

N° 3688.

**UNION SUD-AFRICAINE
ET PAYS-BAS**

Echange de notes comportant un arrangement tendant à régler provisoirement les relations de commerce et de navigation entre les deux pays, Le Cap, le 20 février 1935, et procès-verbal y relatif de la même date.

**UNION OF SOUTH AFRICA
AND THE NETHERLANDS**

Exchange of Notes constituting an Agreement for the Provisional Settlement of Relations between the Two Countries as regards Commerce and Navigation, Cape Town, February 20th, 1935, and Procès-verbal relating thereto of the same Date.

TEXTE NÉERLANDAIS.
DUTCH TEXT.

TEXTE AFRIKANDER.
AFRIKAANS TEXT.

N^o 3688. — UITWISSELING VAN
NOTA'S TUSSCHEN DE NEDER-
LANDSCHE REGEERING EN
DE REGEERING VAN DE UNIE
VAN ZUID-AFRIKA, HOUDENDE
EEN OVEREENKOMST TER
VOORLOOPIGE REGELING VAN
DE HANDELS- EN SCHEEP-
VAARTBETREKKINGEN TUS-
SCHEN DE BEIDE LANDEN.
KAAPSTAD, 20 FEBRUARI 1935¹.

N^o 3688. — UITWISSELING VAN
NOTAS TUSSEN DIE NEDER-
LANDSE REGERING EN DIE
REGERING VAN DIE UNIE
VAN SUID-AFRIKA, HOUDENDE
EEN OOREENKOMST TER VOOR-
LOPIGE REËLING VAN DIE
HANDELS- EN SKEEPVAART-
BETREKKINGS TUSSEN DIE
TWEË LANDE. KAAPSTAD, 20
FEBRUARIE, 1935¹.

*Textes officiels néerlandais et afrikander com-
muniqûés par le ministre des Affaires étran-
gères des Pays-Bas. L'enregistrement de cet
échange de notes a eu lieu le 29 juin 1935.*

*Dutch and Afrikaans official texts communicated
by the Netherlands Minister for Foreign
Affairs. The registration of this Exchange of
Notes took place June 29th, 1935.*

I.

GEZANTSCAP DER NEDERLANDEN.
N^o K. 44.

KAAPSTAD, den 20 Februari 1935.

MIJNHEER DE MINISTER VAN BUITENLANDSCHE ZAKEN.

Ik heb de eer ter kennis van Uw Edele te brengen, dat Harer Majesteits Regering mij heeft gemachtigd, met Zijner Majesteits Regering in de Unie van Zuid-Afrika, in afwachting van de totstandkoming van een definitief handels- en scheepvaartverdrag tusschen het Koninkrijk der Nederlanden en de Unie van Zuid-Afrika, een overeenkomst te sluiten ter voorloopige regeling van de handels- en scheepvaartbetrekkingen tusschen onze beide landen.

Te dien einde breng ik te Uwer kennis, dat Harer Majesteits Regering bereid is, ten aanzien van al wat betreft den handel en de scheepvaart, met inbegrip van alle rechten, belastingen en heffingen in verband daarmee, alsmede ten aanzien van het deviezenverkeer, ten opzichte van de

¹ Cet arrangement s'applique également aux Indes néerlandaises, au Surinam et à Curaçao.

¹ This Agreement applies also to the Netherlands Indies Surinam and Curaçao.

¹ TRANSLATION.

No. 3688. — EXCHANGE OF NOTES BETWEEN THE GOVERNMENT OF THE UNION OF SOUTH AFRICA AND THE NETHERLANDS GOVERNMENT CONSTITUTING AN AGREEMENT FOR THE PROVISIONAL SETTLEMENT OF RELATIONS BETWEEN THE TWO COUNTRIES AS REGARDS COMMERCE AND NAVIGATION. CAPE TOWN, FEBRUARY 20TH, 1935.

I.

NETHERLANDS LEGATION.

No. K. 44.

CAPE TOWN, *February 20th*, 1935.

YOUR EXCELLENCY,

I have the honour to inform you that Her Majesty's Government has authorised me to conclude with His Majesty's Government in the Union of South Africa, pending the conclusion of a definitive treaty of commerce and navigation between the Kingdom of the Netherlands and the Union of South Africa, an Agreement for the provisional regulation of commercial and maritime relations between our two countries.

In this connection, I beg to inform your Excellency that Her Majesty's Government is prepared to grant unconditional most-favoured-nation treatment to the Union of South Africa in all matters concerning commerce and navigation, including all dues, taxes and charges connected therewith, and also in foreign exchange transactions, it being understood :

(a) That the Kingdom of the Netherlands cannot claim the privileges and advantages arising under any preferential treatment which the Union of South Africa has already granted or may in future grant to one of the members of the British Commonwealth of Nations, so long as the said preferential treatment is confined to the members of the said Commonwealth ;

(b) That the most-favoured-nation treatment provided for in the present Agreement may not be relied on to obtain :

I. Any favours that may have been granted to contiguous territories or countries in consequence of special political or economic relations ;

II. Advantages arising out of bilateral or multilateral conventions or unilateral acts designed to prevent double taxation ;

(c) That the carrying on of the coastwise trade in the Netherlands Indies is not affected by the present Agreement and remains governed exclusively by the laws and regulations of the said territory ;

(d) That the most-favoured-nation treatment provided for in the present Agreement shall not prevent the granting of special advantages to vessels which carry mail by contract ;

(e) That in the matter of special prohibitions and restrictions in connection with imports and exports, the most-favoured-nation-treatment conditions provided for in the

¹ Translated by the Secretariat of the League of Nations, for information.

present Agreement shall be regarded as fulfilled if the measures in question are applied at the same time to the countries in respect of which there exist the same reasons for the application of these measures.

The present Agreement, which applies also to the mandated territory of South West Africa, shall come into force on April 1st, 1935, and shall in any case remain in force for one year from that date ; thereafter the Agreement may be denounced by one of the Parties at three months' notice.

I have the honour to be, etc.

H. A. LORENTZ.

General J. B. M. Hertzog,
Minister for Foreign Affairs,
Cape Town.

II.

DEPARTMENT OF FOREIGN AFFAIRS.

P. M. 55/61.

CAPE TOWN, *February 20th, 1935.*

SIR,

I have the honour to acknowledge receipt of your note of to-day's date and to inform you that His Majesty's Government in the Union of South Africa accepts the proposal of the Government of Her Majesty the Queen of the Netherlands to the effect that, pending the conclusion of a definitive treaty of commerce and navigation between the Union of South Africa and the Kingdom of the Netherlands, an Agreement for the provisional regulation of commercial and maritime relations between our two countries be concluded. In this connection, I beg to inform you that His Majesty's Government in the Union is prepared to grant unconditional most-favoured-nation treatment to the Kingdom of the Netherlands in all matters concerning commerce and navigation, including all dues, taxes and charges connected therewith, and also in foreign exchange transactions, it being understood :

(a) That the Kingdom of the Netherlands cannot claim the privileges and advantages arising under any preferential treatment which the Union of South Africa has already granted or may in future grant to one of the members of the British Commonwealth of Nations, so long as the said preferential treatment is confined to the members of the said Commonwealth ;

(b) That the most-favoured-nation treatment provided for in the present Agreement may not be relied on to obtain :

I. Any favours that may have been granted to contiguous territories or countries in consequence of special political or economic relations ;

II. Advantages arising out of bilateral or multilateral conventions or unilateral acts designed to prevent double taxation ;

(c) That the carrying on of the coastwise trade in the Netherlands Indies is not affected by the present Agreement and remains governed exclusively by the laws and regulations of the said territory ;

(d) That the most-favoured-nation treatment provided for in the present Agreement shall not prevent the granting of special advantages to vessels which carry mail by contract ;

(e) That in the matter of special prohibitions and restrictions in connection with imports and exports the most-favoured-nation-treatment conditions provided for in the

present Agreement shall be regarded as fulfilled if the measures in question are applied at the same time to the countries in respect of which there exist the same reasons for the application of these measures.

The present Agreement, which applies also to the mandated territory of South West Africa, shall come into force on April 1st, 1935, and shall in any case remain in force for one year from that date ; thereafter the Agreement may be denounced by one of the Parties at three months' notice.

I have the honour to be, etc.

J. B. M. HERTZOG.

The Envoy Extraordinary and
Minister Plenipotentiary of the Netherlands,
Cape Town.

PROCÈS-VERBAL.

On the occasion of the exchange of notes on this date between the Kingdom of the Netherlands and the Union of South Africa concerning the reciprocal granting of most-favoured-nation treatment in commerce and navigation, it is specified that the Parties have agreed as follows :

It is understood that the settlement of disputes concerning the levying and application of anti-dumping duties shall, as far as principles are concerned, be sought through diplomatic channels.

Done in duplicate, in Dutch and Afrikaans, on the twentieth day of February, 1935, at Cape Town.

H. A. LORENTZ.

J. B. M. HERTZOG.