POLITICAL RELATIONS.

TREATIES.

LEGATION OF THE UNITED STATES OF AMERICA
MAR 1 - 1940
Card Indexed
BANGKOK

DEPARTMENT OF STATE
WASHINGTON

No. 79

January 3, 1940

The Honorable

Edwin L. Neville,

American Minister,

Bangkok.

Sir:

The Department has received the Legation's despatch 545, November 17, 1939, reporting upon the operation in practice of the Registration of Aliens Act B.E. 2479, recently enacted by Thailand, and upon the attitude of other powers toward that act.

In view of the circumstances disclosed by the Legation's despatch, the Department is not disposed to make a protest at this time against the application to American nationals of the law under reference, but because the application of the law to American nationals appears clearly to involve conflict with the provisions of the first article of the treaty of 1937 between the United States and Thailand you are authorized in your discretion to inform the Minister for Foreign Affairs that while this Government refrains at this time from making a formal protest, it considers that the application of the law to American nationals is contrary to the provisions of the said article and accordingly reserves all the rights therein stipulated.

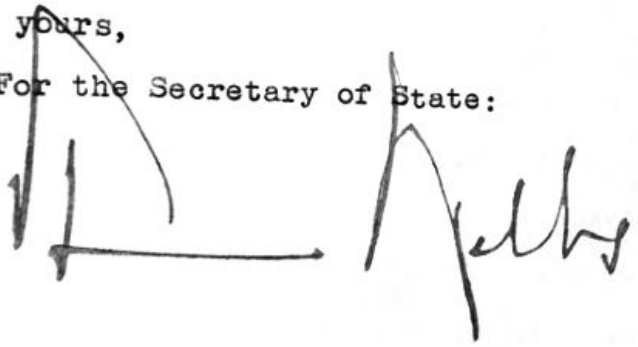
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the Legation will of course promptly inform the Department.

Very truly yours,

For the Secretary of State:



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AIDE-MEMOIRE

In reply to the verbal communication of the United States Government of the 11th September, His Majesty's Government would point out that the question of territorial readjustment between Thailand and France is no new question. It has been broached from time to time and it was taken up in the negotiation of the Non-Aggression Pact. As a partial readjustment it was agreed that the deep water channel navigable throughout the year should form the boundary line in the Mekong in accordance with international law. The desire was also subsequently expressed that the Mekong should form the frontier from the North to the South as far as the frontier of Cambodia. These matters awaited formal negotiations and His Majesty's Government have been pressing for negotiations to start as soon as possible. The French Government however have not yet sent a Delegation, no doubt owing to the change of Government following the Armistice. In the meantime it does not appear that there is a complete understanding on the French side, for even now the French Delegation has not yet arrived: only the French Minister at Bangkok has informed us that the Delegation will come in October and will come as arbitrators together with the Thai Representatives, which we cannot accept because it is a matter for negotiation and not arbitration; and there is reason to believe that there will be much difficulty

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even in fixing the boundary line along the deep water channel in accordance with international law. On the other hand, the population of Thai race in French Indo-China has been showing a desire to rejoin Thailand and public opinion in this country has been unanimous in its solicitude for the welfare of those Thai populations, for French officials, suspecting them of disloyalty, have now harassed them with violence such for instance as that of trampling with their feet. The democratic Government of Thailand have necessarily to make some response to such natural and legitimate desires of the people.

Thus when the French Government requested that the Non-Aggression Pact be put into force now without waiting for the exchange of ratifications, His Majesty's Government considered that in complying with the request, it should at the same time make clear its attitude on territorial questions as set forth in an Aide-Mémoire handed to the French Government to the following effect: His Majesty's Government would be happy to accede to the request of the French Government that the Pact of Non-Aggression be considered as coming into force without waiting for the exchange of ratifications, but would point out that the Pact was concluded in view of a normal situation in Indo-China, which unfortunately is not the case to-day. Under the circumstances, His Majesty's Government trust that the French Government would understand that it is only natural that His Majesty's Government cannot be indifferent to the fate of the Thai population in the territories concerned. Before putting the Pact into force, therefore, His

Majesty's Government would propose that an agreement be reached on the questions which await formal negotiations as follows:

1. the fixation of the Mekong frontier by following the deep water channel and the settlement of all other outstanding administrative questions as provided for by the Exchange of Letters under date of 12th June last and

2. the adoption of the Mekong as the frontier between the two countries from the North to the South as far as the frontier of Cambodia, involving the retrocession to Thailand of territories on the right bank of the Mekong opposite to Luang Prabang and Paksé.

The Pact will be put into force as soon as such agreement is reached.

His Majesty's Government would also be grateful if the French Government would be so good as to give them a letter of assurance to the effect that in the event of a change from French sovereignty, France will return to Thailand the territories of Laos and Cambodia. In that event, His Majesty's Government would give due consideration to the treatment of the French officials in the territories concerned.

It may be recalled that even in 1893 after the conflict between France and Thailand the Mekong formed the frontier and the right bank was recognised as Thai territory. Territory on the right bank and other territories were ceded in 1904 and 1907.

His Majesty's Government set a high value to the traditional friendship and good understanding

existing ...

existing between U.S.A. and Thailand, which it is their policy to maintain and strengthen, and in this connection they have always endeavoured to pay attention to the views of the United States Government. It is in this friendly spirit that His Majesty's Government trust that the American Government would sympathetically understand their position. For the reasons indicated above and in view of the fact that what is requested is the reunion of Thai populations nearest to Thailand after their severance by France that has brought about their oppression, which is different to what is done in other places, it will be seen that the requests His Majesty's Government have put forward are conformable to equity and justice, for the populations concerned are indeed of Thai race, and the claims for the return of such territories are applicable in view of the fact that at the present time the situation in Indo-China has undergone a considerable change, as may be seen in such circumstances as, for instance, the fact that Japan has come to exercise certain supervisory functions and the French officials themselves are almost unable any longer to govern the country, for they are demoralised and do not receive support from the French Government itself. Furthermore, the way for such claims was paved at the time of the negotiation and signature of the Non-Aggression Pact and continued negotiations are merely being amicably pursued without any thought or intention of the use of force.

Ministry of Foreign Affairs,

17th September, 1940.