

N° 1613.

**INDOCHINE FRANÇAISE
ET SIAM**

Convention réglant les relations entre
les deux pays. Signée à Bangkok,
le 25 août 1926.

**FRENCH INDO-CHINA
AND SIAM**

Convention concerning the Relations
between the two Countries. Signed
at Bangkok, August 25, 1926.

¹ TRADUCTION. — TRANSLATION.No. 1613. — CONVENTION² BETWEEN FRENCH INDO-CHINA AND SIAM CONCERNING THE RELATIONS BETWEEN THE TWO COUNTRIES. SIGNED AT BANGKOK, AUGUST 25, 1926.

French official text communicated by the Siamese Minister in Paris, Permanent Delegate of Siam accredited to the League of Nations. The registration of this Convention took place December 28, 1927.

PREAMBLE.

HIS MAJESTY THE KING OF SIAM and THE PRESIDENT OF THE FRENCH REPUBLIC, being equally desirous of securing, to the fullest possible extent, for the special relations between Siam and Indo-China, the advantages of the provisions of the new Treaty³ of Friendship, Commerce and Navigation, signed by France and Siam on February 14, 1925, have decided to conclude the present Convention, and to proceed as soon as possible to negotiate the supplementary agreements mentioned in Article 26 of the Treaty and of the Protocol thereto, for the regulation of relations between Indo-China and Siam. They have appointed for this purpose as their Plenipotentiaries :

HIS MAJESTY THE KING OF SIAM :

His Highness Prince TRAI DOS PRABANDH, Minister for Foreign Affairs ;

THE PRESIDENT OF THE FRENCH REPUBLIC :

His Excellency M. Alexandre VARENNE, Governor-General of French Indo-China ;

Who, having communicated their full powers, found in good and due form, have agreed as follows :

Article 1.

The Treaty of Friendship, Commerce and Navigation concluded between the French Republic and the Kingdom of Siam on February 14, 1925, shall, as from the date of the exchange of ratifications of the present Convention, apply in its entirety to the special relations between Siam and Indo-China, except in so far as it is incompatible with the present Convention or the future agreements mentioned therein.

Article 2.

As Article 2 of the Treaty of February 14, 1925, guarantees that the common frontiers between Siam and Indo-China shall be maintained and respected, the High Contracting Parties hereby declare that Article 3 of the Treaty⁴ of October 3, 1893, and Article 6 of the Convention⁵ of February 13, 1904, are abrogated.

¹ Traduit par le Secrétariat de la Société des Nations.

¹ Translated by the Secretariat of the League of Nations.

² The exchange of ratifications took place at Bangkok, June 29, 1927.

³ Vol. XLIII, page 189, of this Series.

⁴ *British and Foreign State Papers*, Vol. 87, page 187.

⁵ *British and Foreign State Papers*, Vol. 97, page 961.

For the application of the provisions laid down in paragraph 2 of Article 2 of the Treaty of February 14, 1925, they also agree as follows :

Paragraph 1. In the two sectors of the frontier between Siam and Indo-China where that frontier is formed by the Mekong, a zone 25 kilometres broad on either side of the frontier line shall be demilitarised.

Paragraph 2. Within this zone, neither Siam nor Indo-China shall maintain in their respective territories any armed forces other than the police forces necessary for the maintenance of public order and security.

Nevertheless, each of the High Contracting Parties reserves the right to increase these forces temporarily in so far as exceptional police operations render such action necessary. Each Party also reserves the right to transport across the demilitarised zone in its territory such troops and supplies as may be required for police operations in neighbouring districts or military operations against a third Power.

Finally, in their respective territories and in the demilitarised zone, the High Contracting Parties may at any time station non-armed military aircraft.

Paragraph 3. There shall not be maintained within the demilitarised zone any fortifications, military establishments, aerodromes for exclusively military purposes, or stores of arms, munitions or war material, except stores of ordinary material and fuel required for non-armed military aircraft.

The various police barracks may be organised for defence to the extent which their security normally requires.

Paragraph 4. The demilitarised zone referred to in paragraph 1 above shall be defined in a special Agreement between Siam and Indo-China to be negotiated as soon as possible.

This Agreement shall also define the nature, effectives and armament of the police forces of each country normally maintained in this zone.

It shall lay down the conditions under which the Parties concerned may avail themselves of the rights conferred on them in the second paragraph of paragraph 2 above.

Lastly, it shall define the special régime for aerial navigation in the demilitarised zone, and in particular the conditions under which the military or civil aircraft of either country may fly over, alight on or remain upon the bed of the river.

Paragraph 5. The special Agreement referred to above shall be prepared by the " Permanent Franco-Siamese High Commission for the Mekong " established under Article 10 of this Convention, and shall be submitted for the approval of the two Governments concerned.

Article 3.

With a view to avoiding any dispute concerning the frontier-line formed by the Mekong between Siam and Indo-China, the High Contracting Parties agree that this frontier-line shall be determined on the spot by common agreement.

The river frontier of the Mekong shall for this purpose be defined as follows :

(1) In those parts of its course in which the Mekong is not divided into several branches by islands, the thalweg of the river shall form the frontier between Siam and Indo-China ;

(2) In those parts of its course in which the Mekong is divided into several branches by islands separated from the Siamese bank at some time of the year by a branch containing running water, the frontier shall be the thalweg of the branch of the river nearest to the Siamese bank ;

(3) Should the branch of the river nearest to the Siamese bank become at any point silted up or dry in such a manner as to attach permanently to that bank islands which were formerly separated from it, the frontier shall, in principle, follow the former

thalweg of this silted or dry branch. The Permanent High Commission for the Mekong shall however examine, from a practical point of view, every case of this kind which may occur, and it may propose that the frontier shall be moved to the nearest thalweg of the river, if it deems such a step desirable, in the same manner as that laid down for the river lands mentioned in the following paragraph.

The river lands known as Don Khioo, Don Khioo-Noi, Don Noi, Don Nhiat, Don Banphaeng, Hat Saieph-Veunkoum, Don Kookong-Dinnua and Don Somhong, some of which may be regarded as forming part of the Siamese bank while others are mere alluvial deposits, being dependent on the bank rather than true islands, shall be definitely attached to Siamese territory.

French nationals living on or cultivating the above lands shall retain their nationality. Subject to Siamese law and the treaties in force they shall continue to enjoy rights of residence, ownership and ordinary cultivation.

The Permanent Franco-Siamese High Commission for the Mekong shall fix the river frontier line described above, subject to the approval of the two Governments concerned.

The work in question shall include the tracing of the frontier line on a map of the course of the Mekong (Scale 1 : 10,000). It shall also include the marking of the frontier itself at any place along the Mekong where such action may be deemed necessary.

Article 4.

The High Contracting Parties, being desirous of promoting the development of economic relations between their respective territories, agree that commercial navigation shall be untrammelled for both Parties over the whole breadth of the Mekong in the two Sections where this river forms the frontier between Siam and Indo-China.

The provisions of Article 4 of the Convention of February 13, 1904, are maintained and confirmed.

Any commercial navigation companies which may in the future be authorised by the administrative authorities of each of the two riparian countries to ply with their vessels along the Mekong frontier shall be exclusively Siamese or Indo-Chinese companies.

Article 5.

The Permanent Franco-Siamese High Commission for the Mekong shall consider the possibility of modifying the conditions of governing the concessions on lease accorded to France by Siam on the right bank of the Mekong under Article 6 of the Treaty of October 3, 1893, and Article 8 of the Convention of February 13, 1904.

It is, however, hereby agreed that any modifications made, under a special agreement, in the conditions at present governing these concessions shall not in any case adversely affect the interests of the Indo-Chinese administration or its nationals as they exist on the date of this agreement. In particular, it is understood that the Siamese Government undertakes, should the conditions governing these concessions be modified, to facilitate such improvements and such private acquisition or leasing of land on the right bank as may be required by Indo-Chinese navigation companies or commercial enterprises on the Mekong.

Article 6.

As it will be necessary for Siam henceforth to participate in the policing of the river in the two sections of the course of the Mekong where the river forms the frontier, the High Contracting Parties agree to abrogate, by the present Convention, Article 2 of the Treaty of October 3, 1893.

Consequently, each of the High Contracting Parties shall be authorised to employ armed craft along the Mekong frontier for Customs and police purposes.

The special agreement mentioned in Article 2 of the present Convention shall, however, also define the number, type, tonnage and maximum armament of these armed craft.

Article 7.

In the two sections of the Mekong which form the frontier between Siam and Indo-China, the nationals of both countries shall be entitled to fish over the whole breadth of the river, provided they employ only floating or hand tackle.

Permanent fishing appliances may only be utilised in each of the two zones of territorial water by nationals of the country to which the zone in question belongs.

Only nationals of the country which owns the bank shall be entitled to fish in the river at the place where a tributary enters the river. The limits of such river fishery shall be fixed in each particular locality and case, by the Permanent High Commission for the Mekong.

Article 8.

The High Contracting Parties undertake to regulate, by a special agreement which shall safeguard their respective interests, the utilisation and tapping of the Mekong frontier waters for agricultural, industrial or commercial purposes, and in particular for irrigation and the production of electric power.

Article 9.

With regard to the work of maintaining or improving the Mekong as a navigable waterway in the two sections of its course in which it forms the frontier, it is agreed that the Permanent Franco-Siamese High Commission of the Mekong shall draw up regulations defining the conditions under which the two countries are henceforth to participate in planning, carrying out and financing such works. Until the adoption of these regulations by the Parties concerned the present system shall remain in force.

The Commission shall be entitled to propose to the two Governments the carrying out of any work it may consider useful or necessary for the maintenance or improvement of the navigability of the river ; it may also be called upon to give an opinion with regard to any proposals for similar work communicated to it by the two Parties concerned.

Article 10.

There shall be a " Permanent Franco-Siamese High Commission for the Mekong " consisting of an equal number of Siamese and Indo-Chinese officials.

In addition to the powers granted it under Articles 2, 3, 5, 6 and 9 of the present Convention, it shall be the duty of the Permanent Franco-Siamese Commission for the Mekong to superintend in general the execution of the various special agreements concerning the frontier region and to study all questions arising through the application of the new system in this region ; in particular, it shall give its opinion if any disputes arise concerning the river frontier line. It may also propose such solutions as might, in its opinion, secure the friendly settlement of questions connected with rights of cultivation carried on, as circumstances allow, by the nationals of the two countries in land situated in the bed of the river. In no case shall these proposals be adopted until the common consent of the two Governments concerned has been obtained in writing.

It shall also be the duty of the Permanent Franco-Siamese High Commission for the Mekong to supply the two Governments concerned with all useful information and to prepare all the rules

required to ensure the most satisfactory degree of co-operation in the policing of navigation and the maintenance of health and security in the frontier region. These rules may provide for the punishment of offenders and shall be put into force simultaneously by the two Governments concerned, when both Governments have reached an agreement regarding them.

Siam and Indo-China shall negotiate, as soon as possible, an agreement for the creation and constitution of the Permanent Franco-Siamese High Commission for the Mekong which shall, on the lines laid down in the present Article, define the Commission's organisation and method of working.

Article 11.

In conformity with the provisions of the Protocol which forms an annex to the Treaty of February 14, 1925, a special agreement shall be negotiated as soon as possible between the High Contracting Parties with a view to fixing definitely the status of Siamese subjects in Indo-China.

This agreement shall be based as far as possible and in a just spirit of reciprocity on the provisions of the Treaty of February 14, 1925, which regulates the status of Indo-Chinese in Siam. The High Contracting Parties hereby undertake that this agreement shall fully safeguard the sovereign rights of the two Governments concerned in the matter of the regulation of foreign immigration into their respective territories.

Furthermore, it is hereby agreed that travellers of Siamese nationality, proceeding to Indo-China, with the intention of remaining there for a period not exceeding three months, shall enjoy, as regards their persons and the protection of their property, the treatment accorded to nationals of the most favoured nation.

Article 12.

With a view to ensuring even more effective co-operation between the administrative and police authorities of the two countries for the suppression of crimes and other offences along the whole of the common land or river frontier, Siam and Indo-China shall conclude a special agreement revising and supplementing the instructions already issued by common consent to the officials of the two countries in the course of the year 1920.

Article 13.

The High Contracting Parties agree that an extradition Convention shall be negotiated as soon as possible between France and Siam and shall be made applicable to Indo-China.

Article 14.

The High Contracting Parties agree that the "Commercial and Customs Agreement" mentioned in paragraph 4 of the Protocol which forms an annex of the Treaty of February 14, 1925, shall annul Article 5 of the Treaty of October 3, 1893.

This agreement shall define all desirable measures for the suppression of smuggling and more particularly the illicit traffic in opium along the frontier between Siam and Indo-China.

Article 15.

As the reciprocal undertakings defined in the first paragraph of Article 7, the last paragraph of Article 8 and Article 9 of the Convention of February 13, 1904, are no longer in keeping with

the needs and capacity for economic expansion of Siam and Indo-China, the High Contracting Parties declare that the above-mentioned provisions of the said Convention are abrogated.

They also agree that Siam and Indo-China shall establish a joint programme of co-operation for the development of communications and road, rail, sea, river, air, telegraphic, wireless and postal relations between the two countries.

This programme of joint activities may be subsequently revised and corrected whenever one of the Parties holds such action to be necessary.

Article 16.

All the provisions of the treaties and agreements concluded between France and Siam previous to the Treaty of February 14, 1925, which are incompatible with the present Convention are hereby abrogated.

Nevertheless, relations which are to form the subject of the future supplementary agreements mentioned in the present Conventions shall, until these agreements come into force, be governed by the provisions formerly in force or the provisions laid down in place thereof in the Treaty of February 14, 1925.

Article 17.

The present Convention shall come into force on the date of the exchange of ratifications and shall remain in force for ten years as from the date of the exchange of ratifications of the Treaty of Friendship, Commerce and Navigation concluded between France and Siam on February 14, 1925.

If, twelve months before the expiry of this period neither of the High Contracting Parties has informed the other Party of its intention to terminate the present Convention, the latter shall continue to be binding for one year after the date on which either of the High Contracting Parties has denounced it.

It is, however, expressly understood that the effect of such denunciation shall not be to bring into force again any of the provisions which have been abrogated either by previous agreements or by the present Convention.

Article 18.

The present Convention shall be ratified and the ratifications shall be exchanged at Bangkok as soon as possible.

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

Done in duplicate in French at Bangkok, this twenty-fifth day of the fifth month of the year two thousand four hundred and sixty-nine of the Buddhist Era corresponding to the twenty-fifth day of the month of August of the year nineteen hundred and twenty-six of the Christian Era.

(L. S.) (Signed) TRAILOS PRABANDH.

(L. S.) (Signed) VARENNE.