

N° 169.

JAPON ET PARAGUAY

Traité de commerce signé à Asun-
cion le 17 novembre 1919, et
échange de notes des 29 et 30
novembre 1920 y relatif.

JAPAN AND PARAGUAY

Treaty of commerce signed at Asun-
cion November 17, 1919, and
exchange of notes of November
29 and 30, relative thereto.

No. 169. — TREATY OF COMMERCE BETWEEN THE EMPIRE OF JAPAN AND THE REPUBLIC OF PARAGUAY¹, SIGNED AT ASUNCION NOVEMBER 17, 1919 AND EXCHANGE OF NOTES OF NOVEMBER 29 AND 30, 1920 RELATIVE THERETO.

Texte officiel anglais communiqué par la Délégation japonaise auprès de la Société des Nations. L'enregistrement de ce traité a eu lieu le 30 septembre 1921.

HIS MAJESTY THE EMPEROR OF JAPAN and HIS EXCELLENCY THE PRESIDENT OF THE REPUBLIC OF PARAGUAY, being equally animated by a desire to establish upon a firm and lasting foundation relations of friendship and commerce between their respective States and subjects and citizens, have resolved to conclude a Treaty of Commerce and have for that purpose named their respective Plenipotentiaries, that is to say :

HIS MAJESTY THE EMPEROR OF JAPAN :

Shichita TATSUKE, Jushii of the second Order of the Sacred Treasure, His Envoy Extraordinary and Minister Plenipotentiary near the Government of the Republic of Chile, and

HIS EXCELLENCY THE PRESIDENT OF THE REPUBLIC OF PARAGUAY :

Dr. Eusebio AYALA, Minister for Foreign Affairs

who having communicated to each other their respective Full Powers, and found them in good and due form, have agreed upon the following articles :

Article 1.

There shall be firm and perpetual peace and amity between the Empire of Japan and the Republic of Paraguay and their respective subjects and citizens.

Article 2.

The subjects or citizens of each of the High Contracting Parties shall have full liberty to enter, and sojourn in the territories of the other, and, conforming themselves to the laws of the country they shall enjoy the rights enumerated hereunder :

(1) They shall, in all that relates to travel and residence, to the exercise of their callings and professions, and to the prosecution of their industrial and manufacturing undertakings, be placed, in all respects, on the same footing as the subjects or citizens of the most favoured nation ;

¹ L'échange de ratifications a eu lieu à Santiago de Chile le 25 août 1921.

¹ TRADUCTION — TRANSLATION.

No. 169. — TRAITÉ DE COMMERCE ENTRE L'EMPIRE DU JAPON ET LA RÉPUBLIQUE DU PARAGUAY ², SIGNÉ A ASUNCION LE 17 NOVEMBRE 1919 ET ÉCHANGE DE NOTES DES 29 ET 30 NOVEMBRE 1920 Y RELATIF.

English official text communicated by the Japanese Delegation to the League of Nations. The registration of this Treaty took place on September 30, 1921.

Sa Majesté l'Empereur du Japon et Son Excellence le Président de la République du Paraguay, également animés du désir d'établir, sur des bases solides et durables, les relations d'amitié et de commerce entre leurs Etats respectifs, leurs sujets et citoyens, ont résolu de conclure un traité de commerce et ont, à cet effet, nommé leurs plénipotentiaires respectifs, à savoir :

POUR SA MAJESTÉ L'EMPEREUR DU JAPON :

Shichita TATSUKÉ, Jushii de seconde classe du Trésor sacré, Envoyé extraordinaire et Ministre plénipotentiaire auprès du Gouvernement de la République du Chili ;

POUR SON EXCELLENCE LE PRÉSIDENT DE LA RÉPUBLIQUE DU PARAGUAY :

le Dr. Eusebio AYALA, Ministre des Affaires étrangères,

qui se sont mutuellement communiqué leurs pleins pouvoirs, les ont trouvés en bonne et due forme et ont convenu ce qui suit :

Article 1^{er}.

Entre l'Empire du Japon et la République du Paraguay, ainsi qu'entre leurs sujets et ressortissants respectifs, existeront désormais des relations de paix et d'amitié perpétuelles.

Article 2.

Les sujets ou ressortissants de chacune des Hautes Parties contractantes auront liberté entière de pénétrer et de séjourner dans les territoires de l'autre partie, et tant qu'ils se conformeront aux lois du pays, ils jouiront des droits énumérés ci-dessous :

1. En tout ce qui concerne les voyages et la résidence, l'exercice de leur métier ou profession, la poursuite de leurs occupations industrielles, ils se trouveront placés à tous égards sur le même pied que les sujets ou citoyens de la nation la plus favorisée ;

¹ Traduit par le Secrétariat de la Société des Nations.

¹ Translated by the Secretariat of the League of Nations.

² Ratifications exchanged at Santiago de Chile, August 25, 1921.

(2) They shall have the right, equally with native subjects or citizens to carry on their commerce and trade in all kind of merchandise of lawful commerce ;

(3) They shall be permitted to own or hire and occupy the houses, manufactories, warehouses shops and premises which may be necessary for them, and to lease land for residential, commercial, industrial, manufacturing and other lawful purposes ;

(4) They shall enjoy the same privileges, liberties and rights as native subjects or citizens or the subjects or citizens of the most favoured nation in regard to the possession of movable property of any kind and the transmission by succession according to last will or otherwise of movable property of any kind which they may lawfully acquire *inter vivos* and the disposal in any way whatever of all kinds of property which they shall have lawfully acquired ;

(5) They shall, on condition of reciprocity, be at full liberty to acquire and possess every description of immovable property, which the laws of the country permit or shall permit the subjects or citizens of any other foreign country to acquire and possess, subject always to the conditions and limitations prescribed in such laws ;

(6) They shall be exempted from all compulsory military services, whether in the army, navy, national guard or militia ; from all contributions imposed in lieu of personal service ; and from all forced loans. They shall not be subjected to any military requisitions and contributions otherwise than under the same conditions and on the same footing as native subjects or citizens or the subjects or citizens of the most favoured nation ;

(7) They shall not be compelled to pay taxes, fees, charges or contributions of any kind whatever, other or higher than those which are or may be paid by native subjects or citizens or the subjects or citizens of the most favoured nation.

Article 3.

The dwellings, warehouses, manufactories and shops of the subjects or citizens of each of the High Contracting Parties in the territories of the other, and all premises appertaining thereto used for lawful purposes, shall be respected.

It shall not be allowable to proceed to make a domiciliary visit to, or a search of, any such buildings and premises, or to examine or inspect books, papers, or accounts, except under the conditions and with the forms prescribed by the laws for native subjects or citizens.

Article 4.

Each of the High Contracting Parties may appoint Consuls General, Consuls, Vice Consuls, Deputy Consuls and Consular Agents in all ports, cities and places of the other, except in those where it may not be convenient to recognise such officers. This exception, however, shall not be made in regard to one of the Contracting Parties without being made likewise in regard to all other Powers.

Such Consuls General, Consuls, Vice Consuls, Deputy Consuls and Consular Agents, having received exequaturs or other sufficient authorizations from the Government of the country to which they are appointed, shall, on condition of reciprocity, have the right to exercise the functions and to enjoy the exemptions and immunities which are or may hereafter be granted to the Consular officers of the same rank of the most favoured nation.

The Government issuing exequaturs or other authorizations may in its discretion cancel the same on communicating the reasons for which it thought proper to do so.

Article 5.

There shall be between the territories of the two High Contracting Parties reciprocal freedom of commerce.

Article 6.

Articles, the produce or manufacture of the territories of one of the High Contracting Parties, upon importation into the territories of the other, from whatever place arriving, shall enjoy the lowest rates of customs duty applicable to similar articles of any other foreign origin.

Articles, the produce or manufacture of the territories of one of the High Contracting Parties, exported to the territories of the other, shall not be subjected on export to other or higher charges than those paid on the like articles exported to any other foreign country.

Nor shall any prohibition be imposed by either country on the importation or exportation of any article from or to the other which shall not equally extend to the like article imported from or exported to any other country. The last provision is not, however, applicable to prohibitions or restrictions maintained or imposed as sanitary measures or for the purpose of protecting animals and useful plants.

Article 7

Articles, the produce or manufacture of the territories of one of the High Contracting Parties, passing in transit through the territories of the other, in conformity with the laws of the country, shall be reciprocally free from all transit duties, whether they pass direct, or whether during transit they are unloaded, warehoused, and reloaded.

Article 8.

The subjects or citizens of each of the High Contracting Parties shall enjoy in the territories of the other, a perfect equality of treatment with native subjects or citizens in all that relates to the facilities for warehousing, bounties and drawbacks.

Article 9.

No internal duties levied for the benefit of the State, local authorities, or corporations which affect, or may affect, the production, manufacture, or consumption of any article in the territories of either of the High Contracting Parties shall for any reason be a higher or more burdensome charge on articles, the produce or manufacture of the territories of the other, than on similar articles of any other foreign origin.

The produce or manufacture of the territories of either of the High Contracting Parties imported into the territories of the other, and intended for warehousing or transit, shall not be subjected to any internal duty.

Article 10.

Joint stock companies and other commercial, industrial and financial companies and associations including insurance companies domiciled in the territories of one of the High Contracting Parties and having legal existence according to the laws in force of such Party shall be recognised as having legal existence in the territories of the other and authorised to appear in Court as plaintiffs and defendants according to the laws of that other Party.

Their admission to the pursuit of their industry or their commerce as well as to acquisition of property in the territories of the other Party, shall be dependent upon the laws of the country.

In any case the said companies and associations shall enjoy in these territories the same rights as those which are or may be granted to the similar companies or associations of the most favoured nation.

Article 11.

Except as otherwise expressly provided in this Treaty, the High Contracting Parties agree that, in all that concerns commerce and industry, any privilege, favour or immunity which either Contracting Party has actually granted, or may hereafter grant, to the subjects or citizens of any other State shall be extended to the subjects or citizens of the other Contracting Party gratuitously, if the concession in favour of that other State shall have been gratuitous, and on the same or equivalent conditions, if the concession shall have been conditional.

Article 12.

The provisions of the present Treaty shall not apply to any special advantages which are or may be granted by either of the High Contracting Parties to any neighbouring countries either in Asia or South America respectively to facilitate frontier traffic or to encourage regional economic relations but which are not granted to any other foreign country than those above referred to.

Article 13.

The present Treaty shall go into operation immediately after the exchange of ratifications, and shall continue in force until the expiration of one year after either of the High Contracting Parties shall have given notice to the other of its intention to terminate the same, and no longer.

Article 14.

The present Treaty shall be ratified as soon as possible by the two High Contracting Parties and the ratifications shall be exchanged at Santiago, Chile.

In witness whereof the respective Plenipotentiaries have signed this Treaty and hereunto affixed their respective seals.

Done in duplicate at Asuncion this seventeenth day of the eleventh month of the eighth year of Taisho, corresponding to the seventeenth day of November of the year one thousand nine hundred and nineteen.

(Signed) SHICHITA TATSUKE (L. S.)

(Signed) EUSEBIO AYALA (L. S.)

LEGACION DEL JAPON.

Santiago, Chile.

MONSIEUR LE MINISTRE,

ASUNCION, *November 29, 1920.*

I understand from Your Excellency's predecessor in connection with the signature of the Treaty of Commerce between the Empire of Japan and the Republic of Paraguay on the 17 November, 1919, that the words "yellow race" contained in the prohibitory clause of the article 14 of the immigration law in force in Paraguay, are not interpreted by the Government of Paraguay

to apply to any of the subjects of the Empire of Japan, but that in order to avoid any misunderstanding arising in future, they will take necessary steps as soon as possible to revise the actual law in question in conformity with the interpretation above mentioned.

Consequently, I beg to invite Your Excellency to say whether this understanding is correct, at the same time, to be good enough to state that there exists in Paraguay no law or regulation, in the above immigration law or otherwise, which explicitly or implicitly discriminates against the Japanese subjects in favour of people of any other country in the matter of entry into and residence, and enjoyment of civil rights in Paraguay.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

(Signed) SHICHITA TATSUKE.

His Excellency,

Señor don ROGELIO IBARRA,

Minister for Foreign Affairs of the Republic of Paraguay.

Copie certifiée conforme

(Signed) L. MIYAKOSHE.

REPUBLICA DEL PARAGUAY,

Ministerio de Relaciones Exteriores,

Sección Política y Diplomática.

ASUNCION, *November 30, 1920.*

MONSIEUR LE MINISTRE,

I have the honour to acknowledge the receipt of Your Excellency's note of yesterday, in connection with the Treaty of Commerce signed between the Republic of Paraguay and the Empire of Japar, on November 17, 1919 and with the scope and interpretation given by the Government of Paraguay to the words "yellow race" contained in the article 14 of the immigration law.

In answer, I beg to confirm to Your Excellency that the words "yellow race" of the said article, are not interpreted by the Paraguayan Government to be applicable to any subject of the Empire of Japan.

I beg to add that neither the immigration law nor any other of the laws in force in Paraguay contain anything that explicitly or implicitly discriminates against the Japanese subjects in Paraguay in favour of people of any other country in the matter of the right of entry into and residence in the territory of Paraguay and enjoyment of any of the civil rights given to foreigners by national law.

I avail myself of this opportunity to inform Your Excellency that in the draft of the revision of the said immigration law, now in preparation, and which will be submitted as soon as possible to the consideration of the Congress, the article 14 above mentioned will be wholly suppressed, as the Government of Paraguay understands that the moment has arrived for abandoning, in reason of being of little efficiency, the policy observed till to-day of furthering immigration by artificial means.

Accept, Excellency, the renewed assurances of my highest consideration.

(Signed) ROGELIO IBARRA.

His Excellency

SHICHITA TATSUKE, Envoy extraordinary

and Minister Plenipotentiary of the Empire of Japan,

Asuncion,

Copie certifiée conforme,

(Signed) MIYAKOSHE.