

TEXTE ALLEMAND. — GERMAN TEXT.

N^o 2747. — FREUNDSCHAFTS- UND
HANDELSVERTRAG¹ ZWISCHEN
DEM DEUTSCHEN REICH UND
DER REPUBLIK HAITI. GE-
ZEICHNET IN PORT-AU-PRINCE
AM 10. MARZ, 1930.

N^o 2747. — TRAITÉ¹ D'AMITIÉ ET
DE COMMERCE ENTRE L'ALLE-
MAGNE ET LA RÉPUBLIQUE
D'HAÏTI. SIGNÉ A PORT-AU-
PRINCE, LE 10 MARS 1930.

*Textes officiels allemand et français communi-
qués par le consul général d'Allemagne à
Genève. L'enregistrement de ce traité a eu
lieu le 2 juillet 1931.*

*German and French official texts communicated
by the German Consul-General at Geneva.
The registration of this Treaty took place July 2,
1931.*

DER DEUTSCHE REICHSPRÄSIDENT und DER
PRÄSIDENT DER REPUBLIK HAITI, in gleicher
Weise von dem Wunsche beseelt, die Handels-
beziehungen zwischen den beiden Staaten
weiter zu erleichtern und auszudehnen, haben
beschlossen, einen Freundschafts- und Handels-
vertrag abzuschliessen, und haben zu diesem
Zweck zu ihren Bevollmächtigten ernannt :

DER DEUTSCHE REICHSPRÄSIDENT :

den deutschen Geschäftsträger *ad interim*
in Port-au-Prince, Herrn Edmund
HELMCKE,

DER PRÄSIDENT DER REPUBLIK HAITI :

Herrn Antoine C. SANSARICQ, Staats-
sekretär der Auswärtigen Angelegenhei-
ten,

die nach gegenseitiger Mitteilung ihrer in
guter und gehöriger Form befundenen Voll-
machten die nachstehenden Artikel vereinbart
haben :

Artikel I.

Die Angehörigen jedes der vertragschliessen-
den Teile sollen, soweit nicht der gegenwärtige

¹ L'échange des ratifications a eu lieu à Port-au-
Prince, le 16 avril 1931.

Entré en vigueur, le 7 mai 1931.

LE PRÉSIDENT DE LA RÉPUBLIQUE D'HAÏTI
et LE PRÉSIDENT DU REICH ALLEMAND, égale-
ment animés du désir de faciliter et de déve-
lopper les relations de commerce entre les deux
États, ont décidé de conclure un traité d'amitié
et de commerce et ont nommé, à cet effet,
pour leurs plénipotentiaires :

LE PRÉSIDENT DE LA RÉPUBLIQUE D'HAÏTI :

M. Antoine C. SANSARICQ, secrétaire d'Etat
des Relations extérieures ;

LE PRÉSIDENT DU REICH ALLEMAND :

M. Edmund HELMCKE, chargé d'affaires
d'Allemagne *ad interim* à Port-au-Prince ;

Lesquels, après s'être communiqué leur pleins
pouvoirs, trouvés en bonne et due forme,
sont convenus des articles suivants :

Article premier.

Les ressortissants de chacune des Parties
contractantes, en tant que le présent Traité

¹ The exchange of ratifications took place at
Port-au-Prince, April 16, 1931.

Came into force, May 7, 1931.

¹ TRADUCTION. — TRANSLATION.

No. 2747. — TREATY OF FRIENDSHIP AND COMMERCE BETWEEN THE GERMAN REICH AND THE REPUBLIC OF HAITI. SIGNED AT PORT-AU-PRINCE, MARCH 10, 1930.

THE PRESIDENT OF THE REPUBLIC OF HAITI and THE PRESIDENT OF THE GERMAN REICH, being equally desirous of facilitating and promoting commercial relations between the two States, have decided to conclude a treaty of friendship and commerce, and have, for this purpose, appointed as their Plenipotentiaries :

THE PRESIDENT OF THE REPUBLIC OF HAITI :

M. Antoine C. SANSARICQ, Secretary of State for Foreign Affairs :

THE PRESIDENT OF THE GERMAN REICH :

M. Edmund HELMCKE, German Chargé d'Affaires *ad interim* at Port-au-Prince :

Who, having communicated their full powers, found in good and due form, have agreed upon the following Articles :

Article I.

Except as otherwise provided in the present Treaty, nationals of each of the Contracting Parties shall enjoy within the territory of the other Party the same privileges, immunities and favours of all kinds as are or may be accorded to nationals of the most favoured nation ; they shall, further, be entirely at liberty to carry on their professional activities under the same personal and material conditions as nationals of the most favoured nation.

Nationals of either of the Contracting Parties may, provided that they comply with the laws of the country, freely enter, travel, reside and establish themselves in the territory of the other Party, and may leave it freely. They shall not be subject when so doing to any general or local restriction or to taxes of any kind whatsoever, other or more burdensome than are imposed, in the same conditions, on nationals of the most favoured nation.

Nationals of either Contracting Party shall have the same right as nationals of the most favoured nation to acquire and possess in the territory of the other Party movable or immovable property, and to dispose thereof in conformity with the laws in force.

They shall have free access to the tribunals of the other Contracting Party, as provided by law, for the enforcement and the defence of their rights.

Article II.

Joint stock companies and commercial companies of every kind, including industrial, financial, insurance, transport and forwarding companies, which have their seat in the territory of one of the Contracting Parties, and which are legally constituted there, shall be recognised as having

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.

a legal status in the territory of the other Party ; their constitution, legal competence and right to appear before the courts shall be determined in accordance with the laws of their country of origin. Authorisation to carry on their business in the territory of the other Party shall be governed by the laws and regulations in force in that territory.

In each case they shall, as regards the conditions for their establishment and the exercise of their activities and in all other respects, enjoy the same rights, privileges and immunities as similar undertakings of the most favoured nation.

Article III.

There shall be complete freedom of trade between the two Contracting Parties. They undertake not to hamper trade between the two countries by import or export prohibitions of any kind.

Exceptions, in so far as they are applicable to all countries, or to countries in which similar conditions prevail, may be made in the following cases :

- (a) For reasons of public security ;
- (b) For reasons relating to public health, or the protection of animals or plants against disease or parasites, or in order to protect plants against degeneration or extinction;
- (c) In the case of arms, munitions and war material, and, in special circumstances other war supplies ;
- (d) In the case of goods which form or may in future form the subject of a State monopoly in the territory of one of the Contracting Parties and, further, with a view to the application to foreign goods of all such prohibitions or restrictions as are or may hereafter be established by internal legislation in regard to the production, sale, transport or consumption of like goods of native origin within the country itself.

Article IV.

The Contracting Parties guarantee one another freedom of transit through their territories. Exceptions, in so far as they are applicable to all other countries or to countries in which like conditions prevail, may be made in the following cases :

- (a) For reasons of public security ;
- (b) For reasons relating to public health or the protection of animals or plants against disease or parasites ;
- (c) In the case of war supplies, in exceptional circumstances.

The Contracting Parties undertake not to levy any transit charges.

The present provisions shall apply both to goods in direct transit and to goods transhipped, repacked or placed in bond in course of transit.

Article V.

Products of the soil and industrial products of either of the Contracting Parties shall be treated, on importation into the territory of the other Party, and on exportation to the territory of the other Party, in accordance with the most-favoured-nation principle, as regards the amount and levying of duties and charges and security therefor and in respect of all Customs formalities.

Article VI.

As regards their person and their property, rights and interests in relation to imposts (taxes and Customs duties) and dues in the nature of taxes and other charges, nationals of one of the

Contracting Parties shall be accorded in the territory of the other Party exactly the same treatment and protection by the fiscal authorities and fiscal courts as nationals of the most favoured nation.

The provisions of this Article shall be applicable *mutatis mutandis* to the companies mentioned in Article II.

Article VII.

In so far as the provisions of the present Treaty relate to the reciprocal granting of most-favoured-nation treatment, they shall not apply :

(a) To any special privileges granted now or in future by one of the Contracting Parties to neighbouring States for the purpose of facilitating frontier traffic within a zone not exceeding as a rule 15 kilometres in width on either side of the frontier ;

(b) To undertakings already entered into or which may be entered into in the future by one of the Contracting Parties under the terms of a Customs Union ;

(c) To Customs or other privileges which the Republic of Haiti grants, or may grant to the Dominican Republic, so long as these privileges are not granted to a third country ;

(d) To privileges which one of the Contracting Parties grants under an agreement to another State for the adjustment of inland and foreign taxation, and more particularly for the prevention of double taxation or to ensure protection and assistance in regard to taxation or prosecutions for fiscal offences.

Article VIII.

In general, certificates of origin will not be required for the importation of products of one of the Contracting Parties into the territory of the other.

If, however, one of the Contracting Parties should impose higher duties upon the products of a third country than upon the products of the other Party or if it should subject the products of a third country to import prohibitions or restrictions to which the products of the other Party are not subject, it can, if necessary, make the application of the reduced duties to the products of the other Party or permission to import such products conditional upon the production of certificates of origin.

The Contracting Parties undertake to ensure that trade shall not be hampered by superfluous formalities in connection with the issue of certificates of origin.

The said certificates of origin shall be issued by the Customs authorities of the place of dispatch within the country or at the frontier or by the competent Chambers of Commerce and Industry. The two Governments may by agreement empower other authorities than those mentioned above and also commercial or industrial associations of either of the two Parties to issue certificates of origin, which must be accepted by the Customs authorities of the other Party. The Government of the country of destination may require that the certificates shall be authenticated by the diplomatic or consular authority competent for the place from which the goods are to be dispatched. No charge shall be made for authentication.

Certificates of origin issued in Germany for imports into the Republic of Haiti shall in every case be accompanied by a certificate from the Customs authorities to the effect that the goods in question are not transit or bonded goods. This certificate must be issued by a Customs authority at the German port of lading, if the goods are exported cross the frontier by sea ; if the goods are exported across the land frontier, the certificate must be issued by a Customs authority within the country, duly empowered in respect of the place of export, or by the Customs authority at the frontier. Customs certificates are not necessary for postal packets.

Certificates of origin may be drawn up in the language of the country of destination or in that of the country of export ; in the latter case the Customs authorities of the country of destination may demand a translation.

If products of third countries are imported through the territory of one of the Contracting Parties into the territory of the other, the Customs authorities of the latter Contracting Party must accept certificates of origin issued in the country of the first Contracting Party in accordance with the provisions of this Article.

Article IX.

Nationals of each of the Contracting Parties shall be exempt in the territory of the other from all military service in the army, navy, air force or national militia. They shall also be exempt from all compulsory national service for the administrative or communal authorities, from all military requisitions or contributions and from all contributions in cash or in kind imposed in commutation of personal services.

An exception shall, however, be made in the case of charges arising out of the possession or holding on lease or letting on lease of landed property, and in the case of military contributions and requisitions applicable to nationals in their capacity as owners, lessees or lessors of landed property. As regards such charges, contributions and requisitions, they shall receive the same treatment as nationals of the most favoured nation.

Similarly, nationals of each of the Contracting Parties, including the companies mentioned in Article II of the present Treaty, shall be exempt from forced loans and contributions in the country of the other Party.

Persons subjected to expropriation for public utility purposes shall receive fair compensation.

Article X.

Haitian vessels and their cargoes, when in Germany and German vessels and their cargoes when in Haiti shall receive the same treatment as is accorded to vessels and cargoes of the most favoured nation.

This provision shall however not apply to the coasting trade, which shall be governed by the legislation of each of the two countries. Nevertheless, as regards the coasting trade, the vessels of each of the Contracting Parties shall be entitled to all favours and privileges which the other grants or may grant in this respect to a third Power, provided that each Party in its own territory grants vessels of the other Party the same favours and privileges.

Article XI.

Each of the Contracting Parties grants the other the right to appoint consuls in all the ports and places of trade in the country to which consuls of any third State shall be admitted.

The consuls of one of the Contracting Parties shall enjoy, within the territory of the other Party, the same privileges, immunities and rights as are granted or may be granted in the future to the consuls of any third State. However, such privileges, immunities and rights shall not exceed those enjoyed by the consular representatives of the latter Party in the territory of the first Party.

Article XII.

Should a dispute arise concerning the interpretation or application of the present Treaty, including the Final Protocol, it shall, at the request of one of the Parties, be submitted for decision to an arbitral tribunal. The same shall apply also to the preliminary question as to whether the dispute refers to the interpretation or application of the Treaty. The decision of the arbitral tribunal shall be binding.

In all cases of dispute, the arbitral tribunal shall be constituted as follows : each Party shall appoint one of its nationals as arbitrator, and the two Parties shall appoint as third arbitrator a national of a third State. Should the Contracting Parties fail to agree on the choice of the third

arbitrator within four months after the application for an arbitral decision, they shall apply jointly to the President of the Administrative Council of the Permanent Court of Arbitration at The Hague to appoint him.

The Contracting Parties reserve the right to agree in advance for a definite period as to the person to act as third arbitrator.

Article XIII.

The present Treaty, drawn up in two originals, in French and German, shall be ratified on both sides with the approval of the legislative assemblies, and ratifications shall be exchanged at Port-au-Prince as soon as possible.

The Treaty shall come into force twenty days after the exchange of the instruments of ratification and shall remain in force for three years from that day. If within one year after the expiry of this period neither Party notifies its intention of denouncing it, the Treaty shall remain in force until one year after its denunciation by either of the Contracting Parties.

In witness whereof the respective Plenipotentiaries, duly authorised to that effect, have signed the present Treaty.

PORT-AU-PRINCE, *March 10, 1930.*

A. C. SANSARICQ.
Edm. HELMCKE.

FINAL PROTOCOL.

On proceeding to sign the Treaty of Commerce and Navigation concluded this day between Haiti and the German Reich, the undersigned Plenipotentiaries have made the following reservations and declarations, which shall form an integral part of the Treaty.

Ad Article I.

This is without effect on the regulations concerning passports or the regulations in general which the Contracting Parties have issued or may in future issue concerning the employment of foreign labour. It is, however, understood that employees shall not be placed under any restriction as regards the acceptance of work.

It is understood, further, that the provisions of the present Treaty shall be without prejudice to the right of each of the Contracting Parties in particular cases to prohibit the stay in its territory of nationals of the other Party, either in virtue of an order of the Court, or for reasons concerning the external or internal security of the State, or for reasons connected with the regulations applicable to indigent persons, health or public morals.

Ad Article III.

The import and export prohibitions at present in force in the two countries shall not be affected by the provisions of this Article. Each of the Contracting Parties will notify the other of such prohibitions and these shall remain in force as regards the other Party as long as they are applicable to all countries.

PORT-AU-PRINCE, *March 10, 1930.*

A. C. SANSARICQ.
Edm. HELMCKE.