

N° 4298.

SIAM ET SUÈDE

Traité d'amitié, de commerce et de navigation, et protocole final, signés à Stockholm, le 5 novembre 1937, et échange de notes de la même date relatif à l'interprétation de l'article XII dudit traité.

SIAM AND SWEDEN

Treaty of Friendship, Commerce and Navigation, and Final Protocol, signed at Stockholm, November 5th, 1937, and Exchange of Notes of the same Date concerning the Interpretation of Article XII of the above-mentioned Treaty.

No. 4298. — TREATY¹ OF FRIENDSHIP, COMMERCE AND NAVIGATION
BETWEEN SIAM AND SWEDEN. SIGNED AT STOCKHOLM,
NOVEMBER 5TH, 1937.

English official text communicated by the Swedish Minister for Foreign Affairs and by the Permanent Representative of Siam to the League of Nations. The registration of this Treaty took place March 5th, 1938.

HIS MAJESTY THE KING OF SWEDEN 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 SWEDEN :

His Excellency Rickard SANDLER, his Minister for Foreign Affairs ;
and

HIS MAJESTY THE KING OF SIAM :

Phya RAJAWANGSAN, his Envoy Extraordinary and Minister Plenipotentiary at Stockholm ;

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 Kingdom of Sweden and the Kingdom of Siam.

2. The nationals of each of the High Contracting Parties, upon submitting themselves to the laws and regulations in force in the territory of the other, shall have liberty to enter, travel and reside in the territory of the latter State, and in this territory to carry on trade, commerce, manufacture, agriculture and navigation, to engage in religious, educational and charitable work, to employ agents of their own choice and to lease land for the purposes of residence or any commercial, industrial, religious, charitable or other lawful activity as well as for interment and, on the whole, to take all dispositions dependent upon or required for the exercise of any of the aforementioned rights, upon the same terms as the nationals of the most-favoured nation.

¹ The exchange of ratifications took place at Stockholm, March 1st, 1938.

¹ TRADUCTION. — TRANSLATION.

N^o 4298. — TRAITÉ ² D'AMITIÉ, DE COMMERCE ET DE NAVIGATION
ENTRE LE SIAM ET LA SUÈDE. SIGNÉ A STOCKHOLM, LE
5 NOVEMBRE 1937.

Texte officiel anglais communiqué par le ministre des Affaires étrangères de Suède et le représentant permanent du Siam près la Société des Nations. L'enregistrement de ce traité a eu lieu le 5 mars 1938.

SA MAJESTÉ LE ROI DE SUÈDE 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, savoir :

SA MAJESTÉ LE ROI DE SUÈDE :

Son Excellence Rickard SANDLER, son ministre des Affaires étrangères ;
et

SA MAJESTÉ LE ROI DE SIAM :

Phya RAJAWANGSAN, son envoyé extraordinaire et ministre plénipotentiaire à Stockholm ;

Qui, après s'être communiqué leurs pleins pouvoirs respectifs trouvés en bonne et due forme, sont convenus des dispositions suivantes :

Article premier.

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

2. Les nationaux de chacune des Hautes Parties contractantes, à la condition de se conformer aux lois et règlements en vigueur dans le territoire de l'autre Partie, auront toute liberté de pénétrer, de voyager et de résider dans ce territoire, d'y exercer un métier, de s'y livrer au commerce, à l'industrie, à l'agriculture et à la navigation, de s'occuper d'œuvres de caractère religieux, éducatif et charitable, d'employer des représentants de leur choix, de prendre à bail des terrains en vue d'y résider ou d'y exercer une activité commerciale, industrielle, religieuse, charitable ou une activité licite quelconque, ou d'y établir un cimetière, et, en général, de prendre toutes mesures subordonnées à l'exercice de l'un des droits susmentionnés ou nécessaires en vue de cet exercice, dans les mêmes conditions que les ressortissants de la nation la plus favorisée.

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 Stockholm, le 1^{er} mars 1938.

3. The nationals of each of the High Contracting Parties shall throughout the whole extent of the territory of the other have the right to acquire, possess and dispose of any kind of movable and immovable property, the acquisition, possession and disposal of which is or may hereafter be allowed by the laws in force in the country to nationals of the most-favoured nation.

4. The nationals of each of the High Contracting Parties shall not in the territory of the other be compelled to pay any internal charges or taxes other or higher than those which now are or hereafter may be exacted from the nationals of the most-favoured nation.

5. 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 now are or hereafter may be granted to the nationals of the country.

6. The nationals of each of the High Contracting Parties shall be exempt in the territory of the other from every personal compulsory military service in the regular forces, in the national guard, or in the militia, as well as from all contributions in money and kind imposed in lieu of personal military service, and from all forced loans and military contributions. They shall not be subjected, in time of peace or in time of war, to military requisitions except as imposed on 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 territories of the other less favourably than the nationals of the most-favoured nation.

7. 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.

Article II.

1. 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 the nationals of the country and of the most-favoured nation, to choose and employ lawyers, advocates and representatives.

2. No conditions or requirements shall be 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 the nationals of the country or of the most-favoured nation.

3. These dispositions, however, do not affect the existing or future regulations in each country with regard to *cautio judicatum solvi* and gratuitous assistance.

Article III.

The dwellings, warehouses, manufactories, shops, and all other buildings of the nationals of each of the High Contracting Parties in the territory of the other, together with all premises used in connection therewith for purposes of residence or commerce, shall be exempt from visits and searches, and from examinations or inspections of books, papers or accounts therein located, except under the conditions and with the forms prescribed by the laws and regulations applying to the nationals of the country.

Article IV.

There shall be reciprocally full and entire freedom of commerce and navigation between the territories of the two High Contracting Parties.

The nationals of either of the High Contracting Parties shall have liberty, upon submitting themselves to the local laws and regulations in force, securely to come 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 commerce and navigation with foreign countries.

Article V.

1. Neither High Contracting Party shall establish or maintain any prohibition or restriction on imports from or exports to the territories of the other Party which are not applied to the import and export of any like article originating in or destined to any other country. Any withdrawal of or immunity from an import or export prohibition or restriction which is granted even temporarily by one of the High Contracting Parties in favour of the articles of a third country shall be applied immediately and unconditionally to like articles originating in or destined to the territories of the other Party.

2. In the event of rations or quotas or any other form of quantitative limitation being established for the importation or exportation of articles restricted, each of the High Contracting Parties agrees to grant for the importation from or exportation to the territories of the other Party a treatment not less favourable than that applied to like products from a third country. If quantitative allocations are granted by either of the High Contracting Parties in favour of individual countries, the other Party shall receive an equitable share in the quantities authorised for importation or exportation. The High Contracting Parties undertake to grant each other in all matters concerning formalities and charges imposed in connection with any form of quantitative regulation of imports or exports every privilege, advantage or immunity granted to a third country.

3. If either of the High Contracting Parties establishes or maintains, directly or indirectly, any form of control of foreign exchange, it shall administer such control so that the nationals and commerce of the other Party will be granted a fair and equitable share in the allocation of exchange.

Article VI.

Nothing in this Treaty shall be construed to restrict the right of either High Contracting Party to establish or maintain the following kinds of prohibitions or restrictions, subject to the principle of non-discriminatory treatment :

1. Prohibitions or restrictions upon arms and ammunition, and, in exceptional circumstances, upon other kinds of war supplies ;

2. Prohibitions or restrictions for reasons of national or public safety or public health ;

3. Prohibitions or restrictions upon articles which, as regards production or trade, are or may hereafter be made subject, within the country, to a monopoly exercised by or under the control of the State ;

4. Prohibitions or restrictions for the protection of animals or useful plants against disease, noxious insects or parasites or, as regards useful plants, against degeneration or extinction ;

5. Prohibitions, restrictions or regulations for the enforcement of 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 laws imposed upon articles the internal production, consumption, sale or transport of which is or may be restricted by the internal law.

Article VII.

1. Natural and manufactured products having their origin in the territory of one of the High Contracting Parties shall in the territory of the other Party in all respects, and especially as regards import duties and all other charges and taxes of whatever kind imposed in connection with the importation of goods, be accorded every privilege, favour, rebate or immunity which has been accorded or may be accorded to like products originating in a third country. This treatment shall be accorded irrespective of the nationality of the owner or of the carrier, and irrespective of the place from which the goods are imported.

2. Natural and manufactured products exported from the territory of one of the High Contracting Parties to the territory of the other Party shall as regards export duties and all other charges and taxes of whatever kind imposed in connection with the exportation of goods, be accorded the same treatment as has been accorded to or may be accorded to like products destined to any third country.

3. By the provisions of this Article most-favoured-nation treatment is also mutually accorded in all matters concerning the clearing of goods through the Customs, including the examination and valuation of goods, Customs formalities, drawbacks, transit duties, the storage and treatment of goods in bonded warehouses and the duties levied in connection therewith.

4. It is understood 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.

Article VIII.

1. In Siam Swedish vessels and their cargoes and in Sweden Siamese vessels and their cargoes shall enjoy the same treatment as is accorded to national vessels and their cargoes, irrespective of the ports of departure or destination of the vessels or where the cargoes originate or are destined to.

2. 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 the 9th December, 1923.

3. In all that concerns the entering, clearing, stationing, loading and unloading of vessels in the ports, basins, docks, roadsteads, harbours, or rivers of the two countries, no privilege shall be granted by one High Contracting Party to national vessels, which shall not equally be granted to vessels of the other High Contracting Party.

4. The coasting trade and the national fisheries of each of the High Contracting Parties are excepted from the provisions of the present Treaty, and shall be regulated according to the laws and regulations of Sweden and Siam respectively.

Article IX.

If a ship of war or merchant vessel of either of the High Contracting Parties has stranded or been wrecked in the waters or harbours of the other State, the ship or vessel, her passengers and cargo shall enjoy the same favours and immunities as those which the laws and regulations of the latter State grant or may grant in analogous cases to national ships. Aid and assistance shall be rendered to the captain and crew in the same measure as to the nationals of the most-favoured nation. The merchandise which has been saved from a merchant ship or vessel of one of the High

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.

Contracting Parties which has been stranded or wrecked shall not be subject to any Customs duty in the territory of the other High Contracting Party, unless it is cleared for consumption in the latter State.

Article X.

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 there 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 XI.

If sailors or other persons belonging to the crew desert in the territory of one of the High Contracting Parties from a vessel of the other Party, the local authorities shall give the Consular Officers of the latter Party such assistance as can by law be given to them for the recovery of the deserters. This provision shall, however, not be applicable to sailors or other persons who are nationals of the country where the desertion took place.

Article XII.

The nationals of each of the High Contracting Parties shall enjoy in the territory of the other upon fulfilment of the formalities prescribed by law the same protection as the nationals of the country in regard to patents, trademarks, tradenames, and designs.

Article XIII.

1. 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 the other nations are permitted to reside.

2. Such Consular Officers and Agents shall, however, not enter upon their functions until they shall have been approved and admitted by the Government to which they are sent.

3. They shall, on condition of reciprocity, enjoy all privileges, exemptions and immunities of every kind which are or may be accorded to Consular Officers of the most-favoured nation.

Article XIV.

1. 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 Consular Officer of the nation to which the deceased belonged.

2. If a national of one of the High Contracting Parties leaves property in the territory of the other Party, the Consular Officer of the country to which the deceased belonged shall be empowered to take charge of the property upon the terms laid down in the law of the country where the property of the deceased is situated.

Article XV.

The stipulations of the present Treaty with regard to nationals of either of the High Contracting Parties shall also be applicable, within the limits of their legal capacity, to limited-liability and other companies, corporations and associations, organized according to the laws of that Party and having in the territory of the latter their " *siège social* ".

Article XVI.

The stipulations contained in the present Treaty do not affect, supersede or modify any of the laws and regulations of the High Contracting Parties, now in force or hereafter enacted, with regard to naturalization, immigration, police or public security.

Article XVII.

In as far as the provisions of the present Treaty refer to the granting of treatment as most-favoured nation, they shall not apply to :

1. Favours which one of the High Contracting Parties has accorded to or may accord to neighbouring countries in order to facilitate the frontier traffic ;
2. Favours which Sweden has accorded to or may accord to Denmark or Norway, or both these countries, as long as these favours have not been extended to any other country ;
3. Favours derived from the conclusion of a Customs union ;
4. Favours in regard to taxation, which are mutually applied between one of the High Contracting Parties and a third country by virtue of an agreement for the avoidance of double taxation ;
5. Favours granted or to be granted hereafter to an adjoining State with regard to the navigation on or the use of boundary waterways not navigable from the sea.

Article XVIII.

The High Contracting Parties agree that any dispute which may arise between them with respect to the interpretation or application of any provision of the present Treaty, which cannot be settled by diplomatic means, shall at the request of either Party be submitted, in the absence of contrary agreement, to the Permanent Court of International Justice at The Hague. Both Parties hereby undertake to accept as binding the decision of the said Court.

Article XIX.

The present Treaty shall, from the date of its coming into force, be substituted for the Treaty¹ of Friendship, Commerce and Navigation between Sweden and Siam signed at Stockholm on the 19th December 1925, and from this date the said Treaty of 1925 and all Arrangements and Agreements subsidiary thereto concluded or existing between the High Contracting Parties shall cease to be binding.

Article XX.

The present Treaty shall be ratified by His Majesty the King of Sweden subject to the approval of the Riksdag, and by His Majesty the King of Siam subject to the approval of the Assembly of the People's Representatives.

The Treaty shall come into effect on the date of the exchange of ratifications, which shall take place at Stockholm as soon as possible, and it shall remain in force for five years from that date.

In case neither of the High Contracting Parties should have notified one year 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, however, understood that such denunciation shall not have the effect of reviving any of the agreements abrogated by the present Treaty.

¹ Vol. LVIII, page 429, of this Series.

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

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

(L. S.) Rickard SANDLER.

(L. S.) Phya RAJAWANGSAN.

Certifiée pour copie conforme :

Stockholm,
au Ministère royal des Affaires étrangères,
le 3 mars 1938.

Le Chef des Archives,
Torsten Gihl.

Certified true copy :

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

Geneva, 14th June 1938.

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 Sweden and the Kingdom of Siam, the Plenipotentiaries of the two High Contracting Parties have agreed as follows :

1. It is understood that the most-favoured nation treatment in regard to immovable property provided for in this Treaty 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.

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

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

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Geneva, 14th June 1938.

EXCHANGE OF NOTES

BETWEEN THE SIAMESE AND SWEDISH GOVERNMENTS CONCERNING THE INTERPRETATION OF ARTICLE XII OF THE TREATY OF FRIENDSHIP, COMMERCE AND NAVIGATION CONCLUDED ON NOVEMBER 5TH, 1937, BETWEEN THE TWO COUNTRIES. STOCKHOLM, NOVEMBER 5TH, 1937.

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

I.

STOCKHOLM, *November 5th, 1937.*

SIR,

Referring to Article XII of the Treaty of Friendship, Commerce and Navigation between Siam and Sweden, signed this day, I have the honour to confirm, under instructions from my Government, that it is understood that neither of the High Contracting Parties can by virtue of the provisions of the said Article claim such favours concerning the protection of industrial property rights as the other Party may have accorded to other countries on account of special Conventions to which the former Party has not adhered.

I shall be obliged if you would be good enough to inform me whether the Swedish Government concur with my Government in the interpretation of Article XII given above.

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

(Signed) Phya RAJAWANGSAN.

His Excellency Rickard Sandler,
Minister for Foreign Affairs,
etc., etc., etc.,
Stockholm.

II.

MINISTÈRE
DES AFFAIRES ÉTRANGÈRES.

STOCKHOLM, *November 5th, 1937.*

SIR,

I have the honour to acknowledge the receipt of your note of to-day's date in the following terms :

“ Referring to Article XII of the Treaty of Friendship, Commerce and Navigation between Siam and Sweden, signed this day, I have the honour to confirm, under instructions from my Government, that it is understood that neither of the High Contracting Parties can by virtue of the provisions of the said Article claim such favours concerning the protection of industrial property rights as the other Party may have accorded to other countries on account of special Conventions to which the former Party has not adhered.

I shall be obliged if you would be good enough to inform me whether the Swedish Government concur with my Government in the interpretation of Article XII given above."

In reply to this note I have the honour to inform you that the Swedish Government concur with your Government in their interpretation of Article XII.

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

(Signed) Rickard SANDLER.

Phya Rajawangsan,
Envoy Extraordinary and Minister Plenipotentiary
of His Majesty the King of Siam,
etc., etc., etc.,
Stockholm.

Certified true copy :

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

Geneva, 14th June 1938.
