

N° 1596.

**UNION ÉCONOMIQUE
BELGO-LUXEMBOURGEOISE
ET GUATÉMALA**

Traité de commerce et de navigation.
Signé à Guatémala, le 7 novembre
1924.

**ECONOMIC UNION OF
BELGIUM AND LUXEMBURG
AND GUATEMALA**

Treaty of Commerce and Navigation.
Signed at Guatemala, November 7,
1924.

¹ TRADUCTION. — TRANSLATION.No. 1596. — TREATY² OF COMMERCE AND NAVIGATION BETWEEN THE ECONOMIC UNION OF BELGIUM AND LUXEMBURG AND GUATEMALA. SIGNED AT GUATEMALA, NOVEMBER 7, 1924.

French official text communicated by the Belgian Minister for Foreign Affairs. The registration of this Treaty took place December 14, 1927.

HIS MAJESTY THE KING OF THE BELGIANS, acting both in his own name and in virtue of existing agreements in that of HER HIGHNESS THE GRAND DUCHESS OF LUXEMBURG, of the one part, and THE PRESIDENT OF THE REPUBLIC OF GUATEMALA, of the other part, being equally desirous of encouraging and developing commercial relations between the Belgo-Luxemburg Economic Union and Guatemala, have decided to conclude a Treaty of Commerce and Navigation and have appointed for that purpose as their Plenipotentiaries :

HIS MAJESTY THE KING OF THE BELGIANS :

M. Nicolas LEYSBETH, Knight of the Order of Leopold, His Envoy Extraordinary and Minister Plenipotentiary ;

THE PRESIDENT OF THE REPUBLIC OF GUATEMALA :

M. Roberto LÖWENTHAL, Licentiate in Law, Minister for Foreign Affairs ;

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

Article 1.

Nationals of one of the Contracting Parties established in the territory of the other Party, or residing there temporarily, shall enjoy, as regards the establishing of trade and industry in the territory of the other Contracting Party, the same rights, privileges, immunities, facilities and exemptions as nationals of the most favoured nation.

Article 2.

Nationals of each of the Contracting Parties shall, in the territory of the other Party, have the right to acquire, own and make use of any kind of movable or immovable property which the laws of the country allow or may in future allow to be acquired, owned or used by the nationals of any other foreign country.

¹ Traduit par le Secrétariat de la Société des Nations.

¹ Translated by the Secretariat of the League of Nations.

² The exchange of ratifications took place at Guatemala, June 14, 1927.

They shall be entitled to dispose of such property by sale, exchange, donation, marriage settlement, bequest, or in any other manner, and to acquire such property by inheritance, under the same conditions as are or may in future be laid down in respect of the nationals of any other foreign country, without in any of the above-mentioned cases being liable to duties, taxes or charges of any kind whatever other or higher than those laid down in respect of nationals.

They shall also be entitled, so long as they observe the laws of the country, freely to take away the proceeds of the sale of their property and to export their property in general without being subject to duties other or higher than those which nationals of the most favoured nation would have to pay in similar circumstances. They shall, provided they comply with the laws of the country, have the right to appear in courts of justice and have free access to the tribunals, before which they shall be entitled to bring legal actions and to submit the pleas allowed in the case of nationals. They shall enjoy the same rights and immunities as nationals and, like the latter, shall be free to entrust their interests to counsel or agents of their own choice.

Article 3.

On the death of a Belgian or Luxemburg national in Guatemala or of a Guatemalan national in Belgium or Luxemburg, the competent local authorities shall immediately advise the nearest consul-general, consul, vice-consul or consular agent of the nation to which the deceased belonged. The said consular authorities, on their side, shall similarly advise the local authorities should they receive information first.

The competent local authority shall supplement this notification by handing over a copy of the death certificate in due form, and without any charge being made.

In the event of the legal incapacity or absence of the heirs or the absence of the testamentary executors, the consular service agents, acting with the competent local authority, shall have the right, in accordance with the laws of their respective countries, to take all the necessary steps for the maintenance and administration of the estate, and more particularly, shall be entitled to affix and remove seals, make the inventory and administer and liquidate the estate; in short, they may take all measures necessary to safeguard the interests of the heirs, except where disputes arise. In that case, such disputes should be settled by the competent Courts of the country in which the succession is opened.

Article 4.

Civil and commercial companies which are legally constituted under the laws of one of the Contracting Parties and have their head offices in its territory, shall have their legal existence recognised, in the territory of the other Party, provided they do not pursue any object contrary to public order, and they shall, if they comply with the laws and regulations, have unrestricted and easy access to the Courts for the purpose of bringing or defending actions.

Civil and commercial companies thus recognised by each of the Contracting Parties may, if they comply with the laws of the other Party, establish themselves in the territory of the latter, set up affiliated establishments and branches and carry on their activities there.

Article 5.

No duties and internal taxes levied for the benefit of the State, provinces, communes or other public institutions which are imposed or may subsequently be imposed on production, the preparation of goods, or the consumption of any article within the territory of one of the Contracting Parties, shall be a higher or more burdensome charge on the produce, goods or articles of the other Party than on native produce, goods or articles of the same nature or the produce, goods or articles of the most favoured nation.

Article 6.

The nationals and the civil and commercial companies of each of the Contracting Parties may not in any case be subjected, as regards the carrying on of trade or industry in the territory of the other Contracting Party, to any duties, charges, freights, imposts or dues of any kind whatsoever, other or more onerous than those which are imposed or may hereafter be imposed on the nationals of the country concerned.

The nationals of each of the Contracting Parties shall, in the territory of the other Party, be exempt from any military service, either in the army or navy, or compulsory official, administrative or judicial duties. Both in time of peace and in time of war, they shall only be subject to the contributions and requisitions imposed on nationals to the same extent and on the same principles as the latter. They shall be entitled to the compensation allowed to nationals by the legislation in force.

Article 7.

All products of the soil or industry originating in and coming from the Customs territory of one of the Contracting Parties which are imported into the Customs territory of the other Contracting Party and are intended for consumption, warehousing, re-consignment or transit, shall be subject, for the duration of the present Convention, to most-favoured-nation treatment. In particular, they may not in any case be subjected to other or higher duties or to other restrictions than those imposed upon the products or goods of the most favoured nation.

Exports destined for one of the Contracting Parties shall not be subjected by the other to duties or charges other or higher than those imposed on the same articles when exported to the country which is most favoured in this respect, or be subjected to any other restrictions.

Each of the Contracting Parties undertakes to grant to the other, immediately and unconditionally, all benefits, privileges or reductions of duties or charges which it has already accorded or may subsequently accord in the above-mentioned connection, either permanently or temporarily, to a third nation.

The Contracting Parties agree that restrictions or prohibitions concerning the importation and exportation of certain commodities will only be maintained for so long and to such an extent as may be recognised to be indispensable under present economic conditions.

Article 8.

The provisions laid down in Article 7 shall not apply :

(1) To privileges and special treatment accorded to other Central American republics in virtue of treaties and conventions which have been or may subsequently be concluded by Guatemala with the said countries ;

(2) To special benefits resulting from a Customs or economic union.

Article 9.

Subject to the obligation to re-forward or re-export within three months and to proof of the identity of the goods being supplied, and subject, if necessary, to security being given or to the amount of the duties and of the transfer charge or the tax on turnover being deposited, and, generally speaking, provided that the regulations in force with regard to such questions are complied with, no import and export duties shall be imposed by either Party :

(1) On dutiable samples contained in the baggage of commercial travellers ;

(2) On articles intended for exhibitions and competitions, the public character of which is recognised by the Customs Administration.

Article 10.

In all cases where one of the Contracting Parties subjects the importation or exportation of certain products of the soil or industry to price conditions controlled by the Government or any organ duly authorised by it, the conditions applicable to the other Party shall not be other or less favourable than those applied in such connection to the most favoured nation.

Article 11.

Vessels and boats flying the flag of one of the two Contracting Parties, entering the waters and ports of the other Party in ballast or with cargo, or leaving the same, whatever may be the place from which they come or to which they are proceeding, shall not be subjected as regards their entry, exit or passage to any duty or charge of any nature whatsoever levied in the name and on behalf of the Government, public departments, communes or any other organisations, other or higher than those which are at present or may in the future be levied on the vessels of the country concerned. Their cargoes, whatever may be the place from which they come, shall not pay other or higher import duties and shall not be subjected to other charges than those which would be levied if they had been imported in a ship flying the flag of the country concerned. Their passengers and the baggage of such passengers shall receive the same treatment as if they were carried in a vessel flying the flag of the country concerned.

As regards the berthing of vessels and boats, their loading and unloading in ports, roadsteads, harbours and docks, and in general, as regards all formalities and regulations whatever to which trading vessels and their crews and cargoes may be subjected, it is agreed that no privilege or favour shall be granted to vessels of the country concerned which is not also granted to those of the other State, it being the desire of the Contracting Parties that in this respect also their vessels should be treated on terms of absolute equality.

The foregoing provisions shall not in any way prevent either of the Contracting Parties from reserving the coasting trade, fishing in territorial waters, and towage and other port services, for vessels under its own flag.

Vessels and boats sailing under the flag of one of the Contracting Parties and carrying the ship's papers and documents required by the laws of that country shall be recognised *ipso facto* as possessing that country's nationality in the territorial waters, inland waters and ports of the other Contracting Party, without being required to furnish any further proof.

Article 12.

Merchants, manufacturers and other industrialists of one of the contracting countries who prove by the production of an identity card issued by the competent authorities of their country that they pay the legally established taxes and charges, may, in the territory of the other Contracting Party, either in person or through commercial travellers in their employ, make purchases from merchants and producers or in public markets, and solicit orders, on sample or otherwise, from merchants or other persons who, for the purposes of their trade or industry, make use of goods corresponding to such samples.

Should one of the High Contracting Parties hereafter adopt special taxes or licences in this connection, the other Party may alter its régime in such a way as to re-establish reciprocity.

Commercial travellers nationals of Guatemala, Belgium or Luxemburg, who possess an identity card prepared on the model approved by the High Contracting Parties by common agreement and issued by the authorities of their respective countries, may take samples and patterns with them, but not goods.

Each of the Contracting Parties shall communicate to the other the authorities responsible for issuing identity cards and the regulations which travellers must observe in the pursuit of their business.

Article 13.

The present Treaty abrogates the Convention of July 19, 1843, regarding rights of inheritance and acquisition.

Article 14.

The present Treaty shall be ratified and the ratifications shall be exchanged at Guatemala as soon as possible.

It shall come into force on the fifteenth day after the exchange of ratifications.

The Treaty is concluded for a period of one year. If, however, it is not denounced on the expiration of that period, it shall be prolonged for an indefinite period by tacit agreement, but may be denounced at any time.

Should it be denounced, it shall continue in force for a period of one year reckoned from the date on which one of the Contracting Parties notifies the other of its intention to terminate the Treaty.

In faith whereof the Plenipotentiaries have signed the present Treaty at Guatemala on the seventh day of November one thousand nine hundred and twenty-four.

(Signed) N. LEYSBETH.

(Signed) Rob. LEWENTHAL.