



TREATY OF FRIENDSHIP, COMMERCE AND NAVIGATION  
BETWEEN  
SIAM AND ITALY.

---

Signed at Rome, 9th May 1926,  
and ratifications exchanged at Rome, 18th March 1927.

---

His Majesty the King of Siam and His Majesty the King of Italy, being desirous of strengthening the relations of amity and good understanding which happily exist between the two States, and being convinced that this cannot be better accomplished than by revising the treaties hitherto existing between the two Countries, have resolved to complete such revision, based upon the principles of equity and mutual benefit, and for that purpose have named as their Plenipotentiaries, that is to say :

HIS MAJESTY THE KING OF SIAM :

H.E. Phya Sarbakitch Prija, His Envoy Extraordinary and Minister Plenipotentiary at the Court of His Italian Majesty ;

HIS MAJESTY THE KING OF ITALY :

H.E. Benito Mussolini, Chief of Government, Premier and Minister for Foreign Affairs ;

Who, after having communicated to each other their respective full powers, found to be in good and due form, have agreed upon the following articles :—

#### ARTICLE 1.

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

#### ARTICLE 2.

The High Contracting Parties agree that in case any difference should arise between them which could not be settled by mutual agreement or by diplomatic means they will submit such difference to one or more arbitrators chosen by them or 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 3.

The subjects of each of the High Contracting Parties shall have complete liberty together with their

families to enter, travel, reside in or depart from the territory of the other Party; they shall receive there the same protection and security for their persons and property as is accorded to native subjects provided that they conform to the laws of the country and under reserve of the observance and application of the local police laws concerning aliens.

The subjects of each of the High Contracting Parties upon conforming themselves to the law of the country may, throughout the whole extent of the territory of the other exercise their professions and permitted callings, engage in commerce or industry, and carry on trade, wholesale or retail, in all products and goods of lawful commerce, either in person or by representative, individually or in association with foreign or native subjects or citizens; and they may there take into their service in all forms of employment such persons as they choose. They may there within the conditions fixed by local legislation, acquire, hold title to, possess, occupy, sell, transmit by inheritance, will, gift or any other manner, and lease or rent all immoveable property, either land or buildings, used for purposes

of dwelling or for any commercial, industrial, agricultural or other lawful purpose, under reserve of the provisions enacted in the interest of national security for certain zones or for certain localities by laws relating to temporary residence or to the settlement of aliens. They may there acquire, possess and transmit by inheritance, will, gift or by any other method goods, personal effects and moveables of every kind.

#### ARTICLE 4.

The subjects of each of the High Contracting Parties shall enjoy in the whole extent of the territory of the other Party entire liberty of conscience. They may there build and maintain churches, engage in the private or public exercise of their worship, build and keep up cemeteries, according to their religious customs, and also establish educational, religious and charitable institutions and hospitals, always conforming to the laws, ordinances and regulations of the country.

#### ARTICLE 5.

The subjects of each of the High Contracting

Parties shall not be subjected on the territory of the other Party to duties, charges or taxes of any kind or nature other or higher than those which are or may be imposed upon native subjects or upon the subjects or citizens of the most favoured nation.

#### ARTICLE 6.

The subjects of each of the High Contracting Parties shall be exempt on the territory of the other from all compulsory military service, either on land or sea, in the regular forces, national guard, or militia. They shall be exempt from all military requisitions or military forced labour of every kind, except charges exacted by virtue of the possession or location of immovables and except military forced labour and military requisitions which are equally imposed upon all native subjects by virtue of the ownership, possession or location of immovables.

They shall not be obliged to pay any tax imposed in lieu of personal military service, and shall be exempt from all forced loans and from extraordinary contributions imposed in time of war.

## ARTICLE 7.

The dwellings, warehouses, manufactories, shops, and all other buildings of the subjects of each of the High Contracting Parties in the territories of the other, together with all premises used in connection therewith for purposes of residence, commerce or industry, shall be exempt from visits and searches, and from examinations or inspections of books, papers or accounts therein located, except under the conditions and with the forms prescribed by the laws, ordinances, and regulations applying to native subjects.

## ARTICLE 8.

In the territory of each of the High Contracting Parties the subjects of the other Party may, upon the same terms as native subjects, in accordance with the provisions of Article 3 of the present Treaty and within the conditions fixed by the laws, ordinances and regulations of the country, carry on every kind of business, establish industries, open factories, undertake searches for minerals and mining operations, and enter into agricultural and forestry undertakings. They shall further enjoy with respect to these several matters most favoured nation treatment, it being under-

stood that this article shall not be interpreted in a manner to detract from the fiscal and jurisdictional autonomy which the present Treaty confers upon Siam.

#### ARTICLE 9.

The subjects of each of the High Contracting Parties shall have free access to the courts of justice of the other in pursuit and defence of their rights; they shall be at liberty, equally with native subjects and with the subjects or citizens of the most favoured nation, to choose and employ lawyers, advocates and representatives to pursue and defend their rights before such courts. No condition or requirements shall be imposed upon the subjects of either of the High Contracting Parties in connection with such access to the courts of justice of the other, which do not apply to native subjects or to the subjects or citizens of the most favoured nation.

#### ARTICLE 10.

Commercial, industrial and financial Companies and Associations (including life insurance Companies and the Public Institutions for life insurance) domiciled in the territory of one of the High Contracting Parties and there validly organised in accordance with the existing law, shall, upon their fulfilling all the formalities

prescribed by the laws there in force, and subject to the limitations fixed by those laws be recognised as having a legal existence within the territory of the other Party; and they and their branches and agencies may there exercise their activities and rights. They shall have free and ready access to the courts of justice to pursue or to defend their rights.

In every case the said Companies and Associations shall enjoy in the territory of the other Party the same rights as those which are or may be accorded to the similar Companies and Associations of any other country.

The said Companies and Associations shall not be compelled to pay for the purpose of carrying on their commercial or industrial business in the territory of the other Party, imposts, duties or taxes other or higher than those which are or may be exacted from similar national Companies or Associations or from those of the most favoured nation.

#### ARTICLE 11.

The High Contracting Parties agree not to obstruct mutual commerce between the two Countries by the prohibition of or by restrictions placed upon the importation, exportation or transit of any article, subject to



the following exceptions, which however shall be applicable to all countries alike or such countries as are subject to the same conditions :

1. Prohibitions or restrictions upon arms, munitions and war material ;

2. Prohibitions or restrictions for reasons of public safety or public health ;

3. Prohibitions or restrictions upon articles which are or may hereafter become the object of Government monopoly ;

4. Prohibitions or restrictions for the protection of animals or plants against diseases, noxious insects or parasites ;

5. Prohibitions or restrictions with regard to articles similar to those domestic articles whose internal production, sale, or transport is forbidden or similarly restricted by the national law.

It is understood, however, that either Party shall have the right during a temporary period when exceptional circumstances may so require and only so long as it is absolutely necessary, to maintain or establish special prohibitions or restrictions with respect to the import and export of particular articles. In the event of either Party's having to adopt new prohibitions or restrictions with respect to imports and exports it is

agreed that at the request of the other Party means shall be studied by which the proposed measure in its application will cause the least injury to the commercial relations between the two Countries.

#### ARTICLE 12.

The Kingdom of Italy recognizes that the principle of national autonomy should apply to the Kingdom of Siam in all that pertains to the rates of duty on importations and exportations of merchandise, drawbacks, and transit and all other taxes and impositions; and subject to the condition of equality of treatment with other nations in these respects, Italy agrees to assent to increases by Siam in its tariff to rates higher than those established by existing Treaties, on the further condition, however, that all other nations entitled to claim special tariff treatment in Siam assent to such increases freely and without the requirement of any compensatory benefit or privilege.

#### ARTICLE 13.

With regard to the giving of bond, and with regard to the collection of import and export duties

(including surtaxes, coefficients and augmentations which are or may be based upon these duties), and with regard to transit duties, re-exportations, deposits, customs formalities and the transshipment of merchandise, each of the High Contracting Parties agrees, to accord to the other such rights, privileges and immunities as are or may be accorded to third Countries.

In accordance with this principle, goods produced or manufactured in Siam imported into Italy and goods produced or manufactured in Italy imported into Siam, whether for consumption, deposit, re-exportation or transit, shall be subjected to the same treatment as, and shall be liable to duties not higher or other than those imposed with respect to the products of the most favoured nation.

It is understood however that the principles of the two foregoing paragraphs are not applicable with respect to the special favours which are or may be accorded to neighbouring states for facilitating frontier traffic. It is further understood that the provisions of this Article concerning the rate of import and export duties and corresponding coefficients and augmentations applies neither to the favours that either High Contracting

Party grants or may grant to any third Country by virtue of a customs Union entered into with such third Country, nor to the preferential advantages which either of the High Contracting Parties have granted or may grant to its colonies, protectorates and possessions.

#### ARTICLE 14.

Without prejudice to the provisions contained in Articles 12 and 13 and for a period of time not exceeding ten years from the date of the coming into force of the present Treaty, the following goods originating in and coming from Italy shall not on importation into Siam be subjected in any case to a customs duty in excess of the following amounts ad valorem: Cotton Manufactures, six per cent; Hats, ten per cent; Motor Cars and Trucks, ten per cent; Canned Condensed Milk, ten per cent; Wines and Vermouth, twelve per cent.

It is understood that in regard to particular classes of the above-mentioned articles, customs duties may be imposed on a specific basis, provided that such specific duties do not in any case exceed in amount the equivalent of the specified ad valorem duty.

## ARTICLE 15.

Full and complete liberty of navigation shall exist reciprocally between the territories of the two High Contracting Parties. The subjects of each of the High Contracting Parties shall have complete liberty to come with their ships and cargoes to the places and ports, in the territories of the other upon the same terms as native subjects or the subjects or citizens of the most favoured nation, always conforming themselves to the laws of the country to which they come.

The merchant ships flying the flag of either of the High Contracting Parties, and their crews, passengers and cargoes, shall enjoy in every respect upon their arrival in the territory of the other, either directly from their own country or from some other country, and regardless of the place from which their passengers or cargoes come or to which they are bound, the same rights, privileges, liberties, favours, immunities and exemptions as are enjoyed by national ships, with their crews, passengers and cargoes or by those of the most favoured nation.

The subjects of each of the High Contracting Parties shall enjoy also the same treatment with respect to the transport by railway of their persons, their goods and their merchandise.

## ARTICLE 16.

In all that concerns the arrival, the stay, the departure, the loading and the unloading of merchant ships in the ports, harbours, docks, basins and bays of the two High Contracting Parties, all the privileges and facilities which may be accorded by one Party to national ships or to the ships of a third Power will be extended to the ships of the other Party.

## ARTICLE 17.

No duties of tonnage, harbour, water transit, pilotage, lighthouse, quarantine or other similar or corresponding duties of whatever nature, or under whatever denomination, levied in the name or for the profit of the Government, public functionaries, private individuals, corporations or establishments of any kind, shall be imposed in the ports of the territories of either Country upon the vessels of the other Country, which shall not equally and under the same conditions be imposed in the like cases on national vessels in general or vessels of the most favoured nation. Such equality of treatment shall apply reciprocally to the respective vessels, from whatever port or place they may arrive and whatever may be their place of destination.

## ARTICLE 18.

Italian and Siamese ships may proceed from a port

of one of the High Contracting Parties to one or more ports of the same Party, either to load their cargoes in whole or in part for a foreign destination, or to discharge their cargoes in whole or in part, brought from abroad.

The said ships, upon conforming to the laws and regulations of the respective Countries, may keep on board that part of their cargo coming from abroad which is bound for another port either of the same Country or another, and may re-export it without being compelled to pay for the said part of their cargo any customs duty save the charges for safe-keeping, it being understood however that the latter charges shall not be higher than those exacted under similar circumstances from national ships or from those of the most favoured nation.

#### ARTICLE 19.

National treatment or most favoured nation treatment with respect to ships shall not be applicable:

1. To the coasting trade, which will continue to be regulated by the laws which are or may be in force in each of the High Contracting Parties.

2. To subsidies which are or may be given to the national merchant marine.

3. To the exercise of fisheries in the territorial waters of the High Contracting Parties, nor to the exercise of maritime service in ports, bays and shores. The maritime service embraces towing, assistance and salvage of life, ships and cargoes.

#### ARTICLE 20.

If a ship of war or merchant vessel of either of the High Contracting Parties has stranded or been wrecked in the waters or harbours of the other State, the ship or vessel, her passengers and cargo shall enjoy the same favours and immunities as those which may be granted in analogous cases by the laws and regulations of the latter State or by convention to national ships or to those of the most favoured nation. Aid and assistance shall be rendered to the captain and crew in the same measure as to native subjects or to the subjects or citizens of the most favoured nation. The merchandise which has been saved from a merchant ship or war vessel of one of the High Contracting Parties which has been stranded or wrecked shall not be subject to any customs duty in the territory of the other Contracting Party unless it is cleared for consumption in the latter State.



## ARTICLE 21.

The nationality of ships shall be determined in accordance with the laws of the country to which the ship belongs by means of the documents and certificates issued by the competent authorities and carried on board. Except in the event of a judicial sale, the ships of the High Contracting Parties shall not change their nationality unless the seller has previously obtained the necessary permit for the transfer of flag issued by the competent authority of the State to which the ship belongs.

## ARTICLE 22.

The vessels of war of each of the High Contracting Parties may enter, remain and make repairs in those ports and places of the other to which the vessels of war of other nations are accorded access; they shall there submit to the same regulations and enjoy the same honours, advantages, privileges and exemptions as are now, or may hereafter be conceded to the vessels of war of any other nation.

## ARTICLE 23.

Each of the High Contracting Parties shall have the right to appoint Consuls-General, Consuls, Vice-Consuls, and Consular Agents in the towns and ports of the other Party, wherever this may seem useful. The High Contracting Parties, however, reserve to themselves the right to designate certain localities as

excluded from the application of this provision, provided that such exceptions be applied equally to all other Countries.

It is, however, understood that such Consuls-General, Consuls, Vice-Consuls and Consular Agents shall not enter upon their functions until they shall have been approved by the Government of the Country to which they have been sent, which Government shall provide them without delay and without expense with an exequatur assuring to them the free exercise of their functions.

They shall exercise all the powers and functions and shall enjoy all the honours, privileges, exemptions and immunities which are generally accorded by international law or which may hereafter be accorded by the said Government to the Consular Officers of the most favoured nation.

#### ARTICLE 24.

In case of the death of an Italian subject leaving an estate in Siam or of a Siamese subject leaving an estate in Italy, if those having the right to the succession should be unknown, or absent or legally incapable and without representatives, the proper Consular Officers shall have the right to require the sealing, as well as the breaking of the seals, on all moveables, effects and papers of the deceased. They may proceed themselves with the settlement of the estate or may name an admin-

istrator to do so. In all cases in which a contest may arise, the matter shall be settled by the competent tribunals of the Country in which the property is situated. Consular intervention shall not be admitted after it has been ascertained that there is no one of the same nationality as the Consular Officer having the right of succession.

When the subjects of one of the High Contracting Parties who are absent or legally incapable and without representatives, are interested in an unsettled estate in the territory of the other Party, the proper Consular Officers, if the deceased was not of their nationality shall be entitled to require the placing of seals on all moveables, personal effects and papers of the deceased, to assist in making an inventory and to apply for the appointment of an administrator by the competent local authority. The latter shall be chosen upon the Consuls' suggestion from among the persons designated by law or by custom. They shall have the right to secure from such administrator all information concerning the settlement of the estate. Their intervention shall not be permitted after all those of the same

nationality as the Consul having claims shall be present or represented.

When the subjects of either of the High Contracting Parties are interested in the estate of a subject of a third Power, the stipulations of the foregoing paragraph shall not detract from the rights recognised by the local government in favour of the Consular Officers of the State to which the deceased belonged.

#### ARTICLE 25.

The stipulations contained in the present Treaty shall not affect, supersede or modify in any way the laws, regulations or ordinances of the High Contracting Parties, now in force or hereafter enacted, with regard to national security, public order, the public health, naturalization, and immigration.

#### ARTICLE 26.

The present Treaty shall, from the date of the exchange of ratifications, be substituted for all former Treaties, Conventions and Agreements made between the two High Contracting Parties. From that date all former Treaties, Conventions and Agreements between

the two High Contracting Parties shall cease to be binding, including the Treaty of Friendship, Commerce and Navigation signed in London October 3rd, 1868, the Arrangement relating to the Importation and Sale of Spirituous Drinks, signed at Rome, 5th July 1884, and the Supplementary Convention to the Treaty of 1868, signed at Paris on April 8th, 1905.

#### ARTICLE 27.

The present Treaty shall come into effect on the date of the exchange of ratifications and shall remain in force for ten years from that date.

In case neither of the High Contracting Parties should have notified twelve months before the expiration of the said ten years the intention of terminating it, it shall remain binding until the expiration of one year from the day on which either of the High Contracting Parties shall have denounced it.

It is clearly understood, however, that such denunciation shall not have the effect of reviving any of the Treaties, Conventions, Arrangements, or Agreements abrogated by the present Treaty.

## ARTICLE 28.

This Treaty shall be ratified and the ratifications thereof shall be exchanged either at Rome or Bangkok as soon as possible.

This Treaty has been executed in English and in Italian, both versions having the same meaning; but it is hereby agreed that in the event of any dispute arising as to the meaning thereof, its meaning and intent shall be determined by the English text.

IN WITNESS WHEREOF the respective Plenipotentiaries have signed the present Treaty and have thereunto affixed their seals.

DONE in duplicate at Rome, the ninth day of May, in the nineteen hundred and twenty-sixth year of the Christian era, corresponding to the ninth day of the second month in the two thousand four hundred and sixty-ninth year of the Buddhist era.

(L. S.) PHYA SARBAKICH PRIJA

(L. S.) BENITO MUSSOLINI.

---



## ANNEX.

### PROTOCOL

concerning jurisdiction applicable in the Kingdom  
of Siam to Italian Subjects.

At the moment of proceeding this day to the signature of the new Treaty of Friendship, Commerce, and Navigation between the Kingdom of Italy and the Kingdom of Siam, the Plenipotentiaries of the two High Contracting Parties have agreed as follows :

#### ARTICLE 1.

The system of jurisdiction heretofore established in Siam for Italian subjects and the privileges, exemptions, and immunities now enjoyed by Italian subjects in Siam as a part of or appurtenant to said system shall absolutely cease and determine on the date of the exchange of ratifications of the above-mentioned Treaty, and thereafter all Italian subjects, corporations, com-

panies, and associations in Siam shall be subject to the jurisdiction of the Siamese Courts.

## ARTICLE 2.

Until the promulgation and putting into force of all the Siamese Codes, namely, the Penal Code, the Civil and Commercial Code, the Codes of Procedure, and the Law for Organization of Courts, and for a period of five years thereafter, but no longer, the Kingdom of Italy, through its Diplomatic and Consular Officials in Siam whenever in its discretion it deems it proper so to do in the interest of justice, may by means of a written requisition addressed to the judge or judges of the Court in which such case is pending, evoke any case pending in any Siamese Court, except the Supreme or Dika Court, in which an Italian subject, corporation, company or association is defendant or accused.

Such case shall then be transferred to said Diplomatic or Consular Official for adjudication, and the jurisdiction of the Siamese Court over such case shall thereupon cease. Any case so evoked shall be disposed of by said Diplomatic or Consular Official in accordance with the laws of the Kingdom of Italy, except that as to all matters coming within the scope of Codes or Laws of the Kingdom of Siam regularly promulgated and in force, the texts of which have been communicated



to the Italian Legation in Bangkok, the rights and liabilities of the parties shall be determined by Siam Law.

For the purpose of trying such cases and of executing any judgments which may be rendered therein, the jurisdiction of the Italian Diplomatic and Consular Officials in Siam is continued.

Until the date when all the Siamese Codes mentioned above shall have come into force the Siamese Government will continue to communicate to the Italian Legation in Siam the texts of all new laws and regulations which have been promulgated and the Siamese Government will endeavour to take into consideration the objections with regard to such texts which the said Legation may have submitted within a reasonable time.

### ARTICLE 3.

Appeals by Italian subjects, corporations, companies and associations from judgments of courts of first instance in cases to which they may be parties, shall be adjudged by the Court of Appeal at Bangkok.

An appeal on a question of law shall lie from the Court of Appeal at Bangkok to the Supreme or Dika Court.

An Italian subject, corporation, company, or association who is defendant or accused in any case arising in the Provinces, may apply for a change of venue and should the Court consider such change desir-

able the trial shall take place either at Bangkok or before the judge in whose Court the case would be tried at Bangkok.

With respect to the rights granted in this Article Italy shall enjoy the treatment of the most favoured nation.

#### ARTICLE 4.

In order to prevent difficulties which may arise from the transfer of jurisdiction contemplated by the present protocol, it is agreed:

a) all cases in which action shall be taken subsequently to the date of the exchange of ratifications of the above-mentioned Treaty, shall be entered and decided in the Siamese Courts, whether the cause of action arose before or after the date of said exchange of ratifications.

b) all cases pending before the Italian Diplomatic and Consular Officials in Siam on said date shall take their usual course before such Officials until such cases have been finally disposed of, and the jurisdiction of the Italian Diplomatic and Consular Officials shall remain in full force for this purpose.

- In connection with any case coming before the Italian Diplomatic or Consular Officials under clause (b) of Article 4, or which may be evoked by said Officials

under Article 2, the Siamese authorities shall upon request by such Diplomatic or Consular Officials lend their assistance in all matters pertaining to the case.

IN WITNESS WHEREOF the undersigned Plenipotentiaries have hereto signed their names and affixed their seals.

Done in duplicate at Rome, the ninth day of May, in the nineteen hundred and twenty-sixth year of the Christian era, corresponding to the ninth day of the second month in the two thousand four hundred and sixty-ninth year of the Buddhist era.

(L. S.) PHYA SARBAKICH PRIJA.

(L. S.) BENITO MUSSOLINI.

---