

N° 4377.

**UNION SUD-AFRICAINE
ET TCHÉCOSLOVAQUIE**

Echange de notes comportant un
accord commercial préliminaire. Le
Cap, le 27 janvier 1937.

**UNION OF SOUTH AFRICA
AND CZECHOSLOVAKIA**

Exchange of Notes constituting a
Preliminary Commercial Agree-
ment. Capetown, January 27th,
1937.

No. 4377. — EXCHANGE OF NOTES BETWEEN THE GOVERNMENT OF THE UNION OF SOUTH AFRICA AND THE CZECHOSLOVAK GOVERNMENT CONSTITUTING A PRELIMINARY COMMERCIAL AGREEMENT. CAPETOWN, JANUARY 27TH, 1937.

English official text communicated by the Accredited Representative of the Union of South Africa to the League of Nations. The registration of this Exchange of Notes took place June 22nd, 1938.

I.

DEPARTMENT
OF EXTERNAL AFFAIRS.

P. M. 34/5.

CAPETOWN, January 27th, 1937.

SIR,

With reference to the negotiations which have taken place between our two Governments in regard to the conclusion of a Preliminary Agreement to regulate the commercial relations between the Union of South Africa and the Czechoslovak Republic, I have the honour to inform you that the Government of the Union of South Africa are prepared to conclude a Preliminary Commercial Agreement, on the basis of reciprocal most-favoured-nation treatment, with the Government of the Czechoslovak Republic in the following terms :

I. Articles, the growth, produce or manufacture of, and imported from, either country will be admitted to importation into the other country on terms not less favourable with respect to Customs duties and other taxes or charges than those paid on like articles, the growth, produce or manufacture of any other country.

II. Should either country establish or maintain a system of licensing or quantitative regulation of imports, the system adopted to give effect to any form of such regulation of imports shall not be so worked as to cause discrimination against articles, grown, produced or manufactured in the territory of the other country and the conditions under which licences or permits may be obtained for the importation of such articles shall be not less favourable than those applied in the case of like articles, the growth, produce or manufacture of any other country.

¹ TRADUCTION. — TRANSLATION.

N^o 4377. — ÉCHANGE DE NOTES ENTRE LE GOUVERNEMENT DE L'UNION SUD-AFRICAINE ET LE GOUVERNEMENT TCHÉCOSLOVAQUE COMPORTANT UN ACCORD COMMERCIAL PRÉLIMINAIRE. LE CAP, LE 27 JANVIER 1937.

Texte officiel anglais communiqué par le représentant de l'Union Sud-africaine près la Société des Nations. L'enregistrement de cet échange de notes a eu lieu le 22 juin 1938.

I.

DÉPARTEMENT
DES AFFAIRES ÉTRANGÈRES.

P. M. 34/5.

LE CAP, le 27 janvier 1937.

MONSIEUR LE CONSUL,

Me référant aux négociations qui ont eu lieu entre nos deux gouvernements à propos de la conclusion d'un accord préliminaire destiné à régler les rapports commerciaux entre l'Union Sud-africaine et la République tchécoslovaque, j'ai l'honneur de porter à votre connaissance que le Gouvernement de l'Union Sud-africaine est disposé à conclure avec le Gouvernement de la République tchécoslovaque un accord commercial préliminaire sur la base de l'octroi réciproque du traitement de la nation la plus favorisée, aux conditions ci-après :

I. Les produits naturels ou fabriqués, originaires et en provenance de chacun des deux pays, seront admis à l'importation dans l'autre pays à des conditions qui ne seront pas moins favorables, en ce qui concerne les droits de douane et autres taxes ou charges, que celles dont bénéficieront les articles similaires, produits naturels ou fabriqués originaires d'un pays tiers quelconque.

II. Au cas où l'un ou l'autre des deux pays instaurerait ou maintiendrait un système de licences d'importation ou de réglementation quantitative des importations, les dispositions adoptées en vue de donner effet à toute forme de réglementation des importations de cet ordre seront appliquées de telle façon qu'elles n'entraînent aucune discrimination à l'égard des produits naturels ou fabriqués originaires du territoire de l'autre pays, et les conditions auxquelles sera soumise la délivrance des licences ou permis d'importation de ces produits ne seront pas moins favorables que celles qui seront appliquées pour les mêmes produits naturels ou fabriqués, originaires d'un pays tiers quelconque.

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.

III. Should either country establish or maintain any form of control of foreign exchange it shall administer such control so as to ensure that the commerce of the other country will be granted a fair and equitable share in the allotment of exchange.

IV. The most-favoured-nation treatment provided for in Article I shall also apply in respect of charges or taxes levied in connection with the internal distribution and sale of imported articles.

V. Should, apart from the provisions of Articles II, III and IV hereof, either of the two countries deem it advisable, for any reason, to prohibit or to restrict, by the imposition of special duties or otherwise, the import of any commodity, no such prohibition or special restriction shall be imposed or maintained on goods, the growth, produce or manufacture of the other country, unless such prohibition or restriction be imposed or maintained on like goods coming from any other country, in regard to which like grounds for the application of such measures exist.

VI. The Government of the Czechoslovak Republic shall not invoke the provisions of this Agreement to secure the advantages of any favours granted or to be granted by the Union of South Africa exclusively to :

(a) Any country forming part of the territory of a member of the British Commonwealth of Nations or being a territory under the jurisdiction of any such member either as a Protectorate or as a Mandated Territory ; and

(b) The Colony of Moçambique.

VII. The Union of South Africa shall, for the purpose of this Agreement, include the Mandated Territory of South West Africa.

VIII. This Agreement shall come into force twenty-one days from the date of this Exchange of Notes and shall remain in force until the 30th June, 1937. The two Contracting Parties agree that they shall, as soon as possible, enter into negotiations for the conclusion of a formal Treaty of Commerce between the two countries. Should they fail to conclude such a Treaty before the 30th June, 1937, the present Agreement shall remain in force until the expiration of one calendar month from the date on which notice will be given by either of the two Contracting Parties of its intention to terminate the present Agreement.

IX. This Agreement shall be subject to ratification by the competent Authority on the part of Czechoslovakia and by both Houses of Parliament of the Union of South Africa.

This Note, and your reply intimating the concurrence of your Government in the terms hereof, will be regarded as an Agreement between our two Governments in the matter.

Please accept the assurance of my highest consideration.

(Sgd.) H. D. J. BODENSTEIN,
Secretary for External Affairs.

The Consul for Czechoslovakia,
Capetown.

II.

CONSULATE
OF THE CZECHOSLOVAK REPUBLIC.

P.O. Box 2762.
C. 91/37.

CAPETOWN, *January 27th, 1937.*

SIR,

I have the honour to acknowledge the receipt of your letter of the 27th January, 1937, Ref. No. P.M. 34/5, concerning the terms on which the Government of the Union of South Africa is prepared to conclude a Provisional Agreement with the Government of the Czechoslovak Republic, which are as follows :

I. Articles, the growth, produce or manufacture of, and imported from, either country will be admitted to importation into the other country on terms not less favourable with respect to Customs duties and other taxes or charges than those paid on like articles, the growth, produce or manufacture of any other country.

II. Should either country establish or maintain a system of licensing or quantitative regulation of imports, the system adopted to give effect to any form of such regulation of imports shall not be so worked as to cause discrimination against articles, grown, produced or manufactured in the territory of the other country and the conditions under which licences or permits may be obtained for the importation of such articles shall be not less favourable than those applied in the case of like articles, the growth, produce or manufacture of any other country.

III. Should either country establish or maintain any form of control of foreign exchange it shall administer such control so as to ensure that the commerce of the other country will be granted a fair and equitable share in the allotment of exchange.

IV. The most-favoured-nation treatment provided for in Article I shall also apply in respect of charges or taxes levied in connection with the internal distribution and sale of imported articles.

V. Should, apart from the provisions of Articles II, III and IV hereof, either of the two countries deem it advisable, for any reason, to prohibit or to restrict, by the imposition of special duties or otherwise, the import of any commodity, no such prohibition or special restriction shall be imposed or maintained on goods, the growth, produce or manufacture of the other country, unless such prohibition or restriction be imposed or maintained on like goods coming from any other country, in regard to which like grounds for the application of such measures exist.

VI. The Government of the Czechoslovak Republic shall not invoke the provisions of this Agreement to secure the advantages of any favours granted or to be granted by the Union of South Africa exclusively to :

(a) Any country forming part of the territory of a member of the British Commonwealth of Nations or being a territory under the jurisdiction of any such member either as a Protectorate or as a Mandated Territory ; and

(b) The Colony of Moçambique.

VII. The Union of South Africa shall, for the purpose of this Agreement, include the Mandated Territory of South West Africa.

VIII. This Agreement shall come into force twenty-one days from the date of this Exchange of Notes, and shall remain in force until the 30th June, 1937. The two Contracting Parties agree that they shall, as soon as possible, enter into negotiations for the conclusion of a formal Treaty of Commerce between the two countries. Should they fail to conclude such a Treaty before the 30th June, 1937, the present Agreement shall remain in force until the expiration of one calendar month from the date on which notice will be given by either of the two Contracting Parties of its intention to terminate the present Agreement.

IX. This Agreement shall be subject to ratification by the competent Authority on the part of Czechoslovakia and by both Houses of Parliament of the Union of South Africa.

I have the honour to give you, in the name of the Government of the Czechoslovak Republic, my agreement to the terms incorporated in the foregoing paragraphs.

With the assurance of my highest consideration, I have the honour to be, Sir, Your obedient Servant,

(Sgd.) A. BLAHOVSKY,
Consul for Czechoslovakia.

The Secretary for External Affairs,
Capetown.

Certified a true copy :

P. R. Botha,
Under-Secretary for External Affairs,
Pretoria.
