

No. 2126

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**CHINA  
and  
SIAM**

**Treaty of Amity (with exchange of notes and declaration).  
Signed at Bangkok, on 23 January 1946**

*Official texts: Chinese, English and Siamese.*

*Registered by China on 12 March 1953.*

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**CHINE  
et  
SIAM**

**Traité d'amitié (avec échange de notes et déclaration).  
Signé à Bangkok, le 23 janvier 1946**

*Textes officiels chinois, anglais et siamois.*

*Enregistré par la Chine le 12 mars 1953.*

No. 2126. TREATY OF AMITY<sup>1</sup> BETWEEN THE REPUBLIC OF CHINA AND THE KINGDOM OF SIAM. SIGNED AT BANGKOK, ON 23 JANUARY 1946

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The Republic of China and the Kingdom of Siam being equally desirous of establishing friendly relations between the two countries and further promoting the mutual interests of their peoples, have decided to conclude a Treaty of Amity, based on the principles of equality and mutual respect of sovereignty, and have, for this purpose, appointed as their Plenipotentiaries :

His Excellency the President of the National Government of the Republic of China :

His Excellency Monsieur Li Tieh-tseng, Ambassador Extraordinary and Plenipotentiary to Iran;

His Majesty the King of Siam :

His Excellency Mom Rachawong Seni Pramoj, President of the Council of Ministers and Minister of Foreign Affairs;

Who, having communicated to each other their full powers, found in good and due form, have agreed upon the following Articles :

*Article I*

There shall be perpetual peace and everlasting amity between the Republic of China and the Kingdom of Siam as well as between their peoples.

*Article II*

The High Contracting Parties shall have the right reciprocally to send duly accredited diplomatic representatives, who shall enjoy, in the country to the Government of which they are accredited, all the rights, privileges, immunities and exemptions generally recognized by public international law.

*Article III*

Each of the High Contracting Parties shall have the right to send Consuls-General, Consuls, Vice-Consuls and Consular Agents to the localities within the territories of the other which shall be determined by common accord. Such consular officers shall exercise the functions and enjoy the treatment

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<sup>1</sup> Came into force on 28 March 1946, by the exchange of the instruments of ratification, in accordance with article X.

generally recognized by international practice. Prior to their assumption of office, they shall obtain from the Government of the country to which they are sent, exequaturs which are subject to withdrawal by the said Government.

The High Contracting Parties shall not appoint persons engaged in industry or commerce as their consular officers.

#### *Article IV*

The nationals of each of the High Contracting Parties shall be at liberty to enter or leave the territory of the other under the same conditions as the nationals of any third country, in accordance with the laws and regulations of the country applied to all aliens.

#### *Article V*

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 the nationals of the other High Contracting Party, subject to their compliance with the same laws and regulations.

The nationals of each of the High Contracting Parties shall receive in the territory of the other in regard to all legal proceedings and in matters relating to the administration of justice and the levying of taxes and requirements in connection therewith treatment not less favourable than that accorded to nationals of the other High Contracting Party.

#### *Article VI*

The nationals of each of the High Contracting Parties shall have the right to travel, to reside, to carry on all kinds of professions and occupations, to engage in industries and trade and, subject to reciprocity, to acquire, inherit, possess, lease, occupy and dispose of any kind of movable or immovable property, throughout the whole extent of the territories of the other, under the same conditions as the nationals of any third country, in accordance with the laws and regulations of the country.

They shall also have the liberty to establish schools for the education of their children, and shall enjoy the freedom of assembly and association, of publication, of worship and religion, in accordance with the laws and regulations of the country.

#### *Article VII*

Other relations between the two High Contracting Parties shall be based on the principles of international law.

*Article VIII*

The High Contracting Parties agree to conclude as soon as possible a Treaty of Commerce and Navigation.

*Article IX*

The present Treaty is drawn up in duplicate in the Chinese, Siamese and English languages. In case of any divergence of interpretation the English text shall be authoritative.

*Article X*

The present Treaty shall be ratified as soon as possible by the High Contracting Parties in accordance with their respective constitutional requirements, and shall enter into force on the day on which the exchange of the ratifications takes place. It shall remain in force continuously thereafter. Twelve months' notice of termination may however be given by either High Contracting Party after the lapse of ten years.

The instruments of ratifications shall be exchanged at Chungking or Nanking.

IN FAITH WHEREOF, the above-mentioned Plenipotentiaries have signed the present Treaty and have affixed thereto their seals.

DONE at Bangkok this Twenty-third Day of the First Month of the Thirty-fifth Year of the Republic of China, corresponding to the Twenty-third Day of the First Month of the Two thousand four hundred and eighty-ninth Year of the Buddhist Era and the Twenty-third Day of January of the One thousand nine hundred and forty-sixth Year of the Christian Era.

[L.S.]      LI Tieh-tseng  
[L.S.]      M. R. Seni PRAMOJ

## EXCHANGE OF NOTES

## I

*The President of the Council of Ministers and Minister of Foreign Affairs to the  
Chief of the Chinese Mission to Siam*

MINISTRY OF FOREIGN AFFAIRS  
SARANROM PALACE

23rd January, 1946

Monsieur l'Ambassadeur,

With reference to the Treaty of Amity signed this day between Siam and China, I have the honour to confirm, on behalf of the Siamese Government, the understanding reached between us as follows :—

1. The stipulations contained in the said Treaty do not in any way affect, supersede or modify any of the laws and regulations with regard to naturalisation, immigration and public order which are in force or which may be enacted in the territories of either High Contracting Party, provided they do not constitute measures of discrimination particularly directed against the nationals of the other Party.

2. In regard to land-ownership, the rights already acquired by nationals of either High Contracting Party in the territory of the other, in accordance with the laws and regulations in such territory, at the coming into force of this Treaty shall be respected. In the event of expropriation, an indemnity will be paid, not less favourable than that paid to the nationals of the other Party or the nationals of any other country.

I avail myself of this opportunity, Monsieur l'Ambassadeur, to renew to Your Excellency the assurance of my highest consideration.

(Signed) M. R. Seni PRAMOJ  
President of the Council of Ministers  
and Minister of Foreign Affairs

His Excellency Monsieur Li Tieh-tseng  
Chief of Chinese Mission to Siam  
Bangkok

## II

*The Chief of the Chinese Mission to Siam to the President of the Council of Ministers  
and Minister of Foreign Affairs*

Bangkok, 23rd January, 1946

Monsieur le Président,

With reference to the Treaty of Amity signed this day between China and Siam, I have the honour to confirm, on behalf of the Chinese Government, the understanding reached between us as follows :—

[See note I]

I avail myself of this opportunity, Monsieur le Président, to renew to Your Excellency the assurance of my highest consideration.

(Signed) LI Tieh-tseung  
Chief of Chinese Mission to Siam

His Excellency Mom Rachawong Seni Pramoj  
President of the Council of Ministers  
and Minister of Foreign Affairs  
Bangkok

DECLARATION OF H. E. THE MINISTER OF FOREIGN AFFAIRS  
OF THE SIAMESE GOVERNMENT

For the purpose of clarifying the intentions of His Majesty's Government in certain matters concerning the application of the Treaty signed today between Siam and China, and also with a view to showing our goodwill and friendly attitude toward that country, I wish to make the following declaration in the name of His Majesty's Government :

1) Concerning the right of the nationals of either High Contracting Party to reside and carry on professions and occupations in the territory of the other, most-favoured-nation treatment has been provided for in Article 6 of the Treaty. Chinese residents in Siam will therefore have the right to carry on any kind of commerce, trade or industry and to reside throughout the country in the same manner as the nationals of any other country.

2) Concerning the right of the nationals of either High Contracting Party in the territory of the other to establish schools for the education of their children— as provided for in paragraph 2 of the same Article—Chinese schools in Siam will likewise receive treatment not less favourable than that given to

schools of any other nationality. In schools for primary education, which is compulsory in Siam, all children have to learn the Siamese language; it is however the intention of His Majesty's Government to afford appropriate opportunity and the necessary number of hours for the teaching of a foreign language in such schools. His Majesty's Government have no intention of imposing restrictions on the teaching of foreign languages in secondary schools.

3) It is provided in letters exchanged simultaneously with the signing of the Treaty that its stipulations will not affect the laws and regulations with regard to naturalisation, immigration and public security. In order to avoid any misunderstanding on the subject of immigration, His Majesty's Government wish to make their intentions clear :

a) In the event of a quota system being enforced by either High Contracting Party for the regulation of immigration, the basis to be adopted for fixing the annual quota of immigrants, being nationals of the other High Contracting Party, will be that which is usually adopted for the same purpose in other countries, for instance, by taking into account the size of the population constituted by the nationals of the other High Contracting Party in the country concerned.

b) The entrance fee to be paid by immigrants is to be a fee in the true sense of the word. It will not be made substantially a tax nor will it be allowed to become prohibitive. Non-immigrants, being nationals of the other High Contracting Party, who come into the country without the intention of establishing themselves therein, will not be required to pay the entrance fee.

c) It is not contemplated by the Government of either High Contracting Party to apply the educational or literacy test to immigrants from the territory of the other.