

N° 4358.

DANEMARK ET SIAM

Traité d'amitié, de commerce et de navigation, avec protocole final, signés à Copenhague, le 5 novembre 1937, et échange de notes y relatif de la même date.

DENMARK AND SIAM

Treaty of Friendship, Commerce and Navigation, with Final Protocol, signed at Copenhagen, November 5th, 1937, and Exchange of Notes relating thereto of the same Date.

No. 4358. — TREATY¹ OF FRIENDSHIP, COMMERCE AND NAVIGATION BETWEEN DENMARK AND SIAM. SIGNED AT COPENHAGEN, NOVEMBER 5TH, 1937.

English official text communicated by the Permanent Delegate of Denmark to the League of Nations and by the Permanent Representative of Siam to the League of Nations. The registration of this Treaty took place May 19th, 1938.

HIS MAJESTY THE KING OF DENMARK AND ICELAND and HIS MAJESTY THE KING OF SIAM, being desirous of strengthening the relations of amity and good understanding which happily exist between the two States, and being convinced that this cannot be better accomplished than by revising the treaties hitherto existing between the two countries, have resolved to complete such revision, based upon the principles of reciprocity, equity and mutual benefit, and for that purpose have named as their Plenipotentiaries, that is to say :

HIS MAJESTY THE KING OF DENMARK AND ICELAND :

Peter Rochegune MUNCH, D.Sc., His Minister for Foreign Affairs ;

HIS MAJESTY THE KING OF SIAM :

His Excellency Phya RAJAWANGSAN, His Envoy Extraordinary and Minister Plenipotentiary ;

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

Article 1.

There shall be constant peace and perpetual friendship between the Kingdom of Denmark and the Kingdom of Siam.

Article 2.

The nationals of each of the High Contracting Parties, upon submitting themselves to the laws and regulations in force in the territory of the other, shall be permitted to enter, travel and reside in this territory, to engage in religious, educational and charitable work, to own or lease and occupy houses, manufactories, warehouses and shops, to employ agents of their choice, and to own or

¹ The exchange of ratifications took place at Copenhagen, March 15th, 1938.
Came into force March 30th, 1938.

lease land for residential, commercial, industrial, religious, charitable and other lawful purposes and for use as cemeteries on the same terms as the nationals of the most-favoured nation.

They shall not be compelled, under any pretext whatsoever, to pay any dues, taxes or charges of any nature whatsoever other or higher than those that are or may be paid by nationals of the other High Contracting Party.

The nationals of each of the High Contracting Parties shall receive, in the territory of the other, the most constant protection and security for their persons and property and shall enjoy in this respect the same rights and privileges as are or may be granted to nationals of the other High Contracting Party, on their submitting themselves to the laws and regulations locally in force.

They shall, however, be exempt in the territory of the other Party from all compulsory functions, whether administrative or judicial, except in cases of guardianship, and from compulsory military service either on land, on sea, or in the air, in the regular forces, or in the national guard, or in the militia ; from all contributions in money or in kind, imposed in lieu of personal military service and from all forced loans and forced gifts and from all military contributions. They shall not be subjected, in time of peace or in time of war, to military requisitions except as imposed upon nationals, and they shall reciprocally be entitled to compensation payable to nationals by the laws in force in their respective countries.

The nationals of each of the High Contracting Parties shall enjoy in the territory of the other entire liberty of conscience, and, subject to the local laws and regulations, shall enjoy the right of private or public exercise of their worship.

In all that relates to their commercial, shipping, industrial and agricultural pursuits, and to callings and professions, the nationals of either of the High Contracting Parties shall throughout the whole extent of the territory of the other be placed in all respects on the same footing as the nationals of the most-favoured nation.

They shall there have right to acquire, possess or dispose of any kind of movable and immovable property, the acquisition, possession or disposal of which is or may hereafter be allowed by the laws in force in the country to nationals of the most-favoured nation.

Article 3.

The dwellings, warehouses, manufactories, shops and all other buildings of the nationals of each of the High Contracting Parties in the territory of the other, together with all premises used in connection therewith for lawful purposes, shall be exempt from visits and searches and from examinations or inspections of books, papers, or accounts therein located, except under the conditions and with the forms prescribed by the laws and regulations applying to the nationals of the other High Contracting Party.

Article 4.

The nationals of each of the High Contracting Parties shall have liberty freely to come with their ships and cargoes to all places, ports and waterways in the territory of the other which are or may be opened to foreign commerce and navigation, subject always to the laws of the country to which they thus come.

Article 5.

In the event of one of the High Contracting Parties being in the necessity of establishing prohibitions or restrictions on the importation or exportation of any article of commerce between the two countries, the said Party undertakes to take into consideration as far as possible the interests of the other Party.

Nothing in this Treaty shall be construed to restrict the right of either High Contracting Party to impose :

(1) Prohibitions, restrictions or regulations for the enforcement of police or revenue laws, including laws prohibiting or restricting the importation, exportation, or sale of alcohol or alcoholic beverages or of opium, the coca leaf, their derivatives and other narcotic drugs, as well as other laws imposed upon articles the internal production, consumption, sale or transport of which is or may be forbidden or restricted by the national law ;

(2) Prohibitions or restrictions on the trade or traffic in arms, ammunitions and war materials, and in exceptional circumstances all other military supplies ;

(3) Prohibitions or restrictions necessary for the protection of national or public security or health, or for the protection of animal or plant life against disease, harmful pests or extinction ;

(4) Prohibitions or restrictions upon articles which, as regards production or trade, are or may hereafter be subject within the country to a monopoly exercised by or under the control of the State.

Article 6.

The nationals of each of the High Contracting Parties shall have free access to the Courts of Justice of the other in pursuit and defence of their rights ; they shall be at liberty, equally with nationals of the other High Contracting Party and with the nationals of the most-favoured nation, to choose and employ lawyers, advocates and representatives to pursue and defend their rights before such Courts.

There shall be no conditions or requirements imposed upon the nationals of either of the High Contracting Parties in connection with such access to the Courts of Justice of the other which do not apply to nationals of the other High Contracting Party or to the nationals of the most-favoured nation.

Exemption from the regulations regarding *cautio judicatum solvi* is only granted on condition of reciprocity.

Article 7.

Limited liability and all other companies of economic character, already or hereafter to be organized in accordance with the laws of either High Contracting Party and domiciled in the territory of such Party, are authorized in the territory 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.

There shall be no conditions or requirements imposed upon such companies organized in accordance with the laws of either High Contracting Party in connection with such access to the Courts of Justice of the other which do not apply to such national companies or those of the most-favoured nation.

Such companies may, provided they comply with the laws of the other Party and obtain the necessary authorization in cases where such authorization is required by the said laws, establish themselves in the latter country, set up branches and agencies and carry on their activities therein.

With regard to the carrying on of their activities as well as with regard to the right to acquire, to possess and to lease movable and immovable property, such companies, once admitted, shall enjoy the same treatment as is granted or may be granted to similar companies of the most-favoured nation.

Neither in respect of their activities nor of their property shall they be subject to other or higher imposts, taxes, or dues of whatever nature than those which are applied or may be applied to the companies of the most-favoured nation ; and only such business of the said companies as is transacted

on the territory of the other Contracting Party and such of their property as is actually found there shall be subject to any imposts, taxes, or dues.

Article 8.

As regards traffic in transit, the High Contracting Parties shall apply in their reciprocal relations the provisions of the Convention¹ and Statute on Freedom of Transit, signed at Barcelona on April 20th, 1921.

Article 9.

Each of the High Contracting Parties agrees to grant to the other national treatment in all that relates to the transport on or through its territory of persons, baggage and goods.

Article 10.

Goods of every nature, originating within the territory of one of the High Contracting Parties and imported into the territory of the other, shall not there be subjected to excise, octroi, consumption and any other internal duties higher than those which are or may be levied on similar goods of the most-favoured nation.

Article 11.

It is agreed that the Customs tariffs applicable to articles, the produce or manufacture of either of the High Contracting Parties, imported into the territory of the other shall be regulated by the laws and regulations of the country of importation.

The High Contracting Parties agree to grant each other most-favoured-nation treatment in all matters concerning Customs duties and subsidiary duties of every kind, the classification and interpretation of tariffs and in the method of levying duties, and, further, in all matters concerning the rules, formalities and charges imposed in connection with the clearing of goods through the Customs, drawbacks, the use of bonded warehouses and certificates of origin.

Accordingly, natural or manufactured products having their origin in either of the contracting countries, imported into the territory of the other, from whatever place arriving, shall in no case be subject, in regard to the matters referred to above, to any duties, taxes or charges other or higher, or to any rules and formalities other or more burdensome, than those to which the like products having their origin in any third country are or may hereafter be subject.

Similarly, natural or manufactured products exported from the territory of either Contracting Party and destined for the territory of the other Party shall in no case be subject, in regard to the above-mentioned matters, to any duties, taxes, or charges other or higher, or to any rules and formalities other or more burdensome, than those to which the like products when destined for the territory of any other country are or may hereafter be subject.

Article 12.

The nationals of each of the High Contracting Parties shall have in the territory of the other the same rights as nationals of that High 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 13.

The merchant vessels of either of the High Contracting Parties, whether in ballast or with cargoes, which arrive at or depart from the ports of the other Party shall enjoy the same rights,

¹ Vol. VII, page 11 ; Vol. XI, page 407 ; Vol. XV, page 305 ; Vol. XIX, page 279 ; Vol. XXIV, page 155 ; Vol. XXXI, page 245 ; Vol. XXXV, page 299 ; Vol. XXXIX, page 166 ; Vol. LIX, page 344 ; Vol. LXIX, page 70 ; Vol. LXXXIII, page 373 ; Vol. XCII, page 363 ; Vol. XCVI, page 181 ; Vol. CIV, page 495 ; Vol. CXXXIV, page 393 ; and Vol. CXLII, page 340, of this Series.

privileges, liberties, favours, immunities and exemptions in matters of navigation as those which are or may be enjoyed by national vessels, from whatever place such vessels may arrive and whatever may be their place of destination.

In regard to duties of tonnage, harbour, pilotage, lighthouse, quarantine, or other similar or corresponding duties of whatever nature or under whatever denomination, levied in the name or for the profit of the Government, public functionaries, private individuals, corporations or establishments of any kind, the High Contracting Parties shall reciprocally apply the provisions of the Convention¹ and Statute on the International Regime of Maritime Ports, signed at Geneva on December 9th, 1923.

Article 14.

Each of the High Contracting Parties shall, subject to the provisions of Article 5, 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 territory, 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, their cargoes and passengers.

Article 15.

In all that concerns the entering, clearing, stationing, loading and unloading of vessels in the ports, basins, docks, roadsteads, harbours, or waterways of the two countries, no privilege shall be granted to national vessels which shall not equally be granted to vessels of the other country; the intention of the High Contracting Parties being that in these respects the vessels of each shall receive the treatment accorded to national vessels.

Article 16.

The coasting trade and the national fisheries of both the High Contracting Parties are excepted from the provisions of the present Treaty, and shall be regulated according to the laws and regulations of Denmark and Siam respectively.

Article 17.

Any ship of war or merchant vessel of either of the High Contracting Parties which may be compelled by stress of weather, or by reason of any other distress, to take shelter in a port of the other, shall be at liberty to refit therein, to procure all necessary supplies and put to sea again, without paying any dues other than such as would be payable by national vessels. In case, however, the master of a merchant vessel should be under the necessity of disposing of a part of his cargo in order to defray the expenses, he shall be bound to conform to the regulations and tariffs of the place to which he may have come.

If any ship of war or merchant vessel of one of the High Contracting Parties should run aground or be wrecked upon the coast of the other, the local authorities shall give prompt notice of the occurrence to the Consular Officer residing in the district or to the nearest Consular Officer of the other Power.

Such stranded or wrecked ship or vessel and all parts thereof, and all furniture and appurtenances belonging thereto, and all goods and merchandise saved therefrom, including those 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 ship or vessel, shall be given up to the owners or their agents, when claimed by them, within the period fixed by the laws and regulations of the country in which the wreck or stranding occurred, and such 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 case of the wreck or stranding of a national vessel.

¹ Vol. LVIII, page 285; Vol. LXIX, page 102; Vol. LXXII, page 485; Vol. LXXXIII, page 416; Vol. CVII, page 491; Vol. CXVII, page 184; Vol. CXXII, page 349; and Vol. CXLII, page 342, of this Series.

The goods and merchandise saved from the wreck or stranding shall be exempt from all duties of the Customs unless cleared for consumption, in which case they shall pay ordinary duties.

In the case of a ship or vessel belonging to the nationals of one of the High Contracting Parties being driven in by stress of weather, run aground or wrecked in the territory of the other, the proper Consular Officer of the High Contracting Party to which the vessel belongs shall, if the owners or their agents are not present, or are present but require it, be authorized to interpose in order to afford the necessary assistance to the nationals of his State.

Article 18.

The vessels of war of each of the High Contracting Parties may enter, remain and make repairs in those ports and places of the other to which the vessels of war of other nations are accorded access ; they shall submit to the same regulations and enjoy the same honours, advantages, privileges and exemptions as are now or may hereafter be conceded to the vessels of war of any other nation.

Article 19.

The Consular Officers of each of the High Contracting Parties residing in the territory 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 nationals of the High Contracting Party from whose local authorities assistance is requested.

Article 20.

Each of the High Contracting Parties may appoint Consuls-General, Consuls, Vice-Consuls and other Consular Officers or Agents to reside in the towns and ports of the territory of the other where similar officers of other Powers are permitted to reside.

Such Consular Officers and Agents, however, shall not enter upon their functions until they shall have been approved and admitted by the Government to which they are sent.

They shall be entitled, on condition of reciprocity, to exercise all the powers and enjoy all the honours, privileges, exemptions and immunities of every kind which are or may be accorded to Consular Officers of the most-favoured nation.

Article 21.

In case of the death of a national of one of the High Contracting Parties in the territory of the other without having in the country of his decease any known heirs or testamentary executors by him appointed, the competent local authorities shall at once inform the nearest Consular Officer of the nation to which the deceased belonged, in order that necessary information may immediately be forwarded to parties interested.

In case of the death of a national of one of the High Contracting Parties in the territory of the other, 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 State to which the deceased belonged shall be empowered to take custody of and administer the estate in the manner and under the limitations prescribed by the laws of the country in which the property of the deceased is situated.

The foregoing provisions shall also apply in case of a national of one of the High Contracting Parties dying outside the territory of the other, but possessing property therein, without leaving any person there entitled to take charge of and administer the estate.

Article 22.

The provisions of the present Treaty do not apply to :

- (1) Favours granted or to be granted hereafter to an adjoining State to facilitate frontier traffic ;
- (2) Favours granted or to be granted hereafter to a third State in virtue of a Customs Union ;
- (3) Favours contractually granted or to be granted to a third State for the avoidance of double taxation or the mutual protection of revenue ;
- (4) Favours granted or to be granted hereafter to an adjoining State with regard to the navigation on or use of boundary waterways not navigable from the sea.

Article 23.

Any dispute which may arise between the High Contracting Parties with respect to the contents, the interpretation, or the application of the present Treaty which cannot be settled by diplomatic means, shall at the request of either Party be submitted in the absence of contrary agreement to the Permanent Court of International Justice at The Hague. Both Parties hereby undertake to accept as binding the arbitral award. The Court shall give its decision in accordance with the summary procedure mentioned in Article 29 of the Statute¹ of the Court, unless the High Contracting Parties agree that the ordinary procedure shall be applied.

Article 24.

The present Treaty shall, from the date of its coming into force, be substituted for the Treaty² of Friendship, Commerce and Navigation between Denmark and Siam, signed at Copenhagen on the 1st September, 1925, and from this date the said Treaty of 1925 and all arrangements and agreements subsidiary thereto concluded or existing between the High Contracting Parties shall cease to be binding.

Article 25.

The present Treaty shall remain in force for 5 years from the date on which it comes into effect.

In case neither of the High Contracting Parties should have notified 12 months before the expiration of the said 5 years the intention of terminating it, it shall remain binding until the expiration of one year from the day on which either of the High Contracting Parties shall have denounced it.

It is clearly understood, however, that such denunciation shall not have the effect of reviving any of the Treaties, Conventions, Arrangements, or Agreements abrogated by the present Treaty.

Article 26.

This Treaty shall be ratified, and the ratifications thereof shall be exchanged at Copenhagen as soon as possible, and the said Treaty shall come into force on the fifteenth day after the exchange of ratifications.

¹ Vol. VI, page 379 ; Vol. XI, page 405 ; Vol. XV, page 305 ; Vol. XXIV, page 153 ; Vol. XXVII, page 417 ; Vol. XXXIX, page 165 ; Vol. XLV, page 96 ; Vol. L, page 159 ; Vol. LIV, page 387 ; Vol. LXIX, page 70 ; Vol. LXXII, page 452 ; Vol. LXXVIII, page 435 ; Vol. LXXXVIII, page 272 ; Vol. XCII, page 362 ; Vol. XCVI, page 180 ; Vol. C, page 153 ; Vol. CIV, page 492 ; Vol. CVII, page 461 ; Vol. CXI, page 402 ; Vol. CXVII, page 46 ; Vol. CXXVI, page 430 ; Vol. CXXX, page 440 ; Vol. CXXXIV, page 392 ; Vol. CXLVII, page 318 ; Vol. CLII, page 282 ; Vol. CLVI, page 176 ; Vol. CLX, page 325 ; Vol. CLXIV, page 352 ; Vol. CLXVIII, page 228 ; Vol. CLXXII, page 388 ; Vol. CLXXVII, page 382 ; Vol. CLXXXI, page 346 ; and Vol. CLXXXV, page 370, of this Series.

² Vol. XLVII, page 103, of this Series.

In witness whereof the undersigned Plenipotentiaries have hereto signed their names and affixed their seals, this fifth day of November in the nineteen hundred and thirty-seventh year of the Christian era, corresponding to the fifth day in the eighth month in the two thousand four hundred and eightieth year of the Buddhist era.

(L. S.) (Signed) P. MUNCH.

Certified true copy :

(L. S.) (Signed) Phya RAJAWANGSAN.

Phya Rajawangsan,

*Permanent Representative accredited
to the League of Nations.*

Geneva, 14th June, 1938.

FINAL PROTOCOL

The undersigned Plenipotentiaries, meeting in order to sign the present Treaty, have agreed upon the following :

(1) Considering the relations, existing between Denmark and Iceland in conformity with the Union-Law of 30th November, 1918, it is understood that by virtue of the provisions of the above-named Treaty Siam shall not be entitled to claim the special benefits which Denmark has granted or may grant to Iceland.

(2) The provisions of this Treaty do not apply to favours granted or to be granted by Denmark to Norway or Sweden or both these countries, so long as these favours are not granted to States other than those mentioned above.

(3) The provisions of this Treaty do not apply to Greenland, where commerce and navigation are reserved for the Danish State. Nevertheless, goods produced or manufactured in Greenland shall enjoy in Siam a treatment in all respects as favourable as that accorded to goods produced or manufactured in any other country, and goods produced or manufactured in Siam shall enjoy in Greenland a treatment as favourable as that accorded to goods produced or manufactured in any other country.

(4) It is understood that the most-favoured-nation treatment in regard to immovable property provided for in Article 2, paragraph 7, and Article 7, paragraph 4, is accorded on condition of reciprocity.

(5) It is understood that in all the matters for which national treatment is provided in this Treaty, the nationals and vessels of either High Contracting Party shall not be treated by the other less favourably than the nationals and vessels of any other country.

(6) It is understood that the most-favoured-nation treatment provided for in this Treaty shall be accorded immediately and unconditionally.

In witness whereof the undersigned Plenipotentiaries have hereto signed their names this fifth day of November in the nineteen hundred and thirty-seventh year of the Christian era, corresponding to the fifth day in the eighth month in the two thousand four hundred and eightieth year of the Buddhist era.

(L. S.) (Signed) P. MUNCH.

(L. S.) (Signed) Phya RAJAWANGSAN.

Pour copie conforme :

Copenhague, le 16 mai 1938.

Axel Heils,

Chef des Archives

au Ministère des Affaires étrangères.

Certified true copy :

Phya Rajawangsan,

*Permanent Representative
accredited to the League of Nations.*

Geneva, 14th June, 1938.

EXCHANGE OF NOTES

I.

MINISTÈRE
DES AFFAIRES ÉTRANGÈRES.

COPENHAGEN, *November 5th, 1937.*

SIR,

Referring to paragraph 4 in the Final Protocol to the Treaty of Friendship, Commerce and Navigation between Denmark and Siam, signed this day, I have the honour to confirm that the Danish Government agree with the Siamese Government on the following :

If one of the High Contracting Parties introduces such legislation with regard to immovable property that the other Party is of opinion that the condition of reciprocity is not fulfilled, the two Governments will take up negotiations with a view to establishing a satisfactory modus.

I have the honour to be, Sir, with the highest consideration, Your obedient Servant.

(Signed) P. MUNCH.

His Excellency
Phya Rajawangsan,
Minister of Siam.

II.

THE SIAMESE LEGATION.
23, Ashburn Place.
LONDON, S. W. 7.

COPENHAGEN, *November 5th, 1937.*

SIR,

Referring to paragraph 4 in the Final Protocol in the Treaty of Friendship, Commerce and Navigation between Siam and Denmark, signed this day, I have the honour to confirm that the Siamese Government agree with the Danish Government on the following :

If one of the High Contracting Parties introduces such legislation with regard to immovable property that the other Party is of opinion that the condition of reciprocity is not fulfilled, the two Governments will take up negotiations with a view to establishing a satisfactory modus.

I have the honour to be, Sir, with the highest consideration, Your obedient Servant.

(Signed) Phya RAJAWANGSAN.

His Excellency
Monsieur P. Munch,
Minister for Foreign Affairs,
Copenhagen.

Pour copie conforme :
Copenhague, le 16 mai 1938.

Axel Heils,
Chef des Archives
au Ministère des Affaires étrangères.

Certified true copy :
Phya Rajawangsan,
Permanent Representative
accredited to the League of Nations.
Geneva, 14th June, 1938.