

N° 4414.

BELGIQUE ET SIAM

Convention d'établissement, et protocole annexe. Signés à Bangkok, le 5 novembre 1937.

BELGIUM AND SIAM

Convention of Establishment, and Protocol-Annex. Signed at Bangkok, November 5th, 1937.

¹ TRADUCTION. — TRANSLATION.

No. 4414. — CONVENTION ² OF ESTABLISHMENT BETWEEN BELGIUM AND SIAM. SIGNED AT BANGKOK, NOVEMBER 5TH, 1937.

French official text communicated by the Permanent Representative of Siam to the League of Nations and by the Belgian Minister for Foreign Affairs. The registration of this Convention took place August 5th, 1938.

HIS MAJESTY THE KING OF SIAM and
HIS MAJESTY THE KING OF THE BELGIANS,
Being desirous of regulating the conditions of establishment for Siamese nationals in Belgium and Belgian nationals in Siam, have resolved to conclude a Convention for that purpose and have appointed as their Plenipotentiaries :

HIS MAJESTY THE KING OF SIAM :

Luang Pradist MANUDHARM (Pridi Banomyong), Minister for Foreign Affairs ;

HIS MAJESTY THE KING OF THE BELGIANS :

M. Henri SEGAERT, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the King of the Belgians at Bangkok ;

Who, having communicated their full powers, found in good and due form, have agreed on the following Articles :

Article I.

1. Nationals of each of the High Contracting Parties shall have the right to enter the territory of the other Party, to establish themselves, move about and select a place of residence therein, and to leave the territory, provided they observe the laws and regulations in force in the country, particularly as regards immigration and the police supervision of foreigners.

It is agreed that each of the High Contracting Parties reserves the right to withhold permission to enter or reside in its territory from any national of the other Party who may be deemed to be undesirable, either as regards the maintenance of order, public morals, public health or public security, or because he is without means of subsistence.

2. As regards the application of the laws and regulations regarding the police supervision of foreigners and their entry, residence, activity or establishment, the nationals of each of the High Contracting Parties shall enjoy the treatment reserved for nationals of the most-favoured nation.

Article II.

1. The nationals of each of the High Contracting Parties shall be placed, in the territory of the other Party, on the same footing in every respect, both in law and in fact, as the nationals

¹ Traduit par le Secrétariat de la Société des Nations, à titre d'information.

¹ Translated by the Secretariat of the League of Nations, for information.

² The exchange of ratifications took place at Brussels, June 17th, 1938.
Came into force June 17th, 1938.

of that Party as regards the exercise of all commercial, industrial and financial activities and, in general, all activities of an economic nature, without any distinction in this respect between undertakings which are independent and undertakings which operate as branches or agencies.

2. The nationals of each of the High Contracting Parties shall be entitled to engage in every legal trade and occupation not especially mentioned in paragraph 3 of this Article, in the territory of the other Party, provided that they comply with the laws and regulations in force in that country, including those relating to the protection of the national labour market.

It is agreed that the application of the laws and regulations relating to the protection of the national labour market shall not prevent nationals of either of the High Contracting Parties established in the territory of the other Party from engaging such persons as they may choose for posts of management.

3. The provisions of paragraphs 1 and 2 of this Article shall not apply to the pursuit in the territory of either High Contracting Party of the following occupations, trades, industries and branches of commerce :

- (a) Public functions, offices or employments, including the offices of notary, solicitor and bailiff ;
- (b) The functions of an advocate and the business of a stockbroker ;
- (c) Hawking and itinerant trades ;
- (d) Fishing in national waters, the maritime and river coasting trade, pilotage in general and interior service in ports.

4. The provisions of this Article shall not affect the legislative provisions in force in either country respecting the crews of vessels or boats flying the flag of that country and of aircraft registered in that country.

5. In everything pertaining to industrial activities, trades and occupations, the nationals of each of the High Contracting Parties shall, subject to reciprocity, be placed, throughout the territories of the other Party, on the same footing in every respect as the nationals of the most-favoured nation.

Article III.

The nationals of each High Contracting Party shall enjoy, in the territory of the other Party, the same treatment as nationals of the most-favoured nation in so far as concerns the right of succession, the right to acquire, possess or rent movable and immovable property and the right to dispose thereof, either by gift or for payment.

Article IV.

1. The nationals of each High Contracting Party shall be treated in the territory of the other Party on the same footing as nationals of the country in respect of the legal and judicial protection of their persons, property, rights and interests.

2. Accordingly, they shall have free and unhindered access to the courts, both as plaintiffs and defendants, and shall have the right to sue and be sued in the same conditions as nationals of the country. They shall also have the right to appear before the competent administrative authorities and to have recourse to the said authorities for the safeguarding of their rights and interests in all cases in which nationals of the country enjoy such a right. They may choose, for the defence of their interests, before the courts and before all judicial and administrative authorities, counsel, attorneys, notaries and other persons authorised by the national laws of the country.

3. The question of *cautio judicatum solvi* and the question of free legal assistance shall be governed by the legislation of the country concerned until such time as the said questions have been settled by a special convention to be concluded between the High Contracting Parties.

Article V.

1. The nationals of each High Contracting Party shall be exempt in the territory of the other Party from all judicial or administrative functions of any kind.

2. In the same way they shall be exempt, both in time of peace and in time of war, in the territory of the other Party from compulsory military service, whether in the land army, navy, air force, national guard or militia, as well as from compulsory personal services connected either directly or indirectly with national defence. The same shall apply to such contributions in money or in kind as may be substituted for such personal services.

3. The nationals of each High Contracting Party shall, nevertheless, be liable to charges in respect of the ownership of landed and movable property, compulsory billeting and other special military contributions or requisitions to which nationals of the country may be liable, in virtue of legal provisions, as possessors or owners of landed or movable property. In no case shall any such charges be imposed by either High Contracting Party as would not equally be imposed on its nationals.

4. The property of nationals of either High Contracting Party may not be expropriated in the territory of the other Party, nor may they be deprived, even temporarily, of the use of their property except in the public interest and in accordance with the procedure laid down in the law of the country concerned in respect of its own nationals.

5. The treatment accorded by either High Contracting Party to nationals of the other Party in the matter of compensation for such contributions, requisitions, expropriations or temporary deprivations as are referred to in paragraphs 3 and 4 above shall be not less favourable than that accorded to its own nationals or to nationals of the most-favoured nation.

6. Residences, warehouses, factories, shops and all other property belonging to nationals of either High Contracting Party in the territory of the other, together with the premises pertaining thereto, whether used for residential or commercial purposes, shall be respected. Domiciliary searches or perquisitions shall not be permitted therein, nor the examination or inspection of books, papers or accounts, save under the conditions and in the manner prescribed by the laws, statutes and regulations applicable to nationals of the State of residence.

Article VI.

1. The nationals of each High Contracting Party shall enjoy complete and absolute freedom of conscience in the territory of the other and, provided they comply with the laws, ordinances and regulations of the country, shall have the right to hold private or public services in accordance with their religion.

2. The nationals of each High Contracting Party may engage in religious, educational and charitable work in the territory of the other, and may own, lease or occupy houses, or lease lands for religious, charitable or other legal purposes or for the establishment of cemeteries therein, provided that they comply with the laws, ordinances and regulations of the country.

Article VII.

In the matter of taxes and charges of all kinds, as well as of any other fiscal charges, regardless of the purpose for which they are levied, the nationals of each High Contracting Party shall in all respects enjoy the same treatment and protection at the hands of the revenue authorities or courts, in the territory of the other Party, as is enjoyed by nationals of the country who are in an identical situation.

Article VIII.

The nationals of each High Contracting Party shall enjoy the same rights in the territory of the other Party as the nationals of the latter in regard to inventors' patents, factory and trade marks, trade names, patterns and authors' rights in respect of literary and artistic works, provided that they comply with the formalities by law prescribed.

Article IX.

1. Joint stock companies and other non-trading, commercial, industrial or financial companies, including insurance companies, shipping and other transport companies and companies responsible for communications, which are regularly constituted in conformity with the legislation of either High Contracting Party and have their headquarters in the territory of that Party, shall be legally recognised as such in the territory of the other Party, and shall be entitled to appear before the courts of that country, provided that nothing in their constitution or aims is contrary to public order in the latter country.

2. The question whether the companies referred to in paragraph 1 of the present Article, together with their branches and agencies, are legally constituted and are entitled to sue and be sued shall be decided in accordance with the law of the country in which such companies were formed.

3. The activities engaged in by the companies of either High Contracting Party in the territory of the other Party, either directly or through branches or agencies, shall be subject to the laws and regulations in force in the latter country.

4. Should either High Contracting Party require foreign companies to obtain an authorisation in advance to operate in its territory, the grant of such authorisation to the companies of the other Party may not be subject to rules other than those imposed in similar circumstances on the companies of the most-favoured nation.

5. The companies of either High Contracting Party shall enjoy in the territory of the other Party, in respect of judicial matters and the possession, acquisition, occupation, renting and alienation of movable or immovable property, the treatment laid down for individuals in Articles III, IV and V of the present Convention.

6. The companies of either High Contracting Party, domiciled for fiscal purposes in the territory of that Party, together with their branches and agencies, shall not be liable, in the territory of the other Party, to higher charges as regards direct taxation than the charges payable by national companies in a like situation.

7. The companies of each High Contracting Party shall enjoy the same treatment as companies of the most-favoured nation in the territory of the other Party in all matters not covered by the present Article.

Article X.

Each High Contracting Party may appoint consuls-general, consuls, vice-consuls and other consular officers or agents to reside in towns and ports in the territories of the other Party where similar officers of other Powers are authorised to reside.

The said consular officers and agents shall not take up their duties unless and until the Government of the country to which they are appointed signifies its approval and agreement.

Subject to reciprocity, they shall be authorised to exercise all the powers, and to enjoy all the honours, privileges, exemptions and immunities of any kind, which are or may hereafter be accorded to the consular officers of the most-favoured nation.

Article XI.

1. Should a national of one of the High Contracting Parties die in the territories of the other, leaving in the country of his decease no known heir or testamentary executor appointed by him,

the competent local authority shall at once inform the nearest consular agent of the country to which the deceased belonged, so that all the necessary information may immediately be conveyed to the parties concerned.

2. Should a national of one of the High Contracting Parties die in the territories of the other, leaving in the place of his decease no person authorised by the laws of his (the deceased's) country to take charge of and administer his estate, the competent consular agent of the country to which the deceased belonged may on compliance with the necessary formalities take charge of and administer the estate in the manner and within the limits prescribed by the laws of the country in which the deceased's property is situate.

3. The above provision shall also apply in cases where a national of one of the High Contracting Parties, dying outside the territories of the other and possessing property therein, leaves no person authorised to take charge of and administer the estate.

Article XII.

The provisions of the present Convention regarding most-favoured-nation treatment shall not apply :

(1) To advantages accorded or which may hereafter be accorded to an adjacent State with a view to facilitating frontier traffic ;

(2) To advantages accorded or which may hereafter be accorded to a third State in virtue of a Customs union ;

(3) To advantages accorded or which may hereafter be accorded in virtue of particular agreements to a third State, with a view to the avoidance of double taxation or the establishment of reciprocal protection in fiscal matters ;

(4) To provisions of any Convention concluded or which may hereafter be concluded by either of the High Contracting Parties with other States in the matter of itinerant trade or labour.

Article XIII.

The present Convention shall apply only to the home territories of the High Contracting Parties.

Article XIV.

All disputes regarding the interpretation, application or execution of the present Convention, which it is not found possible to settle between the High Contracting Parties through the diplomatic channel, may be submitted by either of them to the Permanent Court of International Justice.

Article XV.

It is agreed by the High Contracting Parties that the stipulations of the present Convention shall not affect, replace or modify in any manner the laws, ordinances and regulations concerning naturalisation, immigration, police and public safety now in force or hereafter to be enacted in either of the two countries, provided they do not constitute a measure of discrimination directed against the nationals of the other Party.

Article XVI.

The present Convention shall remain in force for five years as from the date on which it comes into force.

Should neither of the Contracting Parties have notified his intention to denounce it twelve months before the expiration of the said five years, the present Convention shall continue to be binding until the expiration of one year from the day on which either of the High Contracting Parties denounces it.

It is expressly agreed that such denunciation shall not have the affect of reviving any of the conventional provisions abrogated by the present Convention.

Article XVII.

The present Convention shall be ratified and the ratifications exchanged at Brussels as rapidly as possible ; and the said Convention shall come into force on the date of the exchange of ratifications.

In faith whereof the respective Plenipotentiaries have signed the present Convention and have thereto affixed their seals.

Done in duplicate, in the French language, at Bangkok, on the 5th day of the eighth month of the two thousand four hundred and eightieth year of the Buddhist era, corresponding to the 5th day of the month of November of the one thousand nine hundred and thirty-seventh year of the Christian era.

(Signed) (L. S.) Luang Pradist MANUDHARM.

(Signed) (L. S.) Henri SEGAERT.

PROTOCOL-ANNEX.

At the time of signing the Convention regarding Establishment between Siam and Belgium, the Plenipotentiaries of the High Contracting Parties have agreed upon the following :

(1) The provision in Article III concerning most-favoured-nation treatment in regard to the acquisition, possession and disposition of movable and immovable property is clearly understood by the High Contracting Parties to be subject in application to reciprocity in an unconditional and non-discriminatory sense.

(2) The High Contracting Parties agree that, in regard to the questions covered by the present Convention, the latter shall, on the date of its coming into force, replace the Treaty¹ of Friendship, Commerce and Navigation between Siam and the Economic Union of Belgium and Luxembourg signed at Bangkok on July 13th, 1926, which shall cease to be binding as from the date on which the present Convention comes into force.

In faith whereof the respective Plenipotentiaries have signed the present Protocol and have thereto affixed their seals.

Done in duplicate, in the French language, at Bangkok, on the 5th day of the eighth month of the two thousand four hundred and eightieth year of the Buddhist era, corresponding to the 5th day of the month of November of the one thousand nine hundred and thirty-seventh year of the Christian era.

(Signed) (L. S.) Luang Pradist MANUDHARM.

(Signed) (L. S.) Henri SEGAERT.

¹ Vol. LXII, page 287, of this Series.