

N° 4412.

SIAM ET SUISSE

Traité d'amitié et de commerce, et
protocole final. Signés à Berne, le
4 novembre 1937.

SIAM AND SWITZERLAND

Treaty of Friendship and Commerce,
and Final Protocol. Signed at
Berne, November 4th, 1937.

¹ TRADUCTION. — TRANSLATION.

No. 4412. — TREATY ² OF FRIENDSHIP AND COMMERCE BETWEEN
SIAM AND SWITZERLAND. SIGNED AT BERNE, NOVEMBER
4TH, 1937.

*French official text communicated by the Permanent Representative of Siam to the League of Nations.
The registration of this Treaty took place August 5th, 1938.*

HIS MAJESTY THE KING OF SIAM
and

THE SWISS FEDERAL COUNCIL,

Being both desirous of strengthening the bonds of friendship and good understanding which happily prevail between the two States, and being convinced that the revision of the Treaties previously concluded between the two countries is likely to contribute to the achievement of that end,

Have resolved to carry out such a revision, inspired by principles of reciprocity and equity,

And have, for this purpose, appointed as their Plenipotentiaries :

HIS MAJESTY THE KING OF SIAM :

Phra Bahiddha NUKARA, Envoy Extraordinary and Minister Plenipotentiary of Siam to Switzerland ;

THE SWISS FEDERAL COUNCIL :

Monsieur Giuseppe MOTTA, President of the Confederation, Chief of the Federal Political Department ;

Who, having communicated to each other their respective full powers, found to be in good and due form, have agreed as follows :

Article I.

There shall be lasting peace and perpetual friendship between the Kingdom of Siam and the Swiss Confederation. The nationals of each of the High Contracting Parties may enter, travel or reside in the territory of the other Party ; they shall be entitled there to carry on commerce and industry or any kind of scientific study or research, deal in all products and articles of lawful commerce, engage in religious, educational and charitable work, own, lease or occupy houses, factories, warehouses and shops, employ any agents of their choice, lease ground for the purposes of residence, commerce, industry, religion, charity, or for other lawful objects, including the establishment of cemeteries, and generally to do anything incidental to or necessary for trade under the same conditions as the nationals of the State of residence, subject to the local laws and under the same conditions as nationals of the most-favoured nation.

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 Berne, June 24th, 1938.
Came into force June 24th, 1938.

They shall not be compelled, in the territory of the other Party, to pay any charges or taxes other or higher than those paid by the nationals of the State of residence.

The ressortissants of either High Contracting Party 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 State of residence, on condition that they comply with the provisions imposed on nationals.

They shall, however, be exempt in the territory of the other Party from compulsory military service, either on land or sea or in the air, in the regular forces, the national guard or the militia, from all contributions in money or in kind imposed in lieu of personal military service and from all forced loans or military contributions. In time of peace as in time of war, they shall be called upon only for those military requisitions which are imposed upon nationals, and they shall be entitled in return to the indemnities granted to nationals by the laws in force in the respective countries. For the above purposes, nationals of one of the High Contracting Parties in the territory of the other Party shall not be accorded treatment in any other respect less favourable than the treatment that is or may be accorded to nationals of the most-favoured nation.

Nationals of either one of the High Contracting Parties shall enjoy in the territory of the other entire freedom of conscience, and, subject to compliance with the laws, orders and regulations of the country, shall be entitled to practise their religion in public or in private.

In everything concerning industrial activities, trades and professions, nationals of either one of the High Contracting Parties shall, throughout the territory of the other Party, and on a basis of reciprocity, be placed on the same footing as nationals of the most-favoured nation. They shall also be entitled to acquire and own all kinds of movable property and to dispose of it in conformity with the legal provisions in force in the country where they reside. As regards the acquisition, possession and disposal of immovable property, nationals of either of the High Contracting Parties shall enjoy most-favoured-nation treatment in the territory of the other, on a basis of reciprocity.

Lastly, they shall be at liberty to remove from the country the proceeds of the sale of their property or generally whatever belongs to them, without being subject to conditions other or to charges higher than those imposed, in like circumstances, upon nationals of the most-favoured nation.

Article II.

The dwellings, warehouses, manufactories, and shops and all other property of the ressortissants of each of the Contracting Parties in the territory of the other, and all premises appertaining thereto used for the purpose of residence or commerce shall be respected. It shall not be allowable to proceed to make a domiciliary visit to or a search of such buildings and premises or to examine or inspect books, papers or accounts, except under the conditions and within the forms prescribed by the laws, ordinances and regulations for nationals of the country of residence.

Article III.

Neither of the High Contracting Parties shall decree or maintain prohibitions or restrictions on imports originating in the territory of the other Party, or on exports intended for that territory, which are not applicable, in similar circumstances, to the import or export of all similar articles from or to a third country. Should a prohibition or restriction concerning importation or exportation be cancelled, even temporarily, by one of the High Contracting Parties in favour of articles from a third country, similar articles originating in or intended for the other Party shall, in similar circumstances, benefit by the measure immediately and unconditionally. In the case of quotas or any quantitative limitation of the import or export of articles subject to restrictions, each of the High Contracting Parties undertakes to grant, for imports from the territory of the other Party or exports to that territory, a fair share in the allocation of the quantity of goods under restriction admitted for import or export.

No stipulation in this Treaty shall be interpreted in such a way as to restrict the right of either of the High Contracting Parties to decree, under such conditions as it may deem suitable, and subject to the principle of non-discriminating treatment :

(1) Prohibitions, restrictions or regulations for the putting into force of police or fiscal laws, including laws prohibiting or restricting the import, export or sale of alcohol or alcoholic beverages, of opium, coca leaf and their derivatives and other narcotic substances, or any other laws concerning articles the internal production, consumption, sale or transport of which is or may be prohibited or restricted by the national law ;

(2) Prohibitions or restrictions concerning trade or traffic in arms and munitions of war and, in exceptional circumstances, in other war material, on the definite understanding that either of the High Contracting Parties may, if engaged in a war, put into force any import or export restriction that may be necessary in the nation's interests ;

(3) Prohibitions or restrictions necessary for the national or public safety or health or to protect animal or plant life against diseases or pests or to prevent their extinction ;

(4) Prohibitions or restrictions concerning articles which, in respect of production or commerce, are or subsequently may be the subject of a monopoly exercised by the State or under its control.

As regards the transit of goods from or to the territory of one of the High Contracting Parties through the territory of the other Party, the Contracting Parties will apply the provisions of the Convention¹ and Statute on Freedom of Transit signed at Barcelona on April 20th, 1921.

Article IV.

Nationals of each of the High Contracting Parties shall have free access to the courts of justice of the other Party in pursuit and defence of their rights. They shall be free, equally with the nationals of the State of residence and ressortissants of the most-favoured nation, to choose and employ lawyers, advocates and representatives to pursue or defend their rights before such courts.

No condition or obligation shall be imposed upon nationals of either of the High Contracting Parties in connection with such access to the courts of justice of the other which does not apply to nationals of the State of residence or ressortissants of the most-favoured nation.

Article V.

Limited liability and other companies and associations which have been or may hereafter be organised in accordance with the laws of either of the High Contracting Parties shall be authorised, in the territory of the other Party, to exercise their rights and to appear before the courts either as plaintiff or defendant, provided that they comply with the laws of such other Party.

Subject to reciprocity, no condition or obligation shall be imposed on the limited liability or other companies and associations organised in conformity with the laws of each High Contracting Party in connection with access to the courts of justice of the other which do not apply to national limited liability or other companies and associations or to those of the most-favoured nation.

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.

Such companies and associations shall enjoy, in connection with their activities, the right to establish branch offices and in fiscal matters shall be accorded treatment no less favourable than that granted to companies and associations of the most-favoured nation.

Furthermore, the above-mentioned companies and associations shall, in conformity with the provisions and laws in force in the country, be entitled to acquire and own any kind of movable property and to dispose thereof. With regard to the acquisition, possession and disposal of immovable property and the right to carry on the various kinds of trade and industry, any of the above-mentioned companies and associations having the nationality of one of the High Contracting Parties shall enjoy most-favoured-nation treatment in the territory of the other, subject to reciprocity.

Article VI.

Nationals of either of the High Contracting Parties shall, in the territory of the other, enjoy perfect equality of treatment with nationals of the most-favoured nation in all matters relating to transit charges, warehousing, facilities, the inspection and valuation of goods and drawbacks.

Article VII.

It is understood that the Customs tariffs applicable to the natural or manufactured products of either of the High Contracting Parties imported into the territory of the other shall be governed by the internal laws of the country of import.

Each High Contracting Party undertakes, in all matters connected with the levying and collection of Customs duties and charges relating to imports and exports of all kinds, to grant the nationals or goods of the other Party the benefit of all favours, privileges or immunities which it grants or may subsequently grant to the nationals or goods of any other State, irrespective of whether the latter shall have been accorded such treatment gratuitously or on terms of reciprocal compensation.

Article VIII.

Ressortissants of either of the High Contracting Parties shall, in the territory of the other Party, have the same rights as the nationals in regard to patents, trade-marks, trade names, designs, models and copyright for literary and artistic works upon fulfilment of the formalities prescribed by law, and also in regard to all matters connected with the suppression of unfair competition.

Article IX.

Whether for account of the State or of provinces, communes or bodies corporate, the charges imposed upon the production, manufacture or consumption of any article in the territory of either Contracting Party shall not be higher or more burdensome for the products of the other Party than for the similar commodities of the most-favoured nation.

Article X.

Each of the High Contracting Parties shall have the right to 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 Party where similar officers of other Powers may be permitted to reside.

Such Consular Officers and Agents, however, shall enter upon their functions only with the approval and consent of the Government to which they are accredited.

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.

If a national of either of the High Contracting Parties dies in the territory of the other without leaving there any known heirs or testamentary executors by him appointed, the competent local authority shall at once inform the nearest Consular Officer of the State of which the deceased was a national of the fact of his death in order that the parties interested may be immediately informed.

If a national of either of the High Contracting Parties dies in the territory of the other without leaving in the place of his death a person authorised by the laws of his country to take charge of his estate and to administer it, the protection and administration of the said estate may be entrusted to the competent Consular Officer of the State of which the deceased was a national, if he complies with the necessary formalities and adheres to the procedure and time-limits prescribed by the laws of the country where the property of the deceased is situated.

The foregoing provision shall also apply if a national of one of the High Contracting Parties dies outside the territory of the other, possessing property therein but without leaving anyone authorised there to take charge of the estate and administer it.

Article XII.

The provisions of the present Treaty as regards the most-favoured-nation treatment 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 XIII.

The High Contracting Parties are agreed that all disputes that might arise between them in connection with the interpretation or application of any of the provisions of the present Treaty shall, at the request of either of the Parties, be submitted to arbitration, and they undertake to recognize the arbitral award as binding.

The arbitral tribunal to which disputes are to be submitted shall be the Permanent Court of International Justice at The Hague, unless in any particular case the High Contracting Parties decide otherwise.

Article XIV.

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

If neither of the High Contracting Parties has notified, twelve months before the expiry of the said five years, the intention of terminating it, the present Treaty shall continue to be binding until the expiry of one year from the date on which one of the Parties shall have denounced it.

Article XV.

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

In witness whereof the Plenipotentiaries appointed for this purpose have signed the present Treaty and have thereto affixed their seals.

Done in duplicate at Berne, the fourth day of the eighth month in the two thousand four hundred and eightieth year of the Buddhist Era, corresponding to the fourth day of November in the one thousand nine hundred and thirty-seventh year of the Christian Era.

(L. S.) (*Signed*) Phra Bahiddha NUKARA.

(L. S.) (*Signed*) MOTTA.

FINAL PROTOCOL.

At the moment of signing the Treaty of Friendship and Commerce concluded on this day between the Kingdom of Siam and the Swiss Confederation, the undersigned Plenipotentiaries, duly authorised to this effect, have agreed on the following stipulations :

(1) The provisions of this Treaty do not apply to ambulatory professions, hawking and to the canvassing of orders from persons engaged in any industrial or commercial activity, nor to any fishery rights, nor to the right of either of the High Contracting Parties to enact laws on naturalisation, immigration and public order in its territory. With regard to any immigration or temporary residence taxes or charges, the ressortissants of the High Contracting Parties shall enjoy no less favourable treatment than that which is or may be accorded to the ressortissants of the most-favoured nation.

(2) By virtue of Article 8 of the Treaty¹ of Customs Union, concluded on March 29th, 1923, between the Swiss Confederation and the Principality of Liechtenstein, the stipulations of the above-mentioned Treaty, together with the foregoing stipulation in this Protocol, shall be, from the moment of their entry into force, applicable to the Principality of Liechtenstein, as long as the latter shall be united to the Swiss Confederation by the Treaty of Customs Union.

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

Done in duplicate at Berne, the fourth day of the eighth month of the two thousand four hundred and eightieth year of the Buddhist Era, corresponding to the fourth day of November in the one thousand nine hundred and thirty-seventh year of the Christian Era.

(L. S.) (*Signed*) Phra Bahiddha NUKARA.

(L. S.) (*Signed*) MOTTA.

¹ Vol. XXI, page 231, of this Series.