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[Reprint of "Union of South Africa Treaty Series No. 6 (1937)"]

COMMERCIAL AGREEMENT

between His Majesty's Government in
the Union of South Africa and
the Belgian Government

Pretoria, July 13, 1937

*Presented by the Secretary of State for Foreign Affairs
to Parliament by Command of His Majesty*

LONDON

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COMMERCIAL AGREEMENT BETWEEN HIS MAJESTY'S
GOVERNMENT IN THE UNION OF SOUTH AFRICA AND
THE BELGIAN GOVERNMENT.

Pretoria, July 13, 1937.

No. 1.

Dr. Botha to Mr. G. van Schendel.

Department of External Affairs,

Pretoria, July 13, 1937.

Sir,

I HAVE the honour to place on record that the Government of the Union of South Africa and the Belgian Government, acting for themselves as well as on behalf of the Government of the Grand Duchy of Luxemburg by virtue of existing agreements, agree to terminate the preliminary agreement which was concluded between them by an Exchange of Notes of the 2nd and 7th November, 1935, and subsequently extended to the 31st July, 1937, and to substitute therefor a further preliminary Commercial Agreement in the following terms:—

1. Articles, the growth, produce or manufacture of the Union of South Africa, when imported therefrom into the territories of the Belgian-Luxemburg Economic Union, and articles, the growth, produce or manufacture of the Belgian-Luxemburg Economic Union, when imported therefrom into the territory of the Union of South Africa, shall, in respect of Customs duties and other taxes and charges levied on imports, and in all matters pertaining to the administration thereof, be treated not less favourably than like articles, the growth, produce or manufacture of any other country; provided that Belgium and Luxemburg shall not be entitled to claim the privileges or favours flowing from preferential treatment already accorded, or in future to be accorded by the Union of South Africa exclusively to any of the other members of the British Commonwealth of Nations, or to any possession or territory to any of them belonging, or to any territory under the jurisdiction of any such member either as a Protectorate or as a Mandated Territory.

2. In the event of either contracting party establishing or maintaining a system of licensing or quantitative regulation of imports, such system shall be so administered as not to discriminate against articles, grown, produced or manufactured in the territory of the other contracting party, and the conditions under which licences or permits may be issued or obtained for the importation or such articles shall be not less favourable than those applied in the case of like articles, grown, produced or manufactured in any other country.

3. In the event of one of the contracting parties establishing exchange or payment restrictions, such party shall apply, in respect of these matters, towards the other party, the treatment of the most favoured nation.

4. The most-favoured-nation treatment shall apply also to taxes or charges levied in connection with the internal distribution and sale of imported articles.

5. Notwithstanding the provisions of this Agreement, either of the contracting parties may, where for any reason it is deemed necessary, prohibit or restrict the importation of any article by the imposition of special duties or otherwise, provided that no such prohibition or restriction shall be imposed or maintained on articles grown, produced or manufactured in the territory of the other contracting party, unless such prohibition or restriction is imposed or maintained on like articles imported from any other country in regard to which like grounds for the application of such measures exist.

6. The provisions of this Agreement shall not extend to favours actually granted, or which may hereafter be granted by the Union of South Africa to Northern Rhodesia, or to any State or territory adjoining the Union of South Africa.

7. It is understood that wherever the term "Union of South Africa" is used in the present Agreement, it shall be deemed to include the Mandated Territory of South-West Africa.

8. This Agreement shall come into force fourteen days after the date of this Note, provided that it shall lapse if not ratified by resolution of both Houses of Parliament of the Union of South Africa during its next ensuing session; and, if so ratified, it shall remain in force until the 30th June, 1938.

9. The contracting parties agree to enter, as soon as possible, into negotiations for the conclusion of a more comprehensive agreement between the Union of South Africa and the Belgian-Luxemburg Economic Union. In the event of it proving impossible to conclude such an agreement before the 30th June, 1938, the present Agreement shall remain in force until it is superseded by the proposed Agreement or until the expiration of three calendar months from the date on which notice shall have been given by either of the contracting parties of its intention to terminate the present Agreement.

10. This Note, and your reply in similar terms, intimating the concurrence of the Belgian Government in the provisions hereof, will be regarded as an agreement between our Governments in this matter.

I have, &c.

P. R. BOTHA,

Acting Secretary for External Affairs.

No. 2.

Mr. G. van Schendel to Dr. Botha.

Consulat général de Belgique,

Sir,

Capetown, July 13, 1937.

I HAVE the honour to acknowledge the receipt of your Note of the 13th instant, and to confirm to you that the Belgian Government, acting for themselves as well as on behalf of the Government of the Grand Duchy of Luxemburg, by virtue of existing agreements, agree to terminate the preliminary agreement concluded with the Government of the Union of South Africa by an Exchange of Notes of the 2nd and 7th November, 1935, and subsequently extended to the 31st July, 1937, and to substitute therefor a further preliminary Commercial Agreement in the following terms:—

1. Articles, the growth, produce or manufacture of the Union of South Africa, when imported therefrom into the territories of the Belgian-Luxemburg Economic Union, and articles, the growth, produce or manufacture of the Belgian-Luxemburg Economic Union, when imported therefrom into the territory of the Union of South Africa, shall, in respect of Customs duties and other taxes and charges levied on imports, and in all matters pertaining to the administration thereof, be treated not less favourably than like articles, the growth, produce or manufacture of any other country; provided that Belgium and Luxemburg shall not be entitled to claim the privileges or favours flowing from preferential treatment already accorded, or in future to be accorded by the Union of South Africa exclusively to any of the other members of the British Commonwealth of Nations, or to any possession or territory to any of them belonging, or to any territory under the jurisdiction of any such member either as a Protectorate or as a Mandated Territory.

2. In the event of either contracting party establishing or maintaining a system of licensing or quantitative regulation of imports, such system shall be so administered as not to discriminate against articles, grown, produced or manufactured in the territory of the other contracting party, and the conditions under which licences or permits may be issued or obtained for the importation or such articles shall be not less favourable than those applied in the case of like articles, grown, produced or manufactured in any other country.

3. In the event of one of the contracting parties establishing exchange or payment restrictions, such party shall apply, in respect of these matters, towards the other party, the treatment of the most favoured nation.

4. The most-favoured-nation treatment shall apply also to taxes or charges levied in connection with the internal distribution and sale of imported articles.

5. Notwithstanding the provisions of this Agreement, either of the contracting parties may, where for any reason it is deemed necessary, prohibit or restrict the importation of any article by the imposition of special duties or otherwise, provided that no such prohibition or restriction shall be imposed or maintained on articles grown, produced or manufactured in the territory of the other contracting party, unless such prohibition or restriction is imposed or maintained on like articles imported from any other country in regard to which like grounds for the application of such measures exist.

6. The provisions of this Agreement shall not extend to favours actually granted, or which may hereafter be granted by the Union of South Africa to Northern Rhodesia, or to any State or territory adjoining the Union of South Africa.

7. It is understood that wherever the term "Union of South Africa" is used in the present Agreement, it shall be deemed to include the Mandated Territory of South-West Africa.

8. This Agreement shall come into force fourteen days after the date of this Note, provided that it shall lapse if not ratified by resolution of both Houses of Parliament of the Union of South Africa during its next ensuing session; and, if so ratified, it shall remain in force until the 30th June, 1938.

9. The contracting parties agree to enter, as soon as possible, into negotiations for the conclusion of a more comprehensive agreement between the Union of South Africa and the Belgian-Luxemburg Economic Union. In the event of it proving impossible to conclude such an agreement before the 30th June, 1938, the present Agreement shall remain in force until it is superseded by the proposed Agreement or until the expiration of three calendar months from the date on which notice shall have been given by either of the contracting parties of its intention to terminate the present Agreement.

I have, &c.

G. VAN SCHENDEL,

Consul-General of Belgium.