

No. 5308

**THAILAND
and
BURMA**

**Exchange of notes constituting an agreement on border
traffic. Bangkok, 31 December 1959 and 8 June 1960**

Official text: English.

Registered by Thailand on 12 August 1960.

**THAÏLANDE
et
BIRMANIE**

**Échange de notes constituant un accord sur le trafic fronta-
lier. Bangkok, 31 décembre 1959 et 8 juin 1960**

Texte officiel anglais.

Enregistré par la Thaïlande le 12 août 1960.

No. 5308. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE GOVERNMENT OF THAILAND AND THE GOVERNMENT OF THE UNION OF BURMA ON BORDER TRAFFIC. BANGKOK, 31 DECEMBER 1959 AND 8 JUNE 1960

I

MINISTRY OF FOREIGN AFFAIRS
SARANROM PALACE

No. 37590/2502

31st December, B. E. 2502

Monsieur l'Ambassadeur,

In continuation of my Note No. 11749/2502 dated the 29th April, B. E. 2502 concerning the Memorandum of Understanding on Border Traffic between Thailand and the Union of Burma, I have now the honour to propose to Your Excellency the following provisions regulating border traffic between our two countries, the purpose of which being to enable residents along the common frontier conveniently to cross border upon visits of short duration :

I. *General Provisions*

A person not holding a valid and duly visaed passport or other travel document, who will cross the border into the territory of the other country shall secure a border Pass from the competent authorities of his own country, and shall carry that pass with him throughout the period of his stay in the other country.

II. *Persons who are entitled to Border Passes*

Border Passes may be issued to the following persons :

(a) Those of Thai nationality or Burmese nationality and being resident for not less than 2 years in the area within 16 kilometres or 10 miles of the common border.

(b) A person who is not deemed undesirable to either or both countries. Each Government will exchange with the other from time to time lists and categories of such undesirable persons.

III. *Regulations on the issue of Border Passes*

(a) Persons who wish to enter the territory of the other country may file with the authorities responsible for the issue of Border Passes an application in the prescribed form together with two passport-sized (4 × 6 cms full face) photographs in which the head is straight and uncovered.

¹ Came into force on 8 June 1960 by the exchange of the said notes.

In the case of a spouse accompanying the applicant, the spouse may apply for a separate Border Pass or may apply with the applicant for a joint Border Pass. The spouse will in such a case submit two photographs of the same size. In the case of children under the age of 15 accompanying them, they may share their parents' Border Pass which specifies the children's names, sex and age, and two photographs of each child will be submitted.

(b) The Border Pass will be in conformity with the specimen form annexed¹ to this Note. To the Border Pass will be attached a photograph stipulated under Paragraph (a).

If no photograph is attached, the applicant's right thumb and index finger prints as well as his signature will be affixed. Only the right thumb and index finger prints are required if a Pass holder is unable to sign, and the authorities may record thus "Unable to sign".

(c) The two Governments will notify each other as to the official status of persons who are authorized to issue Border Passes. Such officers will exchange between themselves their names, and specimen signature from time to time.

(d) The authorities mentioned under paragraph (c) shall, according to the time schedule to be determined, exchange (1) lists of Border Pass holders and (2) lists of Pass holders who actually travel between Thailand and Burma.

IV. *Conditions to be observed by Border Pass Holders*

(a) A Border Pass holder may travel into the territory of the other country to a distance of not more than 16 kilometres or 10 miles from the common border, and may remain in the country up to 24 hours from the time of his entry for which the competent authorities shall keep a register for reference.

At the end of the period of 24 hours as permitted, the Pass holder may apply for a 24 hour extension to the competent authorities of the country of his entry. Should a further extension be necessary the competent authorities may in exceptional cases, consider permitting his stay for a further period as may be required but not exceeding 30 days from the date of entry.

(b) A Border Pass holder may travel into or out of the other country at the specified points to be prescribed in the Pass by the competent authorities.

(c) Upon entry into the territory of the other country and upon re-entry into his own country, the Pass holder shall present his Pass to the competent authorities of the country of his entry for recording particulars both before entry and before departure from the country.

(d) Border Pass holders residing in certain specified areas remote from the stipulated points of entry and departure may also enter the other country to a distance of 5 kilometres or 3 miles from the common border at adjacent points prescribed in the Pass. In such cases the Pass holders are required to report to the village headman or the local authorities concerned.

V. *Treatment of Offenders*

1) The competent authorities may take appropriate action against any person travelling into the other territory without the necessary permit.

¹ Not reproduced in the copies of the Agreement transmitted for registration.

2) The following persons will be reconducted out of the country by the competent authorities and, if such offences are repeated three times, the competent authorities will stop or refrain from re-issuing Border Passes to them, namely :

(a) Those Pass holders who overstay the permitted period in the other territory without making due application for an extension or who travel to a distance of more than 16 kilometres or 10 miles from the common border.

(b) Those Pass holders who do not travel into and out of the other country at the points prescribed in the Border Passes.

(c) Those Pass holders who travel into or out of the other country without reporting to the competent authorities of the country of entry either upon entry into or upon departure from the territory of the other country, as the case may be.

VI. *Validity of a Border Pass*

A Border Pass shall be valid for a period of one year from the date of its issue, and it may be revalidated not more than twice, each time for a period of one year.

For renewal, a Border Pass holder shall file an application with the competent authorities not less than 15 days and not exceeding one month before the date of expiry.

VII. *Damaged or lost Pass*

(a) Should the competent authorities find that the Pass of any person is damaged, a new Pass may be issued after the Pass holder has handed over the damaged one.

(b) In case where a Border Pass is lost, a report shall be made to the competent authorities immediately, and an enquiry shall be instituted to ascertain the *bona fides* of the report before a new Pass is issued. The new Pass shall be stamped with the word "Substitute".

In the event of the above provisions being acceptable to the Government of the Union of Burma, I have the honour further to propose that the present Note and Your Excellency's reply to that effect shall be considered as constituting and placing upon record the agreement arrived at in this matter which shall become effective on the date of Your Excellency's reply, and shall remain in force until otherwise agreed to by our two Governments.

I avail myself of this opportunity, Monsieur l'Ambassadeur, to renew to Your Excellency the assurance of my highest consideration.

(Signed) Thanat KHOMAN
Minister of Foreign Affairs

His Excellency Sithu U Ba Maung
Ambassador Extraordinary and Plenipotentiary
of the Union of Burma
Embassy of the Union of Burma
Bangkok

II

EMBASSY OF THE UNION OF BURMA
BANGKOK

No. 62/LA-13

Dated the 8th June 1960

Your Excellency,

I have the honour to acknowledge the receipt of your Note No. 37590/2502 of the 31st December, B. E. 2502, which reads as follows :

[*See note I*]

I have the honour to state that the provisions regulating border traffic between our two countries proposed in Your Excellency's Note are acceptable to the Government of the Union of Burma, and to confirm that Your Excellency's Note and the present Note shall be considered as constituting and placing upon record the agreement arrived at in this matter which shall become effective on the date of the present Note and shall remain in force until otherwise agreed to by our two Governments.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

(*Signed*) BA MAUNG
Ambassador Extraordinary and Plenipotentiary
of the Union of Burma

His Excellency Nai Thanat Khoman
Minister of Foreign Affairs
Thailand