

N° 4614.

**ÉTATS-UNIS D'AMÉRIQUE
ET CHILI**

Echange de notes comportant un accord commercial provisoire. Santiago, les 20 et 24 février 1939.

Textes officiels anglais et espagnol communiqués par le chargé d'Affaires a.i. des Etats-Unis d'Amérique à Berne. L'enregistrement a eu lieu le 3 août 1939.

**UNITED STATES OF AMERICA
AND CHILE**

Exchange of Notes constituting a Provisional Commercial Agreement. Santiago, February 20th and 24th, 1939.

English and Spanish official texts communicated by the Chargé d'Affaires a.i. of the United States of America at Berne. The registration took place August 3rd, 1939.

No. 4614. — EXCHANGE OF NOTES¹
BETWEEN THE GOVERNMENT
OF THE UNITED STATES OF
AMERICA AND THE CHILEAN
GOVERNMENT CONSTITUTING
A PROVISIONAL COMMERCIAL
AGREEMENT. SANTIAGO, FE-
BRUARY 20TH AND 24TH, 1939.

No 4614. — CANJE DE NOTAS¹
ENTRE EL GOBIERNO DE LOS
ESTADOS UNIDOS DE AMERICA
Y EL GOBIERNO DE CHILE
ESTABLECIENDO UN CONVENIO
PROVISIONAL DE COMERCIO.
SANTIAGO, 20 Y 24 DE FEBRERO
DE 1939.

I.

EMBASSY OF THE
UNITED STATES OF AMERICA.

No. 205.

SANTIAGO, *February 20th, 1939.*

EXCELLENCY,

I have the honor to confirm to Your Excellency the terms of the Provisional Commercial Agreement which our respective Governments have agreed to establish pending the negotiation of a more comprehensive commercial agreement or of a definitive treaty of friendship, commerce and navigation, as follows :

1. The Contracting Parties agree to concede reciprocally unconditional and unlimited most-favored-nation treatment in all that concerns Customs duties and all accessory imposts, the manner of applying duties as well as the rules and formalities to which Customs operations can be submitted.

2. In the event that the Government of the United States of America or the Republic of Chile establishes or maintains any form of quantitative restriction or control of the importation or sale of any article in which the other country has an interest, or imposes a lower duty or charge on the importation or sale of a specified quantity of any such article than the duty or charge imposed on importations in excess of such quantity, it shall allot to the other country during any quota period a share of the total quantity of any such article permitted to be imported or sold or permitted to be imported or sold at such lower duty or charge which is equivalent to the proportion of the total importation of such article which such other country supplied during a previous representative period, unless it be mutually agreed to dispense with such allocation.

3. (a) The Government of Chile confirms its previous declarations and reiterates that it will take the steps necessary to abolish, as soon as its international economic position permits it to do so, the exchange-control measures affecting the transfer of payments for articles the growth, produce or manufacture of the United States of America.

(b) Until such time the Government of Chile will avoid exchange-control measures involving the use of exchange at rates higher than those which would be set by the free supply and demand of the market.

4. It is understood that the advantages now accorded or which may hereafter be accorded by the United States of America, its territories or possessions, the Philippine Islands, or the Panama Canal Zone to one another or to the Republic of Cuba shall be

¹ Came into force provisionally February 1st, 1939.

¹ Entré provisoirement en vigueur le 1^{er} février 1939.

excepted from the operation of this Agreement ; and this Agreement shall not apply in respect of advantages now accorded or which may hereafter be accorded by the United States of America or the Republic of Chile to adjacent countries in order to facilitate short frontier traffic.

5. Nothing in this Agreement shall be construed as a limitation of the right of either country to impose on such terms as it may see fit prohibitions or restrictions (1) imposed on moral or humanitarian grounds ; (2) designed to protect human, animal or plant health or life ; (3) relating to prison-made goods ; (4) relating to the enforcement of police or revenue laws ; or (5) relating to the control of the export or sale for export of arms, ammunition, or implements of war, and, in exceptional circumstances, all other military supplies.

6. The Agreement¹ between the United States of America and the Republic of Chile signed September 28th, 1931, shall terminate, if it will not have already automatically terminated, on the day on which the present Agreement comes into force.

7. The present Agreement shall come into force definitively thirty days after the date on which it is ratified by the Chilean Congress and shall continue in force until superseded by a more comprehensive commercial agreement or by a definitive treaty of friendship, commerce and navigation, or until denounced by the Government of either country by advance written notice of not less than thirty days.

8. Pending ratification by the Chilean Congress, the present Agreement shall come into force provisionally on February 1st, 1939, and, unless terminated in the manner provided in numbered paragraph seven of the present Agreement, shall remain in provisional effect until after the expiration of one year, whichever date occurs first. If the Agreement has not come into force definitively after expiration of one year from February 1st, 1939, it may within the discretion of both Governments be signed again and by this means be continued in provisional effect.

9. Both Governments undertake immediately to initiate negotiations for the conclusion of a treaty of friendship, commerce and navigation.

Accept, Excellency, the assurances of my highest and most distinguished consideration.

His Excellency Señor don Abraham Ortega,
Minister for Foreign Affairs, Santiago.

Norman ARMOUR.

II.

TEXTE ESPAGNOL. — SPANISH TEXT.

REPUBLICA DE CHILE.

MINISTERIO
DE RELACIONES EXTERIORES.
CdIB/SGP.

SECCION POLITICA COMERCIAL.
No. 1592.

SANTIAGO, 24 de febrero de 1939.

SEÑOR EMBAJADOR :

Tengo el honor de confirmar a V. E. los siguientes términos del Convenio provisional de

¹ Vol. CXLIV, page 147, of this Series.
² Traduction du Gouvernement des Etats-Unis d'Amérique.

II.

² TRADUCTION. — TRANSLATION.

REPUBLIC OF CHILE.

MINISTRY
FOR FOREIGN AFFAIRS.
CdIB/SGP.

COMMERCIAL POLICY SECTION.
No. 1592.

SANTIAGO, February 24th, 1939.

MR. AMBASSADOR,

I have the honor to confirm to Your Excellency the terms of the Provisional Commercial

¹ Vol. CXLIV, page 147, de ce recueil.
² Translation of the Government of the United States of America.

Comercio que nuestros respectivos Gobiernos han acordado establecer mientras se concluyen las negociaciones de un acuerdo comercial m s comprensivo o de un Tratado de Amistad, Comercio y Navegaci n :

1  Las Partes contratantes acuerdan concederse reciprocamente el tratamiento incondicional e ilimitado de la naci n m s favorecida en todo cuanto concierne a derechos aduaneros y dem s grav menes accesorios, a la manera de aplicar los derechos, como, asimismo, a las reglas y formalidades a que pueden ser sometidas las operaciones de aduana.

2  En caso de que el Gobierno de los Estados Unidos de Am rica o el de la Rep blica de Chile establezcan o mantengan cualquier forma de restricci n cuantitativa o control de importaci n o venta de cualquier art culo en el cual el otro pa s tenga inter s, o impongan a la importaci n o venta de una cantidad determinada de cualquiera de tales art culos un derecho o grav menes que los derechos o grav menes impuestos a las importaciones que excedan de tal cantidad, se conceder  al otro pa s, durante cualquier periodo de cuota, una participaci n en la cantidad total de cualquiera de dichos art culos que se permita importar o vender con tales derechos o grav menes menores, equivalente a la proporci n de la importaci n total de tal art culo que dicho pa s abasteci  durante un periodo representativo anterior, a menos que se convenga mutuamente desentenderse de tal concesi n.

3  a) El Gobierno de Chile confirma sus declaraciones anteriores y reitera que tomar  las disposiciones necesarias para abolir, tan pronto su posici n econ mica internacional se lo permita, las medidas de control de cambios que afectan la transferencia de pagos por art culos cultivados, producidos o manufacturados en los Estados Unidos de Am rica.

b) Entre tanto, el Gobierno de Chile evitar  las medidas de control de cambios que importen el uso de cambios a tipos superiores de aquellos que se fijar n por la libre oferta y demanda del mercado.

4  Queda entendido que las ventajas ahora otorgadas o que puedan otorgarse m s adelante por los Estados Unidos de

Agreement which our respective Governments have agreed to establish pending the negotiation of a more comprehensive commercial agreement or of a treaty of friendship, commerce and navigation, as follows :

1. The Contracting Parties agree to concede reciprocally unconditional and unlimited most-favored-nation treatment in all that concerns Customs duties and all accessory imposts, the manner of applying duties as well as the rules and formalities to which Customs operations can be submitted.

2. In the event that the Government of the United States of America or the Republic of Chile establishes or maintains any form of quantitative restriction or control of the importation or sale of any article in which the other country has an interest, or imposes a lower duty or charge on the importation or sale of a specified quantity of any such article than the duty or charge imposed on importations in excess of such quantity, it shall allot to the other country during any quota period a share of the total quantity of any such article permitted to be imported or sold or permitted to be imported or sold at such lower duty or charge which is equivalent to the proportion of the total importation of such article which such other country supplied during a previous representative period, unless it be mutually agreed to dispense with such allocation.

3. (a) The Government of Chile confirms its previous declarations and reiterates that it will take the steps necessary to abolish, as soon as its international economic position permits it to do so, the exchange-control measures affecting the transfer of payments for articles the growth, produce or manufacture of the United States of America.

(b) Until such time the Government of Chile will avoid exchange-control measures involving the use of exchange at rates higher than those which would be set by the free supply and demand of the market.

4. It is understood that the advantages now accorded or which may hereafter be accorded by the United States of America,

América, sus territorios o posesiones, las Islas Filipinas o la Zona del Canal de Panamá entre sí o a la República de Cuba, quedarán exceptuadas de los efectos de este Acuerdo; y este Acuerdo no se aplicará respecto de las ventajas ahora otorgadas o que puedan otorgar más tarde los Estados Unidos de América o la República de Chile a los países adyacentes con el objeto de facilitar el pequeño tráfico fronterizo.

5° Ninguna de las disposiciones de este Acuerdo será interpretada como una limitación al derecho de cualquiera de los países para imponer, en los términos que crean convenientes, prohibiciones o restricciones (1) impuestas por razones morales o humanitarias; (2) destinadas a proteger la salud o vida humana, animal o vegetal; (3) relativas a artículos manufacturados en las prisiones; (4) referentes al cumplimiento de Leyes de policía o de impuestos, o (5) acerca del control de la exportación o venta para la exportación de armamentos, municiones o implementos de guerra y, en circunstancias excepcionales, todos los demás materiales de guerra.

6° Los Acuerdos entre los Estados Unidos de América y la República de Chile, suscritos el 28 de septiembre de 1931, caducarán el día de la entrada en vigor del presente Convenio si no han caducado ya automáticamente.

7° El presente Acuerdo entrará en vigor definitivamente 30 días después de la fecha en que sea aprobado por el Congreso de Chile y continuará vigente hasta que sea reemplazado por un Convenio Comercial más comprensivo o por un Tratado definitivo de Amistad, Comercio y Navegación, o hasta que sea denunciado por el Gobierno de cualquiera de los dos países con un aviso por escrito dado con no menos de treinta días de anticipación.

8° El presente Convenio entrará en vigor provisional, mientras se obtiene la aprobación del Congreso chileno, el 1° de febrero de 1939, y continuará en vigencia provisional hasta la expiración del plazo de un año, salvo que antes se le haya dado término en la forma prevista en el párrafo séptimo. Si el Convenio no ha entrado definitivamente en vigor al término de un

its territories or possessions, the Philippine Islands, or the Panama Canal Zone to one another or to the Republic of Cuba shall be excepted from the operation of this Agreement; and this Agreement shall not apply in respect of advantages now accorded or which may hereafter be accorded by the United States of America or the Republic of Chile to adjacent countries in order to facilitate short frontier traffic.

5. Nothing in this Agreement shall be construed as a limitation of the right of either country to impose on such terms as it may see fit prohibitions or restrictions (1) imposed on moral or humanitarian grounds; (2) designed to protect human, animal, or plant health or life; (3) relating to prison-made goods; (4) relating to the enforcement of police or revenue laws; or (5) relating to the control of the export or sale for export of arms, ammunition, or implements of war, and, in exceptional circumstances, all other military supplies.

6. The Agreements between the United States of America and the Republic of Chile signed September 28th, 1931, shall terminate, if they have not already automatically terminated, on the day on which the present Agreement comes into force.

7. The present Agreement shall come into force definitively 30 days after the date on which it is ratified by the Chilean Congress and shall continue in force until superseded by a more comprehensive commercial agreement or by a definitive treaty of friendship, commerce and navigation, or until denounced by the Government of either country by advance written notice of not less than 30 days.

8. Pending ratification by the Chilean Congress, the present Agreement shall come into force provisionally on February 1st, 1939, and, unless previously terminated in the manner provided in the seventh paragraph, shall remain in provisional effect until the expiration of the period of 1 year. If the Agreement has not come into force definitively at the expiration of 1 year

año a contar del 1º de febrero de 1939, podrá, a discreción de cualquiera de los dos Gobiernos, ser renovado y en esta forma podrá continuar en vigencia provisional.

9º Ambos Gobiernos se comprometen a iniciar inmediatamente negociaciones para la celebración de un Tratado de Amistad, Comercio y Navegación.

Acepte Vuestra Excelencia las seguridades de mi más alta y distinguida consideración.

Abraham ORTEGA.

Al Excmo. Señor Norman Armour,
Embajador Extraordinario
y Plenipotenciario
de los Estados Unidos.
Presente.

from February 1st, 1939, it may within the discretion of either of the two Governments be renewed and by this means be continued in provisional effect.

9. Both Governments undertake immediately to initiate negotiations for the conclusion of a treaty of friendship, commerce and navigation.

Accept, Excellency, the assurances of my highest and most distinguished consideration.

Abraham ORTEGA.

To His Excellency
Mr. Norman Armour,
Ambassador Extraordinary
and Plenipotentiary
of the United States, City.

Certified to be a true and complete textual copy of the original provisional Agreement in all the languages in which it was signed.

For the Secretary of State
of the United States of America :

Edward Yardley,
Director of Personnel.