

No. 7492

**JAPAN
and
HAITI**

**Agreement on Commerce (with exchange of notes). Signed
at Tokyo, on 17 December 1958**

Official texts : Japanese and French.

Registered by Japan on 25 November 1964.

**JAPON
et
HAÏTI**

**Accord de commerce (avec échange de notes). Signé à Tokyo,
le 17 décembre 1958**

Textes officiels japonais et français.

Enregistré par le Japon le 25 novembre 1964.

[TRANSLATION — TRADUCTION]

No. 7492. AGREEMENT¹ ON COMMERCE BETWEEN JAPAN
AND THE REPUBLIC OF HAITI. SIGNED AT TOKYO,
ON 17 DECEMBER 1958

The Government of Japan and the Government of the Republic of Haiti,

Being equally desirous of promoting the development of commercial relations
between the two countries,

Have agreed as follows :

Article I

1. Each Contracting Party shall accord to the other Contracting Party unconditional most-favoured-nation treatment in all matters with respect to Customs duties and charges of any kind imposed on or in connexion with importation or exportation or imposed on the international transfer of payments for imports or exports, with respect to the method of levying such duties and charges, with respect to the rules and formalities connected with importation or exportation, with respect to the application of internal taxes to exported goods, with respect to internal taxes or other internal charges of any kind imposed on or in connexion with imported goods, and with respect to all laws, regulations or requirements affecting the sale, offering for sale, purchase, distribution and use of imported goods within the territory of such Contracting Party.

2. Accordingly, products of either Contracting Party imported into the territory of the other Contracting Party shall not be subject, in regard to any of the matters referred to in paragraph 1 of this article, to any duties, taxes or charges higher, or to any rules or formalities more burdensome, than those to which the like products of any other country are or may hereafter be subject.

3. Similarly, products exported from the territory of either Contracting Party and consigned to the territory of the other Contracting Party shall not be subject, in regard to any of the matters referred to in paragraph 1 of this article, to any duties, taxes or charges higher, or to any rules or formalities more burdensome, than those to which the like products when consigned to any other country are or may hereafter be subject.

4. Any advantage, favour, privilege or immunity which is already granted or may hereafter be granted by either Contracting Party, in regard to any of the matters

¹ Came into force on 31 October 1963, the date of the exchange of the instruments of ratification at Port-au-Prince, in accordance with article VII (2).

referred to in paragraph 1 of this article, to any product originating in or consigned to any other country shall be accorded immediately and unconditionally to the like product originating in or consigned to the territory of the other Contracting Party.

5. The provisions of this article shall not apply to such special advantages as are or may be accorded by either Contracting Party to an adjacent country in order to facilitate frontier traffic.

Article II

1. Neither Contracting Party shall impose any prohibition or restriction on the importation of any product of the other Contracting Party, or on the exportation of any product to the territory of the other Contracting Party, unless the importation of the like product of, or the exportation of the like product to, all other countries is similarly prohibited or restricted.

2. Notwithstanding the provisions of paragraph 1 of this article, either Contracting Party may take such measures as are deemed necessary to safeguard its external financial position and balance of payments.

Article III

The two Contracting Parties undertake to co-operate for mutual benefit with a view to expanding trade and strengthening economic relations between the two countries, and to furthering the interchange and use of scientific and technical knowledge, particularly for economic development and the improvement of standards of living within their respective territories.

Article IV

1. Merchant vessels of either Contracting Party shall have liberty, on equal terms with merchant vessels of the other Contracting Party and merchant vessels of any other country, to come with their passengers and cargoes to all ports, places and waters of such other Contracting Party open to foreign commerce and navigation. Such merchant vessels shall in all respects be accorded national treatment and most-favoured-nation treatment within the ports, places and waters of such other Contracting Party.

2. Merchant vessels of either Contracting Party shall be accorded national treatment and most-favoured-nation treatment by the other Contracting Party with respect to the right to carry all goods and persons that may be carried by vessels to or from the territory of the other Contracting Party; and such goods and persons shall be accorded treatment no less favourable than that accorded to like goods and to persons carried in merchant vessels of such other Contracting Party with respect to duties and charges of all kinds, bounties, drawbacks and other privileges of this nature, and the administration of the Customs.

3. In case of shipwreck, damage at sea or forced putting-in, either Contracting Party shall extend to vessels of the other Contracting Party the same assistance and protection and the same exemptions as are in like cases accorded to its own vessels or to vessels of any other country. Goods salvaged from such shipwrecked or damaged vessels shall be exempt from all Customs duties, unless the goods are entered for domestic consumption, in which case they shall be subject to the statutory duties.

4. Each Contracting Party may reserve to its own merchant vessels the right to engage in the coasting trade, provided that such restriction shall be applied to the merchant vessels of all other countries.

Nevertheless, it is understood that merchant vessels of either Contracting Party which have taken on board in a foreign country passengers and cargoes bound for two or more ports within the territory of the other Contracting Party may land passengers and part of their cargoes in one such port and continue their voyage to the other port or ports of destination for the purpose of landing the remaining passengers and cargoes, always subject to the laws and regulations of the country of destination ; similarly, and subject to the same conditions, merchant vessels of either Contracting Party may take on board passengers and cargoes in two or more ports of the other Contracting Party for any voyage to a foreign destination.

Article V

1. The Governments of the two Contracting Parties agree to consult together with a view to ensuring the harmonious and progressive expansion of commercial relations between the two countries.

2. The Government of each Contracting Party shall accord sympathetic consideration to representations made to it by the Government of the other Contracting Party with respect to the operation of this Agreement.

Article VI

No provision of this Agreement shall be interpreted as precluding the adoption or execution by either Contracting Party of any necessary measures relating to :

(a) Public security, national defence or the maintenance of international peace and security ;

(b) Traffic in arms, ammunition and implements of war ;

(c) The protection of public health and the protection of animals and vegetables against diseases, harmful insects and parasites ;

(d) The protection of national treasures of artistic, historic or archaeological value.

Article VII

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

2. This Agreement shall enter into force on the date of the exchange of the instruments of ratification. It shall remain in force for a period of three years and shall continue in force thereafter until abrogated in the manner prescribed by the provisions of paragraph 3 of this article.

3. Either Contracting Party may, by giving three months' written notice to the other Contracting Party, terminate this Agreement at the end of the initial three-year period or at any time after the expiry of that period.

IN WITNESS WHEREOF the representatives of the two Governments, duly authorized for the purpose, have signed this Agreement.

DONE in duplicate at Tokyo, on 17 December 1958, in the Japanese and French languages, both texts being equally authentic.

For the Government
of Japan :
Aiichiro FUJIYAMA

For the Government
of the Republic of Haiti :
J. P. DAVID

EXCHANGE OF NOTES

I

Tokyo, 17 December 1958

Sir,

With reference to the Agreement on Commerce between Japan and the Republic of Haiti signed today, ¹ I have the honour to inform you that the most-favoured-nation provisions of the Agreement will not apply with respect to such rights and privileges as are or may hereafter be accorded by Japan to commerce with the areas defined in article 3 of the Treaty of Peace with Japan signed at the city of San Francisco on 8 September 1951, ² or to vessels of those areas, so long as the situation set forth in the second sentence of that article continues with respect to the exercise of the powers of administration, legislation and jurisdiction in those areas.

¹ See p. 105 of this volume.

² United Nations, *Treaty Series*, Vol. 136, p. 45.

I have the further honour to request you to be good enough to confirm the foregoing understanding on behalf of your Government.

Accept, Sir, the assurances of my highest consideration.

Aiichiro FUJIYAMA
Minister for Foreign Affairs

His Excellency Mr. Jean David
Special Delegate of the Government
of the Republic of Haiti

II

Tokyo, 17 December 1958

Sir,

I have the honour to acknowledge receipt of your note of today's date, which reads as follows :

[*See note I*]

On behalf of my Government, I have the honour to confirm the understanding set out in the aforesaid note with respect to the application of the Agreement on Commerce signed today to commerce with the areas defined in article 3 of the Treaty of Peace with Japan, and to vessels of those areas.

Accept, Sir, the assurances of my highest consideration.

J. P. DAVID
Special Delegate of the Government
of the Republic of Haiti

His Excellency Mr. Aiichiro Fujiyama
Minister for Foreign Affairs