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LAOS MAPPED BY TREATY
AND DECREE, 1895–1907

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The familiar shape of Laos emerged on modern maps between 1895 and 1907. This study provides a brief introduction to the complex process of defining Laos territorially in relation to the five neighbouring countries, during the first decade and a half of French colonial rule. It does not attempt to examine the political negotiations among the four governments (British, Chinese, French and Thai) that carved up the interior of mainland South-East Asia through international agreements. That subject and some of the technical aspects of demarcation have been documented by numerous authors.¹ Since earlier works have already described the general historical context in which French Laos came into existence, this study investigates the series of legal instruments that determined the modern boundaries. It also raises some debatable issues that clearly deserve more detailed investigation.

EARLY TECHNICAL SURVEYS

Prior to the mid-1890s, no one had any clear idea about the configuration that Laos would take on the map. In published maps of the mid-nineteenth century, few places in Laos were marked with any precision, and even the physical features of the Mekong valley were only roughly known. The Ernest Doudart de Lagrée mission up the Mekong River during 1866–7 produced the first map

(Garnier 1873) based on a brief scientific survey. Further details were added by explorers, such as Etienne Aymonier (1885, 1895, 1897) and Paul Neis (1885), who visited Laos during 1883 and 1884.

Technical surveys on a more comprehensive scale were carried out separately by French and by Thai officials beginning in the mid-1880s. The first map based on their efforts was prepared by the Thai survey department, under the direction of James McCarthy, and was published in 1888. The French surveys were coordinated by Auguste Pavie, who arrived in Laos in 1887. His regional map was printed for French government use in 1893 and served as a primary reference for the French diplomats and colonial officials who negotiated the definitive western boundaries of Laos. Other published maps (such as Pelet 1902) were not detailed or accurate enough to meet the needs of negotiators. The Pavie maps—including an atlas that appeared in 1903—although incomplete and inaccurate in some respects, were the best ones available to the joint commissions that carried out demarcation work along the Chinese-Lao boundary during 1896–7 and the Lao-Thai boundary during 1905–7.

In examining the diplomatic negotiations and administrative decisions that determined the final configuration of Laos on the map, it is important to bear in mind that the geographical service of the Indochina government had barely begun the great task of making technical surveys in Laos at the time that the boundary lines were drawn. Its detailed maps were not completed until later. Indeed, for much of Laos, maps showing precise boundary lines were never compiled at all.

LEGAL STATUS OF LAOS AS A FRENCH COLONY

When the Government of Indochina was established in 1887, the French colony (Cochinchina) was the only political unit that had a defined boundary. On behalf of the governments of the French protectorates—Cambodia and Annam (Central Vietnam)—France reserved all their historic claims to territory in the interior. After the

1867 Franco-Thai treaty² divided Cambodia and attempted to define a common boundary between the French and the Thai spheres in Cambodia, French diplomats and colonialists adopted a policy of avoiding any international agreements that implied French recognition of a boundary elsewhere in the Mekong valley. This policy was maintained in the Franco-Thai treaty of 1893, which enabled the French to take control of the left-bank of the Mekong but was specifically worded to avoid any reference to a boundary.

French administration in Laos did not come into existence on the basis of an agreement with an indigenous government.³ Laos was therefore unlike the other constituent states of French Indochina (including Tonkin, which belonged to Annam but was administered separately as a protectorate). In the protectorates, treaties with the Vietnamese and Cambodian governments were ratified by the French parliament, provided the legal basis for French rule and bound France to the treaty terms. By contrast, during 1893 and 1894, individual commissionerships were created in the principal Lao administrative centres by order of the governor general of Indochina. Once French control was established and the cooperation of local Lao leaders was secured, this string of posts was combined into two regional military commands by order of the governor general in June 1895. The northern provinces were placed under a commandant for upper Laos, and the remaining provinces came under another commandant for lower Laos. The two halves of Laos were combined by decree of the governor general in February 1899, and an April 1899 decree by the president of the French republic gave the head of the unified colonial service in Laos the title of resident superior, making him equal in rank to his counterparts in Annam, Cambodia and Tonkin. By a separate presidential decree later the same year, the colonial officials in Laos were incorporated into the Indochina civil service.

The powers of the Indochina government were flexible enough to allow considerable local variation in the structure of administration, without approval from the French parliament. Not surprisingly, French colonial administration in Laos evolved according to the pattern already established in the three protectorates. Unlike the administrators of a French colony, the civil service in Laos carried

out its functions to the extent permitted by a meagre budget, supplemented by the administrative efforts of Lao leaders in each province. The resulting administrative structure was thus moulded by fiscal necessity into a hybrid between the protectorate model and the colony model.

Although there was no indigenous Lao government, officials in Paris assumed from the outset that Laos must be a protectorate, and they regularly used this term in correspondence up to 1911. In that year, however, a presidential decree redefined the powers of the governor general, and the applicability of the term 'protectorate' in the case of Laos was debated at length. The French colonial and foreign ministries concluded that Laos was a 'colony' under French law and that French laws applicable to French colonies in general were therefore in force in Laos.⁴

Only after the Laos representative advisory council was created in 1920—followed by an elected assembly in 1923 and the promulgation of the Lao law code—did technical issues bring the question of legal status to the fore. What was the legal basis for establishing and enforcing the law code? If Laos was a colony where French law should prevail, to what extent could it be governed lawfully as though it were a protectorate? In response to the governor general's request for a definitive decision to resolve such problems, the Supreme Colonial Council in France considered all the legal arguments, and its conclusions were printed in the government gazette (*Journal Officiel*, 5 June 1930). The council's opinion is the only published official statement on the subject, and it concluded that Laos in its entirety was a French colony.⁵

The publication of these findings placed the Indochina government in an extremely awkward position with respect to its policy in Luang Prabang. For internal administrative convenience and for reasons of prestige in dealing with British Burma, China and Thailand, French colonial authorities consistently treated the hereditary rulers of Luang Prabang as kings, thereby creating the illusion that the historic territory of Luang Prabang was a protectorate of the French republic. A protectorate convention was, in fact, signed by the Lao king in 1895 and his successor signed two additional conventions in 1912 and 1914. These documents were countersigned,

however, only by the residents superior of Laos, and a fourth was signed in 1917 by the governor general himself. None of these documents was submitted to the French parliament, and they were not recognised by the government in Paris as international agreements.

When the Supreme Colonial Council declared that the protectorate conventions were internal Indochinese arrangements, which had no validity in French law, the king of Luang Prabang protested vigorously. From an administrative point of view, the Indochina government was anxious not to make any changes that would diminish the status and authority of the king, who was a symbol and instrument of stability in a region that would have been difficult and costly to govern as a colony. Such considerations made it necessary to shelve discreetly the government's initial plan to adopt the council's opinion into a presidential decree, which would have made explicit the legal status of Laos.⁶ The existing misconception was thereafter perpetuated, and the Indochina government continued to treat Luang Prabang as an 'internal' protectorate. The governor general and the colonial minister gave the king numerous assurances that his domain was indeed under French protection and would continue to receive all honours due to a protected kingdom. No such recognition was extended, however, by any higher French authority, and the French government took great care to restrict overt recognition to the governor general's office alone.

The legal status of Laos was the subject of a thesis submitted by François Iché to the University of Toulouse. Iché previously served as a magistrate in Champasak Province and was familiar with all aspects of applying French and local law in the different states of Indochina. While he was conducting his research, officials in the colonial ministry in Paris helpfully guided him through all the unpublished conventions and other documents that supported the ministry's policy towards Luang Prabang. Iché, who was returning to the Lao civil service, obligingly made a carefully reasoned argument that the agreements between colonial officials and the king of Luang Prabang were legal, even if never ratified by parliament. His arguments therefore supported the ministry's position that Luang Prabang enjoyed a special protected status and

that the rest of Laos was unquestionably a French colony (Iché 1935: 155, 179, 185).

Considering the subtleties and ambiguities involved in applying French law in Laos, it is not surprising that the legal powers exercised by colonial officials in fixing some of the boundaries were likewise ambiguous. Since Laos was a colony and not a protected state, its territory belonged to France, and the French parliament had absolute power to cede any portion of Laos or to acquire additional territory for Laos through negotiations with other independent governments or with the protectorates of Indochina. The international boundaries of the colonial period were defined by treaties between the French government and the governments of Britain, China and Thailand. The following sections provide an overview of how the northern and western limits of Laos were defined in these international agreements. They also discuss how the internal boundaries with Cambodia and Vietnam, within the Indochina Union itself, were added to the map by colonial officials, exercising powers that had only an ambiguous legal basis.

BOUNDARIES WITH BURMA AND CHINA

The first boundary segment of modern Laos to be determined by international agreement is one of the most remote: the China-Laos line, tentatively defined in the Sino-French convention of June 1895 (see fig. 4). This agreement provided for the extension of the demarcation work on the China-Vietnam line, which had been in progress since 1885. The second boundary was fixed by the British-French declaration of January 1896 along the thalweg of the Mekong River, to divide British Burma from French Indochina. The thalweg is the line that follows the lowest part of a valley and roughly defines the middle of a river.

The demarcation of the Lao boundary with China originated in the 1885 Sino-French treaty, which provided for a joint commission to investigate (and mark, wherever possible) the boundary between Chinese and Vietnamese territory. The initial findings of the commission were incorporated in a delimitation convention in

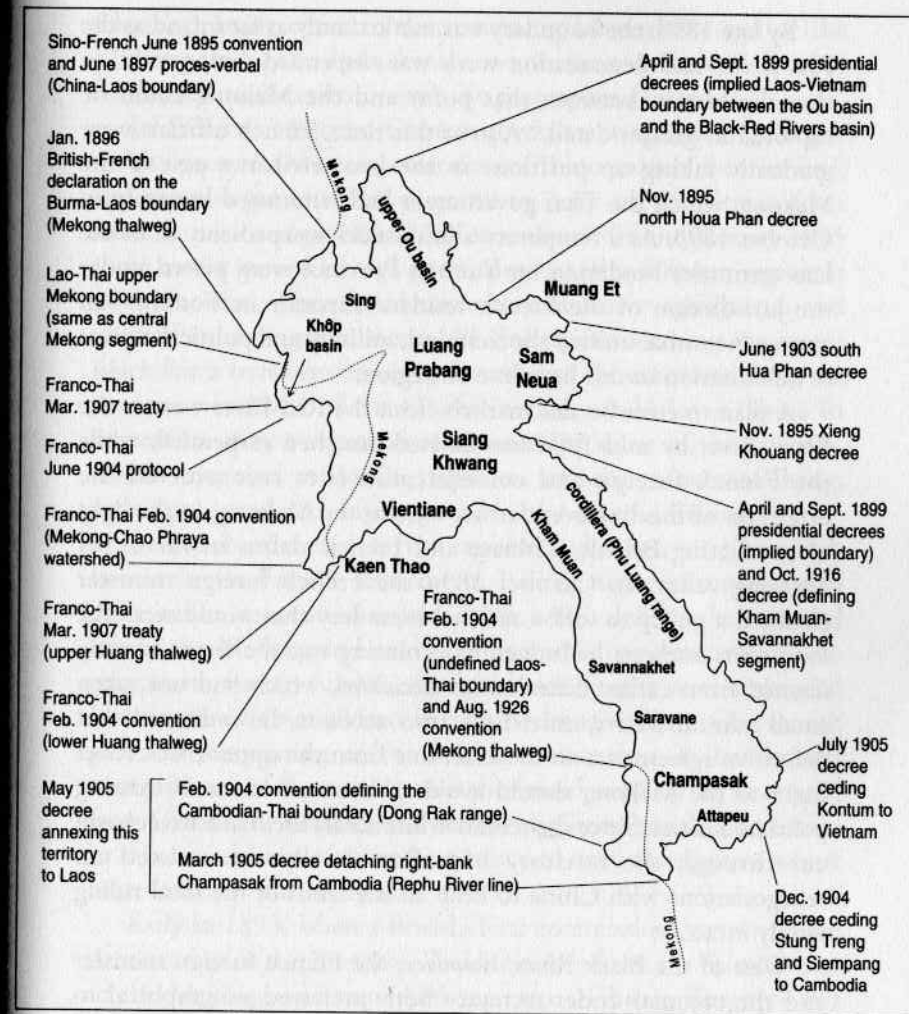


Fig. 4. Lao Boundary Segments by Treaty and Decree, 1895-1907

1887. The westernmost point mentioned in these two agreements was the Black River basin, and the westward extension of this line was left open to further negotiations. Demarcation work proceeded slowly across the China-Vietnam frontier, however, since the French army in Tonkin was still struggling during those years to bring this turbulent region under effective French control.

By late 1893, the boundary was marked only as far inland as the Red River, and demarcation work was suspended temporarily, so that the terrain between that point and the Mekong could be explored in greater detail.⁷ Also at this time, French officials were gradually taking up positions in the Lao territories east of the Mekong, which the Thai government had renounced by treaty in October 1893. As a temporary administrative expedient, all of the Lao territories bordering on Yunnan Province were placed under the jurisdiction of the French resident superior in Tonkin—an arrangement that unified the technical, military and political aspects of delimitation in this little known region.

A plan to erect border markers from the Red River west to the Black River by mid-1894 was devised but then suspended, while the French foreign and colonial ministries reconsidered the extension of this line even farther west to the Mekong, in the light of conflicting British, Chinese and French claims in the upper Mekong valley. In October 1894 the French foreign minister outlined a policy to seek a rational boundary that would serve the long-term interests of Indochina. Pointing out the lesson already learned from earlier delimitation decisions, which had not taken small administrative units fully into account, he indicated that definitive agreements on the exact line from the upper Black River basin to the Mekong should avoid arbitrary divisions of existing political entities. Since the tentative line across the Black River basin cut through the territory of a French ally, he insisted on renegotiations with China to keep all the lands of the local ruling family intact.⁸

West of the Black River, however, the French foreign minister and the colonial under-secretary both preferred geographical to political unity, so that the entire Ou River basin could be retained by Indochina.⁹ The western watershed of the upper Ou was the only physical feature that seemed to provide a simple definition for purposes of demarcation as far as the Mekong. Although the proposed line required a cession of territory by China, including two small Lü governorships in the upper Ou basin, it left the populous and economically most important part of the Lü princely state (Sipsòng Panna) within the borders of China. It supported

China's historic claim to the remaining Lü territory east of the Mekong and gave Indochina a north-western boundary that conformed to the contours of basic geographical features.

In October 1894 the Chinese government agreed in principle on the proposed western extension of the common frontier line, and the two governments prepared to carry out the demarcation work as quickly as possible.¹⁰ In December 1894 and January 1895 three survey groups arrived in the area to verify different segments of the border. They failed to reach conclusive agreements and referred to their governments the findings concerning the upper Black River territory desired by France and the exact line along the western watershed of the Ou basin that would leave China in possession of two important commodities: some of the salt pits, which were vital to the Lü populace, and the gardens of Ibang, which produced a tea highly prized by the court in Beijing.¹¹

Before the detailed survey reports and maps were received, however, the French minister in Beijing signed an additional delimitation convention in June 1895, which defined the extended line to the Mekong and provided for immediate demarcation. To complicate matters further, the British and French were embroiled in a dispute over a small tract of trans-Mekong territory. One month prior to the signing of the Beijing convention, British troops occupied part of the territory that the French were trying to acquire from China. The demarcation work of the Sino-French commission in this area therefore had to be postponed until the dispute, which arose in 1893, was resolved.

Early in 1893, when a British-Thai commission completed the demarcation of the Burmese-Thai boundary from the Salween east to the Mekong, one trans-Mekong state—Chiang Khaeng—was claimed by both governments. The inhabitants of this state were partly Shan and partly Lü. The ruler was a cousin of the Chiang Tung (Kengtung) prince and a relation of the Sipsòng Panna prince by marriage. From his capital at Sing, on the east bank, he governed some rice-growing lands west of the Mekong, but most of his domain was east of the river. The British government renounced its claim to Chiang Khaeng, on condition that the Thai government could not cede the territory to China or France.¹²

Having reached this agreement with the Thai, and assuming that a similar British claim to Sipsòng Panna would be renounced in favour of China, British officials in early 1893 were expecting the joint British-Thai delimitation work to continue. The British and Thai governments envisaged a line between Burmese and Thai territory that would run northward along the Mekong (possibly with a slight deviation west of the river) to the point where the Burma-China boundary reached the Mekong. Since the territory east of this line would be Thai, and since Bangkok had no diplomatic relations with Beijing, the Foreign Office in London suggested that its diplomats in China could act as intermediaries for the demarcation of a common Sino-Thai boundary. Such a line would have kept intact all the political entities that existed at the time, since it would have extended eastward from the Mekong and along the southern limits of Sipsòng Panna, ending at a point on the *eastern* watershed of the Ou basin.

This well-constructed scheme would also have created a comfortable buffer of Thai territory between British and French colonial possessions. But it came unstuck when the Thai government was forced by a French ultimatum to renounce all territorial claims east of the Mekong. Even before the Franco-Thai treaty was signed in October 1893, the British and French governments began talks on the territorial implications for the upper Mekong. Both governments wanted to avoid a common boundary between their respective colonial empires. During 1894 and 1895, in search of a combination of territories that would create a Thai-controlled buffer, a joint commission investigated all possible north-south border lines that could be drawn west and east of the Mekong, but no combination could be found that was acceptable to both sides. After negotiations collapsed, British troops from Burma crossed the Mekong in May 1895, to the great consternation of the French government, and established a garrison in Sing.

Undaunted by this turn of events, the French minister proceeded to sign the delimitation convention in Beijing a month later. Pending further negotiations with Britain, the French tried to keep the terms of the convention secret, especially since they were still attempting to arrange the demarcation of the contested territory,

even though they had lost control of it for lack of any French troops or officials to post there.¹³ The British-French dispute was resolved by a joint declaration in January 1896, which designated the thalweg of the Mekong as the border between Burma and Indochina. A French official reached Sing in May 1896 and took possession of the upper Mekong tract for the colonial government. At this point in time, the Mekong was the only border of Laos that had been precisely defined, since the Sino-French demarcation work was still suspended.¹⁴

While the French representative was en route to Sing, the governor general's office made an embarrassing discovery in the terms of the prematurely concluded Beijing convention. When the document was signed, the French had made only cursory surveys, and they did not know the precise path of the Ou River watershed line. As a result, there were several contradictions between the text of the convention and the appended maps. The text described an east-west line from the Mekong, following the watershed south of the La River basin (which was awarded to China), and by early 1896 the cartographic service of the French colonial ministry had begun to print maps of the definitive boundary showing this line.¹⁵ Not until April 1896, however, did Indochinese officials receive the results of an accurate survey, which revealed that the little stream adjacent to Sing flowed not westward into the Mekong (as previously reported) but northward into the La itself.¹⁶ Having gained possession of Sing from the Thai, then having lost and regained control of the town in the dispute with Britain, the French now realised that they had signed away their rights to this coveted territory in a diplomatic agreement with China.

To avoid formal renegotiation of the convention itself, various internal contradictions between the text and appended maps had to be resolved on a point-by-point basis by the joint boundary commission.¹⁷ In the end, the definitive line was drawn to the north of Sing, as the French wished. The border markers along the China-Laos line were erected by the commission in early 1897, and the final reports were signed in late March. On the first of April, along the trail between the upper Ou River and the Chinese town of Simao, the last marker was put in place.¹⁸ The delimitation process

was completed in June 1897, when the final procès-verbal was signed by the chiefs of the joint commission.

BOUNDARIES OF LAOS WEST OF THE MEKONG

When formulating the 1893 Franco-Thai treaty terms, French officials in Paris selected the Mekong as the sole geographical feature that provided an indisputable line of reference. The clause by which the Thai government was forced to renounce all territorial claims beyond the Mekong was an improvisation by the French government in response to the unanticipated opportunity (provided by the 1893 gunboat incident near Bangkok) to demand a huge territorial concession. In the haste of the moment, no consideration was given to the division of existing political entities. Along the lower Mekong, the capital of Champasak was on the west bank, although most of the lands and populace of this princely state were on the opposite side of the river and therefore passed under French control. In the north, Luang Prabang was similarly divided. Its capital was on the east bank, but part of its territory lay between the river and the mountain range to the west.

Subsequently, yielding to pressure from the French for the reunification of Luang Prabang, the Thai government renounced all rights to the right-bank Lao lands in the upper Mekong in the 1904 Franco-Thai convention. For most of its length, the western boundary of Luang Prabang, as defined in the convention, followed the crest of the mountains that form the watershed line between the Chao Phraya and Mekong basins. The upper and lower extremities of this line, however, were modified in stages during the next three years. At the southern end, the February 1904 convention defined a line that began at the Hüang-Mekong confluence and followed the thalweg of the Hüang River as far as the Tang (a left-bank tributary stream). The line then followed the thalweg of the Tang to its source and the main watershed line. Near the northern end, the boundary ran from the watershed line to the source of the Khòp River and then followed the thalweg of the Khòp for its entire length to the Mekong.

After further negotiations, which resulted in additional territorial concessions by the Thai government, the boundary line was modified by a protocol in June 1904. According to the redefined boundary, the line ran along the Hüang as far as the Man (a right-bank tributary), continued along the thalweg of the Man to the watershed above its source, and then followed the watershed line northward. At the upper end, instead of running from the watershed to the Khòp River, it continued along the crest of the mountains and then down to the Mekong along the next ridge. Under the new arrangement, the Thai government ceded the remainder of the Khòp valley and the portion of Dan Sai district that was on the left bank of the Man River. In the Franco-Thai treaty of 1907, Dan Sai was retroceded to Thailand by reverting to the Hüang River line originally proposed by the French. The definitive line, defined in the delimitation protocol of this treaty, specified a boundary following the thalweg of the Hüang for its entire length. The 1907 protocol also redefined the line above the Khòp and awarded to Luang Prabang an additional sliver of territory along the right bank of the Mekong. The net result of all these adjustments is that the definitive western boundary of Luang Prabang is defined in five separate segments specified in the 1904 convention, 1904 protocol and the 1907 treaty.

A comparison of published and unpublished maps that were available in 1904 reveals that neither the French nor the Thai negotiators had enough knowledge of the geographical features of the Khòp and Hüang basins to define the desired line accurately. The June 1904 protocol attempted to award to Luang Prabang a long sliver of land north of the Khòp confluence. This stretch of the Mekong was inaccessible from the Thai side, because the land drops steeply from the watershed down to the river. Existing maps, based on the Pavie surveys, show a single long ridgeline, parallel to the Mekong and west of this entire tract, and the negotiators attempted to describe this ridge in the text of the protocol. But in the field, the surveyors discovered a short, intervening ridge immediately above the Khòp confluence. Strict application of the protocol definition would have shifted the boundary point on the Mekong considerably far south of the point actually intended, leaving the inaccessible

sliver of land within the Thai borders. The surveyors' findings therefore had to be incorporated into another redefinition in the 1907 treaty.

The original Hüang River decision was likewise based on inadequate knowledge of local geography. A sketch map, compiled for reference by French negotiators to compare the conflicting French, Lao and Thai versions of the Luang Prabang boundary, clearly indicates that the French claimed the entire left bank of the principal waterway (now known to be the Hüang) to its source, including the town of Kaen Thao.¹⁹ Only in 1906 did the first reasonably accurate map become available to the negotiators.²⁰ The 'Tang' (or 'Tane') River specified in the 1904 convention cannot be identified with certainty on any map. The published maps (McCarthy 1888, Pavie 1903 and Pelet 1902, among others) all give the impression, moreover, that the Man and Hüang are a single river and that the waterway now known to be the upper Hüang had a different (but not yet specified) name. The mysterious 'Tang' most likely was a local name for the northern branch of the upper Hüang, which became the definitive boundary. This supposition is supported by the McCarthy map, on which the name Huaytang ('Tang Stream') appears as part of the name of a village near the source of the Hüang. The texts of the February 1904 and March 1907 documents seem to refer to different waterways, whereas in fact the intended line was the same in both cases.

The 1904 and 1907 agreements also defined the right-bank boundary between French and Thai territory in the lower Mekong. The French objective was not to reunite the lands of the historic Lao kingdom in this area, however, since the ruling prince of Champasak (whose capital was on the right bank) continued to acknowledge Thai suzerainty after 1893 and had no independent relations with French colonial authorities. Immediately after the prince's death in 1901, the Thai government began to transform Champasak into an ordinary Thai province, on the grounds that the heir-apparent (who was never consecrated as a dependency prince) was unpopular and lacked the respect of local leaders.²¹ Not all of the little towns in this area belonged to Champasak. Up to 1904, the Thai territory immediately south of the Dong Rak range

was administered from Ubon as part of Isan Circle. It included the remnants of the Champasak prince's domain, two separately administered towns on the lower Mekong and two small towns (Cheom Ksan and Melouprey) slightly to the west but in the Great Lake basin.²² When the Thai government ceded this territory, the new boundary was defined not in reference to Champasak but in terms of a longer line across northern Cambodia, following the watershed of the Dong Rak mountains and ending at the Mekong up-river from Champasak.

Joint surveys were carried out during the next several dry seasons, and maps produced by the boundary commission in both the lower and upper Mekong were printed in 1906.²³ In the delimitation protocol of the 1907 treaty, the line already verified to the west of Champasak was adjusted slightly, by defining the precise point on the Mekong where the line ended. An additional protocol was signed in May 1908, which provided for the preparation of definitive maps of the Indochina-Thai boundary,²⁴ and these maps were published jointly between 1909 and 1912 by the Thai army map department and the cartographic service of Indochina.

AMBIGUOUS MEKONG BOUNDARY

In the course of all these agreements, two stretches of the Mekong continued to separate Laos from Thailand. Most of the international boundary between these two countries today is formed by these two long stretches of the river. It is often assumed (Prescott 1975: 429) that these segments of the boundary were fixed in 1893, but the Franco-Thai treaty of 1893 purposely made no reference to a boundary. The treaty stated only that the Thai government renounced all territorial claims beyond the river and all claims to the islands in the river. On the right bank, moreover, the Thai government remained in control of the hinterlands, but severe restrictions were placed on Thai authority inside a zone 25 kilometres wide, which extended the entire length of the Mekong. Thai soldiers were prohibited from entering the zone, and since most senior provincial officials of the central government were army

officers (and the others never risked travelling without an armed escort), they were unable to exercise full authority over local administration in the zone.

The renunciation clause in the treaty was composed by French officials and imposed on the Thai government as a condition of settling the gunboat incident. At the time of the treaty, the limits of French territorial claims had not yet been determined, and the advocates of French colonial expansion expected, at a future date, to gain control of much additional territory in the Mekong valley. Maintaining a long-established policy of leaving themselves an entirely free hand in future boundary negotiations, the French government in 1893 carefully avoided any terminology that could be interpreted either as a boundary or as French recognition of Thai sovereignty on the right bank.

The Thai renunciation of claims to all islands in the Mekong was interpreted by the French, moreover, as a renunciation of rights to the river itself. By late 1893, as Thai officials withdrew from the left-bank territories and the Mekong-bank towns, and moved inland behind the 25-kilometre limit, the French began to take possession not only of the left bank but also the river. The importance of the river is reflected in the French president's statement when introducing the treaty to the Senate in Paris. He jubilantly proclaimed that, upon ratification of the treaty, 'the waters of the river . . . become exclusively French'.²⁵

The realisation of French dreams of taming the central and upper Mekong seemed imminent in 1894 and 1895, when a steamer service was launched and a French naval gunboat reached the upper Mekong to undertake a thorough hydrographic study. But soon after the turn of the century, the Mekong-mania that fuelled French territorial fervour in the 1890s began to dissipate amidst the stark realities of administering Laos and developing it commercially. The navigable stretches of the Mekong were divided in several places by cataracts and long stretches of rapids, which necessitated heavy government subsidies to maintain a steamer service on each navigable stretch, plus facilities for trans-shipment around the unnavigable ones. In terms of communications and other administrative costs, Laos was a drain on the budget of the

Indochina Union, and it was already clear by the turn of the century that existing and potential forms of taxation in this impoverished region could not produce enough revenue to pay for its skeletal colonial administration. Expectations of commercial development were dampened by the fact that Lao consumers were too poor to buy imported French goods, and most of the forest and mineral resources were so inaccessible that even a rapacious developer would be hard pressed to exploit them profitably. By the time the negotiations for the 1904 Franco-Thai convention were completed, the inflated myth of riches in the interior had been punctured, and the momentum for further French territorial acquisitions in the central Mekong basin had subsided.²⁶

French visions of great transport networks in the Mekong valley persisted, however, and the determination that only the French and the Thai should be involved in the construction and operation of large public works (such as railways) was a major factor in subsequent French negotiations with the Thai government. This goal was partly achieved in the April 1904 British-French declaration, in which Britain agreed to raise no objections if France sought exclusive concessions from the Thai government in the Mekong valley. In the Franco-Thai convention of February 1904, the Thai government accepted the principle of exclusive privileges for the French in public works and, in return, France formally recognised Thai sovereignty over the right-bank lands.

The illusion that the Mekong was already a defined boundary is reinforced by the subtle terminology in the 1904 convention clause that describes the line west of Champasak. This line extends from the Great Lake in Cambodia north to the mountains and then along the Dong Rak range to a point on the Mekong. The clause ends with the statement: 'Up-river from this point, the Mekong remains the boundary of the Kingdom of Siam, in conformity with the first article of the 3 October 1893 treaty.' Since the 1893 treaty article was expressly constructed so that the Mekong was *not* an international boundary, what does this statement mean?

Both sides accepted that a territorial limit had to be specified in the convention, but they could not agree on the exact position of the line. The French government insisted on French sovereignty up

to the shoreline on the Thai side, so that France could exercise undisputed authority in all matters relating to commercial traffic, policing and other river management. Since the Thai government was unwilling to make this concession, the 1904 clause provided a compromise. It formally established a boundary, for the first time, without attempting to define the line. The phrase 'in conformity with the first article of the 3 October 1893 treaty' is not an attempt to declare, retroactively, that this boundary existed since 1893. On the contrary, it allowed the French to continue interpreting the 1893 article in the sense of French sovereignty up to the Thai shoreline, while allowing the Thai government to interpret the same article in a different sense.

The omission of any reference to Indochina or to Laos in this article of the 1904 convention is significant, because the text refers only to the outer limit of Thai sovereignty and not to a common line between Thai and French territory. From the French viewpoint, this subtle solution maintained the status quo by recognising Thai sovereignty only up to the line that the French interpreted as the boundary, without explicitly defining that line. The French foreign and colonial ministers were in agreement that the convention made no concession with regard to the exact line but upheld the French claim to sovereignty over the river.²⁷ This solution also made it unnecessary to apply, along the Mekong itself, another article that required joint verification of the boundary between Thailand and Indochina.

In the succeeding years, the absence of a precise boundary definition posed few practical problems for administration at the provincial level on either side of the river. But it did create a bizarre patchwork of French territorial claims on the right bank. The shoreline theory meant that the boundary changed (always to the advantage of Laos) whenever the river-bed shifted. Thus, if the river cut a new channel through an outcrop of land on the right bank, thereby separating a piece of land from the shore, the new island became part of Laos. Outcrops of land that were attached to the right bank in the dry season but became islands during the flood season were treated as part of Laos in all seasons. If an island near the Thai side became permanently attached to the Thai shore, as

the result of silting in a narrow channel, the former island, together with the former channel, continued to belong to Laos, and the boundary line thereafter followed the former shoreline. Fortunately, no one lived on these low-lying parcels of land, which were exposed annually to flooding, and the disputes that did occasionally arise were mostly about seasonal land-use rights.

The 1904 convention enabled the French government to persist for another two decades in its interpretation that the 1893 treaty gave France exclusive possession and management of the waters of the Mekong. In practice, the Thai government accommodated the shoreline theory but never formally recognised it. Only in the course of negotiations leading to the 1926 Franco-Thai convention did the French relent and agree to the thalweg as the definitive boundary.

LAOS-VIETNAM BOUNDARY

Territorial changes between Laos and the other constituent states of Indochina were made by decree of the governor general. The only precisely defined Lao boundary segments that appear in such decrees are the Rephu River line (with Cambodia) and one portion of the cordillera line (with Vietnam). Although the boundary between Laos and Vietnam follows or is close to watershed lines for most of its 2,100-kilometre length, the lack of published documents long defeated efforts to study the process by which this line was determined (Prescott 1975: 481). An extensive search for unpublished French documentation on the Laos-Vietnam boundary was made by Bernard Gay (1989). He provides a perceptive analysis of how some segments of the boundary came into existence, through French cartographers' efforts to map the locally accepted political and ethnic dividing lines. He describes how the local authorities on each side of such borders dealt with their counterparts on the other side, in the absence of a precise line between their respective spheres of authority. And he argues that, with the exception of the segment defined in 1916, in an effort to clarify jurisdiction over tribal groups, the plan to carry out precise surveys was never implemented, partly because of the prohibitive costs.

When the basic structure of French administration was established in June 1895, the territories under the commandants of upper and lower Laos were defined roughly in terms of jurisdiction over specified Lao towns. The watershed of the cordillera was a convenient line that naturally divided central Vietnam from central Laos. Farther north, however, two states had been dependencies of both Vietnam and Luang Prabang. Several territorial changes were made in these two states, in search of a practical division of authority based on ethnic considerations and existing political units. Siang Khwang (the former Phuan princely state) was incorporated into upper Laos in November 1895. But the Hua Phan state (a group of Lao frontier towns) underwent a series of transmutations.

French administration in the Hua Phan towns began in October 1893, when this territory was annexed by decree to the adjacent military command in Tonkin. The northern Hua Phan towns (including Müang Et) in the upper Ma River basin were transferred to Laos in November 1895. The southern Hua Phan towns (including Sam Nua) in the upper Sam River basin were transferred from Tonkin to Annam in March 1894, by a letter of agreement from the governor general, but this decision was rescinded by a January 1895 decree, which transferred them to Laos. The decree, however, was voided by an August 1896 decree, which annexed them once again to Annam. When the unified administration of French Laos was established in 1899, the Hua Phan towns were the only Lao political unit bordering on Vietnam that remained divided.

Manoeuvres by Vietnamese officials to retain the entire Sam River basin within their borders arbitrarily separated the people of the Hua Phan state, and after a few years it was evident that the watershed line was an impractical boundary. The Lao officials of Sam Nua and nearby towns objected vehemently to the provincial Vietnamese authorities, and by the turn of the century they were demanding reunification with Laos, threatening otherwise to abandon their towns and move the entire populace across the watershed.²⁸ In June 1903, to stem the flow of villagers, who had already begun to move across the border into Laos, the governor general issued a decree that transferred the southern Hua Phan towns once again and reunited them with the rest of Hua Phan Province.

Early the following year, French Laos reached its maximum territorial extent, at least in theory, after the acquisition of the right-bank Luang Prabang territory. But by the end of 1904, even before the Franco-Thai convention was ratified, the southern Lao boundaries with Vietnam and Cambodia began to take their final form. In the process, the territory administered by the resident superior at Vientiane was greatly reduced.

After the unified administration was established in 1899, efforts had been made to create French posts in the vast and almost impenetrable region of mountains and plateaus around the trijunction of present-day Cambodia, Laos and Vietnam. At that time, all of this territory was part of French Laos. One experiment quickly ended in failure: the idea of creating a single central authority over the many tribal peoples who inhabit the region. Even in the best of times, Laos had neither the financial nor the human resources necessary for such a task. And from about 1901 onward, in some of the tribal areas and along the Mekong itself, millenarian movements and other forms of resistance began to plague the colonial government. In search of a more practical system, a new policy was implemented in 1904 and 1905 which shifted the financial burden and administrative responsibilities in much of this southern territory to other governments of the Indochina Union. As a result, the boundaries of southern Laos were completely redrawn.

Since the isolated plateau region was thought to be more accessible from Vietnam, it was detached from Laos in two stages. Darlac was placed under the jurisdiction of the Annam resident superior by decree of the governor general in November 1904. An administrative centre was established in the northern part of the region (Kontum Province), and it was transferred to Annam in July 1905. Although the entire plateau region was separated territorially from Laos, only Kontum Province was integrated territorially into Annam. Darlac, on the other hand, acquired a kind of independent status as an autonomous unit within the Indochina Union, governed by the Annam resident superior. In the 1920s the imperial government in Hué began to press the Indochina government to incorporate Darlac into Annam, and its territorial integration was finally approved by a decree of the French president in 1932. During

all this time, French maps created the illusion that it was actually part of Vietnam.

CAMBODIA-LAOS BOUNDARY

On the Mekong side, the lower reaches of the rivers that flow down from the plateau were controlled by Stung Treng and Siampang. Both towns were transferred from Laos to Cambodia by decree of the governor general in December 1904. This cession was intended as a means of improving general administration and was part of a broader plan to establish a single large province, which would extend the length of the Cambodian-Lao boundary and encompass a large area with a heterogeneous population.

In the February 1904 Franco-Thai convention, the Thai government ceded a block of territory that was south and east of the Dong Rak range, comprising the right-bank portion of a Lao princely state (Champasak) and some small towns that were claimed by Cambodia. An internal boundary within the ceded territory was fixed in March 1905 by decree of the governor general. The 1904–5 decrees thus made possible the creation of an enlarged Stung Treng Province by combining some of the right-bank lands acquired from Thailand (Thalabarivat, Cheom Ksan and Melouprey) with the left-bank territory (Stung Treng and Siampang) that was transferred from Laos (see Figure 5).

The line was designated as the northern limit of Cambodia, and it followed the Rephu River, from its source in the Dong Rak range to its confluent with the Mekong. The river is known by various pronunciations of its name: Nam Rephu (Lao), Tonle Repou (Khmer) and Selamphao (Lao and Thai). The river was a clearly defined geographical feature that was easily understood by the local populace, and it had long been acknowledged as a provincial limit. By a decree of May 1905, the right-bank territory north of the Rephu was formally incorporated into Champasak Province, which up to that time had consisted only of the French territory on the left bank.

No attempt was made to reconstitute the Champasak princely state as a political or territorial entity. The 1904 convention and

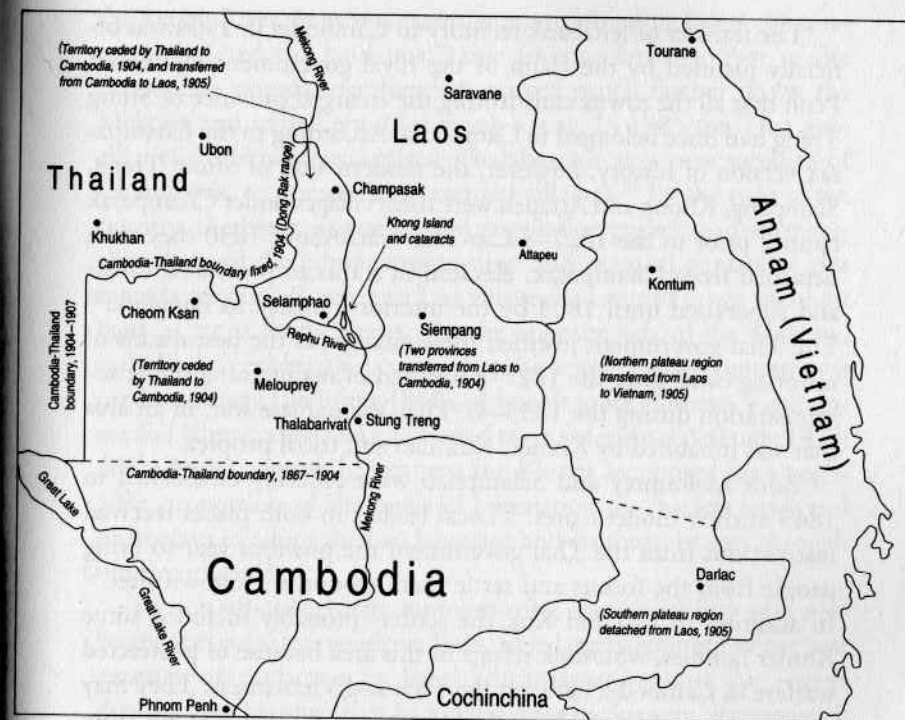


Fig. 5. Southern Lao Boundaries Redrawn, 1904–5

1905 decrees ignored the territorially overlapping Lao administrative system that existed prior to 1893 and imposed instead a geographical division that was consistent with French concepts. Several modern provinces thus inherited portions of the former princely state. Champasak town and five of its former satellite towns (subordinate governorships) were incorporated in the enlarged Champasak Province, together with two other satellites (both formerly under the jurisdiction of the Khong Island governor). The redrawn boundaries left three of Champasak's former satellites in Thailand (since they were on the opposite side of the Dong Rak range), one (Thalabarivat) in Cambodia and three in Saravane Province.²⁹

The transfer of left-bank territory to Cambodia in 1904 was officially justified by the claim of the royal government in Phnom Penh that all the towns constituting the enlarged province of Stung Treng had once belonged to Cambodia. According to the Champasak version of history, however, the modern sites of Stung Treng, Siampang, Khong and Attapeu were mere villages under Champasak control prior to the 1827–8 Lao-Thai war. About 1830 they were detached from Champasak, elevated in status to provincial towns and supervised until 1893 by the interior ministry in Bangkok.³⁰ The Thai government justified these changes as the best means of restoring order after the 1827–8 war and of maintaining stable administration during the 1833–47 Thai-Vietnamese war, in an area that was inhabited by Khmer, Kui, Lao and tribal peoples.

Both Melouprey and Selamphao were officially established in 1843 at their modern sites.³¹ Local leaders in both places received instructions from the Thai government the previous year to bring people from the forests and settle them around these town sites.³² In addition to Lao and Kui, the settlers probably included some Khmer families, who took refuge in this area because of protracted warfare in Cambodia between the Thai and Vietnamese. They may also have included tribal people, who were regularly brought from the mountains and traded as slaves. Since the predominant ethnic group of Melouprey was Kui—whom the Thai regarded as more closely related to the Khmer than the Lao—Melouprey was placed under the jurisdiction of the Khmer governor of Khukhan Province. In Selamphao—a Champasak satellite on the right bank of the Mekong, immediately above the mouth of the Rephu River—the populace was mixed Lao and Kui, like the rest of the right-bank populace all the way up to Champasak town (Aymonier 1885: 7, 43–4).

By establishing a new satellite town and resettling farmers along the right bank of the Mekong, as far south as the cataracts at Khong Island, the princes of Champasak consolidated their control over most of the land along the river banks. During the 1870s two more satellite towns were established north of Selamphao,³³ and the agricultural lands available to the three governorships must have been inadequate for their expanding populations. Immediately south of

the Rephu River, however, extensive annual flooding below the cataracts rendered the land unsuitable for rice farmers. Part of the Selamphao population therefore moved much farther down the Mekong and settled opposite Stung Treng. In 1885 the Thai government officially recognised Thalabarivat as a new satellite of Champasak, to govern these resettled villagers.³⁴ By the turn of the century, therefore, migration and population growth had considerably changed the ethnic composition and political control of this sparsely populated area, and Lao villages had spread down the right bank as far as Stung Treng. On the opposite side of the Mekong, early French explorations show that the Stung Treng populace was predominantly Lao in the 1860s, although some Chinese, Vietnamese and Khmer also lived and traded there (Mourin d'Arfeuille 1872: 468). At the turn of the century, the Khmer accounted for a negligible proportion of the lowland population on the left bank and had begun to adopt the Lao language and customs, in part through intermarriage.³⁵

French officials, when contemplating the desirability of a new boundary line across southern Laos, were largely ignorant of the past century of evolution in local administration and the recent demographic changes that had taken place in this area. Factors such as the predominantly Lao population on the left bank and Champasak's control of the mixed Kui and Lao population on the right bank were outweighed by administrative and political considerations. A boundary line near the cataracts at Khong Island had the advantage of rational management of the river transport system. The stretch of the Mekong that is navigable from the sea could thus be placed within the borders of Cambodia, whereas the trans-shipment facilities (including the light railway across Khong Island, which served the navigable stretch above the cataracts) would continue to be the responsibility of Laos. General French policy towards the royal government of Cambodia was better served by combining much of this territory into one large province and presenting it to the Khmer king. Perhaps most important, the Phnom Penh treasury could afford to pay for improved administration and communications, especially in the mountainous areas east of Stung Treng.

The governor general brushed aside the objections of his subordinates in Laos and seized upon a historical justification, anachronistic though it was, for combining most of this territory into an enlarged province and placing it under Cambodian administration. The Rephu River had been acknowledged by the Kui and Lao as the dividing line between their respective settlements around Melouprey and Khong Island only a generation earlier,³⁶ and this waterway was declared the new boundary in 1905. On the opposite bank of the Mekong, the new boundary between Cambodia and Laos continued around the northern limits of Stung Treng and Siampang and then extended eastward towards the plateau region, to the point that is now the trijunction of Cambodia, Laos and Vietnam.

LEGAL TANGLES AND THEIR RESOLUTION

The nature of the powers exercised in redrawing the internal boundaries of Indochina is not just a historical question but a topic of continuing interest, since no definitive line existed in many places until near the end of the twentieth century.³⁷ The territorial delineation of Laos reflects the exploration and discovery by Europeans of the interior of the peninsula, which was still in progress when modern boundary lines were inserted on the map. Demarcation began before basic surveys had been made in many areas, and much of the terrain was barely known. Treaty negotiations were carried out on the basis of very imperfect maps, including those produced by the Pavie mission, and errors in such maps hampered on-the-spot efforts by surveyors to verify lines that had been chosen in far-away government offices. The demarcation process also reflects general misconceptions up to 1911 about the legal status of Laos and the French search for a coherent administrative policy in the course of establishing French control.

Four international agreements determined the status of the territory in northern Laos that did not belong to Luang Prabang. Thai rights to this area were renounced in 1893, and British claims were renounced in 1896. The terminology of the agreements with

both of these governments left France with a free hand throughout the left bank. But the 1895 Sino-French convention was more specific. It stated that

'The common boundary of Yunnan [i.e., the Chinese empire] and Annam [i.e., the Vietnamese empire] between the Black River . . . and the Mekong is drawn as follows. . . . The territory of the Eight Salt Pits [near the *western* watershed of the upper Ou basin] remains assigned to Annam.'

At the time the convention was signed, this boundary was treated as an extension of the line already marked across the frontier between Yunnan Province and Tonkin, and China explicitly ceded to the Vietnamese government the upper Ou basin (part of Sipsong Panna, a Chinese dependency state) and other left-bank territory north-west of Luang Prabang.

This territory was acquired from China on behalf of the Vietnamese government under the terms of the 1884 Franco-Vietnamese protectorate treaty, which states that 'France undertakes to guarantee henceforth in their entirety the states of His Majesty the King of Annam.' The Vietnamese authorities, in signing this agreement, certainly never intended that France should convert territory that had been acquired on behalf of Vietnam into a French colonial possession. The Laos-Tonkin border was never fixed precisely, and no agreement between France and Vietnam ever transferred any of this undefined territory to Laos. The distinction between the northern provinces and the rest of Laos was not important during the early years of French rule, when Laos as a whole was assumed to be a protectorate acquired on the basis of historic Vietnamese and Cambodian rights. After 1911, however, one criterion for reclassifying Laos as a colony was the absence of any treaty or other binding agreements with the Vietnamese or Cambodian governments. In reaching that conclusion, however, French authorities overlooked the status conferred by treaty on the northern provinces. As time passed, these provinces were simply assumed to be an integral part of Laos, because the map makers showed them that way.

A similar anomaly arose in the south-west corner of Laos. At the time of the negotiations leading to the 1904 Franco-Thai convention, the French based their territorial claim in this area on historic Cambodian rights. The convention therefore stated that the Dong Rak range (part of which forms the western boundary of present-day Champasak Province) is 'the border between Siam and Cambodia'. Compounding the contradictions between French intentions, terminology and eventual action, the governor general issued a decree in March 1905 that divided the newly acquired territory along the Rephu River, stating that this line is 'the boundary between the Kingdom of Cambodia and the Kingdom of Bassac (Laos) on the right bank of the Mekong'. This text implies that the two kingdoms were of equal status. Yet Bassac (a short form of the name Champasak) was never officially treated as a kingdom by the French, had no recognised status as a political entity within Laos and neither administered nor claimed part of the territory north of the Rephu River. The Rephu-line decree referred to Champasak as a Lao territory but made no provision for its incorporation into Laos. Its western boundary (the Dong Rak range) had, moreover, been defined as the Cambodian-Thai boundary. To clarify the status of this territory, a second decree was issued in May 1905, which made no reference to old Champasak as a political entity. Instead, it simply enumerated the towns on the right bank north of the Rephu and annexed them to the new (left-bank) Champasak Province of Laos.

When the southern boundaries of Laos were redrawn, the northernmost segment of the Dong Rak line became the Lao-Thai border. Thus, a diplomatic agreement ratified by two nations was modified by an act of the governor general, in effect ceding to Laos a portion of territory that was defined by international agreement as Cambodian, but without any authority from either the French parliament or the Cambodian government. No clause in the 1863 Khmer-French treaty establishing the protectorate implied that France had the power to cede Cambodian territory. And in signing the treaty, King Norodom certainly never intended to empower French officials (colonial or metropolitan) to give away any of his domain.

Where did the governor general get the authority to make such sweeping changes? All of the big territorial transfers affecting Laos were made at a time when the governor general's powers were not yet fully defined. During this period, the basic law by which the French parliament conferred his powers in general terms was contained in two presidential decrees issued in 1887 and 1891. Although these decrees were cited as the source of authority for transferring territory between the states of Indochina, the decrees contain no provision for such changes. Nor were such powers granted in the 1911 presidential decree that redefined the governor general's powers and responsibilities. Authority to make territorial modifications was not explicit in any law.

By transferring Siampang and Stung Treng from Laos to Cambodia, and by transferring Kontum from Laos to Vietnam, the governor general ceded territories of a French colony to French protectorates. By transferring to Laos some of the territories defined in the 1895 Sino-French convention and the 1904 Franco-Thai convention, he ceded protectorate territories to a French colony. In some cases, he acted without consulting even the colonial minister, who was the authority in Paris to whom the governor general was responsible. The subject of the legality of such changes was broached within the colonial ministry in 1907 when the governor general annexed to Cambodia the rich western provinces ceded by Thailand to France (not to Cambodia), but no action was taken at that time. Subsequently, French colonial officials and the governments of the protectorates simply assumed that the redrawn boundaries were definitive. After all, the map makers showed them that way.

Not until 1915 did a colonial inspection mission officially question the legality of the entire series of territorial mutations in Indochina.³⁸ The inspectors discovered that French legal documents concerning the boundaries of Laos were a tangle of contradictions and arbitrary decisions taken without authority. The French parliament responded with legislation to provide a statutory basis for the governor general's actions. A presidential decree was issued in September 1915 that ratified the earlier decrees but restrained the governor general from executing any further territorial changes without first receiving authorisation from Paris.

By this time, the French government had decided that Laos was legally a colony. Parliament, moreover, had absolute powers to dispose of a colony's territory, since it belonged outright to France. Accordingly, the cessions from Laos to Cambodia, Thailand and Vietnam were perfectly valid. But the French parliament unilaterally changed its own bilateral treaty engagements: that is, the Chinese cession of upper Laos to Vietnam and the Thai cession of Champasak to Cambodia. And it did so without the agreement of the Vietnamese and Cambodian governments. This arrogation of powers is a mystery that perhaps could be unravelled only by a legal scholar thoroughly trained in the intricacies of French constitutional law.

One of the documents mandated by the 1915 legislation was the 1905 decree that fixed the boundary between Cambodia and Champasak at the Rephu River. An unintended result of the 1915 decree is that it recognised the Rephu as the southern boundary of the Kingdom of Champasak—not of French Laos. After this right-bank territory was incorporated into Champasak Province, the historic capital ceased to be an important administrative centre, although the royal family continued to live there. The colonial authorities established the provincial capital at a new site up-river and preferred to ignore Champasak town and the old élite. Official dealings with the Champasak royal family contrasted starkly with the many public gestures, made by the Indochina government in subsequent years, to promote an image of Luang Prabang as a protectorate and kingdom. Since the French government itself avoided any acknowledgement of the status of Luang Prabang, and in view of the great subtlety with which the latter policy was carried out, it is ironic that the Rephu River decree was ratified in the 1915 legislation. No one seems to have noticed the exact wording of the governor general's decree, which refers to Champasak as a kingdom. In effect, the French government, while taking such great care to avoid recognition of the northern Lao kingdom in official documents, had already acknowledged the existence of the southern one in an act of parliament.

Among the boundary changes that resulted in a diminution of territory for French Laos, all but one were ratified in the 1915

decree. (The exception is Dan Sai, which was ceded to Thailand in the 1907 treaty, already ratified by parliament.) The 1915 decree was far from comprehensive, however, in its treatment of Lao territorial acquisitions from other states of Indochina. It ratified only the transfers of the southern part of Hua Phan Province and of Siang Khwang Province from Vietnam and the transfer of right-bank Champasak from Cambodia. The authors of the 1915 decree overlooked the November 1895 decree that transferred the north Hua Phan towns from Vietnam to Laos, and they made no attempt to deal with most of the Laos-Vietnam boundary.

The line between the upper Ou basin and Vietnam is not specified in any decree. This boundary can be traced back to the French military occupation of the upper Black River basin, in alliance with the local ruling family. A provisional line was drawn between areas controlled by French and Thai troops in late 1888, in a written agreement between a senior Thai commissioner and the French.³⁹ Although this agreement was a temporary expedient, pending the anticipated boundary settlement, the line was accepted locally as a dividing line between Laos and Vietnam, and it was not contested by provincial authorities on either side.

In contrast to upper Laos, where political entities remained intact after the 1827-8 Thai-Lao war and during the Thai-Vietnamese war in the 1830s and 1840s, the central Lao territories east of the Mekong were devastated by depopulation campaigns and political collapse. When the French began to carve rough administrative circumscriptions out of this part of Laos in 1893 and 1894, they adopted Vietnamese territorial definitions and established a system of provincial commissionerships, each headed by a French colonial official who governed with the mediation of the Lao élite. The French acted in consultation with, and with approval from, the government in Hué, but the Vietnamese agreed from the outset that Vietnamese officials would play no rôle in this system.⁴⁰ The governor general decided in 1894 that the limits of administrative units in this part of Laos should follow the watershed of the cordillera as closely as possible, to avoid any unexpected difficulties.⁴¹ This mountain barrier physically divided the Lao from the Vietnamese, and once the French gained control of the Lao

provinces, the watershed continued to be the generally accepted dividing line. Ultimately, an exact definition was given (in an October 1916 decree) to only one segment of the cordillera. The rest of the long common boundary between Laos and Vietnam, together with the portion of the Cambodia-Laos boundary that is east of the Mekong, came into existence as a result of efforts by Indochina's cartographers to fill in the remaining gaps on their maps.

Our modern conception of Laos as a political entity originates in the June 1895 decree that created a hierarchy of more than two dozen French administrative posts in upper and lower Laos. The basic provincial structure was formally approved by the French parliament in the 1899 presidential decrees, which created a unified administration for Laos and integrated the colonial officials of Laos into the Indochina civil service. The 1899 decrees do not mention boundaries, but they can be interpreted as a form of parliamentary sanction of the approximate boundaries of provinces in existence at that time. The decrees can therefore be regarded as statutory approval of the existing, although imprecisely defined, Lao boundary with Vietnam.

Once the framework of French administration in Laos was established, all of the major territorial modifications were made while Paul Beau was governor general (from 1902 to 1907). Shortly after Beau's arrival, a rift occurred with Armand Tournier (resident superior of Laos 1899-1903), which seems to have run far deeper than a disagreement over administrative policy. Tournier served in Laos from the beginning of French rule and was the commandant of lower Laos from 1895 to 1899. He was proud of his achievements and a passionate opponent of the plan under consideration during 1902-3 to dismember Laos and annex it piecemeal to the three adjacent protectorates. A confrontation with Beau placed Tournier in an untenable position and made it impossible for him to remain in the Indochina civil service. He went on home leave in February 1903 and eventually retired at the end of 1906, still holding his title as resident superior of Laos (BOC 1906: 807).

After Tournier's departure, French administration in Vientiane seemed to be cast adrift. An attempt was made to appoint a new

resident superior in late 1903 (BOC 1903: 1,008), but he never took up the post. George Mahé (a civil service inspector) served as interim chief in Vientiane, but he had not yet been confirmed as resident superior by 1906, when he went on extended home leave. The extraordinarily long interim administration finally ended with the arrival of Fernand-Ernest Lévecque (resident superior 1906-9).

Under the Beau regime, the long-term interests of Laos and its culturally diverse population were weakly represented in the deliberations of the Indochina government. All cessions of Lao territory were made during this interval. Efficient administration and ancient rights were cited as justifications for the changes. But the cavalier treatment meted out to Laos might be attributable in part to egotism and clashes of personality. An investigation into internal colonial-establishment politics and rivalries is not within the scope of this chapter, but such factors should be taken into account in future research. The delimitation of Laos is a subject that deserves far lengthier and more detailed treatment than this brief introduction can provide. A definitive work, however, will have to await the writing of more comprehensive studies of pre-colonial administration, demographic change in the frontier areas and the political history of French rule in Laos.

APPENDIX

ABBREVIATIONS AND ACRONYMS FOR SOURCES CITED BELOW

AOM = Archives d'Outre-Mer (French colonial archives), Aix-en-Provence

BOC = *Bulletin officiel des Colonies* (Official Journal of the Colonies)

FO = Foreign Office Papers, Public Record Office, London

IAF = Indochine, ancien fonds (Indochina archives, old series, to 1920, deposited in the Archives d'Outre-Mer), Aix-en-Provence

INF = Indochine, nouveau fonds (Indochina archives, new series, largely post-1920 but also containing pre-1920 documents, deposited in the Archives d'Outre-Mer), Aix-en-Provence

JOIF = *Journal officiel de l'Indochine française* (Official Journal of French Indochina)

MAE = Ministère des affaires étrangères (archives of the Ministry of Foreign Affairs, Quai d'Orsay, Paris, now renamed the Ministère des relations extérieures, or Ministry of External Relations); NS = *nouvelle série* (for Siam, comprising mostly post-1896 documents)

TNA = Thai National Archives, Bangkok

TNL = Thai National Library, Manuscripts Division, Bangkok

TREATIES LISTED IN CHRONOLOGICAL ORDER

Full texts of international agreements are in Reinach (1902 and 1907), except as otherwise noted. Tuck (1995) provides English translations of Thai-French international agreements, and Prescott (1975) provides English translations of border-related clauses. Texts of the protectorate treaties concluded between Luang Prabang and representatives of the Indochina government are in Iché (1935).

11 August 1863 Cambodian-French protectorate treaty

15 July 1867 Franco-Thai treaty dividing Cambodia and defining a common boundary

6 June 1884 Franco-Vietnamese protectorate treaty

9 June 1885 Sino-French treaty

26 June 1887 Sino-French delimitation convention

3 October 1893 Franco-Thai treaty

20 June 1895 Sino-French delimitation convention

3 December 1895 convention between Luang Prabang and the Indochina government

15 January 1896 British-French declaration

13 February 1904 Franco-Thai convention

8 April 1904 British-French declaration concerning Siam

29 June 1904 Franco-Thai protocol

23 March 1907 Franco-Thai treaty and boundary protocol

25 August 1926 Franco-Thai convention concerning Indochina (Sayre 1928)

DECREES LISTED IN CHRONOLOGICAL ORDER

All *arrêtés* (decrees of the governor general) were published in the *Journal officiel de l'Indochine française* (JOIF). The *décrets* (presidential decrees) were approved by the French parliament and published in both JOIF and the *Bulletin officiel des Colonies* (BOC).

17 October 1887 *décret* defining the governor general's powers (BOC 1887: 784-6)

21 April 1891 *décret* further defining the governor general's powers (BOC 1891: 308-10)

14 October 1893 *arrêté* creating the Müang Et military post and placing the Hua Phan state under the jurisdiction of a Tonkin military territory (JOIF 1893 2: 478)

14 January 1895 *arrêté* rescinding a 2 March 1894 letter (which had authorised the transfer of Sam Nüa and other south Hua Phan towns to Annam) and transferring these towns instead to Laos (JOIF 1895 2: 42)

1 June 1895 *arrêté* creating a hierarchy of administrative centres and placing upper Laos and lower Laos under separate Commandants Superior (JOIF 1895 2: 278-9)

22 November 1895 *arrêté* incorporating Siang Khwang into upper Laos (JOIF 1895 2: 735-6)

30 November 1895 *arrêté* transferring the north Hua Phan towns (including Müang Et) to upper Laos (JOIF 1895 2: 736)

29 August 1896 *arrêté* transferring Sam Nüa and other south Hua Phan towns from Laos to Annam (JOIF 1896 2: 907)

6 February 1899 *arrêté* uniting the administration of upper and lower Laos under a Resident Superior and abolishing the posts of Commandants Superior (JOIF 1899 2: 133-4)

19 April 1899 *décret* changing the status of the Commandant Superior of Laos to a Resident Superior (BOC 1899: 464–5)

16 September 1899 *décrets* creating the Indochina civil service and unifying the colonial personnel of the constituent states (BOC 1899: 1,240–51).

15 June 1903 *arrêté* transferring Sam Nūa and other south Hua Phan towns from Annam to Laos (JOIF 1903: 696)

22 November 1904 *arrêté* separating the southern plateau region (Darlac) territorially from Laos and placing it under the administrative control of the Annam Resident Superior (JOIF 1904: 1,446)

6 December 1904 *arrêté* transferring Stung Treng and Siampang from Laos to Cambodia (JOIF 15 December 1904: 1,500)

28 March 1905 *arrêté* defining the right-bank boundary (Rephu River) between the kingdoms of Champasak and Cambodia (JOIF 6 April 1905: 453)

16 May 1905 *arrêté* annexing right-bank territory acquired from Thailand to Champasak Province in Laos (JOIF 25 May 1905: 692)

4 July 1905 *arrêté* establishing the northern plateau region (Kontum) as an autonomous province and transferring it territorially to Annam (JOIF 1905: 912)

20 October 1911 *décret* redefining the governor general's powers (BOC 1911: 1,294–6)

20 September 1915 *décret* requiring territorial changes between constituent states of the Indochina Union to be approved by the colonial ministry and ratifying eleven *arrêtés* that had previously made such changes (JOIF 1915: 1,815–6)

12 October 1916 *arrêté* defining the exact eastern boundaries of Kham Muan and Savannakhet Provinces (JOIF 1916: 1,673)

12 April 1932 *décret* approving a 30 April 1929 *arrêté* integrating Darlac Province into Annam (JOIF 1932: 1,858)

NOTES

1. See for example Chhak (1966), Duke (1962), Fourniau (1989), Goldman (1972), Prescott (1975), Reinach (1901), Tuck (1995) and Winichakul (1994).

2. Full citations to all international agreements and other legal documents are provided before the notes to this chapter.

3. Auguste Pavie served as a temporary commissioner on mission to deal with frontier affairs in 1895–6. In December 1895 he concluded an agreement with the king of Luang Prabang to establish a protectorate. He was not authorised to make such an agreement, and it was never recognised by the government of France as an international agreement. The document was used by the Government of Indochina, nonetheless, as a basis for its internal relationship with Luang Prabang within the Union of Indochina.

4. INF 1111. Foreign minister to colonial minister, 22 November 1911, and undated draft reply; colonial minister to vice president of the State Council, 15 December 1913.

5. AOM Conseil Supérieur des Colonies 29. Report to the colonial minister (Supreme Colonial Council session 1928–1929), 30 December 1929 (pp. 71–3). This is the detailed report of the council.

6. INF 614(2). Moretti inspection report, 3 January 1936.

7. IAF B12(15). Cable, Pavie to foreign minister, 5 March 1894.

8. INF 694. Hanotaux to Delcassé, 1 October 1894.

9. INF 693. Develle to Delcassé, 1 June 1893.

10. IAF B12(15). Jusserand to colonial under-secretary, 13 November 1894; memo., 19 November 1894. INF 694. Gérard to foreign minister, 10 October 1894.

11. INF 694. Delcassé to foreign minister, 8 January 1895; Nisard to Chantemps, 6 February 1895; Hanotaux to Chantemps, 27 April 1895.

12. The Chiang Khaeng agreement was in the form of an unpublished exchange of notes. See FO 628/15/216 Devawongse to Jones, 11 April 1893; FO 17/1177 Jones to Rosebery, 12 April 1893 and minutes 23–25 October 1893. Chiang Khaeng was never delineated, and it never appeared as a political entity on published maps of French Laos. FO 925/2334 outlines Chiang Khaeng in a map titled 'Skeleton Map Showing Approximately the boundaries between China, Siam and Burma and French Indo-China', War Office, Intelligence Division No. 1107, June 1895. Lafont (1998: 259) reconstructed the map in detail by using local annals and other records.

13. INF 691. Hanotaux to Chantemps, 14 Oct. 1895.
14. INF 694. Hanotaux to Chantemps, 12 July 1895; cable, governor general to Colonies, 12 September 1895.
15. INF 694. Geographical service to political affairs department, 9 January 1896, and enclosed map, 'Carte des frontières sino-annamite' (map of the Sino-Vietnamese frontier).
16. INF 695. Rousseau to colonial minister, 25 April 1896.
17. INF 695. Hanotaux to Lebon, 11 July 1896; Lebon to foreign minister, 27 October 1896; Rousseau to colonial minister, 31 October 1896.
18. INF 694. Doumer to colonial minister, 14 May 1897.
19. MAE NS Siam 26 Governor general to colonial minister, 3 January 1903 and appended map. This sketch map compares the various lines under discussion based on French, Lao and Thai proposals. The French claim extended the length of the waterway now known to be the Hüang and its northern branch. The Thai proposal was a line up the Hüang as far as the 'Tane' (a short left-bank stream below Kaen Thao town) and then up the Tane to the watershed. The journal *Asie française* published a map in 1906 (reproduced in Duke 1962 facing page 262) placing the 'Tang' in precisely the latter position but showing it as a long river running down from the watershed line between the Mekong and the Chao Phraya. No such river exists, and the 1906 map is illogical since Kaen Thao was acquired by Luang Prabang as a result of the February 1904 convention.
20. MAE NS Siam 79 contains the first fairly accurate map of the Hüang basin, compiled and printed to illustrate the findings of the 1905–6 Franco-Thai delimitation commission.
21. TNA R5.M57/22. Instructions of Prince Damrong to Luang Chindarak, 5 May 1900; M57/14 report of Chindarak to Damrong, 17 July 1900. The vacuum in temporal and spiritual authority caused by the death of the aged Champasak prince, and the efforts to convert the remnants of the principality into an ordinary province, must have been important factors contributing to the outbreak of violent millenarian movements during the next two years. For an account of those events, see the chapter by Bernard Gay.
22. Melouprey and Cheom Ksan were under the jurisdiction of Khukhan—a town north of the mountains. In 1904 Khukhan was the seat of a Khmer governorship but is now a district in Sisaket Province. Farther west, a third town (Chong Kal) was under Sangkha, a Khmer governorship that is now a district in Surin Province. The line defined in the 1904 and

- 1907 delimitation protocols split several of the existing administrative units that straddled the mountain range.
23. Some of the findings of the 1905–7 joint demarcation are in MAE NS Siam 77 (reports) and 79 (printed maps).
24. MAE NS Siam 72. De Margerie to Pichon, 29 June 1908. NS Siam 75. Procès-verbal, 4 October 1909.
25. NFI 615. Report of the 2 February 1894 Senate session.
26. For a masterly account of the struggle within French political circles relating to these territorial questions, see Tuck (1995, especially chapters 7–9).
27. AOM Siam 87. Delcassé to Doumergue, 5 January 1903.
28. IAF A30(107). Administrative reports by Armand Tournier for April–May 1902 and June–August 1902. *La Dépêche coloniale*, 15 June 1903.
29. A map in Breazeale (1975: 341) identifies all of the towns listed in the governor general's May 1905 decree and the former Champasak satellite towns that were east of the Mekong. 'Pasah' in the decree is a misprint for the name of Champasak town, which was known also by its shortened form, transliterated by the French as Bassac or Pasak.
30. TNA R5M62.1/34. Despatch, Prince Yuttitham to Phitsanulok, 13 July 1892.
31. TNL R3/1205/160. Instructions of Maha Amat to various governors, 22 July 1843.
32. Instructions from interior minister Bòdin to Maha Amat, 15 October 1842, published in *Thesaphiban* [Journal of the Interior Ministry] 15/86 (May 1913): 80.
33. TNL R5/270/2 (old catalogue). Memorandum on the establishment of the Saphang Phupha governorship, 9 September 1879. R5/270/4 (old catalogue). Memorandum on the establishment of the Munlapamok governorship, 7 October 1881.
34. TNL R5/271/2 (old catalogue). Edict establishing Thara Bòriwat (Thalabarivat), 24 July 1885.
35. IAF A30(107). Tournier to Beau, 6 November 1902.
36. TNA R5M62.1/34. Prince Phichit to King Rama V, 15 May 1892.
37. For the Lao-Vietnamese accords on delimitation, which were finally completed and ratified in 1991, see Gay (1995: 17).
38. INF 654. Roume to colonial minister, 18 July 1915.
39. TNA R5M2.12.kai.Luang Prabang 8. Despatch from Prince Mahin, 12 March 1889.

40. INF 836. Cable, governor general to colonial under-secretary, 21 August 1893.
41. IAF A30(99). Chavassieux to colonial under-secretary, 28 April 1894.

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