



Treaty Series No. 23 (1937)

EXCHANGE OF NOTES

between His Majesty's Government in the United Kingdom
and the Government of India

and

the Government of Siam

regarding the

NATIONALITY OF PERSONS AFFECTED BY THE
RE-DELIMITATION OF THE BOUNDARY
BETWEEN BURMA (TENASSERIM) AND SIAM

Bangkok, March 31, 1937

*Presented by the Secretary of State for Foreign Affairs
to Parliament by Command of His Majesty*

LONDON

PRINTED AND PUBLISHED BY HIS MAJESTY'S STATIONERY OFFICE

To be purchased directly from H.M. STATIONERY OFFICE at the following addresses:

Adastral House, Kingsway, London, W.C.2; 120 George Street, Edinburgh 2;

26 York Street, Manchester 1; 1 St. Andrew's Crescent, Cardiff;

80 Chichester Street, Belfast;

or through any bookseller

1937

Price 1*d.* net

Cmd. 5475

EXCHANGE OF NOTES BETWEEN HIS MAJESTY'S GOVERNMENT IN THE UNITED KINGDOM AND THE GOVERNMENT OF INDIA AND THE GOVERNMENT OF SIAM REGARDING THE NATIONALITY OF PERSONS AFFECTED BY THE RE-DELIMITATION OF THE BOUNDARY BETWEEN BURMA (TENASSERIM) AND SIAM.

Bangkok, March 31, 1937.

No. 1.

Sir J. Crosby to Luang Pradist Manudharm.

British Legation,

Bangkok, March 31, 1937.

M. le Ministre,

I HAVE the honour, upon instructions from His Majesty's Principal Secretary of State for Foreign Affairs, and with reference to Mr. Coultas's Note of the 1st June, 1934, to inform you that the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of India desire to conclude an Agreement with the Siamese Government concerning the national status of persons resident in territory which has been, or may in the future be, transferred from British to Siamese sovereignty or *vice versa*, as the result of the redelimitation of the boundary between Burma (Tenasserim) and Siam in accordance with the Agreement embodied in the Notes exchanged at Bangkok on the 1st June, 1934.⁽¹⁾

2. The Government of the United Kingdom and the Government of India would propose the adoption of the following arrangements:—

- (i) British subjects habitually resident in the territory which has been transferred from British to Siamese sovereignty shall cease to be British subjects, and shall acquire Siamese nationality unless they make application to retain British nationality to the appropriate British authority within 6 months from this day's date.
- (ii) The same rule, *mutatis mutandis*, shall apply as regards territory which has been transferred from Siamese to British sovereignty.
- (iii) His Majesty's Representative at Bangkok will notify the Siamese Government as soon as possible of all applications made in accordance with sub-paragraph (i) above, and the Siamese Government will similarly notify His Majesty's Representative at Bangkok of all applications made in accordance with sub-paragraph (ii).

(1) "Treaty Series No. 19 (1934)," Cmd. 4671.

- (iv) Nothing in the foregoing provisions shall affect the national status of persons who were not British subjects at the time of the transfer of territory from British to Siamese sovereignty, or of persons who were not Siamese subjects at the time of the transfer of territory from Siamese to British sovereignty.
- (v) In view of the fact that, in the Agreement referred to in the opening paragraph of the present Note, the deep water channel (wherever that may be) in that part of the river Pakchan covered by the said Agreement is adopted as part of the boundary between Burma (Tenasserim) and Siam, the rules above specified shall apply in the case of any future transfer of territory from British to Siamese sovereignty or *vice versa*, resulting from changes in the course of the said river, as contemplated in the Agreement of the 1st June, 1934, it being understood, however, that the period of 6 months within which application to retain nationality may be made, shall run from the date of the agreement establishing the transfer of territory in question, the actual transfer of administration being effected after the expiration of the aforesaid period.

3. If the Siamese Government agree to this proposal, I have the honour to suggest that the present Note, together with your Excellency's reply in similar terms, shall constitute an Agreement between the Government of the United Kingdom and the Government of India on the one hand, and the Siamese Government on the other, such Agreement to be regarded as supplementary to the Agreement embodied in the Notes exchanged at Bangkok on the 1st June, 1934.

I avail, &c.

J. CROSBY.

No. 2.

Luang Pradist Manudharm to Sir J. Crosby.

Ministry for Foreign Affairs,

M. le Ministre,

Saranromya Palace, March 31, 1937.

I HAVE the honour to acknowledge the receipt of your Note of to-day's date, which reads as follows:—

“I have the honour, upon instructions from His Majesty's Principal Secretary of State for Foreign Affairs, and with reference to Mr. Coultas's Note of the 1st June, 1934, to inform you that the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of India desire to conclude an Agreement with the Siamese Government concerning the national status of persons resident in territory which has been, or may in the future be, transferred from British to Siamese sovereignty or *vice versa*, as

the result of the redelimitation of the boundary between Burma (Tenasserim) and Siam in accordance with the Agreement embodied in the Notes exchanged at Bangkok on the 1st June, 1934.

2. The Government of the United Kingdom and the Government of India would propose the adoption of the following arrangements:—

- (i) British subjects habitually resident in the territory which has been transferred from British to Siamese sovereignty shall cease to be British subjects, and shall acquire Siamese nationality unless they make application to retain British nationality to the appropriate British authority within 6 months from this day's date.
- (ii) The same rule, *mutatis mutandis*, shall apply as regards territory which has been transferred from Siamese to British sovereignty.
- (iii) His Majesty's Representative at Bangkok will notify the Siamese Government as soon as possible of all applications made in accordance with sub-paragraph (i) above, and the Siamese Government will similarly notify His Majesty's Representative at Bangkok of all applications made in accordance with sub-paragraph (ii).
- (iv) Nothing in the foregoing provisions shall affect the national status of persons who were not British subjects at the time of the transfer of territory from British to Siamese sovereignty, or of persons who were not Siamese subjects at the time of the transfer of territory from Siamese to British sovereignty.
- (v) In view of the fact that, in the Agreement referred to in the opening paragraph of the present Note, the deep water channel (wherever that may be) in that part of the river Pakchan covered by the said Agreement is adopted as part of the boundary between Burma (Tenasserim) and Siam, the rules above specified shall apply in the case of any future transfer of territory from British to Siamese sovereignty or *vice versa*, resulting from changes in the course of the said river, as contemplated in the Agreement of the 1st June, 1934, it being understood, however, that the period of 6 months within which application to retain nationality may be made, shall run from the date of the agreement establishing the transfer of territory in question, the actual transfer of administration being effected after the expiration of the aforesaid period.

3. If the Siamese Government agree to this proposal, I have the honour to suggest that the present Note, together with your Excellency's reply in similar terms, shall constitute an Agreement between the Government of the United Kingdom and the Government of India on the one hand, and the Siamese Government on the other, such Agreement to be regarded as supplementary to the Agreement embodied in the Notes exchanged at Bangkok on the 1st June, 1934."

In reply, I have the honour to state that His Majesty's Government are likewise desirous of concluding an Agreement for this purpose and that they concur in the proposal contained in paragraph 2 of your Note quoted above.

His Majesty's Government also agree to the suggestion that your Note of to-day's date and my present Note be regarded as constituting an Agreement between the Government of the United Kingdom and the Government of India on the one hand, and the Siamese Government on the other, such Agreement to be regarded as supplementary to the Agreement embodied in the Notes exchanged at Bangkok on the 1st June, 1934.

I avail, &c.

LUANG PRADIST MANUDHARM,
Minister for Foreign Affairs.

