

N° 3062.

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**BOLIVIE ET PAYS-BAS**

Traité de commerce, avec protocole  
de signature. Signés à La Paz, le  
30 mai 1929.

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**BOLIVIA  
AND THE NETHERLANDS**

Treaty of Commerce, with Protocol  
of Signature. Signed at La Paz,  
May 30, 1929.

## TEXTE ESPAGNOL. — SPANISH TEXT.

Nº 3062. — TRATADO<sup>1</sup> DE COMERCIO SUSCRITO ENTRE LA REPUBLICA DE BOLIVIA Y EL REINO DE HOLANDA. FIRMADO EN LA PAZ EL 30 DE MAYO DE 1929.

*Dutch, Spanish and French official texts communicated by the Netherlands Envoy Extraordinary and Minister Plenipotentiary at Berne. The registration of this Treaty took place October 12, 1932.*

SU MAJESTAD LA REINA DE HOLANDA Y SU EXCELENCIA EL PRESIDENTE DE LA REPÚBLICA DE BOLIVIA, animados del deseo de extender y facilitar las relaciones comerciales que actualmente existen entre los dos países, han convenido en celebrar un Tratado de Comercio y han nombrado con este objeto sus Plenipotenciarios, a saber :

SU MAJESTAD LA REINA DE HOLANDA :

A Su Señoría don Arnold Theodoor LAMPING, Encargado de Negocios de Holanda y Plenipotenciario *ad-hoc* ;

SU EXCELENCIA EL PRESIDENTE DE LA REPÚBLICA DE BOLIVIA :

Al Excelentísimo señor doctor don Tomás Manuel ELÍO, su Ministro de Relaciones Exteriores.

Quienes, después de haber cambiado sus Plenos Poderes respectivos, que fueron hallados en buena y debida forma, han convenido en los Artículos siguientes :

*Artículo I.*

1. Los súbditos de cada una de las Altas Partes Contratantes tendrán plena libertad para dirigirse al territorio de la otra Parte, permanecer, viajar y salir de él, siempre que se conformen a las leyes y reglamentos que están o estuvieren en vigor en la materia.

2. En todo lo que concierne al establecimiento y al ejercicio del comercio, de la industria y de la navegación, así como al ejercicio de los oficios y profesiones y la adquisición y la disposición de la propiedad o de la posesión de bienes muebles o inmuebles de toda especie, los súbditos de cada una de las Altas Partes Contratantes gozarán sobre toda la extensión del territorio de la otra, en todo concepto, el tratamiento de la nación más favorecida.

3. Los súbditos de cada una de las Altas Partes Contratantes tendrán libre acceso a los Tribunales de la otra Parte, sea como demandantes, sea como defensores. Tendrán la facultad, al igual de los nacionales o que los súbditos de la nación más favorecida, de escoger procuradores, abogados, representantes y testigos y emplearlos en la salvaguardia de sus derechos ante dichos Tribunales.

<sup>1</sup> The exchange of ratifications took place at The Hague, July 12, 1932.

<sup>1</sup> TRADUCTION. — TRANSLATION.

## No. 3062. — TREATY OF COMMERCE BETWEEN BOLIVIA AND THE NETHERLANDS. SIGNED AT LA PAZ, MAY 30 1929.

HER MAJESTY THE QUEEN OF THE NETHERLANDS and HIS EXCELLENCY THE PRESIDENT OF THE REPUBLIC OF BOLIVIA, being desirous of extending and facilitating the commercial relations at present existing between the two countries, have agreed to conclude a Treaty of Commerce, and to that end have appointed as their Plenipotentiaries :

HER MAJESTY THE QUEEN OF THE NETHERLANDS :

M. Arnold Theodoor LAMPING, Netherlands Chargé d'Affaires and Plenipotentiary *ad hoc* ;

HIS EXCELLENCY THE PRESIDENT OF THE REPUBLIC OF BOLIVIA :

His Excellency Dr. Tomás Manuel ELÍO, His Minister for Foreign Affairs ;

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

*Article I.*

1. Nationals of each of the High Contracting Parties shall be entirely free to enter, sojourn or travel in and leave the territory of the other Party, provided always that they comply with the laws and regulations which are or may hereafter be applicable thereto.

2. In all matters relating to establishment, engaging in commerce, industry and shipping, and the exercise of trades and professions, and the acquisition and disposal of property or the ownership of movable or immovable property of whatever kind, the nationals of each of the High Contracting Parties shall, in all respects and throughout the territory of the other Party, enjoy most-favoured-nation treatment.

3. The nationals of each of the High Contracting Parties shall have free access to the courts of law of the other Party in the capacity either of plaintiff or defendant. They shall be entitled, on an equality with nationals of the country or of the most favoured nation, to select solicitors, barristers, representatives and witnesses, and to employ them in upholding their rights before the aforesaid courts of law.

4. They shall not be liable, more especially in regard to their commercial, industrial or shipping activities or to the exercise of trades and professions in the territory of the other Party, for any impost, tax, duty or contribution, of whatever description or kind, other or higher than those which are or may hereafter be levied upon the nationals of the country or of the most favoured nation.

5. Nationals of either of the High Contracting Parties who are deemed to be aliens under the laws of the other Party, and who have duly declared their nationality, shall be exempt in the territory

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

<sup>1</sup> Translated by the Secretariat of the League of Nations, for information.

of the other Party from every kind of compulsory personal service and all compulsory duties at public law and also from all contributions, whether pecuniary or in kind, imposed in lieu of such compulsory personal service. They shall only be subject, both in peace and in war, to such military levies and requisitions as are imposed upon nationals of the country or of the most favoured nation, and to the same extent, on the same principles and in return for the same compensation as the latter.

#### *Article II.*

1. Joint stock companies and other commercial, industrial or financial associations, including shipping and insurance companies, domiciled in the territory of either of the High Contracting Parties and legally constituted under the laws in force, shall be recognised as legally constituted in the territory of the other Party also. Subject to compliance with the laws and regulations in force, they shall be entitled to appear before the courts as parties to an action in the capacity either of plaintiff or defendant.

2. The companies enumerated above shall be admitted to the territory of the other Party, provided always that they comply with the laws and decrees in force in the territory of that Party.

3. The aforesaid companies, together with their subsidiaries and branches, shall enjoy, in the territory of the other Party, the same rights as those which are or shall hereafter be accorded to similar companies of the most favoured nation ; more especially they shall not be liable in respect of their commercial activities in the territory of the other Party, for imposts, duties, taxes or contributions, of whatever description or kind, higher or other than those which are or may be levied upon similar companies of the most favoured nation.

#### *Article III.*

Land, dwellings, warehouses, factories, store-houses and other premises belonging to national of either of the High Contracting Parties in the territory of the other Party and used for residential or commercial purposes, shall not be subject to inspection or search, and the books, papers and accounts to be found therein shall not be subject to examination or inspection, save in the circumstances and in accordance with the procedure prescribed by the laws and regulations applicable to nationals of the country or of the most favoured nation.

#### *Article IV.*

1. Traders, merchants, industrialists and manufacturers, being nationals of either of the High Contracting Parties, and their commercial travellers, shall be entitled to visit, in the territory of the other Party, merchants or producers and public marts, there to make purchases or canvass for orders from persons or firms buying for resale or requiring the goods offered for business or industrial purposes, subject to payment of the taxes legally applicable.

2. They shall in all respects, and especially as regards taxation and facilities, enjoy most-favoured-nation treatment.

3. Dutiable articles imported as samples or specimens, with the exception of goods the importation of which is prohibited, shall be temporarily admitted free of both import and export duty, subject to compliance with the Customs regulations and formalities necessary to ensure re-exportation or to the payment of the duties prescribed in case re-exportation does not take place by the date appointed by law.

*Article V.*

1. There shall be full and entire freedom of commerce between the territories of the High Contracting Parties.

2. Natural or manufactured products originating in or despatched from the territory of one of the High Contracting Parties shall not be subject, on importation into the territory of the other Part, to duties or taxes, including all coefficients, surtaxes or surcharges, higher or other than those to which similar products or goods of the most favoured nation are or shall be subject.

3. Goods of all kinds exported to the territory of either of the High Contracting Parties shall not be subject on export to duties or taxes, including all coefficients, surtaxes or surcharges, higher or other than those which are or may be imposed on similar articles on export to the territory of any other foreign country.

4. Goods of all kinds despatched from or consigned to the territory of either of the High Contracting Parties shall be exempt in the territory of the other Party from all transit dues, whether transit be direct or whether the goods are to be warehoused, transhipped, unloaded or reloaded during transit.

5. Furthermore, each of the High Contracting Parties undertakes that in all other respects it will refrain from subjecting the other Party to treatment other or less favourable than that applied to any third State in respect of imports, exports or goods in transit and more especially as regards Customs regulations and their application, warehousing, methods of verifying and analysing articles, conditions of payment of all Customs dues and taxes and the classification and interpretation of tariffs. They shall enjoy all facilities accorded in Customs matters to the products of any other country.

*Article VI.*

Should circumstances render such a course unavoidable, the High Contracting Parties may require that all products or merchandise imported into its territories shall be accompanied by a certificate of origin issued by the competent authority. The certificates in question shall be legalised by a diplomatic or consular official on payment of the stamp duties, or fees legally applicable.

*Article VII.*

Excise duties, inland dues and taxes levied for account of the State, provinces, municipalities or other public authorities on the production, preparation or consumption of goods in the territory of either of the High Contracting Parties shall not be heavier or more onerous in their application to the products of the other country than to similar products originating in the territory of the most favoured nation.

*Article VIII.*

Each of the High Contracting Parties shall be entitled to appoint consuls-general, consuls, vice-consuls and other consular officials in the territory of the other Party, with the exception of the territory of the Netherlands Indies, Surinam and Curaçao ; for the purpose of regulating the admission of Bolivian consular officials to these territories and defining their powers, a special Convention will be required.

On receipt of an *exequatur* or other necessary authorisation from the Government of the country to which they are appointed, consuls-general, consuls, vice-consuls and other consular officials shall be entitled, subject to reciprocity, to perform all the duties and enjoy all the privileges, exemptions and immunities which are or may be accorded to the consular officials of like rank of the most favoured nation.

*Article IX.*

Should a national of either of the High Contracting Parties die intestate in the territory of the other Party, the authorities responsible under the local laws for the administration of the estate shall notify the consular officials with a view to the transmission of the necessary particulars to those concerned. Pending the appointment of an administrator and the assumption by the latter of his functions the consul-general, consul, vice-consul or other consular official of the country of which the deceased was a national shall take possession, in so far as the legislation of each country permits, of the personal effects of the deceased on behalf of the latter's legal heirs or creditors.

*Article X.*

The stipulations relative to most-favoured-nation treatment shall not apply to the rights and privileges hereinafter enumerated :

(a) Rights or privileges which are or may be accorded to adjoining States for the purpose of facilitating frontier traffic ;

(b) Rights or privileges arising out of multilateral conventions of a general character, conventions at private international law, or conventions and regulations regarding the elimination of double taxation ;

(c) Any special favours, exemptions or privileges which may be granted by the Government of the Republic of Bolivia to the nationals or products of adjoining States in commercial matters. Such favours, exemptions and privileges may not be claimed by the Netherlands in consequence of most-favoured-nation treatment save in the event of their being accorded to other non-adjoining States ;

(d) Any advantages which either country may accord to a third Power under a Customs union ;

(e) Any special measures which either country may find itself obliged to adopt for reasons of public health, provided always that such measures are applied to all countries in similar circumstances ;

(f) The application by either country of additional duties to counterbalance any bounties on export or production granted in respect of certain products in the other country.

*Article XI.*

Any difference arising out of the interpretation, application or execution of the present Treaty which cannot be settled between the High Contracting Parties shall be submitted to the Permanent Court of International Justice, which shall be competent to pronounce upon the dispute on application by both or either of the Contracting Parties.

*Article XII.*

The provisions of the present Treaty shall apply to Netherlands territory in Europe and also, subject to the provisions of Article VIII, to the Netherlands Indies, Surinam and Curaçao.

*Article XIII.*

The present Treaty has been drawn up in the Dutch, Spanish and French languages, it being understood that in case of disagreement or difference of interpretation as between the Dutch and Spanish texts, the French text shall be held to be authentic.

*Article XIV.*

The present Treaty shall be ratified and the ratifications thereof shall be exchanged at The Hague as soon as possible. It shall come into force three months after the exchange of ratifications and shall remain valid for five years as from the date of its entry into force, and thereafter it shall be automatically extended for successive periods of the same duration unless denounced by either of the High Contracting Parties at least six months before the date of expiry.

In faith whereof the Plenipotentiaries have signed the present Treaty.

Done in duplicate in all three of the aforementioned languages at La Paz, the thirtieth day of May, one thousand nine hundred and twenty-nine.

LAMPING.

Tomás MI. ELÍO.

## PROTOCOLE OF SIGNATURE.

On signing the present Treaty of Commerce, the undersigned Plenipotentiaries have agreed upon the following stipulations :

(1) It is understood that whenever it is provided in the present Treaty that either of the High Contracting Parties shall accord to the other Party the same treatment as that accorded to nationals of the country or of the most favoured nation, it is the more favourable of these which shall be granted.

(2) The High Contracting Parties agree that they will, as far as possible, refrain from compromising the value and practical signification of the most-favoured-nation clause through specifications of too detailed a nature in their Customs tariffs and differential duties on similar articles, it being understood that in any case the Customs regulations and practice of each of the High Contracting Parties shall be strictly observed.

Signed at La Paz in six copies in the Dutch, Spanish and French languages, the thirtieth day of May one thousand nine hundred and twenty-nine.

LAMPING.

Tomás MI. ELÍO.