

No. 5381

**UNION OF SOUTH AFRICA
and
FEDERATION OF RHODESIA AND NYASALAND**

**Trade Agreement (with annexes). Signed at Salisbury,
on 16 May 1960**

Official texts: Afrikaans and English.

Registered by the Union of South Africa on 6 October 1960.

**UNION SUD-AFRICAINE
et
FÉDÉRATION DE LA RHODÉSIE ET DU NYASSALAND**

**Accord commercial (avec annexes). Signé à Salisbury, le
16 mai 1960**

Textes officiels afrikaans et anglais.

Enregistré par l'Union sud-africaine le 6 octobre 1960.

No. 5381. TRADE AGREEMENT¹ BETWEEN THE GOVERNMENTS OF THE UNION OF SOUTH AFRICA AND THE FEDERATION OF RHODESIA AND NYASALAND. SIGNED AT SALISBURY, ON 16 MAY 1960

The Governments of the Union of South Africa and the Federation of Rhodesia and Nyasaland, recognizing that it is desirable that trade between their respective territories should be as free and uninterrupted as possible, have agreed as follows :

Article 1

In this Agreement, unless inconsistent with the context :

“ Federation ” means the Federation of Rhodesia and Nyasaland.

“ Union ” means the Union of South Africa including the territory of South West Africa.

Article 2

The goods enumerated in Annexure A,² when grown, produced or manufactured in the territory of one of the parties to this Agreement, shall be admitted into the territory of the other party only under the authority of a permit issued by or on behalf of the Government of the importing territory and shall, on importation, be so admitted free of customs duty.

Article 3

There shall, on importation into the Union, be admitted free of customs duty—

- (a) during the period 1st July, 1960, to 31st December, 1960, a quantity which, together with any quantity so admitted during the period 1st January, 1960, to 30th June, 1960, under the then existing agreement between the Union and the Federation, shall be 2,000,000 pounds in weight of flue-cured Virginia-type leaf tobacco grown in the Federation;
- (b) after the 31st December, 1960, in every calendar year, a quantity of 2,000,000 pounds in weight of such tobacco.

¹ Came into force on 1 July 1960, in accordance with the provisions of article 13,

² See p. 227 of this volume,

Article 4

Subject to the conditions mentioned therein, the goods enumerated in Annexure B,¹ when manufactured in the Federation, shall, in accordance with the provisions of that Annexure, on entry for consumption in the Union, be admitted free of duty or at the rates of duty specified in that Annexure, as the case may be.

Article 5

Any goods, other than those referred to in Article 2, grown, produced or manufactured in the Union, shall, on entry for consumption in the Federation, be admitted at the Column C rate of customs duty in the Customs Tariff of the Federation applicable thereto from time to time.

Article 6

Rough and uncut diamonds, produced in the Union, shall, when exported to the Federation and certified on behalf of the Government of the Federation by an official thereof to be for industrial use therein, be free of export duty.

Article 7

For the purposes of this Agreement, goods shall not be regarded as having been manufactured in—

- (a) the Federation, unless at least twenty-five per cent. of the factory or works cost of those goods is represented by labour performed in that territory or by materials produced and labour performed in that territory;
- (b) the Union, unless they have been subjected to the last process of manufacture in the Union and—
 - (i) contain not less than the “ specified country content ”; or
 - (ii) have been subjected in the Union to a process of manufacture as determined from time to time in terms of section 76 of the Customs and Excise Act, 1955 of the Federation.

Article 8

(1) A party to this Agreement may impose dumping duties on goods, grown, produced or manufactured in the territory of the other party and imported into the territory of the first-mentioned party.

¹ See p. 229 of this volume.

(2) A party to this Agreement may impose countervailing duties to offset any subsidies granted, directly or indirectly, by the other party or by other bodies or individuals, in respect of any goods exported to the territory of the first-mentioned party from the territory of the other party.

(3) The parties undertake, on request by one of the parties, to afford the other party all possible assistance in the investigation of any allegation of dumping in respect of goods exported from the territory of one party to that of the other party.

Article 9

A party to this Agreement which levies an excise duty or surtax on any goods may impose a corresponding countervailing duty on like goods, grown, produced or manufactured in the territory of the other party and imported into the territory of the first-mentioned party.

Article 10

The parties agree to adopt, as far as possible, similar customs measures and procedures in order to facilitate tourism.

Article 11

Goods grown, produced or manufactured in the territory of either party to this Agreement shall be exempt from the imposition by either party of any quantitative import or export restrictions, except in so far as quantitative restrictions are permitted by Article 2, or are in force at the date of commencement of this Agreement : Provided that, after consultation between the parties, a party may impose—

- (1) export restrictions temporarily applied to prevent or relieve critical shortages of foodstuffs or other products essential to the exporting party;
- (2) import and export restrictions necessary to the application of standards or regulations for the classification, grading or marketing of commodities;
- (3) import restrictions on agricultural or fisheries products, or on products which can be directly substituted therefor, necessary to the enforcement of government measures which operate—
 - (a) to restrict the quantities of the like domestic product permitted to be marketed or produced; or
 - (b) to remove a temporary surplus of the like domestic product.

Article 12

(1) The parties to this Agreement agree to meet each calendar year and at intervals not exceeding fifteen months, for the purpose of reviewing the operation of this Agreement.

(2) A party which proposes to take or authorize action which it considers may affect any benefit accruing to the other party under the Agreement under the Agreement shall, whenever possible, consult in advance with, and give sympathetic consideration to any representations or proposals received from, that other party.

(3) If a party should consider, and notify the other party, that any benefit accruing to it directly or indirectly under the Agreement is being nullified or impaired, or that the attainment of any objective of the Agreement is being impeded, as the result of action by that other party, or as the result of the existence of any other situation, consultation between the parties shall be held without delay, at the request of the party so notifying the other, with a view to correcting the situation or making an adjustment acceptable to both parties.

Article 13

This Agreement shall come into operation on the 1st July, 1960, and shall remain in force for a period of five years and, unless notice of termination shall have been given by either party to the Agreement to the other twelve months before the expiry of that period, shall thereafter remain in force until the expiry of twelve months from the date on which notice of termination is given.

DONE at Salisbury, in duplicate, in Afrikaans and English texts, each of which shall be of equal authenticity, this Sixteenth day of May, One thousand Nine hundred and Sixty.

For the Government of the Union of South Africa :
N. DIEDERICHS

For the Government of the Federation of Rhodesia
and Nyasaland :
J. M. CALDICOTT

ANNEXURE A

(Article 2)

GOODS

Apples imported during the months of January, February, March or April.

Barley; barley malt.

Butter; cheese; ghee; cream other than sterilised cream; ice cream and ice cream mixes.

Cattle; beef, veal and edible products manufactured from the carcasses of cattle, excluding meat extract, meat paste, meat powder, potted meat, tinned meat.

Citrus fruit imported during the months of June, July, August, September, October or November.

Compound products containing flour, meal, residues and other preparations of a kind suitable only for use as animal feedstuffs, excluding :

- (a) chemical additions to animal feedstuffs;
- (b) anti-biotic growth stimulants;
- (c) inert fillers;
- (d) trace elements;
- (e) synthetic animal feedstuffs;
- (f) mixed bird seed;
- (g) cat and dog foods;
- (h) salt lick for cattle.

Eggs of poultry, whether in shell, pulp or dried form.

Goats; carcasses of goats.

Grapes imported during the month of December.

Kaffir corn; kaffir corn meal; kaffir corn malt.

Leguminous seeds, including groundnuts, dried or otherwise, whole, ground, or split, excluding :

- (a) those which are tinned, bottled or preserved otherwise than by drying;
- (b) seed beans in quantities of less than 200 lbs.;
- (c) garden and maple peas.

Maize, excluding green maize on the cob, but including—

- (a) dried maize on or off the cob;
- (b) crushed maize;
- (c) samp.

Maize meal, including :

- (a) maize grits;
- (b) maize cones;
- (c) hominy chop;
- (d) maize offals;
- (e) processed maize meal with or without additives.

Munga; munga meal.

Oil-seed; oil-cake; oil-cake meal and offals and residues from oil-seeds.

Onions imported during the months of August, September, October, November, December or January.

Peaches imported during the month of November.

Pears imported during the month of January.

Pigs; edible products manufactured from the carcasses of pigs, including canned products.

Plums imported during the months of November or December.

Potatoes.

Poultry, whether live or dead, including day-old chicks.

Rupoko; rupoko meal.

Sheep; mutton, lamb and edible products manufactured from the carcasses of sheep, excluding canned products.

Timber in the rough or rough sawn of Coniferous or Eucalypt species of a value for duty purposes as defined in the customs legislation of the importing territory not exceeding 7/6d (seven shillings and six-pence) per cubic foot f.o.r./f.o.b. place of despatch.

Boxes and casks, wooden, empty or in shooks or staves, of Coniferous or Eucalypt species.

Tomatoes.

Vegetable oils, excluding almond oil, castor oil, coconut oil, linseed oil, olive oil, palm kernel oil, palm oil.

ANNEXURE B

(Article 4)

PART I

1. The following goods, when manufactured in the Federation, shall, in terms of Article 4, on entry for consumption in the Union, be admitted—

- (a) free of customs duty : Provided that at least 75 per cent. of the factory or works cost of such goods is represented by labour performed in the Federation or by materials produced and labour performed in the Federation, or alternatively that such goods shall have been manufactured in the Federation from natural, artificial or synthetic fibres, whether or not such fibres shall have been grown, produced or manufactured in the Federation;
- (b) at a rate of customs duty equal to the most-favoured-nation rate of duty applicable thereto from time to time, subject to a rebate from such rate of three-quarters of such rate : Provided that less than 75 per cent., but not less than 50 per cent., of the factory or works cost of such goods is represented by labour performed in the Federation or by materials produced and labour performed in the Federation;
- (c) at a rate of customs duty equal to the most-favoured-nation rate of duty applicable thereto from time to time, subject to a rebate from such rate of one-half of such rate : Provided that less than 50 per cent. of the factory or works cost of such goods is represented by labour performed in the Federation or by materials produced and labour performed in the Federation.

2. The Government of the Union, after the expiry of a period of not less than 30 months from the date of the coming into force of this Agreement¹ or when the manufacture

¹ See p. 219 of this volume.

in the Union of rayon or cellulose acetate staple fibre is commenced on a commercial scale, whichever shall be the later, shall have the right to exclude from this Part of this Annexure all articles of textiles and clothing containing 25 per cent. or more by weight of rayon or cellulose acetate : Provided that there shall be consultation between the parties to this Agreement before the exercise of such right of exclusion.

<i>Union Tariff Item</i>	<i>Description of Goods</i>
ex 65	Clothing :
ex (b)	Ready made, new—
(iv)	knitted outer clothing n.e.e. including jerseys, pullovers and shirts
ex (v)	underwear (knitted), n.e.e.
ex (vi)	other clothing and infants' clothing, knitted
ex (vi)	towelling napkins
ex (c) (iv)	pyjamas and nightdresses, knitted, new
ex 73 (1)	Millinery, drapery, haberdashery and textile articles of furnishing and napery, n.e.e. :
ex (a) (i)	Bedspreads
(vi)	Sanitary pads
(vii)	Towels (not made of woven terry towelling), sanitary and other
(xiii)	Household linens including tablecloths, serviettes, bedsheets, pillow-cases and dusters
ex (xiv)	Towels and face cloths of woven terry towelling
75 (1)	Canvas piece goods of more than 10 oz. in weight per square yard whether or not painted or surface coated
76 (6) (a) (v) }	Terry towelling
76 (6) (b) (v) }	

PART II

The following goods, when manufactured in the Federation, shall, in terms of Article 4, on entry for consumption in the Union, be subject to the most-favoured-nation rate of customs duty applicable thereto from time to time, subject to a rebate from such rate indicated hereunder in respect of such goods :

<i>Union Tariff Item</i>	<i>Description of Goods</i>	<i>Extent of Rebate</i>
154 (2) (a)	Gramradios, with or without cabinets, assembled or unassembled	15 per cent. <i>ad valorem</i>
154 (3) (a)	Radio receiving sets, n.e.e., with or without cabinets, assembled or unassembled	15 per cent. <i>ad valorem</i>
154 (4) (a)	Television receiving sets, with or without cabinets, assembled or unassembled	15 per cent. <i>ad valorem</i>
ex 154 (7)	Parts, n.e.e., of gramradios, radio receiving sets n.e.e. and television receiving sets	5 per cent. <i>ad valorem</i>
ex 251	Boots and shoes :	
ex (a) (ii)	Infants', with canvas uppers, sizes 3 to 6½	15 per cent. <i>ad valorem</i> or 2/-per pair, whichever rebate is the greater.
ex (b)	With canvas uppers n.e.e. including those of the hockey or basketball type—	
ex (i)	children's, sizes 7 to 1½	25 per cent. <i>ad valorem</i> or 9d per pair, whichever rebate is the greater

<i>Union Tariff Item</i>	<i>Description of Goods</i>	<i>Extent of Rebate</i>
ex (ii)	men's and youths', women's and maids' sizes 2 and upwards	25 per cent. <i>ad valorem</i> or 3/-per pair, whichever rebate is the greater
(c)	Cotton-mesh and canvas shoes of the tennis or gymnasium type, the soles of which, excluding the socking, are wholly of rubber; and canvas boots and shoes with rope soles—	
(i)	men's and youths', women's and maids', sizes over 4	25 per cent. <i>ad valorem</i> or 1/3d per pair, whichever rebate is the greater
(ii)	other	25 per cent. <i>ad valorem</i>
303 (2)	Tape, wire and cylinder recording machines and accessories therefor	10 per cent. <i>ad valorem</i>

PART III

The following goods, when manufactured in the Federation, shall, in terms of Article 4, on entry for consumption in the Union, be admitted at the most-favoured-nation rate of customs duty applicable thereto from time to time, subject to a rebate from such rate of one-quarter thereof :

Union Tariff Item
54

Description of Goods
Cigarettes.