

**“A VERY SMALL PART OF WORLD AFFAIRS”
SIAM’S POLICY ON TREATY REVISION
AND THE PARIS PEACE CONFERENCE**

by
Peter B. Oblas

NEGOTIATIONS 1909--1917

On the 8th of August 1909, Siam’s Adviser in Foreign Affairs presented a proposal to the American Minister in Bangkok. The Adviser, Jens Westengard, desired a revision of the existing extraterritorial arrangement of jurisdictional authority. He sought the substitution of a most favored nation clause for the existing jurisdictional engagement. The Minister, Hamilton King, stated that he would forward the draft proposal to Washington. He advised Westengard to obtain the support of the American missionaries for his proposal.¹

With the approval of the Siamese Minister of Foreign Affairs, Prince Devawongse Varopakar, Westengard proceeded to the United States to undertake negotiations. On his arrival, he met with the Executive Council of the Board of Foreign Missions of the Presbyterian Church and obtained the Council’s support.² Nevertheless, the State

1) Jens Westengard, 8 Aug. 1909, to Prince Devawongse, son Ti san yaa : kaancee-
3 2 + + 3 +
racaa kae Kay son Ti san yaa Taang may trii Paanit lae kaandænrue rawaang
1 + 1 3 3 3 3 1
sayaam kap ʔameerikaa (สนธิสัญญา : การเจรจาแก้ไขสนธิสัญญาทางไมตรีพาณิชย์ และการเดินเรือ
ระหว่างสยามกับอเมริกา), treaties: the negotiations to revise a treaty of friendship,
commerce and navigation between Siam and the United States, No. 1, File 2,
Part 1, Thailand, Ministry of Foreign Affairs Archives, letter no. 3990. The
transliteration of the citations is based upon the Pittsburgh style as developed
by Anthony, Warotamasikkhadit and French in *Foundations of Thai*.

Three symbols have been added: ๐๐ = ๐ (vowel),
๓ = ๓, and ʔ = ๐ (consonant).

Wherein appropriate, dates and numerals as well as number, file, part and letter designations have been translated into English. Titles and names in the footnotes and in the text are based upon the transliteration in the documents. The notation (T) signifies a Thai language document. During the negotiations, the widespread use of English in Siamese communications was a result of the following: the use of the telegraph, the employment of a foreign adviser, the employment of Western educated Siamese and the Western orientation of the negotiations.

2) See Westengard’s memorandum in son Ti san yaa (สนธิสัญญา), No. 1, File 2, Part 1, letter no. 9149.

Department refused to negotiate on the basis of Westengard's proposal. However, the State Department did present a counterproposal. The State Department offered to terminate consular jurisdiction upon the promulgation of the Siamese legal codes. In addition, the State Department offered to concede tariff autonomy subject to most favored nation treatment. Although Westengard was disappointed with the jurisdictional concession, he was exceedingly pleased with the commercial award. He therefore urged Prince Devawongse to accept the American counterproposal.³

Prince Devawongse disagreed with his adviser on the relative advantage of the counterproposal. Prince Devawongse noted that Great Britain had already consented to the termination of consular jurisdiction. He referred to the recent treaty in which the British agreed to submit British subjects to either the jurisdiction of the international court or the jurisdiction of the ordinary Siamese court depending upon the individual's date of registration at the consulate. Prince Devawongse believed that Britain and France would construe the proposed treaty as a reversal of Siam's policy on treaty revision. He feared that Britain and France would refuse to initiate further negotiations until the promulgation of the codes.⁴

Since 1885, Prince Devawongse had served his country as Minister of Foreign Affairs. He had witnessed the territorial encroachments of France and Britain and he had attempted through diplomacy to protect Siam's frontiers. Nevertheless, Siam's territorial losses had been considerable. Prince Devawongse was wary of the good intentions of the great powers. He believed that the United States must agree to an engagement based upon the Anglo-Siamese Treaty of 1909. Otherwise, he assumed that Britain and France would continue to interfere in the judicial processes. In other words, he desired an American treaty

3) See the following: Phya Akaraj Varathon, the Minister in Washington, 24 Nov.

1909, to Prince Devawongse, son Ti san yaa (สมเด็จพระยา), No. 1, File 2, Part 2.

Jens Westengard, 30 April 1912, to Prince Devawongse, son Ti san yaa (สมเด็จพระยา), No. 1, File 2, Part 4, letter no. 854.

4) Prince Devawongse to King Rama VI, son Ti san yaa (สมเด็จพระยา), No. 1, File 2, Part 4, (T).

which would confirm the suitability of the 1909 award. He assumed that such a treaty would provide the impetus for additional modifications.⁵

Prince Devawongse decided to disregard the appeal of Jens Westengard. He recommended the rejection of the American counter-proposal and King Rama VI concurred.⁶ King Rama VI valued highly the recommendations of his Foreign Minister.⁷

In the summer of 1913, Westengard returned to Washington. His objective was to obtain a jurisdictional concession based upon the Anglo-Siamese Treaty of 1909. He met with Secretary of State William Jennings Bryan. During the meeting, Bryan asked Westengard to compose a memorandum for the perusal of the State Department's Counselor. Westengard stated that he would comply with the Secretary's request. Subsequently, Westengard learned from the Secretary of the Board of Foreign Missions that the new administration had tended to be liberal in its Far Eastern dealings. Prior to his departure for Bangkok, Westengard advised Prince Devawongse that the Siamese Minister in Washington should be instructed to take advantage of the American government's present disposition.⁸

The following summer, Westengard once again journeyed to Washington. He was very much impressed by the liberal posture of President Wilson's administration and he hoped to take advantage of the situation. On meeting with Bryan, he confided that if the United States agreed to a new treaty, Germany would follow the American example. He argued forcibly that "America could give great assistance to Siam

5) *Ibid.* Also, see Prince Devawongse, 17 Nov. 1920, to King Rama VI, son Ti⁺ san yaa (สนธิสัญญา), No. 1, File 2, Part 11, (T).

6) King Rama VI, 12 Oct. 1912, to Prince Devawongse, son Ti⁺ san yaa (สนธิสัญญา), No. 1, File 2, Part 4, (T).

7) See King Rama VI, 22 May 1924, to Francis B. Sayre, the Adviser in Foreign Affairs, bet ta let : Caaw taang pra Teet (เบ็ดเตล็ด : ชาวต่างประเทศ), miscellaneous : foreigners, No. 30, File 6, Thailand, Department of Fine Arts, National Archives.

8) Jens Westengard, 5 June 1913, to Prince Devawongse, son Ti⁺ san yaa (สนธิสัญญา), No. 1, File 3, Part 5, letter no. 2980.

in this matter, especially in view of the attitude of Germany." He believed that "this was an argument which would have great weight with the Secretary of State and the President."⁹

However, the State Department postponed the initiation of meaningful negotiations. The counselor was preoccupied with matters pertaining to the European war and had been unable to attend to the question of revision.¹⁰ Shortly afterwards, Westengard was informed by E.T. Williams, the head of the Bureau of Far Eastern Affairs, that meaningful negotiations would have to await a settlement with Turkey. Westengard appealed directly to Bryan. He stated that unlike Turkey, Siam had not resorted to violence, but instead, Siam had undertaken the modernization of its legal system to obtain its objective. He asked Bryan whether a law abiding nation would be denied its request because of the unlawful action of another nation?¹¹ Robert Lansing, Bryan's successor, informed Westengard that the European war prevented the State Department from considering Siam's request at the moment. However, he assured Westengard that meaningful negotiations would be initiated shortly.¹² In the spring of 1915, Westengard was informed that meaningful negotiations would have to await the report of the newly appointed American Minister, William Hornibrook, who had recently departed for Bangkok.¹³ Three months later, Westengard learned that the Minister favored a stipulation which the Siamese government would find objectionable. Hornibrook desired the presence of a legal adviser of American nationality at all proceedings involving an American as the defendant or the plaintiff. Westengard contacted

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- 9) Jens Westengard, 13 July 1914, to Prince Devawongse, kaan ²Caang ¹Caaw ¹taan ¹pra ²Teet ²nay ²raat ¹Cakaan ¹faay ¹taan ¹pra ¹Teet ² (การจ้างชาวต่างประเทศในราชการฝ่ายต่างประเทศ), the employment of foreigners within the Ministry of Foreign Affairs, File 6, Part 4, Thailand, Ministry of Foreign Affairs Archives, letter no. 6442.
- 10) E.T. Williams, 5 Sept 1914, to Jens Westengard, ⁺son ³Ti ⁺san ⁺yaa (สนธิสัญญา), No. 1, File 3, Part 6, letter no. 8980.
- 11) Jens Westengard, 6 Oct. 1914, to William Jennings Bryan, ⁺son ³Ti ⁺san ⁺yaa (สนธิสัญญา), No. 1, File 3, Part 6, letter no. 9371.
- 12) Robert Lansing, 13 Nov. 1914, to Jens Westengard, ⁺son ³Ti ⁺san ⁺yaa (สนธิสัญญา), No. 1, File 3, Part 6, letter no. 10780.
- 13) Jens Westengard, 28 May 1915, to Prince Devawongse, ⁺son ³Ti ⁺san ⁺yaa (สนธิสัญญา), No. 1, File 3, Part 6, letter no. 2846.

Hornibrook and informed him that Siam had never entered into such an arrangement with any other nation. He stated that individuals were selected as legal advisers on the basis of their qualifications. Regarding the predominance of European legal advisers, he noted that the modest salary had tended to attract Europeans.¹⁴

On the 1st of January 1916, Williams informed Phya Prabha Karawongse, the Siamese Minister in Washington, that Hornibrook had submitted a favorable report.¹⁵ Three weeks later, Westengard and Phya Prabha met with Secretary of State Lansing. Lansing informed them that he would issue instructions to close the matter.¹⁶ On the 25th of February, Williams informed Phya Prabha that a draft treaty, which met with Westengard's approval, had been submitted to Lansing. The draft treaty conceded jurisdictional and fiscal autonomy subject to most favored nation treatment. Phya Prabha informed Westengard that "Mr. Williams was very friendly and assured me that no unnecessary time would be lost in concluding our treaty." Phya Prabha related Williams' observation of Lansing's preoccupation with the European situation. Yet, Phya Prabha noted that Williams had indicated that "he would nevertheless endeavor to get him to close the matter."¹⁷

On the 20th of April, Westengard informed Prince Devawongse that the conclusion of the new treaty was near. The State Department had presented him with a final revision of the draft engagement. Furthermore, Westengard had learned from Williams that all the pertinent papers had been placed before the President.¹⁸ On the 15th of November, Williams informed Westengard that upon the opening of

14) Jens Westengard, 12 July 1915, to William Hornibrook, ⁺ son ³ Ti san yaa (ສາວິສັດຍຸງ), No. 1, File 3, Part 6, letter no. 4380.

15) Phya Prabha Karawongse, 25 Feb. 1916, to Jens Westengard, ⁺ son ³ Ti san yaa (ສາວິສັດຍຸງ), No. 1, File 3, Part 7.

16) See the report of a conversation with Robert Lansing in ⁺ son ³ Ti san yaa (ສາວິສັດຍຸງ), No. 1, File 3, Part 6, letter no. 14924.

17) Phya Prabha Karawongse, 25 Feb. 1916, to Jens Westengard, ⁺ son ³ Ti san yaa (ສາວິສັດຍຸງ), No. 1, File 3, Part 7.

18) Jens Westengard, 20 April 1916, to Prince Devawongse, ⁺ son ³ Ti san yaa (ສາວິສັດຍຸງ), No. 1, File 3, Part 7, letter no. 2839.

the session, he would try to get the Senate to take up the treaty.¹⁹ However, one question still remained to be resolved. The State Department desired the insertion within the treaty of a religious tolerance article.²⁰ Although the Siamese government would agree to the State Department's request,²¹ the entrance of the United States into the European war in April precluded the conclusion of a new treaty.

For eight years, Westengard had striven to obtain a revision of the existing American treaty. Twice it appeared that he was on the verge of success. First, Prince Devawongse intervened and the negotiations failed. In 1917, a war intervened.

NEGOTIATIONS 1918-1919

During the war, negotiations were undertaken with the French. On July 22, 1917, Siam entered the First World War on the side of the allies. At the end of the following year, the French government instructed its Minister in Bangkok to negotiate a new treaty similar in respect to the British engagement of 1909. Eldon James, the new Adviser in Foreign Affairs, had been notified of the imminent negotiations, and he had advised Prince Devawongse that it was of slight importance to secure jurisdiction over 225 Frenchmen. He stated that it was of the greatest importance to secure recognition as a fully autonomous state entitled to full recognition as a member of the family of nations. He held that Siam should accept nothing less than full fiscal autonomy. Also, James pointed out that a new jurisdictional treaty would not represent sufficient consideration for the concessions to be conceded by the Siamese government. He noted that France had requested certain valuable rights, i.e., rights of residence and of owning property throughout the country. Furthermore, James stated that if these valuable privileges were conceded to obtain only a jurisdictional treaty, Siam would have

19) E.T. Williams, 15 Nov. 1916, to Jens Westengard, son ⁺ Ti ² san yaa (สนธิสัญญา), No. 1, File 3, Part 7, letter no. 13029.

20) Jens Westengard, 7 Mar. 1917, to King Rama VI, son ⁺ Ti ³ san yaa (สนธิสัญญา), No. 1, File 3, Part 7, letter no. 1681.

21) King Rama VI, 5 May 1917, to Jens Westengard, son ⁺ Ti ³ san yaa (สนธิสัญญา), No. 1, File 3, Part 7, letter no. 1682.

entitled to the presence of legal advisers in the ordinary Siamese court as well as in the international court. Moreover, he pointed out that it was only with regard to the international court that the privilege terminated upon the promulgation of the codes.²⁶

Prince Devawongse had realized that Prince Charoon was incorrect in his assessment. However, in the interval, Kahn had modified his proposal to agree with the 1909 treaty. He had deleted the provision which Prince Charoon found objectionable. Therefore, Prince Devawongse had concluded that the Adviser and himself might as well cooperate with Prince Charoon.²⁷

Previously, Prince Charoon had wired Prince Devawongse and had informed him that the time was right to strike for revision. The Paris Peace Conference was about to be convened and Prince Charoon expressed the belief that the public spirit was prepared to accept the rightful claims of the smaller nations which cooperated loyally in the war.²⁸ On February 20th, subsequent to Prince Devawongse's decision, Prince Charoon clarified his objection to Kahn's initial proposal. He admitted to Prince Devawongse that he had been mistaken about the aspect of the 1909 treaty relating to the presence of legal advisers. Yet, he explained that it was his objective to put an end to foreign interference in the courts of Siam. He stated that he would approach Great Britain with this purpose clearly in mind.²⁹

To James, it appeared that Prince Charoon was contemplating the abrogation of the British jurisdictional engagement of 1909 and the substitution of the most favored nation provisions of the 1917 American draft treaty. James believed that the approach would fail because the

26) Eldon James, 10 Feb. 1919, to Prince Devawongse, son ⁺ ³ ⁺ ¹ Ti san yaa kap naanaa
¹ ² pra Teet (สนธิสัญญากันนานาประเทศ), No. 15, File 2, Part 2, letter no. 14516.

27) Prince Devawongse, 9 Feb. 1919, to Eldon James, son ⁺ ³ ⁺ ¹ Ti san yaa kap naanaa
¹ ² pra Teet (สนธิสัญญากันนานาประเทศ), No. 15, File 2, Part 2, letter no. 14490.

28) Prince Charoon, 3 Jan. 1919, to Prince Devawongse, son ⁺ ³ ⁺ ¹ Ti san yaa kap naanaa
¹ ² pra Teet (สนธิสัญญากันนานาประเทศ), No. 15, File 2, Part 1, letter no. 12954.

29) Prince Charoon, 20 Feb. 1919, to Prince Devawongse, son ⁺ ³ ⁺ ¹ Ti san yaa kap naanaa
¹ ² pra Teet (สนธิสัญญากันนานาประเทศ), No. 15, File 3, Part 3, letter no. 15179.

British would not agree to an arrangement which would entrust the other treaty states with the continuation of a highly valued right. Also, James noted that it had already been agreed to enter into an arrangement with France on the basis of the 1909 Anglo-Siamese Treaty. He held that Siam could not offer France a treaty based upon the 1909 engagement and expect Great Britain to accept most favored nation treatment.³⁰

Prince Devawongse believed that James' evaluation was correct and he informed him that he would bring the matter to the attention of Prince Charoon.³¹ However, Prince Charoon had already presented his proposal and he had submitted it not only to the British delegation to the Paris Peace Conference but also to the French and American delegations. On that very same day, Kahn, aroused and upset, arrived at the Office of the Adviser in Foreign Affairs. Kahn stated that he had just been notified that the Siamese delegation to the Paris Peace Conference had submitted a draft treaty proposal. Kahn wished to ascertain the intentions of the Siamese government. James replied that he was not aware that a proposal had been submitted.³² Kahn went immediately to Prince Devawongse's office. Prince Devawongse told Kahn that on the initiation of negotiations, Siam reserved the right to undertake negotiations in Paris. He informed Kahn that Siam now intended to obtain a new British treaty in addition to a new treaty with France. He observed that the United States would also be asked to concede a new engagement. He promised to provide Kahn with a copy of the Paris proposal and he assured Kahn that he would find it similar to the agreement negotiated in Bangkok.³³

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- 30) Eldon James, 3 Mar. 1919, to Prince Devawongse, son ^{+ 3 +} ¹ Ti san yaa kap naanaa
^{1 2} pra Teet (สนธิสัญญาฉบับนานาชาติ), No. 15, File 3, Part 3, letter no. 15719.
- 31) Prince Devawongse, 5 Mar. 1919, to Eldon James, son ^{+ 3 +} ¹ Ti san yaa kap naanaa
^{1 2} pra Teet (สนธิสัญญาฉบับนานาชาติ), No. 15, File 3, Part 3.
- 32) Eldon James, 7 Mar. 1919, to Prince Devawongse, son ^{+ 3 +} ¹ Ti san yaa kap naanaa
^{1 2} pra Teet (สนธิสัญญาฉบับนานาชาติ), No. 15, File 3, Part 3, letter no. 15969.
- 33) Prince Devawongse, 5 Mar. 1919, to Eldon James, son ^{+ 3 +} ¹ Ti san yaa kap naanaa
^{1 2} pra Teet (สนธิสัญญาฉบับนานาชาติ), No. 15, File 3, Part 3, letter no. 15870.

shown to Kahn.³⁷ James complied and he discovered that he was correct in his assumption. The Bangkok negotiations were suspended. Kahn notified the French Foreign Office of his imminent departure to take up negotiations in Paris.³⁸

TREATY REVISION AND THE PARIS PEACE CONFERENCE

The Paris Peace Conference convened on January 12, 1919. On February 22nd, Prince Charoon presented to the British delegation a memorandum with a draft engagement appended. The document bore the signatures of two other members of the Siamese delegation, Prince Traidos Prabandhu and Phya Bibadh Khosa. The memorandum was a methodical statement of the history and developmental consequences of the unequal treaty system. It was not an emotional appeal but an appeal to reason and justice. The memorandum was divided into topical sections. Section one described the regime established by the treaties of 1855-1856, i.e., consular jurisdiction and a tariff restricted to 3% ad valorem. Section two indicated the consequential disadvantages and inconveniences of the regime. For example, reference was made to the following: inevitable delays in the execution of hygienic and sanitary regulations, the lack of a uniform body of consular law, the inapplicability of foreign laws to conditions in Siam, the scarcity of consular courts and the unscientific regulation of the tariff. Section three dealt with the *raison d'être* of the system. The signatories held that Siam consented to the unequal treaty agreement because it recognized the cultural differences which divided the two civilizations. Moreover, they explained that at the time, foreigners were not so numerous as to create a practical anomaly. Section four referred to the aggravation of consular jurisdiction, i.e., the extension of consular jurisdiction to include Asiatic subjects. The statement was made that the *raison d'être* did not apply to Asiatic subjects. Section five dealt with the restriction of the system prior to 1907. The delegates related that the reforms initiated by King Chulalongkorn resulted in the modernization of Siam. As a result, the

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- 37) Prince Devawongse, 7 Mar. 1919, to Eldon James, son ^{+ 3 + 1} Ti san yaa kap naanaa
^{1 2} pra Teet (สนธิสัญญาทวิภาคี), No. 15, File 3, Part 3, letter no. 15977.
- 38) Eldon James, 8 Mar. 1919, to Prince Devawongse, son ^{+ 3 + 1} Ti san yaa kap naanaa
^{1 2} pra Teet (สนธิสัญญาทวิภาคี), No. 15, File 3, Part 3, letter no. 16014.

memorandum continued, the *raison d'être* disappeared and the existing privileges came to be perceived by the Siamese people as anomalous. According to Siam's representatives, revision was sought, and in recognition of Siam's achievements, Britain and France acknowledged the conditional authority of the international court. In the memorandum, it was emphasized that the international court was a Siamese court with Siamese judges (or foreign judges in the Siamese government service) administering Siamese laws. The representatives indicated that foreign interference was limited to the rights of consul to be present, to make observations and in the case of a miscarriage of justice, to transfer the case to the consular court. They noted that the consul availed himself of the right of evocation rarely. Section six described the present situation. The 1909 Anglo-Siamese Treaty received special attention, especially the provision requiring the presence of legal advisers. The provision had stipulated that in all cases, where a British subject was the accused, a European legal adviser would sit in the court of the first instance. In a case involving a non-Asiatic subject, a European legal adviser would sit as a judge in the court of the first instance, and if the subject appeared as the defendant, the opinion of the adviser would prevail. The delegates asserted that the presence of legal advisers revealed a lack of confidence in the capability and impartiality of the Siamese bench. The signatories felt that such a posture was incongruous considering the presence of Western-educated Siamese judges. In section seven, three points were underscored. Firstly, Siam had entered the First World War because the central powers had violated international engagements and the rules of humanity. Secondly, Siam had entered the war at a time when the course of victory had not yet been decided. Thirdly, Siam's participation in the war had entailed the severance of commercial relations with the central powers and the dispatch of an expeditionary force to Europe. As such, Siam's participation had been costly. In all, the intent was to imply that Siam's request deserved serious consideration. Section eight considered the questions of feasibility and timeliness. Siam's representatives held that legal and judicial reform was proceeding satisfactorily. They related that the penal code had already been promulgated. The signatories also pointed out that present economic conditions did not require the artificial encouragement

However, the British delegate did take the opportunity to request a concession. The delegate stated that the British desired exclusive prospecting rights for British oil companies in Siam. The delegation was told that the British wished to achieve parity with the United States in the control of the world's oil supply. Prince Charoon observed that British policy was becoming increasingly oil-orientated, and he believed that Siam would have to agree to the concession to obtain the revision of the 1909 treaty.⁴³

Subsequently, Prince Charoon discovered that the British were not prepared to negotiate an agreement at the Conference. Prince Charoon learned that Siam's request had been forwarded to the Foreign Office in London for consideration. Phya Bibadh was sent to London to meet with a few influential acquaintances. Prince Charoon intended to undertake a similar task shortly. Yet Prince Charoon was no longer confident that the British would agree to a new treaty. He was disturbed by what he considered to be a lack of preparation for the British negotiations. He held that during the war, the Siamese Minister in London had neglected to secure the support of the British establishment for a new treaty arrangement. He believed that a unique opportunity to engage the sympathies of the British had been lost.⁴⁴

While in London, Phya Bibadh tried to arrange a meeting with Lord Curzon, who had assumed charge of the Foreign Office in Balfour's absence. Phya Bibadh was informed by Lord Curzon's Secretary, Sir John Tilley, that Lord Curzon was very busy and would not be able to meet with him. He was also informed that the Siamese Minister in London had not responded to the circular advising him of Lord Curzon's new responsibilities. Upon learning of the incident from Phya Bibadh, Prince Charoon severely criticised the Minister's tactless behavior. He noted that Lord Curzon would soon become Foreign Secretary, and he held that it was the Minister's responsibility to cultivate Lord Curzon's friendship and good will.⁴⁵

43) *Ibid.*

44) *Ibid.*

45) Prince Charoon, 28 Mar. 1919, to King Rama VI, son ⁺ Ti ³ san ⁺ yaa ¹ kap naanaa ¹ ² pra Teet (สมเด็จพระเจ้าบรมวงศ์เธอฯ), *ibid.*, No. 15, File 4, Part 5.

Phya Bibadh provided Prince Charoon with information on the prevailing situation in England. According to Phya Bibadh, Siam was "quite out of the minds" of the English. He stated that "all thoughts seem to be towards the great problems of Europe and those resulting from the Great War." Prince Charoon observed that the existing situation was understandable and pointed out that Siam was "really a very small part of the world affairs."⁴⁶

As previously noted, Prince Charoon had presented his proposal for jurisdictional and fiscal autonomy to the French and American delegations. The French would not consider the question of a new treaty arrangement at the Peace Conference, but Prince Charoon was optimistic. He referred to the friendly disposition of the French Foreign Office, especially the Director of Political Affairs. He believed that the sub-director would undertake the actual negotiations.⁴⁷

The Americans were equally unwilling to consider the matter of a new treaty arrangement at the Conference. Secretary of State Lansing explained that the matter did not relate to the current peace negotiations. However, Lansing informed the delegation of his intention to send the proposal to Washington for consideration. Prince Charoon presumed that negotiations would be undertaken in Washington, and he assumed that the negotiations would be successful. Regarding the Washington negotiations, Prince Charoon was of the opinion that someone able to make a "social splash" should be appointed as the Siamese negotiator. He indicated that the individual must be well-educated and possess a pleasant "savoir faire". Also, he stated that he must be intelligent as well as able to gain popularity with all ages and both sexes. He held that women especially should not be neglected. Furthermore, Prince Charoon interjected a note of caution. He stated that Senators were very finicky about being approached officially prior to formal consideration of a proposal in the Senate. Moreover, Prince Charoon realized that the negotiator would require unlimited resources to arrange entertainment

46) *Ibid.*

47) Prince Charoon, 22 Mar. 1919, to King Rama VI, ⁺son ³Ti san yaa ¹kap naanaa
¹pra Teet (สนธิสัญญาที่นานาประเทศ), No. 15, File 4, Part 5.

and to conduct propaganda. He asserted that money should be no object.⁴⁸

On May 16, 1919, the Siamese delegation met with President Wilson. At that time, President Wilson expressed great sympathy for the Siamese and requested that all information pertaining to the Siamese viewpoint be sent to him. After listening to the delegation's explanation of Siam's position, President Wilson stated that he understood Siam's point of view. He explained that if it became necessary, the question of revision could be placed before the League of Nations.⁴⁹

During the summer of 1919, Prince Charoon arranged a high-level meeting in Paris to consider the question of treaty revision. The meeting was to occur in September.⁵⁰ The following individuals would be in attendance: Prince Traidos, the Undersecretary of State for Foreign Affairs; James; Prince Charoon; Phya Visan Podjanakit, the Minister in Copenhagen; Phya Prabha; and Phya Buri Navarast, the Minister in London. Prince Wan Waithayakorn, a member of the delegation, would serve as secretary to the meeting.⁵¹

The meeting convened on September 2, 1919. In the course of the meeting, the question of the tariff was considered. James asserted that any restriction on the grant of autonomy should not be included in the treaty proper. He also affirmed that any restriction on the grant of autonomy should be temporary. He stated that the guarantee should specify the number of years before the right of termination could be exercised. As to the nature of the restriction, James observed that Siam was in no position to conclude a detailed tariff convention. Phya Buri suggested that if an assurance was required, an exchange of letters could

48) *Ibid.*

49) Prince Charoon, 17 May 1919, to King Rama VI, son ⁺ Ti ³ san ⁺ yaa ¹ kap naanaa ¹ pra ² Teet (สนธิสัญญาฉบับนานาประเทศ), No. 15, File 4, Part 5.

50) Prince Charoon, 5 Aug. 1919, to Prince Devawongse, son ⁺ Ti ³ san ⁺ yaa ¹ kap naanaa ¹ pra ² Teet (สนธิสัญญาฉบับนานาประเทศ), No. 15, File 4, Part 5, letter no. 5806.

51) See the meeting's minutes in son ⁺ Ti ³ san ⁺ yaa ¹ kap ¹ ?aykrit (สนธิสัญญาฉบับอังกฤษ), No. 2, File 1, Part 1, letter no. 8402.

be employed to indicate the maximum rates for a specified period. Phya Buri explained that after all the treaties had been revised, a detailed convention could be concluded. The meeting unanimously adopted Phya Buri's suggested course of action.⁵²

In addition, the meeting considered the jurisdictional question. The participants concurred in the observation that Great Britain might refuse most favored nation treatment. The meeting therefore appraised the alternate courses of action to be adopted. Prince Charoon had arranged for a set of proposals to be placed before the meeting. The participants agreed that all four proposals were acceptable and could be implemented to satisfy British demands. Prince Charoon favored the proposal which limited the right to legal advisers to European subjects until promulgation. The meeting agreed that the proposal favored by Prince Charoon was the most applicable. The participants then agreed upon the relative applicability of the remaining three proposals. The sequence favored by Prince Charoon was adopted. The least applicable of the three guaranteed the right to legal advisers until a specified time after promulgation. Prince Traidos queried that if all four proposals failed, would negotiations be broken off on the rest of the treaty? The meeting concluded that negotiations should be continued with Great Britain. However, it was maintained that every effort should be made to obtain most favored nation treatment from France and the United States. After discussion, the participants decided that if France and the United States did not agree to most favored nation treatment, the scheme adopted for the British negotiations would be implemented. Prince Traidos then posed the question that if the United States and France failed to agree to most favored nation treatment and instead, demanded the privileges granted the British in 1909, should negotiations be broken off? James was of the opinion that the negotiations should continue. He stated that it was important to gain concessions on other matters. The meeting concurred, but it was explicitly understood that the refusal to revise the treaties on other points would result in the termination of negotiations.⁵³

52) *Ibid.*

53) *Ibid.*

Finally, the meeting turned its attention to a general discussion of the future negotiations. Prince Charoon pointed out that the success of the future negotiations required the cooperation of all the participants. He recommended that they should pass along to one another all copies of letters, telegrams and dispatches relating to the negotiations. He observed that direct communications were preferable to communications from Bangkok. He took into consideration the distance, the time and the expense of indirect communications.⁵⁴

The meeting reconvened on September 5, 1919. At that time, it was resolved that the conclusions reached at the meeting were advisory only. However, it was also decided that the conclusions should be followed subject always to the instructions of the royal government.⁵⁵

Approximately two months later, the British Foreign Office notified Phya Buri that negotiations would not be undertaken to revise the existing jurisdictional arrangement. The Foreign Office stated that Great Britain had already conceded more than any other power. The Foreign Office indicated that negotiations would not occur until the other powers had concluded treaties similar to the 1909 treaty. The Foreign Office also advised Phya Buri that the British government did not contemplate the negotiation of a new commercial arrangement in the near future.⁵⁶

Approximately four months later, Kahn informed Prince Charoon that the French government was unwilling to revise the commercial arrangement until either the United States or Great Britain agreed to such an undertaking.⁵⁷ Subsequently, Kahn presented Prince Charoon with a draft protocol on jurisdiction. Prince Charoon considered Kahn's proposal to be retrogressive and entirely unacceptable. He objected to the provision which would extend the protection of European legal advisers after promulgation to pre-registered Asiatics and protégés. He

54) *Ibid.*

55) See the meeting's minutes in son⁺ Ti³ san⁺ yaa¹ kap¹ ?angkrit (สนธิสัญญาฉบับอังกฤษ), No. 2, File 1, Part 1, letter no. 8403.

56) John Tilley, 30 Oct. 1919, to Phya Buri Navarast, son⁺ Ti³ san⁺ yaa¹ kap¹ ?angkrit (สนธิสัญญาฉบับอังกฤษ), No. 2, File 1, Part 1, letter no. 11318.

57) Prince Charoon, 23 Dec. 1919, to Prince Devawongse, son⁺ Ti³ san⁺ yaa¹ (สนธิสัญญา), No. 1, File 4, Part 10, letter no. 11893.

was disturbed by the provision which would entitle post-registrants to privileges already extended to British subjects. Furthermore, Prince Charoon stated that the draft protocol did not provide for the termination of foreign interference after a specified period of time. Moreover, he observed that the draft protocol would require the seating of two foreign judges on the Supreme Court. Prince Charoon pointed out that the presence of foreign judges in the King's court would encroach upon the royal prerogative.⁵⁸

Three years after the meeting, a treaty still had not been concluded with France. Prince Devawongse declared that it was all Prince Charoon's fault. According to the Foreign Minister, Prince Charoon had thought that he could obtain a more advantageous engagement at the Peace Conference and had prevented him from concluding an engagement with Kahn in Bangkok. Prince Devawongse recalled that when Kahn returned to France to take up negotiations, Kahn had "turned the tables" upon them by proposing a very different arrangement from the one negotiated in Bangkok.⁵⁹

TREATY REVISION AND THE SIGNIFICANCE OF THE PARIS PEACE CONFERENCE

For various reasons, Siam's presence at the Paris Peace Conference was significant and revealing. Firstly, after Versailles, Prince Devawongse was more inclined to alter his approach to treaty revision. In 1919, Prince Devawongse risked the conclusion of a French engagement to obtain a more favorable treaty arrangement at Versailles. He had hoped that Britain as well as France and the United States would consent to most favored nation treatment on the jurisdictional question. He soon discovered that his optimism was ill-advised. All three powers refused to commit themselves at the Conference. Subsequently, Britain

58) Prince Charoon, 9 Jan. 1920, to Prince Devawongse, ⁺son ³Ti ⁺san yaa (สนธิสัญญา), No. 1, File 4, Part 10, letter no. 12510.

59) Prince Devawongse, 13 Mar. 1923, to Eldon James, ⁺son ³Ti ⁺san yaa : ⁺sanya
¹kap ¹faraṅ ¹seet (สนธิสัญญา: สัญญากับฝรั่งเศส), treaties: treaties with France, No. 3, File 1, Part 2, Thailand, Ministry of Foreign Affairs Archives, letter no. 21537.

refused to negotiate, and France and the United States refused to accept most favored nation treatment as the basis for a new arrangement. It even appeared that the conclusion of a French agreement based upon the 1909 treaty had been lost by the transfer of negotiations. Prince Devawongse had witnessed the failure of his endeavor, the frustration of his hopes.

In 1920, the United States conceded jurisdictional autonomy, but it requested the right of evocation in the ordinary Siamese court and the prolongation of the right for five years after promulgation. Prince Devawongse was deeply distressed by the divergence of the American proposal from the 1909 treaty. He observed that Great Britain had already agreed to relinquish the right of evocation with the promulgation of the codes. In addition, he realized that the terms of the 1909 treaty confined the right of evocation to the international court. Furthermore, he was aware of the fact that the United States proposal conflicted with the 1907 French agreement on Asiatics and protégés. In all, Prince Devawongse did not believe that Britain would undertake negotiations after the conclusion of the proposed United States treaty. He also expressed uncertainty about the reaction of the French government. Nevertheless, Prince Charoon, James, Phya Prabha and Phya Buri urged Prince Devawongse to agree to the proposal with its inherent advantages. Prince Devawongse was at first reluctant, but finally he consented to the signing of the treaty. Prince Devawongse had considered the relevant posture of Britain, France and the United States during and subsequent to the Paris Peace Conference, and he had decided to accept the best treaty that could be obtained under the circumstances.⁶⁰

Secondly, the Paris Peace Conference provided Prince Charoon with the opportunity to implement his own approach. Initially, Prince

60) See son⁺ Ti³ san⁺ yaa (สนธิสัญญา), No. 1, File 4, Parts 10-12. Also, see the following: son⁺ Ti³ san⁺ yaa¹ kap¹ naanaa¹ pra² Teet (สนธิสัญญากับนานาประเทศ), No. 15, File 6, Part 10; and, *Records of the Department of State Relating to the Political Relations between Siam and the United States 1910-1929*, Microfilm no. 730, United States, Library of Congress. *Papers Relating to the Foreign Relations of the United States, 1921*, Vol. 2, (Washington: Government Printing Office, 1936).

Charoon's approach to treaty revision had as its focal point the immediate termination of foreign interference in the Siamese courts. He had convinced Prince Devawongse that the opportunity to achieve the desired objective existed at Versailles in 1919. In fact, in the presentation in Paris of a draft proposal, he had presented Prince Devawongse with a *fait accompli* and had imposed a decision upon the Foreign Minister. When the opportunity did not materialize, he revised his approach to include the extension of privilege for a specified period of time. In September, at the meeting of ministers, Prince Charoon's approach received the approval and support of his colleagues. Also, the meeting acquiesced in Prince Charoon's request for direct communications. As a result, during the Washington negotiations, Prince Charoon was able to intervene to urge the Siamese negotiators, James and Phya Prabha, to obtain a limit to the guarantee demanded by the United States. When the United States agreed to the limitation, Prince Charoon communicated with Prince Devawongse to urge his approval. He even addressed a a communiqué to King Rama VI.⁶¹

Thirdly, the high-level meeting of Thai officials in Paris in 1919 adopted a dual approach to treaty revision. Prince Devawongse's approach was orientated toward a resolution of the jurisdictional question. In addition, the meeting recognized the need for an approach orientated toward a resolution of the tariff question. It was resolved that any guarantee offered in return for tariff autonomy should be temporary. The approach adopted was quite similar to the meeting's plan of action on jurisdiction. The approach facilitated the negotiation of commercial accords with France and Britain.⁶²

Fourthly, the Paris Peace Conference and subsequent events revealed the relative significance of Siam's participation in the First World War. Prior to Siam's entrance into the war, the United States

61) See the following: ⁺son ⁺Ti san yaa (สนธิสัญญา), No. 1, File 4, Parts 10-12, ⁺son ³Ti ⁺san yaa ¹kap ¹naanaa ¹pra ²Teet (สนธิสัญญากับนานาประเทศ), Files 5-6, Parts 6 and 10.

62) See the following: ⁺san yaa ¹kap ¹farang ¹seet (สัญญากับฝรั่ง), No. 3, Files 1-2, Parts 5-6, ⁺son ³Ti ⁺san yaa ¹kap ¹ʔangkrit (สนธิสัญญากับอังกฤษ), No. 2, File 1, Part 1, F.O. 371/10971, Great Britain, Public Record Office.

had been well-disposed toward Siam and had undertaken negotiations which, in 1917, appeared to be on the verge of success. It even appeared that the American government was prepared to grant most favored nation treatment on the jurisdictional question. Therefore, it cannot be asserted that Siam's participation in the war brought the United States to the negotiating table. Yet, it did probably hasten the United States' appearance after the conclusion of hostilities.

Furthermore, at the Paris Peace Conference, neither Britain nor France showed their appreciation for the Siamese war effort. Afterwards, Britain refused to acknowledge Siam's contribution with the grant of a new treaty. The French did negotiate, but the negotiations were not successful. The French proposal was retrogressive in nature and restrictive in scope. It was not until six years after the war that new treaties were concluded with Britain and France. In both instances, guarantees had to be given to obtain the concession of jurisdictional and fiscal autonomy. Regarding the jurisdictional engagement, Siam agreed to a guarantee similar to the one already granted the United States. However, Siam also agreed to the right to legal advisers until promulgation of the codes. Regarding the British jurisdictional engagement, the Siamese government recognized the British right to request the continued employment of legal advisers for a reasonable time after promulgation and even after the disappearance of the right of evocation.⁶³

An analysis of the factors contributing to the final success of the treaty negotiations would have to consider the following: the prestige and precedent value of the new American treaty and later, the French treaty, the desire of the French for certain privileges and concessions unrelated to treaty revision; and the personal diplomacy of Francis B. Sayre, James' successor. The war sympathy factor should be considered but as part of a composite analysis and by no means as the most important contributory factor. Nevertheless, the flexible approach adopted by the Siamese government was essential to the successful conclusion of negotiations. It enabled Siam to meet the reservations of the powers. In the sense that Siam's participation in the war resulted in a new approach, Siam's participation was especially significant.

63) See the following : san yaa⁺ kap farang^{2 2 2 2} seet (สัญญาฉบับฝรั่งเศส), No. 3, File 2, Part 5.
 +³ son Ti san yaa kap 'apkrit (สนธิสัญญาฉบับอังกฤษ), No. 2, File 3, Part 4, F.O. 422/81,
 Great Britain, Public Record Office.

Fifthly, in the light of the events of 1919, it does not appear that Siam entered the war to abolish the old treaty system. Prior to the opening of the Conference, Prince Devawongse was occupied with the negotiation of a treaty based upon the 1909 arrangement. As previously noted, Prince Charoon was responsible for the attempt to secure autonomy. Also, Prince Charoon had indicated that the Siamese Minister in London had not anticipated an attempt to revise the 1909 Anglo-Siamese Treaty. Certainly, if Prince Devawongse had intended to secure autonomy after the war, he would have pressed for preparations during the war. In all, the evidence indicates that Prince Devawongse had not originally intended to seek the termination of foreign interference at the conference. The initial premise would therefore have to be modified to read that Siam entered the war to gain a new French treaty based upon the 1909 British treaty. However, it would seem unlikely the Siamese government would commit Siam to a European conflict in order to obtain a treaty which, at face value, merely extended Siam's jurisdiction over some 200 odd Frenchmen.*

General Observations

Regarding treaty revision in the period described, the underlying determinant of Siamese foreign policy was the acute awareness by the officials of the Ministry of Foreign Affairs and the Minister of Foreign Affairs himself that Siam was just a small part of world affairs. In the formulation and application of policy, it was the intention of the Siamese government to compensate for Siam's weak bargaining position. One aspect of Siam's policy was the endeavor to appeal to the West on its own terms and in its own language. For example, the memorandum addressed to Balfour at the Conference represented an appeal to Western justice. The memorandum developed the argument that Siam had undertaken the reform of its political and legal system, and as a result, the existing restrictions were inconsistent with Siam's progress. In addition, it was emphasized that the existing arrangement was inexpedient, unscientific, inequitable and inconvenient. At the end of the

* Siam's entry into the War was exclusively King Rama VI's decision, motivated by the larger interest of Siam's international position rather than any consideration for treaty negotiation advantage. (Note to the Editor from Prince Wan, 1971).

memorandum, on page twenty-seven, Siam's participation in the war was presented as the final proof of Siam's worthiness to be free of the restrictions imposed upon it. A second aspect was the employment of Western legal experts and Siamese trained in Western law and politics to prepare and present Siam's case. Jens Westengard and Eldon James had been members of the faculty of Harvard Law School. Prince Charoon read law at Cambridge University and had been called to the British Bar at the Inner Temple. A third aspect of Siam's policy relates to the nature of the approach. Prince Devawongse's approach to treaty revision sought to gain support for Siam's position by securing a corroboratory treaty from a major power. It was an attempt to draw upon an external source to strengthen Siam's bargaining position. Siam's policy at the Conference can be characterized as pragmatic. The policy formulated at the meeting in Paris in 1919 can be characterized as pliant or flexible. The nature of the policy varied depending upon conditions and personalities. However, the corroborative and pliant policies did share a common feature which consisted of the disposition to defer full gratification. The pliant policies also shared a common feature which consisted of the disposition to adjust to circumstances. In conclusion, Siam's posture on treaty revision exhibited a tendency to adjust to circumstances and an inclination to defer full gratification. Although Siam was frustrated repeatedly in its efforts to attain its objective, Siam reacted with control and restraint. The controlled response of the Minister of Foreign Affairs and his subordinates finally enabled Siam to utilize legal skills to its advantage.