meh Sai, which marked part of the boundary, changed its course in 1929. Also, in 1935, a Turkish general adjudicated the central section of the Iran-Afghanistan boundary, which had never been formally fixed, but this simply involved drawing a fairly direct line between the two established termini, thus establishing a boundary which the border population had respected for years. During this period, the major efforts of Japan to redraw the boundaries of Manchuria and Thailand failed entirely.

Since 1945, new forces have been dominant in the process of boundary evolution in mainland Asia. The empires of Britain and France have decayed and have been replaced by independent nationalist states, and China has moved from a position of great weakness to a position of considerable power, which has allowed it to strengthen its hold on peripheral areas. This period has four main characteristics in terms of boundary evolution. First, new, independent states have emerged within the framework of internal boundaries established by British and French authorities in their Asian possessions. Second, a number of independent Asian states have negotiated boundary treaties with each other. China has been very much concerned in these activities, but in all cases the treaties have either clarified the location of existing international or traditional boundaries, with only small deviations, or made provision for the efficient and peaceful administration of the borderlands and international traffic. Third, a number of boundary disputes have emerged between Asian states which have caused border fighting. India and China, China and Russia, India and Pakistan, and Pakistan and Afghanistan have been involved in conflict with each other over the location of their common boundaries, and a number of other states have had disagreements with each other which have been prosecuted through peaceful means. Fourth, three military cease-fire lines have been drawn in Kashmir, Vietnam and Korea, which have effectively operated as international boundaries. During this phase, the strength and resilience of the Soviet Union has been a constant factor brought forward from earlier periods. The Russian colonies have been integrated into the Soviet state, and Russia has managed to preserve and formalize Mongolia's independence from China, which was first won at the onset of the Chinese revolution. It is largely due to the Soviet Union that the marked parallel between the history of Tibet and Mongolia did not continue after 1950. The effective strength of Russia is shown by the fact that the Ili valley, which was retroceded to China in 1881, is the only area, other than Alaska, which, having been part of Russia, now stands outside that country.

The treaties and other instruments which define the boundaries of mainland Asia are the product of various processes. Some were negotiated between parties of equal standing. This includes the agreements which govern the northern boundary of Afghanistan, which were settled by Britain and Russia, and the boundary agreement negotiated by India and Burma in 1967. Others, during the

first phase of boundary construction, were settled by negotiations between two parties of unequal standing, such as Britain and Nepal, and France and Thailand. Still other boundaries, especially in Indo-China and the southern Himalayas, are defined in the unilateral declarations of the colonial powers France and Britain. Finally, in all the major periods of boundary definition arbitral awards fixed boundary alignments. British generals adjudicated the northern and southern sections of the Iran-Afghanistan boundary in 1872 and 1891, and these were connected by the arbitrated line defined by General Altai in 1935. Since 1945, the English jurist Lord Radcliffe has defined the boundary between India and Pakistan; a Swedish judge has settled disputes along the boundary between India and what was then East Pakistan; and a tribunal of Swedish, Iranian and Yugoslav judges has fixed the Indo-Pakistan boundary through the Rann of Kutch.

It is considered that boundary evolution involves four ideal stages. First there is the stage of *allocation* which involves political decisions on the distribution of territory. Boundaries, during this stage, are designed to show the general divisions of sovereignty and prevent the risk of collisions through misunderstandings. Such lines are often defined only by their termini, or by the names of petty states on each side of the line. Second, there occurs the stage of *delimitation*. This involves the selection of a specific boundary site, and usually occurred as exploration and exploitation of the territories allocated to each country revealed the need for a more precise line. The third stage of *demarcation* requires the identification of the delimited line in the landscape and its clear marking by pillars, or cleared lines. Finally, the fourth stage concerns the *administration* of the demarcated line, so that the state can function efficiently in the borderland, and so that disputes will be avoided. Few international boundaries pass regularly through these four stages, although the boundary between Afghanistan and Russia provides one very good example. In some cases there is no allocation of territory; instead the two countries proceed immediately to the boundary delimitation. Alternatively some lines of allocation are demarcated without alteration and, unfortunately, several delimited lines have never been demarcated. In the various stages there are different bases for the negotiations which are conducted. During the period of allocation, which in mainland Asia occurred before 1914, the Great Powers were concerned with the grand strategies. It is to such strategies that Afghanistan and Thailand owed their existence as buffer states, and to which the Simla Convention of 1914, which created the McMahon Line, can be attributed. It was also part of the Russian grand strategy to thrust southwards through the Maritime Provinces to Vladivostok, and part of the French master plan to place the Laotian boundary along the Mekong, and to include the delta of that river in what was then Cochin-China. Basically the imperial powers tried to allocate territory amongst themselves in a way which would thwart the perceived ambitions of others, and at the same time provide security and, if possible, the opportunity for further expansion. When the boundary was being delimited, the imperial powers and, since 1945, the independent states of mainland Asia, were much more closely concerned with the geographical detail of the borderland. Issues of access to water supplies, of the control of passes and valuable forest resources, of the need to avoid partitioning indigenous groups, and of the tactical opportunities afforded by the terrain, as well as many others, were considered during this stage. It follows that the discussions were based on the geographical patterns of the borderland as they were perceived by the various parties. Throughout this study, the effort has been made to interpret negotiations against the background of geographical and political knowledge as it existed at that time. Only then is reference made to the more complete knowledge available today. Obviously, it is generally true that the earlier negotiations were

#### 4 *Map of Mainland Asia by Treaty*

conducted in greater geographical ignorance than more recent discussions. Many problems which arose in connection with Asia's mainland boundaries can be traced to the faulty definition of earlier periods, based on wrong or incomplete knowledge. During the demarcation of boundaries, most joint commissions are given authority to vary the boundary slightly, in order to facilitate its identification and the operation of government activities in the border. This was generally the case with the demarcation commissions mentioned in this book, and such aims have underlain recent negotiations between independent Asian states to fix international boundaries more clearly.

It must finally be noted in this introduction that some boundaries in mainland Asia are not fixed by any recognizable treaty or similar document and that such boundaries are not considered in this book. There is no treaty basis for the section of the Sino-Soviet boundary stretching for 192 miles (309 kilometres) north of Afghanistan. No treaty basis has been published for the western part of the boundary between the Soviet Union and Mongolia. The Sino-Indian boundary west of Nepal has never been defined in any treaty which locates the boundary, although India cites some early documents which refer to the boundary remaining where it has always been. The Sino-Indian boundary east of Bhutan is fixed only by the McMahon Line, the basis of which is rejected by China. There is no treaty basis for the northern and eastern boundaries of the rectangular state of Bhutan. No document has ever been published defining the boundary between China and Macau, but this shortest of boundaries in mainland Asia has been in its present position for at least two centuries, and for that reason it is examined in this study.

# I

## The Boundary between China and Russia, 1689

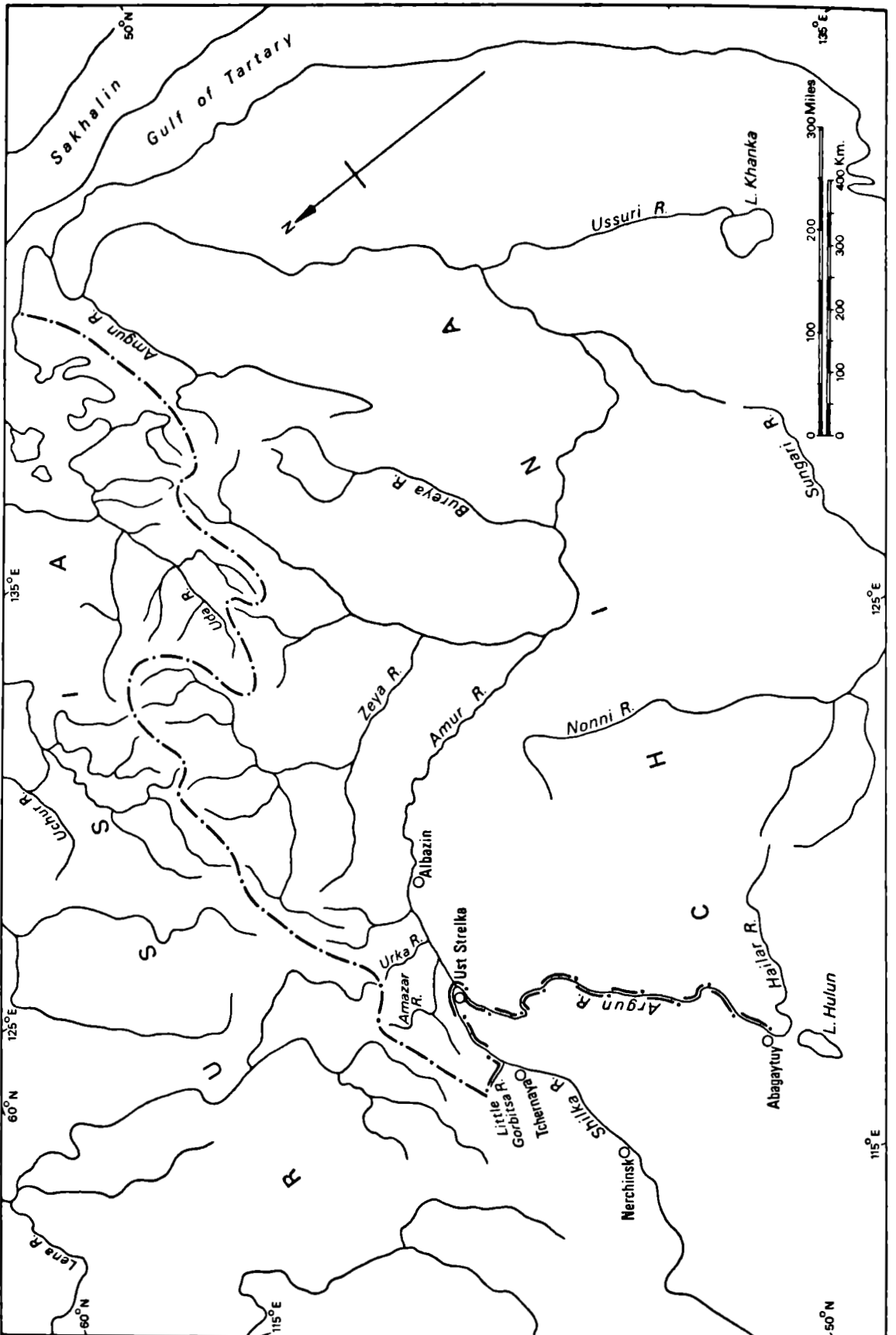
The negotiations between Chinese and Russian officials which produced this treaty were planned for the previous year in Selenginsk. The delay and change in venue were caused by disturbances in eastern Mongolia in 1688. The Western Mongols, led by the pro-Russian Prince Galdan, attacked and defeated the Qalqa group of the Eastern Mongols led by the pro-Chinese Prince Tushetu-Khan, resulting in the flight of thousands of refugees to Inner Mongolia in search of Chinese protection. This traditional barbarian threat along her borders encouraged the Chinese leaders to favour a quick settlement with Russia so that armies would be freed to deal with the Olod threat (Mancall, 1971, pp. 146-9; Sebes, 1961, pp. 12, 74). This was the only weakness in the position of China which otherwise held advantages over Russia. Russian settlers had been driven out of the lower Amur valley by 1683 and the major Russian fort of Albazin on the upper Amur had been captured in June 1685. Although it had been reoccupied by Russians when the Chinese withdrew it had been besieged again in 1686 and would have fallen if negotiations had not been started (Sebes, 1961, pp. 70-3). The Chinese delegation was attended by an army of ten thousand soldiers, three times the force available to the Russian ambassadors. Chinese lines of communication were shorter and easier to traverse than those of the Russians. Finally the Russian exchequer was depleted and the Russian economy was suffering. This made the prospect of trade with China attractive and encouraged the Russians to seek a rapid settlement. The best account of events leading to the negotiations has been provided by Chen (1949).

The two rival delegations had been given various instructions by their superiors. The Russian negotiators had been instructed to seek a boundary along the Amur in the first case, but if, as feared, this proved impossible, they were to substitute certain north-bank tributaries of the Amur for part of the boundary. The order of priority for the tributaries was first the Bureya and second the Zeya. However, before the negotiations began, the authorities in Moscow realized that their instructions were hopelessly optimistic and amended orders were forwarded which allowed the Russian ambassadors to cede Albazin, which lay close to the northernmost extension of the Amur, in return for satisfactory commercial relations.

Originally the Chinese plenipotentiaries had been instructed in the following terms:

The territories occupied by the Russians are not theirs nor is it a neutral zone. The Amur has strategic importance which must not be overlooked. If the Russians descend it they can reach the Sungari. If they ascend the Sungari to the south they can reach Tsitsikar, Kirin and Ninguta and the land of the

6 Map of Mainland Asia by Treaty



Map 1. The Sino-Russian boundary of 1689



Sibo, the Qorcin, the Solon, and the Daurian tribes. If they descend the Sungari to the mouth, they can reach the sea. Into the Amur flow the Argun, the Bystra and the Zeya. Along these rivers live our peoples the Orochon, the Gilyak, the Birar, as well as the Ho-chen and Fei-ya-ko. If we do not recover the entire region, our frontier people will never have peace. Nipchu, Yaksa and all the rivers and rivulets flowing into the Amur being ours, it is our opinion that none should be abandoned to the Russians. Ghantimur and the other deserters must be extradited. If the Russians will accede to these points, we in turn shall give up their deserters, send back the prisoners, draw the boundary, and enter into commercial relations; otherwise we shall return and make no peace with them at all (Hsu, 1926, pp. 52-3).

Following the overthrow of the pro-Chinese Mongol prince the requirements were reduced: 'At the opening of the conference you should still try to retain Nipchu. But if they beg for that city, you may draw the boundary along the Argun river' (Ho Ch'iu-T'ao, 1881, p. 29). The translators during these negotiations were two Jesuit priests, a Frenchman Gerbillon and a Portuguese Pereira, and the diaries of both have been published (Halde, 1735; Sebes, 1961). The official copies of the treaty were written in Latin, one by the Russians and one on behalf of the Chinese, and these were exchanged. The Chinese copy was found in the Russian archives and published (*Sbornik*, 1889, pp. 1-6). The delegations also exchanged semi-official copies, of which the Chinese version written in Manchu was found in the Russian archives and published (*Sbornik*, 1889, pp. 7-10). Drafts of the final treaty were prepared by Gerbillon in French (Halde, 1735, col. 4, pp. 201-2, 242-4), and by Pereira in Latin (Sebes, 1961, pp. 282-7). The various forms of the treaties are not identical and Fuchs (1939-40) has made a textual comparison of the Latin and Manchu texts in the Russian archives, and the French text in Gerbillon's diaries. The territorial variations in the texts have not attracted much attention. Frank (1947) explores the question superficially, but deals solely with an issue which bedevilled the concluding stages of the negotiations, namely whether the boundary followed the watershed of the mountains which lay north or south of the Uda valley. Even though the final text might be considered ambiguous, this matter was cleared up during the negotiations and concentration on this matter leads Frank to neglect other interesting questions which are considered below.

The treaty makes the river Gorbitsa the pivotal section of the boundary and provides a description of the two continuations to the north and east and then to the south and west. The official Latin text contains several ambiguous or uncertain definitions, some of which have been clarified in the published Russian translation. The first alleged ambiguity is the only one considered by Frank (1947). The Latin text allocates to Russia the valleys which flow to the northern quarter, and to China those which are occupied by tributaries of the Amur.

omnes terrae vero et omnes rivi qui ex altera montis parte ad Borealem plagam vergunt sub Ruthenici Imperii dominio remaneant ...  
while all lands and rivers which head in a northerly direction on the other side of the watershed will remain under the control of the Russian Empire ...

Frank suggests that 'Borealem plagam' refers to the *northern shores* which must border the Arctic Ocean and that this would have meant that the entire area from the watershed of the Amur to the Bering Strait was no-man's land. But the Russian delegates were aware of this possible interpretation at the time (Sebes, 1961, p. 267), and would not have signed the treaty if that had been the intended sense of the words. In the Russian translation there was no reference to the northern

shores, although there is no reason why northern shores should not refer to the northern Pacific Ocean as well as the Arctic Ocean. To emphasize which mountain range was intended by the treaty the Russian translation defined more closely the undecided territory at the eastern terminus of the boundary. The Latin text referred to the land lying between the previously mentioned range and the river Uda.

ita tamen, ut quicumque fluvii in mare influunt et quaecumque terrae sunt intermediae inter fluvium Vdi et seriem montium pro limitibus designatan prointerim indeterminatai relinquuntur . . .

except that for the time being no decision will be made in regard to all rivers and lands between the River Udi and the range of mountains which form the frontier . . .

To avoid any possibility that this could be considered as the territory lying to the north of the Uda the Russian version refers to the area 'between the Russian river Oud and the aforesaid mountains running near the Amur and extending to the sea'. While this certifies that the land lies south of the Uda it is still a very ambiguous definition in two respects. First, it is not clear whether the river Uda referred to the entire catchment or excluded the south bank tributaries. There is also a marshy tract west of lake Bokon which is 20 miles (32 kilometres) long and 5 miles (8 kilometres) wide where accurate definition would have been difficult. Second, it is not clear whether the purpose of this definition was to exclude all rivers between the Uda and Amur which were not tributary to one or the other or whether it was intended to follow the main mountain range. There is a considerable difference between the areas defined by these criteria. Chen (1949, pp. 145, 147) considers that the boundary terminated at the source of the Uda river and that all the land between the two mountain ranges remained neutral. This interpretation is not consistent with the Latin version.

While there is no evidence that there was ever any dispute over the identification of the river Gorbitsa, such a dispute would have been likely if the boundary had not been altered by subsequent treaties. The following translations from the Latin and Russian version of the treaties respectively show reasonable agreement.

The river named the Gorbitsa [lit. Kerbichi] which adjoins [lit. lies next to] the River Chorna and which is called the Urum in Mongolian, and flows into the River Sagalien Vla, will form the frontiers between the two Empires.

The river Gorbitsa, which flows into the Shilka on its left side near the river Chorna, will form the frontier between the two States.

The possible confusion lies not in the different names used, but in the fact that there are two rivers called Gorbitsa and, according to some authors (Ravenstein, 1861, p. 66; Petermann, 1856, p. 474), two rivers called Chorna or Tchernaya. Before describing the details of this problem it is important to set out the different nomenclature used by the Russian and Chinese authorities in connection with the Amur drainage system. According to Ravenstein (1861, pp. 161-3) the Russians regarded the Amur as being formed by the confluence of the Shilka and Argun at Ust Strelka, and as flowing from there to the sea. The Chinese believed that the Sungari was the master stream. After its junction with the Nonni it was called the Kuentong, which name it maintained to the sea. According to the Chinese the principal tributary of the Kuentong was the Sakhalin Ula (Sagalien Vla). Thus for our present purposes the essential difference is that the Russians distinguished between the Shilka and Amur, while the Chinese regarded these two rivers as forming the Sagalien Vla.

The Little Gorbitsa flows into the Shilka about 140 miles (225 kilometres) above its confluence with the Argun and Amur, and lies about 18 miles (29 kilometres) east of Tchernaya. The Great Gorbitsa also known as the Amazar flows into the Amur about 33 miles (53 kilometres) below the confluence of the Shilka and Argun, and about 10 miles (16 kilometres) west of the river Urka, which Ravenstein (1861, p. 66) claims is also known as the Shorna.

The two principal commentators on the 1689 treaty, Chen (1949) and Mancall (1971) do not discuss the possibility of any confusion. Mancall (1971, p. 156) makes the surprising judgement that 'the treaty dealt in great detail with the delineation of the frontier'. It would be hard to find a treaty with greater potential for varied geographical interpretation. Chen (1949), who appears normally to be most thorough and meticulous, does not mention the existence of two Gorbitsa rivers, and introduces some unnecessary confusion, as the following quotations show:

The Kerbechi, also spelled Gorbitsa, is a tributary of the Shilkha, near the confluence of the latter river and the Amur (p. 142).

The boundary between the two empires was fixed from the source of the Argun northward into the Amur, thence to one of its tributaries the Kerbechi (pp. 146-7).

The first quotation appears to refer to the Little Gorbitsa, although it could hardly be described as near the confluence with the Amur; the second quotation appears to refer to the Great Gorbitsa or Amazar.

Nineteenth-century writers were certainly aware of the possible confusion over which Gorbitsa river was intended by the treaty. Klaproth (1824, 1, pp. 8-9) notes that there are two Gorbitsas and records that, in 1805 when he made his journey into Asia, 'c'est le grand Gerbitsi qui fait la limite'. Ravenstein (1861) made similar observations. 'Unfortunately there are two Gorbitsas and two Shornas ... There is scarcely any doubt the latter [Great Gorbitsa] was the river alluded to in the treaty' (p. 66). The fact that the Great Gorbitsa was regarded as the boundary by the middle of the nineteenth century is shown by the following quotation from an account of exploration of the Amur basin by an expedition from the Russian Imperial Geographical Society.

*Boundary between the Chinese and Russian Empires.* The Amur, properly so called, was wholly in the Chinese territory; the boundary line between the Russian Empire following the course of the Argun until its junction with the Shilka, then crossed to the left bank of the Amur, and ascending the first tributary on that side below the Shilka (the Gorbiza or Kerbeche) to the Yablonoi range continued its course easterly along the southern slope of that range to the sea of Okhotsk in latitude 54.14 ...

*Gorbiza or Kerbeche, the boundary between Russia and Tartary, 1728.* The distance from Ust Strelka (at the confluence of the Amur and Shilka) to the mouth of the Great Gorbiza (Amagar) is 33 miles (53 kilometres) (Peschurof et al., 1858, pp. 376, 378).

Petermann (1856) was less dogmatic about which Gorbitsa was intended by the treaty, and noted that in any case the Little Gorbitsa had become the *de facto* boundary.

Nun giebt es aber in jener Gegend zwei, Gorbitza genannte, Flüsse (die grosse und die kleine, von denen die erstere besser Amasar genannt wird) und eine *andere Tschernaya*; die grosse Gorbitza oder Amasar fliesst schon in den Amur und wird von Einigen als derjenige Fluss gedeutet, von dem eigentlich im Traktate die Rede sei. Die Russische Regierung hat indessen nie auf diese, ihr gunstige

Auslegung des Traktates Ansprüche gemacht, und sonach ist die Grenze beiderseits faktisch jetzt an der kleinen Gorbitzsa angenommen (Petermann, 1856, p. 474).

Ravenstein claims that a map published by Jesuits showed the Great Gorbitsa as the boundary, but he does not identify the map. He also recounts Baer's explanation of how the Chinese were able to establish the Little Gorbitsa as the *de facto* boundary. According to Baer the Chinese authorities requested the Russians to detain a deserter who had fled to the Little Gorbitsa between 1703 and 1709. When handed over, the deserter escaped punishment by claiming that he had never left Chinese territory because the Little Gorbitsa was the boundary. The Chinese believed his story and advanced their territorial authority. There are several reasons which indicate very strongly that the Little Gorbitsa was intended by the 1889 treaty, and this suggests either that Baer's account is apocryphal or that, if true, the Chinese were simply repossessing what had always been their territory.

The Russian text refers to the Gorbitsa which flows into the Shilka. In view of the Russian nomenclature for the rivers this clearly refers to the Little Gorbitsa. Now since the Russians at other points in the treaty clarified the Latin text, we can be sure that they would not have made an inadvertent slip in referring to the Shilka. It would have been in Russia's interest to follow the Latin text, which could have referred to either Gorbitsa, but they did not do so. The Russian additions for clarification concerned the undefined section at the eastern terminus of the boundary. The Russian text referred to the 'Russian river Oud', and the mountains 'running near the Amur', to make sure there was no chance of China claiming that the treaty referred to the area between the Uda and the most northerly range of the Stanovoy. The second reason for believing that the Little Gorbitsa was intended is that there is no recorded instance of the Russian government questioning Chinese posts on the Little Gorbitsa. Petermann (1856, p. 474) noted this point which was ignored by Ravenstein and Klaproth. The Russians would surely have used this as a bargaining point in the 1727 negotiations if they felt that the 1689 treaty had been misinterpreted. A glance at the map showing the two Gorbitsa rivers suggests another argument in support of the Little Gorbitsa. The Little Gorbitsa is a short river with a single source, and represents the shortest route from the Shilka-Amur valley to the watershed of the Stanovoy. This means that the Little Gorbitsa was better suited to forming a boundary section between principal river and watershed than the Great Gorbitsa, which has more than a dozen sources spread over more than 110 miles (177 kilometres) of the watershed.

The fourth reason for believing that the Little Gorbitsa was the river intended by the treaty concerns the importance which the Chinese attached to control of the Amur. Mancall (1971, p. 151) and Chen (1949, p. 139) have noted this point.

The Amur has a strategical importance which must not be overlooked ... all rivers and rivulets flowing into the Amur being ours [Chinese], it is our opinion that none should be abandoned to the Russians (Chinese memorial of 1689 quoted by Chen, 1949, p. 139).

Allowing for the use of the Russian term Amur in this translation, it is fair to assume that the Chinese would at least wish to exclude the Russians from the river below the confluence with the Argun. Had the Amazar been intended as the boundary this would have meant that the Chinese had pushed the Russians back only 82 miles (132 kilometres) from Albazin. Considering that the Chinese were originally demanding Nerchinsk, and the position of strength from which

they were negotiating at Nerchinsk, acceptance of the Great Gorbitsa would have been almost a Chinese surrender. Finally, Ravenstein's description indicates that the Little Gorbitsa marked an important physical change in the landscape.

Below [Little] Gorbitsa abrupt cliffs often rise directly from the water, and only small tracts fit for settlement occur at the mouths of some rivulets. A short distance above the embouchure of the Argun the mountains on the left recede, leaving a narrow level along their base, but on the right they continue as far as the village of Ust Strelka (Ravenstein, 1861, pp. 165-6).

This means that selection of the Little Gorbitsa effectively provided a borderland which was very lightly populated indeed, thus reducing the risk of contact and conflict between the populations on both sides.

The only geographical argument which would favour acceptance of the Great Gorbitsa rather than the Little Gorbitsa, is that the Great Gorbitsa is closer to the confluence of the Amur and Argun. This would mean that the undefined section of the boundary from the mouth of the intended Gorbitsa to Ust Strelka would be the shortest possible. This argument hardly counterbalances all the others raised in defence of the Little Gorbitsa being the intended boundary.

South and west from the Gorbitsa the boundary was defined as the river Argun, but none of the texts explains how the boundary passes from the mouth of the Gorbitsa to the Argun river 140 miles (225 kilometres) away to the east; presumably it followed the course of the Shilka river. Implicitly in the Latin text and explicitly in the Russian translation the Argun formed the boundary along its entire length, but there is no mention of any accepted source of the river.

*Item fluvius nomine Ergon qui etiam supra dictum fluvium Sagalien Vla influit, limites ita constituet, ut omnes terrae quae sunt ex parte meridionali ad Sinicum, quae vero sunt ex parte boreali, ad Ruthenicum Imperium pertineant; et omnes aedes quae ex parte dicti fluminis meridionali in faucibus fluvii nomine Meyrelke extractae sunt ad littus [sic] boreale transferentur.*

The river called the Ergon, which flows into the above-mentioned Sagalien Vla, will form the boundary, thus bringing all the territories on its southern side within the Chinese Empire and all these on its northern side within the Russian Empire, while all the buildings which have been constructed at the mouth of the river called the Meyrelke on the south side of the said River [Ergon] will be removed to the northern side.

However, in view of subsequent treaties it seems clear that the Argun was considered to be the boundary as far as the region of Abagaytuy where the river's course makes a sharp bend eastwards to join the Hailar river, and which is close to the eastern limits of Mongolia. It is surprising that lake Hulun, which is only 20 miles (32 kilometres) away to the southwest, and which was shown on contemporary maps, was not used to make the matter quite plain. It is fortunate there was no dispute about the source of the Argun, for even modern authorities differ. Some nominate the Hereleng, which originates 400 miles (644 kilometres) away to the west, as the source of the Argun, others select the Hailar which rises 300 miles (483 kilometres) to the east in the Khingan mountains. The Russian text introduces further confusion, not present in the Latin text, by referring to the left and right banks respectively for the south and north banks of the Argun. These directions refer to an upstream view, whereas when the Russian text refers to the Gorbitsa entering the left bank of the Shilka the view is downstream.

Despite the technical shortcomings of the boundary definition in the treaty of Nerchinsk, the definition must be considered successful because it did not provoke

subsequent territorial disputes. Clearly the objective was to draw a line from the Pacific coast to the borders of Mongolia which excluded Russia from the Amur river. The vagueness of geographical knowledge about the area explains many of the unsatisfactory features of the definition, but the underdeveloped nature of the area reduced any risk of border conflicts and disputes. When the boundary was redrawn in 1858 Russia had achieved a position of great relative strength and China was forced to make large territorial concessions.

The only part of the line defined by the treaty of Nerchinsk which has survived to the present day is the course of the river Argun below Abagaytuy. This section of the boundary was defined more closely in 1911, by a joint commission, in two protocols, which allocated each of 280 islands to either China or Russia (see pp. 85-9). The first protocol dealt with the Argun river from its confluence with the Amur to Argunsk, 250 miles (402 kilometres) upstream. There were 87 islands in this section and 56 of them were assigned to Russia. The other protocol dealt with the 220 miles (354 kilometres) of the boundary which followed the Argun river from Argunsk to Abagaytuy. This section contained 193 islands and 104 were allotted to Russia, including 18 islands which lay east of the main channel of the river. This arrangement was justified by the fact that a former main course of the river had flowed east of the islands. It is surprising that only the westward movement of the river was considered, and it would be very unusual if some section of the river had not moved eastwards, transferring former Chinese islands to the west of the main channel.

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## Treaty of Nerchinsk, 27 August (7 September) 1689

*Latin version*

The plenipotentiaries sent by command of His Majesty the Emperor of China in order to settle the boundary . . . Som Go Tu of the Imperial Guard and palace dignitary, Imperial Counsellor, etc; Tum Que Cam, palace dignitary, knight of the first rank, Lord of an Imperial Banner, uncle of the Emperor etc; Lam Tan, also Lord of an Imperial Banner; Pam Tarcha, also Lord of an Imperial Banner; Sap So, general officer commanding the area around the Saghalien Vla and other territories; Ma La, Lord of an Imperial Banner; Wen Ta, Second President of the Tribunal for Foreign Affairs and others;

Their Majesties the Grand Dukes Ivan Alekseevich and Peter Alekseevich by the Grace of God the great Lords, Tsars of all the Russias, both great and small, including White Russia and lords and masters of the manifold dominions and territories both in the East, in the West and in the North of their future heirs and successors by lineal descent.

We, having assembled together with their Excellencies the plenipotentiaries of His Majesty the Tsar, the Minister in Council and Governor of Bryansk, Fyodor Alekseevich Golovin; the Chamberlain and Governor of Yelatomsk, Ivan Eustakhievich Vlasov; and Chancellor Simion Cornitski—on the 24th day of the 7th month [lit. moon] in the 28th year of Cam hi—the year of the Red Snake—near the town of Nipchu for the purposes of, firstly, eliminating the insolent behaviour of certain brigands mentioned below, who are crossing the frontier solely on their own inclination in order to hunt, commit murder, pillage or promote disorder; secondly, clearly defining and delineating the frontier between the Chinese and Russian Empires and finally, establishing a lasting peace on the basis of a permanent treaty, having unanimously agreed to the following articles:—

## 1.

The river named the Gorbitsa [lit. Kerbichi] which adjoins [lit. lies next to] the River Chorna and which is called the Urum in Mongolian and flows into the River Saghalien Vla, will form the frontier between the two empires. And so, from the top of the ridge or rocky peak which overlooks the source of the said River Kerbichi along the watershed of this range as far as the sea, the territories of the two Empires should be divided in such a manner that all land and rivers both great and small which flow from the south side of this range into the River Saghalien Vla will come under the sway of the Chinese Emperor, while all lands and rivers which head in a northerly direction on the other side of the watershed will remain under the control of the Russian Empire, except that for the time being no decision will be made in regard to all rivers and lands between the River Udi and the range of mountains which forms the frontier. After the envoys of each side have returned to their own countries and have made a thorough examination and a clear appraisal of these facts, a [final] decision will be reached either by [a conference of] ambassadors or in the course of correspondence. The River called the Ergon, which flows into the above mentioned Saghalien Vla, will form the boundary, thus bringing all the territories on its southern side within the Chinese Empire and all those on its northern side within the Russian Empire, while all the buildings which have been constructed at the mouth of

the river called the Meyrelke on the southern side of the said River [Ergon] will be removed to the northern side.

2.

The fortress or strong point built by the Russians at the place called Yagsa will be completely razed to the ground. All the subjects of the Russian Empire living there will be transferred together with all their property to Russian territory. On no account will hunters of either country cross over these boundaries once they have been established. However, if one or two men of ill repute should transgress the set boundaries in the course of hunting or brigandage, they will be imprisoned immediately and taken back to the local authorities in charge of that part of the country, who will ascertain the nature of the crime and exact due punishment from them. If however, they form an armed band of ten or fifteen for the purpose of either hunting or murdering men in the other country, or robbing in that country, they will be taken back to the authorities in their own country and duly executed as is prescribed for this crime. Transgressions committed by particular individuals, no matter what they be, will not constitute a pretext for war or bloodshed.

3.

All incidents which have occurred in the past, no matter what their nature, will be overlooked in all respects. From the day on which the permanent treaty is signed no fugitive from either country will be allowed entry to the other, but rather will be immediately made captive and sent back [lit. whence he came].

4.

All subjects of the Russian Empire currently in China and all subjects of the Chinese Empire currently in Russia will remain in their present country or residence.

5.

In keeping with the cordial relations which have been established [between the two countries] in the form of the permanent treaty, citizens [lit. men] of all classes bearing proper passports will be free to cross into the other country, there to engage in buying and selling and reciprocal trade as they see fit.

6.

When the ambassadors of both countries have met in conference and all grounds for dispute have been settled amicably, a treaty of peace and friendship will be concluded on a permanent basis, and if all articles agreed upon are strictly observed, there will no longer be any occasion for disorder.

7.

The articles of this Treaty will be submitted in writing by each side and their Excellencies the Ambassadors of the two countries will exchange duplicate copies with each other duly signed and sealed.

Lastly, in addition to these provisions [lit. this] the articles of the Treaty will be inscribed in Chinese, Russian and Latin on stones, which [stones] will be set up as a permanent memorial on the frontier.

Given on the 24th day of the 7th month [lit. moon] in the 28th year of Cam Hait Nipchu.



*Russian version*

Their Majesties Joann Alekseevich and Petr Alekseevich by divine Grace the great Lords, Czars and Autocrats of all the Russias, both great and small, including White Russia, and inheritors by both direct and distant lineage of the many states and territories both in the East, in the West and in the North; their Excellencies the ambassadors plenipotentiary of their Majesties the Czars, Fyodor Alekseevich Golovin, Court Counsellor and Governor of Bryansk, Ivan Ostafevich Vlasov, Minister of the Household and Governor of Yelatomsk, and Diyak Semen Cornitzky having assembled at ministerial meetings near Nerchinsk; His Majesty the present Bugdykhan of Bogdoy and China, Supreme Monarch of the great Asiatic countries the Omnipotent Ruler, the Ultimate Authority in Law, entrusted with the guidance of the temporal affairs of the Chinese people for their welfare and glory; Their Excellencies the Ambassadors of the Chinese Emperors Samgut, Commander of the Imperial Bodyguard, and palace dignitary and Imperial Counsellor; Tum Ke Kam, palace dignitary, and Knight of the first rank, Lord of an Imperial Banner, uncle of the Emperor, Ilain tok, Lord of an Imperial Banner [etc.], have agreed upon and confirmed the following articles:—

## 1.

The river named the Gorbitza which flows [lit. falls, going downwards] into the River Shilka on its [lit. the] left side near the River Chorna will form the frontier between the two states. And so, from the point of which that river rises on the stony mountains which begin from the said [lit. that] source and along the said [lit. these same] mountains [stretching] as far as the sea, the territory of each state will be delineated from the other in such a way as [to ensure that] all rivers both great and small which flow from the southern side of the ridge into the River Amur, will come under the sway of the Chinese Empire, while all rivers which flow [lit. go] from the northern side of the ridge will come under the control of His Majesty the Czar of the Russian Empire. Further, the rivers which lie in the area [lit. middle] between the River Ud' under the control of the Russian Empire and the Mountains on the border which are under the control of the Chinese Empire adjacent to the River Amur and which descend to the sea and all territories [existing] between the aforementioned River Ud' and the mountains which lie along the frontier will henceforth remain indeterminate. For inasmuch as the great plenipotentiary representatives do not have instructions from His Majesty the Czar and [postpone a decision in regard to] the undefined territory until such [lit. good] time as His Majesty the Czar following [lit. after] the return of the ambassadors to their respective countries, is pleased and His Excellency [Mr] Budykhanov wishes to send envoys or ambassadors under suitable escort and are able either by correspondence or through their ambassadors to settle and define [the frontier] in those unknown and undefined territories under reasonably peaceful conditions.

## 2.

The aforesaid River Argun which flows into the River Amur will be fixed as the frontier in such a way as to bring all those territories which are on the left side as far as its source under the control of the Chinese Emperor [lit. Khan] while all those on the right will come under the control of His Majesty the Czar of the Russian Empire and all buildings on the south side of the River Argun are to be removed to the opposite side of the river.

3.

The town of Albazin which is built by the Russians is to be levelled to its foundations and its inhabitants, together with all stores intended for both military and other purposes, are to be transferred to the Russian side. The loss of any property, no matter how insignificant, is to be prevented.

4.

There have been fugitives who prior to the Peace Treaty had fled to [lit. were on] either the Russian or the Chinese side. Such deserters will be allowed to remain undisturbed on either side of the frontier. Those, however, who become deserters after the signing of the Peace Treaty are to be sent without delay to the army commanders stationed at the frontier.

5.

Individuals of both countries [bearing] official passports will after the establishment of friendly relations be free to cross [the frontier] and return to their own side on errands of business both to buy and to sell at their own discretion and as need requires.

6.

All quarrels which have occurred in matters affecting commerce between the inhabitants of each side of [lit. along] the frontier prior to the signing of this Treaty will be ignored. Merchants and craftsmen of either country who cross the frontier and commit robbery or murder will be seized and sent back to the frontier town on the side from which they came. Then they will be handed over to the commander and severely punished by him. Should a large group of people wilfully assemble and indulge in brigandage as mentioned above, they will be rounded up and sent to the frontier commanders who will exact the penalty of death on them; but such reasons and such [lit. the same] transgressions committed by the border peoples on each side will not constitute [lit. will not give rise to] an act of war or bloodshed. When such cases arise they will be reported by the party against whom the brigandage has been perpetrated to the Sovereign of each country and the crimes dealt with amicably at a diplomatic level [lit. by the despatch of friendly ambassadors].

If the Chinese Emperor wishes to set up any markers on the frontier as a record and inscribe on them the articles of the treaty as agreed upon by the representation, we agree that he is free to do so according to his will.

Signed [lit. given] at the frontier in the Daur territory of His Majesty the Czar, on the 27th day of August in the year 7197.

This document was written in Latin by the hand of Andrei Belbutskii. Countersigned by Secretary Fyodor Protopopov. The signed copy was read by the interpreter Foma Rozanov.

## 2

### The Boundary between China and Russia, 1727-1768

The same prime interests of both countries, which had been exhibited during the negotiation of the treaty of Nerchinsk, provided the mainspring for negotiations which led to the delimitation and demarcation of the boundary westwards from the source of the Argun to the mountains west of the Yenisey. China was concerned about the military strength of two main divisions of the Eleuths: the Torguts and the Sungars. The Torguts had migrated from the Irtysh valley in 1616, across the Kirghiz steppes to the lower Volga basin, and had established a working relationship with the Russian government by which the Russians paid annual amounts of gold, merchandise and food, while the Torguts in return undertook campaigns against the Krim Tartars, and sent contingents to fight in Russian wars with Poland and Turkey. The relations between the Torguts and Russia deteriorated after 1682, when the Torguts made armed resistance to Russian demands.

The Sungars dominated the area around Ili but also exercised fitful control over wider areas in the Irtysh valley and south of the Tien Shan. Russian expeditions to the headwaters of the Irtysh provoked wars with the Sungars, but in 1721 Tsewang Arabtan, being attacked by China, proposed an alliance to Russia. In exchange for Russian protection the Sungars were willing to allow Russians free passage to Soche (Yarkand) in search of gold (see map 4, p. 59). During 1722 negotiations between envoys of Russia and the Sungars were carried out, but the Russian price of formal submission by the Sungars and some territorial concessions south of the Irtysh river was too high, and there was no final, binding agreement. However, an alliance between Russia and nomadic frontier tribes was abhorred by China and fear of such an arrangement encouraged the officials in Peking to seek a new agreement with Russia. Russia for her part was most interested in the commercial benefits which the treaty of Nerchinsk had provided. It was recognized that the commercial relations, which were of benefit only to Russia, were tolerated by China as the price for Russian neutrality, and that tolerance might disappear if there was peace along the frontier. Chen (1949) has noted the Russian fears in the most comprehensive study of this period: 'If Russia flirted with the nomadic enemies of China, it was only done as a convenient means to play upon Peking's apprehensions, and thereby to derive commercial privileges for the Russian caravans' (p. 175). China in her turn could use threats against the commercial arrangements as a lever to secure Russian co-operation. The failure of the governor-general of Siberia to return some Mongol deserters in 1722, according to the terms of the treaty of Nerchinsk, was followed by the suspension of trade relations by China and the dismissal of the Russian agent Lang from Peking. This action

alarmed the Russian authorities, and set the scene for fresh negotiations, in which China secured a definite boundary and a renewed arrangement concerning deserters, while Russia secured a continuation of her commercial advantage.

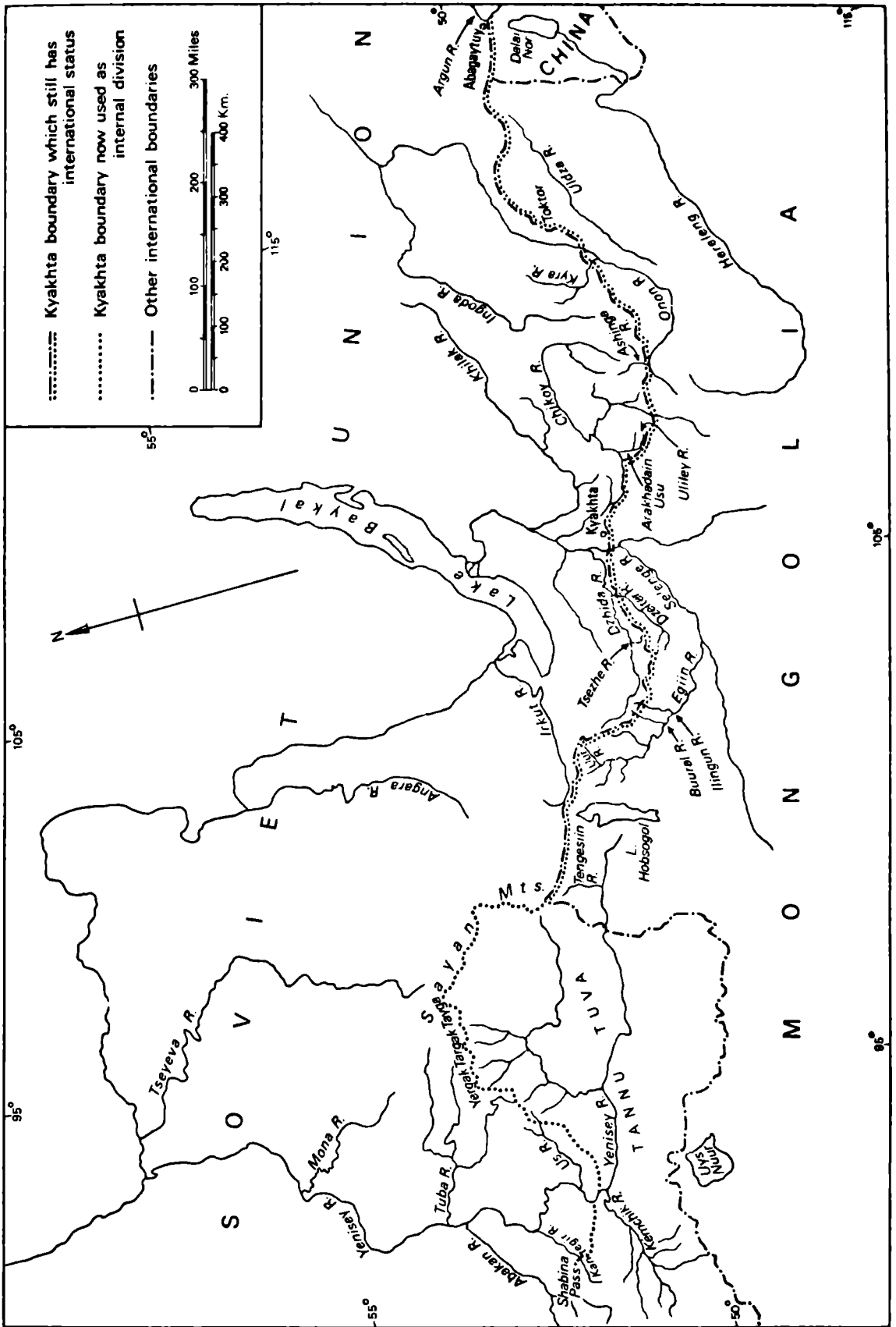
Apparently the Russian preparations for the negotiations were much more thorough than those of their Chinese counterparts. Vladislavitch, the chief Russian negotiator, was given precise instructions on the four main subjects to be discussed: commercial relations, the treatment of deserters, the alignment of the boundary, and the acquisition of land in Peking for the construction of a Russian church. The main Russian trade requirements were the admission of caravans to China, the establishment of a Russian consular agent in Peking, and unrestricted commerce within China. The alignment of the boundary was only to be negotiated if the Chinese insisted, and then the Russians were instructed to take the initiative by making claims based on recent geographical knowledge based on surveys. Vladislavitch was ordered not to concede any possessions in Trans-Baikalia, Udinsk, Selenginsk and Nerchinsk, nor any lands which might be of strategic or mineral value.

Even before Vladislavitch arrived in the borderlands the Siberian governor-general had a map prepared, but this was found to be unsatisfactory and two survey groups were sent west and east of Kyakhta to make better maps. The western group explored as far as Abakan, travelling via Koso Gol, the Sayan mountains and the upper Yenisey. In contrast, the Chinese emperor gave no detailed instructions to his representatives (Chen, 1949, p. 180), and then when Longotu, the chief Chinese delegate, made unreasonable demands on Russia which threatened the entire negotiations, he had to be recalled to answer some charges unconnected with his duties as envoy (Mancall, 1971, p. 248).

The treaties, agreements and exchanges which make up the Kyakhta collection may be divided into two sections. The first section consists of arrangements concluded in 1727; the second section consists of a single treaty negotiated in 1768.

The first group of treaties was negotiated in two stages. During the period from November 1726 until April 1727, Vladislavitch took part in thirty meetings with Chinese delegates in Peking. Then the scene of negotiations was shifted to the border near Kyakhta, and the work was completed during July and August. There is some disagreement about the number of treaties within this group. All commentators recognize the treaties signed at Bur on 20 August and at Kyakhta on 2 October, and the exchanges of letters at Abagaytuy Hill on 12 October and at the Bur river (Chen writes Selenginsk) on 27 October. It has been suggested by some commentators that two other treaties exist. The first is dated about 1 April 1727 and has been called the Peking treaty (U.S.A. Geographer, 1966, p. 8). This treaty is assumed to have covered the agreement reached at the conclusion of the talks in Peking before the parties moved to the border. There is reference in the Bur treaty to the proposals presented on 21 March 1726 by the Russian ambassador, which consisted of ten articles. The treaty continues, 'Everything that was written in the ten articles was agreed to in Peking, and to these ten points the frontier treaty will be added'. The second treaty, which has not been found, is called the Kiakhta Obo treaty by Chen (1949, p. 183). This treaty is dated as 22 August 1727 and is believed to have stipulated that the boundary section east of Kyakhta should be marked by forty-eight markers, and the section west of Kyakhta by twenty-four monuments. A summary of this treaty is provided by Yamen (1878, 11, pp. 16b-17a), who indicates that the full version is in the archives at Uрга.

The two treaties and two exchanges which all commentators recognize can be divided into two groups. The Bur treaty and the exchanges of letters at Abagaytuy



Map 2. The Sino-Russian boundary of 1727-1768

and the Bur river dealt exclusively with the definition of the boundary. The Kyakhta treaty also included articles concerned with trade and the treatment of deserters. The Bur Treaty exists in Russian, Latin, Mongol and Manchu versions in the archives of the Soviet Union. In the same manner as the treaty of Nerchinsk a central point was defined and the boundary was described to the east and west. The central point selected in this case was the mid-point between the Russian and Chinese guardhouses near Kyakhta, south of lake Baykal. Mancall (1971, p. 164) has noted that this area was showing signs of potential growth as a trade route between the two countries, and that this promise was realized after the 1727 treaties. This central route achieved pre-eminence which lasted into the middle of the nineteenth century.

The 650 miles (1046 kilometres) of boundary eastwards from Kyakhta to the river Argun, where the 1689 line had terminated, was indicated in the Bur treaty by nine place names. Clear instructions are contained in the treaty about the manner in which this section should be demarcated by commissioners from both sides. As far as Ubur Khadain-Ussu in the headwaters of the Uliley river, the line of the boundary was clearly indicated. From that point to the Argun river the commissioners were given more discretion, although technically their instructions were contradictory.

From Ubur Khadain-Ussu to the Mongolian guardhouses and beacons of Tsagan Ola let all empty land lying between the possessions of the subject peoples of the Russian Empire and the guardhouses and beacons of the Chinese Empire be divided equally between them in the same way in which it was divided here in Kyakhta.

If in the vicinity of the territories of the subject peoples of the Russians there are such hills, mountain chains and rivers, those hills, mountain chains and rivers will be considered as the frontier.

If near the Mongolian guardhouses and signs there are such hills, mountain chains and rivers, they also will be considered as the frontier.

It is obviously impossible to divide unoccupied areas equally and take advantage of convenient physical features in the landscape, but the intention of the treaty-makers was equally obvious. They sought a boundary which recognized the existing political affiliation of vassal groups in the borderland, and which was related, as far as possible, to prominent physical features.

The 1040 miles (1673 kilometres) of boundary westwards from Kyakhta to the Shabina pass overlooking the Abakan valley was defined by twenty-three place names, principally mountain peaks and passes. The commissioners charged with the demarcation of this section were instructed to draw the boundary in accordance with the physical features of the area. 'They will adhere to the tops of those mountain chains which will be divided in the middle and be considered as the frontier. If any mountain chains cross between them and rivers adjoin, the mountain chains and rivers will be cut in two and divided equally.' In this sector there was no attempt to draw a boundary between existing areas of authority over indigenous people, probably because the people were nomadic and because the degree of political control exercised by either China or Russia was not very great. This view is supported by a declaration of the Russian delegation in February 1728.

much land was delimited [from Kyakhta to Shabina pass] which had never been before in Russian possession, namely: from the Khan-Tengeri river a distance of approximately eight days horseback ride in length and in width three days, to the Abakana river, and these places had never been under the domination of the Russian Empire (Mancall, 1971, p. 301).

However, to avoid future complications the treaty laid down that people who unwittingly migrated across the new boundary should be discovered and returned to their original side. There was specific mention of the Uriankhy people, who occupied the upper Yenisey valley: 'The Uriankhy, to which ever side they pay five sables of yasak, on that side they shall remain and continue to pay. Those Uriankhy, however, who paid one sable to each side, from the day the frontier is established, will never again be required to pay.' Klaproth (1824) throws some light upon the need for this regulation. The Soyetes branch of the Uriankhy in the upper Yenisey and around lake Hobsogol paid five sable skins per head to the Mongols under Chinese suzerainty, and under an ancient custom also sent one skin per head as a voluntary gift to the chancellories of Krasnoyarsk and Udinsk. These people became Chinese subjects and were no longer required to send any sable skins to Russia. Other Soyetes who lived in the regions of the upper Dzhida river (Russian) and the Uur river (Chinese), had previously paid one sable to each empire. The alignment of the boundary decided whether they became subject to Russia or China, and some of these groups were divided. Klaproth noted that only a few Soyetes families still lived in Russian territory when he visited the area in 1806.

The ability of the commissioners charged with the demarcation of the eastern sector to complete their work two weeks before the party marking the western section reflects the shorter distance involved, the easier nature of the country, and the existence of a well-known Chinese boundary for most of the boundary's length. The terrain between Kyakhta and the Argun along the course of the boundary is generally below 5000 feet (1525 metres), and it is divided by broad river valleys which give a rectangular grain to the topography, since they are mainly aligned northeast-southwest or northwest-southeast. The boundary itself lies almost due east-west and so cuts across this physical grain. Kyakhta is the most northerly point of this line with a latitude of 50° 20' north, while the most southerly point, which coincides with the Onon river at its confluence with the Ashinga, is only 1° 10' further south. This sector of the boundary does not have the uniformity of the western sector, which follows the watershed for most of its length. This eastern boundary in part coincides with rivers such as the Chikoy and the Uliley, in part with the watershed between the Uldza and Onon rivers, while in the remaining sections it is related to neither rivers nor watersheds. Radde, in describing the eastern end of this boundary section makes it clear that the line coincided with the Daurian steppe, which provided an unfavourable environment.

To describe in a few words the boundaries of the high Daurian steppes, it suffices to say that their limit on the north is formed by the pine forest extending along the right [south] bank of the Onon, by the Onon-Borza rivulet, and the Andoncholon mountains, together with the elevations at the upper courses of the Gazimur and Urulungui rivulets; on the southeast by the Argun; and on the south by the Chinese frontier laid down in 1727 (Radde, 1858, p. 415).

In none of the extensive and remote regions of Russia, in the same latitude, are so many local unfavourable conditions to agriculture in all probability presented as in the frontier steppes of Dauria . . . not only is there on one side the want of rain and snow, and the great elevation to influence the early autumnal frosts, but on the other the very properties of the soil offer still greater opposition to cultivation (Radde, 1858, p. 416).

The sixty-three beacons were not placed regularly along the 650 miles (1046 kilometres) of boundaries. The ten beacons placed between Kyakhta and the confluence of the Chikoy and the Arakhadain Usu, and the thirty-three beacons from the Onon to the Argun rivers were rarely more than 8-10 miles (13-16

kilometres) apart. By contrast the four beacons which carried the boundary from the Chikoy to the Onon valley, through the roughest topography of the boundary, were usually 44 miles (71 kilometres) apart. The sixteen beacons along the northern slopes of the Onon valley were 14 miles (23 kilometres) apart on average. The fifty-two beacons (numbers 11–62 inclusive) from the confluence of the Uliley and the Arakhadain Usu to 7 miles (11 kilometres) from the Argun river, are designated with reference to Chinese beacons and guardhouses. In accordance with instructions to divide unoccupied territory between the two empires the new markers always lay north of the former Chinese markers. Klapproth has given a clear description of the markers erected. Both sides built stone pillars facing each other at distances varying from 32 feet to 192 feet apart (10 to 59 metres) (Klapproth, 1824, p. 54). This is confirmed by Semivsky (1817, p. 136). The pillars were 9 feet (3 metres) high with a similar circumference, and the Russian version was surmounted with a cross while a tablet crowned the Chinese pillars. Both carried inscriptions in their own language. In order to avoid problems if the boundary markers were moved by the nomadic population, a situation experienced in other parts of the world (Clifford, 1936; Ryder, 1926), a description of the location, written in Russian and Mongolian, was buried near each pillar.

Apart from beacons 58–63 inclusive, which were changed by a new treaty in 1911 (see p. 85), it is hard to be sure today that the boundary defined by the exchanges of Abagaytuy coincides with that which appears on modern maps. Chen (1949, p. 185) notes that with three exceptions the place names used in the exchanges are identical with the names which appear on maps of the borderlands in 1884. She does not guarantee however that the place names occur in the positions originally specified. There appear to be at least two points where the modern boundary departs from the original line, and both are in favour of the Soviet Union. The document does not specify how the boundary is located between adjacent beacons, but it is reasonable to assume, as Klapproth asserts, that when two adjacent beacons were on one river, the boundary followed the course of the river. If this assumption is correct then the boundary between beacons 11 and 12 should follow the course of Arakhadain Usu, but on the 1:1 000 000 sheets of this area the boundary lies 4 or 5 miles (6 or 8 kilometres) west of this river. The 41st beacon was located 'on top of the range at Toktor hill, on the left side of the Toktor river, north of the guard beacon of Ubur Toktor'. The boundary shown in contemporary maps appears to lie nearly 6 miles (10 kilometres) south of that position. A list of surviving boundary posts in the eighteenth and nineteenth centuries is provided by Grumm-Grzhimailo (1926, 11, pp. 825-8).

Klapproth's account of the boundary beacons was helpful in locating several points on modern maps, although there is a remarkable error. He fixes the last boundary post opposite the confluence of the rivers Gan and Argun. The letters exchanged refer to the confluence of the Argun and Khailar. The Gan confluence is 100 miles (161 kilometres) to the east, opposite Starotsurukhaytuy, which became one of the two official crossing points on the boundary, the other being at Kyakhta.

The importance of allocating land according to the control exercised over indigenous tribes by the two empires is shown in the documents. Russian winter camps south of the Chikoy river were destroyed and the Bratsky people were moved back to the north bank of the Chikoy. Mongolians who had migrated into the upper valleys of the Kyra river were moved south of the boundary. The fifteen nominated guardposts were manned by men from specified tribes from either side.

The commissioners concerned with the western section of the boundary from Kyakhta to Shabina pass had to contend with more difficult, forested terrain, and did not have a clearly defined line of Chinese posts to which the boundary could



be related. However, they were not required to draw a line equally dividing unoccupied territory; they were instructed to 'adhere to the tops of those mountain chains'. This crest was denoted by twenty-three place names referring to peaks and passes, and these were eventually marked by twenty-four pairs of beacons. As in the case with the eastern sector, these beacons were not distributed evenly along the 1040 miles (1673 kilometres) of boundary. The line was drawn to separate various drainage basins. After crossing the Selenge river the line was drawn between the upper Selenge and firstly, its west-bank tributary the Dzhida, and secondly, the Irkut. North of Hobsogol lake the boundary took a circuitous course northwards to separate the upper basin of the Yenisey, which became Chinese, from those important Yenisey tributaries, such as the Angara, Tseyeva, Mona and Tuba, which flowed through Russian territory and which joined the Yenisey below the confluence with the Kemchik. The first ten beacons, which carried the boundary to the Tsezhe river, were spaced at an average distance of 12 miles (19 kilometres). The next eight beacons, which marked the boundary as far as the source of the Tengesiin river marked average intervals of 26 miles (42 kilometres), and the last six beacons, which carried the boundary along the Yergak Tayga range, occurred at an average interval of 84 miles (135 kilometres). This was almost completely a watershed boundary. After crossing the Selenge and Dzelter rivers, within 65 miles (105 kilometres) of Kyakhta, the boundary followed a continuous watershed for 765 miles (1231 kilometres) until it reached the river Us at beacon 21. It is not clear why the river Us was intersected by the boundary, because the beacon must have been very close to the source, and modern maps show that the watershed here is about 8 miles (13 kilometres) wide. The Yenisey was the other major river divided by the boundary, at its confluence with the Kemchik, where the 23rd beacon was erected on the edge of an escarpment standing above the river. Mancall (1971, p. 300) refers to the Kemkemchik Bom river, but Klaproth (1824, p. 26) makes it clear that the term 'Bom' or 'Boktsir' refers to the edge of a mountain escarpment flanking a river. The course of the boundary from this beacon to the terminus at the Shabina pass is not described, but unless it followed a very circuitous course it must have intersected the Kantegir valley. Mancall (1971, p. 249) refers to the 'Shabindobagom river' as the terminus but this seems to be a slip for 'Shabin Dabaga', for he correctly translates the last word to mean 'pass' later in the book (p. 304). In Mancall's translation of the exchange of letters he omits descriptions of beacons 12 and 13, although only the description of beacon 13 is missing from the published Russian version of the documents. Klaproth provides the full list and it appears from this and from the Russian version that Mancall (1971, p. 299) has wrongly numbered the 12th beacon as the 11th. The 11th beacon was placed at the source of the Modonkul and the 13th at the source of the Keket.

The construction of this boundary into areas where the Russian commissioners later acknowledged that Russian authority had never applied, and where apparently Chinese authority had been tenuous, was to avoid the problems of the 1689 treaty. It was difficult to enforce stipulations about deserters crossing the boundary if it was possible to turn the boundary by going around the terminus, which in 1689 was the agreed source of the Argun at Abagaytuy. The alignment of the boundary probably owed most to two factors. First, the Chinese exercised some suzerainty over the Uriankhy people who occupied the upper Yenisey and sent tribute of sable furs each year. Second, the Sayan range which formed the northern border of the upper Yenisey, and of which the Yergak Targak Tayga forms part, was shown as a very prominent feature, apparently easily identified, in maps of the period and even down to the middle of the nineteenth century.

Such maps can be seen in *Petermanns Geographische Mitteilungen* for 1860, 1864 and 1872. Modern maps show the complex structure of this range and the commissioners can be congratulated on finding the watershed boundary through it.

Although the exchange of letters was made on 27 October 1727, and it is said throughout that 'markers were erected', the addendum to the letters which lists the beacons and assigns responsibility for supervising the various guardhouses, makes it clear that the final demarcation and arrangements were completed some months later. The addendum noted that the last marker 'is ordered to be completed in accordance with decreed measurements . . . A decree was given to them [Tsagaïsk tribe] about the completion of this marker and about the establishment of a guard post, on November 24 1727'. The addendum was clearly added sometime after 19 April 1728 when an *aide mèmóire* was sent to Krasnoyarsk about the establishment of guardposts at beacons 20–23.

This description of the western sector as far as the 18th beacon at the source of the Tengesiin river, still applies to part of the boundary separating Mongolia and the Soviet Union. The remainder ceased to be an international boundary when the Russia acquired what is now Tannu Tuva in 1945. Chinese control of Tannu Tuva was lost during the events leading to the formation of an independent Mongolia in 1911, although China was in ostensible command in the period 1911–21. The 1:1 000 000 maps of the area show that the boundary appears to follow the 1727 description closely, except where it intersects the Ihe Ilingün and Buural streams, which are tributaries to the Egiin River. However, the area here is marshy and it is possible that the actual watershed is hard to find.

The Kyakhta treaty is variously dated 21, 24 and 27 October 1727. Some commentaries, such as that by the U.S.A. Geographer (1966, p. 9), attach importance to the last dates, on the assumption that the exchanges of letters about the eastern and western sectors would be made first, or at least simultaneously, but the information contained in the exchanges is not included in the Kyakhta treaty. Chen, who has made the most detailed comparative, textual analysis of this treaty, favours 21 October. Although the treaty mentions in its third article that a 'division was effected along the summit of these [western] mountains', it is clear from the addendum to the exchange of letters dealing with the western sector that some of the beacons and arrangements were still uncompleted at that time. The boundary is defined in the third article. The eastern sector is defined in the same terms, and by the same place names as the Bur treaty. The western sector is defined by seventeen place names compared with twenty-three in the Bur treaty, and sixteen of the names are common to both documents. The new place name in the Kyakhta treaty is Ekouten shaoi moulou, which appears to correspond to Udyn Dzoin Norugu in the Bur treaty. The spelling of the other names is identical, except that Kynze Mede (Bur treaty) becomes Kense Mada (Kyakhta treaty). There were three other boundary references in the Kyakhta treaty. First, the fourth article stipulated that there should be two official commercial crossing points on the boundary, on the Kyakhta river and near Nerchinsk. Kyakhta became the first station and Klapproth (1824, pp. 59–71) has given a very interesting description of the town. Starotsurukhaytuy was later selected as the substitute for the station near Nerchinsk, and this was confirmed in the 1768 treaty. The fifth article dealt with official correspondence between the two signatory states and nominated the Kyakhta route as the one which couriers should follow in all but exceptional circumstances. The seventh article referred to the undetermined boundary in the neighbourhood of the river Uda, and declared that in view of the inability of the Russian delegate to negotiate on this matter, no new decisions would be taken. Non-territorial provisions of the treaty dealt with the treatment of deserters, the

education of Russian students in Peking, and communications between the two courts.

While the territorial provisions of the 1727 negotiations proved apparently satisfactory for more than a century, the provisions concerning deserters showed weaknesses within thirty years. The disagreements between Russia and China over the movement of some frontier tribes has been well described by Chen (1949, pp. 193-7), and there is no need to repeat the details here. As a result of these incursions by rebel leaders and their forces into Russia and China, relations between the two courts reached a low point in 1764, when the Chinese placed an embargo on trade through Kyakhta. This represents the familiar pattern of China threatening Russian trade in the hope of securing a clear commitment regarding deserters, so that any possible alliance between Russia and frontier tribes could be avoided. It is interesting that the most important areas of disagreement involved Ili and Tarbagatay which were both west of the agreed terminus on Shabina pass. However, instead of extending the boundary, the two states sought to resolve their difficulties by renegotiating the tenth article of the Kyakhta treaty which dealt with the treatment of deserters. This treaty also made one reference to the boundary near Kyakhta. Foust (1969, p. 276) suggests that the Russians had erected certain palisades south of the boundary which displeased the Chinese. This situation receives some confirmation in a translation of the treaty by Klaproth which seems more detailed than the French translation of Martens version.

on a cependant trouvé nécessaire d'ôter les chevaux Oros, du voisinage du mont Bourgoutai à Bitsiktou, Khochoo et autres lieux, pour conduire la frontière sur les dos des montagnes (Klaproth, 1824, p. 47).

on a trouvé néanmoins nécessaire de faire retirer les Oros du voisinage du mont Bourgoutai, de Bisitkou, Khochoo et autres places, afin que la frontière passât sur l'autre revers de la montagne (Martens, 1883, 1, pp. 75-6).

If the boundary had been moved, as the version by Martens suggests, to the other side of the mountain, this would have involved a territorial concession by the Russians, and there is no reason to believe that there was more involved than simply a redefinition of the boundary along the original crest. Klaproth (1824, pp. 55-7) gives a clear description of the role of the guard commanders whose duties involved restriction of boundary crossing and communication between the people dwelling in the borderlands on either side. This description is paraphrased, without acknowledgement, by Martens (1883, 1, pp. 79-81).

These five agreed documents between Russia and China extended their common boundary for a further 1700 miles (2720 kilometres) westward from the source of the Argun river, which had been selected as the terminus of the 1689 line. Foust (1969, p. 42) describes the fixed length as 2600 miles (2735 kilometres), but this seems to be an error caused by the wrong translation of Cahen's statement which referred to the whole boundary west of the Sea of Okhotsk (Cahen, 1907, p. 56). Theoretically the line from the 57th beacon of the eastern sector, on the hill Kobolt-sikou to the 18th beacon of the western sector, located at the source of the Tengesiin river, is still the boundary between the Soviet Union and Mongolia, although notice has been made of the possible deviations from this line shown on contemporary 1:1 000 000 sheets of this section.

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### Bur Treaty, 20 August 1727

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Of the Russian Empire Ambassador Extraordinary and Plenipotentiary Minister of State, Acting Councillor, the Illyrian Count Sava Vladislavich,

And of the Middle Empire Councillor and General, State Administrator and brother-in-law of the Khan, Tseren-van,

And Chief of the Chamberlains, the Dariamba Besyga,

And of the Military Department, the Askhanema Tuleshin,

Have agreed on the division of land of both empires and have fixed the frontier.

From the north side of the Kyakhta river [where stands] the guardhouse of the Russian Empire, [and] from the south side where the guardhouse sign of the Middle Empire [stands] on Orogoitu hill,

Between that guardhouse and [that] beacon, the land must be divided equally. The first demarcation mark will be placed in the middle. And there the frontier trade of both countries will take place.

From there commissars will be sent in both directions for the determination of the boundary.

Beginning on the left side of the extreme summit of the Burgutei hill furthest to the south, [the frontier shall run] along the mountain chain to the Keransky guardhouse.

And the frontier shall be a small part of the Chikoi river from the Keransky guardhouse [to] Chikta, [and] Arakhudar, up to Ara Khadain-Usu directly along those four guardhouses and beacons.

From Ara Khadain-Usu to Ubur Khadain-Usu to the guardhouse and straight to the beacon.

From Ubur Khadain-Usu to the Mongolian guardhouses and beacons [of] Tsagan Ola let all empty land [lying] between possessions of the subject peoples

of the Russian Empire and the guardhouses and beacons of the Chinese Empire be divided equally between them in the same way in which they are divided here in Kyakhta.

If in the vicinity of the territories of the subject peoples of the Russians there are such hills, mountain chains and rivers, those hills, mountain chains and rivers will be considered as the frontier.

If near the Mongolian guardhouses and signs there are such hills, mountain chains and rivers, they also will be considered as the frontier.

And where there are no hills, mountain chains or rivers, but there is continuous steppe, it will be divided equally in the middle, and markers will be established, and it will be considered as the frontier.

From Tsagan Ola, from the guardhouse beacon, to the Argun river, to the bank, there are Mongol guardhouses and beacons, [and] along the guardhouses and beacons, in the vicinity, several people will go, agreeing to set up signs, and it will be considered as the frontier.

To the right side, starting from the first marker which is between the Kyakhta and Orogoitu, the border will be across Orogoit Ola, Tymen Kudzuin, Bichiktu Khoshegu, Bulesotu Olo, Kuku Chelotuin, Khongor Obo, Yankhor Ola, Bogosun Ama, Gundzan Ola, Khuturaitu Ola, Kukun Narugu, Bugutu Dabaga, Udyn Dzoin Norugu, Doshitu Dabaga, Kysynktu Dabaga, Gurbi Dabaga, Nukutu Dabaga, Ergik Targak Taiga, Toros Dabaga, Kynze Mede, Khonin Dabaga, Kem Kemchik Bom, [and] Shabina Dabaga.

They will adhere to the tops of those mountain chains, which will be divided in the middle and will be considered as the frontier. If any mountain chains cross between them and rivers adjoin, the mountain chains and rivers will be cut in two and divided equally.

In accord with all the above-described division, from Shabina Dabaga to the Argun, the north side will belong to the Russian Empire, and the south side will belong to the Middle Empire.

Lands, rivers and markers will be written down [and] entered by name on a map, and the emissaries of both Empires will exchange letters [with this information] among themselves and will take them to their superiors.

During the establishment of the frontier of both empires, if some people ignorant of recent [arrangements] surreptitiously migrate and erect their yurts inside [the other country] whoever they may be, they shall be earnestly sought out [and] each [country] will bring [them] back to its side.

People of either Empire who err by their migrations, whoever they may be, shall be justly and earnestly sought for, and each side shall to itself take its own and settle them inside [its territory], so that the border may be equally clear.

The Uriankhy [people], to whichever side they pay five sables of yasak, on that side they shall remain and continue to pay [the yasak].

Those Uriankhy [people], however, who paid one sable to each side, from the day the frontier is established, will never again be required [to pay it]. Thus it was established by agreement.

The last project [was] presented by the Russian Ambassador in Peking on 21 March, and in the second month of this year according to the moon, [the treaty] consisting of ten articles and an eleventh article about the frontier. Everything that was written in the ten articles was agreed to in Peking, and to these ten points the frontier treaty will be added, and it will have to be sealed and affirmed in Peking by chop and brought hither for exchange. And then the entire treaty consisting of eleven articles shall be in force.

This treaty has been signed by the representatives of both countries, and they

exchanged [it] at the river Bura in the year of Our Lord 1727, the month of August, the 20th day.

The original at the exchange was signed thus:

[Seal] Count Sava Vladislavich

Secretary of the Embassy Ivan Glazunov

Translator: Foma Rozanov, who read a copy.

### Exchange of Letters, Abagaytuy, 12 October 1727

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Of the Russian Empire Border Commissar and Secretary of the Embassy, Ivan Glazunov, and High Chamberlain of the Middle Empire, Khubitu, and iz Kherakhavan Nayantai of the Ambassadorial Mongolian Department, by strength of the established peace treaty concluded through Ministers Plenipotentiary of both Empires on the Bura river on 20 August, 1727, accordingly established and confirmed the frontier between both Empires. Lands and rivers they divided to the end of the frontier, and boundary beacons were erected. Beginning from the southernmost Burgutei hill, from the summit, to the Diretu territory, four beacons [were established] opposite the four guard posts of the Middle Empire, [at] Keransk, Chiktai, Ara Kudiura, [and] up to Ara Khadain-Usu. Part of the Chikoi river was considered as the frontier, and on the south bank of the Chikoi river were erected six beacons, and the border commissar of the Russian Empire, following the peace treaty, destroyed two Russian winter camps, so that the border might be clear: one which stood on the south side of the Chikoi river, on the upper end of Sharbaga meadow, beneath the newly erected boundary beacon, the other at the mouth of the Ara Kudiury, on the south bank of the Chikoi river. Likewise, some Russian subjects, the Bratsky, migrated up along the Kudiury [and] beyond the guard posts of the Middle Empire, and he brought them with their encampments back to the north bank of the Chikoi.

Concerning the six beacons that were established along the bank of the Chikoi river for the prevention of quarrels, the border commissars agreed that Russian subjects are not to cross to the south bank of the Chikoi river opposite these six observation towers; and an order was given to the guard officers of the Middle Empire about inspection and maintenance.

From the boundary beacon of Ara Khadain-Usu to Ubur Khadain-Usu and to Tsagan Ola, by virtue of the peace treaty, where there was empty land between the furthest possessions of the subjects of the Russian Empire and the guard posts and beacons of the Middle Empire, it was divided equally and forty-eight boundary beacons were erected on suitable hills, ridges, and other landmarks which were in the vicinity of the furthest possessions of the subjects of the Russian Empire. Boundary markers were uniformly erected where suitable hills and ridges and other notable landmarks occurred. Along the northern side, in the vicinity of the guard posts and beacons of the Middle Empire, subjects of the Middle Empire, the Tungus, migrated in the Chindagan area in the upper regions of the Keru river. And the commissars of the Middle Empire, following the treaty, brought them with their encampments back to their own side. From the guard beacon of Tsagan Ola to the upper reaches of the Argun river five boundary beacons were erected in the vicinity of the guardhouses of the Middle State, and they were considered as the border, and so that no one crossed the border strict orders were given to the guards of both Empires. And thus they

confirmed [the position] along the entire border, and for the prevention of border quarrels in the future, [and] in order that people should not thievlily move the boundary beacons from one place to another, placards were written in Russian and in Mongolian on paper, were secured to wood and were secretly buried in the ground between the boundary beacons, and on those placards were named the ridges, mountains and rivers from the summit of the Burgutei hill to the upper reaches of the Argun river, where boundary beacons were erected and their number, as follows below:

The first boundary beacon was erected on the summit of the southernmost of the Burgutei hills. The second boundary beacon was erected on top of a hill, to the north opposite Lake Tsaidam, directly to the east opposite the Burgutei hill. The third boundary beacon was erected on the summit at the end of the Khurlik chain, to the south opposite a salt lake. The fourth boundary beacon was erected on the summit of a hill, on the right side, opposite the Diretu lands [and] opposite the Chikoi. The fifth boundary beacon was erected on the upper end of the Sharbaga meadow on the bank of the Chikoi river. The sixth boundary beacon was erected on the summit of a hill at the mouth of the Chiktai on the bank of the Chikoi river. The seventh boundary beacon was erected at the mouth of the Khazai river on the bank of the Chikoi river. The eighth boundary beacon was erected at the mouth of the Ara Kudiury on the bank of the Chikoi river. The ninth boundary beacon was erected at the mouth of the Uilga river, where the Ilimovoi meadow is, on the bank of the Chikoi. The tenth boundary beacon was erected at the mouth of the Ara Khadain-Usu on the bank of the Chikoi river.

An old beacon stands on a spit of the Ara Khadain-Usu at the Lyleya river; the eleventh boundary beacon was erected on the north side of that river, on the bank of the river. The twelfth boundary beacon was erected on the summit of a hill opposite an old beacon on the north side of Ubur Khadain-Usu. The thirteenth boundary beacon was erected on a summit of the northern slope of the Kumuryun chain, at an old beacon. The fourteenth boundary beacon was erected on the spot of an old beacon, over against the Kumuryun at the end of the chain opposite the Kue river. The fifteenth boundary beacon was erected to the north of an old beacon opposite the Gungurtei river at the end of the Kumuryun chain. The sixteenth boundary beacon was erected on a summit to the north of a guard beacon in the vicinity of the upper reaches of the Ashangaya river, on the north side of the Onon river. The seventeenth boundary beacon was erected near the summit of a hill to the north of the abandoned Kharyaguta beacon. The eighteenth boundary beacon was erected on the summit of a hill on the north side of the Khasulak river, to the north of the Khasulak guard beacon. The nineteenth boundary beacon was erected on the summit of Monko hill, on the right side to the north of the abandoned beacon of Baldzhi-Batukhad. The twentieth boundary beacon was erected by the Kumulei guard beacon on the northern sand bank, on a hillock, on the southern side of the Baldzhi-khan river, to the west. The twenty-first boundary beacon was erected on the summit of a hill by the abandoned Galdatai beacon of one of the Galdatai mountains, called Belchir. The twenty-second boundary beacon was erected on the summit of a hill on the left side of the Kirkhun river, to the north of the Kirkhun guard beacon. The twenty-third boundary beacon was erected on top of the high Khalyu range, on the left side of the abandoned beacon to the north of the Bukukun river. The twenty-fourth boundary beacon was erected on the summit of Bain Zyurik Hill, to the north of the Gilbiri guard beacon of the Gilbiri river. The twenty-fifth boundary beacon was erected on the Buyuktu

range on the north side of the abandoned Altagan beacon. The twenty-sixth boundary beacon was erected on the summit of the very last mound of a sand bar on the northern side of the Khormoch river, by the guard beacon of the Agatsui river. The twenty-seventh boundary beacon was erected to the north of the abandoned Nirkuryu beacon, on the south side of the Gozolotoi river. The twenty-eighth boundary beacon was erected on the summit of Adarga hill, on the northern shore of the Keryu river, to the left of the northern Tabun Tologoi guard beacon. The twenty-ninth boundary beacon was erected on the summit of a hill north of the abandoned Khongaru beacon. The thirtieth boundary beacon was erected north of the Ulkhuts guard beacon, by the side of a natural stone on the end of a knoll on the summit. The thirty-first boundary beacon was erected on the summit of Ara Bain Zyurik hill, on the left side of the Onon river, opposite the northern end of the Ulkhuts boundary beacon. The thirty-second boundary beacon was erected on the summit of a black hill to the north of the abandoned beacon of Ubur Bain Zyurik Bituken. The thirty-third boundary beacon was erected on the summit of the Byrkin range north of the Byrkin guard beacon. The thirty-fourth boundary beacon was erected on the range along the north side of the abandoned Khursi beacon. The thirty-fifth boundary beacon was erected on a summit at the end of the range to the north of the Mangutnuk guard beacon. The thirty-sixth boundary beacon was erected on the summit of a hill on a sand bar of the big Turgin river, north of the abandoned Kul beacon. The thirty-seventh boundary beacon was erected on the summit of Tosok hill north of the abandoned Tosok guard beacon. The thirty-eighth boundary beacon was erected on the crest of Kho hill, north of the abandoned Dzuchin beacon. The thirty-ninth boundary beacon was erected on a hill on the Khorin Narasun sand bar north of the Khorin Narasun guard beacon. The fortieth boundary beacon was erected on Shara hill, to the north of the abandoned Sendurtu beacon. The forty-first boundary beacon was erected on top of the range at Toktor hill on the left side of the Toktor river north of the guard beacon of Ubor Toktor. The forty-second beacon was erected on the summit of a black hill, north and to the right of the abandoned Kuku Ishig beacon. The forty-third boundary beacon was erected on the summit of a hill of the Turken range, along the north side of the Uburbyrka river, north of the Turken guard beacon. The forty-fourth boundary beacon was erected on top, on a high place, on a crest, north of the empty left Turkenek beacon. The forty-fifth boundary beacon was erected on the right side of Tsagan Nor on the top of a hill of the crest, north of the Dorolgo guard beacon. The forty-sixth boundary beacon was erected on top of Kuku Tologoi hill, north of the abandoned Imalkhu beacon. The forty-seventh boundary beacon was erected on the summit of Khara Tologoi hill, on the north bank of the Imalgu river, on the left side to the north of the Ulintu guard beacon. The forty-eighth boundary beacon was erected on top of a hill of the crest on the left side north of the Imalkhu river, north of the abandoned Iryn beacon. The forty-ninth boundary beacon was erected on two mounds, in the steppe, on the left side north of the Obotu guard beacon. The fiftieth boundary beacon was erected on the summit of a hill in the steppe north of the abandoned Nipse beacon. The fifty-first boundary beacon was erected on a summit at the end of the range, north of the Mogydyg guard beacon. The fifty-second boundary beacon was erected on a high place in the steppe, along the north side of the abandoned Tsiptu beacon. The fifty-third boundary beacon was erected on a summit at the end of the range north of the Dzerentu guard beacon. The fifty-fourth boundary beacon was erected on the summit of a hill in the steppe north of the abandoned



Inke Tologoi beacon. The fifty-fifth boundary beacon was erected in the steppe along the northern side of the Munku Tologoi guard beacon. The fifty-sixth boundary beacon was erected in the steppe north of the abandoned Angarkhai beacon. The fifty-seventh boundary beacon was erected in the steppe north of the Kubeldzhiku guard beacon. The fifty-eighth boundary beacon was erected in the steppe north of the empty Tarbaga Dakhu beacon. The fifty-ninth boundary beacon was erected on the summit of Shara Ola, to the north near the Tsagan Ola guard beacon. The sixtieth boundary beacon was erected on the summit of Boro Tologoi hill north near the abandoned Tabun Tologoi beacon. The sixty-first boundary beacon was erected on the summit of a hill, to the north near the Soktu guard beacon. The sixty-second boundary beacon was erected on top of a mound to the north near the abandoned Irdyni Tologoi beacon. The sixty-third boundary beacon was erected on the summit of Abagaitu hill, situated on a sand bar on the right bank of the Argun river, opposite the middle estuary of the Khailar.

Here the new frontier is joined with the old former frontier, which was confirmed at Nerchinsk. In accord with the entire boundary agreement and the erection of boundary beacons, beginning from Burgutei hill to the upper reaches of the Argun river, the entire north side is of the Russian Empire and the south in like manner is of the Middle Empire, as is explained in the peace treaty. And by virtue of it, the hills, rivers, lands and waters were divided between both empires, and beacons were erected on the frontier. Whatever people erred by their migrations, each was brought back to his own side. The manifest love of both Empires was affirmed. Regular supervision of the border was effected in order that there [may] be no quarrels for evermore. Two concurring letters which were written and affirmed by seal were exchanged on the upper reaches of the Argun river on Abagaitu hill in the year of Our Lord 1727, 12 October.

The original was signed thusly: Ivan Glazunov, Secretary Semen Kireev.

[Addendum:] Registry of boundary beacons, newly erected between the Russian and Chinese Empires by border commissars named by both Empires, beginning from the first beacon, near the Bura river, between Kyakhta and Orogoitu, to the east up to the upper reaches of the Argun river; with an indication of those boundary beacons where guard posts were newly established along the frontier on the Russian side.

1. On the summit of the southernmost of the Burgutei hills.
2. Directly east of the Burgutei hill, north of Lake Tsaidam, on a summit.
3. On a summit at the end of the Khurlik chain, south of a salt lake.
4. On the summit of a hill, on the right side, opposite the Chikoi and opposite the Diretu lands.
5. On the bank of the Chikoi river on the upper end of Sherbaga meadow. Guardhouse 1. From the three tribes of Tzongolov, Ashekhabatsy, and Tabunutsy, on the Keran in five yurts with a chief. But opposite the fifth beacon on the north bank of the Chikoi river there is a village where blacksmiths live, and here there are three Russian serving people for guarding. Supervision of the frontier was thus assigned to them by decree.
6. On the summit of a hill on the bank of the Chikoi river at the mouth of the Chiktai.
7. On the bank of the Chikoi river at the mouth of the Khazai river.
8. On the bank of the Chikoi river at the mouth of the Arkudyury.
9. On the bank of the Chikoi, on Ilimovoi meadow, at the mouth of the Uilga river.
10. On the bank of the Chikoi river, at the mouth of Ara Khadain Usu.

Guardhouse 2. From the same three tribes in five yurts with a chief, and they were ordered to stand opposite the Kudyura mouth on the north bank of the Chikoi river.

11. On the north side of the river, on the bank, where an old beacon stands on a sand bar of the Ara Khadain Usu at the Lyleya river.
12. On the summit of a hill opposite the old beacon on the north side of Ubur Khadain Usu.
13. On a summit of the northern slope of the Kumuryun chain, at an old beacon.
14. North of an old beacon of the Kue river at the end of the Kumuryun chain.
15. At the end of the Kumuryun chain, north of the old beacon of the Gungurtei river.

Guardhouse 3. From the eleven Khorin tribes in ten yurts with two elders, who are allowed to graze [their herds] in the basin on the [banks of] Menza river, opposite the mouth of the Kumuren.

16. On the summit north of the guard beacon on the upper reaches of the Ashanagai river, near the north side of the Onon river.
17. On the summit of a hill north of the abandoned Kharyaguta beacon.
18. On the summit of a hill on the north side of the Khasulak river, north of the Khasulak guard beacon.
19. On the summit of Monko hill, to the north on the right side of the abandoned beacon of Baldzhi Batukhad.
20. On the south side of Baldzhi Khan river, to the west on a hillock on a sand bar, north of the Kumulei guard beacon.

Guardhouse 4. From the Saradul tribe of Unguzy in five yurts with an elder under the supervision of Zaisan Gurdbei of that tribe; they are ordered to stand on the Baldzhi Khan river.

21. On the summit of a hill of the Galdatai mountains, called Belzir, north of the empty Galdatai beacon.
22. On the summit of a hill on the left side of the Kirkhun river, north of the Kirkhun guard beacon.
23. On top of the high Khalyu range, on the left side to the north of the abandoned beacon of the Bukukun river.
24. On the summit of Bain Zyurik hill, north of the Gilbiri guard beacon of the Gilbiri river.

Guardhouse 5. From the same Saradul tribe in five yurts with an elder under the supervision of the same Zaisan Gurdbei; they are ordered to stand opposite the Gilbiri beacon on the Altan river.

25. On the Buyuktu range north of the abandoned Altagan beacon.
26. On the summit of the very last mound of a sand bar of the Khormoch river, north of the guard beacon of the Agatsui river.
27. On the south side of a crest of the Gozolotoi river, north of the abandoned Nirkyuru beacon.
28. On the summit of Adarga hill, on the north shore of the Keryu river, to the left of the northern Tabun Tologoi guard beacon.
29. On the summit of a hill north of the abandoned Khongaru beacon.

Guardhouse 6. From the Sartil tribe of Tungus in five tents with an elder, under the supervision of Shulenga Intuna of that tribe; they are ordered to stand on the Keryu river near the boundary marker of Tobun Tologo.

30. By the side of a natural stone on the end of a knoll on the summit north of the Ulkhuts guard beacon.

Guardhouse 7. From the Tsamtsagin tribe of Tungus in five yurts with an

elder, under the supervision of Shulenga Khonton of the same tribe; they are ordered to stand on the Tyrna river near the Ulkhuts marker.

31. On the summit of Arabain Zyurik hill, on the left side of the Onon river, opposite the northern end of the Ulkhuts boundary beacon.
32. On the summit of a black hill to the north of the abandoned beacon of Ubur Bain Zyurik Bituken.
33. On the summit of the Byrkin range north of the Byrkin guard beacon.
34. On a crest in the range along the north side of the abandoned Kurtsy beacon.
35. On a summit at the end of the range to the north of the Mangut Nuk guard beacon.

Guardhouse 8. From the Pohegat tribe of Tungus with an elder, Kobu, under his supervision in five yurts; they are ordered to stand near the Mangut marker.

36. On the summit of a hill on a sand bar of the big Turgin river, north of the abandoned Kul beacon.
37. On the summit of Tosok hill north of the Tosok guard beacon.
38. On the crest of Kho hill, north of the abandoned Dzhuchin beacon.
39. On a hill on the Khorin Narasun sand bar north of the Khorin Narasun guard beacon.
40. On Shara hill north of the abandoned Sendurtu beacon.

Guardhouse 9. From the Ulzut tribe of Tungus in five yurts with an elder under the supervision of Zaisan Dugar of that tribe; they are ordered to stand on the Uchirkhubli river at the boundary marker of Khorin Narasun.

41. On top of the range at Toktor hill, on the left side of Toktor river, north of the Ubur Toktor guard beacon.
42. On the summit of a black hill, north and to the right of the abandoned Kuku Ishig beacon.
43. On the summit of a hill of the Turken range, on the north side of the Ubur Byrki river, north of the Turken guard beacon.
44. On top of a high place, on a crest, north of the left, abandoned Turkeneku beacon.
45. On the right side of Tsagan Nor, on top of a hill of the crest, north of the Dorolgo guard beacon.

Guardhouse 10. From the Ogunov tribe in five yurts with an elder under the supervision of Zaisan Sonom of that tribe; they are ordered to stand on the upper reaches of the Dorolgo river and Tsagan Nor, near the Dorolgo boundary marker.

46. On top of Kuku Tologoi hill, north of the abandoned Imalkhu beacon.
47. On the summit of Khara Tologoi hill, on the north bank of the Imalgu river, on the eastern side to the north of the Ulintu boundary beacon.
48. On top of a hill of the crest on the left side north of the Imalkhu river, north of the abandoned Iryn beacon.
49. On two mounds in the steppe, on the left side north of the Obotu guard beacon.

Guardhouse 11. From the Balikagir tribe of Tungus in five yurts with an elder under the supervision of Zaisan Birchi of that tribe; they are ordered to stand on Imalgu river near the Obontu boundary marker.

50. On the summit of a hill in the steppe north of the abandoned Nipse beacon.
51. On a summit at the end of the range, north of the Mogadzyk guard beacon.
52. On a high place in the steppe, along the north side of the abandoned Tsiptu beacon.
53. On a summit at the end of the range north of the Dzerentu guard beacon.

Guardhouse 12. From the Ulyats tribe of Tungus in five yurts with an elder under the supervision of Zaisan Shid of that tribe; they are ordered to stand at Lake Tari near the Mogyd Zyg boundary marker.

54. On the summit of a hill in the steppe north of the abandoned Inke Tologoi beacon.

55. In the steppe north of the Munku Tologoi guard beacon.

56. In the steppe north of the abandoned Angarkhai beacon.

57. In the steppe north of the Kubeldzhiku guard beacon.

58. In the steppe north of the abandoned Tarbag Dakhu beacon.

Guardhouse 13. From the Nomyat tribe of Tungus in five yurts with an elder under the supervision of Shileng Ildunu of that tribe; they are ordered to stand at Lake Tarbag Dagu near the boundary marker.

59. On the summit of Shara Ola, to the north near the Tsagan Ola boundary beacon.

60. On the summit of Borotologoi hill, north near the abandoned Tabun Tologoi beacon.

61. On the summit of a hill, to the north near the Soktu guard beacon.

Guardhouse 14. From the Chelpgir tribe of Tungus in five yurts with an elder under the supervision of Shuleng Umuchan of that tribe; they are ordered to stand at Lake Khalsutai near the Tsagan Ola boundary marker.

62. On top of a mound to the north near the abandoned Irdyni Tologoi beacon.

63. On the summit of Abakhaitu hill, opposite the middle estuary of the Khailar, on the right bank of the Argun river.

Guardhouse 15. From the Dolots, Naimats and Konur tribes of Tungus under the supervision of Shulengs Buguluk, Derzh, and Abid of these tribes; they are ordered to stand at the Argun river, near the boundary marker, opposite the middle estuary of the Khalar, on the sandbar hill of Abagatu. They are also to observe down the Argun along the left side to the ford, which is opposite Khau-lastu hill. There, at that place indicated as the place for border trade, the guard is assigned from the Nerchinsk serving people and their chief-of-fifty, Dmitry Mylnikov, and his comrades.

## Treaty of Kyakhta, 21 October 1727

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By decree of the Empress of All the Russias, etc., etc., etc., the Illyrian Count Ambassador Sava Vladislavich, who was dispatched for the renewal and greater strengthening of the peace which was formerly concluded between both Empires at Nipkov [Nerchinsk], agreed with the appointed dignitaries of the Emperor of the Empire which is called Taidzhin, [who were] Chabina, dignitary, Royal Councillor, President of the Mandarin Tribunal and Director of the Chamber of Internal Affairs; and Tegute, dignitary, Royal Councillor, President Director of the Tribunal of External Provinces, and Lord of the Red Banner; and Tule-shin, Second President of the Military Tribunal. They agreed as follows:

### I

This new treaty was especially concluded so that the peace between both Empires might be stronger and eternal. And from this day each government must rule and control its own subjects, and, greatly respecting the peace, each must strictly gather and restrain its own so that they do not provoke any harmful affair.

## II

Now, consequent to the renewal of peace, it is not fitting to recall previous affairs between both Empires, nor to return those deserters who had fled before this, and they will remain as they were. But henceforth, if anyone flees and cannot be restrained in any way, he will be diligently sought out by both sides and caught and handed over to the frontier authorities.

## III

The Russian Ambassador, the Illyrian Count Sava Vladislavich agreed together with the Chinese dignitaries:

The boundaries of both Empires are an extremely important matter, and if the locations are not inspected, the boundaries will be impossible to settle. Therefore, the Russian Ambassador, the Illyrian Count Sava Vladislavich, went to the frontier and there agreed with Shusaktoroi hun vam khoksoi Efu Tserin, general of the Chinese State, and with Besyga, dignitary of the Royal Guard, and with Tuleshin, Second President of the Military Tribunal, and the borders and territories of both Empires were established as follows:

From the Russian guard post building which is on the river Kyakhta and the Chinese stone guard post which is on the hill Orogoitu, the land lying between those two points was divided equally in two, and a beacon was erected in the middle as a sign of border demarcation, and a place of commerce for both states was established there. From there commissars were sent in both directions for boundary demarcation.

And beginning from the aforementioned place to the east, [the boundary was drawn] along the summit of the Burgutei mountains to the Kiransky guard post, and from the Kiransky guard post along the Chiktai, Ara Khudara, and Ara Khadain Usu, [and] from the area of these four guard posts a part of the river Chikoi was made into the boundary.

As was decided at the place called Kyakhta, from Ara Khadain Usu up to the Mongolian guard post beacon of Ubur Khadain Usu, and from Ubur Khadain Usu to the Mongolian guard post beacon of the place Tsagan Ola, all empty places between the lands possessed by Russian subjects and the beacons of the subject Mongols of the Chinese kingdom were divided equally in two, in such a manner that when mountains, hills and rivers occurred near places inhabited by Russian subjects, they were made into a sign of the border; conversely, when mountains, hills and rivers occurred near the Mongolian guard post beacons, they too were made into a sign of the border, and in flat places without mountains and rivers [the land was] divided equally in two, and boundary markers were erected there.

People of both states who have travelled from the guard post beacon of the place called Tsagan Ola up to the bank of the Argun river, after inspecting the lands that are located outside the Mongolian beacons, unanimously approved this boundary line. And beginning from the frontier beacon which was erected as the border between the two places Kyakhta and Orogoitu, proceeding to the west, along the mountains of Orogoitu, Tymen Koviokhu, Bichiktu Khoshegu, Bulesotu Olo, Kuku Chelotuin, Khongor obo, Butugu dabaga, Ekouten shaoi moulou, Doshitu dabaga, Kysynyktu dabaga, Gurbi dabaga, Nukutu dabaga, Ergik targak, Kense mada, Khonin dabaga, Kem Kemchik bom, Shabina dabaga.

A division was effected along the summits of these mountains, in the middle, and it was considered as the frontier. Those ranges and rivers which lie across them, such ranges and rivers were cut in two and equally divided in such a manner that the north side will belong to the Russian State, and the south side

to the Chinese State. And people sent from both sides clearly described and traced the division, and exchanged letters and drafts among themselves and took them to their own dignitaries. During the affirmation of the frontiers of both Empires some base people deceitfully migrated, having taken possession of lands, and they erected their yurts inside [those lands]; they were sought out and brought back to their own camps. Thus the people of both states who fled thither and hither were sought out and forced to live in their own encampments. And thus the frontier area became cleared.

And those Uriankhy who paid five sables to one side will henceforth be left as before with their leaders. But those who gave one sable will henceforth nevermore have it taken from them, from that day when the boundary treaty was completed. And thus it was decided, about which it was confirmed by written witness and delivered to each country.

#### IV

Now with the establishment of the boundaries of both states, it is not necessary for either side to retain deserters. And consequent to the renewal of peace, as was decided with the Russian Ambassador, the Illyrian Count Sava Vladislavich, trade shall be free between the two Empires, and the number of merchants, as we already established before this, will not be more than two hundred men, who every three years can go to Peking once. And because they will all be merchants, therefore they will not be given provisions, as was done previously, and no duty shall be taken, neither from sellers nor from buyers. When the merchants arrive at the frontier they will write and announce their arrival. Then, upon receipt of the letters, mandarins will be sent out, who will meet and accompany them for the purposes of commerce. And if the merchants desire to buy camels, horses and provisions along the road and to hire workers for their own maintenance, then they shall buy and hire. The Mandarin or leader of the merchant caravan shall rule and administer them, and if any quarrel arises, he shall settle it justly. If that chief or leader is of noble rank, he is to be received with respect. Things of all descriptions may be sold and bought, except those that are forbidden by decrees of both empires. If someone desires to remain secretly [on the other side] without official consent, it will not be permitted him. If someone dies of illness, whatever remains of his, whatever may be his rank, it shall be given over to the people of that state, as the Russian Ambassador the Illyrian Count Sava Vladislavich decided.

And in addition to this trade between both States, another convenient location shall be chosen on the frontier for lesser trade at Nipkov [Nerchinsk] and at Selenga on the Kyakhta where houses shall be built and enclosed with a fence or with a stockade, as occasion may require. And whoever desires to go to those places for trade, he will go there only by direct route. And if anyone, straying, leaves it [the direct route], or goes to other places for trade, then his merchandise shall be confiscated for the Sovereign. From one side and from the other, an equal number of soldiers shall be stationed and officers of equal rank will [be in] command over them, who will guard the place as one man and will settle disagreements, as was decided with the Russian Ambassador, the Illyrian Count Sava Vladislavich.

#### V

[Provision for Russian students and priests]

#### VI

[Passport regulations]

## VII

Concerning the river Ud and places around it, the Russian ambassador Fedor Alekseevich [Golovin] and Samgut, a dignitary of the Internal Chamber of the Chinese Empire, agreeing together, said: this point will remain unsettled for now, but it will be settled in the future, either through letters or through envoys, and thus it was written in the protocols. Therefore, the dignitaries of the Chinese Empire said to the Russian Ambassador, the Illyrian Count Sava Vladislavich: because you were sent from the Empress with full power to settle all affairs, we can negotiate about this point too, for your people ceaselessly cross the frontiers into our place called Khimkon Tugurik. If this point is not settled now, it will be very dangerous, for the subjects of both Empires who live along the frontiers may provoke quarrels and disagreements among themselves. And since this is extremely detrimental to peace and unity, it must be settled now.

The Russian Ambassador, the Illyrian Count Sava Vladislavich, answered: as for this eastern land, not only did I receive no instructions from the Empress concerning it, but even I have no authentic information about that land. Let it remain still, as was decided before. And if any of our people shall cross the frontier, I shall stop and forbid it.

The Chinese dignitaries answered to this: if the Empress did not authorize you to negotiate about the eastern side, we shall no longer insist, and so we are compelled to leave it for the present. But upon your return, strictly forbid your people [to cross the frontier], for if some of your people come across the frontier and are caught, they will undoubtedly have to be punished by us. And then you cannot say that we have broken the peace. And if any of our people cross your frontier, you punish them likewise.

Therefore, because negotiations about the river Ud or other local rivers cannot take place now, they shall remain as before, but your people can no longer be allowed to take possession [of our lands] for settlement.

When the Russian Ambassador, the Illyrian Count Sava Vladislavich, returns, he should clearly report all this to the Empress and explain in what manner it is necessary to send together there people informed about those lands, who could together inspect and decide something, and this would be good. But if this small matter remains, it will speak poorly for the peace of both states. A letter was written about this point to the Russian Senate.

## VIII

The frontier authorities of both Empires will have to decide quickly and in fairness each matter under their jurisdiction. And if there is a delay for selfish interests, then each State shall punish its own according to its own laws.

## IX

[The conduct and reception of envoys]

## X

[Punishment of criminals]

## XI

The instrument for the renewal of peace between both Empires was thus exchanged from both sides.

The Russian Ambassador, the Illyrian Count Sava Vladislavich, entrusted for preservation to the dignitaries of the Chinese state [a copy of the treaty] written in the Russian and Latin languages, [signed] by his own hand and

secured with a seal. Likewise, the dignitaries of the Chinese state entrusted for preservation to the Russian Ambassador, the Illyrian Count Sava Vladislavich, [a copy of the treaty] written in the Manchu, Russian, and Latin languages, with their own signatures and secured by a seal.

Printed copies of this instrument have been distributed to all frontier inhabitants in order that the matter be known.

In the year of our Lord 1727, the 21st day of the month of October, in the first year of the reign of Peter II, Emperor of All the Russias, etc., etc., etc. Exchanged in Kyakhta on 14 June 1728.

The originals exchanged were signed thus:

[The Russian copy:] [seal] Count Sava Vladislavich  
Secretary of the Embassy Ivan Glazunov

[The Chinese copy:] Yung-chen 5, the 9th month, the 7th day

Chabina, dignitary, Royal Councillor, President of the Mandarin Tribunal and  
Director of the Chamber of Internal Affairs;

Tegute, dignitary, Royal Councillor, President-Director of the Tribunal of  
External Provinces, and Lord of the Red Banner;

In the absence of Tuleshin, the Second President of the Military Tribunal,  
Ashanama Naentai of the Mongolian Tribunal signed for him.

### Exchange of Letters, 27 October 1727

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Chamberlain of the Russian Empire and Commissar of Frontier Affairs, Stepan Andreevich Kolychov, and Chief Chamberlain of the Middle Empire, the Dariamba Besyga, and the Tusulakchi Tushemel Pufu, and the Det Zergen Taizhi Arapatan, agreed on the Bura river in accordance with the treaty of 20 August, 1727, concluded by the Ambassador Extraordinary, Actual State Councillor, the Illyrian Count Sava Vladislavich and by Tsyrenvan of the Middle Empire and by other dignitaries, who [all] concurred, negotiated as follows:

The frontier was started between the Kyakhta and Orogoitu, and a marker was erected there; from the new marker to the right, they erected two markers on Orogoitu hill. And from Tyman Kudzuin Khoshegu [the frontier] continues and crosses the Selenga river and two markers were erected on the left end of the top of Bulesotu Ola. Two markers were erected on a hill at the rear end of Kukuchelotuin and on the south side of Yankhor Ola, where they meet. Two markers were erected on Khongor Obo. Bogosun Ama was crossed, and two markers were erected on Gundzan Ola on a spit between the southern slope of Zormlik hill and the northern slope of Mertsel hill. The Ziltura river was crossed between Khutugatu and Gundzan, and two markers were erected on the left end of Khutugatu Ola. Two markers were erected above the Burkhold river, at a high point on the range between the right end of Khutugatu Ola and the left end of Kukun Narugu. Two markers were erected at a high point on the road by the left end of Udyn Dzoin above the Kutsuratai river. Two markers were erected on the road, on a high point on the road, above the Tsezha river. Two markers were erected on the road on a high point above the Modunkuli river. Two markers were erected on the road on top of Bogutu Dabaga above the Burula river. Two markers were erected on a high point on the road at Doshitu Dabaga by the left source of the Keketa river. Two markers were erected on a high point on the road at Kysyniktu Dabaga, by the right end of Udynzon on



the left end of Gurbi on the right source of the Myunkyu Keketa river. Two markers were erected on the top of Gurbi Dabaga above the Ura river. Two markers were erected on a high point on the road on a peak on the right end of Gurbi above the Khankhi river. Two markers were erected on a high point on the road at the top of Nukutu Dabaga above the Narinkhoro river. Two markers were erected on a high point on the road at the left end of the top of Ergik Targak Taiga above the Tengis river. Two markers were erected at a high point on the road on the top of Toros Dabaga, above the Bedikema river. Two markers were erected on a crest at Kynzemedá, at the right end of Ergik Targak Taiga above the Us river. The Us river was crossed, and two markers were erected. Two markers were erected at a high point on the road on top of Khonin Dabaga. Two markers were erected at Kem Kemchik Bom. Two markers were erected at a high point on top of Shabina Dabaga. With the marker erected on the Kyakhta a total of twenty-four markers were erected, which is recorded in the treaty. Each country erected one marker apiece as a landmark on top of these crests, and they divided the territory in the middle. Those ranges and rivers that run across [the frontier] were intersected by the erected markers and divided equally. From the Kyakhta to Shabina Dabaga ranges and rivers and all forests on the north side of the newly erected markers will belong to the Russian Empire. Ranges, rivers and all forests on the south side of the newly erected markers will belong to the Middle Empire. We, the dignitaries of both Empires, agreed in a friendly manner and reached terms in all truth. The exchanged letters were written by both countries' representatives and were signed with our own hands for the sake of correctness and were confirmed and completed.

The original letter was thus confirmed: Stepan Kolychov confirmed this letter, 27 October, 1727.

[Addendum:] Registry of the boundary markers, newly erected between the Russian and Chinese Empires through establishment by the boundary commissars named by both countries, and also of those markers where new guard posts have been established on the Russian side of the frontier.

Boundary markers were erected along the newly traced frontier from the right side of the Kyakhta river to the last landmark of Shabina Dabaga:

1. Opposite the hill named Burgutei on the right side along the Kyakhta river.

2. On the very top of the crest of Obogoitu Evskim, to the left side of that crest, from the Bura river and along that crest to the Selenga river, through the territories of Vymen Kudzuin, Bichetu, and Khoshegu, and across the Selenga river to Buleyutu Ola hill.

Guard posts were established opposite these markers:

- I. These two markers are in the keeping of the guards appointed to Taishi Lupsan of the Tsyngalov tribe and his tribe.

- A. An aide-mémoire about the establishment of guard posts at these markers and about the maintenance of these markers was sent on 23 September 1727, from the Commissariat for the Chinese frontier settlement to the Irkutsk Government Chancery.

3. On the left end of the Bulesotu Ola region on the left side along the Selenga river.

4. On Yanghor Ola hill, there where both the rear end of Kuku Chelotoin and the south end of Yankhor Ola converge.

5. On the Khomgom Obo territory, where an old Chinese marker had been erected.

- II. The maintenance and keeping of the markers at these places had been

previously assigned to the guard post of the Selenginsk serving-people of Ivan Frolov, and a decree on this subject was issued to them on 3 September 1727. The Zaisangs Mondai and Amur Andykhaev of the Ataganov tribe and their tribes are in charge of the same above-described three markers, and a decree on this subject was given to them on 6 January 1728.

6. In the Guidzan Ola region, across the Bogusun Ama on a spit between the south end of Zyurmlikan hill and the north end of Mertsel hill.

7. On the left end of Khutugaitu Ola on the crest.

8. Between the right end of the same Khutugaitu Ola crest and the left end of the Kukun na Rugu above the Ubur Kholod river.

III. At these three markers Zaisan Dulkitsa of the Sartakhov tribe and his tribe are commanded to establish guard posts. A decree on this subject was given to them on 6 January 1728.

9. On the left side of the Udyndzoin river above the Kukurata river.

10. Above the Tsezha river.

11. At the source of the Masungul river.

12. On Bugu Dabaga crest above the Burula river.

[13. According to Klaproth, this beacon is located on the mountain Dosit Dabaga or Dochiktou Dabaga at the source of the Keket which falls into the Ouri.]

14. On Udyndzon crest, on the right end of Gurbin, on the left side of the Myunke Irket river, on the right peak, on Kysynktu Dabaga.

IV. The maintenance and keeping of the guard posts at these six markers was assigned to Shulenge Khrudei of the Turaev tribe, Shulenge Nagari of the Khorzhutsk tribe, Shulenge Obo of the Zeikhtaev tribe and Shulenge Chanka Raka of the Saetsk tribe and their tribes, of the Irkutsk department. A report about the establishment of these guard posts was sent to the Irkutsk provincial chancery on 23 September 1727.

15. On Gurbi Dabaga crest above the Ura river.

16. On the right end of Gurbi crest above the Khankha river.

17. On Nukutu Dabaga crest above the Ryakh Ro river.

18. On the left end of Ergik Targak Taiga on the crest above the Tengis river.

19. On Toros Dabaga crest above the Bedikema river.

The maintenance and keeping of the guard posts at these markers was assigned to the yasak foreigners of the Udinsk ostrog of Eniseisk province. An aide-mémoire about the establishment of guard posts at these markers was sent to the Eniseisk voevoda's chancery on 17 April 1728.

20. On the right end of the crest of Ergik Targak Taiga on the Kynzameda river above the Us river.

21. Along the right side of the Us river, where it was crossed.

22. On Khonin Dabaga crest.

23. At the mouth of Kemkemchik river.

V. The maintenance and keeping of the guard posts at these markers was assigned to the yasak foreigners of Krasnoyarsk. An aide-mémoire about the establishment of guard posts at these markers was sent to the Krasnoyarsk voevoda's chancery on 19 April 1728.

24. At Shabina Dabaga. This marker is ordered to be completed in accordance with decreed measurements, and the maintenance of the guard post is assigned to the yasak foreigners of the Kuznet district, to the Yasauls Malkish Magalokov and Aechak Azylbaev of the Biltirsk tribe and to the Yasauls Kashymen Tylbichekov and Kukchelei Kushteev of the Tsagaisk tribe. A decree was

given to them about the completion of this marker and about the establishment of a guard post, on 24 November 1727.

VI. The supervision of the completion of this marker was assigned to Vasily Kuznetsov, the serving man of Kuznetsk. A decree about this was sent to the Kuznetsk governor, Boris Seredinin, on 6 January 1728.

### Supplementary Clause to the Treaty of Kyakhta, 18 October 1768

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By order of the sovereign Khwandiya of the Tai-Tsin Empire the [representatives] who are to settle the questions affecting the border [are to be] the President of the Khan Tribunal, Askhani Amban' Fulu, governor of the outer provinces of Dzhurgan', and the Guzay Beiz of the Karatsin [Ian] Dzhasak, Khuturinga [the representative] of the right side, governing the external provinces of Dzhurgan', the Askhan Amban Kinguy. The guard officer of the Khan Palace, adjutant-general of the left wing of the Kalkass land forces, Vatsiray Batu Tusetu Khan Chedendordzy. The Deputy Inspector of the troops in the Khaniy Mountains, Councillor in the Dzhasak, Second class, Gun Sandupdordzy reached the following conclusion with the representatives of Her Majesty the Empress of the Russian Empire, the plenipotentiary Commissar Kropotov:—

Hitherto eleven points were established with the express purpose of perpetuating the peaceful agreement: in pursuance of this the positions occupied by Russian peoples at points on the Buzutey Mountains, the Ukitsiktu Khoshou and other [places] shall be dismantled and the frontier be firmly established along the crest of the mountains, and never again shall a duty be imposed on commerce at the two points of Kiakhta and Tsurukhait, as was laid down in the Treaty. In addition all errors and omissions which have been detected in the Russian and Latin versions of the Treaty are to be rectified and made good. All previous transactions conducted by the two sides in the past shall be ignored and deserters who have in the past crossed the frontier shall not be recalled.

But the regulation laid down in the tenth point of the Treaty regarding thieves and escapees among the people of the two sides was found in analysis to be indistinct and ambiguous. For this reason one of the eleven points of this Treaty, namely the tenth, has been cancelled and renegotiated as a new law in place of the former one in the Treaty.

From the day on which this new provision comes into force both sides shall ensure the compliance of their subjects and shall not under any circumstances turn a blind eye on them or allow them to cause mischief. [If] during these yearly investigations along the Yalu [Yalin] the frontier authorities [find] traces of this they must settle the question in accordance with the principles of justice without delay. [If] any of them through their own weakness resorts to threats and excuses, then by the law of either side they shall be punished. For purposes of tracing and detecting thieves and swindlers and for punishing those who cross the frontier illegally, the following regulation has been clearly prescribed.

#### Article 10

Anyone who passes any frontier post with clear intention of robbery, regardless of whether he has committed a murder or not, shall be detained and shall be kept in custody and shall be interrogated [until he divulges] from which guard

post he came and the number of accomplices he has. After a rigorous examination they shall be kept at the guard house concerned until [they divulge] the route [which they intended taking] on their marauding mission, and indeed the names of their accomplices [who have not as yet been detained] so that the others may be found; moreover these matters should be reported to the commanders of the guardposts and to Taydziu commander of Dzhasak, the Russian superior. The commanders meet at the scene of the incident and make a general review [of the incident] and when they have completed this, they must make a report to their respective governments. Those governments must send skilled representatives of high rank who must make a rough re-examination of the affair in question. On completion of this investigation they must report on the matter to the border governments. The government authorities will make a judgement in the matter without prejudice so that a subject of the Middle [Empire] or a subject of the Russian Empire shall be condemned to be decapitated and a report sent [in the former case] to the Dzhurgan which governs the outer provinces, [and in the latter case] to the Senate. They hold the responsibility of executing on the frontier itself, while the brigand's horse, his saddle, rifle, and all the [other] possessions shall be given as a reward to his captor, while the articles stolen [horse, beast or whatever it may be] shall be given back to the person from whom it was stolen; moreover he shall pay back the value of the goods stolen tenfold. If the robber is not arrested at this time, the aforesaid must be traced and accordingly it shall be the responsibility of the commander of the guard post, opposite which the tracks are found, instead of that where the robber was, to inspect the body or the injuries of the wounded man, and on completion of his inspection to make a personal report. It shall also be his responsibility to find the robber within one month, and if at the end of this time he is not successful, the matter shall be reported to the border governments, which must exact a fine on the commander and his troops for their negligence of ten times the value of the stolen goods. If anyone is caught stealing, although the theft may have been a secret one, and with arms, he shall be punished with a hundred lashes of the whip and a horse and saddle shall be given as a reward to his captor and the articles stolen, the horse, stock or other possessions shall be restored to the owner from whom they were stolen. For the first offence the robber shall pay five times and for a second ten times this [value of the goods stolen] while for a third offence he will be treated as a brigand. Should the thief not be captured at the time of the theft, then it shall be the responsibility of the guard post, [nearest] which the robber's tracks are found to give a full report on the evidence. In searching for the thief the guard post commander concerned and his troops shall be given one month in which to catch the thief and [when they do so] he shall be punished with one hundred whips of the lash and will surrender everything item by item that was found on him at the time of the theft. If, however, the commander and his troops do not catch the thief within the specified period, he and his troops shall be obliged to pay for their negligence five times [the value of the stolen goods]. When any horse or other stock becomes lost on the border on either side, it shall when found be sent back as agreed to the guard post of that side from which it has been reported as missing. If the missing [animal] is not found after it has [been reported as] missing, then an investigation should be made and a full report of the evidence compiled. If the horse or other stock is found within five days it shall be returned. If however the full amount of time has been spent in searching for it and it has been kept by the thief in a hiding place or [if] later on one or two of the missing horses or other stock come to light, then the guard posts must make a

report on the whole matter to their respective authorities handling border affairs on their side. [The penalty] will be the surrendering of the articles stolen together with an amount equal to twice the value of the articles stolen. Anyone who [crosses] the frontier armed and is caught without a passport, [even though he has not committed murder or a theft], shall surrender his saddle and other possessions he is carrying as a reward to his captor. Anyone who crosses the frontier and is caught, even though he is only on domestic business, shall surrender his rifle, his horse, saddle and all his other possessions as a reward to his captor and shall furthermore be treated to one hundred lashes of the whip as a penalty. Anyone who crosses the frontier unarmed and is caught, the commander must interrogate [and] if it is found that he has strayed from the approved route, he shall be sent back to the guard post nearest to the point where he was caught. If anyone is held under suspicion of having hidden in the mountains or forests, he shall surrender his horse, saddle and other possessions as a reward to his captor and shall in addition be punished with one hundred lashes of the whip. All criminals shall be punished by the methods customarily applied in their own countries, nationals of the Middle Empire by the cane, and nationals of the Russian Empire by the lash.

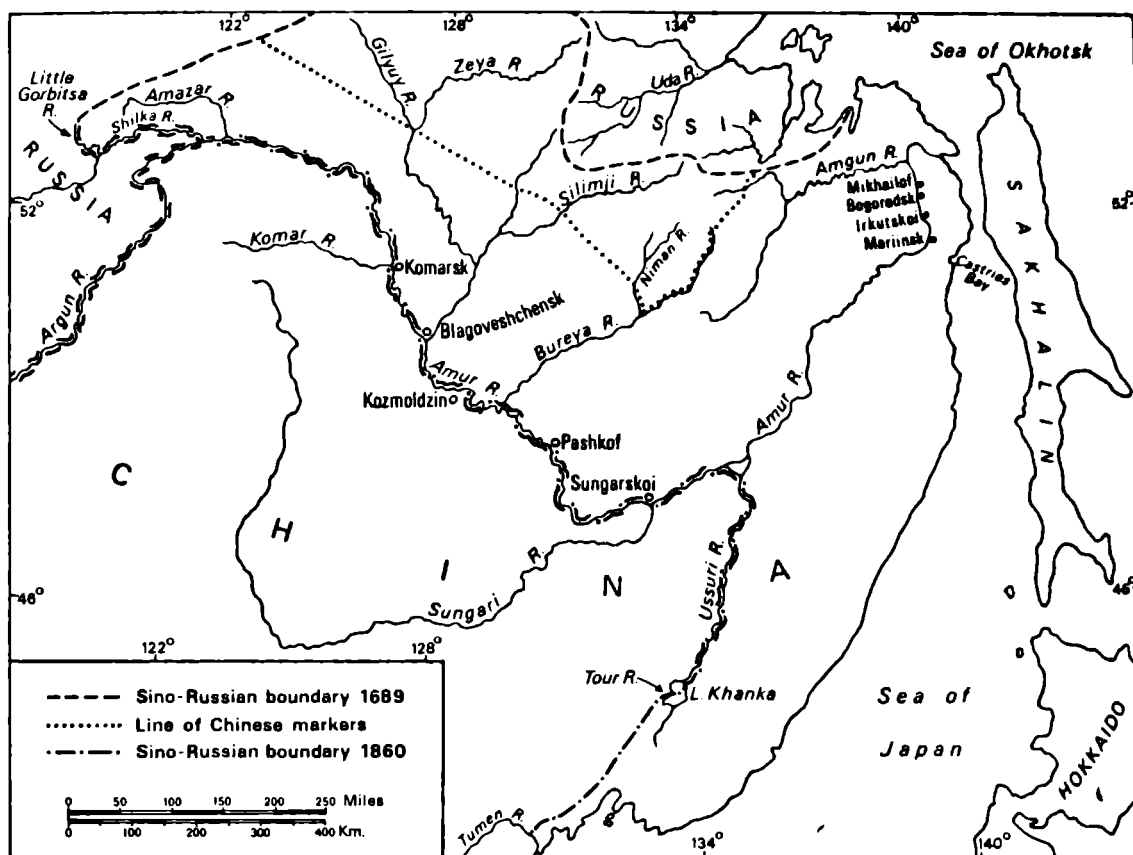
# 3

## The Boundary between China and Russia, 1858-1860

Even if the 1689 treaty is interpreted in terms most favourable to Russia, China secured all the territory lying between the river Amur and its northern watershed east of one of the sources of the Amazar or Great Gorbitsa. Further, the territory lying between the watershed and the river Uda to the north was considered neutral territory. By the three treaties concluded from 1858 to 1860, China ceded all this territory to Russia as well as all territory south of the Amur lying between the river Ussuri and the sea. This development meant that Russia acquired a common border with Korea.

The prime Russian aim in these series of negotiations was to secure the use of the Amur as an avenue from Nerchinsk to the Pacific coast. The potential value of this route had been recognized by various Russians. For example Muller in 1741, Myetlet in 1753, Yakoff in 1756 and Shemelin in 1816, to name only a few, had urged the Russian governments of their time to take action in this matter ranging from the negotiation of navigation rights to conquest. Tsar Nicholas I was receptive to these arguments and encouraged surveys of the Amur valley and the adjoining seas; a full account of these is provided in Ravenstein (1861) and has been repeated by many other authors. Of particular importance was the discovery, by Nevelski, that Sakhalin was an island and not a peninsula; this meant that the mouth of the Amur could be approached from the north and south. The Russian government must also have been encouraged by the discovery by Middendorf in 1844, which showed that the Chinese boundary markers lay well south of the line specified by the treaty of Nerchinsk. Six markers were found. The most easterly was located on the portage between the Tugur and Argun rivers; proceeding to the west the others were located on the rivers Burya, Niman, Silimji, Nara and Zeya, at its confluence with the Gilyuy. A simple calculation shows that this alignment left 54 000 square miles (139 806 square kilometres) allocated to China by the 1689 treaty beyond the boundary markers. Ravenstein and Chen have accepted Middendorf's calculation that the area was 23 000 square miles (59 547 square kilometres). The existence of the boundary markers did not necessarily mean that China had abandoned its claim to the territory won in 1689; the markers could have been placed there either for the reference of tribes owing tribute to the Chinese, or because of geographic ignorance, or because of the idleness of frontier officials.

Russia's success in advancing its boundary from the northern watershed of the Amur to the Amur and Ussuri rivers can be attributed to the combination of many factors, which gave the advantage to the Russian negotiators. The Chinese authorities at that time faced internal threats from the Taiping rebellion, and external



Map 3. The Sino-Russian boundary of 1860

pressure from Britain and France. This meant firstly that the Chinese were not able to resist Russian incursions with the strength they would have wished, and secondly that the careful timing of Russian claims gave them a force to which they had no intrinsic claim, as the following quotations from the reports of frontier officials show:

[The towns of] Sansing, Hunchun and Ninguta all communicate with Russia by means of waterways, while the Eastern Sea is several thousand *li* away. Between here and the sea, only the banks of the Sungari river are inhabited by the Heche, the Feyak and other tribes. Elsewhere the territory is boundlessly vast. In many places it is uninhabited by human beings, and is indeed difficult to control.

The Russians have behaved peacefully and courteously towards us since the time of Kanghsi. They now make this sudden move, ostensibly requesting a delimitation of the boundary, but in reality endeavoring to invade our territory. On the pretense of defending themselves against the English, they trespass freely to and fro. The reason why they have not carried out their aggressive designs immediately is simply because their foothold is not yet firmly established.

We are in the midst of many difficulties, and lack the strength for defense ... In Heilungkiang there is a large number of troops, but their trouble is shortage of provisions. In Kirin, there is deficiency in both provisions and troops. Their morale is such that, while self-defense is understood, nobody will attempt to start hostilities. The garrisons in Kirin number 10,105 men; but in four expeditions against the Taipings 7,000 have been called away, and of these, less than 800 have returned. In the present situation, Sansing, Hunchun and Ninguta are the three most important stations. Yet they possess only some 800 troops

... and there are no ways and means to meet the military expenditure (quoted in Chen, 1950, p. 96).

All edicts have emphasized the importance of avoiding hostilities on the frontier. The Russians have been sailing up and down the rivers during these years. They have constructed dwellings, stationed troops, and stored up provisions and ammunition in abundance. They now further declare that in the summer more of their officers and men will arrive to guard against the English. Their heart is indeed difficult to gauge. On the other hand, the tide of rebellion in the inland provinces has not subsided, in military expenditure we face a deficit, and the men of Kirin and Heilungkiang have not returned from the expeditionary service. Apparently it is inexpedient to create further hostilities (quoted in Chen, 1950, p. 111).

The Russian geographical knowledge of the area was more complete and the Russian government actively encouraged emigration to the area and the establishment of Russian settlements. By contrast the Manchu government had restricted the circulation of the indigenous population along the Amur to preserve trading privileges for the Manchus. As a result of these contrasting policies, by the time that negotiations started in May 1858 the Russians had established staging posts on the north bank of the Amur at Komarsk, near the mouth of the Komar, Blagoveshchensk, at the mouth of the Zeya, Pashkof at the entrance to the Bureya mountain defile, and the Sungarskoi Picket, opposite the mouth of the Sungari; had effectively colonized the lower Amur north of Mariinsk; and had sailed several flotillas the whole length of the river.

The Chinese authorities became fully aware of Russian intentions in a memorandum provided by Muraviev, governor-general of Eastern Siberia in 1855.

In 1689 the two empires entered into a Treaty of Peace [Treaty of Nerchinsk] which stipulated that the maritime region by the Eastern Sea should be a neutral territory. The Eastern Sea is within the domains of Russia. The Heilungkiang and the Sungari, which are known as the Amur in Russian, have their sources from within Russian territorial limits. Up to the present, the region from the Heilungkiang to the Eastern Sea has remained as yet undelimited. The Amur constitutes an important area of defense against foreign aggression. Moreover, since the summer of this year Russian troops have been stationed at the mouth of the Sungari and have erected fortresses and established stations on both banks of the river. Throughout the summer their ships have plied on its water. In the winter they will continue to traverse the ice on horseback. As a matter of expediency, the boundary should be drawn within the area in question.

Since the Heilungkiang has its source from within Russian territory, it would be conducive to peace to recognize Russia's title to the left bank of that river. Up to the present, however, the region covered by the Heilungkiang, the Udi, and both banks of the mouth of the Sungari has remained to be delimited. Once the left banks of the Heilungkiang and the Sungari should be ceded to Russia, it would be up to China to decide whether or not to remove the Oronchon, Heche, Fiyakha, and other tribesmen inhabiting thereon. As to the Zeya, the Silimji, and the Niman, although they are within China's domains, these rivers should also be ceded to Russia, since the country by the mouth of the Sungari is muddy and difficult to journey by land, in summer as well as winter (Yi Wu Shih Mo, 1930, 12, pp. 18b-19a).

The intrinsic weakness of the Russian case is evident in this quotation. First, it is untrue to claim that the neutral area specified by the treaty of Nerchinsk included both banks of the Amur below the Sungari confluence. Second, it is freely admitted that tribes owing tribute to the Chinese live north of the Amur. Third, in correctly



stating that the Amur constitutes an important area of defence against foreign aggression the Russians overlook the fact that it is particularly important in terms of Chinese defence against Russian aggression. Fourth, it is hard to understand why the Zeya, Silimji and Niman should be ceded because the estuary of the Amur is muddy!

However, such was the weakness of the Chinese position that these arguments could not be resisted effectively, and the treaty of Aigun was signed on 6 May 1858. Muraviev made copies of the treaty in Manchu and Russian and sent them to the Chinese delegate, who made copies in Manchu and Mongol and returned these copies to the Russian. The Russian and Manchu texts have a number of discrepancies, and Chen's examination of these led her to the conclusion of Russian fraud and misrepresentation.

secondly, by means of two discrepant texts, the Russian Governor-General introduced fraud into the subject matter of the one not signed by the Chinese envoy, and thirdly, by taking advantage of the different meaning of geographic terms in the two countries, the Russian Governor purposely misrepresented the intention of the contracting partners (1950, p. 118).

Chen's case is not watertight, but it is true that Russia was able to take advantage of some of the discrepancies between the two texts. These discrepancies must now be considered in detail.

The first discrepancy simply involved the different nomenclature used by both parties:

The left bank of the river Amur, beginning from the river Argun to the mouth of the river Amur in the sea shall be under the control of the Russian Empire, while the right bank, including its course down to the river Ussuri shall be under the control of the Ta-Tsing Empire (Russian version).

On the left bank of the Hei-Long River [Upper Amur] and Song-Hua River [Sungari], from Er-Ell-Guu-Nah River [Argun] to the estuary of the Song-Hua River is the territory which belongs to the Empire of Russia. From the right river bank, following the course to the Wu-Su-Lee River [Ussuri] is the territory which belongs to the Empire of Ching (Chinese version).

It has been noted earlier, in considering the 1689 treaty that the river which the Russians called the Amur was called the Hei-Long above the confluence with the Sungari, and Sungari below the confluence, by the Chinese. In the respective versions the Russian and Chinese nomenclatures were used and there is no confusion in interpretation.

The second discrepancy is the most serious in the short treaty:

from the Ussuri down to the sea, the territories and localities will as at present be under the joint rule of the Ta Tsing and Russian Empires, pending definition of the frontiers in these areas between the two countries (Russian version). all the territory from the Ussuri river thence to the sea--if these territories should be adjacent to clearly defined frontiers of the two countries--should be under the joint control of the two countries (Manchu version according to Chen, 1950, p. 113).

Since all the territory from Wu-Su-Lee river to the sea is the common border of the two countries, for these specified areas in between are the dual control areas for the two countries (Chinese version).

The nub of this controversy is that the Russians interpreted this clause to refer to all the territory bounded by the Amur on the north, the sea on the east, and the

Ussuri on the west, while the Chinese considered that it referred only to the south bank of the Amur below the confluence with the Ussuri. Both sides can advance arguments to support their contention.

The Russians can argue that their interpretation is consistent with the language of each text—from the Ussuri to the sea—and that the whole length of the Ussuri must be intended since there is no qualification, such as ‘the mouth of the Ussuri’. They could argue that it would have been very easy to include some such qualification had the whole length of the river not been intended, and its absence from the Manchu text supports their case. It may also be pointed out that the Russians, during the negotiations and before, had asked for the boundary to follow the Amur and Ussuri rivers (Chen, 1950, p. 110): ‘Further, since there are no Manchu or Chinese people living on the lower Ussuri and no vessels go there, the right bank of the Ussuri should be taken as the frontier’ (Russian note, February 1858, quoted by Quedstedt, 1968, p. 99). The Russians could claim that this demand was left unsettled by placing the entire trans-Ussuri section under joint control.

The Chinese can advance three arguments in favour of their viewpoint. First it may be noted that in the Russian and Manchu versions this section forms a final clause in a long sentence which initially deals with the banks of the Amur. It is therefore argued by Chen and others that this clause also referred to the southern bank of the Amur. This argument has some semantic merit, but it is remarkable that at least the Manchu version was not more precise. Second, the Chinese proponents could claim that the only land under joint control between the Ussuri and the sea, when the treaty was signed, was bounded by the lower Amur, and the sea north of a line joining Mariinsk and Castries bay. In this area there were several Russian settlements, such as Irkutskoi, Bogorodsk Mikhailof and New Mikhailof, and some Tunguzian groups which owed allegiance to China. It is surprising that this very strong argument is not deployed by Chen, nor mentioned by Quedstedt. Petermann (1856) showed the Mariinsk-Castries bay line to be the southern limit of Russian *de facto* control south of the Amur. Finally, the Chinese argument is supported by the fact that it is unthinkable that the entire trans-Ussuri section could be considered either ‘adjacent to clearly defined frontiers of the two countries’ or ‘the common border of the two countries’. This was an argument which appeared again and again in Chinese documents translated by Chen (1950).

Chen stresses the imperfect geographical knowledge of Yishan, the Chinese delegate, in explaining the ambiguity of the treaty versions. She goes so far as to assert that Yishan believed that ‘the territories from the Ussuri thence to the sea designated those regions near the Udi [Uda] valley and the Amur’ (Chen, 1950, p. 114). There is also reference to Yishan’s misperception of the Ussuri (Chen, 1950, p. 117). It is very difficult to give any weight to these arguments since the misconceptions are not documented. Quotations by Chen show that Yishan was familiar with the treaty of Nerchinsk and this clearly placed the Uda north of the northern watershed of the Amur. Since the north bank of the Amur had been ceded to Russia, the Uda valley obviously became Russian.

A further controversy has arisen about the statements regarding joint navigation of the border rivers:

Only the boats of the Ta-Tsing and Russian Empires may sail along the Amur, Sungari and Ussuri rivers; the craft of all other foreign powers must not sail along these rivers (Russian version).

Henceforth, allows only the Sino-Russian boats to navigate on the Hei-Long River and Wu-Su-Lee River; and no other foreign boats would be allowed to navigate on these rivers (Chinese version).

The Russian apologists claim that this agreement entitled the Russians to navigate on the upper Sungari, which lay entirely in Chinese territory. Quested (1968, p. 151) claims that some of the Chinese delegation realized that this is what the Russians meant. Two arguments are made on behalf of China's position that this clause did not cover the upper Sungari. First, it is claimed that the Hei-Long and Song-Hua rivers coincide with the Russian Amur, and that the inclusion of the Sungari in the Russian text was either an error or a trick. Second, it is argued that since the Sungari, above its confluence with the Amur, lay entirely within Chinese territory, this river could not possibly be included. Chen and Yano also claim that this view is supported by the second article of the treaty.

the subjects of the two states who live along the rivers Ussuri, Amur and Sungari are permitted to trade with one another, but the authorities must provide mutual protection for the people of the two countries who live on both banks (Russian version).

These authors maintain that since only Chinese would live on the banks of the Sungari above its confluence with the Amur, it would be unnecessary to provide mutual protection for this section. The trap in this argument, which Chen ignores, is that it must then also be applied to the Ussuri river, which is specifically mentioned in the Chinese text. The application of this argument to the Ussuri means that this river, like the Amur, was a border river, and such a conclusion supports the Russian opinion that the whole trans-Ussuri section was under joint control. The Russian version could simply be held to refer to Russian traders who lived along the Sungari at certain seasons.

The final discrepancy concerns the provisions for the Manchu residents on the north bank of the Amur:

The Manchurian inhabitants on the left bank of the river Amur from the river Zei [Zeya] southwards to the village of Khozmoldzin, shall be established in perpetuity in their ancient place of habitation (Russian version).

On the left bank of the Hei-Long river's southern part of Jing-Chi-Lee river to the Her-Eel-Moh-Leh-Jing Settled Area, there are Manchurians already residing there, and are permitted to stay on at their settled areas as before. The Manchu Kingdom's ministers and officials still control the Russians there, and should be peaceful and amicable without violation (Chinese version).

Other commentators do not mention this discrepancy, but there is evidently scope here for a Chinese claim to this section of the north bank of the Amur. It is interesting to note that in an atlas produced in 1961, by the National War College Taiwan (1961, 4, pp. D11, D12), this section of the north bank of the Amur is shown as Chinese.

Having discussed discrepancies which occurred, it is also worthwhile to note important points which were not mentioned in either text. First, there was no allocation of the many large islands which are found in many sections of the Amur, except where it flows through the Bureya mountains. Second, no mention is made of which of the two connections between the Ussuri and the Amur would be considered as the confluence for the purposes of the treaty.

Two weeks after the treaty of Aigun was signed, the treaty of Tientsin was concluded between Russia and China. Both parties were ignorant of the earlier treaty, but fortunately for Russia, the second treaty did not undermine the success of Aigun. Hoo (quoted in Chen, 1950, p. 125) discovered letters which revealed Russia's willingness to declare any section of the Tientsin treaty inoperative if

there had been any conflict with the provisions of Aigun. The ninth article of the treaty of Tientsin simply noted that the undelimited sections of the Sino-Russian boundary would be examined without delay, on the spot, by delegates from both sides. Any agreements which they reached would form additional articles to the present treaty.

When the Russian delegation visited China, in March 1859, to ratify the treaty of Tientsin, they also carried a list of new demands. These demands were delivered as soon as the ratifications had been exchanged, and they included two territorial requirements. First, it was requested that the trans-Ussuri country under joint control should be ceded to Russia; and second, that the boundary in the west, near Kuldja and Tarbagatai, should be delimited. These demands were rejected, but a new delegate presented a draft treaty, in July, which stated the terms in fresh detail. After sixteen more months, during which period China faced further difficulties with Britain and France, which Russia exploited, the additional treaty of Peking was signed. The detailed history of these negotiations has been provided by Chen (1950) and Quested (1968). The treaty contained fifteen articles, but only the first three dealt with boundaries.

The first article described the boundary from the confluence of the Argun and Shilka to the sea. This article did not contain the discrepancies characteristic of the 1858 treaty, but there were two points which created difficulties when the boundary was demarcated. First, there was disagreement about the identity of the Belen-khe. The Russians nominated the Muleng river, which is a western tributary of the Ussuri. China rejected this interpretation and eventually the river Tour, which flows into the western shore of lake Khanka, was selected in June 1861. The protocol dealing with the demarcation of the boundary specified by the treaty of Peking was signed on 16 June 1861, at the mouth of the river Tour. Identical maps were exchanged and, according to the U.S.A. Geographer (1966, p. 10), wooden pillars were erected at the twenty places marked on the map which accompanied the treaty of Peking.

The second problem occurred when these pillars had to be replaced. According to Chen the Russians had moved the pillars in 1866; according to the U.S.A. Geographer the posts had rotted and their replacement became necessary in 1886. It proved difficult to obtain agreement about the point at which the boundary intersected the river Tumen. The treaty stipulated that the boundary should intersect the river 20 Chinese miles (12 kilometres) from the sea. The Russians now complained that the initial measurement had been wrongly made from shoals which should be considered as part of the sea. They therefore demanded an intersection 40 Chinese miles (23 kilometres) above the original baseline. Eventually a compromise was reached and the new pillar was fixed 30 Chinese miles (17 kilometres) from the original base.

It is noteworthy that this treaty fails to mention the allocation of islands in the rivers Ussuri and Amur, fails to define the specific confluence of the Ussuri and Amur rivers, and fails to explain how the boundary proceeds from the mouth of the Hupitu river to the watershed between the Hunchun river and the sea. It is apparent that the course of the Hupitu, called the Ushagau in some maps, was followed to the watershed.

The first article also made some reference to Chinese living in territory ceded to Russia:

If any settlements of Chinese subjects are shown on the above-mentioned territories, the Russian Government is obliged to allow them to remain in these same places and to permit them to retain their households and to engage in their former occupations of fishing and other trades (Russian version).

All the above-mentioned territories are open spaces, wherever there are Chinese dwellers and the Chinese hunting and fishing areas, the Russian Empire is not allowed to occupy them, and the Chinese should continue to be allowed to hunt and fish as ever before (Chinese version).

The Chinese version seems to obstruct the exercise of Russian authority in a manner similar to the clause of the Aigun treaty dealing with the north bank of the Amur south of the Zeya confluence. If China had been strong, it could have interpreted this section in a way which would have limited the trans-Ussuri area ceded to Russia. In fact there is no evidence that there was any serious conflict over this clause.

The second article of the treaty of Peking defined the boundary west of Shabina pass to the territory of Kokand, in rather general terms. While the Russian definition of this line was more precise than the Chinese, it was still sufficiently general to allow both sides scope for seeking advantages from the detailed negotiations.

The third article defined the practical steps by which the demarcation of the boundaries should be completed. It set a time limit—April 1861—by which the eastern commission should meet, but simply stated that the commissioners for the western sector would meet at a time to be fixed.

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## Treaty of Aigun, 16 May 1858

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### *Russian version*

The Governor-General of all the Eastern Siberian provinces of the Great Russian Empire, the General-Adjutant of His Imperial Majesty Emperor Alexander Nikoleivich, Lieutenant-General Nicolai Muraviev and the Adjutant-General of the Great Empire of Ta-Tsing, court noble, the Supreme-Commander on the Amur, have reached a general agreement in the cause of the great continued reciprocal friendship between the two countries [and] in the interest of their subjects have established that:

The left bank of the river Amur, beginning from the river Argun to the mouth of the river Amur in the sea [of Okhotsk] shall be under the control of the Russian Empire, while the right bank, including its course down to the river Ussuri shall be under the control of the Ta-Tsing Empire: from the river Ussuri down to the sea the territories and localities will as at present be under the joint rule of the Ta-Tsing and Russian Empires, pending definition of the frontiers

in these areas between the two countries. Only the boats of the Ta-Tsing and the Russian Empires may sail along the Amur, Sungari and Ussuri rivers; the craft of all other foreign powers must not sail along these rivers. The Manchurian inhabitants on the left bank of the river Amur from the river Zei southwards to the village of Khozmoldzin, shall be established in perpetuity in their ancient places of habitation.

In the cause of the mutual friendship of the subjects of the two Empires, the subjects of the two states who live along the rivers Ussuri, Amur and Sungari are permitted to trade with one another, but the authorities must provide mutual protection for the peoples of the two countries trading on each side of the river.

The articles which the plenipotentiary of the Russian Empire Governor-General Muraviev and the plenipotentiary of the Ta-Tsing Empire the Commander-in-Chief of the Amur region I-Shan have reached general agreement over, will be implemented precisely and without any infringement in perpetuity. To this end Governor-General Muraviev of the Russian Empire has drawn up versions [of the Treaty] in Russian and Manchurian and handed them over to Commander-in-Chief I-Shan of the Ta-Tsing Empire, and Commander-in-Chief I-Shan of the Ta-Tsing Empire has drawn up versions [of the Treaty] in Manchurian and Mongolian and handed them over to Governor-General Muraviev of the Russian Empires. All the provisions described above are to be published for the information of the peoples of the two Empires living along the border. City of Aigun 16 May, 1858.

[The Treaty was signed by the following:]

Nicholas Muraviev, General Adjutant of my most gracious Sovereign, the Emperor and Autocrat of All Russia, Governor-General of Eastern Siberia, Lieutenant-General and Knight of various orders.

Petr Perovsky, State Counsellor of the Ministry of Foreign Affairs in the service of his Imperial Majesty, Sovereign and Autocrat of All Russia.

I-Shan, Commander-in-Chief of the Amur region.

Dziraminya, Assistant to the Divisional Chief.

Countersigned [by]:

Shishmarev, Government Secretary, interpreter attached to the Governor-General of Eastern Siberia.

Aizhinday, Company Commander.

### *Chinese version*

#### Article one

On the left bank of Hei-Long River and Song-Hua River, from Er-Eel-Guu-Nah River to the estuary of Song-Hua River is the territory which belongs to the Empire of Russia. From the right river bank, following the river course to Wu-Su-Lee River is the territory which belongs to the Empire of China. Since all the territory from Wu-Su-Lee River to the sea is the common border of the two countries, for those specified areas in between are the dual control areas for the two countries. Henceforth, allows only the Sino-Russo boats to navigate on the Hei-Long River, Song-Hua River, and Wu-Su-Lee River; [and] no other foreign boats would be allowed to navigate on those rivers. On the left bank of Hei-Long River's southern part of Jing-Chi-Lee River to the Her-Eel-Moh-Leh-Jing Settled Area, there are Manchurians already residing there, [and they] are permitted to stay on at their settled areas as before. The Manchu Kingdom's ministers and officials still control the Russians there, [and they] should be peaceful, [and] amicable without violation.

## Treaty, 13 June 1858

His Majesty Emperor and Autocrat of All the Russias and His Majesty the Emperor of China having recognised the necessity of improving relations between China and Russia, and decreeing new regulations in the interests of both states, have named to this end their representatives as follows,

His Majesty Emperor of All the Russias, Count Euthyme Poutiatine, his Aide-de-camp, general and vice-admiral, his Commissioner in China, Commander of his naval forces in the Pacific Ocean;

And His Majesty Emperor of China, the High Dignitary Goui-lian Da-sio-chi, Minister of State of the Western section of his Empire, Director and Chief of the Criminal Affairs Department,

And the High Dignitary Khoua-Schan, President of the Inspectorate of the Empire, Chief of the Blue Standard Divisions of the Army.

These representatives, in virtue of the power conferred on them by their Governments, have agreed on the following articles:

## Article 1

[Confirms peace and the security of citizens of both countries]

## Article 2

[Confirms Russian rights to send envoys to Peking]

## Article 3

[Arrangements for maritime trade]

## Article 4

[Arrangements for land trade]

## Article 5

[Appointment of Russian consuls in ports]

## Article 6

[Assistance for Russians wrecked on Chinese coasts]

## Article 7

[Regulations to cover disputes between Russian and Chinese merchants]

## Article 8

[Regulations to cover Russian missionaries in China]

## Article 9

The undelimited parts of the boundary between Russia and China will be examined without delay by delegates on the spot, and the convention which they conclude on the subject of the boundary will form an additional article to this treaty.

The delimitation completed they will prepare a detailed description and a map of the border, to serve henceforth for both Governments, as an authentic title concerning the boundary.

## Article 10

[The regular replacements of Russian priests in China]

## Article 11

[Arrangements for postal services]

## Article 12

[Most favoured nation arrangements concluded by China to be extended to Russia]

The present treaty is today confirmed by His Majesty the Emperor of China; and after it has been confirmed by His Majesty Emperor of All the Russias, ratifications will be exchanged in Peking within the space of one year, or sooner if circumstances permit.

Copies of the treaty in Russian, Manchu and Chinese, signed and sealed by the representatives, have been exchanged, and the Manchu text will be used in interpreting the sense of the articles.

All the clauses of the present treaty will in the future be faithfully and without exception observed by the two high contracting parties.

Done and signed in the town of Tian-Tsin on 13 June 1858 and the fourth year of the reign of Emperor Alexander II.

Count Euthyme Poutiatine  
Goui-lian            Khouashan

## Additional Treaty of Peking, 2 November 1860

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### *Russian version*

In a full scale review and discussion of the existing treaties between Russia and China, His Majesty the Emperor and Autocrat of all the Russias and His Majesty the Emperor of Ta-Tsing, in the interests of greater strengthening of the mutual friendship which exists between the two Empires, for the development of commercial intercourse and for the prevention of misunderstandings, have agreed to establish some supplementary articles and for this purpose have appointed the following plenipotentiaries:—

For the Russian Empire,

Nikolai Ignatev, Major-General of His Imperial Majesty's household, and Knight of various orders.

For the Ta-Tsing Empire, Prince Gun, known as I-Sin, prince of the first order.

The plenipotentiaries appointed, in pursuance of the honours conferred upon them and in the full light of their investigations, have agreed upon the following provisions.

## Article 1

In confirmation and for the clarification of Article I of the Treaty, concluded at Aigun on 16 May 1858 [lit. on the twenty-first day of the fourth moon of the eighth year of Sian Fyn] and in fulfilment of the ninth article of the Treaty, concluded in that same year on the first June [lit. the third day of the fifth moon] in the city of Tientsin, the following is prescribed:—

Henceforth the eastern border between the two states, beginning from the confluence of the rivers Shilka and Argun, will follow the course of the River Amur downstream to the point of juncture of the said river and the river Ussuri. The lands lying on the left [north] bank of the river Amur belong to the Russian



Empire, while those lying on the right [south] bank, as far as the river Ussuri, belong to the Chinese Empire. Thenceforward from the mouth of the river Ussuri to Lake Khinkai, the border-line will go by the rivers Ussuri and Sungach. The lands lying on the east [right] bank of these rivers belong to the Russian Empire while [those] on the west [left] bank [belong] to the Chinese Empire. Thence the borderline between the two Empires [proceeds] from the source of the river Sungach, cuts across Lake Khinkai and goes by the river Belen-Khe [Tur], from the mouth of the latter along the mountain range to the mouth of the river Khubitu [Khubtu] and from there along the mountains lying between the river Khunchun and the sea, to the river Tu-myn-dzyan. Here also the lands lying to the east belong to the Russian Empire and those to the west to the Chinese [Empire]. The border-line is set along the river Tu-myn-dzyan for twenty Chinese versts [li], above its outlet to the sea.

Moreover, in fulfilment of the ninth article of the Tien-tsin agreement, the existing map is confirmed on which the border line is marked for greater clarity in dark red and its direction is indicated in letters of the Russian alphabet:

A B V G D E ZH Z T Y K L M N O P R S T U

This map is signed by the plenipotentiaries of both Empires and is countersigned with their seals.

If any settlements of Chinese subjects are shown on the above-mentioned territories, the Russian government is obliged to allow them to remain in those same places and to permit them to retain their households and to engage in their former occupations of fishing and [other] trades.

Once the border marker posts have been established, the border-line must remain unchanged for all time.

#### Article 2

The border-line to the west which has previously been undefined, must henceforth be brought into being following the direction of mountains, the flow of significant rivers and the line of the recently established Chinese pickets, from the last beacon called Shabindabaga, set up in 1728 [lit. the sixth year of Yun-Chzhen] at the conclusion of the Treaty of Kiakhta—South east to Lake Tsaysan, and thence to the mountains overlooking the more southerly Lake Isskul' and the so-called Tengeni-Shan or Kirghez Alatai, otherwise [known as] the Tyan'-shan' [Tien Shan]-nan-la [the southern spurs of the Heavenly Mountains] and along these mountains to the Kokand territories.

#### Article 3

Henceforth all frontier questions which arise will be regulated by the stipulations of Articles one and two of the present Treaty, and for the demarcation of the boundary, to the east from lake Hinkai as far as the river Thou-men-kiang; and to the west from Shabindabaga as far as the possessions of Kokand, the Chinese and Russian Governments will appoint commissioners. For the inspection of the eastern frontier, the commissioners will meet at the confluence of the Ussuri river during next April [lit. eleventh year of Hien-Fong, third moon]. For the inspection of the western frontier, the meeting of the commissioners will take place at Tarbagatai, but the time has not been fixed.

On the bases fixed by the first two articles of the present Treaty, the commissioners will prepare maps and detailed descriptions of the boundary, in four copies; two in the Russian language and two in Chinese or Manchu. These maps and descriptions will be signed and sealed by the commissioners, and two

copies, one in Russian and one in Chinese or Manchu, will be sent to the Russian Government, and two similar copies will be sent to the Chinese Government, to be preserved by them.

For the delivery of the maps and descriptions of the boundary, a protocol will be prepared, corroborated by the signatures and seals of the commissioners, and this will be considered as an additional article to the present treaty.

Article 4

[Free trade across the boundary]

Article 5

[Authorized trade routes]

Article 6

[Establishment of Russian trading facilities at Kashgar equal to those existing at Ili and Tarbagatai]

Article 7

[Protection of Russian and Chinese merchants abroad]

Article 8

[Treatment and punishment of foreign malefactors]

Article 9

[Relations between frontier authorities]

Article 10

[Treatment of brigands and fugitives]

Article 11

[Communications between border authorities]

Article 12

[Postal services]

Article 13

[Diplomatic correspondence]

Article 14

[Re-negotiation of trade arrangements]

Article 15

[Exchange of copies of Treaty]

Concluded and signed in Peking on 2 [14] November 1860 in the Christian era, and sixth year of the reign of Emperor Alexander II, and the second day of the tenth moon of the tenth year of Hein Fong.

Signed by   Nicolas Ignatiev  
                  Kong

*Chinese version*

Article 1

Clearly agreed: the first article of the peace treaty signed in the city of Ay-Hwen, on the 16 May 1858, i.e. 21 April, the eighth year of Shyan-Feng, was replaced

by the ninth article of the peace treaty signed at Tientsin, on 1 June 1858, i.e. the 3 May [of Shyan-Feng]. Henceforth the eastern border of the two countries is resolved as follows:

Starting from the junction of the Shyr-Leh-Keh and Er-Eel-Guu-Nah rivers, then, following the lower part of Hei-Long River until it joins with Wu-Su-Lee [Ussuri] River, and stopping at this point, all the territory from the north banks of the rivers belongs to the Empire of Russia; and all the territory from the south banks of the rivers to the estuary of Wu-Su-Lee River belongs to China.

From the estuary of Wu-Su-Lee River towards south and further up to the Lake of Shing-Kai, the two countries share Wu-Su-Lee and Song-Ah-Char rivers as their borders. The territory of the eastern bank of the two rivers belongs to the Empire of Russia; the territory of the western bank of the two rivers belongs to China.

From the source of the Song-Ah-Char River, the border of the two countries passes through the Lake of Shing-Kai, then stretches to Bair-Leng River, again from the estuary of Bair-Leng River along the mountains to the estuary of Hwu-Buh Twu River, *and following Hwen-Chuen River and the isle in the river to the estuary of Twu-Men River* [see explanatory note at end of translation], all the eastern side of the above-mentioned places belongs to the Empire of Russia, and all the western side of the above-mentioned places belongs to China.

There are no more than twenty Chinese miles between the estuary and the point where the border of the two countries meets the Twu-Men River. Therefore, according to the ninth article of the Tientsin peace treaty, [China and Russia] agreed to draw a map, and on the border line where the red colour has been used, for the purpose of easier reading, the Russian letters Ah Ba We Ge Da Yee Reh Jie Yi Yii Keh Ia Ma Na Wo Pa La Sa Two Wu have been written down.

The ambassadors plenipotentiary of the two countries must sign their names and stamp their seals on the map.

All the above-mentioned territories are open spaces, wherever there are Chinese dwellers and the Chinese hunting and fishing areas, the Empire of Russia is not allowed to occupy them, and the Chinese should continue to be allowed to hunt and fish as ever before. After the boundary stones are erected, the border line should never be changed again, and [Russia] should not occupy the vicinity and other places.

## Article 2

The undetermined western border, from now on the boundary line should follow the mountains and the course of main rivers; and the present Chinese dwelling places of Kaa-Luan; and the boundary stones which were erected at Sha-Bin-Dar-Ba-Haa, in 1728 i.e. the sixth year of Iong-Jenq, then towards west further up to the Lake of Chi-San-Jou-Eel, and from the lake, towards south-west following Teh-Muh-Eel-Twu-Jou-Eel of the Mountain of Tien, and further down the south to the border of Haw-Haan as the two countries' boundary line.

*Note.* The italicized phrase is the correct translation of the printed Treaty, but it must be a misprint. If the boundary had followed the river Hwen-Chuen, instead of the mountains to the east, Russia would have been favoured. Further, the confluence of the Hwen-Chuen and the Twu-Men rivers is fifty to sixty Chinese miles from the sea.

# 4

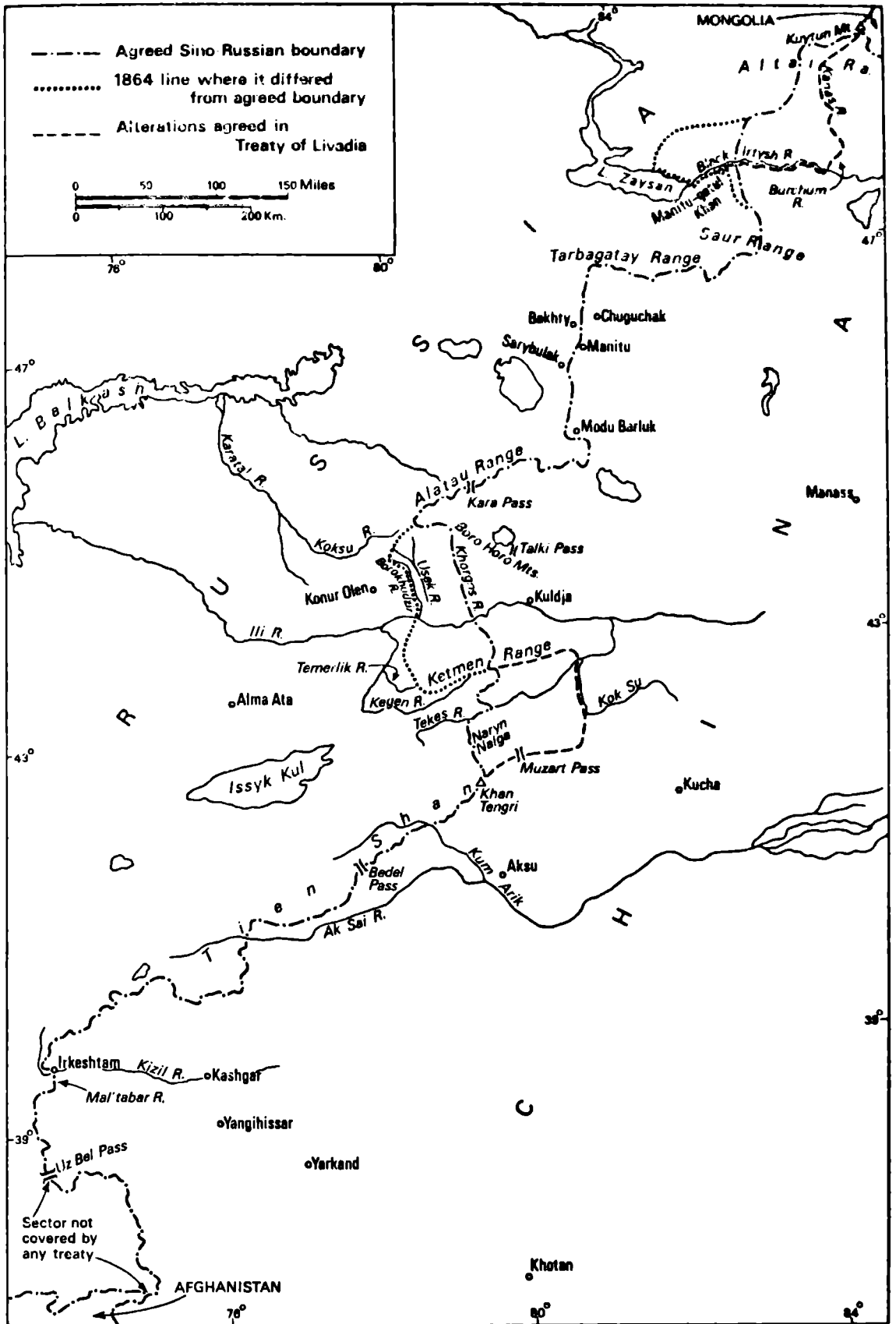
## The Boundary between China and Russia, 1864-1915

The second article of the treaty of Peking defined the boundary west of Shabina pass in general terms, and the third article indicated that the precise boundary would be selected by a joint commission, in the field, at some time in the future. This commission met in 1864 and quickly concluded a treaty at Chuguchak. There were two factors which must have encouraged the Chinese to reach a rapid agreement. First, a Moslem revolt began at Kucha in early June 1864. While there had been twelve previous Moslem uprisings in the century of Chinese rule in Singkiang, none had spread as quickly as this (Hsu, 1965, p. 22). By the end of July, Kucha, Manass, Yarkand, Yangihissar, and Kashgar were in the hands of rebels; Umruchi was besieged and Kuldja was isolated. Second, in May 1864, Russian forces had launched a pincer attack against Kokand, from the two bases of Kzyl-Orda and Alma Ata. By 22 September, these forces had linked up after capturing Dzhambul, Turkestan and Chimkent (Pierce, 1960, p. 19).

Clearly China had a vested interest in securing a firm claim to territory, over which it had previously exercised authority, before an independent Moslem state could arise and conclude agreements with Russia, and before the striking Russian advance reached the rebel-held areas. Russia, for its part, was presumably glad to obtain title to land which lay beyond the *de facto* boundaries established by Russian armies.

The second article of the treaty of Peking only gave two locations to identify the 1300 miles (2092 kilometres) of boundary between Shabina pass and the border of Kokand; they were lake Zaysan and the Tien Shan mountains. However, the commissioners were also instructed on the principles which they should observe in selecting a particular line. The boundary had to be related to 'the direction of mountains, the flow of large rivers and the line of the recently established Chinese pickets' (Russian version). This means that the boundary had to be drawn with a north-northeast alignment across a landscape where the majority of mountain ranges and rivers lay nearly due east-west. The resulting boundary zig-zagged with east-west segments coincident with mountain ranges, such as the Saylyugem and Altai, Saur and Tarbagatay, Alatau, Temerlik, Karatau and Tien Shan, connected by north-south segments across plains, coincident with lines of Chinese pickets. Rivers were scarcely used, except in very short sections. The Black Irtysh river east of lake Zaysan and short sections of the Daratu and Naryn Nalga, tributaries of the Tekes river, provided the only cases where the boundary followed river courses.

The protocol of Chuguchak avoided the serious ambiguities of the treaties of Nerchinsk in 1689 and Aigun in 1858, and gave a much more consistent definition



Map 4. The Sino-Russian boundary of 1864

of the line than the various Kyakhta treaties in 1727. Indeed on the maps available at that time the boundary must have seemed perfectly clear, because the mountains were shown to have simple structures. Typical maps of the period were produced by Radloff (1866), Petermann (1868a, 1868b, 1872), Elias (1873), Arrowsmith (1875), and Clarke (1880).

Elias, referring to the Saylyugem mountains, praised their selection as a boundary in the following terms.

No boundary can be naturally more complete than that formed by this east and west chain of Altai for Russia and China; not only does it separate the river systems of the northern pine forests from the barren rocky deserts of the south, but it also constitutes the natural border line between the Kalmucks and Mongols, and since its fixture as the political frontier some ten years ago [*sic*: the boundary had existed for 8 years when Elias visited it] the former have been enabled to escape from their previous anomalous position of owing allegiance to both States (Elias, 1873, p. 138).

In every case where boundaries are mentioned, except the Tien Shan range, the description is followed by a statement allocating the lands, drained by rivers having their sources in these mountains, to China or Russia.

Along this extent all the country through which rivers such as the Kok-su and others flow to the westward is to be assigned to Russia, and all country along which rivers such as the Sarbaktu and others flow to the eastward is to become Chinese territory.

Presumably this kind of supplementary definition was not added in the case of the Tien Shan range because a number of rivers flow through it. Rivers such as the Ak Sai, Chong Uzen and Kum Arik rise north of the range and flow south through the range to Chinese territory.

One of the disagreements during the definition of the line concerned the status of Chinese pickets (Jackson, 1962, p. 116). It has been noted earlier that the boundary should follow 'the line of the recently established Chinese pickets'. The Chinese in fact had two categories of pickets in some areas. First there were the permanent pickets which were manned throughout the year. Second, there were temporary pickets, lying west of the line of permanent stations, which were occupied when tribes subject to Chinese authority grazed their herds in these areas. The Chinese delegates naturally pressed for the line of pickets which lay furthest west, whereas the Russians argued that the line of permanent pickets was intended. The Russians were successful in presenting their case as the fourth article of the treaty shows.

At points occurring along ridges of mountains, large rivers, and permanent picket stations, which after the present boundary delimitation shall have become Russian territory, and which are consequently situated on this side of the boundary line, there formerly existed Chinese pickets ...

Some of the nominated pickets, such as Konur Olen in the Ili valley, were 30 miles (48 kilometres) west of the boundary. The Chinese were allowed to continue to maintain these posts until the boundary was demarcated, when troops had to be withdrawn within a period of one month.

There were turning points on the boundary which might have given rise to disagreement later, but there is no record that they did. For example, the points defined as 'the western extremity of the Tannu-Ola range', 'the eastern extremity of the Altan-Tebshi mountains', and 'Birin-Bash mountains' are not precise and

in each case the point had to be selected from a number of possibilities. Judging by the opinions of commentators in the last century there was some confusion about the line of the boundary from the Koitas mountains north of Ili to the Ili river.

From hence, proceeding along the summits of the Koitas mountains, situated west of the Kuitun river [identified earlier in the treaty as the Usek], and reaching the point at which the river Turgen, flowing southward issues out of the mountains, the boundary is to extend along the Turgen river and through the Borohudzir, Kuitun, Tsitsikhan, Horgos pickets and be carried to the Ili-buraisikin picket. Here crossing the Ili river . . .

According to Radloff (1866) the Usek formed the boundary between Russia and China, and it is described as the chief right bank tributary of the Ili. Radloff's map shows the Borgudachir (Borokhudzir) as a tributary of the Usek. He also notes that 'the second Chinese guardpost' is located in the headwaters of the Usek, but at no stage does he mention the first picket, which presumably could have lain to the west or south. Radloff's case is weakened by the following statement.

The border with Russia is not precisely marked, but this seems to be of little concern, as west from the Usek to the stream Shilik on both sides of the Ili there are only sand steppes, and the banks of the river Ili are used only by a few Khirgiz families to build their tents in winter (Radloff, 1866, p. 88).

If the sandy areas formed a lightly populated frontier between the main Russian and Chinese regions, it would be surprising if the Chinese conceded the entire area and allowed the Russians to advance to the western edge of the most densely settled section of the Chinese province. If the Usek was as important as Radloff suggests it is also probable that the Chinese would wish to preserve it for their own use. Radloff's error disappears if he was writing before the terms of the 1864 agreement were made public. If he was basing his comments solely on his 1862 visit he was probably describing the apparent *de facto* situation, unaware that the subsequent agreement had selected a line of Chinese pickets to the west of the Usek. Clarke (1880) does not mention the Usek river in his account of the hydrography of the Ili basin, but is quite certain that the 'Borohudzir formed the old frontier between Russia and western China before the occupation of Kuldja by the Russians' (Clarke, 1880, p. 494).

For the following reasons it seems likely that Clarke was right and that the Borokhudzir was the boundary river. First the starting point in the Koitas mountains is stated to be west of the Usek river. Second, Borokhudzir, Keytyn (Kuitun) and Ili-Buraisikin are known to be on the Borokhudzir from historic and modern maps, such as Clarke (1880), Arrowsmith (1875), Petermann (1868b) and sheet NL44 of the 1:1 000 000 series. The only Turgen which has been found is the name given to a village between the Borokhudzir and Usek rivers close to the Ili. It seems unlikely that the Turgen was an alternative name for the Usek, which is also identified in the treaty as the Kuitun, and it may be presumed to be an alternative name for the Borokhudzir. Third, the Borokhudzir flows through to the Ili whereas, according to recent maps, the Usek loses itself in a swamp and salt pan.

In addition to avoiding the ambiguities and uncertainties of earlier boundary treaties, the treaty of Chuguchak also included sensible provisions for the demarcation of the boundary and the avoidance of possible border conflicts. The instructions about placing markers were detailed. Commissioners were warned that where rough ground made the placing of markers right on the boundary impossible, then the markers were to be designed to show the alignment and distance of the

boundary. Across open plains the markers were to be set so that a neutral strip of 70 yards (64 metres) remained between them. The fifth article stipulated that persons assigned to one side must remain there and if they should migrate across the boundary they were to be returned. The eighth article sensibly noted that neither side was to interfere with the course of any river which flowed from their side into the territory of the other state. This provision was particularly important in respect of the Irtysh, Ili and Tekes rivers. Finally, the tenth article allowed certain Chinese subjects who cultivated land west of Bakhty, on the river Siao-Shui, to be gradually transferred back to Chinese territory during a ten-year period. The demarcation of this boundary did not take place until after the solution of problems occasioned by the Moslem revolt in the Kuldja area.

The year which witnessed the conclusion of the treaty of Chuguchak also contained the seeds of events which led eventually to the treaty of St Petersburg in 1881. Reference has already been made to the fact that a serious rebellion by Moslems in Singkiang encouraged the Chinese authorities to conclude the treaty of Chuguchak in haste. This rebellion was more successful than any of its dozen predecessors, and by 11 April 1866, when Chuguchak fell, Chinese authority had been eliminated from all Singkiang with the exception of areas around Barkul and Hami in the east (Wen-djang Chu, 1955, p. 264). The rebels were divided in their leadership and factions had their headquarters at Aksu, Urumchi, Kashgar, Khotan and Yarkand. One of the leaders, Sadiq Beg, whose capital was Kashgar, invited the khan of Kokand to send a leader, and thus Khoja Buzurg came to Kashgar in the company of Yakub Beg, a general. By 1870 Yakub Beg had established himself as ruler over all southern Singkiang (Forsyth, 1875, p. 62).

The emergence of Yakub Beg, who soon became the Emir Yakub Khan, was welcomed by Britain because it posed an obstacle to plans of Russian expansion, and because a comparatively weak buffer was interposed between Russian and British spheres of influence. On 2 February 1874 Britain concluded a commercial treaty with the Moslem leader. Russia on the other hand was concerned about the successful rebellion. They were concerned lest Yakub Khan should rally all the khanates in Turkestan, and form a powerful Moslem state which would thwart Russian plans for a southward extension into territory secured by the treaty of Chuguchak. The rebellion was disrupting trade through the Ili valley, which in 1856 had amounted to more than £1 million sterling. Russian property in Kuldja and Chuguchak, such as warehouses, private dwellings and trade goods, had been damaged or confiscated. Some raids by militant Moslems had already occurred into Russian territory (Schuyler, 1872, 2, pp. 183, 186), and some thousands of refugees had fled from Chinese to Russian territory, creating administrative problems for the Russian authorities (Terent'ev, 1876, 1, pp. 241, 246, 272-3). When it appeared in 1871 that Yakub Khan might invade the Ili valley the Russians decided to pre-empt the situation and occupied it themselves. The short campaign in June-July 1871 was completely successful (Terent'ev, 1876, 2, pp. 23-58). Immediately the Russian government advised the Chinese that the occupation was only temporary and that the territory would be restored when China was in a position to assert its authority. At that time it seemed unlikely that China would be able to re-establish its writ in the area, but by May 1878 the Chinese armies had reoccupied all the former territories except Ili, and China promptly reminded the Russian government of its promise to return the valley.

Chunghow, ambassador extraordinary, was sent to St Petersburg in January 1879 to renegotiate the return of the occupied territory. Clearly this situation represented an opportunity for Russia. While the Russian government was prepared to return Ili it sought territorial, commercial and financial advantages for the price of



administering the territory on China's behalf. The Russian leaders were particularly anxious to show some profit in this transaction since they had suffered a setback the previous year at the congress of Berlin (Hsu, 1965, p. 154). In 1877, Russia had fought Turkey and had dictated the Peace of San Stefano at the conclusion of the war in 1878. Turkey was forced to cede southern Bessarabia to Russia, give independence to Serbia, Montenegro and Rumania, and permit the formation of the new principedom of Bulgaria. Britain intervened and Bismarck was appointed as mediator in this matter. The resulting congress of Berlin later in 1878 reduced Russian gains and gave Cyprus to Britain and Tunis to France. Hsu (1965, pp. 52-7) has provided an interesting account of the negotiations which resulted in the treaty of Livadia. The territorial provisions of the treaty ceded areas north of Chuguchak and west of Kuldja to Russia. Russia was also granted navigation rights on the Sungari river up to 640 kilometres at Potuna. This last concession was interesting since according to the treaty of Aigun in 1858 Russia had been granted these rights. Perhaps this lends weight to the argument of Chen (1950) and others that the Sungari mentioned in the 1860 treaty was the Amur, between the junctions with the Sungari and Ussuri, which was considered as a continuation of the Sungari by the Chinese.

The new boundary north of the Irtysh river followed the river Burchum and its tributary the Kanas for most of their length, rejoining the former boundary just west of Mount Kuytun. The boundary was shown on a map published by the *Celestial Sun and Shanghai Courier* in July 1880. At the junction of the Burchum and Irtysh rivers the boundary turned west and followed the Irtysh as far as Manitu-gatul Khan, where it connected with the 1864 line. This territory, according to the Chinese negotiator (Hsu, 1965, p. 65) had been virtually lost to the Russians before the treaty of Livadia. Certainly the boundary description of 1864 did not refer to any Chinese pickets in this area, apart from Manitu-gatul Khan, and it may be presumed that Kirghiz tribes subject to Russia had migrated into this area during the period of the Moslem uprisings to the south. The new boundary across the Ili valley followed the old line southwards to the source of the Temerlik river; from there it proceeded east along the Ketmen and Ish Kilik ranges to a point opposite the confluence of the Tekes and its tributary the Kok Su. It then was drawn to the mouth of the Kok Su and along that river to the point where it makes a sharp deflection to the east. From this pronounced bend it continued directly to the main watershed of the Tien Shan, and followed this line west until it rejoined the 1864 boundary. The significance of this cession was that Kuldja was outflanked to the south by Russian territory and that Russia was given control of the Muzart pass, through the Tien Shan. Russian control of the Muzart pass would sever connection between Chinese territory south of the Tien Shan, around Aksu and Kashgar, and the Ili valley and areas to the north around Chuguchak. Hsu (1965, p. 59) also indicates that the T'a-Lo-K'en pass (Talki) through the Boro Horo mountains north of Kuldja was ceded to the Russians, but this seems to be an error.

The Chinese government decided not to ratify this treaty, which they considered made too many concessions. China requested that further negotiations should take place and a new Chinese delegate was sent to St Petersburg, where he arrived on 30 July 1880. Hsu (1965, ch. 8, 9) has provided the best account in English of the fresh negotiations which culminated in the treaty of St Petersburg in 1881. It is apparent from his account that there was no clear conception on the part of the Russian negotiators about the minimum demands which would have to be satisfied. At various times concessions in the Ussuri valley, trading rights on the Sungari, territorial concessions north of Ili, and varying amounts of financial compensation

were advanced as Russian requirements. Apparently the Russians recognized that they had gained more from the treaty of Livadia than they had any right to expect, and they were unwilling to go to war to preserve these gains. China didn't particularly want war either just to regain the Ili valley and so the negotiations dragged on and eventually Chinese patience was rewarded.

The treaty of St Petersburg contained twenty articles, of which three dealt with the definition of boundaries. The seventh article redrew the boundary across the Ili valley. The boundary now turned south in the Toksanbay mountains (Bedjin-Taou) to follow the course of the Khorgos river to its confluence with the Ili. From this point the boundary continued to the source of the river Kegen in the Ketmen range, having passed to the west of Kol'dhzat (Koldjat). At this point the new boundary connected with the line drawn in 1864. Hsu's map (1965, p. 186) is incorrect since it shows the southerly connection between the old and new boundaries to be in the Tien Shan.

The justification for this cession to Russia was that land was needed to allow the resettlement of Tungan refugees who wished to remain under the authority of Russia, but who lived in Chinese territory. The total area won by Russia, according to maps of the time, measured 3600 square miles (9320 square kilometres).

The eighth article dealt with the boundary north of Chuguchak, where Russia had gained territory according to the treaty of Livadia. The article referred to the fact that the boundary in 1864 had now been discovered to be defective, and that a new boundary was needed which would effectively separate the Kirghiz tribes owing allegiance to China and Russia. The article indicated that the new boundary should be intermediate between the old boundary and a direct line from the Mount Kuytun to the Saur mountains. The direct line which marked the eastern edge of the region within which the line was to be selected lay to the west of the boundary awarded to Russia, by the treaty of Livadia, along the Burchum river.

The ninth article simply noted that commissioners would be appointed to mark the new boundaries mentioned in the previous articles. The issue of navigation on the Sungari was considered in the eighteenth article and simply reaffirmed Russian rights conferred by the treaty of Aigun (1858).

Rules governing land trade between Russia and China were attached to the treaty of St Petersburg, and they are of interest to students of the Sino-Russian boundary because they list the frontier posts by which such trade was to be conducted. Thirty-five posts were nominated, of which the first twenty were pairs of Chinese and Russian posts. The most interesting feature of this list is that the 35th post is located at Irkeshtam on the river Kizil. This apparent terminus is about 105 miles (168 kilometres) beyond the terminus set by the 1864 treaty, which was the junction of the Tien Shan and Tsun-lin range on the borders of Kokand, which has been identified by the U.S.A. Geographer (1966, p. 11) as about 40° 15' north and 74° 40' east.

Within a year of the treaty being signed a number of joint commissions were appointed to demarcate the boundary and record their results in protocols. The first was completed on 16 October 1882 and carried the boundary from the Naryn Nalga canyon southwest of Kuldja to the Kara pass in the Alatau north of Kuldja. The second article of this protocol stipulated that the waters of the river Khorgos were available for irrigation by both nationals of both countries, and the islands in the river were available for grazing by herds from both banks. This arrangement was not very successful because disputes arose over the construction of new canals, and the use of the islands for grazing. A new commission inspected the river in 1915 and laid down new regulations in addition to dividing the principal island

into two equal halves for use by Russian and Chinese citizens. This new decision was contained in the protocol of 12 June 1915. The second protocol of 25 November 1882 described the boundary westwards from the Naryn Nalga canyon to the Bedel pass. The commissioners noted that the boundary coincided with high and inaccessible peaks and therefore the number of pillars which could be erected was limited. They specified various peaks which marked the boundary, and nominated the rivers which belonged to each country. Winter compelled them to abandon their work at the end of 1882 and they resumed it in the following year. The continuation of the border from the Bedel pass to the Uz Bel pass was the subject of their second protocol on 22 May 1884. Pillars were erected at twenty-eight passes between the Bedel pass and the Irkeshtam valley, where the last crossing point for trade was located. South from this valley the commissioners described a boundary without visiting the area; an act which they justified on the grounds that the terrain was very rugged, there were no roads, and there were no places where pillars were necessary! The boundary was carried by the river Mal'tabar to its source and then the peaks which effectively mark the drainage basin of lake Kara Kul, which belonged to Russia. The boundary was extended by this means to the pass Uz Bel, which on modern maps is called Kizil Jik; it occurs in latitude  $38^{\circ} 40'$  north. The protocol noted that at this point the Chinese and Russian boundaries diverged, going south and southwest respectively. That, of course, is no longer the case, because Russia has acquired the territory which previously separated Chinese and Russian dominions. This means that for about 192 miles (307 kilometres) north of the Afghan-Russian-Chinese tri-junction the Sino-Soviet boundary is not covered by any international treaty.

The fourth and fifth protocols had been completed in 1883. On 31 July, the boundary between the Saur mountains and the Altai range was defined. This section of boundary traversed the area of the Black Irtysh river which had been the subject of Chinese concessions in the defunct Livadia treaty. This protocol made arrangements for the Kirghiz population, transferred from one jurisdiction to another by the new boundary, to decide within one year whether they would accept their new nationality or return to their former sovereign. Nationals of both countries were entitled to use the waters of rivers which marked the boundary. The section of boundary between the Saur and Alatau ranges was described in the last protocol of 21 September 1883. The demarcation of this boundary, nearly twenty years after it had been delimited, found certain Kirghiz groups on the wrong side of the line. These groups were given sufficient time to decide whether they would remain in their new country or return across the boundary, and this issue was finally settled by a protocol of 20 December 1893.

In terms of territory Russia gained most from the treaties of 1864 and 1881, but the territory which China appeared to have conceded had been held only tenuously in the past, and had on some occasions slipped beyond Chinese control. From China's point of view, the concession had produced an eastern limit to Russian expansion which has served China well ever since. China can also be congratulated on being the only country which has been able to persuade Russia to disgorge territory which it had occupied. In that respect China's success in the Ili valley is unique.

During this period the Russian and Chinese governments also concluded one treaty dealing with the boundary east of Mongolia. This treaty, dated 20 December 1911, redefined 530 miles (853 kilometres) of boundary between boundary beacon 58, fixed by the Kyakhta treaties, and the confluence of the Amur and Argun rivers. The treaty contained three protocols, and the two dealing with the river Argun have already been considered (see p. 12). The third redefined the boun-

dary, marked by the last six boundary beacons (58-63) of the Kyakhta treaties, between Abagytuy and a location close to the present eastern tri-junction of Mongolia, China and the Soviet Union. The effect of this new delimitation was to move the boundary about 5 miles (8 kilometres) into Chinese territory along a front of about 60 miles (97 kilometres); the total area gained by Russia was 375 square miles (971 square kilometres).

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### Protocol of Chuguchak, 7 October 1864

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Ivan Zakharoff, State Councillor, Knight, and Consul-General in Kuldja; and Ivan Babkoff, Colonel, Knight, and Chief Quartermaster of the detached Siberian Army Corps, Commissaries of the Great Russian Empire appointed for the delimitation of the frontier; and

Min-i, Commander of the Left Wing, Tzian-Tziun of Ulusutai, and ranking as Commander of a Chinese Army Corps bearing a red banner with a border; Silin, Hobei-Amban of Tarbagatai, and ranking as Assistant Commander of an Army Corps; and

Bolgosu, Brigadier Commander of Tarbagatai, having the rank of Assistant Commander of an Army Corps and the title of Baturu, all three of the great

Daitsin Empire, and appointed by Supreme Order for determining the North-Western Frontier.

In fulfilment of the Treaty of Peking, and with the view of strengthening the good relations existing between the two Empires, it was by mutual accord determined in the town of Tarbagatai with respect to the delimitation of the country subject to partition between the two countries, and commencing from Shabindabaga to the Tsun-lin range bordering on Kokan territory, to mark the line of frontier along the ridges of mountains, large rivers, and existing Chinese pickets, and having constructed a map of the country adjoining the frontier to indicate on it by a red line the boundary between the two Empires. Wherefore they have drawn up the present Protocol, in which they have set forth the names of the places defining the line of frontier determined at the present Conference, and adopted the rules for defining such frontier, which are embodied in the following Articles:—

#### Article I.

Commencing from the boundary mark of Shabindabaga the frontier will first run westwards, then southwards along the Sayan ridge; on reaching the western extremity of the Tannu-ola range, it will turn to the south-west, following the Sailingem range, and from the Kuitun mountains it will run westwards along the great Altai range. On reaching the mountains situated between the two Kalguty rivers [Kaliutu in Chinese], which flow north of Tzaisan-nor lake, the frontier will turn to the south-west, and following along the above mountains will extend to Tchakilmes mountain on the north shore of Tzaisan-nor lake. From hence, making a turn to the south-east, the frontier is to extend along the shore of Tzaisan-nor lake, and along the Black-Irtysh river to Manitu-gatul Khan picket.

Along this whole extent the watershed is to be adopted as the basis for defining the frontier between the two Empires, in such a manner that all the country along which rivers flow to the eastward and southward is to be apportioned to China, and all the country through which rivers flow to the west and north shall be allotted to Russia.

#### Article II.

From the picket of Manitu-gatul Khan, in a south-easterly direction, the line of frontier is to abut on the Sauri mountains [Sairi-ola in Chinese]; beyond this it will first trend to the south-west, and then west along the Tarbagatai range. On reaching the Khabar-asu pass [Hamar-dabakhan in Chinese] it will turn to the south-west and proceeding along the picket road, the frontier will extend along the pickets Kumurchi, Karabulak, Boktu, Veitan-tszu [Kok-tuma in Russian), Manitu, Sara-bulak, Chelan-togoi, Ergetu, Barluk, Modo-barluk. From hence the frontier is to extend along the valley between the Barluk and Alatau ranges, and beyond, between the Aruzindalan and Kabtagai pickets, the line is to be drawn along the most elevated point of this valley, abutting on the eastern extremity of the Altan-Tebshi mountains. The watershed is to be taken as a basis for the line of demarcation between the two Empires along this whole extent of country, and in such a manner that all country along which waters flow eastward and southward is to be assigned to China, and all country with waters flowing westward is to be allotted to Russia.

#### Article III.

From the western extremity of the Altan-Tebshi mountains the frontier is to run westward along the great range of mountains known under the general name

of the Alatau range, namely, along the summits of the Altan-Tebshi, So-Daba, Kuke-tom, Khan-Karchagai, and others. Along this extent all the country through which rivers flow northward is to become Russian territory, and all the country having rivers flowing southward is to be allotted to China.

On reaching the Kongor-obo mountains, which serve as the watershed of the rivers Sarbaktu flowing eastwards, the Kok-su [the Kuke-olom of the Chinese] flowing westward, and the Kuitun [the Ussek of the Russians] flowing southward, the boundary is to deflect to the south.

Along this extent all the country through which rivers such as the Kok-su and others flow to the westward is to be assigned to Russia, and all the country along which rivers such as the Sarbaktu and others flow to the eastward is to become Chinese territory.

From hence, proceeding along the summits of the Koitas mountains, situated west of the Kuitun river, and reaching the point at which the river Turgen flowing southward issues out of the mountains, the boundary is to extend along the Turgen river and through the Borohudzir, Kuitun, Tsitsikhan, Horgos pickets, and to be carried to the Ili-buraisikin picket. Here, crossing the Ili river, the line of boundary is to run southward to the Tehun-tszu picket; from thence, turning to the south-east, the boundary shall be extended to the source of the Temurlik river. Thence deflecting to the eastward, the line of frontier shall proceed along the summits of the Temurlik range, otherwise known under the name of the Nan-Shan range, and skirting the camping-grounds of the Khirghizes and Buruts [Dikkokamenni Khirghizes], the boundary shall turn in a south-westerly direction at the source of the Kegan river [the Gegen of the Chinese].

Along this extent all the country through which rivers run westward of the Kegan and other rivers shall belong to Russia, while all the country through which run rivers east of Undubulak and other rivers shall be allotted to China.

Further, proceeding to the south-west, the boundary shall run along the summits of the Karatau mountains, and reaching the Birin-bash mountains [Bir-basha of the Chinese], the line of frontier shall extend along the River Daratu, flowing southwards towards the Tekes river. The boundary, after crossing the Tekes river, shall extend along the Naryn-Nalga river and then abut on the Tian-Shan range. From hence, proceeding in a south-westerly direction, the frontier shall run along the summits of the Khan-Tengere, Savabtsi, Kukustluk [Gunguluk of the Chinese], Kakshal [Kakshan of the Chinese], and other mountains, situated to the southward of Temurtunor lake, and known under the general name of the Tian-Shan range, separating Turkestan from the camping-grounds of the Buruts; and the boundary shall then abut on the Tsunlin range which extends along the Kokandian frontier.

#### Article IV.

At points occurring along ridges of mountains, large rivers, and permanent picket stations, which, after the present boundary delimitation shall have become Russian territory, and which are consequently situated on this side of the boundary line, there formerly existed Chinese pickets, as in the Ulusutai and Kobdo districts, on the northern side of the great Altai and other ranges; Ukek and other pickets in the Tarbagatai district on the northern side of the Tarbagatai range; Olon-bulak and other pickets, on the northern side of the Alatau range; Aru-Tsindallan and other pickets in the Ili district; Konur-Olen [Kongoro-olon of the Chinese] and other pickets. Until the boundary marks shall have been placed, the Chinese authorities may, as formerly, send their soldiers to these points for frontier service. With the arrival next year of the Commissioners

from both sides for placing the boundary marks, the above-mentioned pickets must be removed to the Chinese side of the boundary in the course of one month, counting from the time of placing the boundary mark at that point from which the picket must be withdrawn.

#### Article V.

The present delimitation of the boundary has been undertaken with a view of consolidating permanently friendly relations between the two Empires; consequently, in order to avoid disputes respecting the inhabitants of the conterminous zone, it is hereby determined to adopt as a basis the day of exchange of this Protocol, i.e., wherever such inhabitants may be seated at that time, there they are peaceably to abide and to remain in enjoyment of the means of existence assigned to them, and to whichever Empire the camping-grounds of these inhabitants may have passed, to such Empire shall such inhabitants and their land belong, and by such Empire shall they be governed. And if, after this, any of them shall remove from their previous place of residence and cross the border, such people shall be sent back, and thus all confusion and uncertainty on the boundary terminated.

#### Article VI.

On the expiration of 240 days after the exchange of this Protocol respecting the boundary now defined, the Commissioners of both sides shall for the purpose of placing the boundary marks meet at appointed places, viz., from the Russian side the Commissioners shall assemble at a place situated between Aru-tsindallan and Kaptagai localities and here divide into two parties, one of which, together with the Commissioners from the Ili district, shall, for the purpose of placing the boundary marks, proceed to the south-west along the line of frontier now fixed, and place such marks. The other party, together with the Commissioners from the Tarbagatai district, shall proceed to the north-east, along the line of boundary now determined, and place the boundary marks.

To the Manitu-Gatul Khan picket shall proceed the Commissioner from the Kobdo district for the purpose of placing the boundary marks, and he shall, conjointly with the Russians, place such marks along the boundary line now fixed; to the Sogok picket shall proceed the Commissioner empowered by the Ulusutai district to place the boundary marks, and he shall conjointly with the Russians, place such boundary marks along the line of frontier as far as the Shabindabaga picket.

For placing the marks the following rule shall be observed: where the boundary runs along high mountains, the summits of the mountains are there to be taken as the boundary line; and where it runs along large rivers, there the banks of the rivers are to serve as the line of frontiers; at places where the boundary runs across mountains and rivers, new boundary marks are to be placed at all such places. In general, along the whole frontier the direction of the course of waters is to be taken into consideration when placing the boundary marks, and these marks are to be erected according to the nature of the locality. If for instance, there is no pass through the mountains and consequently the placing of boundary marks would at such points be attended with difficulty, then the range of mountains and the course of flowing waters must be taken as the basis for the boundary line. In placing the marks in a valley, 30 fathoms (20 Chinese fathoms) must be left as intermediate ground.

All products of mountains and rivers to the left of the erected boundary marks shall belong to China, and all products of mountains and rivers on the right side of the boundary marks shall belong to Russia.

## Article VII.

After the boundary marks shall have been placed the Commissioners appointed by both sides for the erection of such marks must, in the following year draw up a memorandum of the number of boundary marks erected by them, and specify the names of the localities where the marks have been placed by them, and they shall exchange such memoranda.

## Article VIII.

After the boundary marks shall have been erected by them along the whole line of frontier now determined between the two Empires, should it anywhere appear that the source of a river is situated within Chinese territory, and its course run within the confines of the Russian Empire, in such case the Chinese Empire must not alter the former bed of the river nor dam its course; and so conversely, should the source of the river be situated in Russian territory, and its course run within Chinese limits, the Russian Empire must not alter its former bed or dam its course.

## Article IX.

Hitherto the Amban rulers of Urga have alone been in communication with the Governor of Kiakhta on public matters, and the Tzian-Tziun of Ili and the Hobei-Amban of Tarbagatai have similarly had relations with the Governor-General of Western Siberia. Now, with the establishment of the present frontier, should any matter arise within the Ulusutai and Kobdo districts necessitating mutual relations, the Tzian-Tziun of Ulusutai and the Hobei-Amban of Kobdo shall in such case enter into communication with the Governor of the Province of Tomsk and with the Governor of the Semipalatinsk region. The correspondence between them may be conducted either in the Manchurian or Mongolian tongue.

## Article X.

Prior to this, some inhabitants of Tarbagatai had established farms and ploughed up land in five places in the Tarbagatai district, west of Baktu picket, on the river Siao-Shui, and had paid rent for the same to the Government. With the establishment of the present boundary the above localities have become Russian territory; the immediate removal of the above-mentioned agriculturists would, however, be attended with hardship to them. A period, therefore, of ten years shall be allowed them, counting from the time of erection of the boundary marks, and during this term they shall be gradually transferred to the interior parts of China.

In this manner the Commissioners imperially appointed on both sides for the delimitation of the boundary have at their present meeting determined by mutual accord the boundary line, have prepared in quadruplicate a map of the whole frontier as now fixed, and inscribed on this map in the Russian and Manchurian languages the names of the places situated on the boundary, and have affixed their seals and signatures to such maps. They have likewise, drawn up this protocol in the Russian and Manchurian languages and having prepared four copies in each language, they, the Boundary Delimitation Commissioners of both sides, have attested these documents by affixing their seals and signatures thereto.

When mutually exchanging these documents the Commissioners of both Empires shall retain a copy of the map and a copy of the protocol for their guidance; the remaining two copies of the map, and two copies of the protocol, the Commissioners of both Empires shall present to their respective Ministries



of Foreign Affairs for embodiment in the Treaty of Peking, and in supplement thereto.

For this purpose they have made a mutual exchange of this Protocol on the 25th day of September, in the year of Our Lord 1864; of the Daitsin Empire, in the reign of Joninga-Dasan, the 3rd year, 9th moon, 7th day.

Zakharoff, Commissioner,  
Consul-General in Kuldja,  
and State Councillor.

Ivan Babkoff, Commissioner,  
Head Quartermaster of the  
Detached Siberian Army  
Corps, and Colonel of  
the Staff.

Min-I, the Tzian-Tziun.

Silin, the Hobei-Amban.

Bolgosu, the Meyen and Amban.

Commissioners of the Daitsin Empire for the Delimitation of the North-Western Boundary.

## Treaty of St Petersburg, 24 February 1881

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His Majesty the Emperor of All the Russias and His Majesty the Emperor of China, desiring to regulate certain questions of boundaries and trade concerning the interests of their Empires, as well as to cement good relations between their countries, have nominated their Plenipotentiaries to establish an accord on these questions:

His Majesty of All the Russias: His Secretary of State Nicolas de Giers, Senator, Privy Councillor, Director of the Ministry for Foreign Affairs, and His Ambassador Extraordinary to His Majesty the Emperor of China, Eugene de Butzow, Councillor of State;

And His Majesty the Emperor of China: Tseng, Marquis of Neyong, Vice-President of the High Court of Justice, His Ambassador Extraordinary to His Majesty Emperor of all the Russias, who has been given special powers to sign the present Treaty.

These Plenipotentiaries having exchanged their credentials and found them to be in good order, have agreed on the following stipulations.

### Article I

His Majesty the Emperor of All the Russias consents to the re-establishment of the authority of the Chinese Government in the Ili region, which has been temporarily occupied since 1871 by Russian forces.

Russia remains in possession of the western part of the region within the limits indicated by the seventh article of the present Treaty.

### Article II

[Amnesty]

### Article III

[Right of inhabitants to remain or emigrate]

Article IV

[Rights of Russians to retain their land and exceptions]

Article V

[Administration of the Province of Ili]

Article VI

[Indemnity payable to China for Russia's occupation of Ili]

Article VII

The western part of Ili is incorporated by Russia to serve as a place for the establishment of those inhabitants who have adopted Russian nationality, and who, by this fact, have had to abandon the territory they possessed.

The boundary between the possessions of Russia and the Chinese Province of Ili, on leaving the mountains Bedjin-Taou, follows the course of the river Khorgos, as far as the junction with the river Ili, and crossing this latter river travels southwards towards the mountains of Ouzontaou, leaving to the west the village of Koldjat. From this point it follows southwards the line traced by the Protocol of Chuguchak signed in 1864.

Article VIII

One part of the boundary fixed by the Chuguchak Protocol of 1864, to the east of lake Zaisan, has been found defective, and the two Governments will nominate Commissioners who will modify, by common consent, the old line, in a manner which removes the conspicuous defects, and establishes an effective boundary between the Kirgiz tribes subject to each Empire. They will decide the new line, as soon as possible, in an intermediate position between the old boundary and a straight line connecting Mount Kouitoun with the Saour Mountains, and crossing the Tcherny-Irtych.

Article IX

[Boundary commissioners to be appointed]

Article X

[Appointment of consuls to towns in Ili]

Article XI

[Russian consuls in China]

Article XII

[Right of Russians to trade in Mongolia and Ili]

Article XIII

[Rights of Russians to erect houses, shops and warehouses in Kalgan and other houses]

Article XIV

[Russian trade via Kalgan]

Article XV

[Revision of commercial arrangements and Russian trade by sea]

Article XVI

[Russian land trade]

Article XVII

[Stray cattle and rustling in the border]

Article XVIII

[Navigation on the Amur, Sungari and Ussuri]

Article XIX

[Alteration of existing treaties]

Article XX

[Ratifications]

Done at St. Petersburg on 12 [24] February 1881.

Nicolas De Giers  
Eugene Butzow  
Tseng

Protocol of Gulimtu, 16 October 1882

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Delegated by the highest order of the Russian Empire to negotiate the erection of border posts, military governor and general-in-charge of the Semirechie army, Major-General of the armed forces Fride.

Delegated by the highest order of the Manchurian Kingdom to negotiate the erection of border posts in the area of district Ili and Tarbagatai, holder of the Globule of first order, etc., dignitary Chan.

On the day of 4th of August 1882, which is according to the Chinese calendar the 3rd day of the 7th lunar month of the 8th year of rule of Guay Sug, at the meeting at Narikol (located on the Northern slopes of the Heavenly Mountains, in the South-West part of the Ili district) the erection of border posts has been proceeded with according to the agreement, as marked with a red line on the map and after a thorough check of the names and locations of the border points between the Russian Empire and the Manchurian Kingdom.

At present, both dignitaries, finishing with the demarcation of the border posts in the area from Narin Khalga (located in South-West of the Ili district) to Kara Doban (located in the North-Eastern part of the Ili district), compiled the following protocol agreeing on the individual statements and declared the number and local names of the places, where the border posts will be erected and further, as follows below.

Article 1

[Description and a list of the border points from the Narin Khali canyon to the heights of Ala Tau]

Article 2

Subjects of both kingdoms, living along the banks of the river Khorgos, can use the water of the Khorgos for irrigation of their land. In general, both sides shall regard the water as communal and shall not argue about its use, so that both sides can equally utilize the advantages of the environment. As far as the islands in the river Khorgos are concerned, they also remain in common use and they cannot be used for the erection of any permanent buildings, nor can they be exploited as arable fields.

This agreement shall be followed with utmost punctuality.

## Article 3

Beginning from the next year, both governments will delegate officials for the period of three years, whose task will be to supervise the newly erected border signs. Each party will name for the period of six lunar months of the Chinese calendar two officials: of them two (one Chinese and one Russian) will overlook the line of posts from Narynkol (called Naryn Khanga in Chinese), and the other two (also one Chinese and one Russian) will overlook the line of posts from the Mountains Bachzhintau, to the pass Kara Duban; if they observe, that some of the posts were shifted or damaged, it is their duty to restore the post into original condition.

This resolution shall be observed with utmost precision.

The representatives of both governments supplying the border signs, together compiled a map and this protocol (the latter furnished in four copies), signed, sealed and exchanged them for preservation and information. Compiled in Gulimtu (Tam-Kupyr), in the valley of the river Baratola, 16 October 1882.

Plenipotentiary representatives

Aleksei Fride

[Chinese signature]

### Protocol of Kashgar, 25 November 1882

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By the highest order of the Great Russian Empire delegated plenipotentiary commissar for the installation of the border and erection of the boundary posts between Russia and neighbouring Kashgar Province, belonging to China, Advisor to the Military Governor of Fergan district, chairman of the local government of Fergan, Major-General Viktor Medinskii; and, by the highest order of the Great Manchurian Kingdom delegated for the installation of the border and erection of the boundary posts, Meen-Amban of Barkul, ballbearer of first grade, advisor to the Commandant of Corpus 2nd class, hereditary courtier, bearer of the title Baturu, Sha; —in realization of the treaty, ratified between Russia and China on 12 February 1881 in St. Petersburg, which stated, inter alia, also the state boundaries between Russian territories and the North-Western part of the Kashgar Province of China—concluding the work on the demarcation and signposting in the area from the river Narin-kol, also known as Naryn-Khalga, up to the pass Bedel, drafted a description of the state boundary, documented with the local names of the places, where the posts were erected, stating this in the following text:

## Article 1

Installation of the border between Russian territories and the neighbouring part of the province Kashgar was begun from the upper part of the Narin-kol river (in Mongolian called Naryn-Khalga), to the West of Muzartskii Pass, following the range Tian-shan and extended to the West over the peaks of the dominant range up to the summit of the highest peak of Tian-shan, Khan-Tenger, and from there over the peaks of the descending range Savabtsi (Savabachi), through the mountain group Vostag, which is a part of that range. The North-Western decline of the border-forming mountains Tian-shan, with the rivers flowing there, belongs to Russia, and the South-Eastern slopes of these mountains

with the gorge Savabachi, where is located the Chinese watch-post, belong to China. The plenipotentiary commissars continued in the South-West direction after the point, where the border crosses the river Kum-aryk, which on the map is called Dzhanart, proceeded down the slopes of the South-Eastern range of Tian-shan and agreed to lead the border over the peaks of that range, because of its predominance over the countryside. The South-Easterly slopes of that range belong to China and there are to be found the following canyons with streams of identical name: Chulak-tepe, Kruk-boguz, Kashkalai, Uludzhailiak, Kuchkarata, Zindan, Dzhitkelen, Dzhanart, Kaiche, and crossing this pass which is difficult even on foot, canyons Airi, Kukurtuk (called by Chinese Kungulu), with the pass of the same name, which is as inaccessible as Kaiche, and led the border to the pass Bedel. On this pass, with a very steep crescent on the Southern side, the Russian and Chinese commissars erected the posts on both sides of the road, which runs across the border, at the distance of  $22\frac{1}{2}$  sagene one from another, and these are called the Bedelian posts.

#### Article 2

By the highest order of the Great Russian Empire delegated plenipotentiary commissar for the installation of the border, Major-General Viktor Medinskii, and, by the highest order of the Great Manchurian Kingdom delegated for the installation of the border, Meen-Amban Sha, after mutual consultation agreed: that on the complete extent of the border between the upper stream of the river Naryn-Kol (in Mongolian Naryn-Khalga) up to the pass Bedel, where the border is coincidental with the high and inaccessible mountain ranges on which it is impossible to erect the posts, the Northern and Western slopes of these ranges are acknowledged and marked off as Russian territory, and the Southern and Eastern slopes of those mountains are marked off as Chinese territory. This draft of the description of the border between Russian and Chinese territories, with the evidence of the posts and the compiled map, with drawn borderline, showing as well the rivers and the border posts, is ratified by both the Russian and Chinese sides as final.

#### Article 3

For the purpose of yearly inspection of the new posts, erected on the pass Bedel, the local authorities of both countries will order one official, who will be accompanied by a military unit. Beginning with 1st June of this 1882nd year (in Chinese 8th year of the rule of Guantsui, 5th month, 5th day) every year over 366 days, the officials will meet on the pass and it is their responsibility and duty to control and verify the correctness of the position of the posts.

#### Article 4

Because of oncoming winter and snowfall in the mountains, the plenipotentiary commissars of both sides decided to interrupt the work on the demarcation of the borderline, which was done by the highest order, and, compiling this description in the Russian and Manchurian languages, each in four copies, ratified them with signatures and seals and decided, that the work will be proceeded with after they meet on the 190th day from this 25th November 1882 (in Chinese 8th year, 10th month, 27th day of Guan-siui) in the Southern decline of the pass Chichar, which is on the common map located in the range Kokshal, on the place of the exit of Aksai from the mountains.

Together with this, each commissar compiled also a map with the border marked in red line in the space as agreed in this protocol and provided with

the names of all pertinent points, mentioned in the text, in both Russian and Manchurian languages, and these are also signed and sealed.

At the occasion of the mutual exchange of the documents, the plenipotentiary of Russian and Chinese kingdoms will exchange four copies of the description of the installed border in Russian and Manchurian languages and one copy of the map, for the purpose of administration and record for all times from now.

Thus the protocols were also exchanged in town Kashgar in the year of Christ 1882nd, 29th day of November, which is in Chinese calendar 8th year of the rule of Guan-siui, 10th lunar month 27th day.

Plenipotentiary commissar  
Major-General Viktor Medinskii

### Protocol of Sary-Ulan-Chibar, 31 July 1883

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Plenipotentiary commissars of the Russian Empire, delegated to draw the boundary line:

Chief of the Headquarters of the Omsky Military District, Lieutenant-General Ivan Babkov, bearer of several decorations;

Field Officer of Instructions at the Omsky Military Headquarters, Colonel Mikhail Pevtsev, bearer of several decorations,

Plenipotentiary commissars of the Great Manchurian Kingdom, delegated to draw the boundary line:

State Secretary of the Royal Office, member of the Secretariat of the Ministry of Protocol, Khabei-Amban of the Ili district, dignitary Shen-tai;

Vice-Amban of Kobdos, with the rank of Advisor to the Army Corps General second class and holder of the title Fafurink-gebaturu for military achievements, dignitary Erkenkge.

In fulfilment of the paragraphs 8 and 9 of the St. Petersburg agreement, which outlined the changes of border between the Great Russian Empire and the Great Manchurian Kingdom in the East of the lake Zaisan, at present delineated by the Chuguchak protocol of 25 September 1864 (Chinese calendar, the 3rd year of rule of Ioninga Dasan, 9th lunar month, 7th day) and for the purpose of strengthening the friendly relations between the two great neighbouring kingdoms, it has been decided at the meeting at Sary-Ulan-Chibar (in the valley of the river Kady) after mutual consultation:

#### 1.

To change the existing border between both kingdoms, previously defined by the abovementioned Chuguchak protocol, in the area between the Great Alatau range and the Saur Mountains (Sairin-ula), and establish it from now on in the mentioned area as follows:

Beginning from the Western part of the snowy mountain Mus-Tau, in the range Saur, in the area where is the source of the river Ulkun Ulasta to lead the new border line along the stream of the Ulkun Ulasta up to the Mai-chanchagai valley. From this valley, opposite the Esengeld's grave, to proceed in a straight line to the extreme Southern point of the bend of the Black Irtysh river, which is at a distance of 5 verst (10 Chinese li) above the confluence of the Alka-beka river. Further on the border follows the Black Irtysh river downstream, to the area, where this river flows out of the mountains, to the valley

Eskha-asuanyn-aiagy, whence the *Alka-beka* takes a small contributory *Ak-tas* on the left side. From the joining point of this contributory the border bends to the East and following a straight line passes the highest point of the *Kysyl-ashchi-Keze* mountains, proceeds to the joining point of the river *Belzeka* with its left side contributory *Belezektyn-byr-airyk-basy*. From here on the border follows the river *Belezektyn-byr-airyk-basy* to its outcome from the mountain hollow *Saz*, from which the border goes in a straight line to the confluence of the river *Ak-Kaba* with the river *Kara-Kaba*. Passing this point, the border follows the river *Ak-Kaba* upstream to its outcome from the Great Altai ranges, where the border becomes identical with the previous border, as declared in the *Chuguchak* protocol of 1864 (*Ioninga Dasan* 3rd year) and remains unchanged from the abovementioned peak *Mus-tau* to the West and from the source of the *Ak-Kaba* river to the East.

All the land, which is located West and North-West from the above described borderline, which is marked on the attached map with a red line, belongs from now on to the Russian Empire and the land spreading eastwards and south-eastwards from the same line belongs to the Manchurian Kingdom.

The abovementioned line between the two countries is recognized by both sides as undisputed and definitely ratified.

## 2.

The part of the Kirghiz population, which was until now regarded as Chinese subjects, their winter and summer camping places being now part of the Russian Empire, shall be given a choice to decide during one year either to stay on the Russian territory and accept Russian citizenship, or to move to the territory of Manchuria and accept Chinese citizenship. Similarly, the neighbouring Kirghiz tribes *Chubar-aigyr* and *Dzhantikei*, which have the winter camping places on the Chinese territory and the summer ones on what is now Russian territory, shall also be given a choice to decide during one year whether they will live in the Russian or Manchurian kingdoms. The same right of choice shall be given that part of the *Kozhembet* tribe, which has winter camping places in China and the summer ones in Russia.

The local governments of both sides shall be responsible for the arrangement of this migration and they shall also be obliged to provide suitable land for winter and summer camping grounds for the nomad Kirghiz after their voluntary migration and formal acceptance of citizenship; this all shall be accomplished within one year from the day of signing this protocol. After one year no moves of the Kirghiz for the purpose of camping across the new border from one country to the other will be tolerated.

## 3.

Use of the water of the rivers, which are mentioned in this protocol and which serve as a borderline is to be granted to the subjects of both kingdoms in equal measure for the irrigation of their pastures and other purposes.

## 4.

For the purpose of demarcation of the new borderline between the two kingdoms in the area from the Great Altai range to the mountains *Saur*, as described in part 1 of this protocol, the border commissions of both kingdoms shall delegate one member each with full powers to erect the border posts. The delegated members, having in their possession the first article of this protocol with attached map, which has the border drawn as ratified by the commissars, will erect the

boundary posts and draw the boundary line together with the posts on two separate maps with Russian and Manchurian place names; following that, they will compile a description of the border in both Russian and Chinese languages in four copies each, sign and seal them, and mutually exchange them.

## 5.

Inspection of the posts on the border ratified by this protocol will be conducted, beginning with next year, every third year. For this purpose government departments of both countries, responsible for the supervision of the border, will delegate one official each. These officials will meet at agreed place in the beginning of the June of the appropriate year, and follow the border, inspecting the posts. If any of the posts appear to be damaged or destroyed, the officials will renew them in original place, being precisely guided by a copy of the description of the border and by the map with the posts marked.

To ratify the above described boundary, the plenipotentiary commissars of both governments compiled this protocol in four copies in both Russian and Manchurian languages, signed and sealed them.

Together with the protocol, the commissars also drafted a map of the border region in four copies in both languages, drew the boundary line in a red line as agreed in the protocol and also signed and sealed them.

At a mutual exchange of the documents related to the new boundary line, each side will obtain two copies of every document in both languages and also two copies of the map in both languages for the presentation of one copy of a complete protocol to their appropriate Ministry of Foreign Affairs. The second copy will be forwarded to the authorities which supervise the border, for information and guidance.

And as agreed, the exchange took place here in the Kaba Valley, at Sary-Ulan-Chibar on 31st day of the July, 1883 A.D., Chinese calendar, 10th day, 7th month, 9th year of the rule of Guan-Suy.

Plenipotentiary commissar [etc.] Ivan Babkov  
Plenipotentiary commissar [etc.] Mikhail Pevtsev  
State Secretary [etc.] Shen Tai  
Vice-Amban [etc.] Erkengke

### Protocol of Chuguchak, 21 September 1883

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By the highest order of the Great Russian Empire delegated for the erection of the border marks, plenipotentiary commissary, military governor and officer-in-charge of the armies of the Semirechie military district, mandatory ataman, Major-General at the Central Army Headquarters, Cavalier Aleksander Fride.

By the highest order of the Manchu Kingdom delegated for the erection of the border marks, plenipotentiary commissary, Secretary of the State at the Court office, member of the Council of the Ministry of Protocol, Khebei-Amban of the Ili District, dignitary Shen-tai.

In the fulfilment of the 9th paragraph of the St. Petersburg agreement, which defines the erection of the border markings between the Russian Empire and the Manchu Kingdom, in agreement with the protocol, which was ratified 21 September 1864 in Chuguchak (Manchu calendar 3rd year, 9th month, 7th day



of the rule of Ioninga-Dasan), in the section from the Karadaban Pass in the range Dzhungar Alatau up to the Khabar-asu Pass in the Tarbagatai Range and for the purpose of the general strengthening of the good will between the two great neighbouring Kingdoms, after mutual consultations, we compiled the present protocol and agreeing upon certain points, we described in this protocol the outline of the border with the description of the places, where the border markings have been posted, and further, as follows beneath:

## 1.

Initiating the marking of the border, as might be expected, from the border marking, which is located on the Karadaban Pass, which is in the North-Eastern part of the Ili District and in the South-Western part of the Tarbagatai District, we arrived at the Khabar-asu Pass, which is in the Tarbagatai Range and erected in this section of the border altogether 21 border markings, of which description follows beneath: From the Karadaban Pass, we went to the South-East along the Tuz-sai Ravine, erecting the border pillar No. 34 at the end of that ravine. From there, going in the direction of the highest point of the Lan-Kola Valley, we erected the pillar No. 35 on the Pok-adyr-Koltuk Hills, further we went along the valley Lan-Kon up to the picket Modo-Barluk going to the North-West and the borderline was marked there with the pillars Nos 36—facing the mouth of the ravine Kozheke, 37—facing the mouth of the ravine Sary-Agachty, 38—at the Southern end of the Dzhavlauly Heights, 39—at the Western end of the same heights, and 40—in the space of the former Chinese picket Modo-Barluk (Kusak). Further, following the picket route, we led the border to the North, erecting the border pillars on the places of the former Chinese pickets: No. 41 at Barluk, No. 42 at Sarybulak and No. 45 at Manitu. [Nos 43 and 44 are not mentioned.] From this picket, still following the picket route, we led the border to the picket Veitanuzy, leaving the garden of Sarta Ishak on the Western side of the borderline and erected the pillars: 46 on the keypoint Uzun-agach, No. 47 on the key point Kyrdzhabai and No. 48 at the place of the former picket Veitanuzi. We further followed the picket route and erected the pillar No. 49 at the place of the former picket Karabulak-Baktu. After that, we led the border further along the picket route up to the point where the Karakit River exits from the mountains and in that space we erected the pillars No. 50 on the bank of the Uzun-bulaka River, No. 51 by the road, which goes from Chuguchak to the Sai-asu Pass and No. 52 at the exit point of the Karakit River from the foothills of the Tarbagatai Range. Further we led the border along the Karakit River up to the former picket Kumurgi, where we erected the pillar No. 53. Afterwards the border follows again the Karakit River up to the mouth of the Burkhan-Bulak River, then turning upstream of that [Burkhan-Bulak] river and reaching its sources, we erected there the pillar No. 54. From there on, still following the picket route, we led the border up to the Khabar-asu Pass, where the border adjoins the existing one.

Altogether, there were 21 pillars erected, bearing the text in the Russian, Chinese and Manchu languages, in the section of the border from Karadaban to Khabar-asu.

In the places, where the border pillars are erected, these designate the precise position of the border, but generally the border follows the red line, drawn on the map. According to the present delineation of the borderline, concerning the Tarbagatai Region from the Tarbagatai Pass, located in the South-Western part of the Tarbagatai Region, to the Khabar-asu Pass, located in the Northern part of the Tarbagatai Region in the Tarbagatai Range, all the land and all what

is to the West and North from the borderline, is considered as part of Russia and all land East and South of the borderline, is considered as belonging to China. Similarly, what on the map shows West from the red line, is considered as part of Russia and what is drawn on the East side of the red line, is considered as belonging to China.

This compiled enumeration of the border markings and map with the names of the mountains, waters and localities, is recognised as a finally ratified document.

## 2.

Water of the Karakitai River, after its exit from the foothills of the Tarbagatai Mountains, shall be freely used by both parties.

Utilization of the water from the rivers, creeks and streams, which run across the present border, is for the purposes of irrigation of the pastures and other uses granted to the population of both countries equally, but it is not permitted to change the present beds of the streams or to block them and generally any arguments and disagreements concerning the utilization of the water should be avoided, so that both sides can benefit from the natural resources of their environment.

## 3.

Supervision of the border markings along the presently delineated borderline is to be conducted, beginning from next year, once every three years. For this purpose the border authorities of both countries shall delegate one officer and these will meet on the mutually agreed place in the first days of August (7th month of the appropriate year, in which the supervision ought to take place) and follow the border, inspecting the markings. If they find during this inspection any damaged or destroyed pillars, they shall restore them to the original condition and being guided by the description and the map, they shall re-erect them in the precise location.

## 4.

Until this point of time the Kirghiz have enjoyed freedom on the Russian territory in their nomad movements for summer and winter camping places, chiefly in the Barlyk Mountains, but also in other parts of the Tarbagatai Region and enjoyed the seasonal advantages without any obligations to the Chinese authorities. Now, after the ratification of the present border, some of these locations became Manchu territory, but it would be difficult to move the Kirghiz population immediately to the Russian territory, hence a ten years period is given to the Kirghiz of the Barlyk Mountains area—from the time of the exchange of this protocol, and to the Kirghiz in other parts of the Tarbagatai Region is given a twelve months period—from the time of the exchange of this protocol, to move to the Russian territory.

In duration of these time limits, the Kirghiz can freely use their camping places and move over the border.

Kirghiz of the Russian region, wandering in the Barlyk Mountains shall be moved to the Russian territory before the 10 years time limit expires, providing, that there is not any other agreement made in the meantime. Kirghiz from the other parts of the Tarbagatai Region should be moved to the left [south] bank of the Emelia River or to the Barlyk Mountains, or to the Russian territories before the one-year period expires.

In the duration of this ten year period, the Manchu government will not allow other Kirghiz to wander in the concerned area and the government will not

encourage settlements of any sort, including pickets, in the camping areas of the Kirghiz in the Barlyk Mountains.

## 5.

The merchant's road, which is stretching from Khabar-asu to the South crossing former Chinese pickets, will be available for use by both countries, and for that reason there cannot be built pickets by either side along this road and also, there should not be built any premises for accommodation of the soldiers.

## 6.

In the past, the population of both countries used, with the approval of the local authorities, designated parts of the Chubar-Agach Valley in the Tarbagatai Region for harvesting the hay; the mentioned area can be used as before, this being conditioned and regulated by the agreements of the local authorities. Similarly, the farmers, cultivating the land in the vicinity of the Uzun-Bulaku River, can continue to do so, providing, the local authorities will agree on that point. These agreements shall reflect and support the spirit of mutual and long lasting friendship between the two countries.

## 7.

To ratify all the abovementioned, the plenipotentiary commissaries of both countries, after marking the border in the terrain, together compiled this protocol (in four copies in both Russian and Manchu languages) and the map, signed and sealed them and mutually exchanged these documents for record and guidance.

Compiled in the town of Chuguchak, on the 21st day of September AD 1883, according to the Manchu calendar 9th year, 9th month, 3rd day of the rule of Guan siui,

Plenipotentiary Commissaries  
Aleksei Fride  
[Chinese signature and seal]

### Protocol of Novyi Margelan, 22 May 1884

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By the highest order of the Great Russian Empire nominated for the installation of the border and erection of the border posts between Russian territories and the Kashgar province, which belongs to China, plenipotentiary commissar, Advisor to the Military Governor of the Fergan District and head of the Fergan Local Government, Major-General Viktor Medinskii; and by the highest order of the Manchurian Kingdom nominated for the installation of the border and erection of the border posts in the same area, Meien-Amban of Barkul, bearer of the decoration of sphere [ball] of first class, Captain in charge of military unit of second degree, hereditary courtier, bearing the title Baturu, Sha, —in fulfilment of the agreement, ratified by Russia and China on 12 (24) February 1881 in St. Petersburg, which defined, inter alia, the border between Russian territories and the North-Western part of the Kashgar province of China, —Compiled the following protocol with the description of the points, through which the border has been installed and demarcated during this present year, first, between the Russian province of Semirechie and neighbouring Kashgar province of China,

beginning from the pass Bedel to the South-West, following the main range of Tian Shan up to the pass Tuion-Sueek, and, second, from this pass to the South up to the pass Uz Bel, between the Russian Fergan district and the Western part of Kashgar Province of China. In the present protocol are listed all mountain passes, rivers and valleys, which are located in the border area, those, on which the border posts have been erected, as well as those, on which because of inaccessibility the posts could not be erected, all this being described in the following chapters:

1. Beginning from the pass Bedel, on which the commissars of both countries have erected the border posts last year, the border line is directed to the West following the range Kokshal, which is not interrupted by any mountain pass, after that, the border line turns with the main Tian Shan range to the South, crossing the passes Kogar, Chon-Chichar, Chon-Uru, Butmanak, Kara-Dzhilga, Kurumduk, and from there goes in the western direction, forming bends to the North and South, as seen, if one is looking in the direction of the main range, as is marked on the map with a red line, and extends through the passes Buz-Ai-Gyr, Kurpe-Bel, Kipchak, Terek, Urta-Su, Kazyl-Kur and Tuiun, which is called by the Chinese population Sueek. On the abovementioned passes (14 in number) have been erected the border posts, with the exception of the pass Kara-Dzhilga, because of its inaccessibility. All the Northern slopes of this range, beginning from the line marked red on the map, with the rivers flowing there, form part of the Russian Empire, and the Southern slopes of this range with the rivers flowing there, form part of the Manchurian Kingdom.

2. From the pass Tuion-Sueek, the border line continues to the South between the Fergan and Kashgar provinces, on top of the mountain range through the passes Burgui, Dzhitym-Ansu and Kogart, and from there in the South-Westerly direction on the same mountain range through the passes Tuz-Ashu, Talgyi, Siidam, Savaiardyn, Tart-Kul, Kyz-Dar and Karachad, from which it turns again to the South through the passes Ittyk, Kara-Bel, and from there following the peaks of the range, and before reaching the pass Karavankul, directs itself along the spur to the South-East across the river Kyzyl-Su to the valley Irkeshtam. On all of the mentioned points (14 in number) border posts have been erected. All the Western slopes of these mountains, which contain the abovementioned passes, and all the land together with the rivers flowing there, located to the west of the abovementioned points, connected with an imaginary line, constitute part of the Russian Empire, and the Eastern slopes and the land and rivers, constitute part of the Manchurian Kingdom.

3. Further, the plenipotentiary commissars of the Russian Empire Major-General Medinskii and of the Manchurian Kingdom Meien-Amban Sha, acknowledge, that all the way to the South from the valley Irkeshtam up to the pass Uz Bel, which forms the final point of the common border between Russia and China, the border follows a mountain range of considerable height, which is also surrounded by other locations of similar extreme altitude, and that under these circumstances, because of the absence of any road, movement along the border for the purpose of supervision, appears to be impossible and that, in conclusion, there are not places, where it would be necessary to erect the border posts. It was decided: South from the valley Irkeshtam, to establish the border along the river Mal'tabar, the left bank of which shall belong to Russia and right to China; further, from the sources of this river the borderline goes to the South following the mountain range up to the peak Mal'tabar, from which it goes in the same direction following the spur of the range towards the pass Uz Bel, through the river Markhansa, along the main range, which is located to the

East of the lake Karakuli, over the pass Kal'ta-Davan or Kar-Ant (most of the year covered by snow) located in that range, further following that range, through the inaccessible pass Karazak, up to the pass Uz Bel, which is also called Kozyl'-Dzhiek (most of the year in the snow), and on which also is ended the mutual border of both countries, as the Russian border diverges to the South-West and the Chinese border goes to the South. All the land with the rivers flowing there, which is located to the West from this borderline, belongs to the Russian Empire, and the land with all rivers, which is located to the East of this borderline belongs to the Chinese Kingdom.

4. The description of the border in this protocol together with the attached map with delineated borderline between the Great Russian Empire and the Great Manchurian Kingdom, with the rivers, passes, valleys and border posts, is ratified and recognized by the Russian and Chinese parties as final.

5. The annual supervision of the border posts will be delegated to officers, who will be responsible to the local authorities on both sides, they shall be escorted by a military unit on their duty. These officers will meet by the border at an agreed time and place and their duty will be to make sure, that all the border posts are in correct position.

6. By the highest order of the Great Russian and Manchurian Empires, the plenipotentiaries, compiling this protocol with the description of the border in the Russian and Manchurian languages, for each plenipotentiary in four copies, witnessed the protocol with their signatures and seals and at the same time also compiled a map on which are all the local names and places, where the border runs and the border is marked by a red line. The local names are both in Russian and Manchurian languages and this map is also concurrently ratified by signatures and seals.

At the mutual exchange of the documents, both plenipotentiaries will transfer to the other four copies of the protocol together with the map, for the purpose of control and government for all times and forever.

Thus also happened in the city of Novyi Margelan, in the year of Christ 1884, 22 May, which is 10th year, 5th month, 10th day of the Guan Siui.

Medinskii

## Protocol of Chuguchak, 20 December 1893

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Consul of the Great Russian Empire, Borneman, Official of the Lepsin District, Colonel Linden; on behalf of the Great Russian Empire.

Delegated by the Great Manchurian Kingdom to accept the Barlyk territory, Meien Amban of Tarbogatan, Tu.

After discussion and agreement about various questions, concerning the transfer, in accordance of the protocol of 1883, of the Barlyk territory and having in consideration the mutual benefit and well-being of both Russian and Chinese Kirghiz, this protocol with the following contents has been compiled in Chuguchak on the 20th day of December 1893, which corresponds with the 25th day, 11th month, 19th year of the rule of Guan Siui.

### Article 1.

Russian subjects, Kirghiz of the Emel' and Barlyk districts, who did not move to the Russian territories before 30th September, i.e. before the date of the trans-

fer of this territory of Barlyk range, and continue to camp in those mountains, will be handed over to the Chinese authorities and considered from now on as Chinese subjects. The Kirghiz compiled a list of names in three copies, signed and sealed with official seal. First copy will be preserved at Chuguchak by the local government, second will be deposited at the Chuguchak consulate and the third will be located with the Lepsin district authorities for administrative purposes. All those Kirghiz, whose names are not on the list and also those, who before 30th September moved to the Russian territory, are to be considered as Russian subjects and the Chinese authorities shall not be concerned with them.

#### Article 2.

For the purpose of analysis of the mutual claims through civil action on sheep, cattle, etc., between the Russian Kirghiz and the Kirghiz, who are now Chinese subjects (as from the year 1894, or 20th year of the rule of Guan Siui), in the fulfilment of the Chuguchak agreement of 1883, there shall be summoned an international conference to the Tarbogatan district; the place and time will be decided in mutual agreement between the Chuguchak consulate and Tarbogatai Chinese local authorities.

#### Article 3.

In the case of existence of any statement of debt, issued by any of the Kirghiz, or if any such document will be discovered in the legal records, these debts will have to be recovered by payments with cattle according to mutual agreement. Claims which are not based on written documents, or claims of expired date will not be grounds for action.

#### Article 4.

The abovesited protocol shall be issued for the Russian side in Russian and Kirghiz languages and for the Chinese side in Chinese and Manchurian languages, for each side in two identical copies, containing signatures and official seals. After exchange of the copies, one copy will be deposited with the Chuguchak consulate and other with the Chinese authorities in Chuguchak. City of Chuguchak, 20 December 1893.

Provided with signatures and seals of Ilii-Tarbogatai Daota-In, Meien Amban of Tarbogatai Tu, consul Borneman and the Lepsin official, Colonel Linden.

### Protocol regarding the Khorgos River, 12 June 1915

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We, the delegates of the mixed Russo-Chinese commission, comprising, from the Imperial Russian Government Collegiate Assessor Biseroff, acting Chief Official for Special Service, attached to the Military Governor of Semiretchensk Province, Collegiate Secretary Mochoff, Surveyor to the Provincial Administration of Semiretchensk, and Yunicheff, Aksakal of the Consulate in Kuldja; and from the Chinese Republic, the Solon Amban Fushan, the Acting Magistrate Hwang Sheng of the Horgos District, and Hsu Chi Hsien, Official on Special Service, in the presence of the Imperial Russian Consul in Kuldja, Brodianski, Messrs. Chen Show Hsi, Yen Fei Hsiang, and Taoyin Hsu Chin have agreed:

To commence the erection of temporary survey marks along the course of the River Horgos upwards from the point where the bed, issuing from the mountains, splits up into several branches (above the height of the Horgos) to

the disputed island, —this latter to be divided into two halves from north to south, the eastern side going to China and the western to Russia, —up to the junction of the two rivulets issuing from their sources (the Karasuk rivulets) further on forming the channel of the River Horgos along which the frontier continues to the River Ili. The use of the water of the River Horgos to be fixed thus: the mountain water of the River Horgos to be left for the use of both states at that part at which, at the present time, irrigation canals lead off water; on both sides of the River Horgos belonging to China and Russia the water from the source (Karasuk) below the island (with the exception of the irrigation canal carrying water in Russian territory from the rivulet of origin at a point above the junction of the rivulets from source) to be equally divided. Into the dry channel the head of which is above the Chinese post of Fulgen-Alinn, the Chinese bind themselves to let in water only in such quantities as are required for the above mentioned post. The present protocol is written in Russian and Chinese in two copies and signed by the delegates of Russia and China in the town of Kure.

The original was signed by the Collegiate Assessor Biseroff, Acting Chief Official for Special Service, attached to the Military Governor of Semiretchensk Province, by Collegiate Secretary Mochoff, Surveyor to the Provincial Administration of Semiretchensk, by the Russo-Kuldjan Aksakal, Arazulla Yunicheff, by Interpreter Manchin, and three signatures in Chinese.

### Treaty Regarding the River Argun, 20 December 1911

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In view of the age-long and friendly relations between the Russian and Chinese Empires, and with the aim of eliminating frontier disputes, the Governments of His Majesty the Emperor of all the Russias and his Majesty the Emperor of China have now appointed their commissioners: on the Russian side, Commissioner by Imperial Command Major-General Putiloff, and on the Chinese side by Imperial Command Governor Chow of Heilungkiang Province, Mandarin for the joint inspection of the frontier between Russia and China; who being duly provided with credentials which were found in due and legal form, in the name of their Governments, by mutual agreement, concluded the present treaty act as follows:

(1) The Land Frontier between the Russian and Chinese Empires on the section between Frontier Post No. 58, Tarbaga Dagh, and Post No. 63, Abahaitu, shown in protocol No. 2 of the agreement concluded in Tsitsikhar on November 25, 1911 or the eighteenth of the tenth moon of the third year of Hsuan Tung, and in the maps exchanged as supplement to the same, shall in future consist of the line which passes in straight lines between the undermentioned frontier points, the nomenclature of which corresponds with the points named in the Abahaitu exchange of letters in the year 1727 or fifth year of Yung Cheng.

The line of frontier is fixed by the red line which is drawn on the above-mentioned maps exchanged, from Frontier Post No. 58 to Post No. 63, and further along the Mutnoi Protok to the River Argun.

#### *Frontier Points*

(a) Tarbaga Dagh.—The 58th frontier point is due south from the summit of Mount Tarbaga Dagh and 6 Russian versts 312 sajens from same, or 12·64 Chinese li, on the steppe.

(b) Tsahan-Ola.—The 59th frontier point is northwest of the Northern bank of Lake Kharanor and 7 Russian versts 60 sajens from same or 13·5 Chinese li, on the height.

(c) Tabun-Tologoi.—The 60th frontier point is at the frontier fortification of the beginning of the Ching Dynasty (or Jenghiz Khan's Fort), northwest of the northern bank of Lake Tsahan Nor, and 4 Russian versts, or 7·4 Chinese li from same.

(d) Soktu.—The 61st frontier point is 4 Russian versts 450 sajens, or 9 Chinese li northeast of the station building of the Chinese Eastern Railway station Manchuli, on the height, and 400 Russian sajens or 1·5 Chinese li south of the frontier fortification of the beginning of the Ching Dynasty (or Jenghiz Khan's Fort).

(e) Erdyni Tologoi.—The 62nd frontier point is on the northern slope of the Four-Headed Hill and is twelve Russian versts 400 sajens, 24·4 Chinese li southeast of the 61st frontier point Soktu.

(f) Abahaitu.—The 63rd frontier point is on the western bank of the River Dalan Ola or Mutnoi Protok, and 6 Russian versts 300 sajens, or 12·2 Chinese li southwest of the Russian village of Abahaitu, and 3 versts 250 sajens or 6·5 li southwest of Mount Krestovoi as it is called in Russian, or Abahaitu, in Chinese.

(2) The water frontier between the Russian and Chinese Empires from the mouth of the River Argun, that is from the point of its confluence with the River Amur (Heilungkiang) to the 63rd frontier point (Abahaitu) to be the course of the River Argun, in accordance with the Nerchinsk treaty of 1689 or the 28th year of the reign of K'ang Hsi, and the protocols Nos 1 and 3 of the agreement of 1911 and 3rd year of the reign of Hsuan Tung.

The ownership of the islands in the River Argun, in accordance with Protocols 1 and 3, has been amicably divided in the following way:

(a) Islands shown on the maps exchanged under numbers 1, 2, 3, 4, 5, 7, 8, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 23, 26, 28, 29, 32, 34, 35, 36, 38, 43, 44, 45, 46, 47, 48, 49, 51, 55, 59, 60, 61, 62, 63, 64, 65, 66, 67, 69, 70, 71, 73, 75, 76, 77, 80, 83, 84, 86, 87, 88, 90, 92, 93, 94, 101, 102, 104, 106, 107, 108, 109, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 127, 128, 129, 130, 132, 136, 137, 139, 142, 143, 146, 151, 152, 156, 157, 158, 160, 161, 162, 165, 166, 169, 170, 171, 174, 176, 177, 178, 180, 182, 193, 194, 197, 200, 202, 203, 206, 209, 211, 212, 214, 215, 216, 218, 219, 221, 223, 224, 226, 227, 228, 230, 231, 232, 235, 237, 238, 239, 243, 244, 245, 247, 248, 251, 252, 255, 256, 258, 262, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 278, 279, and 280 belong to Russia.

(b) Islands shown on the maps exchanged under numbers 6, 9, 10, 20, 22, 24, 25, 27, 30, 31, 33, 37, 39, 40, 41, 42, 50, 52, 53, 54, 56, 57, 58, 68, 72, 74, 78, 79, 81, 82, 85, 89, 91, 95, 96, 97, 98, 99, 100, 103, 105, 110, 121, 122, 123, 124, 125, 126, 131, 133, 134, 135, 138, 140, 141, 144, 145, 147, 148, 149, 150, 153, 154, 155, 159, 163, 164, 167, 168, 172, 173, 175, 179, 181, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 195, 196, 198, 199, 201, 204, 205, 207, 208, 210, 213, 217, 220, 222, 225, 229, 233, 234, 236, 240, 241, 242, 246, 249, 250, 253, 254, 257, 259, 260, 261, 263, 264, 265, 266, and 277 belong to China.

Further details concerning the national boundary from the 58th to 63rd frontier points, and from the mouth of the River Argun to the said 63rd frontier point, are provided in protocols of agreement Nos 1, 2, and 3, and in the maps attached and exchanged with them and the schedules of islands signed and sealed



by both commissioners, with protocols, maps and schedules of islands have equal force with the present act, and have to be observed by both sides.

Done in the town of Tsitsikhar, December 7, 1911 [December 20, new style], and the first of the eleventh moon of the third year of Hsuan Tung, in the Russian and Chinese languages, in two copies of each language, which upon signature and apposition of seals were duly exchanged by the commissioners, so that each side might have original acts in the Russian and Chinese languages. Originals were signed and sealed by Major-General Putiloff, Russian High Commissioner, appointed by Imperial Command, and Governor Chow of the Heilungkiang Province, by Imperial Command Mandarin for the delimitation of the frontier of the Ta Ch'ing Empire.

### *Protocol of Agreement No. 1.*

Basing themselves on the reports made by the vice-presidents of the Russian and Chinese delimitation commissioners, Messrs. Jdanov and Sun, regarding the section of national river frontier from the mouth of the river Argun to the Cossack post of Argunski and above, the presidents of the Russian and Chinese commissions, after verification decided:

The islands shown on the maps under numbers 1, 2, 3, 4, 5, 7, 8, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 23, 26, 28, 29, 32, 34, 35, 36, 38, 43, 44, 45, 46, 47, 48, 49, 51, 55, 59, 60, 61, 62, 63, 64, 65, 66, 67, 69, 70, 71, 73, 75, 76, 77, 80, 83, 84, 86, and 87 to be considered as belonging to Russia; and islands under numbers 6, 9, 10, 20, 22, 24, 25, 27, 30, 31, 33, 37, 39, 40, 41, 42, 50, 52, 53, 54, 56, 57, 58, 68, 72, 74, 78, 79, 81, 82, and 85, to be considered as belonging to China.

The numbers of the islands as shown on the maps certified by their seals and exchanged by the two presidents of the preliminary commissions at Manchuli Station do not correspond to the numbers in the protocols of survey by the members of the preliminary commissions, and numbers 85, 86, and 87, do not appear at all on the maps exchanged at Manchuli Station; and, moreover, these three numbers in the protocols of survey by members of both preliminary commissions also differ from the numbers of the joint survey carried out by Mr. Ousat, member of the Russian Frontier Commission, and Mr. Sun Hsiao Liang, President of the Chinese Frontier Commission. In view of these facts, the numbers are shown in a comparative schedule and a separate detailed map has been drawn showing the numbers according to this protocol of agreement; this map has been signed, sealed, and exchanged, and is joined to the protocol in order to avoid misunderstanding [not reproduced]. The small maps exchanged at first, and the maps exchanged at Manchuli, have been handed back by both parties.

The originals were signed by Major-General Putiloff, Commissioner for Russia, and by Heilungkiang Governor Chow, Mandarin for the delimitation of the Ta Ch'ing frontier.

[Then follows a table showing the numbers of 87 islands on various maps.]

### *Protocol of Agreement No. 2.*

The Russian and Chinese delimitation commissions in Tsitsikhar by mutual agreement have together recognized that the national land frontier between Russia and China on the section from frontier pillar Tarbaga Dagh, No. 58, to frontier pillar Abahaitu, No. 63, shall be the straight lines between the following

points, the nomenclature of which corresponds to the frontier points fixed by treaty:

[Here follows a description of the six boundary beacons given above on p. 85.]

Upon the termination of all negotiations of the two frontier commissions in Tsitsikhar, and after both presidents had signed and sealed the present protocol and had affixed the maps (likewise signed and sealed), we exchanged the same. Thereupon each side shall appoint representatives to the relative places in order to measure on the spot the directions and distances shown in this protocol of agreement and in the maps exchanged and affixed thereto, and in order to mark the frontier points; and in case the maps exchanged show discrepancies with the locality, such discrepancies are to be corrected on the spot by both representatives by mutual agreement.

In the present year there will only be erected temporary stone pillars to mark the position of the frontier, but next spring, at a time to be appointed, and after jointly ascertaining the longitude and latitude of these points, they shall be marked with frontier pillars on which shall be inscribed in Russian and Chinese the name of the frontier point and the degrees of longitude and latitude. The whole of the frontier line must be marked by digging a trench.

The additional act, which shall be jointly drawn up by the two representatives after finishing the determination of the frontier on the spot, and which shall be exchanged by them, is to be added as a document to the present protocol of agreement.

Originals were signed and sealed by Major-General Putiloff, Russian High Commissioner, appointed by Imperial Command, and Governor Chow of the Heilungkiang Province, by Imperial Command Mandarin for the delimitation of the frontier of the Ta Ch'ing Empire.

Tsitsikhar, November 25, 1911, and the eighteenth of the tenth moon of the third year of Hsuan T'ung's Reign.

### *Protocol of Agreement No. 3.*

Having verified the reports made by Messrs. Jdanov and Sun, the assistants to the presidents of the Russian and Chinese delimitation commissions, relative to the section of the River line national boundary from Island No. 87, shown on the map attached to protocol of agreement No. 1, to the frontier pillar No. 63 (Abahaitu), shown on the map exchanged and attached to protocol of agreement No. 2, the presidents of the Russian and Chinese commissions have decided:

(1) In accordance with the previous treaty of 1689, or the twentieth year of K'ang Hsi, to consider the course of the River Argun as the national boundary between Russia and China from the mouth of the River Argun to frontier pillar No. 63 (Abahaitu).

(2) The islands shown on the maps exchanged under numbers 89, 91, 95, 96, 97, 98, 99, 100, 103, 105, 110, 121, 122, 123, 124, 125, 126, 131, 133, 134, 135, 138, 140, 141, 144, 145, 147, 148, 149, 150, 153, 154, 155, 159, 163, 164, 167, 168, 172, 173, 175, 179, 181, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 195, 196, 198, 199, 201, 204, 205, 207, 208, 210, 213, 217, 220, 222, 225, 229, 233, 234, 236, 240, 241, 242, 246, 249, 250, 253, 254, 257, 259, 260, 261, 263, 264, 265, 266, and 277, belong to China.

(3) The islands shown on the maps exchanged under numbers 88, 90, 92, 93, 94, 101, 102, 104, 106, 107, 108, 109, 113, 114, 116, 118, 119, 127, 128, 129, 130, 132, 136, 137, 139, 142, 143, 146, 151, 152, 156, 157, 158,

160, 161, 162, 165, 166, 169, 170, 171, 174, 176, 177, 178, 180, 182, 193, 194, 197, 200, 202, 203, 206, 209, 212, 214, 215, 216, 218, 219, 221, 223, 224, 228, 230, 231, 232, 235, 237, 238, 239, 243, 244, 245, 247, 248, 251, 252, 255, 256, 258, 262, 275, 276, and 278 belong to Russia.

(4) The islands shown on the exchanged maps under numbers 111, 112, 115, 117, 120, 211, 226, 227, 267, 268, 269, 270, 271, 272, 273, 274, 279, and 280, being islands formed between the old bed of the Argun, the former national boundary, and the present-day Argun, which in the course of time has shifted to the west, *are to remain in Russian possession*. The present course of the River Argun is to be considered as the national boundary between Russia and China.

On the banks of the old and new Argun, opposite the large islands, numbers 227, 269, 273, 279, and 280, the representatives who will be sent by both parties next spring at an agreed time shall place stone pillars on which shall be inscribed, in Russian and Chinese, the area of the islands in versts or dessiatines, the distance to the banks of the old and new Argun, as per maps exchanged and according to the position of the pillars as jointly fixed by longitude and latitude. Until this work is done, temporary signs are to be placed, as was also agreed in the case of the land frontier in protocol of Agreement No. 2.

For the remaining islands, the proof shall consist of the maps exchanged and certified by seals and signatures.

(5) For future reference there are added to this protocol maps and explanatory schedules of islands, duly signed, sealed, and exchanged by the presidents of the commissions.

Originals were signed and sealed by Major-General Putiloff, Russian High Commissioner, appointed by Imperial Command, and Governor Chow of the Heilungkiang Province, by Imperial Command Mandarin for the delimitation of the frontier of the Ta Ch'ing Empire.

Tsitsikhar, November 25, 1911, and the eighteenth of the tenth moon of the third year of Hsuan T'ung.

[Then follows a table showing the numbers of 193 islands on various maps.]

# 5

## The Boundary between China and Mongolia

This is the most meticulously described boundary in the whole of Asia; it stretches for 2920 miles (4698 kilometres) and is marked by 678 cement and rock markers located at 639 turning points along the boundary. The location of each marker and the course of the boundary between consecutive markers are described in a text of 68 000 words and illustrated by an atlas with 105 maps at a scale of 1 : 100 000 and 6 maps at a scale of 1 : 10 000. These details are provided because they indicate the nature of much of the landscape through which the boundary passes. Mongolia is a dry country, remote from the southerly or easterly monsoons, which bring summer rain to the coastlands of Asia. Apart from Dornod in the extreme east, the rainfall is generally below ten inches (254 millimetres); even in Dornod the rainfall rarely exceeds twenty inches (508 millimetres per year). Thus only in the east are there perennial rivers and lakes which can be used to mark the boundary's location. In addition, much of the borderland consists of level plateaus and plains varying in height from 1500 feet to 5000 feet (458 to 1525 metres) above sea level. Only in the extreme west does the Mongolian Altai range rise over 7000 feet (2135 metres) with some isolated peaks in excess of 10 000 feet (3050 metres). This means that apart from the extreme west, where crests and watersheds can be used, and the extreme east, where rivers and lakes can be used, the boundary engineers had to trace a boundary through what is often a featureless desert, where there are few cultural features such as settlements and roads. Experience in Africa has shown that boundaries through deserts are the hardest of all to survey, mark and describe especially, as in this case, where the boundary follows an irregular course rather than a meridian or parallel, as is often the case in other deserts. This desert is usually called the Gobi, but for the indigenous population the term 'gobi' refers to a clay plain, liberally sprinkled with gravel, and covered in part with a xerophilous vegetation. Thus the Gobi desert of European atlases is composed of numerous Mongolian gobi, each of which has its own special name (Lattimore, 1941, p. 124).

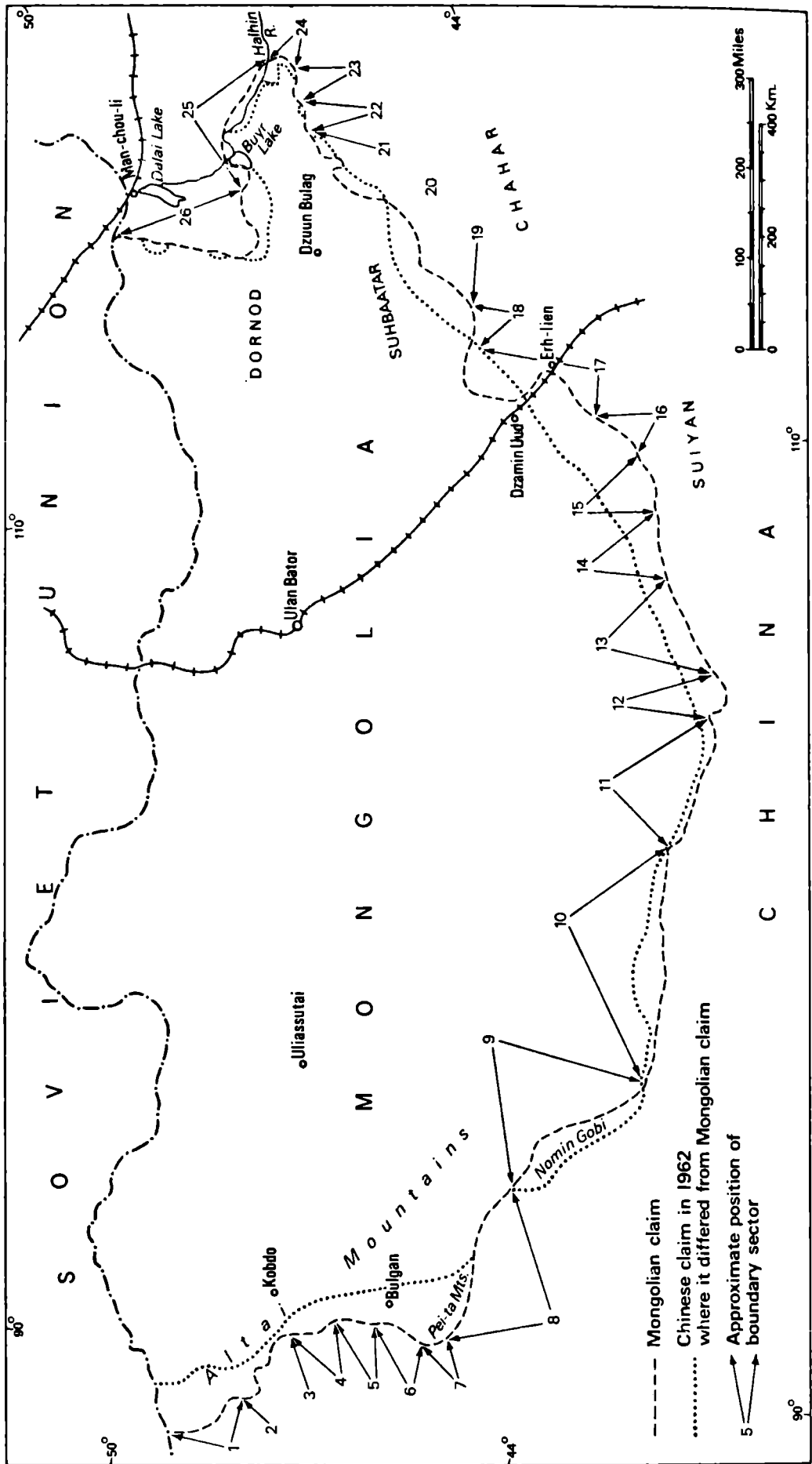
When the evolution of the Sino-Mongolian boundary is examined, obvious parallels emerge between the circumstances of Tibet and Mongolia. They were both areas where Chinese influence, though of long duration, was less than complete. They were arid areas where pastoralism was the dominant activity. Their location was between China and one of the two major competing powers in western and southern Asia: Russia and Britain. They both had a long tradition of spiritual rulers. In November 1911 the increasing tempo of the Chinese revolution allowed both to break the ties with China and assert a greater measure of autonomy, which included the conduct of foreign affairs with neighbouring major powers. But at this point the parallels disappear. Mongolia was able to follow through and secure its

independence, largely through very close association with the Soviet Union. Tibet, which remained aloof from world events and political associations, was reabsorbed into China in 1950.

The Chinese emperors established their suzerainty over first Inner and then Outer Mongolia in the seventeenth century. But Chinese authority lay lightly over Outer Mongolia until the end of the nineteenth century. Apart from quelling the occasional rebellion, and dividing the territory into regions, within which Chinese officials carried out their limited functions, the Chinese court seemed satisfied to leave the inhabitants of Outer Mongolia to themselves (Friters, 1951, p. 156). Indeed special regulations were enacted to reduce the scale of Chinese involvement in Outer Mongolia. Colonization of the area by Chinese was forbidden, and Chinese entering Outer Mongolia were not allowed to take their families with them, nor were they allowed to marry Mongolians. Chinese travellers could only enter Outer Mongolia along certain routes, and Chinese traders were forbidden to give credit to Mongolians. These policies were reversed at the end of the nineteenth century, after defeat by Japan in Korea, and pressure by other powers, including Russia, made the Chinese court fearful for the security of its interior borderlands. The laws against colonization, inter-marriage and the immigration of Chinese families were abrogated, and there was more direct Chinese involvement in matters of trade, communications and border surveillance in Outer Mongolia. But the policy alteration had come too late to prevent the loss of Outer Mongolia, which was declared independent in November 1911 as disorder spread throughout China.

China's problems represented opportunities for Russia which began direct negotiations with Mongolian authorities. These negotiations resulted in the conclusion, within a year, of a Russian-Mongolian agreement and protocol, which noted that the 'old relations between Mongolia and China thus came to an end' (MacMurray, 1921, 2, p. 992). Russia further cemented her new influence in Mongolia by means of an agreement with China in 1913 and a tripartite agreement with China and Mongolia in 1915 (MacMurray, 1921, 2, pp. 1066-7, 1239-44). Both documents recorded that China exercised suzerainty in Outer Mongolia, but that this region was autonomous. The territory of Outer Mongolia was defined as follows: 'the regions which have been under the jurisdiction of the Chinese Amban of Urga, the Tartar-General of Uliassutai and of the Chinese Amban of Kobdo' (MacMurray, 1921, 2, p. 1067). It was also noted that, since there were no detailed maps of the borderlands, and some of the boundaries were uncertain, the boundaries would be settled at a later date by a tripartite commission. However, before the commission could begin its work events in Europe and especially in Russia afforded China the opportunity to re-establish its authority in Outer Mongolia, and this opportunity was accepted. Friters (1951, pp. 183-93) has described this last period of Chinese ascendancy in Outer Mongolia, and the final defeat of the Chinese forces there by Baron Sternberg's army in 1921. The see-saw between Russian and Chinese influence in Mongolia continued as Soviet troops assisted Mongolians in the recapture of Urga and the defeat of the White Russian forces of Baron Sternberg. Once more Mongolia declared its independence, and three years later, in 1924, became the Mongolian People's Republic.

At this stage nothing was done about the boundary between Mongolia and China, and the next development in this regard occurred when Japan first captured Manchuria in 1931-2 and then occupied much of eastern Inner Mongolia in 1938. The Japanese creation of Manchukuo presented Mongolia with a new neighbour in the east from the border with Russia, northwest of Man-chou-li, to a point in the headwaters of the Halhin river 260 miles (418 kilometres) to the southeast. In this area there are two major lakes: Dalai and Buyr. The Japanese authorities in Manchukuo had a clear claim to Dalai lake; they also sought to secure lake Buyr and



Map 5. The boundary between China and Mongolia

draw the boundary south from there along the Halhin river. Naturally in semi-arid regions control of important sources of water is regarded as a strategic necessity. The Mongolians were convinced that lake Buyr and the entire flood plain of the Halhin river belonged to them and there were a number of border incidents in this area west of lake Buyr in 1934 (Yoshimura, 1935, p. 3). A joint Mongolian-Japanese commission was created in 1935 to settle the boundary questions, but no agreement was reached by the delegates. In 1938, when Japan captured Chahar and Suiyan provinces of Inner Mongolia, Japan's border with Mongolia was extended for a further 800 miles (1287 kilometres) westwards, to meridian 105° east. This increased the scope for border disagreement, and serious fighting began in May 1939 in the vicinity of the Halhin river south of lake Buyr. Soviet troops became involved and the Japanese forces were defeated. A new boundary commission was created, but its efforts from September 1939 to March 1940 produced no useful results. Work started again in May 1941 and a year later agreement was reached between the Manchukuo and Mongolian authorities.

The first step towards the final settlement of the boundary between Mongolia and China, which recovered Manchuria at the end of World War II, was taken on 14 August 1945, when China agreed, in an Exchange of Notes with the Soviet Union, to recognize the independence of Outer Mongolia, if that desire was confirmed by a plebiscite of the Mongolian people. The plebiscite was held on 20 October 1945 and resulted in an overwhelming vote in favour of independence, a decision which China formally recognized on 5 January 1946 (Friters, 1951, pp. 210-15).

Before the success of the Communist party in China, in 1949, there were two clashes between Chinese and Mongolian forces in the area of the Pei-ta mountains, south of Bulgan, during June 1947 and February 1948. There are no records of further clashes after the Communist party secured power, but there were certainly differences of opinion about the location of the boundary between the Chinese and Mongolian authorities. East of longitude 105° east, the Mongolians relied on the boundary delimited in their agreements with the Japanese in 1942; this was not a position which the Chinese could accept. West of meridian 105° east no boundary had ever been delimited. There are obvious reasons for this situation. First, no Chinese authorities since 1915 had been in a position to reach a definite agreement with the Mongolian government because of internal problems and war with Japan. Second, this was primarily a semi-arid steppe, of economic value only to nomadic herdsmen. There were many more important tasks for Chinese governments than the survey of this borderland.

Since the correspondence between the two governments which led to the border treaty of 26 December 1962 has never been published, it is necessary to rely on the evidence of cartographic claims made by each country in official maps. Throughout the discussions, Mongolia relied on the boundary which is shown in most European atlases, and this line was also shown on all Soviet maps. The Chinese position appeared to change, judged by the location of the boundary shown on maps arranged in chronological order. The Nationalist Chinese published maps which revealed three distinct areas of dispute. In the west the Chinese claimed the trans-Altai slopes, to a depth of 80 miles (129 kilometres) beyond the Mongolian line, and part of the plain between the Altai and Pei-ta ranges south of Bulgan, where fighting had occurred in 1947-8. In southern Mongolia, between meridians 104° east and 120° east, a continuous strip of territory was claimed, the maximum width being 115 miles (185 kilometres) in southwest Suhbaatar. Finally, in the east, the Nationalist Chinese claimed two comparatively small areas, west and south of lake Buyr, where Mongolian and Japanese forces had clashed in 1934 and 1939. Curiously, in the

Nomin Gobi there was an unclaimed area between the Chinese and Mongolian boundaries.

In the period 1951–60 the Chinese government published a number of maps, showing a boundary with Mongolia which differed markedly from the line on Nationalist maps, except in the sector between the headwaters of the Halhin river and the Soviet border. In every other part of the borderland the Communist Chinese were claiming more territory than the Nationalists. The claim to the trans-Altai slopes was increased to a width of 100 miles (161 kilometres) and the unclaimed area of the Nomin Gobi was completely swallowed. By 1962, the year when agreement was reached, the Chinese claims had been reduced, and the Mongolian and Chinese lines lay much closer together. The no-man's-land had reappeared in the Nomin Gobi and there were two smaller unclaimed areas north of Ehr-lien and southeast of Dzuun Bulag. The major salient claimed by China in southwest Suhbaatar had almost disappeared.

On 26 December 1962 a long border treaty was signed defining the boundary in twenty-six sections and arranging for a demarcation commission to mark the boundary in the landscape and settle any outstanding problems. The treaty also noted that this boundary had never previously been delimited, thus no official recognition was accorded the Japanese-Mongolian agreements, although parts of that line remained as the boundary. The demarcation was completed in the next eighteen months, and the final border protocol, mentioned in the opening paragraph, was signed on 30 June 1964 (Joint Publications Research Service, 1971). Because the boundary atlas, which is part of the border protocol, has never been published, it is impossible to identify the concessions made by each side. The boundary definition is in such detail that only occasional points can be located on maps at a scale of 1 : 1 000 000. The Mongolian Society of Bloomington, Indiana, published a map in 1966 locating fifty points of the 1962 treaty, and none of these revealed any concession to China. However, there do seem to be at least two areas where China has gained territory which Mongolia claimed. The boundary definition locates the boundary only 2.38 miles (3.83 kilometres) from the railway station of Dzamin Uud, while most maps show the boundary, according to the Mongolian version, to lie at least 12.5 miles (20 kilometres) from the station. In the extreme east the Chinese have succeeded in securing the Halhin river for the international boundary along 38 miles (61 kilometres) of its course. This was a boundary which the Japanese had sought unsuccessfully twenty years earlier. The Chinese have also secured a portion of the northwest area of lake Buyr, which was shown on Mongolian maps as lying entirely within Mongolia. It seems likely however that China made more concessions than Mongolia, and there are three possible reasons for this. First, Mongolia had a much better opportunity than China to establish its influence and citizens in the borderland between 1935 and 1949. Second, China may have hoped to improve relations with Mongolia through generous dealing over the boundary. Third, the successful negotiations with Mongolia gave credence to the view that China behaved responsibly in border talks. This was useful at a time when the Sino-Indian dispute was particularly bitter.

It has already been noted that the border protocol is a very long document, and for this reason it has not been possible to produce it in this volume. The detailed description, which is contained in articles 8–34 inclusive, preserves the original twenty-six sections of the 1962 border treaty. These segments are of varying length; the longest is 308 miles (496 kilometres), the shortest 27 miles (43 kilometres). In addition the intervals between consecutive pillars show wide variations. Some are only a few yards apart, while in the Altai range two markers are 80 miles (129 kilometres) apart. Each point is described in terms of its immediate locality, its distance



and direction from the previous marker, and its bearings from nearby prominent features. The description and boundary atlas would enable any competent surveyor easily to find the boundary at any point. Cultural features are rarely used, the only exceptions being roads on two or three occasions; the Sino-Mongolian railway; and animal enclosures in two cases; and this is a reflection of the inhospitable nature of the environment throughout much of the borderland. This point is underlined by the number of times bearings are given to solitary trees, showing that these are noteworthy occurrences.

This boundary is now clearly established, and various provisions in the protocol ensure that the markers are carefully maintained and guidelines are laid down for any questions of interpretation which might arise. For example, article 37 enjoins both sides to take every possible step to prevent rivers from changing their courses, and stresses that if any river change does occur then the original boundary line remains unaltered unless both sides agree otherwise. In short this border protocol could well serve as a model for other statesmen and surveyors concerned with the delimitation and demarcation of international boundaries.

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## Border Protocol, 30 June 1964

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### Preamble

The Government of the People's Republic of China and the Government of the Mongolian People's Republic, in view of the fact that the Joint Sino-Mongolian Border Demarcation Committee has successfully determined the boundary line between the two countries on the basis of the Border Treaty Between the People's Republic of China and the Mongolian People's Republic of 26 December 1962 under the principle of negotiation on equal footing and friendly cooperation, with the conviction that this will help consolidate the traditional friendship between the peoples of the two countries, and for this purpose, sign this protocol in accordance with Article 3 of the Sino-Mongolian Border Treaty.

### *Part 1. General*

#### Article 1

The border between China and Mongolia has been determined by the Joint Sino-Mongolian Border Demarcation Committee according to the provisions of the Sino-Mongolian Border Treaty. The border determined by the two parties begins in the west from a 4104.0 (4050)-meter hill in the K'uei-t'-un Mountains (T'a-pan-pao-k'o-te mountains) of the Altai Range (Mongolian Altai Range) and

ends in the east at a point where the elevation is 646.7 (645.5) meters (at the center of T'a-erh-pa-ken-ta-hu Hill at an elevation of 646.7 (645.0) meters). The entire length of the border is 4,672.7153 kilometers.

In view of the fact that at the signing of the Sino-Mongolian Border Treaty the maps used by both parties showed some difference from the actual situation in certain sectors, the Sino-Mongolian Border Demarcation Committee has, under the principle of equality and mutual benefit, negotiated on the basis of the actual situation and subsequently resolved the problem concerning the strike of the Border in these sectors during the course of demarcation, and made certain adjustments to the border according to the provisions of Article 1 of the Border Treaty.

Based on the actual results of the border demarcation by both parties, Part 2 of this protocol presents a more detailed and accurate description of the border between the two countries, and the strike is clearly shown in the "Boundary Atlas for the People's Republic of China and the Mongolian People's Republic," which is included in this protocol as an appendix. In the future, the provisions of this protocol and the above-mentioned atlas should be regarded as the standard for the strike of the border between the two countries.

#### Article 2

The two parties have erected border markers at 639 places along the entire length of the Sino-Mongolian border, numbered 1 through 639 from west to east. The principles governing the selection of places for erecting border markers are as follows:

1. Important points, col gaps (Ta-pan), mountain peaks, and other significant points along the border.
2. The points where the border contacts or departs from main roads, rivers and lakes;
3. The points where the border passes through railroads, main roads, rivers and lakes; and
4. Triangulation points astride the border, and points near important wells and springs astride the border.

#### Article 3

[Principles governing use of double or triple markers]

#### Article 4

[Description of markers]

#### Article 5

[Inventory of single, double and triple markers]

#### Article 6

During the boundary demarcation, both parties used maps which show areas in both countries within five miles of the boundary line. From the starting point of the Sino-Mongolian border in the extreme west to marker No. 9, and from markers No. 19 to No. 35, the two parties just went to the demarcation points and built the markers without checking or revising the maps for these two segments of the boundary line and the adjacent areas. Along other sectors of the boundary line, the two parties, during the course of demarcation, conducted actual investigations and noted all important geomorphological and physical geographic features and placenames in each country within two miles from the boundary line. Both parties, on the basis of the results of investigation, checking and other related material, published a boundary atlas using a scale of 1 : 100,000 showing the areas in both countries within five miles of the boundary line.

**Article 7**

[Definition of measurements]

***Part II. Strike of Boundary Line and Positions of Boundary Markers***

Articles 8–33 inclusive

[Description of boundary's course and the location of all markers]

***Part III. Maintenance of the Boundary Line and Boundary Markers***

Articles 34 and 35

[Inspection and maintenance of markers]

**Article 36**

Both parties should take measures for the protection of triangulation points, wells, springs, and boundary roads striding the boundary line, and their positions should not be altered by anybody.

The triangulation points on the boundary line itself belong to both parties and are at their disposal.

**Article 37**

Both parties should do everything possible to prevent the change of course of the main streams of the boundary rivers. No party should artificially cause any change to any extent in the course of the main streams of the boundary rivers. If the course of the main stream of a boundary river is changed due to natural causes, the original boundary line remains unchanged unless otherwise agreed upon by both parties.

**Article 38**

Both parties should protect the objects used in this protocol to describe the strike of the boundary line and the positions of the boundary markers so that they will not be moved or destroyed. Both parties are responsible for the maintenance of such things on the boundary line, and each party is responsible for such objects located in its territory.

**Article 39**

Both parties are responsible for prosecuting the persons who move, damage, or destroy the boundary markers.

**Article 40**

After the protocol comes into effect, a joint inspection of the entire boundary line between the two countries should be made every five years. With the mutual agreement of both parties, the inspection may be postponed, or a joint inspection agreement may be made for certain sections of the boundary line. Upon the suggestions of one party and the concurrence of the other, both parties may conduct an unscheduled joint inspection for certain sections of the boundary line. After each joint inspection, both parties should compile a joint record.

***Part IV. Concluding Articles***

**Article 41**

The "Boundary Atlas Between the People's Republic of China and the Mongolian People's Republic" appended to this protocol is printed in Chinese-

Mongolian and Mongolian-Chinese language editions. The contents of both editions are the same. There are 105 plates in each edition in scales of 1 : 100,000. In addition, there are in each edition six plates of islands, in scales of 1 : 10,000, with their nationality indicated, along the section with the Ha-la-ha River as the boundary line.

**Article 42**

This protocol becomes effective on the day of its signing. According to Article 3 Paragraph 2 of the Sino-Mongolian Border Treaty, this protocol becomes a part of the Sino-Mongolian Border Treaty as soon as it becomes effective, and the boundary atlas appended to this protocol will replace the original atlas appended to the Sino-Mongolian Border Treaty.

The signing of this protocol, in two copies written in Chinese and Mongolian languages respectively and with both copies equally authoritative, is executed at Ulan Bator on June 30, 1964.

Plenipotentiary Delegate  
of the Government  
of the  
People's Republic of China  
Chi P'eng-fei

Plenipotentiary Delegate  
of the Government  
of the  
Mongolian People's Republic  
Sosorbaram

# 6

## The Boundary between Afghanistan and Russia

The boundary between Afghanistan and Russia was defined in a number of agreements between the British and Russian governments in the period between 1872 and 1895. This line was confirmed by Soviet-Afghan treaties after World War II. The first agreement was contained in an exchange of letters between the British and Russian governments in October 1872 and January 1873. These letters defined the boundary from lake Zorkul in the Pamirs westward as far as the border between Afghanistan and Persia (Iran). A series of protocols dated 1884–8 defined in detail the section of the boundary between the Hari Rud, which formed the boundary between Persia and Afghanistan, and the Amu Darya (Oxus). The section of the boundary eastwards from lake Zorkul to the Chinese border was laid down in arrangements concluded in 1895.

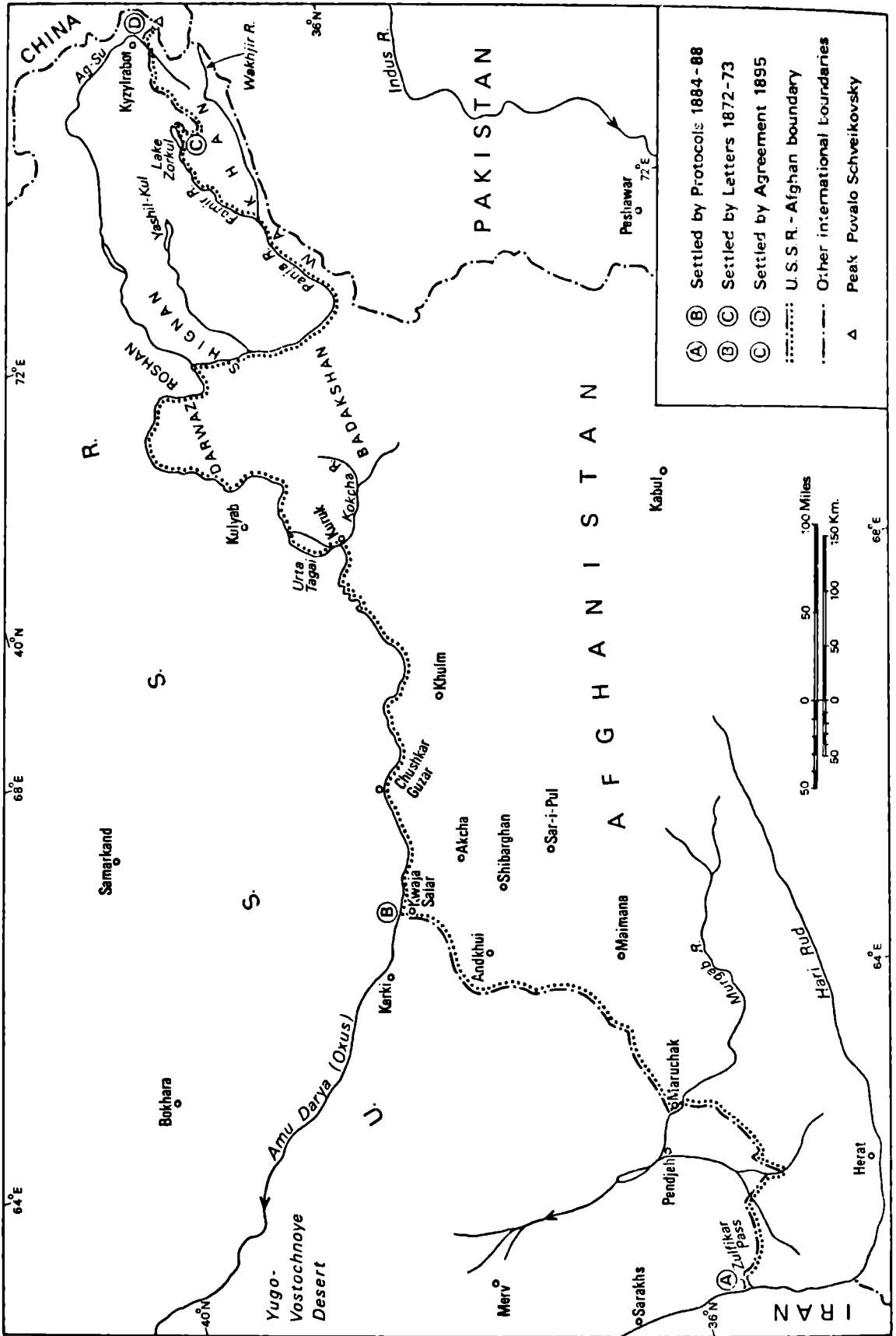
### *The 1872–1873 Agreement*

The correspondence which resulted in the first agreement was started in March 1869 and quickly revealed that both governments considered that the cause of peace would be promoted in central Asia by interposing a neutral area between British and Russian possessions (*BFSP*, 63, pp. 658, 659). However, they disagreed on the extent of the neutral area. British authorities wanted the zone to extend far to the north of Afghanistan, and to include the territory of the khan of Khiva. Such a zone would restrict the possibility of any further Russian advance from present positions towards Afghanistan. The Russians, who were anxious to make their newly acquired territories commercially profitable, sought to set the zone much further south, so that they could extend their influence over the Amu Darya valley which provided the best route towards central Asia. This was an ambition clearly understood by the British ambassador in St Petersburg.

The principal object of Russia it may be presumed, in any military operations she may now undertake on the frontier, or eventually against Khiva, is to secure a safe commercial route to Central Asia from the Caspian and her Transcaucasian provinces (*BFSP*, 63, p. 731).

This ambition had been correctly predicted two years before by the British representative in Persia.

in order to open a road to the Oxus from the Caspian, the Russians would have to construct forts and station troops within the Turkoman country through which it will pass, and this being done the Turkoman tribes will all sooner or later be brought under the protection and authority of Russia. The desert across which the



Map 6. The treaty bases of the Afghan-Russian boundary

Russians now propose to establish a line of communication with central Asia ill adapted for the purpose, the supply of water being insufficient for caravans traversing the plains, and the heat in summer being excessive. It is possible that before long they will find these difficulties insurmountable, and they may then seek a more practicable route, which will be found by starting from Hassan Kooli at the embouchure of the Attrek, in the Bay of Asterabad, near Ashoorada, the Russian naval station in the south-east of the Caspian; following the course of that river eastwards, and then skirting along the hills to the north of Bojnoord and Kochan, in the direction of Merve, which is not more than 4 marches from the Oxus, and within 10 easy stages of Herat. By that line the road would pass for nearly the whole distance from the Caspian through an inhabited tract of country, where an abundant supply of water exists together with rich pasturage, and a salubrious climate at all seasons (*BFSP*, 63, pp. 687–8).

As the negotiations continued fitfully they came to focus almost entirely on the definition of the northern boundary of Afghanistan, which was the only subject of the final exchange of letters. The effect of this agreement was to crystallize the northern limit of Britain's sphere of influence in central Asia as it existed in 1872, while leaving the Russian government free to advance beyond her existing sphere of influence and occupation as far as the northern border of Afghanistan. There is only one reason why Russia secured such a diplomatic triumph. Britain believed Russian declarations that there was no intention to occupy Khiva, the latest, on 8 January 1873, being given only three weeks before the agreement was concluded.

With regard to the expedition to Khiva, it was true that it was decided upon for next spring. To give an idea of its character it was sufficient to say that it would consist of four and a-half battalions. Its object was to punish acts of brigandage, to recover fifty Russian prisoners, and to teach the Khan that such conduct on his part could not be continued with the impunity in which the moderation of Russia had led him to believe. Not only was it far from the intention of the Emperor to take possession of Khiva, but positive orders had been prepared to prevent it, and directions given that the conditions imposed should be such as could not in any way lead to a prolonged occupancy of Khiva (*BFSP*, 63, p. 762).

In some respects the Russian authorities were deceitful, because on 10 June 1873 Khiva was captured and the khan was forced to sign a treaty with Russia; it required him to conduct all foreign relations through Russian officials, it ceded territory on the east bank of the Amu Darya to Russia, and it guaranteed payment of a large indemnity to cover Russia's war costs. Russia was also awarded the sole right of navigation on the Amu Darya with the additional advantage that Russian goods would not be subject to customs levies (Sykes, 1940, p. 87). The British government must have realized then that their trust in Russia's good faith had been misplaced, because the tactic of imposing a heavy war indemnity had been used against the khan of Bokhara to justify the continued occupation of Samarkand. At first there was just an indemnity to be paid, then when instalments began to arrive there was the question of guarantees for adherents to the Orthodox church which had been established during the Russian occupation, and finally there was the demand that the khan agree to punish any of his officials who in the future might commit acts of aggression against Russia (*BFSP*, 63, pp. 703, 718, 726). The astonishing development was that when Britain was negotiating with Russia over the detailed boundary between the Hari Rud and Amu Darya, similar Russian protestations about the annexation of Merv were accepted, and found equally valueless.

In other respects however, the Russian actions were unimpeachable. The Russian foreign minister had told the British ambassador 'that he might hold information from me; but what he did tell me would be true' (*BFSP*, 63, p. 691). There was

evidently some disagreement between the Russian Foreign and War Departments about a forward policy in central Asia. The British authorities were aware of this but believed the Foreign Office would dominate.

That the Government really wish to retire from Samarkand, I confidently believe, but it may be equally probable that General Kaufman may, from military ambition, desire to retain his conquest of the tomb of Tamerlane, and, as Governor of Tashkent, may consider that his position there will be more secure if he continues to hold the sources on which Bokhara depends for water, and if he entertains such sentiments, it is possible that he may find some reasonable pretext for not carrying out the intentions of the Emperor. As to the question of Central Asia generally, we may readily believe that Prince Gortchakow would never have written his circular on the Chemkend line, beyond which Russia was never to pass, had he foreseen the eventualities which were so speedily to follow it; but it is only natural that the Government should now endeavour to render the territory which they have since, wisely or unwisely, acquired a source of profit to the Empire, and that it is not so at present there can be no doubt. It is almost equally certain that the Russian Foreign Office steadily opposed the extension of the frontier (*BFSP*, 63, pp. 697–8).

When the Foreign Ministry denied that it was intended to occupy Khiva, it was probably true that they did not intend to occupy it while negotiations were proceeding with Britain. What they did not disclose were the pressures, of which they must have been aware, from the War Department for action against Khiva. In fact the Russian authorities were remarkably honest in the final stages as the following quotation shows.

In referring to Mr. Forsyth, his Excellency [Russian] remarked that he [Forsyth] had entertained some plan of establishing a neutral zone between the English and Russian frontiers in Central Asia, which, in fact, would necessitate two frontier lines (*BFSP*, 63, p. 745).

It was entirely accurate that the zone had been suggested and would require the definition of a northern and southern limit at least. But the chance was lost, for the British ambassador replied in the following terms.

I replied, that the neutral zone, as far as I understood the idea, merely referred to those independent States lying between the frontier of Afghanistan and the Russian Frontier, and that this idea would be perfectly represented by Bokhara in the north and even, perhaps by Afghanistan south of the Oxus [Amu Darya]. Further than this I could see no object in creating a neutral zone (*BFSP*, 63, p. 746).

The British ambassador may have meant to imply the inclusion of Khiva in the term 'independent States', but there was nothing explicit in the final agreement about any neutral zone north of Afghanistan, or of restrictions on Russia's advance. When the negotiations for the boundary between the Hari Rud and Amu Darya were opened Britain immediately referred to the neutral zone north of Afghanistan, but the Russians replied that they interpreted the agreement to mean that Russia possessed the same freedom of action north of the agreed line that Britain possessed in Afghanistan.

The question of the northern boundary of Afghanistan was raised very early in the discussions. When Britain rejected Russia's suggestion that Afghanistan should form the neutral zone, on the grounds that the boundaries were ill-defined (*BFSP*, 63, p. 661), it practically invited discussion of Afghanistan's limits. The matter was



raised eight months later, by Russia, when a conflict of interest between Kokand and Kabul seemed imminent in Kulyab, north of the Amu Darya (BFSP, 63, pp. 679–80). The Russian government announced that they would call for a report on the matter from their governor-general in central Asia. That report was only produced two and a half years later, just before the final agreement, so the pattern of the negotiations was that British authorities would make certain proposals and Russia would seek to modify them. The boundary can be considered in three sections; the Amu Darya between lake Zorkul and the mouth of the tributary Kokcha; the Amu Darya from this confluence to Kwaja Salar; and the land boundary between Kwaja Salar and the Hari Rud.

There were two problems associated with the selection of the Amu Darya as the boundary. The first concerned the western terminus near Kwaja Salar and the second the inclusion of Badakshan and Wakhan in Afghanistan; these territories lie south of the Amu Darya and east of its tributary the Kokcha.

The Amu Darya as a boundary was suggested by British officials at the very beginning of the discussions: 'it was therefore thought advisable to propose that the Upper Oxus [Amu Darya], which was south of Bokhara, should be the boundary line which neither Power should permit their forces to cross' (BFSP, 63, p. 661). This presumably referred to the Amu Darya east of the longitude of Bokhara. The Russians promptly questioned the suitability of this line on the grounds that Bokhara held territory on the south bank of the river (BFSP, 63, pp. 664, 670). But British authorities persisted with this view and were encouraged by the Indian administration which also nominated, for the first time, the specific western terminus of Kwaja Salar.

Its western boundary is the province of Kerki, which terminates near the ford of Khojah Saleh; and Kerki and Charjui are admitted by Ameer Shere Ali to be Bokharian provinces and to march with his own provinces of Herat (including Maimana) and Balkh (BFSP, 63, p. 724).

True to form, as soon as the Russian negotiators were shown this despatch from the Indian government they questioned whether Kwaja Salar was the correct terminus (BFSP, 63, p. 725). Probably the Russians were hoping for a more precise definition than a point somewhere between Kwaja Salar and Kerki, a distance of about 54 miles (87 kilometres). They were not disappointed for the British officials quickly decided that if Afghanistan could be given rights to Kwaja Salar all claims to territory on the south bank of the river immediately west of that point would be waived (BFSP, 63, p. 727). Twenty-six months later, when Britain made a formal proposal for the entire boundary, Kwaja Salar was named as the western terminus of Afghan territory. At this time there was evidently some confusion about the identity of Kwaja Salar. The Indian authorities had referred to the ford of Kwaja Salar in May 1870, while in correspondence with Russia the British authorities, at first, simply referred to Kwaja Salar, but specified that it was 'at the passage of the Oxus [Amu Darya], on the high road from Balkh to Bokhara' suggesting that it was a ford or a ferry. In the official offer in October 1872 the point is described as 'the port of the Kojah Saleh' in the volume of *British and Foreign State Papers* (63, p. 744) and as 'the post of Khoja Saleh' by Aitchison (1909, 2, p. 326). When the location of this terminus could not be agreed by the commissioners charged to mark the line between the Hari Rud and the Amu Darya in 1886, it was noted that the term Kwaja Salar applied to a ferry, a tomb, a house, a narrow portion of the river, and the district east of Khamiab (BFSP, 78, p. 260). Yet, until the commissioners faced the problem in the field, both sides were convinced that the point Kwaja Salar was well known, as the following quotation shows.

In this note M. de Giers [Russian] insists upon the expediency of the Commission making Khadja Saleh their starting point. He considers that the loss of time would be insignificant and would be amply compensated by the fact of beginning at a known point agreed upon by both Governments (*BFSP*, 75, p. 1141).

The British government should have been aware that there were problems associated with the definition of Kwaja Salar, because of a reference to the village in a report by General Kaufmann, which the Russian government supplied.

With regard to the river Amou-Daria, this river forms the boundary between Afghanistan and Boukhara for a length of 300 verstes [320 kilometres], from the mouth of the Kouktcha in the east, as far as a point where both banks belong to Boukhara, and particularly at the passage of Tchouckha-Gouzar, situated opposite the Boukharan village of Khodja-Saleh on the right of the river (*BFSP*, 63, p. 760).

The Chuskhar Guzar ferry was situated 48 miles (77 kilometres) east of the point where Britain thought Kwaja Salar was situated, and Kwaja Salar was always considered to be on the left or southern bank.

The ease with which the post of Kwaja Salar was offered by Britain as a turning point on the boundary, and accepted by Russian authorities, is in direct contrast with the difficulty of agreeing on the identification of this turning point after months of acrimonious debate. It was not surprising that the British delegate involved in the final settlement of this problem spoke with relief of 'emerging unscathed out of the imbroglio caused by the contradictory language of the Arrangement of 1873' (*BFSP*, 78, p. 202).

When the British authorities offered the upper Amu Darya as the boundary in April 1869, they implicitly claimed the territories of Badakshan and Wakhan, which lay south of that river and east of its principal tributary the Kokcha (*BFSP*, 63, p. 661). The Russian negotiators recognized the claim and disputed it immediately (*BFSP*, 63, 674). This difference of opinion was maintained until the final stages of the negotiations, when the Russians gave way gracefully.

The British government were anxious to interpose Afghan territory between their own sphere of influence in Gilgit and the Russian sphere of influence in the northern Pamirs. Badakshan was mainly contained in the northern loop of the Amu Darya, which in its upper reaches is known as the Panja and Pamir river. While Badakshan was a compact area, Wakhan was just a linear appendage stretching eastwards, south of the Panja and Pamir, and never more than 40 miles (64 kilometres) wide. Wakhan was a poor country in terms of physical resources, with thin soils, steep slopes and long winters, and it was occupied by people who lived mainly wretched lives.

In the west, along the upper valleys of the upper Amu Darya or Panja, are settlements of Wakhanis, Shughnanis, and Roshanis . . . The lot of these unfortunate Tajiks, as they are otherwise known, is a peculiarly unhappy one. The victims of cruel and oppressive government, they often abandon their homes in the lower valleys and seek refuge on the inhospitable wastes of the Pamir. Here they are either reduced to slavery by the Khirgiz or driven back by the Chinese, and, in their despair, seek shelter within Russian territory (Morgan, 1892, p. 21).

It was agreed by both sides that Wakhan was usually subject to Badakshan, and therefore they should presumably be dealt with by a common policy, but the two sides could not agree on the relationship between Badakshan and Afghanistan. The British government, acting on the advice of the Indian government, maintained throughout that Badakshan had been acquired by Dost Mahomed in 1859, after

Kunduz, to the west, had been captured (BFSP, 63, pp. 679, 682, 724). To this the Russians replied that the neighbouring states of Bokhara and Kokand regarded Badakshan as an independent state (BFSP, 63, p. 758). When British officials pointed out that Bokhara had refused to help Badakshan throw off the Afghan yoke in 1863, when Dost Mahomed died and a period of confusion reigned in the area, on the grounds that 'Badakshan was subject to the Afghan Government' (BFSP, 63, p. 679), Russian authorities retorted that Bokhara at the time was absorbed in difficulties with Russian forces on its northern border. Then the Russians sought to strengthen their argument by noting that in Badakshan there were none of the trappings of Afghan sovereignty which could be expected in this Asian situation; there were no Afghan officials and no collections of taxes on behalf of Afghanistan's treasury (BFSP, 63, p. 754). Britain ingeniously replied that the emir had established an experimental form of government in Badakshan, by which he received 'a fixed portion of the revenues of the country, instead of taking upon himself its general and other administration' (BFSP, 63, p. 765).

This debate could have continued endlessly as each side produced historical, ethnic, legal and administrative evidence to support its case, because it reflected two contrasting views of the best policy for the area. The Russians noting that there was at present peace between Badakshan and its neighbours were convinced that this peace would be maintained by leaving Badakshan and Wakhan outside Afghanistan. Badakshan and Bokhara were considered to be too feeble and preoccupied with their own affairs to pose any risk of conflict. Russian spokesmen felt sure that if the territories were handed to Afghanistan, giving that country a common border with Kokand, Kashgar and Bokhara, the risk of conflict would be greatly increased (BFSP, 63, pp. 675, 749, 754, 755). The British considered that if these two weak areas were left outside Afghanistan they would provide a temptation for conquest to the surrounding states, and thereby increase the risk of conflict between Afghanistan south of the river and Bokhara and Kokand to the north (BFSP, 63, pp. 765-6).

Abruptly, in January 1873, Russian officials accepted the British view. While noting that they still thought that Badakshan and Wakhan enjoyed a certain independence they made this concession in view of the difficulty of establishing the facts, in view of the greater facility of the British government for obtaining information about the area, and because it was not desired to give this matter of detail more importance than it warranted. It seems probable that the Russians had decided that this was not a vital matter and that a concession at this point would enable them to be obdurate on a more important matter in the future. In fact they were able to refer to the concessions they had made over Wakhan and Badakshan when demanding concessions on the line between the Hari Rud and the Amu Darya fourteen years later.

Curiously there was never any disagreement about the eastern terminus of the line at lake Zorkul. It seems likely that the Pamirs lying east of that point were considered too rugged and inhospitable at that time to require the construction of a political boundary. This suggestion is contained in the following comments by a Russian official, reported by a British representative in St Petersburg, and it drew approval from the Earl of Clarendon at the British Foreign Office.

It seemed to me, I added, that the two Governments were mutually convinced that no hostile designs were harboured on either side, and as far as we were concerned, we had so strong a position in India that we could entertain no fears. Besides the Imperial Government had shown such friendly feelings that any danger apprehended in that quarter by the timid could be nothing but a phantom. 'A phantom indeed', said M. de Westermann; 'even if man were wicked enough to entertain such designs, nature is there to stop him' (BFSP, 63, p. 663).

In the first boundary proposal made by British authorities in 1869 no mention was made of the direction which the line followed west of Kwaja Salar. This defect was remedied in May 1870 after Russian officials had queried the right of the emir to construct a fort on the Amu Darya in the district of Ankhui (*BFSP*, 63, p. 710). According to the Indian government Dost Mohamed had conquered Khulm (Tashkurgan), Maimana, Andkhui, Shibarghan and Sar-i-Pul between 1850 and 1855, and these territories were still held by Afghanistan (*BFSP*, 63, p. 724). Russia did not directly dispute this claim, but stressed that great care must be taken in drawing the boundary *south* of Kwaja Salar, because of the growing commercial importance of Merv. When the British government made its formal offer of a boundary in October 1872, the boundary as far as the river Murgab was defined by reference to the Afghan internal districts of Akcha, Sar-i-Pul, Andkhui, Shibarghan, and Maimana; west of the Murgab the boundary was not defined because the western Afghan frontier between the dependencies of Persia and Herat was well known. It will thus be seen that as the boundary proceeded west it became less definite. The fairly precise Amu Darya was succeeded by the undefined boundaries of various Afghan districts, which in turn connected with a boundary too well-known to need definition! The Russian officials expressed some doubts about the possession of the named districts by Afghanistan, but their concern was not pressed because a desert intervened between Afghanistan and Bokhara and therefore prevented the dangerous contacts with Bokhara which caused Russian fears regarding the control of Badakshan by Afghanistan (*BFSP*, 63, pp. 755 and 760). This border was agreed more easily than any other section, but that was probably because the definition was so vague, and capable of favourable interpretations by both British and Russian authorities. The British government in later correspondence dealing with the close definition of this boundary assumed that it connected Kwaja Salar and Sarakhs on the Hari Rud (*BFSP*, 75, p. 946). This was the alignment of the boundary shown in Arrowsmith's map drawn in 1872 (Arrowsmith, 1875). The Russian government considered that the boundary lay well south of this line, and they were able to make good their interpretation as they negotiated a terminus on the Hari Rud at Zulfikar pass, which lay 60 miles (97 kilometres) south of Sarakhs. The British government had only itself to blame for this development. They had been warned by Thompson, from Persia, in November 1869, that Merv was one of the key centres which Russia might try to annex in establishing a route from the Caspian to the Amu Darya (*BFSP*, 63, p. 687), and the Russian officials had made no secret of the growing commercial importance of Merv, which is why they wanted the boundary *south* of Kwaja Salar, not west, to be carefully defined (*BFSP*, 63, pp. 730, 732). The British and Russian authorities had also agreed that it was often difficult to halt the acquisition of territory in Asia, and so Britain should have set a definite line beyond which they would not accept a Russian advance.

I have expressed my opinion that abstinence from aggression would on every account promote the true interests of Russia, whose territorial possessions needed no aggrandisement; and if the giving effect to this policy depended upon the Russian Government alone, I should not doubt its being maintained; but I am sure, judging from our own Indian experience, that such would not be the case, and that Russia would find the same difficulty that England had experienced in controlling its own power when exercised at so great a distance from the seat of Government, as to make reference home almost a matter of impossibility; there was always some frontier to be improved, some broken engagement to be repaired, some faithless ally to be punished; and plausible reasons were seldom wanting for the acquisition of territory, which the Home Government never thought it expedient to reject, and could not therefore condemn the motives or the means by which

it had been acquired. Such, in the main, had caused the extension of our Indian Empire; and there was reason to apprehend that such was the course into which Russia, however unwillingly, was about to be drawn (*BFSP*, 63, p. 658).

His Majesty [Tsar] further remarked that there was no intention of extending the Russian dominions; but it was well-known that, in the east, it is impossible always to stop when and where one wishes (*BFSP*, 63, pp. 680–1).

Obviously British experts placed too much reliance on the barrier effect of the 'large tract of country, apparently desert' which belonged to Khiva and separated the territories of Russia and Afghanistan. In this view they were encouraged by the Russians who justified their acceptance of the British position on the grounds that Afghanistan and Bokhara were separated by desert, which made the risk of collision very slight. In fact neither side seemed to appreciate that the Amu Darya provided a corridor through the desert along which Bokharan settlement had advanced as far as Khamiab, and that the border officials of Bokhara and Afghanistan agreed on the boundary immediately west of the river and marked it with an earthen mound in 1874, when the terms of the Anglo-Russian settlement became known.

The 1872–3 agreement made no stipulations about the ownership of islands in the Amu Darya or the course of the boundary in the river. That was obviously not considered an important matter, and fortunately it did not prove a difficult problem in future negotiations. There is one very large island called *Urta Tagai* located north of Kuruk where the river's course swings northward. The island, which is low-lying and marshy, has an area of about 140 square miles (362 square kilometres) and is used by local herdsmen. Apparently traditionally Afghanistan had occupied this island, but the channels on each side are equivalent in size, and a dispute over the ownership of the island could have developed. The question of the boundary in the river was settled by a treaty between Afghanistan and the Soviet Union after World War II.

### Exchange of Letters, 1872–1873

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#### *Earl Granville to Lord A. Loftus*

Foreign Office,  
October 17, 1872.

My Lord,

Her Majesty's Government have not yet received from the Cabinet of St. Petersburg communication of the report which General Kaufmann was long since instructed to draw up on the countries south of the Oxus which are claimed by the Ruler of Afghanistan as his hereditary possessions.

Her Majesty's Government have awaited this communication in full confidence that impartial inquiries instituted by that distinguished officer would confirm the views they themselves take of this matter, and so enable the two Governments to come to a prompt and definitive decision on the question that has been so long in discussion between them.

But as the expected communication has not reached them, and as they consider it of importance both for the maintenance of peace and tranquillity in Central Asia, and for removing all causes of misunderstanding between the Imperial Government and themselves, I will no longer delay making known through your

Excellency to the Imperial Government the conclusion at which Her Majesty's Government have arrived after carefully weighing all the evidence before them.

In the opinion, then, of Her Majesty's Government the right of the Ameer of Cabul (Shere Ali) to the possession of the territories up to the Oxus as far down as Khojah Saleh is fully established, and they believe, and have so stated to him through the Indian Government, that he would have a right to defend these territories if invaded. On the other hand, Her Majesty's authorities in India have declared their determination to remonstrate strongly with the Ameer should he evince any disposition to overstep these limits of his kingdom.

Hitherto the Ameer has proved most amenable to the advice offered to him by the Indian Government, and has cordially accepted the peaceful policy which they have recommended him to adopt, because the Indian Government have been able to accompany their advice with an assurance that the territorial integrity of Afghanistan would in like manner be respected by those Powers beyond his frontiers which are amenable to the influence of Russia. The policy thus happily inaugurated has produced the most beneficial results in the establishment of peace in the countries where it has been unknown.

Her Majesty's Government believe that it is now in the power of the Russian Government, by an explicit recognition of the right of the Ameer of Cabul to these territories which he now claims, which Bokhara herself admits to be his, and which all evidence as yet produced shows to be in his actual and effectual possession, to assist the British Government in perpetuating, as far as it is in human power to do so, the peace and prosperity of those regions, and in removing for ever by such means all cause of uneasiness and jealousy between England and Russia in regard to their respective policies in Asia.

For your Excellency's more complete information I state the territories and boundaries which Her Majesty's Government consider are fully belonging to the Ameer of Cabul, viz.:

(1.) Badakashan, with its dependent district Wakhan from the Sarikal (Woods Lake) on the east to the junction of the Kokcha River with the Oxus (or Penjah), forming the northern boundary of this Afghan province throughout its entire extent.

(2.) Afghan Turkestan, comprising the districts of Kunduz, Khulm, and Balkh, the northern boundary of which would be the line of the Oxus from the junction of the Kokcha River to the port of the Khojah Saleh, inclusive, on the high road from Bokhara to Balkh. Nothing to be claimed by the Afghan Ameer on the left bank of the Oxus below Khojah Saleh.

(3.) The internal districts of Aksha, Seripool, Maimenat, Shibberjau, and Andkoi, the latter of which would be the extreme Afghan frontier possessions to the north-west, the desert beyond belonging to independent tribes of Turkomans.

(4.) The western Afghan frontier between the dependencies of Herat and those of the Persian province of Khorassan is well known and need not here be defined.

Your Excellency will give a copy of this despatch to the Russian Minister for Foreign Affairs.

I am, etc.,  
GRANVILLE.

Lord A. Loftus.

*Prince Gortchakow to Count Brunnow*

Communicated to Earl Granville by Count Brunnow, 5 February 1873

St. Petersburg  
31 January 1873

Your Excellency,

Lord Augustus Loftus has forwarded to me the reply of the Principal Secretary of State of Her British Majesty to our despatch on central Asia, dated 19 December 1872.

I attach a copy of this reply.

We see with satisfaction that the English cabinet continues to follow in these regions the same aim as us, that is to assure peace and tranquility as far as possible.

The divergence in our views involves the frontiers assigned to the territory of Shir Ali (Amir of Afghanistan).

The English cabinet includes Badakshan and Wakhan, which in our eyes, enjoy a certain independence. In view of the difficulty in establishing, in all its nuances, the truth in these remote areas, in view of the greater facility of the British Government to collect precise facts, and above all, in view of the desire not to give this question of detail more importance than it deserves, we do not refuse to admit the English line of demarcation.

We are further encouraged in this act of courtesy by the British Government's engagement to use all its influence on Shir Ali to maintain a peaceful attitude, and to insist that he abandons all aggression or future conquest. This influence is incontestable. It rests not only on the material and moral ascendancy of Britain, but also on the subsidies which place Shir Ali under an obligation. We are now able to see a real guarantee of the conservation of peace.

Your Excellency will show this declaration to the Principal Secretary of State of Her British Majesty, and give him a copy.

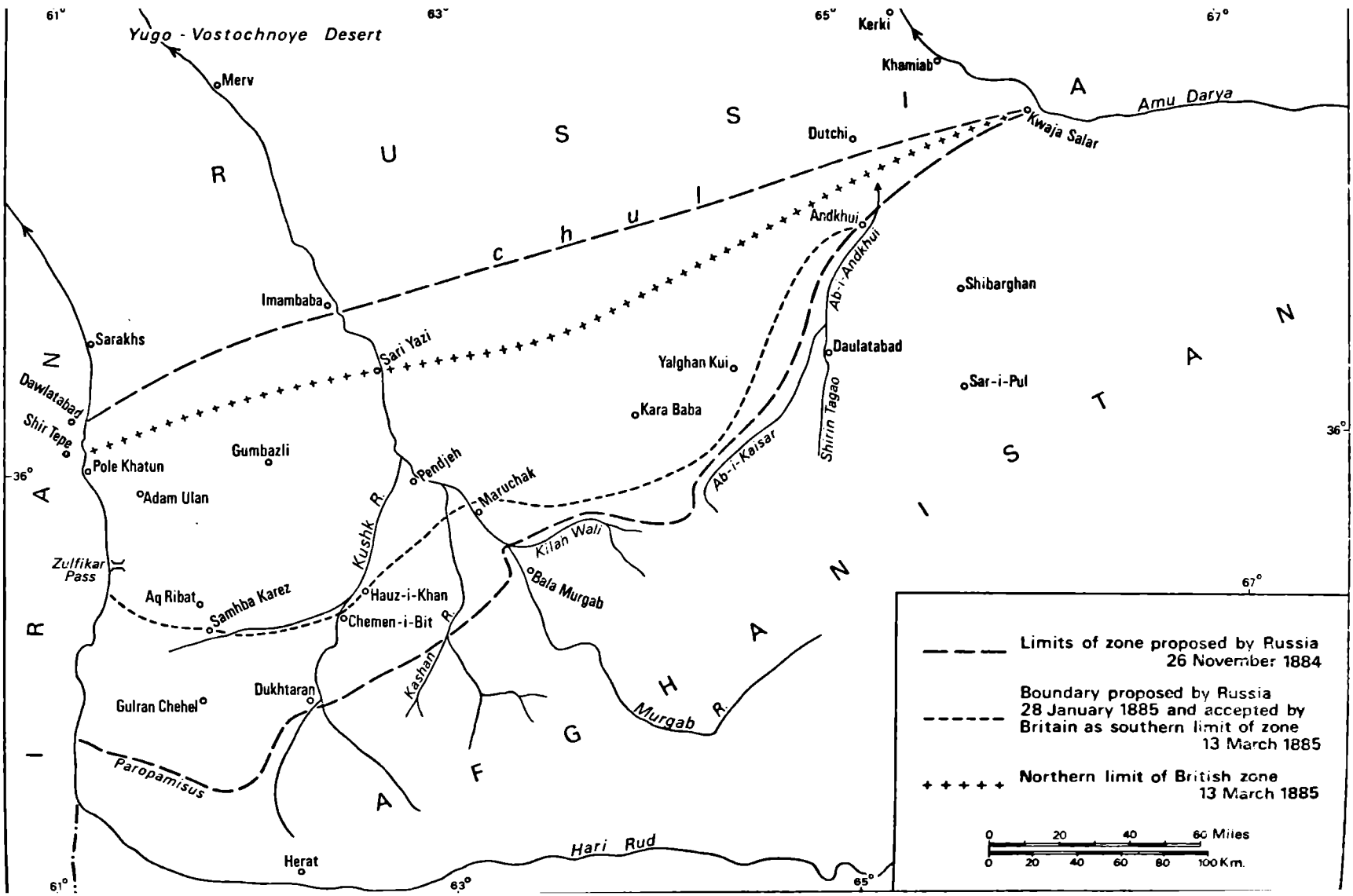
We are convinced that Lord Granville will welcome this new proof of the value which our august Master attaches to the maintenance and consolidation of better relations with the Government of Her Majesty, Queen Victoria.

[Usual courtesies]

Signed. Gortchakow

## The Protocols of 1885–1888

The Afghan-Russian boundary which stretches for 350 miles (563 kilometres) between the Hari Rud and the Amu Darya was settled during six years beginning in February 1882. These protracted, and sometimes fitful negotiations were characterized by two main features. First, while the British and Russian governments, which created this boundary, shared a desire to promote peace in the area, they had totally different ideas about the boundary which would best serve this interest. Although the final boundary was a compromise between the ideal boundaries of Britain and Russia, it is unquestionable that it lay much closer to the Russian ideal line. This result reflects a number of important factors. The Russian government seemed to have a simple and consistent aim which contrasted with the confusion of British aims. The Russian government sought to fix the Afghanistan boundary as close to Herat as possible, that is to secure as much territory as possible, and especially some of the habitable areas south of the arid Yugo-Vostochnoye desert. The



Map 7. Anglo-Russian boundary proposals between the Hari Rud and the Amu Darya



three main avenues across this desert are the rivers Hari Rud, Murgab and Amu Darya, and it was along these channels that the Russian advance flowed. The British government was anxious to secure a territorial arrangement which would 'prevent any occasion or opportunity for a further advance of Russia towards Afghanistan' (BFSP, 75, p. 948), but was not certain how this could best be accomplished. At first there was a suggestion that there should be a neutral zone between Russian and Afghan territory (BFSP, 75, p.948), and when this was rejected by Russia, it was suggested that Persian authority should be extended over the route through the Tejend valley, to ensure that the Turkoman tribes of Merv could not attack Russian territory (BFSP, 75, pp. 949-50). Russian representatives rejected this scheme as unworkable and five days later the British authorities received a letter from their minister in Teheran stating that the Persian government could not consider any operations in the Tejend valley towards Merv, and predicting accurately that the Merv tribes would eventually make submission to Russia. When this event occurred two years later the British government still had no decisive policy to meet the new situation. As it became clear that Russian territory would abut directly on Afghanistan's borders Britain sought to assign the emir a good working frontier, which did not impose any territorial obligations he might be unwilling or unable to accept. Throughout the course of the negotiations Russia always seemed to hold the initiative. As Merv, Sarakhs, Pendjeh, Pole Khatun and Zulfikar were occupied by Russian troops British negotiators must frequently have wished that previous Russian offers had been accepted. The British government's concern with events in the Sudan at this time may have contributed to the level of Russian success in this theatre.

The second principal feature which characterizes these negotiations is the important role played by geographical factors, which operated in three ways. First, there were three main points which Britain decided must mark the limits of Russia's advance towards Herat and Mazar-i-Sharif. They were the Zulfikar pass on the Hari Rud, the western extremity of the line; Kwaja Salar on the Amu Darya, the eastern terminus; and Maruchak on the Murgab river, which lay near the centre of the line. While the boundary linking these three points trended south of a direct line, there was clearly a limit to the depth of the salients which Russia could hope to press between these three forward posts. Second, the different alignment of the rivers east and west of Maruchak; the complex pattern of canals, fields and pasture; and the recent changes in the distribution of population as a result of Turkoman raids into the Afghan borderland, all contributed to a complex situation which gave considerable scope for negotiators and commissioners to argue over very small details in the boundary, not only between the three principal points, but at those points themselves. Finally it can be demonstrated that repeatedly the negotiators on both sides held false impressions of the geography of the area being partitioned. This ignorance showed itself in the way the two sides used different names for the same feature, and then laid down lines, which were suddenly discovered to have serious disadvantages for one side, and principles, to guide the commissioners, which were inconsistent with the indicated boundary. But perhaps the best evidence of this imperfect geographical knowledge is presented by the ambiguous language which was used in the Exchange of Letters of 1872-3 and the protocol of 1885, which gave considerable scope for debate amongst the commissioners.

The negotiations which produced the boundary can be conveniently divided into seven stages. The first period, which lasted from February 1882 to April 1884, was a period of diplomatic skirmishing, which began when the British Foreign Office sought to be party to the boundary negotiations between Russia and Persia, and to extend the Persian boundary from the proposed terminus at Babadurmaz, to the

Hari Rud, which formed the Persian boundary with Afghanistan (BFSP, 75, pp. 944–6). Russia did not consider that this was an appropriate matter to concern Britain, but offered to negotiate a boundary from Kwaja Salar, specified as a terminus in the 1872–3 agreement, to Sarakhs on the Hari Rud. The British government refused this offer, saying ‘that the proposal did not in any way meet the requirements of the case’ (BFSP, 75, p. 947). This was the best offer Britain received in the whole six years; it is a remarkable measure of the British government’s confidence that the chance was declined. British efforts to construct a neutral zone or deliver the Tejend valley to Persian control were unavailing. At this stage Britain justified its efforts to insert a third territory between Russia and Afghanistan on the grounds that otherwise the Russian justification of its advance to protect Russian territory against Turkoman raids would allow an extension of Russian control well south of Sarakhs.

Lord Hartington, on my invitation, replied to his Excellency’s inquiry. He stated that the recent advances of Russia on the North-eastern frontier of Persia were of a nature to cause serious uneasiness to the Ameer of Cabul, and had been noticed not without concern by the Government of India. The Ameer would think himself justified in requesting Her Majesty’s Government to augment his subsidy, in order to provide against possible eventualities. It was possible, said Lord Hartington, that the extension of the Russian occupation as far as Baba-Durmaz had been necessary for the protection of the Russian possessions and means of communication from the brigandage of the Turkomans. But it was evident that the same grounds might be alleged for further advances beyond the point now reached, and even as far as Sarakhs or its vicinity. In that case the incursion of a band of Turkomans into Russian territory and its subsequent flight across the Afghan frontier might at any time suffice to produce serious difficulties between Russia and Afghanistan, or, in fact, between Russia and England, which had special relations with Afghanistan. It seemed therefore to be equally in the interest of Russia and of England that their two Governments should endeavour to prevent a contact so dangerous in its possible results (BFSP, 75, p. 949).

It is now a matter of history that the eventual submission of Turkoman tribes to Russia allowed that state to sponsor Turkoman claims to territory deep into the Kushk, Kashan and Murgab valleys.

For the two years after these conversations had started, the Russian authorities prevaricated about the terminus of the boundary with Persia in the Tejend valley, and assured the British government that there was no intention to conquer Merv. Russia also, perhaps as a diversion, requested the removal of Afghan forces from Shugnan because of the threat they posed to the khanate of Bokhara, and because it was contrary to the 1872–3 agreement (BFSP, 76, pp. 1102–5). During this period the British authorities showed no sense of urgency in pressing for a definite boundary. Singhal (1963, p. 107) has shown that the requests by the emir of Afghanistan from May 1882 until May 1883, for assistance in fixing a clear boundary with Russia were met by the following reply: ‘they were so fixed in 1873 and . . . [Britain] did not consider it would be a wise course in the Amir’s interests to reopen the question’ (PSDE from India, 35, p. 711). With some justification the emir found this reply unsatisfactory and he pressed the matter again in June 1883, but his compliance was bought with a subsidy of 1 200 000 rupees, part of which was to be spent on the defence of the northwest frontier (PSDE, 36, p. 123). The time for British aloofness from precise boundary discussions ended on 14 February 1884, when the Merv tribes made submission to Russia and it was accepted. In a long memorandum the British government catalogued previous Russian assurances regarding their intentions towards Merv (BFSP, 76, pp. 1108–18), but when this was

brusquely answered by Russia, Britain accepted the repeated offer to negotiate a boundary westwards from Kwaja Salar (*BFSP*, 76, pp. 1121–2, 1126).

The second stage in the boundary negotiations began immediately in April 1884 and lasted for four months. Britain proposed that a joint commission with Afghan, British and Russian members should be appointed and sent to the region to select the principal points on the boundary. The Russians were opposed to the appointment of an Afghan representative, but recognized that the commissioners might wish to call on expert advice from the local population at various points along the boundary. The British government accepted this suggestion and recommended that the commission should begin work at the beginning of October at Sarakhs on the Hari Rud. The Russian authorities accepted the date but preferred that Kwaja Salar should be the starting point. This suggestion was made for three reasons. First, it was essential to begin from a known point, which had been specified in the 1872–3 agreement as being on the Afghan-Russian boundary. Second, there would be fewer problems in the eastern section than in the western section of the area; and third, a measure of early agreement would be necessary in order to avoid giving a very bad impression to the local population, and in order to give the commission some momentum which would be useful when the more contentious sections were reached. The British government preferred the commission to start work at Sarakhs in order to save time and because this was the area where the most urgent problems remained to be solved. Before finally accepting the British proposal the Russian government raised the question of the principles which should guide the commissioners in their work. The British negotiators were convinced it was entirely a political matter.

In the opinion of Her Majesty's Government the primary duty of the Commission will be to ascertain the true limits of the Ameer's territory, and therefore in defining his jurisdiction, they must be guided by the political relations of the tribes which inhabit the country; but, in order to avoid as far as possible the risk of future complications, the Commission, whilst respecting all the legitimate rights of the Ameer, should bear in mind the importance of not imposing upon him such obligations as he would be unwilling to assume, or would practically be unable to fulfil (*BFSP*, 76, pp. 1148–9).

The Russian authorities could not regard this view as entirely satisfactory; they were convinced that future complications could only be avoided if the boundary coincided with the ethnic and geographic divisions of the borderland (*BFSP*, 76, pp. 1158–61). The reasoning which underlay this proposal was evident. In June the Russians had objected to reports that the emir was sending troops to take possession of Pendjeh on the grounds that the boundary was to be determined in that area. The British reply that Pendjeh had always been considered as part of Afghanistan was contested, and it was asserted that since the matter was one for debate it should be left to the commission. By late July the British ambassador in St Petersburg was convinced that the Russians would claim 'that all the Turkoman tribes should be excluded from Afghanistan, in the hope, of course, that they would ultimately, and even very soon, give their allegiance to Russia' (*BFSP*, 76, p. 1146). Two weeks later the Russian view was made explicit to the British ambassador.

It appears from investigations made by the authorities of the Province of Transcaspia that the territory south of Merv is occupied by the Turkoman Saryks, whose camps stretch from Yulatan on the Murgab as far as the Afghan frontier posts. This tribe is distinguished by its propensity for raiding, and finds itself in a permanent state of hostility with Merv; however, since the submission of Merv, the Saryks in their turn have come to solicit for Russian protection. This has been promised on the condition that they live at peace with their neighbours (*BFSP*, 76, p. 1153).

The Russian note went on to express the view that the division between Turkoman and Afghan territory should be the guiding principle for the commission. Britain declined to anticipate the results of the commission and dispatched their representative to Sarakhs in early September.

The instructions to Major-General Sir Peter Lumsden repeated the British view that the guiding principles must be the political relations between Afghanistan and the tribes to the north. As with so many African boundaries being negotiated at that time by Britain and other countries, the authorities in London were anxious to preserve the political fabric of the area under consideration. The instructions also revealed the generally poor knowledge of the area's geography, as the following quotations show:

a good frontier line might be obtained at or near Pul-i-Khatun, this place having the advantage of certain ranges of hills, which, meeting the Hari Rud near it, are believed to form a good natural boundary.

As to the further line of boundary from the Murghab to the Oxus [Amu Darya] Her Majesty's Government have not sufficient information to form any decided opinion upon its details (*BFSP*, 76, pp. 1156-7).

The British commissioner never received a chance to apply the principles and instructions laid down by Britain, because the Russian commissioner was not sent to the area. Various excuses about his ill-health were made, but it seems certain that the Russian authorities had decided that a more precise agreement was necessary before the commission became effective. Thus the third stage began in October 1884 and lasted until May the following year.

This period was marked by a continuation of the correspondence between the two governments suggesting either increasingly precise zones within which the boundary should be fixed, or actual lines; by Russian and Afghan military movements within the borderland, which resulted in the capture of Pendjeh by Russia and its occupation of Pole Khatun and Gumbazli, and the stationing of Afghan troops in the Zulfikar pass; and the collection of much useful information by the British commissioner and his party. These three sets of events were inter-connected, and it is most convenient to concentrate on the various proposals for zones and lines put forward by each side.

The Russian government proposed a zone within which the Commissioners should confine their activities in November 1884, and the memorandum stressed that the information should be sought on the topography and ethnic distributions of the zone, especially on the points at which the Turkoman and Afghan populations were neighbours (*BFSP*, 76, pp. 1179-83). The zone was triangular in shape with Kwaja Salar forming the apex and the Hari Rud the base. The northern limit was a direct line connecting Dawlatabad on the Hari Rud, Imambaba on the Murgab, and Kwaja Salar. The southern limit was regarded by the Russians as 'a natural frontier'. It began where the Paropamisus range met the Hari Rud; this range was followed eastwards to the Kushk valley which was followed north to Chehel Dukhtaran. Continuing to the Murgab at Bala Murgab, the line separated the Afghan and Turkoman tribes. East of Murgab the line followed the courses of the Kaisar and Sangalak rivers and the northern edge of the Afghan district of Andkhui. If these northern and southern limits are likened to the blades of a pair of scissors pivoted at Kwaja Salar, the subsequent proposals can be compared to the closing of the two blades together, by the southward movement of the northern blade. It follows that the general position of the boundary east of Maruchak was established before the sector to the west of that settlement. The final line east of the Murgab was within

12–15 miles (19–24 kilometres) of the two rivers nominated so early in the proceedings by Russia.

The British government accepted the idea of the northern line as forming the limit of the commissioners' study-area, but refused to consider a southern limit (*BFSP*, 76, pp. 1186–7). This curious decision, which immediately conceded Sarakhs, was made because the British government did not wish to suggest that there was any doubt about the sovereignty of the emir as far south as the Russian southern limit. One month later the Russian representatives suggested a firm boundary which differed by less than 10 miles (16 kilometres) from the eventual agreement of September 1885 (*BFSP*, 76, pp. 1189–95). The former southern limit of the Russian zone was swung northwards about the pivot of Kwaja Salar. Travelling westward from that terminus the first significant shift was from the Kaisar and Sangalak rivers to the crest of the heights on their northern banks. The new line intersected the Murgab at Maruchak instead of Bala Murgab, representing a northward movement of 23 miles (37 kilometres). West of Maruchak the northward movement was larger and the Russians selected critical points such as Zulfikar pass, Chemen-i-Bit, Samhba Karez, and Hauz-i-Khan which were used to define the boundary in the September protocol. Thus at their second attempt to suggest a line the Russians selected an alignment which was extremely close to the final agreement. This showed a greater appreciation of geographical and political realities than that displayed by the British authorities.

In March the British government made a double concession (*BFSP*, 76, pp. 1208–13). First, they agreed to the concept of a definite zone within which the commissioners should seek a boundary, and as a southern limit they accepted the Russian line of January. Second, they retreated the northern line so that it joined Shir Tepe near the Hari Rud, Sari Yazi on the Murgab and Kwaja Salar. This meant that east of Andkhui the blades of the scissors had closed. This zone indicates that Britain was still hoping to retain Pendjeh and Pole Khatun, important outposts for Afghanistan on the Murgab and Hari Rud rivers respectively. These hopes must have faded before the end of the month when there was fighting between Russian and Afghan troops at Pendjeh, which left Russia in occupation of this important oasis. Confirmation of Russian intentions was received early in April when Russia suggested a slight modification of the British zone west of the Murgab (*BFSP*, 77, p. 247). The modification moved the zone southward, excluding Pole Khatun from consideration in the north, and introducing for discussion the region between Chemen-i-Bit and Chehel Dukhtaran.

The British authorities made one final effort to draw the boundary through waterless areas between the Hari Rud and the Kushk rivers about the latitude of the Zulfikar pass, early in April (*BFSP*, 77, p. 255). This line from Zulfikar to Qala-i-Mor would have made it impossible for Russians to patrol the border or set up posts near it because all the wells in the area would have been controlled by Afghanistan. The Russian government replied promptly two days later, drawing the boundary between Zulfikar and the Kushk south of the British line so that they held the important well of Samhba Karez (*BFSP*, 77, pp. 257–8). In the same communication the Russians offered to exchange Zulfikar for Pendjeh, and this was an offer which was eventually accepted. The greater British realism was probably prompted by reports from the Indian authorities, after conversations with the emir in late March, that the ruler had 'declared his willingness to accept any frontier between the Hari Rud and the Murgab, which might be laid down by the British Government on his behalf, provided that Muruchak, Gulran and the Zulfikar passes remained in his possession' (*PSDE from India*, 44, pp. 169–70).

By now the general alignment of the boundary had been agreed and it was decided that it would be worth abandoning the original idea of leaving it to the commissioners to select a line in the field, in favour of detailed discussions in London. These discussions, which lasted until September 1885, constitute the fourth stage of the negotiations. The British commissioner was recalled, and as a result of his efforts the British authorities were able to argue their case more effectively.

The discussions during this phase centred on Zulfikar pass; agreement on other points of difference was quickly reached. Within a few days of opening the discussions in London the following draft boundary was agreed between the two representatives.

The line will start from a point on the Hari Rud a little north of Zulfikar, fixed so as to leave the Pass of Zulfikar to the Afghans. Thence it will pass between Ak Robot and Souma Karez, and will run to Islim, where it will pass to the right bank of the Egri-Gueuk, leaving Islim outside the Afghan territory. Thence it will follow the crests of the hills bordering the right bank of the Egri-Gueuk, and leaving Chemen-i-Bid outside the Afghan frontier, it will follow in the same manner the crests of the hills bordering the right bank of the Kushk as far as Hauzi Khan. Thence the frontier will follow almost a straight line to a point on the Murghab a little above the Bund Nadir, which will remain to Russia.

From this latter point the line towards Khodja-Saleh shall be traced by the Commission within the limits of a zone extending 30 versts [32 kilometres] north of the line proposed by Russia. It is understood that the line shall be fixed in such a manner as to leave the cultivated territory to the Afghans, and to fix in an equitable manner the limits of the pastures belonging to the populations placed respectively under the sovereignty of Russia and Afghanistan. The northern limit of the zone will pass to the north of Duktchi, and thence direct to Khodja-Saleh (*BFSP*, 77, pp. 275–6).

When this proposal was considered by the Russian government they requested three alterations (*BFSP*, 77, pp. 276–7). These were a more exact definition of the Zulfikar pass; the omission of the name Duktchi which they could not find on their maps; and the extension of the zone concept westwards to Hauz-i-Khan. This last request was made on the grounds that by asking for pasture north of the Kaisar and Sangalak rivers the British government had increased its demands, and Russia reserved the right to increase its demands for the Saryk Turkomans south of a line linking Hauz-i-Khan and Maruchak. A new draft was produced which defined the Zulfikar pass as marked on a British map attached to the draft; which omitted mention of the Band-i-Nadir canal, and referred instead to determining the boundary north of Maruchak by reference to the territory of that settlement; and which defined the boundary east of Maruchak as following the crest north of the river in such a way that Afghanistan would be awarded the cultivated land and pasture which the various border settlements enjoyed at the time of the Russian occupation of Merv (*BFSP*, 77, p. 278). Again the Russians had three complaints (*BFSP*, 77, pp. 277–9). First, they preferred that the principle governing the alignment of the boundary between Hauz-i-Khan and Maruchak should be the limit of Saryk occupation and use, and this was accepted by British negotiators. Second, it was suggested that in case the hills north of the Kaisar and Sangalak rivers were not prominent, it would be better to stipulate a line between the crest and the limits of cultivation in the valleys. Britain accepted this point and it was agreed that the line would swing north of the two valleys in such a way as to give to the Afghans the cultivation and pasture which rightly belonged to them, in the same way that the Saryks were considered west of Maruchak (*BFSP*, 77, pp. 280–2). The third com-

plaint proved more difficult to resolve. It concerned the Zulfikar pass about which the Russians had made some unpleasant discoveries. A contemporary comment by a British officer reveals their problem.

The Zulfikar pass is not a pass through any range of mountains, as might be supposed, but simply a gorge or break in the line of high cliffs that bounds the valley of the Hari Rud on the east almost all the way up from Pul-i-Khatun to Karez Elias, a distance of some 40 miles [64 kilometres]. Through the whole of this, the Zulfikar pass is the only practicable communication between the road along the valley of the river below and the country above. A fresh means of access can be obtained some 10 miles [16 kilometres] to the north of Zulfikar, but the road there will require a good deal of work to make it practicable, and the loss of the ready-made road at Zulfikar must be very inconvenient, to say the least of it, to the Russians: no wonder they wished to retain it. The possession of Zulfikar would have just nicely rounded off the Russian frontier, and have given them the site for a good frontier-post, with direct lateral communication between their main lines of advance up the valleys of the Hari Rud and the Kushk. By the loss of Zulfikar they are at present practically cut off from all lateral communication with the Hari Rud anywhere south of Pul-i-Khatun, nearly 30 miles to the north (Yate, 1888, pp. 75–6).

Although Yate does not make it clear, the Zulfikar pass consists of two sections. The first cuts through the range of hills bordering the Hari Rud and stretches for about 4 miles (6 kilometres). The second section is 2 miles (3 kilometres) long and occurs where a gorge, which splits into two parts, has been cut through a second range aligned on a similar bearing to the first range and river. Between these two sections there is an intervening valley nearly 2 miles (3 kilometres) wide. The Russian diplomats fought hard to command the Zulfikar pass, but this was a feature which British representatives were not prepared to yield, because of a promise made to the emir (*BFSP*, 77, pp. 290–1).

The Russians first suggested that the boundary should lie along the crest of the cliffs bordering the Hari Rud (*BFSP*, 77, pp. 278–9). Such a boundary would have given them complete control of the eastern pass and half of the western pass which then could not have been used by the Afghans unless they were prepared to give the Russians similar transit rights. The British authorities rejected this line and claimed complete control of the pass for Afghanistan (*BFSP*, 77, pp. 280–1). The Russians then offered to concede the western section of the pass if the boundary was drawn through the valley between the two longitudinal ranges. They justified this line by claiming that it would give Afghanistan control of the route to the river, and at the same time prevent any opportunity for Afghanistan to interfere with communications on the Russian side between Aq Ribat and posts to the north, such as Kungruali and Akar Chashma (*BFSP*, 77, pp. 284–5). The British government sought advice from Colonel Sir West Ridgeway, who had remained in the area when Sir Peter Lumsden returned to London in May. Ridgeway replied in the following terms:

Crest of hills claimed [by Russia] commands and renders useless Zulfikar Pass, and also road from Kizil Bulak by Karez Elias at its foot, which is essential to Afghans. It also gives Russians command of passes of Dhana Zakli and Karez Elias, and thus secures Russian right flank against attack. It practically means concession of Hari Rud up to Char Dowli Gorge (*BFSP*, 77, p. 302).

It was then suggested that the matter should be settled by a frontier commission, but the two sides could not agree on the principles which should guide any decision. Once British authorities were able to demonstrate that Afghan control of the pass

and the security of Russian communications with Aq Ribat were not mutually exclusive, the Russian arguments failed, and the boundary was fixed along the second crest of the range. The boundary intersected the second pass just west of its bifurcation, but this did not hinder Afghanistan's communications. To make assurance doubly sure, it was specified that the boundary would not approach closer than 1000 yards (914 metres) to the crest of the heights bordering the western Zulfikar pass, nor closer than 1 mile 223 yards (1·8 kilometres) to the junction of routes from Adam Ulan, Kungruali and Aq Ribat in Russian territory. The British military experts were satisfied with this line.

The line of communications to the Hari Rud at Zulfikar, by Zakli, Karez Elias, and Pistalek Atek, has by the cession of the ground between the two passes (to Afghanistan), been rendered secure, as that ground slopes up and culminates at the summit of the cliffs commanding the valleys traversed by this route, and if thought desirable, can now be held by the Afghans (*BFSP*, 77, pp. 302-3).

With the solution of this final problem a protocol defining the line to be marked was signed in September 1885.

The protocol did not define the various sections of the boundary with equal precision. Between Zulfikar and Hauz-i-Khan there was no opportunity for serious disagreement between the commissioners; they simply had to mark a line that was defined very closely. Between Hauz-i-Khan and Maruchak the boundary was defined as an almost direct line, which left the lands cultivated by the Saryks and the pastures used by their herds to Russia. Since the termini were fixed and the distance was only about 40 miles (64 kilometres) the scope for disagreement was limited. Between Maruchak and Kwaja Salar the boundary was stated to lie north of the Kaiser river and west of the Sangalak river and Andkhui. The line was to be drawn on the same principle of giving the population on each side their fields and pasture. This section stretched for 190 miles (306 kilometres) and gave considerable scope for disagreement. Indeed it is evident that as the commissioners proceeded eastwards their disagreements increased to such an extent that the selection of the boundary at Kwaja Salar had to be left to a separate conference. It is interesting to review the problems connected with the demarcation of the boundary encountered by the commission during the seven and a half months spent working from November 1885 to September 1886.

The boundary as far as Hauz-i-Khan was marked very quickly, and the 25th pillar was erected just south of those ruins within one month of commencing work. The Russians recognized that they had forfeited some Saryk cultivation as far south in the Kushk valley as Chehel Dukhtaran (*BFSP*, 78, p. 226), but the terms of the protocol only allowed discussion of such points east of Hauz-i-Khan. Yate was under no illusions that the rapid progress would be continued, and he accurately forecast the general problems which would arise.

Hitherto (Hauz-i-Khan) the line of the boundary has been pretty rigidly defined in the Protocol, and unreasonable claims have been out of the question; the farther we go through, the less precisely is the Protocol worded, and should the Russian Commissioner insist on putting forward claims depriving Maruchak, Kilah Wali, Maimanah, and Andkhue, not only of their pasturages but also of their wells, it will be very evident that it is not his intention to help on the negotiations. To the north of Kilah Wali and Maimanah there is a great stretch of desert, preventing all communication and population in that part of the country; and the best of it is, that there is not a single Russian subject whose interests touch on that part of the frontier. The Turkomans of Panjdeh, Yulatan, and Merv all have their recognised pastures to the west of the desert, while those living on the banks of the



Oxus have theirs on the east, and there are no others between. The Usbeks of Maimanah will naturally resent being deprived of the wells they have dug to the south of the desert and the pasturages pertaining thereto, especially when there is no one close who can use them; and we can only presume that it is the Russian intention to try by all means to get a foothold south of the desert, sufficient to be able to keep a row open on that part of the frontier for use as occasion may arise (Yate, 1888, pp. 105–6).

As mentioned earlier, the difficulties could be directly traced to the geography of the borderland between the Hari Rud and Amu Darya. This is an arid region which becomes progressively drier towards the north until the Yugo-Vostochnoye desert is reached. Cultivation is only possible along the river valleys through irrigation. Turkoman tribes for more than thirty years had been moving south along the principal longitudinal rivers, displacing the Uzbeks who were Afghan citizens. These longitudinal rivers are the Hari Rud, the Murgab and its tributaries the Kashan and Kushk, and the Amu Darya. In addition to cultivating the river valleys the Turkoman tribes made some use of the intervening *chul*, which is dry wasteland, especially where fresh water could be found in wells. The Russian aim was therefore to press their claims on behalf of the Turkoman tribes as far as they could along the valleys, and ensure that their claims to pasture provided a line of wells close to the boundary to facilitate patrolling. It was not difficult to achieve these objectives in the area between the Kushk and Murgab rivers, which was only 40 miles (64 kilometres) wide and included the Kashan valley. Unfortunately there was no clear division between the cultivation of the Russian and Afghan subjects.

The water supply, cultivation and pasturage belonging to Padjeh [Russian] is so mixed up with that belonging to the [Afghan] remainder or upper portion of the Kushk Kashan and Murgab valleys, that to delimitate a frontier across these valleys was not only a work of great difficulty, but, when done, the boundary is only an arbitrary line based on the circumstances of the moment rather than on any permanent and natural basis (Yate, 1888, p. 178).

In several cases canals, which conducted water from the rivers to irrigate Turkoman land downstream by gravity, passed through the cultivation of Afghans. If the head of the canal was given to Russia, Afghans were deprived of land, while if the head of the canal was left in Afghanistan the Russian subjects were fearful for their water supply. The commission solved this problem, which occurred in all three valleys, by giving the Russians the heads of the major canals, by prohibiting the Afghans from increasing the number or size of existing canals; and by declaring that the failure of water supply in canals which originated in Afghanistan and passed into Russia could not be the basis of claims by Russia (*BFSP*, 78, p. 220). One of the largest canals to draw water from the Murgab was the Band-i-Nadir, which had always been assumed to begin just north of Maruchak. The first protocol had defined the point at which the boundary crossed the Murgab as 'a little above the Bund Nadir, which will remain to Russia'. The Russians allowed the final draft to simply read 'above Maruchak'. This fresh definition would have been in Russia's favour had there been a considerable distance between the canal head and Maruchak. When it was found that the canal began *west* of Maruchak it was impossible to fulfil the exact terms of the protocol. Indeed the British delegate tried to take advantage of the situation by noting that the canal was not mentioned in the final protocol, and by suggesting that the term 'Maruchak' meant the Maruchak valley and not the fort (*BFSP*, 78, p. 216). Eventually the matter was settled and Russia obtained the heads of the main canals in the Kashan and Murgab valleys, as well as the wells at Chah-i-Nakash which lay on the interfluvium between the Kushk and Kashan valleys.

There were three main difficulties connected with the last section between the Murgab and Amu Darya rivers. First, the Russian and British delegates differed about the rivers which were intended by the names Kaiser and Sangalak. Second, Turkoman tribes had not penetrated far from the two major rivers into the *chul* north of the Afghan settlements along the latitudinal rivers. This meant that the Russians had no subject people on whose behalf they could press claims in the 72 miles (116 kilometres) between Kilah Wali and Daulatabad. Third, the two commissioners had quite different ideas about the identification of Kwaja Salar on the Amu Darya, which was the terminus of the boundary.

According to Yate (1888, pp. 341–2) the Kaiser river, which had no local name, was the major right-bank tributary of the Murgab. The British authorities called it the Kilah Wali after an important settlement on its course. The Sangalak was also identified as the Ab-i-Andkhui in the protocol. This is a river which draws its water from the ranges in the vicinity of Maimanah and loses itself in the desert near Andkhui. In more humid periods it undoubtedly joined the Amu Darya. The name Ab-i-Andkhui was applied to the course north of Yang Kala. At those ruins two rivers join to form the Ab-i-Andkhui. One, which is aligned north–south, is called Shirin Tagao and flows east of Maimanah. The other follows an east–west course and lies to the west and north of Maimanah; this is the Ab-i-Kaiser. It was clearly in Russia's interest to consider the Shirin Tagao as the upstream continuation of the Ab-i-Andkhui, whereas it was in British and Afghan interests to insist that the Ab-i-Kaiser was coincident with the river named in the protocol (*BFSP*, 78, pp. 182, 212 and 222). In fact the British authorities claimed all the tributaries of the Ab-i-Andkhui and Kilah Wali; those on the northern banks of the Ab-i-Kaiser would have pushed the boundary north of the wells found just below the crest of the plateau which marked the southern edge of the desert (*BFSP*, 78, p. 183). Such a claim deprived the Russians of access to any wells near the border and so a compromise was inevitable. The British case for insisting on the Ab-i-Kaiser was very strong. The valley was occupied by Afghan subjects centred at Maimanah, and the river was crossed by a ford called Sangalak on the road between Kaiser and Almar.

But even when the identification of the rivers ceased to trouble the commission there was still the problem of drawing the boundary north of the Ab-i-Kaiser. The protocol indicated that the line should separate Turkoman and Afghan tribes, but there were no permanent Turkoman settlements north of the river between Kila Wali and Daulatabad. Many of those areas which had been formerly used by the Afghan residents of the Maimanah district had been abandoned as a result of raids by Bokharan groups, who always returned to their own territory. Earlier drafts of the protocol had indicated that the line should be drawn between the crest of the hills north of the river and the cultivation alongside the river. However, this stipulation was not included in the final draft, nor was there any stipulation about the Afghans only being entitled to the pastures which they enjoyed before the Russian occupation of Merv. The reasoning behind this stipulation was that the Russian occupation had brought tranquillity to the area, allowing Afghan subjects to advance their settlement frontiers northwards. In fact, according to Yate the occupation of Merv had no such significance for this area.

As a matter of fact the Russian occupation of Merv had nothing whatever to do with the tranquillity of the Maimanah *chul*. The Teke Turkomans of Merv confined their attention mostly to the Persian and Herat frontiers, and, without doubt, thoroughly succeeded in depopulating those borders. The depopulation of the Maimanah border was due to the Sarik Turkomans of Panjdeh and Yulatan, and in a lesser degree to the Karas and Ersaris from the banks of the Oxus in Bokhara. The raids of the latter still continue, but the former were put a stop to

by the Afghan occupation of Panjdeh in June 1884. The present improved state of affairs on the Maimanah border was thus due entirely to the action of the Afghans themselves, and in no way to that of the Russians. Of course, as to Andkhui, Merv had nothing whatever to do with it, as the distance across the desert was far too great to tempt raiders from Merv in that direction, and the Russian occupation of Merv had naturally no effect on the immunity of the Andkhui people from Bokharan raids. These facts, though, were unknown before the arrival of the Boundary Commission on the spot; but still the terms of Lord Granville's memorandum were held to be binding, and all that Sir West Ridgeway could do was to obtain the best terms he could (Yate, 1888, p. 342).

This was also the view of the leader of the British delegation (*BFSP*, 78, p. 213). He indicated that the proper boundary should be a direct line between Kara Baba and Jalaogir, but since this line would have put all the wells of Yalghan Kui in Afghan hands, it brought a swift rejection from the Russians (*BFSP*, 78, p. 214). After much argument the commissioners agreed that the Afghans should receive a belt of pasture 15 miles (24 kilometres) wide north of the Kilah Wali and Ab-i-Kaisar, and a belt 12 miles (19 kilometres) wide towards Andkhui (*BFSP*, 78, 230–1; Yate, 1888, p. 343). This agreement was assisted by a British concession in the Kashan valley. It had been found that the head of the canal which had been awarded to Russia in fact lay on the Afghan side of the line linking pillars 30 and 31. It was agreed to move these pillars a short distance to give effect to the original agreement that Russia should possess all the canal.

The third important disagreement on this section concerned the identification of Kwaja Salar named in the protocol. Since this matter was not settled by the commission, but was settled by negotiations in St Petersburg the following year, it is proposed to consider the matter through analysis of these talks. The work of the commission was recorded in fifteen protocols, of which the fourth was probably the most important since it contained the prohibitions which applied to each side in respect of irrigation canals which crossed the boundary. Only the relevant portions of the fourth protocol (1885) are reproduced, since the results of all the others were summarized in the final protocol signed in St Petersburg in 1887.

The penultimate stage in the evolution of this boundary occurred in St Petersburg between April and July 1887. Four protocols reveal the course of these discussions in considerable detail. The essence of the problem was this. The strict application of the 1872–3 agreement which defined the northwestern terminus as 'the post of Khoja Saleh' would require the partition of the district of Kwaja Salar which was acknowledged by all to have been governed by Afghanistan for the previous thirty years. The fact that Britain selected Islim as the equivalent of 'the post of Khoja Saleh' while the Russians selected either the tomb of that name or the house of Tahir Mahommed Khan did not alter the situation. The tomb was 9 miles (14 kilometres) upstream from Islim and the house between these two points. In fact the boundary between Afghanistan and Bokhara had been marked by local officials on both sides in 1874 after the Anglo-Russian agreement of 1872–3. These dignitaries had arranged for a long, low earthen bank to be constructed at right angles to the river to mark the boundary. The Russians were perfectly entitled to insist on the letter of the protocol, but they may have inherited problems in a sensitive border which were better avoided. However it was plain that Russia could not be invited to sacrifice its rights in this sector without compensation elsewhere. The obvious area for compensation was those parts of the Kushk, Kashan and Murgab valleys where Saryks had been dispossessed of land by the strict application of the protocol. After much skilful fencing by both sides, which is well recorded in the four protocols, an exchange was arranged which was recorded in the final protocol. The effect of this

was to confirm the boundary previously defined between pillars 1–19 and 36–65, to substitute a new boundary between pillars 20–35 inclusive, and to determine the boundary from pillar 65 to the Amu Darya.

The new boundary between the Kushk and Murgab valleys transferred 825 square miles (2136 square kilometres) to Russia, of which only 20 square miles (52 square kilometres) were considered suitable for cultivation at that time. The area possessed one well. The new boundary, which was mainly defined by trigonometrical stations, allowed the Russians to extend their authority down the east bank of the Kushk to Chehel Dukhtaran, down both banks of the Kashan to Tor Sheikh and down the west bank of the Murgab to Kharawal Khana; no significant settlements were transferred to the Russians. Although the Afghans had been advised not to occupy the area from which the commission had evicted the Saryks around Qara Tepe, 300 Zamindawari families had been moved into the area by orders of the emir. The commissioners had to move about 150 families from the east bank, which became Russian, to the west bank, which remained in Afghanistan (Yate, 1888, p. 386). Fourteen posts marked the boundary between pillar 65 and the Amu Darya. The boundary continued first due east to a point just south of Qara Tepe Khurd before swinging north to pass via Khalawaji and Chihi to the Amu Darya just north of Khamiab. This settlement gained 734 square miles (1900 square kilometres) for Afghanistan which contained 26 square miles (67 square kilometres) of cultivation and nineteen wells. Russia also obtained enough wells at convenient intervals to allow the entire border to be patrolled. Yate (1888, p. 350) has listed the ten wells in the 185 miles (298 kilometres) between Maruchak and Khamiab.

The final stage of the boundary-making was completed between November 1887 and January 1888 by a joint Anglo-Russian survey team. There was really only one disagreement in the two sections between posts 20–36 inclusive and east of pillar 65. The final protocol of the St Petersburg talks defined the position of the 35th pillar on the bank of the Murgab as being 700 feet (213 metres) above the head of the canal Yaki-yuz or Yaki-Yangi. When the commissioners reached this point, it was evident that the present head of the canal was about 1000 feet (305 metres) below the ford called Tenor-Senghi. However, it was equally apparent that at some time in the past the head of the canal had been at the ford itself. The Russian commissioner pressed for a position 700 feet (213 metres) above the ford, or the old head of the canal, while the British commissioner offered a point 700 feet (213 metres) above the present head of the canal, which of course left the ford in Afghanistan's control. Eventually a compromise was offered by the British delegate to fix the pillar at the ford, but the Russian refused this offer on the grounds that the Saryks complained that they could not obtain a sufficient supply of water from the present position, and the pillar was finally fixed 700 feet (213 metres) above the ford.

Within a few years of the settlement there were complaints by Russian authorities that the Afghans in the Kushk valley had opened new canals, in contravention of the third article of the fourth protocol (22 July 1887). A commission of British and Russian officers was sent to examine the situation and they returned a report which catalogued the canals in the area. Apparently some new canals had been opened, but by the time the commission arrived the emir had already ordered some of them to be closed. In six protocols the commission reported on the distribution of the canals and recommended that a number of canals should be definitely closed, that some others should be restricted in length, and that the water in the Mill canal, used to drive a mill wheel, should not be used for irrigation, but should be allowed to flow back into the river after passing through the race (Aitchison, 1909, 13, appendix III). The decisions did not alter the position of the boundary in this sector.

Despite the early fears of Yate (1888, p. 179) that the arbitrarily defined boundary

'cannot be expected to be permanent', this boundary has lasted without creating serious problems between Russia and Afghanistan. This happy result may follow from the appreciation that each side secured its main aims in the final line. Britain secured a good working boundary for the emir which linked the key points of Zulfikar pass, Maruchak and Khamiab, and excluded the Turkoman tribes which might have given the emir trouble on their own account, or provided a cause for Russian interference in the future. The Russians for their part had acquired territory south of the desert, which gave them the desert at their backs, and a line of wells which facilitated patrolling along the border. The Russians also acquired dominion over the Turkoman tribes and thus were able to plan comprehensive policies to end the inter-tribal fighting which had made this such an unstable area in the past. Although the final position of the line was argued in great detail Yate put it into its proper context.

The fact that by this last settlement [St Petersburg] the Russian frontier has been advanced 10 or 15 miles [16 or 24 kilometres] nearer Herat, as I have seen mentioned in the newspapers, does not appear to me worth discussion. Once the old frontier from Sher Tepe to Sari Yazı proposed by Sir Peter Lumsden, was given up, and Pul-i-Khatun and Pandjeh, the only two points of any strategical importance, were surrendered to Russia, the question of ten miles [16 kilometres] here or there on the sterile down of Badghis became of little moment (Yate, 1888, p. 382).

### Protocol, 10 September 1885

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The undersigned, the Marquis of Salisbury, Knight of the Garter, Principal Secretary of State for Foreign Affairs of Her Britannic Majesty etc., etc., and His Excellency M. Georges de Staal, Special Ambassador and Plenipotentiary of His Majesty Emperor of All the Russias at the Court of Her Britannic Majesty etc., etc., are united in the aim of recording in the present Protocol the following arrangement between Her Majesty the Queen of the United Kingdom, of Great Britain and Ireland and His Majesty Emperor of All the Russias:—

1. It is arranged that the Afghan boundary between the Heriroud and the Oxus will be traced as follows:

The boundary leaves the Heriroud about two verstes below the tower of Zulfikar and follows as far as point K the line indicated in red on Map No. 1 annexed to the Protocol, in a manner which does not approach within 3,000 feet of the crest of the escarpment of the western defile, (which includes the crest marked L M N of the northern branch of the same defile). On leaving point K the line follows the crest of the ranges bordering the north of the second defile, which it cuts a little to the west of its bifurcation, at a distance about 850 sagenes from the point where the routes from Adam-Ulan, Kangroueli and Ak Robot converge. Beyond there the line continues to follow the crest of the ranges as far as point P marked on Map No. 2 attached to the Protocol. It then takes a southeast direction almost parallel to the Ak Robot road, and will pass between the salt lakes marked Q and R, which are found south of Ak Robot and north of Soume-Kehrız, and leaving Soume-Kehrız to Afghanistan, the boundary turns towards Islim, where the boundary will pass to the right bank of the Egri-Gueuk and leave Islim outside Afghan territory. The boundary will then follow the crest of the hills which border the right bank of the Egri-Gueuk, and will

leave Chemen-i-Bid outside the Afghan frontier. It follows in the same manner the crest of the hills which border the right bank of the Kouschk as far as Hauzi Khan. From Hauzi Khan the line follows an almost straight line as far as a point on the Mourghab to the north of Maruchak, fixed in a manner which leaves to Russia the land cultivated by the Saryks and also their pastures.

Applying the same principle to the Turkoman subjects of Russia and the subjects of the Amir of Afghanistan, the boundary to the east of the Mourghab follows a line to the north of the valley of the Kaissor and to the west of the valley of the Sangalak (Abi-Andkoi), and leaving Andkoi to the east reaches Khodja-Saleh on the Oxus.

The delimitation of the pastures belonging to the respective groups is left to the Commissioners. In cases where they are unable to agree this delimitation will be decided by the two Cabinets on the basis of maps prepared and signed by the Commissioners.

For the greatest clarity the principal points of the boundary are marked on the maps annexed to the present Protocol.

2. It is agreed that the Commissioners, who are nominated by the two Governments, will proceed to examine and trace on the ground the details of the Afghan boundary fixed by the preceding article. One Commissioner will be nominated by Her Majesty the Queen and one by His Majesty the Emperor. The Commissioner's escorts will be fixed at not more than 100 men on each side, and no increase will be allowed without agreement by both Commissioners. The Commissioners will meet at Zulfikar within two months of the date of the signature of this Protocol, and proceed immediately to define the boundary in accord with the previous stipulations.

It is understood that the delimitation will begin at Zulfikar, and that, as soon as the Commissioners have met and started their work, the neutralisation of Pendjde will be limited to a district contained between a line to the north from Bendi-Nadiri to Burdj-Uraz-Khan, and a line to the south from Maruchak to Hauzi Khan, the Russian and Afghan posts on the Mourghab are respectively at Bendi-Nadiri and Maruchak. The Commissioners will complete their work as quickly as possible.

3. It is agreed that in tracing this boundary so that it conforms with the description in this Protocol, and the points marked on the annexed maps, the said Commissioners will take due account of local details and the needs and well-being of the local population.

4. As the work of delimitation proceeds the two parties have the right to establish posts on the boundary.

5. It is agreed that, when the said Commissioners have completed their work, the maps will be prepared, signed and forwarded by them to their respective Governments.

On behalf of which the Undersigned, duly authorised to this effect, have signed the present Protocol and affixed their seals.

Salisbury  
Staal

## Protocols of Conferences, 11 November 1885–13 September 1886

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[There are fifteen protocols in the series and they give a detailed account of the discussions and decisions of the joint commission regarding the demarcation of the boundary between the Hari Rud and Amu Darya. Since the results of these protocols are summarized in the fourth protocol of St Petersburg on 22 July 1887 only part of the fourth protocol has been reproduced. This part is important because it provided the principles which governed the use of water in the borderland, and was referred to on a number of subsequent occasions.]

### *Protocol No. 4*

Meeting held at Meroutchak on 26 December 1885.

Present were:

For Great Britain: Colonel Sir West Ridgeway, K.C.S.I.; E. L. Durand:

For Russia: Colonel Paul Kuhlberg; Captain Guedenoff; Mr. Paul Lessar.

[There is then a detailed account of the discussions concerning possible regulations to govern the use of water in the borderlands of the Kushk and Kashan valleys.]

After the discussions which followed, it was agreed that in the two areas mentioned above, the Afghans are prohibited from increasing the number or extending the length of the canals in use, but providing this condition is observed in respect of the aforementioned canals, they retain the right to use them and control them without interference.

It was further agreed that the lack of water, no matter what the reason, in canals which empty themselves on Russian territory, but which derive their water from Afghan territory, does not give grounds for claims on the part of Russia. Finally, it was agreed that at the end of winter, an English officer and a Russian officer should go to the area and prepare maps of the sections of the valleys mentioned above, to show existing canals and the extent of actual cultivation.

J. W. Ridgeway  
E. L. Durand  
P. Kuhlberg  
P. Lessar

## St. Petersburg Protocols, 23 April–22 July 1887

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[There are four protocols in this series, resulting from meetings held on 23 April, 4 May, 10 May and 22 July 1887. The first three protocols record the arguments advanced by both sides to support their respective positions, and the various proposals and counter proposals from both sides. The fourth protocol contains the final agreement and is the only one translated here.]

### *Protocol No. 4*

Meeting held at Saint Petersburg 22 July 1887 Privy Councillor Zinoview and Colonel Sir West Ridgeway were re-united in the aim of reaching agreement on

the terms designed to resolve the difficulties which have arisen on the occasion of marking the boundary of Afghanistan on the left bank of the Amu-Darya, and began by reviewing the course of negotiations to the present time.

[There follows a long clear statement of the position of both countries, which explains that by strict application of the 1872-3 Agreement Russia is entitled to Afghan lands immediately west of Kwaja Salar. Russia recognizes that the strict application of this line will create administrative difficulties, yet at the same time it cannot sacrifice its rights without some compensation, which Britain offers west of Maruchak and which Russia accepts.]

This proposition having obtained the acceptance of the Russian Government M. Zinoviev and Sir West Ridgeway agree on the following arrangements:

1. The boundary, whose description is contained in Annex A of the present Protocol, and which lies between pillars No. 1 and No. 19 and between pillars No. 36 and No. 65 is considered as being definitely settled. The trigonometrical points on the part of the boundary described below, lying between pillars No. 19 and No. 36 are equally considered precise, the description of this part of the boundary, as well as that part east of pillar No. 65 will be completed after demarcation.

The list of pillars attached to Protocol 15 of 13 September 1886 is recognised as being exact and definitive as far as it concerns the pillars from No. 1 to No. 19 and from No. 36 to No. 65; it will eventually be completed by the list of pillars from No. 20 to No. 35 and east of pillar No. 65.

2. After leaving pillar No. 19 the boundary follows a straight line as far as the summit marked 2740 on Map No. 1 annexed to the present Protocol. This point where pillar No. 20 will be placed, is known as "trigonometrical station of Kara Tape" (latitude  $35^{\circ} 17' 49''$ , longitude  $62^{\circ} 15' 17''$ ).

Further on, the boundary descends, following the crest of the hills, towards the confluence of the Koushk and Moghur; pillar No. 21 will be placed on the crest or its vicinity, so that it can be seen from the confluence mentioned above. A straight line connects pillars No. 21 and No. 22, placed in the Koushk valley in the left bank of the river, 900 feet north of the confluence of the Koushk and Moghur (and about 6,300 feet from Mazari-Shah Alam, indicated on Map No. 2 annexed to the present Protocol).

On leaving pillar No. 22 the boundary ascends the thalweg of the Koushk as far as pillar No. 23, placed 2,700 feet above the head of the new canal on the right bank, of which the water off-take is situated about 6,000 feet north-northeast of the tomb of Tchil-Doukhtar. From pillar No. 23 a straight line will be drawn as far as the point marked 2,295 on Map No. 3 annexed to the present Protocol (latitude  $35^{\circ} 16' 53''$ , longitude  $62^{\circ} 27' 57''$ , pillar No. 24) from which the boundary follows the water-divide, passing the following points: point 3,107 (Bandi Akhamar, latitude  $35^{\circ} 14' 21''$ , longitude  $62^{\circ} 35' 48''$ , pillar No. 26), point 3,198 (latitude  $35^{\circ} 14' 30''$ , longitude  $62^{\circ} 41' 0''$ , pillar No. 27), and the point Kalari 2 (latitude  $35^{\circ} 18' 21''$ , longitude  $62^{\circ} 47' 18''$ ), and ending at point marked No. 29 on Map 4 annexed to the present Protocol. The boundary crosses the Kashan valley in a direct line between pillars No. 29 and No. 30 (trigonometrical station of Tori-Scheikh latitude  $35^{\circ} 24' 51''$ , longitude  $62^{\circ} 59' 43''$ ), and follows the water-divide Sanicha as far as pillar No. 31 of Map No. 3, where it rejoins the water-divide between the Kashan and Mourghab, it will follow this latter divide as far as the Kashan trigonometrical station (latitude  $35^{\circ} 38' 13''$ , longitude  $63^{\circ} 6' 4''$ , pillar No. 32). From this station a straight line will be traced to a point on the Mourghab (pillar No. 35) situated 700 feet above the water off-take of the Yazi-Kuz canal (or Yaki-Yangi). Further on, the



boundary, in descending the thalweg of the Mourghab reaches pillar No. 36 of the boundary demarcated in 1885–6.

To the east of pillar No. 65 the boundary follows the line marked A, B, C, D on the Map No. 8 attached to the present Protocol, the Point A being situated at a distance of 3,500 feet south of the wells of Imam Nazar: point B is located close to Kara-tepe-Khurdkak, which remains to the Afghans, point C is almost halfway between the wells east and west of Khatabadji, and finally the point D is almost midway between the wells Ali-Kadim and the wells marked Chahi. The wells of Imam-Nazar, Kara-tepe-Khurd, Khatabadji west and Ali-Kadim remain outside Afghanistan. From point D a direct line will be traced as far as the beginning of the local frontier marked between Bosagha and Khamiab, which will continue to serve as the boundary between the two villages, with the single exception that the Bosagha canal throughout its entire length, that is to say as far as Koinli (point H) will lie in Russian territory. In other words, the actual demarcation will preserve the existing rights of both parties on the banks of the Amu-Darya, that is to say that the inhabitants of Khamiab keep all their fields and pasture, which includes those which lie to the east of the local frontier marked E, F, G on the Maps No. 9 and 10 annexed to the Protocol: the inhabitants of Bosagha, on the other side, keep exclusive use of their canal as far as Koinli with the right to repair and maintain directly the water off-takes of Koinli.

The officers charged with executing on the spot the terms of the present Protocol will place as necessary a number of intermediate pillars between those mentioned above, using where possible prominent features.

3. The clause of Protocol 4 of 26 December 1885 prohibiting Afghans from using, in the valley of Koushk below Tchil-Douktar, irrigation canals which are not in use at this moment, remains in force, but it is understood that this clause only applies to canals derived from the Koushk. The Afghans may not use, for irrigation north of Tchil-Douktar, the waters of the Koushk; but the waters of the Moghur are theirs exclusively, and they may construct such canals as they find useful.

4. The clauses of Protocol No. 4 of 26 December 1885 and No. 15 of 13 September 1886 regarding the construction of a dam on the Mourghab, remain in force. M. Zinoviev has expressed the wish that the obligation imposed on the Emir of Afghanistan to concede, for this purpose, land on the right bank of the Mourghab, under conditions stipulated in the aforementioned Protocol, should extend to the course of the river below the water off-take of the Yaki-Yuz; Colonel Ridgeway is of the opinion that the steps necessary to obtain the acceptance of this concession by the Amir would delay the conclusion of the present arrangements, but he is nevertheless convinced that the consent of the Emir to this concession, in the same terms, of a piece of land on the right bank of the river will be obtained without difficulty, if later, the Russian Government advises the British Government of its intention to proceed to the construction of a dam upstream from the start of the Bendi-Nadiri canal.

5. The British Government will communicate without delay the above dispositions to the attention of the Emir of Afghanistan, and the Russian Government will take possession of territory allocated by the present Protocol by 13 October of the present year.

6. The boundary will be marked on the spot by a Mixed-Commission, according to the signed maps. In the case of the demarcation being delayed the two Governments will still regard the line marked on the maps as binding.

W. Ridgeway  
J. Zinoviev

*Annex A**Description of the Afghan boundary between the Heri-Roud and the Amu Darya*

The boundary begins on the right bank of the Heri-Roud at a point marked on the map by pillar No. 1, about 8,500 feet from a small tower situated on a small hillock of a neighbouring rock which overlooks pillar No. 1. On leaving pillar No. 2 the boundary is directed northwards for about half a mile as far as pillar No. 3 situated on a height at the western extremity of a detached part of the escarpment. From there the boundary follows a direct line to the summit of a precipitous hill, about one and a half miles away in an east-northeast direction, and reaches pillar No. 4 placed on a hillock slightly raised above the plain. Passing this pillar the boundary continues, inclined more to the east, for a distance of four miles, as far as pillar No. 5 placed on a prominent point which is easily seen from the second line of heights on the north side of a natural break in the rock. From this point the boundary runs along the crest of the line of heights as far as pillar No. 6 on the arête of the northern escarpment of the eastern defile at a distance of about a mile from the bottom of the defile. Pillar No. 7 is placed below pillar No. 6, close to the road through the middle of the pass, pillar No. 8 is placed high on the south escarpment facing pillar No. 6. The boundary then descends the crest of the second line of heights in a southerly direction and cuts the track, which leads to Karez Elias and Abi-Charmi at a point about two and a quarter miles from the bifurcation of the four routes which converge at the eastern extremity of the Zoulfagar pass. Pillar No. 9 is placed to the east of the track on a small rock which overhangs it. From this pillar the boundary gradually ascends the water-divide as far as the highest summit of the Dengli-Dagh range, marked by pillar No. 10. At the eastern extremity of the same range pillar No. 11 is placed. At a distance of about nine and a half miles to the southeast there are three low hills. On the middle of these is placed pillar No. 12. Turning sharply eastwards the boundary is directed towards pillar No. 13, placed at the side of the road midway between Ak-Robat and Sumbakarez, and from there to pillar No. 14 situated about two and a half miles to the east on the summit of a hill.

Pillar No. 15 is about nine miles from Ak-Robat on the road leading to Au-Rhak; from there the boundary follows a straight line to pillar No. 16 placed on the highest and most easterly of the two hillocks of Koscha-Tchinquia, five and a half miles northwest of Au-Rohak. At an equal distance to the northwest of the source of the Islim river is found pillar No. 17 on a flat-topped hill; to the side of the road between Au-Rohak and Islim on a slight escarpment is placed pillar No. 18 about three miles west of Islim, on the south side of the stream. Pillar No. 19 is placed on the rounded crest of some linked hills three miles south of Islim.

On leaving pillar No. 36, placed on the right bank of the Mourghab, about three miles north of the fort of Meroutchak on a height dominating the river, the boundary goes east towards pillar No. 38, after passing pillar No. 37, placed on the road which ascends the Meroutchak valley along the Galla-Chasma-Schor.

Pillar No. 38 is placed on an elevated point in the Chul (wasteland) about eleven miles from the Meroutchak valley. The boundary continues from there in an east-northeast direction towards pillar No. 39 situated about one mile southeast of the source of the Khvadja-Gougourdak; then in the northeast direction in a straight line towards pillar No. 40 on an elevated point in the Chul; from there in an east-northeast direction towards pillar No. 41 placed on a peak

about twelve miles north of Kilavali: it continues in an east-northeast direction towards pillar No. 42 placed on a height two miles west of Pakana-Schor, and still in the same direction as far as pillar No. 43. On leaving this pillar the boundary goes southeast towards pillar No. 44, placed on the most elevated point of the water-divide between the basins of the Kara-baba and Kaissar, known under the name of Bel-i-Parandas. Following this line in a northerly direction the boundary reaches pillar No. 45 placed about three miles southwest of the wells of Beschdara. It goes from there in a northeast direction along a branch of the water-divide and reaches pillar No. 46, which is almost one mile southeast of the wells of Beschdara. It goes irregularly from there in an easterly direction towards pillar No. 47 placed about four and a half miles from the point where the road from Khvaja-Gachai and Kasava-Kala cross the Schor-Egri. From there the boundary follows a secondary water-divide northeast towards pillar No. 48 and then along the same line as far as pillar No. 49 established on the highest point of the water-divide north of the Schor-Egri, about six miles west of the confluence of the Schor-Egri and Schor-Gandaboulak. From this point the boundary goes in a straight line northeast crossing the Schor-Gandaboulak at pillar No. 50 placed on a hill with a prominent double summit on the water-divide between the Schor-Gandaboulak and Schor-Tara-Koui. Following in the same direction it reaches the Schor-Tara-Koui, where pillar No. 51 is located, close to the road from Jalaïour on the Kaissar to Yalgoun-Koudouk and Kara-baba. The boundary goes from there in a northeast direction towards pillar No. 52 at a point one mile north of the Alini wells. From this pillar the boundary goes north-northeast towards pillar No. 54 crossing the road Daulatabad-Hazara-Koudouk near pillar No. 53. Pillar No. 54 is placed on the highest point of a group of sandhills two miles north of the wells of Katar-Koudouk; from there the boundary runs in an arc towards the north-northwest for a distance of about ten miles to pillar No. 55 placed on a hillock at the end of a chain of hills which extends between the break at Kouï-Sarai and that break where the wells of Khvaïa-Ahmad are located. From this pillar the boundary goes in a straight line northwards for a mile and a quarter, towards pillar No. 56 placed on a natural elevation some feet south of the road linking Jalanguir to Meroutchak; from there pillar No. 57 is two and a quarter miles distant to the north-northeast, on the summit of the upland which marks the northern limit of the gap at Kouï-Sarai. From this point the boundary travels north-northeast towards pillar No. 58, which is placed on one of the sand hillocks which stand above the plain stretching away to the west of Andkhoi; it then turns sharply east towards pillar No. 59 placed on a low sandhill about two and a quarter miles east-southeast from the wells of Sari-Mat. It then goes in a north-northwest direction to pillar No. 60, placed between the wells of Chichli and Gok-Chah, about a quarter of a mile west of the Chichli wells. Leaving Gok-Chah to Russia and Chichli to Afghanistan, the boundary runs in a straight line to pillar No. 61 placed 300 feet to the east of the road which links Andkhoi and Sechanchi; following the same direction it reaches pillar No. 62 placed on an obvious sand hillock known under the name of Madali-Koum; the line continues in the direction east-northeast to pillar No. 63, placed on the north side of Oïkoul—a valley with an elliptical shape about 3,600 feet long, at the bottom of which are found two “kaks” or basins of sweet water, which remain in Afghan territory. Turning then in the direction east-southeast the boundary takes a straight line to pillar No. 64, placed on a sandhill known under the name of Gichi-Koumi, and continuing in the direction northeast as far as pillar No. 65, which

is placed on the main road linking Andkhoi to Douktchi and Karki at a point four and a half miles south of Douktchi and two and three-quarter miles north of Sultan-Robat.

Zinoviev  
Ridgeway.

### Protocols, 28 December 1887 and 26 January 1888

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[These were the protocols of the commission instituted by the protocol of 22 July 1887 for the delimitation of the northwest boundary of Afghanistan. There were four protocols. The first and second, resulting from meetings held at Kara-Tepe (20 November 1887), and Tenor-Sengi (11 December 1887) respectively, are not reproduced since they only recorded the arguments of each side. The third protocol defined the boundary between pillars 19 and 36, while the fourth protocol completed the boundary between pillar 65 and the Amu Darya.]

#### *Third Protocol.*

Meeting held at Karaoual Khana on 28 December 1887.

Present were

For Great Britain: Lieutenant-Colonel C. E. Yate, C.S.I.; Major Peacocke, R.E.;

For Russia: Captain N. Komarow; Captain P. Ilyin, Surveyor.

The corrected boundary between pillar No. 19 and the river Mourghab has been definitively delimited by the above-mentioned Joint Commission, as it was expressed by paragraph VI of the original Protocol (No. 4 of 22 July 1887), the Map No. 3 attached to the original Protocol mentioned above, has been corrected to conform to the corrected map of the boundary provided herewith.

The description of the boundary between pillars No. 19 and No. 36 in the Annex A to the present Protocol, conforming to the terms of paragraph I of the original Protocol, is accepted as definitive.

The list of pillars from No. 20 as far as No. 35 following paragraph I of the original Protocol is also attached.

Chas. E. Yate, Lieutenant-Colonel  
W. Peacocke, Major, R.E.  
Captain Komarow  
P. Ilyin

#### *Annex A*

Leaving Pillar No. 19, the frontier runs east by south in a straight line for some 7½ miles (as measured on the map) to Pillar No. 20, which stands on the summit of the high hill, distant about 4 miles to the north by west of the Kara-Tepe mound.

From Pillar No. 20 the line runs in a south-easterly direction to a long round-topped hill at the head of a ravine running down to the Kushk River, and thence along the crest of a ridge in a southerly direction to a point overlooking the Valley of the Kushk known as the Ziarat-i-Khwajah Alam Dar, marked by a heap of stones and a grave. Pillar No. 21 stands on the top of this heap of stones. From there the line runs straight down the side of the hill, and straight

across the valley to Pillar No. 22, on the left or western bank of the Kushk River, at a distance of 300 yards below its junction with the Moghor stream.

Pillar No. 22 stands near the edge of the bank above flood level, and about 2,600 yards north of the Kara-Tepe mound.

From Pillar No. 22 the boundary runs up the course of the River Kushk for some  $9\frac{1}{2}$  miles (as measured on the map in a direct line) to Pillar No. 23, built on the edge of the right or eastern bank of the river, and nearly in the centre of the valley, at a distance of 900 yards from the head of the canal taking off from the river on the right bank at the northern side of the Chihal-Dukhtaran point, below, and on the opposite side of the river to, the Ziarat-i-Chihal Dukhtaran.

Pillar No. 23 is distant some 275 paces from the mound, where the road up the right bank of the river, after crossing the Chihal Dukhtaran point, debouches again on to the plain.

The boundary runs north-eastward in a straight line from Pillar No. 23 for some  $14\frac{1}{2}$  miles to Pillar No. 24, described hereafter.

The intermediate pillars are Pillar No. 23 A, standing 360 paces to the north-east of Pillar No. 23, on the top of the bluff forming the eastern edge of the valley, and about 175 paces from the mound on the roadside above mentioned; Pillar No. 25 B, situated on the sky-line at a distance of about  $1\frac{1}{2}$  miles from No. 23 A, on a low flat-topped mound, visible from both up and down the Kushk Valley, but not visible directly from No. 23 A; Pillar No. 23 C, standing on a ridge of the northern slope of the hill known as the Band-i-chah-i-Khishti. The pillar is situated on an isolated knoll in the ridge, and some 300 yards to the north of a higher and sharper shoulder of the same ridge. Pillar No. 23 B is situated  $6\frac{1}{2}$  miles to the south-west, and Pillar No. 24 rather more than  $5\frac{1}{2}$  miles to the north-east.

Pillar No. 24 stands on the western end of a long, steep, white hill, as seen from the south, on a point known as the Ziarat-i-Baba-Taghi. This pillar is built on the mound of stones marking the site of this ziarat, and to the west of some graves.

From this point the boundary turns east by south, and follows the line of the watershed of the Band-i-Chingurak range. Pillar No. 24 A is built just to the north of the footpath running along the summit, where the boundary takes a turn to the south round the head of a steep-sided ravine or hollow running northwards, known as Kham-i-Sabz. Pillar No. 24 B stands on the watershed at the south-east angle of the same hollow. Pillar No. 25 stands on the top of the Kotal above the Chashmah-i-Chingurak on the eastern side of the road, and distant about  $6\frac{1}{2}$  miles in a direct line from Pillar No. 24. Pillar No. 26 stands on a high hill, with a steep bluff on its northern side covered with pistah trees, some  $1\frac{1}{2}$  miles from Pillar No. 25. The pillar is built on a heap of stones close to some graves, known as the Ziarat-i-Chingurak. Thence the line bends slightly southwards again, still along the same watershed, round the head of a deep hollow, with a spring in its south-eastern corner, known as the Chashmah-i-Gaz, and on to another high point, and thence on to Pillar No. 27, on the point beyond that again, a high bluff without name, and distant in a direct line from Pillar No. 26 rather more than  $4\frac{1}{2}$  miles. Pillar No. 28 stands on the eastern of two high points, about  $7\frac{1}{2}$  miles to the north-east of No. 27; and Pillar No. 29 about  $10\frac{1}{2}$  miles further on beyond that again in the same direction. The boundary follows the watershed all the way.

Pillar No. 29 immediately overlooks the Kashan Valley, and stands on a shoulder of the hill on the western side of the valley, just below the southern of the two peaks on its summit, and opposite a western bend of the river.

Here the boundary leaves the watershed, and runs in a straight line across the Kashan Valley in a north-easterly direction for rather more than 3 miles to Pillar No. 30, which stands on a heap of stones on a rocky point at the summit of the hills on the eastern side of the valley and immediately to the west of and overlooking the mouth of a precipitous gorge known as Palang Khawali.

Between Pillars Nos. 29 and 30 two intermediate pillars were erected to mark the line of crossing in the Kashan Valley. The first (No. 29 A) stands on the left or western bank of the Kashan stream, on a bit of high bank between the Kashan and its affluent, the Kalimal, and just above its junction with the latter, at a distance of about three-quarters of a mile from the domed reservoir at Torashaikh, and about the same distance from Pillar No. 29. Pillar No. 29 B stands on the crest of the rocky ridge on the right or eastern side of the valley, rather more than a mile from Pillar No. 30.

From Pillar No. 30 the boundary follows the line of the watershed of the Torashaikh ridge, running eastwards for rather more than 5 miles to Pillar No. 31, erected on the top of a hill at the point where the line of the watershed between the Kashan and the Murghab Rivers joins that of the Torashaikh ridge. From this point the boundary turns northwards and follows the line of the watershed between the Kashan and the Murghab Rivers for nearly 15 miles to Pillar No. 32.

Between Pillars Nos. 31 and 32 three intermediate pillars were erected—the first (No. 31 A) on the northern side of the road which leaves the Kashan Valley at Kak-i-Doulat Beg and runs to Mangan. The pillar stands on the top of the Kotal, where the road crosses the watershed, and at a distance of nearly 5 miles from Pillar No. 31. The second (No. 31 B) stands on a round-topped high hill, about half a mile to the north of, and visible from, Pillar No. 31 A. The third (No. 31 C) stands on the northern side of the road between Yaki Gachan in the Kashan Valley, and Tannur Sangi on the Murghab, at the top of the Kotal forming the watershed between the two valleys, and about  $3\frac{1}{4}$  miles from Pillar No. 32. Pillar No. 32 stands on the top of a conical hill, the highest hill on the watershed between the Kashan and the Murghab, and just at the point where the watershed divides near the head of the Kul-i-Madir-i-Naib, which runs northwards from there down to the Murghab.

From Pillar No. 32 the boundary turns in an east-north-east direction, and runs in a straight line for a little over 3 miles to Pillar No. 33, built on the top of a long high ridge, and then on in a straight line for nearly 4 miles again to Pillar No. 34, on the top of the southernmost point of a high flat ridge between Shor Tannur Sangi and the next shor on the west, and about  $1\frac{1}{4}$  miles from Tannur Sangi itself. From thence the line crosses the Tannur-Sangi Shor in a straight line, and runs on for a little more than three-quarters of a mile to Pillar No. 34 A, built on the top of a high rounded knoll on the east side of the Tannur-Sangi Shor, and between it and the Murghab, and thence on in the same straight line for a little under half a mile to Pillar No. 35, built on the left bank of the Murghab and close to the water's edge, 700 feet above the Tannur-Sangi ford. From Pillar No. 35 the frontier follows the course of the River Murghab till it joins Pillar No. 36 at the northern end of the Maruchak Valley.

Chas. E. Yate, Lieutenant-Colonel  
W. Peacocke, Major, R.E.  
Captain N. Komarow.  
P. Ilyin.

*Fourth Protocol*

Meeting held at Khamiab on 26 January 1888.

Present were:

For Russia: Captain N. Komarow; Captain P. Ilyin;

For Great Britain: Lieutenant-Colonel C. E. Yate, C.S.I.; Major W. Peacocke, R.E.

The boundary between Pillar No. 65 and the river Oxus has been definitively delimited by the Joint Commission designated in paragraph 6 of the original Protocol [No. 4 of 22 July 1887], the maps of this part of the boundary, the description of the boundary east of Pillar No. 65, and the list of pillars, following the first paragraph of the original Protocol No. 4, are attached.

Chas. E. Yate, Lieutenant-Colonel.

W. Peacocke, Major R. E.

Captain Komarow.

P. Ilyin.

*Annex*

From Pillar No. 65 the boundary runs in a straight line for 2½ miles in an east by south direction to Pillar No. 66, which stands in the open plain close to the west side of the road from Andkhui to Imam Nazar, at a distance of 3,500 feet to the south of the main well at Imam Nazar. Thence the line runs almost due east for some 9¾ miles, to Pillar No. 67, placed on the top of a sandy rise 20 yards to the west side of the road leading from Ak Khan Bhai Kak to Tash Kuduk, and thence on the same straight line for another 4½ miles, to Pillar No. 68, built on the east side of the road from Shibarghan to Kara-Tepe-Khurd and Tash-Kuduk, and 150 yards to the north of the main or southernmost of the two Kara-Tepe-Khurd Kaks, both of which remain on the Afghan side of the frontier. From Pillar No. 68 the frontier turns in a north-easterly direction and runs in a straight line for 5¼ miles to Pillar No. 69, on the top of a slight rise 30 yards to the south of the road running from Kara-Tepe-Kalan to Dunguz Surt, and thence on in the same straight line for 4¼ miles to Pillar No. 70, built on a fairly high and solid mound among low sand hills, half a mile to the east of the main road from Kara-Tepe-Kalan to Bosagha, and exactly midway and in a straight line between the wells of East and West Katabaji, the former of which remains to Afghanistan and the latter to Bokhara. From this point the boundary runs due north in a straight line for nearly 6¾ miles to Pillar No. 71, which stands about midway between the wells of Alikadim and of Chahi, to the north side of the road between them and close to the point where the road from Alikadim, via Dev Kilah, to Khamiab forks from the road to Chahi. The pillar stands on a low rise in the dry watercourse that runs past Alikadim westwards towards Dunguz Surt. From here the frontier runs north by east in a straight line for 6¾ miles to Pillar No. 72, on a small patch of sound open ground amid sand hills, about half a mile outside the edge of the Khamiab cultivation, and thence on in a straight line for half a mile to Pillar No. 73, built at the mouth of the road that runs through the cultivation along the Buz Arik Canal. The pillar stands at the south-west corner of the compound of Muhammad Wali Sufi's house. From Pillar No. 73 the boundary runs for 365 yards up the centre of this road to Pillar No. 74, built on the east side of the road at the point where it crosses the Buz Arik Canal by a wooden bridge, at the northern end of this bridge and on the western bank of the canal, which here turns off to the west into Bosagha land. From Pillar No. 74 the boundary follows the course of the Buz Arik Canal for 3 miles, through the cultivation, to Pillar No. 75. The canal,

throughout this distance, belongs entirely to Bosagha, the trees along its left or southern bank belonging to Khamiab, and those on its northern bank to Bosagha.

Pillar No. 75 is built on the northern bank of the Buz Arik or Yangi Arik Canal, at a distance of 15 yards to the east of the wooden bridge over that canal, situated about 200 yards to the north-east of Aral Bai's house, and 250 yards north-west of Kara's house. From this point the boundary turns northwards across the canals and river flats, and runs pretty well in a straight line to the bank of the river. From Pillar No. 75 the line follows a low earthen bank or ridge for 182 yards to Pillar No. 76, on the top of the southern bank of the Mirza Beg Ibdal Canal, and thence for 155 yards further, during which it crosses the Mirza Beg Ibdal, the Nikcha, the Shaikh Arik, and the Saligh Canals, to Pillar No. 77, built on the northern bank of the Saligh Canal, 50 yards to the east of the canal, crossing east of Juma Bai's house, and at a point marked by the remains of some old canal which has been here cut through obliquely by the Shaikh Arik and Saligh Canals. From here the boundary follows the line of the track running from the canal crossing above mentioned, in a direction slightly to the east of north across the river flats to Pillar No. 78, built on the south bank of a small creek, crossed by the track at a distance of 736 yards from Pillar No. 77, and thence on in the same straight line to Pillar No. 79, on the left bank of the Oxus, just above flood level and close to the west side of the track above mentioned.

To mark the fact that under the terms of paragraph 2 of the St. Petersburg Protocol No. 4 of the 10th/22nd July, 1887, the Canals of Bosagha, all along their course, that is to say, so far as Koinli, shall be included in Russian territory, a Subsidiary pillar marked (H) in the Map, was erected at the head of the Buz Arik Canal in the Koinli district, close to the river bank and immediately to the south of the present canal-head. A small canal, called Penna Beg, takes off 50 yards to the south of the pillar.

Chas. E. Yate, Lieutenant-Colonel.  
W. Peacocke, Major, R.E.  
Captain Komarow.  
P. Ilyin.

## Kushk-Oxus Canal Dispute, 30 May 1893

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### *Protocol No. 1*

On the 30 May 1893, the Russian (V. Ignatiew) and British (Col. Yate) Commissioners were appointed to hold an enquiry on the spot and to settle the question of the alleged infractions which may have been committed by either side of the stipulations relative to the waters of the Kushk river and contained in Protocol No. 4 signed at St. Petersburg on 22 July, 1887, by the Russians and British Delegates for the delimitation of the north-western frontier of Afghanistan.

V. Ignatiew and Col. Yate having met near the Afghan post at Kara Tape proceeded to inspect the canal and cultivated land on the left bank of the river Kushk between Kara Tape and Chihil Dukhter. Muhammad Painda Khan, the Afghan Representative, took part in this inspection. Lt. Artamanow, Assistant to the Russian Commissioner and Lt. Napier, attaché to the English Commissioner were also present. The inspection showed the following results:—



1. A canal known as the Mill canal, and marked on the annexed map by the letter A takes off from the Kushk at a distance of 3 versts and some 350 sagues or about  $2\frac{1}{2}$  miles to the south of Boundary Pillar No. 22 and 1 verst and 230 sagues or 1,703 yards to the south of the Kara Tape mound, and flows north along the left bank of the river and passes one ruined mill; from there it flows towards another mill now working, situated at a distance of 2 versts and some 60 sagues in a straight line from the head of the canal. The water after turning the mill flows back into the river 90 sagues or about 210 yards below the mill without being used for irrigation at the present time.

Some old branches of this canal bend towards the cultivated lands near the Kara Tape mound. The Afghan representative maintains that these branches have never been used for irrigation by the Afghans, and the lands in question are watered by the Kara Tape Kalan canal. The total length of the Mill canal amounts to 2 versts and 250 sagues or 1 mile and 1,167 yards.

2. The second canal proceeding up stream is the Kara Tape Paiyin canal marked on the annexed map by the letter B, at present dry and disused. It formerly took off from the river 4 versts and 280 sagues or rather more than 3 miles to the south of Boundary Pillar No. 22, and 2 versts and 130 sagues or about 1 mile and 886 yards from the Kara Tape mound and 440 sagues or nearly 1,027 yards from the present head of the first canal and ran a course of nearly 3 versts or 2 miles to the west of the Kara Tape mound. The Afghan Representative explained that this canal was closed last year by the Amir's orders.

3. The third canal is the Kara Tape Kalan canal marked on the map by letter B<sub>1</sub>. This canal takes off from the Kushk at a distance of 4 versts and about 380 sagues or 3 miles and 303 yards to the south of Pillar No. 22 and 2 versts and 230 sagues or 1 mile and 1,120 yards from the Kara Tape mound. Running in northerly direction it passes a small Afghan village situated about half a verst lower down and thence flows north-west between the Kara Tape mound and the hills on the west irrigating some cultivated land on its course. The total length of this canal amounts to nearly 4 versts or about  $2\frac{3}{4}$  miles. The area of the lands irrigated by this canal amounts approximately to 72 deciatines or  $194\frac{1}{2}$  acres, of which 50 deciatines or 135 acres are at present occupied by the main crop marked on the map in yellow. The Afghan representative stated that there were 22 families of Achakzai Afghans settled at Kara Tape who cultivate the lands irrigated by this canal.

4. The fourth canal proceeding on up stream is the Chapgul canal shown on the annexed map by the letter C. This canal, which is dry at the present moment, takes off from the river Kushk at the foot of a scarp on the left bank at a distance of about 1 verst and 470 sagues or 1 mile and 513 yards from the present head of the Kara Tape Kalan canal marked B<sub>1</sub>, and 4 versts and 170 sagues or about 2 miles and 1,564 yards from the Kara Tape mound. According to the explanations given by the Afghans, water only enters this canal when the Kushk River is in flood. The Afghan representative stated that this canal ran dry a month ago. The Chapgul canal follows a direction almost due north near the foot of the hills on the left side of the valley for a distance of nearly 3 versts or 2 miles and irrigated during this spring two acres of land. On both sides of the canal are seen here and there traces of last year's cultivation, but the Afghan representative stated that only two families of Alizais were now located near this canal, the remainder having all moved further up the river. The river bed was inspected and found to be quite dry for a distance of nearly 3 versts or 2 miles to the south of the head of the Chapgul canal. The Afghans explain that

this peculiarity of the river can be seen also in several places higher up the valley as far as the town of Kushk and maintain that the river is largely fed by springs emanating from the marshes along its banks such as those below the head of the Chihil Dukhter canal and those near Kara Tape.

5. The fifth or the Khwajah Jir canal, marked on the annexed map by the letter D, takes off from the Kushk 170 sagenes or about 397 yards to the east of an Afghan village and at a distance of about 6 versts and 100 sagenes or 4 miles and 233 yards above the head of the Chapgul canal and 1 verst and 440 sagenes or about 1 mile and 443 yards to the south of the Ziarat-i-Khwajah Jir called by the Turkomans Kuzganli, and 1 verst and 360 sagenes or 1 mile and 257 yards to the north of Ziarat-i-Chihil Dukhter. The total length of the canal without counting its branches amounts to nearly 5 versts or 3 miles and 600 yards. From the head for a distance of a little more than two versts the canal flows parallel to and not far from the bed of the river, then near the ruins of Kuzganli it leaves the bed of the river bending westwards about quarter of a verst or some 300 yards, and from there flows northwards irrigating the cultivated lands which are met with here and there, on both sides of the canal, for a distance of about 3 versts. The total area of these lands which are cultivated by Alizai Afghans amounts approximately to  $70\frac{1}{2}$  deciatines or 190 acres, of which  $62\frac{1}{2}$  deciatines or 168 acres are occupied by the main crop marked on the annexed map in yellow. The Afghan representative stated that there were altogether 38 Alizai families cultivating the land watered by this canal.

6. The sixth canal marked on the annexed map by the letter E is known as the Pul-i-Khisti canal from its taking off from the river close to and below the old ruined bridge of that name, at a distance of 230 sagenes or about 537 yards east of the Mound of Chihil Dukhter and two versts above the head of the Khwajah Jir canal. The head of the Pul-i-Khisti canal was found dry and the Afghan representative stated that this head as well as the Kara Tape Paiyan canal, marked on the map by the letter B, was closed last year by the Amir's orders. According to the explanations of Muhammad Painda Khan when the complaints of the Russian authorities against the infractions of Article 3 of Protocol 4 of 22 July 1887 were communicated to the Amir, His Highness sent an officer from Herat to enquire whether any new canals had been opened on the left bank of the Kushk between Kara Tape and Chihil Dukhter, and having received the report that the two canals marked on the map B and E had been opened by the Afghan cultivators three years ago, the Amir ordered them to be immediately closed. The cultivated lands near the Pul-i-Khisti canal are now irrigated by water brought into it by a branch from the Chihil Dukhter canal and are shown with the lands watered by the latter. The total length of the Pul-i-Khisti canal amounts to 5 versts or about  $3\frac{1}{2}$  miles.

7. To the south of the Ziarat-i-Chihil Dukhter at a distance of 3,250 yards according to the English map and 3,100 yards above the ruins of Pul-i-Khisti, the seventh canal known as the Chihil Dukhter canal and marked on the map annexed to the present Protocol by the letter F takes off from the Kushk, and running northwards along the left side of the valley it irrigates some lands situated near an Afghan village to the south of the latitude of Chihil Dukhter which do not concern the object of the present inspection. Further on the Chihil Dukhter canal divides into three branches (one of which conducts its waters into the old bed of the Pul-i-Khisti canal) and irrigates on its way lands to the extent of  $2\frac{1}{2}$  versts or about  $1\frac{3}{4}$  miles to the north of latitude of the ruins of Chihil Dukhter marked in large letters on the map No. 2 annexed to Protocol No. 4 22 July 1887. The total area of the lands irrigated by the Chihil Dukhter

canal sited to the north of the said parallel of latitude amounts to 146 deciatines or about 395 acres of which 107 deciatines or about 289½ acres are occupied by the main crop marked in yellow on the annexed map. The Afghan representative stated that there were 75 families of Alizais settled along this canal.

8. The total area of the standing corn and the vegetable gardens on the 31 May 1893 (the day upon which the present inspection was concluded) on the left bank of the Kushk between Kara Tape and Chihil Dukhter watered by the above-mentioned canal, amounts approximately to 288 deciantines or 779 acres. Of this amount 219 deciatines or 592 acres are occupied by the main crop, called by the Afghans the Safedborg and harvested about the month of June; and the remainder, viz., 69 deciatines or 187 acres is occupied by vegetable gardens and by the minor crop called by the Afghans the Sabazborg and harvested during the autumns. The Afghan representative maintains that the lands occupied by the minor crop are only watered when the irrigation of the main crop is concluded.

V. Ignatiew,  
A. Artamanow, C.E.  
C. E. Yate,  
H. D. Napier,  
Painda Khan.

30 May 1893.

## The Exchange of Notes, 11 March 1895

By contrast with the other sections of the Afghan-Russian boundary, the section from lake Zorkul to the Chinese border, was agreed without serious difficulty. These friendly negotiations were perhaps a measure of the rugged nature of this country, and its lack of intrinsic wealth, although it had a negative strategic value in the plans of the British and Russian governments. As exploration of the Pamirs proceeded, it was apparent that the upper Amu Darya, known as the Pyandzh river, was not coincident with the political boundary between Afghanistan and Bokhara. Darwaz, a Bokharan province, extended south of the river, while the areas of Roshan and Shignan, over which Afghanistan exercised an intermittent influence, included territory north of the river (see map 6, p. 100). The location of these districts is clearly shown in maps which illustrate articles about exploration in central Asia (Morgan, 1892; *Petermanns Geographische Mitteilungen*, 1884, map 4). The Russians insisted on the letter of the 1872–73 agreement and as early as 1883 demanded the withdrawal of Afghan troops from Roshan and Shignan north of the river. It was the chief task of Durand's mission to Kabul in 1893 to inform the emir of Russia's demands for the literal fulfilment of the agreement (Sykes, 1926, pp. 210–11), although the principal success of the mission is usually regarded as the definition of the Durand Line between Afghanistan and British India.

The emir was eventually persuaded to yield the areas of Roshan and Shignan north of the river in return for the areas of Darwaz which lay south of the river. His decision seemed to be based on two grounds. First, he considered that his subjects in other parts of the kingdom would neither know or care whether he advanced or retreated in Roshan or Shignan. Second, he decided that the areas south of the upper Amu Darya were of more value than the areas to the north (Sykes, 1926, pp. 212, 213).

Although none of the agreements concluded by the Durand mission specifically referred to Afghanistan's possession of eastern Wakhan, the emir was eventually persuaded to accept nominal authority in that area which had been reserved for him in the 1872-3 agreement. Durand noted that the emir was reluctant to accept responsibility for this narrow, poor area. Its poverty and remoteness were probably the main reasons for his reluctance, but there was another. In 1892 a detachment of Afghan troops had been slaughtered by Russian forces at Somatash near the Yashil lake in the Alichur valley. The emir expressed his reluctance in dramatic terms: 'He [emir] says he had a hand cut off at Somatash the other day, and he is not going to stretch out a long arm along the Hindu Kush to have that shorn off also' (Sykes, 1926, p. 213). His reluctance was overcome by the concessions that he was not required to place troops in the area, that Britain would come to his aid if Afghanistan was attacked, and that his subsidy would be increased. Having secured the emir's agreement to exchange the areas lying north and south of the Amu Darya with Russia, and assume nominal control of eastern Wakhan, the British authorities were then in a position to negotiate with Russia for the extension of the boundary east of lake Zorkul from a position of some strength.

The need for negotiation had been apparent for some years as Russian explorers penetrated the Pamirs east and south of lake Zorkul, the terminus of the 1872-3 agreement (Fraser-Tytler, 1967, p. 169; Beddeley, 1884, p. 176). British efforts to interest the Chinese authorities in these negotiations persisted for two years but failed. The Anglo-Russian negotiations opened in mid-1893 and Russia recommended that the boundary should be drawn south from lake Zorkul to the crest of that branch of the Muztagh Range, which forms the southern watershed of in the river Ag-Su, and then eastwards along this crest to the head of the Wakhijir valley which led eastwards to the important Yarkand valley. This would have given Russia access to passes leading south towards India, and would have reduced the effectiveness of the Wakhan corridor which British authorities wished to interpose between Russian and Indian territory. It would also have removed from Afghanistan a major section of the Ag-Su valley, which contained some of the best land in this poor area. The British authorities were not prepared to make this concession and eventually, in March 1895, the Russians agreed to a boundary which fulfilled British requirements. The British government sought a boundary as far to the north as possible, but the Russians would not consider any line north of the 1873 terminus at lake Zorkul, and so the latitude of this lake played an important part in the boundary definition. The boundary passed south from the eastern end of lake Zorkul to the crest of the Nicholas range which formed the northern watershed of the Ag-Su river. It followed this crest through the Benderskogo and Urta Bel passes so long as the crest lay south of the latitude of lake Zorkul. Providing Kyzylrabot was south of the same latitude, the boundary was to leave the crest for the river Ag-Su at that settlement. If the settlement was north of the lake's latitude, the boundary should be drawn to a convenient point of the river Ag-Su, just south of the latitude. Beyond the river the boundary was to be continued eastwards to the Chinese frontier. The vagueness of this description is evidence of the imperfect topographical knowledge of both parties. The latitude of the lake was not stated; the range containing the two passes was not named; and the latitude of Kyzylrabot was not accurately known; and the location of the Chinese frontier was a mystery. The caution with regard to latitudes may have resulted from the belief that determination of latitude in mountainous areas was distorted due to the mass of the mountains.

Moreover the question of latitude was an important one. Much depended on the latitude of lake Victoria [Zorkul], and although under ordinary circumstances latitude values can be obtained with all necessary precision by astronomical observation, it was not at all a certainty that they could be so obtained in the Pamirs. Where masses of mountains exist, there is, unfortunately, a liability of error introduced, which cannot be readily calculated, and the amount of such an error may be very large indeed (Holdich, 1899, p. 474).

In fact this source of error did not trouble the surveyors.

Further I may add for the information of those interested, that the possible error due to local action of the mountain masses on the level (which we had provided against by carrying our triangulation with so much pain and tribulation over the Hindu Kush) was found to be quite insignificant (Holdich, 1909, p. 292).

This uncertainty placed a great responsibility upon the demarcation commission created by the agreement, and it is plain that if either side had decided that the boundary was inconvenient, there was ample opportunity for disagreement which would have made the work of the commission impossible. The agreement also stipulated that Britain would hand over the land between this boundary and the Hindu Kush to Afghanistan, and that the emirs of Afghanistan and Bokhara would exchange the territories which they controlled north and south of the upper Amu Darya respectively.

The joint commission met four months later at lake Zorkul, and within twenty-four days they had marked 92 miles (148 kilometres) of boundary with eight pillars; the eighth being located on the Ag-Su river. The latitude of lake Zorkul had been established as  $37^{\circ} 26' 10''$  north. It was fortunate that the original definition had allowed for latitudinal errors in the maps used, because Kyzylrabot was located at  $37^{\circ} 31'$  north. The boundary had to turn south from the crest at the 6th pillar, 5 miles (8 kilometres) east of Urta Bel pass, at latitude  $37^{\circ} 23' 51''$ , since the trend of the watershed at this point was directly northward. The 8th pillar on the Ag-Su river was located at its confluence with its southern tributary the Mihman Yoll river, at  $37^{\circ} 24' 45''$ . The next southern tributary, the Beyik, was north of Kyzylrabot and therefore unsuitable; however, the commissioners disagreed about how the boundary should be continued from this point.

The British members suggested that the latitudinal prescription should be abandoned and the boundary drawn along the Ag-Su river to its next south-bank tributary, the Beyik, and then follow that river southwards to the head of the valley on the crest of the Taghdumbash Pamir. This crest would overlook the Chinese post at Beyik on the river Chukur. The Russian delegates could not agree to this suggestion and proposed a line along the Mihman Yoll river towards the peak Povalo Schveikovsky in the Taghdumbash Pamir. This peak also overlooks the Chukur valley, but lies west of the proposed British terminus. The matter was referred to both governments and they agreed that the Russian line was acceptable. The 12th and last pillar was erected 6 miles (10 kilometres) northwest of the peak.

The completion of this boundary was a matter of satisfaction for the British government, since there was now no chance of Russia and Britain sharing a common frontier in northwest India; the narrow Wakhan corridor held by Afghanistan, and Chinese territory to the east, separated the two European powers. The Russian government created few difficulties in the construction of this boundary, and this circumstance probably reflects their knowledge that their advance could continue no further towards India without a serious rupture in relations with Britain. Apparently also the Chinese were not seriously dissatisfied with the

result. Although they declined to take part in the negotiations, Chinese officials seemed to be well informed of developments as soon as they occurred. Holdich, who ventured into the Chukur valley just before the commission's work was completed, was stopped by well-equipped Chinese cavalry charged with maintaining peace on the border. As a result of this meeting he made the following comments.

There could be no doubt that a careful watch was kept on the border. Macartney soon discovered that not only were our movements on the Pamirs perfectly well known, but that the position of the boundary—even the last decision affecting the Chinese frontier—was known also. Presumably the frontier officials were satisfied and content to leave the matter in our hands (Holdich, 1909, p. 303).

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### Exchange of Notes, 11 March 1895

#### *The Earl of Kimberley to M. de Staal.*

Foreign Office,  
March 11, 1895.

Your Excellency,

As a result of the negotiations which have taken place between our two Governments in regard to the spheres of influence of Great Britain and Russia in the country to the east of Lake Victoria (Zor Koul), the following points have been agreed upon between us:—

1. The spheres of influence of Great Britain and Russia to the east of Lake Victoria (Zor Koul) shall be divided by a line which, starting from a point on that lake near to its eastern extremity, shall follow the crests of the mountain range running somewhat to the south of the latitude of the lake as far as the Bendersky and Orta-Bel Passes.

From thence the line shall run along the same range while it remains to the south of the latitude of the said lake. On reaching that latitude it shall descend a spur of the range towards Kizil Rabat on the Aksu River, if that locality is found not to be north of the latitude of Lake Victoria, and from thence it shall be prolonged in an easterly direction so as to meet the Chinese frontier.

If it should be found that Kizil Rabat is situated to the north of the latitude of Lake Victoria, the line of demarcation shall be drawn to the nearest convenient point on the Aksu River south of that latitude, and from thence prolonged as aforesaid.

2. The line shall be marked out, and its precise configuration shall be settled by a Joint Commission of a purely technical character, with a military escort not exceeding that which is strictly necessary for its proper protection.

The Commission shall be composed of British and Russian Delegates, with the necessary technical assistance.

Her Britannic Majesty's Government will arrange with the Ameer of Afghanistan as to the manner in which His Highness shall be represented on the Commission.

3. The Commission shall also be charged to report any facts which can be ascertained on the spot bearing on the situation of the Chinese frontier, with a view to enable the two Governments to come to an agreement with the Chinese Government as to the limits of Chinese territory in the vicinity of the line, in such manner as may be found most convenient.

4. Her Britannic Majesty's Government and the Government of His Majesty the Emperor of Russia engage to abstain from exercising any political influence or control, the former to the north, the latter to the south, of the above line of demarcation.

5. Her Britannic Majesty's Government engage that the territory lying within the British sphere of influence between the Hindu Kush and the line running from the east end of Lake Victoria to the Chinese frontier shall form part of the territory of the Ameer of Afghanistan, that it shall not be annexed to Great Britain, and that no military posts or forts shall be established in it.

The execution of this Agreement is contingent upon the evacuation by the Ameer of Afghanistan of all the territories now occupied by His Highness on the right bank of the Panjah, and on the evacuation by the Ameer of Bokhara of the portion of Darwaz which lies to the south of the Oxus, in regard to which Her Britannic Majesty's Government and the Government of His Majesty the Emperor of Russia have agreed to use their influence respectively with the two Ameer.

I shall be obliged if, in acknowledging the receipt of this note, your Excellency will record officially the Agreement which we have thus concluded in the name of our respective Governments.

I have, etc.  
Kimberley.

[M. de Staal replied on the same day in the same terms.]

## Description of the Boundary from Lake Zorkul to the Taghdumbash

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The first pillar has been erected at the eastern extremity of Lake Victoria at a spot which corresponds with a line crossing the centre of the Lake from west to east. From this pillar the frontier line takes a southern direction and, crossing the small gulf of Lake Victoria, proceeds to pillar No. 2 which is situated on the nearest spur of the Nicolas range.

From this latter pillar the line ascends the crest of the above-mentioned spur which it follows to Peak Concord. After passing this peak the frontier line continues to follow the crest of the same spur till it reaches the main crest of the Nicolas range, forming the watershed between Lake Victoria and the Wakhan Darya, or Ab-i-Panja.

From here the frontier line follows the main crest of the Nicholas range running eastward for nearly six miles, and then changing direction to the north-east, and maintaining this general bearing for a distance of about 15 miles to Peak Lobanov-Rostovski.

From this peak the line follows the main crest of the range for about  $9\frac{1}{2}$  miles until it reaches the top of the Benderski Pass where pillar No. 3 is erected. From pillar No. 3 the line continues to follow the crest of the range (through Peak Elgin) for about 15 miles to the top of the Jaminishur crest. Pillar No. 4 is erected on the Ortabel Pass. Throughout the whole extent of the line from pillar No. 3 to pillar No. 4, the frontier follows the watershed between the Istik and the Aksu.

From pillar No. 4 the line proceeds a little south of east to pillar No. 5, which is situated at a distance of about two-thirds of a mile, and after continuing this course for nearly 3 miles from the latter pillar, leaves the main crest of the Nicolas range and, descending a spur, joins the bed of the Gunjabai stream. Here pillar No. 6 is erected. The line now follows the western branch of the Gunjabai stream till it joins the river Aksu, on the right bank of which pillar No. 7 is erected. From there the frontier line follows the Aksu to the spot where it receives the waters of the Mihmanyoli and here, on the left bank of the Aksu, is erected pillar No. 8.

The line follows the Mihmanyoli stream for about two miles, when it leaves the bed of the stream and ascends a small knoll situated on the right bank on which pillar No. 9 is constructed. It next proceeds towards Lake Bakhmardin, and, after reaching the lake, follows for about a mile and a half the western arm of the Kachkasu stream which empties itself into the lake. On leaving this arm, and following an east-south-easterly direction, pillar No. 10 is reached at 2·6 miles, and pillar No. 11 at 1·7 miles further in the same direction. Pillar No. 11 is erected in the Tagharmansu valley at the mouth of a small unnamed stream draining into the Tagharmansu from the east. Following this stream for about a mile, the line passes pillar No. 12 and reaches a spur of a branch of the Mustagh (called Sarikol in the English map) which it follows as far as peak Povalo-Schveikovsky on the Mustagh (or Sarikol) chain which forms the frontier of Chinese territory.



*A Table of the Latitude and Longitude of the Boundary Pillars erected by the Joint Commission for the delimitation of the Russo-Afghan Frontier on the Pamirs in the year 1895, from Astronomical Observations by Lieutenant-Colonel Zaliessky.*

<i>Number of boundary pillars.</i>	<i>Latitude.</i>	<i>Longitude.</i>	<i>Description of the pillars and of the places where they are placed.</i>
Pillar No. 1	37° 26' 10" (Astronomical Observation)	43° 26' 52" (Observation)	The pillar is erected on an island which rises 30 feet above the level of the lake, and which is situated at the mouth of the river Chang-Kul-Su, which flows into the lake from the east. The pillar is built of cobble stones in the shape of a pyramid, 9 feet high.
Pillar No. 2	37° 24' 29" (Topographical Observation)	43° 26' 35" (Observation)	The pillar is erected on the northern slope of a spur of the range 'Nicholas II', which runs out from the 'Peak of Concord' in the direction of the eastern Extremity of the Lake Victoria, and is built of cobble stones in the shape of a pyramid, 9 feet high.
Pillar No. 3	37° 22' 6" (Astronomical Observation)	43° 54' 39" (Observation)	The pillar is erected on a rock which is situated 90 feet to the east of the highest point of the Bendersky Pass, and is built in the shape of a pyramid, 9 feet high, out of fragments of the same rock.
Pillar No. 4	37° 23' 54" (Astronomical Observation)	44° 10' 31" (Observation)	The pillar is erected on the highest point of the Orta-Bel Pass, and is built of cobble stones in the shape of a pyramid, 9 feet high.
Pillar No. 5	37° 23' 44" (Topographical Observation)	44° 11' 3" (Observation)	The pillar is erected 2,800 feet to the south-east of Pillar No. 4, on the watershed of the Orta-Bel Ridge, to indicate the direction the frontier should take in its prolongation along the range of 'Emperor Nicholas II', and is built of cobble stones in the shape of a pyramid, 9 feet high.
Pillar No. 6	37° 23' 51" (Topographical Observation)	44° 15' 5" (Observation)	The pillar is erected on a projection of a spur of the range 'Nicholas II', which juts out to the bed of the stream Gunji-Bai, at a distance of 3 versts (2 English miles) from its confluence with the river Aksu, and is built of cobble stones in the shape of a pyramid, 9 feet high.
Pillar No. 7	37° 22' 23" (Topographical Observation)	44° 15' 7" (Observation)	The pillar is erected on the right bank of the river Aksu, opposite the mouth of the stream Gunji-Bai, at a distance of 20 feet from the bank of the river named, and is built of cobble stones in the shape of a pyramid, 9 feet high.

<i>Number of boundary pillars.</i>	<i>Latitude.</i>	<i>Longitude.</i>	<i>Description of the pillars and of the places where they are placed.</i>
Pillar No. 8	37° 24' 45" (Astronomical Observation)	44° 22' 0"	The pillar is erected on the left bank of the river Aksu, opposite the mouth of the eastern branch of the river Mihman-Yuli, 70 feet from the bank of the river, and is built of cobble stones in the shape of a pyramid, 9 feet high.
*Pillar No. 9	37° 22' 41" (Topographically fixed)	44° 23' 10"	The pillar is erected on the elevated side of the valley of the river Mihman-Yuli, 3 versts (2 English miles) from the confluence of its right branch with the river Aksu, and is built of cobble stones in the shape of a pyramid, 8 feet high.
*Pillar No. 10	37° 21' 15" (Topographically fixed)	44° 27' 5"	The pillar is erected at the extremity of a spur of the Mustagh Range, which juts out from Peak Montagu Gerard and divides the waters of the river Tegermen from the waters of the stream Kashkasu, and is built of cobble stones in the shape of a pyramid, 8 feet high.
*Pillar No. 11	37° 20' 15" (Topographically fixed)	44° 25' 50"	The pillar is erected on the bank of the Tegerman Su 10 versts (6.3 English miles) above the point where the stream Bakhmir flows into it, and is built of cobble stones in the shape of a pyramid, 9 feet high.
*Pillar No. 12	37° 20' 5" (Topographically fixed)	44° 24' 50"	The pillar is erected on an elevation of the left bank of a nameless stream, which flows into the river Tegermen-Su near Pillar No. 11, a verst and a half (1 English mile) from its mouth, and is built of cobble stones in the shape of a pyramid, 8 feet high.

\*From sketches of the Russian Topographers.

(Sd.) Pavolo-Schveikovsky, Major-Genl.,  
Imperial Commissioner.

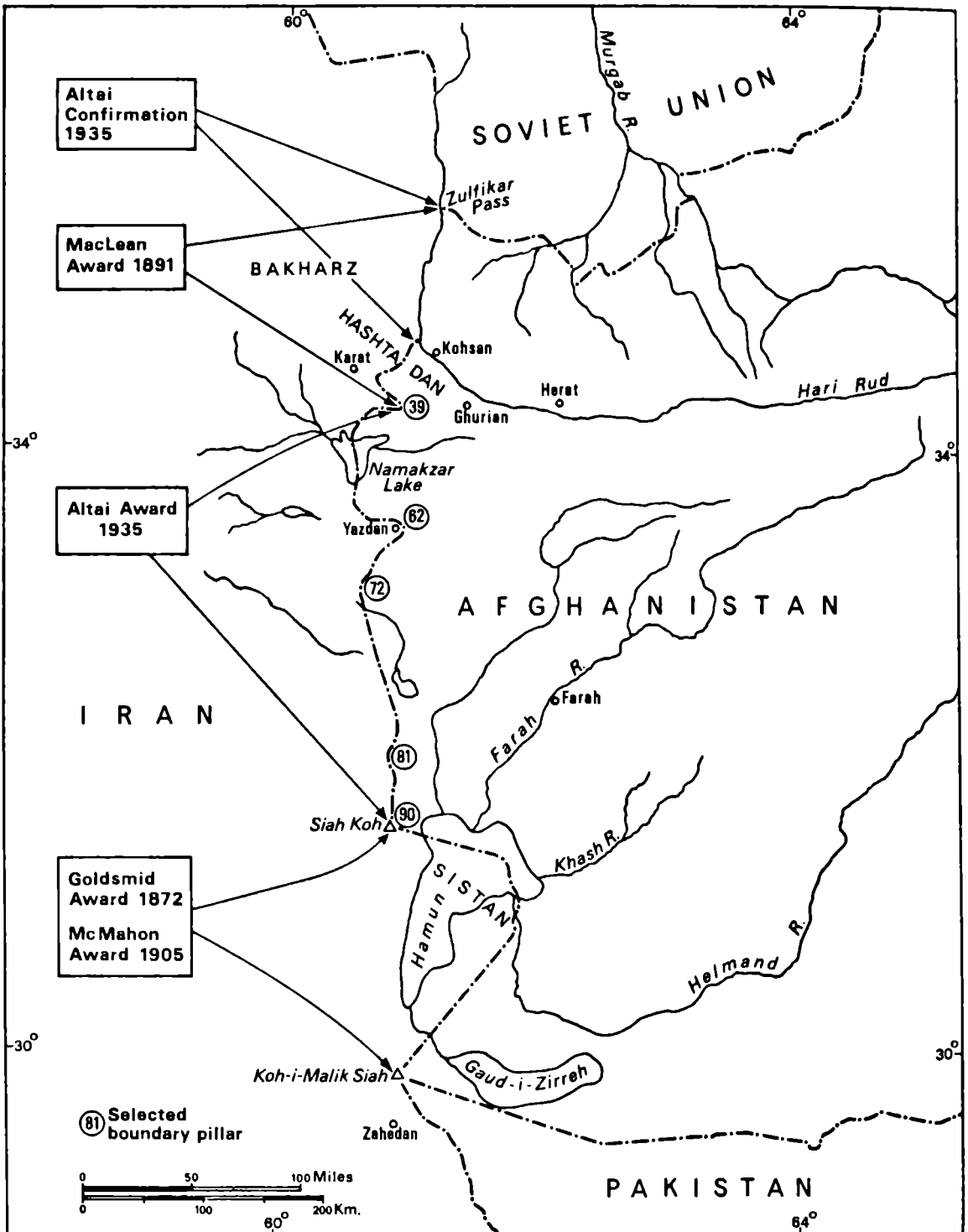
# 7

## The Boundary between Afghanistan and Iran

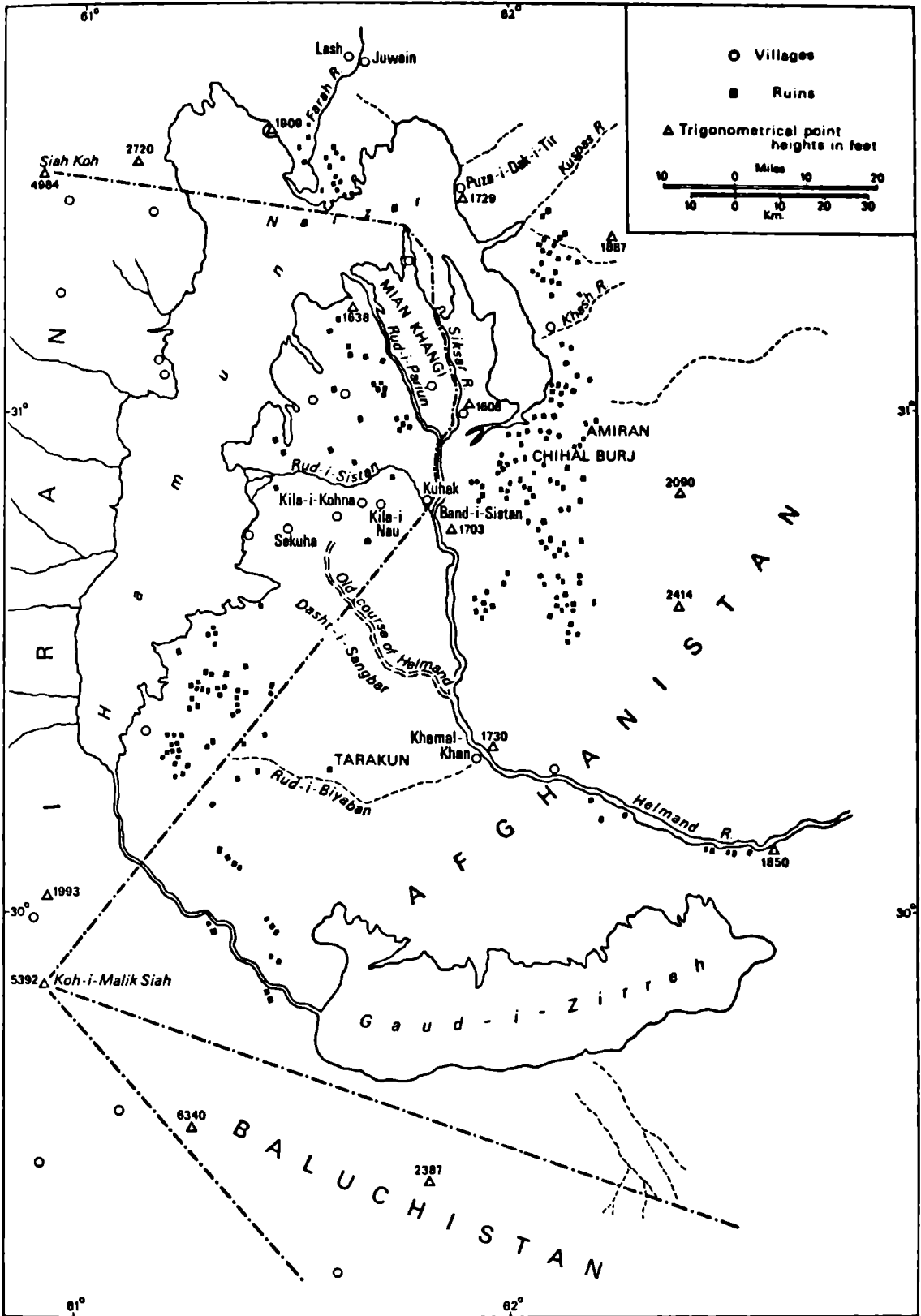
The 520 miles (837 kilometres) of boundary between Iran (Persia) and Afghanistan was delimited in three sections at different times. In 1872 170 miles (274 kilometres) of boundary was determined in the Sistan basin in the south of the borderland. This section of boundary was reaffirmed in 1905 after disputes about territory and water consequent upon a significant change in the course of the river Helmand. The northern 100 miles (161 kilometres) of boundary through the Hari Rud valley was delimited in 1891. These northern and southern sections were laid out by British officers, whose results were endorsed by the Persian and Afghan governments. The central section of 250 miles (402 kilometres) was delimited and demarcated by a Turkish commission in 1935. This commission also removed some doubts connected with a very short section of the northern boundary of 1891. Since the arrangements made for each segment were quite separate from each other, it is proposed to examine them individually.

The Sistan basin, which has a general elevation between 1600 feet and 2000 feet (488–610 metres), comprises about 7000 square miles (18 123 square kilometres). The basin is the focus of an interior drainage pattern with a catchment of 125 000 square miles (323 625 square kilometres), which originates principally on the eastern and southern slopes of the Afghan plateau. The main river flowing into Sistan is the Helmand, the largest river of Afghanistan. The Helmand carries water throughout the year and floods during the late spring and early summer when melting snow in the Afghanistan uplands augments the flow. The other rivers, such as the Shand, Khash, Kuspas and Farah have an intermittent regime, and are sometimes dry in late summer and autumn. All these rivers are used in their lower reaches for irrigation, and surplus water flows into the Hamun, a lake which varies in area with the season. In spring the Hamun may be 5–15 miles (8–24 kilometres) wide and 100 miles (161 kilometres) in length. Sometimes during extreme floods, as in 1885 and 1903, water from the Hamun will drain southeast to another landlocked, lower depression called Gaud-i-Zirreh. For centuries the Helmand and other rivers have been carrying large volumes of silt into the basin and gradually building a delta. The growth of this delta has been irregular and there is plenty of geomorphological and cultural evidence to show that the Hamun in previous periods occupied different positions in the basin. The Helmand today, as in past periods, builds levees as silt is deposited in its bed, until the river is flowing above the level of the surrounding surface. Severe floods will sometimes breach these levees and cause the river to seek a new course. At the time the boundary between Afghanistan and Iran was determined in 1872 the main distributaries of the Helmand were towards the west and north. There was evidence

that there had been earlier channels draining towards the Lallu Nawar, at a time when Chihal Burj and Amiran had been flourishing agricultural areas. The uncertainty which this environment presented to human occupation, because of fluctuations in stream positions, is increased by two other factors; the absence of vegetation, which contributes to the high silt content of the rivers, and the presence of a strong northwesterly wind which blows from the end of May to the end of September. This wind is capable of moving considerable quantities of sand and soil; in some cases it will remove fertile topsoil and in others bury crops and villages



Map 8. The treaty bases of the boundary between Iran and Afghanistan



Map 9. The Sistan boundary

and fill drainage ditches and ponds. McMahon (1906, pp. 225–6) notes that the villagers of Kila-i-Nau had to move their dwellings in 1904, and in three months the deep pond of the village of Kila-i-Kohna was replaced by a sandhill 10 feet (3 metres) high.

However, despite these twin disadvantages of unstable rivers and moving dunes, this area is superior to any other nearby for settled cultivation. The advantages of this region were appreciated by tribes from different areas at different times, so by 1872 there was a complex ethnic structure in Sistan. Goldsmid (1873) assessed the population on the active delta as 45 000, of whom the great majority were Persian-speakers. Afghan tribes and Baluchis were also represented, the latter as nomads. McMahon (1906) gave the population of the whole basin as 205 000, but this seems to be an exaggeration, since this would mean high densities in the arid areas east of the Helmand. In 1934 the population of the most fertile area was estimated to be 40 000 (U.K. Naval Intelligence, 1945, p. 390), of whom the majority belonged to the Sarbandi and Shahraki Persian tribes, and the largest minority group was the Baluchi Taukhi tribe. The Baluchis are nomads who bring their herds in for winter grazing around the edges of the Hamun, a practice which is also followed by some Afghan herdsmen.

In the period after 1860 there was an increasing number of disputes between Persian and Afghan groups over water and grazing rights in Sistan. In 1861 and 1863 the Persian ruler requested British mediation according to the terms of the treaty of Paris of 1857, but this was refused, and the Foreign Office noted that the British government 'must leave it to both parties to make good their possessions by force of arms' (Sykes, 1940, 2, p. 94). The Persian government followed this advice and proceeded to increase the area under its authority and the effectiveness of its control. These Persian advances alarmed the new Afghan ruler Shir Ali, who threatened war in 1870. At this point the British government proposed arbitration and this proposal was accepted by both sides. Major-General F. J. Goldsmid was appointed as arbitrator, presumably at least partly because of the successful boundary determination he had carried out the previous year in the Makran between Persia and Baluchistan. The British arbitration was agreed to be binding on both parties and Goldsmid was required to draw the boundary by taking into account both ancient right and recent occupation. Goldsmid spent less than two months in Sistan, and for most of that time his work was obstructed by the attitude of the Persian representative. Smith noted this fact in the following terms. 'Nothing too severe can be said as to his conduct from the moment in which he came first within the influence of the Amir of Kain, whose power terrified him, and whose constant bribes excited his cupidity' (Goldsmid, 1876, 1, p. 260). From Sistan, Goldsmid went to Teheran where he completed his boundary definition. The award was based on oral and written evidence provided by Persian and Afghanistan authorities, and on direct evidence collected by the commission. Goldsmid noted that he would have preferred more direct evidence.

The direct evidence gathered in Sistan was not such as had been contemplated. Neither the Amir of Kain [Persian] nor the Persian Commissioner assisted the arbitrator to carry out the professed objects of the Governments of England and Persia in the manner which he himself judged proper; and admission was denied to the British officers at Jahanabad, Nad Ali [and] Kuhak (Goldsmid, 1876, 1, p. 398).

Neither side accepted the award, but the appeal to the British government was rejected and Goldsmid's line was confirmed.

Goldsmid distinguished between Sistan Proper, which was awarded to Persia,

and Outer Sistan which was awarded to Afghanistan. In the arbitral document it is claimed that the Hamun surrounds Sistan Proper on three sides and the river Helmand on the fourth, eastern side. In his account to the Royal Geographical Society, Goldsmid draws the southern boundary as 'a line comprising Sekuha and all villages and lands watered by the main Sistan canal . . . the southern line should comprise Burj-i-Alam Khan as well as Sekuha' (Goldsmid, 1873, pp. 70-1), but in the summary of evidence (Goldsmid, 1876, 1, pp. 395-409) the southern boundary of Sistan Proper is made coincident with the Dasht-i-Sangbar. Smith (Goldsmid, 1876, 1, p. 257) describes the Dasht-i-Sangbar as a desert plain, about 70 feet (21 metres) high and as much as 3 miles (5 kilometres) wide, which once marked the southern edge of the Hamun. The canal referred to in this quotation is the Rud-i-Sistan which McMahan described in the following terms.

Persian Seistan largely depends on the Rud-i-Seistan for irrigation. To divert sufficient water into this channel, during the early winter, or low river season, a gigantic weir, made of densely packed bundles of Tamarisk branches, is thrown across the Helmand every autumn when the river is at its lowest. About Christmas time the rising river breaches this dam, and gradually carries it away (McMahan, 1906, pp. 217-18).

The dam, or Band-i-Sistan, was constructed just south of Kuhak which was the pivotal point for the whole boundary. North of Kuhak the boundary followed the main course of the Helmand, which then coincided with the Siksar flowing due north, until the Naizar or reed beds were encountered, when the line was drawn direct to Siah Koh, a prominent hill lying just north of due west from the edge of the Naizar. South of Kuhak the boundary was drawn in a straight line southwest to the prominent peak Koh-i-Malik Siah, which reaches a height of 5392 feet (1645 metres). This was described by Goldsmid as 'a fitting point'. Yate regarded this straight-line section of the boundary as being unsatisfactory.

The pity of it is that the Tarakun-Ramrud system should have been cut in two as it has been. If you look at your maps, you will see that the present boundary-line from Band-i-Seistan to Koh-i-malik Siah runs right through the middle of this system. Sir Henry has already told us of the persistent obstruction and hostility shown by the Persians to Sir Frederic Goldsmid when he was deputed to settle this frontier in 1872. His movements were restricted, and difficulties of every kind were placed in his way. I need not dilate on this further now than to say that had Sir Frederic Goldsmid been permitted by the Persians to examine the southern portion of the frontier which he was deputed to settle, I cannot help thinking that he would have drawn the line to the north of Koh-i-malik Siah, somewhere along the dividing-line between the Tarakun-Ramrud and Band-i-Seistan irrigation systems. As it was, owing to the restrictions placed upon his movements by the Persians, he was compelled to lay down his boundary at haphazard, and Koh-i-malik Siah being about the only fixed point that his survey officer had been able to get a shot at in this part of Seistan, he simply drew an imaginary line on the map from Band-i-Seistan to Koh-i-malik Siah, without ever having been able to examine the ground across which that line was to run. As the head of the canals that formerly irrigated Tarakun and Ramrud are in what is now Afghan territory, somewhere near Band-i-kamal Khan, the result is that, so long as Tarakun and Ramrud remain with Persia, they can never be cultivated, and must always lie waste, as the water to irrigate them can only be drawn from Afghan territory, and that is impossible under present conditions.

When I was in Seistan I was told that in very high floods water from the Helmund still found its way into these old canals, and this would seem to show that, were only these canals brought under one administration from head to tail,

the Tarakun-Ramrud tract might be recultivated at no great expense. That this part of the country was once very prosperous there can be no doubt (McMahon, 1906, p. 344).

Yate is probably right that an inability to conduct a thorough survey partly explained the selection of this arbitrary line but two other factors must be considered. First, the area through which the boundary passed was barren and occupied by ruins, and Goldsmid may have argued that this territory could not be rehabilitated without extensive excavations on the Rud-i-Biyaban, and without severely reducing the supply of water available for irrigation along the Rud-i-Sistan. Smith notes several times that the west bank of the Helmand from Khormal-Khan to Kuhak was barren and uninhabited (Goldsmid, 1876, 1, p. 285). Second, if Goldsmid had drawn the line Yate suggested, Sistan Proper could have only been reached from Persian territory by crossing the Hamun, an exercise which offered different problems at different seasons, because the main trade route from Sistan Proper to Zahedan and the rest of the country would have been intersected by Afghan territory.

Goldsmid's work has been praised by the main British commentators as being correct.

This settlement formally perpetuated what the course of local events had already brought about, i.e. the division of Seistan between Persia and Afghanistan (McMahon, 1906, p. 212).

the decision was entirely just, as representing the actual situation ... Much credit is due to this officer and his staff, who, subjected to intolerable treatment by the Persians, carried through a most difficult task to a successful conclusion (Sykes, 1940, 2, p. 96).

Goldsmid may have been successful in the short term in producing a line which avoided war between Persia and Afghanistan, but in almost every other respect he transgressed against all the cardinal rules of boundary-making, and it was not surprising that a protracted commission, led by McMahon, had to do the work all over again thirty years later. Goldsmid drew boundaries through areas which he had not visited or studied in detail; this is shown most clearly in the straight segment between Kuhak and Koh-i-Malik Siah. He identified the boundary with physical features likely to irregular changes in position: namely the Helmand north of Kuhak and the southern limit of the Naizar. There was plenty of evidence in the landscape to show that the river changed its course from time to time, and there was published evidence concerning this situation. Rawlinson (1873, p. 279) noted that the northerly branch selected by Goldsmid had been dry in 1810 according to the evidence of Christie. Conolly, who visited Sistan in 1839, had established that it was in 1830 that the Helmand had abandoned its course along the Rud-i-Sistan, to the Hamun at Kuh-i-Khvajeh, and flowed due north towards Puza-i-Dak-i-Tir near the Shand. The line, which Goldsmid defined in terms which were less than precise, was never surveyed nor demarcated; two remarkable omissions in an area where there were known inter-tribal conflicts over water and grazing rights. Smith, in the volume edited by Goldsmid (1876, 1, pp. 282, 286), remarked on former courses of the Helmand. Even if Goldsmid felt that there was no alternative to the Siksar as the boundary, he should have stipulated that the boundary would continue to follow that channel, even if it was completely abandoned by the river. Smith had described very fully how the Helmand, as a major river, really terminated at the Kuhak dam.



Practically speaking, except when its waters are at flood, the natural course of the river ends at this 'Band', from which point it is made to follow the artificial channel of the canal. In former years the 'Band' used regularly to be swept away by the river every year, and a new 'Band' constructed. The Amir, however, on his arrival in Sistan, gave his attention to this point, and has expended so much care on its construction that the present 'Band' has now held for six years, and will probably prove permanent . . . When the river is at flood its waters escape over the summit of the 'Band' and flow in the original channel north up to the Hamun near Chakhansur, where they are lost; and a passage, some sixty feet wide, is also cut in the 'Band' itself, by which much of the violence of the pressure is mitigated (Goldsmid, 1876, 1, pp. 281-2).

The southern edge of the Naizar is a very unstable boundary, especially in a lake, such as the Hamun, which is subject to wide seasonal variations in depth and area. The Naizar is a section of the lake, which is covered with high yellow reeds and bulrushes, connecting the eastern and western portions of the former Hamun. The area is about 5 miles (8 kilometres) wide and is traversed by the main route from Burj-i-Afghan to Juwein. The edges of these reed beds were regularly grazed and burned in order that new shoots would provide pasture in following seasons, and there was always the chance that a serious flood or drought would alter the limits significantly. In discussing the Persian objection to the coincidence of the boundary with the southern edge of the Naizar, Goldsmid seemed to suggest that the Naizar might be considered as a frontier separating the two countries. He noted that it would not be contrary to the spirit of the ruling for Persian villagers in Sistan Proper to have the benefit of grazing or cultivation in the reed beds which fairly belonged to them, but that all land north of the reeds belonged to Lash and Juwein (Goldsmid, 1876, 1, pp. liii-liv). This implies that all land to the north and south of the Naizar was exclusively Afghan and Persian respectively, whereas citizens of both countries might own and use land in the Naizar itself.

The perceptive Rawlinson made the correct judgement of Goldsmid's work the year after it was completed.

It has been the object of the recent arbitration to draw a line of demarcation between the Persian and Afghan dependencies in Seistan, but it has been found impossible to suggest any frontier which shall combine geographical and ethnographical propriety with political rights; and indeed, notwithstanding the skilful diplomacy and very meritorious exertions of Sir F. Goldsmid, it seems doubtful, after all, if the settlement which he has proposed, and which has been adopted for the present, will be permanently respected (Rawlinson, 1873, p. 289).

In 1896 an exceptional flood, after filling the channel below the Kuhak band, burst the western bank of the Helmand near Shahgul and formed a new channel to the Hamun which followed a northwest alignment, compared with the northern alignment of the abandoned channel. The important area known as Mian Khangi lay between the new and old courses of the Helmand. Although the Goldsmid award had not specified what happened if the course of the river made a major, abrupt change, the local Persian and Afghan authorities were able to solve the immediate difficulties which arose. The Persians allowed the Afghans to dam the new channel, called the Rud-i-Pariun, in the same way that they dammed the river at Kuhak, so that water could be diverted into the old channel, known as Siksar, to maintain the Afghan irrigated areas on the east bank of the Siksar. These friendly relations ended in 1902, which was a season of exceptional drought, when there was severe competition for irrigation water by people on both sides of the

boundary. It has been suggested by Sykes (1940, 2, pp. 208–10) that the Russian consul, Mr Miller, who arrived in Sistan in 1900, deliberately exacerbated the situation in the hope of being appointed arbitrator between the two countries. Matters reached a climax when the Afghans occupied a Persian village in Mian Khangi; Sykes (1940, 2, p. 209) claims that this act was designed by the Afghans to make British arbitration necessary. If he is right then the plan was successful, because the Persian government invited British arbitration under the terms of the 1857 treaty, which were also the terms on which Goldsmid was invited to act.

Colonel McMahon was appointed to lead a commission which comprised nearly 1500 men. McMahon and his party spent from February 1903 until May 1905 in Sistan. It had been specified that the arbitration should be in accordance with the terms of Goldsmid's award, and therefore it was not possible for McMahon to create a new boundary; he had to resurrect the boundary laid down in 1872.

The Afghanistan government sought the boundary which Goldsmid had laid down, that is to say straight-line segments linking the Helmand river between Kuhak and the southern edge of the reed beds to the prominent peaks Koh-i-Malik Siah in the south and Siah Koh in the north. There was no attempt on the part of Afghanistan to claim Mian Khangi on the grounds that the course of the main channel of the Helmand, now the Rud-i-Pariun, was the boundary. The Persian authorities demanded one boundary change based on an interpretation of Goldsmid's award.

the line of frontier to the hills south of the Seistan desert should be so drawn [from Kuhak] as to include within the Afghan limits all cultivation on both banks of the river [Helmand] from the bund upwards, the Malik Siah Koh on the chain of hills separating the Seistan from the Kirman desert appearing to be a fitting point . . .

Now on Goldsmid's map this section of the boundary was shown as a straight line joining Kuhak and Koh-i-Malik Siah, and this is the section of boundary which was criticized by Yate, as mentioned earlier, and also by Holdich.

Unfortunately for Western Sistan a slanting line from the north-east to south-west cuts it in half, giving Persia the western, and Afghanistan the eastern, half. No division of property that could have been made could so certainly have relegated this ancient Drangia (once called the 'granary of Asia') to a future of comparative desolation. The splendid system of canal irrigation, which once turned the vast dry alluvial plains into a sea of wheat, had its head in the Helmund, and was entirely dependent on the Helmund for its supply of water. The Afghans hold the Helmund and the canal heads, and have reasons of their own for not permitting a revival of a system which would benefit Persian territory quite as much as, if not more than, their own. Here we have an object-lesson on the lasting disadvantages of a boundary which cuts an irrigation system in two (Holdich, 1901, p. 108).

The Persians contended, with some justification, that it would be possible to draw a boundary between the specified termini, which would leave the irrigated lands on the Helmand in Afghanistan but which would lie much closer to the west bank of the Helmand, thus delivering the Tarakun area to Persia. McMahon quickly decided on the line which seemed most appropriate to him, and it coincided with the boundary shown on Goldsmid's map. However, in the vicinity of the course of the Siksar, which had been the main channel at the time of Goldsmid's survey, the boundary was marked by a number of mounds which sometimes lay on the Persian and sometimes on the Afghan banks, at distances up to 80 yards (73 metres)

from the channel. An opportunity to present his conclusions became available in June 1903 when fighting occurred near the proposed boundary and some Afghans were wounded. McMahon issued an immediate award which fixed the boundary along the mounds and called on the commissioners from both sides to see that their fellow nationals observed it. This required the withdrawal of some Afghans from the west bank of the Siksar. This line was accepted by the Persian authorities in November 1903 and by the Afghanistan government ten months later. Immediately McMahon had the line marked by substantial stone pillars, and on 1 February 1905 the Persian and Afghan commissioners were each provided with a written text, a list giving the location of each pillar, a map on a scale of 1:253 440 showing the whole boundary, and a map on a scale of 1:63 360 showing the boundary between the junction of the Siksar and Rud-i-Pariun and beacon 65 on top of the mound known as Tappa-i-Tilai. A total of ninety pillars was erected and the boundary was thus clearly fixed. As soon as McMahon had completed the work begun by Goldsmid thirty years before he then turned his attention to the question of the general allocation of water from the Helmand river to both sides. Once again McMahon was bound by the terms of Goldsmid's award which was expressed in a very simple statement: 'that no works were to be carried out on either side calculated to interfere with the requisite supply of water for irrigation on both banks of the Helmand.' The interpretation of the British Secretary of State for Foreign Affairs was that this clause did not apply either to existing canals or to old canals that needed repair, nor would it apply to the construction of new canals provided that the requisite supply for each side was not diminished. McMahon recognized that the original statement and the interpretation required some definition of the water to be made available to Persia to be really effective. Unless this was done, Afghanistan's possession of the Helmand above the Kuhak dam was a constant threat to Persian cultivation. The commission's two seasons in Sistan together with access to documentary sources convinced McMahon first, that excess of water supply was a greater problem for cultivation than drought, and second, that when drought did occur it always affected the spring crops, when the river was at its lowest. According to the records available serious drought had only occurred in three years since 1870. McMahon's determination of Persian water rights was therefore given with the spring crops in mind. He stipulated that one-third of the water which flowed via the Helmand into Sistan at Bandar Khamal-Khan should be available for Persian use. With foresight, it was also stipulated that if a change in the depth of the river required the Persian dam which diverted water into the Rud-i-Sistan to be moved upstream from the junction, into Afghanistan's territory, Persians should be given the right to excavate a short channel from the dam to the Rud-i-Sistan. Similarly if the Afghan dam at the commencement of the Rudi-i-Pariun, which diverted water into the Siksar channel, had to be moved downstream along the Rud-i-Pariun, the Afghans should be allowed to excavate a short channel through Persian territory to the Siksar channel. The final award also made provision for one of the officers attached to the British consulate in Sistan to have experience in irrigation so that he could supervise that the terms of the award were carried out.

Thus although the boundaries specified in the 1872 and 1905 awards were the same, the task was more thoroughly and competently undertaken by the later commission. The definition was unequivocal and the boundary was clearly marked by massive pillars the positions of which were recorded in lists and on a map.

The northern section of the boundary was settled in 1890, after arbitration between Persia and Afghanistan by Major-General C. S. MacLean. The area in

dispute was known as Hashtadan; a semi-arid region where cultivation could only be maintained through irrigation. In April 1885 the local Persian governor ordered that certain khanats near Pardeh should be cleared of sand and repaired, with a view to re-establishing farming in this area. A khanat or karez is an underground channel which taps underground sources of water at the foot of apparently arid hills. These underground canals convey large quantities of water many miles, and they are constructed by sinking vertical shafts to the required depth and then tunnelling sideways to connect the bottoms of the various shafts. Afghan patrols descended on the labourers sent to do the work, destroyed their tools and drove them away. A similar pattern of events had occurred eleven years before. Once again British arbitration was requested by both sides, and General MacLean was sent to conduct investigations into the rival claims to the area and to suggest a boundary between the two countries.

He examined the evidence on the spot during 1888–9, and then in December 1889 suggested a compromise boundary to both parties which was eventually accepted (India, Foreign Department, 1890).

The area of Hashtadan lies southwest of the great northward bend of the Hari Rud at Kohsan. It is bounded on the north by the Sangitti range; on the south by the Kadaona and Yal-i-Khar ranges; on the east by the watershed which passes through the peak Sang-i-Dukhtar; and on the west by an uninhabited belt of arid steppe, which also marks the eastern watershed of the Karat basin. This region measures about 24 miles (39 kilometres) along its long northwest–southeast axis, and is about 17 miles (27 kilometres) wide. The basin of Hashtadan is drained by the river Shorab, which draws its waters from a number of tributaries, before passing northwards through the Shorab pass in the Sangitti range. North of the pass the river is called the Kal-i-Kalla, and this river swings eastward to join the Hari northwest of Kohsan. MacLean distinguished three zones in Hashtadan. First, at the head of the Shorab basin, just south of the Shorab pass, there were the ruins of former villages and the obvious signs of cultivation in a past period. This area was surrounded on all sides except the north by a level alluvial steppe, which had no signs of surface drainage and practically none of settlement. Finally, this steppe zone was surrounded by the gentle slopes rising to the watersheds on all sides. MacLean could not detect any connection between the drainage of these slopes and the khanats of the steppe and cultivated regions, although he considered that in time of heavy rains or snow some water from the hills might reach the Shorab.

MacLean's memorandum on the basis for his award is a detailed and fascinating account of the historical and political geography of this area, like so many similar reports which were produced by survey officers in Asia at that time (India, Foreign Department, 1890, pp. 4–27). From his own fieldwork in the valley and by carefully comparing and weighing the documentary and other evidence provided by the Afghanistan and Persian representatives, MacLean came to a number of important conclusions. First, it was obvious that the valley had been unused for several decades.

But from the appearance of the ruins and abandoned fields it is quite evident that the valley has been deserted for some generations . . . In fact, there is every reason to believe that the place has been deserted for at least one hundred years . . . Upon the whole, looking to the nature of my present information, it seems to me that neither Persians nor Afghans can produce proofs of recent possession in support of their respective claims, neither having felt inclined to stand the brunt of collisions, in such an exposed locality, with the Turkomans (India, Foreign Department, 1890, pp. 6, 25, 27).

There were the village ruins, the faint field patterns and the portions of khanats to prove that the area had once flourished, and excavation through the drifted sands would have revealed further proofs. MacLean discovered that there had been an epidemic throat disease in this area, at a time which he identified as being about 1788, and that this had been a major factor in explaining the depopulation of the valley. 'Uzbek Hazarah and Turcoman raiders' were credited with the responsibility for completing the total devastation of the valley. Indeed MacLean suggests, by implication, that there was an unoccupied frontier between the lines of Afghan and Persian posts. He notes that the Russo-Afghan boundary commission recognized that 'Karez, Barmanabad and Kurat' were the Persian posts, while 'Kushan, Kafir Kala and Ghorian' were the Afghan outposts (India, Foreign Department, 1890, p. 25).

Second, he established that the waters of the Khanats were not solely used in the valley itself.

The existence of an old canal of large size, which at one time passed down through the Shorab pass to the Darband and Kafir Kala lands, proves conclusively that . . . a large body of water must have passed down by this canal, for the use of Darband Kafir Kala (India, Foreign Department, 1890, p. 7).

The importance of this fact rested on the possession of Darband and Kafir Qala by Afghanistan, which was able to argue that if Hashtadan was awarded to Persia then the potential water supplies of the Afghan areas north of the valley would be at risk. In fact the khanats leading through the Shorab pass were as choked with sand as those in the valley itself, but MacLean had the task of trying to reconstruct the political and economic geography of a century before.

His problem therefore was to draw a boundary through or round this wasteland which was historically fair to both sides, since the award would only be effective if accepted by both parties. He also recognized that while at the time of the award he was allocating a wasteland, the area had the potential to become a flourishing arable area again, once peace and security could be established.

The Farmanabad village near Hashtadan has a population of 50 families, 22 pairs of bullocks. It has two running khanats, and three ruined ones. Seed sown as spring crop, about 50 kharwars [variable measure of weight] of wheat and barley, besides autumn crops of cotton, gawan (a very small sort of grain), and melon. Taiabad, close by, has 200 families, five running khanats, and five ruined ones, and 50 pairs of bullocks: seed corn about 94 kharwars of wheat and barley, some as spring crops, besides cotton, gawan and melons in autumn. Its lands extend on one side to Dogharu, and on the other to near Pesh Robot or Toman Agha. The above gives some idea of what can be done with fairly good khanats (India, Foreign Department, 1890, p. 9).

Both Persia and Afghanistan claimed the entire valley of Hashtadan; Persia claimed that it had always been part of Bakharz, while Afghanistan claimed that it had always been part of Kohsan and Ghurian. The evidence presented by both sides showed great imagination, but was far from conclusive. A Persian tombstone dated 1426, title deeds, documents giving power of attorney, wills, payments of compensation for robbery and damage, revenue account books, and a commission signed by the governor of Herat were presented in evidence by one side or the other. MacLean drew all the proper conclusions that he could from this assortment of facts, but he was really no closer to finding the correct historical boundary in Hashtadan. Therefore, in common with many arbitrators before and afterwards he offered a compromise solution.

The case seems eminently one for compromise, in which both parties abate their pretensions in order to render an equitable settlement possible. Such a settlement is possible only by a division of the water-supply available for irrigation as indicated by the old karezes or khanats (old water canals). It is on this principle that the compromise indicated on the map of Hashtadan has been based.

By accepting the above compromise Persia will secure the greater portion of the arable land of the valley including the actual land over which the dispute arose, and on which work was interrupted by the Afghans, as already described. On the other hand the Afghans will secure what they profess to desire, viz, a supply of water for the irrigation of the Kafir Kala lands and all the grazing grounds lying on the southern end of the valley. The Afghans will also have a considerable area of arable land at Chakar Kala, as well as the large tract near the mouth of the Shorab pass which can be irrigated from the large canal, and the cultivation at Tir Kisht can be extended to a considerable extent (India, Foreign Department, 1890, p. 27).

The line which MacLean had traced followed the Kal-i-Kalla through the Shorab pass and continued southwestwards to a point due west of Farizna, when the line swung southeast and ended at the southern end of the Yal-i-Khar range ( $34^{\circ} 20'$  north and  $60^{\circ} 55'$  east) at the head of the Chah Surkh valley. This line was accepted by the shah in December 1889 after two slight modifications. First, he insisted on the Hashtadan mound being included in his territory, and MacLean accepted this since the area was only 2 acres (0.8 hectare). Second, he insisted that the name Hashtadan should be written on the award map on the Persian side of the boundary. This presumably enabled the shah to claim a greater measure of success than had in fact been achieved. The emir's agreement came late in 1890. MacLean was immediately authorized to demarcate the boundary, and he placed thirty-nine pillars along the 41 miles (66 kilometres) of boundary from the Kal-i-Kalla to the Yal-i-Khar range. The description of the location of the boundary pillars was very precise with descriptions of the immediate localities and bearings and distances to neighbouring, prominent features.

It will be apparent that MacLean did not describe the boundary between the two countries north of the Kal-i-Kalla. He presumably felt no need to do this since the Hari Rud flowed between that point as far as Zulfikar pass where the Russo-Afghan boundary began. However, this matter was put beyond doubt by General Altai, a Turk who made the final arbitral award along this border in 1935.

General MacLean has indicated the end point of the frontier at Heriroud [Hari Rud], and the Russo-Afghan Frontier Protocol indicates, as well, that the Russian frontier starts slightly more north in the surroundings of Zulfikar. The result is that the Heriroud, located between these two points, must constitute the frontier. Since the Heriroud is a fairly large river, the frontier should follow its thalweg (U.S.A. Geographer, 1961, p. 2).

The conclusion of MacLean's work meant that there was a gap of 250 miles (402 kilometres) between his 39th pillar and the pillar on Siah Koh hill which had been selected by Goldsmid, and was confirmed by McMahan in 1905. From time to time problems arose in connection with land and water rights in the border, and in June 1928 Persia and Afghanistan signed an Exchange of Notes, which provided for commissioners who would live in the borderland, and who would meet regularly to settle any problem which arose. This was obviously not a complete solution to the difficulty and in 1934 the Persian government proposed to Afghanistan representatives that the arbitration of Turkey should be requested. Turkey was a country with which both parties had cordial relations, and at that time there was a Turkish military mission in Afghanistan. The suggestion was accepted and

General Fahreddin Altai was appointed by the Turkish government. He was initially appointed to settle only the most recent dispute which lay in the plains just south of Hashtadan; however, General Altai produced a boundary to close the gap between the awards of MacLean and McMahon. His examination of the area and the consideration of evidence lasted from October 1934 until May 1935. The general line of the boundary was already indicated by the two termini and the possession of Yazdan by Persia; this collection of farms lies almost in a straight line with the termini. However, there were certain other features, such as an Afghan cemetery on the southern slopes of the Kadaona range, and the large salt lake Namakzar, which required that the boundary should lie slightly west of the straight line. Altai recorded that the area in question was almost devoid of population. 'Outside of three farms located at Yezdan, this vast area does not contain any inhabited place or cultivated area. There exists, however, several wells and sources of fish and salt water (U.S.A. Geographer, 1961, p. 6). However, nomads made some use of winter pastures and millstones were quarried from some hills. The absence of settlement and the low economic potential of the area made Altai's task easier than those of MacLean, Goldsmid or McMahon, and he quickly produced a line which was marked by thirty-eight pillars. First the line proceeded west from MacLean's last pillar, along the Kadaona range, before turning south to follow the Sergerdan river to lake Namakzar. Both the river and the lake only contained water in exceptionally wet periods. The boundary then diverted eastwards to include Yazdan in Persia before swinging south, in almost a straight line to end on Siah Koh. Between pillars 73 and 78 there is one straight stretch of 60 miles (97 kilometres). In addition to declaring that the Hari Rud formed the boundary between its confluence with the Kal-i-Kalla and the Zulfikar pass, Altai also placed five beacons to mark the boundary between MacLean's 1st pillar and the bank of the Hari Rud. MacLean had started his boundary between the first canal of the right bank of the Kal-i-Kalla and the Hari Rud.

This entire boundary therefore resulted from four arbitrations by foreign army officers, two of whom duplicated each other's work. In Sistan and Hashtadan there were acute problems of unravelling a complex historical past and allocating water rights for irrigation, in an environment where such rights made the difference between settled and desert areas. The central section offered no such major difficulties and the Hari Rud north of the Kal-i-Kalla marks one of the oldest traditional boundaries in southern Asia. The entire boundary has survived to the present without difficulty, and there are no apparent problems connected with it.

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**The Sistan Award by Goldsmid, May 1872**

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That Seistan proper, by which is meant the tract of country which the Harmun on three of its sides and the Helmand on the fourth cause to resemble an island, should be included by a special boundary line within the limits of Persia; that Persia should not possess land on the right of the Helmand; that the fort of Nad Ali should be evacuated by Persian garrisons, and the banks of the Helmand above the Kohak bund given up to Afghanistan; that the main bed of the Helmand below Kohak should be the eastern boundary of Persian Seistan; and that the line of the frontier to the hills south of the Seistan desert should be so drawn as to include within the Afghan limits all cultivation on both banks of the river from the bund upwards, the Malik Siah Koh on the chain of hills separating the Seistan from the Kirman desert appearing to be a fitting point; that north of Seistan the southern limit of the Naizar should be the frontier towards Lash Jawain; that Persia should not cross the Hamun in that direction, her possession being clearly defined by a line to be drawn from the Naizar to the Koh Siah hill near Bandan; finally, that no works are to be carried out on either side calculated to interfere with the requisite supply of water for irrigation on both banks of the Helmand.



## The Hashtadan Award by MacLean, 6 July 1891

<i>No. of pillar.</i>	<i>Description.</i>	<i>Bearings.</i>	<i>Distances.</i>	<i>Remarks.</i>
1	A masonry pillar 6' x 3' at a distance of 34 paces from left bank of Kal-i-Kalla, and 300 paces below point where old canal takes off from right bank. Pillar 1 is plastered with gypsum mortar. Line runs straight to pillar 2.	Pillar 2 . . . 213° High point on E. of Darband Pass 144° Centre Darband village . . . 360° Pillar 3 . . . 239° Centre of Kafir kala . . . 60½° Old canal head . 146°	Pillar No. 2 3,145 paces or 2,939 yards.	Note — 107 horse paces = 100 yards. Pillar 1 is 1,020 paces from ruins of Darband. High hill on E. of Darband Pass marked on Survey Map, Sheet 11, S.-W. North-West Trans-Frontier. The course of the old canal can be traced from the point where it leaves the bank of the Kal-i-Kalla for a long distance.
2	A masonry pillar on top of a rounded conical hill. A narrow neck forming watershed connects it with Karawal hill. At 35° a little ridge of red rocks crops up out of ground at a distance of 40 feet. Pillar 2 overlooks valley of the Kal-i-Kalla. Line to 3 follows watershed.	Karawal hill . . . 224° Pillar 3 . . . 264° Mill at Darband 127° Highest point on E. . . . . 102° Pillar 1 . . . . . 33° Western tower of Darband ruins . 20°	Pillar No. 3 Could not be measured being in hills. See Map.	The Karawal hill is a remarkable conical hill on west of the Darband Pass. The mill itself is not visible owing to low hills. It is situated on the left, not the right, bank at a distance of 120 paces from the edge. Its distance from the canal is about 2,800 yards, and to pillar (1) 300 paces more.

No. of pillar.	Description.	Bearings.	Distances.	Remarks.
2	[continued]			The Western Darband tower is on the edge of the right bank of the Kal-i-Kalla.
3	A masonry stone pillar plastered with gypsum on a stony platform forming summit of a double-headed hill, the second highest in the range. The second summit is about 80 yards distant and bears 232°. Both summits about same height and from the plain present the appearance of a V. Line to 4 follows watershed.	Pillar 2 . . . 83° Darband village . 50° High point E. of Darband Pass . 94° Western point of peak 80 paces off 232° High peak on W. 293° Pillar 1 . . . Not visible	Pillar No. 4          Ditto	Pillar 2 very indistinct from background of hill; probably 84° would be more accurate. The high peak on W. is the highest point of Sanjitti about ½ mile distant. Shuts out pillar 4 from view.
4	A masonry pillar about 5½' in height plastered with gypsum; partly brick and partly stone. Pillar 4 is built on a summit of a double-headed rocky eminence on the backbone of the ridge, at the point where the Koh-i-Sartip spur branches off. A deep ravine runs from it on the S.W. separating Koh-i-Sartip from the watershed and pillar 5. Another ravine runs from its base towards the N.-E. Both ravines drain to the Persian plain. The double-headed hill presents a V. shaped appearance from the Hash-tadan side. Line to pillar 5 follows watershed.	Western point of Koh-i-Sartip . 302° Pillar 5 . . . 262° Low hillock 60 paces distant . 193° Highest peak of range about one mile distant . 87°	Pillar No. 4          Ditto	Koh - i - Sartip spur branches off from pillar 4 beyond the watershed.

- 5 A brick masonry pillar about 6 feet high and about 3 feet in diameter, plastered with gypsum, situated on a level platform on a short ridge which marks a conspicuous depression in the range. The most conspicuous neighbouring feature is a mass of black rock cropping up out of the ground forming a knob visible from the plains. Line to pillar 6 runs straight.
- 6 A masonry brick pillar on a low rising ground on the edge of a ravine. At 100 yards to the east is a knoll about 10 feet higher than the site of the pillar and overlooking a ravine running down to the Kal. Line runs straight to 7.
- 7 A masonry pillar on plain, no remarkable feature in vicinity. Line runs direct to pillar 8, last portion being up slope of hill. Height about 6 feet, diameter about 3 feet, plastered with gypsum.
- 8 A masonry pillar on top of a grassy hill a little out of the line on account of it having been found necessary to choose a better site. No remarkable feature in the vicinity. Pillar 8 is about 5 feet high and 3½ in diameter, and is plastered with gypsum. Line runs direct to pillar 9.
- Pillar 4 . . . 82°  
 Western point of Koh-i-Sartip . . . 57°  
 Black rock (150 paces off) . . . 139°  
 Low hillock on W. of ravine edge of which is 50 paces from pillar 258°  
 Pillar 6 . Between 197° and 198°  
 Pillar 3 . (Invisible)
- Pillar 7 and 8 . 198°  
 Pillar 5 . Between 17° and 18°  
 Pillar 4 . . . 57°  
 Conical hill . . . 9°  
 Pillar 3 . . . 75°
- Pillar 6 . . . 18½°  
 Conical Hill . . . 14°  
 Pillar 4 . . . 47°  
 Pillar 3 . . . 65°  
 Pillar 8 . . . 200°
- Pillar 4 . . . 39°  
 Conical hill . . . 16°  
 Pillar 3 . . . 54½°  
 Pillar 7 . . . 20°  
 Pillar 9 . . . 198°  
 Pillar 10 . . . 198°
- Distance to 6 could not be measured being very broken ground, and the greater part of it forming slope of hill.
- To pillar 7 960 paces  
 = 897 yards.
- Pillar 8 1,450 paces  
 = 1,365 yards.
- Pillar 9 2,316 paces  
 = 2,164 yards.
- A deep wide ravine or valley springing from pillar 4 runs between Koh-i-Sartip and pillar 5. From a distance Koh-i-Sartip looks as if it formed part of watershed. The pillars from 5 to 10 are nearly all in a line.
- On W. of No. 5, ¼ mile distant and very conspicuous from plain. Point on which pillar 3 stands is visible, but not pillar 3 itself.
- 
- This pillar is actually 36 paces to west of site in order to secure good position, the original site being in a depression.

<i>No. of pillar.</i>	<i>Description.</i>	<i>Bearings.</i>	<i>Distances.</i>	<i>Remarks.</i>
9	A masonry pillar on a low mound in plain, 6 feet high by about 3½ in diameter. No remarkable feature in vicinity. Line runs direct to 10.	Pillar 10 . . . 198° Pillar 8 . . . 18½° Pillar 4 . . . 33° Koh-i-Sartip . . . 26°	Pillar 10 2,045 paces = 1,191 yards.	Pillar 3 and conical hill not visible from pillar 9.
10	A masonry pillar on a low remarkable promontory overlooking the Kavir at a distance of about 300 yards from the junction of Nos. 5 and 6 branches of the Shorab. At the point of the promontory is a small low-walled enclosure used by the nomads for prayer. Hence name of Ziarat. The pillar is close to the northern end of the wall. Line to 11 runs straight.	Pillar 4 . . . 30° Pillar 3 . . . 39° E. tower of Pardai 292° Koh-i-Sartip . . . 23° Pillar 5 . . . 18°	Pillar 11 1,302 paces = 1,217 yards.	Pillar 4 itself not visible from 10, but the point on which it stands is. Pillar 3 itself not visible. Pillar 5 itself not visible, but the point on which it stands is very conspicuous.
11	A masonry pillar on a low mound in the Kavir. It is a little out of the line to avoid soft ground. Line runs direct to pillar 12. Plastered with gypsum.	Pillar 10 . . . 57° E. tower of Pardai 305° Pillar 12 . . . 238½° Hashtadan Mound 248°	Pillar 12 1,158 paces = 1,082 yards.	The pillars from 10 to 15 are almost in a straight line.
12	A masonry pillar on a low mound in Kavir plastered with gypsum. It is placed 5 paces west of proper site to avoid soft ground. Line to 13 runs straight.	Pillar 11 . . . 58½° E. tower of Pardai 319° Pillar 13 . . . 237½° Pillar 29 . . . 230° Hashtadan Mound 251°	Pillar 13 1,109 paces = 1,036 yards.	Pillars 1 to 12 inclusive all built by Afghans, and all of one pattern, conical shape.
13	A brick masonry pillar minar-shaped with cap, about 8 feet high and 3 feet in diameter without plaster except on cap. All the Persian pillars except when specially	Pillar 12 . . . 58° E. tower of Pardai 334° Pillar 14 . . . 238° Pillar 29 . . . 230° Hashtadan Mound 254°	Pillar 14 1,171 paces = 1,094 yards.	From pillar 13 to pillar 32 built by Persians.

mentioned are built on this pattern. It is placed on a low mound. Line to 14 runs straight.

14 A masonry pillar as above on a low mound. Line to 15 runs straight. It is surrounded by soft muddy Kavir.

Pillar 13 . . . . .	58°	Pillar 15	1,150 paces
East tower of	348°		= 1,075 yards.
Pardai . . . . .	or (348½°)		
Pillar 15 . . . . .	238°		
Pillar 29 . . . . .	229°		
Hashtadan Mound	259°		

15 A masonry pillar on a mound near edge of Kavir. Line to 16 runs straight.

Pillar 14 . . . . .	58°	Pillar 16	881 paces
E. tower of Pardai	360°		= 823 yards.
Pillar 29 . . . . .	228°		
Pillar 17 . . . . .	278°		
	and 277°		
Pillar 16 . . . . .	276°		
Karez (40 paces)	334°		
Karez (75 paces)	247°		
Hashtadan Mound	269°		

On edge of Kavir. A line of Kanats shown in original map runs parallel to the line between 15 and 17.

16 A masonry pillar placed a little out of straight line between 15 and 17 owing to some error on part of mason and Persian Agent.

Pillar 15 . . . . .	96°	Pillar 17	1,078 paces
Pillar 17 . . . . .	277°		= 1,008 yards.
	or 279°		
East tower of	368°		
Pardai . . . . .	or 369°		
Pillar 29 . . . . .	224°		
Pillar 32 . . . . .	191½°		
Koh-i-Safid . . . . .	194°		
Kanat well at a distance of 170 paces . . . . .	203°		
Hashtadan Mound	265°		

Summit of hill on which pillar 32 is built is visible, not the pillar itself which is too distant to be seen. The Koh-i-Safid is a high white coloured hill being end of a spur which projects to the south of the watershed from which it is separated by a deep valley. From a distance it looks as if a part of watershed.

<i>No. of pillar.</i>	<i>Description.</i>	<i>Bearings.</i>	<i>Distances.</i>	<i>Remarks.</i>
17	A masonry pillar forming the eastern corner of the deflection round the Hashtadan Mound stipulated for by the Shah. It is 440 yards due E. of a point, 220 yards due N. from the centre of the Hashtadan Mound. Line to 18 runs straight.	Pillar 16 . . 98° Pillar 18 . . 212½° Pillar 29 . . 219½° Koh-i-Safid . . 189° Pillar 32 . . 187°	Pillar 18 921 paces = 861 yards.	
18	A masonry pillar forming the S. angle of the deflection round the Hashtadan Mound. It is 440 yards due S. of the centre of the mound. Line to 19 runs straight.	Pillar 17 . . 32½° Pillar 19 . . 334° Pillar 20 . . 275°	Pillar 19 831 paces = 777 yards.	
19	A masonry pillar placed 330 yards due W. of a point 220 yards due N. of the centre of the Hashtadan Mound. Pillar 20 not visible owing to an intervening rise of ground. Line runs straight to pillar 20.	Pillar 18 . . 154° Pillar 29 . . 214°	Pillar 20 1,745 paces = 1,631 yards.	All the pillars 19 to 24 are in a straight line.
20	A masonry pillar as above. Pillar 19 not visible.	Pillar 21 . . 253° Pillar 29 . . 207½° Pillar 18 . . 95° Pillar 19 . . Not visible	Pillar 21 1,757 paces = 1,642 yards.	
21	A masonry pillar in open plain. Line runs direct to pillar 22.	Pillar 20 . . 73° Pillar 22 . . 253° Pillar 29 . . 194½°	Pillar 22 1,635 paces = 1,528 yards.	

22 A masonry pillar in open plain. Line runs direct to pillar 23.	Pillar 21 . . . 73° Pillar 23 . . . 253° Pillar 29 . . . 180½°	Pillar 23 = 1,618 paces = 1,512 yards.	
23 A masonry pillar in the open plain. Line to 24 runs direct.	Pillar 22 . . . 73° Pillar 24 . . . 253° Pillar 29 . . . 165°	Pillar 24 = 1,981 paces = 1,851 yards.	
24 A masonry pillar in the open plain forming the N.-W. angle of the boundary line. The pillar is placed about 60 paces W. of the stone pillar erected by Lieutenant Galindo to mark the corner. Line runs direct to pillar 25, and crosses road between Karat and Ghorian at 220 paces.	Pillar 23 . . . 73° Pillar 25 . . . 196° Pillar 29 . . . 144°	Pillar 25 about 1,132 paces = 1,058 yards.	Pillar 24 was at first built about 1,260 paces to the W. Lieutenant Galindo's pillar was destroyed by nomads in 1891. They removed all the stones except the base one, which was too heavy to carry off. My line ran right over it.
25 A masonry pillar in open plain, 70 paces from the head well of a Kanat on account of which this pillar had to be rebuilt. Line to 26 straight.	Pillar 24 . . . 16° Palangawa . . . 219° or 220° Pillar 29 . . . 133° Pillar 26 . . . 161° Hashtadan Mound 69½° or 70°	Pillar 26 = 929 paces = 868 yards.	New S.-W. corner. Pillars 25, 27, 28, and 29 are in one line.
26 A masonry pillar in the open plain at a distance of 60 paces from head of a line of Kanats. Line to 27 runs direct.	Pillar 25 . . . 341° Palangawa . . . 224° or 225° Pillar 29 . . . 126½° Pillar 27 . . . 107½° Pillar 28 . . . 123° Hashtadan Mound 64°	Pillar 27 = 1,095 paces = 1,023 yards.	

<i>No. of pillar.</i>	<i>Description.</i>	<i>Bearings.</i>	<i>Distances.</i>	<i>Remarks.</i>
27	A masonry pillar in the open plain. Line runs straight to 28.	Hashtadan Mound 58½° Palangawa . . . 229° Pillar 26 . . . 287½° Pillar 29 . . . 133° Pillar 28 . . . 133°	Pillar 28 1,648 paces = 1,540 yards.	
28	A masonry pillar in the open plain. Line to 29 runs direct.	Palangawa . . . 238° Hashtadan Mound 48° or 48½° Pillar 29 . . . 133° Pillar 27 . . . 313°	To end of plain 840 paces = 785 yards; remainder forms slope of hill forming point of Kadaona.	Last pillar in plain = 785 yards.
29	A circular stone masonry pillar about 9 feet high on the highest and central point of the bluff called point of Kadaona. This is visible all over the valley. It is on the edge of a long steep slope, facing pillar 28, which forms a great part of the distance between the two pillars. Line to 30 follows watershed.	Hashtadan Mound 38° Pillar 28 . . . 313° Palangawa . . . 247° Pillar 30 . . . 112° Pillar 31 . . . Not visible Pillar 32 . . . Ditto	Distance. See Map. Could not be measured by pacing.	Pillars 24 and 25 not visible owing to distance. Pillars 31 and 32 not visible owing to background of hills from this point. Head of 30 just visible. None of the pillars between 19 and 27 visible.
30	An obelisk shaped brick masonry pillar about 9 feet high on a low neck at eastern end of the Kadaona bluff, from which pillar 29 and Hashtadan Mound are just visible. Close by, on the S. side, is an old sheep pen, and on the northern side a low hillock. Line to 31 follows watershed which takes a curve round by the south.	Pillar 29 . . . 292° Hashtadan Mound 33½° Small hillock close by . . . 51° Pillar 31 . . . 134° Pillar 32 . . . 138°	Ditto Ditto	On neck connecting Kadaona bluff with Kadaona range. Pillar 30 fixed on survey map by Kadaona point (pillar 29) pillars 31 and 32, and on the Hashtadan Map by its bearings from Hashtadan Mound.



<p>31 An obelisk shaped brick masonry pillar about 8 feet high on the S. point of a conical hill on crest of watershed which begins to rise here. To the S. is a ravine with fresh water. Line to 32 follows watershed and is nearly straight.</p>	<p>Pillar 30 . . . 314°  Pillar 29 . . . 312°  Pillar 32 . . . 152°  Conical hill . . . 102<math>\frac{3}{4}</math>°  Hashtadan Mound . . . 8<math>\frac{1}{2}</math>°  Palangawa . . . 267°  Koh-i-Safid . . . 177°</p>	Ditto	Ditto	<p>No. 31 fixed by pillar 32, conical hill, Koh-i-Safid and Kadaona point (pillar 29).  For bearings of Hash-tadan from 31, 9<math>\frac{1}{2}</math>° was also read, but owing to wind uncertain. South of watershed about <math>\frac{1}{2}</math> mile off.</p>
<p>32 An obelisk shaped masonry pillar about 9<math>\frac{1}{2}</math> feet high standing on a conspicuous point on watershed which from plain looks like a double headed mound on southern head of which pillar stands. From its southern and northern sides run ravines, containing water. To the S., separated by a deep ravine, is the Koh-i-Safid in Persian soil, which at a distance seems joined to the hill on which the pillar is. Pillar 32 visible for a long distance to the W. Line to 33 follows curves of watershed.</p>	<p>Pillar 33 . . . 161<math>\frac{1}{2}</math>°  Conical hill . . . 94<math>\frac{1}{2}</math>°    Palangawa . . . 271<math>\frac{1}{2}</math>°  Pillar 31 . . . 332°  Pillar 29 . . . 315<math>\frac{3}{4}</math>°  Koh-i-Safid . . . 218°  Hashtadan . . . 5°  Northern end spur . . . 13°</p>	Ditto	Ditto	<p>No. 32 fixed by pillar 33, conical hill and Koh-i-Safid.  Last day 272°.  Ditto 331°.  Ditto 315°.  Pillar 32 is the last Persian pillar.  Length of spur 195 paces.</p>
<p>33 A masonry pillar minar-shaped on the centre of three rounded knolls which form crest of watershed consisting of high rolling down. A ravine runs from 33 to the S. and another to the north. Line follows watershed to 34.</p>	<p>Pillar 32 . . . 341<math>\frac{1}{2}</math>°  Pillar 34 . . . 138<math>\frac{1}{2}</math>°  Hashtadan Mound . . . 360°  Conical hill . . . 74°  Koh-i-Safid (white hill) . . . 324°  Southern end of ridge on which pillar is . . . 251°</p>	<p>Distance See map.  Could not be measured by pacing.</p>	<p>Pillars 33 to 39 built by Afghans.  Pillar 33 fixed by conical hill, Koh-i-Safid and pillar 34.    About <math>\frac{1}{2}</math> mile distant.</p>	

<i>No. of pillar.</i>	<i>Description.</i>	<i>Bearings.</i>	<i>Distances.</i>	<i>Remarks.</i>	
33	[ <i>continued</i> ]	Northern knoll at 75 feet distance . 57° Knoll on S. . 184°		The knoll is 54 feet off and rises a little above level of pillar.	
34	A masonry pillar built on a little platform close to a black rock on the crest of the range. From the E. this rock looks like a bush. There is a sudden dip to the E. To the N.-E. is the Siah Koh. Line follows watershed to 35.	Pillar 33 . . 318½° Pillar 32 . . 330° Pillar 35 . . 178° Yal-i-Khar . . 133° Siah Koh . . 41° Hill on which 36 stands . . 163½° Pyramidal hill near Siah Koh . 102½°	Ditto	Ditto	Pillar 34 fixed by Siah Koh, pillar 36 and 35. Tirkisht and conical hill invisible. Yal-i-Khar too distant to be reliable. Siah Koh is a spur rising to the north of the water- shed and is the highest point of Kadaona range. Pillar 31 itself not vis- ible.
35	A masonry pillar on a knoll on crest of watershed, not conspicuous; the hills being rolling down. Line follows curves of watershed to 36.	Pillar 34 . . 358° Pillar 36 . . 159½° Tirkisht hill . . 90° Yal-i-Khar . . 129° Sang-i-Dukhtar . . 80° Kashlushi hill . . 199° Siah Koh . . 20° Pyramidal hill . . 51° Black rock . . 13°	Ditto	Ditto	Also 130°. Yal-i-Khar a little too distant. Pillar 35 fixed by pillar 36, Siah Koh and Tir- kisht hill.  At 100 paces distance in ravine facing pillar.
36	A masonry pillar on a high knoll without any remarkable feature in vicinity. Line follows curve of watershed to 37. There is a con-	Pillar 35 . . 339½° Pillar 37 . . 127° Tirkisht hill . . 60° Yal-i-Khar . . 120°	Ditto	Ditto	Position of pillar 36 fixed by pillar 37, Tir- kisht hill, Siah Koh and Kashlushi hill.

	siderable rise to 36.	Siah Koh . . . . .	355½°			
		Kashlushi hill . . . . .	251°			
37	A masonry pillar on the top of a high hill visible from all directions. This is the true end of the Kadaona range proper. There is a great dip from 37 and 38 to which line follows low watershed.	Pillar 36 . . . . .	307°	Ditto	Ditto	
		Pillar 38 . . . . .	148°			
		Pillar 39 . . . . .	142°			
		Yal-i-Khar . . . . .	116°			Should be 119°.
		Tirkisht hill . . . . .	49°			
		Conical hill . . . . .	360°			This is the small conical hill in plain. Formerly in high wind read 362°.
		Kashlushi . . . . .	280°			
38	A masonry pillar on a knoll on the low watershed of rolling hills separating the Tirkisht and Sargardan basin. No remarkable features in the vicinity of pillar. Line runs straight to pillar 39.	Pillar 37 . . . . .	328°	Distance	See map.	
		Pillar 39 . . . . .	135½°	Could not be measured by pacing.		
		Tirkisht hill . . . . .	30°			
		Yal-i-Khar . . . . .	98°			
39	A masonry pillar on a flat rocky spur jutting out from the southern end of Yal-i-Khar, and forming the northern head of the Chah Surkh valley. Chah Surkh itself is not visible owing to an intervening spur. On the northern side of the promontory on which 39 is situated is a ravine, the northern side of which is the prolongation of the Kadaona range, and forms the head of the Tirkisht valley. It is generally known as the Katal Surkh. On the south the promontory is joined by the low watershed running up from the Simtik range, which divides the Chah Surkh and Sargardan drain-	Pillar 38 . . . . .	315½°	Ditto	Ditto	
		Pillar 37 . . . . .	322°			
		Tirkisht hill . . . . .	16°			
		Yal-i-Khar . . . . .	67°			
						Miscellaneous bearings. Hashtadan Mound to conical hill 152°. Hashtadan Mound to eastern tower of Pardai 23°. Hashtadan Mound to pillar 29, 218°. Eastern tower Pardai to Hashtadan Mound 223°. Eastern tower Pardai to Ziarat 112°. Hashtadan Mound to Palangawa 233° or 233½°.

<i>No. of pillar.</i>	<i>Description.</i>	<i>Bearings.</i>	<i>Distances.</i>	<i>Remarks.</i>
39	[continued] age. Pillar 39 is just opposite the point of junction. This pillar protects the line of communication between Chah Surkh and Tirkisht, which passes through the bay formed by the Katal Surkh and the pillar promontory.			Tirkisht hill to conical hill 309°. Tirkisht hill to Yal-i-Khar 179°.

## The Sistan Award by McMahon, 1 February 1905

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1. The boundary line between Persia and Afghanistan in Seistan was defined in my arbitral award of November 1903 as follows:—

“The boundary line in Seistan between Afghanistan on the east and Persia on the west should run as follows, i.e., from the Malik Siah Koh in a straight line to the Band-i-Kuhak and thence along the bed of the Helmund river to the point of separation of its two branches, the Rud-i-Parian and Nad Ali channel. From there it should follow the bed of the Nad Ali channel into the Sikhsar and along the bed of Sikhsar to a point near Deh Yar Muhammad where the Sikhsar has been diverted towards the west in the water channel shown on the map which joins the Shela-i-Shamshiri near to Deh Hassan Kharot. The boundary line should follow the left bank of this water channel to the Shela-i-Shamshiri leaving Deh Hassan Kharot on the east. It should then run in a straight line separating the hamlets of Deh Ali Mardan on the west from Deh Ali Jangi on the east to Tappa-i-Tilai; thence in a straight line to the most western of the mounds of Tappa-i-Shaharaki; thence in a straight line to the most western mound of Tappa-i-Kurki; thence in a straight line to Shalghami, and thence in a straight line to Siah Koh, Bandan.”

2. The above award having been accepted by both Governments, I have now demarcated the boundary line by boundary pillars in strict accordance with that award. The following remarks will clearly explain the boundary line and the manner in which that line has been demarcated by pillars.

3. The starting point of the boundary line is marked by a boundary pillar on the summit of Malik Siah Koh which was constructed by the Afghan-Baluchistan Boundary Commission in 1896, and is known as Boundary Pillar No. 186 of that Commission.

The latitude and longitude of this and all other Seistan boundary pillars, the position of each with regard to prominent places visible from them, and all necessary particulars of that site and construction are fully stated in the list of boundary pillars attached to this statement.

The position of each boundary pillar is also clearly shown in the two maps attached to this.

5. From the top of Malik Siah Koh to the Band-i-Kuhak (also called Band-i-Seistan) the straight line of boundary has been marked by 51 pillars. As these are all in exactly one straight line a further description of each is unnecessary; and it suffices to say that No. 12 is on the south bank of the Shela, No. 36 on the north bank of the Sana rud, and No. 51 on the left bank of the Helmund river where the Rud-i-Seistan leaves that river at the Band-i-Kuhak. Between pillars Nos. 8 and 9 and between Nos. 12 and 13 are 3 and 8 miles respectively of heavy sand through which it was not possible to demarcate the line with pillars.

Beside these 51 pillars there are 16 smaller marks also exactly on the straight line. The positions and particulars of these are stated in the attached list of pillars. They bear the following numbers in that list:—13A, 14A, 15A, 16A, 17A, 18A, 18B, 18C, 21A, 23A, 23B, 25A, 25B, 26A, 32A, 43A, but in order to prevent confusion with boundary pillars they have been shown in the map attached to this only as small black dots without numbers.

6. From the Band-i-Kuhak demarcation with pillars was unnecessary along the course of the Helmund river as far as the point of separation of the Rud-i-

Pariun and Nad Ali branches of that river. To mark this point pillar No. 52 has been built at a distance of 94 feet from the left, i.e. Persian bank of the Nad Ali Channel, and pillar No. 53, has been built at a distance of 65 feet from the right or Afghan bank of the same channel. The boundary line thence follows the Nad Ali channel. The old ruin of Burj-i-As marks the right bank of that channel near Nad Ali, and pillar No. 54 marks the right bank at the point where the Shela-i-Charakh leaves that channel. From pillar No. 54 the Nad Ali channel is known as the Sikhsar. Pillar No. 55 marks the left bank of the Sikhsar at the point where the Deh Dost Muhammad canal takes off from it, while pillar No. 56 also marks the left bank at the point where the Sikhsar again turns northwards. Pillar No. 57 has been built on a prominent mound called Tappa-i-Sikhsar which is situated at a distance of 240 feet from the right or Afghan bank of the Sikhsar.

Further north, pillar No. 58 which has been built at a distance of 109 feet from the right bank, and pillar No. 59, which is situated 20 feet from the left bank of the Sikhsar stream, mark the point where the boundary line leaves the Sikhsar as defined in my award. Pillar No. 58 is built alongside the site of Deh Yar Muhammad. That village mentioned in my award has lately been deserted and no longer exists.

7. Further demarcation of the course of the Helmund river and the Nad Ali and the Sikhsar streams is at present impossible owing to the nature of the banks, which are liable to be inundated. Moreover further demarcation appears unnecessary at the present time as the course of the water in those streams clearly marks the boundary. Hereafter should any of those streams dry up by reason of a change in the course of the Helmund, and cease to be water channels, their course can easily be ascertained and demarcated, if necessary, with the aid of the pillars and places above described.

8. From pillar No. 59 the course of the boundary line is demarcated by pillars Nos. 60 and 61 built on the left bank of the water channel which joins the Shela-i-Shamshiri near Deh Hassan Kharot. Pillar No. 62 has been built to mark this point on the south bank of the Shela-i-Shamshiri close to Deh Hassan Kharot. From here the straight line to Tappa-i-Tilai has been marked by pillars Nos. 63, 64, and 65, the last named being built on the top of Tappa-i-Tilai. It is necessary to note here that the villages of Deh Ali Mardan and Deh Ali Jangi mentioned in my award as being on either side of this line have been deserted since my award was delivered and neither of them now exists.

9. To illustrate the boundary line from the point of separation of the Rud-i-Pariun and Nad Ali channels to Tappa-i-Tilai in greater detail than is possible in a map of 4 miles to one inch, a map of 1 mile to 1 inch of that portion of the boundary line is attached to this statement.

10. Pillar No. 66 has been built on the top of the most western of the Sharaki Tappas and the straight line onwards to Tappa-i-Kurki is marked by pillars Nos. 67 and 68, the latter being situated on the top of the most western of the Kurki Tappas. On the straight line between pillar No. 68 and Shalghami, which is marked by pillar No. 70, pillar No. 69 has been built. The land on which pillars Nos. 67 and 69 have been built is generally under water, but as it happened to be dry at the time of demarcation massive masonry pillars have been built at those points which it is hoped will last a long time.

11. From pillar No. 70 at Shalghami, the straight line of boundary to Siah Koh has been marked by 19 pillars, Nos. 71 to 90. Of these pillars some are built in Naizar lands subject to inundation, and every care has been taken to build them strong and massive enough to last a long time. The line from pillar No. 70 to pillar No. 76 passes 600 feet south of the most southern edge of a

prominent Tappa called Tappa-i-Kharan, 3,223 feet south of the centre of top of southern face of Tappa-i-Shaghalak, and 1,485 feet south of the highest point of Tappa-i-Musjidak. Between pillars Nos. 76 and 77 the line crosses the open water of the Hamun and demarcation was impossible. Pillar No. 77 is on the west shore of the Hamun, and the line thence ascends the barren and waterless glacia and slopes of the Siah Koh. Pillar No. 90 is on the summit of Siah Koh, which is also known locally as the Nar-i-Ahu.

12. Two maps accompany this statement. One, in two sheets, is on a scale of 1 inch = 4 miles and illustrates the whole boundary from Malik Siah Koh to Siah Koh. The other is on a scale of 1 inch = 1 mile, and illustrates the boundary between the point of separation of the Rud-i-Pariun and Nad Ali channels of the Helmund and Tappa-i-Tilai only.

It should be noticed that the number of names of villages has been restricted as much as possible in these maps. This is due to the fact that most of the villages in Seistan frequently change not only their names but also their positions. Endeavour has been made to show only such villages as are likely to be permanent.

These maps should be considered as superseding those issued with my award of November 1903.

13. Attached to this statement is a list, already referred to, of all the boundary pillars, giving all necessary particulars of their position, size, construction, etc.

14. All measurements such as inches, feet, yards and miles in this statement and the accompanying list of boundary pillars, are English inches, feet, yards, and miles.

A. H. McMahon, Colonel,  
British Commissioner,  
Seistan Arbitration Commission.

### The Altai Award, May 1935

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General MacLean has indicated the end point of the frontier at Heriroud [Hari Rud], and the Russo-Afghan Frontier Protocol indicates, as well, that the Russian frontier starts slightly more [to the] north in the surroundings of Zulfikar. The result is that the Heriroud, located between these two points, must constitute the frontier. Since the Heriroud is a fairly large river, the frontier should follow its thalweg.

The Iranis wanted as the frontier the more easterly tributary and [not] the more westerly. Since these two tributaries fill up and shift constantly, neither of them can clearly delimit the frontier. A straight line between the place where the river divides [immediately north of Narap-Darband] and the place where the [Herat-Meshed] road crosses the river and where the river starts again will be the best frontier. These monuments must be erected, at the two ends and in the center of this line, as indicated on the map by (A.B.C.), and there must be established at the confluence of the Kali-Kale River north of the Heriroud a monument with the letter (H) and between the latter and monument (C) another one, at the edge of the Kali-Kale River, with the letter (D) so that the frontier is plainly visible in the terrain.

The description of the established frontier is as follows:

Monument No. 40 (Pillar): on the small hill located 2·5 km. west of the preceding monument.

Monument No. 41: on Ata Mehmet hill, 4·5 km. west of the preceding monument.

Monument No. 42: on the slope (Ince Sirt), 4·5 km. west of the preceding monument.

Monument No. 43: on the hill about 5 km. west of the preceding monument.

Monument No. 44: on the hill located about 4 km. west of the preceding monument on the west slope of the Sergerdan valley and east of the Seydo spring.

Monument No. 45: 1000 m. west of the preceding monument and 150 m. north of the Afghan cemetery.

Monument No. 46: 400 m. southwest of the preceding monument and very close to the corner of the last garden wall of Moussaabad.

Monument 47 will be placed 1200 m. southwest of monument No. 46 on the slope west of Norey spring. Beyond monument No. 47, the frontier runs southward following for a distance of about 2 km. the small line of the water divide, to descend south of the Sergerdan River. Monument No. 48 will be built on the hill on the north bank of that river. From there, the frontier follows the Sergerdan river southwestward for a distance of 4 km. to the small hill of Karatas Tepe in the valley where monument No. 49 will be emplaced.

From there, the frontier crosses the Sergerdan River and reaches the ridge line of the western part of Simtak Zengilap mountain where, 2·5 km. farther on, monument No. 50 will be set on the summit of Nariabizuri, and monument No. 51 will be built 4·5 km. south of the preceding monument on the Tchot Tepen.

Beyond monument No. 51, the frontier descends again to the Sergerdan River which it follows for a distance of about 10 km. and then arrives at the fork of the two beds of this river, one old and one new, where monument No. 52 will be emplaced.

Following the old bed of the Sergerdan River from there for a distance of about 10 km. and leaving Siyah Keduyi Afghanistan to Afghanistan and Siyah Keduyi Iran to Iran, the frontier reaches the salt lake on whose shore monument No. 53 will be built.

From this point, the frontier crosses the lake southward and reaches the shore west of Kalayarik.

Kalayarik forms the southernmost corner of the salt lake. This locality is not a village; it serves as a wintering place for numerous Afghan tribes. Afghanistan's possession of this locality results also from other documents. Consequently, the frontier line will start from monument No. 54 which will be placed at the lake shore 6 km. northwest of the above locality.

A road from Iran to Afghanistan runs along the southern part of the salt lake. This road crosses Gala Havuz. The two governments must establish frontier posts on this road. The best location certainly is on the two sides of Gala Havuz. The Iranian post can be built on the western slope of Gala Havuz and the Afghan on the opposite slope. Gala Havuz is not a village; it is an uninhabited place which contains two ancient brick cisterns. The distance separating them is 50 m. They are partly destroyed and abandoned, repairs can make them usable for the frontier posts which would get from them whatever water they need. For this reason, the western cistern has been given to Iran while the eastern goes to Afghanistan.

Monument No. 55 will be erected at an equal distance from both cisterns. Starting from this point, the frontier line will run southward for about 8 km.



to reach the summit of Hachim Tepeh. Monument No. 56 will be established on the summit. No. 57 will be built on Talat Tepeh 7 km. southeast of the preceding. This point is the end of [lake] Dakpetergun.

... the frontier line beyond Talat Tepeh must run southeastward and reach the crest located 9 km. away where monument No. 58 will be established. The trace will continue southeastward to the point, called Kutchuk Kara, located 5 km. away at the edge of the lake, where monument No. 59 will be erected; while monument No. 60 must be placed, in the same direction and cutting the northern tip of the lake, on the hill located south of the mouth of the Kachrut.

In this manner, the spring of Petergun and Cahi Tum will remain on Iranian territory while the spring of Homaguk and Tchahah Mehmet will remain on Afghan territory. The frontier will continue eastward for a distance of 10 km., and monument No. 61 will be established 4 km. north of the Yezdan customs building and monument No. 62 will be set at a point 4.5 km. northeast of the afore-mentioned building and 100 m. east of the start of the aqueduct of Yezdan and about 5 km. southeast of monument No. 61.

Monuments No. 63, 64, and 65 will be erected, the first 2.5 km. southwest of monument No. 62 on the north bank of the Mavuz creek, the second about 2.5 km. west of the preceding and on the south bank of the same creek and the third about 2 km. west of monument No. 63 on the north bank of the same creek.

The bed of the Havuz creek will constitute the frontier between monuments Nos. 63 to 65. The frontier then turns southwestward and continues to the water course, called Chorab, for a distance of 5 km. leaving the Nazar Khan farm in Afghanistan and monument No. 66 is set on the north bank of the Chorab. The frontier then turns southeastward to reach monument No. 67 which will be erected on the Chor crest about 2.5 km. south of the Chorab spring. Thence, it turns south for a distance of 5 km. in the direction of Mt. Keboude leaving the Keboude farm and the Keboude crest on Iranian territory. Monument No. 68 will be emplaced on the north bank of Roud Gouloughe which passes to the north of Mt. Keboude. Leaving to Iran the road from Keboude to Khocheab [Masumbad] as well as the Mezenghi spring and Mt. Mazenghi, the frontier runs southwestward along the northern and western slopes of Mt. Keboude, but at a slight distance, so that it leaves to Afghanistan the road which runs from these slopes towards Chorab. In order to ensure this condition, monument No. 69 will be established at a flat place west of the Keboude massif.

The frontier line then runs southwest for a distance of 12 km. and reaches the hill northwest of Guhu Duz. Here, monument No. 70 is set. Thence, it runs southwestward following the ridges to reach the Chorab gorge about 15 km. away. Monument No. 71 will be emplaced on the hill north of the above gorge. The Chorab spring will remain in Afghanistan: Tchah Tek and Masumabad [Khocheab] will remain on Iran territory.

Continuing still southwestward from the Chorab spring, the frontier crosses the gorge and follows the line of the water divide and ascends towards the Ghur Kah crest where monument No. 72 is emplaced.

Beyond Chur Kuh, the frontier turns southward leaving Meliki in Iran and Kahrizak Tchuhap in Afghanistan and reaches the western peak of the black twin mountains which constitute the end of the Afghan massifs. Monument No. 73 has an elevation of 500 m. and is located west of the above peak. The locality of Gulverde remains in Iran.

It continues southeast crossing Dachte Naomid nearly in the centre and monument No. 74 is set about 35 km. from monument No. 73 and about 15 km.

west of Tchah Mezar. Continuing in the same direction for about 25 km. the frontier leaves Tchah Mezar in Afghanistan and passes 500 m. west of Tchah Tchangar; monument No. 75 is established at that place. The locality of Surtig remains in Iranian territory.

Continuing still in the same direction for a distance of 15 km., the frontier reaches the point located at the edge of Derin Dere where monument No. 76 will be placed. Monuments Nos. 77 and 78 will be erected, the first at a point about 12 km. southeast of monument No. 76 and 4 km. west of the rocky hill located at the north end of the Heftadger massif, the second about 7 km. from the preceding on the road from Tchah Demdem to Tchah Sekeh and 5 km. west of Tchah Sekeh. This locality has been given to Iran with Tchah Demdem remaining in Afghanistan.

The frontier line then turns south for a distance of about 15 km. and continues in a direct line to monument No. 79 which will be erected on a hill located at the entrance to the Gurguri gorge and on the south bank of the water course leaving that gorge. The Gurguri gorge remains on Iranian territory.

. . . The frontier line must run southward after entering the Gurguri gorge, towards Siyahkouh. Monument No. 80 will be erected on the highest crest of Mt. Altay. It will then jump to the other peak south of the first and thence, following the Sari-Kaya rocks which form a natural line of separation like a wall, it will reach the Fuad crest where monument No. 81 will be erected.

Thence it will descend, always following the Indjeh-Kaya ridge, towards the Asperan water course and monument No. 82 will be built on the median ridge which is 4 km. from there while monument No. 83 will be placed on the Sivri Tepch crest 3 km. south of the preceding. This frontier will ensure for the Afghans Mt. Asperan from which they extract the millstone grit and the Asperan spring of salt water which the tribes need while it will give to Iran the Asperan plain which extends before Mt. Kuh to Porzouri . . . The crest on which monument No. 83 will have to be established is the one located west of the road from Asperan towards Goline. This road belongs to Afghanistan.

The frontier line continues southward for a distance of about 7 km. and reaches the isolated crest, called Kulel Serdar, on which monument No. 84 will be erected. Then, still continuing southward and crossing certain water courses and certain ridges, it will turn towards Siyah Kouh. It leaves Goline and Dhab Mar in Afghanistan and Tchendi Beloutch in Iran.

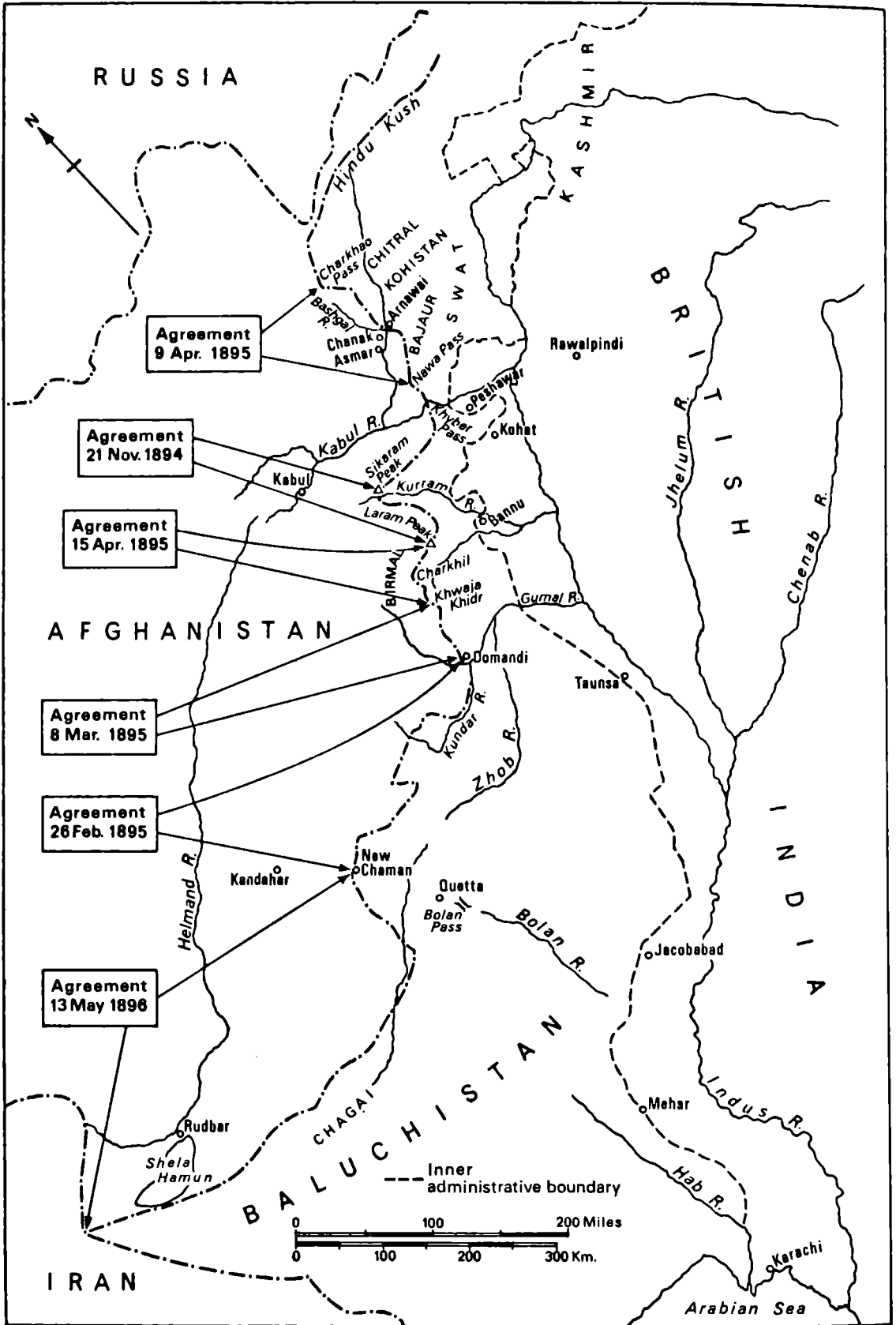
Monuments No. 85, 86, and 87 will be erected, the first on the crest west of Goline, the second on the high peak which rises about 8 km. south of the first, and the third on the mountain located south of the second. Thence, the frontier returns to Siyakouh [Siah Kuh].

# 8

## The Boundary between Afghanistan and Pakistan

The boundary between Afghanistan and Pakistan stretches for 1510 miles (2430 kilometres), from the snow-covered peaks of the Hindu Kush in the north to the baked desert plains of northern Baluchistan in the south. The borderland in which the boundary lies has two pronounced qualities. First, the environment offers only limited opportunities for economic development to the indigenous communities lacking capital and advanced technical skills. A local proverb notes that when Allah created the world he dumped the rubbish on the northwest frontier of India and Baluchistan. From the Khyber pass southwards the availability of water is always a matter of concern, except near the perennial main rivers such as the Kabul, Kurram, Gumal and Bolan. Soils are usually thin, and the narrow valleys restrict the areas where irrigation can be attempted. North of the Khyber pass, while precipitation is higher and water is readily available from the snow-fed rivers which drain the Hindu Kush, the valleys are deeper and narrower, and the growing season becomes progressively shorter. These difficult physical conditions have a greater similarity with conditions westwards in Afghanistan than eastwards, where the level, alluvial plains of the Indus and the vale of Peshawar offer more attractive habitats.

Second, the pattern of indigenous social and political communities throughout the borderland is very complex. This complexity results from many factors, of which three deserve special mention. The borderland lies astride the main historical invasion routes from the west towards the Indus valley. Just as the variable channels of a river delta will construct striking stratigraphic complexities, so the intermittent streams of migrants have deposited an almost bewildering array of unique cultural communities throughout the borderland. The fragmented nature of the borderland's topography, with its opportunities for stern defence, has encouraged the division of peoples or tribes into sub-groups which gradually become quite distinct from each other. Davies (1932, ch. 4) has provided a very graphic account of the ethnic divisions in the borderland, which is illustrated by a generalized map. Finally the complex results of major migrations have been made more involved by the various regular and irregular migrations which groups make in the course of their economic activities. These nomadic movements were more pronounced during the second half of the nineteenth century when the present boundary was constructed. For example, Baluchis wandered throughout the borderland of Chagai seeking water for their herds; excessive heat and cold compelled some groups to move seasonally from winter to summer quarters; individuals sought temporary employment in the settled areas of the Indus valley; and the Powindahs, a group of warrior-traders, regularly moved with herds and caravans from the uplands of Afghanistan in summer to the Indus plains in winter.



Map 10. The treaty bases of the boundary between Afghanistan and Pakistan

By the middle of the nineteenth century British authority had been advanced west of the Indus to the foothills which led to the Afghan plateau. Sind was captured in 1843 and the Punjab in 1849.

In both cases the fundamental, underlying cause was the juxtaposition of stability and instability, of ordered government and misrule: the Empire pushing on in its search for a frontier and finding no halting place, no physical or man-made barrier, on which its outposts could be aligned and behind which its nationals could move in freedom and safety (Fraser-Tytler, 1967, p. 122).

This quotation neatly expresses the British dilemma; there was a desire to have friendly relations with Afghanistan without military entanglements, and there was a desire for a stable boundary behind which British subjects would be safe. But there was no such boundary and as British forces took action against hill tribes beyond the line of the administered districts, relations with Afghanistan were injured. When, as they frequently did, the British forces retired back to the administered districts, raids from the hill tribes would follow sooner or later. The tribesmen on the border presented a serious problem to British authority. There was always the risk that if war developed with Afghanistan that the tribesmen would flock to the emir's standards; during peacetime the emir could easily persuade sections of these people to harass the British borders. However, there were real difficulties about the alignment of any boundary between Afghanistan and British India through the borderland. First, there was no single dominant physical feature which might have been selected and followed consistently, for better or worse. In the serried crests of the Toba and Kakar ranges there was nothing to recommend one water-divide rather than another. There were a few convenient rivers flowing north-south, such as the Kunar, the Kundar and the Zhob, but in this region rivers made poor boundaries, since they were easily crossed during the dry period and because homogeneous groups generally settled on both banks. Second, the tribesmen themselves did not recognize the concept of unchanging, fixed boundaries. Their political boundaries at any particular time were a direct reflection of the strength of various groups. As the relative strength of one community increased so did the extent of land which it could claim and defend. This meant that it was very hard to form an accurate picture, at any time, of the tribal distributions throughout the frontiers.

Perhaps for these reasons British policy towards the frontier was not consistent for long periods, although Davies blames party politics.

The truth is that the baneful effect of party politics in this country [Britain] has prevented the adoption of any consistent and settled frontier policy. With shame be it confessed India has been the sport of English political factions. In a country where more than anything else, continuity and firmness are essential, on an Asiatic frontier where vacillation spells loss of prestige, our administration has been marked by sudden advances and ill-timed retreats (Davies, 1932, p. 182).

At various times strong arguments were advanced for different lines in the borderland, which would meet British requirements. The proponents of the scientific frontier wanted a line from Kandahar to Kabul; the adherents of the physical boundary urged a retreat to the Indus; Sandeman, who did such excellent work in Baluchistan, recommended the line of the Zhob valley; while still others proposed that the line of the administered districts should be held, allied with a policy of 'masterly inactivity' (Fraser-Tytler, 1967, p. 131).

The boundary of the administered districts lay west of the Indus and followed the alignment of that river. Commencing at the mouth of the Hab river, west of

Karachi, the boundary was never more than 65 miles (105 kilometres) from the Indus as it passed just west of the towns of Mehar, Jacobabad, Taunsa, Bannu, Kohat and Peshawar. North of Peshawar the boundary moved east of the Indus to separate British-protected Kashmir from the independent areas of Chitral, Kohistan and Swat. The most sensitive and vulnerable part of the Anglo-Afghan frontier lay between the Bolan and Khyber passes. North of the Khyber pass the various valleys and passes led away from the political and commercial cores of Afghanistan and British India. South of the Bolan pass the desert of Baluchistan discouraged large-scale military movements. Indeed there was much more concern with the possibility of an unfriendly major power establishing itself in the Persian Gulf, thereby out-flanking the Anglo-Afghan frontier, than there was with invasion across Baluchistan.

The opportunity for settling a definite line within the Anglo-Afghan frontier arose in 1893 when a British delegation, led by Sir Mortimer Durand, was sent to Kabul to persuade the emir to give up his claims to the trans-Oxus areas of Roshan and Shignan, which were claimed by Russia under the terms of the 1872-3 exchange of letters concerning the northern boundary of Afghanistan, and to accept nominal control of Wakhan, which would effectively separate British and Russian territory (see pp. 137-8). Durand was successful in achieving both these tasks. However, his name is always remembered, not for these achievements, which were his principal objectives, and which paved the way for Anglo-Russian accord in this crucial area, but for the boundary which was drawn by him and the emir to separate Afghan and British possessions. Sykes (1940, 2, pp. 170-2) has described the main areas of friction between the two sides in the frontier during the previous decade. The efforts of the emir to extend his authority in Jandol and Chitral north of the Khyber; his intrigues with the Afridi communities in the area of the Khyber pass; his harassment of pro-British Turis in the Kurram valley; his pressure against the Gumal pass in Waziristan; and his occupation of Chagai in northern Baluchistan were the main British grievances, while the emir was particularly concerned about the extension of the railway from Jacobabad through Quetta to New Chaman, which could be used to threaten Kandahar.

The agreement which created the Durand Line consists of seven short articles and a small-scale map of the Afghan-Indian border. The boundary was marked on the map, and the section west of New Chaman was also described in the fifth article. This section measured 50 miles (80 kilometres) from the Peha pass north of New Chaman to the Khwaja Amran range 26 miles (42 kilometres) south of New Chaman. The third article also made reference to the allocation of territories in summarizing the main concessions by both sides. Afghanistan was allowed to retain Asmar and the Birmal tract, while British India gained Chagai, and the emir's promise that he would not interfere in the affairs of 'Swat, Bajaur, or Chitral, including the Arnawai or Bashgal valley'. By the other short articles both sides undertook to refrain from interference in the territories of the other; arrangements were made for the demarcation of the line shown in the map by joint commissions; both sides confirmed that the settlement was full and satisfactory, and that future problems would be settled in a spirit of friendship; and the British government abandoned its objections to the import of arms and ammunition into Afghanistan. The spirit of compromise abroad in these negotiations is shown in the arrangements for the Chagai. This region was claimed by Britain as part of Baluchistan. The emir's forces had occupied the area in 1886 and therefore controlled the trade routes from Sistan to Quetta. Durand secured the retrocession of the trade routes by leaving Afghanistan in control of northern Chagai. Thus Afghanistan secured firm title to the Shela Hamun, a large salt lake, and the British border was kept well away from the Helmand river at Rudbar.

The demarcation began in April 1894, five months after the signature of the agreement, and was completed in May 1896. That might seem a reasonable rate of progress in view of the nature of the country and its climate, but all the members of demarcation teams who have published comments refer to the fact that the work would have been completed much sooner, had it not been for difficulties unconnected with the nature of the terrain and adverse weather. 'It was officially estimated that the demarcation of a line drawn through 800 miles [1287 kilometres] of country, mostly desert (from Domandi) to the Persian border would take four months. It did actually last two years' (Holdich, 1909, pp. 238-9). The demarcation commissions faced a number of difficulties in drawing the line, and two of them resulted directly from the nature of the agreement. First, the map on which the line was marked, and to which they had to 'adhere with the greatest possible exactness', was on such a small scale and contained so many topographical errors, that the surveyors were continually forced to make interpretations on important points, when they might reasonably have expected that they simply had to transfer a line from a map to the ground. There was no surveyor with Durand's party in Kabul. This omission had been made to allay any fears which the emir might have that such an officer was spying out the land between the border and Kabul. Holdich (1909, p. 229) has pointed out that the emir knew that the route to Kabul, and far beyond, had been carefully surveyed much earlier by British officers. The lack of a competent survey officer meant that when a map was hastily patched together in Kabul, to illustrate the position of the boundary, there was no one on the British side who could estimate the reliability of the various 'miscellaneous patches' of survey throughout the frontier. Sykes relates one anecdote which underlines the unsatisfactory nature of the map attached to the agreement.

The Amir said: 'I understand that this line gives me the Mohmands'. Durand replied that the map was a small one and that when the large map was prepared, the matter would be clearer. Actually the Mohmand country had not been surveyed and the line that was drawn cut across the main subdivision of the tribe (Sykes, 1940, p. 176).

The boundary through the Mohmand country was not settled until 1919; the emir's officers stubbornly refused to mark any line which did not place all the Mohmands in Afghanistan during the demarcation at the end of the nineteenth century.

The second problem presented by the agreement was that the textual and cartographic definitions did not correspond. Treaty-makers very often define a boundary in two ways in the hope of avoiding any possible mistake about their intention. This is only a sensible procedure when the two definitions, map and text are identical. In any case it is wise in such situations to specify which definition takes precedence if there is any future disagreement. As mentioned earlier, the third article of the agreement set out in summary form the main disputed areas allocated to each side. North of the Khyber pass the emir was given Asmar and the valley to the north as far as Chanak, but he was excluded from the Bashgal or Arnawai valley. This agreement met the British requirement that the emir's sway should not approach too close to Chitral. The map showed that the Bashgal valley was outside Afghanistan. The name Arnawai had first been placed on European maps in 1883 by McNair of the Indian Survey; the name Bashgal had been added as an alternative by Woodthorpe in 1885. The river also had another name, Lundai Sin, which is only mentioned because this name means 'chief affluent', serving to confirm that it is the principal tributary of the Kunar river (Holdich, 1909, p. 265). Thus the British negotiators must have felt secure on this point. They had shown that the area was British on the map, and they had given the two recognized alternative names of the valley. The

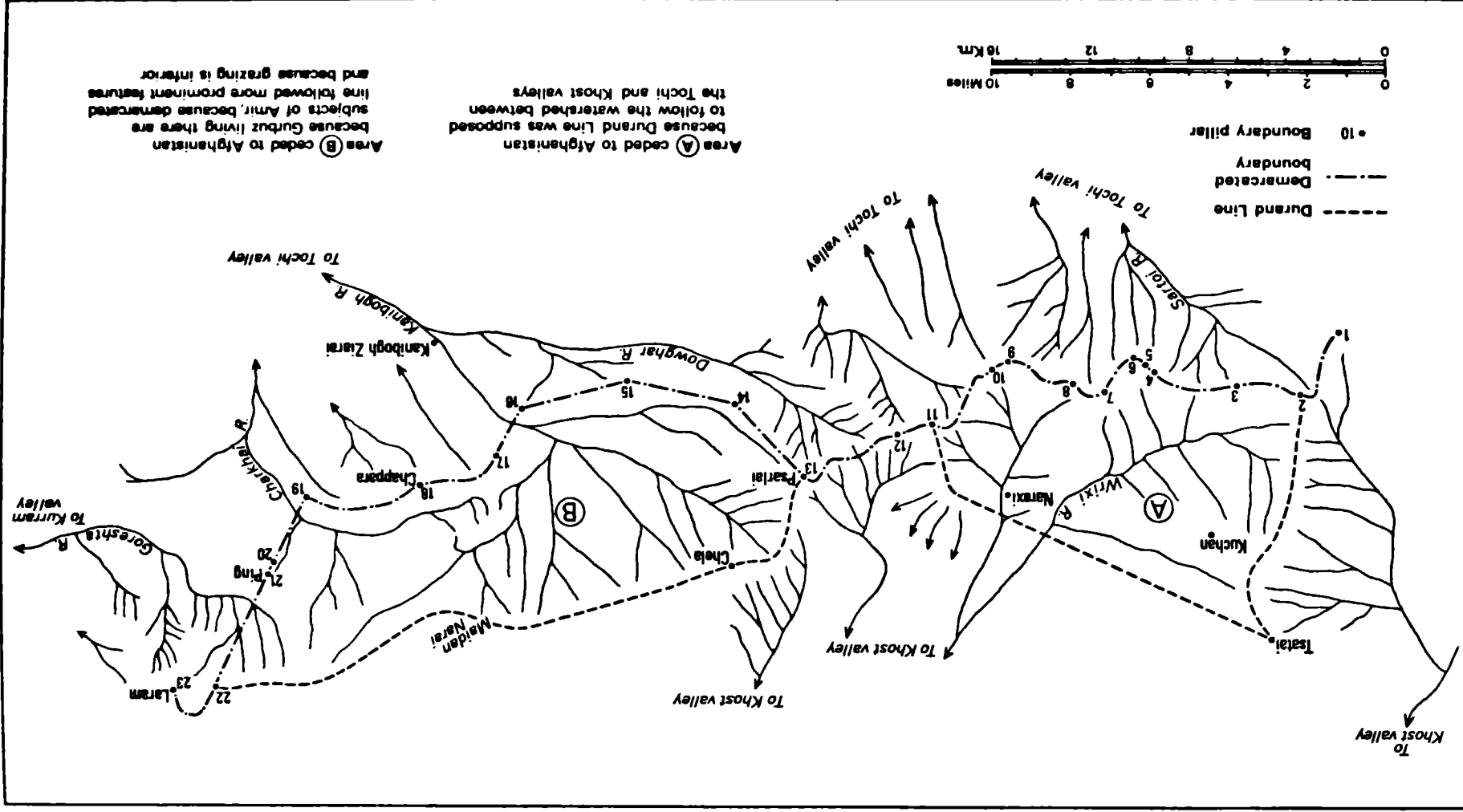
emir, however, was equal to the situation. The Bashgal valley was in Kafirstan, which he was determined should remain entirely within his domains, and in addition he wished to be as close to Chitral as possible in order to exert such influence as future opportunities made possible. His demarcation officers therefore refused to recognize the map and they ignored the name Bashgal; instead they fixed on the name Arnawai. The village of Arnawai is on the east bank of the Kunar just south of the confluence of the Bashgal or Arnawai river with the Kunar river. Through this village flows a short, insignificant mountain stream called the Arnawai. For the Afghan officials this was the Arnawai valley of the 1893 agreement! The Indian government could have defended their view with powerful geographical arguments but, in the light of a reconsideration of strategic priorities, they decided to concede the Bashgal valley rather than break off negotiations. However, the British representative in this area was warned 'not to let the Amir profit any more by the errors which were bound to be found in the map' (Singhal, 1963, p. 155).

During the two years of demarcation, seven sections of the boundary were precisely defined, and these can be most conveniently described in geographical sequence from the north. In an agreement dated 9 April 1895 R. Udny and Ghulam Haidar Khan settled the boundary from a point just east of Charkhao pass ( $36^{\circ} 3'$  north) to Nawa pass ( $34^{\circ} 45'$  north). This boundary was not demarcated and included the controversial section of the Bashgal valley. Efforts by teams to settle the boundary in the vicinity of the Khyber pass through Mohmand country, from the east and west, failed at this time. J. Donald and Sardar Shirindil Khan settled the boundary from Sikaram peak ( $34^{\circ} 3'$  north,  $69^{\circ} 57'$  east) to Laram peak ( $33^{\circ} 13'$  north,  $70^{\circ} 5'$  east) in a document dated 21 November 1894. This section was marked by seventy-six pillars. The boundary from Laram peak to Charkhil ( $33^{\circ} 5'$  north) was surveyed and marked by H. A. Anderson, in concert with various Afghan chiefs. This part of the line was marked by twenty-three pillars which are described in a report dated 15 April 1895. The same officer, in another report bearing the same date, also describes the continuation of the boundary south from Charkhil to Khwaja Khidr ( $32^{\circ} 34'$  north) by sixteen pillars. L. W. King reported on 8 March 1895 that he had successfully completed the demarcation of the section from Khwaja Khidr to Domandi ( $31^{\circ} 55'$  north), by thirty-one pillars. He also settled questions of ownership by reference to the Afghan chiefs living in the borderland, who had been instructed by the emir to give the British survey party every assistance. The line from Domandi to New Chaman ( $30^{\circ} 55'$  north,  $66^{\circ} 22'$  east) was marked by ninety-two pillars by a joint demarcation commission led by A. H. McMahan and Sardar Gul Muhammad Khan. Their report on the location of the pillars was dated 26 February 1895. McMahan also led the demarcation commission with Muhammad Umar Khan which marked the boundary from New Chaman to Koh-i-Malik Siah at the tri-junction with Iran. This section was marked by ninety-four pillars which are described in a report dated 13 May 1896.

Thus at the conclusion of this work two sections remained unsurveyed. The boundary in the neighbourhood of the Khyber pass between Nawa pass and Sikaram peak remained unmarked until 1919. The section north of Charkhao pass to the Chinese border, along the crest of the Hindu Kush, needs no human demarcation.

All the demarcation teams faced a number of common difficulties, amongst which the most important were differing instructions about the interpretation of the agreement by the two governments; maps which did not correspond with each other or with the terrain; overlapping claims to land by small communities on either side; periods of adverse weather, and several sections of difficult terrain. It would be inappropriate here to describe the experience of each team in detail. Instead it is





Map 11. Examples of variations from the Durand Line which occurred during demarcation

proposed to illustrate the problems faced by reference to the experiences of King and Anderson who marked the boundary from Domandi to Laram peak.

Anderson and King both complained about the inaccuracy of the map attached to the agreement. In his report on the boundary between Laram peak and Charkhil, Anderson pointed out a gross error.

According to the agreement map an extensive triangular tract, comprising some forty square miles [104 square kilometres] of territory lying to the north of a line drawn from Pillar No. 2 to Pillar No. 11, and with its apex on the summit of a lofty mountain named Tsatai ( $33^{\circ} 12'$  north,  $69^{\circ} 38'$  east), which stands 6 miles [10 kilometres] due north of Pillar No. 2, fell within the British side of the boundary. The whole of the drainage of this tract, however, instead of flowing into the Tochi, as was apparently thought to be the case, flows eastward and northeastward into the main Khost valley. The tract belongs to Jadrans and Tanis subjects of the Amir. As the watershed of the Khost and Tochi valley was determined to be the boundary all along this section, I demarcated this tract as lying on the Afghan side (ABD Diary No. 525-F, pp. 1-2).

During his work on the line from Charkhil to Khwaja Khidr, Anderson discovered that the watershed between Birmal and Shawal valleys lay as much as 4 miles (6 kilometres) further east than the position shown on the map attached to the agreement (ABD Diary No. 524-F, p. 3). After noting early in his report that the alignment of the Gumal river was southwest instead of south as shown on the official map, King went on to draw attention to a more serious defect in the map.

It may be noted that as regards this part of the boundary the map is hopelessly wrong. The line as shown on the map takes a turn to the west at a distance of about three miles from the Khand Kotal (about  $32^{\circ} 14'$  north) and crosses over to another range to the west of the Spera which is represented to contain the Nazan Kotal. As a matter of fact, however, the Spera is continued without a break to the Nazan Kotal and the boundary has been drawn accordingly in a straight line along the crest of this range to within four miles [6 kilometres] of the Nazan (ABD 391-F, p. 8).

King's report also revealed a difference of interpretation between himself and the Afghan chiefs along the boundary east of Shakin ( $32^{\circ} 28'$  north). The chiefs thought that the boundary should lie along the Zeboh mountains, which are the continuation of the Spera range, on the grounds that the area immediately west of the Zeboh crest was occupied by Afghan tribes. King rejected this view because 'this would have deprived us of the command of a number of important passes' (ABD 391-F, p. 13).

Both officers reported conflicting claims, and Anderson noted that it was difficult to make correct decisions in areas where transhumance groups had abandoned the summer pastures because of the winter cold. He added that 'summer is the time to arrive at a correct decision'. Unfortunately the urgency of the work would not allow such a delay. Anderson's most difficult problem occurred on the Alwarra plain (about  $33^{\circ}$  north) which lies at the head of the Khazha valley, on a col leading to the Afghan Mastoi valley. This area, measuring about 18 square miles (47 square kilometres), provided some of the best summer grazing in this region, and its ownership was contested by the Kabul Kheyls of Afghanistan and the Madda Kheyls of British India. There were no hamlets on this plain and Anderson simply drew the boundary across the centre of the area. King faced a similar problem in the plain of Bagharchina (about  $32^{\circ} 30'$  north) where the Kharotis and Kabul Kheyls of Afghanistan and the Ahmadzais of British India possessed grazing and forest rights in common. Strategic interests connected with the five passes in the vicinity of this plain, and the

hope that it would become a sanatorium for British troops persuaded King to place the entire area within British territory (ABD 391-F, p. 13).

A number of the demarcation teams made special declarations regarding the grazing and proprietary rights enjoyed by the citizens of one country across the international boundary. This measure was necessary because the carefully organized nomadic or transhumance patterns of the people on both sides would have been wrecked if the boundary had become a rigid obstacle to movement in either direction. For example, Anderson recorded rights which the Afghan Gurbuz and Musa Kheyl Tani held on the British side of the boundary between Charkhil and Laram peak (ABD Diary No. 525-F, p. 6), and the rights which the British Madda Kheyl had to land between the Mastoi and Tochi rivers in Afghanistan between pillars 6 and 8 on the section from Charkhil to Khwaja Khidr (ABD Diary No. 524-F, p. 6).

On the section from Domandi to New Chaman there are two interesting features. First, by mutual agreement the local inhabitants of both sides moved pillars 38 and 39 southward to transfer a small area to Afghanistan. This was apparently approved by the governments of both countries. Large-scale maps show the original and new boundary location. Second, just north of Qamruddin Karez a curious Afghan panhandle, 9 miles long, was created to preserve the irrigated lands of certain Afghan communities.

The fact that these examples of difficulties—and there was no specific mention of problems of weather and terrain—could be multiplied many times, is a tribute to the men from both sides involved in the work. Apart from some clarification of the boundary around Arnawai the line marked at the end of the last century has survived to the present. However, the immediate benefits of their work were not available to the British administration because the final years of the nineteenth century were marked by a number of serious tribal uprisings throughout the border, which have been described by Singhal (1963, ch. 10) and Davies (1932, ch. 9).

The undemarcated section between Sikaram peak and the Nawa pass was finally settled as a result of the Third Afghan War. Sykes (1940, chs 51–3) provides a very clear account of this conflict. The immediate events which led to the fighting were the assassination of King Habibulla on 20 February 1919 and the struggle for accession by Nasrulla Khan and Amanulla Khan, which was won by the latter. The internal discontent which developed during the struggle made the new emir decide to proclaim a jihad against the British to reunite the various factions in Afghanistan. Afghan forces invaded British India but were quickly repulsed. During the arrangements which were made to end the war the British government secured a clear boundary through the Khyber area. The fifth article of the peace treaty, dated 11 August 1919, bound the Afghan government to accept the previous Anglo-Afghan boundary, and empowered a British commission to lay down a line through the Khyber area. This line was surveyed in the six weeks following the signing of the treaty by Mr (later Sir John) Maffey. From Sikaram peak the boundary proceeded eastwards along the obvious watershed between the tributaries of the Kurram and Kabul rivers. Through the Khyber pass the boundary was drawn in Britain's favour, and Afghanistan was forced to cede the Tor Kham ridge. The section of this boundary west of the Khyber pass was confirmed by the second article of the treaty which completed the peace arrangements on 22 November 1921. However, the first schedule attached to this treaty modified the boundary north of the pass. The boundary was advanced 700 yards (640 metres) in the pass in Afghanistan's favour, and the boundary which had previously followed the centre of the river was shifted to the British bank, so that the entire river lay within Afghanistan. This section of the boundary was marked by thirteen pillars identified by the first thirteen letters of the alphabet. This further boundary construction meant that only the section

between Palosai, on the Kabul river, and the Nawa pass was undemarcated. Fortunately there is a clear ridge joining these two points and the boundary on all maps is shown as following this feature.

Since the settlement of the Third Afghan War one part of the boundary has been clarified in the vicinity of Arnawai. The agreement prepared by Udny and Ghulam Haidar Khan on 9 April 1895 described the boundary in this area as follows:

the southern watershed of the Arnawai stream, which falls into the Kunar river close to the village of Arnawai, leaving to Chitrar all the country of which the drainage falls into the Kunar river, by means of this stream, while the southern drainage of this last-mentioned watershed which does not fall into the Arnawai stream, pertains to Afghanistan (Aitchison, 1909, 11, p. 366).

This definition drew the boundary along a spur south of the Arnawai stream, which was occupied by the Afghan settlement of Dokalim. The inhabitants of this village farmed some irrigated fields on the south bank of the Arnawai. Since the 1895 agreement also gave the power to vary the line slightly to protect the rights of villages, it was decided to take this action in 1932. W. R. Hay and Aliqadr Sadaqatmaab Habibullah Khan Tarzi met in July 1932 and quickly agreed on an amended boundary, which followed the Arnawai stream for 1540 yards (1408 metres) above its confluence with the Kunar river, thus leaving the Dokalim territory intact. This boundary was defined by a signed map which was attached to an Exchange of Notes in February 1934 (Cmd 4701, 1934). It was also agreed that the people of Dokalim on the Afghan side should be allowed to use existing canals which drained water from the Arnawai within British territory, and that the people of Arnawai should be allowed to float timber down that portion of the stream which formed the international boundary.

The whole concept of the Durand Line was challenged in 1947 when Afghanistan, taking advantage of the turmoil on the Indian sub-continent associated with the creation of Pakistan, championed the cause of Pushtunistan, a state for independent Pathan tribes between Pakistan and Afghanistan. Afghanistan argued that the 1893 treaty was signed under duress, that the tribal territories between the Durand Line and the Administered Territories were not controlled by Britain, and that Pakistan could not inherit the rights of 'an extinguished person', namely the British government in India (Fraser-Tyler, 1967, pp. 308–11). Pakistan has resisted these arguments, which seem a transparent device to create a puppet Pathan state which would give Afghanistan access to the sea. Hasan (1962) has written an interesting analysis of this situation. Relations between the two countries became strained and the movement of Powindahs from Afghanistan into Pakistan during the winter season was halted by Pakistan border guards. Normally about 100 000 Powindahs migrated to Pakistan each year, supplementing their income by sugarcane harvesting and money-lending. The Pakistan authorities justified the restrictions on the grounds that grazing was scarce in Pakistan and that the Powindah herds carried disease (Prescott, 1967, p. 112). In recent years the dispute has apparently ended, and it is significant that when President Bhutto was installed in Pakistan, after the Bangla Desh crisis in 1971, his first international visit was to the king of Afghanistan. It has been suggested that President Bhutto wished to thank the Afghan authorities for not taking advantage of Pakistan's problems to press the former territorial claims. However, President Daud, who assumed power in Afghanistan by military coup in July 1973, has resurrected the creation of Pushtunistan as a foreign-policy objective. Relations between the countries deteriorated sharply in the second half of 1974, when the Afghan government invited rebel leaders from Pakistan's Baluchistan and Northwest Frontier Province to Kabul as official guests,

and when Pakistan recommenced a road-building project in the borderland, to which Afghanistan had expressed objections.

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### Anglo-Afghan Agreement, 12 November 1893

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Whereas certain questions have arisen regarding the frontier of Afghanistan on the side of India, and whereas both His Highness the Amir and the Government of India are desirous of settling these questions by a friendly understanding, and of fixing the limit of their respective spheres of influence, so that for the future there may be no difference of opinion on the subject between the allied Governments, it is hereby agreed as follows:

(1) The eastern and southern frontier of His Highness's dominions, from Wakhan to the Persian border, shall follow the line show in the map attached to this agreement.

(2) The Government of India will at no time exercise interference in the territories lying beyond this line on the side of Afghanistan, and His Highness the Amir will at no time exercise interference in the territories lying beyond this line on the side of India.

(3) The British Government thus agrees to His Highness the Amir retaining Asmar and the valley above it, as far as Chanak. His Highness agrees on the other hand that he will at no time exercise interference in Swat, Bajaur or Chitral, including the Arnawai or Bashgal valley. The British Government also agrees to leave to His Highness the Birmal tract as shown in the detailed map already given to His Highness, who relinquishes his claim to the rest of the Waziri country and Dawar. His Highness also relinquished his claim to Chageh.

(4) The frontier line will hereafter be laid down in detail and demarcated,

wherever this may be practicable and desirable, by Joint British and Afghan Commissioners, whose object will be to arrive by mutual understanding at a boundary which shall adhere with the greatest possible exactness to the line shown in the map attached to this agreement, having due regard to the existing local rights of villages adjoining the frontier.

(5) With reference to the question of Chaman, the Amir withdraws his objection to the new British Cantonment and concedes to the British Government the rights purchased by him in the Sirkai Tibrai water. At this part of the frontier, the line will be drawn as follows:

From the crest of the Khwaja Amran range near the Peha Kotal, which remains in British territory, the line will run in such a direction as to leave Murgha Chaman and the Sharobo spring to Afghanistan, and to pass half-way between the new Chaman Fort and the Afghan outpost known locally as Lashkar Dand. The line will then pass half-way between the railway station and the hill known as the Mian Baldak, and turning southwards, will rejoin the Khwaja Amran range, leaving the Gwasha Post in British territory, and the road to Shorawak to the west and south of Gwasha in Afghanistan. The British Government will not exercise any interference within half a mile of the road.

(6) The above articles of agreement are regarded by the Government of India and His Highness the Amir of Afghanistan as a full and satisfactory settlement of all the principal differences of opinion which have arisen between them in regard to the frontier, and both the Government of India and His Highness the Amir undertake that any differences of detail, such as those which will have to be considered hereafter by the officers appointed to demarcate the boundary line, shall be settled in a friendly spirit, so as to remove for the future, as far as possible, all causes of doubt and misunderstanding between the two Governments.

(7) Being fully satisfied of His Highness's good-will to the British Government, and wishing to see Afghanistan independent and strong, the Government of India will raise no objection to the purchase and import by His Highness of munitions of war, and they will themselves grant him some help in this respect. Further, in order to mark their sense of the friendly spirit in which His Highness the Amir has entered into these negotiations, the Government of India undertake to increase by the sum of six lakhs of rupees a year the subsidy of twelve lakhs now granted to His Highness.

H. M. Durand

Abdur Rahman Khan

### Boundary Description from Sikaram Peak to Laram Peak, 21 November 1894

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The division of the frontier of the two allied States, i.e., the God-granted Kingdom of Afghanistan and the illustrious Government of India, between the Jajis and Turis, Khostis and Turis and Khostis and Waziris from Sikaram Sar to the Laram peak according to the map which was prepared at the Capital, Kabul, on the 2nd Jamadi-ul-awal 1311 H., corresponding to 12th November 1893, on the occasion of the visit of the Mission to His Highness the Amir, has been made as follows:—

The line of boundary starts from the Sikaram peak and descends along the Azghanni watershed and thence runs along the watershed to Bargawi. From

Bargawi it runs along the watershed of Gabzan Sar to the Peiwar Kotal and these watersheds separate the waters of Hariob and Kurram. From the Peiwar Kotal the boundary line runs along the same watershed to Manri Kandao and reaches Kimatai Kotal. From Kimatai Kotal it runs along the watershed of the spur of the hill north and east between Istia and Kurram and [through] Margho Kandao, Mandatti Kandao, Dre Drang, Sparo Gawi, Bar Tangi Sar, Bahlol Sar and Kharpachu Sar near the Istia Nullah. From these it descends from the above-mentioned watershed and joins the Istia Nullah, and in this way goes along the above-mentioned ravine till it reaches the limits of the culturable lands of the Istia Jajis. Then it leaves the above-mentioned ravine and running between the pastures of Jajis and Turis it passes to the western end of the Tewza hillock. Thence it runs between the culturable lands of the people of Pathan and Kharlachi, and reaches the Lora which it follows, and passing through Lora Khula it runs between the culturable lands of the people of Pathan and Kharlachi, and on crossing the Kurram River it runs between the culturable lands of the aforesaid people to Sulimani Chowki on the hill near the south bank of Kurram. Thence ascending the Shon watershed and from there along the watershed of the same hill which separates the drainage of Shpol and Dozegar and Kurram and passing through Zer Kamar, Babkai Sar and Inzar Kandao and Tabibulla Kandao it ascends the summit of Mount Khwaja Khidr, generally known as Khwaja Khurm. From there it runs along the watershed of the hill which makes the water parting of China, Kot, etc., on the Jaji Maidan side and Kurram—it passes through Saide Kotanra and reaches Cherai Kandao. From Cherai Kandao it runs along the watershed of the above-mentioned hill till it reaches the Manz Darwazgai Pass and from Manz Darwazgai along the watershed of the hill which makes the water parting between the Manz Darwazgai and Istar Darwazgai ravines it reaches the Chapra Sar watershed. Near Shua Darga it descends from Chapra Sar through Niazo Ghundi or Dorani Mela Sar and along the watershed of Bando Raga to the point of junction of the Shua Darga and Manz Darwazgai ravines—and crossing the above-mentioned ravines by the Lakka Tiga road it follows the above-mentioned road to the watershed of the Ninawar Khwar and Jaji Maidan (ravine) which it ascends to the Walli Hill. It descends along the watershed of the above-mentioned hill to Tirwa Watkai. Thence it crosses the Jaji Maidan ravine to Tirwa Watkai, the second, and circling round the Malli Khel Turi graveyard which is left to Kurram, it joins the foot of the Turkomanzai (spur). It passes through the limits of the pastures of Zerpan to Zere Sar, Shamsbad Sar in a straight line to Dawe Sar, i.e., to the east of Koh-i-Naryag Sar. From there it runs along the watershed of the hill that divides the water of Khost from that of Kurram and passes through Ghwanda Cherai, Shaona Kandao, Manjarra Kandao, Khost and Kurram Kandao and Guldin Sar. Thence it ascends along the watershed to Shobakghar, i.e., the Inzar Mountain. It goes along the watershed of the above-mentioned hill and thence along the watershed of Shua Algad Sar to Batoi Kandao and along the watershed it passes through Istar Dar till it reaches the point of meeting of the watersheds of Kurram and Khost and Hassan Khels. Thence it runs along the watershed of the hill between Karangai and the country of the Hassan Khel Wazirs and passing through Manjarra Sar and Andarpaia Kandao it descends along the watershed to Tarlai Tangi and crossing the Kaitu stream it ascends along the watershed of the hill which divides the drainage of the Laram ravine from that of the Gorambai and Goreshta (nullahs). It passes through Ucha Laram Sar and Bezo Sar till it joins on to the Laram peak shown in the map.

I Sardar Shirindil Khan, Naib Salar-i-Mulki, and I, J. Donald, who have been appointed by His Highness the Amir and the illustrious Government of India for

the settlement of the details of the above-mentioned frontier, have determined, fixed and marked out as above with mutual understanding the above-mentioned boundary line from the aforesaid Sikaram Sar to the aforesaid Laram peak on the 22nd Jamadi-ul-awal 1312 H., corresponding to the 21st of November 1894 and declare it correct.

Further, it is written that the details of the above-mentioned demarcation are entered in detail on a separate map which accompanies this record.

Kotkai.

The 21st November 1894.

J. Donald,

Officer on Special Duty, and  
British boundary Commissioner,  
Indo-Afghan-Kurram Boundary.

### Boundary Description from Domandi to New Chaman, 26 February 1895

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We, the undersigned Commissioners, deputed by our respective Governments to demarcate the boundary line between the territories of the Government of India and His Highness the Amir of Afghanistan, westwards, from the junction of the Kundar and Gomal rivers, have arrived at the following mutual agreement regarding that boundary line, in accordance with the maps and instructions furnished to us by our respective Governments.

Clause No. 1—The boundary line to which we have mutually agreed runs from Domandi, i.e., the junction of the Gomal and Kundar rivers, along the line of the watercourse of the Kundar river as far as the junction of the Kundar and Kundil rivers. It thence runs along the watercourse of the Kundil river, which is here generally known as the Zhizha as far as the junction of the Kundil and Sharan Toi rivers. From the junction of the Gomal and Kundar to the junction of the Kundil and Sharan Toi rivers we consider that it is not only unnecessary but impracticable to erect boundary pillars. The centre of the flowing stream of the Kundar and Kundil rivers forms in itself a well defined and natural boundary, and any boundary pillars erected along this line would be liable to be carried away by floods.

Clause No. 2—From the junction of the Sharan Toi and Kundil rivers the boundary line, which we have mutually agreed to, follows the centre of the river bed of the Sharan Toi river upwards from its junction with the Kundil about one and a quarter miles to boundary pillar No. I, which has been erected on a rocky knoll on the south bank of the Sharan Toi river. From thence it runs north-west in a straight line to boundary pillar No. II which has been built on a prominent peak on the east bank of the river at the lower entrance of the Tangi through which the river issues on to the plain. Thence it runs northward to boundary pillar No. II (1), which is on a conspicuous peak on the west bank of the river at the upper entrance of the same Tangi. Thence it runs in a straight line northwards to boundary pillar No. III, which has been erected on the top of a prominent peak, known as Orzal Ghara, which is situated between the two main branches of the Sharan Toi river, i.e., the Sara Chahan nullah and its branches on the west and the Ghbargai nullah and its branches on the east.

From boundary pillar No. III, i.e., Orzal Ghara, the boundary line runs westwards in a straight line to boundary pillar No. IV on a conspicuous peak of the



Pinakai range, and thence runs north-west in a straight line to boundary pillar No. V, which has been erected on the most northern of a line of high prominent peaks which form the southern branch of the Shahghar range. The line, marked by boundary pillars Nos. III, IV, V, follows approximately the watershed between the Orzal Ghara and the Shahghar of the water which drains to the north and east and the water which drains to the south and west.

From boundary pillar No. V, the boundary line then runs south-west following the crest of the line of peaks, which form the southern branch of the Shahghar range. Pillars Nos. V (1), V (2) and VI have been erected on prominent peaks of this line. Pillar No. VI is on the top of the most southern peak of this branch, which here juts out into the Kosaka plain.

From pillar No. VI, the boundary line runs westwards in a straight line to boundary pillar No. VII, which has been erected on a conspicuous knoll situated about 450 yards almost due north of the old Lowana and Taraki fort commonly known as Killa Zara, and about eight hundred and fifty yards from the nearest point of the northern bank of the Tirwah river.

Clause No. 3.—With regard to the boundary line from boundary pillar No. VII, considerable difficulty has been experienced by us at arriving at a settlement owing to the joint ownership by the Shabeh Khel Tarakis and Lowanas of the Tirwah lands. By an ancient settlement of very many years ago, which these two tribes had agreed upon between themselves, the water of the Tirwah canal was divided by agreement into 21 shares i.e., 21 Shabana roz, as follows, i.e., twelve shares, i.e., twelve Shabana roz were fixed as the property of the Lowanas and nine shares, i.e., nine Shabana roz, as the property of the Shabeh Khel Tarakis. This division of the water still remains in force, and we have jointly agreed that it should remain in force hereafter as before.

As regards the land, the Lowanas and Shabeh Khel Tarakis were not agreed as to the boundary line separating their respective shares, and it has been necessary for us to settle this matter. After some discussion the Lowanas and Shabeh Khel Tarakis agreed to settle their boundary by oath. The joint agreement recorded by them is attached to this agreement. Oath was given by the Lowanas to the Shabeh Khel Taraki maliks, Ghulam Rasul, son of Gul Khan, and Sadik, son of Alam Khan, who, taking the Koran, marked out their boundary, from the point where the Tirwah canal leaves the bank of the Tirwah river near Killa Zara. We have jointly agreed to this settlement of the boundary line thus arrived at, between the Lowanas and Shabeh Khel Tarakis.

We have also jointly agreed to the following matters connected with the other rights above named, of the Shabeh Khel Tarakis and the Lowanas, i.e., (1) the joint rights to the water of the Tirwah river of the two tribes, Lowanas and Shabeh Khel Tarakis, residing in Tirwah, as far as the head of the water jointly owned by these two tribes, i.e., up to the place which is known by the name of Wruskai Karbore, i.e., the western point of the Karbore hill, above which point the Lowanas and Tarakis have no concern, will be according to the following shares—viz., the Lowanas to have twelve Shabana roz, and the Tarakis nine Shabana roz as hitherto from ancient times. Both tribes shall be responsible for the clearing of the water canal according to ancient custom and according to the above mentioned shares. (2) Neither of the parties, i.e. neither Lowanas nor Tarakis, shall, independently of each other, or against the wishes of each other, make a new course anywhere as far as the point where the old water canal ends in the cultivated land, i.e., the point where boundary pillar No. A.III has been erected, for the old water canal of Tirwah, which passes through the Lowana and Taraki lands. (3) The thoroughfare of both these tribes, i.e., Lowanas and Shabeh Khel Tarkis, through

any place where there may be no cultivation, will be allowed in any direction within the Taraki and Lowana boundaries in Tirwah.

We have jointly agreed that the boundary line between the lands of the above two tribes should be the boundary line between the territories of our respective Governments. This boundary line runs as follows:—Starting from boundary pillar No. VII it runs southwards in a straight line about three hundred and eighty yards to a boundary pillar No. A I on the north bank of the Tirwah joint canal opposite Killa Zara, which is situated a few yards away on the other side of the canal. Thence it follows the line of the joint canal as far as boundary pillar No. A II, which has been built on the south bank at the point where present cultivation commences. Thence it runs eastwards along the same joint canal as far as boundary pillar No. A III, which has been built at the point where the existing joint canal ceases. From here it runs eastwards in almost a straight line to a prominent peak on the Ghwaimar hill, where boundary pillar No. A IV has been built. Between boundary pillars A III and A IV five smaller boundary marks A III (1), A III (2), A III (3), A III (4), A III (5) have been made to mark the line of boundary as laid down by the maliks on oath.

From pillar A IV the boundary line runs south-westwards in a straight line to a southern peak of the Ghwaimar hill where a boundary pillar No. A V has been erected. From here it runs westwards in a straight line to a rocky prominence on east bank of the Tirwah river where boundary pillar A VI has been erected. The boundary line then runs upwards along the centre of the bed of the Tirwah river until it arrives opposite to the point at which the Tirwah canal turns off from the bank of the Tirwah river near Killa Zara. At this point boundary pillar No. A VI (1) has been erected on the south bank of the Tirwah river. The boundary line here leaves the river and goes west in a straight line two hundred and eight yards to boundary pillar No. A VI (2) erected on a knoll. From here the boundary line runs in a straight line north-westwards up a spur of the Sraghar hill to boundary pillar No. VIII and thence up the same spur in a straight line to boundary pillar No. IX, which is on the top of the most northern of the high peaks of the Sraghar range. From here the boundary line runs in a straight line west five miles to boundary pillar No. B I erected in the plain and thence in a straight line north-west for two and two-fifth miles to boundary pillar No. B II erected on a small prominent hill. From here the boundary line runs in a straight line to Khizr Chah (well) and from Khizr Chah (well) in a straight line north-westwards to boundary pillar No. XI, which is built on the top of a prominent hill locally called Roza Khurak. The boundary pillar No. X which should have been built at Khizr Chah (well), has not been erected there owing to the low lying position of the land round Khizr Chah, but has been built outside the British boundary on the top of a prominent hill two hundred and fifty-eight yards north-east of Khizr Chah in order that it may be seen from the boundary pillar on the Sraghar mountain, and that on Roza Khurak. The old karezes and cultivated lands belonging to the Tarakis on the Tirkha nullah and elsewhere between Sraghar and Khizr Chah are thus left on the north of the boundary line marked by pillars No. IX, B I, B II, and the pillar marking Khizr Chah, i.e., No. X, and are, therefore, included in Afghan territory.

We have agreed that the Khizr Chah (well) should be open to all persons whether living in British or Afghan territory.

From boundary pillar No. XI, it runs north-west in a straight line to boundary pillar No. XII, which has been erected on a prominent peak of a southern spur of the Inzlan range.

Clause No. 4.—We have jointly agreed that from boundary pillar No. XII,

the boundary line runs south-westwards in a straight line to boundary pillar No. XIII erected on a prominent knoll on the edge of the Surzangal plain. From here it runs south-westwards in a straight line to boundary pillar No. XIV which has been erected on the east bank of the Kand river between the Inzlan and Multani hills. From this point the boundary line follows the centre of the river bed of the Kand river, which forms a well-defined natural boundary as far as the junction of the Loe Wuchobai nullah and the Kand river, some two miles east of Rashid Killa. Boundary pillar No. XV has been erected on the east bank of the Loe Wuchobai nullah, at the point where it joins the Kand river.

We have jointly agreed that the Kakars should continue to enjoy as hitherto, the right of grazing over the tract of land named Man Zakai, situated on the north bank of the Kand river between Rashid Killa and Ata Muhammad Killa.

We have also jointly agreed that the water of the Kand river belongs jointly to the subjects of the British Government and His Highness the Amir of Afghanistan. The Afghan subjects have the right of repairing and maintaining their existing bands [dams] at Tang Bara, and the two Anizai Wastas and Wand, for the purpose of irrigating their lands on the north bank of the Kand. Should subjects of either the British Government or His Highness the Amir of Afghanistan wish to erect a new band in the Kand river, they must first obtain the permission of the district officers, who may be concerned, of both Governments.

Clause No. 5.—We have jointly agreed that from boundary pillar No. XV the boundary line leaves the Kand river and runs along the east bank of the Loe Wuchobai nullah, through boundary pillar No. XV (1), to boundary pillar No. XVI, which has been erected on a small knoll on the east bank of the nullah. From here the boundary line leaves the bank of the Loe Wuchobai nullah and runs in a straight line to boundary pillar No. XVII, which has been built at a distance of three quarters of a mile to the east of the Loe Wuchobai nullah on a prominent knoll. From here the boundary line runs in a straight line crossing the Loe Wuchobai nullah to boundary pillar No. XVIII, which has been erected on the watershed between the Tanda and Loe Wuchobai nullahs. From No. XVIII, the boundary line runs in a straight line to boundary pillar No. XIX, which has been erected on a prominent peak on the main watershed between the nullahs flowing into the Loe Wuchobai nullah on one side and the nullahs flowing into the Tanda nullah on the other. The boundary line then runs eastwards and then southwards along the crest of this watershed through boundary pillars Nos. XIX (1) and XIX (2) erected on prominent peaks to boundary pillar No. XIX (3), which is also on a prominent peak of the same watershed. From boundary pillar No. XIX (3) the boundary line turns eastwards and runs, as shown in the map attached, in a straight line through boundary pillar No. XX to boundary pillar No. XXI, which has been erected about a quarter of a mile to the east of the main branch of the Tirkha nullah on the edge of the Pinakai plain. From here the boundary line crosses the western extremity of the Pinakai plain, and runs south-eastwards in a straight line to boundary pillar No. XXII, which has been erected on a prominent peak of the mountain lying between the Alajirgha and Ghazluna nullahs. From thence it runs in a straight line to pillar No. XXIII, erected on a knoll in the plain between the above two nullahs. From here it runs southwards in a straight line to boundary pillar No. XXIV, which has been erected between and at the junction of the Alarjirgha and Ghazluna nullahs. From here the boundary line follows the centre of the Psein Lora. Pillars Nos. XXIV (1), XXIV (2), and XXIV (3) have been erected to more clearly mark the course of this river. From boundary pillar XXIV (3), the course of the Psein Lora is naturally clearly defined and further boundary pillars have been considered unnecessary. The

boundary line follows the Psein Lora, which, from the junction of the Tokarak river, is known as the Kadanai river, and runs along the centre of the river bed of the Psein Lora and Kadanai for nearly thirty-nine miles to boundary pillar No. XXV, which has been erected on the south bank of the river on a prominent knoll about one mile above the junction of the Loe Ghbargai nullah with the Kadanai river. Here the boundary line turns westwards and leaves the Kadanai river.

We have also jointly agreed on the following matters relating to the portion of the boundary line defined in this clause:—

Firstly, that the rights attaching to the Psein land which is within Afghanistan and close to and to the west of boundary pillars Nos. XVI, XVII, and XVIII of water from the Kakars, who own the right to the water of the Loe Wuchobai nullah above that, will remain as hitherto.

Secondly, that the Kakar Tribe should continue to enjoy the rights of grazing, as hitherto, throughout the country lying between the Kand river, and Loe Wuchobai nullah, and Babakr Chahan and Sam Narai.

Thirdly, that the Pseins should continue to enjoy the right of grazing, as hitherto, in the tract of land commonly known as Psein Dagh, which is situated on the south of the Psein Lora.

Fourthly, that the water of the Psein Lora and Kadanai river belongs jointly to the people residing on both banks of the river.

If any of the subjects of the British or Afghan Government wish to construct a new water channel leading from the Psein Lora or Kadanai river, they must first obtain the permission of the district officers concerned of both Governments.

Clause No. 6—We have jointly agreed that the boundary line leaves the Kadanai river at boundary pillar No. XXV, and runs westwards in a straight line to boundary pillar No. XXVI, and thence in a straight line to boundary pillar No. XXVII, and thence in a straight line to boundary pillar No. XXVIII, which has been erected on a conspicuous knoll on the south bank of the Kadanai river. The boundary line turning north-westwards crosses the Kadanai river and ascends the hills on the north of the river in a straight line up the spur which forms the western watershed of the Kalagai nullah to boundary pillar No. XXIX, which has been erected on a conspicuous knoll on that watershed. Thence the line runs in a straight line to boundary pillar No. XXX, which has been erected on the southern watershed of the Kalaka nullah. The boundary line now turns westwards and runs along the crest of the southern watershed of the Kalaka nullah through boundary pillars Nos. XXXI, XXXII to pillar No. XXXIII. Beyond pillar No. XXXIII the boundary line leaves the watershed of the Kalaka nullah and runs along the crest of the watershed dividing the two Sarghash Luna nullahs through boundary pillars Nos. XXXIV and XXXV.

Hence the line crosses the southern Sarghash Luna nullah and runs in a straight line to boundary pillar No. XXXVI, which has been erected on a conspicuous knoll on the south of that nullah. From here again turning westwards the line runs in a straight line to boundary pillar No. XXXVII, which has been erected on the east bank of the Kadanai river. From here crossing the Kadanai river the boundary line runs in a straight line to boundary pillar No. XXXVIII, which has been erected on a conspicuous peak on the south bank of the Kadanai river opposite the junction of the Kadanai river and the Kalaka nullah. At this pillar the boundary line turns south-westwards and runs for about one and three-quarter miles along a well defined watershed through pillar No. XXXIX to pillar No. XL, which has been erected on a conspicuous peak of the Asdabra hills. Then turning

north-westwards the boundary line runs along a well defined watershed for about one and a quarter miles through boundary pillars Nos. XLI, XLII, to No. XLIII, which has been erected on the south bank of the Kadanai river.

From pillar No. XLIII the boundary line runs along the centre of the river bed of the Kadanai river for about one mile to boundary pillar No. XLIV, which has been erected on a conspicuous knoll on the south bank of the Kadanai river. Thence it runs in a straight line crossing the Kadanai river to boundary pillar No. XLV, erected on a knoll on the north bank of the Kadanai river. Thence it ascends the hills on the north of that river in a straight line to boundary pillar No. XLVI, and thence in a straight line to boundary pillar No. XLVII, which has been erected on a conspicuous peak on the watershed between the Tsah and Minjai nullahs on the west and the Tanga nullah on the east. The boundary line thence follows the crest of this watershed through pillar No. XLVIII to pillar No. XLIX. Thence turning northwards it follows the crest of the watershed of the Tsah nullah to boundary pillar No. L, which is on a conspicuous peak on the crest of the watershed between the nullahs flowing into the Kadanai river on the south and the Salasun river on the north. The boundary line now runs along the crest of this watershed through boundary pillars Nos. LI, LII to pillar No. LIII, which has been erected on a high conspicuous peak commonly known as Manik Suka. From pillar No. LIII the boundary line runs along the crest of the well defined watershed between the Khwara and Shishga and Shahidan nullahs on the south and the nullahs flowing into the Sinzalah nullah on the north, through boundary pillar No. LIV to boundary pillar No. LV. From here the boundary line runs along the crest of the southern watershed of the Loe Manah nullah to the head of the Dori nullahs. It then runs along the crest of the watershed between two of the three Dori nullahs, i.e., the western and middle of the three Dori nullahs through boundary pillars Nos. LVI, LVII, and LVIII to the junction of the western and middle Dori nullahs. It then follows the centre of the river bed of this nullah for a short distance to its junction with the Kadanai river.

From here the boundary line crossing the Kadanai river runs in a straight line to boundary pillar No. LIX, erected on a conspicuous knoll on the south of the Kadanai river and to the east of the junction of the Tozana nullah and Kadanai river. It then ascends the hills and runs along the crest of the eastern and southern watershed of the Tozana nullah through boundary pillars Nos. LIX (1), LX, LXI, LXII, to LXIII to pillar No. LXIV.

From here the line runs along the southern watershed of the Wala-nullah to pillar No. LXV, which has been erected on a conspicuous peak on the crest of the watershed of the main range, which is the northern continuation of the Khwaja Amran range, and which here separates the drainage flowing into the Kadanai river on the west and into Toba on the east. The boundary line turning southwards follows the crest of this main watershed and runs through boundary pillars Nos. LXVI, LXVII, LXVIII, LXIX, LXX, and LXXI, all erected on conspicuous peaks. The line then continues to run along the crest of the watershed and, passing through pillar No. LXXII, which has been erected on the crest of the Peha Kotal, it runs along the watershed to pillar No. LXXIII, erected on a high conspicuous peak immediately south of that Kotal.

From here the boundary line runs in a straight line which has been marked by pillars Nos. LXXIV, LXXV, LXXVI, LXXVI (1), LXXVII, LXXVIII, erected on conspicuous peaks and knolls to pillar No. LXXIX, which has been erected on a conspicuous peak above the upper Sherobo spring.

From here the boundary line runs in a straight line through pillars Nos. LXXX,

LXXXI, LXXXII, LXXXIII, LXXXIV, LXXXV, LXXXVI, LXXXVII, LXXXVIII to pillar No. LXXXIX, which has been erected on the point half-way between the new Chaman Fort and the Lashkar Dand out-post.

From this point the boundary line runs in a straight line through pillars Nos. XC, and XCI to pillar No. XCII, which has been erected at the point half-way between the New Chaman Railway Station and the hill known as Mian Baldak.

With regard to the Sherobo spring, we have jointly agreed that the rain or subterranean water, which now flows down from above or may hereafter do so in the Sherobo nullahs, belongs to the *Sultanzai Nurzai* residents of Sherobo, and that no one on the part of the British Government will stop this water from above.

Clause No. 7.—Six maps are attached to this agreement to illustrate the position of the boundary line and the boundary pillars defined in each of the above six clauses. This joint agreement, and the maps attached to it, supersede the joint agreements and the maps signed by us at various times previous to this.

A. H. McMahon,  
 Captain  
 British Commissioner,  
 Indo-Afghan Boundary Commission,  
 Baluchistan Section.  
 February 26th. 1895.

Sardar Gul Muhammad Khan,  
 Deputy Governor,  
 Afghan Commissioner,  
 Indo-Afghan Boundary Commission.  
 30th. Shaban, 1312 A.H.  
 26th February, 1895 A.D.

### Boundary Description from Domandi to Khwaja Khidr, 8 March 1895

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Starting from the junction of the rivers Kundar and Gumal the boundary line runs in a northerly direction to the cliff immediately above the Gomal, where pillar No. 1 is situated. Thence following the left bank of the Gomal (thus including the Domandi encamping ground) for a distance of 1.65 miles it goes to B.P. No. 2 which is built on the edge of the cliff immediately above the junction of the Warsakh Khula with the Gomal. From this point the line proceeds along the left bank of the Warsakh ravine to B.P. No. 3 which is situated on a rocky knoll at the south end of the Warsakh ridge, at a distance of one mile from the last pillar. Thence the line follows the crest of the Warsakh ridge to its highest peak (a very conspicuous feature in the landscape) on which is B.P. No. 4. Hence it crosses to B.P. No. 5 (Tamunkai) situated on a high rocky ridge on the crest of the Spera range, which it follows to B.P. No. 6, which is situated on a high peak known as Adu Kamar and in a straight line onwards to No. 7 B.P. immediately above the Sundak Narai. At No. 7 the central range, which has hitherto been the watershed, ends abruptly and the boundary then crosses the Sundak Kotal due east to B.P. No. 8 which is about  $\frac{1}{2}$  mile distant and situated on the outer or eastern range. Thence it runs down the crest to a saddle, over which a well-defined path leads from Zarmelan to Zowar. Here B.P. No. 9 is located. From this point the boundary follows the eastern ridge to B.P. No. 10 (a distance of  $2\frac{1}{2}$  miles) which is situated on the Manzalai peak. From B.P. No. 10 the line proceeds straight along the crest of the range (here a single well-defined ridge) for a distance of about  $1\frac{1}{2}$  miles to the Punga peak, on which is B.P. No. 11; and thence northwards to No. 12 which is at the end of the Spailuta crags overlooking Urghar. Hence it makes a short bend of 300 yards north-north-east to B.P. No. 13 on the crest of the main range, which it follows to B.P. No. 14 on the summit of

the Khand Kotal. From B.P. No. 14 the line runs northwards along the crest of the main range to B.P. No. 15 situated on a high peak known as the Gwazha. It then continues to B.P. No. 16 on the north side of the Punga Kotal, where it turns north-east to No. 17 which is on a craggy peak overlooking the Bahmai plain. Thence it proceeds northwards along the crest of the range to B.P. No. 18 on the Wuchsar peak. From this point the line runs along the ridge to No. 19 about  $\frac{1}{4}$  mile north of the Sanbazah Kotal, and thence in a straight line through No. 20 on the Bangaluta peak to B.P. No. 21 which is immediately above the Suratizha Kotal. Thence it passes along the crest of the range to B.P. No. 22 (Maulai Kamar) and on to No. 23 which is on the highest peak of the Spera range (9,300 feet). Here the range turns slightly to the north-east towards the Nazan Kotal. The boundary at this point (4 miles from the Kotal) leaves the Spera range and runs a little west of north direct to B.P. No. 24 which is situated on the highest peak of a low ridge known as Sara Manza. From this point several low ranges diverge, but the boundary follows the crest of the outer one through B.P. No. XXIV A to B.P. No. XXIV B, which is situated on a small peak overlooking the Dargai Kanz Kotal where the Shakin road branches off from that to Chenai. The line then crosses to B.P. No. XXV on the crest of the low outer ridge overlooking the plateau, which slopes away to Shakin and passes on to B.P. No. XXVI at the end of this ridge and about  $\frac{1}{4}$  of a mile west of Chenai. B.P. No. XXV is 2 miles east of Shakin and is the point where the boundary approaches most closely to that place and whence it turns north-north-east. From B.P. No. 26 the boundary crosses the Chenai stream and runs in a straight line across a plateau to a low but conspicuous hill called "Tsar Ghundai" about  $1\frac{1}{2}$  miles north of the Chenai spring (which is included within the British boundary), and thence in a straight line across a series of small spurs of the Zeboh mountain to Pushkina, a conspicuous isolated hill (about a mile north of the Zindawar stream) on the central and highest knoll of which B.P. No. 28 is situated. From this point the boundary turns eastwards along a well-defined ridge to B.P. No. 29 which is situated on a hill overlooking the Zorand stream. Thence it runs straight to B.P. No. 30 at the foot of Khwaja Khidr and on to B.P. No. 31 which is situated on the summit of that mountain (10,000 feet).

L. White King, C.S.,  
Deputy Commissioner and Demarcation  
Officer,  
Waziristan Delimitation Commission.

### *Memorandum giving the Location and Description of the Boundary Pillars*

No. I.—A pukka masonry pillar on a high cliff overlooking the junction of the Gomal and Kundar rivers south-south-east of the encamping ground at Domandi and at a distance of about one-third of a mile. The number (in Roman numerals) which faces north is engraved on a stone slab embedded in the pillar 3 feet from the ground. The pillar is  $4\frac{1}{2}$ ' high  $3\frac{1}{2}$ ' square at the base and 2' square at the top.

No. II.—Is on the edge of a cliff which descends from a high plateau to the Gomal river (left bank). This is also a masonry pillar. Height 5', 4' square at the base and 2' square at the top. The number as in No. I but facing north-north-east. Pillars I and III are clearly visible from this point. Distance from No. I is 1.65 miles.

No. III.—Is a masonry pillar and situated on a peak of the Warsakh spur about 800' above the plain. The measurements are the same as in the last and the

number is similarly engraved and located. Distance from the last pillar 1·00 miles.

No. IV.—No pillar was required here as the summit of the Warsakh spur itself answers the purpose.

This marks Major Wahab's survey station cairn. The number of the pillar is carved on the solid rock within the cleft, in figures a foot long, facing due north, about 20' below the cairn. Distance from the last pillar 1·17 miles.

No. V.—A cairn of roughly dressed stones 9' high and 5' square at the base, erected on a flat-topped rock in the centre of a congeries of small black peaks. The number is engraved on a rock at the base of the cairn facing north. Distance from the last pillar 1·80 miles.

No. VI.—A cairn of stones 8' high and 6' at the base with the number cut on a slab of natural rock at the foot, facing east. Distance from the last pillar 2·50 miles.

No. VII.—A cairn of roughly squared stones 10' high and 6' square at the base. The number was engraved on a large slab let into the pillar and facing north. Distance from last pillar 2·90 miles.

No. VIII.—A cairn of stones 10' high and 6' square at the base with the number facing west and carved on the face of the rock on which the pillar was built. Distance from the last pillar 0·75 miles.

No. IX.—A masonry pillar built on the Sundak Kotal 5' high, 4' square at the base and 2' at the top. The number is engraved on a slab embedded in the pillar and faces north. Distance from the last pillar 0·20 miles.

No. X.—A cairn of stones 10' high and 6' at the base with the number cut on a slab of natural rock at its foot, facing west. Distance from the last pillar 2·30 miles.

No. XI.—A cairn of roughly dressed stones 8' high and 6' at the base with the number carved on a slab of rock facing north-east and about 6 feet from the foot of the cairn. Distance from the last pillar 1·60 miles.

No. XII.—A cairn of stones 9' high and 6' at the base, built on a small Kotal, the number being engraved on a stone slab let into the base of the pillar and facing north. Distance from the last pillar 2·10 miles.

No. XIII.—A cairn of roughly dressed stones 9' high and 6' at the base, situated on a small peak 0·20 miles (300 yards) distant from the last pillar and bearing east-north-east from it. The number is engraved on the face of the rock below the pillar and faces north.

No. XIV.—A masonry pillar 6' high and 4' square at the base, erected on a large flat rock in the centre of the Khand Kotal about 30 yards to the left of and 20' above the road. The number faces north and is engraved on a slab built into the pillar. Distance from the last pillar 3·10 miles.

No. XV.—A large cairn of stones 15' high and 8' square at the base with the number engraved on a stone let into the pillar and facing north. Distance from the last pillar 1·80 miles.

No. XVI.—A cairn of roughly dressed stones built on the Sanbazah Kotal, 9' high and 6' at the base, with the number carved on the solid rock one yard to the south of the pillar and facing west. Distance from the last pillar 2·10 miles.

No. XVII.—A cairn of stones of the same dimensions as the last, with the number engraved on a flat rock one yard to the north of the pillar, facing north. Distance from the last pillar 0·55 miles.

No. XVIII.—A cairn of stones of the usual dimensions, 9' high and 6' at the base, with the number engraved on the solid rock, one yard to the west of the pillar and facing south. Distance from the last pillar 0·40 miles.

No. XIX.—A cairn of stones of the same dimensions as the above, with the



number engraved on a slab of rock one yard to the north of the pillar and facing north. Distance from the last pillar 1·43 miles.

No. XX.—A cairn of roughly dressed stones 10' high and 6' at the base with the number engraved on the solid rock about 3' north-east of the pillar and facing north. Distance from the last pillar 0·80 miles.

No. XXI.—A cairn of stones erected on the Suratizha Kotal of similar dimensions, with the number engraved on a slab of rock 4 feet below the pillar and facing south. This pillar is situated to the right of and about 20 yards above the road. Distance from the last pillar 1·35 miles.

No. XXII.—A cairn of stones of the usual dimensions, with the number engraved on a flat rock 5' north of the pillar and facing north. Distance from the last pillar 0·85 miles.

No. XXIII.—A large cairn of stones 12' high and 8' square at the base, with the number engraved on a slab of solid rock 3' to the south of the pillar and facing south. Distance from the last pillar 0·75 miles.

No. XXIV.—A large cairn of roughly dressed stones 14' high 9' at the base, with the number carved on a slab of rock 4' to the west of the pillar and facing north. Distance from the last pillar 4 miles.

No. XXIVA.—A cairn similarly constructed 10' high and 7' at the base, with the number engraved on a slab of solid rock 3' to the south of the pillar and facing east. Distance from the last pillar 1·20 miles.

No. XXIV B.—A similar cairn erected on a peak overlooking the Dargai Kanz Kotal, 9' high and 6' at the base, with the number engraved on a slab of rock about 4' to the north of the pillar and facing west. Distance from the last pillar 0·84 miles.

No. XXV.—A masonry pillar 6' high and 4½' at the base, with the number engraved on a slab embedded in the pillar and facing north-east. Distance from the last pillar 1·25 miles.

No. XXVI.—A cairn of stones 10' high and 6' at the base, with the number carved on a slab of solid rock at its foot facing west. Distance from the last pillar 1·97 miles.

No. XXVII.—A masonry pillar 4½' high with a foundation of solid rock and a plinth of kacha masonry 3' in height. The number is engraved on a slab of rock below the pillar and faces south. Distance from the last pillar 1·05 miles. This pillar is built on the Khwaja Dhur or Tzar Ghundai Hill.

No. XXVIII.—A masonry pillar 6' high and 4½' at the base, with the number engraved on a slab built into the pillar and facing north-east. Distance from the last pillar 2·80 miles. This pillar is built on the Pushkhina Hill.

No. XXIX.—A masonry pillar 5½' high and 4' at the base, with the number carved on a slab let into the pillar and facing north. Distance from the last pillar 2·38 miles.

No. XXX.—A masonry pillar 5½' high and 4' at the base, with the number cut on a slab embedded in the pillar and facing north. Distance from the last pillar 1·35 miles.

No. XXXI.—A cairn of stones erected on the summit of Khwaja Khidr 11' high and 7' at the base, with the number engraved on a slab of solid rock about 5' south of the pillar and facing south. Distance from the last pillar 2·15 miles.

L. White King, C.S.,  
Deputy Commissioner and Delimitation  
Officer,  
Waziristan Delimitation Commission.

**Boundary Description from Charkhao Pass  
to Nawa Pass, 9 April 1895**

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For as much as, under Article (4) of the Convention concluded at Kabul on the 12th November 1893, between His Highness the Amir of Afghanistan and Sir Mortimer Durand on behalf of the Government of India, we, the undersigned, have been appointed by our respective Governments for the purpose of demarcating in concert the frontier of His Highness the Amir's dominions on the side of India in this neighbourhood of Chitrar and Bajaur, it is hereby agreed as follows:—

(I) That on the western side of the Kunar river, this frontier will be the further or eastern watershed of the stream which in the idiom of Afghans is notorious and known as the Landai Sin pertaining to the limits of Kafirstan, and which in the Survey map is also written by the name of Bashgal, so that all the country of which the drainage falls into the Kunar river by means of this stream belongs, and will belong, to Afghanistan, and the eastern drainage of this watershed, which does not fall into the Landai Sin stream, pertains to Chitrar.

(II) That on the eastern side of the Kunar river, from the river bank, up to the crest of the main range which forms the watershed between the Kunar river and the country of Barawal and Bajaur, this frontier follows the southern watershed of the Arnawai stream which falls into the Kunar river close to the village of Arnawai, leaving to Chitrar all the country of which the drainage falls into the Kunar river by means of this stream, while the southern drainage of this last-mentioned watershed, which does not fall into the Arnawai stream, pertains to Afghanistan.

(III) That this frontier line, on reaching the crest of the main range which in this neighbourhood forms the watershed between the Kunar river and the country of Barawal and Bajaur, turns southward along this watershed, which it follows as far as a point in the neighbourhood of the Nawa Kotal, leaving all the country draining into the Kunar river within the limits of Afghanistan and all the country draining towards Barawal and Bajaur outside the limits of Afghanistan; but beyond the aforesaid point in the neighbourhood of the Nawa Kotal the frontier has not at present been demarcated.

(IV) That on both sides of the Kunar river this frontier, as described in the three preceding articles, for the most part requires no artificial demarcation, because it is a natural boundary following the crests of mountain ranges; but since at present inspection *in situ* is impossible, when the ground is examined on the spot, it is probable that in the places where these mountain ranges abut on the Kunar river from either side, demarcation by pillars for a short distance from the water's edge on both sides of the river will be found desirable for the purpose of separating the boundary of Afghanistan from Arnawai pertaining to Chitrar and the limits of the Kafir country of the Landai Sin from Chitrar. In that case these pillars will be erected along the line of the watershed described in the first and second articles of the present agreement, subject to any slight divergencies from this line which may be necessary to protect the local rights of villages adjoining the frontier.

(V) That the frontier pillars, wherever considered desirable, will be erected hereafter by an officer of the Government of India and an officer of His Highness the Amir acting in concert.

(VI) That these watersheds forming the frontier agreed upon as described in the first three articles of the present agreement, have been marked by a red line on the survey map attached to this agreement, which, like the agreement itself, has been signed by us both. In three places, viz., (i) for a short distance from either bank of the Kunar river, (ii) in the neighbourhood of the Binshi Kotal, and (iii) in the neighbourhood of the Frepaman Kotal, this red line has been broken up into dots because the exact position of the watershed in these localities has not been ascertained with perfect accuracy; but wherever the watershed may lie the frontier will follow it, subject only to any slight variations from the watershed which may be considered necessary under Article (4) of the present agreement.

(VII) That, since on the map attached to the Convention the Arnawai stream was drawn on the western side of the river in the place of the Landai Sin of the Kafir country which has been decided to pertain to the Afghan Government, and, since after enquiry and inspection of the same it was clearly ascertained by the Survey party that the aforesaid stream is situated on the eastern side of the Kunar river, and falls into the river near the village of Arnawai, and that the drawing of it on the western side of the river in the place of the Landai Sin was a mistake, this Arnawai stream has now been drawn and marked on the present survey map in its own proper place, and that stream which was drawn in the Convention map on the western side of the river was the Landai Sin stream of the Kafir country which has now been decided to pertain to the Government of Afghanistan and to be included in the limits of Afghanistan. Accordingly in the present survey map it has been marked with the name of Landai Sin and has also been written with the name of Bashgal. Moreover, Sao and Nari and Birkot, and the village of Arnawai, were not written on the map attached to the Convention, [but] now in the new Survey map the names of all these four above-mentioned villages have been entered, the village of Arnawai being written on the Chitrar side of the boundary line, and Sao, Nari and Birkot on the side of the Government of Afghanistan.

Camp Nashagam 9 April 1895.

R. Udny  
Shulam Haidar Khan

### Boundary Description from Charkhil to Laram Peak, 15 April 1895

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The first pillar on this portion of the boundary is the same as No. 1 pillar of the Charkhil-Khwaja-Khidder portion of the boundary. It is built on the highest peak of Charkhil, named Khar Kamar. Starting from this pillar the boundary runs north-east to boundary Pillar No. 2 along the spur dividing the Spalgin from the Dadam valley, a distance of two miles. Boundary Pillar No. 2 is situated on a peak named Almauz Kan, half a mile east of Spalgin Narai, which divides the Jadran valley of Spalgin from the Madda Kheyl valley of Surtoi.

From Pillar No. 2 the boundary runs eastward along the crest of the watershed between the Khost and Tochi valleys, and Pillar No. 3 is one and three-quarter mile distant on the point locally known as Zalmi Taghika Sir. From Pillar No. 3 the boundary continues along the watershed. Pillar No. 4 is two and a quarter miles distant from No. 3. The watershed here makes a slight bend to the south-eastward; and as the crest here is somewhat broad and undefined, Pillars Nos. 5

and 6 have been constructed on adjoining peaks of Tsargai Zita at close intervals to mark it more precisely.

The boundary from Pillar No. 6 runs up the crest for one and a quarter miles to a well-defined peak named Kamkai Manah, on which Pillar No. 7 has been constructed. Thence the boundary runs eastward to Pillar No. 8 constructed on a peak named Mastakki Ghundai, which is half a mile west of the Zaghar Narai.

From here the boundary continues eastward for two miles to boundary Pillar No. 9, built on the peak on the western slope of Mazdak mountain for half a mile to boundary Pillar No. 10, which is constructed on the highest peak of Mazdak, named Mamon Punja. This pillar stands just south of a prominent clump of trees which crowns summit. From thence the boundary continues north-east to another high wooded peak named Birzal, two and a quarter miles distant, on which Pillar No 11 is erected.

Thence the boundary runs slightly north of east still along the watershed to boundary Pillar No. 12, erected on Zowar Pul Sir, and continues in the same direction for two and a half miles to a well-marked rocky peak named Psarlai. Here the well-defined ridge along which the watershed has hitherto run breaks off abruptly. From this point to Laram a belt of low rounded hills, unconnected by any clearly defined ridge and with no well-marked peaks, forms the physical boundary between the Khost valley and the valley of the Tochi. On the other hand, some four miles to the southward of the watershed, and conspicuous from the Tochi plain, is a series of prominent points connected by well-defined ridges, which, though broken through by the drainage from the north in three places, forms on the whole a much more satisfactory natural boundary than the actual watershed. For this reason, and for other reasons which need not be detailed here, we adopted this boundary.

From No. 13 the boundary line follows for two and three quarter miles south-east a well-marked ridge, and Pillar No. 14 was erected on a large clearing named Khwajid Draghanni Mela on the ridge. From this point it continues along the ridge to a very conspicuous rocky peak named Warghari Sir, on which Pillar No. 15 was erected.

Thence the line runs for  $2\frac{3}{4}$  miles, a little north of east, to a rounded hill named Sasai which stands above the Charkhai defile. On this, Pillar No. 16 was erected.

The line then crosses the Charkhai and runs north-east for  $1\frac{1}{2}$  miles to Turkhina Sir, on which boundary Pillar No. 17 was erected. Thence it follows the Sappara ridge,  $2\frac{1}{2}$  miles to the highest point of the ridge, on which Pillar No. 18 was erected and continues east-ward along the ridge for 3 miles to boundary Pillar No. 19 erected on Mirakka, a flat open spur sloping down to the Dandi plain.

From here the boundary strikes north-north east two miles along the spur to the east of the Tarkhobi nullah, and Pillar No. 20 is erected on a prominent peak named Tarkhobi Sir. Boundary Pillar No. 21 was erected on a sharp prominent peak named Ping, half a mile further north-east. From here the line crosses the Groeshta valley which drains eastward into the Kaitu and continues north-east to a high prominent hill named Kasha, on which Pillar No. 21 [*sic*] was erected. The last Pillar, No. 23, was erected on the trigonometrical point marked Laram Sir on the map, one mile due east of Kasha. This was about a quarter of a mile west of the most southerly boundary pillar erected by the Kurrum Demarcation Commission.

Owing to the height of the ranges along which the boundary runs, and the difficulty of transporting mortar to these heights, it was impossible to erect pukka pillars in any case. The pillars erected were carefully laid dry stone cairns nine

feet square at the base and rising to 12 feet in height. The number of each pillar was carved in Roman numerals on a slate built into the pillar or on the solid rock at the base of the pillar.

### Boundary Description from Charkhil to Khwaja Khidr, 15 April 1895

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The first pillar is situated on the south-west corner of the highest point of Charkhil, named Kharkamar. The trigonometrical point shown on the survey maps as Charkhiaghar is identical with Kharkamar. From the first pillar the boundary runs south-west for  $2\frac{3}{4}$  miles to a peak of the Charkhil range named Saraghara, on which is constructed Pillar No. 2. Thence in the same direction it runs 3 miles to Tir Khoni Sir, a sharp peak rising above and to the south-west of the Mir Chappar valley, on which Pillar No. 3 is erected. From here it runs due south  $2\frac{1}{2}$  miles to the foot of the spur immediately over the Alwara plain, named Zwara China, and on this is erected No. 4 Pillar.

From this point the line crosses the Alwara plain to a prominent peak named Inzawari, about one mile to the south of the Alwara plain, and on this is erected Pillar No. 5

Pillar No. 6 is erected two miles south on a hill just west of the Stagai pass and a mile north of Zug Kilia village on the Mastoi. From here the line runs south-east to a hill named Sirkai Yowar, half a mile above the junction of the Mastoi and Tochi rivers at Dotoi, and in such a way as to include the Machai villages and cultivation on both banks of the Mastoi. Pillar No. 7 has been erected on Sirkai Yowar. From here the line bends westwards for four and three-quarter miles to boundary Pillar No. 8, which is on a knoll above the Kam Maramuli Ghasha, just north of the Tochi river, and about half mile west of the village of Taki, the most westerly of the Machai (Madda Kheyl) villages. The nearest Paipally Kabul Kheyl village is about the same distance to the west of the pillar. The Machai villages and cultivation lying along the Tochi from Pillar No. 7 to Pillar No. 8 are included within the British boundary.

From here the line runs south-west for  $1\frac{1}{2}$  miles, crossing the Tochi river to boundary Pillar 9 on the crest of the range, dividing Birmal from the Gorwekht valley. Thence it runs along the crest of the range  $4\frac{1}{2}$  miles to boundary Pillar No. 10, which was erected on a lofty peak named Maraghina Sir and continues south-west for  $1\frac{1}{4}$  miles to boundary Pillar No. 11 erected on Ziyaratgai.

Thence the boundary turns sharply south-east and still follows the Birmal watershed  $2\frac{1}{2}$  miles to boundary Pillar No. 13, just south of the Sargzuma Narai. It continues still south-east  $2\frac{1}{2}$  miles further to Spinkai, a high peak at the head of the Gorwekht and Zowe valleys. Here it bends south-west still following the watershed for  $1\frac{3}{4}$  miles to boundary Pillar No. 14, which is on a high peak one mile north-west of the Narai leading from the Zowe to Mangroti. From boundary Pillar No. 14, it runs a little east of south for  $2\frac{1}{4}$  miles to boundary Pillar No. 15 situated on Kund, the culminating point of a high ridge dividing Birmal from Shawal. From here it follows the watershed and runs generally in a south-west direction for  $4\frac{1}{2}$  miles to boundary Pillar No. 16 on the Alijai range. It continues along a well-marked watershed to Khwaja Khidder, which is situated  $3\frac{1}{2}$  miles to the south-west.

Owing to the height of the ranges along which the boundary runs, and the difficulty of transporting mortar to these heights, it was impossible to erect pukka pillars in any case. The pillars erected were carefully laid dry stone cairns 9 feet square at the base and rising to 12 feet in height. The number of each pillar was carved in Roman numerals on a slate built into the pillar or on the solid rock at the base of the pillar.

H. A. Anderson,  
Deputy Commissioner,  
Delimitation Officer.

### Boundary Description from New Chaman to Koh-i-Malik Siah, 13 May 1896

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We, the undersigned, Commissioners, deputed by our respective Governments to demarcate the boundary line between the territories of the Government of India and of His Highness the Amir of Afghanistan, westwards, from new Chaman to the Persian border, have arrived at the following mutual agreement regarding that boundary line:—

Clause No. 1.—The boundary line to which we have mutually agreed runs from boundary pillar No. XCII, erected at a point half way between the new Chaman railway station and the Mian Baldak hill, in a straight line in the direction of the Ghwazha outpost. This line has been marked by boundary pillars Nos. XCII, XCIII, XCIV, XCV, XCVI, XCVII, XCVIII, XCIX, C, CI, CII, CIII, CIV, CV, CVI, CVII, CVIII, CIX, CX, CXI, CXII, CXIII, CXIV, to CXIV (1), which has been erected a few yards on the west, i.e., Afghan side of the road commonly known as the Sina Lar which goes from Ghwazha towards Chaman. The boundary line, leaving this road within British territory, runs a few yards at a short distance to the west of, i.e., on the Afghan side of that road to boundary pillar No. CXV which has been erected at a point at a distance of half a mile on the Chaman side of the Ghwazha outpost. From here the boundary line runs in a straight line to pillar No. CXVI which has been erected at a point half mile due west of the Ghwazha outpost. Thence it runs in a straight line to boundary pillar No. CXVII, which has been erected at a point half mile south of the Ghwazha outpost and ten yards on the east, i.e., the British side of the road running from Ghwazha to Shorawak.

With regard to the water of the Iskamkanr and Ghwazha nullahs we have jointly agreed that the owners of that water should continue to enjoy the same right to that water as they now do, and the owners of that water whether they be in British or Afghan territory should continue, as hitherto, to enjoy the ownership of that water. No one else should interfere with either water.

Clause No. II.—We have jointly agreed that from boundary pillar No. CXVII the boundary line runs, as shown on the attached map, in a straight line southwards and slightly eastwards about one and a quarter miles to boundary pillar No. CXVIII erected on a small prominent knoll about three quarters of a mile from the road leading from Ghwazha to Shorawak commonly known as the Sila Lar. The boundary line then runs in a straight line southwards and slightly westwards to the boundary pillar No. CXIX erected on a small knoll about half a mile to the east of the Sina Lar. It thence runs in a straight line in the same direction to boundary pillar No. CXX erected on a small knoll half a mile from the Sina Lar

on the North bank of the Wuchdarra nullah. From here the boundary line runs in a straight line south-eastwards across the Wuchdarra nullah to boundary pillar No. CXXI erected on a prominent knoll on the south bank of the Wuchdarra nullah on the spur which forms the southern watershed of that nullah. It thence runs in a south-eastward direction up along the crest of the southern watershed of the Wuchdarra nullah and its branches, as demarcated by boundary pillars Nos. CXXII, CXXIII, CXXIV, CXXV, CXXVI, CXXVII, CXXVIII, CXXIX, to boundary pillar No. CXXX, which has been erected at the point where the above watershed meets the crest of the main watershed of the Khwaja Amran range. The boundary line now turns southwards and slightly westwards and runs along the crest of the main watershed of the Khwaja Amran range through boundary pillars Nos. CXXXI, CXXXII, CXXXIII, erected on peaks on that crest to boundary pillar No. CXXXIV, erected on a peak of the crest which marks the head of the Inzar and Kargu nullahs which flow into the Shista nullah. The boundary line thence runs down the southern watershed of the Inzar nullah, through boundary pillars Nos. CXXXV, CXXXVI, and CXXXVII, into the bed of the Shista nullah. The boundary line from here follows the centre of the bed of the Shista nullah until its junction with the Lora. It then follows the centre of the water-course of the Lora for a short distance down the Lora to the junction of the Ghaldarra nullah and the Lora. From here the boundary line leaves the Lora and ascends along the centre of the bed of the Ghaldarra and along the centre of the bed of the middle one of the three main branches of that nullah to a point on the crest of the watershed of the Sarlat range. This point is on a saddle between two peaks, one N.W. and the other E.S.E. of the pillar. The peaks are away from the actual watershed. Boundary pillar No. CXXXVIII has been erected on this point. The boundary line thence runs in a south and slightly westerly direction for about 22 miles along the crest of the main watershed of the Sarlat range to boundary pillar No. CXXXIX. This watershed is naturally well defined and it has not therefore been considered necessary to demarcate it with boundary pillars. From boundary pillar No. CXXXIX, which has been erected on a peak on the Sarlat watershed half-way between the head of the pass known as the Psha Pass and the head of the pass known as the Ashtarlak or Shutarlak Pass, the boundary line leaves the crest of the Sarlat watershed and runs south-eastwards in a straight line across the upper branches of the Sokhta nullah to boundary pillar No. CXL, which has been erected on a peak of the range which is here commonly known as Yahya Band which forms here the eastern watershed of the Sokhta nullah and its upper branches. From this point the boundary line continues in the same straight line to boundary pillar No. CXLI erected on a prominent peak at the head of the nullahs known as Kuchnai Dasht and Khatonaki. From this point the boundary line continues in the same straight line across the upper branches of the Kurram nullah to boundary pillar No. CXLII erected on a peak on the crest of the watershed which divides the water draining into the Kurram nullah on the west and that draining into Shorarud on the east. This peak is at the head of the Inzargai and the Zalai nullahs. From here the boundary line runs in a south-westerly direction for some 12 miles along the crest of the watershed which divides the water draining to the west into the upper branches of the Murram and Goari nullahs, and that draining to the east into the Shorarud and Sangbur nullahs as far as boundary pillar No. CXLIII erected on a prominent peak situated on the same watershed at the head of the most eastern of the upper branches of the Tirkashi nullah. From here the boundary line runs in a straight line westwards and slightly southwards, crossing the head of the Tirkashi nullah to boundary pillar No. CXLIII (a) erected on a prominent peak commonly known as Dek at the head of the Tirkashi nullah. Con-

tinuing in the same straight line the boundary line crosses the head of the Dilshad nullah to boundary pillar No. CXLIII (b) erected on a prominent peak at the head of the Karawan Kush and Jori nullahs. From here the boundary line still continues in the same straight line and, crossing the Goari Mando nullah at a point where boundary pillar No. CXLIII (c) has been erected, runs to boundary pillar No. CXLIV erected on a prominent peak on the crest of the watershed of the Sarlat range and immediately south of the head of the nullah in which is situated the Main Haibat Khan Ziarat and which flows eastwards into the Goari Mandah. This peak also happens to be situated exactly on the straight line between boundary pillar No. CXLIII, and a point two miles due south of the top of the low hill close to and south of the Kani well.

Clause No. III.—We have jointly agreed that from boundary pillar No. CXLIV erected on the crest of the main watershed of the Sarlat range, the boundary line runs, as shown in the attached map, in the same straight line westwards and slightly southwards to a point two miles due south of the top of the low hill which is close to and south of the Kani well. At this point boundary pillar No. CLVII has been erected. This straight line has been further marked by the following boundary pillars as shown in the map attached, i.e., boundary pillar No. CXLV, which has been erected at a short distance from boundary pillar No. CXLIV, on a slightly lower ridge of the Sarlat range; boundary pillar No. CXLVI, erected about two miles further down on the western slopes of the Sarlat; boundary pillar No. CXLVII erected on the north slope of a small prominent isolated hill known as Kamar Koh at the foot of the Sarlat; boundary pillars No. CXLVIII, CXLIX, CL, which have been erected on ridges of the sandhills which lie between the foot of the Sarlat range and the Lora river; boundary pillar No. CLI erected in the plain about  $1\frac{1}{4}$  mile due east of the Lora river; boundary pillar No. CLII erected on the west bank of the Lora river; boundary pillar No. CLIII erected about 100 yards north of the Balandwal tower; boundary pillars Nos. CLIV and CLV erected on the plain; and boundary pillar No. CLVI erected at a point about 400 yards south of Partos Nawar, where the boundary line enters the sandhills of Registan. Beyond this point, as far as boundary pillar No. CLVII, boundary pillars have not been erected owing to the sand. This straight line, from boundary pillar No. CXLIV to boundary pillar No. CLVII passes about one mile south of the hill known as Jari Mazar, about two miles south of Siah Sang, about  $7\frac{1}{2}$  miles south of the Sayd Buzziarat and about  $1\frac{1}{4}$  miles south of the Paprang Band. After entering the sandhills of Registan at boundary pillar No. CLVI, some 400 yards south of Partos Nawar, the boundary line runs in a straight line through sandhills to boundary pillar No. CLVII, which, as before mentioned, has been erected at a point two miles due south of the top of the small hill close to and south of the Kani well. From boundary pillar No. CLVII, the boundary line, which we have jointly agreed upon, runs in a straight line westwards and slightly northwards to the Shibian Kotal. This line crosses the north portion of the Lora Hamun. Boundary pillar No. CLVIII has been erected on the line at about  $1\frac{1}{2}$  miles north of the Kunzai hill which is situated on the west bank of the Lora Hamun. The boundary line thus passes to the north of the Gazechah wells. Boundary pillars Nos. CLIX and CLX, erected on high prominent peaks, mark where this line crosses the mountains between the Lora Hamun and the Shibian Kotal. Boundary pillar No. CLXI has been erected at the crest of the Shibian Kotal and is on the crest of the watershed dividing the water of the Shand nullah on the north from the water of the Shibian nullah on the south, which flows into the Lora Hamun. From the Shibian Kotal the boundary line, which we have jointly agreed upon, runs westwards, as shown in the attached map, along the south watershed of the Shand



nullah to the head of that nullah and thence follows the crest of the main watershed which divides the nullahs which flow northwards through Pasht-i-koh from the Telaran, Mahian, Buznai and other nullahs and their branches which flow southwards. The boundary line follows this well defined watershed as far as the Mazari Kotal to boundary pillar No. CLXII, which has been erected on a peak on the crest of the same watershed just south of the Mazari Kotal. Between the Shibian and Mazari Kotals the watershed which forms the boundary is naturally well defined by a continuous line of high mountains with prominent peaks and it was considered unnecessary to further demarcate it.

Clause No. IV.—We have jointly agreed that the boundary line, from boundary pillar No. CLXII, near Mazari Kotal, runs for about  $7\frac{1}{2}$  miles along the same watershed, i.e., that dividing the Mazari, Kushtagan and other nullahs on the south, from the Barabchah nullah on the north, as shown in the attached map, as far as boundary pillar No. CLXIII, which has been erected on a prominent peak on that watershed. The boundary line then leaves this main watershed and runs north-west for about  $3\frac{1}{2}$  miles along the crest of a spur, which separates the main, i.e., northern branch of the Barabchah nullah, from the southern branches as far as boundary pillar No. CLXIV, which has been erected on a prominent peak at the end of that spur. From here the boundary line runs in a straight line westwards and slightly northwards for about 29 miles to boundary pillar No. CLXXII, which has been erected at a point six miles due south of Robot. Along this straight line, to mark the boundary, boundary pillars Nos. CLXV, CLXVI, CLXVII, CLXVIII, CLXIX, CLXX, CLXXI, have been erected at prominent points, as shown on the attached map.

From boundary pillar No. CLXXII, the boundary line, turning westwards and slightly southwards, runs in a straight line, except for a short distance at Jilijil, as noted below, to a point 12 miles due north of Amir Chah, through boundary pillars Nos. CLXXIII, CLXXIV, CLXXV and CLXXVI, as shown on the map attached. Boundary pillar No. CLXXV is situated on a hill known as Par close to and north of the Chah-i-Marak. Boundary pillar No. CLXXVI is at the foot of the southern slopes of the hill known as Lorai which is on the north bank of the nullah known as Chah-i-Marak nullah. From boundary pillar No. CLXXVI, the boundary line turns due south and runs to a distance of half a mile to the south of the bed of the large nullah in which Soru and Jilijil are situated. The Soru water is thus left on the British side and the Jilijil water on the Afghan side of the boundary line. The line then runs along the sandhills at a distance of  $\frac{1}{2}$  a mile to the south of the bed of the above nullah to a point near Khaisan Lok where the main road from Jilijil to Darband leave this nullah. Here the boundary line joins and thence runs along the straight line drawn between boundary pillar No. CLXXII and boundary pillar No. CLXXVII erected at a point 12 miles due north of Amir Chah. This line passes through the north slopes of a prominent sandhill known as Khaisan Lok and passes about  $2\frac{1}{2}$  miles south of the top of the Kamarghar hill, about three miles south of the top of Gidan Koh about  $2\frac{1}{2}$  miles south of the top of Harrag hill, about eight miles north of Darband and about seven miles north of the top of the Gharibo hill. Owing to the heavy sand along its course it has not been possible to demarcate the boundary line beyond Soru by boundary pillars.

Clause No. V.—We have jointly agreed that from boundary pillar No. CLXXVII, erected at the point 12 miles due north of Amir Chah, the boundary line runs in a straight line north-west, as shown in the attached map, for about 97 miles to the top of the Koh-i-Malik Siah. As this boundary line runs through sand and desert it has been considered unnecessary to demarcate it for some distance by boundary pillars. It passes about 22 miles north of the Koh-i-Kalil, about  $20\frac{1}{2}$

miles north of Drana Koh, about 10 miles north of the Garuk-i-Gori hill, about 16½ miles north of the Kirtaka spring. It passes about 1½ miles south of the most southern point of the God-i-Zirreh, about 8 miles south of the ruins of five old buildings, which are situated in a row a short distance to the south of the Shelag nullah and commonly known as Gumbaz-i-Shah, about 13 miles south of the Ziarat-i-Shah-i-Mardan and ruins known as Godar-i-Shah on the north bank of the Shelag nullah. Between the point where this boundary line leaves the sandhills and the top of the Koh-i-Malik Siah the following boundary pillars have been erected on this straight line, as shown in the attached map: i.e., boundary pillars Nos. CLXXVIII, CLXXIX, CLXXX, CLXXXI, and CLXXXII, on the plain; No. CLXXXIII on a conspicuous ridge of the low hills south of the Robat nullah, No. CLXXXIV on the south bank of the Robat nullah; No. CLXXXV on the north bank of the Robat nullah. From there the line crosses the eastern slopes of the Koh-i-Robat and runs up to boundary pillar No. CLXXXVI, which has been erected on the top of the Koh-i-Malik Siah. This line crosses the Robat nullah just above the lower Robat springs and leaves the upper Robat spring some 2½ miles on the south of it.

Clause No. VI.—Five maps are attached to this agreement and illustrate the position of the boundary line and the boundary pillars defined in each of the above clauses. This joint agreement and the maps attached to it supersede the joint agreement and map signed by us previous to this.

13th May 1896.

A. H. McMahon, Captain,  
British Commissioner, Indo-Afghan  
Boundary Commission, Baluchistan section.  
Muhammad Umar Khan,  
Representative on the Indo-Afghan  
Boundary Commission, of His Highness  
the Amir of Afghanistan; signed as  
correct, dated 29th Ziqada, 1313 Hijra.

## Treaty, 11 August 1919

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### Article 1.

From the date of signing this Treaty Peace is declared between the British and Afghanistan Governments.

### Article 2.

In view of the circumstances which have brought on the present war, the British Government as a mark of displeasure withdraw the privilege enjoyed by the former Ameer of importing arms and ammunition or warlike munitions through India.

### Article 3.

The arrears of the late Ameer's subsidy are furthermore confiscated and also no subsidy is to be granted to the present Ameer.

### Article 4.

At the same time the British Government are desirous of the re-establishment of the old friendship that has so long existed between Great Britain and Afghanistan,

provided that they have guarantees that the Afghan Government are sincerely anxious to regain our friendship. The British Government are prepared, provided the Afghans prove their sincerity by acts and conduct, to receive another Afghan Mission after six months for the discussion and settlement of matters of common interest to the two Governments and the re-establishment of the old friendship on a satisfactory basis.

#### Article 5.

The Afghan Government accept the Indo-Afghan frontier accepted by the late Ameer. They further agree to the early demarcation by a British Commission of the undemarcated portion of the West Khyber where the Afghan aggression happened, and will accept such boundary as the British Commission lays down. The British troops on this side of the border will remain in their present positions until the new demarcation has been effected.

### Treaty, 22 November 1921

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#### Preamble.

The British Government and the Government of Afghanistan with a view to the establishment of neighbourly relations between them have agreed to the Articles written hereunder whereto the undersigned duly authorised to that effect have set their seals:

#### Article 1.

The British Government and the Government of Afghanistan mutually certify and respect each with regard to the other all rights of internal and external independence.

#### Article 2.

The two High Contracting Parties mutually accept the Indo-Afghan Frontier as accepted by the Afghan Government under Article 5 of the treaty concluded at Rawalpindi on the 8th August, 1919, corresponding to the 11th Ziqada, 1337 Hijra and also the boundary west of the Khyber laid down by the British Commission in the months of August and September 1919, pursuant to the said Article, and shown on the map attached to this treaty by a black chain line; subject only to the realignment set forth in Schedule I annexed, which has been agreed upon in order to include within the boundaries of Afghanistan the place known as Tor Kham, and the whole bed of the Kabul River between Shilman Khwala Banda and Palosai and which is shown on the said map by a red chain line. The British Government agrees that the Afghan authorities shall be permitted to draw water in reasonable quantities through a pipe which shall be provided by the British Government from Landi Khaua for the use of Afghan subjects at Tor Kham, and the Government of Afghanistan agrees that British officers and tribesmen living on the British side of the boundary shall be permitted without let or hindrance to use the aforesaid portion of the Kabul River for purposes of navigation and that all existing rights of irrigation from the aforesaid portion of the river shall be continued to British subjects.

#### Article 3.

[Exchange of Ambassadors]

Article 4.

[Establishment of consulates]

Article 5.

[Guarantees of safety for representatives]

Article 6.

[Afghan imports via British India]

Article 7.

[Customs dues on Afghan imports via British India]

Article 8.

[Afghan trade consuls in British India]

Article 9.

[Customs inspection]

Article 10.

[Postal agreement]

Article 11.

[Liaison regarding military operations in the borderland]

Article 12.

[Negotiation of a trade convention].

Article 13.

The two High Contracting Parties agree that the first and second schedules attached to this treaty shall have the same binding force as the Articles contained in this treaty.

Article 14.

[Ratification and duration of Treaty]

Mahmud Tarzi,  
Chief of the Delegation of the  
Afghan Government for the  
conclusion of the Treaty.  
Tuesday, 30th Aqrab 1300  
Hijra Shamsi (corresponding  
to 22nd November, 1921).

Henry R. C. Dobbs,  
Envoy Extraordinary and Chief  
of the British Mission to Kabul.  
This twenty-second day of  
November one thousand nine  
hundred and twenty-one.

*Schedule I.*

[Referred to in Article 2.]

In the nulla bed running from Landi Khana to Painsa Khak Post, the Afghan frontier has been advanced approximately 700 yards, and the Tor Kham Ridge, including Shamsa Kandao and Shamsa Kandao Sar, is comprised in Afghan territory. Further, the Afghan frontier has been advanced between the point where the present boundary joins the Kabul River and Palosai from the centre of the river to the right bank.

*Schedule II.*

[Legations and consulates]

## Exchange of Notes regarding Arnawai, 3 February 1934

*Sir R. Maconachie to Sardar Faiz Muhammad Khan*British Legation,  
Kabul, February 3, 1934.

Your Excellency,

I have the honour, under instructions from His Majesty's Principal Secretary of State for Foreign Affairs, to inform you that the agreement arrived at between Captain W. R. Hay, the representative of His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland and the Government of India, and Aliqadr Sadaqatmaab Habibullah Khan Tarzi, the representative of the government of His late Majesty King Muhammad Nadir Shah, by the signature on the 11th July, 1932, of a map showing the location of the Indo-Afghan frontier in the neighbourhood of Arnawai and Dokalim has been approved by His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland and the Government of India. His Majesty's Government in the United Kingdom and the Government of India accordingly confirm the boundary line demarcated by the said representatives as shown in the facsimile copy of the original signed map and the accompanying description of the boundary pillars hereunto annexed.

2. Further, I have the honour to inform your Excellency that His Majesty's Government in the United Kingdom and the Government of India approve and confirm the subsidiary proposals which are set out in Captain W. R. Hay's letter of the 10th July, 1932, addressed to Aliqadr Sadaqatmaab Habibullah Khan Tarzi in the following terms:—

- (a) That the people of Dokalim shall be allowed to take water required for the irrigation of their lands in Dokalim from the Arnawai Khwar above the boundary fixed; and
- (b) That the people of Arnawai may be allowed to float wood required for local use down that portion of the Arnawai Khwar which forms the international boundary.

3. In regard, however, to the decision mentioned in paragraph 2 (a) above, it will, of course, be understood that without the consent of the local British authorities no new water channel shall be constructed above the boundary fixed.

4. If the boundary line as shown in the annexes to the present note and the above-mentioned subsidiary proposals are acceptable to the Government of His Majesty King Muhammad Zahir Shah, I suggest that the present note and your Excellency's reply in similar terms be regarded as constituting, as from to-day's date, a definitive agreement on this matter between the Royal Afghan Government on the one hand and His Majesty's Government in the United Kingdom and the Government of India on the other.

I have, &amp;c.

R. R. Maconachie.

[The Afghan Government replied in identical terms on the same day.]

# 9

## The Boundary between Pakistan and Iran

This boundary stretches for 545 miles (877 kilometres) from the shore of Gwatar bay in the Gulf of Oman to Koh-i-Malik Siah, on the southern rim of the Sistan basin. Apart from a few favoured locations, this country is inhospitable desert, with an annual rainfall of less than seven inches (178 millimetres). However, the uniform aridity is not matched by a uniform topography. Near the coast there are bleak sandstone mesas rising from clay plains. The Siah range, which marks part of the boundary, consists of steep peaks of limestone which stand out like ribs above the less resistant sandstone. The Taftan range, in the north, includes the important, active volcanic peak of Chehiltan, which rises over 13 000 feet (3965 metres). Much of the northern part of the boundary passes through the interior drainage basin of Hamun-i-Mashkel, with its gravel and salt-encrusted silt surfaces. The favoured locations have a supply of underground water, supplemented irregularly by floods, which allows the cultivation of date palms, beans, wheat and cotton. The largest such region belongs to Iran and is known as Dashtiari, in the middle valley of the Silup river. Other smaller oases include Maksotag and Esfandak in Iran, and Ladgasht in Pakistan.

Few people live in this borderland, and the majority are pastoralists who maintain their flocks and herds in the lowlands during winter, and take them up for highland grazing during the spring.

The evolution of this boundary falls into two distinct periods. Between 1871 and 1905 Britain and Persia (Iran) conducted negotiations, which produced three treaties defining the boundary, although not with uniform accuracy throughout. In the period 1957–8 the governments of Iran and Pakistan remedied the defects of the earlier treaties, when they concluded a comprehensive agreement describing the boundary in considerable detail.

During the first period the boundary was settled in two distinct sections, south and north of the Mashkid river. The section from the coast to the Mashkid river was fixed in 1871 by General Goldsmid, who also was responsible for the first Sistan award. The British government had laid a submarine cable through the Persian Gulf as part of its lines of communication with India. In order to provide a partial safeguard against the failure of this connection, arrangements were made with the Persian government, in 1868, to lay a land line from Gwadar westward to a point on the coast between Jask and Bandar Abbas. Unfortunately, when Goldsmid began to lay this line, he found that conditions along the frontier between Persia and the British protected state of Kalat were very disturbed. West of Kej, which was under the authority of Kalat, there were a number of petty chieftancies such as Tump, Mand and Boleda, which respectively contained fifteen, twelve and five villages (Aitchison, 1909, 10, p. 197). Tribesmen from

these areas had been raiding into areas controlled by Persia, and this had led to reprisals by Persian forces, which were inexorably extending the shah's influence eastwards, at the expense of Kalat. Thus on two grounds, first to complete the telegraph line, and second, to protect the territory of Kalat, the British government was anxious to fix a boundary through this frontier. When the shah suggested that this should be done, his offer was eagerly accepted.

Goldsmid was named as the British representative and he proceeded to Bampur to start the joint survey with his Persian colleague. In this case, as in Sistan a year later, Goldsmid received no effective cooperation from the Persian delegate, and after some delays Goldsmid retired to the coast, near Gwatar bay, and waited for Major Lovett, who was sent on a rapid reconnaissance of the border. On the basis of Lovett's information, and facts which Goldsmid had collected in surveys in 1861-4, the British commissioner produced an arbitral award when he returned to Teheran (Curzon, 1966, pp. 256-7). This award was accepted by the shah on 4 September 1871.

The Goldsmid recommendation defined the boundary by allocating various chieftancies and small states to Kalat and Persia, and by marking the approximate line on a map. Persia received Dizak, Jalq, Kalagan, Bam Posht, Sarbaz, Pishin, Bahu Kalat and Dashtiari. Kalat was confirmed as sovereign over Kuhak, Panjgur, Parum, Zamuran, Boleda, Tump, Mand, Nasirabad, Kej and Dusht. In 1872 Major St John was sent to verify Lovett's survey, and found only one error, near the Mashkid river. Lovett had thought that the Askan river, flowing north from the Sagarkand hills, formed the boundary to the Mashkid river. In fact, this river was 10 miles (16 kilometres) west of its supposed position, and if the British authorities had insisted on the boundary following that river, Persia would have lost control of the villages of Pat Kok and Kolan. St John noted that the terrain in this region was very complicated.

Any exact limitation of the frontier is here, however, impossible. The country consists of innumerable parallel ranges of inconsiderable elevation, divided by narrow torrent beds. In these occur at long intervals small clusters of date palms, with less frequent patches of cultivation (India, Foreign Department, 168/1896, no. 4, p. 12).

From Gwatar bay the boundary pursues a northerly course, close to the watershed between the Silup and Dasht rivers, to the vicinity of the Nahang river near Ispikan. It then follows this river eastwards, until it turns northwards again to reach the watershed of the Hinduwan and Sagarkand ranges. Once again the boundary follows an easterly course before turning north to the Mashkid river south of Kuhak. The boundary then was assumed to follow the Mashkid river towards the Hamun-i-Mashkel, but maps of the period give this river a more direct alignment northwards than in fact it possessed. The map published by Hughes (1877), five years after St John's survey, is very useful in depicting how the best authorities imagined the topography of this area.

After a short while the shah requested that the district of Kuhak should belong to Persia rather than Kalat. Goldsmid had been aware of this interest and had deliberately made out a strong case for considering this area to be either independent or part of Kalat. However, the British authorities did not consider that Kuhak was worth risking the good relations enjoyed with Persia, and therefore they agreed that the western boundary of Kalat would be drawn east of Kuhak. No opinion was expressed about the location of the Persian boundary in this area, and to put the matter beyond doubt the shah's forces occupied the area in May 1874 (Aitchison, 1909, 10, p. 196).

A distance of 290 miles (467 kilometres) separated the northern terminus of Goldsmid's award in Baluchistan on the Mashkid river, and the southern terminus of his Sistan award on the Koh-i-Malik Siah. The British and Persian governments agreed to close this gap by an agreement signed in Teheran on 27 December 1895. It has not proved possible to obtain a copy of this agreement, but the substance of the text is outlined in dispatches from Holdich in 1896 and McMahon in 1904 (India, Foreign Department, 168/1896 and Persia Confidential, 1905). The Holdich report also contained a copy of the sketch map attached to this agreement, which shows the approximate line of the boundary to be followed. The agreement authorized the appointment of a joint commission as soon as possible, to survey carefully the terrain close to the line shown on the sketch map; to agree on a specific boundary which should follow that line as closely as possible; and to demarcate that boundary where necessary. It was stipulated in the fourth article that where any deviation from the lines was necessary in favour of one country, there should be reciprocal adjustments in other parts of the line in favour of the other country.

The sketch map reveals the paucity of knowledge about this region. There were several place names between Kuhak and Jalq, but north of a line joining Jalq and Ladgasht there were only five place names over a distance of 200 miles (322 kilometres), and the only one of these names which was close to the boundary was the northern terminus of Koh-i-Malik Siah. The boundary was shown by a dotted blue line and followed a fairly direct course. From a point due south of Kuhak fort the boundary proceeded east for 10 miles (16 kilometres) along the Mashkid river, before proceeding due west to the Bonsar pass, which was left to Persia. It then curved east and north, leaving Kalagan to Persia, to a point midway between Jalq and Ladgasht, whence it proceeded in a straight line to Koh-i-Malik Siah.

The joint commission began work at Kuhak on 27 February 1905; the British delegate was Colonel T. H. Holdich and Persia was represented by Mirza Ali Ashraf, Itisham-i-Wazireh. Holdich was anxious to complete the work before the hot season began and therefore he sought to keep the necessary survey work to an absolute minimum, and one way to do this was to trust existing maps.

Fortunately the whole area under discussion had already been surveyed by members of my party, and the published maps were quite sufficiently accurate to enable me to decide what line would constitute a sound boundary consistently with the instructions received from the Government of India, before the actual commencement of demarcation (India, Foreign Department, 168/1896, no. 4, pp. 1-2).

Unfortunately Holdich deceived himself, for the maps contained a number of important errors, which led him to define a faulty boundary. It was not only concern about the impending hot season which encouraged Holdich to take this short-cut to agreement. He was also concerned about the possible influence of the governor of Khurasan, if the commission moved into his territory, and out of the province of South-Eastern Persia, which was governed by the Farman-i-Farma, who was very favourably disposed towards Britain. The capital of Khurasan was Mashhad, where there was an influential Russian consulate.

It would obviously be most convenient in terms of saving time and avoiding contact with the governor of Khurasan if existing maps could be used to define the northern sector of the boundary. Inspection of the maps led Holdich to believe that this could be achieved. He drew on his previous experience to help him select a suitable line from the Koh-i-Malik Siah to the date groves of Maksotag.



There is, however, nothing to compare with a rugged immovable line of watershed for boundary definition. Every nomadic robber in the frontier understands it, and is perforce obliged to respect it as being quite beyond the limits of his powers of interference.

It was these considerations which decided me to adopt, if possible, a line of boundary from the Malik Siah Koh to the Mashkel date groves which should be marked by such strong natural features as would render artificial demarcation unnecessary (India, Foreign Department, 168/1896, no. 4, p. 3).

The boundary he selected followed a straight line for 29 miles (47 kilometres) from Koh-i-Malik Siah to the Kacha Koh peak in the range of the same name. From Kacha Koh peak the boundary then followed the main watershed until it reached the river Tahlab, where it skirts the southern edge of the Kacha Koh range. The Tahlab river was Holdich's choice for the continuation of the boundary southwards. He was evidently very pleased with this fortunate coincidence of topography and drainage precisely where he needed it.

No more perfect boundary than that afforded by mountains and river combined could be devised. The bank of craggy watershed is a feature which stands up like [a] solid wall when viewed across the eastern desert, and the river course winding through the dasht, whilst free from the besetting evils of river boundaries in general, is the only sure and certain mark which could possibly be recognisable in such a wilderness as the desert of the Mashkel Hamun (India, Foreign Department, 168/1896, no. 4, p. 3).

At the first meeting of the commissioners, Holdich proposed that the northern half of the boundary, measuring 155 miles (249 kilometres), should be fixed on the basis of existing British maps, and the Persian delegate agreed with this course of action.

He [the Persian commissioner] showed much intelligence in survey matters, and his previous experience when working with English surveyors induced him to accept our mapping as it stood in our published maps with all confidence; although he was fully aware that in matters of minor detail, not affecting any important part of the boundary settlement, there might be much to be added and improved in those maps. For my own part I was sufficiently assured of their general accuracy. They had been prepared by some of my ablest assistants with all the advantage of cold weather atmosphere and ample opportunities (India, Foreign Department, 168/1896, no. 4, p. 5).

The construction of the boundary began on 28 February 1896 and had been carried forward 126 miles (203 kilometres) to the banks of the Tahlab river in sixteen days, during which eleven piles of rock or sand and brush were erected as markers. Ten more days were spent at Jalq settling the northern section of the boundary and compiling the record of the agreement, including the maps, and everything was signed and sealed on 24 March 1896. No pillars were erected along the northern section of the boundary and no member of the commission visited any part of this line.

Because the sketch map used to indicate the approximate boundary in the December agreement, and the map on which Holdich recorded the final line, differ in a number of important respects, it is hard to make a comparison of the two lines. However, Holdich felt it necessary to report that in three instances along the southern section the final line deviated from the approximate boundary. First, instead of running the boundary from the Mashkid river westwards to the Bonsar pass, along the southern spurs of the Siah range, it was made to coincide with

the watershed. This was done because a number of small date groves between Kuhak and Esfandak drew their water supplies from the southern face of the range. The approximate boundary left the springs in Baluchistan, and Holdich conceded the Persian request that they should not be separated from the land they watered. Second, Holdich, of his own volition, recommended that the boundary should stop short of the hill immediately east of the Bonsar pass. The December agreement had carried the boundary to the eastern edge of the pass, but Holdich decided that since the pass belonged entirely to Persia, and carried the road from Esfandak to Kalagan, it should be secure. It would never be secure if Baluchis could command the pass from the adjoining hill, and so a small area east of the pass was awarded to Iran. The third deviation was the most important. Instead of proceeding directly northwest towards Koh-i-Malik Siah from the midpoint between Ladgasht and Jalq, the boundary was marked almost due north for 28 miles (45 kilometres), to a point on the western edge of the Hamun-i-Mashkel as it existed then. This deviation was made to separate the northern date groves around Gorani and Maksotag from those to the southeast around Ladgasht and Kalag. The Persian delegate insisted that the northern groves were cultivated by Damanis living near Ladis. He was quite sure that the shah could not have understood that the approximate boundary awarded these Persian groves to Baluchistan, and he told Holdich unofficially that he would have to refer the matter to the shah before ceding the groves. The possibility of such a deviation had already been foreshadowed in a letter from Sir Mortimer Durand, who drew the approximate boundary, so Holdich had no reluctance in accepting it.

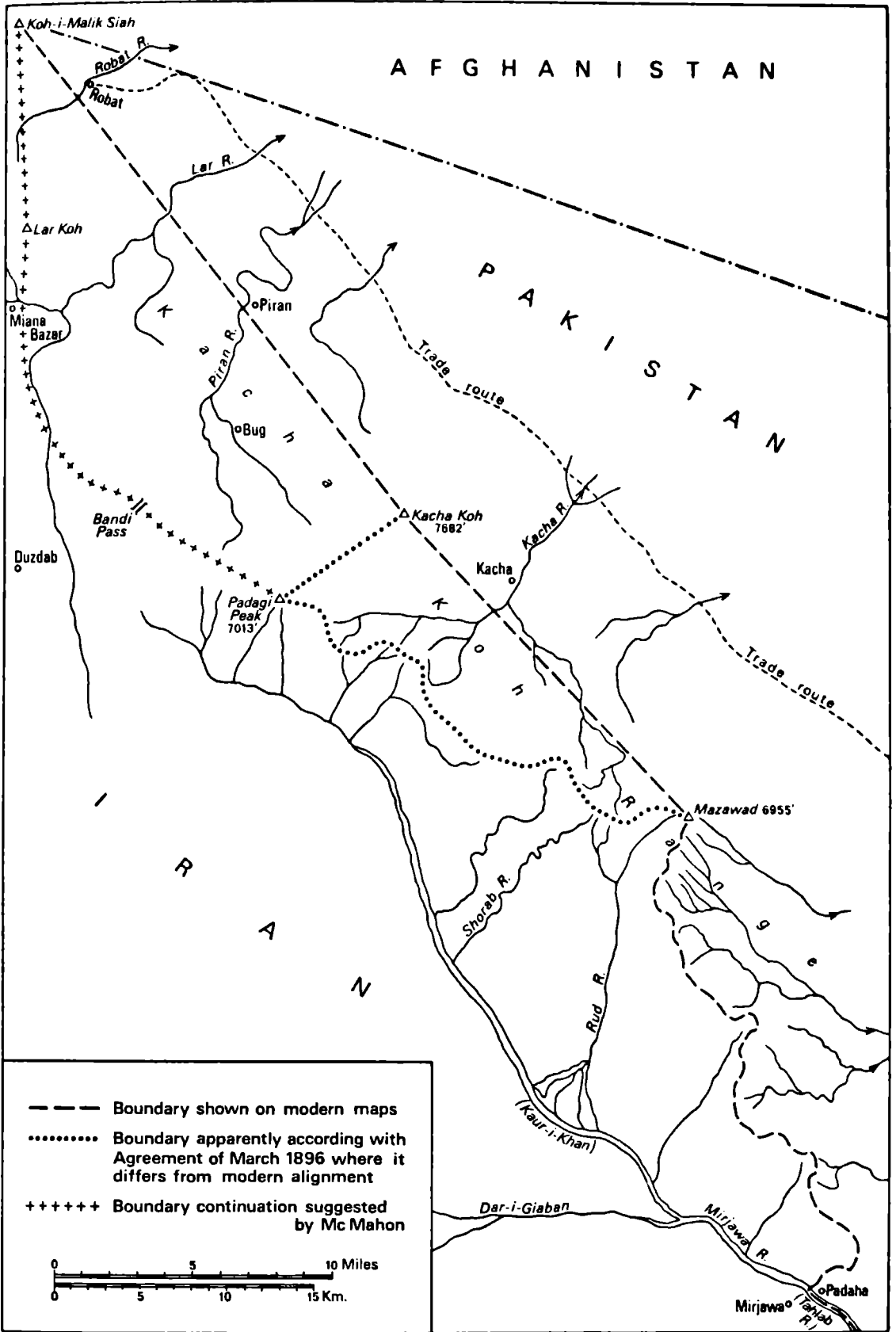
It will be noted that all these deviations had been in Persia's favour and Holdich used this fact to win what he regarded as two concessions. First the local Persian governor accepted responsibility for keeping the Damanis in check. Holdich regarded these people as 'notorious raiders'. Second, the Persian delegate agreed to the northern section of the boundary along the lines recommended by Holdich. The only alteration Holdich had made to the line described earlier was to make the boundary leave the watershed of the Kacha Koh range and intersect the Tahlab river 13 miles (21 kilometres) northwest of the southern tip. He noted in his report that he might have claimed with success a considerably larger slice of territory west of the approximate boundary, but the temptation was rejected.

I did not press this point. Kalat has no possible claims in this direction, and it would have defeated the object of securing a strongly-marked and almost impassable natural frontier, which will conduce more than anything else to peace and security of the northern borderland (India, Foreign Department, 168/1896, no. 4, p. 8).

Holdich was so obsessed with the line that he had selected that he refused an offer by the Persian delegate which would have allowed the boundary to follow the Tahlab boundary northwestwards as far as Duzdab, before turning northeast to traverse the last 24 miles (39 kilometres) to the Koh-i-Malik Siah. Such a boundary would have gained about 512 square miles (1326 square kilometres) for Britain and ensured that it controlled the glacis of this 'impassable natural frontier'.

It is now necessary to examine this northern boundary in detail to expose its flaws. Holdich stipulated in his report that the text and table must take precedence over the map where there were any inconsistencies, so it is with the text that we must deal. The English and Persian versions of the northern sector obviously referred to the same line but the Persian version, in translation, is very awkward.

From pillar 11 northwards the Talab river becomes the boundary to its junction with the Mirjawa river. From the point of junction it is carried by a straight



Map 12. The northern section of the boundary between Iran and Pakistan

line to the nearest point on the watershed of the Mirjawa range, which limits the drainage into the Mirjawa river on the north. Thence it follows the main watershed northward to the highest point of the Kacha Koh. From the highest point of the Kacha Koh the line is carried straight to the highest point of the Malik Siah Koh (English version).

From pillar 11 to the north the Rud-i-Talab has been fixed as the boundary to the junction of the Rud-i-Mirjawa, and from that place, in a straight line to the nearest peak of the Mirjawa range which is the limit of all the drainage from the north, to the Rud-i-Mirjawa, and from that place from the top of the peak of the Kacha Koh being drawn from the direction of the north will run to the end of height of the point of Kacha Koh and from that place being drawn in a straight line it will run to the highest point of the Koh-i-Malik Siah (Persian translation taken from *Persia Confidential*, 1905, enclosure no. 1, p. 2).

For the purposes of this analysis attention will be focused on the English version.

Two sets of criticisms can be levelled at this northern boundary; the first set deals with its strategic weaknesses, the second with the problems of identifying the boundary in the landscape.

The range selected by Holdich was not impassable; there were at least nine passes with elevations of less than 6000 feet (1830 metres) and many more points marginally above that height where determined forces could cross. The straight-line section of the boundary between Kacha Koh peak and Koh-i-Malik Siah was criticized by McMahan on four strategic grounds. First, it placed the boundary too close to the British post of Robat, which was only 423 yards (387 metres) from the line. Second, the direct boundary ran too close to the main trade route north towards Sistan, and gave to Persia springs of water on hills which commanded the trade route. Third, the boundary intersected the alternative route north via Kacha and the Bug and Piran springs, and deprived Britain of its use. Fourth, the upper valleys near Robat, which had been ceded to Persia, were potential sites for hill stations for British officers serving at that post.

Two problems are experienced in trying to fit the boundary description to the landscape. First, there is no junction of the Tahlab and Mirjawa rivers. These are in fact alternative names for the same river. Tahlab is used towards the south and Mirjawa to the north; unfortunately there is no defined point at which the change in nomenclature occurs. On the map used by Holdich to illustrate the agreement the junction is shown 7 miles south-southeast from Mirjawa, which is shown to lie in latitude  $28^{\circ} 59'$  north. The correct latitude of Mirjawa is  $39^{\circ} 2'$  north, and it is interesting that on British maps published in 1940 at a scale of 1:253 440, the boundary is shown as leaving the river Tahlab 7 miles (11 kilometres) south-southeast of the confluence of that river with the Dar-i-Giaban. On Holdich's map the name Mirjawa is marked against the river which today is known as Kaur-i-Khan. The second problem concerns the use of the term Kacha Koh. It has already been noted that this name applies to a peak and a range and the text does not make clear which is meant. The phrasing in the text could either mean that the boundary followed the main watershed until it reached the highest point of that watershed, or that it followed the watershed until it reached the Kacha Koh peak, which is the highest point on the range. There would have been no difficulty if the Kacha Koh peak was on the main watershed, but alas, headward erosion by the Kacha river has shifted the watershed 6 miles (10 kilometres) west of the peak. The intended interpretation of this point is made clear by reference to Holdich's report, but this is not considered part of the agreement. According to the report it was intended that the boundary should run to the peak Kacha Koh.

From the highest point of the Malik Siah Koh to that of Kacha Koh south-eastwards the line accidentally coincides precisely with that laid down in the Teheran agreement . . . The intervening country is a rough wilderness of dasht and hills, intersected by three drainage lines and contiguous routes (India, Foreign Department, 168/1896, no. 4, p. 3).

There are three drainage lines with adjoining tracks between the two peaks; they are the Robat, Lar and Piran rivers. But this clarification still leaves the problem of drawing the boundary between some point on the main watershed and the peak of Kacha Koh.

To be fair to Holdich, these problems would probably have been avoided if the flying survey party had been sent to confirm the line as he originally wished, but Persian inefficiency or unwillingness prevented this action.

The Itisham agreed to the proposal to send a flying survey party to demarcate the line provisionally adopted, as already indicated, and to test for accuracy of details; and he promised to nominate a high Persian official in order to confirm the final reports as to the nature of the districts north of Ladis. This however depended on the assistance of the Asad-u-Doulah (Iranian governor), and that functionary finally failed to make proper arrangements (India, Foreign Department, 168/1896, no. 4, p. 5).

The British government became aware of the lack of a clear junction of the Tahlab and Mirjawa rivers in May 1901. A month earlier a British officer had established an outpost on the west bank of the river, close to Mirjawa. Almost immediately a Belgian customs officer of the Persian government established a post at the same place and local tensions began to develop. It is difficult to understand why the British post was built on the west bank, for no reading of the boundary description gave the British authorities any rights west of the river. The British officer was instructed to withdraw to the east bank, which he did, constructing a new post called Padaha (Aitchison, 1909, 10, p. 193). The difficulties in this area immediately disappeared, but the British government began to examine the question of interpreting the text more closely, and the task was given to Colonel McMahon, who was then engaged in arbitration in Sistan.

McMahon wrote a long analysis of the northern section of the boundary, which he criticized severely along the lines already indicated, although he did not note that the peak Kacha Koh was east of the main watershed. He was mainly concerned that the direct line drawn from the junction of the Tahlab and Mirjawa rivers to the watershed of the Mirjawa range, which is really part of the Kacha Koh range, would leave the new post of Padaha within Persian territory. McMahon recommended that efforts should be made to renegotiate the section between the Kacha Koh peak and Koh-i-Malik Siah, as well as ensuring British sovereignty over Padaha.

He considered that the boundary, as defined in the text, followed the main watershed to Padagi peak and then turned northeast to the Kacha Koh peak, although he does not say whether it should follow a straight line, or the secondary watershed between the headwaters of the Kacha and Piran rivers. He considered that the desirable boundary should continue along the main watershed to the Bandi pass before turning northwards to Miana Bazar and Lar Koh, from which peak it should proceed directly to Koh-i-Malik Siah (Persia Confidential, 1905). He also recommended that about 1 square mile (2.6 square kilometres) of fertile land supplied with water should be leased from Persia on the west bank of the Tahlab river opposite Padaha, in order to supply that post with fresh vegetables.

McMahon mentioned a number of grounds on which the British government might press for modification of the line. These included the fact that a careful survey had not been made of the entire line as suggested, that there had been no compensation to Britain for the three concessions to Persia in the southern section of the boundary, and that the local Persian governor had failed to control the Damani tribe. He also recommended that the questions should be raised while he was still in Sistan. If it was known that he would continue from Sistan to settle the Persia-Baluchistan boundary, the Afghans might be suspicious that he was trading their interests in Sistan for Persian concessions to Britain, and the Russians would be alerted to brief the Persians in order to thwart British aims.

The matter was taken up by Sir Arthur Hardinge, the British representative, early in 1905. It was found impossible to come to an agreement regarding any alteration of the boundary, and therefore the British ambassador was content to reach agreement that Padaha was entitled to obtain water and supplies from the west bank of the Tahlab river, and to include a clause stating that the boundary was considered to be definitely settled in accordance with the delimitation of 1896. This boundary agreement, signed on 13 May 1905, completed the first stage of the boundary evolution. It will be clear from what has gone before that the boundary definition was unsatisfactory. South of the Mashkid river there had been no demarcation of the line, and north of the Maksotag-Gorani date groves the boundary description contained ambiguous statements. It was to resolve these discrepancies that the Pakistan and Iranian governments decided to negotiate a definitive border agreement in 1957-8.

Unfortunately, although an agreement was concluded on 6 February 1958, it is not possible to describe that boundary, or to discover whether the two governments were able to resolve the various ambiguities. The Pakistani-Iranian agreement consists of two parts. The first, shorter part, which is reproduced here, simply lists the documents which were taken into account in delimiting the boundary; provides for the demarcation of the agreed line; and makes certain administrative arrangements regarding the citizenship of persons living in territory transferred from one side to the other, and for the supply of water to each other's guardposts. The second, longer part consists of memoranda which describe the boundary by lists of co-ordinates and lines marked on maps. These memoranda consist of 700 pages, and it has not proved possible to obtain copies of them or of the attached maps. For some reason, which remains obscure, neither the Iranian nor the Pakistani government is prepared to provide detailed information on the location of the boundary. Correspondence with another, well-placed research worker, and various members of diplomatic missions has confirmed this unusual secrecy. All that is certain is that the central section of the boundary is marked by the eleven pillars sited by McMahon in 1905.

There are three possible reasons why details of the boundary's location have not been made public. First, it is possible that serious disagreements have arisen over the interpretation of original documents, and that the demarcation commissions have not been able to reach final agreement. Supplementary letters laid down the procedure to be followed where the map and description did not correspond with the landscape, but the difficulties may have proved too serious for resolution in this manner. Second, it is possible that both governments regard this border, occupied by a nomadic population, as a sensitive political area, and that they wish to avoid publicizing any agreement which has transferred some traditional grazing lands from one side to the other. The problems of the Pakistani government in Baluchistan during 1973 were indicative of the sensitive nature of these regions. But this reason does not seem very likely, because if the governments are adminis-

tering a new line through this border, the local population will be aware of it. The final reason is related to a writ filed by Mr Abdul Bhattay Balock, with the Pakistani High Court, disputing the constitutionality of the agreement, which suggests that some transfer of territory has taken place. Identification of the agreed boundary is one of the most interesting problems connected with Asia's international boundaries.

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## The Goldsmid Award, 4 September 1871

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### *Memorandum from C. Alison, Esq, C.B. to the Persian Minister for Foreign Affairs, Gulahek, 1 September 1871*

The undersigned, Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary at the Court of Persia, acting on the part of his Government, has the honor to submit, for the approval of His Majesty the Shah, a map in which the boundary line between the territories possessed in Beloochistan by Persia, and the territories forming the exclusive property of the independent State of Khelat, is delineated.

This line may be thus described: Commencing from the northernmost point, or that which is furthest from the sea, the territory of Khelat is bounded to the west by the large Persian District of Dizzuk, which is composed of many Dehs or minor Districts, those on the frontier being Jalk and Kallegan. Below these two last-named is the small District of Kohuk, which, together with Punjgur, comprising Parum and other dependencies, is on the Khelat side of the frontier, while on the Persian side is Bampusht.

Below Punjgur, the frontier possessions of Khelat to the sea are Boleida, including Zamiran and other dependencies, Mund and Dusht. Within the Persian line of frontier are the villages or tracts belonging to Sirbaz and Bahu Dustyari. The boundary of Dusht is marked by a long line drawn through the Drabol hill situated between the Rivers Bahu and Dusht, to the sea in the Bay of Gwuttur.

To summarise: Punjgur and Parum and other dependencies with Kohuk; Boleida, including Zamiran and other dependencies; Mund, including Tump, Nasserabad, Kedj, and all Districts, dehs and dependencies to the eastward; Dusht with its dependencies as far as the sea: these names exhibit the line of actual possession of Khelat, that is to say, all tracts to the east of the frontier of actual Persian possession, which frontier comprises Dizzuk and Bampusht, Sirbaz and Peshin, Bahu and Dustyari.

## Boundary Agreement, 24 March 1896

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In accordance with the agreement for the delimitation of the Perso-Kalat frontier from Kohak to Koh-i-Malik Siah, drawn up between Her Britannic Majesty's Minister at Tehran and his Highness the Sadar-i-Azam of Persia, dated the 27th December 1895, this frontier has been demarcated as follows:—

Commencing from the Kashkel river it is defined by the bed of that river from pillar 1 to pillar 2. Pillar 1 is placed on a conspicuous hill on the left or north bank of the river, about a mile and a half below the junction of the Gaz-bastan stream with the Mashkel, and almost immediately south of Kohak Fort.

Pillar 2 is built on a well marked hill on the right or south bank of the Mashkel river about 6 miles above the junction of the Mashkel and Rakshan rivers. From pillar 2 the boundary runs in a north-westerly direction to a conspicuous peak on the subsidiary range which runs from the Tank-i-Grawag to the Siahan. The peak is marked by pillar 3. From pillar 3 it follows the watershed of this subsidiary range to its junction with that of the Siahan Koh and thence it is defined westward by the main watershed of the Siahan range to a point about 4 miles east of the pass called Bonsar or Sharindor, on the main road connecting Isfandak with Jalk. At this point, which is marked by pillar 4, a subsidiary watershed or spur runs northward, along which the boundary extends, leaving all drainage into the cultivated tracts of Kalagan on the Persian side. The boundary is here marked by a conspicuous peak, distinguished by a natural bluff resembling a tower on its summit. From this peak 5, it is carried to pillar 6, which is placed on the main road leading a little south of east from the village of Kaladen towards the Mashkel river. Pillar 6 is 4 miles from the village of Kaladen. From pillar 6 the boundary runs direct to pillar 7 on the main road connecting Jalk with Ladgasht and Mashkel at 12 miles from Zirat-i-Pir-Omar at Jalk.

From pillar 7 the boundary is carried in a northerly direction by a straight line to pillar 8.

Pillar 8 is placed on the road connecting the date groves of Ladgasht with those of Muksokhta or Muksotag, and it is erected at a distance of 3 miles from the southern edge of the Muksotag grove, so as to divide the southern group of date groves, including Ladgasht and Kalag, from the northern group, which includes Muksotag, Gorani and others.

Ladgasht, with its date groves, becomes the property of Kalat, and Gorani with its date groves, has been allotted to Persia, on the understanding that the frontier Governors of the Persian Government in future become responsible for the conduct of the Damani cultivators of these groves.

From pillar 8 the boundary runs 14 miles nearly north to pillar 9 at the south-eastern edge of the Kindi date grove, and thence in the same direction for 3½ miles to the north-eastern edge of the same grove of Kindi, where pillar 10 is erected.

From pillar 10 the boundary runs 11 miles a little south of west so as to clear the northern edge of the Kindi date grove, to pillar 11.

Pillar 11 is on the edge of the right bank of the Talab watercourse, and about 1 mile east of the northern end of the Gorani date groves.

From pillar 11 northwards the Talab river becomes the boundary to its junction with the Mirjawa river. From the point of junction it is carried by a straight line to the nearest point on the watershed of the Mirjawa range, which limits the drainage into the Mirjawa river on the north.



Thence it follows the main watershed northward to the highest point of the Kacha Koh.

From the highest point of the Kacha Koh the line is carried straight to the highest point of the Malik Siah Koh.

Camp Jalk;  
24 March 1896.

T. H. Holdich, Colonel, R.E.,  
H.M.'s Commissioner, Perso-Kalat Boundary.

### *Description of pillars*

<i>No.</i>	<i>Latitude.</i>	<i>Longitude.</i>	<i>General description.</i>
1	27 5 30	63 17 25	A conical pile of stones, about 12 feet high, built on the summit of a hill overlooking the Mashkel river on its northern bank, about a mile and a half below the junction of the Gaz-bastan stream with the Mashkel. Azimuth of pillar 2—75°. Distance—5½ miles.
2	26 6 50	63 22 30	A conical pile of stones about 6 feet high, built on a hill overlooking the Mashkel river on its southern bank, about six miles above the junction of the Rakhshan river with the Mashkel. Azimuth of pillar 3—335°. Distance—7½ miles.
3	27 12 30	60 19 30	A conical pile of stones, about 5 or 6 feet high, built on a conspicuous peak of low range connecting the Tank-i-Grawag (where the Mashkel river passes between the Siahian and Koh-i-Sabz ranges) with the Siahian. This low range is locally known as the Grawag. From pillar 3 to 4 the line follows first the watershed of this subsidiary Grawag range to its junction with that of the Siahian, and the Siahian watershed to pillar 4. Azimuth of pillar 4—273°. Distance—30½ miles.
4	27 14 40	62 49 50	A pile of stones erected on a flat-topped peak of the Siahian watershed, about 4 miles east of the Bonsar or Sharindor Kotal or pass. From this point the boundary diverges northward along the eastern watershed of the Kallagan river to peak 5. Azimuth of peak 5—6°. Distance—8½ miles.
5	27 21 30	62 50 30	A conspicuous peak on the watershed or spur which trends northward from pillar 4. It is marked by a natural bluff resembling a tower on its summit. Azimuth of pillar 6—21°. Distance—7½ miles.

<i>No.</i>	<i>Latitude.</i>	<i>Longitude.</i>	<i>General description.</i>
6	27 27 40	62 53 20	A pile of mixed earth and stones set up on the main road which runs eastward from the Kalladin village about 4 miles from the village. Azimuth of pillar 7—356°. Distance—21 miles.
7	27 46 0	62 51 54	A pile of mixed earth and stones erected on the main road, connecting Jalk with Ladgasht: about 12 miles from Jalk. Azimuth of pillar 8—349°. Distance—18 miles.
8	28 1 40	62 48 30	Pillar 8 is a small mound constructed of sand and bushes on rising ground about 3 miles south-east of the southern edge of the Muk-sotag grove, on the road between Muk-sotag and Ladgasht. Azimuth of pillar 9—7°. Distance—13½ miles.
9	28 13 40	62 50 20	Pillar 9 is a small mound of mixed sand and bushes at the south-eastern end of Kindi date grove. Azimuth of pillar 10—359°. Distance—3½ miles.
10	28 16 35	52 50 10	Pillar 10 is a small mound of mixed sand and bushes on the north-eastern edge of the Kindi date grove. Azimuth of pillar 11—265°. Distance—11½ miles.
11	28 14 20	62 39 20	Pillar 11 is a small mound of mixed sand and bushes on a low range of sandhills, on the right bank of the Talab watercourse, and one mile east of the northern end of the Gorani date grove. Approximate azimuth along Talab river—310°.

Camp Jalk;  
24 March 1896.

T. H. Holdich, Colonel, R.E.,  
H.M.'s Commissioner, Perso-Kalat Boundary.

### Boundary Agreement, 13 May 1905

His Excellency the Mushir-ed-Dowleh, Minister for Foreign Affairs of His Majesty the Shah of Persia, and Sir A. Hardinge, K.C.B., His Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary at Tehran, duly authorised thereto by their respective Governments have concluded the following agreement:

1. His Britannic Majesty's Government withdraw the claim to the ownership of Mirjawa put forward on its behalf in the year 1902, when a Persian Custom

House was first established at that place. The Persian Government on its side, undertakes to permit the British outpost at Padaha to procure (using buckets or water-skins for the purpose) the supply of water which may be necessary for it from the wells or tank situated at or near Mirjawa.

2. The two Governments agree by common consent to abandon the further examination by a special commission of their frontier line in this region which was proposed on behalf of his Britannic Majesty's Government in Sir A. Hardinge's note to the Mushir-ed-Dowleh, dated the 6th April 1902, and accepted by His Excellency in his note to Sir A. Hardinge of May 14th, 1902. This frontier shall be regarded as definitely settled in accordance with the agreement of 1896, and no further claim shall be made in respect of it.

3. With a view to the increase of friendly relations, the Persian Government will permit the inhabitants of the frontier villages of Mirjawa, Ladis, and Duzdab to sell supplies, should they be willing to do so (to the annual amount of seven hundred Tabriz kharwars of grain) to the neighbouring British outposts on the Indian side of the frontier, and will also allow the unrestricted export of fifteen hundred Tabriz kharwars of grain and fifty Tabriz kharwars of ghee annually from Seistan for the use of the British frontier station of Robat Killa and other stations along the Nushki route. All the exports of grain and ghee will be liable to the payment of the customs duty levied on those of the most-favoured nation. It is understood that this provision applies to normal years and that the British Government will not demand the specified export of grain from one of the localities mentioned when such locality can be clearly shown to be suffering from actual famine owing to destruction of its crops by locusts, blight, or other exceptional visitation.

Done at Tehran on the 13th day of May in the year 1905.

Mushir-ed-Dowleh.

Arthur Hardinge.

The undersigned, His Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary, hereby declares that in signing the Mirjawa Agreement of the 13th May without reference to His Majesty's Government of the Alterations in the original text introduced in compliance with the telegram from His Majesty the Shah of the 12th May in order not to cause further delay in the withdrawal of the Boundary Commission from Persian territory he reserves the right of His Majesty's Government, should it not accept the amendments in question, to withhold its assent to the agreement.

Arthur Hardinge.

## Boundary Agreement, 6 February 1958

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### Preamble

The Government of the Islamic Republic of Pakistan and the Imperial Government of Iran, being desirous to promote the existing cordial neighbourly relations between the two States and to strengthen further the brotherly and friendly relations and wishing to specify and clarify the boundary line between Pakistan and Iran on the basis of the Agreements and Notes concluded and exchanged in the past between Iran and the Government of the United Kingdom, have decided to conclude this Agreement and have appointed their Plenipotentiary Representatives as follows:—

On behalf of the Government of the Islamic Republic of Pakistan:

His Excellency Major General Nawabsade Agha Mohammad Raza, Ambassador of the Islamic Republic of Pakistan at Tehran.

On behalf of the Imperial Government of Iran:

His Excellency Dr. Ali Gholi Ardalan,  
The Minister of Foreign Affairs.

The said Representatives after exchange of their letters of credence which were found correct and valid, have agreed over the following:—

#### Article I

The Boundary line between Pakistan and Iran from Gwatur Bay to Koh-i-Malik Siah shall be as agreed to by the two Parties, and specified in Article II of this Agreement, on the basis of the following documents:—

- (i) Notes dated the 1st and 4th September, 1871, and the map attached thereto, exchanged in Tehran between Mr. Alison, Minister Plenipotentiary of the United Kingdom, and Mirza Saeed Khan, the Minister of Foreign Affairs of Iran.
- (ii) Agreement, dated 27th December, 1895, and note attached thereto, concluded in Tehran between Amin-us-Sulten, Sadar-i-Azam of Iran, and the Minister Plenipotentiary of the United Kingdom.
- (iii) *Procès verbal* (mentioned as 'Agreement' in the English text), regarding delimitation of the border dated 24th March, 1896, and the map attached thereto, drawn up between Ehteshamul-Vizarch and Colonel Holdich and approved by the Governments of Iran and the United Kingdom.
- (iv) The Agreement, dated the 13th May, 1905, arrived at in Tehran between Mushir-ud-Dowleh, the Minister of Foreign Affairs of Iran, and Sir Arthur Hardinge, the Minister Plenipotentiary of the United Kingdom.

#### Article II

The agreed boundary line, mentioned in Article I, shall follow the alignment of the line drawn on the maps and described and defined in the memorandum attached to this Agreement, and explained as follows:—

(a) From Gwatur Bay to existing pillar No. 1, (South of Kohuk), the agreed boundary line is drawn on a copy of 1" = 4 miles (1/253 440) scale map, comprising of sheets Nos. 31-F, G, I, J, K, M, N & O. The description of points, their grid coordinates and the definition and description of the alignment of the boundary line have also been given in a separate memorandum. The said map and the memorandum, signed by the Chairmen of the two Commissions, shall form Appendix 1 of this Agreement.

(b) From existing Pillar No. 1, (South of Kohuk) to existing Pillar No. 11 the boundary line shall be in accordance with the line demarcated in 1896.

(c) From existing Pillar No. 11 to Koh-i-Malik Siah the agreed boundary line shall have the alignment as drawn on 1" = 4 miles (1/253 440) scale map, printed in 1932. The description and approximate geographic coordinates of the points and description and definition of the boundary line have been given in a separate memorandum. The said map and the memorandum, signed by the Chairmen of the two Commissions, shall form Appendix II of this Agreement.

#### Article III

The two Parties agree that, as soon as this Agreement has come into force under Article XII, they shall send their commissions to the area to identify the boundary line mentioned in Article II on the ground and to demarcate it.

#### Article IV

The Commissions of the two Parties shall identify the alignment of the agreed boundary line mentioned in Article II on the ground and shall fix the Pillars along the entire boundary line in the following manner:—

(a) In the Southern Sector, from Gwatur Bay to existing Pillar No. 1, the boundary line, determined on 1" = 4 miles scale map mentioned in Article II, shall be identified on the ground in accordance with the description and definition given in the memorandum attached thereto and demarcated accordingly.

In places where, in accordance with the signed map and the memorandum attached thereto, the boundary line should run along watersheds, valleys, rivers, natural mountainous passes and, in general, natural features of the ground, if the boundary line determined on the map does not agree with the said natural features, the lay of the natural features of the ground shall be the basis for the operations in accordance with the memorandum attached to the map.

As the Government of the Islamic Republic of Pakistan have, in the course of the negotiations between the two Commissions, prepared larger and more detailed 1" = 1 mile (1/63 360) scale map in 1956, the two Parties agree that the Iranian Commission shall, in the course of demarcation, check and compare this map with the ground and, in case a difference is noticed, they shall jointly correct this map and, after this is done, the two Parties shall recognize this map as correct.

In the course of identification on the ground of the agreed boundary line, drawn on the 1" = 4 miles scale map and described in the memorandum attached thereto, the 1" = 1 mile scale map mentioned above shall be utilized for the purpose of identifying all the features of the ground and the points along the boundary line; and the demarcated boundary line and the sites of the pillars shall be transferred and drawn on this map which shall be appended to the final Protocol.

(b) From the existing Pillar No. 1 to existing Pillar No. 11 the boundary line shall be the same line as drawn on the relevant map by the Delimitation Commission of 1896. The Joint Commission shall renew the existing pillars and, if necessary, shall erect subsidiary pillars in between the existing 11 pillars. For the sake of uniformity and maintenance of serial order of the boundary pillars, the existing pillars shall be renumbered in the serial order of the entire line. The appendices attached to the *procès verbal* (mentioned as 'Agreement' in the English text) regarding delimitation of the border, of 1896, in respect of this Sector shall form part of the final Protocol. The two Parties agree to jointly prepare a new large scale map of the area between existing Pillar No. 1 and existing Pillar No. 11. When this new map is ready, the demarcated boundary line shall be exactly transferred and drawn on it from the map attached to the *procès verbal* (Agreement) drawn up by the Delimitation Commission of 1896; this map shall under a Protocol replace the old map.

(c) In the Northern Sector, from existing Pillar No. 11 to Koh-i-Malik Siah, the alignment of the boundary line determined on the signed 1" = 4 miles scale map (1932) shall be identified on the ground, in accordance with the description given in the memorandum attached thereto, and boundary pillars shall be erected.

As the Imperial Government of Iran is determined to prepare a larger (1/50 000) scale map covering the width of 2½ kilometers on each side of the boundary line and, if necessary, up to a maximum of 5 kilometers on each side of the boundary line, the Pakistan Commission shall compare this map with the ground and, in case a difference is noticed, they shall correct it jointly with the

Iranian Commission. Thereafter, the demarcated boundary line and the sites of the pillars shall be transferred and drawn on this map.

In the event of the 1/50 000 scale map not being ready at the time of demarcation, the 1" = 4 miles scale (1932) map shall be utilized for showing the sites of the boundary pillars in the following manner: in the course of demarcation, the Iranian Commission shall compare the said map with the ground, and in case a difference is noticed, they shall correct it jointly with the Pakistan Commission. After this is done, the two Parties shall recognize this map as correct. As this map is of small scale and in intricate places the sites of the boundary pillars cannot be shown on it, larger scale supplementary local maps of these particular places shall be prepared in the course of demarcation and the sites of the pillars shall be shown on these maps. This map and the supplementary local maps shall form part of the other appendices of the final Protocol. When the larger (1/50 000) scale map is ready, the alignment of the boundary line and the sites of all the pillars shall be transferred and drawn on this map and this map shall replace the 1" = 4 miles scale map (1932) and the supplementary local maps, and shall be attached to the final Protocol. In any case, absence of 1/50 000 Scale map shall not prevent the continuance of the work of demarcation.

(d) In the course of demarcation, the Commissions of the two Governments shall accurately calculate and determine the spherical and grid coordinates, and also distances and other technical details in respect of each of the said pillars along the entire boundary line extending from Gwatur Bay to Koh-i-Malik Siah and draw up and sign a Protocol for each one of them.

(e) After the demarcation operations are complete, a comprehensive and final Protocol, covering the three maps mentioned in paras (a), (b) and (c) of this Article and the signed Protocols pertaining to the technical details and spherical and grid coordinates and distances of the pillars along the entire boundary line, shall be drawn up and signed by the Chairmen of the two Commissions. This Protocol, along with its enclosures, after approval by the two Governments, shall be the permanent record of the boundary line between the two countries. As long as the work of demarcation of the entire boundary line is not complete, and the final Protocol is not signed by the Chairmen of the Commissions of the two Parties and approved by the two Governments, the work of demarcation shall not be considered complete in part or as a whole.

#### Article V

In case the Commissions of the two Parties in the course of their work, jointly find that, in different minor matters, divergencies from the line, identified on the ground in accordance with the map and the memorandum attached to the Agreement, are essential, they shall be authorized to do so on exchange basis, provided that this exchange takes place in a manner that no loss is suffered either by Pakistan or Iran. In case the Commissions of the two Parties fail to come to an agreement in this regard, demarcation shall take place in accordance with the line identified on the ground from the signed map and the memorandum attached thereto and this line shall be the final boundary line.

#### Article VI

The boundary marks shall take the form of pillars of appropriate sizes, erected at required distances, as mutually agreed upon by the Joint Commissions. The Commissions of the two Parties may, where necessary, select some of the permanent physical features of the ground as boundary marks. The entire cost

of construction of the boundary pillars shall be shared half and half by the two Governments.

#### Article VII

Transfer of the territories necessitated by the process of demarcation shall be conducted by the Commissions of the two Parties. After the final Protocol is approved by the two Governments, the said Commissions shall within 15 days, fix an early date on which the said transfer shall take place.

#### Article VIII

Every person resident of an area transferred from one country to the other who, before the transfer, was a national of the country in which that area then lay, shall have the right to retain the nationality of that country and to move permanently into its territories, provided that within the space of one year from the date of transfer he declares to relevant authorities his intention to exercise the right.

#### Article IX

(a) For the use of the Pakistan border post near the Mirjawa border area, the Imperial Government of Iran agree to the Government of the Islamic Republic of Pakistan drawing 3 cubic metres (equivalent of 666 Imperial Gallons) of water every 24 hours from Mirjawa water in the manner explained below:— [details of pipe construction].

(b) For the use of the Iranian Border Post near the Kacha border area, the Government of the Islamic Republic of Pakistan agree to the Imperial Government of Iran drawing 200 Imperial Gallons from Kacha water every 24 hours in the manner explained below:—[details of pipe construction].

(c) Laying of the pipe line for drawal of water from either side for the use of the border post shall not create any servitude or other rights in respect of the other party.

#### Article X

[Maintenance of pillars]

#### Article XI

This Agreement has been drawn up in two languages, English and Persian, and both the texts shall be equally valid and authentic.

#### Article XII

This Agreement shall be ratified and shall come into force from the date of exchange of the Instruments of Ratification which shall take place at Karachi.

Tehran, dated the 6th February 1958.

Nawabzada Agha Mohammad Raza

Ali Gholi Ardalan

P.S. The three letters which have been exchanged between the undersigned in respect of the provisions contained in Article II (a) and Article IV (b) and in respect of the procedure to be adopted for demarcation have also been enclosed with this Agreement.

Nawabzada Agha Mohammad Raza

Ali Gholi Ardalan

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## The Boundary between China and Pakistan

The Sino-Pakistani agreement of 1963 defined the 325 miles (523 kilometres) of boundary between Chinese Singkiang and that portion of Kashmir occupied by Pakistan. The first article notes that this boundary has never been formally delimited, and this is literally true. However, there is plenty of evidence to show that Britain had been very concerned in the last decade of the nineteenth century to fashion a boundary in this region, and to secure China's formal agreement. A firm proposal was made in 1899 by the British ambassador in Peking, but this line was neither rejected nor accepted by the Chinese authorities. With minor modifications this line was observed as the *de facto* boundary by British authorities, and Lamb (1964b) has clearly shown that the Sino-Pakistani boundary lies close to the modified 1899 line.

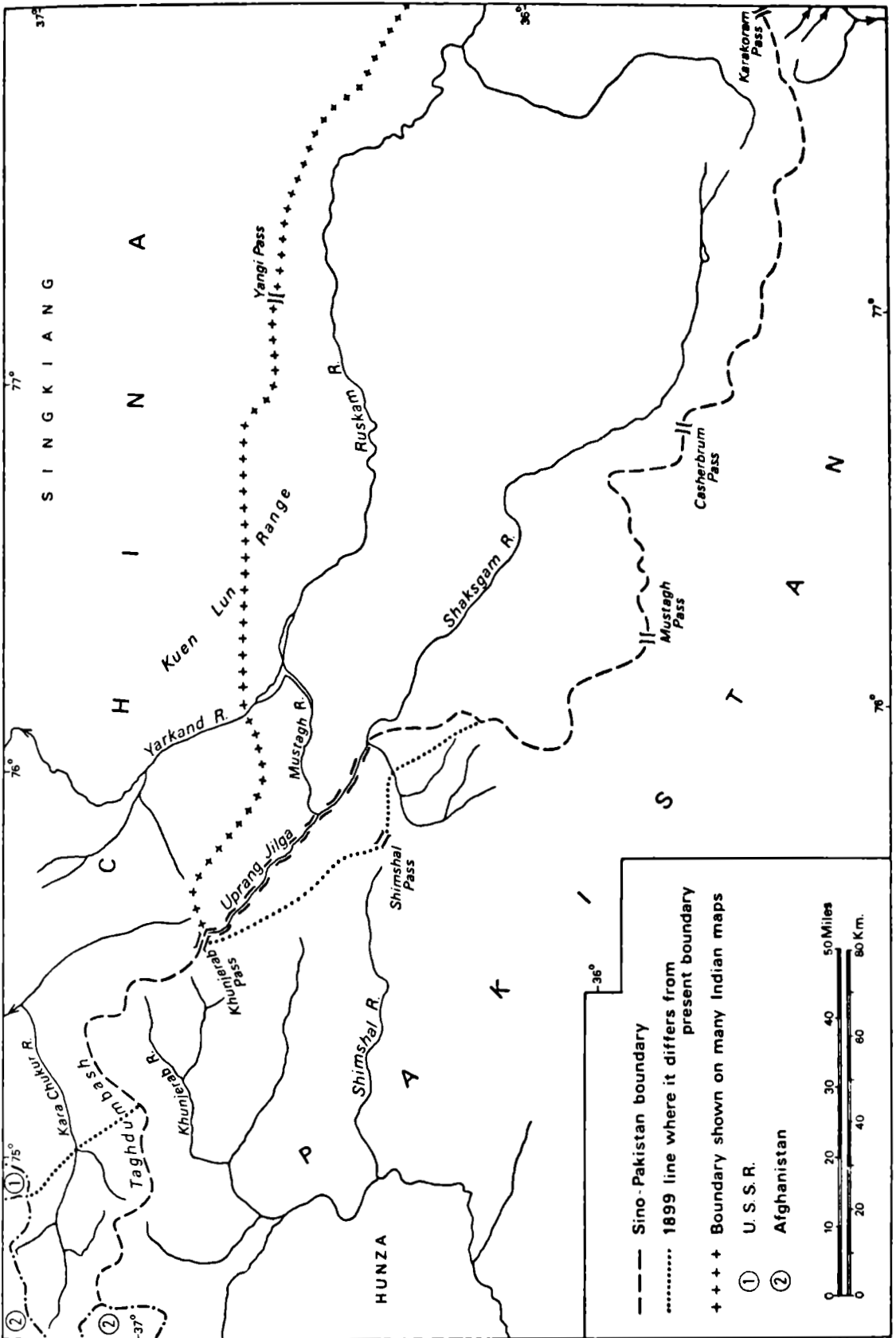
In reviewing the boundary history of this area prior to the current agreement, Lamb (1964a, b) and Rao (1968) differ on a number of important points. This is hardly surprising because Rao is undoubtedly a champion of the Indian cause, and Lamb, because of his persistent conclusions, is regarded by Indians as the champion of the Chinese border position. However, there is agreement on British motives in selecting the 1899 and other lines, and on the position of these various lines. Britain was anxious to make Chinese territory conterminous with Afghanistan to complete the buffer between British India and Russia. There was concern in the period from 1885 to 1899 that Russia might advance towards Hunza and Kashmir.

It is precisely this fulfilment of a Russian desire [to occupy passes in the Pamirs] that I believe can be frustrated by closing up Afghan and Chinese territory to a common frontier line across the belt in question (Ney Elias quoted in Rao, 1968, p. 45).

Recent reports . . . emphasize the possibility that Sarikul and Rashkam may at a not far distant date pass into the possession of Russia, who might then, unless the Taghdumbash were protected, overlap the boundary just demarcated [in 1895 by the joint Anglo-Russian commission] . . . The present moment, when it may be possible to obtain concessions from China . . . appears favourable for settling the Chinese boundary with Kashmir, Hunza and Afghanistan, and we invite earnest attention to the possibility of effecting an arrangement whereby a definite limit would be placed to possible extensions of Russian territory towards the Mustagh and Karakoram mountains (Elgin to Hamilton, September 1895, quoted in Lamb, 1964a, p. 99).

It was to meet the possible threat of a Russian advance that Britain proposed the following boundary to the Chinese authorities.





Map 13. The Sino-Pakistan boundary

Commencing at the Little Pamir, from the peak at which the Anglo-Russian Boundary Commission of 1895 ended their work, it runs southeast, crossing the Karachikar stream at Mintake Aghazi; then proceeding in the same direction it joins at the Karchenai Pass the crest of the main ridge of the Mustagh range. It follows this to the south, passing by the Khunjerab Pass, and continuing southwards to the peak just north of the Shimshal Pass. At this point the boundary leaves the crest and follows a spur running east approximately parallel to the road from the Shimshal to the Hunza post at Darwaza. The line turning south through the Darwaza post crosses the road from the Shimshal Pass at that point, and then ascends the nearest high spur, and regains the main crests which the boundary will again follow, passing the Mustagh, Casherbrum, and Saltoro Passes by the Karakoram (quoted in Lamb, 1964a).

In the view of Lamb this boundary did not involve any real sacrifice by British protected states, especially Hunza, although he recognized that there was a nominal tributary relationship between Hunza and China. The Mir of Hunza paid an annual tribute, for which he obtained certain grazing rights north of the Karakoram, in the Taghdumbash and Ruskam valleys. The Chinese authorities sent the revenue collected from nomads in these areas to the Mir; he did not directly administer the area, but maintained some token cultivation of fields just north of the watershed (Lamb, 1964a, pp. 97–8). The Chinese had the right, which they apparently valued, to attend the installation of any new Mir. But Lamb decided that this relationship had no political significance for the Indian authorities of the time (Lamb, 1964b, p. 305).

Rao disagrees strongly with Lamb's interpretation. He insists that the Mir of Hunza ruled directly in wide areas north of the Karakoram, and quotes the following description of the Mir's territory.

The northern watershed of the Taghdumbash Pamir from the Wakhirjui pass through the Beyik peak to Ilijilga about a mile above Dafdar, thence across the river to the Zankan nullah: thence through Mazar and over the range to Urok a point on the Yarkand river between Sibjaida and Itakturuk. Thence it runs along the northern watershed of the Raskam valley to the junction of the Bazar Dara river and the Yarkand river. From thence southwards over the mountains to the Mustagh river leaving Aghil Dawan and Aghil pass within Hunza limits (Rao, 1968, pp. 43–4).

Rao also denies the existence of any evidence to show that Hunza was in any tributary relationship with China prior to 1890. Fortunately it is not necessary to adjudicate on these rival attitudes since it is indisputable that Britain did offer the 1899 line, and that since then no successor to the British government has thought it worthwhile to claim the extreme limits which Rao specifies for Hunza, even though the Indian government of 1947 believed that Hunza had genuine claims to rule as far north as the Kuen Lun range (Rao, 1968, p. 60).

The decision of the British government to select the particular line in 1899 was based mainly on strategic grounds. Ney Elias had discussed the problems of maintaining guards in the Yarkand and other northern valleys, and had come to the conclusion that these forces would be isolated from their base for five months each year, when the passes were closed, and during the other months they could only be supported with difficulty (Rao, 1968, p. 47). The viceroy of the day summarized the argument clearly:

The country between the Karakorum and Kuen Lun ranges is, I understand, of no value, very inaccessible and not likely to be coveted by Russia. We might, I should think, encourage the Chinese to take it, if they showed any inclination to

do so. This would be better than leaving a no man's land between our frontier and that of China. Moreover the stronger we can make China at this point, and the more we can induce her to hold her own over the whole Kashgar-Yarkand region, the more useful will she be to us as an obstacle to Russian advance along this line (quoted in Rao, 1968, p. 48).

This strategic argument proved less persuasive as the weakness of China after the Sino-Japanese war of 1895 became apparent. British strategists, notably Sir John Ardagh, began to advocate a line which lay north of the 1899 line and close to the limit of Hunza's claims. This was done on two grounds. First, that the approach to the passes from the north was much easier than from the south and therefore the glacis should be held. Second, that if Russia occupied the Ruskam and Taghdumbash valleys, it might seriously revive the tenuous Chinese claims to sovereignty over Hunza, which China was clearly in no position to advance. For these reasons the 1899 line was varied. According to Lamb (1964a, pp. 107, 110) the British authorities accepted the Ardagh Line from 1899 until after World War I. It was defined in the following terms.

A line similar to that proposed by Sir John Ardagh in 1897 . . . will attain this object . . . A good line would be one commencing from Baiyik Peak running eastwards to Chang Pass, leaving Taghdumbash and Dehda on British side, thence along crest of range through Sargon Pass and crossing Yarkand river to crest of Kuen Lun range, north of Raskam, and along crest of that range through . . . Kukahang and Dozakh and Yargi and Kilik Passes, to Sanju or Grim Pass, thence crossing Karakash River along Kuen Lun watershed to Tibetan frontier, including Aksai Chin plain in our area (quoted in Lamb, 1964a, p. 109).

Rao (1968, p. 59) asserts that in fact no occupation occurred beyond the Karakoram except in the Shaksgam valley, and he quotes a General Staff view that the advanced boundary had advantages providing it was not necessary to station troops beyond the 1899 line (Rao, 1968, p. 59). Lamb notes that 'Britain never in the 1890s or later, administered north of the watershed'. Again this disagreement is not very important, because both writers agree that British authorities did not attempt to administer the upper Kara Chukur valley, apart from a small military post during World War I, but they disagree on the correction made by Lord Curzon in 1905. Lamb (1964b, p. 302), places the correction in the vicinity of the Shimshal pass; Rao (1968, p. 60) alleges that Pakistan, either through ignorance of history or political motive, ceded the entire Shaksgam valley to China.

These historical differences probably have no significance to modern practical politics. Now that India has apparently relinquished its claims to that part of Kashmir held by Pakistan, it seems likely that the boundary defined in the Sino-Pakistani agreement and the subsequent protocol will survive for the foreseeable future.

The Sino-Pakistani agreement was accompanied by Chinese and Pakistani maps on the scale of 1:1 000 000, because the two maps did not agree exactly in the portrayal of topography and drainage. This is a technique which Chinese authorities also used in concluding treaties with Afghanistan and Burma.

The fourth article of the agreement made provision for the demarcation commission which was charged with surveying the area to provide a common map, and placing markers where this was considered necessary. The protocol completing the work of this commission was signed in Rawalpindi on 26 March 1965. It has not been published, but apparently a satisfactory map was prepared and forty pillars were placed along the boundary. They are located mainly in the named passes and the lower, accessible areas of the Uprang Jilga and Yarkand valleys. To avoid the

risk of unnecessary complications the agreement states that the middle line of river beds and the water-parting line in passes shall be the boundary line. In fact 'the middle line of a river bed' is not a sound line where the river is used for navigation, since the navigable channel will often lie closer to one bank than another. It is probable that the Uprang Jilga and Yarkand rivers are not important for navigation, except on a purely local basis. It is surprising that the agreement does not contain any provision for the joint use of rivers for navigation, fishing and irrigation, but the fifth article does state that any dispute will be settled through peaceful consultation.

The Indian government rejected the Sino-Pakistani agreement on the grounds that Pakistan was in illegal occupation of Indian territory in Kashmir, and therefore had no authority to negotiate a boundary with China (Rao, 1962). The Chinese government rejected this criticism by insisting that the agreement specifically avoided any judgement on the issue of the ownership of Kashmir. In the text of the agreement Pakistan's territory was carefully described as 'the contiguous areas the defence of which is under the actual control of Pakistan', and the sixth article stated that after the Kashmir dispute between India and Pakistan was settled the sovereign power concerned would negotiate a formal boundary treaty to replace the Sino-Pakistani agreement. After the terms of the agreement became known to the Indian government, it was alleged that Pakistan had conceded at least 13 000 square miles (33 657 square kilometres) of territory to China (*Indian Affairs Record*, 1963, p. 126). Clearly the Indian government were not prepared to waive the claims of the Mir of Hunza to the Ruskam valley. Eight months before the agreement was signed the Indian government had indicated that it had been in touch with the Pakistani government over the claims of the Mir of Hunza, and that the Indian government knew more about the history of this area than either the Chinese or Pakistani governments (*Indian Affairs Record*, 1962, p. 165). However, as previously noted, now that the Indian government has apparently abandoned its claim to Pakistan Kashmir, presumably the Sino-Pakistani agreement will remain in force, or be duplicated in another form.

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### Boundary Agreement, 2 March 1963

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The Government of the People's Republic of China and the Government of Pakistan,

Having agreed with a view to ensuring the prevailing peace and tranquility on the border, to formally delimit and demarcate the boundary between China's

Sinkiang and the contiguous areas the defence of which is under the actual control of Pakistan, in a spirit of fairness, reasonableness, mutual understanding and mutual accommodation, and on the basis of the Ten Principles as enunciated in the Bandung Conference;

Being convinced that this would not only give full expression to the desire of the peoples of China and Pakistan for the development of good-neighbourly and friendly relations, but also help safeguard Asian and world peace;

Have resolved for this purpose to conclude the present Agreement and have appointed as their respective plenipotentiaries the following:

For the Government of the People's Republic of China: Chen Yi, Minister of Foreign Affairs;

For the Government of Pakistan: Zulfikar Ali Bhutto, Minister of External Affairs;

Who, having mutually examined their full powers and found them to be in good and due form, have agreed upon the following:

#### Article One

In view of the fact that the boundary between China's Sinkiang and the contiguous areas the defence of which is under the actual control of Pakistan has never been formally delimited, the two Parties agree to delimit it on the basis of the traditional customary boundary line including natural features and in a spirit of equality, mutual benefit and friendly cooperation.

#### Article Two

I. In accordance with the principle expounded in Article One of the present Agreement, the two Parties have fixed, as follows, the alignment of the entire boundary line between China's Sinkiang and the contiguous areas the defence of which is under the actual control of Pakistan:

(1) Commencing from its northwestern extremity at Height 5630 metres (a peak, the reference co-ordinates of which are approximately Longitude 74° 34' E and Latitude 37° 03' N), the boundary line runs generally eastward and then southeastward strictly along the main watershed between the tributaries of the Tashkurgan River of the Tarim River system on the one hand and the tributaries of the Hunza River of the Indus River system on the other hand, passing through the Kilik Daban (Dawan), the Mintaka Daban (Pass), the Kharchanai Daban (named on the Chinese map only), the Kutsjilga Daban (named on the Chinese map only), and the Parpik Pass (named on the Pakistan map only), and reaches the Khunjerab (Yutr) Daban (Pass).

(2) After passing through the Khunjerab (Yutr) Daban (Pass), the boundary line runs generally southward along the above-mentioned main watershed up to a mountain-top south of this Daban (Pass), where it leaves the main watershed to follow the crest of a spur lying generally in a southeasterly direction, which is the watershed between the Akjilga River (a nameless corresponding river on the Pakistan map) on the one hand, and the Taghdumbash (Oprang) River and the Keliman Su (Oprang Jilga) on the other hand. According to the map of the Chinese side, the boundary line, after leaving the southeastern extremity of this spur, runs along a small section of the middle line of the bed of the Keliman Su to reach its confluence with the Kelechin River. According to the map of the Pakistan side, the boundary line, after leaving the southeastern extremity of this spur, reaches the sharp bend of the Shaksgam or Muztagh River.

(3) From the aforesaid point, the boundary line runs up the Kelechin River (Shaksgam or Muztagh River) along the middle line of its bed to its confluence

(reference co-ordinates approximately Longitude 76° 02' E and Latitude 36° 26' N) with the Shorbulak Daria (Shimshal River or Braldu River).

(4) From the confluence of the aforesaid two rivers, the boundary line, according to the map of the Chinese side, ascends the crest of a spur and runs along it to join the Karakoram Range main watershed at a mountain-top (reference co-ordinates approximately Longitude 75° 54' E and Latitude 36° 15' N), which on this map is shown as belonging to the Shorbulak Mountain. According to the map of Pakistan side, the boundary line from the confluence of the above-mentioned two rivers ascends the crest of a corresponding spur and runs along it, passing through Height 6520 metres (21,390 feet) till it joins the Karakoram Range main watershed at a peak (reference co-ordinates approximately Longitude 75° 57' E and Latitude 36° 03' N).

(5) Thence, the boundary line, running generally southward and then eastward, strictly follows the Karakoram Range main watershed which separates the Tarim River drainage system from the Indus River drainage system, passing through the East Mustagh Pass (Muztagh Pass), the top of the Chogri Peak (K2), the top of the Broad Peak, the top of the Gasherbrum Mountain (8068), the Indirakoli Pass (named on the Chinese map only) and the top of the Teram Kangri Peak, and reaches its southeastern extremity at the Karakoram Pass.

II. The alignment of the entire boundary line, as described in Section I of this Article, has been drawn on the 1/one million scale map of the Chinese side in Chinese and the 1/one million scale map of the Pakistan side in English, which are signed and attached to the present Agreement.

III. In view of the fact that the maps of the two sides are not fully identical in their representation of topographical features, the two Parties have agreed that the actual features on the ground shall prevail, so far as the location and alignment of the boundary described in Section I is concerned; and that they will be determined as far as possible by joint survey on the ground.

### Article Three

The two Parties have agreed that

- I. Wherever the boundary follows a river, the middle line of the river bed shall be the boundary line; and that
- II. Wherever the boundary passes through a Daban (Pass) the water-parting line thereof shall be the boundary line.

### Article Four

I. The two Parties have agreed to set up, as soon as possible, a Joint Boundary Demarcation Commission. Each side will appoint a Chairman, one or more members and a certain number of advisers and technical staff. The Joint Boundary Demarcation Commission is charged with the responsibility in accordance with the provisions of the present Agreement, to hold concrete discussions on and carry out the following tasks jointly:

(1) To conduct necessary surveys of the boundary area on the ground, as stated in Article Two of the present Agreement, so as to set up boundary markers at places considered to be appropriate by the two Parties and to delineate the boundary line on the jointly prepared accurate maps.

(2) To draft a Protocol setting forth in detail the alignment of the entire boundary line and the location of all the boundary markers and prepare and get printed detailed maps, to be attached to the Protocol, with the boundary line and the location of the boundary markers shown on them.

II. The aforesaid Protocol, upon being signed by the representatives of the

Governments of the two countries, shall become an Annex to the present Agreement, and the detailed maps shall replace the maps attached to the present Agreement.

III. Upon the conclusion of the above-mentioned Protocol, the task of the Joint Boundary Demarcation Commission shall be terminated.

#### Article Five

The two Parties have agreed that any dispute concerning the boundary which may arise after the delimitation of the boundary line actually existing between the two countries shall be settled peacefully by the two Parties through friendly consultations.

#### Article Six

The two Parties have agreed that after the settlement of the Kashmir dispute between Pakistan and India, the sovereign authority concerned will reopen negotiations with the Government of the People's Republic of China on the boundary, as described in Article Two of the present Agreement, so as to sign a formal boundary treaty to replace the present Agreement, provided that, in the event of that sovereign authority being Pakistan, the provisions of the present Agreement and of the aforesaid Protocol shall be maintained in the formal Boundary Treaty to be signed between the People's Republic of China and Pakistan.

#### Article Seven

The present Agreement shall come into force on the date of its signature.

Done in duplicate in Peking on the second day of March 1963, in the Chinese and English languages, both texts being equally authentic.

Chen Yi  
Minister of Foreign Affairs,  
Plenipotentiary of the  
Government of the People's  
Republic of China.

Zulfikar Ali Bhutto  
Minister of External Affairs,  
Plenipotentiary of the  
Government of Pakistan.

## II

### The Boundary between Afghanistan and China

Fraser-Tytler's analysis of the Anglo-Russian 1895 agreement led him to a definite conclusion about China's intentions had China taken part in the negotiations.

It seems in fact certain that had the Chinese taken part in the Commission, they would have asserted a claim to possession of the Taghdumbash Pamir, from Bayik for 40 miles [64 kilometres] westward up to the watershed on the Wajhijir Pass, ever since they reoccupied Eastern Turkestan in 1877, and I do not suppose that anyone would have contested their claim, however shadowy their authority might be (Fraser-Tytler, 1967, p. 345).

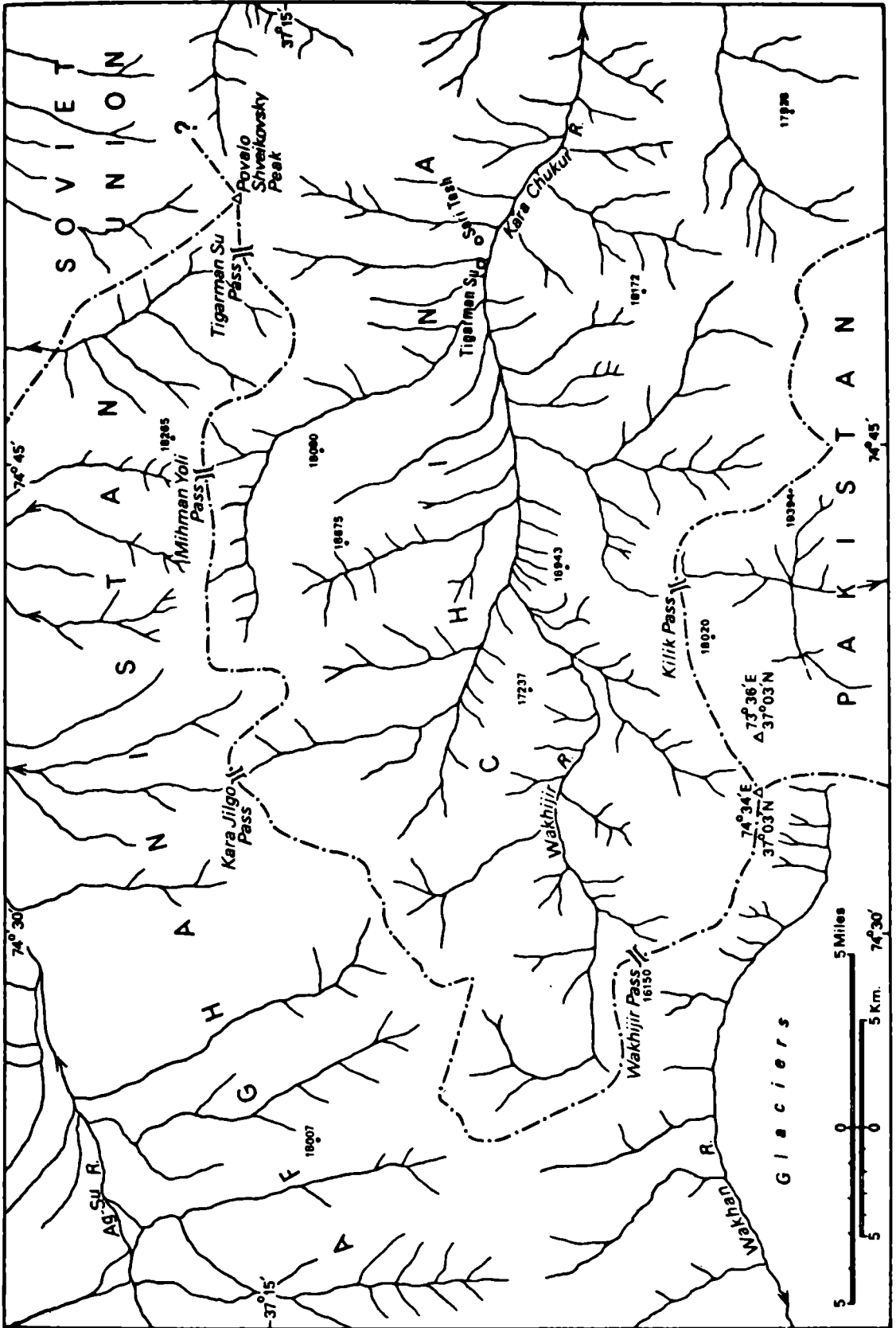
Holdich had drawn the *de facto* boundary, which Tytler described, in his map of Afghanistan in 1900 (Holdich, 1900, p. 596), and it was reproduced in many other atlases. To anyone examining the physical and political geography of this area there appears to be a measure of geographical inevitability about this line, and this was probably the view of the Chinese and Afghanistan delegates who fashioned the Sino-Afghan boundary agreement of November 1963.

The problem really was to connect the two points which were acknowledged to mark the ends of this boundary. The Anglo-Russian 1895 commission had named the peak Povalo Schveikovsky as the tri-junction of Russian, Chinese and Afghan territory. The Sino-Pakistani agreement of March 1963 had specified the Chinese-Pakistani-Afghan tri-junction as an unnamed peak, 5630 metres high, at co-ordinates 74° 34' east and 37° 03' north. These peaks lie 21 miles (34 kilometres) apart, to the north and south respectively of the Kara Chukur river. Since both peaks also lie on the watershed which marks the catchment of that river it was easy for the Chinese and Afghan delegates to select that watershed, which was defined in the agreement by the names of various passes which appeared on one or both of the maps submitted by both sides. In reaching this decision they were, perhaps unknowingly, following the advice of General Gerard, the chief British commissioner in 1895.

Geographically, politically and ethnographically watersheds . . . are the only true and stable boundaries in these regions; and whether in the higher valleys for nomad grazing, or the lower where cultivation is dependent on irrigation, the possession up to the headwaters of each system by one people constitutes the only frontier that has survived the lapse of time (Pamir Boundary Commission, 1897, p. 2).

Two points should be noted about the Sino-Afghan agreement. First, both sides appended their own maps to the text, largely because maps of this area from





Map 14. The Sino-Afghan boundary

different sources are rarely identical. The Chinese have used this technique of both sides submitting their own maps in a number of boundary arrangements to speed the conclusion of negotiations. A demarcation commission prepared a common map in 1964 as instructed by the third article of the treaty; and this map was appended to the demarcation protocol signed in Kabul in March 1965. Unfortunately this document has not been published. Second, the unnamed peak, which marks the Pakistani-Chinese-Afghan tri-junction, is given different positions in the Sino-Pakistani and Sino-Afghan agreements. The Afghan agreement puts the peak two minutes east of the position recorded in the Sino-Pakistani agreement. This may well be due to different maps being used in each case. Two minutes of longitude measures just less than 2 miles (3 kilometres) in this mountainous region, so it is safe to predict that the discrepancy will not cause any important difference between Afghanistan and Pakistan.

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## Boundary Agreement, 22 November 1963

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The Chairman of the CPR [Chinese People's Republic] and His Majesty the King of Afghanistan; With a view of insuring the further development of the friendly and good neighborly relations which happily exist between the two independent and sovereign states, China and Afghanistan;

Resolving to delimit and demarcate formally the boundary existing between China and Afghanistan in the Pamirs in accordance with the principles of respect for each other's sovereignty and territorial integrity and mutual nonaggression and the Ten Principles of the Bandung Conference, and in the spirit of friendship, cooperation and mutual understanding;

Firmly believing that the formal delimitation and demarcation of the boundary between the two countries will further strengthen the peace and security of this region;

Have decided for this purpose to conclude the present treaty, and appointed as their respective plenipotentiaries;

For the Chairman of the CPR: Chen I, Minister of Foreign Affairs;

For His Majesty the King of Afghanistan: Al-Qayyum, Minister of the Interior;

Who, having examined each other's full powers and found them to be in good and due form, have agreed upon the following;

### Article 1

The contracting parties agree that starting from a peak with a height of 5,630 meters—the reference coordinates of which are approximately 37 degrees 03 minutes north, 74 degrees 36 minutes east—in the southern extremity, the boundary line between the two countries runs along the Mustagh Range water divide between the Karachukur Su River, a tributary of the Tashkurghan River, on the one hand, and the sources of the Aksu River and the Wakhjir River, the upper

reaches of the Wakhan River, on the other hand, passing through South Wakhjir Daban (called Wakhjir Pass on the Afghan map) at the elevation of 4,923 meters, North Wakhjir Daban (named on the Chinese map only), West Koktorok Daban (named on the Chinese map only), East Koktorok Daban (called Kara Jilgo Pass on the Afghan map), Tok Kan Su Daban (called Mihman Yoli Pass on the Afghan map), Sirik Tash Daban (named on the Chinese map only), Kokrash Kol Daban (called Tigarman Su Pass on the Afghan map) and reaches Peak Kokrash Kol (called Peak Povalo Shveikovski on the Afghan map) with a height of 5,698 meters.

The entire boundary line as described in the present article is shown on the 1:200,000 scale map of the Chinese side in Chinese and the 1:253,440 scale map of the Afghan side in Persian, which are attached to the present treaty. Both of the above-mentioned maps have English words as an auxiliary.

#### Article 2

The contracting parties agree that wherever the boundary between the two countries follows a water divide, the ridge thereof shall be the boundary line, and wherever it passes through a daban—pass—the water-parting line thereof shall be the boundary line.

#### Article 3

The contracting parties agree that:

(1) As soon as the present treaty comes into force a Chinese-Afghan joint boundary demarcation commission composed of an equal number of representatives and several advisers from each side shall be set up to carry out on location concrete surveys of the boundary between the two countries and to erect boundary markers in accordance with the provisions of Article 1 of the present treaty and then draft a protocol relating to the boundary between the two countries and prepare boundary maps setting forth in detail the alignment of the boundary line and the location of the boundary markers on the ground.

(2) The protocol and the boundary maps mentioned in paragraph one of the present article, upon coming into force after being signed by the representatives of the two governments, shall become annexed to the present treaty, and the boundary maps prepared by the joint boundary demarcation commission shall replace the maps attached to the present treaty.

(3) Upon the signing of the above-mentioned protocol and boundary maps, the tasks of the Chinese-Afghan joint boundary demarcation commission shall be terminated.

#### Article 4

The contracting parties agree that any dispute concerning the boundary which may arise after the formal delimitation of the boundary between the two countries shall be settled by the two parties through friendly consultation.

#### Article 5

The present treaty shall come into force on the day of its signature.

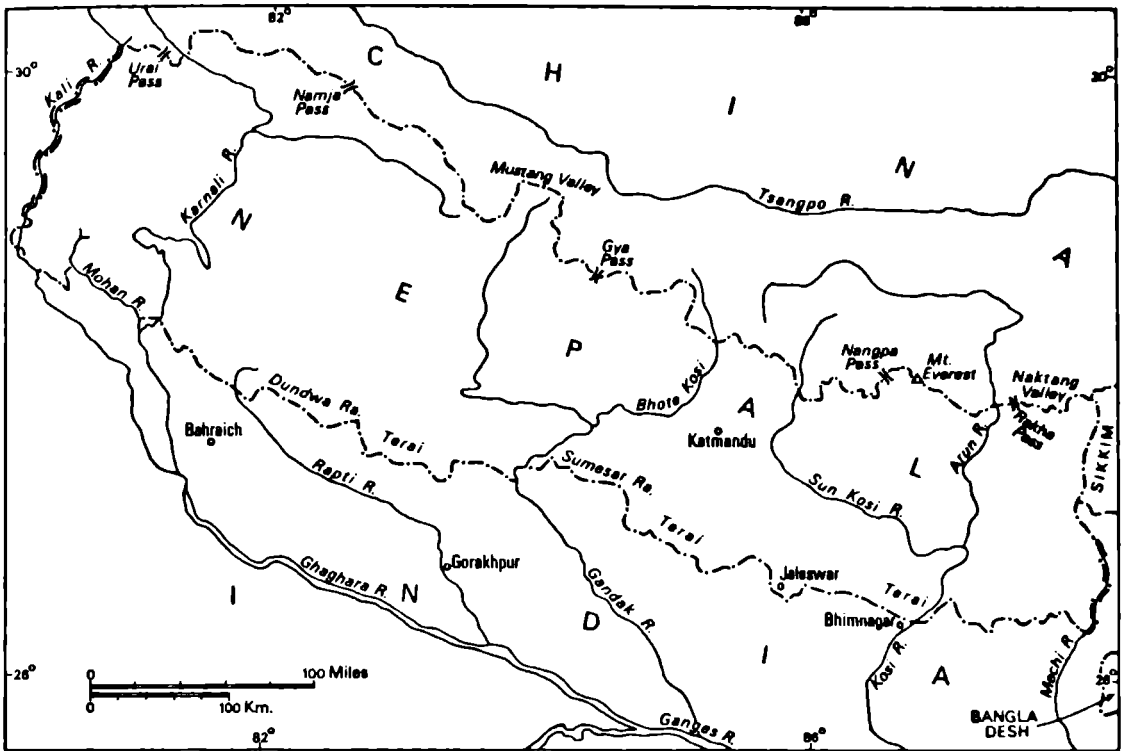
Done in duplicate in Peking on 22 November 1963, in the Chinese, Persian, and English languages, all three texts being equally authentic.

Chen I, plenipotentiary of the CPR.  
Al-Qayyum, plenipotentiary of the  
Kingdom of Afghanistan.

## The Boundary between India and Nepal

The rectangular boundary between India and Nepal is nearly 1000 miles (1609 kilometres) long and can be divided into three sections. The western and eastern sections coincide with the rivers Kali and Mechi respectively. These rivers follow direct courses from the Himalayas to the Ganges plain. The much longer third section, which links these rivers along the southern border of Nepal, generally coincides with the southern limit of the Terai or outcrops of the Siwalik ranges. The Terai is a forested tract, rarely more than 20 miles (32 kilometres) wide, which is marked on the north by the foothills of the Himalayas, and is protected on the south by marshy, grass-covered plains. The Terai has a deserved reputation as an unhealthy zone where malaria is endemic. It was a zone where travel was very difficult in the first half of the last century, when most of this boundary was constructed, partly because of the dense vegetation and partly because the area was a refuge for brigands and rebels. The Terai is crossed by a multitude of major rivers and minor tributaries which drain in a southerly direction towards the Ganges. The most important rivers, starting in the west, are the Kali, the Ghaghara, the Rapti, the Gandak and the Kosi, which upstream is called the Arun. The Siwalik hills are the outlying foothills of the Himalayan system. They are formed from mid-Pleistocene sands, gravels, and conglomerates, and rarely stand above 3000 feet (915 metres) (Spate, 1954, p. 19). Two sections are important in this borderland. The Dundwa range north of Bahraich stretches for about 50 miles (80 kilometres) and does not exceed 2800 feet (854 metres); the Sumesar range east of the Gandak valley is about 44 miles (71 kilometres) long and does not exceed 1400 feet (427 metres).

After 1792 when the Nepalese thrust into Tibet was thrown back by a Chinese army, the interest of this Himalayan kingdom turned increasingly west and east along the Himalayas and south towards the Ganges, where British authority was being established. British contact with Nepal was mainly of a commercial nature, and a commercial treaty was signed by both countries in 1792. In 1801 a further treaty was agreed which resurrected the terms of the earlier agreement, by then a dead letter, and made arrangements for the mutual control of bandits along the frontier (Aitchison, 1909, 2, p. 92). The Nepalese ruler made little effort to abide by the terms of the new agreement, and it was abrogated by Britain in January 1804. This was the signal for a more active policy of encroachment by Nepalese nationals. Wheeler (1900-1, 2, p. 543) notes that 200 villages in the British area were annexed by Nepal in the period to 1812. He suggests that Nepal's target was to fix its boundary along the Ganges, but this seems unbelievably ambitious, since the river lay as much as 100 miles (161 kilometres) further south. In some of the cases there was uncertainty amongst British authorities about the true extent of their jurisdiction,



Map 15. The boundaries of Nepal

and this allowed Nepalese advances to succeed in some areas. However, in 1808 Bhimnagar was annexed by Nepal. This village, which lies on the left bank of the Kosi, close to the present boundary, was well-known to be British, and a British force quickly reoccupied the area. Indian officials managed to persuade the Nepalese ruler to appoint commissioners, who with their British equals might define the territory belonging to each side. This survey was done and British rights were established, but the Nepalese government avoided any retreat, and the Indian government then presented an ultimatum in 1814. This was rejected by Nepal and war began in November 1814. According to Wheeler (1900-1, 2, p. 543) the campaign was nearly disastrous for the Indian army, which eventually managed to make the Nepalese government sue for peace. The treaty ending the war was finally agreed on 2 December 1815, at Segowlee.

It was clearly the British intention to establish firm boundaries around Nepal, which would preclude any further territorial clashes. The sixth article established the river Kali as the western boundary of Nepal, and that has remained unaltered to the present. The fourth and fifth sections of the third article required Nepal to cede all territory east of the river Mechi, and this boundary has also survived since that date. The remainder of the third article specified the cession to the East India Company of the Terai between the Kali and Kosi rivers. These lowlands were described in three sections between the Kali, Rapti, Gandak and Kosi rivers. In fact that part of the Terai between the Rapti and Gandak rivers, which lay north of Gorakhpur, was already controlled by British authorities. This means that the British authorities were quite satisfied with their boundary between the Kosi and Mechi rivers, where there had not been significant pressure by Nepal. The treaty also conceded all lands in dispute to Britain, and bound Nepal from interference in the affairs and territory of Sikkim. The only concession made to Nepal was the payment of pensions by Britain to those chiefs whose interests had been adversely affected by the cession of the Terai.

Immediately after this agreement Nepalese representatives began to query whether the term 'lowlands' in the treaty referred to all the Terai, or only the marshy grassland section. This was a matter of some importance since Nepal was clearly hoping to retain the forested section. This question of interpretation gave the British authorities an opportunity to weigh more carefully the advantages of the ceded territory. It was quickly decided that the area had little commercial value, and it was already well known that it was an unhealthy zone for Europeans. The British government therefore decided to restore some of the lowlands to Nepal, thereby avoiding payment of 200 000 rupees per annum, which was the aggregate pension for the displaced chiefs, and hopefully purchasing some Nepalese goodwill. This offer was made to the rajah of Nepal on 8 December 1816 and accepted with alacrity three days later. The Exchange of Notes restored the Terai between the Kosi and Rapti rivers, except for certain disputed areas, which included the extensive Zillah of Tirhoot between the Kosi and Gandak rivers. It also made provision for the demarcation of this boundary. The commissioners were instructed, by the fourth article of the British Note, to establish 'a straight line of frontier'. If any indentations destroyed 'the even tenor of the line' they were to be constructed on a basis of reciprocity.

The boundary was constructed the following year and has lasted to the present time. The problem for the surveyors was that this was mainly a featureless plain, and the boundary had to be aligned almost east-west, while the rivers flowed uniformly north-south. The surveyors drew smooth, nearly straight lines east-west to separate farm and village lands between the rivers, and connected them by shorter north-south segments along the rivers, which usually followed a contorted meandering pattern across the level floodplain. The only exception to this pattern occurred east of the Gandak valley, where the crest of the Sumesar range formed the boundary site for its entire length. The boundary did not reach the Rapti river, because the eastern limits of the Zillah of Gorakhpur, extended 20 miles (32 kilometres) east of the Rapti river. The British Note refers incorrectly to the western limits of this Zillah. The extent to which the commissioners succeeded in their task to construct a straight line of frontier is shown by the fact that if the termini of the boundary are connected by a straight line, the maximum deviations are 22 miles (35 kilometres) northwards, to utilize the Sumesar range, and 10 miles (16 kilometres) south, to include Jaleswar in Nepal.

Nepal was able to regain the remaining Terai lands ceded in 1815, by assisting British authorities during the Indian Mutiny. Nepalese forces assisted in the recapture of Lucknow and Gorakhpur, and then helped to flush rebels out of the Terai. In gratitude Britain returned the Terai located between the Kali and Rapti rivers, and the small triangular area between the Rapti and the British territory of Gorakhpur. A treaty was signed by the two countries on 1 November 1860, after British surveyors had marked the new boundary with masonry pillars. The boundary was very similar to the line east of Gorakhpur, although the surveyors were more fortunate because the rivers Kali and Mohan, which is a tributary of the Karnali, swung eastwards close enough to the foothills to allow their use for sections of the line. At the end of this demarcation the only undefined section was the 50-mile (80-kilometre) northern border of Gorakhpur which lay between the eastern terminus of the 1860 line and the western terminus of the 1816 boundary.

It seems likely that this uncompleted section was not considered important because the Dundwa range closed the gap. This *de facto* situation was legalized in 1875 when a joint survey team selected the 'foot of the lower spurs where they meet the plain' as the boundary. Strictly this could be a difficult line to find on the ground, and disagreements could develop about the extent to which the boundary should

wrap itself around the foot of each spur. Practically, the large-scale maps make it clear that the commissioners simply selected the most southerly extension of each spur and linked them together by a smooth line marked by ninety-five pillars.

This boundary has been very clearly marked by 894 pillars from Phalut peak at the tri-junction with Sikkim, in the east, to Barmdeo Mandi, where the Kali river leaves the mountains, in the west. The pillars were erected in twelve sections, the surveyors working from east to west, except along the most westerly section. The north-south sections through the Himalayas, which lie north of Phalut and Barmdeo Mandi, have not been demarcated. North of Phalut the boundary follows a prominent crest which includes Kachenjunga; north of Barmdeo Mandi the boundary follows the river Kali.

It is thus a curious fact that Nepal has secured with India a boundary along the southern edge of the Terai, which the Chinese government wishes to obtain with India in Assam; while it has secured with China a boundary along major watersheds, which has something in common with the boundary which India justifies against China in Assam.

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## Peace Treaty, 2 December 1815

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Whereas war has arisen between the Honorable East India Company and the Rajah of Nipal, and whereas the parties are mutually disposed to restore the relations of peace and amity which, previously to the occurrence of the late differences, had long subsisted between the two States, the following terms of peace have been agreed upon:—

### Article I

There shall be perpetual peace and friendship between the Honourable East India Company and the Rajah of Nipal.

### Article II

The Rajah of Nipal renounces all claim to the lands which were the subject of discussion between the two States before the war; and acknowledges the right of the Honorable Company to the sovereignty of those lands.

### Article III

The Rajah of Nipal hereby cedes to the Honorable the East India Company in perpetuity all the undermentioned territories, viz.—

First.—The whole of the low lands between the Rivers Kali and Rapti.

Secondly.—The whole of the low lands (with the exception of Bootwul Khass) lying between the Rapti and the Gunduck.

Thirdly.—The whole of the low lands between the Gunduck and Coosah, in which the authority of the British Government has been introduced, or is in actual course of introduction.

Fourthly.—All the low lands between the Rivers Mitchee and the Teestah.

Fifthly.—All the territories within the hills eastward of the River Mitchee, including the fort and lands of Nagree and the Pass of Nagarcote, leading from Morung into the hills, together with the territory lying between that Pass and Nagree. The aforesaid territory shall be evacuated by the Gurkha troops within forty days from this date.

#### Article IV

With a view to indemnify the Chiefs and Barahdars of the State of Nipal, whose interests will suffer by the alienation of the lands ceded by the foregoing Article, the British Government agrees to settle pensions to the aggregate amount of two lakhs of rupees per annum on such Chiefs as may be selected by the Rajah of Nipal, and in the proportions which the Rajah may fix. As soon as the selection is made, Sunnuds shall be granted under the seal and signature of the Governor-General for the pensions respectively.

#### Article V

The Rajah of Nipal renounces for himself, his heirs, and successors, all claim to or connexion with the countries lying to the west of the River Kali, and engages never to have any concern with those countries or the inhabitants thereof.

#### Article VI

The Rajah of Nipal engages never to molest or disturb the Rajah of Sikkim in the possession of his territories; but agrees, if any differences shall arise between the State of Nipal and the Rajah of Sikkim, or the subjects of either, that such differences shall be referred to the arbitration of the British Government, by whose award the Rajah of Nipal engages to abide.

#### Article VII

The Rajah of Nipal hereby engages never to take or retain in his service any British subject, nor the subject of any European and American State, without the consent of the British Government.

#### Article VIII

In order to secure and improve the relations of amity and peace hereby established between the two States, it is agreed that accredited Ministers from each shall reside at the Court of the other.

#### Article IX

This treaty, consisting of nine Articles, shall be ratified by the Rajah of Nipal within fifteen days from this date, and the ratification shall be delivered to Lieut.-Colonel Bradshaw, who engages to obtain and deliver to the Rajah the ratification of the Governor-General within twenty days, or sooner, if practicable.

Done at Segowlee, on the 2nd day of December 1815.

Paris Bradshaw, Lt.-Col., P.A.  
[Nepalese signatures]



## Exchange of Notes, 8, 11 December 1816

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### *British Note*

#### I

Adverting to the amity and confidence subsisting with the Rajah of Nipal, the British Government proposes to suppress, as much as is possible, the execution of certain Articles in the Treaty of Segowlee, which bear hard upon the Rajah, as follows:—

#### II

With a view to gratify the Rajah in a point which he has much at heart, the British Government is willing to restore the Terai ceded to it by the Rajah in the Treaty, to wit, the whole Terai lands lying between the Rivers Coosa and Gunduck, such as appertained to the Rajah before the late disagreement; excepting the disputed lands in the Zillahs of Tirhoot and Sarun, and excepting such portions of territory as may occur on both sides for the purpose of settling a frontier, upon investigation by the respective Commissioners, and excepting such lands as may have been given in possession to any one by the British Government upon ascertainment of his rights subsequent to the cession of Terai to that Government. In case the Rajah is desirous of retaining the lands of such ascertained proprietors, they may be exchanged for others, and let it be clearly understood that, notwithstanding the considerable extent of the lands in the Zillah of Tirhoot, which have for a long time been a subject of dispute, the settlement made in the year 1812 of Christ, corresponding with the year 1869 of Bikramajeet, shall be taken, and everything else relinquished, that is to say, that the settlement and negotiations, such as occurred at that period, shall in the present case hold good and be established.

#### III

The British Government is willing likewise to restore the Terai lying between the Rivers Gunduk and Rapti, that is to say, from the River Gunduk to the western limits of the Zillah of Goruckpore, together with Bootwul and Sheerau, such as appertained to Nipal previous to the disagreements, complete, with the exception of the disputed places in the Terai, and such quantity of ground as may be considered mutually to be requisite for the new boundary.

#### IV

As it is impossible to establish desirable limits between the two States without survey, it will be expedient that Commissioners be appointed on both sides for the purpose of arranging in concert a well defined boundary on the basis of the preceding terms, and of establishing a straight line of frontier, with a view to the distinct separation of the respective territories of the British Government to the south and of Nipal to the north; and in case any indentations occur to destroy the even tenor of the line, the Commissioners should effect an exchange of lands so interfering on principles of clear reciprocity.

#### V

And should it occur that the proprietors of lands situated on the mutual frontier, as it may be rectified, whether holding of the British Government or of the Rajah

of Nipal, should be placed in the condition of subjects of both Governments, with a view to prevent continual dispute and discussion between the two Governments, the respective Commissioners should effect in mutual concurrence and co-operation the exchange of such lands, so as to render them subject to one dominion alone.

VI

[Cancellation of pensions]

VII

[Amnesty for nationals in Terai transferred from Britain to Nepal]

VIII

In the event of the Rajah's approving the foregoing terms, the proposed arrangement for the survey and establishment of boundary marks shall be carried into execution, and after the determination in concert of the boundary line, Sunnuds conformable to the foregoing stipulations, drawn out and sealed by the two States, shall be delivered and accepted on both sides.

Edward Gardner,  
Resident.

[A true translation]

G. Wellesley,  
Assistant.

*Nepalese Note*

After compliments;

I have comprehended the document under date the 8th of December 1816, or 4th of Poos 1873 Sumbut, which you transmitted relative to the restoration, with a view to my friendship and satisfaction, of the Terai between the Rivers Coosa and Rapti to the southern boundary complete, such as appertained to my estate previous to the war. It mentioned that in the event of my accepting the terms contained in that document, the southern boundary of the Terai should be established as it was held by this Government. I have accordingly agreed to the terms laid down by you, and herewith enclose an instrument of agreement, which may be satisfactory to you. Moreover, it was written in the document transmitted by you, that it should be restored, with the exception of the disputed lands and such portion of land as should, in the opinion of the Commissioners on both sides, occur for the purpose of settling a boundary; and excepting the lands which, after the cessions of the Terai to the Honorable Company, may have been transferred by it to the ascertained proprietors. My friend, all these matters rest with you, and since it was also written that a view was had to my friendship and satisfaction with respect to certain Articles of the Treaty of Segowlee, which bore hard upon me, and which could be remitted, I am well assured that you have at heart the removal of whatever may tend to my distress, and that you will act in a manner corresponding to the advantage of this State and the increase of the friendly relations subsisting between the two Governments.

Moreover I have to acknowledge the receipt of the orders under the red seal of this State, addressed to the officers of Terai betewen the Rivers Gunduk and Rapti, for the surrender of that Terai, and their retiring from thence, which was

given to you at Thankote, according to your request, and which you have now returned for my satisfaction.

[Seal of Rajah of Nepal]

11 December 1816

[A true translation]

G. Wellesley,  
Assistant.

## Boundary Treaty, 1 November 1860

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During the disturbances which followed the mutiny of the Native army of Bengal in 1857, the Maharaja of Nipal not only faithfully maintained the relations of peace and friendship established between the British Government and the State of Nipal by the Treaty of Segowlee, but freely placed troops at the disposal of the British authorities for the preservation of order in the Frontier Districts, and subsequently sent a force to co-operate with the British Army in the re-capture of Lucknow and the final defeat of the rebels. On the conclusion of these operations, the Viceroy and Governor-General in recognition of the eminent services rendered to the British Government by the State of Nipal, declared his intention to restore to the Maharaja the whole of the lowlands lying between the River Kali and the District of Goruckpore, which belonged to the State of Nipal in 1815, and were ceded to the British Government in that year by the aforesaid Treaty. These lands have now been identified by Commissioners appointed for the purpose by the British Government, in the presence of Commissioners deputed by the Nipal Darbar; masonry pillars have been erected to mark the future boundary of the two States, and the territory has been formally delivered over to the Nipalese Authorities. In order the more firmly to secure the State of Nipal in the perpetual possession of this territory, and to mark in a solemn way the occasion of its restoration, the following Treaty has been concluded between the two States:—

### Article I

All Treaties and Engagements now in force between the British Government and the Maharajah of Nipal, except in so far as they may be altered by the Treaty, are hereby confirmed.

### Article II

The British Government hereby bestows on the Maharajah of Nipal in full sovereignty, the whole of the lowlands between the Rivers Kali and Raptée, and the whole of the lowlands lying between the River Raptée and the District of Goruckpore, which were in the possession of the Nipal State in the year 1815, and were ceded to the British Government by Article III of the Treaty concluded at Segowlee on the 2nd of December in that year.

### Article III

The boundary line surveyed by the British Commissioners appointed for the purpose extending eastward from the River Kali or Sardah to the foot of the hills north of Bagowra Tal, and marked by pillars, shall henceforth be the boundary between the British Province of Oudh and the Territories of the Maharajah of Nipal.

This Treaty, signed by Lieutenant-Colonel George Ramsay, on the part of His Excellency the Right Honorable Charles John, Earl Canning, G.C.B., Viceroy and Governor-General of India, and by Maharajah Jung Bahadoor Rana, G.C.B., on the part of Maharajah Dheraj Soorinder Vikram Sah Bahadoor Shumshere Jung, shall be ratified, and the ratifications shall be exchanged at Khatmandoo within thirty days of the date of signature.

Signed and sealed at Khatmandoo, this First day of November, A.D. one thousand eight hundred and sixty corresponding to the third day of Kartick Budee, Sumbut Nineteen Hundred and Seventeen.

G. Ramsay, Lieut.-Colonel,  
Resident at Nipal.  
[Nepalese signature]

### Boundary Agreement, 7 January 1875

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We, Lieutenant-Colonel I. F. MacAndrew, Officiating Commissioner of Sitapoor and Commissioner of the British Government for settlement of the Nipal boundary on the Dhundwa range of hills, and Colonel Sidhiman Sing Sahib Bahadur Raj Bhandari, Commissioner of the Nipal Government for the settlement of the said boundary, do agree that the boundary between the two States on the Dhundwa range of hills from the Arrah Nuddee to the hills above Baghora Tal shall be at the foot of the lower spurs where they meet the plain to the south of the range, on the following conditions:—

First.—That the subjects of the British Government who come to the hills for bankas shall have it at the rate of payment they have been used to make to Tulsipoor.

Second.—That the Nipal Government shall accept the boundary laid down by the Surveyor at the foot of the hills as a final settlement of the question.

I. F. MacAndrew, Lieut.-Col.,  
Commr. for British Govt.  
[Nepalese signature]

The 7th January 1875.

## The Boundary between Sikkim and India

Sikkim's status as a protectorate of India was established by a treaty signed on 5 December 1950, which gave India control of Sikkim's defence and foreign relations. In May 1973 a further agreement made India also responsible for the territory's internal affairs and economic development. In July 1974 Sikkim adopted a new constitution which gave even further powers to India. The main effect of these arrangements is that the boundary between the two states does not have the usual characteristics of other international limits in Asia. For example, neither country may impose custom duties on items crossing the boundary, and nationals from both states have the right of entry into and freedom of movement within the other country.

The 70 miles (113 kilometres) of boundary between India and Sikkim mainly coincide with the rivers Ramman, Great Ranjit and Rangpo. Although the transition zones from the Indian plains to the mountains have similar characters along the entire Indian borderland with Nepal, Sikkim and Bhutan, the Indian boundaries with these countries do not occupy comparable positions. The Nepalese boundary lies along the southern edge of the marshy Terai; the Bhutanese boundary mainly follows the passes near the northern edge of the Terai; the southern boundary of Sikkim lies still further north, beyond the immediate foothills of the Himalayas. However, if the Indian boundaries with these three states do not correspond topographically, they were all the product of British policies designed to preserve peace in the Indian plains in the face of raids and encroachments from the mountains.

When British forces defeated the Nepalese army in 1815, the British government sought to secure their own frontier, and to prevent the extension of Nepal eastwards into Sikkim. To meet this last aim Britain transferred to Sikkim all the lowlands and hill country, then occupied by Nepalese forces, between the rivers Mechi and Tista. This transfer was made on 10 February 1817. According to Aitchison (1909, 2, p. 312), this still left some traditional territory of Sikkim in Nepalese hands west of the Mechi. In 1827 a dispute arose along the border between Nepal and Sikkim and Captain Lloyd, a British officer, was sent to the area. *En route* to the disturbed zone he visited the area of Darjeeling, and was impressed by its merit as a hill station. When further disturbances along the Sikkim-Nepal border occurred in 1834-5 the British authorities took the opportunity to secure the Darjeeling area. The origin of the dispute was that some Lepchas, from the former territory of Sikkim west of the Mechi, had settled in the Terai of Sikkim east of the Mechi. Even though this group belonged to the main ethnic stock of Sikkim they were not welcome and through the intervention of British officers they were compelled to return to Nepal. The price which Britain

received for this service was the cession of the Darjeeling tract. This cession was made on 1 February 1835, and gave Britain a salient through the Terai and foothills of Sikkim to the vicinity of Darjeeling. The area was bounded on the north by the Great Ranjit river, on the east by the Tista river and on the west by the Balasur. The deed which transferred the territory from Sikkim to Britain specifically referred to the British need for a hill station where British subjects could recuperate from illness. Thus this deed fixed the southern boundary of Sikkim, north of Darjeeling, along the Great Ranjit river. Had the Sikkimputtee Ranah foreseen the consequences of this cession he would never have made it.

This British salient, accessible to eastern Nepal, Sikkim and western Bhutan, became a focus for escaped slaves, and fugitives from the rough justice that was dispensed in all three countries. The population of Darjeeling increased from 100 in 1839 to 10 000 a decade later. While Sikkim and Bhutan had always had an arrangement to exchange escaped slaves, neither country could persuade the British authorities to conclude extradition agreements. Pressure against British subjects, both Asian and European, was used as a means of coercing the British authorities, but failed. A climax was reached in 1849 when two British subjects, Dr Hooker and Dr Campbell, were arrested in Sikkim. Even though they were released after a few months, a British force entered the Terai and foothills of Sikkim in February 1850. This force annexed the Terai and foothills lying east and west of the Darjeeling salient, and established British authority as far as the present boundary. This was a unilateral act which has never been specifically the subject of a bilateral treaty between Sikkim and Britain. However, after further disturbances a British force advanced against Sikkim again in 1860, and this show of force produced a general agreement signed on 28 March 1861 (Aitchison, 1909, 2, pp. 325–30). The boundary between the two territories was not defined by this treaty, although the second article stated that all 'Sikkim territory now in the occupation of British forces is restored to the Maharajah of Sikkim'. Clearly, this reference only included territory occupied during the campaign of 1860, because the fourth article gave Britain the right to occupy the southwest corner of Sikkim if certain conditions were not fulfilled, and the southern boundary of the nominated area was the river Ramman. This river formed part of the northern limit of the area annexed by Britain in 1850.

Thus the only part of this boundary which is formally defined is located along the Great Ranjit river, and this definition is contained in the deed of grant of 1835. There is also the clear implication of the fourth article of the 1861 treaty that the river Ramman marks another part of the boundary. However, this boundary is well known to the two countries concerned, and their official maps record an identical line. Given the continuance of their traditional friendship and treaty relations there are no foreseeable problems connected with this boundary.

#### Reference

Aitchison, C. U. (1909). *A collection of treaties, engagements and sanads, etc.* 13 vols, Calcutta.

## Deed of Grant, 1 February 1835

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The Governor-General having expressed his desire for the possession of the Hill of Darjeeling, on account of its cool climate, for the purpose of enabling the servants of his Government, suffering from sickness, to avail themselves of its advantages, I, the Sikkimputtee Rajah, out of friendship to the said Governor-General, hereby present Darjeeling to the East India Company, that is, all the land south of the Great Runjeet River, east of the Balasur, Kahail, and Little Runjeet Rivers, and west of the Rungno and Mahanuddi Rivers.

[Translated]

The seal of the Rajah was  
Prefixed to the Document.

A. Campbell,  
Superintendent of Darjeeling,  
and in charge of Political relations with  
Sikkim.

## Treaty, 28 March 1861

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Whereas the continued depredations and misconduct of the officers and subjects of the Maharajah of Sikkim, and the neglect of the Maharajah to afford satisfaction for the misdeeds of his people have resulted in an interruption for many years past of the harmony which previously existed between the British Government and the Government of Sikkim, and have led ultimately to the invasion and conquest of Sikkim by a British force; and whereas the Maharajah of Sikkim has now expressed his sincere regret for the misconduct of his servants and subjects, his determination to do all in his power to obviate future misunderstanding, and his desire to be again admitted into friendship and alliance with the British Government, it is hereby agreed as follows:—

### Article 1.

All previous Treaties made between the British Government and the Sikkim Government are hereby formally cancelled.

### Article 2.

The whole of the Sikkim Territory now in the occupation of British forces is restored to the Maharajah of Sikkim, and there shall henceforth be peace and amity between the two States.

### Article 3.

[Restoration of British property at Richinpoong]

### Article 4.

In indemnification of the expenses incurred in 1860 by the British Government in occupying a portion of the territory of Sikkim as a means of enforcing just claims which had been evaded by the Government of Sikkim, and as compensation to the British subjects who were pillaged and kidnapped by subjects of Sikkim, the Sikkim Government agrees to pay to the British authorities at Darjeeling the sum of 7,000 (seven thousand) Rupees in the following instalments, that is to say:—

May 1st, 1861	. . . . .	1,000
Nov. 1st, 1861	. . . . .	3,000
May 1st, 1862	. . . . .	3,000

As security for the due payment of this amount, it is further agreed that in the event of any of these instalments not being duly paid on the date appointed, the Government of Sikkim shall make over to the British Government that portion of its territory bounded on the south by the River Rummam, on the east by the Great Runjeet River, on the north by a line from the Great Runjeet to the Singaleelah Range, including the monasteries of Tassiding, Pemonchi, and Changacheling, and on the west by the Singaleelah Mountain Range, and the British Government shall retain possession of this territory and collect the revenue thereof, until the full amount, with all expenses of occupation and collection, and interest at 6 per cent. per annum, are realized.

Articles 5–22 inclusive.

[These provided the foundation for Britain's special relationship with Sikkim which is enjoyed in modified form today by the Government of India.]

Article 23.

This Treaty, consisting of twenty-three Articles, being settled and concluded by the Honorable Ashley Eden, British Envoy, and His Highness Sekeong Kuzoo Sikkimputtee, Maharajah at Tumloong, this 28th day of March 1861, corresponding with 17th Dao Neepoo 61, Mr. Eden has delivered to the Maharajah a copy of the same in English, with translation in Nagri and Bhootiah, under the seal and signature of the said Honorable Ashley Eden and His Highness the Sikkimputtee Maharajah, and the Sikkimputtee Maharajah has in like manner delivered to the said Hon'ble Ashley Eden another copy also in English, with translation in Nagri and Bhootiah, bearing the seal of His Highness and the said Hon'ble Ashley Eden. The Envoy engages to procure the delivery to His Highness, within six weeks from this date, of a copy of this Treaty, duly ratified by His Excellency the Viceroy and Governor-General of India in Council, and this Treaty shall in the meantime be in full force.

Sekeong Kuzoo Sikkimputtee,  
Ashley Eden,  
Envoy.  
Canning.



# 14

## The Boundary between Bhutan and India

The boundary between India and Bhutan stretches for about 400 miles (644 kilometres), from the tri-junction with Sikkim in the Tista lowlands, to the tri-junction with China near the crest of the Himalayas. This boundary can be divided into two distinct sections. For 300 miles (483 kilometres) the boundary is aligned east-west along the northern edge of the Terai, which in this region is known by the collective name of Duars. This section is covered by a treaty between Britain and Bhutan. The second section trends north-south and traverses the southern slopes of the Himalayas for 100 miles (161 kilometres). This boundary is not the subject of any international treaty. It came into existence as an Anglo-Bhutan boundary in 1914, when Britain and Tibet agreed to the McMahon Line, and Britain acquired the Tawang Tract. It has not been possible to trace any Anglo-Bhutan agreement, since 1914, on this extension of the Indian-Bhutan border. However, the Indo-Bhutan treaty of 8 August 1949 contains no hint that there is any disagreement about this Himalayan section of the boundary. The Indian government certainly takes the position that the entire boundary with Bhutan is well established and beyond dispute. The views of the Chinese government about this boundary are not known, but it does claim territory along this borderland, and if China was ever successful in this claim, it would probably seek to negotiate a definite line with Bhutan. In view of the terms of this study the following commentary considers only the segment of the boundary along the southern edge of the Himalayas (see map 16, p. 273).

The transition zone between the Indian plains and the hills and mountains of Bhutan is similar to those found along India's border with Nepal and Sikkim. The Siwalik ranges are absent in the western portion, but the Terai is well represented. This area is composed of large alluvial fans deposited by the rivers which drain southwards from the Himalayas. These powerful streams are charged with sediment as they debouch from the hills and the marked change in gradient causes much alluvial deposition. These fans have coalesced along their edges to construct a continuous zone about 22 miles (35 kilometres) wide. The rivers frequently change their courses through this region and much of it was marshy. The soils, however, are generally fertile. A large proportion of the area is still under valuable hardwood forests, but many cleared areas yield rich tea harvests. The Duars formed a region of dispute between highlanders and plainsmen before the coming of British authority. The highlanders were often in occupation of the region during the cold season, but abandoned them to the plainsmen during the very unhealthy wet season. For British authorities these lands had the attraction that they were the main gateways to Bhutan, and ultimately to Tibet.

Official British contact with Bhutan began in 1773, when British authorities accepted the plea for help from the India state of Cooch Behar, which was being attacked by Bhutan tribesmen. The tribesmen were driven back into the mountains, and Cooch Behar was placed under British protection. Britain concluded a generous peace with Bhutan and refrained from any annexation of the Duars adjoining Cooch Behar. From that time until 1865 there was generally friction throughout this zone: 'The whole history of our connection with Bhutan is a continuous record of injuries to our subjects all along the frontier of 250 miles [402 kilometres]' (Dr Campbell quoted by White, 1909, p. 272). Lamb (1960, pp. 98-9) has noted that for a long period Britain accepted these disturbances without seeking to occupy the Duars, because of the imagined difficulties of conducting campaigns in this area with European troops. There are nineteen Duars along the southern boundary of Bhutan. From the Sikkim border to the Sankosh river there are seven Duars: Dalimkot, Zamarkot, Chimarchi, Lukhi, Baxa, Balka and Bara; these were known as the Bengal Duars. Between the Sankosh and Manas rivers there are five Duars, which were known as the Goalpara Duars: Guma, Ripu, Chirang, Sidli and Bagh. The seven Assam Duars were divided into two groups. Between the Manas and Borolia rivers were the five Duars of Kamrup: Gharkola, Banksa, Chappagori, Chappakhamar and Bijni. East of the Borolia river the two Duars of Darrang were located: Buri Guma and Kalling. The names given here are from Aitchison (1909, 2, p. 287), but various spellings are given by other authors, such as White (1909, pp. 268-9).

The earliest problems occurred along the Assam Duars, with which Britain became involved after the annexation of Assam in 1826, at the conclusion of the war with Burma. Before that time Bhutan authorities had controlled the Kamrup Duars throughout the year, and the Darrang Duars from November to July. For the rest of the year the Darrang Duars were at the disposal of the Assam government, which received tribute for all these Duars from Bhutan. Britain, as the successor to the government of Assam, began to receive the tribute after 1826, but there were many disputes about these payments. For example, in 1828 a disagreement involving the Duar of Buri Guma resulted in its occupation by British forces until 1834 when it was restored to Bhutan (Aitchison, 1909, 2, p. 287). As the disturbances became more widespread and the peace of British territories was threatened, it was decided by the British authorities to annex the Assams Duars and this was done by a unilateral act in 1841. This solved the problem along the Assam border, but in neighbouring Bengal to the west, the difficulties along the Bhutan frontier increased. Aitchison (1909, 2, pp. 288-9) has described the detailed history of the conflict between Bhutan and Britain along this section of their common border in the period from 1841 to 1864. At that time British patience was apparently exhausted and their concern about the problems of a campaign in the area was overcome, and the Bengal Duars were annexed. This unilateral act was taken on 12 November 1864, and the proclamation was signed by Durand, who was to achieve fame later along the Afghan border. In addition to the Duars the British government annexed the forts of Dalimkot, Panakha and Dewangiri, which were in the mountains proper, so that the main passes, by which raids were made from Bhutan, could be commanded. By an Anglo-Bhutanese treaty dated 11 November 1864, British annexation of the eighteen Duars, and territory along the left bank of the Tista river, was confirmed. Earlier reference has been made to nineteen Duars. By comparing the lists of Aitchison and White it seems likely that the Duar of Sidli was excluded from the treaty because it had been in unquestionable British control for some years. The reference to land on the left or east bank of the Tista meant that the boundary in this area was smoothed

out since Britain had secured territory on this bank from Sikkim in 1861. This treaty placed the boundary in its present location.

It has not been possible to discover to what extent the boundary in this segment has been demarcated. There is reference to a proposed demarcation in the 1864 proclamation, and Aitchison (1909, 2, p. 293) refers to the successful delimitation of the western boundary in 1892. Certainly, as already noted, there is no evidence that there is any dispute about the location of this boundary along the southern edge of the Himalayas. The good relations existing between India and Bhutan were further strengthened by the transfer to Bhutan from India of 32 square miles (83 square kilometres) of territory around Dewangiri, by the fourth article of the Indo-Bhutan treaty of 1950. This was a strategic area at the mouth of a pass annexed by British proclamation in 1864. The position of the eastern segment which traverses the Himalayas will remain in some doubt until the Sino-Indian dispute in Assam is resolved.

### References

- Aitchison, C. U. (1909). *A collection of treaties, engagements and sanads, etc.* 13 vols, Calcutta.  
 Lamb, A. (1960). *Britain and Chinese Central Asia*. London.  
 White, J. C. (1909). *Sikkim and Bhutan 1687-1908*. London.

### Proclamation, 12 November 1864

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For many years past outrages have been committed by subjects of the Bhootan Government within British territory, and in the territories of the Rajahs of Sikkim and Cooch Behar. In these outrages property has been plundered and destroyed, lives have been taken, and many innocent persons have been carried into and are still held in captivity.

The British Government, ever sincerely desirous of maintaining friendly relations with neighbouring States, and specially mindful of the obligations imposed on it by the Treaty of 1774, has endeavoured from time to time by conciliatory remonstrance to induce the Government of Bhootan to punish the perpetrators of these crimes, to restore the plundered property, and to liberate the captives. But such remonstrances have never been successful, and, even when followed by serious warning, have failed to produce any satisfactory result. The British Government has been frequently deceived by vague assurances and promises for the future, but no property has ever been restored, no captive liberated, no offender punished, and the outrages have continued.

In 1863 the Government of India, being averse to the adoption of extreme measures for the protection of its subjects and dependent allies, despatched a special mission to the Bhootan Court, charged with proposals of a conciliatory character, but instructed to demand the surrender of all captives, the restoration of plundered property, and security for the future peace of the frontier.

This pacific overture was insolently rejected by the Government of Bhootan. Not only were restitution for the past and security for the future refused, but the British Envoy was insulted in open Durbar, and compelled, as the only means of ensuring the safe return of the mission to sign a document which the Government of India could only instantly repudiate.

For this insult the Governor-General in Council determined to withhold for ever the annual payments previously made to the Bhootan Government on account of the revenues of the Assam Doars and Ambaree Fallacottah, which had long been in the occupation of the British Government, and annexed those districts permanently to British territory. At the same time, still anxious to avoid an open rupture, the Governor-General in Council addressed a letter to the Deb and Dhurma Rajahs, formally demanding that all captives detained in Bhootan against their will should be released, and that all property carried off during the last five years should be restored.

To this demand the Government of Bhootan has returned an evasive reply, from which can be gathered no hope that the just requisitions of the Government of India will ever be complied with, or that the security of the frontier can be provided for otherwise than by depriving the Government of Bhootan and its subjects of the means and opportunity of future aggression.

The Governor-General in Council has therefore reluctantly resolved to occupy permanently and annex to British territory the Bengal Doars of Bhootan, and so much of the Hill territory, including the Forts of Dallingkot, Panakha, and Dewangiri, as may be necessary to command the passes, and to prevent hostile or predatory incursions of Bhootanese into the Darjeeling district or into the plains below. A Military Force amply sufficient to occupy this tract and to overcome all resistance has been assembled on the frontier, and will now proceed to carry out this resolve.

All Chiefs, Zamindars, Munduls, Ryots, and other inhabitants of the tract in question are hereby required to submit to the authority of the British Government, to remain quietly in their homes, and to render assistance to the British troops and to the Commissioner who is charged with the administration of the tract. Protection of life and property and a guarantee of all private rights is offered to those who do not resist, and strict justice will be done to all. The lands will be moderately assessed, and all oppression and extortion will be absolutely prohibited.

The future boundary between the territories of the Queen of England and those of Bhootan will be surveyed and marked off, and the authority of the Government of Bhootan within this boundary will cease for ever.

By order of the Governor-General in Council.

Fort William,  
The 12th November 1864.

H. M. Durand, Colonel,  
Secy. to the Government of India.

## Boundary Treaty, 11 November 1865

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### Article 1.

There shall henceforth be perpetual peace and friendship between the British Government and the Government of Bhootan.

### Article 2.

Whereas in consequence of repeated aggressions of the Bhootan Government and of the refusal of that Government to afford satisfaction for those aggressions, and of their insulting treatment of the officers sent by His Excellency the Governor-General in Council for the purpose of procuring an amicable adjustment of differences existing between the two States, the British Government has been com-

pelled to seize by an armed force the whole of the Doars and certain Hill Posts protecting the passes into Bhootan and whereas the Bhootan Government has now expressed its regret for past misconduct and a desire for the establishment of friendly relations with the British Government, it is hereby agreed that the whole of the tract known as the Eighteen Doars, bordering on the Districts of Rungpoor, Cooch Behar, and Assam, together with the Talook of Ambaree Fallacottah and the Hill territory on the left bank of the Teesta up to such points as may be laid down by the British Commissioner appointed for the purpose is ceded by the Bhootan Government to the British Government for ever.

Article 3.

[Return of British subjects from Bhutan]

Article 4.

[British allowance to Bhutan]

Article 5.

[British rights to withhold payments]

Article 6.

[Extradition arrangements from British India]

Article 7.

[Extradition arrangements from Bhutan]

Article 8.

The Bhootan Government hereby agree to refer to the arbitration of the British Government all disputes with, or causes of complaint against, the Rajahs of Sikkim and Cooch Behar, and to abide by the decision of the British Government; and the British Government hereby engage to enquire into and settle all such disputes and complaints in such manner as justice may require, and to insist on the observance of the decision by the Rajahs of Sikkim and Cooch Behar.

Article 9.

[Free trade and commerce]

Article 10.

The present Treaty of ten Articles having been concluded at Sinchula on the 11th day of November 1865, corresponding with the Bhootea year Shim Lung 24th day of the 9th month, and signed and sealed by Lieutenant-Colonel Herbert Bruce, C.B., and Samdojey Deb Jimpey and Themseyrensey Donai, the ratifications of the same by His Excellency the Viceroy and Governor-General or His Excellency the Viceroy and Governor-General in Council and by Their Highnesses the Dhurm and Deb Rajahs shall be mutually delivered within thirty days from this date.

H. Bruce, Lieut.-Col.,  
Chief Civil and Political Officer.  
Signature in Dabe Nagri,  
Signature in Bhootea language.

**Treaty, 8 August 1949**

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The Government of India on the one part, and His Highness the Druk Gyalpo's Government on the other part, equally animated by the desire to regulate in a friendly manner and upon a solid and durable basis the state of affairs caused by the termination of the British Government's authority in India, and to promote and foster the relations of friendship and neighbourliness so necessary for the well-being of their peoples, have resolved to conclude the following treaty.

Article 1.

There shall be perpetual peace and friendship between the Government of India and the Government of Bhutan.

Article 2.

The Government of India undertakes to exercise no interference in the internal administration of Bhutan. On its part the Government of Bhutan agrees to be guided by the advice of the Government of India in regard to its external relations.

Article 3.

[Grants by India to Bhutan]

Article 4.

Further to mark the friendship existing and continuing between the said Governments, the Government of India shall, within one year from the date of signature of this treaty, return to the Government of Bhutan about thirty-two square miles of territory in the area known as Dewangiri. The Government of India shall appoint a competent officer or officers to mark out the area so returned to the Government of Bhutan.

Article 5.

[Free trade and commerce]

Article 6.

[Bhutan's right to import arms]

Article 7.

[Equal rights for citizens]

Article 8.

[Extradition]

Article 9.

[Settlement of disputes]

Article 10.

This treaty shall continue in force in perpetuity unless terminated or modified by mutual consent.

## The Boundary between Sikkim and China

The boundary between Sikkim and China is the oldest of the Himalayan international boundaries covered by a recognizable international treaty. Britain and China agreed on the alignment of this boundary in 1890 and it has survived to the present time. The watershed of the Tista river marks the northern limit of Sikkim from Bhutan in the east to Nepal in the west, for a distance of 140 miles (225 kilometres). The general elevation of this watershed varies from 17 000 feet (5185 metres) to nearly 25 000 feet (7625 metres), and the fourteen passes which notch the rim occur at irregular intervals and varying heights. Eight of the passes occur in the north-south sector which borders the Chumbi valley, and these include the Natu and Jelep passes which carry the main roads northwards. The remainder lie along the higher, east-west segment, and are crossed only by tracks. The climate in this watershed is tundra; the long, severe winter is followed by a short warm summer, when pastures can be used briefly. The duration of summer is longer in the lower passes and those furthest south.

The establishment of British protection over Sikkim in 1861 created the situation where eventually it would be necessary to know the northern limits of the kingdom. British influence in Nepal and Bhutan was sufficiently strong, when needed, to prevent serious border questions arising with those countries. But to the north lay Tibet where British influence was negligible, and the extent of Chinese control uncertain. Lamb (1960) has provided a detailed account of British efforts to establish contacts with Tibet, during the twenty-five years after Sikkim became a British protectorate. Those British officers who were in favour of opening closer relations with Tibet pointed to the advantages for scientific exploration, for trade, especially in tea from the Sikkim and Bengal Duars, and for the observation of political events and the exertion of political influence. One of the leaders of this movement was Macaulay who was about to lead a mission to Tibet in 1886, when Britain agreed with China to abandon the mission to Tibet in return for a settlement along the Burma border, by which Britain also agreed to conduct its relations with Tibet through China.

This might have been the end of the matter for some time, but just as the Anglo-Chinese treaty on the Burma border was concluded, it was brought to the notice of the British government that Tibetan troops had advanced through the Jelep pass and occupied a fort at Lingtu, 13 miles (21 kilometres) inside Sikkim. This action presented the British authorities with a difficult problem. By the terms of the Anglo-Sikkim agreement Britain could take action if the rulers of Sikkim alienated any of their territory to a third party, or allowed the forces of a third state to pass through Sikkim. On the other hand Britain was prohibited from contact with the Tibetans

except through the mediation of the Chinese. The problem was to know exactly where the boundary of Sikkim and Tibet was located, without opening the whole question, which might lead to claims by Tibet and China against Sikkim. The maharajah of Sikkim, then living on one of his estates in the Chumbi valley of Tibet, announced that the area in question had always belonged to Tibet, and that Sikkim had merely looked after the territory as an agent. He went on to explain that the Tibetan repossession was a punishment because Britain had been allowed to build roads in Sikkim and because the maharajah had not been more active in thwarting preparations for the Macaulay mission (Lamb, 1960, pp. 175–6). This Tibetan invasion disrupted trade and created uncertainty amongst tea-planters and commercial groups in Sikkim, Bhutan and the Indian borderland. After some delay, in deference to Chinese wishes, the Tibetan garrison was expelled from Lingtu in March 1888. The retreating troops regrouped at Gnatong in September 1888, and this time when they were dispersed hot pursuit was continued into the Chumbi valley, which was indisputably Tibetan territory. Lamb (1960, pp. 186–8) has pointed out that this was a tactical error, because it enabled China to raise the question of the location of the boundary between Tibet and Sikkim, a matter which British authorities would have preferred to settle unilaterally with the government of Sikkim. The Chinese seized this opportunity and discussions between Britain and China were conducted over the next year. China was apparently prepared to accept *de facto* British control in Sikkim providing the Sikkim rulers continued to pay the signs of respect to China, which confirmed that country's *de jure* authority. However, the final convention of 17 March 1890 contained no reference to China's previous authority, and the first article defined the boundary, starting at mount Gipmochi on the Bhutan border, along the northern watershed of the Tista river to the border of Nepal. That boundary still survives today, but in the twelve years after its establishment, various incidents gave the Indian government cause for concern.

The convention laid down no rules for the demarcation of the boundary, but the matter was raised by Britain in August 1894, after it was learned that the Tibetans had established a fort at Giaogong in the Tista valley, about 6 miles (10 kilometres) south of the Kongra pass. The British authorities suggested that future incidents could be avoided if the boundary was fixed in the landscape (Cmd 1920, 1904, p. 32), and this suggestion was accepted by the Chinese. The joint commission was supposed to start work in May 1895, but the Tibetan representatives did not appear and the Chinese delegate was not prepared to continue without them (Cmd 1920, 1904, pp. 37–8). The British delegate, J. C. White, then proceeded to erect three pillars at the Jelep, Dongchui and Doka passes. Within a month all the pillars had been destroyed by persons unknown from Tibet (Cmd 1920, 1904, pp. 39–40). White was outraged, but the Indian government refused to act without caution. Perhaps they had already realized that one of the boundary markers, at Doka pass, was on the Sikkim-Bhutan border!

The idea of demarcation is alien to the Tibetan mind which is much concerned with the movement of herds across passes to traditional pastures. The pastures on the Giaogong plateau had been used for a very long time by herds from both sides of the watershed, and it was completely unoccupied during winter. The paper definition of the boundary by the Sino-British convention had not affected the traditional movements of the Tibetan herdsmen. In any case it is entirely possible that in 1890, when the boundary was drawn, the British authorities did not know that Giaogong was in the Tista valley and therefore belonged to Sikkim.

There were various suggestions on the British side about the solution of this difficulty, but the most frequent concerned the recognition of the Tibetan claim to Gio-



gong in exchange for better trade terms with Tibet. For example, in April 1899 Curzon, the Indian viceroy, suggested that the trade market should be moved from Yatung, where conditions were unsatisfactory, to Phari 27 miles (43 kilometres) beyond the border in the Chumbi valley (Cmd 1920, 1904, pp. 105-6). The situation dragged on for a further three years, then in June 1902 a British force went to Giaogong and expelled the forty Tibetans in occupation. No effort was made to reconstruct boundary pillars, since it was considered that this might provoke a Tibetan reaction.

There the matter has rested. The line of the boundary was confirmed, as were all the relevant sections of the 1890 Convention, by an Anglo-Tibetan convention of 1904 and a Sino-British convention of 1906 (Aitchison, 1929, 14, pp. 23-6 and MacMurray, 1921, 1, pp. 576-7). The present Chinese government has listed the 1890 convention as an unequal treaty, but there has been no significant attempt to focus on this border as an area of dispute with India. It is impossible to predict what attitude may be adopted in the future, but this boundary does have the credentials of eighty years of existence, and it continues the general alignment of the boundary agreed between Nepal and China in 1961.

### References

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## Boundary Convention, 17 March 1890

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Whereas Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, and His Majesty the Emperor of China, are sincerely desirous to maintain and perpetuate the relations of friendship and good understanding which now exist between their respective Empires; and whereas recent occurrences have tended towards a disturbance of the said relations, and it is desirable to clearly define and permanently settle certain matters connected with the boundary between Sikkim and Tibet, Her Britannic Majesty and His Majesty the Emperor of China have resolved to conclude a Convention on this subject, and have, for this purpose, named Plenipotentiaries, that is to say:

Her Majesty the Queen of Great Britain and Ireland, his Excellency the Most Honourable Henry Charles Keith Petty Fitzmaurice, G.M.S.I., G.C.M.G., G.M.I.E., Marquess of Lansdowne, Viceroy and Governor-General of India;

And His Majesty the Emperor of China, his Excellency Sheng Tai, Imperial Associate Resident in Tibet, Military Deputy Lieutenant-Governor;

Who, having met and communicated to each other their full powers, and finding these to be in proper form, have agreed upon the following Convention in eight Articles:—

### Article I

The boundary of Sikkim and Tibet shall be the crest of the mountain range separating the waters flowing into the Sikkim Teesta and its affluents from the

waters flowing into the Tibetan Mochu and northwards into other Rivers of Tibet. The line commences at Mount Gipmochi on the Bhutan frontier, and follows the above-mentioned water-parting to the point where it meets Nipal territory.

#### Article II

It is admitted that the British Government, whose Protectorate over the Sikkim State is hereby recognized, has direct and exclusive control over the internal administration and foreign relations of that State, and except through and with the permission of the British Government, neither the Ruler of the State nor any of its officers shall have official relations of any kind, formal or informal, with any other country.

#### Article III

The Government of Great Britain and Ireland and the Government of China engage reciprocally to respect the boundary as defined in Article I, and to prevent acts of aggression from their respective sides of the frontier.

#### Article IV

The question of providing increased facilities for trade across the Sikkim-Tibet frontier will hereafter be discussed with a view to a mutually satisfactory arrangement by the High Contracting Powers.

#### Article V

The question of pasturage on the Sikkim side of the frontier is reserved for further examination and future adjustment.

#### Article VI

The High Contracting Powers reserve for discussion and arrangement the method in which official communications between the British authorities in India and the authorities in Tibet shall be conducted.

#### Article VII

Two joint Commissioners shall, within six months from the ratification of this Convention, be appointed, one by the British Government in India, the other by the Chinese Resident in Tibet. The said Commissioners shall meet and discuss the questions which, by the last three preceding Articles, have been reserved.

#### Article VIII

The present Convention shall be ratified, and the ratifications shall be exchanged in London as soon as possible after the date of the signature thereof.

In witness whereof the respective negotiators have signed the same, and affixed thereunto the seals of their arms.

Done in quadruplicate at Calcutta, this 17th day of March, in the year of our Lord 1890, corresponding with the Chinese date, the 27th day of the 2nd moon of the 16th year of Kuang Hsu.

Lansdowne.

[Signature of the Chinese  
Plenipotentiary]

## The Boundary between China and Nepal

The Sino-Nepalese treaty of October 1961 finally settled the boundary between the two countries which stretches for 768 miles (1236 kilometres). The border region includes the highest mountains in the world, and there are several peaks in excess of 20 000 feet (6100 metres). However, the crest of the Great Himalaya has been cut by a number of southward-flowing streams, of which the most important are the Karnali, the Gandak, the Bhote Kosi, the Sun Kosi and the Arun. In crossing these valleys the boundary leaves the line of the Great Himalaya to include portions of these valleys in China. The less vigorous rivers flowing northward into the Tsangpo furrow have not succeeded in penetrating the crest and fall entirely within Chinese territory. The border has a tundra climate, with long, severe winters and short mild summers. During the summer, herdsman make some use of pastures on the south-facing slopes, where the warm season is longer.

This forbidding physical barrier has not insulated the Nepalese and Tibetan kingdoms from each other, and on at least two occasions there were significant clashes between their armies which resulted in the involvement of Chinese authorities. In 1789 and 1792 Nepalese forces attacked Tibet with such success that the rulers of that area appealed for Chinese assistance. The Chinese forces decisively defeated the Nepalese army and forced a peace on Nepal which required the Nepalese recognition of Chinese suzerainty and the quinquennial payment of tribute by Nepal to China. Under the terms of this treaty a Nepalese mission visited the Chinese court every five years until 1908, although Landon (1928, 2, pp. 101-2) insists that, certainly in the later years, there was no Nepalese admission of vassalage. Taking advantage of the Taiping rebellion in China, Nepal attacked Tibet again in 1854. After a short campaign peace was secured through the mediation of Chinese officials in Lhasa in 1856. The Nepalese Tibetan treaty of that date, in addition to other arrangements, provided for the return by Nepal of the captured ryots of Kerong, Kuti, Junga, Tagla Khar, Chewur Gumba and Dharkling.

The commencement of the Chinese revolution, shortly after the last Nepalese mission visited Peking, underlined the effective independence of Nepal. Despite Chinese claims to suzerainty in Nepal, in the period after 1908, which Ray (1963) and Stevens (1963) have described, Nepal worked hard for international recognition. It was recognized as a sovereign state by Britain in 1923, and in the period from 1947 to 1950 by the United States, France and India. The Chinese occupation of Tibet in 1950 resurrected problems about the nature of Sino-Nepalese relations.

Exactly one hundred years after the Nepalese-Tibetan agreement of 1856 Chinese negotiations with Nepal resulted in the abrogation of the extra-territorial rights which the latter country had enjoyed in Tibet. In March 1960 further talks were held

between the two governments in Peking and one of the outcomes was an agreement on the boundary question (*Peking Review*, 29 March 1960, pp. 6, 8–9). This agreement made provision for the delimitation and demarcation of the 'existing, customary, traditional line' between the two countries. Maps were exchanged and the boundary segments were classified into three groups. First there were those segments where both maps showed an identical location; second, there were segments where the maps showed different lines, but where the state of actual jurisdiction was undisputed. In both these cases arrangements were made for their immediate survey and demarcation. The third group contained segments where the lines were shown differently on the maps and where the two sides differed in their interpretation of the extent of actual jurisdiction. In these cases a joint commission was empowered to examine the terrain in the field, and make adjustments in 'accordance with the principles of equality, mutual benefit, friendship and mutual accommodation'. Both sides also agreed to avoid sending troops into a demilitarized zone of 20 kilometres on each side of the line. Unfortunately a clash did take place between Chinese troops and a Nepalese survey team on 28 June 1960, resulting in the death of one Nepalese officer (*Keesing's Archives*, 1960, p. 17743). After a Nepalese protest China apologized for the incident, although it maintained that it had occurred 1 kilometre within Chinese territory in the northern Mustang valley. This incident did not prevent the successful completion of the survey and partial demarcation of the boundary, and the final treaty was signed in Peking on 5 October 1961.

The treaty contains one long article which describes the boundary and four short articles which deal with such matters as the final erection of permanent markers in certain sections, and the identification of the boundary along rivers which change their courses. The treaty was accompanied by one map on a scale of 1:500 000 and a number of detailed maps for selected sections at a scale of 1:50 000. The names in the boundary description are shown in both Tibetan and Nepalese forms, and thus the name Everest does not appear. This most famous mountain is called Mount Jolmo Lingma and Sagar Matha.

A comparison of the described boundary with the line shown on maps at a scale of 1:250 000 produced by the American Army Map Service in 1955, and a scale of 1:253 440 produced by the British War Office in 1953, reveals only one apparent difference. On leaving the Arun valley the boundary does not follow the Naktang and Chushar valleys, but takes the watershed south of these rivers. This shifts the boundary southwards and transfers to China a strip of territory between 1 and 2 miles (1.6–3.2 kilometres) wide and 10 miles (16 kilometres) long. However, it was suggested by some newspaper articles at the time of the treaty that Nepal had gained about 300 square miles (777 square kilometres) from China. This figure has not been confirmed by either the Chinese or Nepalese authorities, and it could well be explained by discrepancies in the maps used by various analysts.

Writers such as Ray (1963) and Stevens (1963) have drawn attention to the view that this boundary settlement may have been inspired by China's desire to display itself as a reasonable state at a time when the border dispute with India was becoming acute. Certainly Indian authorities tried to make what political capital they could from the fact that the boundary was mainly coincident with a major watershed, which they regard as the basis of the McMahon Line. The Chinese reply to this opinion would presumably be that Nepal also has a boundary along the foothills with India, which is where the Chinese claim runs in Assam. Lamb (1968, pp. 136–7) has noted that there are two main advantages in the treaty for Nepal. First, China's claim to some form of suzerainty over Nepal has been abandoned. Second, the possibility of difficulties associated with the competition for summer pastures between Tibetan and Nepalese herdsmen has been avoided.

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### Boundary Treaty, 5 October 1961

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The Chairman of the People's Republic of China and His Majesty the King of Nepal,

Being of the agreed opinion that a formal settlement of the question of the boundary between China and Nepal is of fundamental interest to the peoples of the two countries;

Noting with satisfaction that the friendly relations of long standing between the two countries have undergone further development since the establishment of diplomatic relations between the two countries and that the two Parties have, in accordance with the Five Principles of Peaceful Coexistence and in a spirit of fairness, reasonableness, mutual understanding and mutual accommodation, smoothly achieved an overall settlement of the boundary question between the two countries through friendly consultations;

Firmly believing that the formal delimitation of the entire boundary between the two countries and its consolidation as a boundary of peace and friendship not only constitute a milestone in the further development of the friendly relations between China and Nepal, but also are a contribution towards strengthening peace in Asia and the world;

Have resolved for this purpose to conclude the present Treaty on the basis of the Agreement Between the Government of the People's Republic of China and His Majesty's Government of Nepal on the Question of the Boundary Between the Two Countries of March 21, 1960 and have agreed upon the following:

#### Article I

The Contracting Parties, basing themselves on the traditional customary boundary line and having jointly conducted necessary on-the-spot investigations and surveys and made certain adjustments in accordance with the principles of equality, mutual benefit, friendship and mutual accommodation, hereby agree on the following alignment of the entire boundary line from west to east, Chinese territory being north of the line and Nepalese territory south thereof:

(1) The Chinese-Nepalese boundary line starts from the point where the watershed between the Kali River and the Tinkar River meets the watershed between the tributaries of the Mapchu (Karnali) River on the one hand and the Tinkar River on the other hand, thence it runs southeastwards along the watershed between the tributaries of the Mapchu (Karnali) River on the one hand and the Tinkar River and the Seti River on the other hand, passing through Niumachisa (Lipudhura) snowy mountain ridge and Tinkarlipu (Lipudhura) Pass to Pehlin (Urai) Pass.

(2) From Pehlin (Urai) Pass, the boundary line runs along the mountain ridge

southeastwards for about 500 meters, then northeastwards to Height 5655 meters, thence continues to run along the mountain ridge northwards to Tojang (Tharodhunga Tuppa), then northeastwards passing through Height 5580·6 meters to Chimala Pass, thence it runs generally northwestwards, passing through Chimala to Lungmochiehkuo (Numoche Tuppa); thence the boundary line runs generally eastwards, passing through Paimowotunkuo (Kitko Tuppa) and then runs along Chokartung (Kikto) mountain spur down to the Chilungpa (Yadangre) stream, then it follows the Chilungpa (Yadangre) stream northwards to its junction with the Mapchu (Karnali) River, then it follows the Mapchu (Karnali) River generally eastwards to Yusa (Hilsa). At Yusa (Hilsa), the boundary line departs from the Mapchu (Karnali) River and runs northeastwards along the mountain spur up to Chialosa (Takule), then along the mountain ridge, passing through Kumalatse (Kumalapche), Kangpaochekuo (Ghanbochheko) and Mainipaimikuo (Manepamango) to Kangkuona (Kangarje), then northwards passing through Kangchupeng (Kandumbu) and Height 6550 meters to Nalakankar.

(3) From Nalakankar, the boundary line runs generally northeastwards along the watershed between the tributaries flowing into the Manasarowar Lake and the tributaries of the Humla Karnali River passing through Nalakankar Pass to Latsela (Lapche) Pass; thence it runs generally southeastwards along the watershed between the tributaries flowing into the Manasarowar Lake and the tributaries of the Machuan River on the one hand and the tributaries of the Humla Karnali River, the Mugu Karnali River and the Panjang Khola on the other hand, passing through Changla mountain, Namja Pass, Khung (Thau) Pass and Marem Pass to Pindu Pass, then it continues to run southeastwards along the watershed between the tributaries of the Machuan River on the one hand and the tributaries of the Barbung River and the Kali Gandaki River on the other hand gradually turning northeastwards to Height 6214·1 meters.

(4) From Height 6214·1 meters, the boundary line runs northeastwards along the mountain spur, passing through Height 5025 meters and crossing the Angarchubo (Angarchhu) stream to Height 5029 meters; thence it runs generally eastwards along Tuchu (Thukchu) mountain spur, passing through Height 4730 meters and Bungla (Panglham) to the foot of Tingli Bhodho spur at its northwestern end, then turns northeastwards and runs along the southern bank of the Roumachushui (Rhamarchhushu) seasonal stream to the foot of Tingli Bhodho spur at its northeastern end; thence turns southeastwards, crosses the junction of two seasonal streams flowing northwards, and runs to the junction of three seasonal streams flowing northwards, and then up the eastern stream of the above three seasonal streams to Height 4697·9 meters, then turns southwestwards crossing a seasonal stream to Height 4605·8 meters; thence it runs generally southeastwards passing through Pengpengla (Phumphula) and then along Chukomaburi (Chhukomapoj) mountain ridge, passing through Height 4676·6 meters and Height 4754·9 meters to Height 4798·6 meters, thence along the mountain ridge northeastwards passing through Hsiabala, then generally eastwards passing through Height 5044·1 meters to Chaklo.

(5) From Chaklo, the boundary line runs generally southwards along the watershed between the tributaries of the Yalu Tsangpo River and the tributaries of the Kali Gandaki River, passing through Height 6724 meters to Lugula Pass, thence it runs generally eastwards along Lugula snowy mountain and the watershed between the tributaries of the Yalu Tsangpo River and the tributaries of the Marshiyangdi River to Gya (Gyala) Pass.

(6) From Gya (Gyala) Pass, the boundary line runs along the mountain ridge eastwards to Height 5782 meters, then southeastwards to Lajing Pass, then it runs

along Lajing mountain ridge, passing through Height 5442 meters and Lachong (Lajung) Pass to Height 5236 meters, then turns southwestwards to Sangmudo snowy mountain; then generally southeastwards and continues to run along Lajing mountain ridge, passing through Height 6139 meters to Height 5494 meters, and then in a straight line crosses the Dougar (Tom) River to Height 5724 meters; thence the boundary line runs generally northeastwards along the snowy mountain ridge, passing through Height 6010 meters, Height 5360 meters and Height 5672 metres to Thaple Pass.

(7) From Thaple Pass, the boundary line runs generally northeastwards along the snowy mountain ridge, passing through Tsariyangkang snowy mountain to Khojan; thence it continues to run generally southwards along the snowy mountain ridge, passing through Mailatsaching Pass, Pashuo snowy mountain and Langpo snowy mountain to Yangrenkangri (Yangra) snowy mountain.

(8) From Yangrenkangri (Yangra) snowy mountain, the boundary line runs along the mountain ridge southwards to Tsalasungkuo and then generally eastwards and then northeastwards along a dry stream bed and passes through Jirapo (Kerabas) to reach the Sangching (Sanjen) River, then follows the river southeastwards, passes through its junction with the Changchieh (Bhryange) River and continues to follow the Sangching (Sanjen) River to a point where a small mountain spur south of Genjungma (Pangshung) pasture ground and north of Chhaharey pasture ground meets with the Sangching (Sanjen) River; then it runs along the above small mountain spur eastwards and then southeastwards to Height 4656·4 meters, then runs eastwards to the Black Top; thence it runs along a mountain spur to the junction of the Bhurlung River and the Tanghsiaka (Khesadhang) stream, then runs eastwards along the Bhurlung River to its junction with the Kyerong River; thence follows the Kyerong River southwards and then eastwards to its junction with the Tungling Tsangpo (Lende) River; then runs northeastwards up the Tungling Tsangpo (Lende) River, passing through Rasua Bridge to the junction of the Tungling Tsangpo (Lende) River and the Guobashiachu (Jambu) stream; thence turns eastwards up the Guobashiachu (Jambu) stream, passing through the junction of the Chusumdo Tsangpo River and the Phuriphu Tsangpo River, both the tributaries of the upper Guobashiachu (Jambu) stream, to reach the boundary marker point at Chusumdo.

(9) From the boundary marker point at Chusumdo, the boundary line runs generally southeastwards along the ridge of Tsogakangri (Seto Pokhari) snowy mountain, Langtang snowy mountain, Dorley mountain and Gulinchin (Phurbo Chyachu) mountain to Chakesumu (Kharaney) mountain; thence runs down to reach the Changnibachu (Kharaney) River and then follows that river southwards to its junction with the Bhochu (Bhote Kosi) River; then follows the Bhochu (Bhote Kosi) River southwards, passing through Dalaima (Bhaise) Bridge to the junction of the Bhochu (Bhote Kosi) River and the Junchu (Jum) River; thence eastwards up the Junchu (Jum) River to its source at Tsaje mountain (Jum Khola Ko Sir Ko Tuppa); thence the boundary line runs generally northwards along the mountain ridge to Chomo Pamari (Height 6208·8 meters).

(10) From Chomo Pamari (Height 6208·8 meters), the boundary line runs generally northwards along the mountain ridge to Height 5914·8 meters, then generally northeastwards along Shondemo Kangri (Sudemo) snowy mountain passing through Height 5148 meters, and then crosses two tributaries of the Shondemo Chu (Shongdemo) stream, passing through Shondemo (Sudemo) which lies between the above two tributaries to Gyanbayan, then it runs along Gyanbayan mountain spur downwards, crosses the Pinbhu Tsangpo River (the western tributary of the Lapche River), and then along the mountain spur up to Height

5370·5 meters at Seborori (Korlang Pari Ko Tippa); thence the boundary line turns southeastwards along the mountain spur downwards, crosses the Lapche Khung Tsangpo River (the eastern tributary of the Lapche River), then it runs along Bidin Kangri (Piding) snowy mountain to Height 5397·2 meters; thence the boundary line turns westwards along the mountain ridge to Height 5444·2 meters at Kabobori (Raling), then generally southwards along Rasumkungpo (Rishinggumbo) mountain ridge to Niehlu (Niule) Bridge.

(11) From Niehlu (Niule) Bridge, the boundary line runs generally eastwards to Chejenma (Gauri Shankar), and then eastwards along the mountain ridge and then northwards along the watershed between the Rongshar River and the Rongbuk River on the one hand and the tributaries of the Dudhkosi River on the other hand to Nangpa Pass, and then runs generally southeastwards along the mountain ridge, passing through Cho Oyu mountain, Pumoli mountain (Gnire Langur), Mount Jolmo Lungma (Sagar Matha) and Lhotse, to Makalu mountain; then runs southeastwards and then eastwards along the mountain ridge to Popti Pass.

(12) From Popti Pass, the boundary line runs along the mountain ridge eastwards passing through Tsagala (Kepu Dada) to Kharala (Khade Dada), and then generally northeastwards passing through Lanapo (Lhanakpu) and Chebum (Chhipung) to the source of the Sunchunchu (Shumjung) River; then it follows the Sunchunchu (Shumjung) River to its junction with the track leading from Kimathangka to Chentang, then it runs along the track to the bridge on the Karma Tsangpo (Kama) River; thence it runs generally southeastwards along the Karma Tsangpo (Kama) River passing through its junction with the Pengchu (Arun) River to its junction with the Nadang River, then continues to follow the Pengchu (Arun) River westwards to its junction with the Tsokangchingpo (Chhokang) River; thence the boundary line departs from the Pengchu (Arun) River and runs generally eastwards along a mountain spur passing through Angde and Dalai (Tale) Pass to Dalaila (Tale), and then runs along the mountain ridge passing through Jungkan (Dukan), Kaijungan (Khachunkha), Renlangbu (Relinbu) and Sulula to reach Ragla (Rakha) pass.

(13) From Ragla (Rakha) Pass, the boundary line runs generally eastwards along the watershed between the tributaries of the Nadang River and the tributaries of the Yaru River on the one hand and the tributaries of the Tamur River on the other hand, passing through Ombola (Ombak) Pass, Theputala (Tiptala) Pass, Yangmakhangla (Kangla) Pass and Chabukla to the terminal point where the watershed between the Khar River and the Chabuk River meets the watershed between the Khar River and the Lhonak River.

The entire boundary line between the two countries as described in the present Article is shown on the 1:500,000 maps of the entire boundary attached to the present Treaty; the location of the temporary boundary markers erected by both sides and the detailed alignment of certain sections of the boundary are shown on the 1:50,000 maps of those sections attached to the present Treaty.

## Article II

The Contracting Parties have agreed that wherever the boundary follows a river, the midstream line shall be the boundary. In case a boundary river changes its course, the original line of the boundary shall remain unchanged in the absence of other agreements between the two parties.

## Article III

After the signing of the present Treaty, the Chinese-Nepalese Joint Boundary Committee constituted in pursuance of the Agreement of March 21, 1960 between



the two Parties on the question of the boundary between the two countries shall set up permanent boundary markers as necessary on the boundary line between the two countries, and then draft a protocol setting forth in detail the alignment of the entire boundary line and the location of the permanent boundary markers, with detailed maps attached thereto showing the boundary line and the location of the permanent boundary markers. The above-mentioned protocol, upon being signed by the Governments of the two countries, shall become an annex to the present Treaty and the detailed maps shall replace the maps now attached to the present Treaty.

Upon the signing of the above-mentioned protocol, the tasks of the Chinese-Nepalese Joint Boundary Committee shall be terminated, and the Agreement of March 21, 1960 between the two Parties on the question of the boundary between the two countries shall cease to be in force.

#### Article IV

The Contracting Parties have agreed that any dispute concerning the boundary which may arise after the formal delimitation of the boundary between the two countries shall be settled by the two Parties through friendly consultations.

#### Article V

The present Treaty shall come into force on the day of the signing of the Treaty. Done in duplicate in Peking on October 5, 1961, in the Chinese, Nepalese and English languages, all three texts being equally authentic.

Liu Shao-chi  
Chairman of the People's  
Republic of China.

Mahendra Bir Bikram  
Shah Deva  
His Majesty the King of  
Nepal.

## The Boundary between India and China

The boundary between India and China is divided into eastern and western sectors; the first connects the borders of Burma and Bhutan, the second links Nepal and that part of Kashmir occupied by Pakistan. There are major disagreements between the two countries about the alignment of each sector, which place several thousand square miles of territory in dispute. In the western sector there are no international treaties which define the location of the boundary, although the Indian government insists that two international treaties apply to this sector. The first, dated 1684, was concluded between Ladakh and Tibet; the second, dated 1842, was agreed between Ladakh, Tibet and China (India, Ministry of Information and Broadcasting, 1963, pp. 20–1). Unfortunately the relevant sections of these treaties are not very helpful.

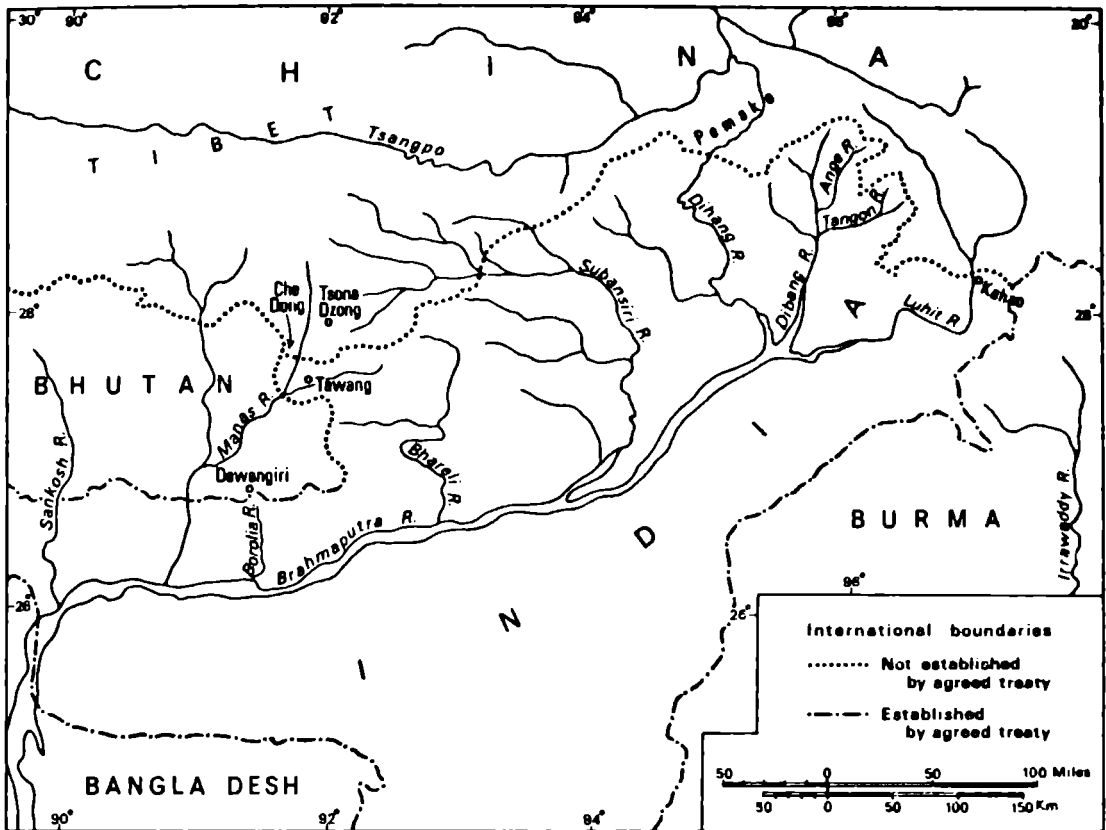
1684. The boundary fixed in the beginning, when Skyid-Ida-Ngeemagon gave a kingdom to each of his three sons, shall still be maintained (India, Ministry of External Affairs, 1961, p. 51).

1842. The territories of Ladakh as they used to be and the territories of Lasa as they used to be will be administered by them respectively without infringing upon each other (India, Ministry of External Affairs, 1961, p. CR14).

These quotations suggest that a traditional boundary existed, but they do not explain where that boundary is located. For this reason it is inappropriate to consider this section of the boundary any further in this book. Interested readers will find that the books by Lamb (1964) and Rao (1968) provide a useful introduction to the issues involved along this section of the Sino-Indian boundary.

In the eastern sector of the boundary India relies on two other international agreements to justify the Indian interpretation of the boundary's location. The first is an Exchange of Notes between British and Tibetan representatives on 24–25 March 1914; the second is a convention initialled by British, Tibetan and Chinese representatives on 27 April 1914. Both these documents define the Sino-Indian boundary between Burma and Bhutan by means of maps. Although the Chinese government denies the validity of these documents, it seems worthwhile to examine them since they do locate a boundary with differing degrees of accuracy. Such consideration does not imply any judgement on the validity or binding nature of these documents, since this is a matter on which several eminent international lawyers disagree.

Many scholars and commentators have written at length on this section of the Sino-Indian boundary, which is known as the McMahon Line, and both governments have issued long statements presenting their own cases in detail and heaping scorn on the arguments of the others. The most objective, scholarly work is by Lamb



Map 16. The eastern borderland of India and China

(1966), who also lists the other important contributions published to that date in his bibliography. The recent study by Maxwell (1970) on the war between India and China over the disputed territory should be added to the list. It is not proposed here to review again all the material that has been covered several times by other authors; instead it is intended to concentrate on the geographical aspects of the two documents on which the Indian government relies, after a brief sketch of the geographical and political backgrounds of the 1914 Simla conference.

Since their mid-Tertiary orogenesis, erosion by ice and water has modified the topographic detail of the Himalayas, allowing five zones to be distinguished. The Indian plains give way to the Siwalik hills composed of coarse sands and gravels derived from the erosion of the Himalayas. This zone is succeeded northwards by the Lesser Himalaya rising to 10 000 feet (3050 metres) in a complex association with other ranges. Between the Lesser and Greater Himalaya, there are a series of heavily dissected spurs, aligned north-south, with an average elevation of 15 000 feet (4575 metres). The eastern sector of the Great Himalaya contains several peaks over 20 000 feet (6100 metres), fashioned from granites and gneisses and capped with permanent snowfields. Between the Great Himalaya and the Tibetan plateau is the Tsangpo furrow, with a general elevation of 13 000 feet (3965 metres). The structural variation between the steep southward face of the Himalaya and the lower, rounded northern face, which is partially a product of the monsoonal precipitation on the southern slopes, is reinforced by the division between the forests of the southern slopes and the arid landscapes to the north. The Dihang (Brahmaputra) alone, in this eastern sector, has carved a deep gorge through the Himalayas. Smaller rivers, such as the Manas, the Subansiri and the Luhit, have carved passes in the mountain rim which were used by traders between Tibet and India. This drainage

pattern means that it is easier to travel *through* the Himalayas than it is to travel *along* them; a fact which led Ogilvie (1938, p. 123) to write that 'nowhere in the world are the small natural regions more strongly separated than in the Himalayas'.

The physical micro-division of the Himalayas, to which Ogilvie refers, has combined with their position near the conjunction of the main areas of Hinduism and Buddhism in this eastern sector, to produce a cultural mosaic. The history of this region did not involve recognizable Chinese, advancing from the north, and recognizable Indians, advancing from the south, meeting somewhere near the crest. The region has nourished societies which have migrated to the mountains at different times from different directions, and which have adjusted their lives to the new environment in different ways. These groups, often small, have developed individual characteristics, which distinguish them from each other and from the major groups to the north and the south. Thus the geographical background, to which the political background must now be added, reveals a zone of remarkable physical and cultural complexity.

The changing power relationships between Britain, China and Russia provide the political background to the Simla conference. Successive British governments sought the security of the Indian empire through a variety of policies which included annexation, treaties of friendship and protection, and agreements with Russia and China, the other major powers involved with various parts of the Indian borderland. Tibet was an obvious area of concern. It was a base from which influence could be exerted on the Himalayan kingdoms of Nepal, Bhutan and Sikkim. It was a source of political influence and migrants which might infiltrate into the unorganized areas of the Assam Himalayas. Tibet was also considered as a possible market for British goods; as a potential supplier of wool; as a zone which might be profitably explored for gold; and as a trade route from India to China. In the years leading to the Simla talks of 1914, British governments employed a number of policies to obtain the greatest possible advantage and security *vis-à-vis* Tibet.

In 1904, after reports of Russian activities in Tibet, the Younghusband mission was sent into Tibet, largely at the instigation of Lord Curzon, the viceroy of India. Younghusband obtained a treaty, of doubtful validity, since the Dalai Lama was not present and the Chinese Amban did not sign it, which excluded Russia from Tibet, and which gave Britain direct access to the Tibetan capital, and the right to occupy the Chumbi valley, between Sikkim and Bhutan, as a guarantee of Tibetan good behaviour. The following year a change of government in Britain brought a change of policy, which could be summarized as non-interference in the affairs of Tibet, except to ensure that no other European power established itself there. Lamb (1966, 1, p. 227) has noted that this policy was implemented in three stages. The theoretical status of Tibet was established by the Anglo-Chinese convention of 1906, as a region which belonged to China, but where Chinese authority was restricted, and where Britain alone of foreign powers possessed certain commercial rights. In 1907 an Anglo-Russian convention, which also dealt with Iran and Afghanistan, laid down that both countries recognized the suzerain rights of China in Tibet and that they would not enter into negotiations with Tibetan authorities except through the mediation of the Chinese government. In 1908 the mechanics of British trade relations with Tibet were carefully described in an agreement between Britain, China and Tibet. Thus at this stage British policy had been achieved. Russia was excluded from contact with Tibet, except through China, which had undertaken to prevent any foreign country from interfering with Tibet's administration and territory. Britain had secured preferential trade arrangements which would allow it to take maximum advantage of Tibet's limited commercial potential. Finally, the self-

denying nature of the Anglo-Russian convention of 1907 reduced the prospects of either the home government or the Indian authorities from becoming involved in Tibetan affairs.

However, within two years a new problem began to develop. Chinese ascendancy in Tibet, which held commercial benefits for Britain, started to pose political threats in the Assam Himalayas. Lamb (1966, 2, chs 16, 18) has described Chinese activity in the area east of the Subansiri valley in considerable detail, which there is no need to repeat here. It is sufficient to note that by 1911 the British and Indian authorities were coming to the conclusion that it would be necessary to negotiate a boundary with China, in the Himalayas between Bhutan and Burma. Almost simultaneously with this development came the Chinese revolution, which started to undermine Chinese authority in Tibet from November 1911. While this reduced Chinese pressure against Assam it did not remove the need for a clear, negotiated boundary at some time in the foreseeable future. The prospect of entering into negotiations directly with Tibetan authorities was considered, but the Anglo-Russian convention theoretically prevented this. Lamb (1966, 2, pp. 436–56), in his usual meticulous fashion, has described British efforts to escape from this bind by making overtures to Russia. Eventually it was decided, in March 1913, that a tripartite conference attended by Britain, Tibet and China would be necessary to settle this matter, although the apparent substance of the conference was the improvement of relations between China and Tibet. China agreed in June 1913 to attend the conference, which began in October of the same year. Sir Henry McMahon, the British delegate, was elected president of the conference and the Tibetan and Chinese representatives presented their claims and counter-claims. After reading these documents McMahon proposed that a necessary first step was the delimitation of a boundary between Chinese and Tibetan territories, and it was to this end that both sides then bent their energies during the remaining meetings of 1913 and during the Christmas holidays. It was in this period that McMahon conceived the idea of applying a Sino-Russian solution reached in respect of Mongolia a month earlier, to the Tibetan problem. Russia and China, in an Exchange of Notes on 5 November 1913 (MacMurray, 1921, 2, pp. 1066–7) divided Mongolia into two parts: Outer and Inner Mongolia. Outer Mongolia was under the suzerainty of China, which in turn accepted that Outer Mongolia was autonomous. By implication Inner Mongolia remained a corporate part of the Chinese empire where Chinese authority was not contested. McMahon devised his plan for the partition of Tibet into inner and outer zones in December 1913; the British government approved the idea in January 1914 and the proposal was put to the Chinese and Tibetan delegates on 17 February 1914. McMahon made one major departure from the Russian strategy. The Russians did not allow the negotiations to become bogged down on the detailed question of the boundary between Inner and Outer Mongolia; this important matter was left for future conferences. McMahon proceeded to concentrate on the geographical question of the location of the boundary, even when it was apparent that this insistence would prevent full Chinese acceptance of the final document. There are three probable reasons why McMahon pressed on with this course. First, he was a man of considerable experience of boundaries in Afghanistan, and he had a belief in the desirability of each state knowing its exact limits. Second, he desired to ensure that there was a wedge of Chinese territory between Outer Mongolia and Outer Tibet, so that Russian influence could not be easily transmitted southwards. Third, the introduction of detailed boundary considerations gave him an opportunity to introduce the boundary between Outer Tibet and India, which was being secretly discussed between British and Tibetan representatives in the first three months of

1914 (Lamb, 1966, 2, pp. 545–6). It was from these secret talks and from the tripartite conference that the two documents, on which India relies, emerged. It would have been difficult to produce a lasting boundary through this region even with perfect knowledge of its physical, cultural, economic and political geography, and political goodwill on all sides. In the absence of these conditions it was almost certain that the boundary would have some features which were unsatisfactory to at least one of the parties of the discussions.

Any geographical analysis of the bilateral Exchange of Notes and the tripartite convention must be mainly concerned with the Indian arguments in defence of their validity. The Chinese government takes the position that 'the boundary between China and India has never been formally delimited', and that the McMahon Line is illegal (Foreign Languages Press, 1962, pp. 8, 11); thus for them any other discussion about these documents is pointless. The Indian government, in addition to asserting the legality of both these documents, believes that the natural, traditional and customary boundary in this part of the Himalayas was formalized by the McMahon Line (India, Ministry of Information and Broadcasting, 1963, pp. 25, 27).

The two maps which provide the only definition of the boundary are the most convenient starting point for this analysis. The map accompanying the Anglo-Tibetan Exchange of Notes is on two sheets at a scale of 1:500 000 (1 inch equals 8 miles or 13 kilometres), produced on behalf of the Indian General Staff in August 1913. The map shows main towns, rivers and peaks in black, and there is a rough indication of relief by means of form lines along the main crests and spurs. The boundary settled by the Exchange of Notes is shown in red and Tibetan names have been added, also in red, for the rivers and settlements close to the boundary and for major rivers and towns distant from the boundary. The map is described as 'Provisional issue, rough compilation' and this is confirmed by the broken lines used for some river courses and by such statements as 'Bokar and Bori villages are said to be situated in this valley'. A reproduction of this map, slightly reduced in scale, has been published by Foreign Languages Press (1962, map 6). The map clearly shows the uneven nature of geographical knowledge about this borderland. The intricate drainage pattern of the Dihang, Dibang and Luhit valleys, which is shown in greater detail than on many modern maps, contrasts with the empty, white spaces of the Subansiri valley and the Tawang tract, which lies just east of Bhutan.

The map which defines the boundary in the convention is at a scale of 1:3 800 000, and it is based on a map produced by the Royal Geographical Society. The basic information on the map is shown in black, with the comparatively few place names in English, Tibetan and Chinese. The only representation of relief, which is in pictorial form, occurs on the northern borderland of China and Tibet. The map showed the borders of Tibet and the boundary between Outer and Inner Tibet. It is surprising that the Chinese have not commented on the differences in meaning of the terms 'borders' and 'boundary'. The latter is a precise line; the former is more commonly used to refer to a fringing zone. The border of Tibet is shown by a red line which stretches from the north bank of the Karakash river, in an arc leading east, south and west, to the eastern boundary of Bhutan. Tibet's border between the north bank of the Karakash river and the western boundary of Nepal is not shown. The boundary between Inner and Outer Tibet is shown in blue, but its location has no importance for this discussion; it is only the alignment of the red line between Bhutan and the territory of modern Burma which is relevant. Reproductions of this map have appeared in a number of publications; the one consulted for this analysis is contained in a volume by the Indian Ministry of Information and Broadcasting (1963, map 15). Two important points must be made about these maps. First, each

provides the only definition of the boundary contained in the two documents. There are no descriptions of the boundaries in the texts and no indication of the bases on which the boundaries are drawn. Second, it has been assumed by all commentators that the two maps show the same boundary in the sector between Bhutan and Burma. This is a reasonable assumption, since the detailed map was agreed first by the British and Tibetan delegates, and presumably transferred to the more general map which accompanied the convention. However, there is nothing in the text of either document to confirm this and the differences in map scale are too great to allow an accurate comparison. In short this means that the Indian government, to make sure of securing the McMahon Line, would have to persuade the Chinese government to accept the map accompanying the Exchange of Notes. Because, even if the Chinese accepted the convention map, it is too inaccurate, and on too small a scale to prevent long and involved arguments about the location of the boundary in the landscape. This point can be simply illustrated by the fact that the red line on the convention map represents a zone at least 4 miles (6 kilometres) wide! The Chinese propagandists have taken mischievous pleasure in pointing out that Indian claims sometimes lie north of the McMahon Line. The case most usually quoted concerns the terminus of the line on the Bhutan border, which the Indians place at 27° 48' north, while the convention map records the terminus at 27° 45' north. The area between comprises the Kechilang river and Che Dong area (Foreign Languages Press, 1962, map 5).

Having decided that it is the map accompanying the Anglo-Tibetan Exchange of Notes which is vital in this question, it is now possible to proceed to an examination of the Indian claim that the McMahon Line represents the traditional boundary between Tibetan and Indian spheres in this section of the Himalayas. The Indian government claims that the Indian alignment throughout the Sino-Indian borderland 'has a basic unity and overwhelming consistency provided by the watershed principle' (India, Ministry of External Affairs, 1961, p. 38).

In the discussions on the location and natural features of alignment, the Indian side demonstrated that the boundary shown by India was the natural dividing line between the two countries. This was not a theoretical deduction based on the rights and wrongs of abstract principles. The fact that this line had received the sanction of centuries of tradition and custom was no matter of accident or surprise because it conformed to the general development of human geography and illustrated that social and political institutions are circumscribed by physical environment. It was natural that peoples tended to settle up to and on the sides of mountain ranges; and the limits of societies—and nations—were formed by mountain barriers. The Chinese side recognized this fact that high and unsurmountable mountain barriers provided natural obstacles and suggested that it was appropriate that the boundary should run along such ranges. But if mountains form natural barriers, it was even more logical that the dividing line should be identified with the crest of that range which forms the watershed in that area. Normally where mountains exist, the highest range is also the watershed; but in the few cases where they diverge, the boundary tends to be the watershed range.

. . . it is now a well-recognized principle of customary international law that when two countries are separated by a mountain range and there are no boundary treaties or specific agreements, the traditional boundary tends to take shape along the crest which divides the major volume of the waters flowing into the two countries. The innate logic of this principle is self-evident. The inhabitants of the two areas not only tend to settle up to the intervening barrier but wish and seek to retain control of the drainage basins (India, Ministry of External Affairs, 1961, pp. 235-6).

Similarly it is manifest that there are passes all along the high mountains and that there are always contacts across the ranges. But this does not invalidate the general conclusion that the watershed range tends to determine the limits of the settlements of the inhabitants on either side and to form the boundary between the two peoples. Neither the flow of rivers through the ranges nor the contacts of peoples across them can undermine the basic fact that a high watershed range tends to develop into the natural, economic, and political limits of the areas on the two sides (India, Ministry of External Affairs, 1961, p. 237).

It is difficult to know where to start challenging this statement, since it contains so many concepts with which a political geographer must disagree.

The concept of 'natural boundaries' which is explicit in this statement was once popular in political geography. Simply, it was assumed that the main, linear, physical obstacles in the world set the limits within which nations fashioned their political life. It was the political aspect of determinism which conferred on the environment and the physical landscape the dominant role in shaping man's economic and social characteristics and activities. Pounds (1951, 1954) has published excellent accounts of the origin of the idea of the natural frontiers of France, which were considered to be the sea, the Swiss Alps, the Pyrenees and the Rhine. But the idea of 'natural boundaries' has been discredited for decades. Writers such as Solch (1924), Maull (1925), Hartshorne (1936), East (1937), Boggs (1940), and Jones (1945) have clearly shown that all political boundaries are artificial because they require the selection of a specific line within a zone where change in the physical characteristics of the landscape may be more or less rapid. Thus in a mountain range there is not one line along which all physical characteristics change sharply. First, all physical changes occur over a zone which may vary considerably in width, from the very narrow arête which marks a watershed, to the zonal change from one dominant type of vegetation to another. Second, even if the changes in vegetation, climate, drainage, elevation, structure, morphology and altitude could each be reduced to a single line, these lines would not coincide with each other. It must also be added that the response of different human communities to the same environment varies. It is unwise for lowlanders to assume that high mountains mark absolute barriers to highland communities Kirk (1962) has made the point that there are distinct communities in the Himalayas which follow a complex transhumance economy which carries them over crests and watersheds as they use pastures and camping grounds which to lowlanders appear to be uniformly barren. Kingdon Ward described a similar situation earlier.

But obviously a pass of 15,000 feet [4575 metres] is nothing to a Tibetan who habitually lives at 10,000 or 12,000 feet [3050 or 3660 metres] altitude. The Tibetan is not stopped by physical but by climate barriers, and no boundary pillars are needed to make him respect these. His frontier is the verge of the grassland, the fringe of the pine forest, the 50-inch [1270-millimetres] rainfall contour beyond which no salt is (until indeed you come to the sea) or the 75 per cent saturated atmosphere. The barrier may be invisible; but it is a more formidable one to a Tibetan than the Great Himalayan ranges. If he crosses it he must revolutionise his mode of life (Ward, 1932, p. 469).

Ryder (1926) has described the problem of marking a boundary between Turkey and Iran through mountain communities, who removed the pillars as soon as they had been erected because they intersected routes to traditional pastures. In the reports of the men who marked the Durand Line there are dozens of cases where tribal limits did not coincide with obvious watersheds. It is also obvious that communities will occupy both banks of major rivers, and will exist in desert environments, both of



which are physical features which the proponents of natural boundaries believed marked the limits of nation-building. Finally, it must be noted that 'natural boundaries' are always the limits to which a state wishes to expand. There is no recorded case of a state wishing to withdraw to 'natural boundaries'.

Turning from a general criticism of 'natural boundaries', it is now necessary to focus on the specific physical limit which provides the basis of the Indian claims. A watershed is the line which separates areas in which the flow of water, after precipitation or the melting of snow and ice, is in different directions. In this situation only surface drainage is considered; the complication of underground drainage, especially in limestone areas, need not be considered here. Now just as there are first, second and third order rivers, there must be first, second and third order watersheds. For example, in this region, the primary watershed would be between the rivers flowing into the Bay of Bengal and those which flow intermittently into interior drainage basins of Tibet. The secondary watersheds would separate any two river basins which drain to the Bay of Bengal; thus there would be a secondary watershed between the Tsangpo and the Subansiri rivers. The tertiary watersheds separate the adjacent tributaries of any river; such a watershed would separate the Ange and Tangon tributaries of the Dibang river. This identification of a hierarchy of watersheds can continue until the smallest rivulets are reached. The problem for the Indian government is to justify the selection of one watershed rather than another. Granted that where the watershed and the crest coincide there is no difficulty, it must then be noted that in many parts of the Himalayas the crest and the watershed do not coincide. Rivers, through the process of headward erosion, or because they are antecedent, have cut through the crest displacing the watershed. Unfortunately for the Indian argument the McMahon Line does not consistently follow primary, secondary or tertiary watersheds, or the crests where they form watersheds. It is thus difficult to avoid the conclusion that the alignment of the McMahon Line was the result of a series of *ad hoc* decisions, which the Indian government has tried to mask by the uniform gloss of the watershed principle. The Indian statement also identifies the watershed by 'the major volume of the waters flowing into the two countries', but I am unable to understand how this can be calculated when a single river basin, such as the Subansiri or Luhit, is divided between the two countries.

Unfortunately no account has ever been published of the detailed discussions which led to the Anglo-Tibetan Exchange of Notes in March 1914. Lamb (1966, 2, pp. 536, 546) notes that the India Office and Foreign Office in London preserve no records of these talks, and that if such records exist they must be in Indian archives. If his guess is correct it is significant that they have not been produced by the Indian government.

However, even without these valuable records it is possible to demonstrate the lack of any overriding principle in the selection of the McMahon Line from all the other lines which could have been drawn in this area. First, major watersheds are not followed throughout the border, because the Manas, Subansiri, Dihang and Luhit river basins are all divided by the boundary. The precise point at which the boundary crosses these major rivers must have been selected for reasons unconnected with the physical environment. Second, the highest crest is not followed throughout the boundary. The deviations from the highest crest are most obvious in Pemako, a region in the upper Dihang valley. Third, the McMahon Line does not separate the people of different ethnic stock, a fact which the Indian government acknowledges. 'The fact is that the ethnic composition of frontier peoples is not a determining factor' (India, Ministry of External Affairs, 1962, p. 2). This leaves one final consideration which does form part of the Indian arguments. It is claimed that

the McMahon Line represented the southern limit of Tibetan political control in 1914.

the important consideration to bear in mind is that Tibetan authorities had not exercised jurisdiction at any time in this area [south of the McMahon Line]. On the other hand the exercise of jurisdiction by the Government of India has been long and continuous (India, Ministry of External Affairs, 1962, p. 2).

Lamb has effectively shown from contemporary British documents that Tibetan and Chinese authority was considered to extend south of the line in the Tawang tract which lies adjacent to Bhutan (Lamb, 1966, 2, pp. 534–7). He is able to show that the General Staff drew attention to the dangerous salient which existed between Miri country to the east and Bhutan to the west, in June 1912, and suggested that this area be annexed. The boundary recommended by the General Staff lay north of Tsona Dzong. In October 1913 McMahon indicated that the Indian government was still bound by a boundary along the foothills in the Tawang tract. A month later he had advanced the proposed boundary to the ridge south of Tawang which contains the Se pass. This boundary was still shown on a map which McMahon sent to Sir Arthur Hirtzl in late January 1914. However, in February 1914 the final alignment of the McMahon Line north of Tawang was shown on a further map sent to Hirtzl. This evidence does not support the idea of long and continuous jurisdiction by the Indian government.

Lamb has also found evidence that the Chinese placed flags to mark the boundary in the Luhit valley well south of the McMahon Line (Lamb, 1966, 2, pp. 541–3). These markers were removed by a British official in March 1914 and hidden in undergrowth near Kahao, about 15 miles (24 kilometres) further north. In addition to this evidence it is clear from the Notes exchanged by the Anglo-Tibetan authorities that there were some Tibetan estates south of the line; that there were Tibetan sacred places south of the line; and that Tibetan authorities had collected 'certain dues' from Monpas and Lopas tribesmen south of the McMahon Line.

Murty, deputy secretary to the Indian cabinet, has written a very interesting paper on the problems of interpreting the evidence in favour of traditional boundaries. He stresses that 'ascertaining a traditional boundary's valid location is thus essentially a field job' (Murty, 1968, p. 485), and proceeds to write with considerable insight about the use of evidence of various categories. It is quite evident that the comprehensive and detailed information on which the 'traditional boundary' in the Himalayas of 1914 should have been based was not available to the British and Tibetan delegates. This view is based on the general nature of the maps for certain sectors; the sketchy nature of British exploration and survey; and the speed with which the negotiations were concluded. It is a view which is confirmed by statements written by McMahon four days after the Notes were exchanged.

They [the Tibetans] have shown a great desire throughout the course of our discussions regarding our mutual frontier to show a reasonable and just attitude. Should it be found desirable in the light of more detailed knowledge which the Tibetan Government and ourselves may acquire in the future to modify the course of the boundary line at any place, we shall doubtless endeavour to show a similar attitude in regard to Tibetan interests, although no such obligation to do so has been mentioned in the agreement (Memorandum by McMahon, 28 March 1914, quoted by Lamb, 1966, 2, p. 548).

Ideally the solution of the Sino-Indian dispute would be found by the detached, academic research of an acceptable third party, which would painstakingly reconstruct the human and political geography of this region in 1914. But this ideal

solution has no chance of implementation; this is not an academic problem, it is a political problem. Therefore it is pointless for each side to pile old map on revenue receipt or travellers' tales on pasture leases in an effort to obtain the greater weight of 'evidence'. What is needed is a decision by both sides on whether they are prepared to negotiate. If that decision is positive then each side must decide which areas must be held and which could be used as bargaining counters. This programme applies equally well in both eastern and western sectors of the Sino-Indian border. If there is no decision to negotiate then each side must continue to consolidate its hold over the present areas of occupation, and be prepared to defend that territory if necessary.

Perhaps one of the most significant lessons of the Sino-Indian dispute is that geographical facts must always be interpreted in the light of changing technology and political power. The Himalayan region of today is not the same as that of 1914 when Holdich, another great British boundary engineer, made the following statement:

For at least 1,500 miles [2414 kilometres] does that huge, unbroken wall of peak and snowfield shut off India from Tibet or China . . . this is indeed our ideal of a typical barrier wall, a barrier such as no device of man, no devilish ingenuity of invention, can assail with any hope of a successful issue (Holdich, 1916, p. 124).

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### Exchange of Notes, 24, 25 March 1914

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#### *McMahon to the Lonchen Shatra, 24 March 1914*

To

Lonchen Shatra

Tibetan Plenipotentiary.

In February last you accepted the India-Tibet frontier from the Isu Razi Pass to the Bhutan frontier, as given in the map (two sheets), of which two copies are herewith attached, subject to the confirmation of your Government and the following conditions:

- (a) The Tibetan ownership of private estates on the British side of the frontier will not be disturbed.
- (b) If the sacred places of Tso Karpo and Tsari Sarpa fall within a day's march of the British side of the frontier, they will be included in Tibetan territory and the frontier modified accordingly.

I understand that your Government have now agreed to this frontier subject to the above two conditions.

You wished to know whether certain dues now collected by the Tibetan Government at Tsona Jong and in Kongbu and Kham from the Monpas and Lopas for articles sold may still be collected. Mr. Bell has informed you that such details will be settled in a friendly spirit, when you have furnished him with the further information, which you promised.

The final settlement of this India-Tibet frontier will help to prevent causes of future dispute and thus cannot fail to be of great advantage to both Governments.

Delhi

A. H. McMahon,  
British Plenipotentiary.

#### *The Lonchen Shatra to McMahon, 25 March 1914*

To

Sir Henry McMahon,

British Plenipotentiary to the China-Tibet Conference.

As it was feared that there might be friction in future unless the boundary between India and Tibet is clearly defined, I submitted the map, which you sent me in February last, to Lhasa for orders. I have now received orders from Lhasa, and I accordingly agree to the boundary as marked in red in the two copies of the maps signed by you subject to the conditions, mentioned in your letter, dated the 24th March, sent to me through Mr. Bell. I have signed and sealed the two copies of the maps. I have kept one copy here and return herewith the other.

Sent on the 29th day of the 1st Month of the Wood-Tiger year (25th March 1914) by Lonchen Shatra, the Tibetan Plenipotentiary.

Seal of the  
Lonchen Shatra.

## Convention, 27 April 1914

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His Majesty the King of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, His Excellency the President of the Republic of China, and His Holiness the Dalai Lama of Tibet, being sincerely desirous to settle by mutual agreement various questions concerning the interests of their several States on the Continent of Asia, and further to regulate the relations of their several Governments, have resolved to conclude a Convention on this subject and have nominated for this purpose their respective plenipotentiaries, that is to say:

His Majesty the King of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, the Hon'ble Sir Arthur Henry McMahon, Knight Grand Cross of the Royal Victorian Order, Knight Commander of the Most Eminent Order of the Indian Empire, Companion of the Most Exalted Order of the Star of India, Secretary to the Government of India, Foreign and Political Department;

His Excellency the President of the Republic of China, Monsieur Ivan Chen, Officer of the Order of the Chia Ho;

His Holiness the Dalai Lama of Tibet, Lonchen Ga-den Shatra Pal-jor Dorje; who having communicated to each other their respective full powers and finding them to be in good and due form have agreed upon and concluded the following Convention in eleven Articles:

### Article I

The Conventions specified in the Schedule to the present Convention shall, except in so far as they may have been modified by, or may be inconsistent with or repugnant to, any of the provisions of the present Convention, continue to be binding upon the High Contracting Parties.

### Article II

The Governments of Great Britain and China recognizing that Tibet is under the suzerainty of China, and recognizing also the autonomy of Outer Tibet, engage to respect the territorial integrity of the country, and to abstain from all interference in the administration of Outer Tibet (including the selection and installation of the Dalai Lama), which shall remain in the hands of the Tibetan Government at Lhasa.

The Government of China engages not to convert Tibet into a Chinese province. The Government of Great Britain engages not to annex Tibet or any portion of it.

### Article III

Recognising the special interest of Great Britain, in virtue of the geographical position of Tibet, in the existence of an effective Tibetan Government, and in the maintenance of peace and order in the neighbourhood of the frontiers of India and adjoining States, the Government of China engages, except as provided in Article 4 of this Convention, not to send troops into Outer Tibet, nor to station civil or military officers, nor to establish Chinese colonies in the country. Should any such troops or officials remain in Outer Tibet at the date of the signature of this Convention, they shall be withdrawn within a period not exceeding three months.

The Government of Great Britain engages not to station military or civil officers in Tibet (except as provided in the Convention of September 7, 1904, between

Great Britain and Tibet) nor troops (except the Agents' escorts), nor to establish colonies in that country.

#### Article IV

[Chinese official in Lhasa]

#### Article V

The Governments of China and Tibet engage that they will not enter into any negotiations of agreements regarding Tibet with one another, or with any other Power, excepting such negotiations and agreements between Great Britain and Tibet as are provided for by the Convention of September 7, 1904, between Great Britain and Tibet and the Convention of April 27, 1906, between Great Britain and China.

#### Article VI

Article III of the Convention of April 27, 1906, between Great Britain and China is hereby cancelled, and it is understood that in Article IX (d) of the Convention of September 7, 1904, between Great Britain and Tibet the term "Foreign power" does not include China.

No less favourable treatment shall be accorded to British commerce than to the commerce of China or the most favoured nation.

#### Article VII

[Negotiation of trade regulations]

#### Article VIII

[British Agent at Gyantse]

#### Article IX

For the purpose of the present convention the borders of Tibet, and the boundary between Outer and Inner Tibet, shall be shown in red and blue respectively on the map attached hereto.

Nothing in the present Convention shall be held to prejudice the existing rights of the Tibetan Government in Inner Tibet, which include the power to select and appoint the high priests of monasteries and to retain full control in all matters affecting religious institutions.

#### Article X

In case of differences between the Governments of China and Tibet in regard to questions arising out of this Convention the aforesaid Governments engage to refer them to the British Government for equitable adjustment.

#### Article XI

The present Convention will take effect from the date of signature.

The English, Chinese and Tibetan texts of the present Convention have been carefully examined and found to correspond, but in the event of there being any difference of meaning between them the English text shall be authoritative.

In token whereof the respective Plenipotentiaries have signed and sealed this Convention, three copies in English, three in Chinese and three in Tibetan.

Done at Simla this 27th day of April, A.D. one thousand nine hundred and fourteen.

[Initials and seals of Sir H. McMahon,  
Chen I-fan,  
The Lochen Shatra.]

Schedule

1. Convention between Great Britain and China relating to Sikkim and Tibet, signed at Calcutta the 17th March 1890.

2. Convention between Great Britain and Tibet, signed at Lhasa the 7th September 1904.

3. Convention between Great Britain and China respecting Tibet, signed at Peking the 27th April 1906.

The notes exchanged are to the following effect:

1. It is understood by the High Contracting Parties that Tibet forms part of Chinese territory.

2. After the selection and installation of the Dalai Lama by the Tibetan Government, the latter will notify the installation to the Chinese Government, whose representative at Lhasa will then formally communicate to His Holiness the titles consistent with his dignity, which have been conferred by the Chinese Government.

3. It is also understood that the selection and appointment of all officers in Outer Tibet will rest with the Tibetan Government.

4. Outer Tibet shall not be represented in the Chinese Parliament or in any other similar body.

5. It is understood that the escorts attached to the British Trade Agencies in Tibet shall not exceed seventy-five per centum of the escort of the Chinese Representative at Lhasa.

6. The Government of China is hereby released from its engagements under Article III of the Convention of March 17, 1890, between Great Britain and China, to prevent acts of aggression from the Tibetan side of the Tibet-Sikkim frontier.

7. The Chinese high official referred to in Article IV will be free to enter Tibet as soon as the terms of Article III have been fulfilled to the satisfaction of representatives of the three signatories to this Convention, who will investigate and report without delay.

[Initials and seals of Sir H. McMahon,  
Chen I-fan,  
The Lochen Shatra.]

## The Boundary between India and Pakistan through the Great Rann of Kutch

This section of the Indo-Pakistani boundary is being treated separately because it was the subject of a protracted and at times bitter dispute between 1948 and 1968, and because its final alignment was provided by the adjudication of an international tribunal.

According to the Indian Independence Act of 18 July 1947, the province of Sind was awarded to Pakistan. At that time, to the south of Sind, there were a number of British suzerainties, including Kutch, Suigam, Tharad, Wav and Santalapur. These areas subsequently acceded to India. Kutch executed an Instrument of Accession on 4 May 1948 and formally became part of India on 1 June 1948. Between these two dates the Dewan of Kutch wrote to the Pakistan government proposing that boundary pillars should be erected to complete the demarcation of the common boundary between Sind and Kutch according to surveys made in the periods 1881–4 and 1937–8. Two weeks after Kutch had become part of India, the Pakistani government indicated to the Indian government that it did not accept the Dewan's view that the boundary was settled, and recommended that a joint Indo-Pakistani boundary commission should investigate and settle this dispute. The Indian government denied that a dispute existed, but very quickly found itself involved in a disagreement over the boundary in Great Rann (Indian Society of International Law, 1965, pp. 16–19). In this analysis it is proposed first to describe the geography of the Great Rann of Kutch, then to examine the views of the parties to the dispute, and finally to consider the judgment of the International Tribunal.

The Ranns of Kutch were described by the chairman of the International Tribunal as 'a unique geographical phenomenon'. The northern Great Rann has an area of about 7600 square miles (19 676 square kilometres), while the Little Rann measures about 2000 square miles (5178 square kilometres). They are separated by a ridge of higher land linking Bhuj in the west and Radhanpur in the east. The dispute between India and Pakistan was entirely concerned with the Great Rann, which alone is considered here. The Rann is usually described briefly as a salt marsh, or a salt waste, or a salt-impregnated alluvial tract. Such descriptions focus on the important saline characteristics of vast areas of the surface soils of the Rann, but they neglect the micro-differences which are important in the economic and political geography of this area, and which have been produced by its geomorphological history. There is still some controversy about the exact chronology of geological events in the Great Rann, but the following main points can be safely



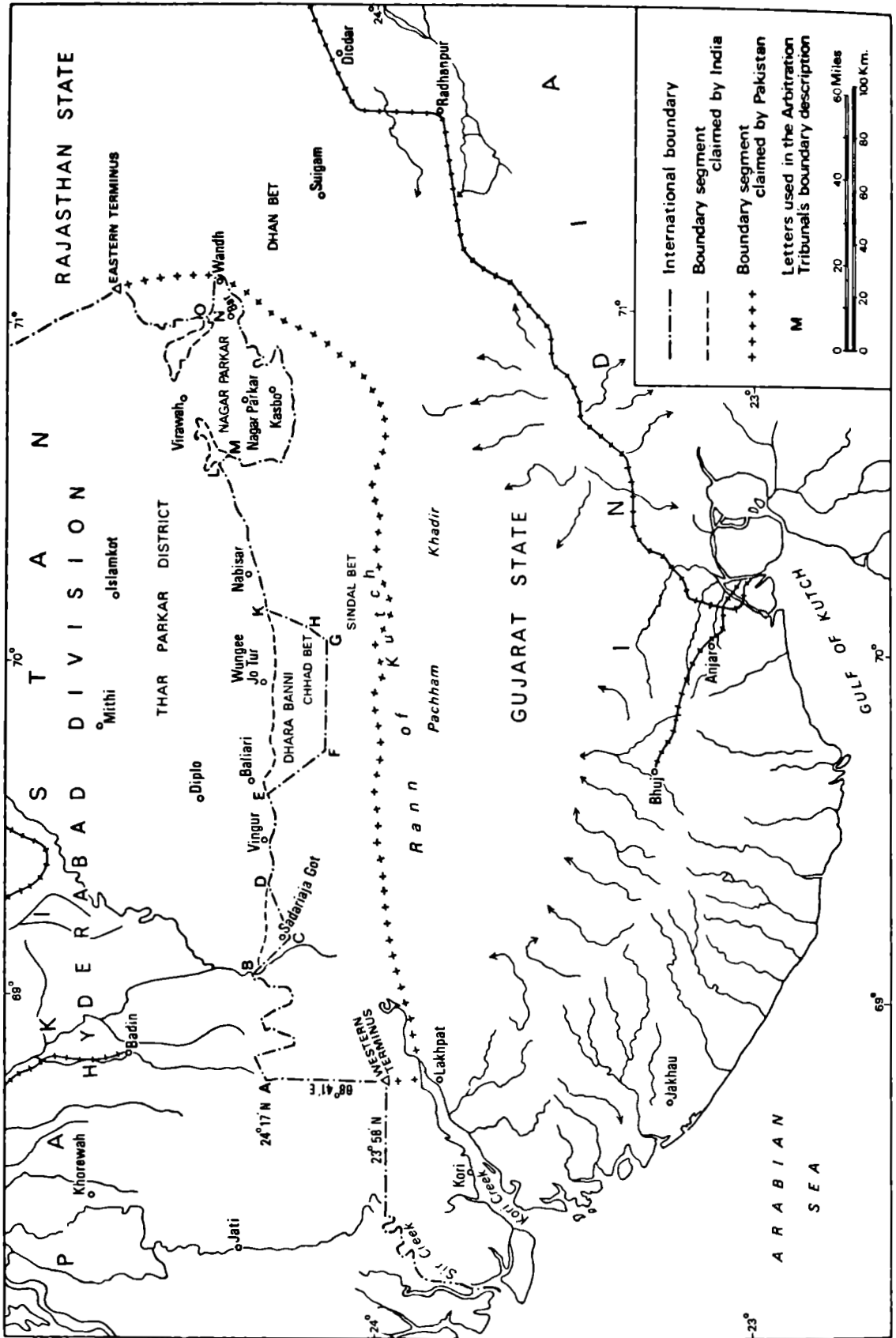
made. At some time in the past the Great Rann may have been a marine bay, but that has not been the situation in recent geological times. Sivewright (1907) searched for evidence of former shorelines on the cliffs of various Jurassic outcrops in the Great Rann and failed to find any. However, whether this area was once a true marine bay or a shallow lagoon is less important than the fact that the area has now been filled in by a combination of alluvial and aeolian deposits. The alluvial deposits are today brought into the area by rivers such as the Luni which flow southwestwards from Rajasthan. Before 1819 they were also provided by a southern arm of the Indus which reached the sea through what is now Kori creek. An earthquake in 1819 raised the central portion of the Great Rann, now marked by features such as Pachham, Khadir and Bela, where the previously mentioned Jurassic outcrops may be found. This earthquake also created a small escarpment, 50 miles (80 kilometres) long and 18–20 feet (5–6 metres) high, across the old bed of the Indus (*Imperial Gazetteer of India*, 1908, 11, p. 77), which completed the diversion of the Indus westwards. The aeolian deposits are brought by the north-west winds from the Thar desert in winter. Some parts of the Rann near the coast may also receive sand laid down by the encroaching sea at the time of the south-west monsoon in summer. During winter there is very little surface water in the Great Rann, but during summer considerable areas are flooded to a depth of 2–5 feet (0·6–1·5 metres). The floods are caused by the monsoon rains which fall directly onto the Rann, and which increase the flow of rivers such as the Luni. Higher tides at this time restrict the drainage of water west to the sea.

In alternating wet and dry seasons, slight differences in altitude become critical in soil formation, and three surfaces can be distinguished in the Great Rann. The lowest surface is known as rann, and this was described a century ago by Frere.

There is a total absence of any sign of animal or vegetable life which could break the uniformity of the surface. There are no trees, no tufts of grass. The general surface is hard and polished. It consists of fine sand and clay, with sufficient salt in it to attract any moisture which the air might possess, and to keep the surface damp when all around is arid. Hence though sometimes covered with a saline efflorescence, the surface itself never pulverises, even in the hottest weather (Frere, 1870, p. 185).

Such land has no agricultural value. The second type of surface is called bet, and this consists of sandy soil, free from salt, which supports grasses and small shrubs. The areas of bet stand above the rann surfaces and the drainage of rainwater through the bet soils prevents an accumulation of salts. The word bet is often used in place names in the northern part of the Great Rann and the Dhara Banni, southeast of Diplo, represents an extensive area of bet soils. Finally there are soils which are intermediate between the rann and bet areas. These are known locally as kalar, which refers to soils similar to those on the rann, and lana, which approach more closely to bet surfaces. Both bet and lana areas provide grazing during winter, when they can be easily reached, and during summer, if they are not cut off by floods. Access to these areas of grazing was one of the prizes to be won in this dispute.

Before examining the arguments of India and Pakistan it is necessary to state the agreed facts about boundaries in this area. The western terminus of the Kutch-Sind boundary is the mouth of the Sir creek, just north of Kori creek. The eastern terminus is the tri-junction of the former political areas of Sind, Kutch and Jodhpur; today it is the tri-junction of Gujarat, Rajasthan and Hyderabad. A dispute between Kutch and Sind at the beginning of this century was resolved by the governments of India and Bombay in 1914. The boundary was defined by reference



Map 17. The boundary through the Rann of Kutch

to a map, but it can be simply described. The line followed the Sir creek to latitude  $23^{\circ} 58'$  north; it then turned east along this parallel, which it followed for 22 miles (35 kilometres), where it intersected the boundary of Sind, at longitude  $68^{\circ} 41'$  east (Indian Society of International Law, 1965, pp. 13–14). This 22 miles (35 kilometres) of land boundary was demarcated by sixty-seven sandstone pillars in 1923–4. At the same time a further sixty-six pillars were erected northwards along meridian  $68^{\circ} 41'$  east for 23 miles (37 kilometres). The last pillar was erected at the intersection of that meridian with parallel  $24^{\circ} 17'$  north. These were the basic facts from which both sides started their arguments in favour of the boundary which they wanted. The Indian government took the view that it was only necessary to demarcate the boundary between the last pillar ( $68^{\circ} 41'$  east,  $24^{\circ} 17'$  north) in the west and the Gujarat-Rajasthan-Hyderabad tri-junction in the east, and that the boundary between these two termini should be the northern limits of the Great Rann (Indian Society of International Law, 1965, p. 123). The Pakistani government insisted that the western terminus was that defined in the 1914 award located at  $68^{\circ} 41'$  east and  $23^{\circ} 58'$  north; in other words they did not accept the demarcation for 23 miles (37 kilometres) north of this point. The boundary which Pakistan sought proceeded from their western terminus, south along the meridian  $68^{\circ} 41'$  east to the head of Kori creek, and then east, straddling the twenty-fourth parallel to longitude  $70^{\circ} 45'$  east, before curving northwards to the agreed eastern tri-junction of Gujarat, Rajasthan and Hyderabad. Pakistan also argued that the Great Rann was either an inland sea or a border lake, and as such should be equally divided between the two countries. This argument did not succeed in convincing the International Tribunal.

It is not possible to deal in detail with the evidence offered by both sides, which covered 10 000 pages of typescript, and included 350 maps. It should be noted, however, that the accumulated evidence of both sides provides a mine of information for political geographers, historians, political scientists and international lawyers. The chronological exchange of views between the two governments from 1948 until 1959, which has been usefully published by the Indian Society for International Law, provides a fascinating account of alternating claims and rebuttals by both sides. The evidence consisted of maps, official letters and edicts, travellers' descriptions, and acts of jurisdiction by one side or the other in the area of the Great Rann. Both sides had two pieces of evidence which the other side could not effectively refute. The strength of the Indian case rested on the fact that the northward demarcation along the meridian  $68^{\circ} 41'$  east was conducted by a joint Kutch-Sind team, and the northern edge of the Great Rann was shown as the northern boundary of Kutch on a considerable number of official maps. The strongest argument advanced by Pakistan was that Sind authorities had exercised virtually uninterrupted authority over criminal and commercial acts in certain parts of the northern Rann. A second important point was that the map accompanying the 1914 award showed the northern border of Kutch by a yellow line running along the southern limit of the Great Rann. This implied that the Great Rann was considered to be a frontier zone between Sind and Kutch, belonging in part to each state.

In April 1965 fighting broke out along this border between regular units of both armies. A ceasefire was arranged at the end of June 1965 and it was agreed that if the two governments could not reach a settlement, they would refer the problem to a three-man tribunal. Each government would nominate one member and they would jointly select a chairman. This tribunal was duly constituted and consisted of eminent jurists from Iran, Yugoslavia and Sweden. The International Tribunal first met in Geneva on 15 February 1966 and completed the hearings

by 14 July 1967. The award of the Tribunal was made on 19 February 1968. It was predictable when the hearings began that neither side would win its total claim. First, the cases urged by both sides were so weighty that it was unthinkable that either case should be entirely discounted. Second, at least the chairman must have been aware of the political necessity of both sides securing some concession to their views. In the final award the Yugoslav judge, appointed by India, recommended that the boundary should follow that line advocated by India. He set out very full reasons for this view (Bebler, 1968, pp. 92–128). The Iranian member of the Tribunal, appointed by Pakistan, originally thought that Pakistan had made out a satisfactory case for control of the northern half of the Great Rann, but he changed his mind after reading the judgment of the Swedish chairman and endorsed that judgment. Thus by a majority of one the chairman's judgment became the award of the Tribunal (Lagergren, 1968, pp. 247–65).

The chairman began by accepting that the joint Kutch-Sind demarcation for 23 miles (37 kilometres) along the meridian  $68^{\circ} 41'$  east marked the boundary between India and Pakistan. This was a point in India's favour. However, he then continued to adduce, from the evidence presented, that 'there did not exist at any time relevant in these proceedings a historically recognised and well-established boundary in the disputed region' (Lagergren, 1968, p. 252). At this point the spirits of the Pakistan delegation must have risen. The chairman then proceeded to examine the evidence in favour of the exercise of sovereignty by one side or the other, and he came to the conclusion that in Dhara Banni and Chhad Bet, which lie along the northern edge of the Great Rann, Pakistan had made out a superior case.

It is established that these areas have not at any time been cultivated and have not been the site of any permanent habitation, that they contain extensive grazing grounds, and that, at least since 1843 and until 1956, inhabitants of nearby villages in Thar Parkar District grazed large herds of cattle on Chhad Bet. It is also established that residents in Sind alone used the grazing grounds on Dhara Banni and Chhad Bet at all relevant times (Lagergren, 1968, p. 256).

The chairman therefore described a boundary which proceeded eastwards from the western terminus recommended by India, and after following the northern edge of the Great Rann for about 40 miles (65 kilometres), swung a few miles southwards into the Great Rann to include Sadariaja Got in Pakistan. The boundary then returned to the northern edge of the Rann which it followed for a further 20 miles (32 kilometres), before turning south, into the Great Rann, to include Dhara Banni and Chhad Bet in Pakistan. East of Chhad Bet the boundary again returned to the northern limit of the Great Rann which it followed to the tri-junction of Gujarat, Rajasthan and Hyderabad. The chairman made two minor alterations to this line, and both were concerned with the region of Nagar Parkar, a rocky outcrop which juts into the Rann just west of the eastern terminus. On previous maps used by India to support its claim, the boundary made deep indentations on either side of Nagar Parkar, which left only a narrow neck of land linking the area to Pakistan. The chairman judged that this state of affairs was conducive to friction and conflict; so he eliminated these Indian salients, and at the same time smoothed the jagged boundary which marked the southern edge of Nagar Parkar. It is interesting that this amendment had been suggested in 1885 by the British commissioner in charge of the district of which Nagar Parkar was a part.

This boundary was accepted by both countries, although the Indian government faced a legal challenge from various plaintiffs regarding the right of the govern-

ment to cede Indian territory to Pakistan. This challenge was rejected by the High Court of Delhi (Lagergren, 1968, pp. 267–81). The map by which the chairman defined the boundary was published at a scale of 1:253 440 (1 inch represents 4 miles or 6 kilometres), reduced from a mosaic of Indian survey maps. Marked on the map were thirteen turning points which were also described in the text.

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### Basis of Kutch-Sind Boundary, 20 September 1913

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[Paragraphs 9 and 10 of the Bombay Government letter no. 5543, dated 20 September 1913, to the Secretary to the Government of India, Foreign Department provided the basis for Resolution 1192 of the Governments of India and Bombay of 24 February 1914.]

9. On a full review of the evidence, therefore, Government arrived at the conclusion that the boundary between Cutch and Sind should be the green line in the accompanying map from the mouth of the Sir Creek to the top of the Sir Creek at the point where it joins the blue dotted line; from there it should follow the blue dotted line due east until it joins the Sind boundary as marked in purple on the map, and His Highness the Rao has now expressed his willingness to agree to this compromise.
10. On this proposed settlement being referred to the Commissioner in Sind that officer agreed to the adoption, as the frontier line, of the blue dotted line running due east from the top of the Sir Creek. He observed, however, that the Sir Creek changes its course from time to time and the western boundary of the area, which it is proposed to surrender to the Rao, should therefore, be described as “the centre of the navigable channel of the Sir Creek.” A similar method has been adopted in determining the boundary between the Khaipur State and British territory where the river Indus is the boundary, and the position of the navigable channel varies from year to year.

I am to explain that the term “navigable” is really inappropriate in the larger sense. The Creek is, of course, tidal, and it is only at certain conditions of the tide that the channel is navigable and then only to country craft as far as the point from which the proposed boundary turns due east from the Creek.

### Tribunal Award in Rann of Kutch Dispute, 19 February 1968

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For the reasons now given, and with due regard to what is fair and reasonable as to details, I conclude on the great issue before me that the boundary between India and Pakistan lies as follows. Reference is made here to the Award Map (Map C). Because of the imprecise topographical features in the region and the impossibility of exactly delimiting many acts of State authority, the boundary must sometimes be represented by approximate straight lines.

The portion of the boundary between the Western Terminus (marked as "WT") and the western Trijunction (marked as Point "A") shall lie along the vertical line as demarcated on the ground. In the sector between the Western Trijunction and Point "B" on Map C, the boundary will be that which was laid down in the most recent survey of that region, being Erskine's Survey; in that sector the maps of Erskine form part of the composite Map C. From Point "B", which is the easternmost point of the eastern loop as appearing on Indian Map B-11, the boundary shall go in a straight line to Point "C", which is indicated as "Sadariaja Got" on Map C, and from there straight east-northeast until a Point "D", in the vicinity of the reported Karali outpost, it shall reach the boundary symbols appearing on a recent map of that sector, Indian Map B-26, which also form part of Map C. From Point "D" it shall follow the boundary symbols until Point "E", which is defined in the next paragraph.

The boundary around Dhara Banni and Chhad Bet will be straight lines drawn from or through certain basic points. These shall be the southernmost (G) and easternmost (H) points of Chhad Bet, as appearing on Indian Map B-33 and two traverse stations marked on Indian Map B-48 as small circles, one lying at a distance of approximately 5·8 miles south of Baliari next to the mark "5 r", and the other lying at a distance of approximately 1·7 miles south of the letters "D" and "H" in "Dhara Bani". The boundary shall go in a straight line through the middle of the first-mentioned circle and touch the second circle as depicted on Map C. Point "E" lies where that line reaches the boundary symbols on the northern edge of the Rann. From Point "G", the boundary shall go straight west until at Point "F" it reaches the straight line originating at Point "E". From Point "G" it shall proceed to Point "H", touching the outer points of the two tongues of land as depicted on Map C. From Point "H", the boundary shall go in a straight line north-northeast until it reaches the boundary symbols appearing on the most recent survey map of that sector, Indian Map B-33. That point is called Point "K".

As from Point "K", and until the Eastern Terminus, the boundary shall follow the boundary symbols appearing on the other maps and the plane-table section which form part of Map C, being Indian Maps B-33, B-34, B-35, Pakistan Map 103 and Indian Map TB-25, with the following deviations (Indian Map TB-28 of 1938 being chosen in preference to Pakistan Map 137 of 1881, which choice in my opinion finds support in the "Minutes of the Meeting held at Lahore and Amritsar from 25th to 28th March 1959 in connection with the Demarcation of Rajasthan (India)—West Pakistan Boundary"):

(a) The two deep inlets on either side of Nagar Parkar will constitute the territory of Pakistan. Already in 1885, the Deputy Commissioner of Thar Parkar pointed out that if these inlets were to be considered Kutch territory, "[a] glance at the map will show that Parkar would be a peninsula almost entirely surrounded by Kutch territory. The Kutch State could erect forti-

fications and establish Custom houses at places situated many miles within the district for instance close to Veerawah, or on some of the roads which, crossing inlets of the Rann, lead from one part of this district to another." (Pak. Doc. B.9).

In my opinion it would be inequitable to recognise these inlets as foreign territory. It would be conducive to friction and conflict. The paramount consideration of promoting peace and stability in this region compels the recognition and confirmation that this territory, which is wholly surrounded by Pakistan territory, also be regarded as such. The points where the boundary will thus cut off the two inlets are these:

At the western inlet, the boundary will leave the boundary symbols indicated on the Indian Map B-34 at the point marked thereon as "26", more precisely where the cart track is indicated as departing from the edge of the Rann in a southeasterly direction. This point is indicated as Point "L" on Map C. On the other side of the inlet, the point will be that where the camel track is indicated on Indian Map B-34 to reach the edge of the Rann; that point is indicated at Point "M" on Map C. Between Points "L" and "M", the boundary shall be a straight line.

The boundary will cross the eastern inlet at its narrowest point in a straight line between Points "N" and "O" marked on Map C.

(b) The boundary marked by symbols along the outer edges of the peninsula of Nagar Parkar and up the Eastern Terminus is a jagged one. As such it is unsuitable and impracticable as an international boundary. The boundary shall accordingly lie in conformity with the depiction on Map C between the outer points on jutting-out tongues of land from Point "M" and until the Eastern Terminus, marked at "ET" on Map C.

At no point between the two Termini shall the alignment of the boundary as above described be such as to include in India territory not claimed by India, as defined by the depiction of India's claim line on Map A.

It might be added that the boundary proposed by me for the greater part of its length roughly coincides with the boundary proposed by my learned colleague, Mr. Bebler.

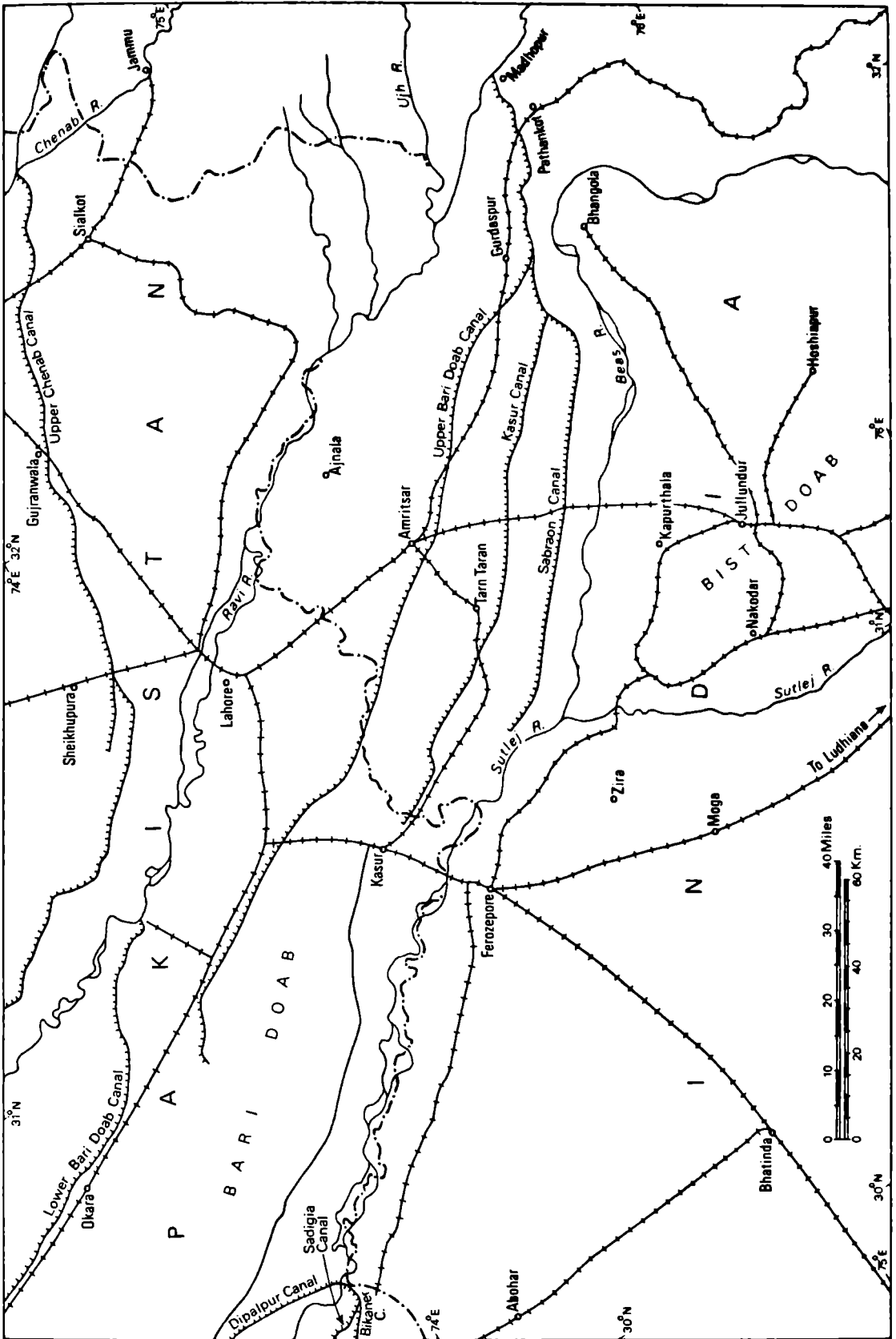
Gunnar Lagergren.

## The Boundary between India and Pakistan north of the Great Rann of Kutch

The boundary between India and Pakistan north of the Great Rann of Kutch extends for 2500 miles (4023 kilometres) to the Karakoram pass on the Chinese border. This section of the boundary can be divided into four parts. Between the Rann of Kutch and the Sutlej river the boundary measures 672 miles (1081 kilometres). Apart from the 80 miles (129 kilometres) immediately to the south of the river the boundary winds through the Thar desert. According to Spate (1957, p. 569) this is not a total desert, since the low, unreliable rainfall does allow some primitive and precarious dry farming, but the area stands out by virtue of its low population density, its fairly uniform surface of dunes aligned mainly northwest-southeast, and the stunted nature of the acacia scrub. The northernmost 80 miles (129 kilometres) of the border belongs geographically to the canal-cultivated region of the Punjab rather than the Thar desert. The Eastern Sadigia main canal and its principal distributaries, such as the Bakhu Shah and the Malik branch, provide water from the Sutlej river which gives a much greater measure of certainty to crop production and allows much higher population densities. However, the sandy areas are still in evidence where irrigated farming ends. This boundary coincides with the former internal boundary of British India between Bikaner and Rajputana states to the east and Bahawalpur, Khaipur and Sind to the west. The boundary has not been subsequently defined in any bilateral document and therefore takes its authority from the India Independence Act of 1947 and the accession acts of the various princely states.

The boundary continues northwards for about 210 miles (338 kilometres) across the Punjab plain from the Sutlej river to the headwaters of the Ujh river, which is one of the main tributaries of the Ravi river. This boundary traverses a well-known geographical unit based on the five rivers which flow out of the mountains and are finally gathered into a single river south of Multan. These rivers, Chelum, Chenab, Ravi, Beas and Sutlej, have much in common. They emerge from the Himalayan foothills, which here have an elevation of 2500 feet (763 metres), via a braided channel caused by the abrupt change in gradient and the deposition of alluvium eroded from the uplands. The gradient of this sub-montane zone, which is about 35 miles (56 kilometres) wide along the border, is about 15 feet per mile (3 metres per kilometre): on the plains southwards the fall of land is usually less than 1 foot per mile (0.2 metres per kilometre). Across this very flat plain, composed of great thicknesses of alluvium, the rivers are sunk into wide valleys which are bounded by low steep bluffs. The course of the river fluctuates across the flood plain, and the riverain lands are subject to flooding. Villages tend to be





Map 18. The boundary between India and Pakistan north of the Rann of Kutch

located on the bluffs or on minor meander terraces, above flood levels. The area between each river is called a Doab; the Bari Doab between the Ravi and Sutlej-Beas rivers and the Bist Doab between the Beas and Sutlej rivers are the ones which were mainly concerned in the construction of this section of the boundary. These Doabs are irrigated by a system of canals which has been developed since the middle of the nineteenth century. Thus in addition to the contrast in gradient between the sub-montane zone and the plains there is also a difference in farming technique, since the sub-montane zone depends for water on rainfall and well-irrigation rather than inundation by canals. The boundary through this densely populated region was drawn by a Tribunal, headed by Lord Radcliffe, in 1947, during the partition of British India.

The next boundary segment stretches westward for 108 miles (174 kilometres) through the inter-montane zone between the Ujh and Chenab rivers. This boundary coincides with part of the former boundary between the Punjab province and the princely state of Jammu and Kashmir; its definition is not the subject of any bilateral agreement between India and Pakistan, and its authority must therefore be considered to lie in the India Independence Act of 1947, and the act of accession by Jammu and Kashmir.

The last 510 miles (821 kilometres) of boundary plunges through the foothills and mountains leading to the Karakoram pass at a height of 18 550 feet (5658 metres). This boundary resulted from cease-fire arrangements following fighting between Pakistan and India for control of Jammu and Kashmir in 1948, 1965 and 1970.

This chapter is therefore concerned with the boundary sections through the Punjab plain and through the mountains, since they are governed by specific bilateral treaties. The boundary through the Thar desert and through the sub-montane zone has been produced by changing the status of provincial and state boundaries of British India without any alteration in location.

The Indian Independence Act of 18 July 1947 made arrangements for the partition of three provinces: Assam, Bengal and the Punjab. The fourth article dealt with the Punjab and it contained two main provisions. First, it determined that a boundary commission would be appointed by the governor-general, and that it would proceed to deliver a boundary award. Second, pending the award, it divided the Punjab into two sets of districts on a provisional basis. Pakistan was awarded all the districts in the Divisions of Multan and Rawalpindi, and the districts of Gujranwala, Gurdaspur, Lahore, Sheikhpura and Sialkot in the Division of Lahore (Poplai, 1959, 1, p. 40). This meant that India temporarily secured all the districts of Jullundur and Ambala Divisions, together with the Amritsar district of Lahore Division. This allocation was identical with the allocation of Muslim and non-Muslim majority districts, announced in a British statement on 3 June 1947 (Menon, 1957, p. 512).

When the boundary commission was appointed it was given the following terms of reference: 'The Boundary Commission is instructed to demarcate the boundary of the two parts of the Punjab on the basis of ascertaining the contiguous areas of Muslims and non-Muslims. In doing so it will also take into account other factors' (Poplai, 1959, 1, p. 66). It must be stressed, in the light of subsequent developments, that the commission was required to ascertain 'contiguous areas'; there is no reference to any existing administrative divisions such as Divisions, districts or tahsils. The commission was therefore free to choose any sensible line, without reference to the administrative framework which existed before. It will become apparent, as the award is examined, that the commission was plainly influenced to a remarkable degree by the existing administrative boundaries.

There were two main parties, which gave evidence before the commission in favour of different boundaries. The Muslim League represented Pakistan interests, and it proposed a boundary which started north of the Madhopur headworks and ran southeast, via a section of the braided Beas river and Siwalik hills, to the Rugar headworks near the great westward bend of the Sutlej river. From this point the boundary turned westwards and followed a course similar to the river Sutlej, along the railway between Ludhiana and Ferozepore, and along the Bikaner canal (Spate, 1947, p. 209). If this boundary had been accepted Pakistan would have gained almost all the canal systems of the Punjab, at the expense of including certain non-Muslim areas of Hoshiapur and Jullundur districts. India would have been denied any contact with the state of Jammu and Kashmir and the small state of Kapurthala would have been locked up inside Pakistan territory.

The case for India was put by Congress and Sikh representatives. They both advocated the same line, but the Sikhs did so with greater precision (Spate, 1947, p. 205). The line followed the course of the Chenab river for about 100 miles (161 kilometres) before swinging south along the general line of the Gojra-Khanewal railway, before finally turning east to join the Sutlej river about 33 miles (53 kilometres) above Bahawalpur. This boundary would have included within India about ten million Muslims, living in districts such as Gujranwala and Sheikhpura, where they formed large majorities. Spate and Michel are in complete agreement about the consequences of accepting such a boundary.

if strategically it would have rendered Pakistan a hopeless proposition, the economic prospects of Western Pakistan, shorn of the greater part of the productive area of its major Province, would have been little better (Spate, 1947, p. 209).

Along with the Sikhs, the economic heart of West Pakistan would have gone to India (Michel, 1967, p. 175).

The Sikh and Congress claims to these large Muslim areas were based on the economic importance of non-Muslims in building and operating the economy of the region. For example, in Lahore district, Sikhs, who formed only 12 per cent of the population, paid 56 per cent of the land revenue collected by the government. Sikhs played an important role in trade throughout the area and had been deeply involved in the colonization of the Bari Doab as canals extended the area available for cultivation. It was alleged by Sikh representatives that millions of Muslims were not rooted in the soil, but only formed a transient population. Finally, the Sikhs were also anxious to secure control over and access to the 700 Sikh holy places scattered throughout the Punjab.

It is interesting to contrast the Indian and Pakistan claims in the Punjab and Bengal. In the Punjab the Indian representatives sought to establish the allocation of large administrative units on the basis of population proportions; whereas the Pakistan representatives tried to obtain the delimitation of the boundary on the basis of population proportions in contiguous tahsils, the smallest administrative unit. These lines of argument were exactly reversed in Bengal where the large-scale analysis favoured Pakistan and the detailed determination favoured India. In Bengal Pakistan advanced many arguments based on factors other than religion in an effort to obtain parts of Assam and access to Calcutta, and these views were sternly resisted by India. In the Punjab it was the Sikhs and Congress who stressed the importance of 'other factors' besides religion, which was the overriding basis on which Pakistan wished to see the boundary determined.

Thus the area in dispute between these two extreme boundaries included the Rechna Doab, between the Chenab and Ravi rivers, and the Bari and Bist Doabs,

as well as the riverain lands on the south bank of the Sutlej. In view of the inability of the Hindu and Sikh representatives to reach agreement with the two Muslim delegates, Radcliffe had to present his own award, and patently it was bound to be a compromise between the two suggested lines. Radcliffe indicates the core area of dispute as follows: 'in my judgement the truly debatable ground in the end proved to lie in and around the area between the Beas and Sutlej rivers on the one hand, and the river Ravi on the other' (Poplai, 1959, 1, p. 68). Spate disagrees with this view: 'In my opinion, the legitimate area of dispute lay in the Bist Doab between the Beas and Sutlej and in the strip east of the Sutlej, where communities are very mixed, rather than in the Bari Doab where in fact the battle was fiercest' (Spate, 1947, pp. 203-4). Even though Spate was a technical adviser to one of the Muslim groups interested in presenting evidence to the commission, there is no reason to believe that his view is other than geographically sound and objective. This identification of the differences between the views of an eminent geographer and an eminent jurist serves to underline the basis of Radcliffe's award. He was obviously concerned with the allocation of Sikh concentrations to India, with the provision of a land corridor between India and Amritsar and the avoidance of a Pakistan salient east of the Sutlej river, which would have disrupted communications, and delivered to Pakistan the powerful military bastion of Ferozepore (Michel, 1967, pp. 179-80). Radcliffe, rightly or wrongly, was clearly trying to draw a boundary which would minimize the risks of a collision between the two new countries, and the price which had to be paid for this estimate was the exclusion of seven and a half tahsils with Muslim majorities from West Pakistan. To a political geographer it seems that the correct procedure would have been to determine the distribution of Muslims and non-Muslims according to the smallest possible administrative unit, which in this case was the tahsil. Then the contiguous areas should be gathered together by drawing a boundary between the Muslim and other areas. Then the position of enclaves could have been examined, and other factors of strategy and economy considered to see whether modification of the religious boundary was essential.

The problem therefore is to explain why seven and a half Muslim tahsils which were contiguous with the areas awarded to West Pakistan were included in India, while no tahsils with a non-Muslim majority were included within West Pakistan. First we can deal with the tahsils of Ferozepore, Zira, Nakodar and Jullundur which lie in a straight line northeast of the town of Ferozepore. Probably the key to this anomaly is found in the town of Ferozepore. This is an important communication centre and at that time it was a major cantonment area, with a small majority of non-Muslims. If this town had been awarded to Pakistan it would have caused severe disruption to rail traffic in the adjoining areas of India. Further Pakistan would have been given a key strategic position south of the Sutlej. Finally if Pakistan had secured the entire tahsil it would have been in possession of the headworks from which the Bikaner canal is fed, and this canal served an area which was certainly Indian. It can of course be argued that it was unwise to give the Ferozepore headworks to India because the Dipalpur canal, which takes water on the north bank, serves an area which belongs to Pakistan. But the issues of urban population, Indian defence, and the integrity of railways apparently proved decisive. Once it was decided that Ferozepore must go to India then it was easier to justify the cession of the Muslim tahsils of Zira, Nakodar and Jullundur. First, an important railway ran northeast from Ferozepore through these tahsils to Jullundur. Second, if these tahsils had been awarded to Pakistan, Amritsar, and the state of Kapurthala would have been effectively made an enclave within Pakistan. Third, the boundary to include these tahsils within Pakistan, while excluding Ferozepore,

would have been very convoluted. It might also be added that the Muslim majority in Jullundur tahsil was very small.

Turning now to the division of Kasur tahsil, which lies in the southern part of Lahore district, on the opposite bank of the river to Ferozepore, it is apparent that this was done for two reasons. First, Radcliffe wished to avoid splitting the area irrigated by the Sabraon canal and the Kasur Branch Lower Escape. This view is suggested by the following comment in his award.

I have not found it possible to preserve undivided the irrigation system of the Upper Bari Doab Canal which extends from Maddhopur in the Pathankot Tahsil to the western border of the District of Lahore, although I have made small adjustments of the Lahore-Amritsar district boundary to mitigate some of the consequences of this severance (Poplai, 1959, 1, p. 68).

Second, presumably Radcliffe wished to avoid splitting the Ferozepore headworks between the two countries. However, by stipulating that the boundary should follow the district boundary and not the Sutlej river, he created a dangerous situation, because the district boundary corresponded to a former course of the Sutlej, and gave Pakistan a small salient on the south bank of the existing Sutlej. This would have allowed Pakistan to divert water before the Ferozepore headworks. Radcliffe described the boundary through the Kasur tahsil by means of village boundaries, and this was an effective way of fixing the line because the area is densely populated and the limits of village lands were well known.

There also seems to be two reasons why the tahsil of Ajnala with its Muslim majority was given to India. First, it was probably considered desirable to avoid running the boundary too close to the western edge of Amritsar city, on both economic and strategic grounds. Second, the Lahore branch of the Upper Bari Doab canal passes through Ajnala before entering the non-Muslim Tern Taran tahsil.

Finally, it is necessary to try and explain the cession of the Muslim tahsils of Gurdaspur and Batala to India. We can probably begin by discounting the view that the cession was made to give India access to Jammu and Kashmir. Michel (1967, pp. 192–3) explores this proposition and rejects it. At the time the award was made it was expected that Kashmir would join Pakistan and the route via Madhopur to Jammu was easily subject to Pakistan interruption. This of course does not deny that the cession became increasingly valuable as the Kashmir situation developed. It seems that Radcliffe had decided to give the non-Muslim tahsil of Pathankot, with the Madhopur headworks, to India, and tacked on the two Muslim tahsils to avoid isolating Pathankot and to preserve intact, as far as Lahore, the Upper Bari Doab canal. Michel (1967, pp. 188–91) exposes the weakness of this reasoning. The Gurdaspur district relied mainly on rainwater and well-irrigation, so that only 7 per cent of the lands irrigated by the Upper Bari Doab canal were in this region. Of the irrigated area, 32 per cent was in Amritsar district, and the remaining 61 per cent was in Lahore district. If it is argued that the country which makes the greatest use of the water should control the headworks, then the award should have been to Pakistan. If it is argued that the headworks should be awarded to the country least likely to interfere with the flow of the water through the system, then again the award should have been to Pakistan, since the water must pass through Indian Amritsar before reaching Pakistani Lahore. Michel also makes the sound observation that it would have been wise to give one of the headworks at Ferozepore and Madhopur to India and the other to Pakistan, so that they could have retaliated against each other if there was any interruption to supplies!

A number of problems occurred along the awarded boundary, but they were neither as numerous nor as persistent as the corresponding problems associated with the Radcliffe Line around East Pakistan. On 11 January 1960 an Agreement was signed between the two countries settling the four outstanding problems, and outlining ground rules for the conduct of forces of both countries on their own side of the border. The first dispute concerned the location of the boundary between the tahsils of Kasur and Lahore, at the time of the award. It was agreed that the most recent definition of this boundary before the award had been made in June 1939 by the Punjab government, and accordingly Pakistan authority was confirmed in the three villages of Theh Sarja Marja, Rakh Hardit Singh and Pathanke. An area known as Chak Ladhede was also in dispute along the same sector, and in this case Indian control was confirmed by both sides accepting Radcliffe's map as showing the correct boundary, even though Radcliffe noted that the text took precedence. The boundary between the districts of Lahore and Ferozepore had once followed the river Sutlej, but at the time of the award changes in the course of the river meant that the boundary and the river crossed each other several times. Radcliffe stipulated that the boundary must follow the district boundary and not the course of the river, and this created a difficult administrative situation, with each side holding small bridgeheads on the opposite bank. The two governments could not agree to change Radcliffe's ruling and so this curious boundary remains entwined with a river, which moves its course quite significantly. The fourth problem concerned the headworks at Suleimanke which Radcliffe had awarded to Pakistan.

It is my intention that this boundary line should ensure that the canal headworks at Suleimanke will fall within the territorial jurisdiction of the West Punjab. If the existing delimitation of the boundaries of Montgomery District does not ensure this, I award to the West Punjab so much of the territory concerned as covers the headworks and the boundary shall be adjusted accordingly (Poplai, 1959, 1, p. 71).

The first adjustment made in accordance with this ruling proved to be inadequate, and the area available to Pakistan was increased slightly by this agreement.

It is unquestionable that one of the reasons why there have been fewer boundary disputes along this border section is that the two countries, in September 1960, signed the Indus Waters treaty, which governs the use of the five Punjab rivers. Without this agreement disputes over the common water resources would probably have been legion, and Radcliffe was aware of the fact because on several occasions he stressed the need for an agreement on water use. Michel (1967) has provided the definitive account of this treaty, which solved a potentially dangerous border situation not by moving the boundary, but by agreeing on rules for the common use of a shared resource.

The boundary which runs through the mountains of Jammu and Kashmir is the direct result of fighting between Pakistan and Indian forces. Millions of words have been written about the rights and wrongs of the Kashmir question, but the evolution and definition of the boundary can be described quite briefly. Useful accounts of the whole Kashmir question have been written by Gupta (1966) and Lamb (1966). The British partition of India allowed the rulers of princely states to join India and Pakistan, and on 26 October 1947 the Hindu maharajah of Jammu and Kashmir signed an instrument of accession to the Indian Union, even though nearly 80 per cent of his subjects were Muslims. This decision was resisted by an invasion of tribesmen along the Jhelum valley towards Srinagar, and was supported by the action of Indian troops. At a later stage Pakistan regular troops

were involved, and by the middle of 1948 a fairly static line had developed between the two armies, which left Pakistan in control of Gilgit, Baltistan and a narrow strip of the western part of the Vale of Kashmir, Punch and Jammu. India occupied Ladakh, most of the Vale of Kashmir and Jammu and the other half of Punch.

By this time the issue had been brought to the notice of the Security Council of the United Nations, and it was through the good offices of this body that a cease-fire and a cease-fire line were established. The cease-fire line was fixed in an agreement dated 27 July 1949. The definition reveals its military origin. Much of the line is described by reference to hilltops which were clearly of some strategic importance. The river Kishanganga was the physical feature which defined the longest section of the boundary.

In the second half of 1965 fighting began in a number of sectors along the India-West Pakistan border, including Kashmir. Once again a cease-fire was arranged, this time as a result of talks in Tashkent, under the auspices of the Soviet government. This agreement resulted in the confirmation of the 1949 cease-fire line, and by February 1966 troops from both sides had returned to their own side of the original line.

The third round of fighting broke out in December 1971 as a result of the events which led to the establishment of Bangla Desh in place of East Pakistan. After a short campaign a cease-fire was arranged on 17 December 1971, and the front which separated the two countries in Kashmir was confirmed as the temporary boundary by the Simla agreement on 3 July 1972. This line was not the same as the 1949 cease-fire line, because both sides had made some gains. In December 1972 the chiefs of the Army Staffs of India and Pakistan met in Lahore to settle the alignment of the cease-fire line. This boundary is marked on nineteen mosaic maps which cover the entire border through Jammu and Kashmir, and only a general description has been published. Without the maps it is not possible to be certain how the new line differs from the 1949 boundary. The new boundary was drawn by accepting or rejecting each other's claims on the basis of the military positions on the day of the cease-fire. Two of the most difficult problems concerned Pakistan's occupation of Thako Chak, and India's claim to the villages of Dhum and Ghikot. Thako Chak is south of Chhamb, and is on the border between Pakistan and Jammu and Kashmir. The Indian authorities insisted that this was not part of the line of control, but part of the international boundary, behind which all troops should be withdrawn according to the Simla agreement. Pakistan seems to have accepted this interpretation tacitly by its withdrawal from Thako Chak; however, it was compensated with territory along the cease-fire line, so it may still raise the final demarcation of the Pakistan-Jammu-Kashmir boundary in the future. India also withdrew its claims to Dhum and Ghikot.

It is too soon to know whether this latest cease-fire line will become the permanent international boundary, but the general point can be made that cease-fire lines do not often make good international boundaries. To freeze areas of control on a particular day in a war and hope that they will be able to function satisfactorily under conditions of peace is hoping for a great deal. If cordial relations are ever established between India and Pakistan they might find it mutually profitable to redraw the boundary through Jammu and Kashmir, by a system of mutual exchanges, so that the line makes the administration of both areas and the control of intercourse between them much easier.

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### The Radcliffe Award dividing the Punjab, 12 August 1947

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The terms of reference of the Punjab Boundary Commission, as set out in the announcement, were as follows:

“The Boundary Commission is instructed to demarcate the boundaries of the two parts of the Punjab on the basis of ascertaining the contiguous majority areas of Muslims and non-Muslims. In doing so, it will also take into account other factors.” We were desired to arrive at a decision as soon as possible before the 15th of August.

After preliminary meetings, the Commission invited the submission of memoranda and representations by interested parties. Numerous memoranda and representations were received.

The public sittings of the Commission took place at Lahore, and extended from Monday, the 21st of July, 1947, to Thursday, the 31st of July, 1947, inclusive, with the exception of Sunday, the 27th of July. The main arguments were conducted by Counsel on behalf of the Indian National Congress, the Muslim League, and the Sikh members of the Punjab Legislative Assembly, but a number of other interested parties appeared and argued before the Commission. In view of the fact that I was acting also as Chairman of the Bengal Boundary Commission, whose proceedings were taking place simultaneously with the proceedings of the Punjab Boundary Commission, I did not attend the public sittings in person, but made arrangements to study daily the record of the proceedings and of all materials submitted for our consideration.

After the close of the public sittings, the Commission adjourned to Simla where I joined my colleagues, and we entered upon discussions in the hope of being able to present an agreed decision as to the demarcation of the boundaries. I am greatly indebted to my colleagues for indispensable assistance in the clarification of the issues and the marshalling of the arguments for different views, but it became evident in the course of our discussions that the divergence of opinion between my colleagues was so wide that an agreed solution of the boundary problem was not to be obtained.

I do not intend to convey by this that there were not large areas of the Punjab on the West and on the East respectively which provoked no controversy as to which State they should be assigned to: but when it came to the extensive but disputed areas in which the boundary must be drawn, differences of opinion as to the significance of the term ‘other factors’, which we were directed by our terms of reference to take into account, and as to the weight and value to be attached to those factors, made it impossible to arrive at any agreed line.



In those circumstances my colleagues, at the close of our discussions, assented to the conclusion that I must proceed to give my own decision.

This I now proceed to do. The demarcation of the boundary line is described in detail in the schedule which forms Annexure A to this Award, and in the map attached thereto, Annexure B. The map is annexed for purposes of illustration, and if there should be any divergence between the boundary as described in Annexure A and as delineated on the map in Annexure B, the description in Annexure A is to prevail.

Certain representations were addressed to the Commission on behalf of the States of Bikaner and Bahawalpur, both of which States were interested in canals whose headworks were situated in the Punjab Province. I have taken the view that an interest of this sort cannot weigh directly in the question before us as to the division of the Punjab between the Indian Union and Pakistan since the territorial division of the Province does not affect rights of private property, and I think that I am entitled to assume with confidence that any agreements that either of those States has made with the Provincial Government as to the sharing of water from these canals or otherwise will be respected by whatever Government hereafter assumes jurisdiction over the headworks concerned.

I wish also to make it plain that no decision that is made by this Commission is intended to affect whatever territorial claim the State of Bahawalpur may have in respect of a number of villages lying between Sulemanke Weir and Kurka Ferry.

The task of delimiting a boundary in the Punjab is a difficult one. The claims of the respective parties ranged over a wide field of territory but in my judgement the truly debatable ground in the end proved to lie in and around the area between the Beas and Sutlej rivers on the one hand, and the river Ravi on the other. The fixing of a boundary in this area was further complicated by the existence of canal systems so vital to the life of the Punjab but developed only under the conception of a single administration, and of systems of road and rail communication, which have been planned in the same way.

There was also the stubborn geographical fact of the respective situations of Lahore and Amritsar, and the claims to each or both of those cities which each side vigorously maintained. After weighing to the best of my ability such other factors as appeared to me relevant as affecting the fundamental basis of contiguous majority areas, I have come to the decision set out in the schedule which thus becomes the award of the Commission.

I am conscious that there are legitimate criticisms to be made of it: as of any other line that might be chosen.

I have hesitated long over those not inconsiderable areas east of the Sutlej river and in the angle of the Beas and Sutlej rivers in which Muslim majorities are found. But on the whole, I have come to the conclusion that it would not be in the true interests of either State to extend the territories of the West Punjab to a strip on the far side of the Sutlej and that there are factors such as the disruption of railway communications and water systems that ought, in this instance, to displace the primary claims of contiguous majorities.

But I must call attention to the fact that the Dipalpur Canal, which serves areas in the West Punjab, takes off from the Ferozepore headworks and I find it difficult to envisage a satisfactory demarcation of boundary at this point that is not accompanied by some arrangement for joint control of the intake of the different canals dependent on these headworks.

I have not found it possible to preserve undivided the irrigation system of the Upper Bari Doab Canal which extends from Maddhopur in the Pathankot

Tahsil to the western border of the District of Lahore, although I have made small adjustments of the Lahore-Amritsar district boundary to mitigate some of the consequences of this severance; nor can I see any means of preserving under one territorial jurisdiction the Mandi hydro-electrical scheme which supplies power in the Districts of Kangra, Gurdaspur, Amritsar, Lahore, Jullundur, Ludhiana, Ferozepore, Sheikhpura and Lyallpur.

I think it only right to express the hope that, where the drawing of a boundary line cannot avoid disrupting such unitary services as canal irrigation, railways, and electric power transmission, a solution may be found by agreement between the two States for some joint control of what has hitherto been a valuable common service.

I am conscious too that the award cannot go far towards satisfying sentiments and aspirations deeply held on either side but directly in conflict as to their bearing on the placing of the boundary. If means are to be found to gratify to the full those sentiments and aspirations, I think that they must be found in political arrangements with which I am not concerned, and not in the decision of a boundary line drawn under the terms of reference of this Commission.

New Delhi, 12 August 1947

Cyril Radcliffe

### *Annexure A*

(1) The boundary between the East and West Punjab shall commence on the north at the point where the west branch of the Ujh river enters the Punjab Province from the State of Kashmir. The boundary shall follow the line of that river down the western boundary of the Pathankot Tahsil to the point where the Pathankot, Shakargarh and Gurdaspur Tahsils meet. The Tahsil boundary and not the actual course of the Ujh river shall constitute the boundary between the East and West Punjab.

(2) From the point of meeting of the three Tahsils above mentioned, the boundary between the East and West Punjab shall follow the line of the Ujh river to its junction with the river Ravi and thereafter the line of the river Ravi along the boundary between the tahsils of Gurdaspur and Shakargarh, the boundary between the Tahsils of Batala and Shakargarh, the boundary between the tahsils of Batala and Narowal, the boundary between the tahsils of Ajnala and Shadara, to the point on the river Ravi where the district of Amritsar is divided from the district of Lahore. The tahsil boundaries referred to, and not the actual course of the river Ujh or the river Ravi, shall constitute the boundary between the East and West Punjab.

(3) From the point on the river Ravi where the district of Amritsar is divided from the district of Lahore, the boundary between the East and West Punjab shall turn southwards following the boundary between the tahsils of Ajnala and Lahore and then the tahsils of Tarn Taran and Lahore, to the point where the tahsils of Kasur, Lahore and Tarn Taran meet. The line will then turn south-westward along the boundary between the tahsils of Lahore and Kasur to the point where that boundary meets the north-east corner of village Theh Jharolian. It will then run along the eastern boundary of that village to its junction with village Chathianwala, turn along the northern boundary of that village and then run down its eastern boundary to its junction with village Waigal. It will then run along the eastern boundary of village Waigal to its junction with village Kalia, and then along the southern boundary of village Waigal to its junction with village Panhuwan. The line will then run down the

eastern boundary of village Panhuwan to its junction with village Gaddoke. The line will then run down the eastern border of village Gaddoke to its junction with village Nurwala. It will then turn along the southern boundary of village Gaddoke to its junction with village Katluni Kalan. The line will then run down the eastern boundary of village Katluni Kalan to its junction with villages Kals and Mastgarh. It will then run along the southern boundary of village Katluni Kalan to the north-west corner of village Kals. It will then run along the western boundary of village Kals to its junction with village Khem Karan. The line will then run along the western and southern boundaries of village Khem Karan to its junction with village Maewala. It will then run down the western and southern boundaries of village Maewala proceeding eastward along the boundaries between village Mahaidepur on the north and villages Sheikhupura Khuna, Kamalpuran, Fatehwala and Mahewala. The line will then turn northward along the western boundary of village Sahjra to its junction with villages Mahaidepur and Machhike. It will then turn north-eastward along the boundaries between villages Machhike and Sahjra and then proceed along the boundary between villages Rattoke and Sahjra to the junction between villages Rattoke, Sahjra and Mabbuke. The line will then run north-east between the villages Rattoke and Mabbuke to the junctions of villages Rattoke, Mabbuke, and Gajjal. From that point the line will run along the boundary between villages Mabbuke and Gajjal, and then turn south along the eastern boundary of village Mabbuke to its junction with village Nagar Aimanpur. It will then turn along the north-eastern boundary of village Nagar Aimanpur and run along its eastern boundary to its junction with village Masteke. From there it will run along the eastern boundary of village Masteke to where it meets the boundary between the tahsils of Kasur and Ferozepore. For the purpose of identifying the villages referred to in this paragraph, I attach a map of the Kasur tahsil authorized by the then Settlement Officer, Lahore District, which was supplied to the Commission by the Provincial Government.

(4) The line will then run in a south-westerly direction down the Sutlej River on the boundary between the Districts of Lahore and Ferozepore to the point where the Districts of Ferozepore, Lahore and Montgomery meet. It will continue along the boundary between the districts of Ferozepore and Montgomery to the point where this boundary meets the border of Bahawalpur State. The district boundaries, and not the actual course of the Sutlej River shall in each case constitute the boundary between the East and West Punjab.

(5) It is my intention that this boundary line should ensure that the canal headworks at Sulemanke will fall within the territorial jurisdiction of the West Punjab. If the existing delimitation of the boundaries of Montgomery District does not ensure this, I award to the West Punjab so much of the territory concerned as covers the headworks, and the boundary shall be adjusted accordingly.

(6) So much of the Punjab Province as lies to the west of the line demarcated in the preceding paragraphs shall be the territory of the West Punjab. So much of the territory of the Punjab Province as lies to the east of that line shall be the territory of the East Punjab.

### Boundary Agreement, 11 January 1960

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1. West Pakistan-Punjab border: Of the total of 325 miles of the border in this sector, demarcation has been completed along about 252 miles. About 73 miles

of the border has not yet been demarcated due to differences between the Governments of India and Pakistan regarding interpretation of the decision and Award of the Punjab Commission presented by Sir Cyril Radcliffe as Chairman of the Commission. These differences have been settled along the lines given below in a spirit of accommodation:

(i) Theh Sarja Marja, Rakh Hardit Singh and Pathanke (Amritsar-Lahore border).—The Governments of India and Pakistan agree that the boundary between West Pakistan and India in this region should follow the boundary between the Tehsils of Lahore and Kasur as laid down under Punjab Government Notification No. 2183-E, dated 2nd June, 1939. These three villages will, in consequence, fall within the territorial jurisdiction of the Government of Pakistan.

(ii) Chak Ladheke (Amritsar-Lahore border).—The Governments of India and Pakistan agree that the delineation of the boundary will be as shown in the map of the Kasur Tehsil by Sir Cyril Radcliffe and Chak Ladheke will in consequence fall within the territorial jurisdiction of the Government of India.

(iii) Ferozpur (Lahore-Ferozpur border).—The Governments of India and Pakistan agree that the West Pakistan-Punjab (India) boundary in this region is along the district boundaries of these districts and not along the actual course of the river Sutlej.

(iv) Suleimanke (Ferozpur-Montgomery border).—The Governments of India and Pakistan agree to adjust the district boundaries in this region as specified in the attached schedule and as shown in the map appended thereto as Annexure I.

2. West Pakistan-Bombay border: Exploratory discussions regarding the boundary dispute in the Kutch-Sind region showed that the differences between the Governments of India and Pakistan could not be settled. Both Governments have decided to study the relevant material and hold discussions later with a view to arriving at a settlement of this dispute.

3. Detailed Ground Rules for the guidance of the Border-Security forces along the Indo-West Pakistan frontier, prepared as a result of the deliberations of the Conference (Annexure II) will be put into force by both sides immediately. These Rules will be reviewed and brought up-to-date after the boundary has been finally demarcated and the return of areas in adverse possession of either country has been effected in the West Pakistan-Punjab (India) sector. Similar action will be taken in respect of the other two sectors in due course.

4. The Governments of India and Pakistan agree to give top priority to completion of demarcation along the West Pakistan-Punjab (India) sector in accordance with the settlements arrived at during this conference. Both Governments will direct their Surveyors General to complete the demarcation and the fixing of pillars in this sector by the end of April, 1960. Return of areas held in adverse possession by either country in this sector will be completed by 15th October, 1960. Necessary preparatory work to this end should be undertaken immediately by all concerned.

J. G. Kharas.  
Joint Secretary  
Ministry of Foreign Affairs  
and Commonwealth Relations  
Government of Pakistan  
New Delhi, 11 January 1960

M. J. Desai  
Commonwealth Secretary  
Ministry of External Affairs  
Government of India

*Schedule referred to in Para 1 (iv)*

1. The boundary between Pakistan and India in the vicinity of Suleimanke Headworks will be along the line marked A, B, C, D, E, F, G, H, I, J, K, L, M in the map at Annexure I. The points A and M represent the junction of this section of the boundary with the boundary between Ferozepur and Montgomery districts. The portion A, B, C, D, E, F will follow the boundary of the original area acquired for the Suleimanke Headworks subject to the modification in respect of the reach D to F as specified in para 2. From F to G it will follow the alignment of the existing Left Marginal Bund. From G to H it will follow the dotted straight line shown in the map as closely as practicable subject to such adjustments in alignment at site as may be required from technical considerations to be decided mutually after carrying out necessary surveys. From H to K, viz., RD 47,500, the boundary will follow the alignment of the existing marginal bund. From K to L it will follow the alignment of the existing new Hasta bund. From L it will run in a straight line to the apex point of the bulge in the district boundary, as shown on the map.

2. The boundary will run at a distance of 50 feet from the outer toe of the existing Left Marginal Bund in all the reaches where the boundary as defined in para 1 above runs along it, i.e., from D to G and from H to K. In the reach from G to H it would similarly be placed 50 feet from the outer toe of the proposed bund. In the reach K to L, the boundary will run at a distance of 100 feet from the eastern toe of the existing new Hasta bund.

3. The two parties recognise that they have common and mutual interest in the proper upkeep and maintenance of the Left Marginal Bund at Suleimanke, and to that end, they declare their intention to co-operate by mutual agreement to the fullest possible extent. In particular:

- (1) Each party will maintain in its territory according to the following specifications the portion of the Left Marginal Bund that will lie in Pakistan or continue to be in India—
  - (i) Top width—25 feet.
  - (ii) Side slope on the river side—3 to 1.
  - (iii) Outer slope—2 to 1.
  - (iv) Free Board above the highest flood level on record as on 10th January, 1960—5 feet minimum.
- (2) Each party will carry out annual river survey in its own territory up to the conventional distance upstream of the Barrage at Suleimanke, and exchange it with the other party.
- (3) The representatives of either party will be allowed to inspect the Left Marginal Bund in the territory of the other party at regular intervals that may be mutually fixed or at any time when either party makes a special request. Such inspections will be made jointly by the representatives of both parties, and each party will afford all necessary facilities to the other party.

S. N. Ravikant  
C.E. Irrigation,  
Punjab (India)  
10-1-60  
M. J. Desai

S. M. Mahbub  
Chief Engineer, Irrigation,  
West Pakistan  
10-1-60  
J. G. Kharas

**Boundary Agreement, 3 July 1972**

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**Article I**

[Intention to end conflict and promote friendly relations]

**Article II**

[Avoidance of hostile propaganda]

**Article III**

[Steps to normalize relations]

**Article IV**

In order to initiate the process of the establishment of durable peace, both the Governments agree that:—

(i) Indian and Pakistani forces shall be withdrawn to their side of the international border.

(ii) In Jammu and Kashmir the line of control resulting from the cease-fire of December 17, 1971 shall be respected by both sides without prejudice to the recognized position of either side. Neither side shall seek to alter it unilaterally, irrespective of mutual differences and legal interpretations. Both sides further undertake to refrain from the threat or use of force in violation of this line.

(iii) The withdrawals shall commence upon entry into force of this agreement and shall be completed within a period of 30 days thereof.

**Article V**

[Ratifications]

**Article VI**

[Future meetings]

Zulfikar Ali Bhutto  
Indira Gandhi

President, Islamic Republic of Pakistan.  
Prime Minister, Republic of India.

**Joint Statement, 12 December 1972**

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The Line of Control has been delineated in Jammu and Kashmir in accordance with the Simla Agreement of July 2, 1972 and it has the approval of both Governments. Adjustments of ground positions will be carried out to conform with the line of control approved by both Governments within a period of 5 days from the date of this announcement.

*General description of the line of control established  
between India and Pakistan-Jammu and Kashmir,  
12 December 1972*

(a) From Manawar Tawi NW 605550 the Line of Control runs North West upto a point 3 miles West of Jhangar (with Chhamb inclusive to Pakistan), from where it turns North Eastwards to Mithidhara NR 2619, thence North

and North Westwards upto Punch River at NR 052669 (approximately 6 miles South West of Punch).

(b) From there the Line again turns North Eastwards and thence North upto Jarni Gali (inclusive to India) in Gulmarg Sector, thence Westwards passing through Mindi Gali (inclusive to India) upto Pir Kanthi (inclusive to Pakistan), thence Northwards passing through Chhota Kazi Nag (inclusive to India) approximately 7 miles North West of Uri, upto Kaiyan in Lipa Valley (inclusive to India) thence the Line of Control runs Westwards upto Richmar Gali with Katran Ki Gali inclusive to Pakistan and the Wanjal Ridge and Chak Muqam Heights inclusive to India.

(c) From Richhmar Gali, the Line of Control runs Northwards passing West of Tithwal upto 3 miles North of Keran, thence turning North Eastwards upto Lunda Gali (inclusive to India), thence Eastwards to Harmargi village in Kel Sector (inclusive to Pakistan), Durmat in Kanzalwan Sector (inclusive to India) and heights 14236, 15460 and Karobal Gali in Mimimarg Sector (all inclusive to India), thence along Neril (inclusive to India), Breilman (inclusive to Pakistan), and North of Chet in the Kargil Sector, upto Chorbatla in Turtok Sector.

(d) From there the Line of Control runs North Eastwards to Thang (inclusive to India) thence Eastwards joining the Glaciers.

## The Boundary between India and Bangla Desh

The boundary between India and Bangla Desh follows a very irregular course for 2519 miles (4053 kilometres). It was created during the partition of India in August 1947 and modified in a number of particulars during alternating periods of hostility and compromise between Pakistan and India. There have been no reports of any alterations in the boundary since the creation of Bangla Desh in 1971. The joint declaration by India and Bangla Desh after the defeat of Pakistan forces and the establishment of the new country contained no reference to the boundary between the two countries, and it may be fairly assumed that Bangla Desh has inherited, unaltered, the boundaries of East Pakistan.

Except for about 160 miles (257 kilometres) through the Chittagong Hill Tract the boundary crosses a flat alluvial plain laid down by the Ganges and Brahmaputra rivers. These perennial rivers which drain much of the high-rainfall Himalayan zone are generally heavily charged with silt, especially in the spring when melt waters form an important part of the water supply, and after the onset of the monsoon. Much of this plain is less than 30 feet (9 metres) high, and many areas are inundated during periods of high flow. This seasonal inundation is an important factor in preserving levels of soil fertility. The principal rivers reach the sea through a maze of distributaries, and few areas of Bangla Desh are more than 10 miles (16 kilometres) from a major watercourse. In the southern part of Khulna, around the Raimangal river, which forms the international boundary, marshy conditions may occur. These areas are not regularly flooded because the main mouth of the Ganges has moved eastwards; however, when floods do occur, the water drains away only very slowly.

India and Pakistan were created by the India Independence Act of 18 July 1947 (Poplai, 1959, 1, pp. 24–41), and arrangements were made for the detailed division of the provinces of Bengal and Punjab, and the province of Assam if Sylhet decided to join Pakistan. In this section we are concerned with the identification of those parts of Bengal province and Sylhet district which were to be included in East Pakistan. The commission to determine these boundaries was selected on 30 June 1947 and its terms of reference were as follows:

The Boundary Commission is instructed to demarcate the boundaries of the two parts of Bengal on the basis of ascertaining the contiguous majority areas of Muslims and non-Muslims. In doing so, it will take into account other factors.

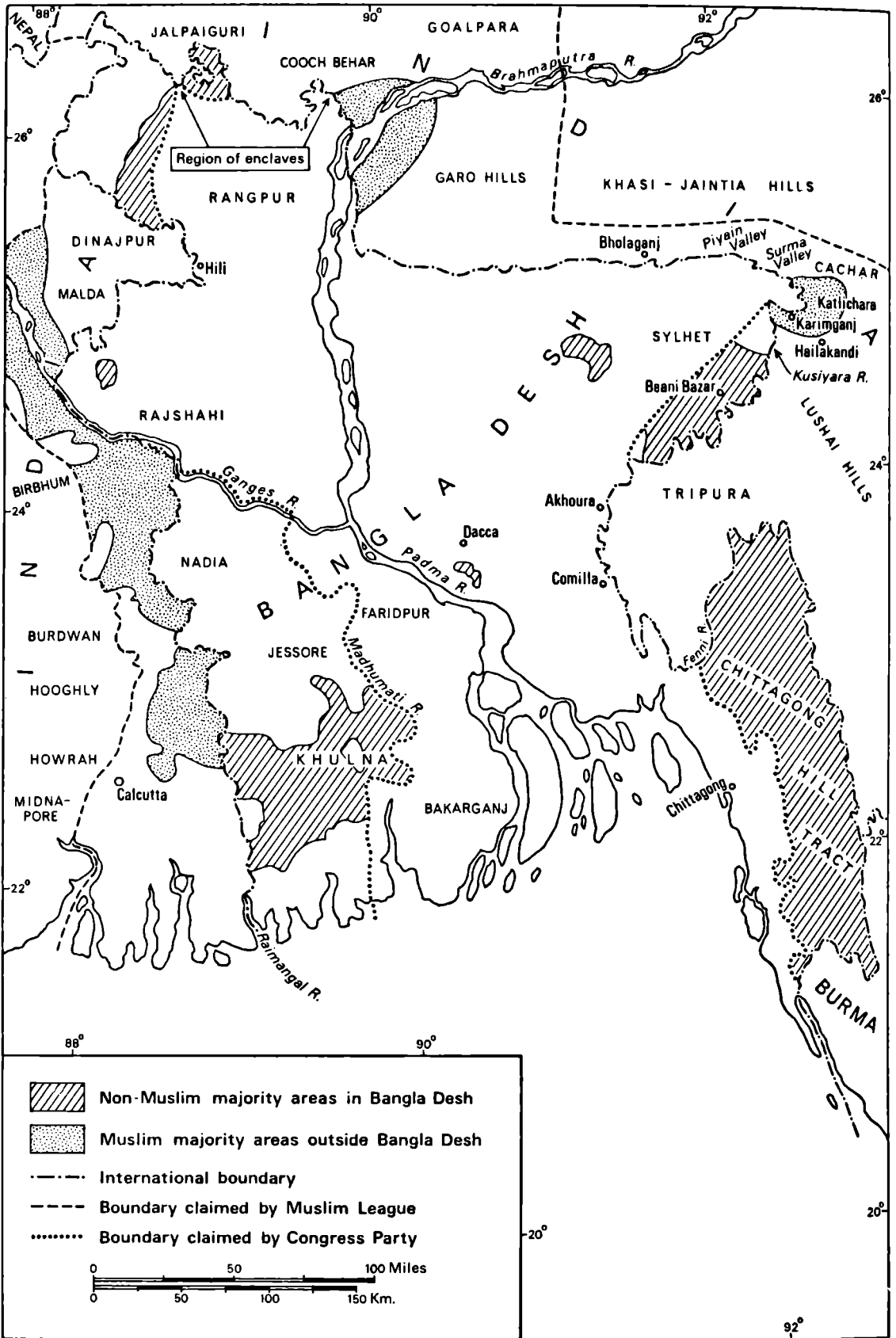
In the event of the Referendum in the District of Sylhet resulting in favour of amalgamation with East Bengal, the Boundary Commission will also demarcate the Muslim majority areas of Sylhet District and the contiguous Muslim Majority areas of the adjoining Districts of Assam (Poplai, 1959, 1, p. 53).



It had been hoped that the commission would be able to consider the evidence and produce lasting boundaries after a period of about one year. Unfortunately communal riots and the large-scale flight of refugees in both directions reduced the time available, and the commission was asked to report before 15 August 1947. The commission was composed of four members from the sub-continent under the chairmanship of Sir Cyril Radcliffe, who was also the chairman of the commission considering the division of Bengal province.

It will be noticed that the terms of reference made no mention of the princely states of Cooch Behar and Tripura, which had not decided whether they would join India or Pakistan. This meant that the commission was inhibited from drawing a boundary which would leave these states as enclaves within the territory of Pakistan or India, in case they wished to unite with the other state. This consideration was paramount in including non-Muslim majority areas of northern Rangpur and southern Sylhet in Pakistan. If it had been known that these princely states would join India these Hindu areas could have been attached to India.

The commission listened to evidence and claims from interested parties, which were principally the Congress Party representing Indian interests, and the Muslim League representing Pakistani interests. The boundaries recommended by both sides did not touch at any point. The Indian representatives took the view that partition was really unnecessary, but that if it occurred the smallest possible area of Muslim majority should be excluded from India. They sought an allocation of territory on the basis of Muslim and non-Muslim majority in the smallest administrative unit known as a thana. If the boundary was based on thana limits the area of Muslim majority would be much more closely defined. The Muslim League argued in another direction. First they were convinced that Muslim and non-Muslim majorities should be calculated by districts which were aggregates of thanas. Second, they were equally certain that the commission had to construct a boundary which would ensure that the new state had a reasonably strong economy. In short the League claimed first the area where Muslims formed a majority and then fleshed these out with areas where other groups formed a majority, but which possessed economic attributes sought by the new state. Such areas included Calcutta, with its port facilities and industry, and large areas of Assam which contained considerable regions only lightly settled and suitable for colonization. The Muslim League claimed the whole of Bengal apart from six districts west of the meridian of Calcutta: Birbhum, Bankura, Burdwan, Hooghly, Howrah and Midnapore. Claims were also registered to the whole of Sylhet, which had decided on 13 July 1947 to join Pakistan, and the Assam districts of Goalpara, Garo Hills, Cachar and Lushai Hills, as well as the southern part of the district of Khasi and Jaintia Hills. This territorial arrangement would have included all the areas of Muslim majorities; access to the port of Calcutta and a share in its industries; and lightly populated land in Assam to which persons from the crowded delta could migrate. This ideal Muslim boundary would also have made the princely states of Cooch Behar and Tripura enclaves in Pakistan, and therefore subject to pressure, and would have severed all contact between the main part of India and its possessions in upper Assam. The area which the Congress representatives thought should be allocated to Pakistan lay entirely within the Muslim League boundary, and between the two boundaries there was a continuous arc of territory varying in width from 20 miles to 125 miles (32 kilometres to 201 kilometres). The Congress Party boundary excluded from Pakistan all those areas of Hindu majorities, except three small sections completely embedded in areas of Muslim majorities. South and west of the Ganges, Faridpur and Bakarganj were left to Pakistan. North of the Ganges the districts of Dinajpur, Malda, Darjeeling and Jalpaiguri were excised from Pakistan Bengal, together with the



Map 19. The boundary between India and Bangla Desh in 1947

western part of Rangpur district. The six southern thanas of Sylhet were also claimed for India, and the cession of any part of Assam was resisted. Such a boundary had the effects of leaving a number of districts, such as Nadia and Jessore, with Muslim majorities, outside Pakistan; leaving the princely states with the option of joining either India or Pakistan; ensuring that there was direct communication between Bihar in the west and upper Assam in the east; and reducing to a minimum the amount of manufacturing industry left in Pakistan.

While Radcliffe was attending to affairs in the Punjab, the two Hindu and two Muslim judges considered the evidence without coming to any agreement. Therefore when Radcliffe sat with the rest of the commission, he was forced to agree with his colleagues 'that I had no alternative but to proceed to give my own decision' (Poplai, 1959, 1, p. 60). For Radcliffe there were seven important questions connected with the allocation of Bengal territories.

1. Should Calcutta be assigned to one state or shared?
2. If Calcutta was assigned to one state what indispensable hinterland must be assigned with it?
3. Did the advantages of the Ganges-Padma-Madhumati watercourse as a boundary exceed the rights of the Muslim majorities west of that line?
4. Could the districts of Khulna and Jessore be held by different states?
5. Should Pakistan be assigned non-Muslim districts of Malda and Dinajpur?
6. Which state should receive the districts of Darjeeling and Jalpaiguri, which are non-Muslim, but which are separate from other non-Muslim areas of Bengal?
7. To which state should the Chittagong Hill Tract be assigned, because although it is non-Muslim it is closely tied commercially with the district and port of Chittagong?

Along the Sylhet border the greatest difficulty concerned six non-Muslim thanas in the south of the district of Sylhet, and the Muslim thana of Hailakandi in Cachar district. Hailakandi and Katlichara thanas formed an economic and administrative unit which Radcliffe was unwilling to divide, therefore he had to decide whether this area with its small Muslim majority should be awarded to Pakistan. If such an allocation had been made then the six non-Muslim thanas of southern Sylhet could have been awarded to India, but there were two problems about this exchange. First, it would seriously rupture rail and road communications, which lie mainly north-south in this area. Second, in the event of Tripura joining Pakistan, the non-Muslim thanas of southern Sylhet would become a large enclave of 530 000 people. Radcliffe decided that these problems could only be solved by leaving the non-Muslim areas of Sylhet to Pakistan and the Muslim thana of Hailakandi to India.

Radcliffe's award, as expected, made concessions to the views of both sides, which had clearly asked for more than they hoped to obtain. The final boundary only coincided with 72 miles (116 kilometres) of the line suggested by the Muslim League, whereas it followed the line suggested by the Congress Party for about 809 miles (1302 kilometres). For the Muslim League the major disappointments must have been their failure to obtain a share of, and access to, Calcutta; the refusal of the commission to award any territory in Assam for colonization; the loss of Darjeeling and Jalpaiguri districts, which gave India access, via a narrow corridor, to upper Assam; and the fact that Pakistan territory did not surround either of the princely states. For the Congress party representatives the chief regrets must have concerned the inclusion of major Hindu concentrations in Jessore, Khulna and Rangpur districts and southern Sylhet within East Pakistan; their failure to secure the Chittagong Hill Tract; and the narrowness of the corridor between Nepal and East Pakistan leading to Assam. Radcliffe noted in his award that he had tried to eliminate any avoidable cutting of railways and river systems, but he admitted that

it was impossible to draw a boundary through this area without causing some interruption of this sort. The most serious interruption to rail and road routes occurred along the border with Jalpaiguri and Cooch Behar, where three Pakistan salients thrust northwards. The most western, around Tiralyah, severed the road between Purnea and Darjeeling, a dislocation which could have been avoided by giving India a strip of territory 10 miles (16 kilometres) long and 2 miles (3 kilometres) wide (Spate, 1947, p. 215), for which Pakistan could presumably have been compensated elsewhere. The other two salients to the east intersected the railway from Assam to Darjeeling, and broke it into three Indian and two Pakistan segments.

The definition of the boundary was mainly by reference to existing boundaries of the province of Bengal, its districts and thanas, and the district and thana boundaries of Sylhet. Only at three points did the boundary diverge from these existing boundaries. In the first case, the international boundary, after following the district boundary between Rajshahi and Nadia, which then coincided with the Ganges river, turned south when it met the confluence of the Ganges and Mathabhanga rivers. In the second case the boundary, after following the boundary between the thanas of Phulbari and Balurghat, which both lay in Dinajpur district, turned south along the western boundary of the railway lands along the line linking Bengal and Assam, and thus avoided cutting the line at Hili. The third case occurred in southern Sylhet, where the boundary, after following the thana boundary north between Karimganj and Beani Bazar, proceeded along the river Kusiya, which it followed as far as the boundary between the districts of Cachar and Sylhet. In the first and third cases disputes developed over the identification of the line. Radcliffe stipulated that if there was any contradiction between the written description of the boundary and the map which illustrated his award, the text was to prevail.

This technique of identifying the course of an international boundary by reference to antecedent local administrative boundaries is a convenient diplomatic shorthand, which has been used often before, for example in Europe at the end of World War I. It seems to make sense when the area is densely settled, and the landscape lacks obvious, prominent features, apart from watercourses which change their course frequently, and when the discussion about the allocation of territory by both sides has been in terms of administrative units of various levels. Unfortunately this form of shorthand can only be translated without difficulty when the existing administrative boundaries are well known, and when the governments and people on both sides co-operate in the identification of the line and the application of state functions at the new international boundaries. It must be recognized that while a line may prove to be a satisfactory district boundary there is no guarantee that it will prove to be a satisfactory international boundary. Almost immediately problems began to arise along various segments of the line, and they were connected with the fact that some thana boundaries were uncertain; that in the case of two deviations from existing boundaries there was scope for disagreement; and that the nature of the major rivers in the borderland made them totally unsuitable for use as boundaries.

Four major problems developed and were the subject of consideration by a new Indo-Pakistan tribunal led by a Swedish judge called Algot Bagge. The workings of this tribunal have been described by Ahmad (1953) and its results in the *Gazette of Pakistan Extraordinary* (1950). The first problem concerned the section of the boundary which followed the former boundaries between the districts of Malda and Rajshahi to the north and Murshidabad and Nadia to the south, which at that time lay along the course of the river Ganges. Radcliffe had stipulated that 'the District boundaries, and not the actual course of the river Ganges, shall constitute the boundary' (Poplai, 1959, 1, p. 62). Now the Ganges changes its course in this sector every year to such an extent that in some years the river's course lay entirely within

East Pakistan and in others completely within Indian territory. Pakistan argued that the boundary should move with the river; India insisted that the boundary must remain fixed despite any movement in the river. The tribunal ruled that where the boundary shown on Radcliffe's map crossed land in this sector, there the international boundary remained; elsewhere the international boundary occupied the position of the mid-stream of the Ganges river on 12 August 1947 (*Gazette of Pakistan Extraordinary*, 10 February 1950, p. 76). In view of Radcliffe's unusual stipulation there was probably no other result which the tribunal could reach, but it must have been obvious to them that this was a boundary definition which was sure to create future confusion and difficulty. The second problem concerned the point where the boundary left the Ganges of August 1948 and followed the Mathabhanga river. This river is one of the abandoned distributaries of the Ganges, which only holds water during the rainy season, and its location shown on the map accompanying Radcliffe's award placed it too far east. Pakistan not only wanted the boundary to follow the Matabhanga in its correct position, but also to change as the course of the channel might change as a result of floods. India resisted this argument and sought the boundary as in the map. The tribunal moved the boundary to the actual course of the Matabhanga at the time of Radcliffe's award, but refused to order that the boundary would change as the channel changed (*Gazette of Pakistan Extraordinary*, 10 February 1950, p. 85). The other two disputes were associated with the Sylhet border. First, the boundary between the thanas of Barlekha and Tharkandi passed through the Patharia Hill Reserve Forest. Pakistan claimed that the correct boundary between these areas followed the eastern border of the forest, thus assigning it all to Pakistan. It was claimed that Radcliffe had used an incorrect map dated 1937 in drawing the boundary on the map which accompanied the award. India claimed that by a gazetted notice of 1940 the boundary had been moved so that the entire forest belonged to Patharkandi. The tribunal sensibly decided to preserve the Radcliffe line shown on the annexed map which gave part of the forest to each side. The second problem on the Sylhet border was associated with the river Kusiara, which the boundary followed in linking two sections of existing administrative lines. The difficulty arose over the fact that there were two rivers which were called Kusiara, and each side advanced the merits of the river which suited them. The map used by Radcliffe favoured the Indian interpretation, and this was eventually accepted as the intended river by the tribunal. However, by the time the decision was made, India had decided that the final section of the boundary leading to the Kusiara was incorrect and they claimed even more territory, so this matter was not settled. Some progress had been made by the tribunal, however, and by September 1951 104 miles (167 kilometres) of the boundary between India and Pakistan Bengal had been demarcated (Ahmad, 1953, p. 330). A further 152 miles (245 kilometres) in the vicinity of the Ganges river was demarcated by the establishment of 275 points in 1952-4 (UNTS, 1955, 207, pp. 162-71).

Incidents along the border continued to erupt into fighting, especially during harvest periods and seasons when the rivers began to fall, exposing new alluvial areas, known as *chars*, which are keenly sought for cultivation. The tension along the border mounted in 1958, with fighting in the Khasi-Jaintia Hills in April, near Karimanj on the Kusiara river in May, and at Lakhimpur on the Tripura border in August. A meeting was arranged between the prime ministers of both countries in New Delhi in mid-September. Both men expressed their desire to reduce tension in the borderlands between India and Pakistan, and their secretaries reached some specific agreements on the problems along the boundary of East Pakistan. Altogether ten disputes were listed and the secretaries appeared to solve nine of them.

The first five disputes concerned the boundary between East Pakistan and West

Bengal. It was agreed that the award of the Bagge tribunal in respect of the first and second problems connected with the Ganges and Mathabhanga rivers should be accepted and the necessary territory exchanged by 15 January 1959. The Pakistani government decided to withdraw its claim to territory lying west of the railway in the vicinity of Hili. It will be recalled that the boundary had left existing boundaries at this point to avoid cutting the railway; Pakistan sought to move the boundary further away from the railway line. The allocation of an area known as Berubari Union No. 12, situated just west of Cooch Behar, was not made clear by the Radcliffe award and both India and Pakistan claimed this area. The secretaries decided to divide the area exactly in a 'horizontal' fashion, which presumably means a line running due east-west. There was some difficulty in securing the passage of this decision through the Indian parliament, since the area which passed to Pakistan contained 6000 Hindu refugees who had fled from East Bengal in 1947. The fourth problem concerned two chitlands of the former princely state of Cooch Behar, which had passed to Pakistan according to the Radcliffe line. Pakistan agreed to cede these areas to India. The last dispute in this sector concerned the identification of the boundaries between the districts of Jessore and Khulna in East Pakistan and the 24 Parganas district of India. Both sides claimed different rivers as boundaries and the dispute was settled by taking a mean line between the conflicting claims.

There were two disputes concerning the boundary between East Pakistan and Assam. Pakistan claimed Bholaganj at the foot of the Jaintia Hills in longitude  $91^{\circ} 45'$  east in what was yet another case of different interpretations about previously existing boundaries. Pakistan agreed to abandon this claim. The second dispute concerned the location of the boundary as it crossed the Piyain and Surma valleys, north and northeast of Sylhet respectively. It was agreed that these boundaries would be fixed in accordance with relevant notifications, cadastral maps and records of rights. The right of citizens of both countries to use the rivers for communication was confirmed.

There were two disputes along the border between East Pakistan and Tripura. First, the original boundary of that princely state cut the railway leading from Comilla northwards towards Sylhet. The amount of territory held by Tripura west of the railway was extremely small, but theoretically it severed the railway about 4 miles (6 kilometres) north of Akhaura. The boundary also came close to the railway, especially at Bhagalpur. India agreed to transfer Tripura territory west of the railway to East Pakistan and also to cede certain railway lines east of the railway near Bhagalpur. The second dispute in this area concerned the river Fenni, which marked the southern part of the boundary between East Pakistan and Tripura. The river Fenni in this area has three channels and there was no agreement on which of these marked the boundary. Naturally both sides argued that the channel which gave them the most territory was the correct channel. It was agreed to deal with this matter separately at a later date, and the problem was not settled before the creation of Bangla Desh.

The last problem concerned the enclaves of each country on either side of the boundary between Cooch Behar and East Pakistan. These enclaves were created in the period 1661-1712 during fighting between the Mughal empire and Cooch Behar, and confirmed by the final peace treaty. This complex pattern of enclaves was preserved by the British administration and passed on intact to India and Pakistan. According to Banerji (1969), who has published the most interesting account of the enclaves and who provides a map, there were 121 Indian enclaves on the Pakistan side of the main international boundary, measuring about 26 square miles (67 square kilometres). There were also three Indian enclaves within the larger Pakistani enclaves on the Indian side of the boundary; they measured about 42 acres (17

hectares). There were ninety-two Pakistani enclaves on the Indian side of the international border, measuring about 17 square miles (44 square kilometres). There were also twenty-one Pakistani enclaves within the Indian enclaves on the Pakistani side of the boundary, totalling nearly 9 square miles (23 square kilometres). Most of the Indian enclaves in Pakistan occurred in the Karaotoya valley; between Domar and Dimla; and in the Pakistani salient of Patgram. The main Pakistani enclaves in India occurred around the Patgram salient and west of the Nageshwari salient. It was agreed by the Secretaries that these enclaves would be exchanged, without compensation for the larger territorial gain by Pakistan. However, this exchange was not completed before the creation of Bangla Desh and there have been no subsequent reports of any exchange between that country and India.

Further problems continued during 1959, especially along the border between East Pakistan and Assam, where there was the usual rush to secure char lands exposed by the falling river levels. In this area officials from each side agreed on a seasonal demarcation of the new lands, but sometimes the peasants acted first. A further conference was held in October 1959 and a new agreement was signed on 23 October 1959. This conference succeeded in finally settling the Patharia Forest dispute which had been the subject of the third award of the Bagge tribunal. The Forest Reserve was divided between the two countries by a boundary which followed rivers and ridges. The boundary description is detailed and six-figure grid references are given for the major turning points. The problem of the Kushiya river was also finally settled by acceptance of the Indian view of the boundary between the thanas of Beani Bazar and Karimganj, as given in Assam Government Notification No. 5133H dated 28 May 1940. This agreement also provided detailed ground rules for the conduct of citizens in the borderland to avoid disputes, and for the settlement of such disputes as arose. It was claimed by the agreement that over 1200 miles (1931 kilometres) of the boundary between East Pakistan and West Bengal had been demarcated. However, this figure does not agree with a report in *Keesing's Archives* (1965, p. 21 066), which gives a figure of only 1079 miles (1736 kilometres) of boundary demarcated. The corresponding figures for the other boundary sectors in November 1965 were 184 miles (296 kilometres) demarcated along the 550-mile (885-kilometre) sector between Pakistan and Tripura, and 432 miles (695 kilometres) demarcated along the Assam border which measured 620 miles (998 kilometres).

There can be no surprise that the boundary between East Pakistan and India was an almost continual source of friction between the two countries: three factors favoured this situation. First, there was the basic hostility and suspicion between the two countries, which made co-operation difficult when boundary disputes arose, and which were deepened by the continuance of the disputes. Second, the original boundary was not clearly defined because there were different interpretations about the location of previous administrative boundaries which were suddenly elevated to the status of international boundaries. Third, this area of considerable flatness and monotony which had to be divided had a high measure of geographical unity, so that any line would create problems. For example, the very high densities of population meant that there was considerable opportunity for friction along the border. The competition for the use of char lands created seasonal disputes. The intersection of major transport routes by the boundary caused dislocations that were sometimes severe. The complex intermixing of Hindu and Muslim communities meant that minorities of each were stranded in Pakistan and India respectively close to the boundary, and the ancient pattern of enclaves along the Cooch Behar border continued in their fossilized state. The economic unity which existed between Calcutta and its eastern hinterland was sundered, as was the economic unity of Sylhet and the Khasi and Jaintia Hills. This last situation

illustrates the dilemma of the boundary makers. The boundary was made to follow the junction between the alluvial plains to the south and the hills to the north, and this line had the merit of following morphological differences in the landscape and ethnic differences amongst the people. The economic divide, however, lay to the north close to the watershed of the Khasi and Jaintia Hills. Food and manufactured articles were moved from the plains to the hills and the reverse traffic included coal and citrus fruits. Nowhere within this region was there a line of partition which coincided simultaneously with morphological, ethnic and economic distinctions. There must be cause for hope that the succession of Bangla Desh to East Pakistan, which involved such important Indian participation, will improve the prospects of a friendly settlement of any outstanding problems between India and Bangla Desh.

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## The Radcliffe Award dividing Bengal, 12 August 1947

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The terms of reference of the Commission, as set out in the announcement, were as follows:

“The Boundary Commission is instructed to demarcate the boundaries of the two parts of Bengal on the basis of ascertaining the contiguous majority areas of Muslims and non-Muslims. In doing so, it will also take into account other factors.”

We were desired to arrive at a decision as soon as possible before the 15th of August.

After preliminary meetings, the Commission invited the submission of memoranda and representations by interested parties. A very large number of memoranda and representations was received.

The public sittings of the Commission took place at Calcutta, and extended from Wednesday, the 16th of July 1947, to Thursday, the 24th of July 1947, inclusive, with the exception of Sunday, the 20th of July. Arguments were presented to the Commission by numerous parties on both sides, but the main cases were presented by counsel on behalf of the Indian National Congress, the Bengal Provincial Hindu Mahassabha and the New Bengal Association on the one hand, and on behalf of the Muslim League on the other.

In view of the fact that I was acting also as Chairman of the Punjab Boundary Commission, whose proceedings were taking place simultaneously with the proceedings of the Bengal Boundary Commission, I did not attend the public



sittings in person, but made arrangements to study daily the record of the proceedings and all materials submitted for our consideration.

After the close of the public sittings, the remainder of the time of the Commission was devoted to clarification and discussion of the issues involved. Our discussions took place at Calcutta.

The question of drawing a satisfactory boundary line under our terms of reference between East and West Bengal was one to which the parties concerned propounded the most diverse solutions. The Province offers few, if any, satisfactory natural boundaries, and, its development has been on lines that do not well accord with a division by contiguous majority areas of Muslim and non-Muslim majorities.

In my view, the demarcation of a boundary line between East and West Bengal depended on the answers to be given to certain basic questions which may be stated as follows:

(1) To which state was the city of Calcutta to be assigned, or was it possible to adopt any method of dividing the city between the two States?

(2) If the city of Calcutta must be assigned as a whole to one or other of the States, what were its indispensable claims to the control of territory, such as all or part of the Nadia river system or the Kulti rivers, upon which the life of Calcutta as a city and port depended?

(3) Could the attractions of the Ganges-Padma-Madhumati river line displace the strong claims of the heavy concentration of Muslim majorities in the districts of Jessore and Nadia without doing too great a violence to the principle of our terms of reference?

(4) Could the District of Khulna usefully be held by a State different from that which held the District of Jessore?

(5) Was it right to assign to Eastern Bengal the considerable block of non-Muslim majorities in the Districts of Malda and Dinajpur?

(6) Which State's claim ought to prevail in respect of the Districts of Darjeeling and Jalpaiguri, in which the Muslim population amounted to 2·42 per cent of the whole in the case of Darjeeling, and to 23·08 per cent of the whole in the case of Jalpaiguri, but which constituted an area not in any natural sense contiguous to another non-Muslim area of Bengal?

(7) To which State should the Chittagong Hill Tracts be assigned, an area in which the Muslim population was only 3 per cent of the whole, but which it was difficult to assign to a State different from that which controlled the District of Chittagong itself?

After much discussion my colleagues found that they were unable to arrive at an agreed view on any of these major issues. There were of course considerable areas of the province in the south-west and north-east and east, which provoked no controversy on either side: but, in the absence of any reconciliation on all main questions affecting the drawing of the boundary itself, my colleagues assented to the view at the close of our discussions that I had no alternative but to proceed to give my own decision.

This I now proceed to do: but I should like at the same time to express my gratitude to my colleagues for their indispensable assistance in clarifying and discussing the difficult questions involved. The demarcation of the boundary line is described in detail in the schedule which forms Annexure A to this award, and in the map attached thereto, Annexure B. The map is annexed for purposes of illustration, and if there should be any divergence between the boundary as described in Annexure A and as delineated on the map in Annexure B, the description in Annexure A is to prevail.

I have done what I can in drawing the line to eliminate any avoidable cutting of railway communications and of river systems, which are of importance to the life of the Province; but it is quite impossible to draw a boundary under our terms of reference without causing some interruption of this sort, and I can only express the hope that arrangements can be made and maintained between the two States that will minimize the consequences of this interruption as far as possible.

### *Annexure A*

(1) A line shall be drawn along the boundary between the thana of Phansidewa in the District of Darjeeling and the thana of Tetulia in the District of Jalpaiguri from the point where that boundary meets the province of Bihar and then along the boundary between the thanas of Tetulia and Rajganj; the thanas of Pachagar and Rajganj; and the thanas of Pachagar and Jalpaiguri, and shall then continue along the northern corner of the thana of Debiganj to the boundary of the State of Cooch Behar. The District of Darjeeling and so much of the District of Jalpaiguri as lies north of this line shall belong to West Bengal, but the thana of Patgram and any other portion of Jalpaiguri District which lies to the east or south shall belong to East Bengal.

(2) A line shall then be drawn from the point where the boundary between the thanas of Haripur and Raiganj in the district of Dinajpur meets the border of the province of Bihar to the point where the boundary between the districts of 24-Parganas and Khulna meets the Bay of Bengal. This line shall follow the course indicated in the following paragraphs. So much of the province of Bengal as lies to the west of it shall belong to West Bengal.

Subject to what has been provided in para. (1) above with regard to the Districts of Darjeeling and Jalpaiguri, the remainder of the Province of Bengal shall belong to East Bengal.

(3) The line shall run along the boundary between the following thanas:

Haripur and Raiganj; Haripur and Hemtabad; Ranisankail and Hemtabad; Pirganj and Hemtabad; Pirganj and Kaliganj; Bochanganj and Kaliganj; Biral and Kaliganj; Biral and Kushmundi; Biral and Gangarampur; Dinajpur and Gangarampur; Dinajpur and Kumarganj; Chirir Bandar and Kumarganj; Phulbari and Kumarganj; Phulbari and Balurghat. It shall terminate at the point where the boundary between Phulbari and Balurghat meets the north-south line of the Bengal-Assam Railway in the eastern corner of the thana of Balurghat. The line shall turn down the western edge of the railway lands belonging to that Railway and follow that edge until it meets the boundary between the thanas of Balurghat and Panchbibi.

(4) From that point the line shall run along the boundary between the following thanas:

Balurghat and Panchbibi; Balurghat and Joypurhat; Balurghat and Dhamairhat; Tapan and Dhamairhat; Tapan and Patnitala; Tapan and Porsha; Baman-gola and Porsha; Habibpur and Porsha; Habibpur and Gomastapur; Habibpur and Bholahat; Malda and Bholahat; English Bazar and Bholahat; English Bazar and Shibganj; Kaliachak and Shibganj; to the point where the boundary between the two last mentioned thanas meets the boundary between the Districts of Malda and Murshidabad on the river Ganges.

(5) The line shall then turn south-east down the river Ganges along the boundary between the Districts of Malda and Murshidabad; Rajshahi and Murshidabad; Rajshahi and Nadia; to the point in the north-western corner of the

District of Nadia where the channel of the river Mathabhanga takes off from the river Ganges. The District boundaries, and not the actual course of the river Ganges, shall constitute the boundary between East and West Bengal.

(6) From the point on the river Ganges where the channel of the river Mathabhanga takes off, the line shall run along that channel to the northern-most point where it meets the boundary between the thanas of Daulatpur and Karimpur. The middle line of the main channel shall constitute the actual boundary.

(7) From this point the boundary between East and West Bengal shall run along the boundaries between the thanas of Daulatpur and Karimpur; Gangni and Karimpur; Meherpur and Tehatta; Meherpur and Chapra; Damurhuda and Chapra; Damurhuda and Krishnaganj; Chuadanga and Krishnaganj; Jibannagar and Krishnaganj; Jibannagar and Hanskhali; Maheshpur and Hanskhali; Maheshpur and Ranaghat; Maheshpur and Bongaon; Jhikargacha and Bongaon; Sarsa and Gaighata; Gaighata and Kalaroa; to the point where the boundary between those thanas meets the boundary between the Districts of Khulna and 24-Parganas.

(8) The line shall then run southwards along the boundary between the Districts of Khulna and 24-Parganas, to the point where that boundary meets the Bay of Bengal.

### The Radcliffe Award regarding Sylhet, 13 August 1947

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(1) I have the honour to present the report of the Bengal Boundary Commission relating to Sylhet District and the adjoining Districts of Assam. By virtue of Sec. 3 of the Indian Independence Act, 1947, the decisions contained in this report become the decision and award of the Commission.

The Bengal Boundary Commission was constituted as stated in my report dated the 12th of August, 1947, with regard to the division of the Province of Bengal into East and West Bengal.

Our terms of reference were as follows:

“The Boundary Commission is instructed to demarcate the boundaries of the two parts of Bengal on the basis of ascertaining the contiguous majority areas of Muslims and non-Muslims. In doing so, it will also take into account other factors.

In the event of the referendum in the District of Sylhet resulting in favour of amalgamation with Eastern Bengal, the Boundary Commission will also demarcate the Muslim majority areas of Sylhet District and the contiguous Muslim majority areas of the adjoining Districts of Assam.”

(2) After the conclusion of the proceedings relating to Bengal, the Commission invited the submission of memoranda and representations by parties interested in the Sylhet question. A number of such memoranda and representations were received.

(3) The Commission held open sittings at Calcutta on the 4th, 5th and 6th days of August, 1947, for the purpose of hearing arguments. The main arguments were conducted on the one side by Counsel on behalf of the Government of East Bengal and the provincial and district Muslim Leagues, and on the other side, by Counsel on behalf of the Government of the Province of Assam and the Assam Provincial Congress Committee and the Assam Provincial Hindu Mahasabha. I was not present in person at the open sittings as I was at the time engaged in

the proceedings of the Punjab Boundary Commission which were taking place simultaneously, but I was supplied with the daily record of the Sylhet proceedings and with all materials submitted for the Commission's consideration. At the close of the open sittings, the members of the Commission entered into discussions with me as to the issues involved and the decisions to be come to. These discussions took place at New Delhi.

(4) There was an initial difference of opinion as to the scope of the reference entrusted to the Commission. Two of my colleagues took the view that the Commission had been given authority to detach from Assam and to attach to East Bengal any Muslim majority areas of any part of Assam that could be described as contiguous to East Bengal, since they construed the words "the adjoining Districts of Assam" as meaning any Districts of Assam that adjoined East Bengal. The other two of my colleagues took the view that the Commission's power of detaching areas from Assam and transferring them to East Bengal was limited to the District of Sylhet and contiguous Muslim majority areas (if any) of other Districts of Assam that adjoined Sylhet. The difference of opinion was referred to me for my casting vote, and I took the view that the more limited construction of our terms of reference was the correct one and that "the adjoining Districts of Assam" did not extend to other Districts of Assam than those that adjoined Sylhet. The Commission accordingly proceeded with its work on this basis.

(5) It was argued before the Commission on behalf of the Government of East Bengal that on the true construction of our terms of reference and Section 3 of the Indian Independence Act, 1947, the whole of the District of Sylhet at least must be transferred to East Bengal and the Commission had no option but to act upon this assumption. All my colleagues agreed in rejecting this argument, and I concur in their view.

(6) We found some difficulty in making up our minds whether, under our terms of reference, we were to approach the Sylhet question in the same way as the question of partitioning Bengal, since there were some differences, in the language employed, but all my colleagues came to the conclusion that we were intended to divide the Sylhet and adjoining Districts of Assam between East Bengal and the Province of Assam on the basis of contiguous majority areas of Muslims and non-Muslims, but taking into account other factors. I am glad to adopt this view.

(7) The members of the Commission were, however, unable to arrive at an agreed view as to how the boundary lines should be drawn, and after discussion of their differences, they invited me to give my decision. This I now proceed to do.

(8) In my view, the question is limited to the Districts of Sylhet and Cachar, since, of the other Districts of Assam that can be said to adjoin Sylhet, neither the Garo Hills nor the Khasi and Jaintia Hills nor the Lushai Hills, have anything approaching a Muslim majority of population in respect of which a claim could be made.

(9) Out of 35 thanas in Sylhet, 8 have non-Muslim majorities: but of these eight, two—Sulla and Ajmiriganj (which is in any event divided almost evenly between Muslims and non-Muslims)—are entirely surrounded by preponderatingly Muslim areas, and must therefore go with them to East Bengal. The other six thanas comprising a population of over 530,000 people stretch in a continuous line along part of the southern border of Sylhet District. They are divided between two sub-divisions, of which one, South Sylhet, comprising a population of over 515,000 people, has in fact a non-Muslim majority of some 40,000

while the other, Karimganj, with a population of over 568,000 people, has a Muslim majority that is a little larger.

(10) With regard to the District of Cachar, one thana, Hailakandi, has a Muslim majority and is contiguous to the Muslim thanas of Badarpur and Karimganj in the District of Sylhet. This thana forms, with the thana of Katlichara immediately to its south, the sub-division of Hailakandi, and in the sub-division as a whole Muslims enjoy a very small majority, being 51 per cent of the total population. I think that the dependence of Katlichara on Hailakandi for normal communications makes it important that the area should be under one jurisdiction, and that the Muslims would have at any rate a strong presumptive claim for the transfer of the subdivision of Hailakandi, comprising a population of 166,536, from the Province of Assam to the Province of East Bengal.

(11) But a study of the map shows, in my judgement, that a division on these lines would present problems of administration that might gravely affect the future welfare and happiness of the whole district. Not only would the six non-Muslim thanas of Sylhet be completely divorced from the rest of Assam if the Muslim claim to Hailakandi were recognized, but they form a strip running east and west whereas the natural division of the land is north and south and they effect an awkward severance of the railway line through Sylhet, so that, for instance, the junction for the town of Sylhet itself, the capital of the District, would lie in Assam, not in East Bengal.

(12) In these circumstances I think that some exchange of territories must be effected if a workable division is to result. Some of the non-Muslim thanas must go to East Bengal and some Muslim territory and Hailakandi must be retained by Assam. Accordingly I decide and award as follows:

(13) A line shall be drawn from the point where the boundary between the thanas of Pathar Kandi and Kulaura meets the frontier of Tripura State and shall run north along the boundary between the thanas of Patharkandi and Barlekha, then along the boundary between the thanas of Karimganj and Barlekhan, and then along the boundary between the thanas of Karimganj and Beani Bazar to the point where that boundary meets the river Kusiya. The line shall then turn to the east taking the river Kusiya as the boundary and run to the point where that river meets the boundary between the Districts of Sylhet and Cachar. The centre line of the main stream or channel shall constitute the boundary. So much of the District of Sylhet as lies to the west and north of this line shall be detached from the Province of Assam and transferred to the Province of East Bengal. No other part of the Province of Assam shall be transferred.

(14) For purposes of illustration a map marked A is attached on which the line is delineated. In the event of any divergence between the line as delineated on the map and as described in Paragraph 13, the written description is to prevail.

### Boundary Agreement, 21 August 1952

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[1.] We, the Plenipotentiaries of the Governments of India and Pakistan do hereby accept the alignment of the boundary between India and Pakistan from the offtake of the Mathabhanga to point eleven in sheet seventy-two and from point one of sheet fifty to point ten of sheet seven of the India-Pakistan Boundary (Ganges Area) Series 1952, as defined by the coordinates the agreed list of

which is herewith attached. In witness whereof we have signed each of the pages of the said list.

2. We also accept as correct the delineation of the said portions of the India-Pakistan Boundary on map sheet numbers eighty-five, eighty-four, eighty-one, seventy-eight, seventy-five, seventy-two, fifty, forty-six, forty-seven, forty-four, forty-five, forty-one, thirty-seven, thirty-four, thirty-five, thirty-one, twenty-seven, twenty-three, nineteen, sixteen, thirteen, ten and seven of the India-Pakistan Boundary (Ganges Area) 1952 Series, prepared by the Air Survey Company Ltd. of London, in witness whereof we have jointly signed each original copy of the above mentioned map sheets.

For the Government of Pakistan:

S. Itaat Husain  
Plenipotentiary

For the Government of India

Y. K. Puri  
Plenipotentiary

### Coordinates

Agreed co-ordination of points defining the boundary between India and Pakistan from the Mathabhanga offtake to point 11 of sheet 72 and from point 1 of sheet 50 to point 10 of sheet 7 of the India-Pakistan Boundary (Ganges Area) series, 1952.

#### Indian Grid II B (Lambert)

Sheet No.	Point No.	Easting (Grid yards)	Northing (Grid yards)
85	Mathabhanga	2856830.5	773143.6
84	Offtake		
84	1	2861071.0	776381.0
84	2	2860804.0	776799.0
84	3	2860531.0	778010.0
84	4	2860416.0	778351.0
84	5	2860000.0	778775.0
84	6	2859667.0	779051.0
84	7	2859450.0	779368.0
84	8	2859438.0	779580.0
81	1	2859438.0	779580.0
81	2	2859446.0	780084.0
81	3	2859564.0	780922.0
81	4	2859627.0	781140.0
81	5	2859620.0	781377.0
81	6	2859687.0	781981.0
81	7	2859680.0	782258.0
81	8	2859762.0	782762.0
81	9	2859787.0	783586.0
81	10	2859907.0	784192.0
81	11	2859862.0	784455.0
81	12	2859862.0	784894.0
78	1	2859862.0	784894.0
78	2	2859890.0	785097.0
78	3	2859838.0	785494.0
78	4	2860026.0	786254.0
78	5	2860130.0	787113.0

Sheet No.	Point No.	Easting (Grid yards)	Northing (Grid yards)
78	6	2860368.0	788470.0
78	7	2860543.0	788995.0
78	8	2860585.0	789320.0
78	9	2860523.0	789600.0
78	10	2860385.0	789995.0
78	11	2860242.0	790180.0
75	1	2860242.0	790180.0
75	2	2860292.0	792727.0
75	3	2860212.0	791272.0
75	4	2860043.0	791635.0
75	5	2860002.0	792054.0
75	6	2859845.0	792368.0
75	7	2859584.0	793090.0
75	8	2859332.0	793671.0
75	9	2859060.0	794079.0
75	10	2859016.0	794261.0
72	1	2859016.0	794261.0
72	2	2858844.0	794645.0
72	3	2858589.0	794886.0
72	4	2858003.0	795250.0
72	5	2857693.0	795473.0
72	6	2857475.0	795717.0
72	7	2857279.0	795865.0
72	8	2856799.0	796360.0
72	9	2856610.0	796471.0
72	10	2856275.0	796555.0
72	11	2855735.0	796800.0
50	1	2830650.0	802986.0
50	2	2830040.0	803300.0
50	3	2829692.0	803624.0
50	4	2828667.0	804386.0
50	5	2828077.0	804757.0
50	6	2827567.0	804938.0
50	7	2826924.0	805194.0
46	1	2826924.0	805194.0
46	2	2826673.0	805277.0
47	1	2826673.0	805277.0
47	2	2826531.0	805291.0
47	3	2826312.0	805396.0
47	4	2825700.0	805342.0
47	5	2825312.0	805189.0
47	6	2825121.0	805134.0
47	7	2824381.0	804665.0
47	8	2824303.0	804591.0
47	9	2823114.0	804319.0
47	10	2822821.0	804282.0
47	11	2822367.0	804104.0
47	12	2821755.0	804016.0
47	13	2821465.0	804055.0
47	14	2820725.0	804318.0
47	15	2820084.0	804278.0
47	16	2819576.0	804204.0

Sheet No.	Point No.	Easting (Grid yards)	Northing (Grid yards)
47	17	2819230.0	804185.0
47	18	2818970.0	804231.0
44	1	2818970.0	804231.0
44	2	2818170.0	804272.0
44	3	2817230.0	804529.0
45	1	2817230.0	804529.0
45	2	2816867.0	804645.0
45	3	2816000.0	805046.0
45	4	2815620.0	805254.0
45	5	2815000.0	805682.0
45	6	2814817.0	805848.0
45	7	2814725.0	806036.0
41	1	2814725.0	806036.0
41	2	2813870.0	806878.0
41	3	2813598.0	807020.0
41	4	2813323.0	807446.0
41	5	2813100.0	807709.0
41	6	2812417.0	808234.0
41	7	2811261.0	809252.0
41	8	2810700.0	809843.0
41	9	2810251.0	810260.0
41	10	2810110.0	810705.0
37	1	2810110.0	810705.0
37	2	2809883.0	811173.0
37	3	2809417.0	811808.0
37	4	2809234.0	812167.0
37	5	2808843.0	812504.0
37	6	2808209.0	812894.0
37	7	2807897.0	813160.0
37	8	2807406.0	813319.0
37	9	2807020.0	813389.0
34	1	2807020.0	813389.0
34	2	2806305.0	813464.0
34	3	2805688.0	813708.0
34	4	2805014.0	814047.0
34	5	2804555.0	814147.0
34	6	2803941.0	814376.0
34	7	2803138.0	814516.0
34	8	2802861.0	814519.0
35	1	2802861.0	814519.0
35	2	2802704.0	814519.0
35	3	2802518.0	814548.0
35	4	2802061.0	814672.0
31	1	2802061.0	814672.0
31	2	2801560.0	814856.0
31	3	2801395.0	814879.0
31	4	2800927.0	815191.0
31	5	2800733.0	815265.0
31	6	2800161.0	815761.0
31	7	2799960.0	816000.0
31	8	2799943.0	816340.0
31	9	2799819.0	816694.0



Sheet No.	Point No.	Easting (Grid yards)	Northing (Grid yards)
31	10	2799280.0	817586.0
27	1	2799280.0	817586.0
27	2	2798780.0	818156.0
27	3	2798256.0	818677.0
27	4	2798020.0	819002.0
27	5	2797278.0	819596.0
27	6	2796860.0	819796.0
27	7	2796350.0	820122.0
27	8	2796123.0	820217.0
23	1	2796123.0	820217.0
23	2	2795848.0	820322.0
23	3	2795390.0	820339.0
23	4	2795125.0	820712.0
23	5	2794429.0	821255.0
23	6	2794203.0	821549.0
23	7	2793960.0	821912.0
23	8	2793559.0	822370.0
23	9	2793296.0	822741.0
23	10	2793080.0	822932.0
19	1	2793080.0	822932.0
19	2	2792637.0	823367.0
19	3	2792178.0	824001.0
19	4	2791840.0	824312.0
19	5	2791570.0	824490.0
19	6	2791000.0	825202.0
19	7	2790601.0	825543.0
19	8	2790352.0	825883.0
16	1	2790352.0	825883.0
16	2	2789661.0	826795.0
16	3	2789176.0	827534.0
16	4	2788851.0	828066.0
16	5	2788744.0	828450.0
16	6	2788691.0	828691.0
16	7	2788335.0	829376.0
13	1	2788335.0	829376.0
13	2	2788141.0	829870.0
13	3	2787358.0	831162.0
13	4	2786885.0	831855.0
13	5	2786818.0	832146.0
13	6	2786675.0	832505.0
13	7	2786400.0	832922.0
10	1	2786400.0	832922.0
10	2	2785887.0	833736.0
10	3	2785355.0	834400.0
10	4	2784840.0	835184.0
10	5	2784774.0	835345.0
10	6	2784487.0	835806.0
10	7	2784209.0	836279.0
7	1	2784209.0	836279.0
7	2	2783956.0	836758.0
7	3	2783852.0	836900.0
7	4	2783644.0	837400.0

Sheet No.	Point No.	Easting (Grid yards)	Northing (Grid yards)
7	5	2783452·0	837581·0
7	6	2783175·0	837714·0
7	7	2782821·0	837867·0
7	8	2782188·0	838207·0
7	9	2781722·0	838885·0
7	10	2781414·0	839182·0

Accepted on behalf of the  
Government of Pakistan:  
S. Itaat Husain  
Plenipotentiary  
21-8-52

Accepted on behalf of the  
Government of India:  
Y. K. Puri  
Plenipotentiary  
21-8-52

### Boundary Agreement, 22 January 1954

[1.] We, the Plenipotentiaries of the Governments of India and Pakistan do hereby accept the alignment of the boundary between India and Pakistan from Point No: 1 in Map Sheet 68 to Point No: 9 of Map Sheet 53; and from Point No: 1 of Map Sheet 4 to Point No: 6 of Map Sheet 4; and from Point No: 1 of Map Sheet 89 to the Offtake of the Mathabhanga in Map Sheet 85 of the India-Pakistan Boundary (Ganges Area) Series as defined by the co-ordinates the agreed list of which is herewith attached, in witness of which we have signed each of the pages of the said list.

2. We accept as correct the delineation of the parts of the said India-Pakistan Boundary on Map Sheets Numbers 68, 69, 64, 65, 60, 61, 56, 57, 53, 4, of the India-Pakistan Boundary (Ganges Area) Series prepared by the Air Survey Company Limited of London, in witness of which we have jointly signed each original copy of the above mentioned sheets.

3. We accept as correct the alignment of the part of the said India-Pakistan Boundary entered by hand in red ink on Map Sheets 85 and 89 of the above mentioned map series, and we accept the deletion of the descriptive remark "Fluctuating Boundary 18th January 1951" printed in Sheets 84 and 85 alongside the line joining Point No: 1 of Map Sheet 84 with the Offtake of the Mathabhanga, this line being now a fixed boundary; and we also accept the deletion of the note "Boundary follows the middle line of the main channel" printed alongside the Mathabhanga River in Map Sheet 85; in witness of which we have signed each of the two copies of Map Sheets 84, 85 and 89.

For the Government of India:  
V. C. Trivedi  
Plenipotentiary

For the Government of Pakistan:  
A. Hilaly  
Plenipotentiary  
22-1-54

**Coordinates**

Agreed co-ordinates of points defining the boundary between India and Pakistan from the point No. 1 of sheet No. 4 (identical with point No. 10 of sheet No. 7) to point No. 6 of sheet No. 4 of the India-Pakistan Boundary (Ganges Area) Series.

Indian Grid II B (Lambert).

Sheet No.	Point No.	Easting (Grid yards)	Northing (Grid yards)
4	1	2781414·0	839182·0
4	2	2781066·0	839500·0
4	3	2780485·0	840022·0
4	4	2780092·0	840414·0
4	5	2780653·0	841225·0
4	6	2782520·7	843310·0

Accepted on behalf of the  
Government of India:  
V. C. Trivedi  
Plenipotentiary  
22-1-1954

Accepted on behalf of the  
Government of Pakistan:  
A. Hilaly  
Plenipotentiary  
22-1-1954

Agreed co-ordinates of points defining the boundary between India and Pakistan from the point No. 1 of sheet No. 68 (identical with point No. 11 of sheet No. 72) to point No. 9 of sheet No. 53 (identical with point No. 1 of sheet No. 50) of India-Pakistan Boundary (Ganges Area) Series.

Indian Grid II B (Lambert).

Sheet No.	Point No.	Easting (Grid yards)	Northing (Grid yards)
68	1	2855735·0	796800·0
68	2	2855485·0	796828·0
68	3	2854049·0	796880·0
68	4	2852788·0	796713·0
68	5	2852144·0	796765·0
68	6	2851805·0	796678·0
68	7	2851561·0	796732·0
68	8	2850845·0	795610·0
68	9	2850545·0	795676·0
68	10	2850540·0	795922·0
68	11	2850490·0	796000·0
68	12	2850447·0	796325·0
68	13	2850263·0	796312·0
68	14	2849642·0	796047·0
68	15	2849264·0	795976·0
69	1	2849264·0	795976·0
69	2	2849255·0	795934·0
69	3	2848814·0	795830·0
69	4	2848663·0	795979·0

Sheet No.	Point No.	Easting (Grid yards)	Northing (Grid yards)
69	5	2848178.0	795638.0
69	6	2848020.0	796016.0
64	1	2848020.0	796016.0
64	2	2847655.0	796904.0
64	3	2846764.0	796813.0
65	1	2846764.0	796813.0
65	2	2846707.0	796812.0
65	3	2845769.0	796889.0
65	4	2845695.0	796289.0
65	5	2845400.0	796281.0
65	6	2845000.0	796379.0
65	7	2844500.0	796524.0
65	8	2843665.0	796830.0
65	9	2843623.0	797715.0
65	10	2840325.0	795241.0
65	11	2840015.0	794300.0
65	12	2839763.0	794826.0
60	1	2843623.0	797715.0
60	2	2843609.0	797988.0
60	3	2843000.0	798066.0
60	4	2842100.0	798206.0
60	5	2841449.0	798315.0
60	6	2841325.0	797850.0
60	7	2841184.0	797500.0
60	8	2841000.0	797205.0
60	9	2840942.0	797070.0
61	1	2840942.0	797070.0
61	2	2840825.0	796769.0
61	3	2840325.0	795241.0
61	4	2839763.0	794826.0
61	5	2837978.0	798483.0
56	1	2837978.0	798483.0
56	2	2836985.0	800514.0
56	3	2836035.0	800288.0
57	1	2836035.0	800288.0
57	2	2834848.0	800307.0
57	3	2834384.0	800789.0
53	1	2834384.0	800789.0
53	2	2833601.0	801646.0
53	3	2833543.0	801766.0
53	4	2832736.0	801871.0
53	5	2832552.0	801930.0
53	6	2832171.0	802103.0
53	7	2831569.0	802453.0
53	8	2830843.0	802848.0
53	9	2830650.0	802986.0

Accepted on behalf of the  
Government of India:  
V. C. Trivedi  
Plenipotentiary  
22-1-1954

Accepted on behalf of the  
Government of Pakistan:  
A. Hilaly  
Plenipotentiary  
22-1-1954

Agreed co-ordinates of points defining the boundary between India and Pakistan from point No. 1 of sheet No. 89 to point No. 13 of sheet No. 85 (identical with offtake of Mathabhanga) of India-Pakistan Boundary (Ganges Area) Series.

Indian Grid II B (Lambert).

Sheet No.	Point No.	Easting (Grid yards)	Northing (Grid yards)
89	1	2855880.0	770047.0
89	2	2856012.0	771215.0
89	3	2855958.0	771720.0
89	4	2855860.0	771897.0
85	1	2855860.0	771897.0
85	2	2855652.0	771998.0
85	3	2855267.0	771905.0
85	4	2855147.0	771948.0
85	5	2855102.0	772100.0
85	6	2855303.0	772475.0
85	7	2855360.0	772733.0
85	8	2855568.0	773202.0
85	9	2855798.0	773347.0
85	10	2855962.0	773368.0
85	11	2856397.0	773085.0
85	12	2856658.0	773050.0
85	13	2856830.5	773143.6

Accepted on behalf of the  
Government of India:  
V. C. Trivedi  
Plenipotentiary  
22-1-1954

Accepted on behalf of the  
Government of Pakistan:  
A. Hilaly  
Plenipotentiary  
22-1-1954

### Agreement on Border Disputes, 10 September 1958

[1.] In accordance with the directives issued by the two Prime Ministers, the Secretaries discussed this morning the following disputes:

*West Bengal—East Pakistan*

- (1) Bagge Awards on Disputes I and II.
- (2) Hilli.
- (3) Berubari Union No. 12.
- (4) Demarcation of Indo-Pakistan frontier so as to include the two chitlands of old Cooch Behar State adjacent to Radcliffe line in West Bengal.
- (5) 24 Parganas—Khulna Boundary disputes  
24 Parganas—Jessore

*Assam—East Pakistan*

- (6) Pakistan claim to Bholaganj.
- (7) Piyain and Surma—Boundary disputes.

*Tripura—East Pakistan*

- (8) Tripura land under Pakistan Railway and Tripura land to the west of the railway line at Bhagalpur.
- (9) Feni river—Boundary dispute.

*West Bengal—East Pakistan*

(10) Exchange of enclaves of the old Cooch Behar State in Pakistan and Pakistan enclaves in India. Claim to territorial compensation for extra area going to Pakistan.

2. As a result of the discussions, the following agreements were arrived at:

(1) Bagge Awards on disputes I and II

It was agreed that the exchange of territories as a result of demarcation should take place by 15th January, 1959.

(2) Hilli

Pakistan Government agree to drop this dispute. The position will remain as it is at present in accordance with the Award made by Sir Cyril Radcliffe and in accordance with the line drawn by him on the map.

(3) Berubari Union No. 12

This will be so divided as to give half the area to Pakistan, the other half adjacent to India being retained by India. The division of Berubari Union No. 12 will be horizontal, starting from the north-east corner of Dobiganj thana. The division should be made in such a manner that the Cooch Behar enclaves between Pachgar thana of East Pakistan and Berubari Union No. 12 of Jalpaiguri thana of West Bengal will remain connected as at present with Indian territory and will remain with India. The Cooch Behar enclaves lower down between Beda thana of East Pakistan and Berubari Union No. 12 will be exchanged along with the general exchange of enclaves and will go to Pakistan.

(4) Pakistan Government agree that the two Chitlands of the old Cooch Behar State adjacent to Radcliffe line should be included in West Bengal and the Radcliffe line should be adjusted accordingly.

(5) 24 Parganas—Khunla Boundary disputes  
24 Parganas—Jessore

It is agreed that the mean of the two respective claims of India and Pakistan should be adopted, taking the river as a guide, as far as possible, in the case of the latter dispute. (Ichhamati river).

(6) Pakistan Government agree to drop their claim on Bholaganj.

(7) Piyain and Surma river regions to be demarcated in accordance with the relevant notifications, cadastral Survey maps and, if necessary, record of rights. Whatever the results of this demarcation might be, the nationals of both the Governments to have the facility of navigation on both these rivers.

(8) Government of India agree to give in perpetual right to Pakistan the land belonging to Tripura State to the west of the railway line as well as the land appurtenant to the railway line at Bhagalpur.

(9) The question of the Feni river to be dealt with separately after further study.

(10) Exchange of old Cooch Behar enclaves in Pakistan and Pakistan enclaves in India without claim to compensation for extra area going to Pakistan, is agreed to.

3. The Secretaries also agreed that the question of giving effect to the exchange of territory as a result of the demarcation already carried out, should be given early consideration.

M. S. A. Baig

Foreign Secretary

Ministry of Foreign Affairs  
and Commonwealth Relations,  
Government of Pakistan

New Delhi, 10 September 1958

M. J. Desai

Commonwealth Secretary  
Ministry of External Affairs,  
Government of India

## Agreement on Border Disputes, 23 October 1959

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1. The Governments of India and Pakistan reaffirm their determination to implement the Nehru-Noon Agreement in full, the legal and other procedures necessary for implementation being devised as expeditiously as possible. It was agreed that all preliminary work short of actual work in the field should be undertaken now by both sides so that demarcation to implement the Nehru-Noon Agreement can be carried out expeditiously as soon as the requisite legal procedures are devised. It was also agreed that India, while framing the legislation, if required to effect transfer of territorial jurisdiction consequent on demarcation, will make a provision in the said legislation which will give government necessary authority to effect such transfers in connection with boundary disputes that may be settled.

2. Detailed Ground rules for the guidance of the Border-Security forces along the Indo-East Pakistan frontier prepared as a result of the deliberations of the Conference—copy attached, Appendix I [not reproduced], will be put into force by both sides immediately. The decisions taken at the Conference of Chief Secretaries in August 1959 for constant contact between the border authorities on both sides with a view to maintaining peaceful conditions, which have been further elaborated at the Conference, Appendix II [not reproduced], should also be implemented by issue of detailed instructions by the Governments concerned.

It was also agreed that the Chief Secretaries will jointly review the progress of demarcation every quarter.

3. Detailed programmes for demarcation work for the field season should be prepared as usual. Provisions made in the Ground Rules for speeding up demarcation work and for consequential exchange of territorial jurisdiction should be strictly observed. Exchange of all areas already demarcated along the Indo-East Pakistan boundary should take place before 30th June 1960, subject to the necessary legal and constitutional procedures being worked out.

4. West Bengal-East Pakistan Boundary: Over 1,200 miles of this boundary have already been demarcated. As regards the boundary between West Bengal and East Pakistan in the areas of Mahananda, Burung Karatoa rivers, it was agreed that demarcation will be made in accordance with the latest cadastral survey maps supported by relevant notifications and records-of-rights.

5. Tripura-East Pakistan Bounday: Exploratory discussions revealed that the problem had not been carefully studied as all the material on each side had not been examined and there was divergence of opinion as to whether the Kar-Creed maps or the revenue survey maps should be taken as the basis of demarcation. It was agreed that copies of the relevant records available with both sides should be supplied to each other and facilities given to see the originals and the experts on both sides should, within a period of two months, be ready with their appreciation of the records and indicate:

- i) the difference in the area involved if either the Kar-Creed or revenue survey maps were adopted as the basis of demarcation:
- ii) their respective positions as to how the boundary should run in the upper and lower reaches of the Feni river with necessary evidence in support of their view.

The two Governments or their representatives will, on receipt of this material, discuss the matter further and decide what should be adopted as the basis of demarcation in these various regions of the Tripura-East Pakistan border.

6. Assam-East Pakistan Boundary. The three pending disputes have been settled along the lines given below in a spirit of accommodation:

i) The dispute concerning Bagge Award III has been settled by adopting the following rational boundary in the Patharia Forest Reserve region:

From a point marked X(H522558) along the Radcliffe Line B.A. on the old Patharia Reserve Boundary as shown in the topographical map sheet No. 83 D/5, the boundary line shall run in close proximity and parallel to the cart road to its south to a point A(H531554); thence in a southerly direction up the spur and along the ridge to a hill top marked B(H523529); thence in a southeasterly direction along the ridge down the spur across a stream to a hill top marked C(H532523); thence in southerly direction to a point D(H530517); thence in a south-westerly direction to a flat top E(H523507); thence in a southerly direction to a point F(H524500); thence in a south-easterly direction in a straight line to the midstream point of the Gandhai Nala marked G(H540494); thence in a south-westerly direction up the midstream of Gandhai Nala to point H(H533482); thence in a south-westerly direction up a spur and along the ridge to a point I(H517460); thence in a southerly direction to a point on the ridge marked J(H518455); thence in a south-westerly direction along the ridge to a point height 364 then continues along the same direction along the same ridge to a point marked K(H500428); thence in a south and south-westerly direction along the same ridge to a point marked L(H496420); thence in a south-easterly direction along the same ridge to a point marked M(H499417); thence in a south-westerly direction along the ridge to a point on the bridle path with a height 587; then up the spur to the hill top marked N(H487393); then in a south-easterly and southerly direction along the ridge to the hill top with height 692; thence in a southerly direction down the spur to a point on Buracherra marked O(H484344); thence in a south-westerly direction up the spur along the ridge to the trigonometrical survey station with height 690; thence in a southerly direction along the ridge to a point height 490(H473292); thence in a straight line due south to a point on the eastern boundary of the Patharia Reserve Forest marked Y(H473263), along the Radcliffe Line B.A.

The line described above has been plotted on the copies of topographical map sheets Nos. 83 D/5, 83 D/6 and 83 D/2.

The Technical experts responsible for the ground demarcation will have the authority to make minor adjustments in order to make the boundary alignment to agree with the physical features as described.

The losses and gains to either country as a result of these adjustments with respect to the line marked on the map will be balanced by the technical experts.

ii) The dispute concerning Bagge Award IV in the Kushiya river region has been settled by adopting the *thana* boundaries of Beani Bazar and Karimganj as given in Assam Government Notification No. 5133-H, dated 28th May 1940, as the Indo-East Pakistan Boundary in this region, relevant portion of line B.A., given in the Radcliffe map being varied accordingly.

iii) Tokergram.—The East Pakistan-Indian boundary in this region given by Sir Cyril Radcliffe as the Boundary between the districts of Sylhet and Cachar is confirmed. India's territorial jurisdiction in the whole of Tokergram village will be immediately restored.

7. Use of Common rivers: The need for evolving some procedures for the purpose of mutual consultations in regard to utilisation of water resources of common rivers was recognised by both sides.

The Indian Delegation assured that India will raise no objection to the development activities in connection with the Karnafuli dam project in East Pakistan



on considerations of submergence of some area in India. It was agreed that immediate steps should be taken for the demarcation of that portion of the boundary where some area might be permanently flooded when the Karnafuli dam in East Pakistan is raised to its full height so that the Governments of Pakistan and India can, in the light of the resulting area flooded, discuss how the claims of the Government of India regarding the loss, if any, caused by the flooding of the Indian territory should be settled.

8. **Impartial Tribunals:** It was agreed that all outstanding boundary disputes on the East Pakistan-India and West Pakistan-India border raised so far by either country should be referred to an impartial tribunal consisting of three members for settlement and implementation of that settlement by demarcation on the ground and by exchange of territorial jurisdiction. Any dispute which may have been referred to the tribunal can be withdrawn by mutual agreement.

It was also agreed that the decision of the tribunal shall be by majority and final and binding on both the parties.

9. It was agreed that neither country will train its border rivers so as to cut into the territory of the other.

10. **Press:** It was agreed that efforts should be made by both countries to advise their press from time to time to exercise restraint and assist in the maintenance and promotion of friendly relations between India and Pakistan. It was also agreed that false or exaggerated reports in the press, which are likely to worsen Indo-Pakistan relations should be contradicted by the Governments concerned.

J. G. Kharas  
Acting Foreign Secretary  
Ministry of F.A. [Foreign Affairs]  
& C.R. [Commonwealth Relations]  
Karachi

M. J. Desai  
Commonwealth Secretary  
Ministry of External Affairs  
New Delhi

New Delhi, 23 October, 1959

## Burma's Western Boundary

Burma's western boundary with India and Bangla Desh stretches for about 1000 miles (1609 kilometres) from the Himalayas to the Bay of Bengal. The exact distance will only be measured when China and India agree on their common boundary north of the Brahmaputra. For more than 800 miles (1287 kilometres) the boundary follows the main sweep of the Arakan ranges, to a point east of Chittagong. At this point the boundary continues nearly due south, via the low western ranges to the Naf estuary, while the principal mountain axis swings southeast to peter out in the Arakan Yoma west of Rangoon. These ranges consist of Tertiary sandstones, limestones and shales which have been regularly folded into tightly packed alternate ridges and valleys. The height of these ranges varies from 16 000 feet (4880 metres) in the north to about 8000 feet (2440 metres) east of Chittagong. Their position athwart the summer monsoon ensures copious rainfall, and the resulting drainage pattern reflects the structure of the ranges. A trellis pattern has developed, with long north-south courses along the folded valleys, connected by short east-west gorges cut through the ridges. The rainfall and tropical temperatures have encouraged a dense forest cover throughout the mountains, which contrasts with the more open vegetation of the drier, eastern plains. The only exception to this general description occurs in Manipur. Here there is an intermontane basin of about 600 square miles (1554 square kilometres) surrounding lake Logtak, and the level area which has been formed by the silting up of the lake provides opportunity for the cultivation of rice on a scale unequalled elsewhere in the mountains.

In common with many other mountainous regions around the world, the Arakan ranges were occupied by a number of fierce, independent, small groups, who resisted incorporation into larger states based on the plains, but who reserved the right to raid the citizens of these states to secure food, slaves and wealth. Such people occupied most of the Arakan ranges, except for the Manipur basin. North of Manipur the main groups were the Khamptis, the Singphos and the Nagas, while the areas to the south of this kingdom were occupied by the Suti and Lushai peoples, who lived respectively east and west of the Manipur river. The southern ranges and coastline were occupied by the Arakanese. The hill groups created problems of security for the Burmese kingdom to the east and the East India Company in Assam and lower Bengal. The Burmese court, when sufficiently strong, retaliated by conquest, which was the fate of Arakan in 1784 and Manipur at various times between 1782 and 1819. The British authorities, who were in control of Chittagong, Chittagong Hill Tracts and Tripura by the end of the eighteenth century, and who had commercial interests in Assam, preferred to establish strong outposts to discourage raids, and to send punitive expeditions when raids were made. In this

situation it is easy to understand that friction was likely to develop between British and Burmese authorities in the mountainous frontier which separated their territories. This friction, which culminated in the 1824 war, occurred most frequently in respect of Arakan and Manipur, where the frontier could be breached most easily, and where there were recognizable political organizations, and in Assam, where the mountains were comparatively narrow.

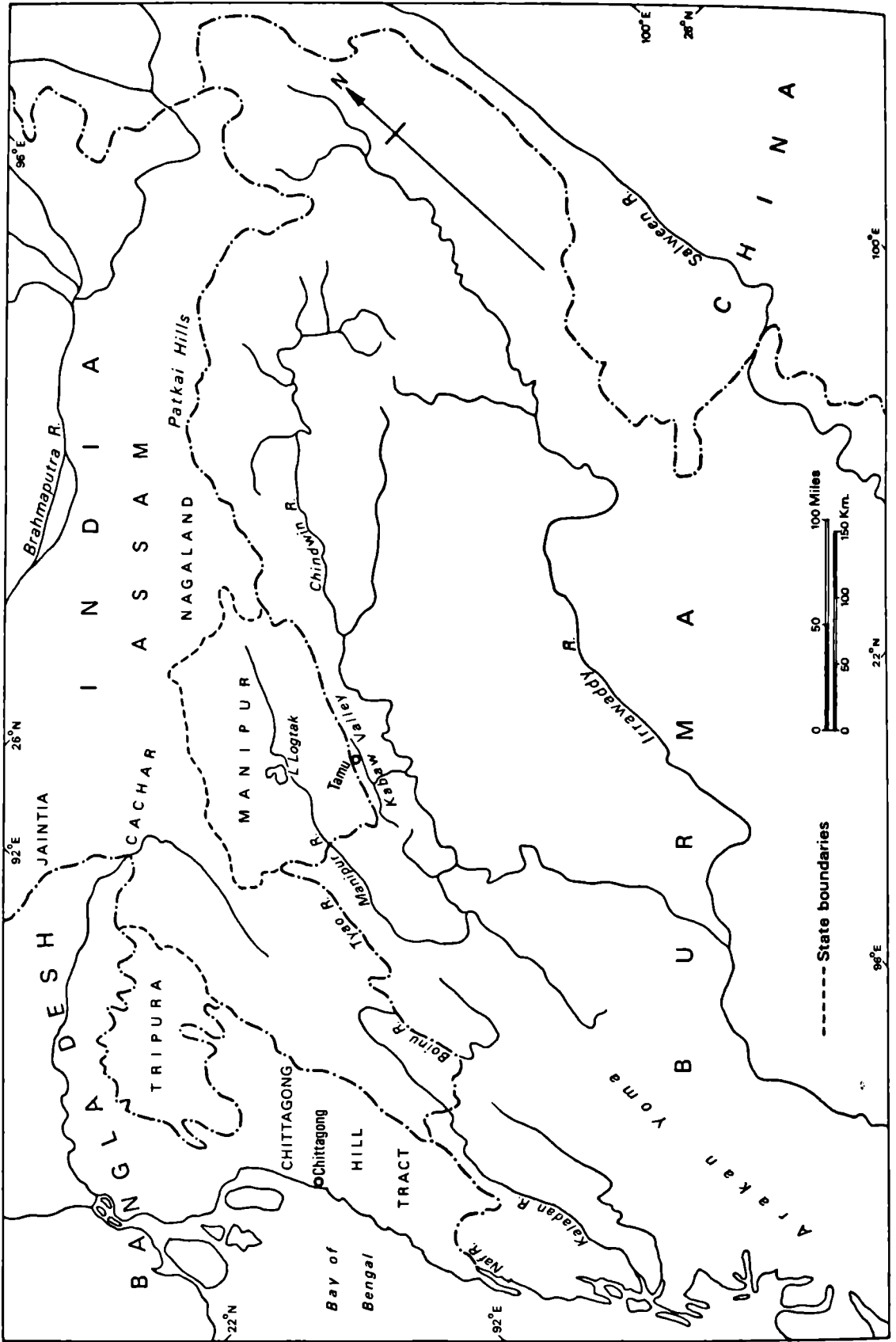
In 1797 there was a rebellion in Arakan against the Burmese overlords, and a number of Arakan refugees fled to Chittagong to seek the protection of the East India Company. The return of the refugees was demanded in a peremptory fashion, and was refused. The situation was repeated in 1811 during a second rebellion, when some of the Arakan people in Chittagong returned to Arakan to help in the struggle against the Burmese. In 1815 Burma began to claim Murshidabad in Bengal, and in 1823 Burma occupied Shahpuri island in the Naf estuary. Manipur had more than once solicited British aid in mediating during Burmese invasions, and when the last invasion occurred in 1819, several princes and citizens fled to Cachar. The Burmese pursued them there five years later. Burmese infiltration into Assam began after 1809 on the death of Kamaleswar Singh, and within a decade the Burmese were firmly established in eastern Assam. These incursions by Burmese forces into areas of prime concern to British authorities precipitated the war between Burma and Britain in March 1824, which was ended by the treaty of Yandabo in February 1826. The day after the war began Cachar was taken under the protection of Britain, and the Burmese were driven out of that state. Arms and money were then provided for the Manipur princes and they succeeded in reclaiming Manipur. In fact their attack created such momentum that they halted only after expelling Burmese forces from the northern part of the Kabaw valley.

By the second article of the treaty of Yandabo British authority was recognized in Assam, Cachar and Jaintia, and the independence of Manipur was asserted. By the third article Burma ceded the Arakan provinces, and the boundary between British and Burmese territory was fixed along the Arakan mountains. This was a vague line which allocated the plains east and west of the ranges to Burma and Britain respectively, but left the precise location of the boundary where it passed through the territory of the Lushai and Naga groups to be fixed later. The third article concluded by noting that any doubts about the line through the mountains would be settled by officers of equal rank from both governments.

The first clarification of the boundary was made in 1834. The Burmese government had protested vigorously against the injustice of Manipur's occupation of the northern Kabaw valley, and had requested the return of this valuable area. Bryce, who was an early European traveller in this area, gave some idea of its importance.

The Kubo valley is a great depression which extends for about 250 miles [402 kilometres] from north to south between the first and second of the great parallel ridges of the main chain. It varies in width from 10 to 20 miles [16 to 32 kilometres], and forms an almost level plain. At about latitude  $23^{\circ} 40'$  there is a slight east and west elevation which forms the watershed between the two sections of the depression. The two sections are drained by rivers, both of which have broken passages to the Kyendwin (Chindwin) through the dividing range. During the rains, owing to the very slight difference in level between the Kubo and Kyendwin valleys, and the extreme narrowness of the passages joining them, the water, especially in the southern part, rises to a great height in the inner valley, and there being no flow there is an immense deposition of alluvial matter. It is indeed clear, from the great depth of alluvium and absolute flatness of surface, that at no distant geological period the whole of this depression must have been a lake.

This Kubo valley is considered the richest portion of Upper Burma, the yield



Map 20. Burma's western boundary

of rice being said to be one-hundredfold. It was once populous, but owing to the long wars of Burma and Manipur, and to the raids of the Kheyms (hill people), it has now become in large part a jungle-covered wilderness. The chief towns, once large cities, now include within their walls only a few hovels (Bryce, 1886, p. 496).

The British authorities were apparently impressed with the validity of the Burmese claim and the advantage of making some contribution to good relations between the countries, because it was decided to return the Kabaw valley in 1834. Major Grant and Captain Pemberton were sent to arrange for the retrocession of this area to Burma in January 1834, and they signed an agreement, which did not bear any Burmese signatures. The first article specified that certain named towns would be returned to Burma, the most important of which was Tamu, as well as the Ungoching hills which define the valley on the east, and all the land up to the Chindwin river. By the third article the Burmese had to agree to respect boundaries pointed out by the British commissioners, which were defined in the fourth article. The lines were on the eastern and southern edges of Manipur. The southern boundary coincided with the Nansawing river as far as its source and then the latitude of this source to the Manipuri river. The eastern boundary followed the foot of the western wall of the Kabaw valley, and then continued due north to a ridge lying east of certain villages of the Loohooppa tribe, which were tributary to Manipur. This was not a precise line. Even accepting that the Kabaw valley's western edge occurs where the alluvium abuts on the sandstone slopes of the ranges, this would not be an easy line to find, and in any case it is a line which would move imperceptibly westwards through the normal processes of weathering and erosion. The final article of the agreement noted that neither side would interfere with the Khyen groups living on the opposite side of the boundary, which makes it clear that these groups in the northern section were divided by the line. This division led to difficulties, because the Khyens did not always know where the boundary was and moved across it as freely as before in quest of booty or trade. In an effort to make the line more obvious Colonel Johnstone resurveyed the 1834 line in 1881, but he received no co-operation from the Burmese in this work. A third survey was carried out in 1894 by Colonel Maxwell who placed thirty-nine beacons along this section. In fact the need for a precise boundary had been reduced by this stage since Britain had acquired the remainder of Burma in 1886, and the line was now an internal division of British India.

The boundary with Assam was defined in 1837 as lying along the Patkai range. This range forms the watershed between the rivers draining east and west; it has an elevation of between 8000 feet (2440 metres) and 12 000 feet (3660 metres), and becomes increasingly distinct towards its northern end.

These arrangements left one area of the boundary uncontrolled and undefined, and this was occupied by the Lushai, or as Bryce calls them, the wild Khyens. This area lay south of Manipur and Cachar, and east of Tripura and the Chittagong Hill Tracts, and it proved to be a refuge for the Lushai, who had been a persistent source of trouble and insecurity to the neighbouring areas of Manipur, Cachar, the Chittagong and Tripura hill areas, and Sylhet between 1826 and 1895. Aitchison (1909, 2, pp. 271-8) provides a detailed account of the various raids against British territory and the resulting punitive expeditions. The area was eventually pacified in 1895 and was immediately divided into a northern and southern section, which were placed under the control of Assam and Bengal respectively. The success of the campaign was partly due to support by British columns from the Burmese side, which caused great surprise amongst the Lushai, who had not previously faced a concerted action on all fronts.

It was judged necessary also to fix the eastern boundary of Lushai territory so that the Indian and Burmese areas could be conveniently governed. The officers concerned selected the rivers Tyao and Boinu which flow from opposite ends of a longitudinal valley about 150 miles (241 kilometres) long, before breaking out westwards to the Kaladan river. This was a clear line on the map, and an easy line to find on the ground. It maintained the general direction of the boundary to the south and north, and thus linked the gap between Chittagong and Manipur without deep salients in any direction. The section of the boundary between the source of the Tyao and the Manipur boundary was demarcated in the dry season of 1900-1.

It thus took 140 years for the boundary between British India and British Burma to be established, and three different processes were involved. The eastern boundaries of Chittagong and Manipur were traditional state boundaries, which had been fixed fairly closely, on the basis of comparative strength, before the period of British involvement. The boundary north of Manipur was agreed between the British and Burmese authorities, in the area where the mountain ranges were at their narrowest and highest, and where there were no large, well-organized, indigenous, political groups. Finally the section through Lushai territory, between Chittagong and Manipur, was drawn by British officers seeking a convenient administrative line so that British authorities in India and Burma would know the extent of their responsibilities.

This intercolonial boundary became an international boundary when India and Pakistan became independent in 1947, to be followed by Burma the following year. Burma has since made separate agreements with India and Pakistan to place their common boundaries beyond question. The principal problem associated with the Burma-Pakistan line concerned the estuary of the Naf. This tidal reach frequently changed shape and the position of the main navigable channel also altered. In 1959 Pakistan and Burma created a border commission to examine the problems of the common boundary (*Keesing's Archives*, 1959, p. 17 094). In 1964 there was agreement between the two states that the inherited fluctuating boundary on the river Naf should be permanently fixed (*Keesing's Archives*, 1964, p. 20 026), and this was done by the terms of the agreement of 1966. This was a comprehensive agreement, which fixed the boundary along the main navigable channel identified by a joint hydrographic survey, which stipulated that nationals of both countries should have equal navigation rights despite fluctuations in the course of the navigable channel, and which clarified the traditional land boundary. Now that Bangla Desh has succeeded Pakistan as Burma's neighbour it seems likely that the agreed international boundary will continue to be accepted by both sides.

The Indian-Burmese borderland has been the scene of continued tribal disturbances during and since the 1960s. This was due to two factors. First, the control of the Burmese state has been weak in this and other borderlands. Second, disaffection with Indian authority amongst the Naga and Mizo people has led to some attempts at secession. These groups have taken advantage of the rugged terrain, and the sanctuary afforded by related groups in the Burmese borderland, in waging their campaign for independence or local autonomy. In an effort to make the boundary more secure India initiated discussions with Burma to define the boundary completely. These discussions produced the 1967 boundary agreement which defined the traditional boundary in considerable detail. The only point of doubt in connection with this line is the northern terminus, which depends on Sino-Indian agreement about their common boundary. About 62 per cent of the 880 miles (1416 kilometres) of boundary follows water divides, while 33 per cent coincides with the median lines of streams or rivers. The remainder consists of straight lines connecting beacons erected in 1894 when the Manipur boundary was finally fixed. The final

demarcation has not yet been completed, but although the commissioners have the authority to vary the line slightly to secure a clear identification with physical features, there is no suggestion that the final demarcation will differ significantly from the delimited boundary.

### References

- Aitchison, C. U. (1909). *A collection of treaties, engagements and sanads, etc.* 13 vols, Calcutta.  
 Bryce, J. A. (1886). Burma: the country and people. *Proceedings of the Royal Geographical Society*, n.s., 8, pp. 481-501.  
*Keesing's Archives* (1959), 12; (1964) 14, Bristol.

## Peace Treaty, 24 February 1826

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### Article 1.

There shall be perpetual peace and friendship between the Honorable Company on the one part and His Majesty the King of Ava on the other.

### Article 2.

His Majesty the King of Ava renounces all claims upon, and will abstain from all future interference with, the principality of Assam and its dependencies, and also with the contiguous petty States of Cachar and Jyntia. With regard to Munnipoor it is stipulated, that should Ghumbheer Sing desire to return to that country, he shall be recognized by the King of Ava as Rajah thereof.

### Article 3.

To prevent all future disputes respecting the boundary line between the two great Nations, the British Government will retain the conquered Provinces of Arracan, including the four divisions of Arracan, Ramree, Cheduba, and Sandoway and His Majesty the King of Ava cedes all right thereto. The Unnoupec-toumien or Arakan Mountains (known in Arakan by the name of the Yeoma-toung or Pokhingloun Range) will henceforth form the boundary between the two great Nations on that side. Any doubts regarding the said line of demarcation will be settled by Commissioners appointed by the respective governments for that purpose, such Commissioners from both powers to be of suitable and corresponding rank.

### Article 4.

His Majesty the King of Ava cedes to the British Government the conquered Provinces of Yeh, Tavoy, and Mergui and Tenasserim, with the islands and dependencies thereunto appertaining, taking the Salween River as the line of demarcation on that frontier; any doubts regarding their boundaries will be settled as specified in the concluding part of Article third.

### Article 5.

[Burmese payment of indemnity]

### Article 6.

[Amnesty for persons involved in war]

Article 7.

[Exchange of representatives]

Article 8.

[Recognition and liquidation of debts]

Article 9.

[Equal treatment of British ships in Burmese ports]

Article 10.

[Adhesion of Thailand to the Treaty]

Article 11.

[Ratification and exchange of prisoners]

Largeen Meonja,  
    Woonghee.  
Shwagum Woon,  
    Atawoon.

Archibald Campbell.  
T. C. Robertson,  
    Civil Commissioner.  
Hy. D. Chads,  
    Captain, Royal Navy.

### Agreement regarding the Kubo Valley, 9 January 1834

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First. The British Commissioners, Major Grant and Captain Pemberton, under instructions from the Right Honorable the Governor-General in Council, agree to make over to the Moandauk Maha Mingyan Rajah and Tsarudangicks Myook-yanthao, Commissioners appointed by the King of Ava, the Towns of Tummao, Khumbab, Surjall, and all other villages in the Kubo Valley, the Ungoching Hills and the strip of valley running between the eastern foot and the western bank of the Ningtha Khyendwan River.

Second. The British Commissioners will withdraw the Munnipooree Thannas now stationed within this tract of the country, and make over immediate possession of it to the Burmese Commissioners on certain conditions.

Third. The conditions are, that they will agree to the boundaries which may be pointed out to them by the British Commissioners, and will respect and refrain from any interference, direct or indirect, with the people residing on the Munnipooree side of those boundaries.

Fourth. The boundaries are as follows:

1. The eastern foot of the chain of mountains which rise immediately from the western side of the plain of the Kubo Valley. Within this line is included Moreh and all the country to the westward of it.

2. On the south a line extending from the eastern foot of the same hills at the point where the river, called by the Burmahs Nansawing, and by the Munnipoorees, Numsaung, enters the plain, up to its sources and across the hills due west down to the Kethe'khyang (Munnipooree River).

3. On the north the line of boundary will begin at the foot of the same hills at the northern extremity of the Kubo Valley, and pass due north up to the first range of hills, east of that upon which stand the villages of Choatao Noanghue, Noanghur of the tribe called by the Munnipoorees Loohooppa, and by the Burmahs Lagumsauny, now tributary to Munnipoor.



Fifth. The Burmese Commissioners hereby promise that they will give orders to the Burmese Officers, who will remain in charge of the territory now made over to them, not in any way to interfere with the Khyens or other inhabitants living on the Munnipoor side of the lines of boundary above described, and the British Commissioners also promise that the Munnipoorees shall be ordered not in any way to interfere with the Khyens or other inhabitants of any description living on the Burmah side of the boundaries now fixed.

F. J. Grant, Major,  
R. B. Pemberton, Captain,

Sunnyachil Ghat, Ningthee,  
9 January 1834.

### Treaty, 10 March 1967

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#### *Boundary Description*

The southern extremity of the India-Burma boundary is about  $\frac{1}{4}$  mile south of the triangulation station Reng Tlang. From this point the boundary runs in a general northeasterly direction along the divide separating the waters of the Tpichong from those of the Kola Chaung or Sekul Lui to a point just west of the source of a nameless feeder of the Varang Lui; thence in an easterly direction down the midstream of this nameless feeder to its junction with the Varang Lui; thence down the midstream of the Varang Lui to its junction with the Kola Chaung or Sekul Lui; thence up the midstream of the Kola Chaung or Sekul Lui to its junction with the Zocha Lui; thence up the midstream of the Zocha Lui to its source on the Samang Range; thence across the range to the source of the Samak or Kwiman Lui; thence down the midstream of the Samak or Kwiman Lui to the Kaladan River; thence across the Kaladan river to the mouth of the Khanzza Lui and up the midstream of the Khanzza Lui to its source in the Kaisi Tlang range; thence southwards along the range of the Kaisi Tlang to the source of the Rale (Shweleik) Lui, thence down the midstream of the Rale (Shweleik) Lui to its junction with the Sala Lui; thence up the midstream of the Sala Lui to its junction with the Khenkhong (Kaikheu) Lui to a point on the Pathian Klang range approximately 700 yards north of height 4146; thence generally northwards along this range to the source of the Para Lui and down the midstream of the Para Lui to its junction with the Tisi Va or Mi Chaung; thence up the midstream of this river to its junction with the Kimung Va or Kheimu Lui; thence up the midstream of the Kimung Va or Kheimu Lui to its source in the Kashia Klang; thence generally southwards along the crest of the Kashia Klang to the source of the Raphu Va; thence down the midstream of the Raphu Va to its junction with the Boinu or Tuipui river, thence down the midstream of the Boinu or Tuipui river to its junction with the Tyao or Tio Va River; thence up the midstream of the Tyao or Tio Va river to its source on a saddle marked by Boundary Pillar No. 3  $\frac{L}{CH}$ ; thence across that saddle to the source of the Bapi Va and down the midstream of the Bapi Va to its junction with the Timang Va or Tulumang river; thence down the midstream of the Timang Va or Tulumang river to its junction with the Tuisa river; thence down the midstream of the Tuisa river to its junction with the Tuivai river; thence up the midstream of the Tuivai river to its junction with the Tuikui stream; thence up the midstream of the Tuikui stream to its source below

Boundary Pillar No. 8 situated on a saddle about 4½ miles east of Lunglen Hill. From Boundary Pillar No. 8 the boundary runs down the midstream of a nameless feeder of the Tuimong Lui to its junction with the Tuimong Lui; thence down the midstream of the Tuimong Lui to its junction with the Tuivel river, thence up the midstream of the Tuivel river to its junction with the Tuinuam Lui; thence up the midstream of the Tuinuam Lui to a saddle where Boundary Pillar No. 7 is located; thence down the midstream of Paiphum Lui; thence up a ridge; thence eastwards down the ridge to the midstream of a nameless stream to its junction with the Tuival Lui and thence down the midstream of the Tuival Lui to its junction with the Sumtui Lui, thence up the midstream of the Sumtui Lui to its source on Leng Tang range where Boundary Pillar No. 6 is located; thence in an easterly direction down to a nameless feeder of the (Tuita) Tuitha or (Kuga) Khuga river; thence down the midstream of this feeder to its junction with the (Tuita) Tuitha or (Kuga) Khuga river; thence up the midstream of the (Tuita) Tuitha or (Kuga) Khuga river to its junction with the Chalao Lam or Chika stream; thence along the midstream of this stream; up a ravine to Boundary Pillar No. 5; then down the midstream of the Yangkai Lok to its junction with the Manipur river; thence northwards up the left bank of the Manipur river to its junction with the Yangkung Lui; thence up the midstream of this stream to its source marked by Boundary Pillar No. 3; thence generally north-eastwards to height 7582; thence generally eastwards along the watershed between the tributaries of the Manipur River on the one hand and the tributaries of the Chindwin River on the other hand to the source of the Khengyoi Dung and marked by Boundary Pillars 2 and 1; thence down the midstream of the Khengyoi Dung and the Tuisa Dung to Boundary Pillar No. 39 on the left bank of the Tuisa Dung; thence generally eastwards for approximately 400 yards along the left bank of the Tuisa Dung; thence northwards up the midstream of a nameless feeder to Boundary Pillar No. 38 on Nat Taung Hill; thence generally northwards down the slope of the hill to a ravine; thence generally eastwards along the bed of the stream to where Boundary Pillar No. 37 is located; thence in a general northerly direction to Boundary Pillar No. 36 and thence in the same direction to Boundary Pillar No. 35 situated on the right bank of the Auktaung Chaung; thence down the midstream of the Auktaung Chaung to Boundary Pillar No. 34 on the left bank of the Auktaung Chaung; thence in a northerly direction to Boundary Pillar No. 33 located on the left bank of the Tiwan Lam or Tuiwang Dung thence in a north-northeasterly direction to Boundary Pillar No. 32 located on the right bank of the Tiddim Dung or Naneka Chaung; thence in a north-northeasterly direction to Boundary Pillar No. 31; thence in a north north westerly direction to Boundary Pillar No. 30; thence in a northeasterly direction to Boundary Pillar No. 29 located on the left bank of the Rangkep Lok thence down the midstream of the same stream for a distance of approximately one mile to Boundary Pillar No. 28 also located on the left bank of the Rangkep Lok; thence in a north-easterly direction to Boundary Pillar No. 27; thence in a northerly direction to Boundary Pillar No. 26 located about 500 yards from the right bank of the Pantha Chaung; thence in a northerly direction to Boundary Pillar No. 25 located on the left bank of the Nanpalaung Chaung; thence in a northeasterly direction to Boundary Pillar No. 24 located about 400 yards from the left bank of the Chaungngyinaung Chaung; thence in a northerly direction to Boundary Pillar No. 23 located on the right bank of the Lokchao River or Chaunggyi Chaung; thence down the midstream of this river for about a mile to Boundary Pillar No. 22; thence in a north-northeasterly direction to Boundary Pillar No. 21; thence in the same direction to Boundary Pillar No. 20 located

on the right bank of a tributary of the Chaunggyi Chaung; thence in the same direction to Boundary Pillar No. 19 located approximately 1 mile southeast of Laiching peak trigonometrical station; thence in a northerly direction to Boundary Pillar No. 18 located on the right bank of the Namjet Lok; thence in an easterly direction to Boundary Pillar No. 17; thence in a northeasterly direction to Boundary Pillar No. 16 located about 700 yards from the south bank of the Waksu Lok or Wetyu Chaung; thence in a northwesterly direction to Boundary Pillar No. 15 on the left bank of the Waksu Lok or Wetyu Chaung; thence in a northeasterly direction to Boundary Pillar No. 14; thence in a northerly direction to Boundary Pillar No. 13 located about half a mile south of the Tuiyang or Nantisin Chaung; thence in a northwesterly direction to a Boundary Pillar No. 12 located on the left bank of the Tuiyang or Nantisin Chaung; thence in a northeasterly direction to Boundary Pillar No. 11; thence in a northerly direction to Boundary Pillar No. 10 located on the right bank of the Taret River or Nantalet Chaung; thence due east to Boundary Pillar No. 8 located on the right bank of the Yu river; thence across the Yu river to Boundary Pillar No. 7 which is located on the left bank of the Yu river opposite Boundary Pillar No. 8; thence in a northeasterly direction to Boundary Pillar No. 6; thence in the same direction to Boundary Pillar No. 5 which is located almost north of height 1192; thence in a north-northeasterly direction to Boundary Pillar No. 4 located on height 1226; thence in a northerly direction to Boundary Pillar No. 3; thence in a north-northwesterly direction to Boundary Pillar No. 2 located on the right bank of a tributary of the Saga Chaung; thence in the same direction to Boundary Pillar No. 1 located on the left bank of the Saga Chaung. Thence in a northeasterly direction for a distance of approximately 2500 yards; thence in a south-easterly direction for approximately 1100 yards; thence in a northeasterly direction for approximately 700 yards; thence in a northerly direction for approximately 1000 yards; thence in north-easterly direction for approximately 1200 yards to a point on the right bank of a tributary of the Nam A-ya; thence down the midstream of this stream for about one mile; thence in a southeasterly direction for approximately 1000 yards; thence in a northeasterly direction for approximately 700 yards; thence in an easterly direction for approximately 1000 yards to a point on the right bank of the Tinaing Chaung; thence up the midstream of the Tinaing Chaung to its source; thence across the ridge, where it crosses a track going from Mankpur to Burma, thence to the source of the Pangero or Hpinngge Chaung starting from the north face of the ridge, thence down the midstream of this chaung to its junction with the Khunou Khong; thence down the midstream of this stream to its junction with the Sana Lok and thence along the midstream of the Nam Panga to the point where the main spur of the Kassom range (Lahinpi Taung) meets this river.

From the above point where the main spur of the Kassom range (Lahinpi Taung) meets the Nam Panga, the boundary proceeds along this spur generally in a north-northeasterly direction till it meets the trigonometrical station Mawlashin Taung; thence generally northwestwards, then northeastwards and then northwards along the watershed between the Sana Lok in the West and the Nam Panga, Nam Tagin, Nam Mawngkhkam and Nam Hka streams in the east, passing through trigonometrical station Thyoliching (Kan pal Mol) and peak Hting Hting Bum; thence in a general northwesterly direction along the same watershed to trigonometrical station Hyakam Bum; thence in a general northwesterly direction along the watershed between the Tuikang stream and the Tizu river in the west and the Nam Hka and the Nam We or Shwezalon Chaung in the east to height 7870; thence in a general north-northeasterly direction along

the same watershed to a point approximately 1000 yards southeast of height 8256; thence in a general northeasterly direction to Peak Mol Len (Kasulum Bum); thence generally southeastwards, then eastwards and then northeastwards along the same watershed to peak Dazipfu (Shiloi Mol); thence down the midstream of the Petamtsi Ti to its junction with the Ti-Ho or Nantaleik or Tizu river; thence up the midstream of this river for about two miles to its junction with a nameless tributary of the Ti-Ho or Nantaleik or Tizu river flowing from the northeast; thence in the midstream of this nameless tributary to its source near peak Chaku Mol; thence in a northeasterly direction along the watershed between the Ti-Ho or Nantaleik or Tizu river and the Zungki river in the west and the Chilachi Chaung, a tributary of the Latnyu He or Nantaleik or Sawmalin Chaung, the Kundwin He-mu or Mya Chaung, and the Nam Salein or Charing Hka in the east to peak Saramati (Nwemauktaung or Kaiwanyu Kyein); thence in a general northerly direction along the same watershed to height 10 003; thence in a general northeasterly direction along the same watershed passing through peak Mataungse Kyein to height 11 029 thence in a general northwesterly direction along the watershed between the Chokla Lu, the Langnyu river and the tributaries of the Brahmaputra River in the West and the tributaries of the Chindwin River in the east to height 8790; thence in a general northerly direction along the same watershed to height 8650; thence in a general northeasterly direction along the same watershed to height 9848; thence generally northwestwards and then northwards and then northeastwards along the same watershed which is known as Patkai Range, passing through trigonometrical stations 7912 and 5268 to trigonometrical station 8511; thence generally northeastwards, then northwards, then northeastwards, and then southeastwards along the same watershed to height 8203; thence in a general northeasterly direction following the watershed between the Brahmaputra and the Chindwin river systems along the Patkai Bum, passing through height 8029 and peak Pungkang to height 7489; thence generally southeastwards along the same watershed to peak Longsip; thence generally northeastwards along the same watershed passing through heights 7578, 7041 and 7340 to peak Ranglung Kan; thence generally eastwards along the same watershed to peak Okhutohap; thence generally northeastwards along the same watershed passing through heights 6257 and 5959 to trigonometrical station Maium (Patkai Bum); thence generally northeastwards, then eastwards and then southeastwards following the watershed between the Brahmaputra and the Chindwin river systems along the Patkai Bum to peak Shawngshan Bum; thence along the watershed between the Irrawaddy and the Brahmaputra river systems to its northern extremity, the exact location of which northern extremity will remain provisional pending its final determination.

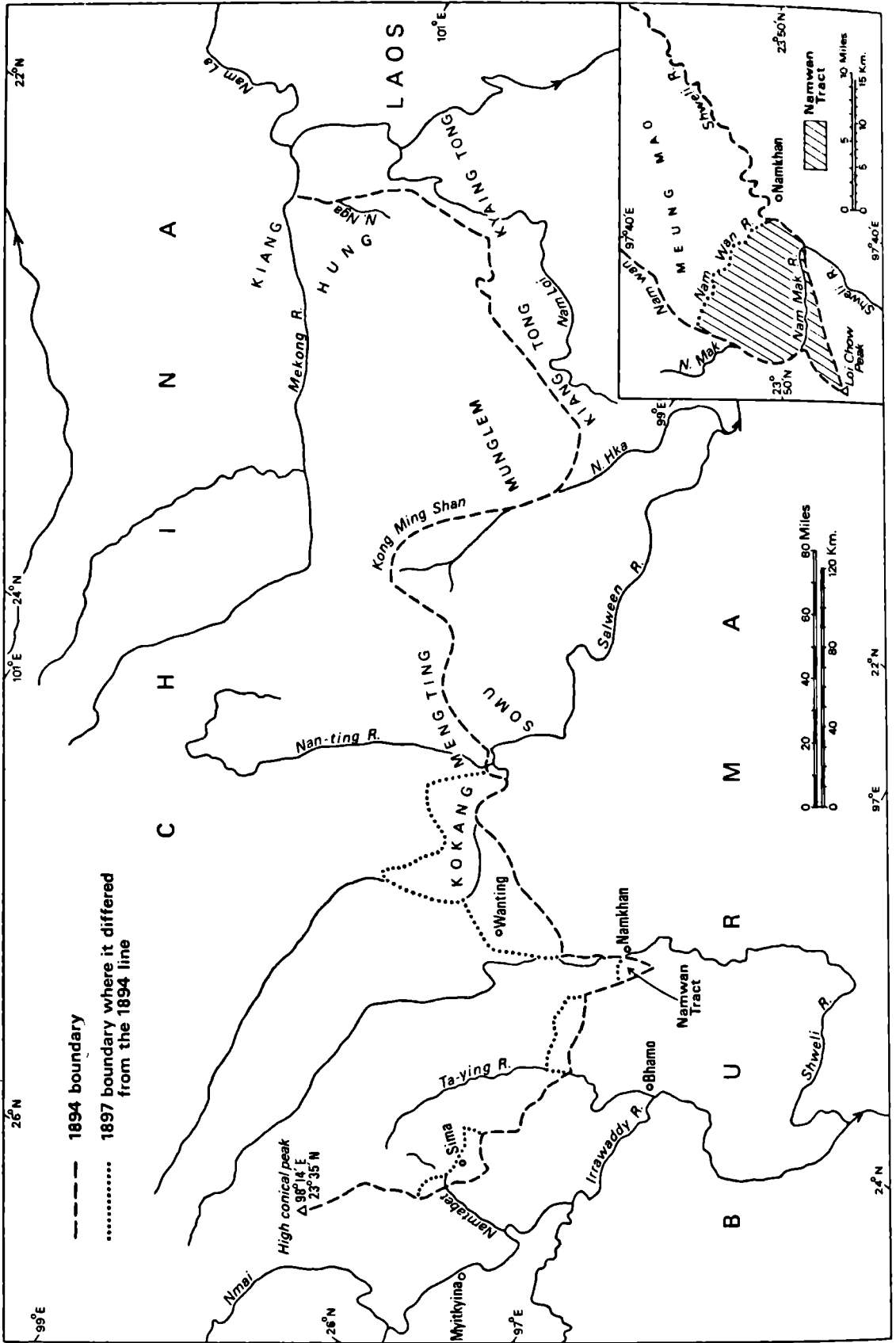
## The Boundary between China and Burma

The Sino-Burmese protocol of 13 October 1961 provides a complete definition of the boundary between these two states from the tri-junction with Laos to the tri-junction with India. With only two significant exceptions, involving 132 square miles (342 square kilometres), the present boundary follows the previous Sino-Burmese boundary, sections of which were established in three Sino-British treaties of 1894, 1897 and 1941, in the Tibetan-British Exchange of Notes in March 1914, and by *de facto* British and Chinese occupation. The 1960 treaty, on which the protocol is based, only refers specifically to the 1941 Sino-British treaty, although there are references to the courses of certain rivers 'as at the time when the boundary was demarcated in the past'. It is plainly the Chinese view that the current boundary does not take its course because of certain treaties concluded with an imperial power in the past, but because this is an acceptable boundary to two independent Asian countries.

In tracing the connection between previous boundaries and the present line it is useful to distinguish two sections. North of 'the high conical peak', which was first mentioned in the 1894 treaty, and which also appears in the present treaty, there was no formal agreement between Britain and China governing the location of the boundary. South of this peak there were three successive treaties negotiated by Britain and China which defined the line closely; and this line was demarcated.

It is difficult to know exactly how the high conical peak was selected, since at no stage has it been given a name. The peak was located in the 1894 and 1897 treaties at 98° 14' east and 25° 35' north. It is quite certain that when this peak was first selected, it lay north of territory permanently and effectively controlled by Britain. It lies about 12 miles (19 kilometres) north of the latitude of Myitkyina which was created as a new administrative headquarters in 1895. Twenty years later British authority only stretched 27 miles (43 kilometres) north of Myitkyina (Tinker, 1956, p. 334). The peak was possibly selected from a map based on a survey of the upper Irrawaddy by Elliott in 1890-1 (Walker, 1892, p. 205), which shows a prominent conical peak at 98° 14' east and 25° 37' north. This is the most northerly peak recorded on the watershed between the Nmai and Ta-ying rivers, and Elliott's map corresponds exactly with the topographic detail shown on a map produced by the surveyor-general of India to illustrate the 1894 convention (Cmd 7547, 1894).

British authorities sought to round out their Burmese territory, and at the same time make it conterminous with India, by claiming the Irrawaddy basin. This basin, north of Bhamo, was not an area which had attracted the Burmese rulers; in fact they had used Mogaung, 30 miles (48 kilometres) west of Myitkyina, as a penal settlement where persons out of favour were banished. The catchment had not been



Map 21. The Sino-Burmese boundaries of 1894 and 1897

thoroughly explored and the Chinese were concerned that the rivers claimed might extend into Chinese Tibet (Tinker, 1956, p. 335). At the time of Elliott's survey in 1890 it was still considered possible by some authorities that the river Lu, which rose in Tibet, was the source of the Irrawaddy and not the Salween (Walker 1892, pp. 172-3; Walker, 1887). It must be doubted, however, whether this was an important factor. Elliott (Walker, 1892, p. 172) correctly explained the greater flow of the Irrawaddy by the fact that its catchment in the humid areas south of the main east-west watershed was much greater than the similar catchment of the Salween. In a remarkably accurate prophecy Elliott then predicted that explorers would not have to look north of latitude  $28^{\circ} 30'$  north for the source of the Irrawaddy. The most northerly point on the Sino-Burmese boundary which follows the Irrawaddy watershed is exactly at that latitude. Ten years earlier Sandeman (1882, p. 266) had estimated that the Irrawaddy rose about latitude  $28^{\circ}$  north. It is hard to imagine that if British sources were correct in their impressions of the area's hydrography, the Chinese, whose soldiers and traders had penetrated much of the area, would be in serious doubt. It seems much more likely that the Chinese refused to agree on a boundary in this area because they were aware that British authorities would not accede to their claims. There was no pressure on China to draw a firm boundary in this region because any infiltration was by Chinese towards the Irrawaddy. This is noted by Elliott.

Much of this opposition can be traced to Chinese influence; all along the frontier, from here down to Bhamo, the Chinese traders have acquired a preponderating influence, and they strongly object to any attempts to gain information about the country, as they look upon this as a preliminary to the country being opened up, which they are much averse to, fearing it may damage their trade prospects by introducing competition, or leading to the imposition of taxes, or to the suppression of smuggling which at present thrives unmolested. These Chinese traders belong to large and powerful syndicates and are generally wealthy men; they are most lawless in their ideas and snap their fingers at all authority. The Chinese officials just over the frontier either play into their hands or are treated as mere dummies. The traders can afford to pay the Kachins well for allowing them to pass through their country on the way to and from the mines, and thus acquire great influence over the Kachins and can more or less dictate their policy to them. The whole of the range on which Ningrong is situated belongs to the Sadon and 'Szi tribes, who are both distinctly unfriendly to us. They are powerful tribes, but the 'Szis seem to be gradually assimilated by the Chinese, who are steadily pushing their way into the country drained by the Irawadi, which properly belongs to Burma. The constant intertribal feuds among the Kachins render the task of the Chinese a comparatively easy one; whichever side is espoused by the Chinese must win the day and be afterwards dependent on their goodwill for its retention of the supremacy (Walker, 1892, pp. 167-8).

It is also possible that the need for a negotiated boundary in this area was considered less urgent by Britain, because the boundary they sought coincided with the grain of the country. South of the conical peak the boundary had to traverse a series of longitudinal valleys, whereas north of the conical peak the boundary followed a continuous watershed as far as Indian territory. British authorities lost no opportunity of reminding the Chinese government of British views about the boundary. In 1898 British authorities demanded the withdrawal of Chinese troops from the Nmai river valley, and the Chinese authorities eventually acknowledged that instructions had been sent accordingly to the viceroy of Yunnan (Tinker, 1956, p. 336). A year later British forces evicted some Chinese troops from Hpare, a Lisaw village west of the Salween-Irrawaddy watershed. Negotiations continued fitfully for some years, but without definite result. A British post was established at Putao in 1914;

and the Hu Kawng valley and the hills between the Nmoi and Mali rivers were occupied between 1925 and 1927.

The British government may have also thought that their position was strengthened by the Simla convention of 1914 which involved Chinese, Tibetan and British negotiators and produced the renowned McMahon Line. This line was originally agreed between the Tibetan and British delegates on 24 March 1914 (Lamb, 1966, 2, ch. 16). This line, which defined the Indo-Tibetan border from the Isu-Razi pass to Bhutan, was marked on maps attached to the Exchange of Notes. These maps were on a scale of 1:500 000. Copies of the two sheets concerned have been published by the Chinese authorities, at half scale (Foreign Languages Press, 1962, map 6). This line was incorporated in the map initialled by the three delegates on 27 April 1914, which also showed the boundary between Inner and Outer Tibet, and between Outer Tibet and China (India, Ministry of Information and Broadcasting, 1963, map 15). According to Lamb this map was on a scale of 1:3 800 000. Certainly the McMahon Line appears in a much more generalized form than portrayed in the maps attached to the Exchange of Notes in March 1914. Lamb (1966, 2, p. 550) refers to the Isu-Razi pass as being the Burmese-Tibetan-Chinese tri-junction, but in fact this point is not shown as the tri-junction in the April map. The tri-junction is shown about 72 miles (116 kilometres) northwest of the pass, according to measurements made on the March map. However, what is important is the possibility that the British authorities in Burma may have considered that the northern end of their boundary with China was fixed, leaving a gap of 144 miles (232 kilometres) measured in a straight line between the high conical peak and the Isu-Razi pass. In the 1960 Sino-Burmese settlement the Chinese authorities accepted the alignment of the eastern section of the McMahon Line. In doing this they did not transfer the actual line to modern maps, but they apparently interpreted the line in respect of the hydrology shown on the March map, and drew it on the modern map in terms of the present pattern of rivers.

The boundary south of the high conical peak divides a borderland with characteristics which made a firm boundary more desirable than in the northern section, and made that boundary harder to draw. The ridge which the northern boundary follows belongs to the Himalayan pattern in being high, steep and continuous. The ridge southward from the high conical peak only extends for another 88 miles (142 kilometres) and becomes progressively lower as it approaches the Ta-ying river. Between the Ta-ying and Mekong rivers the boundary traverses the comparatively low Yunnan plateau, where elevations in the vicinity of the border rarely exceed 2000 metres, compared with the common heights of 3400–4000 metres of the northern ridge. This so-called Yunnan plateau has been carved into a confusing pattern of isolated massifs and low ridges, separated by the broad valleys of rivers such as the Shweli, Nan-ting, Salween, Nam-Lam, Nam Loi and Mekong. These valleys, which are often less than 600 metres above sea level, provide opportunities for intensive, settled farming, and migrations along north–south avenues. Thus this borderland had a much higher population density than the northern section, and in addition the population included a number of different ethnic groups which had intermingled in a complex pattern. Clearly the risks of a clash between British and Chinese interests were greater in this zone, but the problems of disentangling the pattern of political loyalties were correspondingly greater. The first boundary drawn in 1894 reflected the problems faced by the negotiators. Along the ridge, south of the high conical peak, as far as the river Shweli, the boundary was described with considerable precision, as being coincidental with various streams, rivers, watersheds and villages. Between the Shweli and Salween rivers, a distance of 45 miles (72 kilometres), only the general trend of the line was defined as well as its approximate intersection with the Salween. Between the Salween and Mekong rivers, a



distance of at least 250 miles (402 kilometres), 190 miles (306 kilometres) of the boundary were defined by the political boundaries of indigenous political organizations, such as Kyaing Tong and Munglem, which were stated to be well known locally. This type of definition in principle, to allocate these political, ethnic groups, reveals a desire on the part of the negotiators to avoid any rupture of the indigenous political pattern, but it also reveals a lack of detailed knowledge about the precise location of these local boundaries.

The 1894 convention about the boundary resulted from the third article of the 1886 convention, which noted that 'the frontier between Burma and China is to be marked by a Delimitation Commission'. In preparing for the eventual negotiations British authorities had despatched missions into the borderland. In forwarding two of the reports prepared after expeditions the chief commissioner of Burma wrote to the Indian government in the following terms.

Both reports are full of interest and throw much light on a country hitherto unexplored. It is satisfactory to find that the Chinese frontier from the Salween to the Mekong is already fairly well known and should give rise to no great difficulty when the matter of the formal recognition of the boundary comes under discussion. It is apparently only with regard to the States of Meunglem and Kianghung that any question of importance is likely to arise (quoted in Mangrai, 1965, p. 286).

In the negotiations which lasted from September 1892 until February 1894 the main discussion concerned the possession of Bhamo and Myitkyina; Britain being determined to secure these gateways to the upper Irrawaddy valley. Indeed, according to Harvey (1932, p. 21), the British delegates were instructed to treat Kiang Hung, Munglem, Kokang and Somu as makeweights. Two pieces of advice had been forwarded by the various mission leaders regarding Munglem and Kiang Hung, which were acknowledged in the 1894 convention to have owed allegiance to both Burma and China. Scott (Mangrai, 1965, p. 279) suggested that Kiang Hung and Munglem should be formed into a Sino-British condominium on the grounds that both states had rights there, that the borders were clearly defined, that the area was potentially prosperous, and that such a settlement would strengthen British control in the Shan states to the south and west and frustrate French intrigues in Thailand and Laos. Daly and Warry advised against any condominium. They considered that Munglem should only be retained if it could be established that the area contained valuable mineral deposits; if it was not retained its concession should win benefits elsewhere. In respect of Kiang Hung both men recommended that advantage should be taken of disunity amongst the sub-districts to dissect the state at the Mekong, leaving the western areas to Britain and the eastern areas to China. In the final discussions British authorities rejected both suggestions and followed instead the recommendation of the government of India which was to cede Munglem and Kiang Hung to China on the understanding that China would not cede any part of those areas to any other state without British agreement. This suggestion formed the basis of the fifth article of the 1894 convention. It became a crucial article because China was forced by France to cede part of Kiang Hung and this afforded Britain the opportunity of demanding revision of the Sino-Burmese boundary. This must have pleased the British authorities which had been criticized from various quarters over the 1894 line. An Indian intelligence officer stated that 'from a military point of view the boundary is the worst that could have been selected' (Davies, 1894, p. 6). The four corrections made to the boundary by the 1897 agreement were all located west of the Nan-ting river.

In the region of Sima Britain gained 175 square miles (453 square kilometres) in the upper valley of the Namtabet river. This provided a boundary which was easier

to defend, and more clearly marked than its predecessor. A similar area was ceded to Britain between the Ta-ying and Nam Wan rivers. The area included productive, level sections of the two river valleys and a large portion of the ridge which separates them. This was an improvement in strategic terms over the earlier line. Between the Shweli and Nan-ting rivers Britain secured 1300 square miles (3366 square kilometres) which included Wanting and the entire state of Kokang. The alteration gave Britain a pronounced salient up the Salween river which offset the small Chinese salient between the Namwan and Shweli rivers, and which made the northern Shan states more easily defensible.

The fourth correction involved the Namwan tract, a triangular area of 85 square miles (220 square kilometres) bounded by the Namwan, Nam Mak and Shweli rivers. In the 1894 convention the first article had given British subjects and British troops the right to pass through the area on the direct road between Bhamo and Namkhan, and Britain was authorized to maintain the road if this was considered desirable. By the second article of the 1897 convention the British rights were increased at the expense of Chinese rights, so that British authorities exercised all control in the area while China was prohibited from exercising any jurisdiction or authority there. The area was to remain nominally Chinese and a rent would be paid by Britain.

Apart from the four cases where the boundary was altered the 1897 convention described the boundary in the same language as the 1894 convention. The 1897 convention revealed the same desire to avoid the division of coherent ethnic groups. In addition to naming certain tribal states, such as Somu and Kiang Tong which were to be preserved intact, and certain small ethnic groups, such as the Szis and Kumsas, which were not to be divided, the amended sixth article stipulated that if strict adherence to the line described threatened to intersect any districts, tribal territories, towns or villages, the demarcation commissioners were empowered to vary the line on the basis of mutual concessions.

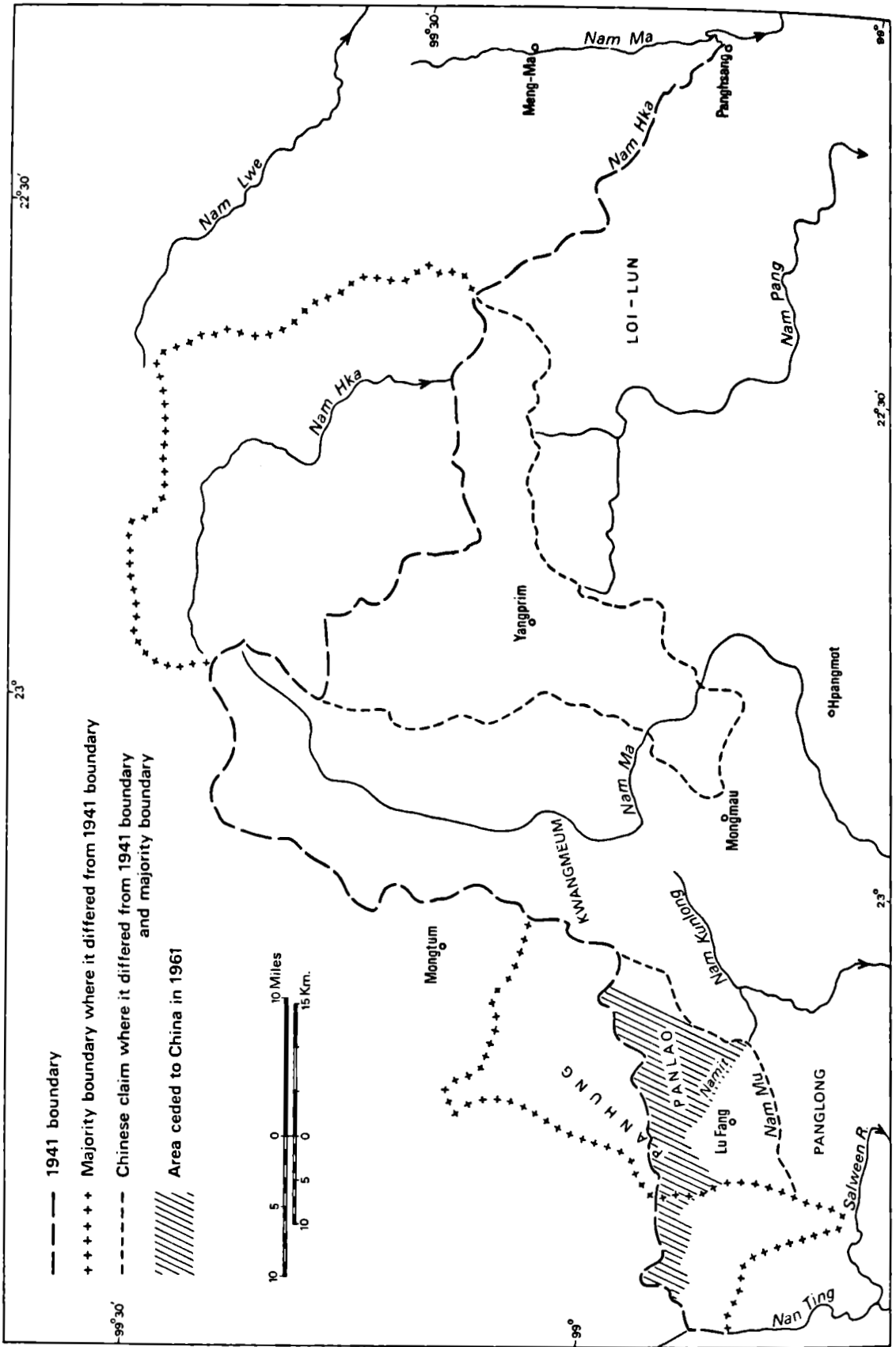
Apart from about 120 miles (193 kilometres) between the Nan-ting and Nam Hka the boundary defined in the 1897 convention was demarcated in three sections between 1897 and 1899. The boundary from the high conical peak to the river Ta-ying was completed in the cool season of 1897–8, but disagreement about the interpretation of certain terms in the convention prevented any further progress. In the following winter two other sections of the boundary were marked. The first connected the terminus of the previous season on the Ta-ying river with the Nan-ting; the second linked the Nam Hka and the Mekong. This left the 160-mile (257-kilometre) gap through the Wa states between the Nan-ting and Nam Hka for which no agreement was possible. The boundary in this section was to be drawn through the frontier between Somu and Meng Ting, along the water-parting of the Salween and Mekong rivers, and a range called Kong Ming Shan in about longitude  $99^{\circ} 35'$  east. It is scarcely surprising that there was disagreement about this section. When the matter was considered by a League of Nations commission in 1935, the discussions and claims produced a welter of lines as much as 25 miles (40 kilometres) apart in certain sections. Toller, who served with this joint commission, described the problem in the following terms:

the difficulty was rather an excess of definition. The treaty defined the frontier not only in physical terms (generally speaking as the watershed between the Salween and the Mekong), but also in political terms, assigning the territories of certain local rulers to China or to Burma. Unfortunately however the two lines did not coincide. The territories of the chiefs would spill over the watershed; moreover they were fluctuating and ill-defined, and were further complicated by the fact that some areas might owe a form of allegiance, indicated by the periodic payment of tribute, to two or three rulers at once (Toller, 1949, 1, p. 4).

The Iselin commission, named after the Swiss colonel who led it, produced its report and accurate maps of the area between December 1935 and April 1937, but agreement between China and Britain based on the report was not secured until 18 June 1941, by which time it was too late for a joint demarcation team to mark the boundary in the landscape. The maps accompanying the Iselin report showed nine boundaries (UNTS, 1947, p. 232). There were three important lines: the boundary agreed by the majority of the commission as representing the 1894 line, and the diversions from this suggested by the British and Chinese delegates. If the line agreed on by the majority of commissioners, recognizing that the majority was sometimes Chinese and neutral and sometimes British and neutral, is compared with the final line agreed on by Britain and China, one clear point emerges. Britain gained 70 square miles (181 square kilometres) through the agreed boundary lying east of the majority line, while China gained 546 square miles (1414 square kilometres) through the agreed line lying west of the boundary agreed by the majority of commissioners. At the time this was considered of greater commercial than strategic advantage, because this area is known to be heavily mineralized. While Britain had secured the area around Lu Fang, which contained old Chinese silver mines, China was granted the right to participate in mining ventures in a designated area on the eastern slope of the Lu Fang ridge, provided Chinese equity did not exceed 49 per cent.

Thus when Burma became an independent state the Sino-Burmese boundary was defined in a number of different ways. North of the high conical peak as far as the Isu-Razi pass there was a stretch about 144 miles (232 kilometres) long which was not defined by any document, but which was observed as a *de facto* boundary by both sides. The remaining northern section to the Sino-Burmese-Indian tri-junction was marked clearly on a map agreed by British and Tibetan representatives, and rather generally on a map initialled by those delegates and the Chinese representatives at the Simla talks; no Chinese government has ever recognized these documents as valid or binding. South of the high conical peak most of the boundary was defined by the 1894 and 1897 conventions and these sections had been demarcated. The remaining section of about 160 miles (257 kilometres) was defined in the 1941 Exchange of Notes, but was not demarcated. Both sides had extraterritorial rights in small areas of the other state. Burma had absolute control of the Namwan Assigned Tract, and China had the right to participate in mining ventures on the eastern slopes of the Lu Fang ridge. This was the position at the beginning of the Sino-Burmese discussions to settle the boundary finally.

Whittam (1961) has carefully reconstructed the events leading to the Sino-Burmese boundary agreement. Burma was one of the first countries to recognize the People's Republic of China, and the question of a final settlement of the boundary was raised by the Burmese authorities soon afterwards. However, the Chinese government was too concerned with domestic matters at that time. Between 1953 and mid-1956 Burmese troops, operating in the borderland against Kuomintang forces, encountered Chinese communist soldiers in what was considered Burmese territory. Requests to Peking for the removal of these units revealed the dissatisfaction of Chinese leaders with the existing boundary, and the Burmese authorities were left in no doubt that rectification of the boundary would be expected. According to Whittam (1961, p. 178), the first tangible proposal was made by the Chinese. They offered to accept the 1941 line, which they previously insisted had only been agreed under duress, and to concede at least part of the Namwan Assigned Tract to Burma, in exchange for the return of Hpimaw and two associated villages, Gawlum and Kang-fang, located near latitude 26° north. The Chinese authorities also offered to accept 'the traditional, customary line' in the extreme north of the borderland. The Burmese took this to be the McMahan Line. This Burmese interpretation of the Chinese offer



Map 22. The central section of the Sino-Burmese boundary

induced the Burmese government to offer 56 square miles (145 square kilometres) around Hpimaw as the territory to be ceded to China, on the understanding that the resident Kachins of that area would be resettled in Burma. When this firm offer was transmitted to the Chinese it became apparent that they had a different understanding of the original Chinese offer. They rejected the idea that Hpimaw could be exchanged for the Namwan Tract since both were Chinese by right. They clarified their offer in the following way. First, the Namwan Tract would be ceded to Burma for an area in the Wa states along the 1941 section of the boundary. Second, the area around Hpimaw should be 186 square miles (482 square kilometres) and not 56 square miles (145 square kilometres). Third, the traditional and customary line in the extreme north did not coincide with the McMahon Line, but lay west of it in certain areas, where Chinese monasteries and medicinal herb gardens existed. The Burmese administration was unable to accept this proposal and discussions lapsed until the second half of 1959 when the new government of Burma made a fresh approach to China. The main new offer by Burma was the specific cession of 62 square miles (161 square kilometres) of the Wa State area along the 1941 line, in return for the Namwan Assigned Tract. Within a few months progress had been made to the point where it was possible to sign an agreement in January 1960. This agreement provided for China to secure areas around Hpimaw and in the Mong Ling Shan, in return for the cession of the Namwan Assigned Tract and recognition of the Anglo-Chinese boundary elsewhere. The agreement also provided for the creation of a joint commission which would adjudicate on the rival claims for the areas being exchanged. Burma offered 56 square miles (145 square kilometres) around Hpimaw while China sought 186 square miles (482 square kilometres); in the Wa states China sought 9 square miles (23 square kilometres) more than the 62 square miles (161 square kilometres) offered by Burma. This commission completed its work in time for the boundary treaty to be signed in October 1960. The areas ceded to China measured 59 square miles (153 square kilometres) around Hpimaw and 73 square miles (189 square kilometres) in the Wa states; the Namwan Assigned Tract measured 85 square miles (220 square kilometres). In addition there were minor alterations in the boundary's alignment to avoid dividing certain villages and to simplify demarcation. Burma gained four villages and ceded two villages by the realignment of the 1941 line; Burma also gained 5 square miles (13 square kilometres) of territory in the far north and ceded 2 square miles (5 square kilometres) in the eastern sector in moves to simplify demarcation.

The demarcation of the boundary by the new joint commission was completed within one year. Along the previously undemarcated section 300 pillars were erected and flowering trees were planted close to the boundary to make it more obvious. The demarcation was described in a protocol signed on 13 October 1961. This protocol, which has not yet been published (August 1972) gives the location of all pillars and is accompanied by large-scale maps of the borderland.

At the time the boundary treaty was signed, letters were exchanged dealing with the persons living in the borderland who would be affected by the new arrangements. Persons living on land exchanged could decide to be resettled in the country to which their lands had originally belonged. This only involved Burmese citizens since the Namwan Assigned Tract had been effectively part of Burma since 1897. Whittam (1961, p. 183) notes that 1400 Kachin families around Hpimaw and 1000 families from the Panhung-Panlao tribal area of the Wa state had been resettled in Burma before the areas were formally ceded to China in June 1961. The letters accompanying the treaty also arranged for persons who cultivated land beyond the boundary to give up this activity within three years, and the governments were obliged to prevent any new trans-boundary cultivation from being initiated.

The boundary treaty did not nominate the western terminus of the Sino-Burmese line, since that point must clearly await settlement of the Sino-Indian dispute about the McMahon Line. However, for the first time, the Mekong section of the Sino-Burmese boundary was defined. Previous descriptions in 1894 and 1897 had terminated at the junction of the Nam Nga and Mekong rivers. The latest description carries the line along the Mekong to its confluence with the Nam La, which is the Laos-Burma-China tri-junction (see map 21, p. 348). The boundary treaty asserts that where the boundary follows a navigable river the thalweg will form the boundary, whereas along unnavigable rivers the boundary will follow the middle of the watercourse. It is also noted that if the river changes its course the boundary will continue to follow the alignment of the old course unless a new agreement is made. This is a sensible provision because some of the boundary rivers, such as the Shweli, have pronounced meanders on their flood plains. In view of the frequency with which the boundary description refers to the course of particular rivers 'as at the time when the boundary was demarcated in the past', it seems likely that the authorities are well aware of the instability of some of the river courses.

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### Convention, 1 March 1894

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Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, and his Majesty the Emperor of China, being sincerely desirous of consolidating the relations of friendship and good neighbourhood which happily exist between the two Empires, have resolved to conclude a Con-

vention with the view of giving effect to Article III of the Convention relative to Burmah and Thibet, signed at Peking on the 24th July, 1886, and have appointed as their Plenipotentiaries for this purpose, that is to say:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, the Right Honourable the Earl of Rosebery, Knight of the Most Noble Order of the Garter, Her Britannic Majesty's Principal Secretary of State for Foreign Affairs;

And His Majesty the Emperor of China, Sieh Ta-jen, Envoy Extraordinary and Minister Plenipotentiary of China at the Court of St. James', and Vice-President of the Imperial Board of Censors;

Who, having mutually communicated to each other their respective Full Powers, found to be in good and due form, have agreed upon the following Articles:—

### Article I

It is agreed that the frontier between the two Empires, latitude  $25^{\circ} 35'$  north, shall run as follows:—

Commencing at the high conical peak situated approximately in that latitude and in longitude  $98^{\circ} 14'$  east of Greenwich and  $18^{\circ} 16'$  west of Peking, the line will follow, as far as possible, the crest of the hills running in a south-westerly direction through Kaolang Pum and the Warong Peak, and thence run nearly midway between the villages of Wanchon and Kaolang—leaving the former to Burmah and the latter to China—on to Sabu Pum.

From Sabu Pum the frontier will run in a line slightly to the south of west through Shatrung Pum to Namienku Pum; thence it will be continued, still running in a south-westerly direction, along the crest of the hills until it strikes the Tazar Kha River, the course of which it will follow from its source to its confluence with the Nam Tabet or Tabak Kha, thus leaving Uka to the east and Laipong to the west.

From the confluence of the Tazar Kha River with the Tabak Kha, the frontier will ascend the latter river to its junction with the Lekra Kha, which it will follow to its source near Nkrang. From the source of the Lekra Kha, leaving Nkrang, Kukum, and Singra to the west, and Sima and Mali to the east, the line will follow the Lesa Kha from its western source to its junction with the Mali River, and thence will ascend the Mali to its source near Hpunra Shikong; thence it will run in a south-westerly direction along the Laisa Kha from its source down to the point where it falls into the Molé River near Kadon, leaving the village of Kadon to the west and that of Laisa to the east.

The line will then follow the course of the Molé in a south-easterly direction to the place where it receives the Che Yang Kha, which latter river it will follow to its source in the Alau Pum. It will then be directed along the Nampaung River from its western source down to where it enters the Taping River.

This concludes the description of the first section of the frontier.

### Article II

The second section of the frontier, or that portion of it which extends from the Taping River to the neighbourhood of Meung Mao, will run as follows:—

Starting from the junction of the Khalong Kha with the Taping River, the frontier will follow the Khalong Kha and its western branch to its source; it will be drawn thence southward to meet the Sipaho or Lower Nanthabet at a spot immediately to the south-west of Hanton, leaving Matin to Great Britain and Loilong-ga-tong, Tiêh-pi-Kwan, and Hanton to China; thence it will ascend

the branch of the last-named river which has its source nearest to that of the Mantein Kha. It will thence follow the crests of the line of hills running in a south-easterly direction to the more southerly of the two places named Kadaw, which is close to the Namwan River, leaving Kadaw to China and Palen to Great Britain. It will follow the Namwan River in a south-westerly direction down to the point in about latitude  $23^{\circ} 55'$ , where that river takes a south-easterly course. Thence it will run in a direction somewhat west of south to the Nammak River, leaving Namkhai to Great Britain. It will follow the Nammak River to the point where it bifurcates in about latitude  $23^{\circ} 47'$ , and will then ascend the southern branch till it reaches the crest of a high range of hills to the south of Mawsiu, in about latitude  $23^{\circ} 45'$ . It will follow the crest of this range (which runs slightly to the north of east) until it reaches the Shweli River at its junction with the Nammak, thus leaving to China the district of Mawsiu, the spot recently identified as Tien-ma-Kwan and the villages of Hinglon and Kong-mow, lying to the north of the above-mentioned range.

It will then follow the course of the Shweli River, and where the river bifurcates, it will follow the more southerly of the two branches, leaving to China the island formed by them, until it reaches a point near the eastern end of the loop which the river forms opposite to Meung Mao, as indicated in the next Article of the Convention.

The Government of China consent that the most direct of the roads between Bhamo and Namkhan, where it passes through the small portion of Chinese territory south of the Namwan, shall, while remaining entirely open to Chinese subjects and to the tribesmen subject to China, be free and open to Great Britain for travellers, commerce, and administrative purposes, without any restrictions whatever. Her Britannic Majesty's Government shall have the right, after communication with the Chinese authorities, to execute any works which may be desirable for the improvement or repair of the road, and to take any measures which may be required for the protection of the traffic and the prevention of smuggling.

It is equally agreed that British troops shall be allowed to pass freely along this road. But no body of troops more than 200 in number shall be dispatched across it without the consent of the Chinese authorities, and previous notice in writing shall be given of every armed party of more than twenty men.

### Article III

The third section of the frontier will run as follows:—

It will commence from a point on the Shweli River, near to the east end of the loop formed by that river opposite to Meung Mao; thence paying due regard to the natural features and the local conditions of the country, it will trend in a south-easterly direction towards Ma-li-pa until it reaches, at a point in about longitude  $98^{\circ} 7'$  east of Greenwich ( $18^{\circ} 23'$  west of Peking), and latitude  $23^{\circ} 52'$ , a conspicuous mountain range. It will follow the crests of that range through Loiaipong and Loipanglom until it reaches the Salween River, in about latitude  $23^{\circ} 41'$ .

This portion of the frontier from the Shweli to the Salween River shall be settled by the Boundary Commission provided for in Article VI of the present Convention, and in such a manner as to give to China at least as much territory as would be included if the frontier were drawn in a straight line from Meung Mao towards Ma-li-pa.

If it should be found that the most suitable frontier will give to China a larger amount of territory than is stated above, the compensation to be given to Great



Britain on some other part of the frontier shall be matter for subsequent arrangement.

From latitude  $23^{\circ} 41'$  the frontier will follow the Salween until it reaches the northern boundary of the circle of Kunlong. It will follow that boundary in an easterly direction, leaving the whole circle of Kunlong, and the ferry of that name, to Great Britain, and leaving to China the State of Kokang.

It will then follow the course of the river forming the boundary between Somu, which belongs to Great Britain, and Mêng Ting, which belongs to China. It will still continue to follow the frontier between those two districts, which is locally well known, to where it leaves the aforesaid river and ascends the hills; and will then follow the line of water-parting between the tributaries of the Salween and the Meikong Rivers, from about longitude  $99^{\circ}$  east of Greenwich ( $17^{\circ} 30'$  west of Peking), and latitude  $23^{\circ} 20'$ , to a point about longitude  $99^{\circ} 40'$  east of Greenwich ( $16^{\circ} 50'$  west of Peking), and latitude  $23^{\circ}$ , leaving to China the Tsawbwaships of Keng Ma, Mengtung, and Mengko.

At the last-named point of longitude and latitude the line strikes a very lofty mountain range, called Kong-Ming-Shan, which it will follow in a southerly direction to about longitude  $99^{\circ} 30'$  east of Greenwich ( $17^{\circ}$  west of Peking), and latitude  $22^{\circ} 30'$ , leaving to China the district of Chen-pien T'ing. Then, descending the western slope of the hills to the Namka River, it will follow the course of that river for about  $10'$  of latitude, leaving Munglem to China, and Manglün to Great Britain.

It will then follow the boundary between Munglem and Kyaing Tong, which is locally well known, diverging from the Namka River a little to the north of latitude  $22^{\circ}$ , in a direction somewhat south of east, and generally following the crest of the hills till it strikes the Namlam River in about latitude  $21^{\circ} 45'$ , and longitude  $100^{\circ}$  east of Greenwich ( $16^{\circ} 30'$  west of Peking).

It will then follow the boundary between Kyaing Tong and Kiang Hung, which is generally formed by the Namlam River, with the exception of a small strip of territory belonging to Kiang Hung, which lies to the west of that river just south of the last-named parallel of latitude. On reaching the boundary of Kyaing Chaing, in about latitude  $21^{\circ} 27'$ , and longitude  $100^{\circ} 12'$  east of Greenwich ( $16^{\circ} 18'$  west of Peking), it will follow the boundary between that district and Kiang Hung until it reaches the Meikong River.

#### Article V

It is agreed that the settlement and delimitation of that portion of the frontier which lies to the north of latitude  $25^{\circ} 35'$  north shall be reserved for a future understanding between the High Contracting Parties when the features and condition of the country are more accurately known.

#### Article V

In addition to the territorial concessions in Northern Theinni, and the cession to China of the State of Kokang, which result from the frontier as above described, Her Britannic Majesty, in consideration of the abandonment of the claims advanced by China to the territory lying outside and abutting on the frontier of the Prefecture of Yung Chang and Sub-Prefecture of Teng Yüeh, agrees to renounce in favour of His Majesty the Emperor of China, and of his heirs and successors for ever, all the suzerain rights in and over the States of Munglem and Kiang Hung formerly possessed by the Kings of Ava concurrently with the Emperors of China. These and all other rights in the said States, with the titles, prerogatives, and privileges thereto pertaining, Her Majesty the Queen-

Empress renounces as aforesaid, with the sole proviso that His Majesty the Emperor of China shall not, without previously coming to an agreement with Her Britannic Majesty, cede either Munglem or Kiang Hung, or any portion thereof, to any other nation.

#### Article VI

It is agreed that, in order to avoid any local contention, the alignments of the frontier described in the present Convention, and shown on the maps annexed thereto, shall be verified and demarcated, and, in case of its being found defective at any point, rectified by a Joint Commission appointed by the High Contracting Parties; and that the said Commission shall meet, at a place hereafter to be determined on by the two Governments, not later than twelve months after the exchange of the ratifications of the present Convention; and shall terminate its labours in not more than three years from the date of its first meeting.

It is understood that any alterations in the alignment which the Joint Commission may find it necessary to make shall be based on the principle of equivalent compensations, having regard not only to the extent, but also the value, of the territory involved. Further, that should the members of the Commission be unable to agree on any point, the matter of disagreement shall at once be referred to their respective Governments.

The Commission shall also endeavour to ascertain the situation of the former frontier-post of China named Hanlung Kwan. If this place can be identified, and is found to be situated in British territory, the British Government will consider whether it can, without inconvenience, be ceded to China.

If it shall be found to the south-east of Meung Mao so as to be on the northern side of the straight line drawn from that place toward Ma-li-pa, it will in that case already belong to China.

#### Article VII

It is agreed that any posts belonging to either country which may be stationed within the territory of the other when the Commission of Delimitation shall have brought its labours to a conclusion shall, within eight months from the date of such conclusion, be withdrawn, and their places occupied by the troops of the other, mutual notice having in the meantime been given of the precise date at which the withdrawal and occupation will take place. From the date of such occupation the High Contracting Parties shall each within its own territories hold itself responsible for the maintenance of good order, and for the tranquillity of the tribes inhabiting them.

The High Contracting Parties further engage neither to construct nor to maintain within 10 English miles from the nearest point of the common frontier, measured in a straight line and horizontal projection, any fortifications or permanent camps, beyond such posts as are necessary for preserving peace and good order in the frontier districts.

#### Article VIII

[Duties on imports]

#### Article IX

[Crossing points on the boundary]

#### Article X

[Prohibition on trade in munitions]

## Article XI

[Further prohibited trade items]

## Article XII

[Chinese navigation on Irrawaddy]

## Article XIII

[Appointment of Consuls]

## Article XIV

[Passports]

## Article XV

[Extradition of criminals]

## Article XVI

[Telegraphic communication]

## Article XVII

[Safeguards for travellers]

## Article XVIII

[Inapplicability of present commercial arrangements to other areas]

## Article XIX

[Revision of present agreement]

## Article XX

The ratification of the present Convention under the hand of Her Britannic Majesty and of His Majesty the Emperor of China shall be exchanged in London in six months from this day of signature, or sooner if possible.

The Convention shall come into force immediately after the exchange of ratifications.

In token whereof the respective Plenipotentiaries have signed this Convention in four copies, two in Chinese and two in English.

Done at London this first day of March, one thousand eight hundred and ninety-four, corresponding to the 24th day of the 1st moon of the 20th year of Kuang Hsu.

Rosebery.  
Sieh.

Agreement modifying the Convention of 1 March 1894,  
4 February 1897

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In consideration of the Government of Great Britain, consenting to waive its objections to the alienation by China, by the Convention with France of the 20th June, 1895, of territory forming a portion of Kiang Hung, in derogation of the provisions of the Convention between Great Britain and China of the 1st March, 1894, it has been agreed between the Governments of Great Britain and China that the following additions and alterations shall be made in the last-named Convention, hereinafter referred to as the original Convention:—

## Article I

It is agreed that the frontier between the two Empires from latitude  $25^{\circ} 35'$  north shall run as follows:

Commencing at the high peak situated approximately in that latitude and in longitude  $98^{\circ} 14'$  east of Greenwich and  $18^{\circ} 16'$  west of Peking, the line shall follow, as far as possible, the crest of the hills running in a south-westerly direction to Warung Peak (Kaulyang), and shall extend thence to Sabu Pum.

From Sabu Pum the frontier shall run in a line along the watershed slightly to the south of west through Shatrung Pum to Namienku Pum.

Thence it shall follow a line to be fixed after local investigation, dividing the Szis and the Kumsas as far as the Tabak Kha; thence the Tabak Kha to the Namtabet; thence the Namtabet to the Paknoi Kha; thence the Paknoi Kha to its source near Talang Pum; thence the Talang Pum ridge to Bumra Shikong.

From Bumra Shikong the frontier shall follow a line running in a south-west direction to the Laisa Kha; thence the Laisa Kha to the Molé stream, running between Kadôn and Laisa; thence the Molé to its confluence with the Cheyang Kha; thence the Cheyang Kha to Alaw Pum; thence the Nampaung stream to the Taping.

## Article II

(The Taping to the Shweli River)

From the junction of the Taping and the Nampaung streams the frontier shall follow the Taping to the neighbourhood of the Lwalaing ridge; thence a line running approximately along the Lwalaing ridge and the Lwalaing stream to the Namwan; thence the Namwan to its junction with the Shweli.

Great Britain engages to recognize as belonging to China the tract to the south of the Namwan River, near Namkhai, which is inclosed to the west by a branch of the Nam Mak River and the Mawsiu range of hills up to Loi Chow Peak, and thence by the range running in a north-easterly direction to the Shweli River.

In the whole of this area China shall not exercise any jurisdiction or authority whatever. The administration and control will be entirely conducted by the British Government, who will hold it on a perpetual lease from China, paying a rent for it, the amount of which shall be fixed hereafter.

## Article III

(The Shweli to the Mekong)

From the junction of the Namwan and Shweli the frontier shall follow the northern boundary of the State of North Hsinwi, as at present constituted, to the Salween, leaving to China the loop of the Shweli River, and almost the whole of Wanting, Mong-ko, and Mong-ka.

Starting from the point where the Shweli turn northward near Namswan, i.e., from its junction with the Namyang, the frontier shall ascend this latter stream to its source in the Mong-ko Hills, in about latitude  $24^{\circ} 7'$  and longitude  $98^{\circ} 15'$ , thence continue along a wooded spur to the Salween at its junction with the Namoi stream. The line shall then ascend the Salween till it meets the north-west boundary of Kokang, and shall continue along the eastern frontier of Kokang till it meets the Kunlong circle, leaving the whole circle of Kunlong to Great Britain.

The frontier shall then follow the course of the river forming the boundary between Somu, which belongs to Great Britain, and Mêng Ting, which belongs to China. It shall still continue to follow the frontier between those two districts,

which is locally well known, to where it leaves the aforesaid river and ascends the hills, and shall then follow the line of water-parting between the tributaries of the Salween and the Meikong Rivers, from about longitude  $99^{\circ}$  east of Greenwich ( $17^{\circ} 30'$  west of Peking), and latitude  $23^{\circ} 20'$ , to a point about longitude  $99^{\circ} 40'$  east of Greenwich ( $16^{\circ} 50'$  west of Peking), and latitude  $23^{\circ}$ , leaving to China the Tsawbwaships of Keung Ma, Mentung, and Mengko.

At the last-named point of longitude and latitude the line strikes a very lofty mountain range, called Kong-Ming-Shan, which it shall follow in a southerly direction to about longitude  $99^{\circ} 30'$  east of Greenwich ( $17^{\circ}$  west of Peking), and latitude  $22^{\circ} 30'$ , leaving to China the district of Chen-pien T'ing. Then, descending the western slope of the hills to the Namka River, it will follow the course of that river for about 10 minutes of latitude, leaving Munglem to China and Manglün to Great Britain.

The frontier shall then follow the boundary between Munglem and Kiang Tong, which is locally well known, diverging from the Namka River a little to the north of latitude  $22^{\circ}$ , in a direction somewhat south of east, and generally following the crest of the hills till it strikes the Namlam River in about latitude  $21^{\circ} 45'$  and longitude  $100^{\circ}$  east of Greenwich ( $16^{\circ} 30'$  west of Peking).

It shall then follow the boundary between Kiang Tong and Kiang Hung, which is generally formed by the Namlam River, with the exception of a small strip of territory belonging to Kiang Hung, which lies to the west of that river, just south of the last-named parallel of latitude. On reaching the boundary of Western Kyaing Chaing, in about latitude  $21^{\circ} 27'$  and longitude  $100^{\circ} 12'$  east of Greenwich ( $16^{\circ} 18'$  west of Peking), the frontier shall follow the boundary between that district and Kiang Hung until it reaches the Mekong River.

#### Article IV

[No addition to original Convention]

#### Article V

It is agreed that China will not cede to any other nation either Mung Lem or any part of Kiang Hung on the right bank of the Mekong, or any part of Kiang Hung now in her possession on the left bank of that river, without previously coming to an arrangement with Great Britain.

#### Article VI

Article VI of the original Convention shall be held to be modified as follows:—

It is agreed that, in order to avoid any local contention, the alignments of the frontier described in the present Agreement shall be verified and demarcated, and, in the event of their being found defective at any point, rectified by a Joint Commission appointed by the Governments of Great Britain and China, and that the said Commission shall meet, at a place hereafter to be determined by the two Governments not later than twelve months from the date of the signature of the present Agreement, and shall terminate its labours in not more than three years from the date of its first meeting.

If a strict adherence to the line described would intersect any districts, tribal territories, towns, or villages, the Boundary Commission shall be empowered to modify the line on the basis of mutual concessions. If the members of the Commission are unable to agree on any point, the matter of disagreement shall at once be referred to their respective Governments.

#### Article VII

[No addition to original Convention]

Article VIII

[No addition to original Convention]

Article IX

Add as follows:—

In addition to the Manwyne and Sansi routes sanctioned by the Convention of 1894, the Governments of Great Britain and China agree that any other routes, the opening of which the Boundary Commissioners may find to be in the interests of trade, shall be sanctioned on the same terms as those mentioned above.

Article X

[No addition to original Convention]

Article XI

[No addition to original Convention]

Article XII

Add as follows:—

The Chinese Government agrees hereafter to consider whether the conditions of trade justify the construction of railways in Yunnan, and, in the event of their construction, agrees to connect them with the Burmese lines.

Article XIII

[Appointment of British consuls]

Article XIV

[Change of consular title]

Articles XV–XVIII

[No addition to original Convention]

Article XIX

Add as follows:—

Failing agreement as to the terms of revision, the present arrangements shall remain in force.

Special Article

[Opening of treaty ports]

It is agreed that the present Agreement, together with the Special Article, shall come into force within four months of the date of signature, and that the ratifications thereof shall be exchanged at Peking as soon as possible: in witness whereof the Undersigned, duly authorized thereto by their respective Governments, have signed the present Agreement.

Done at Peking in triplicate—three copies in English, and three in Chinese—the 4th day of February, in the year of our Lord 1897.

Claude M. MacDonald.

[Chinese signature of his Excellency Li]

## Exchange of Notes, 18 June 1941

*Chinese Note*

Waichiaopu, Chungking,  
18 June 1941

Sir,

I have the honour to refer to the Notes exchanged between Your Excellency's predecessor and the then Minister for Foreign Affairs on the 9 April 1935, defining the terms of reference of a Boundary Commission to be charged with the investigation of the undemarcated southern section of the Yunnan-Burma frontier; and to the additional understanding embodied in further Notes exchanged upon the same day.

The Joint Boundary Commission having been duly established and having submitted its report to our respective Governments in accordance with its terms of reference, the question of modifications of the general treaty line found by the Commission has since been under negotiations between the National Government of the Republic of China on the one hand and His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland and the Government of Burma (as the successor in interest of the Government of India) on the other, as provided in the additional understanding of the 9 April 1935.

I now have the honour to inform Your Excellency that the National Government of the Republic of China agrees that for the boundary line described in paragraphs 3 and 4 of Article 3 of the Agreement between China and Great Britain, signed at Peking on the 4 February 1897, shall be substituted the following:

"The line commences at the confluence of the Nam Hpa (Nam P'a Ho) with the Nam Ting (Nam Tin Ho), where Boundary Pillar No. 97 of the northern demarcated section is erected, and ascends the Nam Ting for a distance of about three miles to the point in the neighbourhood of the village of Pan Kwi where Cairn No. 1 was erected by the Sino-British Commission in 1899-1900 on the left bank of the Nam Ting at the point where a spur strikes the river. The frontier then follows this spur generally in a southerly direction to Cairn No. 2, where the road from Hopang to Mengting crosses the spur, and thence to Cairn No. 3 on the summit of the hill known as Loi Hseng (1366). It then follows the watershed between the basin of the Nam Tap including the Nam Loi Hsa (which, also known as the Kung Meng Ho, is a tributary of the Nam Tap, joining it through or under a natural bridge) and the basins of the Namhka and the Nam Kun (Hei Ho) to hill 2360 (approximately longitude  $98^{\circ} 57' 14''$  and latitude  $23^{\circ} 21' 40''$ ). Thence it descends the nearest tributary of the Nam Pan stream (Chin Ho) which has its source about half a mile west of hill 2303 and follows the Nam Pan stream to its confluence with the Nam Kunglong (approximately longitude  $99^{\circ} 0' 30''$  and latitude  $23^{\circ} 14' 48''$ ). It then descends the Nam Kunglong to the point where that river is joined by a tributary on its left bank at approximately longitude  $98^{\circ} 59' 50''$  and latitude  $23^{\circ} 13' 20''$ ; the line then ascends that tributary to its source and continues south-eastwards on to a ridge along which it proceeds to hill 1970 (approximately longitude  $99^{\circ} 3' 58''$  and latitude  $23^{\circ} 10' 42''$ ); thence it proceeds southwards along the same ridge to hill 1770 (approxi-

mately longitude  $99^{\circ} 3' 27''$  and latitude  $23^{\circ} 7' 25''$ ). The line then proceeds generally eastwards along the watershed between the basins of the Nam Kunglong and the Nam Htung till it strikes the point on the Salween-Mekong watershed (approximately longitude  $99^{\circ} 10'$  and latitude  $23^{\circ} 6' 23''$ ) about a mile south of hill 2179. Thence it follows the Salween-Mekong watershed first generally in an easterly direction to a point just south of hill 2178 and then generally in a southerly direction over hill 2146 to hill 1930 (approximately longitude  $99^{\circ} 34'$  and latitude  $22^{\circ} 56'$ ). Thence it proceeds first in a south-westerly, then westerly and finally north-westerly direction along the watershed between the basin of the Nam Ma and the basins of the Nam Hka Lam (Ke Hsing Ho) and the Nam Hka Hkao (Nan Hsiang Ho) to hill 1523 (approximately longitude  $99^{\circ} 26' 43''$  and latitude  $22^{\circ} 56' 43''$ ); thence it descends the nearest tributary of the Nam Hka Hkao and follows that river down to approximately latitude  $22^{\circ} 50' 52''$ , where it is joined by a tributary on its right bank. The line then ascends this tributary in a westerly and south-westerly direction to its source and crosses the ridge, of which hill 2180 (approximately longitude  $99^{\circ} 24' 38''$  and latitude  $22^{\circ} 48' 37''$ ) is the highest point, by the most direct route to the source of the nearest tributary of the Nam Sak and follows that stream down to its confluence with the Nam Hse (approximately longitude  $99^{\circ} 18' 42''$  and latitude  $22^{\circ} 44' 18''$ ); thence it descends the Nam Hse to its confluence with the Nam Hka (approximately longitude  $99^{\circ} 23' 20''$  and latitude  $22^{\circ} 35' 10''$ ) and thence it follows the Nam Hka river downstream to Boundary Pillar No. 1 of the southern demarcated section."

A copy of the Boundary Commission map with the line marked in red is appended.

I have the honour to request that Your Excellency will confirm that His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland and the Government of Burma agree that the boundary line described above shall be substituted for the line described in paragraphs 3 and 4 of Article 3 of the Agreement between China and Great Britain signed at Peking on the 4 February 1897.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

Wang Chung-hui

[The British ambassador replied in the same terms on the same day.]

### *British Note*

British Embassy  
Chungking,  
18 June 1941

Sir,

With reference to the Notes exchanged between us today regarding the determination of the southern section of the boundary between Burma and Yunnan, I am authorised by the Government of Burma to inform Your Excellency's Government that the Government of Burma is willing as a gesture of goodwill to undertake to permit Chinese participation in any mining enterprises which may be undertaken by British concerns on the eastern slopes of the Lufang ridge provided that Chinese interests in these enterprises do not exceed 49% of the total of the capital of each enterprise.



The area in question is shown enclosed by a red line on the attached map and its boundaries are as follows:—

A line commencing at the summit of hill 2304 running along the ridge to the hill of Lufang Camp (2025), thence along the ridge to Man Hsiang village, thence in a south-easterly direction down the ridge to join the Nam It stream, thence following the course of the Nam It upstream to its source below the peak of hill 2304, thence to the summit of hill 2304.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

Archibald Clark Kerr

[The Chinese foreign minister replied in identical terms on the same day.]

### Boundary Treaty, 4 October 1960

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The Chairman of the People's Republic of China and the President of the Union of Burma,

Being of the agreed opinion that the long outstanding question of the boundary between the two countries is a question inherited from history, that since the two countries successively won independence, the traditional friendly and good-neighbourly relations between the two countries have undergone a new development, and the fact that the Prime Ministers of the two countries jointly initiated in 1954 the Five Principles of peaceful coexistence among nations with different social systems as principles guiding relations between the two countries has all the more greatly promoted the friendly relations between the two countries and has created conditions for the settlement of the question of the boundary between the two countries;

Noting with satisfaction that the Government of the People's Republic of China and the successive Governments of the Union of Burma, conducting friendly consultation and showing mutual understanding and mutual accommodation in accordance with the Five Principles of peaceful coexistence, have overcome various difficulties, and have eventually reached a successful and overall settlement of the question of the boundary between the two countries; and

Firmly believing that the formal delimitation of the entire boundary between the two countries and its emergence as a boundary of peace and friendship not only represent a milestone in the further development of the friendly relations between China and Burma, but also constitute an important contribution to the safeguarding of Asian and world peace;

Have resolved for this purpose to conclude the present Treaty on the basis of the Agreement on the Question of the Boundary Between the Two Countries signed by Premier Chou En-lai and Prime Minister Ne Win on January 28, 1960 and appointed their respective plenipotentiaries as follows:

Chou En-lai, Premier of the State Council, for the Chairman of the People's Republic of China, and

U Nu, Prime Minister, for the President of the Union of Burma,

Who, having mutually examined their full powers and found them in good and due form, have agreed upon the following:

#### Article I

In accordance with the principle of respect for sovereignty and territorial integrity and in the spirit of friendship and mutual accommodation, the Union

of Burma agrees to return to China the area of Hpimaw, Gawlum and Kangfang (measuring about 153 square kilometres, 59 square miles, and as indicated in the attached map) which belongs to China; and the People's Republic of China agrees to delimit the section of the boundary from the junction of the Nam Hpa and the Nam Ting Rivers to the junction of the Nam Hka and the Nam Yung Rivers in accordance with the notes exchanged between the Chinese and the British Governments on June 18, 1941, with the exception of the adjustments provided for in Articles II and III of the present Treaty.

#### Article II

In view of the relations of equality and friendship between China and Burma, the two Parties decide to abrogate the "perpetual lease" by Burma of the Meng-Mao Triangular Area (Namwan Assigned Tract) which belongs to China. Taking into account the practical needs of the Burmese side, the Chinese side agrees to turn over this area (measuring about 220 square kilometres, 85 square miles, and as indicated in the attached map) to Burma to become part of the territory of the Union of Burma. In exchange, and having regard for the historical ties and the integrity of the tribes, the Burmese side agrees to turn over to China to become part of Chinese territory the areas (measuring about 189 square kilometres, 73 square miles, and as indicated in the attached map) under the jurisdiction of the Panhung and Panlao tribes, which belong to Burma according to the provision in the notes exchanged between the Chinese and the British Governments on June 18, 1941.

#### Article III

For the convenience of administration by each side and having regard for the inter-tribal relationship and production and livelihood needs of the local inhabitants, the two Parties agree to make fair and reasonable adjustments to a small section of the boundary line as defined in the notes exchanged between the Chinese and the British Governments on June 18, 1941, by including in China Yawng Hok and Lungnai Villages and including in Burma Umhpa, Pan Kung, Pan Nawng and Pan Wai Villages, so that these boundary-line-intersected villages will no longer be intersected by the boundary line.

#### Article IV

The Chinese Government, in line with its consistent policy of opposing foreign prerogatives and respecting the sovereignty of other countries, renounces China's right of participation in mining enterprises at Lufang of Burma as provided in the notes exchanged between the Chinese and the British Governments on June 18, 1941.

#### Article V

The Contracting Parties agree that the section of the boundary from the High Conical Peak to the western extremity of the Sino-Burmese boundary, with the exception of the area of Hpimaw, Gawlum and Kangfang, shall be fixed along the traditional customary line, i.e., from the High Conical Peak northwards along the watershed between the Taping, the Shweli and the Nu Rivers and the section of the Tulung (Taron) River above Western Chingdam Village on the one hand and the Nmai Hka River on the other, to a point on the south bank of the Tulung (Taron) River west of Western Chingdam Village, thence across the Tulung (Taron) River and then further along the watershed between the section of the Tulung (Taron) River above Western Chingdam Village and the Tsayul (Zayul) River on the one hand and all the upper tributaries of the Irra-

waddy River excluding the section of the Tulung (Taron) River above Western Chingdam Village on the other, to the western extremity of the Sino-Burmese boundary.

#### Article VI

The Contracting Parties affirm that the two sections of the boundary from the High Conical Peak to the junction of the Nam Hpa and the Nam Ting Rivers and from the junction of the Nam Hka and the Nam Yung Rivers to the south-eastern extremity of the Sino-Burmese boundary at the junction of the Nam La and the Lanchang (Mekong) Rivers were already delimited in the past and require no change, the boundary being as delineated in the maps attached to the present Treaty.

#### Article VII

1. In accordance with the provisions of Articles I and V of the present Treaty, the alignment of the section of the boundary line from the High Conical Peak to the western extremity of the Sino-Burmese boundary shall be as follows:

(1) From the High Conical Peak (Mu-Lang Pum, Manang Pum) the line runs northwards, then southeastwards and then northeastwards along the watershed between the Taping River (Ta Ying Chiang), the Lung Chuan Chiang (Shweli) and the Nu (Salween) River on the one hand and the Nmai Hka River on the other, passing through Shuei Cheng (Machyi Chet) Pass, Panwa Pass, Tasamin Shan, Hpare (Yemawlaunggu Hkyet) Pass and Chitsu (Lagwi) Pass to the source of the Chu-i Ta Ho (Chu-iho Ta Ho).

(2) From the source of the Chu-i Ta Ho (Chu-iho Ta Ho) the line runs northwestwards along the Chu-i Ta Ho (Chu-iho Ta Ho) to its junction with its tributary flowing in from the north, thence northwards along this tributary to a point on the watershed between the tributaries of the Hpimaw (Htangkyam Kyaung) River on the one hand and the Wang Ke (Moku Kyaung) River and its tributary, the Chu-i Ta Ho (Chu-iho Ta Ho), on the other, thence westwards along this watershed, passing through Ma Chu Lo Waddy (height 2423 metres, 7950 feet), thence northwards till it crosses the Hpimaw (Htangkyam Kyaung) River west of Hpimaw Village; thence northwards along the ridge, passing through Luksang Bum and crossing the Gan (Kang Hao) River to reach the Wu Chung (Wasok Kyaung) River; thence westwards along the Wu Chung (Wasok Kyaung) River to its junction with the Hsiao Chiang (Ngawchang Hka) River; thence northwards up the Hsiao Chiang (Ngawchang Hka) River to its junction with the Ta Hpawte (Hpawte Kyaung) River. Thence the line runs north of Kangfang Village generally eastwards and then southeastwards along the watershed between the Hsiao Hpawte (Hpawshi Kyaung) River and the Wu Chung (Wasok Kyaung) River on the one hand and the Ta Hpawte (Hpawte Kyaung) River on the other, to a point on the watershed between the Nu (Salween) and the Nmai Hka Rivers.

(3) From the above-mentioned point on the watershed between the Nu (Salween) and the Nmai Hka Rivers, the line runs generally northwards along the watershed between the Nu (Salween) River and the section of the Tulung (Taron) river above Western Chingdam Village on the one hand and the Nmai Hka River on the other, passing through Kia Ngo Tu (Sajyang) Pass, Sala Pass, Ming Ke (Nahke) Pass, Ni Chi Ku (Gi Gi Thara) Pass, Kawchi Thara Pass, Jongit L'Ka and Maguchi Pass; thence the line continues to run northwards and then generally westwards, passing through Alang L'ka, Mawa L'ka, Pang Tang Shan (Pumtang Razi), Lonlang L'ka, Hkora Razi to Tusehpong Razi.

(4) From Tusehpong Razi, the line runs generally northwestwards along the ridge, passing through height 2892 metres and height 2140·3 metres, to a point on the south bank of the Tulung (Taron) River west of Western Chingdam Village. Thence it crosses the Tulung (Taron) River to its junction with its tributary on its northern bank, and thence northwestwards along the ridge to Kundam Razi (Lungawng Hpong).

(5) From Kundam Razi (Lungawng Hpong) the line runs generally northwards and northwestwards along the watershed between the section of the Tulung (Taron) River above Western Chingdam Village on the one hand, and the upper tributaries of the Irrawaddy River [excluding the section of the Tulung (Taron) River above Western Chingdam Village] on the other, passing through Thala Pass, Sungya (Amansan) L'ka to Yulang Pass.

(6) From Yulang Pass the line runs generally southwestwards along the watershed between the Tsayul (Zayul) River on the one hand and the upper tributaries of the Irrawaddy River on the other, passing through Gamlang L'ka to the western extremity of the Sino-Burmese boundary.

2. In accordance with the provisions of Articles I, II, III and VI of the present Treaty, the alignment of the section of the boundary line from the High Conical Peak to the southeastern extremity of the Sino-Burmese boundary shall be as follows:

(1) From the High Conical Peak, the line runs generally southwestwards along the watershed between the upper tributaries of the Taping River, the Mon Ka Hka and the upper tributaries of the Ta Pa Chiang (Tabak Hka) Rivers on the one hand and the lower tributaries of the Nmai Hka River on the other, passing through Ta Ya Kou (Lunghkyen Hkyet), and thence northwestwards to Hsiao Chueh Pass (Tabak-Hku Hkyet).

(2) From Hsiao Chueh Pass (Tabak-Hku Hkyet), the line runs down the Ta Pa Chiang (Tabak Hka), the Mong Ka Hka and up the Shih Tzu (Paknoi Hka) River (the upper stretch of which is known as the Hkatong Hka River) to its source.

(3) From the source of the Shih Tzu (Paknoi Hka) River the line runs southwestwards and then westwards along the watershed between the Monglai Hka on the one hand and the Pajao Hka, the Ma Li Ka River and the Nan Shan (Namsang Hka) River on the other, to the source of the Laisa Stream.

(4) From the source of the Laisa Stream, the line runs down the Laisa Stream and up the Mu Lei Chiang (Mole Chaung) and the Ga Yang Hka (Cheyang Hka), passing through Ma Po Tzu (A-law-Hkyet), and then runs southwards down the Nan Pen Chiang (Nampaung Hka) to its junction with the Taping River; thence eastwards up the Taping River to the point where the Taping River meets a small ridge west of the junction of the Kuli Hka Stream with the Taping River.

(5) From the point where the Taping River meets the above-mentioned small ridge, the line runs along the watershed between the Kuli Hka Stream, the Husa (Namsa Hka) River and the tributaries of the Namwan River on the one hand and the tributaries of the Taping River west of the Kuli Hka Stream on the other, up to Pang Chien Shan (Pan Teng Shan).

(6) From Pang Chien Shan (Pan Teng Shan), the line runs southwards to join the Kindit Hka, then down the Kindit Hka and the Nam Wa Hka (Pang Ling River) to a point on the south bank of the Nam Wa Hka (Pang Ling River) southeast of Man Yung Hai Village and north of Nawng Sa Village, thence in a straight line southwestwards and then southwards to the Nan Sah (Manting Hka) River; then it runs down the course of the Nan Sah (Manting Hka) River as at the time when the boundary was demarcated in the past, to its junction

with the Namwan River, thence down the course of the Namwan River as it was at that time, to its junction with the course of the Shweli River as it was at that time.

(7) From the junction of the courses of the Namwan River and the Shweli River as at the time when the boundary was demarcated in the past, to the junction of the Shweli and the Wanting (Nam Yang) Rivers, the location of the line shall be as delineated on the maps attached to the present Treaty. Thence the line runs up the course of the Wanting (Nam Yang) River as at the time when the boundary was demarcated in the past, and the Weishang Hka, then turns northwestwards along a tributary of the Nam Che Hka (Nam Hse) River to its junction with the Nam Che Hka (Nam Hse) River, thence eastwards up the Nam Che Hka (Nam Hse) River, passing through Ching Shu Pass, and thence along the Monglong Hka and the course of the Mong Ko (Nam Ko) River as at the time when the boundary was demarcated in the past, thence up the Nam Hkai and the Nam Pang Wa Rivers, passing through a pass, and then along the Man Hsing (Nam Hpawn) River [whose upper stretch is known as the Nam Tep (Nam Lep) River] to its junction with the Nu (Salween) River thence eastwards up the Nu (Salween) River to its junction with the Ti Kai Kou (Nan Men) Stream.

(8) From the junction of the Nu (Salween) River with the Ti Kai Kou (Nan Men) Stream, the line runs southwards along the Ti Kai Kou (Nan Men) Stream, then southwestwards then southwards along the watershed between the Meng Peng Ho (the upper stretch of the Nam Peng River) on the one hand and the tributaries of the Nu (Salween) River on the other, up to Pao Lou Shan.

(9) From Pao Lou Shan, the line runs southeastwards along the Wa Yao Kou Stream, the ridge south of the Mai Ti (Mai Ti Ho) River, the Pan Chiao Ho and the Hsiao Lu Chang (Hsin Chai Kou) Stream up to the source of the Hsiao Lu Chang (Hsin Chai Kou) Stream. From the source of the above stream to the junction of the Nam Hpa and the Nam Ting Rivers, the location of the line shall be as delineated on the maps attached to the present Treaty. The line then runs eastwards for about four kilometres (about three miles) up the Nam Ting River and thence southeastwards along the northwest slope of Kummuta Shan (Loi Hseng) to the top of Kummuta Shan (Loi Hseng).

(10) From the top of Kummuta Shan (Loi Hseng), the line runs southeastwards along a tributary of the Kung Meng Ho (Nam Loi-hsa) River to its junction with another tributary flowing in from the southeast; thence up the latter tributary to a point northwest of Maklawt (Ma-Law) Village. Thence, the line runs in a straight line to a point southwest of Maklawt (Ma-Law) Village, and again in a straight line across a tributary of the Yun Hsing (Nam Tap) River to Shien Jen Shan, located east of the junction of the above-mentioned tributary with another tributary of the Yun Hsing (Nam Tap) River; thence along the watershed between the above two tributaries of the Yun Hsing (Nam Tap) River to the source of the one to the west and then turns westwards and southwestwards along the Mong Ling Shan ridge, up to the top of Mong Ling Shan. Thence it runs eastwards and southeastwards along the Nam Pan River to its junction with a tributary, northeast of Yakaw Chai (Ya Kou Sai) Village, which flows in from the south-west; thence in a south-westerly direction up that tributary, to a point northeast of Yakaw Chai (Ya Kou Sai) Village, from where it turns southwards passing through a point east of Yakaw Chai (Ya Kou Sai) Village, and crosses a tributary of the Nam Pan River south of Yakaw Chai (Ya Kou Sai) Village, thence westwards to the Source of the Nam It River a little east of Chao Pao (Taklyet No) Village. Thence the line runs southwards along the Nam It

and the Nam Mu Rivers, and then turns eastwards along the Nam Kunglong and the Chawk Hkrak Rivers to the northeast source of the Chawk Hkrak River.

(11) From the northeast source of the Chawk Hkrak River, the line runs southwards and eastwards along the watershed between the upper tributaries of the Nam Kunglong River on the one hand and the southern tributaries of the Chawk Hkrak River and the Nan Tin (Nam Htung) River on the other, to a point on the west side of Umhpa Village. Thence it runs eastwards passing a point 100 metres north of Umhpa Village, and then eastwards up to the source of a small river on the abovementioned watershed; thence along the ridge eastwards to the source of a tributary of the Mongtum (Nam Tum) River (the upper stretch of which is called the Ta Tung River), which it follows in an easterly and north-easterly direction to its junction with another tributary of the Mongtum (Nam Tum) River flowing in from the southeast; thence it follows this tributary to its source on the watershed between the Mongtum (Nam Tum) and the Lung Ta Hsiao Ho (Nam Lawng) Rivers. It then crosses the watershed in an easterly direction to the source of the Lung Ta Hsiao Ho (Nam Lawng) River which it follows to its junction with its tributary flowing in from the north, thence in a northerly direction along the above-mentioned tributary, passing through a point on the Kanpinau Ridge, thence generally eastwards along a valley, crossing the junction of two sub-tributaries of a tributary of the Lung Ta Hsiao Ho (Nam Lawng) River, then northeastwards to the watershed between the Mongtum (Nam Tum) River on the one hand, and the Nam Ma River on the other, until it reaches height 1941·8 metres (6370 feet). Thence the line runs eastwards, then southwards and then northwestwards along the watershed between the Mongtum (Nam Tum), the La Meng (Nam Meng Ho), the He (He Ho), the Ku Hsing Ho (Nam Hka Lam) and the Nam Hka Hkao (Nam Hsiang Ho) Rivers on the one hand and the Nam Ma River on the other, up to a point on this watershed northwest of La Law Village.

(12) From the point on the above-mentioned watershed northwest of La Law Village, the line runs down the nearest tributary of the Nam Hka Hkao River and thence down the Nam Hka Hkao River to its junction with a tributary flowing in from the southwest. Thence the line runs generally south-westwards up that tributary to its source, which is north-east of and nearest to height 2180 metres (7152 feet). Thence it crosses the ridge at a point 150 metres (492 feet) southeast of the above-mentioned height and then turns southwards to the source of the nearest tributary of the Nam Lung (Nam Sak) River, rising as the above-mentioned height. Thence it runs along this tributary to its junction with the Nam Lung (Nam Sak) River, from where it proceeds along the Nam Lung (Nam Sak), the Nam Hse and the Nam Hka rivers to the junction of the Nam Hka and the Nam Yung Rivers, and thence up the Nam Yung River to its source.

(13) From the source of the Nam Yung River the line runs in a south-easterly direction to the watershed between the Na Wu (Nam Wong) and the Nam Pei (Nam Hpe) Rivers; thence generally eastwards along the above-mentioned watershed, and then eastwards along the Na Wu (Nam Wong) River, which it follows to its junction with the Nan Lai (Nam Lai) River, thence along the watershed between the Na Wu (Nam Wong) and the Nan Lai (Nam Lai) Rivers to the Anglang Shan (Loi Ang Lawng) ridge; thence northwards along the ridge to the top of Anglang Shan (Loi Ang Lawng), thence generally eastwards along the ridge, crosses the Nam Tung Chik (Nam Tonghkek) River and then follows the watershed between the tributaries on the west bank of the Nam Lei (Nam Lwe) River at the north of the La Ting (Hwe-kye-tai) River and the Nan La Ho [a tributary of the Nan Ma (Nam Ma) River] on the one hand and the tributaries

on the west bank of the Nam Lei (Nam Lwe) River at the south of the La Ting (Hwe-kye-tai) River on the other, up to the top of Pang Shun Shan (Loi Pang Hsun).

(14) From the top of Pang Shun Shan (Loi Pang Hsun) the line runs generally eastwards along the La Ting (Hwe-kye-tai) River, the Nam Lei (Nam Lwe) River, the course of the Nan Lo (Nam Law) Stream as at the time when the boundary was demarcated in the past, and the Nan Wo (Nambok) River to the source of the Nan Wo (Nambok) river at Nan Wo Kai Nan Shan (Loi Kwainang).

(15) From the source of the Nan Wo (Nambok) River at Nan Wo Kai Nan Shan (Loi Kwainang) the line runs generally eastwards along the watershed between the Nan La (Nam Lak), a tributary of the Nam Lei (Nam Lwe) River, the Nan Pai (Nam Hpe) and the Nan Hsi (Nam Hok) Rivers on the one hand and the Nan Ping (Nam Hpe), the Nan Mau (Nam Mawng) and the Nan Hsi Pang (Nam Hsi Pang) Rivers on the other, up to San Min Po (Loi Hsammong).

(16) From San Min Po (Loi Hsammong) the line runs in a general north-easterly direction to a point on the west bank of the Nam Lam River. Thence it descends the Nam Lam River to the foot of Chiu Na Shan (Kyu-nak) on the south bank of the Nam Lam River and then runs in a general southeasterly direction passing through Hue Ling Lang (Hwe Mawk-hkio), La Ti (La Tip), Nan Meng Hao (Nam-mong Hau) to Mai Niu Tung (Mai Niu-tawng); thence the line runs in a general north-easterly direction passing through Lung Man Tang (Long-man-tang) to the Hui La (Hwe-La) Stream, which it follows northwards to its junction with the Nam Lam River. Thence the line runs eastwards and southwards along the Nam Lam, the Nan Chih (Nam Se) Rivers and the Nam Chia (Hwe Sak) Stream, to Lei Len Ti Fa Shan (Loi Len Ti Hpa). The line then follows the Nam Mot (Nan Mai), the Nan Tung (Nam Tung) and the Nam Ta Rivers to Hsing Kang Lei Shan (Loi Makhinkawng).

(17) From Hsing Kang Lei Shan (Loi Makhinkawng) the line runs eastwards along the watershed between the Nam Nga River and its upper tributaries on the one hand and the Nam Loi River (including its tributary the Nam He River) on the other, to the top of Kwang Pien Nei Shan (Kwang Peknoi).

(18) From the top of Kwang Pien Nei Shan (Kwang Peknoi) the line runs generally northeastwards along the Hue Le (Nam Luk) River and the course of the Nam Nga River as at the time when the boundary was demarcated in the past, to the junction of the Nam Nga and the Lanchang (Mekong) Rivers; thence down the Lanchang (Mekong) River up to the southeastern extremity of the Sino-Burmese boundary line at the junction of the Nam La and the Lanchang (Mekong) Rivers.

3. The alignment of the entire boundary line between the two countries described in this Article and the location of the temporary boundary marks erected by both sides during joint survey are shown on the 1:250,000 maps indicating the entire boundary and on the 1:50,000 maps of certain areas, which are attached to the present Treaty.

#### Article VIII

The Contracting Parties agree that wherever the boundary follows a river, the midstream line shall be the boundary in the case of an unnavigable river, and the middle line of the main navigational channel (the deepest watercourse) shall be the boundary in the case of a navigable river. In case the boundary river changes its course, the boundary line between the two countries shall remain unchanged in the absence of other agreements between the two sides.

### Article IX

The Contracting Parties agree that:

1. Upon the coming into force of the present Treaty, the Meng-Mao Triangular Area to be turned over to Burma under Article II of the present Treaty shall become territory of the Union of Burma;

2. The area of Hpimaw, Gawlum and Kangfang to be returned to China under Article I of the present Treaty and the areas under the jurisdiction of the Panhung and Panlao tribes to be turned over to China under Article II shall be handed over by the Burmese Government to the Chinese Government within four months after the present Treaty comes into force;

3. The areas to be adjusted under Article III of the present Treaty shall be handed over respectively by the Government of one Contracting Party to that of the other within four months after the present Treaty comes into force.

### Article X

After the signing of the present Treaty, the Chinese-Burmese Joint Boundary Committee constituted in pursuance of the Agreement between the two Parties on the Question of the Boundary Between the Two Countries of January 28, 1960, shall continue to carry out necessary surveys of the boundary line between the two countries, to set up new boundary markers and to examine, repair and remould old boundary markers, and shall then draft a protocol setting forth in detail the alignment of the entire boundary line and the location of all the boundary markers, with detailed maps attached showing the boundary line and the location of the boundary markers. The above-mentioned protocol, upon being concluded by the Governments of the two countries, shall become an annex to the present Treaty and the detailed maps shall replace the maps attached to the present Treaty.

Upon the conclusion of the above-mentioned protocol, the tasks of the Chinese-Burmese Joint Boundary Committee shall be terminated, and the Agreement between the two Parties on the Question of the Boundary Between the Two Countries of 28 January 1960 shall cease to be in force.

### Article XI

The Contracting Parties agree that any dispute concerning the boundary, which may arise after the formal delimitation of the boundary between the two countries, shall be settled by the two sides through friendly consultations.

### Article XII

The present Treaty is subject to ratification and the instruments of ratification will be exchanged in Rangoon as soon as possible.

The present Treaty shall come into force on the day of the exchange of the instruments of ratification.

Upon the coming into force of the present Treaty, all past treaties, exchanged notes and other documents relating to the boundary between the two countries shall be no longer in force, except as otherwise provided in Article X of the present Treaty with regard to the Agreement between the two Parties on the Question of the Boundary Between the Two Countries of 28 January 1960.

Done in duplicate in Peking on 1 October 1960, in the Chinese, Burmese and English languages, all three texts being equally authentic.

Plenipotentiary of the  
People's Republic of China  
Chou En-Lai

Plenipotentiary of the  
Union of Burma  
U Nu



## The Boundary between Burma and Laos

The 150-mile (241-kilometre) boundary between Burma and Laos developed in two distinct stages. In 1892, during the general Anglo-Thai settlement of the Burmese boundary north of the confluence of the Salween and Thaungyin rivers, territorial arrangements were made which carried the line to the probable limits of China. Within a year of those arrangements France had emerged in place of Thailand as the power with which Britain must settle the boundary north of the confluence of the Nam Kok and Mekong.

This confluence was the terminus of the accurate demarcation by the Anglo-Thai commission in 1892–3. The agreement which produced this commission was recorded in maps signed by both parties in October 1894, but the terms of the agreement are known from other sources.

Her Majesty's Government have recently come to an arrangement with that of Siam with regard to the frontier between Burmah and Siam. As a part of this settlement, Great Britain has proposed that Siam should exercise exclusive jurisdiction over the State of Kyaing Chaing which lies on both sides of the Mekong, and over which the State of Kyaington (Kengtung) once had rights. This offer has been accepted by the Siamese Government.

The State of Kyaington itself, which has accepted British protection, extends up to the Mekong only in one portion of its frontier, and in this part of its course the river will form the boundary between the British Protectorate and the Siamese dominions (letter from British Foreign Minister to French Ambassador, 23 December 1892, *BFSP*, 87, p. 208).

With French territory so far away to the east the British government presumably had few qualms about concluding this arrangement. However, a French proposal had been made verbally on 3 or 4 April 1889, which might have caused some disquiet if a record had been kept. It was recommended that a section of Thai territory should be preserved between the Nam Oo and the Salween rivers right up to the Chinese border. The proposal was recalled four years later by the French ambassador, causing much embarrassment to the British archivists (*BFSP*, 87, pp. 223–4).

Kyaing Chaing occupied an area of about 2400 square miles (6214 square kilometres) on both banks of the Mekong. On the west bank the centres of Mong Loi, Mongkhan, Mong Wa, and Mongyu occupied 1150 square miles (2977 square kilometres) north of the Nam Yawng. The east bank territory was based on Mong Sing and occupied 1250 square miles (3236 square kilometres) north of Muang Luang. The Anglo-Thai commission of 1892–3 was charged with identifying the boundary west of the Mekong, between Kyaing Chaing and Kentung. However, the Thai delegate had not been so instructed by his government and so the British represen-

tative Hildebrand continued on this task alone. He found that the Mekong marked the eastern boundary of Kengtung for 86 miles (138 kilometres) beyond the Nam Kok-Mekong confluence, that is as far as the Nam Yawng (Mangrai, 1965, p. 235). There was insufficient time to trace the boundary further along the Nam Yawng because of the onset of the rainy season. The only problem which might arise along the Mekong between the Nam Kok and Nam Yawng concerned three villages near Kenglap, where there is a pronounced bend in the river. These villages had paid tribute to Kengtung for the previous decade, but prior to that they had formed part of Kyaing Chaing and the ruler of that state wished to resume authority over these villages. Hildebrand had no authority to vary his instructions and he advised against this alteration.

If this small patch is to be given to Kengcheng [Kyaing Chaing], the frontier will have to leave the Mekhong for a hill range and follow the hill ranges from one to the other which form a semi-circle round the three Kenglap villages till it reaches the Mekhong again about twelve miles north of where it departed . . . Thus to give cis-Mekhong Kenglap to Kengchen is to break what would otherwise be a continuous run of the Mekhong as a frontier for some eighty-six miles [138 kilometres] by this little excrescence in the midst of the line (quoted in Mangrai, 1965, p. 235).

This then was the nature of the delimitation when Britain realized that the final boundary would have to be arranged with France.

On 3 or 4 April 1889 France proposed that the territory of Thailand should be neutralized so that a permanent barrier might be established between British and French possessions in Asia. The specific proposal was that the Salween should form the western boundary of the Siamese corridor stretching to the Chinese border, while the Nam Oo should form the eastern boundary. The French also indicated that the Franco-Thai boundary would continue east of Luang Prabang and then due south to the Mekong river and that river as far as Cambodian territory (*BFSP*, 87, pp. 193, 223-4). The British government was plainly attracted by the concept of a barrier between British and French territory, but had already decided to occupy some trans-Salween areas. To temporize, the British government sent a map showing their impression of Thailand's western boundaries to the French authorities in August 1889, and requested information about France's interpretation about the eastern and northeastern boundaries of Thailand. Nearly four years later the British government lamented that 'no answer has been received to this note, and Her Majesty's Government have never been placed in possession of the views of the French Government as to the limits of Siam to the east and northeast' (*BFSP*, 87, p. 216). It is apparent that this information was not provided because the French government did not wish to place any check on their opportunity for advance towards Yunnan. Curzon speculated on French motives in seeking the upper Mekong and came to the following conclusion.

I believe it to be the belated survival of an ineradicable delusion. Ever since de Lagrée started upon his memorable expedition up the Mekong in 1866, in search of a highway to Yunnan, the French have felt for that river and its adjacent territories the affection of a proprietor and a parent; and neither the verdict of M. de Carne, one of the party, that 'steamboats can never plough the Mekong, and Saigon can never be united by this waterway to the west provinces of China', nor a long series of subsequent failures, have for one moment dispossessed their minds of the idea that the French flag upon the Mekong means a great and immediate local trade, and the ultimate monopoly of the inland Chinese markets. For a time, the discovery of the Red River route from Tongking diverted their

hopes in that direction; and the campaigns of M. Jules Ferry were defended as the precursor of commercial triumphs beyond the dreams of avarice. But now that the unnavigable character of both the Red and the Black Rivers has been conclusively established, the old Mekong illusion has reasserted itself (Curzon, 1893, p. 49).

The French ambition was revealed in February 1892 when that government proposed to the British authorities that both powers should bind themselves not to extend their influence across the Mekong. The French representative explained that such a declaration was not meant to imply that each state would advance to the Mekong; the declaration would merely be a prophylactic which would prevent any mutual suspicions about encroachment on Thai territory (BFSP, 87, pp.206–7). Britain questioned the propriety of such an undertaking and the French ambassador in London was advised that as both countries were still some distance from the Mekong the Indian government would probably not consider the matter as urgent (BFSP, 87, p. 224). British authority was, of course, very close to the Mekong. In December while rejecting the repeated French offer the British government was able to announce the arrangements made with Thailand, which placed the Burmese-Thai boundary along 86 miles (138 kilometres) of the Mekong between the Kok river and Nam Yawng tributaries. This rebuff encouraged France to seek its aims by a more direct means. In February 1893 British authorities were disturbed by reports that France claimed territory as far as the east bank of the Mekong and that France considered the upper Mekong to form the boundary between French Tonkin and the British Shan states (BFSP, 87, pp. 209–10). Within a month the British authorities were astonished to learn that France did not consider that Thailand possessed any territory on the east bank of the Mekong, and in that month France forced the situation against Thailand. The withdrawal of Thai troops was demanded from the east bank of the Mekong, and when this command was not immediately obeyed, French forces attacked Thai posts, and this conflict was the excuse for a French ultimatum which was presented on 20 July 1893. The main demand of this ultimatum was 'the recognition of the rights of Cambodia and Annam to the left bank of the river Mekong and the islands' (BFSP, 87, p. 262). The British government immediately sought clarification of the term 'left bank of the Mekong', especially the northern terminus of the cession. The replies were not precise.

The [French] Minister for Foreign Affairs was unable to define how far northwards the cession of the left bank of the Mekong would extend. That river is simply regarded as the proper natural frontier, as regards Siam, of French possessions. I then produced a map which I had brought with me, and, pointing out the way in which the Mekong makes a sudden bend just above the 18th parallel of latitude to the southward and westward, and the subsequent bend in the same direction at the 20th parallel, I asked M. Develle whether the extensive territories at these points between the Mekong and the actual French boundary depicted upon existing French maps . . . were also claimed by France as lying on 'the left bank of the Mekong'. M. Develle said that they were intended to be included under that definition (BFSP, 87, pp. 260, 267).

It was not hard for the British representatives to draw attention to the marked inconsistencies between former French statements and maps and the current views about the extent of Thailand's territory, but French representatives now simply replied that since the ultimatum had been published, its terms could not be varied (BFSP, 87, pp. 266–70; Curzon, 1893).

Britain soon accepted the *fait accompli*. When the Thai government raised its difficulties about fulfilling commitments given to Britain about Kyaing Chaing, the

British authorities replied that the status of that province was a matter to be discussed directly between Britain and France. Britain was now determined to secure the buffer between French and British territories which both sides had thought desirable in 1889.

In this interchange of views your Excellency will not lose sight of the extreme importance in the interests of both countries of preserving a considerable belt of territory under the control of an independent kingdom between the French and British frontiers.

We could not have a conterminous frontier with France in Burmah. That would involve vast expenditure on both sides, and lines of armed posts garrisoned by European troops (*BSFP*, 87, pp. 262, 272).

Britain's wide experience with colonial boundaries had made various ministers aware of the inherent dangers which common boundaries in remote areas possessed.

We had proposed the buffer state in the interests of both countries, for it was evident that if our boundaries were contiguous, any fussy, or ill-conditioned frontier officer, whether French or English, would have it in his power to magnify every petty incident into a grave international question, which would be transferred to Europe, and thus grow into a cause of exacerbation between the two Governments: whereas if a country like China were in occupation of the intermediate territory, neither England nor France would ever hear a word of any little troubles of the sort, which would be settled to the satisfaction of everyone concerned according to the customs of the country (*BFSP*, 87, p. 379).

In a flurry of exchanges in London and Paris and across the channel, the British authorities tried to secure a firm agreement for a neutral zone in the last days of July 1893. Britain revived the French proposal of 1889 that the Nam Oo should be the eastern boundary of the buffer, but the French preferred the watersheds immediately east and west of the Mekong. The British representatives pointed out that by ceding Kyaing Chaing to Thailand Britain had already voluntarily withdrawn a considerable distance west of the Mekong. They did not, however, point out that the occupation of Kengtung had brought the British boundary to the Mekong between the Nam Kok and Nam Yawng. In fact the British authorities proclaimed even greater virtue by pointing out that on certain French maps the boundary of Burma was shown to extend as far as  $103\frac{1}{2}^{\circ}$  east longitude, and thus Britain had retired nearly 300 miles (483 kilometres) further west than they needed in order to avoid giving umbrage to France (*BFSP*, 87, p. 279). There is no evidence that these arguments impressed the French delegates. British efforts to define the extent of the neutral area and make arrangements for its cession to China were not successful and they had to be satisfied with a joint declaration that both sides recognized the need for a neutral zone constituted by means of mutual sacrifices and concessions. The British signatory made it clear that Britain believed that the trans-Mekong Shan states represented British sacrifices and concessions.

There was then a lull in activity, until France won her way in proposing a four-member committee to examine the question in October 1893. For a month the delegates met and conferred, but without positive result. Early in the discussions Britain decided that it would keep the cis-Mekong areas of Kyaing Chaing, thus placing the Burmese boundary along the Mekong, and contribute the trans-Mekong areas of Kyaing Chaing and the few Kengtung villages which had been identified on the Mekong's east bank, to the neutral zone (*BFSP*, 87, p. 263). France naturally objected to Britain's proposed advance to the Mekong, while France was to be kept away from the river which was regarded as the only potential route into Yunnan and Southwest China. Instead, French delegates proposed that each side should with-

draw to a line 50 kilometres distant from the Mekong, because they were convinced that each side should contribute an equal area to the neutral zone. This proposal must have come close to infuriating the British Foreign Secretary, judged by the scathing terms of his instructions to the British delegates. The French view was rejected on the grounds that while Britain was already in possession of an established and well-ordered state, which it was being asked to cede, the territory France was offering was 'wild, mountainous and practically unexplored country . . . which they have never visited, much less exercised in it the slightest authority' (*BFSP*, 87, p. 373). Indeed the British government began to make open threats about the alternative to a speedy agreement on the extent of the neutral zone. It was indicated that Britain would have to accept the status quo, confirm its authority in trans-Mekong Kyaing Chaing and Kengtung and take firm control of the Mekong in those sections where both banks were owned (*BFSP*, 87, p. 374). The French astutely deferred the question by securing agreement that a technical commission should examine the area in detail with a view to recommending the best solution. This commission was charged with determining the geographical and political characteristics of the area which would harmonize with an area having a minimum breadth of 80 kilometres.

Despite British recommendations that the commission members should be appointed immediately, so that they could utilize the 1893–4 dry season, the French were able to delay the commission until the following season. In the meantime Britain despatched a commission to examine the border between Kyaing Chaing and Kengtung, which Hildebrand had not been able to complete in 1893. The commission confirmed that it would be unwise to cede Kenglap, on the west bank of the Mekong to Kyaing Chaing. It also identified a small enclave of Kengtung in Kyaing Chaing called Kengkhang, and suggested that this should be ceded to Kyaing Chaing in exchange for Mong Wa, one of the cis-Mekong states of Kyaing Chaing. The commission was ordered to proceed to Mong Sing, capital of Kyaing Chaing, in March 1894 to obtain tribute from the ruler and inform him that his kingdom still belonged to Britain. This ruler refused to accept this direction until the matter had been cleared by the government of Thailand, and this was duly done (Mangrai, 1965, pp. 248–9). The Anglo-French joint commission began work in late December 1894 and continued their labours until 2 April 1895. Both sides adopted conflicting positions from which they would not shift. The British delegates proposed that Britain's contribution to the neutral zone should be 1250 square miles (3236 square kilometres) of trans-Mekong Kyaing Chaing, and 735 square miles (1906 square kilometres) of trans-Mekong Kengtung. This last area was much larger than either France or Britain had previously realized. Britain considered that in view of the developed nature of this trans-Mekong region, France should contribute 2700 square miles (6993 square kilometres) of Maung Nan, which included Chiengkong, Phkha and Muang Luang, lying east and north of the Mekong. The French representatives refused to recognize British rights east of the Mekong and in turn offered to contribute trans-Mekong Kyaing Chaing and Kengtung, ceded to France by Thailand through the 1893 Franco-Thai agreement, as the French share of the neutral zone. It was suggested that Britain should contribute cis-Mekong Kyaing Chaing and the Kengtung areas of Mongko, Hopong, Monglin and Paleao, so that Thailand would have access along the west bank of the Mekong to cis-Mekong Kyaing Chaing. On 2 April 1895 the two main representatives signed a *procès-verbal*, which in effect recorded their inability to agree and which handed the problem back to the two governments. Mangrai (1965, pp. 254–5) records that the British government was displeased with this outcome, although it is hard to see how the British delegate could have secured any measure of agreement without making very large concessions. The British government, presumably as an insurance policy,

then ordered the occupation of Mong Sing by a small British detachment. This occupation occurred in May 1895 and lasted for a year, but the ruler and people of that town refused any co-operation with the troops. Hendershot (1936) and Pavie (1900-19, 5, pp. 264-84) provide the best account of these events.

Scott, the chief British representative on the joint commission, listed the alternatives open to Britain: creation of an independent territory under its own chief; cession of the neutral zone to China; cession of the zone to Thailand; and acceptance of the Mekong as the Franco-British boundary. France refused to recognize China's interest in this area and in view of China's recent defeat by Japan it might not be willing to undertake the task. An independent chief might create severe problems on the borders with China, Thailand, Burma and Tonkin. Thailand would only be able to undertake control of the area if the territory of Thailand was jointly guaranteed by both Britain and France. In view of the fact that the British government did consider that its interests in Thailand were sufficient to justify defence in a war, the last alternative seemed the most sensible. It is interesting that Scott did not suggest that Britain carry out an earlier threat to assert its legitimate claims to trans-Mekong Kyaing Chaing and Kengtung and so keep the Burma-Annam boundary as far to the east as possible. Perhaps this was because Scott had recognized the pro-French feelings of the Mong Sing ruler and population, and because it was considered that if a boundary with France had to be accepted it had to be as clear as possible, and certainly the Mekong was the clearest divide in the area. Further, Scott was of the opinion that 'the whole [trans-Mekong] tract is worth very little, from a European point of view it is worth little more than nothing' (Mangrai, 1965, p. 253).

The final settlement came very quickly after the British government indicated in November 1895 that any further delay might require the unilateral guarantee of Thailand by Britain. France accepted the Mekong as the Burma-Tonkin boundary, and must have been pleased with that, but in return the possibility of further major French acquisitions from Thailand was significantly reduced, because the economic core of Thailand was guaranteed by both signatories. The final declaration was signed at London on 15 January 1896, and defined the Franco-British boundary as the thalweg of the Mekong as far as the Chinese frontier. This was necessary since the Sino-French terminus on the Mekong had not been fixed at that stage. France was given authority over the islands in the river, and nationals on both banks of the river enjoyed equal fishing rights.

Thus it appears that by accepting a common boundary with France, the British government of the day failed to achieve the prime aim of its predecessors. In fact, it is probably true that as more information became available about the areas concerned, it was realized that the trans-Mekong states were not worth the effort of keeping, and that the dangers of a common boundary with France were acceptable when that boundary coincided with the Mekong which, above Kenglap, is fairly deeply entrenched into the landscape. There is no evidence that the boundary has been the subject of any disagreements since it was created.

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Declaration with regard to Siam and the Upper  
Mekong, 15 January 1896

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The Undersigned, duly authorized by their respective Governments, have signed the following Declaration:—

I

The Governments of Great Britain and France engage to one another that neither of them will, without the consent of the other, in any case, or under any pretext, advance their armed forces into the region which is comprised in the basins of the Petcha Bouri, Meiklong, Manam, and Bang Pa Kong (Petriou) Rivers and their respective tributaries, together with the extent of coast from Muong Bang Tapan to Muong Pase, the basins of the rivers on which those two places are situated, and the basins of the other rivers, the estuaries of which are included in that coast; and including also the territory lying to the north of the basin of the Menam, and situated between the Anglo-Siamese frontier, the Mekong River, and the eastern watershed of the Me Ing. They further engage not to acquire within this region any special privilege or advantage which shall not be enjoyed in common by, or equally open to, Great Britain and France, and their nationals and dependents. These stipulations, however, shall not be interpreted as derogating from the special clauses which, in virtue of the Treaty concluded on the 3rd October, 1893, between France and Siam, apply to a zone of 25 kilom. on the right bank of the Mekong and to the navigation of that river.

II

Nothing in the foregoing clause shall hinder any action on which the two Powers may agree, and which they shall think necessary in order to uphold the independence of the Kingdom of Siam. But they engage not to enter into any separate Agreement permitting a third Power to take any action from which they are bound by the present Declaration themselves to abstain.

III

From the mouth of the Nam Huok northwards as far as the Chinese frontier the thalweg of the Mekong shall form the limit of the possessions or spheres of influence of Great Britain and France. It is agreed that the nationals and dependents of each of the two countries shall not exercise any jurisdiction or authority within the possessions or sphere of influence of the other.

The police of the islands in this part of the river which are separated from the British shore by a branch of the river shall, so long as they are thus separated, be intrusted to the French authorities. The fishery shall be open to the inhabitants of both banks.

IV

[Common commercial advantages in China]

V

[The Niger boundary]

VI

[Arrangements regarding Tunis]

Done at London, the 15th January, 1896.

Salisbury.  
Alph. De Courcel.

## The Boundary between Burma and Thailand

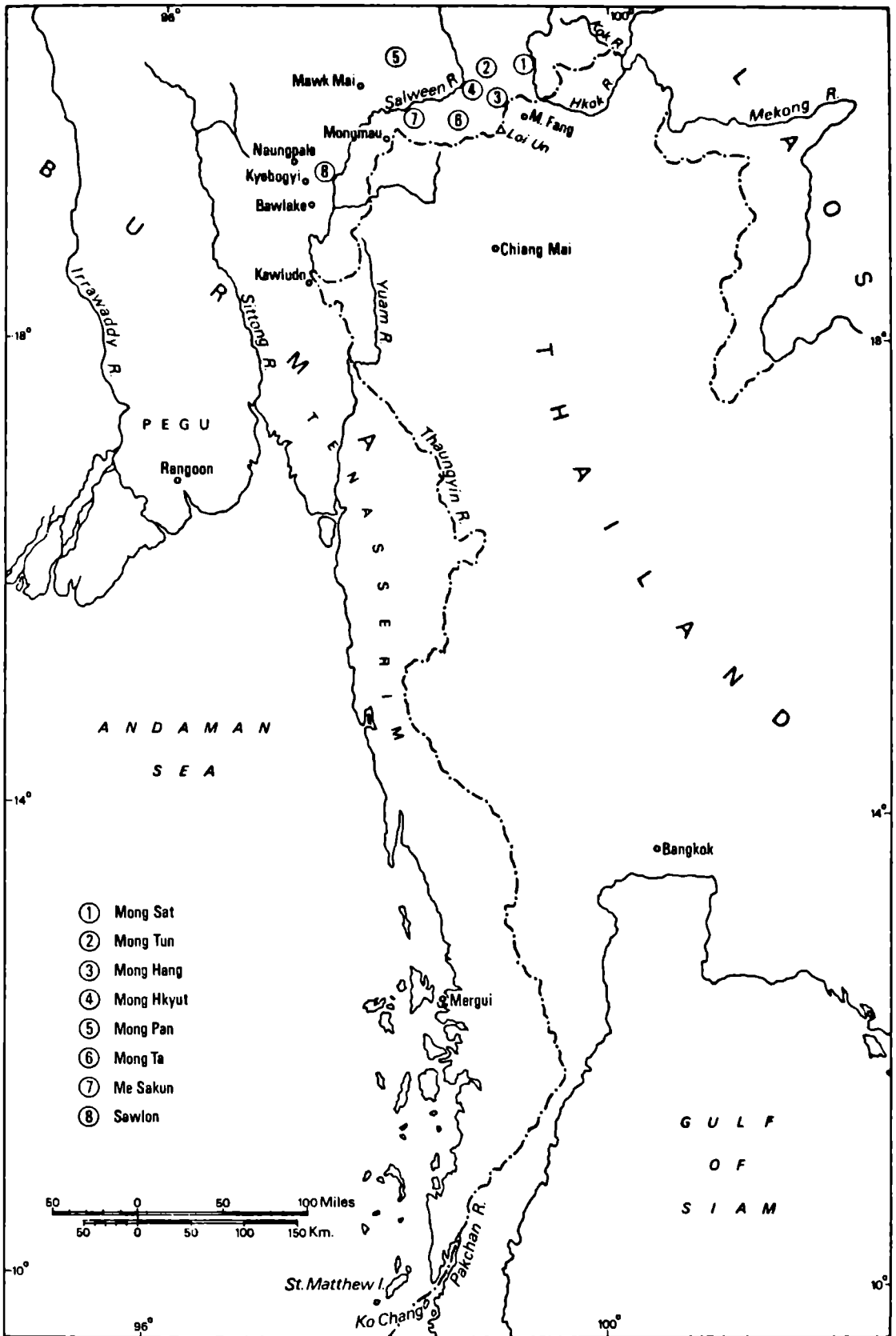
There are some obvious parallels between the construction of the boundaries of Thailand and Afghanistan. Both these territories were left more or less intact as buffers between rival colonial powers. In Afghanistan, Britain was able to make the buffer complete by creating the Wakhan strip which linked Afghanistan and Chinese territory. In the case of Thailand, Britain also tried to make that country conterminous with China but did not succeed. However, there are also important differences in these two cases. In Afghanistan, Britain was involved in defining all the boundaries; in Thailand, it was only influential in determining the Thai-Burmese border. Further, while the creation of the Durand Line as an effective boundary between British India and Afghanistan was attended by many serious difficulties, the boundary between Burma and Thailand was settled fairly quickly and has remained fixed without serious complications.

The Thai-Burmese boundary stretches for about 1120 miles (1802 kilometres) from the Andaman sea in the south to the Mekong river at  $20^{\circ} 22'$  north. The boundary, which chiefly coincides with water divides and the thalwegs of rivers, has a symmetrical appearance. The southern and northern terminal sections follow the thalwegs of the Pakchan and Kok rivers respectively; the central section, for 321 miles (516 kilometres), coincides with the thalwegs of the Salween and Thaungyin rivers, and this central section is connected to the northern and southern terminal sections by lines which mainly follow water divides. At four points along these water divides locally important rivers, such as the Hkok river, have cut back through the main divide. In each case the boundary divides the river at the continuation of the main water parting.

North of  $20^{\circ}$  north the borderland is fashioned from long granite masses which have been carved into ridges and plateaus with a general elevation of about 5400–6400 feet (1647–1952 metres). Granite again forms the main watershed south of  $15^{\circ}$  north, although adjacent ridges are capped with shales and sandstones, and the highest peaks rarely exceed 4100 feet (1251 metres). In the intervening area the geological structure is complex and limestone becomes an important element. This is particularly true south of the headwaters of the Thaungyin, where karst topography is found. Rainfall throughout the borderland is sufficient to maintain tropical forest. In the peninsular section there is evergreen tropical forest, but the longer dry periods of the northern sections encourage some deciduous species, and the cooler winter conditions of the higher, northern areas promote the growth of pine forests above 4100 feet (1251 metres).

Into this borderland, as into many other areas of southeast Asia, there had been a





Map 23. The boundary between Burma and Thailand

series of migrations which produced a complex ethnic pattern. Further, this was a region across which swept the armies of Thai and Burmese kingdoms during their persistent conflicts. Conquest and reconquest left a confused historical pattern of ownership, and north of the Salween-Thaungyin confluence, the borderland was organized into a number of small vassal states, whose allegiance fluctuated with the success of the armies of Burmese or Thai kingdoms. This feature clearly distinguishes the boundary into two parts north and south of the Salween-Thaungyin confluence. To the south the boundary was based largely on physical features and there was little discussion about indigenous political organization, because the frontier between Burmese and Thai authorities was very narrow. North of the confluence the frontier was much wider and there was, for a time, real concern with the status and adherence of indigenous vassal states. Eventually however, British strength and self-interest cut short the discussions and imposed a boundary related to physical features. Those features did not sunder individual small states but they allocated the states to Burma and Thailand in a manner which was certainly questioned by the Thai authorities.

Britain acquired a common border with Thailand when the territory of Tenasserim was ceded by Burma to Britain in 1862 by the peace treaty of Yandabo. This treaty made no mention of the boundary with Thailand, nor was the boundary defined in the treaty signed between Britain and Thailand four months later. The third article of that treaty indicated that the boundary was well known and that if there were any questions by either side concerned with its location they would be settled by local enquiry of the chiefs on either side. Fytche described the eastern boundary of Tenasserim in 1826 in the following terms.

Tenasserim extended in the north from the Thoungyeen river to the well-defined line of the Pak-Chan river in the south . . . and on the eastern side a boundary, supposed to be formed by the Central Ranges dividing the watershed, separated it from the Kingdom of Siam (Fytche, 1878, 1, p. 26).

This *de facto* boundary was confirmed in a meeting between Fytche and Thai representatives in 1864 near the Pakchan river and surveyed and marked by the beginning of 1868, when it was defined in a formal treaty. The demarcation commission described the line in simple language and provided a table of the fifty-one markers which had been erected along the 700 miles (1126 kilometres) of boundary between the sources of the Thaungyin and Pakchan rivers. This table gave the co-ordinates of each monument, named the contiguous districts, specified the rivers which rise on either side of the line, and added certain descriptive remarks to help identify the specific location. Comparison of the co-ordinates with modern maps shows that the longitudes of a number of pillars were inaccurately given as being too far west. However, this boundary has not subsequently presented any serious problems. A slight change in course in the river Pakchan transferred some land from one side to the other, but this was easily settled in 1934.

The Indian government recognized that the line defined so carefully made no provision for the ownership of islands lying off the coast, in and near the estuary of the Pakchan river. So within three months of the land boundary being settled, the governor-general wrote to the king of Thailand suggesting a division of the five islands: Victoria, Saddle (Ko Chang), Delisle (Ko Phayam), Saint Matthew and the Bird's-nest group. First, he proposed that since Thailand had never had any claim to the last two areas they should be considered British territory. Second, he suggested that the other three islands should be allocated on a basis of propinquity, which would give Victoria Island to Britain and the other two islands to Thailand. This

was accepted by the Thai king, and this sea boundary, which was established by this Exchange of Notes, still survives.

The extension of the Anglo-Thai boundary, north of the Salween-Thaungyin confluence, slowly became an important issue as British influence extended northwards. Following the annexation of Pegu in 1852, British authorities came into contact with the territory occupied by the Red Karens, which straddled the Salween between Kawludo and Kiu-neng. The area to the north of Karenni was occupied by the Shan states, and this area was annexed by Britain in 1886. The British authorities were at first undecided about the extent to which they should exert the territorial rights which had belonged to the Burmese kingdoms annexed by Britain. To some British officials the Salween seemed to mark a sensible boundary. It was clearly recognizable; it was a good defensive line; the country beyond possessed little economic potential, and would afford many problems of administration. Further there was no desire to advance to a point where there was a risk of contact with French forces advancing from the east. However, this British self-denial would only be an acceptable policy if the territory beyond the Salween was firmly held by either China or Thailand. If the land was not firmly administered it could become a refuge for malefactors who might raid into adjoining areas of Burma, and there was always the risk that France would just continue its advance westward, creating a common Anglo-French boundary along the Salween. If the alternative policies carried a risk of a common border with France, it was sensible to select that policy which placed the common boundary as far east as reasonably possible.

The local authorities in Burma were under no doubt that British authority should be extended across the Salween.

In the Chief Commissioner's opinion, the only course which can be pursued with any reasonable prospect of success is to assert the undoubted rights of the Government over these [trans-Salween] States and to repeat the invitation already sent to them to acknowledge themselves to be British subjects. The longer the adoption of this course is delayed the more risk there is that the invitation will not be responded to. . . . The position then would be a very serious one. Either it would be necessary to compel submission by force, or the claim to supremacy would have to be withdrawn. Neither of these alternatives can be contemplated without misgivings. . . . Our present hesitation may therefore lead to the advancement of the French boundary to the Salween instead of the Makhaung. . . .

If we cast these States off . . . it will appear that the burden of the Government of Burma is too heavy for our strength. The effect of this action will be, in the opinion of local officers, to diminish estimation in which the British power is held in the Shan States. . . . Our influence in those States is supported by little more than an appearance of force, and rests on the belief of the people that we are able and at all times ready to enforce our orders. A confession of weakness will shake that belief. If the British cannot hold the States across the Salween, how are they able to hold the neighbouring and connected States lying on this side of the river? Such are the considerations which have induced or rather compelled Sir Charles Crossthwaite to put aside the idea of the Salween boundary, attractive as that idea from some points of view undoubtedly is, and to record his opinion that the rights enjoyed by Burma over the Trans-Salween States should be taken up as a matter of sound policy and expediency (quoted in Mangrai, 1965, pp. 220-2).

North of the Thaungyin-Salween confluence there were three states which were divided by the Salween river. First, as previously mentioned, there was the area occupied by the Red Karens. This territory was divided into two main parts. Western Karenni consisted of four small states: Nammehek, Bawlake, Naungpale and Kye-bogyi; eastern Karenni consisted of the single state Gantarawadi, which occupied

both banks of the Salween and had its capital at Sawlon on the west bank. North of Karenni was the Shan state of Mawk Mai with its tributaries Mongmau and Me Sakun, which lay in the pronounced eastward bend of the Salween, around Loikwang. Mawk Mai was bounded on the north by Mong Pan, which had four territories: Mong Hkyut, Mong Hang, Mong Tun and Mong Ta. During the negotiations leading to the boundary settlement of 1894, Thailand claimed, at different times, the trans-Salween areas of Gantarawadi and Mong Pan. Both claims were considered, then rejected, by the British authorities.

The Thai claim to trans-Salween Gantarawadi was based on an alleged treaty signed between the rulers of that state and Chiang Mai in April 1882. This treaty, which was reportedly concluded after conflict between the two states, declared that while Chiang Mai possessed all land east of the Salween the citizens of Gantarawadi could occupy and use the region between the river and the main divide to the east. British efforts to establish cordial relations with Gantarawadi towards the end of 1887 failed, and that state attacked northwards into the trans-Salween areas of Mawk Mai, a state recently placed under British authority. Before a British column was sent to punish Gantarawadi in December 1889, the British authorities had enlisted the aid of Thai forces to ensure that retreating tribesmen did not simply escape across the Salween. The Thai government took this opportunity to occupy the area of Gantarawadi east of the Salween and establish ten frontier posts, mainly at river mouths, along the east bank of the Salween from Soppa to the vicinity of the Hwe Lang river near Kiu-neng. The British authorities had been warned by the British representative in Bangkok that the Thai government would probably seek trans-Salween Gantarawadi as the price of co-operation in defeating that state; and the consul further recommended that the Thai-British boundary be extended up the Salween as far as its confluence with the Mae Pai river (Mangrai, 1965, p. 225).

It is not clear whether Thailand laid formal claim to Mongmau and Me Sakun, but it is certain that after the Karen forces had been expelled from these two states early in 1889, the new leaders of these trans-Salween states advised the ruler in Mawk Mai that they owed allegiance to Chiang Mai.

The four trans-Salween states of Mong Pan were claimed in 1888 by Thailand, on the grounds that these territories had been annexed in 1790. Once the British authorities had decided to cross the Salween, and they made an order for the control of the trans-Salween territories of Mong Pan in November 1888, it was a foregone conclusion that the Thai claims would be rejected completely. A survey in 1889-90 confirmed the picture which the British authorities had already imagined and it was decided to insist that all the trans-Salween territories of Gantarawadi, Mawk Mai and Mong Pan should remain outside Thailand. Negotiations during the next two years resulted in agreement about the line which was demarcated in the winter of 1892-3 by two parties operating west and east of Loi Un, a prominent peak located just west of Maung Fang. The 245-mile (394-kilometre) boundary sector to the Salween followed the water divide between the Ping Kuang, the upper Mae Pai and the Yuam to the south and the Salween to the north. The watershed boundary ignored the gap cut through the main divide by the Mae Pai, 22 miles (35 kilometres) above its confluence with the Salween.

North of Loi Un, the boundary also followed the watershed between tributaries of the Salween and the Me Fang, which eventually empties into the Nam Hkok and the Mekong. In doing so the boundary marked the eastern edge of Mong Hang and Mong Tun, tributary states to Mong Pan. Between the valley of the Hkok river and the Mekong it was necessary to distinguish between the territory of Kengtung and Thailand. Kengtung was a powerful Shan state located between the Salween and

Mekong rivers, and it entered into firm treaty relations with Britain in 1890 (Aitchison, 1931, 14, p. 12). Thailand had claimed the sub-state of Mong Sat, in the upper Hkok river valley, on the same grounds as the adjacent Mong Pan territory. Thus Thailand claimed a boundary which left the watershed between the Salween and Me Fang, followed the Hkok river towards its source until it was close to the watershed between the Hkok and Kok rivers, and then the boundary followed that watershed to the Mekong. However the Thai limits of occupation, as shown on the Commission's maps, lay south of this claim and it was the line of occupation which became the boundary. This meant that Mong Sat remained in Burma, although certain Kengtung villages at Mongngam and Kengsen were left in Thailand. Provision was made for the inhabitants of these villages to move back into Kengtung territory before the first taxes were levied by Thailand in April 1894. The boundary was not described in a treaty, but three maps, showing the boundary and the position of pillars, were exchanged by British and Thai representatives on 17 October 1894.

A supplementary Exchange of Notes was made in the period 1931–40 to deal with abrupt changes in the courses of the Meh Sai and Pakchan which mark the northern and southern termini of the Burmese-Thai boundary. In 1929 an unusual flood on the Meh Sai cut into the Thai bank at one point, destroying twenty-two homes, and cut into the Burmese bank at another point, making a small area of Burmese territory into an island. Investigation by local officers caused them to recommend that the deep-water channel of the river should be considered as the boundary, on the grounds of simplicity of administration. In such areas they believed it was easier to explain where the boundary was to the local inhabitants if it followed the river, and the coincidence of boundary and river would avoid the need for any demarcation. Pillars erected near the river were quite likely to be destroyed by heavy logs carried during the floods. This recommendation was accepted in Notes exchanged on 27 August 1931 and 14 March 1932; the Notes also agreed that the boundary would continue to follow abrupt changes in the river's course. Such a change occurred in 1938, when the Meh Sai cut into the Burmese bank near the confluence of that river with the Meh Ruak. Again an Exchange of Notes agreed that the boundary would follow the deep-water channel, not only of the Meh Sai, but also of the Meh Ruak. This particular flood transferred 1600 acres (648 hectares), 10 000 teak trees and some good pasture to Thailand (Christian, 1942, p. 280). These Notes also arranged for the repatriation of subjects transferred from one country to another by changes in the rivers' courses. In 1934 similar agreements were made concerning the Pakchan river, which had changed its course in a manner which isolated two small areas known as Klong Wan and Wang Tou from Thailand, and two small areas known as Had Lan Kwai and See Sok from Burma. These four parcels of land were exchanged and it was agreed that the boundary would in future follow the deep water channel of the Pakchan, however it changed, in the area north of Marang. In March 1937, a further Exchange of Notes provided for the transfer of population stranded on the wrong side of the river by abrupt changes in course (Cmd 5475, 1937).

On 9 May 1941, by means of the Tokyo convention, Japan ceded the areas of Mong Pan and Kengtung from Japanese-occupied Burma to Thailand. This transfer was annulled by the peace agreement signed between Britain and Thailand on 1 January 1946, when Thailand recognized as null and void all acquisitions of British territory made after 7 December 1941.

In May 1963 the Burmese and Thai governments signed an agreement to promote peace and security along their common border. This agreement created a hierarchy of four committees to meet regularly in order to suppress crime, to ensure national

security for both sides, and to deal with any other border problems which might arise (UNTS, 1963, 468, pp. 320–8). Lamb (1968, p. 158) has suggested that in certain circumstances, such as internal Burmese weakness and division, Thailand may seek to secure some Burmese territory along the border. There is no current evidence that this situation is likely to occur, and the 1963 agreement should reduce its possibility.

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### Convention, 8 February 1868

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On the north the channel of the River “Maymuey” (Siamese) or “Thoungyen” (Burmese) up to its source in the “Pa Wau” range of mountains, the eastern or right bank of the said river being regarded as Siamese territory, and the western or left bank being regarded as English territory. Then along the “Pa Wau” range to the main watershed, and along it to “Khow Kra dook moo” or “moogadok Toung” in the province of “Thee tha Wat”. Here the boundary line crosses the valleys of the “Houng drau” and “Maygathat” Rivers in almost a straight line, and meets the main watershed near the common source of the “Pha be sa” and “Krata” Rivers. From this point it runs down the central range of mountains which forms the main watershed of the Peninsula as far as “Khow Htan Dayn” in the district of Chumpon, thence along the range known as “Khow Dayn Yai” as far as the source of the “Kra-na-ey” stream, which it follows to its junction with the Pakchan; thence down the Pakchan River to its mouth; the west or right bank belonging to the British, the eastern or left bank belonging to the Siamese.

With regard to the islands in the River Pakchan, those nearest to the English bank are to belong to the English and those nearest to the Siamese bank are to belong to the Siamese, excepting the island of “Kwan” off Maleewan, which is Siamese property.

The whole of the western bank of the River Pakchan down to Victoria Point shall belong to the British, and the eastern bank throughout shall belong to Siam.

This Agreement, written both in Siamese and English, shall fix the boundary line between the Kingdom of Siam and the British Province of Tenasserim for ever.

A Tabular Statement is attached to this Agreement, in which the various boundary marks in the valleys and along the mountain ranges are specified, together with their geographical positions.

Within the term of six months from the date of this Agreement, Her Britannic Majesty's Commissioner shall forward two maps which shall be compared with the present map now signed and sealed, showing the boundary in a red line". Should the two maps be found correct, the British and Siamese Governments shall ratify the same.

Signed and sealed by the respective Commissioners at Bangkok on Saturday, the fifteenth day of the waxing moon, the year of Rabbit, the 9th of the Decade Siamese Civil Era 1229, corresponding with the eighth day of February 1868 of the Christian Era.

Arthur H. Bagge, Lieut, R E  
C. Phya Sri Suri Wongse.  
Chow Phya Phuttaraphai.

*Attached Tabular Statement*

<i>Boundary Marks</i>	<i>Geographical Position</i>						<i>Contiguous Districts</i>	
	<i>Lat. N.</i>			<i>Long. E.</i>			<i>British</i>	<i>Siamese</i>
	°	'	"	°	'	"		
Watershed of the Pawau Kyau	16	27	47	98	50	50	Toungyen	Yaheing (B.) or Rahayng (S.)
Main watershed	16	20	0	98	53	10	Ditto	May ka loung (B.) or May Klaung (S.)
Ditto	16	9	5	98	48	20	Ditto	Ditto
Ditto	16	9	5	98	46	10	Ditto	Ditto
"Moo la a" Toung	16	5	45	98	42	3	Ditto	Ditto
Main watershed	16	4	25	98	39	50	Houng drau	Ditto
"Moogadok" Toung	15	53	56	98	38	42	Ditto	May-ka-loung Thee tha wat.
Phankalan Dg.	15	49	30	98	36	45	Ditto	Thee tha wat
Hteeman Dg.	15	46	35	98	36	25	Ditto	Ditto
Cairns on the Houng drau river	15	41	19	98	35	0	Houng drau, Attaran	Ditto
Hsa lan gyan Tg.	15	38	20	98	36	10	} Attaran	On the left bank near the mouth of the Taylay River
Hleing wa soo do.	15	30	15	98	36	30		
Khondan do.	15	33	50	98	36	35		
Hton Ban do.	15	29	7	98	37	8		
Peing tha noo Tg.	15	27	20	98	37	28	Ditto	Thee tha wat
Cairns on the Maygathat River	15	22	42	98	37	10	Ditto	Ditto



*Rivers Rising on Both Sides**Descriptive Remarks*

<i>Tenasserim</i>	<i>Siam</i>		
"Waleo Kyoung" the recognized source of the Thoungyen, or "Maymuey"	May-la-maung affluent of the Thoungyeng	Not on the main water- shed	The mutual source of these rivers is about two miles along the spur which drains itself into the May-la-maung and Thoungyeng
Phaupee	Proung-ta- goung-kah	Along the main water- shed	The Phaupee is called the "Onkok" lower down
Wa Pa Ghay' Htee Klee thoo	Klaung "No- pa-do"	Ditto	The "Wa Pa Ghay" and "Htee Klee thoo" are small streams at the source of the "Onkorean"; the "Poo pa" is larger
Poo pa	Py nyo	Ditto	The Karen village Patan is situ- ated near its source The principal confluents at the head waters of the "Thoung- yeng" are (1) Walee, (2) On- kok, (3) Onkorean, (4) Oukra, (5) Maygoola
Head Waters of the Oukra	Poi-too-roo- Htee Klee pleu Ketto- nee Kleutau	Ditto	The "Mee Gwee" and the "Mayta la" fall into the "Houng drau"; the streams on the Siam side fall into the "May-ka- loun"
May goola Mee Gwee	Maysau	Ditto	
Ma ta la	Confluents of the "Maysau"	Ditto	
...	...	Crossing the Houng drau valley	Hills on spurs of those names jutting out from the Moogadok range
...	...	Ditto	
...	...	Ditto	On the left bank near the mouth of the Taylay River
...	...	Crossing the Houng drau valley	Limestone rocks
...	...	Ditto	Round hill on high tablelands of the "Pantoonan Kyan"
...	...	Crossing the "Pantoonan" range and the Mayga that valley	

<i>Boundary Marks</i>	<i>Geographical Position</i>						<i>Contiguous Districts</i>	
	<i>Lat. N.</i>			<i>Long. E.</i>			<i>British</i>	<i>Siamese</i>
	°	'	"	°	'	"		
Main watershed	15	20	0	98	35	4	Ditto	Phra thoo wan Thee tha wat
Ditto	15	22	47	98	31	30	Ditto	Phra thoo wan
Krondo-toung	15	20	50	98	27	30	Ditto	Ditto
"Phaya Thou soo" Toung	15	18	13	98	25	55	Ditto	Ditto
"Three Pagodas"	15	18	1	98	25	29	Ditto	Ditto
"Kwee waw" Toung	15	16	0	98	22	30	Ditto	Ditto
"Sadeik" Toung	15	17	25	98	15	0	Yay	Don ka pon
"Kyouk pon doung"	15	3	30	98	15	15	Yay	Don ka pon
"Day byoo" Toung	14	59	17	98	12	40	"Yay" and the Myit-ta districts in Tavoy	Ditto
"Mayan" Doung	14	56	12	98	14	45	Myit-ta	Ditto
Hseng byoo Doung	14	43	57	98	21	28	Ditto	Ditto
Eap thean Doung	14	42	45	98	22	15	Ditto	Ditto

*Rivers Rising on Both Sides*

<i>Tenasserim</i>		<i>Siam</i>	<i>Descriptive Remarks</i>
Pha be sa		Krata	Along the main watershed
Tee ko tha Teemayoung		Koo-yay Endeing toung Khyoung	Ditto
Kron Wa galay		Bya-ta- maleing	Ditto
Krou wa gyee		Sakay-wau	Ditto
...		...	Ditto
Head affluents of the "Krontau"		Kayat tweng Kg. and east branch of the "Khan Karau"	Ditto
Sadeik Kyoung and the south branch of the Krontau		Khan Karau	Ditto
Thit yuet Kg., a small tributary of the Yay River		"Kha deing tharou", an affluent of the "Htai Pha Ket"	Along the main watershed
Main source of the Yay River, also that of the "Khan", a confluent of the Kaneanoung		Main source of the "Htai Pha Ket", called "Wee-ka nau" and "Kyouk nee"	Ditto
Source of the "Mayan", Kg.		Source of the Beelouk Kg	Ditto
Affluents of the "Zengba"		Affluents of the "Beelouk"	Ditto

The "Maygathat" receives the streams on the Tenasserim side. The "Koo Yay" and "Endeing toung Khyoung" fall into the "Tharawa", a confluent of the "Thoung Kalay", which receives direct the "Byata-maleing" and "Sakaywau"

These are three large heaps of stones about 8 feet high, some 20 feet apart in one line, bearing 20° north-east. The stones are irregular blocks found near the spot at the base of the limestone ridge called "Phya thou soo Toung"

The "Krontau" falls into the "Lamee" branch of the Attaran River

The "Khan Karau" is considered the north source of the "Htai Pha Ket"

This hill derives its name from three pagoda-like stone heaps at its eastern base

The "Kalean-oung" is another name for the head of the Tavoy river, where in former days there was a city of that name

The "Mayan Khyoung" is a large northern affluent of the "Zengba" which, with the "Kalean-oung", forms the main source of the Tavoy River

A pass leads through these two hills generally called the "Hseng-byoo-doung" Pass. The Beelouk falls into the "Htai Pha Ket"

<i>Boundary Marks</i>	<i>Geographical Position</i>						<i>Contiguous Districts</i>	
	<i>Lat. N.</i>			<i>Long. E.</i>			<i>British</i>	<i>Siamese</i>
	°	'	"	°	'	"		
Zengba Doung	14	38	20	98	26	50	Ditto	Don ka pon Den Yeik
"Hlan" Doung	14	26	52½	98	32	0	Ditto	Den Yeik
Nat yay Doung (B) Ten Kyeik (T) Tok Kyay (K)	14	22	47	98	33	0	Myit-ty	Ditto
"Sroonkhet" Doung	14	0	0	99	1	0	Ditto	Den Yeik Kanboree
"Amya Doung"	13	50	7	99	5	5	Ditto	Ditto
Main watershed	13	44	35	99	7	10	Myit-ty	"Ratbooree"
Ditto	13	37	45	99	8	40	Ditto	Ditto
Ditto	13	19	47	99	10	27	Ditto	Ditto
Ditto	13	0	0	99	11	30	Mergui district	Ratbooree Phayt Cha- boo-ree
Ditto	12	47	0	99	15	10	Ditto	"Phayt Cha- boo-ree", Menang Pran

*Rivers Rising on Both Sides**Descriptive Remarks*

<i>Tenasserim</i>	<i>Siam</i>		
Zengba Kg. Khamoung Thway	Kron-ka-broo, source of the Kasamai	Ditto	The "Kron-ka-broo" and "Kasamai" Rivers fall into the Beelouk. The "Khamoung Thway" is the north confluent of the Tenasserim River.
Kronta, a tributary of the Khamoung Thway	Source of the May-nam- Nauey	Ditto	The "May-nam-Nauey" falls into the "Htai Pha Ket" at "Den Yiek"
Khamoat Kg. "hya pata", also called "Ngayan- nee"	South source of the "May- nam Nauey" Htee Man-Koung, source of the "Maynam Ran"	Ditto	In former days the pass crossed the watershed by this hill, and was called the "Hatayay doung Pass", though the route has been changed, it still retains the name
"Hseng byoo deing" "Kanay- wala", affluents of the Tensas- serim River	"Poungdee", "Louthon", affluents of the "Htai Pha Ket"	Ditto	
Amya Khyoung	Kron-padee	Ditto	Pass from Ban "Wangmenk", to Amya, a village in the Tenasserim River
Ba yet-kha	Hwey "Naung-ta- ma"	Along the main water- shed	The east drainage, i.e., on the Siam side, falls into the Mayphra chee, which forms the main drainage line of the Ratbooree District and empties itself into the Htai Pha Ket
"Hta-pa-ngay", the source of the "Mayhteng"	Hwey "Nam Kayo", the source of the Bandebook	Ditto	
Source of the "May phya" or "May phra"	Phoo-la-kan	Ditto	
Mooloo Banloo	Sources of the "May-phra- chee" and the "Khlaung- Phayt	Ditto	All the rivers on the west side fall into the Great Tenasserim River. "Khlaung Phayt" is the short name for the Phayt Chaboo-ree River
"Htee Pho Mae lan"	Khlaung May la leen, also the source of the Pran river	Ditto	The Sarawa River falls into the Great Tenasserim. The Khlaung Pran and the Khlaung Kooiy are main drainage lines, which empty themselves into the Gulf of Siam

<i>Boundary Marks</i>	<i>Geographical Position</i>						<i>Contiguous Districts</i>	
	<i>Lat. N.</i>			<i>Long. E.</i>			<i>British</i>	<i>Siamese</i>
	°	'	"	°	'	"		
"Khow Htay-wada"	12	18	7	99	23	10	Ditto	Menang Pran, Menang Kooiy
Main watershed	11	54	50	99	34	25	Ditto	Menang Kooiy
"Khow Maun" or "Man- doug	11	47	28	99	37	8	Ditto	Ditto
Main watershed	11	39	55	99	31	35	Mergui district	Bang-ta- phang
Ditto	11	23	15	99	22	45	Ditto	Ditto
Ditto	11	17	0	99	19	50	Ditto	Ditto
Khow Phra	11	12	0	99	16	30	Ditto	Meng-ang Bang-ta- phang

*Rivers Rising on Both Sides*

<i>Tenasserim</i>		<i>Siam</i>		<i>Descriptive Remarks</i>
Kwon Yai, tributary of the Taket, south source of the Sarawa River	Khluang Phrayk Kooiy"	Ditto		The Khluang Phrayk Kooiy is a principal confluent of the Pran River
	Phrayk Kee-yun durin	Ditto		The "Phrayk Keeyun durin" is the north source of the Kooiy River.
"Maynam", an affluent of the Thean-Khwon	"Phrayk ton-ka-ta", south source of the Kooiy river	Ditto		The "Nga-Won" and "Thean Khwon" Rivers unite to form what is generally called the little Tenasserim River, which falls into the "Great Tenasserim" at that town which gives the name to the provinces
Source of the "Thean-Khwon"	Khlaung Yai	Ditto		
Khlaung Chan Khow, south affluent of the "Thean Khwon"	Source of the Khlaung Chakkra	Along the main watershed		The "Khlaung Yai", "Khlaung Chakkra", "Khluang Kroot", "Khlaung Bang-ta-phang Yai", "Khlaung Bang-ta-phang naney", and the "Khlaung Hta Say", are six large streams which collect the eastern drainage, and discharge themselves into the Gulf of Siam.
"Khlaung Pawaey", affluent of the "Nga-won"	Hwey Kang-yang, tributary of the Khlaung Kroot and source of the "Bang-ta-phang Yai"	Ditto		
"Khlaung Phalenang", affluent of the "Nga-won"	Khlaung Luary, affluent of the "Bang-ta-phang Yai"	Ditto		
Main source of the "Nga-won", Khlaung Khow Phra, affluent of the east Laynya River	Source of the "Bang-ta-phang Nanay", and source of the Khlaung Hta Say	Ditto		

<i>Boundary Marks</i>	<i>Geographical Position</i>			<i>Contiguous Districts</i>	
	<i>Lat. N.</i>	<i>Long. E.</i>		<i>British</i>	<i>Siamese</i>
	° ' "	° ' "			
Khow Htam Placy Lamay	10 57 7	99 7 20		Ditto	Mewong Pah-tee, O
Main watershed	10 54 25	99 4 30		Ditto	"Meang Choomphaun"
Khow Htam Dayng	10 47 27	98 56 35		Ditto	Menang Choomphaun and Menang Kra
Watershed on the "Khow Dayan Yai", the final mark of the eastern boundary	10 48 14	98 55 40		Mergui district, Laynyn Maleewan	Kra



*Rivers Rising on Both Sides**Descriptive Remarks*

<i>Tenasserim</i>	<i>Siam</i>		
A source of east branch of the Laynya River, called "Khlaung Khow boon"	Khlaung "Samay" Khlaung "Kamayoo", an affluent of the Khlaung "Hta Say"	Ditto	The streams on the Siam side fall into the Khlaung Hta Say, which is also called "Khlaung Choomphaun", as it flows by that town
Main source of Khlaung "Khow-boon", eastern sources of the west branch of the Laynya River	"Khlaung Tangan nauy" "Khlaung Phairee", "Khlaung Nam Dayng"	Ditto	
Main source of the West Laynya River	Hwey Kalong at the head of the Rapran	Ditto	
Head affluent of the main source of the Laynya River	Source of the Pak-chan, called "Khlaung Kanai"	Ditto	

Exchange of Notes, 30 April and 3 July 1868

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*British letter after titles*

I have received your Majesty's gratifying letter on the subject of the settlement of the boundary line between the Kingdom of Siam and the British Province of Tenasserim.

Lieutenant Arthur Herbert Bagge of the Royal Engineers, whom I had deputed as my Commissioner to demarcate the boundary, has also informed me of the satisfactory conclusion of this matter. He reports that there is now only one point remaining for adjustment between the two Governments, viz., the sovereignty of certain islands off the mouth of the Pakchan river.

There are altogether five islands or groups of islands situated there, viz., the island of Victoria, Saddle, Delisle, St. Matthew, and the Bird's-nest group.

Your Majesty's Government make no claim regarding St. Matthew and the Bird's-nest group. Regarding the three other islands, I am inclined to view the following as the best solution of the matter, viz., that the island of Victoria, which is nearer to the British than the Siamese Coast, should belong to the British Government, and that the two other islands, Saddle and Delisle, shall be considered part of your Majesty's territories. I have to invite your Majesty's friendly consideration to this proposed method of solving the only question remaining unadjusted. Feeling confident that its reasonableness will commend itself to your Majesty's judgment, I have affixed my seal and signature to the map prepared by Lieutenant Arthur Herbert Bagge, in which the islands are divided in the manner proposed; and I have directed the Secretary of my Government in the Foreign Department to forward to your Majesty's Ministers the above map, with a duplicate, to which I have the honor to request that your Majesty will affix your Royal seal and signature, and will then direct its return to the Consul of Her Majesty the Queen of Great Britain and Ireland at Bangkok.

30 April 1868.

John Lawrence.

*Thai letter after titles*

Be it known and made manifest unto all men that we, Chow Phya Sri Suri Wongse Thi Samuha Phra Malahome, and Chow Phya Phu Tharaphai Thi Samuha No Yok, on behalf of His Majesty the King of Siam, and Henry Alabaster, Esq., Her Britannic Majesty's Acting Consul for the Kingdom of Siam, on behalf of Her Britannic Majesty's Government, have on this third day of July in the year 1868 of the Christian era, at Bangkok in the Kingdom of Siam, exchanged maps which we have carefully compared and examined and found to be *facsimiles* the one of the other, the one map bearing the seal of His Majesty the King of Siam, and the other that of His Excellency Sir John Laird Mair Lawrence, Viceroy and Governor-General of India, and each of them showing the boundary line as finally agreed upon between the dominions of His Majesty the King of Siam and British Tenasserim.

In witness whereof we have hereunto subscribed our names and affixed our seals of Office at Bangkok aforesaid on this third day of July in the year 1868 of the Christian era.

Chow Phya Sri Suri Wongse.  
Chow Phya Phu Tharaphai.

## Agreement and Exchange of Notes, 12 May 1931 and 14 March 1932

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### *Agreement*

According to evidence obtainable locally, it appears that the Meh Sye, which is chosen as the boundary between Siam and Kengtung by the agreement of 1891, has been keeping its channel without any abrupt change for many years before the date of the agreement. It must therefore be said that the Meh Sye has served excellently as a border line for all practical purposes up to the year 1929.

The river only left certain parts of its original bed as the result of the exceptional floods of the year 1929. The floods swept away twenty-two houses in two spots on the Siamese bank, forcing the channel of the river to run right through Siamese territory; at the same time this new channel cut away a small projecting piece of land on the Kengtung side, turning it into an island.

Assuming the new channel of the river as a boundary, it will be seen that neither side incurs any substantial loss. Although Siam loses a number of houses, the land on which these houses formerly stood now lies so low, almost on the level of the water, that it is useless for a considerable part of the year, and is therefore of no practical value. (Please refer to sketch.)

It seems to us, the undersigned, that for two friendly countries, the most obvious boundary in this instance is the river. To remote frontier dwellers not advanced in education, it is easy to point out and explain; for administration, it is simple. We beg, however, to submit that the term "deep-water channel" of the river should be used in place of the term "mid-stream." This would do away with every likelihood of dispute, and would, to a great extent, facilitate administration.

In suggesting the adoption of the new channel as the boundary, we would draw attention to two points:—

1. There would be no necessity to erect boundary posts, of which both the cost of erection and maintenance would be very high on account of the annual high water, which brings down heavy logs from the north-west.
2. Should the old bed of the river be retained as boundary, its demarcation, apart from the necessity of erecting and maintaining costly pillars, would be difficult.

It is, however, to be borne in mind that this practice of adopting the new bed of a river which has been suddenly changed as the boundary of two countries is diverting from the usual international practice. In this regard the representatives of the Government of Burma assert that in the event of the Meh Sye changing its channel in the future, the Government of Burma would agree to accept the new channel as the boundary between Kengtung and Siam even though such future change would cause Burma to lose a part of her territory.

In conclusion, we jointly state that we shall submit to our respective Governments, a proposal to adopt the new channel of the Meh Sye as the most practical boundary of the two countries on the understanding that, in the future, should the river again change its course, the two Governments would be prepared to always hold the "deep-water channel" of the river as the boundary, irrespective of any territorial loss that may be incurred thereby.

Signed in duplicates at Chiengrai on 12 May 1931.

H. J. Mitchell,  
Assistant Superintendent,  
Kengtung State.

Phya Rajadej Damrong,  
Governor of Chiengrai.

Phra Sri Banja,  
Acting Chief of Protocol, Foreign Office.

Dated, Chiengrai, 12 May 1931.

*First British Note*

Bangkok  
12 July 1931.

M. le Ministre,

With reference to previous correspondence ending with your Highness's letter of the 16th April last, I have the honour to state that I have been requested by the Government of Burma to inform your Highness that the agreement recently arrived at between representatives of the two Governments as to the position of the boundary between Kengtung and Siam has now been ratified by his Excellency the Governor of Burma.

I have also pleasure in complying with the request of the Government of Burma that an expression of his Excellency's thanks should be conveyed to the Royal Government for the courtesy and hospitality extended by the Siamese representatives to the representatives of the Government of Burma at the meeting which took place at Chiengrai in May last for the purpose of settling this matter.

Cecil Dormer.

*Thai Note*

Ministry of Foreign Affairs  
Saranromya Palace,  
27 August 1931.

M. le Ministre,

I have the honour to acknowledge the receipt of your Excellency's letter dated 17 July 1931, informing me, at the request of the Government of Burma, that the agreement recently arrived at between representatives of the two Governments as to the position of the boundary between Kengtung and Siam has now been ratified by his Excellency the Governor of Burma. You also request that an expression of his Excellency's thanks be conveyed to His Majesty's Government for the courtesy and hospitality extended by the Siamese representatives to the representatives of the Government of Burma at the meeting which took place at Chiengrai in May last for the purpose of settling this matter.

In reply, I have the honour to inform your Excellency that, on their part, His Majesty's Government have approved and ratified the agreement above referred to, whereby it has been agreed to adopt the new channel of the Meh Sai River as the boundary between Siam and Kengtung, on the understanding that in the future, should the Meh Sai River again change its course, our two Governments would be prepared always to hold the "Deep Water Channel" of the river as the boundary, irrespective of any territorial loss that may be caused by such change.

In this connexion, however, I shall be glad to be informed of the views of your Government whether your letter under reply and my present note are considered as completing the agreement under reference, or whether there should be a formal exchange of notes between your Excellency and myself on this subject, or whether a protocol should be drawn up for our signature in which is embodied the substance of this agreement.

I may added that, in compliance with your request, I have not failed to convey to His Majesty's Government an expression of thanks of his Excellency the Governor of Burma, as expressed in the last paragraph of your letter.

Devawongs,  
Minister for Foreign Affairs.

### *Second British Note*

Bangkok,  
14 March 1932.

M. le Ministre,

I have the honour to acknowledge the receipt of your Highness's note of 27 August, 1931, stating that the Royal Siamese Government have approved and ratified the agreement arrived at on the 12 May, 1931, between their representatives and the representative of the Government of Burma, whereby it has been agreed to adopt the new channel of the Meh Sai River as the boundary between Siam and Kengtung, on the understanding that in the future, should the Meh Sai River again change its course, the two Governments would be prepared to hold the "Deep Water Channel" of the river as the boundary, irrespective of any territorial loss that may be caused by such change.

I have now the honour, on instructions from His Majesty's Principal Secretary of State for Foreign Affairs, to confirm Mr. Dormer's note of 17 July 1931, and to inform your Highness that His Majesty's Government in the United Kingdom and the Government of India consider your Highness's note of 27 August and the present note as completing the agreement under reference.

J. F. Johns,  
Chargé d'Affaires.

### Exchange of Notes, 1 June 1934

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#### *British Note*

Bangkok  
1 June 1934

Your Excellency,

In accordance with instructions from His Majesty's Principal Secretary of State for Foreign Affairs, I have the honour to inform you that His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland and the Government of India have considered the report drawn up by the Commissioners appointed to examine the changes in the channel of the river Pakchan with reference to the boundary between Siam and Tenasserim in the Province of Burma, and are prepared to adopt the recommendations contained therein.

2. I have accordingly the honour to propose that, if the Siamese Government likewise approve the said recommendations, the description of the boundary, as laid down in the convention signed at Bangkok on 8 September 1868, be deemed to be modified in accordance with the recommendations set forth in the original memorandum and map attached hereto and signed by the respective Commissioners.

3. If the Siamese Government agree to this proposal, I would suggest that the present note and your Excellency's reply in similar terms, together with the

original memorandum and map, be regarded as constituting an agreement between His Majesty's Government in the United Kingdom and the Government of India on the one hand and the Siamese Government on the other, with effect from the date of the notes, the said agreement to be regarded as supplementary to the abovementioned convention signed at Bangkok on 8 September, 1868.

W. W. Coultas

*Enclosed Memorandum*

We, the undersigned, being the Commissioners appointed by the Siamese and British Governments to examine the changes in the channel of the river Pakchan with reference to the boundary between Siam and Tenasserim, beg to submit the following observations:—

1. The upper waters of the river Pakchan are very winding and frequently form peninsulas of land. Recently at four points the river has cut through the neck of certain peninsulas, leaving four areas of land lying between the old and the new channels of the river. Two of these areas, known as "Klong Wan" and "Wang Tou," are Siamese territory, but lie on the British side of the river as it now is. The other two areas of land, known as "Had Lan Kwai" and "See Sook," are British territory, but lie on the Siamese side of the river. These four areas of land are small in extent, and the revenues derived from them are negligible.

2. We have examined both the old and the new channels of the river and found that the old channels are largely silted up, so that the four areas of land above referred to will in the near future form part of the mainland.

3. The provisions of the convention of 1868 defining the boundary between Siam and Tenasserim are not sufficiently precise to cover the present case, but the matter is one which requires rectification for administrative convenience.

We therefore recommend—

(1) That to clarify the present situation, and to provide against any future changes in the course of the river Pakchan, the present new channel, which is the deep water channel, should be adopted as the boundary in this instance, and, further, that the deep water channel of the river Pakchan, wherever it may be, should always be accepted as the boundary. The recommendation with regard to the deep water channel should, however, refer only to that part of the river Pakchan which is liable to change its course, viz., from the British village of Marang northwards as far as the said river forms the boundary between Siam and Tenasserim in accordance with the convention of 1868.

(2) That the areas of land called "Klong Wan" and "Wang Tou," which are now Siamese territory, be declared British territory, and that the areas known as "Had Lan Kwai" and "See Sook," which are now British territory, be declared Siamese territory.

In making these recommendations we would point out that if the deep water channel of the river is accepted as the boundary, there will be no need to demarcate the frontier and erect and maintain any boundary posts. We would also observe that the territories involved in the above exchange do not appreciably differ in extent or value.

Done in duplicate at Tab Lee on 10 January, 1933.

Deputy Commissioner,  
Mergui.  
Phya Amara Riddhi Dhamrong,  
Governor of Ranong.

Luang Siddhi Sayamkar,  
Assistant to Adviser in Foreign Affairs,  
Ministry of Foreign Affairs.

[The Thai State Councillor replied in identical terms on the same day.]

## Exchange of Notes, 1 October, 10 December 1940

*First British Note*Bangkok  
1 October 1940

M. le Ministre,

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

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

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

J. Crosby

*Memorandum*

1. In respect of the Meh Sai river which forms the boundary between Thailand and Kengtung by the Agreement of 1891, there exist an Agreement and Exchange of Notes of 27 August 1931/14 March 1932, between the Thai and British Governments. The principle laid down in the said Agreement and Exchange of Notes is that in the future, should the Meh Sai river again change its course, the two Governments would be prepared always to hold the "Deep Water Channel" of the river as the boundary, irrespective of any territorial loss that may be caused by such change.

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

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

4. We, therefore, beg to submit that—

(a) In accordance with the principle laid down in the Agreement and Exchange of Notes of 27 August 1931/14 March 1932, referred to in paragraph 1 above, the new channel of the Meh Sai river which is the deep water channel should be adopted as the boundary between Thailand and

Kengtung, subject to the understanding that the principle of the "Deep Water Channel" is to remain applicable in the event of the Meh Sai river again changing its channel in the future.

- (b) British subjects habitually resident in the territory which is to be transferred from British to Thai sovereignty should cease to be British subjects and should acquire Thai nationality unless they make application to retain British nationality to the appropriate British authority within six months from the date of the formal transfer of the territory in question.
  - (c) The same rule should apply permanently, *mutatis mutandis*, as regards territory which may in the future be transferred from British to Thai sovereignty, or vice versa, as the result of the redelimitation of the boundary between Thailand and Kengtung in accordance with the Agreement and Exchange of Notes of 27 August 1931/14 March 1932.
  - (d) The British Government will, through their Representative at Bangkok, notify the Thai Government as soon as possible of all applications made in accordance with sub-paragraph (b) above, and the Thai Government will similarly notify the British Representative at Bangkok of all applications made in accordance with sub-paragraph (c).
5. A map showing the positions of the new and the old channels of the Meh Sai river is hereto attached.

Luang Siddhi Sayamkar.  
Phra Anuraks Bhubes.  
Phra Panom.  
Phya Prakrit Kolasastra.

Chiengrai 24 March 1939.

[The Thai government replied in the same terms on the same day.]

### *Second British Note*

Bangkok  
10 December 1940

M. le Ministre,

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

- (i) A.—As from the coming into force of the present agreement, the boundary between Burma and Thailand in the section which lies along the River Meh Ruak shall be situated along the deep-water channel of the said river or, in other words, on the line of minimum level along the river-bed.
- B.—In the event of any sudden natural change in the course of the river any transfer of territory which may be entailed thereby shall be confirmed by an agreement between the two contracting Governments.



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

(iii) The same rule, *mutatis mutandis*, shall apply as regards territory which may be transferred from Thai to British sovereignty.

(iv) His Majesty's Representative at Bangkok will notify the Thai Government as soon as possible of all applications made in accordance with paragraph (ii) above, and the Thai Government will similarly notify His Majesty's Representative at Bangkok of all applications made in accordance with paragraph (iii).

(v) Nothing in the foregoing shall affect the national status of persons who are not British subjects at the time of the transfer of territory from British to Thai sovereignty, or of persons who are not Thai subjects at the time of transfer of territory from Thai to British sovereignty.

(vi) In accordance with the proposal contained in paragraph (i) above, the area known as the Koh Chang or Kaw Chang, bounded by the former (or south) deep-water channel of the Meh Ruak river, and by the present (or north) deep-water channel of that river, shall be transferred forthwith from British to Thai sovereignty.

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

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

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

J. Crosby.

[The Thai government replied in the same terms on the same day.]

## The Boundaries of Singapore

The boundaries of Singapore were established in two distinct phases. The boundary between Singapore and Indonesia was formed through Anglo-Dutch negotiations in 1820–4; the boundary between Singapore and Malaysia was laid down unilaterally by Britain in 1927.

Singapore consists of the main island and about two dozen smaller islands, mainly to the south, which have a total area of 227 square miles (588 square kilometres). The main island measures 26 miles (42 kilometres) in length and 14 miles (23 kilometres in width). It is separated from the Malayan peninsula by the Johore Strait which varies in width from three-quarters of a mile to 2 miles (1–3 kilometres). Singapore occupies an important strategic location at the eastern end of the Strait of Malacca which links the Bay of Bengal to the South China Sea. This was one of the arenas of Anglo-Dutch commercial rivalry in the first two decades of the nineteenth century.

Marks (1959) has provided a detailed account of the Anglo-Dutch competition in the period 1819–24 which resulted in the establishment of British authority over Singapore and the definition of the boundary between the Dutch and British spheres. His careful analysis of British and Dutch records shows that during the negotiations British representatives were mainly concerned to secure the right of transit through the Strait of Malacca, while the Dutch negotiators sought to exclude British influence from the archipelago lying south of the mainland, especially Sumatra. These prime geographical aims were not mutually exclusive and thus much of the detailed debate revolved around financial and trade matters rather than territory. A careful reading of the extracts produced by Marks also makes it clear that neither side regarded Singapore as the most valuable island in the eastern mouth of the Strait of Malacca.

British concern with passage through the Strait of Malacca is revealed in the instructions given to Sir Stamford Raffles by the governor-general of India on 28 November 1818:

The proceedings of the Dutch Authorities in the Eastern States . . . leave no doubt that it is their policy, by possessing themselves of all the most commanding stations in that quarter, to extend their supremacy over the whole Archipelago. The success of this project would have the effect of completely excluding our shipping from the trade with the Eastern Islands . . . and would give them the entire command of the only channels for the direct trade between Europe and China . . .

Under these impressions it appears to the Governor-General in Council to be an object of essential importance to our political and commercial interests to secure the free passage of the Straits of Malacca, the only channel left to us . . . but the most material point to obtain, and that which will indeed constitute the only

effectual means of accomplishing the object of securing a free passage, is the establishment of a station beyond Malacca, such as may command the southern entrance of those Straits (quoted in Marks, 1959, p. 31).

The instructions went on to recommend that the port of Rhio would probably suit the British requirements. However, the Dutch were in firm occupation of this port, and after inspecting the Karimun islands, Raffles fixed on Singapore. By an agreement with the local sultan on 26 June 1819, Britain was granted control over an area bounded by the coast between points Malang and Katong, and extending inland as far 'as the range of a cannon shot'. It is very unusual to fix land boundaries by cannon range but this was a common method of determining the extent of territorial waters at that time.

Now that Britain had secured some title to a settlement in the Strait of Malacca, even though its legality was challenged by the Dutch, the scene was set for general negotiations to tidy the patchwork of interlocking claims and settlements. The Dutch possessed a small factory at Fultah in Bengal and a station at Malacca on the northern shore of the strait as well as a multitude of settlements throughout the archipelago. Britain, in addition to settlements on Singapore and the Prince of Wales island also had factories at Fort Malborough and Bencoolen on the northeast and southwest coasts of Sumatra respectively, and a station on the island of Belitung. Governments of the day regarded this territorial complexity as a potentially dangerous situation, and they sought to resolve it by mutual concessions, just as their successors did in West Africa sixty years later.

It must be noted that Singapore or some other similar island was sought for its own sake, and not because it provided a foothold from which the conquest of the peninsula of Malaya could be launched. In this sense it was similar to Gibraltar and Aden. Indeed the British negotiators offered to abandon Singapore in exchange for the Bangka group of islands and Fultah in India, but this offer was declined by the Dutch (Marks, 1959, p. 90) and then withdrawn by the British. The Dutch representatives noted that in the interests of peace and tranquillity 'the occupation of Singa-Poura occasions less concern than an establishment upon Billiton [Belitung]' which would promote new insecurity and conflict (quoted in Marks, 1959, p. 98). Belitung lies just to the east of the Bangka group, the most northerly point of which is about 150 miles (241 kilometres) closer to the eastern entrance to the Strait of Malacca than Belitung. Later a senior Dutch official was able to write as follows.

I am no longer able to attach any special value to the return of Singapore . . . As a produce-yielding territory Singapore has no value. Such value as it may have as a naval station and as a transfer point between Bengal and China is, in my opinion, appraised far too high (quoted in Marks, 1959, p. 173).

But the British knowledge of geography was scarcely better than that of the Dutch, and a special secret committee appointed to provide information and opinions for the British negotiators attached great importance to the station at Bencoolen.

Our present possessions on the West coast of Sumatra not only break the Chain of Dutch Settlements, but enable us in a great measure to command the pepper trade there.—Were we to cede it to the Netherlands Government they would have uninterrupted possession of the whole line of Coast and including the celebrated bay of Tappanooly,—the nautical advantages of which are scarcely surpassed in any other part of the Globe . . . (quoted in Marks, 1959, pp. 194–5).

Courtenay, secretary to the Board of Control, showed sounder judgement by noting that while the merits of this bay were praised highly in books, the fear of it being

developed by the Dutch to the detriment of the British 'may probably be classed among the exaggerations which attend every part of this subject'.

Eventually financial pressures encouraged the Dutch government to reach a rapid agreement and the treaty was signed on 17 March 1824. The treaty consisted of seventeen articles, of which articles eight to twelve inclusive dealt with territorial issues. Under these articles Britain gained firm title to Singapore, and received from the Netherlands various depots in India and the town and fort of Malacca on the Malayan peninsula. In return Britain ceded to the Dutch all British settlements on Sumatra and withdrew objections to Dutch occupation of Belitung. Britain also agreed to avoid acquiring any possessions on Sumatra or the islands of Karimun, Bintam, Batam and the other islands south of Singapore, while the Dutch disclaimed all future interest in possessions on the mainland. Thus although no precise maritime boundary was drawn, the boundary was defined by the allocation of islands to the two parties. An Exchange of Notes on the same day clarified the definition of the Moluccas mentioned in the treaty and guaranteed fair treatment to the subjects transferred from one side to the other. Britain hastened to consolidate its hold in Singapore and on 2 August 1824 a new treaty with the sultan of Johore ceded to the East India Company for ever 'the island of Singapore, situated in the Straits of Malacca, together with the adjacent seas, straits and islets, to the extent of ten geographical miles from the coast' (Aitchison, 1909, 13, p. 501). In fact some of the islands awarded to the Dutch were less than 10 miles (16 kilometres) from the coast of Singapore, but this contradiction did not lead to any difficulties, and the division agreed in 1824 has been preserved in the boundary recognized by both Singapore and Indonesia.

By the Straits Settlements and Johore Territorial Waters (Agreement) Act of 1928 the British government retroceded certain islets and areas of territorial water to the sultan of Johore. The 10-mile (16-kilometre) limit around Singapore placed all the Johore Strait and certain areas to the southwest and southeast under the control of Singapore even though they were closer to Johore. This Act drew a boundary along the deep-water channel of the Johore Strait. The short Act has three articles of which the first is the most important in defining the boundary. The line is defined as following the deep-water channel of the Johore Strait, and where that channel divides the ownership of islands, such as Ubin and Tekong Kechil, is nominated. The alignment of the boundary as it continues southwest and southeast from the ends of the channel to the limits of territorial waters is also specified. Finally it is also noted that if the deep-water channel changes the boundary will change with it, so that the text of the Act and not the attached map prevails. That boundary is still the boundary today between Malaysia and Singapore.

### References

- Aitchison, C. U. (1909). *A collection of treaties, engagements and sanads, etc.* 13 vols, Calcutta.
- Marks, H. J. (1959). 'The first contest for Singapore 1819-24', *Verhandelingen van het Koninklijk Instituut voor Taal-, Land- en Volkenkunde*, 27, Gravenhage.

**Agreement for the Partial Occupation of Singapore**  
**26 June 1819**

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Be it known to all men, that we, the Sultan Hussein Mahomed Shah, Ungko Tumungong Abdul Rahman, Governor Raffles, and Major William Farquhar, have hereby entered into the following arrangements and regulations for the better guidance of the people of this Settlement, pointing out where all the different castes are severally to reside, with their families, and captains, or heads of their *campongs*.

Article 1

The boundaries of the lands under the control of the English are as follows: from Tanjong Malang on the west, to Tanjong Kattang on the east, and on the land side, as far as the range of cannon shot, all round from the factory. As many persons as reside within the aforesaid boundary and not within the *campongs* of the Sultan and Tumungong, are all to be under the control of the Resident, and with respect to the gardens and plantations that now are, or may hereafter be, made, they are to be at the disposal of the Tumungong, as heretofore; but it is understood that he will always acquaint the Resident of the same.

Article 2

It is directed that all the Chinese move over to the other side of the river forming a *campong* from the site of the large bridge down the river towards the mouth, and all Malays, people belonging to the Tumungong and others, are also to remove to the other side of the river, forming their *campong* from the site of the large bridge up to the river towards the source.

Article 3

[Arrangement of discussions]

Article 4

[Regular conferences]

Article 5

[Administration]

Article 6

[Complaints against chiefs]

Article 7

[Prohibitions against duties and farms]

**Treaty, 17 March 1824**

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In the Name of the Most Holy and Undivided Trinity.

His Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty The King of the Netherlands, desiring to place upon a footing, mutually beneficial, Their respective Possessions and the Commerce of Their Subjects in the East Indies, so that the welfare and prosperity of both Nations

may be promoted, in all time to come, without those differences and jealousies which have, in former times, interrupted the harmony which ought always to subsist between Them; and being anxious that all occasions of misunderstanding between Their respective Agents may be, as much as possible, prevented; and in order to determine certain questions which have occurred in the execution of the Convention made at London on the 13th of August 1814, in so far as it respects the Possessions of His Netherland Majesty in the East, have nominated Their Plenipotentiaries, that is to say:—

His Majesty The King of the United Kingdom of Great Britain and Ireland, The Right Honourable George Canning, a Member of His said Majesty's Most Honourable Privy Council, a Member of Parliament, and His said Majesty's Principal Secretary of State for Foreign Affairs;—And the Right Honourable Charles Watkin Williams Wynn, a Member of His said Majesty's Honourable Privy Council, a Member of Parliament, Lieutenant-Colonel Commandant of the Montgomeryshire Regiment of Yeomanry Cavalry, and President of His said Majesty's Board of Commissioners for the Affairs of India:—

And His Majesty The King of the Netherlands, Baron Henry Fagel, Member of the Equestrian Corps of the Province of Holland, Counsellor of State, Knight Grand Cross of the Royal Order of the Belgic Lion, and of the Royal Guelphic Order, and Ambassador Extraordinary and Plenipotentiary of His said Majesty to His Majesty The King of Great Britain;—And Anton Reinhard Falck, Commander of the Royal Order of the Belgic Lion, and His said Majesty's Minister of the Department of Public Instruction, National Industry, and Colonies:—

Who, after having mutually communicated their Full Powers, found in good and due form, have agreed on the following Articles.

#### Article I

[Free trade in each other's territory]

#### Article II

[Exemption from duties]

#### Article III

[Future treaties with local rulers]

#### Article IV

[Free movement of indigenes]

#### Article V

[Repression of piracy]

#### Article VI

It is agreed that orders shall be given by the Two Governments to Their Officers and Agents in the East, not to form any new Settlement on any of the Islands in the Eastern Seas, without previous Authority from their respective Governments in Europe.

#### Article VII

The Molucca Islands, and especially Amboyna, Banda, Ternate, and their immediate Dependencies, are excepted from the operation of the I. II. III. and IV. Articles, until the Netherland Government shall think fit to abandon the monopoly of Spices; but if the said Government shall, at any time previous to such abandonment of the monopoly, allow the Subjects of any Power, other

than a Native Asiatic Power, to carry on any Commercial Intercourse with the said Islands, the Subjects of His Britannick Majesty shall be admitted to such Intercourse, upon a footing precisely similar.

#### Article VIII

His Netherland Majesty cedes to His Britannick Majesty all His Establishments on the Continent of India; and renounces all privileges and exemptions enjoyed or claimed in virtue of those Establishments.

#### Article IX

The Factory of Fort Marlborough, and all the English Possessions on the Island of Sumatra, are hereby ceded to His Netherland Majesty: and His Britannick Majesty further engages that no British Settlement shall be formed on that Island, nor any Treaty concluded by British Authority, with any Native Prince, Chief, or State therein.

#### Article X

The Town and Fort of Malacca, and its Dependencies, are hereby ceded to His Britannick Majesty; and His Netherland Majesty engages, for Himself and His Subjects, never to form any Establishment on any part of the Peninsula of Malacca, or to conclude any Treaty with any Native Prince, Chief, or State therein.

#### Article XI

His Britannick Majesty withdraws the objections which have been made to the occupation of the Island of Billiton and its Dependencies, by the Agents of the Netherland Government.

#### Article XII

His Netherland Majesty withdraws the objections which have been made to the occupation of the Island of Singapore, by the Subjects of His Britannick Majesty.

His Britannick Majesty, however, engages that no British Establishment shall be made on the Carimon Isles, or on the Islands of Battam, Bintang, Lingen, or on any of the other Islands South of the Straights of Singapore, nor any Treaty concluded by British Authority with the Chiefs of those Islands.

#### Article XIII

[Transfer of forts]

#### Article XIV

[Free disposal of property]

#### Article XV

[Non-transference of territory to any other power]

#### Article XVI

[Payment by the Netherlands to Britain]

#### Article XVII

[Ratification]

In witness whereof, the respective Plenipotentiaries have signed the same, and affixed thereunto the Seals of their Arms.

Done at London, the seventeenth day of March, in the Year of Our Lord one thousand eight hundred and twenty-four.

George Canning.  
Charles Watkin Williams Wynn.

[The Netherlands version of the treaty is in the Dutch language, and signed H. Fagel and A. R. Falck.]

## Treaty, 2 August 1824

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### Article 1

Peace, friendship, and good understanding shall subsist for ever between the Honourable the English East India Company and their Highnesses the Sultan and Tumungong of Johore and their respective heirs and successors.

### Article 2

Their Highnesses the Sultan Hussain Mahomed Shah and Datu Tumungong Abdul Rahman Sri Maharajah hereby cede in full sovereignty and property to the Honourable the English East India Company, their heirs and successors for ever, the Island of Singapore, situated in the Straits of Malacca, together with the adjacent seas, straits, and islets, to the extent of ten geographical miles, from the coast of the said main Island of Singapore.

### Article 3

[Payment of pensions]

### Article 4

[Receipt of payments]

### Article 5

[Treatment of Sultans in Singapore]

### Article 6

[Provision for Sultans preferring to remain in Singapore]

### Article 7

[Transfer of royal land]

### Article 8

[Exclusive role of East India Company in foreign relations]

### Article 9

[Safeguards for Sultans]

### Article 10

[Non-interference in each other's domestic affairs]

### Article 11

[Suppression of piracy]



## Article 12

[Free trade provisions]

## Article 13

[Treatment of deserters from royal service]

## Article 14

[Relation of this to previous Treaties]

Done and concluded at Singapore, the day and year as above written.

Sultan Hussain Mahomed Shah  
T. Crawford.

Datu Tumungong Abdul Rahman Sri Maharajah.

Amherst.

Edward Paget.

F. Fendall.

Ratified by the Right Honourable the Governor-General in Council at Fort William in Bengal, this Nineteenth day of November, one Thousand Eight Hundred and Twenty-four.

George Swinton,  
Secretary to Government.

### Straits Settlements and Johore Territorial Waters (Agreement) Act 1928

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An Act to approve an Agreement concluded between His Majesty and the Sultan of the State and Territory of Johore.

3rd August, 1928

Whereas an Agreement, which is set out in the Schedule to this Act, has been concluded between His Majesty and the Sultan of the State and Territory of Johore with respect to the boundary between the territorial waters of the Settlement of Singapore and those of the said State and Territory:

And whereas it is provided by the said Agreement that it shall remain without force or effect until it has received the approval of Parliament:

And whereas it is expedient that the approval of Parliament should be given to the said Agreement:

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. The approval of Parliament is hereby given to the said Agreement.
2. This Act may be cited as the Straits Settlements and Johore Territorial Waters (Agreement) Act, 1928.

#### Schedule

Agreement made between His Excellency Sir Hugh Charles Clifford, M.C.S., Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Knight Grand Cross of the Most Excellent Order of the British

Empire, Governor and Commander-in-Chief of the Colony of the Straits Settlements, on behalf of His Britannic Majesty and His Highness Ibrahim, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Knight Commander of the Most Excellent Order of the British Empire, bin Almarhom Sultan Abu Bakar, Sultan of the State and Territory of Johore:

Whereas by Article II of the Treaty of the 2nd day of August, 1824, made between the Honourable the English East India Company on the one side and Their Highnesses the Sultan and Tumungong of Johore on the other, Their said Highnesses did cede in full sovereignty and property to the said Company, their heirs and successors for ever, the Island of Singapore together with certain adjacent seas, straits and islets:

And whereas His Britannic Majesty is the successor of the Honourable the English East India Company:

And whereas His Britannic Majesty in token of the friendship which he bears towards His Highness Ibrahim bin Almarhom Sultan Abu Bakar, Sultan of the State and Territory of Johore, is desirous that certain of the said seas, straits and islets shall be retro-ceded and shall again form part of the State and Territory of Johore:

Now, therefore, it is agreed and declared as follows:—

#### Article I

The boundary between the territorial waters of the Settlement of Singapore and those of the State and Territory of Johore shall, except as hereafter specified in this Article, be an imaginary line following the centre of the deep-water channel in Johore Strait, between the mainland of the State and Territory of Johore on the one side and the Northern Shores of the Islands of Singapore, Pulau Ubin, Pulau Tekong Kechil, and Pulau Tekong Besar on the other side. Where, if at all, the channel divides into two portions of equal depth running side by side, the boundary shall run midway between these two portions. At the Western entrance of Johore Strait, the boundary, after passing through the centre of the deep-water channel Eastward of Pulau Merambong, shall proceed seaward, in the general direction of the axis of this channel produced, until it intersects the 3-mile limit drawn from the low water mark of the South Coast of Pulau Merambong. At the Eastern entrance of Johore Strait, the boundary shall be held to pass through the centre of the deep-water channel between the mainland of Johore, Westward of Johore Hill, and Pulau Tekong Besar, next through the centre of the deep-water channel between Johore Shoal and the mainland of Johore, Southward of Johore Hill, and finally turning Southward, to intersect the 3-mile limit drawn from the low water mark of the mainland of Johore in a position bearing 192 degrees from Tanjong Sitapa.

The boundary as so defined is approximately delineated in red on the map annexed hereunto and forming part of this Agreement. Should, however, the map, owing to alterations in the channels, etc., appear at any time to conflict with the text of this Agreement, the text shall in all cases prevail.

#### Article II

Subject to the provisions of Article I hereof, all those waters ceded by Their Highnesses the Sultan and Tumungong of Johore under Treaty of the 2nd of August, 1824, which are within three nautical miles of the mainland of the State and Territory of Johore measured from low water mark shall be deemed to be within the Territorial waters of the State and Territory of Johore.

**Article III**

All islets lying within the Territorial waters of the State and Territory of Johore, as defined in Articles I and II hereof, which immediately prior to this Agreement formed part of His Britannic Majesty's Dominions, are hereby ceded in full sovereignty and property to His Highness the Sultan of the State and Territory of Johore, his heirs and successors for ever.

**Article IV**

This Agreement shall remain without force or effect until it has received the approval of the British Parliament.

In Witness whereof His Excellency Sir Hugh Charles Clifford, M.C.S., Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Knight Grand Cross of the Most Excellent Order of the British Empire, and His Highness Ibrahim, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Knight Commander of the Most Excellent Order of the British Empire, bin Almarhon Sultan Abu Bakar have set their respective seals and signatures.

Dated at Singapore, this 19th day of October, 1927.

Hugh Clifford, M.C.S.,  
Governor and Commander-in-Chief

Ibrahim.

Witnesses:

J. D. Hall  
J. Huggins

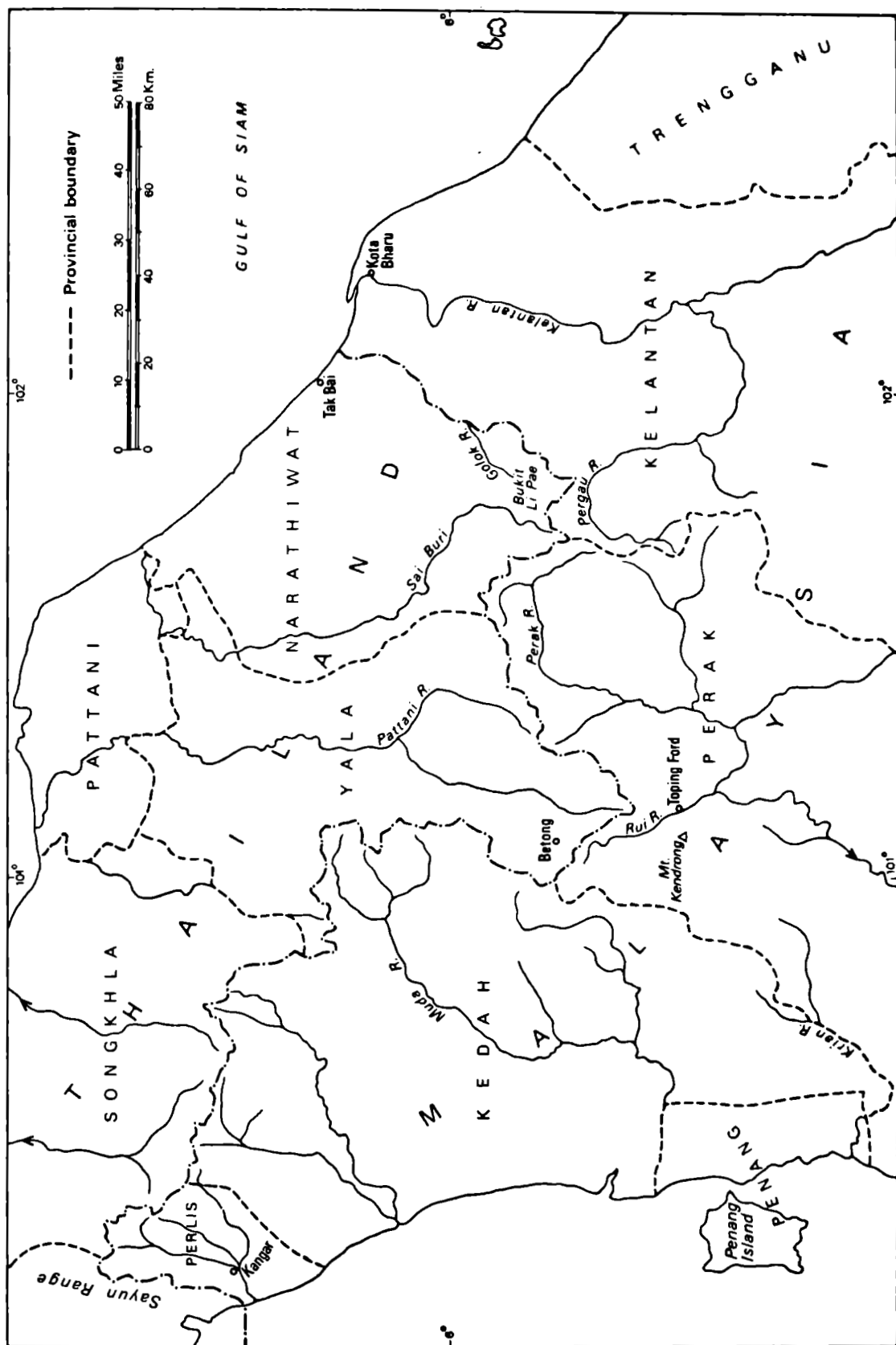
Witnesses:

Abdullah Bin Jaafar,  
Dato Mentri Besar  
Johore.  
Haji Mohamed Said Bin  
Haji Suleiman, Captain,  
Private Secretary to  
H. H. the Sultan.

## The Boundary between Malaysia and Thailand

The boundary between Malaysia and Thailand stretches for about 320 miles (515 kilometres) across the southern edge of the Kra isthmus. The termini of the boundary on the shores of the Strait of Malacca and the Gulf of Siam are only 135 miles (217 kilometres) apart, but the boundary follows a convoluted water divide for most of its length. It is only in the east that the watershed is abandoned in favour of the Golok river, which rises in the Bukit Li Pae and flows for 45 miles (72 kilometres) across a level alluvial plain, which is mainly used for the cultivation of rice. From the headwaters of the Golok the boundary then follows the watershed north-westwards, first separating the eastward-flowing Pergau river from the northward-flowing Sai Buri river, then dividing areas drained to the Gulf of Siam from those drained to the Strait of Malacca. The line is drawn through areas with summits about 5000 feet (1525 metres) high, which form the lower, northern limits of the main Malayan ranges. The hills are composed of intrusive granites, surrounded by Tertiary quartzites and shales. North of the headwaters of the Muda river the landscape is lower and the valleys are wider and more open, and east of Kangar there is a level alluvial plain, which has main features in common with the Golok flats on the east coast. The final 15 miles (24 kilometres) of the boundary coincide with the limestone Sayun range, which is narrow and stands about 2000 feet (610 metres) above the surrounding coastal plains. The entire borderland experiences a tropical monsoon climate, and annual rainfall is rarely less than 75 inches (1905 millimetres), which in association with the uniformly high temperatures ensures the growth of dense tropical forests throughout those parts of the borderland which are not used for cultivation. Apart from isolated clearings only the eastern and western alluvial plains are intensively used for cultivation.

The earliest British interest in this area was not concerned with the mainland peninsula, but with the Strait of Malacca, which was used by ships travelling to and from east Asia. The island of Penang provided an obvious base from which the western entrance to the strait could be protected, and this was acquired in 1786 from the sultan of Kedah (Aitchison, 1909, 2, pp. 455–6), and renamed Prince of Wales island. An area of the adjoining mainland, called province Wellesley, was acquired in 1800 to provide defence from a possible land attack and also food for the inhabitants of the Prince of Wales island. The boundaries of the province Wellesley were first fixed in 1831 by agreement with the sultan of Kedah and then confirmed by a treaty with the king of Siam in May 1869 (Aitchison, 1909, 2, pp. 351–2; Hertslet, 1880, pp. 1157–9). The other end of the strait was safeguarded by the annexation of Singapore in 1819, an act which was confirmed by the Netherlands in 1824, when the two governments drew a boundary separating their territories north and south



Map 24. The boundary between Malaysia and Thailand

of the Strait of Malacca (see pp. 409–10). The Dutch settlement of Malacca, also on the north coast of the strait, became British territory under the terms of the same treaty in 1824, although its commercial and strategic importance had shown a marked decline by that time (Fisher, 1964, p. 593). The boundaries of Malacca with neighbouring Rembau and Johol were fixed in January and June 1833 respectively (Aitchison, 1909, 2, p. 462). Two years later Britain acquired the Dinding island and the adjacent coast. This foothold is about 40 miles (64 kilometres) south of province Wellesley, and was granted by the rajah of Perak, who found himself unable to control pirates operating along his coast (Aitchison, 1909, 2, p. 460). These four holdings became the Straits Settlements in 1826; this title clearly revealed their *raison d'être*. At that time there was no evidence that the British government was anxious to extend its control from these coastal bases. However, the British government did have relations of a commercial and political nature with the rulers of the various states in the peninsula, and Aitchison (1909, 2, pt 8) details the various agreements which Britain concluded in this area. In at least one case, concerning Selangor and Perak, a British official acted as adjudicator of the boundary between them.

A new phase in British activity within the peninsula developed in 1874. For some years before that Chinese merchants and traders had begun to operate throughout the area, and tin mining in the Larut district of Perak promised rich rewards. Prospectors began to explore adjacent areas west of the central ranges of the peninsula. Merchants and miners were often handicapped by the conditions of anarchy which allowed piracy to flourish. Requests that the British government should regulate activities throughout the area and promote commerce were rejected.

if traders, prompted by the prospect of large gains, choose to run the risk of placing their persons and property in the jeopardy which they are aware attends them in this country, it is impossible for the Government to be answerable for their protection or that of their property (quoted in Wright and Reid, 1912, p. 125).

However, as British subjects were involved, the administration in Singapore did find itself concerned from time to time, and in 1873, when General Andrew Clarke was appointed governor of the Straits Settlements, he was instructed to discover the state of affairs in each local kingdom and to ascertain whether the government could take any proper steps to promote peace and orderly commerce. His first direct involvement was with warring factions in Perak, and the outcome was the treaty of Pangkor on 20 June 1874, by which, amongst other arrangements, the sultan agreed to receive a British Resident, whose advice he would follow on all matters, other than those connected with Malay religion and customs. Gradually the residency system was extended throughout Perak, Selangor, Pahang and Negri Sembilan, which in 1895 united to form the Federated Malay States.

As British influence was extended inland from the west coast settlements new contacts were made with states such as Trengganu, Kelantan and Kedah over which Thailand claimed some measure of authority. Thus the situation on this border was similar to the western and eastern borders of Thailand which were subject to British and French encroachment respectively. British authorities had recognized Thai authority over Kedah by the treaties of 20 June 1826 and 6 May 1869. The first was a general treaty of friendship and commerce, but the thirteenth article stipulated that 'the Siamese shall remain in Quedah and take proper care of that country' (Aitchison, 1909, 2, p. 370). The second treaty also dealt with commercial matters in addition to defining the boundaries of province Wellesley. The fairly full historical accounts of Wright and Reid (1912) show that Thai authority had flowed and ebbed across the peninsula at different times. This meant that there were variations in the

relationship of any single state to the Thai court at different times, and variations in the relationships of adjoining states to the Thai court at the same time. However, before Britain sought direct negotiations with Thailand over the boundary between their possessions in the peninsula, an agreement was made with France, by which both imperial powers secured spheres of influence. This declaration defined the areas of Thailand into which neither power would move troops. These areas comprised the basins of the rivers which flowed into the Gulf of Siam between Bang Tapan on the west (about latitude  $11^{\circ} 10'$  north) and the Pase River in the east (about longitude  $99^{\circ} 28'$  east), and formed the core area of Thailand which affected the commercial interests of both Britain and France (Cmd 7976, 1896, pp. 1-2). Although this declaration did not make it explicit, both major powers regarded the areas west of these basins as falling within the British sphere of interest, while the areas to the east were within the French sphere. This point was made explicit in the declaration of 8 April 1904. Part of the first article noted 'all Siamese possessions on the west of this [central] zone and of the Gulf of Siam including the Malay Peninsula and the adjacent islands, coming under English influence' (Aitchison, 1909, 2, p. 448). However, even before this second declaration, the British government had made assurance doubly sure by signing a convention with the Thai government on 6 April 1897. By the first article of this arrangement the Thai sovereign undertook not to cede or alienate any land south of Bang Tapan to any other power (Aitchison, 1909, 2, p. 435).

Having secured the exclusion of other European powers from the peninsula, the British authorities then turned their attention to obtaining a clear boundary between British and Thai territory in the peninsula. This agreement was concluded on 29 November 1899, and specifically referred in the preamble to 'the Siamese province of Raman and the Siamese dependencies of Kedah, Kelantan and Tringanu' (Aitchison, 1909, 2, p. 437). The boundary began at the southeast corner of province Wellesley on the river Krian, which it followed to its source. It then followed an easterly course to mount Kendrong and Topping ford on the river Rui. Topping ford was not specifically mentioned, but was identified as a point on the Rui, 4 miles above its mouth. Modern maps reveal that the distance was measured along the direct road along the western edge of the flood plain, rather than along the river which follows a very winding course. The line then continued east of the main water divide, which marked the boundary between British Perak and Pahang and Thai Kelantan. The final stage of the boundary to the east coast, between Pahang and Trengganu then continued along the main watershed and branched off to separate the catchments of the Kemaman and Chendar rivers, ending at point Gelang (latitude  $4^{\circ} 10'$  north). The western sector of this boundary can be followed easily on the map which accompanied the 1909 treaty (Cmd 4646, 1909), while the eastern sector is shown on a map prepared by Clifford (1897, p. 120). Clifford shows the eastern terminus to be 5 miles (8 kilometres) south of point Gelang. It is apparent from the rather general definition of the boundary that the limits of the indigenous states were fairly well known. For example the term 'main watershed' could cause some difficulties between hostile governments, but there is no suggestion that there was any doubt about which watershed was meant.

While there could be no doubt in 1900 that British authority was uniformly applied throughout the Federated Malay States south of the new boundary, there was no such certainty about the effectiveness of Thai jurisdiction north of the line. This meant that there was still a zone lying north of the boundary, comprising Kelantan, Trengganu, Perlis and Kedah, which was not wholly incorporated into the core of Thailand, and within which disturbed conditions might create problems for adjoining British territories. Two unrelated events conspired to draw British

interests into this area, and eventually to result in its partial occupation by Britain.

First, a former British colonial officer, Mr R. W. Duff, decided, on the basis of his experience of the country, to found a commercial firm which would develop large areas of Kelantan. He quickly found that there was some question about which ruler would lease the land to him, and when that matter was settled and he received a title from the sultan of Kelantan, he found that the British Foreign Office would give him no assistance in this matter. His own words describe very well how he overcame this problem.

I had also known or believed that both departments [Colonial and Foreign Offices] were satisfied that a danger existed in the establishment of foreign commercial interests in the Middle Peninsula which would justify a foreign Power in asserting a political influence there. I said I had apparently been quite wrong in forming this opinion, and that it was evident that the British Government did not look upon it as a danger, and they did not think it desirable to protect British enterprise in Kelantan. Therefore, I said, I now proposed to float my company not in London, but in Paris and St Petersburg, but thought I would ask the assurance of the British Government before doing anything.

I was then asked to sit down—we had been standing up to this point—and I was there for upwards of two hours instead of two minutes. The upshot was that a promise was made that I would have the support of the British Foreign Office, if I established my company in Kelantan (quoted in Wright and Reid, 1912, pp. 159–60).

The second event concerned the construction of a railway from Bangkok southwards towards the border with the Federated Malay States. In March 1905 the Thai government authorized its ambassador in Paris to set about raising the necessary funds. This was not a matter of immediate concern to the British government since there was a treaty with France securing the British sphere of interest. However, by 1907 it was apparent that the railway was much more likely to be built with German money than with a French loan, and German officers were to administer the line, which was to have a different gauge to that existing in British Malaya. The possibility of German influence becoming paramount throughout the borderland alarmed the Foreign Office and negotiations were commenced in order to advance the boundary northwards, and include the uncoordinated Thai areas within British territory. The compensation offered by Britain was the abrogation of clauses in the treaty of 3 September 1883 by which Britain had acquired extra-territorial jurisdiction in Thailand. The matter was quickly agreed and the new boundary was defined in a protocol annexed to the treaty of 10 March 1909. The boundary definition is mainly by water divides which are clearly identified by the rivers on either side. As far as the headwaters of the river Pergau, which remained in Malaya, the boundary was carried eastwards along the divide separating those streams emptying into the Gulf of Siam from those flowing into the Strait of Malacca. From the headwaters of the Pergau river, which also flows into the Gulf of Siam, the boundary separates the Pergau and Telubin catchments as far as the source of the Golok river, which is then followed to the coast. Perhaps the most striking feature of this description is that while the Treaty refers to the cession of the states of Kedah, Kelantan, Trengganu and Perlis, the actual boundary did not follow the established limits of these states. The map which was published with the treaty (Cmd 4646, 1909) shows only the eastern two-thirds of the new boundary, but it also records all the other administrative boundaries, that is the boundaries of states, maung (provinces), ampurr (districts) and kumm-nunn (the modern Thai equivalent is *tambon* which means sub-district). The only coincidence between the international boundary and any of these administrative boundaries concerns an 11-mile (18 kilometre) section of the provin-



cial boundary separating Maung Ran-ge and Maung Raman, just west of the headwaters of the Pergau river. This means that Britain did not obtain all of Kedah, or all of Kelantan, but it did obtain part of Yala province north of Perak, and Narathiwat province north of the upper Golok river. Obviously both countries preferred an obvious physical boundary—such as a water divide, in a remote area of jungle, and a river in the populated Golok valley—rather than insisting on other lines, more difficult to survey and recognize in the landscape, which had been the traditional limits of earlier states.

Between 1943 and 1945 the states of Perlis, Kedah, Trengganu and Kelantan were briefly restored to Thailand by Japan, only to be repossessed by Britain as soon as the war ended. The curious feature is that Thailand did not insist on the return of the territory north of Perak, which had been acquired by Britain through the 1909 treaty.

In recent times the only difficulty in this borderland has concerned the activities of communist rebels. In 1959 and 1965 the Malaysian and Thai governments agreed on measures to combat these rebels, who had retreated into the Betong salient north of Perak. These agreements allowed hot pursuit across the border by forces from both sides, under very strict regulations covering distance and identification. In late 1972 some Thai soldiers were mistakenly killed by Malaysian forces when these regulations were not carefully observed. Lamb (1968, pp. 170–1) notes that there is a large Malay population in the southern areas of Thailand and that an irredentist movement for union with Malaysia could greatly strain Malayan-Thai relations. The possibility of such a movement gaining strength is increased by the close contact which exists between the two communities on either side of the boundary (private communication from Patrick Keith). During the rice season there is often a flow of migrant workers into northern Malaysia, and at other times there are movements in both directions by people visiting relatives and engaging in commerce. Smuggling is a profitable activity in this borderland. In Malaysia rice production is subsidized and therefore there is an incentive to introduce Thai rice into Malaysia to obtain the subsidy. By the same token, millers, who are mainly Chinese, can buy Thai rice more cheaply than domestic production, for which there is a minimum price. Malaysians entering Thailand can obtain duty-free goods in some southern towns and some Malaysian products, such as Tiger beer, brings higher prices in Thailand. Both governments are trying to reduce the incidence of smuggling, but it still remains a fairly easy boundary to cross.

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### Boundary Agreement, 29 November 1899

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The Government of Her Britannic Majesty on the one part, acting in the names and on behalf of the Sultans of Perak and Pahang, and the Government of His Siamese Majesty on the other part, considering that it is desirable to settle all frontier disputes in the Malay Peninsula, and to define the boundaries between the abovenamed States of Perak and Pahang on the one side, and the Siamese province of Raman and the Siamese dependencies of Kedah, Kelantan, and Tringanu on the other, the undersigned, Her Britannic Majesty's Minister Resident and His Siamese Majesty's Minister for Foreign Affairs, duly authorized to that effect, have agreed as follows:—

I. The boundary between Perak and Kedah is as follows:— From the point on the Krian River near Bukit Toongal along the Krian River to its source in Bintang as shown in the map annexed to this Agreement, and marked (A to B).

II. The boundary between Perak and Raman, as shown in the map annexed to this Agreement, and marked (B, C, D, E, F) is as follows:—

(1) A straight line from Bintang to Kenderung, from (B to C).

(2) A straight line from Kenderung to a point on the River Rui, about 4 miles above its mouth, from (C to D).

(3) From the point marked (D) a straight line to the end of the spur on the Perak River near Jeram Pala, marked (E), which marks the northern drainage of the River Sengo.

(4) The line of northern drainage of the River Sengo to the main watershed, from (E to F).

III. The boundary between Perak and Pahang on the one side, and Kelantan on the other, is the main watershed.

IV. The boundary between Pahang and Tringanu is—

(1) The main watershed.

(2) Then the southern drainage of the Kemaman River until it meets the watershed of the Chendar River.

(3) Then the northern drainage of the Chendar River to Tanjong Glugor on the sea coast.

In witness whereof the undersigned have signed the same in duplicate, and have affixed thereto their seals at Bangkok on the 29th day of November in the year 1899 of the Christian era, corresponding to the 118th year of Ratanak-osindr.

George Greville.

Devawongse Varoprakar.

### Boundary Treaty, 10 March 1909

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His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, and His Majesty the King of Siam, being desirous of settling various questions which have arisen affecting their respective dominions, have decided to conclude a Treaty, and have appointed for this purpose as their Plenipotentiaries:

His Majesty the King of Great Britain, Ralph Paget, Esq., his Envoy Extraordinary and Minister Plenipotentiary, &c.;

His Majesty King of Siam, His Royal Highness Prince Devawongse Varoprakar, Minister for Foreign Affairs, &c.; who, after having communicated to each other their respective full powers, and found them to be in good and due form, have agreed upon and concluded the following Articles:—

#### Article 1.

The Siamese Government transfers to the British Government all rights of suzerainty, protection, administration, and control whatsoever which they possess over the States of Kelantan, Tringganu, Kedah, Perlis, and adjacent islands. The frontiers of these territories are defined by the Boundary Protocol annexed hereto.

#### Article 2.

The transfer provided for in the preceding Article shall take place within thirty days after the ratification of this Treaty.

#### Article 3.

A mixed Commission, composed of Siamese and British officials and officers, shall be appointed within six months after the date of ratification of this Treaty, and shall be charged with the delimitation of the new frontier. The work of the Commission shall be commenced as soon as the season permits, and shall be carried out in accordance with the Boundary Protocol annexed hereto.

Subjects of His Majesty the King of Siam residing within the territory described in Article 1 who desire to preserve their Siamese nationality will, during the period of six months after the ratification of the present Treaty, be allowed to do so if they become domiciled in the Siamese dominions. His Britannic Majesty's Government undertake that they shall be at liberty to retain their immovable property within the territory described in Article 1.

It is understood that in accordance with the usual custom where a change of suzerainty takes place, any Concessions within the territories described in Article 1 hereof to individuals or Companies, granted by or with the approval of the Siamese Government, and recognized by them as still in force on the date of the signature of the Treaty, will be recognized by the Government of His Britannic Majesty.

#### Article 4.

His Britannic Majesty's Government undertake that the Government of the Federated Malay States shall assume the indebtedness to the Siamese Government of the territories described in Article 1.

#### Article 5.

The jurisdiction of the Siamese International Courts, established by Article 8 of the Treaty of the 3rd September, 1883, shall, under the conditions defined in the Jurisdiction Protocol annexed hereto, be extended to all British subjects in Siam registered at the British Consulates before the date of the present Treaty.

This system shall come to an end, and the jurisdiction of the International Courts shall be transferred to the ordinary Siamese Courts after the promulgation and the coming into force of the Siamese codes, namely, the Penal Code, the Civil and Commercial Codes, the Codes of Procedure, and the Law for organization of Courts.

All other British subjects in Siam, shall be subjected to the jurisdiction of the ordinary Siamese Courts under the conditions defined in the Jurisdiction Protocol.

## Article 6.

British subjects shall enjoy throughout the whole extent of Siam the rights and privileges enjoyed by the natives of the country, notably the right of property, the right of residence and travel.

They and their property shall be subject to all taxes and services, but these shall not be other or higher than the taxes and services which are or may be imposed by law on Siamese subjects. It is particularly understood that the limitation in the Agreement of the 20th September, 1900, by which the taxation of land shall not exceed that on similar land in Lower Burmah, is hereby removed.

British subjects in Siam shall be exempt from all military service, either in the army or navy, and from all forced loans or military exactions or contributions.

## Article 7.

The provisions of all Treaties, Agreements, and Conventions between Great Britain and Siam, not modified by the present Treaty, remain in full force.

## Article 8.

The present Treaty shall be ratified within four months from its date.

In witness whereof the respective Plenipotentiaries have signed the present Treaty and affixed their seals.

Done at Bangkok, in duplicate, the 10th day of March, in the year 1909.

Ralph Paget.

Devawongse Varoprakar.

*Boundary Protocol Annexed to the Treaty, 10 March 1909*

[1.] The frontiers between the territories of His Majesty the King of Siam and the territory over which his suzerain rights have by the present Treaty been transferred to His Majesty the King of Great Britain and Ireland are as follows:—

Commencing from the most seaward point of the northern bank of the estuary of the Perlis River and thence north to the range of hills which is the watershed between the Perlis River on the one side and the Pujoh River on the other; then following the watershed formed by the said range of hills until it reaches the main watershed or dividing line between those rivers which flow into the Gulf of Siam on the one side and into the Indian Ocean on the other; following this main watershed so as to pass the sources of the Sungei Patani, Sungei Telubin, and Sungei Perak, to a point which is the source of the Sungei Pergau; then leaving the main watershed and going along the watershed separating the waters of the Sungei Pergau from the Sungei Telubin, to the hill called Bukit Jeli or the source of the main stream of the Sungei Golok. Thence the frontier follows the thalweg of the main stream of the Sungei Golok to the sea at a place called Kuala Tabar.

This line will leave the valleys of the Sungei Patani, Sungei Telubin, and Sungei Tanjung Mas and the valley on the left or west bank of the Golok to Siam and the whole valley of the Perak River and the valley on the right or east bank of the Golok to Great Britain.

Subjects of each of the parties may navigate the whole of the waters of the Sungei Golok and its affluents.

The island known as Pulo Langkawi, together with all the islets south of mid-

channel between Terutau and Langkawi and all the islands south of Langkawi shall become British. Terutau and the islets to the north of mid-channel shall remain to Siam.

With regard to the islands close to the west coast, those lying to the north of the parallel of latitude where the most seaward point of the north bank of the estuary of the Perlis River touches the sea shall remain to Siam, and those lying to the south of that parallel shall become British.

All islands adjacent to the eastern States of Kelantan, and Tringganu, south of a parallel of latitude drawn from the point where the Sungei Golok reaches the coast at a place called Kuala Tabar shall be transferred to Great Britain, and all islands to the north of that parallel shall remain to Siam.

A rough sketch of the boundary herein described is annexed hereto.

2. The above-described boundary shall be regarded as final, both by the Government of His Britannic Majesty and that of Siam, and they mutually undertake that, so far as the boundary effects any alteration of the existing boundaries of any State or province, no claim for compensation on the ground of any such alteration made by any State or province so affected shall be entertained or supported by either.

3. It shall be the duty of the Boundary Commission, provided for in Article 3 of the Treaty of this date, to determine and eventually mark out the frontier above described.

If during the operations of delimitation it should appear desirable to depart from the frontier as laid down herein, such rectification shall not under any circumstances be made to the prejudice of the Siamese Government.

In witness whereof the respective Plenipotentiaries have signed the present Protocol and affixed their seals.

Done at Bangkok, in duplicate, the 10th day of March, 1909.

Ralph Paget.

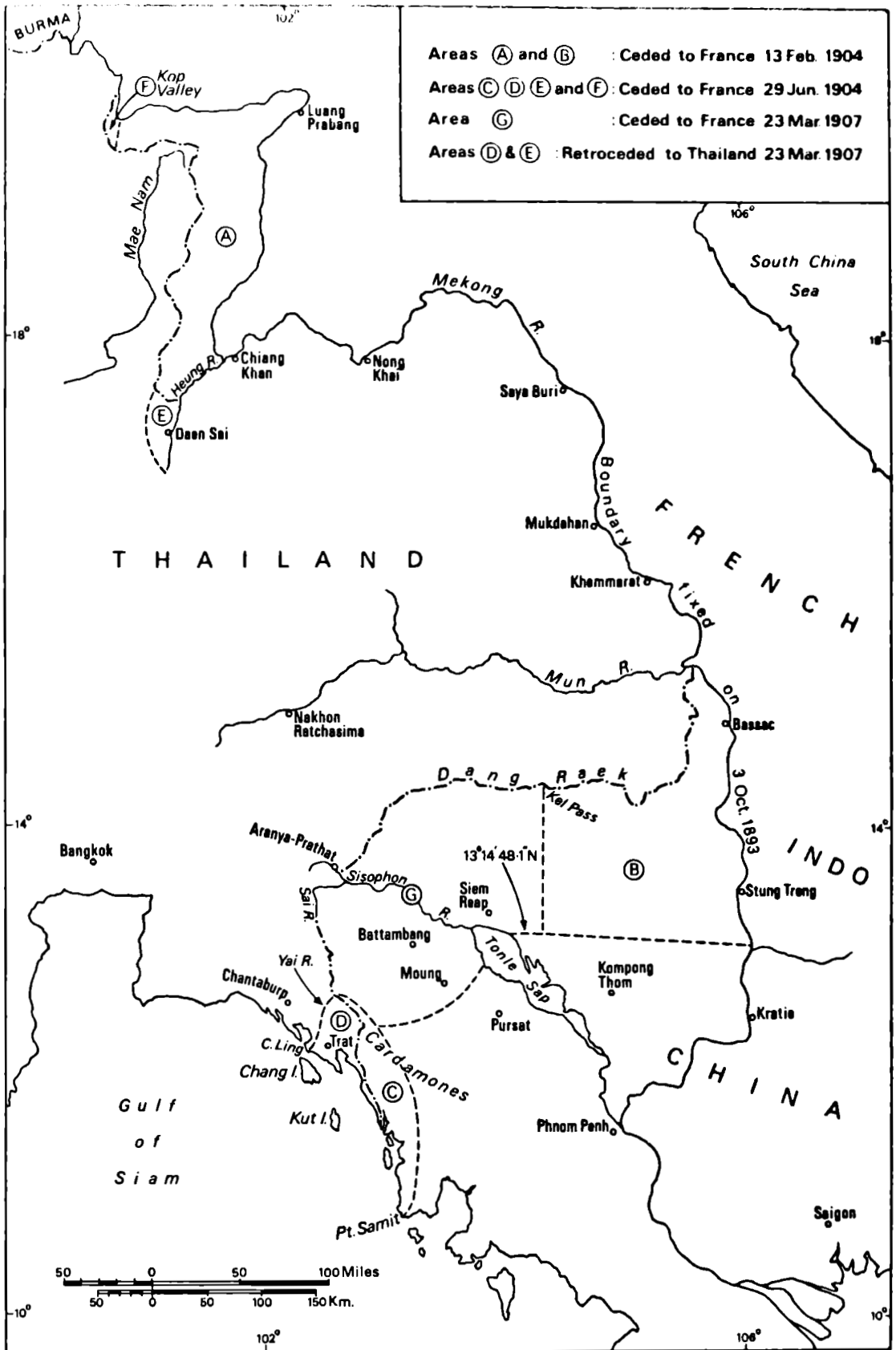
Devawongse Varoprakar.

## The Boundary of Thailand with Cambodia and Laos

Although the eastern boundary of Thailand, which stretches for nearly 1600 miles (2574) kilometres from the Gulf of Siam to the Mekong valley in 21° north latitude, is shared by Cambodia (499 miles, 803 kilometres) and Laos (1090 miles, 1754 kilometres), it is convenient to consider it as a single boundary. This is because the alignment was determined by treaties agreed between Thailand and France between 1863 and 1926, during the period of French colonial rule in Indo-China.

Apart from the section which traverses part of the plain west of Tonle Sap, this boundary is associated with water divides and rivers. The Cardamones and Dang Raek ranges which flank the Tonle Sap plain carry the boundary from the sea to the Mekong at its confluence with the Mun river. The isolated Cardamones include peaks over 5000 feet (1525 metres). The sandstones comprising this area have been dissected by deep, short valleys, and the high rainfall of about 200 inches (5080 millimetres) encourages dense tropical forest. The linear Dang Raek range is also composed of sandstones, but there are few peaks over 2000 feet (610 metres) and the structure, with the steeper scarp face overlooking Cambodia, is much simpler than that of the Cardamones. The lower elevation and distance from the coast give these uplands a slighter rainfall than the southern mountains, and the tropical forest is correspondingly more open. North from the confluence of the Mekong and Mun rivers the boundary mainly follows the Mekong and its tributary the Heung, although for nearly 300 miles (483 kilometres) it follows the watershed between the Mekong and Mae Nam rivers, before rejoining the Mekong at Pak Tha. In this section the boundary skirts, and avoids, the highlands of Laos to the east and north, and approximates to the 80-inch (2032-millimetre) isohyet, which separates the Thai lowlands to the west from the Laotian uplands to the east and north.

In 1862 France secured a foothold at the mouth of the Mekong when Annam ceded the provinces of Bein Hao, Gia Dinh and My Tho. In the same treaty Annam renounced any claims to sovereignty over Cambodia, which at that time was a weak state subject to demands and instructions from both Annam and Thailand. Some local French officers judged that France had inherited Annam's claims to influence in Cambodia, and one of these, Admiral de la Grandière, sent a junior officer Lagrée to collect information about Cambodia and possibly sign a treaty favourable to French interests, which were mainly centred about securing access to or control over the Mekong valley (Priestley, 1966, p. 116; Cady, 1967, pp. 275-6). Lagrée successfully concluded a secret treaty with the Cambodian ruler. The first article of this document conferred French protection over Cambodia, and the fourth gave France exclusive influence over Cambodia's foreign relations. The limits of Cambodian territory were not specified in this treaty. When the treaty was sent to Paris



Map 25. Thailand's eastern boundary

for ratification Emperor Napoleon III delayed giving his approval, apparently on the twin grounds that he disapproved of further, uncertain overseas commitments, and that he was anxious not to offend Britain, which would be associated with France in the initial debt-collecting activities of France's Mexican adventure (Cady, 1967, p. 276). This delay caused concern to the Cambodian ruler, who hastened to offset the possible wrath of Thailand by signing a secret treaty with that country which indicated that Cambodia was a tributary state of Thailand. This treaty was signed on 1 December 1863 and ratified on 4 January 1864. By April, the Frenchmen in favour of further expansion in Indo-China had persuaded the emperor to ratify the Franco-Cambodian treaty, and on 14 April the Cambodian ruler was forced by French officials to complete the formal validation of the treaty. When French officials resisted Thai claims to the right to perform the coronation of King Norodom as ruler of Cambodia, on 3 June 1864, French ascendancy in Cambodia was symbolically confirmed. However, there was still the problem of the two conflicting treaties and France opened negotiations with Thailand to settle the problem. In the first draft prepared by April 1865 Thailand recognized the French protectorate over Cambodia, while France acknowledged Cambodia's duty to pay tribute to Thailand. This quasi-condominium status was rejected by the French government and new negotiations began in 1866. A year later the first Franco-Thai boundary treaty was signed on 15 July 1867. By this treaty Thailand recognized France's protection of Cambodia and relinquished any rights to tribute from that country. In return France recognized that the Cambodian provinces of Battambang and Angkor (Siem Reap) became part of Thailand. These provinces were nominally Cambodian, but they had been under effective Thai control since 1795. The treaty made provision for the early identification and demarcation of the Franco-Thai boundary, and the preparation of an accurate map by French survey officers. There is no evidence, however, that this was done, for authoritative maps in 1888 still showed French and Thai versions of the boundary (McCarthy, 1888). Further, in July 1891, the British representative in Bangkok repeated that 'the boundary with the French has not been delimited on the coastline, in fact with the exception of the neighbourhood of the Great Lake, it has not been fixed anywhere in the South' (BFSP, 87, p. 204). Another clause, which was also non-operative, noted that France had no intention of annexing any part of Thailand.

Some indication of the location of the boundary near the Tonle Sap was provided by a treaty between France and Thailand in July 1870, which gave the nationals of both sides equal fishing rights in the lake. The fourth article, which noted that the French and Thai authorities would collect the same level of tax in their respective areas, specified that the boundary of Battambang was marked by the 'Compong-prac' and the boundary between Angkor or Siem Reap and Cambodia was marked by the 'Compong-thiam'. The Kompong-Prek river can be identified from McCarthy's map and the Australian Aeronautical Map on a scale of 1:1 000 000 of the Gulf of Thailand (first issue) as the river which flows between Moung and Pursat. 'Compong-thiam' was the name given to an east-bank tributary of the Roun river, which today is known as the Tuk Lich river, which flows into the Tonle Sap just south of Kompong Kleang.

Just as the French occupation of Cochin-China in 1862 destroyed Annam's claims to suzerainty in Cambodia, and paved the way for a Franco-Thai contest for that area, so the French occupation of the rest of Annam and Tonkin in 1884 destroyed Annam's influence in Laos to the temporary advantage of Thailand. It was probably inevitable, however, that France would eventually seek to assert itself towards the Mekong, as successor to Annamite claims in Laos. The fragmented nature of the



Laotian political structure compared with Cambodia meant that France could accept a piecemeal approach to the annexation of individual chieftaincies. The best account of this period is provided by Petit Luguenin (1948). As early as November 1887, the British representative in Bangkok was warning the British Foreign Office in the following terms.

It is too early yet to say how far the French rights may extend, but it is probable that they will claim as the proper boundary the watershed between the Mekong River and the streams which fall into the Gulf of Tonquin (BFSP, 87, p. 192).

This was not a matter to cause deep concern to the British authorities, because in March 1889 the Thai foreign minister indicated to the British authorities that the eastern boundary of his country lay along that watershed (BFSP, 87, p. 194). Further, at almost the same time the French ambassador in London advised the British foreign minister of the proposed French boundary with Thailand.

The French Government did not wish to extend it to Luang Prabang, but they would propose to draw a line from a point nearly due east of that place southwards to the Mekong, and below that point to make the river the dividing line between the two countries until it entered the territory of Cambodia (BFSP, 87, p. 193).

Although the British authorities asked for a more precise definition of the boundary, they did not press the French when it was not forthcoming, and the matter lapsed for three years. By this time the French ambitions had altered and they were set on the Mekong as the Franco-Thai boundary, as the French authorities made clear to the British ambassador in Paris.

The Under-Secretary of State [of France] said, in reply, that the Government were still of the opinion expressed by their predecessors two years ago [February 1891], to the effect that the left bank of the Mekong was the western limit of the sphere of French influence, and that this opinion was based on the incontestable rights of Annam, which had been exercised for several centuries. He added that these rights were too important to be abandoned, and too well established for the Siamese to persist in contesting them in the presence of France to put a stop to their violation (BFSP, 87, p. 210).

The French historical interpretations can be refuted with ease as the British ambassador in Paris showed.

M. Develle still maintained his two previous theses: first, that Luang Prabang was an actual dependency of Annam; and, secondly, that France *ab antiquo* had vindicated her right to the left bank of the Mekong. Upon my part, I urged that to adduce Annam's historical claim to Luang Prabang was a dangerous line of argument, for we might on almost equally tangible grounds demand the retrocession of Normandy, Gascony and Guienne. M. Develle knew as well as I did that in every French Annuaire, in every French map, in every French Geographical Gazetteer, Luang Prabang, until a year ago, had been described as an integral part of Siam. It was true that within the last twelve months a mysterious revolution had occurred in the minds of French geographical authorities, but as an honest man he must be as convinced as I was that the district in question was, and had been for nearly a century, *bona fide* Siamese territory, and that it could not be confiscated by France without a flagrant infringement of the formal assurances he had given us not to impair the integrity of Siam. As for the pretension advanced by France *ab antiquo* to the left bank of the Mekong, such a

supposition was not only contradicted by M. Waddington's express declarations on the subject, but by the further fact that, under the Franco-Siamese Convention of 1886, the French had claimed the right of sending a Vice-Consul to Luang Prabang. This in itself was absolute proof that the locality belonged to Siam . . . M. Develle then proceeded to reinforce his previous arguments by various other considerations, among them that the tribes on the western borders of Tonquin had been lately giving a good deal of trouble, and that it was necessary, therefore, that they should be subjected to French authority, and he endeavoured to minimize the character of the contemplated annexation (*BFSP*, 87, p. 274).

But French policy did not rest on historical accuracy; its bedrock was perceived national self-interest and this made French policy irresistible to Thailand. A quarrel was forced on Thailand in February 1893 by charges of Thai aggression against Annam; Thailand's offer to submit the dispute to arbitration was rejected and in early April 1893 Stung Treng on the Mekong was occupied; Thai resistance led to the first French ultimatum being issued on 13 April 1893, thereafter French pressure and demands against Thailand increased until Thailand capitulated and signed the treaty of peace and convention on 3 October 1893. French tactics during this period led the British ambassador in Paris to make the following pedantic remark:

The Siamese Government were [*sic*] now in possession of an ultimatum, a pen-ultimatum and an ante-penultimatum. In fact, the word 'ultimatum' had completely lost its meaning, for each new one seemed to procreate a successor (*BFSP*, 87, p. 345).

There is no need to detail the increase in French demands, because the peace treaty and convention summarizes them; readers interested in this matter can consult the reports of the British representative in Bangkok as the situation developed (*BFSP*, 87, pp. 221, 261, 262, 290, 293, 314).

France's territorial and strategic gains by the treaty and convention were considerable. Thailand renounced all claims to islands in the Mekong and territory on the east bank of that river, and agreed that it would not maintain any armed forces in Battambang and Siem Reap and a zone 25 kilometres wide adjoining the west bank of the Mekong. Thailand's warships were barred from the Tonle Sap, and the Mekong and its tributaries. French citizens were accorded complete freedom to move and trade within the Thai demilitarized areas, and France was guaranteed any depots of coal or wood on the west bank of the Mekong which might be required for navigation. Finally France was allowed to remain in control of Chantaburp until Thailand had complied with all the terms of the treaty and convention.

It will be seen that the effect of these concessions by Thailand was to draw the eastern boundary of the area over which the Thai government had complete authority along the *western borders* of Battambang and Siem Reap and a line parallel to, and 25 kilometres west of, the west bank of the Mekong. Battambang and Siem Reap and the 25 kilometre zone south and west of the Luang Prabang were the next French targets. Indeed, only seven weeks after the peace treaty and convention were signed, the French authorities spoke of Luang Prabang in the following terms, when they were having conversations with the British ambassador in Paris about a possible neutral zone between French and British possessions in the upper Mekong.

the French Government was precluded by many considerations from dismembering Luang Prabang. The integrity of Luang Prabang was as valid and reasonable a cause of solicitude to France as the integrity of Kyaing Ton was to Britain; nor would the French Chambers or French public opinion tolerate its disintegration.

He thought, however, in the first place, that when the Commission of Experts examined the question on the spot, it would be found that the necessary area could be obtained without seriously infringing the boundary of that province. *Its western frontier was at present uncertain*, and there probably would be no difficulty in delimitating it in such a manner as to secure the result we both desired, namely, a substantial buffer (BFSP, 87, pp. 379–80; emphasis added).

The British ambassador surprisingly did not point out to the French representative that his country had already dismembered Luang Prabang by fixing a boundary along the Mekong, nor did he probe the implication that the Franco-Thai boundary in the neighbourhood would eventually lie west of the Mekong. But it was entirely in character that French possession of eastern Luang Prabang, including the capital of that province, would lead to claims for western Luang Prabang, in the same way that possession of Cochin-China and Annam and Tonkin had led to the acquisition of Cambodia and Laos.

It was in fact October 1902 before French ambitions for control of trans-Mekong Luang Prabang were realized. A convention signed by both French and Thai representatives ceded the west bank of the Mekong, opposite Luang Prabang, bounded by the Heung and Kop rivers and the western Mekong watershed, to France. France also acquired the district of Bassac, which covered about 650 square miles (1683 square kilometres) centred on the town of that name. However, this convention was never ratified and it was effectively replaced by a convention and an agreement concluded in February and June 1904 respectively. The convention dealt principally with the amended boundary north of the Tonle Sap, although provision was made for a joint commission to delimit the boundaries between the Mekong and the Gulf of Siam, and west of Luang Prabang. The trans-Mekong area of Luang Prabang, defined in the 1902 convention, was transferred to France without any alteration, by the first article of the new convention. However, the Bassac concession of the defunct convention was greatly expanded by the new document. If calculations are related to the pre-1904 boundary shown on French maps, France gained 6000 square miles (15 534 square kilometres); if the area is referred to the pre-1904 boundary claimed by Thailand the area measures 10 200 square miles (26 408 square kilometres). The new boundary followed the parallel which passed through the mouth of the Roluos river as far east as the Kompong Tiam, then the longitude of that intersection northwards to the Dang Raek mountains, and then the watershed provided by these mountains and the Dang range as far as the Mekong, just south of the confluence with Mun river. Apart from Bassac, the area ceded had formed part of an earlier Cambodian kingdom and the Dang Raek range, occupied mainly by Moi and allied groups, offered a clear divide in an otherwise featureless area. The only concession made to Thailand was to give nationals of that country the right to use the Mekong for transport where both banks were French opposite Luang Prabang. Thailand was also given the option of using French technicians to help improve the course of the river linking Battambang and the Tonle Sap, presumably for both navigation and fishing and in terms of stability. France also exercised the options provided in the 1893 treaty to demand certain depots on the west bank of the Mekong. These were specified to be located at the confluence of the Mun and Mekong rivers, Khemmarat, Mukdahan, the confluence of the Kam and Mekong rivers, Saya Buri, Nong Khai and Chiang Khan, although the size of the depots was not stipulated.

The agreement, signed in June 1904, made slight amendments to the Luang Prabang boundary west of the Mekong and fixed the boundary between the Tonle Sap and the Gulf of Siam. The amendments to the Luang Prabang boundary were in favour of France and concerned the north and south termini on the watershed

between the Mekong and Mae Nam. In the south, instead of swinging northwest at the confluence of the Heung and Tang rivers, to reach the watershed near the source of the Tang river, the boundary continued southwards to the source of the Heung, which upstream is also called the Man river. This shifted the terminus on the watershed by 44 miles (71 kilometres) and transferred to France a triangular area of 300 square miles (777 kilometres) west of Daen Sai. At the northern terminus the boundary no longer followed the course of the Kop river from the watershed to the Mekong, but followed the water divide marking the western edge of the Kop valley. This involved about 75 square miles (194 square kilometres).

The new boundary defined from the headwaters of the Kompong Prek to the sea gained about 2500 square miles (6473 square kilometres) for France compared with the boundary that was generally shown on French and Thai maps before 1893. This traditional Cambodian-Thai boundary skirted the valley of the Tamyong river, which formed part of Cambodia, and then passed southwards through the Cardamones mountains to point Samit. In July 1891 the French established a customs post, manned by two French officers and some Cambodian soldiers, at point Thien close to point Samit, in order to check the emigration of political and other refugees from the Cambodian province of Kompong Som to Thailand (*BFSP*, 87, p. 204). On 13 June 1893, after the fighting with Thailand had started, Samit island, off the point of the same name, was occupied, on the grounds that it had always been Cambodian (*BFSP*, 87, p. 234). By the terms of the 1893 convention France was allowed to maintain its occupation of Chantaburp, 133 miles (214 kilometres) north-west of point Samit, until Thailand had complied with all the terms of the peace treaty. Under various pretexts France avoided returning Chantaburp to Thailand until a firm boundary was drawn between the Tonle Sap and the coast by the agreement of June 1904. The new boundary, instead of turning southwards near the source of the Tamyong river, turned north and west towards the source of the Yai. It then followed the Yai and one of its tributaries, the Klong, for some distance before turning westwards to reach the coast at cape Ling, which was only 24 miles (39 kilometres) south of Chantaburp. This new line gave France the port of Trat and Chang island, together with all the islands between Chang and point Samit. It was ironic that the agreement noted that 'this line establishes a natural boundary'. If the term 'natural boundary' has any meaning it does not include lines which cut transversely across the grain of an important mountain range to bisect a featureless plain and tack part of an estuary and its surrounding plain onto a state which lies beyond those mountains. The French authorities presumably recognized the irony, because the estuarine area of Trat was retroceded to Thailand three years later, in exchange for a much larger area of more valuable land west of the Tonle Sap.

The joint commission specified in the 1904 convention began work in January 1905 at Svay Daun Keo, a settlement on the Kompong Prek. First they followed a westerly course as far as Ban Chut Ya, near cape Ling, which they reached at the end of May. Work resumed after two monsoon seasons in December 1906, at Angkor Wat. By 18 January 1907 the line had been carried to the Mekong near its confluence with the Mun river. The latitude of the mouth of the Roluos river was fixed as  $13^{\circ} 14' 48.1''$  north. This parallel was not followed as far as the Kompong Tiam, as specified, but to a point midway between the Roun and Kompong Tiam rivers, since the joint commission could not agree on which was the Kompong Tiam intended by the 1904 convention. The boundary then followed the meridian which passed through this point as far as the Dang Raek mountains at the Kel pass. The imprecision of the commission's work along the water divide of the Dang Raek created conditions for the Preah Vihear dispute between Cambodia and Thailand, which erupted in 1958 and was eventually settled by the International Court of

Justice in 1962. The commission charged with the demarcation of the boundary west of Luang Prabang completed its work without serious difficulty by January 1906.

On 23 March 1907 a Franco-Thai treaty made the last major change in the boundary between the two countries. By the terms of this treaty France retroceded 650 square miles (1683 square kilometres) of the Trat lowlands, and the 300 square mile (777 square kilometre) triangular area west of Daen Sai to Thailand in exchange for the territories of Battambang, Siem Reap and Sisophon, which totalled about 12 400 square miles (32 104 square kilometres). The new boundary recognized that the Cardamones range represented a significant obstacle. From a point on the coast, just north of Pyam, opposite Kut island, the boundary followed the western edge of the Cardamones range to the prominent Thom mountain. It then continued northwards, following the general grain of the uplands, until the headwaters of the Sai river were reached. The boundary then crossed the alluvial plain linking Phnom Penh and Bangkok almost at its narrowest point. Soi Dao Nua mountain, which is the most northerly outlier of the Cardamones range, is only about 70 miles (113 kilometres) south of the Huai Chan mountain which can be considered as the southernmost point of the Dang Raek range. After defining the boundary across the plain by means of the Sai and Sisophon rivers, and the road from Aranya-Prathat to the Chong-Ta-Koh pass, as far as the Dang Raek range between that pass and the Chong-So-Met pass, the line followed the Dang Raek range to the Mekong according to the 1904 convention. The 1907 treaty also made provision for the delimitation of the new boundary, which was carried out by a joint commission within a year, without any serious difficulty. Thus by 1908 the eastern boundary of Thailand had been demarcated from the sea to the Mekong-Mun confluence, and from the source of the Heung, south of Luang Prabang to the western limit of the Kop valley, west of Luang Prabang. The only sections which were not demarcated were the 540 miles (869 kilometres) of the Mekong, south of the Heung confluence, and the 60 miles (97 kilometres) of the same river between the Kok valley and the Thai-British-French tri-point at the Mekong-Kok confluence. The best accounts of the results of the 1904 and 1907 agreements, from a French viewpoint, are provided by Bernard (1933).

France and Thailand had different interpretations of the exact meaning of the first article of the 1893 treaty, which simply stated that Thailand renounced all pretensions to land on the left bank of the Mekong and islands in the river. The differences of interpretation concerned the islands which sometimes became joined to the Thai bank by deposition, and the new islands which were created when a meander cut through on the Thai bank of the river. In February 1925, when France and Thailand signed a treaty of friendship, commerce and navigation, both sides reserved their positions on the interpretation of the 1893 clause (League of Nations, Treaty Series, 1926, 43, p. 207). Eighteen months later agreement was reached when a new convention was signed between the two countries. The third article of this convention defined the principles by which the Mekong boundary should be determined. Where there is only a single channel the thalweg marks the boundary; where there is more than one channel, the thalweg of the channel nearest the Thai bank forms the boundary; if the channel nearest the Thai bank dries up then the boundary will continue to follow it, unless the joint permanent high commission for the Mekong decides to move the boundary to the nearest channel with water. Eight river lands were specified as being attached to the Thai bank and therefore forming part of Thailand.

Three other Franco-Thai treaties related to the common boundary, but their final effect was to leave the boundary unchanged. In December 1937 the two countries signed a further treaty of friendship, commerce and navigation, which reaffirmed

the existing boundary arrangements in its twenty-second article. With the outbreak of war in Europe in 1939, the French government decided to secure its position in Indo-China by means of a non-aggression pact with Thailand. This pact was signed in October of that year, but Thailand made it plain that a condition of its signature was the return of the Luang Prabang trans-Mekong area and Bassac, ceded to France in 1904. Early in April 1940, France advised Thailand that its proposals had been accepted, and that diplomats would be sent to Thailand to settle the matter before the ratification of the non-aggression pact. Flood (1969) who has provided the best account of this episode, has recorded that the French metropolitan government was sympathetic to the Thai case, but that it was strongly resisted by the colonial authorities in Indo-China. Secret letters were exchanged by which arrangements were made for a mixed commission to move the Laos-Thailand boundary to the main thalweg of the Mekong along its entire length. Events in Europe overtook these arrangements, however, and the negotiations were left to the colonial authorities which did not act with any despatch. Japan's advance into Tonkin encouraged Thailand to increase its demands, which now included the retrocession of Battambang, Siem Reap and Sisophon, and the guarantee that if France ended its colonial rule in Indo-China, Thailand would be made its successor in Laos and Cambodia (Nuechterlein, 1965, p. 71).

Desultory fighting between French and Thai forces started in November 1940, and Japan quickly intervened to arbitrate in the dispute. The arbitration was strongly in favour of Thailand. By a treaty signed on 9 May 1941 France ceded to Thailand all the territory acquired by the 1904 convention and agreement, and the 1907 treaty. This return to the 1893 boundary was guaranteed by Japan, but Thailand was not made heir-presumptive to France in Indo-China. The Thai government wasted no time in marking the new boundary south of Tonle Sap. A demarcation commission in 1941-2 placed 128 pillars and beacons to mark the 130 miles (209 kilometres) of boundary from the mouth of the Monkol Borey which flows into the northwestern extremity of the Tonle Sap to Thom mountain in the Cardamones range. This section of boundary followed the course specified in the 1904 agreement, which gave effect to the 1893 arrangements for demarcation, except that the Kompong Prek was not followed to its mouth. The delimitation maps of the 1941-2 commission on a scale of 1:80 000 show that the drainage pattern close to the shore of the Tonle Sap is much more complicated than more general maps indicate. Most of the rivers are connected by channels at various times of the year, and a few miles from the lake shore the 1941-2 boundary swung westwards and entered the lake through the mouth of the nearby Daun Tri river. The survey labours of this commission were short-lived because, after the defeat of Japan, Thailand was forced to return all the lands by a settlement agreement, which was part of the Washington accord signed on 17 November 1946. This final document restored the boundary to the position as it existed after the ratification of the 1926 convention.

This account cannot be concluded without reference to the dispute concerning the temple of Preah Vihear between Cambodia and Thailand, which was settled by the judgement of the International Court of Justice in June 1962. The temple ruins are located on a southern projection of the Dang Raek escarpment overlooking the Cambodian plain in longitude 104° 44' east. The escarpment becomes very pronounced about 18 miles (29 kilometres) east of Kel pass, which was the point selected by the 1905-7 joint commission as marking the beginning of the boundary in the Dang Raek range. The French officers of this commission eventually produced eleven maps covering various sections of the Franco-Thai boundary, and the map covering the area of the temple clearly shows the temple to lie south of the line

in Cambodia. However, it is equally clear that for long periods after this delimitation, and certainly without interruption in the post-1941 period, Thailand occupied the area containing the temple as far as the edge of the escarpment. After February 1949, first France, and then Cambodia when it became independent, raised the question of Thailand's occupation of the temple area. No satisfactory reply had been provided by Thailand by July 1954 and the one-sided correspondence then lapsed until 1958, when a conference was convened between Cambodia and Thailand to consider matters in dispute between the two countries. Thailand refused to discuss the temple issue and the conference broke down. It was then that Cambodia instituted the proceedings in the Hague.

The Cambodian case rested on the map prepared by the French officers of the joint commission. The Thai defence to this charge rested on various grounds. First it was asserted that the maps, prepared by only one party to the joint commission, were not binding. Second, if this ground failed, it was maintained that the maps were in error, because the commission had no right to deviate from the water divide by such a large margin, and the water divide lay practically along the cliff edge of the escarpment. There were further variations on these twin themes, but the essential difference was that Cambodia believed that the map showed the correct boundary, while Thailand believed that the text of the 1904 convention, which referred to the watershed provided by the Dang Raek range, was authoritative. In an important decision by nine votes to three the Court felt bound 'as a matter of treaty interpretation, to pronounce in favour of the line as mapped in the disputed area' (*Recueil des arrêts*, 1962, 2, p. 34).

The Court did not pronounce on whether the boundary around the northern perimeter of the temple coincided with the watershed, because the matter was decided before this question needed an answer. Thailand's case was rejected for the following main reasons. First, the French officers had been specifically asked by Thai representatives to prepare the boundary maps, because Thai facilities were inadequate. It may be noted that this continued the precedent established by the 1867 treaty. Second, the maps were received by Thailand, were inspected by Senior Thai officials and were used by Thai authorities without disclaimer, for many years. Third, even if the joint commission did not have the implied authority to deviate from the watershed line to satisfy special, local circumstances, the two governments concerned had the authority to accept such deviations as were proposed. Fourth, Thailand did not raise this question of the deviation of the line at any of the many opportunities, beginning with the receipt of the maps, and ending with the discussions which led to the peace treaty in 1946. Thailand's contention that it was unnecessary to raise the matter since Thailand was in possession of the area was refuted by the visit of Prince Damrong, president of the Royal Institute of Siam, to the temple in 1930, when he was greeted by the French Resident of the Cambodian province in which the temple ostensibly lay, with the French flag flying. When Thailand, having asserted occupation for most of the period since 1907, also argued that in any case it had not queried the map because it thought that the boundary on the map coincided with the watershed, the bankruptcy of its case was evident. The Court noted that in that event Thailand had been committing deliberate violations of Cambodian sovereignty.

If the case had turned on the question of which country should most appropriately, in terms of history, culture and geography possess the temple, Thailand would have been able to muster a stronger case, but such matters were not considered relevant. The most important general point to come out of the judgement concerns the finality of boundary agreements, once the line had been delimited and demarcated.

In general, when two countries establish a frontier between them, one of the primary objects is to achieve stability and finality. This is impossible if the line so established can, at any moment, and on the basis of a continuously available process, be called in question, and its rectification claimed, whenever any inaccuracy by reference to a clause in the parent treaty is discovered. Such a process could continue indefinitely, and finality would never be reached so long as possible errors still remained to be discovered. Such a frontier, so far from being stable, would be completely precarious. It must be asked why the parties in this case provided for a delimitation, instead of relying on the Treaty clause indicating that the frontier line in the region would be the watershed. There are boundary treaties which do no more than refer to a watershed line, or to a crest line, and which make no provision for any delimitation in addition. The Parties in the present case must have had a reason for taking this further step. This could only have been because they regarded a watershed indication as insufficient by itself to achieve certainty and finality. It is precisely to achieve this that delimitations and map lines are resorted to (*Recueil des arrêts*, 1962, 2, p. 34).

Lamb (1968, pp. 169–70) has suggested that if there is any repartition of south-east Asia, as a consequence of events associated with the war in Vietnam, Thailand would be anxious to obtain at least part of Siem Reap and Battambang. He specifically postulated that the overthrow of the Cambodian regime might precipitate such an event. Cambodia has now emerged from its civil war with its territory intact, and there was no sign of Thai irredentism. However, if Laos ever fragmented, it is almost certain that Thailand would seek to re-establish its boundary along the Mekong opposite Luang Prabang.

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### Treaty to Settle the Question of Cambodia, 15 July 1867

His Majesty the Emperor of France and His Majesty the King of Siam wishing to make a definite ruling by a common accord about the situation of the Kingdom of Cambodia following the treaty concluded at Oudon between France and this Kingdom on 11 August 1863 (twenty-seventh day of the moon Assach of the year of the Horn 1225) and wanting besides to avoid all future dispute



which would alter the perfect friendship which unites the two nations, named for their Plenipotentiaries:

His Majesty the Emperor of France, Marquis Leonel Moustier, Grand-Cross of His Imperial Order of the Legion of Honour, etc. etc., his Minister and Secretary of State of the Department of Foreign Affairs,

And His Majesty the King of Siam, Phya Surawongs Way Wat, his first ambassador, and Phra Kaxa Sena his second ambassador;

Who after having exchanged their credentials and found them in good and proper form, agreed to the following articles:

#### Article I

His Majesty the King of Siam solemnly recognises the protectorate of His Majesty the Emperor of France in Cambodia.

#### Article II

The treaty concluded in December 1863 between the Kingdoms of Cambodia and Siam is declared null and void so that the Siamese Government may not invoke it in the future under any circumstance.

#### Article III

His Majesty the King of Siam renounces for himself and his successors all tribute, presents or other signs of subjection on the part of Cambodia. For his part the Emperor of France undertakes not to seize any of this kingdom to incorporate it into his possessions of Cochinchina.

#### Article IV

The Provinces of Battambang and Angkor (Nakhon Siemrap) will remain with the Kingdom of Siam. Their border as well as those of other Siamese provinces bordering Cambodia, as they are recognised today on one side and the other will be determined exactly in the shortest possible time, with the help of stakes and other markers, by a Commission of Siamese and Cambodian officers in the presence and with the Agreement of French Officers designated by the Governor of Cochinchina. When the delimitation is completed an exact map will be prepared by French officers.

#### Article V

[Siamese and Cambodian citizens to avoid trespassing in each other's countries]

#### Article VI

[Navigation of French ships on the Mekong and the inland sea]

#### Article VII

[France guarantees Cambodia's adhesion to the treaty]

#### Article VIII

[Treaty in both languages; the French version to take precedence]

#### Article IX

[Ratifications]

Done in Paris 15 July 1867

Moustier  
Phya Sarawongs Way Wat  
Phra Kaxa Sena

## Peace Treaty and Convention, 3 October 1893

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The President of the French Republic and His Majesty the King of Siam, wishing to put an end, for the last time, to the supervening disputes between the two states, and to consolidate the friendly relations between France and Siam, have named their Plenipotentiaries:

The President of the French Republic, Mr. Charles Marie Myre de Vilers, Commanding Officer of the Legion of Honour and the White Elephant, Plenipotentiary Minister of the first class, Deputy; and

His Majesty the King of Siam, His Royal Highness the Prince Devawongse Taraprakar, knight of the Order of Maha Chakrkri, Commanding Officer of the Legion of Honour, etc., Minister of Foreign Affairs;

Who, after having exchanged their authorities and found them in good and proper form, agreed to the following articles:

### Article I

The Siamese Government renounces all claims on the territories of the left bank of the Mekong and on the islands of the river.

### Article II

[Siamese warships forbidden on the Mekong and Grand-Lac]

### Article III

The Siamese Government will not construct any fortified posts or military establishments in the provinces of Battambang and Siem Reap and in a zone of twenty-five kilometres along the right bank of the Mekong.

### Article IV

[Policing of the areas referred to in Article III]

### Article V

[Future negotiations on customs and trade regulations]

### Article VI

[French need for depots on the right bank of the Mekong]

### Article VII

[Rights of French citizens in Thailand]

### Article VIII

[French consular representation]

### Article IX

[French text to be authoritative]

### Article X

[Ratifications]

Done in Bangkok, 3 October 1893

Myre de Vilers  
Devawongse Taraprakar

## Convention, 12 February 1904

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The President of the French Republic and His Majesty the King of Siam desirous of improving and strengthening friendly relations between their countries, and resolving certain difficulties which have risen over the interpretation of the Treaty and Convention of 3 October 1893, have decided to conclude a new Convention and have named to this effect their plenipotentiaries:

The President of the French Republic, M. Theophile Delcasse, Deputy, Minister of Foreign Affairs, etc.;

His Majesty the King of Siam, Phya Suriya Nuvat, his Ambassador Extraordinary, and Minister Plenipotentiary to the President of the French Republic, decorated with the first class of the Royal Order of the Crown of Siam, Chief Officer of the National Order of the Legion of Honour, etc.;

Who after having exchanged their credentials, which were found to be in good and proper form, agreed on the following dispositions:

### Article I

The boundary between Siam and Cambodia begins on the left bank of the Grand-Lac, at the mouth of the river Stung-Roluou; it follows the parallel of that point in an easterly direction as far as its intersection with the river Prek-Kompong-Tiam, then turning northwards along the meridian of that point until it meets the mountain chain Pnom-Dang-Rek. From there it follows the line of the water-parting between the basins of the Nam-Sen and the Mekong on one side, and of the Nam-Moun on the other side, and joins the crest of the Pnom-Padang chain which it follows eastwards to the Mekong. Above this point the Mekong remains the boundary of Siam in accordance with Article I of the Treaty of 3 October 1893.

### Article II

As for the boundary between Luang-Prabang on the right bank and the Provinces of Muang-Phichai and Muang-Nan, it leaves the Mekong at its confluence with the Nam-Huong and following the thalweg of this river as far as its confluence with the Nam-Tang, then ascending the course of the said Nam-Tang it reaches the water-parting between the basins of the Mekong and the Menam, at a point close to Pou-Dene-Dine. Leaving this point it ascends northwards following the said water-parting between the two basins as far as the sources of the river Nam-Kop, which it follows until it meets the Mekong.

### Article III

The boundaries between the Kingdom of Siam and the territories forming French Indo-China will be delimited. This delimitation will be carried out by a Mixed Commission composed of officers named by the contracting countries. The work will start on the boundary determined by Articles I and II, as well as that through the region between the Grand-Lac and the sea.

In order to ease the work of the Commission and to avoid all possibility of difficulty in the delimitation of the said region between the Grand-Lac and the sea, the two Governments will agree, before the nomination of the Mixed Commission, to fix the principal points of the delimitation in this area, notably the point where the boundary will reach the sea. The Mixed Commission will be named and begin their work within four months after the ratification of the present Convention.

#### Article IV

The Siamese Government renounces all claims to suzerainty over the territory of Luang Prabang situated on the right bank of the Mekong.

Trading boats and trains of wood belonging to Siamese have the right to navigate freely on the part of the Mekong which crosses the territory of Luang Prabang.

#### Article V

As soon as the agreement anticipated by Article II, paragraph two, relative to the delimitation of the boundary between the Grand-Lac and the sea, has been established, and also after it is officially notified to the French authorities that the territories transferred by this agreement, and those territories situated east of the boundary, which is indicated in Articles I and II of the present Treaty, are at their disposal, the French troops which provisionally occupied Chantaboun, by virtue of the Convention of 3 October 1893, will leave that town.

#### Article VI

[Only Siamese troops to patrol the Siamese portion of the Mekong basin]

#### Article VII

[French participation in railway and canal construction in Thailand]

#### Article VIII

In execution of Article VI of the Treaty of 3 October 1893, land of an area to be determined will be ceded by the Siamese Government to the French Government at the following points along the right bank of the Mekong:

Zieng-Khan, Non-Khay, Muong-Saniabouri, mouth of the Nam-Khan (left or right bank), Bang-Muok-Dahan, Kemmarat and the mouth of the Nam-Muon (left or right Bank).

The two Governments agree to remove from the course of the Nam-Muon, between its confluence with the Mekong and Pimoun, obstacles which hinder navigation. In the case of the work proving impractical or too expensive, both Governments will act in concert to establish a land route between Pimoun and the Mekong.

#### Article IX

[Construction of a road from Pnom-Penh to Battambang]

#### Article X

[Siamese treatment of French protected persons]

#### Article XI

[Siamese residents entitled to French protection]

#### Article XII

[Legal jurisdiction and criminal law]

#### Article XIII

[French rights regarding persons seeking French protection]

#### Article XIV

[Unaltered treaties to remain in force]

## Article XV

[French text authoritative]

## Article XVI

The present Convention will be ratified after a delay of four months from the date of its signature, or sooner if possible.

In witness of which the respective Plenipotentiaries have signed the present Convention and attached their seals.

Done in Paris in duplicate 13 February 1904.

Delcasse  
Phya Suriya

## Boundary Agreement, 29 June 1904

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In execution of Article 3, paragraph 2 of the Convention of 13 February 1904, and wishing to complete and rectify Articles I and II of the said Convention, the Government of the French Republic and His Majesty the King of Siam have agreed to the following:

### I. Kratt

The boundary after leaving Grand-Lac continues the section of the delimitation completed in 1867, following the river Prec-Kompong-Prak almost to its source. From this point it goes westwards along the line which separates the tributaries of the Grand-Lac basin towards the north, from the basin of the Stung-Krevanh or Pursat river as far as the mountains where this latter river takes its source. It will then go towards the Barain or Huay-Reng river whose course it will follow to its confluence with the river Tungyai, which flows into the Kratt estuary. Then it will follow the said river to its confluence with the Klong-Dja river. This confluence is found about halfway between the confluence of the Barain river with the Tungyai and the mouth of the latter. The boundary will then follow the Klong-Dja river to its source which is situated on the Kao-Mai-See mountain. From here it will follow the chain of mountains to the Kao-Knun mountain and from this point the chain of mountains as far as the sea at the end of Cape Lem Ling.

This line establishes the natural boundary by which the port of Kratt and the territories to the south are attached to French Indo-China. As a consequence the islands situated near the coast at Cape Lem Ling (such as Koh-Chang and the others) will also belong to French Indo-China; it remains understood that the delimitation described excludes territory to the north of the said line.

Ten days after French authorities are notified that these territories, and those dealt with in the Convention of 13 February 1904 and the present Agreement, are at their disposal, French troops will leave Chantaboun in accord with the fifth Article of the aforementioned Convention.

### II. Luang-Prabang

Concerning the boundary of Luang-Prabang described by Article II of the Convention of 13 February the two signatory powers have adopted, by common agreement, the following modifications:

(a) The southern boundary. The boundary will leave the confluence of the Mekong and the Nam-Huon, and instead of following the Nam-Tang, it will

follow the thalweg of the Nam-Huong, called in its upper course the Nam-Man, as far as the water-parting between the basins of the Mekong and the Menam, at the source of the Nam-Man.

From there, and following this line, it ascends towards the north, conforming to the Convention of 13 February 1904.

(b) The northern boundary. Instead of following the course of the Nam-Kop, the boundary will turn around the sources of this river to follow the first mountain crest of the left bank of the Nam-Kop.

Done in duplicate in Paris 29 June 1904.

Delcasse  
Phya Suriya

### Boundary Treaty, 23 March 1907

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The President of the French Republic and His Majesty the King of Siam following the delimitation undertaken in execution of the Convention of 13 February 1904, desiring on the one hand to ensure the final settlement of all questions connected with the common boundaries of Indo-China and Siam by a reciprocal and rational system of exchanges, and desiring on the other hand to ease relations between the two countries by the progressive introduction of a uniform legal system and by the extension of the rights of those citizens under French jurisdiction established in Siam, have decided to conclude a new treaty, and have named to this effect their plenipotentiaries as follows:

The President of the French Republic: R. Victor-Emile-Marie-Joseph Collin (de Plancy) Ambassador Extraordinary and Plenipotentiary Minister of the French Republic to Siam, Officer of the Legion of Honour and Public Instruction; His Majesty the King of Siam: His Royal Highness Prince Devawongse Varoprakar, Knight of the Order of Maha-Chakri, Commanding Officer of the Legion of Honour, etc., Minister of Foreign Affairs;

Who, provided with full authority, which has been found in due and proper form, agreed to the following dispositions:

#### Article I

The Siamese Government cedes to France the territories of Battambang, Siem-Reap and Sisophon, whose boundaries are defined in Clause I of the Protocol of Delimitation annexed to this Treaty.

#### Article II

The French Government cedes to Siam the territories of Dan-Sai and Kratt, whose borders are defined in Clauses I and II of the aforementioned Protocol, also all the islands situated to the south of Cape Lemling as far as and including Koh-Kut.

#### Article III

The exchange of these territories will take place within twenty days after the date of the ratification of the present Treaty.

#### Article IV

A Mixed Commission composed of French and Siamese officers and officials, will be named by the two contracting Countries, within four months of the

ratification of the present Treaty, and charged with settling the new boundaries. It will commence work as soon as the weather allows and they will follow and conform to the Protocol of Delimitation annexed to the present Treaty.

#### Article V

[Legal arrangements for aliens]

#### Article VI

[Rights of French citizens in Siam]

#### Article VII

[Treaties unaffected by the present Treaty to remain in force]

#### Article VIII

[French version of the Treaty authoritative]

#### Article IX

[Ratification]

Done in Bangkok in duplicate on 23 March 1907.

V. Collin (de Plancy)  
Devawongse Varoprakar

### *Annexe I*

#### *Protocol of delimitation*

In order to facilitate the work of the Commission referred to in Article IV of the Treaty dated this day, and to avoid all possibility of difficulty in the delimitation, the Government of the French Republic and His Majesty the King of Siam have agreed as follows:

#### Clause I

The boundary between French Indo-China and Siam leaves the sea at a point situated opposite the highest point of Koh-Kut island. From this point it follows a northeasterly direction to the crest of Pnom-Krevanh. It is formally agreed that in every case the sides of these mountains which belong to the Klong-Kopo basin remain in French Indo-China. The boundary follows the crest of the Pnom-Krevanh in a northerly direction to Pnom-Thom which is found on the main water parting between the rivers which flow into the Gulf of Siam and those which flow towards the Grand Lac. From Pnom-Thom, the border then follows in a northwesterly direction, then a northerly direction the actual boundary between the Provinces of Battambang on one side and those of Chantaboun and Kratt on the other side, as far as a point where the boundary cuts the river Nam-Sai. It then follows the course of this river as far as its confluence with the Sisophon river and then the latter to a point situated ten kilometres below the village of Aranh. From this last point it continues in a straight line to a point on the Dang-Reck, halfway between the Chong-Ta-Koh and Chong-Sa-Met passes. It is understood that this line must leave a direct route between Aranh and Chong-Ta-Koh in Siamese territory.

From the point mentioned above, situated on the crest of the Dang-Reck, the boundary follows the line of the water-parting between the basin of the Grand Lac and the Mekong on one side and the Nam-Moun on the other side,

and reaches the Mekong below Pak Moun, at the mouth of the Huei-Doue, conforming to the line adopted by the previous delimitation Commission of 18 January 1907.

A rough draft of the boundary described above is annexed to the present Protocol.

#### Clause II

On the side of Luang-Prabang, the boundary leaves the Mekong at the mouth of the Nam-Huong in the south and follows the thalweg of this river as far as its source, which is situated at Phu-Khao-Mieng. From there the boundary follows the water-parting between the Mekong and the Menam, and meets the Mekong at a point called Keng-Pha-Dai, conforming to the line adopted by the previous Delimitation Commission of 16 January 1906.

#### Clause III

The Delimitation Commission authorised by Article IV of the Treaty of today's date will determine and trace, on the basis of the terrain, that part of the boundary described in Clause I of the present Protocol. If in the course of these operations the French Government desires to obtain a rectification of the boundary with the aim of substituting natural lines for the conventional lines, this rectification must not be made to the detriment of the Siamese Government.

The respective Plenipotentiaries have signed the present protocol and affixed their seals.

Done in duplicate in Bangkok 23 March 1907.

V. Collin (de Plancy)  
Devawongse Varoprakar

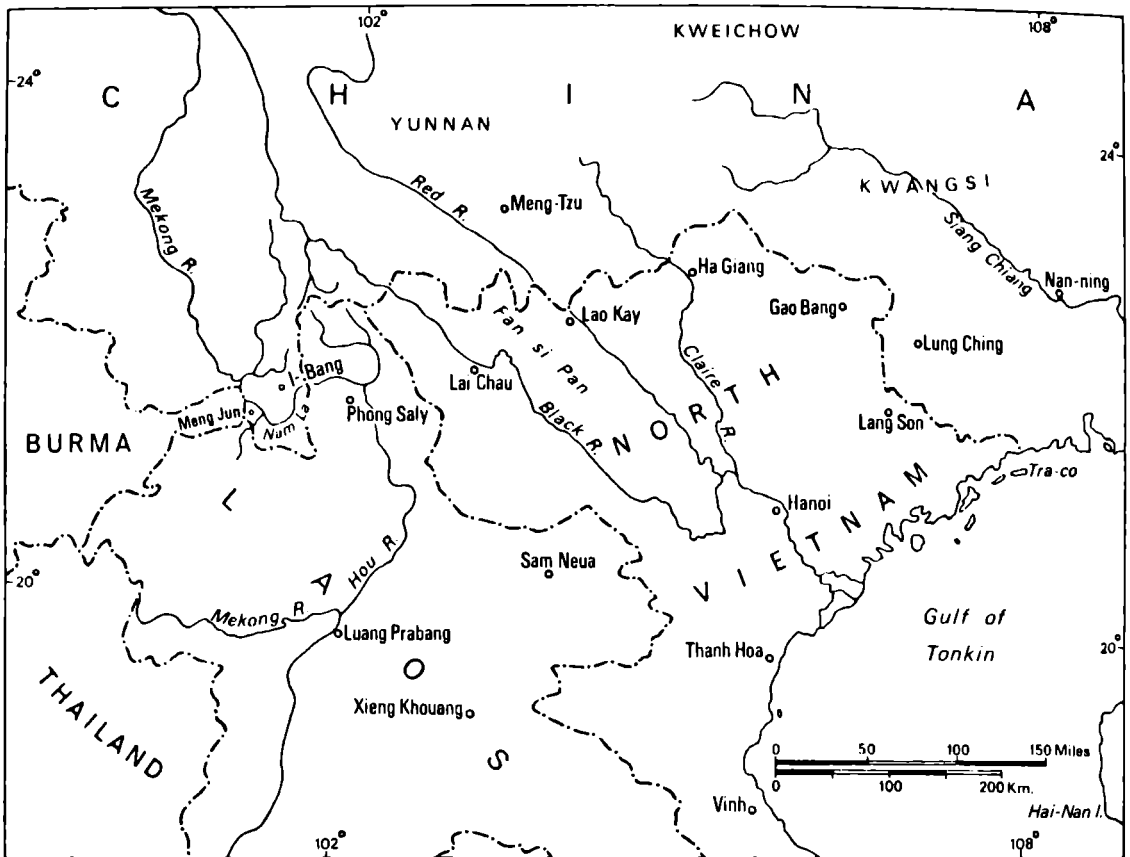


## The Boundary of China with North Vietnam and Laos

China's boundary with North Vietnam stretches for 800 miles (1287 kilometres) and is continued westwards for another 260 miles (418 kilometres) by the Sino-Laotian boundary. These two international boundaries were developed as an entity, after negotiations between France and China in the period 1885–95.

This eastern extremity of China's borderland with southern Asia exhibits the same physical and cultural complexity as the regions to the west. Physically this borderland consists of a number of ranges which are prolongations of the Yunnan plateau. These ranges, which trend from northwest to southeast, include extensive outcrops of granite and other igneous rocks in the peaks and crests overlooking lower plateaus and valleys composed of limestones and sandstones. The varying distribution of these structural elements and the uniform tropical monsoon climate have provided a mosaic of landscapes. The principal drainage pattern consists of rivers flowing towards the southeast with a rectangular pattern of tributaries. The rivers have been rejuvenated, which has caused increased down-cutting in the upper reaches, where the rivers tend to flow through deep, narrow valleys. In the east, near the coast the land rarely exceeds an elevation of 2000 feet (610 metres), but westwards the peaks reach greater heights, until in the Fan Si Pan range the highest peaks of Indo-China stand at 10 000 feet (3050 metres). Westwards from the water divide between the Black river and the Mekong, the alignment of the drainage is northeast to southwest, and the rivers flow through broader valleys than their eastern counterparts, between level sandstone plateaus. Except on the limestone areas, such as Lu Khu north of Gao Bang, forest is the climax vegetation cover throughout the borderland. However, in many areas the primitive slash-and-burn cultivation of the local population has reduced the primary tropical forest to a modified rain forest which lacks the slow growing hardwoods. The best detailed description of the physical geography of the borderland is contained in the relevant volume prepared by the U.K. Naval Intelligence (1943).

In selected locations, such as the Red river valley around Lao Kay and the Nan-Jun river in the Mekong basin, population densities reach about 130 per square mile (50 per square kilometre); however, in the remainder of the borderland the densities vary from 3 to 26 persons per square mile (1 to 10 persons per square kilometre). The population consists predominantly of ethnic minorities derived from the non-Chinese population of Yunnan and Kweichow. In the Red river valley and near the coast Vietnamese and Han Chinese predominate, but elsewhere groups of Akha, Ha-ni, Miao and Man form the majority of the population. The first two groups are most common on the Sino-Laotian border, while the other two groups mainly occupy the border east of the Black river.



Map 26. China's boundary with Laos and North Vietnam

The treaties negotiated between France and China to settle their common boundary can be distinguished from the treaties which China concluded with other European countries, in the borderland west of Indo-China, because they were not regarded by subsequent Chinese governments as unequal. In fact China negotiated with France from a position of some strength, and the lack of any Chinese challenge to the boundaries can be taken as proof of their acceptability.

When Garnier and Lagrée had demonstrated the unsuitability of the Mekong as an avenue of trade with Yunnan in 1866-7, French commercial attention shifted northwards towards Tonkin. The French prime minister, Jules Ferry, summed up the aspirations of the imperial movement, of which he was the chief spokesman, in October 1883.

It is not a question of the future of tomorrow but of the future of fifty or one hundred years, of that which will be the inheritance of our children, the bread of our workers. It is not a question of conquering China, but it is necessary to be at the portal of this rich region in order to undertake the pacific conquest of it (Rimbaud, 1903, pp. 332-3).

Cordier (1902, 2, chs 13-15, 17-25) has provided a detailed account of the events which led to the annexation of Tonkin as this commercial interest became paramount, and only a brief résumé is needed here. In 1873, after a French merchant in Canton had arranged certain commercial agreements with the Annamites in Tonkin, a French force under Garnier was sent to the area to negotiate rights to navigation on the Red river. Although Hanoi was captured during fighting which followed Garnier's arrival in the area, Garnier was killed, and Hanoi was not held. A year later a treaty was signed between France and Annam in Saigon, which purported

to open the Red river to French commerce. The activities of pirates and brigands prevented France from taking advantage of this concession and a new assault on Tonkin was started in 1882. This new struggle involved China which had some troops in the area. Colquhoun, who visited the Chinese borderland in 1881, gives a dry account of the Chinese attitudes at this time.

When we were in the south of Yunnan we heard a good deal about the movements of the French in Tong-king, and a high official—the Tao-Tai of Yunnan-fu, the capital—passed us on his way to inquire what was going on. When we asked what this official was going to do, we were told that he was about to inquire into the action of some unruly tribes; these tribes, it is needless to say, were the French (Colquhoun, 1882, p. 722).

A preliminary convention of peace was concluded between China and France on 11 May 1884, and its most important clauses dealt with the withdrawal of Chinese troops from Tonkin, the guaranteeing of Chinese frontiers by France, and the freedom of French merchants to trade across the boundary. Delay in implementing the terms of this agreement on the part of China led to renewed fighting which also involved French naval forces at Formosa. After nine months of inconclusive conflict, during which French naval activities threatened to cause friction with Britain and the United States, a treaty of peace, friendship and commerce was concluded on 9 June 1885 at Tientsin. Sir Robert Hart, inspector-general of customs in China, and his London assistant played an important role in encouraging these negotiations and bringing them to a successful conclusion. The third article of this treaty made arrangements for boundary commissioners to be appointed and to proceed to the identification and demarcation of the boundary. The commissioners began work within the specified six months, and the commercial convention signed between the two countries on 25 April 1886 noted that the work of the commission was still uncompleted. The work was completed during the following year and the results of the commission were summarized in the convention dated 26 June 1887.

The convention consists of the principal text and annexed reports and maps. Only the text has been reproduced because the reports are too long. The text only deals with two separate sections of the boundary. First, the offshore boundary is defined as the longitude of the eastern point of the island of Tra-co, which is given as 105° 13' east of Paris, that is 108° 3' east of Greenwich. Then there is a description of two parts of the boundary between Tonkin and Yunnan. The first part deals with the section astride the river Claire, and the second with the section between the Red and Black rivers. In both cases the boundary is identified by streams and the allocation of particular districts. Water divides are not specifically named in the text, although some parts of the boundary coincided with these features. A careful reading of the text suggests that the authors were not completely confident about their geographical knowledge, and there was scope, in the language used, for either side to raise different interpretations. This boundary was significantly amended in 1895. The appended reports defined the boundary between Tonkin and Kwangsi. The commissioners had not completed the demarcation of the boundary, and local officials were instructed to complete this work.

The delimitation and partial demarcation of the boundary did not immediately end the piracy and brigandage which had characterized this border for so many years. Especially in the Tonkin-Kwangsi borderland, where there were areas of very difficult terrain close to large cities, these difficulties continued. During the period following the signing of the convention, China was able to extend its control at the expense of France in the province of Deo-Luong. When this trespass was brought to the attention of the French authorities by the local population, Colonel Gallieni was

sent to the area with instructions to re-mark the boundary between Kwangsi and Tonkin. This work occupied the period 1892–4, and was completed when maps and reports were signed by representatives of both countries at Lung-Ching on 19 June 1894. The boundary showed some slight changes from the 1887 line for reasons which Gallieni explained.

Following my instructions, the Commission strove throughout to obtain a good boundary from the point of view of defence. Following everywhere natural obstacles such as mountains and rivers, it reduced as far as possible, the number of crossing points, so that these routes by which bands of pirates cross from China to Tonkin, can be closed by blockhouses or posts (Gallieni, 1935, p. 305).

Gallieni confirms that the Chinese were also anxious to end the activities of brigands in this area. These criminal groups raided the local population on both sides of the border for women and buffaloes, which were then sold to purchase opium and arms, which provided the basis for fresh depredations. The border with Kwangsi was marked by 308 boundary pillars, and since that time the boundary has remained unaltered. In 1915, after the beginning of rebellion in China, and when the Association for the Restoration of Vietnam was operating against the French administration, from bases in the mountains east of Thai Nguyen (Lancaster, 1961, pp. 73–4), the Chinese and French authorities signed an agreement pledging common action against groups in the borderland (*BFSP*, 109, pp. 887–9).

Returning now to the section of the boundary separating Yunnan and Annam, it will be recalled that the 1887 convention had only carried the boundary to the Black river, beyond which, according to Colquhoun (1882, p. 776) there were independent Shan states. When France entered into possession of the east bank of the Mekong, through the 1893 treaty with Thailand, it became necessary to reach some agreement with China for the extension of the boundary from the Black river to the Mekong. This was accomplished by a supplementary convention signed on 20 June 1895.

The supplementary convention defined a line 280 miles (451 kilometres) long from the Black river to the confluence of the Nam La and Mekong rivers. The direct distance between the two termini is only 110 miles (177 kilometres), but the circuitous route was necessary to give China control over the Nam La basin, so that the boundary, for most of its distance, follows the watershed between the Hou and Nam La basins which became respectively French and Chinese. The French government in recommending the new boundary to the parliament stressed that France had secured four districts of prime concern. They were the region around Lai Chau, which commands the upper Black river valley; the district of Pu Fang, where there was reputed mineral wealth; the province of Phong Saly, which commands the Hou valley; and the country around Pa-Fat-Sai, from which eight salt springs supplied the needs of territory controlled by France (*Cmd* 7975, March 1896, p. 9). This boundary was based on the political and commercial claims which China could establish to the satisfaction of France. In the upper valley of the Nam La river the famous tea-gardens of I-Bang were located. Colquhoun noted that the tea from this area was marketed throughout China.

The most celebrated tea in China comes from a part of the Shan country, from a district called I-Bang mainly, situated five days south of the Yunnan frontier. This tea . . . is sent to the town of Ssumao for distribution. From that place it is forwarded to Peking and the northern provinces; by caravan to the Yang-tzse, thence by river to Shanghai, and from that port northwards (Colquhoun, 1882, p. 721).

To have included the entire Nam-La basin within China would have meant a marked detour of the boundary south from Meng Jun to include a southern tributary. This was avoided by crossing this broad valley through a marsh, just south of Meng Jun, which had been specifically allocated to China by the supplementary convention.

The convention also made two amendments to the boundary east of the Black river. First, some areas between the Claire and Red rivers had been wrongly assigned to Annam by the 1887 convention and these four districts, north of Man-Mai, were returned to China. Second, a better understanding of the geography of the country between the Red and Black rivers had enabled France to make successful claims for more territory, as the French government explained to the Chamber of Deputies.

It was, nevertheless, considered that there was reason for retracing our steps somewhat, and for taking up the work of demarcation at Long-Po, that is to say, at about 180 kilometres towards the east, a more exact knowledge of the basin of the Red river having enabled the Government of the Republic usefully to claim, to the advantage of Annam, a district which had been improperly detached from it (Cmd 7975, March 1896, p. 9).

The desire of the French authorities to extend their territory northwards between the Red and Black rivers can be understood in view of the reported mineral wealth of these districts. Colquhoun and others had reported caravans carrying iron, copper, silver, lead, zinc and tin from the borderlands into China, although China did not encourage the exploitation of minerals, because miners were found to be generally unruly people, whom Chinese officials found difficult to control.

This section of the boundary, together with the continuation westwards to the Mekong, was marked in a perfunctory fashion by fifteen pillars. However, the boundary coincides with the single watershed between the Nam-La and Hou rivers for most of its course, and there is no record of any dispute connected with this boundary. The present government of China has never raised any question about the legality of the treaties which govern this boundary, which is shown in an identical location on Chinese and French maps of the border.

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## Treaty of Peace, Friendship and Commerce, 9 June 1885

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The President of the French Republic and His Majesty the Emperor of China, both animated by an equal desire to put an end to the difficulties which have arisen by their simultaneous intervention in the affairs of Annam, and wishing to re-establish and improve the traditional relations of friendship and commerce which have existed between France and China, have resolved to conclude a new Treaty respecting the common interests of both countries, taking for its basis the Preliminary Convention signed at Tien-tsin on 11 May 1884.

### Article 1

[Maintenance of order in Annam; frontier between Tonkin and China to be respected by France; dispersal of robbers in Chinese borderland; Chinese troops not to be sent to Tonkin; protection of Chinese in Annam]

### Article 2

[Treaties between France and Annam to be respected; relations between China and Annam]

### Article 3

After six months, from the signature of this Treaty, the Commissioners designated by the High Contracting Parties will go to the border to identify the boundary between China and Tonkin. They will place, where necessary, pillars to make the boundary obvious. In any case where they are unable to agree on the positioning of any pillar, or on the corrections in detail to the Tonkin boundary, which they may make in the common interests of both countries, they will refer the matters to their respective Governments.

### Article 4

[Passports]

### Article 5

[Frontier trade between China and Tonkin; appointment of Chinese consuls]

### Article 6

[Trade regulations between Tonkin and Yunnan, Kwangsi and Kwang-tung; trade in arms and ammunition; opium trade; trade by sea between China and Annam]

### Article 7

[Construction of railways]

### Article 8

[Duration of commercial stipulations]

### Article 9

[Evacuation of Chinese territory by French forces]

### Article 10

[Confirmation of existing treaties as hereby modified; ratifications]

Done at Tien-tsin in four copies 9 June 1885, corresponding to the twenty-seventh day of the fourth moon of the eleventh year of Kouang-Sien.

Patenotre  
Si Tchen  
Li Hong Chang  
Teng Tcheng Sieou

## Convention, 26 June 1887

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The Commissioners named by the President of the French Republic and His Majesty the Emperor of China, in execution of Article three of the Treaty of 9 June 1885, for the identification of the boundary between China and Tonkin have finished their work.

M. Ernest Constans, former deputy Minister of the Interior and Culture, Government Commissioner, special envoy of the French Republic on the one part,

And His Excellency Prince K'ing, Prince of the Second Rank, President of the Tsung-li Yamen, assistant of His Excellency Souen-Yu Ouen, Member of the Tsung-li Yamen, First Vice-President of the Ministry of Public Works;

Acting in the names of their Governments;

Have decided to record in the present document the following arrangements designed to govern the delimitation of the said boundary:

1. The reports and maps which are annexed have been prepared by the French and Chinese Commissioners and are approved;

2. The points on which agreement could not be reached between the two commissioners, and the corrections allowed by the second paragraph of the third article of the Treaty of 9 June 1885, are also ruled on as follows.

At Koueng-Tong it is understood that the disputed points, which are situated east and northeast of Monkai, beyond the boundary fixed by the Commissioners, are allocated to China. The islands which are east of the Paris meridian of 105° 43' east (108° 3' east of Greenwich), that is to say the north-south line passing through the eastern point of the island of Tch'a Kou or Ouan-Chan (Tra-co), which forms the boundary, are also allocated to China. The island of Gotho and other islands west of this meridian belong to Annam.

Chinese guilty or accused of crimes or misdemeanours who seek refuge in these islands, will, in accordance with the stipulations of Article 17 of the Treaty of 25 April 1886, be sought, arrested and extradited by the French authorities.

On the boundary of Yunnan it is understood that the demarcation follows the following line:

From Keou-teou-tchai (Cao-dao-trai) on the left bank of Siao-tou-tcheou-ho (Tien-do-Chu-ha), point M on the map of the second section, it goes for fifty li (20 kilometres) directly from west to east leaving to China the districts of Tsui-kiang-cho or Tsui-y-cho (Tu-nghia-xa), Tsui-mei-cho (Tu-mi-xa) Kiang-fei-cho or Y-fei-cho (Nghia-fi-xa) which are north of this line, and to Annam, that of Yeou-p'ong-cho (Hu-bang-xa) which is east and south, as far as the points marked P and Q on the annexed map, where it cuts both branches of the second tributary on the right bank of Hei-ho (Hac-ha) or Tou-tcheou-ho (Do-chu-ha). Leaving point Q it bends towards the southeast for about fifteen li (six kilometres) as far as point R, leaving to China the territory of Nan-tan (Nam-don) to the north of this point R; then leaving this point, ascending towards the northeast as far as point S, and following the direction traced by the line R-S the course of the Nan-teng-ho (Nam-dang-ha) and the territories of Man-Mei (Man-mi), of Meng-tong-chang-ts'oun (Muang-dong-troung-thon) of Mong-toung-chan (Muong-dong-son), of Meng-toung-tchoung ts'oun (Moung-dong-troung-thon), and of Meng-toung-chia-ts'oun (Muong-dong-ha-thon) remaining to Annam.

Leaving point S (Meng-toung-chia-ts'oun or Muong-dong-ha-thon) the middle

of the Ts'ing-chouei-ho (Than-thuy-ha), as far as its confluence at T, with the river Claire, marks the boundary which has been adopted.

From point T the line is marked by the middle of the river Claire as far as point X above Tch'ouan-teou (Thuyen-dan).

From point X it ascends towards the north as far as point Y passing Paiche-yai (Bach-thach-giai) and Lao-ai-k'an (Lao-hai-kan) so that half of each of these districts belongs to China and Annam, that which is to the east belongs to Annam, that which is to the west to China.

Leaving point Y it follows in a northerly direction the right bank of the small left bank tributary of the river Claire, which it receives between Pein-pao-kia (Bien-bao-kha) and Pei-pao (Bac-bao) and reaches Kao-ma-pai (Cao-ma-bach), point Z, where it meets the boundary of the third section.

Leaving Long-po-tchai (fifth section) the boundary between Yunnan and Annam ascends the course of the Long-po-ho as far as its confluence with the Ts'ing-chouei-ho, marked A on the map; from point A it follows a general northwest-southeast direction as far as the point marked B on the map, the area where the Sai-kiang-ho receives the Mien-chouei-ouan; the course of the Ts'ing-chouei-ho is allocated to China.

From point B the boundary goes in an east-west direction as far as point C, where it meets the Teng-tiao-tchiang below the Ta-chou-tchio. That area which is south of this line belongs to Annam, that which is to the north belongs to China.

From point C it descends towards the south and follows the middle of the river Teng-tiao-tchiang as far as its confluence, at point D, with the Tsin-tse-ho.

It then follows the Tsin-tse-ho for about thirty li and continues in an east-west direction as far as point E where it meets a small stream which flows into the Black river (Hei-tciang or Hac-giang) east of the Meng-pang ferry. The middle of this stream is the boundary from point E to point F.

Leaving point F the middle of the Black river marks the boundary to the west.

The local Chinese authorities and the agents designated by the Resident General of the French Republic in Annam and Tonkin are charged to proceed with the demarcation of the line, conforming to the maps prepared and signed by the Commissioners and the description above.

To the present Act are annexed two copies of three maps signed and sealed by both Parties. On these maps the new boundary is marked by a red line and shown on the maps of Yunnan by letters of the French alphabet and cyclical Chinese characters.

Done in Peking in two copies 26 June 1887

Constans  
K'ing

### *Supplementary Convention, 20 June 1895*

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The Commissioners named by the two Governments for the purpose of exploring the remaining portion of the frontier between China and Tongking (from the Red River to the Mekong) having terminated their labours:

M. Auguste Gerard, Minister Plenipotentiary, Envoy Extraordinary of the French Republic, in China, Officer of the Legion of Honour, Grand Cross of the Order of the Independence of Montenegro, Grand Officer of the Royal



Order of Charles III of Spain, Grand Officer of the Royal Order of the Crown of Italy, etc., on one part;

And His Highness Prince K'ing, Prince of the first rank, President of the Tsung-li Yamen, etc:

And his Excellency Siu Yong-Yi, member of the Tsung-li Yamen and of the Great Council of the Empire, Vice-President of the Left in the Ministry of the Interior, etc., on the other part.

Acting in the name of their respective Governments, and furnished with full powers to that effect, which, after being communicated by one to the other, have been admitted to be in good and proper form, have decided to embody in the present Act the following provisions for the purpose of rectifying and completing the Convention signed at Peking on the 26 June 1887; the records of the discussions and the maps which have been drawn up and signed by the French and Chinese Commissioners being and standing approved.

#### Article I

The line of the frontier between Yunnan and Annam (map of the second section) from point R to point S, is altered as follows:—

“The frontier-line starts from point R, proceeds to the north-east as far as Man-mei, then from Man-mei and following a west and east course as far as Nan-na, upon the Tsing-chuiho, leaving Man-mei to Annam and the territories of Mong-t'ong-chang-ts'uen, Mong-t'ong-cho, Mong-t'ong-chong-ts'uen, and Mong-t'ong-hai-ts'uen to China.

#### Article II

The line of the fifth section between Long-po-chai and the Black River is altered as follows:—

“On leaving Long-po-chai (fifth section) the common frontier of Yunnan and Annam ascends the course of the Long-po-ho as far as its confluence with the Hong-Yaiho to the point marked A on the map. From point A it follows a generally north-north-westerly direction and the water-parting as far as the point where the P'ing-ho rises.

“From this point the frontier follows the course of the P'ing-ho, then that of the Mu-k'i-ho as far as its confluence with the Ta-pao-ho, which it follows as far as its confluence with the Nan-Kong-ho, then the course of the Nan-Kong-ho as far as its confluence with the Nan-na-ho.

“The frontier then ascends the course of the Pa-Pao-ho as far as its confluence with the Kwang-Si-ho, then the course of the Kwang-Si-ho, and follows the water-parting as far as the confluence of the Nam-la-pi and Nam-la-ho, finally the Nam-la-ho as far as its confluence with the Black River, then the middle of the Black River as far as the Nam-nap or Nan-ma-ho”.

#### Article III

The common frontier of Yunnan and Annam between the Black River, to its confluence with the Nam-nap, and the Mekong is drawn as follows:—

On quitting the confluence of the Black River and the Nam-nap, the frontier follows the course of the Nam-nap as far as its source, then the water-parting in a south-westerly and westerly direction, as far as the source of the Nam-Kang and the Nam-wu.

On quitting the sources of the Nam-wu, the frontier follows the water-parting between the basin of the Nam-wu and the basin of the Nam-la, leaving to China, to the west, Ban-noi, I-pang, I-wu, and the six tea mountains, and to Annam, to

the east, Mong-wu and Wu-te and the confederation of the Hua-panh-ha-tang-hoc. The frontier follows a north and south direction, south-east as far as the sources of the Nan-nuo-ho, then it circles along the water-parting in a west-north-west direction, round the valleys of Nan-wo-ho and the left-hand affluents on the Nam-la, as far as the confluence of the Mekong and the Nam-la, to the north-west of Mong-pong. The district of Mong-mang and Mong-juen is left to China. The district of the eight salt springs (Pa-fa-chai) remains assigned to Annam.

#### Article IV

The Agents, Commissioners, or authorities nominated by the two Governments shall be instructed to mark out the frontier according to the maps drawn up and signed by the Boundary Commission and to the above line.

#### Article V

The arrangements respecting the boundary between France and China, which are not altered by the present Act, remain in full force.

The present Supplementary Convention, as well as the Boundary Convention of the 26 June 1887, shall be ratified forthwith by the Emperor of China and, after it shall have been ratified by the President of the French Republic, the exchange of ratifications shall take place at Peking with the least possible delay.

Done at Peking, in quadruplicate, 20 June 1895, corresponding to the twenty-eighth day of the fifth moon of the twenty-first year Kwang-Siu.

A. GERARD.  
K'ING.  
SIU.

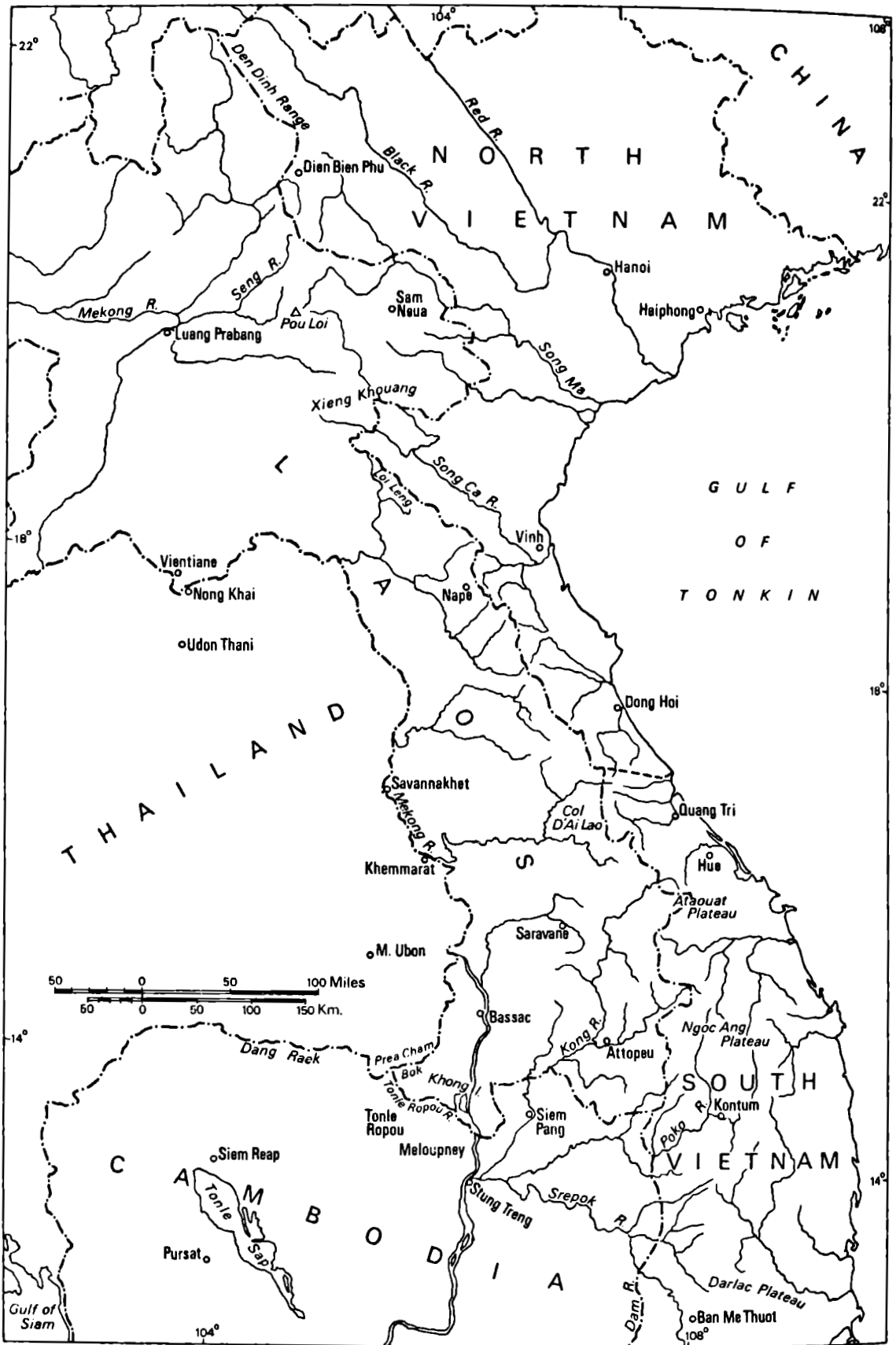
## The Cambodia-Laos Boundary, 1893-1905

The boundary between Cambodia and Laos stretches for about 340 miles (547 kilometres) from the Dang Raek mountains to the main range of Vietnam, west of Kontum. The latitudinal boundary effectively divides the Mekong valley between Laos and Cambodia, just south of the island of Khong. Only east of the river Kong approaching the Vietnam border does the land rise above 500 feet (153 metres). Elsewhere the boundary traverses level, well-drained plains. The plains are covered with tropical forest which tends to be more open in the Cambodian borderland, where some areas have been burnt and cleared for temporary cultivation.

The common boundaries of Laos, Cambodia and Vietnam were established by unilateral acts of the French administration in Indo-China, in contrast to the other boundaries of Asia which always involved the agreement of at least two governments. The internal rather than international character of these boundaries makes it harder to establish their legal basis and the reasons why the particular lines were selected. The boundary between Laos and Cambodia consists of two segments lying east and west of the river Mekong, and they were established by different French decrees.

When France acquired Thai territory on the east bank of the Mekong by the 1893 treaty of peace, the new lands were divided into three sections. The area of Luang Prabang was attached for administrative purposes to Tonkin. The upper Mekong valley from Khemmarat to Luang Prabang was attached to Annam, because of the good communications which existed via Vinh and Nape in the north and Quang Tri and Muong Phine in the south. The remaining areas south of Khemmarat consisted of two parts. The northern sector consisted of the multitude of islands, of which the largest is Khong, and a narrow strip along the east bank of the Mekong. The remainder contained the principal centres of Stung Treng, Siem Pang and Attopeu in the Kong valley. Both these areas were placed under the authority of the administration in Cochin-China.

This was a surprising decision because the area could only be reached from Cochin-China by passing through Cambodian territory, although of course both areas were administered by France. The acting governor-general of Indo-China in 1894 found this arrangement difficult to understand, impractical and possibly dangerous to good administration (Chhak, 1966, p. 28). But this territorial anomaly was justified by the permanent governor-general on the grounds that the Cambodian sovereign had refused to accept responsibility for these areas. He noted that the king was motivated by spite because France had failed to recover the ancient Cambodian provinces of Battambang, Siem Reap, Melouprey and Tonle Ropou from Thailand, and because he wished to avoid the expenditure which this administrative burden



Map 27. The boundaries of Laos with Cambodia and North Vietnam

would entail (28 April 1894, Indo-China File 831). Chhak (1966, pp. 32–6), who has made the most detailed study of this matter, dismisses these arguments. He alleges that the king did not refuse the region of Stung Treng, because it was never offered; he asserts that only the Khong area was offered. This area was almost uninhabited, and while it yielded no revenue, administrative costs were incurred in patrolling the river and supervising depots for boats. A further explanation of the king's attitude was provided by the governor-general in 1905, when he noted that the king had considered the arrangements of 1893 to be temporary, and therefore not a matter for vigorous protests. It is also entirely possible that the French authorities simply preferred to govern as much territory as possible under a direct colonial system, rather than extending the area of a French protectorate. Lagrée and Garnier, who thoroughly explored the Mekong valley in 1866–8, gave glowing accounts of the wealth of Attopeu and adjoining areas, suggesting that lead, antimony and perhaps gold could be mined, while timber, ivory and spices were also available. They also specified that a route should be sought to tap this wealth from Saigon via Tay Ninh, Stung Treng and Siem Pang (Garnier, 1893). Governor Filippini of Cochin-China stressed the importance of Stung Treng in 1886, and there is no reason to suppose that his views were not still current seven years later.

Stung-Treng must be our first objective. This centre, situated on the Mekong, is admirably placed to allow us to observe traffic proceeding upstream, to extend French influence over the provisions of Tonle-Ropou and Melouprey, and to reconnoitre the Attopeu valley, which has such great potential (quoted in Chhak, 1966, p. 29).

If in fact it was still considered French policy in 1893 to extend French influence over the prosperous Thai-controlled areas of Tonle Ropou and Melouprey, on the west bank of the Mekong, then it made good sense to have direct French control over Stung Treng which would be the main base for these operations.

The administrative inconvenience caused by the threefold division of the area on the east bank of the Mekong, from Stung Treng to Luang Prabang, soon attracted the attention of the French administrators. After various intermediate arrangements the unified territory of Laos was created on 19 April 1899. In addition to the present area, the new unit included the areas of Attopeu, Siem Pang and Stung Treng, which were transferred, by decree, from Cochin-China to the Lower Laos province on 1 June 1895. The new arrangement lasted until 6 December 1904, when Stung Treng and Siem Pang were transferred to Cambodia and the boundary was finally drawn in its present location east of the Mekong. Pavie had suggested this transfer a decade before, but his views had not been heeded (Chhak, 1966, p. 39).

In foreshadowing this transfer to the colonial minister, the governor-general of Indo-China wrote of the desire of the king and people of Cambodia for the return of these regions and the joy with which the transfer would be received. He also thought that the recovery of the former Cambodian areas of Tonle Ropou, and Battambang, Siem Reap and Melouprey from Thailand, a year earlier, made the timing opportune. He concluded that to leave Stung Treng district as part of Laos would be 'not only an anomaly, but also a geographical error' (quoted in Chhak, 1966, p. 40). The decree of 6 December 1904, which also concerned the Cambodian-Vietnamese boundary, defined the boundary north and east of Siem Pang by means of a yellow line drawn on a map with a scale of 1:3 000 000, which was attached to the decree. Apart from the last 20 miles leading to the Cambodia-Laos-Vietnam tri-point, which are marked by a straight line, the boundary coincides with water divides and river courses. The region around Attopeu was left within Laos, and since Chhak, a scholarly Cambodian nationalist, does not comment on this fact, it may be assumed

that Cambodia entertained no serious claim to this area, even though he mentions Attopeu as an old Cambodian province (Chhak, 1966, p. 32).

The need for a boundary between Laos and Cambodia west of the Mekong developed after Thailand by the 1904 convention had ceded to France areas between the Dang Raek range and the Mekong. The convention itself made no mention of this boundary, although obviously its western terminus would have to be on the water divide provided by the Dang Raek range. This region consisted of two distinct areas. First, there were the ancient Cambodian provinces of Melouprey and Tonle Ropou. Second, there was the kingdom of Bassac, which had many common characteristics with the various political and ethnic groups which made up French Laos. The problem was to draw a boundary between these two areas, and the French officers responsible for this decision selected a line which was administratively convenient. The boundary, which was announced in a decree on 28 March 1905, followed the main branch of the river Tonle Ropou to a col called Prea Cham Bok, which is located at the eastern end of the marked southern protuberance of the Dang Raek range in longitude 105° 10' east. This was an obvious physical boundary, which appeared quite prominently on the maps of the period, and it had the chief merit for colonial officers that the local population could be in no doubt where the boundary lay. However, such evidence as exists suggests that this boundary did not then coincide with the ethnic and political division between the ancient Cambodian provinces and the kingdom of Bassac. Chhak (1966) has produced maps prepared by Garnier in 1868 and Deloncle in 1889 which show the Cambodian boundary north of Tonle Ropou, and there is archaeological evidence of temples built in the Cambodian style of the Angkor period, existing north of the same river. But perhaps the most convincing evidence is provided by a French decree of 16 May 1905. The decree included in its heading the intention to 'attach various Cambodian *muongs* (districts) to the province of Bassac'. This decree named seven such districts, of which the most northerly was 35 miles (56 kilometres) north of the Tonle Ropou. It is very difficult to understand why this additional definition of Laotian territory was necessary. The earlier decree was quite precise and the second one did not change the boundary. The ingenious Chhak, who as Cambodian foreign minister had unrivalled access to archives, explains that the governor of Laos had been unable to extend his authority over the people in these districts, and that he requested a specific statement from the governor-general to buttress his authority (Chhak, 1966, p. 58). However, Chhak has not been able to demonstrate that the Cambodian government protested at any time against what appears to be the allocation of traditional Cambodian areas to Laos. The modern ethnic and linguistic maps of the area (United Nations, 1968, p. 101) show that the boundary west of the Mekong leaves some Thai groups south of the Tonle Ropou near the Mekong, whereas there are no Cambodian groups north of the river. It is possible that Cambodian groups have withdrawn from areas ceded to Laos since the boundary was established.

Chhak has tried to establish the illegality of these unilateral boundaries, but there are ample precedents in South America and French West Africa for the graduation of internal colonial boundaries to international status. Until peace is re-established in Indo-China it would be foolish to make predictions about the stability of any of the boundaries. All that can be noted at this stage is that if any claims based on history or legality are made in connection with this boundary, they are likely to be made by Cambodia to areas west of the Mekong and south of Bassac. However, the existence of this boundary in the same position for nearly seventy years is a powerful argument against change, and differences of an economic, political and cultural nature which have developed on either side of the boundary will reinforce resistance to changes in the boundary's position.

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### Decree Retroceding the Province of Stung Treng to Cambodia, 6 December 1904

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The Governor-General of Indochina, officer of the Legion of Honour,  
 In view of the Decree of 21 April 1891,  
 In view of the opinion given by the Superior Council of Indochina, in its meeting of 27 August 1904,  
 The Permanent Commission of the Superior Council of Indochina agreeing,  
 Decrees

First article. The province of Stung-Treng, presently part of Laos is re-integrated with the territory of Cambodia: less one part situated on the right bank of the river called Nam Thamm (map of Geographic Service of Indochina, scale 1:1,000,000, edition April 1903) which is placed under the administrative and political control of Annam.

Second article. The region called Sien Pang, the northern and eastern limits of which are shown in yellow on the map at a scale of 1:3,000,000 annexed to the present decree, is detached from Khong province (Laos) and reincorporated in the province of Stung-Treng.

Third article. The senior Residents in Annam, Cambodia and Laos will together arrange for the demarcation of the boundary where necessary.

Fourth article. The Secretary-General of Indochina, the senior Residents in Annam, Cambodia and Laos, are each charged, in so far as they are concerned, with the execution of this decree.

Hanoi 6 December 1904

Broni  
Secretary-General of Indochina

Beau  
Governor-General of Indochina

### Decree Fixing the Boundary between Cambodia and Laos, 28 March 1905

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The Governor-General of Indochina, officer of the Legion of Honour,  
 In view of the Decree of 21 April 1891,  
 In view of the Decree of 13 February 1899 which fixed the responsibilities of the general and local services of Indochina, and the coordination of these services,  
 In view of the Franco-Siamese Convention of 13 February 1904,

On the proposal of the senior Residents of Cambodia and Laos and the concurring opinion of the Secretary General of Indochina,

The Permanent Commission of the Superior Council of Indochina agreeing:  
Decrees

First article. The boundary between the Kingdom of Cambodia and the Kingdom of Bassac (Laos) on the right bank of the Mekong, leaves this river at its confluence with the Selam Pao river (or Tonle Ropou), ascends the principal arm of this river, which goes, almost at right angles, towards the Dangrek ranges, and terminates at the northwest of the valley of Prea-Cham-Bock.

Second article. The Secretary-General of Indochina and the senior Residents of Cambodia and Laos are each charged, in so far as they are concerned, with the execution of the present decree.

Hanoi, 28 March 1905

Beau (Governor-General)  
Broni (Secretary-General)  
Mahe (Senior Resident in Laos)  
Morel (Senior Resident in Cambodia)

### Decree Incorporating Various Districts of Cambodia in Laos, 16 May 1905

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The Governor-General of Indochina, officer of the Legion of Honour,

In view of the Decree of 21 April 1891,

In view of the Franco-Siamese Convention of 13 February 1904,

In view of the Decree of 28 March 1905, which determined the boundary between the kingdoms of Cambodia and Bassac on the right bank of the Mekong,

On the proposal of the senior Residents of Laos and the concurring opinion of the Secretary-General of Indochina,

The Permanent Commission of the Superior Council of Indochina agreeing  
Decrees

First article. The *Muong*s of Phon-Thong, Pasah, Soukhoume, Outhoum, Moulapoumouk, Saphangphoufa, and northern Selampao are incorporated in the province of Bassac (Laos).

Second article. The Secretary-General of Indochina and the Senior Resident of Laos, are each charged, in so far as they are concerned, with the execution of the present decree.

Hanoi, 16 May 1905

Beau (Governor-General)  
Broni (Secretary-General)  
Mahe (Senior Resident in Laos)



## The Cambodia-Vietnam Boundary, 1869-1942

The boundary between Cambodia and Vietnam was delimited and demarcated in four distinct sections. The section from the Laos-Cambodia-Vietnam tri-junction to the headwaters of the river Dam evolved during the period 1893-1929. The second section from the headwaters of the river Dam to the course of the river Cham at 11° 40' north developed during the period 1871-1914. The third section which stretches from the river Cham to the junction of the rivers Tra Bec and Cai Co was constructed in the period 1869-72. The last section completing the line to the coast was settled during the period 1873-1942. It is proposed to deal with these sections in chronological order.

The section from the river Cham to the confluence of the Cai Cay and Cai Co rivers measures almost 240 miles (386 kilometres). For the first 50 miles (80 kilometres) from the river Cham, the boundary traverses a landscape of forested, rolling hills with an average height of about 250 feet (76 metres), which separate open valleys through which flow small rivers in fairly well defined courses. South of Kompong Mean Chey the landscape becomes flat, generally below 50 feet (15 metres), with a multitude of large rivers occupying shifting courses through areas which are subject to prolonged inundation. The annual rainfall is from 60 to 80 inches (1524 to 2032 millimetres) and the climax vegetation is dense tropical forest. When France acquired Cochin-China in 1862 its authority was exercised through a number of strong points, which had been Annamite centres. Three of these were Tan An, Trang Bang and Tay Ninh. At that time the French administration in Saigon was uncertain about how far its authority extended. La Grandière wrote to the naval minister in the following terms.

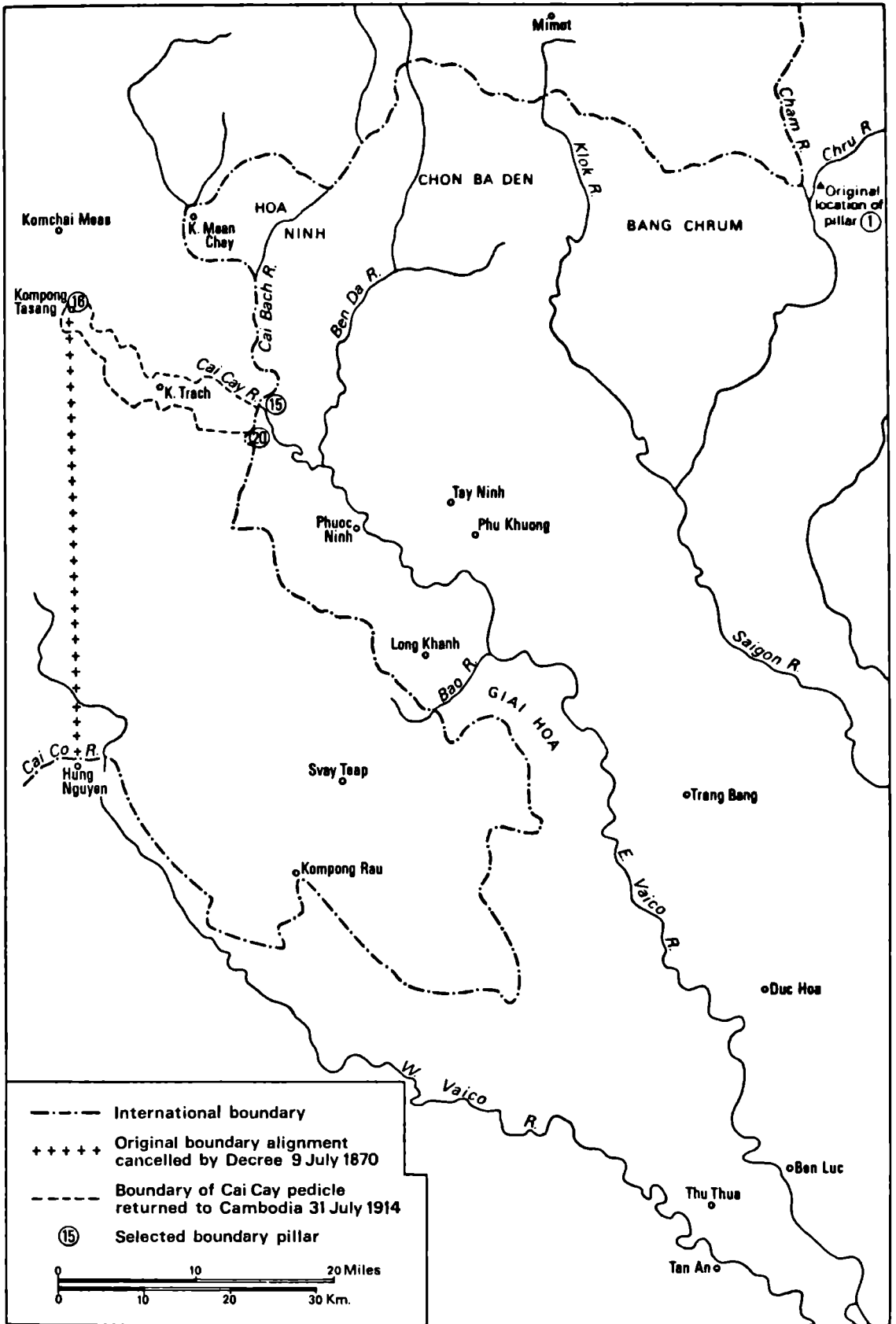
Our frontiers are only slightly or badly defined; only after the passage of time, and after we have settled our relations [with Cambodia] will we be able to settle clearly and definitely this important question of boundaries (27 May 1863. Indo-China File 30).

The country lying west of these major French outposts was swampy and heavily forested. Along the banks of the principal rivers there were communities of Annamite refugees displaced by the French invasion. They in their turn had expelled Cambodian groups from the riverine areas to the more remote forested sections. Beyond this transitional zone of Annamite invasion the population was uniformly Cambodian.

The transitional zone created problems for the French administration because of the disaffection of some Annamite groups and because of a Cambodian rebellion led by Pou Kombo against French incursions into Cambodian areas. Chhak (1966, pp.

64–8) has assembled an impressive list of quotations from French reports and letters to show that the French authorities were in no doubt that areas to the immediate west of their strong points were traditionally considered Cambodian. Even when the dissidence was overcome there were still administrative problems for both the French and Cambodian authorities. The people living in the transitional zones between Cochin-China and Cambodia exploited the uncertainty about administrative limits. When the French demanded taxes they professed to be Cambodians, and when the king tried to levy taxes they protested their French citizenship. In an effort to overcome this administrative difficulty the French authorities asked their district officers to supply descriptions of the boundaries which would be appropriate as the western limits of their areas. Such lines were to be 'natural boundaries', which could be easily defended, which would be obvious to the population in the borderland, and which would protect the interests of France and Cambodia. As the reports were returned, it soon became obvious that these criteria were incompatible, and the decisive consideration was the strategic and commercial interests of French Cochin-China.

The officer at Tan An nominated the river Cai Co as the appropriate boundary of his district. Clearly this claim was based on a very low density of French posts, and the claims of Annamite groups near the main rivers to forest and farm lands occupied by Cambodians in areas between these principal rivers. The Cai Co was selected because the post Hung Nguyen, which was the extreme French outpost 56 miles (90 kilometres) northwest of Tan An, was at its confluence with the West Vaico, and because it had a convenient east–west alignment. The various officers obviously consulted each other about their claims, because the officer at Trang Bang started his boundary from Hung Nguyen and traced it almost due east along the river Bao to Long Khanh, and then turned it northwest towards Kompong Cham. The officer recognized that such a line would truncate a tongue of Cambodian land which stretched towards Saigon between the East and West Vaico, and he specifically named the principal Cambodian areas of Kompong Rau and Svay Teap as two areas of Cambodia which would be annexed. While the Annamite settlement of Long Khanh was named as justification for the line, it would have been possible to draw a line which would have preserved this area for Cochin-China without also annexing large areas occupied by Cambodians. There can be little doubt that it was considered desirable to remove the boundary from the immediate vicinity of Saigon. The Cambodian salient between the two Vaico rivers was then known as 'the duck's beak'; in its truncated form it was known as 'the parrot's beak' during the Vietnam war, and it must have been of some relief to the South Vietnamese and United States governments that the beak had been removed from the immediate vicinity of Saigon. The administrator of Tay Ninh began his proposed boundary in the Gai Hoa region, which is just southeast of Long Khanh. From there it proceeded directly to the Cai Cay river, along the road linking Bos Pleang and Spien Tahanh, where a wooden bridge crossed the river. It then followed the course of the Cai Cay, past Kompong Tasang, to the confluence with the Cai Bach or Beng Go, whence it followed this river to Kompong Mean Chey. At this point the officer was unable to propose 'a natural boundary'. He was unable to recommend either of the principal arms of the Saigon river, because they enclosed a smaller Cambodian salient pointing towards Saigon. It was therefore recommended that the latitude of Kompong Mean Chey should form the boundary. While it was noted that this would enclose certain districts occupied exclusively by either Cambodians or Chemna tribesmen, the boundary had the overriding virtue that it would keep the French authorities of Cochin-China in contact with the Moi groups who occupied the upland areas of western Annam.



Map 28. The central section of the boundary between Cambodia and South Vietnam

The demarcation of the boundary between Cambodia and Cochin-China was carried out by a joint commission in the dry seasons of 1870 and 1871. In one important sense 'joint commission' is a misnomer. The Cambodian delegates were not well prepared for their work, and one of the French representatives reported that as the Cambodians did not seem to understand what had to be done, the Frenchmen had to explain the aims of the mission (Chhak, 1966, p. 77). In view of this situation there can be no surprise that the final boundary favoured France to a remarkable extent.

The commissioners began work in the Chru valley which they ascended to latitude  $11^{\circ} 40'$  north. The first boundary pillar was erected at the confluence of the Chru and Prien rivers. This is  $5'$  of latitude, or about 6 miles (10 kilometres) further north, than the latitude of Kompong Mean Chey specified by the officer at Tay Ninh. The boundary was then traced west-northwest around the northern limits of the Cambodian provinces of Bang Chrum and Chon Ba Den to the river Cai Bach. Bang Chrum was a fertile, wealthy Cambodian province, securely administered by a governor appointed by the king. According to Chhak (1966, p. 74) this governor made determined protests at this French annexation, but gave in to French coercion.

Once the Cai Bach had been reached the commission made rapid progress along the line indicated by the officer at Tay Ninh. The boundary was traced along the Cai Bach to its confluence with the Cai Cay, and then westwards along that river to Kompong Tasang. Now the recommended boundary continued west of Kompong Tasang to Spien Tahanh, but the French commissioners decided against this projection of the boundary westwards. However, this sacrifice on their part was used as justification for drawing the boundary directly from Kompong Tasang to Hung Nguyen at the confluence of the Cai Co and West Vaico. This boundary annexed a further 330 square miles (854 square kilometres) of Cambodian territory, in addition to that which would have been acquired had the line recommended by the administrator in Trang Bang been followed. The Cambodian salient pointing towards Saigon was completely eliminated and replaced by a French salient pointing towards Prey Veng.

A more objective observer than Chhak would have to agree with him, that the French commissioners had been patently concerned with securing the best possible arrangements for France. They obtained a strategic boundary removed from the populated core of Cochin-China, contact with the Moi tribesmen in the mountainous areas to the north, and control over the rich province of Bang Chrum. There were no direct benefits for Cambodia other than having a clearly marked boundary with French territory, and that would be the case wherever the boundary was drawn.

When the final maps were shown to the Cambodian king he ordered protests to be made in Saigon against the annexation of so much Cambodian territory. The protests had some effect because a French decree of 9 July 1870 announced new arrangements for the boundary. The decree announced that the boundary between pillars 1 and 16 would be unaltered. The 1st pillar was located on the Chru river at  $11^{\circ} 40'$  north and the 16th at Kompong Tasang. The boundary from Kompong Tasang to Hung Nguyen was cancelled and arrangements were made for a new boundary to be drawn linking those places in such a way that Cambodia received all territory occupied by Cambodians, while France reserved a strip of land along the East and West Vaico rivers, which was occupied by Annamites.

This new demarcation was carried out by French surveyors, who alone discovered what was the extent of the lands used by the Annamites between the Vaico rivers. Much of the land between these rivers was returned to Cambodia, including the

areas of Svay Teap and Kompong Rau, so the original claims of the administrator at Trang Bang to a boundary along the Bao river were not upheld.

In 1914 the final amendment to this section of boundary was made. The narrow strip of French territory along the Cai Cay river, which terminated in the west at Kompong Tasang, was nipped off and returned to Cambodia. The decree giving effect to this refers to the enclave known as Cai Cay, but the feature would be better described as a pedicle. Occupying the west bank of the river the strip was about 17 miles (27 kilometres) long and 2 miles (3 kilometres) wide. The decree of 31 July 1914 defined the 3 miles (5 kilometres) of boundary which linked boundary post 15 to boundary post 20, by two short straight lines and the course of the Ta-So stream. This territory was returned to Cambodia in exchange for a band of territory between Hai Tien and Kampot which was ceded to Cochin-China, an exchange which was foreshadowed by a proclamation by the Cambodian king in March 1914.

The detailed 1:50 000 sheets of this borderland, which were published in 1958, show that the boundary coincides with distinct differences in the landscape for much of its length. Except in the most easterly sections of the Cambodian salient between the Vaico rivers, the Cambodian territory is more densely settled than the opposite areas of Vietnam. North of the Cai Cay river there is a distinct contrast between the densely forested areas of Vietnam and the rice paddies of Cambodia. South of the Cai Cay, with the exception of the area around Long Khanh, the contrast is between flat inundated areas in Vietnam and rice paddies in Cambodia. The annexation by France of the Cambodian areas of Hoa Ninh, Chon Ba Den and Bang Chrum, resulted in the exodus of Cambodians, who resettled across the border in Cambodia, so that the boundary became an ethnic divide over a short period. Ethnic and linguistic maps of the area show that the boundary now coincides exactly with divisions between Annamite and Cambodian groups (United Nations, 1968, p. 101). It seems very likely that the severe extension of the war in Vietnam to the border areas of Cambodia will have further altered the patterns of settlement and cultivation.

The second section of boundary lay immediately north of the first section, and the first stages in its evolution occurred in 1871, when the first section was demarcated. When this part of the boundary was completed in 1914, it stretched for about 110 miles (177 kilometres) from the Cham valley to the headwaters of the river Hoyt. This borderland becomes progressively more deeply dissected as the general levels rise from 150 feet (46 metres) in the middle Cham valley to over 1500 feet (458 metres) near the source of the Hoyt river. Throughout, the region is forested, and today, as in 1870, there is a very low density of population. A century ago the population was composed of upland Cambodians, and Tamoun, Moi and Stieng groups, who always lived in heavily fortified villages.

In late 1871, a French official in Thu Dau Moi was instructed to report on the nature of the frontier between Cochin-China and Cambodia in the west of his district. He reported that the area was only lightly populated and that it was a haven for brigands, who carried off slaves and cattle to be sold in Cambodia. This report did not result in any formal claim to territory, but certainly by 1890 it was common for French maps to show the boundary of Thu Dau Moi as stretching due east, from the first pillar of the Tay Ninh demarcation in the Chru valley to Phnom Phu Den on the river Be. From this last village the boundary swung away in an east-southeast direction. This boundary obviously included the Cambodian districts of Cuu An and Thanh An, as well as Moi regions such as Quan Loi. This cartographic annexation was confirmed and expanded by a decree of the governor of Cochin-China on 26 July 1893. This decree 'reunited' the Cambodian area of Thanh An, the

Cambodian-Tamoun district of Cuu An, the Moi cantons of Minh Ngai and Quan Loi, and the Stieng regions of Loc Ninh and Phuoc Le into a single administrative area known as Can Le. The term 'reunited' is scarcely accurate because there is no evidence that this disparate area had even been unified politically in the past. The areas of Loc Ninh and Phuoc Le lie north of the line linking the Chru valley and Phnom Phu Den, and there was obviously some doubt in the minds of French cartographers about the right of the governor of Cochin-China to claim these areas for France. As late as 1903, French colonial maps on a scale of 1:1 000 000 still showed the traditional boundary current a decade earlier. However, the areas of Loc Ninh and Phuoc Le, to the north, were shown as 'Stieng annexes'.

The decree annexing these areas gave the clue to the French motives involved. While the inhabitants of this new district were spared any taxes, they were required to help clear and repair the main road to Kratie on the Mekong three times per annum. Reference has been made earlier to the suggestions for a land route from Saigon to the Mekong at Kratie or Stung Treng, which were made by Garnier and Lagrée, and the construction of this road was proceeding apace by 1893. In June 1893 the governor of Cochin-China reported that the road through his district had been completed, apart from a few bridges, but that it was difficult to construct the road in Cambodian territory, because labourers were so few (quoted in Chhak, 1966, p. 103). There is little doubt that the annexation arranged a month later was designed to simplify the problems of organizing workers and building the road. There were of course other reasons why an extension of territory seemed attractive. Most French administrators preferred to have direct control over territory, rather than to operate through the protectorate system which applied in Cambodia. In addition, the authorities in Cochin-China had shown a real determination to push the western boundary of their district as far from Saigon as possible. It is also possible, although there are no specific references to prove it, that the French authorities were anxious to bring order and peace to an area dominated by brigands and criminal fugitives.

The unilateral annexation of territory by the governor of Cochin-China was answered by widespread complaint from the Cambodians living in the area, from the king of Cambodia, and from the French Resident in Cambodia. These complaints were particularly insistent in 1895 and 1896, and reached a level which prompted the French Resident in Cambodia to write that peace would be unlikely to return to the area unless the ancient boundaries of Cambodia were restored (quoted in Chhak, 1966, p. 108). The governor-general appointed a commission in 1897 to examine the question of the proper boundary between Cambodia and Indo-China, but there were no positive results from its work.

However, by that date the seeds of the final solution to the boundary question had been literally sown in Saigon, Ong Yem, and Nha Trang. Four species of rubber trees were planted in these areas on an experimental basis and *Hevea brasiliensis* began to show distinct promise (U.K. Naval Intelligence, 1943, pp. 296-7). The uniformly high temperatures and adequate rainfall encouraged rapid growth, while the longer dry period than in Malaya reduced the incidence of certain kinds of disease. The best soils for rubber are the red soils which develop *in situ* through decomposition of basalt and other igneous rocks. These soils cover a total area of about 13 500 square miles (34 952 square kilometres) in an arc stretching from Thu Dau Moi through Loc Ninh to Kompong Cham. As the suitability of this area for rubber cultivation became apparent, the administration in Cochin-China received many requests for concessions from companies and individuals. The success of rubber production would swell the revenue of the region, but it also created responsibilities for the extension of roads and other services, and the maintenance

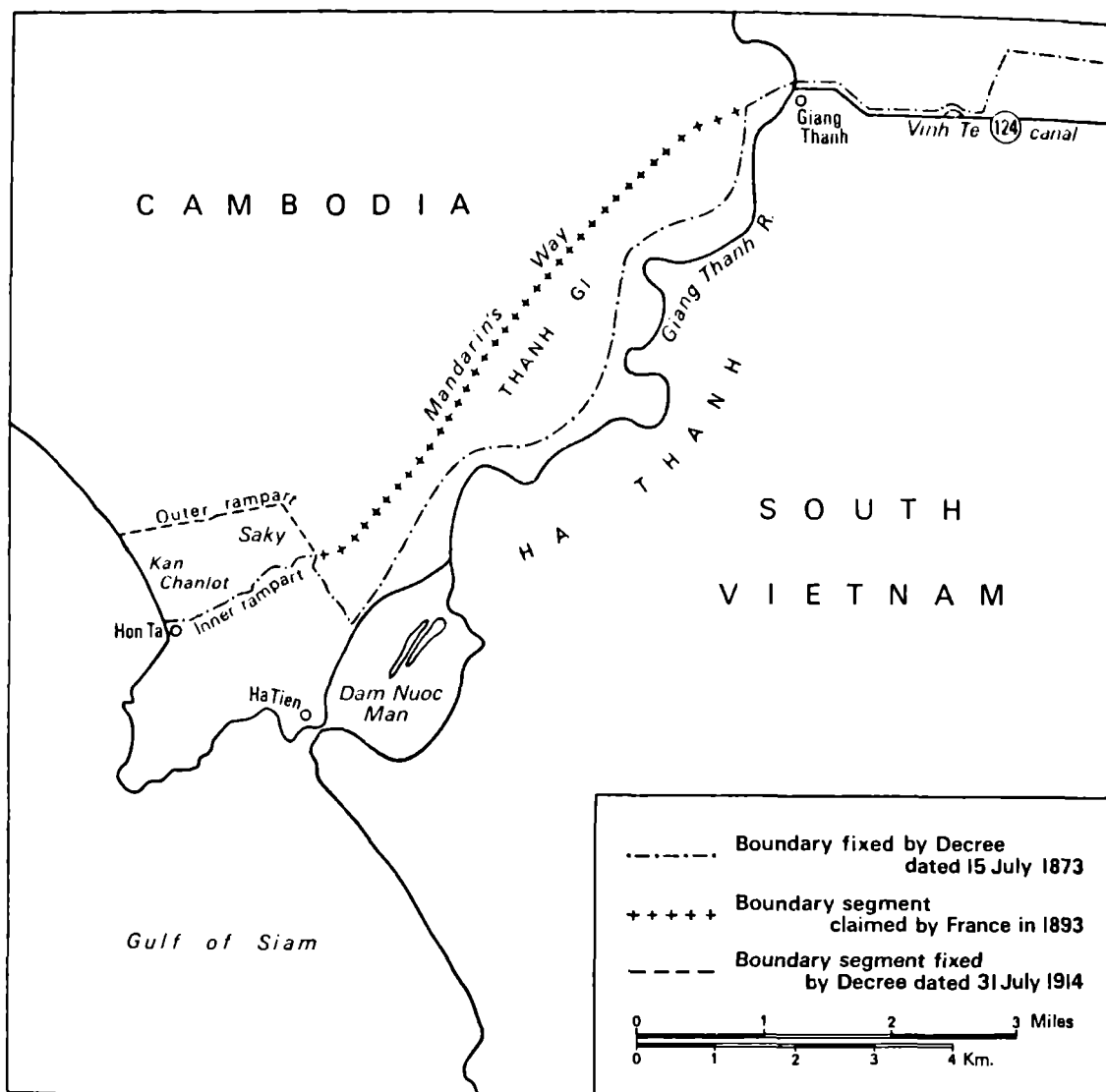
of peace amongst the indigenous population. The governor-general of Indo-China decreed on 8 December 1910 that a commission would study the question of the exact delimitation of the boundary between Cambodia and Cochin-China 'in view of the present interest in the extension of rubber cultivation in this region'. The commission was composed of French officials drawn from Cochin-China and Cambodia, and after a year's work it submitted its report in 1912.

The boundary proposed in the report was accepted by the governor-general and he appointed another commission which marked the boundary by a number of pillars. While this work was being completed a royal decree, issued in Cambodia, stated that the new delimitation of the boundary with Cochin-China 'will leave to Cochin-China the cantons of Loc Ninh and Phuoc Le occupied by tribes previously independent'. Chhak (1966, pp. 111-12) uses the wording of this decree to justify Cambodia's claims to these two districts. He argues that the king was ceding these territories to Cochin-China. This is placing a particular interpretation on the word *laisser*, which could equally well mean that Cochin-China was being allowed to acquire territory which had previously formed a no-man's-land between Cochin-China and Cambodia. It is hard to reconcile the notion of cession by Cambodia with the clear, regal statement that the area was occupied by previously independent tribes.

The boundary was defined in the decree of 31 July 1914, which also dealt with sections of the boundary further south. Three sections of rivers were used as the boundary and they were joined by two straight lines, so that the boundary was carried first north and then northeast to the Dang massif in which the Hoyt river rises. It would not be unreasonable to have expected the boundary in the south to begin at the first boundary pillar erected by the demarcation commission in 1870, as they began to mark the boundary westwards past Tay Ninh. That pillar had been placed at the confluence of the river Chru and its east bank tributary the river Prien, near latitude 11° 40' north. On its east face it carried the inscription 'No. 1 Limite de Thudaumot'. This pillar had been removed by French officers in August 1895 when they were building the road northwards. In the report of the governor of Cochin-China it was noted that the removal of the pillar had been authorized because the formation of Can Le meant that the pillar should be placed beyond the river Cham. The southern terminus of the Thu Dau Moi boundary defined in July 1914 was the confluence of the Cham and Chru rivers, about 1 mile (1.6 kilometres) south of the latitude of the original pillar. However, the northern boundary of Tay Ninh intersected the river Cham 1 mile (1.6 kilometres) north of that confluence and all maps of this region show the boundary starting from that point and not at the confluence of the Chru and Cham rivers.

The third section of the Cambodia-Vietnam boundary divided the territory which lay between the confluence of the Cai Co and Tra Bec rivers and the sea. The commission concerned with the Tay Ninh, Trang Bang and Tan An section had erected the 60th beacon at this confluence as the southern terminus of their work in 1871. The completed boundary to the sea stretches for 130 miles (209 kilometres) across a low, flat, alluvial plain which is seasonally inundated, and drained by an intricate network of major rivers, small streams and long canals. The area near Ha Tien, east of the Giang Thanh and south of the Vinh Te canal, is distinguished by its acid, sulphate soils of very low fertility, which are covered with swamp forest.

The population of the area west of the Mekong and south of Chaudoc included Cambodians, who had traditionally occupied this area, and Annamites who for some years had been entering the area, in some cases displacing the Cambodians, but in some cases forming new settlements alongside Cambodian centres. For example, a population census in 1879 showed that there were more Cambodians than Anna-



Map 29. The southern section of the boundary between Cambodia and South Vietnam

mites in Soc Trang. Both ethnic groups in this region tended to live in compact villages or small towns, and there was practically no dispersed rural settlement during the early stages of drawing the boundary, as today, because of the adverse nature of the soils.

In October 1871 the French Residents in Cambodia and French officials in Cochinchina were instructed to determine the boundary between the two areas. It was confidently expected in the Cambodian court that the boundary would trend sharply south from the Cai Cay-Tra Bec confluence. Part of this confidence was based on the French attitude to the activities of Annamites at Tra-Du, a small village of the Mekong, just west of Hong Ngu. The Annamites in this area had tried to impose duty on Cambodian trade along the river in 1865. The unilateral act annoyed the French authorities, and the governor of Cochinchina questioned how the Annamites could control territory in Cambodia, entirely to the north of French possessions (quoted in Chhak, 1966, p. 126). The French navy intervened and the Annamite activities ceased.

However, when the boundary was settled, and its location published in the convention of 15 July 1873, it became apparent that the boundary lay almost due west of pillar 60. However, the convention was signed by both the king of



Cambodia and the governor of Cochin-China, so it had a bilateral character which was not evident in the decrees relating to other sections. The short convention noted that the boundary between the two areas would be marked by 124 pillars of which the first sixty had already been established. The main points of reference along the boundary, such as rivers, canals and villages were briefly mentioned. A report, issued on the same day, gave the precise location of the sixty-four new pillars, and avoided the vagueness of the convention's description. Pillars 61–83, which carried the boundary to the east bank of the Mekong, marked a line which coincided entirely with interconnected rivers, streams and canals. From pillar 83 the boundary proceeded due west across the land between the Mekong and Bassac rivers, and then turned south to follow a course almost parallel with the Bassac river. The twenty-four pillars which marked this section of the boundary were generally sited on the banks of tributaries flowing eastwards to the Bassac, although there is also reference to blazed trees and particular fruit trees, such as guava, mango and kapok, in this section. At pillar 107 the boundary swung west and followed a line parallel to, and 1200 metres to the north of, the Vinh-Te canal. The last pillar was placed at the junction of the canal with the Cai-Dua river. After leaving this last pillar, the boundary crossed the Giang-Thanh river, and then followed the telegraph line towards Ha Tien. At the point where the telegraph line intersected the fortifications of Ha Thien, the boundary swung west, then south, along the line of fortifications to the sea at Hon Ta. This boundary was demarcated in the next three years, and a map was issued in 1876 showing the location of all the new pillars, and a report by the survey team was published on 5 April 1878.

The most striking feature of the alignment of this boundary is that France secured complete control over all major waterways close to the boundary. The line was never carried along the thalweg of rivers or canals, always along the Cambodian bank, which left the entire course to France. This would have seemed less arbitrary had the Cambodians, living near the border, been allowed to use the waterways for fishing, irrigation and transport, but there were no provisions to this effect. It must also be noted that the area of Tra-Du and 5 miles (8 kilometres) northward were included in Cochin-China, even though in 1865 France had acknowledged this area to be Cambodian. It seems probable that France secured this boundary to increase the security of Saigon and also to secure complete control over the Mekong delta. The French authorities in Cochin-China may also have considered that by avoiding the sharing of watercourses, friction between the inhabitants on opposite sides would be avoided. Friction did develop, however, and in three distinct areas there was pressure by Annamites for the boundary to be pushed west and north.

The first attempt to extend the area of Cochin-China at the expense of Cambodia concerned territory on the west bank of the Giang Thanh river. It will be recalled that the boundary was coincident with the telegraph line between Giang Thanh and Ha Tien in this section. The survey team had placed markers along the telegraph line which lay along the edge of a road linking these two places, and this road roughly followed the course of the river Giang-Thanh, and was never more than 900 yards (823 metres) from it. There was also a shorter and straighter road, known as the Mandarin's Way, which lay entirely west of the river road, and up to 2 miles (3 kilometres) from the river. In 1891 the governor of Cochin-China published a map which showed the boundary following the Mandarin's Way. This cartographic annexation transferred 8 square miles (21 square kilometres) of marshy land, occupied by about fifty people cultivating about 275 acres (111 hectares) of rice. Chhak (1966, pp. 139–40) quotes a letter by the governor of Cochin-China, which explains this attempt to move the boundary. The letter noted that land between the two roads is owned by important Annamites living in Cochin-China, who have to pay taxes to

Cambodia. But clearly, even governors cannot arbitrarily alter boundaries without some sound reason. The reason advanced in this case was that the boundary had been mistakenly placed along the river road. It was argued that the telegraph line in 1873, when the convention and report were issued, lay along the Mandarin's Way. However, disturbances by Cambodian rebels in the period before the demarcation was completed had resulted in the line being shifted to the river road which was more easily defended. This information was contained in a report prepared in 1893 by two French administrators in the border cantons of Ha Thanh, which lies east of the Giang Thanh, and Thanh Gi which lies between the two roads, and the report went on to describe the new boundary running from the coast at Hon Ta, along the fortifications and then along the Mandarin's Way. Complaints by Cambodia about this unilateral decision by the governor of Cochin-China led to a committee of enquiry being appointed by the governor-general of Indo-China in June 1896. This committee included administrators from both sides of the boundary and surveyors, and was charged with discovering whether the telegraph line coincided with the boundary demarcated in 1875-6, and shown in the map of 1876. It was necessary to rely on the map, because the wooden boundary pillars, which were not numbered, had disappeared. The committee concluded that the telegraph line was established in 1870 or 1871, along the river road, and that it had never been moved subsequently.

This effectively settled the matter of the boundary in this section, but the authorities in Cochin-China used the alleged loss of these 8 square miles (21 square kilometres) of territory to justify the cession of 3 square miles (8 square kilometres) of Cambodian territory on the coast north of Ha Tien. As early as 1895 Annamite leaders had claimed the areas of Saky and Kan Chanlot which lay north of Ha Tien, but the 1896 committee did not approve of this transfer. The matter was raised again in 1913, and then the alleged loss of the area between the two roads was used in justification. The justification for this claim was quite simple. The 294 inhabitants of Saky and Kan Chanlot were mainly Annamite, and in any case the districts lay within the ancient fortifications of Ha Tien. It was alleged that the demarcation team had selected the obvious, inner fortifications, which terminate on the coast at Hon Ta, rather than the older, less obtrusive outer fortifications which wound north of Saky and reached the coast 1 mile 1200 yards (1·8 kilometres) northwest of Hon Ta. No mention was made of the fact that the committee in 1893, which favoured the claims of the Mandarin's Way, also terminated the boundary at Hon Ta. This argument found favour with the governor-general of Indo-China, and the boundary was amended to transfer Saky and Kan Chanlot to Cochin-China in the Decree dated 31 July 1914, which also dealt with two other boundary sections. However, in exchange for this loss the Cambodians did obtain the strip of territory along the Cai Cay river which stretched like a finger to Kompong Tasang. This decree confirmed the earlier declaration of the Cambodian king, on 12 March 1914, that these transfers would take place.

The boundary between the Mekong and Bassac rivers was the subject of a dispute between the inhabitants of both sides in 1934. The boundary here is not coincident with waterways, and instead is related to certain blazed trees. A commission of enquiry confirmed the original definition, by describing the location of the original pillars in more detail, and arranging for four additional pillars to be inserted along the line to make its position clear.

The final alteration to this boundary occurred in 1942. The boundary between pillars 89 and 90 followed the west bank of the Bassac river. This left to Cambodia the island of Koki, which was only separated from the bank by a channel a few feet wide. This was a fertile island, across which the Annamite villagers of Khanh-An, on

the west bank of the Bassac, had to travel to gain access to the river. In order to give the Annamites direct access to the river, and the use of the island, it was transferred to Cochin-China and by a decree dated 26 July 1942. Cambodia was compensated for this loss by a strip of land along the adjoining Binh-Gi river, about 180 yards (164 metres) wide and 2600 yards (2376 metres) long.

The fourth section of the boundary, from the Cambodia-Laos-Vietnam tri-point to the source of the Dam river, began to develop in 1899 (see map 27, p. 458). This section has a wider variety of landscapes than any of the other three sections. The deeply dissected northern areas contrast with the rolling uplands of the Darlac plateau and the level plains of the Srepok. The uniformly high rainfall has encouraged the formation of a variety of podsols with differing degrees of fertility. The region is generally forested, although some parts have been cleared or burnt for temporary cultivation. From 1893 until 1895 the territory of Stung Treng and Siem Pang, which had been acquired from Thailand, was administered by the authorities in Laos. The boundary with Annam had been left indefinite, a situation which complicated contact and pacification of the hill tribes between Laos and Annam. In 1899 the governor of Laos requested that the hill tribes should be placed under his control and the governor-general of Indo-China decided to create the district of Darlac. This area surrounds the present city of Ban Me Thuot, lies mainly south of the Srepok river, and includes the basaltic Darlac plateau. This area, created on 2 November 1899, was formed entirely from the territory of Stung Treng province. The effective western boundary of the new administrative area was the river Dam.

Geographically it was unsound to place this area under the administration of Laos, when communications between the area and Annam were very much better. The French authorities in Laos were unable to exercise the degree of control over the tribes which was considered desirable and the area was placed under the administrative and political authority of the governor of Annam on 22 November 1904. Two weeks later the remainder of Stung Treng province and the area of Siem Pang were transferred from Laos to Cambodia, and the decree giving details of this transfer specified that the area on the right (east) bank of the river Thamm (Dam) would be placed under the political and administrative control of Annam. This still left the boundary north of the Srepok undefined, and on 4 July 1905 the area around Kontum, which lies north of Darlac, was added to the Darlac district. So at that time this administrative unit, originally devised to control hill tribes, consisted of two distinct areas. In the north around Kontum there was a multitude of hill tribes, who had persistently resisted any indigenous or colonial authority, living in some of the most difficult terrain. In the south around Ban Me Thuot there was greater uniformity amongst the ethnic composition of the population, and the area, which was easier of access than the northern section, had been administered fitfully by Cambodia and to a lesser extent Thailand. The administration of the district was unified on 2 July 1923, when Ban Me Thuot was made the administrative centre for the whole area of Darlac.

At about the same time, the first claims by the court of Hue to ownership of Darlac began to be made (Chhak, 1966, pp. 45–7), and two years later these claims were being made formally. They were based on three main grounds. First, the court made claims based on the ancient ownership of this area; but since there was no written evidence because the tribal languages had not been reduced to writing, it was impossible to establish beyond doubt the relative validity of claims by Thailand, Cambodia and Annam, or the extent to which the tribes had been independent of all these influences for long periods. Second, it was alleged that this territory was claimed from Thailand in 1893 on the basis of Annam's ownership, and therefore Annam should enjoy the fruits of this success. Chhak (1966, pp. 45–6) quotes a

letter in the French archives which makes it clear that the Franco-Thai discussions were based on claims made in the name of both the Annamite and Cambodian governments. Third, Darlac was claimed as compensation for the territory which had been ceded to Laos in the north of their common border. These territories included Tran-Ninh, Hua-Panh and Sam-Neua. These rights were explored by a French official who compiled a report. Chhak (1966, pp. 46–8) quotes at length from the report and he dwells on the statement that it had proved impossible to establish the rights of Annam or France over the tribes in the mountains, and that one of the few facts which had been established was that Annam had never established an effective authority over the Darlac plateau.

However, this inconclusive report did not prevent the Annamite claim from being granted. By a decree dated 30 April 1929 the reintegration of Darlac with Annam was announced. Chhak regards the southern part of Darlac, around Ban Me Thuot, as one of Cambodia's lost regions, but he is unable to show any evidence that there was ever any formal protest by Cambodian authorities over the original excision of Darlac from Stung Treng in 1904, or in 1929 when the transfer to Annam was finalized. It is unlikely that if such complaints existed that they would have escaped his eyes.

In the years which followed the 1905 redefinition of Darlac the boundary between Cambodia and Annam was settled. For the first 50 miles (80 kilometres) south of the tri-point the boundary coincides with the water divide between the Diak and Sothay rivers and the thalweg of the latter river. The boundary then follows a series of straight lines which trend due south and cut across the topographic grain of the country in a quite arbitrary fashion. The turning points of the various segments do not seem to be distinguished by any notable feature. The 55 miles (88 kilometres) of straight lines carry the boundary to the confluence of the Srepok and Dam rivers, and the latter river is followed for a further 55 miles (88 kilometres) to its source. Throughout this region, according to the 1:50 000 sheets published in 1958, forest predominates and there are very few settlements.

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## Boundary Decision, 9 July 1870

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The Rear-Admiral Acting-Governor, Commander in Chief  
 Resolves

The Commission, after having examined the delimitation presented in the name of the King and that which was proposed by a French commission has decided:

The boundary remains the same as that which was marked, without change, from pillar no. 1 (at the mouth of the Prech-Prien) as far as pillar No. 16 (at Ta-sang on the Cai Cay).

The territory lying between the Cai-Bach and the Cai Cay, which was part of French territory (and from which the annual revenue was about 1,000 F) will be ceded to Cambodia in compensation for the 486 houses which formed the villages situated around Soctranh and Bang-Chrum.

The pillars 17 and 18, and those which follow, are cancelled as far as Hung Nguyen; Cambodia will retain all the country inhabited by Cambodians in the Provinces of Prey-Veng, Boni-Fuol and Socthiet.

The boundary will be traced subsequently, and the strip of territory along the Vaico, which is occupied by Annamites or exploited by them, will be reserved for France.

Saigon 9 July 1870

Approved by His Majesty the King of Cambodia and the Rear-Admiral Governor.

### Convention, 15 July 1873

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The boundary between French Cochinchina and the Kingdom of Cambodia will be marked by numbered pillars carrying an inscription indicating their purpose. The number of pillars will be 124. Number 1 will be placed at the eastern extremity of the boundary and the graduation will continue towards the west as far as pillar 124, placed 1,200 metres north of the Vinh-te canal and the Annamite village of Hoa-thanh.

This boundary will pass the following principal points:

The point of departure is pillar No. 1 placed on the edge of the small river of Tonle-Tru; the general direction of the boundary is then to the southwest passing the villages of Sroc-Tun, Sroc-Paplan, Sroc-Banchrung, Rung-Khnoch, Sroc-Tranh, Sroc-Chung-Ngon, Phumandet, Sroc-Cae, Sroc-Kompong-Meanchey (or Bango), then the river Cai-Bac, ascending the left bank of the Cai Cay, passing by Phum-Kompong-Cassang, Sroc-Tameng, Sroc-Cheo, Phum-Bathu, Sroc-May, Sroc-Rach-Chanh, Sroc-Tanu, then the north bank of the canal of Chris-Asey (in Annamite Cu-Lao-Cai-Sen); passing the intersection of Prek-Croch with the Prek-Slot; then a line parallel to the Vinh-Te canal on the north as far as the village of Giang-Thanh, and from there it goes straight to Hatien, leaving to the east the canal of Prek-Cros.

### Decree Creating the District of Can-Le, 26 July 1893

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The Lieutenant-Governor of Cochinchina,  
 In view of the needs of the Administration,  
 In view of the request of the Administrator of Thudaumot,  
 On the proposal of the Secretary General,  
 The Privy Council agreeing,  
 Decrees

First article. The Cambodian canton of Thanh-An, the Tamoun and Cambodian canton of Cuu-An, the Mois cantons of Minh-Ngai and Quan-Loi and the Stieng cantons of Loc-Minh and Phuoc-Le are reunited in one district which will be called Can-Le.

Second article. The various cantons will provide ten men, who will be sent as militia to a look-out in Can-Le Chiam.

Third article. The six cantons of Can-Le are freed from all taxes; but they must, in return, clear and repair, three times each year, the road to Kratie from Chinthanh to Prec-Chriou.

The periods when this work will be done will be the months of February, August and November.

The upkeep of bridges and maintenance requiring skilled work will be done by the Administration, and the expenses deducted from the funds for the upkeep of the road from Thudaumot to Kratie.

Fourth article. The Secretary-General is charged with the execution of this decree.

Saigon 26 July 1893.

J. Foures Lieutenant-Governor  
Escoubet Secretary-General

### Royal Ordinance Regarding Boundary Changes between Cambodia and Vietnam, 12 March 1914

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The strip of territory between Kampot and Hatien, comprising the commune of Saky and the hamlet of Kan-Chanlot, will be returned to Cochinchina, in return for the cession to Cambodia of the enclave called Cai Cay, between Tay-Ninh and Prey-Veng.

The new delimitation of the boundary between Kampong-Cham and Thudaumot which will be made will leave to Cochinchina the two cantons of Loc-Ninh and Phuoc-Le inhabited by tribes which were previously independent.

Done at Phnom-Penh 12 March 1914

Made effective by Decree No. 392 of the senior Resident on 14 March 1914.

### Decree Governing the Boundary between Vietnam and Cambodia, 31 July 1914

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The Governor-General of Indochina,

In view of the Decrees of 20 October 1911 fixing the powers of the Governor-General and the administrative and financial organisation of Indochina,

In view of the Decree of 25 December 1913,

In view of the ministerial telegram, No. 352 of 22 November 1913,

In view of the ministerial circular of 20 June 1911,

In view of the instruction of the Governor-General of 3 January 1914,

In view of the Decree of 6 December 1910, creating a commission to study the question of the delimitation of the boundaries of Cochinchina and Cambodia,

In view of the report of this Commission which presented proposals favouring the modification of the boundaries between the provinces of Kampot and Ha-tien, Tayninh and Prey-Veng, Thudaumot and Kompong-Cham (Circonscription of Kratie).

In view of the Decree of 22 June 1912 naming the demarcation commissions charged to place the pillars marking the boundary determined by the commission instituted by the Decree of 6 December 1910.

In view of the deliberation of the Colonial Council of Cochinchina on 6 October 1913, concerning the delimitation of the boundaries of Cambodia and Cochinchina,

On the proposals of the Government of Cochinchina, the Privy Council and the senior Resident in Cambodia,

The permanent Commission of the Council of Indochina agreeing

Decrees

First article. The new boundary separating the provinces of Ha-tien and Kampot, between the interior road and the Gulf of Siam, follows the telegraphic line as far as the point where it cuts the line of fortifications at a distance of 2,293 metres from Ha-tien; the point is indicated by the letter B on the plan attached to the original of this Decree.

Leaving point B the boundary follows, for a distance of 1,441 metres, the present limit of the village of Saky, marked by very old fortifications, as far as C, then on to D, the extreme northern point of the village of Saky, formed by the village Pra-chieu (in Annamite: new Da-dung); the distance from B to C is 423 metres and from C to D is 1,018 metres.

From D to E (distance: 688 metres) the boundary crosses a deep 'beng' [gully] then at E rejoins a line of fortifications which it follows as far as F, the limit of the land of Saky, the distance from E to F is 481 metres.

From F the boundary continues in the same straight line, without interruption as far as the coast which it meets at G, after a distance F-G of 3,158 metres.

Second article. The new boundary between the provinces of Tayninh and Prey-Veng.

The enclave called Cai Cay as far as the confluence of the Cai Cay and Ong Ba is returned to Cambodia.

On leaving this point the new boundary at first follows a straight line of 1,523 metres as far as point B; it then follows, for a distance of 209 metres a line which makes an angle of  $190^{\circ} 30'$  with the previous line, then it goes to the river Ta-so, which it follows to its intersection with the existing boundary between Cochinchina and Cambodia.

Third article. The new boundary between the provinces of Thudaumot and Kompong Cham (Circonscription of Kratie) leaves the confluence of the Can-le-Cham and Aan-le-Fru (Saigon river) follows the Can-le-Cham as far as the point where it leaves the northerly direction to swing in a wide arc to the east; this point is marked by the letter A on the map attached to the original of this Decree.

It then goes in a straight line to point B at the intersection of the Prek-Chrieu and the road to Kratie, turning to the east the boundary follows the course of the Prek-Chrieu as far as its source (point C), it continues then in a straight line as far as point D where it meets the Prek-Mean or Djerman, which it follows to its source to reach the confluence of the Kle and Hoyt rivers, it follows the last river to its source.

Fourth article. The Government of Cochinchina and the senior Resident in

Cambodia are each charged, in so far as they are concerned, with the execution of the present Decree.

Signed on behalf of the Governor-General  
by authority:

Van Vollenhoven Secretary-General  
E. Outrey Senior Resident in Cambodia

Hanoi 31 July 1914

### Decree Reintegrating the Province of Darlac in Annam, 30 April 1929

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The Governor-General of Indochina, officer of the Legion of Honour,

In view of the Decrees of 20 October 1911 which determine the powers of the Governor-General and the financial and administrative organisation of Indochina,

In view of the Decree of 20 August 1928,

In view of the Decree of 22 November 1904 separating the province of Darlac from Laos,

In view of the Decree of 20 September 1915 approving this change,

In view of the Decree of 20 November 1915,

In view of the Decree of 2 July 1923 which abolishes the administrative centre of Bammethuot and creates Darlac as a province,

In view of the report on the reunion by the Council of Ministers,

On the proposal of the senior Residents of Annam and the Council of the Protectorate,

The Permanent Commission of the Governor's Council agreeing  
Decrees

First article. The Decree of 22 November 1904 is abrogated.

Second article. The province of Darlac is reintegrated with the territory of Annam.

Third article. The Secretary-General of the Governor-General of Indochina and the senior Resident in Annam are each charged, in so far as they are concerned, with the execution of this decree.

Saigon 30 April 1929.

Rene Robin

### Decree, 6 December 1935

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The Governor-General of Indochina, Commander of the Legion of Honour:

In view of the Decrees of 20 October 1911 fixing the powers of the Governor-General and the administrative and financial organisation of Indochina,

In view of the Decree of 2 July 1935,

In view of the Decree of 20 September 1915 relative to the territorial changes between the various parts of the Union of Indochina,

In view of the Decree number 1615 of 28 May 1935 of the senior Resident in Cambodia instituting a commission to make a study of the delimitation of the boundary between Cochinchina and Cambodia (Section Mekong Bassac),



In view of the report of this commission,

In view of the approval given by the senior Resident in Cambodia and the Governor of Cochinchina,

In view of the favourable opinion by the Colonial Council of Cochinchina and the Council of the Cambodian Protectorate at their respective meetings of 2 and 15 October 1935,

The Council of the Government of Indochina agreeing,  
Decrees

First article. The boundary separating the provinces of Chaudoc (Cochinchina) and of Kandal (Cambodia) between the Mekong and the Bassac follows the line marked by the Commission set up by the Decree of 28 May 1935, on the plan annexed to the original of the present decree.

This boundary is marked by pillars 84, 85, 86, 87 and 88 and by the points A, B, C, D.

The pillars and points are defined as follows:

Pillar 84. Placed ten metres south of the confluence with the Mekong of a canal dug between the plots attached on the north to Le-Van-Cam and on the south to Nguyen-Cao-Bang.

Pillar 85. Placed on the eastern edge of Beng-Diem opposite the western extension of this Beng.

Point A. Fixed about 140 metres to the east of Bau-Ca-tra, the point is already marked by a triangulation marker placed in 1933 during the survey of Tanan village.

Point B. Situated on the western edge of a branch of the Muong-Lon going towards the north, about 150 metres from the confluence of this branch with the Muong-Lon itself.

Pillar 86. Placed on the west bank of the river Co-Lao opposite the confluence of this river and the Muong-Lon.

Point C. Situated at the southern end of Ho-Ta-My at the edge of a cart track following the southern bank of this depression and about one kilometre from the west bank of the Prek-Bacnam.

Pillar 87. Fixed on the south side of the same track about 530 metres from the preceding one.

Point D. Fixed about 250 metres from the steep south bank of the Prek-Bacnam and about 430 metres from a fish pond belonging to Khieu-Thi-Moi.

Pillar 88. Fixed on the Bassac at the extreme southern limit of land of the distillery of Bacnam.

Second article. A demarcation commission will be created eventually to proceed, after the retreat of the floods, to place the markers to indicate the new boundary in question.

Third article. The Governor of Cochinchina and the senior Resident in Cambodia are each charged, in so far as it concerns them, with the execution of this decree.

Hanoi, 6 December 1935.

Rene Robin

Decree, 26 July 1942

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The Governor-General of Indochina, Grand Officer of the Legion of Honour,  
In view of the Decrees of 20 October 1911 fixing the powers of the Governor-General and the financial and administrative organisation of Indochina,

In view of the Decree of 15 September 1915,

In view of the Decree of 23 August 1940,

On the joint proposition of the Governor of Cochinchina, the mixed commission of the colonial and privy councils agreeing, and of the senior Resident of Cambodia, the privy council agreeing, and of the senior Resident of Cambodia, the protectorate council agreeing,

The permanent commission of the government council agreeing,

In view of the telegram of the Secretary of State of the Colonies, number 4061 of 15 July 1942.

Decrees

First article. The islet of Koh-Koki (in Annamite *culao-Khanh-Hoa*) of the Kum of Prek-Chrey, Srok of Koh-Thom, Khet of Kandal (Cambodia) is attached to the village of Khanh-An, Province of Chaudoc (Cochinchina) as is indicated on the plan attached to the original of this decree.

Second article. The settlement of Bengel (in Annamite *Binh-Di*) and a strip of territory 200 metres wide and about 2 kilometres 500 metres long between Benghi and the bend of the river Benghi, province of Chaudoc (Cochinchina) are attached to Cambodia as indicated on the plan attached to the original of the present decree.

The attached territory comprises lots one and two of the second sheet of the cadastral plan of the village of Khanh-Binh.

Third article. The Secretary-General of the Government of Indochina, the Governor of Cochinchina and the senior Resident of Cambodia are charged, in so far as it concerns them with the execution of the present decree.

Dalat, 26 July 1942

Decoux

## The Boundary of Laos with North and South Vietnam

This international boundary originally developed as an internal boundary in French Indo-China, in the same way as the boundaries of Cambodia with Laos and Vietnam. There was the added similarity that the boundary created by the unilateral decision of France also had a rough correspondence with the political frontiers which had existed along the west of Annam and Tonkin before the French occupation. Unfortunately it has not proved possible to identify all the decrees which determined this boundary. This failure is not surprising since the task has also defeated the resources of the American State Department (U.S.A. Geographer, 1964).

The Laotian-Vietnamese boundary stretches for 1324 miles (2130 kilometres) from the Chinese border to the tri-junction with Cambodia. Apart from three straight-line sections which total 52 miles (84 kilometres), and four sections coincident with rivers totalling 148 miles (238 kilometres), the boundary lies on, or very close to, watersheds (see map 27, p. 458).

The boundary lies entirely in uplands or mountains which vary in height from 3000 feet (915 metres) to 9000 feet (2745 metres). The borderland can be divided on structural grounds about the latitude of Vinh. North of that line the boundary is drawn through the mountains and plateaus of central Tonkin, which have many characteristics in common with the Chinese border to the north. The relief is aligned northwest-southeast and consists of sandstone, limestone and granite outcrops. The valleys which penetrate this region from the coast are deeply entrenched as a result of rejuvenation. The boundary begins by following the Den Dinh range, which marks the major watershed between the rivers draining eastwards to the Gulf of Tonkin and those draining west to the Mekong. However, instead of maintaining that line along the prominent granite Pou Loi heights, the boundary swings east and south to include the regions of Houa Phan, Sam Neua and Xieng Khouang in Laos. The boundary intersects and follows the main watershed once more in the Loi Leng range where granite peaks reach the greatest heights along this boundary. South of the latitude of Vinh the boundary is drawn through the Annamite ranges which are aligned with the Mekong and the coast of Vietnam. These ranges consist of heavily eroded plateaus, with some isolated higher peaks, and they present a steeper escarpment eastwards; the slopes into the Mekong basin are much gentler. This has encouraged the development of longer rivers flowing westwards and the main watershed lies close to the east coast in most areas. The Annamite ranges present a much more complex pattern than the highlands of Tonkin.

Between the latitude of Vinh and the valley of the Cha Lo river the rocks are mainly granites and sandstones which reach a height of about 7000 feet (2135 metres). Between the Cha Lo valley and the former demilitarized zone there are

extensive limestone plateaus where characteristic karst landscapes have been developed. This region is terminated on the south by the Col d'Ai Lao, a low basaltic region which allows easy access between the coast and the Mekong valley, and which is followed by Highway 9 from Quang Tri to Savannakhet. South of this section the landscapes become more forbidding and granite with occasional basalt outflows dominates. The Ataouat uplands have a very deep escarpment overlooking the coastal plain, and they are succeeded southwards by the plateau of Ngoc Ang which is more extensive and rugged than Ataouat, although slightly lower. Both these highlands present real obstacles to lateral communication between the coast and the Mekong valley.

The borderland is subject to tropical monsoon climate, with rainfall totals between 80 and 120 inches (2032 and 3048 millimetres). No season is entirely dry, since typhoon activity continues in the dry season. Thick forest is the climax vegetation of this border, except in the porous limestone areas where the woodland is more open. In the more favoured locations, in terms of slope and soil, secondary forest is found on arable lands left fallow, and a thick undergrowth regenerates, although the forest lacks the valuable, slowgrowing hardwoods.

Population densities throughout the borderland are generally low. The highest levels are found in the Song Ca valley which supports about 130 persons per square mile (50 persons per square kilometre). The people belong principally to ethnic minorities, who have either been driven into, or left in possession of, these less favourable habitats. Near the Chinese border Akha groups are found and they are succeeded southwards by Tai, Meo and Kha groups. South of Dien Bien Phu the Tonkin highlands are populated by Tai groups of various descriptions, with enclaves of Meo peoples. This pattern continues into the northern areas of the Annamite ranges, but on the limestone areas and then further southwards on the granite plateaus Mon-Khmer groups of Gui, Sedang and Brao predominate with isolated groups of Khas. Close to the western end of the former demilitarized zone between North and South Vietnam, Vietnamese groups have penetrated through the low limestone and basalt cols into valleys west of the watershed. The U.S.A. Geographer (1964, p. 3) records that these incursions led to short-lived claims against Laotian territory in the years immediately following independence.

A casual inspection suggests that this would be a very easy boundary to determine for the French authorities of the day. There is a clear, linear, upland and mountainous zone, which had no apparent commercial value, and which was lightly populated by minority groups. Further, the fact that there was direct French administration on both sides of the line meant that it was not a significant barrier to movement, and slight inconveniences which developed could be easily resolved. Indeed it would have been understandable if the French authorities had drawn a line without any serious research, on the grounds that this was a frontier and one line through it was as good as another. In fact the French must have taken some care in the boundary's construction, and decisions were presumably based on local topographic conditions, the historical allegiances of the indigenous population, and French administrative convenience. This judgement is based on the fact that the boundary has been accepted by both sides, which also show the boundary in the same location on official maps. There is no evidence that the governments of North or South Vietnam have made territorial claims against Laos (private communication from D. Pike). It is unfortunately true that for most of its existence as an international boundary, this status has not been respected. North Vietnamese supply lines to the conflict in South Vietnam crossed the boundary into Laos, and proceeded through the borders of that country and Cambodia, and South Vietnamese forces raided enemy bases in south-east Laos. It is possible that any attempt to enforce the normal functions of govern-

ment along this line, following the end of fighting in Indo-China, will lead to functional and territorial disputes.

The only decree which has been found covers the section of boundary between latitudes 18° 23' north and 16° 12' north. The line was defined by relation to survey marks on selected peaks, to rivers and watersheds. It also allocated specific villages to Laos and Annam. A postscript to the decree mentions the problem of the Kha people moving from one side to the other of the Se Pone valley, which was divided between the two countries. The provincial administrators of Quang Tri and Savannakhet were instructed to prevent the Khas from moving across the boundary in either direction. Inspection of the 1:50 000 sheets of this area, prepared in 1958, show that there are often three or four villages with the same name, which are distinguished by a numerical suffix, on both sides of the Se Pone. Usually the settlements were only a few hundred yards apart on opposite banks, as in the case of Long-Ha 1 in Vietnam and Long-Ha 2 and 3 in Laos. However Lang Thiriem 2 was two miles (3 kilometres) inside Laos, while Lang Thiriem 1 was on the Vietnamese bank of the river.

The 1:50 000 sheets also make it clear that at least one section of the 1916 boundary has been altered. The decree designated a very awkward boundary which crossed the Se Pone three times in 1½ miles (2 kilometres) west of Lao Bao, in order to give each side possession of certain villages. The modern maps show that the boundary now follows the river after reaching it for the first time.

It seems quite possible that the boundary was laid down on maps which were much less precise than modern maps. The modern sheets show that the line often cuts the headwaters of streams and rivers flowing east and west, when a small deviation would allow it to follow the water divide. The boundary was probably meant to be a watershed boundary, but the location of rivers on the original maps was inaccurate. The U.S.A. Geographer (1964, p. 6) refers to a curious section of boundary for 32 miles (51 kilometres) south of the Se Kamane, although the section seems to be 17 miles (27 kilometres) according to the 1:50 000 sheets.. The curiosity is caused by the way in which the boundary beheads the upper valleys of the Cai and Bla rivers which flow westwards. These upper sections are used for cultivation, and it seems likely that they were invaded by groups from the east rather than the west, having crossed the low watershed from the Poko valley. It is noticeable that the boundary crosses the Bla river at a gorge which distinguishes the upper and lower courses. Had the upper courses of these rivers been included in Laos it would have involved a strip of territory about 18 miles (29 kilometres) long and 5 miles (8 kilometres) wide.

In 1929, when claiming certain areas of Cambodia for Annam, the chief resident of that area justified this action by referring to the territorial losses which Annam had suffered in the north. He specifically named the districts of Tran-Ninh, Hua-Panh and Sam Neua (Chhak, 1966, p. 47). It is true that the boundary here leaves the main watershed, which follows the prominent Pou Loi, to swing eastwards. However, there is no evidence that North Vietnam has ever raised this question, and it must therefore be assumed that the line is considered fair. Whether those assumptions will continue may depend on the nature of the governments which eventually rule in Hanoi and Vientiane, when fighting ends in Indo-China.

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## Decree Fixing the Boundary from Keo-Nua Pass to the Ap-Sap Valley, 12 October 1916

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The interim Governor-General of Indochina, Commander of the Legion of Honour.

In view of the decrees of 20 October 1911, indicating the powers of the Governor-General and the financial and administrative structures of Indochina;

In view of the decree of 26 April 1916;

In view of the Minister's circular dated 20 June 1911;

In view of the Governor-General's instruction of 21 May 1916;

In view of the decree of 20 September 1915, issued on 20 November of the same year;

In view of the decrees of 27 December 1913 setting up a commission charged with delimiting the Annam-Laos border;

In view of the official report, dated 21 March 1914, by the commission established by that decree;

At the suggestion of the senior Residents in Annam and Laos;

The Permanent Commission of the Government Council of Indochina consenting.

Decrees

### Article 1

The delimitation of the boundary between the provinces of Ha-Tinh, Dong-Hoi, Quang-Tri, Thua-Thien (Annam) on the one side and Cammon, Savannakhet (Laos) on the other is fixed as follows:

1. Ha-Tinh and Dong-Hoi with Cammon: This boundary starts in the north at the intersection of the watershed line with the Ha-Trai-Hupe investigation route, or from the top of the Keo-Nua pass. From this point the boundary runs SSE along the watershed line, across the Tram-Mua peak and the Mu-Gia pass to mountain top 1221, marked on the 1:100,000 map, Quang-Tri sheet, at 18G 90 latitude ( $16^{\circ} 54' N$ ) and 115G 78E longitude ( $104^{\circ} 12' E$ ).

2. Quang-Tri with Savannakhet: The border starts from elevation 1221 and runs N-S along the 115.78 meridian, to its meeting with benchmark 1020m 82 at Dong-Ta-Buc. From this peak it runs straight to the Lao-Bao post in Annam, leaving to Laos North Lang Phatlat and to Annam South Phatlat; from Lao-Bao the border cuts across the bend in the Se-Tchepone, leaving in Laos the village of Ban-Phuong and the land around it.

From *Ban-Phuong* to *Ta-Tcha* the boundary follows the *Se-Tchepone*.

The boundary then leaves the Se-Tchepone at the Khe-Kang confluence, retaining *Ta-Tcha* in Laos, and running along the watershed between the *Ta-Riep* and the *Khe-Kang*, it reaches the main watershed at the Ko-Pat peak, at 116G 10E, longitude ( $104^{\circ} 30'$ ) and 18G40 latitude ( $16^{\circ} 34'$ ).

3. Thua-Thien with Savannakhet: From Ko-Pat the border follows the watershed to the Pou-Tam-Boi peak (geodetic monument 1193.3) located near 116G 38E ( $104^{\circ} 45' E$ ), longitude and 18G 17N latitude ( $16^{\circ} 21' N$ ). From there it moves in a straight line toward peak 982.8 (Dong A-Bia); and upon reaching the river from Lang Annam, A-Le-Thien and A-Le-Lok, it runs south and southwest down this on the left bank to the upper A-Sap valley, which is left entirely in Annam with all its tributaries. Farther south, the marking will be done later.

Article 2

The Senior Residents in Annam and Laos are enjoined, each within his jurisdiction, to carry out the provisions of this decree.

Saigon, 12 October 1916

E. Charles.

N.B. at present the six villages of Lang-Ha, Lang-Thien, Polo, Salai, Tanc (or Nuc-Huc-Ho or Nu-Ko) and Lamo scattered along the river, belong sometimes to Annam, sometimes to Laos.

The heads of the two provinces of Quang-Tri and Savannakhet must watch the periodic shifts of Khas peoples, to retain them in the lands belonging to them, so that the Se-Tchepone will be the definitive boundary between the two countries.

In the absence of precise information on the Mois lands south of the A-Sap, the border cannot be exactly traced. Hence, all leeway is left to the representatives of the two countries to rule upon any dispute that may arise out of this lack of precision, until a final decision is made.

Intended to be appended to the decree  
signed today, 12 October 1916

Interim Governor-General of Indochina  
E. Charles.

## The Boundary between North and South Vietnam

The boundaries which separate North and South Vietnam and North and South Korea are distinct from the other international boundaries considered in this work. They are military demarcation lines which were laid down by international conferences to end wars between communist and non-communist opponents. But this distinction, which must be noted, is more nominal than real, because these military demarcation lines function exactly as international boundaries, and they are much more difficult to cross and much more apparent in the landscape than most of the other boundaries in Asia (see map 27, p. 458).

A conference was held in Geneva from 26 April 1954 to 21 July 1954 to discuss Indo-China. It was attended by representatives of France, the United Kingdom, the Soviet Union, the People's Republic of China, the United States, Cambodia, Laos, and the two parts of Vietnam governed by Bao Dai and Ho Chi-minh respectively. While the meeting was in progress French forces suffered a heavy defeat by the Vietminh at Dien Bien Phu on 7 May 1954. According to Lancaster (1961, pp. 323–4) and Buttinger (1969, p. 374) a compromise, which involved the partition of Vietnam into two zones for the regrouping of opposed forces, was developed and discussed in the period 8–10 June. Lancaster notes that the line was to be in the vicinity of Hue, that is  $16^{\circ} 30'$  north, but Buttinger refers to the success of Mendès France in persuading Mr Molotov not to insist on the 13th parallel. It may be fairly assumed that both sides sought to set the dividing line in a position which would give them control of as much territory as possible.

The section of the Geneva agreement which defines the provisional, military demarcation line also defines the northern and southern limits of the demilitarized zone which straddles the boundary. Although the line is usually described as the 17th parallel, it begins, at the coast, in the mouth of the river Ben Hai at latitude  $17^{\circ} 3'$  north. This river is then followed for 30 miles (48 kilometres) to the village of Bo Ho Su. The latitude of this village, which is  $16^{\circ} 54'$  north, is then followed 18 miles (29 kilometres) westward to the Laotian border. The Ben Hai river has much in common with the many other short rivers which flow into the Gulf of Tonkin from the mountains between North Vietnam and Laos. There is a straight mountain course when the river flows through an entrenched valley, past peaks of 1200–1400 feet (366–427 metres). These uplands are covered with dense, tropical forest. The river then enters on a meandering course through rounded hills which are rarely higher than 120 feet (37 metres), and which are covered with secondary forest. Finally the river, now at its widest, meanders widely across a flat alluvial plain, which is never more than 30 feet (9 metres) high, and where there are uniform rice fields. The coastal plain of the Ben Hai is 7 miles (11 kilometres) wide, and



there is plenty of evidence of abandoned courses of the river behind the sand ridges which mark the coast.

The northern and southern limits of the demilitarized zone do not lie parallel to each other or the demarcation line. This means that the zone varies in width from  $3\frac{1}{2}$  miles to 6 miles (5.6 to 10 kilometres), and the boundary is often closer to one limit than another. Because the zone was designed to separate two bitterly opposed armies, the limits are precisely defined by map co-ordinates, which soldiers can readily identify. Further, the demarcation line and the edges of the demilitarized zone are marked by posts which bear French and Vietnamese inscriptions. Along the river Ben Hai the signs are placed at every crossing, and west of Bo Ho Su they are placed at every kilometre. On the northern limit, east of Thuy Ba Ha, and on the southern limit, east of Thanh Khe, posts were erected every 300-500 metres, while west of those villages the limits of the demilitarized zone were marked every kilometre. In addition to these statutory signs both sides erected fixed defensive positions which would have left no traveller in doubt about the location of the zone.

Now that the communist forces have established control over South Vietnam it is to be expected that the demilitarized zone will quickly disappear. Further, it is reasonable to expect, even if the two parts of Vietnam do not re-unite, that the cordial relations between the governments of North and South Vietnam will cause a marked increase in the volume of traffic across the boundary, to the point where it becomes an unimportant feature of the landscape.

### References

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## Ruling Determining the Status of the Demilitarized Zone

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### Foreword

This Ruling, issued in accordance with Articles 1, 3, 5, 6, 7, 8, 9 and 32 of the Agreement on the cessation of hostilities, with paragraph I of the Annex to that Agreement, and with the attached Ruling No. 6, signed at Trung-Gia on Aug. 13, 1954, gives precise details regarding the procedure for carrying out these texts.

### I. *Geographic Boundaries of the Demilitarized Zone*

#### 1. *The provisional military line of demarcation.*

a. The provisional military line of demarcation shall be drawn as follows, from east to west: the mouth of the Song Ben Hai (river Cua-Tung), and the course of that river (which takes the name of Rao Thanh in the mountains) as far as the village of Bo-Ho-Su; then the parallel of Bo-Ho-Su as far as the boundary between Laos and Viet-Nam.

b. Along that part of the provisional military line of demarcation which follows the course of the Song Ben Hai, clearly visible signs bearing the legend "Provisional Military Line of Demarcation" in two languages, as follows—"*Ligne de demarcation militaire provisoire*", "*Goi tuyen quan su tam thoi*"—will be placed at the crossing points specified in paragraph VI, by each of the Parties on their respective sides of the river.

Along that part of the line of demarcation which lies between Bo-Ho-Su and the Lao-Vietnamese boundary, the same signs shall be posted at intervals of approximately one kilometer, at prominent points in the terrain (crossing points, high points, hills, etc.).

2. *Boundaries of the demilitarized zone.*

a. The demilitarized zone shall be bounded on the north and the south by lines called security lines (map on scale of 1/25,000, No. 18 E and W; 19, 20 E and W, and 21 W, map on scale of 1/100,000, 119 E and W, attached).

Northern Boundary:

i. An East–West line running from the mouth of the river 2·8 km. north of Gua-Tung (251–850) to the village of Yen-Giu-Bac, passing direct to the villages of Tran Trai Thuong, Liem Cong Tay and hill 46 (189–850).

ii. A line separating the villages of Liem Cong Tay and Dan Tham, and crossing Route Nationale 1 at the culvert (2·5 km. southeast of Don Due).

iii. A line marking the boundary between the villages of Quang-Xa, Tien Lai, and Tien Trao to the west, and the villages of Phan-Xa and Le-Xa to the east.

This line shall cross the railroad track at 146–800 and then skirt hills 16 (136–804) and 15 (126–810), passing around the village of Thuy Ba Ha to the west, and rejoin the course of the river Ngon Dao at 112–816. It shall then follow the course of this river as far as its source. It shall thereafter be defined by hills 52, 84, 146, 414, 776, 1023, 1254, 977, 1250 and 700, all points included.

Southern Boundary:

A line beginning at the hill at 281–771 and ending at the river Tan Yen at 241–754, skirting hills 10, 5 and 23 inclusively.

i. The course of the river Tan Yen, as far as its junction with the river Cao Xa.

ii. The boundary between the villages of Trung Son and Gia Binh to the south and Dong Thi and Kinh Mon to the north.

iii. The course of the river Kinh Mon between points 154–750 and 110–731.

iv. A line connecting the last-named point with the river Khe Muoc at 089–715, including the rice fields of Dinh Kuong and Thanh Khe.

v. The course of the river Khe Muoc as far as 050–690.

vi. A line defined by hills 330, 360, 415, 570, 624, 705, 828, 805, 895, 849, 808, 1028, and 442, including all these points.

b. The northern and southern boundaries of the demilitarized zone shall be marked on the terrain by stakes, initially of wood, placed at conspicuous points, bearing the legend K. F. Q. S. (Vietnamese abbreviation for “Demilitarized Zone”). These letters shall be written under each other, and painted in blue or black on a white background. The height of the stakes shall be at least 1·7 m. above the ground. To the east of Thanh Khe and Thuy Ba Ha, respectively, on the southern and northern boundaries of the demilitarized zone, these stakes shall be placed at intervals varying, according to the terrain, from 500 m. to 300 m.; to the west of these two villages, stakes conspicuously placed at intervals of 1 kilometer will be sufficient. At important crossroads, the stakes shall be replaced by signs bearing in full the legend given above. Each of the parties agrees to make and to post the stakes and signs on its side of the border.

## The Boundary between Macau and China

The boundary between Macau and China stretches for just under 300 yards (274 metres) across the narrow isthmus of Ferrera do Amaral, which links the peninsula of Macau to the deltaic island of Chungshan. Macau consists of the peninsula on which the city stands and three islands to the south: the two islands of Taipa and the island of Coloane. The total area of Macau is 6 square miles (16 square kilometres). It has not proved possible to find any treaty which defines this boundary. However, it seems worthwhile distinguishing this boundary from others which have no treaty basis, because of the very short distance involved and the fact that the position of the boundary is clearly marked and has existed in that position for at least three centuries.

The official records of Macau refer to the first settlement in 1557, when permission was obtained to erect sheds in which cargo could be stored and dried. At that time, and until 1849, Portuguese authorities paid rent to China for territory occupied. This ended in 1849 when the Chinese customs house was closed and the port was declared independent of China. Long before that, a wall had been built across the isthmus by the Chinese, to distinguish Chinese and Portuguese territory. That wall is recorded on a map by Bellin published in 1764, and by comparison with other maps published at intervals since then, it is clear that the boundary has always occupied the position of that original wall. Read's map in 1865 refers to the boundary as 'tricheira' which means trench or ditch, but it seems likely that if a ditch had been dug the excavated material would have been piled up as a rampart. A Portuguese map of 1889, published by the Lisbon Geographical Society, not only shows the wall in the same place as all the other maps, but also indicates that the territory immediately north of the wall was considered to be neutral. In a British War Office map (Geographical Section General Staff 4597) published in 1945 the neutral territory is specified as being one mile in depth.

There are two Sino-Portuguese agreements which refer to the territory of Macau. On 26 March 1887 a very short protocol dealt with trade, opium revenue and territory. By the second article 'China confirms perpetual occupation and Government of Macau and its dependencies by Portugal, as any other Portuguese Possession' (U.K. Inspector-General of Customs, 1917, 2, p. 273). In the third article Portugal guaranteed that the territory would never be alienated without Chinese agreement. Eight months later on 1 December 1887 a long treaty of friendship and commerce was signed (U.K. Inspector-General of Customs, 1917, 2, pp. 274-94). It had forty-five articles but only two of them related to territory. The second article began by repeating the second article of the protocol, and then went on to declare that commissioners from both sides would delimit the boundaries and that this delimitation would be

the subject of a special convention. There is no evidence that this convention was ever prepared, and perhaps it was wise for the second article to end with the following phrases.

but so long as the delimitation of the boundaries is not concluded, everything in respect of them shall continue as at present without addition, diminution or alteration by either of the parties (U.K. Inspector-General of Customs, 1917, 2, p. 275).

The third article repeated the Portuguese pledge concerning the non-alienation of Macau.

The Chinese government listed the treaty with Portugal as one of the unequal treaties in the *People's Daily* in March 1963. However, the Peking government has not yet reclaimed Macau, although logistically it would be an easy matter, unlikely to arouse other countries in Portugal's defence. It is generally assumed that China allows Portugal to remain in occupation of Macau because this is a convenient arrangement for Chinese trade. Since the communists came to power in Peking there have been two major incidents reflecting on the status of Macau. On 25–26 July 1952 there was fighting between border guards on this short boundary and both sides suffered casualties. There was further fighting on 29–30 July with more casualties. Both sides reported that the fighting was over the position of a barricade on the border. Within a month the matter had been settled by representatives of both sides meeting in Hong Kong, but the agreement reached on 23 August 1952 has never been published, and it is not known whether it contains any definition of the boundary. A more serious, general disturbance occurred in December 1966 when Portuguese police caused the deaths of some pro-communist Chinese. For a brief period relations were very strained between the Macau authorities and neighbouring Chinese administrations and Chinese gunboats made several shows of strength in Macau harbour. The Portuguese government eventually accepted all the Chinese demands concerning compensation, a public apology and the banning of Nationalist Chinese organizations in Macau. By 29 January 1967 relations had returned to normal, but the events of that month made it clear that Portugal's occupation of Macau will continue only as long as the arrangement suits China.

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# 34

## The Boundary between Hong Kong and China

The northern boundary of Hong Kong with China measures 68 miles (109 kilometres). The central section linking Mirs and Deep bays is 18 miles (29 kilometres) long, and it is flanked on the west by the high-water mark of Deep bay for 34 miles (55 kilometres) and on the east by the high-water mark of Mirs bay for 16 miles (26 kilometres). This boundary was fixed in 1898 and 1899, when the new territories were added to the island of Hong Kong, acquired in 1843, and the Kowloon peninsula, added in 1860.

The major portion of Hong Kong consists of rounded granite domes, the highest of which reach 3000 feet (915 metres). The area was folded and tilted in earlier geological periods, and this has combined with processes of weathering and changes in sea level to create an indented peninsula surrounded by about 240 islands of which the largest are Lantao and Hong Kong. The granite uplands contrast with the fringing, level plains of alluvial origin.

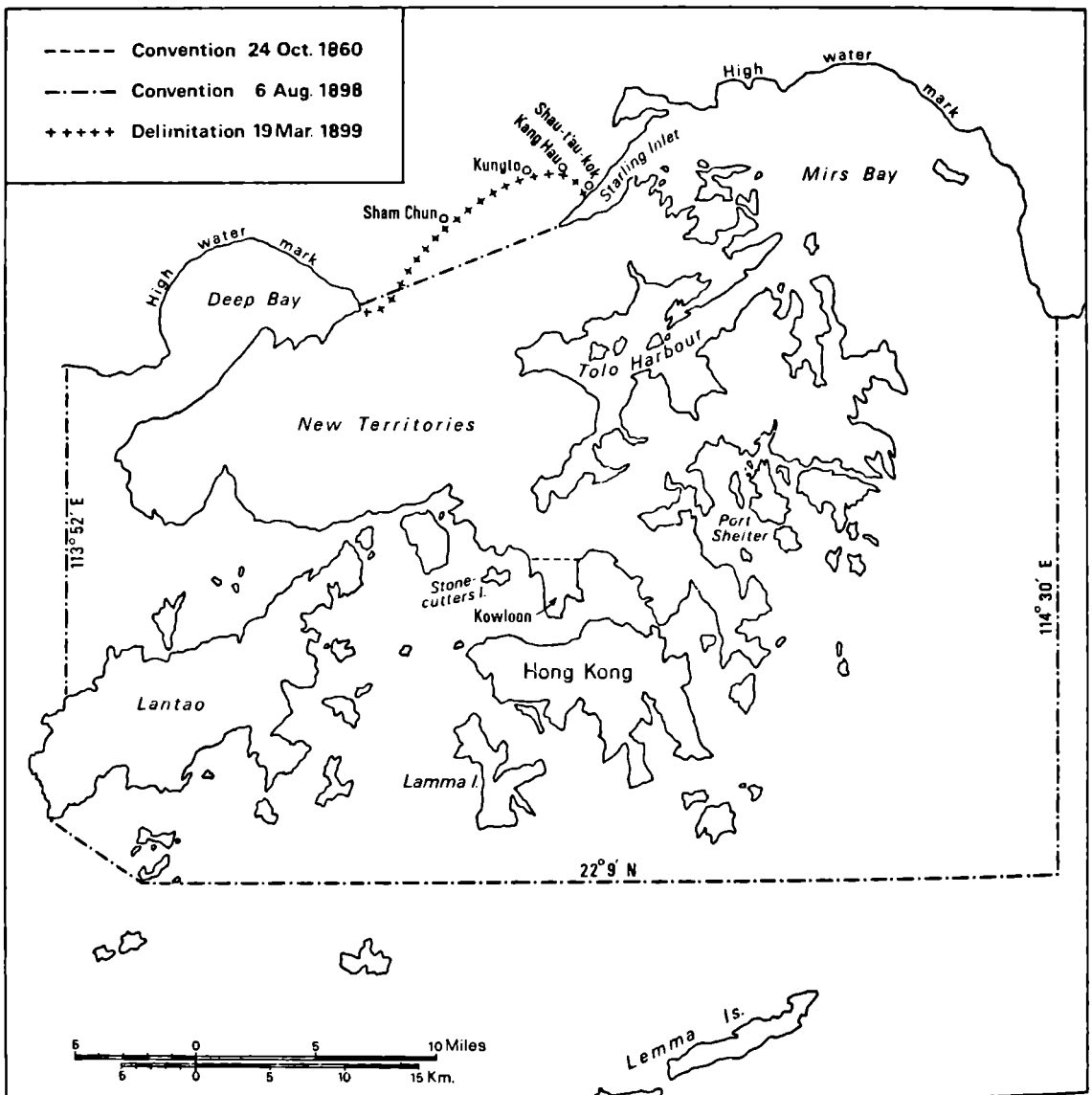
The establishment of the colony of Hong Kong resulted from the Opium War of 1840, which was caused by the dissatisfaction of the British government with the commercial and political treatment of British merchants in Canton. Several authors have described the events leading up to the war and its course, of which the most useful are Kuo (1935) and Holt (1964). Britain's aims, summarized by Palmerston, were 'satisfaction for the past and security for the future' (Endacott, 1958, p. 15). The security was to be provided either by a commercial treaty with China, or by the cession of an island, sufficiently large and conveniently situated, where British subjects could be protected. The war was prosecuted by Britain through the occupation of certain islands, one of which was Hong Kong, and blockades against Canton. The island of Hong Kong did not impress Palmerston; he thought it a barren island, and did not believe it would become a centre of international trade. In short Hong Kong was not the island to provide the security for British merchants which was a prime objective. Palmerston was replaced by Peel early in 1842, and fresh instructions were sent to the British authorities in the area. The captured islands were not to be retained, they were simply to be used as pawns in the negotiations; security for British trade was to rest on a commercial treaty and access to additional Chinese ports. Sir Henry Pottinger, who was conducting the negotiations, followed these instructions carefully, except for retaining Hong Kong, an act which he justified in the following terms.

the retention of Hong Kong is the only single point in which I intentionally exceeded my modified instructions, but every single hour I have passed in this superb country has convinced me of the necessity and desirability of our possess-

ing such a settlement as an emporium for our trade and a place from which Her Majesty's subjects in China may be alike protected and controlled (quoted in Endacott, 1958, p. 22).

The treaty of 29 August 1842, in addition to making several commercial arrangements, also ceded the island of Hong Kong to Britain in order that British subjects might have a port where they could careen and repair their ships and store their goods. The British declaration of 26 June 1843, formally taking possession of Hong Kong, referred to the island of Hong Kong 'and its dependencies', which presumably referred to the tiny associated islands on the west and south.

Hostilities between Britain and China resumed in 1860 after a British minister had failed in an attempt to force his way up the Peiho river. The troops for the campaign were assembled on the Kowloon peninsula, which lies north of the island of Hong Kong. Some use had been made of Kowloon by various British subjects, for residential and recreational purposes, since the establishment of the colony, and the governor, Sir John Davis, reported in 1845 that Kowloon was regarded as a sort of neutral area. British military officials had urged the acquisition of Kowloon in 1858 on the



Map 30. The boundaries of Hong Kong

grounds that it was useless to the Chinese, but of potential value for police, military, commercial and sanitary purposes to the Hong Kong administration (Endacott, 1958, p. 109). It was now decided that the cession of Kowloon would be accepted as part of the indemnity required by Britain. This cession of the peninsula south of a line joining Kowloon fort on the east to a point opposite Stonecutters island on the west, was arranged in the convention of 24 October 1860. The transfer was justified on the grounds that it was necessary for the maintenance of law and order in and about the harbour of Hong Kong. The convention made no mention of Stonecutters island, but this was certainly acquired by Britain at the same time. The new area measured nearly 4 square miles (10 square kilometres), compared with the 32 square miles (83 square kilometres) of the original treaty, and the northern boundary of Hong Kong at that time is today marked by Boundary Street.

While Hong Kong seemed to be secure from any possible Chinese attack, British strategists were also concerned about the possibility of an attack by some European power, such as France, Germany or Russia, who were Britain's main competitors for influence and advantage in China. In 1884 General Sargent proposed that the boundary should be pushed northwards to the next range of hills, but this advice was rejected. Two years later, his successor appealed for the annexation of the promontory lying due east of Kowloon, but the Colonial Defence Committee did not think that this would materially improve the colony's defences (Endacott, 1958, pp. 260-1). However, tentative negotiations were opened with the Chinese authorities for an extension of the area on the mainland, but the issue was not pushed very hard by the British authorities. The situation changed in the last few years of the nineteenth century. France, Germany and Russia had intervened after Japan defeated China, to deprive Japan of some of the fruits of success. In return they acquired favours from China. Russia obtained railway concessions in Manchuria and occupied Port Arthur. Germany secured Kiaochow, and France, which had only recently established its hegemony over much of Indo-China, acquired the lease of Kwangchowan. Britain now began to press hard for the extension of the area of Hong Kong. As early as 9 November 1894 the specific limits claimed had been marked on Admiralty charts. Sir Claude MacDonald, British ambassador in Peking, defined the area to be claimed as being bounded on the north by a direct line between Deep bay and Starling inlet, where they lie closest together; on the south by latitude  $21^{\circ} 48'$ ; and on the east and west by longitudes  $114^{\circ} 26'$  east and  $113^{\circ} 47'$  east respectively. The Admiralty pointed out that Sir Claude MacDonald had not correctly read the map, and that the limits he sought were too great, since they would cut into the navigable channels leading to Canton, and this might lead to similar claims by other European powers, which would impair the freedom of British access to other ports. Poor Sir Claude always seemed to be troubled by maps. He had been placed in some cartographic difficulties a decade earlier, when dealing with the Anglo-German boundary between Nigeria and Kamerun.

In those days we just took a blue pencil and a rule and we put it down at Old Calabar and drew that line up to Yola. The following year I was sent to Berlin to endeavour to get from the German authorities some rectification of the blue line . . . and . . . my instructions were to grab as much as I could. I was provided with the only map—a naval chart with all the soundings of the sea carefully marked out, but the rest was white . . . [except] . . . for the river Akpayoff which started near the Calabar river and meandered for 300 miles [483 kilometres] on the map. That was to be the boundary . . . [however] . . . there was no such river and the only river there was  $3\frac{1}{2}$  miles [5.6 kilometres] long (Nugent, 1914, p. 647).

On 26 May 1898 Sir Claude MacDonald noted that he had claimed as the western boundary the meridian  $113^{\circ} 15'$  east. Such a boundary would have included Macau and all the roadsteads leading to Canton! This was obviously an error for  $113^{\circ} 51'$ , which is reasonably accurate since the meridian used was supposed to be  $113^{\circ} 52'$  east. Eventually the correct latitudes and longitudes were sorted out, and a convention was signed on 6 August 1898, defining the new territories by means of a map. The shortest straight line joining Starling inlet and Deep bay was extended eastward along the high-water mark of the coast to longitude  $114^{\circ} 30'$  east, and westwards along the high-water mark of Deep bay as far as longitude  $113^{\circ} 52'$  east. These two meridians and latitude  $22^{\circ} 9'$  formed most of the remainder of the rectangular boundary, except in the southwest corner where part of the coastline of Lantao island was used. The new territories, which added 355 square miles (919 square kilometres) to the colony, were leased for ninety-nine years. The convention also made provision for the exact demarcation of the boundary and this was done in the following year.

The two delegates were J. H. S. Lockhart and Huang Tsun-hsin, and they quickly agreed that the river Sham Chun should form the boundary eastwards from Deep bay. Britain also demanded the settlement of Sham Chun on the north bank, but this claim was resisted. The prime difficulty was to carry the boundary to Starling inlet from the headwaters of the Sham Chun. It was impossible to find a clear line which led to the head of Starling inlet, and instead it was proposed by Britain that the boundary should be started from a point just over 1 mile (1.6 kilometres) eastwards, near the village of Sha-t'au-kok. From this point a small stream led directly northwest to a low pass leading to the headwaters of the Sham Chun. Britain also claimed the village of Sha-t'au-kok but this was refused, and eventually the boundary was drawn along the centre of the main street of the village. The final description was agreed on 19 March 1899, and the same line is still shown on the best available maps, such as those produced by the Directorate of Overseas Survey at a scale of 1:10 000 in 1969 (series L884).

There is only one respect in which there has been an apparent change in the location of the boundary. The 1899 delimitation stipulated that the boundary 'follows the right or northern bank of the Sham Chun river down to Deep bay'. The Sham Chun river flows into an estuary, just north of Lok Ma Chau, which becomes rapidly wider as the north coast continues on an east-west alignment, while the south bank trends sharply southwest. In the triangular estuary the Sham Chun was slowly building a delta. During periods of flood and high tide the delta was covered with water; conversely at low tide and periods of low discharge, the river flowed through a well-defined course near the centre of the estuary. The position is shown very clearly on maps of the period, which indicate that areas on the north of the estuary were used for oyster beds (private communication from the director of Crown Lands Department, Hong Kong). On the maps of that period it was decided to show the boundary along the high-water mark of the north bank of the estuary, which of course links up with the high-water mark of the north coast of Deep bay. This boundary was shown on British maps until 1957 when the War Office published maps of Hong Kong on a scale of 1:25 000 (Series L8811, sheets 6, 10). However, as the delta was slowly built up by the consolidation of fresh deposits of alluvium, the main river channel became evident for longer and longer periods, until today it is clearly defined. Accordingly the boundary is now shown as following the north bank of the Sham Chun river, through what was once a tidal swamp. Thus the boundary conforms exactly to the definition of 1899, although a comparison of the 1957 and 1969 maps suggests a marked change. In fact Britain never admin-



istered the swamp north of the main course of the Sham Chun mouth, so there were no awkward administrative problems.

The future of this international boundary clearly depends on the decision of the Chinese government when the lease expires in 1997, assuming there has been no change before then in the status of Hong Kong. China is known to regard the treaties establishing Hong Kong as being unequal, that is they were negotiated at a time of Chinese weakness, but the economic and political advantages of the existence of Hong Kong, and Macau have discouraged Chinese leaders from insisting on new treaties.

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## Convention for the Extension of Hong Kong, 24 October 1860

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Her Majesty the Queen of Great Britain and Ireland, and His Imperial Majesty the Emperor of China, being alike desirous to bring to an end the misunderstanding at present existing between their respective Governments, and to secure their relations against further interruption, have for this purpose appointed Plenipotentiaries, that is to say:

Her Majesty the Queen of Great Britain and Ireland, the Earl of Elgin and Kincardine;

And His Imperial Majesty the Emperor of China, His Imperial Highness the Prince of Kung;

Who, having met and communicated to each other their full powers, and finding these to be in proper form, have agreed upon the following Convention, in 9 Articles:

### Article I

A breach of friendly relations having been occasioned by the act of the garrison of Ta-ku, which obstructed Her Britannic Majesty's Representative, when on his way to Peking for the purpose of exchanging the ratifications of the Treaty of Peace concluded at Tien-tsin in the month of June, 1858, His Imperial Majesty the Emperor of China expresses his deep regret at the misunderstanding so occasioned.

### Article II

[Location of British embassy]

### Article III

[Chinese indemnity]

### Article IV

[British access to Tien-tsin]

Article V

[Emigration of Chinese subjects to British colonies]

Article VI

With a view to the maintenance of law and order in and about the harbour of Hong Kong, His Imperial Majesty the Emperor of China agrees to cede to Her Majesty the Queen of Great Britain and Ireland, and to her heirs and successors, to have and to hold as a dependency of Her Britannic Majesty's Colony of Hong Kong, that portion of the township of Cowloon, in the Province of Kwang-tung, of which a lease was granted in perpetuity to Harry Smith Parkes, Esquire, Companion of the Bath, a member of the Allied Commission at Canton, on behalf of Her Britannic Majesty's Government, by Lan Tsung Kwang, Governor-General of the Two Kwang.

It is further declared that the lease in question is hereby cancelled; that the claims of any Chinese to property on the said portion of Cowloon shall be duly investigated by a Mixed Commission of British and Chinese officers; and that compensation shall be awarded by the British Government to any Chinese whose claim shall be by the said Commission established, should his removal be deemed necessary by the British Government.

Article VII

[Operation of the provisions of the Treaty of 1858]

Article VIII

[Ratifications]

Article IX

It is agreed that, as soon as this Convention shall have been signed, the ratifications of the Treaty of the year 1858 shall have been exchanged, and an Imperial Decree respecting the publication of the said Convention and Treaty, shall have been promulgated, as provided for by Article VIII of this Convention, Chusan shall be evacuated by Her Britannic Majesty's troops there stationed; and Her Britannic Majesty's force now before Peking shall commence its march towards the city of Tien-tsin, the forts of Taku, the north coast of Shang-tung, and the city of Canton, at each or all of which places it shall be at the option of Her Majesty the Queen of Great Britain and Ireland to retain a force, until the indemnity of 8,000,000 of taels guaranteed in Article III, shall have been paid.

Done at Peking, in the Court of the Board of Ceremonies, on the 24th day of October, in the year of our Lord, 1860.

[Chinese signature]  
Elgin and Kincardine.

Convention for the Lease of the New Territories,  
9 June 1898

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Whereas it has for many years past been recognised that an extension of Hong-kong territory is necessary for the proper defence and protection of the Colony:

It has now been agreed between the Governments of Great Britain and China that the limits of British territory shall be enlarged under lease to the extent

indicated generally on the annexed map. The exact boundaries shall be hereafter fixed when proper surveys have been made by officials appointed by the two Governments. The term of this lease shall be ninety-nine years. It is at the same time agreed that within the city of Kowloon the Chinese officials now stationed there shall continue to exercise jurisdiction except so far as may be inconsistent with the military requirements for the defence of Hongkong. Within the remainder of the newly-leased territory Great Britain shall have sole jurisdiction. Chinese officials and people shall be allowed as heretofore to use the road from Kowloon to Hsinan.

It is further agreed that the existing landing place near Kowloon city shall be reserved for the convenience of Chinese men-of-war, merchant and passenger vessels, which may come and go and lie there at their pleasure; and for the convenience of movement of the officials and people within the city.

When hereafter China constructs a railway to the boundary of the Kowloon territory under British control, arrangements shall be discussed.

It is further understood that there will be no expropriation or expulsion of the inhabitants of the district included within the extension, and that if land is required for the public offices, fortifications, or the like official purposes, it shall be bought at a fair price.

If cases of extradition of criminals occur, they shall be dealt with in accordance with the existing Treaties between Great Britain and China and the Hongkong Regulations.

The area leased to Great Britain as shown on the annexed map includes the waters of Mirs Bay and Deep Bay, but it is agreed that Chinese vessels of war, whether neutral or otherwise, shall retain the right to use those waters.

This Convention shall come into force on the first day of July, eighteen hundred and ninety-eight, being the thirteenth day of the fifth moon of the twenty-fourth year of Kuang Hsu. It shall be ratified by the Sovereigns of the two countries, and the ratifications shall be exchanged in London as soon as possible.

In witness whereof the undersigned, duly authorised thereto by their respective Governments, have signed the present Agreement.

Done at Peking in quadruplicate (four copies in English and four in Chinese) the ninth day of June in the year of Our Lord eighteen hundred and ninety-eight, being the twenty-first day of the fourth moon of the twenty-fourth year of Kuang Hsu.

Claude M. Macdonald.

Li Hung-Chang.  
Hsu Tink-K'uei.

### Delimitation of the Northern Boundary of the New Territories, 19 March 1899

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The Northern Boundary commences at the point of high water-mark in Mirs Bay where the meridian of 114° 30' East cuts the land and follows that high water-mark to the point marked with a peg immediately to the West of the market town locally known as Tung Wo Hu and sometimes called Shat'aukok. It then proceeds straight inland for a short distance till it meets a narrow path between fields on the right and a tidal flat on the left. A peg was driven into the

East of the path, and it was agreed that the whole of the path is within British territory but may be used by the inhabitants of both countries. The line follows this path until it reaches a corner of the market town of Tung Wo Hu, where another peg was driven, and then proceeds until it comes to the bed of a wide stream which is at present dry. It was agreed that the boundary should follow the centre of this river bed. The land to the right of the river, that is, the land on the left bank being within Chinese territory; the land to the left of the river, that is, the land on the right bank being within British territory. This line along the middle of the river's bed continues until a road leading to the village Kang Hau is reached. A peg was driven in at the point where the boundary line leaves the river and follows this road. It was agreed that the whole of the road is within British territory, but may be used by the inhabitants of both countries. This road leads up a steep ravine crossing and recrossing the stream. It was agreed that the waters of this stream whether within the British or the Chinese boundary should be available for the inhabitants of both countries. This road passes through a gap about 500 feet above sea level forming the dividing ridge between the Shat'aukok and Sham Chun valleys. The boundary was marked at this point with a peg. It was agreed that the road from this gap should be the boundary and is within British territory but may be used by the inhabitants of both countries. This road passes down the right-hand side of the ravine and has a stream on the left running to Kang To. At the foot of the ravine this road crosses a larger stream coming from the direction of Ng Hung Shan and recrosses it within a distance of 100 yards. This road passes Kang To village on the right and reaches the Sham Chun river at a distance of about a quarter of a mile below Kang To. It was agreed that up to this point this road is within British territory but may be used by the inhabitants of both countries. It was also agreed that the waters of the stream running from Ng Tung Shan referred to above shall be available for cultivators of land in both territories. A peg was driven in to mark the point where this road as a boundary ended. The boundary then follows the right or northern bank of the river generally known as the Sham Chun river down to Deep Bay, all the river and the land to the south being within British territory. The Western, Eastern, and Southern boundaries are as laid down in the Convention, the whole of the Island of Lantao being within British territory.

The waters of Mirs Bay and Deep Bay are included in the area leased to Great Britain.

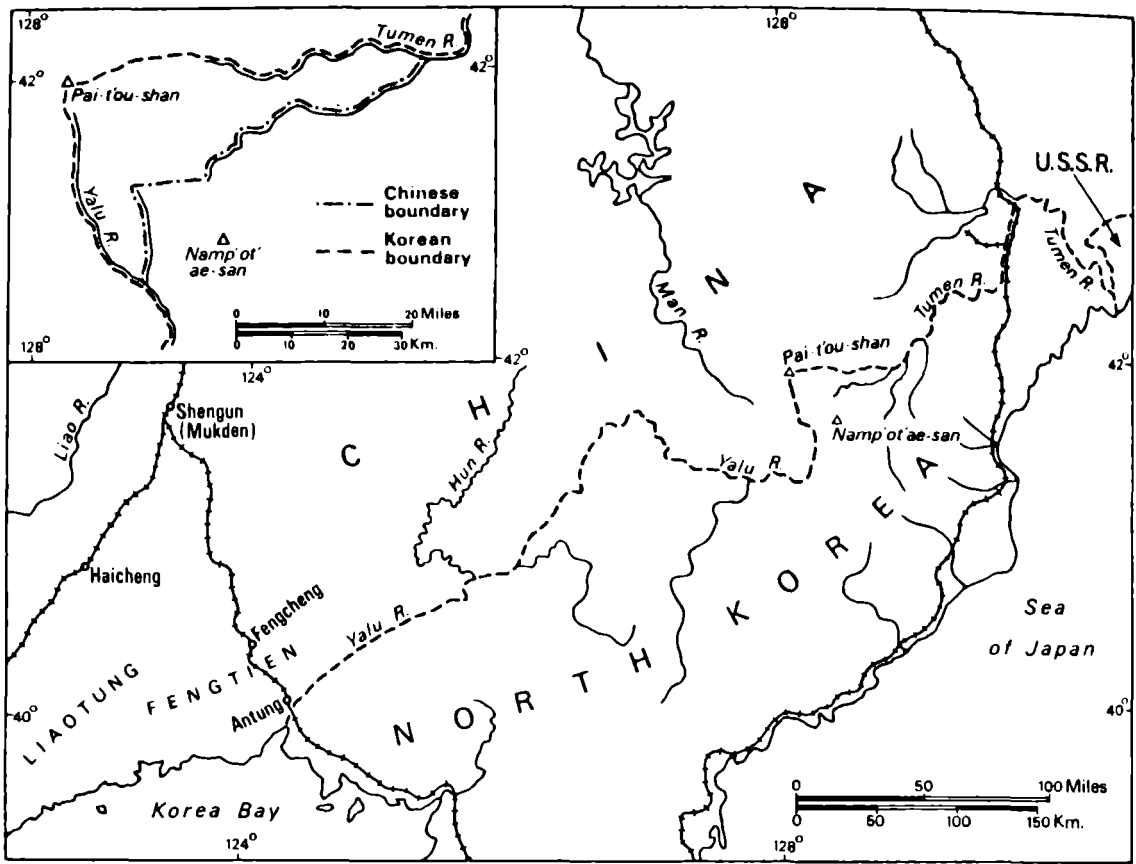
Signed in the Council Chamber, Hongkong, this 19th day of March, 1899.

## The Boundary between Korea and China

The boundary between Korea and China measures about 880 miles (1416 kilometres) (U.S.A. Geographer, 1962, p. 1), and apart from 20 miles (32 kilometres) it coincides with the Yalu and Tumen rivers which flow west and east respectively, from the watershed formed by Pai-t'ou-shan, Mudu-bong and Namp'ot'ae-san. These are the two major rivers of the Sino-Korean borderland and form an obvious division between peninsular Korea and continental Manchuria. Hulbert (1962, 1, ch 3, 4) gives an account of the earliest political frontiers in Korea and notes in several places that the Yalu and Tumen rivers marked political limits. In some respects these rivers are well equipped to serve this role. Apart from the two extremities of the border in the lower Tumen valley and at the mouth of the Yalu, the courses are bordered by steep, rocky valley walls leading to sharp crests or level plateaus, which all occur at about the same level of 3000 and 5000 feet (915 and 1525 metres), although occasional summits reach 7000 feet (2135 metres). The tributaries from north and south have also worn deep valleys into the crystalline granites and gneisses, so that from oblique air photographs the landscape looks like gale-swept seas. While the rivers did provide corridors which allowed some penetration of the unattractive interior, they freeze over for at least four months of the winter and flood during the spring when melt-waters are discharged. These characteristics help to preserve the frontier character of the border. However, the propensity of the rivers to flood, and their sinuous nature makes them more unstable than most boundary draughtsmen would wish. Although the boundary follows the rivers for 860 miles (1384 kilometres) the direct distance between the two termini is only 375 miles (603 kilometres). Most of the difference is explained by frequent, small meanders across the flood plain, rather than by major changes in the alignment of the courses. The valleys were, and still are, clothed in coniferous forests of larch, spruce and pine, which can survive the severe winters, and only the narrow flood plains allow limited opportunities of cultivation in the summer months after melt-water floods have subsided.

There is no single treaty covering this boundary, and all the treaties which make reference to it were signed between China and Japan, when the latter country had control over Korean affairs. There are five treaties which refer to sections of the boundary, or to points on it.

The U.S.A. Geographer (1962, p. 1) notes that a boundary marker was erected by the Chinese and Korean officials in 1713, on the mountain Pai-t'ou-shan, but there is no documentation for this statement. The first treaty which refers to part of the boundary was signed by China and Japan in April 1895 after a nine months' war between the two countries. The causes of the war are to be found in the compe-



Map 31. The Sino-Korean boundary

tion between the two countries for ascendancy in Korean affairs, which China had held for many years, and which was challenged by a rejuvenated Japan. The detailed events leading to the war, and the conduct of the various campaigns have been carefully described by many authors, such as Hulbert (1962), Conroy (1960) and Kim and Kim (1967), and need no repetition here. Japan won the war, having defeated Chinese forces in Korea and also throughout the Liaotung peninsula from Lushun (Port Arthur) in the west, to Haicheng in the northeast. By the treaty of Shimonoseki China recognized the independence of Korea and ceded the southern portion of the province of Fengtien to Japan this was the area on the Liaotung peninsula which Japanese troops had occupied. The southern boundary of the ceded area, and therefore the northern boundary of Korea was defined as the Yalu river from its mouth to its tributary the An-ping, south of Feng Huang, which is near the major city of Fengcheng. No stipulation was made about how the line was drawn along the river, or the allocation of any islands in its course.

The southern portion of Fengtien province was retroceded to China in the convention signed seven months later, when Japan had been given a clear indication of the disapproval of other major powers (Conroy, 1960, pp. 290-2). The area returned to China was described in identical terms to the Shimonoseki treaty, confirming the Yalu river from its mouth to the An-ping confluence as the boundary between Korea and China.

The other treaty which refers to the Yalu was signed between Japan and China in November 1911. The agreement dealt with railway traffic between Korea and China, where the two networks met at Antung. The second article states that 'the centre of the Yalu iron bridge shall be regarded as the frontier between the two countries' (U.K. Inspector of Customs, 1917, 2, p. 773). This reference obviously

makes no stipulations about the boundary along the river, and it would even be possible for the boundary to occupy a position on the river which was not directly underneath the centre of the bridge.

The river Tumen is mentioned in two treaties as the boundary. In September 1909 an agreement was signed, by which both countries undertook to 'recognise the river Tumen as forming the boundary between China and Korea'. The agreement was prepared in both Chinese and Japanese and this phrase is common to both versions. The agreement then specified seven articles which dealt with the definition of the boundary, the opening of Japanese consulates in various Chinese settlements, and the security and treatment of Koreans living north of the Tumen river. The first article which defines the boundary contains important differences between the Chinese and Japanese versions.

Article 1. The Governments of Japan and China declare that the river Tumen is recognised as forming the boundary between China and Korea and that in the region of the source of that river the boundary shall start from the boundary monument and thence follow the course of the stream Shihyishwei (Japanese version).

Article 1. The Chinese and Japanese Governments mutually recognise the river Tumen from its source, where the boundary stones have been placed, to Shih-i-shui as the boundary between China and Korea (Chinese version).

These two descriptions cannot be reconciled, no matter how one rearranges the location of the boundary monument and the source of the Tumen. The Japanese version clearly implies that the source of the Tumen is considered to be at the junction of the Shih-i-shui, which is the Chinese name, and some unnamed river: after following the river Tumen the boundary then follows the course of the Shih-i-shui. Now this means that the boundary monument must be at the confluence of the Tumen and Shih-i-shui, unless the term 'region of the source' is interpreted in a very broad sense, to include the Pai-t'ou-shan which is 40 miles (64 kilometres) away. The Chinese version defines the boundary only from the source of the Tumen to its confluence with the Shih-i-shui, clearly implying that the Tumen does not rise when the Shih-i-shui joins another tributary. The line on Korean maps follows the Shih-i-shui west to the Pai-t'ou-shan and then turns sharply south to follow an unnamed tributary of the Yalu river. Some Chinese maps show a boundary which proceeds southwest from the Tumen-Shih-i-shui confluence, along the Sohongdan river to the Namp'ot'ae-san where it joins another unnamed tributary of the Yalu river. There is a triangular area between these two lines with its apex at Pai-t'ou-shan, which measures about 450 square miles (1165 square kilometres). It is interesting that the Chinese line has a connecting interfluvial sector of 3 miles (5 kilometres) between the two rivers, while the interfluvial on the Korean line is 20 miles (32 kilometres).

The final agreement throws no light on the problem because it simply specifies responsibility for the railway bridge over the river Tumen in the following terms.

Article 1. The Tumen River bridge shall be jointly owned by the Governments of Japan and China, each of which shall control and maintain the respective halves of the span divided by the boundary fixed at the mid-river point of the bridge (quoted in U.S.A. Geographer, 1962, p. 4).

Note that the wording is slightly different to the Yalu Bridge agreement, and there seems to be an implication that the boundary on the bridge coincides with the mid-stream boundary on the river.

It is remarkable that China has apparently not negotiated a definitive boundary agreement with North Korea, first since the existing treaties were signed when

Japan occupied an imperial role and China was internally weak, and second, since the boundary is not clearly defined and there is a potential dispute in the Pai-t'ou-shan triangle. The close political relations between the two countries presumably precludes any chance of different treaty interpretations becoming serious. It is perhaps noteworthy that none of the historians whose works were consulted considered that the boundary between Korea and China was an important subject, or indeed a subject worth passing mention. The future of this borderland may well depend on the success of any joint efforts to reunite North and South Korea. However, it is of course possible that the Chinese and Korean governments have negotiated a secret boundary treaty. This suggestion is made because a new Chinese atlas, inspected in the Peking Library in April 1974, showed the Korean version of the boundary near Pai-t'ou-shan.

### References

- Conroy, H. (1960). *The Japanese seizure of Korea: 1868-1910*. Philadelphia.  
 Hulbert, H. B. (1962). *History of Korea* (ed. C. N. Weems), 2 vols, London.  
 Kim, C. I. E. and Kim H. (1967). *Korea and the politics of imperialism*. Los Angeles.  
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 United States of America, Department of State, Office of the Geographer (1962). *The China-Korea boundary*. Washington: State Department.

## Peace Treaty, 17 April 1895

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His Majesty the Emperor of Japan, and His Majesty the Emperor of China, desiring to restore the blessings of peace to their countries and subjects and to remove all cause for future complications, have named as their Plenipotentiaries for the purpose of concluding a Treaty of Peace, that is to say:—

[Here follow the Names and Titles of the Plenipotentiaries]

Who, after having exchanged their full powers, which were found to be in good and proper form, have agreed to the following Articles:—

### Article I

China recognizes definitely the full and complete independence and autonomy of Korea, and, in consequence, the payment of tribute and the performance of ceremonies and formalities by Korea to China in derogation of such independence and autonomy shall wholly cease for the future.

### Article II

China cedes to Japan in perpetuity and full sovereignty the following territories, together with all fortifications, arsenals, and public property thereon:—

(a) The southern portion of the Province of Feng-Tien, within the following boundaries—

The line of demarcation begins at the mouth of the River Yalu, and ascends that stream to the mouth of the River An-ping; from thence the line runs to Feng Huang; from thence to Haicheng; from thence to Yinkou, forming a line which describes the southern portion of the territory. The places above named are included in the ceded territory. When the line reaches the River Liao at Yinkou it follows the course of that stream to its mouth, where it terminates. The mid-channel of the River Liao shall be taken as the line of demarcation.



This cession also includes all islands appertaining or belonging to the Province of Feng-Tien situated in the eastern portion of the Bay of Liao Tung, and in the northern part of the Yellow Sea.

(b) The Island of Formosa, together with all islands appertaining or belonging to the said Island of Formosa.

(c) The Pescadores Group, that is to say, all islands lying between the 119th and 120th degrees of longitude east of Greenwich, and the 23rd and 24th degrees of north latitude.

### Article III

The alignments of the frontiers described in the preceding Article, and shown on the annexed map, shall be subject to verification and demarcation on the spot by a Joint Commission of Delimitation, consisting of two or more Japanese and two or more Chinese Delegates, to be appointed immediately after the exchange of the ratifications of this Act. In case the boundaries laid down in this Act are found to be defective at any point, either on account of topography or in consideration of good administration, it shall also be the duty of the Delimitation Commission to rectify the same.

The Delimitation Commission will enter upon its duties as soon as possible, and will bring its labours to a conclusion within the period of one year after appointment.

The alignments laid down in this Act shall, however, be maintained until the rectifications of the Delimitation Commission, if any are made, shall have received the approval of the Governments of Japan and China.

### Article IV

[War indemnity to be paid by China to Japan]

### Article V

[Right of inhabitants to emigrate from territory ceded to Japan; appointment of Commissioners to effect transfer of Formosa to Japan]

### Article VI

[Provisions for trade]

### Article VII

[Japanese evacuation of Chinese territory]

### Article VIII

[Temporary occupation of Weihaiwei by Japanese troops; assignment of customs revenue of China as security for payment of indemnity]

### Article IX

[Prisoners of war; amnesty]

### Article X

[Cessation of military operations on exchange of ratifications]

### Article XI

[Ratifications]

In witness whereof, the respective Plenipotentiaries have signed the same and have affixed thereto the seal of their arms.

Done at Shimonoseki, in duplicate, this 17th day of the 4th month of the 28th year of Meiji, corresponding to the 23rd day of the 3rd months of the 21st year of Kuang Hsu (April 17, 1895).

Count Ito Hirobumi, Junii, Grand Cross of the Imperial Order of Paulownia, Minister-President of State, Plenipotentiary of His Majesty the Emperor of Japan.

Viscount Mutsu Munemitsu, Junii, First Class of the Imperial Order of the Sacred Treasure, Minister of State for Foreign Affairs, Plenipotentiary of His Majesty the Emperor of Japan.

Li Hung-Chang, Plenipotentiary of His Majesty the Emperor of China, Senior Tutor to the Heir Apparent, Senior Grand Secretary of State, Minister-Superintendent of Trade for the Northern Ports of China, Viceroy of the Province of Chihli, and Earl of the First Rank.

Li Ching-Fong, Plenipotentiary of His Majesty the Emperor of China, Ex-Minister of the Diplomatic Service, of the Second Official Rank.

### Convention for the Retrocession of Southern Fengtien Province, 8 November 1895

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His Majesty the Emperor of Japan, and His Majesty the Emperor of China, desiring to conclude a Convention for the retrocession by Japan of all the southern portion of the province of Feng-Tien to the sovereignty of China, have for that purpose named as their plenipotentiaries, that is to say:—

His Majesty the Emperor of Japan, Baron Hayashi Tadasu, Shoshii, Grand Cross of the Imperial Order of the Sacred Treasurer, Grand Officer of the Imperial Order of the Rising Sun, Minister Plenipotentiary and Envoy Extraordinary; and His Majesty the Emperor of China, Li Hung-Chang, Minister Plenipotentiary, Senior Tutor of the Heir Apparent, Senior Grand Secretary of State, and Earl of the First Rank;

Who, after having communicated to each other their full powers, which were found to be in good and proper form, have agreed upon the following Articles:—

#### Article I

Japan retrocedes to China, in perpetuity and full sovereignty, the southern portion of the province of Feng-Tien, which was ceded to Japan under Article II of the Treaty of Shimonoseki of the 17th day of the 4th month of the 28th year of Meiji, corresponding to the 23rd day of the 3rd month of the 21st year of Kuang Hsu, together with all fortifications, arsenals, and public property thereon at the time the retroceded territory is completely evacuated by the

Japanese forces in accordance with the provisions of Article III of this Convention, that is to say, the southern portion of the province of Feng-Tien from the mouth of the River Yalu to the mouth of the River An-ping, thence to Feng Huang Ch'eng, thence to Hai-cheng, and thence to Yinkou; also all cities and towns to the south of this boundary, and all islands appertaining or belonging to the province of Feng-Tien, situated in the eastern portion of the Bay of Liao-Tung, and in the northern part of the Yellow Sea. Article III of the said Treaty of Shimonoseki is in consequence suppressed, as are also the provisions in the same Treaty with reference to the conclusion of a Convention to regulate frontier intercourse and trade.

Article II

[Compensation to Japan for retrocession of southern portion of Feng-Tien]

Article III

[Indemnity]

Article IV

[Amnesty]

Article V

[English text to be authoritative]

Article VI

[Ratifications]

In witness whereof the respective plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at Peking this 8th day of the 11th month of the 28th year of Meiji, corresponding to the 22nd day of the 9th month of the 21st year of Kuang Hsu (8 November 1895). [Here follow the signatures and seals in Japanese and Chinese.]

Hayashi Tadasu  
Li Hung-Chang

Agreement Covering the Yen-chi District (Chien Tao)  
and the Tumen River, 4 September 1909

*Japanese Version*

The Imperial Government of Japan and the Imperial Government of China, desiring to secure for Chinese and Korean inhabitants in the frontier regions the blessings of permanent peace and tranquility, and considering it essential in the attainment of such desire that the two Governments should, in view of their relations of cordial friendship and good neighborhood, recognize the River Tumen as forming the boundary between China and Korea, and should adjust all matters relating thereto in a spirit of mutual accommodation, have agreed upon the following stipulations:—

Article I

The Governments of Japan and China declare that the River Tumen is recognized as forming the boundary between China and Korea and that in the

region of the source of that river the boundary line shall start from the boundary monument and thence follow the course of the stream Shihyishwei.

#### Article II

The Government of China shall, as soon as possible after the signing of the present agreement, open the following places to the residence and trade of foreigners, and the Government of Japan may there establish consulates or branch offices of consulates. The date of the opening of such places shall be separately determined: Lungchingtsun; Chutzchie; Toutaokou; Paitsaokou.

#### Article III

The Government of China recognizes the residence of Korean subjects, as heretofore, on agricultural lands lying north of the River Tumen. The limits of the district for such residence are shown in the annexed map.

#### Article IV

The Korean subjects residing on agricultural lands within the mixed residence district to the north of the River Tumen shall submit to the laws of China, and shall be amenable to the jurisdiction of the Chinese local officials. Such Korean subjects shall be accorded by the Chinese authorities equal treatment with Chinese subjects, and similarly, in the matter of taxation and all other administrative measures, they shall be placed on equal footing with Chinese subjects. All cases, whether civil or criminal, relating to such Korean subjects shall be heard and decided by the Chinese authorities in accordance with the laws of China, and in a just and equitable manner. A Japanese consular officer or an official duly authorized by him shall be allowed freely to attend the court, and in the hearing of important cases concerning the lives of persons, previous notice is to be given to the Japanese consular officers. Whenever the Japanese consular officers find that a decision has been given in disregard of law, they shall have right to apply to the Chinese authorities for a new trial to be conducted by officials specially selected in order to assure justice of the decision.

#### Article V

The Government of China engages that land and buildings owned by Korean subjects in the mixed residence district to the north of the River Tumen shall be fully protected equally with the properties of Chinese subjects. Ferries shall be established on the River Tumen at places properly chosen, and people on either side of the river shall be entirely at liberty to cross to the other side, it being, however, understood that persons carrying arms shall not be permitted to cross the frontier without previous official notice or passports. In respect to cereals produced in the mixed residence district, Korean subjects shall be permitted to export them out of the said district, except in time of scarcity, in which case such exportation may be prohibited. Collection of firewood and grass shall be dealt with in accordance with the practice hitherto followed.

#### Article VI

The Government of China shall undertake to extend the Kirin-Changchun Railway to the southern boundary of Yenchu, and to connect it at Hoiryong (Hueining) with a Korean railway, and such extension shall be effected upon the same terms as the Kirin-Changchun Railway. The date of commencing the work of the proposed extension shall be determined by the Government of China, considering the actual requirements of the situation, and upon consultation with the Government of Japan.

## Article VII

The present agreement shall come into operation immediately upon its signature, and thereafter the Chientao branch office of the Residency General, as well as all civil and military officers attached thereto shall be withdrawn, as soon as possible, and within two months. The Government of Japan shall within two months thereafter establish its consulates at the places mentioned in Article II.

In witness whereof, the undersigned, duly authorized by their respective Governments, have signed and sealed the present agreement in duplicate, in the Japanese and Chinese languages.

[Chinese and Japanese signatures]

## *Chinese Version*

Realising their duties as friendly adjacent States, the Imperial Government of China and the Imperial Government of Japan have agreed both to recognise the Tumen River as forming the boundary between China and Korea, and have drawn up the following Articles with the view that the subjects of China and the people of Korea may live upon the frontier in peace and prosperity:

### Article I

The Chinese and Japanese Governments mutually recognise the Tumen River from its source, where the boundary stones have been placed, to Shih-i-shui as the boundary between China and Korea.

### Article II

After the ratification of this Agreement the Government of China shall at once open to residence and trade for people of all countries the following towns:

Lung-ching-ts'un,  
Chu-tzu-chieh,  
T'ou-tao-kou,  
Pai-ts'ao-kou.

The Japanese Government may establish Consular offices in each of these trading places.

### Article III

Koreans who have become established north of the Tumen River and who are engaged in cultivating the land shall be permitted to continue to do so.

### Article IV

Koreans residing north of the Tumen River and engaged in agriculture shall be subject to the jurisdiction of the Chinese officials of the territory. Chinese officials shall treat the Koreans and Chinese with equality as regards payment of taxes and in the enforcement of the laws. Chinese officials shall administer Chinese law in all civil and criminal cases where Koreans are concerned. A Japanese Consular officer may at all times attend the court proceedings. In cases where capital punishment may be adjudged, the Japanese Consul must be notified. If the Japanese Consul can point out any irregularities in the proceedings, he may request that another official be appointed to hold a re-hearing of the case, so that justice may be obtained.

Article V

In regard to the property of Koreans living in the country north of the Tumen River, the Chinese Government shall extend the same protection to them as it gives to Chinese. Moorings for their boats shall be assigned them at various places along the river. The people may pass from place to place at will, but they shall not be permitted to cross the frontier with arms without a special pass. Except when prohibited during times of stress, the Koreans shall be allowed to send out of the country their grain, straw, and fuel.

Article VI

It is agreed that the Government of China is to extend the Kirin-Changchun Railway to the southern part of Yenchu, adjacent to the territory of Huining in Korea, and to connect it with the Korean Railway. The Chinese Government shall consult the Japanese Government with reference to the date of commencement of construction.

Article VII

All the Articles of this Agreement must be faithfully carried out. The civil and military officials and offices established by the Japanese Government shall be withdrawn immediately after ratification of this agreement, two months being allowed for complete withdrawal. Consulates shall be established at the places mentioned in Article II by the Japanese Government within two months.

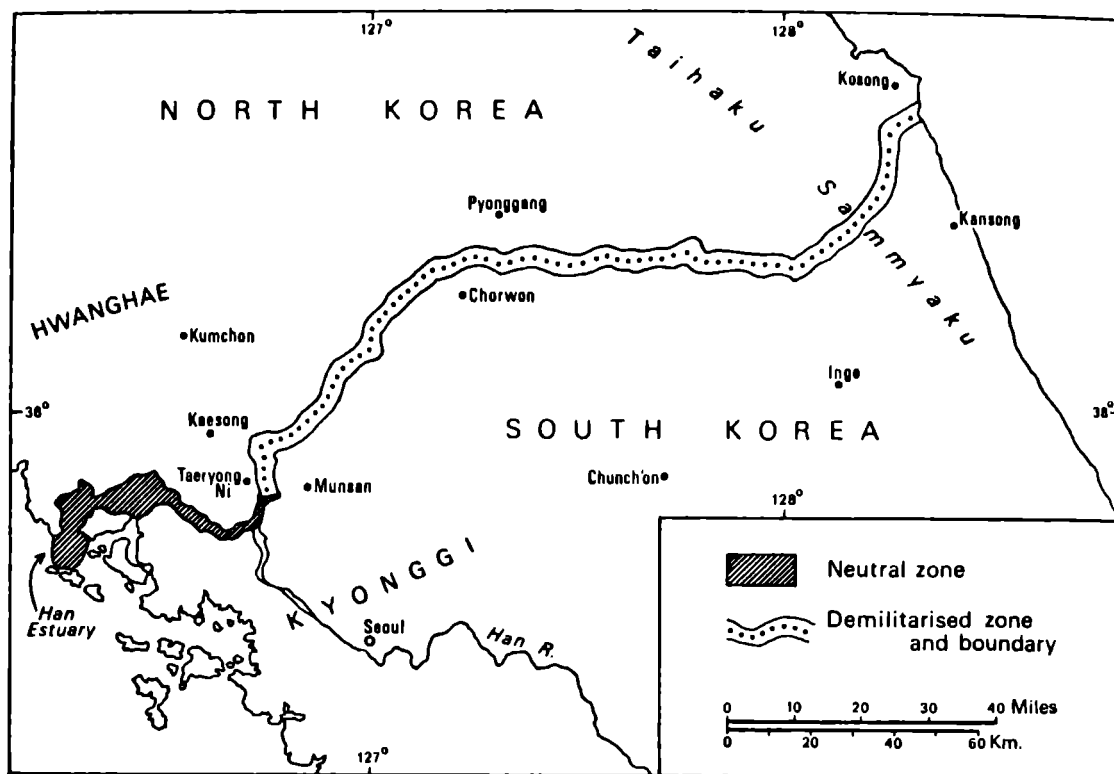
Signed at Peking, 4 September 1909.

[Chinese and Japanese signatures]

## The Boundary between North and South Korea

The division between North and South Korea is a military demarcation line rather than an international boundary, and has many similarities with the military demarcation line which separates North and South Vietnam. They both resulted from international agreements related to cease-fire arrangements between communist and non-communist forces, and they both consist of a line within a demilitarized zone. This boundary stretches for 150 miles (241 kilometres) across the Korean peninsula, trending northeast-southwest astride the 38th parallel, which it intersects very close to its western terminus. The eastern two-thirds of the boundary traverses rough, mountainous country of the southern Taihaku Sammyaku, which has isolated peaks over 5500 feet (1678 metres). The elevations decline westwards and access into the borderland is most difficult from the east. The natural vegetation of this upland zone, which has a severe winter of three to four months, is forest, including deciduous species, such as oaks and maples, and conifers, such as larch and spruce. Cleared slopes often become eroded and remain barren, and cultivation is generally restricted to isolated pockets on the valley floors. The western third of the boundary crosses the low foothills and alluvial plains, which border most of the west coast of Korea. Cultivation is much easier in this region, with its level surfaces, deep soils, short winters and hot to warm summers, and population densities are correspondingly higher than in the eastern sector.

The origin of this boundary can be traced to the entry of the Soviet Union into the war against Japan on 8 August 1945, the day before the second atomic bomb was dropped on Nagasaki. Russian troops made landings on the eastern coast of Japanese-held Korea, at Unggi and Najin, close to Vladivostock, on 12 August 1945. These attacks were followed soon afterwards by a further Russian landing on the east coast, at Wonsan, south of the original attacks. It was evident that the United States could not be responsible for accepting the surrender of all Japanese troops in Korea in view of the Russian presence, so General Order No. 1 specified that the Russian and American military authorities would be responsible for accepting the Japanese surrender north and south of the 38th parallel respectively. McCune (1949) and Grey (1951) have written the best accounts of the selection of this particular line of latitude. Both authors attribute the original idea to the United States War Department, and point out that the decision had to be made hastily. Further, it is apparent that these decision-makers were concerned only with the practical problem of accepting the surrender of Japanese troops; it was not at that stage considered that this parallel would become a rigid military demarcation line. However, the parallel did become a fixed line between the administrative zones of two states whose relations became steadily more and more strained.



Map 32. The boundary between North and South Korea

McCune (1949) has written of the inconvenience of tracing a line of latitude across the peninsula at its widest point, and the arbitrary way in which the line divided roads and railways, farmlands, settlements and areas of economic circulation. He also points out that the 38th parallel had been politically significant in earlier periods. In 1896 Marshal Yamagata, the Japanese representative in Moscow, proposed that the Korean peninsula should be divided by the 38th parallel, and the parts north and south administered by Russia and Japan respectively. In 1903 the Russian government proposed that the 39th parallel should mark the southern limit of a neutral zone to be drawn across Korea, between Japanese and Russian spheres of influence. Finally, in 1904, shortly before the Russo-Japanese war began, the Russian commander in the area was instructed to meet any Japanese penetration north of the 38th parallel with force.

There is no need here to retail all the political developments of the Cold War, which led to the intervention of the United Nations forces in Korea, and the subsequent involvement of the forces of the People's Republic of China. It is more important to consider the armistice agreement of 27 July 1953 between the combatants which ended the war and created the present military demarcation line.

The agreement consists of five articles, of which the first two deal in part with the military demarcation line, the demilitarized zone and the allocation of offshore islands. The line and the zone are both defined on a map, in nine sheets, at a scale of 1:50 000, which provides excellent identification. The zone which the line bisects is 4 kilometres wide, and it was created 'as a buffer zone to prevent the occurrence of incidents which might lead to a resumption of hostilities' (United Nations, 1954, p. 136). Very strict regulations are laid down in the first article concerning the entry of persons into this zone. Fences were erected along the northern and southern limits of the demilitarized zone, and the line itself was marked by 1292 pillars, which means that the average distance between them is about 200 metres. The



waters of the Han estuary, which stretches for 38 miles (61 kilometres) west of the westernmost pillar, were declared to be open to the shipping of both parties where the parties each controlled one of the banks. This neutral area is shown on a map at a scale of 1:250 000 attached to the agreement. The presence of a number of South Korean islands along the southern edge of the estuary, and especially at its mouth, restricts access to the estuary for craft belonging to North Korea. Section 13 (a) of the second article allocated offshore islands in accordance with control on 24 June 1950. However, it also specified that all islands, with five exceptions, lying north and west of the provincial boundary between Hwanghae-Do and Kyonggi-Do, were to be controlled by North Korea, while islands south of this provincial line remained with South Korea. The five island groups excepted from this general rule were named and identified by their latitudes and longitudes, in addition to being shown on a map at a scale of 1:250 000 attached to the agreement. The remainder of the long agreement was concerned with the technical arrangements for the supervision of the armistice by the Military Commission, and the Neutral Supervisory Commission, and for the exchange of prisoners of war.

The demilitarized zone was almost entirely depopulated after the signing of the agreement, although two villages, one on each side of the line, continued to be occupied. In May 1956 a short sector of the wire fence marking the northern edge of the demilitarized zone near Taeryong-Ni ( $37^{\circ} 51'$  north and  $126^{\circ} 39'$  east) was moved up to 500 metres south in order to give civilians access to farmland, which had been lying disused. This military demarcation line has been indistinguishable from an international boundary since it was created; its future role will depend on the outcome of future negotiations between North and South Korea on political reunification.

### References

- Grey, A. L. (1951). The thirty-eighth parallel. *Foreign Affairs*, 29, pp. 482-7.  
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 United Nations (1954). *Yearbook of the United Nations 1953*. New York.

## Armistice Agreement, 27 July 1953

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Agreement between the Commander-in-Chief, United Nations Command, on the one hand, and the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers, on the other hand, concerning a military armistice in Korea.

### Preamble

The undersigned, the Commander-in-Chief, United Nations Command, on the one hand, and the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers, on the other hand, in the interest of stopping the Korean conflict, with its great toll of suffering and bloodshed on both sides, and with the objective of establishing an armistice which will insure a complete cessation of hostilities and of all acts of armed force in Korea until a final peaceful settlement is achieved, do individually, collectively, and mutually agree to accept and to be bound and governed by the conditions

and terms of armistice set forth in the following Articles and Paragraphs, which said conditions and terms are intended to be purely military in character and to pertain solely to the belligerents in Korea.

## Article I

### Military Demarcation Line and Demilitarized Zone

1. A Military Demarcation Line shall be fixed and both sides shall withdraw two (2) kilometers from this line so as to establish a Demilitarized Zone between the opposing forces. A Demilitarized Zone shall be established as a buffer zone to prevent the occurrence of incidents which might lead to a resumption of hostilities.

2. The Military Demarcation Line is located as indicated on the attached map (Map 1).

3. The Demilitarized Zone is defined by a northern and a southern boundary as indicated on the attached map (Map 1).

4. The Military Demarcation Line shall be plainly marked as directed by the Military Armistice Commission hereinafter established. The Commanders of the opposing sides shall have suitable markers erected along the boundary between the Demilitarized Zone and their respective areas. The Military Armistice Commission shall supervise the erection of all markers placed along the Military Demarcation Line and along the boundaries of the Demilitarized Zone.

5. The waters of the Han River Estuary shall be open to civil shipping of both sides wherever one bank is controlled by one side and the other bank is controlled by the other side. The Military Armistice Commission shall prescribe rules for the shipping in that part of the Han River Estuary indicated on the attached map (Map 2). Civil shipping of each side shall have unrestricted access to the land under the military control of that side.

6. Neither side shall execute any hostile act within, from, or against the Demilitarized Zone.

7. No person, military or civilian, shall be permitted to cross the Military Demarcation Line unless specifically authorized to do so by the Military Armistice Commission.

8. No person, military or civilian, in the Demilitarized Zone shall be permitted to enter the territory under the military control of either side unless specifically authorized to do so by the Commander into whose territory entry is sought.

9. No person, military or civilian, shall be permitted to enter the Demilitarized Zone except persons concerned with the conduct of civil administration and relief and persons specifically authorized to enter by the Military Armistice Commission.

10. [Civil administration and relief in Demilitarized Zone]

11. [Freedom of movement for supervisory teams]

## Article II

### Concrete arrangements for cease-fire and armistice

#### A. General

12. The Commanders of the opposing sides shall order and enforce a complete cessation of all hostilities in Korea by all armed forces under their control, including all units and personnel of the ground, naval, and air forces, effective twelve (12) hours after this Armistice Agreement is signed. (See Paragraph 63 hereof for effective date and hour of the remaining provisions of this Armistice Agreement.)

13. In order to insure the stability of the Military Armistice so as to facilitate

the attainment of a peaceful settlement through the holding by both sides of a political conference of a higher level, the Commanders of the opposing sides shall:

(a) Within seventy-two (72) hours after this Armistice Agreement becomes effective, withdraw all of their military forces, supplies, and equipment from the Demilitarized Zone except as otherwise provided herein. All demolitions, minefields, wire entanglements, and other hazards to the safe movement of personnel of the Military Armistice Commission or its Joint Observer Teams, known to exist within the Demilitarized Zone after the withdrawal of military forces therefrom, together with lanes known to be free of all such hazards, shall be reported to the Military Armistice Commission by the Commander of the side whose forces emplaced such hazards. Subsequently, additional safe lanes shall be cleared; and eventually, within forty-five (45) days after the termination of the seventy-two (72) hour period, all such hazards shall be removed from the Demilitarized Zone as directed by and under the supervision of the Military Armistice Commission. At the termination of the seventy-two (72) hour period, except for unarmed troops authorized a forty-five (45) day period to complete salvage operations under Military Armistice Commission supervision, such units of a police nature as may be specifically requested by the Military Armistice Commission and agreed to by the Commanders of the opposing sides, and personnel authorized under Paragraphs 10 and 11 hereof, no personnel of either side shall be permitted to enter the Demilitarized Zone.

(b) Within ten (10) days after this Armistice Agreement becomes effective, withdraw all of their military forces, supplies, and equipment from the rear and the coastal islands and waters of Korea of the other side. If such military forces are not withdrawn within the stated time limit, and there is no mutually agreed and valid reason for the delay, the other side shall have the right to take any action which it deems necessary for the maintenance of security and order. The term "coastal islands", as used above, refers to those islands which, though occupied by one side at the time when this Armistice Agreement becomes effective, were controlled by the other side on 24 June 1950; provided, however, that all the islands lying to the north and west of the provincial boundary line between Hwanghae-Do and Kyonggi-Do shall be under the military control of the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers, except the island groups of Paeng-yong-Do (37° 58' N, 124° 40' E), Taechong-Do (37° 50' N, 124° 42' E), Sochong-Do (37° 46' N, 124° 46' E), Yonpyong-Do (37° 38' N, 125° 40' E), and U-Do (37° 36' N, 125° 58' E), which shall remain under the military control of the Commander-in-Chief, United Nations Command. All the islands on the west coast of Korea lying south of the abovementioned boundary line shall remain under the military control of the Commander-in-Chief, United Nations Command. (See Map 3.)

(c), (d) and (e) [Arrangements for reinforcements]

(f) [Grave registration]

(g), (h), (i) and (j) [Assistance to supervisory teams]

14, 15, 16 and 17 [Application of terms of Agreement]

18. [Shared costs of supervisory teams]

## B. Military Armistice Commission

1. Composition [Sections 19–23]

2. Functions and Authority [Sections 24–30]

3. General [Sections 31–25]

**C. Neutral Nations Supervisory Commission**

1. **Composition** [Sections 36–40]
2. **Functions and Authority** [Sections 41–43]
3. **General** [Sections 44–50]

**Article III**

**Arrangements relating to prisoners of war**

[Sections 51–59]

**Article IV**

**Recommendations to the Governments concerned on both sides**

[Section 60]

**Article V**

**Miscellaneous**

[Sections 61–63]

Done at Panmunjom, Korea, at 1000 hours on the 27th day of July 1953, in English, Korean and Chinese, all texts being equally authentic.

**Kim Il Sung**  
Marshal, Democratic People's  
Republic of Korea  
Supreme Commander,  
Korean People's Army

**Peng Teh-Huai**  
Commander,  
Chinese People's Volunteers

**Mark W. Clark**  
General, United States Army  
Commander-in-Chief,  
United Nations Command

**Present**

**Nam Il**  
General, Korean People's Army  
Senior Delegate,  
Delegation of the Korean People's  
Army and the Chinese People's  
Volunteers

**William K. Harrison, Jr.**  
Lieutenant General, United States Army  
Senior Delegate,  
United Nations Command Delegation

## Conclusion

This survey of the evolution of the land boundaries of mainland Asia leads to conclusions in respect of Asian history and the systematic analysis of frontiers and boundaries as part of political geography.

In almost every chapter it is made clear that the present political framework of Asia was fashioned during the colonial period before World War I, though the political realities underlying that framework were, for the most part, much older. This conclusion applies to four categories of boundaries. First, there are those lines, such as the eastern boundary of Thailand, which were fixed with considerable detail before 1914, and which still occupy the same position today. Second, there are boundaries, such as those between Burma and China and between Burma and India, which were settled during the colonial period and which have been confirmed by new treaties between independent states in recent years. The alignment of such boundaries has not been significantly altered. At the most small, unimportant areas in remote regions have been exchanged, and the boundary description has been corrected to take account of more accurate surveys. Third, some boundaries have been negotiated between independent Asian states along the *de facto* lines of occupation established during the colonial period. In this category are found the boundaries of China with Mongolia, Afghanistan, Pakistan and Nepal. Fourth, in the Indian sub-continent and French Indo-China, the boundaries between the states which have become independent since 1945 are based on the internal administrative boundaries of the colonial empires.

The imperial powers drew the boundaries of Asia for their own self-interest and convenience. The international boundaries were first based on strategic grounds. Britain, France, Russia and Japan tried to create boundaries which were easy to defend; and in the case of Britain there was an evident anxiety, in the Taghdumbash Pamir and the upper Mekong valley, to avoid direct contact with territory governed by Russia and France respectively. Only after a line which satisfied their strategic requirements had been broadly fixed did the imperial powers turn to other issues, such as the economic potential of the borderland, and the need to preserve indigenous social and political structures intact, in order to settle the detailed alignment. In many cases, of course, apparently altruistic arguments were advanced on such issues to disguise the fundamental strategic intent of the negotiators. For example, the prime concern of the British authorities in the negotiations with Russia over the northern boundary of Afghanistan between the Hari Rud and the Amu Darya, was to prevent Russia from establishing a line of outposts south of the arid Yugo-Vostochnoye desert. In an effort to prevent this Russian advance southwards, British authorities laid stress on the existing political and economic arrangements in

the area, which tied it to Afghanistan. However, it was only after Russia had unilaterally established its presence south of the desert that the detailed examination of the distribution of ethnic groups and irrigation canals was undertaken. It was not only in the high mountains and baked deserts that strategic interests were paramount. France kept strategic requirements to the fore in drawing the eastern boundary of Cambodia. The Cambodian 'duck's beak', which pointed towards Saigon between the East and West Vaico rivers, was severely trimmed, and effective control was established over the entire delta of the Mekong river. Along the southern foothills of the Himalayas, British authorities in India drew boundaries with Nepal, Sikkim and Bhutan through the marshy duars to reduce the possibilities of raids from these states into the adjacent lowlands.

The internal administrative boundaries of British India and French Indo-China, which formed the basis for the boundaries which separate Pakistan and India, India and Bangla Desh, and Laos and Vietnam, were drawn on grounds of administrative convenience rather than strategic need. Through the level plains of India occupied by recognizable indigenous states, the British authorities drew boundaries which preserved this indigenous structure, because in most cases British authority was extended by treaties of protection and cession with the local rulers. It was convenient, in such cases, to preserve the existing boundaries which had evolved, in some cases, over a long period. In fact this policy was so general that British rule fossilized the enclaves and exclaves of Cooch Behar and Bengal, which created serious problems for India and Pakistan when the latter country still controlled East Pakistan. In French Indo-China the more rugged nature of the terrain and the less identifiable indigenous political structure made it convenient for France to draw boundaries which coincided with the main mountain ranges and rivers.

The present process can be summarized by a biblical analogy. The new wine of Asian nationalism has fermented in the old wineskins of the colonial boundaries, and the process has been attended with certain problems, for the second major conclusion must be that there exists a number of potentially serious boundary disputes of three main types in mainland Asia. First, there are the territorial disputes which fall into three categories. Conflict over areas where there was no colonial boundary forms the first category, which includes the dispute between India and China over the Aksai Chin plateau and the southern slopes of the Assam Himalayas. The dispute between India and Pakistan over Jammu and Kashmir could also be placed in this category, and the possibility exists for claims and counter-claims between China and the Soviet Union over the mountainous region along their border, immediately north of Afghanistan, which is not the subject of any international treaty. The second category of territorial disputes concerns situations where independent states allege that the treaties which define their boundaries were fixed by coercion in periods of weakness. China has made this stand over several of its boundaries, one of which has been rectified by negotiations with Burma. However, the most unequal treaties were negotiated with Tsarist Russia in the last century. Another country which may consider that it was unjustly treated during the last century is Thailand. It lost provinces to Britain and France, and the fact that these were briefly reclaimed with Japanese assistance during World War II demonstrates that Thailand might still harbour hopes of regaining these territories, such as the west bank of the Mekong south of Luang Prabang, and the Cambodian plains around Battambang, if the opportunity ever arose. The last category of territorial dispute concerns those states which covet adjoining borderlands for ethnic or strategic reasons. The prime example is provided by Afghanistan. It is known that Afghanistan has encouraged those Pathans in the northwest of Pakistan who wish to secede from that state. This was probably done in the hope that Afghanistan could

dominate such a new state and secure access to the sea. It will be interesting to see whether Afghanistan becomes involved in the difficulties which the Pakistan government is facing in Baluchistan, which stands between Afghanistan and the Arabian Sea.

The second type of boundary dispute relates to those situations where an international boundary divides some joint resource in adjoining borderlands. The main dispute of this type fortunately appears to have been solved. It concerned the use of water in the major rivers which rose in northwest India and flowed into Pakistan. Resource disputes of this type are always possible when major rivers form international boundaries, or flow from one country to another, as is the case with the rivers Mekong, Amur, Ganges, Brahmaputra, Amu Darya, Hari Rud and Salween in mainland Asia. The other trans-border resources which have caused problems in other regions, such as the Middle East and the North Sea, are petroleum and natural gas fields. No deposits of this kind have been proved yet in the borderlands of mainland Asia. If they exist they are most likely to be found in the peripheral, sedimentary lowlands of the Indian sub-continent and Indo-China, or on the continental shelves of the entire continent. Exploration in the Gulf of Thailand and reported successes off the north coast of Malaysia may encourage states to negotiate offshore continuations of their land boundaries.

The third type of boundary dispute relates to the functions applied by governments at their border. These disputes are mainly concerned with illegal movements of people and goods across international boundaries. The illegal movements of rebel Nagas from Indian Assam to Burma, and of rebel Pathans from Pakistan to Afghanistan, and the use of parts of Laos and Cambodia for bases by communists involved in the war in South Vietnam, have created problems of this type between the countries concerned. The decision of the Pakistan government in 1961 to stop the transhumance movement of Powindahs from Afghanistan created a dispute in this category. The Powindahs are pastoralists who moved down to the plains of Pakistan with their herds and flocks during winter. Normally 100 000 made this journey each year, returning to the upland pastures of Afghanistan in spring, and the closing of the boundary by the Pakistan authorities caused major problems for the Afghan government, who had to resettle these people, and transform their way of life. Smuggling across the Malaysia-Thailand boundary has periodically created problems for both governments, which they have attempted to resolve by border agreements.

There is a fourth kind of boundary dispute, which is not presently very evident in Asia. This concerns ambiguities in the boundary definition, which leads the countries involved to urge the interpretation which is most favourable to their own interests. There are plenty of ambiguous phrases in the boundary descriptions recorded in this book, but they do not appear to have given rise to specific disputes. One example will demonstrate this point. The boundary between China and Russia follows the Amur as far as its confluence with the Ussuri, and then follows that river southwards. Unfortunately there are two possible opposed interpretations, and the ownership of the triangle of land between the two branches of the rivers depends on which branch is regarded as the boundary. Disputes of this kind will only develop if the remote borderlands of mainland Asia are developed and settled, or if a deteriorating security situation, as along the Sino-Indian border, makes it important for the local commanders to establish their areas of operation exactly.

The third major conclusion is that many of the international boundaries of mainland Asia coincide with prominent geographical features. First, there are the boundaries which have been drawn through high mountains, such as the Hindu Kush, the Himalayas, the Tien Shan and the Naga Hills; through deserts such as the Gobi and the Thar; and along major rivers, such as the Amur, Ussuri, Hari Rud,

Mekong, Ganges, Amu Darya and Salween. It must be noted that in all these cases the geographical features have width and a particular boundary site must be selected within them. The greatest scope for variation occurs in the broad deserts and the least within major rivers. But even with large rivers there is a variety of lines possible. These include the thalweg, or line of deepest continuous water, and a median line equidistant from each shore, and either of the banks. Many politicians and diplomats believe that the only proper boundary through mountains coincides with the main watershed, but this is the view of the plainsman. It is also possible to draw boundaries along the crest, which usually deviates from the watershed, or along the junction of the plains and the mountains. In the Himalayas the states of Nepal, Sikkim and Bhutan exist between a general watershed boundary to the north and a foothills boundary along the south. East of these countries, where China and India dispute the Assam Himalayas, India seeks a watershed boundary, while China presses for one coincident with foothills.

The next conclusion connected with Asian history is that the evolution of mainland Asia's international boundaries should not be considered complete. In some areas such boundaries have not been drawn, in other areas delimited boundaries have not been demarcated, and in still other areas demarcated boundaries are regarded as unsatisfactory by one of the adjoining states. It can be expected that in the future there will be at least slight changes in the alignments of some international boundaries, and that Asian states will conclude treaties to simplify the administration of borderlands and trans-boundary traffic.

The last conclusion about the history of Asia's mainland boundaries concerns the maritime limits of the coastal states. Concern with such boundaries was becoming evident in the last phase of boundary evolution, following the conferences on the Law of the Sea organized by the United Nations in 1958 and 1960. It was decided not to consider such boundaries in this study because the position regarding the limits of territorial waters, exclusive fishing zones and continental shelves was not clearly established in all cases. It is certain, however, that the next important phase of Asia's boundary development will be the construction of maritime boundaries which give the coastal states control over such significant resources as exist offshore. The regulations prescribed by Indonesia and Malaysia to govern the passage of tankers through the Strait of Malacca; the complaints by China regarding oil exploration in the waters of South Korea; the alleged intrusion of Japanese trawlers into fishing zones proclaimed by the Soviet Union off its Asian coast; and the dispute between Cambodia and South Vietnam over the ownership of the continental shelf southwest of Ha Tien are only a few indications of this trend.

This is not the place to describe in detail the conclusions which this study has for the systematic study of the political geography of international boundaries, but two points must be made. First, this analysis of Asia's mainland boundaries has confirmed all the general principles about international boundaries established by political geographers such as Hartshorne, Jones and Prescott, regarding the nature of frontiers, the evolution of boundaries, the causes and solution of boundary disputes, and the transformation of border landscapes. Second, the many reports of boundary commissioners are a mine of information for historians, anthropologists, lawyers, political scientists, and geographers other than political geographers, because of the range of details, precisely recorded in text, tables and maps, for precise, often remote areas, at particular times.



