

N° 4688.

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## PORTUGAL ET SIAM

Traité d'amitié, de commerce et de navigation,  
avec annexes, signé à Lisbonne, le 2 juillet  
1938, et échanges de notes y relatifs de la  
même date.

*Texte officiel français communiqué par le représentant permanent de la Thaïlande  
près la Société des Nations. L'enregistrement a eu lieu le 16 février 1940.*

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## PORTUGAL AND SIAM

Treaty of Friendship, Commerce and Naviga-  
tion, with Annexes, signed at Lisbon, July  
2nd, 1938, and Exchanges of Notes relating  
thereto of the Same Date.

*French official text communicated by the Permanent Representative of Thailand  
to the League of Nations. The registration took place February 16th, 1940.*

TRADUCTION. — TRANSLATION.

No. 4688. — TREATY<sup>1</sup> OF FRIENDSHIP, COMMERCE AND NAVIGATION  
BETWEEN PORTUGAL AND SIAM. SIGNED AT LISBON, JULY  
2ND, 1938.

HIS MAJESTY THE KING OF SIAM and THE PRESIDENT OF THE PORTUGUESE REPUBLIC, being equally desirous of strengthening the relations of amity and good understanding which are traditional between the two States, and being convinced that this object cannot be better achieved than by revising the Treaties hitherto concluded between the two countries, have resolved to undertake such revision, based on the principles of reciprocity, equity and mutual benefit, and have for that purpose appointed as their Plenipotentiaries :

HIS MAJESTY THE KING OF SIAM :

Phra Bahiddha NUKARA, Envoy Extraordinary and Minister Plenipotentiary of Siam at Lisbon ;

HIS EXCELLENCY THE PRESIDENT OF THE PORTUGUESE REPUBLIC :

His Excellency Dr. Antonio de Oliveira SALAZAR, President of the Council and Minister for Foreign Affairs ;

Who, having exchanged their full powers, found in good and due form, have agreed on the following provisions :

*Article I.*

There shall be constant peace and perpetual friendship between the Kingdom of Siam and the Portuguese Republic.

*Article II.*

Each of the Contracting Parties may appoint Consuls-General, Consuls, Vice-Consuls and other Consular Officers or Agents who shall 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 enter upon their functions only with the approval and consent of the Government to which they are sent.

Subject to reciprocity, they shall be entitled to exercise all the powers and enjoy all the honours, privileges, exemptions and immunities of every kind which are or may hereafter be accorded to Consular Officers of the most-favoured nation for the protection of the interests of their countries and their nationals, who are accorded the right of settlement in the territory of either of the High Contracting Parties under the same conditions as the nationals of the most-favoured nation.

*Article III.*

Natural or manufactured products originating in and coming from the Portuguese Republic (Portugal, the adjacent islands of Madeira, Porto Santo and the Azores), with the exception of those specified in list A annexed to the present Treaty, shall not be subject, on importation into Siam, to any duties, charges, surcharges or dues other or higher or to any regulations or formalities other or more onerous than those to which products originating in and coming from any third country are or may hereafter be subject.

Natural or manufactured products originating in a Portuguese colony shall, on their importation into Siam, enjoy most-favoured-nation treatment as long as the colony in question grants to natural

<sup>1</sup> The exchange of ratifications took place at Lisbon, October 21st, 1938.

or manufactured products originating in Siam treatment that is as favourable as that which it accords to natural or manufactured products originating in any other foreign country.

Natural or manufactured products originating in and coming from Siam (with the exception of those specified in list B annexed to the present Treaty) shall not be subject, on importation into Portugal, including the adjacent islands of Madeira, Porto Santo and the Azores, to any duties, charges, surcharges or dues other or higher or to any regulations or formalities other or more onerous than those to which products originating in and coming from any third country are or may hereafter be subject.

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

#### Article IV.

Natural or manufactured products exported from the territory of either High Contracting Party (with the exception of Portuguese overseas territories) to the territory of the other shall not, on exportation, be subject to any duties, charges or dues other or higher or to any regulations or formalities other or more onerous than those which are applied to similar products exported to the territory of any other country.

The same treatment shall be extended by the Siamese Government to goods exported to Portuguese colonies as long as the natural or manufactured products exported from those colonies to Siam are not subject to any duties, charges or dues other or higher or to any regulations or formalities other or more onerous than those which are applied to similar products exported to the territory of any other country.

#### Article V.

Each of the High Contracting Parties undertakes to give the other, in respect of goods, whether mentioned or not in the present Treaty, the benefit of all privileges, favours and advantages which the Party in question grants or may hereafter grant to any other country in regard to the re-exportation, transit, warehousing or transhipment of goods, and the accomplishment of Customs formalities relating thereto, and also in regard to dues and charges relating to these various operations and regulations, formalities and dues connected with Customs operations.

#### Article VI.

The High Contracting Parties undertake to grant each other most-favoured-nation treatment in everything relating to internal duties, charges and taxes of any nature and to taxes on consumption, monopoly duties or charges, town dues, excise and stamp duties, and also in regard to the method of collection of such duties, charges or taxes.

#### Article VII.

Should either of the High Contracting Parties enact any increases of duties or any import restrictions or prohibitions of such a character as to modify profoundly the legal possibilities of the importation and exportation of goods, the other Party may immediately request the opening of negotiations and, if such negotiations do not lead to a satisfactory result within the period of one month, may take any measures that may seem justified to the Party.

#### Article VIII.

Portuguese preserves of sardines (*Clupea Pilchardus*) shall not, on importation into the Kingdom of Siam, be subject to any Customs duty higher than that which is applied to preserves prepared with fish of the *Clupea Sprattus* (Brisling) or *Clupea Harengus* (Sild) species.

*Article IX.*

The Siamese Government recognises that the designations "Porto" and "Madère", and combinations derived from the use of these names, whether in their original forms or in translation (Port, Oporto, Port-wine, Portwijn, etc., or Madère, Madeira Wine, Madeira Wein, Madeira Wijn, etc.), and also the designations "Moscatel de Setubal" and "Carcavelos", constitute regional brands or appellations of origin which are duly protected in Portugal and which belong exclusively to dessert wines produced in the respective Portuguese regions of the Douro, the Island of Madeira, Setubal and Carcavelos.

The Siamese Government undertakes to take the necessary measures for the purpose of rendering liable to punishment in the territory of Siam the importation, warehousing (whether in Customs warehouses or in bonded or free warehouses), preparation, exportation, circulation, offering for sale and sale of wines bearing these designations, if such wines did not originate in the Portuguese regions of the Douro, the Island of Madeira, Setubal and Carcavelos, and if they were not exported in the case of Port over the Douro Bar and the port of Leixões, in the case of Madeira from the port of Funchal, in the case of Moscatel de Setubal through the ports of Lisbon or Setubal, and in the case of Carcavelos through the port of Lisbon.

The genuineness of these wines must be proved by certificates of origin issued by the competent Portuguese authorities, the presentation of which shall be essential for their importation into Siam.

Punishment in respect of offences against the provisions of the present Article shall be effected by way of the seizure or the rendering useless of the products concerned or by means of any other appropriate penalties, even if the real place of origin of the product is mentioned and even if the false appellations are accompanied by certain qualifications such as "genre", "type", "façon", "rival" or by any other regional indication, whether specific or otherwise, and all marks, labels and inscriptions such as may mislead the purchaser, or create in his mind any doubt as to the real place of origin of the wine which he purchases, shall be prohibited.

The same penalties shall be imposed in respect of any action taken with the object of offering for sale dessert wines which, in accordance with the provisions of the present Article, are entitled to an appellation of origin, but of which the state of purity in which they were imported has been impaired through the addition of water or of other wines.

The penalties referred to above shall be imposed on the initiative of the Administration or on the application of the Public Prosecutions Department or on the initiative of any interested party, private person, syndicate or association being a national of either of the High Contracting Parties.

The foregoing provisions shall apply to the dessert wine which bears the brand "Extremadura" and is despatched through the port of Lisbon, as soon as the boundaries of the wine-growing region in which it originates have been determined and its exportation has been made subject to the same rules and guarantees as are adopted in Portugal in respect of the wines specified in the first paragraph of the present Article.

The Portuguese Government shall similarly protect, in Portugal and the adjacent islands, such geographical appellations of Siamese origin as it has recognised in the same conditions.

*Article X.*

Alcoholic beverages originating in the territory of either High Contracting Party shall not be subject, on importation into the territory of the other, to any import duties, internal charges or discriminations other or more onerous than those which are or may hereafter be applied in respect of foreign beverages of the same alcoholic strength, whatever may be the place of origin of the latter, the place whence they come or their appellation.

*Article XI.*

Siamese shipping undertakings, and also Siamese vessels, their passengers and their cargoes, shall not be subject in Portugal, the adjacent islands and the Portuguese colonies to any duties or charges other or higher or to any conditions or restrictions other or more onerous than those to which the vessels of the most-favoured nation, their passengers and their cargoes are or may hereafter be subject.

The same treatment shall be granted in Siam to Portuguese shipping undertakings and Portuguese vessels and also to their passengers and cargoes.

It is understood that the provisions of the present Article shall not apply :

(a) To special laws concerning the national merchant navy the object of which is, by means of premiums and other special facilities, to stimulate shipbuilding and encourage navigation ;

(b) To favours granted to yacht clubs ;

(c) To harbour, shore and roadstead services. Such services shall include towage, pilotage, maritime assistance and salvage ;

(d) To traffic between ports situated in the territory of either High Contracting Party, including the colonies. Such traffic shall continue to be governed by the laws in force or by those which may hereafter be put into force in each of the two countries respectively.

(e) To fishing within the territorial and national waters of the High Contracting Parties.

#### Article XII.

Each of the High Contracting Parties may, as proof of the origin of imported products, require the importer to present a certificate of origin attesting that the article imported is of national production or manufacture, or that it must be considered as such in view of the transformation it has undergone in the country from which it comes.

The nationality of goods shall, if necessary, be proved by means of a certificate of origin issued by the authorities or bodies authorised by law to issue such certificates. The presentation of such certificates may be required by each of the countries for the clearance through Customs of all products the importation of which into the other country is subject to a system of licences or of quotas. The Government of the country of origin shall, in respect of each product, notify the Government of the country of destination of the authorities or bodies competent to certify the origin thereof and it shall furnish to the Government of the latter country models of the certificates adopted for each category of products.

The Government of the country of destination shall be entitled to require that certificates of origin shall bear the visa of its diplomatic or consular representative or of a person or an organisation duly authorised by him. No charge shall be made for the visa in the case of products the importation of which is subject to a permit or licence in respect of which a special fee is charged.

#### Article XIII.

Commercial representatives holding identity cards issued by the competent authorities of the country of origin shall, in all respects and particularly in everything relating to the importation and exportation of the samples they carry with them, enjoy the same rights and advantages as the commercial representatives of the most-favoured nation.

#### Article XIV.

It is agreed by the High Contracting Parties that the provisions of the present Treaty shall in no way affect, supersede or modify the laws, ordinances or regulations concerning naturalisation, immigration, police and public security which are in force or which may hereafter be enacted in either of the two countries, provided that such laws, ordinances and regulations constitute no derogation from most-favoured-nation treatment in regard to the nationals of the other Party.

#### Article XV.

The most-favoured-nation treatment referred to in the preceding Articles shall not include :

(a) Privileges which are or may hereafter be granted by either High Contracting Party for the purpose of facilitating frontier traffic with adjacent countries ;

(b) Advantages which are or may hereafter be granted to an adjacent State in regard to navigation on or the use of boundary waterways which do not communicate with the sea ;

(c) The special régime which Portugal has instituted or may hereafter institute by means of special agreement with Spain or with Brazil ;

(d) Special régimes which the High Contracting Parties have instituted or may hereafter institute in regard to tariffs in respect of imports from their overseas territories or of exports despatched to those territories ;

(e) Rights and privileges granted to one or more other States in virtue of a Customs Union.

*Article XVI.*

The present Treaty shall take effect in Siam and, in regard to Portugal, in continental Portugal and the adjacent islands (Madeira, Porto Santo and the Azores), but it shall not apply to Portuguese colonies unless Portugal notifies Siam of its desire to render the provisions of the present Treaty applicable to any one or more of its colonies.

*Article XVII.*

The present Treaty is drawn up in the French language.

It shall be ratified and shall remain in force for a period of five years as from the date of the exchange of ratifications which shall take place, either at Lisbon or at Bangkok, as soon as possible. If, twelve months before the expiration of the above-mentioned period of five years, neither of the High Contracting Parties has notified the other of his intention to terminate the present Treaty, it shall remain in force until the expiration of a period of one year as from the date on which either of the High Contracting Parties shall have denounced it.

It is understood that such denunciation shall not have the effect of reviving the Treaty<sup>1</sup> of 1925 which was denounced by Siam on November 9th, 1936.

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

Done in duplicate at Lisbon on the second day of the fourth month of the two-thousand-four-hundred-and-eighty-first year of the Buddhist Era, corresponding to the second day of the month of July of the one-thousand-nine-hundred-and-thirty-eighth year of the Christian Era.

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

(L. S.) (*Signed*) Antonio de Oliveira SALAZAR.

LIST A

LIST OF PORTUGUESE PRODUCTS EXCLUDED FROM MOST-FAVOURLED-NATION TREATMENT.

Number in the Siamese Tariff	Description of Goods
6	Butter.
49	Shellac, purified or not.
77	Heavy fuel oil for use in boiler furnaces and internal combustion engines.
78	Mineral lubricating oil.
102	Mechanical lighters and component parts thereof, viz : (a) Complete lighters (with or without flints). (b) Component parts, except flints.
124	Tractors.
148	Vacuum flasks.

<sup>1</sup> Vol. LV, page 57, of this Series.

## LIST B.

## LIST OF SIAMESE PRODUCTS EXCLUDED FROM MOST-FAVOURLED-NATION TREATMENT.

Number in the Portuguese Tariff	Description of Goods
3	Wethers.
4	Horses.
5	Mares.
614	Chocolate.
615	Food preserves : of fish.
634	Sea-animal oils, hydrogenated.
645	Vinegar.
724	Tractors and portable engines.

## EXCHANGES OF NOTES.

## I.

No. II5/2481.

MONSIEUR LE MINISTRE,

LISBON, *July 2nd*, 1938.

On proceeding to sign the Treaty of Friendship, Commerce and Navigation between the Kingdom of Siam and the Portuguese Republic, I have the honour, being duly authorised thereto by my Government, to confirm the following :

(a) Portuguese nationals and Portuguese protected persons born in Siam before August 30th, 1926, and registered before that date at the Consulate of Portugal at Bangkok, shall retain their Portuguese nationality and their status as Portuguese protected persons respectively, such being the only nationality or status respectively which they shall be recognised as possessing in Siam ;

(b) In accordance with the principle of reciprocity, the Siamese Government is prepared to give sympathetic consideration to such other applications for the repudiation of Siamese nationality as may be presented to it by the descendants born in Siam of Portuguese nationals or Portuguese protected persons, particularly when such applications are supported by the Portuguese Government.

Buildings belonging to the Portuguese State and intended for official use, such as legations and consulates, wherever they may be situated in Siam, shall be exempt from all taxation and shall enjoy the same treatment as buildings of the same character belonging to the most-favoured nation.

Buildings belonging to the Portuguese State and used for other than official purposes, and also buildings belonging to private individuals of Portuguese nationality, wherever they may be situated, shall be liable to taxation under a system identical with that which is applied to buildings in the same circumstances belonging to the State or the nationals of the most-favoured nation.

By reciprocity, buildings belonging to Siamese nationals shall, in Portugal, enjoy most-favoured-nation treatment. Buildings belonging to the Kingdom of Siam and used for its legations and consulates in Portugal shall enjoy all exemptions from taxation which are accorded to buildings of the same character belonging to the most-favoured nation.

I have the honour to be, etc.

(Signed) Phra Bahiddha NUKARA.

His Excellency

Dr. Antonio de Oliveira Salazar,  
President of the Council and  
Minister for Foreign Affairs,  
Lisbon.

## II.

Pr. 30.

No. 10.

MONSIEUR LE MINISTRE,

S. R.

LISBON, *July 2nd*, 1938.

I have the honour to acknowledge the receipt of Your Excellency's Note of to-day's date by which, being duly authorised by the Government of Siam, Your Excellency communicated to me the following :

(a) Portuguese nationals and Portuguese protected persons born in Siam before August 30th, 1926, and registered before that date at the Consulate of Portugal at Bangkok, shall retain their Portuguese nationality and their status as Portuguese protected persons respectively, such being the only nationality or status respectively which they shall be recognised as possessing in Siam ;

(b) In accordance with the principle of reciprocity, the Siamese Government is prepared to give sympathetic consideration to such other applications for the repudiation of Siamese nationality as may be presented to it by the descendants born in Siam of Portuguese nationals or Portuguese protected persons, particularly when such applications are supported by the Portuguese Government.

Buildings belonging to the Portuguese State and intended for official use, such as legations and consulates, wherever they may be situated in Siam, shall be exempt from all taxation and shall enjoy the same treatment as buildings of the same character belonging to the most-favoured nation.

Buildings belonging to the Portuguese State and used for other than official purposes, and also buildings belonging to private individuals of Portuguese nationality, wherever they may be situated, shall be liable to taxation under a system identical with that which is applied to buildings in the same circumstances belonging to the State or the nationals of the most-favoured nation.

By reciprocity, buildings belonging to Siamese nationals shall, in Portugal, enjoy most-favoured-nation treatment. Buildings belonging to the Kingdom of Siam and used for its legations and consulates in Portugal shall enjoy all exemptions from taxation which are accorded to buildings of the same character belonging to the most-favoured nation.

I take note of these communications on behalf of the Portuguese Government and I avail myself of this opportunity, etc.

Phra Bahiddha Nukara,  
etc., etc., etc.

(Signed) Antonio de Oliveira SALAZAR.

## I.

Proc. 30.

No. 11.

MONSIEUR LE MINISTRE,

LISBON, *July 2nd*, 1938.

The Portuguese Government has had under sympathetic consideration the request of the Siamese Government concerning the renunciation of the right which was guaranteed to Portugal by Article 2 of the Protocol<sup>1</sup> annexed to the Treaty of Friendship, Commerce and Navigation between Portugal and Siam, signed at Lisbon on August 14th, 1925, to evoke cases pending in the Siamese Courts in which a Portuguese citizen, protected person, corporation, company or association is defendant or accused.

I now have the honour to inform Your Excellency that the Portuguese Government is prepared to accede to the request of the Siamese Government.

<sup>1</sup> Vol. LV, page 68, of this Series.



This renunciation will take effect as from to-day, it being understood that, within twelve months as from the date of the present Note, the Siamese Government will submit to the Assembly of Representatives of the People a law on conflicts of laws based on the normal principles of private international law (including, more particularly, the law of nationality in questions relating to personal status) and that, pending the promulgation of that law, the Siamese Courts will continue to apply those principles in all cases concerning Portuguese citizens or Portuguese protected persons.

It is clearly understood that Article 3 of the above-mentioned Protocol will also cease to be in force as from the date of the present Note.

I have the honour to be, etc.

(Signed) Antonio de Oliveira SALAZAR.

Phra Bahiddha Nukara,  
etc., etc., etc.

## II.

No. 116/2481.

MONSIEUR LE MINISTRE,

LISBON, July 2nd, 1938.

I have the honour to acknowledge the receipt of the Note of this day's date by which Your Excellency informs me that, at the request of the Siamese Government, the Portuguese Government renounces the right of evocation provided for in Article 2 of the Protocol annexed to the Treaty of Friendship, Commerce and Navigation between Siam and Portugal, signed at Lisbon on August 14th, 1925.

In accordance with the instructions of my Government, I have the honour to inform Your Excellency that the Siamese Government will, within twelve months as from to-day's date, submit to the Assembly of Representatives of the People a law on conflicts of laws based on the normal principles of private international law (including, more particularly, the law of nationality in questions relating to personal status).

I further have the honour to confirm to Your Excellency that as from to-day, pending the promulgation of the law on conflicts of laws, the Siamese Courts will continue to apply the said principles in all cases concerning Portuguese citizens or Portuguese protected persons.

It is clearly understood that the provisions of Article 3 of the same Protocol will also cease to be in force as from the date of the present Note.

I have the honour to be, etc.

(Signed) Phra Bahiddha NUKARA.

His Excellency  
Dr. Antonio de Oliveira Salazar,  
President of the Council and  
Minister for Foreign Affairs,  
Lisbon.