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GENERAL ASSEMBLY

Forty-third session

Items 42, 72, 130 and 137 of the  
preliminary list\*

QUESTION OF PEACE, STABILITY AND  
CO-OPERATION IN SOUTH-EAST ASIA  
REVIEW OF THE IMPLEMENTATION OF THE  
DECLARATION ON THE STRENGTHENING  
OF INTERNATIONAL SECURITY

PEACEFUL SETTLEMENT OF DISPUTES  
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DEVELOPMENT AND STRENGTHENING OF  
GOOD-NEIGHBOURLINESS BETWEEN STATES

SECURITY COUNCIL

Forty-third year

Letter dated 25 March 1988 from the Chargé d'affaires a.i. of the  
Permanent Mission of the Lao People's Democratic Republic to the  
United Nations addressed to the Secretary-General

On instructions from my Government and further to my previous letters concerning the situation along the Lao-Thai border in the area of Nabonoi commune, Botène district, Sayaboury Province, I have the honour to transmit to you herewith the texts of the translations from Lao of the press release issued by the delegation of the Government of the Lao People's Democratic Republic dated 18 March 1988 (annex I) and of the note verbale of the Ministry for Foreign Affairs of the Lao People's Democratic Republic dated 23 March 1988 addressed to the Embassy of the Kingdom of Thailand (annex II).

I should be grateful if you would have the text of this letter and its annexes circulated as an official document of the General Assembly, under items 42, 72, 130 and 137 of the preliminary list, and of the Security Council.

(Signed) Alounkeo KITTIKHOUN  
Chargé d'affaires a.i.

\* A/43/50.

ANNEX I

Press statement issued on 18 March 1988 by the governmental delegation of the Lao People's Democratic Republic concerning the result of the negotiations held at Vientiane

1. As a continuation of the negotiations held between the governmental delegations of the Lao People's Democratic Republic and the Kingdom of Thailand at Bangkok on 3 and 4 March 1988, the negotiations at the same level between the two countries, aimed at settling the confrontation that has occurred in the border area between Botène district of the Lao Sayaboury Province and Chattakarn district of the Thai Phitsanoulouk Province, took place at Vientiane on 17 and 18 March 1988.

The negotiations were held in a good and frank atmosphere, with a view to finding a solution to the incidents in the said area on the basis of justice and equality.

Both delegations have reaffirmed their duties to consult together on the solution of the incident in the area connecting Botène district of the Lao Sayaboury Province and Chattakarn district of the Thai Phitsanoulouk Province on the basis of the principles of law and justice, by adhering to the 1907 Franco-Siamese Treaty and the relevant maps, as well as the goals of the negotiations as stipulated in the joint press statements issued by the military delegations of both sides on 17 and 24 March 1988 and reiterated in the message dated 24 February 1988 of the Prime Minister of the Kingdom of Thailand, Mr. Prem Tinsulanond, and in that of 26 February 1988 of the Chairman of the Council of Ministers of the Lao People's Democratic Republic, Mr. Kaysone Phomvihane.

In that spirit, the Lao side has specified its positions on the Thai proposal to create an ad hoc committee in order to examine, supervise and demarcate the borderline. The Lao side does not see any inconvenience in the creation of the aforementioned committee, but above all the two governmental delegations must agree upon the principles and fundamental issues on the basis of which this committee will discharge its function. The said committee would not be able to act in the name of the governmental delegations of both countries. In relation to the re-establishment of the border commission at different levels, which was created in accordance with the 1979 Lao-Thai joint communiqués, the Lao side believes that this commission would work in an efficient manner only when the incidents between the two countries would be definitely settled on the basis on mutual respect for independence, sovereignty and territorial integrity, in conformity with international law and the Charter of the United Nations.

2. The governmental delegations from both sides will continue the consideration of juridical arguments by adhering to the Franco-Siamese Treaty of 23 March 1907 and the relevant maps.

(a) From the juridical standpoint:

The Lao side assesses that the 23 March 1907 Franco-Siamese Treaty and the Protocol annexed thereto are the undeniable juridical basis for locating the borderline between Laos and Thailand in this region.

Clause 2 of the said Protocol stipulates that "on the side of Luang Prabang, the border at the south detaches from the Mekong at the mouth of the Nam Huong and follows the thalweg of this stream up to its source located at the Phou Khao Mieng. From there, the border traces the watershed between the Mekong and the Menam up to the point called Keng Pha Day, in conformity with the borderline adopted by the former commission of border demilitation on 16 January 1906".

Thus, the Nam Huong constitutes the borderline between Laos and Thailand in this region. In addition to the Franco-Siamese Treaty of 23 March 1907 and its Protocol, annexed thereto, all other juridical documents agreed upon by the two French and Siamese sides before and after 1907 clearly stipulate that the Nam Huong is the borderline in this region. There exists no juridical documents which formulate that the Nam Huong Nga constitutes the borderline.

(b) From the standpoint of maps:

In clause 2 of the Protocol, no map or sketch annexed to the Treaty was mentioned. The Lao side asserts therefore that there exists no map on this region in the Treaty; the Thai side itself has recognized this fact.

Since there exists no map annexed to the Treaty, the Lao side believes that relevant maps could help in the search of the Lao-Thai borderline in this region. The relevant maps must be in conformity with the spirit and letter of the Franco-Siamese Treaty of 23 March 1907 and its Protocol annexed thereto.

3. Both sides did not reach an agreement over some fundamental issues from the juridical, as well as administrative standpoints. The meeting between the two governmental delegations did not achieve its mission and has not reached the expected results.

The governmental delegation of the Lao People's Democratic Republic stands ready to continue the dialogue at Bangkok or at Vientiane with the aim of settling the problem peacefully.

ANNEX II

Note verbale dated 23 March 1988 from the Ministry of Foreign  
Affairs of the Lao People's Democratic Republic to the  
Embassy of Thailand

The Ministry of Foreign Affairs of the Lao People's Democratic Republic presents its compliments to the Embassy of the Kingdom of Thailand and has the honour to acknowledge receipt of the latter's notes No. 259/2531 and No. 260/2531 dated 18 and 21 March 1988 respectively. In this regard, the Lao Ministry of Foreign Affairs would like to make the following comments:

1. The Lao People's Democratic Republic congratulates the Kingdom of Thailand for its intention to re-establish and improve the border committee, which was set up in accordance with the two 1979 Lao-Thai joint communiqués.

The Lao People's Democratic Republic, for its part, has strictly respected and implemented the 1979 joint communiqués and has always striven to improve the work of this border committee. The reason such a border committee could not function was that it did not entirely perform its role.

The Lao People's Democratic Republic is of the view that the structure and the role of the re-established and reinforced border committee must conform to the letter of the 1979 Lao-Thai joint communiqué, namely, the one dated 4 April 1979, in which the heads of the Governments of both countries have agreed "to turn the entire Lao-Thai border (fluvial and terrestrial) into a border of peace and friendship on the basis of the strict respect for each other's independence, sovereignty, territorial integrity and legitimate interests, as well as for the principle of peaceful settlement of all differences".

Nevertheless, the Lao side believes that the present urgent border problem that has occurred in the area connecting the Botène district of the Lao Sayaboury Province and the Chattakarn district of the Thai Phitsanoulouk Province is to be settled by the governmental delegations of both countries. The success in reaching a solution to this problem will create favourable conditions for the efficient work of the border committee of the two countries.

In order to settle the border incidents in the area between the Sayaboury Province of Laos and the Phitsanoulouk Province of Thailand, the Lao governmental delegation has clarified its position in the two rounds of negotiations, held on 3 and 4 March 1988 at Bangkok and on 17 and 18 March 1988 at Vientiane, and has stressed many times that the Lao side does not reject the creation of this joint technical committee. At present, the governmental delegations of both countries are continuing the consultations in order to progress to the delineation of the borderline in the area between Botène district and Chattakarn district, in keeping with the Treaty of 23 March 1907 and the relevant maps. Whenever the two sides are able to locate the borderline in this area, it will be appropriate to establish this joint Lao-Thai technical committee for a concrete survey in the field. This

committee will only be an organ to be established for the implementation of the duties entrusted to it by the governmental delegations, but it can not replace the governmental delegations of both countries.

In the two rounds of negotiations, the Thai governmental delegation did not only reject the reasonable proposals to delineate the border forwarded by the Lao side in conformity with the letter of the Franco-Siamese Treaty of 23 March 1907 and the Protocol annexed thereto, but maintains its position concerning the map, which was proved by the Lao side to possess no juridical basis.

Furthermore, the Thai side still does not recognize the Nam Huong as the borderline, as it was clearly stipulated in the Treaty and its Protocol of 23 March 1907. Such an attitude demonstrates the Thai intention to prolong the negotiations and delay the solution to the border contention in this area, and this, with the aim of continuing to encroach upon a part of the Lao territory in this area. Hence, the negotiations did not reach the expected results and does not respond to the aspirations and expectations of the Lao and Thai peoples or to public opinion in the region and in the world.

3. The Lao People's Democratic Republic reaffirms once again its consistent stand: its intention to settle the border incident in this area by peaceful means and through negotiations. The governmental delegation of the Lao People's Democratic Republic stands ready to go to Bangkok at any time to continue the negotiations aimed at finding a solution to this border incident on the basis of justice and equality, in the interest of the long-standing and eternal friendship between the brotherly Lao and Thai peoples and of peace and security in South-East Asia and in the world.

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