

N° 4480.

**GRANDE-BRETAGNE
ET IRLANDE DU NORD
ET CUBA**

Accord commercial, avec annexe et protocole de signature, signés à La Havane, le 19 février 1937, échange de notes de la même date relatif à la navigation, et échange de notes modifiant l'article 7 de l'accord, La Havane, le 15 août 1938.

**GREAT BRITAIN
AND NORTHERN IRELAND
AND CUBA**

Commercial Agreement, with Schedule and Protocol of Signature, signed at Havana, February 19th, 1937, Exchange of Notes of the same Date relating to Navigation, and further Exchange of Notes modifying Article 7 of the Agreement, Havana, August 15th, 1938.

No. 4480. — COMMERCIAL AGREEMENT¹ BETWEEN HIS MAJESTY'S GOVERNMENT IN THE UNITED KINGDOM AND THE GOVERNMENT OF CUBA. SIGNED AT HAVANA, FEBRUARY 19TH, 1937.

English and Spanish official texts communicated by His Majesty's Secretary of State for Foreign Affairs in Great Britain and by the Permanent Delegate of the Republic of Cuba to the League of Nations. The registration of this Agreement took place November 26th, 1938.

THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND and THE GOVERNMENT OF THE REPUBLIC OF CUBA :

Desiring to maintain and place upon a firmer basis trade and commerce between the United Kingdom and Cuba to the mutual advantage of and in the mutual interest of both countries ;
Have resolved to conclude an Agreement for these purposes, and have accordingly appointed as their Plenipotentiaries :

THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND :

His Excellency Mr. Thomas MAITLAND SNOW, His Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary in Cuba ; and

THE GOVERNMENT OF THE REPUBLIC OF CUBA :

Señor General Rafael MONTALVO Y MORALES, Secretary of State of the Republic of Cuba ;

Who, having exhibited their respective full powers, found in good and due form, have agreed as follows :

Article 1.

The Government of Cuba undertake that all goods, the produce or manufacture of the United Kingdom, shall be granted in Cuba treatment in every respect not less favourable than that granted to similar goods the produce or manufacture of any other country, subject, however, to the exception that this undertaking will not apply in respect of special rates of duty applicable to goods produced or manufactured in the United States of America and imported into Cuba.

Article 2.

The Government of the United Kingdom of Great Britain and Northern Ireland undertake that all goods, the produce or manufacture of Cuba, shall be granted in the United Kingdom treatment in every respect not less favourable than that granted to similar goods the produce or manufacture of any other foreign country. The expression " foreign country " in relation to the

¹ The exchange of ratifications took place at Havana, September 10th, 1938.

TEXTE ESPAGNOL. — SPANISH TEXT.

Nº 4480. — CONVENIO COMERCIAL¹ ENTRE EL GOBIERNO DE SU MAJESTAD EN EL REINO UNIDO Y EL GOBIERNO DE LA REPUBLICA DE CUBA. FIRMADO EN LA HABANA, EL 19 DE FEBRERO DE 1937.

Textes officiels anglais et espagnol communiqués par le secrétaire d'Etat aux Affaires étrangères de Sa Majesté en Grande-Bretagne et le délégué permanent de la République de Cuba près la Société des Nations. L'enregistrement de cet accord a eu lieu le 26 novembre 1938.

EL GOBIERNO DE LA REPÚBLICA DE CUBA y EL GOBIERNO DEL REINO UNIDO DE LA GRAN BRETAÑA E IRLANDA DEL NORTE deseosos de mantener y colocar sobre bases más firmes el tráfico y comercio entre Cuba y el Reino Unido para ventaja mutua y en el mutuo interés de ambos países, han resuelto celebrar un Convenio para estos fines y consiguientemente han nombrado sus Plenipotenciarios :

EL GOBIERNO DE LA REPÚBLICA DE CUBA :

Al Señor General Rafael MONTALVO y MORALES, Secretario de Estado de la República de Cuba, y

EL GOBIERNO DEL REINO UNIDO DE LA GRAN BRETAÑA E IRLANDA DEL NORTE :

Al Excelentísimo Señor Thomas MAITLAND SNOW, C.M.G., Enviado Extraordinario y Ministro Plenipotenciario de Su Majestad Británica en Cuba.

Quienes habiendo exhibido sus respectivos Plenos Poderes, que fueron encontrados buenos y en debida forma, han convenido lo siguiente :

Artículo 1.

El Gobierno de Cuba se obliga a que a todas las mercancías producidas o manufacturadas en el Reino Unido les será concedido en Cuba un trato en todos respectos no menos favorable que el concedido a mercancías similares producidas o manufacturadas en cualquier otro país, con sujeción, no obstante, a la excepción de que esta obligación no será aplicable a los tipos especiales de derechos aplicables a las mercancías producidas o manufacturadas en los Estados Unidos de América e importadas en Cuba.

Artículo 2.

El Gobierno del Reino Unido de la Gran Bretaña e Irlanda del Norte se obliga a que a todas las mercancías producidas o manufacturadas en Cuba les será concedido en el Reino Unido trato en todos respectos no menos favorable que el concedido a mercancías similares producidas o manufacturadas en cualquier país extranjero. La frase « país extranjero » en relación con el Reino

¹ L'échange des ratifications a eu lieu à La Havane, le 10 septembre 1938.

United Kingdom means a country not being a territory under the sovereignty, suzerainty, protection or mandate of His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India.

Article 3.

1. Goods of the kinds mentioned in Schedule A of this Agreement produced or manufactured in the United Kingdom will, on importation into Cuba, be accorded the tariff treatment there specified as from the date of coming into force of the present Agreement.

2. The Government of Cuba will consider sympathetically such other reasonable rearrangements of the Cuban Customs tariff in favour of goods produced or manufactured in the United Kingdom, as the Government of the United Kingdom of Great Britain and Northern Ireland may from time to time suggest can be harmonised with the existing international obligations of Cuba in the matter of Customs tariffs.

Article 4.

The Government of Cuba agree not to subject British insurance enterprises to legislation imposing conditions which are in any respect more onerous than those already applying to the conduct of their Cuban business.

Article 5.

1. The Government of Cuba, recognising the great importance of railways in the national economy of Cuba, desire to facilitate their better working. They recognise the special necessity of alleviating the position of the United Railways of Havana, and have initiated with the United Railways of the Havana and Regla Warehouses, Limited, the discussion of an Agreement to that end, of which the Government of the United Kingdom have taken note.

2. The Government of Cuba undertake to consider sympathetically the requests put forward to the same end in a memorandum handed to the President of the Republic of Cuba by the General Manager of the company on the 5th February, 1936.

Article 6.

The Cuban Government will permit British interests rendering services in Cuba to have in their employment a reasonable number of foreigners in technical or supervisory positions.

Article 7.

1. The present Agreement shall be ratified and ratifications shall be exchanged as soon as possible.

2. It shall come into force on the date of the exchange of ratifications and shall remain in force until the 31st December, 1937.¹

3. In case neither of the contracting Governments shall have given notice to the other three months before the said date of their intention to terminate the Agreement, it shall remain in force until the expiration of three months from the date on which either contracting Government shall have given to the other notice of termination through the diplomatic channel.

4. The Government of Cuba reserve the right, notwithstanding anything in paragraph 3 above, to terminate the present Agreement on three months' notice at any time, should the Government of the United Kingdom of Great Britain and Northern Ireland increase the differences which existed

¹ By Exchange of Notes of the 15th August, 1938, the date "31st July, 1939," was substituted for the date "31st December, 1937." (See page 309 of this Volume.)

on the 1st May, 1936, between the tariff rates applicable in the United Kingdom to sugar and tobacco, the produce of Cuba, on the one hand, and to sugar and tobacco, the produce of any territory under the sovereignty, suzerainty, protection or mandate of His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, on the other hand.

5. The Government of the United Kingdom reserve the right, notwithstanding anything in paragraph 3 above, to terminate the present Agreement on three months' notice at any time, should the Government of Cuba increase the differences which existed on the 1st May, 1936, between the treatment (including consular invoice fees) accorded to goods, the produce or manufacture of the United Kingdom, on the one hand, and the treatment (including consular invoice fees) accorded to similar goods, produced or manufactured in the United States of America, on the other hand.

In witness whereof the above-mentioned Plenipotentiaries have signed the present Agreement and have affixed thereto their seals.

Done at Havana, Republic of Cuba, on the 19th day of February, nineteen hundred and thirty-seven, in duplicate, in English and Spanish, both texts being equally authentic.

(L. S.) Thomas MAITLAND SNOW.

(L. S.) Rafael MONTALVO.

SCHEDULE A.

Linens and linen mixtures of United Kingdom manufacture, classified under Group 132 of the Cuban tariff schedule, will be exempted from surcharge on duties specified in the tariff, and will not be subject to duties or charges other or higher than those now in force.

2. Piece-goods of wool and woollen mixtures of United Kingdom manufacture, classified under Cuban tariff item 147 A, will be accorded a 15 per cent. reduction of the duty specified in the tariff, making the latter 42 ½ per cent. *ad valorem* instead of 50 per cent., and will not be subject to duties or charges other or higher than those now in force.

Note on Tariff Item No. 147 A.

Tissues of wool or mixed wool in the piece which contain in their warp and/or in their weft up to 5 per cent. by specific weight per square metre, of natural or artificial silk, shall be considered as tissues of wool or mixed wool under tariff item No. 147 A.

PROTOCOL OF SIGNATURE.

At the moment of signing the Agreement of this day's date, the undersigned Plenipotentiaries have agreed as follows :

This Agreement shall enter into force provisionally from the date of signature, provided, however, that at any time before the exchange of ratifications of the Agreement either contracting Government may terminate the provisional application of the Agreement by giving three months' notice to that effect to the other contracting Government.

Thomas MAITLAND SNOW.

Rafael MONTALVO.

CANJE DE NOTAS

ENTRE LOS GOBIERNOS DE GRAN BRETAÑA E IRLANDA DEL NORTE Y DE CUBA RELATIVO A LA NAVEGACION. LA HABANA, 19 DE FEBRERO DE 1937.

Enregistré le 26 novembre 1938 à la demande du secrétaire d'Etat aux Affaires étrangères de Sa Majesté en Grande-Bretagne.

I.

TEXTE ESPAGNOL. — SPANISH TEXT.

EL SECRETARIO DE ESTADO DE CUBA AL MINISTRO DE SA MAJESTAD EN LA HABANA.

LA HABANA, febrero 19 de 1937.

SEÑOR MINISTRO :

En el curso de las negociaciones del Convenio Comercial que en el día de hoy ha sido firmado en representación de nuestros respectivos Gobiernos, Vuestra Excelencia expresó el deseo de que al Gobierno de Su Majestad en el Reino Unido le fuera dada una garantía respecto al trato en Cuba a los buques británicos, sus cargamentos y pasajeros. En contestación a esta solicitud, mi Gobierno me ha autorizado para que informe a Vuestra Excelencia que, durante la vigencia del Convenio Comercial de referencia, no tomará resolución alguna que perjudique la presente situación de los buques británicos, sus cargamentos o pasajeros, en comparación con la de los buques nacionales o la de los buques de cualquier otro país junto con sus cargamentos o pasajeros.

Aprovecho, etc.

Rafael MONTALVO.

EXCHANGE OF NOTES

BETWEEN HIS MAJESTY'S GOVERNMENT IN THE UNITED KINGDOM AND THE GOVERNMENT OF CUBA REGARDING NAVIGATION. HAVANA, FEBRUARY 19TH, 1937.

Registered on November 26th, 1938, at the request of His Majesty's Secretary of State for Foreign Affairs in Great Britain.

I.

¹ TRADUCTION. — TRANSLATION.

THE CUBAN SECRETARY OF STATE TO HIS MAJESTY'S MINISTER AT HAVANA.

HAVANA, February 19th, 1937.

SIR,

In the course of the negotiation of the Commercial Agreement which has this day been signed on behalf of our respective Governments, your Excellency expressed a desire that a guarantee should be given to His Majesty's Government in the United Kingdom respecting the treatment in Cuba of British ships, their cargoes and passengers. In response to this request, my Government have authorised me to inform your Excellency that during the currency of the Commercial Agreement in question they will take no action which would prejudice the present position of British ships, their cargoes or passengers as compared with that of national ships or the ships of any other country, together with their cargoes or passengers.

I avail, etc.

Rafael MONTALVO.

II.

HIS MAJESTY'S MINISTER AT HAVANA TO THE CUBAN SECRETARY OF STATE.

BRITISH LEGATION.

HAVANA, February 19th, 1937.

SIR,

I have the honour to acknowledge the receipt of your Excellency's note of to-day's date, from which I note that during the currency of the Commercial Agreement which has this day been signed on behalf of our respective Governments, the Cuban Government will take no action which would prejudice the present position of British ships, their cargoes or passengers as compared with that of national ships or the ships of any other country, together with their cargoes or passengers.

I avail, etc.

Thomas MAITLAND SNOW.

¹ Traduction du Foreign Office de Sa Majesté britannique.

¹ Translation of His Britannic Majesty's Foreign Office.

CANJE DE NOTAS

ENTRE LOS GOBIERNOS DE GRAN BRETAÑA E IRLANDA DEL NORTE Y DE CUBA MODIFICANDO EL ARTICULO 7 DEL CONVENIO COMERCIAL DE 19 DE FEBRERO DE 1937. LA HABANA, 15 DE AGOSTO DE 1938.

Enregistré le 26 novembre 1938 à la demande du secrétaire d'Etat aux Affaires étrangères de Sa Majesté en Grande-Bretagne et du délégué permanent de la République de Cuba près la Société des Nations.

I.

TEXTE ESPAGNOL. — SPANISH TEXT.

REPUBLICA DE CUBA
SECRETARIA DE ESTADO.

1636.

LA HABANA, 15 de agosto de 1938.

SEÑOR ENCARGADO DE NEGOCIOS :

En el Artículo 7 del Convenio Comercial firmado en La Habana el 19 de febrero de 1937, se dispone lo siguiente :

« I. El presente Convenio será ratificado y las ratificaciones serán canjeadas en Londres, tan pronto como sea posible. II. Será puesto en vigor en la fecha del canje de ratificaciones, y permanecerá en vigor hasta el 31 de diciembre de 1937. »

El Gobierno de Cuba se encuentra ahora preparado para proceder al canje de ratificaciones del Convenio, pero desea que se hagan las siguientes modificaciones en las disposiciones anteriormente copiadas : (a) Que la palabra « Habana » sustituya a la palabra « Londres » en el párrafo uno, y (b) Que las palabras « 31 de julio de 1939 » sustituyan a las palabras « 31 de diciembre de 1937 », en el párrafo dos de dicho Artículo.

Si el Gobierno de Su Majestad en el Reino Unido de la Gran Bretaña e Irlanda del Norte conviene con estas modificaciones, la presente nota y vuestra contestación a ese efecto, servirán para hacer constar la conformidad de ambos

EXCHANGE OF NOTES

BETWEEN HIS MAJESTY'S GOVERNMENT IN THE UNITED KINGDOM AND THE GOVERNMENT OF CUBA MODIFYING ARTICLE 7 OF THE COMMERCIAL AGREEMENT OF FEBRUARY 19TH, 1937. HAVANA, AUGUST 15TH, 1938.

Registered on November 26th, 1938, at the request of His Majesty's Secretary of State for Foreign Affairs in Great Britain and of the Permanent Delegate of the Republic of Cuba to the League of Nations.

I.

¹ TRADUCTION. — TRANSLATION.

REPUBLIC OF CUBA.
SECRETARIAT OF STATE.

1636.

HAVANA, August 15th, 1938.

SIR,

In Article 7 of the Commercial Agreement signed at Havana on February 19th, 1937, it is provided as follows :

“ I. The present Agreement shall be ratified and the ratifications shall be exchanged at London as soon as possible. II. It shall come into force on the date of exchange of ratifications and shall remain in force until December 31st, 1937. ”

The Government of Cuba are now prepared to proceed to exchange of ratifications of the Agreement, but desire that the following amendments should be made in the provisions quoted above : (a) That the word “ Havana ” be substituted for the word “ London ” in paragraph one and (b) that the words “ July 31st, 1939 ” be substituted for the words “ December 31st, 1937 ” in paragraph two of said Article.

If His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland agree to these amendments, the present Note and your reply to that effect will serve to place on record the understanding between the

¹ Traduit par le Secrétariat de la Société des Nations, à titre d'information.

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

Gobiernos en que a contar de esta fecha dicho Convenio queda modificado en el presente sentido.

Aprovecho esta oportunidad para reiterar a Vuestra Se or a el testimonio de mi m s distinguida consideraci n.

J. REMOS.

A Su Se or a
E. Cunliffe Buxton,
Encargado de Negocios ad-interim de
Su Majestad Brit nica,
La Habana.

two Governments that as from this date the said Agreement is modified in the above sense.

I avail myself of this opportunity, etc.

J. REMOS.

Mr. E. Cunliffe Buxton,
His Britannic Majesty's
Charg  d'Affaires, *a. i.*,
Havana.

II.

BRITISH LEGATION.

No. 56.

HAVANA, August 15th, 1938.

YOUR EXCELLENCY,

I have the honour to acknowledge receipt of your Note of to-day's date, which in translation reads as follows :

" In Article 7 of the Commercial Agreement signed at Havana on February 19th, 1937, it is provided as follows :

I. The present Agreement shall be ratified and the ratifications shall be exchanged at London as soon as possible. II. It shall come into force on the date of exchange of ratifications and shall remain in force until December 31st, 1937.

2. The Government of Cuba are now prepared to proceed to exchange of ratifications of the Agreement, but desire that the following amendments should be made in the provisions quoted above : (a) That the word " Havana " be substituted for the word " London " in paragraph one and (b) that the words " July 31st, 1939 " be substituted for the words " December 31st, 1937 " in paragraph two of said Article.

3. If His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland agree to these amendments, the present Note and your reply to that effect will serve to place on record the understanding between the two Governments that as from this date the said Agreement is modified in the above sense. "

2. In reply, I have the honour to inform Your Excellency that His Majesty's Government in the United Kingdom of Great Britain and Ireland accept the proposals set forth in your Note and agree that Your Excellency's Note and this reply will serve to place on record the understanding between the two Governments that as from this date the said Agreement is modified in the above sense.

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

ERIC CUNLIFFE BUXTON.

His Excellency
Dr. Juan J. Remos,
Secretary of State
for the Republic of Cuba,
Havana.

¹ TRADUCTION. — TRANSLATION.

N^o 4480. — ACCORD COMMERCIAL ENTRE LE GOUVERNEMENT DE SA MAJESTÉ DANS LE ROYAUME-UNI ET LE GOUVERNEMENT DE CUBA. SIGNÉ A LA HAVANE, LE 19 FÉVRIER 1937.

LE GOUVERNEMENT DU ROYAUME-UNI DE GRANDE-BRETAGNE ET D'IRLANDE DU NORD et LE GOUVERNEMENT DE LA RÉPUBLIQUE DE CUBA,

Désireux de maintenir et de placer sur des assises plus stables le trafic et le commerce entre le Royaume-Uni et Cuba, au profit réciproque et dans l'intérêt commun des deux pays,

Ont résolu de conclure un accord à cette fin et ont, en conséquence, désigné pour leurs plénipotentiaires :

LE GOUVERNEMENT DU ROYAUME-UNI DE GRANDE-BRETAGNE ET D'IRLANDE DU NORD :

Son Excellence M. Thomas MAITLAND SNOW, envoyé extraordinaire et ministre plénipotentiaire de Sa Majesté britannique à Cuba; et

LE GOUVERNEMENT DE LA RÉPUBLIQUE DE CUBA :

Monsieur le général Rafael MONTALVO Y MORALES, secrétaire d'Etat de la République de Cuba;

Lesquels, après avoir produit leurs pleins pouvoirs respectifs trouvés en bonne et due forme, sont convenus de ce qui suit :

Article premier.

Le Gouvernement de Cuba s'engage à faire en sorte que toutes les marchandises produites ou fabriquées dans le Royaume-Uni bénéficient à Cuba d'un traitement qui ne soit sous aucun rapport moins favorable que celui qui est accordé à des marchandises identiques produites ou fabriquées dans un autre pays quelconque, sous réserve toutefois que cet engagement ne s'appliquera pas aux droits spéciaux applicables aux marchandises produites ou fabriquées aux États-Unis d'Amérique et importées à Cuba.

Article 2.

Le Gouvernement du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord s'engage à faire en sorte que toutes les marchandises produites ou fabriquées à Cuba bénéficient au Royaume-Uni d'un traitement qui ne soit sous aucun rapport moins favorable que celui qui est accordé à des marchandises identiques produites ou fabriquées dans un pays étranger quelconque. Le terme « pays étranger », en ce qui concerne le Royaume-Uni, signifie un pays qui n'est pas un territoire sous la souveraineté, la suzeraineté, la protection ou le mandat de Sa Majesté le Roi de Grande-Bretagne, d'Irlande et des Territoires britanniques au delà des mers, Empereur des Indes.

Article 3.

I. Les marchandises appartenant aux catégories mentionnées à l'annexe A du présent accord, produites ou fabriquées au Royaume-Uni, bénéficieront, à leur importation à Cuba, du traitement douanier spécifié dans cette annexe à partir de la date de l'entrée en vigueur du présent accord.

¹ Traduit par le Secrétariat de la Société des Nations, à titre d'information.

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