

No. 9345

**THAILAND
and
UNITED STATES OF AMERICA**

Treaty of amity and economic relations (with notes of understanding and exchange of notes). Signed at Bangkok, on 29 May 1966

Official texts of the Treaty: Thai and English.

Official text of the notes: English.

Registered by Thailand on 16 December 1968.

**THAÏLANDE
et
ÉTATS-UNIS D'AMÉRIQUE**

Traité d'amitié et d'entente économique (avec mémorandums d'accord et échange de notes). Signé à Bangkok, le 29 mai 1966

Textes officiels du Traité: thaï et anglais.

Texte officiel des notes: anglais.

Enregistré par Thaïlande le 16 décembre 1968.

No. 9345. TREATY¹ OF AMITY AND ECONOMIC RELATIONS BETWEEN THE KINGDOM OF THAILAND AND THE UNITED STATES OF AMERICA. SIGNED AT BANGKOK, ON 29 MAY 1966

The Kingdom of Thailand and the United States of America, desirous of promoting friendly relations traditionally existing between them and of encouraging mutually beneficial trade and closer economic and cultural intercourse between their peoples, have resolved to conclude a Treaty of Amity and Economic Relations, and for that purpose have appointed as their Plenipotentiaries :

His Majesty the King of Thailand :

His Excellency Thanat Khoman, Minister of Foreign Affairs of the Kingdom of Thailand ; and

The President of the United States of America :

His Excellency Graham Martin, Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Thailand ;

Who, having communicated to each other their full powers found to be in due form, have agreed as follows :

Article I

1. Nationals of either Party shall, subject to the laws relating to the entry and sojourn of aliens, be permitted to enter the territories of the other Party, to travel therein freely, and to reside at places of their choice and in particular to enter the territories of the other Party and to remain therein of the purpose of : (a) carrying on trade between the territories of the two Parties and engaging in related commercial activities ; or (b) developing and directing the operations of an enterprise in which they have invested or are actively in process of investing a substantial amount of capital. Each Party reserves the right to exclude, restrict the movement of, or expel aliens on grounds relating to public order, morals, health and safety. The provisions of (b) above shall be construed as extending to a national of either Party seeking to enter the territories of the other Party solely for the purpose

¹ Came into force on 8 June 1968, one month after the exchange of the instruments of ratification which took place at Washington on 8 May 1968, in accordance with article XIV.

of developing and directing the operations of an enterprise in the territories of such other Party in which his employer has invested or is actively in the process of investing a substantial amount of capital, provided that such employer is a national or company of the same nationality as the applicant and that the applicant is employed by such national or company in a responsible capacity.

2. Nationals of either Party within the territories of the other Party shall receive the most constant protection and security, in no case less than that required by international law. When any such national is in custody, he shall in every respect receive reasonable and humane treatment ; and on his demand the diplomatic or consular representative of his country shall be immediately notified and accorded full opportunity to safeguard his interests. He shall be promptly informed of the accusations against him, and allowed ample facilities to defend himself.

3. Nationals of either Party shall enjoy in the territories of the other Party entire liberty of conscience, and, subject to applicable laws, ordinances and regulations, shall enjoy the right of private and public exercise of their worship.

Article II

1. Companies constituted under the applicable laws and regulations of either Party shall be deemed to have the nationality of that Party and shall have their juridical status recognized within the territories of the other Party. As used in the present Treaty, " companies " means :

- (a) with reference to Thai companies : juristic persons under Thai laws, whether or not with limited liability and whether or not for pecuniary profit ;
- (b) with reference to United States companies : corporations, partnerships, companies, and other associations, whether or not with limited liability and whether or not for pecuniary profit.

2. Nationals and companies of either Party shall have free access to courts of justice and administrative agencies within the territories of the other Party, in all degrees of jurisdiction, both in the defense and in the pursuit of their rights. Such access shall be allowed upon terms no less favorable than those applicable to nationals and companies of such other Party or of any third country, including the terms applicable to requirements for deposit of security. It is understood that companies not engaged in acti-

vities within the country shall enjoy the right of such access without any requirement of registration or domestication.

3. Contracts entered into between nationals and companies of either Party and nationals and companies of the other Party, that provide for the settlement by arbitration of controversies, shall not be deemed unenforceable within the territories of such other Party merely on the grounds that the place designated for the arbitration proceedings is outside such territories or that the nationality of one or more of the arbitrators is not that of such other Party. No award duly rendered pursuant to any such contract, and final and enforceable under the laws of the place where rendered, shall be deemed invalid or denied effective means of enforcement within the territories of either Party merely on the grounds that the place where such award was rendered is outside such territories or that the nationality of one or more of the arbitrators is not that of such Party.

Article III

1. Each Party shall at all times accord fair and equitable treatment to nationals and companies of the other Party, and to their property and enterprises; shall refrain from applying unreasonable or discriminatory measures that would impair their legally acquired rights and interests; and shall assure that their lawful contractual rights are afforded effective means of enforcement, in conformity with the applicable laws.

2. Property of nationals and companies of either Party, including direct or indirect interests in property, shall receive the most constant protection and security within the territories of the other Party. Such property shall not be taken without due process of law or without payment of just compensation in accordance with the principles of international law.

3. The dwellings, offices, warehouses, factories, and other premises of nationals and companies of either Party located within the territories of the other Party shall not be subject to entry or molestation without just cause. Official searches and examinations of such premises and their contents shall be made only according to law and with careful regard for the convenience of the occupants and the conduct of business.

Article IV

1. Nationals and companies of either Party shall be accorded national treatment with respect to establishing, as well as acquiring interests in, enter-

prises of all types for engaging in commercial, industrial, financial and other business activities within the territories of the other Party.

2. Each party reserves the right to prohibit aliens from establishing or acquiring interests, or to limit the extent to which aliens may establish or acquire interests, in enterprises engaged within its territories in communications, transport, fiduciary functions, banking involving depository functions, the exploitation of land, or other natural resources, or domestic trade in indigenous agricultural products, provided that it shall accord to nationals and companies of the other Party treatment no less favorable in this connection than that accorded nationals and companies of any third country.

3. The provisions of paragraph 1 do not include the practice of professions, or callings reserved for the nationals of each Party.

4. Enterprises which are or may hereafter be established or acquired by nationals and companies of either Party within the territories of the other Party and which are owned or controlled by such nationals and companies, whether in the form of individual proprietorships, direct branches or companies constituted under the laws of such other Party, shall be permitted freely to conduct their activities therein upon terms no less favorable than like enterprises owned or controlled by nationals of such other Party or of any third country.

5. Nationals and companies of either Party shall enjoy the right to control and manage the enterprises which they have established or acquired within the territories of the other Party, and shall be permitted without discrimination to do all things normally found necessary and proper to the effective conduct of enterprises engaged in like activities.

6. Nationals and companies of either Party shall be permitted, in accordance with the applicable laws, to engage, within the territories of the other Party, accountants or other technical experts, executive personnel, attorneys, agents and other specialists of their choice. Moreover, such nationals and companies shall be permitted to engage accountants and other technical experts, regardless of the extent to which they may have qualified for the practice of a profession within the territories of such other Party, for the particular purpose of making examinations, audits and technical investigations for internal purposes exclusively for, and rendering reports to, such nationals and companies in connection with the planning and operation of their enterprises within such territories.

Article V

1. Nationals and companies of either Party shall be accorded national treatment within the territories of the other Party with respect to : (a) leasing