

Treaty of Friendship and Commerce

between

Siam and the Swiss Confederation

His Majesty the King of Siam and the Swiss Federal Council, being desirous of strengthening the bonds of peace which happily prevail between the two States, have resolved to conclude a Treaty of Friendship and Commerce, and for that purpose have appointed as their plenipotentiaries, that is to say :

His Majesty the King of Siam :

Phya Subarn Sompati

Envoy Extraordinary and Minister

Plenipotentiary of Siam to Japan,

and

The Swiss Federal Council

Mr. Emile Traversini

Envoy Extraordinary and Minister

Plenipotentiary of Switzerland to Japan,

who, having communicated to each other their respective full powers, found to be in good and due form, have agreed as follows :

ARTICLE I

The ressortissants of each of the Contracting Parties shall be entitled to enter, travel and reside in the territory of the other, provided that they conform to the regulations and conditions contained in the national laws concerning aliens in general. They shall be entitled there, on the same terms as ressortissants of the most favoured nation, to engage in religious, educational and charitable work; to carry on all lawful trade, commerce, industry, callings, professions, studies and researches; to own, lease or occupy houses, manufactories, warehouses and shops; to employ agents of their choice and generally to do anything incidental to or necessary for trade, submitting themselves to the laws and regulations there established.

ARTICLE II

The ressortissants of each of the Contracting Parties may, in the territory of the other, dispose of such property as they are entitled to own under the local legislation by way of sale, exchange, gift, will, or in any other manner on the same terms and conditions as nationals. Furthermore they shall be at liberty to remove from the country the proceeds

of the sale of their property, or generally whatever belongs to them without being subjected to conditions other than, or charges higher than, those imposed under like circumstances upon nationals or upon the ressortissants of the most favoured nation.

ARTICLE III

The ressortissants of the Contracting Parties shall not be compelled, in the territory of the other, to pay any charges or taxes other or higher than those paid by the ressortissants of the most favoured nation.

ARTICLE IV

The ressortissants of either Contracting Party 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 are or may be granted to nationals on submitting themselves to the conditions imposed on nationals.

They shall have free access to the Courts of Justice of the other in pursuit and defence of their rights. They shall have the liberty, equally with nationals, to choose and employ lawyers, advocates and representatives to pursue or defend their rights before such courts. No conditions or requirements shall be imposed upon the ressortissants of either of the Contracting Parties in connection with such access to the Courts of Justice of the other, which do not apply to nationals or ressortissants of the most favoured nation.

ARTICLE V

The dwellings, warehouses, manufactories and shops and all other property of the ressortissants of each of the Contracting Parties in the territory of the other, and all premises appertaining thereto used for purposes of residence or commerce, shall be respected. It shall not be allowable to proceed to make a domiciliary visit to, or a search of, any such buildings and premises, or to examine or inspect books, papers, or accounts, except under the conditions and with the forms prescribed by the laws, ordinances and regulations for nationals.

ARTICLE VI

The ressortissants of each of the Contracting Parties shall be exempt in the territory of the other from compulsory military service either on land, or sea, or in the air, in the regular forces, in the national guard or in the militia; from all contributions imposed in lieu of personal military service and from all forced loans.

ARTICLE VII

The ressortissants of each of the Contracting Parties shall enjoy in the territory of the other, upon fulfilment of the formalities prescribed by law, the same protection as

nationals or ressortissants of the most favoured nation in regard to patents, trademarks, tradenames, designs, samples, models, copyrights and suppression of unfair competition.

ARTICLE VIII

The Contracting Parties agree that no prohibitions or restrictions shall be placed upon the importation or exportation of any article of commerce between the two countries, subject to the following exceptions, which however shall be applicable to all countries alike or to such countries as are subject to the same conditions :

- 1) Prohibitions or restrictions upon munitions of war, and in exceptional circumstances other materials needed in war;
- 2) Prohibitions or restrictions for reasons of national or public safety or public health;
- 3) Prohibitions or restrictions upon articles which are or may hereafter become the object of State monopoly;
- 4) Prohibitions or restrictions for the protection of animals or plants against diseases or pests; or for the prevention of the degeneration and extinction of plants;
- 5) Prohibitions or restrictions upon articles similar to domestic articles whose internal production, consumption, sale or transport is forbidden or similarly restricted by national law.

ARTICLE IX

As regards the transit of any article of commerce from or to the territory of one of the Contracting Parties through the territory of the other, the Contracting Parties shall apply the provisions of the Convention and Statute on Freedom of Transit concluded at Barcelona the twentieth day of April one thousand nine hundred and twenty-one.

ARTICLE X

Limited liability and other companies and associations which have been or may hereafter be organised in accordance with the laws of either of the Contracting Parties and domiciled within the territory of such party shall have their juridical status recognised by the other Contracting Party, provided that they pursue no object which is illegal or contrary to public morals. They shall enjoy free access to the courts on conforming with the laws regulating the matter, as well for the prosecution as for the defence of their rights in all the degrees of jurisdiction established by law.

The right of such companies and associations of either of the Contracting Parties so recognised by the other to establish themselves within its territories, to establish branch offices and to carry on their activities therein, shall depend upon and be governed solely by the consent of such Party as expressed in its national laws.

With regard to the right to establish branches or agencies and to carry on their activities, such companies and associations shall enjoy treatment no less favourable than that which is or may be granted to similar companies and associations of the most favoured nation.

Such companies and associations shall not be compelled to pay any taxes or charges other or higher than those that are or may be paid by companies and associations of the most favoured nation; they shall also be exempt from all forced loans.

ARTICLE XI

In regard to the amount, the collection and the guaranteeing of customs duties and charges, as well as in regard to all customs formalities, the natural produce and the manufactures of either Contracting Party shall, on exportation to or on importation into the territory of the other Party, be treated on the most-favoured-nation principle.

ARTICLE XII

Whether for account of the State or of provinces, communes or bodies corporate, the charges imposed upon the production, manufacture or consumption of any article in the territory of either Contracting Party shall not be higher or more burdensome for the products of the other Party than for the similar commodities of national production or those of the most favoured nation.

ARTICLE XIII

Each of the Contracting Parties may appoint Consuls-General, Consuls, Vice-Consuls or Consular Agents to reside in the towns and ports of the other where similar officers of other powers are permitted to reside.

They shall not enter upon their functions until they shall have received their exequaturs or other requisite authorization.

Consular Officers and Agents of either Contracting Party shall enjoy, in the territory of the other, all the honours, privileges, exemptions and immunities which are or may hereafter be accorded to the Consular Officers and Agents of the most favoured nation. Nevertheless, neither of the Contracting Parties shall, by virtue of the most-favoured-nation clause, claim for its Consular Officers and Agents more extensive honours, privileges, exemptions and immunities than those which it grants to the Consular Officers and Agents of the other Party.

ARTICLE XIV

In case of the death of a national of either Contracting Party in the territory of the other without having in the territory of his decease any known heirs or testamentary executors by him appointed, the competent local authorities shall at once inform the

nearest consular officer of the State of which the deceased was a national of the fact of his death, in order that necessary information may be forwarded to the parties interested.

In case of the death of a national of either of the Contracting Parties without will or testament, in the territory of the other Contracting Party, the consular officer of the State of which the deceased was a national and within whose district the deceased made his home at the time of death, shall, so far as the laws of the country permit and pending the appointment of an administrator and until letters of administration have been granted, be deemed qualified to take charge of the property left by the decedent for the preservation and protection of the same. Such consular officer shall have the right to be appointed as administrator within the discretion of the tribunal or other agency controlling the administration of estates provided the laws of the place where the estate is administered so permit.

ARTICLE XV

The Contracting Parties agree that in case any difference should arise between them which could not be settled by diplomatic means, they will submit such difference either to one or more arbitrators chosen by them, or, if either of the parties should so prefer, to the Permanent Court of International Justice at The Hague.

The latter will acquire jurisdiction over the matter either by means of a common agreement between the two Parties or, in case of a failure to agree, by the simple request of either Party.

ARTICLE XVI

The provisions of the present Treaty as regards the most favoured-nation treatment do not apply to :

- 1) Favours granted or to be granted hereafter to an adjoining State to facilitate frontier traffic;
- 2) Favours granted or to be granted hereafter to a third State in virtue of a Customs Union;
- 3) Favours contractually granted or to be granted to a third State for the avoidance of double taxation or the mutual protection of revenue;
- 4) Favours granted or to be granted hereafter to an adjoining State with regard to the navigation on or use of boundary waterways not navigable from the sea.

ARTICLE XVII

The provisions of this treaty do not apply to ambulatory professions, hawking and to the canvassing of orders from persons not engaged in any industrial or commercial activity, nor to any fishery rights, nor to the right of either of the Contracting Parties to

restrict by measures of a general or particular nature immigration into its country. With regard to any immigration or temporary residence taxes or charges the ressortissants of the Contracting Parties shall enjoy treatment no less favourable than that which is or may be accorded to the ressortissants of the most favoured nation.

ARTICLE XVIII

The present Treaty shall come into effect on the date of the exchange of ratifications and shall remain in force for a period of one year. In case neither of the Contracting Parties shall have notified six months before the expiration of the said period of one year the intention of terminating it, it shall remain binding until the expiration of six months from the date on which either of the Contracting Parties shall have denounced it.

ARTICLE XIX

This Treaty shall be ratified and the ratifications thereof shall be exchanged at Berne as soon as possible. This Treaty has been executed in English and in French; and it is hereby agreed that in case any dispute arises as to the precise meaning thereof, the meaning and intention shall be determined by the English text.

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

Done in duplicate, at Tokio, the 28th day of the second month in the two thousand four hundred and seventy fourth year of the Buddhist Era, corresponding to the 28th day of May, in the nineteen hundred and thirty first year of the Christian Era.

(Signed) SUBARN SOMPATI

(Signed) E. TRAVERSINI

FINAL PROTOCOL

At the moment of signing the Treaty of Friendship and Commerce concluded on this day between Siam and Switzerland, the undersigned, duly authorized to this effect, have agreed in view of article 8 of the Treaty of Customs Union concluded the 29th March 1923 between Switzerland and the Principality of Liechtenstein, that the stipulations of the above-mentioned Treaty shall be, from the moment of their entry into force, wholly applicable to the Principality of Liechtenstein as long as the latter shall be united to the Swiss Confederation by the Treaty of Customs Union.

In witness whereof, the respective Plenipotentiaries have signed the present Protocol and have affixed thereto their seals.

Done in duplicate, at Tokio, the 28th day of the second month in the two thousand four hundred and seventy fourth year of the Buddhist Era, corresponding to the 28th day of May in the nineteen hundred and thirty first year of the Christian Era.

(Signed) SUBARN SOMPATI

(Signed) E. TRAVERSINI