

N° 4413.

UNION ÉCONOMIQUE
BELGO-LUXEMBOURGEOISE
ET SIAM

Traité d'amitié, de commerce et de
navigation. Signé à Bangkok, le
5 novembre 1937.

ECONOMIC UNION OF
BELGIUM AND LUXEMBURG
AND SIAM

Treaty of Friendship, Commerce and
Navigation. Signed at Bangkok,
November 5th, 1937.

¹ TRADUCTION. — TRANSLATION.

No. 4413. — TREATY² OF FRIENDSHIP, COMMERCE AND NAVIGATION BETWEEN THE ECONOMIC UNION OF BELGIUM AND LUXEMBURG 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 Treaty took place August 5th, 1938.

HIS MAJESTY THE KING OF SIAM, of the one part,
and

HIS MAJESTY THE KING OF THE BELGIANS, acting both in his own name and, by virtue of existing agreements, in that of HER ROYAL HIGHNESS THE GRAND DUCHESS OF LUXEMBURG, of the other,

Being equally desirous of strengthening the ties of commerce and friendship which so happily unite Siam and the Economic Union of Belgium and Luxemburg, and being convinced that this object cannot be better accomplished than by revising the treaties at present in force, have resolved to make such a revision based on the principles of reciprocity, equity and mutual advantage, and have for that purpose 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 to one another their full powers, found in good and due form, have agreed upon the following Articles :

Article I.

There shall be perpetual peace and constant friendship between the High Contracting Parties.

Article II.

There shall be full and entire freedom of commerce and navigation between the territories of the High Contracting Parties ; nationals of either Party shall, in the same manner as those of the most-favoured nation, be fully entitled to proceed with their vessels, cargoes and passengers to the places, ports and rivers in the territories of the other which are, or may hereafter be, opened to foreign trade, subject always to observance of the laws of the country which they are visiting.

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.

Vessels flying the flag of one of the High Contracting Parties and carrying the ship's papers and documents required by the laws of the country whose flag they are flying shall be considered to have as of right the nationality of the said country in the territorial waters, inland waterways and ports of the other Contracting Party, without being required to furnish other proof of identity.

Article III.

Each of the High Contracting Parties undertakes not to apply to the other Party any import or export prohibition or restriction which is not applicable to all other countries to which the same conditions apply. Any removal of an import or export prohibition or restriction, which is granted even temporarily by one of the High Contracting Parties in favour of the products of a third country, shall be applied immediately and unconditionally to like products from the territory of the other Party or consigned to the territory of that Party.

Should either Party impose a quantitative limitation on the imports or exports of a specific product, the other Party shall be granted an equitable share in the total authorised imports or exports of such product.

Nothing in the present Treaty shall be construed as restricting the right of each of the High Contracting Parties to establish the following kinds of import or export prohibitions or restrictions, provided that such prohibitions or restrictions are simultaneously enforced in the case of all other countries in a like situation :

- (1) Prohibitions or restrictions regarding public safety ;
- (2) Prohibitions or restrictions imposed for moral or humanitarian reasons ;
- (3) Prohibitions or restrictions on the traffic in arms, ammunition and war material or, in exceptional circumstances, in all other war supplies ;
- (4) Prohibitions or restrictions imposed for the protection of public health or to safeguard the national food supply, or for the protection of animals or plants against the danger of complete extermination, disease or noxious insects and parasites ;
- (5) Prohibitions or restrictions designed to extend to foreign products the system established for similar national products as regards production, commerce, transport and consumption ;
- (6) Prohibitions or restrictions on products the production of or trade in which is or may hereafter be made subject to a State monopoly or a monopoly exercised under the control of the State.

Article IV.

The High Contracting Parties agree to grant one another unconditional and unlimited most-favoured-nation treatment in all matters relating to Customs duties and any accessory duties, the conditions governing the payment of duties and charges, whether on imports or exports, the warehousing of goods, the methods of verifying and analysing and the Customs classification of goods, the interpretation of tariffs and as regards the rules, formalities and dues or charges to which Customs clearance operations may be made subject.

Consequently, natural or manufactured products, originating in or coming from the territory of either of the High Contracting Parties shall in no case be liable in the above respects to any duties, taxes or charges other or higher, or to any rules or formalities other or more burdensome, than those to which products of the same kind originating in or coming from any third country whatsoever are or may hereafter be liable

Similarly, natural or manufactured products exported from the territory of either of the High Contracting Parties and consigned to the territory of the other Party shall in no case be liable in the same respects to any duties, taxes or charges other or higher, or to any rules or formalities

other or more burdensome, than those to which products of the same kind, consigned to the territory of any other country whatsoever, are or may hereafter be liable.

All advantages, favours, privileges and exemptions which have been or may hereafter be granted by either of the High Contracting Parties in the above connection to natural or manufactured products originating in and coming from any third country whatsoever, or consigned to the territory of any third country whatsoever, shall be applied, immediately and without compensation, to products of the same nature originating in and coming from the territory of the other Party, or consigned to the territory of that Party.

It is understood that the Customs tariffs applicable to natural or manufactured products of either of the High Contracting Parties, imported into the territory of the other, shall be applied in accordance with the internal laws of the importing country.

Article V.

In regard to transit, the High Contracting Parties shall, in their relations, apply the provisions of the Convention¹ and Statute on Freedom of Transit, signed at Barcelona on April 20th, 1921.

Article VI.

No tonnage or harbour dues, pilotage, lighthouse or quarantine dues or similar or corresponding duties of whatever nature or description levied in the name or for the benefit of the Government, public officials or concession holders of any kind, shall be imposed in ports situated in the territories of one of the High Contracting Parties on vessels of the other Party, which are not imposed in similar cases, to a like degree and on like conditions upon vessels of a third Power. This equality of treatment shall apply to the respective vessels whatever the port or place from which they come and whatever their destination.

Article VII.

In all that concerns entering, clearing, stationing, loading and unloading vessels in the ports, basins, docks, roadsteads, harbours or rivers of the two High Contracting Parties, no privilege shall be granted to the vessels of a third Power which shall not equally be granted to the vessels of the other Contracting Party, the intention of the High Contracting Parties being that, in all these respects, the vessels of each Party shall receive the treatment granted to vessels of the most-favoured nation.

Article VIII.

Any warship or merchant vessel of either of the High Contracting Parties which is forced by bad weather or by any other danger to seek refuge in a port of the other Party shall be free there to undergo repairs, to procure all necessary supplies and to put to sea again, without paying other dues than those for which national vessels would be liable. Nevertheless, should the captain of the merchant vessel be obliged to dispose of part of her cargo to meet the expenses incurred, he shall comply with the regulations and tariffs of the place at which he has put in.

If a warship or merchant vessel of either of the High Contracting Parties has stranded or been wrecked on the coasts of the other, the local authorities shall promptly report this fact to the consular officer of the other Party residing in the district, or to the nearest consular officer.

The stranded or wrecked vessel, together with all the parts and all supplies and accessories belonging thereto, and all the effects and merchandise salvaged therefrom, including any which have been jettisoned, or the proceeds realised by such articles in the event of sale, and all papers

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.

found on board the stranded or wrecked vessel, shall be handed over to the owners or to their representatives, should they so request.

If such owners or their representatives are not on the spot, the property referred to above or the proceeds of the sale thereof and the papers found on board shall be handed over to the competent consular officer of the High Contracting Party whose vessel has been stranded or wrecked, provided that the said consular officer lodges an application to that effect within the period fixed by the laws, statutes and regulations of the country where the shipwreck or stranding took place. The said consular officers, owners or representatives shall pay only such expenses as are incurred in preserving the property, and those occasioned by salvage or other expenses which would have been payable in the event of the shipwreck or stranding of a national vessel.

The effects and merchandise salvaged from the wrecked or stranded vessel shall be exempt from all Customs duties, provided they are not offered for consumption, in which case they shall pay the ordinary duties.

Should a vessel belonging to nationals of one of the High Contracting Parties seek refuge, be stranded or wrecked in the territories of the other, the competent consular officer of the High Contracting Party to whom the vessel belongs shall, in the absence of the owners or their representatives, or if these are present, at their request, be authorised to intervene with a view to providing the assistance required by the nationals of his State.

Article IX.

Warships of either of the High Contracting Parties may enter, remain and undergo repairs in the ports and other places of the other Party to which the warships of any other nation have access. They shall there be subject to the same regulations and shall enjoy the same honours, advantages, privileges and exemptions as are now or may hereafter be granted to the warships of any other nation.

Article X.

The coasting trade and national fisheries of each of the High Contracting Parties shall be exempted from the provisions of the present Treaty and shall be governed by the laws, statutes and regulations of the respective country.

Article XI.

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

- (1) Favours granted or which may hereafter be granted to a neighbouring State in order to facilitate frontier traffic ;
- (2) Favours granted or which may hereafter be granted to a third State in virtue of a Customs union ;
- (3) Favours granted or which may hereafter be granted to a neighbouring State in regard to navigation or the use of frontier waterways having no communication with the sea ;
- (4) Subsidies which may hereafter be granted by either of the contracting Governments in order to promote the development of its merchant marine.

Article XII.

Should either of the High Contracting Parties introduce exchange or payment restrictions, it shall in such questions grant most-favoured-nation treatment to the other Party.

Article XIII.

It is understood by the High Contracting Parties that the stipulations of the present Treaty shall not affect, supersede or modify in any way the laws, statutes and regulations concerning

production, commerce, police and public safety which are in force or which may hereafter be enacted in either of the two countries, provided that they do not constitute a measure of discrimination directed against the nationals or products of the other Party.

Article XIV.

The High Contracting Parties agree that any disputes which may arise between them regarding the true interpretation or application of any provision of the present Treaty shall, at the request of either of the Parties, be submitted to arbitration, and the two Parties undertake by the present Treaty to accept the arbitrators' decision as binding.

The court of arbitration to which disputes shall be submitted shall be the Permanent Court of International Justice at The Hague, provided that the High Contracting Parties do not decide otherwise in a particular case.

Article XV.

The present Treaty 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 Luxemburg, signed at Bangkok on July 13th, 1926. On its thus coming into force, the said Treaty of 1926 and all the subsidiary arrangements or agreements concluded or existing between the High Contracting Parties shall cease to be binding.

The provisions of the present Treaty shall not apply to the colonies and overseas territories subject to the sovereignty or authority of Belgium until after the expiration of a period of two months as from the date of a joint declaration by the two Governments to that effect.

Article XVI.

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

If neither of the High Contracting Parties has notified his intention to denounce it twelve months before the expiration of the said five years, the present Treaty 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, however, clearly understood that such denunciation shall not have the effect of reviving any of the treaties, conventions, arrangements or agreements abrogated by the present Treaty.

Article XVII.

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

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

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

(L. S.) Luang Pradist MANUDHARM.

(L. S.) Henri SEGAERT.

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