

No. 1080

**UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND
and
NICARAGUA**

Treaty of friendship, commerce and navigation (with protocol). Signed at Managua on 28 July 1905

Partial termination of the above-mentioned Treaty

Authentic texts: English and Spanish.

Filed and recorded at the request of the United Kingdom of Great Britain and Northern Ireland on 29 September 1993.

**ROYAUME-UNI DE GRANDE-BRETAGNE
ET D'IRLANDE DU NORD
et
NICARAGUA**

Traité d'amitié, de commerce et de navigation (avec protocole). Signé à Managua le 28 juillet 1905

Abrogation partielle du Traité susmentionné

Textes authentiques : anglais et espagnol.

Classé et inscrit au répertoire à la demande du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord le 29 septembre 1993.

TREATY¹ OF FRIENDSHIP, COMMERCE AND NAVIGATION BETWEEN GREAT BRITAIN AND THE REPUBLIC OF NICARAGUA

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India; and

His Excellency the President of Nicaragua;

Being desirous to extend and facilitate the relations of commerce already existing between the two countries, have determined to conclude a new Treaty with this object, and have appointed as their Plenipotentiaries, that is to say:—

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, Herbert William Bradley Harrison, Esquire, Companion of the Most Distinguished Order of St. Michael and St. George, His Majesty's Chargé d'Affaires in the Republic of Nicaragua; and

His Excellency the President of the Republic of Nicaragua; Doctor Adolfo Altamirano, Minister of Foreign Affairs;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following Articles:—

ARTICLE I

There shall be between the dominions and possessions of the two High Contracting Parties reciprocal freedom of commerce and navigation. The subjects or citizens of each of the two Parties shall have liberty freely to come, with their ships and cargoes, to all places, ports, and rivers in the dominions and possessions of the other to which native subjects or citizens generally are or may be permitted to come, and shall enjoy, respectively, the same rights, privileges, liberties, favours, immunities, and exemptions in matters of commerce and navigation as are or may be enjoyed by native subjects or citizens generally, without having to pay any tax or impost greater than those paid by the same, and they shall be subject to the Laws and Regulations in force.

This stipulation shall not, however, apply to the coasting trade, in respect of which the subjects or citizens of the two Parties shall enjoy the treatment of the most favoured nation.

¹ Came into force on 3 September 1906, i.e., ten days after the date of the exchange of the instruments of ratification, which took place at London on 24 August 1906, in accordance with article XXI.

ARTICLE II

The free port privileges at the Port of San Juan del Norte shall be abolished, but the port shall remain open to trade, the facilities for shipping shall be maintained and improved, and sufficient bonded warehouses shall be provided.

As regards all the dues, taxes, and regulations affecting foreign trade and shipping and the system of municipal taxation, the port shall be on the same footing as the other ports of the Republic.

ARTICLE III

No other or higher duties or charges shall be imposed on the importation into the dominions and possessions of His Britannic Majesty of any article the produce or manufacture of the Republic of Nicaragua, from whatever place arriving, and no other or higher duties or charges shall be imposed on the importation into Nicaragua of any article the produce or manufacture of His Britannic Majesty's dominions and possessions, from whatever place arriving, than on the like articles produced or manufactured in any other foreign country; nor shall any prohibition or restriction be maintained or imposed on the importation of any article the produce or manufacture of the dominions and possessions of either of the High Contracting Parties into the dominions and possessions of the other, from whatever place arriving, which shall not equally extend to the

importation of the like articles being the produce or manufacture of any other foreign country.

This last provision is not applicable to the sanitary and other prohibitions occasioned by the necessity of securing the safety of persons or of cattle, or of plants useful to agriculture.

ARTICLE IV

No other or higher duties or charges shall be imposed in the dominions and possessions of either of the High Contracting Parties on the exportation of any article to the dominions and possessions of the other, than such as are or may be payable on the exportation of the like article to any other foreign country; nor shall any prohibition be imposed on the exportation of any article from the dominions and possessions of either of the two High Contracting Parties to the dominions and possessions of the other, which shall not equally extend to the exportation of the like article to any other foreign country.

ARTICLE V

The subjects or citizens of each of the High Contracting Parties shall enjoy, in the dominions and possessions of the other, perfect equality of treatment with native subjects or citizens or subjects or citizens of the most favoured nation in all that relates to exemption from transit duties, warehousing, bounties, facilities, and drawbacks.

ARTICLE VI

All articles which are or may be legally imported into the ports of the dominions and possessions of His Britannic Majesty in British vessels may be imported into those ports in Nicaraguan vessels, without being liable to any other or higher duties or charges of whatever denomination than if such articles were imported in British vessels; and similarly all articles which are or may be legally imported into the ports of Nicaragua in Nicaraguan vessels may be imported into those ports in British vessels, without being liable to any other or higher duties or charges of whatever denomination than if such articles were imported in Nicaraguan vessels. Such equality of treatment shall take effect without distinction, whether such articles come directly from the place of origin or from any other place.

In the same manner, there shall be perfect equality of treatment in regard to exportation, so that the same export duties and railway charges shall be paid, and the same bounties and drawbacks allowed, in the dominions and possessions of either of the High Contracting Parties on any article intended for exportation which is or may be legally exported therefrom, whether such exportation shall take place in Nicaraguan or in British vessels, and whatever may be the place of destination, whether a port of either of the High Contracting Parties or of any third Power.

ARTICLE VII

No duties of tonnage, harbour, pilotage, lighthouse, quarantine, or other similar or corresponding duties of whatever nature, or under whatever denomination, levied in the name or for the profit of government, public functionaries, private individuals, corporations, or establishments of any kind, shall be imposed in the ports of the dominions and possessions of either country upon the vessels of the other country, which shall not equally and under the same conditions be imposed in the like cases on national vessels in general. Such equality of treatment shall apply to the respective vessels, from whatever port or place they may arrive, and whatever may be their place of destination.

ARTICLE VIII

In all that regards the stationing, loading, and unloading of vessels in the ports, basins, docks, roadsteads, harbours, or rivers of the dominions and possessions of the two countries, no privilege shall be granted to national vessels which shall not be equally granted to vessels of the other country; the intention of the High Contracting Parties being that in this respect also the respective vessels shall be treated on the footing of perfect equality.

ARTICLE IX

Any ship of war or merchant-vessel of either of the High

Contracting Parties which may be compelled by stress of weather, or by accident, to take shelter in a port of the other, shall be at liberty to refit therein, to procure all necessary stores, and to put to sea again, without paying any dues other than such as would be payable in a similar case by a national vessel. In case, however, the master of a merchant-vessel should be under the necessity of disposing of a part of his merchandise in order to defray his expenses, he shall be bound to conform to the Regulations and Tariffs of the place to which he may have come.

If any ship of war or merchant-vessel of one of the High Contracting Parties should run aground or be wrecked upon the coasts of the other, such ship or vessel, and all parts thereof, and all furniture and appurtenances belonging thereunto, and all goods and merchandise saved therefrom, including any which may have been cast into the sea, or the proceeds thereof if sold, as well as all papers found on board such stranded or wrecked ship or vessel, shall be given up to the owners or their agents when claimed by them. If there are no such owners or agents on the spot, then the same shall be delivered to the British or Nicaraguan Consular officer in whose district the wreck or stranding may have taken place, upon being claimed by him within the period fixed by the laws of the country; and such Consular officers, owners, or agents shall pay only the expenses incurred in the preservation of the property, together with the salvage or other

expenses which would have been payable in the like case of a wreck of a national vessel.

The goods and merchandise saved from the wreck shall be exempt from all duties of customs, unless cleared for consumption, in which case they shall pay the same rate of duty as if they had been imported in a national vessel.

In the case either of a vessel being driven in by stress of weather, run aground or wrecked, the respective Consular officers shall, if the owner or master or other agent of the owner is not present, or is present and requires it, be authorized to interpose in order to afford the necessary assistance to their fellow-countrymen.

ARTICLE X

All vessels which, according to British law, are to be deemed British vessels, and all vessels which, according to Nicaraguan law, are to be deemed Nicaraguan vessels shall, for the purposes of this Treaty, be deemed British and Nicaraguan vessels respectively.

ARTICLE XI

The High Contracting Parties agree that, in all matters relating to commerce, navigation, and industry, any privilege, favour, or immunity whatever which either High Contracting Party has actually granted or may hereafter grant to any other foreign State, shall be extended immediately and unconditionally to the subjects or citizens of the other Contracting Party;

it being their intention that the commerce, navigation, and industry of each country shall be placed, in all respects, by the other on the footing of the most favoured nation.

ARTICLE XII

It shall be free to each of the High Contracting Parties to appoint Consuls-General, Consuls, Vice-Consuls, and Consular Agents to reside in the towns and ports of the dominions and possessions of the other. Such Consuls-General, Consuls, Vice-Consuls, and Consular Agents, however, shall not enter upon their functions until after they shall have been approved and admitted in the usual form by the Government to which they are sent. They shall enjoy all the faculties, privileges, exemptions and immunities of every kind which are or shall be granted to Consuls of the most favoured nation.

ARTICLE XIII

The subjects or citizens of each of the High Contracting Parties who shall conform to the laws of the country—

1. Shall have full liberty, with their families, to enter, travel, or reside in any part of the dominions and possessions of the other High Contracting Party.

2. They shall be permitted to hire or possess the houses, manufactories, warehouses, shops, and premises which may be necessary for them.

3. They may carry on their commerce either in person or by any agents whom they may think fit to employ.

4. They shall not be subject in respect of their persons or property, or in respect of passports, or in respect of their commerce or industry, to any taxes, whether general or local, or to imposts or obligations of any kind whatever other or greater than those which are or may be imposed upon native subjects or citizens, or subjects or citizens of the most favoured nation.

ARTICLE XIV

The subjects or citizens of each of the High Contracting Parties in the dominions and possessions of the other shall be exempted from all compulsory military service whatever, whether in the army, navy, national guard, or militia. They shall be equally exempted from all judicial and municipal functions whatever other than those imposed by the laws relating to juries, as well as from all extraordinary war contributions, forced loans and every species of military requisitions or service. In all other cases their personal and real property cannot be subjected to other charges or imposts than those that may be or have been exacted from the subjects or citizens of the country or from subjects or citizens of the most favoured nation.

ARTICLE XV

The subjects or citizens of each of the High Contracting Parties

in the dominions and possessions of the other shall be at full liberty to exercise civil rights, and therefore to acquire, possess, and dispose of every description of property, movable and immovable. They may acquire and transmit the same to others, whether by purchase, sale, donation, exchange, marriage, testament, succession *ab intestato*, and in any other manner, under the same conditions as national subjects or citizens. Their heirs may succeed to and take possession of it, either in person or by procurators, in the same legal forms and in the same manner as subjects or citizens of the country.

In none of these respects shall they pay upon the value of such property any other or higher impost, duty, or charge than is or shall be payable by subjects or citizens of the country. In every case the subjects or citizens of the High Contracting Parties shall be permitted to export their property, or the proceeds thereof if sold, freely and without being subjected on such exportation to pay any duty different from that to which subjects or citizens of the country are or shall be liable under similar circumstances.

ARTICLE XVI

The dwellings, manufactories, warehouses, and shops of the subjects or citizens of each of the High Contracting Parties in the dominions and possessions of the other, and all premises appertaining thereto destined for purposes of residence or commerce, shall be respected.

It shall not be allowable to make a search of, or a domiciliary visit to, such dwellings and premises, or to examine or inspect books, papers, or accounts, except under the conditions and with the forms prescribed by the laws for subjects or citizens of the country, or of the most favoured nation.

The subjects or citizens of each of the two High Contracting Parties in the dominions and possessions of the other shall have free access to the Courts of Justice for the prosecution and defence of their rights, without other conditions, restrictions, or taxes beyond those imposed on native subjects or citizens; they shall enjoy the same treatment as native subjects or citizens in all that concerns deposits, sureties, and fees in legal cases, and shall, in the same manner as native subjects or citizens, be at liberty to employ, in all causes, their advocates, attorneys, or agents from among the persons admitted to the exercise of those professions according to the laws of the country.

ARTICLE XVII

The subjects or citizens of each of the High Contracting Parties shall have in the dominions and possessions of the other, the same rights as native subjects or citizens in regard to patents for inventions, trademarks, and designs, upon fulfilment of the formalities prescribed by law.

ARTICLE XVIII

All goods bearing marks or descriptions which state, or manifestly suggest, that the goods are the produce or manufacture of one of the Contracting States, shall, if such statement or suggestion be false, be seized on importation into either of the two States. The seizure may also be effected in the State where the false indication of origin has been applied, or in that into which the goods bearing the false indication may have been imported. The seizure shall be effected either at the request of the proper Government Department or of an interested party, whether an individual or a society, in conformity with the domestic legislation of each State, but the authorities are not bound to effect the seizure of goods in transit.

The Tribunals of each country shall decide what appellations, on account of their generic character, do not fall within the provisions of the present Article.

ARTICLE XIX

The Consuls-General, Consuls, Vice-Consuls, and Consular Agents of each of the High Contracting Parties, residing in the dominions and possessions of the other, shall receive from the local authorities such assistance as can by law be given to them for the recovery of deserters from the vessels of their respective countries.

ARTICLE XX

The stipulations of the present Treaty shall not be applicable to any of His Britannic Majesty's Colonies or possessions beyond the seas unless notice to that effect shall have been given, on behalf of any such Colony or possession, by His Britannic Majesty's Representative in the Republic of Nicaragua to the Nicaraguan Minister for Foreign Affairs, within one year from the date of the exchange of the ratifications of the present Treaty.

It is understood that, under the provisions of this Article, His Majesty's Government can, in the same manner, give notice of adhesion on behalf of any British Protectorate or sphere of influence, or on behalf of the Island of Cyprus, in virtue of the Convention of the fourth of June, eighteen hundred and seventy-eight, between Great Britain and Turkey.¹

ARTICLE XXI

The present Treaty shall come into effect ten days after the day upon which the ratifications are exchanged, and shall remain in force for ten years after such exchange. In case neither of the High Contracting Parties shall have given notice to the other twelve months before the expiration of the said period of ten years of the intention to terminate the present Treaty, it shall remain in force until the

¹ *British and Foreign State Papers*, vol. LXIX, p. 744.

expiration of one year from the day on which either of the High Contracting Parties shall have given such notice.

His Britannic Majesty's Government shall also have the right to terminate separately the present Treaty at any time on giving twelve months' notice to that effect, on behalf of any British Colony, possession, or dependency, as specified in

Article XX, which may have acceded thereto.

ARTICLE XXII

The present Treaty shall be ratified, and the ratifications shall be exchanged at London, within the period of one year from the date of signature.

[For the testimonium and signatures, see p. 267 of this volume.]

PARTIAL TERMINATION OF THE TREATY OF FRIENDSHIP, COMMERCE AND NAVIGATION OF 28 JULY 1905 BETWEEN GREAT BRITAIN AND THE REPUBLIC OF NICARAGUA¹

By an agreement in the form of an exchange of notes dated at Managua on 9 April 1992, it was agreed that article XIX of the above-mentioned Treaty would cease to have effect from 9 April 1992.

¹ See p. 252 of this volume.