

No. 1375

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**UNITED KINGDOM OF GREAT BRITAIN  
AND NORTHERN IRELAND,  
INDIA  
and  
SIAM**

**Agreement for the termination of the state of war. Signed  
at Singapore, on 1 January 1946**

*Official text: English.*

*Registered by the United Kingdom of Great Britain and Northern Ireland on  
23 August 1951.*

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**ROYAUME-UNI DE GRANDE-BRETAGNE  
ET D'IRLANDE DU NORD,  
INDE  
et  
SIAM**

**Accord relatif à la cessation de l'état de guerre. Signé à  
Singapour, le 1er janvier 1946**

*Texte officiel anglais.*

*Enregistré par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord le  
23 août 1951.*

No. 1375. AGREEMENT<sup>1</sup> BETWEEN THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, INDIA AND SIAM FOR THE TERMINATION OF THE STATE OF WAR. SIGNED AT SINGAPORE, ON 1 JANUARY 1946

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WHEREAS by a Proclamation made in Bangkok on August 16th 1945 the Regent of Siam did, in the name of His Majesty the King of Siam, proclaim the declaration of war made by Siam on January 25th 1942 against the United Kingdom to be null and void in that it was made contrary to the will of the Siamese people and in violation of the constitution and laws of Siam, and

WHEREAS the Proclamation of August 16th 1945 aforesaid was the same day unanimously approved by the National Assembly of Siam, and

WHEREAS the Siamese Government have repudiated the Alliance entered into by Siam with Japan on December 21st 1941 together with all other Treaties, Pacts or Agreements concluded between Siam and Japan, and

WHEREAS the Siamese Government are anxious to play their full part in mitigating the effects of the war, particularly in such measures as may be designed to assist in the restoration of international security and general economic welfare, and

WHEREAS the Government of the United Kingdom and the Government of India, in consideration of the acts or repudiation already carried out by the Siamese Government, and not unmindful of the services rendered by the resistance movement in Siam during the war with Japan, desire to bring the state of war to an immediate end,

NOW THEREFORE the Government of the United Kingdom and the Government of India on the one hand and the Siamese Government on the other, being desirous of renewing the relations of close friendship which existed before the war, have resolved to conclude an agreement for these purposes and have accordingly appointed as their plenipotentiaries :

Government of the United Kingdom of Great Britain and Northern Ireland :  
Mr. M. E. Dening, C.M.G., O.B.E.

Government of India :  
Mr. M. S. Aney

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<sup>1</sup> Came into force on 1 January 1946, as from the date of signature, in accordance with article 24.

Siamese Government :

His Serene Highness Prince Viwatchai Chaiyant  
Lieutenant-General Phya Abhai Songgram  
Nai Serm Vinicchayakul

WHO, having communicated their full powers, found in good and due form, have agreed as follows :

#### RESTITUTION AND READJUSTMENT

##### *Article One*

The Siamese Government agree to repudiate all measures pursuant to the above-mentioned declaration of war made on January 25th 1942, and to take the necessary legislative and administrative measures to give effect to that repudiation.

##### *Article Two*

The Siamese Government declare as null and void all purported acquisitions of British territory made by Siam later than December 7th 1941, as well as all titles, rights, properties and interests acquired in such territory since that date either by the Siamese State or by Siamese subjects. The Siamese Government agree to take the necessary legislative measures to give effect to the foregoing declaration and in particular

- (a) to repeal and declare null and void *ab initio* all legislative and administrative measures relating to the purported annexation by, or incorporation in, Siam of British territories effected after December 7th 1941.
- (b) to withdraw as may be required by the competent civil or military authority all Siamese military personnel from all such British territories and all Siamese officials and nationals who entered these territories after their purported annexation by, or incorporation in, Siam.
- (c) to restore all property taken away from these territories, including currency except to the extent to which it can be established that fair value has been given in exchange.
- (d) to compensate loss or damage to property, rights and interests in these territories arising out of the occupation of these territories by Siam.
- (e) to redeem in sterling out of former sterling reserves current Siamese notes collected by the British authorities in British territory occupied by Siam since December 7th 1941.

*Article Three*

The Siamese Government agree to assume responsibility for safeguarding, maintaining and restoring unimpaired, British property, rights and interests of all kinds in Siam and for payment of compensation for losses or damage sustained. The term "property, rights and interests" shall include *inter alia*, the official property of the Government of the United Kingdom and of the Government of India, property whose ownership has been transferred since the outbreak of war, pensions granted to British nationals, stocks of tin, teak and other commodities, shipping and wharves, and tin, teak and other leases and concessions granted to British firms and individuals prior to December 7th 1941, and still valid at that date.

*Article Four*

The Siamese Government agree to desecrate British banking and commercial concerns and permit them to resume business.

*Article Five*

The Siamese Government agree to accept liability, with the addition of interest, at an appropriate percentage, in respect of payments in arrears, for the service of loans and for payment of pensions in full since the date when regular payments ceased.

## SECURITY

*Article Six*

The Siamese Government recognise that the course of events in the war with Japan demonstrates the importance of Siam to the defence of Malaya, Burma, India and Indo-China and the security of the Indian Ocean and South-West Pacific areas and the Siamese Government agree to collaborate fully in all international security arrangements approved by the United Nations Organisation or its Security Council which may be pertinent to Siam and especially such international security arrangements as may relate to those countries or areas.

*Article Seven*

The Siamese Government undertake that no canal linking the Indian Ocean and the Gulf of Siam shall be cut across Siamese territory without the prior concurrence of the Government of the United Kingdom.

## COMMERCIAL AND ECONOMIC COLLABORATION

*Article Eight*

The Siamese Government agree to take all possible measures to re-establish import and export trade between Siam on the one hand and neighbouring British territories on the other, and to adopt and maintain a good-neighbourly policy in regard to coastal shipping.

*Article Nine*

The Siamese Government undertake to negotiate with the Government of the United Kingdom as soon as practicable a new Treaty of Establishment, Commerce and Navigation and a Consular Convention based on the reciprocal application of the principles in Article Eleven below.

*Article Ten*

The Siamese Government undertake to negotiate with the Government of India as soon as practicable a new Treaty of Commerce and Navigation based on the reciprocal application of the principles in the following Article.

*Article Eleven*

(1) Pending the conclusion of the Treaties and Convention referred to in Articles Nine and Ten above and subject to paragraph (2) of this Article, the Siamese Government undertake to observe the provisions of the Treaty of Commerce and Navigation signed at Bangkok on November 23rd 1937,<sup>1</sup> and further undertake, except where the Treaty specifically authorises such action, not to enforce any measures excluding British commercial or industrial interests or British professional men on grounds of nationality from participation in Siamese economy and trade, or any measures requiring them to maintain stocks or reserves in excess of normal commercial, shipping, industrial or business practice.

(2) The above-mentioned undertakings of the Siamese Government (a) shall be subject to such exceptions, if any, as may at any time be agreed to between the Government of the United Kingdom or the Government of India, as the case may be, and the Siamese Government; (b) shall, unless prolonged by agreement, lapse if the Treaties and Conventions referred to in Articles Nine and Ten have not been concluded within a period of three years from the coming into force of this Agreement.

<sup>1</sup> League of Nations, *Treaty Series*, Vol. CLXXXVIII, p. 333; Vol. CXCVII, p. 400, and Vol. CC, p. 558; and United Nations, *Treaty Series*, Vol. 2, p. 215.

(3) Nothing in this Article shall be deemed to preclude the grant of equally favourable treatment to nationals and enterprises of any or all other United Nations.

#### *Article Twelve*

The Siamese Government undertake to participate in any general international arrangement regarding tin or rubber which conforms with such principles regarding commodity arrangements as may be agreed by the United Nations Organisation or its Economic and Social Council.

#### *Article Thirteen*

Until a date or dates not later than September 1st 1947 the Siamese Government undertake to prohibit, except in accordance with the recommendations of the Combined Boards in Washington, or any successor body, and in the case of rice, under the direction of a special organisation to be set up for the purpose, any exports of rice, tin, rubber and teak and to regulate trade in and stimulate production of these commodities.

#### *Article Fourteen*

The Siamese Government undertake to make available free of cost at Bangkok to an organisation to be indicated by the Government of the United Kingdom and as quickly as may be compatible with the retention of supplies adequate for Siamese internal needs, a quantity of rice equal to the accumulated surplus of rice at present existing in Siam, subject to a maximum of one and a half million tons, or if so agreed the equivalent quantity of paddy or loonzain. It is agreed that the exact amount of rice to be made available under this Article shall be determined by the organisation above-mentioned and that the rice, paddy or loonzain delivered under this Article shall conform to the agreed standards of quality to be determined by the same authorities.

#### *Article Fifteen*

Until a date not later than September 1st 1947 the Siamese Government agree to make available to the rice organisation mentioned in Article Thirteen and Article Fourteen all rice surplus to the internal needs of Siam. Such rice with the exception of rice delivered free in accordance with the undertaking given in Article Fourteen, will be supplied in such manner as the special organisation mentioned in Article Thirteen and Article Fourteen shall indicate, and at prices fixed in agreement with it, having regard to the controlled prices of rice in other Asiatic rice-exporting areas.

## CIVIL AVIATION

*Article Sixteen*

The Siamese Government shall accord to the civil air services of the British Commonwealth of Nations, by means of agreements to be negotiated with the Governments of members of the British Commonwealth of Nations, treatment in regard to establishment, maintenance and operation of regular air services not less favourable than that accorded to Imperial Airways by the notes exchanged at Bangkok on December 3rd 1937.<sup>1</sup>

## WAR GRAVES

*Article Seventeen*

The Siamese Government undertake to enter into an agreement with the Government of the United Kingdom and the Government of India for the mutual upkeep of war graves, with a view to the permanent establishment and future care of British and Indian war graves and of Siamese war graves in their respective territories.

## MISCELLANEOUS

*Article Eighteen*

The Siamese Government agree to regard as in force such bilateral treaties between the United Kingdom and Siam and India and Siam as may respectively be specified by the Government of the United Kingdom and the Government of India, subject to any modifications the Government of the United Kingdom or the Government of India may indicate, and to regard as abrogated any such treaties not so specified.

*Article Nineteen*

The Siamese Government agree to regard as being in force between the United Kingdom and Siam and between India and Siam all multilateral treaties, conventions or agreements concluded prior to December 7th 1941 (a) to which Siam and the United Kingdom or India, as the case may be, were then and still are parties; (b) to which the United Kingdom or India, as the case may be, was then and still is a party, but to which Siam has not become a party, and which shall be notified to the Siamese Government by the Government of the United Kingdom or the Government of India. On the receipt of such notification the Siamese Government shall immediately take the necessary steps in accordance with the provisions of any such treaty, convention or agreement to which

<sup>1</sup> League of Nations, *Treaty Series*, Vol. CLXXXVI, p. 293, and Vol. CC, p. 553.

Siam is not a contracting party, to accede thereto, or if accession is not possible, shall give effect to the provisions thereof in respect of the United Kingdom or India, as the case may be, by such legislative or administrative means as may be appropriate. The Siamese Government agree also to accept any modifications thereto which may have come into effect in accordance with the terms of such instruments since that date.

#### *Article Twenty*

Pending admission to any international organisation set up since December 7th 1941, being an organisation of which the United Kingdom or India is a member, the Siamese Government agree to carry out any obligations arising out of, or in connection with, any such organisation or the instruments constituting it, as may at any time be specified by the Government of the United Kingdom or the Government of India, as the case may be.

#### *Article Twenty-one*

In consideration of the above undertakings made by the Siamese Government, the Government of the United Kingdom and the Government of India agree to regard the state of war as terminated and to proceed at once to the resumption of friendly relations with Siam and to exchange diplomatic representatives.

#### *Article Twenty-two*

The Government of the United Kingdom and the Government of India also undertake to support Siam's candidature for membership of the United Nations.

#### DEFINITIONS AND DATE OF ENTRY INTO FORCE OF AGREEMENT

#### *Article Twenty-three*

It is agreed by the contracting parties that the term "British" in this agreement

(1) when applied to physical persons shall mean all subjects of His Majesty the King of Great Britain, Ireland and the British Dominions beyond the seas, Emperor of India, and all persons under His Majesty's protection;

(2) when applied to territory shall mean any territory under His Majesty's sovereignty, suzerainty, protection or mandate, as the case may be;



(3) when applied to legal persons, shall mean all legal persons deriving their status as such from the law in force in any such territory; and

(4) when applied to property, rights or interests shall mean the property, rights or interests of persons specified under (1) or (3) above, as the case may be.

*Article Twenty-four*

This agreement shall enter into force as from to-day's date.

IN WITNESS WHEREOF the undersigned have signed the present agreement and have fixed thereto their seals.

DONE in triplicate at Singapore this first day of January in the nineteen hundred and forty-sixth year of the Christian Era, corresponding to the two thousand four hundred and eighty-ninth year of the Buddhist Era, in the English language.

GREAT BRITAIN AND NORTHERN IRELAND

M. E. DENING

INDIA

M. S. ANEY

(This signature is appended in agreement with His Majesty's Representative for the exercise of the functions of the Crown in its relations with Indian States.)

SIAM

VIWAT

PHYA ABHAI SONGGRAM

Lieut.-Gen.

S. VINICCHAYAKUL

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