

No. 4943

FRANCE
and
THAILAND

Settlement Agreement (with Protocol, declaration and exchange of letters). Signed at Washington, on 17 November 1946

Exchange of letters constituting an agreement concerning the above-mentioned Agreement. Washington, 20 December 1946

Official texts of the Agreement and Protocol: French and Thai.

Official text of the declaration and the exchanges of letters: French.

Registered by France on 16 October 1959.

FRANCE
et
THAÏLANDE

Accord de règlement (avec Protocole, déclaration et échange de lettres). Signé à Washington, le 17 novembre 1946

Échange de lettres constituant un accord relatif à l'Accord susmentionné. Washington, 20 décembre 1946

Textes officiels de l'Accord et du Protocole français et thaï.

Texte officiel de la déclaration et des échanges de lettres français.

Enregistrés par la France le 16 octobre 1959.

[TRANSLATION — TRADUCTION]

No. 4943. SETTLEMENT AGREEMENT¹ BETWEEN FRANCE
AND SIAM. SIGNED AT WASHINGTON, ON 17 NO-
VEMBER 1946

The Provisional Government of the French Republic and the Siamese Govern-
ment,

Acting in accordance with the ideal of the United Nations and in the interest of
world peace ;

Considering the views expressed by the United States and United Kingdom
Governments ;

Desiring to restore the traditional relations of peace and friendship between
their two countries,

Have for this purpose appointed as their plenipotentiaries :

The President of the Provisional Government of the French Republic :

His Excellency Mr. Henri Bonnet, Ambassador Extraordinary and Plenipo-
tentiary of France to the United States of America, Officer of the National
Order of the Legion of Honour,

His Excellency Mr. Guillaume Georges-Picot, Ambassador Extraordinary and
Plenipotentiary of France to the United States of Venezuela, Chevalier
of the National Order of the Legion of Honour ;

His Majesty the King of Siam :

His Royal Highness Prince Wan Waithayakon, Senator, Knight of the most
Illustrious Order of the Royal House of Chakri, Special Grand Cross of the
Most Exalted Order of the White Elephant,

His Excellency Mr. Khuang Apaivongse, Member of the Chamber of Represent-
atives, Special Grand Cross of the Most Exalted Order of the White
Elephant ;

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

Article I

The Tokyo Convention of 9 May 1941, heretofore repudiated by the French
Government, is hereby annulled and the *status quo ante* restored.

¹ Came into force on 17 November 1946, upon signature, in accordance with article V.

In consequence the Indochinese territories covered by the said Convention shall be transferred to the French authorities under the conditions set forth in the Protocol¹ concluded for this purpose.

Article II

Immediately after the signature of this Agreement diplomatic relations shall be restored and relations between the two countries shall again be governed by the Treaty of 7 December 1937² and the Commercial and Customs Agreement of 9 December 1937.³ The Contracting Parties shall communicate this Agreement to the Security Council and Siam shall withdraw the complaint which it has lodged therewith. France shall no longer oppose the admission of Siam to membership in the United Nations.

Article III

Immediately after the signature of this Agreement France and Siam shall constitute, under article XXI of the Franco-Siamese Treaty of 7 December 1937, a Conciliation Commission composed of two representatives of the Parties and three neutrals, in accordance with the General Act of Geneva of 26 September 1928⁴ for the Pacific Settlement of International Disputes, which governs the constitution and working of the Commission. The Commission shall begin its work as soon as possible after the transfer of the territories referred to in the second paragraph of article I has been carried out. It shall have the task of examining the ethnic, geographical and economic arguments of the parties in favour of revision or confirmation of the clauses of the Treaty of 3 October 1893,⁵ the Convention of 13 February 1904⁶ and the Treaty of 23 March 1907⁷ maintained in force by article XXII of the Treaty of 7 December 1937.

Article IV

Immediately upon the restoration of diplomatic relations, negotiations shall be opened for the settlement of all questions pending between the two countries.

Financial questions connected with this Settlement Agreement, including the sums payable as compensation for damage suffered, shall be submitted to the Conciliation Commission if the two Parties fail to reach direct agreement within a period of three months.

¹ See p. 73 of this volume.

² League of Nations, *Treaty Series*, Vol. CCI, p. 113.

³ League of Nations, *Treaty Series*, Vol. CCI, p. 145.

⁴ League of Nations, *Treaty Series*, Vol. XCIII, p. 343 ; Vol. C, p. 260 ; Vol. CVII, p. 529 ; Vol. CXI, p. 414 ; Vol. CXVII, p. 304 ; Vol. CLII, p. 297 ; Vol. CLVI, p. 211 ; Vol. CLX, p. 354 ; Vol. CXCVI, p. 413, and Vol. CXCVII, p. 304.

⁵ *British and Foreign State Papers*, Vol. 87, p. 187.

⁶ *British and Foreign State Papers*, Vol. 97, p. 961.

⁷ *British and Foreign State Papers*, Vol. 100, p. 1028.

Article V

This Agreement shall enter into force upon signature.

IN WITNESS WHEREOF the plenipotentiaries have signed this Agreement and thereto affixed their seals.

DONE in duplicate in the French and Siamese languages at Washington, on 17 November 1946, corresponding to the seventeenth day of the eleventh month of the two thousand four hundred and eighty-ninth year of the Buddhist Era.

For the French Republic :

Henri BONNET
G. GEORGES-PICOT

For the Kingdom of Siam :

WAN WAITHAYAKON
KHUANG APAIVONGSE

PROTOCOL CONCERNING THE PROCEDURE FOR THE EVACUATION AND TRANSFER OF THE TERRITORIES REFERRED TO IN ARTICLE I OF THE SETTLEMENT AGREEMENT CONCLUDED THIS DAY¹

The French Government and the Siamese Government hereby agree as follows :

I. *Transfer of immovable public property*

The Siamese Government shall, within twenty days after the signature of the Settlement Agreement between France and Siam,¹ transmit to the Franco-Siamese Mixed Military Staff Commission, the establishment of which is provided for in part IV-A, a schedule of the immovable public property situated in the territories concerned and a list of the delegates responsible for the transfer operations.

The French Government shall, within the same period, transmit to the said Commission a list of the persons responsible for receiving the said immovable property. The delegates of the two Parties shall be divided into groups by the Commission and shall meet in such places and at such times as the Commission shall determine.

II. *Transfer of archives*

The communal and provincial archives and the archives of courts and other organs of State shall be transferred to the French authorities, together with the cadastral plans deposited in the territories concerned. In the case of cadastral plans, registers and other documents deposited outside the said territories, certified copies shall be communicated to the French Government.

The transfer shall be completed within two months after the signature of the Settlement Agreement between France and Siam.

¹ See p. 69 of this volume.

III. *Evacuation of territories*

The territories covered by this Protocol shall be evacuated by the Siamese forces stationed therein and shall be occupied by French forces in accordance with the following principles :

A. The Siamese forces stationed between the existing frontier and the former frontier (cf. article XXII of the Treaty of 1937) shall move off on the twentieth day after the signature of the Settlement Agreement and must be within the former frontier line (cf. article XXII of the Treaty of 1937) not later than seven days thereafter. They shall be preceded by the Siamese rural police, police and administrative authorities stationed in the aforesaid territories, with the exception of those taking part in the transfer operations specified in parts I and II above and of such as may be necessary to maintain order. The forces posted to guard lines of communication and, in particular, engineering works, shall also be kept in the said territories until they are relieved by French forces.

B. Such forces as the French Government intends to send into the aforesaid territories shall move off on the day following that on which the Siamese forces begin the evacuation, and may reach the former frontier line (cf. article XXII of the Treaty of 1937) not earlier than seven days thereafter. They may be followed by the French administrative authorities assigned to the aforesaid territories.

C. The French forces shall so adjust their rate of advance as to maintain a constant distance from the Siamese forces.

IV. *Practical measures*

The Governments of the two Parties shall take all necessary measures to ensure that the evacuation and transfer operations provided for in this Protocol are carried out in good order and without incident. The Siamese Government shall remain responsible for maintaining order in each administrative district until the actual transfer of its powers.

A. A Franco-Siamese Mixed Military Staff Commission consisting, in the case of France, of a delegation composed of a colonel as chairman, eleven staff officers and four officials of the High Commissioner's Office and of the Cambodian and Lao Administrations and, in the case of Siam, of a delegation similarly composed, shall be established and shall take up its duties on the date of signature of the Settlement Agreement. It shall cease to function as soon as the transfer of the territories has been carried out.

It shall be the Commission's duty to ensure on the spot that this Protocol is properly complied with and to settle all additional questions. It shall have its regular seat at Battambang and may send sub-commissions to such places as it

deems necessary, including Sisophon, Moung, Kralank and Bassac. It may permit neutral observers, in particular United Kingdom and United States officers, to attend its meetings.

B. Subject to the special arrangements provided for in part III-A *in fine*, the evacuated forces may not leave behind any irregular military forces or individuals bearing firearms. Similarly the occupying forces may not send ahead of them any irregular military force or individuals bearing firearms.

C. Each of the two Governments shall give its military and police units strict orders to refrain from any act of pillage.

This Protocol shall enter into force upon signature.

IN WITNESS WHEREOF the undersigned, having been duly authorized by their respective Governments, have signed this Protocol and thereto affixed their seals.

DONE in duplicate in the French and Siamese languages at Washington, on 17 November 1946, corresponding to the seventeenth day of the eleventh month of the two thousand four hundred and eighty-ninth year of the Buddhist Era.

For the French Republic :

Henri BONNET
G. GEORGES-PICOT

For the Kingdom of Siam :

WAN WAITHAYAKON
KHUANG APAIVONGSE

DECLARATION BY THE FIRST FRENCH PLENIPOTENTIARY

EMBASSY OF FRANCE TO THE UNITED STATES

Washington, 17 November 1946

On signing the Settlement Agreement between France and Siam of today's date,¹ I have the honour to declare, on instructions from my Government, that it resumes possession of the Indochinese territories referred to in article I, second paragraph, of the said Agreement, on behalf of the Cambodian and Lao Governments.

(Signed) Henri BONNET

¹ See p. 69 of this volume.

EXCHANGE OF LETTERS

I

EMBASSY OF FRANCE TO THE UNITED STATES

Washington, 17 November 1946

Your Royal Highness,

I have the honour to confirm to you the oral agreement already reached between us to the effect that negotiations to settle the monetary questions and questions relating to the transfer of securities connected with the Settlement Agreement signed this day¹ will be opened as soon as possible.

I have the honour to be, etc.

(Signed) Henri BONNET

His Royal Highness Prince Wan Waithayakon
Chairman of the Siamese Delegation

II

SIAMESE LEGATION

WASHINGTON, D. C.

17 November 1946

Your Excellency,

[See letter I]

(Signed) WAN WAITHAYAKON

His Excellency Mr. Henri Bonnet
Ambassador of France to the United States of America
Chairman of the French Delegation

¹ See p. 69 of this volume.

III

EMBASSY OF FRANCE TO THE UNITED STATES

Washington, 17 November 1946

Your Royal Highness,

I have the honour to confirm to you the oral agreement already reached between us to the effect that the strictest orders will be given and all necessary steps taken to prevent the recurrence of frontier incidents, *inter alia* through the conclusion as soon as possible of an agreement concerning frontier control.

I have the honour to be, etc.

(Signed) Henri BONNET

His Royal Highness Prince Wan Waithayakon
Chairman of the Siamese Delegation

IV

SIAMESE LEGATION
WASHINGTON, D. C.

17 November 1946

Your Excellency,

[See letter III]

(Signed) WAN WAITHAYAKON

His Excellency Mr. Henri Bonnet
Ambassador of France to the United States of America
Chairman of the French Delegation

V

EMBASSY OF FRANCE TO THE UNITED STATES

Washington, 17 November 1946

Your Royal Highness,

I have the honour to confirm to you the oral agreement already reached between us, with regard to the inhabitants of the territories referred to in article I of the Settlement Agreement signed this day and to the property of the said inhabitants situated in the said territories, to the following effect :

(1) Those inhabitants who acquired Siamese nationality under the Convention of 9 May 1941 shall automatically be reinstated in their previous nationality as soon as the transfer of the aforesaid territories has been carried out. Those inhabitants who possess Siamese nationality by birth or who have acquired it in accordance with the law shall retain that nationality.

(2) No obstacle shall be placed in the way of such of the latter as may wish to leave the said territories. They may, in particular, dispose freely of their movable and immovable property before leaving. They shall be at liberty to take with them or to have shipped free of customs duty their movable property of all kinds, livestock, agricultural produce and Siamese currency or banknotes. They may retain ownership of their immovable property.

I have the honour to be, etc.

(Signed) Henri BONNET

His Royal Highness Prince Wan Waithayakon
Chairman of the Siamese Delegation

VI

SIAMESE LEGATION
WASHINGTON, D. C.

17 November 1946

Your Excellency,

[See letter V]

(Signed) WAN WAITHAYAKON

His Excellency Mr. Henri Bonnet
Ambassador of France to the United States of America
Chairman of the French Delegation

VII

SIAMESE LEGATION
WASHINGTON, D. C.

17 November 1946

Your Excellency,

On signing the Settlement Agreement between France and Siam I have the honour to inform you that on 1 May 1946¹ the Siamese Government concluded an agreement with the United Kingdom Government whereby it is to supply the United

¹ United Nations, *Treaty Series*, Vol. 99, p. 169.

Nations with 1,200,000 tons of rice within a period of one year. The quantity thus fixed includes 200,000 tons from the output of the territories referred to in article I of the Settlement Agreement.

I should be grateful, therefore, if you would be good enough to ask the French Government to use its good offices with the United Kingdom Government so that the total quantity of rice in question may be proportionately reduced in consequence of the transfer of the aforesaid territories.

I have the honour to be, etc.

(Signed) WAN WAITHAYAKON

His Excellency Mr. Henri Bonnet
Ambassador of France to the United States of America
Chairman of the French Delegation

VIII

EMBASSY OF FRANCE TO THE UNITED STATES

Washington, 17 November 1946

Your Royal Highness,

I have the honour to acknowledge receipt of your letter of today's date, which reads as follows :

[See letter VII]

The French Government has taken note of this request and is prepared to approach the competent United Kingdom authorities on the subject, on the understanding that no rice will be exported from the territories in question to Siam after today.

I have the honour to be, etc.

(Signed) Henri BONNET

His Royal Highness Prince Wan Waithayakon
Chairman of the Siamese Delegation

IX

SIAMESE LEGATION
WASHINGTON, D. C.

17 November 1946

Your Excellency,

I have the honour to inform you that, having regard to Siamese interests in the territories covered by the Settlement Agreement signed this day and to the importance of Siam's trade with those territories, my Government would attach great importance to the establishment of a consulate at Battambang.

I am accordingly instructed to transmit a request to that effect to the French Government and venture to solicit your good offices as intermediary for this purpose.

I have the honour to be, etc.

(Signed) WAN WAITHAYAKON

His Excellency Mr. Henri Bonnet
Ambassador of France to the United States of America
Chairman of the French Delegation

X

EMBASSY OF FRANCE TO THE UNITED STATES

Washington, 17 November 1946

Your Royal Highness,

I have the honour to acknowledge receipt of your letter of today's date, which reads as follows :

[See letter IX]

The French Government is prepared, upon the restoration of consular relations between the two countries, to give sympathetic consideration to this request in accordance with article XVI of the Treaty of 1937.

I have the honour to be, etc.

(Signed) Henri BONNET

His Royal Highness Prince Wan Waithayakon
Chairman of the Siamese Delegation

XI

EMBASSY OF FRANCE TO THE UNITED STATES

Washington, 17 November 1946

Your Royal Highness,

I have the honour to inform you that, having been unable to arrange for verification of the concordance of the French and Siamese texts of the Settlement Agreement and the Protocol concerning the procedure for the evacuation and transfer of the territories referred to in article I of the said Agreement, we sign the Siamese texts subject to possible modification after these texts have been examined by the competent services of the Ministry of Foreign Affairs.

I have the honour to be, etc.

(Signed) Henri BONNET

His Royal Highness Prince Wan Waithayakon
Chairman of the Siamese Delegation

XII

SIAMESE LEGATION
WASHINGTON, D. C.

17 November 1946

Your Excellency,

I have the honour to acknowledge receipt of your letter of today's date, which reads as follows :

[See letter XI]

I have taken note of these reservations on behalf of my Government.

I have the honour to be, etc.

(Signed) WAN WAITHAYAKON

His Excellency Mr. Henri Bonnet
Ambassador of France to the United States of America
Chairman of the French Delegation

EXCHANGE OF LETTERS CONSTITUTING AN AGREEMENT¹
CONCERNING THE SETTLEMENT AGREEMENT OF
17 NOVEMBER 1946² BETWEEN FRANCE AND SIAM.
WASHINGTON, 20 DECEMBER 1946

I

EMBASSY OF FRANCE TO THE UNITED STATES

Washington, 20 December 1946

Your Royal Highness,

The second paragraph of article IV of the Settlement Agreement which we signed at Washington on 17 November² provides that: "Financial questions connected" with that Agreement, "including the sums payable as compensation for damage suffered, shall be submitted to the Conciliation Commission if the two Parties fail to reach direct agreement within a period of three months."

Further to our earlier discussions on this matter, I have the honour to confirm to you that the French Government considers that this period of three months should begin on completion of the transfer of the territories, or twenty-seven days after the signature of the Agreement, i.e., on 14 December 1946.

I have the honour to be, etc.

(Signed) Henri BONNET

His Royal Highness Prince Wan Waithayakon
Chairman of the Siamese Delegation

II

SIAMESE DELEGATION
WASHINGTON, D. C.

20 December 1946

Your Excellency,

You were good enough to address to me today a letter which reads as follows :

[See letter I]

¹ Came into force on 20 December 1946 by the exchange of the said letters.

² See p. 69 of this volume.

I have the honour to confirm to you, further to our earlier discussions on this matter, that the Siamese Governments agrees with the French Government on this interpretation of the second paragraph of article IV of the Settlement Agreement signed at Washington on 17 November 1946.

I have the honour to be, etc.

(Signed) WAN WAITHAYAKON

His Excellency Mr. Henri Bonnet
Ambassador of France to the United States of America
Chairman of the French Delegation