

No. 11387

**JAPAN
and
MEXICO**

Agreement on commerce (with protocol and exchange of notes). Signed at Tokyo on 30 January 1969

*Authentic texts: Japanese and Spanish.
Registered by Japan on 4 November 1971.*

**JAPON
et
MEXIQUE**

**Accord de commerce (avec protocole et échange de notes).
Signé à Tokyo le 30 janvier 1969**

*Textes authentiques : japonais et espagnol.
Enregistré par le Japon le 4 novembre 1971.*

[TRANSLATION — TRADUCTION]

AGREEMENT ON COMMERCE¹ BETWEEN JAPAN AND THE UNITED MEXICAN STATES

The Government of Japan and the Government of the United Mexican States, desiring to strengthen the traditional bonds of friendship and facilitate and develop the commercial relations existing between the two countries, have decided to conclude an Agreement on Commerce, based on principles of equality and mutual benefit, and for that purpose have appointed as Plenipotentiaries:

The Government of Japan, His Excellency Mr. Kiichi Aichi, Minister for Foreign Affairs;

The Government of the United Mexican States, His Excellency Mr. Julián Rodríguez Adame, its Ambassador Extraordinary and Plenipotentiary to Japan;

Who, having communicated to each other their full powers, found in good and due form, have agreed on the following:

Article I

1. Any advantage, favour, privilege or immunity which has been or may hereafter be granted by one Contracting Party to a product originating in or destined for a third country shall be granted immediately and unconditionally to a like product originating in or destined for the territory of the other Contracting Party:

- (a) As regards customs duties and charges of any kind imposed on or in connexion with exportation or importation or imposed on the international transfer of payments for imports or exports, and with respect to the methods of levying such duties and charges, and in all regulations and formalities relating to importation and exportation;
- (b) With respect to the application of internal taxes or charges on exported and imported goods, and with respect to all laws, regulations and requirements affecting internal sale, offering for sale, purchase, distribution or use of imported goods.

¹ Came into force on 19 January 1970, i.e. one month after the date of the exchange of the instruments of ratification, which took place at Mexico City on 19 December 1969, in accordance with article VIII.

2. Neither Contracting Party shall impose restrictions or prohibitions on the importation of any product of the other Contracting Party, or on the exportation of any product to the territory of the other Party, unless the importation of a like product from, or the exportation of a like product to, all third countries is likewise restricted or prohibited.

Article II

Each of the Contracting Parties shall grant unconditionally to the other most-favoured-nation treatment in the application, with respect to its trade, of any form of control over means of payment or of any regulation concerning international exchange which it has or may hereafter establish.

Article III

All payments in connexion with trade between the two Contracting Parties shall be made in freely convertible currencies, in accordance with internationally accepted commercial and banking practices.

Article IV

The provisions of article I of this Agreement shall not apply to such special advantages as have been or may hereafter be granted by either of the Contracting Parties:

- (a) To products of its national fisheries;
- (b) To adjacent countries in order to facilitate frontier traffic; or
- (c) To the members of a customs union or free trade area of which it is or may become a member.

Article V

Nothing in this Agreement shall affect the rights and obligations that each Party has or may have as a contracting party to the Articles of Agreement of the International Monetary Fund¹ or to any multilateral agreement amending² or supplementing the same, provided that both Parties are contracting parties to the relevant agreement or agreements. In the event that either of the two Parties ceases to be a contracting party to any such agreement, the two Parties shall immediately consult together in order to determine whether, in the light of the circumstances then prevailing, any adjustment may be necessary with respect to the provisions of the present Agreement.

¹ United Nations, *Treaty Series*, vol. 2, p. 39.

² *Ibid.*, vol. 726, p. 266.

Article VI

This Agreement shall not preclude the adoption or application by either of the Contracting Parties of measures relating to:

- (a) Public security and law and order, national defence or the maintenance of international peace and security;
- (b) Traffic in arms, ammunition or military supplies;
- (c) The protection of human, animal or plant life or health;
- (d) The protection of national treasures of artistic, historical or archaeological value;
- (e) The import or export of gold and silver or of gold and silver coins;
- (f) Trade in, or the use or consumption of, nuclear materials or radioactive by-products of the utilization or processing thereof.

Article VII

1. Each Contracting Party shall give sympathetic consideration to representations made by the other Party with respect to any matter arising out of, or connected with, the application of this Agreement.

2. The Parties shall, at the request of either of them, hold consultations on matters of the kind referred to in paragraph 1 of this article and on suitable measures for facilitating and developing the commercial relations between the two countries.

Article VIII

1. This Agreement shall be ratified and shall enter into force one month after the date of the exchange of instruments of ratification, which shall take place as soon as possible at Mexico City.

2. This Agreement shall remain in force for a period of three years and shall be automatically renewed for further successive periods of one year, unless either Party notifies the other, at least three months before the expiry of the current period, of its intention to terminate the Agreement.

IN WITNESS WHEREOF the Plenipotentiaries sign and seal this Agreement.

DONE in duplicate, in the Japanese and Spanish languages, both texts being equally authentic, at Tokyo, on 30 January 1969.

For the Government
of Japan:

KIICHI AICHI

For the Government
of the United Mexican States:

JULIÁN RODRÍGUEZ ADAME

PROTOCOL

At the time of signing the Agreement on Commerce between Japan and the United Mexican States (hereinafter referred to as "the Agreement"), the undersigned Plenipotentiaries, duly authorized by their respective Governments, have further agreed on the following provisions, which shall be considered integral parts of the Agreement:

1. Nothing in the Agreement shall affect the rights and obligations which either Party has or may have as a contracting party to the General Agreement on Tariffs and Trade.¹

2. Nothing in the Agreement shall be construed so as to entitle the United Mexican States to claim the benefit of the rights and privileges which are or may hereafter be granted by Japan to the inhabitants and vessels of, and trade with, any of the areas mentioned in article 3 of the Treaty of Peace with Japan signed at the city of San Francisco on 8 September 1951,² as long as the situation set forth in the second sentence of the said article continues with respect to the administration, legislation and jurisdiction over those areas.

IN WITNESS WHEREOF the Plenipotentiaries sign and seal this Protocol.

DONE in duplicate, in the Japanese and Spanish languages, both texts being equally authentic, at Tokyo, on 30 January 1969.

For the Government
of Japan:

KIICHI AICHI

For the Government
of the United Mexican States:

JULIÁN RODRÍGUEZ ADAME

¹ United Nations, *Treaty Series*, vol. 55, p. 187; for subsequent actions, see references in Cumulative Indexes Nos. 1 to 8, as well as annex A in volumes 609, 620 to 629, 640, 651, 661 to 665, 668, 690, 699, 735, 737, 741, 753, 761 to 763, 771, 779, 788, 797 and 798.

² *Ibid.*, vol. 136, p. 45.

EXCHANGE OF NOTES

I

Tokyo, 30 January 1969

Sir,

I have the honour to inform you that the Government of Mexico has made known to the Governments of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama its intention to make arrangements with them on the granting of tariff preferences to certain products from those countries, and that this question is being studied by the Latin American Free Trade Association.

The Government of Mexico understands that, before the entry into force of the arrangements referred to in the preceding paragraph, it will have to hold consultations with the Government of Japan with a view to amending the Agreement on Commerce signed today, so as to make it compatible with those arrangements, and that, in the event of failure to arrive at an agreement on the amendments through such consultations, either Contracting Party may, notwithstanding the provisions of article VIII, paragraph 2, terminate the Agreement on Commerce at any time by giving three months' notice in writing to the other Party.

Secondly, the Government of Mexico, inasmuch as it does not discriminate against any country in the importation of equipment effected through its State enterprises, is sympathetically disposed to Japanese enterprises' having a part, as they are doing, in purchases by the Mexican public sector, which is concerned that such equipment as it has to obtain from abroad should be purchased in the markets offering the best terms as regards quality, price and financing.

I would request you to be so good as to confirm, on behalf of the Government of Japan, the above understanding.

Accept, Sir, etc.

JULIÁN RODRÍGUEZ ADAME

Ambassador Extraordinary and Plenipotentiary
of the United Mexican States to Japan

His Excellency Mr. Kiichi Aichi
Minister for Foreign Affairs of Japan

II

30 January 1969

Sir,

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

[See note I]

I have the honour, on behalf of the Government of Japan, to confirm the understanding set forth in your note.

Accept, Sir, etc.

KIICHI AICHI
Minister for Foreign Affairs
of Japan

His Excellency Mr. Julián Rodríguez Adame
Ambassador Extraordinary and Plenipotentiary
of the United Mexican States to Japan
