

NORVÈGE ET SIAM

Traité d'amitié, de commerce et de navigation, et protocole final, signés à Oslo, le 15 novembre 1937, et échange de notes relatif à l'interprétation des mots « on condition of reciprocity » (sous condition de réciprocité) à l'article 5 dudit traité, Oslo, les 15 et 16 novembre 1937.

NORWAY AND SIAM

Treaty of Friendship, Commerce and Navigation, and Final Protocol, signed at Oslo, November 15th, 1937, and Exchange of Notes concerning the Interpretation of the Terms "on Condition of Reciprocity" in Article 5 of the said Treaty, Oslo, November 15th and 16th, 1937.

No. 4301. — TREATY¹ OF FRIENDSHIP, COMMERCE AND NAVIGATION BETWEEN NORWAY AND SIAM. SIGNED AT OSLO, NOVEMBER 15TH, 1937.

English official text communicated by the Permanent Delegate of Norway and by the Permanent Representative of Siam to the League of Nations. The registration of this Treaty took place March 12th, 1938.

HIS MAJESTY THE KING OF NORWAY 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 NORWAY :

Trygve Halvdan LIE, His Minister of Justice, acting Minister for Foreign Affairs ;

HIS MAJESTY THE KING OF SIAM :

Phya RAJAWANGSAN, His Envoy Extraordinary and Minister Plenipotentiary at Oslo ;

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 Norway and the Kingdom of Siam.

Article 2.

The nationals of each of the High Contracting Parties shall, in so far as may be permitted by the laws and regulations there in force, and on the same terms as the nationals of the most-favoured nation, be entitled to enter, travel and reside in the territory of the other, and there to carry on their commerce and manufacture, to trade in all kinds of merchandise of lawful commerce, 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, to own or lease and occupy land for residential, commercial, industrial, religious, charitable and other lawful

¹ The exchange of ratifications took place at Oslo, March 4th, 1938.

¹ TRADUCTION. — TRANSLATION.

N^o 4301. — TRAITÉ ² D'AMITIÉ, DE COMMERCE ET DE NAVIGATION
ENTRE LA NORVÈGE ET LE SIAM. SIGNÉ A OSLO, LE
15 NOVEMBRE 1937.

Texte officiel anglais communiqué par le délégué permanent de la Norvège et le représentant permanent du Siam près la Société des Nations. L'enregistrement de ce traité a eu lieu le 12 mars 1938.

SA MAJESTÉ LE ROI DE NORVÈGE et SA MAJESTÉ LE ROI DE SIAM, désireux de resserrer les relations d'amitié et de bonne entente déjà heureusement établies entre les deux Etats et convaincus qu'ils ne sauraient mieux y parvenir que par la revision des traités conclus jusqu'ici entre les deux pays, ont résolu de procéder à cette revision dans un esprit de réciprocité, d'équité et au bénéfice mutuel des deux Parties et ont désigné à cet effet pour leurs plénipotentiaires, à savoir :

SA MAJESTÉ LE ROI DE NORVÈGE :

Trygve Halvdan LIE, ministre de la Justice de Sa Majesté, faisant fonction de ministre des Affaires étrangères ;

SA MAJESTÉ LE ROI DE SIAM :

Phya RAJAWANGSAN, envoyé extraordinaire et ministre plénipotentiaire de Sa Majesté à Oslo ;

Lesquels, après s'être communiqué leurs pleins pouvoirs respectifs trouvés en bonne et due forme, sont convenus des articles suivants :

Article premier.

Il y aura paix constante et amitié perpétuelle entre le Royaume de Norvège et le Royaume de Siam.

Article 2.

Les nationaux de chacune des Hautes Parties contractantes auront le droit, dans la mesure autorisée par les lois et règlements qui y sont en vigueur et aux mêmes conditions que les ressortissants de la nation la plus favorisée, de pénétrer, de voyager et de résider dans le territoire de l'autre Partie et d'y exercer leur commerce et leur industrie, de faire le négoce de marchandises de tous genres dont le commerce est licite, de s'occuper d'œuvres de caractère religieux, éducatif et charitable, de posséder, de prendre à bail et d'occuper des maisons, manufactures, entrepôts et magasins, d'employer des représentants de leur choix, de posséder ou de prendre à bail et

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 L'échange des ratifications a eu lieu à Oslo, le 4 mars 1938.

purposes and for use as cemeteries, and generally to do anything incident to or necessary for trade.

They shall not be compelled, under any pretext whatsoever, to pay any charges, taxes, imposts or dues other or higher than those that are or may be paid by nationals of the most-favoured nation.

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 State of residence, on their submitting themselves to the conditions imposed upon nationals of the State of residence.

They shall, however, be exempt in the territory of the other 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 or 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. With regard to the foregoing provisions, the nationals of each of the High Contracting Parties shall not be treated in the territory of the other less favourably than the nationals of the most-favoured nation.

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 the right to acquire and possess any kind of movable and immovable property, the acquisition or possession of which is or may hereafter be allowed by the laws in force in the country to nationals of the most-favoured nation. They may, under the same conditions, dispose freely thereof by sale, gift, transfer, marriage settlement, will, succession *ab intestato*, or by any other means. They shall not in any of these cases be liable to charges, duties or taxes of any kind whatsoever other or higher than those which are or may hereafter be imposed on nationals of the most-favoured nation.

Article 3.

The dwellings, warehouses, manufactories and shops and all other property of the nationals of each of the High Contracting Parties in the territory of the other, and all premises appertaining thereto used for lawful purposes, shall be respected. It shall not be allowable to proceed to make a domiciliary visit to, or a search of, any such buildings and premises, or to examine or inspect books, papers, or accounts, except under the conditions and with the forms prescribed for nationals of the State of residence.

Article 4.

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 State of residence, 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 State of residence or to the nationals of the most-favoured nation. Exemption from the *cautio judicatum solvi* may, however, only be asked for if the applicant is domiciled in the State in which the proceedings were instituted.

Article 5.

The nationals of each of the High Contracting Parties shall have in the territory of the other, on condition of reciprocity, the same rights as nationals of that High Contracting Party in regard to patents for inventions, trademarks, trade-names, designs and copyright in literary and artistic works, upon fulfilment of the formalities prescribed by law.

Article 6.

Corporations, limited-liability and other companies, partnerships and associations, 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, upon conforming themselves to the laws of such other Party.

There shall be no conditions or requirements imposed upon corporations, companies, partnerships and associations 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 native corporations, companies, partnerships and associations or those of the most-favoured nation. The provision of Article 4 on the exemption from the *cautio judicatum solvi* shall also apply to the corporations, companies, partnerships and associations mentioned in the present Article.

Such corporations, companies, partnerships and associations shall upon the conditions laid down in the legislation of the other country and upon obtaining the necessary authorization in those cases where such authorization is required by the laws of said country, have liberty there to settle, to establish branches or agencies, and to carry on their activities.

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 corporations, companies, partnerships and associations, once admitted, shall enjoy the same treatment as is granted or may be granted to similar corporations, companies, partnerships and associations of the most-favoured nation.

Neither in respect of their activities nor of their property shall they be subject to other or higher charges, taxes, imposts or dues of whatever nature than those which are applied or may be applied to the corporations, companies, partnerships and associations of the most-favoured nation.

Article 7.

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.

Articles, the produce or manufacture of Norway, and articles, the produce or manufacture of Siam, shall on their importation into the territory of the other Party in all matters relating to import duties, taxes, or charges of any kind enjoy a treatment at least as favourable as that which is or may be granted to articles of the most-favoured nation.

Articles, exported from Norway to Siam and articles exported from Siam to Norway, shall in all matters relating to export duties, taxes, or charges of any kind enjoy a treatment at least as favourable as that which is or may be granted to articles exported to the most-favoured nation.

Said treatment of the most-favoured nation shall be interpreted to include the Customs régime, all Customs formalities, drawbacks, the use of bonded warehouses, and certificates of origin.

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, or consumption duties higher than those which are or may be levied on similar goods of the most-favoured nation.

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 and munitions of war and in exceptional circumstances other materials needed in war ;

(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 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.

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 open to foreign commerce and navigation, subject always to the laws of the country to which they thus come.

Article 10.

Each of the High Contracting Parties shall, subject to the provisions of Article 7, permit the importation or exportation of all merchandise which may be legally imported or exported in national vessels or in vessels of a third Power, 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 vessels of a third Power, their cargoes and passengers.

Such reciprocal equality of treatment shall take effect without distinction, whether the merchandise comes directly from the place of origin, or from any other place.

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.

In the same manner there shall be perfect reciprocal equality with regard to drawbacks and other privileges of this nature of whatever denomination which may be allowed in the territory of each of the High Contracting Parties, on goods imported or exported in national vessels or in vessels of a third Power, so that such drawbacks and other privileges shall also and in like manner be allowed on goods imported or exported in vessels of the other country.

Article II.

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, 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 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.

The merchant vessels of either of the High Contracting Parties entering the territory of the other Party with the sole object of completing their cargoes or of unloading some portion thereof shall be entitled, provided they comply with the laws and regulations of the respective countries, to retain on board any portion of the cargo which is consigned to another port either in the same country or in another country, and to re-export such portion of the cargo without being liable to pay any Customs duty on the portion not unloaded except duty for supervision; the latter shall, however, be levied at the lowest rate fixed for national vessels.

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 12.

Any 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 merchant vessel of one of the High Contracting Parties should run aground or be wrecked upon the coasts 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.

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.

If such owners or agents are not on the spot, the aforesaid property or proceeds from the sale thereof and the papers found on board the vessel shall be delivered to the proper Consular Officer of the High Contracting Party whose vessel is wrecked or stranded, provided that such Consular Officer shall make claim within the period fixed by the laws and regulations of the country in which the wreck or stranding occurred, and such Consular Officers, 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.

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 13.

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 14.

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 15.

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 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.

The said Consular Officers or Agents of the two High Contracting Parties or the persons duly authorized to fill their places shall within the territory of the other Party have charge of the internal order on board the merchant vessels of their nation, to the exclusion of all local authorities. They shall take cognizance of all disputes and they alone shall exercise jurisdiction in cases which may have arisen at sea, or which may arise in port, between the captains, officers and crews, including disputes concerning wages and the execution of contracts reciprocally entered into, provided, however, that such jurisdiction shall not exclude the jurisdiction conferred on local courts or other authorities under existing or future laws.

Article 16.

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 be immediately 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, 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 laws of the country in which the property of the deceased is situated.

The foregoing provision 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 17.

It is understood by the High Contracting Parties that the stipulations contained in this Treaty do not in any way affect, supersede, or modify any of the laws and regulations with regard to naturalization, immigration, police and public security which are in force or which may be enacted in either of the two countries.

Article 18.

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 Norway and Siam respectively.

It is, however, understood that Norwegian nationals and vessels in the territory of the Kingdom of Siam and Siamese nationals and vessels in the territory of the Kingdom of Norway shall, on condition of reciprocity, enjoy in respect of coasting trade the rights which are or may be granted under such laws and regulations to the nationals or vessels of any other nation.

Article 19.

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 short frontier traffic ;
- (2) Favours granted or to be granted hereafter to a third State in virtue of a Customs Union ;
- (3) 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 ;
- (4) Favours granted or to be granted hereafter by Norway to Denmark, Finland, Iceland or Sweden.

The provisions of the present Treaty do not apply to Svalbard (Spitsbergen).

It is understood that the provisions of the present Treaty as regards the most-favoured-nation treatment shall not apply to special favours contractually granted or to be granted to a third State for the avoidance of double taxation or the mutual protection of revenue.

Article 20.

The High 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, which it has not been possible to settle through the diplomatic channel, shall, at the request of either Party, be submitted to the Permanent Court of International Justice at The Hague, unless in any particular case the High Contracting Parties agree to submit the dispute to a special Court of Arbitration. They hereby undertake to accept as binding the decision of the Permanent Court or the Court of Arbitration.

Article 21.

The present Treaty shall, from the date of its coming into force, be substituted for the Treaty¹ of Friendship, Commerce and Navigation between Norway and Siam signed at Oslo on July 16th, 1926, and from this date the said Treaty of 1926 and all Arrangements and Agreements subsidiary thereto concluded or existing between the High Contracting Parties shall cease to be binding.

Article 22.

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

In case neither of the High Contracting Parties should have notified twelve months before the expiration of the said five 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 the Treaty, Arrangements, or Agreements abrogated by the present Treaty.

Article 23.

This Treaty shall be ratified, and the ratifications thereof shall be exchanged at Oslo as soon as possible, and the said Treaty shall come into force on the date of the exchange of ratifications.

In witness whereof the undersigned Plenipotentiaries have hereto signed their names and affixed their seals.

Done at Oslo, in duplicate, this fifteenth day of November in the year one thousand nine hundred and thirty-seven of the Christian Era, corresponding to the fifteenth day of the eighth month in the year two thousand four hundred and eighty of the Buddhist Era.

(L. S.) (s) Trygve LIE.

(L. S.) (s) Phya RAJAWANGSAN.

Certified true copy :

Phya Rajawangsan,

*Permanent Representative accredited
to the League of Nations.*

Geneva, 14th June 1938.

¹ Vol. LX, page 35, of this Series.

FINAL PROTOCOL.

At the moment of proceeding this day to the signature of the new Treaty of Friendship, Commerce and Navigation between the Kingdom of Norway and the Kingdom of Siam, the Plenipotentiaries of the two High Contracting Parties have agreed upon the following provisions which are to be considered as an integral part of the Treaty :

(1) It is understood that the most-favoured-nation treatment in regard to immovable property provided for in Article 2, paragraph 7, and Article 6, paragraph 4, is accorded on condition of reciprocity.

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

(3) It is understood that in all 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.

(4) Norwegian Sardines prepared from fish belonging to the species "Clupea Sprattus" (Brisling) or "Clupea Harengus" (Sild) shall, when imported into the Kingdom of Siam, not pay a higher tariff rate than sardines prepared from fish belonging to the species "Clupea Pilchardus" imported from any country.

In witness whereof the undersigned Plenipotentiaries have hereto signed their names and affixed their seals.

Done at Oslo, in duplicate, this fifteenth day of November in the year one thousand nine hundred and thirty-seven of the Christian Era, corresponding to the fifteenth day of the eighth month in the year two thousand four hundred and eighty of the Buddhist Era.

(L. S.) (s) Trygve LIE.

(L. S.) (s) Phya RAJAWANGSAN.

Pour copie certifiée conforme :
Ministère des Affaires étrangères,
Oslo, mars 1938.

Le Directeur
des Affaires de la Société des Nations,
Rolf Andersen.

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

EXCHANGE OF NOTES

CONCERNING THE INTERPRETATION OF THE TERMS " ON CONDITION OF RECIPROCITY " IN ARTICLE 5 OF THE TREATY OF FRIENDSHIP, COMMERCE AND NAVIGATION OF NOVEMBER 15TH, 1937, BETWEEN NORWAY AND SIAM. OSLO, NOVEMBER 15TH AND 16TH, 1937.

Registered on June 14th, 1938, at the request of the Permanent Representative of Siam to the League of Nations.

I.

OSLO, November 15th, 1937.

SIR,

With reference to your letter of the 10th inst. concerning certain modifications in the text of our draft of Treaty of Friendship, Commerce and Navigation between Siam and Norway in which you were good enough to propose the insertion of the phrase " on condition of reciprocity " after the words " the High Contracting Parties shall have in the territory of the other " in Article 5, I have the honour to inform you that the Siamese Authorities accept your proposal on the understanding that " as long as the Siamese Nationals cannot claim the benefit of this Article in Norway the Norwegian Nationals will not be able to claim the benefit of the same Article in Siam ".

I shall be obliged for your reply on this point.

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

(Signed) Phya RAJAWANGSAN.

Monsieur C. F. Smith,
Directeur général du Département de politique commerciale
du Ministère des Affaires étrangères,
Oslo.

II.

MINISTÈRE DES AFFAIRES ÉTRANGÈRES.
DIRECTION GÉNÉRALE
DES AFFAIRES DE POLITIQUE COMMERCIALE.
LE DIRECTEUR GÉNÉRAL.

OSLO, le 16 novembre 1937.

MONSIEUR LE MINISTRE,

J'ai l'honneur de vous accuser réception de votre note du 15 de ce mois concernant l'interprétation des termes « on condition of reciprocity » dans l'article 5 du Traité d'amitié, de commerce et de navigation entre la Norvège et le Siam signé hier.

Je m'empresse à cette occasion de vous confirmer ce qui suit :

La raison pour laquelle les mots « on condition of reciprocity » ont été introduits dans l'article 5 ci-dessus mentionné, est que la législation siamoise, comme vous avez

ÉCHANGE DE NOTES

RELATIF A L'INTERPRÉTATION DES MOTS « ON CONDITION OF RECIPROCITY » (SOUS CONDITION DE RÉCIPROCITÉ) A L'ARTICLE 5 DU TRAITÉ D'AMITIÉ, DE COMMERCE ET DE NAVIGATION DU 15 NOVEMBRE 1937 ENTRE LA NORVÈGE ET LE SIAM. OSLO, LES 15 ET 16 NOVEMBRE 1937.

Enregistré le 14 juin 1938, à la demande du représentant permanent du Siam près la Société des Nations.

¹ TRADUCTION. — TRANSLATION.

I.

OSLO, le 15 novembre 1937.

MONSIEUR LE DIRECTEUR GÉNÉRAL,

Comme suite à votre lettre du 10 courant concernant certaines modifications au texte de notre projet de Traité d'amitié, de commerce et de navigation entre le Siam et la Norvège, par laquelle vous avez bien voulu proposer d'insérer, dans l'article 5, après la phrase « les Hautes Parties contractantes jouiront chacune, dans le territoire de l'autre... », les mots « sous condition de réciprocité », j'ai l'honneur de porter à votre connaissance que les autorités siamoises acceptent votre proposition, étant entendu que « aussi longtemps que les ressortissants siamois ne pourront pas réclamer le bénéfice de cet article en Norvège, les ressortissants norvégiens ne pourront le réclamer au Siam ».

Je vous serais vivement obligé de bien vouloir répondre sur ce point.

Veuillez agréer, etc.

(Signé) Phya RAJAWANGSAN.

Monsieur C. F. Smith,
Directeur général du Département de politique commerciale
du Ministère des Affaires étrangères,
Oslo.

II.

MINISTRY OF FOREIGN AFFAIRS.
GENERAL DEPARTMENT
FOR COMMERCIAL POLICY QUESTIONS.
DIRECTOR-GENERAL.

OSLO, November 16th, 1937.

SIR,

I have the honour to acknowledge receipt of your note of November 15th concerning the interpretation of the expression " on condition of reciprocity " in Article 5 of the Treaty of Friendship, Commerce and Navigation between Norway and Siam signed yesterday.

In this connection, I desire to communicate the following :

The reason why the words " on condition of reciprocity " were introduced in the above-mentioned Article 5 is that, as you were good enough to explain to me during our

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.

bien voulu me l'expliquer au cours de nos négociations, n'offre pour l'instant pas de moyen de protéger au Siam les droits de propriété industrielle, commerciale ou artistique des étrangers. Vous avez bien voulu en même temps me faire savoir qu'une législation à cet effet sera instituée d'ici deux ans.

Conformément au principe de la réciprocité il n'est que juste que les nationaux siamois ne jouissent de la protection de leurs droits de propriété industrielle, commerciale ou artistique en Norvège que dès le jour où une protection correspondante sera assurée aux nationaux norvégiens au Siam. C'est cet état de choses que nous avons eu l'intention de constater nettement dans l'article 5.

Veillez agréer, Monsieur le Ministre, les assurances de ma haute considération.

(Signé) C. F. SMITH.

Phya Rajawangsan,
Ministre de Siam,
etc., etc., etc.,
Oslo.

Certified true copy :

Phya Rajawangsan,
*Permanent Representative accredited to
the League of Nations.*

Geneva, 14th June, 1938.

negotiations, Siamese legislation does not at the moment offer any means of protecting in Siam the industrial, commercial or artistic property rights of foreigners. You informed me at the same time that legislation to this effect would be introduced two years from now.

In accordance with the rule of reciprocity, it is only fair that Siamese nationals should enjoy protection of their industrial, commercial or artistic property rights in Norway solely from the date on which similar protection is granted to Norwegian nationals in Siam. This is the position to which we intended to give concrete expression in Article 5.

I have the honour to be, etc.

(Signed) C. F. SMITH.

Phya Rajawangsan,
Minister of Siam,
etc., etc., etc.,
Oslo.