

N° 2181.

**UNION SUD-AFRICAINE
ET ALLEMAGNE**

Traité de commerce et de navigation,
avec protocole. Signés à Prétoria,
le 1^{er} septembre 1928.

**UNION OF SOUTH AFRICA
AND GERMANY**

Treaty of Commerce and Navigation,
with Protocol. Signed at Pretoria,
September 1, 1928.

TEXTE AFRIKANDER.-AFRIKAANS TEXT*

N^o 2181. — VERDRAG¹ VAN HANDEL EN SKEEPVAART TUSSEN DIE UNIE VAN SUID-AFRIKA EN DIE DUITSE RYK, ONDERTEKEN TĒ PRETORIA DIE ISTE SEPTEMBER 1928.

Textes officiels allemand, anglais et afrikander communiqués par le ministre des Affaires extérieures de l'Union Sud-Africaine et le consul général d'Allemagne à Genève. L'enregistrement de ce traité a eu lieu le 30 octobre 1929.

SY MAJESTEIT DIE KONING VAN DIE VERENIGDE KONINKRYK VAN GROOT-BRITTANJE-IERLAND EN DIE BRITSE OORSESE GEWESTE, KEISER VAN INDIË, VIR EN TEN BEHOEWE VAN DIE UNIE VAN SUID-AFRIKA, EN DIE DUITSE RYKSPRESIDENT, wensende om die handelsbetrekkings wat reeds tussen die Unie van Suid-Afrika en die Duitse Ryk bestaan, verder te bevorder en uit te brei, het besluit om 'n verdrag van handel en skeepvaart vir daardie doel en tot daardie einde aan te gaan, en het hulle gevormagtigdes benoem, te wete :

SY MAJESTEIT DIE KONING VAN DIE VERENIGDE KONINKRYK VAN GROOT-BRITTANJE, IERLAND EN DIE BRITSE OORSESE GEWESTE, KEISER VAN INDIË :

Die Hoogedelgestreng Heer Fredrik William BEYERS, K.C., L.V., Lid van die Uitvoerende Raad en Minister van Mynwese en Nywerheid van die Unie van Suid-Afrika ;

DIE DUITSE RYKSPRESIDENT :

Herr Otto SARNOW, Ministerialrat in die Duitse Ministerie van Finansies ;

¹ L'échange des ratifications a eu lieu à Berlin, le 11 juin 1929.

No. 2181. — TREATY¹ OF COMMERCE AND NAVIGATION BETWEEN THE UNION OF SOUTH AFRICA AND THE GERMAN REICH. SIGNED AT PRETORIA, SEPTEMBER 1, 1928.

German, English and Afrikaans official texts communicated by the Minister for External Affairs of the Union of South-Africa and the German Consul-General at Geneva. The registration of this Treaty took place October 30, 1929.

HIS MAJESTY THE KING OF THE UNITED KINGDOM OF GREAT BRITAIN, IRELAND, AND THE BRITISH DOMINIONS BEYOND THE SEAS, EMPEROR OF INDIA, FOR AND ON BEHALF OF THE UNION OF SOUTH AFRICA, and THE PRESIDENT OF THE GERMAN REICH, being desirous of further facilitating and extending the commercial relations already existing between the Union of South Africa and the German Reich, have resolved to conclude a treaty of commerce and navigation for that purpose and to that end, and have appointed their Plenipotentiaries, that is to say :

HIS MAJESTY THE KING OF THE UNITED KINGDOM OF GREAT BRITAIN, IRELAND, AND THE BRITISH DOMINIONS BEYOND THE SEAS, EMPEROR OF INDIA :

The Honourable Fredrik William BEYERS, K.C., M.L.A. a Member of the Executive Council and Minister of Mines and Industries of the Union of South Africa ;

THE PRESIDENT OF THE GERMAN REICH :

Herr Otto SARNOW, Ministerialrat in the German Ministry of Finance ;

¹ The exchange of ratifications took place at Berlin, June 11, 1929.

Wat, nadat hulle hulself oortuig het omtrent hulle respektiewe volmagte, ooreengekom het as volg :

Artikkel 1.

Daar sal wedersydse vryheid van handel en skeepvaart bestaan tussen die lande van die kontrakterende partye.

Die onderdane of burgers van ieder van die kontrakterende partye sal, met inagneming van die wette en reglemente in die algemeen toepaslik op burgers, die vryheid geniet om vryelik en sonder hinder met hulle skepe en die ladings daarvan te kom na alle plekke en hawens in die gebied van die ander, waar onderdane of burgers van daardie party toegelaat is of mag word, en sal dieselfde regte, voorregte, vryhede, gunste en vrystellings met betrekking tot handel en skeepvaart geniet as wat onderdane of burgers van daardie party geniet of sal geniet.

Artikkel 2.

Die onderdane of burgers van ieder van die kontrakterende partye sal in die gebied van die ander ten opsigte van hulle persone, ull eiendom, regte en belange, en ten opsigte van handel, nywerheid, besigheid, professie, beroep of enige ander saak, in ieder opsig dieselfde behandeling en wetlike beskerming geniet as die onderdane of burgers van daardie party of van die mees begunstigde land, wat betref algemeen en plaaslike belastings, tolregte, skattings, heffings wat wesenlik belastings is, en ander soortgelyke laste.

Artikkel 3.

Die kontrakterende partye kom ooreen dat, in alle sake betreffende handel, skeepvaart en nywerheid, enige voorreg, guns of vrystelling wat een party toegestaan het of hierna mag toestaan a an die skepe en onderdane of burgers van enige ander staat, gelyktydig en onvoorwaardelik sonder versoek en sonder vergoeding aan die skepe en onderdane van die ander verleen sal word, daar dit hulle bedoeling is dat die handel, skeepvaart en nywerheid van ieder van die partye in alle opsigte op die voet van die mees begunstigde land sal geplaas word.

Who, having satisfied themselves as to their respective full powers, have agreed as follows :

Article 1.

There shall be between the territories of the contracting parties reciprocal freedom of commerce and navigation.

The subjects or citizens of either of the contracting parties upon conforming themselves to the laws and regulations applicable generally to nationals, shall have liberty, freely and securely to come, with their ships and cargoes, to all places and ports in the territories of the other to which subjects or citizens of that party are or may be permitted to come, and shall enjoy the same rights, privileges, liberties, favours, immunities, and exemptions in matters of commerce and navigation as are or may be enjoyed by subjects or citizens of that party.

Article 2.

The subjects or citizens of either of the contracting parties shall enjoy in the territories of the other, in respect of their persons, their property, rights and interests, and in respect of commerce, industry, business, profession, occupation, or any other matter, in every way the same treatment and legal protection as the subjects or citizens of that party or of the most favoured nation, in as far as taxes, rates, customs, imposts, fees which are substantially taxes, and other similar charges are concerned.

Article 3.

The contracting parties agree that in all matters relating to commerce, navigation, and industry, any privileges, favour, or immunity which either of the parties has actually granted or may hereafter grant to the ships and subjects or citizens of any other state shall be extended simultaneously and unconditionally, without request and without compensation, to the ships and subjects or citizens of the other, it being their intention that the commerce, navigation, and industry of either of the parties shall be placed in all respects on the footing of the most favoured nation.

Artikkel 4.

Die bepalings van hierdie verdrag ten opsigte van die waarborg tot behandeling as mees begunstigde land sal nie op die volgende van toepassing wees nie :

(1) gunste werklik toegestaan of wat hierna toegestaan mag word deur een van die kontrakterende partye aan 'n aangrensende staat of gebied tot vergemakliking van verkeer vir bepaalde grensstreke, wat in die reël nie verder uitstrek dan 15 kilometer aan die een of die ander kant van die grens nie, en vir inwoners van sodanige streke ;

(2) gunste werklik toegestaan of wat hierna toegestaan mag word deur die Unie van Suid-Afrika aan Portugees Oos-Afrika ;

(3) gunste werklik toegestaan of wat hierna toegestaan mag word deur een van die kontrakterende partye aan 'n derde staat of gebied ingevolge 'n tolunie wat reeds gesluit is of later gesluit mag word ;

(4) gunste wat een van die kontrakterende partye toegestaan het of hierna mag toestaan aan 'n derde staat in ooreenkomste tot voorkoming van dubbele belasting en die onderlinge beskerming van die skatkis ;

(5) voorregte en tegemoetkomings wat reeds werklik toegestaan is of wat hierna toestaan mag word, aan skepe wat seepos onder kontrak vervoer.

Artikkel 5.

Die onderdane of burgers van ieder van die kontrakterende partye geniet in die gebied van die ander volle vryheid om elke soort eiendom, roerend of onroerend, te verwerf en te besit wat die wette van die ander party die onderdane of burgers van enige ander staat toelaat of sal toelaat om te verwerf en te besit. Hulle mag daarvoor beskik deur verkoop, ruil, skenking, huwelik, testament, of op enige ander wyse, of dit verwerf deur erfopvolging onder dieselfe omstandighede as wat bepaal is of sal word ten opsigte van onderdane of burgers van die ander party.

Article 4.

The provisions of the present treaty with regard to the grant of the treatment of the most favoured nation do not extend to :

(1) Favours actually granted or which may hereafter be granted by either of the contracting parties to an adjoining state or territory to facilitate traffic for certain frontier districts, as a rule not extending beyond 15 kilometres on each side of the frontier, and for residents in such districts ;

(2) Favours actually granted or which may hereafter be granted by the Union of South Africa to Portuguese East Africa ;

(3) Favours actually granted or which may hereafter be granted by either of the contracting parties to a third state or territory in virtue of a customs union which has already been or may be hereafter concluded ;

(4) Favours which either of the contracting parties has granted or may hereafter grant to a third state in agreements for the avoidance of double taxation, and the mutual protection of the revenue ;

(5) Privileges and facilities actually extended, or which may hereafter be extended to vessels carrying mails under contract.

Article 5.

The subjects or citizens of either of the contracting parties shall in the territories of the other be at full liberty to acquire and possess every description of property, movable and immovable, which the laws of the other party permit, or shall permit, the subjects or citizens of any other state to acquire and possess. They may dispose of the same by sale, exchange, gift, marriage, testament, or in any other manner, or acquire the same by inheritance, under the same conditions as are or shall be established with regard to subjects or citizens of the other party.

Die onderdane of burgers van ieder van die kontrakterende partye word ook toegelaat om, met inagneming van die wette van die ander party, vryelik die opbrengs van die verkoop van hulle eiendom en hulle goed in die algemeen uit te voer sonder om onderworpe te wees aan ander of hoër regte dan die, waaraan onderdane of burgers van sodanige party of van die mees begunstigde land onder soortgelyke omstandighede onderhewig sou wees.

Artikkel 6.

Die onderdane of burgers van ieder van die kontrakterende partye is geregtig om die gebied van die ander te betree, daartoe reis, te woon en te werk of hulle daarin te vestig so lang as hulle die geldende voorwaardes en reglemente op die toegang, reis, verblyf, vestiging en werk van die onderdane of burgers van alle ander state nakom en inagneem.

Artikkel 7.

Die onderdane of burgers van ieder van die kontrakterende partye in die gebied van die ander is vrygestel van alle gedwonge militêre diens van watter aard ook, hetsy in die leër, die mariene, lugmag, die skuttery of die burgermag. Hulle is tewens vrygestel van alle regterlike, administratiewe en munisipale dienste, behalwe die wat opgelê kragtens wette betreffende juries, asook van gedwonge geldlenings, van alle heffings, hetsy in geld of in goed, opgelê in plaas van persoonlike diens, en ten slotte van elke militêre verpligting of skatting. Die heffings in verband met die besit van onroerende eiendom onder elke titel word egter hiervan uitgesluit sowel as gedwonge inkwartiering en ander besondere militêre verpligtings en skattings waaraan alle onderdane van die ander party onderhewig mag wees as eienaars of besitters van geboue of grond.

In so ver as een van die kontrakterende partye sekere militêre verpligtings of skattings aan onderdane of burgers van die ander mag oplê, sal hy dieselfde skadeloosstelling ten opsigte daarvan toestaan as toegestaan word aan sy eie onderdane of burgers.

In die hierbogemelde opsigte sal aan die onderdane of burgers van ieder van die kontrakterende partye in die gebied van die ander

The subjects or citizens of either of the contracting parties shall also be permitted, on compliance with the laws of the other party, freely to export the proceeds of the sale of their property and their goods in general without being subjected to other or higher duties than those to which subjects or citizens of such party or of the most favoured nation would be liable under similar circumstances.

Article 6.

The subjects or citizens of either of the contracting parties shall be entitled to enter, travel, reside, settle, and work in the territories of the other so long as they satisfy and observe the conditions and regulations, in force at the time, applicable to the entry, travel, residence, settlement, and work of the subjects or citizens of all other states.

Article 7.

The subjects or citizens of either of the contracting parties in the territories of the other shall be exempted from all compulsory military service whatsoever, whether in the army, navy, air force, national guard, or militia. They shall similarly be exempted from all judicial, administrative, and municipal functions whatever, other than those imposed by the laws relating to juries, as well as from forced loans, from all contributions, whether pecuniary or in kind, imposed as an equivalent for personal service, and finally from any military exaction or requisition. The charges connected with the possession by any title of landed property are, however, excepted, as well as compulsory billeting and other special military exactions or requisitions to which all subjects or citizens of the other party may be liable as owners or occupiers of buildings or land.

In so far as either of the contracting parties may levy any military exactions or requisitions on the subjects or citizens of the other, it shall accord the same compensation in respect thereof as is accorded to its own subjects or citizens.

In the above respects the subjects or citizens of either of the contracting parties shall not be accorded in the territories of the other

geen minder gunstige behandeling toegestaan word nie dan die wat toegestaan word of mag word aan die onderdane of burgers van die mees begunstigde land.

Vir die doeleindes van hierdie artikel sal elke onderdaan of burger van ieder van die kontrakterende partye, wat kragtens die wette van die ander party 'n onderdaan van laasgenoemde party geword het en in sy gebied gedomisiliëer is, beskou word as 'n onderdaan of burger van sodanige party.

Artikel 8.

Enige artikel voortgebring of vervaardig in die gebied van een van die kontrakterende partye sal nie, by invoer in die gebied van die ander, aan ander of hoër tolregte of heffings onderhewig wees nie dan die wat gehef word op soortgelyke artikels in 'n ander land voortgebring of vervaardig; met die verstande dat ten opsigte van die goedere tans bepaaldelik vermeld in die bestaande wetgewing van die Unie van Suid-Afrika die Duitse Ryk geen aanspraak kan maak nie op die mienimumtolregte en kortings wat ten opsigte van daardie goedere toegestaan kan word, slegs indien hulle voortgebring of vervaardig word binne Groot-Brittanje en Noord-Ierland en die Britse Vrygeweste, Kolonies, Besittings en Protektorate en wanneer hulle daarvandaan vir verbruik in die Unie ingevoer word, of op die mienimumtolregte en kortings wat werklik aan Kanada en Nu-Seeland respektiewelik toegestaan is ten opsigte van die artikels bepaaldelik vermeld in Dele II en IV van die Tweede Bylae tot Wet No. 36 van 1925 van die Unie van Suid-Afrika.

Met betrekking tot tolformaliteite sal enige artikel, in die gebied van een van die kontrakterende partye voortgebring of vervaardig, wanneer dit in die gebied van die ander party ingevoer word, nie onderhewig wees aan enige behandeling wat minder gunstig is nie dan die wat toegestaan is ten opsigte van soortgelyke artikels in 'n ander land voortgebring of vervaardig.

Artikel 9.

By die uitvoer uit die gebied van een van die kontrakterende partye na die gebied van die ander sal geen artikel aan ander of hoër belastinge of heffings onderhewig wees nie as

less favourable treatment than that which is or may be accorded to subjects or citizens of the most favoured nation.

For the purposes of this article any subject or citizens of either of the contracting parties who has, under the laws of the other party, become a subject and is domiciled in the territories of the latter party shall be regarded as a subject or citizens of such party.

Article 8.

Any article produced or manufactured in the territories of either of the contracting parties, on importation into the territories of the other, shall not be subjected to other or higher duties or charges than those paid on the like articles produced or manufactured in any other country; provided that in respect of the goods now specifically enumerated in the existing legislation of the Union of South Africa the German Reich may not claim the minimum rates or rebates which can only be granted on such goods if produced or manufactured within Great Britain and Northern Ireland, and the British Dominions, Colonies, Possessions, or Protectorates and when imported therefrom for consumption within the Union nor such minimum rates or rebates as have actually been granted to Canada and New Zealand respectively in respect of the articles specifically mentioned in Schedule II, Parts II and IV, to Act No. 36 of 1925 of the Union of South Africa.

With regard to customs formalities any article produced, or manufactured in the territory of either of the contracting parties when imported into the territory of the other party shall not be subjected to any treatment less favourable than that accorded to like articles produced, or manufactured in any other country.

Article 9.

No articles on exportation from the territories of either of the contracting parties to the territories of the other shall be subjected to other or higher duties or charges than those levied

die wat gehêf word op soortgelyke artikels by hulle uitvoer na enige ander land.

on the like articles on exportation to any other country.

Artikel 10.

Die kontrakterende partye onderneem om nie die onderlinge verkeer deur die oplegging van verbodsbepalings of besondere beperkings op hulle invoer of uitvoer te belemmer nie.

Uitsonderings mag in die volgende gevalle voorkom, mits hulle op dieselfde tyd, op dieselfde wyse en tot dieselfde mate toegepas word op ander lande ten opsigte waarvan soortgelyke gronde vir die toepassing van sodanige maatreëls bestaan, en verder mits hulle geen verdekte beperking van die onderlinge handel uitmaak nie :

(1) met die oog op die openbare veiligheid ;

(2) met die oog op die openbare gesondheid of tot beskerming van diere of nuttige plante teen siektes, insekte en skadelike parasiete ;

(3) ten opsigte van wapens, ammunisie en krygsmateriaal en, onder buitengewone omstandighede, ook ten opsigte van ander materiaal wat in 'n oorlog benodig is ;

(4) ten opsigte van goedere wat voorwerpe is of mag wees van 'n staatsmonopolie in die gebied van een van die kontrakterende partye en ten opsigte van die uitbreiding, tot goedere uit watter land ook afkomstig, van alle ander verbodsbepalings of beperkings wat deur die inlandse wetgewing van een van die kontrakterende partye gestel is of mag word op die voortbrenging, verkoop, versending of verbruik van ware van dieselfde soort binne sy eie gebied voortgebring ;

(5) ten opsigte van die uitvoer van nasionale skatte van artistieke, geskiedkundige of oudheidkundige waarde.

Artikel II.

Anagaande die deurgang van persone en goedere deur hulle respektiewe gebiede sal die kontrakterende partye wedersyds die bepalinge

Article 10.

The contracting parties undertake not to impede the mutual traffic through the imposition of any prohibitions or special restrictions upon their imports or exports.

Exceptions may occur in the following cases, provided that they are applied at the same time, in the same manner, and to the same extent to other countries in regard to which like grounds for applying such measures exist, and provided further that they do not constitute a disguised restriction on the mutual trade :

(1) In consideration of the public safety ;

(2) In consideration of the public health or for protection of animals or useful plants against diseases, insects, and harmful parasites ;

(3) In respect of weapons, ammunition, and war material, and, under exceptional circumstances, also in respect of other materials needed in war ;

(4) In respect of goods which are or may be objects of a state monopoly in the territory of either of the contracting parties, and in respect of the extension to goods from any country whatsoever of all other prohibitions or restrictions which are or may be imposed by the internal legislation of either party upon the production, sale, forwarding or consumption of goods of the same kind produced within its own territories ; and

(5) In respect of the export of national treasures of artistic, historic, or archaeological value.

Article II.

Concerning the transit of persons and goods through their respective territories the contracting parties will apply mutually the articles

van die internasionale konvensie¹ wat op 20 April 1921 betreffende vryheid van deurgang te Barcelona gesluit is, in toepassing bring.

Artikel 12.

In alle aangeleenthede betreffende die invoer, uitvoer en deurvoer van koopware staan die kontrakterende partye aan mekaar die behandelings van die mees begunstigde land toe, met inagneming van die voorbehoude in Artikels 4 en 8 beding.

Artikel 13.

Geen inlandse regte, belastings of heffings wat binne die gebied van een van die kontrakterende partye vir die voordeel van die staat of plaaslike besture of liggame op die voortbrenging, vervaardiging of verbruik van goedere gehê word of gehê mag word, sal onder watter voorwendsel ook op die voortbrengrsels van die ander party op 'n hoër of meer drukkende wyse gehê word nie dan op soortgelyke voortbrengrsels van nasionale oorsprong of op soortgelyke voortbrengrsels van enige ander land.

Artikel 14.

Die bepalinge van hierdie verdrag betreffende die wedersydse behandeling as die mees begunstigde land sal onvoorwaardelik van toepassing wees op die behandeling van handelsreisigers en hulle monsters. In verband met hierdie saak kom die kontrakterende partye ooreen om die bepalinge na te kom van die internasionale konvensie insake die vereenvoudiging van tolformaliteite², op 3 November 1923 te Genève geteken.

¹ Vol. VII, page 11; vol. XI, page 406; vol. XV, page 304; vol. XIX, page 278; vol. XXIV, page 154; vol. XXXI, page 244; vol. XXXV, page 298; vol. XXXIX, page 166; vol. LIX, page 344; vol. LXIX, page 70; vol. LXXXIII, page 373; et vol. XCII, page 363, de ce recueil.

² Vol. XXX, page 371; vol. XXXV, page 324; vol. XXXIX, page 208; vol. XLV, page 140; vol. L, page 161; vol. LIV, page 398; vol. LIX, page 365; vol. LXIX, page 79; vol. LXXXIII, page 394; vol. LXXXVIII, page 319; et vol. XCII, page 370, de ce recueil.

of the international convention¹ concluded at Barcelona on 20th April, 1921, respecting freedom of transit.

Article 12.

It is further understood that in all matters governing the import, export, and transit of merchandise the contracting parties grant to each other the treatment of the most favoured nation, subject only to the reservations stipulated in Articles 4 and 8.

Article 13.

No internal duties, taxes, or charges which are or may be levied within the territories of either of the contracting parties for the benefit of the State or local authorities or corporations on the production, manufacture or consumption of goods, shall be levied on products of the other party, under any pretext whatever, in a higher and more onerous manner than on the similar products of national origin or on the similar products of any other country.

Article 14.

The stipulations of the present treaty with regard to the mutual grant of the treatment of the most favoured nation apply unconditionally to the treatment of commercial travellers and their samples. In this matter the contracting parties agree to carry out the provisions of the international convention relating to the simplification of customs formalities² signed at Geneva on the 3rd November, 1923.

¹ Vol. VII, page 11; Vol. XI, page 406; Vol. XV, page 304; Vol. XIX, page 278; Vol. XXIV, page 154; Vol. XXXI, page 244; Vol. XXXV, page 298; Vol. XXXIX, page 166; Vol. LIX, page 344; Vol. LXIX, page 70; Vol. LXXXIII, page 373; and vol. XCII, page 363, of this Series.

² Vol. XXX, page 371; Vol. XXXV, page 324; Vol. XXXIX, page 208; Vol. XLV, page 140; Vol. L, page 161; Vol. LIV, page 398; Vol. LIX, page 365; Vol. LXIX, page 79; Vol. LXXXIII, page 394; Vol. LXXXVIII, page 319; and Vol. XCII, page 370, of this Series.

Maar die bepalings van hierdie artikel sal nie van toepassing wees nie op die rondtrekkende handelsbedryf, die ventershandel en die soek na bestellings deur diegene wat sonder ambag of beroep is. Die kontrakterende partye behou vir hulleself in verband hiermee volledige vryheid van wetgewing voor.

Artikel 15.

Maatskappye met beperkte aanspreeklikheid en ander maatskappye, vennootskappe en verenigings opgerig met die oog op handel, versekering, geldwese, nywerheid, vervoer en enige ander soort besigheid wat in die gebied van die een of die ander kontrakterende party gevestig is, sal, mits hulle behoorlik opgerig is in ooreenstemming met die wette in daardie gebied van krag, in die gebied van die ander daarop geregtig wees om hulle regte uit te oefen en in die howe as eisers of verwerders te verskyn, met inagneming van die wette van daardie ander party.

Maatskappye met beperkte aanspreeklikheid en ander maatskappye, vennootskappe en verenigings van een van die kontrakterende partye wat toegelaat is in ooreenstemming met die wette en reglemente van krag in die gebied van die ander party, sal in daardie gebied wat belasting betref, op dieselfde manier behandel word as maatskappye met beperkte aanspreeklikheid en ander maatskappye, vennootskappe en verenigings van daardie party.

Sodanige maatskappye, vennootskappe en verenigings kan in die gebied van een van die kontrakterende partye, hetsy deur die oprigting van takke of andersins, enige soort besigheid verrig wat maatskappye, vennootskappe en verenigings of onderdane of burgers van enige ander staat toegelaat is of mag word om te verrig.

In geen geval sal een van die kontrakterende partye maatskappye, vennootskappe en verenigings van die ander, ten opsigte van watter aangeleentheid ook, minder gunstig behandel as maatskappye, vennootskappe en verenigings van die mees begunstigde land nie.

Die voorafgaande bepalings is van toepassing sowel op maatskappye, vennootskappe en verenigings wat voor die ondertekening van hierdie verdrag opgerig is as op die wat later opgerig mag word.

But the stipulations of this article do not apply to the itinerant profession, the hawker's trade, and the asking for orders of those who have no trade or profession. The contracting parties reserve for themselves in this respect the full freedom of legislations.

Article 15.

Limited liability and other companies, partnerships, and associations formed for the purpose of commerce, insurance, finance, industry, transport, or any other business and established in the territories of either of the contracting parties shall, provided that they have been duly constituting in accordance with the laws in force in such territories, be entitled, in the territories of the other, to exercise their rights and appear in the courts either as plaintiffs or as defendants, subject to the laws of such other party.

Limited liability and other companies, partnerships, and associations of either of the contracting parties which shall have been admitted in accordance with the laws and regulations in force in the territories of the other party shall enjoy in those territories the same treatment in regard to taxation as is accorded to the limited liability and other companies, partnerships, and associations of that party.

Such companies, partnerships, and associations may carry on in the territories of either of the contracting Parties, whether through the establishment of branches or otherwise, any description of business, which the companies, partnerships, and associations or subjects or citizens of any other state are or may be permitted to carry on.

In no case shall the treatment accorded by either of the contracting parties to companies, partnerships, and associations of the other be less favourable in respect of any matter whatever than that accorded to companies, partnerships, and associations of the most favoured nation.

It is understood that the foregoing provisions are applicable to companies, partnerships, and associations constituted before the signing of the present treaty as well as to those which may be constituted subsequently.

Hierdie artikel maak geen inbreuk op die reg van een van die kontrakterende partye om wette en reglemente in te voer of te handhaaf betreffende die beskikking oor onroerende goed, mits in hierdie aangelentheid die behandeling van die mees begunstigde land toegepas word.

Artikel 16.

Ieder van die kontrakterende partye sal die invoer of uitvoer van alle koopware toelaat wat wettig ingevoer of uitgevoer mag word, en tewens die vervoer van persone en hulle bagasie en goed van of na hulle respektiewe lande, op die skepe van die ander, en sodanige skepe, hulle ladings en passasiers sal dieselfde voorregte geniet en sal nie aan enige ander of hoër regte, heffings of beperkings onderworpe wees nie as nasionale skepe en hulle ladings en passasiers of die skepe van enige ander land en hulle ladings en passasiers.

Die kontrakterende partye kom ooreen dat hierdie artikel geen inbreuk sal maak op die maatreëls wat een van hulle wenslik ag tot uitvoering van algemene internasionale konvensies, waarby hy aangesluit het of wat hierna mag gesluit word, veral konvensies onder beskerming van die Volkebond gesluit aangaande deurvoer, uitvoer of invoer van besondere soorte artikels, soos opium of ander gevaarlike verdoewingsmiddels of die voortbrengsels van visserye, of tot uitvoering van algemene konvensies bedoel om inbreuk op industriële, literêre of artistieke eiendom te voorkom, of aangaande vals merke, valse aangifte van oorsprong of ander maniere van onbillike mededinging.

Verder kom die kontrakterende partye ooreen dat die voorafgaande bepalinge ieder van hulle belet om regte of laste wat onderskeid maak na gelang van die vlag, te hef op die goedere of passasiers in die skepe van die ander vervoer.

Die kontrakterende partye kom verder ooreen, met betrekking tot vergemakliking van internasionale spoorwegverkeer en tot die daarop toepaslike vragpryse en voorwaardes, om elkeen geen onbillike onderskeid te maak teenoor die goedere, burgers of skepe van die ander nie.

Vragpryse en vragprysverlaging of ander tegemoetkoming op spoorweggebied wat afhanklik is van voorafgaande of latere vervoer van goedere op skepe van enige skeepvaartonderneming in staats- of partikuliere besit, of wat afhanklik gestel word van 'n bepaalde see- of

Nothing in this article shall prejudice the right of either of the contracting parties to impose or maintain laws and regulations governing the disposal of immovable property, provided that in regard to this matter the treatment of the most favoured nation is applied.

Article 16.

Either of the contracting parties shall permit the importation or exportation of all merchandise which may be legally imported or exported, and also the carriage of passengers and their baggage and effects from or to their respective territories, upon the vessels of the other; and such vessels, their cargoes and passengers shall enjoy the same privileges as, and shall not be subjected to any other or higher duties or charges than national vessels and their cargoes and passengers or the vessels of any other country and their cargoes and passengers.

It is agreed that nothing in this article shall affect the measures which either of the contracting parties may feel called upon to take in pursuance of general international conventions to which it is a party or which may be concluded hereafter, particularly conventions concluded under the auspices of the League of Nations relating to the transit, export or import of particular kinds of articles such as opium or other dangerous drugs or the produce of fisheries or in pursuance of general conventions intended to prevent any infringement of industrial, literary or artistic property, or relating to false marks, false indications of origin or other methods of unfair competition.

It is further agreed that the foregoing provisions preclude either of the contracting parties from imposing differential flag duties or charges on goods or passengers carried in vessels of the other.

The contracting parties further agree, in regard to facilities for international railway traffic and to the rates and conditions of their application, to refrain from all discrimination of an unfair nature directed against the goods, nationals or vessels of the other.

Tariffs, reductions in rates or other railway facilities, the application of which is dependent upon previous or subsequent carriage of the goods upon vessels of any state-owned private shipping undertaking, or which are made conditional upon a given sea or river connec-

riviervverbinding, sal onvoorwaardelik van toepassing wees op goedere wat in die skepe van een van die kontrakterende partye in dieselfde rigting en la ngs dieselfde roetes vervoer word en in 'n hawe van die ander party aankom of daaruit vertrek.

Die bepaling van hierdie verdrag sal nie van toepassing wees nie op die besondere behandeling wat een van die kontrakterende partye toestaan of later mag toestaan ten opsigte van vis deur skepe van daardie party gevang. Vis deur die skepe van die een party gevang sal, by invoer in die gebied van die ander, nie minder gunstig behandel word nie as vis deur die skepe van enige ander land gevang.

Artikel 17.

Aangaande alles wat betref die aanwysing van aanlegplekke, die laai en los van skepe in die hawens, dokke en redes van die gebied van die kontrakterende partye sal deur geen party aan die skepe van enige ander land of aan nasionale skepe enige voorreg of gerief verleen word wat nie in dieselfde mate verleen word aan die skepe van die ander party nie, waarvand aan hulle ook al mag aankom of wat ook al hulle plek van bestemming mag wees.

Artikel 18.

Met betrekking tot tonne-, loods-, liggelde, hawe-, kwarantyn-, en ander soorgelyke regte of laste, onder watter benaming ook, wat gehef word namens en ten voordele van die Regering, openbare amptenare, partikuliere, liggame of inrigtings van welke aard ook al, sal die skepe van ieder van die kontrakterende partye in die hawens van die gebied van die ander minstens so gunstig behandel word as nasionale skepe of skepe van enige ander land.

Alle regte en gelde wat vir die gebruik van seehawens gehef word, sal behoorlik bekend gemaak word, voordat hulle in werking tree. Dit geld ook vir die verordenings en reglemente van die hawens. In elke seehawe sal die hawewerheid 'n lys van alle geldende regte en te betale gelde en ook 'n eksemplaar van die verordenings en reglemente ter insage van alle betrokke persone beskikbaar hou.

tion, shall unconditionally apply in the same direction and on the same routes to the goods carried in the vessels of either of the contracting parties and arriving at or departing from a harbour of the other party.

The provisions of this treaty shall not be applicable to the special treatment which is, or may hereafter be, accorded by either of the contracting parties to fish caught by vessels of that party. Fish caught by vessels of either party shall not be treated less favourably in any respect on importation into the territories of the other than fish caught by the vessels of any other country.

Article 17.

In all that regards the stationing, loading and unloading of vessels in the ports, docks, roadsteads and harbours of the territories of the contracting parties, no privilege or facility shall be granted by either party to vessels of any other country or to national vessels which is not equally granted to vessels of the other party from whatsoever place they may arrive and whatever may be their place of destination.

Article 18.

In regard to duties of tonnage, harbour, pilotage, lighthouse, quarantine or other analogous duties or charges of whatever denomination levied in the name or for the profit of the Government, public functionaries, private individuals, corporations or establishments of any kind, the vessels of either of the contracting parties shall enjoy in the ports of the territories of the other treatment at least as favourable as that accorded to national vessels or the vessels of any other country.

All dues and charges levied for the use of maritime ports shall be duly published before coming into force. The same shall apply to the by-laws and regulations of the ports. In each maritime port the port authority shall keep open for inspection by all persons concerned a table of the dues and charges in force, as well as a copy of the by-laws and regulations.

Artikel 19.

Die kushandel in die gebied van ieder van die kontrakterende partye word van die bepaling van hierdie verdrag uitgesluit en sal gereël word deur die wette en verordenings van die betrokke party. Die kontrakterende partye staan egter aan mekaar die behandeling van die mees begunstigde land toe, mits wederkerigheid verseker is.

Artikel 20.

Na inagneming van die wetlik voorgeskrewe formaliteite, sal die onderdane of burgers van ieder van die kontrakterende partye in die gebied van die ander dieselfde regte geniet as die onderdane of burgers van daardie party met betrekking tot patente vir uitvindings, handelsmerke en modelle.

Artikel 21.

Dit sal ieder van die kontrakterende partye vry staan om konsuls-generaal, konsuls, vise-konsuls en konsulêre agente te benoem om te woon in die stede en hawens van die gebied van die ander, waarin sodanige verteenwoordigers van enige ander staat deur die respektiewe regerings toegelaat mag word. Sodanige konsuls-generaal, konsuls, vise-konsuls en konsulêre agente sal egter nie hulle werksaamhede aanvaar, voordat hulle in die gewone vorm deur die Regering waarheen hulle gestuur is, of finaal of voorlopig toegelaat is nie.

Die konsulêre amptenare van ieder van die kontrakterende partye sal in die gebied van die ander dieselfde amptelike regte, voorregte en vrystellings geniet, mits wederkerigheid toegestaan word, as verleen is of mag word aan soortgelyke amptenare van enige ander staat.

Die konsulêre amptenare van ieder van die kontrakterende partye wat in die gebied van die ander woon, sal van die plaaslike owerhede die hulp ontvang wat regtens aan hulle kan verleen word vir die bemaatiging van weglopers van die skepe van hulle respektiewe lande, met die verstande dat hierdie bepaling nie van toepassing sal wees nie op die onderdane of burgers van die party in wie se gebied hulle wegloup.

Article 19.

Coasting trade, in the territories of either of the contracting parties, is excluded from the provisions of this treaty, and will be governed by the laws and ordinance of the respective party. The contracting parties, however, grant to each other the treatment of the most favoured nation, provided that reciprocity is assured.

Article 20.

The subjects or citizens of either of the contracting parties shall have in the territories of the other the same rights as subjects or citizens of that party in regard to patents for inventions, trade marks, and designs upon fulfilment of the formalities prescribed by law.

Article 21.

It shall be free to either of the contracting parties to appoint consuls-general, consuls, vice-consuls, and consular agents to reside in the towns and ports of the territories of the other in which such representatives of any other state may be admitted by the respective governments.

Such consuls-general, consuls, vice-consuls, and consular agents, however, shall not enter upon their functions until after they shall have been admitted, either finally or provisionally, in the usual form by the Government to which they are sent.

The consular officers of either of the contracting parties shall enjoy in the territories of the other the same official rights, privileges and exemptions, provided reciprocity be granted, as are or may be accorded to similar officials of any other state.

The consular officers of either of the contracting parties residing in the territories of the other shall receive from the local authorities such assistance as can by law be given to them for the recovery of deserters from the vessels of their respective countries, provided that this stipulation shall not apply to subjects or citizens of the party in whose territories the desertion takes place.

Artikkel 22.

As 'n onderdaan of burger van een van die kontrakterende partye in die gebied van die ander sterf en erfename wat nie daarin woonagtig is nie, nalaat, het die konsulêre verteenwoordiger wat die belange van die eersgenoemde party behartig, die reg om daardie erfename sonder hulle uitdruklike magtiging te verteenwoordig, vir so ver as die wette van die land sulke verteenwoordiging nie uitdruklik verbied nie, in alle sake aangaande die beheer van die eiendom en beredding van die boedel met die reg van insameling van die aandele wat aan daardie erfename toekom, mits die wette van die land nie die persoonlike aanwesigheid van die erfename eis nie of mits geen eksekuteur benoem is nie.

Artikkel 23.

As 'n geskil in verband met die uitleg of toepassing van hierdie verdrag, met inbegrip van die protokol, nie binne redelike tyd langs diplomatieke weg besleg kan word nie, sal dit op versoek van een van die kontrakterende partye, aan skeidsregterlike beslissing onderwerp word. Dieselfde geld ook vir die voorvraag of die geskil betrekking het op die uitleg of toepassing van die verdrag. Die beslissing van die skeidsgereg het verbindende krag.

In elke besondere geval word die skeidsgereg op so'n manier saamgestel dat elke party een van sy burgers as skeidsregter benoem en dat beide partye 'n burger van 'n derde staat as voorsitter en medeskeidsregter kies. Kom die partye binne vier weke na die ontvangs van die versoek om 'n skeidsregterlike beslissing nie ooreen omtrent die keuse van die voorsitter nie, dan sal hulle gesamentlik die President van die Permanente Internasionale Hof van Arbitrasie in Den Haag vra om die voorsitter te benoem. Die kontrakterende partye behou aan hulleself die reg voor om van tevore 'n ooreenkoms te tref aangaande die persoon van die voorsitter vir 'n bepaalde tyd.

Die reëling van die procedure wat deur die skeidsgereg moet in ag geneem word, word in elke besondere geval by onderlinge ooreenkoms tussen die partye vasgestel. As die partye binne drie maande na die beroep op die skeids-

Article 22.

When a subject or citizen of either of the contracting parties dies within the territories of the other, leaving non-resident heirs, the consular representative in charge of the interests of the first party is entitled without express authorization from such non-resident heirs to represent them, so far as the laws of the country do not expressly prohibit such representation, in all matters pertaining to administration of the property and settlement of the estate with the right to collect the shares accruing to such heirs, provided that the laws of the country do not expressly demand the personal presence of the heirs or provided that an executor has not been appointed.

Article 23.

If a dispute in regard to the interpretation or application of this treaty, inclusive of the protocol, cannot be solved by diplomatic means within a reasonable time, it shall, at the request of either of the contracting parties, be submitted for decision to a court of arbitration. The preliminary question whether the dispute relates to the interpretation or application of the treaty shall be dealt with likewise. The award of the court of arbitration shall be binding.

The court of arbitration shall, in each particular case, be constituted by each party nominating one of its subjects as arbiter and both parties choosing a subject of a third state as chairman and co-arbiter. Should the parties fail to agree upon the choice of the chairman within four weeks after the receipt of the request for a decision by arbitrators, they shall jointly request the President of the Permanent International Court of Arbitration at The Hague to appoint such chairman. The contracting parties reserve to themselves the right to agree beforehand as to the person of such chairman for a stated period.

The rules of procedure to be observed by the court of arbitration shall in each particular case be settled by mutual agreement between the parties. If the parties fail to agree upon such rules of procedure within three months

gereg nie ooreenstemming omtrent die reëling van die prosedure bereik het nie, reël die skeidsgereg self sy prosedure.

Artikkel 24.

Die bepalings van hierdie verdrag is ook van toepassing op die mandaatgebied Suidwes-Afrika.

Artikkel 25.

Die bepalings van hierdie verdrag ten opsigte van nasionale behandeling of behandeling van die mees begunstigde land, deur een van die kontrakterende partye aan die onderdane of burgers van die ander toegestaan, maak geen inbreuk op die reg van een van die partye tot toepassing van die beperkings, van tyd tot tyd in sy gebied van krag, op die toegang, reis, verblyf, werk, eiendomsreg van onroerende goed, huwelik of enige ander handeling van iemand wat tot 'n Asiatiese of gekleurde ras behoort of daarvan afstam; mits daardie beperkings op dieselfde tyd, op dieselfde wyse en tot dieselfde mate toegepas word op die Asiatiese of gekleurde onderdane of burgers van alle ander state, met uitsondering van aangrensende state of gebiede, ten opsigte waarvan soortgelyke gronde vir die toepassing daarvan mag bestaan.

Artikkel 26.

Na goedkeuring deur die bevoegde wetgewende gesag van die kontrakterende partye sal hierdie verdrag bekragtig word en die bekragtigingsaktes sal so spoedig moontlik in Berlyn uitgewissel word. Dit sal in werking tree op die dag van die uitwisseling van die bekragtigingsaktes en sal die partye vir twee jaar vanaf daardie datum verbind. Die verdrag sal daarna van krag bly tot na verloop van ses maande vanaf die datum, waarop een van die kontrakterende partye dit sal opgesê het.

Ter oorkonde waarvan die gevolmagtigdes elkeen hierdie verdrag onderteken en hulle seëls daaraan geheg het.

from the date of appeal to arbitration the court of arbitration shall itself settle its procedure.

Article 24.

The provisions of this treaty shall also apply to the Mandated Territory of South-West Africa.

Article 25.

The stipulations of this treaty with respect to national or most favoured nation treatment granted by either of the contracting parties to the subjects or citizens of the other shall not be held to interfere with the right of either party to apply the limitations or restrictions, in force from time to time in its territory, upon the entrance, travel, residence, work, ownership of immovable property, marriage or any other act of any person belonging to or descended from any Asiatic or coloured race; provided, however, that such limitations and restrictions shall be applied at the same time, in the same manner, and to the same extent to the Asiatic or coloured subjects or citizens of all other states, not being adjacent states or territories, in regard to which like grounds for applying them may exist.

Article 26.

The present treaty, after having been approved by the competent legislative authorities of the contracting parties, shall be ratified and the ratifications shall be exchanged in Berlin as soon as possible. It shall come into force on the day of the exchange of ratifications and shall be binding for two years from that date. The treaty shall thereafter remain in force until the expiration of six months from the date on which either of the contracting parties shall have denounced it.

In witness whereof the respective Plenipotentiaries have signed the present treaty and have affixed thereto their seals.

Gedaan te Pretoria in duplicaat in Afrikaanse, Engelse en Duitse teks, die 1ste September 1928.

(*Get.*) F. W. BEYERS.

(*Get.*) O. SARNOW.

Done at Pretoria in duplicate in English, Afrikaans and German texts, the 1st of September, 1928.

(*Signed*) F. W. BEYERS.

(*Signed*) O. SARNOW.

PROTOKOL.

(1)

Vir die doeleindes van subartikel (3) van Artikel 4 word die Tolregoooreenkomste wat nou bestaan, of ooreenkomste van soortgelyke aard wat hierna ingevolge Artikel 10 van Wet No. 36 van 1925 van die Unie van Suid-Afrika mag gesluit word, tussen die Regerings van laasgenoemde land en van Suidelik en Noordelik Rhodesië en die Gebiede Basoetoland, Swasieland en die Beetsjoeanalandse Protektoraat, as Tolunies beskou.

(2)

Die bepalings van Artikel 5 sal nie van toepassing wees nie in sover die Britse koopvaardywet (Merchant Shipping Act) neerlê dat Britse skepe slegs, gedeeltelik of geheel, die eiendom van Britse onderdane kan wees.

(3)

Die Duitse Ryk doen afstand van enige aanspraak op die mienimumtolregte of kortings ten opsigte van die goedere wat in die voorbehoud op die eerste paragraaf van Artikel 8 vermeld is, alleen indien en wanneer daardie mienimumtolregte of kortings beperk bly tot die lande respektiewelik daarin by name opgenoem.

(4)

(*a*) Die beskerming van diere en plante teen siekte, in Artikel 10 (2) vermeld, het ook betrekking op maatreëls wat getref word tot hulle behoud teen ontarding, of uitsterwing en op maatreëls wat getref word teen skadelike sade, plante, parasiete en diere.

(*b*) Hoewel die kontrakterende partye dit nagelaat het om in Artikel 10 (4) melding te maak van maatreëls betreffende

PROTOCOL.

(1)

For the purposes of sub-section (3) of Article 4 the Customs Agreements now existing or agreements of a like nature hereafter concluded under Section 10 of Act No. 36 of 1925 of the Union of South Africa between the Governments of the latter country and of Southern and Northern Rhodesia, and the Territories of Basutoland, Swaziland, and the Bechuanaland Protectorate, shall be deemed Customs Unions.

(2)

The provisions of Article 5 shall not apply in so far as the British Merchant Shipping Act provides that British ships can only, partly or wholly, be owned by British subjects.

(3)

It is understood that the German Reich renounces any claim to the minimum rates or rebates in respect of the goods referred to in the proviso to the first paragraph of Article 8 only if and when such minimum rates or rebates are confined to the countries specified therein respectively.

(4)

(*a*) The protection of animals and plants against disease mentioned in Article 10 (2) also refers to measures taken to preserve them from degeneration or extinction and to measures taken against harmful seeds, plants, parasites and animals.

(*b*) The contracting parties, although they have refrained from making any reference in Article 10 (4) to measures

«standaard»-voortbrengsels en omskrywing van voortbrengsels, verklaar hulle dat hierdie paragraaf in dié sin moet uitgelê word dat dit hoegenaamd geen inbreuk maak nie op die gebruik van die een of die ander party om die uitvoer van sy voortbrengsels te onderwerp aan sekere voorwaardes met die oog op die versekering van hoedanigheid met die doel om die goeie naam van daardie voortbrengsels te handhaaf en tewens om aan die buitelandse koper 'n waarborg te verskaf. Hulle verklaar verder dat hulle die betrokke paragraaf in dié sin uitlê dat dit ieder van die partye verbied om 'n stelsel van klasindeling of omskrywing van voortbrengsels toe te pas as 'n onregstreekse middel om die invoer van die voortbrengsels van die ander party te beperk of om teenoor hulle 'n onbillike onderskeid te maak.

(c) Verbodsbepalings of beperkings ten opsigte van goedere wat in gevangenis vervaardig is, word nie deur Artikel 10 geraak nie.

(d) Die tans nog bestaande verbodsbepalings op invoer en uitvoer wat ieder van die kontrakterende partye aan die ander sal meedeel, word nie deur die bepaling van Artikel 10 geraak nie.

Die twee Regerings sal die lyste van die bestaande verbodsbepalings uitwissel binne drie maande vanaf die inwerking-treding van die voorgaande verdrag.

(5)

Op grond van die meesbegunstiging waartoe die kontrakterende partye in Artikel 12 ooreengekom het, kan begunstigings in die spoorweg-verkeer, deur, een van die partye aan 'n derde land verleen, deur die ander party alleen geëis word vir die vervoer van soortgelyke goedere in dieselfde rigting en op dieselfde verkeersroetes.

(6)

Die kontrakterende partye kom ooreen dat omsetbelasting ook behoort tot die inlandse regte in Artikel 13 vermeld.

(7)

Ter vergemakliking en vermeerdering van die wedersydse verkeer van artikels wat in hulle respektiewe gebiede voortbring en ver-

relating to "standard" products and definitions of products, declare that this paragraph must be interpreted as in no way interfering with the practice followed by either party of subjecting the exportation of their products to certain conditions with a view to ensuring quality with the object of preserving the reputation of those products and at the same time of offering a guarantee to the foreign purchaser. They further declare that they interpret the paragraph in question as prohibiting either party from having recourse to any system of classifying or defining products as an indirect means of restricting, or unfairly discriminating against, the importation of the products of the other party.

(c) Prohibitions or restrictions in respect of prison-made goods are not affected by Article 10.

(d) The presently still existing prohibitions of importation and exportation which shall be notified by either of the contracting parties to the other are not affected by the stipulations of Article 10.

The two Governments will exchange the list of the existing prohibitions within three months from the coming into force of the foregoing treaty.

(5)

By virtue of the most favoured nation treatment agreed to in Article 12 concessions which either of the contracting parties may grant to a third country in regard to railway traffic can only be claimed by the other party for the transport of similar goods in the same direction and on the same routes.

(6)

It is agreed that the turnover-tax also belongs to the internal duties mentioned in Article 13.

(7)

In order to facilitate and increase the reciprocal exchange of articles produced or manufactured in their respective territories

vaardig word, is die kontrakterende partye voornemens om 'n ooreenkoms omtrent tolgeregunstigings aan te gaan.

Wanneer hierdie ooreenkoms gesluit is, sal dit as deel van die voorgaande verdrag beskou word.

(8)

Die kontrakterende partye kom ooreen om verdrae aan te gaan tot voorkoming van dubbele belasting en tot verskaffing van regsbeskerming en regsbystand in belastingsgevalle; en om ontwerpe vir hierdie verdrae so spoedig moontlik uit te wissel.

(9)

Die bepalinge van die voorgaande verdrag wat betrekking het op die behandeling van die onderdane en burgers of skepe van die kontrakterende partye, sal, in sover dit Sy Britse Majesteit aangaan, van toepassing wees uitsluitend op onderdane van Sy Britse Majesteit wat burgers is van die Unie van Suid-Afrika volgens Wet No. 40 van 1927 en op skepe in die Unie van Suid-Afrika geregistreer.

Hierdie protokol maak 'n wesenlike deel uit van die Verdrag van Handel en Skeepvaart wat vandag onderteken is, en tree in werking op dieselfde tyd as die verdrag.

Gedaan te Pretoria in duplikaat in Afrikaanse, Engelse en Duitse teks, die 1ste September 1928.

(Get.) F. W. BEYERS.

(Get.) O. SARNOW.

the contracting parties intend to conclude an agreement on mutual customs tariff concessions.

This agreement, when concluded, will be considered part of the foregoing treaty.

(8)

The contracting parties agree to conclude treaties for the removal of double taxation and for the affording of legal protection and legal assistance in tax cases and to exchange drafts for these treaties as soon as possible.

(9)

The stipulations of the foregoing treaty which relate to the treatment of subjects and citizens or ships and vessels of the contracting parties shall, as far as His Britannic Majesty is concerned, apply exclusively to subjects of His Majesty who are nationals of the Union of South Africa in terms of Act No. 40 of 1927 and to ships and vessels registered in the Union of South Africa.

This protocol constitutes an essential part of the Treaty of Commerce and Navigation signed this day and shall come into force at the same time as this treaty.

Done at Pretoria in duplicate in English, Afrikaans and German texts, the 1st of September, 1928.

(Signed) F. W. BEYERS.

(Signed) O. SARNOW.

Britannische Majestät angeht, ausschliesslich Anwendung finden auf Untertanen seiner Majestät, die nach dem Gesetz Nr. 40 von 1927 Angehörige der Südafrikanischen Union sind, und auf Schiffe, die in der Südafrikanischen Union registriert sind.

Dieses Protokoll bildet einen wesentlichen Bestandteil des heute unterzeichneten Handels- und Schifffahrtsvertrages und tritt gleichzeitig mit diesem Vertrage in Kraft.

Gegeben in Pretoria in zweifacher Ausfertigung in afrikanischer, englischer und deutscher Sprache, am 1sten September, 1928.

(Gez.) F. W. BEYERS.

(Gez.) O. SARNOW.

Certified a true copy
of the original hereof.

Pretoria, 4th October, 1929.

Dr. H. Farrell

Actg Secretary for External Affairs.

¹ TRADUCTION. — TRANSLATION.

N^o 2181. — TRAITÉ DE COMMERCE ET DE NAVIGATION ENTRE
L'UNION SUD-AFRICAINE ET LE REICH ALLEMAND. SIGNÉ A
PRÉTORIA, LE 1^{er} SEPTEMBRE 1928.

SA MAJESTÉ LE ROI DU ROYAUME-UNI DE GRANDE-BRETAGNE, D'IRLANDE ET DES TERRITOIRES BRITANNIQUES AU DELÀ DES MERS, EMPEREUR DES INDES, POUR L'UNION SUD-AFRICAINE, d'une part, et LE PRÉSIDENT DU REICH ALLEMAND, d'autre part, animés du désir de faciliter et de développer encore les relations commerciales qui existent déjà entre l'Union Sud-Africaine et le Reich allemand, ont décidé de conclure, à cet effet, un traité de commerce et de navigation et ont nommé pour leurs plénipotentiaires :

SA MAJESTÉ LE ROI DU ROYAUME-UNI DE GRANDE-BRETAGNE, D'IRLANDE ET DES TERRITOIRES BRITANNIQUES AU DELÀ DES MERS, EMPEREUR DES INDES :

L'honorable Fredrik William BEYERS, K.C., M.L.A., membre du Conseil exécutif et ministre des Mines et des Industries de l'Union Sud-Africaine ;

LE PRÉSIDENT DU REICH ALLEMAND :

M. Otto SARNOW, conseiller au Ministère des Finances du Reich ;

Lesquels, après s'être communiqué leurs pleins pouvoirs, reconnus en bonne et due forme, sont convenus des dispositions suivantes :

¹ Traduit par le Secrétariat de la Société des Nations, à titre d'information.

¹ Translated by the Secretariat of the League of Nations, for information.