

A DIPLOMATIC HISTORY OF THAILAND



Wan Waitayakon

Translated by Vijavat Isarabhakdi

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OF THAILAND**

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A Diplomatic History of Thailand

His Royal Highness Prince Wan Waithayakon

Krommun Naradhip Bongsprabandh

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ประวัติการทูตของไทย

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INTERNATIONAL STUDIES CENTER

FOREWORD

In September 2021, the International Studies Center reprinted the Thai edition of ***A Diplomatic History of Thailand*** by His Royal Highness Prince Wan Waithayakon Krommun Naradhip Bongsprabandh to celebrate the 130th anniversary of his birth. The book represents the ISC's effort to reprint rare volumes as reference materials on the subject of Thai diplomacy.

This book was first published in Thai in 1943. It was translated into English in 1991 by Dr. Vijavat Isarabhakdi and published by the ISC, with the financial support from the Office of the National Culture Commission (now the Ministry of Culture), to mark the Centennial of H.R.H. Prince Wan Waithayakon, *Great Diplomat and Scholar*. Therefore, it is appropriate that the ISC also reprint the English edition on this occasion for the benefit of non-Thai speaking readers.

The ISC would like to take this opportunity to express its appreciation to Dr. Vijavat Isarabhakdi once again for undertaking the labourious task of translation and for providing the ISC with the original English text for the reprint. The ISC hopes that this book will continue to be an important source of reference on Thai diplomacy for the future.

International Studies Center

April 2022

PREAMBLE
IN FIRST EDITION

The Office of the National Culture Commission, secretariat office of the Centennial of His Royal Highness Prince Wan Waithayakon Krommun Naradhip Bongsprabandh, sincerely appreciates the collaboration from the International Studies Centre, under the extremely knowledgeable leadership of His Excellency Mr. Phaen Wannamethi for the publication of ***A Diplomatic History of Thailand.***

This publication, written by His Royal Highness Prince Wan Waithayakon Krommun Naradhip Bongsprabandh, is more or less one of the very rare textbooks on the history of Thai diplomacy. Nonetheless, it has never been translated into English. The Office of the National Culture Commission is proud to have the honour of giving over strong support of an English edition of ***A Diplomatic History of Thailand*** on the occasion to celebrate the Centennial of His Royal Highness

Prince Wan Waithayakon Krommun Naradhip Bongsprabandh. We hope that this book is an important source of reference for many decades to come.

Dr. Ekavidya Nathalang
Secretary-General

PREFACE
IN FIRST EDITION

The book *A Diplomatic History of Thailand* was first published in Thai in 1943 as one of a series of publications on Thai culture. As Prince Wan Waithayakon mentioned in the introduction, the book is a broad outline of the evolution and development of Thai diplomacy for the benefit of the general public. It traces back the development of the Thai diplomacy since the early period in the Thai history, namely the Nan-Chao period in the 7th century, through the periods of Sukhothai, Ayutthaya and Bangkok, up to the year 1940. The theme of this book was to illustrate the cultural aspect of the Thai people which has served as an underlying basis in the conduct of Thai diplomacy. The reader should bear in mind that this book was written during the wartime period with the presence of foreign troops in the country. Hence one may notice a strong nationalistic

tone in his writing which was intended to remind the Thai people of their cherished value of freedom and independence.

On the occasion of the Centennial of H.R.H. Prince Wan Waithayakon Krommun Naradhip Bongsprabandh, *Great Diplomat and Scholar*, the International Studies Centre (ISC) deems it appropriate to revive this book in his memory, although it was written fifty years ago. The ISC would like to express its sincere appreciation to Dr. Vijavat Isarabhakdi of the Ministry of Foreign Affairs for his efforts in undertaking the labourious task of translating the original Thai text into English for the benefit of non-Thai speaking readers. This English version has some editing from the original Thai text.

The ISC is grateful to the Office of the National Culture Commission for its generosity in sponsoring the publication of this book on this commemorative occasion.

International Studies Centre

Saranrom Palace

August 1991

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INTRODUCTION

When the idea was conceived to produce a series of literary works on Thai culture, I was entrusted with the task of writing about Thailand's diplomatic history. Since the series is aimed at the general public, I will try to provide a broad outline of Thai diplomatic history, which may serve as a general guideline of its evolution and development.

In Asia, Thailand is the only country, other than Japan, which has enjoyed complete independence. This is a much-noticed fact among foreigners, and has led to repeated inquiries as to the reason behind this. A study of Thai history will show that, since ancient times, Thailand has always been a nation of warriors, ever ready to sacrifice their lives to defend the country's independence. Thailand's diplomatic culture has also helped to guide Thailand in the conduct of her foreign relations and enabled her to get past

various obstacles which may threaten national independence.

History may be defined as a chronological account of past events, which help one to acquire an understanding of the present. The immediate present confronting us is the World War, a conflict arising out of current civilisation, which in turn is based on western civilisation. Thailand and Japan have been able to maintain their independence by adapting western civilisation to suit their own national cultures. Therefore, the important point to be made in recounting Thai diplomatic history is to define the key elements of Thai diplomatic culture which have permitted its continued existence in the face of the expansion of western civilisation into Asia.

An envoy is a government official sent by one state to another for the purpose of establishing contacts. Such contacts may take the form of a general fostering of friendly relations or may be aimed at specific objectives such as seeking priests to help improve religious affairs, seeking the hand of a foreign princess in marriage to the King, or seeking white elephants as royal tributaries. Moreover, it may be aimed at entering into an alliance with another

state for the purpose of going to war together or, if the states are at war, such contacts may be aimed at making the peace. However, the above cases are carried out by special envoys on an occasional basis, not by diplomatic representatives stationed in another country.

As time went by, contacts among nations began to rise due to increased trade. As a result, diplomatic relations were practised on a more permanent basis. Envoys were sent to be permanently stationed in other countries rather than just for occasional visits. Treaties entered into among nations were aimed not only at fostering friendly relations but also at establishing trade.

During the past 400 years, as Europe entered its present era, the various states in Europe gradually became nations. Formerly, the Pope was considered head of the Church while the Emperor was supreme in the Kingdom. However, as various nations came into existence, a nation came to be defined as a community of people residing in the same territory under the governance of a ruler, exercising sovereign power over his people and territory and not subject to the control of any outside power. In other words,

he was independent. Such nations based their relations with one another on the principle of equality since all were independent. This evolved into a principle of international law and since the nations in Europe practised Christianity in one form or another, this legal principle became applicable to Christian countries.

These Christian nations had contacts with other non-Christian countries in eastern Europe such as Turkey, an Islamic nation, which had established its capital at Constantinople in the year 1453. Previous contacts between Christians and Moslems had mostly taken place during battles since each side usually accused the other of harbouring evil intentions. When it became necessary for both sides to trade with one another, it was difficult to find a body of laws to regulate such relations since the Christian nations insisted on using their own laws.

The Islamic nations, on the other hand, based their laws on the Koran, which was applicable only to Moslems. Such was the problem. Thus, when France and Turkey concluded a Treaty of Peace and Friendship in 1535, the so-called capitulation system came into existence, namely, the French consul was given the power to deliberate and decide cases

involving French citizens in Turkey on the basis of French law. Subsequently, this system became known as extraterritoriality, that is, foreigners residing or trading in a certain territory were not considered to exist in that territory.

Subsequently, when Europeans expanded into Asia during the past three to four hundred years, they demanded special rights to propagate their religion and engage in trade. When possible, they also seized port cities as their colonies. During the past century, European expansionism increased in intensity as a result of the Industrial Revolution. Steam was used to propel ships and to drive machines in factories for the production of goods.

Consequently, this new wave of expansionism was not only aimed at the exchange of goods but also to seek a supply of raw materials for the factories as well as new markets to sell the finished products from the factories. Moreover, England had already expanded into India, thus demonstrating that European expansionism during the past century was not only geared towards trade but was also aimed at seizing lands for colonies.

China, at that time, practised a closed-door policy, avoiding any contacts or trade with foreign countries. As a result, England fought the Opium War with China in 1842 to force the Chinese to open some of their ports for trade. The English were accorded special rights, such as consular courts, concession areas, and leased areas. They also seized Hong Kong as their colony.

Like the nations of Europe, Thailand treasures her independence and has chosen to foster relations with other countries. In terms of religion, the Thai people practise Buddhism, which does not discriminate against other religions and believes that all human beings, regardless of religion, are controlled by their *karma*, or past deeds.

The Thai people favour a doctrine of happiness and wish to see humans living together happily and peacefully in harmony. Traditionally, Thailand enjoys being in close contact and trading with other countries. Thailand has never closed her doors to the outside world but, on the contrary, has regularly maintained contact with neighbouring countries and maritime nations.

Accordingly, whenever foreign countries desired to promote friendly relations and engage in trade with Thailand, the Thai people were always willing to reciprocate. History shows that they even invited foreign countries to come and trade with Thailand. On the other hand, if other countries had political inclinations which might threaten Thailand's national independence, the Thai people were always ready to protect their independence, courageously and steadfastly.

The above constitutes Thai diplomatic culture as evidenced from history. I will attempt to sketch an outline from the very beginning to portray Thailand's relations with her neighbours, the beginnings of her relations with the West, and her new relations with the West under a system of extraterritoriality, which limited Thailand's sovereign power and threatened her national independence.

In the final analysis, Thailand found it necessary to adapt Western civilisation to conform with Thai traditions in order that she might join the family of nations. The limitations to Thai sovereignty were removed and complete independence was eventually restored up till the present day.

As this book is merely a general guide to Thai diplomatic history, no references will be cited. In addition to my own personal research, I have relied on the *Royal History of Siam* (Royal Autograph Edition), the lectures of Thai history by H.R.H. Prince Damrong Rajanubhab, Mr. Wood's *A History of Siam*, journals of the Thai Research Association, and Mr. Hutchinson's *Adventurers in Siam in the 17th Century*, which also described the Chevalier de Chaumont from the Narai Period.

Wan Waithayakon

24 June 1943

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SECTION

1

**RELATIONS WITH
NEIGHBOURING COUNTRIES**

1. The Nan-Chao Period (650-1253)

National culture is inevitably a product of a country's traditions since ancient times. Therefore, it would be advisable to briefly examine the nature of Thai diplomatic relations during the Nan-Chao Period, before the Thai people settled in Thailand.

Thailand is a nation of warriors with a military style of government, yet she has always sought to maintain friendly relations with her neighbours. Consequently, during the Nan-Chao Period, envoys were dispatched to China and Tibet. Treaties of friendship were also occasionally signed, such as those with China in 1198 B.E. (650 A.D.), 1288 B.E. (745 A.D.), and 1330 B.E. (787 A.D.) as well as with Tibet in 1293 B.E. (750 A.D.) and 1363 B.E. (820 A.D.). Artisans were brought from China to develop various crafts in Nan-Chao, such as weaving. This demonstrates that the Thai nation has never existed in isolation, and has always sought to maintain contacts and engage in trade with foreign countries for economic benefits.

2. The Sukhothai Period (1238-1438)

The Thais migrated to the Chao Phya River basin over 1,000 years ago. Around the year 857, Prince Phrom founded the city of Fang (Sawankhalok) and Thais gradually migrated there over time. After Kublai Khan conquered Nan-Chao in 1253, an even larger number of Thais began to migrate to Fang.

At that time, the basin of the Chao Phya River was settled by the Laws, Mons and Khmers, who were under the influence of Indian culture. They had embraced Buddhism as their religion since the days of King Asoka (274-236 B.C.) and had also adapted Brahman customs and traditions.

The Thai people, being a nation of warriors, moved south to the Chao Phya River basin and established their supremacy in the area. They adapted the Indian culture, which was prevalent in the area, to correspond with their own traditions. The Buddhism they practised was Hinayana (or Theravada), which was a pure form of the religion. Buddhism was well suited to the nature of Thais since it preached the virtues of being independent and responsible for one's own deeds. It also taught individuals to respect one's fellow human beings and

to have compassion towards others. In this regard, Buddhism was well-suited to the Thai style of administration, which favoured a paternalistic form of government with everyone part of the same family. Brahman customs and traditions, on the other hand, granted absolute, divine power to the rulers. Accordingly, it did not correspond with the Thai nature and initially was not accepted. However, the Thais gradually integrated with the Mons and Khmers, the original inhabitants of the area, until they were assimilated as one people.

Administration during that period was city-oriented, that is, it centred around the capital, which exercised control over the provincial towns. There also existed a number of vassal states whose duty it was to send royal tribute to the capital as a sign of loyalty.

In 1238, King Inthrahit (1238-1270s) conquered the town of Sukhothai from the Cambodians and founded the Thai Kingdom.

In 1275, King Ramkhamhaeng (1275-1317) the hero who had once defeated Khun Samchon, the ruler of Chot, in a battle with both combatants mounted on elephants, ascended to the throne and proceeded to expand the boundaries of the Thai Kingdom far and wide.

Among his accomplishments, King Ramkhamhaeng succeeded in consolidating the Thai Kingdom by extending Thai suzerainty over other cities as his power and as geographical factors permitted. In terms of geography, rivers offer a natural route of communication. Therefore, in cases in which they are used as boundaries, this would be merely for the purpose of providing a clearly delimited boundary line. Mountains, on the other hand, are obstacles; therefore, they form a natural boundary which is even more clearly delimited.

The expansion of the Thai Kingdom started along the banks of the Chao Phya River and eventually reached the Mekong River basin. During a time when sailboats were still used for navigation, passage to the Indian Ocean was heavily dependent on the monsoon winds. It was therefore easier to travel by land through Tenasserim and Mergui than to journey by sea around the Malay Peninsula. For this reason, Mergui became an important trading post for advancing the economic prosperity of the Thai Kingdom. Expansion in that direction was therefore natural, especially since the local inhabitants in that area were Mon, a people who got along well with the Thais. Southward expansion towards the Malay Peninsula was also deemed appropriate. Beyond the

Mekong River basin, however, were the Banthat Yuan mountains, or Annamese Cordilleras. The Yuan, or Annamese, had a culture akin to that of the Chinese. Expansion beyond the Banthat Yuan mountains was therefore considered unnecessary.

King Ramkhamhaeng expanded the boundaries of the Thai Kingdom all the way to Luang Prabang and Vientiane on the Mekong River. In the northeast, Phayao and Chiang Mai were under Thai suzerainty but were allowed to remain free, and friendly relations were maintained with the two city-states. In the central region, Lopburi and Ayutthaya remained independent as evidenced by the fact that Law Hok Kok (Lawo) had dispatched an embassy to China in 1289. To the west, the boundaries of the Thai Kingdom were extended to the Indian Ocean and encompassed Tavoy and Tenasserim (including Mergui). To the south, the Kingdom's boundaries reached Malacca.

King Ramkhamhaeng conducted diplomacy in a prudent manner, maintaining cordial relations with Phya Mengrai and Phya Ngam Mueang, both of whom were Thai rulers. Although some differences existed among them, especially between King Ramkhamhaeng and Phya Ngam Mueang, this did not lead

to armed conflict, and it was usually left to Phya Mengrai to act as mediator.

In 1282, China sent an envoy to conclude a treaty of friendship with Sukhothai. King Ramkhamhaeng himself also travelled twice to China in 1294 and 1300. On the the latter occasion, he brought back with him skilled artisans from China to produce the pottery known as *Sangkehalok* or *Sawankehalok*, which was later exported to other countries and which has remained renowned till the present day.

There was also intercourse between Sukhothai and Ceylon in the realm of religion. A number of Thais entered the monkhood in Ceylon and brought back that country's sect of Buddhism. The Phra Buddhasihing Buddha image was also obtained from Ceylon.

It is therefore apparent that King Ramkhamhaeng's diplomatic pursuits contributed to the progress of the Thai Kingdom, not only in terms of foreign relations but also in the area of religion (with Ceylon) and trade (with China).



King Ramkhamhaeng, Phya Mengrai and Phya Ngam Mueang

3. The Ayutthaya Period (1350-1767)

In order to consolidate the strength of the Thai nation, it is necessary to promote the spiritual as well as economic standing of the people. Since the Thai people relied mainly on farming for a living and since foreign trade was basically conducted by sea, it naturally followed that the most prosperous area should be centred around the Chao Phya River basin. Meanwhile, the city of U-thong gradually built up its power and a new capital was eventually established at Ayutthaya in 1350.

The Thai people in U-thong had more contact with the Khmer than the Thais in Sukhothai. As the Kingdom expanded, it became necessary to tighten the regulations for governing the realm. Subsequently, Thai culture during the Ayutthaya Period embraced many elements of Khmer culture, which in turn was based on Brahman beliefs. One example of this was the adoption of the concept of a *divine ruler*. Moreover, in the process of consolidating the Thai Kingdom, it was inevitable that contact should be made and conflicts should arise with other powerful

states in neighbouring areas, such as Cambodia and Burma.

Cambodia came under Thai rule in 1352. Since then, Cambodia repeatedly took advantage of the Thai Kingdom's conflicts with Burma to stage periodic rebellions, prompting the Thais to take swift action to maintain their suzerainty over Cambodia. This persisted until the French expanded into Indochina.

Burma initially attempted to conquer Tavoy and Tenasserim, but the Thais always managed to regain the two towns until Ayutthaya fell in 1767. The Burmese had earlier conquered Chiang Mai in 1556. This brought Ayutthaya and Burma to war, resulting in the Thai Kingdom's loss of independence on two occasions - in 1569 and 1767. However, two of the Kingdom's greatest heroes - King Naresuan (1590-1605), on the first occasion, and King Taksin (1767-1782) together with Phra Buddha Yodfa [Rama I (1782-1809)] on the second - managed swiftly to win back freedom.

Diplomacy, therefore, was used as a tool to accompany war as the opportunity permitted. A

similar practice was used in Europe during the same period, based on what the French called *raison d'Etat*, that is, the national interests of each party. One point which should be mentioned here as an illustration of Thai culture is the request from the Burmese king, Burengnong (or Bayinnaung) for two white elephants from the Thai king, Maha Chakrapat (1549-1569). There was much debate as to whether the request should be granted, with the majority in favour since the Kingdom had a considerable number of white elephants in its possession; moreover, the Thais were not yet ready to go to war with Burma. Others argued, however, that complying with the request would only signify Thai subservience to Burma and would not be befitting for Thai dignity. They therefore advocated that the request be rejected, a proposal which won the approval of King Maha Chakrapat.

Even before the Portuguese came into contact with the Thais, the Thai Kingdom had dispatched diplomatic missions to foster friendly relations with other countries outside the Southeast Asian peninsula. Envoys were sent, for example, to China during the reign of King Boromraja I (1370-1388) and King

Intharaja (1409-1424), prompting the Chinese to commence trade with the Thai Kingdom. However, such missions were aimed only at forging cordial ties between the two kingdoms and were accompanied by the customary gifts. They were not in any way meant as a sign of subservience since the Thais continued to treasure their independence, as did the Europeans who first came in contact with the Thais over 400 years ago.

SECTION

2

**THE COMMENCEMENT OF TIES
WITH EUROPEAN NATIONS AND JAPAN**

1. Portugal and Spain

A. Portugal

In the year 1498, Vasco da Gama reached India via the Cape of Good Hope, marking the Europeans' first contact by sea with the Far East. The Portuguese arrived in Malacca in 1509 and captured that city in 1511. As Malacca had been a part of the Thai Kingdom since the reign of King Ramkhamhaeng, Portugal decided to dispatch Duarte Fernandes to Ayutthaya. That same year, the Portuguese also sent Antonio de Miranda as their envoy to the Thai Kingdom. The Thais reciprocated by dispatching an embassy to Goa, a Portuguese settlement in India. In 1516, Portugal followed up by sending Duarte Coelho as their third envoy to Ayutthaya and promised to supply the Thais with guns and ammunition. For their part, the Thais agreed to guarantee religious freedom as well as to facilitate the efforts of the Portuguese in establishing settlements and engaging in trade. Portugal also expressed her desire that Thai nationals be sent to settle down in Malacca in place of the Arab traders who had left the city following the Portuguese conquest. Moreover, the Portuguese praised the Thai Kingdom as being the most powerful

and prosperous state in the region.

As many as 300 Portuguese nationals subsequently settled down in Ayutthaya - some were traders and some were military experts. Portugal appointed a trade representative in Nakhon Si Thammarat and Pattani to conduct trade in rice, tin, ivory, gum benjamin, indigo, sticklac and sappan wood. In 1538, King Phra Jairaja (1534-1546) employed some 120 Portuguese as his body-guards. However, Ayutthaya was not the only place where Portuguese soldiers volunteered to serve. In 1549, when the Thais and the Burmese were at war, both sides used Portuguese volunteers and cannons. In 1606, Diege Lopes de Sequeira led a group of Portuguese Jesuit missionaries to Ayutthaya for the first time.

The Portuguese who came to Ayutthaya did not only seek to engage in trade on a temporary basis but also took up permanent residence there. This made it more convenient for them to trade with the Thais. However, in 1624, it so happened that Portugal seized a Dutch vessel in Thai waters and in 1628, a Thai junk was sunk by a Portuguese ship. Such incidents were prompted by political factors, that is, the Dutch during that time had expanded into the Far East and were competing with the Portuguese for trade and

ports in areas which were originally Portuguese trading centres. The armed clashes which ensued between the Thais and the Portuguese were therefore mainly a product of the above-mentioned competition between Portugal and the Netherlands.

The Portuguese were no match for the Dutch and the latter subsequently established themselves as a sea power in the Far East. The Portuguese in Ayutthaya, whether traders or missionaries, were allowed to live peacefully, although there were several incidents of foreigners being expelled from the Kingdom for interfering in Thai political affairs. This demonstrates that the Thais were always ready to reciprocate with an open-mind and to provide facilities whenever foreign countries desired merely to trade and to propagate their religion, but not to become involved in domestic politics. There was no discrimination against other religions and the door was always open to trade with other countries.

B. Spain

Spain and Portugal had divided up among themselves their sphere of expansionism outside Europe. The Spanish would expand to the West, while Portugal would focus on the East. Spain expanded her territory from the Atlantic to the Pacific, securing the Philippines Islands in 1598. Don Tello de Aguirre was then dispatched from Manila as Spain's envoy to sign a Treaty of Friendship and Commerce with the Thais. Relations between the Thais and the Spanish were along the same lines as relations between the Thais and the Portuguese since Spain and Portugal at that time were on friendly terms.

2. Japan

Intercourse by sea between Thailand and other Asian nations had taken place since ancient times, particularly with India (Bengal and the Coromandel Coast) and Iran. During the period of European expansionism into the Far East, such intercourse was still taking place in the form of trade and exchanges of envoys. Since these ties did not have any impact on subsequent relations between Thailand and other countries, they will not be discussed here. Relations

between Thailand and Japan, however, need to be mentioned.

In 1593, when King Naresuan defeated Phra Maha Uparaja, the Burmese Crown Prince, in a battle on elephant-back, his army was composed of 500 Japanese soldiers. This indicated that the Japanese had entered Thailand some time before that.

These Japanese consisted of volunteer soldiers, traders and seafarers. At the time, Japan placed restrictions on its trade with foreign countries, that is, prior permission had to be obtained for this purpose. The Japanese who left their country to become volunteer soldiers or traders were adventurers at heart, as were the Europeans who had journeyed to the Far East during the same period. Many of their actions, therefore, depicted this adventurous spirit. The Japanese volunteer corps performed well if they were kept under good supervision. However, whenever they were allowed to become involved in Thai politics, problems always arose. One case in point was Yamada Nagamasa, who was conferred the title of *Okya Senabhimuk* and given command over the Japanese volunteer corps during the reign of King Songtham (1610-1628). Yamada served King Songtham with loyalty, as evidenced by his role in

supporting the King's brother to assume the throne, as was His Majesty's wish. Yamada also played a part in getting rid of Phya Silpa and in promoting Phra Arthityawong (August-September 1629) to the throne over King Prasat Thong (1629-1656). All these actions were taken out of Yamada's perception of what constituted loyalty. However, once he became too involved in domestic politics, which was totally unbecoming of a foreigner, disaster was to befall him and he was eventually poisoned.

The actions of Japanese citizens in Thailand during that period were entirely separate from the actions of the Japanese Government, which maintained friendly relations with Thailand. The Shogun had promoted cordial relations with the Thai Kingdom since the reign of King Ekatosarot (1605-1610). During King Songtham's rule, ties between Japan and Thailand grew even closer. Thailand dispatched several envoys to Japan, namely, Khun Pijitsombat and Khun Prasert in 1621, Luang Thongsamut and Khun Sawat in 1623, and Khun Raksa Sittiphon in 1626. The Shogun always responded to Thai letters, such as one requesting Japan to refrain from involvement in any actions taken by Thailand to keep Cambodia in line. The Shogun replied that

the Japanese in Thailand were basically traders who should not become involved in domestic affairs. Therefore, if ever they interfered in internal politics, Thai rulers were free to punish them as deemed appropriate.

The close relations between the two rulers were apparent from their correspondence. King Songtham, for example, once wrote: *The existence of a sea separating Thailand and Japan has made contact between our two nations difficult. However, merchant ships of both nations now ply regularly between our two countries, causing relations to become even closer. It is now apparent that you (the Shogun) have sincere affection for us, an affection even stronger than that of our immediate kin.* In reply, the Shogun's letter said: *The cordial relations between our two countries cannot be destroyed. Since we both have mutual trust, the existence of a sea between us is not of any significance.*

The two sides exchanged a large number of gifts. Thai fire arms and ammunition were popular among the Japanese as being of high quality. The Thais, for their part, were fond of Japanese horses. In terms of trade, Japan purchased as many as 15,000 pieces of deer skin from Thailand each year, not to mention tin, teak, sappan wood, boards, sugar, coconut oil, lead, and other commodities. The Japanese offered

silver bullion and copper in exchange for the goods.

Trade between Thailand and Japan came to a halt during the reign of King Prasat Thong circa 1633. The main reason for this was Japan's decision not to trade with foreign countries. The Netherlands and China, however, were allowed to carry on trade with Japan on the island of Deshima, near Nagasaki. Therefore, subsequent trade between Thailand and Japan had to pass through the Dutch and Chinese.

In sum, relations between Thailand and Japan during that period were cordial and close, although they were sometimes interrupted due to the actions of Japanese citizens in Thailand, which were unconnected to the Japanese Government. When trade relations subsequently came to a halt, this was a result of the Japanese Government's policy of isolation caused by Japanese displeasure towards European missionaries. Thailand, however, continued to seek friendly relations with Japan, as evidenced by the dispatch of envoys to that country in 1656 during the reign of King Chaiyaracha and in 1687 during the reign of King Narai (1656-1688).

3. Denmark

Trade between Denmark and Thailand first commenced in 1621 during the reign of King Songtham. On that occasion, Denmark's East India Company, established in 1616, had sent a ship to Mergui and Tenasserim under the command of a Dutch captain named Crappe. He also bore a letter from *Okya Tanausri*, the Governor of Tenasserim, the contents of which are as follows:

Letter of Okya Chaiyathibodi Srironarongaluchai Aphaiphiriyaharakromaphahu, Governor of the great city of Tenasserim, to the Reth of Athilamas:

The following royal decree is given to the great city of Tenasserim. It is hereby decreed that foreign merchants entering the harbour of the great city of Tenasserim to trade, and having accomplished their business should either be leaving the city or be moving on to the metropolis of Ayutthaya, are to be given every facility to carry on their business without cause for irritation. An old tradition exists between Athilamas and Tenasserim that merchants from Athilamas should be able to travel within the territory belonging to the great city of Tenasserim. And now the Reth of Athilamas, in consideration of our mutual regards, wishing to establish friendship with us, has instructed Captain Karabes of Athilamas to bring a ship into the port of the great city of Tenasserim. Captain Karabes

of Athilamas informs us that the Reth of Athilamas is in good health and in the good company of all his chief councillors and generals and that the country of Athilamas is happy and prosperous. We are glad to hear this and have therefore had Captain Karabes of Athilamas and his soldiers entertained as our guests. Moreover, we have permitted them to carry on their trade in accordance with all their wishes. The duties accruing to us and the fees due to our chief councillors by ancient custom have been reduced for Captain Karabes of Athilamas owing to our desire to establish a close friendship with the Reth of Athilamas. Whatever will further cement the ties of friendship between the great city of Tenasserim and Athilamas, and whatever will facilitate the continued trade of merchants from Athilamas in the great city of Tenasserim, we shall leave to the wits of the Reth of Athilamas.

Given on Friday, the 13th day of the waxing moon of the first month of the Year of the Cock, being the third decade (corresponding to the 10th of December 1621)

In another letter, the *Reth of Athilamas* was referred to as *the Retho of Dilamas*. Since Portuguese was a widely used language at the time, I surmise that the authors of the letters were attempting to write the Portuguese words *Rei de Dinamarca*, meaning King of Denmark.

The Governor of Tenasserim's letter clearly indicated that Thailand has never shut the door to trade with other countries, although customs and dues were usually levied in this connection. However, in the above case, Thailand was prepared to waive the customs and dues for the sake of friendly relations with the Danes.

4. The Netherlands

In 1608, the Dutch established a trading station in Ayutthaya and the following year, in 1609, Thai envoys were dispatched to the Netherlands. Subsequently, on 12 June 1617, the two countries concluded their first treaty whereby the Dutch obtained definite terms for the purchase of animal hides. Between 1618-1620, England and the Netherlands were at war and an English vessel was attacked by a Dutch ship at Pattani. At that time, Portugal's sea power had declined and naval supremacy was being contested between the Netherlands and England. During the reign of King Prasat Thong in 1648, when Songkhla staged a revolt, the Netherlands offered to send warships to assist the King in suppressing the rebellion. However, the ships were either late in arriving or were never dispatched

in the first place, thus marring relations between the two countries.

During the reign of King Narai in 1661, the Netherlands seized a vessel, flying the Portuguese flag, in the Gulf of Tonkin. The goods on board the vessel, however, belonged to the King of Ayutthaya, thus triggering a dispute between the Thais and the Dutch. In 1664, a group of Chinesemen laid siege to a Dutch trading station in Ayutthaya and in retaliation, Dutch ships were sent to blockade the Gulf of Thailand. Thailand was compelled to sign a treaty with the Netherlands on 11 August 1664. The treaty itself was composed of two documents, one long and one short. The contents of the latter can be summarised as follows:

1. The King of Ayutthaya and the Dutch East India Company were to maintain friendly relations.

2. The Dutch were free to trade in Thailand, without any restrictions, but were required to pay taxes and dues in accordance with the normal practice.

3. Thailand would refrain from employing Chinese on Thai ships; any such ships with Chinese on board were liable to be seized by the Dutch.

4. The Dutch East India Company had a monopoly on the export of deer hides and cattle hides from Thailand.

The long document, however, contained one additional point stipulating that in cases in which employees of the Dutch East India Company committed a serious crime in Thailand, the King of Ayutthaya had no authority to pass judgment. Such employees were instead required to be handed over to the head of the Company, to be punished in accordance with Dutch law. This clause was in violation of Thai sovereignty and was the initial example of extraterritoriality, but it must be kept in mind that the treaty was signed following the blockade by Dutch ships.

The above incident portrays the danger that politics can easily interfere with trade. In any case, the Netherlands' sea power was not long-lasting and they were eventually replaced by England. Once the political issues had passed and the Dutch concentrated only on trade, the rifts between Thailand and the Netherlands ceased to exist. The Dutch trading mission thus continued its operations until the fall of Ayutthaya in 1767.

5. England

In 1612, English ships visited Pattani and Ayutthaya, bearing a letter from King James of England. They established a trading station at Ayutthaya but trade with the Thais did not yield a good profit and the trading station was subsequently shut down in 1632.

In 1659, a number of Englishmen fled from Cambodia and in 1661 they reestablished their trading station in Ayutthaya. The English did not seem all too interested in trade with Thailand, but the Thais appeared to welcome such trade. In 1678, the Thai ruler offered to cede Pattani to the English East India Company. The proposal was not only turned down, but the Company even went so far as to assist Songkhla in rebelling against Ayutthaya.

In sum, Thailand not only opened her door to trade with all foreign countries, but she in fact desired to have contacts with England in order to balance the influence of the Dutch. England, however, was not pleased with her trade with the Thais, claiming that Thailand's foreign trade at that time was a state monopoly. In order to be imported or exported, certain goods had to be bought or sold only through the Royal Warehouse Department. Although other goods could be bought or sold freely by private

traders, the government reserved the right of pre-emption to trade such goods ahead of the Company. The Company therefore requested that the Thai authorities clearly stipulate the type and quantity of goods to be traded by the Royal Warehouse Department. The Thais, naturally, were unable to comply with this request.

The Thai authorities were not the only ones to practise a trade monopoly. The English East India Company also desired to exercise its own monopoly where England was concerned, that is, it sought to prevent other Englishmen outside the Company from trading with Thailand. Some employees of the company, however, engaged in their own private trade. Moreover, some Englishmen not connected with the Company, commonly known as interlopers, also were engaged in trade. They included George White, the benefactor of Constantine Phaulkon, and his younger brother, Samuel White.

Phaulkon was by origin a Greek, who since his youth had sought employment on board English ships. In 1675, he entered Ayutthaya alongside George White, who appointed him to be his representative. Phaulkon also had his own ship for trading with Thailand but this ship was wrecked at

the same spot as that of a Thai envoy to Iran. In any case, by 1679 Phaulkon had become an interpreter for the Royal Warehouse Department. He subsequently received swift promotions to become Luang, Phra, Phya, and finally *Chao Phya Wijayen*.

Officers of the English East India Company disliked Phaulkon since he had once been an interloper who had competed with the English for trade. Therefore, when an English trading station burned down in 1682, Phaulkon was accused of complicity. Moreover, Phaulkon's decision in 1682 to switch from the Anglican faith to Roman Catholicism further convinced the Company that Phaulkon was trying to please the French rather than the English. In actual fact, Phaulkon was not on good terms with the English but tried to maintain friendly relations with them by sending expensive gifts for George White to distribute in London, including a present for the King of England. Subsequently, King James II sent a handwritten thank-you note to Phaulkon, calling him *Our well beloved friend*. The Thai envoy, on his way to France in 1684, also passed through England.

The root of the difficulties and rift centred on private trade. Although Phaulkon was a Thai

government official, with the duty of conducting trade in the name of the *Phra Klang* (the Minister of the Treasury), he also engaged in his own private trade. At Phaulkon's recommendation, Samuel White was appointed Governor of Mergui. At the same time, White was engaged in his own trade, although his ships, which were sent to trade with foreign countries such as India, always flew the Thai flag. Thus, whenever trouble arose, it also meant that Thailand would have to become involved.

Owing to the above obstacle, the Company and the Royal Warehouse Department were unable to reach agreement. In 1686, a dispute broke out between Samuel White and a trader from Golconda in India. Phaulkon then instructed Coates to seize ships from Golconda as retaliation for Golconda's involvement in the sinking of one of White's ships, which was sailing under the Thai flag. Believing that the English East India Company may have supported White's actions, Golconda lodged a complaint against the Company. In actual fact, the Company itself was displeased with White, whom they regarded as an interloper. Therefore, in 1687, the Company sent two frigates to Mergui to capture the city. They were also instructed to seize Thai vessels stationed there and

to apprehend Englishmen employed by the Thai government, including Samuel White. However, the Thai Governor of Mergui came to the rescue and repelled the attacks. Thailand then declared war against the English East India Company in 1687 and contacts with the English were terminated.

A review of the above incidents demonstrates that the Thai side welcomed trade with the English, but the latter were unable to make a good profit owing to what they claimed was the Royal Warehouse Department's monopoly on trade. On the other hand, the Company itself sought to secure its own monopoly by not permitting private English traders to compete with the Company. The violent incidents which occurred resulted from the actions of Englishmen employed by the Thai authorities. Therefore, the lesson which can be drawn from this incident is that Thailand should exercise caution in employing foreigners and should take precautions to ensure that such foreigners serve the country's interests and not their own.

6. France

Contacts between Thailand and France commenced when Monsignor de la Motte Lambert, the Bishop of Berythe and a member of the French Roman Catholic mission, arrived in Ayutthaya in 1662. He died, however, the following year, in 1663. In 1664, Monsignor Pallu, the Bishop of Heliopolis, along with a number of French Jesuit missionaries, arrived in Ayutthaya to propagate their religion. These missionaries were granted land and lodgings, besides being accorded facilities to build a prayer hall. In 1668, a group of Islamic missionaries arrived from Acheen (or Aceh) in Sumatra but were unsuccessful in their efforts to propagate their religion. The French missionaries were heartened by this and took it as an indication that the Thais might be inclined towards Roman Catholicism. In 1669, Monsignor Laneau, the Bishop of Metellopolis, arrived as head of a Roman Catholic mission in Indochina, with headquarters at Ayutthaya.

In 1680, a ship was sent by the French East India Company to trade with Thailand and was warmly received by the Thais. Phya Pipatkosa was dispatched as the first Thai envoy to France to forge friendly relations with that country. The Thais intended to

offer Songkhla (which at the time was rebelling against Thai rule) to the French, but Phya Pipatkosa's ship was wrecked and he died before ever reaching France.

It has already been mentioned that Phaulkon had converted from the Anglican faith to Roman Catholicism in 1682. He tended to socialise with the French Jesuits, who wielded considerable influence over King Louis XIV. These Jesuits hoped to convert King Narai to Christianity, particularly, Roman Catholicism. Phaulkon, meanwhile, aimed to promote friendly relations and trade with France since he was not on good terms with the English East India Company. In 1684, Thailand sent her second diplomatic mission to forge friendly ties with King Louis XIV, passing through England on the way to France. Frère Vachet, a French priest, acted as interpreter. This time, the Thais sent lower ranking officials, Khun Pijaiwanit and Khun Pijitmaitri, for the sole purpose of asking France to appoint an embassy to Thailand to sign a treaty of friendship.

In 1685, the French sent the Chevalier de Chaumont as ambassador to sign the said treaty. He was accompanied by the Abbé de Choisy. The primary aim of the French Embassy was to try to

convert King Narai to Christianity, while the Thais sought to conclude a treaty of friendship and trade with the French. King Narai refused to change his religion but agreed to sign a convention with France which facilitated French trade with the Royal Warehouse Department. The French were required to pay the usual customs and dues. They were also given a monopoly over the tin trade in Thalang (Phuket). At the same time, Songkhla was ceded to the French. The manager of the French company was also given the authority to punish company employees who were guilty of criminal offenses.

The above convention was only a provisional document. Thailand dispatched a third diplomatic mission to France, headed by Phra Wisut Sunthon (Kosa Pan), an astute diplomat, and accompanied by de Chaumont. The French wished to acquire Mergui instead of Songkhla, but Kosa Pan pointed out that Mergui was a long distance away from the Thai capital. Contacts by sea would have to take a detour around the Malay Peninsula, while trips by land would consume a lot of time. Upon consulting their map, the French found this to be the truth. In actual fact, however, Mergui was a port of great importance to Thailand since it provided an outlet to the Indian

Ocean. Some historians believe that the Thai mission aimed to ask French troops to come to Thailand but there is no evidence to support this theory. What the Thais actually sought were experts in various fields, including military affairs, although it is doubtful that this included French troops.

The Thai delegation returned with a second embassy from France, headed by Simon de la Loubère and Claude Céberet du Boullay. 1,400 French troops also arrived, under the command of General Desfarges, along with 300 skilled artisans. Father Tachard also accompanied the mission. The agreement, which was concluded in 1687, was a commercial treaty which granted a number of special privileges to French companies, such as exemption from customs and duties in trading with Ayutthaya. The exemption did not, however, include prohibited goods such as white saltpetre, black saltpetre, sulphur, fire arms and other weapons, for which permission had to be sought. The French company was given a monopoly over the tin trade in the town of Thalang, Bangklee and was permitted to establish branches on the islands near Mergui. Moreover, if employees of the Company were involved in a legal dispute, the matter was to be decided by the Company's Chief

stationed in the town of the dispute, who had been accorded judiciary power by the French king. In cases in which company employees were embroiled in a dispute with individuals not connected with the company, such dispute was to be decided by a Thai judge, sitting with a French representative.

The Thais did not of their own free will give the French Company Chief the authority to decide legal cases in Thailand since this constituted a violation of Thai sovereignty. The administration of foreigners residing in Thailand at the time involved dividing such foreigners into separate categories, based on their nationality. An officer was appointed as the head of each category and was placed under the supervision of Thai government officials, who answered to the *Phra Klang*. This arrangement was aimed at resolving problems which could arise since each people had a different culture. Therefore, the granting of judiciary authority constituted a special privilege which did not correspond with Thai traditions. The Thais had only acquiesced because of Phaulkon, who was a key figure in the negotiations, not to mention the presence of a large number of French troops in the country. Thailand's only objective was to seek friendly relations and trade ties with France, while the French

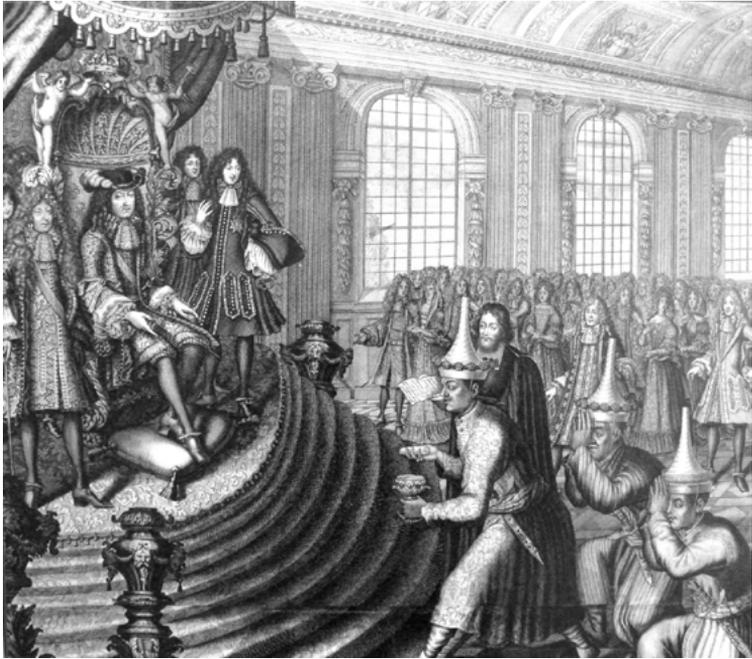
had political aims, that is, to convert the Thai king to Christianity. The stationing of French troops in Thailand also posed a threat to the independence of the Thai nation. For this reason, King Petraja (1688-1703) decided to get rid of Phaulkon and the French in order to maintain Thai independence. The move was clearly not due to any animosity towards foreigners on the part of the King since the Portuguese and the Dutch were allowed to go about their business peacefully. Ties with England, meanwhile, had been severed because the English had tried to capture Mergui, as earlier mentioned. Even in the case of the French, King Petraja agreed to consider entering into a new treaty when Tachard returned for negotiations in 1698. However, Tachard kept insisting on building a French fort at Tenasserim and therefore agreement could not be reached with the Thais. Nevertheless, the Jesuit missionaries were permitted to continue preaching their religion in Thailand.

7. Summary

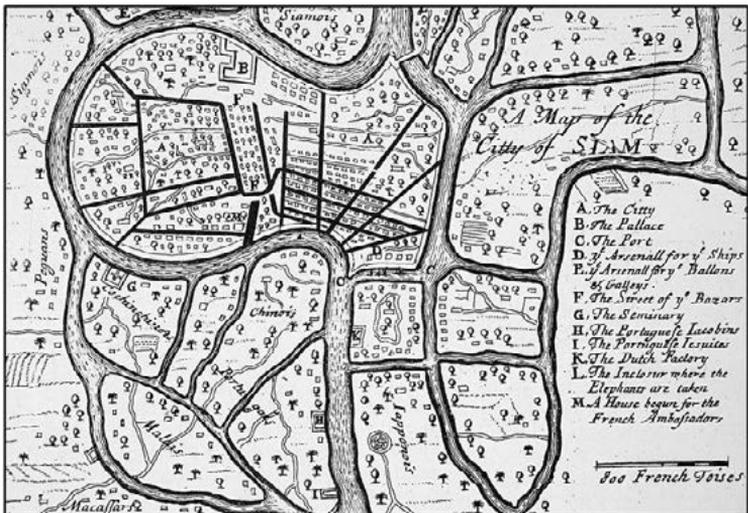
Our study shows that during the period when relations with the European countries first commenced, Thailand had opened her doors to trade with other countries. Being good Buddhists, the Thai people do not discriminate against other religions. Therefore, if the objectives of the foreigners were merely to engage in trade or to preach their religion, they were always welcome and facilities were usually provided for their benefit. On the other hand, if their aims were political and posed a threat to national independence, this could never be permitted and measures had to be taken to preserve Thailand's independence.



Chevalier de Chaumont presented his credential.



Kosa Pan presented his credential.



A Map of the City of Siam

SECTION

3

EXTRATERRITORIALITY

1. 1815-1855

After the reign of King Narai (1656-1688), Thailand was engaged in a number of conflicts with her neighbours. In 1767, Ayutthaya fell to the Burmese but King Taksin (1767-1782) and King Buddha Yodfa [Rama I (1782-1809)] were able to regain the nation's independence and unify the kingdom, including Chiang Mai. The Thai kingdom was no longer composed of only one city-state but was now a full-fledged country in the modern sense of the word.

Meanwhile, the nations of Europe were also competing against one another. England had become a sea power and expanded her dominance into India by defeating the French in the 18th century. After the Napoleonic Wars had ended in 1815, England and other European nations started to seriously expand into the Far East, prompted by the Industrial Revolution. From the year 1807, ships started to be driven by steampower and industrial plants sprung up which relied on raw materials from the Far East. New markets were also needed for the finished products manufactured by the plants. In this regard, this new wave of expansionism by the European

nations was not only aimed at commerce or trade but also colonization whenever the opportunity permitted.

Portugal had maintained friendly contacts with Thailand all along and was allowed to establish a consulate in Bangkok in 1818 without any special authority.

England meanwhile had established her stronghold in India and started to expand toward Malaya and Burma, acquiring Penang in 1786 and Singapore in 1819. In that same year (1819), the English went to war with the Burmese.

The Government in India contacted Thailand on several occasions, sending Mr. Canning to Bangkok in 1816 and John Crawfurd in 1822. No treaty was signed between the two countries, but a number of English traders started to settle down in Bangkok, such as James Hunter.

Subsequently in 1824, during her war with the Burmese, England invited Thailand to enter into an alliance. In 1826, the English annexed Arakan, Martaban, Tavoy and Tenasserim. That same year, the English Government in India sent Captain Henry Burney to sign a treaty with the Thais. The English

sought facilities for trade, but there was no request for extraterritorial privileges yet. On the contrary, the treaty stipulated that the English were to abide by the law of the land. In 1850, Sir James Brooke was sent to negotiate with the Thais about establishing a consulate, although no extraterritorial rights were requested.

The United States sent Edmund Roberts to sign a treaty in 1833 which stated that U.S. citizens and ships were free to trade at Thai ports and to have direct contact with the Thai people. The Americans did not seek extraterritorial rights and agreed to abide by the law of the land.

Since the English and the Americans were engaged in trade with Thailand, the Thais decided in 1840 to invite the French consul in Singapore to send French traders to the country. This was in accordance with Thai traditions, which offered an open door for trade to all countries alike.

In 1852, the English fought another war with the Burmese and annexed the southern part of Burma. Thailand remained neutral in this war.

Meanwhile, England forced the Chinese to open up their country to trade and, starting in 1843, began

to exercise extraterritorial privileges in that country. Subsequently in 1855, the British Government dispatched Sir John Bowring, the Governor of Hong Kong, to negotiate a new treaty with Thailand which demanded extraterritorial privileges.

2. 1855

The Treaty of Friendship and Commerce between Thailand and Great Britain was signed in 1855 and a supplementary agreement was concluded the following year. It served as a model for subsequent treaties which Thailand signed with other countries. The main points can be summarised as follows:

1. There shall be perpetual peace and friendship between the two countries.

2. British subjects are permitted to trade freely in all the sea ports of Thailand, but may reside permanently only at Bangkok, or within a distance of 24 hours' journey from the city of Bangkok.

3. British subjects shall be registered at the British Consulate.

4. With regard to judicial authority, cases involving British subjects shall be heard and determined by the British Consul, while Thai offenders shall be tried by the Thai authorities.

5. British subjects shall enjoy freedom of religion.

6. British subjects shall be subject to import duties of 3 per cent and export duties as specified in the Tariff attached to the Treaty.

7. The Thai Government shall accord Britain most-favoured-nation status, that is, Britain shall be allowed equal participation in any privileges granted by Thailand to any other nation.

8. The Treaty shall be irrevocable and may be amended only by mutual consent on both sides.

It is apparent that Great Britain derived all the advantages from the above treaty, while Thai citizens residing in Britain did not enjoy the same privileges. The treaty was also irrevocable and became known as the unequal treaty. The judicial authority granted to consular courts and the fixing of duties at a minimum rate clearly imposed limitations on Thai sovereignty. There were no clauses in the treaty which referred to extraterritoriality, but certain special privileges were accorded to the British. In any case, the British Government interpreted the treaty as conferring upon Britain extraterritorial rights in Thailand. The arrest of British subjects, for example, had to receive prior approval from the British Consul.

The collection of other taxes, besides import and export duties, also had to be approved even though it was not a political matter. This was because a person would end up going to court if he refused to pay the taxes. After drawing up the Bill, Thailand had to circulate it among all the countries concerned to seek their opinions, a process which took 14 years before it could be enacted into law. However, if Thailand did not accede to the treaty, she would in all likelihood have been forced to do so by the British since Sir John Bowring had hinted as much. Thailand's decision to sign the treaty with Britain was therefore well-founded.

Thailand concluded similar treaties with other countries such as France. At the same time, several nations asked Sir John Bowring to assist them in their negotiations with the Thais. This demonstrated that it was Thai policy to accord equal opportunities to all countries in trading with Thailand.

The treaties which Thailand concluded with other countries based on the treaty with Great Britain are as follows:

1. The Treaty of Peace, Friendship, Commerce and Navigation with the United States, B.E. 2399 (1856 A.D.).

2. The Treaty of Friendship, Commerce and Navigation with France, B.E. 2399 (1856 A.D.).
3. The Treaty of Friendship, Commerce and Navigation with Denmark, B.E. 2401 (1858 A.D.).
4. The Treaty of Friendship, Commerce and Navigation with Portugal, B.E. 2402 (1859 A.D.).
5. The Treaty of Friendship, Commerce and Navigation with the Netherlands, B.E. 2403 (1860 A.D.).
6. The Treaty of Amity, Commerce and Navigation with Prussia, in the name of the German Customs and Commercial Union, B.E. 2404 (1862 A.D.).
7. The Treaty of Friendship, Commerce and Navigation with Sweden and Norway, B.E. 2411 (1868 A.D.).
8. The Treaty of Friendship and Commerce with Belgium, B.E. 2411 (1868 A.D.).
9. The Treaty of Friendship, Commerce and Navigation with Italy, B.E. 2411 (1868 A.D.).
10. The Treaty of Commerce with Austria-Hungary, B.E. 2412 (1869 A.D.).
11. The Treaty of Friendship, Commerce and Navigation with Spain, B.E. 2413 (1870 A.D.).
12. The Declaration of Friendship and Commerce with Japan, B.E. 2430 (1887 A.D.) and the Treaty of

Friendship, Commerce and Navigation with Japan, B.E. 2440 (1898 A.D.). Japanese consular officers were given jurisdiction over Japanese subjects in Thailand until Thailand's judicial reforms were completed, that is, until criminal and civil codes were proclaimed and put into force. The Treaty could also be repudiated by either side.

13. The Declaration with Russia Relative to Commerce and Navigation, B.E. 2442 (1899 A.D.). Most-favoured-nation treatment was accorded and the Declaration could be revoked upon giving 6 months' advance notice.

3. 1855-1886

The treaties which gave judicial authority to consular officers and set fixed duties were aimed at promoting trade with foreign countries, which Thailand was keen to pursue on an indiscriminate basis. However, since Thailand's foreign trade had formerly been a monopoly of the Royal Warehouse Department, which proved inconvenient for foreign traders, the Thai Government decided to abolish such monopoly and permit foreigners to trade freely in Thailand. The consular jurisdiction and fixed duty

rates were therefore privileges accorded to foreign traders by the Thai Government in order to provide them with special facilities for conducting their business. The term *subjects* used in the treaties referred to the nationals of each country that signed a treaty with Thailand and were not in any way intended to include Asians domiciled in the colonies and protectorates of such countries.

After the aforementioned treaties had been concluded, Thailand's foreign trade gradually increased. In 1852, Monsignor Pallegoix mentioned that there were only 3 western traders in Siam - one British, one Dutch and one Portuguese but no French. However, in 1856 some 200 foreign ships arrived in Bangkok, including 25 from France. In 1857, another 200 ships arrived, only seven of which were from France. Therefore, the number of foreign traders enjoying extraterritorial privileges in Thailand was still small. Even by the year 1914, there were only 240 French citizens residing in Thailand, including women and children.

After trade by the European nations had expanded within Thailand to other areas beyond Bangkok, the inconvenience of requiring foreign traders to be tried

by consular courts suddenly became apparent since such courts existed only in the capital. Moreover, if an appeal was lodged to a verdict, this would have to be sent overseas. In the case of France, the appeal initially had to be referred to Pondicherry. This was subsequently changed to Saigon, although it did not significantly improve matters.

Therefore, strictly speaking in terms of trade advantages, the system of consular courts proved to be inconvenient for foreigners. The report of the British Consulate in Chiang Mai in 1899 stated: *For all foreigners, whether western or Asian, domiciled in upcountry areas, it was more convenient to abide by Thai laws and judicial processes. Generally speaking, if such laws were followed, they actually provided for greater justice than European laws exercised in consular courts.*

Difficulties subsequently arose as a result of political factors rather than trade when Britain and France expanded into the Far East and started competing with one another for colonies. Britain annexed Arakan, Martaban, Tavoy and Tenasserim in 1826; she also captured the southern part of Burma in 1852 and annexed the whole country in 1886. The French, meanwhile, colonized Cochinchina

in 1859, and on 11 August 1863, a treaty of friendship and commerce was signed between France and Cambodia. This turned Cambodia into a French protectorate although she was at the time a Thai vassal state by virtue of a treaty with Thailand signed on 1 December 1863 and ratified on 4 January 1864. In any case, France signed a treaty with Thailand relating to Cambodia in 1867 by which Thailand agreed to accept the French protectorate over Cambodia, although Battambang and Siem Reap remained in Thai hands. The French then conquered Tongkin in 1883 and in 1884 Annam placed herself under French protection.

The British and French presence in countries neighbouring Thailand inevitably led to problems arising from their subjects. The two countries interpreted the term *subjects* to include citizens of their colonies and protectorates, and Thailand had no choice but to accept this. An agreement was, however, reached to provide for some flexibility with regard to consular jurisdiction.

The Treaty of 1867 between Thailand and France stipulated that Cambodian subjects who committed crimes on Thai territory shall be tried and punished

by the Thai Government according to the laws of the country. This illustrated that Cambodians remained under Thai legal jurisdiction and did not receive any special rights in this regard.

In 1883, Great Britain signed a treaty with Thailand for the prevention of crime in the territories of Chiang Mai, Lampang, and Lamphun, as well as for the promotion of commerce between British Burma and the above territories. With regard to legal jurisdiction, the treaty stipulated that in all civil and criminal cases occurring in the above territories and in which British subjects were parties, a Thai judge shall deliberate and decide such cases in accordance with Thai law. However, British consular officers were entitled to be present at the trial and to make any suggestions to the judge which they may deem proper in the interests of justice. Moreover, in cases in which the accused or defendant was a British subject, British consular officers may, in the interests of justice, request that such cases be transferred for adjudication to the British Consular Court. Any appeals should be submitted to Bangkok where a Thai judge and British consular officer would consult with one another on the matter. The courts under

this system subsequently became known as international courts but, in actual fact, they were Thai courts in which foreign consular officers also played a part.

Britain's willingness to conclude such a treaty demonstrated that the system of consular courts was inconvenient, especially in the provincial areas. In 1886, France signed a similar treaty with Thailand concerning Luang Prabang, with the objective of furthering trade between Annam and Luang Prabang. Thus, it was apparent that if trade benefits were the sole consideration, the power of the consular courts would be gradually eased. On the other hand, whenever political factors intervened, the power of the consular courts would be strengthened.

SECTION

4

**THREATS TO
NATIONAL INDEPENDENCE**

1886-1896

In 1886, Monsieur de Lanessan published a book entitled *France's Colonial Expansion*. During this period, the French Government was pursuing an expansionist policy in Africa and Asia, and was competing with Britain for colonies. After the British had established themselves in Burma and the French had occupied Cambodia, Cochinchina, Annam and Tongkin, the next step was Thailand.

Thailand had signed a number of treaties with European nations, starting with a treaty with Britain in 1855. Since then, Thailand tried to foster friendly relations with all countries, sending Phya Montri Suriyawong (Chum Bunnag) as special envoy to Great Britain in 1857 and Phya Sripipat (Pae Bunnag) to that same country in 1861. H.R.H. Prince Prisdang Chumsai was appointed Thai Minister to Great Britain in 1882. Phya Sripipat was appointed special envoy to France in 1861 and Phya Surawongwaiwat (Worn Bunnag) was also appointed special envoy in 1897. In 1882, H.R.H. Prince Prisdang was named as Thai Minister to France as well as to Italy, Germany, the Netherlands, Belgium, Austria-Hungary, Denmark, Sweden, Norway, Spain and Portugal.

H.R.H. Prince Naresvoraridhi became the first Thai Minister to the United States in 1885. Phya Suriyanuwat (Kerd Bunnag) was named Thai Minister to Russia in 1897 and Phya Riddhirongronnachet (Sukh Chuto) was sent as Minister to Japan in 1899.

In 1885, Thailand became a party to the Postal Union Convention, which might be considered to mark her formal entry into the family of nations. However, some argue that since the Postal Union Convention was a technical rather than a political document, Thailand did not really join the family of nations until 1899 when she signed the Hague Convention on the Laws of War.

In any case, between 1886-1896, Thailand had to face a number of threats resulting from the competition for colonies between Britain and France. During this period, the latter expanded into Thai territory, annexing Cambodia, which had been a Thai protectorate, in 1867, and moving further into Thai territory, beginning in 1886. In that year, France signed a treaty with Thailand establishing a French consulate in Luang Prabang, situated on the left bank of the Mekong River. The treaty also recognized the jurisdiction of Thai courts over French citizens and

subjects in Luang Prabang, although this was a special court on which the French Consul could also sit. In any case, in signing this treaty, France seemed to recognize that Luang Prabang was part of Thailand.

There was a problem, however, concerning the extent of Thai territory on the left bank of the Mekong River. Between 1886-1887, the Haws had mounted a number of raids on Thai territory against the towns of Sibsong Chuthai and Huapan Tangha Tanghok, located between Luang Prabang and Tongkin. Thai forces were deployed to suppress the raids but the French also dispatched their own troops to the area, claiming that it belonged to Annam, which at that time was a French protectorate. A temporary verbal agreement was reached between Thailand and France whereby both sides agreed to retain the territory occupied by their own troops. In effect, this meant that France was able to gain control of Sibsong Chuthai and Huapan Tangha Tanghok.

The French believed that the Mekong River could be used as a route for navigation to China. After surveying the river, the French Consul in Luang Prabang, Monsieur Auguste Pavie, arrived at the same conclusion. In succeeding years, the French sent a

number of survey teams into Laos in an attempt to expand France's influence all the way to the Mekong River.

France's decision to use the Mekong River as a navigation route for transporting goods from China had an impact on Britain, which had annexed all of Burma by the year 1886 and was expanding toward the Mekong River around territory occupied by the Thais extending north of Chiang Saen all the way to China. As a result, the French and the British, which were already competing for colonies in Africa, continued their rivalry on Thai territory.

France wished to acquire the territory along the left bank of the Mekong River extending to Cambodia. To this end, the French cited the Treaty signed in 1867, which stated that French ships were free to sail *in the parts of the Mekong River and the Great Lake bordering on Thai territory*. They interpreted this as meaning that Thai territory extended only as far as the Mekong River and did not include the River itself. On the other hand, if the Mekong River actually belonged to the French, then there was no need for the Treaty to state that French ships were free to sail on it. This clause thus demonstrated that Thailand

had a share in the Mekong River, and since the French wished to use the river for navigation, they had to provide for this in the Treaty. In any case, the Treaty of 1867 referred only to Cambodia and did not cover Laos. Therefore, the French had no grounds for demanding the entire left bank of the Mekong River other than to claim that Annam, a French protectorate, exercised suzerain rights over Laos. However, the inhabitants of Laos were Thais, not Annamese, and the Annamese Cordilleras formed a barrier between Laos and Annam. Moreover, the maps published by the French prior to 1893 showed Laos as being part of Thailand.

When the French expanded into the left bank of the Mekong River, which belonged to Thailand, it was inevitable that clashes should break out. On 14 March 1893, Monsieur Pavie, the French Chargé d’Affaires in Bangkok, was instructed to demand Thailand’s immediate withdrawal from the left bank of the Mekong River and compensation for French subjects whom France claimed had sustained damages. With the French gunboat *Le Lutin* anchored in Bangkok, the Thais had no choice but to comply.

In the meantime, two incidents broke out in Laos. First, a French captain by the name of Thoreaux was captured. Then, Monsieur Groscurin was killed and the French claimed that he was murdered. The Thai Government proceeded to release Captain Thoreaux and agreed to pay compensation if it was determined that Monsieur Groscurin had actually been murdered. The French, however, resorted to harsh measures by sending Monsieur Le Myre de Vilers as special envoy to Bangkok, with instructions to withdraw the entire French diplomatic mission and to send French warships to blockade the mouth of the Chao Phya River if Thailand refused to recognize France's right over the left bank of the Mekong River or to pay compensation to French subjects.

Upon seeing the harsh actions undertaken by France, the British decided to send 3 warships to provide protection to British citizens in Bangkok. The French therefore took the opportunity to step up their actions and instructed Monsieur Pavie to notify the Thai Government that France was sending 2 more warships to Bangkok. The Thai Government requested, and obtained France's agreement, that negotiations be held between the two sides before

France carried out such a move. However, the French naval commander in Saigon ordered the warships to proceed to Bangkok in contravention of the French Government's agreement. The Thai naval forts therefore had no choice but to offer resistance.

On 20 July 1893, France issued an ultimatum with a 48-hour deadline, demanding that Thailand carry out the following: 1) formally recognize and respect the rights of Annam and Cambodia over the left bank of the Mekong River and the islands in the Mekong River, 2) withdraw Thai forces from the left bank within one month, 3) pay compensation for damages inflicted on French troops and warships, 4) punish Thai offenders and offer reparations to the families of French subjects who were adversely affected by Thai actions, 5) pay an indemnity totalling 2 million francs to French subjects for various claim, 6) deposit a sum of 3 million francs as guarantee that Thailand would abide by all the above demands.

The Thai Government accepted France's ultimatum but requested that the rights of Annam and Cambodia over the left bank of the Mekong River be recognized only up to the 18th degree parallel. Thailand also sought joint use with France of the islands in the

Mekong River. The French were displeased with the Thai proposal and proceeded to withdraw all their consular officers from Bangkok as well as to blockade the Gulf of Thailand.

Such actions constituted a threat to the country's independence. The incident caused relations between France and Britain to grow tense but France still refused to back down. Consequently, Thailand was forced to sign a treaty with France on 3 October 1893 which contained the following main points:

1. The Thai Government renounced its claims over the territory on the left bank of the Mekong River as well as the islands in the river.

2. The Thai Government would not construct any fortifications or military establishments within a 25-mile radius of the right bank of the Mekong River.

3. The French Government had the right to establish consulates wherever it deemed appropriate, such as in Nakhon Ratchasima and Nan.

Moreover, a convention was also concluded which set out terms for the withdrawal of Thai forces from the left bank of the Mekong River, the punishment of Thai offenders, and the occupation of Chantaburi by the French until Thailand complied with all the terms of the Treaty.

However, despite Thailand's compliance with all of the terms of the agreement, France still refused to withdraw from Chantaburi. Relations between Thailand and France were therefore far from smooth during this period. The French and the British continued to compete with one another for the territory to the north of Chiang Saen extending to China, believing that the Mekong River could be used to navigate the entire route.

France used the registration of French subjects in Thailand as a tool to expand her influence in the country. In the year 1880, only a small number of people were registered as French subjects - 29 Frenchmen, 21 Annamese and Indians, and 96 Chinese. In actual fact, the Chinese should not have qualified as French subjects, but the French considered that their employees should also be accorded protection by the French Legation. This constituted a broad interpretation of the terms of the Treaty. Between 1893 and 1896 the number of persons registered as French subjects increased from 200 to 30,000, with the French Legation actively encouraging all French employees to register as French subjects. In Bangkok alone, the number of Chinese registered as French

subjects in the year 1912 totalled 724 persons. In contrast, only 36 Chinese were registered as British subjects during the same period in Bangkok.

The actions of the foreign legations and consulates in increasing the number of their subjects by registering all their employees posed considerable problems to the Thai Government in the administration of the country. Such subjects, whose civilisation was no different from the Thais, were not limited only to Bangkok but could also be found in upcountry areas. Even the Cambodians, who by the Treaty of 1867 had been placed under the jurisdiction of Thai courts, were registered as French subjects. Therefore, as long as France continued to entertain political designs, there was no way to limit the power of French consular courts.

In 1896, France and Britain concluded an agreement concerning their colonial expansion in Africa (the lower Niger River and Tunis) and the Far East (the territory north of Thailand extending to China). In 1893, the two countries had agreed to maintain this territory in the Far East as a neutral zone, but they now decided to divide the territory between them, using the thalweg in the Mekong River as a boundary

line. A declaration was also concluded concerning Thailand, which contained the following main points:

1) The French and British Governments vowed not to send troops to the region between the Mekong River and the Tenasserim Mountains without the prior consent of the other party. Moreover, the nationals of either party residing in the region would not receive special privileges or benefits which nationals of the other party did not receive.

2) The agreement should not impede any action which both sides may concur to take and which is considered essential for the preservation of Thailand's independence. It was also prohibited to enter into an agreement with a third country in matters forbidden by this declaration.

It is worthy of note that Thailand played no part in concluding this declaration. Moreover, the terms of the agreement merely stated that France and Britain would not violate Thai sovereignty without the prior consent of the other party, which meant that they could both concur to violate Thailand's sovereign rights. This declaration, therefore, did not offer any guarantee of Thai independence but merely indicated that France and Britain would not go to war over Thailand.

SECTION

5

**THE ELIMINATION OF
EXTRATERRITORIALITY**

1. Limiting the Right of Registration of British Subjects (1899)

King Chulalongkorn (Rama V (1868-1910)) fully realized that it was necessary to modernize the administration of the country in order to protect the nation from foreign encroachment. A number of ministries were therefore established, beginning in 1892. To this end, the administrative system of foreign countries was used as a model. Thai students were sent to receive their education overseas and foreigners were also employed to provide assistance in technical matters. His Majesty personally visited Europe in 1897 and in 1899 Thailand participated in a conference in the Hague, which drafted the Convention on the Laws of War. This marked Thailand's formal entry into the family of nations.

In 1899, Thailand concluded a treaty with Britain which limited the right to register British subjects. The main points of the treaty stipulated that all British natural born or naturalized subjects, other than those of Asian descent, as well as their children and grandchildren, were entitled to be registered as British subjects. Only the children of British subjects of Asian descent were entitled to be registered as British

subjects, while the grandchildren were required to assume Thai nationality.

2. Limiting the Power of French Consular Courts (1902-1907)

Thailand tried to reach an agreement with France to limit the right to register French subjects, along the same lines as the treaty with Britain. In 1902, a treaty was concluded with the French Government but fell through because it did not receive the approval of the French Parliament.

In 1904, Thailand and France concluded another convention which limited the right to register French subjects. It stated that Asians who were entitled to register as French subjects had to belong only to French colonies or protectorates. Their children also received this right. The convention did not in any way affect the right of French citizens of any generation to register as French subjects. All French subjects, including those of Asian descent, were under the legal jurisdiction of French consular courts, with the exception of cases occurring in Chiang Mai, Lampang, Lamphun and Nan, which were to be heard by an International Court. Thailand

did not benefit fully from this convention but had to cede additional territory to France, namely, two areas on the right bank of the Mekong River - one opposite Luang Prabang and another opposite the southern part of Laos. In return, the French agreed to withdraw from Chantaburi, which they should have done ever since Thailand's compliance with the terms of the Treaty of 1893. Therefore, the return of Chantaburi could not be regarded as an exchange of any kind and even the Preamble to the Convention did not refer to it as such.

In 1905, Denmark and Italy signed conventions with Thailand relating to the right to register their subjects and the authority of consular courts. The conventions followed along the same lines as the treaty with France but the two countries did not demand anything in return.

In 1907, Thailand and France concluded another treaty by which Thailand ceded to France the provinces of Battambang, Siem Reap and Srisophon, which the Treaty of 1869 recognized as belonging to Thailand. In return, France made some minor adjustments in Thailand's coastal boundary. With regard to the jurisdiction of consular courts, it was agreed that

Asians who had previously been registered as French subjects and proteges should be tried by international courts until all of Thailand's legal codes had been promulgated and had come into force. Asians who were subsequently registered as French subjects or proteges shall be under the jurisdiction of ordinary Thai courts. Both categories of Asians enjoyed the same rights and duties as Thai citizens but were exempt from military service. The preamble to the treaty referred merely to a sort of exchange, although it is difficult to conceive how this was possible since the territories supposedly exchanged were vastly different in terms of size and value. Nor could it be considered that the territories had been exchanged for consular jurisdiction since the Asians who were tried in International and Thai courts all received the same rights as Thai citizens. At the same time, French citizens continued to remain under the jurisdiction of consular courts.

3. Eliminating the Jurisdiction of British Consular Courts (1909)

In 1909, Thailand and Great Britain concluded a treaty whereby Thailand ceded Kelantan, Trengganu,

Kedah, Perlis and adjacent islands to Britain. In return, the British agreed that all registered British subjects, whether western or Asian, would come under the jurisdiction of the International Courts until all of Thailand's legal codes had been promulgated and had come into force, at which time jurisdiction would be transferred to the ordinary Thai courts. All other British subjects, both western and Asian, who were registered after the date of the Treaty, were placed under the jurisdiction of ordinary Thai courts. However, it was also stipulated that a European legal adviser was to sit in the Court of First Instance in all cases in which a British subject was a defendant. Such subjects enjoyed the same rights and duties as Thai citizens but were exempt from military service. As in the case of the French, it cannot be said that a fair exchange took place since British subjects enjoyed all the same rights and duties as Thai citizens and were even permitted to own land. Moreover, the British also acquired 4 provinces from Thailand.

In 1913, Denmark and Thailand signed a convention relating to consular jurisdiction along the same lines as Thailand's treaty with Britain although the Thais did not have to give up anything in exchange.

4. Abolishing the Extraterritorial Rights of Germany and Austria-Hungary (1917)

Traditionally, Thailand has always enjoyed trading with all foreign countries, Germany included. The commercial ties between Thailand and Germany had progressed satisfactorily all along. German products were very popular among the Thais, who had amicable feelings towards the Germans. During the First World War, however, Thailand became entangled in international politics and decided to join the war owing to the influence of Britain and the United States in the Far East. The peace treaty that ensued provided for the termination of Germany's and Austria-Hungary's extraterritorial rights in Thailand as of 22 July 1917. In 1924, Germany concluded a provisional economic arrangement with Thailand and in 1928 the two countries signed a Treaty of Friendship, Commerce and Navigation based on equal rights and the principles of International Law.

5. Revising the Treaties with Foreign Countries (1919-1926)

After Thailand had reorganized and modernized her internal system of administration, the root cause for the existence of extraterritoriality in the country was eradicated. Therefore, it was only fair that the foreign countries concerned should give up their extraterritorial rights. Extraterritoriality posed two major obstacles: 1) consular jurisdiction 2) the fixing of duty rates. Customs duties, for example, could not exceed 3 per cent of the value of the goods, which was a considerably low rate, when one considers that Turkey was allowed to levy a duty of 11 per cent.

It has already been mentioned that the treaties which gave rise to extraterritoriality contained clauses permitting the amendment, but not renouncement, of such treaties with the mutual consent of both parties. Thailand therefore found it necessary to enter into negotiations with all countries concerned, starting in 1919. The negotiations themselves lasted many years before any agreement was reached. Since the matter involved the interests of foreign countries, it was not an easy task to convince them to abandon their interests. The agreement reached thus represented a compromise on both sides.

The revised treaties contained two main points:

1) Consular jurisdiction was to be terminated and nationals of the parties to the treaty were to come under the jurisdiction of Thai courts after the promulgation and putting into force of all Thai legal codes and a period of 5 years thereafter. If diplomatic and consular officials deemed it appropriate to evoke a case in which its nationals were accused and adjudicate the case themselves, they were empowered to do so in the interests of justice, except if such cases are pending before the Supreme or Dika Court.

2) Thailand was free to set her own tariffs but was still under certain constraints. The Treaty of Commerce and Navigation with Britain, for example, stipulated that during the first 10 years Thailand would not collect any customs duty in excess of 5 per cent *ad valorem* for cotton yarns, threads, fabrics and all other manufactures of cotton, iron and steel as well as machinery and its parts.

The revised treaties included the following:

1. Treaty of Friendship, Commerce and Navigation with the United States. B.E. 2463 (1920 A.D.)

2. Treaty of Friendship, Commerce and Navigation with Japan, B.E. 2467 (1924 A.D.)

3. Treaty of Friendship, Commerce and Navigation with France, B.E. 2468 (1925 A.D.)
4. Treaty of Friendship, Commerce and Navigation with the Netherlands, B.E. 2468 (1925 A.D.)
5. General Treaty of Friendship with Great Britain, B.E. 2468 (1925 A.D.)
6. Treaty of Commerce and Navigation with Great Britain, B.E. 2468 (1925 A.D.)
7. Treaty of Friendship, Commerce and Navigation with Spain, B.E. 2468 (1925 A.D.)
8. Treaty of Friendship, Commerce and Navigation with Portugal, B.E. 2468 (1925 A.D.)
9. Treaty of Friendship, Commerce and Navigation with Denmark, B.E. 2468 (1925 A.D.)
10. Treaty of Friendship, Commerce and Navigation with Sweden, B.E. 2468 (1925 A.D.)
11. Treaty of Friendship, Commerce and Navigation with Italy, B.E. 2469 (1926 A.D.)
12. Treaty of Friendship, Commerce and Navigation with the Belgian-Luxembourg Economic Union, B.E. 2469 (1926 A.D.)
13. Treaty of Friendship, Commerce and Navigation with Norway, B.E. 2469 (1926 A.D.)

6. The Convention Concerning Indochina (1926)

Numerous problems arose over the border along the Mekong River since the French considered the entire river to belong to France. They claimed that since the Treaty of 1893 had ceded all the islands in the Mekong River to France, the river itself should be owned by France. However, according to the principles of International Law, the thalweg of the river was normally considered to form the boundary line. Thailand, therefore, signed a convention with France in 1926 aimed at reaching an understanding over Indochina. The main points of the treaty are as follows:

1. In those parts of the river in which the Mekong was not divided into several branches by islands, France accepted the thalweg as forming the boundary line between Thailand and Indochina. In those parts in which the Mekong was divided by islands, the boundary line was formed by the thalweg of the branch of the river nearest to the Thai shore. Some lands on the river were attached to the shore and

could not be considered islands proper; therefore, these lands were determined to be part of Thai territory.

2. The Treaty of 1893 had stipulated that only the right bank of the Mekong River was to be a demilitarized zone, but the Treaty of 1925 specified that the left bank of the river was also to be demilitarized. The Convention concerning Indochina thus set aside an area 25 kilometres wide on each side of the boundary line as a demilitarized zone.

7. Thailand's Cooperation in

International Affairs (1925-1932)

After Thailand had regained most of her independence, the Thai Government proceeded to pursue a policy of peaceful cooperation with other nations. The Treaty of 1925 with France, for example, stated that disputed questions, which could not be settled by amicable agreement through diplomatic channels, would be submitted to an arbitrator or to the Permanent Court of International Justice. In 1925, Thailand and Britain signed an Arbitration

Convention and in 1928, a Treaty of Judicial Settlement and Conciliation was signed with the Netherlands. Moreover, Thailand sought to promote friendly relations on a wider scale, concluding a Treaty of Friendship and Commerce with the Swiss Confederation in 1931 as well as participating in the affairs of the League of Nations, particularly on social and human rights issues.



King Chulalongkorn (Rama V)

SECTION

6

COMPLETE INDEPENDENCE

1. 1932-1937

In 1932, Thailand's system of administration was changed from an absolute monarchy to a constitutional government. Of the six principles declared to be the basis of the new government's policy, independence was at the head of the list, that is, full sovereignty had to be regained and all commitments which impeded the progress of the country had to be cast aside.

These impediments consisted of 1) the limited nature of Thai sovereignty which still persisted for the time being, 2) certain unequal obligations, and 3) certain reciprocal obligations which, in effect, constituted an unreasonable limitation on Thailand's freedom in formulating her national policy.

1. With regard to legal jurisdiction, most countries still had the right to evoke cases in which their nationals were defendants and to submit the matter for the adjudication of consular courts, except if the case had already reached the Dika or Supreme Court. Such consular jurisdiction would persist until a period of 5 years after the promulgation and putting into force of Thailand's legal codes. In regard to customs tariffs, limitations were placed on the collection of import duties for certain products, such as cotton

and cotton products, iron and iron products, automobiles, machinery, hats, condensed milk, and spirits. Such products would continue to be exempted for a period of 10 years, ending in 1936.

2. Thailand's commitment was one-sided with regard to a) drawbacks on the duties levied on imported gunny bags, b) the right to levy customs tariffs within a 25-kilometre radius of the Mekong River boundary, c) the granting of national treatment in regard to immovable property, and d) recognition of the foreign nationality of certain categories of people born in Thailand.

3. Thailand was prohibited from establishing monopolies or making requisitions for military purposes.

After a constitutional form of government had been installed, Thailand proceeded swiftly to promulgate all of her legal codes, namely, the Civil and Commercial Codes Books V and VI, the Civil Procedure Code, the Criminal Procedure Code, and the Law on the Constitution of the Courts. These were issued and put into force in 1935 and, as a result, the right of evocation of cases came to an end in 1940.

In order to eliminate the above impediments, the constitutional government entered into a series of

negotiations to conclude new treaties with foreign countries which were in accordance with the standard of civilised nations, in other words, equal treaties. The new treaties were based on the principles of reciprocity, justice, and mutual benefits. They accorded most-favoured-nation treatment in regard to commerce and navigation as well as national treatment in taxation. Such treaties were to remain in force for a period of 5 years and could thereafter be terminated by either party so that amendments could be made to clauses which were difficult to implement.

The new series of treaties consisted of the following:

1. Treaty of Friendship and Commerce with the Swiss Confederation, B.E. 2480 (1937 A.D.)

2. Treaty of Friendship, Commerce and Navigation with the Belgian-Luxembourg Economic Union, B.E. 2480 (1937 A.D.)

3. Convention on Resettlement with Belgium, B.E. 2480 (1937 A.D.)

4. Treaty of Friendship, Commerce and Navigation with Denmark, B.E. 2480 (1937 A.D.)

5. Treaty of Friendship, Commerce and Navigation with Sweden, B.E. 2480 (1937 A.D.)

6. Treaty of Friendship, Commerce and Navigation

with the United States of America, B.E. 2480 (1937 A.D.)

7. Treaty of Friendship, Commerce and Navigation with Norway, B.E. 2480 (1937 A.D.)

8. Treaty of Commerce and Navigation with Great Britain, B.E. 2480 (1937 A.D.)

9. Treaty of Friendship, Commerce and Navigation with Italy, B.E. 2480 (1937 A.D.)

10. Treaty of Friendship, Commerce and Navigation with France, B.E. 2480 (1937 A.D.)

11. Treaty of Friendship, Commerce and Navigation with Japan, B.E. 2480 (1937 A.D.)

12. Commercial and Customs Arrangement with France concerning Indochina, B.E. 2480 (1937 A.D.)

13. Treaty of Friendship, Commerce and Navigation with Germany, B.E. 2480 (1937 A.D.)

14. Treaty of Friendship, Commerce and Navigation with the Netherlands, BE. 2480 (1937 A.D.)

15. Treaty of Friendship, Commerce and Navigation with Portugal, B.E. 2481 (1938 A.D.)

By virtue of these treaties, Thailand was able to regain complete independence with regard to legal jurisdiction and taxation. Thailand's legal courts had the jurisdiction to adjudicate cases involving both Thai and foreign nationals. Customs duties and other

taxes could be levied as deemed appropriate by the Thai Government. The Government was also free to make requisitions for military purposes and to establish monopolies. It had the power to retain Thai nationality for all individuals born in Thailand and to reserve unowned public lands for Thai nationals. In essence, Thailand had regained complete independence.

2. After the Year 1937

After Thailand had regained complete independence and sovereignty, the Thai Government focused its attention solely on promoting prosperity in the country in accordance with the policy of H.E. the Prime Minister, Field Marshal Pibulsonggram. The Government's slogan stated that nation-building consisted of strengthening the country in every way, whether militarily, politically, economically, or culturally. To this end, Thailand should cooperate with other countries to elevate the country's standing to a position befitting her status.

World politics, at the time, was in a state of flux. Thailand cooperated closely with other countries in the League of Nations for the sake of world peace. It was noticeable, however, that the League of Nations gave consideration to international problems from

the viewpoint of Europe and was not even able to resolve European related problems. Monsieur Briand, the French Foreign Minister, proposed the idea of a European Union in 1930 but did not meet with success. In actual fact, Article 19 of the Covenant of the League of Nations stated that the League's Assembly would from time to time advise its Members to reconsider treaties which had become inapplicable and to consider international conditions whose continuance might endanger the peace of the world. Nonetheless, the League of Nations was unable to lay down the procedures for consideration of the above.

When war subsequently broke out in Europe in 1939, the Thai Government demonstrated its good intentions in the cause of peace by concluding with Japan a Treaty concerning the Continuance of Friendly Relations and the Mutual Respect of Each Other's Territorial Integrity. Non-aggression pacts were also signed with Great Britain and France on 12 June 1940, which demonstrated that Thailand sought the path of peace and preferred to reach an understanding with her neighbours through negotiations.

As earlier mentioned, Thailand had lost a great deal of her territory. The French blockade of Thailand in 1893 left considerable bitterness in the hearts of the Thai populace. The Thai Government wished to remove these ill-feelings by proposing a slight modification of the boundary on the Mekong River side. Thailand sought the return to Thai sovereignty of territories opposite Luang Prabang and Pakse, with the Mekong River serving as the boundary between Thailand and Indochina. Such attempts were, however, unsuccessful and border incidents subsequently broke out, which saw the Thais stoutly defending their country. Japan mediated in the conflict and on 9 May 1941, a peace convention was signed with France in Tokyo, whereby Thailand regained sovereignty over the two above-mentioned territories as well as Battambang and territory north of the 15th degree parallel. The demilitarized zone on both banks of the Mekong River was abolished, but one continued to be in force in the Cambodian territory recovered by Thailand. The new boundaries were demarcated on 11 July 1942.

3. Conclusion

I have recounted an outline of Thai diplomatic history from ancient times till the present by highlighting certain aspects of Thai culture related to the matter.

The Thai people are a nation of warriors, who treasure their independence, sovereignty and freedom. They are always prepared to defend the kingdom and to maintain the country's independence, courageously sacrificing life and limb for this purpose. At the same time, however, the Thais are a nation of Buddhists, idealists, humanitarians and peace-loving people. They feel compassion towards their fellow human beings and bear no prejudices against other religions. Missionaries were free to preach their religion as long as they did not become involved in domestic politics. If they did, such as during the reign of King Narai, the Thai people would never tolerate such an act.

With regard to commercial relations, Thailand has never closed her doors to trade. On the contrary, she has always provided equal opportunity for people of all nations to trade with Thailand and has even invited other countries to do so. Thailand's foreign trade was formerly in the hands of the Royal

Warehouse Department in order to protect the interests of the people who, at that time, had to compete with various adventurers. On their part, the foreign companies themselves tried to create obstacles so that their nationals would not compete with them for trade. Moreover, the foreign companies during that period also conducted foreign policy for the countries. Therefore, instead of focusing solely on trade, the companies also competed for territory and sea power. The rivalry among foreign countries thus had political repercussions for Thailand, and the Thai Government found it necessary to eradicate the political factors. In terms of trade, however, Thailand continued to welcome trade with all countries.

Subsequently, about a century ago the European nations started expanding into East Asia following the Industrial Revolution in order to seek raw materials for their factories and new markets for their goods. Such expansion was thus aimed at securing new colonies. Thailand provided facilities for these countries to engage in trade by agreeing to abolish the Royal Warehouse Department's monopoly and permitting the foreign countries to exercise extraterritorial rights, believing that this would help

advance the interests of the country. Thailand's thoughts on this matter are reflected in this analogy by King Mongkut (Rama IV (1851-1868)):

Two people emerge from a forest carrying the coarse goods that they had produced, such as jute. Upon reaching an area which contained more valuable objects, such as cotton, the foolish man continued to hold on to his jute, while the prudent man exchanged his cotton for silk. At the end of their destination, one man was bruised from lugging heavy and almost valueless goods, while the other arrived effortlessly with his valuable and profitable goods.

Thus, if relations between two states were aimed only at the exchange of commercial benefits, Thailand's relations with foreign countries would have proceeded without any problems. However, since Great Britain and France had established colonies on both of Thailand's flanks, political problems were bound to arise which threatened Thailand's independence. Nonetheless, with perseverance and patience, Thailand proceeded to modernize her administrative system and to unshackle herself gradually from the imposed burden of extraterritoriality. Although this led to the loss of some of her territory, it served to alleviate the damage to Thailand and resulted in the return of

complete independence.

At present, Thailand has a modern system of administration and is a completely independent country. She has endeavoured to redefine her boundaries in accordance with equitable principles and to promote relations with other countries aimed at attaining peace and mutual cooperation based on equity. Thailand is mindful of the fact that such principles are the key to achieving durable peace in the world. In short, Thailand, in the conduct of her relations with other countries, does not bear in mind only her own rights and benefits but also other duties and the common interest. Such is the culture of Thai diplomacy.



Signing the Treaty of Friendship, Commerce and Navigation
with Italy, 1937



Signing the Treaty with Japan on 21 December 1941

Vijavat Isarabhakdi

Vijavat Isarabhakdi was born in Bangkok in 1957 and spent his childhood in Canberra, Australia. He received his B.A. (First Class Honours) from the Faculty of Arts at Chulalongkorn University, Bangkok, in 1980. He won a Fulbright Peurifoy Scholarship to study International Relations in the United States and received his Master of Arts in Law and Diplomacy (M.A.L.D.) and Doctor of Philosophy (Ph.D.) degrees from The Fletcher School of Law and Diplomacy at Tufts University in Massachusetts. After his return to Thailand in 1989, he joined the Ministry of Foreign Affairs in February 1990 when he was entrusted with the task of translating this book. He retired from the diplomatic service in October 2017 after serving as Thailand's Ambassador to the United States of America and to Canada. He was appointed to his current position as Vice Minister for Foreign Affairs in 2019.



Accordingly, whenever foreign countries desired to promote friendly relations and engage in trade with Thailand, the Thai people were always willing to reciprocate. History shows that they even invited foreign countries to come and trade with Thailand. On the other hand, if other countries had political inclinations which might threaten Thailand's national independence, the Thai people were always ready to protect their independence, courageously and steadfastly.
