

No. 3837

**ITALY
and
HAITI**

Treaty of Commerce and Navigation (with exchange of letters). Signed at Port-au-Prince, on 14 June 1954

Official texts of the Treaty: Italian and French.

Official text of the exchange of letters: French.

Registered by Italy on 15 May 1957.

**ITALIE
et
HAÏTI**

Convention de commerce et de navigation (avec échange de lettres). Signée à Port-au-Prince, le 14 juin 1954

Textes officiels de la Convention italien et français.

Texte officiel de l'échange de lettres français.

Enregistrée par l'Italie le 15 mai 1957.

[TRANSLATION — TRADUCTION]

No. 3837. TREATY¹ OF COMMERCE AND NAVIGATION
BETWEEN ITALY AND HAITI. SIGNED AT PORT-AU-
PRINCE, ON 14 JUNE 1954

The Government of the Italian Republic and the Government of the Republic of Haiti, desiring to facilitate and expand commercial relations between the two countries, have resolved to conclude a Treaty of Commerce and Navigation and for that purpose have appointed as their plenipotentiaries :

The President of the Italian Republic :

His Excellency Dr. Giorgio Spalazzi, Ambassador Extraordinary and Plenipotentiary of Italy in Haiti ;

The President of the Republic of Haiti :

His Excellency Mr. Pierre L. Liautaud, Secretary of State for Foreign Affairs ;

His Excellency Mr. Daniel Heurtelou, Secretary of State for Commerce ;
who, having communicated to each other their full powers, found in good and due form, have agreed as follows :

Article I

The High Contracting Parties agree to grant each other most-favoured-nation treatment in all matters concerning customs duties and subsidiary charges of every kind, the methods of levying duties and charges in connexion with importation and exportation, the warehousing of goods in bonded warehouses, methods of examination and analysis, the classification of goods for customs purposes, the interpretation of tariffs and regulations, and the formalities and charges imposed in connexion with customs operations.

Article II

Accordingly, articles grown, produced or manufactured in the territory of either High Contracting Party imported into the territory of the other shall in no case be subject, in regard to customs treatment, to any duties, taxes or charges other or higher, or to any rules or formalities other or more burdensome, than those to which the like articles originating in any third country are or may hereafter be subject.

¹ Came into force on 16 December 1956, one month after the exchange of the instruments of ratification which took place at Port-au-Prince on 16 November 1956, in accordance with article XI.

Article III

Articles, whether grown, produced or manufactured, exported from the territory of one of the High Contracting Parties and consigned to the territory of the other, shall in no case be subject, in regard to customs treatment, to any duties, taxes or charges other or higher, or to any rules or formalities other or more burdensome, than those to which the like articles consigned to the territory of any third country are or may hereafter be subject.

Article IV

Any advantage, privilege or exemption which has been or may hereafter be granted by one of the High Contracting Parties, in regard to the above-mentioned customs treatment, to articles grown, produced or manufactured in any third country, shall be accorded automatically, immediately and without compensation to the like articles originating in the territory of the other Party.

Article V

The obligations set out in the foregoing clauses shall not extend to :

(a) Any advantage, privilege or exemption which has been or may hereafter be granted by either of the High Contracting Parties to adjoining countries with a view to facilitating or developing frontier traffic ;

(b) Any advantage, privilege or exemption which has been or may hereafter be granted by either of the High Contracting Parties by virtue of its membership in a customs union or free-trade area now established or which may be established by one of the Parties, it being understood that this exception shall extend to the provisional agreements necessary for the institution of customs unions or free trade areas ;

(c) Any advantage, privilege or exemption which has been or may hereafter be granted by the Italian Republic to States enclosed within its metropolitan territory, namely the Vatican City State and the Republic of San Marino ;

(d) Any advantage, privilege or exemption which has been or may hereafter be granted by the Italian Republic to territories having a special international status or territories which have been or may be placed under Italian trusteeship ;

(e) Any advantage, privilege or exemption which has been or may be granted by the Italian Republic to goods imported into Italy under the existing special arrangements applicable to goods originating in or exported from the United Kingdom of Libya ;

(f) Any privilege or advantage which has been or may be granted by either of the High Contracting Parties by virtue of its participation in a community instituted between a number of countries for the purpose of jointly organizing one or more branches of production, trade or services, or safeguarding their security.

Article VI

Nothing in this Treaty shall be construed to prevent either High Contracting Party from imposing or maintaining measures relating to :

- (a) Public security ;
- (b) The traffic in arms, ammunition and implements of war ;
- (c) The protection of public health and the protection of animals and plants against diseases and harmful insects or parasites ;
- (d) The protection of national treasures of artistic, historic or archeological value ;
- (e) Revenue or police measures the purpose of which is to extend to foreign products the treatment applicable in the territory of either High Contracting Party to the like domestic products.

Italy further reserves the right to impose or maintain any measures for the purpose of preventing the export of gold or silver, on the understanding that this right shall not be exercised solely in regard to the Republic of Haiti.

Article VII

The competent Authorities of each High Contracting Party may require that goods imported from the other Party shall be accompanied by a certificate of origin or by a commercial or consular invoice or by both documents, duly visé by the competent consular authority of the importing country.

Article VIII

Payments between the two countries in respect of commercial transactions shall be effected in United States dollars, subject to any special arrangements that may be made between importers and exporters, and duly approved by the two Governments concerning any other freely transferable and negotiable currency or any other special method of payment likely to facilitate the exchange of goods and services between the two countries.

Article IX

Nothing in this Treaty shall be construed to prevent either of the High Contracting Parties from applying to trade with the other Party the general treatment in the matter of imports and exports applied to the most-favoured nation.

Article X

The vessels of either High Contracting Party shall have liberty to come with their cargoes to all ports of the other High Contracting Party which are or may be open to international commerce. They shall enjoy in such ports all the privileges, liberties, facilities and immunities accorded to vessels of the most-favoured

nation in regard to dues, charges and payments of all kinds levied in the name or for the account of the State, municipalities and other authorities in respect of the vessels and their crews and cargoes in connexion with loading and unloading and the taking on of fuel, water and stores.

It is understood that neither Party may rely on this clause to obtain greater advantages than those it accords to the other Party in the matter.

Article XI

This Treaty shall be ratified and the instruments of ratification shall be exchanged at Port-au-Prince as soon as possible.

The Treaty shall enter into force one month after the exchange of the instruments of ratification and shall remain in force for a period of three years. If neither Party has given notice, six months before the expiration of the aforesaid period of three years, of intention to terminate the Treaty, the Treaty shall continue in force indefinitely by tacit agreement, but may be terminated at any time by either Party on six months' notice.

Article XII

This Treaty shall replace the Commercial Convention between Italy and Haiti signed at Port-au-Prince on 3 January 1927¹ and reinstated by the exchange of letters of 31 December 1949 which shall continue in force until the date of the entry into force of this Treaty.

IN WITNESS WHEREOF the respective plenipotentiaries have signed this Treaty in two copies, in the Italian and French languages, both texts being equally authentic, and have thereto affixed their seals.

DONE at Port-au-Prince, on 14 June 1954.

For the Government
of the Italian Republic :
Giorgio SPALAZZI

For the Government
of the Republic of Haiti :
Pierre L. LIAUTAUD

EXCHANGE OF LETTERS

I

Port-au-Prince, 14 June 1954

Your Excellency,

I have the honour to refer to the Treaty of Commerce and Navigation between our two Governments signed this day² and to inform you that, in accordance with

¹ League of Nations, *Treaty Series*, Vol. LXXI, p. 405.

² See p. 108 of this volume.

article 2 of the Agreement concluded at Trieste on 16 April 1948 between the Italian Government and the Anglo-American military authorities, the Protocol of 9 March 1948 between the afore-mentioned Parties provides that all trade or payments agreements between Italy and other nations shall be considered as applying to the Zone of Trieste.

I would, therefore, ask your Government to consider the instrument signed this day on behalf of our two Governments as applying also, in accordance with the provisions of the Protocol of 9 March 1948 to the Zone of Trieste administered by the Anglo-American military authorities.

I have the honour to be, etc.

Giorgio SPALAZZI
Ambassador of Italy

His Excellency Mr. Pierre L. Liautaud
Secretary of State for Foreign Affairs
Port-au-Prince

II

Port-au-Prince, 14 June 1954

Your Excellency,

I have the honour to acknowledge the receipt of your letter of to-day's date referring to the Treaty of Commerce and Navigation between our two Governments and informing me that, in accordance with article 2 of the Agreement concluded at Trieste on 16 April 1948, between the Italian Government and the Anglo-American military authorities, the Protocol of 9 March 1948 between the afore-mentioned Parties provides that all trade or payments agreements between Italy and other nations shall be considered as applying to the Zone of Trieste.

I accordingly take pleasure in informing you that, in accordance with the provisions of the Protocol of 9 March 1948, the instrument signed this day on behalf of our two Governments applies also to the Zone of Trieste administered by the Anglo-American military authorities.

I have the honour to be, etc.

Pierre L. LIAUTAUD

His Excellency Dr. Giorgio Spalazzi
Ambassador Extraordinary and Plenipotentiary of Italy
Port-au-Prince