

## PAYS-BAS ET SIAM

Traité d'amitié, de commerce et de navigation, avec protocole relatif au traitement de leurs ressortissants respectifs, protocole concernant la juridiction applicable aux ressortissants (sujets et protégés) néerlandais dans le Royaume de Siam, signés à La Haye, le 8 juin 1925, et échange de notes de la même date.

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## THE NETHERLANDS AND SIAM

Treaty of Friendship, Commerce and Navigation, with Protocol regarding the Treatment of their respective Nationals, Protocol concerning the Jurisdiction applicable in the Kingdom of Siam to Netherlands Nationals (subjects and others), signed at The Hague, June 8, 1925, and Exchange of Notes of the same date.

<sup>1</sup> TRADUCTION. — TRANSLATION.

No. 1323. — TREATY OF FRIENDSHIP<sup>2</sup>, COMMERCE AND NAVIGATION BETWEEN SIAM AND THE NETHERLANDS. SIGNED AT THE HAGUE, JUNE 8, 1925.

*French official text communicated by the Siamese Minister at Paris, Permanent Delegate of Siam accredited to the League of Nations, and by The Netherlands Chargé d'Affaires at Berne. The registration of this Treaty took place October 9, 1926.*

HIS MAJESTY THE KING OF SIAM and HER MAJESTY THE QUEEN OF THE NETHERLANDS, being desirous of strengthening the relations of amity and good understanding which happily already 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 effect such a revision based upon the principles of equity and mutual benefit of the two Parties, and for that purpose have appointed as their Plenipotentiaries :

HIS MAJESTY THE KING OF SIAM :

His Serene Highness Prince Damras DAMRONG, Chargé d'Affaires of Siam at The Hague ;

HER MAJESTY THE QUEEN OF THE NETHERLANDS :

His Excellency Jonkheer H. A. VAN KARNEBEEK, Her Minister for Foreign Affairs ;

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 I.*

1. There shall be constant peace and perpetual friendship between The Netherlands and Siam.

2. The nationals of each of the High Contracting Parties shall have full liberty to enter, travel and reside in the territory of the other, and to depart thence ; to carry on agriculture, navigation, industry and wholesale or retail trade ; to engage in religious, charitable and educational work, to employ agents of their choice at least upon the same terms as the citizens or subjects of the most favoured nation, provided that they comply with the laws and regulations which are, or may hereafter be, established there.

3. As regards the acquisition and disposal of property or the possession of movable or immovable property of any kind, the nationals of either of the High Contracting Parties shall be treated, throughout the whole extent of the territory of the other Party, on the same footing in all respects

<sup>1</sup> Traduit par le Secrétariat de la Société des Nations.

<sup>1</sup> Translated by the Secretariat of the League of Nations.

<sup>2</sup> The exchange of ratifications took place at The Hague, August 24, 1926.

as the nationals or citizens of the most favoured nation, provided always that they comply with the laws and regulations which are, or may hereafter be, established there.

4. They shall not be compelled under any pretext whatever to pay any internal charges or taxes other or higher than those that are, or may hereafter be, paid from native subjects or the subjects or citizens of the most favoured nation who do not enjoy exemption from Siamese jurisdiction.

5. The nationals of each of the High Contracting Parties shall receive in the territory of the other constant protection and security for their persons and property. They shall enjoy in this respect the same rights and privileges as are or may hereafter be granted to native subjects or to the nationals and citizens of the most favoured nation, on complying with the laws and regulations which are or may hereafter be put in force.

6. The nationals of each of the High Contracting Parties shall be exempt in the territory of the other Party from compulsory military service and from all contributions, whether in money or kind imposed in lieu of personal military service. They shall only be subject, in time of peace as in time of war, to the contributions and requisitions imposed upon nationals, and to the same degree and on the same principles as the latter.

7. The nationals of either of the High Contracting Parties shall enjoy, in the territory of the other, entire liberty of conscience, and, subject to the laws and regulations, which are or may hereafter be put in force, shall enjoy the right of private or public exercise of their worship.

#### *Article II.*

The lands, dwellings, warehouses, factories, shops and all other buildings of the nationals of either of the High Contracting Parties in the territory of the other Party, used for purposes of residence or commerce, shall not be subject to domiciliary visit or search, and the books, papers and accounts kept there shall not be examined or inspected, except under the conditions and in accordance with the forms provided for by the laws and regulations applicable to the nationals or subjects of the most favoured nation who do not enjoy exemption from Siamese jurisdiction.

#### *Article III.*

1. There shall be, on a reciprocal basis, full and entire freedom of commerce and navigation between the territories of the High Contracting Parties.

2. The nationals of the High Contracting Parties shall have liberty freely and in full security to proceed with their ships and cargoes to all places, ports and rivers in the territory of the other which are or may hereafter be opened to foreign commerce and navigation, to stay there and to depart thence, provided they comply with the laws and regulations which are or may hereafter be in force. The High Contracting Parties shall, however, be empowered to lay down, on the basis of most-favoured-nation treatment or of the treatment accorded to nationals, any general regulations they may deem desirable with regard to the trade in certain articles, more especially the trade in spirituous, distilled or fermented beverages, alcoholic liquors and alcohol; opium and derivatives thereof, and cocaine, heroin and other narcotics to which the International Opium Convention<sup>1</sup> signed at The Hague, January 23, 1912, is applicable; and to the trade in arms and ammunition.

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<sup>1</sup> Vol. VIII, page 187; Vol. XI, page 414; Vol. XV, page 310; Vol. XIX, page 282; Vol. XXIV, page 162; Vol. XXXI, page 244; Vol. XXXV, page 298, and Vol. XXXIX, page 167, of this Series.

*Article IV.*

The nationals of either of the High Contracting Parties shall have free access to the Courts of Justice of the other in pursuit or in defence of their rights. They shall be at liberty, on the same terms as the nationals or subjects of the most favoured nation, to appoint counsel, advocates or representatives and to employ them to defend their rights before such Courts. As regards the conditions under which Dutch nationals shall have access to the Courts of Justice in Siam, they shall enjoy the same treatment as Siamese nationals and shall in any case enjoy treatment at least as favourable as that applying to nationals of the most favoured nation who do not enjoy exemption from Siamese jurisdiction.

*Article V.*

The nationals of either of the High Contracting Parties shall enjoy in the territory of the other complete equality of treatment with nationals or subjects of the most favoured nation in all matters relating to import, transit and export duties, warehousing bounties, Customs facilities and the examination and valuation of merchandise.

*Article VI.*

1. The Netherlands recognise in principle the autonomy of Siam in all matters pertaining to Customs duties and taxes.

2. The Royal Government of Siam shall therefore be at full liberty to establish import and export duties, drawbacks, warehousing charges, and all similar charges which it may deem necessary ; it shall thus have the right to raise the tariffs fixed by agreements hitherto in force. It shall not, however, exercise this right in regard to the Netherlands unless all the other Powers which are entitled to claim the existing rates in virtue of previous agreements have consented to the same concession without requiring any compensatory benefit or privilege.

*Article VII.*

In all matters concerning the entry, departure, clearing, stationing, loading and unloading of merchant vessels in the ports, basins, docks, roadsteads, harbours or rivers of either of the High Contracting Parties, no privilege shall be granted to the merchant vessels of a third Power which is not also granted in the same degree to merchant vessels of the other Party, the intention of the High Contracting Parties being that in these respects the merchant vessels of each shall receive at least the treatment accorded to national vessels or to the merchant vessels of the most favoured nation.

*Article VIII.*

The provisions of the present Treaty shall not apply to the coasting trade on the coasts of the two High Contracting Parties, which shall be governed exclusively by their respective laws and regulations.

*Article IX.*

1. If a merchant vessel belonging to one of the High Contracting Parties runs aground or is wrecked in the waters or in a port of the other, the vessel, its passengers, and its cargo shall enjoy the same favours and immunities as those which the laws and regulations of the other Party

grant or may hereafter grant under similar circumstances to national merchant vessels or to the merchant vessels of the most favoured nation. Aid and assistance shall be given to the captain and the crew, to the same extent as to nationals or subjects of the most favoured nation both on their own account and on that of the ship, the passengers, their effects and those of the crew, and the cargo.

2. The merchandise saved from a merchant vessel which belongs to one of the High Contracting Parties and has run aground or been shipwrecked shall not be subject to any Customs duty on the territory of the other Party unless it is intended for consumption within the country.

#### *Article X.*

1. Merchant vessels flying a Dutch or Siamese flag and having on board the papers required by their national laws for the purpose of establishing their nationality, shall be considered both in Siam and in the Netherlands as Dutch and Siamese ships.

2. Tonnage certificates based on the Moorsom system issued to vessels of either of the High Contracting Parties shall be respectively recognised according to the conditions to be laid down after an exchange of the regulations governing the matter.

#### *Article XI.*

The nationals of either of the High Contracting Parties shall enjoy in the territories of the other, upon fulfilment of the formalities provided by law, the same protection as nationals or subjects of the most favoured nation enjoy or may hereafter enjoy in this respect in regard to patents, trade-marks, trade-names, designs and copyright.

#### *Article XII.*

1. Either of the High Contracting Parties may appoint consuls-general, consuls, vice-consuls and other consular Officers to reside in the towns and ports of the territories of the other where similar officers of other Powers are or may hereafter be permitted to reside.

2. Such consular Officers shall not enter upon their duties, however, until their appointment has been approved and sanctioned by the Governments to which they are sent.

3. They shall have the right to exercise all the powers and enjoy all the honours, exemptions and immunities of every kind which are or may be accorded to consular Officers of the most favoured nation.

#### *Article XIII.*

1. If a Dutch national dies in Siam or a Siamese national dies in the Netherlands without having in the country where his decease took place any known heirs or testamentary executors appointed by him, the competent local authorities shall at once inform the nearest consular Officers of the nation to which the deceased belonged, in order that the necessary information may be immediately forwarded to the parties concerned.

2. In the event of a national of either of the Contracting Parties dying intestate in the territories of the other, the consul-general, consul, vice-consul or other consular Officer of the nation to which the deceased belonged shall, so far as the laws of each country permit, and pending the

appointment of an administrator and the granting of letters of administration, take charge of the personal property left by the deceased for the benefit of his lawful heirs and creditors.

*Article XIV.*

1. With the exception of Article I, paragraph 4, the provisions of the present Treaty which relate to nationals shall apply equally to companies, corporations and other legally constituted associations within their legal capacity.

2. Such companies, corporations and other legally constituted associations shall not be compelled under any pretext whatever to pay any taxes or charges other or higher than those that are or may be paid by the companies, corporations and other legally constituted associations of the most favoured nation.

*Article XV.*

The provisions of the present Treaty shall apply to Dutch territory in Europe and also, with the exception of Articles XII and XIII, to the Dutch Indies, Surinam and Curaçao.

*Article XVI.*

Any dispute concerning the interpretation, application or execution of the present Treaty which cannot be settled by the High Contracting Parties alone, shall be submitted to the Permanent Court of International Justice<sup>1</sup>, which shall be competent to give a decision on the dispute at the request of both Parties or of one of them.

*Article XVII.*

The present Treaty shall, from the date of the exchange of the ratifications thereof, supersede the Treaty<sup>2</sup> of Friendship, Commerce and Navigation signed at Bangkok on December 17, 1860, the additional articles<sup>3</sup> of the Treaty of December 17, 1860, regulating the importation and sale of alcoholic beverages into Siam, signed at The Hague on November 10, 1883, the Arrangement concerning the registration of Dutch nationals in Siam, signed at Bangkok on May 1, 1901, and all supplementary arrangements and agreements concluded or existing between the High Contracting Parties. All such treaties, conventions, arrangements and agreements shall cease to be binding as from the same date. It shall be understood, however, that the Convention<sup>4</sup> concerning the admission of consular agents of Siam to the principal ports of the territories of the Netherlands outside Europe, signed on April 1, 1867, shall not be abrogated by the present Treaty, but shall remain in force until it has been abrogated in accordance with its own terms.

*Article XVIII.*

1. The present Treaty shall enter into force on the date of the exchange of ratifications. It shall remain in force for a period of ten years as from that date.

<sup>1</sup> Vol. VI, page 379; Vol. XI, page 404; Vol. XV, page 304; Vol. XXIV, page 152; Vol. XXVII, page 416; Vol. XXXIX, page 165; Vol. XLV, page 96; Vol. L, page 159, and Vol. LIV, page 387, of this Series.

<sup>2</sup> *British and Foreign State Papers*, Vol. 58, page 262.

<sup>3</sup> *British and Foreign State Papers*, Vol. 74, page 914.

<sup>4</sup> *British and Foreign State Papers*, Vol. 58, page 274.

2. If neither of the High Contracting Parties notifies the other twelve months before the expiration of the said ten years, of its intention to denounce the said Treaty, the latter shall remain binding until the expiration of one year as from the day on which either of the High Contracting Parties denounces it.

3. It shall be understood, however, that such denunciation shall not have the effect of reviving any of the treaties, conventions, arrangements or agreements mentioned in Article XVII above.

#### Article XIX.

The present Treaty shall be ratified, and the ratifications thereof shall be exchanged as soon as possible either at The Hague or at Bangkok.

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

Done in the French language, at The Hague, on June the eighth, one thousand nine hundred and twenty-five, of the Christian era, being the eighth day of the third month in the year two thousand four hundred and sixty-eight of the Buddhist era.

(L. S.) Damras DAMRONG.

(L. S.) V. KARNEBEEK.

#### PROTOCOL.

It is understood that, in the Treaty between Siam and the Netherlands, signed at The Hague on June the eighth, one thousand nine hundred and twenty-five, of the Christian era, being the eighth day of the third month of the year two thousand four hundred and sixty-eight of the Buddhist era, wherever it is provided that one of the High Contracting Parties shall grant to the other the same treatment as that accorded to nationals or subjects of the most favoured nation, the more favourable of these two treatments shall be granted.

Moreover, it is understood that the rights and privileges granted by one of the High Contracting Parties to a third Power in conventions concerning private international law and in particular The Hague Conventions on this subject, shall be included among the rights and privileges derived from plurilateral conventions of a general character, to which, by reason of their nature, the stipulations providing for the concession of national or most-favoured-nation treatment are inapplicable.

Finally, it is understood that the provisions of the said Treaty shall not affect, modify or supersede the laws and regulations of the High Contracting Parties which are or may hereafter be in force concerning immigration, the police and public security.

In faith whereof the undersigned, duly authorised by their respective Governments, have signed the present Protocol, which shall be deemed to be an integral part of the aforesaid Treaty.

Done in the French language, at The Hague, on June the eighth, one thousand nine hundred and twenty-five, of the Christian era, being the eighth day of the third month of the year two thousand four hundred and sixty-eight of the Buddhist era.

(L. S.) Damras DAMRONG.

(L. S.) V. KARNEBEEK.

## PROTOCOL

CONCERNING JURISDICTION APPLICABLE IN THE KINGDOM OF SIAM TO DUTCH NATIONALS  
AND OTHERS ENTITLED TO THE PROTECTION OF THE NETHERLANDS.

At the moment of proceeding this day to sign the new Treaty of Friendship, Commerce and Navigation concluded between Siam and the Netherlands, the Plenipotentiaries of the two High Contracting Parties have agreed as follows :

*Article I.*

The system of jurisdiction heretofore established in Siam for Dutch nationals, and the privileges, exemptions and immunities now enjoyed by Dutch nationals in Siam as a part of or appurtenant to the said system, shall be deemed to be abrogated and abolished as from the date of the exchange of ratifications of the above-mentioned Treaty. Thereafter, all Dutch nationals and others entitled to the protection of the Netherlands, and all companies, corporations and other Dutch associations in Siam shall be subject to the jurisdiction of the Siamese Courts.

*Article II.*

1. Pending the promulgation and application of all the Siamese Codes, namely the Civil and Commercial Code, the Penal Code, the Codes of Procedure and the Law for Judicial Organisation, and for a period of five years after the aforesaid date, the Diplomatic or Consular agents of the Netherlands in Siam may, in any case pending in a Siamese Court (except the Supreme Court or "San Dika"), in which the defendant or accused is a Dutch national or other person entitled to the protection of the Netherlands, or a Dutch company, corporation or other association, evoke the said case at any stage of the proceedings if they deem it proper to do so in the interests of justice, by means of a written application to the Court in which such case is pending.

2. Any case evoked as stated above shall be transferred to the consular jurisdiction or to any other competent Dutch tribunal for decision, and the jurisdiction of the Siamese Courts in such a case shall thereupon cease. The case shall be disposed of according to Dutch law ; Siamese law shall be applicable, however, if and in so far as the matter of the suit (unless it is a punishable offence falling within the scope of the Dutch Penal Code) may be subject to the codes, laws or regulations of the Kingdom of Siam regularly promulgated and in force, the texts of which have been duly communicated to the Netherlands Legation in Bangkok.

3. The jurisdiction of the Dutch consular agents in Siam shall be continued for the purpose of trying cases evoked as mentioned above and for the execution of any judgments which may be rendered therein.

*Article III.*

1. Appeals by Dutch nationals or Dutch companies, corporations or other associations from judgments of the courts of first instance shall be brought before the Court of Appeal at Bangkok.

2. An appeal to a court of higher instance against the decision of the Court of Appeal at Bangkok shall be allowed. Such appeal may be exercised in the case of incompetence, abuse of power and, in general, of any breach of the law. It shall be judged by the Siamese Supreme Court or "San Dika".



3. Any Dutch national or other person entitled to the protection of the Netherlands, or any Dutch company, corporation or other association, being a defendant or being accused in any case arising in the provinces may apply for a change of venue from the Court before which he is summoned. If this application is granted by the aforesaid Court, the trial shall take place either at Bangkok or *in loco* before the judges in whose Court the case would have been tried at Bangkok.

#### Article IV.

1. In order to facilitate the application of the present Protocol, the following provisional clauses shall be observed :

(a) All cases in which action shall be taken after the date of the exchange of ratification of the above-mentioned Treaty shall be brought before the Siamese Courts, whether the cause of action arose before or after the said exchange of ratifications.

(b) All cases pending before the Dutch consular jurisdiction in Siam on the said date shall remain within the exclusive competence of the latter, which shall deal with them until the termination of the proceedings and also with the execution of judgments. The jurisdiction of Dutch consular agents in Siam shall continue to cover cases of this kind.

2. The Siamese authorities shall afford assistance in all cases which are brought before the Dutch Consular jurisdiction in virtue of clause (b) of the present Article, or which may be evoked by the Dutch Diplomatic or Consular agents in Siam in virtue of Article II of the present Protocol. They shall afford assistance at the request of the aforesaid agents in all matters pertaining to the case.

#### Article V.

Pending the entry into force of the Siamese Codes enumerated above, the Siamese Government shall continue to communicate to the Netherlands Legation in Siam the texts of all newly-promulgated laws and regulations, and shall endeavour to take into account any observations which the said Legation may submit to it within a reasonable time concerning these texts.

#### Article VI.

The expressions " Netherlands " and " Dutch " in the present Protocol refer to Dutch territory in Europe and also to the Dutch Indies, Surinam and Curaçao.

In faith whereof, the undersigned, duly authorised for that purpose by their respective Governments, have signed the present Protocol and have thereto affixed their seals.

Done, in the French language, at The Hague on June the eighth, one thousand nine hundred and twenty-five, of the Christian era, being the eighth day of the third month of the year two thousand four hundred and sixty-eight of the Bhuddist era.

(L. S.) Damras DAMRONG.

(L. S.) V. KARNEBEEK.

## EXCHANGE OF NOTES.

*Communicated by the Netherlands Chargé d'Affaires at Berne, November 9, 1926.*

MINISTRY OF FOREIGN AFFAIRS,  
LEGAL SECTION.

THE HAGUE, *June 8, 1925.*

YOUR HIGHNESS,

On the occasion of the signature this day of the Treaty of Friendship, Commerce and Navigation between the Netherlands and Siam, I have the honour to state that Her Majesty's Government understands and approves the said Treaty in the sense that none of the clauses in which most-favoured-nation treatment is granted to the Netherlands shall be interpreted as conferring on the Netherlands rights, powers, privileges or immunities derived from the existence of rights of exemption in Customs, fiscal or jurisdictional matters possessed by other States and not expressly conferred by the said Treaty or by the two Protocols signed on to-day's date.

Her Majesty's Government also notes that it is understood that, as regards the right of evocation stipulated in the Protocol concerning the jurisdiction applicable in the Kingdom of Siam to Dutch nationals, the Netherlands may avail themselves of the same advantages or privileges which have been granted or may be granted within ten years from the date of application of the above-mentioned Treaty to third Powers whose nationals do not enjoy general exemption from Siamese jurisdiction.

I should be grateful if you would be good enough to confirm that the Royal Siamese Government is in agreement with this point of view.

I have the honour to be, etc.

V. KARNEBEEK.

To Prince Damras,  
Siamese Chargé d'Affaires.

ROYAL SIAMESE LEGATION  
THE HAGUE.

*June 8, 1925.*

YOUR EXCELLENCY,

I have the honour to acknowledge receipt of your letter of to-day's date in which you inform me that Her Majesty's Government understands and approves the Treaty of Friendship, Commerce and Navigation between the Netherlands and Siam in the sense that none of the clauses in which most-favoured-nation treatment is granted to the Netherlands shall be interpreted as conferring on the Netherlands rights, powers, privileges or immunities derived from the existence of rights of exemption in Customs, fiscal or jurisdictional matters possessed by other States and not expressly conferred by the said Treaty or by the two Protocols signed on to-day's date. The Royal Siamese Government takes note of this declaration.

Your Excellency also informs me that Her Majesty's Government notes that it is understood that, as regards the right of evocation stipulated in the Protocol concerning the jurisdiction appli-

cable in the Kingdom of Siam to Dutch nationals, the Netherlands may avail themselves of the same advantages or privileges which have been granted or may be granted within ten years from the date of application of the above-mentioned Treaty to third Powers whose nationals do not enjoy general exemption from Siamese jurisdiction.

Acting on my Government's instructions, I have the honour to state that the Royal Siamese Government is in agreement with this point of view.

I have the honour to be, etc.

Damras DAMRONG.

To His Excellency Jonkheer  
H. A. van Karnebeek,  
Minister for Foreign Affairs,  
The Hague.