

CHINA

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Treaty Series No. 48 (1956)

Exchanges of Notes

between His Majesty's Government in the
United Kingdom and the Government of Burma,
and the National Government of the Republic of China
concerning the Burma-Yunnan Boundary

Chungking, 18th June, 1941

*Presented by the Secretary of State for Foreign Affairs to Parliament
by Command of Her Majesty
December 1956*

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**EXCHANGES OF NOTES BETWEEN HIS MAJESTY'S GOVERNMENT
IN THE UNITED KINGDOM AND THE GOVERNMENT OF
BURMA, AND THE NATIONAL GOVERNMENT OF THE
REPUBLIC OF CHINA CONCERNING THE BURMA-YUNNAN
BOUNDARY**

Chungking, 18th June, 1941

No. 1

Dr. Wang Chung Hui to Sir Archibald Clark Kerr

(Translation)
Sir,

*Ministry for Foreign Affairs,
Chungking, 18th June, 1941.*

I have the honour to refer to the Notes exchanged between your Excellency's predecessor and the then Minister for Foreign Affairs on 9th April, 1935,⁽¹⁾ defining the terms of reference of a Boundary Commission to be charged with the investigation of the undemarcated southern section of the Yunnan-Burma frontier; and to the additional understanding embodied in further Notes exchanged upon the same day.⁽¹⁾

2. The Joint Boundary Commission having been duly established and having submitted its report to our respective Governments in accordance with its terms of reference, the question of modifications of the general treaty line found by the Commission has since been under negotiation between the National Government of the Republic of China on the one hand and His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland and the Government of Burma (as the successor in interest of the Government of India) on the other, as provided in the additional understanding of 9th April, 1935.

3. I now have the honour to inform your Excellency that the National Government of the Republic of China agrees that for the boundary line described in paragraphs 3 and 4 of Article 3 of the Agreement between China and Great Britain, signed at Peking on 4th February, 1897,⁽²⁾ shall be substituted the following:—

“The line commences at the confluence of the Nam Hpa (Nam P'a Ho) with the Nam Ting (Nam Tin Ho) where Boundary Pillar No. 97 of the northern demarcated section is erected, and ascends the Nam Ting for a distance of about three miles to a point in the neighbourhood of the village of Pang Kwi where Cairn No. 1 was erected by the Sino-British Commission in 1899-1900 on the left bank of the Nam Ting at the point where a spur strikes the river. The frontier then follows this spur generally in a southerly direction to Cairn No. 2, where the road from Hopang to Mengting crosses the spur, and thence to Cairn No. 3 on the summit of the hill known as Loi Hseng (1366). It then follows the watershed between the basin of the Nam Tap, including the Nam Loi Hsa (which, also known as the Kung Meng Ho, is a tributary of the Nam Tap, joining it through or under a natural bridge), and the basins of the Namhka and the Nam Kun (Hei Ho) to hill 2360 (approximately longitude 98° 57' 14" and latitude 23° 21' 40"). Thence it descends the nearest tributary of the Nam Pan stream (Chin Ho), which has its source about half a mile west of hill 2303 and follows the Nam Pan stream to its confluence with the Nam Kunlong (approximately longitude 99° 0' 30" and latitude 23° 14' 48"). It then descends the Nam Kunlong to the

(1) "Treaty Series No. 15 (1935)," Cmd. 4884.

(2) "Treaty Series No. 7 (1897)," C. 8654.

point where that river is joined by a tributary on its left bank at approximately longitude $98^{\circ} 59' 50''$ and latitude $23^{\circ} 13' 20''$; the line then ascends that tributary to its source and continues south-eastwards on to a ridge along which it proceeds to hill 1970 (approximately longitude $99^{\circ} 3' 58''$ and latitude $23^{\circ} 10' 42''$); thence it proceeds southwards along the same ridge to hill 1770 (approximately longitude $99^{\circ} 3' 27''$ and latitude $23^{\circ} 7' 25''$). The line then proceeds generally eastwards along the watershed between the basins of the Nam Kunlong and the Nam Htung till it strikes the point on the Salween-Mekong watershed (approximately longitude $99^{\circ} 10'$ and latitude $23^{\circ} 6' 23''$) about a mile south of hill 2179. Thence it follows the Salween-Mekong watershed, first generally in an easterly direction to a point just south of hill 2178 and then generally in a southerly direction over hill 2146 to hill 1930 (approximately longitude $99^{\circ} 34'$ and latitude $22^{\circ} 56'$). Thence it proceeds first in a south-westerly, then westerly and finally north-westerly direction along the watershed between the basin of the Nam Ma and the basins of the Nam Hka Lam (Ku Hsing Ho) and the Nam Hka Hkao (Nan Hsiang Ho) to hill 1523 (approximately longitude $99^{\circ} 26' 43''$ and latitude $22^{\circ} 56' 43''$); thence it descends the nearest tributary of the Nam Hka Hkao and follows that river down to approximately latitude $22^{\circ} 50' 52''$, where it is joined by a tributary on its right bank. The line then ascends this tributary in a westerly and south-westerly direction to its source and crosses the ridge, of which hill 2180 (approximately longitude $99^{\circ} 24' 38''$ and latitude $22^{\circ} 48' 37''$) is the highest point, by the most direct route to the source of the nearest tributary of the Nam Sak and follows that stream down to its confluence with the Nam Hse (approximately longitude $99^{\circ} 18' 42''$ and latitude $22^{\circ} 44' 18''$); thence it descends the Nam Hse to its confluence with the Nam Hka (approximately longitude $99^{\circ} 23' 20''$ and latitude $22^{\circ} 35' 10''$) and thence it follows the Nam Hka river downstream to Boundary Pillar No. 1 of the southern demarcated section."

4. A copy of the Boundary Commission map with the line marked in red is appended.⁽³⁾

5. I have the honour to request that your Excellency will confirm that His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland and the Government of Burma agree that the boundary line described above shall be substituted for the line described in paragraphs 3 and 4 of Article 3 of the Agreement between China and Great Britain signed at Peking on 4th February, 1897.

I avail, &c.

WANG CHUNG HUI.

⁽³⁾ See inside back cover.

照會

逕啟者案查

貴大使前任曾於民國二十四年四月九日與彼時本部部長簽訂換文，規定負有查明滇緬南段未定界責任之勘界委員會之任務大綱，同日並簽訂包含附加諒解之換文在案。

共同勘界委員會嗣經正式成立，並依照任務大綱呈送報告於雙方政府，該委員會查勘所得條約線之修改問題，亦經中國政府與大不列顛及北愛爾蘭聯合國政府暨緬甸政府（按即印度政府之繼承者）依照民國二十

四年四月九日附加諒解之規定共同協商。

本部長茲特通知

貴大使，中國政府同意將下列界線代替光緒二十三年正月初三日（一八九七年二月四日）中英兩國在北京簽訂之中英續議緬甸條約附款第三條第三第四兩節所敘述之界線：

界線起自北段已定界九十七號界樁所在地，南怕河與南定河會流處，湖南定河而上約三英里至邦威村隣近一點，即南定河左岸河邊小山上，曾經中英委員會於光緒二十五年（一八九九年）至光緒二十六年

(二)

(一九〇〇年)間壘立一號石堆之處。界線即循此小山大致南行至戶板孟定間道路橫過此小山處之二號石堆，以達來興山頂(一三六六)之三號石堆。界線繼循南大河包括南來夏河(又名恭猛河)此河為南大河支流經過一天然橋匯入該河)流域與蠻卡河及小南滾河(又名黑河)流域之分水嶺至二三六。山(約在東經九十八度五十七分十四秒北緯二十三度二十一分四十秒)。界線由此沿南板河(又名金河)最近之支流而下(其源在二三〇三山之西約半英里)，並循南板河至此河與大南滾河會流處(約在

(三)

東經九十九度零三十秒北緯二十三度十四分四十八秒)。界線即沿大南滾河而下，至該河與其左岸一支流支會處，約在東經九十八度五十九分五十秒北緯二十三度十三分二十秒；然後此線即溯該支流而上至其源頭續向東南行達一山脊。沿此山脊而至一九七〇山（約在東經九十九度三分五十八秒北緯二十三度十分四十二秒）；再沿此山脊南行至一七七〇山（約在東經九十九度三分二十七秒北緯二十三度七分二十五秒），界線由此沿大南滾河與南屯河流域之分水嶺大致向東行直至二一七九山之南約一英里與湄潞二江分水嶺相

(四)

遇（約在東經九十九度十分北緯二十三度六分二十三秒）。然後界線循湄潞二江分水嶺大致先東行至二二七八山之南，再大致南行經二一四六山以達一九三〇山（約在東經九十九度三十四分北緯二十二度五十六分）。界線由此沿南馬河流域與南卡藍河（又名庫杏河）暨南卡鎬河（又名南項河）流域之分水嶺先向西南繼向西最後向西北行至一五二三山（約在東經九十九度二十六分四十三秒北緯二十二度五十六分四十三秒）；繼順南卡鎬河最近之支流而下，並沿此河行至其右岸與一支流交會處約在北緯二十二度五十分五十二秒。界

(五)

線即溯此支流向西與西南行至其源頭並越過以二一八。山為最高峯（約在東經九十九度二十四分三十八秒北緯二十二度四十八分三十七秒）之山脊，經最直接路線至南洒克河最近支流之源頭，並即順該河流而下至其與南徐河會流處（約在東經九十九度十八分四十二秒北緯二十二度四十四分十八秒）；然後沿南徐河下至此河與南卡江會流處（約在東經九十九度二十三分二十秒北緯二十二度三十五分十秒），再沿南卡江下行至南段已定界一號界橋。

附送勘界委員會地圖一份，上述界線在該圖上以

紅色線標明之。

茲應請

貴大使證實大不列顛及北愛爾蘭聯合國政府與緬甸政府對於上述界線代替光緒二十三年正月初三日（一八九七年二月四日）中英兩國在北京簽訂之中英續議緬甸條約附款第三條第三第四兩節所指之界線，表示同意。相應照請貴大使查照見復為荷。

本部長順向

貴大使重表敬意。

此致

(七)

英國駐中華民國特命全權大使卡爾爵士閣下

附地圖一份。

王寵惠

中華民國三十年六月十八

日

(八)

No. 2

Sir Archibald Clark Kerr to Dr. Wang Chung Hui

British Embassy,

Chungking, 18th June, 1941.

Sir,

I have the honour to acknowledge the receipt of your Excellency's Note of to-day's date, which reads as follows:—

{As in No. 1}

In reply I have the honour to confirm that His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland, on their own behalf and on behalf of the Government of Burma, agree that the boundary line, as quoted above, shall be substituted for the line described in paragraphs 3 and 4 of Article 3 of the Agreement between China and Great Britain, signed at Peking on 4th February, 1897.

I avail, &c.

ARCHIBALD CLARK KERR.

No. 3

Sir Archibald Clark Kerr to Dr. Wang Chung Hui

British Embassy,

Chungking, 18th June, 1941.

Sir,

With reference to the Notes exchanged between us to-day regarding the determination of the southern section of the boundary between Burma and Yunnan, I am authorised by the Government of Burma to inform your Excellency's Government that the Government of Burma is willing, as a gesture of goodwill, to undertake to permit Chinese participation in any mining enterprises which may be undertaken by British concerns on the eastern slopes of the Lufang ridge provided that Chinese interests in these enterprises do not exceed 49 per cent. of the total of the capital of each enterprise.

2. The area in question is shown enclosed by a red line on the attached map and its boundaries are as follows:—

A line commencing at the summit of hill 2304 running along the ridge to the hill of Lufang Camp (2025), thence along the ridge to Man Hsiang village, thence in a south-easterly direction down the ridge to join the Nam It stream, thence following the course of the Nam It upstream to its source below the peak of hill 2304, thence to the summit of hill 2304.

I avail, &c.

ARCHIBALD CLARK KERR.

貴大使查照為荷。

本部長順向

貴大使重表敬意。

此致

英國駐中華民國特命全權大使卡爾爵士閣下

王寵惠

中華民國三十年六月十八日

(三)

上述區域，即附圖所示包括於紅線範圍以

內者，其界線如下：

界線由二三〇四山頂起，循山脊至爐房營盤
 山巔（二〇二五），再循山脊至蠻相村，然後順山
 脊東南下行迄南一河相連處，復溯南一河河流
 而上至二三〇四山峯下之發源處以達二三〇四山
 巔。

等由；准此。本部長茲請

貴大使轉達緬甸政府，中國政府對此種善意表示，
 至為欣感。相應照復，即請

照會

逕復者接准

貴大使本日照會內開：

關於滇緬南段界線之決定，貴我兩方經於本日簽訂換文在案，本大使茲由緬甸政府授權通知貴國政府，緬甸政府為表示善意起見，願意允許中國方面參加英國行家在蘆房山脊東面斜坡所經營之任何鑛產企業，但在此類企業中之中國投資不得超過每一企業資本總額之百分之四十九。

(一)

No. 4

Dr. Wang Chung Hui to Sir Archibald Clark Kerr

(Translation)
Sir,

*Ministry for Foreign Affairs,
Chungking, 18th June, 1941.*

I have the honour to acknowledge the receipt of your Excellency's Note of to-day's date, which reads as follows:—

[As in No. 3]

I have the honour to request that you will convey to the Government of Burma the National Government's appreciation of this gesture of goodwill.

I avail, &c.

WANG CHUNG HUI.

98° 50' 20'

E

55'

F

99° 0'

3

15'

4

10'

