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TREATY SERIES No. 8 (1926)

TREATY
OF
Commerce and Navigation
BETWEEN THE
United Kingdom and Siam

Signed at London, July 14, 1925

[Ratifications exchanged at London, March 30, 1926]

PRESENTED BY THE SECRETARY OF STATE FOR FOREIGN
AFFAIRS TO PARLIAMENT BY COMMAND OF HIS MAJESTY

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Cmd. 2643

Treaty of Commerce and Navigation between the United Kingdom and Siam.

Signed at London, July 14, 1925.

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His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, and His Majesty the King of Siam being desirous of facilitating and extending the commercial relations already existing between their respective countries, have determined to conclude a Treaty of Commerce and Navigation with this object, and have appointed as their plenipotentiaries, that is to say:

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India:

The Right Honourable Joseph Austen Chamberlain, a Member of Parliament, His Majesty's Principal Secretary of State for Foreign Affairs; and

His Majesty the King of Siam:

Phya Prabha Karawongse, His Envoy Extraordinary and Minister Plenipotentiary at the Court of His Britannic Majesty;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following articles:—

ARTICLE 1.

There shall be between the territories of the two contracting parties reciprocal freedom of commerce and navigation.

The subjects of each of the two contracting parties, upon conforming themselves to the laws and regulations applicable generally to native subjects, shall have liberty freely and securely to come, with their ships and cargoes, to all places and ports in the territories of the other to which subjects of that contracting party are, or may be, permitted to come, and shall enjoy the same rights, privileges, liberties, favours, immunities and exemptions in matters of commerce and navigation as are, or may be, enjoyed by subjects of that contracting party.

ARTICLE 2.

The subjects of either of the two contracting parties shall be entitled to enter, travel and reside in the territories of the other so long as they satisfy and observe the conditions and regulations applicable to the entry, travelling and residence of all foreigners.

ARTICLE 3.

The dwellings, warehouses, factories and shops and all other property of the subjects of each of the two contracting parties in the territories of the other, and all premises appertaining thereto, used for purposes of residence or commerce, shall be respected. Except

under the conditions and with the forms prescribed by the laws, ordinances and regulations for native subjects or for the subjects or citizens of the most favoured foreign country, no domiciliary visit shall be instituted and no search of any such buildings or premises be carried out, nor shall books, papers or accounts be examined or inspected.

ARTICLE 4.

In so far as taxes, rates, customs duties, imposts, fees which are substantially taxes and any other similar charges are concerned, the subjects of each of the two contracting parties in the territories of the other shall enjoy, in respect of their persons, their property, rights and interests, and in respect of their commerce, industry, profession, occupation or any other matter, in every way the same treatment as the subjects of that party or the subjects or citizens of the most favoured foreign country.

ARTICLE 5.

With respect to all forestry undertakings, and to searches for minerals (including oil) and mining operations (including oil wells), in Siam, British subjects and companies, partnerships and associations established in His Britannic Majesty's territories shall be entitled to treatment not less favourable than that which is, or may hereafter be, accorded to Siamese subjects or the subjects or citizens of any other foreign country.

ARTICLE 6.

The two contracting parties agree that in all matters relating to commercial or industrial pursuits or the exercise of professions or occupations, any privilege, favour or immunity which either of the two contracting parties has actually granted, or may hereafter grant, to the subjects or citizens of any other foreign country shall be extended, simultaneously and unconditionally, without request and without compensation, to the subjects of the other, it being their intention that the pursuit of commerce and industry in the territories of each of the two contracting parties shall be placed in all respects on the footing of the most favoured nation.

ARTICLE 7.

The subjects of each of the two contracting parties in the territories of the other shall be at full liberty to acquire and possess every description of property, movable and immovable, which the laws of the other contracting party permit, or shall permit, the subjects or citizens of any other foreign country to acquire and possess. They may dispose of the same by sale, exchange, gift, marriage, testament or in any other manner, or acquire the same by inheritance, under the same conditions as are, or shall be, established with regard to subjects of the other contracting party, or the subjects or citizens of the most favoured foreign country.

They shall not be subjected in any of the cases mentioned in the foregoing paragraph to any taxes, imposts or charges of whatever

denomination other or higher than those which are, or shall be, applicable to native subjects, or to the subjects or citizens of the most favoured foreign country.

They shall also be permitted to export their property and their goods in general, and shall not be subjected in these matters to any other restrictions or to any other or higher duties than those to which native subjects or the subjects or citizens of any other foreign country would be liable in similar circumstances.

In all these matters British subjects shall continue to enjoy in Siam the same rights and, subject to the provisions of articles 4 and 8 of the present treaty, be subject to the same obligations as those which were provided for by article 6 of the Anglo-Siamese Treaty signed at Bangkok on the 10th March, 1909.

ARTICLE 8.

In all that relates to compulsory military service and to the exercise of compulsory judicial, administrative and municipal functions, the subjects of one of the two contracting parties shall not be accorded in the territories of the other less favourable treatment than that which is, or may be, accorded to subjects or citizens of the most favoured foreign country.

British subjects in Siamese territory shall be exempted from all compulsory military service whatsoever, whether in the army, navy, air force, national guard or militia. They shall similarly be exempted from all forms of compulsory manual labour (except in cases of sudden and unexpected occurrences involving great public danger, or where Siamese law gives the option of performing such labour in lieu of the payment of taxes) and from the exercise of all compulsory judicial, administrative and municipal functions whatever, as well as from all contributions, whether in money or in kind, imposed as an equivalent for such personal service, and finally from all forced loans, whether in money or in kind, and from all military exactions or contributions.

It is, however, understood that British subjects shall continue as heretofore to be liable to capitation tax.

ARTICLE 9.

Articles produced or manufactured in the territories of one of the two contracting parties, imported into the territories of the other, from whatever place arriving, shall not be subjected to other or higher duties or charges than those paid on the like articles produced or manufactured in any other foreign country. Nor shall any prohibition or restriction be maintained or imposed on the importation of any article, produced or manufactured in the territories of either of the two contracting parties, into the territories of the other, from whatever place arriving, which shall not equally extend to the importation of the like articles produced or manufactured in any other foreign country.

The only exceptions to this general rule shall be in the case of the sanitary or other prohibitions occasioned by the necessity of securing the safety of persons, or the protection of animals or plants

against diseases or pests, and of the measures applicable in the territories of either of the two contracting parties with respect to articles enjoying a direct or indirect bounty in the territories of the other contracting party.

ARTICLE 10.

The following articles manufactured in any of His Britannic Majesty's territories to which this treaty applies, viz., cotton yarns, threads, fabrics and all other manufactures of cotton, iron and steel and manufactures thereof, and machinery and parts thereof, shall not, on importation into Siam, be subjected to any customs duty in excess of 5 per cent. *ad valorem* during the first ten years after this treaty has come into force.

It is understood that the articles to which this provision applies shall be those included in the groups III (1), III (c) and III (g), in volume I of the Annual Statement of the Trade of the United Kingdom for 1923 compiled in the Statistical Office of the British Customs and Excise Department.

It is further understood that in regard to particular classes of the above-mentioned articles customs duties may be imposed on a specific basis, provided that such specific duties do not in any case exceed in amount the equivalent of 5 per cent. *ad valorem*.

ARTICLE 11.

Drawback of the full amount of duty shall be allowed upon the exportation from Siam of all goods previously imported into Siam from His Britannic Majesty's territories which, though landed, have not gone into consumption in Siam, or been subjected there to any process.

Nevertheless, His Britannic Majesty will not claim the advantages of this article in so far as exports of filled gunny bags are concerned, so long as the duty leviable on the importation of gunny bags into Siam from the territories of His Britannic Majesty shall not exceed 1 per cent. *ad valorem*.

ARTICLE 12.

As soon as possible and in any case within six months of the coming into force of this treaty a supplementary convention shall be concluded between the two contracting parties which shall determine all matters incidental to the application of the duties specified in articles 10 and 11 of this treaty.

ARTICLE 13.

Any prohibitions or restrictions, whether by the creation or maintenance of a monopoly or otherwise, which are, or may hereafter be, imposed in Siam on the importation, purchase and sale of arms and ammunition shall not be so framed or administered as to prevent British subjects, firms and companies from obtaining adequate supplies of industrial explosives for use in their industries, it being understood that nothing in this article shall preclude the Siamese Government from enforcing such reasonable regulations as may be required in the interests of public safety.

ARTICLE 14.

Each of the two contracting parties undertakes to inform the other of its intention to establish any monopoly with a view to securing that the monopoly shall interfere as little as possible with the trade between the territories of the two contracting parties.

In the event of the establishment of any such monopoly, the question of the payment of compensation, and the amount, if any, of such compensation which shall be paid to the subjects or companies, partnerships or associations of one of the two contracting parties established in the territories of the other, shall be settled by mutual agreement between the two contracting parties or by arbitration.

Nothing in this article shall require the payment of compensation in the event of the establishment of a monopoly relating to opium or other drugs included now or hereafter within the scope of the International Opium Agreement and of the International Opium Convention signed at Geneva on the 11th February, 1925, and the 19th February, 1925, respectively.

ARTICLE 15.

Articles produced or manufactured in the territories of either of the two contracting parties, exported to the territories of the other, shall not be subjected to other or higher duties or charges than those paid on the like articles exported to any other foreign country. Nor shall any prohibition or restriction be imposed on the exportation of any article from the territories of either of the two contracting parties to the territories of the other which shall not equally extend to the exportation of the like articles to any other foreign country.

Nothing in this article shall apply to any prohibition or restriction imposed on the exportation of opium or other dangerous drugs included within the scope of the International Opium Convention signed at Geneva on the 19th February, 1925.

ARTICLE 16.

Articles exported from Siam to His Britannic Majesty's territories shall not from the time of production to the date of shipment pay more than one impost, whether this be levied as an inland or transit duty or paid on exportation.

Where the Siamese Government has granted concessions which provide for payments to the Government in respect of the product to which the concession relates on the understanding that an inland duty formerly levied should be withdrawn the payments in question shall be held to include an impost for the purpose of this article.

ARTICLE 17.

Having regard to the provisions of article 7 of the International Convention relating to the Simplification of Customs Formalities signed at Geneva on the 3rd November, 1923, the two contracting parties agree to take the most appropriate measures by their national legislation and administration both to prevent the arbitrary or unjust application of their laws and regulations with regard to customs and

other similar matters, and to ensure redress by administrative, judicial or arbitral procedure for those who have been prejudiced by such abuses.

ARTICLE 18.

Internal duties levied within the territories of either of the two contracting parties for the benefit of the State or local authorities on goods, the produce or manufacture of the territories of the other party, shall not be other or greater than the duties levied in similar circumstances on the like goods of national origin, provided that in no case shall such duties be more burdensome than the duties levied in similar circumstances on the like goods of any other foreign country.

ARTICLE 19.

The two contracting parties agree, with respect to the treatment of commercial travellers and samples, to accord to each other all those facilities and privileges which are set out in the International Convention relating to the Simplification of Customs Formalities signed at Geneva on the 3rd November, 1923.

Any further facilities or privileges accorded by either party to any other foreign country in respect of commercial travellers or samples shall be extended unconditionally to the other party.

ARTICLE 20.

Limited liability and other companies, partnerships and associations formed for the purpose of commerce, insurance, finance, industry, transport or any other business, and established in the territories of either party, shall, provided that they have been duly constituted in accordance with the laws in force in such territories, be entitled, in the territories of the other, to exercise their rights and appear in the courts either as plaintiffs or defendants, subject to the laws of such other party.

Each of the two contracting parties undertakes to place no obstacle in the way of such companies, partnerships and associations which may desire to carry on in its territories, whether through the establishment of branches or otherwise, any description of business which the companies, partnerships and associations of any other foreign country are, or may be, permitted to carry on.

Limited liability and other companies, partnerships and associations of either party shall enjoy in the territories of the other treatment in regard to taxation no less favourable than that accorded to the limited liability and other companies, partnerships and associations of that party.

In no case shall the treatment accorded by either of the two contracting parties to companies, partnerships and associations of the other be less favourable in respect of any matter whatever than that accorded to companies, partnerships and associations of the most favoured foreign country.

ARTICLE 21.

Each of the two contracting parties shall permit the importation or exportation of all merchandise which may be legally imported or

exported, and also the carriage of passengers from or to their respective territories, upon the vessels of the other, and such vessels, their cargoes and passengers shall enjoy the same privileges as, and shall not be subject to any other or higher duties, charges or restrictions than national vessels and their cargoes and passengers, or the vessels of any other foreign country and their cargoes and passengers.

ARTICLE 22.

In all that regards the stationing, loading and unloading of vessels in the ports, docks, roadsteads and harbours of the territories of the two contracting parties, no privilege or facility shall be granted by either party to vessels of any other foreign country or to national vessels which is not equally granted to vessels of the other party from whatsoever place they may arrive and whatever may be their place of destination.

ARTICLE 23.

In regard to duties of tonnage, harbour, pilotage, lighthouse, quarantine or other analogous duties or charges of whatever denomination levied in the name or for the profit of the Government, public functionaries, private individuals, corporations or establishments of any kind, the vessels of each of the two contracting parties shall enjoy in the ports of the territories of the other treatment at least as favourable as that accorded to national vessels or the vessels of any other foreign country.

ARTICLE 24.

The provisions of this treaty relating to the mutual concession of national treatment in matters of navigation do not apply to the coasting trade. In respect of the coasting trade, however, as also in respect of all other matters of navigation, the subjects and vessels of each of the contracting parties shall enjoy most-favoured-nation treatment in the territories of the other, in addition to any other advantages that may be accorded by this treaty.

The vessels of either contracting party may, nevertheless, proceed from one port to another port in the territories of the other contracting party, either for the purpose of landing the whole or part of their cargoes or passengers brought from abroad, or of taking on board the whole or part of their cargoes or passengers for a foreign destination.

It is also understood that in the event of the coasting trade of either party being exclusively reserved to national vessels, the vessels of the other party, if engaged in trade to or from places not within the limits of the coasting trade so reserved, shall not be prohibited from the carriage between two ports of the territories of the former party of passengers holding through tickets or merchandise consigned on through bills of lading to or from places not within the above-mentioned limits, and while engaged in such carriage these vessels and their passengers and cargoes shall enjoy the full privileges of this treaty.

ARTICLE 25.

Any vessels of either of the two contracting parties which may be compelled by stress of weather or by accident to take shelter in a port of the territories of the other shall be at liberty to refit therein, to procure all necessary stores and to put to sea again, without paying any dues other than such as would be payable in a similar case by a national vessel. In case, however, the master of a merchant vessel should be under the necessity of disposing of a part of his merchandise in order to defray his expenses, he shall be bound to conform to the regulations and tariffs of the place to which he may have come.

If any vessel of one of the two contracting parties shall run aground or be wrecked upon the coasts of the territories of the other, such vessel and all parts thereof and all furniture and appurtenances belonging thereto, and all goods and merchandise saved therefrom, including any which may have been cast into the sea, or the proceeds thereof, if sold, as well as all papers found on board such stranded or wrecked vessel, shall be given up to the owners of such vessel, goods, merchandise, &c., or to their agents, when claimed by them. If there are no such owners or agents on the spot, then the vessel, goods, merchandise, &c., referred to shall, in so far as they are the property of a subject of the second contracting party, be delivered to the consular officer of that contracting party in whose district the wreck or stranding may have taken place, upon being claimed by him within the period fixed by the laws of that contracting party, and such consular officer, owners or agents shall pay only the expenses incurred in the preservation of the property, together with the salvage or other expenses which would have been payable in the like case of a wreck or stranding of a national vessel.

The two contracting parties agree, however, that merchandise saved shall not be subjected to the payment of any customs duty unless cleared for internal consumption.

In the case of a vessel being driven in by stress of weather, run aground or wrecked, the respective consular officer shall, if the owner or master or other agent of the owner is not present, or is present and requires it, be authorised to interpose in order to afford the necessary assistance to his fellow-countrymen.

ARTICLE 26.

All vessels which, according to British law, are deemed to be British vessels, and all vessels which, according to Siamese law, are deemed to be Siamese vessels, shall, for the purposes of this treaty, be deemed British or Siamese vessels respectively.

ARTICLE 27.

It shall be free to each of the two contracting parties to appoint consuls-general, consuls, vice-consuls and consular agents to reside in the towns and ports of the territories of the other to which such representatives of any other nation may be admitted by the respective Governments. Such consuls-general, consuls, vice-consuls and consular agents, however, shall not enter upon their functions until after

they shall have been approved and admitted in the usual form by the Government to which they are sent.

The consular officers of one of the two contracting parties shall enjoy in the territories of the other the same official rights, privileges and exemptions as are or may be accorded to similar officers of any other foreign country.

ARTICLE 28.

In the case of the death of a subject of one of the two contracting parties in the territories of the other, leaving kin but without leaving at the place of his decease any person entitled by the laws of his country to take charge of and administer the estate, the competent consular officer of the country to which the deceased belonged shall, upon fulfilment of the necessary formalities, be empowered to take custody of and administer the estate in the manner and under the limitations prescribed by the law of the country in which the property of the deceased is situated.

It is understood that in all that concerns the administration of the estates of deceased persons, any right, privilege, favour or immunity which either contracting party has actually granted, or may hereafter grant, to the consular officers of any other foreign country shall be extended immediately and unconditionally to the consular officers of the other contracting party.

ARTICLE 29.

The consular officers of one of the two contracting parties residing in the territories of the other shall receive from the local authorities such assistance as can by law be given to them for the recovery of deserters from the vessels of the former party. Provided that this stipulation shall not apply to subjects of the contracting party from whose local authorities assistance is requested.

ARTICLE 30.

The subjects of each of the two contracting parties shall have in the territories of the other the same rights as subjects of that contracting party in regard to patents for inventions, trade-marks, trade names, designs and copyright in literary and artistic works, upon fulfilment of the formalities prescribed by law.

ARTICLE 31.

As soon as possible after the preponderating proportion of the imports into Siam is obtained from countries whose subjects or citizens shall have become subject to Siamese law and jurisdiction (even though still enjoying privileges under the right of evocation), the Siamese Government will promulgate and bring into operation laws for the proper regulation of the matters dealt with in article 30 and will also take the necessary measures for the regulation of merchandise marks by which imported products shall be protected from competition through false marks, false indications of origin, the short reeling of yarns, and the false lapping of piece-goods.

ARTICLE 32.

It is hereby understood and agreed that none of the stipulations of the present treaty by which Siam grants most-favoured-nation treatment is to be interpreted as granting rights, powers, privileges or immunities arising solely by virtue of the existence of rights of exemption from Siamese jurisdiction, judicial, administrative or fiscal, possessed by other foreign countries.

ARTICLE 33.

The two contracting parties agree that any dispute that may arise between them as to the proper interpretation or application of any of the provisions of the present treaty shall, at the request of either party, be referred to arbitration, and both parties hereby undertake to accept as binding the arbitral award.

The court of arbitration to which disputes shall be referred shall be the Permanent Court of International Justice at The Hague, unless in any particular case the two contracting parties agree otherwise.

ARTICLE 34.

The stipulations of the present treaty shall not be applicable to India or to any of His Britannic Majesty's self-governing dominions, colonies, possessions or protectorates unless notice is given by His Britannic Majesty's representative at Bangkok of the desire of His Britannic Majesty that the said stipulations shall apply to any such territory.

Nevertheless, goods produced or manufactured in India or in any of His Britannic Majesty's self-governing dominions, colonies, possessions or protectorates shall enjoy in Siam complete and unconditional most-favoured-nation treatment so long as goods produced or manufactured in Siam are accorded in India, or such self-governing dominion, colony, possession or protectorate, treatment as favourable as that accorded to goods produced or manufactured in any other foreign country.

ARTICLE 35.

The terms of the preceding article relating to India and to His Britannic Majesty's self-governing dominions, colonies, possessions and protectorates shall apply also to any territory in respect of which a mandate on behalf of the League of Nations has been accepted by His Britannic Majesty.

ARTICLE 36.

The provisions of the present treaty which apply to British subjects shall also be deemed to apply to all persons who both enjoy the protection of His Britannic Majesty and are entitled to registration in Siam in accordance with article 6 of the General Treaty signed this day.*

ARTICLE 37.

The present treaty shall be ratified and the ratifications shall be exchanged at London as soon as possible. It shall come into force

* Treaty Series No. 7 (1926) (Cmd. 2642).

on the same day as the General Treaty, between the two contracting parties signed this day, and shall be binding during ten years from the date of its coming into force. In case neither of the two contracting parties shall have given notice to the other twelve months before the expiration of the said period of ten years of its intention to terminate the present treaty, it shall remain in force until the expiration of one year from the date on which either of the two contracting parties shall have denounced it.

It is clearly understood that such denunciation shall not have the effect of reviving any of the treaties, conventions, arrangements or agreements abrogated by former treaties or agreements or by article 5 of the General Treaty signed this day.

As regards India or any of His Britannic Majesty's self-governing dominions, colonies, possessions or protectorates, or any territory in respect of which a mandate on behalf of the League of Nations has been accepted by His Britannic Majesty to which the stipulations of the present treaty shall have been made applicable under articles 34 and 35 either of the two contracting parties shall have the right to terminate it separately on giving twelve months' notice to that effect. Such notice, however, cannot be given so as to take effect before the termination of the period of ten years mentioned in the first paragraph of this article, except in the case of His Britannic Majesty's self-governing dominions (including territories administered by them under mandate) and the colony of Southern Rhodesia, in respect of which notice of termination may be given by either contracting party at any time.

In witness whereof the respective plenipotentiaries have signed the present treaty and have affixed thereto their seals.

Done in duplicate in the English language, at London, the 14th day of July, in the nineteen hundred and twenty-fifth year of the Christian era, corresponding to the 14th day of the 4th month in the 2468th year of the Buddhist era.

(L.S.) AUSTEN CHAMBERLAIN.

(L.S.) PRABHA KARAVONGS.