

N° 1518.

ESPAGNE ET SUISSE

Déclaration réciproque pour déterminer les rapports entre la Suisse et la zone de protectorat de l'Espagne dans l'Empire chérifien, signée à Berne, le 4 août 1926, avec trois notes de la même date y annexées.

SPAIN AND SWITZERLAND

Reciprocal Declaration for defining the Relations between Switzerland and the Spanish Protected Zone of the Shereefian Empire, signed at Berne, August 4, 1926, with three Notes of the same Date annexed thereto.

TEXTE ESPAGNOL. — SPANISH TEXT.

N^o 1518. — DÉCLARATION RÉCIPROQUE¹ ENTRE L'ESPAGNE ET LA SUISSE POUR DÉTERMINER LES RAPPORTS ENTRE LA SUISSE ET LA ZONE DE PROTECTORAT DE L'ESPAGNE DANS L'EMPIRE CHÉRIFIEN. SIGNÉE A BERNE, LE 4 AOUT 1926.

N^o 1518. — DECLARACIÓN RECÍPROCA¹ ENTRE SUIZA Y ESPAÑA PARA DETERMINAR LAS RELACIONES ENTRE SUIZA Y LA ZONA DEL PROTECTORADO DE ESPAÑA EN EL IMPERIO JERIFIANO. FIRMADA EN BERNA EL 4 DE AGOSTO DE 1926.

Textes officiels espagnol et français communiqués par le Conseil fédéral suisse. L'enregistrement de cette déclaration a eu lieu le 13 août 1927.

French and Spanish official texts communicated by the Swiss Federal Council. The registration of this Declaration took place August 13, 1927.

En vue de préciser la situation conventionnelle de la Suisse dans la zone de protectorat de l'Espagne dans l'Empire chérifien, les sous-signés, dûment autorisés à cet effet par leurs gouvernements respectifs, sont convenus de ce qui suit :

Con el fin de precisar la situación convencional de Suiza en la Zona de Protectorado de España en el Imperio jerifiano, los abajo firmantes, debidamente autorizados a este efecto por sus respectivos Gobiernos han convenido lo que sigue :

1^o La Suisse bénéficiera dans la zone de protectorat de l'Espagne dans l'Empire chérifien de la liberté économique, sans inégalité aucune, telle qu'elle résulte ou résultera de l'Acte général² d'Algésiras du 7 avril 1906 et des conventions internationales subséquentes.

1^o Suiza gozará en la Zona de Protectorado de España en el Imperio jerifiano de libertad económica, sin desigualdad alguna como resulta o resultará del Acta general² de Algeciras de 7 de Abril de 1906 y convenios internacionales posteriores.

En conséquence, tous les avantages qui seraient accordés à une Puissance ou à ses ressortissants seront étendus aussitôt et de plein droit à la Suisse et à ses ressortissants sans contre-prestation d'aucune sorte.

En consecuencia todas las ventajas que se concedan a una Potencia o a sus subditos serán extendidas desde luego y de pleno derecho a Suiza y a sus ciudadanos sin prestación reciproca de ninguna clase.

2^o La Suisse renonce à réclamer pour ses ressortissants et ses établissements dans la zone de protectorat de l'Espagne dans

2^o Suiza renuncia a reclamar para sus ciudadanos y sus establecimientos en la Zona de Protectorado de España en el

¹ L'échange des ratifications a eu lieu à Berne, le 4 août 1927.

² DE MARTENS, *Nouveau Recueil général de Traités*, deuxième série, tome XXXIV, page 238.

¹ The exchange of ratifications took place at Berne, August 4, 1927.

² *British and Foreign State Papers*, Vol. 99, page 141.

III.

NOTE DE LA LÉGATION D'ESPAGNE AU DÉPARTEMENT POLITIQUE FÉDÉRAL
CONCERNANT L'INTERPRÉTATION A DONNER A LA DÉCLARATION RÉCIPROQUE DU 4 AOUT 1926.

BERNE, le 4 août 1926.

MONSIEUR LE CONSEILLER FÉDÉRAL,

J'ai l'honneur de porter à la connaissance de Votre Excellence que le Gouvernement de Sa Majesté, toujours désireux de faire preuve vis-à-vis de celui de la Confédération suisse de sa cordiale amitié, s'empresse de déclarer que le paragraphe premier de la déclaration déterminant les rapports entre la Suisse et la zone de protectorat de l'Espagne dans l'Empire chérifien, conclue en date de ce jour, doit être interprété dans ce sens que la Suisse jouira à tous égards, sans exception ni réserve, de tous les avantages visés audit paragraphe qui sont actuellement ou seront à l'avenir accordés dans ladite zone de protectorat de l'Espagne à une autre Puissance ou à ses ressortissants.

Veillez agréer, Monsieur le Conseiller fédéral, l'assurance de ma haute considération.

(Signé) MARQUIS DE LA TORREHERMOSA.

Pour copie conforme :
Berne, le 12 août 1927.

Le vice-chancelier :
Leimgrubler.

¹ TRADUCTION. — TRANSLATION.

No. 1518. — RECIPROCAL DECLARATION BY SPAIN AND SWITZERLAND DEFINING THE RELATIONS BETWEEN SWITZERLAND AND THE SPANISH PROTECTED ZONE OF THE SHEREEFIAN EMPIRE. SIGNED AT BERNE, AUGUST 4, 1926.

With a view to defining the situation as Switzerland as established by Treaty in the Spanish Protectorate Zone in the Shereefian Empire, the undersigned, being duly authorised for that purpose by their respective Governments, have agreed as follows :

(1) Switzerland shall enjoy in the Spanish Protectorate Zone in the Shereefian Empire, the same economic freedom, subject to no differential treatment of any kind, as is or may hereafter be granted under the General Act of Algeciras of April 7, 1906, and the subsequent international conventions.

In consequence, all benefits granted to any Power or to its nationals shall be extended to Switzerland and to her nationals immediately and as of right, without any equivalent benefits being claimed in return.

¹ Traduit par le Secrétariat de la Société des Nations.

¹ Translated by the Secretariat of the League of Nations.

(2) Switzerland agrees not to claim for her nationals or establishments in the Spanish Protectorate Zone in the Shereefian Empire any rights or privileges arising out of the régime of the capitulations.

Switzerland shall not claim for her consuls or establishments in the Zone any rights or privileges other than those granted to her in Spain.

(3) The treaties and conventions of all kinds in force between Spain and Switzerland shall, subject to any clause to the contrary, be extended to the Spanish Protectorate Zone in the Shereefian Empire, unless such extension is contrary to the tenor of the said agreements or is incompatible with the economic equality stipulated in the first paragraph of the present Declaration.

Temporary Provision.

Pending the establishment of Swiss consulates in the Spanish Protectorate Zone in the Shereefian Empire, Swiss nationals registered at a consulate of a third State before the date of signature of the present Declaration shall continue to be amenable to the jurisdiction of the consular courts of that State unless the said State has already renounced its right of jurisdiction ; they may in no case, however, be transferred from the protection of the aforesaid consulate to that of the consulate of any other third State.

The present Declaration shall be ratified and the ratifications shall be exchanged as soon as possible ; it shall come into force ten days after the date of the exchange of ratifications.

Done in duplicate at Berne, August 4, 1926.

(Signed) SCHEURER.

(Signed) Mauricio LOPEZ-ROBERTS

MARQUÈS DE LA TORREHERMOSA

ANNEXES.

I.

NOTE FROM THE FEDERAL POLITICAL DEPARTMENT TO THE SPANISH LEGATION REGARDING THE EXTENSION OF THE SPANISH-SWISS EXTRADITION TREATY TO THE SPANISH ZONE OF MOROCCO.

BERNE, August 4, 1926.

MONSIEUR LE MINISTRE,

When proceeding to sign the Declaration determining the relations between Switzerland and the Spanish Protectorate Zone in the Shereefian Empire, I have the honour to inform you that the Swiss Federal Council, in taking this decision, understands that :

(1) The period of 30 days stipulated in the final paragraph of Article III of the Extradition Treaty, dated August 21, 1883, between Switzerland and Spain for the continuance of provisional arrest until the documentary evidence in support of a requisition for extradition is forwarded through the diplomatic channel shall, in the case of the Spanish Protectorate Zone in the Shereefian Empire, be extended to two months ;

(2) The declarations of reciprocity which have already or may hereafter be exchanged with a view to extending or modifying the said Extradition Treaty shall be applicable as of right to the Spanish Protectorate Zone in the Shereefian Empire

I have the honour to be, etc.

(Signed) SCHEURER.

Federal Political Department.

II.

NOTE FROM THE SPANISH LEGATION TO THE FEDERAL POLITICAL DEPARTMENT REGARDING THE EXTENSION OF THE SPANISH-SWISS EXTRADITION TREATY TO THE SPANISH ZONE OF MOROCCO.

BERNE, August 4, 1926.

SIR,

At the time of signing the Declaration determining the relations between Switzerland and the Spanish Protectorate Zone in the Shereefian Empire, I have the honour to confirm the following: it is understood that

(1) The period of thirty days stipulated in the final paragraph of Article III of the Extradition Treaty, dated August 21, 1883, between Spain and Switzerland for the continuance of provisional arrest until the documentary evidence in support of a requisition for extradition is forwarded through the diplomatic channel shall, in the case of the Spanish Protectorate Zone in the Shereefian Empire, be extended to two months.

(2) The declarations of reciprocity which have already or may hereafter be exchanged with a view to extending or modifying the said Extradition Treaty shall be applicable as of right to the Spanish Protectorate Zone in the Shereefian Empire.

I have the honour to be, etc.

(Signed) MARQUÉS DE LA TORREHERMOSA.

III.

NOTE FROM THE SPANISH LEGATION TO THE FEDERAL POLITICAL DEPARTMENT CONCERNING THE INTERPRETATION OF THE RECIPROCAL DECLARATION OF AUGUST 4, 1926.

BERNE, August 4, 1926.

SIR,

I have the honour to inform you that His Majesty's Government, being at all times desirous of affording the Government of the Swiss Confederation proof of its cordial friendship, desires to state that the first paragraph of the Declaration determining the relations between Switzerland and the Spanish Protectorate Zone in the Shereefian Empire, concluded to-day, should be understood to mean that Switzerland shall enjoy in all respects, without exception or reservation, all the advantages referred to in the said paragraph which are now or may hereafter be granted in the said Spanish Protectorate Zone to any other Power or to its nationals.

I have the honour to be, etc.

(Signed) MARQUÉS DE LA TORREHERMOSA.